

Ordinary Meeting of Council Agenda

**to be held on Tuesday 17 May 2016 at 7.00pm
Richmond Town Hall**

Disability - Access and Inclusion to Committee and Council Meetings:

Facilities/services provided at the Richmond and Fitzroy Town Halls:

- Entrance ramps and lifts (off Moor Street at Fitzroy, entry foyer at Richmond)
- Hearing loop (Richmond only), the receiver accessory may be accessed by request to either the Chairperson or the Governance Officer at the commencement of the meeting, proposed resolutions are displayed on large screen and Auslan interpreting (*by arrangement, tel. 9205 5110*)
- Electronic sound system amplifies Councillors' debate
- Interpreting assistance (*by arrangement, tel. 9205 5110*)
- Disability accessible toilet facilities

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Order of business

- 1. Statement of recognition of Wurundjeri 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. General business**
- 9. Delegates' reports**
- 10. Questions without notice**
- 11. Council business reports**
- 12. Notices of motion**
- 13. Urgent business**

1. Statement of Recognition of Wurundjeri Land

“Welcome to the City of Yarra.”

“Yarra City Council acknowledges the Wurundjeri as the Traditional Owners of this country, pays tribute to all Aboriginal and Torres Strait Islander people in Yarra and gives respect to the Elders past and present.”

2. Attendance, apologies and requests for leave of absence

Anticipated attendees:

Councillors

- Cr Roberto Colanzi (Mayor)
- Cr Geoff Barbour
- Cr Misha Coleman
- Cr Jackie Fristacky
- Cr Sam Gaylard
- Cr Simon Huggins
- Cr Stephen Jolly
- Cr Amanda Stone
- Cr Phillip Vlahogiannis

Council officers

- Vijaya Vaidyanath (Chief Executive Officer)
- Ivan Gilbert (Group Manager – CEO’s Office)
- Andrew Day (Director - Corporate, Business and Finance)
- Chris Leivers (Director - Community Wellbeing)
- Bruce Phillips (Director - Planning and Place Making)
- Guy Wilson-Browne (Director – City Works and Assets)
- Mel Nikou (Governance Officer)

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

4. Confidential business reports

Item

- 4.1 Industrial matters

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 89 (2) of the *Local Government Act 1989*. 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 89 (2) of the *Local Government Act 1989*, to allow consideration of industrial matters.
2. That all information contained within the Confidential Business Reports section of this agenda and reproduced as Council Minutes be treated as being and remaining strictly confidential in accordance with the provisions of sections 77 and 89 of the *Local Government Act 1989* until Council resolves otherwise.

5. Confirmation of minutes

RECOMMENDATION

That the minutes of the Ordinary Council Meeting held on Tuesday 3 May 2016 be confirmed.

6. Petitions and joint letters

7. Public question time

Yarra City Council welcomes questions from members of the community.

Public question time is an opportunity to ask questions, not to make statements or engage in debate.

Questions should not relate to items listed on the agenda. (Council will consider submissions on these items separately.)

Members of the public who wish to participate are to:

- (a) state their name clearly for the record;
- (b) direct their questions to the chairperson;
- (c) ask a maximum of two questions;
- (d) speak for a maximum of five minutes;
- (e) refrain from repeating questions that have been asked previously by themselves or others; and
- (f) remain silent following their question unless called upon by the chairperson to make further comment.

8. General business

9. Delegates' reports

10. Questions without notice

11. Council business reports

Item	Page	Rec. Page	Report Presenter
11.1 National Disability Insurance Scheme - Service Provision Role	8	20	Adrian Murphy – Manager Aged and Disability Services
11.2 Johnston Street Local Area Plan Implementation - Proposed Amendment C220	25	29	Sherry Hopkins – Coordinator Strategic Planning
11.3 Authorisation of Amendment C185 for 462-482 Swan Street, Richmond	88	97	Sherry Hopkins – Coordinator Strategic Planning
11.4 Night Time Economy Strategy - Implementation plan progress report and updated implementation plan	252	255	Malcolm McCall – Acting Manager City Strategy
11.5 Quarterly Financial Report 31 March 2016	267	272	Phil Mason – Chief Financial Officer
11.6 Update on the Implementation of Council's Graffiti Management Framework	294	296	Sarah Jaggard – Community Advocacy Team Leader
11.7 Regional Kitchen (Community Chef) Group Business Restructure	303	305	Chris Leivers – Director Community Wellbeing
11.8 Assigning a name to the right of way between 4 Mary St and 318-328 Bridge Rd Richmond	312	317	Ivan Gilbert – Group Manager – Chief Executive's Office
11.9 Appointment of Authorised Officer - Planning and Environment Act 1987	318	319	Ivan Gilbert – Group Manager – Chief Executive's Office

Public submissions procedure

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

When the chairperson invites verbal submissions from the gallery, members of the public who wish to participate are to:

- (a) state their name clearly for the record;
- (b) direct their submission to the chairperson;
- (c) speak for a maximum of five minutes;
- (d) confine their remarks to the matter under consideration;
- (e) refrain from repeating information already provided by previous submitters; and
- (f) remain silent following their submission unless called upon by the chairperson to make further comment.

12. Notices of motion

Nil

13. Urgent business

Nil

11.1 National Disability Insurance Scheme - Service Provision Role

Executive Summary

Purpose

To provide information on the roll-out of the National Disability Insurance Scheme (“NDIS”) in Yarra and the North East Metropolitan Area (“NEMA”) and to consider options as to Council’s future role in service provision under the Scheme.

Key Issues

The key issue is for Council to determine whether it should become a registered provider under the NDIS. Council currently provides services to some of the people in Yarra who will be eligible for the NDIS under its Home and Community Care program. Using a phased approach, these service users will transition to the NDIS across 2016-2017.

The NDIS represents an important new way of supporting people with disability and moves to a consumer choice and market driven model. The report provides feedback received through community consultation with service users, staff and the sector.

Some considerations for Council in making this decision include:

- How people will be effectively supported through a market driven model;
- What role Council should play in supporting people with disability into the future;
- Council’s capacity to perform a service delivery role in the new climate; and
- How Council may support service users and other members of the community manage the pending changes.

Four Options are presented for consideration, with Officers indicating that Council should not become a registered service provider however should consider undertaking a transitional role to assist current service users.

Financial Implications

The NDIS is a fully funded scheme and as a market driven model, service providers are not expected to ‘top up’ the program expenditure. Based on cost modelling it is known that Council’s unit price to deliver services is significantly greater than the unit price to be paid through the NDIS to providers.

In summary, if Council were to become a registered NDIS Service Provider, there would be significant cost to Council; conversely not being a registered NDIS Service Provider would result in a net saving to Council.

If Council is to undertake a transitional role, it is likely that there will be some costs to do so in 2016-2017 only. It is difficult to estimate these extra costs with great certainty at this point, however an estimate is provided in Confidential Attachment 3. Should Council adopt a transitional role, these costs will need to be managed within the proposed 2016-2017 budget.

PROPOSAL

That Council note the Report and any public submissions and advice from the Disability Advisory Committee, and that Officers bring a report to Council at its meeting on 7 June 2016 for a final decision on its role as a registered service provider under the NDIS.

11.1 National Disability Insurance Scheme - Service Provision Role

Trim Record Number: D16/72355

Responsible Officer: Director Community Wellbeing

Purpose

1. To provide information on the roll-out of the National Disability Insurance Scheme (“NDIS”) in Yarra and the North East Metropolitan Area (“NEMA”) and to consider options as to Council’s future role in service provision under the Scheme.

Background

2. The NDIS is a program for people living with disability, under the age of 65 years.
3. The Federal and Victorian State Government have signed a Bilateral Agreement that outlines the implementation of the NDIS across Victoria over the three year transition period of 2016 to 2019.
4. Importantly, the Yarra municipality has been included in the roll-out of the NDIS in NEMA, commencing 1 July 2016. Other councils in NEMA include Banyule, Darebin, Nillumbik, and Whittlesea.
5. Within NEMA, the Brotherhood of St Laurence has been selected to undertake the Local Area Coordination (“LAC”) role and to:-
 - (a) assist people who are eligible for the NDIS (“participants”) in preparing their individual support plans;
 - (b) support people not eligible for the NDIS in accessing other mainstream services and information; and
 - (c) build capacity within the community to enable people with disability to live ordinary lives.
6. Participants will be able to choose their provider(s) – from a list of registered NDIS service providers (national, state and local providers). The providers will operate in an open and competitive market place.
7. Across NEMA, it is estimated that 7,281 people will transition from current disability support programs to the NDIS over the 12 months to 30 June 2017. A further 2,595 new people will join by 30 June 2019. Within Yarra an estimated 730 residents are expected to join the NDIS over the first 18 months.
8. Council provides services to residents with disability of all ages through the HACC program and within the Linkages Case Management program. These services include case management, assessment, home care, personal care and respite care services.

HACC Program

9. A review of Council’s service user and service provision data shows that:-
 - (a) 18% (196) of service users are aged under 65;
 - (b) 19% of service hours (across home care; personal care; social support; and assessment) are provided to people aged under 65; and
 - (c) 57% of these service users receive one HACC service only; 32% receive two services and 8% receive 3 to 4 services.

Linkages Case Management Program

10. The Linkages Case Management program (1 EFT case manager) includes:
 - (a) 30% of service users (6) are aged under 65 and NDIS eligible; and

- (b) 48% of service hours are provided to people aged under 65. This equates to approximately 3,000 service hours per annum.

Note: As a brokerage program, the Linkages program purchases other services outside of the HACC service range – allied health, nursing, and community support

Summary of Current Service Provision

11. Overall, an estimate of between 90 to 120 out of the total of 196 people aged under 65 who are receiving HACC and Linkages services from Council are expected to be eligible to transition to the NDIS. It is estimated that between 7,500 to 8,500 hours of home, personal and respite care service will transition to the NDIS as part of the 'splitting' of the service activity between HACC and NDIS.
12. In terms of the provision of home, personal and respite care services, Council's In-House Team provides 40% of these hours while the remaining 60% is provided through Council's contractor – Southern Cross Care and via other specialist agencies.
13. Council is not the sole provider of disability services within Yarra, with many agencies contracted to provide services under other State Government programs.

Phasing Schedule for Participants to join NDIS

14. The NDIA is proposing a phasing process to transition people on existing disability programs to the NDIS. The phasing process will see people move from existing disability programs such as Supported Accommodation, Individualised Support Packages, Futures for Young Adults, people on the Disability Register, and Early Childhood Intervention Service Waitlists, and HACC across 2016-2017 to the NDIS.
15. In terms of Council's HACC service users, the proposed phasing period will commence from 1 May 2017 and occur over a 2 month period. Importantly however, where a HACC service user is also receiving support through another programs (for example a current HACC service user could also be part of the Individualised Support Packages program), then the participant will fully transition (i.e. all services and supports) at the time the first program is due to transition.

Service Provision under NDIS

16. Once a participant transitions to the NDIS and develops an individual support plan with the LAC agency, the participant enters into an agreement with a registered service provider to provide services as defined under the NDIS. This is an agreement between the participant and the service provider. The participant does not pay a fee for the services.
17. The participant has sole discretion in the choice of provider and may change provider as necessary. The service provider has choice over the type of services and the overall resources committed to service delivery as a market provider.

Council's Role as a NDIS Service Provider

18. A key decision for Council is to determine if it will operate as a registered service provider under the NDIS. Considerations include:-
 - (a) how to ensure residents receive quality services and that vulnerable members of the community are well supported irrespective of their choice of service provider;
 - (b) relationships to Council's strategic directions including promoting access & inclusion (advocacy; coordination; service provision; community building roles);
 - (c) capacity to resource and maintain specialist staff in order to support individualised NDIS packages;
 - (d) challenge of maintaining separate systems for aged care and disability care – with separate funding arrangements, service models and agreements with both State and Federal Governments;
 - (e) viability and capacity to deliver services within the unit costs determined by the NDIA;
 - (f) change from a block funded, municipal-based model to an open, competitive market model; and

- (g) introduction of additional information systems to provide individualised financial accountability and invoicing.

Council's Service Provision Options

19. This report presents four options for consideration. They are:
- (a) Option 1 – NDIS Full Service Provider: This option envisages Council being a registered provider and offering the range of services currently on offer through HACC to all NDIS participants in Yarra. As a provider, Council would compete in an open market place;
 - (b) Option 2 – NDIS Transitional Service Provider: This option considers Council undertaking a transitional role to support existing HACC clients as they transition to NDIS by maintaining service delivery for a specified period and/or supporting vulnerable or at risk residents as they engage with the new market and choice driven model;
 - (c) Option 3 – NDIS Limited Service Provider: In registering as a provider, the agency (Council) may make choices about the services it wishes to offer. Under this option, Council would identify services that 'fit' well with local community needs, fill market gaps, align with current services or cost parameters and offer those to NDIS participants; and
 - (d) Option 4 – Not Providing NDIS Services: Council is not required to be a NDIS provider. The market model is based on competition and participant choice. Council could determine not to offer services and maintain its focus on older people and people under 65 who are not eligible for the NDIS.
20. Some elements of these options are interchangeable. It is also important to note that Council may make a decision at its discretion. There is no legislative or municipal-based obligation to be a provider.

External Consultation

21. This report is based on advice received through the DHHS, NDIA, focus group and telephone surveys with current service users, advice from Council's DAC and input from other councils and regional MetroAccess Officers.

Service User Consultations

22. Four focus group sessions, attended by 21 service users and a telephone based survey (25 responses obtained) have been undertaken. The purpose of the consultation with Council service users under the age of 65 years has been to identify the strengths and weaknesses of the current services, and seek advice on elements for Council to consider as part of the transition to NDIS, including the value they place on Council's role in service and non-service delivery aspects, such as advocacy, community development and social support, community capacity building and strategic leadership.
23. Attachment 1 provides a summary of the outcomes of the Focus Group consultation process. A verbal update will be provided on the telephone survey at the Council meeting. Some key points made through the Focus Group consultations include:
- (a) strong recognition of the relationship that is built with carers, in terms of emotional and social support, continuity of care, professionalism and how important this is to people / families needing support;
 - (b) concern that Council services lack flexibility regarding care hours, tasks, flexible rostering, occupational health and safety limitations and provision of activity groups;
 - (c) mixed knowledge of role Council plays in advocacy, capacity building;
 - (d) mixed responses to Council being a registered provider – with some respondents stating this as a strong preference while others saw Council continuing as being of comfort, especially during transition, but not essential;

- (e) residents look to Council to guide existing users through the transition whatever it decides to do – expressed level of trust in Council; and
 - (f) important that Council enables people to consider their views on the options and future directions.
24. The above concerns are not unexpected and service users will be seeking certainty and continuity during this change. The proposed option aims to support service users transition to the NDIS and for Council to maintain an on-going role in monitoring outcomes and being an advocate for people with disability.

Disability Advisory Committee

25. Council's Disability Advisory Committee considered this matter at its meeting held on 10 May 2016. A verbal update on the outcomes of this meeting will be provided at the 17 May 2016 Council meeting and incorporated in the final report to Council.

Community Engagement on NDIS Roll-Out

26. Over recent months the National Disability Insurance Agency ("NDIA") and Department of Health and Human Services ("DHHS"), and with support from Council, have held numerous workshops to inform residents and the sector on the status of the roll-out. NDIS Readiness Workshops have been held across the region to assist the community in understanding the reforms. A number of peak agencies, such as National Disability Services, Victorian Advocacy League for Individuals with Disability Inc. (VALID), and Association for Children with a Disability have been funded to conduct targeted workshops for the community.
27. Feedback from service users indicates that there is confusion about what the changes mean, how the NDIS will operate and the potential impact on individuals. The NDIA and LAC have responsibility for working with eligible and non-eligible people to assist them understand and navigate the changes. Given the feedback from service users that Council is seen as a trusted source and reliable point of contact, Council may consider establishing a transitional worker role – to further support individuals and the community through this period of change.

Internal Consultation (One Yarra)

28. The Aged & Disability Services Branch is currently undertaking a Service Review as part of the Council-wide program. With reforms in disability and aged care occurring through-out 2016, some decisions, such as service provision under the NDIS, need to be addressed ahead of the overall Review. Officers have been engaged in a series of workshops as part of the Review and specific information sessions have been conducted on the NDIS. The Australian Services Union, through its area representative has also been informed of the NDIS roll-out and the decision-making process.
29. In addition to a number of Unit based meetings with teams within the Aged & Disability Services Branch, two "whole of Branch" meetings (46 staff in attendance) have been held.
30. Attachment 2 (Confidential) provides a summary of issues raised and management responses.

Financial Implications

31. The 2015 - 2016 Aged & Disability Services Branch budget provides for expenditure of \$7.67 million; with income of \$4.11 million (\$3.6 million Government Grants and \$0.5 million service user fees), resulting in a net cost of \$3.56 million. It should be noted that this represents income and expenditure related to all services provided by the Branch and is not restricted to services related to disability.
32. One of the features of the NDIS is that it is a fully funded scheme and as a market driven model, service providers are not expected to 'top up' the program expenditure. Based on past unit costing exercises however, it is known that Council's unit price to deliver services is significantly greater than the unit price to be paid through the NDIS to providers. Attachment 3 (Confidential) provides a summary of the estimated cost implications to Council.

33. In summary, it shows that not being a registered provider will result in a net saving to Council. If Council is to undertake a transitional role, it is likely that there will be additional costs in year 1. It is difficult to estimate these extra costs with great certainty at this point. Should Council adopt a transitional role, these costs will need to be managed within the proposed 2016-2017 budget. If Council were to become a long term registered provider, this would be likely to result in significant additional expenditure. The increased expenditure arises from the lower unit rates being paid under the NDIS compared to the current DHHS unit rate and the loss of a client fee for service. In addition, there will be a number of new costs, some being one-off (such as changes to information systems), while others such as marketing information, additional program management and program support, and specialist disability staff, would be on-going.

Economic Implications

34. The NDIS in Australia is expected to cost \$22 billion per annum by 2019. In Victoria, this will necessitate an increase in the current spend from \$2 billion to \$5 billion. The roll-out of the NDIS will provide economic stimulus through additional employment, increased use and access to community facilities and greater participation in business activity. There are 7,600 people in NEMA currently in receipt of specialist disability support, resulting in expenditure of \$280 million – it is estimated that this will grow to 9,900 people through the Scheme and with expenditure estimated at \$490 million.

Service Provider Market

35. With the roll-out of the aged and disability care reforms, there is significant change occurring within the service provision sector. This change is being driven by the removal of block funding to providers, the significant increase in individual funding available, the opening up of the market, and the introduction of consumer choice.
36. The NDIA recently released a Market Position Statement Report that provides information on market readiness. Generally the report recognises that developing a “strong, contestable market for disability supports is a long term project and all stakeholders will require time to build capability, confidence and systems”. The report states that the NDIA has a core role in facilitating a “vibrant and competitive market for services and supports”.
37. The report notes that:
- (a) there are approximately 650 providers registered with NDIS in Victoria, with a further 280 applications in progress. Some 36% of these are individuals / sole traders; and
 - (b) there are approximately 168 disability service provider outlet locations across NEMA, with these being a mix of not-for-profit, for-profit and local government providers. These providers offer a wide variety of disability supports ranging from care workers to specific support such as assistive technology. A geographical distribution of the outlets shows that they are concentrated at the south end of NEMA (Yarra and Darebin).
38. Analysis of the current list of NDIS registered service providers shows that a number of known Yarra based agencies that provide home, personal and respite care services (services Council provides) are registered.
39. The report also notes that should local governments decide to discontinue provision of services this would change the composition of the disability support market in NEMA, and while not posing a long term service risk to people with disability as there are a number of alternative providers who could deliver these services, the transfer of service delivery from local governments to non-government providers would need to be carefully managed to prevent disruption in supply.
40. In discussion with NDIA representatives, they have advised that they are satisfied there is sufficient options available in the home, personal and respite care service area. They noted that they had some concerns within the CALD and ATSI service areas and are working with Victoria Government to improve capacity.

41. In terms of Council's current HACC contractor, advice has been received from Southern Cross Care (Vic) ("SCCV") that it does not intend to become an NDIS provider as their main focus is services and support for older people and they are of the view that this area needs specific expertise to best support people who are living with disability. SCCV has advised they will continue to work with Council on current service provision options to assist service users transition to NDIS programs.
42. With the role of assessment and support planning for people eligible for the NDIS moving from Council to the Brotherhood of St Laurence under the new model, Council's role in providing an integrated approach to individual planning and service delivery is diminished. This will be further separated through a contractor relationship.
43. It is noted that Council has had experience in the transitioning of services through its contracting of HACC services. There have been three transitions involving Council's main home care contract across fifteen years and this has required careful management as service users moved from one contractor to another.

Sustainability Implications

44. Matters for consideration under sustainability in regard to the options include:-
 - (a) Capacity of Council to support NDIS service provider role in the context of administrative systems and accountability.

Currently Council operates solely under the umbrella of the HACC program with reporting and accountability to DHHS at the State level. With the introduction of the NDIS and establishment of the NDIA, and the upcoming transition of aged care to the Federal Government and retention of non-eligible NDIS service users within HACC, reporting and accountability expands from one to three entities. This will require different administration processes, reporting requirements, service agreements and changes to information technology;
 - (b) Workforce recruitment and specialisation: Council currently provides services to 'NDIS eligible' residents through its contracted provider Southern Cross Care and the In-House team. As indicated earlier in the report, an estimated 730 Yarra residents are likely to become NDIS participants. It is likely that the range of needs across this broader group of people will vary significantly and so it would be important to ensure a suitable mix of qualified and specialist trained staff are available to care for participants. There is likely to be a threshold below which this is unsustainable;
 - (c) Relationship to the current dual provider / contract arrangement: Council has operated a unique dual provider model, meaning services are provided through a contractor (Southern Cross Care) and an In-House team. Originally this model enabled the In-House team to focus more closely on the care and support of people with high needs and dove-tailed with the Linkages Case Management program. Over time and due to specific needs such as culture and gender matching, the spread of care needs across the day and week-ends etc., this delineation has reduced and both the contractor and In-House team have supported all service users.

Of the total of 90 - 120 HACC service users considered eligible, it is estimated that up to 80 service users (5,100 hours of care per annum) are supported through Southern Cross Care; and up to 40 service users (3,400 hours of care per annum) are supported through the In-House team;
 - (d) Financial viability: Refer Financial Implications section; and
 - (e) Capacity to operate in a market driven system: A further consideration is our approach to operating under a competitive and market driven model. Maintaining a share of the market would be important in maintaining a viable service. New approaches to promoting and marketing services would be required.

Social Implications

45. There are potential social benefits arising from Council continuing its service provision roles, however social benefits may also arise from Council discontinuing its role; for example, if local residents can access more specialised disability services from larger organisations that have more scope for flexible target-focussed services, and those designed for specific impairments. Also withdrawal may free financial resources for strengthening other programs aimed at enhancing access and inclusion in the Yarra community.
46. The potential social benefits of each option are addressed in the analysis of the various options proposed below.

Human Rights Implications

47. The NDIS supports the human rights of people with disability, their families and carers by providing greater choice, independence and by moving decision making away from providers and into the hands of individuals. The introduction of the NDIS follows on from a strong human rights based campaign to address inequality and discrimination. Continuing the work of the MetroAccess program (State Government funded with 1 EFT located at councils) is seen as critical to ensuring that the broader community is engaged in building a more inclusive community for all and that this occurs across all areas, including access to employment; communications and changing community attitudes.
48. Recent advice from DHHS is that the existing funding arrangements will remain in place for the MetroAccess program until the end of the 2016-2017 financial year. The future of the program post that date is unclear.
49. As a public authority Council has obligations under the Human Rights Charter to demonstrate its application of human rights and non-discriminatory policies and practices. Council has a strong commitment to supporting older people and people with disability and therefore to observe and promote their human rights. This occurs through roles of advocacy, engaging residents in decision-making, through service provision and building an inclusive community. The MetroAccess program supports Council to undertake this role within the local community.

Communications with CALD and ATSI Communities Implications

50. The NDIS Market Position Statement Report notes that the NEMA region is diverse with 23% of people born in a non-English speaking country and 31% speaking a language other than English at home. The region has the highest number of Aboriginal and Torres Strait Islander people in Victoria, making up 0.7% of the region's population.
51. To date, around 4% of NDIS participants with approved individual support plans across NDIS trial sites are from CALD background. With this in mind, the report acknowledges that there is likely to be a higher demand in the NEMA region and that this will pose challenges for the NDIA in terms of effective access and also for service providers to ensure services are culturally responsive. An analysis of Council's current HACC service users who are likely to be eligible for the NDIS (120 people) shows that twelve different cultural backgrounds are represented however English is the preferred spoken language – with 10 people requesting interpreter support.
52. CALD and ATSI communities have different views and attitudes towards disability. There can be barriers to access to the new system including lack of translated information, lack of trust in government, and the use of culturally inappropriate or non-adapted communication.
53. It will be the role of the NDIA and LAC to ensure the needs of all clients are met, however Council can play a role in assisting irrespective of whether it becomes an NDIS service provider.
54. Several ethno-specific and multi-ethnic service agencies provide services to Yarra residents. Officers have worked with ADEC (Action on Disability within Ethnic Communities) to facilitate culturally-responsive information exchange. For the past two years Council's MetroAccess Officer has been working closely with the Yarra Vietnamese Disability Action Group to ensure that their members have access to information on the NDIS.

55. Officers have also been working closely with Aboriginal-managed agencies and the BALIT Narrum (Northern Regional Aboriginal Disability Network) on joint projects to spread the reach of disability information to Aboriginal community members in a culturally embedded manner. Council advocacy and support has helped to establish much-needed resources such as dedicated Aboriginal positions to carry out the agency and community readiness work. It is pleasing that this advocacy has had recent success in obtaining dedicated funds for several positions which will be managed by the Aborigines Advancement League Inc.

Council Plan, Strategy and Policy Implications

56. The Council Plan 2013 – 2017 notes that it operates under the Local Government Act with a primary objective to “endeavour to achieve the best outcomes for the local community having regard to the long term and cumulative effects of decisions”. The relevant strategic objectives are: Strategic 1 (Celebrating Yarra’s uniqueness) and Strategic Objective 2 (Supporting Yarra’s community).
57. Local Government has a long history in providing community services. In some instances these have been developed in response to local needs while others have arisen through partnership arrangements with State and Federal governments. Often the focus has been on providing services to meet important health and social support needs in the absence of any other provision and on the basis that local councils are best placed to provide universal or targeted responses at a whole of community level.
58. This role has been recognised and endorsed in the Trilateral Statement of Intent (Federal, State and Local Governments) adopted in February 2016 as one of the “benefits of the Victorian system”.
57. Through the MetroAccess program and the Access & Inclusion program, Council has two dedicated positions to support advocacy, resource the Disability Advisory Committee, oversee implementation of the Access and Inclusion Plan and undertake community capacity building.
58. With the introduction of the NDIS, creation of the Local Area Coordination Agency and an open market of service providers, it will be important that Council maintains this capacity to monitor implementation and be a strong local advocate, particularly with regard to vulnerable communities, such as CALD, ATSI and people who are homeless.

Legal Implications

59. With the introduction of a market driven competitive model, the issue of competitive neutrality arises. In an open market, Council would need to demonstrate competitive neutrality or demonstrate sound and defensible public interest reasons for not doing so.

Other Issues

Clarification of Transition Options

60. With the March 2016 advice that HACC service users would be transitioning into the NDIS from 1 July 2016 to May 2017, there is scope to manage this process smoothly for participants. In considering undertaking a transitional role, the concern is that Council would be required to fulfil all of the requirements of a fully registered NDIS service provider, such as managing individual participant invoicing; establishing new service plans / agreements and setting up NDIS specific data and accountability systems. It seems reasonable that given councils already have systems in place under the HACC program, including accountability requirements (i.e. Minimum Data Set reporting) that a modified arrangement could be implemented.
61. A meeting is scheduled for mid-May between the five NEMA councils and DHHS to clarify this option.

NEMA Councils – Status of NDIS Involvement

62. As at 9 May 2016, Darebin, Banyule and Nillumbik Councils had determined not to be service providers under the NDIS. Whittlesea Council has determined to undertake a transitional role and is investigating a model whereby it contracts with a preferred NDIS provider to enable participants, through choice, to access existing Council carers for a transitional period.

Council Decision Making Process

63. Council received a confidential report at its meeting on 19 April 2016 outlining the four options and Officers advised they would continue to assess these options. It is proposed that following presentation of this report and consideration of public submissions and advice from the DAC, that a final recommendation be presented to Council at its 7 June 2016 meeting. While this decision-making is prolonged, the NDIS-NEMA roll-out has been evolving and information critical to the decision has progressively come to hand.

Options

64. There are a range of options available for Council's consideration.

Option 1 – NDIS Full Service Provider

65. This option would see Council registered as a NDIS provider for a similar range of services that it currently provides. The key features of this option include:
- (a) from a policy perspective, this sees Council identifying that as a level of government, it has a core and on-going role in offering services for all people with disability living in its municipality;
 - (b) offering and supporting Yarra residents to access a municipal based provider with advantages in the areas of local accountability and governance; integrated service provision; being driven by human rights and not for profit motives and with strong links to other community supports;
 - (c) competing openly for 'market share' with other local, regional, state and Australia wide providers, with a business model that is nimble and scalable to accommodate changing demand and needs efficiently, combined with robust information technology and back of house systems to be a viable provider in the market place; and
 - (d) Council maintaining and increasing its current role as a provider of disability services – with the need to improve specialisation and expertise in supporting people with complex needs.

Option 2 – NDIS Transitional Service Provider

66. This option envisages Council being registered or acting as a NDIS provider to support existing HACC participants by continuing with service provision as they transition to the NDIS for a specified period (up to 3 months for each service user and based on their NDIS phase in date) and providing support to people who are vulnerable and susceptible within a market and consumer choice driven model. The key features of this option include:
- (a) from a policy perspective, this sees Council identifying that as a level of government, it has a core role in offering support to those residents who may be vulnerable due to limited individual, family or community support or being from marginalised groups and secondly committing to support people through the change process as they move to new arrangements and providers;
 - (b) working with service users prior to their transition to the NDIS to help identify alternative providers and supporting their transition for up to 3 months (if required) after they have joined the NDIS through direct service provision;
 - (c) operating within an open market model, however limiting involvement to firstly supporting existing HACC participants only in transitioning to new NDIS providers and / or providing a focus on marginalised residents who may need additional support in accessing the Scheme;

- (d) this option would need to be supported by the NDIA and DHHS to ensure back of house, accountability and financial arrangements are as seamless as possible to enable Council to and fulfil this support role;
- (e) Council providing a transitional worker position, to assist service users and the community understand and navigate the changes. This role would be an additional cost to Council and provided for the duration of the HACC transition; and
- (f) Council progressively decreasing its current role as a provider of disability services as the Scheme and market model matures. Additional specialisation and expertise would be required for a period if there was an increase in support of marginalised residents with complex needs required.

Option 3 – NDIS Limited Service Provider

67. This option would see Council registered as a NDIS service provider for a limited number of services that can be accommodated within current service delivery and cost parameters. The key features of this option include:-
- (a) from a policy perspective, this sees Council identifying that the NDIS has established a new market and consumer choice driven approach to supporting people with disability and the current municipal based program model is no longer relevant. This option does however recognise that as a broad based service provider (HACC; Leisure Services; etc.), there may be opportunities and advantages (service volumes; scale; income) for Council to offer these services through the NDIS to people with disability living in its municipality;
 - (b) offering and supporting Yarra residents to access a municipal based provider with advantages in the areas of local accountability and governance; integrated service provision; driven by human rights and not for profit motives and with strong links to other community supports, however not being the key provider to the participant;
 - (c) competing within the market and consumer choice model where it is both feasible and cost effective and for the benefit of the participant and Council. Information technology and back of house systems would still require enhancement to be a provider in the market place and meet NDIS acquittal and accountability standards; and
 - (d) Council maintaining a medium level of specialist knowledge to enable provision of identified services to the target group.

Option 4 – Not Providing Services under NDIS

68. This option would mean Council does not register as a NDIS provider and as current HACC clients transition to the NDIS, Council services for this group would cease. The key features of this option include:-
- (a) from a policy perspective, Council identifying that as the new model is based on a market and consumer driven approach, with multiple providers available and the responsibility of monitoring and supporting people with disability requiring services under NDIS services resting with the NDIA, Council's role in being a service provider is not as critical and its resources are best directed elsewhere;
 - (b) Council's support of people with disability, including participants within the NDIS would focus on its role of systemic and individual advocacy, community capacity building and inclusion. This could still see Council fulfilling a role as a level of government and bringing local accountability, governance and human rights perspectives to the fore to support people with disability;
 - (c) residents making choices around service provision from the market of local, regional, state and Australia wide providers. Council would continue offering HACC services to people over 65 under block funded agreements till mid-2019. The current business model would be less disrupted; and
 - (d) Council limiting its current role as a provider of disability services to non NDIS eligible residents through the HACC program until the State Government review of this part of the service system is completed.

Conclusion

69. The roll-out of the NDIS in the North East Metropolitan Area (including Yarra) commences on 1 July 2016 and is a significant and important step in improving the lives of people with disability. The roll-out presents a number of challenges for Council in terms of its on-going role in service provision and community capacity building. Some decisions are within Council's control while others have been determined by national policy directions.
70. The four options contained in the report range from being a fully-fledged NDIS service provider to Council not taking up this role. In reaching a conclusion on this matter, Officers are of the view that Council should not be a registered provider under the NDIS to provide home, personal and respite care services on the basis that:
- (a) providing these services under the NDIS would require Council to expand its current service expertise in terms of disability related specialisation;
 - (b) with Council removed from the assessment function for people on the NDIS (now with BSL as the Local Area Coordination agency), the level of integration between these two functions is greatly reduced, meaning that Council's capacity to provide a holistic approach for individuals is diluted;
 - (c) further to point (b), with 60% of the current service delivery provided through Council's contractor, Southern Cross Care, and with Council no longer carrying out a case management or assessment function for NDIS participants, there is limited value of Council being a third party;
 - (d) the NDIA – an authority set up by the Federal Government to oversee implementation of the Scheme is responsible for ensuring it operates effectively and supports all eligible people with disability;
 - (e) there is evidence that a number of other providers (existing and new) will operate within the Yarra area to provide services, noting concern that CALD and ATSI specific providers may be limited;
 - (f) from a financial perspective, even in maintaining current service levels, there will be significant additional cost to Council and the current operating model does not support the flexibility required to be an NDIS provider;
 - (g) the NDIS model is driving an open and competitive market model, encouraging a diverse mix of providers, operating with a high degree of flexibility;
 - (h) implementation of the NDIS would require substantial investment in back of house changes; information and administrative systems, for Council to operate efficiently;
 - (i) changes within the In-House and contracted services can be reasonably managed to support staff;
 - (j) if necessary, Council is able to become a registered service provider at any point in the future; and
 - (k) Council is well-positioned to maintain its strong role in advocacy in supporting the community and continuing to champion access and inclusion for all through community capacity building.
71. Subject to consideration of any public submissions and DAC advice, it is proposed that:
- (a) Council resolve not to be a registered service provider under the NDIS to provide home, personal or respite care on an on-going basis;
 - (b) Subject to (c) below, Council resolve to support existing HACC service users to transition to the NDIS by:
 - (i) continuing to provide home based care services (where requested) to enable existing service users to effect a smooth transition to a new registered provider – for a period of up to three months after the person commences with the NDIS (this would mean for the period 1 July 2016 to 1 August 2017 based on the NDIS phasing model);

- (ii) offering individual support and guidance to existing HACC service users and other members of the community in navigating the changes; and
- (iii) working closely with the Brotherhood of St Laurence and NDIA in raising issues and any gaps that are impacting on service quality, including access for CALD, ATSI and vulnerable communities; and
- (c) Council request the NDIA and DHHS ensure seamless transitional arrangements are agreed and implemented with Council to minimise back of house system changes, service establishment plans and participant invoicing, to enable Council to maintain existing services to participants for the transitional period and at minimal cost to Council; and
- (d) Officers report back to Council in January 2017 advising of progress in implementing the NDIS in Yarra.

RECOMMENDATION

1. That:

- (a) Council note the Report and any public submissions and advice from the Disability Advisory Committee; and
- (b) officers bring a report to Council at its meeting on 7 June 2016 for a final decision on its role as a registered service provider under the NDIS.

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Attachments

1 Service User Consultations

Attachment 1 - Service User Consultations

Service User Consultations

D16/73154

Background

1. A sample of service users (under 65 with a disability) and carers (representing the service user – their child) were invited to participate in focus groups. The aim of these focus groups was to listen to existing service users/carers (clients of Council) in order to understand their experiences with service delivery, future requirements, and their understanding of the NDIS and the impact of its roll-out in NEMA.
2. Four (4) focus groups were conducted in early May 2016. The sample was as follows:

Focus Group 1: Mixed Service Users: Participants included 3 service users and 4 carers (including a set of parents) representing 3 service users. Participants used a mix of Council HACC services and/or the Linkages program.

Focus Group 2: Yarra Space Program Recipients: Participants included 7 service users of Council HACC services via the Yarra Space Program (i.e. Yarra Space boarding house tenants who use Council HACC services).

Focus Group 3: Mixed Service Users: Participants included 1 service user and 2 carers representing 2 service users. Participants used mainly home care and respite services.

Focus Group 4: Turtle Group – Vietnamese Disability Advocacy Group: Participants included 3 service users and 7 Vietnamese people with disability who attend this group regularly.

Key Feedback

3. The following is a summary of the responses to the questions distributed prior to the conduct of the groups.

Strengths/Positives of Council Services

- (a) Continuity of care allows for a great knowledge bank about service user needs and ensures minimum disruption or change to routines (which are often difficult for service users).
- (b) Council provides an efficient service which requires minimal input from family etc.
- (c) Continuity of care allows for the building of relationships with carers. The carers and service user's friends/carers provide emotional and social support/continuity of care vital to building the relationships.
- (d) Council staff trained and professional and bound by high standards (OH & S /Statutory Authority properly regulated).
- (e) The high levels of concern in respect of Council not being a Registered Provider focussed on the ending of relationships with long term carers and also concern

Attachment 1 - Service User Consultations

over the privatisation of the service and therefore loss of strong governance. Issues of trust in terms of new staff/providers and whether or not they are trained properly etc. were raised.

Weaknesses/Negatives of Council Services

- (a) There is a perceived lack of flexibility re: care hours (e.g. respite - would be good if you could bank one week's hours and use another week if there is a special need/event). Allow more input from service users in terms of rostering times and more flexibility in terms of week to week schedules.
- (b) Limitations on carers in terms of being able to undertake extended trips outside the LGA boundary.
- (c) Technology re: rosters/etc. need updating – online or iPad etc.
- (d) OH & S requirements too strict and limit carers from doing some basic tasks. Concern that some tasks not achieved.
- (e) Notably, other respondents favoured the strict OH & S requirements and were concerned that “cowboys/private services” entering the market as “Registered Providers” may cut corners and not train staff appropriately.
- (f) A couple of participants were frustrated with the strict medication policy. This task is able to be undertaken by all other agencies they receive service from.
- (g) View expressed about HACC services operating as a privilege whilst NDIS view services as a human right.

Advocacy, Community Development and Capacity Building

- (a) There was mixed awareness of the roles that Council fulfil outside of service delivery.
- (b) The Disability Advisory Committee (DAC) was known by members of the DAC (past and present) and had some name recognition amongst other participants.
- (c) There was limited knowledge about Council's strategic planning and community capacity building roles – however keen interest to learn more about these activities.
- (d) A number of participants travel outside of municipality to access activities for their adult children (in their 20s) e.g. disco, gym sessions etc. Participant felt there was a lack of activities/community building for people with intellectual disabilities in the area.

NDIS – How It Will Impact on Service Users

- (a) A key concern for participants was that they will lose their existing carers and the sense of security they bring if Yarra does not become a Registered Provider. The sense of community and security by being serviced by a Local Government entity is very strong. Regulatory authority ensures a high comfort level – which is particularly important to parents who are using respite. They only want to leave their children with carers who are “trained and trusted”. To this extent – one participant is already talking to carers about changing agencies if Yarra chooses not to register.

Attachment 1 - Service User Consultations

- (b) Participants generally were not comfortable with the idea of their funds going to private providers and the potential lack of supervision/training/quality controls/continuity with “new providers”. “Will the private, commercial agencies care about individuals or will it be driven by money and competition?” Participants feel more comfortable with Council as there is more accountability and more social responsibility. How will we know what private agencies are doing? Will it be transparent?
- (c) Participants also very concerned that with the change to NDIS there would be even more out of pocket expenses/increased costs – how will they cover this?
- (d) Those participants who understood that Local Government may not choose to be a Registered Provider were mainly focussed on ensuring that their current hours would be transferred to another provider – and not simply “lost” during the NDIS implementation and transfer.
- (e) Some level of comfort that BSL have been appointed Local Area Coordinator – perceived to be an agency with a social justice platform and understanding of the disability area – not a private entity.
- (f) General feeling that so much that is not known – how it will operate, not clear about roll out timings etc. Great fear of the unknown and a need for guidance from a trusted agency as the changeover occurs.

Response to Council Options - NDIS

- (a) “Why would Council not be a Registered Provider?” This was a key question for many participants. Clarity is required around this issue from Council and will be a key plank of information that needs to be communicated well whatever the decision of Council.
- (b) There were some participants who had a strong preference for the option that Council be a Registered Provider due to philosophical positioning (i.e. role of local government, community building, human services, good governance), and others who supported the status quo more out of a sense of stability and continuity.
- (c) There was some discussion amongst participants, and to some extent understanding, that Council may not be a Registered Provider. Whilst this was generally not preferred, there was a call for a period of transition and support during any potential changeover. A transition period so that service users can see how it will work and develop a sense of comfort in respect of carers and the new providers that are going to enter the marketplace/be providing services to them or their children. This level of comfort also related to the potential costs and fear of significant increase in out of pocket expenses.
- (d) There was discussion that Council should assist to guide existing users through any transition.
- (e) Discussion in respect of how Council can be half in the service (that is not be a Registered Provider but still be and advocate/civic leader in the area of disability) – concerns that Council may lose touch with people with a disability if not a direct service provider.

Attachment 1 - Service User Consultations

Summary

Focus group participants are trying to learn and understand as much as they can about NDIS, and are keen to understand the role Council will play and the reason for any decision not to participate as a Registered Provider. Service users/carers have clearly indicated they would value guidance during the transition to NDIS from trusted and reliable sources.

11.2 Johnston Street Local Area Plan Implementation - Proposed Amendment C220

Trim Record Number: D16/9375

Responsible Officer: Coordinator Strategic Planning

Purpose

1. For Council to consider proposed Amendment C220 to the Yarra Planning Scheme and to seek Ministerial authorisation to prepare and exhibit the Amendment in accordance with the provisions of the Planning and Environment Act 1987 (the Act).

Background

2. Council adopted the Johnston Street Local Area Plan (the Plan) on 1 December 2015 after extensive community consultation.
3. At its meeting on 1 December 2015, Council resolved:
 - “3. That Council note that Johnston Street is a local activity centre and records its intent to maintain an economic and employment focus with a range of business uses contained in at least the ground floor of buildings rezoned to C1.
 4. That Council, having considered the additional material and analysis provided, resolve to adopt the Johnston Street Local Area Plan.
 5. That officers engage heritage consultants to undertake a heritage study of properties on Johnston Street, north and south side, between Hoddle Street and the rail line.
 6. That officers present a further report to Council in early 2016 to implement the Johnston Street Local Area Plan 2015, with a focus on the application of a Design and Development Overlay (which would include mandatory height limits in Johnston St, all precincts) to land along Johnston Street west of Smith Street to the Yarra River, and a local planning policy for the Johnston Street Activity Centre.”
4. The Plan outlines a vision for the Johnston Street activity centre, east of Smith Street that encourages a more activated, pedestrian-friendly, liveable, vibrant and connected street through land use and built form change and public realm improvements.
5. Prior to adoption, the Plan was re-drafted to respond to the objectives outlined in *Plan Melbourne*. The Plan also responds to the context and character of Johnston Street through proposed maximum building heights that respond to the heritage qualities of the street and that are underpinned by an urban design (built form) analysis of the street and urban context.
6. The Johnston Street Local Area Plan is a positive strategic response to current development pressure occurring along Johnston Street, providing guidance for future development in terms of the scale and design of buildings, as well as future land use activity.

The Proposed Amendment

7. The Amendment proposes to make the following changes to the Yarra Planning Scheme, for land located in Precincts 1 and 2 of the Plan (refer to the Explanatory Report *Attachment 1*):
 - (a) rezone land generally within the Commercial 2 Zone (C2Z) and within the General Residential Zone (GRZ1), west of Nicholson Street, to Commercial 1 Zone (C1Z) (*Attachments 2 and 3*);
 - (b) apply the Design and Development Overlay (DDO15) to the Subject Land (*Attachments 4 and 5*);
 - (c) insert a new DDO schedule at Clause 43.02s (*Attachment 6*);

- (d) insert a new Local Policy (Johnston Street Activity Centre Policy) at Clause 22.18 (*Attachment 7*);
- (e) apply the Environmental Audit Overlay (EAO) to sites being rezoned from Commercial 2 Zone to the Commercial 1 Zone. Refer to *Attachments 8 and 9*;
- (f) apply a new Heritage Overlay precinct to the following properties (*Attachment 10*):

HO Number	Precinct Name	Properties Included in HO
HO505	Johnston Street East	219-241 Johnston Street, Abbotsford 246-274 Johnston Street, Abbotsford

- (g) insert a new reference document titled *Heritage Gap Study: Review of Johnston Street East, March 2016* within clause 22.02 - Development Guidelines for Sites Subject to the Heritage Overlay;
- (h) amend the existing Appendix 8 incorporated document listed in the schedule to clause 81.01 to include the addresses and gradings of all new and revised places;
- (i) rename the existing Appendix 8 incorporated document in Clause 22.02 and in the schedule to clause 81.01 to refer to the new revised date;
- (j) amend the schedule to Clause 43.01 (Heritage Overlay);
- (k) amend Planning Scheme Maps; and
- (l) the *Johnston Street Local Area Plan* would become a Reference Document in the Yarra Planning Scheme.

Purpose of the Amendment

- 8. The planning scheme amendment is derived from the Johnston Street Local Area Plan (the Plan) in which land use changes and building height recommendations are set out in Part 4.
- 9. The Plan provides a clear direction in terms of future land use and built form guidance and the Amendment has been drafted to implement mandatory heights and setbacks throughout Precincts 1 and 2 (the Johnston Street Activity Centre).

Proposed Rezoning's

- 10. The Amendment proposes to rezone the sections of Johnston Street that are currently zoned as Commercial 2 Zone to the Commercial 1 Zone (excluding 436-438 and 452 Johnston Street, East of Trenerry Crescent), as well as Sackville Street (between Hoddle and Wellington Streets), allowing a wider range of land uses including retail (shops), offices and residential uses.
- 11. The Amendment also proposes to rezone those properties along Johnston Street, west of Nicholson Street in Abbotsford, currently zoned as General Residential Zone to the Commercial 1 Zone, so that the zoning and land use along Johnston Street would be consistent with the aspirations of the Johnston Street Local Area Plan in activating the street edge and providing commercial land use opportunities. As with any rezoning proposal, existing land uses would be able to continue and new planning permit applications would be assessed under the new zone when it is applied.
- 12. The rezoning of Commercial 2 Zoned land to the Commercial 1 Zone would allow for a greater mix of land uses, including residential uses. This is supported by a proposed Local Policy which outlines the preferred future character, as set out in the Plan, and specifies the preferred land use mix encouraging commercial uses at the lower levels of buildings.

Proposed Design and Development Overlay

- 13. The proposed DDO (Schedule 15) would guide the future scale and design of new buildings with particular regard to heritage and the application of mandatory maximum building heights, including street wall height and setbacks, across Precincts 1 and 2.

14. It is proposed that sites along the southern side of Johnston Street be limited to six storeys in height (20m) because of the potential impacts from overshadowing and visual dominance of taller buildings to properties to the south. This is consistent with, and was contemplated by the Plan, which set out a maximum height range of six to seven storeys for Precincts 1 and 2, reflecting the differences in site context between the north and south sides of Johnston Street.
15. In addition, the DDO has a number of interface conditions that require new development to provide setbacks from the property boundary where new development would have a direct interface with adjoining residential properties, laneways and residential streets.
16. Further to this, the DDO specifies a lower maximum height (five storeys) in circumstances where site context (sites smaller than 200m² and/or with a frontage less than 10m in width) is not suitable for taller development.
17. The street wall façade height in Precinct 2, west of the railway line/bridge where it is proposed to apply a heritage overlay to the properties, is proposed to be a 3 storey (11m) maximum, which is consistent with existing heritage façade heights.

Proposed Local Johnston Street Activity Centre Policy (Clause 22.18)

18. The proposed Local Policy (Johnston Street Activity Centre Policy), to be inserted at Clause 22.18, would provide guidance and direction for future land use and specifically encourages new development that provides the capacity for commercial activity within the proposed Commercial 1 Zone.

Proposed Environmental Audit Overlay

19. The Environmental Audit Overlay (EAO) is proposed to be applied to sites being rezoned from the Commercial 2 Zone to the Commercial 1 Zone to ensure that *Potentially Contaminated Land* is appropriately identified and assessed through the planning scheme requirement for an audit when buildings and works, or a change in land use is undertaken.

Heritage Investigation and Recommended Heritage Overlay Precinct

20. Council officers engaged Context Heritage Consultants to undertake an assessment of the heritage merits of properties on the north and south side of Johnston Street between Hoddle Street and the railway. A copy of the report is included in *Attachment 11*.
21. Context have identified that the properties at 219-241 (south side) and 246-274 (north side) and parts of the railway bridge have heritage value as a precinct, and should be considered for the application of a Heritage Overlay.
22. Previously, Amendment C157 applied the Heritage Overlay to places of Individual Significance, and five of these properties are located within the area investigated by Context for this project.
23. The amendment would ensure that the entire section of the street between Hoddle Street and railway line/bridge is protected from inappropriate development.

Strategic Justification for the Amendment

24. The Amendment is consistent with the Planning Practice Note: *Strategic Assessment Guidelines for preparing and evaluating planning scheme amendments* (PPN46).
25. The Amendment would implement the land use and built form objectives of the Johnston Street Local Area Plan and provides the basis for further work to improve the public realm along Johnston Street.

Key Issues

26. There are a number of current planning permit applications being processed with three applications proposing buildings considerably higher than the height limits in the proposed Amendment.

27. Planning applications at 247-259 Johnston Street and 316-322 Johnston Street propose 14 and 10 ten storeys, respectively. The original proposal at 247-259 Johnston Street was for 18 storeys, but was lowered by the proponent based on feedback from Council officers. The Local Area Plan and DDO propose a mandatory maximum height of ten storeys for that site, which is identified as Precinct 2B in the Schedule to the DDO.
28. The Plan proposes an overall maximum height of 6-7 storeys for Precincts 1 and 2 with the exception of those sites that have been identified close to the station which are proposed to have a maximum height limit of 8-10 storeys. The proposed DDO schedule sets out in more detail the circumstances where a lower maximum height should be applied because of varying site characteristics.
29. For sites less than 200m² in area, and/or with a frontage less than 10m, it is considered that an overall maximum height of five storeys should be applied. This adds a level of control that would differentiate between smaller and larger sites and is mindful of the finer grain character of many sites along Johnston Street, particularly those within the Heritage Overlay.
30. The timing of the amendment is now significant in terms of its ability to begin to carry some weight as a seriously entertained proposal, when considering planning applications for larger scale buildings.

Legal Advice

31. Legal advice was sought in the preparation of proposed Amendment C220. Should this amendment proceed, legal advisors will provide representation during the amendment process.

External Consultation

32. The Amendment would be advertised in accordance with the requirements of Section 19 of the Planning and Environment Act 1987 which includes the following forms of notification:
 - (a) letters to all owners and occupiers of properties within the study area;
 - (b) letters to relevant government agencies such as VicRoads, Public transport Victoria, VicTrack and the Department of Environment, Land, Water and Planning;
 - (c) letters to relevant (prescribed) Ministers under the Act;
 - (d) notices to the adjoining municipality, the City of Boroondara;
 - (e) conducting an Information session during the exhibition process;
 - (f) notices in the Melbourne Times and Victoria Government Gazette; and
 - (g) information on the City of Yarra web site.

Internal Consultation (One Yarra)

33. The Johnston Street Local Area Plan was consulted upon widely in its development prior to its adoption by Council in 2015. The Amendment has undergone internal consultation with relevant departments within Council.
34. In particular, the Urban Design and Statutory Planning Units have provided input into the proposed Amendment.

Financial Implications

35. The initial stage of the Amendment process is covered by the 2015-16 strategic planning budget and the further steps in the Amendment process are included in the draft 2016-17 strategic planning budget.

Economic Implications

36. The proposed Amendment would have positive economic implications through the rezoning and built form elements of the Plan and proposed Amendment.

Sustainability Implications

37. The proposed Amendment would promote both the economic and environmental sustainability of the activity centre through land use change and sustainable development outcomes.
38. Through the use of the Environmental Audit Overlay, the Amendment would ensure that potentially contaminated land is identified, assessed and treated through the environmental audit process.

Social Implications

39. The proposed Amendment would have positive social implications through the revitalisation of the activity centre through land use change that encourages increased residential and commercial activity in the activity centre.

Human Rights Implications

40. There are no known human rights implications associated with the Amendment.

Communications with CALD Communities Implications

41. The amendment notification process would be undertaken through various forms of notification and media which includes information for CALD communities including translator services.

Council Plan, Strategy and Policy Implications

42. The Plan and Amendment are supported by the objectives of the Council Plan in terms of the future economic and environmental sustainability of Yarra's activity centres, as well as conserving heritage places through Heritage Gaps assessments.

Legal Implications

43. The Amendment processes would be undertaken with assistance from a legal expert who would assist throughout the Amendment process.

Conclusion

44. The proposed Amendment would implement the vision and recommendations of the Johnston Street Local Area Plan which was adopted by Council in December 2015, following extensive community consultation.
45. The proposed Amendment would provide a policy position (within the Yarra Planning Scheme) for the built form and land use aspirations of the Johnston Street activity centre and would provide Council officers support in assessing current and future planning applications in Johnston Street.

RECOMMENDATION

1. That:
 - (a) Council notes the report on the proposed Planning Scheme Amendment to implement the Johnston Street Local Area Plan;
 - (b) Council seeks authorisation from the Minister for Planning to prepare Amendment C220 to the Yarra Planning Scheme in accordance with section 8A of the *Planning and Environment Act 1987*; and
 - (c) if authorisation is received from the Minister for Planning, Council exhibit Amendment C220 in accordance with Section 19 of the Act.

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Attachments

- 1** Amendment C220 Explanatory Report - Johnston Street Local Area Plan
- 2** Yarra Amendment C220 001znMap06 Exhibition (Zone Map 1)
- 3** Yarra Amendment C220 002znMaps06_07 Exhibition
- 4** Yarra Amendment C220 003ddoMap06 Exhibition (DDO15 Map)
- 5** Yarra Amendment C220 004ddoMaps06_07 Exhibition (DDO15 Map)
- 6** Amendment C220 Design Development Overlay Schedule
- 7** Amendment C220 Draft Local Policy (Clause 22.18)
- 8** Yarra Amendment C220 005eaoMap06 Exhibition
- 9** Yarra Amendment C220 006eaoMaps06_07 Exhibition
- 10** Yarra Amendment C220 007hoMap06 Exhibition
- 11** Johnston Street East Heritage Study - April 2016

Attachment 1 - Amendment C220 Explanatory Report - Johnston Street Local Area Plan

Planning and Environment Act 1987

YARRA PLANNING SCHEME

AMENDMENT C220

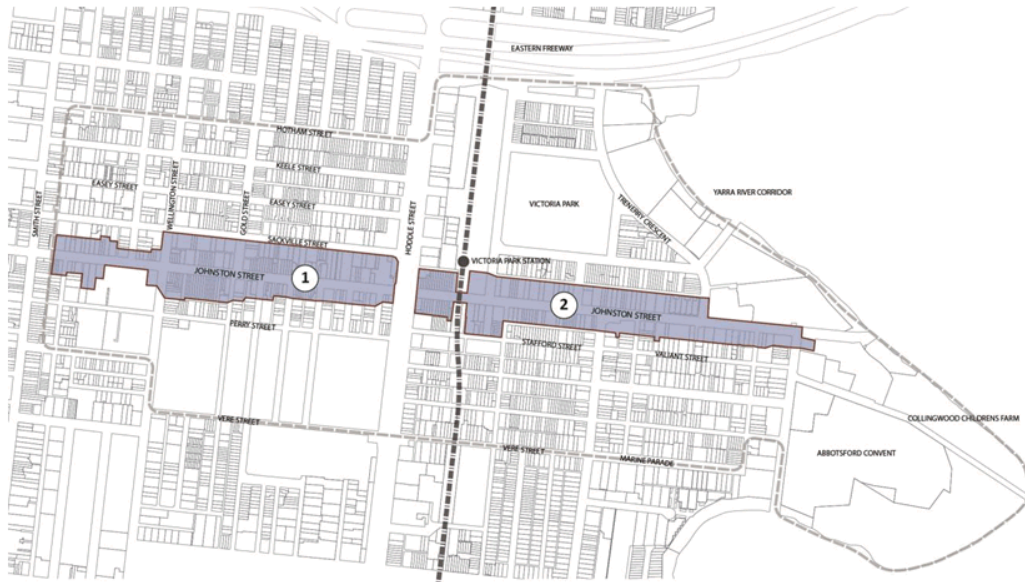
EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the Yarra City Council, which is the planning authority for this amendment.

Land affected by the Amendment

The Amendment applies to land in Precincts 1 and 2 (Subject Land) as identified in the Johnston Street Local Area Plan (illustrated below).



What the amendment does

The Amendment implements the land use and built form objectives and strategies within the Johnston Street Local Area Plan that relate to Precincts 1 and 2 (Johnston Street).

The Amendment proposes to make the following changes:

1. Rezone land within the Commercial 2 Zone (C2Z) and General Residential Zone (GRZ1) to Commercial 1 Zone (C1Z);
2. Apply the Design Development Overlay (DDO15) to the Subject Land;
3. Insert a new DDO schedule at Clause 43.02s;
4. Insert a new Local Policy (Johnston Street Activity Centre Policy) at Clause 22.18;
5. Apply the Environmental Audit Overlay (EAO) to sites being rezoned from Commercial 2 Zone to the Commercial 1 Zone;
6. Apply a new Heritage Overlay precinct to the following properties:

Attachment 1 - Amendment C220 Explanatory Report - Johnston Street Local Area Plan

HO Number	Precinct Name	Properties Included in HO
HO505	Johnston Street East	219-241 Johnston Street, Abbotsford 246-274 Johnston Street, Abbotsford

7. Insert a new reference document titled Heritage Gap Study: Review of Johnston Street East, March 2016 within clause 22.02 - Development Guidelines for Sites Subject to the Heritage Overlay;
8. Amend the existing Appendix 8 incorporated document listed in the schedule to clause 81.01 to include the addresses and gradings of all new and revised places;
9. Rename the existing Appendix 8 incorporated document in Clause 22.02 and in the schedule to clause 81.01 to refer to the new revised date;
10. Amend the schedule to Clause 43.01 (Heritage Overlay);
11. Amend Planning Scheme Maps.

Strategic assessment of the Amendment

Why is the Amendment required?

The Amendment is required to implement the built form and land use recommendations of the Johnston Street Local Area Plan, 2015.

The Amendment will ensure that future development and land use change is in accordance with the vision, objectives and strategies outlined in the Johnston Street Local Area Plan.

How does the Amendment implement the objectives of planning in Victoria?

The Amendment is consistent with VPPs in that it encourages and facilitates positive change in a medium scale Neighbourhood Centre.

The Amendment will facilitate dwelling growth as well as economic growth and create a more economically viable mixed-use activity centre that has economic benefits for the local area.

How does the Amendment address any environmental, social and economic effects?

The Amendment will have positive social and economic effects through the facilitation of higher density housing above commercial activity, situated along an activity centre corridor that is well served by public transport.

The Amendment addresses any environmental effects or risks through the application of the Environmental Audit Overlay.

Does the Amendment address relevant bushfire risk?

There is no identified bushfire risk within the study area.

Does the Amendment comply with the requirements of any Minister’s Direction applicable to the amendment?

The Amendment complies with Ministerial Direction No. 1 in addressing the risk from Potentially Contaminated Land.

The Amendment also complies with Ministerial Direction No. 9 in addressing and responding to the metropolitan planning strategy, *Plan Melbourne*.

How does the Amendment support or implement the State Planning Policy Framework and any adopted State policy?

The Amendment supports and implements State Planning Policy in responding to the following clauses:

Attachment 1 - Amendment C220 Explanatory Report - Johnston Street Local Area Plan

- 11.01-2 Activity centre planning

To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres which provide a variety of land uses and are highly accessible to the community.

- 11.02-3 Structure planning

To facilitate the orderly development of urban areas.

- 13.03-1 Use of contaminated and potentially contaminated land

To ensure that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely.

- 15.01-1 Urban Design

To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.

- 15.01-2

To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.

- 15.01-4 Design for safety

To improve community safety and encourage neighbourhood design that makes people feel safe.

- 15.01-5 Cultural identity and neighbourhood character

To recognise and protect cultural identity, neighbourhood character and sense of place.

- 15.03-1

To ensure the conservation of places of heritage significance.

- 16.01-2 Location of residential development

To locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport.

- 16.01-3 Strategic redevelopment Sites

To identify strategic redevelopment sites for large residential development in Metropolitan Melbourne.

- 17.01-1 Business

To encourage development which meet the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.

How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

The Amendment is consistent with and facilitates the following Clauses of the Local Planning Policy Framework:

21.03 Vision

21.04-1 Accommodation and Housing

Objective 1 To accommodate forecast increases in population.

Attachment 1 - Amendment C220 Explanatory Report - Johnston Street Local Area Plan

Strategy 1.2 Direct higher density residential development to Strategic Redevelopment Sites identified at clause 21.08 and other sites identified through any structure plans or urban design frameworks.

21.04-2 Activity centres

Objective 4 To maintain a balance between local convenience and regional retail roles in Yarra's activity centres.

Strategy 4.1 Increase the range of retail, personal and business services, community facilities, and recreation activities, within individual centres.

Strategy 4.3 Support the role of all activity centres, including Neighbourhood Activity Centres, in providing local day-to-day needs of residents of all abilities.

Objective 5 To maintain the long term viability of activity centres.

Strategy 5.2 Support land use change and development that contributes to the adaptation, redevelopment and economic growth of existing activity centres.

Strategy 5.3 Discourage uses at street level in activity centres which create dead frontages during the day.

Strategy 5.4 Permit residential development that does not compromise the business function of activity centres.

Objective 7 To encourage the arts and arts venues.

Strategy 7.1 Support a diversity of arts uses such as live music venues, performance spaces, galleries and artist studios in appropriate and accessible locations.

21.05-1 Heritage

Objective 14 To protect and enhance Yarra's heritage places.

Strategy 14.1 Conserve, protect and enhance identified sites and areas of heritage significance including pre-settlement ecological heritage.

Strategy 14.2 Support the restoration of heritage places.

Strategy 14.3 Protect the heritage skyline of heritage precincts.

Strategy 14.6 Protect buildings, streetscapes and precincts of heritage significance from the visual intrusion of built form both within places and from adjoining areas.

21.05-2 Urban design

Objective 16 To reinforce the existing urban framework of Yarra.

Strategy 16.2 Maintain and strengthen the preferred character of each Built Form Character Type within Yarra.

Objective 19 To create an inner city environment with landscaped beauty.

Strategy 19.1 Require well resolved landscape plans for all new development.

Strategy 19.2 Encourage opportunities for planting suitable trees and landscape areas in new development.

Objective 20 To ensure that new development contributes positively to Yarra's urban fabric.

Strategy 20.1 Ensure development is designed having particular regard to its urban context and specifically designed following a thorough analysis of the site, the neighbouring properties and its environs.

Objective 21 To enhance the built form character of Yarra's activity centres.

Attachment 1 - Amendment C220 Explanatory Report - Johnston Street Local Area Plan

Strategy 21.1 Require development within Yarra’s activity centres to respect and not dominate existing built form.

Strategy 21.2 Require new development within an activity centre to consider the context of the whole centre recognising that activity centres may consist of sub-precincts, each of which may have a different land use and built form character.

Strategy 21.3 Support new development that contributes to the consolidation and viability of existing activity centres.

The Amendment is consistent with and supported by the following local policies under Clause 22:

- 22.02 Development guidelines for sites subject to the Heritage Overlay
- 22.05 Interface uses policy
- 22.07 Development abutting laneways
- 22.09 Licenced premises
- 22.10 Built form and design policy
- 22.12 Public open space contribution policy

Does the Amendment make proper use of the Victoria Planning Provisions?

The Amendment is consistent with the objectives of State Planning Policy and the Victorian Planning Provisions.

How does the Amendment address the views of any relevant agency?

Council sought the views of VicRoads, the Department of Human Services, Public Transport Victoria and VicTrack in the drafting of the Johnston Street Local Area Plan which informs the Amendment.

Does the Amendment address relevant requirements of the Transport Integration Act 2010?

The Amendment is consistent with the requirements of the Transport Integration Act 2010 and will facilitate development outcomes that promote the principles of transit oriented development.

Resource and administrative costs

- The Amendment will have some impact on the general operation of Council’s statutory planning department as it will facilitate some new forms of development and land use.

Where you may inspect this Amendment

The Amendment is available for public inspection, free of charge, during office hours at the following Yarra City Council locations:

Planning Counter Richmond Town Hall 333 Bridge Road Richmond VIC 3121	Information Counter Collingwood Town Hall 140 Hoddle Street Abbotsford VIC 3067
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The Yarra City Council web-site:

<http://www.yarracity.vic.gov.au/planning--building/Yarra-planning-scheme/Planning-Scheme-Amendments/amendment-C220/>

Attachment 1 - Amendment C220 Explanatory Report - Johnston Street Local Area Plan

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.delwp.vic.gov.au/public-inspection.

Submissions

Any person who may be affected by the Amendment may make a submission to the planning authority. Submissions about the Amendment must be received by **Friday 15th July, 2016**.

A submission must be sent to:

Strategic Planning Unit
Yarra City Council
PO Box 168
Richmond VIC 3121

Or via email: strategic.planning@yarracity.vic.gov.au (please use Amendment C220 in the subject header)

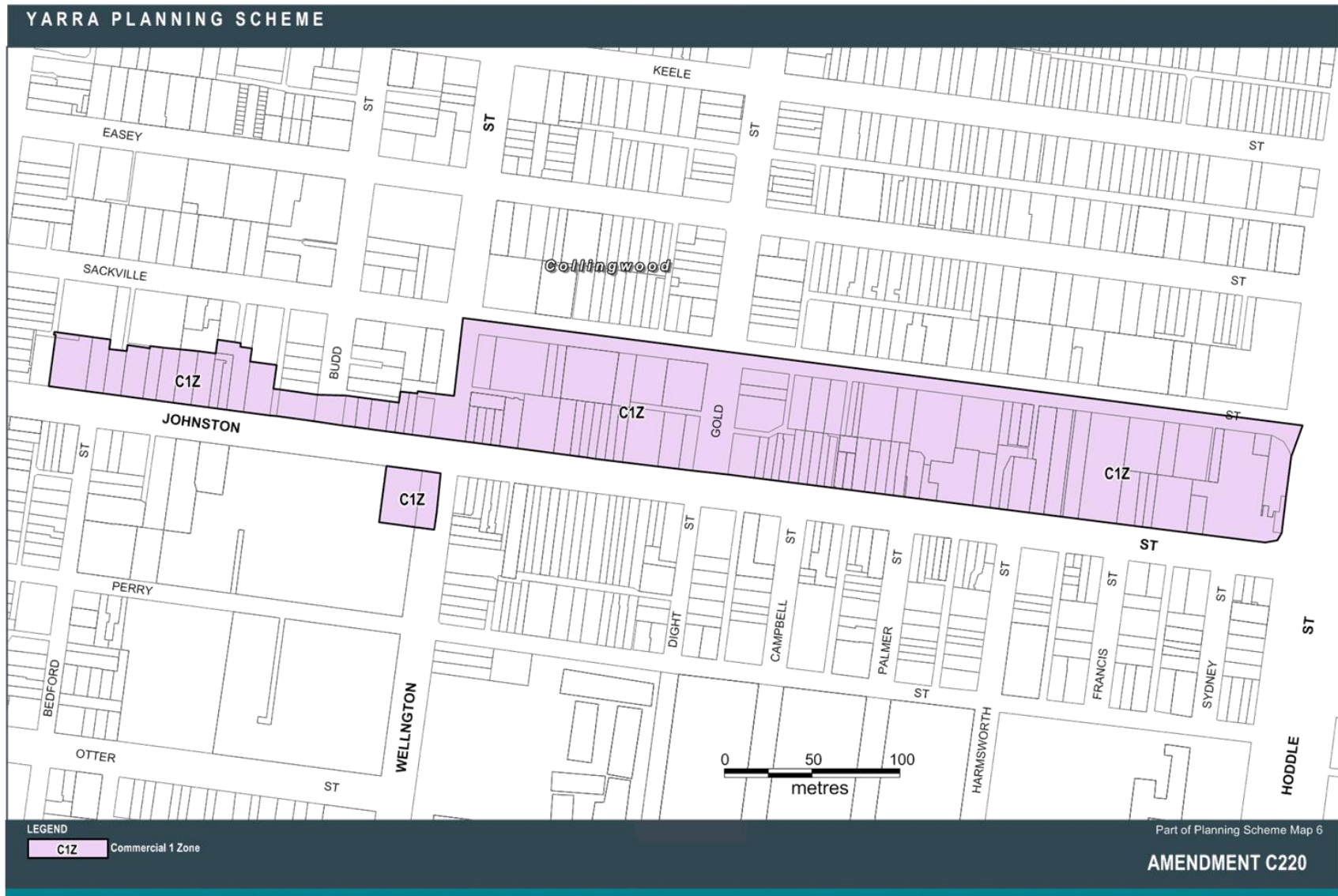
Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

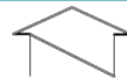
[To be determined]

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Attachment 2 - Yarra Amendment C220 001znMap06 Exhibition (Zone Map 1)



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Planning Information Services |
Planning |



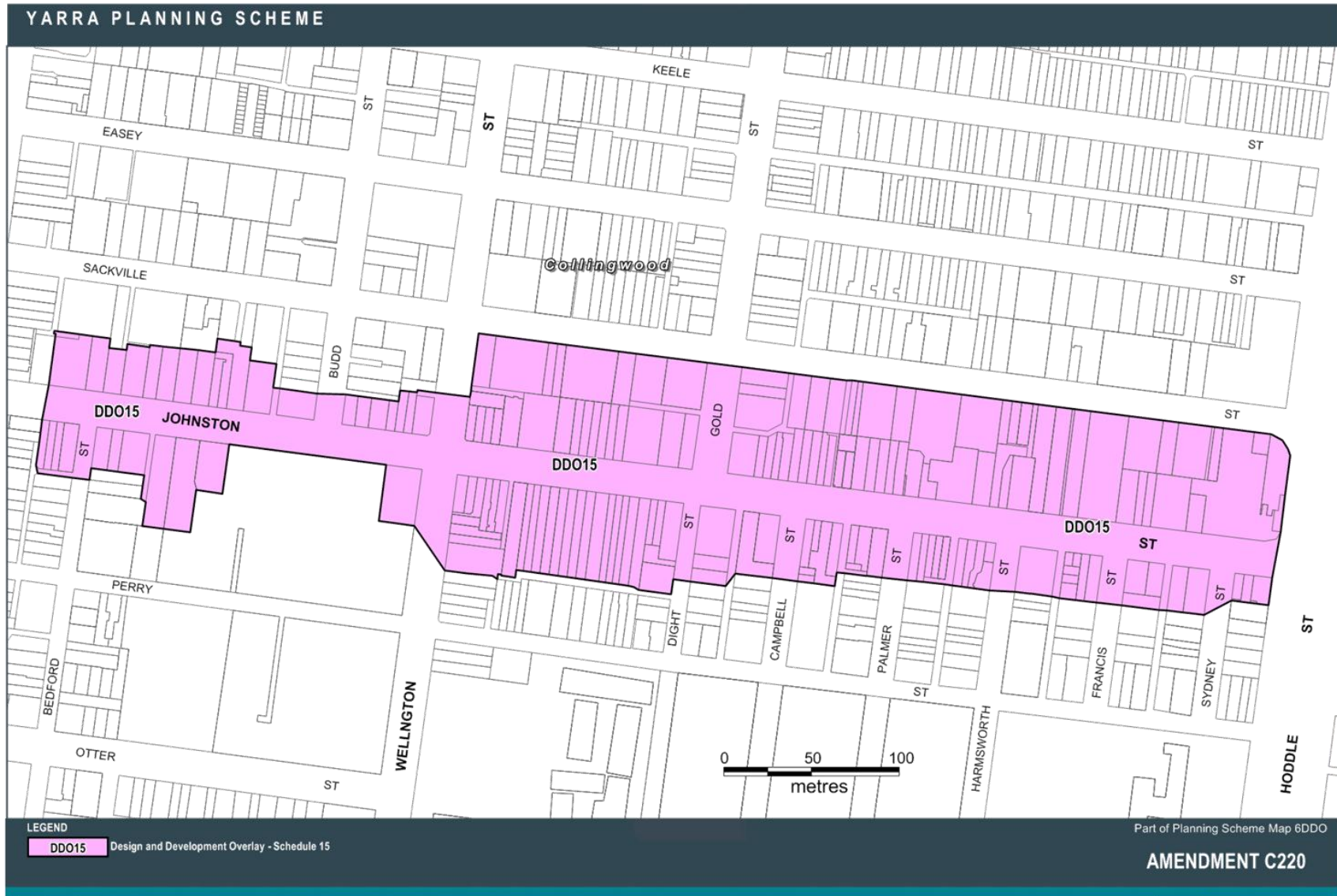
Attachment 3 - Yarra Amendment C220 002znMaps06_07 Exhibition



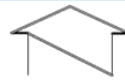
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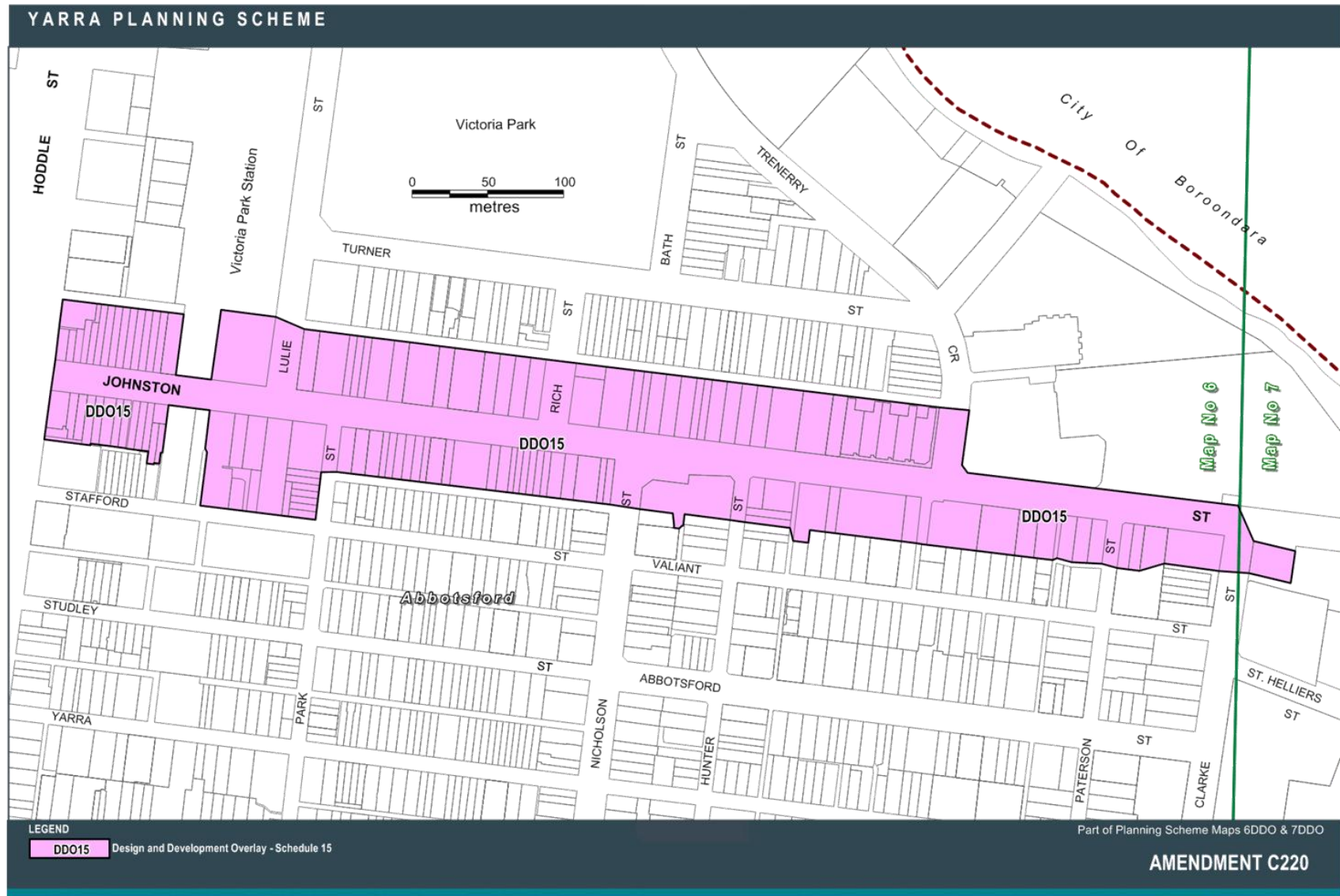
Attachment 4 - Yarra Amendment C220 003ddoMap06 Exhibition (DDO15 Map)



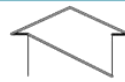
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Attachment 5 - Yarra Amendment C220 004ddoMaps06_07 Exhibition (DDO15 Map)



| Planning Mapping Services |
 | Planning Information Services |
 | Planning |



Attachment 6 - Amendment C220 Design Development Overlay Schedule

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SCHEDULE 15 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO15**.

JOHNSTON STREET ACTIVITY CENTRE

1.0 Preferred Future Character

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C220

Johnston Street will continue to become a vibrant activity centre that serves the needs of the local community whilst supporting growth in employment and business opportunities. The area will accommodate a growing population and be well connected by sustainable forms of transport, with a cluster of higher density activity focussed around Victoria Park Station.

Johnston Street will evolve with a mid-rise urban character, ranging from five to seven storeys, which provides an active street edge in the design of new buildings. The heritage character will remain the dominant and celebrated feature along the streetscape west of the railway line bridge and Hoddle Street, with taller built form well set back from the street edge to reinforce and compliment the heritage character.

East of the railway line bridge at Victoria Park Station, a more prominent street wall façade height of four to five storeys will emerge that frames the street, with well-activated ground floor frontages. A cluster of taller built form (8-10 storeys) will create a node of activity close to the station, which provides increased levels of passive surveillance of the street, encouraging pedestrian activity close to the train station entrance.

2.0 Design objectives

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Heritage Character and Streetscape

- To ensure that development is consistent with the urban design and built form recommendations of the Johnston Street Local Area Plan, 2015.
- To maintain and preserve the valued heritage character of the streetscape west of the railway line and Hoddle Street.

Design, Scale and Amenity

- To reinforce and strengthen the activity centre function of Johnston Street.
- To facilitate a well-designed, mid-rise urban character (5-7 storeys) that frames the streetscape and is proportional to the width of Johnston Street, achieving an approximate 1:1 street width to built-form ratio in the overall height of new buildings.
- To facilitate a scale of development that compliments the role and function of Johnston Street as an emerging activity centre.
- To frame the streetscape with appropriate street wall heights that respond to the urban context and encourage a well-designed contemporary character east of the railway line bridge (Precincts 2B, 2C and 2D).
- To provide for commercial activity at the lower levels of purpose-designed mixed-use buildings, which are designed with appropriate floor to floor heights (four metres) to accommodate commercial activity.
- To require new development to incorporate upper level setbacks from the primary street façade and minimise the visual impact of upper levels when viewed along the streetscape.
- To prevent overshadowing of footpaths and public spaces on the south side of Johnston Street when measured at the September equinox (from 10am to 2pm).
- To facilitate development up to ten storeys on identified strategic sites (Precinct 2B) that incorporate high quality architectural design and a high level of street activation that addresses the public realm.
- To provide a sense of passive surveillance of the street from the ground floor and lower levels of buildings.

Attachment 6 - Amendment C220 Design Development Overlay Schedule

Interfaces and Public Realm

- To significantly improve the public realm and interfaces throughout the activity centre.
- To encourage pedestrian activity through activation of the street edge.
- To improve the amenity of the streetscape along Sackville Street.
- To create a vibrant, active streetscape with passive surveillance of the public realm.
- To provide an appropriate design response to existing sensitive residential interfaces.
- To provide a transition in built form towards laneways, residential streetscapes and adjoining low-scale residential properties.
- To ensure that new development does not negatively impact existing low-rise residential properties, including private open spaces, through overshadowing or overlooking from upper levels.

Solar Access and Energy Efficiency

- To ensure that new development maintains a sense of openness, sky visibility and ensures sunlight access to footpaths and public spaces on the southern side of Johnston Street.
- To promote Environmentally Sustainable Design in accordance with Clause 22.17.
- To encourage design measures that improve the energy performance and rating of new buildings.

Equitable development

- To ensure that all new development achieves an equitable built form outcome that will facilitate development of adjacent and nearby lots and will achieve the design objectives in the Johnston Street Local Area Plan.

3.0 Requirements

3.1 Design Guidelines

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C220

Heritage Character and Streetscape

- Infill development on *Not Contributory* sites should complement the street wall façade height of existing heritage buildings and respond to the heritage character of the streetscape.
- New development on sites that are not within the Heritage Overlay (Precincts 2B, 2C and 2D), and that are adjacent to *Individually Significant* heritage properties, should provide a transitional street wall height that responds to the street façade height of the heritage building.
- West of the railway line bridge, heritage facades should remain the dominant feature in the streetscape by setting back new development behind the established street wall façade height and incorporate materials that complement the heritage streetscape.
- Development on sites with *Individually Significant* buildings (an *Individually Significant* heritage grading) should emphasise the presence of the heritage building through a minimum 8m set-back from the front façade.
- New development that is visible above or behind the heritage streetscape should be designed so that side walls are articulated and read as part of the overall building design and do not detract from the streetscape.

Design, Scale & Amenity

- Strengthen the appearance of the streetscape with visually interesting design that is suitably articulated to reinforce a finer grain character.
- Development along the northern side of Johnston Street must be designed to prevent overshadowing the southern footpath (including public spaces) between 10am and 2pm at the equinox (September 22), through upper level setbacks from the street wall façade.
- New (mixed-use) buildings should be designed to accommodate commercial uses at the lower levels, through appropriate floor to floor heights, and incorporate open (active) frontages.
- New buildings should be designed in relative proportion to the width of the site and development above five storeys must have a street frontage of at least ten metres.

Attachment 6 - Amendment C220 Design Development Overlay Schedule

- New development should demonstrate a high standard of architectural design, employing materials and design features that contribute positively to the streetscape.
- Building elements above and behind the street wall façade height should be designed to minimise off site impacts such as visual dominance of the streetscape and overshadowing of public spaces on the southern side of Johnston Street.
- Upper levels of buildings should be recessive and compliment the heritage fabric, where present.

Interface Conditions

(See Diagrams 1-6)

- New development must provide an active street edge along Johnston Street through built form design at the street and lower levels.
- New development must provide a transition in scale at the direct interface with low-rise residential properties north and south of Johnston Street.
- In Precinct 2D, new development with a direct residential interface on the south side of Johnston Street must provide a minimum six metre setback from the rear (southern) property boundary and be designed to avoid overshadowing of properties to the south from 10am to 2pm at the September 22 equinox.
- New development with a residential interface should be designed to incorporate screening measures to reduce the potential for overlooking to private open space at the rear of properties.
- New development must provide a transition in scale at the interface with laneways and residential streets.

Solar Access and Energy Efficiency

- Taller building elements, set back from the street façade should be designed to allow solar access to side-walls and consider future development opportunities on sites immediately adjacent to the property boundary.
- New buildings should be designed to maximise solar access and fenestration to north facing façades and provide passive heating and cooling measures.

Vehicular Access and Car Parking

New development should be designed to:

- Avoid providing vehicle access from Johnston Street and provide access from a side street or laneway where practical.
- Conceal the provision of car parking within the building or by providing basement car parking, whereby public realm interfaces remain active.
- Avoid providing recessed parking spaces at the ground floor level of buildings.
- Incorporate bicycle storage facilities.

3.2

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C220

Building Heights and Setbacks

The requirements in Clause 3.2 cannot be varied by a planning permit.

Map 1 illustrates the extent of Precincts 1 and 2 (the area subject to DDO15) and further illustrates sub-precincts 1A, 1B, 2A, 2B, 2C and 2D.

Table 1 summarises the building height, street wall height and setback requirements, which are described in detail below.

Street wall height is the height of the front façade built to the front property boundary, from the footpath to the highest built form element of the façade, measured from the centre of the property or site (where more than one property is involved).

Rear interface is the rear part of any proposed building/development whether on the property boundary or set back from the property boundary.

Building height does not include architectural features and service equipment including plant rooms, lift overruns, structures associated with green roof areas and other such equipment provided that the following criteria are met:

Attachment 6 - Amendment C220 Design Development Overlay Schedule

- Not more than 50% of the roof area is occupied by the equipment (other than solar panels);
- The equipment is located in a position on the roof so as to minimise additional overshadowing or neighbouring properties and public spaces;
- The equipment does not extend higher than 3.6 metres above the maximum building height; and
- The equipment and screening is integrated into the design of the building to the satisfaction of the responsible authority.

Table 1: Heights and Setbacks (in metres)

Precinct	Maximum Street Wall Height	Minimum Upper Level Setback	Maximum Building Height
1A	11m	6m	23m
1B	11m	6m	20m
2A	11m	6m	20m
2B	17m	3m	32m
2C	17m	3m	23m
2D	17m	3m	20m

Precinct 1A – Johnston Street Central

- New buildings must not exceed seven storeys (23m).
- The street wall height of the front façade must not exceed three storeys (11m).
- Upper levels must be set back a minimum of six metres behind the street wall façade to respect and reinforce the heritage streetscape along Johnston Street.
- The rear interface with a laneway must not exceed two storeys (8m) and upper levels must be set back (a minimum distance) in accordance with Diagram 5.

