



# **Ordinary Meeting of Council Minutes**

**held on Tuesday 4 August 2020 at 7.02pm  
via TEAMS**

**[www.yarracity.vic.gov.au](http://www.yarracity.vic.gov.au)**

## 1. Acknowledgement of Country

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

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

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

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

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

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

### Attendance

#### Councillors

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

#### Council officers

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

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

## 4. Confidential business reports

### Item

#### 4.1 345 Bridge Road Richmond

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

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

## **Confidential business reports**

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

### **COUNCIL RESOLUTION**

**Moved:** Councillor Chen Yi Mei

**Seconded:** Councillor Fristacky

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

**CARRIED**

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

## **5. Confirmation of minutes**

### **COUNCIL RESOLUTION**

**Moved:** Councillor Stone

**Seconded:** Councillor Fristacky

That the minutes of the Special Council Meeting held on Thursday 16 July 2020 and the minutes of the Ordinary Council Meeting held on Tuesday 21 July 2020 be confirmed.

**CARRIED**

## **6. Petitions and joint letters**

Nil

## **7. Public question time**

| <b>Item</b> |   | <b>Page</b> |
|-------------|---|-------------|
| 7.1         | Ignacio Inchausti – Trenerry Crescent Consultation      | 7           |
| 7.2         | Herschel Landes – Budget for Burnley Golf Course        | 7           |
| 7.3         | Herschel Landes – Discount on rates                     | 8           |
| 7.4         | Penny Tolhurst – Trial of Median Strip in Holden Street | 9           |

## 8. Delegates' reports

| Item |   | Page | Res.<br>Page |
|------|---|------|--------------|
| 8.1  | Councillor O'Brien - Yarra Arts Advisory Committee (YAARTS) | 9    | 12           |

## 9. General business

| Item |   | Page | Res.<br>Page |
|------|---|------|--------------|
| 9.1  | Councillor Jolly - Requesting Report on Alternative Measures to Assist Management of Graffiti | 13   | 13           |

## 10. Questions without notice

| Item |  | Page |
|------|--|------|
| 10.1 | Councillor Fristacky – Pop-up bicycle lanes Park Street, North Fitzroy | 14   |
| 10.2 | Councillor Fristacky – Cleaning up Dog Litter                          | 14   |
| 10.3 | Councillor O'Brien – Single Use Plastics & Cat Curfews                 | 15   |

## 11. Council business reports

| Item |   | Page | Res.<br>Page |
|------|---|------|--------------|
| 11.1 | 2020/21 Budget, 4 Year Strategic Resource Plan, & 10 Year Long Term Financial Strategy Adoption   | 16   | 24           |
| 11.2 | 2020/21 Annual Plan   | 27   | 27           |
| 11.3 | Community engagement policy and action plan - <b>WITHDRAWN</b>  | 28   | 28           |
| 11.4 | Centenary of Election of Victoria's First Woman Councillor  | 29   | 29           |
| 11.5 | Old Heidelberg Road Alphington  | 30   | 30           |
| 11.6 | Supplementary Report for PLN20/0006 - 462 - 482 Swan Street, Richmond - Construction of a thirteen storey building (including one level of plant, plus two basement levels), reduction in the car parking requirement associated with the retail/food and drinks premises and office uses (no permit required for uses) and alteration of access to a Road Zone, Category 1 | 31   | 76           |

## 12. Notices of motion

Nil

## 13. Urgent business

| Item |   | Page | Res.<br>Page |
|------|---|------|--------------|
| 13.1 | Councillor Coleman - Deferral of 2020 Local Government Elections        | 99   | 99           |
| 13.2 | Councillor Fristacky - Priority Measures for Park Street, North Carlton | 111  | 111          |

## 6. Petitions and joint letters

Nil

## 7. Public question time

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

### 7.1 Ignacio Inchausti – Trenerry Crescent Consultation

Question:

Why was the consultation period for the proposed temporary Trenerry Crescent closure so limited?

Why was a personal intervention required to eventually have this proposal revealed in the public domain? Why the secrecy?

Response:

*The Director Planning and Place Making advised;*

*Earlier this year Council sought, during the COVID period, a report from officers regarding the opportunities for Council to provide safer cycling and pedestrian areas.*

*Officers met a requirement by Council to provide a report to Council and that occurred on the 23 June 2020.*

*There were a number of opportunities in that report for various potential projects. Council resolved on a number of those and to look at those. In regards to Trenerry Crescent, Council resolved to consult the community and that is what is occurring. There were some 4700 flyers circulated into the Clifton Hill area and Abbotsford both north and south of the Eastern freeway.*

*At the moment there are 2800 responses to the Your Say Yarra website and approximately 190 emails that officers are currently looking at.*

*The flyers were circulated by the 17 July and the report at this stage will be presented to Council on 18 August 2020. It is being presented as a possibility and as a trial and will include three options.*

### 7.2 Herschel Landes – Budget for Burnley Golf Course

Question:

Referring to Burnley Golf Course and the \$2 million project around works and risk management. Can Council qualify if this project is reliant on receiving State Government Grants later this year?"

Response:

*The Director City Works and Assets advised;*

*As you would know, Council has addressed some risk issues at the Burnley Golf Course and we have recently undertaken consultation on the options to address those risks. There is some funding in the proposed 2020/21 Budget and primarily that is allocated to address the risk although there is some funding in there also to do general maintenance works. It will be subject to a Council decision later this year as to the options that Council pursues but the allocation of that funding is not predicated on any State Government grant. Council has an obligation to manage the risk and whether Council receives external funding or not there will be a need to do so.*

### 7.3 Herschel Landes – Discount on rates

**Question:**

Yesterday the premier announced the further closure of businesses and restrictions and movements as part of the stage 4 lockdown.

As Council would be well aware that many of Yarra's small businesses have been closed or mostly closed for almost 5 months, including hospitality, clothing, footwear etc.

We have seen examples of onerous behaviour by some landlords but in general we are seeing some landlords that have given space and opportunity for businesses to survive.

The community needs businesses to survive, they will be essential after this event to help rebuild the local economy and to provide jobs.

I believe it is essential for Council to be doing its best to help sustain our local economies and as per my question in early March, which Council did take on notice at the time. Would Council consider providing a rate dispensation as recognition to those landlords to providing and maintaining a significant rent relief for tenants with turnovers less than \$3million and participating in job keeper?

**Response:**

*The Director Corporate Business and Finance advised;*

*We will be discussing rates later on when we talk about the budget tonight so I will need to take the question on notice. However, I would like to point out that we do have a rates hardship package which Council has released a couple of months ago. That package is applicable to tenants, landlords and any rate payer in fact, and it is based on their assessed level of need, they approach Council, so it's available to residential and commercial property owners.*

*If the property owner is having financial difficulties like any other rate payer they may approach Council and we can consider all sorts of options, up to and including waivers but often repayment plans or interest free periods etc.*

*We have \$2mil hardship set aside already through waivers and interest free period, plus cash flow benefits etc. as well to whoever needs the support.*



#### 7.4 Penny Tolhurst – Trial of Median Strip in Holden Street

Question:

Council asked the Department of Transport to consider the trial installation of a kerbed median strip in Holden Street, at the intersections with Brunswick Street North and Dean Street. This was done as part of the Local Area Place Making Plan for North Fitzroy.

The Department of Transport did not support the trial. Does the Council have any objection to North Fitzroy Residents seeking a review by the Department of Transport of their decision in this matter?

Response:

*The Director City Works and Assets advised;*

*Officers wouldn't have any concerns with residents requesting a review by the Department of Transport (DOT). I would say that I wouldn't particularly expect a different response.*

*The advice they provided to us which was reported back to Council at the time was that they didn't support the trial because they thought that, to prohibit right turns in and out of Brunswick Street north and Dean Street would have impacts on public transport and delay the surrounding arterial road network. Specifically, they noted tram delays along Nicholson Street and St Georges Road would increase due to greater traffic volumes on these routes that require trams to share the lane with general traffic. They also indicated an increase in traffic volumes and queues on Holden Street would result in an increase in delays to bus routes 250 and 251.*

*That's not a comment trying to persuade the group, the group are welcomed to approach DOT and we don't have a problem with that, but my advice is that I don't see that their advice would change.*

## 8. Delegates' reports

### 8.1 Councillor O'Brien - Yarra Arts Advisory Committee (YAARTS)

|                                |  |
|--------------------------------|--|
| <b>Committee</b>               | Yarra Arts Advisory Committee (YAARTS) |
| <b>Appointed Councillors</b>   | Bridgid O'Brien and Mi-Lin Chen Yi Mei |
| <b>Date of Council Meeting</b> | 4 August 2020                          |
| <b>Date of Report</b>          | 2 August 2020                          |
| <b>Report Author</b>           | Bridgid O'Brien                        |

#### DELEGATE'S REPORT

The Committee met on 15 July 2020 in a virtual format. Cr O'Brien was in attendance.

*Note this meeting occurred under Stage 2 restrictions.*

Agenda items for the meeting included:

**1. Discussion and sharing of information about the impact of COVID19 on arts and culture and the response to date by State, Federal and other Local Governments.**

Community panel members provided information about their observations and experiences.

Overwhelmingly grim discussion, great fear of how the creative landscape will look post-COVID, clear distress in the Yarra creative community. The majority of artists are struggling to just live day to day, relying on each other to survive and cope. The creative community was hit early and hard when the pandemic broke out and the second wave has led to widespread despair and extreme hardship.

Much of the industry has shut down, people have lost their jobs, can't operate their businesses and are dependent on government funding and support to live.

- JobSeeker payments are keeping some people afloat but many do not have access to JobKeeper.
- Many sectors have been severely impacted:
  - Artists unable to perform.
  - The second lock down has significantly diminished any optimism, with a sense of general mournfulness.
  - International Artist in Residence program is unlikely to survive.
  - Empty Gallery spaces in Yarra being vandalised and robbed.
  - Artistic patron funding has significantly diminished and expected to get worse.
  - Many Art fundraising projects have been postponed or cancelled outright. Significantly less money going to the sector, particularly to small companies.
  - Theatre and other live performance do not necessarily translate to digital; artists are using online platforms but it is not the same.
  - The second lockdown in Melbourne has led to jobs and events going interstate and concern they may not return.
- The Federal Government announcement on creative funding largely relates to jobs not a broader vision on the importance of the creative sector and is slow to come through.
- The State Government funding is largely for venues and big organisations, none toward individual artists, programming, studios, agents, promoters etc. Government spaces will survive but other spaces do not have the same support and may not.
- Moreland Council has belatedly released some COVID-19 grants and support packages to the value of \$5 million of which the Arts and Culture allocation is to the value of \$220k. These grants are very flexible and can cover rent, lost revenue, losses from cancelled events or other funding streams, etc. rather than entailing an expectation of artistic output.

## **2. Officers provided further information about Yarra's response, and the grants and initiatives that have been rolled out.**

Council provided a \$7.4 million community support package in response to COVID-19, with \$248k of this going to Arts and Culture support. This included \$185k in quick response grants that were highly sought, rent waivers and digital programming.

### **3. The panel discussed what is needed for post COVID-19 recovery**

- Different arts sector have different needs to recover.
- Council could help with bulk purchasing and shared buying schemes to help reduce costs for businesses.
- Help address consumer confidence so people feel safe to go out to venues/events. Council needs to be on the front foot to draw people to Yarra.
- Great need was expressed to support and maintain morale in the creative community, Council could find better/extra ways to help this.
- Council grant rounds could be tailored to respond to the new environment. For example, Creative New Zealand applicants provided proposals with an under lockdown option and a non-restriction environment.
- Release more Yarra grants.
- Council could advocate better for shopping strip vacancies as possible art sites that would also help reactivate struggling local precincts.
- Council could better promote the importance of the sector, the role it plays in innovation – in manufacturing, business, sustainability, new and challenging ideas, fostering creative solutions and problem solving. How it has sustained many in this crisis, its role in community building and engagement, providing space for different voices, its ability to move emotions, allow personal expression, how it promotes consideration of value structures and ethical thinking. Art is not a luxury, it is an important part of Yarra's liveability, history and economy. Artists depend on their supporters.

### **4. Draft Economic Development Strategy feedback to Council**

The committee was given a detailed overview of the strategy and invited to make a submission to the draft. It was noted the draft strategy was developed pre-COVID and some changes have been made in the draft to reflect this development.

- Affordability of spaces for creative businesses was the key problem highlighted by the Committee but needs more detail to make sure actions continue to be taken.
- Need to highlight the creation of a new Yarra Gallery space for future support.

### **5. Black Lives Matter**

A Council motion on 23 June 2020 regarding Black Lives Matter (BLM) in the Australian context of Aboriginal deaths in custody was drafted by the Yana Ngargna Advisory Group, Yarra's Aboriginal and Torres Strait Islander Advisory Committee with Councillors contribution. Part of this resolution involves the Arts and Culture Team, including new public art opportunities and an audit of collections, monuments/memorials, plaques and place names linked to perpetrators of injustices against the Aboriginal and Torres Strait Islander community.

### **6. Room to Create**

Fundraising for Room to Create Fund currently on hold and not likely to achieve \$500k target this year given COVID19

- **RTC Collingwood Yards studio - update**

The Room to Create Collingwood Yards Studio, funded by the Room to Create Fund and the Lord Mayor's Charitable Fund, provides highly subsidised studio space for visual artists in the new Collingwood Yards precinct. 6 artists have been selected for residency.

- **Upcoming Expressions of Interest - update**

- Richmond Maternal Child and Health Centre,
- Canning Street space (above the Canning Street Childcare Centre)
- Florence Peel in Fitzroy
- Studio One in Richmond

## **7. Other items**

Collingwood Yards and City of Yarra successful in a grant application to Vic Health securing \$150k over two years.

- The grant will support engagement between the internal community and the local community.
- It will develop strategies of community engagement that are new and innovative and possibly create a blueprint which may be replicated.

## **COUNCIL RESOLUTION**

**Moved:** Councillor O'Brien

**Seconded:** Councillor Bosler

1. That Council:

- (a) note this Delegate's Report; and
- (b) acknowledges the intrinsic value of the Creative sector and its important contribution to life in Yarra.

**CARRIED UNANIMOUSLY**

## 9. General Business

### 9.1 Councillor Jolly - Requesting Report on Alternative Measures to Assist Management of Graffiti

#### **COUNCIL RESOLUTION**

**Moved:** Councillor Jolly

**Seconded:** Councillor O'Brien

1. That Council:

- (a) note the concept of “green walls” and their effective and beneficial use for a variety of purposes, including but not limited to such as – beautification, climate control measures and graffiti management;
- (b) note:
  - (i) concerns from a number of Yarra residents over the increasing incidents of vandalism to and tagging of their properties and the subsequent increasing frequency which residents are having to repair and repaint their properties; and
  - (ii) requests from the residents, for Council to consider what resources and proactive measures may be engaged to support residents to combat the incidence of such vandalism and graffiti/tagging, including such as the potential for planting of green walls on their property boundaries;
- (c) note the approaching review of Yarra’s five year Graffiti Management Framework; and
- (d) having regard to the above points, request Officers to present a report back to Council:
  - (i) acknowledging the above noted principles;
  - (ii) detailing potential opportunities for the use of “green walls” or other plantings as a measure to enable better management of property vandalism, graffiti and tagging; and
  - (iii) detailing the processes of how such plantings and “green walls” are installed and where they could potentially be accommodated in Yarra, as an assistance measure in graffiti management.

**CARRIED UNANIMOUSLY**

#### **Background**

Residents are expressing concerns and seeking assistance from Council as increasing levels of vandalism are being incurred, leading to a now regular requirement for repaint /repair, such that on occasions, a repair on a Saturday will require a further repair/repaint on the Sunday.

Residents are also aware of the potential for such as “green walls” to be of assistance.

This is proving challenging and is really unsustainable to maintain the required resources. Residents are thus appealing to Council to review and consider possible alternative measures.

## 10. Questions without notice

This record is provided as a summary of the questions asked by members of the public during Public Question Time at a meeting of the Yarra City Council. A recording of the Council Meeting (including Questions Without Notice) is available on Council's website for twelve months following the meeting. Where a question is taken on notice and unable to be answered at the meeting, the full response is also published on Council's website when it becomes available.

### 10.1 Councillor Fristacky – Pop-up bicycle lanes Park Street, North Fitzroy

Question:

My first question relates to the pop-up cycle lanes on Park Street North Fitzroy between Nicholson Street and St Georges Road endorsed by Council at its meeting on 23 June. Congratulations to officers for implementation of these pop-up counter-flow bicycle lanes along Park Street, North Fitzroy between St Georges Road and Nicholson Street. This pop-up initiative has been well received by cyclists and alleviated social distancing problems due to congestion on the Capital City Trail on Linear Park. However, there are several questions as regards implementation:

1. Why is there a gap in the on-road counter flow line marking on-road on Park Street, between Best Street and Taplin Streets? This lack of continuity is a concern here.
2. Why is the counter-flow lane for cyclists, not also marked with bicycle symbols painted on-road, at appropriate spacing along the length of Park Street, North Fitzroy?
3. Why have the several white on-road arrows in the opposite direction head-on against the cyclist direction on Park Street, west of Taplin Street, not been painted over - e.g. with dark grey or black paint or a white bicycle symbol? These arrows in the opposite direction of cyclists in the 1.2m cycle lane cause confusion and create a risk.

