



Ordinary Meeting of Council Agenda

**to be held on Tuesday 21 August 2018 at 7.00pm
Richmond Town Hall**

Arrangements to ensure our meetings are accessible to the public

Council meetings are held at either the Richmond Town Hall or the Fitzroy Town Hall. The following arrangements are in place to ensure they are accessible to the public:

- Entrance ramps and lifts (off Moor Street at Fitzroy, entry foyer at Richmond).
- Interpreting assistance is available by arrangement (*tel. 9205 5110*).
- Auslan interpreting is available by arrangement (*tel. 9205 5110*).
- A hearing loop is available at Richmond only and the receiver accessory is available by arrangement (*tel. 9205 5110*).
- Proposed resolutions are displayed on large screen.
- An electronic sound system amplifies Councillors' debate.
- Disability accessible toilet facilities are available at each venue.

Recording and Publication of Meetings

An audio recording is made of all public Council Meetings and then published on Council's website. By participating in proceedings (including during Public Question Time or in making a submission regarding an item before Council), you agree to this publication. You should be aware that any private information volunteered by you during your participation in a meeting is subject to recording and publication.

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Order of business

- 1. Statement of recognition of Wurundjeri Land**
- 2. Attendance, apologies and requests for leave of absence**
- 3. Declarations of conflict of interest (Councillors and staff)**
- 4. Confidential business reports**
- 5. Confirmation of minutes**
- 6. Petitions and joint letters**
- 7. Public question time**
- 8. General business**
- 9. Delegates' reports**
- 10. Questions without notice**
- 11. Council business reports**
- 12. Notices of motion**
- 13. Urgent business**

1. Statement of Recognition of Wurundjeri Land

"Welcome to the City of Yarra."

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

2. Attendance, apologies and requests for leave of absence

Anticipated attendees:

Councillors

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

Council officers

- Vijaya Vaidyanath (Chief Executive Officer)
- Andrew Day (Director - Corporate, Business and Finance)
- Ivan Gilbert (Group Manager - CEO's Office)
- Lucas Gosling (Acting Director - Community Wellbeing)
- Chris Leivers (Director – City Works and Assets)
- Bruce Phillips (Director - Planning and Place Making)
- Jane Waldoock (Assistant Director - Planning and Place making)
- Mel Nikou (Governance Officer)

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

4. Confidential business reports

Item

- 4.1 The personal hardship of a resident or ratepayer
- 4.2 Proposed developments; AND Matters relating to legal advice

Confidential business reports

The following items were deemed by the Chief Executive Officer to be suitable for consideration in closed session in accordance with section 89 (2) of the *Local Government Act 1989*. In accordance with that Act, Council may resolve to consider these issues in open or closed session.

RECOMMENDATION

1. That the meeting be closed to members of the public, in accordance with section 89 (2) of the *Local Government Act 1989*, to allow consideration of:
 - (a) the personal hardship of a resident or ratepayer;
 - (b) proposed developments; and
 - (c) matters relating to legal advice.
2. That all information contained within the Confidential Business Reports section of this agenda and reproduced as Council Minutes be treated as being and remaining strictly confidential in accordance with the provisions of sections 77 and 89 of the *Local Government Act 1989* until Council resolves otherwise.

5. Confirmation of minutes

RECOMMENDATION

That the minutes of the Ordinary Council Meeting held on Tuesday 7 August 2018 be confirmed.

That the minutes of the Special Council Meeting held on Monday 13 August 2018 be confirmed.

6. Petitions and joint letters

7. Public question time

Yarra City Council welcomes questions from members of the community.

Public question time procedure

Ideally, questions should be submitted to Council in writing by midday on the day of the meeting via the form available on our website. Submitting your question in advance helps us to provide a more comprehensive answer. Questions that have been submitted in advance will be answered first.

Public question time is an opportunity to ask questions about issues for which you have not been able to gain a satisfactory response on a matter. As such, public question time is not:

- a time to make statements or engage in debate with Councillors;
- a forum to be used in relation to planning application matters which are required to be submitted and considered as part of the formal planning submission; and
- a forum for initially raising operational matters, which should be directed to the administration in the first instance.

If you wish to raise matters in relation to an item on this meeting agenda, Council will consider submissions on these items in conjunction with and prior to debate on that agenda item.

When you are invited by the meeting chairperson to ask your question, please come forward and take a seat at the microphone and:

- state your name clearly for the record;
- direct your questions to the chairperson;
- ask a maximum of two questions;
- speak for a maximum of five minutes;
- refrain from repeating questions that have been asked previously by yourself or others; and
- remain silent following your question unless called upon by the chairperson to make further comment or to clarify any aspects.

8. General business

9. Delegates' reports

10. Questions without notice

11. Council business reports

Item		Page	Rec. Page	Report Presenter
11.1	Bridge Road Precinct Special Charge - Notice of Decision	7	16	David Walmsley – Manager City Strategy
11.2	Amendment C220 - Consideration of Submissions	20	31	David Walmsley – Manager City Strategy
11.3	Draft Access & Inclusion Strategy and Draft Active Healthy Ageing Strategy	33	43	Adrian Murphy – Manager Aged and Disability Services
11.4	NELA Project - Proposed MoU	44	45	Jane Waldock – Assistant Director Planning and Place Making

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

Public submissions procedure

When you are invited by the meeting chairperson to make your submission, please come forward and take a seat at the microphone and:

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

12. Notices of motion

Item		Page	Rec. Page	Report Presenter
12.1	Notice of Motion No.11 of 2018 - Support for the 2018 Movember Campaign	46	46	Cr Misha Coleman

13. Urgent business

Nil

11.1 Proposed declaration of Bridge Road Precinct Special Charge

Executive Summary

Purpose

The purpose of this report is to:

- (a) consider the submissions and take into account the objections received by Council in accordance with sections 163A, 163B and 223 of the *Local Government Act 1989 (Act)*; and
- (b) consider whether (or not) to declare a Special Charge for the Bridge Road Precinct.

Key Issues

Council at its ordinary meeting held on 5 June 2018, resolved to commence statutory procedures under section 163(1) of the Act to renew the Special Charge Scheme for the Bridge Road Precinct.

Notice of Council's intention to declare the Scheme, at its meeting on 21 August 2018 was published in *The Age* newspaper on 12 June 2018 and written submissions and/or objections were invited from property and business owners in the nominated Bridge Road Precinct (the **Scheme**).

A total of 37 written submissions have been received, however 2 submissions were received for the same property and therefore are to be counted as one, reducing the total number of written submissions to 36. From these 36 submissions, 18 were in support of the Scheme.

Issues specifically raised in opposition to the Scheme include concerns regarding the benefit of the Scheme for some properties or businesses within the Precinct, the Scheme area, the involvement of Council in promoting commerce, the additional financial burden that the Charge will place on business, the effectiveness of the marketing activities and the lack of need for the Charge (see report).

A total of two people who had made a written submission and/or objection requested to be heard in person in support of their written submissions at the ordinary meeting of the Council held on 7 August 2018. A presentation was made at that meeting.

The Act specifies that if Council receives a majority (at least 51%) of objections from person who are required to pay the Special Charge, Council is prohibited from making the declaration of the Special Charge. The number of objections received represent only 3% of the rateable properties in the proposed Bridge Road Scheme area.

If Council resolves to declare the Scheme the following steps will occur:

- (a) The Bridge Road Mainstreet Inc. (**BRMS**) will be advised of Council's decision;
- (b) Council will advise by letter, all of the affected property and business owners, and also all of those persons who lodged a submission, of Council's decision regarding the Special Charge for the Bridge Road Precinct;
- (c) Persons liable to pay have 30 days after receipt of the levy notice in which those persons may lodge an appeal with Victorian Civil & Administrative Tribunal (**VCAT**) under section 185 of the Act and exercise any rights under section 185AA of the Act; and if no VCAT challenge; and
- (d) Council then enters into a funding agreement with the BRMS, which would commence on 1 October 2018.

Financial Implications

The proposal would involve Council contributing \$60,000 annually in addition to the funds generated by the Special Charge for the duration of the Charge. This is in recognition of the additional costs associated in administering the review recommendations (see report). The funding agreement will outline the specific requirements. This has been incorporated into the 2018/2019 annual operating budget and is proposed to be included in future operating budgets

PROPOSAL

That Council declares the Special Charge for the Bridge Road Precinct and undertakes all the necessary associated administrative tasks as advised by Council's solicitor and detailed within the Recommendation.

11.1 Bridge Road Precinct Special Charge - Notice of Decision

Trim Record Number: D18/120719

Responsible Officer: Director Planning and Place Making

Purpose

1. The purpose of this report is to:
 - (a) consider the submissions and take into account the objections received by Council in accordance with section 163A, 163B and 223 of the *Local Government Act 1989(Act)*; and
 - (b) consider whether (or not) to declare a Special Charge for the Bridge Road Precinct.

Background

2. The process to declare a Special Charge for the Bridge Road Precinct began with a pre-statutory phase of consultation and review between March and August 2017. Both the BRMS and Council were committed to a review of the performance of the current Scheme in order to accommodate future improvements and to assist with setting new directions should the Scheme be renewed.
3. The Bridge Road Main Street Special Charge Evaluation Report 2017 (Report) concluded that Bridge Road is a precinct that has benefited from the collective marketing and promotion, and although success has been inconsistent at times and business engagement has varied, the fundamentals for a program are in place and are well supported by Council's management and governance approaches.
4. As a result of the evaluation, it was determined that further improvement is required if BRMS is to pursue a renewal of the program. An improvement plan outlined within the Report detailed a range of specific actions from BRMS.
5. On 4 May 2018, the BRMS made a formal request to Council to commence the statutory process to renew the Scheme for a further six years commencing 1 October 2018 and ending 30 September 2024.
6. The purpose of the Scheme to be declared by Council is to defray promotional, advertising, marketing and business development expenses associated with the encouragement of commerce retail, professional activity and employment in the Bridge Road Precinct.
7. Council will continue to work with the BRMS under the proposed Scheme. The BRMS will act on Council's behalf in relation to the expenditure of the funds raised by the Scheme for the purposes listed above. The expenditure of funds by the BRMS must always be approved by Council in accordance with the funding agreement between Council and the BRMS.
8. The BRMS has developed a draft Business Plan for the first three years of the Scheme which will then at its conclusion be reviewed to inform a new Business Plan for the remaining three years of the Scheme. The Business Plan incorporates the recommended actions outlined with the Report and will form the framework and will guide the actions of the BRMS (**Attachment 3**).
9. BRMS has also prepared a strategic plan for the first 12 months of the proposed Scheme (**Attachment 4**).
10. Council resolved at its ordinary meeting on 5 June 2018, to commence the statutory procedures under section 163(1) of the Act to renew the Special Charge Scheme for the Bridge Road Precinct.
11. In accordance with Council's statutory obligations under the Act, a public notice outlining the details of the Proposed Declaration of the Special Charge for the Bridge Road Precinct was published in *The Age* newspaper on 12 June 2018 (**Attachment 5**), and displayed at the Richmond and Collingwood Town Halls and Council's website. The closing date for receipt of submissions and objections by Council was 5pm on Monday 16 July 2018.

12. The proposed Scheme boundary map (**Attachment 1**) to this report remains relatively unchanged from the current Scheme, which ends on 30 September 2018.
13. The key components of the proposed Scheme are:
 - (a) The Special Charge would apply to properties from 2 – 662 Bridge Road, 196 to 280 Church Street, 172 – 195 Lennox Street, 2a Waltham Street, 174 Burnley Street Richmond.
 - (b) The Special Charge would apply differentially as follows:
 - (i) \$300 per annum per ground floor property in Bridge Road;
 - (ii) \$200 per annum for other than ground floor properties in Bridge Road; and
 - (iii) \$100 per annum for properties located in streets other than Bridge Road; and
 - (c) The Special Charge would be introduced for a period of six years.
14. It is expected that the Scheme would raise an amount of \$157,000 per annum, raising in total an amount of \$942,000 over the six year period of the Scheme.
15. On Wednesday 13 June 2018, Council sent letters to all affected property owners included in the Scheme, and in the same week Council Officers hand delivered letters to all affected occupiers included in the Scheme. The letters advised of Council's intention to declare a Special Charge for the Bridge Road Precinct, Council's commencement of the statutory process (and included a copy to the public notice, special charge boundary map and the levy amount that would be applied to the property) (**Attachment 6**).
16. A total of 37 submissions were received during the statutory exhibition period. However, 2 submissions were received for the same property and therefore are to be counted as one, reducing the total number of written submissions to 36. This included 18 written submissions of support and 18 written objections.
17. A Hearing of Submissions in relation to Council's Notice of Intention to Declare a Special Charge for the Bridge Road Precinct was provided at Council's ordinary meeting on 7 August 2018. One verbal submission of support for the Scheme was presented to Council.

