



# Minutes

## Ordinary Council Meeting

6:30 pm, Tuesday 17 December 2024

Richmond Town Hall



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## 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 Stephen Jolly            Mayor
- Cr Sarah McKenzie       Deputy Mayor
- Cr Evangeline Aston
- Cr Edward Crossland
- Cr Kenneth Gomez
- Cr Sharon Harrison
- Cr Meca Ho
- Cr Sophie Wade

#### Apology:

- Cr Andrew Davies

#### Council staff:

##### *Chief Executive Officer*

- Sue Wilkinson

##### *General Managers*

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

##### *Governance*

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

### 3. Announcements

No announcements were made.

### 4. Declarations of Conflict of Interest

Cr Aston, Cr Crossland, Cr Gomez, Cr Jolly, Cr Harrison, Cr Ho, Cr McKenzie, Cr Wade declared that they had familiarised themselves with the matters being presented to this meeting and that they do not have a conflict of interest.

### 5. Confirmation of Minutes

#### COUNCIL RESOLUTION

**Moved:** Councillor Gomez

**Seconded:** Councillor Ho

That the minutes of the Ordinary Council Meeting held on Tuesday 26 November 2024 be confirmed.

#### CALL FOR A DIVISION

**For:** Councillor Jolly, Councillor McKenzie, Councillor Aston, Councillor Crossland, Councillor Gomez, Councillor Harrison, Councillor Ho and Councillor Wade

**Against:** Nil

**CARRIED UNANIMOUSLY**

## 6. Question Time

This record is provided from members of the public upon registration and also asked during Question Time and the responses provided is not a transcript of proceedings. A recording of the Council Meeting is available on Council's website for twelve months following the meeting.

The following questions were asked:

### 1. **Brooke Coghlan:**

Question:

I live in Carlton North. It is dangerous to cross Lygon Street (6 lanes) at Macpherson Street to get to Princess Park. I would ask the council to introduce a traffic light at Macpherson Street so that residents can cross safely to use Princess Park. I have written to the Minister for Roads who confirmed the council can insert without Minister permission.

It would be helpful to also understand plans to redevelop Lygon Street to enable safer access to tram stops, a dedicated turning lane at Alex Pde to avoid traffic build-up and more greenery to beautify the street.

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

*Thanks for your questions Brooke.*

*The City of Melbourne and the City of Yarra have joint road authority obligations for Lygon Street at this location.*

*A signalised intersection is a major traffic control device and would require Department of Transport approval (and have Yarra Trams support) to implement. We don't believe there to be significant road safety statistics that would warrant a signalised intersection here and at a cost of many \$millions, the case would need to be compelling. Council is instead focussing its efforts on reducing speeds to 40kms along Lygon St working with other Councils and DTP to achieve this.*

*The tram stops along Lygon Street are a State asset and are not currently DDA complaint. The stops will require upgrade to be made compliant. At this stage Council has not been advised of any timeframe for this project. Council officers will continue to work with State on their various projects in Yarra.*

### 2. **Herschel Landes:**

Question:

Re the recent decision in respect of the removal or degradation of the Elizabeth and Coppin St safe bike path infrastructure, adopted by unanimous consent of the last Council, as part of Government desire for an integrated safe bike network across the city. DOT documents highlight the public interest in an alternative along Elizabeth St in terms of access to an arterial road system. Recent research points to lack of high quality cycle paths and limited connectivity in terms of vulnerable bike users.

*The Mayor provided the following response:*

*Thank you for your question, As Mayor to an ex Councillor, on behalf of all the Councillors here, thank you for your service to the Richmond community.*

It is not appropriate for the State Government to intervene on bike lanes as that would be very undemocratic to come over the head of Yarra Council. In terms of the issue of public consideration, we have taken into account what our position is on Elizabeth Street bike lane and, it is called listening to the public. A few weeks ago Councillor Ho door knocked people on Elizabeth Street to ask their opinion and views on this bike lane, something that the last council failed to do.

The second public interest consideration point we have taken into account, was the feedback during the election campaign and the most important one we took into account was the election results. Almost every single candidate in the election stood for the review of the Elizabeth Street bike lane and they won the election.

There are no plans to remove the Elizabeth Street bike lane, it will remain, it is a vital part of the bicycle network, especially if you are travelling to and from the city.

The main concerns are the size, there is a difference to what they are on Albert Street in East Melbourne to what they are on Elizabeth Street, which is almost like a highway for bikes. We are potentially looking to making them the same. In terms of Coppin Street, that is a trial and not a bike lane and we are looking at getting feedback from the community, businesses and cyclists on that trial.

Further reports will follow to the February 2025 Council meeting where Council will consider the matters further.

**3. Fiona Currie, (representing AFCA):**

Question:

AFCA questions why no resolution has been reached by Council becoming the Committee of Management for the Riverfront Precinct. This issue has been a key part of the community consultation process and Councils design principles for the site for over a decade.

In 2021 Lily Ambrosia as Minister for planning stated that the land would become Crown Land and in November 2022 DWELP wrote to the City of Yarra CEO, outlining the process for that to occur.

It is now December 2024 and we are no further along the path to a resolution of one of the key community concerns about this development – PUBLIC Ownership of the riverfront. Indeed AFCA is gravely concerned that the lack of Council action on this issue may end with a decision being made at VCAT to allow the Riverfront Park to be owned by the Body Corp of the Yarrabend site. Or owned by the residents of the Yarrabend development NOT by the broader community of Victoria let alone residents and ratepayers of the City of Yarra.

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

The planning permit application for the Riverfront precinct (for remediation and landscaping works along the river) has been appealed to the Victorian Civil and Administrative Tribunal.

Council has not formed a formal position on the application to date.

A decision regarding management of the open space will then follow.

**4. Michael Oxe:**

Question:

Regarding the Elisabeth Street, North Fitzroy, shared bike lane installation. I use that route and find it dilapidated between Church and Lennox Sts. It was intended to be a facility to encourage and provide safer active transport facilities in Yarra. It is now barely fit for that purpose.

What user count data does Council have with regard to bicycle traffic on the marked bike lanes for the period from January 2021 up to November 2024, and further when will Council repair the lanes with particular attention to replacing or repairing the damaged or missing flexible marker posts?

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

*Thank you Michael for your question.*

*Council has undertaken various surveys including bike volumes for this street. Between Feb 2020 and Dec 2022, 7 round of bike counts have been undertaken and a report to Council in April 2023 provided information on the data collection which I'm happy to share this with you.*

*Officers are aware of the issues you have raised regarding the bollards with the most recent inspections undertaken in November 2024. A request for maintenance was lodged and the works have now been completed.*

**5. Candice Charles:**

Question:

What is the new Council going to do to encourage outdoor recreation and ensure there are safe, fit-for-purpose facilities for recreation and sport on the Yarra-Birrarung? The only community facility has not been refurbished or redeveloped since it was built as a swimming pavilion in 1932 and is located 98 steps from the water, which means the activity is inaccessible for young paddlers and anyone with impaired mobility. After decades of false starts, Council allocated almost \$500k in 2019 for the first stage of redevelopment. The project now appears to be in the too-hard basket and the remaining money withdrawn.

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

*Thanks for your question Candice.*

*We assume you are referring to the Panther Pavilion in Fairfield Park. This is a complex site with planning, heritage, topography and flooding challenges.*

*Council allocated funding in 2023/24 to undertake investigations and develop possible concepts for upgrades to boat storage at the site.*

*Council conducted extensive investigations into possible alternative locations for boat storage closer to the river, however these locations are within the flood zone, requiring approval from Melbourne Water.*

*Melbourne Water could not provide any assurance that boat storage closer to the water would be approved and instead advised that boat storage should be further uphill outside the flood zone. Due to the physical, heritage and planning constraints of the site, no suitable alternative viable location was able to be identified in this immediate locale.*

Council continues to invest in the maintenance and renewal of the pavilions at the site through its maintenance and capital works budgets, including change room improvements at Panther Pavilion this year.

**6. Gary Shadforth:**

Question:

Richmond station is an important transport hub that connects thousands of people travelling to and from Cremorne and nearby facilities every week.

Unfortunately, the environs around Richmond Station on Swan St are tight, nasty and dangerously dominated by traffic. It is a highly congested and dangerous convergence of traffic and people, particularly where commuters congest and stream to and from the Cremorne Street intersection.

How can the City of Yarra assertively convince the state government, with VicRoads and VicTrack, to remove existing car yards and meagre parking to for safe and appropriate public use in such a critical area?

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

The revised Cremorne Urban Design Framework identifies the Cremorne / Swan Street intersection as one of five transport 'hotspots' in the precinct. The Revised UDF includes a proposed high level concept for this intersection that includes improved and increased space and crossing facilities for pedestrians to reduce the current bottlenecks and improve amenity.

As Swan Street is an arterial road under the management of the State Government Department of Transport and Planning, the UDF identifies the need to advocate to the Department for improvements to this intersection.

Council officers are compiling data on the intersection to inform discussions with the Department of Transport and Planning and VicTrack to progress the issue and have begun advocating.

**7. Paul Jackson:**

Question:

I refer to the Atticusnow 'Building Financial Sustainability and Capacity Final Report'. The authors of this report undertook bench-marking of Yarra's performance against other M9 councils. Bench-marking included FTE to population. expenses to population and many others. Has Yarra undertaken any subsequent bench marking against other M9 councils and is this benchmarking included in the assessment of the CEO's performance . IE Are they included in her KPI's

The General Manager Corporate Services provided the following response:

The benchmarking referred to in the Atticusnow report is drawn from the State Government's Know Your Council website, and is based on the Local Government Performance Reporting Framework data which is reported annually by all Councils in their Annual Reports and to Local Government Victoria.

This information is easily accessible by Councils and the community from the Know Your Council website for benchmarking purposes.



It should be noted that direct comparisons between Councils can be misleading due to the different range of services provided. For example not all Councils provide childcare services. The provision of childcare services would inflate both the FTE and expenses to population KPIs compared to a Council that doesn't provide these services. Similarly some Councils outsource provision of recreation and leisure services and therefore would have lower FTE and expenses per population KPIs. This context is not provided on the Know Your Council website.

**8. Karen Hovenga:**

Question:

The Mayor's newsletter issued online on 12 December was signed by the Mayor and 5 other councillors and included some of the matters being considered this evening and at future meetings. The newsletter implied that decisions on these matters had already been decided and implemented, effectively foreshadowing their intended voting position. From a governance perspective, is it appropriate for those councillors to vote on these matters? And was there a legal risk that prompted the withdrawal of this document.

The Mayor provided the following response:

*It is the responsibility of each individual councillor to consider all matters before them with an open and fair mind when participating in Council decision-making.*

*Following advice, the flyer has been removed. It is not illegal to implement your election program.*

**9. Peter Long:**

Question:

Mayor Jolly promised on several occasions before the recent council election to abolish the allowance of approximately \$67000 per year for the Deputy Mayor as an example of the kind of cost-cutting measures he would implement if elected. When asked on ABC radio on November 21 whether this was going ahead, he avoided answering the question and instead praised the usefulness of Deputy Mayor Sarah McKenzie, which may be true but is beside the point. Could the Mayor please answer clearly and directly whether the Deputy Mayor allowance will be abolished, or has he broken his election promise?

The Mayor provided the following response:

*Thank you for your question Peter. The answer to your questions is no. The difference between my personal opinion and an election promise is, there is no way in my election speeches or any literature that I raised the Deputy Mayor. You know and I know that I have said on many occasions that I don't think the Deputy Mayor's position is needed and waste of rate payers money. The only difference to the position to that of a councillor is that they chair the meetings in my absence. But I do think that this Deputy Mayor is the best deputy we have had to date and has proven that in the last couple of weeks in the meetings she has been able to arrange with the state government. What I said on the radio was my personal view, it was never part of my election campaign.*

**10. Marion Attwater:**

Question:

I was expecting to see an item in the agenda with a review of the Audit and Risk Committee Charter, but there is none. Most councils review the Charter every year or every two years, not once every four years. When will Yarra City Council review and update the ARC Charter?

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

*The Audit and Risk Committee Charter is currently being reviewed by the Audit and Risk Committee, and is expected to be presented to Council for consideration in April 2025.*

**11. Aidan Barac-Dunn:**

Question:

A recent post by Mayor Jolly stated that he and the other independent Yarra councillors would make changes to cycling infrastructure on Elizabeth Street, before they've received the Officer Report (due in February) and heard submissions from the community (also due in February). I'm also aware that the Local Government Inspectorate states that councillors must keep an open mind, which has precedent in the Winky Pop v Hobsons Bay City (2007) case. My question is - have you and other councillors prejudiced yourselves, or conflicted yourselves out of the vote, by stating in advance how you intend to vote?

*The Mayor provided the following response:*

*No we haven't, as Councillors, we understand the importance of decision-making regarding cycling infrastructure and will therefore consider all of the information when a report is presented to Council in February 2025.*

**12. Joe Gagliano:**

Question:

18 May 2023 Council decides to investigate regulations for short-stay accommodation. When will report come out?

A report will be presented at a future Council Meeting.

It referred to cap on the number of days a property can be on the market It also referred to Other Victorian councils introducing fees Warrnambool \$400 fee for Airbnb properties & Mornington, Bass Coast Yarra Ranges fees for short-stay properties.

November 2021, the NSW government introduced short-stay regulations, limiting the number of days a property could be on the market. Other cities around the world also done this.

*The General Manager Community Strengthening provided the following response:*

*Since the report in May 2023, there have been major developments at the state level.*

*Effective 1 January 2025, the Short Stay Levy Act 2024 introduces a 7.5% levy on booking fees for stays under 28 days in Victorian properties.*

*Exemptions apply to primary residences, hotels, motels, student accommodation, rooming houses, and crisis accommodation.*

Booking platforms must collect and remit the levy to the State Revenue Office.

Revenue will support Homes Victoria's affordable and social housing projects, with 25% allocated to regional Victoria.

The Act also allows owners' corporations to ban short-stay accommodation within their developments.

While earlier reports suggested Councils could impose restrictions on short-stay properties, the legislation does not grant these powers directly. Amendments to other legislation or tools including Planning Schemes would be required. Council will continue to monitor this matter and provide regular updates to Council as required.

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

**Moved:** Councillor Gomez

**Seconded:** Councillor Harrison

1. That Council alter the order of business as follows:
  - (a) Council Business Reports to be considered in the following order:
    - (i) 7.6, 7.2, 7.1, 7.7, 7.3, 7.4, 7.5, 7.8, 7.9, 7.10, 7.11, 7.12; and
  - (b) Notices of Motion to be considered in the following order:
    - (i) 8.2, 8.1, 8.3.