Can these matters be examined and attended to with a report back to Council?

Response:

*The Director Planning and Place Making advised;*

*As Councillors are aware, it was really only broadly completed last week, there were a few delays because of the weather. It may not be a hundred percent complete yet but happy to check with staff. I don't think a report back to Council is necessary but certainly happy to update Councillors and put a note on the website.*

### 10.2 Councillor Fristacky – Cleaning up Dog Litter

Question:

My second question relates to an increased incidence of people failing to clean up after their dogs, reported to me by residents of Nicholls Ward. Can advice be provided on:

1. Methods of reinforcing the message and the legal obligation to do so?
2. How can enforcement be done, virtually or by other means during the COVID period?

*Response:*

*The Director Corporate Business and Finance advised:*

*We are doing some enforcement activity and as you would expect in terms of the Stage 4 restrictions, we are trying to ascertain requirements to ensure the safety of our own staff members. We are typically responding to complaints rather than having staff out and about in the community as would normally be the case. So if I understand the intent of your question, absolutely we can do some social media and other appropriate reminders to the community. As Councillors would appreciate, our enforcement is - like all other aspects of Melbourne at the moment - not quite as extensive as it normally would be, given we are trying to keep staff safe.*

### 10.3 Councillor O'Brien – Single Use Plastics & Cat Curfews

*Question:*

*My questions relate to the delegates report on the Yarra Environment Advisory Committee that was part of the Council Meeting on 12 November 2019. The report included information and resolutions that I would like to follow-up on.*

*I would like to follow-up on the phasing out of plastic bottles at our Leisure Centres, obviously they are closed at the moment but has that actually occurred?*

*There was also a request in the report for officers to review the matter of cat curfews and deliver back to Council some sort of brief. I am just wondering if that has happened.*

*Response:*

*The Director City Works and Assets advised;*

*Leisure Centres are closed and yes we have removed single use plastic bottles from those centres. The intent of reducing single use plastics has been a relatively straight forward one in terms of removing plastic bottles, and this has been much simpler than some of the other elements.*

*We are trying to remove a whole lot of single use plastics, so we are still working through removing some of the retail items that we stock, that can be difficult to get without plastic packaging. We are engaging with our suppliers and telling them that we have a preference to not use single use plastics. It might be that we move away from some suppliers when they can't do better than what they are currently doing.*

*We had moved away from single use coffee cups. You can no longer use keep cups unfortunately, so we are having to manage that as well. In short, we are still working to remove the use of single plastics (beyond plastic bottles) across our facilities, and this work is ongoing.*

*The Director Corporate Business and Finance advised;*

*Apologies if you haven't received a response to the cat curfews already. I do have some information at hand and that is quite extensive, so I propose circulating that to Councillors as per your request in the next few days. I would also note that there is a review scheduled in the Domestic Animal Management Plan in early 2021.*

*Councillors Nguyen arrived at the meeting at 7.43pm*

---

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

---

Trim Record Number: D20/124601

Responsible Officer: Director Corporate, Business and Finance

### RECOMMENDATION

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

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



- (k) authorises the Chief Executive Officer to effect administrative and wording changes to the proposed 2020/21 Budget, SRP & LTFS documents, which may be required.
- 2. That Council has reviewed the Council Plan (incorporating the Health and Wellbeing Plan) in accordance with relevant legislation, and no changes are proposed.

## MOTION

**Moved:** Councillor Coleman

**Seconded:** Councillor Fristacky

1. That Council, in considering submissions made on the proposed 2020/21 Budget and -the responses to these submissions set out at **Attachment 4**, and due to the funding demands, constraints and costs of the COVID-19 Emergency and Council's COVID-19 Economic and Community Support Package of \$7.456 million (*of which a 2% general rate increase proposed can only fund 31%*) to alleviate hardships in the community through refunding fees and charges for traders, reduced revenues from fees, charges, rate relief for hardship cases, and new community grants, while maintaining staffing and services to the community, but being forced to defer capital and other expenditure:
  - (a) adopts the 2020/21 Proposed Budget as set out in **Attachment 1**, as the Annual Budget of Council for the 2020/21 financial year, subject to the following amendments:
    - (i) inclusion of Council's endorsement and timeline of introducing a separate recycle bin for glass collections, at no additional cost for our ratepayers;
    - (ii) endorses funding of \$30,000 as part of its commitment to support Black Lives Matter for the Aboriginal and Torres Strait Islander community and in close consultation with the Yana Ngargna Advisory Committee, through commission a mural for 12 Peel Street Collingwood;
    - (iii) endorses potential reduction in the budget allocation of \$845,000 to laneway/ROW renewals, to fund the above variations;
    - (iv) Council limiting expenditure on consultants for matters that can be undertaken internally, including in engagement with community and other stakeholders on Council strategies, policies, and plans;
  - (b) in light of pressures on its Budget in responding to the ongoing COVID-19 Emergency as in Clause 1, further resolves to undertake a mid-term review of:
    - (i) capital projects which it has been necessary to defer due to the above constraints imposed on Council by the COVID-19 crisis, to examine how deferred projects can be funded in the balance of 2020/21;
    - (ii) its expenditure and further operational efficiencies including reducing the use of and costs of consultants and reducing passenger fleet reliance;
    - (iii) further scope for shared services and joint procurement;
    - (iv) potential to increase revenue from more effective use of assets; and
    - (v) scope to raise additional revenue through increased borrowing and grant funding; and
  - (c) that Council receive a report on this mid-term review by the first Council meeting of 2021, reporting on Council's financial position, its review of expenditure and income streams, capacity to deliver deferred capital projects and impacts on the provision of services to the community including separated organics collections.
  - (d) adopts the 2020/21 – 2023/24 Proposed SRP as the Strategic Resource Plan in **Attachment 2**;
  - (e) adopts the 2020/21 – 2029/30 Proposed LTFS as the Long Term Financial Strategy in **Attachment 3**;

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

|  |                   |
|--|-------------------|
| General Rates                                | \$ 115,098,000.00 |
| Special Rates & other charges                | \$ 245,000.00     |
| Supplementary Rates                          | \$1,000,000.00    |
| Pensioner rate rebate and other rate offsets | (\$474,000.00)    |
| Total Rates and Charges                      | \$ 115,869,000.00 |

- (j) advises in respect to General Rates:
  - (i) a general rate be declared in respect of and for the entire duration of the 2020/21 financial year;
  - (ii) it further be declared that the general rate be raised by application of a uniform rate;
  - (iii) a percentage of 0.039415461 be specified as the percentage of the uniform rate which may be alternatively expressed as \$0.039415461 cents in the NAV dollar: this figure is subject to clarifying the final valuations with the VGV;
  - (iv) it be confirmed that no amount is fixed as the minimum amount payable by way of a general rate in respect of each rateable property within the municipality; and
  - (v) the Council funded Pensioner Rate Rebate be declared at \$190.90 for 2020/21;
- (k) declares no Annual Service Charge in respect of the 2020/21 financial year;
- (l) declares no Municipal Charge in respect of the 2020/21 financial year;
- (m) authorises the Chief Executive Officer to effect administrative and wording changes to the proposed 2020/21 Budget, SRP & LTFS documents, which may be required; and
- (n) encourages Yarra residents who can - in particular those who have assured security of employment and income streams - to consider financial donations to Council's separate tax deductible fund within the Lord Mayor's Charitable Trust for increased Room to Create grants for the decimated arts sector and, Council staff to disseminate this message through next week's Yarra News, through the forthcoming Rates Brochure and through Yarra social media channels.

2. That Council has reviewed the Council Plan 2017-21, (incorporating the Health and Wellbeing Plan), as at Item 11.2 of this Council meeting Agenda, in accordance with relevant legislation, and no changes are proposed.

*Cr Jolly suggested the below amendment. The mover did not accept the amendment so it was formally put.*

## AMENDMENT

**Moved:** Councillor Jolly

**Seconded:** Councillor O'Brien

1. That Council, in considering submissions made on the proposed 2020/21 Budget and for the reasons set out at Attachment 4, determine to reduce the proposed general rate increase of 2% to a 0% increase, and necessary adjustments be made (refer below) to reflect the 2% reduction in general rates to the advertised Budget, with the proposed reduction being treated as an overall decrease to Councils general rate income for the 2020/21 financial year, and now:

- (a) adopts the 2020/21 Proposed Budget (as accordingly amended) as the Annual Budget of Council for the 2020/21 financial year;
- (b) adopts the 2020/21 – 2023/24 Proposed SRP (as accordingly amended) as the Strategic Resource Plan for 2020/21;
- (c) adopts the 2020/21 – 2029/30 Proposed LTFS (as accordingly amended) as the Long Term Financial Strategy for 2020/21;
- (d) makes copies of the 2020/21 Adopted Budget, SRP & LTFS available at Council offices, libraries and on Council's website;
- (e) authorises the Chief Executive Officer to give public notice of the decision to adopt the Annual Budget and submit a copy to the Minister for Local Government, in accordance with Section 130 of the Act;
- (f) endorses Council's response (as accordingly amended) to the submissions and notifies in writing the persons who have made a submission regarding the 2020/21 Proposed Budget, SRP and LTFS of Council's decision, in accordance with Section 223 of the Act, which will include a response to the issues raised in the submission;
- (g) declares rates and charges as per pages 38-41 of the budget document (Attachment 1), in summary, an amount of \$113,612,000.00 (or such greater amount as is lawfully levied as a consequence of this resolution) as the amount which Council intends to raise by General Rates and other charges, which is calculated as follows:

|  |                          |
|--|--------------------------|
| General Rates                                | <u>\$ 112,841,000.00</u> |
| Special Rates & other charges                | \$ 245,000.00            |
| Supplementary Rates                          | \$1,000,000.00           |
| Pensioner rate rebate and other rate offsets | (\$474,000.00)           |
| Total Rates and Charges                      | <u>\$ 113,612,000.00</u> |

- (h) advises in respect to General Rates:
  - (i) a general rate be declared in respect of and for the entire duration of the 2020/21 financial year;
  - (ii) it further be declared that the general rate be raised by application of a uniform rate;
  - (iii) a percentage of 0.038642608 be specified as the percentage of the uniform rate which may be alternatively expressed as \$0.038642608 cents in the NAV dollar: this figure is subject to clarifying the final valuations with the VGV;
  - (iv) it be confirmed that no amount is fixed as the minimum amount payable by way of a general rate in respect of each rateable property within the municipality; and
  - (v) the Council funded Pensioner Rate Rebate be declared at \$190.90 for 2020/21;
- (i) declares no Annual Service Charge in respect of the 2020/21 financial year;
- (j) declares no Municipal Charge in respect of the 2020/21 financial year;

- (k) referral of Councils Capital discretionary project requests and the prioritisation of funding such projects to a loan raising program (subject to a Section 223 process) after the adoption of the Budget; and
  - (l) authorises the Chief Executive Officer to effect administrative and wording changes to the proposed 2020/21 Budget, SRP & LTFS documents, which may be required.
2. That Council has reviewed the Council Plan (incorporating the Health and Wellbeing Plan) in accordance with relevant legislation, and no changes are proposed.

**LOST**

## CALL FOR A DIVISION

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

**Against:** Councillors Coleman, Fristacky, Stone, Chen Yi Mei, Searle, Bosler and Nguyen

*Councillor Stone suggested adding the below amendment. It was accepted by the mover and seconder and incorporated into the motion.*

## AMENDMENT

**Moved:** Councillor Stone

- 3. That the following items arising from budget submissions and previous council priorities, be referred to the mid-budget review for consideration:
  - (a) Implementation of the 4 bin waste system;
  - (b) Implementation of the Local Area Place Making (LAPM) 3 Scotchmer Precinct;
  - (c) Implementation of Climate Emergency Plan Actions Year 1; and
  - (d) Integrated Transport Plan.
- 4. That officers prepare a plan for continuous review of the Yarra Budget 2020-2021 in relation to changes in state government direction on the pandemic and consequent community need.
  - (a) That the Quarterly Financial Reports provided to a public council meeting include an update on this continuous review against community needs at the time; and
  - (b) That a major budget review be undertaken in January 2021 with a view to any necessary adjustment of the Budget based on community need.
- 5. That Council notes that:
  - (a) the Council response to the pandemic in terms of material and social support to the community will need to be constantly reviewed and that the impacts of the COVID-19 pandemic will play out over the term of this council term and the next; and
  - (b) any material adjustment to the Yarra Budget must undergo a statutory process of consultation with the Yarra community.

## SUBSTANTIVE MOTION

**Moved:** Councillor Coleman

**Seconded:** Councillor Fristacky

- 1. That Council, in considering submissions made on the proposed 2020/21 Budget and the responses to these submissions set out at **Attachment 4**, and due to the funding demands, constraints and costs of the COVID-19 Emergency and Council's COVID-19 Economic and Community Support Package of \$7.456 million (*of which a 2% general rate increase proposed can only fund 31%*) to alleviate hardships in the community through refunding fees and charges for traders, reduced revenues from fees, charges, rate relief for hardship cases, and new community grants, while maintaining staffing and services to the community, but being forced to defer capital and other expenditure:

- (a) adopts the 2020/21 Proposed Budget as set out in **Attachment 1**, as the Annual Budget of Council for the 2020/21 financial year, subject to the following amendments:
- (i) inclusion of Council's endorsement and timeline of introducing a separate recycle bin for glass collections, at no additional cost for our ratepayers;
  - (ii) endorses funding of \$30,000 as part of its commitment to support the Australian Black Lives Matter Movement of the Aboriginal and Torres Strait Islander community to be led by the Yana Ngargna Advisory Committee in collaboration with the Yarra Arts and Culture Team, through the commission of a mural for 12 Peel Street Collingwood;
  - (iii) endorses the reduction in the budget allocation to laneway/ROW renewals from \$845,000 to \$815,000 to fund the variation in 1(a)(ii); and
  - (iv) Council limiting expenditure on consultants for matters that can be undertaken internally, including in engagement with community and other stakeholders on Council strategies, policies, and plans;
- (b) in light of pressures on its Budget in responding to the ongoing COVID-19 Emergency as in Clause 1, further resolves to undertake a mid-term review of:
- (i) capital projects which it has been necessary to defer due to the above constraints imposed on Council by the COVID-19 crisis, to examine how deferred projects can be funded in the balance of 2020/21;
  - (ii) its expenditure and further operational efficiencies including reducing the use of and costs of consultants and reducing passenger fleet reliance;
  - (iii) further scope for shared services and joint procurement;
  - (iv) potential to increase revenue from more effective use of assets; and
  - (v) scope to raise additional revenue through increased borrowing and grant funding; and
- (c) that Council receive a report on this mid-term review by the first Council meeting of 2021, reporting on Council's financial position, its review of expenditure and income streams, capacity to deliver deferred capital projects and impacts on the provision of services to the community including separated organics collections.
- (d) adopts the 2020/21 – 2023/24 Proposed SRP as the Strategic Resource Plan **in Attachment 2;**
- (e) adopts the 2020/21 – 2029/30 Proposed LTFS as the Long Term Financial Strategy **in Attachment 3;**
- (f) makes copies of the 2020/21 Adopted Budget, 2020/21 – 2023/24 Strategic Resource Plan and 2020/21 – 2029/30 Long Term Financial Strategy available at Council offices, libraries and on Council's website;
- (g) authorises the Chief Executive Officer to give public notice of the decision to adopt the Annual Budget and submit a copy to the Minister for Local Government, in accordance with Section 130 of the Act;
- (h) endorses Council's response to the submissions and notifies in writing the persons who have made a submission regarding the 2020/21 Proposed Budget, SRP and LTFS of Council's decision, in accordance with Section 223 of the Act, which will include a response to the issues raised in the submission;
- (i) declares rates and charges as per pages 38-41 of the budget document **Attachment 1**, in summary, an amount of \$ 115,869,000.00 (or such greater amount as is lawfully levied as a consequence of this resolution) as the amount which Council intends to raise by General Rates and other charges, which is calculated as follows:

|                               |                   |
|-------------------------------|-------------------|
| General Rates                 | \$ 115,098,000.00 |
| Special Rates & other charges | \$ 245,000.00     |

|  |                   |
|--|-------------------|
| Supplementary Rates                          | \$1,000,000.00    |
| Pensioner rate rebate and other rate offsets | (\$474,000.00)    |
| Total Rates and Charges                      | \$ 115,869,000.00 |

- (j) advises in respect to General Rates:
    - (i) a general rate be declared in respect of and for the entire duration of the 2020/21 financial year;
    - (ii) it further be declared that the general rate be raised by application of a uniform rate;
    - (iii) a percentage of 0.039415461 be specified as the percentage of the uniform rate which may be alternatively expressed as \$0.039415461 cents in the NAV dollar: this figure is subject to clarifying the final valuations with the VGV;
    - (iv) it be confirmed that no amount is fixed as the minimum amount payable by way of a general rate in respect of each rateable property within the municipality; and
    - (v) the Council funded Pensioner Rate Rebate be declared at \$190.90 for 2020/21;
  - (k) declares no Annual Service Charge in respect of the 2020/21 financial year;
  - (l) declares no Municipal Charge in respect of the 2020/21 financial year;
  - (m) authorises the Chief Executive Officer to effect administrative and wording changes to the proposed 2020/21 Budget, SRP & LTFS documents, which may be required; and
  - (n) encourages Yarra residents who can - in particular those who have assured security of employment and income streams - to consider financial donations to Council's separate tax deductible fund within the Lord Mayor's Charitable Trust for increased Room to Create grants for the decimated arts sector and, Council staff to disseminate this message through next week's Yarra News, through the forthcoming Rates Brochure and through Yarra social media channels.
2. That Council has reviewed the Council Plan 2017-21, (incorporating the Health and Wellbeing Plan), as at Item 11.2 of this Council meeting Agenda, in accordance with relevant legislation, and no changes are proposed.
  3. That the following items arising from budget submissions and previous council priorities, be referred to the mid-budget review for consideration:
    - (a) Implementation of the 4 bin waste system;
    - (b) Implementation of the Local Area Place Making (LAPM) 3 Scotchmer Precinct;
    - (c) Implementation of Climate Emergency Plan Actions Year 1; and
    - (d) Integrated Transport Plan.
  4. That officers prepare a plan for continuous review of the Yarra Budget 2020-2021 in relation to changes in state government direction on the pandemic and consequent community need:
    - (a) That the Quarterly Financial Reports provided to a public Council meeting include an update on this continuous review against community needs at the time; and
    - (b) That a major budget review be undertaken in January 2021 with a view to any necessary adjustment of the budget based on community need.
  5. That Council notes that:
    - (a) The Council response to the pandemic in terms of material and social support to the community will need to be constantly reviewed and that the impacts of the COVID-19 pandemic will play out over the term of this council term and the next; and
    - (b) any material adjustment to the Yarra Budget must undergo a statutory process of consultation with the Yarra community.

