



Ordinary Meeting of Council Agenda

**to be held on Tuesday 22 May 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.

www.yarracity.vic.gov.au

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)
- Chris Leivers (Director – City Works and Assets)
- Adrian Murphy (Acting Director - Community Wellbeing)
- Jane Waldock (Acting Director - Planning and Place Making)
- Mel Nikou (Governance Officer)

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

4. Confidential business reports

Nil

5. Confirmation of minutes

RECOMMENDATION

That the minutes of the Ordinary Council Meeting held on Tuesday 8 May 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;
- 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 Amendment C225 - 351 Church Street Richmond - considering submissions	6	15	David Walmsley - Manager City Strategy
11.2 Open Data Policy	17	19	Margherita Barbante - Manager Information Services
11.3 Proposed Discontinuance of Road adjacent to 506-510 Church Street, Cremorne	20	22	Graham Wilsdon - Coordinator Valuations
11.4 Supplementary Report on Assemblies of Councillors	23	24	Ivan Gilbert - Executive Manager - Chief Executive's Office

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 6 of 2018 - Submission re Planning Application 701 Park Street Brunswick	25	25	Mike McEvoy - Councillor

13. Urgent business

Nil

11.1 Amendment C225 - 351 Church Street Richmond - considering submissions

Trim Record Number: D18/53997

Responsible Officer: Senior Coordinator Strategic Planning

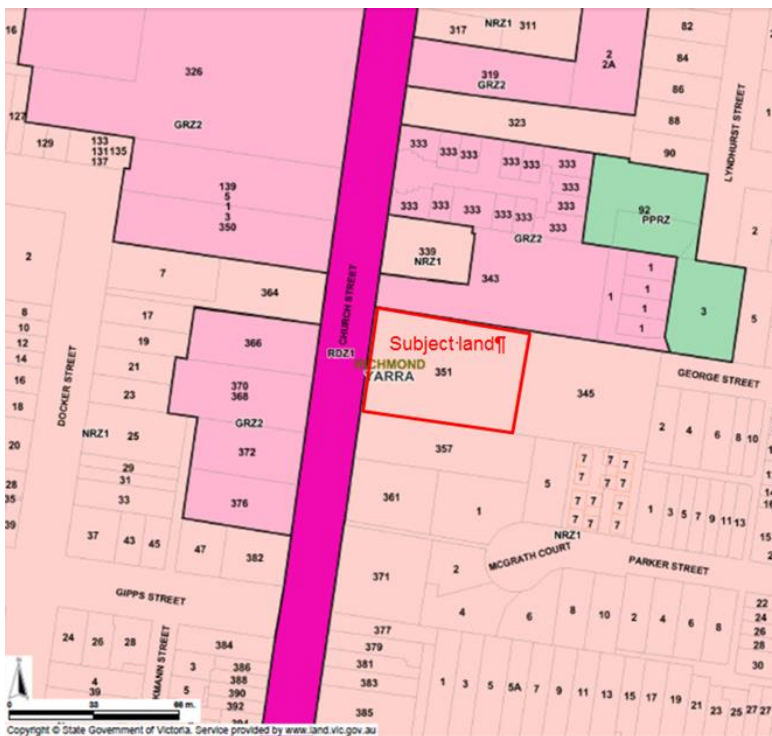
Purpose

1. The purpose of this report is to outline submissions responding to the proposed Amendment C225. Council must decide whether to agree to or resolve the submissions, or refer them and the Amendment to an Independent Panel for review.
2. The Amendment uses Clause 52.03 of the Yarra Planning Scheme to introduce an Incorporated Document to allow a particular development as shown in the plans specified in the Incorporated Document. The proposed development at 351-353 Church Street, Richmond is a 5 storey purpose-built residential aged care facility, operated by Mecwacare, a not for profit agency. The amendment would create an exemption from the mandatory 9m height control in the Neighbourhood Residential Zone which applies to the land.

Background

Amendment Request

3. Council received an amendment request from Urbis Pty Ltd on behalf of Mecwacare on 3 November 2016. Mecwacare is a not-for-profit aged care provider that currently operates the ‘Rositano House’ facility at 273 Church Street, Richmond, providing 30 residential places. The facility, currently being refurbished, has a long waiting list of people requesting the support of its services. The residents of Rositano are from a long term “old Richmond”, or CALD or LGBTI background. All are from backgrounds of disadvantage, most have mental illness and alcohol or drug related disorders or dementia. Most residents are in transition through the palliative care phase of life.
4. On 29 April 2016, the Australian Government Department of Health granted Mecwacare the provisional allocation of 100 places to provide residential aged care services at 351-353 Church Street, Richmond.
5. The land is on the east side of Church Street, Richmond, just south of St Ignatius church.



6. The area includes a mix of 19th Century detached and terrace housing, more recent multi-dwelling development and some institutional and specialised accommodation – 357 and 345 Church Street are both short term accommodation. The land is currently occupied by a residential hotel.
7. Building heights in the immediate area range from single and 2 storey to a 7 storey building at the rear of the subject land (345 Church Street).
8. The amendment would create an exemption from the mandatory 9m height control in the Neighbourhood Residential Zone which applies to the land. This is done using Clause 52.03 of the Yarra Planning Scheme. The Amendment would introduce a proposed Incorporated Document (Attachment 1), which would allow a particular development as shown in the architects plans specified in the Incorporated Document (see Attachment 2).
9. The Incorporated Document would operate like a planning permit, allowing the proposed development subject to a range of conditions. If the purpose-built multi-level residential aged care facility, as set out in the Incorporated Document, is not constructed then the underlying zoning controls would apply to any other development.
10. The land is in Heritage Overlay - HO315 - 'Church Street Precinct, Richmond'. A pair of individually significant terrace houses is located on the subject land close to the Church Street frontage and will to be retained as part of the proposed redevelopment. The 2 terraces were consolidated in 1917 to provide accommodation for the YWCA.