### **CALL FOR A DIVISION**

**For:** Councillor Jolly, Councillor McKenzie, Councillor Aston, Councillor Gomez, Councillor Harrison and Councillor Ho

**Against:** Councillor Crossland and Councillor Wade

**CARRIED**

## 7. Council Business Reports

### 7.1. Waste Charge and Waste Service

**Author** Brett Grambau – Manager City Works

**Authoriser** General Manager Corporate Services

#### Officer Recommendation

Start time: 9.54pm

That Council:

1. Prioritises and budgets for the preparation of a long-term Waste and Recycling Strategy in 2025/26 as part of the Council Plan informed by city-wide community engagement. The Strategy development and consultation should include consideration of the following:
  - (a) Options to consider street-based bin collections and extended glass recycling hub options;
  - (b) Options, opportunities, benefits, risks and costs associated with any changes to Council's waste and recycling service provision including the introduction of weekly mixed recycling collection and monthly glass collection;
  - (c) Any other waste and recycling service types/service levels that Council might consider;
  - (d) Analysis of waste and recycling kerbside bin spare capacity;
  - (e) Analysis of existing customer feedback on waste and recycling service provision;
  - (f) Options to reduce Council's waste and recycling costs for Yarra's residents and businesses;
  - (g) Detailed financial analysis and options of any changes proposed to Council's waste and recycling service provision; and
  - (h) Detailed financial analysis on options to recover waste costs through separate waste rates or waste charges, including consideration of a flat rate charge.
2. Immediately add glass collection bins at the three existing neighbourhood collection hubs to provide options for those who prefer not to have a residential glass recycling bin.
3. Immediately undertake targeted consultation in the Abbotsford alternative collections area to determine community support for weekly general waste collections. And subject to the community feedback, urgently report to Council for a decision (and immediate action) on any potential service change.
4. Proceed to a full public tender in early 2025 for new service collection contracts for:
  - (a) General waste at an existing weekly collection frequency with an option to include the Abbotsford alternative collections area as a weekly general waste collection frequency (subject to Council's decision on the Abbotsford matter (item 3 above) tonight);

- (b) Mixed recycling at existing fortnightly collection frequency with an option to revert to weekly collection frequency (subject to the outcomes developed in the Waste and Recycling Strategy); and,
  - (c) Glass collection at the existing fortnightly collection frequency with an option to revert to a monthly collection frequency (subject to the outcomes developed in the Waste and Recycling Strategy).
5. Having considered the options available in relation to changes to the separate waste rates, the estimated financial impact of these options on the financial sustainability of Council that Council:
- (a) Retains a separate public waste rate and kerbside waste rate for the 2025/26 budget year;
  - (b) Considers the implementation of any proposed changes to waste charges endorsed in the final adopted Waste and Recycling Strategy from 2026/27 budget year; and,
  - (c) Commit to determine the public waste and kerbside waste rate each year as part of the annual budget process, considering the rate cap set by the State Government and any increases or decreases the cost of providing waste and recycling services including any changes to service levels and legislative requirements.

#### Public Submissions

The following people addressed Council on the matter:

Meredith Kefford, YCAN;

Mark Hoare;

Aidan Barac-Dunn; and

Peter Long on behalf of Karen Hovenga.

#### **MOTION**

**Moved:** Councillor McKenzie

**Seconded:** Councillor Crossland

That Council:

1. Prioritises and budgets for the preparation of a long-term Waste and Recycling Strategy in 2025/26 as part of the Council Plan informed by city-wide community engagement. The Strategy development and consultation should include consideration of the following:
  - (a) Options to consider street-based bin collections and extended glass recycling hub options;
  - (b) Options, opportunities, benefits, risks and costs associated with any changes to Council's waste and recycling service provision including the introduction of weekly mixed recycling collection and monthly glass collection;
  - (c) Any other waste and recycling service types/service levels that Council might consider;
  - (d) Analysis of waste and recycling kerbside bin spare capacity;
  - (e) Analysis of existing customer feedback on waste and recycling service provision;



- (f) Options to reduce Council's waste and recycling costs for Yarra's residents and businesses;
  - (g) Detailed financial analysis and options of any changes proposed to Council's waste and recycling service provision; and
  - (h) Detailed financial analysis on options to recover waste costs through separate waste rates or waste charges, including consideration of a flat rate charge.
2. Immediately add glass collection bins at the three existing neighbourhood collection hubs to provide options for those who prefer not to have a residential glass recycling bin.
  3. Immediately undertake targeted consultation in the Abbotsford alternative collections area to determine community support for weekly general waste collections. And subject to the community feedback, urgently report to Council for a decision (and immediate action) on any potential service change.
  4. Proceed to a full public tender in early 2025 for new service collection contracts for:
    - (a) General waste at an existing weekly collection frequency with an option to include the Abbotsford alternative collections area as a weekly general waste collection frequency (subject to Council's decision on the Abbotsford matter (item 3 above) tonight);
    - (b) Mixed recycling at existing fortnightly collection frequency with an option to revert to weekly collection frequency (subject to the outcomes developed in the Waste and Recycling Strategy); and,
    - (c) Glass collection at the existing fortnightly collection frequency with an option to revert to a monthly collection frequency (subject to the outcomes developed in the Waste and Recycling Strategy).
  5. Having considered the options available in relation to changes to the separate waste rates, the estimated financial impact of these options on the financial sustainability of Council that Council:
    - (a) Retains a separate public waste rate and kerbside waste rate for the 2025/26 budget year;
    - (b) Considers the implementation of any proposed changes to waste charges endorsed in the final adopted Waste and Recycling Strategy from 2026/27 budget year; and,
    - (c) Commit to determine the public waste and kerbside waste rate each year as part of the annual budget process, considering the rate cap set by the State Government and any increases or decreases the cost of providing waste and recycling services including any changes to service levels and legislative requirements.

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

**For:** Councillor McKenzie, Councillor Crossland and Councillor Wade

**Against:** Councillor Jolly, Councillor Aston, Councillor Gomez, Councillor Harrison and Councillor Ho

**LOST**

## COUNCIL RESOLUTION

**Moved:** Councillor Aston

**Seconded:** Councillor Gomez

That Council:

1. Prioritises and budgets for the preparation of a long-term Waste and Recycling Strategy in 2025/26 as part of the Council Plan informed by city-wide community engagement. The Strategy development and consultation should include consideration of the following:
    - (a) Options to consider street-based bin collections and extended glass recycling hub options;
    - (b) Options, opportunities, benefits, risks and costs associated with any changes to Council's waste and recycling service provision including the introduction of weekly mixed recycling collection and monthly, every other month and quarterly glass collection;
    - (c) Any other waste and recycling service types/service levels that Council might consider;
    - (d) Analysis of waste and recycling kerbside bin spare capacity;
    - (e) Analysis of existing customer feedback on waste and recycling service provision;
    - (f) Options to reduce Council's waste and recycling costs for Yarra's residents and businesses;
    - (g) Detailed financial analysis and options of any changes proposed to Council's waste and recycling service provision; and
    - (h) Detailed financial analysis on options to recover waste costs through separate waste rates or waste charges, including consideration of a flat rate charge structure similar to that employed at Merri-bek, Port Philip, Boroondara, Stonnington, Glen Eira, Moonee Valley, Kingston and Whitehorse Councils.
  2. Immediately add glass collection bins at the three existing neighbourhood collection hubs to provide options for those who prefer not to have a residential glass recycling bin.
  3. Authorise officers to proceed with restoring weekly collections as soon as possible and no later than 1 February 2025 for general waste for the approximately 1,400 properties in the Abbotsford Alternative Collections Area noting that;
    - (a) this change would affect approximately 1,100 general waste bins from 1,400 properties and that these 1,400 properties in the Abbotsford Alternative Collections Area have had fortnightly collections for general waste since 2019;
    - (b) this would achieve Item 14(c) of the Notice of Motion No.19 of 2024 - New Direction for Yarra passed at the Ordinary Council Meeting on 26 November 2024;
  4. Proceed to a full public tender in early 2025 for new service collection contracts for:
    - (a) General waste at an existing weekly collection frequency;
    - (b) Mixed recycling at existing fortnightly collection frequency with an option to revert to weekly collection frequency (subject to the outcomes developed in the Waste and Recycling Strategy); and,
-

- (c) Glass collection at the existing fortnightly collection frequency with an option to revert to a monthly collection frequency (subject to the outcomes developed in the Waste and Recycling Strategy).
5. Having considered the options available in relation to changes to the separate waste rates, the estimated financial impact of these options on the financial sustainability of Council that Council:
- (a) Retains a separate public waste rate and kerbside waste rate for the 2025/26 budget year;
  - (b) Considers the implementation of any proposed changes to waste charges endorsed in the final adopted Waste and Recycling Strategy from 2026/27 budget year; and,
  - (c) Commit to determine the public waste and kerbside waste rate each year, capped at the same rate as Council's Annual Rate Cap, with flexibility as part of the annual budget process, and for Council to consider any increases or decreases the cost of providing waste and recycling services including any changes to service levels and legislative requirements.
6. Request that the Mayor formally ask the CEO, Chair of the Audit and Risk Committee and Chair of the Financial Sustainability Committee to consider the financial sustainability of the manner in which Council provides a Waste and Recycling Service to the community and the Key Performance Indicators required across the relevant areas of Council operations to focus on improving the efficiency of Council's waste service.

#### CALL FOR A DIVISION

**For:** Councillor Jolly, Councillor Aston, Councillor Gomez, Councillor Harrison and Councillor Ho

**Against:** Councillor McKenzie, Councillor Crossland and Councillor Wade

**CARRIED**

**The next item of business went to 7.7**

## 7.2. – E-scooter Update

**Author** Simon Exon, – Unit Manager Strategic Transport

**Authoriser** General Manager City Sustainability and Strategy  
Chief Executive Officer

### Officer Recommendation

Start time: 8.35pm

That Council:

1. Continue with the trial and approaches to managing e-scooters including:
2. Continuation of the current shared e-scooter arrangements together with ongoing improvements to the existing scheme including:
3. Expediting where possible the introduction of more dedicated parking bays and geofencing.
4. Commence a proactive enforcement blitz noting the unbudgeted resourcing impacts.
5. Notes that Officers are continuing the preparation for procurement for a permanent shared e-scooter scheme.

### Public Submissions

The following people addressed Council on the matter.

Aidan Barac-Dunn;

Jayden Bryant of Neuron and William Peters of Lime;

Hayden Brown; and

Shane Delphine.

### MOTION

**Moved:** Councillor Crossland

**Seconded:** Councillor Wade

That Council:

1. Continue with the e-scooter trial with ongoing improvements to the existing scheme including:
  - (a) Expediting the introduction of more dedicated virtual and physical e-scooter parking bays with priority given to on-street bays; and
  - (b) Engage in proactive enforcement of e-scooter regulations as described in the report.
2. Notes that Officers are preparing for a permanent shared e-scooter scheme. Council requests that any future contract:

- (a) Parking of e-scooters and e-products should be restricted to virtual and physical parking bays, maintaining a minimum 2m unobstructed clearance if accommodated on footpaths, with a priority given to on-street bays;
  - (b) Expand the use of geofencing technology, to prevent riding and parking in prohibited areas; and
  - (c) Develop a management plan to prevent improper use of e-scooters including parking in prohibited locations.
3. Request that a budget bid for an audit of council policies (e.g. footpath trading, cross overs, placement of trees, scooter and bike parking, bin storage, and other infrastructure often accommodated on footpaths, etc.) as part of the New Deal for Walking be prepared for consideration as part of the Council Budget.

### CALL FOR A DIVISION

**For:** Councillor McKenzie, Councillor Crossland and Councillor Wade

**Against:** Councillor Jolly, Councillor Aston, Councillor Gomez, Councillor Harrison and Councillor Ho

LOST

### MOTION

**Moved:** Councillor Harrison

**Seconded:** Councillor Aston

That Council:

1. Notes the officer report.
  2. Observes that despite efforts to educate riders and regulate the use of shared e-scooters, e-scooters being ridden on the pavement and abandoned e-scooters blocking pavements continue to be a significant issue across the municipality. Council acknowledges that poor behaviour has been observed by the community, putting the rider, as well as blind, visually impaired, disabled, younger and older pedestrians, and all pedestrians at risk.
  3. Notes that despite shared e-scooter operators being on notice that they must address this issue of inappropriate parking of e-scooters on narrow pavements complaints have been received from the community regarding to the timeframes for retrieving inappropriately parked e-scooters.
  4. Notes that Council does not have the staff or infrastructure to monitor inappropriately parked e-scooters or physically transport e-scooters from one place to another where an operator fails to move an e-scooter within a reasonable timeframe.
  5. Notes that complaints have been received of e-scooters being parked in footpath trading zones.
  6. Continue with the trial and approaches to managing e-scooters including:
-



- (a) Continuation of the current shared e-scooter arrangements together with ongoing improvements to the existing scheme including;
- (b) Requests geofencing of all pavements that are narrower than 2m;
- (c) Commence a proactive enforcement blitz noting the unbudgeted resourcing impacts; and
- (d) Expediting where possible the introduction of more dedicated parking bays and geofencing, prioritising the identified as hotspots for e-scooter trip end events.

7. Officers:

- (a) update Council by the April meeting on the cost of managing shared e-scooter use in the municipality from the commencement of the trial in February 2022 to date;
- (b) update Council on the cost of effectively monitoring e-scooter parking;
- (c) request that shared e-scooter operators provide detailed data on complaints regarding inappropriate parking of e-scooters, including location, days and dates and daily usage patterns specific to high traffic/use areas, so that Council can identify when and where greater enforcement is required;
- (d) identify and request geofencing of pavements be prioritised in hotspots;
- (e) continue to seek feedback from Yarra business operators regarding the parking of e-scooters on pavements in Yarra's activity centres;

8. Notes that Officers are continuing the preparation for procurement for a permanent shared e-scooter scheme.

9. Notes that the current agreement with the shared e-scooter operators ends in April 2025.

## AMENDMENT

**Moved:** Councillor Wade

**Seconded:** Councillor Crossland

That part 6 (b) be removed and add the below as clause 7.

Request geofencing of all pavements that are narrower than 2m under any future contract.

## CALL FOR A DIVISION

**For:** Councillor McKenzie, Councillor Crossland and Councillor Wade

**Against:** Councillor Jolly, Councillor Aston, Councillor Gomez, Councillor Harrison and Councillor Ho

**LOST**

## COUNCIL RESOLUTION

**Moved:** Councillor Harrison

**Seconded:** Councillor Aston

That Council:

1. Notes the officer report.
2. Observes that despite efforts to educate riders and regulate the use of shared e-scooters, e-scooters being ridden on the pavement and abandoned e-scooters blocking pavements continue to be a significant issue across the municipality. Council acknowledges that poor behaviour has been observed by the community, putting the rider, as well as blind, visually impaired, disabled, younger and older pedestrians, and all pedestrians at risk.
3. Notes that despite shared e-scooter operators being on notice that they must address this issue of inappropriate parking of e-scooters on narrow pavements complaints have been received from the community regarding to the timeframes for retrieving inappropriately parked e-scooters.
4. Notes that Council does not have the staff or infrastructure to monitor inappropriately parked e-scooters or physically transport e-scooters from one place to another where an operator fails to move an e-scooter within a reasonable timeframe.
5. Notes that complaints have been received of e-scooters being parked in footpath trading zones.
6. Continue with the trial and approaches to managing e-scooters including:
  - (a) Continuation of the current shared e-scooter arrangements together with ongoing improvements to the existing scheme including;
  - (b) Requests geofencing of all pavements that are narrower than 2m;
  - (c) Commence a proactive enforcement blitz noting the unbudgeted resourcing impacts; and
  - (d) Expediting where possible the introduction of more dedicated parking bays and geofencing, prioritising the identified as hotspots for e-scooter trip end events.
7. Officers:
  - (a) update Council by the April meeting on the cost of managing shared e-scooter use in the municipality from the commencement of the trial in February 2022 to date;
  - (b) update Council on the cost of effectively monitoring e-scooter parking;
  - (c) request that shared e-scooter operators provide detailed data on complaints regarding inappropriate parking of e-scooters, including location, days and dates and daily usage patterns specific to high traffic/use areas, so that Council can identify when and where greater enforcement is required;
  - (d) identify and request geofencing of pavements be prioritised in hotspots;
  - (e) continue to seek feedback from Yarra business operators regarding the parking of e-scooters on pavements in Yarra's activity centres;

8. Notes that Officers are continuing the preparation for procurement for a permanent shared e-scooter scheme.
9. Notes that the current agreement with the shared e-scooter operators ends in April 2025.