External Consultation

18. Consultation for this Scheme has been extensive throughout the various stages of both the pre statutory and statutory process. Council's commitment to supporting a thorough review facilitated numerous opportunities for property and business owners to provide feedback.
19. The key developments in the statutory process for the declaration of the Special Charge have been as follows:
 - (a) Council report – Notice of Intention to Declare a Special Charge – 5 June 2018;
 - (b) Public Notice of Proposed Declaration of Special Charge in *The Age* – 12 June;
 - (c) Notice of Intention to Declare letter mailed to all property owners and hand delivered to business occupiers with a copy of the Proposed Declaration of Special Charge Notice 13 – 16 June;
 - (d) Invitation for submissions and objections from 12 June to 5pm on 16 July; and
 - (e) Hearing of submissions and objections at Council meeting – 7 August.
20. The statutory processes undertaken by Council, allowed for all the property owners and occupiers to be informed of the Council's intentions for the Scheme, their rights and obligations and also the opportunity they have to provide comment and formal feedback through each stage of the proposal.
21. Following this report all property owners and occupiers will be advised of Council's decision and the reasons for its decision.
22. If the Special Charge is adopted, notice of the levy will be sent to the business and property owners. Property owners then have 30 days to appeal to VCAT.

Internal Consultation (One Yarra)

23. Specific advice on the renewal process has been sought from officers from Council's Geographical Information Systems, Revenue and Rates, Governance and Communications.

Financial Implications

24. The BRMS has requested and Council officers agree that the proposed Scheme raise an amount of \$157,000 per annum, which is a moderate decrease (approximately 14%) in relation to the current Scheme.
25. It is proposed that Council continues to contribute but at a reduced fixed rate of \$60,000 per annum for the life of the Scheme.
26. The reduction in Council's contribution from the current amount of \$70,481 to \$60,000 is proportional (approximately 15%) to the reduction of the total annual amount raised by the charge to the properties levied.
27. BRMS has requested that the proposed Scheme raise \$217,000 per annum, which is \$35,322 less than the amount raised by the current Scheme.
28. With Council's annual contribution of \$60,000, a total of \$1,302,000 would be raised over the period of the Scheme.

Economic Implications

29. The renewal of the Special Charge will assist with the continuation of marketing and promotional activities to support the ongoing business development for the precinct to which the proposed Special Charge will apply.
30. Bridge Road is a major shopping precinct serving the local Richmond community as well as regional, interstate and international visitors.
31. Collective approaches to the management of main streets, and the role and value of sustainable funding and representative associations is recognised nationally and internationally. When businesses come together with a common goal, or interest, they can band together in any number of ways to create an influence and a presence that is greater than the sum of its parts. There are over 100 formalised main street associations in Victoria, with approximately 50 individual Special Rate and Charge programs.

Sustainability Implications

32. There are no relevant sustainability implications in relation to the subject matter of this report.

Social Implications

33. If declared, the Special Charge will enable Council and the BRMS to provide a cohesive network of support and participation for businesses within the precinct.
34. Collaborative programs funded through a Special Rate or Charge Scheme are considered an effective means of facilitating engagement between stakeholders, and promote an integrated and agreed approach to marketing and management of the main street. It is built on a premise that working together to identify collective strengths and opportunities, and with the business community taking a lead role will build offer, appeal and performance of a precinct.

Human Rights Implications

35. The "right to take part in public life" is of notable relevance to the BRMS Special Charge.

Communications with CALD Communities Implications

36. There were no known CALD Communities implications.

Council Plan, Strategy and Policy Implications

37. Councils Economic Development Strategy 2015 – 2020 provides the strategic context for working in partnership with BRMS. The purpose of the Agreement with the BRMS relates to the theme Vibrant and Thriving Precincts, in particular the objective: *Working with local traders to strengthen the viability of precincts by enhancing the customer experience, improving the business mix, and offering an authentic and continually evolving experience.*

Legal Implications

38. If the Special Charge Scheme is implemented, Council would enter into a formal agreement with the BRMS to pay two six monthly instalments or 4 quarterly instalments per annum of the proceeds of the Special Charge. The Agreement would:
- (a) Specify that the role of the BRMS in expending the monies raised by the Special Charge on behalf of Council is of an administrative nature only and at all times under the direction of, and for Council;
 - (b) Detail performance indicators for expenditure of funds on an annual basis; and
 - (c) Detail that Council reserves the right to apply the proceeds of the Special Charge.

Submissions

39. Any person can make a submission under section 223 of the Act in relation to Council's proposal to make a declaration under section 163 of the Act.
40. Since the commencement of the statutory process for the Bridge Road Special Charge Scheme a total of 37 written submissions have been received (**Attachment 7**). However, 2 submissions were received for the same property and therefore are to be counted as one, reducing the total number of written submissions to 36. From these 36 submissions 18 were in support of the Special Charge.
41. The following is a summary of the benefits identified by those supporting the renewal of the Special Charge Scheme:
- (a) provides value for money;
 - (b) Bridge Road needs a digital presence and promotion as a destination;
 - (c) Provides access to marketing of the entire precinct;
 - (d) Provides effective advocacy;
 - (e) Access to a range of promotional activities and events; and
 - (f) Provides a much needed collaborative approach between business and Council to address issues such as vacancies.
42. A summary of the key issues raised in the 18 objections lodged appears below.

Objections

43. Under section 163B of the Act persons who will be required to pay the Special Charge can make an objection. The right of objection is in addition to the right to make a submission under section 163A.
44. The Act specifies that if Council receives a majority (at least 51%) of objections from persons who are required to pay the Special Charge, Council is prohibited from proceeding with the proposed Scheme under section 163B based on the number of objections that have been received.
45. Information regarding the objections are as follows:
- (a) 18 written objections were received before the closing date 16 July 2018;
 - (b) 4 objections have been received from property owners 3 have been received from people who are both property owner and business operator and 1 from business operators;
 - (c) Objecting business owners (as they are required to do under the Act) have not submitted documentary evidence which shows that it is a condition of their lease that they are required to pay the Special Charge; however for the purpose of accepting their objection, they have been acknowledged to be the occupier and that they are required to pay the Special Charge under the lease, and this approach is recommended to Council; and
 - (d) 17 are for Bridge Road properties and 1 is from a side street property.

46. The key issues raised in the objections, by way of general summary; are as follows:

(a) *There would be no special benefit for some properties;*

Officer comment: Council is advised that there will be a potential benefit to businesses located within the Bridge Road precinct (even if this is only a future and indirect benefit) as the purpose of the Special Rate and Charge Scheme is to enhance the overall viability and vitality of the shopping precinct.

On this basis, it is considered that there will be a benefit to businesses located within the Bridge Road precinct, despite the business believing that these benefits are not 'needed' by the business and that the Special Rate and Charge otherwise offers "very little benefit or value" and merely constitutes an "extra impost".

The Special Charge is proposed to apply to commercial, retail or professional properties in the Bridge Road Precinct which are considered to receive a special benefit from being part of the Special Charge Scheme. All properties within the Precinct that area being used for these purposes, or are reasonably capable of being used for these purposes, are considered to receive a special benefit (because the value and/or the use, occupation or enjoyment of the properties will be maintained or enhanced), however a differential charge is proposed to reflect the nature and extent of indirect and direct benefits to different properties within the Scheme area, with a higher charge for ground floor properties in Bridge Road (\$300), and lower charges for other than ground floor properties in Bridge Road (\$200), and properties located in streets other and Bridge Road (\$100). It is also considered that the Scheme area should remain as originally proposed by Council, in that it should include all properties in Bridge Road.

The funds will be utilised by the BRMS for the development and implementation of an integrated marketing and promotion program which would benefit all properties within the Bridge Road Precinct.

(b) *Council should not be in the business of promoting commerce or retail activity;*

Officer comment: Under the Local Government Act 1989, Council is required to have regard to the promotion the social, economic and environmental viability and sustainability of the municipal district and promoting appropriate business and employment opportunities in order to facilitate its primary objective of endeavouring to achieve the best outcomes for the local community having regard to the long term and cumulative effects of decisions. The Act also provides that a Council may declare a Special Charge for the defraying any expenses in relation to the performance of a function of the exercise of a power of the Council, if the Council considers that the performance of the function or the exercise of power is or will be of special benefit to the persons required to pay the Special Charge. In this instance, it is considered that Council is encouraging retail activity, commerce and employment in the Special Charge area, which will produce flow on effects to the local economy.

(c) *The charge is unnecessary and unfair and Council should pay;*

Officer comment: The Special Charge has been requested by the BRMS to support marketing and promotion of the Bridge Road Precinct, and beyond this, Council has sought to engage the relevant property owners and business community throughout the statutory notification and consultation process. The BRMS has been particularly active in representing the interests of local businesses in advocating for better pedestrian access, streetscape improvements and reduced parking fees. If the Special Charge is declared Council would also contribute \$60,000 per annum to the Scheme. It is otherwise the view of officers that the proposed Special Charge is fair and necessary, in terms of Council seeking to take a proactive stance to improve the local economy.

(d) *The charge places extra taxation on the owners of property and should be voluntary and not mandatory;*

Officer comment: The Special Charge is proposed to apply to commercial, retail or professional properties in the Bridge Road Precinct which it is considered will receive a special benefit from being part of the Scheme. Under the provisions of the Local Government Act the owner of the property is primarily liable to pay the Special Charge. However some landlords have leasing arrangements which allow the Charge to be passed on to the tenant and the decision about who is ultimately liable is a matter between the landlord and the tenant under the terms of any lease arrangements. The BRMS has requested that the charge amount applied to each property be at a reduced amount in recognition of the impact of sustained high vacancies in the precinct.

(e) *Cannot see the benefit of the marketing activities;*

Officer comment: Bridge Road comprises of a diverse business mix and is over 2km in length, so it is reasonable to assume that not all marketing activities will be suited to every business and across the entire precinct. BRMS provide the following opportunities for businesses and property owners to provide feedback and input to help shape the direction of the marketing program:

- (i) committee meetings are held monthly and are open to all business operators in the precinct;
- (ii) each year, BRMS send AGM notices and invitations to all property owners and business operators inviting them to become members of the committee; and
- (iii) annual feedback surveys are sent to businesses registered on their email database.

Council in partnership with BRMS conducted an external review of the marketing activities in early 2017, to identify opportunities for improvements. The review involved extensive consultation which resulted in the development of a number of recommendations for further improvements which included the area of marketing. BRMS has prepared a draft Business Plan that has a stronger focus on market segmentation, digital media including improvements to the bridgerd.com.au website and social media channels, along with strategic events and partnerships which aim to highlight the evolving offering.

In recognition, of the difficulty in meeting all business needs BRMS has requested that Council levy a differential charge to reflect the nature and extent of indirect and direct benefits to different properties within the Scheme area, with a higher charge for ground floor properties in Bridge Road (\$300), and lower charges for other than ground floor properties in Bridge Road (\$200), and properties located in streets other and Bridge Road (\$100).

Other Issues

47. The BRMS has indicated that the \$60,000 contribution from Council is critical to their ability to deliver an effective marketing program that reflects the expectations that has been identified through the review process. Therefore, it would be unlikely that the BRMS would enter into a new partnership agreement with Council without this funding, thus putting the Scheme into jeopardy.

Options

48. Following the consideration of submissions, and having taken into account objections received, Council may resolve to adopt, modify or abandon the Special Charge Scheme.