Assessment of the proposal – before exhibition

11. Council officers' initial assessment considered urban design issues (building bulk, height, off-site and internal amenity impacts) and heritage. Expert advice was sought in relation to urban design and heritage impacts. This resulted in significant changes between December 2016 and November 2017. The changes resulted in:
 - an overall reduction in the scale of the residential aged care facility to 79 rooms
 - greater upper level set-backs
 - alterations to the design and appearance of the new five storey building.
12. The overall building height did not change significantly through the revisions. The height is 5 storeys including the ground floor, plus roof top plant facilities. The height of the new building at the rear of the heritage buildings ranges from 18.3m near the existing terraces to 20.3m plus 2.6m for the plant room on the roof at the rear. The height above ground level increases towards the rear, eastern end of the land because the land slopes down from Church Street to the rear boundary.
13. The strategic justification for the Amendment is based on the demand for and community benefit from the aged care services. This is consistent with recent VCAT decision (Brotherhood of St Laurence v Yarra CC [2016] VCAT 1648), which used the concept of community benefit to justify allowing a proposal which would normally not meet some Planning Scheme requirements or policies. Further discussion is outlined in a separate section below. The primary impacts of the development, and aspects which would not normally meet Planning Scheme requirements were heritage and urban design issues.

Heritage

14. The Amendment application included a 'Heritage Appraisal: Richmond Hill Hotel, 351-353 Church Street, Richmond' (October 2016) and subsequently Heritage Impact Statement entitled 'Richmond Hill Hotel' prepared by Lovell Chen, Architects & Heritage Consultants (dated May 2017) (HIS). The HIS was requested by Council after a preliminary assessment of the application in December 2016.
15. In assessing the new development, the HIS notes that the proposed facility does not comply with the sight line heritage provisions in Clause 22.02 of the Yarra Planning Scheme. It goes on to consider the proposal against Clause 10.04 'Integrated Decision Making' of the Victoria Planning Provisions which seeks "...to balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations". It is in the context of broader community benefits that Lovell Chen concludes,

on balance, that the development is acceptable in heritage terms (HIS). A later Memo from Lovell Chen 7 December 2017 on the specific issue of Clause 22.02 concludes:

'In some respects, the proposal challenges the expectations of the Planning Scheme. It will be a visible addition to an 'individually significant' heritage place. That said, as far as possible, the proposed facility has been designed to defer to the heritage building fabric, through the use of a muted colour palette, simple, contemporary and interpretive architectural form and deep upper level setbacks. Critically, from a heritage perspective, the terrace will continue to be understood as mid-nineteenth century building in the Church Street streetscape.'

16. The extent of the non-compliance with Clause 22.02 is shown on plan TP20 in Attachment 2. These show the upper levels of the new building are significantly above the sight-line tests in Clause 22.02. The impact of this non-compliance is off-set by the distance from the Church Street frontage which is 33.5 metres. Expert advice to Council from GJM Heritage consultants generally concludes that the non-compliance is acceptable in the context of the large set-back and the overall design of the proposal.
17. The proposal has been assessed by GJM Heritage (Council consultants) who advised that the final revised proposal (November 2017) was acceptable from a heritage perspective, because:
 - (a) two heritage significant terrace houses on the subject land are retained;
 - (b) the massing of the new rear development is generally acceptable given the setback of the taller form from the terraces and highly variable built surroundings; and
 - (c) façade detailing and proposed matt finish colours reduce the visual prominence of the new built form.
18. A higher than normal palisade fence is proposed for security and safety reasons associated with the aged care use of the site.

Urban design

19. David Lock Associates (DLA), Council consultants, has assessed the urban design aspects of the proposal. Key issues included the compatibility of the design with the urban character of this part of Church Street, amenity impacts on adjoining sites and performance of the development measured against the relevant parts of Res-Code.

Character

20. The DLA assessment of the revised proposal indicated:

The existing character of the context consists of a number of residential buildings of varying height. In this part of Church Street there are a number of 3-4 storey buildings, which exceed the mandatory maximum height that applies to the site (in the zone). The proposed building is 5-6 storeys high, which exceeds the prevailing height of the buildings. However, the plans show that the proposed new building is setback approximately 25.8m from the front boundary, behind the existing heritage dwelling and the existing mature trees within the front setback are proposed to be retained. As a result, the existing heritage building will remain the dominant element within the streetscape.

Given that the proposed building is well set-back, its visual presence will not disrupt the existing character, when viewed from the street. Additionally, the retention of the tall canopy trees within the front setback will further ameliorate any additional height effects, when viewed from Church Street.