Precinct 1A – Sackville Street

- New buildings must not exceed seven storeys (23m).
- The front façade must not exceed three storeys (11m).
- New development must incorporate a minimum 3m front setback for landscaping.
- Upper levels beyond the front façade must be set back (a minimum distance) in accordance with Diagram 3.

Precinct 1B – Johnston Street Central (southern side)

- New buildings must not exceed six storeys (20m).
- The street wall height of the front façade must not exceed three storeys (11m).
- Upper levels must be set back a minimum of six metres behind the street wall façade to respect and reinforce the heritage streetscape along Johnston Street.
- The rear interface with a laneway must not exceed two storeys (8m) and upper levels must be set back (a minimum distance) in accordance with Diagrams 5.
- The rear interface with the side boundary of a residential property must provide a transition in height that respects the height of the existing residential building and must be designed to avoid increased overshadowing of private open space between 10am and 2pm at the equinox.

Precinct 2A – Johnston Street East (between Hoddle Street and the railway line)

- New buildings must not exceed six storeys (20m).
- The street wall height of the front façade must not exceed three storeys (11m).

Attachment 6 - Amendment C220 Design Development Overlay Schedule

- Upper levels must be set back a minimum of six metres behind the street wall façade to respect and reinforce the heritage streetscape along Johnston Street.
- Setbacks at the rear of buildings (at either a direct residential interface or laneway) must be setback a minimum distance, in accordance with Diagrams 4 and 5, respectively.

Precinct 2B – Station Node

- New buildings must not exceed ten storeys (32m).
- The street wall height of the front façade must not exceed five storeys (17m).
- The interface with Stafford Street must not exceed three storeys (11m) and upper levels must set back (a minimum distance of) six metres (see Diagram 6).

Precinct 2C – Johnston Street East (north side)

- New buildings must not exceed seven storeys (23m).
- The street wall height of the front façade must not exceed five storeys (17m).
- Upper levels must be set back a minimum of three metres behind the front street wall façade.
- The rear interface with a laneway must not exceed two storeys (8m) and upper levels must be set back (a minimum distance) in accordance with Diagrams 5.

Precinct 2D – Johnston Street East (south side)

- New buildings must not exceed six storeys (20m).
- The street wall height of the front façade must not exceed five storeys (17m).
- Upper levels must be set back a minimum of three metres behind the front street wall façade.
- The rear interface with existing residential properties must not exceed two storeys (8m) and must be set back six metres from the rear property boundary.
- The rear interface with a laneway must not exceed two storeys (8m).
- Setbacks at the rear of buildings (at either a direct residential interface or laneway) must be set back (a minimum distance) in accordance with Diagrams 4 and 5, respectively, and should be designed to minimise overshadowing of private open space between 10am and 2pm at the equinox (September 22).

Street Wall Height and Setbacks

Diagram 1 – Precincts 1A, 1B and 2A (heritage streetscape)



Attachment 6 - Amendment C220 Design Development Overlay Schedule

Diagram 2 – Johnston Street East (Precincts 2B, 2C and 2D)



Interface Conditions

Diagram 3 – Sackville Street Interface (Precinct 1A)

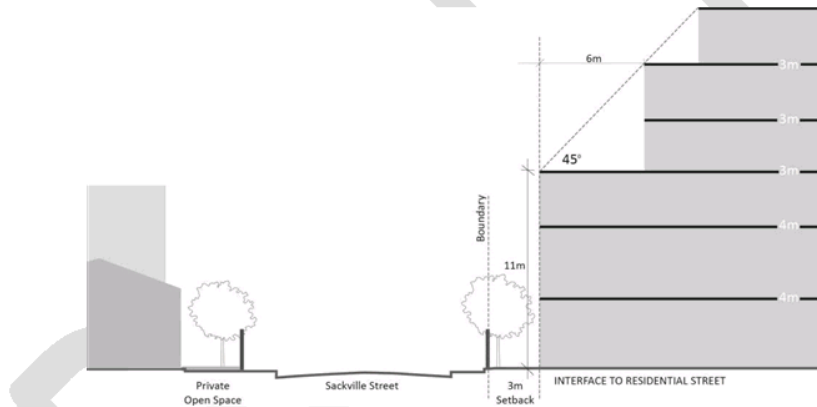
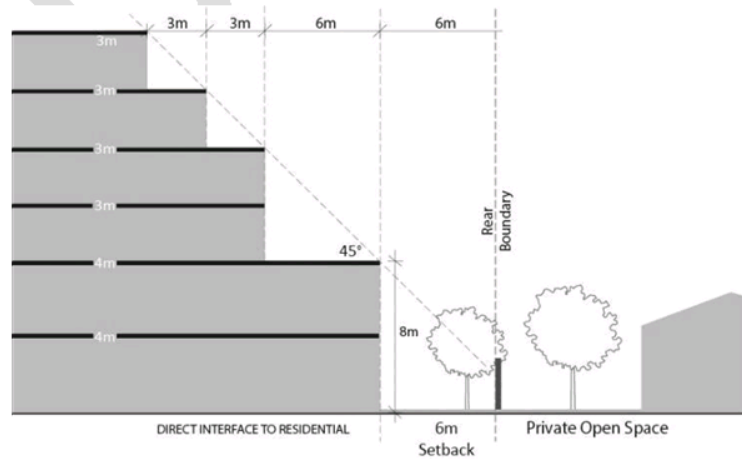


Diagram 4 – Direct Residential Interface (Precinct 2D)



Attachment 6 - Amendment C220 Design Development Overlay Schedule

Diagram 5 – Laneway Interface

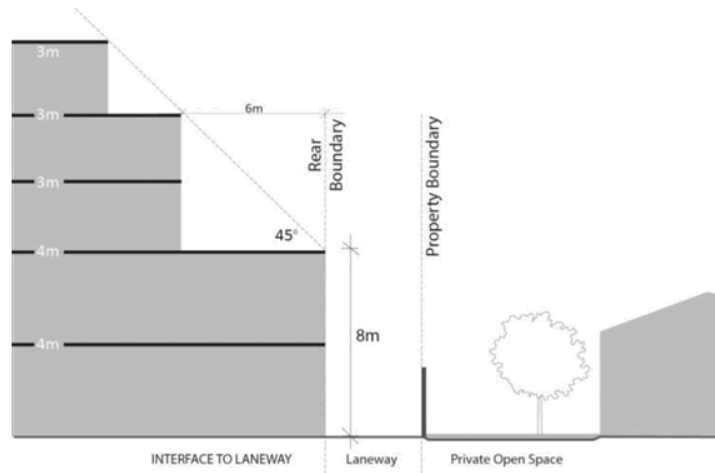
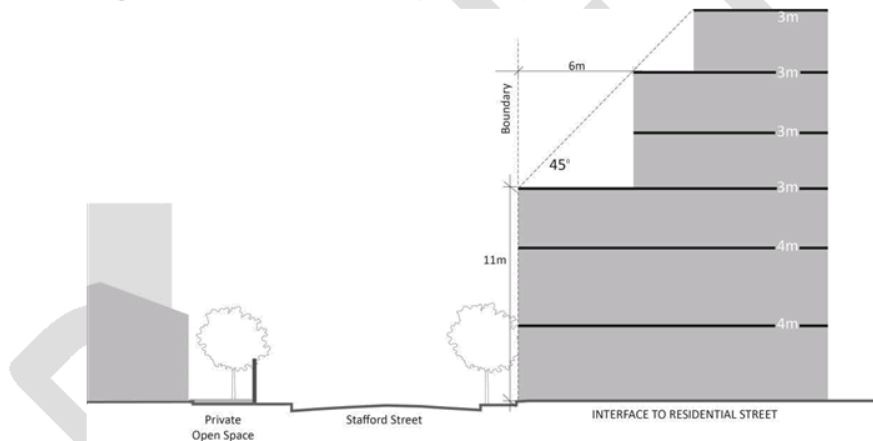


Diagram 6 – Stafford Street Interface (Precinct 2B)



3.3 Site Parameters (Property Width and Depth)

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C220

The requirements in Clause 3.3 cannot be varied by a planning permit.

In addition to the requirements set out in Section 3.2, development that is proposed above five storeys (17m) must be on a site (consisting of one or more titles) that has the following characteristics:

- A minimum lot depth of 20m
- A minimum street frontage width of 10m
- A minimum area of 200m²

The street wall height for sites that do not satisfy the above criteria must not exceed four storeys (14m) in Precinct 2C and 2D.

3.4 Street Frontages (Johnston Street)

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C220

New development must address each street frontage and incorporate various design elements that contribute to the provision of a continuous, visible and active frontage at ground level. Frontages

Attachment 6 - Amendment C220 Design Development Overlay Schedule

at ground floor level should be designed to accommodate commercial activity and have floor to floor heights of at least 4m.

New development should be designed to:

- Ensure that the ground level of buildings are designed for active (commercial) uses incorporating open and transparent design to allow visual engagement with ground floor uses, as well as passive surveillance of the street.
- Avoid the use of external roller shutters to street frontages.
- Provide entrances, doorways, awnings and fenestration to provide a sense of passive surveillance.
- Ensure that ground floor entries to apartment buildings are designed to be legible (read) as such, and easily accessible from street level.

4.0 --120-- C220

Application Requirements

Unless with the written consent of the Responsible Authority, an application must provide:

- For development proposals of 4 storeys and above, a 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. Where substantial modifications are made to the proposed building envelope, a revised 3D digital model must be submitted to the Responsible Authority.
- A heritage report prepared by a suitably qualified heritage consultant, including a conservation management plan, for *Individually Significant* (graded) buildings.
- For residential development, an acoustic report prepared by a suitably qualified acoustic engineer, demonstrating how the requirements of the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1, the State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2, sleep disturbance criteria and any other relevant Australian Standards, as applicable, will be met.
- A waste management plan prepared by a suitably qualified waste management expert.
- A Green Travel Plan prepared by a suitably qualified person outlining site-specific initiatives and actions to encourage the use of more sustainable transport options.
- An Environmental Assessment Report to Council’s specifications (in accordance with the Application Requirements of Clause 22.17).

5.0 --120-- C220

Decision guidelines

Before deciding an application, in addition to the decision guidelines and policy objectives at Clause 22.18 (Johnston Street Activity Centre), the Responsible Authority must consider the following:

- Whether the objectives in Clause 2.0 and the buildings and works requirements in Clause 3.0 of this Schedule are satisfied; and
- The Johnston Street Local Area Plan, 2015 and Appendix B: Johnston Street Local Area Plan – Built Form Analysis and Recommendations, 2015.
- The architectural quality of the proposal, which includes the design, scale, height, materials, mass and visual bulk of the development in relation to the surrounding built form.
- The design response at the interface with existing low-scale residential properties.
- Whether new buildings cause overshadowing of southern side footpaths and public spaces along Johnston Street when measured 10am to 2pm at the September equinox.
- Whether the proposal improves the pedestrian environment and other areas of the public realm through its design.

Attachment 6 - Amendment C220 Design Development Overlay Schedule

- How the proposal responds to the presence of heritage buildings either on, or in close proximity to the site.
- The design of the street interface along Johnston Street and its contribution to an active street environment.
- The extent to which ESD measures are incorporated.
- The extent to which new development is designed to accommodate commercial activity at the lower levels of new development, in addition to upper levels of residential uses.

6.0

Reference Documents

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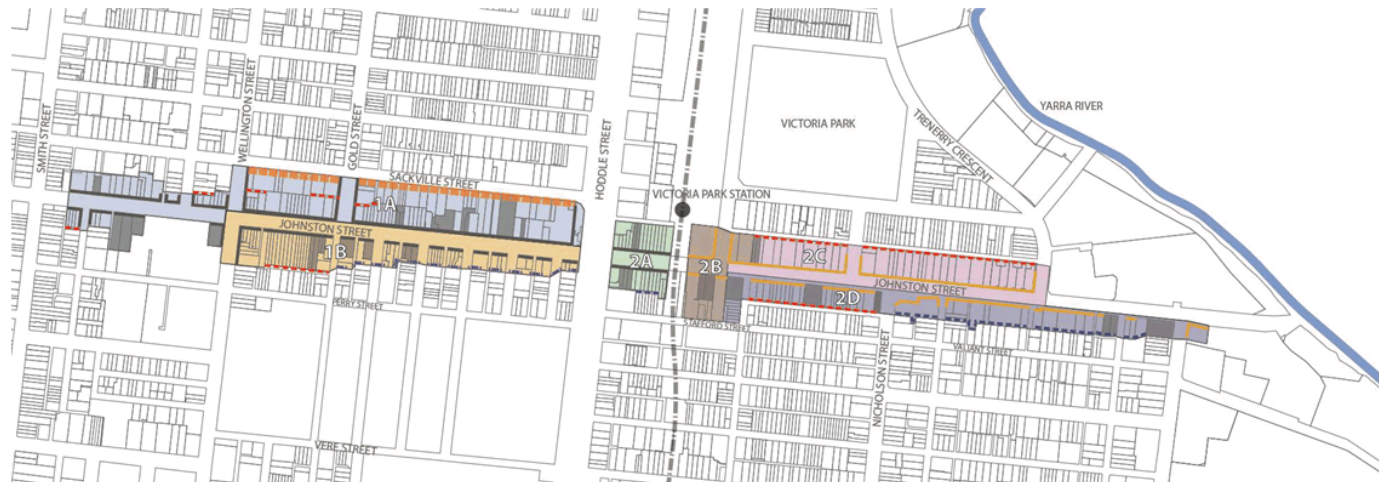
Johnston Street Local Area Plan – December, 2015

Appendix B – Johnston Street Local Area Plan: Built Form Analysis and Recommendations

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Attachment 6 - Amendment C220 Design Development Overlay Schedule

Map 1: Precincts Plan – Johnston Street

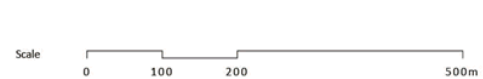


BUILDING HEIGHTS & SETBACKS

MAXIMUM HEIGHT	STREET WALL HEIGHT	UPPER LEVEL SETBACK
1A: 6-7 storeys (23m)	2-3 storeys (11m)	6m
1B: 6 storeys (20m)	2-3 storeys (11m)	6m
2A: 6 storeys (20m)	2-3 storeys (11m)	6m
2B: 8-10 storeys (32m)	4-5 storeys (17m)	3m
2C: 6-7 storeys (23m)	4-5 storeys (17m)	3m
2D: 6 storeys (20m)	4-5 storeys (17m)	3m

INTERFACE CONDITIONS (MAXIMUM HEIGHT)

- Street wall height (2-3 storeys)
- Street wall height (4-5 storeys)
- - - Rear interface on laneway (2 storeys)
- - - Rear interface with residential property (2 storeys)
- - - Direct interface with side boundary (2 storeys)
- Sackville Street interface (2-3 storeys)
- Individually Significant Graded Heritage Properties



Attachment 7 - Amendment C220 Draft Local Policy (Clause 22.18)

22.18 JOHNSTON STREET ACTIVITY CENTRE POLICY

-1-/20-
C220

This policy applies to all applications for use and development within Precincts 1 and 2 of the Johnston Street Local Area Plan, as delineated on Map 1 to this Policy. This Policy is to be read and applied in conjunction with Design Development Overlay Schedule 15 (DDO15).

22.18-01 Policy Basis

-1-/20-
C220

The purpose of this policy is to implement the land use and urban design components of the Johnston Street Local Area Plan, adopted in 2015. The Johnston Street Local Area Plan seeks to encourage a more vibrant activity centre through land use and built form change that is complimented by improvements to the public realm that encourage and provide a more activated and vibrant street environment based upon increased activity, and improved amenity.

The vision outlined in the Johnston Street Local Area Plan is as follows:

Johnston Street will evolve into a vibrant activity centre that serves the day to day needs of the local community whilst supporting employment and business opportunities. The area will accommodate a growing population and be well connected by sustainable forms of transport, with activity focussed around Victoria Park Station.

22.18-02 Objectives

-1-/20-
C220

Land Use and Character

- To promote Johnston Street as an economically viable activity centre fostering new business opportunities and spaces for creative activity (such as artist and design studios).
- To strengthen the commercial capacity and economic viability of the activity centre.
- To accommodate a growing population in identified change areas (Precincts 1 and 2) by integrating higher density residential and commercial uses as part of new mixed use developments.
- To facilitate mixed-use developments that provide a net increase in commercial floorspace throughout the activity centre.
- To maintain and strengthen the role of Johnston Street in providing employment and business opportunities.
- To provide a range of convenience options that cater for local residents.
- To encourage land uses that generate street activity and pedestrian engagement.
- To facilitate development close to Victoria Park Station that enhances the role and function of the station through landscaping, active interfaces and public realm improvements.
- To encourage commercial uses at the lower levels of new development, in addition to ground floor commercial uses.
- To protect the heritage character of Johnston Street as a significant part of its urban fabric, where the Heritage Overlay is present.
- To encourage the adaptive re-use of heritage buildings.
- To support development that incorporates best practice ESD principles (in accordance with Clause 22.17).
- To respond to emerging needs of the activity centre and its study area and ensure its on-going competitiveness.
- To undertake change in a manner that responds to local needs but also contributes to the incremental refurbishment and revitalisation of the whole activity centre.
- To encourage commercial activity that contributes to the activity centre.

Attachment 7 - Amendment C220 Draft Local Policy (Clause 22.18)

- To actively discourage residential activity at the ground floor of new or existing buildings.
- To discourage uses that are inconsistent with the Johnston Street Local Area Plan.
- To discourage use or development that will prevent or delay the street activation and improvements to the public realm which are sought in the Johnston Street Local Area Plan.

Amenity

- To create a strong sense of place and legibility throughout the activity centre.
- To reinforce connections and access to public transport stops and stations.
- To enhance the quality and character of the public realm and public spaces.
- To improve pedestrian access and amenity.
- To ensure that public spaces are designed to be safe at all times.
- To encourage a vibrant street life and outdoor activity.
- To improve interfaces along the southern side of Sackville Street through improved building design and landscape treatments.
- To enhance the liveability of the area and ensure that the activity centre provides a high quality environment for all users.
- To manage potential and existing conflicts between residential amenity and commercial uses.

22.18-03

--/20--
C220

Policy

It is policy to:

Land Use

- Facilitate residential uses above and behind existing and new commercial activity along Johnston Street and Sackville Street.
- Ensure that ground floor uses in new buildings are designed to encourage visual engagement and contribute to the street environment.
- Encourage commercial uses in at least the first two levels of new buildings, or in the adaptation of existing buildings.
- Facilitate development that provides increased capacity for both residential and commercial land use.
- Encourage ground floor uses that contribute to a vibrant street life.
- Support the development and use of buildings which provide creative or commercial spaces that accommodate and foster creative based industries.
- Support the provision of a range of housing opportunities, including higher density housing in appropriate locations within the activity centre.
- Encourage a variety of dwelling types to meet community needs, including for families, young people, the elderly and people with disabilities.
- Support uses that activate building frontages and that improve perceptions of safety through increased passive surveillance of public spaces.
- Discourage ground floor frontage to accommodation uses that exceeds two metres.
- Require uses to be consistent with the Precinct Vision Statement in Table 1 to this Clause:

Attachment 7 - Amendment C220 Draft Local Policy (Clause 22.18)

Table 1 – Precinct Vision Statements

Precinct	Precinct Vision Statement
Precinct 1: Johnston Street Central	<p>The central part of Johnston Street, west of Hoddle Street will become a vibrant, mixed-use precinct which comprises medium scale (mid-rise) buildings that relate to the busy footpaths of Johnston Street. New buildings will respect the heritage qualities of the precinct and reinforce a consistent street edge.</p> <p>Cafes, retail shops, offices and gallery/studio spaces will provide activity on the street with commercial spaces and apartments above. Residential buildings behind and above the existing shopfronts will add vibrancy to the area. Higher density housing establishes on larger sites, above and behind commercial activity.</p>
Precinct 2: Johnston Street East	<p>A new contemporary (mid-rise) urban character will emerge in the eastern part of Johnston Street, east of the railway line/bridge. The vibrant strip will link Hoddle Street to Victoria Park Station and through to the Yarra River and associated activities of the Abbotsford Convent and Collingwood Children’s Farm. Shops and commercial activities, building entries and cafes will contribute to the lively street environment, particularly around the train station entrance. A new hub of residential and commercial activity around the Victoria Park Station entrance on Johnston Street will provide a focus along the street.</p> <p>New well designed buildings with medium height façades will line the street and reinforce the street character with taller built form set back from the main façades. High quality corner buildings at the intersection of Johnston and Hoddle Streets will create a point of entry into the precinct complimented by streetscape improvements.</p>

Amenity

- Ensure that streets, public spaces, transport stops and car parks are well lit at night.
- Ensure that buildings along the length of Johnston Street are designed to facilitate active ground floor uses, and which improve perceptions of safety for pedestrians through passive surveillance of the street.
- Encourage new development to make a positive contribution to the streetscape.
- Ensure that development along Sackville Street, whether commercial or residential, contributes to an improved street interface.

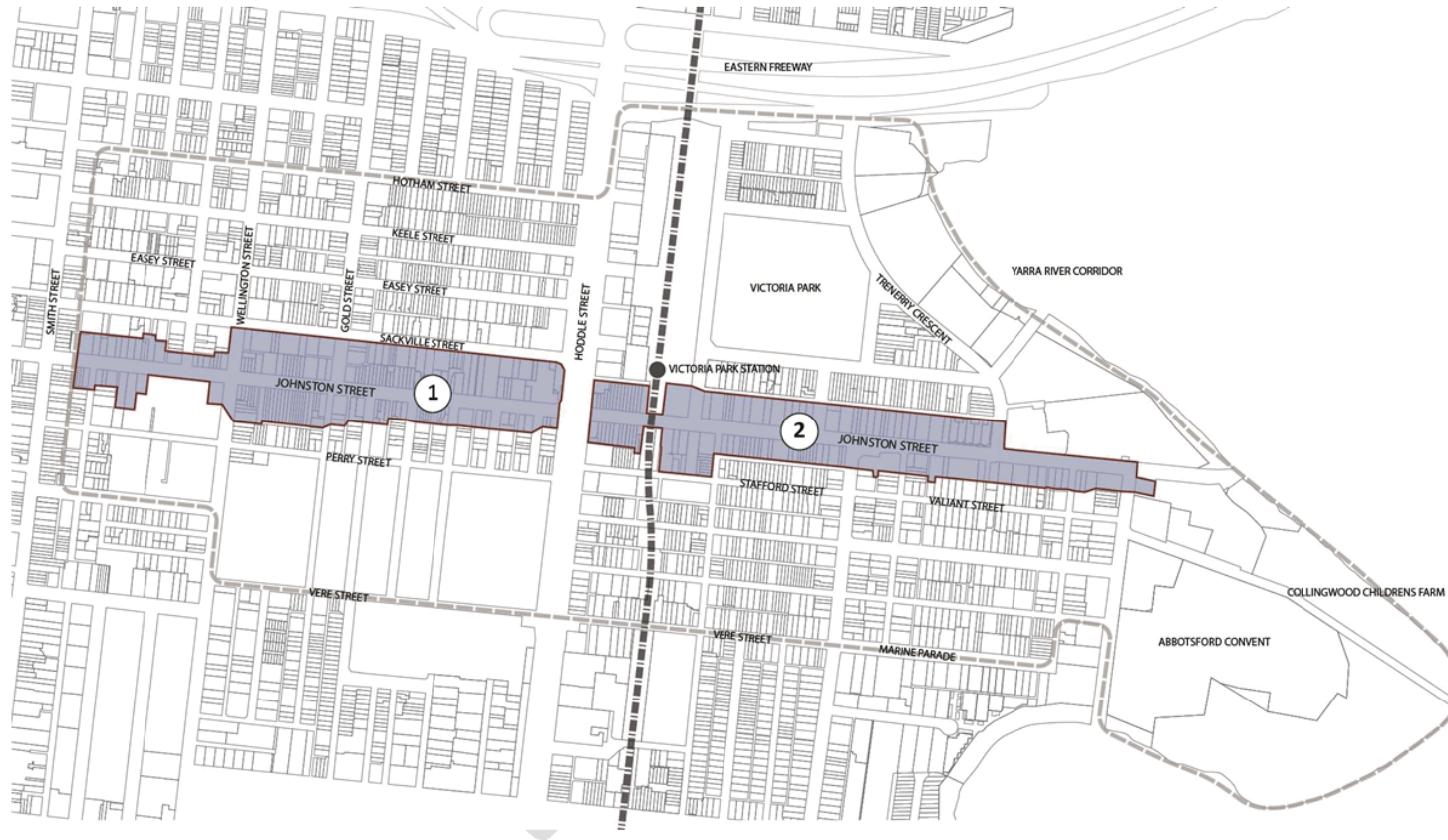
22.18-04 Reference Documents

–1–/20–
C220

Johnston Street Local Area Plan – December, 2015

Attachment 7 - Amendment C220 Draft Local Policy (Clause 22.18)

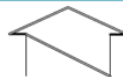
Map 1 – Johnston Street Local Area Plan (Precincts 1 and 2)



Attachment 8 - Yarra Amendment C220 005eaoMap06 Exhibition



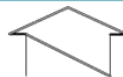
| Planning Mapping Services |
| Planning Information Services |
| Planning |



Attachment 9 - Yarra Amendment C220 006eaoMaps06_07 Exhibition



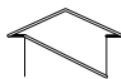
| Planning Mapping Services |
| Planning Information Services |
| Planning |



Attachment 10 - Yarra Amendment C220 007hoMap06 Exhibition

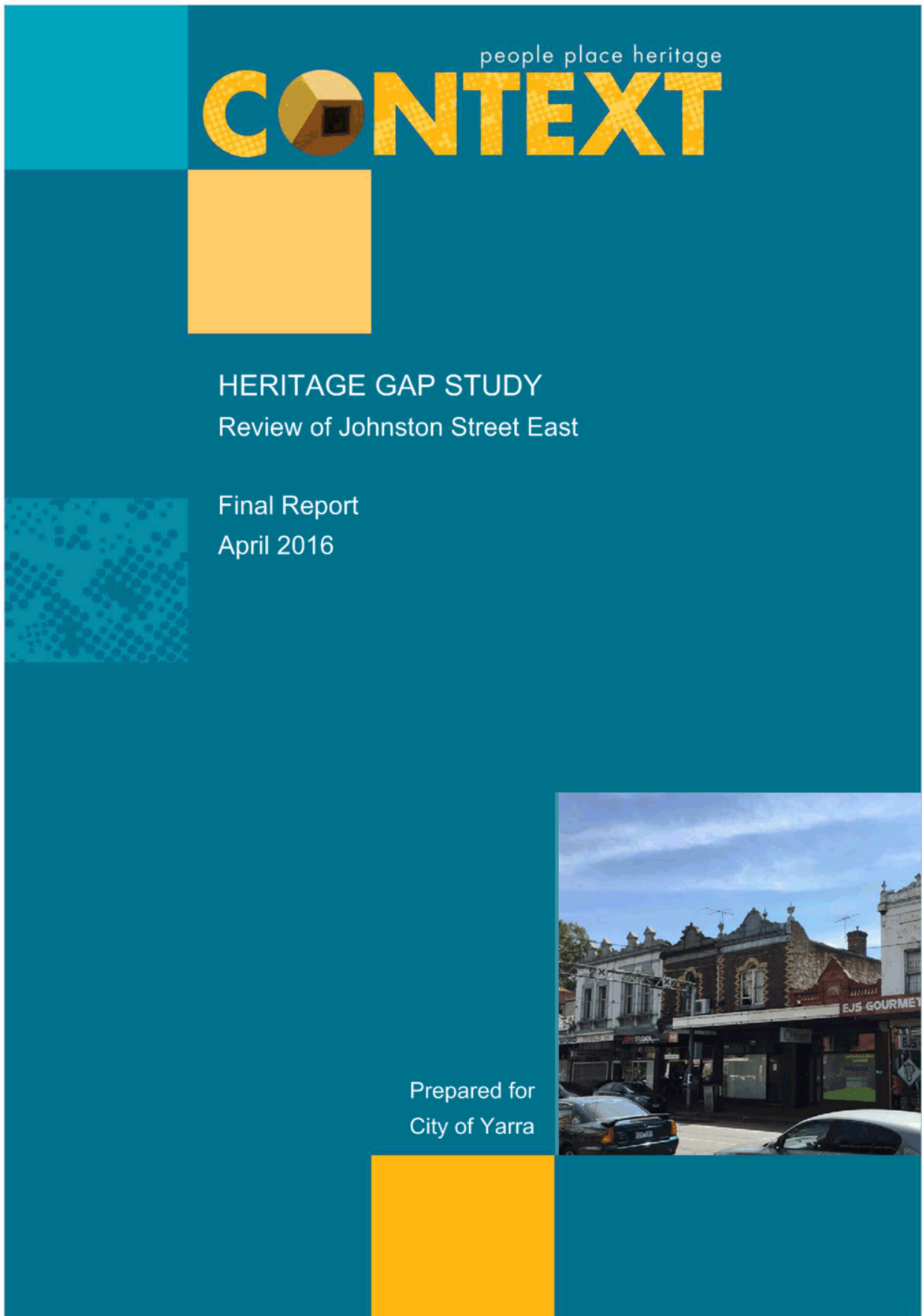


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| Planning |



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Attachment 11 - Johnston Street East Heritage Study - April 2016



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Report Register

This report register documents the development and issue of the report entitled *Heritage Gap Study: Review of Johnston Street East Final Report* undertaken by Context Pty Ltd in accordance with our internal quality management system.

Project No.	Issue No.	Notes/description	Issue Date	Issued to
2096	1	Final Report (Draft)	8 March 2016	Evan Burman
2096	2	Final Report	22 March 2016	Evan Burman
2096	3	Final report v2	22 April 2016	Evan Burman

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EXECUTIVE SUMMARY

Findings

The Johnston Street East heritage precinct is significant to the City of Yarra at the local level for its historic and aesthetic values.

The Johnston East precinct includes the following properties:

- 246-274 Johnston Street (north side);
- 219-241 Johnston Street (south side); and
- The railway bridge to the extent of the brick and stone abutments and low walls adjacent to the station ramps, the tapered stone piers and the riveted iron girders.

Please refer to the precinct citation and map in Appendix A.

Statutory recommendations

It is recommended that the City of Yarra prepare and exhibit an amendment to the Yarra Planning Scheme to implement the findings of the study.

This amendment should:

- Update the references in the LPPF of the Yarra Planning Scheme to include specific reference to the *Heritage Gap Study. Review of Johnston Street East*, as appropriate.
- Replace the existing schedule to the heritage overlay in the Yarra Planning Scheme with a new schedule with the following changes:
 - Deletion of the entries for HO409 and HO411, which will be incorporated into the Johnston Street East Precinct HO.
 - Addition of the Johnston Street East precinct as HO505 with the schedule entry as set out in Appendix C, which applies external paint controls only to the Individually Significant places at 219-23 and 258-60 Johnston Street, and applies the Permit Exemptions Incorporated Plan, July 2014 to the precinct (consistent with its application to the HO324 precinct).
- Update the 'City of Yarra Review of Heritage Overlay Areas. Appendix 8' in accordance with the table in Appendix B.
- Amend the Yarra Planning Scheme Heritage Overlay map 6HO to:
 - Add the Johnston Street East precinct, with the HO boundary as shown on the precinct map in Appendix A, and
 - Delete HO409 and HO411 that will become part of the new HO505 precinct.

1 INTRODUCTION

1.1 Purpose

The City of Yarra commissioned the *Heritage Gap Study: Review of Johnston Street East* (the study) to assess the heritage significance of the section of Johnston Street between Hoddle Street and the railway line/bridge in Abbotsford, consisting of the following properties (hereafter referred to as the study area – see map below):

- 246-274 Johnston Street (north side); and
- 219-241 Johnston Street (south side).

The purpose is to assess the study area to determine whether any of the places warrant inclusion within a Heritage Overlay precinct, either existing or new, or as Individually Significant heritage places.



Figure 1: Study area. Existing HO places are indicated by the yellow dot.

The outcomes of the study are:

- This final report containing the methodology, key findings, and heritage citation (including map) for the precinct, and a list of sites and their level of significance within the precinct. This is suitable for inclusion in the planning scheme as a reference document;
- A HO schedule identifying the specific controls (paint controls, internal controls, etc.) that should apply; and
- A list of places suitable for insertion in (in the same format as) Council's 'Appendix 8' Excel spreadsheet (the incorporated document that contains the levels of significance of all heritage places).

1.2 Methodology

In accordance with Heritage Victoria guidelines, the study has been prepared using the Australia ICOMOS *Charter for Places of Cultural Heritage Significance* (the Burra Charter, 2013) and

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HERITAGE GAP STUDY – REVIEW OF JOHNSTON STREET EAST

its guidelines. All terminology is consistent with the Burra Charter. The methodology and approach to the Study and its recommendations were also guided by:

- The VPP Practice Note *Applying the Heritage Overlay* (2015) (hereafter referred to as the ‘VPP Practice Note’).
- Comments made by relevant Independent Panel reports and, in particular, the Advisory Committee appointed to undertake the *Review of Heritage Provisions in Planning Schemes* (hereafter referred to as the ‘Advisory Committee’) in relation to establishing thresholds and defining precincts (see discussion in Appendix D).
- Guidelines for using the Hercon criteria and significance thresholds prepared by Heritage Victoria and the Queensland Heritage Council (see discussion in Appendix D).

The key tasks associated with the study were:

- Preliminary analysis,
- Fieldwork, and
- Detailed assessment.

Preliminary analysis

Preliminary analysis was carried out prior to the project inception meeting. This included a ‘desktop’ review of available information including:

- The table/schedule of buildings prepared for Amendment C157 (forms Appendix 1 of the study brief);
- Information in the Hermes database for Individually Significant and other buildings within the study area as well as in Johnston Street to the east of the railway bridge;
- The citation for the HO324 heritage precinct that applies to Johnston Street, west of Hoddle Street;
- Information contained in relevant heritage studies including the *City of Yarra Heritage Review: Thematic history* 1998, and the *Collingwood Conservation Study* 1989;
- Melbourne & Metropolitan Board of Works plans, and
- Viewing the study area on ‘streetview’ maps.

This preliminary analysis found the study area was substantially complete by the end of the nineteenth century and of the buildings within the study area today, all but two appear to date from the late Victorian or Federation/Edwardian era. Although most have been altered at ground floor level, the single story buildings retain original ornate parapets and the double storey buildings are very intact at the first floor level. Overall, the precinct appears to be very cohesive. The potential Not-Contributory buildings are limited to nos. 225-227 (which has a neutral streetscape presence).

Accordingly, the conclusion of this preliminary analysis is the study area is very likely to form a precinct (or precinct extension) of significance at the local level.

The next tasks (fieldwork and detailed analysis) therefore focused upon determining whether this preliminary opinion is supported by historic evidence and, in particular, by comparative analysis with similar precincts, particularly the existing HO324 precinct that applies to Johnston Street, west of Hoddle Street. We note, however, that the intention was not a pre-determined outcome: our analysis has still critically reviewed the historic and physical evidence to ensure that our methodology is rigorous and justifies the findings and recommendations.

On this basis, a key question is whether the precinct is historically or physically related to (and potentially could form an extension to) the existing HO324 Precinct, or should form a separate stand-alone precinct.

Another question is whether the individually listed HO places within the study area recently introduced by HO157 should retain individual HOs or become part of the precinct. For recent heritage amendments in the City of Yarra (e.g. Amendment C183) individual HOs introduced

by Amendment C157 within precincts have been incorporated into newly formed precincts, with specific controls (if any) applied using the HO schedule.

Fieldwork

The whole of the study area was inspected on foot. The nearby individual HO places and the section of Johnston Street to the east of the railway bridge, and a representative section of the HO324 heritage precinct in Johnston Street to the west of Hoddle Street have also been inspected to enable comparative analysis.

The purpose was to confirm the spatial and visual coherence of the study area, having regard to the intactness and integrity of the building stock, and also to identify any properties that may be of individual significance, apart from those already identified.

All buildings, and other contributory features, in the study area have been photographed. No internal inspections were undertaken (though the interiors of some of the shops and cafes are visible through the street facing windows).

Detailed assessment

Following the fieldwork, detailed assessment of the precinct has been carried out in accordance with the Burra Charter, Heritage Victoria guidelines and the VPP Practice Note.

Specifically, the tasks included:

- Historic research using primary and secondary sources including historic maps, plans and photographs held by the State Library of Victoria, City of Yarra, Sands & McDougall Directories, Land Victoria title and subdivision records, previous heritage studies including the 2012 *City of Yarra Heritage Gaps Study* by Lovell Chen, the 1989 *Collingwood Conservation Study* and the 1998 *City of Yarra Heritage Review*, on-line databases and other sources (e.g., *Australian Architectural Index* and *Australian Dictionary of Biography*), typological heritage studies, and other relevant local histories such as *In those days: Collingwood remembered (3rd edition)* 1994.

Research identified creation dates (using historic plans, land titles and lodged plans), and broad construction dates (usually at intervals of 5 years) using Sands & McDougall Directories, and MMBW plans. As is typical, detailed research has not been carried out into the history of each Contributory building;

- A comparative analysis. The VPP Practice Note notes that local significance can include places of significance to a town or locality. For the purposes of this study, the former City of Collingwood municipal area has been used as the basis for the comparative analysis. Commercial precincts already included within the HO were used as 'benchmarks' to provide a basis for comparison with the study area to determine if: 1) they illustrate the same historic themes; 2) the proportion of Individually significant/Contributory properties is similar; and 3) the building stock is of comparable intactness. Of particular relevance is the HO324 precinct in Johnston Street immediately to the west of Hoddle Street;
- Assessment against the Hercon criteria to determine whether the precinct meets the threshold of local significance. Threshold guidelines set out in Appendix D of this report were applied.

Intactness and *integrity* was used as a threshold indicator for both the precinct and the significance level of places within (please refer to Appendix D). For the precinct, 'intactness' was measured as percentage of Contributory places with 'Low' being less than 60%, 'Moderate' being 60-80% and 'High' being 80-100%. Generally speaking, a potential precinct would be expected to have at least 'Moderate' intactness and, in most cases, 'High' intactness.

For Contributory places within precincts the 'integrity' rather than 'intactness' was a primary consideration: that is, while the Contributory places may not be completely 'intact' (i.e., retaining all original fabric) any repairs or maintenance have been carried out using the same or similar materials, details and finishes, thus ensuring that they are 'whole', i.e., have good integrity.

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For potential Individually Significant places, on the other hand, the ‘intactness’ of the building was a primary consideration; however, comparative analysis can determine whether a building with lower ‘intactness’ but good ‘integrity’ could also be of local significance if, for example, it is rare.

However, ‘High’ intactness was not the sole justification for a precinct: with regard to the proportion of significant (or significant and contributory) buildings that is desirable within precincts, the Advisory Committee considered (p.2-54) that:

... the stress on built fabric inherent in this question is misleading. Precincts need to be coherent, thematically and/or in terms of design, and need to be justifiable in relation to protection of significant components. It is neither possible nor desirable to set hard and fast rules about percentages.

On this basis, the detailed analysis considered:

- The historic themes associated with the place or precinct, as set out in the *City of Yarra Heritage Review Thematic History 1998* (see Table 1.1 for some of the relevant themes).
- Any historic associations with people, organisations or events, which are important in the context of Collingwood.
- Whether the precinct or place is representative of a particular place type (e.g. commercial precincts) that is distinctive within Collingwood or the City of Yarra, and how this is demonstrated in the physical fabric of the place.
- Whether distinctive aesthetic qualities are evident. For example, cohesive historic streetscapes comprising houses of similar style, materials and detailing, landmarks, etc.
- Whether there is potential for social values. For example, as a place used by the local community.

Table 1.1 – Historic themes

Theme	Sub-themes
2.0 The suburban extension of Melbourne	2.1 Settlement, land sales and subdivision; 2.2 A street layout emerges;
3.0 Mansions, Villas and Sustenance Housing: The division between rich and poor	3.1 A home to call one’s own
4.0 Developing local economies	4.3 Retail: warehouses and large scale purveyors; 4.4 Smaller retailers: strip shopping; Financing the suburbs
5.0 Local Council and council services	5.5 Private and public transportation

Precinct boundaries and heritage status of places

Precinct boundaries have been defined having regard to the significance based on the historic and physical evidence. Please refer to Appendix D for further discussion about how precincts are defined.

The heritage statuses of Individually Significant, Contributory or Not Contributory (as defined in Yarra Planning Scheme Local Policy Clause 22.02-3) have been applied to each property having regard to the statement of significance, the date of construction and the intactness and integrity of the place based on assessment of fabric visible from the street.

Wherever possible, Not Contributory (NC) places have been excluded. However, some NC places have been included where they form part of a streetscape in order to ensure that future development doesn’t adversely impact upon the significance of the precinct.

Application of the heritage overlay

The HO has been applied in accordance with the guidelines set out in the VPP Practice Note. In applying the HO to precinct the approach will be to include the whole of the precinct within a single HO, using the HO schedule to specify the properties that have additional (e.g. external paint, outbuilding) controls that are different to the precinct controls.

Heritage overlay schedule controls

Specific HO controls (e.g., external paint, tree controls, etc.) have been applied in accordance with the VPP Practice Note.

2 FINDINGS & RECOMMENDATIONS

2.1 Findings

Existing and proposed HO listings

Amendment C157 recently introduced two heritage overlays to Individually Significant places within the study area:

- HO409 – 219-223 Johnston Street (two storey c.1890s shop row); and
- HO411 – 258-260 Johnston Street (two storey c.1890s shop pair).

Precinct significance

The Johnston Street East heritage precinct is significant to the City of Yarra at the local level for its historic and aesthetic values. Please refer to the precinct citation in Appendix A.

The assessment also confirms that approximately 92% of properties within the precinct are either Individually Significant or Contributory.

Individually Significant and Contributory places

As noted above, there are two Individually Significant places currently included in the HO. One additional Individually Significant place has been identified: the railway bridge and abutments forming the east boundary to the precinct.

Contributory places include all places dating from the period of significance (c.1882 to c.1930). The only Not contributory buildings are the post-war shops/warehouses at nos. 225-27.

Recommended precinct boundaries & HO controls

The Johnston Street East precinct includes the following properties:

- 246-274 Johnston Street (north side);
- 219-241 Johnston Street (south side); and
- The railway bridge to the extent of the brick and stone abutments and low walls adjacent to the station ramps, the tapered stone piers and the riveted iron girders.

The following places have been excluded from the precinct:

- The former ANZ Bank at 217 Hoddle Street precinct. This is a c.1970s building that is not associated with the period of significance. It is understood that the City of Yarra proposes to include this property (and the land within the precinct) in a new Design & Development Overlay (DDO) at the same time as the HO is applied to this precinct. This will provide appropriate control over future development on this property to ensure it will not impact upon the significance of the adjoining precinct;
- The building at 230 Hoddle Street. From the design of this building (which is very similar to nos. 219-23 Johnston Street) it appears that it could have once formed part of a continuous row extending around the corner and was likely constructed c.1890. However, it is now visually isolated by the former ANZ Bank building and has been excluded for this reason; and
- The industrial/commercial buildings at 232 Hoddle Street. These buildings date from the outside the period of significance and have been significantly altered.

While the precinct is historically related to the HO324 Johnston Street precinct to the west of Hoddle Street, the widening of that road, as well as the presence of some large Not contributory places immediately to the west of Hoddle Street within HO324 means that the Johnston Street East precinct is now physically disconnected from it. Accordingly, it is considered more appropriate to treat Johnston Street East as a separate precinct.

On this basis, the whole of the precinct should be included within a single HO as shown on the precinct map in Appendix A. No specific HO controls (e.g., external paint, tree controls) are required for the precinct; however, the HO schedule should specify that external paint controls apply to the following Individually Significant places, which should be removed from the individual HOs and included within the precinct HO:

- HO409 - 219-223 Johnston Street (two storey c.1890s shop row); and
- HO411 – 258-260 Johnston Street (two storey c.1890s shop pair).

The *City of Yarra Permit Exemptions Incorporated Plan*, July 2014 should also be applied to the precinct, consistent with its application to the HO324 Johnston Street precinct.

2.2 Statutory recommendations

It is recommended that the City of Yarra prepare and exhibit an amendment to the Yarra Planning Scheme to implement the findings of the study.

This amendment should:

- Update the references in the LPPF of the Yarra Planning Scheme to include specific reference to the *Heritage Gap Study. Review of Johnston Street East*, as appropriate.
- Replace the existing schedule to the heritage overlay in the Yarra Planning Scheme with a new schedule with the following changes:
 - Deletion of the entries for HO409 and HO411, which will be incorporated into the Johnston Street East Precinct HO.
 - Addition of the Johnston Street East precinct as HO505 with the schedule entry as set out in Appendix C, which applies external paint controls only to the Individually Significant places at 219-23 and 258-60 Johnston Street, and applies the Permit Exemptions Incorporated Plan, July 2014 to the precinct (consistent with its application to the HO324 precinct).
- Update the 'City of Yarra Review of Heritage Overlay Areas. Appendix 8' in accordance with the table in Appendix B.
- Amend the Yarra Planning Scheme Heritage Overlay map 6HO to:
 - Add the Johnston Street East precinct, with the HO boundary as shown on the precinct map in Appendix A, and
 - Delete HO409 and HO411 that will become part of the new HO505 precinct.

REFERENCES

City of Yarra Heritage Studies

- Allom Lovell & Associates, 1998, *City of Yarra Heritage Review*
- Andrew C. Ward & Associates, *Collingwood Conservation Study, 1989*
- Context Pty Ltd, March 2013, *Amendment C149 Review of Heritage Places and Precincts*
- Context Pty Ltd, July 2014, *Heritage Gap Study: Review of 17 Heritage Precincts, Stage 2 report*
- Context Pty Ltd, 2014, *Heritage Gap Study: Review of Central Richmond, Stage 2*
- Graeme Butler & Associates, 2008, *City of Yarra Heritage Gap Study - Stage 1*
- Graeme Butler & Associates, 2009, *City of Yarra Heritage Gap Study - Stage 2*
- Lovell Chen, 2012, *City of Yarra Heritage Gaps Study*

Other

- Assessing the cultural heritage significance of places and objects for possible state heritage listing: The Victorian Heritage Register Criteria and Threshold Guidelines*, 6 December 2012
<<http://www.dpcd.vic.gov.au/heritage/Forms-and-Guidelines/registration-forms-and-guidelines>> (accessed 17 September 2013)
- Review of Heritage Provisions in Planning Schemes. Advisory Committee Report. The way forward for heritage*, August 2007
- Using the criteria: a methodology*, Queensland Heritage Council, 2006
- Victoria Planning Provisions Practice Note: *Applying the Heritage Overlay* (2012)
- Warrnambool Planning Scheme. Amendment C57 Panel Report*, December 2008, Jennifer A. Moles, Chair

APPENDIX A – JOHNSTON STREET EAST PRECINCT CITATION



Johnston Street, north side looking west showing (from left to right) nos. 258-50, 260-62, 264 & 266



Johnston Street, south side looking east showing (from right to left) nos. 221-23, 225-27, 229-31, 233-37 & 241

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HERITAGE GAP STUDY – REVIEW OF JOHNSTON STREET EAST



Railway bridge abutments, north side, looking through to no.274 Johnston Street



Tapered stone piers on the north side of Johnston Street

History

Thematic context

This precinct is associated with the following themes in the *City of Yarra Heritage Review Thematic History* (1998):

2.0 The suburban extension of Melbourne: 2.1 Settlement, land sales and subdivision; 2.2 A street layout emerges

4.0 Developing local economies: 4.4 Smaller retailers: Strip shopping

5.0 Local council and council services: 5.5 Private and public transportation

Development of Collingwood

Collingwood is one of Melbourne's oldest suburbs. In 1838-39, eighty-eight allotments in what became Fitzroy, Collingwood and Richmond were offered for sale as part of the first land sales outside of the town reserve of Melbourne. The low, flat land near the Yarra River, which became known as the Collingwood Flats, was considered to be less desirable than the more elevated, 'healthy' areas of Fitzroy and Richmond in the late 1830s and 1840s, and was settled by Melbourne's working classes (Allom Lovell 1998:9).

The municipal district of East Collingwood was proclaimed in April 1855 and by 1857 the population had reached almost 11,000 as the influx of immigrants in the wake of the gold rush created a demand for housing (Ward, 1989:136). By 1858 development had reached beyond Hoddle Street and the first commercial centres emerged along Smith Street, Wellington Street and Johnston Street (Ward, 1989:45-50).

By 1860 Abbotsford (then East Collingwood) began to attract small-scale industries. With the proximity to the Yarra River the majority of these were noxious trades such as slaughter yards, tanneries, fellmongers (sheepskin dealers), woollscourers, breweries and brickworks, which relied on the river for fresh water and as a dumping ground for waste. The tanneries supplied raw material to boot manufacturers, which benefitted from the introduction of protective tariffs after 1866. In 1861 Collingwood and Fitzroy contained 21% of Melbourne's boot factories: this increased to 40% by 1891 (Ward, 1989:73-9).

Population growth encouraged by the development of industry resulted in a further demand for housing: the relatively undeveloped eastern half of the town was partly subdivided by 1860s and by the 1880s most subdivision patterns were complete. Like other parts of inner Melbourne Collingwood experienced a development boom in the 1880s: the population in 1881 was 23,829 and it peaked at 35,070 in 1891. However, the 1890s depression brought a halt to development for almost a decade (Ward, 1989:136).

Precinct history

Johnston Street formed part of the original grid of roads set out when Collingwood was first surveyed and by 1858 development extended along both sides as far as Hoddle Street. To the east of Hoddle Street the street was less developed: land to the south (comprising Crown allotments 75, 76 & 77) had been subdivided, with some buildings occupying the southern side of Johnston Street and a small cluster of buildings near Hoddle Street. The north side of Johnston Street (comprising Crown allotments 78 & 79) was mostly 'lightly wooded' vacant land known as 'Dight's Paddock', named after one of the original grantees, John Dight, who built 'Yarra House' on the eastern part of his land overlooking the Yarra River.

By the 1870s, Johnston Street between Smith Street and Hoddle Street was well established as a commercial precinct, however the section east of Hoddle Street still remained relatively undeveloped. Only a plasterer, carter, mason, carrier and farrier were listed on the south side of the street, but it is unclear exactly where these businesses were located (Lovell Chen 2012, SM).

Development of the commercial precinct east of Hoddle Street appears to have commenced in earnest in the mid-1880s. The spur to development was the subdivision of the original three Crown allotments on the north side including 'Dight's Paddock' into suburban allotments

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surrounding a garden square. The subdivision included the creation of lots along the north side of Johnston Street. Land sales commenced in 1879 and by 1885 all of the lots had been sold and development had commenced (Butler 2007).

The opening in 1887 of the cable tram along Johnston Street, and, in 1888, of the railway station from Clifton Hill to Victoria Park station on the north side of Johnston Street also encouraged development of the centre. The railway was a short spur line leading off the Outer Circle line and people travelling to the city followed a circuitous route passing through North Fitzroy, Parkville and North Melbourne. It was not until October 1901 that the more direct route to the south via Richmond and East Melbourne was opened (*Allom Lovell 1998:65; The Argus* 19 September 1901, p.7).

By 1901 the development of this centre was complete and the plan prepared in that year by the Melbourne & Metropolitan Board of Works (MMBW) shows a continuous line of buildings on both sides of the street between Hoddle Street and the by then constructed railway bridge (of interest is that none of the commercial buildings have street verandahs). Due to changes in street numbering it is difficult to identify the precise construction dates of all buildings, however, it is evident that the majority of buildings were constructed in the period from 1885 and 1890 and contained shops and residences (SM).

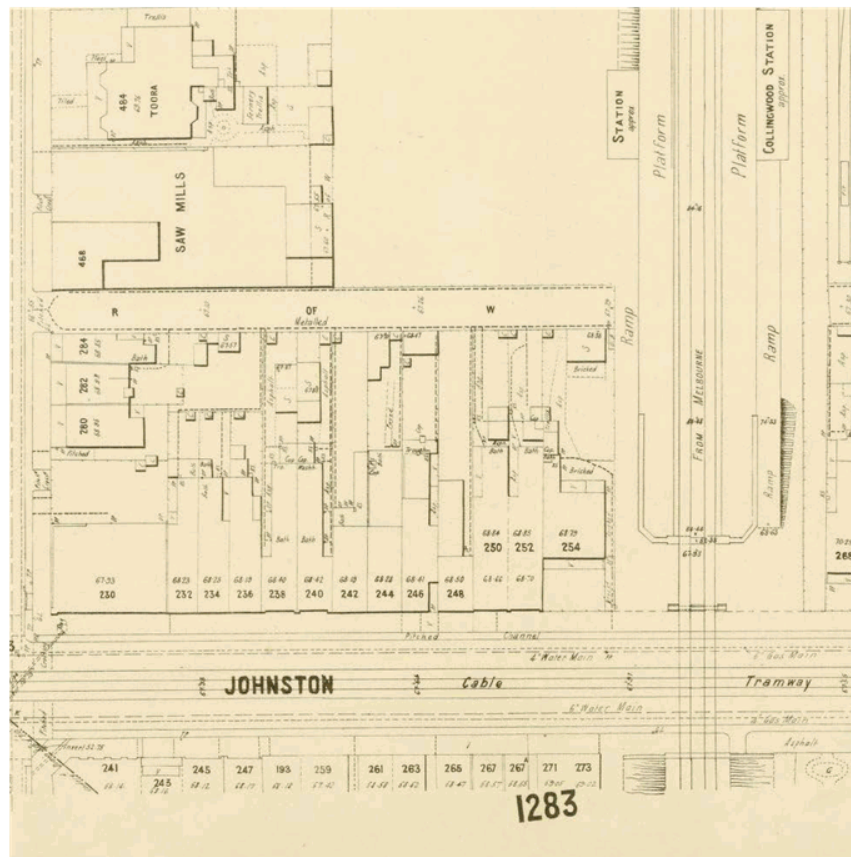


Figure 2: MMBW Detail Plan No. 1233 showing development in 1901

There are two exceptions. The first is one of the first buildings constructed on the north side, which was a residence for Richard Harris. This was first listed in the Directory in 1882. Known as ‘Brodiggy Villa’, this is shown on the 1901 MMBW plan as no.254, immediately adjacent to

the railway bridge with a setback to the street and a verandah. It remained a residence until the 1930s when shops were constructed at the front (SM).

The other exception is the row of three shops at nos. 246-50 (north side, at the corner of Hoddle Street). From the late 1880s until around 1907 the Thornton family occupied this site, carrying out businesses including an estate agency and ironmongery. By 1910 three separate tenants were listed, suggesting the construction of the present building (SM).

The businesses in the precinct served a range of local needs. In the late nineteenth century, they included a fishmonger, fruiterer, tailors, bootmakers, laundry, tobacconist, hairdresser, as well as an ironmonger and woodyard. By the early 1900s they included no fewer than three 'ham and beef shops', confectioners and pastry cooks, a hay and corn merchant, a watchmaker and a chemist (SM). Johnston Street remained an important local centre until the postwar era, when, like many local centres, it began to decline. A local history recalls:

In the block in Johnston St from Victoria Park Station beyond Hoddle St and perhaps going up to the Gold St there was a tremendous variety of shops. There was competition between greengrocers and lots of butchers. In Johnston St now you can't buy a needle or thread. (CHC 1994:35).

Sources

- Allom Lovell & Associates, *City of Yarra Heritage Review. Thematic History*, July 1998
- Andrew Ward & Associates, *Collingwood Conservation Study*, 1989
- Collingwood History Committee (CHC, ed.), *In those days: Collingwood remembered (3rd edition)* 1994
- Graeme Butler & Associates, *City of Yarra Review of Heritage Overlay Areas*, 2007
- Hibbins, G.M., *A Short History of Collingwood*, Collingwood Historical Society, 1997
- Hodgkinson, Clement (1858) 'Plan shewing the streets and buildings in existence in East Collingwood on January 1st 1858 [cartographic material]: with schedule of heights of benchmarks above low water datum at Queen's wharf / compiled from surveys executed under the direction of Clement Hodgkinson; photo-lithographed from the original map by J. Noone; John Wilkinson, surveyor' (referred to as the 'Hodgkinson Plan')
- Melbourne and Metropolitan Board of Works (MMBW) Detail Plan no. 1233 (dated 1901)
- Sands & McDougall Melbourne Directories (SM) – 1870-1930
- State Library of Victoria (SLV) map and picture collection

Description

This is a commercial area, which comprises buildings that date predominantly from the late nineteenth century. The buildings are most typically in the form of single-fronted double-storey buildings comprising a shop on the ground floor with a residence above, or as single-fronted single-storey building with a residence behind. Some stand as individual shops, while others are in pairs, or rows of three.

The double storey Victorian shops are all of masonry construction, either face brick (including bi-chrome brick to nos. 262-64) or stucco, and at their upper levels these buildings are typically enlivened by cement-rendered ornament such as parapets (usually solid with one balustraded example at no. 266) with moulded cornices, shaped pediments, scrolls, urns and corbels and double hung sash windows with moulded surrounds. Some retain rendered or brick chimneys. The single-storey Victorian shops have similarly modeled parapets.

The one row of Federation era shops at nos. 246-50 have similar form to the Victorian shops, but with simplified detailing. They have face brick walls and parapets with a triangular pediment outlined with cement render, which is also applied to the pilasters.

The other distinctive building is at no.274 where an interwar shop with a simple rendered parapet with inset panels has been built in front of the original double-fronted Victorian house, which retains its (now partially concealed) parapet with central pediment (with the name

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‘Brodiggy Villa’) along with the original rendered chimneys and hipped roof clad in slate. Internally, recent renovations have exposed part the original bi-chrome front wall of the house and some original openings, as well as an original ‘Indian Root Pill’ advertising sign on the east side wall of no.272. The shopfront includes 1930s glazing, but appears to be a reconstruction.

The integrity and intactness of the buildings varies. Most ground floor shopfronts have been replaced: the exception is No.229, which appears to retain part of its original timber-framed shopfront with recessed entry. Other alterations include replacement of first floor windows (e.g. 246, 250, 258, 260, 264) Street), over-painting of face brickwork (e.g., 229-31), loss of parapet ornamentation/details (e.g., 233, 237), and rear additions (e.g., 252). Most of the buildings now have cantilevered awnings.

The railway bridge terminates the precinct at its eastern end. Constructed around 1901, this retains the original brick abutments with bluestone coping (which on the north side returns to become low walls alongside the ramps leading to the railway station), the three tapered stone pillars on the northern footpath supporting what appear to be the original (or early) riveted iron girders carrying the railway tracks.

Individually Significant buildings within the precinct, which have more detailed descriptions in their own citations, are:

- Shops and residences, 219-223 Johnston Street; and
- Shops and residences, 258-260 Johnston Street.

Comparative analysis

Early shopping centres developed along main roads. Often, some of the first businesses to be established were hotels, and shops and other commercial buildings would cluster around this source of trade. The development of retail centres up until World War II was also strongly influenced by the development of public transport, particularly the tram networks that began with the cable trams in the 1880s and later the electric networks of the early twentieth century.

In Collingwood, Smith Street and Wellington Street were the earliest shopping centres, whilst Johnston Street, Queens Parade and Victoria Street emerged during the late nineteenth century. Of these, Smith Street became the pre-eminent centre in Collingwood and for a time during the early to mid twentieth century was one of the most important in inner Melbourne, rivalling the CBD and Chapel Street in Prahran as a major retail centre. Consequently, Smith Street, between Gertrude and Johnston streets, is distinguished by its large emporia (such as Foy & Gibson and the first Coles variety store), long two storey shop rows, as well as several banks and hotels. Part of the success of Smith Street is attributed to the cable (and, later, electric) tram that enabled customers to travel from other parts of Melbourne: by 1910 the Clifton Hill line was conveying over 20,000 through the centre (Ward 1989:99).

This centre, on the other hand, is characteristic of the smaller centres that emerged to serve the local needs of residents. A local history recalls:

Although shopping in Smith St was the major weekly shopping expedition, during the week people patronised the many local shops. Johnston St and Queens Parade were also major shopping centres. Because of the lack of refrigeration, people shopped daily. Many items were delivered or sold in the streets from carts.
(CHC 1994:35)

This centre served the parts of Abbotsford and Collingwood East that were more isolated from the main shopping districts. Typically, situated along a main road, the centre developed in response to the growth of nearby residential areas during the 1880s and growth was also encouraged and consolidated by the opening in 1887 of the cable tram along Johnston Street and in 1888 of the Victoria Park railway station.

The mix of single and double storey buildings, mostly in pairs or singles (contrasting with the almost continuous two-storey development in Smith Street including long shop rows and larger emporia) is also characteristic of these smaller centres. The intactness of buildings is also comparable: replacement of shopfronts is a typical characteristic of surviving commercial

buildings within commercial HO precincts in the City of Yarra. In this regard, it compares with the commercial precinct in Johnston Street west of Hoddle Street (included in HO324), as well as two small precincts in Victoria Street: Abbotsford (HO444) and Richmond (HO408).

The railway bridge is also of some interest as one of the series of bridges erected as part of the construction of the railway in 1901. The bridges (at Johnston, Stafford, Studley, Yarra, Vere, Stanton, Gipps, Langridge, Bloomburg, Greenwood, Victoria, Elizabeth, Garfield, York and Egan streets) illustrate the desire of the Victorian railways to avoid level crossings along the route. At most of the smaller bridges (e.g., Stafford, Studley, Yarra, Vere, etc.) the original riveted girders have been replaced, while there have been alterations to the abutments at several others (e.g. Gipps, Langridge, Victoria). The Johnston Street bridge stands apart as one of the most intact examples, retaining both the abutments and the riveted girders, and is also distinguished as a two span bridge, supported on the tapered stone piers.

Assessment against Criteria

Criterion A:

Importance to the course, or pattern, of our cultural or natural history.

The precinct satisfies Criterion A as a representative example of a shopping centre serving local needs that developed in response to the significant population growth of Collingwood in the late nineteenth century. The development of the centre is associated with the residential development that occurred to the north of Johnston Street east of Hoddle Street from 1885 onwards, and the opening in 1887 of the cable tram route along Johnston Street and in 1888 of the Victoria Street Railway Station. The railway bridge is significant as a key component of the Collingwood railway that created a direct connection from Clifton Hill to Flinders Street and was designed to have no level crossings.

Criterion D:

Importance in demonstrating the principal characteristics of a class of cultural or natural places or environments.

The railway bridge satisfies Criterion D is one of a series constructed on the Collingwood railway when it was created in 1901. It is the only two span bridge and is notable for its intactness, retaining the original brick and bluestone abutments and walls, riveted iron girders, and tapered stone pillars.

Criterion E:

Importance in exhibiting particular aesthetic characteristics.

The precinct satisfies Criterion E as a cohesive group of late Victorian and Federation shops with characteristic parapeted form and typically ornate detailing. The buildings are complemented by the historic railway bridge, which visually contains the precinct at the eastern end.

Not applicable

The following criteria are not applicable.

Criterion B:

Possession of uncommon, rare or endangered aspects of our cultural or natural history.

Criterion C:

Potential to yield information that will contribute to an understanding of our cultural or natural history.

Criterion F:

Importance in demonstrating a high degree of creative or technical achievement at a particular period.

Criterion G:

Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of their continuing and developing cultural traditions.

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Criterion H:

Special association with the life or works of a person, or group of persons, of importance in our history.

Statement of significance**What is significant?**

The Johnston Street East Precinct, comprising 246-274 & 219-241 Johnston Street, Abbotsford is significant. The following buildings and features contribute to the significance of the precinct:

- The buildings constructed from c.1882 to c.1930, as shown on the precinct map.
- The overall consistency of building form (buildings with roofs concealed by parapets, with residential quarters above if two storey and behind if single storey), materials and detailing (front walls of brick or stucco with decorative parapets, shaped pediments and cement mouldings), and siting (no front and side setbacks).
- The remnant early timber shop front with recessed entry at no.229.
- The building at no.274 that comprises a single storey interwar shop with a simple rendered parapet with inset panels built in front of the original double-fronted Victorian house, which retains its original parapet with central pediment (with the name 'Brodiggy Villa') along with the original rendered chimneys and hipped roof clad in slate.
- The nineteenth century subdivision pattern comprising narrow regular allotments served by rear bluestone laneways.
- The railway bridge to the extent of the c.1901 fabric including the brick abutments and low return walls with bluestone coping, the tapered stone piers, and the riveted iron girders.

The following places are Individually Significant and have their own statement of significance:

- Shops and residences, 219-223 Johnston Street; and
- Shops and residences, 258-260 Johnston Street.

Non-original alterations and additions to the Individually Significant and Contributory buildings shown on the precinct map, and the buildings at 225-227 Johnston Street are Not Contributory.

How is it significant?

The Johnston Street East Precinct is of local historic and aesthetic significance to the City of Yarra.

Why is it significant?

Historically, the precinct is a representative example of a shopping centre serving local needs that developed in response to the significant population growth of Collingwood in the late nineteenth century. The centre is associated with the residential development that occurred to the north of Johnston Street east of Hoddle Street from 1885 onwards, and the opening in 1887 of the cable tram route along Johnston Street and in 1888 of the Victoria Park Railway Station. (Criterion A)

The precinct is aesthetically significant as a cohesive group of late Victorian and Federation shops with characteristic parapeted form and typically ornate detailing. The buildings are complemented by the historic railway bridge, which visually contains the precinct at the eastern end. (Criterion E)

The railway bridge is significant as a key component of the Collingwood railway that created a direct connection from Clifton Hill to Flinders Street and was designed to have no level crossings. It is the only two span bridge and is notable for its intactness, retaining the original brick and bluestone abutments and walls, riveted iron girders, and tapered stone pillars. (Criteria A & D)



Legend

- Proposed precinct boundary
- Contributory
- Not contributory
- Existing HO409 (219-223 Johnston Street) and HO411 (258-260 Johnston Street) proposed to be removed and included within precinct HO as individually significant
- Cadastral boundary

Proposed Johnston Street East
Precinct
23/03/2016



APPENDIX B – UPDATES TO ‘CITY OF YARRA REVIEW OF HERITAGE OVERLAY AREAS. APPENDIX 8’

The following information is provided for each property within the precinct:

- Name of the place, if any.
- Street name and number
- Suburb
- Date of construction (usually provided as a date range)
- Grading in the precinct (Individually Significant, Contributory or Not Contributory)
- Property number (for Council reference)
- Changes in the status of that property in comparison with the current HO Schedule.

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FINAL REPORT

JOHNSTON STREET EAST PRECINCT									
NAME	STREET	NUMBER	SUBURB	DATE	GRADING	PROPERTY NUMBER	PRECINCT	CHANGES FROM CURRENT HO	
Shop & residence	JOHNSTON	STREET	219	ABBOTSFORD	1885-1890	Individually significant	112985	Johnston Street East Precinct	Individual HO409. Add to Johnston Street East Precinct
Shop & residence	JOHNSTON	STREET	221	ABBOTSFORD	1885-1890	Individually significant	112995	Johnston Street East Precinct	Individual HO409. Add to Johnston Street East Precinct
Shop & residence	JOHNSTON	STREET	223	ABBOTSFORD	1885-1890	Individually significant	113000	Johnston Street East Precinct	Individual HO409. Add to Johnston Street East Precinct
Shop & residence	JOHNSTON	STREET	225	ABBOTSFORD	c.1960	Not contributory	113005	Johnston Street East Precinct	
Shop & residence	JOHNSTON	STREET	227	ABBOTSFORD	c.1960	Not contributory	113010	Johnston Street East Precinct	
Shop & residence	JOHNSTON	STREET	229	ABBOTSFORD	1885-1890	Contributory	113015	Johnston Street East Precinct	
Shop & residence	JOHNSTON	STREET	231	ABBOTSFORD	1885-1890	Contributory	113020	Johnston Street East Precinct	
Shop & residence	JOHNSTON	STREET	233	ABBOTSFORD	1885-1890	Contributory	113030	Johnston Street East Precinct	
Shop & residence	JOHNSTON	STREET	235	ABBOTSFORD	1885-1890	Contributory	113035	Johnston Street East Precinct	
Shop & residence	JOHNSTON	STREET	237	ABBOTSFORD	1885-1890	Contributory	113040	Johnston Street East Precinct	
Shop & residence	JOHNSTON	STREET	239	ABBOTSFORD	1885-1890	Contributory	405430	Johnston Street East Precinct	
Railway bridge & abutments	JOHNSTON	STREET	241	ABBOTSFORD	1901	Individually Significant	113055	Johnston Street East Precinct	
Shop & residence	JOHNSTON	STREET	246	ABBOTSFORD	1900-1910	Contributory	113630	Johnston Street East Precinct	
Shop & residence	JOHNSTON	STREET	248	ABBOTSFORD	1900-1910	Contributory	113625	Johnston Street East Precinct	
Shop & residence	JOHNSTON	STREET	250	ABBOTSFORD	1900-1910	Contributory	113620	Johnston Street East Precinct	
Shop & residence	JOHNSTON	STREET	252	ABBOTSFORD	1885-1890	Contributory	113615	Johnston Street East Precinct	

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HERITAGE GAP STUDY – REVIEW OF JOHNSTON STREET EAST

JOHNSTON STREET EAST PRECINCT										
NAME	STREET	NUMBER	SUBURB	DATE	GRADING	PROPERTY NUMBER	PRECINCT	CHANGES FROM CURRENT HO		
Shop & residence	JOHNSTON	STREET	254	ABBOTSFORD	1885-1890	Contributory	113610	Johnston Street East Precinct		
Shop & residence	JOHNSTON	STREET	256	ABBOTSFORD	1885-1890	Contributory	113605	Johnston Street East Precinct		
Shop & residence	JOHNSTON	STREET	258	ABBOTSFORD	1885-1890	Individually significant	113600	Johnston Street East Precinct	Individual HO411. Add to Johnston Street East Precinct	
Shop & residence	JOHNSTON	STREET	260	ABBOTSFORD	1885-1890	Individually significant	113595	Johnston Street East Precinct	Individual HO411. Add to Johnston Street East Precinct	
Shop & residence	JOHNSTON	STREET	262	ABBOTSFORD	1885-1890	Contributory	113590	Johnston Street East Precinct		
Shop & residence	JOHNSTON	STREET	264	ABBOTSFORD	1885-1890	Contributory	113585	Johnston Street East Precinct		
Shop & residence	JOHNSTON	STREET	266	ABBOTSFORD	1885-1890	Contributory	113580	Johnston Street East Precinct		
Shop & residence	JOHNSTON	STREET	268	ABBOTSFORD	1885-1890	Contributory	113575	Johnston Street East Precinct		
Shop & residence	JOHNSTON	STREET	270	ABBOTSFORD	1885-1890	Contributory	113570	Johnston Street East Precinct		
Shop & residence	JOHNSTON	STREET	272	ABBOTSFORD	1885-1890	Contributory	113565	Johnston Street East Precinct		
Shop & residence	JOHNSTON	STREET	274	ABBOTSFORD	1885-1890, c.1930	Contributory	113560	Johnston Street East Precinct		

APPENDIX C – HO SCHEDULE

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO505	Johnston Street East Precinct <i>The heritage place includes 219-41 & 246-74 Johnston Street and the Johnston Street railway bridge including the brick and bluestone abutments</i>	Yes – 219-23 & 258-60 Johnston St only	No	No	No	No	No	Incorporated Plan under the provisions of clause 43.01 Heritage Overlay, Planning permit exemptions, July 2014	No

APPENDIX D – THRESHOLDS AND PRECINCTS

D.1 Establishing a threshold of local significance

What is a threshold?

The VPP Practice Note advises that local significance can include places of significance to a town or locality; however, whether the ‘threshold’ of local significance is achieved depends how relevant heritage criteria are applied and interpreted.

The Advisory Committee notes that the related questions of the application of appropriate heritage criteria and establishing ‘thresholds’ that provide practical guidance to distinguish places of ‘mere heritage interest from those of heritage significance’ have been the subject of continuing debate in recent times. While there was agreement that the AHC criteria may be appropriate for use at the local level, the question of what establishes a threshold remains open to interpretation.

The Advisory Committee (p.2-41) defines ‘threshold’ as follows:

Essentially a ‘threshold’ is the level of cultural significance that a place must have before it can be recommended for inclusion in the planning scheme. The question to be answered is ‘Is the place of sufficient import that its cultural values should be recognised in the planning scheme and taken into account in decision - making?’ Thresholds are necessary to enable a smaller group of places with special architectural values, for example, to be selected out for listing from a group of perhaps hundreds of places with similar architectural values.

How is a threshold defined?

The Advisory Committee (p.2-32) cites the Bayside C37 and C38 Panel report, which notes that:

With respect to defining thresholds of significance, it was widely agreed by different experts appearing before this Panel that there is a substantial degree of value judgment required to assess a place’s heritage value, so that there is always likely to be legitimate, differing professional views about the heritage value of some places.

There is a wide range of matters that can be taken into account in making any assessment (e.g., a place’s value in relation to historic, social, aesthetic, cultural factors, its fabric’s integrity and so on), leading to further grounds for differences between judgments.

While there are application guidelines for the use of the AHC criteria (Developed in 1990 these are known as the AHC *Criteria for the Register of the National Estate: Application Guidelines*), they are designed for application at the regional or National level and the Advisory Committee cited a report prepared by Ian Wight for Heritage Victoria, which noted that they may require rewriting to ‘make them clearly applicable to places of local significance’.

On this basis, the Advisory Committee (p.2-45) made the following conclusions:

As also discussed, a fundamental threshold is whether there is something on the site or forming part of the heritage place that requires management through the planning system.

*As we have commented, we see the development of thresholds as something which responds to the particular characteristics of the area under investigation and its heritage resources. Nevertheless the types of factors that might be deployed to establish local thresholds can be specified State - wide. They would include **rarity in the local context, condition/degree of intactness, age, design quality/aesthetic value, their importance to the development sequence documented in the thematic environmental history.** (Emphasis added)*

This process is essentially a comparative one within the local area. That area may not coincide with the municipal area. Its definition should be informed by the thematic environmental history.

The VPP Practice Note (as updated in 2012) now provides the following advice:

The thresholds to be applied in the assessment of significance shall be 'State Significance' and 'Local Significance'. 'Local Significance' includes those places that are important to a particular community or locality. Letter gradings (for example, "A", "B", "C") should not be used.

In order to apply a threshold, some comparative analysis will be required to substantiate the significance of each place. The comparative analysis should draw on other similar places within the study area, including those that have previously been included in a heritage register or overlay. Places identified to be of potential State significance should undergo limited analysis on a broader (Statewide) comparative basis.

Intactness vs. integrity

The 'intactness' and 'integrity' of a building are often used as a threshold indicator.

A discussion on 'Threshold indicators' for Criterion D on p.48 of *Using the criteria: a methodology*, prepared by the Queensland Heritage Council (the equivalent guidelines prepared by the Heritage Council of Victoria cite the Queensland guidelines as one of the key sources used in their preparation), notes that:

A place that satisfies Criterion (D) should be able to demonstrate cultural heritage significance in its fabric and be representative of its type or class of cultural places. The degree of intactness of a place therefore is an important threshold indicator of this criterion. ... However, setting such a high threshold may not be applicable in all situations, especially if the class of place is now rare or uncommon.

This approach has been used for the assessments carried out for the Study and in doing so a clear distinction has been made between the concepts of 'intactness' and 'integrity'. While interpretations of these terms in heritage assessments do vary, for the purposes of this Study the following definitions set out on pp.16-17 of the Panel Report for Latrobe Planning Scheme Amendment C14 have been adopted:

For the purposes of this consideration, the Panel proposes the view that intactness and integrity refer to different heritage characteristics.

Intactness relates to the wholeness of (or lack of alteration to) the place. Depending on the grounds for significance, this can relate to a reference point of original construction or may include original construction with progressive accretions or alterations.

Integrity in respect to a heritage place is a descriptor of the veracity of the place as a meaningful document of the heritage from which it purports to draw its significance. For example a place proposed as important on account of its special architectural details may be said to lack integrity if those features are destroyed or obliterated. It may be said to have low integrity if some of those features are altered. In the same case but where significance related to, say, an historical association, the place may retain its integrity despite the changes to the fabric (Structural integrity is a slightly different matter. It usually describes the basic structural sufficiency of a building).

Based on this approach it is clear that whilst some heritage places may have low intactness they may still have high integrity – the Parthenon ruins may be a good example. On the other hand, a reduction in intactness may threaten a place's integrity to such a degree that it loses its significance.

For the purposes of this study, 'intactness' within a precinct was measured as percentage of Contributory places with 'Low' being less than 60%, 'Moderate' being 60-80% and 'High' being 80-100%. Generally speaking, a potential precinct would be expected to have at least 'Moderate' intactness and in some cases 'High' intactness.

For Contributory places within precincts the 'integrity' rather than 'integrity' was a primary consideration: that is, while the Contributory places may not be completely 'intact' (i.e., retaining all original fabric) any repairs or maintenance have been carried out using the same or similar materials, details and finishes, thus ensuring good 'integrity'.

For potential individual places, on the other hand, the 'intactness' of the building was a primary consideration; however, comparative analysis would determine whether a building

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with lower ‘intactness’, but good ‘integrity’ could also be of local significance if, for example, it is rare.

What is the role of the thematic history?

The previous comments highlight the important role played by thematic environmental histories in providing a context for the identification and assessment of places. However, while it would be expected that the majority of places of local significance would be associated with a theme in the thematic history not all places are and there may be some that are Individually Significant for reasons that are independent of the themes identified by the Study. The chair of the Advisory Committee, Jenny Moles, made the following comment in the Panel report prepared for the Warrnambool Planning Scheme Amendment C57:

The Panel also does not see it as inimical to the significance of this building that there is currently no mention of a guest house theme in the Gap Study Thematic History. It is simply not the case that every building typology will be mentioned in such a study. (Emphasis added)

The C57 Panel Report also once again highlighted that thematic histories are not ‘static’ documents and should be reviewed once more detailed assessments are carried out for places and precincts. This iterative approach allows a ‘more complete and more pertinent history of a municipality to be developed in terms of providing a basis for managing heritage stock and allows individual buildings to be placed in their historical context’ (*Warrnambool Planning Scheme Amendment C57 Panel Report*, December 2008, Jennifer A. Moles, Chair)

Conclusions regarding thresholds

In accordance with the Advisory Committee comments and the guidelines prepared by the Heritage Councils in Queensland and Victoria have been summarised to assist with determining whether a heritage place meets the threshold of local significance to the City of Yarra using the Hercon criteria. As noted above, local significance can mean significance to a locality and it is evident from the thematic history that the former Collingwood municipal area has a distinctive history. Accordingly, local significance for this study can include places that are significant to the locality of Collingwood/Abbotsford as well as places that may be also significant at a municipal level. It is noted that a place need only meet one Hercon criterion in order to meet the threshold of local significance. Meeting more than one Hercon criterion does not make the place more significant: rather it demonstrates how the place is significant for a variety of reasons.

Places or precincts of local significance will therefore satisfy one or more of the Hercon criterion, as follows:

- The place is associated with a key theme identified in the thematic environmental history. It may have been influenced by, or had an influence upon the theme. The association may be symbolic. The fabric of the place will demonstrate the association with the theme, and the place may be early, distinctive or rare when compared with other places (Criterion A).
- The place is associated with a way of life, custom, process, function, or land use that was once common, but is now rare, or has always been uncommon or endangered. The design or form may be rare: for example, it may contain or be a very early building/s, or be of a type that is under-represented within the municipality or a locality (Criterion B).
- The place has potential to contribute further information about the history of the municipality or a locality and that may aid in comparative analysis of similar places (Criterion C).
- The fabric of the place exemplifies or illustrates a way of life, custom, process, function, land use, architectural style or form, construction technique that has contributed to pattern or evolution of the built environment of the municipality or a locality. It may demonstrate variations within, or the transition of, the principal characteristics of a place type and it will usually have the typical range of features normally associated with that type – i.e., it will be a benchmark example – and will usually have relatively high integrity and/or intactness when compared to other places (Criterion D).

- It will have particular aesthetic characteristics such as beauty, picturesque attributes, evocative qualities, expressive attributes, landmark quality or symbolic meaning (Criterion E).
- The place is an exemplar of an architectural style, displays artistic value, or represents significant technical or artistic/architectural innovation or achievement when compared to other similar places in the municipality or a locality. The places will usually have a high degree of intactness and/or integrity when compared to other places (Criterion F).
- The place has strong social or historic associations to an area/community (Criterion G) or to an individual or organisation as a landmark, marker or signature, meeting or gathering place, associated with key events, a place or ritual or ceremony, a symbol of the past in the present, or has a special association with a person, group of people or organisation that have made an important or notable contribution to the development of the municipality or a locality (Criterion H) and, in particular:
 - There is continuity of use or association, meanings, or symbolic importance over a period of 25 years or more (representing transition of values beyond one generation).
 - The association has resulted in a deeper attachment that goes beyond utility value.
 - The connection between a place and a person/s or organisations is not short or incidental and may have been documented – for example in local histories, other heritage studies or reports, local oral histories etc.

By comparison, places that do not meet the threshold of local significance will generally be those where:

- Historical associations are not well established or are not demonstrated by the fabric because of low intactness, or
- The place is common within the municipality or already well-represented in the Heritage Overlay, or
- If a precinct, it has a low proportion of Contributory buildings (i.e., low intactness), or if an individual place it has low intactness and/or integrity, or
- It is a typical, rather than outstanding example of an architectural style or technical achievement and there are better comparative examples in the area or municipality.
- The social or historical associations are not well established or demonstrated.

D.2 What constitutes a precinct?

At present there are no definitive guidelines that provide assistance in identifying and defining a heritage precinct. This was acknowledged by the Advisory Committee, which made the following comments in the final report (p.2-48) submitted in August 2007:

Various Ministerial Panels have considered the question of the conceptualisation of the extent of a significant heritage place, particularly in relation to heritage areas or precincts, industrial sites and large rural properties. The Greater Geelong Planning Scheme Amendment C49 Ministerial Panel (February 2004) pointed out that the Practice Note Applying the Heritage Overlay does not provide any guidance on identification of heritage precincts. It noted that practice within the profession suggested that precincts should contain a substantial proportion of buildings that were assessed as being of precinct heritage significance, as defined in the statement of significance. A statement of significance should outline what is significant, why it is significant and how the place demonstrates the heritage significance.

The Advisory Committee considered a number of submissions and various relevant Independent Panel reports. The final conclusions and recommendations suggested that the criteria for the definition of a precinct should take into account:

- the geographic distribution of the important elements of the place, including buildings and works, vegetation, open spaces and the broader landscape setting.
- whether the place illustrates historic themes or a particular period or type of development.

Attachment 11 - Johnston Street East Heritage Study - April 2016

HERITAGE GAP STUDY – REVIEW OF JOHNSTON STREET EAST

- whether it is a defined part of the municipality recognised by the community.
- whether non-built elements such as the subdivision pattern contribute to its significance.

The Advisory Committee recognized that due to historic patterns of development, precincts may have either heterogeneous or homogeneous characters, and concluded that criteria suggested by the Hobsons Bay C34 Panel, ‘may be appropriate for inner urban, relatively homogenous precincts but appear to us to be too prescriptive for application in other situations’. On this basis it suggested (p.2-55) that:

*Thematically related buildings or sites that do not adjoin each other or form a geographic grouping should, where appropriate, be able to **be treated as a single heritage place and share a statement of significance and HO number.*** (Emphasis added)

This approach (referred to as ‘Group, serial or thematic listings’) was formalised in the 2012 update of the VPP Practice Note.

Finally, with regard to the proportion of Individually Significant (or Individually Significant and Contributory) buildings that is desirable within precincts, the Advisory Committee considered (p.2-54) that:

... the stress on built fabric inherent in this question is misleading. Precincts need to be coherent, thematically and/or in terms of design, and need to be justifiable in relation to protection of significant components. It is neither possible nor desirable to set hard and fast rules about percentages.

Conclusions regarding precincts

For the purposes of this study, a precinct is considered to possess one or more of the following characteristics:

- They contain contributory places that individually or as a group illustrate important themes set out in the thematic history. (Criteria A or D)
- The places within a precinct may or may not adjoin one another. Where they do not form a contiguous grouping they will have a strong and demonstrated thematic or other association. (Criterion A)
- Where places form a contiguous grouping they will have largely intact or visually cohesive streetscapes that are either aesthetically or historically significant (or both). (Criteria D or E)
- Precincts that are historically significant will include elements such as building styles and subdivision layouts that are representative or typical of a particular era or type. (Criterion D)
- Precincts of aesthetic significance may also be distinguished by the quality/visual cohesion of the building design and other contributory features when compared to other examples. (Criterion E)

11.3 Authorisation of Amendment C185 for 462-482 Swan Street, Richmond

Executive Summary

Purpose

The purpose of this report is for Council to consider Amendment C185, comprising a Section 96A combined planning scheme amendment and planning permit application for 462-482 Swan Street, Richmond. The amendment forms part of stage one in the implementation of the Swan Street Structure Plan.

Issues associated with the amendment

The Swan Street Structure Plan was adopted by Council in 2013 and provides guidance for managing growth and change in the Swan Street activity centre and broader study area. The Plan seeks to strengthen the role of the Swan Street activity centre through diversifying and consolidating the range of land uses including residential uses.

The Structure Plan identified the site as a Strategic Redevelopment Site and a priority for stage 1 of the Plan's implementation. This is reflected in work undertaken on Amendment C185 with particular attention given to ensuring the redevelopment of the site delivers outcomes that are consistent with the Swan Street Structure Plan and Plan Melbourne.

The proposed redevelopment of this site will provide the impetus for unlocking the level and type of change envisaged for this location.

A key focus of the proposal has been to ensure significant public benefits are delivered through the proposed redevelopment. Public benefits include:

- Strengthened connectivity between Swan Street and Burnley station achieved through construction of pedestrian ramp that is compliant with the Disability Discrimination Act (DDA);
- Streetscape improvements to Swan Street frontage enhancing passenger interchange between trams on Swan Street and trains at Burnley station;
- New retail hub providing convenience retail to service daily needs of residents, workers and visitors;
- Activation at street level together with passive surveillance of station environs enhancing public safety; and
- Provision of housing growth, economic stimulation and employment opportunities.

Financial Implications

The cost of preparing the amendment and relevant statutory control for the site has been included in the annual operational budget of the City Strategy Branch.

PROPOSAL

That pursuant to Section 8A and Section 96A of the *Planning and Environment Act 1987*, Council seek authorisation from the Minister for Planning to prepare draft Amendment C185 and Planning Permit PLN15/0057.

If authorisation is received from the Minister of Planning, Council exhibit Amendment C185 and Planning Permit PLN15/0057, in accordance with Section 19 of the *Planning and Environment Act 1987*.

11.3 Authorisation of Amendment C185 for 462-482 Swan Street, Richmond

Trim Record Number: D16/65014

Responsible Officer: Director Planning and Place Making

Purpose

1. The purpose of this report is for Council to consider Amendment C185, comprising a Section 96A combined planning scheme amendment and planning permit application for 462-482 Swan Street, Richmond. The amendment forms part of stage one in the implementation of the Swan Street Structure Plan.