*Councillor O'Brien suggested adding a new clause under 1 (a). The amendment was not accepted by the mover and seconder so it was formally put.*

**AMENDMENT**

**Moved** Councillor O'Brien

**Seconded** Councillor Jolly

1. (a) (iii) endorses funding of \$35,000 funding for a sprinkler system at the Yarra Bend Grey headed flying fox colony in the locality of the only Victorian Soft Release facility for injured and orphaned GHFF, in accordance with resolution No. 3 from 4 February 2020 Council meeting, to be funded through a potential reduction in expenditure allocated to consultants;

**LOST**

*Councillor Nguyen suggested adding a new clause 6 as below. The amendment was not accepted by the mover and seconder so it was formally put.*

**AMENDMENT**

**Moved** Councillor Nguyen

**Seconded** Councillor Jolly

6. To immediately commence the implementation of a loan raising program of up to \$20 million dollars (subject to Section 223 process) after the adoption of the budget to fund a Green New Deal via the implementation of the Yarra Climate Emergency Plan and COVID Recovery Projects that will support Yarra community members such as public housing residents and young people who have been hit hardest by the pandemic. The COVID Recovery Projects should broadly:
  - (a) support innovative approaches to identify, unlock and create land parcels to provide for the growth of social housing;
  - (b) invest in community led initiatives that will increase access to well paying and sustainable jobs that offer training and advancement opportunities;
  - (c) leverage funding to enhance public community Infrastructure that will promote community participation and support the health, wellbeing and connectedness of residents; and
  - (d) ensure that decisions made about these projects are informed and consultation led by public housing residents and young people.

**CALL FOR A DIVISION**

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

**Against:** Councillors Coleman, Fristacky, Stone, Chen Yi Mei, Searle and Bosler

**LOST**

*The Mayor adjourned the meeting at 9.42pm*

*The meeting resumed at 9.49pm*

*Councillor O'Brien suggested adding a new clause 6 and 7 as shown below. The amendment was not accepted by the mover and seconder so it was formally put.*

#### AMENDMENT

**Moved** Councillor O'Brien

**Seconded** Councillor Jolly

6. That Council endorse funding of \$50,000 toward further funding for Arts and Creative grants and funded by an addition to the deficit.
7. That Council endorse funding of \$50,000 to Liquid Architecture, Bus Projects and West Space's joint project for Collingwood Yards of a 2021 Polyphonic Social Festival in partnership with Rising and funded by an addition to the deficit.

**LOST**

#### CALL FOR A DIVISION

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

**Against:** Councillors Coleman, Fristacky, Chen Yi Mei, Searle, Bosler and Nguyen

#### COUNCIL RESOLUTION (PROCEDURAL)

**Moved** Councillor Fristacky

**Seconded:** Councillor Coleman

That the question be now put.

**CARRIED**

#### COUNCIL RESOLUTION

**Moved:** Councillor Coleman

**Seconded:** Councillor Fristacky

1. That Council, in considering submissions made on the proposed 2020/21 Budget and the responses to these submissions set out at **Attachment 4**, and due to the funding demands, constraints and costs of the COVID-19 Emergency and Council's COVID-19 Economic and Community Support Package of \$7.456 million (*of which a 2% general rate increase proposed can only fund 31%*) to alleviate hardships in the community through refunding fees and charges for traders, reduced revenues from fees, charges, rate relief for hardship cases, and new community grants, while maintaining staffing and services to the community, but being forced to defer capital and other expenditure:
  - (a) adopts the 2020/21 Proposed Budget as set out in **Attachment 1**, as the Annual Budget of Council for the 2020/21 financial year, subject to the following amendments:
    - (i) inclusion of Council's endorsement and timeline of introducing a separate recycle bin for glass collections, at no additional cost for our ratepayers;
    - (ii) endorses funding of \$30,000 as part of its commitment to support the Australian Black Lives Matter Movement of the Aboriginal and Torres Strait Islander community to be led by the Yana Ngargna Advisory Committee in collaboration with the Yarra Arts and Culture Team, through the commission of a mural for 12 Peel Street Collingwood;
    - (iii) endorses the reduction in the budget allocation to laneway/ROW renewals from \$845,000 to \$815,000 to fund the variation in 1(a)(ii); and
    - (iv) Council limiting expenditure on consultants for matters that can be undertaken internally, including in engagement with community and other stakeholders on Council strategies, policies, and plans;
  - (b) in light of pressures on its Budget in responding to the ongoing COVID-19 Emergency as in Clause 1, further resolves to undertake a mid-term review of:



- (i) capital projects which it has been necessary to defer due to the above constraints imposed on Council by the COVID-19 crisis, to examine how deferred projects can be funded in the balance of 2020/21;
- (ii) its expenditure and further operational efficiencies including reducing the use of and costs of consultants and reducing passenger fleet reliance;
- (iii) further scope for shared services and joint procurement;
- (iv) potential to increase revenue from more effective use of assets; and
- (v) scope to raise additional revenue through increased borrowing and grant funding; and
- (c) that Council receive a report on this mid-term review by the first Council meeting of 2021, reporting on Council's financial position, its review of expenditure and income streams, capacity to deliver deferred capital projects and impacts on the provision of services to the community including separated organics collections.
- (d) adopts the 2020/21 – 2023/24 Proposed SRP as the Strategic Resource Plan **in Attachment 2;**
- (e) adopts the 2020/21 – 2029/30 Proposed LTFS as the Long Term Financial Strategy **in Attachment 3;**
- (f) makes copies of the 2020/21 Adopted Budget, 2020/21 – 2023/24 Strategic Resource Plan and 2020/21 – 2029/30 Long Term Financial Strategy available at Council offices, libraries and on Council's website;
- (g) authorises the Chief Executive Officer to give public notice of the decision to adopt the Annual Budget and submit a copy to the Minister for Local Government, in accordance with Section 130 of the Act;
- (h) endorses Council's response to the submissions and notifies in writing the persons who have made a submission regarding the 2020/21 Proposed Budget, SRP and LTFS of Council's decision, in accordance with Section 223 of the Act, which will include a response to the issues raised in the submission;
- (i) declares rates and charges as per pages 38-41 of the budget document ***Attachment 1***, in summary, an amount of \$ 115,869,000.00 (or such greater amount as is lawfully levied as a consequence of this resolution) as the amount which Council intends to raise by General Rates and other charges, which is calculated as follows:
 

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

- (k) declares no Annual Service Charge in respect of the 2020/21 financial year;
  - (l) declares no Municipal Charge in respect of the 2020/21 financial year;
  - (m) authorises the Chief Executive Officer to effect administrative and wording changes to the proposed 2020/21 Budget, SRP & LTFS documents, which may be required; and
  - (n) encourages Yarra residents who can - in particular those who have assured security of employment and income streams - to consider financial donations to Council's separate tax deductible fund within the Lord Mayor's Charitable Trust for increased Room to Create grants for the decimated arts sector and, Council staff to disseminate this message through next week's Yarra News, through the forthcoming Rates Brochure and through Yarra social media channels.
2. That Council has reviewed the Council Plan 2017-21, (incorporating the Health and Wellbeing Plan), as at Item 11.2 of this Council meeting Agenda, in accordance with relevant legislation, and no changes are proposed.
  3. That the following items arising from budget submissions and previous council priorities, be referred to the mid-budget review for consideration:
    - (e) Implementation of the 4 bin waste system;
    - (f) Implementation of the Local Area Place Making (LAPM) 3 Scotchmer Precinct;
    - (g) Implementation of Climate Emergency Plan Actions Year 1; and
    - (h) Integrated Transport Plan.
  4. That officers prepare a plan for continuous review of the Yarra Budget 2020-2021 in relation to changes in state government direction on the pandemic and consequent community need:
    - (c) That the Quarterly Financial Reports provided to a public Council meeting include an update on this continuous review against community needs at the time; and
    - (d) That a major budget review be undertaken in January 2021 with a view to any necessary adjustment of the budget based on community need.
  5. That Council notes that:
    - (c) The Council response to the pandemic in terms of material and social support to the community will need to be constantly reviewed and that the impacts of the COVID-19 pandemic will play out over the term of this council term and the next; and
    - (d) any material adjustment to the Yarra Budget must undergo a statutory process of consultation with the Yarra community.

**CARRIED**

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

**For:** Councillors Coleman, Fristacky, Stone, Chen Yi Mei, Searle, Bosler and O'Brien  
**Against:** Councillors Jolly and Nguyen

*Councillor Nguyen left the meeting at 10.35pm*

## 11.2 2020/21 Annual Plan

Reference: D20/126120

Authoriser: Director Corporate, Business and Finance

### RECOMMENDATION

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

### COUNCIL RESOLUTION

**Moved:** Councillor Fristacky

**Seconded:** Councillor Coleman

1. That Council:
  - (a) endorse the 2020/21 Annual Plan **at Attachment 1**, subject to the following amendments:
    - (i) Item 2.03 Yarra Physical Activity Plan:  
Amend action description to “Develop a physical activity action plan to support the lifelong mental and physical health of all people who live, work, learn and play in Yarra, to combat inadequate levels of physical activity.”;
    - (ii) Item 5.01 Economic Development Strategy:  
Add milestone “Report to Council on outcomes of community consultation process” to September quarter;
    - (iii) Item 6.01 Review Parking Strategy:  
Add milestone “Extend the roll-out of in-ground sensors and report to Council on actions taken to implement Council’s policy of there being only 4 ways of legally parking in Yarra” to March quarter;
    - (iv) Item 6.02 Public Transport Advocacy:
      - a. Amend action description to include following advocacy initiatives:
        - MM2 linking the Clifton Hill rail group lines with the central city;
        - NEL-Eastern Freeway busway remedying the gap east-west along Alexandra Parade;
        - bus or other public transport services for the AMCOR development and linking Victoria Street East with Richmond/Burnley;
      - b. Add milestones:
        - “Continue to advocate for east west public transport improvements along Alexandra Parade” to December quarter, and
        - “Advocate to the State Government for MM2 to connect to the Clifton Hill group of lines” to March quarter.
  - (b) receives quarterly reports on progress of the 2020/21 Annual Plan; and
  - (c) authorises officers to make minor administrative changes or clarifications if required.

**CARRIED UNANIMOUSLY**

---

**11.3      Community engagement policy and action plan - WITHDRAWN**

---

Reference:    D20/126177

Authoriser:    Group Manager - Advocacy, Engagement and Communications.

**ITEM WAS WITHDRAWN**

## 11.4 Centenary of Election of Victoria's First Woman Councillor

Reference: D20/127593

Authoriser: Group Manager Chief Executive's Office

### RECOMMENDATION

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

### Public Submissions

*The following people made a submission to Council on the matter:*

*Kylie Spears (President ALGWA) (read out by Rhys Thomas);*

*Michelle Kleinert (Executive Officer ALGWA) (read out by Rhys Thomas);*

*Felicity Frederico (Centenary Project Coordinator ALGWA) (read out by Rhys Thomas); and*

*Herschel Landes (read out by Rhys Thomas).*

### COUNCIL RESOLUTION

**Moved:** Councillor Bosler

**Seconded:** Councillor Coleman

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

**CARRIED UNANIMOUSLY**

## 11.5 Old Heidelberg Road Alphington

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

### RECOMMENDATION

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

#### Public Submission

*James Thyer (Community Coalition for the Darebin Yarra Link) made a submission to Council on the matter.*

### COUNCIL RESOLUTION

**Moved:** Councillor O'Brien

**Seconded:** Councillor Stone

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

**CARRIED UNANIMOUSLY**

---

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

---

Reference:    D20/118863  
 Authoriser:   Manager Statutory Planning

## **RECOMMENDATION**

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

### **Clause 5.0**

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

- (a) DA1001 – DA1016 (Rev C), Architectus, 16 April 2020;
- (b) DA2001 – DA2013 (Rev C), Architectus, 16 April 2020;
- (c) DA2101 – DA2105 (Rev B), Architectus, 16 April 2020;
- (d) Materials Schedule P142-143;
- (e) Façade Strategy and Materials and Finishes Plan (as per Clause 6.2);
- (f) Landscape Plan, TLC, April 2020 (modified as per **Clause 6.6**);
- (g) Sustainable/Sustainability Management Plan, Floth, 16 April 2020 (modified as per **Clause 6.10**);
- (h) Green Travel Plan, Impact, 16 April 2020 (modified as per **Clause 6.13**);
- (i) Waste Management Plan, WSP, May 2020 (modified as per **Clause 6.15**);
- (j) Acoustic Report, Floth, 17 April 2020 (modified as per **Clause 6.18**);
- (k) Acoustic Report supplementary (as per **Clauses 6.20 and 6.21**);
- (l) Wind Tunnel Report, MEL Consultants, 17 April 2020 (modified as per **Clause 6.21**);
- (m) Car Park Management Plan (as per **Clause 6.24**);
- (n) Design Detail Plan (as per **Clause 6.30**);
- (o) VicTrack Landscape Zone and Pedestrian Path plans (as per **Clause 6.31**);
- (p) Infrastructure and Streetscape Masterplan (as per **Clause 6.33**);
- (q) Section 173 Agreement - widening of Swan and Burnley Streets and the land to the south (as per **Clause 6.35**);
- (r) Section 173 Agreement – affordable commercial space (as per **Clause 6.37**);

- (s) Road Safety Audit, post-development Road Safety Audit, and detailed plans for Transport for Victoria (**Clauses 6.39 - 6.57**); and
- (t) **Detailed plans for VicTrack (Clauses 6.80-6.90).**

## **Clause 6.0**

- 6.1 Before the development commences, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of this Incorporated Document. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with DA1001 –DA1016 (Rev C), DA2001 –DA2013 (Rev C) and DA2101-DA2105 (Rev B) and Materials Schedule P142-143 prepared by Architectus, but modified to show:

### **Signage**

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

### **Built Form**

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



- (l) The southern setback of the upper levels of the development to be further setback, or lowered in height, to further reduce the extent of overshadowing experienced to the southern Burnley Station platform.
- (m) Further resolution of the proposed canopy to ensure there is no conflict with future street tree planting and incorporate a minimum 750mm setback from the Swan Street kerb;
- (n) The canopy to Burnley Street to be setback a minimum 750mm setback from the Burnley Street kerb;
- (o) The detailed design of the retail spaces, with individual tenancies shown, areas provided and uses identified;
- (p) Levels 1-3 setback 1 metre from the southern boundary to allow for VicTrack maintenance and fire protection;**

Car Parking and Services

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

### Reports and Plans

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

### 6.2 Façade Strategy

In conjunction with the submission of development plans under Clause 6.1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the responsible authority must be submitted to and be approved by the responsible authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this Incorporated Document. This must detail:

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

- 6.3 The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the responsible authority.

- 6.4 As part of the ongoing progress and development of the site, Architectus or an architectural firm to the satisfaction of the responsible authority must be engaged to:
- (a) oversee design and construction of the development; and
  - (b) ensure the design quality and appearance of the development is realised as shown on the endorsed plans or otherwise to the satisfaction of the responsible authority.