Off-site amenity impacts

21. The DLA assessment considered a range of impacts on the adjoining properties immediately to the north and south of the subject land (343 and 357 Church Street) and to a lesser extent to the taller building to the east at 345 Church Street (YWCA – Richmond House). These impacts relate to visual bulk, overlooking and overshadowing. The initial assessments led to a range of modifications to the design, including a sloping upper level set-back on the south

side of the development, alterations to minimise overlooking and clarification of the floor layouts and use of the adjoining buildings.

22. As a result of the changes to the design DLA are satisfied that the amenity impacts were acceptable.

Other statutory planning issues

23. The purpose and mechanisms in the Amendment work like a form of planning permit. The proposals have been assessed by internal Council officers as if it was a permit application. The issues raised with the proponent during initial assessment included: the design and quality of landscaping in the street front area between the existing terraces and Church Street, including an arborists report on existing trees, provision of bike parking and support facilities and the quality of the internal layout and design from an ESD perspective.

Community benefit

24. Assessment of community benefit relates to recent VCAT decisions including an aged care facility in Clifton Hill (*Brotherhood of St Laurence v Yarra CC* [2016] VCAT 1648). That decision points to the importance of how net community benefit is assessed and makes a very clear distinction between conventional 'for profit' aged care facilities and services like the Brotherhood which address special issues of disadvantage and disability.
25. The *Residential Aged Care - A Snapshot of Homes in the City of Yarra in 2015* (report prepared by Council officers in Aged and Disability Services) noted that there is a significant shortfall in the number of residential aged care beds to cater for growing demand in the City of Yarra. It noted that:
- (a) a major factor impacting on the provision of residential care in the inner city has been land prices coupled with the service model requiring 100 plus bed facilities;
 - (b) City of Yarra has 304 beds which is significantly below (166 less beds) the national planning standards;
 - (c) the number of beds has also decreased approximately 130 since 2007;
 - (d) unless bed/facility numbers are increased – by 2025 (based on projected population) City of Yarra will be almost 50% under required operational numbers; and
 - (e) there is significant demand in the Richmond area for quality residential aged care, with ageing residents of the numerous public housing units in the area in need of aged care with specialised capability in caring for those with complex needs.
26. The exhibited proposal was assessed in terms of:
- (a) the target population for the facility;
 - (b) how it will address disability and / or disadvantage;
 - (c) subsidised care for disadvantaged groups;
 - (d) the mix of subsidised care to non-subsidised care; and
 - (e) how the proposed development relates to the Federal funding.
27. Recent information from the State Government indicates:
- (a) there is a continuing growth in demand for residential aged care facilities;
 - (b) in the inner metropolitan region meeting this demand is complicated by increasing land values and a trend to provide residential aged care facilities in taller and denser forms which reduce the relative land cost; and
 - (c) the State department (DELWP) is investigating ways to make it easier for residential aged care facilities to obtain development approval, including exempting these facilities from current mandatory height restrictions.
28. Information provided by Mecwacare, which has been reviewed by officers in Council's Aged and Disability Services, indicates that they have a strong focus on supporting people from

disadvantaged and lower socio-economic backgrounds and from within at risk or high need cohorts, in particular:

- (a) they currently support 65% subsidised and 35% non-subsidised residents and they will continue to offer this mix of subsidised to non-subsidised care to its clientele in Victoria; and
 - (b) the beds have been allocated by the Federal Government to be used for the care of people who are from CALD, LGBTI, veterans and people living with dementia.
29. In general terms the current proposal demonstrates a positive community benefit. It is consistent with the recent precedents using community benefit as a justification for allowing a development which would not otherwise comply with Planning Scheme requirements. The proposal is for a not-for-profit service which would provide subsidised and specialised care for the local community.

Council Decision to Prepare and then Exhibit Amendment

30. Council considered a report about the proposed Amendment at the meeting, 19 December 2017, and resolved:
1. *That Council:*
 - (a) *note the officer report on the proposed request by Mecwacare for an amendment to the Yarra Planning Scheme in relation to the site known as 351 Church Street, Richmond;*
 - (b) *note the contents of the officers report on Amendment C225 which seeks to use Clause 52.03 of the Yarra Planning Scheme to introduce an Incorporated Document to create an exemption from the mandatory 9m height control in the Neighbourhood Residential Zone to permit a 5 storey purpose-built residential aged care facility managed by Mecwacare being a not for profit organisation providing care for disadvantaged persons; and*
 - (c) *seek authorisation from the Minister for Planning to prepare Amendment C225 to the Yarra Planning Scheme in accordance with section 8A of the Planning and Environment Act 1987.*
 2. *If authorisation is granted by the Minister for Planning, officers prepare to exhibit Amendment C225 in accordance with Section 19 the requirements of the Planning and Environment Act 1987.*
 3. *That subject to clause 2 above, note that the community consultation during the exhibition and consideration of the proposed amendment will include:*
 - (a) *public exhibition of the proposed amendment for one calendar month, in accordance with the requirements of the Planning and Environmental Act 1987;*
 - (b) *notification letters detailing information about the proposed amendment and how to make a submission sent to each affected owner and occupier;*
 - (c) *provision of fact sheets with information about the amendment and the consideration process;*
 - (d) *consideration of community submissions with a report provided to Council;*
 - (e) *hearing community submissions and consideration of any recommended changes at a Council meeting; and*

Authorisation

31. Authorisation was granted 10 January 2018 with no significant changes to the Amendment.

Exhibition

32. Exhibition commenced on Monday, 26 February and finished at 5pm, Monday, 2 April 2018. Owners and occupiers of properties at 407 addresses in the adjoining area were notified by

direct mail. This included all properties which would be likely to see the new structure and be impacted by the proposed development.