Option 1 – Abandon the renewal of the Special Charge Scheme for the Bridge Road Precinct Richmond

49. By not proceeding with the renewal of the Special Charge, Council would minimise its contribution in terms of staff and monetary resources required for the establishment and management of the Scheme. However, with no source of funding the BRMS would be unable to continue its integrated marketing and promotional program for the Bridge Road Precinct as a visitor and commercial destination as well as a local destination.

Option 2 – To implement a modified Special Charge for the Bridge Road Precinct Richmond that removes a residential property that has been incorrectly included in the Scheme in accordance with the present request by the BRMS, but without providing a Council Contribution

50. The modified Scheme would vary from that specified in the Notice of Intention to Declare a Special Charge for the Bridge Road Precinct by the removal of 2 Hunter Street (private residence);
51. Without the \$60,000 Council contribution, it is unlikely that the BRMS will be able to deliver on the Report recommendations.
52. It would be unlikely that the BRMS would enter into a new partnership agreement with Council, thus putting the Scheme in jeopardy.

Option 3 – To implement a modified Special Charge for the Bridge Road Precinct Richmond that removes a residential property that has been incorrectly included in the Scheme and provide a Council Contribution in accordance with the present request by the BRMS

53. There is a strong expectation from BRMS that Council will continue to contribute funding to the amount raised from the Special Charge. The BRMS has in good faith, proposed to Council a significant reduction in the amounts collected from both the levy and Council's contribution.
54. The reduction in Council's contribution from the current amount of \$70,481 to \$60,000 is proportional (approximately 15%) to the reduction of the total annual amount raised by the charge to the properties levied.
55. BRMS has requested that the proposed Scheme raise \$217,000 per annum, which is \$35,322 less than the amount raised by the current Scheme.
56. As a result of the evaluation conducted on the Bridge Road Main Street Special Charge Scheme, it was determined that further improvement is required by BRMS. An improvement plan outlined within the Report detailed a range of specific and practical actions for BRMS to implement. It would be reasonable to expect that Council contribute to offset the costs associated with the implementation of additional administrative requirements such as increased stakeholder engagement and communication, website improvements, as well as increased compliance related initiatives such as conducting annual reviews of the Business plan and marketing strategy, and a thorough review of the three year business plan and the subsequent development of a new three year business plan.
57. Council's separate contributions further strengthens the partnership between Council and the BRMS, which is critical to achieving a more strategic and integrated approach to supporting effective marketing activities for Bridge Road.

Conclusion

58. In accordance with the relevant provisions of the Act, Council may declare a Special Charge for the purposes of performance of a function or power of Council (in this case the encouragement of employment opportunities and encouragement of commerce and retail activity) if it considers that the performance of the function or the exercise of the power is or will be of special benefit to the persons required to pay the Special Charge.
59. Having considered the submissions and taken account of the objections received in response to Council's notice of intention to declare a Special Charge for the Bridge Road Precinct, it is recommended that Council proceed to implement the Special Charge Scheme for the Bridge Road with minor modifications described in option 3 above.
60. It is considered that the use of a Special Charge to defray marketing, promotional, management, business and incidental costs associated with the encouragement and development of commerce and trade in the Bridge Road commercial precinct would be of special benefit to all those properties (and for that matter, the businesses (trader) occupying those properties), being all those properties in the precinct which it is presently considered are being used or are reasonably capable of being used for commercial, retail or professional purposes.

61. It is also considered that a differential charge should be applied in relation to properties at ground floor level in Bridge Road, properties at other than ground floor level in Bridge Road, and properties located in the intersecting streets in order to provide for fairer and more reasonable distribution of the levy and the nature and extent of direct and indirect benefit.

Implementation

62. If Council resolves to declare the Scheme, the following steps will occur:
- (a) The BRMS will be advised of Council's decision;
 - (b) Council will advise, by letter, all of the affected property and business owners, and also all of those persons who lodged a submission, of Council's decision regarding the Special Charge Scheme for the Bridge Road Precinct;
 - (c) If Council resolves to declare the Special Charge, then those persons liable to pay have 30 days after receipt of the levy notice in which those persons may lodge an appeal with VCAT under section 185 of the Act and exercise any rights under section 185AA of the Act; and if no VCAT appeal,
 - (d) Council then enters into a funding agreement with the BRMS, which will commence on 1 October 2018.

RECOMMENDATION

1. That:
- (a) Council, having considered all submissions received and all objections lodged and having complied with the requirements of sections 163A, 163B and 223 of the *Local Government Act 1989 (Act)*, declares a Special Charge (**Special Charge**) under section 163(1) of the Act for the purposes of defraying expenses to be incurred by Council in providing funds to the incorporated body known and operating as the Bridge Road Mainstreet Inc. (**BRMS**), which funds, subject always to the approval, direction and control of Council, are to be used for the purposes of contracted support, promotional, advertising, marketing, business development and other incidental expenses as approved by Council and agreed to from time to time between Council and the BRMS, all of which are associated with the encouragement of commerce, retail and professional activity and employment in the Bridge Road Precinct (**Precinct or Scheme**);
 - (b) the criteria which form the basis of the declaration of the Special Charge are the ownership of rateable land used, or reasonably capable of being used, for commercial, retail or professional purposes, which rateable land is situated within the geographical area in which the properties described in paragraphs (f) and (g) of this declaration are included;
 - (c) in declaring the Special Charge, Council is performing functions and exercising powers in relation to the peace, order and good government of the municipal district of the City of Yarra, in particular the encouragement of commerce, retail activity and employment opportunities within the area for which the Special Charge is declared;
 - (d) total cost of the performance of the function and the exercise of the power by Council (in relation to activities associated with the encouragement of commerce, retail activity and employment opportunities in the area for which the Special Charge is declared) and also the total of the Special Charge to be levied by Council is referable to an amount of \$157,000, which amount will be levied in each year of the Scheme and which in total will raise an amount of \$942,000 over the six year period of the Scheme;
 - (e) the period for which the Special Charge is declared and will remain in force is a period of six years commencing 1 October 2018 and ending on 30 September 2024;
 - (f) the area for which the Special Charge is declared is all the land referred to as the Bridge Road Precinct, as identified and shown on the plan set out in the attachment forming part of the declaration (being **Attachment 1**);








- (g) the land and the properties in relation to which the Special Charge is declared (reflecting minor modifications to the Scheme as originally proposed, by way of removal of the property at 2 Hunter Street, Richmond and the re-apportionment of special charge contributions for those properties that are not at ground level in Bridge Road or which do not meet the Scheme criteria as otherwise set out in **(Attachment 2)** are as follows:
 - (i) Bridge Road 2 – 662 inclusive;
 - (ii) Church Street 196 to 280 inclusive;
 - (iii) Lennox Street 172 to 195 inclusive;
 - (iv) Waltham Street 2a; and
 - (v) Burnley Street 174;
- (h) the land in relation to which the Special Charge is declared is all that rateable land described in the listing of rateable properties set out in the attachment forming a part of this declaration;
- (i) the contributions to the proposed Special Charge will be declared and assessed and levied differentially, as follows:–
 - (i) properties located on a Bridge Road address and situated at ground level - \$300 per annum;
 - (ii) properties located on a Bridge Road address and situated other than at ground level - \$200 per annum; and
 - (iii) properties located on an address other than Bridge Road - \$100 per annum;
- (j) the Special Charge will be levied by sending a notice of levy in the prescribed form annually to the person who is liable to pay the Special Charge, which will require that the Special Charge must be paid in the following manner:-
 - (i) By one annual payment to be paid in full by the due date fixed by Council in the notice, which will be a date not less than 30 days after the date of issue of the notice; or
 - (ii) By four instalments, to be paid by the dates which are fixed by Council in the notice;
- (k) Council will consider cases of financial and other hardship and may reconsider other payment options for the Special Charge;
- (l) no incentives will be given for payment of the Special Charge before the due date for payment;
- (m) Council considers that there will be a special benefit to the persons required to pay the Special Charge because there will be a special benefit to those persons that is over and above, or greater than, the benefit that is available to persons who are not subject to the Special Charge, and directly and indirectly as a result of the expenditure of the Special Charge the viability of the Precinct as a business, commercial and retail area, and the value and the use, occupation and enjoyment of the properties and the businesses included in the Special Charge Scheme area will be maintained or enhanced through increased economic activity;
- (n) for the purposes of having determined the total amount of the Special Charge to be levied under the Scheme, Council further considers and formally determines for the purposes of sections 163(2)(a), (2A) and (2B) of the Act that the estimated proportion of the total benefits of the Scheme to which the performance of the function and the exercise of the power relates (including all special benefits and community benefits) that will accrue as special benefits to all of the persons who are liable to pay the Special Charge is in a ratio of 1:1 (or 100%). This is on the basis that, in the opinion of Council, all of the services and activities to be provided from the expenditure of the Special Charge are marketing, promotion and advertising related and will accordingly only

benefit those properties and businesses, included in the Scheme that are used, or reasonably capable of being used, for retail, commercial or professional purposes;

- (o) the BRMS be authorised to administer the proceeds of the Special Charge on the express condition that the BRMS enters into a funding agreement with Council for the period of the Special Charge;
 - (p) Council authorises the CEO, or nominated delegate for the purposes of paragraph (o), of this resolution, to sign the funding agreement between Council and BRMS by which administrative arrangements in relation to the Special Charge are confirmed, such an agreement being a precondition to the payment by Council to the BRMS of any of the funds to be obtained by the Special Charge. Council is, and remains legally responsible for approving, directing and controlling the expenditure of the proceeds of the Special Charge in accordance with its obligations under the Act to do so;
 - (q) Council notes the funding implications of the proposed Special Charge, and further, that, if implemented, that these are part of Council's 2018/2019 Budget, or such other Budget as Council may subsequently adopt;
 - (r) notice be given to all owners and occupiers of properties included in the Scheme and all person who have lodged a submission and/or an objection in writing of the decision of Council to declare and levy the Special Charge commencing on 1 October 2018, and the reasons for the decision;
 - (s) for the purposes of paragraph (q), the reasons for the decision of Council to declare the Special Charge are that:–
 - (i) having only received 18 objections to the Scheme - there is minimal objection to the Scheme and it is otherwise considered that there is a broad level of support for the Special Charge from all property owners and occupiers;
 - (ii) Council considers that it is acting in accordance with the function and powers conferred on it under the *Local Government Act* 1989, having regard to its role, purpose and objectives under the Act, particularly in relation to the encouragement of commerce, retail activity and employment opportunities in and around the Scheme area;
 - (iii) all persons who are liable or required to pay the Special Charge and the properties respectively owned or occupied by them will receive a special benefit in the form of an enhancement or maintenance in the use, occupation and enjoyment of the properties; and
 - (iv) the basis of distribution of the Special Charge amongst those persons who are liable or required to pay the Special Charge is considered to be fair and reasonable; and
 - (t) the BRMS be advised of the matters specified in paragraphs (a), (o) and (p) of this resolution.
2. That Council makes a separate contribution of \$60,000 per annum in recognition of the additional costs associated in administering the improvement plan outlined within the Bridge Road Main Street Special Charge Evaluation Report 2017.
3. That Council notes the Bridge Main Street Inc. Business Plan – 2018 -2021 (being **Attachment 3**) and the Bridge Road Marketing Strategy for 2018 -2019 (being **Attachment 4**).

CONTACT OFFICER: Kim Swinson
TITLE: Coordinator Economic Development
TEL: 9205 5303

Attachments

- 1  Scheme Boundary
- 2  Proposed list of Special Charge properties
- 3  Bridge Road Main Street Business Plan 2018 to 2021
- 4  Bridge Road Strategic and Marketing Plan
- 5  Public Notice
- 6  Letter to Business and Property Owners
- 7  Submissions

11.2 Amendment C220 - Consideration of Submissions

Executive Summary

Purpose

The purpose of the report is to outline:

- (a) the key themes in the submissions received during the exhibition of Amendment C220;
- (b) officers response and recommended changes to the amendment in response to these key themes;
- (c) the key recommendation that Council request the appointment of an independent planning panel to consider the submissions; and
- (d) the next steps for advancing the amendment in accordance with the requirements of the *Planning and Environment Act 1987*.

