



PLANNING & COMMUNITY DEVELOPMENT COMMITTEE MEETING AGENDA

to be held on Tuesday 4 March 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	Yarra Aboriginal Advisory Group – Revised Terms of Reference	1
2.2	Amendment C49 to the Yarra Planning Scheme: Protecting Biodiversity in Yarra – Amendment Adoption	11
2.3	Burnley Park Master Plan	41
2.4	Amendment C28 to the Yarra Planning scheme – 67 Islington Street, Collingwood – Adoption Stage	56
2.5	City of Yarra Municipal Emergency Management Plan	76
2.6	Urban Planning – Monthly Planning Appeals Report	82
2.7	Urban Planning – Instrument of Delegation	93
2.8	Planning Enforcement Report	96

2.1 Revised Terms of Reference for Yarra Aboriginal Advisory Group and update of issues related to the Aboriginal Advisory Group

File: 50/15/03-04
Responsible Officer: Manager Community Well-being

Purpose

1. The purpose of this report is:
 - (a) to seek Council approval for a revised terms of Reference for the Yarra Aboriginal Advisory Group (YAAG); and
 - (b) to provide Council with a general update of Indigenous issues related to the YAAG.

Background

2. For Victorian Aboriginal and Torres Strait Islander people, the suburbs of Fitzroy and Collingwood hold special historical meaning. Fitzroy and Collingwood became the central meeting point for all Victorian Indigenous communities in the 1940s and 50s.
3. In the 1960s and 1970s, it was these areas that witnessed the birth of the first metropolitan Indigenous Australian community organisations still in existence today. Most of these locally based organisations are Statewide and cover areas such as Indigenous health, housing, legal issues, sport and recreation and community and child-care services.
4. The 2002 ABS census identified 262 Indigenous people living in the City of Yarra. However, the City of Yarra is visited by many Indigenous Australian people on a daily basis which means its transient Indigenous Australian population is significantly larger than the ABS figure.
5. The YAAG was convened in 1999 and has provided invaluable advice to Yarra Council on matters concerning Indigenous Australians across a broad range of areas.

Issues

Key Strategic Partnership Directions

6. In 2002, the YAAG identified two key strategic partnership directions for Yarra Council and the local Indigenous Australian community being the:
 - (a) preparation of a Partnership Plan between the City of Yarra and the Wurundjeri people; and
 - (b) identification of an action plan to address social justice issues for local Indigenous Australian people.

7. The two key strategic directions are to be developed as an Aboriginal Social Justice Action Plan. A Consultant's Brief is currently being developed for this purpose by Arts and Cultural Services Unit in conjunction with the YAAG.
8. The YAAG's Terms of Reference have been revised to reflect these strategic partnership opportunities. The latest Draft Terms of Reference have been attached for the Council's consideration (Attachment One). Attachment Two includes a summary table outlining key changes to the Terms of Reference.

Council's Existing Role in Indigenous Issues

9. Since the inception of the YAAG, Council has played a number of roles in relationship to the local Indigenous Australian community. Roles have included:
 - (a) project management of the Yarra Aboriginal Cultural Signage Project, Stages 1 and 2:
 - (i) Stage 1 of the Project was a formative investigation into sites of significance to the Aboriginal Community by Megan Evans and Glenn Romanis. The research report identified sites of importance across Yarra and recommended major artworks in Yarra as a focal point for the community.
 - (ii) Stage 2 of the Project comprised the following components:
 - a local history project, furthering research conducted in the area recording stories from residents surrounding the Aboriginal history of the City of Yarra;
 - a website to be developed will correspond to the many Aboriginal stories associated with the City of Yarra; and
 - public artwork designed by Indigenous Victorian artists.
 - (b) facilitation between the Indigenous community and other agencies within the municipality. Examples of this role include:
 - (i) Council working with the Aboriginal Advisory Group on community safety initiatives around Smith Street, Collingwood; and
 - (ii) support for Dardee Munwurro and the Aboriginal Health Service in the development of a submission to RAJAC for a Social Justice Outreach Worker position.
 - (c) partnerships with Indigenous organisations such as the Aboriginal Housing Board to stage the annual children's NAIDOC Week celebrations at the Collingwood Children's Farm.
 - (d) sponsorship and Support of Indigenous initiatives and projects. Examples of this role include:
 - (i) support for the BEEM Mural artists collective in 3 major projects;
 - (ii) sponsorship of a glasswork by Indigenous Australian artist, Lyn Thorpe for the Aboriginal Housing Board's 21st anniversary;

- (iii) sponsorship of Clifton Hill Primary School's "Working With Wurundjeri" photographic project; and
 - (iv) support and sponsorship of Fitzroy Primary School's Indigenous garden.
- (e) Advocacy and Awareness Raising. Examples of this role include:
- (i) inclusion of a Wurundjeri recognition statement prior to all Council functions and meeting agendas;
 - (ii) hosting of NAIDOC Week and Sorry Day flag raising ceremonies at the Fitzroy Town Hall; and
 - (iii) development of joint Indigenous initiatives with Darebin and Moreland City Councils.
10. It is anticipated that the revised YAAG Terms of Reference will assist Council to develop a more strategic approach to addressing these issues in terms of both building a Partnership relationship and in achieving social justice for Indigenous Australian people.

Resource Financial Implications

11. The YAAG is supported by officers of Council's Arts and Cultural Services Unit.
12. Council's has a re-current budget account program for NAIDOC Week celebrations. The 2002-03 budget for this program was \$8000.
13. Council's 2002-03 budget made a commitment of \$20,000 to develop a Reconciliation Plan.

Community Implications

14. The YAAG was first convened in 1999 and has provided invaluable advice to Yarra Council on local Indigenous matters across a broad range of issues.

City Plan, Strategy and Policy Implications

15. The City Plan's Key Commitment Area 5.12 notes that Council will develop Reconciliation Initiatives in partnership with the YAAG, including:
- (a) the development of a Reconciliation Plan (5.12.1);
 - (b) coordination of Yarra's NAIDOC Week celebrations (5.12.2); and
 - (c) launch and promotion of the Aboriginal Cultural Signage and Public Arts Projects (5.12.3).

RECOMMENDATION

16. That Council approves the revised Yarra Aboriginal Advisory Group Terms of Reference.
17. That Council notes the recent local Indigenous initiatives with which it has been involved.

CONTACT OFFICER: **Andy Miller**
TITLE: **Arts and Cultural Development Officer**
TEL: **9205 5026**

See Attachment



Adobe Acrobat
Document

2.2 Amendment C49 to the Yarra Planning Scheme: Protecting Biodiversity in Yarra – Amendment Adoption

EXECUTIVE SUMMARY

Purpose

To adopt the exhibited version of Amendment C49 to the Yarra Planning Scheme with a minor addition.

Issues

The Natural Heritage Study identified the location and conservation status of sites of geological, flora and fauna significance within the municipality. Amendment C49 interprets the study outcomes into local policy and statutory controls in the Yarra Planning Scheme to protect significant sites.

Resource and Financial Implications

The \$1160 fee for submission of amendment to the Department of Sustainability and Environment and consideration for approval can be covered in this year's budget.

Community Implications

Amendment C49 was placed on public exhibition between 25 October and 25 November 2002. All affected property owners and occupiers, relevant interest groups, and relevant State Government Ministers and departments were notified of Amendment C49 in accordance with the requirements of Section 19 of the *Planning and Environment Act 1987*. Eight submissions were received, with no objections. A submission from Parks Victoria requested an addition to the exhibited version of C49 in the form of an additional clause to Schedules 1 and 2 of the Environmental Significance Overlay (ESO1 and ESO2).

Environmental Implications

Amendment C49 will generally lead to a greater awareness of the importance of the Environmental Significance Overlay (ESO) and will specifically encourage the protection of local biodiversity in new developments covered by ESO.

City Plan, Strategy and Policy Implications

Amendment C49 is in accordance with the key commitment area of "urban and natural environment" in Yarra's City Plan, and with a key strategic goal of the Yarra Environment Strategy, namely "To protect and enhance the biodiversity of Yarra".

Legal Implications

The preparation, exhibition and adoption of Amendment C49 is in accordance with the *Planning and Environment Act 1987*.

PROPOSED ACTIONS

That Council adopts the exhibited version of Amendment C49 to the Yarra Planning Scheme with a minor addition.

2.2 Amendment C49 to the Yarra Planning Scheme: Protecting Biodiversity in Yarra – Amendment Adoption

File: 30/25/07/49
Responsible Officer: Coordinator Strategic Planning

Purpose

1. To adopt the exhibited version of Amendment C49 to the Yarra Planning Scheme with a minor addition.
2. Amendment C49 proposes several changes to the Yarra Planning Scheme, most notably the introduction of a new local policy, “Protecting Biodiversity”. Amendment C49 also includes a revised version of Element 6 in the Municipal Strategic Statement (MSS), an extension to the Environmental Significance Overlay (ESO) to cover Burnley Park, and the incorporation of a map to show the sites of indigenous vegetation within the City of Yarra. The minor addition to the exhibited version of Amendment C49 is a clause to Schedules 1 and 2 of the ESO (ESO1 and ESO2) to exempt Parks Victoria from permit requirement for works that are in accordance with approved management plans for Yarra Bend Park.