33. The mail notification included a:
 - (a) covering letter;
 - (b) fact sheet outlining the proposed Amendment and how to respond (Attachment 3); and
 - (c) formal Notice as required by the Planning and Environment Act 1987.
34. In addition to the mail notification, exhibition included:
 - (a) a sign at the Church Street frontage of the site;
 - (b) a notice in The Age newspaper, 26 February 2018;
 - (c) a notice in the Government Gazette, 1 March 2018; and
 - (d) information about the Amendment on the City of Yarra website from 26 February including:
 - (i) plans of the proposed development;
 - (ii) all the Amendment documents; and
 - (iii) all supporting documents submitted by the proponent.

Submissions

35. Council has received seven submissions. These are summarised in Attachment 4. The submissions were from:
 - (a) residents and owners of dwellings nearby (five submissions) - objecting to the amendment;
 - (b) the YWCA which operates 345 Church Street, Richmond (known as 'Richmond House') – objecting to the amendment and specific amenity impacts on Richmond House; and
 - (c) Urbis on behalf of the proponent, Mecwacare in support of the amendment and proposing a minor change to the Incorporated Document.

Issues raised in submissions

Residents and owners of dwellings

36. The five submissions from residents and owners of nearby dwellings objected to the amendment for the following reasons:
 - (a) sets an inappropriate precedent;
 - (b) the development could be located in a more appropriate location;
 - (c) the building height is too high for the location;
 - (d) questions the 'not-for-profit' nature of the proponent;
 - (e) there is not enough car parking;
 - (f) the road access for emergency vehicles is inadequate;
 - (g) the development does not fit the character of the area and will detract from Saint Ignatius Church;
 - (h) the development is not consistent with the heritage overlay and heritage character;
 - (i) the amendment would undermine certainty in the Planning Scheme provisions; and
 - (j) the development will dominate the outlook from nearby dwellings.

Response

37. All these submissions object to the proposal as a whole and do not propose changes which might make it acceptable to the submitter. If Council decided to agree with these submissions it would, by implication, mean that the Amendment should be abandoned.
38. Council must either agree with these submissions and abandon the Amendment or refer the Amendment to a Panel for assessment and review.

YWCA – Richmond House

39. The submission objects to the proposed development for the following reasons:
 - (a) it will cause adverse impacts on access to Richmond House for pedestrians and vehicles; and
 - (b) it will impact on the amenity of Richmond House residents, due to:
 - (i) “The visual bulk, height and mass of the proposed 6 storey building on the subject site; and
 - (ii) The overshadowing impacts on ground level private open space, especially on the west and south west portions of the property being outdoor areas well utilised by our residents.”

Response

40. This submission includes specific suggestions for changes to the proposed development which would (from the submitter’s perspective) mitigate the amenity impacts.
41. Council and the proponent may consider the potential for changes to the proposed development generally as suggested by the YWCA. Potential modifications to the development plans could be considered as part of a Panel process and through negotiation and agreement between the YWCA, the proponent and Council.

Urbis on behalf of Mecwacare – minor changes to the proposal

42. The Urbis submission indicates ‘Mecwacare wishes to make a submission and be heard at the panel hearing for this matter.’ The submission notes:

‘Critically, C225 delivers on the following:

- social and community benefit by enabling the development of a state-of-the-art facility that will provide critical support services to Yarra’s aged population and will address the growing need for residential aged care facilities in the municipality; and
- an architecturally considered built form outcome that, in addition to the community benefit, will restore the existing heritage building and construct a new contemporary addition that responds to the site’s heritage sensitivities and protects the amenity of surrounding properties.

‘Given that there is revised material forming the basis of exhibition, it is considered that the proposed Incorporated Document should be updated to reflect the changes made. To that end a tracked change version of the proposed Incorporated Document is appended to this submission.’

43. The revised Incorporated Document includes the following additional item for amended plans (at 4.2.1):

‘c) An updated finishes schedule which is to provide white or pale finishes to the elevations.’

Response

44. The proposed change to the appearance of the new building in the Urbis submission, was in response to some concerns raised about the appearance of the new building discussed at the Council meeting 19 December 2017.

45. Council's heritage consultants (GJM Heritage) provided written advice in July 2017, that indicated:

The proposed white colour of the metal cladding on the new upper level built form is likely to provide a stark contrast with the existing heritage fabric and the surrounding area. While we agree that standing seam metal cladding is appropriate, it is our view that a more recessive matt finish and zinc-grey colour be considered to reduce the visual prominence of the new built form.

46. The Urbis submission 'to provide white or pale finishes to the elevations' is likely to conflict with the heritage advice from GJM Heritage.
47. Attachment 5 includes:
- (a) the initial 2016 design;
 - (b) the revised design which was considered by Council, 19 December 2017 and exhibited with the Amendment; and
 - (c) an alternative white finish and design preferred by the proponent.
48. The issues of detailed design and appearance should be considered as part of the Panel process, so that the options can be considered and relevant expert advice assessed. Council is likely to present the expert evidence provided by GJM Heritage. That advice would support (b) above and the grey perforated metal finish.