**6.5 Before the development commences, the 'Right of Carriageway' as shown on Title plan No. 592681C must be removed and the 'road' as shown on Title plan No. 686205P must be discontinued and form part of the subject site.**

**6.6 Landscape plan**

Before the development commences, an amended Landscape Plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the amended Landscape Plan will be endorsed and will form part of the incorporated plans under this document. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by TLC and dated April 2020, but modified to include (or show):

- (a) The six London Plane trees to be replaced with *Lagerstroemia indica*;
- (b) Further resolution of the proposed canopy to ensure there is no conflict with future street tree planting, with advice provided by a suitably qualified arborist/landscape architect demonstrating any proposed canopy will not impact the long-term viability of the proposed street trees on Swan Street;
- (c) The four street trees proposed along Burnley Street to be modified to be all Japanese Zelkova 'Green Vase';
- (d) Details of tree guards and treatments for the proposed street trees, in accordance with Yarra standard details;
- (e) Details of soil volumes for all garden beds provided;
- (f) Consideration to passive irrigation or use of water captured by the subject site;
- (g) A 600mm setback provided between the proposed raised planters with custom seating along Burnley Street and the kerb;
- (h) Consistently show details of the form, size and furniture proposed around the edges of the planters;
- (i) In respect of the Burnley Station landscaped terrace, the following details are to be provided:
  - (i) Proposed levels;
  - (ii) Materials of seating slabs; and
  - (iii) Several sectional diagrams demonstrating the relationship between the terrace and Burnley Station pedestrian ramp;
- (j) A detailed planting plan including a planting schedule that shows the quantities, pot sizes, mature heights, botanical and common names;
- (k) A specification of works to be undertaken prior to planting;
- (l) Maintenance schedules and notes, including how any plant failure will be managed, including for the façade planting;

- (m) Details of the proposed methods for irrigation and drainage;
- (n) All plants proposed confirmed to not be listed within *DELWP Advisory List of Environmental Weeds in Victoria*; and
- (o) Include any requirements where relevant in accordance with Clause **6.30**.

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

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

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

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

- (a) at the developer's cost; and
- (b) in a location and manner, to the satisfaction of the responsible authority.

**6.10** Sustainable management plan

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

- (a) the development to ensure a zero net carbon performance standard, as defined by the Green Building Council of Australia, forming part of a minimum 5 Star Green Star certified rating;
- (b) A minimum 20% improvement above NCC 2019 standards and a completed JV3 energy report demonstrating the proposed energy performance standard;
- (c) A commitment to electric vehicle charging infrastructure for at least 5% of vehicle spaces to be provided;
- (d) The provision of 326 employee bicycle spaces;
- (e) A daylight report be prepared using daylight modelling or GBCA Hand Calculation method demonstrating that at least 30% of NLA exceed a 2% daylight factor standard; and
- (f) Size and capacity of the proposed solar PV array.

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

Green Travel Plan

- 6.13** Before the development is occupied, an amended Green Travel Plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this Incorporated Document. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by Impact, dated 16 April 2020, but modified to include or show:
- (a) Security arrangements to access the employee bicycle storage spaces;
  - (b) The types of lockers proposed within the change-room facilities, with at least 50% of lockers providing hanging storage space;
  - (c) Signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3; and
  - (d) The floor plans showing details of the bicycle parking and end of trip facilities.
- 6.14** The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the responsible authority.

Waste Management Plan

- 6.15** Before the development commences, an amended Waste Management Plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this Incorporated Document. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by WSP and dated May 2020, but modified to:
- (a) Assess the proposal as amended under Clause 6.1.
- 6.16** The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the responsible authority.
- 6.17** The collection of waste from the site must be by private collection, unless with the prior written consent of the responsible authority.

Acoustic Report

- 6.18** Before the development commences, an amended Acoustic Report to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the amended Acoustic Report will be endorsed and will form part of this Incorporated Document. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Floth and dated 17 April 2020, but modified to include:

- (a) The means by which the long-term averages for road traffic noise have been derived.

**6.19** The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the responsible authority.

**6.20** Following the excavation of the basement and before the development commences (excluding any works required to secure the basement), an Acoustic Report (vibration) to the satisfaction of the responsible authority must be submitted to, and be approved by, the responsible authority. The Acoustic Report must be prepared by a suitably qualified acoustic engineer and must demonstrate:

- (a) Remeasuring of the vibration once excavation of the site had been completed. The VDV is to be measured directly, or full details of the measurement results and conversion calculation to obtain the VDV is provided at that time. The VDV should be measured and/or calculated in accordance with the 2008 British Standard referenced by Floth.

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

**6.21** Following completion of the development, and prior to its occupation, an Acoustic Report to the satisfaction of the responsible authority must be submitted to, and be approved by, the responsible authority. The Acoustic Report must be prepared by a suitably qualified acoustic engineer and must demonstrate:

- (a) Compliance of the mechanical plant, car park entrance door and loading bay with both State Environment Protection Policy (Noise from Commerce, Industry and Trade) No. N-1 and sleep disturbance targets at existing dwellings; and
- (b) Compliance with any recommendations or requirements of the report referenced within Clause 6.19.

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

#### Wind Tunnel Report

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

- (a) Assess the proposal as amended pursuant to Clause 6.1;
- (b) The northern, southern and western retail frontages achieving pedestrian comfort for stationary, long exposure activities;
- (c) The bicycle arrival achieving pedestrian comfort for stationary, short exposure activities;
- (d) The external terraces at Levels 1, 2 and 3 achieving pedestrian comfort for stationary, short exposure activities; and
- (e) The external terraces at Levels 10 and 11 achieving pedestrian comfort for stationary, short exposure activities.

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

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

Car parking

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

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

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

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

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

to the satisfaction of the responsible authority.

- 6.27** Before the building is occupied, or by such later date as approved in writing by the responsible authority, a notice showing the location of car parking must be placed in a clearly visible position near the entry to the land. The notice must be maintained thereafter to the satisfaction of the responsible authority.

- 6.28** The loading and unloading of vehicles and the delivery of goods to and from the land must be conducted entirely within the land to the satisfaction of the responsible authority.

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

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

Within six months of the development commencing, the owner of the site must submit detailed engineering and landscaping documentation to the satisfaction of the responsible authority and approved by the responsible authority and at the full cost of the owner showing the following:

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

**6.31** VicTrack Landscaped Zone and Pedestrian Path

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

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

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



### **6.33 Infrastructure and Streetscape Masterplan**

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

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

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

- (d) the streetscape along Swan Street.

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

### **6.34 Timing of works**

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

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

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

- (a) The Owner must provide unfettered 24-hour public access over that part of the land to be used for the widening of the Swan Street and Burnley Street footpaths and pedestrian footpath to the south (rail interface);
- (b) The owner is responsible for maintaining at all times the areas that are private land open to the public described in **Clause 6.35(a)** at the cost of the owners of the site and to the satisfaction of the Yarra City Council; and
- (c) The owner(s) must obtain and maintain insurance, approved by Yarra City Council, for the public liability and indemnify Yarra City Council against all claims resulting from any damage, loss, death or injury in connection with the public accessing the land described in **Clause 6.35(a)**.

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

**6.37 Section 173 Agreement (Affordable Commercial Space)**

Before the development is occupied, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the responsible authority under section 173 of the Planning and Environment Act 1987 which requires that the owner must facilitate the provision of affordable commercial space by:

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

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

**6.39 Head, Transport for Victoria (Clauses 6.39 to 6.57)**

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

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

**to the satisfaction of TfV.**

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

- (a) the function and layout of the left in left out Swan Street access;

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

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

- 6.41** Unless otherwise agreed in writing with TfV within six (6) months of the occupation of the development the developer must submit a post development road safety audit, to the satisfaction of TfV, demonstrating that all works associated with the approved road safety audit have been tested and any reasonable alterations required are completed to the full cost of the developer and to the satisfaction of TfV.
- 6.42** Before the Development commences, unless otherwise agreed in writing with the Head Transport for Victoria, the developer must submit detailed plans (inclusive of materials and landscaping) to the satisfaction of the Head, Transport for Victoria (TfV), Vic Track and the Rail Operator (RO) showing the development interface improvements for the footpath to the south (directly abutting the subject site's boundaries and extending along the frontage to the railway land and connecting to the Burnley Station ramps as appropriate) being 'public realm works' on railway land. The plans must:
  - (a) show lighting, landscaping, footpaths, bicycle parking, street furniture and associated infrastructure;
  - (b) meet Rail Operator specifications and standards;
  - (c) demonstrate that the works are compliant with the Disability Standard for Accessible Public Transport 2002;
  - (d) A construction control agreement must be in place between the developer and RO prior to commencement of the Public Realm Works on Railway Land; and
  - (e) the Public Realm Works outlined in the plans must be completed by the developer at their full cost and to the satisfaction of TfV, VicTrack & the RO.
- 6.43** Prior to the commencement of work on site (excluding demolition) detailed construction / engineering plans and computations for construction works abutting railway land, railway operations, and railway infrastructure assets must be submitted and approved by VicTrack, TfV and the Rail Operator (RO). The Plans must detail all excavation design and controls of the site adjacent to the railway corridor. The Design Plans must ensure compliance regarding:
  - (a) building clearances to aerial power lines as per the applicable Victorian Electrical Safety (Installations) Regulations;
  - (b) design loadings for the building include for:
    - (i) compliance with AS5100 Parts 1 and 2 for collision protection and impact loads from derailed trains,
    - (ii) compliance with AS1170 Part 4 -Earthquake Actions in Australia,
  - (c) working adjacent to overhead power to the satisfaction of the RO;

- (d) demonstrate compliance with air, light and fire requirements without reliance on railway land; and
  - (e) demonstrates a design plan, and a maintenance and operations strategy for balconies and windows that will eliminate any risk of debris falling or being thrown onto railway land.
- 6.44** Unless otherwise agreed in writing with TfV, before the commencement of works (including demolition), a Construction Management Plan must be submitted to TfV and Vic Track for approval. The Construction Management Plan must designate operating hours and include details of (but not be limited to) management proposals and actions to protect Vic Track assets, rail infrastructure and the operation of the public transport network during construction and must set out objectives, performance and monitoring requirements to the satisfaction of Vic Track & TfV.
- 6.45** Unless otherwise agreed in writing with the TfV, before the commencement of works (including demolition), a Traffic Management Plan must be submitted to TfV which outlines how traffic will be managed throughout the construction of the development and mitigate impacts to public transport, including trains and trams. The Traffic Management Plan must be prepared and implemented to the satisfaction of TfV. All traffic management and mitigation costs will be at the full cost of the developer.
- 6.46** Unless otherwise agreed in writing with TfV, prior to construction commencing including demolition, a construction control and indemnity agreement as required by TfV must be in place to the satisfaction of TfV at the full cost to the developer. Any costs required to review documents for the construction control and indemnity agreement must be met by the developer.
- 6.47** Unless otherwise agreed in writing with TfV, prior to the commencement of works (excluding demolition), developer must prepare a report, to the satisfaction of TfV & the RO, by a suitable qualified consultant, which demonstrates that all building materials (including glass / window treatments) visible from the rail corridor are non-reflective such that it will not adversely impact on rail operations and driver safety. The development must avoid using red, green or yellow colour schemes that may interfere with driver operations.
- 6.48** Unless otherwise agreed in writing with TfV and VicTrack, windows, doors and balconies must not be placed on the title boundary with Railway Land and no windows or doors are permitted to open beyond the Railway Land title boundary to the satisfaction of TfV and VicTrack.
- 6.49** Prior to the occupation of the development, all works outlined on the endorsed plans for the left in left out only access must be completed with associated signs, to the satisfaction of TfV at the full cost to the developer.
- 6.50** The boundary wall must be treated with a graffiti proof finish and any graffiti that appears on the wall must be removed as soon as practicable to the satisfaction of VicTrack and the Rail Operator. Removal of graffiti must be undertaken at no cost to VicTrack or the Rail Operator.
- 6.51** Unless otherwise agreed in writing, permanent or temporary soil anchors must not be installed on railway land.
- 6.52** Prior to commencement of works, the Rail Operator must be contacted through the email address [metrositeaccess@metrotrains.com.au](mailto:metrositeaccess@metrotrains.com.au) to obtain the Rail Operator's conditions and safety requirements for works on, over or adjacent to railway land.

- 6.53** Any Rail Operator costs required to review documents or construction plan works within the rail environment must be met by the developer.
- 6.54** Any damage to public transport infrastructure as a consequence of the construction works must be rectified to the satisfaction of TfV, at the full cost of the developer.
- 6.55** The developer must take all reasonable steps to ensure that disruptions to train and tram operation are kept to a minimum during the construction of the development, and in compliance with the Rail and Tram Safety and Environmental requirements.
- 6.56** No lighting is to be erected that throws light onto the railway tracks or which interferes with the visibility of signals and the rail lines by train drivers, to the satisfaction of the Rail Operator.
- 6.57** No drainage, effluent, waste, soil or other materials must enter or be directed to railway land or stored or deposited on railway land.

**6.58** Road Infrastructure

Before the building is occupied, or by such later date as approved in writing by the responsible authority, any new vehicle crossing must be constructed:

- (a) in accordance with any requirements or conditions imposed by Council;
- (b) Demonstrating satisfactory access into and out of the site with a vehicle ground clearance check using the B99 design vehicle, and be fully dimensioned with actual reduced levels (to three decimal places) as per Council's Vehicle Crossing Information Sheet;
- (c) at the developer's cost;
- (d) to the satisfaction of the responsible authority;
- (e) The edge of the vehicle crossing must comply with the minimum setback from the two electrical poles as required by the relevant power authority and Yarra Trams. If there is a requirement to relocate the poles, the developer must obtain the consent of the relevant power authority and Yarra Trams. All costs associated with the relocation will be at the developer's cost; and
- (f) The vehicle crossing shall be constructed in accordance with Department of Infrastructure's and City of Yarra's requirements and specifications.

- 6.59** Before the building is occupied, or by such later date as approved in writing by the responsible authority, all building works and connections for underground utility services, the footpaths along the property's Swan Streets and Burnley Street (service road) frontages must be reconstructed (including kerb and channel):

- (a) at the developer's cost; and
- (b) to the satisfaction of the responsible authority.

- 6.60** Before the building is occupied, or by such later date as approved in writing by the responsible authority, the full width road pavement of the Burnley Street service road (from west kerb to east kerb line) from the southern limit of the development to Swan Street must be profiled and re-sheeted:

- (a) at the developer's cost; and
- (b) to the satisfaction of the responsible authority.

- 6.61** Before the building is occupied, or by such later date as approved in writing by the responsible authority, the half-width road pavement of Swan Street (from south kerb to tramway tracks) from the western limit of the development to the eastern limit of the development must be profiled and re-sheeted (including the reinstatement of all road markings):
- (a) at the developer's cost;
  - (b) to the satisfaction of any other relevant authority; and
  - (c) to the satisfaction of the responsible authority.
- 6.62** Before the building is occupied, or by such later date as approved in writing by the responsible authority, any isolated areas of road pavement failure as a consequence of construction traffic impacts must be reconstructed:
- (a) at developer's cost;
  - (b) to the satisfaction of any other relevant authority; and
  - (c) to the satisfaction of the responsible authority.
- 6.63** Before the building is occupied, or by such later date as approved in writing by the responsible authority the relocation of any service poles, structures or pits necessary to facilitate the development must be undertaken:
- (a) at the developer's cost; and
  - (b) to the satisfaction of the responsible authority.
- 6.64** Before the building is occupied, or by such later date as approved in writing by the responsible authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
- (a) at the developer's cost; and
  - (b) to the satisfaction of the responsible authority.
- 6.65** Before the building is occupied, or by such later date as approved in writing by the responsible authority, the removal of any kerbside parking sensors and any reinstatement of parking sensors will require the developer to pay Council the cost of each parking sensor taken out from the kerb/footpath/roadway. Any costs associated with the reinstatement of road infrastructure due to the removal of the parking sensors must also be borne by the developer.
- 6.66** Before the building is occupied, or by such later date as approved in writing by the responsible authority, the four bike hoops located on Burnley Street must be re-located within the site's frontages:
- (a) at the developer's cost; and
  - (b) in a location and manner,  
**to the satisfaction of the responsible authority.**
- 6.67** Lighting
- Before the building is occupied, or by such later date as approved in writing by the responsible authority, a public lighting design scheme along the development's road frontages (including along the pedestrian link to Burnley Train Station) demonstrating adequate lighting levels for pedestrians as per Australian Standard requirements must be submitted to and approved by the responsible authority. Notations must confirm that the lighting scheme has been approved by CitiPower and all lighting infrastructure and hardware will be funded by the developer.

**6.68** Before the building is occupied, or by such later date as approved in writing by the responsible authority, external lighting capable of illuminating access to the pedestrian and vehicular entrances must be provided on the subject site. Lighting must be:

- (a) located;
- (b) directed;
- (c) shielded; and
- (d) of limited intensity

**to the satisfaction of the responsible authority.**

**6.69** General

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

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

**to the satisfaction of the responsible authority.**

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

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

**6.72** Before the building is occupied, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the responsible authority.

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

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

**6.75** Before the building is occupied, or by such later date as approved in writing by the responsible authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the responsible authority.