Background

Purpose and Effect of Amendment

3. Amendment C49 strengthens the biodiversity objectives contained in the existing State Planning Policy Framework and Local Planning Policy Framework of the Yarra Planning Scheme and the Yarra Environment Strategy by giving effect to the findings of the Natural Heritage Study undertaken by Biosis Research Pty Ltd for the City of Yarra.
4. The Natural Heritage Study identified the location and conservation status of sites of geological, flora and fauna significance within the municipality. At its meeting on 11 December 2001, Council resolved to accept the Natural Heritage Study as a basis for managing sites of remnant vegetation to enhance habitat for native wildlife and conserve local biodiversity. The report to Council listed two key outcomes from the adoption of the Natural Heritage Study, namely:
 - (a) the interpretation of the study outcomes into local policy and statutory controls in the Yarra Planning Scheme to protect significant sites; and
 - (b) the incorporation of management recommendations for sites into contract specifications for maintenance of open space areas.
5. Amendment C49 addresses the expected outcome outlined in (a) above.
6. Lester Townsend of Integrated Urban Management was commissioned in 2002 to prepare Amendment C49 with the key aim of providing strong policy direction for biodiversity protection and enhancement as a basis for statutory controls. This work identified modifications required to the Yarra Planning Scheme to give effect to the Natural Heritage Study:

- (a) a revision of the Municipal Strategic Statement to ensure that Element 6 - Yarra River Corridor reflects the information documented in Yarra's Natural Heritage Study, including a modification to the framework plan to show sites of significant remnant vegetation;
 - (b) a local policy to give detailed guidance for landscape plans within the areas covered by the ESO. The local policy will prohibit the inclusion of listed environmental weeds in landscape plans, and will encourage the inclusion of listed indigenous species. This requirement will effectively replace the Appendix to the current Yarra River Corridor Design Guidelines;
 - (c) an extension of the ESO to include remnant vegetation along the Camberwell railway line in Burnley Park; and
 - (d) the incorporation of a detailed map showing sites of remnant vegetation.
7. As the sites of conservation significance in the City of Yarra are located along the waterways, Amendment C49 affects the land covered by the ESO, basically adjoining the waterways. The Design and Development Overlay also adjoins the Yarra River, but as it primarily addresses built form, Amendment C49 will not affect the Design & Development Overlay.

Public Exhibition Process

8. At its meeting of 1 October 2002, Council resolved to place Amendment C49 on public exhibition.
9. Amendment C49 was placed on public exhibition between 25 October and 25 November 2002 by:
- (a) sending direct notice to all owners and occupiers of land included in the ESO;
 - (b) sending direct notice to relevant interest groups such as the Friends of the Yarra River Corridor and Friends of the Merri Creek;
 - (c) sending direct notice to all relevant State Government Departments, Ministers and agencies, and neighbouring Councils;
 - (d) publishing notices in the Yarra Leader, the Melbourne Times, and the Government Gazette; and
 - (e) displaying the amendment at the Richmond and Collingwood Town Halls, the Collingwood and Richmond libraries, and at the Department of Infrastructure.

Submissions

10. A total of eight written submissions were received in response to the public exhibition period. Five of the submissions (from neighbouring Councils, Melbourne Water and VicRoads) stated no objection to Amendment C49.

11. A submission from the Port Phillip (then) Catchment & Land Protection Board states support for Amendment C49, especially as it meets recommendations of the draft Port Phillip and Western Port Region Native Vegetation Action Plan.
12. A submission from the (then) Department of Natural Resources and Environment also states support for Amendment C49, noting that it is consistent with policy direction in Victoria's Biodiversity Strategy.
13. A submission from Parks Victoria requested an addition to Amendment C49, namely an addition to Schedules 1 and 2 of the Environmental Significance Overlay (ESO1 and ESO2) to exempt Parks Victoria from permit requirement for works that are in accordance with Yarra Bend Park Strategy Plans and Environmental Action Plans approved by Parks Victoria and the Yarra Bend Park Trust.

Issues

Strategic Assessment Guidelines

14. The Department of Infrastructure requires planning authorities to have regard to a set of '*Strategic Assessment Guidelines*' when considering planning scheme amendments. These Guidelines require the assessment of amendments against the following matters:
 - (a) why the amendment is required (amendment need);
 - (b) strategic justification for the amendment;
 - (c) processing the amendment in accordance with the *Planning and Environment Act 1987* (the Act);
 - (d) consistency with the State Planning Policy Framework (SPPF);
 - (e) consistency with the Local Planning Policy Framework (LPPF), comprising the Municipal Strategic Statement (MSS) and local planning policies;
 - (f) use of the Victoria Planning Provision tools (selection of zones, overlays and schedules, creation of a new referral authority); and
 - (g) consideration of the cumulative effect of the amendment.

Amendment Need

15. The amendment is required to give effect to the findings of the Natural Heritage Study undertaken for the City of Yarra by Biosis Research Pty Ltd to identify the location and conservation status of sites of geological, flora and fauna significance. The interpretation of the study outcomes into local policy and statutory controls in the Yarra Planning Scheme to protect significant sites was one of two outcomes stated in a report to Council on 11 December 2001, when it accepted the Natural Heritage Study as the basis for biodiversity protection in the City of Yarra.

Strategic Justification

16. Few areas of remnant native vegetation remain in the City of Yarra except at several sites along the Yarra River and northern waterways and one site along the Camberwell railway line. A number of plants within the City of Yarra are considered to be of regional conservation significance, and areas of regional, high local and local significant vegetation have been identified in the Natural Heritage Study. These sites are not identified in the Yarra Planning Scheme, so a map needs to be incorporated to clearly show where provisions for biodiversity apply.
17. An area of significance is located outside of existing ESO controls and the ESO will be extended.
18. A reviewed version of Element 6 of the Municipal Strategic Statement will strengthen the policy direction for the Yarra River Corridor (effectively including land along the Yarra River and tributaries) with an emphasis on protecting and enhancing local biodiversity.
19. A local planning policy is required to provide formal guidance on the protection of biodiversity, listing desirable (indigenous) species to use in landscaping, and environmental weed species to avoid in landscaping.
20. Amendment C49 is required to give effect to Policy 7.7 of Melbourne 2030, namely "Protect native habitat and areas of important biodiversity through appropriate land use planning"

Amendment Processing

21. The preparation of the amendment documentation and notification of the amendment has been carried out in accordance with the Act.

State Planning Policy Framework

22. Clause 13 of the State Planning Policy Framework sets out the principles for planning that extend the objectives of planning in Victoria and describe the factors that influence good decision-making in land use and development planning. One set of these principles deals explicitly with environmental issues.
23. Clause 15 of the State Planning Policy Framework deals explicitly with the conservation of native flora and fauna, providing clear policy direction for the protection of biodiversity.

Local Planning Policy Framework

24. The current element of the Municipal Strategic Statement (MSS) dealing with the Yarra River was prepared before the completion of the Natural Heritage Study. Amendment C49 does not change the strategic direction of the MSS, but strengthens the discussion of biodiversity based on more recent strategic work. The changes do not undermine the achievement of any other existing MSS objective or strategy.
25. Council is keen to ensure that indigenous species survive and to minimise the impacts of introduced flora and fauna. Council also wants to better manage

sites to allow for the natural regeneration of indigenous vegetation. A local policy is required to ensure that these objectives are properly considered when Council is exercising its discretion on land that contains or adjoins an area of remnant vegetation. This land is identified by the application of ESO1, ESO2, and ESO3 in the Yarra Planning Scheme.

Use of the Victorian Planning Provisions (VPP)

26. The ESO must be extended to cover a site of conservation significance not covered in the current Yarra Planning Scheme, so that works undertaken on that site are subject to permit, allowing a proper consideration of potential impacts of works on significant vegetation.
27. The addition to the amendment requested by Parks Victoria involves an addition to Schedules 1 and 2 of the ESO, effectively to exempt Parks Victoria from permit requirement for works that are undertaken in accordance with approved Yarra Bend Park Strategy Plans and Environmental Action Plans. The plans are developed in consultation with all stakeholders, including the City of Yarra through the Yarra Bend Park Trust, and the directions and actions of the plans favour the protection and enhancement of indigenous vegetation. As the request is in keeping with the intent of Amendment C49, it is appropriate to incorporate it into the amendment.

Cumulative Effects

28. The effect of amendment C49 is to strengthen the policy direction and statutory controls for protection of biodiversity within the City of Yarra, setting standards for landscape works to help protect and enhance local biodiversity.

Consultations

29. As outlined in the section of this report detailing the public exhibition process, affected property owners and occupiers, relevant interest groups, and relevant State Government Ministers and departments were notified of Amendment C49 in accordance with the requirements of Section 19 of the Act.
30. Several discussions between the City of Yarra Environment Officer and the Ranger in Charge at Yarra Bend Park confirmed that the requested addition to ESO1 and ESO2 is in keeping with the intent of Amendment C49 and will facilitate its implementation.
31. A discussion between the City of Yarra Environment Officer and staff at the North West Metro Regional Office of the (now) Department of Sustainability and Environment confirmed that as the City of Yarra agrees with the requested addition to Amendment C49, there is no requirement for a panel hearing to enable Council to accept a modified version of Amendment C49.