External Consultation

49. External consultation has been undertaken to meet the legal process requirements of the Planning and Environment Act 1987, for exhibition of a Planning Scheme Amendment and also to ensure that all interested parties and the local community have an opportunity to understand what is proposed and to respond. The fact sheet about the proposal, in particular, provided a clear summary of the proposal and how to respond.

Internal Consultation (One Yarra)

50. The proposed Amendment has been circulated internally with comments from different sections forming part of the assessment process leading to this report.

Financial Implications

51. There are no significant financial implications. The proponent will pay the relevant fees which will help meet the costs of the Amendment.

Economic Implications

52. The proposed residential aged care facility is part of a growing health care network in the City of Yarra. This growing sector provides important local employment and economic activity.

Sustainability Implications

53. Environmentally sustainable development requirements have been part of the assessment for this development.

Social Implications

54. The Amendment would allow provision of about 80 residential aged care rooms. There is a growing demand for these facilities across the State and in the inner region. Local facilities, such as these, allow people to age-in-place, reducing disruption for elderly people who need care and supported accommodation.
55. The *Residential Aged Care - A Snapshot of Homes in the City of Yarra in 2015* (report prepared by Council officers in Aged and Disability Services) noted that there is a significant shortfall in the number of residential aged care beds to cater for growing demand in the City of Yarra. It noted that the City of Yarra has 304 beds which is significantly below (166 less beds) the national planning standards.

Human Rights Implications

56. There are no anticipated negative human rights implications.

Communications with CALD Communities Implications

57. This would be part of the normal Planning Scheme Amendment consultation process.

Council Plan, Strategy and Policy Implications

58. The proposal is consistent with the Council Plan which addresses aged care at:

Strategy 1.2 Promote a community that is inclusive, resilient, connected and enjoys strong mental and physical health and wellbeing.

Initiative 1.2.3 Continue to implement the National Aged and Disability Care reforms and develop new strategic directions for support of older people and people with disability.

59. The Amendment is also consistent with '*Objective 4 – A liveable Yarra – Development and growth are managed to maintain and enhance the character and heritage of the city*'. The Amendment would help respond to the pressures of population growth and demographic change which has resulted in changes in the demand for and supply of residential aged care facilities.

Legal Implications

60. As Planning Authority under the Planning and Environment Act 1987 (the Act) Council must follow the legal processes for a Planning Scheme amendment.

61. Section 23 (1) of the Act, sets the decisions required at this stage of an amendment:

After considering a submission which requests a change to an amendment, the planning authority must:

- change the amendment in the manner requested; or
- refer the submission to a panel; or
- abandon the amendment or part of the amendment.

Other Issues

Working Group – review of residential zone provisions – residential aged care facilities

62. The DELWP are currently investigating possible changes to the residential zones as they relate to residential aged care facilities. This involves a working group of local government and industry representatives. The purpose of this investigation is to see if there are ways to relax restrictions including the current mandatory height limits, to encourage residential aged care facilities.

63. This investigation may mean mandatory height limits will not apply to residential aged care facilities. If the Minister for Planning approves changes, they could come into effect by mid-2018.

64. If the Minister approves the proposed changes to the residential zones, Amendment C225 may become redundant or require modifications.

Options

65. Council can consider the following options:

- (a) Abandon the amendment in response to the objecting submissions; or
- (b) Refer the amendment to a panel;

The amendment cannot be modified to satisfy the submissions because most of the submissions oppose the amendment as a whole and do not seek changes but object in principle.

Comments

(A) Abandon the amendment

66. Council could decide to abandon the amendment if it agrees with the reasons set out in the objecting submissions, summarised earlier in this report and in Attachment 4.

(B) Refer the amendment to a panel

67. If Council does not abandon the amendment it must refer it and the submissions to a panel.

Preferred option

68. The preferred option is (b) – refer the amendment to a panel. A Panel review would allow the issues to be assessed and tested. This might include potential modifications to the proposed building including for example to reduce impacts on the YWCA, Richmond House and changes to the external appearance of the new building to address heritage and character concerns.

Conclusion

69. Council must consider the seven submissions received in response to exhibition of this Amendment.
70. Five submissions oppose the proposal in principle on a range of grounds including precedent, building height, heritage concerns, traffic, parking and amenity impacts. These submitters could only be addressed or satisfied if the proposal does not proceed.
71. One submission opposes the Amendment because it will impact on the building at 345 Church Street (Richmond House). This submission proposes possible modifications to reduce these impacts. These could be negotiated with the proponent through the Panel process and may lead to potential changes to the plans.
72. The proponent has made a submission supporting the Amendment and asking for a minor change to the Incorporated Document which relates to a different external appearance scheme for the new building. There are options for this shown in Attachment 5. The expert heritage advice to Council supports the option for a more muted grey colour scheme, rather than the white colour scheme proposed by the proponent.

RECOMMENDATION

1. That Council:
- (a) notes the officer report assessing the exhibited amendment C225 – 351 Church Street, Richmond and the submissions lodged in response;
 - (b) consider all submissions to Amendment C225, in accordance with section 22 of the *Planning and Environment Act 1987* ;
 - (c) in accordance with Section 23 of the *Planning and Environment Act 1987*, refer any submissions received that cannot be resolved, along with all other submissions received, to an independent panel appointed by the Minister for Planning;
 - (d) request the Minister for Planning to appoint an independent panel under Part 8 of the *Planning and Environment Act 1987* to consider Amendment C225 and all submissions received; and
 - (e) advise all submitters of this decision.