Background

2. The Swan Street Structure Plan (the Structure Plan) was adopted in Dec 2013. The Structure Plan provides a strategic framework for managing growth and change. Key features include:
 - (a) retail and higher density residential along Swan Street;
 - (b) new retailing at corner of Burnley Street and Swan Street;
 - (c) protection for heritage areas;
 - (d) promoting employment and protection of employment land;
 - (e) reinforcing the 'Cremorne vibe'; and
 - (f) site specific rezoning.
3. The Structure Plan is consistent with relevant policy directions expressed in Plan Melbourne including, but not limited to:
 - (a) concentrating development around train stations to promote a more compact urban form and encourage sustainable development into the future;
 - (b) strengthening the role of the Swan Street activity centre through consolidating various land uses and activities in the centre; and
 - (c) promoting economic and employment benefits through accommodating higher density housing and employment growth in the activity centre.
4. In keeping with guidance expressed in Plan Melbourne, the Structure Plan identified a number of Strategic Redevelopment Sites (SRS's) as suitable locations for accommodating change and intensification. This included identification of 462-482 Swan Street as a SRS.
5. Redevelopment of this site would act as a major catalyst for change at the east end of Swan Street. A number of public benefits would be achieved that are consistent with both Plan Melbourne and outcomes sought through the Swan Street Structure Plan. These include:
 - (a) greater integration of Burnley Station with Swan Street and the surrounding environs;
 - (b) a concentration of land uses proximal to Burnley Station and tram routes along Swan Street thereby promoting less reliance on motor vehicles;
 - (c) significant public realm improvements that would enhance the pedestrian environment and improve pedestrian access to Burnley Station and public open space to the south of the station;
 - (d) revitalising and reshaping Burnley Station village through promoting an increase in the local population of residents, visitors and workers;
 - (e) growth in housing and employment in a locale that has excellent access to transport networks; and

- (f) provision of a full line supermarket to meet the daily needs of residents, workers and visitors in a locale where this offer has previously been lacking.
- 6. In April 2014, Council resolved to expedite the SRS's identified in the Structure Plan to provide for housing and employment growth.
- 7. A further report was presented to Council on 1 September 2015 providing a comprehensive overview of the proposed 2 stage approach for the implementation of the Swan Street Structure Plan.
- 8. Stage 1 includes consideration of 3 SRS's and a proposed amendment to rezone land and introduce built form controls at the east end of Swan Street.
- 9. Amendment C185 forms part of Stage 1 and comprises a Section 96A combined planning scheme amendment and planning permit application for 462-482 Swan Street, submitted to Council February 2015.
- 10. Council officers conducted discussions with the applicant prior to adoption of the Structure Plan to ensure consistency between the Plan and any proposal for the site.
- 11. Following endorsement of the Plan, the applicant has continued to work closely with Council officers to resolve issues and finalise a proposal that seeks to deliver significant public benefit from the redevelopment.

The Subject Site

- 12. 462-482 Swan Street is located on the south-east corner of Swan Street and Burnley Street and has an overall site area of 4,658sqm. The site has frontage to Swan Street and abuts Burnley station to the south. The site comprises six lots including five dwellings and an existing timber yard. The Structure Plan describes the site as underutilised.
- 13. The site is proximal to Burnley station village shopping centre which provides a limited range of services, home renovation stores, bulky goods and food and drink premises. The proposed supermarket included in the proposal would complement the existing retail offer in this centre and serve to strengthen its longer term viability. A copy of the Burnley Station Village Precinct Plan extracted from the Swan Street Structure Plan is included as *Attachment 1*.

Planning Scheme Amendment

- 14. The proposed amendment to the Yarra Planning Scheme comprises:
 - (a) Rezoning the land from a Commercial 2 Zone to Commercial 1 Zone;
 - (b) Applying a Design and Development Overlay (DDO) over the land; and
 - (c) Applying an Environmental Audit Overlay (EAO) over the land.
- 15. Existing overlays over the site would continue to apply. The proposed amendment documentation is included as ***Attachment 2,3,4,5***.

Section 96A application

- 16. The Section 96A application includes a combined amendment to the Yarra Planning Scheme and planning permit application. As a Section 96A application, both the amendment and planning permit application are able to be considered concurrently. This includes:
 - (a) combined public exhibition of the planning permit and planning scheme amendment;
 - (b) combined consideration of submissions received regarding the amendment, planning application and permit by an independent planning panel; and
 - (c) a final decision for both from the Minister of Planning.

Purpose of the Amendment

17. The planning scheme amendment is derived from the Swan Street Structure Plan which identified the site as a Strategic Redevelopment site in Precinct 4 - Burnley Station Village. The Plan provides direction on land use, public realm and built form outcomes for the Burnley Station environs and the site itself.
18. The purpose of the amendment is to rezone the land from a Commercial 2 Zone to a Commercial 1 Zone allowing a wider range of land uses including convenience retail (full line supermarket), recreation facilities, offices and residential use.
19. The purpose of the Commercial 1 Zone is to create vibrant mixed use centres and provide for residential uses at densities complementary to the role and scale of the centre.
20. The rezoning of the land from Commercial 2 Zone to the Commercial 1 Zone is consistent with the purpose of the Commercial 1 Zone and is supported by guidance expressed in the Swan Street Structure Plan, which encourages the intensification of land uses including retail, commercial and residential uses, transit orientated development focussed around Burnley Station, and the accommodation of housing growth.
21. The proposed DDO would be applied to the entire site and translates guidance expressed in the Structure Plan into a specific built form statutory control, to control built form outcomes for the site. The DDO is provided as **Attachment 6**.
22. The DDO expresses the built form outcomes sought for the site through articulating design objectives and buildings and works requirements that must be met prior to the granting of a planning permit.
23. Particular focus is applied in this proposed amendment to the application of mandatory maximum building heights, including street wall heights and building setbacks.
24. Additionally, the DDO provides guidance on:
 - (a) street level activation and passive surveillance;
 - (b) vehicular access arrangements to the site;
 - (c) bicycle and car parking design outcomes;
 - (d) significant public realm improvements that improve connectivity to Burnley station and improve the pedestrian environs; and
 - (e) amenity outcomes that address potential noise impacts, weather protection and promote good internal amenity.
25. The Environmental Audit Overlay (EAO) is proposed to be applied to the site to ensure that potentially contaminated land is appropriately identified and an audit of land is a requirement when buildings and works, or a change in land use occurs. Given the history of land use on the site and the proposed introduction of a residential use, the application of an EAO is considered an important precautionary measure.

Planning Permit Application

26. As part of the combined Section 96A application, a planning permit application has been received for a development proposal. A full set of plans is provided as **Attachment 8 to 14**. A sketch plan of the second floor is included as **Attachment 7**. A brief summary of the proposal is described as follows:
 - (a) A mixed use development comprising retail, commercial and residential uses. A total of 242 apartments (mix of 114 x 1 bedroom & 128 x 2 bedroom);
 - (b) 3,402sqm of retail floorspace, including a full-line supermarket located at ground floor level;
 - (c) 3 office tenancies ranging in size between 60sqm and 250sqm;

- (d) 366sqm gymnasium (with a 348sqm swimming pool);
 - (e) communal open space and significant public realm improvements;
 - (f) 443 car parking spaces and 314 bicycle parking spaces (272 for residents, 42 for visitors); and
 - (g) building heights include a maximum mandatory height of 12 storeys shown on the southern and rear portion of the site abutting the train line.
27. The planning permit application provides a high level of consistency with built form guidance expressed in the Structure Plan for this site.
28. Detailed plans incorporate maximum building height, active edges, street wall height, public realm improvements and pedestrian priority areas, demonstrating a strong nexus with the Structure Plan.

Assessment of the Proposal

Assessment of Proposed Planning Scheme Amendment C185

29. The amendment was assessed against Planning Practice Note 46, 'Strategic Assessment Guidelines for preparing and evaluating planning scheme amendments'.
30. The assessment highlighted consistency with relevant strategic objectives included in the State and Local Planning Policy Framework.
31. A high level of consistency has also been achieved with the Swan Street Structure Plan through:
- (a) encouraging a compact urban form through concentrating a variety of land uses including commercial, retail and residential in close proximity to Burnley Station and tram routes along Swan Street;
 - (b) consistency with the built form outcomes sought by the Structure Plan including preferred maximum building heights, building setbacks and street wall heights;
 - (c) promoting sustainable transport modes through creating a more cycling and pedestrian friendly environs with strengthened connectivity between Swan Street and Burnley Station;
 - (d) providing additional housing and employment opportunities proximal to public transport nodes and within one of Yarra's important activity centres;
 - (e) significant public realm improvements that include the provision of upgraded DDA compliant pedestrian ramps abutting the site to the south and west that provide improved access to Burnley Station and streetscape upgrades along the site's frontage to Swan Street;
 - (f) enhanced safety by greater activation at street level and improved passive surveillance of the station environs from upper levels of the proposal; and
 - (g) establishing a new retail hub at the east end of Swan Street in an area where a convenience retail offer has been lacking.
32. Guidance on built form outcomes included in the Structure Plan has been translated through application of a Design and Development Overlay (DDO) over the site.
33. The DDO has been prepared by officers and informed by an independent peer review by an external planning consultant and legal advice sought throughout the process.

Key issues associated with the amendment

Improving connectivity to Burnley Station and establishing a high quality pedestrian environment

34. Burnley Station is characterised by poor pedestrian access and low standard of pedestrian amenity in the surrounding environs. This has reinforced a distinct disconnect between Burnley Station and Swan Street heightened by inferior pedestrian legibility and safety.
35. Significant public realm improvements are required as part of the DDO control applied over the site. Requirements address connectivity between the station and Swan Street, amenity and quality of public realm adjacent to the site, improved safety conditions and overshadowing of the public realm.
36. Streetscape improvements are also required at the site's frontage to Swan Street. These improvements would facilitate passenger interchange between public transport modes and safe pedestrian movements along Swan Street.
37. The installation of seating and landscaping treatments would greatly enhance the general amenity of this prominent corner in the activity centre.

Achieving consistency with Built Form Outcomes expressed in the Swan Street Structure Plan

38. The Structure Plan seeks a new built form character for this locale that is complementary to the existing context.
39. Various built form objectives and strategies are included in the Plan to achieve this including focussing transit orientated development around Burnley Station, locating taller buildings on the south side of Swan Street, encouraging active frontages and a consistent 3 storey street wall height to Swan Street.
40. The Structure Plan identifies a preferred maximum building height of 10-12 storeys to this site.
41. The DDO prepared for the site translates this preferred maximum building height into a mandatory control of 12 storeys (42m) to establish greater certainty around the built form outcomes. The DDO also stipulates mandatory building setbacks together with requirements for building design, traffic and access arrangements, public realm and amenity considerations.
42. Upper level building setbacks have also been included as a mandatory requirement reflecting upper level setbacks of plans submitted with the application that are consistent with good design outcomes encouraged in the Structure Plan.

Economic and Social benefits

43. It is anticipated that the rezoning of the land from a Commercial 2 Zone to a Commercial 1 Zone will deliver a number of significant community benefits in the form of employment, housing growth, stimulation of the local economy and public realm improvements.
44. The site currently supports five existing jobs. This is contrast with 143 new jobs estimated to be generated by the development through employment offered in the proposed supermarket, commercial spaces, specialty retail and owners-corporation.
45. Additionally the development would broaden and strengthen the existing retail mix along Swan Street providing convenience based retail in a location where this offer is currently lacking and is highly convenient for residents, workers and visitors to the local area.
46. Proposed streetscape upgrades would enhance the existing retail strip, providing an attractive, safe and comfortable pedestrian environment.

47. The provision of DDA compliant pedestrian ramps and an improved pedestrian environment would strengthen the relationship between Burnley station and Swan Street and facilitate pedestrian movements to and through the activity centre.
48. The growth in local population accommodated through new housing located in the development would provide positive economic stimulus through increased spending on local goods and services.

Transport and Access

49. Whilst this location is well serviced by public transport, access to public transport services is compromised by a degraded pedestrian environment and poor access to Burnley Station. Additionally, there is a lack of facilities to support and encourage cyclists.
50. The amendment seeks to strengthen connectivity between public transport modes through facilitating safer and more efficient passenger interchange at the corner of Swan Street and Burnley Street service road.
51. Connectivity between Swan Street and Burnley Station would be strengthened through significant upgrades to passenger ramps and improvements to pedestrian environs.

Assessment of the Planning Permit Application

52. The application was submitted on 30 January 2015 and a preliminary assessment was undertaken by officers that resulted in a request for further information. A comprehensive assessment of the planning application is included as **Attachment 15**.
53. Revised plans were submitted at the end of April and the proposal was referred to relevant internal and external stakeholders for comment that includes, but is not limited to, VicRoads, VicTrack, Public Transport Victoria and Metro Trains.
54. Further revisions were made to plans in response to initial referral comments received.
55. A second round of referrals was undertaken resulting in further amendments to plans and technical reports which now form the decision plans for the planning permit assessment.

Key issues considered as part of the planning permit application

56. A number of issues have been considered throughout the assessment phase. The key issues identified as part of this process are listed below:
 - (a) public realm improvements at ground floor level;
 - (b) vehicular access to and from the site from Swan Street;
 - (c) car parking;
 - (d) mitigation of potential impacts on transport network;
 - (e) improvements to the pedestrian ramp abutting the site to the south and west; and
 - (f) internal and external amenity impacts.
57. A car parking dispensation for 37 car parks formed part of the planning permit application. This has been assessed against the various uses included in the proposed development. The car parking demand generated by these uses would be addressed through non-standard planning permit conditions.
58. Consideration of the maximum building heights and building setbacks at upper levels have been considered as part of the planning permit assessment process and comply with the draft DDO and guidance provided in the Structure Plan.

59. The assessment has found that there are no external amenity impacts from the proposed development. This conclusion was reached after consideration was given to factors such as overshadowing, visual bulk and loss of privacy and daylight.
60. Council officers met with relevant transport authorities to discuss the proposal and opportunities for improving connectivity between Swan Street and Burnley Station.
61. At the meeting, verbal agreement was reached on the preferred scheme that would deliver best outcomes in terms of improved pedestrian connectivity between Swan Street and Burnley Station.
62. Public Transport Victoria and VicRoads are formal referral authorities for the planning permit application. Whilst agreement on the point of vehicular access to the site from Swan Street has been reached, differing views have been expressed in relation to design detail that would be reflected in planning permit conditions.
63. Standard conditions would be included as part of any planning permit. Non-standard conditions have been crafted to address outstanding issues and are included as condition 1 requirements on the draft planning permit. The draft Planning permit and conditions are included as **Attachment 16**.
64. Both technical reports and plans cannot be endorsed until condition 1 requirements of any planning permit are met.
65. Recent discussion with the applicant has resulted in agreement to provide bicycle and car share facilities and this is reflected in the draft planning conditions in *Attachment 10*.

External Consultation

66. Extensive public consultation was undertaken during the preparation of the Swan Street Structure Plan. Now endorsed, the Plan will be primarily implemented through amendments to the Yarra Planning Scheme in the form of land rezoning and introduction of new statutory tools and local planning policy.
67. Community consultation is regularly undertaken when pursuing an amendment to the Yarra Planning Scheme. If authorised, proposed amendment C185 would be placed on public exhibition for a four week period in accordance with the Act. During the consultation, a public information session would also be conducted with other forms of notification utilised to promote the public notification of the amendment.

Internal Consultation (One Yarra)

68. Input into the proposed amendment has been provided at various stages from a number of different areas across Council. Given the amendment comprises a combined planning permit application, rezoning of land and application of an Environmental Audit Overlay and Design and Development Overlay, liaison with internal stakeholders has been key to coordinating effort and achieving positive outcomes.

Financial Implications

69. The cost of preparing the amendment and relevant statutory control for the site has been included in the annual operational budget of City Strategy Branch.

Economic Implications

70. The economic implication of the proposed amendment would include increased retail and commercial activity and would facilitate the growth of local employment. This would have flow on effects for the local economy as an increasing resident and visitor population is accommodated who are likely to utilise local shops, businesses and services.

Sustainability Implications

71. The proposal encourages a compact urban form providing excellent access to both Burnley Station and tram routes on Swan Street. Sustainable modes of transport would be encouraged through an improved public realm that would enhance passenger interchange between public transport modes.

Social Implications

72. Amendment C185 includes a number of social implications including:
- (a) Responding to the demand for additional housing in the area;
 - (b) Providing a nexus between good design, appropriate land use activities and connections to a sense of place; and
 - (c) The influence of the public realm on perceptions of safety.

Human Rights Implications

73. There are no known restrictions or infringements on the substantive rights outlined in the *Charter of Human Rights and Responsibilities Act 2006*.

Communications with CALD Communities Implications

74. Notification to community members and consultation about, any proposed amendment would include advice about ways to access and utilise the interpreter service used by Council. Where required, these supports are planned to assist members of the CALD community to understand the proposal and participate in associated processes. The process of engagement would also involve steps outlined in the Council engagement strategy to assist CALD communities to participate in any public consultation.

Council Plan, Strategy and Policy Implications

75. The Council Plan 2013-2017 recognises that much of Yarra's significant residential development occurs in busy residential areas, and close to or in activity centres. In addition, the Council Plan highlights the need for growth to be balanced with sustainable development including the retention of valued heritage assets.

Legal Implications

76. The Swan Street Structure Plan will be implemented through the Yarra Planning Scheme in the form of statutory tools, changes to land zoning and local planning policy. Amendment C185 would form the basis for introducing a number of these changes to the Yarra Planning Scheme.

Process Moving Forward

77. If Council resolves to proceed with Amendment C185, authorisation will then be sought from the Minister of Planning to authorise the amendment. Following this, the planning permit and draft planning permit conditions would be placed on public exhibition together with the complete package of amendment documentation for a four week period.
78. After the period of public exhibition is completed submissions would be brought back to Council to consider and determine the need to seek an independent planning panel in accordance with the Act.
79. If appointed, an independent panel would consider and test the full package comprising planning permit, draft conditions and amendment documentation including the draft DDO.
80. The panel report and recommendations would then be considered by Council at which point Council can determine whether to make changes in accordance with the panel recommendations. If Council resolves to support the combined proposal, the amendment comprising the amendment and planning permit is forwarded to the Minister for final approval.

Conclusion

81. The Swan Street Structure Plan identified the site at 462-482 Swan Street, Richmond as a Strategic Redevelopment Site and a priority for the Plan's implementation. This is reflected in the progression of Amendment C185 where significant work has been undertaken on the amendment and planning application to ensure the redevelopment of the site delivers outcomes that are consistent with Plan Melbourne and the Structure Plan.
82. The proposed redevelopment of the site would provide the impetus for unlocking the level and type of change envisaged for this location delivering:
 - (a) a new retail hub;
 - (b) housing and employment growth;
 - (c) enhanced activation and passive surveillance of station environs;
 - (d) strengthened connectivity between Swan Street and Burnley Station; and
 - (e) substantially improved pedestrian access to Burnley Station.
83. It is therefore recommended that Council seek authorisation from the Minister for Planning to prepare and exhibit Amendment C185 and Planning Permit PLN15/00057.

RECOMMENDATION

1. That:
 - (a) Council note the officer report in relation to a proposed rezoning and redevelopment of the sites at 462 – 482 Swan Street, Richmond;
 - (b) determine to seek, pursuant to Section 8A and Section 96A of the *Planning and Environment Act 1987*, authorisation to prepare Amendment C185 and the draft Planning Permit PLN15/0057; and
 - (c) if authorisation is received from the Minister of Planning, Council exhibit Amendment C185 and the draft Planning Permit PLN15/0057 in accordance with Section 19 of the *Planning and Environment Act 1987*.

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Attachments

- 1 Precinct 4 - Burnley Station Village
- 2 Explanatory Report
- 3 Yarra C185 C1Z Map09 Exhibition
- 4 Yarra C185 DDO Map09 Exhibition
- 5 Yarra C185 EAO Map09 Exhibition
- 6 Yarra C185 Design and Development Overlay (DDO14)
- 7 Sketch Plan second floor - 462 - 482 Swan Street Richmond
- 8 Site Plans 462-482 Swan Street Preliminary Plans
- 9 Floor Plans Pt 1 462-482 Swan Street Preliminary Plans
- 10 Floor Plans Pt 2 462-482 Swan Street Preliminary Plans
- 11 Floor Plans Pt 3 462-482 Swan Street Preliminary Plans
- 12 Elevation Plans Pt 1 462-482 Swan Street Preliminary Plans
- 13 Elevation Plans Pt 2 462-482 Swan Street Preliminary Plans
- 14 Elevation Plans Pt 3 462-482 Swan Street Preliminary Plans
- 15 PLN15 0057-03 - 462 - 482 Swan Street Richmond - statutory planning assessment report
- 16 PLN15 0057-03 - 462 - 482 Swan Street Richmond - draft planning permit

Attachment 1 - Precinct 4 - Burnley Station Village



Attachment 2 - Explanatory Report

Planning and Environment Act 1987

YARRA PLANNING SCHEME

AMENDMENT C185

EXPLANATORY REPORT

Who is the planning authority?

The amendment has been made at the request of Urbis Pty Ltd acting on behalf of the landowner, Bamfa Properties Pty Ltd.

Land affected by the amendment

The land affected by the amendment is 462-482 Swan Street, Burnley (located on the corner of Swan and Burnley Streets, Richmond). A mix of light industrial (timber yard) and small dwellings currently occupy this site. This land is also known as: Lot 1 on Title Plan 121471V, Lots 2, 3, 4, 5 on Plan of Subdivision 052088, Crown Allotment 28 City of Richmond Parish of Jika Jika, Portion 29 Parish of Jika Jika, Lot 1 on Title Plan 686205P and Lot 1 and 2 on Title Plan 592681C (refer to Figure 1 below).



Figure 1: Land affected by the amendment (identified by red border)

Attachment 2 - Explanatory Report

What the amendment does

Amendment C185 proposes to make the following changes:

- Change Planning Scheme Map number 9 to rezone this land from Commercial 2 Zone to Commercial 1 Zone.
- Apply a Design and Development Overlay over the land. (DDO14)
- Apply an Environmental Audit Overlay (EAO) over the land.

Strategic assessment of the amendment

As required by the Minister's Direction No. 11, under Section 12(2)(a) of the *Planning and Environment Act 1987*, the following strategic assessment has been provided.

• Why is the amendment required?

462 – 482 Swan Street holds a prominent position along Swan Street retail strip being located at the gateway to the Burnley Station on the corner of Burnley Street and Swan Street. The existing Commercial 2 Zone applying to the site is not consistent with guidance expressed for activity centres in Plan Melbourne or the strategic directions expressed in the Swan Street Structure Plan.

The existing Commercial 2 Zone encourages the development of a mix of commercial and retail uses, however residential land use is prohibited under the provisions of the Commercial 2 Zone.

The Commercial 1 Zone encourages the intensive development of business centres for retailing and other complementary commercial, entertainment and community uses which draw activity and vibrancy to key activity centres such as Swan Street. A residential land use is a permissible use in the Commercial 1 Zone. The introduction of a Commercial 1 Zone would encourage a wider variety of land uses enhancing longer term viability of the centre and encouraging activation in the Burnley station environs.

The site is identified in the Precinct 4, Burnley Station Village precinct in the Structure Plan where the desired future character is:

"A vastly transformed village precinct accommodating a diversity of activity include residential, local convenience retail, entertainment and commercial uses. The precinct includes a major transit orientated development that plays a central role in Yarra's Sustainable transport network and will act as a catalyst for change within this precinct"

A rezoning of this land from Commercial 2 Zone to Commercial 1 Zone would allow for this site to be appropriately developed in line with the strategic vision for the area.

How does the amendment implement the objectives of planning in Victoria?

The amendment will implement the following objectives of planning in Victoria, under Section 4 of the *Planning and Environment Act 1987* by:

- 4(1)(a) to provide for the fair, orderly, economic and sustainable use, and development of land;
- 4(1)(g) to balance the present and future interests of all Victorians.

These objectives are implemented through the development of a strategic site adjacent to public transport options and enabling the provision of both short and long term employment.

How does the amendment address the environmental effects and any relevant social and economic effects?

• Environmental

The Environmental Audit Overlay (EAO) is proposed to be applied to the site to ensure that potentially contaminated land is appropriately identified and an audit of land is a requirement when buildings and works, or a change in land use occurs. Given the history of land use on the site and the proposed introduction of a residential use, the application of an EAO is considered an important precautionary measure.

Attachment 2 - Explanatory Report

- **Social and Economic**

The proposed rezoning is anticipated to have a number of positive social and economic impacts including:

- The opportunity for increasing housing opportunities in an area that is proximate to community facilities, schools, health services, public open space and public transport options.
- The consolidation of the land as a mixed-use development, providing a range of dwelling types, commercial and retail offerings and employment at the site.
- The opportunity to bring new uses to a significant activity centre in Yarra, including a full range supermarket and commercial / office opportunities and residential uses.
- Revitalising and reshaping Burnley Station village through promoting an increase in the local population of residents, visitors and workers.
- The future redevelopment of the land as a result of the rezoning will generate employment opportunities both short term through the construction period and long term through establishment of commercial and retail uses on site.
- Future development will improve public safety with passive surveillance to the street and safer and more attractive connections to Burnley Station.
- Colocation of residential and commercial uses proximal to public transport opportunities. (i.e. Burnley train station and tram route 70) Residents, staff, customers and visitors will be afforded a level of public transport accessibility that will reduce reliance on private vehicular usage.
- Improvements to access arrangements to Burnley Station, with the provision of streetscape improvement works on the Burnley Street service road and significant upgrades to the pedestrian ramp providing access to Burnley station that will be DDA compliant.
- Promotion of sustainable modes of transport through an improved public realm that will enhance passenger interchange between public transport modes and enhance pedestrian movements.

- **Does the amendment address relevant bushfire risk?**

The City of Yarra does not have any designated bushfire prone areas.

- **Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?**

The amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the Act.

The amendment is consistent with the Metropolitan Planning Strategy Schemes under Section 12 of the Act.

The amendment is consistent with Ministerial Direction No. 11 Strategic Assessment of Amendments under Section 12 of the Planning and Environment Act 1987.

The amendment is consistent with the Ministerial Direction No. 1 Potentially Contaminated Land under Section 12 of the Planning and Environment Act 1987 given the proposed application of an Environmental Audit Overlay over the land to address potential contamination risks.

The amendment is not affected by any other Ministerial Direction.

- **How does the amendment support or implement the State Planning Policy Framework?**

The amendment supports the following aspects of the State Planning Policy Framework:

Attachment 2 - Explanatory Report

Clause 11 – Settlement:

11.01 Activity Centres

Objective

To build up activity centres as a focus for high-quality development, activity and living for the whole community by developing a network of activity centres.

Strategies

Develop a network of activity centres that:

- Comprises a range of centres that differ in size and function
- Is a focus for business, shopping, working, leisure and community facilities.
- Provides different types of housing, including forms of higher density housing.
- Is connected by public transport and cycling networks.
- Maximises choices in services, employment and social interaction.
- Support the role and function of the centre given its classification, the policies for housing intensification, and development of the public transport network.

The amendment ensures policy direction for activity centres can be met by providing the opportunity for high-quality mixed use development within a Major Activity Centre that can introduce a form of higher density housing. The land can be consolidated as a mixed-use precinct, including housing, commercial and retail uses that will be well serviced by public transport, retail and community services.

Clause 15 – Built Environment:

15.01 Urban environment

Objective

To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.

Strategies

- Promote good urban design to make the environment more liveable and attractive.
- Ensure new development or development contributes to community and cultural life by improving safety, diversity and choice, the quality of living and working environments, accessibility and inclusiveness and environmental sustainability.
- Require development to respond to its context in terms of urban character, cultural heritage, natural features, surrounding landscape and climate.
- Require development to include a site analysis and descriptive statement explaining how the proposed development responds to the site and its context.
- Ensure sensitive landscape areas such as the bays and coastlines are protected and that new development does not detract from their natural quality.
- Ensure transport corridors integrate land use planning, urban design and transport planning and are developed and managed with particular attention to urban design aspects.
- Encourage retention of existing vegetation or revegetation as part of subdivision and development proposals.

The amendment ensures policy direction for a safe, functional and high-quality urban environment can be met. This amendment will ultimately facilitate a form of higher-density housing along a transport corridor that is well separated from surrounding residential areas.

Clause 16 – Housing:

16.01 Residential development

Objective

To promote a housing market that meets community needs.

Strategies

- Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land.

Attachment 2 - Explanatory Report

- Ensure that the planning system supports the appropriate quantity, quality and type of housing, including the provision of aged care facilities.
- Ensure housing developments are integrated with infrastructure and services, whether they are located in existing suburbs, growth areas or regional towns.
- Encourage housing that is both water efficient and energy efficient.
- Facilitate the delivery of high quality social housing to meet the needs of Victorians.
- The proposed residential development will provide additional dwellings of various sizes and layouts, including single bedroom, which will increase housing choice and affordability.

The amendment ensures that the policy direction for activity centres can be met by increasing housing yield in a convenient and established urban environment with excellent access to public transport, services and employment.

- **How does the amendment support or implement the Local Planning Policy Framework?**

This amendment is consistent with the objectives and strategies outlined in the Local Planning Policy Framework of the Yarra Planning Scheme.

Clause 21.04 – Land Use

Clause 21.04-1 – Accommodation and Housing

Objective 1 To accommodate forecast increases in population.

Strategy 1.1 Ensure that new residential development has proper regard for the strategies applicable to the neighbourhood in question identified in clause 21.08.

Strategy 1.2 Direct higher density residential development to Strategic Redevelopment Sites identified at clause 21.08 and other sites identified through any structure plans or urban design frameworks.

Strategy 1.3 Support residual population increases in established neighbourhoods.

Objective 2 To retail a diverse population and household structure.

Strategy 2.1 Support the provision of affordable housing for people of all abilities, particularly in larger residential developments and on Strategic Redevelopment Sites.

21.04-2 Activity Centres

The amendment ensures policy direction for activity centres can be met by facilitating new residential and mixed use development within a Major Activity Centre on a key site and ensuring such development is above or behind the ground floor frontage. The proposed development is located within a designated Major Activity Centre where medium density development is encouraged above or behind retail frontages.

Objective 4: To maintain a balance between local convenience and regional retail roles in Yarra's activity centres.

Strategy 4.1: Increase the range of retail, personal and business services, community facilities, and recreation activities, within individual centres.

Strategy 4.2: Support the regional role of the Major Activity Centre's as an important component of Yarra's economy and as a metropolitan destination.

Objective 5: To maintain the long term viability of activity centres.

Strategy 5.2: Support land use change and development that contributes to the adaptation, redevelopment and economic growth of existing activity centres.

The rezoning will provide the opportunity to revitalise and enhance the vibrancy of the existing activity centre; it will also encourage new commercial/retail business and residential opportunities. The change in future land use will enable a development which supports policy directions for the municipality and which supports the economic growth and higher density living within this activity centre.

Attachment 2 - Explanatory Report

Clause 21.05 – Built Form

21.05-2 Urban Design

The amendment ensures policy direction for urban design is met by providing a building of high architectural quality in a location that is identified as a strategic redevelopment site.

Objective 17: Development on strategic redevelopment sites or within activity centres should generally be no more than 5-6 storeys unless it can be demonstrated that the proposal can achieve specific benefits such as:

- Significant upper level setbacks
- Architectural design excellence
- Best practice environmental sustainability objectives in design and construction
- High quality restoration and adaptive reuse of heritage buildings
- Positive contribution to the enhancement of the public domain
- Provision of affordable housing.

The rezoning will facilitate a change in built form on the site as part of any future separate planning application. This future built form and the mix of land uses will improve interfaces with the public realm including Burnley Rail Station.

Clause 21.06 Transport

The amendment ensures policy direction for the transport is met by meeting the following objectives and strategies:

Objective 30: To provide safe and convenient pedestrian and bicycle environments.

Strategy 30.1: Improve pedestrian and cycling links in association with new development where possible.

Strategy 30.2: Minimise vehicle crossovers on street frontages.

Strategy 30.3: Use rear laneway access to reduce vehicle crossovers.

Objective 31: To facilitate public transport usage.

Strategy 31.1: Require new development that generates high numbers of trips to be easily accessible by public transport.

Objective 32: To reduce the reliance on the private motor car.

Strategy 32.1: Provide efficient shared parking facilities in activity centres.

Strategy 32.2: Require all new large developments to prepare and implement integrated transport plans to reduce the use of private cars and to encourage walking, cycling and public transport.

Objective 33: To reduce the impact of traffic.

Strategy 33.1: Ensure access arrangements maintain the safety and efficiency of the arterial and local road networks.

Strategy 33.2: Ensure the level of service needed for new industrial and commercial operations does not prejudice the reasonable needs of existing industrial and commercial operations to access Yarra's roads.

Clause 22.10 Built Form and Design Policy

The rezoning will facilitate a future built form on the site that will improve and repair this section of the public realm.

- **Does the amendment make proper use of the Victoria Planning Provisions?**

The amendment makes proper use of the Victorian Planning Provisions. The amendment facilitates future land use and development on a Strategic Redevelopment Site by applying an appropriate zone which will allow for development envisaged by both State and Local Planning Policy Frameworks and the Swan Street Structure Plan. As this site is within a significant activity centre, and well serviced by public transport, it is considered appropriate to zone the site to allow for mixed use development that includes a residential use.

Attachment 2 - Explanatory Report

- **How does the amendment address the views of any relevant agency?**

The rezoning is of interest to both VicTrack and VicRoads due to the sites proximity to Burnley Station and its location on the corner of two Road Zone Category 1 roads. The views of these two agencies have been sought as part of the combined planning permit application being considered concurrently as a Section 96A application.

- **Does the amendment address relevant requirements of the Transport Integration Act 2010?**

The *Transport Integration Act 2010* recognises that transport and land use should be effectively integrated so as to improve accessibility and transport efficiency. The proposed amendment seeks to concentrate land uses adjacent to Burnley Station and tram routes along Swan Street providing excellent access to transport networks.

The corner of Swan Street and Burnley Street will function as an attractive and safe passenger interchange area as passengers transition between different modes of public transport. Improved pedestrian access will enhance public transport usage and encourage the use of sustainable modes of transport.

Resource and administrative costs

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The consideration and implementation of the proposed amendment and planning permit is not anticipated to have any significant impact upon Council resources.

Where you may inspect this Amendment

The amendment is available for public inspection, free of charge, during office hours at the Richmond Town Hall, 333 Bridge Road, Richmond.

The amendment may also be viewed online at the Yarra website:

www.yarra.vic.gov.au

at the Department of Transport, Planning and Local Infrastructure website:

www.dtpli.vic.gov.au

Any person who may be affected by the amendment may make a submission to the planning authority.

A submission should be forwarded to:

Janet Keily

Strategic Planning

City of Yarra

333 Bridge Road

Richmond Victoria 3121

The closing date for submissions is: [insert date]

Attachment 3 - Yarra C185 C1Z Map09 Exhibition



| Planning Mapping Services |
| Planning Information Services |
| Planning |



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Attachment 4 - Yarra C185 DDO Map09 Exhibition



| Planning Mapping Services |
| Planning Information Services |
| Planning |

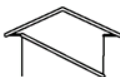


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Attachment 5 - Yarra C185 EAO Map09 Exhibition



| Planning Mapping Services |
| Planning Information Services |
| Planning |



003

Attachment 6 - Yarra C185 Design and Development Overlay (DDO14)

YARRA PLANNING SCHEME

SCHEDULE 14 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO14**

462-482 SWAN STREET BURNLEY

1.0 Design objectives

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C--

- To provide for high density, taller development that delivers significant public realm outcomes.
- To reinforce the corner of Swan Street and Burnley Street as a vibrant commercial, retail and residential location.
- To encourage development that provides a high standard of on-site amenity.
- To establish a highly walkable and cycle friendly public realm.
- To strengthen connectivity to Burnley Station.
- To provide passive surveillance of the public realm.
- To ensure new development provides well-located accessible and safe car parking areas that do not visually dominate the streetscape.
- To ensure new development is integrated with the surrounding urban context.
- To ensure new development achieves excellence in architecture and urban design.

2.0 Buildings and works

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Buildings and works must be constructed in accordance with the following requirements:

Building heights

- The building height must not exceed a maximum of 42 metres (12 storeys).
- The maximum height does not include building services which should be hidden from view from any adjoining public space or designed as architectural roof top features. Building services include but are not limited to plant rooms, air conditioning, lift overruns and roof mounted equipment.

Building setbacks

- Reinforce the street wall height along Swan Street and Burnley Street to create a consistent 3 storey built form.
- Upper levels must be setback from the podium at all site boundaries, except for façade articulation of up to 0.5m, as follows:
 - A minimum of 6m from Swan Street to provide upper level setbacks from the primary street frontage.
 - A 5m setback from the eastern boundary to provide upper level building separation between the subject site and any future redevelopment of the abutting property.
 - A minimum of 3m setbacks from the south (rail corridor) and west (Burnley Street).
- Provide building separation between built form elements at upper levels.
- Ensure that built form elements above the street wall are visually recessive and do not contribute to visual bulk.

Building design

Development must be designed to:

- Provide active frontages at ground level and overlooking of the public realm, including station environs from upper levels.

Attachment 6 - Yarra C185 Design and Development Overlay (DDO14)

YARRA PLANNING SCHEME

- Ensure development is of a high architectural standard in terms of its form, scale, massing, articulation and materials and that these design elements respond to the site context.
- Ensure development is designed to ameliorate adverse wind conditions at street level, communal open spaces, balconies and adjoining properties.
- Ensure building services are screened from the public realm and communal open spaces.

Traffic and access

- Ensure convenient and adequate bicycle parking is provided at street level to cater for the general public.
- Integrate carparking into the building design and conceal from the public realm.
- Ensure vehicular access and egress and loading bay arrangements are designed to maximise pedestrian safety.

Public realm

- Provide improved connectivity between Swan Street, Burnley Street and Burnley Station.
- Improve the interface between the development and the east-west pedestrian link abutting the southern site boundary.
- Enhance the amenity and appearance of the public realm along the Swan Street and Burnley Street frontage and east-west pedestrian link, including elements such as improved footpath treatments, lighting, street trees and street furniture.
- Ensure new or improved pedestrian links promote a sense of safety for day and night-time conditions.
- Minimise overshadowing of adjoining streets, the public realm and existing residential areas.
- Ensure no unreasonable overshadowing impact to Burnley Station.

Amenity

- Provide acoustic treatments to address the impact of existing and potential noise from the rail corridor, the Burnley Street overpass and Swan Street.
- Provide awnings over footpaths to Swan Street and Burnley Street to provide weather protection.
- Ensure built form and internal building layout are designed to maximise solar access, access to daylight, ventilation and outlook.

3.0 Permit Requirements

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A permit cannot be granted to construct a building or construct or carry out works which are not in accordance with these requirements.

4.0 Application Requirements

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An application for a permit to construct a building or construct or carry out works must be accompanied by the following information to the satisfaction of the Responsible Authority:

- Site context and existing conditions plan including, levels, any existing buildings, public realm and evaluation of opportunities and constraints.
- Detailed design drawings including elevation drawings to scale showing the colour and materials of all buildings and works.
- A report demonstrating that the development will achieve all of the Design Objectives included in this schedule.
- A landscape plan prepared by a suitably qualified landscape designer.

Attachment 6 - Yarra C185 Design and Development Overlay (DDO14)

YARRA PLANNING SCHEME

- An acoustic report prepared by a suitably qualified acoustic engineer, demonstrating how the requirements of the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1, the State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2, sleep disturbance criteria and any other relevant Australian Standards, as applicable, will be met and must prescribe the form of acoustic treatment taking into consideration the agent of change principle. Where necessary vibration isolation methods must be prescribed to control structure borne sound to reduce vibration from Burnley Station, mechanical equipment, car lifts and transformers.
- A traffic, and carparking report providing the following details:
 - The appearance, layout and allocation of car parking - including visitor and flexi car parking.
 - Bicycle parking provision including number and location.
 - Vehicular ingress and egress to and from the site.
 - Location and arrangements for loading and unloading of heavy vehicles.
- A waste management plan prepared by a suitably qualified waste management expert.
- A 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. Where substantial modifications are made to the proposed building envelope, a revised 3D digital mode must be submitted to the Responsible Authority.

5.0 Subdivision

No specific requirements.

6.0 Advertising signs

No specific requirements.

7.0 Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider:

- How the development responds to each of the Design Objectives and the requirements included in clause 2 of this schedule.
- The design, scale, height, mass and visual bulk of the development in relation to the surrounding built form.
- Any minor variations from the required setbacks resulting from façade articulation.
- How the proposal improves the pedestrian environment and other areas of the public realm.
- The location, layout and appearance of areas set aside for car parking, vehicular access and egress and loading bay arrangements.
- The effectiveness of new development in protecting the amenity of occupants from the off-site impacts of existing uses and activities.
- The views of relevant referral authorities.

8.0 Policy References

The Swan Street Structure Plan, 2013.

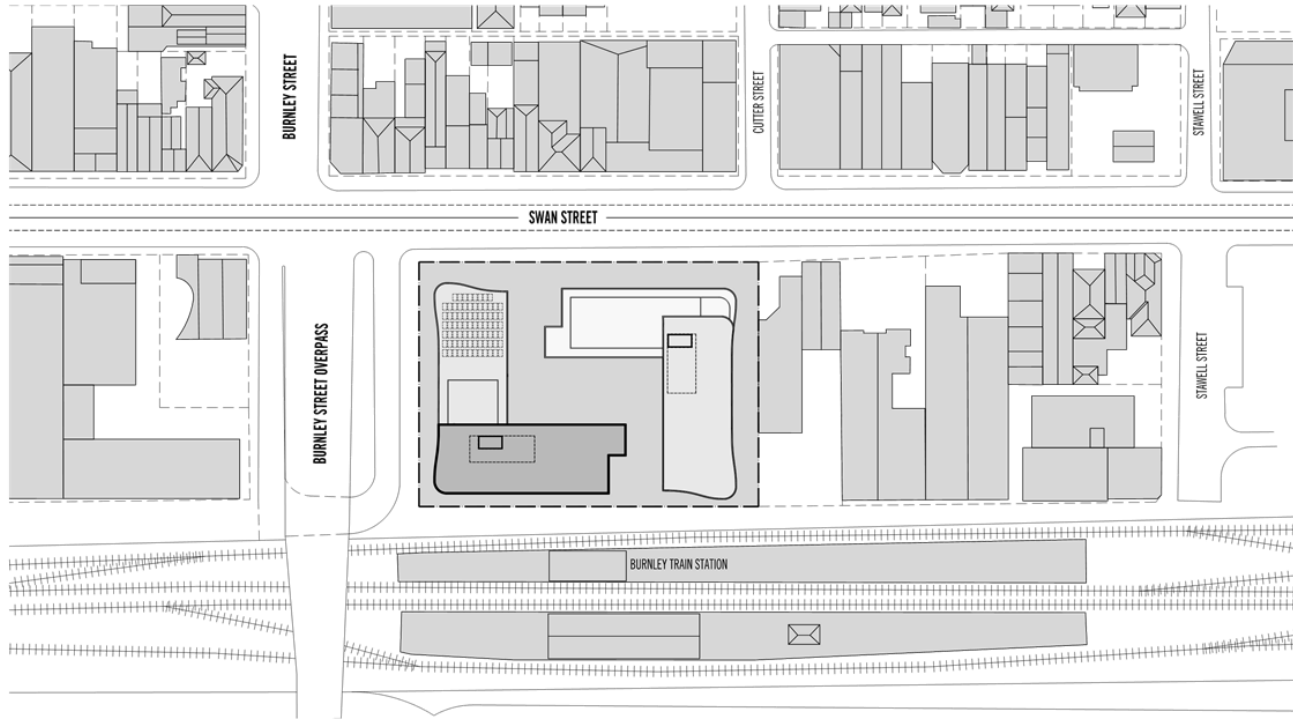
Attachment 6 - Yarra C185 Design and Development Overlay (DDO14)

YARRA PLANNING SCHEME

DRAFT

Attachment 8 - Site Plans 462-482 Swan Street Preliminary Plans

11076 -- 462-482 SWAN STREET, RICHMOND



DRAWING LIST

- SITE PLANS 000-049**
 - A001 SITE PLAN
 - A002 EXISTING CONDITIONS PLAN
 - A010 DEMOLITION PLAN
- GENERAL ARRANGEMENT PLANS 100-249**
 - A100 LOWER BASEMENT PLAN
 - A101 BASEMENT PLAN
 - A200 GROUND FLOOR PLAN
 - A201 PODIUM FLOOR PLAN -- LEVEL 01
 - A201-U PODIUM FLOOR PLAN -- LEVEL 01 CARPARK
 - A202 PODIUM FLOOR PLAN -- LEVEL 02
 - A203 TOWER FLOOR PLAN -- LEVEL 03
 - A204 TOWER FLOOR PLAN -- LEVEL 04
 - A205 TOWER FLOOR PLAN -- TYPICAL LEVEL 05-07
 - A208 TOWER FLOOR PLAN -- TYPICAL LEVEL 08-09
 - A210 TOWER FLOOR PLAN -- TYPICAL LEVEL 10-11
 - A220 ROOF PLAN
- ELEVATIONS 400-449**
 - A400 NORTH ELEVATION - SWAN STREET
 - A401 WEST ELEVATION - BURNLEY STREET
 - A402 SOUTH ELEVATION
 - A403 EAST ELEVATION
 - A404 COURTYARD ELEVATION - SOUTH
 - A405 COURTYARD ELEVATION - EAST
 - A406 COURTYARD ELEVATION - NORTH
 - A407 COURTYARD ELEVATION - WEST
- SECTIONS 500-549**
 - A500 SECTION A-A - EAST-WEST
 - A501 SECTION B-B - NORTH-SOUTH
 - A502 SECTION C-C - NORTH-SOUTH
- EXTERNAL FINISHES BOARD 600-649**
 - A600 EXTERNAL FINISHES BOARD

No.	Description	Quantity
1
2
3
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5
6

Note: The drawings are to be read with regard to the scale at which the document has been issued and for the specific purpose of the issue. The information contained within is considered to be correct at the time of documentation.
 As an authorised drafter, Elenberg Fraser accepts no responsibility for alterations by persons other than:
 By reworking and adding any drawings or other data or any form of electronic media generated and provided by Elenberg Fraser the Client agrees not to use these drawings and data, in whole or in part, for any purpose or project other than the project which is the subject of this agreement.
 No later copies to be used for other than the project which is the subject of this agreement.
 The Client agrees to indemnify Elenberg Fraser from liability for any loss or damage to the drawings and data for any other project by anyone other than Elenberg Fraser.
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 Whilst drawings to which based data control systems, if required, will be done at the following phone numbers: 100% 90, 100% 90 and will be on the basis of a complete set of documents.
 Further applications will be changed only as a variation.

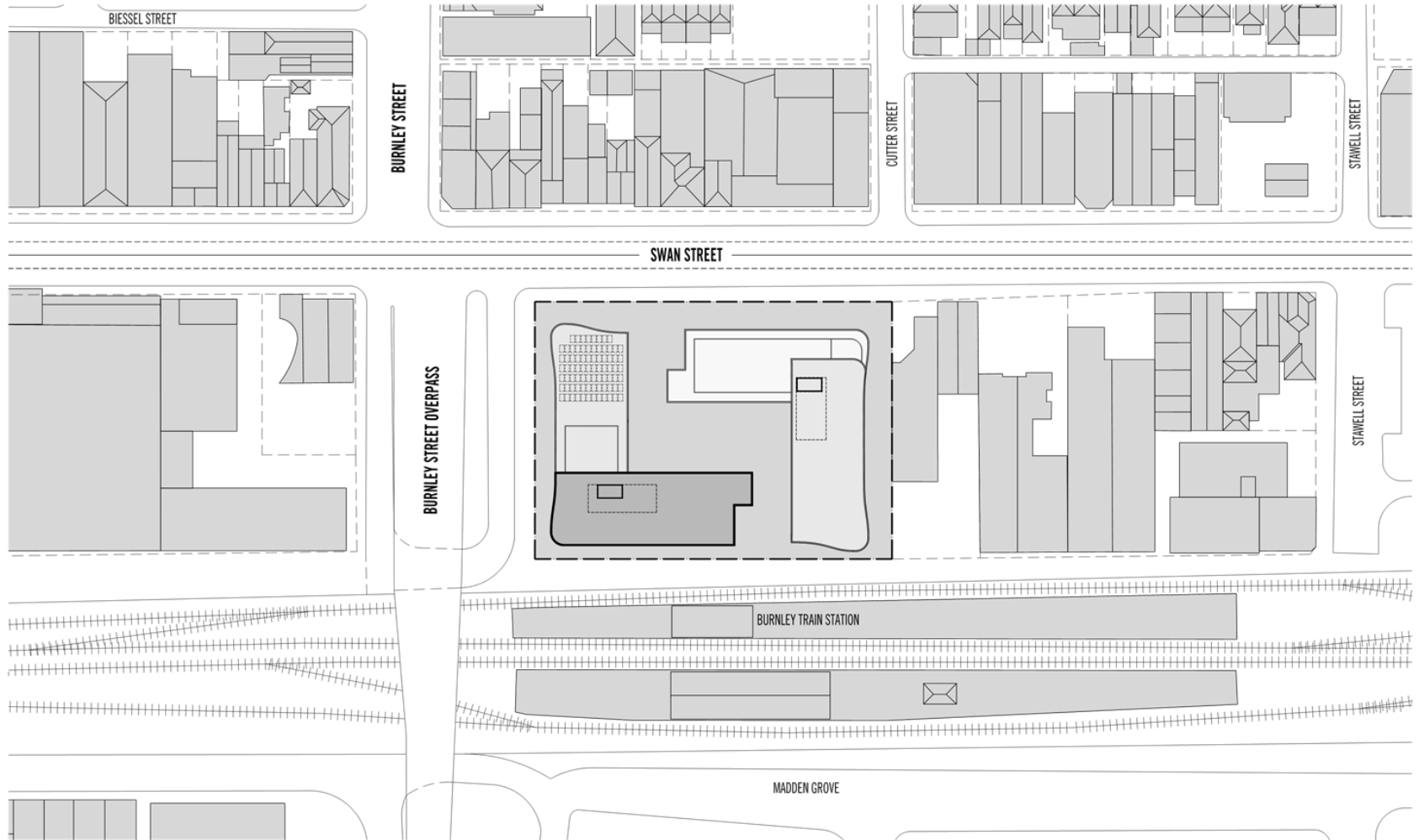
Note: These drawings are work in progress and do not represent the complete set of documentation. They are intended to describe the design intent only and are not intended to be used as a tender document.
SCALE(S): 1:500000 1:100000
PRELIMINARY
 Equal dimensions like indicated to scale buildings. Note of dimensions only. Report any dimensions to be checked to discuss before proceeding with the work.

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Project No:
**462-482 SWAN STREET,
 RICHMOND**
BAMFA PROPERTIES

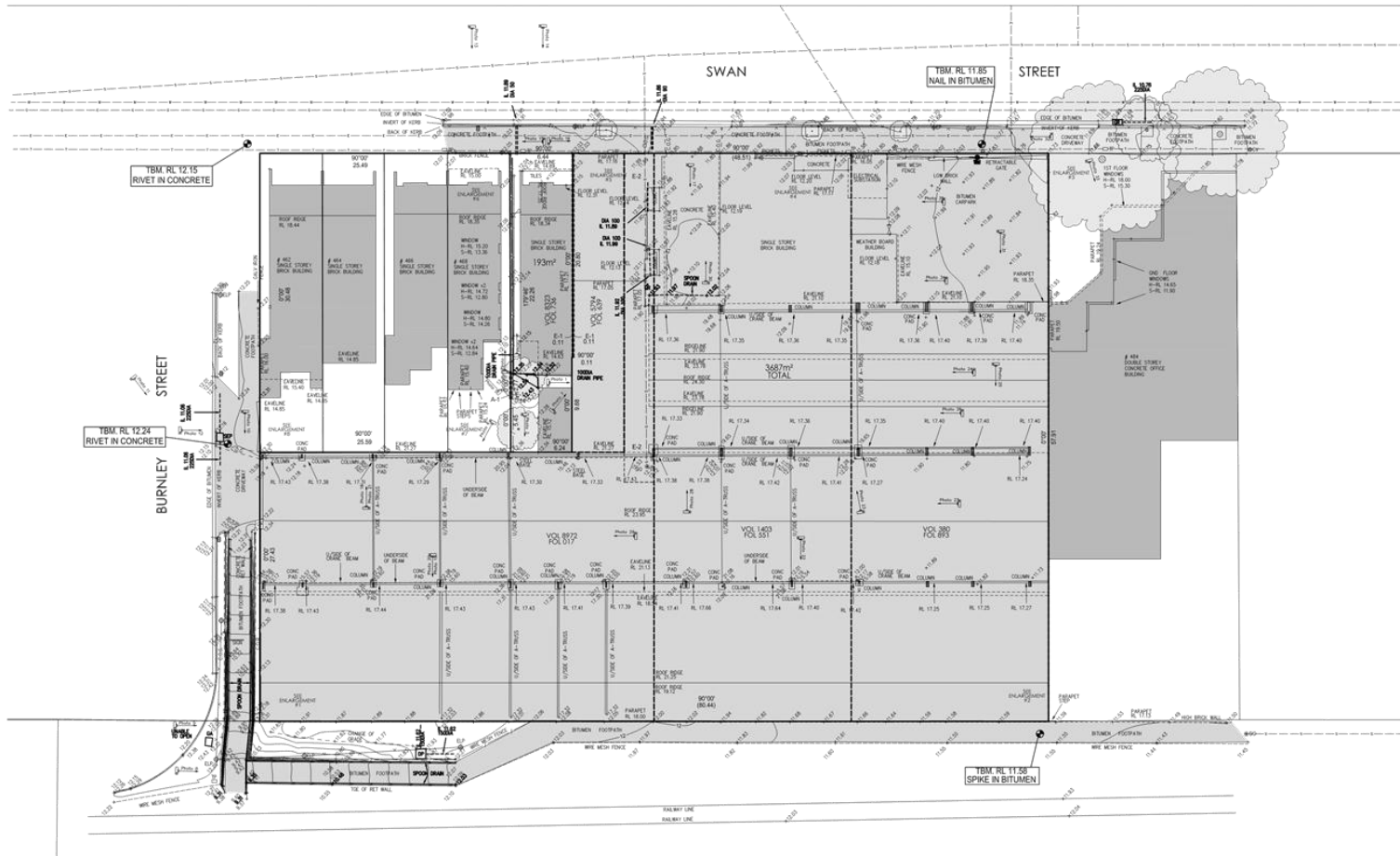
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Attachment 8 - Site Plans 462-482 Swan Street Preliminary Plans



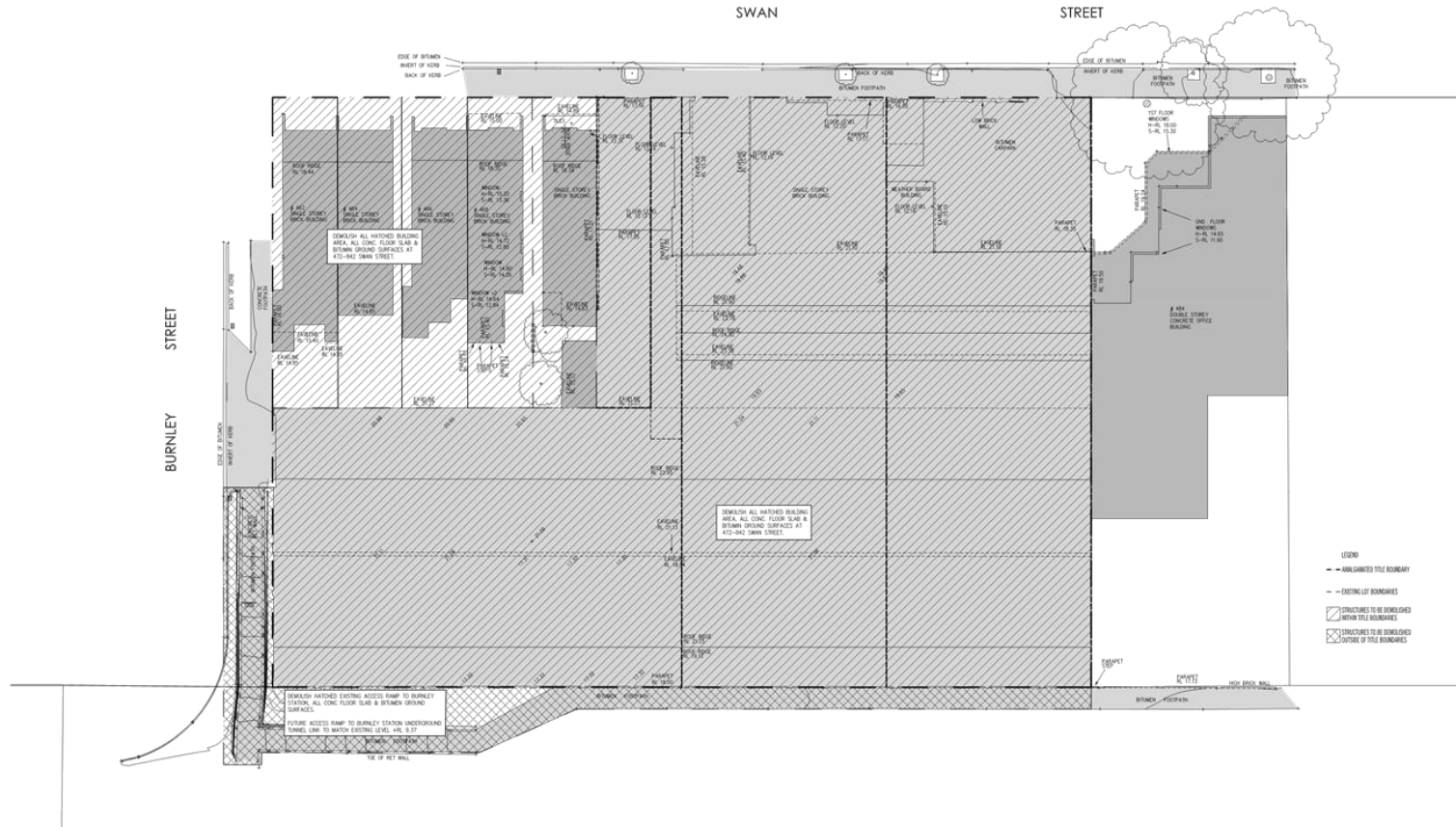
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The information contained within is considered to be correct at the time of documentation.</p> <p>As an authorised Consultant, Elenberg Fraser accepts no responsibility for alterations by other parties to permits once issued.</p> <p>By accepting and signing any drawings or other data or any form of electronic media generated and provided by Elenberg Fraser the Client agrees not to sue them (drawings) and data, in whole or in part, for any purpose or in any other way than that intended in the subject of this agreement.</p> <p>The Client agrees to indemnify Elenberg Fraser from liability for any loss or damage caused by any use of the information contained in the drawings and data for any other project by anyone other than Elenberg Fraser.</p> <p>In addition, the Client agrees, to the fullest extent permitted by the law, to indemnify and hold Elenberg Fraser harmless from any damage, liability or cost, including reasonable lawyer's fees and costs of defence, arising from any changes made to any drawings or data without prior written consent of Elenberg Fraser.</p> <p>By accepting and signing any drawings or other data or any form of electronic media generated and provided by Elenberg Fraser, the Client consents and agrees that such drawings and data are not intended to be used as a substitute for any other drawings or data and shall remain at common law, statutory law and other rights, including copyright and intellectual property.</p> <p>Without drawings to which based data control systems, if required, will be done at the following phone numbers: 100% DR, 100% CR and will be on the basis of a complete set of documents.</p> <p>Further applications will be changed and as a variation.</p>	<p>Note: These drawings are work in progress and do not represent the complete set of documentation. They are intended to describe the design intent only and are not intended to be used as a tender document.</p> <p>SCALE: 1:1000 (OVERALL)</p> <p>PRELIMINARY</p> <p><small>Equal dimensions like indicated to scale drawings. Work of dimensions only. Report any dimensions to be checked to the architect before proceeding with the work.</small></p>	<p>ELENBERG FRASER</p> <p><small>LEVEL 3, 360 QUEEN STREET, MELBOURNE, VICTORIA 3000 AUSTRALIA TEL: +61 3 9602 7200 FAX: +61 3 9602 2266 WWW.ELENBERGFRASER.COM.AU ENR 001 001 001</small></p>	<p>Project No: 462-482 SWAN STREET, RICHMOND</p> <p>BAMFA PROPERTIES</p>	<p>Drawing No: SITE PLAN</p> <p>Revision No: 11076</p> <p>Issue Date: A001</p> <p>Author: H</p> <p>Check: H</p> <p>TP</p> <p><small>Mar 26, 2016 - 1:16pm</small></p>
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Attachment 8 - Site Plans 462-482 Swan Street Preliminary Plans



<p>Revisions</p> <table border="1"> <tr><th>No.</th><th>Description</th></tr> <tr><td>1</td><td>ISSUED FOR PERMIT</td></tr> <tr><td>2</td><td>ISSUED FOR PERMIT</td></tr> <tr><td>3</td><td>ISSUED FOR PERMIT</td></tr> <tr><td>4</td><td>ISSUED FOR PERMIT</td></tr> <tr><td>5</td><td>ISSUED FOR PERMIT</td></tr> <tr><td>6</td><td>ISSUED FOR PERMIT</td></tr> <tr><td>7</td><td>ISSUED FOR PERMIT</td></tr> <tr><td>8</td><td>ISSUED FOR PERMIT</td></tr> <tr><td>9</td><td>ISSUED FOR PERMIT</td></tr> <tr><td>10</td><td>ISSUED FOR PERMIT</td></tr> </table>	No.	Description	1	ISSUED FOR PERMIT	2	ISSUED FOR PERMIT	3	ISSUED FOR PERMIT	4	ISSUED FOR PERMIT	5	ISSUED FOR PERMIT	6	ISSUED FOR PERMIT	7	ISSUED FOR PERMIT	8	ISSUED FOR PERMIT	9	ISSUED FOR PERMIT	10	ISSUED FOR PERMIT	<p>Notes:</p> <p>The drawings are to be read with regard to the scale at which the Document has been issued and for the specific purpose of the task. The information contained within is considered to be correct at the time of documentation.</p> <p>As an incorporated Engineer, Elenberg Fraser accepts no responsibility for alterations to drawings by persons other than Elenberg Fraser.</p> <p>By accepting and utilizing any drawings or other data or any form of electronic media generated and provided by Elenberg Fraser the Client agrees not to sue Elenberg Fraser and its staff, in whole or in part, for any errors or omissions other than the project which is the subject of this agreement.</p> <p>The Client agrees to cover all costs of printing and delivery of drawings and to pay for any other charges for services other than Elenberg Fraser.</p> <p>To confirm, the Client agrees, in the future, to provide Elenberg Fraser with any changes made to any drawings, including any amendments, or any other documents, including any correspondence, notices and conditions of alteration, arising from any changes made to any drawings or data, without prior written consent of Elenberg Fraser.</p> <p>By accepting and utilizing any drawings or other data or any form of electronic media generated and provided by Elenberg Fraser, the Client understands and agrees that all such drawings and data are the property of Elenberg Fraser, who shall be deemed the author of the drawings and data and shall retain all common law, statutory law and other rights, including copyright and intellectual property.</p> <p>Should drawings be used based on data control systems, if required, will be done at the following phone numbers: 1800 55 1000 GS and will be on the basis of a complete set of documents.</p> <p>Further applications will be charged and as a variation.</p>	<p>Notes:</p> <p>These drawings are work in progress and do not represent the complete set of documentation. They are intended to describe the design intent only and are not intended to be used as a tender document.</p> <p>SCALE(S): 1:500 (GENERAL) 1:100 (DETAIL)</p> <p>PRELIMINARY</p> <p><small>Equal dimensions like indicated to brickwork, unless otherwise stated. Do not use dimensions to be fixed to brickwork unless specifically stated.</small></p>	<p>ELENBERG FRASER</p> <p>LEVEL 3, 360 QUEEN STREET, MELBOURNE VIC3000 3000 TEL: +61 3 9601 7200 FAX: +61 3 9601 2766 WEBSITE: www.ef.com.au 1800 55 1000</p>	<p>462-482 SWAN STREET, RICHMOND</p> <p>BAMFA PROPERTIES</p>	<p>Project No:</p> <p>EXISTING CONDITIONS PLAN SURVEY AS RECEIVED BY BREESSE PITT DIXON</p> <p>11076</p> <p>A002</p> <p>TP</p> <p>H</p> <p><small>Mar. 05, 2014 - 11:56am</small></p>
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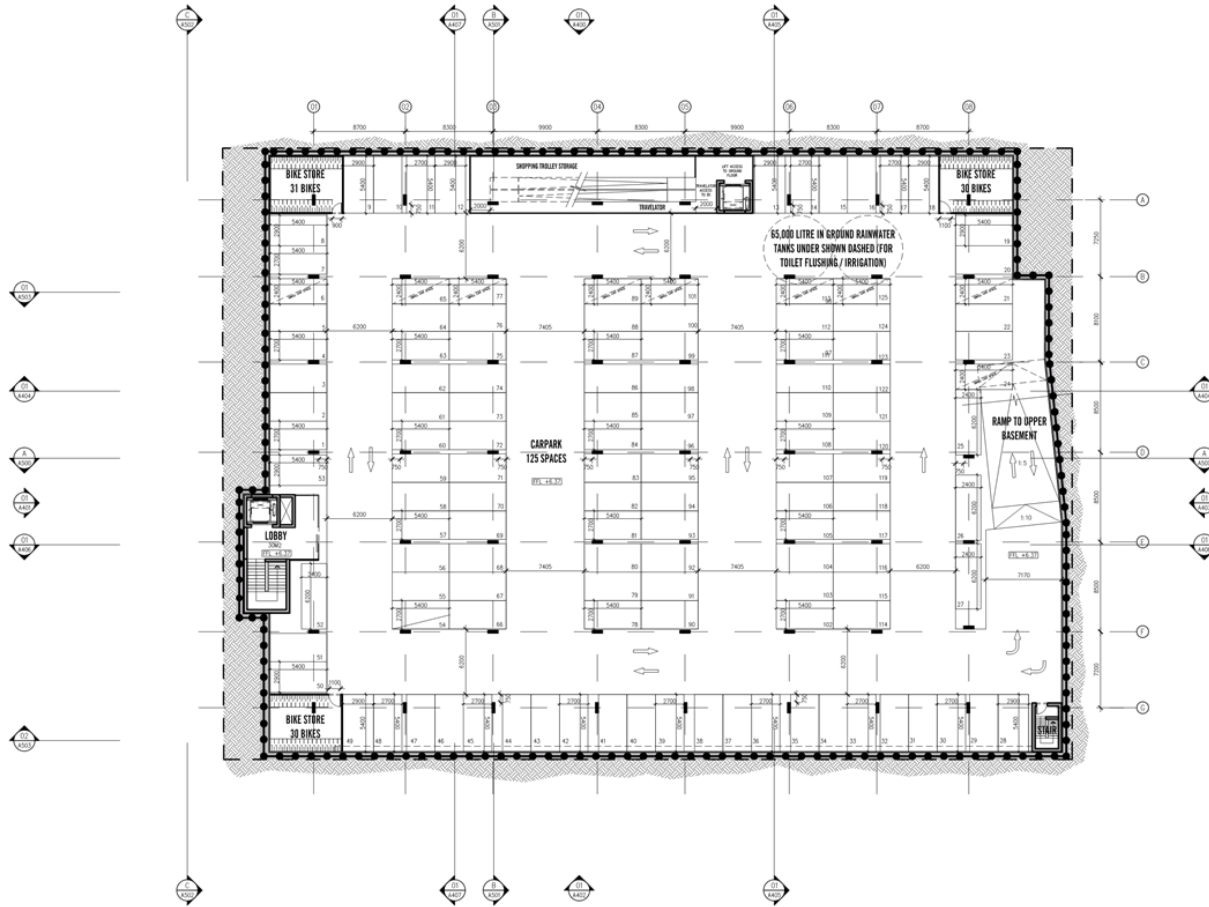
Attachment 8 - Site Plans 462-482 Swan Street Preliminary Plans



<p>Revised</p> <p>1. 10/16/16</p> <p>2. 10/16/16</p> <p>3. 10/16/16</p> <p>4. 10/16/16</p> <p>5. 10/16/16</p> <p>6. 10/16/16</p> <p>7. 10/16/16</p> <p>8. 10/16/16</p> <p>9. 10/16/16</p> <p>10. 10/16/16</p>	<p>Revised</p> <p>1. 10/16/16</p> <p>2. 10/16/16</p> <p>3. 10/16/16</p> <p>4. 10/16/16</p> <p>5. 10/16/16</p> <p>6. 10/16/16</p> <p>7. 10/16/16</p> <p>8. 10/16/16</p> <p>9. 10/16/16</p> <p>10. 10/16/16</p>	<p>Note: The drawings are to be reviewed with regard to the scale at which the documents have been issued and for the specific purpose of the issue. The information contained within is considered to be correct to the best of our knowledge.</p> <p>As an unlicensed drafter, Elenberg Fraser accepts no responsibility for other claims by persons using these drawings.</p> <p>By accepting and utilizing our drawings or other data or any form of electronic media generated and provided by Elenberg Fraser the Client agrees not to sue these drawings and data, in whole or in part, for any purpose or amount other than the project which is the subject of this agreement.</p> <p>The Client agrees to hold Elenberg Fraser harmless from any and all claims, damages, losses, or costs, including reasonable attorney's fees and costs of defense, arising from any changes made by anyone other than Elenberg Fraser or from any reuse of the drawings and data without prior written consent of Elenberg Fraser.</p> <p>By accepting and utilizing our drawings or other data or any form of electronic media generated and provided by Elenberg Fraser, the Client understands and agrees that all such drawings and data are representations of services of Elenberg Fraser, who shall be deemed the author of the drawings and data and shall retain all common law, statutory law and other rights, including copyright and intellectual property.</p> <p>Revised drawings will be based on current systems, if required, will be done at the following phone numbers: 100% 08, 100% 02 and will be on the basis of a complete set of documents.</p> <p>Further applications will be charged and as a variation.</p>	<p>Note: These drawings are work in progress and do not represent the complete set of documents. They are intended to describe the project and are not intended to be used as a tender document.</p> <p>SCALE: 1:500 (SEE DRAWING)</p> <p>PRELIMINARY</p> <p><small>Equal dimensions like indicated to scale drawings. Work of dimensions will report any dimensions to the field for dimension before proceeding with the work.</small></p>	<p>ELENBERG FRASER</p> <p>LEVEL 3, 360 QUEEN STREET MELBOURNE VIC3000 AUSTRALIA TEL: +61 3 960 7200 FAX: +61 3 960 2266 WEBSITE: WWW.ELENBERGFRASER.COM.AU GPO BOX 1000 MELB VIC 3000</p>	<p>Project No: 462-482 SWAN STREET, RICHMOND</p> <p>BAMFA PROPERTIES</p>	<p>Drawing No: DEMOLITION PLAN SURVEY AS RECEIVED BY BREESE PITT DIXON</p> <p>Project No: 11076</p> <p>Sheet No: A010</p> <p>Revision: 6</p> <p>TP</p> <p>Mar. 20, 2016 - 1:16pm</p>
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Attachment 9 - Floor Plans Pt 1 462-482 Swan Street Preliminary Plans

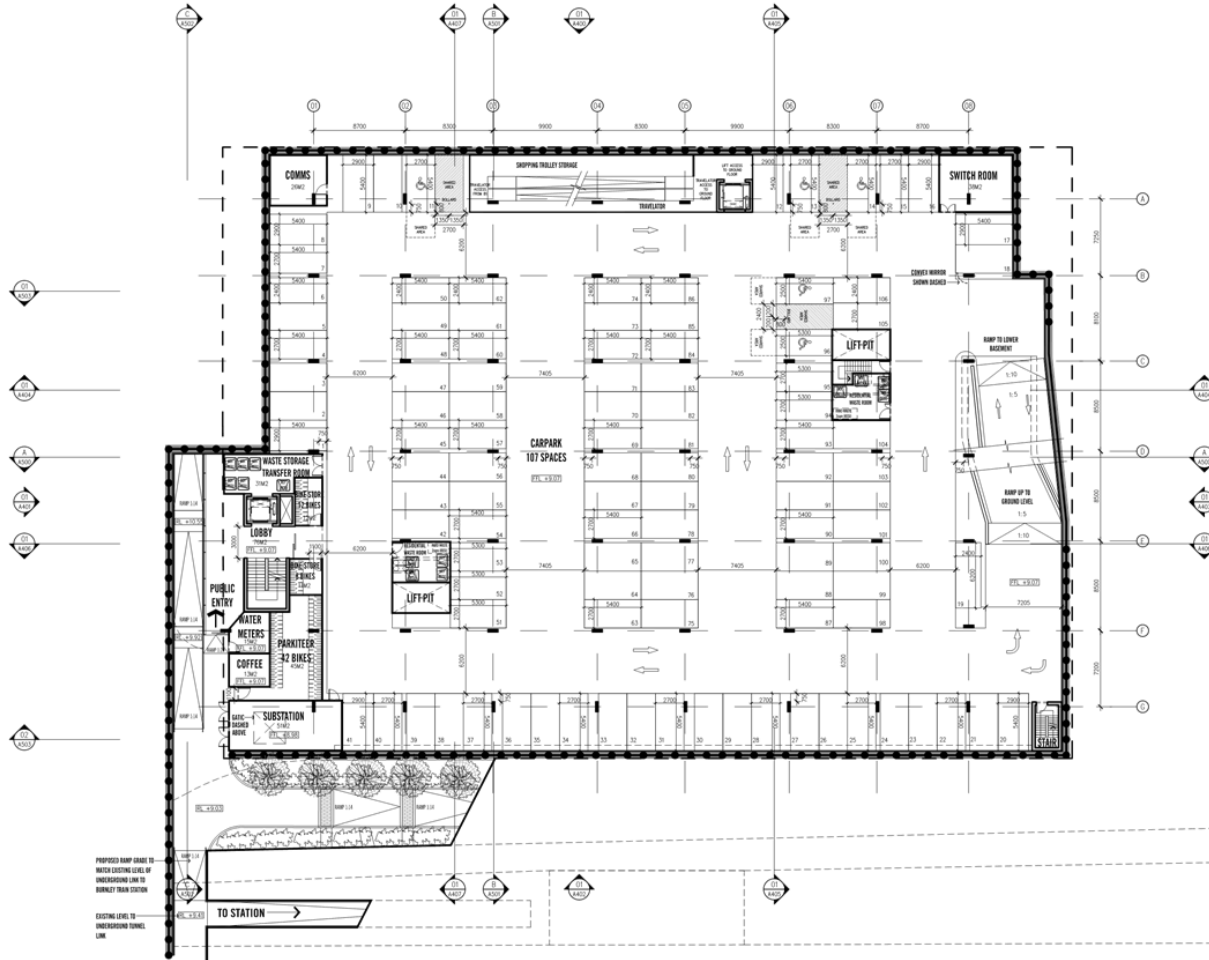
STAGE	1
APTS./SING.	-
APTS./DOORS	-
GFA/FLR	30
NSA/FLR	-
NSA/RET	-
EFF	-
TCE	-
GFA CARS	43K2
CARS	125
BIKES	91



<p>No. Date</p> <p>Revisions of issues to issue</p> <p>1. 10/11/16</p> <p>2. 10/11/16</p> <p>3. 10/11/16</p> <p>4. 10/11/16</p> <p>5. 10/11/16</p> <p>6. 10/11/16</p> <p>7. 10/11/16</p> <p>8. 10/11/16</p> <p>9. 10/11/16</p> <p>10. 10/11/16</p>	<p>10/11/16</p> <p>10/11/16</p> <p>10/11/16</p> <p>10/11/16</p> <p>10/11/16</p> <p>10/11/16</p> <p>10/11/16</p> <p>10/11/16</p> <p>10/11/16</p> <p>10/11/16</p>	<p>Note: The drawings are to be read with regard to the scale at which the document has been issued and for the specific purpose of the issue. The information contained within is considered to be correct at the time of documentation.</p> <p>Note: As an unexecuted document, Elenberg Fraser accepts no responsibility for alterations by persons using issued.</p> <p>By accepting and utilizing any drawings or other data or any form of electronic media generated and created by Elenberg Fraser the Client agrees not to sue them drawings and data, in whole or in part, for any purpose or project other than the project which is the subject of this document.</p> <p>All issued drawings to which this title applies (including any revision or amendment) shall be controlled by Elenberg Fraser. No other copies shall be made or distributed without the written consent of Elenberg Fraser.</p> <p>In addition, the Client agrees to hold Elenberg Fraser harmless from any damage, liability, or cost, including reasonable lawyer's fees and costs of defence, arising from any changes made by anyone other than Elenberg Fraser or from any reuse of the drawings and data without prior written consent of Elenberg Fraser.</p> <p>By accepting and utilizing any drawings or other data or any form of electronic media generated and created by Elenberg Fraser, the Client represents and agrees that it is not a party to any agreement of service of Elenberg Fraser, who shall be deemed the author of the drawings and data and shall retain all common law, statutory law and other rights, including copyright and intellectual property.</p> <p>Without drawings to which based data control systems, if required, will be done at the following phone numbers: 100% 00 100% 00 and will be on the basis of a complete set of documents.</p> <p>Further applications will be changed and as a variation.</p>	<p>Note: These drawings are work in progress and do not represent the complete set of documentation. They are intended to describe the design intent only and are not intended to be used as a tender document.</p> <p>SCALE(S): 1:500000 1:100000</p> <p>PRELIMINARY</p> <p>Equal dimensions like indicated to scale building. Work of dimensions only. Report any dimensions to be checked to ensure before proceeding with the work.</p>	<p>ELENBERG FRASER</p> <p>LEVEL 3, 360 QUEEN STREET, MELBOURNE, VIC 3000</p> <p>625/25/16</p> <p>TEL: +61 3 9601 7200 FAX: +61 3 9601 2266</p> <p>WEBSITE: www.ef.com.au</p> <p>© 2016 ELENBERG FRASER</p>	<p>Project No:</p> <p>462-482 SWAN STREET, RICHMOND</p> <p>BAMFA PROPERTIES</p>	<p>Drawing No:</p> <p>LOWER BASEMENT FLOOR PLAN</p> <p>Issue No:</p> <p>11076</p> <p>Issue Date:</p> <p>A100</p> <p>Issue By:</p> <p>J</p> <p>Issue For:</p> <p>TP</p>
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Attachment 9 - Floor Plans Pt 1 462-482 Swan Street Preliminary Plans

STAGE	1
APTS./SING.	-
APTS./DOORS	-
GFA/FLR	216
NCA/RET	-
EFF	-
TCE	-
GFA CARS	4187
CARS	106
BIKES	20



No.	Description	Revised
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2	Issue for comment	15/05/16
3	Issue for comment	15/05/16
4	Issue for comment	15/05/16
5	Issue for comment	15/05/16
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98	Issue for comment	15/05/16
99	Issue for comment	15/05/16
100	Issue for comment	15/05/16

Note: The drawings are to be reviewed with regard to the scale at which the Document has been issued and for the specific purpose of the issue. The information contained within is considered to be correct at the time of documentation.
 As an unincorporated Document, Elenberg Fraser accepts no responsibility for alterations by other parties to previous issues.
 No copying, and without any drawings or other data or any form of electronic media generated and provided by Elenberg Fraser the Client agrees not to use these drawings and data, in whole or in part, for any purpose or project other than the project which is the subject of this agreement.
 No consent is given to use these drawings or other data for any other project or purpose other than the project which is the subject of this agreement.
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 No copying, and without any drawings or other data or any form of electronic media generated and provided by Elenberg Fraser, the Client consents and agrees that such drawings and data are not to be used for any other project or purpose other than the project which is the subject of this agreement.
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 All drawings to which based data control systems, if required, will be done at the following phone resolutions: 100% BG, 100% CG and will be on the basis of a complete set of documents.
 Further specifications will be changed as a variation.

Note:
 These drawings are work in progress and do not represent the complete set of documentation. They are intended to describe the design intent only and are not intended to be used as a tender document.
 SCALE(S): 1:5000 (GENERAL)
PRELIMINARY
 Equal dimensions like indicated to scale headings. Work of dimensions only. Report any dimensions to be checked for accuracy before proceeding with the work.

