



PLANNING & COMMUNITY DEVELOPMENT COMMITTEE MEETING AGENDA

**to be held on Tuesday 4 February 2003 at 8.00 pm
at the Richmond Town Hall**

COUNCILLOR MEMBERSHIP

Councillor Judy Morton (Chairperson)

Councillor Sue Corby

Councillor Di Natale

Councillor Kay Meadows

Councillor Gurm Sekhon

I. ATTENDANCE

II. DECLARATIONS OF PECUNIARY INTEREST

III. COMMITTEE BUSINESS REPORTS

***Welcome to the City of Yarra.
Council acknowledges the
Wurundjeri community as the first
owners of this country.
Today, they are still the custodians
of the cultural heritage of this land.***

PLANNING & COMMUNITY DEVELOPMENT COMMITTEE MEETING

ITEM		PAGE
2.1	Urban Planning - Monthly Planning Appeals Report	1
2.2	Amendment C45 to the Yarra Planning Scheme – Removal of Public Acquisition Overlay (PAO1) at 149-153 Barkly Avenue and 451-459 Burnley Street, Burnley – Request for Ministerial Exemption from Section 19 of the Planning and Environment Act 1987 (Public Notification) under Section 20(1)	17
2.3	Amendment C55 to the Yarra Planning Scheme – Rezoning of Selected Open Space to Public Park and Recreational Zone – Request for Ministerial Exemption from Section 19 of the Planning and Environment Act 1987 (Public Notification) under Section 20(1)	32
2.2	Melbourne 2030 Metropolitan Strategy	47

2.1 Urban Planning – Monthly Planning Appeals Report

File: 30/20/01
Responsible Officer: Acting Manager Urban Planning
Planning Appeals Advocate – Urban Planning

Purpose

1. To report on planning appeal decisions for October, November and December 2002.
2. To provide an analysis of planning appeal decisions for the 2002 calendar year (January – December 2002).
3. To provide a summary of significant appeal decisions for the month of December.

Background

4. Section 1 - details planning appeals that have decided on by VCAT for October, November and December 2002, the dates that these matters were heard, and where available, VCAT's decision.
5. Section 2 – details an updated analysis of planning appeal decisions, decided on by VCAT during the 2002 calendar year (January – December 2002).
6. No significant VCAT decisions have been received from VCAT since the last report (December 2002).

City Plan, Strategy and Policy Implications

7. Feedback and communication of significant planning appeal decisions and statistics is essential in ensuring that optimum Planning practices are instituted in the City of Yarra. The reporting on planning appeals provides an understanding of Council's performance in these matters, aiding in policy and process improvement and an indepth understanding of the quality of Council's planning decisions.
8. The statistics provided at Section 2 of this report provides an analysis of Council's performance at VCAT during the 2002 calendar year. The statistics show an increase in Council's success rate at VCAT from approximately 66% in the 2001 calendar year, to 69% in the 2002 calendar year. The improved performance comes despite a significant increase in the number of matters going to VCAT from 220 (2001), to 308 (2002). In line with the rise in the number of planning matters at VCAT during the 2002 calendar year, full hearings increased by 25% from 101 (2001) to 125 (2002), highlighting the increased pressures on the Urban Planning Branch over the past year.
9. The improvements in Council's performance at VCAT during the 2002 have also come despite a marked change in the nature of matters being appealed against. During the 2001 calendar year, appeals against Refusals represented 48%, Approvals 44%, and Failure to Determine 8%. In contrast to this, appeals

during the 2002 calendar year consisted of Refusals - 49%, Approvals - 30%, and Failure to Determine - 21%.

10. Although the statistics breakdown Council's performance into individual months, the statistics need to be viewed over an extended period of time (ie. six to twelve months) to gain a true appreciation of Council's performance. Viewing individual months in isolation may be misleading, as the nature of the applications appealed against during an individual month will vary. An example of this is August 2002 where five of the six matters appealed against related to Council determining to refuse to grant a permit. Also of note are months where not all matters have yet been decided by VCAT (December 2002 - where only six of the eleven matters have been determined) and the statistics are not yet indicative of Council's true performance.
11. Although Section 2 of this report details Council's success rate at VCAT at 69% for the 2002 calendar year, this figure is likely to change, as 21% (26) of the 125 full hearings are yet to be determined. As such, an updated report on Council's performance at VCAT during this period will be provided to the Planning and Community Development Committee Meeting in April 2003.