CONTACT OFFICER: Peter Mollison
TITLE: Senior Strategic Planner
TEL: 9205 5023

Attachments

- 1 Incorporated Document - 351 Church Street
- 2 Architects Plans - 351 Church Street
- 3 Fact Sheet - C225 351 Church Street - exhibition notification
- 4 Submission summary table
- 5 351 Church Street - External appearance schemes - three alternatives

11.2 Open Data Policy

Trim Record Number: D18/55784

Responsible Officer: Director Corporate, Business and Finance

Purpose

1. To seek Council's endorsement and adoption of the City of Yarra's Open Data Policy.

Background

2. The City of Yarra Council Plan 2017-2021 clearly identifies a number of objectives designed to support local business, foster greater transparency, responsiveness and accountability, to drive innovation and economic opportunities within the City of Yarra.
3. The need for Council to establish a clear digital direction and support community access to meaningful data is referenced in both strategy 5.4 and 7.8 of the current plan.
4. Open Data is also an identified action in the Information Services Strategy 2018-2021. Priority 5 Application and Data Governance identifies the need to 'ensure accurate and consistent data is available, through attention to data quality and management'.
5. The Open Data Handbook located at www.opendatahandbook.org defines data open – *"Open Data is data that can be freely used, re-used and re-distributed by anyone for any purpose – subject only, at most, to the requirement to attribute and share alike"*.
6. Benefits Associated with Open Data
 - (a) Increases Transparency and Accountability
 - (b) Encourages Public Education and Community Engagement
 - (c) Improved or new private sector products and services
 - (d) Promotes Progress and Innovation
 - (e) Improved efficiency and effectiveness of council services
7. Open data enables council to proactively answer frequently asked questions by making the information freely accessible. Overtime, information can be made available as quickly as it is gathered, which means that the public can become involved and offer valuable feedback throughout council process. Access to meaningful data aids in unifying a community and empowering them to help shape the direction for the future.

External Consultation

8. Not applicable.

Internal Consultation (One Yarra)

9. The Open Data Policy was made available to all internal stakeholders for a period of four weeks over January – February 2018.
10. Feedback was received from Governance and Emergency Management. These comments were considered and resulted in minor changes to the attached policy.

Financial Implications

11. There are no immediate financial implications resulting from this report or the Policy. Information Services operates within Council's adopted budget 2017/2018. Council data identified of value to community will be published via the Victorian State Government repository data.vic.gov.au.

Economic Implications

12. Data holds great potential for local communities and economies. Open data has the potential to stimulate economic growth better decision making, more transparency and efficiency; as well as higher quality of life and more inclusive societies. Open Data is universally

acknowledged as a key driver for economic growth and an enabler for transparency and accountability, as well as innovation and knowledge.

Sustainability Implications

13. There are no sustainability implications inherent with this report.

Social Implications

14. The benefits of Open Data will primarily be achieved through improvements to council's level of responsiveness, transparency, the utilisation of data to support more informed and effective decision making, empowering local and disadvantage voices or enhancing service delivery and effective service utilisation.

Human Rights Implications

15. There are no Human Rights implications inherent with this report.

Communications with CALD Communities Implications

16. There are no CALD communities' implications.

Council Plan, Strategy and Policy Implications

17. The City of Yarra Council Plan 2017-2021 clearly identifies a number of objectives designed to support local business, foster greater transparency, responsiveness and accountability, to drive innovation and economic opportunities within the City of Yarra.

18. The need for Council to establish a clear digital direction and support community access to meaningful data is referenced in both strategy 5.4 and 7.8 of the current plan.

19. Strategic Objective 5 *City of Yarra, a place where ...*Local businesses prosper and creative and knowledge industries thrive.

20. Strategy 5.4 Develop Innovative Smart City solutions in collaboration with government, industry and community that use technology to embrace a connected, informed and sustainable future. A stated initiative of this strategy includes:

21. Initiative 5.4.1 Implement an innovation hub to bring people together to focus on creative solutions, enabling a culture of continuous improvement, innovation and collaboration

22. Initiative 5.4.2 Develop an Open Data Policy which provides open access for appropriate data sets to businesses and community organisations.

23. Strategic Objective 7: *City of Yarra, a place where...*Transparency, performance and community participation drive the way we operate

24. Strategy 7.8: Develop Innovative Smart City solutions in collaboration with Government, Industry and Community which will use open data technology

25. Initiative 7.8.1 Establish the digital direction for the next 10 years with actions aimed to support customer experience, economic competitiveness, accelerate innovation and deepen engagement with the community to transition Yarra into a nationally recognised digital economy.

Legal Implications

26. There are no legal implications inherent with this report.

27. Implementation of this Policy must be consistent with and operate within any applicable legislation, policy and strategic framework. This may include, but is not limited to:

- (a) Copyright Act 1986
- (b) Freedom of Information Act 1982
- (c) Privacy and Data Protection Act 2014
- (d) Local Government Act 1989
- (e) Australian Government Public Data Policy Statement
- (f) Data Vic Access Policy

(g) Public Records Act 1973

Other Issues

Data Audit and Registry

28. A broad spectrum of valuable data assets are currently captured across all Divisions, and corporate systems. Each one of these datasets is currently either locked within corporate systems and/or is captured for the benefit and use of specific council branches. The limited coordination of the types of data currently held by council means that valuable data assets have limited use and value to the organisation.
29. The City of Yarra will shortly commence a process to identify data currently held by council. This will improve our ability to deliver continuous improvement, innovation, collaboration and improved decision making across the organisation.
30. The establishment of a data register will in the long term also assists council with the process to prioritise and publish data which may be of value to local business or community organisations.