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

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

**6.78** Except with the prior written consent of the responsible authority, demolition or construction works must not be carried out:

- (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;

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

Construction Management Plan

**6.79**

Before the development commences, a Construction Management Plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will form part of this Incorporated Document. The plan must provide for:

- (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
- (b) works necessary to protect road and other infrastructure;
- (c) remediation of any damage to road and other infrastructure;
- (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
- (e) facilities for vehicle washing, which must be located on the land;
- (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
- (g) site security;
- (h) management of any environmental hazards including, but not limited to:
  - (i) contaminated soil;
  - (ii) materials and waste;
  - (iii) dust;
  - (iv) stormwater contamination from run-off and wash-waters;
  - (v) sediment from the land on roads;
  - (vi) washing of concrete trucks and other vehicles and machinery; and
  - (vii) spillage from refuelling cranes and other vehicles and machinery;
- (i) the construction program;
- (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (k) parking facilities for construction workers;
- (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (n) an emergency contact that is available for 24 hours per day for residents and the responsible authority in the event of relevant queries or problems experienced;
- (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices -Part 3: Traffic control devices for works on roads;



- (p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the responsible authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
  - (i) using lower noise work practice and equipment;
  - (ii) the suitability of the land for the use of an electric crane;
  - (iii) silencing all mechanical plant by the best practical means using current technology;
  - (iv) fitting pneumatic tools with an effective silencer;
  - (v) other relevant considerations; and
- (q) any site-specific requirements;

During the construction:

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

**VicTrack (Clauses 6.80 to 6.90)**

- 6.80 All boundary fences and walls to be treated with a graffiti proof finish and any graffiti that appears on the wall must be cleaned and removed as soon as practicable.**
- 6.81 The developer must not, at any time:**
  - (a) allow any drainage, effluent, waste, soil or other materials to enter or be directed to the railway land; or
  - (b) store or deposit any waste, soil or other materials on the railway land.
- 6.82 Prior to the commencement of work on site detailed construction / engineering plans and computations for any construction abutting railway infrastructure or railway land must be submitted and approved by Vic Track and the Head, Transport for Victoria. The plans must detail all excavation design and controls of the site adjacent to the railway corridor having any impact on railway land. The design Plans must ensure compliance with:**
  - (c) building clearances to aerial power lines as per the applicable Victorian Electrical Safety (Installations) regulations;
  - (d) design loadings for the building from the nearest rail track is in compliance with AS5100.2-2017 Design Loads and Part 4 AS1170.4 Earthquake action Australia; and

- (e) **working adjacent to overhead power to the satisfaction of the RO.**
  - (f) **all excavation of the site adjacent to the railway corridor having any impact on the railway land**
  - (g) **the design features of the development (including appropriate screening to balconies) that will be implemented by the developer to ensure that objects cannot be projected into the rail corridor**
  - (h) **demonstration that the materials and colours of the development will not cause reflections or glare that may interfere with train driver operations and must avoid using red, green or yellow colour schemes or shapes capable of being mistaken for train signals. (This information must be supported by advice from a suitably qualified consultant).**
- 6.83 The development must be constructed in accordance with the endorsed detailed construction/engineering plans and computations to the satisfaction of and at no cost to VicTrack and the Head, Transport for Victoria. The endorsed detailed construction/engineering plans and computations must not be modified except with the prior written consent of VicTrack and the Head, Transport for Victoria.**
- 6.84 The developer must not enter any railway land without the written consent of the Rail Operator. If the developer has obtained the Rail Operator's written consent to enter the railway land, the developer must comply with the Rail Operator's Site Access Procedures, conditions and safety requirements when accessing the railway land. The developer must comply with the Rail Operator's reasonable requirements for works on, over or adjacent to the railway land. The rail operator contact is: [metrositeaccess@metrotrains.com.au](mailto:metrositeaccess@metrotrains.com.au)**
- 6.85 Before development starts (including demolition and bulk excavation), all necessary construction control agreements and indemnity agreements must be prepared and entered into with VicTrack and the Head, Transport for Victoria to the satisfaction of and at no cost to VicTrack and Head Transport for Victoria.**
- 6.86 The developer must not carry out, or allow to be carried out, any excavation, filling or construction on the common boundary between the subject land and the railway land unless it has obtained the prior written approval of VicTrack and the Rail Operator.**
- 6.87 All works, including hoardings, must be undertaken within the subject land and must not encroach onto the railway land.**
- 6.88 The developer must not at any time erect lighting (permanent or temporary) that interferes with the visibility of signals and rail lines by train drivers.**
- 6.89 The developer must not install, or cause to be installed, any permanent or temporary ground anchors within the railway land.**
- 6.90 Before development starts (including demolition and bulk excavation), a Demolition and Construction Management Plan must be submitted to and approved by the VicTrack and the Head, Department on Transport. When approved, the Demolition and Construction Management Plan will form a part of the Incorporated Document. The Demolition and Construction Management Plan must include (but not be limited to) details of the buildings, works and other measures necessary to:**
- (a) **protect railway land, track, overhead power and associated infrastructure;**

- (b) **prevent disruption to the operation of the railway;**
- (c) **the remediation of any damage to railway land, track, overhead power and associated infrastructure;**
- (d) **access to the railway land during demolition and construction of the development (if required);**
- (e) **arrangements for:**
  - (i) **any hoarding associated with the construction of the development that encroaches onto or overhangs railway land;**
  - (ii) **the excavation, filling, earthworks or construction associated with the development occurring on or next to the boundary of the railway land;**
  - (iii) **the deposit or store of waste, fill or other materials associated with the development on the railway land;**
  - (iv) **air and dust management;**
  - (v) **operating hours;**
  - (vi) **noise and vibration controls;**
  - (vii) **the security of the railway land and associated infrastructure; and**
- (g) **the safety requirements relevant to the railway land and associated infrastructure and the operation of the railway.**

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

**Notes:**

- The site is located within an Environmental Audit Overlay. Under Clause 45.03 of the Yarra Planning Scheme, the requirements of the Environmental Audit Overlay must be met prior to the commencement of development permitted under the Incorporated Document.
- A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5555 to confirm.
- A vehicle crossing permit is required for the construction of the vehicle crossing(s). Please contact Council's Construction Management Branch on 9205 5555 for further information.
- Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5555 for further information.
- Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, valves or meters on Council property will be accepted.
- All future employees within the development approved under this Incorporated Document will not be permitted to obtain business parking permits.

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

#### **VicTrack Note**

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

**MOTION****Moved:** Councillor Fristacky**Seconded:** Councillor Chen Yi Mei

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

**Clause 5.0**

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

- (a) DA1001 – DA1016 (Rev C), Architectus, 16 April 2020;
- (b) DA2001 – DA2013 (Rev C), Architectus, 16 April 2020;
- (c) DA2101 – DA2105 (Rev B), Architectus, 16 April 2020;
- (d) Materials Schedule P142-143;
- (e) Façade Strategy and Materials and Finishes Plan (as per Clause 6.2);
- (f) Landscape Plan, TLC, April 2020 (modified as per **Clause 6.6**);
- (g) Sustainable/Sustainability Management Plan, Floth, 16 April 2020 (modified as per **Clause 6.10**);
- (h) Green Travel Plan, Impact, 16 April 2020 (modified as per **Clause 6.13**);
- (i) Waste Management Plan, WSP, May 2020 (modified as per **Clause 6.15**);
- (j) Acoustic Report, Floth, 17 April 2020 (modified as per **Clause 6.18**);
- (k) Acoustic Report supplementary (as per **Clauses 6.20 and 6.21**);
- (l) Wind Tunnel Report, MEL Consultants, 17 April 2020 (modified as per **Clause 6.21**);
- (m) Car Park Management Plan (as per **Clause 6.24**);
- (n) Design Detail Plan (as per **Clause 6.30**);
- (o) VicTrack Landscape Zone and Pedestrian Path plans (as per **Clause 6.31**);
- (p) Infrastructure and Streetscape Masterplan (as per **Clause 6.33**);
- (q) Section 173 Agreement - widening of Swan and Burnley Streets and the land to the south (as per **Clause 6.35**);
- (r) Section 173 Agreement – affordable commercial space (as per **Clause 6.37**);
- (s) Road Safety Audit, post-development Road Safety Audit, and detailed plans for Transport for Victoria (**Clauses 6.39 - 6.57**); and
- (t) **Detailed plans for VicTrack (Clauses 6.80-6.90).**

**Clause 6.0**

- 6.1 Before the development commences, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of this Incorporated Document. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with DA1001 –DA1016 (Rev C), DA2001 –DA2013 (Rev C) and DA2101-DA2105 (Rev B) and Materials Schedule P142-143 prepared by Architectus, but modified to show:

**Signage**

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

**Built Form**

- (b) At level 11 the eastern façade setback a minimum 6.23 metres from the eastern boundary for the section from 1 metre south of Gridline 3 to the southern façade as generally depicted in sketch plans submitted by Human Habitats 5 June 2020;
- (c) At level 11, the south roof zone reconfigured to a landscaped terrace as generally depicted in sketch plans submitted by Human Habitats 5 June 2020;
- (d) At level 10, the west façade setback to a minimum 13.5 metres for the entire west elevation south of where the building currently indents to 10.97 metres;
- (e) At level 10, the southern façade setback to 11.322 metres, west of Gridline E, as generally depicted in sketch plans submitted by Human Habitats 5 June 2020;
- (f) Level 11 setback in accordance with Clause 6.1(d) and 6.1(e);
- (g) The south-western Level 11 terrace relocated to Level 10, in the area created by Clause 6.1(d) and 6.1(e);
- (h) The building parapet around the roof top plant and the roof top plant level to be lowered in height and integrated into the design of the building to minimise visibility and reduce overshadowing to the Burnley Station;
- (i) An updated 3D model of the development and its surrounds in conformity with the Department of Environment, Water, Land and Planning Infrastructure Advisory Note –3D Digital Modelling;
- (j) The design expression east of the primary north-south entrance in Swan Street to be revised for each of the podium levels to better reflect the character of the area and to provide improved fenestration and materiality;
- (k) The design expression of the Burnley Street zone south of the projecting corner to be revised for each of the podium levels to better reflect the character of the area and to provide improved fenestration and materiality;
- (l) The southern setback of the upper levels of the development to be further setback, or lowered in height, to further reduce the extent of overshadowing experienced to the southern Burnley Station platform;

- (m) Further resolution of the proposed canopy to ensure there is no conflict with future street tree planting and incorporate a minimum 750mm setback from the Swan Street kerb;
- (n) The canopy to Burnley Street to be setback a minimum 750mm setback from the Burnley Street kerb;
- (o) The detailed design of the retail spaces, with individual tenancies shown, areas provided and uses identified;
- (p) Levels 1-3 setback 1 metre from the southern boundary to allow for VicTrack maintenance and fire protection;**

#### Car Parking and Services

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

#### Reports and Plans

- (dd) **At least 50% of bike racks to be provided at grade;**
- (ee) Provision of space for cargo bikes;**
- (ff) Any requirement of the endorsed Landscape Plan (**Clause 6.6**) (where relevant to show on plans);

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

## 6.2 Façade Strategy

In conjunction with the submission of development plans under Clause 6.1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the responsible authority must be submitted to and be approved by the responsible authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this Incorporated Document. This must detail:

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

- 6.3 The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the responsible authority.



- 6.4 As part of the ongoing progress and development of the site, Architectus or an architectural firm to the satisfaction of the responsible authority must be engaged to:
- (a) oversee design and construction of the development; and
  - (b) ensure the design quality and appearance of the development is realised as shown on the endorsed plans or otherwise to the satisfaction of the responsible authority.

**6.5 Before the development commences, the 'Right of Carriageway' as shown on Title plan No. 592681C must be removed and the 'road' as shown on Title plan No. 686205P must be discontinued and form part of the subject site.**

**6.6 Landscape plan**

Before the development commences, an amended Landscape Plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the amended Landscape Plan will be endorsed and will form part of the incorporated plans under this document. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by TLC and dated April 2020, but modified to include (or show):

- (a) The six London Plane trees to be replaced with *Lagerstroemia indica*;
- (b) Further resolution of the proposed canopy to ensure there is no conflict with future street tree planting, with advice provided by a suitably qualified arborist/landscape architect demonstrating any proposed canopy will not impact the long-term viability of the proposed street trees on Swan Street;
- (c) The four street trees proposed along Burnley Street to be modified to be all Japanese Zelkova 'Green Vase';
- (d) Details of tree guards and treatments for the proposed street trees, in accordance with Yarra standard details;
- (e) Details of soil volumes for all garden beds provided;
- (f) Consideration to passive irrigation or use of water captured by the subject site;
- (g) A 600mm setback provided between the proposed raised planters with custom seating along Burnley Street and the kerb;
- (h) Consistently show details of the form, size and furniture proposed around the edges of the planters;
- (i) In respect of the Burnley Station landscaped terrace, the following details are to be provided:
  - (i) Proposed levels;
  - (ii) Materials of seating slabs; and
  - (iii) Several sectional diagrams demonstrating the relationship between the terrace and Burnley Station pedestrian ramp;
- (j) A detailed planting plan including a planting schedule that shows the quantities, pot sizes, mature heights, botanical and common names;
- (k) A specification of works to be undertaken prior to planting;
- (l) Maintenance schedules and notes, including how any plant failure will be managed, including for the façade planting;

- (m) Details of the proposed methods for irrigation and drainage;
- (n) All plants proposed confirmed to not be listed within *DELWP Advisory List of Environmental Weeds in Victoria*; and
- (o) Include any requirements where relevant in accordance with Clause **6.30**.

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

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

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

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

- (a) at the developer's cost; and
- (b) in a location and manner, to the satisfaction of the responsible authority.

**6.10** Sustainable management plan

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

- (a) the development to ensure a zero net carbon performance standard, as defined by the Green Building Council of Australia, forming part of a minimum 5 Star Green Star certified rating;
- (b) A minimum 20% improvement above NCC 2019 standards and a completed JV3 energy report demonstrating the proposed energy performance standard;
- (c) A commitment to electric vehicle charging infrastructure for at least 5% of vehicle spaces to be provided;
- (d) The provision of 326 employee bicycle spaces;
- (e) A daylight report be prepared using daylight modelling or GBCA Hand Calculation method demonstrating that at least 30% of NLA exceed a 2% daylight factor standard; and
- (f) Size and capacity of the proposed solar PV array.

- 6.11** The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the responsible authority.
- 6.12** Before the development is occupied, a report from the author of the Sustainable Management Plan, approved under this incorporated document, or similarly qualified person or company, must be submitted to the responsible authority. This report must be to the satisfaction of the responsible authority and must confirm all measures specified in the Sustainable Management Plan have been implemented in accordance with the approved plan.
- 6.13** Green Travel Plan
- Before the development is occupied, an amended Green Travel Plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this Incorporated Document. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by Impact, dated 16 April 2020, but modified to include or show:
- (a) Security arrangements to access the employee bicycle storage spaces;
  - (b) The types of lockers proposed within the change-room facilities, with at least 50% of lockers providing hanging storage space;
  - (c) Signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3;
  - (d) The floor plans showing details of the bicycle parking and end of trip facilities; and
  - (e) **Details of bicycle parking with at least 50% of bike racks at grade, including space for cargo bikes and charging points for E-bikes and information on access to visitor bicycle parking.**
- 6.14** The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the responsible authority.
- 6.15** Waste Management Plan
- Before the development commences, an amended Waste Management Plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this Incorporated Document. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by WSP and dated May 2020, but modified to:
- (a) Assess the proposal as amended under Clause 6.1; and
  - (b) **A separate waste stream and bin for glass.**
- 6.16** The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the responsible authority.
- 6.17** The collection of waste from the site must be by private collection, unless with the prior written consent of the responsible authority.

#### **6.18 Acoustic Report**

Before the development commences, an amended Acoustic Report to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the amended Acoustic Report will be endorsed and will form part of this Incorporated Document. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Floth and dated 17 April 2020, but modified to include:

- (a) The means by which the long-term averages for road traffic noise have been derived.

**6.19** The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the responsible authority.

**6.20** Following the excavation of the basement and before the development commences (excluding any works required to secure the basement), an Acoustic Report (vibration) to the satisfaction of the responsible authority must be submitted to, and be approved by, the responsible authority. The Acoustic Report must be prepared by a suitably qualified acoustic engineer and must demonstrate:

- (a) Remeasuring of the vibration once excavation of the site had been completed. The VDV is to be measured directly, or full details of the measurement results and conversion calculation to obtain the VDV is provided at that time. The VDV should be measured and/or calculated in accordance with the 2008 British Standard referenced by Floth.

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

**6.21** Following completion of the development, and prior to its occupation, an Acoustic Report to the satisfaction of the responsible authority must be submitted to, and be approved by, the responsible authority. The Acoustic Report must be prepared by a suitably qualified acoustic engineer and must demonstrate:

- (a) Compliance of the mechanical plant, car park entrance door and loading bay with both State Environment Protection Policy (Noise from Commerce, Industry and Trade) No. N-1 and sleep disturbance targets at existing dwellings; and
- (b) Compliance with any recommendations or requirements of the report referenced within Clause 6.19.

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

#### **6.22 Wind Tunnel Report**

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

- (a) Assess the proposal as amended pursuant to Clause 6.1;
- (b) The northern, southern and western retail frontages achieving pedestrian comfort for stationary, long exposure activities;

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

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

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

**6.24** Car parking

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

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

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

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

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

to the satisfaction of the responsible authority.

- 6.27** Before the building is occupied, or by such later date as approved in writing by the responsible authority, a notice showing the location of car parking must be placed in a clearly visible position near the entry to the land. The notice must be maintained thereafter to the satisfaction of the responsible authority.
- 6.28** The loading and unloading of vehicles and the delivery of goods to and from the land must be conducted entirely within the land to the satisfaction of the responsible authority.
- 6.29** Except with the prior written consent of the responsible authority, the internal north-south connection between Swan Street and the land to the south must be open between 8am and 6pm on business days (excluding public holidays).

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

Within six months of the development commencing, the owner of the site must submit detailed engineering and landscaping documentation to the satisfaction of the responsible authority and approved by the responsible authority and at the full cost of the owner showing the following:

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

**6.31** VicTrack Landscaped Zone and Pedestrian Path

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

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

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

**6.33** Infrastructure and Streetscape Masterplan

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

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

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

- (d) the streetscape along Swan Street.