ELENBERG FRASER

LEVEL 3, 360 QUEEN STREET, MELBOURNE VIC3000 AUSTRALIA
 TEL: +61 3 9602 7200 FAX: +61 3 9602 2266
 WWW.ELENBERGFRASER.COM.AU
 100% 100% 100%

Project No:

**462-482 SWAN STREET,
 RICHMOND**

BAMFA PROPERTIES

Drawing No:

BASEMENT FLOOR PLAN

Revision Number:

11076

Revision:

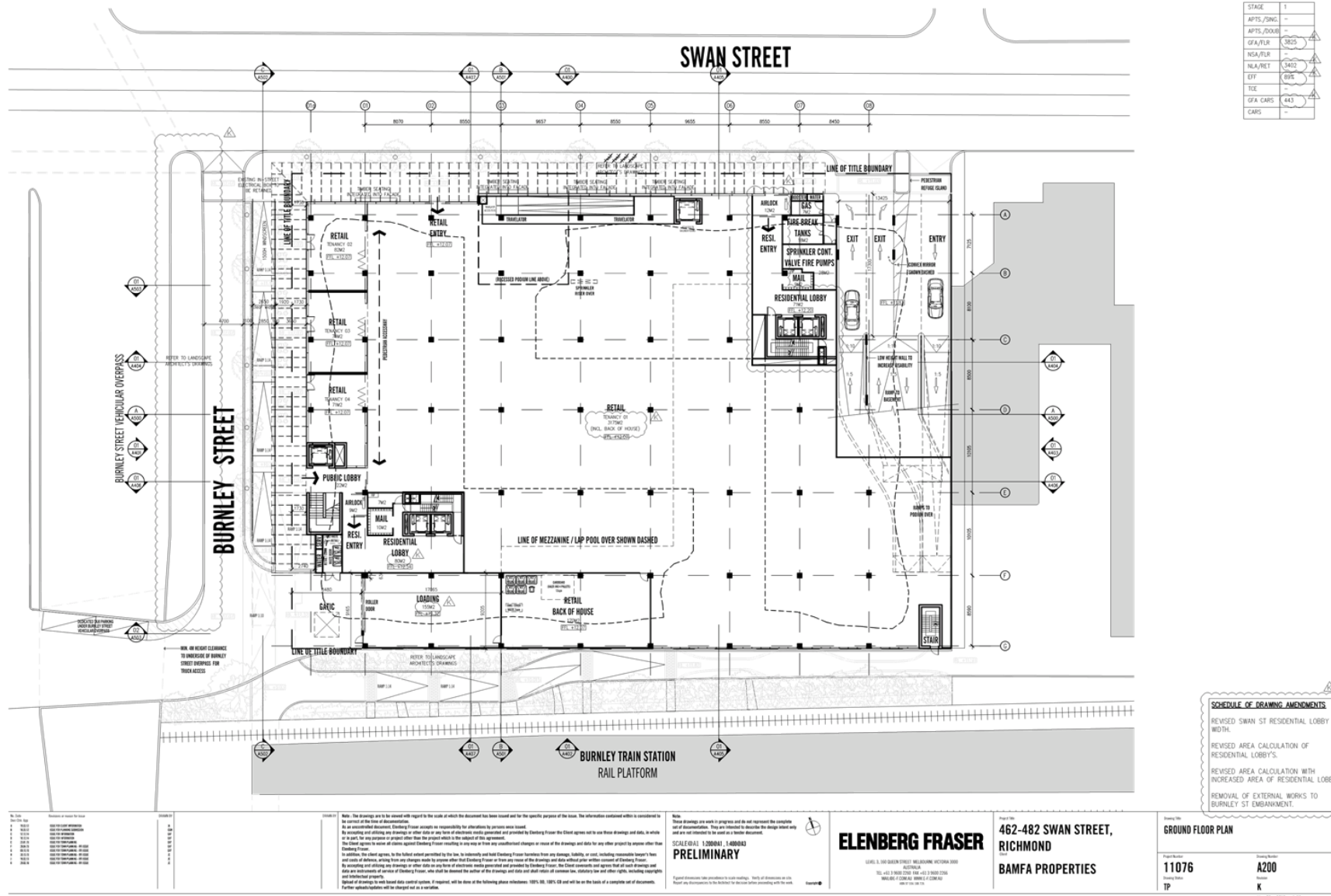
A101

Author:

J

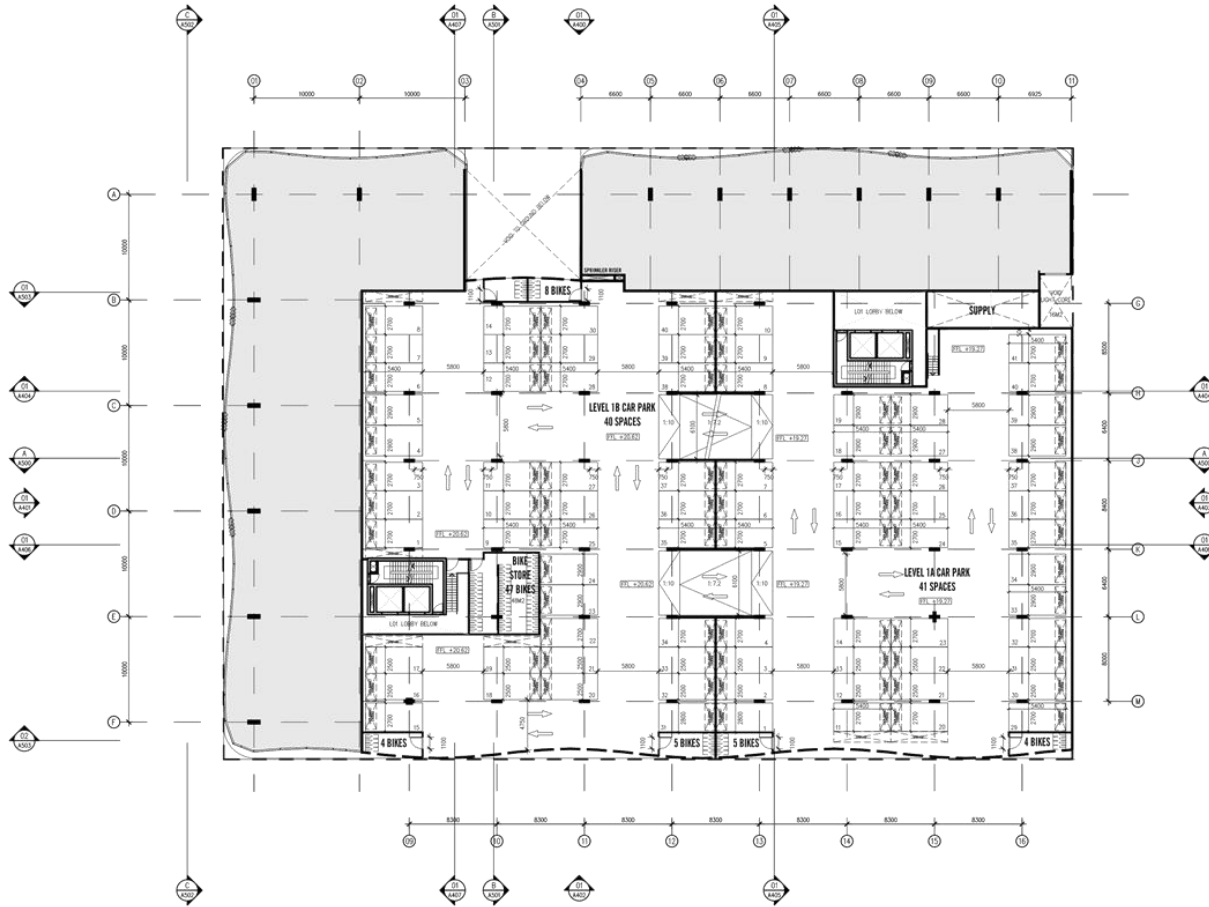
TP

Attachment 9 - Floor Plans Pt 1 462-482 Swan Street Preliminary Plans



Attachment 9 - Floor Plans Pt 1 462-482 Swan Street Preliminary Plans

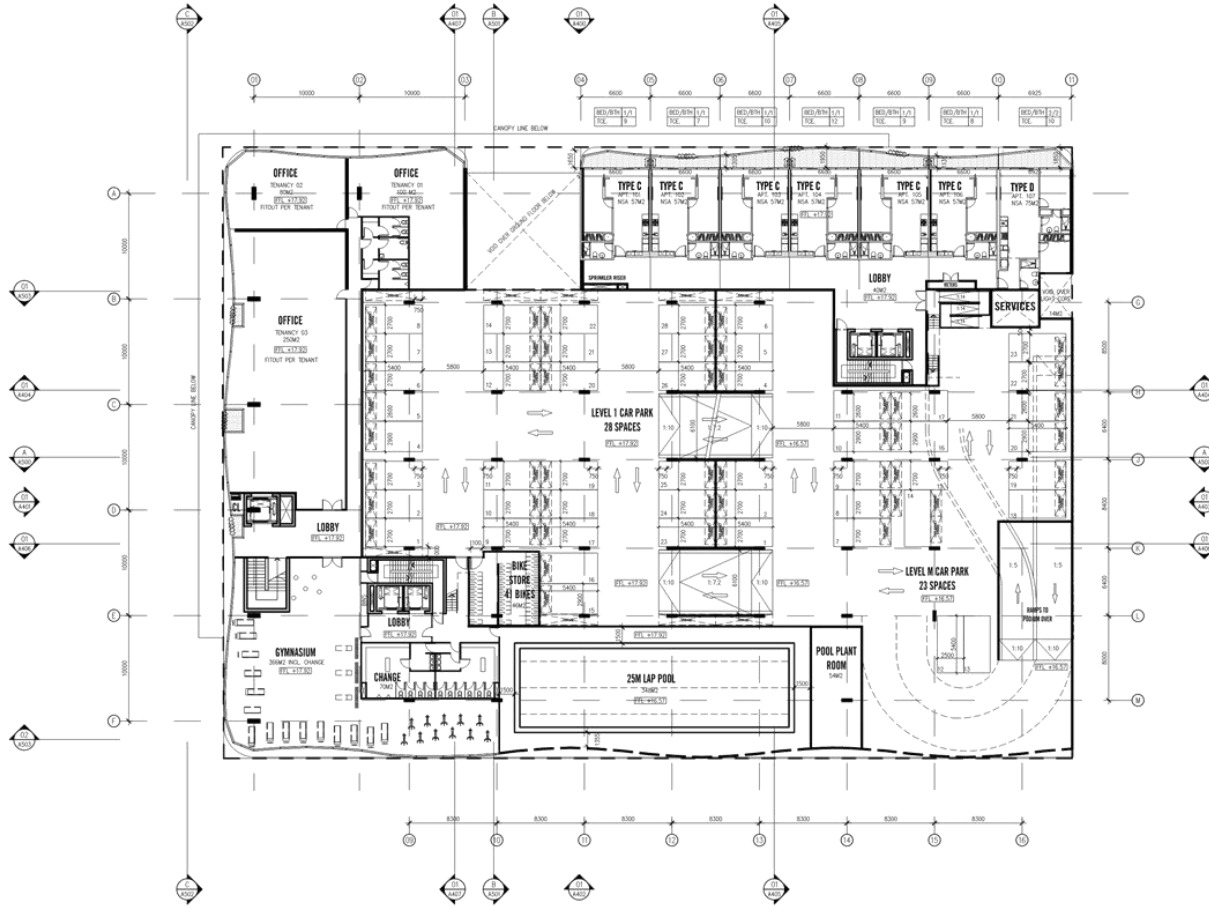
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GFA./FLR.	-
NSA./FLR.	-
NLA./COMM.	-
EFF.	-
TOE.	-
GFA. CARS	2803
CARS	81
BIKES	68



<p>Revisions</p> <table border="1"> <tr> <th>No.</th> <th>Description</th> <th>Date</th> </tr> <tr> <td>1</td> <td>ISSUED FOR PERMIT</td> <td>15/05/2016</td> </tr> <tr> <td>2</td> <td>ISSUED FOR PERMIT</td> <td>15/05/2016</td> </tr> <tr> <td>3</td> <td>ISSUED FOR PERMIT</td> <td>15/05/2016</td> </tr> <tr> <td>4</td> <td>ISSUED FOR PERMIT</td> <td>15/05/2016</td> </tr> <tr> <td>5</td> <td>ISSUED FOR PERMIT</td> <td>15/05/2016</td> </tr> <tr> <td>6</td> <td>ISSUED FOR PERMIT</td> <td>15/05/2016</td> </tr> <tr> <td>7</td> <td>ISSUED FOR PERMIT</td> <td>15/05/2016</td> </tr> <tr> <td>8</td> <td>ISSUED FOR PERMIT</td> <td>15/05/2016</td> </tr> <tr> <td>9</td> <td>ISSUED FOR PERMIT</td> <td>15/05/2016</td> </tr> <tr> <td>10</td> <td>ISSUED FOR PERMIT</td> <td>15/05/2016</td> </tr> <tr> <td>11</td> <td>ISSUED FOR PERMIT</td> <td>15/05/2016</td> </tr> <tr> <td>12</td> <td>ISSUED FOR PERMIT</td> <td>15/05/2016</td> </tr> <tr> <td>13</td> <td>ISSUED FOR PERMIT</td> <td>15/05/2016</td> </tr> <tr> <td>14</td> <td>ISSUED FOR PERMIT</td> <td>15/05/2016</td> </tr> <tr> <td>15</td> <td>ISSUED FOR PERMIT</td> <td>15/05/2016</td> </tr> <tr> <td>16</td> <td>ISSUED FOR PERMIT</td> <td>15/05/2016</td> </tr> <tr> <td>17</td> <td>ISSUED FOR PERMIT</td> <td>15/05/2016</td> </tr> <tr> <td>18</td> <td>ISSUED FOR PERMIT</td> <td>15/05/2016</td> </tr> <tr> <td>19</td> <td>ISSUED FOR PERMIT</td> <td>15/05/2016</td> </tr> <tr> <td>20</td> <td>ISSUED FOR PERMIT</td> <td>15/05/2016</td> </tr> </table>	No.	Description	Date	1	ISSUED FOR PERMIT	15/05/2016	2	ISSUED FOR PERMIT	15/05/2016	3	ISSUED FOR PERMIT	15/05/2016	4	ISSUED FOR PERMIT	15/05/2016	5	ISSUED FOR PERMIT	15/05/2016	6	ISSUED FOR PERMIT	15/05/2016	7	ISSUED FOR PERMIT	15/05/2016	8	ISSUED FOR PERMIT	15/05/2016	9	ISSUED FOR PERMIT	15/05/2016	10	ISSUED FOR PERMIT	15/05/2016	11	ISSUED FOR PERMIT	15/05/2016	12	ISSUED FOR PERMIT	15/05/2016	13	ISSUED FOR PERMIT	15/05/2016	14	ISSUED FOR PERMIT	15/05/2016	15	ISSUED FOR PERMIT	15/05/2016	16	ISSUED FOR PERMIT	15/05/2016	17	ISSUED FOR PERMIT	15/05/2016	18	ISSUED FOR PERMIT	15/05/2016	19	ISSUED FOR PERMIT	15/05/2016	20	ISSUED FOR PERMIT	15/05/2016	<p>Notes:</p> <p>These drawings are work in progress and do not represent the complete set of documentation. They are intended to describe the design intent only and are not intended to be used as a tender document.</p> <p>PRELIMINARY NOT FOR CONSTRUCTION</p> <p>Report any discrepancies to the architect before proceeding with the work.</p>	<p>ELENBERG FRASER</p> <p>LEVEL 3, 360 QUEEN STREET, MELBOURNE, VIC 3000 AUSTRALIA TEL: +61 3 9601 2700 FAX: +61 3 9601 2706 WWW.ELENBERGFRASER.COM.AU 100% OFFICE</p>	<p>Project Title: 462-482 SWAN STREET, RICHMOND</p> <p>Client: BAMFA PROPERTIES</p>	<p>Drawing Title: PODIUM FLOOR PLAN LEVEL 01 MEZZANINE UPPER CARPARK</p> <p>Project No: 11076</p> <p>Revision No: A201-U</p> <p>Author: J</p> <p>Check: TP</p>
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Attachment 10 - Floor Plans Pt 2 462-482 Swan Street Preliminary Plans

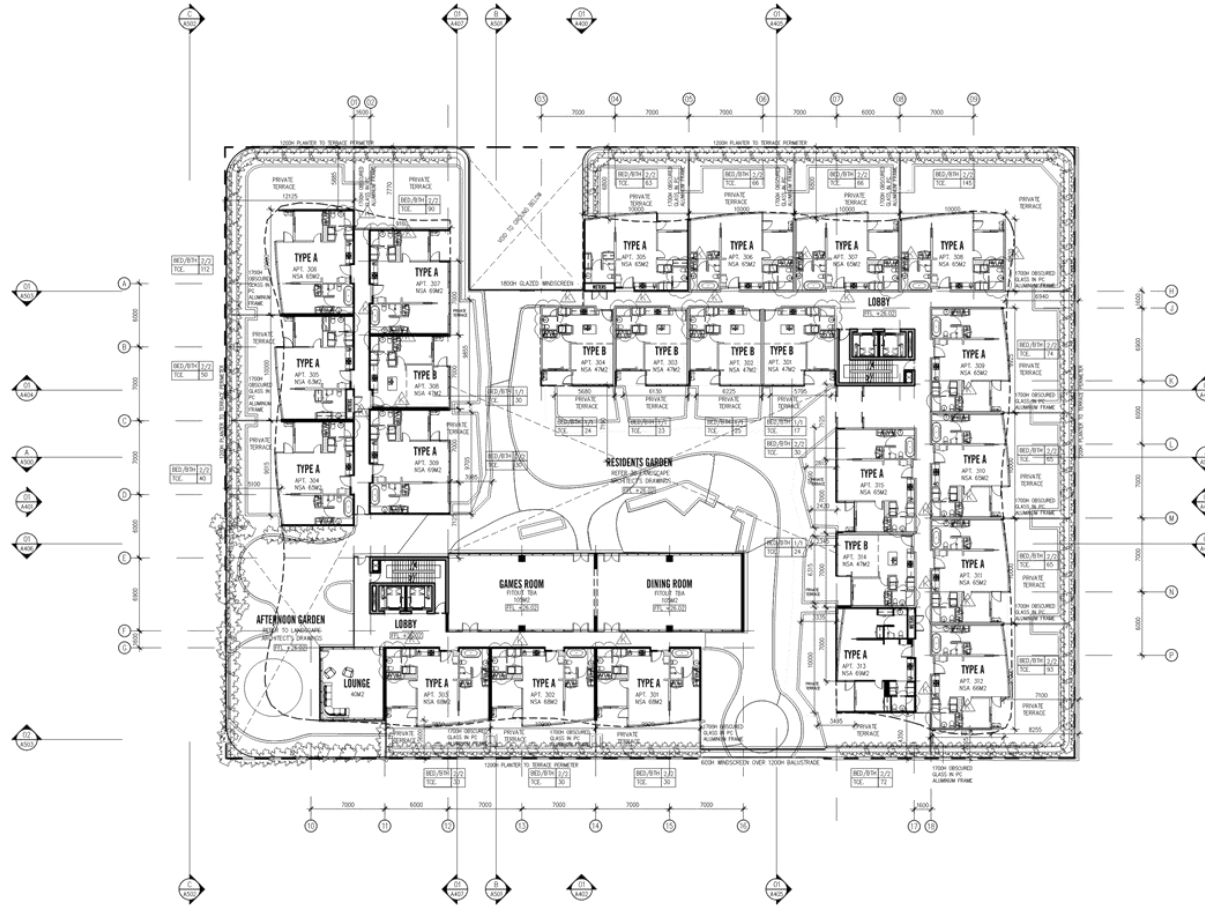
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APTS./SWING	6
APTS./DOOR	1
GFA/FLR	1972
NSA/FLR	417
NLA/OFFICE	1250
EFF	876
TOE	65
GFA CARS	2303
CARS	51
BKES	41



<p>Revisions</p> <table border="1"> <tr><th>No.</th><th>Description</th><th>By</th><th>Date</th></tr> <tr><td>1</td><td>ISSUED FOR PERMIT</td><td>EF</td><td>15/05/2016</td></tr> <tr><td>2</td><td>ISSUED FOR PERMIT</td><td>EF</td><td>15/05/2016</td></tr> <tr><td>3</td><td>ISSUED FOR PERMIT</td><td>EF</td><td>15/05/2016</td></tr> <tr><td>4</td><td>ISSUED FOR PERMIT</td><td>EF</td><td>15/05/2016</td></tr> <tr><td>5</td><td>ISSUED FOR PERMIT</td><td>EF</td><td>15/05/2016</td></tr> <tr><td>6</td><td>ISSUED FOR PERMIT</td><td>EF</td><td>15/05/2016</td></tr> <tr><td>7</td><td>ISSUED FOR PERMIT</td><td>EF</td><td>15/05/2016</td></tr> <tr><td>8</td><td>ISSUED FOR PERMIT</td><td>EF</td><td>15/05/2016</td></tr> <tr><td>9</td><td>ISSUED FOR PERMIT</td><td>EF</td><td>15/05/2016</td></tr> <tr><td>10</td><td>ISSUED FOR PERMIT</td><td>EF</td><td>15/05/2016</td></tr> <tr><td>11</td><td>ISSUED FOR PERMIT</td><td>EF</td><td>15/05/2016</td></tr> <tr><td>12</td><td>ISSUED FOR 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The information contained within is considered to be correct at the time of documentation.</p> <p>Note: An authorised Elenberg Fraser signatory is responsible for all releases by persons upon issued.</p> <p>By accepting and signing any drawings or other data or any form of electronic media generated and provided by Elenberg Fraser the Client agrees not to sue them for drawings and data, or claims or costs, for any drawings or other data or any form of electronic media generated and provided by Elenberg Fraser, the Client, or any other person or entity, in connection with the project.</p> <p>The Client agrees to indemnify Elenberg Fraser from any claims, damages, losses, or costs, including reasonable lawyer's fees and costs of defence, arising from any changes made to any drawings or data or any form of electronic media generated and provided by Elenberg Fraser, the Client, or any other person or entity, in connection with the project.</p> <p>By accepting and signing any drawings or other data or any form of electronic media generated and provided by Elenberg Fraser, the Client, or any other person or entity, in connection with the project, the Client agrees to indemnify Elenberg Fraser, the Client, or any other person or entity, from any claims, damages, losses, or costs, including reasonable lawyer's fees and costs of defence, arising from any changes made to any drawings or data or any form of electronic media generated and provided by Elenberg Fraser, the Client, or any other person or entity, in connection with the project.</p> <p>Without prejudice to the above, the Client agrees to indemnify Elenberg Fraser, the Client, or any other person or entity, from any claims, damages, losses, or costs, including reasonable lawyer's fees and costs of defence, arising from any changes made to any drawings or data or any form of electronic media generated and provided by Elenberg Fraser, the Client, or any other person or entity, in connection with the project.</p> <p>Further applications will be changed and as a variation.</p>	<p>Note: These drawings are work in progress and do not represent the complete set of documentation. They are intended to describe the design and any other information that is required to be used as a tender document.</p> <p>DISCLAIMER: ELENBERG FRASER</p> <p>PRELIMINARY NOT FOR CONSTRUCTION</p> <p>Do not rely on these drawings for construction purposes. They are intended for use as a tender document only.</p>	<p>ELENBERG FRASER</p> <p>LEVEL 1, 462 SWAN STREET, MELBOURNE VIC3000 GPO BOX 420 TEL: +61 3 960 2700 FAX: +61 3 960 2700 WWW.ELENBERGFRASER.COM.AU 100% 00 00 00</p>	<p>Project No: 462-482 SWAN STREET, RICHMOND</p> <p>BAMFA PROPERTIES</p>	<p>Drawing No: PODIUM FLOOR PLAN LEVEL 01</p> <p>Project No: 11076</p> <p>Revision No: A201</p> <p>Scale: K</p> <p>TP</p> <p>Mar 16, 2016 - 11:56am</p>
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APTS./DUAL	1	APTS./DUAL	5
APTS./DUAL	8	APTS./DUAL	10
GFA/FLR	963	GFA/FLR	1071
NSA/FLR	582	NSA/FLR	890
NLA/COMM	-	NLA/COMM	-
EFF	60%	EFF	83%
TCE	442	TCE	856
GFA CARS	-	GFA CARS	-
CARS	-	CARS	-



No.	Date	Revisions / Issues for Issue
1	08/22/2016	ISSUE FOR CONSTRUCTION
2	08/22/2016	ISSUE FOR CONSTRUCTION
3	08/22/2016	ISSUE FOR CONSTRUCTION
4	08/22/2016	ISSUE FOR CONSTRUCTION
5	08/22/2016	ISSUE FOR CONSTRUCTION
6	08/22/2016	ISSUE FOR CONSTRUCTION
7	08/22/2016	ISSUE FOR CONSTRUCTION
8	08/22/2016	ISSUE FOR CONSTRUCTION
9	08/22/2016	ISSUE FOR CONSTRUCTION
10	08/22/2016	ISSUE FOR CONSTRUCTION

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Notes: These drawings are work in progress and do not represent the complete and final design. They are intended to describe the design intent only and are not intended to be used as a tender document.
LEGEND: 1. COMMENTS: 1. AMENDMENTS
PRELIMINARY NOT FOR CONSTRUCTION
 Point and dimensions to the finished floor unless otherwise indicated with the work.

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 WWW.ELENBERGFRASER.COM.AU

Project No: **462-482 SWAN STREET, RICHMOND**
BAMFA PROPERTIES

Drawing No: **TOWER FLOOR PLAN LEVEL 03**
 Drawing Scale: **1:1076**
 Drawing Date: **TP**

SCHEDULE OF DRAWING AMENDMENTS
 SWING DOOR TO TOILET/BATHROOM TO BE REPLACED BY SLIDING DOOR

Revision No: **A203**
 Revision Date: **K**

Attachment 10 - Floor Plans Pt 2 462-482 Swan Street Preliminary Plans

STAGE	1	2
APTS./SING.	7	APTS./SING. 7
APTS./DUAL	7	APTS./DUAL 9
EPA/FLR	1000	EPA/FLR 1168
NSA/FLR	836	NSA/FLR 977
NLA/COMM	--	NLA/COMM --
EFF	84%	EFF 84%
TCE	107	TCE 116
EFA CARS	--	EFA CARS --
CARS	--	CARS --

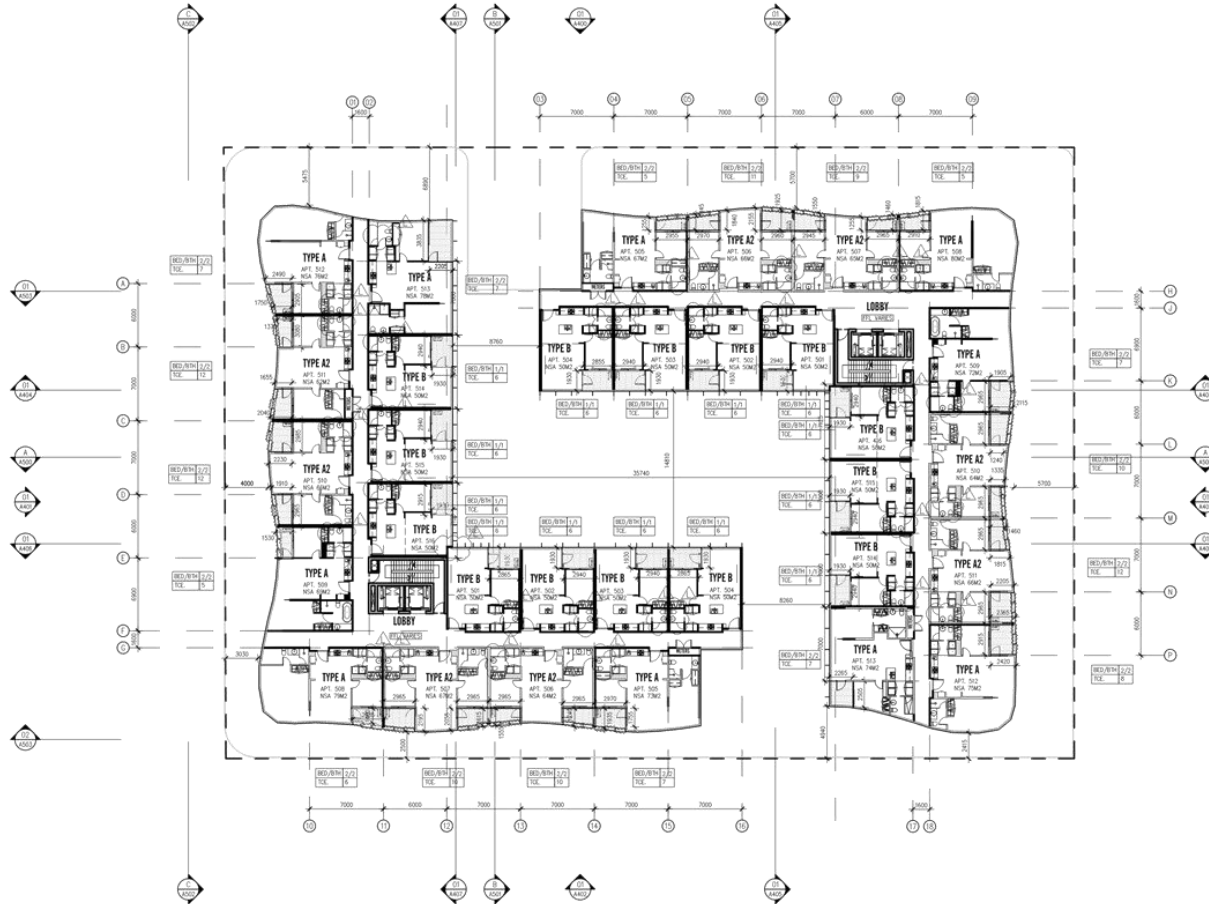


SCHEDULE OF DRAWING AMENDMENTS
 SWING DOOR TO TOILET/BATHROOM TO BE REPLACED BY SLIDING DOOR.
 REVISED RETURN WALL ADDED BETWEEN THE TWO APARTMENTS ADJACENT TO THE LEFT IN THE SOUTH-WEST CORNER OF BURNLEY ST FACING APARTMENT.

<p>No. Date Revisions or Issues for Issue</p> <p>1 04/22/2018</p> <p>2 04/22/2018</p> <p>3 04/22/2018</p> <p>4 04/22/2018</p> <p>5 04/22/2018</p> <p>6 04/22/2018</p> <p>7 04/22/2018</p> <p>8 04/22/2018</p> <p>9 04/22/2018</p> <p>10 04/22/2018</p>	<p>Note: The drawings are to be viewed with regard to the scale of which this document has been issued and for the specific purpose of the issue. The information contained within is considered to be correct at the time of documentation.</p> <p>As an incorporated document, Elenberg Fraser assumes no responsibility for alterations by persons other than:</p> <p>By accepting and allowing any drawings or other data or any form of electronic media generated and provided by Elenberg Fraser the Client agrees not to use these drawings and data, in whole or in part, for any purpose or project other than the project which is the subject of this agreement.</p> <p>The Client agrees to be bound by the terms and conditions of the contract between the Client and Elenberg Fraser.</p> <p>By issuing the drawings, Elenberg Fraser warrants that the drawings and data were prepared by Elenberg Fraser from the information provided to Elenberg Fraser by the Client and that the drawings and data were prepared by Elenberg Fraser in accordance with the contract between the Client and Elenberg Fraser.</p> <p>By accepting and allowing any drawings or other data or any form of electronic media generated and provided by Elenberg Fraser, the Client consents and agrees that all such drawings and data are instruments of service of Elenberg Fraser, who shall be deemed the author of the drawings and data and shall retain all copyright, liability law and other rights, including copyright and intellectual property.</p> <p>Reprint of drawings by web based data collection systems, if required, will be done at the following minimum resolution: 100% DSC, 100% CM and will be on the basis of a complete set of documents.</p> <p>Further applications may be developed as a variation.</p>	<p>Note: These drawings are work in progress and do not represent the complete and final documentation. They are intended to provide the design team only and are not intended to be used as a tender document.</p> <p>SCALE(S): 1:50 (GENERAL) 1:20 (LOBBY)</p> <p>PRELIMINARY</p> <p>Approved drawings are prohibited to such extent, partly of drawings on site. Report and documents to be included for review before printing with the work.</p>	<p>ELENBERG FRASER</p> <p>LEVEL 4, 100 BURNLEY STREET, MELBOURNE, VICTORIA 3000 AUSTRALIA TEL: +61 3 9602 7200 FAX: +61 3 9602 7206 WWW.ELENBERGFRASER.COM.AU 100% DSC CM 100% CM</p>	<p>Project Name: 462-482 SWAN STREET, RICHMOND</p> <p>Client: BAMFA PROPERTIES</p>	<p>Drawing No: TOWER FLOOR PLAN LEVEL 04</p> <p>Drawing Title: 11076</p> <p>Revision: A204</p> <p>Scale: L</p> <p>WSP 05, 2018 - 1:50pm</p>
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Attachment 11 - Floor Plans Pt 3 462-482 Swan Street Preliminary Plans

STAGE	1	STAGE	2
APTS./SING.	7	APTS./SING.	7
APTS./DUAL	9	APTS./DUAL	9
EPA/FLR	1162	EPA/FLR	1168
NLA/FLR	984	NLA/FLR	977
NLA/COMM	--	NLA/COMM	--
EFF	80X	EFF	84X
TCE	116	TCE	116
EPA CARS	--	EPA CARS	--
CARS	--	CARS	--

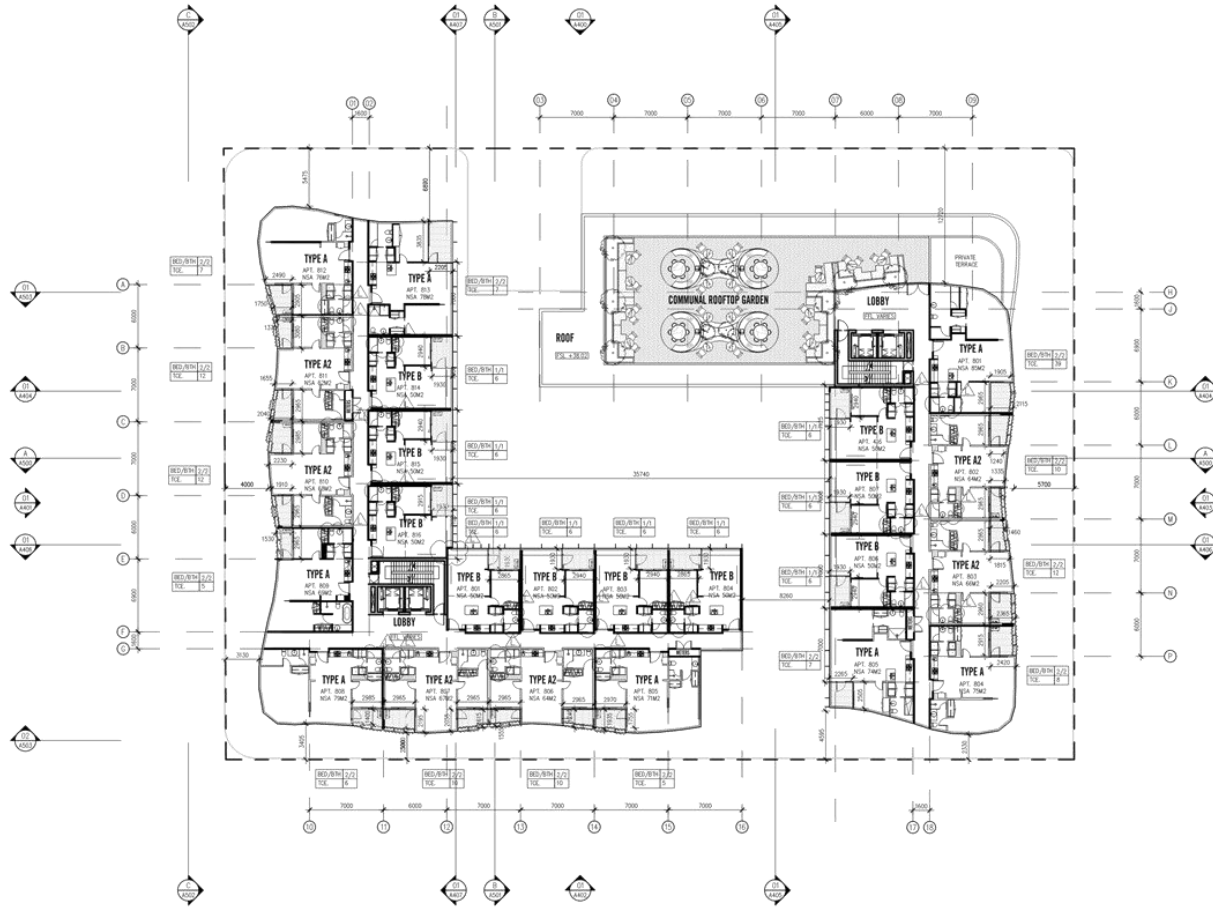


SCHEDULE OF DRAWING AMENDMENTS
 SWING DOOR TO TOILET/BATHROOM TO BE REPLACED BY SLIDING DOOR.
 REVISED RETURN WALL ADDED BETWEEN THE TWO APARTMENTS ADJACENT TO THE LIFT IN THE SOUTH-WEST CORNER OF BURNLEY ST FACING APARTMENT.

<p>Revisions</p> <table border="1"> <tr> <th>No.</th> <th>Date</th> <th>Description of Change</th> </tr> <tr> <td>1</td> <td>05/11/16</td> <td>Issue for comment</td> </tr> <tr> <td>2</td> <td>05/11/16</td> <td>Issue for comment</td> </tr> <tr> <td>3</td> <td>05/11/16</td> <td>Issue for comment</td> </tr> <tr> <td>4</td> <td>05/11/16</td> <td>Issue for comment</td> </tr> <tr> <td>5</td> <td>05/11/16</td> <td>Issue for comment</td> </tr> <tr> <td>6</td> <td>05/11/16</td> <td>Issue for comment</td> </tr> <tr> <td>7</td> <td>05/11/16</td> <td>Issue for comment</td> </tr> <tr> <td>8</td> <td>05/11/16</td> <td>Issue for comment</td> </tr> <tr> <td>9</td> <td>05/11/16</td> <td>Issue for comment</td> </tr> <tr> <td>10</td> <td>05/11/16</td> <td>Issue for comment</td> </tr> <tr> <td>11</td> <td>05/11/16</td> <td>Issue for comment</td> </tr> <tr> <td>12</td> <td>05/11/16</td> <td>Issue for comment</td> </tr> <tr> <td>13</td> <td>05/11/16</td> <td>Issue for comment</td> </tr> <tr> <td>14</td> <td>05/11/16</td> <td>Issue for comment</td> </tr> <tr> <td>15</td> <td>05/11/16</td> <td>Issue for comment</td> </tr> <tr> <td>16</td> <td>05/11/16</td> <td>Issue for comment</td> </tr> <tr> <td>17</td> <td>05/11/16</td> <td>Issue for comment</td> </tr> <tr> <td>18</td> <td>05/11/16</td> <td>Issue for comment</td> </tr> <tr> <td>19</td> <td>05/11/16</td> <td>Issue for comment</td> </tr> <tr> <td>20</td> <td>05/11/16</td> <td>Issue for comment</td> </tr> </table>	No.	Date	Description of Change	1	05/11/16	Issue for comment	2	05/11/16	Issue for comment	3	05/11/16	Issue for comment	4	05/11/16	Issue for comment	5	05/11/16	Issue for comment	6	05/11/16	Issue for comment	7	05/11/16	Issue for comment	8	05/11/16	Issue for comment	9	05/11/16	Issue for comment	10	05/11/16	Issue for comment	11	05/11/16	Issue for comment	12	05/11/16	Issue for comment	13	05/11/16	Issue for comment	14	05/11/16	Issue for comment	15	05/11/16	Issue for comment	16	05/11/16	Issue for comment	17	05/11/16	Issue for comment	18	05/11/16	Issue for comment	19	05/11/16	Issue for comment	20	05/11/16	Issue for comment	<p>Notes:</p> <p>The drawings are to be viewed with regard to the scale at which the document has been issued and for the specific purpose of the issue. The information contained within is considered to be correct at the time of documentation.</p> <p>As an incorporated document, Elenberg Fraser assumes no responsibility for alterations by persons other than:</p> <p>By accepting and allowing any drawings or other data or any form of electronic media generated and provided by Elenberg Fraser the Client agrees not to sue these drawings and data, in whole or in part, for any mistake or omission other than the project which is the subject of the agreement.</p> <p>Should changes or issues arise at the drawings and data for any other projects to proceed other than the subject project, the Client agrees to notify Elenberg Fraser immediately.</p> <p>The Client agrees to the fact that Elenberg Fraser is not responsible for any errors, omissions, liability, or cost, including reasonable lawyer's fees and costs of defence, arising from any changes made by anyone other than Elenberg Fraser or from any reuse of the drawings and data without prior written consent of Elenberg Fraser.</p> <p>By accepting and allowing any drawings or other data or any form of electronic media generated and provided by Elenberg Fraser, the Client consents and agrees that all such drawings and data are instruments of service of Elenberg Fraser, who shall be deemed the author of the drawings and data and shall retain all common law, statutory law and other rights, including copyright and intellectual property.</p> <p>Approval of drawings will be deemed to be approval of the drawings and data and shall retain all common law, statutory law and other rights, including copyright and intellectual property.</p> <p>For any applications and/or other documents, please refer to the relevant documents.</p>	<p>ELLENBERG FRASER</p> <p>100 BAKERS STREET, MELBOURNE VICTORIA 3000 TEL: +61 3 9606 2200 FAX: +61 3 9606 2206 WWW.ELLENBERGFRASER.COM.AU 100 BAKERS STREET, MELBOURNE VICTORIA 3000 TEL: +61 3 9606 2200 FAX: +61 3 9606 2206 WWW.ELLENBERGFRASER.COM.AU</p>	<p>Project No: 462-482 SWAN STREET, RICHMOND</p> <p>Client: BAMFA PROPERTIES</p>	<p>Drawing No: TOWER FLOOR PLAN TYPICAL LEVEL 05-07</p> <p>Revision: 11076</p> <p>Scale: A205</p> <p>Author: L</p>
No.	Date	Description of Change																																																																	
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Attachment 11 - Floor Plans Pt 3 462-482 Swan Street Preliminary Plans

STAGE	1	STAGE	2
APTS./SING.	7	APTS./SING.	3
APTS./DUAL	9	APTS./DUAL	5
EPA/FLR	1162	EPA/FLR	654
NSA/FLR	984	NSA/FLR	514
NLA/COMM	--	NLA/COMM	--
EFF	80X	EFF	79X
TCE	116	TCE	94
EFA CARS	--	EFA CARS	--
CARS	--	CARS	--



SCHEDULE OF DRAWING AMENDMENTS
 SWING DOOR TO TOILET/BATHROOM TO BE REPLACED BY SLIDING DOOR.
 REVISED RETURN WALL ADDED BETWEEN THE TWO APARTMENTS ADJACENT TO THE LIFT IN THE SOUTH-WEST CORNER OF BURNLEY ST FACING APARTMENT.

No.	Date	Revisions or Issues for Issue
1	06/22	Initial design
2	06/22	Client feedback
3	06/22	Design development
4	06/22	Final design
5	06/22	Final design
6	06/22	Final design
7	06/22	Final design
8	06/22	Final design
9	06/22	Final design
10	06/22	Final design

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 Further applications can be changed as a variation.

Note: These drawings are work in progress and do not represent the complete and final design. They are intended to illustrate the proposed design and are not intended to be used as a final design.
 SCALE: 1:100 (GENERAL)
PRELIMINARY
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 www.elf.com.au
 100 Green Street, Melbourne, Victoria 3000
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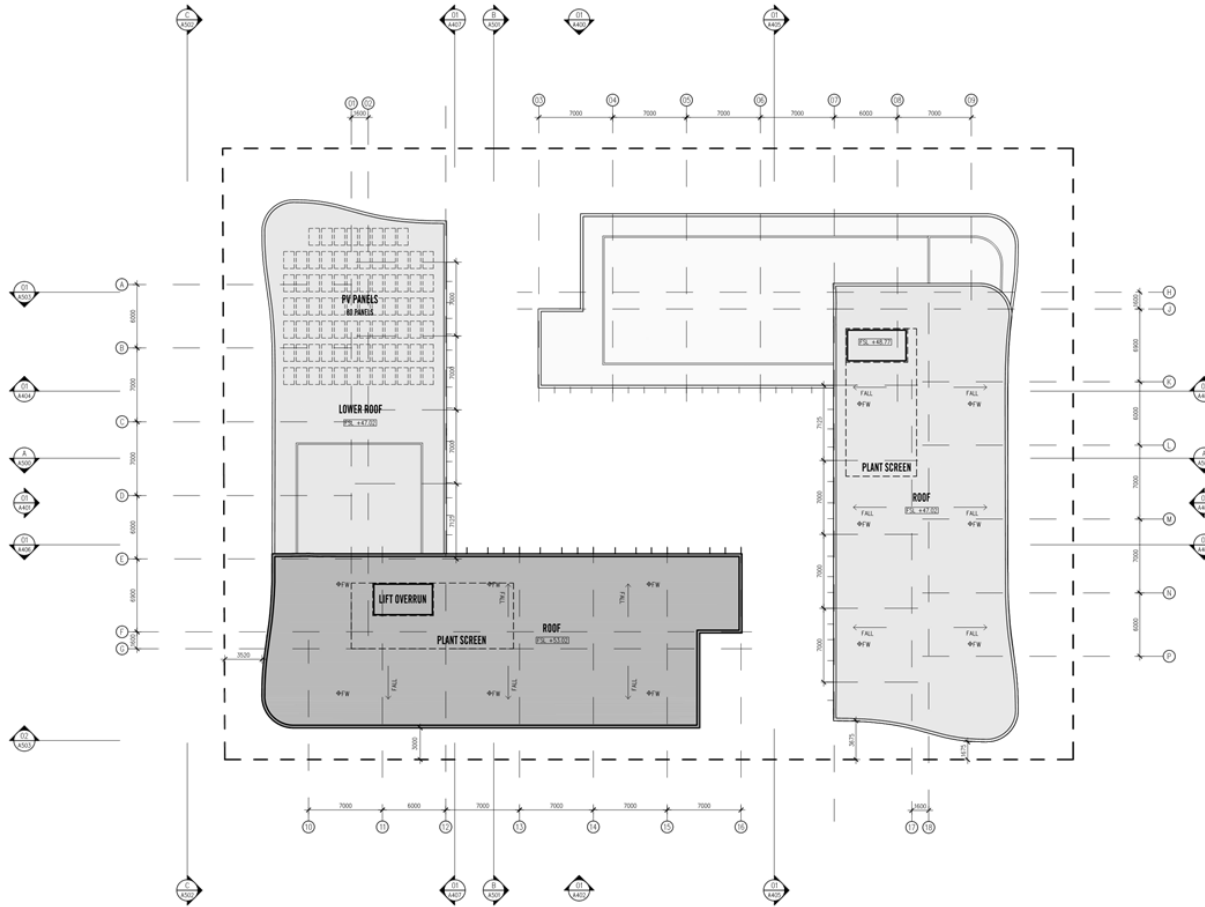
ELENBERG FRASER

Project No: **462-482 SWAN STREET, RICHMOND**
 Client: **BAMFA PROPERTIES**

Drawing No: **TOWER FLOOR PLAN TYPICAL LEVEL 08-09**
 Drawing Title: **11076**
 Drawing Code: **A208**
 Drawing Date: **L**
 Mar 20, 2016 - 1:58pm

Attachment 11 - Floor Plans Pt 3 462-482 Swan Street Preliminary Plans

STAGE	1
APTS./SING.	--
APTS./DOUB.	--
GFA/TLR	--
NSA/TLR	--
NLA/COMM.	--
EFF	--
TCE	--
GFA CARS	--
CARS	--

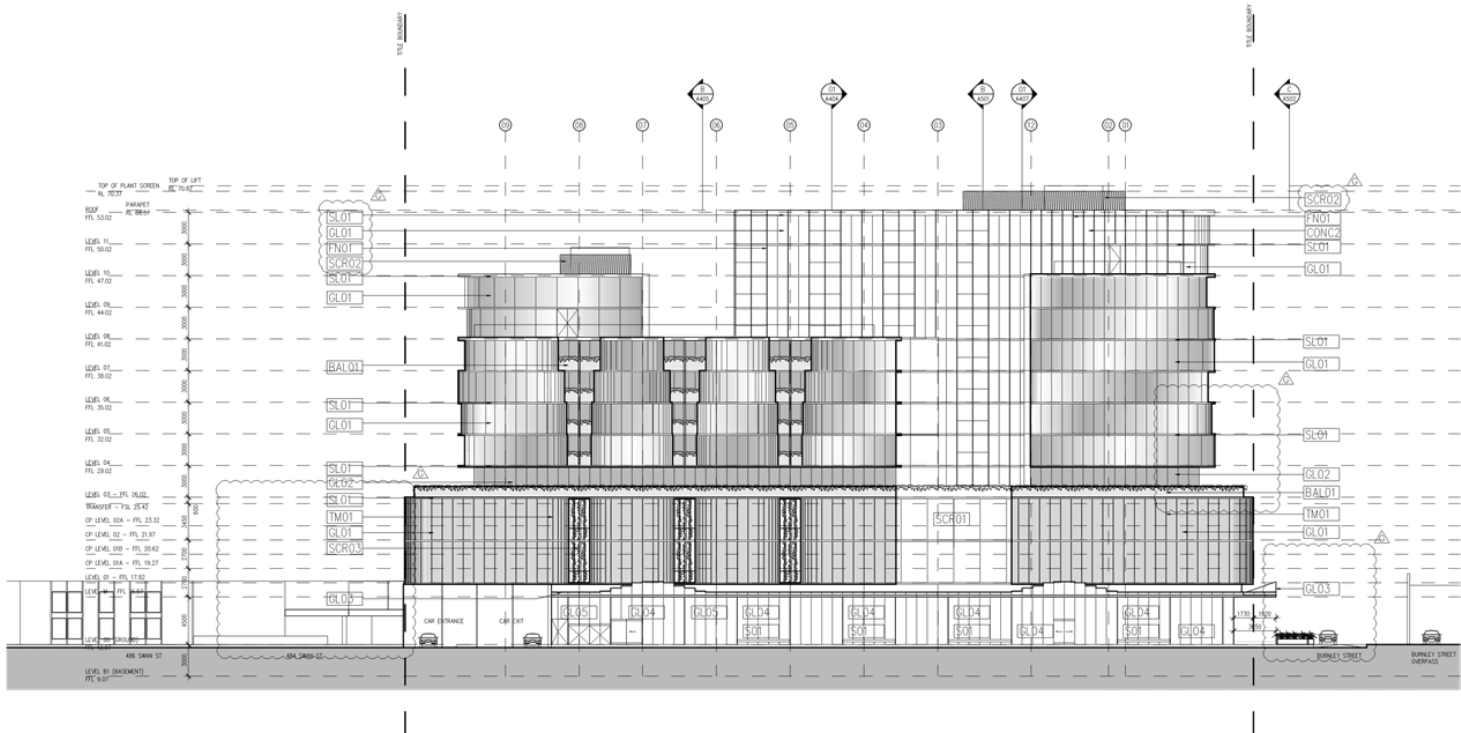


<p>Rev. No. Description of Change to Issue</p> <table border="1"> <tr><td>1</td><td>ISSUED</td><td>ISSUED</td></tr> <tr><td>2</td><td>ISSUED</td><td>ISSUED</td></tr> <tr><td>3</td><td>ISSUED</td><td>ISSUED</td></tr> <tr><td>4</td><td>ISSUED</td><td>ISSUED</td></tr> <tr><td>5</td><td>ISSUED</td><td>ISSUED</td></tr> <tr><td>6</td><td>ISSUED</td><td>ISSUED</td></tr> <tr><td>7</td><td>ISSUED</td><td>ISSUED</td></tr> <tr><td>8</td><td>ISSUED</td><td>ISSUED</td></tr> <tr><td>9</td><td>ISSUED</td><td>ISSUED</td></tr> <tr><td>10</td><td>ISSUED</td><td>ISSUED</td></tr> </table>	1	ISSUED	ISSUED	2	ISSUED	ISSUED	3	ISSUED	ISSUED	4	ISSUED	ISSUED	5	ISSUED	ISSUED	6	ISSUED	ISSUED	7	ISSUED	ISSUED	8	ISSUED	ISSUED	9	ISSUED	ISSUED	10	ISSUED	ISSUED	<p>Note: The drawings are to be viewed with regard to the scale at which the document has been issued and for the specific purpose of the issue. The information contained within is considered to be correct at the time of documentation.</p> <p>As an authorised drafter, Elenberg Fraser accepts no responsibility for alterations by persons other than:</p> <p>By accepting and signing any drawings or other data or any form of electronic media generated and provided by Elenberg Fraser the Client agrees not to sue them for drawings and data, or other information, in any capacity or in any other way, in relation to the project or any other project for which they are acting as drafter.</p> <p>The Client agrees to accept full responsibility for any errors or omissions in the drawings and data for any other project for which they are acting as drafter.</p> <p>In addition, the Client agrees to be fully responsible and hold Elenberg Fraser harmless from any claims, liability, or cost, including reasonable lawyer's fees and costs of defence, arising from any changes made by anyone other than Elenberg Fraser or from any reuse of the drawings and data without prior written consent of Elenberg Fraser.</p> <p>By accepting and signing any drawings or other data or any form of electronic media generated and provided by Elenberg Fraser, the Client understands and agrees that all such drawings and data are the property of Elenberg Fraser, who shall be deemed the author of the drawings and data and shall retain all common law, statutory law and other rights, including copyright and intellectual property.</p> <p>Without drawings to which based data control systems, if required, will be done at the following phase milestones: 100% DR, 100% CD and will be on the basis of a complete set of documents.</p> <p>Further applications will be changed and as a variation.</p>	<p>Note: These drawings are work in progress and do not represent the complete set of documentation. They are intended to describe the design intent only and are not intended to be used as a tender document.</p> <p>SCALE(S): 1:500000 1:100000</p> <p>PRELIMINARY</p> <p><small>Equal dimensions like indicated to scale buildings. Work of dimensions only. Report any discrepancies to the architect for action before proceeding with the work.</small></p>	<p>ELENBERG FRASER</p> <p><small>LEVEL 3, 360 QUEEN STREET, MELBOURNE, VIC 3000 AUSTRALIA TEL: +61 3 9601 7200 FAX: +61 3 9601 2266 WWW.ELENBERGFRASER.COM.AU ENR 100 100 10</small></p>	<p>Project No: 462-482 SWAN STREET, RICHMOND</p> <p>BAMFA PROPERTIES</p>	<p>Drawing No: TOWER FLOOR PLAN LEVEL ROOF</p> <p>Project No: 11076</p> <p>Revision No: A220</p> <p>Issue No: J</p> <p>TP</p>
1	ISSUED	ISSUED																																	
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9	ISSUED	ISSUED																																	
10	ISSUED	ISSUED																																	

Attachment 12 - Elevation Plans Pt 1 462-482 Swan Street Preliminary Plans

LEGEND

- BAL01 PAINTED CONCRETE BALUSTRADE PLANTER
- CONC1 PRECAST CONCRETE-PATTERNED RELIEF BRONZE APPLIED PAINT FINISH
- CONC2 PRECAST CONCRETE-EXPRESSED JOINT WITH CHARCOAL APPLIED FINISH
- FN01 FINISH VERTICAL SHADING FIN - CHARCOAL PC FINISH
- GL01 BRONZE GLASS IN BLACK ALUMINIUM FRAME
- GL02 TINTED GLASS SARK GREY IN BLACK ALUMINIUM FRAME
- GL03 CLEAR CANOPY GLAZING IN BLACK PC STEEL FRAMED CANOPY
- GL04 BLACK PC ALUMINIUM FRAMED CLEAR SHIPFRONT GLAZING WITH GLASS FINIS
- GL05 COLOURBACK GLASS ON SOLID WALL TO MATCH GL04
- S01 TIMBER SEAT TO FACADE GLAZING
- SLO1 EXPRESSED SLAB EDGE FINISH GALV. PFC
- SCRO1 SILVER FINISH ALUMINIUM LOUVRED CARPARK SCREEN
- SCRO2 SILVER FINISH ALUMINIUM LOUVRED PLANT SCREEN
- SCRO3 SILVER CHAIN VERTICAL LANDSCAPE CLIMBING SCREEN
- TWO1 TIMBER VERTICAL SHADING SCREEN



SCHEDULE OF DRAWING AMENDMENTS
 ALL TREES HAVE BEEN REMOVED FROM ELEVATIONS & SECTIONS FOR DRAWING CLARITY.
 MATERIAL CODES REALIGNED

No.	Date	Description
1	2016.05.11	ISSUE FOR PERMIT
2	2016.05.11	ISSUE FOR PERMIT
3	2016.05.11	ISSUE FOR PERMIT
4	2016.05.11	ISSUE FOR PERMIT
5	2016.05.11	ISSUE FOR PERMIT
6	2016.05.11	ISSUE FOR PERMIT
7	2016.05.11	ISSUE FOR PERMIT
8	2016.05.11	ISSUE FOR PERMIT
9	2016.05.11	ISSUE FOR PERMIT
10	2016.05.11	ISSUE FOR PERMIT

Note: The drawings are to be viewed with regard to the scale at which the document has been issued and for the specific purpose of the issue. The information contained within is considered to be correct at the time of documentation.
 In an unexcused instance, Elenberg Fraser accepts no responsibility for alterations by persons other than those authorised by Elenberg Fraser. The client agrees not to use these drawings and data, in whole or in part, for any purpose or project other than the project stated in the contract of this agreement. Elenberg Fraser does not accept any responsibility for any other project or project other than the project stated in the contract of this agreement.
 In addition, we do not agree to be held liable for any errors or omissions in the drawings and data without prior written consent of Elenberg Fraser.
 No copying and editing any drawings or other data or any form of electronic media generated and provided by Elenberg Fraser, the Client consents not agree that all such drawings and data are the property of Elenberg Fraser, who shall be deemed the author of the drawings and data and shall retain all common law, statutory law and other rights, including copyright and intellectual property.
 All drawings to be used must have a valid system. If required, will be done at the following phase milestones: 100% DD, 100% CD and will be on the basis of a complete set of documents. Further applications will be charged as a variation.

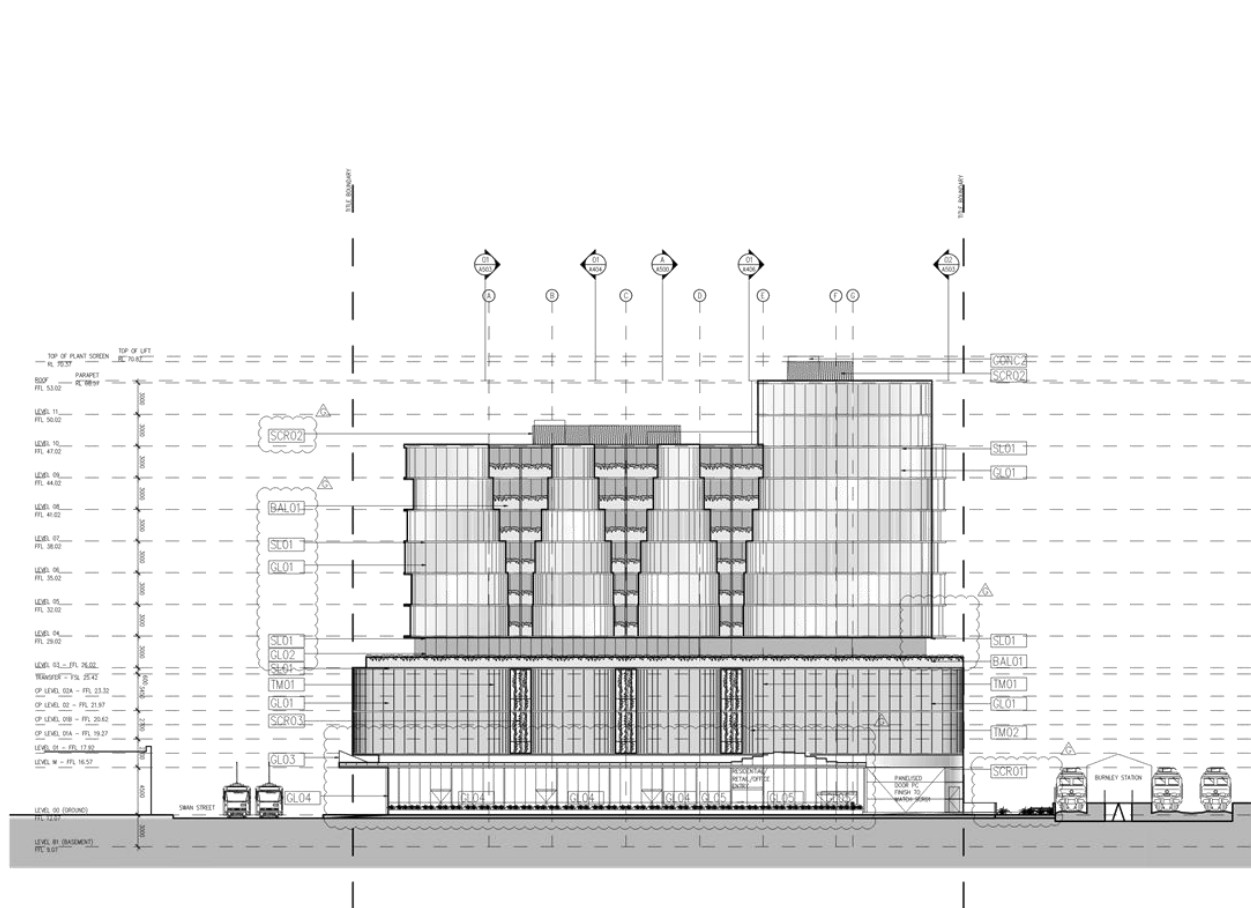
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Project No: **462-482 SWAN STREET, RICHMOND**
BAMFA PROPERTIES

Drawing No: **NORTH ELEVATION SWAN STREET**
 Drawing Scale: **1:1076**
 Drawing Date: **6**
 Drawing Title: **TP**

Attachment 12 - Elevation Plans Pt 1 462-482 Swan Street Preliminary Plans



LEGEND

- BAL01 PAINTED CONCRETE BALUSTRADE PLANTER
- CONC1 PRECAST CONCRETE-PATTERNED RELIEF BRONZE APPLIED PAINT FINISH
- CONC2 PRECAST CONCRETE-EXPRESSED JOINT WITH CHARCOAL APPLIED FINISH
- FN01 FINISH VERTICAL SHADING FIN - CHARCOAL PC FINISH
- GL01 BRONZE GLASS IN BLACK ALUMINIUM FRAME
- GL02 TINTED GLASS DARK GREY IN BLACK ALUMINIUM FRAME
- GL03 CLEAR CANOPY GLAZING IN BLACK PC STEEL FRAMED CANOPY
- GL04 BLACK PC ALUMINIUM FRAMED CLEAR SHIPFRONT GLAZING WITH GLASS FINS
- GL05 COLOURBACK GLASS ON SOLID WALL TO MATCH GL04
- SC01 TIMBER SLAT TO FACADE GLAZING
- SC02 EXPRESSED SLAB EDGE FINISH GALV. PFC
- SCRO1 SILVER PFC FINISH ALUMINIUM LOUVERED CARPARK SCREEN
- SCRO2 SILVER PFC FINISH ALUMINIUM LOUVERED PLANT SCREEN
- SCRO3 SILVER CHAIN VERTICAL LANDSCAPE CLIMBING SCREEN
- TM01 TIMBER VERTICAL SHADING SCREEN

SCHEDULE OF DRAWING AMENDMENTS
 ALL TREES HAVE BEEN REMOVED FROM ELEVATIONS & SECTIONS FOR DRAWING CLARITY.
 MATERIAL CODES REALIGNED

No.	Date	Description of Revision
1	2016.05.11	ISSUE FOR APPROVAL
2	2016.05.11	ISSUE FOR APPROVAL
3	2016.05.11	ISSUE FOR APPROVAL
4	2016.05.11	ISSUE FOR APPROVAL
5	2016.05.11	ISSUE FOR APPROVAL
6	2016.05.11	ISSUE FOR APPROVAL

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SCHEDULE 1: DRAWING LABELS
PRELIMINARY
 Elenberg Fraser Ltd provides the following: Terms of conditions on site. Report on documents to be included for the design team providing with the work.

ELENBERG FRASER
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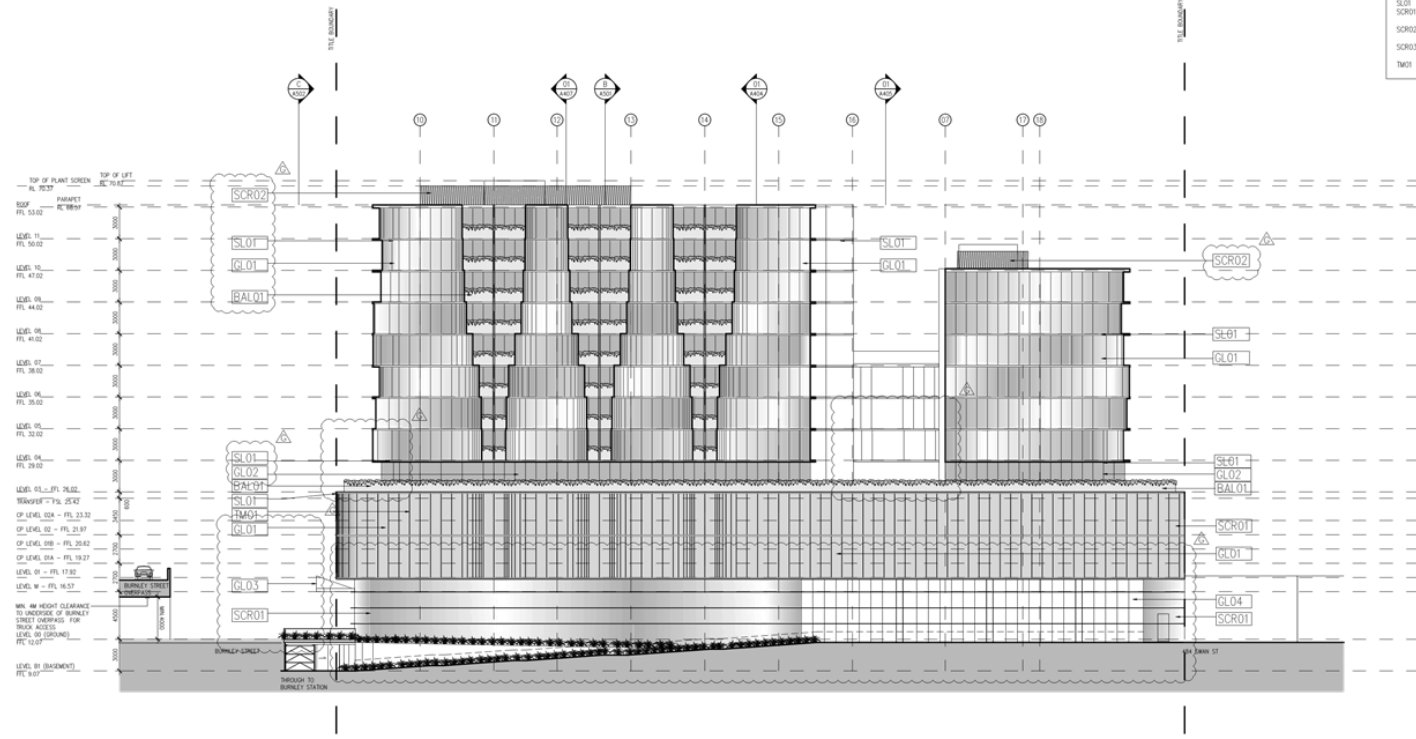
Project No: **462-482 SWAN STREET, RICHMOND**
 Client: **BAMFA PROPERTIES**

Drawing No: **WEST ELEVATION BURNLEY STREET**
 Scale: **1:1076**
 Drawing Code: **A01**
 Revision: **6**
 Date: **30 May 2016**

Attachment 12 - Elevation Plans Pt 1 462-482 Swan Street Preliminary Plans

LEGEND

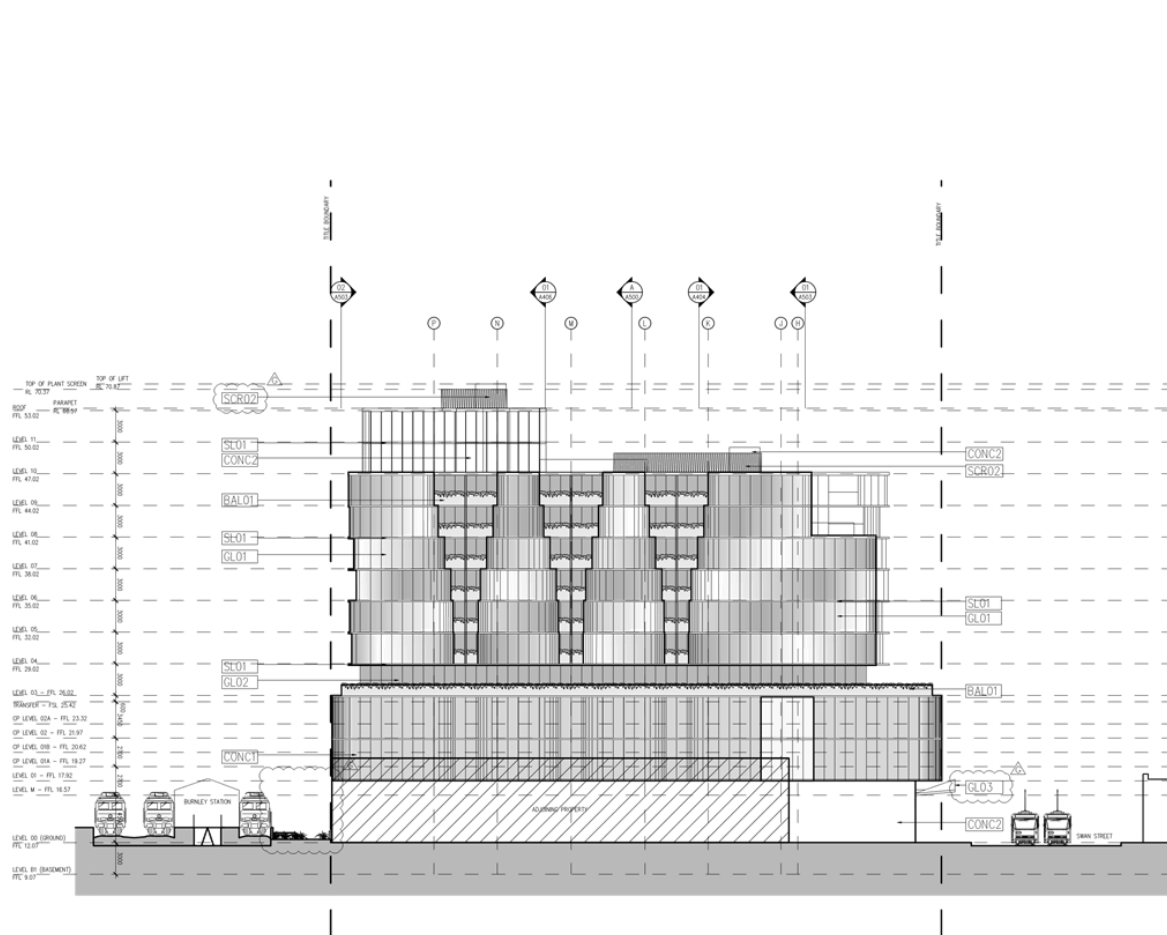
- BAL01 PAINTED CONCRETE BALUSTRADE PLANTER
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- S01 TIMBER SEAT TO FACADE GLAZING
- SLO1 EXPRESSED SLAB EDGE FINISH GALV. PFC
- SCR01 SILVER FINISH ALUMINIUM LOUVERED CARPARK SCREEN
- SCR02 SILVER FINISH ALUMINIUM LOUVERED PLANT SCREEN
- SCR03 SILVER CHAIN VERTICAL LANDSCAPE CLIMBING SCREEN
- TW01 TIMBER VERTICAL SHADING SCREEN



SCHEDULE OF DRAWING AMENDMENTS
 ALL TREES HAVE BEEN REMOVED FROM ELEVATIONS & SECTIONS FOR DRAWING CLARITY.
 MATERIAL CODES REALIGNED.

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The drawings are provided for your information only and are not intended to be used as a basis for construction.</p>	<p>SCALE: 1:100 (AS SHOWN)</p> <p>PRELIMINARY</p> <p><small>Approved drawings take precedence to such drawings. Details of drawings are not to be used in any other project without the written consent of Elenberg Fraser. The drawings are provided for your information only and are not intended to be used as a basis for construction. Further applications will be charged as a variation.</small></p>	<p>ELENBERG FRASER</p> <p>LEVEL 3, 100 BARKER STREET, MELBOURNE, VICTORIA 3000 AUSTRALIA TEL: +61 3 9409 7200 FAX: +61 3 9409 7206 WWW.ELENBERGFRASER.COM.AU</p>	<p>Project No: 462-482 SWAN STREET, RICHMOND BAMFA PROPERTIES</p>	<p>Drawing No: SOUTH ELEVATION</p> <p>Client Ref: 11076</p> <p>Drawing Code: A02</p> <p>Sheet No: 6</p> <p>Date: 30 May 2016</p>
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Attachment 13 - Elevation Plans Pt 2 462-482 Swan Street Preliminary Plans



LEGEND	
BAL01	PAINTED CONCRETE BALUSTRADE PLANTER
CONC	PRECAST CONCRETE - PATTERNED RELIEF BRONZE APPLIED PAINT FINISH
CONC2	PRECAST CONCRETE - EXPRESSED JOINT WITH CHARCOAL APPLIED FINISH
FN01	FINED VERTICAL SHADING FIN - CHARCOAL PC FINISH
GLO1	BRONZE GLASS IN BLACK ALUMINIUM FRAME
GLO2	TINTED GLASS DARK GREY IN BLACK ALUMINIUM FRAME
GLO3	CLEAR CANOPY GLAZING IN BLACK PC STEEL FRAMED CANOPY
GLO4	BLACK PC ALUMINIUM FRAMED CLEAR SHIPFRONT GLAZING WITH GLASS FINS
GLO5	COLORBACK GLASS ON SOLID WALL TO MATCH GLO4
S01	TIMBER SLAT TO FACADE GLAZING
SLO1	EXPRESSED SLAB EDGE FINISH GALV. PFC
SCR01	SILVER PC FINISH ALUMINIUM LOUVERED CARPARK SCREEN
SCR2	SILVER PC FINISH ALUMINIUM LOUVERED PLANT SCREEN
SCR3	SILVER CHAIN VERTICAL LANDSCAPE CLIMBING SCREEN
TWO1	TIMBER VERTICAL SHADING SCREEN

SCHEDULE OF DRAWING AMENDMENTS
 ALL TREES HAVE BEEN REMOVED FROM ELEVATIONS & SECTIONS FOR DRAWING CLARITY.
 MATERIAL CODES REALIGNED

No.	Date	Revisions to be Made
1	2024.05.15	ISSUE FOR APPROVAL
2	2024.05.15	ISSUE FOR APPROVAL
3	2024.05.15	ISSUE FOR APPROVAL
4	2024.05.15	ISSUE FOR APPROVAL
5	2024.05.15	ISSUE FOR APPROVAL
6	2024.05.15	ISSUE FOR APPROVAL

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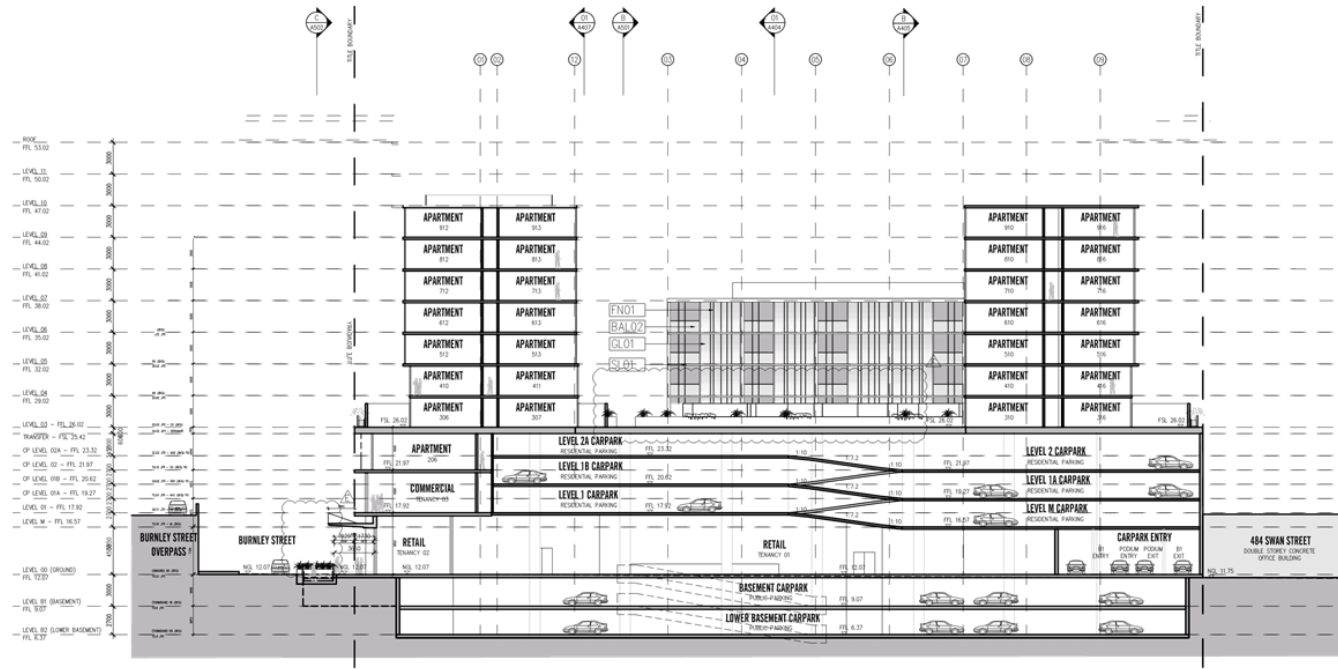
Project No: **462-482 SWAN STREET, RICHMOND**
 Client: **BAMFA PROPERTIES**

Drawing No: **EAST ELEVATION**
 Drawing No: **11076**
 Revision: **TP**
 Drawing No: **A803**
 Sheet: **6**
 Date: **30 May 2024**

Attachment 13 - Elevation Plans Pt 2 462-482 Swan Street Preliminary Plans

LEGEND

- BAL01 PAINTED CONCRETE BALUSTRADE PLANTER
- CONC1 PRECAST CONCRETE-PATTERNED RELIEF BRONZE
- APPLD1 APPLIED PAINT FINISH
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No.	Description	Date
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2	ISSUE FOR PERMIT	10/05/2016
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SCHEDULE 1: SUBSEAL 1: APPROVED PRELIMINARY

Approved drawings (as indicated by scale markings). Details of documents are available on drawings to be included for the issue before proceeding with the work.

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 2015 10 10 10 10

Project No: **462-482 SWAN STREET, RICHMOND**
BAMFA PROPERTIES

Drawing No: **COURTYARD ELEVATION SOUTH ELEVATION**

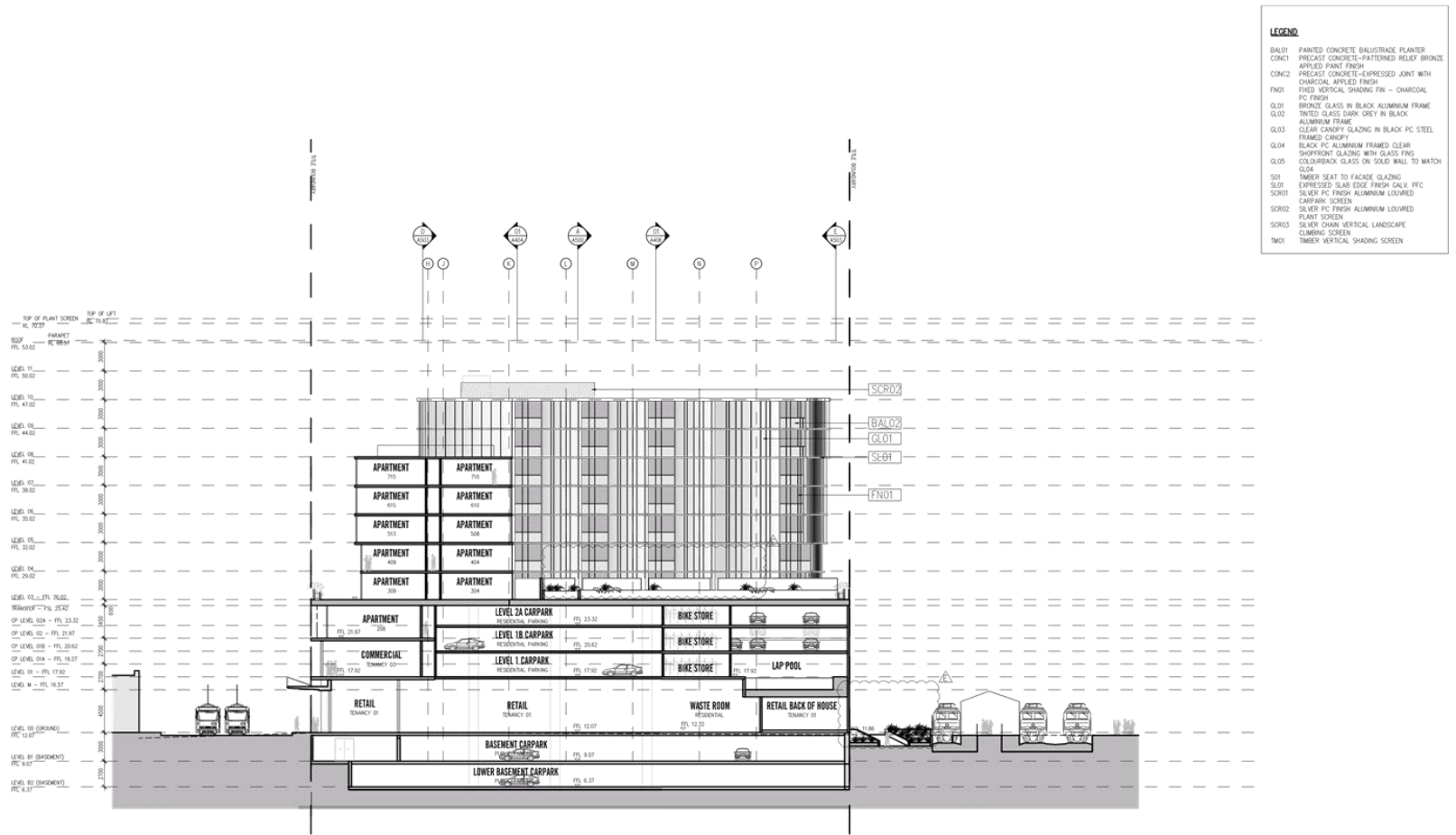
Drawing Code: **A404**

Project No: **11076**

Revision: **E**

Date: **30 Jun 2016**

Attachment 13 - Elevation Plans Pt 2 462-482 Swan Street Preliminary Plans



LEGEND

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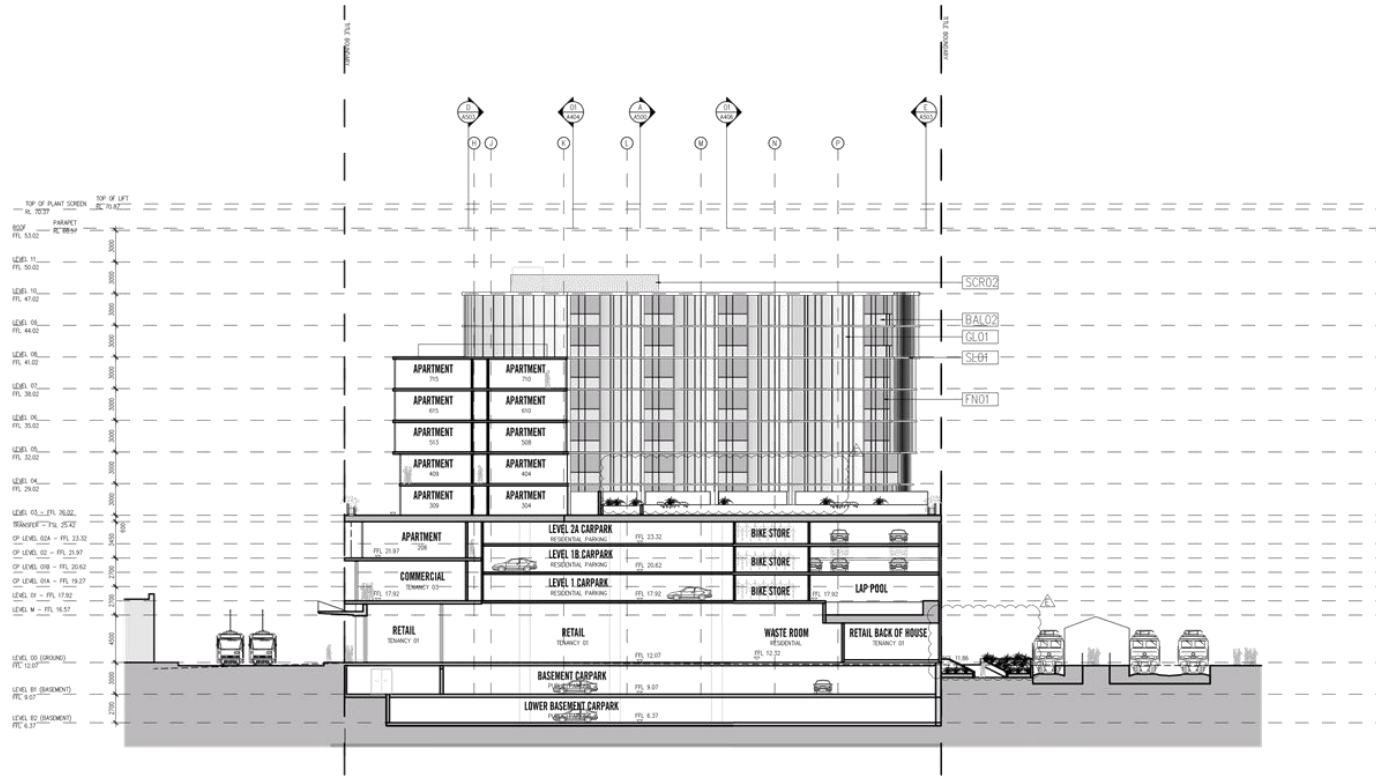
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Attachment 14 - Elevation Plans Pt 3 462-482 Swan Street Preliminary Plans

LEGEND

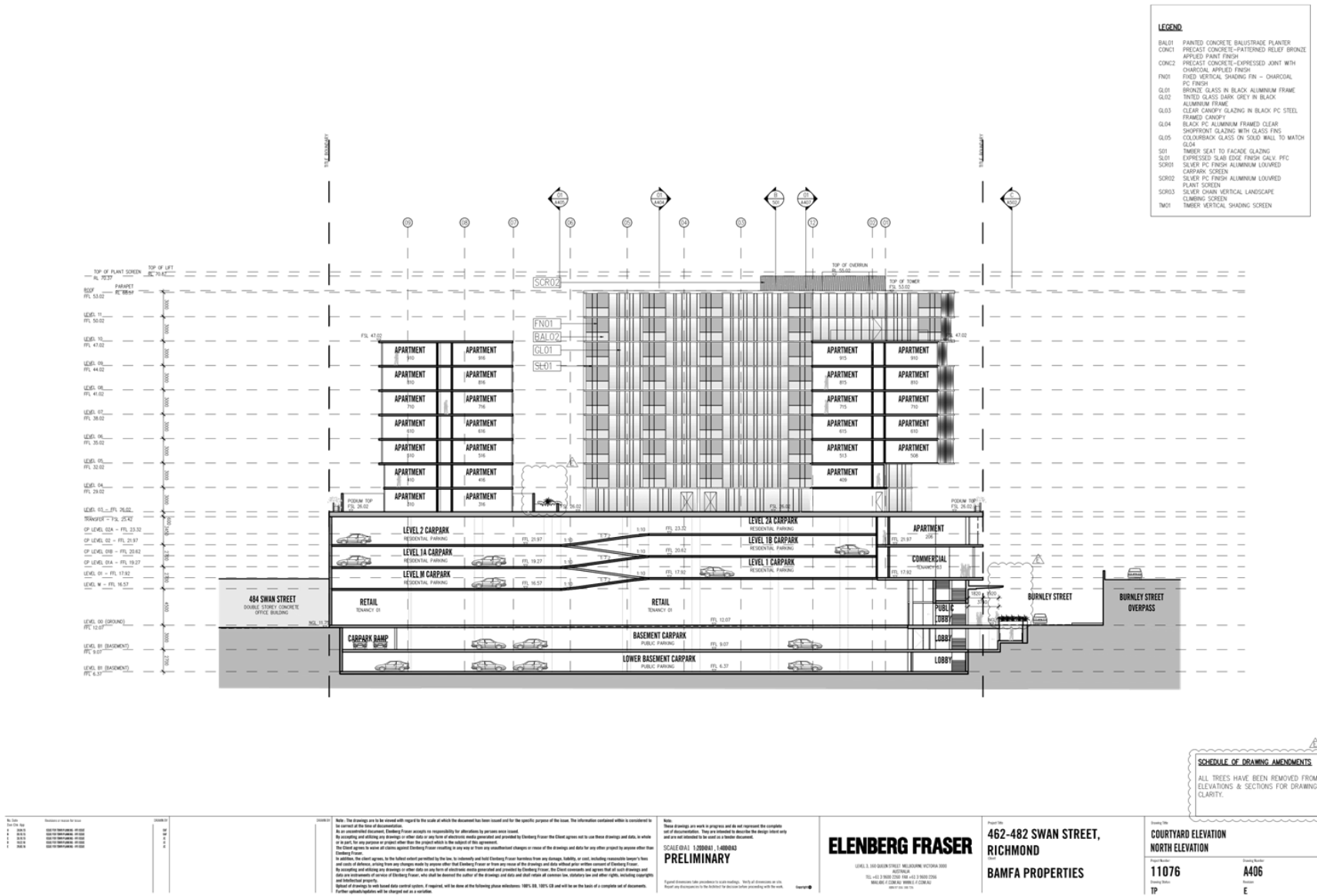
BAL01	PAINTED CONCRETE BALUSTRADE PLANTER
CONC1	PRECAST CONCRETE-PATTERNED RELIEF BRONZE APPLIED PAINT FINISH
CONC2	PRECAST CONCRETE-EXPRESSED JOINT WITH CHARCOAL APPLIED FINISH
FN01	FINED VERTICAL SHADING FIN - CHARCOAL PC FINISH
GLO1	BRONZE GLASS IN BLACK ALUMINIUM FRAME
GLO2	TINTED GLASS LOWK GREY IN BLACK ALUMINIUM FRAME
GLO3	CLEAR CANOPY GLAZING IN BLACK PC STEEL FRAMED CANOPY
GLO4	BLACK PC ALUMINIUM FRAMED CLEAR SHOPFRONT GLAZING WITH GLASS FINS
GLO5	COLORSHACK GLASS ON SOLID IRAIL TO MATCH GLO4
S01	TIMBER SEAT TO FACADE GLAZING
SLO1	EXPRESSED SLAB EDGE FINISH CALV. PFC
SCR01	SILVER PC FINISH ALUMINIUM LOUVERED CARPARK SCREEN
SCR02	SILVER PC FINISH ALUMINIUM LOUVERED PLANT SCREEN
SCR03	SILVER CHAIN VERTICAL LANDSCAPE CLIMBING SCREEN
TMO1	TIMBER VERTICAL SHADING SCREEN



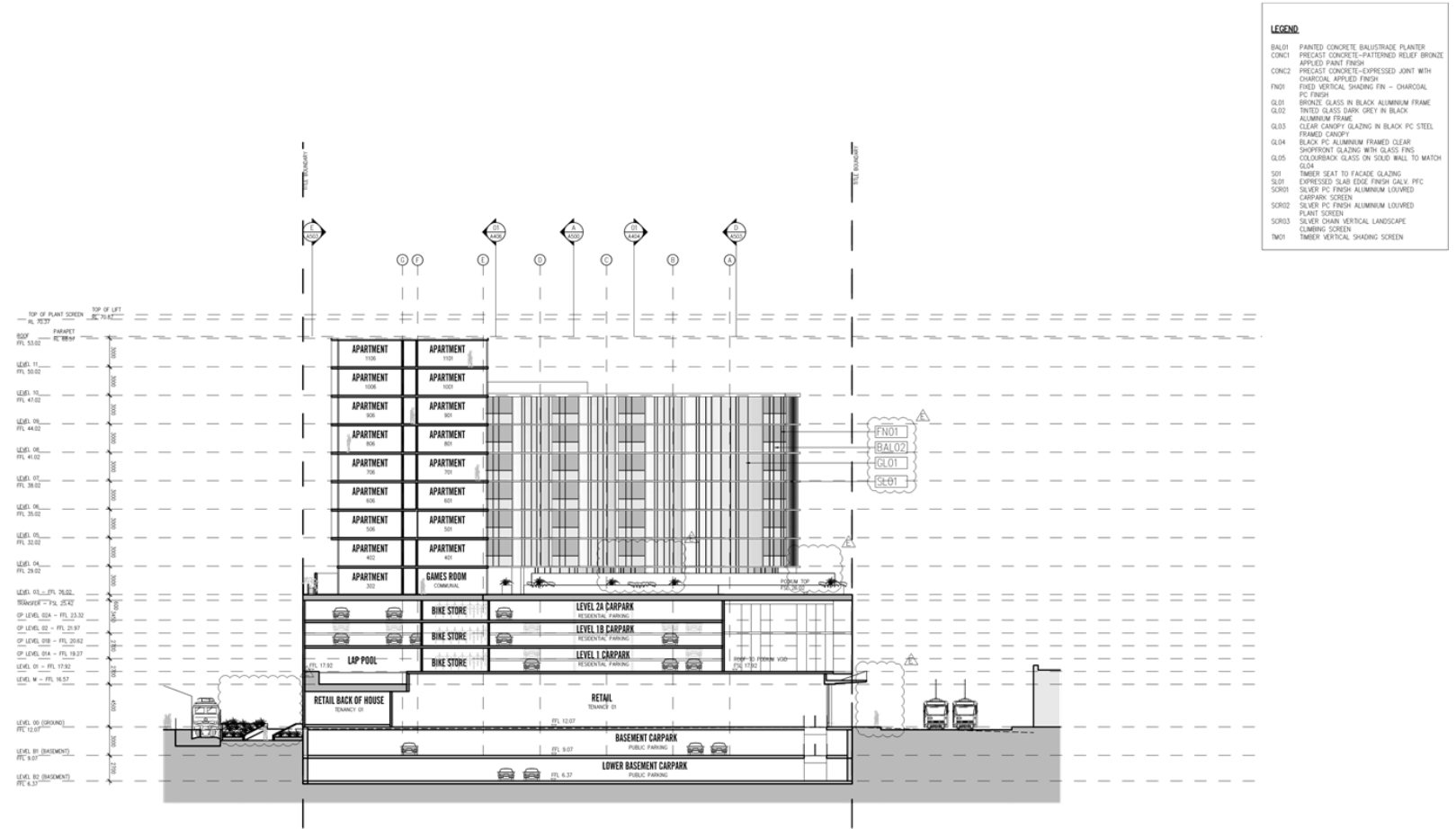
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Attachment 14 - Elevation Plans Pt 3 462-482 Swan Street Preliminary Plans



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SCHEDULE OF DRAWING AMENDMENTS
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 MATERIAL CODES REALIGNED.