Key Issues

Council exhibited Amendment C220 relating to Johnston Street and surrounds from 16th November to 18th December 2017. A total of 28 submissions were received. A number of the submissions seek competing changes to the amendment.

As the submissions seeking changes to the amendment cannot be resolved to the satisfaction of all submitters, Council has two options under Section 23 of the *Planning and Environment Act 1987*:

- (a) refer the submissions to an independent planning panel; or
- (b) abandon the amendment or part of the amendment.

Officers recommend that Council resolves to request the appointment of a planning panel to consider the submissions and to provide recommendations to Council.

Financial Implications

There are fees associated with the planning panel process. These include: the costs and fees of the planning panel, the engagement of experts who provide evidence on behalf of Council, and legal representation.

PROPOSAL

In summary, that Council:

- (a) note the officer report regarding the exhibition of Amendment C220;
- (b) note the submissions received in respect to the exhibition period of Amendment C220;
- (c) endorse the recommended changes to Amendment C220 including the recommended changes to DDO15 as shown in Attachment 3;
- (d) having considered the submissions received in relation to Amendment C220 to the Yarra Planning Scheme, in accordance with Section 22 of the Planning and Environment Act 1987 (the Act):
 - (i) request that the Minister for Planning appoints a panel to consider the submissions received for Amendment C220 in accordance with Section 23 of the Act; and
 - (ii) notify the submitter parties of the post-exhibition changes to the amendment outlined in the report.

That officers advise all submitters of Council's decision.

11.2 Amendment C220 - Consideration of Submissions

Trim Record Number: D18/140133

Responsible Officer: Director Planning and Place Making

Purpose

1. The purpose of the report is to outline:
 - (a) the key themes in the submissions received during the exhibition of Amendment C220;
 - (b) officers response and recommended changes to the amendment in response to these key themes;
 - (c) the key recommendation that Council request the appointment of an independent planning panel to consider the submissions; and
 - (d) the next steps for advancing the amendment in accordance with the requirements of the *Planning and Environment Act 1987*.

Background

2. In May 2016, Council resolved to seek *authorisation* to prepare and exhibit Amendment C220 from the Minister for Planning. The Amendment sought to implement the Johnston Street Local Area Plan (JSLAP), which was adopted by Council in December, 2015.
3. The Amendment considered by Council in May 2016 proposed to:
 - (a) rezone sections of Johnston Street and Sackville Street from Commercial 2 Zone to Commercial 1 Zone;
 - (b) apply a Design Development Overlay (DDO15);
 - (c) introduce a Local Policy at Clause 22 that sets out the preferred future land use and character for the Johnston Street activity centre; and
 - (d) apply a new Heritage Overlay (HO505 – Johnston Street East) to cover the section of Johnston Street between Hoddle Street and the railway bridge (including the railway bridge).
4. The proposed DDO contained mandatory controls, including mandatory maximum building heights across the entire activity centre.
5. In March 2017, the Minister for Planning provided conditional authorisation (Attachment 1) which advised that the amendment could be prepared and exhibited if particular conditions were met. These conditions included a requirement for Council to “*limit the application of mandatory controls to confined locations where there are exceptional circumstances as outlined in Practice Note 60 – Height and Setback controls for Activity Centres.*”
6. Following receipt of the conditional authorisation officers prepared further built form analysis (Amendment C220 Supporting Document, October 2017) to identify where mandatory controls may meet the exceptional circumstances in the *Practice Note 60 – Height and setback controls for activity centres* (PN60) and other comments within the conditional authorisation letter from the Minister for Planning. This work had close regard to the principles that underpin the JSLAP and regard to recently approved permits where the JSLAP and appropriate building heights have been closely considered. This informed changes to Amendment C220.
7. On 31st October 2017, Council resolved to authorise officers to exhibit the revised Amendment C220 in accordance with Section 19 of the *Planning and Environment Act 1987*.
8. The amendment was exhibited from 16th November to 18th December 2017. All affected parties were notified and an information session was held on 29th November 2017. A total of 28 submissions were received.

9. In parallel with the exhibition, Council submitted a request to the Minister for Planning to introduce DDO15 and HO505 on an interim basis for 2 years. This request was supported and the Minister introduced both overlays into the Yarra Planning Scheme on 2nd March 2018 with one key change – a mandatory maximum height requirement was applied to 23-33 Johnston Street to manage the impacts on the adjacent Collingwood Arts Precinct.
10. The Johnston Street Activity Centre and this amendment forms part of an Activity Centre Pilot Project that the Department of Environment Water Land and Planning (DELWP) is undertaking to explore ways to improve and provide certainty in planning controls for activity centres, which may include changes to the practice notes on mandatory maximum heights.

Discussion

11. A total of 28 submissions have been received:
 - (a) 2 submissions are supportive of the amendment and seek no changes;
 - (b) 17 submissions are supportive of the amendment and seek changes;
 - (c) 7 submissions object to the amendment and seek changes; and
 - (d) 2 submissions seek changes.
12. Of the submissions:
 - (a) 15 were from planning consultants/developers;
 - (b) 8 were landowners with interests in the area;
 - (c) 3 were from residents;
 - (d) 1 submission from a community group (Collingwood Historical Society); and
 - (e) 1 submission was from Vic Roads.
13. The submissions that are supportive of the amendment are generally from planning consultants/developers and landowners who are supportive of the rezoning from Commercial 2 Zone to Commercial 1 Zone to enable greater residential development. Some submissions were also supportive of the introduction of the DDO to provide guidance on future built form.
14. The submissions objecting to the amendment were generally from planning consultants/developers who objected to the use of mandatory controls or to particular requirements in the DDO that affect their landholdings. There are, however, two objections from residents that consider the scale of development that could be allowed for in the DDO is too large.

Changes Sought to the Amendment

15. The changes being sought to the amendment can be grouped into a number of common themes:
 - (a) Objection to mandatory controls;
 - (b) Requirements to exceed preferred heights (with suggested changes);
 - (c) Objection to a height limit at all (whether preferred or mandatory);
 - (d) Interpretation of the height range for mid-rise development;
 - (e) Objection to taller buildings;
 - (f) Requests for a different sub-precinct control to be applied;
 - (g) Requests from landowners to be included in the amendment;
 - (h) Objection to 45 degree building envelope;
 - (i) Upper level side setbacks (on all sites);
 - (j) Request for greater setbacks for individually significant heritage buildings;
 - (k) Uncertainty on the requirements for corner sites;
 - (l) Object to HO being applied;

- (m) Objection to requirements for floor to floor ceiling heights at lower levels to support commercial development; and
 - (n) Protection of the Collingwood Arts Precinct.
16. In response to these themes and the specific submissions, officers have consulted with an urban design expert, a heritage expert and a legal advocate.
 17. Whilst officers have not been able to fully resolve submissions, officers have identified 'post exhibition' changes to the amendment, particularly DDO15, aimed at addressing elements of the submissions. Other changes are recommended to improve interpretation of the requirements in DDO15 and to incorporate recommendations from the experts where appropriate.
 18. A copy of the recommended 'post exhibition' version of DDO15 is provided in Attachment 3 (clean version) and Attachment 4 (track change version).
 19. Each theme is discussed in turn below. A summary of the submissions and officers response is provided in Attachment 2.

Objection to Mandatory Controls

20. The most significant theme in submissions is an objection to the inclusion of mandatory requirements in DDO15, particularly mandatory maximum overall building height requirements.
21. Submissions request that some or all of the mandatory controls be removed and replaced with discretionary controls. Submitters provide a range of reasons in support of their objection to the mandatory controls as follows:
 - (a) The lack of exceptional circumstances to justify the use of mandatory controls;
 - (b) The need for mandatory controls has not been demonstrated to be necessary to prevent unacceptable built form outcomes;
 - (c) Mandatory controls do not allow contextual design opportunities that respond to State and Local policy;
 - (d) Mandatory controls do not allow design flexibility and ensure optimum development outcomes can be achieved; and
 - (e) Mandatory controls are too inflexible and do not recognise differences in site context, design response and land use requirements.
22. All of these reasons relate directly to the advice in the State Government Planning Practice Notes 59 and 60 (see Attachment 6) which provide only limited support for mandatory controls from a State point of view and are a barrier to their introduction into the Yarra Planning Scheme.

Officers Response to Submissions

23. The purpose for applying a Design and Development Overlay (DDO) to this part of Johnston Street is to provide a greater degree of certainty in the face of current and future development pressure and to ensure appropriate built form outcomes for both heritage and non-heritage parts of the street.
24. Officers are aware that there is a push from sections of the community for greater certainty in the Yarra Planning Scheme regarding future development outcomes, particularly in Yarra's heritage rich activity centres. Mandatory controls offer the best opportunity to provide this certainty.
25. Throughout the preparation of DDOs across Yarra, officers have identified the likelihood of strong opposition to mandatory controls, particularly from developers, and the barriers presented by the current State Government Planning Practice Notes 59 and 60.
26. Officers have sought to pursue community aspirations for certainty, whilst managing opposition to mandatory controls, by targeting mandatory controls to the following specific locations:

- (a) In locations of intact heritage streetscape; and
 - (b) In locations with a sensitive interface with low scale residential properties where taller form could have adverse visual bulk and overshadowing impacts.
27. These are the locations where it is considered that the requirements of the State planning practice notes could be met and where the loss of flexibility in building design could be justified.
28. Officers remain of the view that the locations in Johnston Street that have been specified for mandatory controls in DDO15 remain suitable and can be justified.
29. Officers recommend that Council should continue to pursue mandatory controls at this time in Johnston Street given:
- (a) the known community desire for greater certainty in planning controls in Yarra;
 - (b) the fact the conditional authorisation from the DELWP identified that Council could consider a mix of mandatory and discretionary controls;
 - (c) the importance of this amendment to the pilot project exploring potential improvements and changes to provide certainty in planning controls for activity centres; and
 - (d) the potential for changes to the State Planning Practice Notes 59 and 60 in the life of this amendment that may remove barriers to the introduction of mandatory controls.
30. Officers recommend that no changes are made to DDO15 in response to submissions objecting to the use of mandatory controls. However, minor changes are recommended to be made to DDO15 to increase the setback above the street wall from a discretionary 3m to a discretionary 6m in precincts 2C, 2D, 2E and 2F – see Attachments 3 and 4. This change is recommended by the expert urban designer.

Requirements to Exceed the Preferred Height

31. A number of submissions from developers/landowners have challenged the inclusion of criteria for exceeding the preferred maximum overall building height. Some submissions object in principle to the criteria, some submissions object to specific criteria and some submissions seek to add new criteria. The key conclusion from the submissions is that developers/landowners consider that the criteria is too onerous.

Officers Response to Submissions

32. The criteria has been included in DDO15 to incentivise developments to comply with the preferred maximum building heights and to also ensure that taller development achieves a high standard of design outcome, including housing diversity, environmental sustainability and amenity. This approach of seeking improved design outcomes and community benefit when the preferred building height is exceeded is consistent with Strategy 17.2 of the current Yarra Planning Scheme.
33. The interim DDO15 that was approved by the Minister for Planning includes the criteria suggesting an acceptance of this form of control. Similar criteria have been supported by the planning panel for the amendment to introduce a DDO to the area of Arden Maccauley in the City of Melbourne.
34. Officers do not consider that the criteria are too onerous and recommend that the criteria be retained in DDO15 at this stage and tested further at a planning panel.

Objection to a height limit at all (whether preferred or mandatory)

35. There were two submissions that objected to there being a height limit applied (as it relates to their site) at all in DDO15.

Officers Response to Submissions

36. One of the key purposes of Amendment C220 and any DDO is to provide clarity on the preferred and/or mandatory maximum overall building heights of development that would be supported. The overall preferred and maximum building heights being proposed in the amendment have been based on thorough technical analysis and are a considered response to the context of the centre and future development opportunities.
37. Officers recommend that DDO15 continue to identify a preferred and/or mandatory overall building height for each property in the DDO area.