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

**6.34** Timing of works

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

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

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

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

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

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

**6.37** Section 173 Agreement (Affordable Commercial Space)

Before the development is occupied, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the responsible authority under section 173 of the Planning and Environment Act 1987 which requires that the owner must facilitate the provision of affordable commercial space by:

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

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

**6.39** Head, Transport for Victoria (Clauses 6.39 to 6.57)

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

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



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

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

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

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

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

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

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

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

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

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

**6.58** Road Infrastructure

Before the building is occupied, or by such later date as approved in writing by the responsible authority, any new vehicle crossing must be constructed:

- (a) in accordance with any requirements or conditions imposed by Council;
- (b) Demonstrating satisfactory access into and out of the site with a vehicle ground clearance check using the B99 design vehicle, and be fully dimensioned with actual reduced levels (to three decimal places) as per Council's Vehicle Crossing Information Sheet;
- (c) at the developer's cost;
- (d) to the satisfaction of the responsible authority;
- (e) The edge of the vehicle crossing must comply with the minimum setback from the two electrical poles as required by the relevant power authority and Yarra Trams. If there is a requirement to relocate the poles, the developer must obtain the consent of the relevant power authority and Yarra Trams. All costs associated with the relocation will be at the developer's cost; and
- (f) The vehicle crossing shall be constructed in accordance with Department of Infrastructure's and City of Yarra's requirements and specifications.

- 6.59** Before the building is occupied, or by such later date as approved in writing by the responsible authority, all building works and connections for underground utility services, the footpaths along the property's Swan Streets and Burnley Street (service road) frontages must be reconstructed (including kerb and channel):
  - (a) at the developer's cost; and

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

**to the satisfaction of the responsible authority.**

**6.67 Lighting**

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

**6.68** Before the building is occupied, or by such later date as approved in writing by the responsible authority, external lighting capable of illuminating access to the pedestrian and vehicular entrances must be provided on the subject site. Lighting must be:

- (a) located;
- (b) directed;
- (c) shielded; and
- (d) of limited intensity

**to the satisfaction of the responsible authority.**

**6.69 General**

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

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

**to the satisfaction of the responsible authority.**

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

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

**6.72** Before the building is occupied, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the responsible authority.

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

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

**6.75** Before the building is occupied, or by such later date as approved in writing by the responsible authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the responsible authority.

- 6.76** All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.
- 6.77** All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the responsible authority.
- 6.78** Except with the prior written consent of the responsible authority, demolition or construction works must not be carried out:
- (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
  - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
  - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

**6.79** Construction Management Plan

Before the development commences, a Construction Management Plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will form part of this Incorporated Document. The plan must provide for:

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

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

During the construction:

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

#### **6.80 VicTrack (Clauses 6.80 to 6.90)**

**All boundary fences and walls to be treated with a graffiti proof finish and any graffiti that appears on the wall must be cleaned and removed as soon as practicable.**

#### **6.81 The developer must not, at any time:**

- (a) **allow any drainage, effluent, waste, soil or other materials to enter or be directed to the railway land; or**
- (b) **store or deposit any waste, soil or other materials on the railway land.**

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



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

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

**6.91 Developer Contribution**

**Prior to the commencement of the development, the developer must pay the Responsible Authority a \$10,000 contribution for the installation of bicycle access improvements, to the subject site as agreed in writing to the satisfaction of the Responsible Authority.**

**6.92 The Responsible Authority must use the funds on the agreed project within 12 months of the development completion; 12 months after the development completion, the developer may request a refund for the full amount if the agreed project has not been commenced or is not proposed to proceed.**

**Notes:**

- **All future businesses (whether as owners, lessees/tenants, occupiers) within the development approved under this Incorporated Document, will not be permitted to obtain business parking permits.**
- The site is located within an Environmental Audit Overlay. Under Clause 45.03 of the Yarra Planning Scheme, the requirements of the Environmental Audit Overlay must be met prior to the commencement of development permitted under the Incorporated Document.
- A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5555 to confirm.
- A vehicle crossing permit is required for the construction of the vehicle crossing(s). Please contact Council's Construction Management Branch on 9205 5555 for further information.
- Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5555 for further information.
- Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, valves or meters on Council property will be accepted.
- A local law permit (e.g. Asset Protection Permit, Road Occupation Permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5555 to confirm.
- The applicant must apply for a Legal Point of Discharge under Regulation 133 –Stormwater Drainage of the Building Regulations 2018 from Yarra Building Services unit. Any storm water drainage within the property must be provided and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), or to Council's satisfaction under Section 200 of the Local Government Act 1989 and Regulation 133.
- Any services poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the owner's expense after seeking approval from the relevant authority.
- Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, valves or meters on Council property will be accepted.
- Except with the prior written consent of the responsible authority, Council assets must not be altered in any way.
- No parking restriction signs or line-marked on-street parking bays are to be removed, adjusted, changed or relocated without approval or authorisation from Council's Parking Management unit and Construction Management branch. Any on-street parking reinstated (signs and line markings) as a result of development works must be approved by Council's Parking Management unit.

- Only roof runoff, surface water and clean groundwater seepage from above the water table can be discharged into Council drains.
- Council will not permit clean groundwater from below the groundwater table to be discharged into Council's drainage system. Basements that extend into the groundwater table must be waterproofed/tanked.
- The developer needs to ensure that the building has adequate clearances from overhead power cables, transformers, substations or any other electrical assets where applicable. Energy Safe Victoria has published an information brochure, Building design near powerlines, which can be obtained from their website: <http://www.esv.vic.gov.au/About-ESV/Reports-andpublications/Brochures-stickers-and-DVDs>

#### **VicTrack Note**

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

*Councillor Searle suggested the below amendment. It was accepted by the mover and seconder and incorporated into the motion.*

#### **AMENDMENT**

**Moved:** Councillor Searle

|      |  |
|------|--|
| 6.37 | <p><b><u>Section 173 Agreement (Affordable Commercial Space)</u></b></p> <p><b>Deleting 5% and adding 10% in (a)</b></p> <p>(a) Providing <b>10%</b> of the office floor area on-site as affordable office floor space which may include a co-working space/social enterprise space/office space for creative design tenant(s) available at a discount compared with market rent; or</p> |
|------|--|

*Councillor Searle suggested the below amendment. The amendment was not accepted by the mover and seconder so it was formally put.*

#### **AMENDMENT**

**Moved:** Councillor Searle

**Seconded:** Councillor Stone

|     |   |
|-----|---|
| 6.1 | <p><b><u>Deletion of existing clauses 6.1(b) – (g) and (l)</u></b></p> <p><b><u>Renumbering of remaining clauses and insertion of the following new clause:</u></b></p> <p><b><u>(b) Deletion of three levels (Levels 9, 10 and 11)</u></b></p> <p><b><u>Renumbering of remaining clauses</u></b></p> |
|-----|---|

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

**For:** Councillors Jolly, Stone, Searle and O'Brien

**Against:** Councillors Coleman, Fristacky, Chen Yi Mei and Bosler

*Councillor Coleman exercised her casting vote AGAINST*

**LOST**

## COUNCIL RESOLUTION

**Moved:** Councillor Fristacky

**Seconded:** Councillor Chen Yi Mei

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

### **Clause 5.0**

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

- (a) DA1001 – DA1016 (Rev C), Architectus, 16 April 2020;
- (b) DA2001 – DA2013 (Rev C), Architectus, 16 April 2020;
- (c) DA2101 – DA2105 (Rev B), Architectus, 16 April 2020;
- (d) Materials Schedule P142-143;
- (e) Façade Strategy and Materials and Finishes Plan (as per Clause 6.2);
- (f) Landscape Plan, TLC, April 2020 (modified as per **Clause 6.6**);
- (g) Sustainable/Sustainability Management Plan, Floth, 16 April 2020 (modified as per **Clause 6.10**);
- (h) Green Travel Plan, Impact, 16 April 2020 (modified as per **Clause 6.13**);
- (i) Waste Management Plan, WSP, May 2020 (modified as per **Clause 6.15**);
- (j) Acoustic Report, Floth, 17 April 2020 (modified as per **Clause 6.18**);
- (k) Acoustic Report supplementary (as per **Clauses 6.20 and 6.21**);
- (l) Wind Tunnel Report, MEL Consultants, 17 April 2020 (modified as per **Clause 6.21**);
- (m) Car Park Management Plan (as per **Clause 6.24**);
- (n) Design Detail Plan (as per **Clause 6.30**);
- (o) VicTrack Landscape Zone and Pedestrian Path plans (as per **Clause 6.31**);
- (p) Infrastructure and Streetscape Masterplan (as per **Clause 6.33**);
- (q) Section 173 Agreement - widening of Swan and Burnley Streets and the land to the south (as per **Clause 6.35**);
- (r) Section 173 Agreement – affordable commercial space (as per **Clause 6.37**);
- (s) Road Safety Audit, post-development Road Safety Audit, and detailed plans for Transport for Victoria (**Clauses 6.39 - 6.57**); and
- (t) **Detailed plans for VicTrack (Clauses 6.80-6.90).**

**Clause 6.0**

- 6.1 Before the development commences, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of this Incorporated Document. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with DA1001 –DA1016 (Rev C), DA2001 –DA2013 (Rev C) and DA2101-DA2105 (Rev B) and Materials Schedule P142-143 prepared by Architectus, but modified to show:

**Signage**

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

**Built Form**

- (b) At level 11 the eastern façade setback a minimum 6.23 metres from the eastern boundary for the section from 1 metre south of Gridline 3 to the southern façade as generally depicted in sketch plans submitted by Human Habitats 5 June 2020;
- (c) At level 11, the south roof zone reconfigured to a landscaped terrace as generally depicted in sketch plans submitted by Human Habitats 5 June 2020;
- (d) At level 10, the west façade setback to a minimum 13.5 metres for the entire west elevation south of where the building currently indents to 10.97 metres;
- (e) At level 10, the southern façade setback to 11.322 metres, west of Gridline E, as generally depicted in sketch plans submitted by Human Habitats 5 June 2020;
- (f) Level 11 setback in accordance with Clause 6.1(d) and 6.1(e);
- (g) The south-western Level 11 terrace relocated to Level 10, in the area created by Clause 6.1(d) and 6.1(e);
- (h) The building parapet around the roof top plant and the roof top plant level to be lowered in height and integrated into the design of the building to minimise visibility and reduce overshadowing to the Burnley Station;
- (i) An updated 3D model of the development and its surrounds in conformity with the Department of Environment, Water, Land and Planning Infrastructure Advisory Note –3D Digital Modelling;
- (j) The design expression east of the primary north-south entrance in Swan Street to be revised for each of the podium levels to better reflect the character of the area and to provide improved fenestration and materiality;
- (k) The design expression of the Burnley Street zone south of the projecting corner to be revised for each of the podium levels to better reflect the character of the area and to provide improved fenestration and materiality;
- (l) The southern setback of the upper levels of the development to be further setback, or lowered in height, to further reduce the extent of overshadowing experienced to the southern Burnley Station platform;

- (m) Further resolution of the proposed canopy to ensure there is no conflict with future street tree planting and incorporate a minimum 750mm setback from the Swan Street kerb;
- (n) The canopy to Burnley Street to be setback a minimum 750mm setback from the Burnley Street kerb;
- (o) The detailed design of the retail spaces, with individual tenancies shown, areas provided and uses identified;
- (p) Levels 1-3 setback 1 metre from the southern boundary to allow for VicTrack maintenance and fire protection;**

#### Car Parking and Services

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

#### Reports and Plans

- (dd) **At least 50% of bike racks to be provided at grade;**
- (ee) Provision of space for cargo bikes;**
- (ff) Any requirement of the endorsed Landscape Plan (**Clause 6.6**) (where relevant to show on plans);

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

## 6.2 Façade Strategy

In conjunction with the submission of development plans under Clause 6.1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the responsible authority must be submitted to and be approved by the responsible authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this Incorporated Document. This must detail:

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

- 6.3 The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the responsible authority.

- 6.4 As part of the ongoing progress and development of the site, Architectus or an architectural firm to the satisfaction of the responsible authority must be engaged to:
- (a) oversee design and construction of the development; and
  - (b) ensure the design quality and appearance of the development is realised as shown on the endorsed plans or otherwise to the satisfaction of the responsible authority.

**6.5 Before the development commences, the 'Right of Carriageway' as shown on Title plan No. 592681C must be removed and the 'road' as shown on Title plan No. 686205P must be discontinued and form part of the subject site.**

**6.6 Landscape plan**

Before the development commences, an amended Landscape Plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the amended Landscape Plan will be endorsed and will form part of the incorporated plans under this document. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by TLC and dated April 2020, but modified to include (or show):

- (a) The six London Plane trees to be replaced with *Lagerstroemia indica*;
- (b) Further resolution of the proposed canopy to ensure there is no conflict with future street tree planting, with advice provided by a suitably qualified arborist/landscape architect demonstrating any proposed canopy will not impact the long-term viability of the proposed street trees on Swan Street;
- (c) The four street trees proposed along Burnley Street to be modified to be all Japanese Zelkova 'Green Vase';
- (d) Details of tree guards and treatments for the proposed street trees, in accordance with Yarra standard details;
- (e) Details of soil volumes for all garden beds provided;
- (f) Consideration to passive irrigation or use of water captured by the subject site;
- (g) A 600mm setback provided between the proposed raised planters with custom seating along Burnley Street and the kerb;
- (h) Consistently show details of the form, size and furniture proposed around the edges of the planters;
- (i) In respect of the Burnley Station landscaped terrace, the following details are to be provided:
  - (i) Proposed levels;
  - (ii) Materials of seating slabs; and
  - (iii) Several sectional diagrams demonstrating the relationship between the terrace and Burnley Station pedestrian ramp;
- (j) A detailed planting plan including a planting schedule that shows the quantities, pot sizes, mature heights, botanical and common names;
- (k) A specification of works to be undertaken prior to planting;
- (l) Maintenance schedules and notes, including how any plant failure will be managed, including for the façade planting;



- (m) Details of the proposed methods for irrigation and drainage;
- (n) All plants proposed confirmed to not be listed within *DELWP Advisory List of Environmental Weeds in Victoria*; and
- (o) Include any requirements where relevant in accordance with Clause **6.30**.

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

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

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

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

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

to the satisfaction of the responsible authority.

**6.10** Sustainable management plan

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

- (a) the development to ensure a zero net carbon performance standard, as defined by the Green Building Council of Australia, forming part of a minimum 5 Star Green Star certified rating;
- (b) A minimum 20% improvement above NCC 2019 standards and a completed JV3 energy report demonstrating the proposed energy performance standard;
- (c) A commitment to electric vehicle charging infrastructure for at least 5% of vehicle spaces to be provided;
- (d) The provision of 326 employee bicycle spaces;
- (e) A daylight report be prepared using daylight modelling or GBCA Hand Calculation method demonstrating that at least 30% of NLA exceed a 2% daylight factor standard; and
- (f) Size and capacity of the proposed solar PV array.

- 6.11** The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the responsible authority.
- 6.12** Before the development is occupied, a report from the author of the Sustainable Management Plan, approved under this incorporated document, or similarly qualified person or company, must be submitted to the responsible authority. This report must be to the satisfaction of the responsible authority and must confirm all measures specified in the Sustainable Management Plan have been implemented in accordance with the approved plan.
- 6.13** Green Travel Plan
- Before the development is occupied, an amended Green Travel Plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this Incorporated Document. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by Impact, dated 16 April 2020, but modified to include or show:
- (a) Security arrangements to access the employee bicycle storage spaces;
  - (b) The types of lockers proposed within the change-room facilities, with at least 50% of lockers providing hanging storage space;
  - (c) Signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3;
  - (d) The floor plans showing details of the bicycle parking and end of trip facilities; and
  - (e) **Details of bicycle parking with at least 50% of bike racks at grade, including space for cargo bikes and charging points for E-bikes and information on access to visitor bicycle parking.**
- 6.14** The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the responsible authority.
- 6.15** Waste Management Plan
- Before the development commences, an amended Waste Management Plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this Incorporated Document. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by WSP and dated May 2020, but modified to:
- (a) Assess the proposal as amended under Clause 6.1; and
  - (b) **A separate waste stream and bin for glass.**
- 6.16** The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the responsible authority.
- 6.17** The collection of waste from the site must be by private collection, unless with the prior written consent of the responsible authority.

**6.18 Acoustic Report**

Before the development commences, an amended Acoustic Report to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the amended Acoustic Report will be endorsed and will form part of this Incorporated Document. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Floth and dated 17 April 2020, but modified to include:

- (a) The means by which the long-term averages for road traffic noise have been derived.

**6.19** The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the responsible authority.

**6.20** Following the excavation of the basement and before the development commences (excluding any works required to secure the basement), an Acoustic Report (vibration) to the satisfaction of the responsible authority must be submitted to, and be approved by, the responsible authority. The Acoustic Report must be prepared by a suitably qualified acoustic engineer and must demonstrate:

- (a) Remeasuring of the vibration once excavation of the site had been completed. The VDV is to be measured directly, or full details of the measurement results and conversion calculation to obtain the VDV is provided at that time. The VDV should be measured and/or calculated in accordance with the 2008 British Standard referenced by Floth.