RECOMMENDATION

12. That the report on Statutory Planning – Monthly Planning Appeals for October, November and December 2002 be noted.

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CONTACT OFFICER: David Vorchheimer
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See Attachment



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2.2 Amendment C45 to the Yarra Planning Scheme – Removal of Public Acquisition Overlay (PAO1) at 149-153 Barkly Avenue and 451-459 Burnley Street, Burnley – Request for Ministerial Exemption from Section 19 of the Planning and Environment Act 1987 (Public Notification) under Section 20(1)

EXECUTIVE SUMMARY

Purpose

To consider preparation of Amendment C45 to the Yarra Planning Scheme to delete a Public Acquisition Overlay (PAO1) from 149 – 153 Barkly Avenue and 451 – 459 Burnley Street, Burnley in accordance with Section 8 of the Planning and Environment Act 1987. In addition, that Council resolve to request a Ministerial exemption from the public notification provisions of Section 19 pursuant to Section 20(1) of the *Planning and Environment Act 1987*.

Issues

The PAOs are in the Planning Scheme to provide for compulsory acquisition of land by VicRoads for road widening purposes. Council received written confirmation from VicRoads by letter dated 8 November 2002 advising that it no longer required this overlay on the subject sites.

Resource Financial Implications

All associated costs will be borne by S. Custance and Associates and Contour Consultants.

Community Implications

Council is requesting the Minister to exempt it from public notification requirements under the Act. However, the Minister for Resources and Energy and the Minister for Environment, Conservation and Water will be notified.

Environmental Implications

There are no environmental implications associated with this process.

City Plan, Strategy and Policy Implications

The proposed amendment accords with relevant planning policies.

Legal Implications

The proposed amendment does not have any legal implications.

PROPOSED ACTIONS

That Council resolved to prepare Amendment C45 to the Yarra Planning Scheme to delete a Public Acquisition Overlay (PAO1) from 149 – 153 Barkly Avenue and 451 – 459 Burnley Street, Burnley in accordance with Section 8 of the Planning and Environment Act 1987. In addition, that Council resolved to request a Ministerial exemption from the public notification provisions of Section 19 pursuant to Section 20(1) of the Planning and Environment Act 1987.

2.2 Amendment C45 to the Yarra Planning Scheme – Removal of Public Acquisition Overlay (PAO1) at 149-153 Barkly Avenue and 451-459 Burnley Street, Burnley – Request for Ministerial Exemption from Section 19 of the Planning and Environment Act 1987 (Public Notification) under Section 20(1)

File: 30/25/07/45
Responsible Officer: Coordinator Strategic Planning

Purpose

1. To consider preparation of Amendment C45 to the Yarra Planning Scheme to delete a Public Acquisition Overlay (PAO1) from 149 – 153 Barkly Avenue and 451 – 459 Burnley Street, Burnley in accordance with Section 8 of the Planning and Environment Act 1987. In addition, that Council resolve to request a Ministerial exemption from the public notification provisions of Section 19 pursuant to Section 20(1) of the *Planning and Environment Act 1987* ('the Act')

Background

Amendment Land

2. The subject sites are located in close proximity to the Monash Freeway Reserve in Richmond. The first site is located at 149 – 153 Barkly Avenue, Burnley on the corner of Barkly Avenue and Burnley Street, Burnley and is currently zoned an Industrial 3 Zone (IN3Z). The second site is located at 451 – 459 Burnley Street, Burnley on the corner of Burnley and West Streets and is currently zoned a Residential 1 Zone (R1Z).
3. A Site Location Plan is provided at Attachment 1.
4. There are two proponents for the removal of the Public Acquisition Overlay1 (PAO1), being Contour Consultants for 149 – 153 Barkly Avenue, Burnley and S. Custance and Associates for 451 – 459 Burnley Street, Burnley.
5. The PAO1 was placed on the subject sites for the construction of the City Link Burnley Tunnel. Given that the tunnel is now completed this overlay for these two locations is no longer required and the removal has full support of VicRoads (refer Attachment 2).
6. The subject sites are also affected by the following overlays:
 - (a) City Link Project Overlay (CLPO);
 - (b) Design and Development Overlays 3 and 5 (DDO3/5); and
 - (c) 149 – 153 Barkly Avenue, Burnley is affected by the Environmental Significance Overlay 1 (ESO1).