**CALL FOR A DIVISION**

**For:** Councillor Jolly, Councillor McKenzie, Councillor Aston, Councillor Gomez, Councillor Harrison and Councillor Ho

**Against:** Councillor Crossland and Councillor Wade

**CARRIED**

**The Mayor adjourned the meeting at 9.46pm**

**The meeting resumed at 9.53pm on item 7.1.**

### 7.3. Governance Rules Review

**Author** Patrick O'Gorman – Senior Governance Coordinator

**Authoriser** General Manager Governance, Communications and Customer Service

Councillor Ho left the meeting at 10.55pm, not returning.

#### Officer Recommendation

Start time: 10.55pm

That Council;

1. Endorse the draft amendments to the City of Yarra Governance Rules at Attachment One to seek community feedback on the proposed changes pursuant to section 60(4) of the Local Government Act 2020 as set out in this report.

#### Public Submission

Glen McCallum addressed Council on the matter.

#### COUNCIL RESOLUTION (PROCEDURAL)

**Moved:** Councillor Wade

**Seconded:** Councillor Crossland

That this item be deferred until February 2025 Ordinary Council meeting.

#### CALL FOR A DIVISION

**For:** Councillor Crossland and Councillor Wade

**Against:** Councillor Jolly, Councillor McKenzie, Councillor Aston, Councillor Gomez and Councillor Harrison

**LOST**

#### COUNCIL RESOLUTION

**Moved:** Councillor Jolly

**Seconded:** Councillor Aston

1. That Council proceed to community engagement in accordance with section 60 (4) of the Governance Rules with the following amendments to clause 53 of Council's Governance Rules:

53 – Question Time

53.1 – Unless Council resolves to the contrary, there must be a Question Time at every Ordinary Council Meeting to enable members of the public to ask questions of Council:

53.2 - During public question time:

53.2.1 - the Chair must offer the person lodging the question the opportunity to ask their question.

53.2.2 - the time permitted for asking a question will be three minutes.

53.2.3 - the Chair, or a person nominated by the Chair must provide a succinct response to the question.

53.2.4 - if required, the Chair must offer the person asking the question a further one minute to ask a question of clarification that relates to the prior question asked.

53.2.5 - the Chair, or a person nominated by the Chair shall provide a further response to the question of clarification.

53.2.6 - A person asking a question will be asked to provide their contact details for the purpose of any necessary follow-up response to the matter raised.

#### CALL FOR A DIVISION

**For:** Councillor Jolly, Councillor McKenzie, Councillor Aston, Councillor Gomez and Councillor Harrison

**Against:** Councillor Crossland and Councillor Wade

**CARRIED**

#### COUNCIL RESOLUTION - (PROCEDURAL)

**Moved:** Councillor McKenzie

**Seconded:** Councillor Gomez

That the meeting be extended for a further 30 minutes, until 12 midnight.

#### CALL FOR A DIVISION

**For:** Councillor Jolly, Councillor McKenzie, Councillor Aston, Councillor Gomez, Councillor Harrison and Councillor Wade

**Against:** Councillor Crossland

**CARRIED**



## 7.4. 25-35 River Boulevard Richmond

**Author** Laura Condon – Senior Statutory Planner

**Authoriser** General Manager City Sustainability and Strategy

### Officer Recommendation

Start time: 11.24pm

That Council:

1. Approve the amended Development Plan PLN21/0836 for the staged construction of six (6) buildings, to a maximum height of eight (8) storeys containing dwellings and one level of basement car parking at 25-35 River Boulevard & 15 Christine Crescent, Richmond, subject to the following conditions:

#### Amended Development Plans

1. Prior to the commencement of the development, excluding early works and tree removal shown on the endorsed Stage 1 Plan, an amended Development Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Development Plan will be endorsed and will then form part of this approval. The Development Plan must be generally in accordance with the decision plans by CHT (Life) Architects, plan numbers TP00.01, 03.B01, 03.00-03.02, 03.06-03.09, 09.00-09.02 & 04.00 all Rec C dated 13/11/2024 and TP02.01, 02.02, 03.03-03.05, 09.03, 09.04, 10.00-10.02, 10.10-10.15, 04.01-04.13 all Rev B dated 21/06/2024 but modified to show:

#### Sketch plans

- (a) The changes as depicted on the “Sketch” plans (revised southern elevation and Level 02 plan) prepared by Bates Smart, with plot dates of 15 and 16 November 2023, including the southern facade of Building 4 further articulated with the introduction of Juliet balconies;

#### Built form

- (b) A survey plan prepared showing:
  - (i) Building 01 to have a parapet/roof structure height of no greater than 31m AHD;
  - (ii) Building 04 to have a parapet/roof structure height of no greater than 37m AHD;
- (c) Any changes required by Melbourne Water conditions (Conditions 3-10);
- (d) Elevations of the proposed substation detailing all external finishes to a high-quality appearance;

#### Site layout and connectivity

- (e) The proposed outfall drains and drainage easements for the proposed drains to be noted on the plans and confirm that no structures or buildings will impede the drainage easement;
- (f) The Development Plan Public Access Plan T22086 P02.00 to show building 4 to be wholly within title boundaries;

- (g) All private footpaths and building associated with building 4 to be located within the title boundaries;
- (h) Dimension the opening width of the development entrances to River Boulevard;

*Traffic engineering and sustainable transport*

- (i) Confirm where the additional horizontal bicycle parking spaces within the central courtyard area have been provided;
- (j) Dimensions of all relevant doors, ramps and access ways noted to demonstrate compliance with Australian Standard AS2890.3 or to the satisfaction of the Responsible Authority;
- (k) Amendment of access to Bicycle Storage Zone 5 to ensure a clear width of at least two metres in the access corridor at all times;
- (l) The location of electric bicycle charging adjacent to spaces suitable for electric bicycles to use (i.e. horizontal on-ground spaces with sufficient widths to accommodate a larger electric bicycle, as per AS2890.3 Appendix A – ‘cargo bicycle’ and Section 2.2.8);

*Apartment Design*

- (m) Demonstrate apartments within Buildings 2 and 5 satisfy the requirements of clause 58.04-2 (Internal Views Objective) of the Yarra Planning Scheme;
- (n) Drawing TP10.13 updated to confirm all privacy screening will have a maximum transparency of 25%;
- (o) Demonstrate overlooking between balconies 3.002 - 3.003, 3.107 - 3.108, 6.004 -6.005, 6.007- 6.008, 6.304 - 6.305 and 6.306 - 6.307 satisfies the requirements of clause 58.04-2 (Internal Views Objective) of the Yarra Planning Scheme;
- (p) Provide section detail with spacing dimensions and materials for all overlooking batten screens, with each to be clearly identified by their corresponding hatched colour legend and demonstrating compliance with the requirements of clause 58.04-2 (Internal Views Objective) of the Yarra Planning Scheme;
- (q) All overlooking schedule plans to show all screen types identified by coloured hatching options to clearly indicate the position of all screen types;

*Management plans*

- (r) Layout of landscaping areas, consistent with the amended Landscape Plans (internal to title boundaries) required by Condition 27;
  - (s) any changes required by the amended Sustainable Management Plan (Condition 16);
  - (t) any changes required by the Tree Management Plan required by Condition 36.
2. The development as shown on the endorsed Development Plan and endorsed Stage 1 Plan must not be altered without the prior written consent of the Responsible Authority.

### **Melbourne Water (Conditions 3-10)**

3. Prior to the endorsement of the Development Plan, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions. Plans must be submitted with surface and floor levels to Australian Height Datum (AHD) and must be modified to show:
  - (a) The top of the eastern wall/bunding of the Lower Ground Courtyard set no lower than 11.15 metres to AHD.
4. The Building 03 & Building 06 must be constructed with finished floor levels set no lower than 600mm above the applicable graded flood level, which ranges from 10.60 metres to Australian Height Datum (AHD) at the northern property boundary down to 10.40 metres to AHD at the southern property boundary. Ground floors set no lower than 11.20m to AHD including ground floor amenities.
5. Any openings into the basement (amenities) from Building 03 and Building 06 (including doors, windows, vents etc.) must be set no lower than 600mm above the applicable graded flood level. (Set no lower than 11.20m to AHD).
6. Any entrances and openings to the Lower Ground Courtyard must be set no lower than 600mm above the applicable graded flood level of 10.55 metres to AHD.
7. Prior to the issue of an Occupancy Permit for any stage of the approved development, a certified survey plan for that stage must be prepared showing ground floor finished floor levels of Building 03 & Building 06 (as constructed) reduced to the AHD, and must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.
8. The open space within the flood extent of the Yarra River must be maintained at natural surface level or as otherwise approved by Melbourne Water to allow for the passage of floodwaters.
9. Any new fencing within the flood extent of the Yarra River must be open style (minimum 50% open) or as otherwise approved by Melbourne Water to allow for the passage of floodwaters.
10. Prior to the commencement of works, a separate application direct to Melbourne Water (Asset Protection Team) must be made for any new or modified storm water connection to Melbourne Water's drains or watercourses.

### **Staging**

11. In conjunction with the submission of the amended plans under Condition 1 a staging plan must be submitted to and approved to the satisfaction of the Responsible Authority. The staging plan as necessary must include plans and written details of staging of the development. The development must proceed in the order of the stages as shown on the endorsed plan(s), unless otherwise agreed in writing by the Responsible Authority.

### **Building Height**

12. Written confirmation by a Licensed Land Surveyor must be provided to the Responsible Authority verifying the following:
  - (a) Building 01 does not exceed 31 metres AHD; and
  - (b) Building 04 does not exceed 37 metres AHD.

This must be provided at the completion of the parapet structure and at final inspection.

### **Façade Strategy**

13. In conjunction with the submission of the amended development plan under Condition 1, an amended 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 amended Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this Development Plan. The amended Façade Strategy and Materials and Finishes Plan must be generally in accordance with the Façade Strategy and Materials and Finishes Plan dated 21 June 2024, prepared by CHT (Life) Architects, but updated to include the following (unless otherwise agreed). This must detail:
  - (a) details of the current approved façade details and design, with all references to previous approvals removed;
  - (b) elevation drawings at a scale of 1:20 illustrating typical entries and doors, and utilities and typical facade details;
  - (c) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
  - (d) details of all services, to be integrated with into the design of the proposed buildings;
  - (e) information about how the façade will be maintained, including any vegetation; and
  - (f) a detailed materials schedule with digital samples of proposed materials and coloured drawings outlining colours, renders, materials and finishes graffiti proofing of walls.
14. The provisions, recommendations and requirements of the endorsed Façade Strategy and Materials and Finishes Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
15. As part of the ongoing consultant team, Life Architects or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
  - (a) oversee the design and construction of the development; and
  - (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

### **Sustainable Management Plan**

16. Before the development commences, excluding early works shown on the endorsed Stage 1 plan, an amended SMP must be submitted to and approved by the Responsible Authority. When approved, the amended SMP will be endorsed and will form part of this Development Plan. The amended SMP must be generally in accordance with the Sustainable Management Plan dated 18 June 2024, prepared by Stantec, but updated to include the following (unless otherwise agreed):
  - (a) Provide evidence confirming that the project is registered and prepared for submission to the Green Building Council of Australia (GBCA) to achieve Green Star Certified Compliance, with confirmation that the final Green Star

Certified Summary of Compliance will be submitted to Council once received from GBCA; and

- (b) The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
17. Prior to the occupation of any stage of the development approved, a report from the author of the sustainable management plan, approved pursuant to this development plan, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the sustainable management plan have been implemented in accordance with the approved plan for that stage and including the provision of Green Star Certified Summary of Compliance.

#### **Stormwater Management Plan**

18. Within six months of the issue date of amended permit PLN21/0836.03, a Stormwater Management Plan must be submitted to and approved by the Responsible Authority. When approved, the Stormwater Management Plan will be endorsed and will form part of this Development Plan. The Stormwater Management Plan must address the following:
- (a) Demonstrate a compliant STORM score (or equivalent) will be achieved; and
  - (b) Demonstrate the management of stormwater will not be overly reliant on proprietary devices.
19. The provisions, recommendations and requirements of the endorsed Stormwater Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

#### **Wind**

20. Before the development commences, excluding early works shown on the endorsed Stage 1 plan, an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this Development Plan. The amended Wind Assessment Report must be generally in accordance with the Wind Impact Reports 25-22-WT-ENV-00, 25-22-WT-ENV-ADD-A-00 and 25-22-DE-EWC-06 prepared by MEL Consultants and dated 28 September 2022, but modified to include or show (unless otherwise agreed):
- (a) To reference the plans required by condition 1 and confirm the deletion of the 2 double storey apartments to building 4 do not affect the findings of Reports 25-22-WT-ENV-00 and 25-22-WT-ENV-ADD-A-00 (as applicable).
21. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

#### **Waste Management Plan**

22. Before the development commences, excluding early works shown on the endorsed Stage 1 plan, the amended Waste Management Plan prepared by WSP and dated

September 2022 must be submitted to Council. When approved, the amended Waste Management Plan will be endorsed and form part of this Development Plan. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by WSP and dated 18 June 2024, but modified to include or show (unless otherwise agreed):

(a) Revised to reflect the revised bin room layouts detailed in TP03.01 C dated 13/11/2024 by CHT/Life Architects.

23. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
24. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

#### **Acoustic Report**

25. In conjunction with the submission of development plans under Condition 1, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Report will be endorsed and will form part of this Development Plan. The Report must be generally in accordance the acoustic report prepared by Acoustic Logic, dated 3 August 2022 18 June 2024, but modified to include:

(a) Reference to the revised plans required by Condition 1.

Once endorsed, the Report must not be modified except with the written consent of the Responsible Authority.

26. The recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

#### **Landscape Plan (internal to title boundaries)**

27. Before the development commences, excluding early works shown on the endorsed Stage 1 plan, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this Development Plan. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by Arcadia and submitted to Council on the 27 June 2024 dated 06 February 2023, but modified to include or show (unless otherwise agreed by Council):

(a) Detailed way finding strategy, including sign locations, details and sign content of signs within title boundaries;

(b) Demonstrate that plantings along the River Boulevard front setback at ground level have been selected to adequately soften the appearance of private open space palisade fencing; and

(c) Provide engineering certified drawings for the ramp on the embankment.

28. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:

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

#### **Public Realm Plan**

29. Before the development commences excluding bulk excavation and early works shown on the endorsed Stage 1 plan, or by such later date as approved in writing by the Responsible Authority, a Public Realm Plan suitable for construction and prepared by a qualified Landscape Architect (or other suitable profession) for the development must be submitted to and approved by the Responsible Authority. The plan must be generally in accordance with the River Boulevard Streetscape Plans (p. 27 and 28 of the landscape plans prepared by Arcadia, dated 6 February 2023) and modified to show the following (or otherwise agreed):

- (a) Changes to plan:
  - (i) Layout plan indicating all existing and proposed features and surface levels;
  - (ii) The 2m wide footpaths notated as '2m unobstructed clear access';
  - (iii) Relocate the small garden bed at the southern end of the service road (east side) so that it is consolidated with the garden beds along the property boundary;
  - (iv) Ensure that the existing desire line from the River Street link to the west side of the service road are accommodated;
  - (v) Provide traffic calming measures to the service road to facilitate safe access for people on bikes, including speed reduction and reducing the width of the existing speed bumps. vi. Ensure the new kerb ramp providing access from the service road to the shared path (linking to River Street) matches the width of the shared path plus tapers of 300mm either side to provide a consistent travel path. a 1:15 gradient for the ramp, subject to review and to the satisfaction of the Responsible Authority;
  - (vi) Investigate the conversion of the existing zebra crossing of the Vickers Drive vehicle entry from River Boulevard into a raised pedestrian-priority crossing;
  - (vii) Notations stating that car parking spaces are not to be reinstated along the River Boulevard frontage at the completion of the development; and
  - (viii) Depict indicative future protected bicycle lanes on River Boulevard.
- (b) Plans to show (including but not limited to):
  - (i) Incorporate details/sections as required;
  - (ii) Extent of proposed and existing pavements and any other proposed infrastructure improvements and changes;

- (iii) All existing and proposed streetscape infrastructure on all relevant plans including but not limited to light poles, drains and street signs;
  - (iv) Any proposed external street furniture including seats and bike parking;
  - (v) Materials including any surface treatments, edges, landscaping and drainage;
  - (vi) Clearly dimensioned elements including pedestrian paths and parking bays;
  - (vii) Property boundaries to clearly show private and Council land;
  - (viii) All existing and proposed levels and surface grades;
  - (ix) All existing and proposed and required drainage infrastructure improvements to responsible authority satisfaction;
  - (x) Trees and other plantings; and
  - (xi) References to standard details and provision of typical details where required; and
- (c) Plans must be consistent with the civil work and landscape detailed plans required at Condition 30.

All to the satisfaction of the Responsible Authority.

30. Before any stage of the buildings are occupied or at a later date as agreed in writing by the Responsible Authority, all works associated with the Public Realm Plan as shown on the endorsed plans and Public Realm Plan (referred to in Condition 29) must be fully constructed and completed by the Development Plan holder, with all costs borne by the Development Plan holder, to the satisfaction of the Responsible Authority.

#### **Civil and landscape detailed design**

31. Prior to the commencement of construction of the development, excluding early works shown on the endorsed Stage 1 plan, or by such later date as is approved by the Responsible Authority (Council), detailed design plans (Civil and Landscape) for the proposed public realm areas shown on the public realm plans required at Condition 29 must be prepared, submitted and approved by the Responsible Authority (Council). When approved, the plan will be endorsed and will then form part of the Development Plan. The Detailed Design plans must include, but not be limited to, the following:
- (a) Detailed layout plan indicating all existing and proposed features and surface levels;
  - (b) Longitudinal sections along the property boundary, back of kerb and invert of the channel;
  - (c) Cross sections from property boundary to property boundary at 5 metre intervals indicating existing and proposed levels at changes in grade;
  - (d) Stormwater drainage in accordance with the Council approved stormwater strategy, including design computations, longitudinal sections, pit schedule and details;



- (e) Detailed layout (size, depth, location) of existing and proposed service utilities, including private property connections to each type;
  - (f) Public lighting plan, including proposals for any temporary lighting;
  - (g) Signage & line marking plans indicating the existing and proposed changes;
  - (h) All streetscape details in accordance with the Urban Design and Open Space departments within Council;
  - (i) All surfaces must be designed in accordance with DDA requirements;
  - (j) Distinct delineation between public and private land along all interfaces;
  - (k) All private aspects / infrastructure must be located within the private property boundary and not protrude into the public road reserve;
  - (l) Existing surface levels must not be altered unless approved by the Responsible Authority. To obtain DDA compliant surface grades the finished surface levels within the private property must be adjusted; and
  - (m) The external stairs and pathways from the development to the Yarra Trail (within the subject site) to be clearly depicted, with structural details provided should they cross over the drain/easement demonstrating there will not be any additional load placed on the outfall drains.
32. Before any stage of the buildings are occupied or by such later date as agreed in writing by the Responsible Authority, all associated works shown on the endorsed Civil and Landscape Detailed Designs Plans must be fully constructed and completed by the Development Plan holder, all to the satisfaction of the Responsible Authority. The public realm areas must be delivered in accordance with Council's document 'General Requirements for the Delivery of Public Realm Works'.

#### **Tree Protection**

33. A cost recovery fee of \$12,789.90 must be paid to the Responsible Authority for the loss of trees #94 and 97 and replacement plantings. New trees will be planted at a time and location determined by the Responsible Authority.
34. Prior to any buildings and/or works the permit holder must contact Council's arborist to arrange for any approved public tree removal at the permit holder's cost.
35. Prior to the removal of any public tree(s) a cost recovery fee, including costs for planting replacement tree(s) (the amount will be supplied) must be paid to the Responsible Authority. New trees will be planted at a time and location determined by the Responsible Authority.
36. In conjunction with the endorsement of the Stage 1 Early Works Plan, an amended Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved the amended Tree Management Plan will be endorsed and will form part of this Development Plan. The amended Tree Management Plan must include the following;
- (a) Details on the excavation in Tree Protection Zones of trees to be retained, with all excavation to be done using non-destructive digging techniques, overseen by the project Arborist;

- (b) the protection of all trees to be retained on Site, all street trees along River Boulevard frontage to be retained and all trees within 10 metres of the title boundaries on adjoining land:
  - (i) pre-construction;
  - (ii) during construction; and
  - (iii) post construction
- (c) the provision of any barriers;
- (d) any pruning necessary; and
- (e) watering and maintenance regimes,  
to the satisfaction of the Responsible Authority.

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

### **Car Parking**

38. 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, all to the satisfaction of the Responsible Authority.
39. Before the use and development commences, excluding early works shown on the endorsed Stage 1 plan, 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 Development Plan. The Car Park Management Plan must address, but not be limited to, the following:
- (a) the number and location of car parking spaces, including DDA spaces;
  - (b) the management of car parking spaces and security arrangements for employees of the development;
  - (c) details of way-finding, cleaning and security of end of trip bicycle facilities;
  - (d) policing arrangements and formal agreements;
  - (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) details regarding the management of loading and unloading of goods and materials; and
  - (g) Instructions to employees and patrons that they must only use the car parking facilities provided on site or which are otherwise available to the public.
-

40. The provisions, recommendations and requirements of the endorsed Car Park Management Plan by Santec dated 18 June 2024 must be implemented and complied with to the satisfaction of the Responsible Authority.
41. Before any stage of the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, a notice showing the location of car parking must be placed in a clearly visible position near the entry to the land. The notice must be maintained thereafter to the satisfaction of the Responsible Authority.

#### **Green Travel Plan**

42. Before the occupation of any stage of the development, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel Plan will be endorsed and will form part of this Development Plan. The amended Green Travel Plan must include (or show):
  - (a) Green Travel plan initiatives detailed in Table 5.1 of the Traffic Impact Assessment, prepared by Stantec, dated 30 September 2022;
  - (b) Operation details of the proposed car share car parking space within the basement level;
  - (c) security arrangements to access the employee and visitor bicycle storage spaces;
  - (d) signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3; and
  - (e) provisions for the GTP to be updated not less than every five years; to the satisfaction of the Responsible Authority.
43. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

#### **Road Infrastructure**

44. Before any stage of the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossings must be demolished and re-instated as standard (asphalt) footpath and kerb and channel:
  - (a) at no cost to the Responsible Authority (inclusive of the cost of modifying any parking signs or road markings for parking bays (where required)); and
  - (b) to the satisfaction of the Responsible Authority.
45. Before any stage of the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
  - (a) At the Development Plan holder's cost; and
  - (b) To the satisfaction of the Responsible Authority.
46. Before any stage of the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossings must be constructed:
  - (a) in accordance with any requirements or conditions imposed by Council;

- (b) at the Development Plan holder's cost; and
- (c) to the satisfaction of the Responsible Authority.

### **Public Lighting**

47. Before the development commences, excluding early works shown on the endorsed Stage 1 plan, an amended Public Lighting Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended Public Lighting Plan must be generally in accordance with the public lighting plan by Power Plant dated June 2023 drawing number 18636-00 & 18636-01 issue A and by Collective Engineering dated 25 August 2023, plan numbers EL-01-400- L00, EL-02-401- L00, EL-03-402-L00, EL-04-403-L00, EL-05-404-L00, EL-06-405-L00 & EL-07-406-L00, EL-00-000-000, EL-00-001-000, EL-00-002-000, EL-00-002-001, EL-00-051-L00, EL-00-100-001, EL-01-400-L00, EL-02-401-L00, EL-03-402-L00, EL-04-403-L00, EL-05-404-L00, EL-06-405-L00, EL-07-406-L00 and EL-08-407-L00, All Rev T1 and the Obtrusive Light Compliance report, Filename: 18636- AGI LIGHTING dated 14/08/2023 report but modified to include or show (unless otherwise agreed by Council):
- (a) Provide a note on relevant plans stating the provisions, recommendations and requirements of the endorsed Public Lighting Plan must be implemented and complied with at no cost to Council and to the satisfaction of the Responsible Authority;
  - (b) The Obtrusive Light- Compliance report and relevant plans updated so the obtrusive light calculations labels are indicated on the corresponding plan for ease of identification and also confirm compliance for River Boulevard and Christine Crescent; and
  - (c) Relevant plans updated to specify the luminaires to be used in River Boulevard and Christine Crescent.

### **Section 173 Agreement (public access)**

48. Within six months of the commencement of works, excluding early works shown on the endorsed Stage 1 plan, 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, by which the owner covenants that, in addition to the usual section 173 agreement acknowledgements and covenants, it shall:
- (a) keep those parts of the Site and 40 River Boulevard depicted as publicly accessible in the endorsed landscape and/or public realm plans (as the case may be) (the publicly accessible areas) permanently available for the public to use;
  - (b) at the owner's cost, be responsible for maintaining the publicly accessible areas to the satisfaction of the Responsible Authority;
  - (c) at the owner's cost, obtain and maintain public liability and professional indemnity insurance over the publicly accessible areas in an amount and subject to such conditions as approved by the City of Yarra;
  - (d) pay the responsible Authority's reasonable costs in the preparation, execution and recording of the agreement.

49. 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.

**Annettes Place playground redevelopment**

50. Before any stage of the buildings are occupied, or such other event or date that the Responsible Authority may agree to in writing, the sum of \$200,000 (said sum) must be paid to the Responsible Authority, for the Responsible Authority to hold and either:
- (a) apply to the upgrade, relocation and/or replacement of the Annettes Place Reserve playground (playground) within 5 year(s) (said period) of the payment being made, or
  - (b) return such part of the said sum that the Responsible Authority has not spent on the upgrade, relocation and or replacement of the playground within the said period, or
  - (c) return the whole of the said sum if the Responsible Authority has not upgraded, relocated and/or replaced the playground within the said period.

**General**

51. Before any stage of the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans for that stage must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
52. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
53. The amenity of the area must not be detrimentally affected by the construction, 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.
54. The development must at all times comply with the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021), as may be amended from time to time.
55. 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.

**Loading and Unloading**

56. Delivery and collection of goods to and from the land may only occur between 7am and 10pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.

### Construction management

57. Before the development commences for the relevant stage, a Construction Management Plan for the relevant stage to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Construction Management Plan may be prepared in stages, with the first stage to allow for early works as approved in Stage 1 and the second stage to allow for the balance of the development, unless otherwise agreed by the Responsible Authority. When approved, the plan will be endorsed and will form part of this Development Plan. The plan must provide for:
- (a) a pre-conditions survey (dilapidation report) of the land and all adjacent
  - (b) Council roads frontages and nearby road infrastructure;
  - (c) works necessary to protect road and other infrastructure;
  - (d) remediation of any damage to road and other infrastructure;
  - (e) 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,
  - (f) facilities for vehicle washing, which must be located on the land;
  - (g) 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;
  - (h) site security;
    - (i) management of any environmental hazards including, but not limited to,;
    - (ii) contaminated soil;
    - (iii) materials and waste;
    - (iv) dust;
    - (v) stormwater contamination from run-off and wash-waters;
    - (vi) 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;
    - (vii) the construction program;
  - (i) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
  - (j) parking facilities for construction workers;
  - (k) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
  - (l) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
  - (m) 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;

- (n) 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;
- (o) 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.
- (p) 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;

During the construction:

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

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

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

### **Road Safety Audit**

60. Before the development commences, excluding early works shown on the endorsed Stage 1 plan, a Road Safety Audit must be submitted to and approved by the Responsible Authority. When approved the Road Safety Audit will be endorsed and will form part of this permit. The Road Safety Audit must be prepared by a suitably qualified professional and address any potential future conflicts between pedestrians, cyclists and vehicles within River Boulevard as a consequence of the development approved by this permit and measures for mitigating any identified conflicts
61. The requirements of the endorsed Road Safety Audit Report must be implemented and complied with to the satisfaction of the Responsible Authority.

### **NOTES**

The subject land is subject to an approved development contributions plan and a Development Contributions Plan Overlay. The development and community contributions levies payable in respect of the development is to be paid in accordance with section 46N(2) and 46O(1) of the *Planning and Environment Act 1987*.

In accordance with the Yarra Planning Scheme, an 8.65% public open space contribution will apply in the event of the subdivision of the land.

The site is located within an Environmental Audit Overlay. Pursuant to Clause 45.03 of the Yarra Planning Scheme, the requirements of the Environmental Audit Overlay must be met prior to the commencement of development permitted under the development approval.

Where works extend beyond title boundaries, Public Land Manager Consent is required for the proposed path and ramp connections to the Main Yarra Trail pursuant to the *Crown Land (Reserves) Act 1978*.

All future residents, employees and occupiers residing within the development approved under this permit will not be permitted to obtain resident, employee or visitor parking permits

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

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

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.

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.



Any services poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the Permit Holder's expense after seeking approval from the relevant authority.

The Approval Holder/developer is responsible for the management and protection of their building from groundwater.

No parking restriction signs or line-marked on-street parking bays are to be removed, adjusted, changed or relocated without approval or authorisation from Council's Parking Management unit and Construction Management branch.