Interpretation of the height range for mid-rise development

38. Some submissions identify varying interpretations of the term “mid-rise” within the objectives in DDO15 and the implications it has for future maximum building heights. Some suggested that the indicative height range of 5 to 12 storeys could potentially be used to justify buildings up to 12 storeys throughout the centre.
39. One submission recommended that the height range be amended to 10 storeys given this is the maximum height identified in the DDO.

Officers Response to Submissions

40. Officers have used the term ‘mid-rise’ consistently across DDOs in Yarra to indicate the preferred scale and form of new development, and particularly to distinguish it from a ‘high rise’ development typology.
41. Including an indicative height range helps provide certainty about the preferred scale of development. It reflects the JSLAP and supporting background documents that demonstrate that properties could be developed to different heights owing to their attributes and their context. Officers do not agree that this allows development to go to the upper limit of the indicative height range. If this were the case, there would be no lower scale suggested and there would be no mandatory heights included in the DDO that would limit development to below this height.
42. Officers do agree with the submission that the indicative height range should be lowered to 10 storeys.
43. Officers recommend that changes should be made to DDO15 to amend the indicative height range in the objectives to 5 to 10 storeys – see Attachments 3 and 4.

Objection to taller buildings

44. Two resident submissions object to the requirements relating to the street wall height and overall building height of development. One submission objected to the height of development owing to its potential impact on their property, particularly solar access to their property in winter months. The other considered that the scale of recent development and the proposed heights was creating an extreme change to the current scale.

Officers Response to Submissions

45. Officers understand that proposed heights of new development would represent a significant change from the current scale of buildings in the area. However, the heights in DDO15 are consistent with the JSLAP that was subject to three rounds of consultation and are supported by expert urban designers. They are consistent with the scale of development being planned for across other centres in Yarra and more broadly across inner Melbourne.
46. DDO15 includes objectives and requirements to minimise impacts on the adjoining residential properties, including overshadowing impacts. Current standards for solar access to adjoining residential properties are based on the equinox. Changes to these standards would almost certainly not be supported by a planning panel or DELWP.
47. Officers recommend that no changes are made to DDO15 in response to submissions objecting to the proposed maximum street wall or overall building heights.

Requests for a different sub-precinct control to be applied

48. DDO15 has different controls for different sub precincts along Johnston Street to reflect the current qualities and the preferred future character of the different parts of Johnston Street. A number of submissions request that an alternative sub-precinct control apply to their site owing to their interpretation of the existing qualities or preferred future character. Often, these submissions seek changes that would allow them to develop to a greater height.

Officers Response to Submissions

49. Officers have reviewed these submissions closely with input from an expert urban designer.
50. Officers recommend that the following changes only should be made to DDO15 in response to the submissions – see Attachments 3 and 4:
- (a) amend the controls for 220-222a Johnston Street; 153-155 and 165 Sackville Street to reflect that these sites are currently in common ownership and should reasonably have the same provisions applied to all the properties; and
 - (b) change 288-296 Johnston Street from Sub Precinct 2D to Sub Precinct 2C to reflect the recommendations in the JSLAP and to acknowledge that the site does not share the same level of sensitivity at the rear interface as properties to the east in sub-precinct 2D.

Requests from landowners to be included in the amendment

51. A number of submissions are from properties that sit outside of the area affected by the Amendment and who wish to be included in the Amendment in order to have their property rezoned to Commercial 1 Zone.

Officers Response to Submissions

52. The boundary of the amendment reflects the recommendations of the JSLAP. It is not considered that there is strategic justification to include the additional properties and in some cases this would have adverse impacts.
53. Officers recommend that no changes are made to the extent of the land that is included in the amendment in response to submissions.

Objection to 45 degree envelope

54. DDO15 includes a requirement for development above the front street wall and above the rear wall to be set back and not protrude outside of a '45 degree envelope'.
55. A number of submissions object to this requirement and contend that it is not necessary to manage amenity impacts. The submissions also contend that the requirement is too restrictive and stifles flexibility and design innovation.

Officers Response to Submissions

56. Officers do not agree with the submissions and consider that the requirement is necessary to ensure development achieves the preferred future character and principles outlined in the JSLAP, notably:
- (a) a prominent (heritage) street wall;
 - (b) recessive upper levels;
 - (c) a human scale to development;
 - (d) solar access to the street; and
 - (e) a transition in setbacks and heights to low scale residential properties.
57. The importance of the requirement in achieving these principles, and a good built form outcome more generally, is supported by the expert urban designer.

58. The requirement is a discretionary one and is not mandatory. This means that development that does not completely comply with the requirement may be permitted as long as key design objectives and the preferred character are met. Officers consider that this gives sufficient flexibility and potential design innovation for developers whilst at the same time giving strong direction on the form of development that is needed to achieve the preferred character.
59. Officers recommend that the requirement for the '45 degree envelope' be retained in DDO15 and minor changes should be made to the wording of DDO15 to improve interpretation of the requirement – see Attachments 3 and 4.

Upper level side setbacks (on all sites)

60. Some submissions have objected to the requirement for setbacks from the side boundary where windows are proposed. The submissions contend that these setback requirements are unnecessary and would make development on some sites undevelopable as they are not of sufficient size to accommodate these setbacks.

Officers Response to Submissions

61. The setbacks from the side boundary are proposed to provide breaks between buildings at upper levels to avoid development overwhelming the street and to provide views to the sky from the street level. The setbacks also avoid the need for screening where two windows face each other, help to provide daylight to apartments and offices, and help to achieve equitable development outcomes. The expert urban designer has confirmed the importance of this setback.
62. The minimum setback distances of 4.5 metres and 3.0 metres are standards that are applied regularly by Council's Statutory Planning Team and by VCAT.
63. The requirements may make development unviable on a very small number of sites unless they are consolidated but officers consider that this is justified given the importance and value of the setbacks. Officers note that by including the requirement (that would likely be applied without the DDO) in the DDO this provides greater certainty to future developers and enables them to find solutions, notably through site consolidation.
64. Officers recommend that the requirements for upper level side setbacks be retained in DDO15 and minor changes should be made to ensure that these are consistently provided to minimise the visual bulk of developments – see Attachments 3 and 4.

Request for greater setbacks for individually significant heritage buildings

65. A submission from the Collingwood Historical Society requests that the setbacks for individually significant buildings be increased from 6 metres to 8 metres to reflect the version of DDO15 that was originally submitted for authorisation in May 2016.

Officers Response to Submissions

66. Council received a conditional authorisation in March 2017 that required a comprehensive review of the proposed DDO15 and a scaling back of the mandatory provisions was required to comply with the authorisation. Reflecting this authorisation, officers reviewed the adopted JSLAP. The JSLAP specifies a 6 metre setback for heritage buildings and the expert urban designer and the heritage expert have confirmed that a minimum 6 metre setback is appropriate.
67. Officers consider this to be an appropriate control that achieves the necessary balance between heritage protection and enabling new development that is required by panels, DELWP and the Planning Minister. Importantly, the control is a minimum setback so the controls do not prevent a greater setback being provided or required if considered necessary having regard to the heritage values in the Statement of Significance for the heritage place and to achieve the first objective of the DDO:

“To preserve the valued heritage character of the streetscape and ensure that the predominantly two storey Victorian and Edwardian-era heritage street-wall remains the visually prominent built form of Johnston Street west of the railway line bridge.”

68. Officers recommend that no changes are made to DDO15 to address submissions seeking an 8 metre upper level setback to individually significant buildings.

Uncertainty on the requirements for corner sites

69. Some submissions identified uncertainty on how the requirements for upper level setbacks would apply on corner sites.

Officers Response to Submissions

70. Officers recognise that there is ambiguity in how the requirements in DDO15 would apply to corner sites and also how the 45-degree is applied (the exhibited DDO only requires this from the front and rear of sites).

71. To address this, officers recommend that changes should be made to DDO15 to require that the street wall height “wrap” around corners into side streets in some situations, and include a requirement for a minimum 3 metre setback of upper levels above the street wall on side streets – see Attachments 3 and 4. This is supported by the expert urban designer.

Objection to introduction of heritage overlay

72. There was one submission objecting to the introduction of a new Heritage Overlay (HO505) east of Hoddle Street to the railway bridge due to the impact on the development potential of their property.

Officers Response to Submissions

73. The inclusion of properties east of Hoddle Street to the railway bridge was recommended in a report prepared by Context (expert heritage consultants) and has been supported by the heritage expert.

74. There was one submission, from Collingwood Historical Society, that supports the inclusion of these properties.

75. Officers recommend that no changes are made to the amendment to address submissions regarding the introduction of HO505 other than re-classifying 270 Johnston Street to “Not Contributory” as it has been demolished in the absence of an HO and an older permit application that has allowed demolition.

Objection to requirements for floor to floor ceiling heights at lower levels to support commercial development

76. One submission objects to the DDO including a requirement for minimum floor to floor heights of 4m in the lower two floors of developments (where heritage constraints permit) to support commercial development. They submit that such floor heights should only apply to the ground floor of Johnston Street.

77. They contend that such floor heights are not necessary or appropriate along Sackville Street as it does not exhibit the same commercial character as Johnston Street.

Officers Response to Submissions

78. Officers have included these requirements across the DDOs in Yarra to promote commercial development in the immediate term and to ensure that buildings are designed with the flexibility to support commercial development in the future. It is a common approach in DDOs across Melbourne and has been supported by planning panels and the Minister for Planning.

79. Whilst Sackville Street does have a different character, its proximity to Johnston Street and the Easey Street Employment Precinct makes it a suitable location for commercial development.

80. The requirement is discretionary and can therefore be varied if necessary to support viability of developments.

81. Officers recommend that no changes are made to DDO15 to address submissions seeking changes to the requirements relating to the provision of commercial space.

Protection of the Collingwood Arts Precinct

82. Tract Consultants have put in a submission on behalf of the “Contemporary Arts Precinct”, the body that manages the Collingwood Arts Precinct site at 35 Johnston Street. The submission requests changes to the proposed DDO and local policy (Clause 22.12) to protect the site from potential impacts (mainly overshadowing, as well as visual dominance) of future built form on neighbouring properties.
83. The CAP’s primary concern is the potential for new development to overshadow particular outdoor areas on the site that are proposed to accommodate community/public events related to the creative activities occurring on the site.

Officers Response to Submissions

84. Council officers acknowledge the aspirations of the CAP and the significant investment that has occurred in refurbishing the heritage buildings on the site, which is still in process.
85. The site was rezoned to the Special Use Zone (SUZ6) in 2017, as part of a Government Land Standing Advisory Committee process in order to facilitate the desired activities on the site by making a number of uses “as of right” under the Section 1 uses within the zone schedule, and identifying the site as being of “state significance”.
86. When the Minister for Planning approved the interim DDO15, a mandatory maximum height limit of 28m (8 storeys) at 23-33 Johnston Street was applied and a new objective was added:
“To ensure that new development does not compromise the operation of the state significant Collingwood Arts Precinct from unreasonable loss of amenity through visual bulk, overlooking, overshadowing and vehicle access.”
87. Officers consider that these changes would address the submission and should be supported.
88. Officers recommend that changes should be made to DDO15 to reflect the changes made by the Minister for Planning to ensure new development does not overshadow particular outdoor areas on the Collingwood Arts Precinct – see Attachments 3 and 4.

Submissions relating to the Amendment C220 Supporting Document dated October 2017

89. Submissions from Tract Consultants (submissions 17 and 20) comment on minor errors in the supporting document that should be corrected, as well as making some suggestions for changes.
90. A number of submissions, as well as the VCAT decision for 23-33 Johnston Street, also highlight that there is an opportunity to further reinforce the rationale for the design requirements within the DDO by drawing stronger links to the adopted JSLAP.
91. Officers recommend that changes should be made to the Amendment C220 supporting document to correct minor errors and make refinements to some diagrams and some text additions within the document.