Surrounding Land

7. 149 – 153 Barkly Avenue, Burnley is currently zoned an Industrial 3 Zone (IN3Z) and 451 – 459 Burnley Street, Burnley is zoned a Residential 1 Zone (R1Z). The surrounding land to the west of the subject sites is zoned Industrial 3 Zone (IN3Z), while to the South of the subject site is the Monash Freeway Road Zone 1 (RDZ1). To the north, the land is zoned Residential 1 Zone (R1Z).

Proposed Rezoning Request

8. The request for Council to prepare an amendment to the Yarra Planning Scheme has been received from two proponents to enable the Public Acquisition Overlay 1 (PAO1) to be removed (a copy of the proposed Amendment is provided at Attachment 2).
9. Council has contacted VicRoads who has confirmed in writing that the PAO1 on both sites is no longer required and VicRoads has no objection to its removal.
10. The proponent has been issued with a planning permit, which allows the subject land 149 – 153 Barkly Avenue, Burnley to be developed and used for the purpose of a commercial display area (showroom) and office with a reduction in the car parking requirements of the Yarra Planning Scheme. The removal of the PAO will enable this permit to be acted upon.
11. The other proponent wishes to develop the subject site 451 – 459 Burnley Street, Burnley into a car parking facility to serve the adjoining development on this site. The removal of the PAO will enable the proponent to apply for a planning permit.

Issues

12. Section 20(1) of the Act provides for a planning authority to apply to the Minister to exempt it from any of the requirements of Section 19 of the Act. Section 19 requires that a planning authority must give notice to a variety of affected parties in relation to the preparation of an amendment to the Planning Scheme.
13. Council is seeking this exemption because the PAO1 relates only to VicRoads requirements for compulsory acquisition of land for future road works. VicRoads no longer requires the Public Acquisition Overlay on the subject sites and supports its deletion from the Yarra Planning Scheme.

Consultations

14. Public notification is not required because the PAO1 affects VicRoads and the owners of the land. The owners of both parcels of land support the removal of the PAO1 from the two affected sites as does VicRoads.

Resource Financial Implications

15. All associated costs will be borne by S. Custance and Associates and Contour Consultants.

Community Implications

16. Council is requesting the Minister to exempt it from public notification requirements under the Act. However, the Minister for Resources and Energy and the Minister for Environment, Conservation and Water will be notified.

Environmental Implications

17. There are no environmental implications with this process.

City Plan, Strategy and Policy Implications

18. The amendment accords with relevant planning policies.

Legal Implications

19. The proposed amendment does not have any legal implications.

Options

20. Council has the following options available to it:

(a) Option 1

That Council in accordance with Section 8 of the Act resolves to prepare Amendment C45 to the Yarra Planning Scheme to delete a Public Acquisition Overlay (PAO1) from 149 – 153 Barkly Avenue and 451- 459 Burnley Street, Burnley and resolve to support the request for Ministerial exemption of the public notification requirements of Section 19 of the Planning and Environment Act 1987 under Section 20(1); or

(b) Option 2

Council requires public notification of the removal of the Public Acquisition Overlay 1 (PAO1).

(c) Option 3

Council refuses to support the removal of the PAO1 from the two sites under the Yarra Planning Scheme.

RECOMMENDATION

That Council:

in accordance with Section 8 of the *Planning and Environment Act* 1987 resolve to prepare Amendment C45 to the Yarra Planning Scheme to delete a Public Acquisition Overlay (PAO1) from 149 – 153 Barkly Avenue and 451- 459 Burnley Street, Burnley, and

request Ministerial exemption from the notification provisions of Section 19 pursuant to Section 20(1) of the *Planning and Environment Act* 1987.

22 That VicRoads and the proponents of the Amendment be advised of Council's decision.

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See Attachment



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2.3 Amendment C55 to the Yarra Planning Scheme – Rezoning of Selected Open Space to Public Park and Recreational Zone – Request for Ministerial Exemption from Section 19 of the Planning and Environment Act 1987 (Public Notification) under Section 20(1)

EXECUTIVE SUMMARY

Purpose

To consider preparing Amendment C55 to the Yarra Planning Scheme to rezone a number of existing parks to Public Park and Recreation Zone (PPRZ), in accordance with Section 8 of the *Planning and Environment Act 1987* ('the Act'). In addition, that Council resolve to request a Ministerial exemption from the public notification provisions of Section 19 pursuant to Section 20(1) of the Act.