Any on-street parking reinstated as a result of development works must be approved by Council's Parking Management Unit.

The removal of any kerbside parking sensors and any reinstatement of parking sensors will require the Permit Holder to pay Council the cost of each parking sensor taken out from the kerb/footpath.

A vehicle crossing permit is required for the construction of the vehicle crossing(s). Please contact Council's Construction Management Branch on 9205 5585 for further information.

The approval holder must obtain approval from the relevant authorities to remove and/or build over the easements.

#### Public Submission

*Johan Moylan of Planning and Property Partners, addressed Council on the matter.*

#### **COUNCIL RESOLUTION**

**Moved:** Councillor Harrison

**Seconded:** Councillor Gomez

That Council:

1. Approve the amended Development Plan PLN21/0836 for the staged construction of six (6) buildings, to a maximum height of eight (8) storeys containing dwellings and one level of basement car parking at 25-35 River Boulevard & 15 Christine Crescent, Richmond, subject to the following conditions:

#### **Amended Development Plans**

1. Prior to the commencement of the development, excluding early works and tree removal shown on the endorsed Stage 1 Plan, an amended Development Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Development Plan will be endorsed and will then form part of this approval. The Development Plan must be generally in accordance with the decision plans by CHT (Life) Architects, plan numbers TP00.01, 03.B01, 03.00-03.02, 03.06-03.09, 09.00-09.02 & 04.00 all Rec C dated 13/11/2024 and TP02.01, 02.02, 03.03-03.05, 09.03, 09.04, 10.00-10.02, 10.10-10.15, 04.01-04.13 all Rev B dated 21/06/2024 but modified to show:

*Sketch plans*

- (a) The changes as depicted on the “Sketch” plans (revised southern elevation and Level 02 plan) prepared by Bates Smart, with plot dates of 15 and 16 November 2023, including the southern facade of Building 4 further articulated with the introduction of Juliet balconies;

*Built form*

- (b) A survey plan prepared showing:
  - (i) Building 01 to have a parapet/roof structure height of no greater than 31m AHD;
  - (ii) Building 04 to have a parapet/roof structure height of no greater than 37m AHD;
- (c) Any changes required by Melbourne Water conditions (Conditions 3-10);
- (d) Elevations of the proposed substation detailing all external finishes to a high-quality appearance;

*Site layout and connectivity*

- (e) The proposed outfall drains and drainage easements for the proposed drains to be noted on the plans and confirm that no structures or buildings will impede the drainage easement;
- (f) The Development Plan Public Access Plan T22086 P02.00 to show building 4 to be wholly within title boundaries;
- (g) All private footpaths and building associated with building 4 to be located within the title boundaries;
- (h) Dimension the opening width of the development entrances to River Boulevard;

*Traffic engineering and sustainable transport*

- (i) Confirm where the additional horizontal bicycle parking spaces within the central courtyard area have been provided;
- (j) Dimensions of all relevant doors, ramps and access ways noted to demonstrate compliance with Australian Standard AS2890.3 or to the satisfaction of the Responsible Authority;
- (k) Amendment of access to Bicycle Storage Zone 5 to ensure a clear width of at least two metres in the access corridor at all times;
- (l) The location of electric bicycle charging adjacent to spaces suitable for electric bicycles to use (i.e. horizontal on-ground spaces with sufficient widths to accommodate a larger electric bicycle, as per AS2890.3 Appendix A – ‘cargo bicycle’ and Section 2.2.8);

*Apartment Design*

- (m) Demonstrate apartments within Buildings 2 and 5 satisfy the requirements of clause 58.04-2 (Internal Views Objective) of the Yarra Planning Scheme;
- (n) Drawing TP10.13 updated to confirm all privacy screening will have a maximum transparency of 25%;

- (o) Demonstrate overlooking between balconies 3.002 - 3.003, 3.107 - 3.108, 6.004 - 6.005, 6.007 - 6.008, 6.304 - 6.305 and 6.306 - 6.307 satisfies the requirements of clause 58.04-2 (Internal Views Objective) of the Yarra Planning Scheme;
- (p) Provide section detail with spacing dimensions and materials for all overlooking batten screens, with each to be clearly identified by their corresponding hatched colour legend and demonstrating compliance with the requirements of clause 58.04-2 (Internal Views Objective) of the Yarra Planning Scheme;
- (q) All overlooking schedule plans to show all screen types identified by coloured hatching options to clearly indicate the position of all screen types;

*Management plans*

- (r) Layout of landscaping areas, consistent with the amended Landscape Plans (internal to title boundaries) required by Condition 27;
  - (s) any changes required by the amended Sustainable Management Plan (Condition 16);
  - (t) any changes required by the Tree Management Plan required by Condition 36.
2. The development as shown on the endorsed Development Plan and endorsed Stage 1 Plan must not be altered without the prior written consent of the Responsible Authority.

**Melbourne Water (Conditions 3-10)**

- 3. Prior to the endorsement of the Development Plan, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions. Plans must be submitted with surface and floor levels to Australian Height Datum (AHD) and must be modified to show:
  - (a) The top of the eastern wall/bunding of the Lower Ground Courtyard set no lower than 11.15 metres to AHD.
- 4. The Building 03 & Building 06 must be constructed with finished floor levels set no lower than 600mm above the applicable graded flood level, which ranges from 10.60 metres to Australian Height Datum (AHD) at the northern property boundary down to 10.40 metres to AHD at the southern property boundary. Ground floors set no lower than 11.20m to AHD including ground floor amenities.
- 5. Any openings into the basement (amenities) from Building 03 and Building 06 (including doors, windows, vents etc.) must be set no lower than 600mm above the applicable graded flood level. (Set no lower than 11.20m to AHD).
- 6. Any entrances and openings to the Lower Ground Courtyard must be set no lower than 600mm above the applicable graded flood level of 10.55 metres to AHD.
- 7. Prior to the issue of an Occupancy Permit for any stage of the approved development, a certified survey plan for that stage must be prepared showing ground floor finished floor levels of Building 03 & Building 06 (as constructed) reduced to the AHD, and must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.

8. The open space within the flood extent of the Yarra River must be maintained at natural surface level or as otherwise approved by Melbourne Water to allow for the passage of floodwaters.
9. Any new fencing within the flood extent of the Yarra River must be open style (minimum 50% open) or as otherwise approved by Melbourne Water to allow for the passage of floodwaters.
10. Prior to the commencement of works, a separate application direct to Melbourne Water (Asset Protection Team) must be made for any new or modified storm water connection to Melbourne Water's drains or watercourses.

### **Staging**

11. In conjunction with the submission of the amended plans under Condition 1 a staging plan must be submitted to and approved to the satisfaction of the Responsible Authority. The staging plan as necessary must include plans and written details of staging of the development. The development must proceed in the order of the stages as shown on the endorsed plan(s), unless otherwise agreed in writing by the Responsible Authority.

### **Building Height**

12. Written confirmation by a Licensed Land Surveyor must be provided to the Responsible Authority verifying the following:
  - (a) Building 01 does not exceed 31 metres AHD; and
  - (b) Building 04 does not exceed 37 metres AHD.

This must be provided at the completion of the parapet structure and at final inspection.

### **Façade Strategy**

13. In conjunction with the submission of the amended development plan under Condition 1, an amended 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 amended Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this Development Plan. The amended Façade Strategy and Materials and Finishes Plan must be generally in accordance with the Façade Strategy and Materials and Finishes Plan dated 21 June 2024, prepared by CHT (Life) Architects, but updated to include the following (unless otherwise agreed). This must detail:
  - (a) details of the current approved façade details and design, with all references to previous approvals removed;
  - (b) elevation drawings at a scale of 1:20 illustrating typical entries and doors, and utilities and typical facade details;
  - (c) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
  - (d) details of all services, to be integrated with into the design of the proposed buildings;
  - (e) information about how the façade will be maintained, including any vegetation; and

- (f) a detailed materials schedule with digital samples of proposed materials and coloured drawings outlining colours, renders, materials and finishes graffiti proofing of walls.
14. The provisions, recommendations and requirements of the endorsed Façade Strategy and Materials and Finishes Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
15. As part of the ongoing consultant team, Life Architects or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
- (a) oversee the design and construction of the development; and
  - (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

#### **Sustainable Management Plan**

16. Before the development commences, excluding early works shown on the endorsed Stage 1 plan, an amended SMP must be submitted to and approved by the Responsible Authority. When approved, the amended SMP will be endorsed and will form part of this Development Plan. The amended SMP must be generally in accordance with the Sustainable Management Plan dated 18 June 2024, prepared by Stantec, but updated to include the following (unless otherwise agreed):
- (a) Provide evidence confirming that the project is registered and prepared for submission to the Green Building Council of Australia (GBCA) to achieve Green Star Certified Compliance, with confirmation that the final Green Star Certified Summary of Compliance will be submitted to Council once received from GBCA; and
  - (b) The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
17. Prior to the occupation of any stage of the development approved, a report from the author of the sustainable management plan, approved pursuant to this development plan, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the sustainable management plan have been implemented in accordance with the approved plan for that stage and including the provision of Green Star Certified Summary of Compliance.

#### **Stormwater Management Plan**

18. Within six months of the issue date of amended permit PLN21/0836.03, a Stormwater Management Plan must be submitted to and approved by the Responsible Authority. When approved, the Stormwater Management Plan will be endorsed and will form part of this Development Plan. The Stormwater Management Plan must address the following:
- (a) Demonstrate a compliant STORM score (or equivalent) will be achieved; and
  - (b) Demonstrate the management of stormwater will not be overly reliant on proprietary devices.

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

#### **Wind**

20. Before the development commences, excluding early works shown on the endorsed Stage 1 plan, an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this Development Plan. The amended Wind Assessment Report must be generally in accordance with the Wind Impact Reports 25-22-WT-ENV-00, 25-22-WT-ENV-ADD-A-00 and 25-22-DE-EWC-06 prepared by MEL Consultants and dated 28 September 2022, but modified to include or show (unless otherwise agreed):
- (a) To reference the plans required by condition 1 and confirm the deletion of the 2 double storey apartments to building 4 do not affect the findings of Reports 25-22-WT-ENV-00 and 25-22-WT-ENV-ADD-A-00 (as applicable).
21. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

#### **Waste Management Plan**

22. Before the development commences, excluding early works shown on the endorsed Stage 1 plan, the amended Waste Management Plan prepared by WSP and dated September 2022 must be submitted to Council. When approved, the amended Waste Management Plan will be endorsed and form part of this Development Plan. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by WSP and dated 18 June 2024, but modified to include or show (unless otherwise agreed):
- (a) Revised to reflect the revised bin room layouts detailed in TP03.01 C dated 13/11/2024 by CHT/Life Architects.
23. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
24. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

#### **Acoustic Report**

25. In conjunction with the submission of development plans under Condition 1, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Report will be endorsed and will form part of this Development Plan. The Report must be generally in accordance the acoustic report prepared by Acoustic Logic, dated 3 August 2022 18 June 2024, but modified to include:
- (a) Reference to the revised plans required by Condition 1.
- Once endorsed, the Report must not be modified except with the written consent of the Responsible Authority.

26. The recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

**Landscape Plan (internal to title boundaries)**

27. Before the development commences, excluding early works shown on the endorsed Stage 1 plan, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this Development Plan. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by Arcadia and submitted to Council on the 27 June 2024 dated 06 February 2023, but modified to include or show (unless otherwise agreed by Council):
- (a) Detailed way finding strategy, including sign locations, details and sign content of signs within title boundaries;
  - (b) Demonstrate that plantings along the River Boulevard front setback at ground level have been selected to adequately soften the appearance of private open space palisade fencing; and
  - (c) Provide engineering certified drawings for the ramp on the embankment.
28. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
- (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
  - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
  - (c) replacing any dead, diseased, dying or damaged plants,
- all to the satisfaction of the Responsible Authority.

**Public Realm Plan**

29. Before the development commences excluding bulk excavation and early works shown on the endorsed Stage 1 plan, or by such later date as approved in writing by the Responsible Authority, a Public Realm Plan suitable for construction and prepared by a qualified Landscape Architect (or other suitable profession) for the development must be submitted to and approved by the Responsible Authority. The plan must be generally in accordance with the River Boulevard Streetscape Plans (p. 27 and 28 of the landscape plans prepared by Arcadia, dated 6 February 2023) and modified to show the following (or otherwise agreed):
- (a) Changes to plan:
    - (i) Layout plan indicating all existing and proposed features and surface levels;
    - (ii) The 2m wide footpaths notated as '2m unobstructed clear access';

- (iii) Relocate the small garden bed at the southern end of the service road (east side) so that it is consolidated with the garden beds along the property boundary;
  - (iv) Ensure that the existing desire line from the River Street link to the west side of the service road are accommodated;
  - (v) Provide traffic calming measures to the service road to facilitate safe access for people on bikes, including speed reduction and reducing the width of the existing speed bumps. vi. Ensure the new kerb ramp providing access from the service road to the shared path (linking to River Street) matches the width of the shared path plus tapers of 300mm either side to provide a consistent travel path. a 1:15 gradient for the ramp, subject to review and to the satisfaction of the Responsible Authority;
  - (vi) Investigate the conversion of the existing zebra crossing of the Vickers Drive vehicle entry from River Boulevard into a raised pedestrian-priority crossing;
  - (vii) Notations stating that car parking spaces are not to be reinstated along the River Boulevard frontage at the completion of the development; and
  - (viii) Depict indicative future protected bicycle lanes on River Boulevard.
- (b) Plans to show (including but not limited to):
- (i) Incorporate details/sections as required;
  - (ii) Extent of proposed and existing pavements and any other proposed infrastructure improvements and changes;
  - (iii) All existing and proposed streetscape infrastructure on all relevant plans including but not limited to light poles, drains and street signs;
  - (iv) Any proposed external street furniture including seats and bike parking;
  - (v) Materials including any surface treatments, edges, landscaping and drainage;
  - (vi) Clearly dimensioned elements including pedestrian paths and parking bays;
  - (vii) Property boundaries to clearly show private and Council land;
  - (viii) All existing and proposed levels and surface grades;
  - (ix) All existing and proposed and required drainage infrastructure improvements to responsible authority satisfaction;
  - (x) Trees and other plantings; and
  - (xi) References to standard details and provision of typical details where required; and
- (c) Plans must be consistent with the civil work and landscape detailed plans required at Condition 30.

All to the satisfaction of the Responsible Authority.



30. Before any stage of the buildings are occupied or at a later date as agreed in writing by the Responsible Authority, all works associated with the Public Realm Plan as shown on the endorsed plans and Public Realm Plan (referred to in Condition 29) must be fully constructed and completed by the Development Plan holder, with all costs borne by the Development Plan holder, to the satisfaction of the Responsible Authority.