No.	Description	Author
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5	ISSUE FOR PERMIT	ELF

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 Elenberg Fraser is not responsible for any changes or error of the drawings and data for any other project to which other than the Client.
 In addition, we warrant against the following: to indemnify and hold Elenberg Fraser harmless from any damages, liability, or cost, including reasonable lawyer's fees and costs of defence, arising from any changes made by anyone other than Elenberg Fraser or their agents or those who are named in the drawings and data without prior written consent of Elenberg Fraser.
 No copying and editing any drawings or other data or any form of electronic media generated and provided by Elenberg Fraser, the Client consents not agree that all such drawings and data are representative of services of Elenberg Fraser, who shall be deemed the author of the drawings and data and shall retain all copyright law, statutory law and other rights, including copyright and intellectual property.
 All drawings of work have been done under license. If required, will be done at the following phase milestones: 100% DD, 100% CD and will be on the basis of a complete set of documents. Further applications will be changed as a variation.

Note: These drawings are work in progress and do not represent the complete set of documentation. They are intended to describe the design development and are not intended to be used as a tender document.
SCHEDULE 1: COMMON LABOURERS PRELIMINARY
 Signed drawings have been made to suit building. Sets of drawings are site. Permit and documents to be included for submission proceeding with the work.

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Project No: **462-482 SWAN STREET, RICHMOND**
BAMFA PROPERTIES

Drawing No: **COURTYARD ELEVATION 4 WEST ELEVATION**
 Drawing Scale: **1:1076**
 Drawing Date: **A07**
 Drawing Title: **TP**
 Date: **03 May 2018**

Attachment 15 - PLN15 0057-03 - 462 - 482 Swan Street Richmond - statutory planning assessment report

Planning Permit PLN15/0057-03: Statutory Planning Assessment Report

462- 482 Swan Street, Richmond

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Proposal:	Section 96A application - Use and development of land for a mixed use development comprising 2 buildings (part 3-10 storey and part 3-12 storey) dwellings, a supermarket and retail, offices, a gymnasium (with swimming pool) (permit required for dwellings and restricted recreation facility only), a reduction the car parking requirement, buildings and works including alteration to access to a Road Zone (Category 1).
Existing use:	Timberyard/Dwellings
Applicant:	Bamfa Properties Pty Ltd
Proposed 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) Road Zone
Date of Application:	30 January 2015
Application Number:	PLN15/0057

Planning History

A Section 96A amendment application (PLN12/0505) was submitted to Council on 14 June 2012. The application sought to undertake a combined planning permit and amendment process (Amendment C153) to facilitate the development of a 17 storey mixed use building. Specifically, the application proposed:

- A total of 3,970m² of ground floor retail area including a supermarket and three retail units.
- A total of 450m² of commercial floor space for offices.
- A total of 295 residential apartments and associated facilities.
- A total of 509 car parking spaces to serve the development.
- A total of 357 bicycle spaces including 18 on-street bike spaces.

Amendment C153 proposed to make the following changes:

- Change Planning Scheme Map number 9 to rezone the land from Business 4 Zone to Business 1 Zone.

At a Council meeting conducted on 5 June 2012, Council resolved to adopt the *Business and Industrial Land Strategy*, incorporating a number of changes to the draft strategy. Council resolved to retain the existing zone in a number of precincts, including precinct BS13 (in which the subject site is located). The proposed Amendment C153 was therefore not supported as the rezoning would be inconsistent with the adopted *Business and Industrial Land Strategy*.

Planning permit PLN11/1091 was granted on 7 February 2013 for the development of the land for the construction of a four storey self-storage facility, the construction of access to a Road Zone category 1, use of the land as a caretaker's house and a reduction of parking permit requirements. This permit has not been acted on.

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Background

Application process

The application was lodged on 30 January 2015 and further information subsequently requested on February 2015 which included planning officers raising a number of concerns with the proposal. The information was received on 30 April 2015 with minimal changes being incorporated to address the identified issues.

Following the submission of these plans, planning officers sought and received advice from the following external referrals:

- Public Transport Victoria;
- VicRoads;
- Transurban;
- Environment Protection Authority (EPA);
- Yarra Trams

The following internal units provided advice:

- Engineering Services;
- Waste Services;
- ESD Advisor;
- Open Space;
- Strategic Transport;
- Urban Design;

Council engaged the following independent consultants to provide advice:

- Urban Design (Rob McGauren);
- Engineering (Traffix Group);
- Wind (MEL Consultants); and
- Acoustic (SLR Consulting).

The EPA, VicRoads and Transurban requested an assessment of the Burnley tunnel ventilation stack. The applicant provided a Buffer Volume Report on 13 August 2015. Following this, neither EPA nor Transurban objected to the proposal. Following the submission of the Buffer Volume Report, VicRoads also no longer had an objection to the development, however had provided comments in relation to other aspects of the proposal.

The applicant submitted amended plans and reports to Council on 4 and 11 December 2015 to address original referral advice and included the following changes:

- Additional trolley storage area (lower basement / basement);
- Western lift core / lobby redesigned (multiple levels);
- Addition of residential waste room/ waste storage transfer room (basement);
- Addition of 1:14 graded ramp along Burnley Street to Burnley Station connecting to the landscaped pedestrian path running along the southern edge of the subject site;
- Amendments to Swan Street residential lobby (relocation of services to sit next to vehicle exit);
- Deletion of indentations in the Swan Street façade;

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- Revised location of bike racks along Swan Street;
- Addition of recessed entrance to main retail access point at ground floor;
- Confirmation of bridge head height to confirm loading bay can be appropriately used;
- Addition of glazed wall along southern wall of ground floor retail tenancy to provide passive surveillance along the path running to the south of the subject site;
- Redesign of pedestrian path from western lobby to provide a DDA compliant ramp – 17 bicycle spaces were removed as a result of this change (podium level 2);
- Deletion of borrowed light to Type F apartments;
- Addition of a central access point from eastern core to central resident's garden and subsequent alterations to adjoining apartments (level 3);
- Apartment 401 (and above) flipped to prevent direct views to adjacent apartment.
- Addition of privacy fins to restrict oblique views (multiple levels);
- Apartment 404 (and above) flipped to provide dual aspect to living area (multiple levels);
- Increase to balcony sizes and deletion of wintergardens;
- Addition of communal rooftop garden on the eighth floor;
- Addition of communal rooftop garden and photovoltaic panels on the tenth floor;

Following the submission of these amended plans and reports, Council raised additional concerns and amended plans were submitted on 4 March 2016 and then again on 4 April 2016 (following further issues being identified by planning officers).

These plans showed the following changes:

- Enlargement of the residential lobby from Swan Street;
- Improvements to internal layouts; and
- Corrected plan errors.

The amended plans were re-referred to all referrals with the exception of the EPA and Transurban (who did not have any remaining issues with the proposal). The applicant also provided additional traffic information on 7 April 2016. These final comments are outlined within the *Referrals* section of this report.

Sketch plan

The applicant submitted a second floor sketch plan on 13 April 2013 to address Council's the poor internal layout of apartment Type F (due to their narrow width and subsequent narrow internal spaces).

The sketch plan includes the following changes:

- Deletion of all the north-facing Type F apartments and their replacement with the wider apartment Type C2.
- Widening of the west-facing Type F apartments from 5m to 6m and internal reconfiguration to provide for improved internal layouts. For example, previously the galley kitchen was 1.5m in width (including the kitchen) and this has now been widened to 3m with a 2m width clear of the kitchen bench.
- Deletion of two apartments at this level, and overall in the development.

A condition can require the second floor plan to be amended as per the sketch plan.

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Existing Conditions

Subject Site

The subject site is located on the southern side of Swan Street, on the eastern intersection with Burnley Street. The subject site is occupied by five, brick single storey attached dwellings and a large, single storey timber yard. The site is 80.44m in width along Swan Street and 57.91m in length with a total site area of 4,658sqm.

The subject site has two crossovers onto Swan Street, the eastern-most (and larger one) being shared with the site to the east. A pedestrian path runs along the southern boundary of the site, separating it from the train line to the south and providing access to Stawell Street.

Restrictive Covenants

There are no restrictive covenants which affect the subject site. There is a Right of Carriageway (ROW) associated with Title Plan TP592681C which provides access to the rear of the site from Swan Street. This ROW is not a Council ROW.

Surrounding Land

The site is located within a predominantly mixed commercial and light industrial area with residences further to the north and south. The site derives much of its context from its location on the Swan Street Major Activity Centre (MAC), its abuttal to the Burnley railway station immediately to the south, and the Burnley Street overpass which travels over the railway line to the west of the site. The site is also adjacent to the Burnley Street Neighbourhood Centre (NC) which is to the north of its intersection with Swan Street. Burnley Street has had a number of developments approved within the last 10 years, with built form up to 8 storeys in height and experiencing a reasonable degree of change.

Burnley and Swan Streets are also major arterial roads (as illustrated by their Category 1 Road Zone classification) which provide a connection to the Monash Freeway further to the south of the site.

The Swan Street MAC and Burnley Street NC provide a wide range of services including local convenience retailing, bulkier item stores, car showrooms and food and drinks premises.

The subject site has good access to public transport, in the form of tram routes operating along Swan Street, linking the eastern suburbs and the CBD. Burnley Station is directly to the south of the site with four train lines access Burnley Station, Lilydale, Glen Waverley, Alamein and Belgrave.

In terms of public open space, there is access to public parks and recreation areas in the locality including the Yarra River, Burnley Oval and the Burnley Golf Course.

The character of built form and development along Swan Street reflects the uses within the area with a mixture of larger commercial/industrial buildings predominantly along the southern side of Swan Street with finer grain development along the northern side. There are only a handful of buildings in the area with heritage value with the closest two being directly to the north at Nos. 413-415 Swan Street.

The direct abuttals of the subject site are as follows:

- Immediately to the east of the subject site is a double storey office building, partly constructed along the boundary with the subject site. Car parking is located within the front setback and to the rear of the site. Further east of this are two similar large commercial buildings, also with car parking areas within their front setbacks along Swan Street.
- To the west of the subject site (across the Burnley Street rail overpass) are a number of double storey offices, car showrooms, furniture stores and industrial buildings.

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- The railway line is located directly to the south of the subject site. Further south, beyond the station and Madden Grove is the residential area of Burnley.
- The northern side of Swan Street is located within the Commercial 1 Zone, and the built form reflects a fine grain pattern of development, with a row of single and double storey Victorian-era shop buildings. Recent planning approvals include a planning permit granted on 11 March 2016 for a six storey building at No. 429-437 Swan and 16-26 Farmer Streets Richmond.

The Proposal

The application is for full demolition of all existing buildings on-site and the construction of two buildings, ten and twelve storey with a three storey podium containing 242 dwellings, four retail tenancies, three offices, and a gymnasium with a reduction of the car parking requirement, and works including alteration to access to a Road Zone (Category 1).

The proposal can be summarised as follows:

Use

- 242 dwellings (114 one-bedroom, 128 two-bedroom);
- Four retail tenancies (3,402sqm);
It should be noted that the applicant has confirmed Retail Tenancy 1 is a supermarket whilst the remaining retail tenancies will not be used for a market, trade supplies, landscape gardening supplies, manufacturing sales, more vehicle, boat or caravan sales or primary produce sales. The applicant has agreed to this and this can be added as a permit condition, should one be issued.
- 3 office tenancies (between 60sqm and 250sqm);
- 366qsm gymnasium (with a 348sqm swimming pool). The applicant has confirmed that the swimming pool is part of the gymnasium;
- 443 car parking spaces;
- 325 bicycle spaces;

Demolition

- All buildings on-site;
- Demolish the existing access ramps to Burnley Station along the southern and western sides of the site;

Construction

General

- Construction of a three-storey podium (with two basement levels and a mezzanine level above the ground floor) with two towers above separated into two 'L' shapes, the western-most being nine levels above the podium and the eastern-most being seven levels above the podium.
- The podium has a large void area setback 22.5m from the western boundary facing Swan Street above the ground.
- There are six apartment types – A, A2, B, C, C2, D and F. The applicant has provided plans which show these types individually.
- Maximum building height of 42m.

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Lower Basement

- 125 car parking spaces, 91 bike spaces (in three stores), shopping trolley storage as well as the travelator and lift access. A stair is located in the south-eastern corner.
- A 65,000L in ground rainwater tank used for toilet flushing.

Basement Floor Plan

- 106 car spaces (including five disabled spaces), 62 bike spaces (in two stores), two residential / hard waste rooms, a waste storage transfer room, two lift pits, stairs, travelator and lift access and back of house areas (comms, water meters, switch room and substation).
- It should be noted that the annotated number of car spaces is incorrect. The plan states 107 but 106 spaces are provided. This can be required to be rectified by way of condition.
- The public entry is located on the western side of this floor with a lift and stairwell, 42 (of the 62) bike spaces are located in a "parkiteer" system (with their own entry) and a coffee room.
- The public entry is accessed from the underground ramp from Burnley Station and becomes divided into two portions, one providing a ramp up to Burnley Street and another providing access to the public entry of the site.
- A north-south underground ramp connecting to the existing east-west underground tunnel link to Burnley Station.
- An east-west ramp connecting the footpath along the southern side of the site.

Ground floor

Burnley Street

- The pedestrian ramp is 2.85m in width (with 2.65m in clear width) and the full width of the pedestrian walkway to its east is 3.66m in total (1.92m outside of the property boundary and 1.73m within the property boundary).
- The development is setback between 1.73m and 2.74m from the western boundary.
- To the north of the public entry, are three retail premises which open out onto the public walkway.
- Loading bay area and retail 'back of house' are located along the southern end of the western side.

Swan Street

- A centrally located travelator and the entry to Retail Tenancy 1 (3,175sqm).
- A residential entry (with lobby/lifts/stairs), services and four lane wide vehicle entry providing access to the basement.
- There is timber seating integrated into the façade with the footpath being between 5m and 6m in total width (between 2.5m and 3.5m being within the site boundary).
- Four bike spaces on the Swan Street footpath.
- PTV Victoria noted that the stairwell/fire escape at the rear of the property opens out onto private property. This can be required by way of condition to be relocated.

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Mezzanine level

- A large void area along the Swan Street façade, 10.2m in length and 12m in width along Swan Street. It provides a void over the ground floor.
- 81 car spaces (each with over bonnet storage) and 73 bike spaces (in seven stores).
- Additional storage facilities have been provided at the northern and southern ends of car space aisles.
- Lifts and stairs.

First floor

- Three lobby areas (each with lifts and stairs) - one from Burnley Street, a second from Swan Street and a third from within the car park adjacent to the gymnasium.
- Three office tenancies in the north-western section, each with access from the Burnley Street lobby area.
- To the south of this is the entry to the gymnasium (with 25m swimming pool). Secondary, direct access is provided to the swimming pool and change room area from the car park lobby.
- 51 car spaces (each with over bonnet storage) and 41 bike spaces are located on this level.
- Additional storage facilities have been provided at the northern and southern ends of car space aisles.
- Seven dwellings (six, Type C and one, Type D) - six, one-bedroom, one, two-bedroom
- There is a light core at the rear of Apartment 107.

Second floor

- Two main lift lobbies - Swan Street lobby and car park lobby. This continues from this level and above.
- 19 dwellings are along the northern and western sides (Type C, D, E and F) - 16 one-bedroom, three, two-bedroom.
- The dwellings are separated into two groups, with the podium void area separating them. Each accessing only one of the lobbies. This continues from this level and above.
- 81 car parking spaces (each with over bonnet storage) and 54 bike spaces. Additional storage facilities have been provided at the northern and southern ends of car space aisles.
- The sketch plan submitted on 13 April 2016 shows:
 - All west-facing Type F apartments widened from 5m to 6m with internal layouts reconfigured;
 - Two Type C2 apartments to replace three north-facing type F apartments;
 - 17 dwellings (13, one-bedroom and three, two-bedroom) with Type C2, D and F);

Third floor

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- Nine dwellings in the western tower (Type A and B) one, one-bedroom and eight, two-bedroom. Dwellings orientated either to a street, the train station or internal courtyard areas
- Fifteen dwellings in eastern tower (Type A and B), five, one-bedroom and 10, two-bedroom. Dwellings either face north, east or to internal courtyard areas.
- Central communal area (residents' garden, afternoon garden, lounge, games room, dining room).

Fourth to ninth floors (above the podium)

- These floors are constructed similarly, albeit with:
 - The fourth floor of the western tower having a void area in the south-western corner above the lounge and afternoon garden on the third floor.
 - The northern apartments of the eighth and ninth floors of the eastern tower are replaced with either a communal rooftop area or a void above it (respectively).
- Sixteen dwellings in the western tower (Type A, A2 and B) seven, one-bedroom and nine, two-bedroom. Dwellings orientated either to a street, the train station or internal courtyard areas.
- The fourth floor has two less, two-bedroom dwellings due to the void.
- Western tower is setback between 3m and 5m from Burnley Street, between 5.5m and 6.9m from Swan Street and between 2.5m and 3.5m from the southern boundary.
- Sixteen dwellings in eastern tower (Type A, A2 and B), seven, one-bedroom and nine, two-bedroom. Dwellings either face north, east or to internal areas.
- The eighth and ninth floors have eight less dwellings (four, one-bedroom and four-two bedroom).
- Eastern tower is setback between 5.5m and 6.5m from Swan Street, between 5.5m and 6.5m from the eastern boundary and between 2.5m and 3.5m from the southern boundary.
- The eighth and ninth floors have a setback of between 5.5m and 8m from the northern boundary.
- The towers are separated by a width of 8.76m in the northern portion and 8.26m in the southern. The central area above the resident's garden is 35.74m in width and 14.81m in length.
- The eighth and ninth floors of the eastern tower have a 14m separation between the rooftop garden and the western tower.
- The floor plans do not clearly show that the eight floor will have a rooftop garden and the ninth floor will have a void above. The applicant has confirmed this and a condition can require the plans to be corrected.

Tenth and Eleventh floors

- Nine dwellings in the southern section of the western tower only (Type A, A2 and B) - five, one-bedroom and four, two-bedroom. Dwellings orientated either to the train station or internal areas.
- These levels have the same setbacks from the southern and western boundaries.

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- A communal roof terrace is located on the tenth floor to the north of the lobby with the northern wall of the lobby being setback 37.5m from the northern boundary. The 10m wide communal roof terrace is located within this setback.
- The eleventh floor has a void above the tenth floor roof garden.
- 80 PV Panels are located on the roof to the north of the tenth floor roof garden.
- A plant screen is located on the roof of the eastern tower.
- The floor plans do not clearly show that the tenth floor will have a rooftop garden and the eleventh floor will have a void above. The applicant has confirmed this and a condition can require the plans to be corrected.

Roof

- Plant screens

Architectural design and materials

- The development includes a 'wave' pattern along the external skin of the podium and towers with rectilinear forms within the central areas of the towers where they face each other.
- The primary materials being used are bronze glazing in black aluminium frames, tinted dark grey glazing, concrete (both bronze and charcoal applied finish), charcoal PC finish fins and timber.
- Clear glazing is the primary material for the ground floor.

Environment Sustainable Development (ESD) initiatives

- 4 Star Green Star benchmark rating;
- Average residential energy efficiency of 6.7 Star NatHERS rating;
- 20 kW of solar PV panels;
- All mechanical ventilation to common area corridors provided by 100% Green Electricity;
- Cooling loads of dwellings not exceeding 40MJ;
- Non-residential energy efficiency demonstrated to exceed min NCC of 10%;
- Efficient HVAC to residential dwellings EER 3.57 and CoP 3.6;
- Gas boosted central solar hot water system;
- Pool blanket for the swimming pool;
- WELS 3 Star (<7.5Lmin) showerheads, WELS 4 Star toilets and WELS 6 Star tapware;
- 65 000L rainwater storage in total connected to all commercial toilets and part residential;
- Green Power commitment for all common area lighting;
- Post occupancy evaluation and reporting – Construction ESD Reporting.

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Planning Scheme Provisions - Proposed

Zoning

Commercial 1 Zone (C1Z)

The purpose of this zone is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.*
- *To provide for residential uses at densities complementary to the role and scale of the commercial centre.*

Under clause 34.01-1 of the Yarra Planning Scheme **[the Scheme]**:

- Retail and Office are 'Section 1' uses under the C1Z (as the leasable floor area for all offices does not exceed any amount specified in the schedule to this zone). Accordingly, the use of the land for retail and office do not require a planning permit; and
- A dwelling requires a planning permit because the frontage at ground floor level exceeds 2m.
- Under Clause 74, a gymnasium (including swimming pool) is considered to be a 'restricted recreation facility'. Within Clause 75.06, this use is nested under 'minor recreation facility' and 'leisure and recreation facility'. This is a 'Section 2' (permit required use) under C1Z.

Under clause 34.01-4 of the Scheme a permit is required for buildings and works.

Construction of two or more dwellings on a lot in the Commercial 1 Zone must be accompanied by a neighbourhood and site description and design response as outlined at clause 34.01-5.

Road Zone

The proposal includes the removal and construction of new crossovers on Swan and Burnley Streets which are categorised as a Road 1 Zone.

Pursuant to Clause 36.04-2, a planning permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 36.04-1. The proposed uses are not listed in Section 1 or 3 and is therefore a Section 2 use (permit required).

The views of the relevant road authority are part of the decision guidelines for this zone.

Overlays

Design and Development Overlay – Schedule 2 (DD02)

The DDO2 specifically relates to Main Roads and Boulevards. Pursuant to Clause 43.02-2 of the Scheme, a permit is required to construct a building or construct or carry out works.

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Specific design objectives are:

- *To recognise the importance of main roads to the image of the City.*
- *To retain existing streetscapes and places of cultural heritage significance and encourage retention of historic buildings and features which contribute to their identity.*
- *To reinforce and enhance the distinctive heritage qualities of main roads and boulevards.*
- *To recognise and reinforce the pattern of development and the character of the street, including traditional lot width, in building design.*
- *To encourage high quality contemporary architecture.*
- *To encourage urban design that provides for a high level of community safety and comfort.*
- *To limit visual clutter.*
- *To maintain and where needed, create, a high level of amenity to adjacent residential uses through the design, height and form of proposed development.*

Design and Development Overlay – Schedule 5 (DD05)

The overlay affects both portions of the subject site. There is no planning permit requirement to construct a building or construct or carry out works under this overlay. The DD05 specifically relates to City Link Exhaust Stack Environs. One of the main purposes listed within Schedule 5 of the overlay is: *to ensure that the relevant authorities are informed of development within close proximity of the City Link exhaust stack and to facilitate comment by those authorities on any specific requirements relating to the design and built form of new development in the area which might be desirable having regard to the proximity of the stack.*

Under Clause 4 to Schedule 5 and Clause 66 (Referral and Notice Provisions) of the Scheme, notice of the application was required to be given to the Road Corporation, Transurban City Link Ltd and the Environment Protection Authority.

Design and Development Overlay – Schedule 14 (DD014)

The DD014 specifically relates to the subject site.

Specific design objectives are:

- *To provide for high density, taller development that delivers significant public realm outcomes.*
- *To reinforce the corner of Swan Street and Burnley Street as a vibrant commercial, retail and residential location.*
- *To encourage development that provides a high standard of on-site amenity.*
- *To establish a highly walkable and cycle friendly public realm.*
- *To strengthen connectivity to Burnley Station.*
- *To provide passive surveillance of the public realm.*
- *To ensure new development provides well-located accessible and safe car parking areas that do not visually dominate the streetscape.*
- *To ensure new development is integrated with the surrounding urban context.*
- *To ensure new development achieves excellence in architecture and urban design.*

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The following requirements apply:

Buildings and works

Buildings and works must be constructed in accordance with the following requirements:

Building heights

- *The building height must not exceed a maximum of 42 metres (12 storeys).*
- *The maximum height does not include building services which should be hidden from view from any adjoining public space or designed as architectural roof top features. Building services include but are not limited to plant rooms, air conditioning, lift overruns and roof mounted equipment.*

Building setbacks

- *Reinforce the street wall height along Swan Street and Burnley Street to create a consistent 3 storey built form.*
- *Upper levels must be setback from the podium at all site boundaries, except for façade articulation of up to 0.5m, as follows:*
 - *A minimum of 6m from Swan Street to provide upper level setbacks from the primary street frontage.*
 - *A 5m setback from the eastern boundary to provide upper level building separation between the subject site and any future redevelopment of the abutting property.*
 - *A minimum of 3m setbacks from the south (rail corridor) and west (Burnley Street).*
- *Provide building separation between built form elements at upper levels.*
- *Ensure that built form elements above the street wall are visually recessive and do not contribute to visual bulk.*

Building design

- *Development must be designed to:*
 - *Provide active frontages at ground level and overlooking of the public realm, including station environs from upper levels.*
 - *Ensure development is of a high architectural standard in terms of its form, scale, massing, articulation and materials and that these design elements respond to the site context.*
 - *Ensure development is designed to ameliorate adverse wind conditions at street level, communal open spaces, balconies and adjoining properties.*
 - *Ensure building services are screened from the public realm and communal open spaces.*

Traffic and access

- *Ensure convenient and adequate bicycle parking is provided at street level to cater for the general public.*
- *Integrate carparking into the building design and conceal from the public realm.*

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- *Ensure vehicular access and egress and loading bay arrangements are designed to maximise pedestrian safety.*

Public realm

- *Provide improved connectivity between Swan Street, Burnley Street and Burnley Station.*
- *Improve the interface between the development and the east-west pedestrian link abutting the southern site boundary.*
- *Enhance the amenity and appearance of the public realm along the Swan Street and Burnley Street frontage and east-west pedestrian link, including elements such as improved footpath treatments, lighting, street trees and street furniture.*
- *Ensure new or improved pedestrian links promote a sense of safety for day and night-time conditions.*
- *Minimise overshadowing of adjoining streets, the public realm and existing residential areas.*
- *Ensure no unreasonable overshadowing impact to Burnley Station.*

Amenity

- *Provide acoustic treatments to address the impact of existing and potential noise from the rail corridor, the Burnley Street overpass and Swan Street.*
- *Provide awnings over footpaths to Swan Street and Burnley Street to provide weather protection.*
- *Ensure built form and internal building layout are designed to maximise solar access, access to daylight, ventilation and outlook.*

The specific decision guidelines are as follows:

- *Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider:*
 - *How the development responds to each of the Design Objectives and the requirements included in clause 2 of this schedule.*
 - *The design, scale, height, mass and visual bulk of the development in relation to the surrounding built form.*
 - *Any minor variations from the required setbacks resulting from façade articulation.*
 - *How the proposal improves the pedestrian environment and other areas of the public realm.*
 - *The location, layout and appearance of areas set aside for car parking, vehicular access and egress and loading bay arrangements.*
 - *The effectiveness of new development in protecting the amenity of occupants from the off-site impacts of existing uses and activities.*
 - *The views of relevant referral authorities.*

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Environmental Audit Overlay (EAO)

Pursuant to Clause 45.03-1 of the Scheme, before a sensitive use (which includes a residential use) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, either:

- (a) *a certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970; or*
- (b) *an environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.*

The proposal will result in buildings and works associated with a sensitive use, being a residential building, and therefore an environmental audit must be undertaken. A note highlighting this requirement will be included on any planning permit issued.

Particular Provisions

Clause 52.06 – Car parking

The purpose of this provision (amongst others) is to ensure the provision of an appropriate number of car spaces are provided having regard to the activities on the land and the nature of the locality. This provision recommends car parking rates at clause 52.06-5. Under clause 52.06-3, a permit may be granted to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 (there is no relevant Parking Overlay).

Pursuant to clause 52.06-5 of the Scheme, the following car parking requirements apply to the development:

Use	Clause 52.06-5 Rate	Number of spaces required
242 X one and two bedroom dwellings	1 space for each 1 or 2 bedroom dwelling;	242
	1 space for every 5 dwellings for visitors.	48
Retail (224sqm)	4 spaces per 100sqm of leasable floor area	8
Supermarket (3,175sqm)	5 spaces per 100 m ² of leasable floor area	158
Office (430sqm)	3.5 spaces per 100 m ² of net floor area	15
Gymnasium (386sqm)	None specified – to Council's satisfaction.	/
Swimming pool (348sqm)	5.6 spaces per 100sqm of the site.	19
Total		480

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The development is providing 443 car parking spaces. The allocation of long-term spaces is as follows:

Proposed Use	Parking Allocation (Long Term Spaces)
Residential Dwellings	220 resident spaces
Supermarket	24 staff spaces
Specialty Retail	2 staff space
Office	14 staff spaces
Gymnasium	4 staff spaces
Swimming Pool	4 staff spaces
Total	268 spaces

These long-term spaces will be 'zones' within the parking provided. The remaining 175 car parking spaces will be allocated for visitors and customer parking.

The applicant's original traffic report included the swimming pool as a separate rate, however the swimming pool is part of the gymnasium and will only be for gymnasium members. This rate has been included with it adopting a more conservative approach to the car parking assessment instead of being considered as part of the gymnasium rate (which is to Council's satisfaction).

Clause 52.07 – Loading and Unloading of vehicles

The purpose of this clause is to set aside land for loading and unloading commercial vehicles to prevent loss of amenity and adverse effect on traffic flow and road safety.

A loading bay has been proposed at the rear of the site accessed from Burnley Street. No reduction of these requirements is necessary.

Clause 52.34 – Bicycle facilities

The purpose of this clause is "to encourage cycling as a mode of transport" and "to provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities".

Use	Clause 52.34 Rate	Number of spaces required
242 X dwellings	1 space for every 5 dwellings for residents.	49
	1 space for every 10 dwellings for visitors.	24
Retail	1 to each 600sqm if the leasable floor area exceeds 1,000sqm (employee/resident)	N/A
	1 to each 500sqm if the leasable floor area exceeds 1,000sqm (visitor/shopper)	N/A

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Supermarket	1 to each 600sqm if the leasable floor area exceeds 1,000sqm (employee/resident)	5
	1 to each 500sqm if the leasable floor area exceeds 1,000sqm (visitor/shopper)	6
Office	1 to each 300sqm if the leasable floor area exceeds 1,000sqm (employee/resident)	N/A
	1 to each 1,000sqm if the leasable floor area exceeds 1,000sqm (visitor/shopper)	N/A
Gymnasium (and swimming pool)	1 per four employees	2
	1 to each 200sqm (visitor/shopper)	3
Total		89 spaces in total 49 resident 7 employees 33 visitor/shopper

The development proposes 325 bike spaces - 279 for residents/employees and 46 for visitors (including four bike spaces on the Swan Street footpath).

Pursuant to clause 52.34-2, a permit may be granted to vary, reduce or waive any requirement of Clause 52.34-3 and Clause 52.34-4 of the Yarra Planning Scheme. This is not required in this instance.

Clause 52.34-4 provides design standard for bicycle spaces and signage.

Additional facilities have been provided such as a shower with change room for supermarket staff.

Clause 52.35 – Urban Context Report and Design Response for Residential Development of Four or More Storeys

The purpose of this Clause is to ensure that an urban context report is prepared before a residential development of four or more storeys is designed and that the design responds to the existing urban context and preferred future development of the area.

The application included an urban context report and design response in accordance with this Clause.

Clause 52.36 – Integrated public transport planning

The purpose of this clause is:

- *To ensure development supports public transport usage;*
- *To ensure that easily accessible public transport networks, which are appropriate to the scale of the development, and high quality public transport infrastructure are provide as part of new development;*
- *To ensure that development incorporates safe, attractive and convenient pedestrian access to public transport stops; and*

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- *To ensure that development does not adversely affect the efficient, equitable and accessible operation of public transport.*

Pursuant to Clause 52.36-1 of the Scheme, an application must be referred to Public Transport Victoria.

General Provisions

Clause 65 – Decision Guidelines

The Decision Guidelines outlined at Clause 65 of the Scheme are relevant to all applications.

Because a permit can be granted does not imply that a permit should or will be granted. Before deciding on an application, the Responsible Authority must consider a number of matters. Amongst other things, the Responsible Authority must consider the relevant State Planning Policy Frameworks, Local Planning Policy Frameworks and any Local Policy, as well as the purpose of the Zone, Overlay or any other Provision. An assessment of the application against the relevant sections of the Scheme is offered in further detail in this report.

State Planning Policy Framework (SPPF)

There are several policies in the State Planning Policy Framework (SPPF), which can be applied but given the extent of the proposed development, the most relevant policy is described as follows:

Clause 11 – Settlement

This clause contains the following relevant objectives:

Planning is to recognise the need for, and as far as practicable contribute towards:

- *Diversity of choice.*
- *Adaptation in response to changing technology.*
- *Economic viability.*
- *A high standard of urban design and amenity.*
- *Energy efficiency.*
- *Accessibility.*
- *Land use and transport integration.*

Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns, and investment in transport and communication, water and sewerage and social facilities.

Clause 11.01-1 – Activity centre network

The objective of this Clause is: *To build up activity centres as a focus for high-quality development, activity and living for the whole community by developing a network of activity centres, with the following strategies relevant to this proposal:*

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Develop a network of activity centres that:

- *Comprises a range of centres that differ in size and function.*
- *Is a focus for business, shopping, working, leisure and community facilities.*
- *Is connected by public transport and cycling networks.*
- *Maximises choices in services, employment and social interaction.*

Support the role and function of the centre given its classification, the policies for housing intensification, and development of the public transport network.

Clause 11.01-2 – Activity centre planning

The objective of this clause is: To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres which provide a variety of land uses and are highly accessible to the community.

Clause 11.02 – Urban growth

The objective of this clause is: To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.

Clause 11.04-2 – Housing Choice and Affordability

The objective of this clause is: To provide a diversity of housing in defined locations that cater for different households and are close to jobs and services.

Clause 11.04-4 – Liveable Communities and Neighbourhoods

The objective of this clause is: To create healthy and active neighbourhoods and maintain Melbourne's identity as one of the world's most liveable cities. Relevant strategies include:

- *Protect Melbourne and its suburbs from inappropriate development.*
- *Respect heritage while building for the future.*
- *Achieve and promote design excellence.*

Clause 13.04-1 – Noise abatement

The objective of this clause is: To assist the control of noise effects on sensitive land uses.

Clause 15 – Built Environment and Heritage

Clause 15.01-1 – Urban design

The objective of this clause is: To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.

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Clause 15.01-2 – Urban Design Principles

The objective of this clause is: *To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.*

This clause outlines principles relating to context; the public realm; safety; landmarks; views and vistas; pedestrian spaces; heritage; consolidation of sites and empty sites; light and shade; energy and resource efficiency; architectural quality, and landscape architecture. These principles will be addressed in the following urban design assessment.

This clause also states that planning must consider as relevant:

- *Design Guidelines for Higher Density Residential Development (Department of Sustainability and Environment, 2004) in assessing the design and built form of residential development of four or more storeys; and*
- *Activity Centre Design Guidelines (Department of Sustainability and Environment, 2005) in preparing activity centre structure plans and in assessing the design and built form of new development in activity centres.*

Clause 15.01-4 – Design for safety

The objective of this Clause is: *To improve community safety and encourage neighbourhood design that makes people feel safe.*

Clause 15.01-5 – Cultural identity and neighbourhood character

The objective of this clause is: *To recognise and protect cultural identity, neighbourhood character and sense of place.*

Clause 15.02 – Sustainable Development

Clause 15.02-1 – Energy and resource efficiency

The objective of this clause is: *To encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.*

Clause 16 – Housing

Clause 16.01-1 – Integrated housing

The objective of this clause is: *To promote a housing market that meets community needs.*

Clause 16.01-2 – Location of residential development

The objective of this clause is: *To locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport. A relevant strategy being:*

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- *Encourage higher density housing development on sites that are well located in relation to activity centres, employment corridors and public transport.*

Clause 16.01-3 – Strategic redevelopment sites

The objective of this clause is *'to identify strategic redevelopment sites for large residential development in Metropolitan Melbourne'*.

Whilst the subject site is not identified as a strategic redevelopment site, the site meets the following criteria outlined in the State planning policy section of the Scheme given that it is located:

- *In or within easy walking distance of Principal or Major Activity Centres;*
- *On or abutting tram, train, light rail and bus routes that are part of the Principal Public Transport Network and close to employment corridors, Central Activities Districts, Principal or Major Activity Centres;*
- *Able to provide 10 or more dwelling units, close to activity centres and well served by public transport.*

Clause 16.01-4 – Housing diversity

The objective of this clause is: *To provide for a range of housing types to meet increasingly diverse needs.*

Clause 16.01-5 – Housing affordability

The objective of this clause is: *To deliver more affordable housing closer to jobs, transport and services.*

Clause 17 – Economic development

Clause 17.01-1 – Business

The objective of this clause is: *To encourage development which meet the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.*

Clause 18.02-1 - Sustainable personal transport

The objective of this clause is: *To promote the use of sustainable personal transport.*

Clause 18.02-2 - Cycling

It is an objective: *To integrate planning for cycling with land use and development planning and encourage as alternative modes of travel.*

Clause 18.02-5 - Car parking

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It is an objective: *To ensure an adequate supply of car parking that is appropriately designed and located.* The clause includes the following (relevant) strategies to achieve this objective:

- *Encourage the efficient provision of car parking through the consolidation of car parking facilities.*
- *Protect the amenity of residential precincts from the effects of road congestion created by on-street parking.*

Local Planning Policy Framework (LPPF)

Clause 21 – Municipal Strategic Statement (MSS)

Clause 21.04 – Land use

Clause 21.04-1 – Accommodation and Housing

The relevant objectives and strategies of this clause are:

- *Objective 1 To accommodate forecast increases in population.*
 - *Strategy 1.1 Ensure that new residential development has proper regard for the strategies applicable to the neighbourhood in question identified in clause 21.08;*
 - *Strategy 1.2 Direct higher density residential development to Strategic Redevelopment Sites identified at clause 21.08 and other sites identified through any structure plans or urban design frameworks.*
- *Objective 2 To retain a diverse population and household structure; and*
- *Objective 3 To reduce potential amenity conflicts between residential and other uses.*

Clause 21.04-2 – Activity Centres

The relevant objective of this clause is:

- *To maintain the long term viability of activity centres.*

Strategies to achieve this objective include:

Strategy 5.2 Support land use change and development that contributes to the adaptation, redevelopment and economic growth of existing activity centres.

- *Strategy 5.4 Permit residential development that does not compromise the business function of activity centres.*

Clause 21.05-2 – Urban design

The relevant objectives and strategies of this clause are:

- *Objective 16 To reinforce the existing urban framework of Yarra.*
- *Objective 17 To retain Yarra's identity as a low-rise urban form with pockets of higher development.*

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- *Strategy 17.2 Development on strategic redevelopment sites or within activity centres should generally be no more than 5-6 storeys unless it can be demonstrated that the proposal can achieve specific benefits such as:*
 - Significant upper level setbacks
 - Architectural design excellence
 - Best practice environmental sustainability objectives in design and construction
 - High quality restoration and adaptive re-use of heritage buildings
 - Positive contribution to the enhancement of the public domain
 - Provision of affordable housing.
- *Objective 18 To retain, enhance and extend Yarra's fine grain street pattern.*
- *Objective 20 To ensure that new development contributes positively to Yarra's urban fabric.*
- *Objective 21 To enhance the built form character of Yarra's activity centres.*
- *Objective 22 To encourage the provision of universal access in new development.*

Clause 21.05-4 Public environment

The relevant objective and strategies of this clause are:

- *Objective 28: To provide a public environment that encourages community interaction and activity:*
 - *Strategy 28.1 Encourage universal access to all new public spaces and buildings.*
 - *Strategy 28.2 Ensure that buildings have a human scale at street level.*
 - *Strategy 28.3 Require buildings and public spaces to provide a safe and attractive public environment.*
 - *Strategy 28.5 Require new development to make a clear distinction between public and private spaces.*
 - *Strategy 28.8 Encourage public art in new development.*
 - *Strategy 28.9 Apply the Public Open Space Contribution policy at clause 22.12.*

Clause 21.06 – Transport

This clause builds upon the objectives outlined at clause 18, promoting cycling, walking and public transport as alternatives to private motor vehicle usage.

Clause 21.07 Environmental Sustainability

Clause 21.07-1 – Ecologically sustainable development

The relevant objective of this clause is:

- *Objective 34: To promote ecologically sustainable development.*

Clause 21.08 Neighbourhoods

Clause 21.08-10 - Central Richmond (area between Bridge Road and Swan Street) describes the neighbourhood in which the site is located as a predominantly residential area,

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with the area closest to Punt Road comprising early to mid- Victorian cottages and terraces, and an increasing amount of Edwardian dwellings towards the east of the neighbourhood.

Land use strategies relevant to this proposal include:

- *Supporting a land contribution to open space in preference to monetary contribution when residential subdivision occurs.*

Relevant built form strategies include:

- *Supporting development that maintains and strengthens the preferred character of the relevant Built Form Character type.*

Consideration against the applicable objectives and strategies of the MSS is included in the assessment section of this report. Most relevant to this application, is to *maintain the hard edge of the strip* along Swan Street.

Relevant Local Policies

Clause 22.05 – Interface Uses Policy

This policy applies to applications for use or development within Commercial Zones (amongst others).

The relevant objective of this clause is: *To enable the development of new residential uses within and close to activity centres, near industrial areas and in mixed use areas while not impeding the growth and operation of these areas as service, economic and employment nodes.*

Clause 22.05-3 also states that it is policy that:

- *New residential use and development in or near commercial centres and activity centres and near industrial uses includes design features and measures to minimise the impact of the normal operation of business and industrial activities on the reasonable expectation of amenity within the dwellings.*
- *New non-residential use and development within Business and Mixed Use and Industrial Zones are designed to minimise noise and visual amenity impacts upon nearby, existing residential properties.*

Decision guidelines at clause 22.05-6 include:

- *Before deciding on an application for residential development, Council will consider as appropriate:*
 - *The extent to which the proposed dwellings may be subject to unreasonable noise, fumes and air emissions, light spillage, waste management and other operational matters from the nearby business or industrial uses.*
 - *Whether the dwellings are designed or incorporate appropriate measures to minimise the impact of noise, fumes and air emissions, light spillage, waste management and other operational matters from the nearby business or industrial uses.*
- *Before deciding on an application for non-residential development, Council will consider as appropriate:*
 - *The extent to which the proposed buildings or uses may cause overlooking, overshadowing, noise, fumes and air emissions, light spillage, waste*

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management and other operational disturbances that may cause unreasonable detriment to the residential amenity of nearby residential properties.

- *Whether the buildings or uses are designed or incorporate appropriate measures to minimise the impact of unreasonable overlooking, overshadowing, noise, fumes and air emissions, light spillage, waste management and other operational disturbances on nearby residential properties.*

Clause 22.10 - Built Form and Design Policy

This policy provides guidelines to assess the scale, form and appearance of new development in areas where heritage overlay controls do not apply. The policy aims to ensure that the design of new buildings limit the impact on the amenity of surrounding land while making a positive contribution to the streetscape through high standards in architecture and urban design.

The policy comprises the following design elements to guide the assessment of built form:

- *urban form and character;*
- *setbacks and building height;*
- *street and public space quality;*
- *environmental sustainability;*
- *site coverage;*
- *on-site amenity;*
- *off-site amenity;*
- *landscaping and fencing;*
- *parking, traffic and access; and*
- *service infrastructure.*

Clause 22.12 – Public Open Space Contribution

The objectives of this clause are:

- *To implement the Yarra Open Space Strategy;*
- *To identify when and where land contributions for public open space are preferred over cash contributions; and*
- *To ensure that where appropriate, land suitable for public open space is set aside as part of the design of a development so that it can be transferred to or vested in Council, in satisfaction of the public open space contribution requirement.*

The subject site is in an area where cash in lieu of land is the preferred method of public open space contribution (area 3121F).

Clause 22.16 – Stormwater Management (Water sensitive urban design)

This policy applies to applications for new buildings (amongst others).

Under this clause it is policy to:

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- *Require that development applications provide for the achievement of the best practice performance objectives for suspended solids, total phosphorus and total nitrogen, as set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended)*
- *Require the use of stormwater treatment measures that improve the quality and reduce the flow of water discharged to waterways. This can include but is not limited to:*
 - *collection and reuse of rainwater and stormwater on site*
 - *vegetated swales and buffer strips*
 - *rain gardens*
 - *installation of water recycling systems*
 - *multiple uses of water within a single manufacturing site*
 - *direction of flow from impervious ground surfaces to landscaped areas.*
- *Encourage the use of measures to prevent litter being carried off-site in stormwater flows, including:*
 - *appropriately designed waste enclosures and storage bins, and*
 - *the use of litter traps for developments with the potential to generate significant amounts of litter.*
- *Encourage the use of green roofs, walls and facades on buildings where practicable (to be irrigated with rainwater/stormwater) to enhance the role of vegetation on buildings in managing the quality and quantity of stormwater.*

Clause 22.17 – Environmentally Sustainable Design

This policy was introduced into the Scheme on 19 November 2015 and applies to residential development with more than one dwelling.

The overarching objective is that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation. The considerations are energy performance, water resources, indoor environment quality, storm water management, transport, waste management and urban ecology.

Other relevant documents

Swan Street Structure Plan

The Swan Street Structure Plan is relevant to the site. This plan was prepared for the Swan Street Major Activity Centre [MAC] and was adopted by Council on 17 December 2013. Accordingly, whilst this document can be considered, it has limited statutory weight and cannot be relied upon to determine this application.

The Swan Street Structure Plan aims to manage growth within the Swan Street MAC and the immediately surrounding area.

The subject site is identified as being located within the Burnley Station Village Precinct. The existing context is described as follows:

- *The Burnley Street Village Precinct is defined by the intersection of Burnley Street and Swan Street. As one of the primary north-south routes in the Richmond Area, this intersection is subject to high levels of vehicular movement. This, in addition to the presence of the Burnley Street overpass has hindered the realisation of the precincts potential. The village predominantly comprises of a number of small retail and food and drink premises.*

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Some specific statements relevant to the subject site are as follows:

- *Buildings are predominantly of a low scale at 1-2 storeys and existing zoning in the precinct, on the south side of Swan Street (Commercial 2 Zone). This limits future opportunities for a broader range of land uses including residential uses.*
- *Burnley Station currently has very poor public access and general amenity. The station is largely hidden behind Swan Street and has poor connectivity to the surrounding area. 2 underpasses provide access to the station. They feel unsafe and are difficult to identify in the street network.*
- *The station has potential to provide the precinct with excellent access to public transport and offers a major opportunity for redevelopment and improvement to the station and surrounding environs.*
- *The timber yard and adjoining sites located on the South east corner of Swan and Burnley Street are underutilised and offer potential for significant redevelopment and change in the precinct.*

The future vision for this precinct is described as follows:

- *A vastly transformed village precinct accommodating a diversity of activity including residential, local convenience retail, entertainment, and commercial uses. The precinct includes a major transit orientated development that plays a central role in Yarra's sustainable transport network and will act as a catalyst for change within this precinct.*

Some specific rationale statements relevant to the subject site are as follows:

- *Redevelopment of the strategic redevelopment site on the southeast corner of Burnley Street and Swan Street will act as a major catalyst for change.*
- *Redevelopment provides opportunities to integrate Burnley Station with Swan Street and surrounding environs.*
- *Strengthening the variety of land uses will support intensification of residential uses.*
- *Large lot sizes on south side of Swan Street have good separation from existing residential uses to the north and less potential for adverse amenity impacts.*

Of particular note, the site is located within an area where built form is envisaged to be 10-12 storeys, or 36m (contrary to local policy at clause 21.05 of the Scheme which directs redevelopment to activity centres, and to generally be no more than 5-6 storeys).

In order to deliver the vision for the Swan Street study area, the Structure Plan articulates objectives and strategies grouped into four themes: land use; built form; public spaces; and access and movement. The relevant matters in this instance are as follows:

Land Use – Objectives

- *To encourage land uses that support the function of Burnley Station and its proximity to Swan Street.*
- *To intensify land uses in the precinct.*
- *To establish a precinct that supports retail commercial and residential uses.*

Strategies

- *Establish a variety of land use activities that are orientated towards Burnley Station and Swan Street.*

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- *Investigate appropriate zoning to achieve land use outcomes sought for the precinct.*
- *Accommodate housing growth in the precinct.*

Built Form – Objectives

- *To encourage transit-oriented development focused around Burnley Station.*
- *To establish a new built form character that is complementary to existing context.*
- *To ensure built form provides passive surveillance of the street.*
- *To ensure new built form minimises off-site amenity impacts at the interface with existing residential areas*

Strategies

- *Provide active frontages to the street.*
- *Rebuild/reinforce the street wall height along Swan Street and Burnley Street to create a consistent 3 storey built form scale with visually recessive upper levels.*
- *Ensure that the prevailing fine-grain pattern is preserved on larger sites or where sites are consolidated.*
- *Encourage taller buildings on the south side of Swan Street between Burnley Street and Stawell Street.*

Public Realm – Objectives

- *To establish a high quality public realm for the Burnley Station Village.*
- *To improve the quality of the connections to Burnley Station.*

Strategies

- *Prepare a Streetscape Masterplan for Burnley Station environs to the south of Swan Street.*
- *Ensure new buildings provide setback from the railway line on the south side of Swan Street to provide for improved pedestrian amenity and access to Burnley Station.*
- *Investigate public realm improvements linked to Ryan's Reserve in Stawell Street*
- *Develop a public plaza linking Swan Street and entrance to Burnley Station as part of any redevelopment.*

Access and Movement – Objectives

- *To strengthen connectivity between Burnley Station, Swan Street and Burnley Street.*
- *To establish a highly walkable and cycle friendly environment.*

Strategies

- *Create a high quality pedestrian link connecting Swan Street to Burnley Station.*

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- *Investigate upgrades and improvements to the railway underpass connecting Madden Grove and Stawell Street.*
- *Investigate a cycle route along Madden Grove connecting Burnley Station to East Richmond Station.*
- *Install way finding signage to direct pedestrians to key destinations within the Precinct and beyond.*
- *Encourage new developments on the north side of Swan Street to provide vehicular access from rear laneways.*

Advertising

The application was not advertised as this will occur during the exhibition stage of the amendment. Any submission received will be considered as part of a future report to Council.

Nevertheless, three objections have been received, with the grounds of objection as follows:

- Oversupply of apartments;
- Will negatively impact the heritage streetscape;
- Impact on daylight to dwellings;
- Limited car parking in the area;
- Poor internal amenity;

One letter of support was received, with the reasons being:

- An undersupply of apartments in the southern part of Richmond;
- Area needs re-development, particularly as there is no heritage;

In the event Council resolves to exhibit the proposal, public submissions will be possible.

Referrals

External Referrals

- Public Transport Victoria;
- VicRoads;
- Transurban;
- EPA;

Internal Units:

- Engineering Services;
- Waste Services;
- ESD Advisor;
- Open Space;
- Strategic Transport;
- Urban Design;

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External consultants

- Urban Design (Rob McGauren);
- Engineering (Traffix Group);
- Wind (MEL Consultants); and
- Acoustic (SLR Consulting).

Public Transport Victoria (PTV)

PTV has provided comments jointly which also consider Metro Trains, VicTrak and Yarra Trams.

The development presents a variety of challenges within the public transport environment and we welcome and support the applicant's intent to improve integration with Burnley Station and associated works.

PTV is concerned with the proposal to install signals on Swan Street to provide access to the site because it is a tram corridor. This represents a further delay for the tram network.

In the time provided, PTV have not been able to fully assess the amended plans to agree to the signalised intersection on Swan Street at this time. PTV seeks to continue to work with the permit applicant during the exhibition of the Amendment to resolve our areas of conflict.

While this is the pre exhibition response to the Section 96A Planning Scheme Amendment, Public Transport Victoria reserves the right to make further comments or amendments to our draft conditions during the exhibition period.

As such, Public Transport Victoria, submits the following conditions to be included on any draft Planning Permit intended to be exhibited with the Section 96A Planning Scheme Amendment.

Conditions:

Pre-Construction

- 1. Before the development starts, including demolition and bulk excavations or other time agreed to in writing with Public Transport Victoria, amended plans to the satisfaction of Public Transport Victoria must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. These plans must be generally in accordance with the plans submitted to Public Transport Victoria with the application but are to be modified to show:*
 - a) relocation of the fire access stairwell onto private property (Vic Track land) at the rear of the property.*
 - b) self-enforcing "left in left out" access only from Swan Street with associated signs.*
 - c) Provision of a bus stop within the Burnley Street underpass and associated infrastructure*

All to the satisfaction of Public Transport Victoria.

- 2. Prior to the commencement of works, detailed construction / engineering plans and computations for the works at Burnley Station shown on the endorsed plans must be submitted and approved by VicTrack and Public Transport Victoria. The Plans must detail all works proposed within the rail environment, including excavation of the site adjacent to the railway corridor and any impact on the rail reserve. The plans must ensure compliance regarding building clearances to aerial power lines as per the applicable Victorian Electrical Safety Regulations, to the satisfaction of Vic Track and Public Transport Victoria.*

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3. *Unless otherwise agreed in writing with Public Transport Victoria, a Construction Management Plan must be submitted to Public Transport Victoria 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 & Public Transport Victoria.*
4. *Works undertaken within railway land must consider all standards and work practices for work within the railway corridor and conform to all relevant Australian standards including Victorian Rail Industry Operator Group (VRIOG) standards for any interface works and installation of underground utility services to the satisfaction of the Rail Operator and Public Transport Victoria.*
5. *Unless otherwise agreed in writing with Public Transport Victoria, before the commencement of works, a Traffic Management Plan must be submitted to Public Transport Victoria 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 Public Transport Victoria. All traffic management and mitigation costs will be at the full cost of the permit holder.*
6. *Unless otherwise agreed in writing with Public Transport Victoria, before the development starts a landscape plan and schedule must be submitted to the satisfaction of VicTrack and Public Transport Victoria for the area of works within the rail corridor.*
7. *Unless otherwise agreed in writing with Public Transport Victoria, prior to construction commencing including demolition, a construction control and indemnity agreement as required by Public Transport Victoria must be in place to the satisfaction of Public Transport Victoria at the full cost to the permit holder.*

General Conditions

8. *Prior to the occupation of the development, all works outlined on the endorsed plans for the left in / left out access must be completed with associated signs, to the satisfaction of Public Transport Victoria at the full cost to the permit holder.*
9. *Unless otherwise agreed in writing with VicTrack, permanent or temporary soil anchors must not be installed on railway land.*
10. *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.*
11. *Any Rail Operator costs required to review documents or construction plan works within the rail environment must be met by the permit holder.*
12. *Any damage to public transport infrastructure as a consequence of the construction works must be rectified to the satisfaction of Public Transport Victoria, at the full cost of the permit holder.*
13. *The permit holder 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.*
14. *Building materials (including glass/window/ balcony treatments) likely to have an effect on train driver operations along the rail corridor must be non-reflective and avoid using red or green colour schemes, to the satisfaction of the Rail Operator.*
15. *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.*
16. *No drainage, effluent, waste, soil or other materials must enter or be directed to railway land or stored or deposited on railway land.*
17. *Any wall which may be permitted to be located on the railway reserve boundary must be cleaned and finished using a graffiti resistant finish, or alternative measures used to prevent*

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or reduce the potential of graffiti, to the satisfaction of Public Transport Victoria and the Rail Operator.

18. *Entry onto railway land is at the discretion of the Rail Operator and is subject to the Rail Operators Site Access Procedures and conditions.*

VicRoads:

VicRoads provided these comments on 2 September 2015 (following the submission of the Buffer Volume Report):

- *VicRoads does not object to the development in its current form.*
- *If Council regards the proposed development favourably, VicRoads would require that the following conditions and notes be included in any Notice of Decision to Issue a Planning Permit or Planning Permit:*
 1. *Before the use approved by this permit commences the following roadworks on Swan Street, Richmond must be completed at no cost to and to the satisfaction of the Roads Corporation:*
 - (a) *Traffic signals at the Swan Street access.*
 - (b) *Removal of the existing car parking spaces along the Swan Street property frontage and installation of "No Stopping" signs.*
 2. *All disused or redundant vehicle crossings must be removed and the area reinstated to kerb, channel and footpath to the satisfaction of and at no cost to VicRoads prior to the occupation of the building hereby approved.*

Notes:

Separate consent for works within the road reserve and the specifications of these works is required under the Road Management Act. For the purposes of this application the works will include provision of:

- *traffic signals*
- *no stopping signs and removal of on street car spaces along the Swan Street property frontage.*

Separate consent will be required from VicRoads (the Roads Corporation) under the Road Management Act 2004 for buildings and works undertaken outside the title boundary within a Road Zone Category 1 (Swan Street and Burnley Street Overpass and associated embankment). Please contact VicRoads prior to commencing any works.

The proposed development requires reinstatement of disused crossovers to kerb and channel. Separate approval under the Road management Act 2004 for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.

- *Condition 1 above has been included as a result of the anticipated traffic demands generated by the development, including (but not limited to) the impact on traffic flow, safe operation to road users (trams and vehicle traffic) and movements in and out of the site on Swan Street. The installation of traffic signals will effectively reduce conflict between traffic movements in and out of Swan Street having regard to existing and post development traffic volumes, queue lengths, existing clearway times and tram services.*

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- *Furthermore, VicRoads seeks to ensure that the development provides and maintains safe and efficient traffic conditions on this section of road given Swan Street is designated as a Traffic, Tram, Bicycle and Pedestrian Priority Route.*

Following the submission of the additional traffic information from the applicant on 7 April 2016, VicRoads provided this additional Condition 1(c) to be included in the above Conditions.

- 1(c) *Removal of six (6) existing car parking spaces along the north side of Swan Street, west of Cutter Street, and the installation of "no Stopping" signs.*

Transurban;

Following the submission of a Buffer Volume Constraint report forwarded to EPA, the following comments were made, on 27 August 2015:

The report indicates that the proposed building height of 41m is currently just outside the plume envelope. If the building exceeds a height of 44m, we reserve our rights to request further testing be undertaken to assess the impact.

Given the report states that the proposed development is outside the plume envelope, we have no further objections to this planning application.

EPA;

Following the submission of a Buffer Volume Constraint report forwarded to EPA on 18 August 2015, the following comments were made:

EPA has no objections to the proposal in general in relation to the CityLink exhaust stack. The following conditions are recommended to be included in the planning permit, should one be issued:

1. *Noise emissions from the premises must comply with the requirements of the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.*
2. *Noise emissions from the premises must comply with the requirements of the State Environment Protection Policy (Control of Music Noise From Public Premises) No. N-2.*

Engineering Services;

Council's Engineering Services provided the following assessment with regards to the original traffic report submitted:

Variation in the Car Parking Demand

- *It is agreed that peak visitor and customer parking demands for the uses would not all coincide at the same point in time during the day.*
- *The variation in the car parking demand for the development has been represented in temporal profiles (figures 3.2 and 3.3 of the report). The temporal profiles are graphs showing the amount of car parking generated versus the time of day, and provide a good snapshot of when each uses parking would peak. The total parking demand is also shown on the profiles. For example, on a typical weekday, the temporal profile shows that the supermarket parking demand would expect to decline as the residential visitor parking demand would be expected to increase. The peak visitor/customer*

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parking at the site is expected at 115 spaces at around midday for the typical weekday. On a typical Saturday, it is expected the peak visitor/customer parking would occur at around 7:00pm at 117 spaces. Temporal profiles used to represent the variation in the parking demand and to identify the peak visitor/customer parking are considered reasonable.

Other Factors that may influence a Reduced Parking Demand

- *All occupants of the dwellings, regardless of whether they have on-site parking or not, will not be eligible to apply for on-street resident and visitor car parking permits.*
- *Residences with no on-site parking would be appropriate for persons who are prepared to rely heavily on public transport, bicycles or other forms of sustainable transport for their transportation needs – and it is also highly likely that the new dwellings would be specifically marketed towards this group, particularly persons who wish to make a lifestyle choice centred around inner city living.*
- *The site has very good access to public transport, with rail services accessed from the Burnley railway station and tram services operating along Swan Street. The development is also in proximity to shops, businesses, supermarkets, potential places of employment and education, essential facilities and amenities.*
- *The provision of 339 on-site bicycle parking spaces is seen as a positive step in helping to off-set the reduction in the car parking requirement and would be in line with Council's strategic transport objectives in abating private motor vehicle use.*

Summary of Car Parking Provision

- *Given that 445 spaces will be provided on-site, 268 spaces would be allocated as long term spaces (residences and staff parking). According to GTA, the peak visitor and customer parking would be some 117 spaces. A surplus of 60 spaces would remain, which would likely be managed by the Owners Corporation of the development.*
- *From a traffic management perspective, the car parking provision for the site is considered appropriate. Apart from the swimming pool use, which requires further clarification, the assumptions and assessments made by GTA Consultants are generally considered reasonable. Engineering Services has no objection to the reduction in the car parking requirement for this development.*
- *Before a decision is made whether to grant a dispensation in the car parking requirement, the above factors should be taken into account.*

Traffic Generation

Residential Use

- *To estimate the anticipated residential traffic volume of the site, GTA Consultants have cited a number of empirical case studies in Yarra and inner metropolitan Melbourne. The compiling of six empirical case studies has resulted in weight averages for the AM peak hour traffic rate (0.21 trips per dwelling), the PM peak hour (0.20 trips per dwelling) and the daily traffic rate (2.0 trips per dwelling). GTA Consultants have conservatively adopted a rate of 0.25 trips per dwelling per PM peak hour, resulting in 61 vehicle trips per PM peak hour. The Saturday midday peak hour traffic has been estimated to be 31 vehicle trips per hour (typically 50% of the weekday PM peak hour, as indicated in the submitted report).*

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Empirical Traffic Generation

- *The empirical traffic generation rates for the commercial uses have been based from previous surveys and the rates from the Roads and Traffic Authority of NSW. The rates have been summarised in table 6.5 of the report.*

Proposed Use	Weekday PM Peak	Saturday Midday Peak
Residential Dwellings	61	31
Specialty Retail	12	23
Supermarket	222	222
Office	8	0
Gymnasium	11	11
Swimming Pool	12	12
Total	326	299

Traffic Movements of Development

- *For the residential traffic component during the weekday PM peak, the report has indicated the following distribution pattern:*
 - *80% inbound movements from the west*
 - *20% inbound movements from the east*
 - *70% outbound movements to the west*
 - *30% outbound movements to the east*
- *For the commercial uses, the traffic generation and assignment would be influenced by factors such as the location and distribution of employee’s residences, the position of the development’s access arrangements, and the configuration of the arterial road network. The assignment of commercial traffic generated by the site during the weekday PM peak hour would be 50% inbound movements and 50% outbound movements.*
- *To assess the performance of the Swan Street/Burnley Street intersection during existing and post development conditions, GTA Consultants ran a SIDRA analysis of the intersection for the weekday PM peak hour. The site’s access arrangements were also analysed.*
- *According to the GTA SIDRA analysis, the weekday PM peak hour performance of the Swan Street/Burnley Street intersection under existing operating conditions has a degree of saturation of 0.83, which is considered satisfactory for a signalised intersection.*
- *The immediate post development performance of the Swan Street/Burnley Street intersection would exceed saturation with a degree of saturation of 1.21, whereas the site’s Swan Street access point would have a degree of saturation of 0.63.*

Mitigating Works at the Swan Street/Burnley Street Intersection

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- *GTA Consultants recommend the introduction of part time restrictions for eight on-street car parking spaces on the south side of Swan Street along the property's frontage in order to provide greater capacity at the east approach of the intersection. GTA ran the SIDRA analysis and identified a degree of saturation of 0.93. If such a proposal were to be considered, the times for the part time parking prohibition should be specified by GTA. On-street parking in the area is at a premium and the restricting of on-street parking not be supported by nearby businesses.*
- *The applicant would need to explore other mitigating measures at the Swan Street/Burnley Street intersection and these would need to be developed in conjunction with VicRoads, who are the major stakeholder for the operation and management of the arterial road network. The applicant would also need to re-run the SIDRA modelling for any proposed mitigating proposals at the intersection.*

Access Arrangements

Development Entrance

- *The development's primary access point is located on the south side of Swan Street, near the eastern boundary of the site. The entrance has a width of 13.425 metres and contains a pedestrian refuge, separating the two outbound lanes from the inbound lane. The individual lanes and the pedestrian refuge should be dimensioned on the drawings.*
- *The development access point contains a visibility splay at the west side, which satisfies the Yarra Planning Scheme's Clause 52.06-8 Design standard 1 – Accessways.*

Vehicle Crossing

- *The construction of the new vehicle crossing on the south side of Swan Street must satisfy the following:*
- *The portion of existing vehicle crossing outside the property frontage must be demolished.*
- *The two electrical poles must be relocated to the satisfaction of the relevant power authority and Yarra Trams.*
- *The vehicle crossing shall be constructed in accordance with VicRoads' and City of Yarra's requirements and specifications;*
- *An Application for a Permanent Vehicle Crossing Permit is to be taken out by the developer from Council's Construction Management Support team (based at the Richmond Town Hall).*

Measures suggested by VicRoads

- *Engineering Services has been informed that VicRoads has been considering the provision of prohibiting right turn movements, a left-in/left-out arrangement or the provision of traffic signals.*
- *One advantage of prohibiting right turn movements into the development would remove the potential to delay tram movements along Swan Street. The right turn prohibition would require vehicles to circumnavigate an area in order to reach the site (say, using Bridge Road-Coppin Street or Burley Street-Madden grove-Swan Street). The left-in/left-out arrangement would physically reinforce right turn prohibitions into and out of*

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the site. In principle, Engineering Services has no objection to these turning movement prohibitions.

- *The use of traffic signals at the development's entrance would need to be incorporated into the signals at the Swan Street/Burnley Street intersection. If this option were to be pursued, a functional layout plan for the signals would need to be developed by the applicant in conjunction with VicRoads. The signals and any associated infrastructure works must be funded by the applicant if the proposal is accepted/approved.*

Internal Layout

- *The development's internal parking layout comprises three levels of podium parking and two levels of basement parking.*

Basement Car Parks

- *The regular car parking spaces on the basement levels have dimensions of 2.7 metres by 5.4 metres and satisfy the Australian/New Zealand Standard AS/NZS 2890.1:2004. These spaces are consistent with customer car parking*
- *Parallel parking spaces measure 6.3 metres by 2.7 metres and satisfy AS/NZS 2890.1:2004. Space No. 25 has a length of 6.2 metres and a width of 2.4 metres and is obstructed by a blade column at its south end and is bounded by a ninety-degree small car parking space at its north end. A swept path diagram should be provided for this parallel parking space.*
- *The aisle widths range from 6.2 metres to 7.405 metres and also comply with AS/NZS 2890.1:2004.*
- *Columns have been set back from the aisles by 750 mm as per AS/NZS 2890.1:2004.*
- *Small car spaces measure 2.4 metres by 5.4 metres and comply with AS/NZS 2890.1:2004.*
- *Clearances for spaces abutting walls should be dimensioned or stipulated on the drawings.*
- *The grades of the internal ramps satisfy Design standard 3: Gradients of Clause 52.06 of the Yarra Planning Scheme. The ramp width and grades should be dimensioned on the drawings.*
- *The swept path diagram showing the B85 design vehicle passing the B99 design vehicle at the south east corner of each basement level is considered satisfactory. AS/NZS 2890.1:2004 states that in areas where two vehicles pass one another, the B85 design vehicle and the B99 design vehicle swept paths are to be checked.*
- *In the basement floor, the dimensions of the disabled parking spaces and associated shared areas satisfy the Australian/New Zealand Standard AS/NZS 2890.6:2009.*

Mezzanine and Podium Car Parks

- *The dimensions of the car parking spaces satisfy AS/NZS 2890.1:2004.*
- *The aisles have width of 5.8 metres, which is consistent for resident and employee parking.*
- *Columns have been set back from the aisles by 750 mm as per AS/NZS 2890.1:2004.*
- *The grades of the internal ramps satisfy Design standard 3: Gradients of Clause 52.06 of the Yarra Planning Scheme. The ramp grades should be dimensioned on the drawings.*

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- *The 6.1 metre width of the internal ramps complies with AS/NZS 2890.1:2004.*
- *Spaces adjacent to walls have minimum widths of 2.7 metres and satisfy AS/NZS 2890.1:2004.*
- *Blind extensions of 1.0 metre and 1.1 metres have been provided throughout the mezzanine and podium level car parks. At the north east corner of the mezzanine and podium level car parks, a blind aisle extension of 500 mm has been provided next to the supply/service rooms. The swept path diagrams provided by GTA Consultants adequately demonstrate access and egress into the end space for a B85 design vehicle.*
- *For Level 1A car park (Drawing No. A201-U Revision F), the finished floor level is +19.27. How do pedestrians from this car park access the lifts and lobby (which has a finished floor level of +17.92)? Similarly, how do people coming from Level 1B car park (FFL +20.62) access the lifts at the western side of the car park, which also has a finished floor level of +17.92?*
- *The swept path diagram showing the B85 design vehicle passing the B99 design vehicle at the south east corner of the podium level 01 car park is considered satisfactory.*
- *On Podium Level 02 car park (Drawing No. A202 Revision G dated 11 June 2015), the pedestrian path leading to the lobby and lifts (near spaces 1 and 9) has a grade of 1 in 21. The level difference between Level 2A car park and the lobby is 1.35 metres (= 23.32 – 21.97). The pedestrian path cannot be at a grade of 1 in 21 [to provide at grade 1 in 21 with a height of 1.35 metres would require a ramp length of over 28 metres]. The designer needs to check the grade of the pedestrian path and ensure that it satisfies DDA requirements.*

Loading Provision

- *The loading facility for the development would be located at the south west corner of the site, accessed off Burnley Street service road. The loading bay is positioned 8.55 metres inside the western boundary and measures 16.995 metres by 9.205 metres. According to the report, the headroom clearance beneath the Burnley Street overpass is in excess of 4.0 metres.*
- *GTA Consultants have provided swept path diagrams for a 12.5 metre Heavy Rigid Vehicle. Guidance on the selection of service vehicle type and service bay design requirements are sought from the City of Brisbane's Transport, access, parking and servicing planning scheme policy (SC6.31). The City of Brisbane's guidelines specify the number and types of vehicle required to service a particular commercial use based on the area of that use. The supermarket and speciality retail uses for the development would total 3,167 square metres of floor area. The Brisbane guidelines indicate that these uses would be serviced by a loading facility that would accommodate two 12.5 metre heavy rigid vehicles. The dimensions of the proposed loading facility can comfortably accommodate two heavy rigid vehicles.*
- *The location on the loading facility may present issues of pedestrian safety for commuters accessing the Burnley railway station from the north.*

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Summary of Design Matters

- *The applicant must revise the drawings to incorporate the following:*

BASEMENT LEVEL CAR PARK	
Item	Details
<i>Parallel Parking Space (Bay No. 25)</i>	<i>Swept path analysis to be undertaken for the parallel parking space No. 25 (Lower Basement Floor Plan Dwg No.A100)</i>
<i>Clearances from walls</i>	<i>Clearances of spaces from abutting walls should be dimensioned or stipulated on the drawings.</i>
<i>Internal Ramps</i>	<i>Widths and dimensions of ramp grades must be shown.</i>
MEZZANINE AND PODIUM CAR PARK	
<i>Internal Ramps – grades and dimensions</i>	<i>The internal ramp grades must be dimensioned.</i>
<i>Pedestrian path – Level 2A car park</i>	<i>The grade of the pedestrian path leading to the lobby must be checked and be DDA compliant.</i>
DEVELOPMENT ACCESS	
<i>Relocation of Electrical poles – south side of Swan Street</i>	<i>Relocation of electrical poles to be done to the satisfaction of the relevant power authority and Yarra Trams.</i>
<i>Internal Ramps/Accessways Pedestrian Refuge</i>	<i>Individual lanes and pedestrian refuge must be dimensioned.</i>
<i>Right Turn Prohibition Left-in/left-out arrangement</i>	<i>To be discussed and developed in consultation with VicRoads.</i>
<i>Signalisation of Access</i>	<i>To be discussed and developed in consultation with VicRoads.</i>

Burnley Railway Station

- *VicTrack’s draft Yarra Site Development Frameworks (June 2015), identified potential issues for pedestrians accessing the Burnley Station, particularly along the east side of the Burnley Street service road. An extract of this document is attached to this memo.*
- *The applicant must consult and liaise with VicTrack and Public Transport Victoria in relation to future redevelopment of the Burnley railway station and address any issues in relation to pedestrian movement and safety between Swan Street and the station.*

Clearances from Electrical Assets

- *Overhead power lines run along the south side of Swan Street, close to the property line.*
- *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:*

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<http://www.esv.vic.gov.au/About-ESV/Reports-and-publications/Brochures-stickers-and-DVDs>

Capital Works Programme

- *A check of the Capital Works Programme for 2015/2016 indicates that no infrastructure works have been approved or proposed within the area of the site at this time. Capital Works Programmes are subject to change.*

ENGINEERING REQUIREMENTS

- *The following items must be included in the Planning Permit for this site:*

Infrastructure and Streetscape Masterplan

- *The applicant must prepare and develop an infrastructure and streetscape masterplan in conjunction with Council, VicRoads, VicTrack, Public Transport Victoria and all relevant service authorities for capital improvements in the roads surrounding the development. The Plan must include, but is not limited to, the interface with the Burnley railway station, the mitigation works at the Burnley Street/Swan Street intersection, the improvement to the Burnley Street service road and 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 works, road infrastructure works and streetscape works shall be funded by the applicant.*

Road Infrastructure Works

- *Upon the completion of all building works and connections for underground utility services, the developer must reconstruct all footpaths, kerb and channel outside the development's Swan Street and Burnley Street road frontages as part of the development's infrastructure and streetscape masterplan. All infrastructure items and works must be funded by the developer.*
- *The developer shall re-sheet the road pavement of the Burnley Street service road and the half width pavement of Swan Street immediately outside the site's frontages to Council's and VicRoads' satisfaction. The cost of these asphalt works shall be borne by the developer.*

Preparation of Road Infrastructure Design Drawings

- *The developer must prepare and submit detailed design drawings of all road infrastructure, traffic mitigation and streetscape works associated with this development for assessment and approval.*

Redundant Vehicle Crossings

- *All redundant vehicle crossings along the property's road frontages must be demolished and reinstated with paving, kerb and channel to Council's satisfaction and the developer's cost.*

Pedestrian Access Points

- *All pedestrian access points of the development must be DDA compliant.*

Road Asset Protection

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- *A Construction Management Plan must be prepared and submitted to Council. The Plan must be approved by Council prior to the commencement of works. A detailed dilapidation report should detail and document the existing and post construction conditions of surrounding road infrastructure and adjoining private properties.*
- *Any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed to Council's satisfaction and at the developer's expense.*

Public Lighting

- *The designer must ensure that there is adequate public lighting along the road frontages of the site. Lighting for pedestrian access must comply with the minimum lighting level of P4 as per the Australian Standard AS/NZS 1158.3.1:2005 Lighting for roads and public spaces - Pedestrian area (Category P) lighting - Performance and design requirements. The lighting levels of all existing public lights near the site must be measured and checked against the AS/NZS 1158.3.1:2005 to determine whether new or upgraded public lights are required. The supply and installation of any additional or upgraded lighting and poles shall be funded by the developer.*
- *The developer must ensure that light projected from any existing, new or modified lights does not spill into the windows of any new dwellings or any existing nearby residences. Any light shielding that may be required shall be funded by the applicant.*

Impact of Assets on Proposed Development

- *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.*

Drainage

- *The applicant must apply for a Legal Point of Discharge under Regulation 610 – Stormwater Drainage of the Building Regulations 2006 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), to Council's satisfaction under Section 200 of the Local Government Act 1989 and Regulation 610.*
- *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.*
- *The developer must prepare a drainage design scheme for the development for Council assessment and approval. Any pipes, pits or other drainage infrastructure required for the drainage scheme shall be supplied, installed and funded by the developer.*

The following comments were made in relation to the updated traffic report:

- *I refer to the GTA report of 7 April in relation to the proposed signals and removal of parking associated with the development at 462-482 Swan Street, Richmond. Engineering Services provides the following information:*
- *In relation to the supermarket rates, GTA had adopted a rate of 4.5 vehicle movements per 100 square metres and had based their rate on a supermarket in Smith Street, as opposed to one in Richmond. Traffix Group had reviewed the same supermarket and advise that the trip rate was 6.0 vehicle movements per 100 square metres. Ideally, it would have been good to have the GTA analysis test the model using the 6.0 vehicle*

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trips per 100 square metres to see how it would compare with the rate recommended by Traffix.

- *Engineering Services is generally satisfied with the removal of the parking spaces as shown on the GTA plan (showing the statutory No Stopping zones in red and the removal of additional spaces in blue) in order to provide the new model. In relation to the three blue spaces on the south side, it would also have been useful for the GTA model to test the signals by having the three blue spaces remain intact and ascertain whether the model would have resulted in any significant changes in capacity/efficiency.*
- *The removal of one on-street parking space on the south side of Swan Street, just west of Burnley Street is considered reasonable and I am agreed that it would provide improved merging for traffic at the departure side of the intersection.*
- *Critically, Engineering Services is satisfied that parking on the north side of Swan Street is retained as per the GTA model.*

Waste Services:

Comments were provided on 6 April 2016 and included the following comments:

I have been liaising with Leigh Design direct as the Waste Management Plan (WMP) from Leigh Design, dated 2 December 2016, is unsatisfactory. Leigh Design will modify the WMP and resubmit to Town Planning. Collection with the truck in Burnley is unacceptable. Blocking of Burnley Street and proposed collection methodology is very poor and unacceptable.

Unfortunately issues that were to be addressed as stated in my email dated 2 July 2015 were not addressed in the submitted WMP.

Issues to be addressed in the WMP, include, but are not limited to, the following:

- *In general more details are needed*
- *Internal collection, provide details, including plan, path of access, truck location, turning templates, etc*
- *Clause 1.5 needs clarification and more details, such as, plan of bin rooms, dimensions, bin locations, path of access, truck location, verify that bins can fit under chutes, etc*
- *Plan to show path of access, truck location, turning templates for Supermarket and Commercial collection, etc*
- *Details on chute rooms*
- *Justification on proposed bin collection frequency being more than weekly, particularly for residential collection*
- *Update WMP to reflect all changes*

Following these comments, the applicant committed to the following:

We have a solution for the concerns raised with respect to the WMP as follows:

- *Internalise the waste collection via the basement;*
- *Use a 6.4 metre truck (to allow clearance and access within basement); and*
- *Remove trucks propping in Burnley St.*

Swept paths are attached (prepared by GTA who are cc'd to this email) of a 6.4m long mini-rear loader type vehicle accessing and circulating around the basement level 1 car park

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attached. Ellenberg Fraser have also confirmed that sufficient ground clearance exists for a vehicle as proposed to operate and circulate within the basement.

This solution works and we respectfully request that this is adopted via a permit condition requiring an updated Waste Management Plan to be submitted to the satisfaction of the RA amended to internalise the waste collection and use a 6.4m truck.

We do not consider amended plans to be required in this circumstance as no external changes are required and only minor internal changes will be required.

The following comments were made by Council's Waste Services on 8 April 2016:

The proposal from Kris Wilson looks satisfactory on face value from the City Works Branch's perspective on condition that all the points made in my email dated 6 April 2016 are complied with and satisfactory to the Responsible Authority before the plans are endorsed.

ESD Advisor;

I have reviewed the amended design by Elenberg Fraser (Rev K 30.03.2016) and the supporting SMP from SDC (prepared 11th Nov 2015) in regard to the above planning permit. All issues associated with ESD that were raised in my previous advice have been addressed including;

- *All 'internal' facing dwellings will have clear glazing (tinted glass remaining to external facades with higher cooling loads) with a VLT of <60% to these internal dwellings.*
- *Average residential energy efficiency improved to an average 6.7 Star NatHERS rating*
- *Cooling loads of dwellings not exceeding 40MJ.*
- *Non-residential energy efficiency now demonstrated to exceed min NCC of 10%.*
- *Natural ventilation to dwellings improved with HRV (heat recovery ventilation) systems to all single aspect dwellings with a floor plan deeper than 5m.*
- *All mechanical ventilation to common area corridors provided by 100% Green Electricity.*
- *An additional 20 kW of solar PV panels to be installed.*
- *End of trip facilities for staff to encourage cycling to work.*

Please note however that:

- *The improvement to the layout of Type F one-bedroom dwellings at podium levels has avoided any borrowed light/vent to bedrooms but has resulted in some very narrow dwellings/living rooms. I recommend the Type F layout be further improved to become a more functional space but continues to ensure a best practice standard of access to daylight. Alternatively Type F dwellings could be substituted with Type C or other dwelling type.*

Open Space;

The following comments were made regarding the amended landscape plans:

ERM Drawing LS2 D - Internal Landscaping Level 3

- *The plant species suggested are all acceptable, and provide for a mixture of native and exotic planting.*
- *Further drawings will still be required as part of meeting planning permit requirements in the future –*

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- *Planting plan – showing final plant species details including a plant schedule, plant numbers and spacings, and specific plant locations.*
- *Detail plans – a detail has been provided, further notes are needed specifying the soil media. Information for intensive rooftop gardens can be found in the Growing Green Guide - <http://www.growinggreenguide.org/>*
- *Maintenance plan – the maintenance regime required during the contractor maintenance period.*

Elenberg Fraser A208 L – Communal Rooftop Garden Level 8-9

- *No landscape information has been provided in relation to the garden at this level. This will be required as a condition of the planning permit.*

ERM Drawing LS1 E – External Landscaping

- *The title boundary has been included in the plan, no notes have been included regarding maintenance.*
- *A reference to stormwater treatment and rain gardens for Swan Street is still included in notes on the sheet. Design details for these will need to be provided to Council and reviewed by Councils' Asset Drainage Engineer.*
- *Tree species on the Swan St frontage should be consistent with existing replacement trees. This would be *Lagerstoemia indica* x *L.fauriei* 'Natchez' (a white flowering Crepe Myrtle) at 12m spacings. These would be planted by Council, though paid for by the developer.*
- *Trees species along Burnley are suggested to be the dwarf Lemon scented gum (*Corymbia citriodora*) at 6m spacings. The width of these garden beds (1.2m), adjacent to a retaining wall and without irrigation, would be inadequate for the long term success a tree.*
- *Further drawings will be required as part of the planning permit –*
 - *Planting plan – showing final plant species details including a plant schedule, plant numbers and spacings, and specific plant locations. Plant species and location in Council areas can then be reviewed accordingly. Typically Councils' contractor will carry out the landscape planting managed by Council and the developer will pay for the works.*

Open Space Contribution

- *The developer contribution specified for this precinct is a financial contribution.*

Strategic Transport:

These comments were made in relation to the amended plans:

Bicycle parking layout and provision

The number bike parking facilities provided of the proposed development are satisfactory.

The bike parking spaces provided next to the lift on level 1 of Mezzanine Upper Car Park, level 1 and level 2 are satisfactory.

But the other bike parking spaces provided on south side of the building at level 1 of Mezzanine Upper Car Park, and level 2 are not satisfactory. These bike parking spaces are not easily accessible, and they are not near to the lift and they are small quantities. It is not reasonable to expect cyclists to climb a 1:7.2 ramp, shared with car drivers.

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It is recommended to relocate these bike parking spaces at the north/east corner of the building next to the lift, and they need to be accessible with minimal risk of conflict with drivers accessing their car parking spaces.

But the location of the proposed angle bike parking on Swan Street footpath (north side of the building) is not satisfactory. It will interfere with the existing tram stop and pedestrian access along the footpath. It is recommended to install parallel bike parking along the Swan Street. All the visitor parking spaces need to be installed by the developer at their expense.

8 angled bicycle parking hoops should be installed on the footpath for visitor use. The additional hoops should be located to the east of the currently proposed hoops

Pedestrian access

According to the building code every pedestrian entrance must be DDA compliant.

Adequate lighting need to be provided along the Burnley Street footpath for residents to access the main entrance of these proposed building.

Does the provisions of the seats on the building wall meet DDA requirements as people with vision impairments use the building way for way finding?

Green travel initiatives

Council is very supportive of green travel initiatives that encourage residents, employees and customers of the entire development to utilise alternative travel modes and other measures that would assist in abating the amount of motor traffic generated by the site. A green travel plan should be developed and implemented.