Other Minor Changes to the Amendment

92. In reviewing the amendment, officers have reviewed the proposed local policy at Clause 21.12 to ensure that changes made to DDO15 in response to submissions, and expert advice, are also broadly reflected in the local policy. Only minor changes have been made to the proposed Local Policy at Clause 21.12 – see Attachment 5.
93. In response to the submission from VicRoads, changes have been made to the proposed planning scheme maps to remove both the Heritage Overlay and Design Development Overlay from road space managed by VicRoads. In addition to this a minor mapping error has been corrected in the proposed HO map – these changes are found in Attachment 6.

Next Steps

94. If Council resolves to request the appointment of an independent planning panel to consider the submissions and the changes to the amendment proposed as recommended, Planning Panels Victoria will arrange the panel hearing and invite the submitters to make further representations.
95. Following the planning panel hearing, the panel will prepare a report with recommendations for Council to consider. Officers will consider the report and provide advice to Council on the options available (see Options below).

External Consultation

96. The JSLAP was subject to consultation through three phases: initial consultation in the form of workshops in October 2011 to February 2012; consultation on a draft plan in June to July 2012; and consultation on a revised plan in early 2015. At each stage approximately 30 to 40 submissions were received on the draft plans.
97. Amendment C220 was exhibited from 16th November to 18th December 2017. All affected parties notified and an information session was held on 29th November 2017. A total of 28 submissions were received.

Internal Consultation (One Yarra)

98. Both the strategic and statutory planning teams in Council have been involved in the preparation of Amendment C220.

Financial Implications

99. There are fees associated with the planning panel process. These include: the costs and fees of the planning panel, the engagement of experts who provide evidence on behalf of Council, and legal representation.

Economic Implications

100. There are no economic implications of considering the submissions and referring the submissions to a planning panel.

Sustainability Implications

101. There are no sustainability implications of considering the submissions and referring the submissions to a planning panel.

Social Implications

102. There are no social implications of considering the submissions and referring the submissions to a planning panel.

Human Rights Implications

103. There are no known human rights implications.

Communications with CALD Communities Implications

104. There are no known CALD communities implications.

Council Plan, Strategy and Policy Implications

105. The DDO supports the following strategy in the Council Plan:

(a) Manage change in Yarra's built form and activity centres through community engagement, land use planning and appropriate structure planning processes.

Legal Implications

106. The approach outlined in this report is in accordance with the requirements of the Planning and Environment Act 1987.

Options

107. As the submissions seeking changes to the amendment cannot be resolved, Council has two options under Section 23 of the Planning and Environment Act 1987:

- (a) Refer the submissions to an independent planning panel; or
 - (b) Abandon the amendment or part of the amendment.
108. Officers recommend that Council resolves to request the appointment of a planning panel to consider the submissions and to provide recommendations to Council.
109. Following the planning panel, Council will have the opportunity to consider the amendment again with the benefit of the planning panel recommendations. At that point, Council would then have three options under the Planning and Environment Act 1987:
- (a) Adopt the amendment as exhibited;
 - (b) Adopt the amendment with changes; and
 - (c) Abandon the amendment or part of the amendment.

Conclusion








110. Council exhibited Amendment C220 and received 28 submissions. Some of the submissions support the amendment but many seek changes, a large number of which are competing changes.
111. As the submissions seek changes to the amendment that cannot be resolved to the satisfaction of all submitters, officers recommend that Council resolves to request the appointment of a planning panel in accordance with the Planning and Environment Act 1987. This will provide further advice to the Council.
112. Officers recommend that a number of 'post exhibition' changes should be made to the requirements and wording in DDO15 to respond: to address elements of the submissions; improve the interpretation of the requirements in DDO15, and to reflect the advice of experts.

RECOMMENDATION

1. That:
 - (a) note the officer report regarding the exhibition of Amendment C220;
 - (b) note the submissions received in respect to the exhibition period of Amendment C220;
 - (c) endorse the recommended changes to Amendment C220, including the recommended changes to DDO15 as shown in Attachment 3; and
 - (d) having considered the submissions received in relation to Amendment C220:
 - (i) request that the Minister for Planning appoints a panel to consider Amendment C220 in accordance with Section 23 of the Planning and Environment Act; and
 - (ii) notify the submitters of the post-exhibition changes to the amendment outlined in the report.
2. That officers advise all submitters of Council's decision.
3. That council receive a further report from officers after the Planning Panel report is received from Panels Victoria to enable further Council consideration of Amendment C220.

CONTACT OFFICER: Evan Burman
TITLE: Strategic Planner
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Attachments

- 1  Letter of Conditional Authorisation
- 2  Summary of Submissions and Officers Response to Submissions
- 3  Post Exhibition DDO15 (track changes included)
- 4  Post Exhibition DDO15 (clean version)
- 5  Clause 21 Policy
- 6  Map
- 7  Planning Practice Notes 59 to 60

11.3 Draft Access & Inclusion Strategy and Draft Active Healthy Ageing Strategy

Executive Summary

Purpose

To present to Council the:

- (a) Draft Active & Healthy Ageing Strategy 2018 - 2024;
- (b) Draft Access & Inclusion Strategy 2018 - 2024;
- (c) The first of two year draft Action Plans to be included with each draft Strategy; and
- (d) Seek endorsement to place the draft strategies and action plans on public exhibition and seek additional feedback, prior to final adoption by Council in October 2018.

Key Issues

Council is committed to supporting older residents and people with disability to live full and active lives. Older people and people with disability are a significant part of Yarra's diverse population and make an important contribution to our community.

The development of strategies and action plans that respond to the needs of citizens and identify how Council will work with the community is an important demonstration of this commitment.

Financial Implications

The development of the draft strategies and action plans has been undertaken in-house and through existing budget allocations.

The draft actions across 2018 – 2020 are funded primarily from within existing resources, reflecting the current budget cycle and the need to clarify future directions under the national aged care reforms. It is proposed to explore funding opportunities external to Council in some instances and propose new initiatives within the 2019 – 2020 budget.

PROPOSAL

It is proposed that Council endorse the draft Strategies and Action Plans to be placed on public exhibition for a four week period. Following the completion of the exhibition, final submissions, together with any proposed changes to the draft strategies and action plans will be presented to Council for final adoption on 16 October 2018.

11.3 Draft Access & Inclusion Strategy and Draft Active Healthy Ageing Strategy

Trim Record Number: D18/129798

Responsible Officer: Manager Aged and Disability Services

Purpose

1. To present to Council the:
 - (a) Draft Active & Healthy Ageing Strategy 2018 - 2024;
 - (b) Draft Access & Inclusion Strategy 2018 - 2024; and
 - (c) The first of two year draft Action Plans to be included with each draft Strategy.

Background

2. Council plays a special role in supporting older residents and people with disability to live full and active lives. Older people and people with disability are a significant part of Yarra's diverse population and make an important contribution to our community.
3. According to the 2016 Census, 24.7% of Yarra's population was aged over 50 years and 11% was aged over 65 years.
4. It is estimated that 14.8% of Yarra residents (almost 14,000 people) have a disability. Of those people, more than 3,000 residents reported needing help with their day-to-day lives.
5. The draft Active & Healthy Ageing Strategy 2018-2024 (AHA Strategy) and the draft Access and Inclusion Strategy 2018-2024 (A&I Strategy) will provide direction to Council over the next six years to reduce barriers and increase opportunities for people to participate in the life of their community.
6. The draft strategies and action plans have been developed within the following context:
 - (a) In 2016, Council signed the Municipal Association of Victoria's "Age-Friendly Victoria Declaration". The declaration commits to better planning for the creation of age-friendly communities and is underpinned by the World Health Organisation's "Global Age-Friendly Cities Guide";
 - (b) Local government plays a key role in supporting people with a disability to be involved in civic life, including decision making processes and finding employment in local government. All Victorian councils are required under the *Victorian Disability Act (2006)* to develop a strategy and action plan for how they will achieve this; and
 - (c) The social reforms of the National Disability Insurance Scheme (NDIS) and My Aged Care (MAC) have a significant impact on the role of local government in supporting people with disability and older residents. In light of the NDIS and MAC reforms, Council is reviewing its role in service delivery, and this may in turn influence the focus Council has on creating an accessible and inclusive Yarra.
7. The reforms will impact on Council's direct involvement in providing services for individual older residents and residents with disability. Council maintains a key role in planning; facilitation; community development and taking direct action relating to improving local infrastructure, and building the capacity of the community.
8. It is accepted that strong social connections and neighbourhood engagement are important to living well, and the draft strategies identify these areas as a priority for Council regardless of any changes to service delivery. The development of the draft strategies at this time has provided the opportunity for Council to review its role in supporting older residents and people with disability to live well in Yarra, and where and how it invests its resources into the future.
9. The key steps in the development of the draft strategies include:
 - (a) Review of previous strategies (achievements; strengths; outstanding issues);

- (b) Development of Background & Issues Papers;
- (c) Community, client, service provider and internal staff consultations;
- (d) Analysis of consultation outcomes; policy environment review (including alignment to aged and disability care reforms);
- (e) Preparation and endorsement of draft strategies and actions plans; and
- (f) Final public exhibition, consideration of any submissions and adoption by Council.

Active & Healthy Ageing - Age Friendly City approach

- 10. Under the Local Government Act 2010, Council has an important role in influencing community well-being and facilitating healthy, just and inclusive communities. Council planning, practices, policies and actions have a direct impact on how people live across all ages.
- 11. Council has a significant investment in supporting older people with a history of involvement with senior citizens centres, neighbourhood houses, community transport, meals, home and community care services, socialisation activities, recreation facility provision and programs, and support for clubs and organisations.
- 12. In 2016, the Commissioner for Senior Victorians released “Ageing is Everyone’s Business: A report on isolation and loneliness among senior Victorians”. The report examines the causes for loneliness and social isolation amongst older people, and proposes opportunities for tackling the problems with a joined-up approach. The report contends that local government has a “vital role as an enabler” of joined-up local community responses to isolation and loneliness and connecting local needs with local resources such as volunteering, use of venues and coordination support.
- 13. In 2016, Council signed the Municipal Association of Victoria’s “Age-Friendly Victoria Declaration”. The declaration commits to better planning for the creation of age-friendly communities and is underpinned by the World Health Organisation’s (WHO) “Global Age-Friendly Cities Guide”.
- 14. An age-friendly community is one that values the contribution of people 50+, and enables citizens to actively participate in all aspects of community life. In particular, an age-friendly city ensures people 50+ are free from age-related barriers that prevent community participation.
- 15. Age Friendly cities foster opportunities for older people to enjoy social and economic participation, good health, and a sense of belonging and contributing. To achieve this, partnerships between older people and government, community organisations, businesses, services and other agencies are critical in building the fabric of an Age Friendly City.

Access & Inclusion - a Social Model Approach

- 16. Australia has been a signatory to the United Nations Assembly *Convention on Human Rights of Persons with Disabilities (2006)* since 2008: The UN Convention affirms the right of all people with disability to an adequate standard of living and it guarantees equality, dignity, and liberty, and full and equal access to justice, education, quality healthcare and to participation in public and cultural life.
- 17. The principles of the UN Convention are reflected in the *Victorian Charter of Human Rights and Responsibilities Act (2006)* which provides a set of rights, freedoms and responsibilities that governments must observe when creating laws, public policy or delivering services.
- 18. As a public authority, Council is required and is committed to demonstrate that it has properly considered human rights in all its decisions when making laws, developing policy and providing services.
- 19. Local government plays a key role in supporting people with a disability to be involved in civic life, including decision making processes and finding employment in local government.
- 20. A Disability Action Plan is required (*Victorian Disability Act 2006*) to be developed by all Victorian Councils for the purpose of:

- (a) Reducing barriers for persons with disabilities accessing information, goods, services and facilities;
- (b) Reducing barriers to persons with disabilities obtaining or maintaining employment;
- (c) Promoting inclusion and participation in the community; and
- (d) Achieving tangible changes in attitudes and practices that discriminate against persons with disabilities.

External Consultation

21. The development of the draft strategies and action plans has been informed by the outcomes of an extensive community consultation process. The process and outcomes of the consultation was presented at the Councillor Briefing on 18 June 2018.