**Civil and landscape detailed design**

31. Prior to the commencement of construction of the development, excluding early works shown on the endorsed Stage 1 plan, or by such later date as is approved by the Responsible Authority (Council), detailed design plans (Civil and Landscape) for the proposed public realm areas shown on the public realm plans required at Condition 29 must be prepared, submitted and approved by the Responsible Authority (Council). When approved, the plan will be endorsed and will then form part of the Development Plan. The Detailed Design plans must include, but not be limited to, the following:
- (a) Detailed layout plan indicating all existing and proposed features and surface levels;
  - (b) Longitudinal sections along the property boundary, back of kerb and invert of the channel;
  - (c) Cross sections from property boundary to property boundary at 5 metre intervals indicating existing and proposed levels at changes in grade;
  - (d) Stormwater drainage in accordance with the Council approved stormwater strategy, including design computations, longitudinal sections, pit schedule and details;
  - (e) Detailed layout (size, depth, location) of existing and proposed service utilities, including private property connections to each type;
  - (f) Public lighting plan, including proposals for any temporary lighting;
  - (g) Signage & line marking plans indicating the existing and proposed changes;
  - (h) All streetscape details in accordance with the Urban Design and Open Space departments within Council;
  - (i) All surfaces must be designed in accordance with DDA requirements;
  - (j) Distinct delineation between public and private land along all interfaces;
  - (k) All private aspects / infrastructure must be located within the private property boundary and not protrude into the public road reserve;
  - (l) Existing surface levels must not be altered unless approved by the Responsible Authority. To obtain DDA compliant surface grades the finished surface levels within the private property must be adjusted; and
  - (m) The external stairs and pathways from the development to the Yarra Trail (within the subject site) to be clearly depicted, with structural details provided should they cross over the drain/easement demonstrating there will not be any additional load placed on the outfall drains.

32. Before any stage of the buildings are occupied or by such later date as agreed in writing by the Responsible Authority, all associated works shown on the endorsed Civil and Landscape Detailed Designs Plans must be fully constructed and completed by the Development Plan holder, all to the satisfaction of the Responsible Authority. The public realm areas must be delivered in accordance with Council's document 'General Requirements for the Delivery of Public Realm Works'.

### **Tree Protection**

33. A cost recovery fee of \$12,789.90 must be paid to the Responsible Authority for the loss of trees #94 and 97 and replacement plantings. New trees will be planted at a time and location determined by the Responsible Authority.
34. Prior to any buildings and/or works the permit holder must contact Council's arborist to arrange for any approved public tree removal at the permit holder's cost.
35. Prior to the removal of any public tree(s) a cost recovery fee, including costs for planting replacement tree(s) (the amount will be supplied) must be paid to the Responsible Authority. New trees will be planted at a time and location determined by the Responsible Authority.
36. In conjunction with the endorsement of the Stage 1 Early Works Plan, an amended Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved the amended Tree Management Plan will be endorsed and will form part of this Development Plan. The amended Tree Management Plan must include the following;
- (a) Details on the excavation in Tree Protection Zones of trees to be retained, with all excavation to be done using non-destructive digging techniques, overseen by the project Arborist;
  - (b) the protection of all trees to be retained on Site, all street trees along River Boulevard frontage to be retained and all trees within 10 metres of the title boundaries on adjoining land:
    - (i) pre-construction;
    - (ii) during construction; and
    - (iii) post construction
  - (c) the provision of any barriers;
  - (d) any pruning necessary; and
  - (e) watering and maintenance regimes,
- to the satisfaction of the Responsible Authority.
37. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority.

### **Car Parking**

38. 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, all to the satisfaction of the Responsible Authority.
39. Before the use and development commences, excluding early works shown on the endorsed Stage 1 plan, 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 Development Plan. The Car Park Management Plan must address, but not be limited to, the following:
- (a) the number and location of car parking spaces, including DDA spaces;
  - (b) the management of car parking spaces and security arrangements for employees of the development;
  - (c) details of way-finding, cleaning and security of end of trip bicycle facilities;
  - (d) policing arrangements and formal agreements;
  - (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) details regarding the management of loading and unloading of goods and materials; and
  - (g) Instructions to employees and patrons that they must only use the car parking facilities provided on site or which are otherwise available to the public.
40. The provisions, recommendations and requirements of the endorsed Car Park Management Plan by Santec dated 18 June 2024 must be implemented and complied with to the satisfaction of the Responsible Authority.
41. Before any stage of the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, a notice showing the location of car parking must be placed in a clearly visible position near the entry to the land. The notice must be maintained thereafter to the satisfaction of the Responsible Authority.

### **Green Travel Plan**

42. Before the occupation of any stage of the development, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel Plan will be endorsed and will form part of this Development Plan. The amended Green Travel Plan must include (or show):
- (a) Green Travel plan initiatives detailed in Table 5.1 of the Traffic Impact Assessment, prepared by Stantec, dated 30 September 2022;
  - (b) Operation details of the proposed car share car parking space within the basement level;

- (c) security arrangements to access the employee and visitor bicycle storage spaces;
  - (d) signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3; and
  - (e) provisions for the GTP to be updated not less than every five years; to the satisfaction of the Responsible Authority.
43. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

#### **Road Infrastructure**

44. Before any stage of the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossings must be demolished and re-instated as standard (asphalt) footpath and kerb and channel:
- (a) at no cost to the Responsible Authority (inclusive of the cost of modifying any parking signs or road markings for parking bays (where required)); and
  - (b) to the satisfaction of the Responsible Authority.
45. Before any stage of the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
- (a) At the Development Plan holder's cost; and
  - (b) To the satisfaction of the Responsible Authority.
46. Before any stage of the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossings must be constructed:
- (a) in accordance with any requirements or conditions imposed by Council;
  - (b) at the Development Plan holder's cost; and
  - (c) to the satisfaction of the Responsible Authority.

#### **Public Lighting**

47. Before the development commences, excluding early works shown on the endorsed Stage 1 plan, an amended Public Lighting Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended Public Lighting Plan must be generally in accordance with the public lighting plan by Power Plant dated June 2023 drawing number 18636-00 & 18636-01 issue A and by Collective Engineering dated 25 August 2023, plan numbers EL-01-400- L00, EL-02-401- L00, EL-03-402-L00, EL-04-403-L00, EL-05-404-L00, EL-06-405-L00 & EL-07-406-L00, EL-00-000-000, EL-00-001-000, EL-00-002-000, EL-00-002-001, EL-00-051-L00, EL-00-100-001, EL-01-400-L00, EL-02-401-L00, EL-03-402-L00, EL-04-403-L00, EL-05-404-L00, EL-06-405-L00, EL-07-406-L00 and EL-08-407-L00, All Rev T1 and the Obtrusive Light Compliance report, Filename: 18636- AGI LIGHTING dated 14/08/2023 report but modified to include or show (unless otherwise agreed by Council):

- (a) Provide a note on relevant plans stating the provisions, recommendations and requirements of the endorsed Public Lighting Plan must be implemented and complied with at no cost to Council and to the satisfaction of the Responsible Authority;
- (b) The Obtrusive Light- Compliance report and relevant plans updated so the obtrusive light calculations labels are indicated on the corresponding plan for ease of identification and also confirm compliance for River Boulevard and Christine Crescent; and
- (c) Relevant plans updated to specify the luminaires to be used in River Boulevard and Christine Crescent.

**Section 173 Agreement (public access)**

48. Within six months of the commencement of works, excluding early works shown on the endorsed Stage 1 plan, 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, by which the owner covenants that, in addition to the usual section 173 agreement acknowledgements and covenants, it shall:
- (a) keep those parts of the Site and 40 River Boulevard depicted as publicly accessible in the endorsed landscape and/or public realm plans (as the case may be) (the publicly accessible areas) permanently available for the public to use;
  - (b) at the owner's cost, be responsible for maintaining the publicly accessible areas to the satisfaction of the Responsible Authority;
  - (c) at the owner's cost, obtain and maintain public liability and professional indemnity insurance over the publicly accessible areas in an amount and subject to such conditions as approved by the City of Yarra;
  - (d) pay the responsible Authority's reasonable costs in the preparation, execution and recording of the agreement.
49. 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.

**Annettes Place playground redevelopment**

50. Before any stage of the buildings are occupied, or such other event or date that the Responsible Authority may agree to in writing, the sum of \$200,000 (said sum) must be paid to the Responsible Authority, for the Responsible Authority to hold and either:
- (a) apply to the upgrade, relocation and/or replacement of the Annettes Place Reserve playground (playground) within 5 year(s) (said period) of the payment being made, or
  - (b) return such part of the said sum that the Responsible Authority has not spent on the upgrade, relocation and or replacement of the playground within the said period, or
  - (c) return the whole of the said sum if the Responsible Authority has not upgraded, relocated and/or replaced the playground within the said period.

### **General**

51. Before any stage of the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans for that stage must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
52. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
53. The amenity of the area must not be detrimentally affected by the construction, 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.
54. The development must at all times comply with the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021), as may be amended from time to time.
55. 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.

### **Loading and Unloading**

56. Delivery and collection of goods to and from the land may only occur between 7am and 10pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.

### **Construction management**

57. Before the development commences for the relevant stage, a Construction Management Plan for the relevant stage to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Construction Management Plan may be prepared in stages, with the first stage to allow for early works as approved in Stage 1 and the second stage to allow for the balance of the development, unless otherwise agreed by the Responsible Authority. When approved, the plan will be endorsed and will form part of this Development Plan. The plan must provide for:
  - (a) a pre-conditions survey (dilapidation report) of the land and all adjacent
  - (b) Council roads frontages and nearby road infrastructure;
  - (c) works necessary to protect road and other infrastructure;
  - (d) remediation of any damage to road and other infrastructure;
  - (e) 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,

- (f) facilities for vehicle washing, which must be located on the land;
- (g) 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;
- (h) site security;
  - (i) management of any environmental hazards including, but not limited to,:
  - (ii) contaminated soil;
  - (iii) materials and waste;
  - (iv) dust;
  - (v) stormwater contamination from run-off and wash-waters;
  - (vi) 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;
  - (vii) the construction program;
- (i) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (j) parking facilities for construction workers;
- (k) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (l) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (m) 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;
- (n) 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;
- (o) 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.
- (p) 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;

During the construction:

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

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

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

#### **Road Safety Audit**

- 60. Before the development commences, excluding early works shown on the endorsed Stage 1 plan, a Road Safety Audit must be submitted to and approved by the Responsible Authority. When approved the Road Safety Audit will be endorsed and will form part of this permit. The Road Safety Audit must be prepared by a suitably qualified professional and address any potential future conflicts between pedestrians, cyclists and vehicles within River Boulevard as a consequence of the development approved by this permit and measures for mitigating any identified conflicts
- 61. The requirements of the endorsed Road Safety Audit Report must be implemented and complied with to the satisfaction of the Responsible Authority.

#### **NOTES**

The subject land is subject to an approved development contributions plan and a Development Contributions Plan Overlay. The development and community contributions levies payable in respect of the development is to be paid in accordance with section 46N(2) and 46O(1) of the *Planning and Environment Act 1987*.

In accordance with the Yarra Planning Scheme, an 8.65% public open space contribution will apply in the event of the subdivision of the land.

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The site is located within an Environmental Audit Overlay. Pursuant to Clause 45.03 of the Yarra Planning Scheme, the requirements of the Environmental Audit Overlay must be met prior to the commencement of development permitted under the development approval.

Where works extend beyond title boundaries, Public Land Manager Consent is required for the proposed path and ramp connections to the Main Yarra Trail pursuant to the Crown Land (Reserves) Act 1978.

All future residents, employees and occupiers residing within the development approved under this permit will not be permitted to obtain resident, employee or visitor parking permits

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

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

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.

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.

Any services poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the Permit Holder's expense after seeking approval from the relevant authority.

The Approval Holder/developer is responsible for the management and protection of their building from groundwater.

No parking restriction signs or line-marked on-street parking bays are to be removed, adjusted, changed or relocated without approval or authorisation from Council's Parking Management unit and Construction Management branch.

Any on-street parking reinstated as a result of development works must be approved by Council's Parking Management Unit.

The removal of any kerbside parking sensors and any reinstatement of parking sensors will require the Permit Holder to pay Council the cost of each parking sensor taken out from the kerb/footpath.

A vehicle crossing permit is required for the construction of the vehicle crossing(s). Please contact Council's Construction Management Branch on 9205 5585 for further information.

The approval holder must obtain approval from the relevant authorities to remove and/or build over the easements.

**CALL FOR A DIVISION**

**For:** Councillor Jolly, Councillor McKenzie, Councillor Aston, Councillor Crossland,  
Councillor Gomez, Councillor Harrison and Councillor Wade

**Against:** Nil

**CARRIED UNANIMOUSLY**

## 7.5. Alphington Road Safety Study

**Author** Peter Moran – Manager Infrastructure, Traffic and Civil Engineering  
**Authoriser** General Manager Infrastructure and Environment

### Officer Recommendation

Start time: 11.27pm

That Council:

1. Endorses the treatments set out in the recommended Road Safety Plan.
2. Notes that if endorsed, that projects that can be delivered within the 2024/25 budget allocation (\$50,000) will commence immediately.
3. Notes that all other endorsed projects will be entered into Council's long term capital works plan based on initially estimated costs, for future year planning, design and delivery.
4. Advocates to the Department of Transport & Planning (DTP) and/or other relevant agencies, on the specific road safety proposals for Heidelberg Road to address community concerns.

### Public Submission

Joy Damousi addressed Council on the matter.

### COUNCIL RESOLUTION

**Moved:** Councillor McKenzie

**Seconded:** Councillor Wade

That Council:

1. Endorses the treatments set out in the recommended Road Safety Plan.
2. Notes that if endorsed, that projects that can be delivered within the 2024/25 budget allocation (\$50,000) will commence immediately.
3. Notes that all other endorsed projects will be entered into Council's long term capital works plan based on initially estimated costs, for future year planning, design and delivery.
4. Refers the design and Department of Transport & Planning (DTP) approval (and subsequent construction) for a pedestrian crossing in Yarralea Street to Council's budget process for inclusion in the 2025/26 capital works program.
5. Advocates to the Department of Transport & Planning (DTP) and/or other relevant agencies, on the specific road safety proposals for Heidelberg Road to address community concerns.

**CALL FOR A DIVISION**

**For:** Councillor Jolly, Councillor McKenzie, Councillor Aston, Councillor Crossland,  
Councillor Gomez, Councillor Harrison and Councillor Wade

**Against:** Nil

**CARRIED UNANIMOUSLY**

**The next business item went to 7.8.**

## 7.6. Brunswick Street Oval precinct redevelopment revised design

**Author** Andrew Griffin – Senior Coordinator Project Delivery  
**Authoriser** General Manager Infrastructure and Environment

### Officer Recommendation

Start time: 7.28pm

That Council:

1. Notes that officers have worked closely with the user sporting clubs and the funding agency Sport and Recreation Victoria to revise the design to deliver an affordable scheme at Brunswick Street Oval.
2. Notes the revised design supported by the sporting clubs and the funding agency is estimated to cost \$16.52 million, which is \$2.4 million more than the currently identified funding (noting this figure is still subject to market testing).
3. Notes that Council is obliged under the funding agreement to apply back to the project any interest derived from unexpended grant funds held, estimated at an additional \$1.01m of funds by the project end, which will contribute to bridging the estimated funding gap to approximately \$1.4m.
4. Endorses the revised design and agrees to proceed with the project.
5. Notes that officers will include the additional funding required to complete the project (of approximately \$1.4 but still subject to market testing) in the forward capital works program and long-term financial plan.