Issues

Currently, many pocket parks throughout the municipality are inappropriately zoned. The rezoning of these open space areas to PPRZ will bring these public spaces into conformity with the Victoria Planning Provisions.

Resource Financial Implications

The cost of consideration of this amendment (\$700) will be borne by Council.

Community Implications

Council is requesting the Minister to exempt it from public notification requirements under the Act. However, the Minister for Resources and Energy and the Minister for Environment, Conservation and Water will be notified.

Environmental Implications

The correct zoning will reserve these parcels of land for public park and recreational uses.

City Plan, Strategy and Policy Implications

The amendment accords with relevant planning policies.

Legal Implications

The proposed amendment does not have any legal implications.

PROPOSED ACTIONS

That Council resolve to prepare Amendment C55 to the Yarra Planning Scheme to rezone a number of existing parks to Public Park and Recreation Zone (PPRZ), in accordance with Section 8 of the Act. In addition, that Council resolve to request a Ministerial exemption from the public notification provisions of Section 19 pursuant to Section 20(1) of the Act.

2.3 Amendment C55 to the Yarra Planning Scheme – Rezoning of Selected Open Space to Public Park and Recreational Zone – Request for Ministerial Exemption from Section 19 of the Planning and Environment Act 1987 (Public Notification) under Section 20(1)

File: 30/25/07/55
Responsible Officer: Coordinator Strategic Planning

Purpose

1. To consider preparing Amendment C55 to the Yarra Planning Scheme to rezone a number of existing parks to Public Park and Recreation Zone (PPRZ), in accordance with Section 8 of the *Planning and Environment Act 1987* ('the Act'). In addition, that Council resolve to request a Ministerial exemption from the public notification provisions of Section 19 pursuant to Section 20(1) of the Act.

Background

Amendment Land

2. The amendment is proposing to rezone the following areas to a Public Park and Recreation Zone (PPRZ):
 - (a) Flockhart Reserve – Flockhart Street, Abbotsford;
 - (b) Browns Reserve – Nicholson Street, Abbotsford;
 - (c) Gary Owens Park – Leicester Street, Fitzroy;
 - (d) Cambridge Park – Cambridge Street, Collingwood;
 - (e) Studley Street Reserve – Studley Street, Abbotsford;
 - (f) King Park – Bell Street, Fitzroy;
 - (g) McNamara Reserve – Kelle / Gold Street, Collingwood;
 - (h) King William Reserve – King William Street, Fitzroy;
 - (i) Clifton Reserve – Clifton Street, Clifton Hill;
 - (j) Edwards Place – Falconer / Scotchmer Street, North Fitzroy;
 - (k) Liverpool Street Park – Liverpool Street, North Fitzroy;
 - (l) Batman Street Reserve – Batman Street, North Fitzroy;
 - (m) Dame Nelle Melba – Coppin Street, Richmond;
 - (n) Alexandra Reserve – Berry and Hodgen Terrace, Richmond;
 - (o) Athol J Brown – Burnley / Madden Grove; and

(p) Shakespeare Street Reserve – Shakespeare Street, North Carlton.

3. Site Location Plans are provided in Attachments 1a-p for the rezoning of open space to Public Park and Recreational Zone (PPRZ), and a copy of Amendment C55 is provided in Attachment 2 (formal planning scheme maps will be prepared and supplied in accordance with Attachment 1).

Existing Planning Scheme Controls

4. The following table outlines the existing zoning and ownership of the selected open space areas:

Park/Open Space	Zoning	Ownership
Flockhart Reserve	PUZ1/IN1Z	Crown
Browns Reserve	R1Z	Yarra
Gary Owens Park	R1Z	Yarra
Cambridge Park	MUZ	Yarra
Studley Street Park	R1Z	Yarra
King Park	R1Z	Yarra
McNamara Reserve	R1Z	Yarra
King William Reserve	R1Z	Yarra
Clifton Reserve	R1Z	Yarra
Edwards Place	R1Z	Yarra
Batman Street Reserve	R1Z	Yarra
Liverpool Street Park	R1Z	Yarra
Dame Nellie Melba	R1Z	Yarra
Alexander Reserve	B1Z	Yarra
Athol J Brown Reserve	R1Z/RDZ1	Yarra
Shakespeare Street	R1Z	Yarra

Proposed Rezoning Request

5. The original request for Council to prepare an amendment to the Yarra Planning Scheme came about as a result of resident concerns over the inappropriate zoning of the Clifton Street Reserve, Clifton Hill.