Disabled parking and others

There are poor provisions for people with disabilities, either as residents or visitors to the development. The plan does not indicate any disabled parking bays in this development. The applicant should meet the requirements for the disabled parking bays at this development. Disabled parking spaces must be located close to lift wells and there should be signage indicated which level it is located on

No visitor car parking is proposed in the vicinity of this development. Visitor's car parking needs to be provided inside the development.

The parkiteer is very unlikely to be utilised by many people as it is very inconvenient for users (especially for the supermarket) to access because it's on a different level, hard to find, has hanging racks and has no security or passive surveillance. For this reason I want at least 8 racks installed on the footpath. If additional racks aren't installed we will be getting calls after the first week asking for more racks that council will need to install and will need to cut up the new paving to deliver. These additional racks should be located to the east of the existing rack to avoid the future Easy Access Tram Stop

Urban Design

These comments were made in relation to the original plans dated 30 April 2016:

This proposal is generally supported in its current form. However, the following issues should be considered and additional information provided:

- *Design changes to the public realm should be undertaken, particularly connections between Burnley Station and Swan Street.*

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- *The ground level interface to the south elevation should be modified to provide passive surveillance of the adjacent path, establish a visual connection with Burnley Station and consider the provision of an additional entry to retail tenancy 01.*
- *Clarification/modifications to the void at the Swan Street interface.*
- *Changes to the Façade design and streetscape fit and Material and colour. In particular, a generally continuous skin does not 'establish a new built form character that is complementary to existing context'.*
- *Improvements to the internal/external amenity. In particular, the treatment of the public realm is not supported.*

Please refer to the detailed information provided below.

With respect to capital works, the Swan Street Structure Plan sets out a number of objectives and strategies for improvements to the public realm and access and movement. It should also be noted that Council are investigating opportunities to reduce the roadway to the west of the subject site which would allow for an increased footpath width.

Built form and massing

The built form and massing are generally acceptable. The proposal establishes an appropriate street wall height to Swan and Burnley Streets. The use of two L-shaped towers provides an appropriate built form response at the upper levels, allowing for building separation between the apartments and helping to enclose the resident's garden on the podium roof. The L-shaped towers are set back from all property boundaries, further reinforcing the street wall to Swan and Burnley Streets. Additionally, the tallest built form element is located towards the rear of the subject site which has an interface with the rail corridor where there are limited amenity impacts.

Building layout and interface

While aspects of the building layout and interface are generally acceptable, further consideration should be given to the following:

Connection to Burnley Station

With respect to the subject site, objectives in the Swan Street Structure Plan seek to:

- *Encourage transit-oriented development focused around Burnley Station.*
- *Improve the quality of the connections to Burnley Station.*

While accessing a loading bay from Swan Street raises a number of issues, the current location at the south-western corner of the subject site results in vehicles crossing the path used for pedestrian movements from Burnley Station to Swan Street. Additionally, the location of the DDA compliant ramp providing access to Burnley Station is located adjacent to the southern boundary of the subject site. The ramp runs alongside back of house functions with no opportunity for passive surveillance from the subject site at ground level. Finally, consideration should be given to the public lobby, including the location of the lift relative to the entry and whether this space is likely to be congested.

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Changes to the public realm design must be undertaken to improve connections between Burnley Station and Swan Street, reduce the potential for conflict between the loading bay and pedestrian movements, and improve passive surveillance.

South elevation

The ground level interface adjacent to the path along the southern boundary of the subject site is inactive with no opportunity for passive surveillance. Glazing should be provided in the south elevation of retail tenancy 01 to improve activation and passive surveillance of the path and establish a visual connection with Burnley Station. Additionally, consideration should be given as to whether an additional entrance to retail tenancy 01 can be provided along the south elevation.

Void at Swan Street interface

Clarification should be provided regarding the design intent of the void over the retail entrance to Swan Street which interrupts the establishment of a continuous street wall. Consideration should be given to providing additional office space or apartments to infill this void.

Facade design and streetscape fit

Further consideration should be given to the façade design and streetscape fit. The Urban Context Report (p.22) states that:

“The architectural response draws directly from surrounding building elements, reinterpreted through the modern lens of revitalisation and urban renewal.”

However, the reference images and resulting façade design offer little evidence as to how the surrounding building elements have influenced the design response. Within the immediate context, building façades typically comprise of solid planar surfaces with punched openings for windows. It should also be noted that an objective of the Swan Street Structure Plan seeks to:

- *Establish a new built form character that is complementary to existing context.*

While the approach to the built form and massing is successful in introducing a larger development and taller built form into the immediate context, it is questionable whether the use of a generally continuous skin is an appropriate response to the façade design and streetscape fit. There are numerous façade design strategies that could provide greater articulation to the built form and massing and establish a stronger contextual relationship to the finer grain context on the northern side of Swan Street.

Material and colour

Further consideration should be given to the material and colour. The applicant should refer to comments under Façade design and streetscape fit with respect to issues raised regarding the use of a generally continuous skin. Additionally, given the orientation of the building facades, clarification should be provided with respect to the degree of reflectivity of the façade glazing.

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Internal/external amenity

The internal amenity is generally acceptable. It should also be noted that the building layout results in a relatively limited number of south facing single aspect apartments. However, apartment type F relies on borrowed light to bedrooms while the bedroom in apartment type C is deep within the floor plan. Additionally, apartments 304, 404, 504, 604 and 704 could be redesigned to include a northern aspect. Finally, clarification should be provided with respect to the degree of overshadowing to internal apartments that face onto the residents garden.

Further consideration should be given to the external amenity. The treatment of the public realm is not supported as it does not provide a continuation of the general streetscape nor reflects City of Yarra's Public Domain Manual. This would establish an undesirable precedent where the consistency and clarity of Yarra's public domain is eroded through individual design responses. The proposed design also raises questions with respect to ownership and maintenance.

Furthermore, consideration should be given to relocating the proposed car share parking spaces (potentially under the Burnley Street overpass) to increase the footpath width and improve pedestrian connections between Burnley Station and Swan Street.

The following comments are in relation to the amended plans submitted on 4 April 2016:

Response to the revised proposal

The revised proposal has addressed the earlier comments relating to public domain improvements but no clarifications have been provided on the other aspects. Following observations are made in this regard:

- *The revised proposal incorporates a ramp from the railway underpass to Swan Street, by reconfiguring the road space next to the Burnley Street overpass. Such an integrated layout of the public and private domain is helpful in enhancing the access of the station from Swan Street. The proposed canopy on the western side extending to the edge of the ramp, however, is not supported. It is felt that the canopy should be kept about 0.50 m away from the edge of the ramp.*
- *Clarification is required regarding the design intent of the void over the retail entrance to Swan Street which interrupts the establishment of a continuous street wall. Consideration should be given to provide additional communal space, office space or apartments to infill this void.*
- *The incorporation of glazing to Retail Tenancy 01 at the ground level interface (on the south side) is considered an improvement as it would provide passive surveillance to the adjacent path, however, the other architectural expressions of the façade design are still the same. As recommended earlier, changes are required to the façade design material and colour so that the proposed building fits well within the existing streetscape. In this regard it is again emphasised that a generally continuous skin does not 'establish a new built form character that is complementary to existing context'. It also impacts the access to daylight.*
- *The use of timber vertical shading screen (Level 01-03, south elevation) is not supported because if not maintained, timber screen would appear worn-out after a few years, negatively impacting the overall aesthetics of the building.*

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- *Given the orientation of the building facades, clarification is also required with respect to the degree of reflectivity of the façade glazing.*
- *The internal amenity is generally acceptable. However, as stated earlier, apartment type F relies on borrowed light to bedrooms while the bedroom in apartment type C is deep within the floor plan. Additionally, apartments 304, 404, 504, 604 and 704 could be redesigned to include a northern aspect. Clarification is also required regarding the degree of overshadowing to internal apartments that face onto the residents' garden.*

Urban Design (Rob McGauran)

The following recommendations were provided on the amended plans:

3.14 The following matters are considered worthwhile investigating for further amendment and, whilst in some instances varying from earlier advice, go to matters that will enhance the development outcome and have been informed by VCAT decisions in the intervening period in which I have been involved.

3.15 It also arises from further investigations undertaken for the Burnley Station Precinct by our office on behalf of VicTrack and PTV, with the City of Yarra.

3.16 The other matters go to issues of amenity for this eventual development in the precinct.

3.17 I had previously recommended changes to the location of the loading dock to relocate it to a Swan Street access in conjunction with a turntable. I note this hasn't been undertaken but will defer to council's traffic consultants to respond as I am not in receipt of why this has not been possible

3.18 In other respects the ground floor and lower ground floors are satisfactorily resolved.

Level 1

3.19 The organisation of level 1 with the extended hour recreation facilities to the southwest corner interface with the station, office to the northwest and residential to the north is supported. There is no access presently from the carpark into the residential areas but at grade access could be provided at the western end of the residential alignment i.e. Level 1.

3.20 I would recommend inclusion of operable windows to the residential corridor at the western end for light and ventilation.

Level 3

3.21 At level 3 podium the connection of the NW and SW towers should be more clearly described on plan.

3.22 The natural light to corridors, indented entries to apartments, inclusion of community spaces internally and externally are each competently handled. The inclusion of direct access from the north-eastern lobby to the central courtyard as previously recommended is supported.

3.23 The resolution of the acoustic treatments to the rail interface and the elevated western interface with the Burnley Street Bridge and to the northern tramway and arterial road functions of Swan Street will require careful resolution. An acoustic report demonstrating effective reverse amenity treatments to ensure satisfactory internal amenity should be provided.

Level 4 & Levels 5 to 7

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3.24 *The juxtaposition of internal corner apartments Type B requires revision. I would recommend flipping the west facing apartment to separate the balcony from the adjoining bedroom.*

3.25 *Consideration should be given to reorienting the eastern most apartments in the SW block to enable the living areas to have an east as well as southern aspect to enhance amenity.*

3.26 *Consideration should be given to reorienting the western most apartments in the SW block to enable the living areas to have a west as well as southern aspect to enhance amenity.*

Levels 8 & 9

3.27 *Provide a social area at this floor for the building with a high quality morning amenity*

3.28 *Consideration should be given to reorienting the eastern most apartments in the SW block to enable the living areas to have an east as well as southern aspect to enhance amenity.*

3.29 *Consideration should be given to reorienting the western most apartments in the SW block to enable the living areas to have a west as well as southern aspect to enhance amenity.*

Levels 10 & 11

3.30 *At level 10 the Burnley Street oriented north wing of the SW building is removed.*

3.31 *Consideration should be given to reorienting the eastern most apartments in the SW block to enable the living areas to have an east as well as southern aspect to enhance amenity.*

Materials and Finishes

3.32 *The design of the building is heavily reliant on the use of glazing and integrated planters and landscape through the building and public realm treatments. The longevity and robustness of the landscapes and the quality of glass and its impact on built form are hence crucial. Details of the planting would need to include integrated irrigation and a mandated maintenance program.*

3.33 *I noted in my earlier advice some concern at the outcome of the use of the proposed glass. A similar glazing would appear to underpin the project at the corner of Alexandra Parade and Chapel Street adjacent to Melbourne High School. The outcome has in my view been unsuccessful being both heavy and muddy looking less effectively capturing changes in the sky than other glazing used in recent development. Examples of where the proposed glazing has been utilised should be viewed and samples of the proposed glazing provided to council prior to approval of the proposed material. The design of buildings in these situations has frequently been enhanced through the inclusion of additional articulation and attention to detail and the investment of them with enduring high quality finishes.*

3.34 *I note that painted concreted has been proposed in some instances. I would strongly advocate for replacement with finishes that are integrated with the material and require only cleaning over time.*

3.35 *I had previously asked that the design resolution be reconsidered. I think there is benefit in the revised plans expressing intermediate levels as double floors and by benefiting in investing the upper levels with a related but differing language to that of the podium.*

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- 3.36 *The inclusion of timber batten fins is strongly supported but subject to these being class 1 durable timbers (preferably recycled) with profiles and non-corrosive fixings that ensure their long time viability. These will add additional texture and visual interest to facades.*
- 3.37 *The inclusion of metal fins within the tower zone is logical given their more exposed location. Vine cables and fixings need to be suitably high quality, durable and sturdy recognising the weight and wind load on these support systems will increase over time. Details and confirmation of Structural engineering approval should be provided.*
- 3.38 *I am satisfied that street public realm materials and landscapes are generally appropriate.*
- 3.39 *I would recommend the inclusion however of the following:-*
- > A clear commitment to public lighting linking Burnley Street and the Station underpass*
 - > The inclusion of tram customer seating areas to the Swan Street building frontage inclusive of real time public transport monitors to the satisfaction of PTV at both this location and at the exit to the Station underpass generally where indicated on the plans*
 - > Inclusion of short term bicycle storage adjacent the entry to the Supermarket generally in the location where shown on p45 of the Urban Context report. These matters could be covered by conditions*
- 3.40 *The proposed canopies and details are well handled and provide an engaging streetscape outcome*

Green Travel

- 3.41 *I would recommend the inclusion of one space to the Burnley street frontage for a shared car and one within the supermarket carpark area. A charging bay should also be provided in both the supermarket and private visitor parking areas and within the bicycle store.*
- 3.42 *The inclusion the proposed parketeer cycle storage area is strongly supported*
- 3.43 *The inclusion of Melbourne Bike Share racks is also strongly supported*

CONCLUSION

- 3.44 *The rezoning of the site and its development for high density mixed use development represents a welcome and important initiative for the long overlooked and poorly configured Burnley Transport interchange. Properly done the project will deliver both an important place making outcome and an enhanced engagement of the important mass transit interchange with the broader community. The col-location of a program of longer use facilities for both recreation and staple retail services is well matched to the underlying interchange role of the site.*
- 3.45 *The proposed medium-rise development outcome is logical and the offsite impacts of its inclusion acceptable. The organisation of upper level residential development will ensure a high level of informal surveillance of both the station area and surrounding streets and spaces.*
- 3.46 *The applicant's inclusion of high quality shared internal and external spaces for residents and the upgrade of the public realm for all users of the surrounding streets and services is also welcome. The proposed sustainable transport initiatives are similarly laudable.*
- 3.47 *Burnley Station precinct is long overdue for transformation. Development of this site is a critical bridge between the station and Swan Street. The sites relative separation*

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form surrounding residential areas ensures offsite impacts are largely restricted to visibility. A place market for the station if properly resolved is a well understood urban approach used both here and elsewhere in the world and one that promotes a more sustainable form of living and mobility and a higher level of amenity and services and greater level of safety and security for train, bus and tram commuters.

- 3.48 *Subject to the adoption of the recommendations in my report the project and a satisfactory response by the applicant to these, it is my view that the project should be supported where it falls within my areas of expertise in urban design and architecture.*

Engineering (Traffix Group)

The following comments were provided with regards to the original traffic report:

Based on our various investigations, we are satisfied that:

- *under the parking requirements of Clause 52.06-5, the proposed development has a requirement of a least 480 car spaces, plus parking for the gym (to the satisfaction of the Responsible Authority) and the provision of 445 car spaces results in a statutory shortfall of 35 car spaces, plus parking for the gym (to the satisfaction of the Responsible Authority),*
- *under the Car Parking Demand Assessment required by Clause 52.06-6, the development provides adequate car parking for all users and on this basis, the level of car parking provided is satisfactory,*
- *one exception is the swimming pool, with the applicant needing to clarify whether the pool will be used for swimming lessons and if it is, to reassess the parking demands of this use based on a per person rate,*
- *bicycle parking is provided in excess of the Clause 52.34 requirements and is satisfactory subject to:*
 - *the provision of a shower/change room for supermarket staff, which should be included as a condition of permit, and*
 - *the relocation of the bicycle spaces within the public footpath to mid-block positions away from the Swan Street/Burnley Street intersection.*
- *the internal layout of the carpark is generally acceptable, subject to:*
 - *detailed analysis of vehicle conflict and queues at the exit onto Swan Street,*
 - *all small car spaces are to be signed as 'small car spaces',*
 - *additional clearances to walls or obstructions is required for car spaces 9, 13, 18, 53 in the lower basement level and 1, 12, 16 on the upper basement level,*
 - *the provision of trolley return bays within the public carparks, and*
 - *pedestrian access to the lobby/travellator from the public carparks needs to be improved.*
- *a requirement for a Car Parking Management Plan, including a signage and line marking plan and the provision of electronic signage displaying the number of vacant car spaces available should be included as a condition of any permit issued,*
- *a critical issue with the current design is that trucks servicing the loading dock are required to reverse onto the site across the travel path of pedestrians that need to use the DDA ramp servicing the Burnley Station underpass and this is not an acceptable arrangement,*
- *the DDA ramp to the Burnley Station underpass should be located within the Burnley Street road reserve to provide the most convenient and direct access for pedestrians requiring the use of this ramp and importantly should completely separate pedestrians from trucks using the supermarket loading dock to eliminate this conflict,*

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- *the size and layout of the loading bay is adequate to accommodate a 12.5m long Heavy Rigid Vehicle, however the applicant needs to demonstrate:*
 - *the exact headroom clearance under the Burnley Street overpass with the feature survey,*
 - *that the future supermarket operator has trucks in its fleet that can operate under the overpass,*
 - *swept path diagrams and analysis to determine how many car spaces are required to be removed from Burnley Street, and*
 - *the number of truck movements expected to use the loading dock per day.*
- *there is currently insufficient detail provided within the Traffic Report regarding waste collection arrangements and the preparation of a Waste Management Plan should be requested, waste collection should be managed under a Waste Management Plan prepared as a condition of permit,*
- *traffic impacts and the vehicle access arrangements to the site are critical issues,*
- *the traffic generation rate adopted for the dwellings should be increased to 0.3 vehicle trips per apartment per hour for the PM peak hour and Saturday midday peak,*
- *traffic generation for the swimming pool will need to be updated if it is proposed to use the pool for swimming classes,*
- *the traffic impact analysis needs to be revised to incorporate the following additional information:*
 - *the residential traffic generation rates (and possibly revised swimming pool rates) recommended above,*
 - *traffic analysis to be undertaken for both the Friday PM peak and Saturday midday peak for both the site access and the Burnley Street/Swan Street intersection when 'Clearway' restrictions do not apply to Swan Street,*
 - *up to date traffic counts, instead of relying on data from 2011, revised analysis to take into account potential impacts of queued traffic on Swan Street blocking the site access and traffic turning right into the site impacting on through traffic on Swan Street,*
 - *including at times when 'Clearway' restrictions on Swan Street do not apply,*
 - *a review of whether parking should be banned on the north side of Swan Street and/or 'Keep Clear' line marking is warranted, and*
 - *a detailed review of the access options being considered by VicRoads.*
- *the proposal to ban temporarily or permanently car parking along the site's frontage to Swan Street is acceptable on the basis that adequate alternative on-site car parking is available, and Council will need to consider the potentially undesirable consequences of banning right turn movements into the site, including 'rat-running' and a general increase in traffic congestion on the arterial road network as a result of development traffic requiring circuitous routes to access the site.*

Following the submission of additional information on 4 December 2015, the following additional comments were provided on 1 April 2016:

Residential Traffic Generation Rate

- *GTA adopted the higher residential traffic generation rate recommended in our earlier comments. We are satisfied with this.*

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Supermarket Traffic Generation Rate

- *GTA have adopted significantly lower traffic generation rates for the supermarket compared to the original assessment. The basis of adopting the lower rates is traffic surveys of the Woolworths Supermarket at 243-255 Smith Street, Fitzroy. This found the following rates:*
 - *movements per 100m² in the weekday PM peak.*
 - *6.0 movements per 100m² for the Saturday midday peak.*
- *The original assessment adopted a higher traffic generation rate of 7.5 movements per 100m², based the rate adopted for the Dimmeys Supermarket redevelopment at 140 Swan Street, Richmond. This rate was derived from surveys of the public carpark abutting Coles in Swan Street Richmond at the time of the application. We question why the supermarket at Smith Street Fitzroy was surveyed, given there are supermarkets within Richmond that could have been surveyed.*
- *Compared to the original analysis, adopting the lower supermarket traffic generation rates reduces the traffic volumes generated by the supermarket by 38% in the PM peak hour and 18% during the Saturday midday peak.*
- *Traffic Group has also previously surveyed the same supermarket in Smith Street, Collingwood. Our surveys found a traffic generation rate of 6.0 movements per 100m² for both the commuter PM and Saturday midday peak hours. We would prefer that 6.0 movements per 100m² LFA was adopted for both the commuter PM and Saturday midday peaks for the supermarket.*

Traffic Impact Analysis

- *The rest of the traffic analysis is based on substantial parking bans in the area surrounding the site. Following our meeting yesterday, it was agreed that Council prefers that amount of parking removed will be substantially reduced. This renders the analysis in the letter outdated, so we have no further comment on the detail within this section of the letter. However, the level of detail provided in the letter is relatively low (for instance, the detailed Sidra results are not included). We will be looking for a very high level of detail in the amended report.*
- *To reiterate our position on the banning of car parking from the meeting yesterday:*
 - *For the south side of Swan Street, we support the permanent removal of the car parking identified by VicRoads in Option 2, tabled at the meeting. That is, the first 10 car spaces east of Burnley Street and the first car space west of Burnley Street.*
 - *For the north side of Swan Street, we support the removal of car parking for the 20m length required around traffic signals. We then want to see analysis that removes car parking progressively westward from Cutter Street (in addition to the 20m no stopping length) to strike a balance between the traffic impacts on Swan Street and retaining some on-street car parking between Burnley Street and Cutter Street.*

The Loading Dock

- *The last part of the letter concerns the loading dock and access under the Burnley Street overpass. We will wait to receive the amended plans before commenting further on this issue.*

Following the submitted of the supplementary traffic advice on 7 April 2016, the following comments were made:

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The GTA analysis differed from our expectations (set out in my email dated 1st April, 2016) in three key areas:

- *GTA did not survey a supermarket in Richmond.*
- *The GTA analysis continues to rely on the data from Smith Street, Collingwood and adopts a rate of 4.5 movements per 100m² and 6.0 movements per 100m² in the PM and Saturday peaks, respectively. The analysis did not adopt our recommendation to use 6.0 movements per 100m² for both peak periods (based on our surveys of the same supermarket in Collingwood).*
- *The GTA plan to remove car parking (Attachment A), was not in line with our understanding of what car parking was going to be removed on the south side of Swan Street (as set out my email). This change relates only to the 3 car spaces the blue spaces on the south side of Swan Street, east of the new traffic signals, and the first car space west of Burnley Street (not shown).*

Our understanding is that the 3 blue spaces west of the new signals were to be retained, the loss of parking on the south side of Swan Street would be limited to 1 space west of Burnley street and only the first 10 spaces east of Burnley Street.

-

We wanted to see analysis that at least included the last two dot points.

Setting aside the above, in-principle we are satisfied that traffic signals are the correct solution to facilitate vehicle access to the site.

With regard to the removal of parking, we are generally satisfied with the retention of parking on the north side of Swan Street (except the statutory 'No Stopping' areas) and that the parking along the site's frontage should be removed.

Although not included in the GTA plan, Council should also remove the first space on the south side of Swan Street, west of Burnley Street. Removing this one space would provide a much more functional merging area downstream of Burnley Street at minimal cost to on-street parking.

Our view is that Council should take a 'wait and see' approach to removing the 3 spaces east of the new signals on the south side of Swan Street. These could always be removed at a later date if deemed necessary.

On 2 May 2016, the following comments were made in relation to a discussion regarding the internal car park layout and the loading dock:

- *the internal layout of the carpark is generally acceptable, subject to:*
 - *detailed analysis of vehicle conflict and queues at the exit onto Swan Street, This has been provided to some extent by the updated Sidra assessments, which indicated only low queues for vehicles exiting the carpark. This does not need to be a condition of permit.*
 - *all small car spaces are to be signed as 'small car spaces', Condition of permit.*
 - *additional clearances to walls or obstructions is required for car spaces 9, 13, 18, 53 in the lower basement level and 1, 12, 16 on the upper basement level, Provided. A condition to this affect is not necessary.*
 - *the provision of trolley return bays within the public carparks, and There are no shopping trolley return areas shown. Please include a condition of permit.*
 - *pedestrian access to the lobby/travellator from the public carparks needs to be improved.*

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Access to the travelator and lift in the public carpark by pedestrians is not particularly clear and looks really cramped.

- *the size and layout of the loading bay is adequate to accommodate a 12.5m long Heavy Rigid Vehicle, however the applicant needs to demonstrate:*
 - *the exact headroom clearance under the Burnley Street overpass with the feature survey,*
 - *that the future supermarket operator has trucks in its fleet that can operate under the overpass,*
 - *swept path diagrams and analysis to determine how many car spaces are required to be removed from Burnley Street, and*
 - *the number of truck movements expected to use the loading dock per day.*
 -

A response to the loading issues and a feature survey was provided in the letter by GTA dated 3rd December, 2015. The minimum clearance under the Bridge is 3.9m. The GTA letter neglected to include the fact that the 12.5m HRV from AS2890.2-2002 requires a minimum 4.5m headroom clearance. On the basis of the survey, a 4.5m high truck does not fit under the bridge.

The applicant was requested to confirm that a supermarket operator can operate with trucks that can fit under the bridge and has not done so to our knowledge. In this case, trucks would have to be under 3.9m in height. It can be seen on the exit diagram, the back of the truck sweeps close to the 3.9m height clearance area.

Up to 10 on-street car spaces will need to be restricted to accommodate truck access under the bridge. This is not a small number and these are likely to be lost for long periods of the day (supermarkets prefer long hours for loading activities). The applicant and Council will need to discuss what times are appropriate to restrict these spaces to allow for truck access.

Wind (MEL Consultants):

These comments are in relation to the amended wind report:

Our comments are as follows:

- *We reviewed the proposed development and commented on the Vipac assessment dated 15 January 2015 (30N-12-0003-TNT-254445-4) in our Report D84/15 and the Vipac assessment dated 10 November 2015 (30N-12- 0003-TNT-254445-5) has only minor amendments based on their review of the Elenberg Fraser drawings dated 4 November 2015.*
- *As noted in our Report D84/15, we have no issue with the Analysis Approach, Site Exposure, and Regional Wind Climate that have been used as the basis for the Vipac assessments. Vipac has clearly identified the process for the desktop assessment and this is consistent with the approach that MEL Consultants would take to prepare a desktop wind impact assessment. A clear description of the proposed development has been provided along with reference drawings in the Appendix of the report.*
- *Our Report D84/15 identified the following items:*
 - *The entrances may need to be recessed into the building to achieve the target standing criterion*
 - *The wind conditions around the corner of Burnley and Swan Streets could exceed the criterion for walking comfort.*

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- *Additional screens around the Burnley Street outdoor seating area may be required.*
- *Additional wind break features to create key areas on the podium roof that achieve the standing or sitting criteria so that these areas can have increased utilisation during windy conditions.*
- *We agreed with Vipac that wind tunnel model measurements be undertaken during the design development stage.*
- *Only the entrance to the south on Burnley Street is recessed into the building and all other entrances are on the site boundary and may need to be indented to achieve the Vipac target standing criterion.*
- *The design has included additional 1.5m high box planter's perpendicular to the 1.5m high wind screen along Burnley Street. These would be expected to assist with mitigating the conditions within the screened area to achieve the standing/sitting criteria. The wind conditions between the seating areas and the building facade would be expected to achieve the walking criterion.*
- *The Vipac assessment has recommended additional mitigation features on the podium recreation area, such as sliding doors and landscaping trees. While the doors would mitigate the wind conditions when closed or only one door is open, there would be little benefit if both doors open simultaneously. Given the podium roof recreation area is private realm the probability of both doors being open simultaneously would be expected to be low due to the low volume of pedestrian traffic. Therefore, there would be an expectation that the doors would mitigate the wind conditions for the majority of the time. The proposed trees on the podium, if they are resistant to strong wind conditions, would be expected to assist with mitigating the wind conditions at the corner of the building. However, these features would not be expected to mitigate the wind conditions to achieve the criteria for standing or sitting but this would need to be confirmed by wind tunnel model studies.*
- *We still agree with Vipac's recommendation that wind tunnel model studies should be undertaken during the design development stage to quantify the wind conditions and, if necessary, further develop the mitigation strategies to achieve Vipac's target wind criteria.*

Acoustic (SLR Consulting).

These comments are in relation to the amended acoustic report:

Road Traffic Noise

- *Road traffic noise has been assessed to the subject site and the measurements address the peak traffic periods. However we request the following:*
 - *A copy of the noise logging data referred to in the report. provided*
 - *Clarification regarding where road traffic measurements were taken, including the distance from the nearest façade. provided*
- *The external road traffic noise level used in the design of façade upgrades for each facade. provided*
- *Our requests with regard to the road traffic noise assessment have been met. We have reviewed the provided data and are satisfied that the issue of road traffic noise impacts are adequately addressed in the acoustic report.*

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Rail Noise

- *Rail noise has been measured as an SEL and converted to an Leq,1hr however details of the measurement results and the conversion are not provided in the report. Given that this is a complex rail environment (4 lines ranging from 7 m to 39 m from the subject site), the measurement of an appropriate SEL and the conversion of this figure to a representative Leq,1hr is not a straightforward exercise.*
- *We recommend that rail noise is measured for a period not less than 24 hours to obtain the Leq,15hr and Leq9hr levels. If overnight monitoring is not an option for this site, hour long measurements should be conducted during the afternoon peak hour, and one hour during the night period when trains are operating (e.g. 10 pm to 11 pm or 6 am to 7 am).*
- *Additional unattended measurements of rail noise were conducted by Acoustic Logic on 20 October 2015 and the results are presented in Table 10 of the revised acoustic report. Hourly Leq data is presented for the morning and afternoon peak travel periods. The results are equal to, or lower than, those used by Acoustic Logic in their original assessment and demonstrate that the worst case rail noise impacts were adequately quantified.*

Rail Vibration

- *Rail vibration has been assessed to an outdated Standard. Short term measurements have been undertaken and the VDV has been calculated, however details of the measured levels or the conversion calculations are not provided in the report. Rail vibration levels have not been predicted to upper levels of the building, and options for vibration control are not provided.*
- *We recommend that the VDV be directly measured using equipment deployed on site for a period of not less than 24 hours. The VDV should be calculated to apartments within the development, and the extent of vibration isolation works indicated and an indication of construction options should be provided. Rail vibration should be measured using the Wb weighting curve, as required by the current version of BS 6472.*
- *The rail vibration assessment presented in the current report is unchanged from that included in the original report. Rail vibration impacts are identified in both reports and vibration isolation works are proposed by Acoustic Logic for the development. Given this, we are of the opinion that the impacts should be quantified in accordance with the current relevant standard, using suitable equipment.*

Commercial Noise Impacts

- *Potential noise and vibration impacts from the ground floor retail premises have not been assessed. Noise, including structureborne noise, from the loading dock and back of house area, is subject to SEPP N-1. Appropriate sleep disturbance criteria should also be considered.*
- *It is recommended that an assessment of noise and vibration from activity within the loading dock and back of house area be undertaken and advice for noise control provided if necessary.*
- *Acoustic Logic state that the design of the ground floor retail and associated loading area is not complete, and that the acoustic assessment of noise from these uses will be carried out during the detailed design. This is acceptable from our perspective. As there are several levels between the retail and apartment levels, impacts from the commercial tenancies are likely to readily controllable.*

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SUMMARY

- *The revised acoustic report addresses the issues raised by SLR with regard to road and rail noise impact. We agree with Acoustic Logic that commercial noise impacts can be assessed and managed during the detailed design on this project.*
- *From our perspective the remaining outstanding issue is rail vibration. The acoustic report identifies vibration impacts and indicates that mitigation works will need to be undertaken. Given that a problem has been identified in this area, there are strong reasons for ensuring that the assessment be conducted to current best practice and to the latest Standard*

Assessment

The following key issues and policies will be used to frame the assessment of this planning permit application:

- Policy and physical context;
- Use;
- Built form and Design;
- Off-site amenity;
- On-site amenity;
- Car & Bicycle parking / traffic/access/loading facilities; and
- Waste management.

Policy and physical context

The proposal satisfies the various land use and development objectives within the SPPF and LPPF, providing an acceptable level of compliance with the relevant policies within the Scheme, and is considered to provide a positive strategic opportunity for development within a well-resourced inner-urban environment.

State and Local Policies (such as clauses 11.02-1 and 16.01-2) encourage the concentration of development in activity centres (with this site being within a Major Activity Centre (MAC)) and intensifying development within existing urban areas well connected to public transport. It is clear that this part of Richmond is undergoing change and there is strong state policy support for increased density in this area as shown through Clause 16.01-1 (amongst others). Clause 16.01-4 encourages developments to provide for a variety of housing types, which this proposal does by adding to the wider spread of dwelling types in the area.

In this instance the site is located abutting several public transport options with trams operating along Swan Street and Burnley Train Station. This proposal also includes significant pedestrian access improvements to Burnley Street which is currently underutilised despite having four train lines running through it and being three stations from the Central Business District (CBD) of Melbourne. Locating such a development here satisfies the objectives of clauses 11.02-1 and 11.02-2 of the Scheme.

The site is located in an area suitable for redevelopment, with a proposed built form that generally includes some elements of diverse pattern of urban form in the neighbourhood, creates a new built form character and with limited off-site amenity impacts. The location of streets, commercial uses and the train line surrounding the proposal provide a buffer from off-site amenity impacts.

Additionally, the subject site is considered to be a Strategic Redevelopment Site (SRS) given its location within the Swan Street MAC, adjacent to the Burnley Street Neighbourhood Centre (NC), accessibility to public transport (trams and trains) and ability to accommodate

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more than 10 dwellings. SRSs can generally be developed in a reasonably robust manner as Council's MSS acknowledges, the municipality is predominantly low rise with 'pockets of higher development'.

The Commercial 1 Zone (C1Z) (particularly those within MACs) which is proposed to be applied to the site is readily acknowledged as a zone capable of accommodating a greater density and higher built form, subject to individual site constraints. The existing character of the area is of lower rise commercial buildings generally single to triple storeys in height with several examples of higher density residential built forms of up to eight storeys in the surrounding area. Recent approvals in the surrounding area build on this emerging character as already outlined.

The Swan Street Structure Plan (SSSP) was prepared for the Swan Street MAC and was adopted by Council on 17 December 2013. The SSSP specifically acknowledges the site as a 'further investigation area' and acknowledges that the importance of the redevelopment of this site, stating it will "act as a catalyst for change within this precinct". The SSSP supports significant redevelopment of this site and change in the precinct. The future vision for this area which is envisioned within the SSSP is of a "vastly transformed" precinct which will have improved transport access, intensification of residential uses and provide for diverse activity. This development achieves the goals and vision which this Municipality has for this area.

The significant public realm improvements this development is incorporating will result in substantial improvements to the surrounding area and to the train station with this in turn, benefiting the community as a whole.

In summary, the subject site is considered to be appropriate for a higher density development of the nature proposed as there is strong policy support (as has been demonstrated) for the redevelopment of this site in a very intensive way given its strategic context.

Use

The proposal incorporates retail, a supermarket, offices, a gymnasium and dwellings. Of these uses, dwellings and the gymnasium require a planning permit under the zone. The use of the site predominantly as a residential building is supported by both State and Local policy, as outlined previously, and promotes urban consolidation within a MAC that is well serviced by existing infrastructure and services.

Additionally, the provision of dwellings is supported by the C1Z, which aims to create vibrant mixed use commercial centres for retail and community uses (amongst others), whilst providing for residential uses at densities complementary to the role and scale of the commercial centre. The proposal achieves this by providing an active commercial frontage to both Swan and Burnley Streets interfaces which is in compliance with policy at Clause 21.08-5.

The proposal follows the objectives and strategies outlined within Council's SSSP with regards to land use. These have been achieved within this development by:

- Intensifying the land uses provided;
- Supporting existing businesses through housing growth;
- Adding to the services provided for existing and future residents through the inclusion of a gymnasium (in addition to the other uses which do not require a planning permit);
- Establishing land uses which are orientated towards Burnley Station and Swan Street (which the dwellings and gymnasium are)

The inclusion of a gymnasium and swimming pool is appropriate within this location as it will add to the suite of services offered in the area. There are already sportsgrounds, parklands and running/bicycle tracks and a golf course in the area which attract 'actively-minded' people to this locale. However none of these are indoor activities and as such the proposed

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use will add to the range offered within an area which already attracts people for physical activity.

Clause 22.05 (Interface Uses Policy) requires new non-residential use and development within Commercial Zones to be designed to minimise noise and visual amenity impacts upon nearby, existing residential properties as well as requiring building design to ensure that the ongoing viability of surrounding industrial and commercial properties is not impacted through the introduction of dwellings. In this instance the site has limited off-site amenity impacts and an assessment of this is outlined within the *Off-site Amenity* section of this report. A more detailed discussion regarding the internal amenity of the proposed dwellings will be undertaken within the *On-site Amenity* section, however strategically the provision of dwellings and a gymnasium in the proposed location is accorded with a high level of support.

Built form and Design

The provisions of the Scheme relevant to design and built form are contained at clauses 15 (Built Environment and Heritage), 21.05 (Built Form), 22.10 (Design and Built Form), and as supplementary guidance within the Design Guidelines for Higher Density Residential Development (GHDRD). The decision guidelines, objectives and strategies of DDO2 and DDO14 are also relevant.

Neighbourhood Character

As already outlined in the *Surrounding Land* description of this report, the surrounding neighbourhood character is quite mixed. The northern side of Swan Street is a mixture of finer grain commercial buildings with some larger office and warehouses whilst along the southern side there are much 'bulkier' office buildings and older warehouses. The existing neighbourhood character along this southern side of Swan Street is not one which Council prefers. This part of Swan and Burnley Streets (Burnley Village) is not affected by a heritage overlay and is earmarked as to be "vastly transformed" within Council's adopted document, the SSSP. The SSSP also includes a built form objective "to establish a new built form character that is complementary to existing context".

Council's Urban Design Unit stated that the building did not fit into the immediate context as building façades typically comprise of solid flat surfaces with punched openings for windows. The Unit questioned whether the use of a generally continuous skin is an appropriate response to the façade design and streetscape fit.

The existing context along the northern and southern side of this part of Swan Street will significantly change in the future as envisioned by Council's own adopted documents. To limit this development (which is acknowledged as being a major catalyst for change in the area) to the existing built form conditions of this locale (on a MAC with no heritage overlay bar two buildings which are not abutting the subject site) is short-sighted. Particularly as a number of the sites to the north and east (along both sides of Swan Street) are larger lots within zones which encourage larger scale redevelopment. This catalyst has already begun with the recent approval directly to the north of the site.

The relevant strategies of the SSSP are:

- *Provide active frontages to the street.*
- *Rebuild/reinforce the street wall height along Swan Street and Burnley Street to create a consistent 3 storey built form scale with visually recessive upper levels.*
- *Ensure that the prevailing fine-grain pattern is preserved on larger sites or where sites are consolidated.*
- *Encourage taller buildings on the south side of Swan Street between Burnley Street and Stawell Street.*

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The proposal complies with all of these through the inclusion of active frontages (including to the railway line to the south), a three storey podium height with setback undulating upper levels and the use of fins, landscaping and a ground floor canopy to create a finer grain element to the large scale building. The proposal has complied with the built form objectives and strategies of the SSSP.

The proposal has incorporated a three storey podium to reinforce the street wall height along Swan Street and the 'wave' of the upper levels provides a similar verticality to the upper levels as the surrounding, finer grain built form. The void within the podium assists in breaking the massing on the long site frontage. This ensures the building is integrated with the surrounding urban context as per the design objectives of the DDO. This building will be creating a new built form character along this part of Swan Street. This is a new built form character which sites further to its east can build on and together, form a new emerging character that is more aligned with the strategic significance of this area.

Height and Massing

The subject site is currently underutilised. It is located within a MAC, adjacent to a NC, near various forms of public transport, with no heritage restrictions and limited sensitive interfaces. It is proposed to zone the land Commercial 1. It would be a reasonable expectation that this site would experience intensification in use and development. As already outlined in the *surrounding land* description, this intensification of the area is well underway with a number of recent approvals for taller buildings for up to eight storeys in the nearby area along Burnley Street. It is within this future neighbourhood context that the proposal must be considered. There is a clearly established emerging character of higher built form in the area which is further guided by the Commercial 1 Zone of surrounding land and their location within a MAC. All of these attributes favour the subject site's potential for a greater height with the proposal fitting in with the emerging height range of the area. As such, the height is compliant with policy at clauses 15.01-1, 15.01-2, 22.10-3.2 and 22.10-3.3. By acknowledging its existing and emerging context of the area, the proposal has complied with Objective 1.1 and Design Suggestion 2.1.1 of the GHDRD.

Whilst the proposed maximum height is taller than abutting existing built form, it is comparable to recent construction in the wider Richmond area which is part of an emerging character towards higher built form. Council's adopted SSSP shows the subject site as an area where a 10-12 storey building should be located. As already outlined in the *Policy and physical context* section of this assessment, Council has envisioned significant change of this magnitude on this site.

Council's overlay policy, DDO14 which specifically relates to the subject site is particularly specific with regards to the appropriate height and massing which should occur. These are outlined below with a discussion on each point:

- *The building height must not exceed a maximum of 42 metres (12 storeys).*
- *The maximum height does not include building services which should be hidden from view from any adjoining public space or designed as architectural roof top features. Building services include but are not limited to plant rooms, air conditioning, lift overruns and roof mounted equipment.*

The proposal complies with the above two points

- *Reinforce the street wall height along Swan Street and Burnley Street to create a consistent 3 storey built form.*

The proposal complies with this.

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- *Upper levels must be setback from the podium at all site boundaries, except for façade articulation of up to 0.5m, as follows:*

- *A minimum of 6m from Swan Street to provide upper level setbacks from the primary street frontage.*

Setbacks from Swan Street are between 5.5m and 6.9m.

- *A 5m setback from the eastern boundary to provide upper level building separation between the subject site and any future redevelopment of the abutting property.*

Setbacks from the eastern boundary are between 5.5m and 6.5m.

- *A minimum of 3m setbacks from the south (rail corridor) and west (Burnley Street).*

Setbacks from the southern boundary are between 2.5 and 4.9m and setbacks from Burnley Street are between 3m and 5m.

- *Provide building separation between built form elements at upper levels.*

The building separation at the upper levels ranges between 8.76m in the northern portion and 8.26m in the southern. The central separation area is 35.74m in width and 14.81m in length. The eighth and ninth floors of the eastern tower have a 14m separation between the rooftop garden and the western tower. This is considered to be a reasonable building separation and allows for a central area of 529sqm in area.

- *Ensure that built form elements above the street wall are visually recessive and do not contribute to visual bulk.*

The upper levels are well setback from the street with the podium forming the main viewpoint for passers-by. This assists in anchoring the development into the streetscape. Additionally, the rounded effect of the 'wave' in the outer skin reduces visual bulk as it softens the overall appearance of the upper levels where the 'wave' effect is the greatest. The podium levels only have a slight undulation. This ensures the massing has been broken up. The height is acceptable for this streetscape and easier to relate to existing built form thereby complying with clause 22.10-3.3.

Additionally, Council's Urban Design Unit was supportive of the massing and height with the following comments being made:

The built form and massing are generally acceptable. The proposal establishes an appropriate street wall height to Swan and Burnley Streets. The use of two L-shaped towers provides an appropriate built form response at the upper levels, allowing for building separation between the apartments and helping to enclose the resident's garden on the podium roof. The L-shaped towers are set back from all property boundaries, further reinforcing the street wall to Swan and Burnley Streets. Additionally, the tallest built form element is located towards the rear of the subject site which has an interface with the rail corridor where there are limited amenity impacts.

Public realm, light and shade and pedestrian spaces

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This principle requires the design of interfaces between buildings and public spaces to enhance the visual and social experience of the user. In this respect, the proposal represents a significant improvement in streetscape, public space quality and perceived safety.

The existing façades of the timberyard building are industrial in nature and do not encourage passive surveillance to the street. The existing dwellings on-site typically have their blinds drawn and are setback from the street.

The development will provide for a number of significant public realm improvements:

- Along Swan and Burnley Streets where the development is setback from its site boundaries to enable a wider footpath and create a 'pedestrian plaza';
- Construction of DDA-compliant access ramps to Burnley Station and to the pedestrian path along the southern boundary of the site;
- A second walkway up to the pedestrian plaza from Burnley Station;
- Improved landscaping along Swan and Burnley Streets and to the pedestrian link to the south.

With regards to the above public realm improvements which are within the title boundaries of the site, these will remain as private title with the construction and on-going management/maintenance of the public realm improvements being required as per the endorsed plans and to the satisfaction of Council. This can be dealt with by way of condition on a permit. The applicant has agreed to this. These will be required in addition to the Public Open Space Contribution which is required within Clause 22.12.

These public realm improvements are significant and assist in the proposal in meeting many of the objectives and strategies of DDO14. Further to this, following referral advice, the applicant amended the plans to address the original public realm issues.

In addition to these improvements, the construction of a modern building with active frontages at ground floor is a significant improvement on the streetscape. Through the activation of the ground floor, the building will provide interaction at street level where there currently is not any. This satisfies public realm, pedestrian spaces and street and public space quality policies at clauses 15.01-2 and 21.04-2. It also complies with building design objectives of DDO14.

Council's SSSP acknowledged that redevelopment on this site provides opportunities to integrate Burnley Station with Swan Street and surrounding environs, and through this development this can be achieved. The proposal complies with many of the objectives and strategies within Council's SSSP. The proposal has also included glazing to the southern wall of the swimming pool to provide for passive surveillance to the station.

Council's SSSP identified Burnley Station as having very poor public access and general amenity with it being largely hidden behind Swan Street and with poor connectivity to the surrounding area. It was noted that the station feels unsafe and is difficult to identify in the street network. Through this development, this existing problem will be vastly improved and complies with the decision guidelines of DDO14 in addition to the objectives and strategies of the SSSP.

The finer scale of detail at the lower levels in the proposal through the use of the glazing elements, canopy above and the integrated timber seating along Swan Street complies with design suggestion 5.6.1 of GHDRD.

In terms of light and shade to the public realm, the proposal does not shade Swan Street at any time of the day as it is on its southern side. The proposal will shade the Burnley Street footpath along its western boundary before 12noon, however this would currently also occur due as any on-boundary wall single storey in height and above, would shade the footpath in the morning. The proposal also results in shadows to a portion of the northern footpath of

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Madden Grove to the west of the overpass. However this is only for one hour and as such is not unreasonable.

From 12noon onwards (including the afternoon), shadows will fall to the south over Burnley Station however they do not reach Madden Grove. Whilst shadows will fall over Burnley Station, the eastern end of the platform will be free of any shadows and from 11am onwards, there will always be a portion of the main section of the platform which will be free from any shadow. The extent of shadow reduces by 1pm with the southern platform being free from any shadow from 1pm onwards. This is not considered unreasonable and ensures there is always some area of the platform which is not impacted by the proposal. This complies with building design objectives of DDO14.

The pedestrian path along the southern side of the subject site will also be in shadow at all times of the day. This is as per existing conditions as the existing southern boundary wall shadows the narrow pedestrian footpath.

PTV Victoria included conditions with regards to public realm improvements that will be carried out at the permit holder's cost. These mainly relate to works associated with the train station, but also include the construction of a bus stop within the Burnley Street underpass. Upon further discussion with PTV this new bus stop is to anticipate the potential for bus services to run to Burnley Station. These can be included as a condition on any permit issued. It is a further public improvement that the developer will be providing to the local area to service the needs of the local and wider community.

In addition to this, a condition will be included requiring the applicant to provide public art with this being managed by a Management Plan.

Landscape architecture

Landscaping is proposed within the landscaped communal areas on the third, eighth and tenth floors as well as the incorporation of a number of plantings along the outer skin of the development within balconies. The ground floor landscape plan also shows extensive landscaping to the public realm.

Significant landscaping does not form part of the neighbourhood character however the proposal provides this as an improvement to the amenity of future occupants and pedestrians accessing the site.

Council's Open Space Unit made recommendations for the landscape plans and these can all be required by way of condition on any permit should one be issued.

Two particular points requiring highlighting are that no landscape plans have been provided for the two communal rooftop gardens. These will be required by way of condition. It should also be noted that the ground floor plan does not reflect the floor plan as per the amended plans. This can be required by way of condition.

Energy and resource efficiency

Redevelopment of the site located in an existing built up area would make efficient use of existing infrastructure and services, and the proximity of the subject site to numerous public transport modes would reduce the need of occupants relying on private vehicles. Policy at clauses 15.02-1, 21.07, 22.16 and 22.17 of the Scheme, encourage ecologically sustainable development, with regard to water and energy efficiency, building construction and ongoing management.

Initially, Council's ESD Advisor had a number of concerns with the proposal and stated it was unsatisfactory. Following additional information being provided as outlined in the *Referral* comments, these matters have now been addressed.

The remaining issue is regarding apartment Type F. Whilst the amended plans dated 4 April 2016 show an improvement to the layout (which removed borrowed light bedrooms), the apartments continued to be very narrow (5m) and have narrow living rooms (between 1.5m

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and 2.5m). This is unacceptable both in terms of energy efficiency and internal amenity for future occupants. Council's ESD Advisor recommended the layout be revised to become a more functional space. The applicant submitted a second floor sketch plan on 13 April 2013 which showed two less apartments, a widening of the Type F apartments from 5m to 6m and the replacement of the north-facing Type Fs with a wider apartment, Type C2. Whilst Council's ESD Advisor stated that this did not improve the energy efficiency of the dwellings, these have found to be acceptable as they will improve the internal amenity of this apartment type.

Architectural Quality

The development is considered of high architectural quality and in that regard responds to the design objectives clause 15.01-2. The contemporary design is appropriate and fulfils the "vast transformation" which Council's adopted document envisages. The podium includes clear glazing at ground level with a glazed canopy above to create a high quality and sophisticated human scaled ground floor. Above this, the podium includes a slightly undulating bronze glass skin with timber battens fins which increase in number within the dip of the undulation and vine cables and balconies marking their deepest inset. A large void provides natural light into the ground floor.

Above this, the two towers include a more pronounced 'wave' along the skin, with the frequency of the metal fins adding to this 'wave' effect and articulation of the facade. Again, the tower elements are also broken up with landscaping along balconies.

This building will be a catalyst for innovative and interesting developments in the immediate vicinity. The proposed design is considered overall to be of a high architectural standard, offering a modern built form that revitalises all frontages, including to the railway line to the south. The design response is such that it provides articulation to all facades. This is achieved through the separation of the proposal into two built forms as well as a variation of each building through windows, balconies and the various materials and textures.

The variation in the façade with the wave pattern and the various materials create an interesting and sophisticated design that generates visual interest throughout each section of the building and clearly shows the applicant has considered how the building will appear 'in the round'.

Council's Urban Design Consultant confirmed that due to the proposal's heavy reliance on the use of glazing and integrated planters, the longevity and robustness of the landscapes and the quality of glass and its impact on built form are hence crucial. It was recommended that examples of where the proposed glazing has been utilised and the provision of samples of the proposed glazing be provided prior to approval of the proposed material. As such, a condition can be added to any permit, requiring a materials board, including samples to be provided along with examples of the use of these materials, prior to the endorsement of any plans. This ensures the materials will be of the highest quality and to the satisfaction of the Responsible Authority prior to any construction occurring. It should also be noted that PTV included a condition on the permit, requiring that any material facing the railway corridor is non-reflective.

Council's Urban Design Consultant recommended that that the timber batten fins should be a "class 1 durable timber" with profiles and non-corrosive fixings that ensure their long time viability. These will add additional texture and visual interest to facades. Vine cables and fixings will also be required to be high quality, durable and sturdy recognising the weight and wind load on these support systems will increase over time. This can all be required by way of condition, should a permit be issued. Whilst Council's Urban Design Unit was not supportive of the timber batten fins, this was mainly due to concerns about durability and longevity. With the aforementioned condition, this should be resolved.

Council's Urban Design Consultant recommended that the painted concrete should be replaced with a finish that is integrated into the material so that it only requires cleaning over time. This can be required by way of condition.

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Council's Urban Design Consultant recommended that the design resolution be reconsidered with revised plans expressing intermediate levels as double floors and investing the upper levels with a related but differing language to that of the podium. This is not considered necessary as the development already has many different elements to it. The design as it currently stands has a cohesive approach.

Council's Urban Design Consultant street public realm materials and landscapes are generally appropriate.

Off-site amenity

The subject site is zoned C1Z. The appropriateness of amenity impacts including visual bulk, shadowing and overlooking need to be considered within their strategic context, with the site proposed to be located within a Commercial 1 Use Zone.

The subject site has limited off-site amenity impacts as there are no sensitive uses abutting it. The site is separated from the closest residential areas further to the north and south by Swan Street and a row of commercial buildings (north) and by the train line, train station and width of Madden Grove (south). These distances are 54m and 65m respectively.

This was also acknowledged within Council's SSSP where the following statement was made:

- *Large lot sizes on south side of Swan Street have good separation from existing residential uses to the north and less potential for adverse amenity impacts.*

It is also important to note that the shadow diagrams provided by the applicant show that the shadows do not fall over any private open space areas between 9am and 3pm.

In terms of equitable development for the site to the east, the proposal has kept the eastern boundary wall of the podium free of any sensitive interfaces (balconies/windows). Any balconies are orientated to the north or south. The proposal incorporates sensitive east-facing areas from the third floor and above. The third floor includes terraces and dwellings facing the east. These east-facing walls of these apartments are setback between 6m and 7m from the eastern boundary with the eastern wall of the terrace being setback terraces 1.5m. From the fourth floor and above setbacks are between 5.7m and 7m. This ensures that any future development to the east can also include a podium with upper level setbacks to match these, creating a reasonable distance to protect against off-site amenity impacts.

On-site amenity

Clause 22.10-3.7 *On-Site Amenity* and the GHDRD– Element 4, Circulation and Services and Element 5 – Building Layout and Design and Element 6 – Private and Communal Open Space provide useful guidance with regard to on-site amenity including circulation spaces, site services, dwelling diversity, layout, open space and wind impacts.

Being within a C1Z, clause 22.05 aims to achieve a reasonable level of amenity for new dwellings, whilst ensuring that new dwellings do not impact the functioning of nearby industrial/commercial land uses.

Both Council's Urban Designer and Urban Design Consultant were generally supportive of the internal amenity of apartments.

With regards to wind impacts, Council's Wind Consultants suggested that wind tunnel model studies should be undertaken during the design development stage to quantify the wind conditions and, if necessary, further develop the mitigation strategies to achieve Vipac's target wind criteria. The wind modelling was generally found acceptable, however some additional mitigation measures are needed for the third floor recreation area and indentation of entrances. This will be required by way of condition. Once this is found to be acceptable, this would comply with the requirements of DD14.

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Apartment orientation and layout

It is considered that the apartments will have an overall good level of internal amenity due to the size, orientation and location of windows thus achieving Objectives 5.3 and 5.4 of the GHDRD. Each dwelling includes windows and a balcony to allow for solar access into the dwelling.

One-bedroom dwellings are between 45 and 59sqm in area with two-bedrooms being between 60-79sqm. These dwellings have been well design and have avoided long corridors which maximalise the area of the internal layout. The development has included several dwellings on each level which have dual aspect. Council's Urban Designer noted that the development results in a limited number of south-facing, single aspect apartments.

Council's Urban Design Consultant made the following recommendations to improve apartment layouts with a discussion provided for each point:

- *The juxtaposition of internal corner apartments Type B requires revision. I would recommend flipping the west facing apartment to separate the balcony from the adjoining bedroom.*

This relates to the perpendicular apartments within the internal corners between the fourth and seventh floor in the eastern tower – 401, 414, 501, 516, 601, 616, 701, 716, 801 and 816. A condition can require that the west-facing apartment balcony to be flipped to the south. This is how the perpendicular apartments diagonally opposite in the western tower have been designed. Whilst Council's Urban Design Consultant stated that it was adjoining a bedroom, the perpendicular apartment has a living area adjoining this.

- *Consideration should be given to reorienting the eastern most apartments in the SW block to enable the living areas to have an east as well as southern aspect to enhance amenity.*

This will only be required for the south-eastern-most apartment of the western tower – apartment -05 between the fourth and eleventh floors. The dwelling to its north has a north-facing balcony which looks out onto the open area and this is highly desirable. This can be required by way of condition.

- *Consideration should be given to reorienting the western most apartments in the SW block to enable the living areas to have a west as well as southern aspect to enhance amenity*

This can be required by way of condition.

Council's Urban Design Consultant stated that a social area with high quality morning amenity for the eighth and ninth floors should be provided. The rooftop garden on the eighth floor will provide such a space and is seen as sufficient.

Council's Urban Design Unit stated that there were still internal amenity concerns with Type F. As has already been discussed, this will be rectified by way of condition with the inclusion of a sketch plan which widened the apartments.

The Unit was also concerned with the bedroom in Type C being deep within the floor plate. However, Type C has only been located where it has a northerly aspect. As such, the bedroom will receive adequate daylight. Council's ESD Advisor did not raise issue with this apartment type.

Council's Urban Design Unit suggested to redesign apartments 304, 404, 504, 604 and 704 to include a northern aspect. This will not be required as this would require a substantial redesign of the apartments due to the need to relocate the entry door, kitchen facilities, bedroom window and balcony all in an appropriate location whilst still maintaining a blank wall to the apartments to the west to continue to limit internal views.

Daylight and ventilation

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The proposal has ensured that every habitable room has a window which faces either outward or onto a balcony. All dwellings have reasonable widths (with the inclusion of the sketch plan for Type F as previously discussed) which ensure they have the maximum ventilation and daylight opportunities. The improvements as already discussed would improve the daylight and ventilation of those apartments further.

Communal Open Spaces

The proposal includes three communal areas, one large area on the third floor which includes indoor and outdoor facilities and two rooftop gardens. These offer a variety of services for future occupants and offer opportunities for social interaction.

Comments were made by Council's Urban Design Unit with regards to the potential overshadowing of the third floor garden area. As the applicant's shadow diagrams show, whilst the third floor landscaped area will receive shading in the morning, by 11am this has been significantly reduced with the majority of the area free of any shadow. Furthermore, the two rooftop areas will be free of any shadow and can offer morning light during those times if future occupants desire it.

Private Open Spaces

Borrowing from Standard B28 of Clause 55 of the Yarra Planning Scheme, a dwelling should have an area of private open space of a minimum area of 8sqm and a minimum width of 1.6m with easy access from the living room. The balconies of the proposal vary in size with areas of between 5sqm and 145sqm and with widths between 1.135m and 6.8m. There are a variety of sized balconies within this development. Typically where balconies are less than 8sqm in area, they have a width of over 1.6m. There are however numerous apartments which do not meet either the minimum width or the minimum area and this is unacceptable.

A condition can require that all two-bedroom dwellings have a balcony with at least 8sqm in area and 1.6m in width with all one-bedroom dwellings to have a balcony of at least 1.6m in width. This addition condition will result in highly functional balconies with a typical rectangular shape and direct access from primary living spaces.

The communal areas proposed will provide a supplementary area for future occupants to enjoy as an outdoor space. The communal areas are particularly substantial in size and offer a variety of spaces. This will substantially increase the amenity available to occupants of this development.

Storage

The proposal includes 239 storage cages, some of which are provided as 'overbonnet' storage to car spaces and some are provided at the northern and southern ends of car space aisles. The development summary states that the average capacity is 2.5 cubic meters. This does not satisfy the requirement of Objective 5.5 of GHDRD which is that each dwelling is to have 6 cubic meters of external storage space. A condition can require the average capacity of be 3 cubic meters and for every dwelling to be provided one. This minimum was confirmed within the Tribunal decision *U1 Stanley Street Pty Ltd v Yarra CC [2012] VCAT 1455* where the minimum acceptable amount of storage was defined as being 3 cubic meters for apartment developments.

Safety

Looking at safety, the entry areas of each apartment are grouped together which increases the perceived safety, and is compliant with design guidelines within clause 21.05-2. The

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additional balconies facing the two streets and railway line will add to the level of perceived safety which is an improvement on existing conditions.

A condition can require that there is security lighting adjacent to the pedestrian and vehicular entrances. This will also add to the safety both of those entering and exiting the premises and pedestrians on the street. The development does not include any garage doors fronting onto Swan Street.

Internal Views

There are limited opportunities for internal views as the habitable room windows and terraces are typically separated by a solid wall.

Where the dwellings face the internal areas and the distance is less than 9m, habitable room windows/balconies of any dwelling will face a blank wall. Between the fourth and ninth floors, where habitable room windows/balconies are located diagonally across from the habitable room windows/balcony of another dwelling (and are within 9m), there are vertical fins which generally prevent diagonal views (an example of this is Apartments 501 and 516). However in some instances (mainly where the two apartments intersect) there are opportunities for diagonal views. This could be rectified simply by either increasing the length of the fin or decreasing the spacing between the fins. This can be added by way of condition.

Noise

In mixed use areas, there are often points of conflict between different uses. In order to maintain the viability of commercial areas there is a need to ensure that new residents do not have unrealistic expectations of the level of amenity that can be achieved. Clause 22.05-Interface Uses Policy is Council's local policy for managing interface use and development conflicts. This policy applies to applications for use or development within the Commercial 1 Zone (along with others).

Clauses 52.43, 13.04 and 22.05 provide specific direction on noise issues and generally require noise generated from the development to comply with relevant policy, and that noise sensitive uses (such as dwellings) be protected from surrounding noise generators such as traffic and adjacent live entertainment venues. There are no live music entertainment venues within 50m of the subject site.

It should also be noted that any future residents would be well aware that they were moving into an apartment adjacent to a train station, on a main arterial road and within a MAC where there are also commercial uses in the surrounding area. Any future residents should temper their expectations in terms of noise levels.

The applicant submitted an acoustic report which was peer reviewed by Council's Acoustic Consultant. With regards to the proposed dwellings, road traffic noise and rail noise were assessed and found satisfactory.

Further details were required regarding commercial noise from within the development and rail vibration, with the following statement being provided by Council's Acoustic Consultant:

We agree with Acoustic Logic that commercial noise impacts can be assessed and managed during the detailed design on this project.

From our perspective the remaining outstanding issue is rail vibration. The acoustic report identifies vibration impacts and indicates that mitigation works will need to be undertaken. Given that a problem has been identified in this area, there are strong reasons for ensuring that the assessment be conducted to current best practice and to the latest Standard

This matter can be addressed via permit conditions on any permit to be issued. The condition can require that these matters are addressed prior to plans being endorsed to ensure that this issue is resolved prior to construction. This complies with the decision guidelines of

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DDO14 which requires new development to protecting the amenity of occupants from the off-site impacts of existing uses and activities.

Circulation spaces

Dwelling access is via residential lobbies from Swan and Burnley Streets. Access to dwellings is via corridors (at least 1.6m in width). The area adjacent to the lobby areas are 3m in width. The width is sufficient and the design complies with Objective 4.3 of the GHDRD.

Council's Urban Design Consultant recommended the inclusion of operable windows to the residential corridor at the western end for light and ventilation. This can be included as a condition on the permit, should one be issued.

Site services

Mail services have been shown in the residential lobby. The ground floor plan shows a waste room. The tenth and eleventh floor plans and the roof plan has been provided showing services as well as photovoltaic panels and a plant screen surrounding plant and equipment.

Car & Bicycle parking / traffic/access/loading facilities

Under clause 52.06 of the Scheme, the applicant is seeking a parking reduction of 37 car parking spaces, as outlined within the table included in the *Particular Provisions* section earlier in the report. Under 52.06, the development is required to provide 480 spaces. The development is providing 443 car parking spaces.

Parking Demand

Residential

The applicant provided a traffic report, prepared by GTA Consultants, stating that average car ownership rates in the 2011 Census for the local zone for residents (excludes public housing) are as follows:

- one-bedroom dwelling – 0.76 vehicles per dwelling and
- two-bedroom dwelling – 1.04 vehicles per dwelling.

As a result of these ownership rates, the applicant has estimated that the proposed residential use will general a peak resident car parking demand of 220 spaces.

GTA have also stated that average car ownership rates in the 2011 Census for residents are as follows:

- 44 percent of residents in one-bedroom dwelling did not own a car and
- 22 percent of residents in one-bedroom dwelling did not own a car.

From this data, the applicant has extrapolated that 51 of the one-bedroom dwellings and 28 of the two-bedroom dwellings will not own a car.

Residential visitors

The applicant's traffic report has sourced the Roads and Traffic Authority of New South Wales's *Guide to Traffic Generating Developments* and other traffic surveys (uncited cases).

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The rates from these sources range from 0.12 to 0.15 spaces per dwelling with residential visitor parking generally peaking on weekday evenings and at weekends. The peak residential visitor parking demand for this development will be 36 spaces (based on the rate of 0.15 spaces per dwelling).

Supermarket

GTA have used this same source for the supermarket which quotes a parking generation rate of 42 spaces per 1,000 square metres of gross leasable floor area (or 4.2 spaces per 100 square metres of GLFA). GTA stated that other traffic studies (uncited) indicated an average supermarket parking rate of 3.6 spaces per 100 square metres of floor area. For this development GTA Consultants have adopted a rate of 4.0 spaces per 100 square metres of gross floor area, which is considered reasonable. Using the adopted rate, the parking demand for the supermarket use would be 118 spaces.

Gymnasium and Swimming pool

The applicant's traffic report discussed these two uses separately and used their own car parking surveys. Since that time, it has been confirmed that the swimming pool will be part of the gymnasium and only for members. The applicant's traffic report has stated that the two uses, if they had been considered separately would equate to a total demand of 37 spaces.

The applicant's traffic report did not provide empirical parking demand data on the retail and office uses.

Short and long stay demand

The applicant's traffic report did include the short and long stay car parking demand for each use and they are as follows:

- *Residential Use.* The residential component of the development is expected to generate 220 permanent parking spaces for the dwellings and 36 short stay spaces for residential visitors.
- *Supermarket.* According to GTA Consultants, supermarket uses would generate staff parking demands of 20 percent of the total car parking demand. For the proposed supermarket, this would equate to 24 staff spaces (long stay) and 94 customer spaces.
- *Retail Use.* Similarly, the retail use would generate staff parking demands of 20 percent of the total car parking demand. For the proposed shop, this would equate to two staff parking spaces (long stay) and six customer parking spaces.
- *Office Use.* Staff parking demands at the office would account for 90 percent of the total car parking demand. In this case, the office would generate 14 staff spaces and one client space.
- *Gymnasium.* Staff parking demands at a gymnasium would also account for 20 percent of the total car parking demand. The gymnasium would generate four staff spaces and 14 customer/client spaces.
- *Swimming Pool.* Staff parking would generate 20 percent of the total parking demand, which equates to four spaces and 15 visitor spaces.

GTA showed data which suggested that peak visitor and customer parking demands for the uses would not all coincide at the same point in time during the day. Council's Engineering Services Unit agreed with this.

GTA showed the variation in the car parking demand for the development in temporal profiles (figures 3.2 and 3.3 of the report). The temporal profiles are graphs showing the amount of car parking generated versus the time of day, and provide a good snapshot of when each uses parking would peak. The total parking demand is also shown on the profiles. For

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example, on a typical weekday, the temporal profile shows that the supermarket parking demand would expect to decline as the residential visitor parking demand would be expected to increase. The peak visitor/customer parking at the site is expected at 115 spaces at around midday for the typical weekday. On a typical Saturday, it is expected the peak visitor/customer parking would occur at around 7:00pm at 117 spaces. Council's Engineering Services Unit confirmed that the temporal profiles used to represent the variation in the parking demand and to identify the peak visitor/customer parking are considered reasonable.

Parking Provision of the development

The applicant is setting aside 268 long-term parking spaces (from the overall 443 spaces) to accommodate the anticipated long-term parking demand from residents and the staff of the non-residential uses.

The long term parking allocation for each use has been summarised as follows:

Proposed Use	Parking Allocation (Long Term Spaces)
Residential Dwellings	220 resident spaces
Supermarket	24 staff spaces
Specialty Retail	2 staff space
Office	14 staff spaces
Gymnasium	4 staff spaces
Swimming Pool	4 staff spaces
Total	268 spaces

A car sharing facility was suggested by Council's Urban Design Consultant. The applicant has since agreed to provide a car share facility on-site, and this can be required by way of condition.

Public lighting design scheme These areas will be 'zones' within the parking provided. However, it is a first come first served (except for residents where these will be allocated upon purchase). A condition can require these 'zones' to be shown on the floor plans and for them to be clearly identified once constructed.

Therefore, there is a remaining 175 car parking spaces which are not within these 'zones'. These will be 'allocated' to visitors and customer parking. According to GTA, the peak visitor and customer parking would be some 117 spaces which would. A surplus of 60 spaces would remain, which would likely be managed by the Owners Corporation of the development.

From a traffic management perspective, the car parking provision for the site is considered appropriate and the assumptions and assessments made by GTA Consultants were generally considered reasonable by Council's Engineering Services Unit and External Traffic Consultant.

Council's External Traffic Consultant made recommendations for the provision of a Car Parking Management Plan as outlined within the *Referrals* section of this report. This can all be included as conditions on any permit issued.

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Council's Engineering Services and External Traffic Consultant had no objection to the reduction in the car parking requirement for this site or with the parking provisions. The reduction being sought by the proposal is supported by the following reasons:

- The site has excellent access to the public transport network, bicycle facilities and a wide range of retail, dining and commercial services within the Swan Street MAC and Burnley Street NC, which in turn will reduce the dependence on private vehicle ownership by future residents;
- The proposal includes secure bicycle parking spaces exceeding rates specified within the Scheme. Future residents/visitors/staff would be able to take advantage of the nearby bike trails along the Yarra River;
- Resident or visitor parking permits will not be issued for the development, which will discourage prospective residents of high car ownership and encourage visitors to engage in alternative modes of transport which is a welcomed sustainable option in lieu of on-site car parking and consistent with Clauses 18.02-1 and 21.06-1 of the Scheme;
- Prospective property owners and occupiers will be made aware of the on-site car parking provision for each dwelling. Dwellings without a car space would be attractive to people who either do not own a car and are willing to use their bicycle or public transport rather than face the inconvenience of having to move any additional vehicles on a regular basis due to time restrictions or risk parking fines;
- There have been an increasing number of high density apartment buildings without any provision of a car parking space. These dwellings may be lower in price due to some not having any car parking spaces which is an added advantage to future owners/occupiers and also provides for diversity in housing choices;
- A further benefit of not providing any on-site car spaces is that pressure on traffic and congestion is not exacerbated through the provision of more car spaces for the new dwellings;
- With regards to visitors, occupants of one bedroom dwellings would typically be entertaining larger groups of guests in the nearby bars or restaurants rather than in their home and as such, parking demand would be spread to the wider Richmond area rather than being concentrated around the subject site;
- Visitors would also be aware of the car parking constraints in the area which would discourage driving for alternative modes such as public transport, cycling or taxis;
- The retail and gymnasium would heavily rely on walk-up trade for its primary source of customers, rather than being a specific destination for visitors. It is highly likely that it would attract employees from nearby businesses as well as local residents;
- A car-sharing facility is located within a 220m walk from the site at the intersection of Burnley and Newry Streets;
- The applicant has confirmed they will be providing at least one car share space on-site; and
- The location of the proposal encourages multi-purpose trips to the area.

Traffic

The applicant's traffic report originally included a number of proposed traffic generation rates and traffic impact analysis. Following referral comments from Council's External Traffic Consultant, the applicant's traffic engineer's submitted additional information and also incorporated the following generation rates to estimate traffic volumes of the development and they are as follows:

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Table 1: Adopted Traffic Generation Rates

Use	Weekday PM Peak	Saturday MID Peak
Dwellings	0.3 vehicle movements per dwelling	0.3 vehicle movements per dwelling
Specialty Retail	5.6 vehicle movements per 100sqm	10.7 vehicle movements per 100sqm
Supermarket	4.5 vehicle movements per 100sqm	6.0 vehicle movements per 100sqm
Office	0.5 vehicle movements per car spaces	N/A
Gymnasium	3 vehicle movements per 100sqm	3 vehicle movements per 100sqm
Swimming Pool [1]	6.1 vehicle movements per lane	6.1 vehicle movements per lane

The traffic volumes of the proposed development adopting these rates are summarised in Table 2.

Table 2: Estimated Development Traffic Volume by Peak Hour

Use	Size	Weekday PM Peak	Saturday MID Peak
Dwellings	242 apartments	73vph	73vph
Specialty Retail	227sqm	13vph	24vph
Supermarket	3,045sqm	137vph	183vph
Office	15 spaces [2]	8vph	0vph
Gymnasium	366sqm	11vph	11vph
Swimming Pool [1]	2 lanes	12vph	12vph
	Total	254vph	303vph

[1] The swimming pool will not cater for organised group activities (i.e. swimming lessons).

[2] Based on an office floor area of 430sqm and adopting the statutory car parking rate of 3.5 spaces per 100sqm.

For the commercial uses, the traffic generation and assignment would be influenced by factors such as the location and distribution of employee’s residences, the position of the development’s access arrangements, and the configuration of the arterial road network. The assignment of commercial traffic generated by the site during the weekday PM peak hour would be 50% inbound movements and 50% outbound movements.

It should be noted that there were differing opinions in relation to the supermarket traffic generation. Initially Council’s Traffic Consultant queried the use of traffic data from a supermarket in Collingwood, instead of using a closer Richmond supermarket. The applicant confirmed that the Collingwood supermarket was more similar to the proposed supermarket in terms of output than the closest Richmond supermarket. There were also differing opinions with regards to the traffic generation rate of the supermarket, where the applicant’s traffic engineers stated that it was 4.5 movements per 100sqm in the weekday PM peak, instead of the rate of 6.0 movements per 100sqm which Council’s Traffic Consultant suggested. This variation would result in an additional 45 vph. A condition can require that traffic modelling be provided using this figure. This can be added on a permit, should one be issued.

To assess the performance of the Swan Street/Burnley Street intersection during existing and post development conditions the applicant’s traffic engineers ran an analysis of the intersection for the weekday PM peak hour. The site’s access arrangements were also analysed. According to the analysis, the weekday PM peak hour performance of the Swan Street/Burnley Street intersection under existing operating conditions has a degree of saturation of 0.83, which is considered satisfactory for a signalised intersection.

However, the immediate post development performance of the Swan Street/Burnley Street intersection would exceed saturation with a degree of saturation of 1.21 (where anything from 1 and above is considered to be very poor), whereas the site’s Swan Street access point would have a degree of saturation of 0.63 (very good).

Initially, the applicant’s traffic engineers recommended the introduction of part time restrictions for eight on-street car parking spaces on the south side of Swan Street along the property’s frontage in order to provide greater capacity at the east approach of the intersection. GTA ran the SIDRA analysis using this scenario and identified a degree of saturation of 0.93 which is considered to be poor.

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Council's Engineering Services Unit originally confirmed that on-street parking in the area is at a premium and the restricting of on-street parking not be supported by nearby businesses. They suggested other mitigating measures be investigated with it being noted that VicRoads (as the Roads Authority for Swan and Burnley Streets) would have to be included in any discussions.

At the time of the original traffic report, the applicant had made Council aware that VicRoads had been considering the provision of prohibiting right turn movements, a left-in/left-out arrangement or the provision of traffic signals at the Swan Street access point of the development.

Following receiving comments from both Council's Engineering Services Unit and External Traffic Consultant the applicant conducted further traffic modelling to investigate other mitigating measures with the applicant putting to Council that the site access should be signalised.

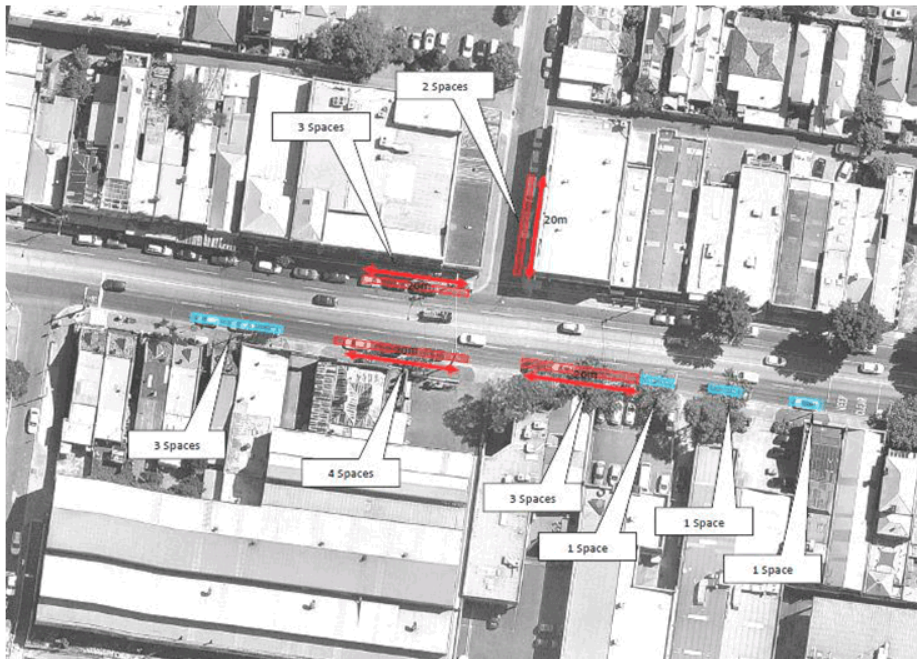
The applicant provided Council with two scenarios to mitigate the traffic implications of this proposal, one of which was the applicant's traffic engineer's preference, and the second was put forward by VicRoads. The VicRoads scenario resulted in a permanent clearway and the loss of 23 car parking spaces. Council found the latter the least desirable as it resulted in the loss of more on-street spaces.

Within the supplementary traffic analysis submitted on 7 April 2016 the applicant submitted the following for the signalisation:

- The signalised intersection will operate with a cycle time of 120 seconds in the weekday PM peak hour and 110 seconds in the Saturday midday peak hour²
- The site access signalised intersection operates with the following:
 - Partially controlled right turn movements on the Swan Street east and west approaches.
 - Split phases for the Site Access and Cutter Street.
- The Swan Street/Burnley Street and Swan Street/Cutter Street/Site Access signalised intersection phase timings have been fixed to reflect the individual performance of the intersections.
- Offsets in phasing between the two intersections have been included to reflect linking of the intersections.

As a result of the signalisation of the site access, it is a statutory requirement to remove car spaces within 20m of the signals. In addition to this, the applicant is proposing to remove an additional six spaces on the south side of Swan Street. This is shown on the plan below, with the central area being the statutory requirement, and the outer fringes being the additional to improve efficiency/capacity, also known as the 'blue' spaces.

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With the introduction of the signalisation and removal of car spaces, the applicant's traffic modelling shows that the post-development traffic implications are now similar to existing conditions.

Council's Engineering Services Unit were generally satisfied with the removal of the car parking and the proposed signalisation. The removal of spaces directly along the boundary of the subject site to Swan Street is acceptable. Additionally, as already outlined, the development has a surplus of car spaces (60) which will be able to more than accommodate the proposed loss of car spaces in this portion of Swan Street.

Council's Traffic Consultant suggested the removal of the first space on the south side of Swan Street, west of Burnley Street as removing this one space would provide a much more functional merging area downstream of Burnley Street at minimal cost to on-street parking. This can be required by way of condition on a permit.

There were concerns with the group of three 'blue' spaces along the southern side of Swan Street to the east of the subject site. Council's Engineering Services Unit and Traffic Consultant stated that it would also have been useful for the GTA model to test the signals by having the three blue spaces remain intact and ascertain whether the model would have resulted in any significant changes in capacity/efficiency. Council's Traffic Consultant recommended that the three 'blue' spaces to the east of the subject site not be removed and that a follow-up assessment can be conducted to see if it is necessary to remove these for improved capacity/efficiency. This can be required by way of condition on a permit.

Following the submission of this scenario on 7 April 2016, the information was sent to VicRoads and PTV Victoria. VicRoads confirmed that they wanted a total six spaces removed from the northern side of Swan Street which is an additional three spaces to what was proposed by the applicant.

PTV Victoria raised concerns with regards to the proposed signalisation of the site access and the potential for tram delays. To reduce delays on the tram network, PTV Victoria have included a condition that the signals can only be "left in/left out". This can be included as a condition on any permit issued. It should be noted however that the applicant provided Council with travel time data on 28 April 2016 for the modelled Swan Street corridor to quantify the average delay to vehicles. The applicant's traffic engineers stated that post development, vehicles will be delayed travelling through the Swan Street corridor by up to an

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additional 21 seconds during the weekday PM peak hour and eight seconds during the Saturday midday peak hour. The applicant's traffic engineers stated that these are not considered high values as they representing an increase in average delay of 6 seconds for every 100m travelled during the weekday PM peak and 2.3 seconds for every 100m travelled during the Saturday midday peak. The applicant's traffic engineers stated that these values are likely to be conservatively on the higher side given that advanced detection at the signalised intersections in the in the corridor can be introduced to give trams the priority.

Access and layout

The proposal will gain access from Swan Street via a four lane cross-over with a pedestrian refuge separating the two outbound and inbound lanes. Council's Engineering Services Unit recommended that the individual lanes and the pedestrian refuge be dimensioned on the drawings. This will be included as a condition on the permit. Council's Engineering Services Unit confirmed the access arrangements are acceptable.

The proposal includes two basement levels of parking and three podium levels of parking. Council's Engineering Services Unit found the dimensions of car spaces, the columns, aisle widths, ramp grades and blind extensions all to be satisfactory. Previously Council's Engineering Services Unit had raised issues with pedestrian access within the mezzanine and second floor car parking areas due to issues with floor levels and access to lifts. These issues have been addressed through the provision of additional stairs and ramps and stair changes. Nevertheless, a condition can be added requiring the grade of the pedestrian path leading to the lobby to be confirmed and also be DDA compliant.

The remaining issues which need to be considered are as follows:

- A swept path diagram should be provided for Space No. 25 on the lower basement level.
- The ramp width and grades should be dimensioned on the drawings.
- Additional swept path diagrams showing the B85 design vehicle passing the B99 design vehicle. As only swept paths for the south east corner of each basement level have been provided.

These can all be required by way of condition on any permit.

Council's External Traffic Consultant initially had a number of concerns regarding the internal layout of the car parking area. With the subsequent amending of plans, the majority of these have been addressed. The remaining issues are as follows:

- *the provision of trolley return bays within the public carparks, and*
- *pedestrian access to the lobby/travellator from the public carparks needs to be improved.*

These can be addressed by permit conditions, should a permit be issued

Bicycle parking and facilities

The applicant is providing 325 bicycle spaces (279 for residents/staff, 42 for visitors in the 'parkiteer' parking area and 4 spaces on the Swan Street footpath for public use). There is a statutory requirement to provide 89 spaces (49 for residents, seven for employees and 33 for visitors). The proposal is well in excess of these requirements. The applicant is also proposing angled bike parking on Swan Street. Council's Strategic Transport Unit stated that this would interfere with the existing tram stop and suggested to install parallel bike parking. A condition can require these to be amended to parallel and for four additional spaces to be provided for Melbourne Bike Share racks. Council's Urban Design Consultant suggested inclusion of Melbourne Bike Share racks.

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The location and number of bike facilities of the proposed development have also found to be satisfactory by Council's Strategic Transport Unit. Although issues were raised regarding the smaller bike space areas along the southern sides of the building, in terms of their size/location, and that cyclists will have to use a 1:7.2 ramp with car drivers. However they are acceptable as they offer a variety of locations for cyclists. Cyclists would also be familiar with driving along steep hills and sharing the road with car drivers as is typical out on the road. Additionally, areas are for residents who would be well aware of the situation and be able to become accustomed to it.

Council's Strategic Transport Unit was supportive of green travel initiatives that encourage residents, employees and customers of the entire development to utilise alternative travel modes and other measures that would assist in abating the amount of motor traffic generated by the site. A green travel plan should be developed and implemented and this can be required by way of condition

Council's Strategic Transport Unit was not supportive of the 'parkiteer' parking as it is inconvenient. It was suggested that eight bicycle racks be installed along the Burnley Street footpath. Council planning offices do not agree that the 'parkiteer' bike parking will not be attractive to users. The proposal includes a coffee stand adjacent to its which will have high patronage due to its proximity to the train station. Additionally, the more secure parking (compared to on-street) will be attractive to those who don't want their bike parked out on the street for all passer-by's to see. A condition will however be included requiring the additional bike spaces on Burnley Street to provide for choice for bike users. It should be noted that the application did originally have both the 'parkiteer' parking and bike spaces on Burnley Street.

Loading

The loading facility for the development would be located at the south west corner of the site, accessed off Burnley Street service road. The loading bay is positioned 8.55 metres inside the western boundary and measures 16.995 metres by 9.205 metres.

Initially there were also concerns regarding the location on the loading facility as it could present issues of pedestrian safety for commuters accessing the Burnley railway station from the north. However, this will not be an issue as the loading bay is further south than the underground ramp and public entry. Pedestrian would not have to cross the loading bay to get to the station.

Council's External Traffic Consultant originally raised issues with the loading bay. Additional comments were provided on 2 May 2016 which confirmed that the proposed trucks to be used do not fit under the Burnley Street overpass bridge as the trucks require a minimum 4.5m headroom clearance. The minimum clearance under the overpass bridge is 3.9m. The applicant was requested to confirm that a supermarket operator can operate with trucks that can fit under the bridge and this was not provided. It was confirmed by Council's External Traffic Consultant that up to up to 10 on-street car spaces will need to be restricted to accommodate truck access under the bridge if the proposed trucks had to be accommodated under the highest part of the bridge as the turning circle of the truck would have to be wider. This is unacceptable and to reduce the potential for this conflict, a Section 173 Agreement will be included requiring that only smaller trucks with a height of 3.8m or lower (fit under the Burnley Street overpass) will be used for deliveries.

Waste management

The applicant had provided a Waste Management Plan (WMP) dated 2 December 2016 which outlined the proposed waste management.

Residents and staff of the commercial premises will be responsible for sorting garbage and recycling directly into the waste storage bins via chutes and/or directly into collection bins. Bin chutes are provided on each level. A private contractor will pick up all waste from an internal area in the site. The applicant had initially proposed that waste be collect from

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Burnley Street and the supermarket loading bay. Council's Waste Management Unit found the collection in Burnley Street to be unacceptable as the blocking of Burnley Street and the proposed collection methodology as very poor and unacceptable.

Following this, the applicant committed to amending the WMP to include the following:

- Internalising all waste collection via the basement
- Using a 6.4m truck (to allow clearance and access within the basement)
- Deletion of reference to trucks propping in Burnley Street.

Council's Waste Management Unit found this to be a satisfactory proposition. A condition can require that an amended WMP be provided to include the above elements. This can be added on any permit, should one be issued.

Conclusion

Based on the above report, the proposal is considered to substantially comply with the relevant planning policy and therefore should be supported, subject to a number of conditions as outlined within the recommendation below.