### Public Submissions

The following people addressed Council on the matter:

Chris Goodman;

Lola Whiley;

Stuart Whiley;

Jane Seeber;

Glen McCallum;

Noella Reid on behalf of Virginia Noonan;

Matthew Aaron Russell;

Gabrielle Murphy;

Ursula Chandler;

Phillip Murdoch;

Terence Nott; and

Nawal Gumusel.

## MOTION

**Moved:** Councillor Gomez

**Seconded:** Councillor McKenzie

That Council:

1. Notes that officers have worked closely with the user sporting clubs and the funding agency Sport and Recreation Victoria to revise the design to deliver an affordable scheme at Brunswick Street Oval.
2. Notes the revised design supported by the sporting clubs and the funding agency is estimated to cost \$16.52 million, which is \$2.4 million more than the currently identified funding (noting this figure is still subject to market testing).
3. Notes that Council is obliged under the funding agreement to apply back to the project any interest derived from unexpended grant funds held, estimated at an additional \$1.01m of funds by the project end, which will contribute to bridging the estimated funding gap to approximately \$1.4m.
4. Endorses the revised design and agrees to proceed with the project.
5. Notes that officers will include the additional funding required to complete the project (of approximately \$1.4 but still subject to market testing) in the forward capital works program and long-term financial plan.

## AMENDMENT

**Moved:** Councillor Crossland

**Seconded:** Councillor Wade

That Council:

- 3 Notes that Council is obliged under the funding agreement to apply back to the project any interest derived from unexpended grant funds held, estimated at an additional \$1.01m of funds by the project end, which will contribute to bridging the estimated funding gap to approximately \$1.4m (assuming grants are retained).
  - 4 Endorses the revised design for the cricket/football pavilion and associated works and:
    - (a) Calls for a report in March 2025 with further concept options that reconfigures the tennis improvement works to retain the 3 significant Elms and pathway to the north'
    - (b) Provides advice on opportunities for the construction of the 2 additional courts elsewhere in Yarra such as Mayors Park Clifton Hill;
    - (c) Negotiates with the State Government to retain the grant funding for tennis improvements;
    - (d) Develops a new landscape plan, to be published on Council's website, to reduce visual impact of the pavilion to Brunswick Street; and
    - (e) Does not proceed with tree planting on the hill (to the northeast of the oval).
  - 5 Prepares a new cost plan for the works at the precinct.
  - 6 Notes that officers will include the additional funding required to complete the project in the forward capital works program and long-term financial plan.
-

## CALL FOR A DIVISION

**For:** Councillor Crossland and Councillor Wade

**Against:** Councillor Jolly, Councillor McKenzie, Councillor Aston, Councillor Gomez, Councillor Harrison and Councillor Ho

LOST

## AMENDMENT

**Moved:** Councillor Crossland

**Seconded:** Councillor Aston

Amending clause 4:

Endorses the revised design and agrees to proceed with the project, with the following adjustments:

- (a) Develops a new landscape plan, to be published on Council's website, to reduce visual impact of the pavilion to Brunswick Street; and
- (b) Does not proceed with tree planting on the hill (to the northeast of the oval).

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

## COUNCIL RESOLUTION

**Moved:** Councillor Gomez

**Seconded:** Councillor McKenzie

That Council:

1. Notes that officers have worked closely with the user sporting clubs and the funding agency Sport and Recreation Victoria to revise the design to deliver an affordable scheme at Brunswick Street Oval.
  2. Notes the revised design supported by the sporting clubs and the funding agency is estimated to cost \$16.52 million, which is \$2.4 million more than the currently identified funding (noting this figure is still subject to market testing).
  3. Notes that Council is obliged under the funding agreement to apply back to the project any interest derived from unexpended grant funds held, estimated at an additional \$1.01m of funds by the project end, which will contribute to bridging the estimated funding gap to approximately \$1.4m.
  4. Endorses the revised design and agrees to proceed with the project, with the following adjustments:
    - (a) Develops a new landscape plan, to be published on Council's website, to reduce visual impact of the pavilion to Brunswick Street; and
    - (b) Does not proceed with tree planting on the hill (to the northeast of the oval).
  5. Notes that officers will include the additional funding required to complete the project (of approximately \$1.4 but still subject to market testing) in the forward capital works program and long-term financial plan.
-

**CALL FOR A DIVISION**

**For:** Councillor Jolly, Councillor McKenzie, Councillor Aston, Councillor Crossland,  
Councillor Gomez, Councillor Harrison, Councillor Ho and Councillor Wade

**Against:** Nil

**CARRIED UNANIMOUSLY**



## 7.7. C1754 Yambla Pavilion Redevelopment Design & Construct Tender

**Author** Jenny Smith – Project Manager Buildings

**Authoriser** General Manager Infrastructure and Environment

### Officer Recommendation

Start time: 10.33pm

That Council:

1. Awards contract C1754 Yambla Pavilion Redevelopment Design and Construction to
2. \_\_\_\_\_ for the lump sum price of \$\_\_\_\_\_ (ex-GST);
3. Approves a contract contingency sum of \$\_\_\_\_\_ (ex-GST) to cover any necessary variations; and
4. Authorises that the officer either Acting in the position of, or General Manager Infrastructure and Environment to sign on behalf of Council all necessary documentation including any contract variations relating to contract C1754.

### Public Submissions

The following people addressed Council on the matter:

Dox Aravanis;

Julian Golby; and

Chris Gethen.

### COUNCIL RESOLUTION

**Moved:** Councillor McKenzie

**Seconded:** Councillor Jolly

That Council:

1. Awards contract C1754 Yambla Pavilion Redevelopment Design and Construction to Modular by SHAPE (VIC) Pty Ltd for the lump sum price of \$3,075,624 (ex-GST);
2. Approves a contract contingency sum of \$738,000 (ex-GST) to cover any necessary variations; and
3. Authorises that the officer either Acting in the position of, or General Manager Infrastructure and Environment to sign on behalf of Council all necessary documentation including any contract variations relating to contract C1754.

**CALL FOR A DIVISION**

**For:** Councillor Jolly, Councillor McKenzie, Councillor Aston, Councillor Crossland, Councillor Gomez, Councillor Harrison, Councillor Ho and Councillor Wade

**Against:** Nil

**CARRIED UNANIMOUSLY**

**COUNCIL RESOLUTION - (PROCEDURAL)**

**Moved:** Councillor McKenzie

**Seconded:** Councillor Gomez

That the meeting be extended for a further 30 minutes.

**CALL FOR A DIVISION**

**For:** Councillor Jolly, Councillor McKenzie, Councillor Aston, Councillor Crossland, Councillor Gomez, Councillor Harrison, Councillor Ho and Councillor Wade

**Against:** Nil

**CARRIED UNANIMOUSLY**

**COUNCIL RESOLUTION - (PROCEDURAL)**

**Moved:** Councillor Aston

**Seconded:** Councillor Gomez

That Council alter the Order of Business to consider item 8.2. Notice of Motion No. 21 of 2024 – Urban Renewal of Victoria Street, Richmond and Abbotsford, prior to item 7.3.

**CALL FOR A DIVISION**

**For:** Councillor Jolly, Councillor McKenzie, Councillor Aston, Councillor Crossland, Councillor Gomez, Councillor Harrison, Councillor Ho and Councillor Wade

**Against:** Nil

**CARRIED UNANIMOUSLY**

## 7.8. C1697 - Internal Audit Services Tender

**Author** Lucy Roffey – General Manager Corporate Services  
**Authoriser** General Manager Corporate Services

### Officer Recommendation

Start time: 11.34pm

That Council:

- (a) Awards the schedule of rates contract three (3) year term, with the provision for two x one (2 x 1) year extensions, a maximum total of five (5) years for **C1697 – Internal Audit Services** at a total estimated expenditure of \$\_\_\_\_\_ ex GST, should all options be exercised, to \_\_\_\_\_ (ABN\_\_\_\_\_).
- (b) Authorises the Chief Executive Officer to sign the contract documentation on behalf of Council.
- (c) Authorises the Chief Executive Officer (or delegate) to exercise the contract extensions, where satisfactory performance has been demonstrated.

### Public Submission

Paul Jackson addressed Council on the matter.

### COUNCIL RESOLUTION

**Moved:** Councillor Gomez

**Seconded:** Councillor Harrison

That Council:

1. Awards the schedule of rates contract three (3) year term, with the provision for two x one (2 x 1) year extensions, a maximum total of five (5) years for **C1697 – Internal Audit Services** at a total estimated expenditure of \$750,000 ex GST, should all options be exercised, to Findex (Aust) Pty Ltd (ABN 84 006 466 351).
2. Authorises the Chief Executive Officer to sign the contract documentation on behalf of Council.
3. Notes that as per Item 16 of the officer's Report, the Audit and Risk Committee Chair has had oversight of the internal audit tender process including input into the tender specification and performance criteria, has been provided with the tender evaluation report and is satisfied with the information provided, the process undertaken and the recommendation for the appointment.

**CALL FOR A DIVISION**

**For:** Councillor Jolly, Councillor McKenzie, Councillor Aston, Councillor Crossland,  
Councillor Gomez, Councillor Harrison and Councillor Wade

**Against:** Nil

**CARRIED UNANIMOUSLY**

## 7.9. Municipal Association Victoria (MAV) Contract RS8017-2023 Provision of Recruitment Services

**Author** Matt Jarvis – Chief Financial Officer  
**Authoriser** General Manager Corporate Services

### Officer Recommendation

Start time: 11.40pm

That Council:

1. Approve entry into the MAV Contract RS8017-2023 Provision of Recruitment Services;
2. Authorise the Chief Executive Officer to sign and seal the contract documents;
3. Note that the remaining contract term is 21 months with an option of two-by-two year extensions for a total estimated contract spend of \$2.5 million (including GST) per annum;
4. Authorise the Chief Executive Officer to exercise the contract extension, where satisfactory performance has been demonstrated;
5. Authorise the Chief Executive Officer to approve any variation in the total contract expenditure, capped at 30% of the annual estimated total value of \$2.5M each year.

### Public Submission

Paul Jackson addressed Council on the matter.

### MOTION

**Moved:** Councillor Gomez

**Seconded:** Councillor Harrison

That Council:

1. Approve entry into the MAV Contract RS8017-2023 Provision of Recruitment Services.
2. Authorise the Chief Executive Officer to sign and seal the contract documents.
3. Note that the remaining contract term is 21 months with an option of two-by-two year extensions for a total estimated contract spend of \$2.5 million (including GST) per annum.

### AMENDMENT

**Moved:** Councillor Wade

4. Authorise the Chief Executive Officer to approve any variation in the total contract expenditure, capped at 20% of the annual estimated total value of \$2.5M each year.

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

### COUNCIL RESOLUTION

**Moved:** Councillor Gomez

**Seconded:** Councillor Harrison

That Council:

1. Approve entry into the MAV Contract RS8017-2023 Provision of Recruitment Services.
2. Authorise the Chief Executive Officer to sign and seal the contract documents.
3. Note that the remaining contract term is 21 months with an option of two-by-two year extensions for a total estimated contract spend of \$2.5 million (including GST) per annum.
4. Authorise the Chief Executive Officer to approve any variation in the total contract expenditure, capped at 20% of the annual estimated total value of \$2.5M each year.

### CALL FOR A DIVISION

**For:** Councillor Jolly, Councillor McKenzie, Councillor Aston, Councillor Crossland, Councillor Gomez, Councillor Harrison and Councillor Wade

**Against:** Nil

**CARRIED UNANIMOUSLY**

### COUNCIL RESOLUTION - (PROCEDURAL)

**Moved:** Councillor Gomez

**Seconded:** Councillor Jolly

That the meeting be extended until 12.30am.

### CALL FOR A DIVISION

**For:** Councillor Jolly, Councillor McKenzie, Councillor Aston, Councillor Crossland, Councillor Gomez, Councillor Harrison and Councillor Wade

**Against:** Nil

**CARRIED UNANIMOUSLY**

## 7.10. Proposed Discontinuance of Road at 609-615 Church Street, Richmond

**Author** Fadi Fakhoury – Manager Property Services

**Authoriser** General Manager Infrastructure and Environment

### Officer Recommendation

Start time: 11.54pm

That Council, acting under clause 3 of Schedule 10 of the Local Government Act 1989 (Act):

1. Resolves that the required statutory procedures be commenced to discontinue the road abutting 609 - 615 Church Street, Richmond, being the whole of the land in certificate of title volume 1094 folio 793 (road);
2. Directs that, under sections 207A and 223 of the Act, public notice of the proposed discontinuance be given in "The Age" newspaper;
3. Resolves that the public notice required to be given under sections 207A and 223 of the Act should state that if the road is discontinued, Council proposes to sell the road to the adjoining owner for market value or retain the road itself; and
4. Authorises the General Manager Infrastructure and Environment to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act in relation to this matter.

### COUNCIL RESOLUTION

**Moved:** Councillor Harrison

**Seconded:** Councillor Gomez

That Council, acting under clause 3 of Schedule 10 of the Local Government Act 1989 (Act):

1. Resolves that the required statutory procedures be commenced to discontinue the road abutting 609 - 615 Church Street, Richmond, being the whole of the land in certificate of title volume 1094 folio 793 (road);
2. Directs that, under sections 207A and 223 of the Act, public notice of the proposed discontinuance be given in "The Age" newspaper;
3. Resolves that the public notice required to be given under sections 207A and 223 of the Act should state that if the road is discontinued, Council proposes to sell the road to the adjoining owner, in good faith and within a timely manner to ensure minimal potential additional costs to both the Applicant and Council, for market value or retain the road itself; and
4. Authorises the General Manager Infrastructure and Environment to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act in relation to this matter.

**CALL FOR A DIVISION**

**For:** Councillor Jolly, Councillor McKenzie, Councillor Aston, Councillor Crossland,  
Councillor Gomez, Councillor Harrison and Councillor Wade

**Against:** Nil

**CARRIED UNANIMOUSLY**



### 7.11. Council Support and Expenses Policy

**Author** Patrick O'Gorman – Senior Governance Coordinator

**Authoriser** General Manager Governance, Communications and Customer Service

Councillor Crossland left the meeting at 11.57pm, not returning.