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

**6.21** Following completion of the development, and prior to its occupation, an Acoustic Report to the satisfaction of the responsible authority must be submitted to, and be approved by, the responsible authority. The Acoustic Report must be prepared by a suitably qualified acoustic engineer and must demonstrate:

- (a) Compliance of the mechanical plant, car park entrance door and loading bay with both State Environment Protection Policy (Noise from Commerce, Industry and Trade) No. N-1 and sleep disturbance targets at existing dwellings; and
- (b) Compliance with any recommendations or requirements of the report referenced within Clause 6.19.

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

**6.22 Wind Tunnel Report**

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

- (a) Assess the proposal as amended pursuant to Clause 6.1;
- (b) The northern, southern and western retail frontages achieving pedestrian comfort for stationary, long exposure activities;

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

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

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

**6.24** Car parking

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

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

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

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

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

to the satisfaction of the responsible authority.

- 6.27** Before the building is occupied, or by such later date as approved in writing by the responsible authority, a notice showing the location of car parking must be placed in a clearly visible position near the entry to the land. The notice must be maintained thereafter to the satisfaction of the responsible authority.
- 6.28** The loading and unloading of vehicles and the delivery of goods to and from the land must be conducted entirely within the land to the satisfaction of the responsible authority.
- 6.29** Except with the prior written consent of the responsible authority, the internal north-south connection between Swan Street and the land to the south must be open between 8am and 6pm on business days (excluding public holidays).

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

Within six months of the development commencing, the owner of the site must submit detailed engineering and landscaping documentation to the satisfaction of the responsible authority and approved by the responsible authority and at the full cost of the owner showing the following:

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

**6.31** VicTrack Landscaped Zone and Pedestrian Path

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

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

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

**6.33 Infrastructure and Streetscape Masterplan**

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

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

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

- (d) the streetscape along Swan Street.

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

**6.34 Timing of works**

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

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

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

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

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

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

**6.37** Section 173 Agreement (Affordable Commercial Space)

Before the development is occupied, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the responsible authority under section 173 of the Planning and Environment Act 1987 which requires that the owner must facilitate the provision of affordable commercial space by:

- (a) Providing **10%** of the office floor area on-site as affordable office floor space which may include a co-working space/social enterprise space/office space for creative design tenant(s) available at a discount compared with market rent; or
- (b) Making other arrangements for the provision of affordable commercial space as per **Clause 6.37(a)** in respect of the same floor area, or an equivalent community benefit, such as the delivery of or investment in an Aboriginal Employment Program, to the satisfactory of the responsible authority.

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

**6.39** Head, Transport for Victoria (Clauses 6.39 to 6.57)

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

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

**to the satisfaction of TfV.**

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

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

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

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

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

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

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



- (a) building clearances to aerial power lines as per the applicable Victorian Electrical Safety (Installations) Regulations;
- (b) design loadings for the building include for:
  - (i) compliance with AS5100 Parts 1 and 2 for collision protection and impact loads from derailed trains,
  - (ii) compliance with AS1170 Part 4 -Earthquake Actions in Australia,
- (c) working adjacent to overhead power to the satisfaction of the RO;
- (d) demonstrate compliance with air, light and fire requirements without reliance on railway land; and
- (e) demonstrates a design plan, and a maintenance and operations strategy for balconies and windows that will eliminate any risk of debris falling or being thrown onto railway land.

**6.44** Unless otherwise agreed in writing with TfV, before the commencement of works (including demolition), a Construction Management Plan must be submitted to TfV and Vic Track for approval. The Construction Management Plan must designate operating hours and include details of (but not be limited to) management proposals and actions to protect Vic Track assets, rail infrastructure and the operation of the public transport network during construction and must set out objectives, performance and monitoring requirements to the satisfaction of Vic Track & TfV.

**6.45** Unless otherwise agreed in writing with the TfV, before the commencement of works (including demolition), a Traffic Management Plan must be submitted to TfV which outlines how traffic will be managed throughout the construction of the development and mitigate impacts to public transport, including trains and trams. The Traffic Management Plan must be prepared and implemented to the satisfaction of TfV. All traffic management and mitigation costs will be at the full cost of the developer.

**6.46** Unless otherwise agreed in writing with TfV, prior to construction commencing including demolition, a construction control and indemnity agreement as required by TfV must to be in place to the satisfaction of TfV at the full cost to the developer. Any costs required to review documents for the construction control and indemnity agreement must be met by the developer.

**6.47** Unless otherwise agreed in writing with TfV, prior to the commencement of works (excluding demolition), developer must prepare a report, to the satisfaction of TfV & the RO, by a suitable qualified consultant, which demonstrates that all building materials (including glass / window treatments) visible from the rail corridor are non-reflective such that it will not adversely impact on rail operations and driver safety. The development must avoid using red, green or yellow colour schemes that may interfere with driver operations.

**6.48** Unless otherwise agreed in writing with TfV and VicTrack, windows, doors and balconies must not be placed on the title boundary with Railway Land and no windows or doors are permitted to open beyond the Railway Land title boundary to the satisfaction of TfV and VicTrack.

**6.49** Prior to the occupation of the development, all works outlined on the endorsed plans for the left in left out only access must be completed with associated signs, to the satisfaction of TfV at the full cost to the developer.

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

**6.58** Road Infrastructure

Before the building is occupied, or by such later date as approved in writing by the responsible authority, any new vehicle crossing must be constructed:

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

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

**to the satisfaction of the responsible authority.**

**6.67 Lighting**

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

**6.68** Before the building is occupied, or by such later date as approved in writing by the responsible authority, external lighting capable of illuminating access to the pedestrian and vehicular entrances must be provided on the subject site. Lighting must be:

- (a) located;
- (b) directed;
- (c) shielded; and
- (d) of limited intensity

**to the satisfaction of the responsible authority.**

**6.69 General**

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

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

**to the satisfaction of the responsible authority.**

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

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

**6.72** Before the building is occupied, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the responsible authority.

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

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

**6.75** Before the building is occupied, or by such later date as approved in writing by the responsible authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the responsible authority.

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

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

**6.78** Except with the prior written consent of the responsible authority, demolition or construction works must not be carried out:

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

**6.79** Construction Management Plan

Before the development commences, a Construction Management Plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will form part of this Incorporated Document. The plan must provide for:

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

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

During the construction:

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

#### **6.80 VicTrack (Clauses 6.80 to 6.90)**

**All boundary fences and walls to be treated with a graffiti proof finish and any graffiti that appears on the wall must be cleaned and removed as soon as practicable.**

#### **6.81 The developer must not, at any time:**

- (a) **allow any drainage, effluent, waste, soil or other materials to enter or be directed to the railway land; or**
- (b) **store or deposit any waste, soil or other materials on the railway land.**

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

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

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

**6.91 Developer Contribution**

**Prior to the commencement of the development, the developer must pay the Responsible Authority a \$10,000 contribution for the installation of bicycle access improvements, to the subject site as agreed in writing to the satisfaction of the Responsible Authority.**



**6.92 The Responsible Authority must use the funds on the agreed project within 12 months of the development completion; 12 months after the development completion, the developer may request a refund for the full amount if the agreed project has not been commenced or is not proposed to proceed.**

**Notes:**

- **All future businesses (whether as owners, lessees/tenants, occupiers) within the development approved under this Incorporated Document, will not be permitted to obtain business parking permits.**
- The site is located within an Environmental Audit Overlay. Under Clause 45.03 of the Yarra Planning Scheme, the requirements of the Environmental Audit Overlay must be met prior to the commencement of development permitted under the Incorporated Document.
- A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5555 to confirm.
- A vehicle crossing permit is required for the construction of the vehicle crossing(s). Please contact Council's Construction Management Branch on 9205 5555 for further information.
- Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5555 for further information.
- Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, valves or meters on Council property will be accepted.
- A local law permit (e.g. Asset Protection Permit, Road Occupation Permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5555 to confirm.
- The applicant must apply for a Legal Point of Discharge under Regulation 133 –Stormwater Drainage of the Building Regulations 2018 from Yarra Building Services unit. Any storm water drainage within the property must be provided and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), or to Council's satisfaction under Section 200 of the Local Government Act 1989 and Regulation 133.
- Any services poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the owner's expense after seeking approval from the relevant authority.
- Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, valves or meters on Council property will be accepted.
- Except with the prior written consent of the responsible authority, Council assets must not be altered in any way.
- No parking restriction signs or line-marked on-street parking bays are to be removed, adjusted, changed or relocated without approval or authorisation from Council's Parking Management unit and Construction Management branch. Any on-street parking reinstated (signs and line markings) as a result of development works must be approved by Council's Parking Management unit.

- Only roof runoff, surface water and clean groundwater seepage from above the water table can be discharged into Council drains.
- Council will not permit clean groundwater from below the groundwater table to be discharged into Council's drainage system. Basements that extend into the groundwater table must be waterproofed/tanked.
- The developer needs to ensure that the building has adequate clearances from overhead power cables, transformers, substations or any other electrical assets where applicable. Energy Safe Victoria has published an information brochure, Building design near powerlines, which can be obtained from their website: <http://www.esv.vic.gov.au/About-ESV/Reports-andpublications/Brochures-stickers-and-DVDs>

**VicTrack Note**

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

**CARRIED**

**CALL FOR A DIVISION**

**For:** Councillors Coleman, Fristacky, Chen Yi Mei and Bosler

**Against:** Councillors Jolly, Stone and Searle

**Abstained:** Councillor O'Brien

*Councillor Coleman exercised her casting vote IN FAVOUR*

## 13. Urgent Business

### 13.1 Councillor Coleman - Deferral of 2020 Local Government Elections

#### **COUNCIL RESOLUTION**

**Moved:** Councillor Coleman

**Seconded:** Councillor Fristacky

1. That Council:

- (a) note the efforts being undertaken by the Cities of Darebin and Stonnington to ensure that democratic local government elections are held;
- (b) note that the new Safe Campaigning Guidelines (***Attachment 1***) are now effectively redundant due to the declared State of Disaster, Stage 4 lockdowns; and
- (c) now make representations to the Minister for Local Government seeking a deferral of *the 2020 Local Government Elections* until such time as the Chief Health Officer advises that election campaigning can be safely restarted, according to the Guidelines that were issued 31 July 2020.

**CARRIED**

#### **Background**

Refer to Attachment 1 below:

**Attachment 1:** Copy - Campaigning for 2020 Council Elections in Victoria - Guidelines for Safe Campaigning during COVID-19 Pandemic.

# **Campaigning for the 2020 council elections in Victoria**

## **Guidelines for safe campaigning during the coronavirus (COVID-19) pandemic**

31 July 2020



Jobs,  
Precincts  
and Regions

# TABLE OF CONTENTS

|   |          |
|---|----------|
| TABLE OF CONTENTS .....   | 2        |
| 1. Introduction .....   | 3        |
| 1.1 Context.....  | 3        |
| 1.2 Purpose.....  | 3        |
| 2. Campaigning during the pandemic.....                                   | 4        |
| <b>2.1 Campaign activities.....</b>                                       | <b>4</b> |
| <b>2.2 How to campaign safely .....</b>                                   | <b>7</b> |
| 2.2.1 General measures.....   | 7        |
| 2.2.2 Slowing the spread of coronavirus .....                             | 7        |
| 2.2.3 Face coverings.....   | 8        |
| 2.2.4 Education and training for all members of the campaigning team..... | 8        |
| 2.2.5 Physical distancing.....  | 8        |
| 2.2.6 Cleaning and disinfection .....                                     | 8        |
| 2.2.7 Advice for specific campaign activities .....                       | 9        |

## 1. Introduction

### 1.1 Context

The 2020 council general elections are expected to be Victoria's biggest election ever, with more than 4.5 million voters enrolled and more than 2000 candidates expected to contest 290 separate elections.

After considering the advice of Victoria's Chief Health Officer, the Victorian Government has decided these elections will proceed on Saturday, 24 October using postal voting.

### 1.2 Purpose

Candidates for council general elections will be considering how to safely campaign for election during the coronavirus (COVID-19) pandemic. These guidelines aim to help candidates to safely campaign by providing an overview of the restrictions applicable to campaign activities and measures they can take to reduce the risk of transmission.

Restrictions are subject to change and depend on levels of coronavirus transmission. Any campaign activities must comply with directions by the Victorian Chief Health Officer, which are in place at the time.

As at 31 July 2020, the two directions most relevant to campaigners are: Stay at Home directions for metropolitan Melbourne and Mitchell Shire and Stay Safe directions for the rest of Victoria. Additionally, people living in the local government areas of Colac Otway, Greater Geelong, Surf Coast, Moorabool, Golden Plains, and the Borough of Queenscliffe will no longer be able to visit people or have visitors at home. These directions are subject to change and these guidelines will be updated accordingly.

Under Stay at Home directions, people can only leave home for four reasons: shopping for food and other essential items, outdoor exercise, medical care and caregiving, and study or work (if study or work is unable to be done from home). Under the Stay Safe directions, people can leave home for any reason but must comply with the directions and any restrictions.

Campaigning for election is a permissible reason to leave home under both the Stay at Home and Stay Safe directions, but should be done in a way that minimises the risk of coronavirus transmission.

The Victorian Electoral Commission has produced its Candidate Handbook for the 2020 council general elections: <https://www.vec.vic.gov.au/CandidatesAndParties/CandidateFormsAndHandbooks.html>. Prospective candidates should make use of this Handbook in addition to this guide.

## 2. Campaigning during the pandemic

### 2.1 Campaign activities

All campaigning activities must comply with directions from the Victorian Chief Health Officer.

You should check the Department of Health and Human Services (DHHS) website to ensure you are clear about directions that apply to your municipality or suburb on each day of your campaign.

For the most up-to-date information, visit [www.dhhs.vic.gov.au/victorias-restriction-levels-covid-19](https://www.dhhs.vic.gov.au/victorias-restriction-levels-covid-19).

Important things to remember before leaving home include:

- If you live in metropolitan Melbourne and the Mitchell Shire you must wear a face covering if you need to leave home; for one the four permitted reasons.
- If you live outside of metropolitan Melbourne and Mitchell Shire until 11.59 pm on 2 August 2020, wearing a face covering if you need to leave home is recommended where you cannot maintain 1.5m from others. However, you must wear a face covering if you enter metropolitan Melbourne or Mitchell Shire.
- From 11.59pm on 2 August 2020 face coverings are compulsory for the whole of Victoria.
- If you live in metropolitan Melbourne or Mitchell Shire, there are only four reasons to leave home; Shopping for food or other essential items, To provide care giving, for compassionate reasons or to seek medical treatment, For exercise (applies to outdoor exercise, and with only one other person or members of your household), Work or study, if you cannot work or study from home.
- If you live in the local government areas of Colac Otway, Greater Geelong, Surf Coast, Moorabool, Golden Plains, and the Borough of Queenscliffe you must not visit people or have visitors at home;
- If you are feeling unwell you should stay at home. If you have even mild symptoms of coronavirus you should get tested and stay home until you get your results. For information on where to get tested, see [www.dhhs.vic.gov.au/where-get-tested-covid-19](https://www.dhhs.vic.gov.au/where-get-tested-covid-19).

The table below outlines likely campaign activities and gives advice about how coronavirus directions apply as at 31 July 2020.