Resource and Financial Implications

32. The \$1160 fee for submission of amendment to the Department of Sustainability and Environment and consideration for approval can be covered in this year's budget.

Environmental Implications

33. Amendment C49 will generally lead to a greater awareness of the importance of the ESO and will specifically encourage the protection of local biodiversity in new developments.
34. Amendment C49 will also lead to greater awareness about the detrimental effects of environmental weeds.

City Plan, Strategy and Policy Implications

35. Amendment C49 is in accordance with the key commitment area of "urban and natural environment" in Yarra's City Plan, and with a key strategic goal of the Yarra Environment Strategy, "to protect and enhance the biodiversity of Yarra".
36. The proposed changes to Element 6 (Yarra River Corridor) of the Municipal Strategic Statement seek to emphasise the role of this Element in the enhancement of the City's biodiversity. The Built Form Review Project may result in recommendations for further changes to this Element relating specifically to the objectives for new development adjacent to the City's waterways. As it is anticipated that a planning scheme amendment implementing the Built Form Review Project will not occur until later in 2003, it is appropriate to move forward with Amendment C49 to give effect to the Natural Heritage Study.

Legal Implications

37. The preparation, exhibition and adoption of Amendment C49 is in accordance with the Act.

Options

38. Pursuant to Section 23 of the Act, an amendment only requires consideration by an Independent Panel if either objecting submissions or submissions requesting changes are received. As no objecting submissions or submissions requesting changes were received, and as the one submission requesting an addition to Amendment C49 is acceptable to the City of Yarra, Amendment C49 does not require consideration by an Independent Panel. Council therefore has the following options:
 - (a) Option 1 – adopt the amendment without changes; or
 - (b) Option 2 – adopt the amendment with changes; or
 - (c) Option 3 – abandon the amendment

Proposal

39. It is proposed that Council adopt the amendment with changes.

RECOMMENDATION

40. That Council:

- (a) amend Amendment C49 (as exhibited) to include the request by Parks Victoria to exempt Parks Victoria from the permit requirement for works that are in accordance with the Yarra Bend Park Strategy Plans and Environment Action Plans approved by Parks Victoria and the Yarra Bend Park Trust.
- (b) adopts Amendment C49 (as shown in Attachment 1) to the Yarra Planning Scheme, pursuant to Section 29(1) of the *Planning and Environment Act 1987*;
- (c) submits the adopted amendment together with the prescribed information to the Minister for Planning pursuant to Section 31(1) of the *Planning and Environment Act 1987*; and
- (d) That all submitters be advised of Council's decision.

CONTACT OFFICER: Silvana Predebon
TITLE: Environment Officer
TEL: 9205 5026

See Attachment



Adobe Acrobat
Document



Adobe Acrobat
Document



Adobe Acrobat
Document



Adobe Acrobat
Document



Adobe Acrobat
Document

Other Attachments for this item are available on request from the Governance Support Unit.

2.3 Burnley Park Master Plan

EXECUTIVE SUMMARY

Purpose

To consider the adoption of a Master Plan for Burnley Park.

Issues

In general, the feedback supported the overall intent of the Master Plan. Although the Jesuit Social Services advocated strongly for the retention of the former municipal depot area, the consultation process revealed that there was overwhelming support for its removal and the return of this area to passive open space. Adequate notice of the timing of the proposed demolition works will be provided to Jesuit Social Services to ensure that they have sufficient time to relocate.

Resource Financial Implications

Full implementation of the plan will cost approximately \$2,240,081, but the work will be staged over a number of years.

Community Implications

The community has been extensively consulted and supports the major elements of the plan. Further consultation on the future development of the circus site will be undertaken at a later date.

Environmental Implications

The Master Plan proposals will enhance the existing open space, and provide further opportunities for revegetation.

City Plan, Strategy and Policy Implications

The Master Plan is consistent with the City Plan and other Council policies.

PROPOSED ACTIONS

That Council adopt the Burnley Park Master Plan.

2.3 Burnley Park and Circus Site – Management and Master Plan

File: 15/15/09/02
Responsible Officer: Manager Environmental Services

Purpose

1. A Master Plan for Burnley Park has been completed (refer Attachment A). The Master Plan has undergone extensive community consultation and has been modified where appropriate in response to the submissions that have been received. This report recommends that the Master Plan be adopted.

Background

2. Burnley Park is located between Park Grove, Swan Street and Yarra Boulevard in Richmond. Key recreational features within the Park include a pavilion and public toilets, sports oval and children's neighbourhood playground.
3. Also located within the Burnley Park site is the former Richmond Municipal Parks and Gardens' Depot, which is no longer used for municipal purposes. The depot includes a small nursery located on the western side of the park, and a residential brick dwelling located to the north of the depot.
4. In April 2000 StratCORP Consulting were commissioned to undertake the development of a Management and Master Plan on Burnley Park and the Circus Site. A key purpose for the study was to determine the future use of the former Parks and Gardens Depot within the broader context of Burnley Park.
5. Soccer was the only organised sport played at Burnley Park for more than ten years. Three soccer clubs (affiliated with the Amateur and Victorian Soccer Federations) share the ground during winter. In 1999 a concrete cricket pitch was constructed to accommodate clubs affected by capital works projects undertaken across the municipality. As a result there are now two cricket clubs who play their home games on the oval, with training conducted at alternative facilities.
6. The circus site is located between Swan Street and Yarra Boulevard. The circus site has traditionally been used as the location for visiting circuses. In recent years Council policy has restricted circus activities within the City to those that only use domestic animals as part of their entertainment.

Issues

Key results from consultation with current users:

7. There is general dissatisfaction with the condition of the playing surface, the standard of drainage and the frequency of maintenance of the sports oval.
8. There is a lack of suitable spectator seating, shade cover and drinking fountains around the oval.

9. There is general support for the retention of 'lower' level sports competitions on the Burnley oval but resistance to any proposals for expansion of the active recreation infrastructure in the Park, although the Circus site was generally considered an appropriate site for additional active (or formal) recreation facility development.
10. There is general support for upgrade of the pavilion and some support for the addition of a community meeting space in any new pavilion development.
11. There is general support for the upgrading of, or building new public toilets. In the case of the latter, these could be consolidated with any pavilion development.
12. The Friends of Burnley Park (FOBP) advocated strongly for the retention/enhancement of the native bush in the Park, and general "rural" feel of the Park.
13. Car parking around and within the park was identified as an issue, i.e. Better control of on-street parking and there is a resistance to the provision of increased parking within the Park.
14. Melbourne Girls College and Burnley Neighbourhood House foreshadowed increased use of the Park if general park facilities were upgraded/enhanced.
15. Jesuit Social Services advocated strongly for the retention of the former municipal depot area, however, other groups supported its removal.

Key Results from Consultation with Stakeholders

16. The Burnley Park and Circus Site are significant heritage sites for the Wurrundjeri people.
17. The Corroboree Tree is deteriorating in condition at its base.
18. Except for the Corroboree Tree, no heritage trees or archeological features significant to the Wurrundjeri are located at Burnley Park or the circus site.
19. Parks Victoria has adopted a strategy plan for the progressive rationalisation of sports grounds at Yarra Bend Park, which may have a future impact on the availability of sports grounds for Yarra-based sport clubs. (However, Parks Victoria has indicated that rationalisation of grounds at Yarra Bend Park will only occur if the current level of demand for grounds reduces).

Summary of Issues from Local Area Resident Survey:

20. Walking (21%) was the most common activity for which the Park was used, with other popular activities being relaxation, enjoying the flora and fauna, walking the dog, playing games and attending the playground.
21. Residents did not rate highly playing sport at Burnley Park.
22. There was no dominant trend of 'park satisfaction', with 60% rating the Park "good" or "very good" and 38% rating the Park "fair" or "poor".

23. Both current users and non-users generally agreed as to what areas of the Park needed improvement: “more trees and plants”, “security lighting”, “amenities”, “public toilets”, “more seats” and “the corroboree tree”.
24. Both current users and non-users supported “Improved Playgrounds”, with the choice of an upgrade of the existing one and the construction of a new regional playground being relatively even.

Summary of Key Issues from Community Forum:

25. There was strong support for the retention/enhancement of the ‘Avenue of Elms’.
26. There was general resistance to an increase of car parking within the park, and to the proposed configuration of car parking along Park Grove.
27. There was strong support for the retention of the oval only as a “local club” venue, where sport would be restricted to juniors and/or lower grade senior competition.
28. There was strong support for the removal of the former municipal depot and dwelling.
29. There was support for the removal and relocation of the public toilets into any planned pavilion development.
30. There was support for the use of part of the circus site for formal recreation activity.

General Summary of Feedback from All Consultation

31. In general, the feedback supported the overall intent of the Master Plan, that being, to open up the Park through the demolition and removal of the depot and residence buildings, improving circulation paths through the Park, and upgrading visitor infrastructure.