#### **Officer Recommendation**

Start time: 11.57pm

1. That Council adopt the Councillor Support and Expenses Policy (Attachment One).

#### **COUNCIL RESOLUTION**

**Moved:** Councillor Harrison

**Seconded:** Councillor Aston

1. That Council adopt the Councillor Support and Expenses Policy (Attachment One).

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

**For:** Councillor Jolly, Councillor McKenzie, Councillor Aston, Councillor Gomez, Councillor Harrison and Councillor Wade

**Against:** Nil

**CARRIED UNANIMOUSLY**

## 7.12. Governance Report - December 2024

**Author** Patrick O’Gorman– Senior Governance Advisor

**Authoriser** General Manager Governance, Communications and Customer Service

### Officer Recommendation

Start time: 11.58pm

That Council:

- In the exercise of the powers conferred by s 147(4) of the Planning and Environment Act 1987, resolves that Faizal BUKING be appointed and authorised as set out in the instrument at Attachment one, with the instrument coming into force immediately upon it being signed by Council’s Chief Executive Officer, and remaining in force until Council determines to vary or revoke it.
- Appoint the following Councillors to the external bodies for 2025:

Organisation or body	Appointments for 2025
Collingwood Children’s Farm Management Committee	Cr _____
Friends of Baucau	Cr _____ Cr _____ (substitute)
Mayors for Peace	Cr _____
Merri Creek Management Committee	Cr _____
Northern Alliance for Greenhouse Action	Cr _____

**COUNCIL RESOLUTION**

**Moved:** Councillor Aston

**Seconded:** Councillor Gomez

That Council:

1. In the exercise of the powers conferred by s 147(4) of the Planning and Environment Act 1987, resolves that Faizal BUKING be appointed and authorised as set out in the instrument at Attachment one, with the instrument coming into force immediately upon it being signed by Council’s Chief Executive Officer, and remaining in force until Council determines to vary or revoke it.
2. Appoint the following Councillors to the external bodies for 2025:

<b>Organisation or body</b>	<b>Appointments for 2025</b>
Collingwood Children’s Farm Management Committee	<u>Cr Aston</u>
Friends of Baucau	<u>Cr Jolly</u>
Mayors for Peace	<u>Cr Jolly</u>
Merri Creek Management Committee	<u>Cr Gomez</u>
Northern Alliance for Greenhouse Action	<u>Cr Jolly</u>

**CALL FOR A DIVISION**

**For:** Councillor Jolly, Councillor McKenzie, Councillor Aston, Councillor Gomez, Councillor Harrison and Councillor Wade

**Against:** Nil

**CARRIED UNANIMOUSLY**

## 8. Notices of Motion

### 8.1. – Notice of Motion No.20 of 2024 - Bundha Sports Centre

**Author** Councillor Jolly

#### MOTION

Start time: 12.01pm

That a confidential report be presented to the Ordinary Meeting of Council in March 2025 that:

1. Details the history of the development of the State Government's Bundha Sports Centre at the former Gasworks site in Smith Street, Fitzroy and the site more generally.
2. Details Council's contribution to the construction cost of the Bundha Sports Centre and Council's future expected costs for the whole precinct.
3. Outlines the plans the State Government has to operate the centre and the risks/benefits/costs for any other potential operating models including Council operating the centre.

#### COUNCIL RESOLUTION

**Moved:** Councillor Jolly

**Seconded:** Councillor McKenzie

That a confidential report be presented to the Ordinary Meeting of Council in March 2025 that:

1. Details the history of the development of the State Government's Bundha Sports Centre at the former Gasworks site in Smith Street, Fitzroy and the site more generally.
2. Details Council's contribution to the construction cost of the Bundha Sports Centre and Council's future expected costs for the whole precinct.
3. Outlines the plans the State Government has to operate the centre and the risks/benefits/costs for any other potential operating models including Council operating the centre.

#### CALL FOR A DIVISION

**For:** Councillor Jolly, Councillor McKenzie, Councillor Aston, Councillor Gomez, Councillor Harrison and Councillor Wade

**Against:** Nil

**CARRIED UNANIMOUSLY**

**The next item of business went to 8.3.**

## 8.2. – Notice of Motion No.21 of 2024 - Urban Renewal of Victoria Street, Richmond and Abbotsford

**Author** Councillor Aston

### **MOTION**

Start time: 10.49pm

Council resolves;

That a report be presented to the March Ordinary Meeting of Council providing advice regarding the development of an integrated, multi - disciplinary Urban Renewal Strategy for Victoria Street that:

1. Aims to consider how the preparation of an Urban Renewal Strategy for Victoria Street can support the achievement of the following goals:
  - (a) Improvements to public spaces and places and maintenance of council assets;
  - (b) Urban renewal of the precinct including:
    - (i) A significant increase in affordable housing of high quality;
    - (ii) Strengthened business and economic investment (including business attraction, economic diversity, lower vacancy rates, employment attraction)
  - (c) Engagement with our multicultural community;
  - (d) Opportunities for greening that enhance climate resilience and liveability, including increased greenery, canopy cover and surfaces; and
  - (e) Significant improvements in community safety and amenity for residents, business operators and visitors;
2. Provides advice on the following matters:
  - (a) Likely timeframes for the development of the Strategy including consideration of different timescales and exploration of options for iterative strategy development;
  - (b) Community engagement to inform the development of the strategy;
  - (c) Regular reporting to a Councillor Workshop in the development of a strategy;
  - (d) Identifying the necessary expertise (both internal and external) required to achieve an integrated process from all disciplines to develop and deliver the strategy;
  - (e) Identifies potential Strategy partners and advocacy opportunities that may be necessary to successfully develop and deliver the strategy;
  - (f) Financial and budgetary considerations including estimated costs/ benefits and risks and risk mitigation strategies; and
  - (g) Limitations such as dependencies (on other initiatives, services, contracts, government bodies, etc.), constraints (financial, regulatory, resources, etc.) and risks, that will influence the development and delivery of the strategy.

**MOTION**

**Moved:** Councillor Aston

**Seconded:** Councillor Ho

Council resolves:

That a report be presented to the March Ordinary Meeting of Council providing advice regarding the development of an integrated, multi - disciplinary Urban Renewal Strategy for Victoria Street that:

1. Aims to consider how the preparation of an Urban Renewal Strategy for Victoria Street can support the achievement of the following goals:
  - (a) Improvements to public spaces and places and maintenance of council assets;
  - (b) Urban renewal of the precinct including:
    - (i) A significant increase in affordable housing of high quality;
    - (ii) Strengthened business and economic investment (including business attraction, economic diversity, lower vacancy rates, employment attraction)
  - (c) Engagement with our multicultural community;
  - (d) Opportunities for greening that enhance climate resilience and liveability, including increased greenery, canopy cover and surfaces; and
  - (e) Significant improvements in community safety and amenity for residents, business operators and visitors.
2. Provides advice on the following matters:
  - (a) Likely timeframes for the development of the Strategy including consideration of different timescales and exploration of options for iterative strategy development;
  - (b) Community engagement to inform the development of the strategy;
  - (c) Regular reporting to a Councillor Workshop in the development of a strategy;
  - (d) Identifying the necessary expertise (both internal and external) required to achieve an integrated process from all disciplines to develop and deliver the strategy;
  - (e) Identifies potential Strategy partners and advocacy opportunities that may be necessary to successfully develop and deliver the strategy;
  - (f) Financial and budgetary considerations including estimated costs/ benefits and risks and risk mitigation strategies; and
  - (g) Limitations such as dependencies (on other initiatives, services, contracts, government bodies, etc.), constraints (financial, regulatory, resources, etc.) and risks, that will influence the development and delivery of the strategy.

## AMENDMENT

**Moved:** Councillor Wade

Place under 2. (h).

Summarises the history of recent spending and work from various stakeholders (e.g.: State government, community groups and Council), advises on the outcomes and benefits achieved from these efforts, and how these can be built upon to support the goals outline in paragraph 1.

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

## AMENDMENT

**Moved:** Councillor Harrison

Place under 1. (f):

Prove successful urban renewal approaches that can be leveraged for other activity centres across the City of Yarra.

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

## COUNCIL RESOLUTION

**Moved:** Councillor Aston

**Seconded:** Councillor Ho

Council resolves;

That a report be presented to the March Ordinary Meeting of Council providing advice regarding the development of an integrated, multi - disciplinary Urban Renewal Strategy for Victoria Street that:

1. Aims to consider how the preparation of an Urban Renewal Strategy for Victoria Street can support the achievement of the following goals:
  - (a) Improvements to public spaces and places and maintenance of council assets;
  - (b) Urban renewal of the precinct including:
    - (i) A significant increase in affordable housing of high quality;
    - (ii) Strengthened business and economic investment (including business attraction, economic diversity, lower vacancy rates, employment attraction);
  - (c) Engagement with our multicultural community;
  - (d) Opportunities for greening that enhance climate resilience and liveability, including increased greenery, canopy cover and surfaces;
  - (e) Significant improvements in community safety and amenity for residents, business operators and visitors; and

- (f) Prove successful urban renewal approaches that can be leveraged for other activity centres across the City of Yarra.

2. Provides advice on the following matters:

- (a) Likely timeframes for the development of the Strategy including consideration of different timescales and exploration of options for iterative strategy development;
- (b) Community engagement to inform the development of the strategy;
- (c) Regular reporting to a Councillor Workshop in the development of a strategy;
- (d) Identifying the necessary expertise (both internal and external) required to achieve an integrated process from all disciplines to develop and deliver the strategy;
- (e) Identifies potential Strategy partners and advocacy opportunities that may be necessary to successfully develop and deliver the strategy;
- (f) Financial and budgetary considerations including estimated costs/ benefits and risks and risk mitigation strategies;
- (g) Limitations such as dependencies (on other initiatives, services, contracts, government bodies, etc.), constraints (financial, regulatory, resources, etc.) and risks, that will influence the development and delivery of the strategy; and
- (h) Summarises the history of recent spending and work from various stakeholders (e.g.: State government, community groups and Council), advises on the outcomes and benefits achieved from these efforts, and how these can be built upon to support the goals outline in paragraph 1.

#### CALL FOR A DIVISION

**For:** Councillor Jolly, Councillor McKenzie, Councillor Aston, Councillor Crossland, Councillor Gomez, Councillor Harrison, Councillor Ho and Councillor Wade

**Against:** Nil

**CARRIED UNANIMOUSLY**

**The order of business resumed to item 7.3.**



**8.3. – Notice of Motion No.22 of 2024 - Community Engagement Council Plan 2025-2029**

**Author**                      Councillor Harrison

**MOTION**

Start time: 12.02pm

That Council resolves:

1. That a report be presented to a Councillor workshop in March 2025 on the Council Plan community engagement and deliberative engagement process, regarding the following matters:
  - (a) De-identified raw data to be provided to Councillors and this will include identified responses from residents;
  - (b) Information regarding the selection processes for the community panel; and
  - (c) A deliberative engagement report including raw outputs from the community working group during the deliberative engagement sessions to be provided.
2. That Council note that all Councillors will have the opportunity to be observers during the four deliberative engagement sessions.
3. That community working group representatives are to be invited to a Councillor Workshop to present on the deliberative engagement process.

## COUNCIL RESOLUTION

**Moved:** Councillor Harrison

**Seconded:** Councillor Gomez

That Council resolves:

1. That a report be presented to a Councillor workshop in March 2025 on the Council Plan community engagement and deliberative engagement process, regarding the following matters:
  - (a) De-identified raw data to be provided to Councillors and this will include identified responses from residents;
  - (b) Information regarding the selection processes for the community panel; and
  - (c) A deliberative engagement report including raw outputs from the community working group during the deliberative engagement sessions to be provided.
2. That Council note that all Councillors will have the opportunity to be observers during the four deliberative engagement sessions.
3. That community working group representatives are to be invited to a Councillor Workshop to present on the deliberative engagement process.

## CALL FOR A DIVISION

**For:** Councillor Jolly, Councillor McKenzie, Councillor Aston, Councillor Gomez, Councillor Harrison and Councillor Wade

**Against:** Nil

**CARRIED UNANIMOUSLY**

## 9. Petitions and Joint Letters

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### 9.1 Petition – Intersection Safety at Yambla and Ramsden Streets, Clifton Hill

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Reference: D24/499374

Start time: 12.07pm

A petition containing 21 signatures from residents are requesting that Council:

In order to prevent death or serious injury, traffic must be significantly slowed on the approach from the south, as the road crosses a pedestrian thoroughfare. Pedestrians, especially children are at heightened risk as they are often unaware of the danger when approaching the intersection along the southern footpath of Ramsden Street.

#### COUNCIL RESOLUTION

**Moved:** Councillor McKenzie

**Seconded:** Councillor Jolly

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

#### CALL FOR A DIVISION

**For:** Councillor Jolly, Councillor McKenzie, Councillor Aston, Councillor Gomez, Councillor Harrison and Councillor Wade

**Against:** Nil

**CARRIED UNANIMOUSLY**

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**9.2 Petition – Pedestrian Safety around Clifton Hill Primary School**

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Reference: D24/499368

Start time: 12.08pm

A petition containing 240 signatures from residents are requesting that Council consider:

Reviewing the pedestrian safety around Clifton Hill Primary School including:

- the installation of traffic lights or permanent zebra crossing to replace the existing Gold Street crossing
- installation of a pedestrian crossing from Darling gardens across South Terrace providing safe access to the senior campus
- options for reducing congestion in Page Street to ensure the safety for students.

**COUNCIL RESOLUTION**

**Moved:** Councillor McKenzie

**Seconded:** Councillor Gomez

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

**CALL FOR A DIVISION**

**For:** Councillor Jolly, Councillor McKenzie, Councillor Aston, Councillor Gomez, Councillor Harrison and Councillor Wade

**Against:** Nil

**CARRIED UNANIMOUSLY**

## 10. Questions without Notice

**Start time: 12.09pm**

### **10.1 – Councillor Harrison - Request for advance notice of upcoming contract renewals above the CEO delegation**

Question:

Can Councillors receive a list of all expected contract renewals for the 2025 calendar year that require Council approval? Paul Jackson a submitter tonight raised some issues.

The CEO provided the following response:

*Thank you for the question. I have to say I don't agree with the characterisation by the submitter today. That is my point of view and he is welcome to his. I would be happy to answer questions about that. I am happy to do that. What I am aware of Councillor we have a very congested February. As you are aware with the Notice of Motion in November, I think we have nineteen reports coming. So realistically it is most likely to come before the end of the first quarter at a workshop, rather than in January.*

### **10.2 – Councillor Wade – Build to rent**

Question:

I asked a question earlier about the build to rent site in Richmond and we've also had the build to rent site at Hoddle Street that the state government has just made a decision on. If that was eligible, if it was being subdivided for an open space contribution could you provide an estimate of what that open space contribution would be?

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

A rough estimate would be around \$5 million.

## 11. Delegates Reports

Nil.

## 12. General Business

Nil.

## 13. Urgent Business

Nil.

## 14. Confidential Business Reports

### COUNCIL RESOLUTION

**Moved:** Councillor Aston

**Seconded:** Councillor Harrison

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

### RECOMMENDATION

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

### CALL FOR A DIVISION

**For:** Councillor Jolly, Councillor McKenzie, Councillor Aston, Councillor Gomez, Councillor Harrison and Councillor Wade

**Against:** Nil

**CARRIED UNANIMOUSLY**

#### 14.1. Open Space Network Opportunities Update

**Author** Mary Osman – General Manager City Sustainability and Strategy

**Authoriser** Chief Executive Officer

**Confidential Reason:** This agenda item is confidential information for the purposes of section 3(1) of the Local Government Act 2020 for the following reason:

(a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

The explanation as to why the specified ground/s applies is:

This report is in commercial confidence as it relates to the purchase of property.

**Conclusion**

The meeting concluded at 12.18am

Confirmed on Tuesday 11 February 2025.

Mayor