Publishing Council Data

31. It is recommended that Victorian councils publish open data to data.gov.au, the Victorian State Government's open data repository.
32. All data-publishing Victorian councils use this portal. It is free and provides storage for the data itself. It includes a number of useful services, such as automatically converting between geospatial data formats, and providing web previews of geospatial data.

Privacy and Open Data

33. Open data is fully compatible with the protection of privacy. Datasets will be reviewed before they are proposed for release to ensure they do not contain any personal information. This will ensure there are no privacy implications.
34. It is intended to start small and publish less sensitive datasets e.g. waste collection zones as Council's initial open data offering.

Options

35. No other options have been considered.

Conclusion

36. The development and application of an Open Data Policy is an essential step to ensure that the City of Yarra provides an appropriate framework to continue to support economic growth, better decision making, more transparency and efficiency; as well as improvements to the quality of life of its citizens.

RECOMMENDATION

1. That:
 - (a) Council adopt the City of Yarra Open Data Policy in **Attachment 1** of this report.

CONTACT OFFICER: Margherita Barbante
TITLE: Manager Information Services
TEL: 9205 5389

Attachments

- 1 Open Data Policy (Draft)

11.3 Proposed Discontinuance of Road adjacent to 506-510 Church Street, Cremorne

Trim Record Number: D18/74520
 Responsible Officer: Chief Financial Officer

Purpose

1. This report seeks Council's authority to commence statutory procedures pursuant to the *Local Government Act 1989* (Act) to consider discontinuing the road adjacent to the property known as 506 Church Street, Cremorne, being part of the land contained in conveyance book 81 no. 496 (Road).

Background

2. The Road is shown as lot 1 on the Title Plan attached as Attachment 1 to this report, and is shown as the area outlined orange on the plan attached as Attachment 2 to this report (Site Plan).
3. 510 Church Street Pty Ltd (Owner) is the registered proprietor of the properties known as;
 - (a) 506 Church Street, Cremorne, shown outlined blue on the Site Plan, being the land contained in certificate of title volume 1537 folio387; and
 - (b) 508-510 Church Street, Cremorne shown outlined pink on the Site Plan, being the land contained in certificate of title volume 9341 folio 525.
4. These two properties are adjoining.
5. The road is adjacent to the adjoining aproperties and is not fenced.
6. The Owner has lodged an application for a mixed use development across both properties.
7. The Owner has requested that Council discontinue the Road and sell the Road to the Owner (Proposal).
8. The Owner has agreed to pay Council's costs and disbursements associated with the proposed discontinuance of the Road, together with the market value for the transfer of the discontinued Road to the Owner.

Discussion

Road

9. The Road is known to title as a 'road'. The Road is therefore a road for the purposes of the Act which Council has the power to consider discontinuing.
10. Upon being discontinued, the Road will vest in Council.
11. The Road is not listed on Council's Register of Public Roads.

Site Inspection

12. A site inspection of the Road was conducted by Greg Thomson of Reeds Consulting Pty Ltd on 14 December 2017. The site inspection report notes that:
 - (a) the Road is constructed of concrete;
 - (b) the Road opens onto the existing car park on the on the adjoining property at 508-510 Church Street, Cremorne;
 - (c) there is no evidence of any vehicular or pedestrian traffic on the Road;
 - (d) the Road does not provide any access to any adjoining properties;
 - (e) the road appears to be used as part of a private car park; and
 - (f) the Road is not required for public access.
13. A copy of the site inspection report is attached as Attachment 3 to this report.

Public Authorities

14. The following statutory authorities have been advised of the proposal and have been asked to respond to the question of whether they have any existing assets in the Road which should be saved under section 207C of the Act: City West Water, Yarra Valley Water, Melbourne Water, Citipower, United Energy, Multinet Gas, Telstra, Optus, APA Gas and Yarra City Council.
15. All authorities have advised that they have no assets in or above the road and no objections to the Proposal.

Public Notice

16. Before proceeding with the discontinuance, Council must give public notice of the Proposal in accordance with section 223 of the Act. The Act provides that a person may, within 28 days of the date of public notice, lodge a written submission regarding the Proposal.
17. Where a person has made a written submission to Council requesting that he or she be heard in support of the written submission, Council must permit that person to be heard before a meeting of Council or the Committee which has delegated authority to hear those submissions, giving reasonable notice of the day, time and place of the meeting.
18. After hearing any submissions made, Council must determine whether the road is not reasonably required as a road for public use, in order to decide whether the Road should be discontinued.

Economic Implications

19. Nil

Financial Implications

20. The Owner has agreed to acquire the Road for its market value (plus GST).
21. In addition to the market value of the Road (plus GST), the Owner has agreed to pay Council's costs and disbursements associated with the Proposal.

Sustainability Implications

22. Nil

Social Implications

23. Nil

Human Rights Implications

24. Nil

Communications with CALD Communities Implications

25. All notices and correspondence issued with respect of this report will contain referral information to Yarralink Interpreter Service.