Keys Issues/Objections raised

32. The following issues and objections were raised:
 - (a) the size of the pavilion and nature of its use not to be increased;
 - (b) that no mature native trees are removed;
 - (c) strong community support for the access into the car park to be relocated from Bellevue Street to the Yarra Boulevard;
 - (d) concern from the Jesuit Social Services at their proposed relocation;
 - (e) sports club users of the pavilion and oval is encouraged (made) to use the internal car park and not Park Grove for the parking of vehicles;
 - (f) the need for the proposed viewing platform is questioned;
 - (g) too many paths provided for in the northwest section of the Park;

- (h) support for additional seating around the Park and for spectators around the oval;
- (i) the need for some type of fencing treatment to be retained along Park Grove; and
- (j) concern expressed as to the total cost of the upgrade and timing of works.

Assessment of Feedback

33. The following comments are provided in relation to the above issues and concerns:

Car Park Entrance

34. In response to strong resident feedback indicating that access to the car park entrance should not be from Bellevue Street (a local collector street), alternative options were explored. Discussions with Vic Roads revealed that the car park entrance could be bought in from Yarra Boulevard (as shown on the plan).
35. The advantage of locating the car park entrance in Yarra Boulevard is twofold. Firstly, Burnley Park is one of the largest parks in the Richmond /Burnley area and as such it attracts usage from a broad catchment. Providing on-site car parking for those who are not within walking distance is therefore imperative. Secondly, an on-site car park will reduce pressure on local residential streets, a major concern raised during the consultation process.
36. Whilst there has been some concern at the proposed location of the car park entrance from Yarra Boulevard, overall this has been the preferred option.

Former Municipal Report Site

37. Jesuit Social Services provide basic educational opportunities and skill development programs for disadvantaged community members. Some of the skills taught relate to basic horticultural practices.
38. Although the Jesuits Social Services advocated strongly for the retention of the former municipal depot area, the consultation process revealed that there was overwhelming support for its removal and the return of this area to passive open space. Presently there is an existing 12-month management agreement with the Jesuits that commenced on 2 September 2002. Adequate notice of the timing of the proposed demolition works will be provided to the Jesuit Social Services to ensure that they have sufficient time to relocate.
39. Discussions have already been held with the Burnley Horticultural College as to the possibility of accommodating this group, however they are not able to assist at this time. Council would be prepared to assist the relocation should alternative sites become known and are available within the municipality.

Pathways

40. Concern at the number of pathways to the west of the sight was also noted and the plan has been modified so that their number is reduced.

Pavilion

41. It was suggested that the possibility of relocating the pavilion further east be explored. This will be investigated during the detailed design phase of the project.

Viewing Platform

42. In response to concern at the proposed viewing platform, it has been decided to incorporate feature seating at this location instead. This is a more 'low-key' means of encouraging park users to take advantage of the excellent views of the Yarra River.

Other

43. Most of the other issues raised were management issues, and can only be dealt with by introducing new (or reinforce existing) sports ground allocation policies (i.e. pavilion and oval use etc).
44. Other issues such as seating, park benches etc. will be addressed when the detailed design of proposed concepts is carried out.

Consultations

45. In the process of preparing the Master Plan, the consultants undertook an extensive consultative process.
46. A random telephone survey of 300 households was carried out during the period 8 – 12 May 2000. The survey included respondents from the postcode region of 3121, including the suburbs of Richmond, East Richmond, North Richmond and Burnley.
47. During May 2000, StratCORP Consulting carried out consultation with the current user groups of Burnley Park, including Friends of Burnley Park, Burnley Neighbourhood House, Melbourne Girls College and Jesuit Social Services. Seven sports clubs were also sent written questionnaires.
48. Other key stakeholders including Parks Victoria, Burnley Historical Society and the Wurrundjeri people were also consulted.
49. An invitation was extended for submissions from sports and community groups, schools and the general community to provide input into the Master Plan. Seven written submissions were received.
50. A local area resident survey was hand delivered to 400 households within the area immediately west of Burnley Park bounded by Bendigo Street, Westbank Terrace, Bridge Road, Yarra Boulevard, Park Grove and Swan Street during the week commencing 8 May 2000. Seventy-nine surveys were returned.
51. A community forum was held on 1 June 2000. Approximately 50 people attended and provided input into a draft concept plan.

52. A second round of consultation was held on 11 December 2000 and involved presentation and discussion of the draft Master Plan. Approximately 30 people attended.
53. The project experienced some delay due to staff changes, however once all of the feedback from the second round of consultation was considered, the plan was revised and placed back on display in October 2002 for further community input on Council's website and on display boards at Richmond Town Hall.
54. Council staff attended the annual general meeting of the Friends of Burnley Park Group to present the revised Draft Master Plan in November 2002.

Resource and Financial Implications

55. StratCORP also provided an implementation plan for the Master Plan with preliminary costings. A summary of this plan is provided in Table 1 (the full implementation plan is included as Attachment B).

Stage	Description	Cost \$
1	Demolition of car park, residence and depot buildings. Planting, drainage works and playground upgrade. Stage 1 of indigenous shrub vegetation Planting works along Yarra Boulevard edge including minor rock wall replacement Minor drainage works to oval area Staged development of new playground area Demolition and removal of existing car park, residence, depot buildings, miscellaneous asphalt areas, designated fencing, trees and vegetation Re-grade areas of demolition including forming of mini ovals and re-instate with topsoil and grass seeding to these areas.	288,276.00
2	Construction of car park and new pavilion. Associated planting.	641,070.00
3	Re-establish park spine – paths and trees and indigenous re-vegetation.	68,750.00
4	Installation and upgrades to path networks and new furniture.	125,240.00
5	Corroboree tree works and additional playground works.	88,115.00
6	Feature planting and additional pavement and furniture works.	136,110.00
7	Final stages of revegetation works and provision of feature indigenous trees. Upgrade works to Yarra Boulevard access paths.	65,385
	Total construction budget	1,770,815
	Professional Fees (10%)	177,081
	Construction contingency (5%)	88,541
	GST (10%)	203,644
	TOTAL PROJECT BUDGET	2,240,081

Table 1

56. The project lends itself to a staged development over a number of years. Should Council proceed with the project, the timing of each stage will be determined at a later date and is subject to capital availability.

City Plan, Strategy and Policy Implications

57. Development of the 'potential future recreation area' on the circus site needs to be readdressed and prioritised in line with the Leisure Strategy.

Proposal

58. StratCORP Consulting has developed a draft master plan for Burnley Park and the Circus Site.
59. These key elements include:
- (a) demolition and removal of the former Richmond Municipal Depot and Park Ranger residence;
 - (b) extensive revegetation across the site;
 - (c) defined planting and landscape themes across the site;
 - (d) improved pedestrian path network, including the establishment of an Avenue of Elms;
 - (e) replacement of the O'Connell pavilion and the existing public toilets with a new pavilion immediately adjacent to the Burnley oval;
 - (f) improved and enhanced entry points around Burnley Park;
 - (g) new elevated viewing area to provide vistas of the City skyline and the Yarra River; and
 - (h) new and improved park furniture, including BBQs, seats, bins, drinking fountains and security lights.

RECOMMENDATION

60. That Council adopt the Master Plan for Burnley Park dated February 2003 provided at Attachment A to this report.
61. That the Construction Cost and Staging Strategy for implementation of the Burnley Park Master Plan be referred to Council's Capital Works Program 2003-04 (and beyond) process for consideration.

62. That Council note that assistance has been and will continue to be given to the Jesuits Social Services to find an alternative site within the municipality.
63. That Council advise all submitters / residents that Council has adopted the Burnley Park Masterplan and that its future implementation is dependent on the availability of funding.

CONTACT OFFICER: **Geoff Ovens**
TITLE **Manager Environmental Services**
TEL: **9205-5036**

See Attachment



Adobe Acrobat
Document



Adobe Acrobat
Document

2.4 Amendment C28 to the Yarra Planning Scheme – 67 Islington Street, Collingwood – Adoption Stage.

EXECUTIVE SUMMARY

Purpose

To adopt Amendment C28 to the Yarra Planning Scheme. Amendment C28 proposes to rezone land at 67 Islington Street, Collingwood from Industrial 1 Zone to a Business 2 Zone and to insert a control into the schedule of the Business 2 Zone which requires that any office use is subject to a planning permit. The amendment also seeks to include the land in an Environmental Audit Overlay.

Issues

The existing James Hood malt works will vacate the subject land in March 2003.

The rezoning would enable an appropriate re-use and redevelopment of the redundant silo structures for the purposes of residential apartments, with home offices/commercial uses at the lower level also being considered.

Resource Financial Implications

The proponent has borne the costs of the amendment process and an independent economic assessment of the site and surrounds.

Community Implications

The amendment was placed on public exhibition for four weeks (5 December 2002 to 6 January 2003), and no submissions objecting to the proposal have been received.

Environmental Implications

The re-use/ recycling of the silos will remove the necessity for demolition causing noise, dust, disturbance, and landfill, whilst retaining part of Yarra's industrial past.

City Plan, Strategy and Policy Implications

The proposal, due to its unique conditions, will not contradict nor require any changes to the Yarra Planning Scheme. The proposed rezoning will not necessitate a re-assessment of the local planning policy framework in the Yarra Planning Scheme.