RECOMMENDATION

That a Planning Permit PLN15/0057 be issued for the use and development of land for a mixed use development comprising 2 buildings (part 3-10 storey and part 3-12 storey) dwellings, a supermarket and retail, offices, a gymnasium (with swimming pool) (permit required for dwellings and restricted recreation facility only), a reduction the car parking requirement, buildings and works including alteration to access to a Road Zone (Category 1) at 462 – 482 Swan Street, Richmond (and associated area of off-site works) generally in accordance with the plans received by Council on 4 April 2016 and subject to the following conditions:

1. Before the use and development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans by Elenberg Fraser received by Council on 4 April 2016 but modified to show:
 - (a) The second floor amended as per the sketch plan provided on 13 April 2016;
 - (b) Retail tenancy 1 be re-labelled as a 'supermarket'
 - (c) Confirmation that retail tenancies (2-4) are not to be used for market, trade supplies, landscape gardening supplies, manufacturing sales, more vehicle, boat or caravan sales or primary produce sales;
 - (d) Relocation of the southern fire escape on the ground floor;
 - (e) The eighth floor roof top garden with a void area above on the ninth floor;
 - (f) The tenth floor roof top garden with a void area above the eleventh floor;
 - (g) A schedule of all materials and finishes including
 - (i) colours,
 - (ii) samples,
 - (iii) timber batten fins as a "class 1 durable timber" with profiles and non-corrosive fixings,

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- (iv) the painted concrete replaced with a finish that is integrated with the material examples of the application of the proposed bronze glazing in other buildings and
- (v) details of the vine cables and fixings and how they will be attached;
- (h) The west-facing apartment within the internal corners of the eastern tower numbered correctly and to have its balcony relocated to the south of its current location;
- (i) The balcony of apartment -05 between the fourth and eleventh floors be re-located to have a southern and eastern dual aspect;
- (j) The balcony of apartment -05 between the fourth and eleventh floors re-located to have a southern and western dual aspect;
- (k) All balconies of two-bedroom dwellings with at least 8sqm in area and 1.6m in width with all balconies of one-bedroom dwellings to have a balcony of at least 1.6m in width;
- (l) A minimum 3m³ of storage per dwelling;
- (m) Additional overlooking fins provided to apartments -01 and -16 of the eastern and western towers between the fourth and seventh floors to prevent internal views to the abutting habitable room;
- (n) Additional overlooking fins provided to apartments -01 and -14 of the western tower on the fourth and seventh floor to prevent views to the abutting habitable room;
- (o) Operable windows to the western end of the residential corridors;
- (p) The long term parking 'zones' be clearly labelled on the floor plans;
- (q) The dimensions of the individual lanes and pedestrian refuge of the vehicle access out onto Swan Street;
- (r) A swept path for space No. 25 on the Lower Basement floor plan;
- (s) The correct number of car spaces annotated on floor plans;
- (t) All dimensions of ramp widths and grades;
- (u) The grade of the pedestrian path leading to the lobby of the Level 2A car park confirmed and to be DDA compliant;
- (v) Dimensions of clearances of spaces from abutting walls;
- (w) Four additional parallel bike spaces on the Swan Street footpath (to a total of eight spaces along Swan Street), positioned mid-block away from the Swan Street/Burnley Street intersection;
- (x) Eight additional parallel bike spaces on the Burnley Street footpath positioned mid-block away from the Swan Street/Burnley Street intersection;
- (y) No fewer than 337 bike spaces provided (279 for residents/staff, 42 on-site bike spaces, eight on the Swan Street footpath and eight on the Burnley Street footpath);
- (z) The bicycle parking bays must meet the dimension requirements at clause 52.34-4 of the Yarra Planning Scheme;
- (aa) Bicycle parking signage to be provided in accordance with clause 52.34-5 of the Yarra Planning Scheme;
- (bb) The locations of the site access signals;
- (cc) The provision of a shopping trolley return area within the public car park;
- (dd) A widened area providing access to the travelator and lift in the public carpark;

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- (ee) The provision of public art as outlined within Condition 23.
 - (ff) Any requirement of the Public Transport Victoria Conditions (Nos. 29 to 46) (where relevant to show on plans);
 - (gg) Any requirement of the VicRoads Conditions (Nos. 47 to 48) (where relevant to show on plans);
 - (hh) Any requirement of the endorsed Sustainable Management Plan (condition 5) (where relevant to show on plans);
 - (ii) Any requirement of the endorsed Waste Management Plan (condition 6) (where relevant to show on plans);
 - (jj) Any requirement of the endorsed acoustic report (condition 9) (where relevant to show on plans.); and
 - (kk) Any requirement of the endorsed wind report (condition 14) (where relevant to show on plans);
2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

Gymnasium Use

- 3. No more than eight staff are permitted on the land at any one time.
- 4. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the hours of 5am and 11pm, seven days per week.

Sustainable Management Plan

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

Waste Management Plan

- 6. Before the plans are endorsed, an amended Waste Management Plan (WMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The plan must be generally in accordance with the WMP (prepared by Leigh Design dated 2 September 2015), but modified to include:
 - (a) Internalising all waste collection via the basement
 - (b) Using a 6.4m truck (to allow clearance and access within the basement)
 - (c) Deletion of reference to trucks propping in Burnley Street.
- 7. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
- 8. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Acoustic report

- 9. Before the use and 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

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and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Acoustic Logic and provided to Council on 4 December 2015, but modified to include (or show, or address):

- (a) An assessment of the commercial noise including the loading dock) and vibration impacts (including sleep disturbance criteria) to the proposed dwellings within the development.
- (b) Rail vibration assessment to the current relevant standard (BS 6472) and using suitable equipment.

The acoustic report must make recommendations to limit the noise impacts in accordance with the State Environment Protection Policy (Control of noise from industry, commerce and trade) No. N-1 (SEPP N-1), State Environment Protection Policy (Control of music noise from public premises) No. N-2 (SEPP N-2) or any other requirement to the satisfaction of the Responsible Authority.

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

Internal Landscape Plan

- 11. Before the use and 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 this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by ERM and dated 15 April 2012, but modified to include (or show):
 - (a) Any relevant changes associated with Condition 1 of this permit;
 - (b) The correct ground floor layout;
 - (c) Landscaping proposed for the eighth and tenth floor communal rooftop gardens;
 - (d) The type, location, quantity, height at maturity and botanical names of all proposed plants;
 - (e) Soil media for the third floor landscaped area; and
 - (f) The maintenance regime required during the contractor maintenance period.
- 12. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
 - (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
 - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
 - (c) replacing any dead, diseased, dying or damaged plants, to the satisfaction of the Responsible Authority.
- 13. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority.

Wind

- 14. Before the use and development commences, an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report

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will be endorsed and will form part of this permit. The amended Wind Assessment Report must be generally in accordance with the Wind Assessment Report prepared by ViPAC and dated 10 November 2015, but modified to include (or show):

- (a) Additional mitigation features on the podium recreation area which achieves the criteria for standing or sitting;
- (b) Quantification of wind conditions and if necessary, additional mitigation strategies to achieve target wind criteria.

Design Detail

15. Before the use and development commences, 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) Construction of a DDA compliant north-south orientated underpass ramp as shown on the Basement and Ground Floor plans received by Council on 4 April 2016. The ramp is to have a gradient of 1:14, be a total width of 2.85m (clear width of 2.65m) and be setback from the kerb by 1m. The ramp is to provide access from the underground tunnel link of Burnley Station (proposed ramp grade to match existing level of underground tunnel link to Burnley Station).
 - (b) Construction of a DDA compliant east-west orientated underpass ramp as shown on the Basement Floor plans received by Council on 4 April 2016. The ramp is to have a gradient of 1:14 with a total width of 3.5m. The ramp is to provide access from the underground tunnel link of Burnley Station to the existing east-west pedestrian path along the southern side of the subject site (proposed ramp grade to match existing level of underground tunnel link to Burnley Station).
 - (c) Construction of a DDA compliant north-south pedestrian access to the pedestrian plaza as shown on the Basement and Ground Floor plans received by Council on 4 April 2016. The ramp is to have a gradient of 1:20, have a minimum width of 2.2m, with a widening to 3.5m in width adjacent to the western entrance of the development (as shown on the Basement Floor Plan). The ramp is to provide access from the underground tunnel link of Burnley Station to the lobby of the development and the pedestrian plaza leading up to Burnley Street (proposed ramp grade to match existing level of underground tunnel link to Burnley Station).
 - (d) Provision of a 3.65m wide footpath along Burnley Street, with 1.73m being within title boundaries of the subject site.
 - (e) Provision of a footpath between 5m and 6m in width along Swan Street, with 2.5m of this being outside of the title boundaries of the subject site.
 - (f) Provision of a ground floor landscape plan which includes the landscaping proposed in the public realm areas and those associated with the Burnley Station improvements.
 - (g) Stormwater treatment and raingardens.

Streetscape Masterplan

16. Before the use and development commences the applicant must prepare and develop an infrastructure and streetscape masterplan in conjunction with Council, VicRoads, VicTrack, Public Transport Victoria and all relevant service authorities for capital improvements in the roads surrounding the development. The Plan must include, but is not limited to, the interface with the Burnley railway station, the mitigation works at the Burnley Street/Swan Street intersection, the improvement to the Burnley Street service road and 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 works, road infrastructure works and streetscape works shall be funded by the applicant.

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Timing of works

17. Before the building is occupied, all works to the public realm (including the extension of the pedestrian footpath within the subject site) as shown on the endorsed plans and within the Design Detail and Streetscape Master Plans (referred to in Conditions 15 and 16) must be fully constructed and completed by the owner to the satisfaction of the Responsible Authority.
18. Before the building is occupied, all works associated with the Burnley Station (including the underpass ramp and east-west pedestrian link to the south of the subject site) as shown on the endorsed plans and within the Streetscape Master Plan (referred to in Conditions 15 and 16) must be fully constructed and completed by the owner to the satisfaction of the Responsible Authority and VicTrack.

Section 173 Agreement (Public Realm Improvements)

19. Before the development starts, 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 four bikes (within the total eight bike spaces) installed along the Swan Street footpath for a bike share operation;
 - (b) The Owner must provide unfettered 24 hour public access over that part of the land to be used for the new Swan and Burnley Street footpaths and the pedestrian plaza;
 - (c) The owner is responsible for maintaining at all times the areas that are private land open to the public described in condition 19 (a) and 19(b) at the cost of the owners of the site and to the satisfaction of the Yarra City Council;
 - (d) 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 condition 19 (a) and 19(b).
20. 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 (Burnley Station Improvements)

21. Before the development starts, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority, VicTrack and Public Transport Victoria 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 new east-west link (footpath), pedestrian plaza and the underpass ramp;
 - (b) The owner is responsible for maintaining at all times the areas that are private land open to the public described in condition 21(a) at the cost of the owners of the site and to the satisfaction of the Yarra City Council, VicTrack and Public Transport Victoria;

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- (c) The owner(s) must obtain and maintain insurance, approved by Yarra City Council, VicTrack and Public Transport Victoria, for the public liability and indemnify Yarra City Council, VicTrack and Public Transport Victoria against all claims resulting from any damage, loss, death or injury in connection with the public accessing the land described in condition 21(a).
22. 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.

Public Art Management Plan

23. Before the building is occupied, a Public Art Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Public Art Management Plan will be endorsed and will then form part of this permit. The Public Art Management Plan must include, but not be limited to:
- (a) Details of the commissioned artist(s);
 - (b) Description of art work, including:
 - (i) Materials;
 - (ii) Colours;
 - (iii) Dimensions;
 - (iv) Content;
 - (v) Special features;
 - (c) Details of the installation process; and
 - (d) Details of art work maintenance schedule.
24. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the approved public art must be completed. Once completed, the public art must be maintained in accordance with the endorsed Public Art Management Plan to the satisfaction of the Responsible Authority.

Traffic Impact Analysis

25. Before the use and development commences, an amended Traffic Impact Analysis to be provided assessing (to the satisfaction of the Responsible Authority):
- (a) Any requirement of the Public Transport Victoria Conditions (Nos. 29 to 46) (where relevant);
 - (b) Any requirement of the VicRoads Conditions (Nos. 47 to 48) (where relevant);
 - (c) 6.0 movements per 100m² for both peak periods for the supermarket traffic generation rate;
 - (d) The removal of first on-street car space on the south side of Swan Street, west of Burnley Street; and
 - (e) The retention of the three on-street car spaces to the east of the subject site on the southern side of Swan Street.
26. Within six months of the occupation of the development, an amended Traffic Impact Analysis to be provided to assess if the three spaces to the east of the subject site must be deleted for improved efficiency/capacity to the road network (to the satisfaction of the Responsible Authority).

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External Landscape Plan

27. Before the use and development commences, an amended External Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by ERM and dated 15 April 2012, but modified to include (or show):
- (a) Any relevant changes associated with Condition 1 of this permit;
 - (b) The correct ground floor layout;
 - (c) Notes regarding maintenance.
 - (d) Design details for stormwater treatment and any rain gardens
 - (e) Tree species on the Swan St frontage consistent with existing replacement trees (*Lagerstoemia indica* x *L.fauriei* 'Natchez' (a white flowering Crepe Myrtle) at 12m spacings). These would be planted by Council, at the permit holder's expense.
 - (f) dwarf Lemon scented gum (*Corymbia citriodora*) at 6m spacings to be used as tree species along Burnley are suggested to be the dwarf Lemon scented gum (*Corymbia citriodora*) at 6m spacings.
 - (g) Final plant species details including a plant schedule, plant numbers and spacings, and specific plant locations.
28. The landscape planting associated with the External Planning Plan (Condition 23) will be carried out by the Responsible Authority, at the permit holder's expense.

Public Transport Victoria Conditions (Nos. 29 to 46)

Pre-Construction

29. Before the development starts, including demolition and bulk excavations or other time agreed to in writing with Public Transport Victoria, amended plans to the satisfaction of Public Transport Victoria must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. These plans must be generally in accordance with the plans submitted to Public Transport Victoria with the application but are to be modified to show:
- (a) relocation of the fire access stairwell onto private property (Vic Track land) at the rear of the property.
 - (b) self-enforcing "left in left out" access only from Swan Street with associated signs.
 - (c) provision of a bus stop within the Burnley Street underpass and associated infrastructure

All to the satisfaction of Public Transport Victoria.

30. Prior to the commencement of works, detailed construction / engineering plans and computations for the works at Burnley Station shown on the endorsed plans must be submitted and approved by VicTrack and Public Transport Victoria. The Plans must detail all works proposed within the rail environment, including excavation of the site adjacent to the railway corridor and any impact on the rail reserve. The plans must ensure compliance regarding building clearances to aerial power lines as per the applicable Victorian Electrical Safety Regulations, to the satisfaction of Vic Track and Public Transport Victoria.
31. Unless otherwise agreed in writing with Public Transport Victoria, a Construction Management Plan must be submitted to Public Transport Victoria 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

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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 & Public Transport Victoria.

32. Works undertaken within railway land must consider all standards and work practices for work within the railway corridor and conform to all relevant Australian standards including Victorian Rail Industry Operator Group (VRIOG) standards for any interface works and installation of underground utility services to the satisfaction of the Rail Operator and Public Transport Victoria.
33. Unless otherwise agreed in writing with Public Transport Victoria, before the commencement of works, a Traffic Management Plan must be submitted to Public Transport Victoria 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 Public Transport Victoria. All traffic management and mitigation costs will be at the full cost of the permit holder.
34. Unless otherwise agreed in writing with Public Transport Victoria, before the development starts a landscape plan and schedule must be submitted to the satisfaction of VicTrack and Public Transport Victoria for the area of works within the rail corridor.
35. Unless otherwise agreed in writing with Public Transport Victoria, prior to construction commencing including demolition, a construction control and indemnity agreement as required by Public Transport Victoria must be in place to the satisfaction of Public Transport Victoria at the full cost to the permit holder.

General Conditions

36. Prior to the occupation of the development, all works outlined on the endorsed plans for the left in / left out access must be completed with associated signs, to the satisfaction of Public Transport Victoria at the full cost to the permit holder.
37. Unless otherwise agreed in writing with VicTrack, permanent or temporary soil anchors must not be installed on railway land.
38. 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.
39. Any Rail Operator costs required to review documents or construction plan works within the rail environment must be met by the permit holder.
40. Any damage to public transport infrastructure as a consequence of the construction works must be rectified to the satisfaction of Public Transport Victoria, at the full cost of the permit holder.
41. The permit holder 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.
42. Building materials (including glass/window/ balcony treatments) likely to have an effect on train driver operations along the rail corridor must be non-reflective and avoid using red or green colour schemes, to the satisfaction of the Rail Operator.
43. 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.
44. No drainage, effluent, waste, soil or other materials must enter or be directed to railway land or stored or deposited on railway land.
45. Any wall which may be permitted to be located on the railway reserve boundary must be cleaned and finished using a graffiti resistant finish, or alternative measures used to

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prevent or reduce the potential of graffiti, to the satisfaction of Public Transport Victoria and the Rail Operator.

46. Entry onto railway land is at the discretion of the Rail Operator and is subject to the Rail Operators Site Access Procedures and conditions.

VicRoads Conditions (Nos. 47 to 48)

47. Before the use approved by this permit commences the following roadworks on Swan Street, Richmond must be completed at no cost to and to the satisfaction of the Roads Corporation:
- (a) Traffic signals at the Swan Street access.
 - (b) Removal of the existing car parking spaces along the Swan Street property frontage and installation of "No Stopping" signs.
 - (c) Removal of six (6) existing car parking spaces along the north side of Swan Street, west of Cutter Street, and the installation of "no Stopping" signs.
48. All disused or redundant vehicle crossings must be removed and the area reinstated to kerb, channel and footpath to the satisfaction of and at no cost to VicRoads prior to the occupation of the building hereby approved.

EPA Conditions (Nos. 49 to 50)

49. Noise emissions from the premises must comply with the requirements of the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.
50. Noise emissions from the premises must comply with the requirements of the State Environment Protection Policy (Control of Music Noise From Public Premises) No. N-2.

Road Infrastructure

51. 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) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
52. 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 permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
53. 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 footpath immediately outside the property's Burnley and Swan Streets road frontages must be reconstructed (including kerb and channel):
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
54. 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 and the half width pavement of Swan Street immediately outside the site's frontages must be profiled and re-sheeted:

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- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority and VicRoads.
55. Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
56. Prior to the completion of the development, subject to the relevant authority's consent, the relocation of the two electricity poles necessary to facilitate the development must be undertaken:
- (a) in accordance with any requirements or conditions imposed by the relevant authority and Yarra Trams;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
57. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, eight bike spaces must be installed on the Burnley Street footpath and eight on the Swan Street footpath:
- (a) at the permit holder's cost; and
 - (b) in a location and manner,
to the satisfaction of the Responsible Authority.

Section 173 Agreement (Car Share Agreement)

58. Before the building is occupied, the owner must enter into an agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987 and apply to the Registrar of Titles to have the agreement registered on each of the titles to the land under Section 181 of the Act. Under the agreement, the owner must covenant with the Responsible Authority that provision will be made for a single car share vehicle on-site by way of arrangement with a car share operator and/or the future Owners Corporation for a minimum period of 10 years. The agreement will reflect that any costs associated with ensuring ongoing availability of at least a single car share vehicle on site will be borne by the owner. All costs of preparation, execution and registration of the agreement must be borne by the owner of the land, or the future Owners Corporation, including those costs incurred by the Responsible Authority.

Car parking

59. Before the use and 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 permit. The Car Park Management Plan must address, but not be limited to, the following:
- (a) the provision of electronic signage displaying the number of vacant car spaces available;
 - (b) signage and line marking plan of the various parking 'zones';
 - (c) the number and location of car parking spaces allocated to each tenancy;
 - (d) any tandem parking spaces allocated to a single tenancy;
 - (e) the number and location of car spaces for shared use, including time of shared use;

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- (f) the management of visitor car parking spaces and security arrangements for occupants of the development, including details on how residential visitors are to access car parking;
 - (g) details of way-finding, cleaning and security of end of trip bicycle facilities;
 - (h) policing arrangements and formal agreements;
 - (i) 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;
 - (j) the collection of waste and garbage including the separate collection of organic waste and recyclables, which must be in accordance with the Waste Management Plan required by Condition 6; and
 - (k) details regarding the management of loading and unloading of goods and materials.
60. 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.
61. All small car parking spaces are to be signed as small car parking spaces.
62. 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.
63. 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.
64. Prior to the occupation of the supermarket, 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) That only delivery trucks which have a maximum height of 3.8m and below may be used within the loading bay area of the development;
65. 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.

Green Travel Plan

66. Before the use and development commences, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel plan will be endorsed and will form part of this permit. The Green Travel Plan must include, but not be limited to, the following:
- (a) describe the location in the context of alternative modes of transport;

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- (b) the provision of real time passenger information displays for nearby stops within each residential lobby;
 - (c) employee / resident welcome packs (e.g. provision of Met Cards/Myki);
 - (d) a designated 'manager' or 'champion' responsible for co-ordination and implementation;
 - (e) details of bicycle parking and bicycle routes;
 - (f) details of GTP funding and management responsibilities; and
 - (g) include provisions to be updated not less than every 5 years.
67. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Lighting

68. 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 Permit Holder.
69. 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

70. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
71. As part of the ongoing consultant team, Elenberg Fraser Architects or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
- (a) oversee design and construction of the development; and
 - (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.
72. The amenity of the area must not be detrimentally affected by the use, including through:
- (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials;
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
 - (d) the presence of vermin.
- to the satisfaction of the Responsible Authority.

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73. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
74. 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.
75. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
76. 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.
77. 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

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

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

Time expiry

79. This permit will expire if:

- (a) the development is not commenced within two years of the date of this permit; or
- (b) the development is not completed within four years of the date of this permit; or
- (c) the use has not commenced within five years of the date of this permit.

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

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Notes:

The site is located within an Environmental Audit Overlay. Pursuant to 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 permit.

A building permit maybe required before development is commenced. Please contact Council's Building Services on 9205 5095 to confirm.

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

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5585 for further information.

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

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

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

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

VicRoads Notes:

Separate consent for works within the road reserve and the specifications of these works is required under the Road Management Act. For the purposes of this application the works will include provision of:

- traffic signals
- no stopping signs and removal of on street car spaces along the Swan Street property frontage.

Separate consent will be required from VicRoads (the Roads Corporation) under the Road Management Act 2004 for buildings and works undertaken outside the title boundary within a Road Zone Category 1 (Swan Street and Burnley Street Overpass and associated embankment). Please contact VicRoads prior to commencing any works.

The proposed development requires reinstatement of disused crossovers to kerb and channel. Separate approval under the Road management Act 2004 for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.

Attachment 16 - PLN15 0057-03 - 462 - 482 Swan Street Richmond - draft planning permit**PLANNING PERMIT****Permit No:** PLN15/0057**Planning Scheme:** Yarra**Responsible Authority:** City Of Yarra**ADDRESS OF THE LAND:**

462 – 482 Swan Street, Richmond 3121 (and associated area of off-site works)

THE PERMIT ALLOWS:**For the purpose of the following, in accordance with the endorsed plan(s).**

Use and development of land for a mixed use development comprising 2 buildings (part 3-10 storey and part 3-12 storey) dwellings, a supermarket and retail, offices, a gymnasium (with swimming pool) (permit required for dwellings and restricted recreation facility only), a reduction the car parking requirement, buildings and works including alteration to access to a Road Zone (Category 1).

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. Before the use and development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans by Elenberg Fraser received by Council on 4 April 2016 but modified to show:
 - (a) The second floor amended as per the sketch plan provided on 13 April 2016;
 - (b) Retail tenancy 1 be re-labelled as a 'supermarket'
 - (c) Confirmation that retail tenancies (2-4) are not to be used for market, trade supplies, landscape gardening supplies, manufacturing sales, more vehicle, boat or caravan sales or primary produce sales;
 - (d) Relocation of the southern fire escape on the ground floor;
 - (e) The eighth floor roof top garden with a void area above on the ninth floor;
 - (f) The tenth floor roof top garden with a void area above the eleventh floor;
 - (g) A schedule of all materials and finishes including
 - (i) colours,
 - (ii) samples,
 - (iii) timber batten fins as a "class 1 durable timber" with profiles and non-corrosive fixings,
 - (iv) the painted concrete replaced with a finish that is integrated with the material examples of the application of the proposed bronze glazing in other buildings and
 - (v) details of the vine cables and fixings and how they will be attached;

Date: X XX XXX

 XXXXXXXX
 Signature for the Responsible Authority

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- (h) The west-facing apartment within the internal corners of the eastern tower numbered correctly and to have its balcony relocated to the south of its current location;
- (i) The balcony of apartment -05 between the fourth and eleventh floors be re-located to have a southern and eastern dual aspect;
- (j) The balcony of apartment -05 between the fourth and eleventh floors re-located to have a southern and western dual aspect;
- (k) All balconies of two-bedroom dwellings with at least 8sqm in area and 1.6m in width with all balconies of one-bedroom dwellings to have a balcony of at least 1.6m in width;
- (l) A minimum 3m³ of storage per dwelling;
- (m) Additional overlooking fins provided to apartments -01 and -16 of the eastern and western towers between the fourth and seventh floors to prevent internal views to the abutting habitable room;
- (n) Additional overlooking fins provided to apartments -01 and -14 of the western tower on the fourth and seventh floor to prevent views to the abutting habitable room;
- (o) Operable windows to the western end of the residential corridors;
- (p) The long term parking 'zones' be clearly labelled on the floor plans;
- (q) The dimensions of the individual lanes and pedestrian refuge of the vehicle access out onto Swan Street;
- (r) A swept path for space No. 25 on the Lower Basement floor plan;
- (s) The correct number of car spaces annotated on floor plans;
- (t) All dimensions of ramp widths and grades;
- (u) The grade of the pedestrian path leading to the lobby of the Level 2A car park confirmed and to be DDA compliant;
- (v) Dimensions of clearances of spaces from abutting walls;
- (w) Four additional parallel bike spaces on the Swan Street footpath (to a total of eight spaces along Swan Street), positioned mid-block away from the Swan Street/Burnley Street intersection;
- (x) Eight additional parallel bike spaces on the Burnley Street footpath positioned mid-block away from the Swan Street/Burnley Street intersection;
- (y) No fewer than 337 bike spaces provided (279 for residents/staff, 42 on-site bike spaces, eight on the Swan Street footpath and eight on the Burnley Street footpath);
- (z) The bicycle parking bays must meet the dimension requirements at clause 52.34-4 of the Yarra Planning Scheme;
- (aa) Bicycle parking signage to be provided in accordance with clause 52.34-5 of the Yarra Planning Scheme;
- (bb) The locations of the site access signals;
- (cc) The provision of a shopping trolley return area within the public car park;
- (dd) A widened area providing access to the travelator and lift in the public carpark;
- (ee) The provision of public art as outlined within Condition 23.
- (ff) Any requirement of the Public Transport Victoria Conditions (Nos. 29 to 46) (where relevant to show on plans);
- (gg) Any requirement of the VicRoads Conditions (Nos. 47 to 48) (where relevant to show on plans);
- (hh) Any requirement of the endorsed Sustainable Management Plan (condition 5) (where relevant to show on plans);
- (ii) Any requirement of the endorsed Waste Management Plan (condition 6) (where relevant to show on plans);
- (jj) Any requirement of the endorsed acoustic report (condition 9) (where relevant to show on plans.); and
- (kk) Any requirement of the endorsed wind report (condition 14) (where relevant to show on plans);

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2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

Gymnasium Use

3. No more than eight staff are permitted on the land at any one time.
4. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the hours of 5am and 11pm, seven days per week.

Sustainable Management Plan

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

Waste Management Plan

6. Before the plans are endorsed, an amended Waste Management Plan (WMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The plan must be generally in accordance with the WMP (prepared by Leigh Design dated 2 September 2015), but modified to include:
 - (a) Internalising all waste collection via the basement
 - (b) Using a 6.4m truck (to allow clearance and access within the basement)
 - (c) Deletion of reference to trucks propping in Burnley Street.
7. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
8. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Acoustic report

9. Before the use and 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 permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Acoustic Logic and provided to Council on 4 December 2015, but modified to include (or show, or address):
 - (a) An assessment of the commercial noise including the loading dock) and vibration impacts (including sleep disturbance criteria) to the proposed dwellings within the development.
 - (b) Rail vibration assessment to the current relevant standard (BS 6472) and using suitable equipment.

The acoustic report must make recommendations to limit the noise impacts in accordance with the State Environment Protection Policy (Control of noise from industry, commerce and trade) No. N-1 (SEPP N-1), State Environment Protection Policy (Control of music noise from public

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premises) No. N-2 (SEPP N-2) or any other requirement to the satisfaction of the Responsible Authority.

10. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Internal Landscape Plan

11. Before the use and 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 this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by ERM and dated 15 April 2012, but modified to include (or show):
- (a) Any relevant changes associated with Condition 1 of this permit;
 - (b) The correct ground floor layout;
 - (c) Landscaping proposed for the eighth and tenth floor communal rooftop gardens;
 - (d) The type, location, quantity, height at maturity and botanical names of all proposed plants;
 - (e) Soil media for the third floor landscaped area; and
 - (f) The maintenance regime required during the contractor maintenance period.
12. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
- (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
 - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
 - (c) replacing any dead, diseased, dying or damaged plants,
- to the satisfaction of the Responsible Authority.
13. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible

Wind

14. Before the use and development commences, an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit. The amended Wind Assessment Report must be generally in accordance with the Wind Assessment Report prepared by ViPAC and dated 10 November 2015, but modified to include (or show):
- (a) Additional mitigation features on the podium recreation area which achieves the criteria for standing or sitting;
 - (b) Quantification of wind conditions and if necessary, additional mitigation strategies to achieve target wind criteria.

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15. Before the use and development commences, 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) Construction of a DDA compliant north-south orientated underpass ramp as shown on the Basement and Ground Floor plans received by Council on 4 April 2016. The ramp is to have a gradient of 1:14, be a total width of 2.85m (clear width of 2.65m) and be setback from the kerb by 1m. The ramp is to provide access from the underground tunnel link of Burnley Station (proposed ramp grade to match existing level of underground tunnel link to Burnley Station).
 - (b) Construction of a DDA compliant east-west orientated underpass ramp as shown on the Basement Floor plans received by Council on 4 April 2016. The ramp is to have a gradient of 1:14 with a total width of 3.5m. The ramp is to provide access from the underground tunnel link of Burnley Station to the existing east-west pedestrian path along the southern side of the subject site (proposed ramp grade to match existing level of underground tunnel link to Burnley Station).
 - (c) Construction of a DDA compliant north-south pedestrian access to the pedestrian plaza as shown on the Basement and Ground Floor plans received by Council on 4 April 2016. The ramp is to have a gradient of 1:20, have a minimum width of 2.2m, with a widening to 3.5m in width adjacent to the western entrance of the development (as shown on the Basement Floor Plan). The ramp is to provide access from the underground tunnel link of Burnley Station to the lobby of the development and the pedestrian plaza leading up to Burnley Street (proposed ramp grade to match existing level of underground tunnel link to Burnley Station).
 - (d) Provision of a 3.65m wide footpath along Burnley Street, with 1.73m being within title boundaries of the subject site.
 - (e) Provision of a footpath between 5m and 6m in width along Swan Street, with 2.5m of this being outside of the title boundaries of the subject site.
 - (f) Provision of a ground floor landscape plan which includes the landscaping proposed in the public realm areas and those associated with the Burnley Station improvements.
 - (g) Stormwater treatment and raingardens.

Streetscape Masterplan

16. Before the use and development commences the applicant must prepare and develop an infrastructure and streetscape masterplan in conjunction with Council, VicRoads, VicTrack, Public Transport Victoria and all relevant service authorities for capital improvements in the roads surrounding the development. The Plan must include, but is not limited to, the interface with the Burnley railway station, the mitigation works at the Burnley Street/Swan Street intersection, the improvement to the Burnley Street service road and 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 works, road infrastructure works and streetscape works shall be funded by the applicant.

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Timing of works

17. Before the building is occupied, all works to the public realm (including the extension of the pedestrian footpath within the subject site) as shown on the endorsed plans and within the Design Detail and Streetscape Master Plans (referred to in Conditions 15 and 16) must be fully constructed and completed by the owner to the satisfaction of the Responsible Authority.
18. Before the building is occupied, all works associated with the Burnley Station (including the underpass ramp and east-west pedestrian link to the south of the subject site) as shown on the endorsed plans and within the Streetscape Master Plan (referred to in Conditions 15 and 16) must be fully constructed and completed by the owner to the satisfaction of the Responsible Authority and VicTrack.

Section 173 Agreement (Public Realm Improvements)

19. Before the development starts, 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 four bikes (within the total eight bike spaces) installed along the Swan Street footpath for a bike share operation;
 - (b) The Owner must provide unfettered 24 hour public access over that part of the land to be used for the new Swan and Burnley Street footpaths and the pedestrian plaza;
 - (c) The owner is responsible for maintaining at all times the areas that are private land open to the public described in condition 19 (a) and 19(b) at the cost of the owners of the site and to the satisfaction of the Yarra City Council;
 - (d) 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 condition 19 (a) and 19(b).
20. 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 (Burnley Station Improvements)

21. Before the development starts, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority, VicTrack and Public Transport Victoria 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 new east-west link (footpath), pedestrian plaza and the underpass ramp;
 - (b) The owner is responsible for maintaining at all times the areas that are private land open to the public described in condition 21(a) at the cost of the owners of the site and to the satisfaction of the Yarra City Council, VicTrack and Public Transport Victoria;

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- (c) The owner(s) must obtain and maintain insurance, approved by Yarra City Council, VicTrack and Public Transport Victoria, for the public liability and indemnify Yarra City Council, VicTrack and Public Transport Victoria against all claims resulting from any damage, loss, death or injury in connection with the public accessing the land described in condition 21(a).
22. 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.

Public Art Management Plan

23. Before the building is occupied, a Public Art Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Public Art Management Plan will be endorsed and will then form part of this permit. The Public Art Management Plan must include, but not be limited to:
- (a) Details of the commissioned artist(s);
 - (b) Description of art work, including:
 - (i) Materials;
 - (ii) Colours;
 - (iii) Dimensions;
 - (iv) Content;
 - (v) Special features;
 - (c) Details of the installation process; and
 - (d) Details of art work maintenance schedule.
24. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the approved public art must be completed. Once completed, the public art must be maintained in accordance with the endorsed Public Art Management Plan to the satisfaction of the Responsible Authority.

Traffic Impact Analysis

25. Before the use and development commences, an amended Traffic Impact Analysis to be provided assessing (to the satisfaction of the Responsible Authority):
- (a) Any requirement of the Public Transport Victoria Conditions (Nos. 29 to 46) (where relevant);
 - (b) Any requirement of the VicRoads Conditions (Nos. 47 to 48) (where relevant);
 - (c) 6.0 movements per 100m² for both peak periods for the supermarket traffic generation rate;
 - (d) The removal of first on-street car space on the south side of Swan Street, west of Burnley Street; and
 - (e) The retention of the three on-street car spaces to the east of the subject site on the southern side of Swan Street.
26. Within six months of the occupation of the development, an amended Traffic Impact Analysis to be provided to assess if the three spaces to the east of the subject site must be deleted for improved efficiency/capacity to the road network (to the satisfaction of the Responsible Authority).

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External Landscape Plan

27. Before the use and development commences, an amended External Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by ERM and dated 15 April 2012, but modified to include (or show):
- (a) Any relevant changes associated with Condition 1 of this permit;
 - (b) The correct ground floor layout;
 - (c) Notes regarding maintenance.
 - (d) Design details for stormwater treatment and any rain gardens
 - (e) Tree species on the Swan St frontage consistent with existing replacement trees (*Lagerstoemia indica* x *L.fauriei* 'Natchez' (a white flowering Crepe Myrtle) at 12m spacings). These would be planted by Council, at the permit holder's expense.
 - (f) dwarf Lemon scented gum (*Corymbia citriodora*) at 6m spacings to be used as tree species along Burnley are suggested to be the dwarf Lemon scented gum (*Corymbia citriodora*) at 6m spacings.
 - (g) Final plant species details including a plant schedule, plant numbers and spacings, and specific plant locations.
28. The landscape planting associated with the External Planning Plan (Condition 23) will be carried out by the Responsible Authority, at the permit holder's expense.

Public Transport Victoria Conditions (Nos. 29 to 46)

Pre-Construction

29. Before the development starts, including demolition and bulk excavations or other time agreed to in writing with Public Transport Victoria, amended plans to the satisfaction of Public Transport Victoria must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. These plans must be generally in accordance with the plans submitted to Public Transport Victoria with the application but are to be modified to show:
- a) relocation of the fire access stairwell onto private property (Vic Track land) at the rear of the property.
 - b) self-enforcing "left in left out" access only from Swan Street with associated signs.
 - c) provision of a bus stop within the Burnley Street underpass and associated infrastructure

All to the satisfaction of Public Transport Victoria.

30. Prior to the commencement of works, detailed construction / engineering plans and computations for the works at Burnley Station shown on the endorsed plans must be submitted and approved by VicTrack and Public Transport Victoria. The Plans must detail all works proposed within the rail environment, including excavation of the site adjacent to the railway corridor and any impact on the rail reserve. The plans must ensure compliance regarding

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building clearances to aerial power lines as per the applicable Victorian Electrical Safety Regulations, to the satisfaction of Vic Track and Public Transport Victoria.

31. Unless otherwise agreed in writing with Public Transport Victoria, a Construction Management Plan must be submitted to Public Transport Victoria 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 & Public Transport Victoria.
32. Works undertaken within railway land must consider all standards and work practices for work within the railway corridor and conform to all relevant Australian standards including Victorian Rail Industry Operator Group (VRIOG) standards for any interface works and installation of underground utility services to the satisfaction of the Rail Operator and Public Transport Victoria.
33. Unless otherwise agreed in writing with Public Transport Victoria, before the commencement of works, a Traffic Management Plan must be submitted to Public Transport Victoria 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 Public Transport Victoria. All traffic management and mitigation costs will be at the full cost of the permit holder.
34. Unless otherwise agreed in writing with Public Transport Victoria, before the development starts a landscape plan and schedule must be submitted to the satisfaction of VicTrack and Public Transport Victoria for the area of works within the rail corridor.
35. Unless otherwise agreed in writing with Public Transport Victoria, prior to construction commencing including demolition, a construction control and indemnity agreement as required by Public Transport Victoria must be in place to the satisfaction of Public Transport Victoria at the full cost to the permit holder.

General Conditions

36. Prior to the occupation of the development, all works outlined on the endorsed plans for the left in / left out access must be completed with associated signs, to the satisfaction of Public Transport Victoria at the full cost to the permit holder.
37. Unless otherwise agreed in writing with VicTrack, permanent or temporary soil anchors must not be installed on railway land.
38. 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.
39. Any Rail Operator costs required to review documents or construction plan works within the rail environment must be met by the permit holder.
40. Any damage to public transport infrastructure as a consequence of the construction works must be rectified to the satisfaction of Public Transport Victoria, at the full cost of the permit holder.

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41. The permit holder 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.
42. Building materials (including glass/window/ balcony treatments) likely to have an effect on train driver operations along the rail corridor must be non-reflective and avoid using red or green colour schemes, to the satisfaction of the Rail Operator.
43. 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.
44. No drainage, effluent, waste, soil or other materials must enter or be directed to railway land or stored or deposited on railway land.
45. Any wall which may be permitted to be located on the railway reserve boundary must be cleaned and finished using a graffiti resistant finish, or alternative measures used to prevent or reduce the potential of graffiti, to the satisfaction of Public Transport Victoria and the Rail Operator.
46. Entry onto railway land is at the discretion of the Rail Operator and is subject to the Rail Operators Site Access Procedures and conditions.

VicRoads Conditions (Nos. 47 to 48)

47. Before the use approved by this permit commences the following roadworks on Swan Street, Richmond must be completed at no cost to and to the satisfaction of the Roads Corporation:
 - (a) Traffic signals at the Swan Street access.
 - (b) Removal of the existing car parking spaces along the Swan Street property frontage and installation of "No Stopping" signs.
 - (c) Removal of six (6) existing car parking spaces along the north side of Swan Street, west of Cutter Street, and the installation of "no Stopping" signs.
48. All disused or redundant vehicle crossings must be removed and the area reinstated to kerb, channel and footpath to the satisfaction of and at no cost to VicRoads prior to the occupation of the building hereby approved.

EPA Conditions (Nos. 49 to 50)

49. Noise emissions from the premises must comply with the requirements of the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.
50. Noise emissions from the premises must comply with the requirements of the State Environment Protection Policy (Control of Music Noise From Public Premises) No. N-2.

Road Infrastructure

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

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

53. 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 footpath immediately outside the property's Burnley and Swan Streets road frontages must be reconstructed (including kerb and channel):
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.

54. 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 and the half width pavement of Swan Street immediately outside the site's frontages must be profiled and re-sheeted:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority and VicRoads.

55. Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.

56. Prior to the completion of the development, subject to the relevant authority's consent, the relocation of the two electricity poles necessary to facilitate the development must be undertaken:
 - (a) in accordance with any requirements or conditions imposed by the relevant authority and Yarra Trams;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.

57. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, eight bike spaces must be installed on the Burnley Street footpath and eight on the Swan Street footpath:
 - (a) at the permit holder's cost; and
 - (b) in a location and manner,

to the satisfaction of the Responsible Authority.

Section 173 Agreement (Car Share Agreement)

58. Before the building is occupied, the owner must enter into an agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987 and apply to the

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Registrar of Titles to have the agreement registered on each of the titles to the land under Section 181 of the Act. Under the agreement, the owner must covenant with the Responsible Authority that provision will be made for a single car share vehicle on-site by way of arrangement with a car share operator and/or the future Owners Corporation for a minimum period of 10 years. The agreement will reflect that any costs associated with ensuring ongoing availability of at least a single car share vehicle on site will be borne by the owner. All costs of preparation, execution and registration of the agreement must be borne by the owner of the land, or the future Owners Corporation, including those costs incurred by the Responsible Authority.

Car parking

59. Before the use and 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 permit. The Car Park Management Plan must address, but not be limited to, the following:
- (a) the provision of electronic signage displaying the number of vacant car spaces available;
 - (b) signage and line marking plan of the various parking 'zones';
 - (c) the number and location of car parking spaces allocated to each tenancy;
 - (d) any tandem parking spaces allocated to a single tenancy;
 - (e) the number and location of car spaces for shared use, including time of shared use;
 - (f) the management of visitor car parking spaces and security arrangements for occupants of the development, including details on how residential visitors are to access car parking;
 - (g) details of way-finding, cleaning and security of end of trip bicycle facilities;
 - (h) policing arrangements and formal agreements;
 - (i) 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;
 - (j) the collection of waste and garbage including the separate collection of organic waste and recyclables, which must be in accordance with the Waste Management Plan required by Condition 6; and
 - (k) details regarding the management of loading and unloading of goods and materials.
60. 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.
61. All small car parking spaces are to be signed as small car parking spaces.
62. 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.

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- 63. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the car stackers must be installed in accordance with the manufacturer's specifications by a suitably qualified person. The car stackers must be maintained thereafter to the satisfaction of the Responsible Authority.
- 64. 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.
- 65. Prior to the occupation of the supermarket, 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:
 - (e) That only delivery trucks which have a maximum height of 3.8m and below may be used within the loading bay area of the development;
- 66. 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.

Green Travel Plan

- 67. Before the use and development commences, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel plan will be endorsed and will form part of this permit. The Green Travel Plan must include, but not be limited to, the following:
 - (a) describe the location in the context of alternative modes of transport;
 - (b) the provision of real time passenger information displays for nearby stops within each residential lobby;
 - (c) employee / resident welcome packs (e.g. provision of Met Cards/Myki);
 - (d) a designated 'manager' or 'champion' responsible for co-ordination and implementation;
 - (e) details of bicycle parking and bicycle routes;
 - (f) details of GTP funding and management responsibilities; and
 - (g) include provisions to be updated not less than every 5 years.
- 68. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Lighting

- 69. 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 Permit Holder.

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70. 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

71. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
72. As part of the ongoing consultant team, Elenberg Fraser Architects or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
- (a) oversee design and construction of the development; and
 - (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.
73. The amenity of the area must not be detrimentally affected by the use, including through:
- (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials;
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
 - (d) the presence of vermin.
- to the satisfaction of the Responsible Authority.
74. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
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.
76. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
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.
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;

Date: X XX XXX

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Signature for the Responsible Authority

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- (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

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

Date: X XX XXX

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 Signature for the Responsible Authority

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

During the construction:

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

Time expiry

80. This permit will expire if:

- (a) the development is not commenced within two years of the date of this permit; or
- (b) the development is not completed within four years of the date of this permit; or
- (c) the use has not commenced within five years of the date of this permit.

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

Notes:

The site is located within an Environmental Audit Overlay. Pursuant to 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 permit.

A building permit maybe required before development is commenced. Please contact Council's Building Services on 9205 5095 to confirm.

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

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5585 for further information.

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

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

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

Date: X XX XXX

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Signature for the Responsible Authority

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

VicRoads Notes:

Separate consent for works within the road reserve and the specifications of these works is required under the Road Management Act. For the purposes of this application the works will include provision of:

- traffic signals
- no stopping signs and removal of on street car spaces along the Swan Street property frontage.

Separate consent will be required from VicRoads (the Roads Corporation) under the Road Management Act 2004 for buildings and works undertaken outside the title boundary within a Road Zone Category 1 (Swan Street and Burnley Street Overpass and associated embankment). Please contact VicRoads prior to commencing any works.

The proposed development requires reinstatement of disused crossovers to kerb and channel. Separate approval under the Road management Act 2004 for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.

Date: X XX XXX

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Signature for the Responsible Authority

11.4 Night Time Economy Strategy - Implementation plan progress report and updated implementation plan

Trim Record Number: D16/66306

Responsible Officer: Director Planning and Place Making

Purpose

1. To report to Council on the progress of the Night Time Economy Strategy 2014-2018 (NTE Strategy) and to provide an updated implementation plan.

Background

2. In 2012 Yarra City Council decided to investigate Yarra's Night Time Economy (NTE) in response to:
 - (a) community concerns about alcohol misuse at night in public places; and
 - (b) growing residential dwellings in, and nearby, NTE centres which are expected to increase as Yarra's population grows by 20,000 in the next 15 years.
3. At its meeting on 24 June 2014, Council endorsed the NTE Strategy and associated implementation plan.
4. The NTE Strategy outlines the objectives and actions that promote the safety, vibrancy and functionality of Yarra's night time entertainment precincts and activities. The following three objectives inform the strategy:
 - (a) Safe NTE: at night public spaces are well-kept and people behave respectfully;
 - (b) Vibrant NTE: at night there are a range of people and ages, and a diversity of facilities and activities; and
 - (c) Functional NTE: at night entertainment precincts accommodate people at peak times, attract people to walk, cycle or use public transport and have adequate public amenities and infrastructure.

External Consultation

5. Extensive community consultation was undertaken during the development of the NTE Strategy. The community was engaged via several avenues, including:
 - (a) letters sent out to approximately 2,500 residents and traders living in and around Swan, Smith and Brunswick Streets (through a random sample selection of property addresses) who were contacted to complete a survey in March 2013 requesting their feedback on living/working in and around Yarra's night time entertainment precincts;
 - (b) networks including the Yarra Liquor Forum, Local Safety Committee, the Business Advisory Group and the Local Government Alcohol and other Drugs Issues Forum;
 - (c) emails to all those who provided feedback during the initial consultation on the NTE in March - May 2013; and
 - (d) media such as the Yarra News.
6. Ongoing implementation of the NTE Strategy continues to involve engagement with external groups including the Yarra Liquor Forum, Business Advisory Group, Health and Wellbeing Plan Advisory Committee and the newly established Local Safety Reference Group.

Internal Consultation (One Yarra)

7. A number of Council units were consulted as part of reviewing the progress to date and revising strategic activities, including Social Policy and Research, Economic Development, Venues and Events, Arts and Culture, Engineering Operations, Parking Services, Community Grants, Urban Design, Strategic Planning, Strategic Transport and Open Space.

External policy context

Night Network

8. In January 2016, the State Government introduced a one year trial of 24-hour public transport for Friday and Saturday nights (known as the Night Network). The services include:
 - (a) Trains - hourly services in an out of the city on almost all metro lines (servicing all train stations in Yarra);
 - (b) Trams - 30 minute services on six key tram routes (including routes 75, 86, 96 and 109 which service parts of Yarra); and
 - (c) Buses - 30/60 minute services on 21 routes linking with trains from the city (many of these service parts of Yarra).

Whole of Government AOD Hotspots Project (including the Night Time Economy project)

9. The Whole of Government Alcohol and Other Drug Hotspots project, led by University of Melbourne with key stakeholders such as the Department of Health and Human Services (DHHS), is a multi-sectoral partnership project aimed at reducing drug related harms. It encompasses two priority projects being the Night Time Economy (NTE) project and Changing Trends (e.g. alcohol and other drugs) project.
10. Council continues to provide input into and provide support to the NTE project which involves investigating and developing a framework outlining the key elements of a strength-based NTE. The project will also involve the development of a toolkit to assist with implementing and assessing a strength-based NTE at the state and LGA levels. The framework document is currently being prepared and recommendations, lessons learned and policy levers are being produced in a range of areas including infrastructure/built form, transport, economic development, government collaboration, balancing the needs of residents and visitors, gender, cultural diversity, arts and culture, tourism, major events, and safety and harm minimisation.

Implementation progress to date

11. The NTE Strategy is currently at the mid-way point of implementation. The strategy captures a significant amount of work that is being implemented across Council. This includes work committed to in other adopted Council strategies, demonstrating a whole-of-Council approach to improving the safety, vibrancy and functionality of Yarra's night time entertainment precincts and activities. A number of actions have progressed to date and a progress report is outlined in *Attachment 1*.

Updated implementation plan

12. The updated implementation plan includes both ongoing and new actions, as outlined in *Attachment 2*, under the following strategies:
 - (a) proactively manage the safety and amenity of areas frequented at night and enhance people's experience of visiting night time entertainment precincts;
 - (b) develop and enhance data, evidence, policies, and protocols relating to the NTE;
 - (c) support diversity in night time related activity, while minimising impacts on residential amenity;
 - (d) collaboratively work with key stakeholders to identify and implement initiatives that enhance and support the NTE; and
 - (e) improve decision-making, consistency and processes around liquor licensing referrals, planning applications and enforcement.
13. Some of the proposed actions include:
 - (a) implement a process for undertaking holistic Community Safety Audits;

- (b) amend the question in the resident Annual Customer Satisfaction Survey (ACSS) relating to feelings of safety in the public areas in the City of Yarra in the day and night, to also ask where one feels unsafe (in addition to why) when a score of less than five is provided;
- (c) improve access to NTE related data on Council's GIS system, including for example the locations of taxi infrastructure, public transport infrastructure, public toilets and footpath trading;
- (d) analyse data from the Night Network trial (one year trial of 24 hour public transport on Friday and Saturday nights) to identify key late night locations and any potential issues arising;
- (e) identify mechanisms to better understand perceptions of safety concerns for visitors and traders;
- (f) explore opportunities for joint use agreements with local schools and public housing estates that encourage community after-hours access for recreational purposes through the use of existing infrastructure;
- (g) play a key role in the planning and delivery of the Licensee Super Forum 2016 with Melbourne, Port Phillip and Stonnington Councils; and
- (h) establish an alcohol management group with membership from relevant parts of Council and Victoria Police.

Financial Implications

- 14. Implementation will be undertaken within existing resources and a number of actions relate to improving current processes and data management. Additional external funding will be sought through grants such as the Department of Justice and Regulation Community Safety Infrastructure Fund to enable the implementation of any proposed urban design/Crime Prevention through Environmental Design (CPTED) improvements (such as those outlined within the Victoria Street Streetscape Masterplan).

Economic Implications

- 15. A 2013 report commissioned by Council into the costs and benefits of Yarra's NTE found that Yarra's NTE alone contributes to 8.4 percent of jobs to Yarra. This generates just under 3000 jobs, with the economic benefit valued at \$112,282 per worker. Over 50 percent of the jobs are in restaurants, cafes and takeaway outlets. The total value generated from Yarra's NTE is \$665 million per annum.

Sustainability Implications

- 16. There are no apparent sustainability implications.

Social Implications

- 17. A key component of the NTE Strategy is ensuring that public spaces are well-kept during the evening in order to enhance perceptions of safety. Surveys undertaken by Council, including the *Annual Customer Satisfaction Survey 2015* and the *Planning for the Future Survey 2015* show that perceptions of safety vary across different Yarra suburbs.

Human Rights Implications

- 18. There are no apparent human rights implications.

Communications with CALD Communities Implications

- 19. A number of actions in the NTE Strategy align closely with those outlined in the Yarra Health and Wellbeing Plan 2013-2017 (Health and Wellbeing Plan). People from diverse cultural backgrounds are identified as one of the priority population groups in the Health and Wellbeing Plan and strategies within this plan aim to enhance their health and wellbeing, including safety.
- 20. The NTE Strategy offers information about, or translation of the document in several languages.

Council Plan, Strategy and Policy Implications

21. Council Plan 2013-17 - One of the five priorities is making Yarra more liveable. Much of Yarra's significant residential development occurs close to or in Yarra's entertainment precincts. This requires Council to appropriately manage the conflict between residential and other land users.
22. Health Plan 2013-17 - Includes priorities relating to improving community safety and reducing the harm from alcohol, tobacco and other drugs. Strategies include improving the safety of Yarra's night time entertainment precincts through urban design improvements, amenity enhancements and diversifying activity.
23. Economic Development Strategy - several directions and strategic priorities are relevant to the NTE Strategy. These relate to ensuring that Yarra is an outstanding visitor destination, maintaining attractive and vibrant precincts, and maintaining and growing economic activity.

Legal Implications

24. There are no apparent legal implications from this report.

Options

25. Council has the option of adopting the proposed updated implementation plan, with or without changes.

Conclusion

26. The NTE Strategy captures work that is being implemented across Council that focus on improving the safety, vibrancy and functionality of Yarra's night time entertainment precincts and activities. A number of actions to support the objectives of the strategy have been implemented between July 2014 and June 2016. The proposed updated implementation plan identifies a number of ongoing and new actions for implementation.

RECOMMENDATION

1. That Council:
 - (a) notes the Night Time Economy Strategy 2014-2018 progress report; and
 - (b) endorses the updated Night Time Economy Strategy 2014-2018 implementation plan.

CONTACT OFFICER: Erika Russell
TITLE: Senior Planner, Community Health and Safety
TEL: 9205 5534

Attachments

- 1 NTE Strategy - implementation plan progress report
- 2 NTE Strategy - proposed updated implementation plan

Attachment 1 - NTE Strategy - implementation plan progress report

Yarra Night Time Economy Strategy 2014-2018

Implementation Plan progress report (July 2014 - June 2016)

Action	Detail	Progress update
1.1 Develop proactive ways to manage amenity in/around areas frequented at night	Information to community and a Protocol for staff on how Council assists in maintaining the amenity of neighbourhoods in and around locations popular at night	Measures include programmed nightly sweeping services and routine high pressure cleansing activities, manual litter and rapid response crews, evening litter bin clearances, graffiti removal activities within high profile areas and regular pro-active inspections of main shopping centre precincts.
	Regular activity surveys conducted by Council officers monitoring the amenity of areas frequented at night	Roads and footpaths in activity areas are swept as part of the night shift every night. Any issues are reported to Council for attention at the next shift. They are also checked daily Monday to Friday in the mornings for litter and any extra cleaning required, for example, pressure washing and graffiti removal.
	A Live Music Protocol for venues to engage early with Council about any potential noise disputes.	<p>An arrangement is in place for noise complaints that are managed by Compliance. In the last year there was only one noise complaint reported and no infringements were issued.</p> <p>An annual music venue round table with Council officers as part of the Leaps and Bounds Festival was undertaken.</p> <p>Council has provided ongoing support and advocacy for the 'agent of change' principle for live music venues which was introduced into the state section of the planning scheme. It requires an applicant for a live music entertainment venue or a noise sensitive residential use near a venue to include appropriate noise attenuation measures as part of an application for use or buildings and works that requires a planning permit under any zone of a planning scheme. The impacts of the policy are being monitored.</p> <p>A fund to help live music venues pay for soundproofing when they</p>

Attachment 1 - NTE Strategy - implementation plan progress report

Action	Detail	Progress update
		encounter noise complaints was established and funding opportunities are still available to venues. In the first year there were eight grants awarded totalling \$20,500. \$7,000 worth of grants were awarded in the last year.
	Engagement with traders about strategies to enhance civic pride e.g. minimise waste.	<p>The inaugural edition of <i>Precinct Pulse</i>, a quarterly newsletters designed to engage local traders in Yarra’s retail precincts, was hand delivered to businesses in ten retail precincts in August 2015 (future editions to be electronic). The first edition highlighted Council’s new mobile app which enables people to, for example, report graffiti, request road/footpath repairs or order new bins.</p> <p>The October 2015 edition of Council’s Business Ebulletin encouraged local businesses to participate in Council’s recycling program.</p>
1.2 Develop (and enhance) data and evidence, Council policies, positions & protocols on proactive interventions related to public spaces used at night	Policies and protocols on precinct management planning (covers noise management), urban environment design guidelines for public places (activation and use of spaces & CCTV & transport infrastructure)	<p>Council has recently adopted an Events Policy in Public Spaces protocol and the <i>Victoria Street Streetscape Masterplan</i>.</p> <p>The inaugural edition of <i>Precinct Pulse</i>, a quarterly newsletters designed to engage local traders in Yarra’s retail precincts, was hand delivered to businesses in ten retail precincts in August 2015.</p>
	Trial of and implementation of new data collection systems, Wi-Fi, pedestrian count, parking sensors.	<p>Parking sensors: in December 2015 a parking technology tender was awarded which included the installation of in ground sensors. The sensors are primarily being installed to help improve the operations of the parking enforcement team however they will also be installed in our main shopping strips to provide useful data like occupancy rates, length of stay turnover etc. The rollout of the sensors will commence towards the end of 2016 and take approximately six months to complete.</p> <p>Wi-Fi: implementation of free public Wi-Fi in a number of areas including Bridge Road and Gertrude Street was undertaken.</p> <p>Pedestrian counts: officers are investigating the costs and application of this</p>

Attachment 1 - NTE Strategy - implementation plan progress report

Action	Detail	Progress update
		technology and exploring potential grant opportunities.
	Timely and informative reports of relevant data (demand for services at night, amenity impacts).	<p>Council collects relevant data on community attitudes on safety at night within the <i>Annual Customer Satisfaction Survey</i> as well as the recently undertaken <i>Planning For the Future Survey 2015</i>. Both surveys have a robust sample that has resulted in findings that are statistically significant. The <i>Planning For the Future Survey 2015</i> also included questions and results on desirable neighbourhood qualities, population and housing, built form and natural environment, access and movement, community safety, business and employment, and knowledge of planning.</p> <p>An extensive review of pedestrian safety at night was undertaken which reports on safety findings for the <i>Annual Customer Satisfaction Survey</i>, the <i>Planning for the Future Survey 2015</i>, secondary data including crime data and syringe collection data, and feedback from Victoria Police.</p>
1.3 Trial & continue initiatives that enhance people’s experience of visiting night time entertainment precincts through the urban environment	Trial of community grants stream on NTE ‘community strengthening through diverse activities and/or urban environment’.	The Night Time Economy was included as a category in the Community Development stream for the 2016 Annual Grants which were open for applications in June 2015. The purpose of the stream was to provide grants of up to \$3,000 to enhance the vibrancy of areas in Yarra frequented at night and to enhance people’s experience of visiting night time entertainment precincts through events and creative ideas and/or activities of broad interest. No applications under this grant stream were received and ways to better promote the funding stream will be explored.
	Trial of a NTE vibrancy audit program driven by community and authorities as part of Streetscape Masterplan process.	<p>In September last year Council adopted the <i>Victoria Street Streetscape Masterplan</i> which identifies a number of initiatives including new public spaces at seven key intersections with improved seating and lighting.</p> <p>Preparation of a streetscape Masterplan for Brunswick Street is also underway.</p>
	Trial of public free Wi-Fi in areas frequented	A six month trial of public free Wi-Fi was undertaken from between 1 May -

Attachment 1 - NTE Strategy - implementation plan progress report

Action	Detail	Progress update
	at night	31 Oct 2015 in parts of Bridge Road, St Georges Road and Gertrude Street. These three areas each service different markets, providing an opportunity to gather further insights as to where free Wi-Fi may be of most benefit. In the first six months of the trial, 12,437 unique users used the service more than 36,700 times.
2.1 Support community to create vibrancy via events and creative ideas/activities of broad interest in areas frequented at night (that is respectful of local neighbourhood).	Trial of a community grants stream on the NTE that encourages community groups to host events/activities that are inclusive of range of age groups and interests: 'community strengthening through diverse activities and/or urban environment'.	The Night Time Economy was included as a category in the Community Development stream for the 2016 Annual Grants which were open for applications in June 2015. The purpose of the stream was to provide grants of up to \$3,000 to enhance the vibrancy of areas in Yarra frequented at night and to enhance people's experience of visiting night time entertainment precincts through events and creative ideas and/or activities of broad interest. No applications under this grant stream were received and ways to better promote the funding stream will be explored.
	Streamlined process for putting on events.	Events Policy in Public Spaces has been adopted by Council. The event application process has been centralised to create a 'one stop shop' and the Event Permit Officer recruitment process has begun and is expected this full time position will commence in April 2016.
	Process for managing unplanned events.	There is regular ongoing monitoring of social media for unauthorised events (by both Communications Unit and Event Permits Staff). Regular patrols of parks and public spaces on weekends are occurring, along with increased communication and regular meetings between Victoria Police and relevant Council staff.
2.2 Expand opportunities to deliver Council services, programs and facilities at night (outside of current hours of operation) where meets community needs.	Research and evidence into nature of demand for Council facilities and associated resource requirements to maintain and hire the facilities.	Use of Council assets for night time activities have been trialled, resulting in non-alcohol related entertainment options, including the showing of movies in Richmond Town Hall. A range of Council facilities continue to be available for hire during the evening.

Attachment 1 - NTE Strategy - implementation plan progress report

Action	Detail	Progress update
	Improved marketing of Council facilities currently underused and attractive for hire.	The facilities that are commonly underutilised are generally not fit for purpose. The standalone website at http://yarracityarts.com.au/ has led to an increase in demand for Council facilities.
	Research and evidence into nature of demand for Council services at night e.g. recreation based and libraries	<p>A 2010 review on library opening hours identified that there was a desire by some in the community for opening hours later in the evening (past 6pm). While some branches already provide this on some days, inconsistencies are evident across the different branches. Extension to opening hours will have resource implications for Council, and extensions may be sought in the future where appropriate in accordance with the <i>Yarra Libraries Plan 2013-2016 which includes a strategy to "Extend access to Yarra Libraries branches"</i>.</p> <p>In 2015, extended hours were trialled at Richmond Recreation Centre and are now in place. Evening hours include Monday - Thursday until 10pm, Friday to 9pm and Saturday/Sunday to 7pm.</p> <p>The Holden Street Neighbourhood House is undertaking a Holden Street After Dark project that aims to facilitate new partnerships and additional sustainable programs and activities, delivered outside current hours, thus increasing participation. The project has resulted in the scheduling of activities outside of normal business hours including workshops, BBQs and a movie screening in Linear Park which attracted approximately 300 people.</p>
	Trial of Council programs in 'outreach form' in areas frequented at night to engage community.	The Yarra Performance Investigations offers money and space to professional performing arts makers to explore new ideas. Up to four successful projects will be offered a cash support of \$2000 and up to 14 days use of the Richmond Theatrette. Past performances have included dance, circus, music and theatre pieces.
3.1 Review public toilet strategy to consider NTE needs	Review type of role for public toilets in NTE precincts	A public toilet strategy is currently being developed.
	Explore opportunities to leverage off	This is being examined as part of the development of the public toilet

Attachment 1 - NTE Strategy - implementation plan progress report

Action	Detail	Progress update
	existing toilet infrastructure	strategy.
3.2 Explore with late night traders strategies to get available transport options for their patrons.	Trial of initiatives with traders that better guarantee their patrons with a non-public transport service home e.g. traders offering a concierge type service to patrons.	In January 2016, the State Government introduced a one year trial of 24-hour public transport for Friday and Saturday nights (known as the Night Network). The services include trains, trams and buses. The growth of Uber in Melbourne has expanded the supply and availability of late night options for transport.
3.3 Revise licensed premises policy in planning scheme (Clause 22.09) to ensure sustainable night precincts supported by public amenities and infrastructure	Prepare a planning scheme amendment	A revised local planning policy and background report has been prepared and will proceed to Council to allow for the amendment process to proceed.
3.4 Improve movement of people, cyclists and vehicles in/out of night time entertainment precinct (and other locations frequented at night) via permanent and temporary changes in physical infrastructure/urban environment	Trial of pedestrian friendly initiatives such as shared spaces.	<p>Council undertook the trial of a pocket park at the corner of Charles and Mollison Streets in Abbotsford. In February 2016, Council endorsed progressing to designing a permanent park for the site.</p> <p>In January 2016 a new trial pocket park was installed in Jonas Street, Richmond (adjacent to North Richmond Train Station). It is anticipated that Council will determine whether to proceed with a permanent park later in 2016 after an evaluation is undertaken.</p> <p>In February 2016, a parklet was installed as part of the Beat of Brunswick Street 2016 festival. This involved turning four car parking spaces into a temporary green space for two days.</p>
	Trial of bike parking that is inviting at night (location, look & feel).	Council has increased the amount of bicycle parking that is provided on footpaths, which are inviting, have passive surveillance and promote sustainable transport, on Brunswick, Bridge, Johnston and Smith Streets.
	Review of modifying bike/pedestrian traffic	Council has increased the amount of bicycle parking that is provided on the

Attachment 1 - NTE Strategy - implementation plan progress report

Action	Detail	Progress update
	<p>signals to make the area inviting to pedestrians and cyclists.</p>	<p>footpath on Smith, Brunswick, Bridge, Johnston, Swan, and Gertrude streets and Queens Parade. The parking has been installed with attention to user convenience and security (passive surveillance). There are plans for a new set of pedestrian signals on Smith Street and Bridge Road to improve pedestrian safety and access to tram stops. Two upgraded DDA accessible tram stops have been delivered on Victoria Street as part of the track renewal. Council Officers have also been working with Yarra Trams and PTV for improved DDA accessible tram stops on Brunswick Street.</p>
	<p>Improved crossing of pedestrians, cyclists and trams during peak times between the Sporting Entertainment Precinct and Swan Street/Bridge Road.</p>	<p>Council Officers have been liaising with VicRoads in relation to the Streamlining Hoddle Street Study to provide better pedestrian, bicycle and public transport across Hoddle Street. VicRoads and the MCG are currently trialling a 20 minute car exit delay at the MCG to allow pedestrians to be able to exit after a match, which should improve pedestrian access.</p> <p>An officer from Citywide (who are managing traffic management for major event venues such as the MCG and Melbourne Park during the events) raised issues about high number of pedestrians crossing Punt Road at Brunton Avenue after events. As a result, Victoria Police allocated staff resources at this intersection to raise compliance levels by pedestrians and motorists.</p>
<p>3.5 Develop an inner city Local Government position to late night transport</p>	<p>Through avenues such as IMAP & Department of Health’s research, have a strategy on dealing with limited public transport options e.g. as advocacy to State Government.</p>	<p>In January 2016, the State Government introduced a one year trial of 24-hour public transport for Friday and Saturday nights (known as the Night Network). The services include trains, trams and buses.</p>



DRAFT
NIGHT TIME ECONOMY
STRATEGY 2014 - 2018
Updated Implementation
Plan - 2016

Attachment 2 - NTE Strategy - proposed updated implementation plan

This updated implementation plan sets out the key activities to be undertaken for the three objectives outlined in the *City of Yarra Night Time Economy Strategy 2014 - 2018*.

OBJECTIVE 1: SAFE NTE

At night public spaces are well-kept and people behave respectfully.

OBJECTIVE 2: VIBRANT NTE

At night there are a range of people and ages, and a diversity of facilities and activities.

OBJECTIVE 3: FUNCTIONAL NTE

At night entertainment precincts accommodate people at peak times, attract people to walk, cycle or use public transport and have adequate public amenities and infrastructure.

Strategies	Actions
1. Proactively manage the safety and amenity of areas frequented at night and enhance people's experience of visiting night time entertainment precincts.	1.1 Implement a process for undertaking holistic Community Safety Audits. 1.2 Provide programmed nightly sweeping services and routine high pressure cleansing activities, manual litter and rapid response crews, evening litter bin clearances, graffiti removal activities within high profile areas and regular pro-active inspections of main shopping centre precincts. 1.3 Ensure that Crime Prevention through Environmental Design (CPTED) principles are implemented in activity centre masterplans, urban design initiatives and the management of public spaces. 1.4 Proactively manage, plan and respond to events in public spaces, major events and public holidays.
2. Develop and enhance data, evidence, policies, and protocols relating to the NTE.	2.1 Improve the way community safety and amenity concerns are captured and recorded (for example lighting, noise). 2.2 Examine community safety trends and concerns by monitoring various data sources (including precinct/street specific crime data and ACSS results).

Attachment 2 - NTE Strategy - proposed updated implementation plan

Strategies	Actions
	<p>2.3 Amend the question in the resident Annual Customer Satisfaction Survey (ACSS) relating to feelings of safety in the public areas in the City of Yarra in the day and night, to also ask where one feels unsafe (in addition to why) when a score of less than five is provided.</p> <p>2.4 Improve access to NTE related data on Council's GIS system, including for example the locations of licensed premises, taxi infrastructure, public transport infrastructure, public toilets and footpath trading.</p> <p>2.5 Analyse data from the Night Network trial (one year trial of 24 hour public transport on Friday and Saturday nights) to identify key late night locations and any potential issues arising.</p> <p>2.6 Identify mechanisms to better understand perceptions of safety concerns for visitors and traders.</p> <p>2.7 Investigate the costs of pedestrian count technology and explore potential grant opportunities.</p> <p>2.8 Monitor the effectiveness and any issues associated with the agent of change principle introduced into the state section of the planning scheme.</p> <p>2.9 Develop a public toilet strategy.</p> <p>2.10 Develop a Road Safety Strategy that identifies measures to improve the safety of vulnerable road users in entertainment areas.</p>
<p>3. Support diversity in night time related activity, while minimising impacts on residential amenity.</p>	<p>3.1 Create and promote activities that are provided at night within Council owned or supported facilities (for example Neighbourhood houses, libraries and leisure centres).</p> <p>3.2 Approve appropriate applications that seek to diversify non-alcohol related activity at night (such as 24 hour gyms).</p> <p>3.3 Explore opportunities for joint use agreements with local schools and public housing estates that encourage community after-hours access for recreational purposes through the use of existing infrastructure.</p> <p>3.4 Encourage people to explore and visit Yarra's rich street life, galleries, public art and range of cultural activities that operate at night.</p>
<p>4. Collaboratively work with key stakeholders to identify</p>	<p>4.1 Play a key role in the planning and delivery of the Licensee Super Forum 2016 with Melbourne, Port Phillip and Stonnington Councils.</p>

Attachment 2 - NTE Strategy - proposed updated implementation plan

Strategies	Actions
and implement initiatives that enhance and support the NTE.	<p>4.2 Encourage community groups and not-for-profit organisations to apply for grants that contribute to the objectives of the NTE Strategy.</p> <p>4.3 Provide grant opportunities to live music venues to assist with the costs associated with soundproofing.</p> <p>4.4 Advocate for more affordable housing for key workers, including those that work in the NTE.</p> <p>4.5 Work with the Victoria Police, Victorian Commission for Gambling and Liquor Regulation (VCGLR), the Alcohol and Other Drug sector and members of the food and beverage industry to run effective and engaging liquor forums.</p> <p>4.6 Explore the ways high-risk licensed venues can be encouraged to utilise ID scanning equipment.</p> <p>4.7 Attend and actively contribute to the Local Government Alcohol and Other Drugs Issues Forum and other relevant groups.</p> <p>4.8 Provide input into and support the Whole of Government AOD Hotspots Project (including the Night Time Economy project).</p>
5. Improve decision-making, consistency and processes around liquor licensing referrals, planning applications and enforcement.	<p>5.1 Establish an alcohol management group with membership from relevant parts of Council and Victoria Police.</p> <p>5.2 Consider post 1am liquor licence proposals in accordance with Council's Liquor Licence Freeze Exemption Practice Note.</p> <p>5.3 Consider liquor related internal referrals for planning applications and external referrals from the VCGLR in accordance with Council's Internal Referral Protocol.</p> <p>5.4 Review the licensed premises policy in the Yarra Planning Scheme.</p> <p>5.5 Conduct joint compliance checks with Victoria Police and the VCGLR to ensure that licensed venues are complying with liquor licensing and planning permit conditions.</p> <p>5.6 Identify ways to proactively engage with licensees about the proposed future smoking bans in outdoor dining areas.</p> <p>5.7 Advocate for changes to the automatic extension of ordinary licensed trading hours on New Year's Eve to enable consistency and a wider variety of licence types to be eligible for automatic extensions.</p>

11.5 Quarterly Financial Report 31 March 2016

Trim Record Number: D16/71165

Responsible Officer: Director Corporate, Business and Finance

Purpose

1. To provide a quarterly financial report for the Yarra City Council (Council) for the nine months ending 31 March 2016, as well as provide additional information on the current status of Council's financial performance and position.

Background

2. The 2015-16 Annual Budget was adopted by Council on 23 June 2015.
3. Council's quarterly financial report (refer Attachment 1) is being presented in accordance with Section 138 of the *Local Government Act* 1989 (the Act) and the Local Government (Planning & Reporting) Regulations 2014 (the Regulations).
4. The financial report has been prepared on an accrual basis, to ensure accurate matching of income and expenditure, both operating and capital, for the period ending 31 March 2016.

External Consultation

5. No external consultation.

Internal Consultation (One Yarra)

6. This report has been prepared in consultation with Branch managers across the organisation and has been reviewed by the Executive.

Financial Implications

7. The financial report contains information regarding Council operations and capital expenditure compared with the budget. Explanation of variations and commentary from management is also included.

Economic Implications

8. No economic implications considered.

Sustainability Implications

9. No sustainability implications considered.

Social Implications

10. No social implications considered.

Human Rights Implications

11. No human rights implications considered.

Communications with CALD Communities Implications

12. No CALD Community implications considered.

Council Plan, Strategy and Policy Implications

13. No Council plan, strategy and policy implications considered.

Legal Implications

14. A quarterly financial report to Council is a statutory requirement as specified in the Act.

Other Issues

15. As at 31 March 2016 the year to date operating result is a surplus of \$35.3M. The significant surplus is mainly due to recognising the annual rate income raised for the year in July which is planned to be collected during the year. The current end of year surplus forecast is \$9.5M which is a reduction of \$1.7M from the original budgeted surplus of \$11.2M. The surplus provides funding for Council’s capital works program. The year to date (YTD) outcome is favourable to budget by \$2.2M.
16. Council’s cash position has improved as cash inflow normally exceeds cash outflow in this period due to rate payments in full and the 3rd instalment due in February. There was a further swing to ‘payments in full’ which is causing first half of the year concern from a cash perspective. An overdraft facility is in place but consideration of alternative options and expenditure patterns is required for future years. Forward cash estimates indicate only a marginal result and restrictions need to be applied across various operational and capital programs to deliver a more favourable financial result.
17. The forecast result includes the following major variances (10% and/or >\$50,000):

Category	Category Budget Variance \$'M Fav/(Unfav)	Items	Item Variance \$'M Fav/(Unfav)
Income			
Rate Revenue	\$1.12M	<ul style="list-style-type: none"> • Favourable variance mainly relates to additional supplementary rate income raised for the year. 	\$0.65M
Victorian Grants Commission	(\$0.87M)	<ul style="list-style-type: none"> • Unfavourable forecast variance is due to revising the remaining grant income and payments expected during the year. It should be noted that Council received a 50% advance payment (\$1.1M including the roads component) from VGC on 30 June 2015 for the 2015/16 grant allocation. 	(\$0.87M)
Government Grants	(\$0.48M)	<ul style="list-style-type: none"> • Unfavourable forecast variance is mainly due to reduced grants received in Family, Youth & Child Services for the Federal Child Care Benefit. It should be noted that the budget for this item has been reviewed and found to be overstated therefore the forecast has been revised to reflect a more accurate amount. • This is partially offset by minor grant increases in Libraries, Arts, Culture & Venues and Engineering Services. 	(\$0.647M) \$0.15M
Grants – Capital	\$0.68M	<ul style="list-style-type: none"> • The variance is mainly due to receipt of funds in support of the North Fitzroy Community Hub which was not budgeted. • Additional income is expected in Engineering Services for Roads projects which will be undertaken in the 2015/16 financial year. • Recreation and Open Space has received funding for Public Safety Infrastructure works, as well as funding to support the redevelopment of the Yambla Pavillion. 	\$0.25M \$0.27M \$0.17M
Parking Revenue	(\$2.82M)	<ul style="list-style-type: none"> • Income from parking revenue is forecast to be unfavourable due to reduced income from Victoria Parade and Wellington Street parking spaces. There will also be a reduction in revenue due to vandalism to various meters and delays in the implementation of the automated parking technology. 	(\$2.82M)
Charges, Fees & Fines	(\$0.71M)	<ul style="list-style-type: none"> • Unfavourable forecast variance is mainly due to reduced child care fees being received in Family, Youth and Child Services. This follows a process review which showed that the original budget was overly optimistic. The forecast has been updated to reflect a more accurate amount. 	(\$0.73M)
Reimbursements and Contributions	\$1.5M	<ul style="list-style-type: none"> • The favourable result is mainly due to developer contributions received year to date in Statutory Planning. These funds are to be transferred to the Open Space Reserve (OSR) and acquitted against OSR obligations. 	\$0.96M

Reimbursements and Contributions	\$2.3M	<ul style="list-style-type: none"> The favourable result is mainly due to developer contributions received year to date in Statutory Planning. These funds are to be transferred to the Open Space Reserve. There was also additional fee income received for Construction requests. This is a permanent variance which is unlikely to change over the financial year. A favourable result exists in Construction, partly offset by expenditure, mainly due to additional funds received for reinstatement and compliance works. This is a permanent variance which is unlikely to change over the financial year. Compliance has achieved a favourable result; however this is a temporary variance which is expected to resolve. 	<p>\$1.8M</p> <p>\$0.4M</p> <p>\$0.1M</p>
Other Income	\$1.46M	<ul style="list-style-type: none"> Other income is favourable mainly due to the sale of a right of way which was not known at the time of budget development. This is a permanent variance which is unlikely to change over the financial year. 	\$1.1M
Asset Sales	(\$0.63M)	<ul style="list-style-type: none"> Motor vehicle sales (trade-ins) have been delayed pending review of fleet management options. If leasing is pursued a permanent variance will occur. 	(\$0.63M)
Expenditure			
Employee Expenses	(\$1.9M)	<ul style="list-style-type: none"> A number of branches recorded unfavourable variances, including Parking (\$0.47M), Engineering Operations (\$0.14M), and Advocacy and Engagement (\$0.27M). These variances are mainly due to realignment costs which were not budgeted but are expected to improve over time. The unfavourable result in Finance relates to overall organisational oncost charges and recovery. Provision for long service leave, superannuation costs to date and maternity leave costs this financial year are currently unfavourable which are all staff related costs. Leave loading has been paid in December and the annual WorkCover premium was paid earlier in the year so no further variance is expected in these items which will remain favourable. Additional employee oncost expenditure – superannuation and long service leave provision - is expected to be partly offset by budget savings in contributions held in the Finance branch budget. This unfavourable variance is offset by a favourable result in Family, Youth and Child Services. This is a permanent variance. 	<p>(\$0.88M)</p> <p>(\$1.9M)</p> <p>\$1.16M</p>
Contract Payments	\$0.65M	<ul style="list-style-type: none"> A favourable year to date variance was recorded in Aged and Disability Services, mainly due to lower than anticipated expenditure in Home Care and Meals Delivery. It is expected that this is a temporary variance only. A favourable year to date variance was also recorded in Recreation and Open Space as a result of delays in the tree and bushland maintenance activities. It is expected that these are temporary variances only. 	<p>\$0.3M</p> <p>\$0.46M</p>
Maintenance	\$0.85M	<ul style="list-style-type: none"> Maintenance costs are favourable to budget in Buildings and Property mainly due to savings in the cleaning contract. This is likely to be a permanent variance however is dependent on no additional cleaning tasks being required. Fleet Management have recorded a favourable variance year to date mainly due to reduced expenditure for maintenance of vehicles. 	<p>\$0.37M</p> <p>\$0.28M</p>
Depreciation	\$1.62M	<ul style="list-style-type: none"> Depreciation is favourable to budget and reflects the new value of assets currently capitalised and a favourable position is likely at year end. This is a permanent variance which is unlikely to change over the financial year. It should be noted that this variance does not have an impact on Council's cash position. 	\$1.62M

Cash Position

- Council's cash balance at the end of March 2016 is \$31.64M, reflecting a net cash inflow of \$9.2M for the financial year to date. Council has access to overdraft when 'net cash' is negative in order to meet commitments which is not required at this time.

19. Rate debt is \$1M higher than for the same time last year. These debtors are being reviewed and action taken as required. Changed payment options for next financial year are being proposed to improve cashflow and reduce overdraft costs in the early part of the year.
20. Council currently has \$27M in investments and also access of up to \$10M in overdraft (refer Table 4.1). In order to improve the cash available to fund future commitments, it is recommended that expenditure for the 2015-16 financial year is monitored closely and that discretionary spend is curtailed where possible.

Debtors

21. Rates debtors as at the end of March 2016 totalled \$23.5M of which \$1.5M relates to rates outstanding from previous rate years. The rate debtor figure, compared with last year, will also reduce in coming months as collection activity is undertaken for any outstanding 'in full' payments. In previous years there has been a swing towards the payment in full option in February and a reduction in the four instalment payment options. Currently there are over 15,000 ratepayers choosing to pay this way and this has a substantial impact on cash inflow in the first half of the year.
22. Parking debtors amounted to \$3.85M (net of doubtful debt provisions). Long term infringements are referred to the Infringements Court for collection. Parking debt levels are similar to last year. Accounting treatment for provision of parking debt is under review.
23. Other debtors (net of doubtful debt provisions), including GST receivable, outstanding at the end of March 2016 was \$3.69M which is \$0.4M higher than the previous financial years result of \$3.3M. Other debtors mainly comprise sundry debtors of \$1.3M, fines and costs of \$0.93M, GST clearing of \$0.65M, building and planning of \$1.1M, and leisure centre of \$0.13M. All areas of operation that carry debt are being reviewed in conjunction with branch managers and assessed for positive collection activity. A new Debtor Management Policy has been developed for implementation if approved by Council in June 2016.
24. At the end of each financial year all debts are required to be assessed for collection as part of annual audit requirements and provision made for doubtful debt. Childcare debtors have been further reviewed in terms of collectability and other categories are also in the process of further review. Any formal write-off of debt requires Council approval and this is incorporated in the proposed Debtor Management Policy for Council consideration in June 2016.

Capital Works Program

25. The March 2016 capital works report (refer Section 3) reflects expenditure of \$15.6M, compared with a year to date budget of \$27.36M, and represents 39% of the capital works program of \$40.5M (including 2014/15 carry forward projects).
26. Additional income grants have been received in the Roads to Recovery and Blackspot grants programs which must be acquitted by additional expenditure. The cashflow estimates for the North Fitzroy Community Hub project indicate carry forward funds of \$4.68M will exist at year end, as well as carry forwards of \$1.2M for Other Buildings, Open Space and IS projects. A deferral of \$0.52M for Roads projects has also been identified. The current forecast capital expenditure as at 31 March 2016 is \$32.3M which is 80% of the total capital budget.

27. Many projects have already been revised since budget adoption and change requests need to be assessed and funded from within the existing program either by savings or project deferral. These have been reviewed and approved at the Executive Capital Monitoring Group meeting. There are no additional funds available to support an increase to the program spend – unless additional income contributions are sourced that do not require a co-payment by Council.

Options

28. No further options.

Conclusion

29. Council officers have prepared a quarterly financial report for the period ending 31 March 2016, in accordance with the Act. The report, refer Attachment 1, is presented to Council to note and to approve the variations to the forecasts contained therein.

RECOMMENDATION

1. That Council:
- (a) notes the Yarra City Council financial report for the period ending 31 March 2016 (Attachment 1) presented in accordance with Section 138 of the *Local Government Act* 1989; and
 - (b) approves the revised forecasts contained therein.

CONTACT OFFICER: Philip Mason
TITLE: Chief Financial Officer
TEL: 9205 5449

Attachments

- 1 Financial Report March

Attachment 1 - Financial Report March



**CITY OF YARRA
FINANCIAL REPORT
for the period ending 31 March 2016**

Attachment 1 - Financial Report March

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Attachment 1 - Financial Report March

1 Executive Summary

1.1 Finance Overview and Recommendations

The March financial result for Council is favourable to budget by \$2.2M for the nine months ending 31 March 2016. Income is favourable by \$1.6M mainly due to additional developer contributions received to date, as well as a right of way sale. This is partly offset by lower than expected parking income. Expenditure is also favourable (\$0.57M) which relates mainly to contract payments and depreciation to date, offset by additional expenditure in employee expenses and other materials and services.

The current forecast surplus at year end is \$9.5M, which is lower than the adopted budget surplus of \$11.2M for 2015/16. This is mainly due to higher legal expenses that have been and will be incurred this financial year. Finance staff, in conjunction with Branch Managers, are continuing to identify areas where savings can be found in order to recover the unanticipated expenditure and improve the forecast position.

1.2 Operating Result – Budget

As at 31 March 2016 the year to date operating result is a surplus of \$35.3M. The significant surplus is mainly due to recognising the annual rate income raised for the year in July which is planned to be collected during the year. The current end of year surplus forecast is \$9.5M which is a reduction of \$1.7M from the original budgeted surplus of \$11.2M. The surplus provides funding for Council's capital works program. The year to date (YTD) outcome is favourable to budget by \$2.2M.