Council Plan, Strategy and Policy Implications

26. Nil

Legal Implications

27. If the Road is discontinued and sold to the Owner, Council will require the Owner to consolidate the title to the former Road with the title to the Owners' property 506-510 Church Street, Cremorne, within 6 months of the date of transfer of the Road to the Owners, at the Owners expense.

Other Issues

28. Nil

Options

29. Nil

Conclusion

30. It is proposed that Council should commence the statutory procedures pursuant to clause 3 of Schedule 10 of the Act to discontinue the Road adjacent to 506-510 Church Street, Cremorne, and transfer to the Owner the discontinued Roads, as the Road is no longer reasonably required for public use.

RECOMMENDATION

1. That Council, acting under clause 3 of schedule 10 of the Local Government Act 1989 (Act):
 - (a) Resolves that the required statutory procedures be commenced to discontinue the road adjacent to 506-510 Church Street, Cremorne, which is shown marked lot 1 on the title plan attached as Attachment 1 to the report (Road);
 - (b) Directs that, under sections 207A and 223 of the Act, public notice of the proposed discontinuance be given in The Age and The Weekly Times newspapers and Council's social media;
 - (c) Resolves that the public notice required to be given under sections 207A and 223 of the Act should state that if the road is discontinued, Council proposes to sell the road to the adjoining owner for market value; and
 - (d) Authorises the Valuations Coordinator to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act in relation to this matter.

CONTACT OFFICER: Bill Graham
TITLE: Coordinator Valuations
TEL: 9205 5270

Attachments

- 1 Title Plan
- 2 Site Plan
- 3 Site Inspection Report

11.4 Supplementary Report on Assemblies of Councillors

Trim Record Number: D18/79686

Responsible Officer: Group Manager Chief Executive's Office

Purpose

1. To provide a supplementary report on Assemblies of Councillors held in the period 1 January 2018 to 30 April 2018.

Background

2. The *Local Government Act 1989* (The Act) requires that ... "The Chief Executive Officer must ensure that the written record of an Assembly of Councillors is, as soon as practicable:
 - (a) reported at an ordinary meeting of the Council; and
 - (b) incorporated in the minutes of that Council meeting.....".
3. At its meeting on 8 May 2018, Council received the records of 13 Assemblies held in the period since the previous report. This report provides an additional 16 records of Assemblies held during that period.
4. Future reports will be presented to Council on a monthly basis.

Consultation

5. Not applicable.

Financial Implications

6. Not applicable.

Economic Implications

7. Not applicable.

Sustainability Implications

8. Not applicable.

Social Implications

9. Not applicable.

Human Rights Implications

10. Not applicable.

Communications with CALD Communities Implications

11. Not applicable.

Council Plan, Strategy and Policy Implications

12. Not applicable.

Legal Implications

13. The Act, requires the above information be reported to a formal Council Meeting and also be recorded into the Minutes of the Council.

Other Issues

14. Not applicable.

Options

15. Nil.

Conclusion

16. That Council formally note and record the Supplementary Assemblies of Councillors report as detailed in ***Attachment 1*** hereto.

RECOMMENDATION

1. That Council formally note and record the Supplementary Assemblies of Councillors report as detailed in ***Attachment 1*** hereto.

CONTACT OFFICER: Rhys Thomas
TITLE: Senior Governance Advisor
TEL: 9205 5302

Attachments

- 1 Supplementary Assemblies of Council Report - May 2018

12.1 Notice of Motion No 6 of 2018 - Submission re Planning Application 701 Park Street Brunswick

Trim Record Number: D18/83726

Responsible Officer: Group Manager Chief Executive's Office

I, Councillor Mike McEvoy, hereby give notice that it is my intention to move the following motion at the Ordinary Meeting of Council to be held on 22 May 2018:

1. *That Council Officers provide advice to Councillors on grounds for a submission to Moreland City Council objecting to the proposed development at 701 Park Street, Brunswick (Planning application number MPS/2016/985), noting the grounds for objection may include, but not limited to:*
 - a) *overshadowing of public open space;*
 - b) *traffic impacts related to parking levels and location of vehicle access onto local streets;*
 - c) *heights in excess of those in DDO18;*
 - d) *impact on neighbouring heritage areas; and*
2. *That officers lodge a submission on behalf of Council on the grounds identified.*

Background

Residents in Princes Hill have expressed concerns to Nicholls Ward Councillors about the impact of the proposed development at 701 Park Street, Brunswick. The proposed development is within the City of Moreland but is on the doorstep of Yarra's Princes Hill, an area of significant character and protected by heritage overlay.

The scale of the proposed development is excessive for the location and exceeds maximum height limits in the Moreland Planning Scheme by 80%. The impact on traffic, public space and Neighbourhood character within the City of Yarra justifies a submission from Council.

RECOMMENDATION

1. That Council Officers provide advice to Councillors on grounds for a submission to Moreland City Council objecting to the proposed development at 701 Park Street, Brunswick (Planning application number MPS/2016/985), noting the grounds for objection may include, but not limited to:
 - (a) overshadowing of public open space;
 - (b) traffic impacts related to parking levels and location of vehicle access onto local streets;
 - (c) heights in excess of those in DDO18;
 - (d) impact on neighbouring heritage areas; and
2. That officers lodge a submission on behalf of Council on the grounds identified.