Legal Implications

The amendment has been processed in accordance with the provisions of the *Planning and Environment Act 1987*.

PROPOSED ACTIONS

That Council resolves to adopt Amendment C28 to the Yarra Planning Scheme.
That the amendment be submitted to the Minister for Planning for approval.

2.4 Amendment C28 to the Yarra Planning Scheme – 67 Islington Street, Collingwood – Adoption Stage

File: 30/25/07/28
Responsible Officer: Co-ordinator Strategic Planning

Purpose

1. To adopt Amendment C28 to the Yarra Planning Scheme.
2. Amendment C28 proposes to rezone land at 67 Islington Street, Collingwood from Industrial 1 Zone to a Business 2 Zone and to insert a control into the schedule of the Business 2 Zone which requires that any office use on the site is subject to a planning permit. The amendment also seeks to include the land in an Environmental Audit Overlay.

Background

Subject Site & Environs

3. The subject land is part of a large land holding in Islington Street, Collingwood owned by Utopia Properties Pty. Ltd. The land holding at 37-67 Islington Street, Collingwood comprises 13 separate titles and has a total area of 6,170 square metres. Since 1930 the property has been occupied by James Hood and Co. Pty. Ltd. and used as a malting facility. A Site Location Plan, showing the land to be included in the amendment, is provided at Attachment 1.
4. The subject land is located in the northern portion of this larger site and totals 1,576 square metres in area. In the early 1930s the subject land and the adjoining southern portions were developed by James Hood and Co. Pty. Ltd. as a malting facility. The malt works are operated by Barrett Burston Malting. Eight large silos occupy the subject land.
5. The malting facilities continue to occupy the land at 37-67 Islington Street, Collingwood under a lease which expires in March 2003 with no options for renewal. The land was acquired by Utopia Properties in April 2000. The current tenant intends to relocate to a purpose-built premises at Laverton in March 2003.

Surrounding Land Uses

6. The subject site is part of the Islington Street industrial precinct. The Precinct exhibits a high degree of mixed use activity, including commercial, office, residential and industrial. Industrial activities are predominantly warehouse and service industry. Warehouse and office activities dominate the activities in the precinct.
7. The southern portion of the land holding already has approvals for redevelopment into offices/warehouse facilities.

Summary of Existing Land Uses in Study Area July 2002

8. A survey of the study area surrounding the subject land was undertaken in July 2002 by Essential Economics Pty Ltd and a summary is given in the table the table below:

Use	No. Properties	Share
Subject Land	1	1.3%
Total Manufacturing	9	11.5%
Total Light Industrial/Commercial	33	42.3%
Total Residential	21	26.9%
Total Vacant	14	18.0%
TOTAL	78	100.00%

9. The dominant uses are in service industry/warehouse/commercial activities (42% of the properties) and this includes the main sub-category of offices (refer above Table). Manufacturing counts for 11.5% of the study area and manufacturing and light industrial/ commercial together accounting for approximately 54%. 21 properties are used for residential purposes, and this represents 27% of the total number of properties. However, in terms of land area this proportion would be less. A copy of this report is available on file.
10. The 2000 Ratio Report commissioned by Council estimated that approximately 65% of the study area contained land uses in the manufacturing and light industrial/ commercial categories. It is apparent therefore that there has been a decrease by approximately 10% in land area in this category between 2000 and 2002.
11. To the east of the subject land is the Business 2 zoned office precinct containing the Coles Myer IT office activity and associated car parking.
12. To the north of the study area land is zoned Industrial 1. Adjoining the subject land on its north are residential homes, generally two story terraces and office uses about the silos to its immediate north, fronting Langridge Street, Collingwood.

Planning Scheme Controls

13. The subject land is currently located in the Industrial 1 Zone of the Yarra Planning Scheme.
14. The primary purpose of the Industrial 1 Zone is to *“provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities.”*

Proposed Amendment Request

15. The proponent is seeking a rezoning to Business 2 Zone under the provisions of the Yarra Planning Scheme. It is proposed to recycle and redevelop the existing silos for the purpose of residential apartments. Home offices/commercial uses are also being considered within the lower levels of the development.

16. The underlying reason for the rezoning application is to enable an appropriate use and form of development for the redundant silos. A copy of Amendment C28 including the proposed zoning plan is at Attachment 2.

Issues

17. Council adopted the Ratio report titled *Industrial and Business Activity: Trends and Opportunities Analysis Report* in July 2000. This report classified the subject land and adjoining land in the Gipps Precinct as core industrial land.
18. In May 2001 Utopia Properties Pty. Ltd. lodged a rezoning request with Council to permit the redevelopment of the subject land. In response to the rezoning request, in December 2001 Council commissioned an independent strategic study of the subject land, including an economic assessment of demolishing the silos or their re-use and redevelopment.
19. In March 2002 Council received the following report prepared by John Henshall of Essential Economics – *James Hood Malt Works Silos Proposed Rezoning – Strategic Review*.
20. Essential Economics, has advised that the existing silos are purpose-built structures and their re- use by a major industry is most unlikely. The Essential Economic report, dated March 2002, states clearly on page 14;

“Given the age and condition of the existing facilities and the highly specialised nature of the business, it is unlikely an appropriate new tenant for the facility will be found to establish a new business of the same nature.”

A copy of the report is available on file.
21. Following the receipt of this report and further discussions between Fulcrum Town Planners (for the applicant), John Henshall and Council Officers, a further economic assessment report was requested. This report was to focus on the broader impact of the rezoning proposal on the role and function of the general area defined as “core industrial area” in Council’s Municipal Strategic Statement.
22. The amendment has been assessed pursuant to the Strategic Assessment Guidelines for Planning Scheme Amendments (Department of Infrastructure 2001).

Why is the Amendment Required?

23. Under the Yarra Planning Scheme the subject land and adjoining land is included in the Industrial 1 Zone. This reflects the long term industrial and commercial uses, eg warehouses, in this part of the municipality.
24. Retention of the Industrial 1 zoning of the silos land under the planning scheme will most likely result in an obsolete building structure on the land which will remain unused and make no contribution to the Yarra economy.
25. Under the Industrial 1 Zone in the Yarra Planning Scheme, the future use and development of the subject land for the purposes of office has restrictions as office is limited to floor space area not exceeding 500 square metres. Accommodation, which includes the definition of dwelling, is prohibited.

26. The rezoning of the subject land to Business 2 Zone will provide wider opportunities for the redevelopment of the redundant silo structure without jeopardising the future viability of the surrounding Industrial 1 Zone in this part of Collingwood.

Strategic Justification

Municipal Strategic Statement

27. The Municipal Strategic Statement (MSS) forms the strategic basis of the Yarra Planning Scheme and provides the objectives and strategies for the future planning of land use and development throughout the municipality.
28. The MSS recognises the shift in the local economic base in the City and the decline in the traditional industrial base, with an increasing focus on service business, finance and property, wholesale and distribution activities. Clause 21.03-2 of the MSS suggests quite strongly that Council must play a role in the restructuring of the local economy base as a result of the declining industrial activity.
29. The proposed amendment is also considered consistent with Element 2: Residential Development in the MSS as it will contribute to the provision of a different range of housing to retain the City's valued diversity of cultures, household types and age groups. It could also meet the following strategic objectives as outlined in the MSS under residential development, namely:

“Retention of a diverse housing stock (type, tenure and affordability) to support continued diversity in population structure with respect to age, ethnicity and socio-economic profile.”

City of Yarra's "Industrial and Business Activity: Trends and Opportunities Study" by Ratio Consultants Pty Ltd, July 2000.

30. In 1999 Ratio Consultants were engaged by the City of Yarra to undertake the City of Yarra "*Industrial and Business Activity: Trends and Opportunities Study*", to assess the level and nature of demand for industrial and business space in Yarra and the inner region of Melbourne more generally. The report was completed in July 2000.
31. The study concluded that the industrial/ business precincts, such as the Gipps precinct, which includes all the land zoned Industrial 1 generally north of Victoria Parade up to Vere Street, between Hoddle Street and Wellington Street, Collingwood has a long term and sustainable future.
32. However, the study noted that the operation of the James Hood malt works was a key factor for the inclusion of the study area in the industrial precinct under the Ratio report and the retention of its Industrial 1 zoning.
33. The malt works are a key component in this industrial precinct and their relocation outside Yarra in March 2003 will diminish the industrial character of the precinct as the James Hood malt house acts as the key anchor for the industrial area.