The forecast result includes the following major variances (10% and/or >\$50,000):

Category	Category Budget Variance \$'M Fav/(Unfav)	Items	Item Variance \$'M Fav/ (Unfav)
Income			
Rate Revenue	\$1.12M	<ul style="list-style-type: none"> Favourable variance mainly relates to additional supplementary rate income raised for the year. 	\$0.65M
Victorian Grants Commission	(\$0.87M)	<ul style="list-style-type: none"> Unfavourable forecast variance is due to revising the remaining grant income and payments expected during the year. It should be noted that Council received a 50% advance payment (\$1.1M including the roads component) from VGC on 30 June 2015 for the 2015/16 grant allocation. 	(\$0.87M)
Government Grants	(\$0.48M)	<ul style="list-style-type: none"> Unfavourable forecast variance is mainly due to reduced grants received in Family, Youth & Child Services for the Federal Child Care Benefit. It should be noted that the budget for this item has been reviewed and found to be overstated therefore the forecast has been revised to reflect a more accurate amount. This is partially offset by minor grant increases in Libraries, Arts, Culture & Venues and Engineering Services. 	(\$0.647M) \$0.15M
Grants – Capital	\$0.68M	<ul style="list-style-type: none"> The variance is mainly due to receipt of funds in support of the North Fitzroy Community Hub which was not budgeted. Additional income is expected in Engineering Services for Roads projects which will be undertaken in the 2015/16 financial year. Recreation and Open Space has received funding for Public Safety Infrastructure works, as well as funding to support the redevelopment of the Yambla Pavillion. 	\$0.25M \$0.27M \$0.17M
Parking Revenue	(\$2.82M)	<ul style="list-style-type: none"> Income from parking revenue is forecast to be unfavourable due to reduced income from Victoria Parade and Wellington Street parking spaces. There will also be a reduction in revenue due to vandalism to various meters and delays in the implementation of the automated parking technology. 	(\$2.82M)
Charges, Fees & Fines	(\$0.71M)	<ul style="list-style-type: none"> Unfavourable forecast variance is mainly due to reduced child care 	(\$0.73M)

Attachment 1 - Financial Report March

The year to date result includes the following major budget variances:

Category	Category Budget Variance \$'M Fav/(Unfav)	Items	Item Variance \$'M Fav/(Unfav)
Income			
Rate Revenue	\$1.20M	<ul style="list-style-type: none"> Favourable supplementary income raised year to date. 	\$1.04M
Victorian Grants Commission	\$0.23M	<ul style="list-style-type: none"> The variance is due to the receipt of the third quarter grant instalment being received in February – ahead of anticipated. This is a temporary variance which will resolve. 	\$0.23M
Grants – Capital	\$0.96M	<ul style="list-style-type: none"> The variance is mainly due to receipt of funds in support of the North Fitzroy Community Hub which was not budgeted. This is a permanent variance. Library services has received a grant for Ewing Trust which was not phased. This is a permanent variance. Engineering Services has received grants for Traffic and Roads to Recovery which are ahead of phasing. This is mostly a temporary variance however additional funds are being received for Roads to Recovery which were not previously budgeted. 	\$0.25M \$0.23M \$0.37M
Parking Revenue	(\$3M)	<ul style="list-style-type: none"> Income from parking revenue is unfavourable mainly due to reduced parking availability from Victoria Parade and Wellington Street. There is also some reduction in revenue due to vandalism to various meters and delays in the implementation of the automated parking system. This is a permanent variance which is unlikely to change over the financial year. 	(\$3M)
Reimbursements and Contributions	\$2.3M	<ul style="list-style-type: none"> The favourable result is mainly due to developer contributions received year to date in Statutory Planning. These funds are to be transferred to the Open Space Reserve. There was also additional fee income received for Construction requests. This is a permanent variance which is unlikely to change over the financial year. A favourable result exists in Construction, partly offset by expenditure, mainly due to additional funds received for reinstatement and compliance works. This is a permanent variance which is unlikely to change over the financial year. Compliance has achieved a favourable result, however this is a temporary variance which is expected to resolve. 	\$1.8M \$0.4M \$0.1M
Other Income	\$1.46M	<ul style="list-style-type: none"> Other income is favourable mainly due to the sale of a right of way which was not known at the time of budget development. This is a permanent variance which is unlikely to change over the financial year. 	\$1.1M
Asset Sales	(\$0.63M)	<ul style="list-style-type: none"> Motor vehicle sales (trade-ins) have been delayed pending review of fleet management options. If leasing is pursued a permanent variance will occur. 	(\$0.63M)
Expenditure			
Employee Expenses	(\$1.9M)	<ul style="list-style-type: none"> A number of branches recorded unfavourable variances, including Parking (\$0.47M), Engineering Operations (\$0.14M), and Advocacy and Engagement (\$0.27M). These variances are mainly due to realignment costs which were not budgeted but are expected to improve over time. The unfavourable result in Finance relates to overall organizational oncost charges and recovery. Provision for long service leave, superannuation costs to date and maternity leave costs this financial year are currently unfavourable which are all staff related costs. Leave loading has been paid in December and the annual workcover premium was paid earlier in the year so no further variance is expected in these items which will remain favourable. Additional employee oncost expenditure – superannuation and long service leave provision - is expected to be partly offset by budget savings in contributions held in the Finance branch budget. Further review of these costs and the forecast result is currently underway. This unfavourable variance is offset by a favourable result in Family, Youth and Child Services. This is a permanent variance. 	(\$0.88M) (\$1.9M) \$1.16M
Contract Payments	\$0.65M	<ul style="list-style-type: none"> A favourable year to date variance was recorded in Aged and Disability Services, mainly due to lower than anticipated expenditure in Home Care and Meals Delivery. It is expected that this is a temporary variance only. 	\$0.3M

Attachment 1 - Financial Report March

		<ul style="list-style-type: none"> A favourable year to date variance was also recorded in Recreation and Open Space as a result of delays in the tree and bushland maintenance activities. It is expected that these are temporary variances only. 	\$0.46M
Maintenance	\$0.85M	<ul style="list-style-type: none"> Maintenance costs are favourable to budget in Buildings and Property mainly due to savings in the cleaning contract. This is likely to be a permanent variance however is dependent on no additional cleaning tasks being required. Fleet Management have recorded a favourable variance year to date mainly due to reduced expenditure for maintenance of vehicles. 	\$0.37M \$0.28M
Depreciation	\$1.62M	<ul style="list-style-type: none"> Depreciation is favourable to budget and reflects the new value of assets currently capitalised and a favourable position is likely at year end. This is a permanent variance which is unlikely to change over the financial year. It should be noted that this variance does not have an impact on Council's cash position. 	\$1.62M

1.3 Cash Position

Council's cash balance at the end of March 2016 is \$31.64M, reflecting a net cash inflow of \$9.2M for the financial year to date. Council has access to overdraft when 'net cash' is negative in order to meet commitments which is not required at this time.

Rate debt is \$1M higher than for the same time last year. These debtors are being reviewed and action taken as required. Changed payment options for next financial year are being proposed to improve cashflow and reduce overdraft costs in the early part of the year.

Council currently has \$27M in investments and also access of up to \$10M in overdraft (refer Table 4.1). In order to improve the cash available to fund future commitments, it is recommended that expenditure for the 2015-16 financial year is monitored closely and that discretionary spend is curtailed where possible.

1.4 Debtors

Rates debtors as at the end of March 2016 totalled \$23.5M of which \$1.5M relates to rates outstanding from previous rate years. The rate debtor figure, compared with last year, will also reduce in coming months as collection activity is undertaken for any outstanding 'in full' payments. In previous years there has been a swing towards the payment in full option in February and a reduction in the four instalment payment options. Currently there are over 15,000 ratepayers choosing to pay this way and this has a substantial impact on cash inflow in the first half of the year.

Parking debtors amounted to \$3.85M (net of doubtful debt provisions). Long term infringements are referred to the Infringements Court for collection. Parking debt levels are similar to last year. Accounting treatment for provision of parking debt is under review.

Other debtors (net of doubtful debt provisions), including GST receivable, outstanding at the end of March 2016 was \$3.69M which is \$0.4M higher than the previous financial years result of \$3.3M. Other debtors mainly comprise sundry debtors of \$1.3M, fines and costs of \$0.93M, GST clearing of \$0.65M, building and planning of \$1.1M, and leisure centre of \$0.13M. All areas of operation that carry debt are being reviewed in conjunction with branch managers and assessed for positive collection activity. A new Debtor Management Policy has been developed for implementation upon Council approval in June 2016.

At the end of each financial year all debts are required to be assessed for collection as part of annual audit requirements and provision made for doubtful debt. Childcare debtors have been further reviewed in terms of collectability and other categories are also in the process of further review. Any formal write-off of debt requires Council approval and this is incorporated in the proposed Debtor Management Policy for Council consideration in June 2016.

Refer to Section 5 for more information on debtors.

Attachment 1 - Financial Report March

1.5 Capital Works Program

The March 2016 capital works report (refer Section 3) reflects expenditure of \$15.6M, compared with a year to date budget of \$27.36M, and represents 39% of the capital works program of \$40.5M (including 2014/15 carry forward projects).

Additional income grants have been received in the Roads to Recovery and Blackspot grants programs which must be acquitted by additional expenditure. The cashflow estimates for the North Fitzroy Community Hub project indicate carry forward funds of \$4.68M will exist at year end, as well as carry forwards of \$1.2M for Other Buildings, Open Space and IS projects. A deferral of \$0.52M for Roads projects has also been identified. The current forecast capital expenditure as at 31 March 2016 is \$32.3M which is 80% of the total capital budget.

Since budget adoption various projects have been revised (refer table 3.2).

Attachment 1 - Financial Report March

2 Financial Statements

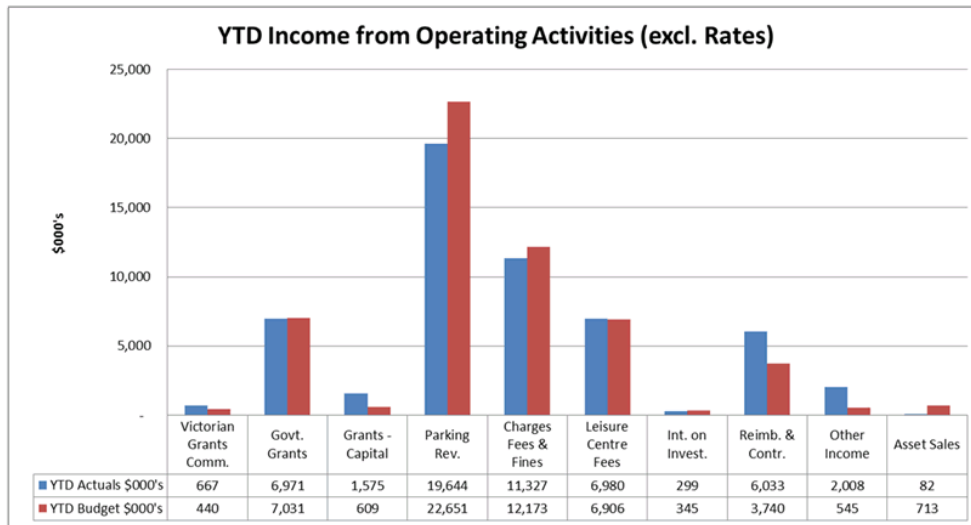
2.1 Income Statement for the period ending 31 March 2016

	Adopted Budget \$'000	YTD Actual \$'000	YTD Budget \$'000	YTD Variance \$'000	YTD Actual to Budget Variance %	Current EOY Forecast \$'000	Forecast Variance \$'000	Forecast Variance %
Revenue from ordinary activities								
Rate Revenue	96,739	97,604	96,422	1,182	1.2%	97,861	1,121	1.2%
Victorian Grants Commission	1,760	667	440	227	51.7%	889	(871)	-49.5%
Government Grants	9,342	6,971	7,031	(60)	-0.9%	8,859	(483)	-5.2%
Grants - Capital	808	1,575	609	966	158.6%	1,491	682	84.4%
Parking Revenue	30,201	19,644	22,651	(3,007)	-13.3%	27,385	(2,817)	-9.3%
Charges Fees & Fines	15,581	11,327	12,173	(846)	-7.0%	14,871	(710)	-4.6%
Leisure Centre Fees	9,158	6,980	6,906	74	1.1%	9,132	(27)	-0.3%
Interest on Investments	460	299	345	(46)	-13.4%	405	(55)	-12.0%
Reimbursements & Contributions	4,992	6,033	3,740	2,292	61.3%	6,493	1,501	30.1%
Other Income	728	2,008	545	1,463	268.5%	2,042	1,313	180.4%
Proceeds from Sale of Assets	950	82	713	(631)	-88.5%	1,150	200	21.1%
	170,720	153,189	151,574	1,615	1.1%	170,577	(143)	-0.1%
Expenses from ordinary activities								
Employee Costs	72,274	56,308	54,398	(1,910)	-4%	72,927	(653)	-0.9%
Contract Payments	20,355	14,220	14,871	651	4%	20,455	(100)	-0.5%
Maintenance	8,242	5,333	6,178	845	14%	7,936	307	3.7%
Other Materials & Services	32,922	24,591	24,441	(150)	-1%	35,135	(2,212)	-6.7%
Provision for Doubtful Debts	2,120	1,671	1,590	(81)	-5%	2,120	0	0.0%
Depreciation & Amortisation	21,595	14,579	16,196	1,617	10%	20,499	1,096	5.1%
Debt Servicing Costs	1,511	1,157	756	(401)	-53%	1,511	(0)	0.0%
WDV Assets Sold	500	0	0	0	0%	500	0	0.0%
	159,520	117,858	118,430	572	0%	161,083	(1,563)	-1.0%
Surplus/(Deficit)	11,200	35,331	33,144	2,187	7%	9,494	(1,706)	-15.2%

- Note that the funds received from Developers Contributions are transferred to the Open Space Reserve.

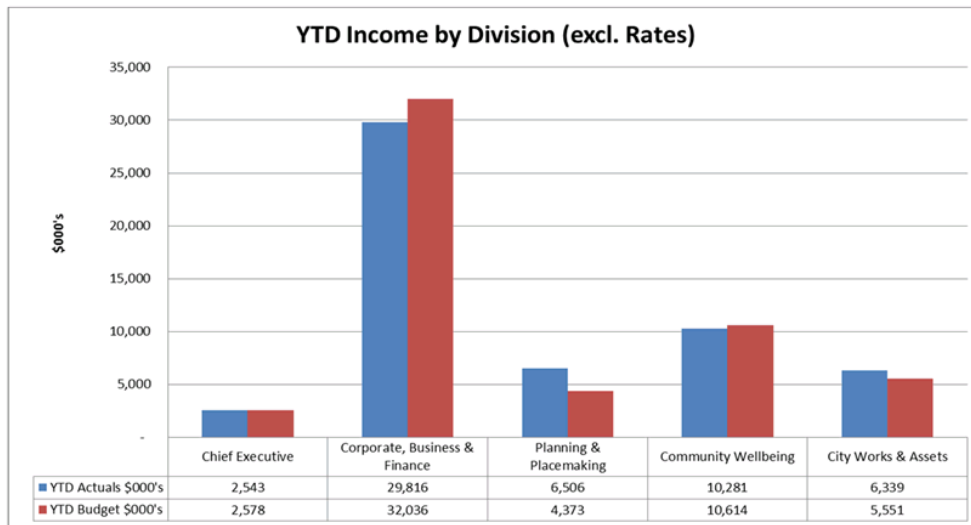
Attachment 1 - Financial Report March

Chart 2.1 – YTD Income from Operating Activities



1. Income for capital grants is favourable mainly due to funds received for the North Fitzroy Community Hub and funds received for the Ewing Trust.
2. Income from parking revenue is unfavourable due to reduced parking availability from Victoria Parade and Wellington Street. There is also some reduction in revenue due to vandalism to various meters and delays in the implementation of the automated parking system.
3. Reimbursements and Contributions favourable result is mainly due to developer contributions received year to date in Statutory Planning. These funds are to be transferred to the Open Space Reserve. There was also additional fee income received for Construction permits.
4. Other Income is favourable due to the sale of a right of way which was not budgeted.

Chart 2.2 – YTD Income by Division



5. Planning and Placemaking are favourable to budget mainly due to increased contributions from Developers.
6. Corporate, Business and Finance are unfavourable mainly due to reduced income for parking as well as reduced asset sales.

Attachment 1 - Financial Report March

Chart 2.3 – YTD Expenditure on Operating Activities

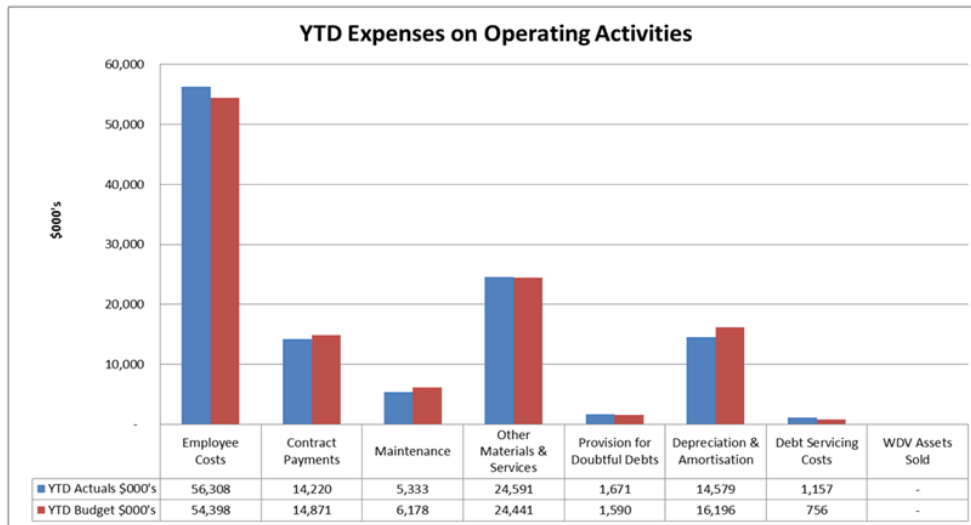
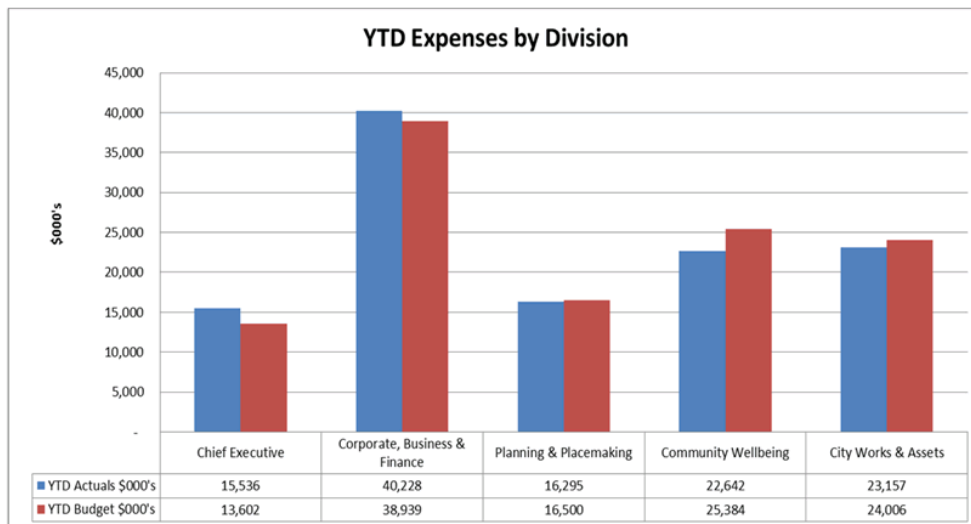


Chart 2.4 – YTD Expenditure by Division



1. Chief Executive Division is unfavourable to budget mainly due to legal expenses.
2. Community Wellbeing is favourable to budget mainly due to lower employee expenses and other materials and services.

Attachment 1 - Financial Report March

2.2 Balance Sheet at 31 March 2016

	Mar-16 \$000's	Mar-15 \$000's
CURRENT ASSETS		
Cash and cash equivalents	31,602	29,677
Receivables - Rates	23,532	22,474
Receivables - Parking	3,851	3,322
Receivables - Other	3,691	3,267
Accrued income	218	452
Prepayments	64	48
Inventories	135	145
Assets Held for Sale	640	-
TOTAL CURRENT ASSETS	63,733	59,385
NON-CURRENT ASSETS		
Non-current receivables	230	200
Non-current investments	20	20
Financial assets	5	5
Property, infrastructure, plant and equipment	1,571,037	1,506,058
TOTAL NON-CURRENT ASSETS	1,571,292	1,506,283
TOTAL ASSETS	1,635,025	1,565,668
CURRENT LIABILITIES		
Payables	343	6,776
Fire Services Levy	9,637	8,819
Trust funds	1	2,949
Accrued Expenses	2,709	2,124
Employee benefits	2	13,296
Interest-bearing liabilities	-	-
TOTAL CURRENT LIABILITIES	27,140	33,964
NON-CURRENT LIABILITIES		
Trust Accounts	1	-
Employee benefits	2	-
Interest-bearing liabilities	32,500	32,500
TOTAL NON-CURRENT LIABILITIES	34,382	32,500
TOTAL LIABILITIES	61,522	66,464
NET ASSETS	1,573,503	1,499,204
EQUITY		
Accumulated surplus	574,749	567,657
Asset revaluation reserves	946,159	886,998
Open Space Reserve	17,090	14,248
Parking Contribution	79	79
Retained Earnings	35,426	30,221
TOTAL EQUITY	1,573,503	1,499,204

- Trust accounts have been reviewed and a component relating to long term projects is classified as non-current liabilities.
- Employee liabilities include a component that can be classified as non-current liabilities.

Attachment 1 - Financial Report March

2.3 Cash Flow Statement at 31 March 2016

CASH FLOW STATEMENT		
	March 2016	March 2015
	Inflows / (Outflows)	Inflows / (Outflows)
	\$'000	\$'000
Cash Flows from Operating Activities		
Rates and Charges	83,029	76,944
Parking Revenue	18,663	18,502
Government Grants Received	7,597	6,711
Victoria Grants Commission	667	1,297
User Charges, Fees and Other Fines Received	21,435	20,666
Reimbursements and Contributions Received	1,312	1,481
Interest Revenue	265	269
Other Revenue	5,886	3,385
Payments to Suppliers	(53,751)	(50,301)
Payments to Employees	(57,532)	(53,459)
Borrowing Costs		
Net GST	647	1,637
Net Cash Provided by Operating Activities	28,219	27,132
Cash Flows from Investing Activities		
Proceeds from Sale of Property, Plant & Equipment	108	528
Payments for Infrastructure, Property Plant & Equipment	(18,399)	(19,220)
Net Cash (Used in) Investing Activities	(18,291)	(18,692)
Cash Flows from Financing Activities		
Finance Costs	762	483
Net Cash (Used In) Financing Activities	762	483
Cash Balances		
Change in Cash Held	9,166	7,957
Opening Cash Balance	22,435	21,720
Cash at the End of the Financial Period	31,602	29,677

Attachment 1 - Financial Report March

3 Capital Works

3.1 Overview of Budgeted and Actual Capital

Total capital works expenditure to the end of March 2016 totals \$15.6M, compared with a year to date budget of \$27.4M and an adopted budget of \$40.5M. The year to date variance is \$11.7M.

Commentary on major variations between the year to date budget and actual expenditure, and final year-end projections are as follows:

- Road Infrastructure expenditure is behind year to date budget by \$0.6M. This is mainly due to some project delays in kerb and channel, footpath works, street furniture, and transport works, offset by increased works in pavement;
- Open Space Infrastructure is lower than the year to date budget by \$1.4M. This is mainly due to underspends in Leisure Assets and Other Open Space Assets which is expected to improve by year end;
- Buildings and Equipment Assets is behind for the year to date budget by \$7.1M. This is mainly due to carry-over projects (including the North Fitzroy Community Hub) and roof-works being behind schedule; and,
- Other Assets including Information Systems and Library Assets are collectively lower than the program budget by \$2.6M. This is mainly due to delays in IS projects, as well as other plant and equipment.

It should be noted that the motor vehicle replacement program has been put on hold pending the assessment of fleet management including leasing. This could result in savings in the capital program this financial year which should be quarantined.

Roads to Recovery funding, which will be received at the end of the financial year, will be higher than expected however this will result in increased expenditure on new roads.

There will also be a carry over for the North Fitzroy Community Hub of approximately \$4.68M which will be expended next financial year in completing the project.

Attachment 1 - Financial Report March

3.2 Capital works for the period ending 31 March 2016

Capital Level 1	Capital Level 1 Description	Adopted Budget	Last Months Projection (FCS)	Final Projection	FY Budget	Actuals YTD	Commitments	Actual Plus Commitments	Carry Over	Deferred
100	Road Infrastructure	9,632,800	9,562,496	9,609,511	9,632,800	5,710,669	1,780,358	7,509,139	0	520,000
300	Open Space Infrastructure	5,021,772	4,914,766	3,906,751	5,021,772	2,116,127	638,113	2,761,940	1,005,000	0
400	Building & Equipment Assets	20,381,000	14,829,828	14,722,330	20,381,000	6,644,955	13,161,100	19,705,105	4,780,000	0
600	Information Systems	2,820,000	2,587,000	2,438,000	2,820,000	429,853	156,097	240,599	140,000	0
700	Other General Assets	1,860,245	1,525,245	915,245	1,860,245	88,839	555,031	643,869	0	0
800	Library	790,000	774,379	774,379	790,000	631,752	113,701	728,577	0	0
Total		40,505,817	34,193,714	32,366,216	40,505,817	15,622,196	16,404,400	31,589,229	5,925,000	520,000

Asset Class	Asset Class Description	Adopted Budget	Last Months Projection (FCS)	Final Projection	FY Budget	Actuals YTD	Commitments	Actual Plus Commitments	Carry Over	Deferred
150	Kerb & Channel	755,000	732,937	732,937	755,000	431,201	185,139	616,340	0	0
160	Footpath	1,520,000	1,400,356	1,415,356	1,520,000	799,686	397,313	1,197,000	0	0
170	Pavement	2,645,000	2,722,476	2,827,476	2,645,000	1,968,530	339,082	2,325,723	0	0
180	Drainage	848,000	904,081	887,096	848,000	400,824	200,414	601,237	0	80,000
185	Root Barrier Treatments	749,000	690,675	690,675	749,000	620,110	640	620,750	0	0
200	Lanes - Pavement	619,000	718,799	718,799	619,000	590,604	85,828	676,432	0	0
205	Lanes - Drainage	205,000	150,000	150,000	205,000	42,445	110,000	152,445	0	0
220	Bridges	60,000	60,000	60,000	60,000	18,625	0	18,625	0	0
225	Retail - Footpath/Car Park	490,000	487,122	487,122	490,000	331,613	86,010	417,623	0	0
240	Street Furniture	178,000	178,000	178,000	178,000	60,214	42,840	103,054	0	0
260	Transport	1,713,800	1,668,050	1,612,050	1,713,800	491,290	419,102	910,392	0	440,000
300	Open Space - Playground	1,276,592	1,244,514	839,514	1,276,592	153,748	348,287	502,035	405,000	0
304	Open Space - Sports	270,170	181,270	181,270	270,170	178,977	2,145	181,122	0	0

Attachment 1 - Financial Report March

Asset Class	Asset Class Description	Adopted Budget	Last Months Projection (FCS)	Final Projection	FY Budget	Actuals YTD	Commitments	Actual Plus Commitments	Carry Over	Deferred
306	Open Space - Irrigation	17,710	16,800	16,800	17,710	16,800	0	16,800	0	0
310	Open Space - Walls and Fence	500,000	448,923	448,923	500,000	350,918	2,355	353,273	0	0
320	Open Space - Pathway	662,300	630,055	27,040	662,300	25,631	1,409	27,040	600,000	0
330	Waste Management	50,000	50,000	20,000	50,000	0	0	0	0	0
335	Open Space - Horticulture	20,000	20,000	20,000	20,000	8,955	0	8,955	0	0
340	Open Space - Turf	50,000	45,561	45,561	50,000	50,597	0	50,597	0	0
350	Open Space - Park Furniture	2,225,000	2,327,643	2,327,643	2,225,000	1,330,502	283,917	1,622,118	0	0
400	Buildings -Floors	749,000	749,645	674,195	749,000	376,040	186,153	562,193	100,000	0
410	Buildings -Walls	1,097,000	587,137	563,291	1,097,000	486,939	41,576	525,517	0	0
420	Buildings -Roof	1,356,000	1,309,755	1,231,755	1,356,000	669,704	588,186	1,253,518	0	0
430	Buildings -Mechanical	1,445,000	701,654	761,654	1,445,000	203,659	167,770	371,429	0	0
440	Buildings -Plumbing	347,000	97,574	63,574	347,000	4,694	0	3,958	0	0
450	Buildings -Electrical	116,000	36,477	36,477	116,000	26,200	11,007	-63,169	0	0
460	Buildings -Miscellaneous	10,827,000	10,695,135	10,738,932	10,827,000	4,202,938	12,002,910	16,219,760	4,680,000	0
470	Building Assets -Carry over	4,249,000	495,452	495,452	4,249,000	499,301	156,475	649,056	0	0
500	Plant & Equipment	1,855,245	1,482,245	902,245	1,855,245	219,847	476,042	696,229	0	0
610	IS Projects	2,620,000	2,387,000	2,438,000	2,620,000	429,853	156,097	240,599	140,000	0
700	Other Capital Projects	200,000	200,000	0	200,000	0	0	0	0	0
801	Library Projects	790,000	774,379	774,379	790,000	631,752	113,701	728,577	0	0
Total		40,505,817	34,193,714	32,366,216	40,505,817	15,622,196	16,404,400	31,589,229	5,925,000	520,000

Asset Type	Asset Type Description	Adopted Budget	Last Months Projection (FCS)	Final Projection	FY Budget	Actuals YTD	Commitments	Actual Plus Commitments	Carry Over	Deferred
CAPN	Capital Project New	15,875,000	11,075,466	10,483,481	15,875,000	3,727,198	11,920,086	15,646,128	5,280,000	440,000
CAPR	Capital Project Renewal	23,235,017	21,436,198	20,211,684	23,235,017	11,373,700	4,110,082	15,030,366	645,000	80,000
CAPU	Capital Project Upgrade	1,395,800	1,682,050	1,671,050	1,395,800	521,298	374,231	912,735	0	0
Total		40,505,817	34,193,714	32,366,216	40,505,817	15,622,196	16,404,400	31,589,229	5,925,000	520,000

Attachment 1 - Financial Report March

4 Investments and Reserves

Graph 4.1: Cash Flow Comparison – Total Cash Reserves including Open Space (excludes Overdraft)

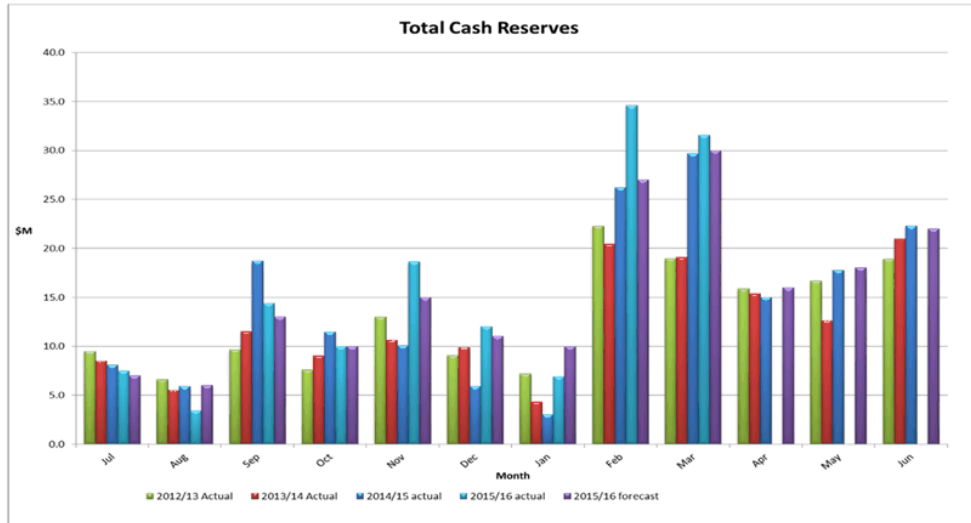


Table 4.1: Investment, Reserves and Overdraft Available

	31-Mar-16 \$'000	29-Feb-16 \$'000	31-Mar-15 \$'000	EOY Forecast
Cash at Bank	4,591	7,623	6,165	1,149
Cash on Hand (Floats & Petty Cash)	11	11	12	11
Money Market Call Account/Bank Bills	27,000	27,000	23,505	23,621
Total Cash Assets	31,602	34,634	29,682	24,781
Reserves:				
Open Space Reserve	17,090	17,090	14,248	17,100
Total Restricted Assets/Reserves	17,090	17,090	14,248	17,100

*An overdraft of up to \$10M is available for use if required.
It is proposed to fully acquit open space contributions received in 2015/16 on eligible open space capital works projects (renewal/upgrade/new).

Attachment 1 - Financial Report March

5 Rate and Other Debtors

Table 5.1: Rate Debtors

	31-Mar-16 \$'000	29-Feb-16 \$'000	31-Mar-15 \$'000
Rate & Charges -Current Year	22,008	27,550	21,087
Rate & Charges Arrears	1,524	1,649	1,413
Total Rate and Charges	23,532	29,199	22,500
% Outstanding			
Rate & Charges - Current Year	94%	97%	79%
Rate & Charges - Arrears	6%	3%	81%

Table 5.2: Parking Infringement Debtors

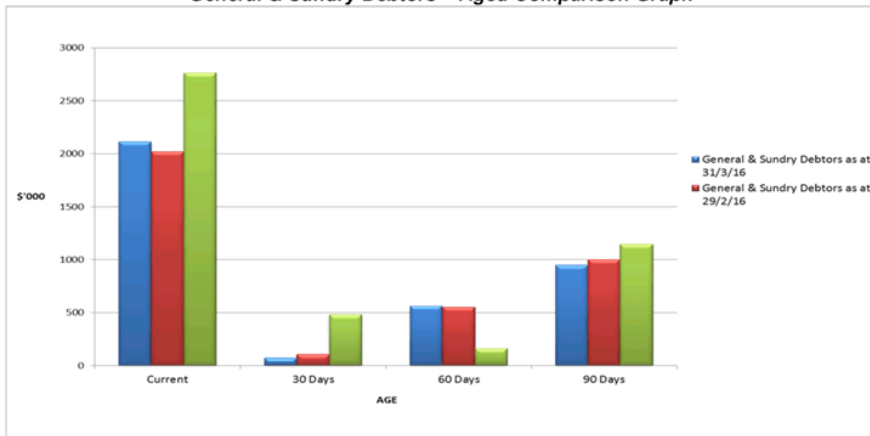
	31-Mar-16 \$'000	29-Feb-16 \$'000	31-Mar-15 \$'000
Parking Infringement Debtors	23,435	23,493	21,188
Less: Provision for Doubtful Debts	(19,584)	(19,584)	(17,866)
Total Rate and Charges	3,851	3,909	3,322

Table 5.3: General & Sundry Debtors

	31-Mar-16 \$'000	29-Feb-16 \$'000	31-Mar-15 \$'000
General & Sundry Debtors	4,254	4,220	4,486
Less: Provision for Doubtful Debts	(1,211)	(1,211)	(1,236)
Net General and Sundry Debtors	3,044	3,009	3,250
GST Receivable	647	667	0
Total Other Debtors	3,691	3,676	3,250

Note: Child Care debtor balances held in the quik-kids system - greater than 60 days – will require adjustment by year end. Recognition of income expected from this system was guided by external audit advice and not all debt was considered collectible. This will need to be brought to account according to the Debtor Collection Policy soon to be approved. Additional provision expense will be required.

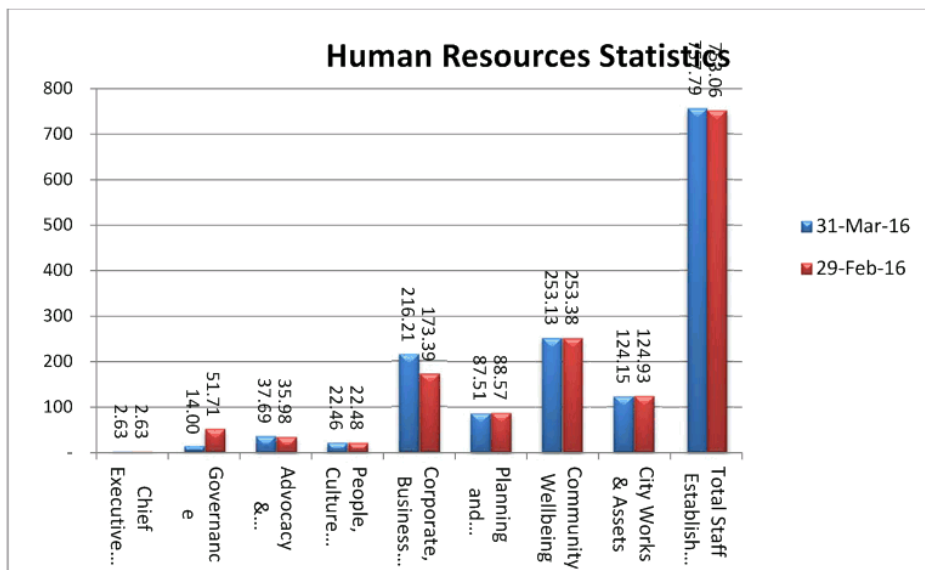
General & Sundry Debtors – Aged Comparison Graph



Attachment 1 - Financial Report March

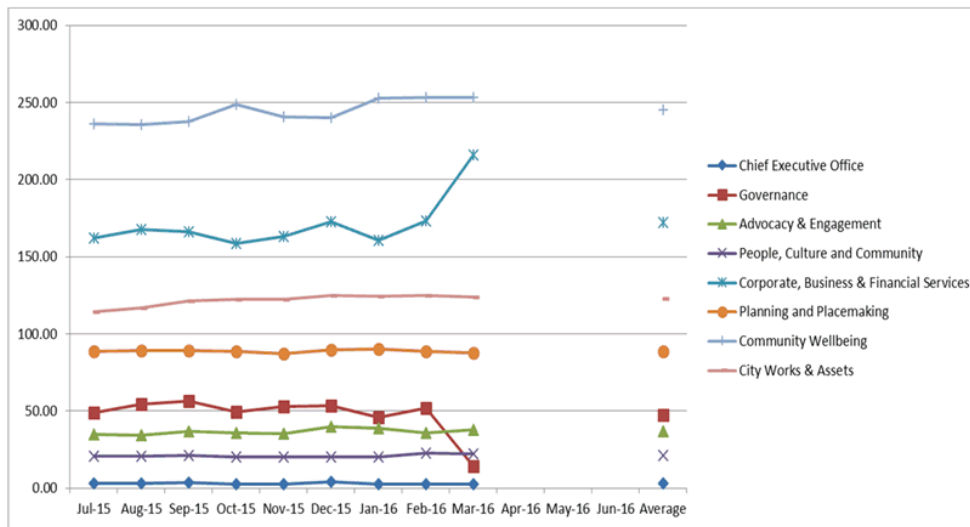
6 Human Resource Statistics & Employee Costs

Graph 6.1: Actual Resource Statistics



Note: Governance, Advocacy & Engagement and People, Culture & Community were aggregated in previous reports. Also there have been staff transfers between Corporate, Business and Finance and Community Wellbeing (Leisure Services).

Graph 6.2: 2015/16 EFT Trend



Major variations in the graphs are due to the transfer of Compliance Branch from Governance to Corporate, Business and Financial Services in March 2016.

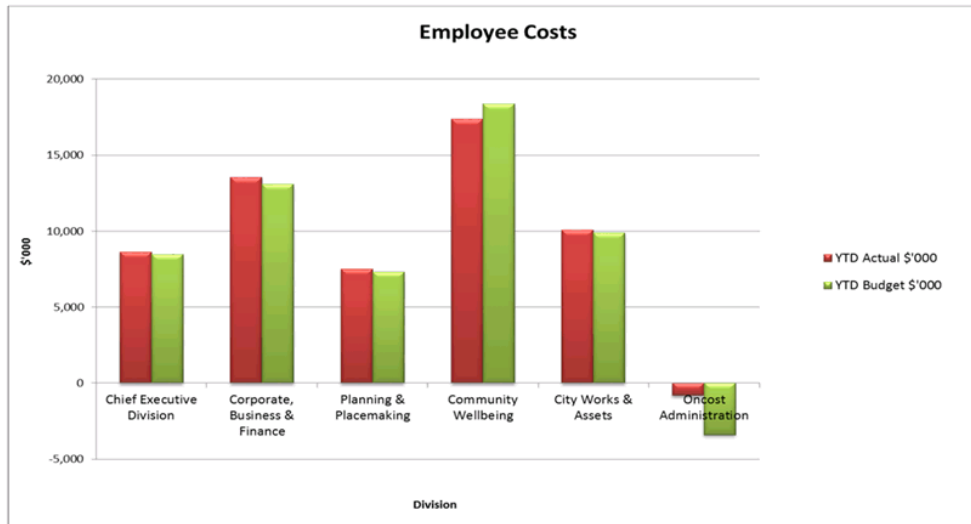
Attachment 1 - Financial Report March

Table 6.1: Human Resource Statistics

Actual Staffing Numbers (EFT Equivalent)	31-Mar-16	29-Feb-16
	Actual	Actual
Chief Executive Office	2.63	2.63
Governance	14.00	51.71
Advocacy & Engagement	37.69	35.98
People, Culture and Community	22.46	22.48
Corporate, Business & Financial Services	216.21	173.39
Planning and Placemaking	87.51	88.57
Community Wellbeing	253.13	253.38
City Works & Assets	124.15	124.93
Total Staff Establishment	757.79	753.06

Note: Compliance Branch transferred to Corporate, Business & Finance Division from Governance during March 2016.

Graph 6.3: Employee Costs – Actual to Budget Comparison



Attachment 1 - Financial Report March

Table 6.2: Employee Costs by Division

Employee Costs Expenditure	YTD Actual	YTD Budget	YTD
	\$'000	\$'000	Variance \$'000
Chief Executive Division	8,633	8,448	(186)
Corporate, Business & Finance	13,547	13,092	(454)
Planning & Placemaking	7,504	7,316	(188)
Community Wellbeing	17,372	18,383	1,011
City Works & Assets	10,072	9,905	(166)
Oncost Administration	(820)	(2,747)	(1,927)
Total Employee Costs	56,308	54,398	(1,910)

Notes:

1. CEO Division is higher than the year to date budget mainly due to realignment costs in Advocacy and Engagement.
2. Corporate, Business & Finance is unfavourable mainly due to changes in parking services.
3. Planning & Placemaking is unfavourable to budget mainly due to additional staffing costs incurred for staff on higher duties in Branch Management.
4. Community Wellbeing is favourable to budget mainly due to savings in Family, Youth & Child Services.
5. City Works & Assets is unfavourable to budget mainly due to staffing changes in Engineering Operations and additional staff in Construction (additional construction staff are being offset by increased revenue).
6. Oncost administration is currently being further reviewed as additional oncost expenditure – incl. superannuation, long service leave provision, maternity leave etc.- has been incurred to date. There is some offset with workcover premiums which were lower than budget and the annual leave loading payment has been made for the year. Additional charges relate to staffing and some areas have converted staff from casual/contract to part time as a result of service reviews.

Attachment 1 - Financial Report March

7 Financial Indicators

These indicators are generally measured at year end and are used as year on year comparatives. The following graphs are provided as an indication of current financial position as at 31 March 2016.

Chart 7.1 – Working Capital (current assets / current liabilities)

Chart 7.2 – Underlying Result (net surplus / underlying revenue)

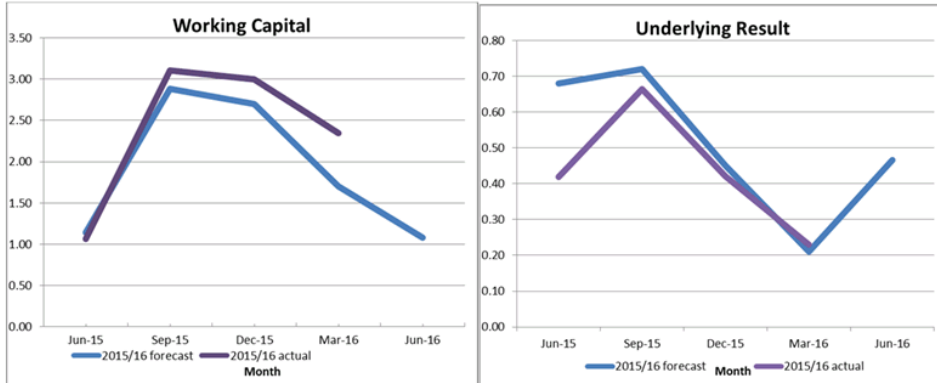


Chart 7.3 – Self Financing (operating cash flows / underlying revenue)

Chart 7.4 – Indebtedness (non-current liabilities / own source revenue)

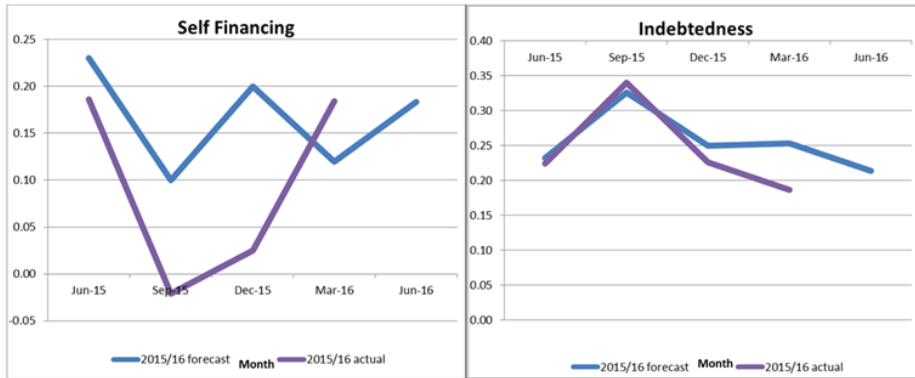
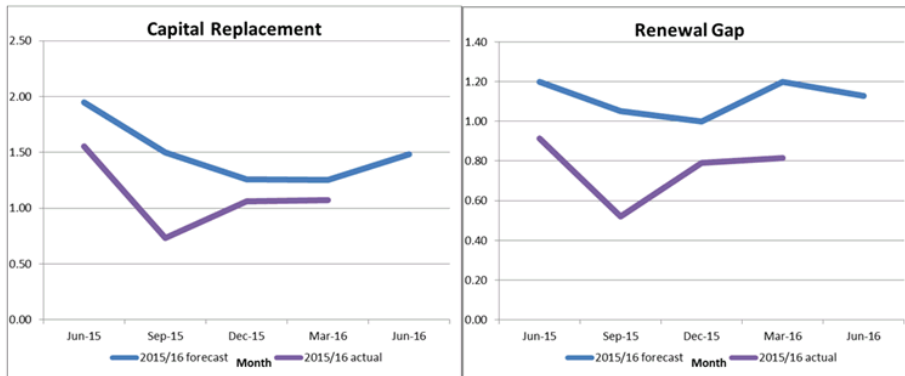


Chart 7.5 – Capital Replacement (capital expenditure / depreciation)

Chart 7.6 – Renewal Gap (capital renewal & upgrade / depreciation)



11.6 Update on the Implementation of Council's Graffiti Management Framework

Trim Record Number: D15/166019

Responsible Officer: Coordinator Community Development

Purpose

1. To update Council on the year one implementation of the Graffiti Management Framework 2015-2019.

Background

2. Council's new Graffiti Management Framework 2015-2019 (Framework) was endorsed in May 2015.
3. The Framework guides Council's work for the next four years and is a whole of community approach. It includes a set of key outcome areas for illegal graffiti management, including removal, place management, education and capacity building, tourism and promotion, planning and enforcement, and monitoring and evaluation.
4. The revised Framework included clear definitions of graffiti and street art, and what constituted a treatment versus curated public art, were clarified in collaboration with internal stakeholders.
5. A Graffiti Management Framework Year One Implementation Report has been prepared (attachment 1). Highlights from the Year 1 Implementation Report include:
 - (a) partnering with key stakeholders such as Neighbourhood Justice Centre and Department of Health and Human Services to deliver youth-led mural projects on the Richmond and Collingwood Housing Estates;
 - (b) delivering key projects with schools, including the Edinburgh Gardens toilet block mural with Fitzroy High School, the Barkley Park mural with Melbourne Girls College, and the Edinburgh Gardens toilet block renewal with young artists from local schools;
 - (c) convening a cross-Council Graffiti Coordination Group to strategically coordinate graffiti based projects across Council and good management of public spaces, including Crime Prevention through Environmental Design (CPTED) through statutory planning, landscaping, open space, urban design, and properties and building;
 - (d) funding three Initiatives through Council's community grants program that seek to reduce the impact of graffiti; and
 - (e) reactively actioning over 5000 requests for removal between July 2015 – April 2016, including street signs, Council buildings and street furniture.

External Consultation

6. The Framework was informed by a considered and lengthy program of engagement over the course of 24 months, with external stakeholders, which included residents and traders.

Internal Consultation (One Yarra)

7. Officers have convened a cross-Council Graffiti Coordination Group to strategically coordinate graffiti based projects across Council and good management of public spaces, including CPTED through statutory planning, landscaping, open space, urban design, and properties and building. The Group includes Sarah Jaggard – Community Advocacy (Convener), Kim O'Connor & Atha Athanasi – Engineering Operations, Angela Barnett – Youth & Middle Years, Louisa Marks – Arts & Cultural Services, Richa Swarup & Mark Gebbie – Urban Design, Jason Hocking & Anita Quibell – Open Space, and Erika Russell – Social Policy & Research.

Financial Implications

8. Year 1 of the Graffiti Management Strategy has been delivered within existing budgets.

Economic Implications

9. There are no specific economic implications.

Sustainability Implications

10. Council encourages the use of environmentally sensitive techniques and materials in the removal of graffiti.

Social Implications

11. There is evidence that commercial property that is untenanted or not well maintained can attract graffiti, tagging and other forms of proscribed activity.
12. Research suggests that graffiti can have a negative impact on community perceptions of safety and public amenity. However, Annual Customer Satisfaction Survey results show that there is no obvious association between perceptions of safety and areas of heightened graffiti levels within the City of Yarra.

Human Rights Implications

13. Yarra City Council recognises the aspirations of property owners to have their properties free from defacement, and broader community desire for well-maintained local streets and neighbourhoods.
14. At the same time Council supports the right to, and importance of freedom of political and artistic expression, including the rights of street artists to undertake legal artwork.
15. Yarra City Council respects both of these sets of values, and seeks to balance them in the context of a philosophy valuing inclusion and diversity.

Communications with CALD Communities Implications

16. The Framework contains multilingual access information, and translated materials are available upon request.

Council Plan, Strategy and Policy Implications

17. Implementing the Framework falls under the priority of Community Safety in the Health Plan 2013-2017.

Legal Implications

18. There are no significant legal implications arising from this report, but there are evident legal implications of unlawful graffiti on public and private property.

Other Issues

19. There are no other issues.

Options

20. There are no options.

Conclusion

21. The revised Graffiti Management Framework 2015-2019 has improved Council's response to graffiti management. The revised Framework has ensured that practice is consistent with policy, most notably in Council's approach towards removing graffiti from private property.

RECOMMENDATION

1. That Council note the actions in the year one implementation report.

CONTACT OFFICER: Sarah Jaggard
TITLE: Community Advocacy Team Leader
TEL: 9205 5160

Attachments

- 1 Graffiti Management Framework 2015 – 2019 Year 1 Implementation Plan

Attachment 1 - Graffiti Management Framework 2015 – 2019 Year 1 Implementation Plan**Attachment 1: Graffiti Management Framework 2015 – 2019 Year 1 Implementation Plan**

Key Result Area	Action	Branch	Comments
1. Graffiti Removal	1.1 Continue removal of offensive graffiti (defamatory or degrading remarks or graphics about race, religion, sex or personal privacy) from Council property within 4 hours of notification	Engineering Operations	<p>The graffiti removal team continues to remove offensive graffiti from Council buildings within 4 hours of notification, and proactively during inspections of Council buildings.</p> <p>Council also prioritises removal of offensive graffiti from private and commercial property and will remove or cover up if appropriate.</p>
	1.2 Continue removal of inoffensive graffiti from Council property ideally within twenty four hours, but no later than within 5 days of notification	Engineering Operations	Council continues to proactively remove graffiti from Council property, and reactively actioned 81 requests for removal.
	1.3 Respond to service requests within 24 hours and where appropriate removal of graffiti from private premises within 10 days of notification	Engineering Operations	<p>With 2 months to go for this financial year, Council has received 8833 service requests and continues to remove graffiti where appropriate. (2014/15 9000+) (2013/14 7900+) (2013/14 7100+)</p> <p>Numbers of requests are increasing yearly so response times for private and commercial property can be affected at times.</p> <p>Council actioned 4573 requests for removal from private and commercial property across the period of July 2015 - April 2016. Of these, 4541 were completed in time.</p>
	1.4 Continue removal of graffiti from road signs	Engineering Operations	Council continues to proactively remove graffiti from road signs. From July 2015 - April 2016 Council reactively actioned 23 requests removal from road signs.

Attachment 1 - Graffiti Management Framework 2015 – 2019 Year 1 Implementation Plan

	1.5 Continue removal of graffiti from street litterbins and park assets including playgrounds, furniture and signs	Recreation & Open Space	Council continues to proactively remove graffiti from open space assets. From July 2015 - April 2016, Council reactively actioned 11 requests from removal from bins, and 15 from play equipment.
	1.6 Continue removal of graffiti from street furniture	Engineering Operations	Council continues to proactively remove graffiti from street furniture. From July 2015 - April 2016 Council reactively actioned 95 requests for removal from street furniture.
	1.7 Continue to fund designated positions to identify, audit and carry out clean-up work throughout retail precincts and commercial gateways across Yarra	Engineering Operations	The Graffiti Removal team inspects retail precincts and commercial gateways as part of their daily duties, and identify areas that require clean-up work. The Cleansing & Graffiti Supervisor also inspects these areas when resourcing allows.
	1.8 Continue to provide free graffiti removal kits and discount paint vouchers to local residents	Engineering Operations	From July 2015 - April 2016, Council distributed 233 removal kits and 33 paint vouchers. Areas where residents need to self-remove include all unnamed laneways, roller doors on laneways, commercial & private signage, private car parks and inside property lines.
	1.10 As part of Council's community grants program, fund community-based initiatives that seek to reduce the impact of graffiti	People Culture & Community	Over 2015-2016 there were six grant applications seeking to reduce the impact of graffiti. Of these, three were successful (one annual grant/small project grant/Creative Yarra).
	1.13 Promote the implementation of the Graffiti Management Policy	People Culture & Community	The Graffiti Management Framework is available on Council's website, and hard copies have been disseminated across Council and to interested residents. Implementation of the Policy has been ongoing and promoted through regular meetings of the Graffiti Coordination Group, with key areas such as Engineering Operations, Access Yarra and Youth Services taking charge.

Attachment 1 - Graffiti Management Framework 2015 – 2019 Year 1 Implementation Plan

	1.14 Access Yarra will encourage the community to report graffiti to the organisation responsible for the assets via the Council website	Advocacy & Engagement	Access Yarra have developed a customer service script around graffiti management and removal. This ensures that residents are referred to the appropriate organisation. This information is also available on Council's website.
2. Place Management	2.2 Develop a checklist for the application of CPTED principles to new and existing Council assets	People Culture & Community	Not yet started.
	2.3 Conduct programmed graffiti removal in retail precincts in partnership with business and property owners	Engineering Operations	The Cleansing & Graffiti Supervisor liaises with various business and property owners where possible, to promote a collaborative approach to graffiti removal. The Graffiti Removal team removes graffiti from these precincts when requested and proactively where possible.
	2.5 Continue to use alternative treatments such as traffic signal boxes, legal graffiti walls and murals as diversionary/early intervention/prevention strategies and for precinct amenity improvement.	Engineering Operations	<p>10-15 Traffic Signal Box Treatments are identified and actioned annually. The approach to diversionary/early intervention/prevention murals is two-fold: local artist can identify private property locations that have been targeted, and then approach Council for assistance in regards to traffic management, permits and materials. Also, some locations are identified by Council officers (City Works or Arts and Culture) as graffiti hotspots and mural treatments are applied as appropriate.</p> <p>Engineering Operations have completed a number of new murals including work on the Fitzroy bowls Club, Willowview, the substation on the corner of Langridge & Hoddle, and the Adidas building in Collingwood.</p>

Attachment 1 - Graffiti Management Framework 2015 – 2019 Year 1 Implementation Plan

<p>2. Education & Capacity Building</p>	<p>3.1 Implement Coordination Group to strategically coordinate graffiti based projects across Council and good management of public spaces, including CPTED through statutory planning, landscaping, open space, urban design, and properties and building</p>	<p>People Culture & Community</p>	<p>Initiated quarterly meetings of Graffiti Coordination Group (GCG) - meetings were held on 31 July 2015, 22 October 2015, 4 Feb 2016, and 6 April 2016.</p> <p>The GCG includes Sarah Jaggard – Community Advocacy (Convener), Kim O’Connor & Atha Athanasi – Engineering Operations, Angela Barnett – Youth & Middle Years, Louisa Marks – Arts & Cultural Services, Richa Swarup & Mark Gebbie – Urban Design, Jason Hocking & Anita Quibell – Open Space, Erika Russell – Social Policy & Research.</p>
	<p>3.2 Continue to plan, develop and deliver a youth-led treatments, stencil and mural projects that enhance young people’s engagement, health and wellbeing</p>	<p>Family, Youth & Children’s Services</p>	<p>Yarra partnered in a number of key initiatives with local stakeholders including YSAS, YMCA, DHHS, NJC and Vic Pol to deliver the Collingwood & Richmond Estate murals.</p>
	<p>3.3 Work with local schools to build capacity around graffiti education/awareness</p>	<p>Family, Youth & Children’s Services</p>	<p>Yarra partnered in a number of key projects with schools, including the Edinburgh Gardens toilet block mural with Fitzroy High School, the Barkley Park mural with Melbourne Girls College, and the Edinburgh Gardens toilet block renewal with young artists from local schools.</p>
	<p>3.4 Regularly update and maintain graffiti-related information on Council’s website</p>	<p>People Culture & Community</p>	<p>The website has been updated to ensure information is relevant and correct. This includes a link to the new Framework, and information around removal from private property and priority removal zones.</p>

Attachment 1 - Graffiti Management Framework 2015 – 2019 Year 1 Implementation Plan

	3.6 Provide advice and information to property owners on graffiti removal and prevention in heritage areas	Advocacy & Engagement	Officers advise that removal of graffiti from heritage areas is consistent with heritage conservation principles, provide support through the provision of community education and urban design advice that avoids and reduces incidents of graffiti.
	3.7 Implement community education programs on graffiti and graffiti management	Engineering Operations	City Works currently conducts 3 community workshops a year, involving Council officers, industry experts such as Graffiti Removal Companies, Victoria Police from the Crime Prevention Unit. Current community locations are Richmond, Fitzroy, and North Carlton.
4. Planning & Enforcement	5.1 Ensure complaints regarding the maintenance of their assets are referred to statutory authorities	Compliance	Access Yarra have developed a customer service script around graffiti management and removal. This ensures that residents are referred to the appropriate organisation. This information is also available on Council's website.
	5.2 Where necessary, ensure planning permits are obtained for any artwork	Statutory Planning	Planning permits are required from Council to externally paint an unpainted surface in areas where there is a heritage overlay. Planning approval is also required to paint a painted surface if the property is located in a heritage overlay precinct with paint controls.
5. Monitoring & Evaluation	6.1 Council will undertake evaluations of projects as required	People Culture & Community	Not yet started.
	6.2 The Coordination Group will undertake timely reviews of the Policy and report to Council on the results	People Culture & Community	The Graffiti Coordination Group will report to Council on Year 1 Implementation on the Strategy, and will review Year 1 implementation in July-August 2016.

Attachment 1 - Graffiti Management Framework 2015 – 2019 Year 1 Implementation Plan

	6.3 Council will investigate the introduction of a spatial mapping database (with capacity for uploading images)	Innovation & Information Services	Not yet started.
	6.4 Council will investigate the best means of improving a 'live' register of legal street / public art installations and introducing a prospective register of treatments	People Culture & Community	Not yet started.

11.7 Regional Kitchen (Community Chef) Group Business Restructure

Trim Record Number: D16/69937

Responsible Officer: Director Community Wellbeing

Purpose

1. To advise Council about the restructure proposed for the Regional Kitchen Group, and to seek Council endorsement for the Director, Community Wellbeing, as Councils Shareholder Representative, to vote at the General Meeting on 27 May 2016, to support the proposed restructure.

Background

2. In 2008, Yarra City Council joined with twelve (12) other Victorian Metropolitan Councils to form a joint venture company Regional Kitchen Pty Ltd, and developed a \$24M food production facility in Altona. The food production company opened in December 2010.
3. Regional Kitchen Pty Ltd owned the land and developed a facility to produce meals; this was leased to RFK Pty Ltd (trading as Community Chef) for the production of meals to be provided to Local Government shareholders.
4. City of Yarra purchased shares in both Regional Kitchen Pty Ltd and RFK Pty Ltd.
5. Regional Kitchen Pty Ltd and RFK Pty Ltd were initially established as separate entities in order to separate the Land/Building and the Production/Service delivery components.
6. City of Yarra holds twenty-three (23) shares in Regional Kitchen Pty Ltd. These were purchased at \$10k per share and are currently valued collectively at \$448,759, or \$19,511 per share.
7. City of Yarra holds five thousand, six hundred and eighty three (5683) shares in RFK Pty Ltd. This represents 3.6% of the Business, and based on the most recent share valuation equates to a value of \$47.
8. The proposal being put to shareholders is to create a single entity to manage both the facility and the service. The proposal is outlined in the information provided by Community Chef to shareholders, found at Attachment 1.
9. The main driver in bringing the two (2) companies under the one (1) consolidated entity is to facilitate more efficient administrative, governance and clearer audit processes. It is proposed that all Councils involved in the venture will become a shareholder in the single entity, which will be Regional Kitchen Pty Ltd.
10. In addition, to access State Government funds in 2015 with the Department of Health, they required a cross company guarantee between Regional Kitchen and Community Chef, which had the effect of reducing Regional Kitchen's net assets to those of the aggregated group, being \$5.95m.
11. Community Chef now has twenty one (21) Local Government shareholders and provides more than 1.2M meals per annum.
12. Since its establishment, Community Chef has identified opportunities to service markets beyond Local Government Delivered Meals. The proposed restructure of the companies will also enable Community Chef to raise additional capital and to further explore these markets.

External Consultation

13. Officers have discussed the impact of the restructure proposal with representatives from Community Chef, and with a number of Officers at other Shareholder Councils.

Internal Consultation (One Yarra)

14. This proposal has been considered by the Director Community Wellbeing, Manager Aged and Disability Services, and Chief Financial Officer.

Financial Implications

15. The proposed restructure will involve Shareholders being issued one (1) free share in Regional Kitchen (valued at \$18k) in exchange for all their shares in Community Chef (valued at \$47 in the case of City of Yarra). Through this process. Regional Kitchen will become the sole shareholder in Community Chef.
16. On the basis of the proposed restructure, the value of City of Yarra's shareholding in Regional Kitchen Pty Ltd would reduce to \$438,106 (a dilution in value of \$10,653).
17. This reduction is considered insignificant in the context of the opportunity this presents for the business to become more efficient, raise capital without relying on Council's, and to become more competitive in a broader market.

Economic Implications

18. The proposal in this report has no implications for the local economy; however the proposal does seek to make Regional Kitchen/Community Chef more financially sustainable by opening new avenues for capital raising and enable the business to expand into new markets.

Sustainability Implications

19. This proposal has no implications for environmental sustainability.

Implications

20. This proposal has no impact on the delivery of meals.

Human Rights Implications

21. This proposal has no impact on Human Rights.

Communications with CALD Communities Implications

22. No community consultation was considered necessary for this report.

Council Plan, Strategy and Policy Implications

23. Council's involvement as a founding shareholder in Community Chef is consistent with the Strategic Objective in the Council Plan, to be Leading Local Government.

Legal Implications

24. The Minister for Local Government has provided Section 186 Ministerial exemption for Community Chef Shareholder-Councils from needing to go to public tender for the purchase of meals.
25. Legal advice on the impact of this proposal for Shareholders, was sought by Community Chef on behalf of Shareholders and shared with all Shareholder Councils.
26. No additional formal legal advice was sought on behalf of Yarra City Council, however Officers view is that there is no additional risk to Council in supporting the proposed restructure.

Other Issues

27. In order to proceed with the proposed restructure, unanimous agreement of shareholders is required. A General Meeting is scheduled for 27 May 2016, at which a vote will be held.
28. The majority of shareholder Councils have formally resolved to support this proposed restructure.

Options

29. Council could resolve to support the Officer recommendation and in doing so support the proposed restructure.
30. Council could decide not to support the proposed restructure; however Officers do not see a strong rationale not to take this position.

Conclusion

31. Yarra City Council was an original partner in the Joint Venture to establish Regional Kitchen and RFK (Community Chef).
32. The value of Councils shares has increased from the purchase price of \$230k, to a current value of almost \$450k.
33. Whilst the proposed restructure will have the effect of slightly diluting Councils share value (by \$10,653), the medium to long term benefit of the restructure is likely to outweigh this initial dilution of value.
34. Council continues to receive meals from Community Chef under a meals delivery agreement to support the Delivered Meals program.
35. The proposed company restructure will reduce the administrative costs of running the business, and will position the company well to run more efficiently, raise additional capital which will allow it to pursue broader markets and generally to become more financially sustainable over time.
36. Yarra and indeed all shareholders will benefit from the company becoming more financially sustainable.
37. The resolution below has been informed by the Chief Executive Officer, Community Chef, and reflects the legal requirement to support the proposed restructure.

RECOMMENDATION

1. That:
 - (a) Council endorse the proposal for the consolidation of Regional Food Kitchen Pty Ltd (Regional Kitchen) and Community Chef Pty Ltd (Community Chef);
 - (b) having given due consideration to the risks, liabilities and benefits involved and having complied with subsections 5A and 5C of Section 193 of the Local Government Act, Council make an application for shares in Regional Kitchen Pty Ltd in accordance with the constitution and Shareholders Agreement of the company. Such application will be made subject to receipt of the approval required under S193 (5G) of the Local Government Act;
 - (c) Council accept 1 share in Regional Kitchen Pty Ltd (valued at \$18,000) for the consideration of the transfer of all shares currently held in RFK Pty Ltd (Trading as Community Chef Pty Ltd) to Regional Kitchen;
 - (d) Council sign and seal the application for shares for the Regional Kitchen Pty Ltd, Attached to this report as Attachment 2; and
 - (e) Council endorse the CEO to sign the Standard Transfer Form, Attached to this report as Attachment 3.

CONTACT OFFICER: Chris Leivers
TITLE: Director Community Wellbeing
TEL: 9205 5100

Attachments

- 1 Regional Kitchen RFK (Community Chef) Proposed Restructure Document for Shareholders Feb 2016
- 2 Regional Kitchen Application for Shares
- 3 Regional Kitchen restructure, Standard Transfer Form

Attachment 1 - Regional Kitchen RFK (Community Chef) Proposed Restructure Document for Shareholders Feb 2016



Community Chef

24 February 2016

RE: REGIONAL KITCHEN GROUP – SHAREHOLDER REPRESENTATIVE

REGIONAL KITCHEN GROUP BUSINESS RESTRUCTURE

At the November Annual General Meeting, we outlined our core mission to our Shareholders as being:

“Maintain continuity of service in a changing environment and transition to whatever future delivered meals option is decided by each shareholder Council”.

A commitment was given at that meeting to provide Shareholders with an update regarding the proposed restructure in February 2016 to ensure any capital investment requirements can be factored into their budget process for the 16/17 financial year and to ensure there is ample time to gain Council approval for the changes in advance of the May 2016 General Meeting, where all the resolutions pertaining to this change will be brought for a vote.

For those Councils that are currently Shareholders in Community Chef only it will be necessary to obtain Ministerial approval under Section 193 of the Local Government Act for your Council to invest in an entity with the capacity to borrow. This approval can be sought on Council's behalf by Regional Kitchen.

Everything is going to plan with the business:

- Wyndham has joined Community Chef as a shareholder and commenced taking meals on 1 February 2016
- Community Chef has commenced supply of an expanded range of product lines into the public hospital food services network.
- A letter of intent has been signed with the Red Cross Emergency Management unit for the supply of meals during times of natural disaster and for crisis situations in the Metropolitan and peri-urban areas.
- Opportunities are opening up in other markets including products manufactured for other's brands.
- Cutting edge research on nutritional density and other aspects of food production continues to be undertaken with and funded by the CSIRO.



P: 03 9368 5900

F: 03 8360 9050

www.communitychef.com.au

Address

43-47 Drake Boulevard, Altona, VIC 3018

Postal Address

PO Box 172, Altona North VIC 3025

Attachment 1 - Regional Kitchen RFK (Community Chef) Proposed Restructure Document for Shareholders Feb 2016

The main driver in bringing the two companies under one consolidated entity is to facilitate more efficient administrative, governance and audit processes. It will also act as a trigger to seek further investment for the reduction of debt and to explore alternate loan facility and investment opportunities with institutions closely aligned with local government.

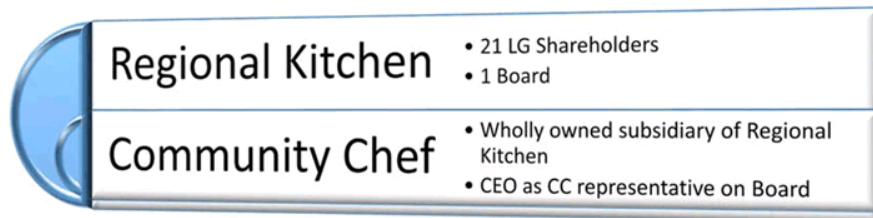
An overview of the current and proposed structures are as follows;

CURRENT STRUCTURE



- Regional Kitchen leases building, plant and equipment to Community Chef and provides capital funding
- Community Chef pays rent
- Two Boards that operate in consultation but independently of each other
- Run as two separate companies
- There is a Joint Charter
- There is a Cross Company Guarantee
- Board membership overlaps with three board members sitting on both boards

PROPOSED STRUCTURE



- One Company Structure
- All Councils to become shareholders in Regional Kitchen, relinquish their shares in Community Chef in exchange for 1 free share in Regional Kitchen
- Retain current Board members on an expanded single Board
- The attached financial analysis illustrates that the issuing of the 21 shares to each of the Shareholder Councils does not dilute the current Regional Kitchen Shareholders equity

Recent sales of shares in Regional Kitchen were at a price of \$18,000 per share. A valuation of shares in the proposed consolidated structure, using December 2015 balances, confirms that the shares in the consolidated entity would have a value of \$18,000 each.

Attachment 1 - Regional Kitchen RFK (Community Chef) Proposed Restructure Document for Shareholders Feb 2016

In order to stay on track, implement the above changes and open the door to investment it will be necessary for Councils not currently holding shares in Regional Kitchen to resolve to become a Regional Kitchen Shareholder and request Regional Kitchen to seek Ministerial approval under S193. There will be no cost as new and existing Regional Kitchen Shareholders will each be issued with one free share, currently valued at \$18,000. This will need to be executed before the May General Meeting as the creation of a single company requires a unanimous vote.

I look forward to engaging further with you in the lead up to the May 2016 General meeting. In the meantime if you have any queries, please do not hesitate to contact me directly.

Yours sincerely



Joe Ciccarone
CEO Regional Kitchen Group

Attachment 2 - Regional Kitchen Application for Shares

SCHEDULE

Name of Applicant:	Yarra City Council
Address of Applicant:	333 Bridge Road, RICHMOND VIC 3121
Number of Shares to be Allotted:	1
Type of Shares:	Fully Paid Ordinary Share
Consideration Tendered by Applicant:	The transfer of 5683 ordinary shares held by the Applicant in RFK Pty Ltd to the Company

Agreed to allot shares per minute dated	/	/ 2016 <i>(to be completed by the Company)</i>
Entered in Register of Members	/	/ 2016 <i>(to be completed by the Company)</i>
Share certificate issued	/	/ 2016 <i>(to be completed by the Company)</i>

Attachment 3 - Regional Kitchen restructure, Standard Transfer Form

STANDARD TRANSFER FORM
For Non-Market Transactions

Marking Stamp

Affix Stamp Duty Here

FULL NAME OF COMPANY OR CORPORATION	RFK Pty Ltd ACN 128 645 312	State or Territory in which Company is taken to be registered: Victoria	
DESCRIPTION OF SECURITIES	Ordinary shares		
QUANTITY	5683		
FULL NAME OF TRANSFEROR (SELLER)	Yarra City Council		
CONSIDERATION	The issue of one fully paid ordinary share in Regional Kitchen Pty Ltd to the Seller	Date of Transfer 31.05.2016	
FULL NAME OF TRANSFEREE (BUYER)	Regional Kitchen Pty Ltd ACN 130 471 206		
FULL POSTAL ADDRESS OF TRANSFEREE (BUYER)	43-47 Drake Boulevard, Altona, Victoria 3018		
BENEFICIAL OWNERSHIP	Upon registration of this transfer, will these shares be beneficially owned by the Buyer? Yes		
FULL NAME AND POSTAL ADDRESS OF BENEFICIAL OWNER (If applicable)	N/A		
REMOVAL REQUEST	Please enter these securities on the		REGISTER

By signing this transfer form, the Seller transfers the Securities to the Buyer, for the Consideration. The Buyer accepts the Securities upon the same conditions on which the Seller held the Securities. The Buyer represents that it is not aware of any revocation of any Power of Attorney under which this transfer form is signed.

TRANSFEROR (SELLER) SIGN HERE		for company use
Date signed:		
TRANSFEREE (BUYER) SIGN HERE		
Date signed:		

11.8 Assigning a name to the right of way between 4 Mary St and 318-328 Bridge Rd Richmond

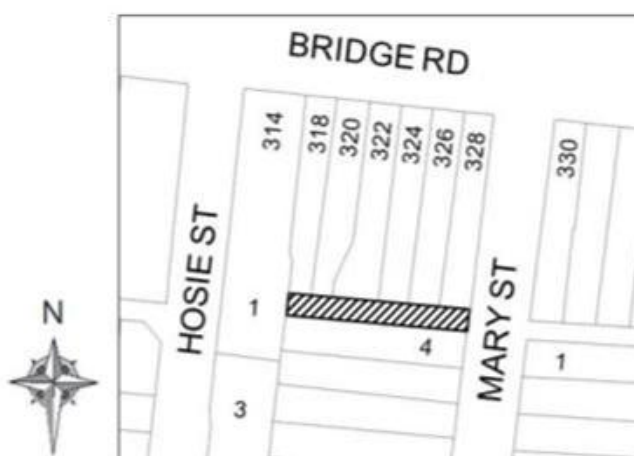
Trim Record Number: D16/70637

Responsible Officer: Group Manager Chief Executive's Office

This report was deferred by Council at its meeting on 8 March 2016 and is now resubmitted for consideration following an amendment to more clearly set out Council's options.

Purpose

1. For Council to formally declare its intention to assign a name to a currently unnamed right of way between 4 Mary Street and 318 to 328 Bridge Road, Richmond as shown in the following plan:



Background

2. Council received a request in November 2015 to have the right of way named. A planning permit for three new dwellings at the rear of a property fronting Bridge Road had been issued, thus requiring the assignment of a suitable property address.
3. Officers implemented the process as prescribed by the *Naming of Roads, Features and Localities Policy* and at the close of submissions, two submissions have been received.
4. It is important to note that a direct approach was made to the Wurundjeri Tribe in relation to the naming proposal, but they did not identify any specific local connection to the site and declined to make a specific suggestion regarding a Woiwurrung name for the right-of-way.

Submission No 1 (the proponent)

5. **“Pandoleon Lane”**, to be named after the late John Pandoleon, who opened a delicatessen at 324 Bridge Rd, Richmond in 1976 and operated it with his children for 15 years. The delicatessen remains in family ownership and still operates from the same premises today. The property at 324 Bridge Road abuts the unnamed right-of-way.
6. Mr Pandoleon is described as a willing contributor to the then large Greek community in Richmond and the local community in general. He donated his time and money to many local causes and supported many clubs and groups. Mr Pandoleon was a supporter of Richmond Central Primary School, Holy Trinity Greek Orthodox Church, and East Richmond Jaguars Soccer Club and provided support for local support networks for migrants in the area and numerous other local community groups.

7. Mr Pandoleon passed away on 9 January 1994 and this naming proposal has the support of his descendants.



John Pandoleon, circa 1976

8. The proponent also submitted two alternative suggestions, “**Laikon Lane**” (named after the delicatessen opened by Mr Pandoleon and a Greek word meaning 'the local' or 'community') and “**Stanford Lane**” (after Stanford Block, the name of the heritage listed block of shops between 318 and 328 Bridge Road).



Stanford Block, April 2016

Submission No 2 (Richmond Historical Society)

9. “**Softley**” – in recognition of the contribution of Jack and Dorothy Softley, long term residents, Mayor and contributor to the Elderly Citizens centre in Hosie St, Committee members of the Community Health Centre, trustees of the Congregational Church in Burnley St, and secretary of the Burnley Boys Gymnastic Club for more than 30 years.

10. **“Meadows”** – in recognition of Kaye Meadows, former Mayor of the City of Yarra and local resident, described as a champion of local leadership and community development.
11. **“Morton”** – in recognition of Judy Morton, former Mayor of the City of Yarra.
12. **“Gillon”** – in recognition of Alex Gillon, former Commissioner of the City of Richmond.
13. Given the naming suggestions presented, Council officers have formed the view that the following two names would be suitable:
 - (a) “Pandoleon Lane” is the preferred option, as it recognises the community contribution of a well-known and significant Richmond figure with an immediate and long standing connection to the site itself. Council’s *Naming of Roads, Features and Localities Policy* Naming a right-of-way in recognition of Mr Pandoleon would also be a fitting way of acknowledging an example of the City of Yarra’s rich and diverse migrant history;
 - (b) “Stanford Lane” is supported as a second option, as it has an immediate local connection with the subject site. The Bridge Road facade of the group of shops between Mary Street and Hosie Street is clearly marked “Stanford Block”, making this a name that is closely associated with the site. The properties that make up “Stanford Block Richmond” are identified as individually significant in Council’s Heritage Register, having been constructed in 1870 to 1890; and
 - (c) it should be noted that there is another “Stanford Block” in Smith Street Fitzroy and a “Stanford’s Terrace” in Fairchild Street, Abbotsford. While there are no opportunities for future right-of-way naming near to “Stanford Block” in Fitzroy, “Stanford’s Terrace” has an adjoining right-of-way which is currently unnamed but may require naming at a future date. The naming of “Stanford Lane Richmond” would preclude the later establishment of a “Stanford’s Lane Abbotsford”, should that be Council’s desire.
14. Further, Council officers have formed the view that the following names would not be suitable:
 - (a) “Laikon Lane” is not supported as it is readily identifiable with an existing business and would not satisfy the requirement of the Registrar of Geographic Place Names that *“naming authorities should not name places after commercial businesses”* (although it should be acknowledged that exemptions can be applied for where the business or organisation has had an association with the area over a substantial period of time and is held in strong regard by the community);
 - (b) “Softley Lane” is not supported as Jack and Dorothy Softley’s contribution to the former City of Richmond has no direct connection with the right-of-way to be named. It is suggested that should a proposal to name the right-of-way nearer the Richmond Senior Citizen’s Centre (between 10 and 12 Hosie Street) be considered, the name “Softley Lane” be included for consideration at that time. Further, Dorothy Softley is still alive and therefore the use of her name would not satisfy the requirement of the Registrar of Geographic Place Names that *“the names of people who are still alive should be avoided”*;
 - (c) “Meadows Lane” is not supported as Kaye Meadows is still alive, and therefore the use of her name would not satisfy the requirement of the Registrar of Geographic Place Names that *“the names of people who are still alive should be avoided”*;
 - (d) “Morton Lane” is not supported as Judy Morton is still alive, and therefore the use of her name would not satisfy the requirement of the Registrar of Geographic Place Names that *“the names of people who are still alive should be avoided”*; and

- (e) "Gillon Lane" is not supported, as despite being a Commissioner of the former City of Richmond, Alex Gillon is better known as a Councillor and Mayor of the former City of Brunswick and a long serving President of the Victorian Football Association. He served as a Commissioner of the former City of Sunshine for five years and the former City of Richmond from 1982 to 1988. Mr Gillon has already been recognised when the Brunswick Football Ground was renamed the A. G. Gillon Oval in his honour in early 1976.

External Consultation

- 15. Council officers consulted with the Registrar for Geographic Place Names and confirmed that a naming proposal for the entirety of the unnamed right-of-way (including the incorporation of the current Foster place to the East of Coppin Street) would not be supported as it is their view that each road segment be given a unique name to alleviate any confusion that road names could potentially cause particularly if divided or intersected by other roads. As a result of this advice, the naming proposal has been limited to that small section of the right-of-way west of Mary Street.
- 16. Council officers initiated consultation on the naming proposal from the Wurundjeri Tribe Land Cultural Heritage Council who did not identify any specific local connection to the site and declined to make a specific suggestion regarding a Woiwurrung name for the right-of-way.
- 17. In addition to the Wurundjeri Tribe, consultation was also initiated with other key stakeholders:
 - (a) on 27 November 2015 a letter was sent to the owners and occupiers and all abutting properties (24 letters in all);
 - (b) on 7 December 2015 a public notice calling for naming suggestions was published on the Council website and the Yarra Leader newspaper; and
 - (c) on 10 December 2015 an email was sent to the Richmond Historical Society.
- 18. Submissions were received until 23 December 2015.

Internal Consultation (One Yarra)

- 19. The author of this report consulted with the Statutory Planning department to confirm the issuance of a planning permit at the proponent's address which triggered the requirement for the street naming.
- 20. The author of this report consulted with Council's Valuations department regarding the future property addressing issues arising from the naming of this small section of right-of-way.

Financial Implications

- 21. There are no financial implications associated with the preparation of this report.

Economic Implications

- 22. There are no economic implications associated with the preparation of this report.

Sustainability Implications

- 23. There is no sustainability implications associated with the preparation of this report.

Social Implications

- 24. The assignment of a name to the right of way will play a positive role in further strengthening community identification by City of Yarra residents, who reside along the right of way.

Human Rights Implications

- 25. There are no Human Rights implications associated with the preparation of this report.

Communications with CALD Communities Implications

26. Although there was no targeted communications for our culturally and linguistically diverse communities, greater reliance was placed on a site plan to present and capture the interest of all residents on Council's website in accordance with the Street Naming Policy.

Council Plan, Strategy and Policy Implications

27. Council officers have complied with Council's Naming of Roads, Features and Localities Policy. The features of this Policy are its compliance with the Victorian Guidelines for Geographic Names and its strong emphasis on communication with key stakeholders, including the Wurundjeri community (via the Wurundjeri Tribe Land Cultural Heritage Council), local Historical Societies and the wider Yarra community.

Legal Implications

28. There are no legal implications associated with the preparation of this report.

Other Issues

29. When assessing the respective naming suggestions, Council officers have adopted the approach to match the name which is considered most reflective of the location, in terms of its related historical past.
30. Following Council's resolution, officers will notify all abutting landowners and place a public notice on Council's website in relation to the naming proposal. If there is no objection to the proposed name, officers will lodge the name with the Registrar of the Office of Geographic Names. If there are any objections to the proposed name, a further report will come back to Council and all submitters will be invited to be heard by Council if they wish.

Options

31. **Option One** is for Council to accept the officer's recommendation and resolve its intention to assign the name "Pandoleon Lane" to the right-of-way.
32. **Option Two** is for Council to accept the officer's alternative recommendation and resolve its intention to assign the name "Stanford Lane" to the right-of-way.
33. **Option Three** is for Council to suggest an alternative name and resolve its intention to assign that name to the right-of-way.
34. **Option Four** is for Council to resolve to not identify a proposed name for the right-of-way, and then to direct officers to either abandon the proposal or re-commence the naming process in accordance with Council's policy.

Conclusion

35. It is recommended that Council support the Council officer's assessment and declare its intention to assign the name "**Pandoleon Lane**" to the unnamed right of way between 4 Mary Street and 318 to 328 Bridge Road, Richmond.

RECOMMENDATION

1. That Council:
 - (a) having noted naming submissions for the unnamed right of way between 4 Mary Street and 318 to 328 Bridge Road, Richmond resolve its intention to assign the name "Pandoleon Lane" to this right of way; and
 - (b) requests the Chief Executive Officer to ensure that relevant officers:
 - (i) advertise Council's intention to name the unnamed right of way, and invite submissions within 28 days of the notice appearing in the local papers;
 - (ii) inform all abutting property owners and residents of its intention; and
 - (iii) arrange for the reception and hearing of any further submissions and the presentation of a further report to Council (if necessary).
2. That should there be no objections following the completion of 1(b) above:
 - (a) Council officers lodge the proposed name with the Registrar of the Office of Geographic Names; and
 - (b) advise all submitters of Council's decision.

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Attachments

There are no attachments for this report.

11.9 Appointment of Authorised Officer - Planning and Environment Act 1987

Trim Record Number: D16/73904

Responsible Officer: Group Manager Chief Executive's Office

Purpose

1. To provide for the formal appointment of Council Officers as Authorised Officers pursuant to Section 147(4) of the *Planning and Environment Act 1987* and Section 232 of the *Local Government Act 1989*.

Background

2. In order to undertake the duties of office, the below named staff member should be appointed as an Authorised Officer pursuant to the above referred legislation.

Consultation

3. Not applicable.

Financial Implications

4. There are no direct financial implications arising from the appointment of an authorised officer.

Economic Implications

5. This report has no economic implications.

Sustainability Implications

6. This report has no sustainability implications.

Social Implications

7. This report has no direct social implications.

Human Rights Implications

8. This report has no Human Rights implications.

Communications with CALD Communities Implications

9. Not applicable.

Council Plan, Strategy and Policy Implications

10. This report is an example of this Council's positive action, in demonstrating its commitment to its legislative obligations.

Legal Implications

11. Appointment of Authorised Officers under the *Planning and Environment Act 1987* requires a formal resolution of Council. Where such authorisation is proposed to be granted, provision is also made to allow the respective officer to also initiate proceedings on behalf of Council (as provided in Section 232 of the *Local Government Act 1989*).

Other Issues

12. Not applicable.

Options

13. Not applicable.

Conclusion

14. That Council formally appoint **Nikolas Muhllechner** as an authorised officer pursuant to Section 147 (4) of the *Planning and Environment Act 1987* and Section 232 of the *Local Government Act 1989*. The Instrument of Appointment and Authorisation document will be signed and sealed accordingly by the Chief Executive Officer.

RECOMMENDATION

1. That Council:
 - (a) formally appoints **Nikolas Muhllechner** as an Authorised Officer pursuant to Section 147(4) of the *Planning and Environment Act 1987* and Section 232 of the *Local Government Act 1989*; and
 - (b) requests that the Instrument of Appointment and Authorisation for Troy Mason be signed and sealed accordingly by the Chief Executive Officer.

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Attachments

There are no attachments for this report.