**Note: Directions from the Victorian Chief Health Officer may change at any time. You must ensure your campaign activities comply with current directions in your area.**

Table 1: How Stay at Home and Stay Safe directions apply to campaign activities as at 31 July 2020.

| Campaign activity                                   | Stay at Home directions |   |
|---|-------------------------|---|
|   | Permissible activity?   | Advice on restrictions  |
| Convening / attending meetings – public places      | <b>NO</b>               | Public gatherings are restricted. You must not arrange to meet or organise a gathering of more than one other person for a common purpose at a public place.<br><br>This includes indoor and outdoor public places.   |
| Convening / attending meetings – private residences | <b>NO</b>               | Private gatherings are restricted, including in the local government areas of Colac Otway, Greater Geelong, Surf Coast, Moorabool, Golden Plains, and the Borough of Queenscliffe. You must not enter a premises at which you do not ordinarily reside (including the external part of the premises such as the front yard) and must not permit another person to enter the premises at which you ordinarily reside, except in limited circumstances. |
| Door knocking                                       | <b>NO</b>               | Door knocking is not a permitted reason to enter another person's premises. Private gatherings are restricted as per above, including in the local government areas of Colac Otway, Greater Geelong, Surf Coast, Moorabool, Golden Plains, and the Borough of Queenscliffe.   |
| Meeting the public, attending community events      | <b>NO</b>               | Public gatherings are restricted as per above – i.e. you must not convene or attend meetings or community events.<br><br>There is also a risk that interacting with members of the public in public places such as shopping centres and railway stations would result in a public gathering of more than two people occurring.  |
| Letterbox drops                                     | <b>YES</b>              | This can occur, but you must not enter the person's premises, including in the local government areas of Colac Otway, Greater Geelong, Surf Coast, Moorabool, Golden Plains, and the Borough of Queenscliffe. Hand hygiene must be maintained when handling documents to be given to the public.  |

| Stay Safe directions  |   |
|-----------------------|---|
| Permissible activity? | Advice on restrictions  |
| YES                   | <p>Public gatherings are restricted. The limit on the number of people who may meet in a public place at any one time is 10.</p> <p>Participants should remain 1.5 metres apart from those they don't live with.</p> <p>The restrictions include indoor and outdoor public places.</p>  |
| YES                   | <p>Private gatherings are restricted. The number of people who may visit a residential premises (at which they do not ordinarily reside) at any one time is limited to five.</p>  |
| YES                   | <p>The same rules apply as for private gatherings.</p> <p>All Victorians are required to work from home, unless it is not reasonably practicable to do so. This includes volunteers and other team members who are working on a campaign, such as helping with active outreach to the community through doorknocking. Consideration should be given to whether this active outreach to the community can be done through other means while working from home, for example, telephone calls.</p> |
| YES                   | <p>Public gatherings are restricted as per above.</p> <p>You should use common sense and consideration when it comes to interacting with people in public places such as shopping centres and railway stations and take safety precautions, including physical distancing.</p>  |
| YES                   | <p>This is permitted. Hand hygiene must be maintained when handling documents to be given to the public.</p>  |



| Campaign activity    | Stay at Home directions |  |
|----------------------|-------------------------|--|
|                      | Permissible activity?   | Advice on restrictions   |
| Handing out leaflets | YES                     | Public gatherings are restricted as per above. Hand hygiene must be maintained when handling documents to be given to the public.  |
| Billboards / posters | YES                     | If you wish to place billboards or posters on private premises, you must observe the restrictions about private gatherings as per above, including in the local government areas of Colac Otway, Greater Geelong, Surf Coast, Moorabool, Golden Plains, and the Borough of Queenscliffe. |
| Social media         | YES                     | No restrictions apply.   |
| Newspaper ads        | YES                     | No restrictions apply.   |
| Radio and TV         | YES                     | Must be conducted from home wherever possible. If conducted in person, you must wear a mask.   |

| Stay Safe directions  |  |
|-----------------------|--|
| Permissible activity? | Advice on restrictions   |
| YES                   | Public gatherings are restricted as per above. Hand hygiene must be maintained when handling documents to be given to the public.        |
| YES                   | If you wish to place billboards or posters on private premises, you must observe the restrictions about private gatherings as per above. |
| YES                   | No restrictions apply.   |
| YES                   | No restrictions apply.   |
| YES                   | Must be conducted from home wherever possible. You should wear a mask if you cannot maintain 1.5 metres distance.                        |

## 2.2 How to campaign safely

Carefully plan any campaigning activities to ensure they are undertaken safely. Here are some things consider.

### 2.2.1 General measures

If you or your campaign team can work from home during the campaign period, you must work from home.

If you or your campaign team cannot work from home, you should consider and encourage flexible working arrangements, including off-peak travel.

If you or any campaign team members are unwell, you must stay home.

Ensure employees or volunteers with symptoms of coronavirus get tested and stay at home until they receive the results.

Consider whether work-related travel by your campaign team is necessary and avoid it where possible.

Plan contingencies for a potential increase of campaign team absences because people are self-isolating, self-quarantining or staying at home because they are unwell.

If using a dedicated workspace, plan what to do if campaign team members arrive unwell at the workspace (e.g. identify an isolation room or separated area).

Display coronavirus education materials in designated work areas. Download and print them from: [www.dhhs.vic.gov.au/preventing-infection-workplace-covid-19#resources](http://www.dhhs.vic.gov.au/preventing-infection-workplace-covid-19#resources).

Minimise campaign team member movements between areas and cross-over between shifts.

Provide adequate facilities or products, such as hand sanitiser, to allow campaign team members and others who enter a workspace to maintain good hygiene practices.

Consult health and safety representatives and keep campaign team members informed about actions you are taking.

Socialising among workers has been responsible for some coronavirus transmission, including through carpooling, huddling together at meal breaks, smoking in groups without physical distancing and sharing items such as cigarette lighters and cutlery. Encourage campaign team members to maintain 1.5 metres of distance from other team members at all times and avoid sharing items.

People living in metropolitan Melbourne or Mitchell Shire or travelling to these areas must wear a face covering whenever they leave home, including at work, unless they have a lawful excuse, such as medical grounds, for not doing so. From 11.59 pm on 2 August 2020 this requirement applies to the whole of Victoria.

Employers should ensure employees and volunteers wear a face covering while at work, unless a lawful exception applies.

For further information see Worksafe Victoria [www.worksafe.vic.gov.au/coronavirus-covid-19](http://www.worksafe.vic.gov.au/coronavirus-covid-19) and Department of Health and Human Services guidance for businesses and workplaces at [www.dhhs.vic.gov.au/planning-and-responding-coronavirus-covid-19](http://www.dhhs.vic.gov.au/planning-and-responding-coronavirus-covid-19) and [www.dhhs.vic.gov.au/preventing-infection-workplace-covid-19](http://www.dhhs.vic.gov.au/preventing-infection-workplace-covid-19).

### 2.2.2 Slowing the spread of coronavirus

To slow the spread of coronavirus, where any campaign activity requires team members to come together in a workspace:

- provide and promote the use of hand sanitisers, including at building entrances
- increase environmental cleaning, including between changes of team members
- regularly clean high-touch surfaces with disinfectant – at least twice daily – including desks, doors and door handles, keyboards and lifts, including lift buttons and handrails
- ensure adequate supplies of things such as towels and soap bars in change rooms so team members do not share items, and encourage team members to wash their hands after changing
- open windows and adjust air conditioning to improve airflow

- purchase supplies to help limit infection, for example, alcohol-based hand sanitisers and soap.

For more information, see [www.dhhs.vic.gov.au/preventing-infection-workplace-covid-19](http://www.dhhs.vic.gov.au/preventing-infection-workplace-covid-19).

### 2.2.3 Face coverings

From 11.59pm on Wednesday 22 July, new rules for face coverings were introduced in Victoria.

- People living within metropolitan Melbourne or Mitchell Shire or travelling to these areas must wear a face covering whenever they leave home unless a lawful exception applies.
- For more information about face coverings, please visit [www.dhhs.vic.gov.au/face-coverings-covid-19](http://www.dhhs.vic.gov.au/face-coverings-covid-19).
- Employers should ensure employees and volunteers wear a face covering while at work, unless a lawful exception applies.
- If you are driving on your own in a vehicle for work, you do not need to wear a face covering. When you leave your vehicle or need to interact with others, you should put on a face covering. If you are travelling with others outside your household, including passengers or other people from your work, you must wear a face covering.

From 11.59pm on 2 August this requirement is extended to cover the whole of Victoria.

For a list of the exceptions for not wearing a face covering, for example, if you cannot wear a face covering on medical grounds, visit [www.dhhs.vic.gov.au/face-coverings-covid-19](http://www.dhhs.vic.gov.au/face-coverings-covid-19).

### 2.2.4 Education and training for all members of the campaigning team

Ensure you meet the education and training needs of your campaign team to help slow the spread of coronavirus. This may include:

- emphasis on not attending activities if unwell
- wearing a mask when leaving the home and instruction on how to safely put on and remove a mask
- awareness of physical distancing expectations and strategies to achieve them, including any specific campaign practice changes
- hand and cough hygiene
- use of new technologies and systems that enable working from home.

### 2.2.5 Physical distancing

Use the following measures to promote physical distancing:

- Plan ways to enable physical distancing of at least 1.5 meters to reduce person-to-person contact.
- In an enclosed workspace ensure there is on average no more than one person per four square meters of floor space.
- If possible, designate specific doorways as entry-only and exit-only and aim to keep people walking in the same direction through the workplace.
- Avoid indoor meetings and lunchrooms and encourage online meetings.
- Any workspace used that plans to have areas accessible to the public will also be subject to density quotient and signage requirements and those subject to Stay at Home restrictions will be subject to further specific restrictions. For the most up to date restrictions in place in Victoria see [www.dhhs.vic.gov.au/victorias-restriction-levels-covid-19](http://www.dhhs.vic.gov.au/victorias-restriction-levels-covid-19)
- Provide a clearly visible sign showing how many people are allowed in premises used as workspace. For information on signs and signage templates see Business Victoria [www.business.vic.gov.au/disputes-disasters-and-succession-planning/coronavirus-covid-19/coronavirus-business-support](http://www.business.vic.gov.au/disputes-disasters-and-succession-planning/coronavirus-covid-19/coronavirus-business-support).

### 2.2.6 Cleaning and disinfection

Any workspace areas and surfaces used by the campaign team must be cleaned and disinfected. Both steps are essential. The first step is cleaning, which means wiping dirt and germs off a surface. You can use common household detergent products for cleaning, they are stocked at supermarkets. Cleaning alone does not kill germs.

The next step is to disinfect the surface. Disinfection means using chemicals to kill germs on surfaces. Again, supermarkets stock common household disinfection products. It is important to use products labelled disinfectant and to follow the instructions on the label.

High-touch surfaces should be cleaned and disinfected at least twice daily. More information can be found at [www.dhhs.vic.gov.au/cleaning-and-disinfecting-reduce-covid-19-transmission](http://www.dhhs.vic.gov.au/cleaning-and-disinfecting-reduce-covid-19-transmission).

## 2.2.7 Advice for specific campaign activities

The table below explains how to undertake various campaign activities safely during the coronavirus pandemic.

*Table 2: Advice about how to safely undertake campaign activities*

*This table is designed to be read with the table above, detailing what campaign activities are legally allowed under the directions as at 31 July 2020, depending on geographical area.*

| Campaign activity  | Advice   |
|--|--|
| Convening / attending meetings – outdoors (when permitted) | <p>If you are feeling unwell you should stay at home. If you have even mild symptoms of coronavirus you should get tested.</p> <p>Face coverings must be worn when outside your home in Melbourne and Mitchell Shire, or when travelling to these areas. Outside these areas in Victoria until 11.59pm on 2 August, campaign team members are advised to wear a face covering when outside their homes, especially where physical distancing may be difficult to achieve.</p> <p>Face coverings are mandatory for the whole of Victoria from 11.59pm on 2 August 2020.</p> <p>Maintain 1.5 metres of distance from other people at all times to reduce person-to-person contact.</p> <p>Practise good hygiene. Wash and sanitise your hands regularly and cough and sneeze into a tissue or your elbow.</p> <p>Avoid sharing items such as pens.</p>   |
| Convening / attending meetings – indoors (when permitted)  | <p>If you are feeling unwell you should stay at home. If you have even mild symptoms of coronavirus you should get tested.</p> <p>Indoor meetings should be avoided. Encourage online meetings.</p> <p>Face coverings must be worn when outside your home in Melbourne and Mitchell Shire, or when travelling to these areas. Outside these areas in Victoria, campaign team members are advised to wear a face covering when outside their homes, especially where physical distancing may be difficult to achieve.</p> <p>If indoor meetings are necessary, maintain 1.5 metres of distance from other people at all times to reduce person-to-person contact.</p> <p>There should be on average no more than one person per four square metres of floor space.</p> <p>Practise good hygiene. Wash and sanitise your hands regularly and cough and sneeze into a tissue or your elbow.</p> <p>If possible, designate specific doorways as entry-only and exit-only and aim to keep people walking in the same direction through the meeting space. Provide and promote hand sanitisers, including at meeting entrances.</p> <p>Indoor meeting spaces that have areas accessible to the public will be subject to density restrictions and signage requirements and those subject to Stay at Home restrictions will be subject to further restrictions. Visit <a href="#">Victoria's restriction levels</a> for the most up-to-date restrictions in place in Victoria. Provide a clearly visible sign for members of the public stating how many people are allowed in the premise. For information on signs and signage templates see the <a href="#">Business Victoria website</a>.</p> <p>Open windows and adjust air conditioning to improve airflow.</p> <p>Avoid sharing items such as pens.</p> <p>Consider requesting the first name and a contact phone number of meeting participants, and record the information to enable contact tracing if required. Where meeting organisers keep a record, personal details should be kept securely. Information collected should also include the date and time at which the</p> |



| Campaign activity   | Advice  |
|---|---|
|   | person attended the meeting and, if applicable, the location they visited. Where records are kept, these records should be kept for 28 days and then destroyed.   |
| Door knocking (when permitted)                                  | <p>If you are feeling unwell you should stay at home. If you have even mild symptoms of coronavirus you should get tested.</p> <p>Wear a face covering.</p> <p>Maintain 1.5 metres of distance from other people at all times to reduce person-to-person contact.</p> <p>Practise good hygiene. Wash and sanitise your hands regularly and cough and sneeze into a tissue or your elbow.</p> <p>Avoid sharing items such as pens.</p> <p>Avoid touching high-touch surfaces such as door handles.</p>   |
| Meeting the public, attending community events (when permitted) | As for convening and attending meetings - outdoors and convening and attending meetings - indoors.  |
| Letterbox drops   | <p>If you are feeling unwell you should stay at home. If you have even mild symptoms of coronavirus you should get tested.</p> <p>Face coverings must be worn when outside your home in Melbourne and Mitchell Shire, or when travelling to these areas. Outside these areas until 11.59pm on 2 August, campaign team members are advised to wear a face covering when outside their homes, especially where physical distancing may be difficult to achieve.</p> <p>Face coverings are mandatory for the whole of Victoria from 11.59pm on 2 August 2020.</p> <p>Maintain 1.5 metres of distance from other people at all times to reduce person-to-person contact.</p> <p>Practise good hygiene. Wash and sanitise your hands regularly and cough and sneeze into a tissue or your elbow.</p> <p>Where possible, avoid touching high touch surfaces such as letterbox handles.</p>                  |
| Handing out leaflets  | <p>If you are feeling unwell you should stay at home. If you have even mild symptoms of coronavirus you should get tested.</p> <p>Face coverings must be worn when outside your home in Melbourne and Mitchell Shire, or when travelling to these areas. Outside these areas until 11.59pm on 2 August, campaign team members are advised to wear a face covering when outside their homes, especially where physical distancing may be difficult to achieve.</p> <p>Face coverings are mandatory for the whole of Victoria from 11.59pm on 2 August 2020. Maintain 1.5 metres of distance from other people at all times to reduce person-to-person contact.</p> <p>Practise good hygiene. Wash and sanitise your hands regularly and cough and sneeze into a tissue or your elbow.</p> <p>Where possible, avoid touching high touch surfaces such as door handles, railings, lift buttons, etc.</p> |
| Billboards / posters  | <p>If you are feeling unwell you should stay at home. If you have even mild symptoms of coronavirus you should get tested.</p> <p>Face coverings must be worn when outside your home in Melbourne and Mitchell Shire, or when travelling to these areas. Outside these areas until 11.59pm on 2 August, campaign team members are advised to wear a face covering when outside their homes, especially where physical distancing may be difficult to achieve.</p>   |

| Campaign activity | Advice   |
|-------------------|--|
|                   | <p>Face coverings are mandatory for the whole of Victoria from 11.59pm on 2 August 2020. Maintain 1.5 metres of distance from other people at all times to reduce person-to-person contact.</p> <p>Practise good hygiene. Wash and sanitise your hands regularly and cough and sneeze into a tissue or your elbow.</p> <p>Where possible, avoid touching high touch surfaces such as railings, etc.</p>  |
| Social media      | This can be practised safely during coronavirus without any further guidance.  |
| Newspaper ads     | This can be practised safely during coronavirus without any further guidance.  |
| Radio and TV      | <p>Advertisements can be conducted safely during coronavirus (COVID-19) without any further guidance.</p> <p>Interviews conducted over the phone can be practised safely during coronavirus (COVID-19) without any further guidance.</p> <p>Interviews should be conducted via phone or online where possible to avoid person-to-person contact.</p> <p>Where interviews are conducted face-to-face:</p> <ul style="list-style-type: none"> <li>• If you are feeling unwell you should stay at home. If you have even mild symptoms of coronavirus (COVID-19) then you should get tested;</li> <li>• Face coverings must be worn when outside your home in Melbourne and Mitchell Shire, or when travelling to these areas. Outside these areas until 11.59pm on 2 August, campaign team members are advised to wear a face covering when outside their homes, especially where physical distancing may be difficult to achieve.</li> <li>• Face coverings are mandatory for the whole of Victoria from 11.59pm on 2 August 2020. Maintain 1.5 metres of distance from other people at all times to reduce person-to-person contact;</li> <li>• Practise good hygiene – wash / sanitise your hands regularly and cough and sneeze into a tissue or your elbow; and</li> <li>• Where possible, avoid touching high touch surfaces such as railings, etc.</li> </ul> |

13.2 Councillor Fristacky - Priority Measures for Park Street, North Carlton

**COUNCIL RESOLUTION**

**Moved:** Councillor Fristacky

**Seconded:** Councillor Coleman

That in order to progress this priority measure for Park Street, North Carlton identified by Council at its 23 June 2020 Council meeting, a report on the matter be brought back to Council by its 1 September 2020 Council meeting.

**CARRIED UNANIMOUSLY**

**Background**

At its meeting on 23 June 2020, Item 11.1 Transport, movement and access response to impacts of COVID-19, Council's resolution on the report in this item, authorised as one of these measures to respond to COVID-19 congestion on the Capital City Trail, for Council officers to:

*"noting the intention in the report of pop-up bi-directional bicycle lanes on Park Street to remedy congestion on the Capital City Trail for Park Street, North Carlton is in fact designed for North Fitzroy, but that priority be given to consideration of emergency implementation of a pop-up bi-directional bicycle lane on Park Street, North Carlton to deal with congestion of the Capital City Trail through North Carlton."*

## **Conclusion**

The meeting concluded at 12.02am.

Confirmed Tuesday 18 August 2020

---

Mayor