Strategic Reviews of the Proposed Rezoning by Essential Economics Pty Ltd

34. Two independent strategic reviews of this proposed rezoning were submitted by Essential Economics Pty Ltd and prepared for the City of Yarra, are listed as follows:
- (a) James Hood Malt Works Silos Proposed Rezoning - Strategic Review March 2002, and,
 - (b) Review of the Core Industrial Area in Vicinity of Islington street, Collingwood August 2002.
35. The two studies provide the strategic planning and economic assessment background research undertaken to support the proposed amendment and are contained on file for record purposes.
36. The former study recognised the significant range of mixed uses from industrial to residential in the subject area, including commercial/ office. Over the past decade, development in the immediate area has seen an increase in office and warehouses, whilst traditional manufacturing activities are in decline. Residential activity has remained stable, particularly along Langridge Street, Collingwood.
37. Both strategic studies concluded that closure of the malt works will remove the subject land from the classification of “core industry” as the surrounding land uses are predominantly warehouse and service industry.
38. As part of the strategic research undertaken by Essential Economics Pty Ltd, commercial agents have indicated that there are difficulties in developing industrial activities on the subject land, and many of these difficulties are common in Melbourne’s inner suburban industrial market property. The major issues cited are:
- (a) *“Given the age and condition of the existing facilities and the highly specialised nature of the business, it is unlikely an appropriate new tenant of the facility will be found to establish a new business of the same nature. A new operator would be required to upgrade the facility to meet current standards of environmental protection, work place health and safety and health and hygiene. Under these circumstance, upgrading of the facility is likely to be more expensive than construction for new facilities;”* and
 - (b) *“The silos have limited use opportunities as the remainder of the malt works has approval for development as warehouse and office activities.”*
39. The March 2002 report indicated that the Collingwood-Carlton area has demand for office space generally below 300 square metres. However, the subject land has certain restrictions for office use:
- (a) *“The shape of the silos structure and solid concrete construction will result in an inefficient layout that would not be appropriate for a modern, large office operation. Smaller serviced offices may be accommodated.’*
 - (b) *“Without demolition of the silos, the site has little potential for office development.”*

- (c) *“Should serviced or strata offices be developed, the cost of outgoings may be higher than the market would accept due to the high-rise nature of the development.”*
 - (d) *“The site area is not sufficient to accommodate appropriate car parking, without the construction of multi-level parking.”*
 - (e) *“The Islington Street location is considered to be a secondary location in terms of the Collingwood office market, being relatively isolated from the main café and retail services that are desirable to service an office-based workforce.”*
40. The residential market for apartments continues to be strong and silo conversion is considered a niche housing product that is generally at the higher end of the market. Opportunities to increase the diversity of housing choice in Yarra are considered desirable.
 41. The study concluded that the land is suited to a mix of uses that can provide a genuine transition between industry, office and residential development. In addition, it found that:

“Retention of the silos appears to be feasible as a residential redevelopment, with or without home office, or a combination of residential and commercial. Given the opportunities for industry are limited and particular characteristics of the site are unattractive to both developers and new industrial tenants with the retention of the silos, the preservation of the industrial zone is likely to result in the site remaining vacant.”
 42. The March 2002 report by Essential Economics, which essentially considered the impact of the proposed rezoning on the larger industrial Gipps precinct, also highlighted the significant change in land use that has occurred in the precinct since the date of the July 2000 Ratio report. The Ratio report identified approximately two-thirds of the area as being involved in large industrial, manufacturing and warehousing use.
 43. In contrast, the August 2002 Essential Economics survey identified a range of activities in the subject area and the dominant activities are in office and warehouse uses. There are very few manufacturing activities and most existing uses in the immediate study area around the subject land are small commercial, offices/warehousing activities, together with residential uses.
 44. Recent development proposals provide further evidence of the changes which are underway in the study area and its environs. These include a proposed residential development at the Yorkshire Brewery site in Wellington Street, and the proposed residential redevelopment on the corner of Victoria Parade and Hoddle Street. The latter development proposal has been approved.
 45. However, a major conclusion of the March 2002 Essential Economics assessment is that the use of the subject land for a mix of residential and commercial purposes will not undermine the viability and activities in the wider industrial Gipps precinct.
 46. The Essential Economics study concluded that the study area and the wider Gipps industrial precinct should continue to function as suitable locations for

many industrial and commercial activities, and will not be detrimentally affected by the proposed rezoning.

47. A key point raised in this report is that there are no other alternative industrial uses for the silos as they are designed as *specific-use* type of building, and it is considered uneconomic to demolish the silos if an appropriate use(s) can be identified.
48. It is also important to note that the subject land is only a portion (1576 square metres) in the north-eastern section of the James Hood Malt House site. The remaining land (4595 square metres) to the south of the silos have already been approved for office and warehouse facilities and provides the proposed development with a considerable buffer from any surrounding manufacturing activity.

Planning and Environment Act

49. The amendment has been processed in accordance with the provisions of the *Planning and Environment Act 1987* ('the Act').

State Planning Policy Framework

50. The proposed rezoning generally accords with the general housing objectives outlined in the State Planning Policy Framework in the Yarra Planning Scheme, particularly with the following:

"Clause 16.02-1 To encourage the development of well designed medium density housing which:

- (a) Respects the neighbourhood character;*
- (b) Improves housing choice;*
- (c) Makes better use of existing infrastructure; and*
- (d) Improved energy efficiency of housing.'*

51. The degree to which the proposed design and redevelopment meets the above objective can be managed through the subsequent planning permit application for the use and development of the subject land.
52. The proposed rezoning will encourage the appropriate re-use of a former redundant industrial structure which has limited potential for re-use for other industrial type purposes.
53. The amendment accords with key elements of Melbourne 2030, the State Government's strategic vision for the growth of Melbourne. Known as the Metro Strategy, this document proposes a more compact and environmentally sustainable Melbourne. Opportunities to achieve this include the re use of former industrial sites and buildings. This amendment is consistent with this approach.

Local Planning Policy Framework

54. The proposed rezoning relates to a special case where the existing purpose built form on the subject land accommodates a specialised industrial land use and has significant limitations to its re-use, especially for new industrial or commercial purposes.
55. The proposal, due to its unique conditions, will not contradict nor require any changes to the existing policy framework of the Yarra Planning Scheme. The proposed rezoning will not necessitate a re-assessment of the local planning policy framework in the Yarra Planning Scheme.
56. An assessment of the proposed amendment against the planning objectives and strategies of the MSS has been outlined above.

Selection of Appropriate Zone under the Yarra Planning Scheme

57. The proponent of the rezoning application has requested that the subject land be zoned to the Business 2 Zone under the Yarra Planning Scheme.

The intent of the zone is as follows:

'To encourage the development of office and associated commercial uses.'

58. The application of this zone is considered appropriate to implement the strategic outcomes required of the amendment and provide adequate control on the future use and development form of the existing land.
59. Under the Business 2 Zone, accommodation, including a dwelling, is a permit required use and a permit is also required to construct a building or carry out any works.
60. An office is a "permit not required" use in the Business 2 Zone, subject to any restriction on total office floor area specified in the schedule to the Section 1 Table of Uses accompanying the zone. To provide Council with adequate control on the future use and development of the subject land, as zoned Business 2, it is recommended that the proposed rezoning include a requirement in the schedule that all future uses of the land for the purposes of office require a planning permit.
61. It is considered that the Business 2 Zone will offer the opportunity to permit an appropriate range of uses with the consent of the Council and will offer greater control over the range of activities and development form that may occur on the land.
62. An application to subdivide or construct a building or any works in the Business 2 Zone is exempt from the public notice requirements of Section 52(1) (a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act. This is a standard provision of the Business 2 Zone which cannot be varied. An application for the use of land in the zone is not subject to this exemption. Council may require the informal notification of proposed buildings or works to provide appropriate input by nearby property owners and occupiers who may be detrimentally affected by the re-use and development of the subject land. This does not include appeal rights.

63. The adjacent land along the east side of Islington Street, Collingwood is zoned Business 2 and is occupied by offices which front Hoddle Street. To the north of the subject land offices and dwellings abut, and face Langridge Street, Collingwood.
64. The two stage approach to the redevelopment of the silos site – i.e. a separate rezoning application first to be followed by a planning permit application for the future use and development of the land, is considered an appropriate approach to the future planning and management of the land. It will give Council the opportunity to assess both the zoning of the land and its future redevelopment in separate approval stages.
65. Subject to the approval of the rezoning of the land to Business 2 under the Yarra Planning Scheme, a planning permit application will be required for the use and development of the land for a mix of development, including a residential component.

Cumulative Effects

66. This particular amendment is to facilitate the re-use and redevelopment of the existing silo structures which occupy the subject land. The “special” nature of the land, as redundant malting works, and its unique built form, will prevent the amendment having a cumulative effect on the future zoning and development of existing industrial land throughout the municipality.
67. The loss of the silos as an industrial activity in the Industrial 1 Zone will not affect the remaining industrial/commercial status or the Industrial 1 Zone of the balance of the wider Gipps precinct.

Interface Issues

68. If the land is rezoned to Business 2, certain uses of the land eg residential and the development of the land will require further planning approval. At this planning permit stage the form and design of the proposed development will be assessed to ensure adequate management of the interface between any residential and non residential uses in the locality.
69. An important finding of Council’s Residential Interface Study in August 2001 was that the incidence of dwellings in Business Zones should not compromise the operations of a legitimate business activity. New dwellings should include adequate noise insulation in new dwelling constructions, particularly former industrial building conversions. This is being further researched as part of the preparation of a local planning policy for the Mixed Use and Business Zones, as an outcome of the Residential Interface Study.
70. To promote active coexistence, residential uses should require noise attenuation of a higher grade than residences in purely residential zones.
71. Any new development needs to be designed and constructed to recognise the industrial and mixed use nature of the surrounds and to also provide adequate amenity standards for non-industrial activities that may be considered appropriate for the land.
72. The future development and design of the land can be considered in the light of the proposed Design Guidelines for Development Above Three Storeys ,which

is a proposed amendment to the Yarra Planning Scheme which has recently come off exhibition.