Issues

6. The Planning and Environment Act 1987 Section 20(1) permits a planning authority to apply to the Minister to exempt it from any of the requirements of Section 19 of the Act, which relates to the public notification of an amendment to the Planning Scheme. Section 19 requires that a planning authority must give notice to a variety of parties who may be affected by the preparation of an amendment to the Planning Scheme.
7. The public reserves included in Amendment C55 are almost all owned by Council and used as public open space.
8. Currently many pocket parks throughout the municipality are inappropriately zoned. The translation of these inappropriate zones to PPRZ will bring these public spaces into conformity with the Victoria Planning Provisions.

Consultations

9. Public notification is not required because all the open space areas are currently being utilised as parks and the Amendment is effectively a correction to the Yarra Planning Scheme. The correct zoning reflects the current use of the land and will facilitate its ongoing management and use.

Resource Financial Implications

10. The cost of consideration of this amendment (\$700) will be borne by Council.

Community Implications

11. Council is requesting the Minister to exempt it from public notification requirements under the Act. However, the Minister for Resources and Energy and the Minister for Environment, Conservation and Water will be notified.

Environmental Implications

12. The correct zoning will reserve these parcels of land for public park and recreational uses.

City Plan, Strategy and Policy Implications

13. The amendment accords with relevant planning policies.

Legal Implications

14. The proposed amendment does not have any legal implications.

Options

15. Council has the following options available to it:

- (a) Option 1

To prepare Amendment C55 to the Yarra Planning Scheme and support the request for Ministerial Exemption of the public notification requirements of Section 19 of the Act under Section 20(1), and to request approval of the amendment; or

- (b) Option 2

Council require public notification of the rezoning of the open space areas to PPRZ; or

- (c) Option 3

Council refuse to rezone the properties to Public Park and Recreational Zones (PPRZs) to the Yarra Planning Scheme.

RECOMMENDATION

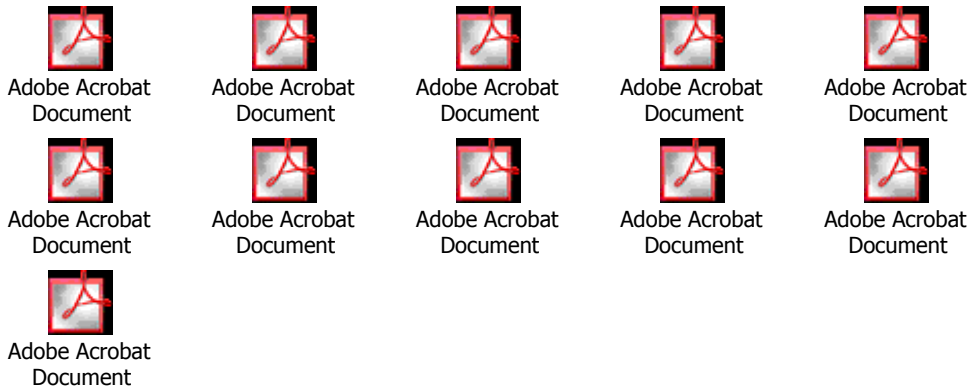
16. That Council:

- (a) resolve to prepare Amendment C55 to the Yarra Planning Scheme to rezone a number of existing parks to Public Park and Recreation Zone (PPRZ), in accordance with Section 8 of the *Planning and Environment Act 1987*,
- (b) request a Ministerial exemption from the public notification provisions of Section 19 pursuant to Section 20(1) of the *Planning and Environment Act 1987*.

17. That the residents of Clifton Street who initiated concerns on the zoning of the Clifton Street Reserve, Clifton Hill and any other affected residents/ owners be advised of Council's decision.

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See Attachment



2.4 Melbourne 2030 Metropolitan Strategy

PLEASE NOTE: This item will be distributed separately.