Living Well in Yarra Consultation

22. Living Well in Yarra utilised a variety of consultation processes to ensure a broad range of participation. Consultation occurred in a mix of formats and a multitude of locations throughout Yarra. On completion of the consultation stage, the following had been undertaken:

- (a) 252 individual surveys completed; two public forums; 12 workshops;
- (b) Seven pop up sessions/on-site visits (distribution of surveys); and
- (c) Consultation and survey details distributed to over 20 organisations and networks.

23. Members of the Active Ageing Advisory Committee (AAAG) and Disability Advisory Committee (DAC) participated through-out the development process providing advice and attending/participating in various consultations, including providing input and reviewing the draft strategies and action plans.

Active Ageing Advisory Group – Final feedback on draft A & HA Action Plan

24. Members of the AAAG provided written and verbal feedback on the draft Action Plan at its last meeting held on 9 August 2018 (AAAG had previously reviewed and endorsed the Strategy). This has resulted in the following additions to the draft Action Plan:

- (a) change terminology under Action 3.3.1, with removal of term 'frail aged'; and
- (b) Additional Outcome Measures included under Actions 8.1.1. and 8.1.2. to include reference to webpage links and E-newsletter.

Disability Advisory Committee – Final Feedback on draft A & I Action Plan

25. Members of the DAC provided written and verbal feedback on the draft Action Plan at its last meeting held on 14 August 2018 (DAC had previously reviewed and endorsed the Strategy). The DAC is supportive of the draft Strategy and Action Plan however is seeking additional actions within the following areas:

- (a) Additional actions focussed on supporting and providing employment opportunities within Council;
- (b) Addressing accessibility of housing to ensure all new housing meets the highest standard;
- (c) Improving access to shops and businesses;
- (d) Improving access to public events with temporary /accessible changing places facilities; and
- (e) Addressing access to public transport and parking bays.

26. It is proposed to review the actions relating to these areas in the action plan with relevant Branches during the public exhibition phase. Any proposed changes or additions would then be presented to Council, along with public submissions, at its meeting on 16 October 2018.

Key Consultation Themes

27. Key themes (Freedom; Life Experiences; Independence; and Knowledge) and issues for consideration were identified from the Living Well in Yarra Consultation, together with existing knowledge identified through the Background papers and research.
28. The top six key factors identified through the survey as impacting on the ability to access and be involved in the life of the Yarra community included:
 - (a) Physical health;
 - (b) Mobility;
 - (c) Walking paths/footpaths;
 - (d) Public transport (not accessible);
 - (e) Concern for personal safety; and
 - (f) Financial cost/stress.
29. It was also very clear that the majority of participants in the consultation phase placed a high value on Council's Parks and Gardens, Libraries, Leisure Centres, and Social and Community Programs and see these areas as important to living well in Yarra.

Survey of Residents receiving Commonwealth Home Support Program (CHSP) services

30. As part of the review of Council's future directions in the CHSP / My Aged Care service system, a research company was commissioned to undertake a telephone interview with clients of Council's CHSP, with a focus on clients receiving Home Care, Personal Care, Social Support, Individual and Respite Care, to understand their needs and concerns with regard to the national changes to funding and service delivery.
31. The sample consisted all of Council's English speaking clients along with clients speaking the top 5 community languages: Italian, Mandarin, Greek, Vietnamese and Cantonese (who were surveyed in their preferred language). A total of 379 participants (246 English speaking and 133 non-English speaking) completed the survey, giving a very high response rate of 74% overall.
32. Ten (10) key themes and issues for consideration regarding future directions as a result of My Aged Care Reforms were identified.
33. Of the ten key themes and issues for consideration regarding future directions, four aligned to what the community had said through the Living Well in Yarra consultation, and have direct relevance for consideration in the Active & Healthy Ageing Strategy and Access & Inclusion Strategy and associated Action Plans. These four key issues are:
 - (a) Knowledge of Change - A very high proportion of respondents (72%) answered that they 'don't know anything' about the upcoming changes to aged care services and only 5% felt they knew a lot;
 - (b) Access to Information - If they needed to find out more about the coming changes, about half of respondents said they would contact Council (with a quarter specifically naming Council's Aged & Disability Services). Just under 1 in 3 would talk to family or friends, however notably, among non-English speaking respondents it was closer to 2 in 3 (61%);
 - (c) Community Transport - Council providing more community transport options was considered very important to more than 1 in 3 respondents. About a quarter also valued exercise and socialisation programs highly as regular activities provided by Council; and
 - (d) Health Information - sessions were considered the most important from a list of one-off initiatives that Council could provide.

Draft Active & Healthy Ageing Strategy 2018 – 2024 – Attachment 1

34. The draft Active & Healthy Ageing 2018-2024 vision is for an Age Friendly Yarra, which is welcoming and inclusive of people of all ages. Encompassing the Age Friendly Cities Framework to ensure our community supports adults 50+ by designing policies, services and structures to ensure the physical and social environments of our City will enable people 50+ to live safely, enjoy good health and stay involved.
35. Key to living well in Yarra is the ability to independently access a variety of programs and support services which allow citizens to connect to other people and experience the health (mental and physical) benefits of socialisation and exercise. Key areas to address identified for inclusion in the Active & Healthy Ageing Strategy are:
 - (a) improve safety and accessibility for people 50+ to increase socialisation/participation in community life;
 - (b) embed Universal Design principles in new developments, increase social housing options and ensure equitable access to shops and amenities;
 - (c) improve people's sense of safety and wellbeing via raising awareness (promotion) and programming;
 - (d) increase safer access and improved mobility through public realm improvement;
 - (e) community inclusion opportunities and activities that can be easily accessed and cater for the diverse interests of residents aged 50+;
 - (f) ensure those that are wishing to access services/programs are able to do so (address financial, physical access and health barriers);
 - (g) empower the community through information (accessible formats, web accessibility, and how information is disseminated);
 - (h) reduce social isolation of people 50+ by removing barriers to social inclusion;
 - (i) increase independence and community connection through provision of volunteering opportunities; and
 - (j) provide variety of accessible channels of communicating information; i.e. apply "older person's" lens to all Council communication.
36. When analysing the feedback from the community consultation the issues raised by our community reflected the eight domain areas of the WHO Age-Friendly Cities Framework, with four key overarching themes emerging: Freedom, Life Experiences, Knowledge and Independence.
37. As a result, strategic goals included in the draft Active Healthy Ageing Strategy 2018 – 2024 correlate with the overarching themes identified during the consultation phase, and the eight domains of the WHO Age-Friendly Cities Framework. The eight domains and associated strategic goals will remain constant for the life of the plan and are as follows:
 - (a) Outdoor Spaces and buildings: People 50+ live in an environment that includes open spaces, buildings, public toilets, shaded areas and walkways that are safe and easy to navigate;
 - (b) Transport: People 50+ can get out and about, using a range of affordable, accessible and user friendly transport services;
 - (c) Housing: Housing options for people aged 50+ are affordable, secure, accessible and close to transport, shops and community services;
 - (d) Community Support and health services: People 50+ are supported to stay healthy, active and independent through community support and health services, including services responding to elder abuse and fraud;
 - (e) Civic participation and employment: People 50+ participate in employment, training, lifelong learning and volunteering opportunities and are engaged and involved in decision making;

- (f) Respect and social inclusion: People 50+ from all backgrounds are valued and appreciated, and no one is excluded based on race, geography, culture, language, sexuality, ability or socio economic status;
 - (g) Social participation: People 50+ are supported to be active in their community, doing the things they enjoy; and
 - (h) Communication and knowledge: People 50+ are able to access information they need in a variety of formats to stay informed and connected with their community, families and friends.
38. The draft Active & Healthy Ageing Strategy 2018-24 sets the future direction for Council in continuing to create an Age Friendly City. The draft strategy is underpinned by three action plans that each span two years. This allows for some agility in how Council will respond to the key themes in the context of a shifting service delivery environment.

Draft Access & Inclusion Strategy 2018 – 2024 – Attachment 2

39. The draft Access & Inclusion Strategy 2018-2024 and Action Plan was developed based on the social model of disability which views disability as a result of the way society is organised, societal attitudes and environmental barriers that may hinder the person with a disability, rather than the medical model which views disability as a “problem” that belongs to the individual.
40. Council’s planning, programs and operations will continue to focus on creating an enabling environment for people with disability through the social model.
41. Council recognises that barriers experienced by people with disability arise primarily from societal attitudes, structures and practices that prevent people with disability from experiencing equal status, economic participation and social inclusion.
42. The Access & Inclusion Strategy vision is for ‘an inclusive and accessible Yarra that enables people with disability to participate, contribute and be represented in our community as equal citizens’.
43. In creating an enabling environment, the social model recognises that these barriers, constructed by the society in which people with disability live, restrict their capabilities and opportunities by prejudice, discrimination, inaccessible environments and inadequate supports that have potential to be reversed.
44. A whole of community approach is required to empower people with disability to participate and contribute, feel valued, differences are respected, and where the needs of people are met so they can live with dignity.
45. Key areas to address identified for inclusion in the Access & Inclusion Strategy are:
- (a) improve safety and accessibility for people with disability to increase socialisation/ participation in community life;
 - (b) embed Universal Design principles in new developments, increase social housing options and ensure equitable access to shops and amenities;
 - (c) improve people’s sense of safety and wellbeing via raising awareness (promotion) and programming;
 - (d) increase safer access and improved mobility through public realm improvement;
 - (e) community inclusion opportunities and activities can easily be accessed and cater for the diverse interests of people with disability;
 - (f) strengthen the focus on creating an enabling environment for people with disability and ensure they can access appropriate support services/programs and are able to do so (address financial, physical access and health barriers);
 - (g) empower the community through information (accessible formats, web accessibility, and how information is disseminated);

- (h) reduce social isolation of people with disability by removing barriers to social inclusion; and
 - (i) increase independence and community connection through provision of employment and volunteering opportunities.
46. The feedback from the community consultation have been aligned to the *Victorian Disability Act* (2006) requirements, and with four key overarching themes emerging: Freedom, Life Experiences, Knowledge and Independence.
47. The strategies included in the draft Access & Inclusion Strategy correlate with the overarching themes identified during the consultation phase, and the social model of disability, and these key goals and strategies will remain constant for the life of the plan and are as follows:
- (a) Improve accessibility to infrastructure, facilities and amenities:
 - (i) promote and encourage the application of Universal Design and Universal Access within, and external to Council;
 - (ii) advocate to create an accessible, well-networked public transport system in the City of Yarra;
 - (iii) develop/extend incentive programs to local businesses to maximize their accessibility;
 - (iv) increase safe access and mobility through the public realm;
 - (v) improve accessibility to City of Yarra buildings and facilities, including ensuring adequate amenities are available (accessible toilets, seating etc.);
 - (vi) advocate and work collaboratively to ensure greater provision of accessible and affordable housing; and
 - (vii) create Neighbourhood's that are safe and promote a sense of belonging.
 - (b) Promote and encourage mainstream participation, representation and community leadership:
 - (i) provide and/or support the community to provide a diverse range of accessible community services and arts, cultural, sport and recreational activities and events that are creative and fun for all abilities and ages;
 - (ii) investigate opportunities and implement initiatives to address financial and transport barriers to access; and
 - (iii) ensure people with disability have the same opportunities as other people to participate in public meetings/consultations and events organised by the City of Yarra.
 - (c) Support employment and career development opportunities:
 - (i) work within Council, and with businesses and community groups to advance the rights of people with a disability to participate equally in the: Workforce, Education and Training, and Volunteering opportunities; and
 - (ii) enhance opportunities for people with disability to obtain and maintain employment with the City of Yarra; and
 - (d) Create welcoming and inclusive practices and culture:
 - (i) ensure information provided by Council is in a format (including pictorial) that will enable people with disability to access as readily as other people are able to access it;
 - (ii) develop and deliver initiatives to achieve positive changes in attitudes and structural discrimination about disability; and
 - (iii) raise community awareness of people living with invisible disabilities.

48. The draft Access & Inclusion Strategy sets the future direction for Council in creating an inclusive and accessible Yarra. As with the draft Active & Healthy Ageing Strategy, it will be underpinned by three Action Plans that each span two years. This allows for some agility in how Council will respond to the key themes in the context of a shifting service delivery environment.