73. The planning scheme amendment also proposes to apply the Environmental Audit Overlay to 67 Islington Street, Collingwood. This is required to comply with Ministerial Direction No. 1 which states, amongst other things,

“A planning authority must include in the amendment a requirement to the effect that before a sensitive use commences or before the construction or carrying out of buildings or works in association with a sensitive use commences:

- (a) A certificate of environmental audit must be issued for the land accordance with Section 57AA of the Environment Protection Act 1970, and*
- (b) An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Section 57AA(5)(b) of that Act that the environmental conditions of that land are suitable for the sensitive use.”*

Summary

74. The underlying reason for the rezoning application is to enable an appropriate use and form of development of the redundant silos, given that the re-use of the silos for an industrial purposes is not feasible.
75. The removal of the operational aspect of the existing silos will result in the study area losing its status as a “core industrial area”, as identified in the July 2000 Ratio Report however this will not undermine the viability of the remaining industrial precinct.
76. The Essential Economics studies submit that the loss of the silos as an industrial activity would not affect the remaining industrial/commercial status of the Industrial 1 zoning of the balance of the wider Gipps precinct. The Gipps precinct will continue to operate effectively under the Industrial 1 zone under the Yarra Planning Scheme.
77. On balance, the proposed rezoning of the existing silos land will facilitate the re-use of the existing building for use(s) for which there is some degree of economic certainty as opposed to leaving the land zoned Industrial 1 and the silos structure to remain vacant and deteriorate further. The recent economic assessments of the proposed rezoning of the land, by Essential Economics, have advised that its redevelopment for a form of industry would not be viable.
78. There is neither the market nor the technology to support the conversion of the silos for an alternative industrial activity.

Consultation Process

79. Council resolved to prepare and exhibit Amendment C28 at its meeting on 29 October 2002.
80. Amendment C28 was placed on public exhibition between 6 December 2002 and 6 January 2003. The public exhibition process consisted of:

- (a) sending direct notice to all owners and occupiers of properties proximate to the subject land (83 notices were posted). An Amendment Notification Plan showing the properties where owners/ occupiers received direct notice is provided at Attachment 3;
- (b) sending direct notice to all relevant State Government departments, Ministers and agencies;
- (c) publishing notices in the Yarra Leader and Government Gazette (on 5 December 2002), and
- (d) displaying the amendment at the Richmond and Collingwood Town Halls and at the Department of Infrastructure's Planning Information Centre;
- (e) placing a notice on the site for 14 days.

Submissions

- 81. Three 'no objection' submissions have been received in response to the public exhibition period. The submissions were received from the former Department of Natural Resources and Environment, the Environment Protection Authority, and VicRoads.
- 82. As no submissions have been received that either object to the amendment or request changes to it, an independent panel process is not required.

Resource and Financial Implications

- 83. The costs incurred in processing the amendment will be borne by the proponent.

Environmental Implications

- 84. Re-use of the silos for a viable land use mix, such as residential and commercial uses, will remove the necessity to remove the silo structures which would entail significant costs in both financial and environmental terms (noise, dust, disturbance, landfill).

City Plan, Strategy and Policy Implications

- 85. The rezoning proposal responds to the ongoing decline in traditional manufacturing activity within the City of Yarra and is a response to the shift in the local economic base and the current mixed use development interests in Yarra, as recognised in Yarra's MSS.
- 86. A reduction in the extent of industrial land in Yarra is considered appropriate and is recognised in the general provisions of the MSS, under the section "*Restructuring of the Economy*". Traditional manufacturing has declined over the period 1981 to 2000 however the tertiary sector eg finance, property has continued to grow in Yarra. Surplus industrial land offers the opportunity to facilitate this transition in Yarra's economic base towards these commercial uses, such as offices and warehouses. The MSS also encourages residential

development in mixed use areas, such as formerly marginalised industrial land.

Legal Implications

87. The processing of the amendment has been carried out in accordance with Act.

Options

88. Council has the following options available to it:

- (a) Option 1 – adopt the amendment without changes; or,
- (b) Option 2 – adopt the amendment with changes; or,
- (c) Option 3 – abandon the amendment.

Proposal

89. As outlined in the Issues section of the report it is considered that the proposed amendment meets the requirements of the 'Strategic Assessment Guidelines'. It is therefore proposed that Option 1 be pursued.

RECOMMENDATION

90. That Council:

- (a) adopts Amendment C28 to the Yarra Planning Scheme without changes, pursuant to Section 29(1) of the *Planning and Environment Act 1987*; and
- (b) submits the adopted amendment together with the prescribed information to the Minister for Planning pursuant to Section 31(1) of the Act.

91. That the applicant and all submitters be advised of Council's decision.

CONTACT OFFICER
TITLE
TEL

Gary Dew
Senior Strategic Planner
9205 5335

See Attachment



Adobe Acrobat
Document



Adobe Acrobat
Document



Adobe Acrobat
Document



Adobe Acrobat
Document



Adobe Acrobat
Document



Adobe Acrobat
Document



Adobe Acrobat
Document

2.5 City of Yarra Municipal Emergency Management Plan

EXECUTIVE SUMMARY

Purpose

To advise Council of the audit of the Municipal Emergency Management Plan (MEMP) for the City of Yarra and endorse membership of the Municipal Emergency Management Planning Committee.

Issues

The plan must be audited by the Victoria State Emergency Service every three (3) years.

Resource Financial Implications

The current budget contains \$4,000 to cover contingency expenses.

Community Implications

Nil.

Environmental Implications

Nil.

City Plan, Strategy and Policy Implications

Nil.

Legal Implications

Nil.

PROPOSED ACTIONS

That Council adopt the current Municipal Emergency Management Plan.

That Council endorse the membership of the Municipal Emergency Management Planning Committee.

2.5 City of Yarra Municipal Emergency Management Plan

File: 10/25/02
Responsible Officer: Director City Development

Purpose

1. To advise Council of the audit of the Municipal Emergency Management Plan for the City of Yarra by the Victoria State Emergency Service (VSES)
2. To advise Council of the composition of the Municipal Emergency Management Planning Committee for the City of Yarra and to recommend ratification of the present incumbents.
3. To adopt the current Municipal Emergency Management Plan (MEMP) for the City of Yarra.

Background

4. The following is an extract from Section 21 of the *Emergency Management Act 1986* :

“ 21. Municipal Co-ordination and Planning

- (1) A municipal council must appoint a person or persons to be the municipal emergency resource officer or municipal emergency resource officers.*
 - (2) A municipal emergency resource officer is responsible to the municipal council for ensuring the coordination of municipal resources to be used in emergency response and recovery.*
 - (3) A municipal council must appoint a municipal emergency planning committee constituted by persons appointed by the municipal council being members and employees of the municipal council, response and recovery agencies and local community groups involved in emergency management issues.*
 - (4) The function of a municipal emergency planning committee is to prepare a draft municipal emergency management plan for consideration by the municipal council.*
 - (5) A municipal emergency planning committee must give effect to any direction or guidelines issued by the Coordinator in Chief.*
 - (6) Subject to the regulations, a municipal emergency planning committee may determine its own procedures.”*
5. Part 1 of the MEMP requires the common seal of the City of Yarra as confirmation of the Municipal endorsement.
 6. The Act places a statutory obligation on Council to establish the relevant resources.

7. Pursuant to Section 21 of the Act, the Municipal Emergency Resource Officer (MERO) is responsible for the coordination of municipal resources in responding to emergencies and has full delegated powers to deploy and manage Council's resources during emergencies.
8. Specific responsibilities of the MERO include:
 - (a) responsibility for the coordination of municipal resources in responding to emergencies;
 - (b) establishing and maintaining an effective infrastructure of personnel whereby municipal resources can be accessed on a 24 hour basis;
 - (c) establishing and maintaining effective liaison with agencies within or servicing the municipal district and the Municipal Recovery Manager;
 - (d) maintaining the Municipal Emergency Coordination Centre(s) at a level of preparedness to ensure prompt activation when necessary;
 - (e) facilitating the arrangement of a post emergency debrief as requested by the Municipal Emergency Response Coordinator (Victoria Police); and
 - (f) ensuring procedures and systems are in place to monitor and record all expenditure by the Municipality in relation to emergencies.
9. A Municipal Emergency Management Planning Committee is currently operating and is comprised of Officers whose Council position and/or emergency management experience make it appropriate for their membership along with representatives from the various emergency services.
10. The following is an extract from Section 21A of the *Emergency Management Act 1986*:

"21A. Audit of Municipal Emergency Management Plans

 - (1) A municipal emergency management plan must be audited during the period commencing 1 July 1995 and ending 31 December 1996 and thereafter at least once every 3 years by the Director of the Victoria State Emergency Service to assess whether the plan complies with guidelines issued by the Coordinator in Chief.*
 - (2) The Director of the Victoria State Emergency Service must during the audit invite submissions on the municipal plan from the regional DISPLAN committee and the regional recovery committee.*
 - (3) A municipal council must within three months of receiving an audit report forward a copy of its written response to the audit report to the Director of the Victoria State Emergency Service."*
11. Council has received the Audit report and a reply has been forwarded to the Director of VSES.

12. The existing MEMP has evolved over approximately eight years and has been subjected to three compulsory audits by the VSES.
13. The Plan is audited every three years and the last audit certificate was issued on 24 December 2002 and is valid until December 2003.
14. The one year audit approval will allow the VSES to stage the audit of other councils over several years without a common audit date for all.
15. A copy of the Plan is available for inspection in the Councillor's Resource Area and a copy will be tabled at the Council meeting.

Issues

16. The plan must be audited by the VSES every three (3) years.
17. The adoption and sealing by Council of the MEMP allows for changes to be implemented as required by the MERO to ensure that the plan is up to date. For example, changes in the contact list to reflect incumbents that may fulfil specific roles from time to time.

Resource and Financial Implications

18. The costs incurred in meeting emergency expenses is currently borne by Council and is dependent on the level of the emergency encountered at the local level. Costs are generally met by Council, but can involve regional, state and even federal funding.
19. An operating budget for Municipal Emergency Management is available in the Environmental Services Branch with an allocation of \$4,000 for 2002/2003.

Proposal

20. That the Officers or persons holding or acting in the following positions be appointed to the Municipal Emergency Management Planning Committee in accordance with Section 21 of the *Emergency Management Act 1986*:
 - (a) Municipal Emergency Resource Officer (MERO)
 - (i) Coordinator Services Contracts
 - (b) Deputy Municipal Emergency Resource Officer (Two Positions)
 - (i) Coordinator Yarra Road Services
 - (ii) Team Leader Contracts
 - (c) Municipal Recovery Manager
 - (i) Coordinator Community Partnerships

- (d) Deputy Municipal Recovery Manager
 - (i) Manager Family Services
21. That the Municipal Emergency Management Planning Committee comprise the following:
- (a) Municipal Emergency Resource Officer;
 - (b) Deputy Municipal Emergency Resource Officer (two positions);
 - (c) Municipal Recovery Manager;
 - (d) Deputy Municipal Recovery Manager;
 - (e) Senior Officer - Victoria State Emergency Service;
 - (f) Senior Officer - Victoria Police (Yarra)
(Municipal Emergency Response Coordinator - MERC);
 - (g) Senior Officer - Metropolitan Fire and Emergency Services Board;
 - (h) Senior Officer - Ambulance Service Victoria;
 - (i) Other staff or Agency/Authority person co-opted as required;
 - (j) Director City Development or nominee; and
 - (k) Risk Management and Insurance Coordinator.
22. That Council reaffirms the membership of the Municipal Emergency Management Planning Committee.

RECOMMENDATION

23. That Council adopt the current City of Yarra Municipal Emergency Management Plan (MEMP) for the purpose of implementing emergency response and that the plan be signed and sealed.
24. That the Officers or persons holding or acting in the following positions be appointed to the MEMP Committee in accordance with Section 21 of the *Emergency Management Act 1986*:
- (a) Municipal Emergency Resource Officer (MERO);
 - (b) Deputy Municipal Emergency Resource Officer (two positions);
 - (c) Municipal Recovery Manager;
 - (d) Deputy Municipal Recovery Manager;
 - (e) Senior Officer - Victoria State Emergency Service;
 - (f) Senior Officer - Victoria Police (Yarra)
(Municipal Emergency Response Coordinator - MERC);

- (g) Senior Officer - Metropolitan Fire and Emergency Services Board;
- (h) Senior Officer - Ambulance Service Victoria;
- (i) Other staff or Agency/Authority person co-opted as required;
- (j) Director City Development or nominee; and
- (k) Risk Management and Insurance Coordinator.

CONTACT OFFICER: Enzo Valente
TITLE: Coordinator Services Contracts
TEL: 9205 5071

2.6 Urban Planning – Monthly Planning Appeals Report

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

Purpose

1. To report on planning appeal decisions for November, December 2002 and January 2003.
2. To provide a summary of significant appeal decisions for the month of January.

Background

3. Section 1 - details planning appeals that have been decided on by VCAT for November, December 2002 and January 2003, the dates that these matters were heard, and where available, VCAT's decision.
4. No significant VCAT decisions have been received from VCAT since the last report (February 2003).

City Plan, Strategy and Policy Implications

5. 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 in-depth understanding of the quality of Council's planning decisions.
6. In accordance with other Council reporting frameworks it is proposed that future Planning Appeal reports only be reported to a Council Meeting on a quarterly basis.

RECOMMENDATION

7. That the report on Statutory Planning – Monthly Planning Appeals for November, December 2002 and January 2003 be noted.
8. That future Planning Appeal Reports only be reported to a Council meeting on a quarterly basis.

CONTACT OFFICER: Danielle Connell
TITLE: Acting Manager Urban Planning
TEL: 9205 5157

CONTACT OFFICER: David Vorchheimer
TITLE: Planning Appeals Advocate
TEL: 9205 5362

See Attachment



Adobe Acrobat
Document

2.7 Urban Planning – Instrument of Delegation

Responsible Officer: Acting Manager Urban Planning
 Planning Appeals Advocate

Purpose

1. To amend the Urban Planning Branch schedule of delegation to reflect current position titles and changes in staff structure.

Background

2. The Urban Planning Branch schedule of delegation currently provides for the delegation by Council of planning functions and tasks, under a variety of Acts and Regulations, to Urban Planning Branch staff. Acts with functions and tasks delegated include the *Planning and Environment Act 1987*, *Subdivision Act 1988*, *Liquor Control Reform Act 1987*, and the *Prostitution Control Act 1994*. Regulations with functions and tasks delegated include the *Planning and Environment Regulations 1999*, and *Subdivision Regulations*.
3. The Instrument of Delegation was ratified by Council on 2 October 2001, and includes in Schedule A, the names of individual Officers in addition to position titles. Since this time a number of planning staff have left the employ of Council, and changes have been made to staff positions, titles and structures. This report seeks to amend the Urban Planning Branch schedule of delegation to reflect these changes.
4. Attachment 1 sets out the revised Schedule A to the Urban Planning Branch Instrument of Delegation, to reflect changes to the structures and position titles.
5. No change is proposed to the delegation of duties, functions and powers to individual officers under the current Urban Planning Branch Instrument of Delegation.
5. A copy of the Instrument of Delegation is available for inspection in the Councillor Resource Area.

Legal Implications

7. The updating of the Instrument of Delegation ensures that delegated responsibility to officers is in accordance with current positions.

RECOMMENDATION

8. That the schedule of the Instrument of Delegation for the Urban Planning Branch adopted on 2 October 2001 as shown in the Attachment, be amended to reflect current position titles.

CONTACT OFFICER: Danielle Connell
TITLE: Acting Manager Urban Planning
TEL: 9205 5157

CONTACT OFFICER: David Vorchheimer
TITLE: Planning Appeals Advocate
TEL: 9205 5362

See Attachment



Adobe Acrobat
Document

2.8 Planning Enforcement Report

Responsible Officer: Manager City Safe

Purpose

1. To provide an update on planning enforcement issues considered since the Council meeting held on 1 October 2002.

Background

2. At its meeting held on 11 December 2001 Council resolved that a monthly report be presented to Council on planning enforcement actions and issues for the next six months, and that this reporting frequency be reviewed to quarterly reporting after the initial six month period.

Issues

Complaints

3. This period has seen the increase of planning complaints including 121 for the month of October with an average now running at approximately 50 per month.

Illegal Brothels

4. 329 Punt Road, Richmond is still before the Supreme Court on a point of law with a further hearing scheduled for the 5 May 2003.
5. The strategies employed with local Real Estate Agents and the Leader newspaper are working exceptionally well and three premises have been closed in the past two months and no new premises have been able to advertise in the Leader Group of newspapers.

Planning Enforcement Requests- 1 October 2002 - 21 February 2003

Suburb	No. Enforcement Requests
Richmond	103
Collingwood	16
Fitzroy	36
North Fitzroy	32
Abbotsford	4
Clifton Hill	29
North Carlton	24
Fairfield	4
Burnley	4
Alphington	1
Princes Hill	5
Cremorne	1
TOTAL	259

Planning Enforcement Complaints by Type

Complaint Type	No. Enforcement Requests
Breach of Scheme Use	45
Breach of Permit Development	113
Breach of Permit – Pro active	32
Breach of Permit – Construction Noise	13
Development, No Permit - Proactive	41
Development, No Permit	11
Brothels	4
TOTAL	259

Planning Enforcement Action Taken (includes actions from previous month)

Action Type	No. Actions Taken
PIN Issued - Reactive	14
PIN Issued - Proactive	20
Enforcement Order	7
Interim Enforcement Order	0
No Breach	47
Awaiting Files From Archives	2
Compliance Letter	63
Awaiting Advice From Solicitors	11
Compliance follow up inspections	189
Initial Inspection Conducted (Further Information Being Obtained	32
TOTAL	385

RECOMMENDATION

6. That the Planning Enforcement report be noted.

CONTACT OFFICER: Ken Wolfe
TITLE: Team Leader Community Amenity
TEL: 9205 5015