Internal Consultation (One Yarra)

49. Concurrent with the community engagement and consultation stage Aged & Disability Services staff conducted a thorough consultation and engagement process with all areas of Council from September 2017 to June 2018. Information from the internal consultations assisted in developing the associated action plan aligned to each strategy.

Financial Implications

50. The development of the draft strategies and action plans has been undertaken in-house and through existing budget allocations.
51. The draft actions across 2018 – 2020 are funded primarily from within existing resources, reflecting the current budget cycle and the need to clarify future directions under the national reforms. It is proposed to explore funding opportunities external to Council in some instances and propose new initiatives within the 2019 – 2020 budget.
52. Actions requiring a financial commitment in future years (post 2019) will be proposed as part of the new initiatives process for those years.

Economic Implications

53. Making the Yarra community more accessible, inclusive and age-friendly is good economic sense. Good access and age friendly environments benefit everyone – families; young people and visitors. Benefits can include:
- (a) lower public and personal costs related to illness and health care;
 - (b) prevention or delayed onset of many chronic and preventable illnesses;
 - (c) added social and economic ‘value’ to communities when older people and people with disability are better able to contribute to and participate in their communities; and
 - (d) opportunity for Council, businesses and community groups to advance the rights of people with disability to participate equally in life, particularly with regard to employment.

Sustainability Implications

54. Project management will continue to incorporate green procurement policy and procedures as per Council policy. Environmental sustainability will be considered as part of the preparation and implementation of each of the three, two yearly action plans.
55. Many of the actions – improving pedestrian routes and walkability; encouraging use of community transport; providing local places to meet and greet, looking at opportunities for volunteering and advocating for better public transport support a “sustainable” Yarra.

Social Implications

56. Council plays a fundamental role in supporting people with disability and older people to live full and active lives. Both draft strategies focus on creating a more inclusive, accessible and connected community and recognise the strengths, capacity and wisdom of Yarra’s diverse community.

Human Rights Implications

57. The development of the draft strategies and action plans is consistent with the rights enshrined in the *United Nations Convention on the Human Rights of Persons with Disabilities* (2006) and the *Victorian Charter for Human Rights and Responsibilities* (2006).

Communications with CALD Communities Implications

58. Communication with CALD communities was addressed as part of the community consultation. Specific focus group sessions were conducted to include the voices of a broad cross section of the community and through Council's Advisory Committee's.
59. The survey of residents in receipt of CHSP services ensured participation of all residents from the five main community languages and it was pleasing to see this was achieved with a similar participation rate as with the English speaking cohort (75% participation rate).

Council Plan, Strategy and Policy Implications

60. The draft strategies are consistent with the 2017 – 2021 Council Plan, and align with the following objectives included in the Council Plan:
 - (a) Objective 1: A healthy Yarra- *'Community health, safety and wellbeing are a focus in everything we do'*;
 - (b) Objective 2: An inclusive Yarra- *'Inclusion, diversity and uniqueness are welcomed, respected and celebrated'*;
 - (c) Objective 6: A connected Yarra; *'Connectivity and travel options are environmentally sustainable, integrated and well-designed'*; and
 - (d) Objective 7: A leading Yarra- *'Transparency, performance and community participation drive the way we operate'*.
61. The draft strategies do not pre-determine any decision on Council's on-going role in service provision under the CHSP. The draft strategies do however provide a framework when considering Council's future role in service provision and where it may invest resources to support people with disability and older people.
62. There are a number of other Council strategies and plans that complement these draft strategies, including:
 - (a) 0 – 25 Plan (Family, Youth and Children's Services);
 - (b) Homelessness Strategy; Multicultural Strategy; and
 - (c) Annual Plan; Yarra Planning Scheme.
63. The two year draft Action Plans do not cover all issues raised in the consultation, and a number of issues have been referred to other areas in Council where these issues are being considered.

Legal Implications

64. There are no legal implications for consideration at this point.

Other Issues

65. Nil

Options

66. The option proposed is for Council to endorse the draft strategies and action plans for public exhibition.

Conclusion

67. The community consultation sought input on what constitutes "Living Well in Yarra" and to obtain feedback from residents on issues of importance. Combined with knowledge from past strategies, identification of emerging issues and input from Council's Disability Advisory Committee and the Active Ageing Advisory Committee, the draft strategies endeavour to set key directions for the next six years.
68. The framework for the Active & Healthy Ageing Strategy reflects:
 - (a) The eight domains of the WHO Age-Friendly cities framework, encompassing Outdoor Spaces and Buildings; Transport; Housing; Community Support and Health Services;

Civic Participation and Employment; Respect and social inclusion; Social Participation and Communication and Knowledge;

- (b) Council's commitment, through signing the Municipal Association of Victoria's "Age-Friendly Victoria Declaration", to planning for the creation of age-friendly communities; and
- (c) The overarching themes identified locally, being Freedom; Life Experiences, Knowledge and Independence.

69. The framework for the Access & Inclusion Strategy reflects the:

- (a) Principles of the UN Convention reflected in the *Victorian Charter of Human Rights and Responsibilities Act (2006)* which provides a set of rights, freedoms and responsibilities that governments must observe when creating laws, public policy or delivering services;
- (b) *Victorian Disability Act 2006*, requiring Council's to:
 - (i) reduce barriers to accessing information, goods, services and facilities;
 - (ii) reduce barriers to obtaining or maintaining employment;
 - (iii) promote inclusion and participation in the community; and
 - (iv) achieve tangible changes in attitudes and practices that discriminate against persons with disabilities; and
- (c) Overarching themes identified locally, being Freedom; Life Experiences, Knowledge and Independence.

70. The draft Action Plans identify key commitments from a whole of organisation perspective to address the issues identified through the planning process. The draft Action Plans cover an initial two year period. This period aligns with Branch and annual budget planning processes and allows for some agility in how Council will respond to the key themes in the context of a shifting service delivery environment.

71. The responsibility for implementing actions will sit with relevant Council Branches, and this will support age-friendly, inclusive and accessible principles to be further embedded across Council. The plans will be monitored through Council's Advisory Committees, and with an annual evaluation conducted.

RECOMMENDATION

1. That:

- (a) Council endorse the draft Active Healthy Ageing Strategy & Action Plan and the draft Access & Inclusion Strategy & Action Plan to go out for public exhibition for a four week period; and
- (b) Following the completion of the public exhibition phase, any final submissions, together with proposed changes be presented to Council for final adoption of the draft strategies and action plans on 16 October 2018.

CONTACT OFFICER: Cheryle Gray
TITLE: Coordinator Community Planning
TEL: 9205 5175

Attachments

- 1⇒ Draft Active Healthy Ageing in Yarra Strategy 2018 - 2024
- 2⇒ Draft Access Inclusion Strategy 2018 - 2024 and Action Plan 2018 - 2020

11.4 NELA Project - Proposed MoU

Trim Record Number: D18/137016

Responsible Officer: Director Planning and Place Making

Purpose

1. For Council to authorise the CEO to sign a Memorandum of Understanding with North East Link Authority (NELA) concerning officer participation in NELA meetings.

Background

2. The North East Link Authority (NELA) is progressing with its design and development of the North East Link (NEL) project based on the State Government decision to adopt corridor Option A (which connects EastLink to the M80 via the Eastern Freeway, Bulleen Road and a tunnel to Greensborough Road).
3. The NELA project scope of the works also includes creation of dedicated bus lanes along the Eastern Freeway between the Doncaster Park and Ride and Hoddle Street, Part of these works will be in Yarra.
4. Yarra officers have been invited to participate in various technical working groups. This provides an opportunity to review and assess the impact of the project on works such as sustainable transport infrastructure and urban design elements within Yarra. Other elements include heritage, environment and landscape.
5. To further accommodate Council officers' input into the project design, NELA has requested that Council's CEO enter into a Memorandum of Understanding (MoU) with the Authority. The MoU outlines the guiding objectives for the co-operation, co-ordination and support that NELA and Council will commit to provide in relation to the Project. It is attached as Attachment 1.
6. While the North East Link project will have an impact on Yarra, it also provides an opportunity to advocate for enhancements to achieve some benefits for the Yarra community, such as increased sustainable transport infrastructure along and across the project, and to protect the potential outcome of a rail link to Doncaster.
7. It is therefore recommended that Council authorise the CEO to sign the MoU, to enable both parties to work collaboratively to achieve the best possible outcome for the Yarra community.

External Consultation

8. No external consultation has been undertaken.

Internal Consultation (One Yarra)

9. No internal communications has been undertaken.

Financial Implications

10. There are no financial implications in signing the MOU.

Economic Implications

11. There are no economic implications in signing the MOU.

Sustainability Implications

12. Signing the MOU will allow officers to more effectively advocate for increased sustainable transport infrastructure to be included in the scope of the project.

Social Implications

13. There are no social implications in signing the MOU.

Human Rights Implications

14. There are no human rights implications in signing the MOU.

Communications with CALD Communities Implications

15. There are no CALD communities implications in signing the MOU.

Council Plan, Strategy and Policy Implications

16. Signing the MOU will allow officers to more effectively advocate for Doncaster rail compatibility in the design criteria of the NELA project.

Legal Implications

17. There are no known legal implications.

Other Issues

18. There are no other issues.

Options

19. Council may determine whether or not to authorise the CEO to sign the MOU.

Conclusion


20. Authorising the CEO to sign the NELA MOU will allow officer to be able to assess all available project information, and advocate in accordance with actions outlined in Council's Plan.

RECOMMENDATION

1. That Council:
 - (a) note the report of officers regarding the Memorandum of Understanding (MoU) proposed by the North East Link Authority (NELA);
 - (b) note the proposed MoU as shown in **Attachment 1**; and
 - (c) authorise the CEO to sign the MoU with NELA.

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TITLE: Assistant Director Planning and Place Making
TEL: 9205 5300

Attachments

1  Memorandum of Understanding - NELA

12.1 Notice of Motion No.11 of 2018 - Support for the 2018 Movember Campaign

Trim Record Number: D18/140104

Responsible Officer: Group Manager Chief Executive's Office

I, Councillor Misha Coleman, hereby give notice that it is my intention to move the following motion at the Ordinary Meeting of Council to be held on 21 August 2018:

1. *That in this fifteenth year of The Movember Foundation dedicating itself to tackling men's health, Council express its support for the 2018 Movember campaign.*
2. *That Council authorise officers to meet with representatives of The Movember Foundation and commit Council to support the campaign, including (but not necessarily limited to):*
 - (a) *granting permission to hang a 'Giant Mo' at Richmond Town Hall;*
 - (b) *supporting the campaign through Council's Yarra News, Yarra Life e-newsletter Council website and social media channels;*
 - (c) *placing promotional material in Council's Customer Service Centres; and*
 - (d) *adding a moustache to the Council website profile pictures of Councillors and the Executive Team throughout the month of November;*

provided that such support comes at a minimal cost to Council.

BACKGROUND

The Movember Foundation is a world-wide charity with a mission to change the face of men's health on a global scale, and tackling the subject on a year round basis. The architecture of the now 15 year old Movember campaign was the vision of two men who were then and still remain Yarra residents.

The goals of the Movember campaign closely mirror the principles in the City of Yarra's Council Plan and its Health and Wellbeing Strategy.

The Movember Foundation have approached the City of Yarra with a proposal to support the 2018 Movember campaign and to assist them in raising awareness and understanding of prostate cancer, testicular cancer, mental health and suicide prevention.

RECOMMENDATION

1. That in this fifteenth year of The Movember Foundation dedicating itself to tackling men's health, Council express its support for the 2018 Movember campaign.
2. That Council authorise officers to meet with representatives of The Movember Foundation and commit Council to support the campaign, including (but not necessarily limited to):
 - (a) granting permission to hang a 'Giant Mo' at Richmond Town Hall;
 - (b) supporting the campaign through Council's Yarra News, Yarra Life e-newsletter Council website and social media channels;
 - (c) placing promotional material in Council's Customer Service Centres; and
 - (d) adding a moustache to the Council website profile pictures of Councillors and the Executive Team throughout the month of November;

provided that such support comes at a minimal cost to Council.