

Ordinary Meeting of Council Agenda

**to be held on Tuesday 14 May 2019 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.”

1A. Announcement – Elected Nicholls Ward Councillor

Following the resignation of Cr Mike McEvoy, a recount of ballot papers from the 2016 Council election was conducted by the Victorian Electoral Commission at the Richmond Town Hall on Thursday 8 May. Following the recount, Cr Bridgid O'Brien was declared elected and was sworn in as a Councillor until November 2020.

This first meeting since Cr O'Brien's appointment provides an opportunity for Cr O'Brien to repeat the swearing in process in the presence of the full Council and the general public. The Chief Executive Officer will administer the oath in accordance with the Local Government Act 1989.

2. Attendance, apologies and requests for leave of absence

Anticipated attendees:

Councillors

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

Council officers

- Vijaya Vaidyanath (Chief Executive Officer)
- Ivan Gilbert (Group Manager Chief Executive's Office)
- Lucas Gosling (Director Community Wellbeing)
- Gracie Karabinis (Group Manager People, Culture and Community)
- Chris Leivers (Director City Works and Assets)
- Diarmuid McAlary (Director Corporate, Business and Finance)
- Mary Osman (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 Contractual matters
- 4.2 Contractual matters
- 4.3 Contractual matters
- 4.4 Matters prejudicial to Council and/or any person

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) contractual matters; and
 - (b) matters prejudicial to Council and/or any person.
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 30 April 2019 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	C220 - Johnston Street Local Area Plan - Adoption	7	21	David Walmsley – Manager City Strategy
11.2	Proposed discontinuance and sale of the road abutting 359 & 361 Pigdon Street, Princes Hill.	22	24	Bill Graham – Valuations Coordinator
11.3	2018/19 March Report (Incorporating Financial Report and Annual Plan Progress Report)	26	31	Ange Marshall – Chief Financial Officer Julie Wyndham – Manager Corporate Planning and Performance
11.4	Appointment of Councillor to Council Committees	33	34	Ivan Gilbert – Group 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. 7 of 2019 - Ongoing Support for the MSIF in North Richmond	35	36	Amanda Stone - Councillor

13. Urgent business

Nil

11.1 C220 - Johnston Street Local Area Plan - Adoption

Trim Record Number: D19/70529
 Responsible Officer: Manager City Strategy

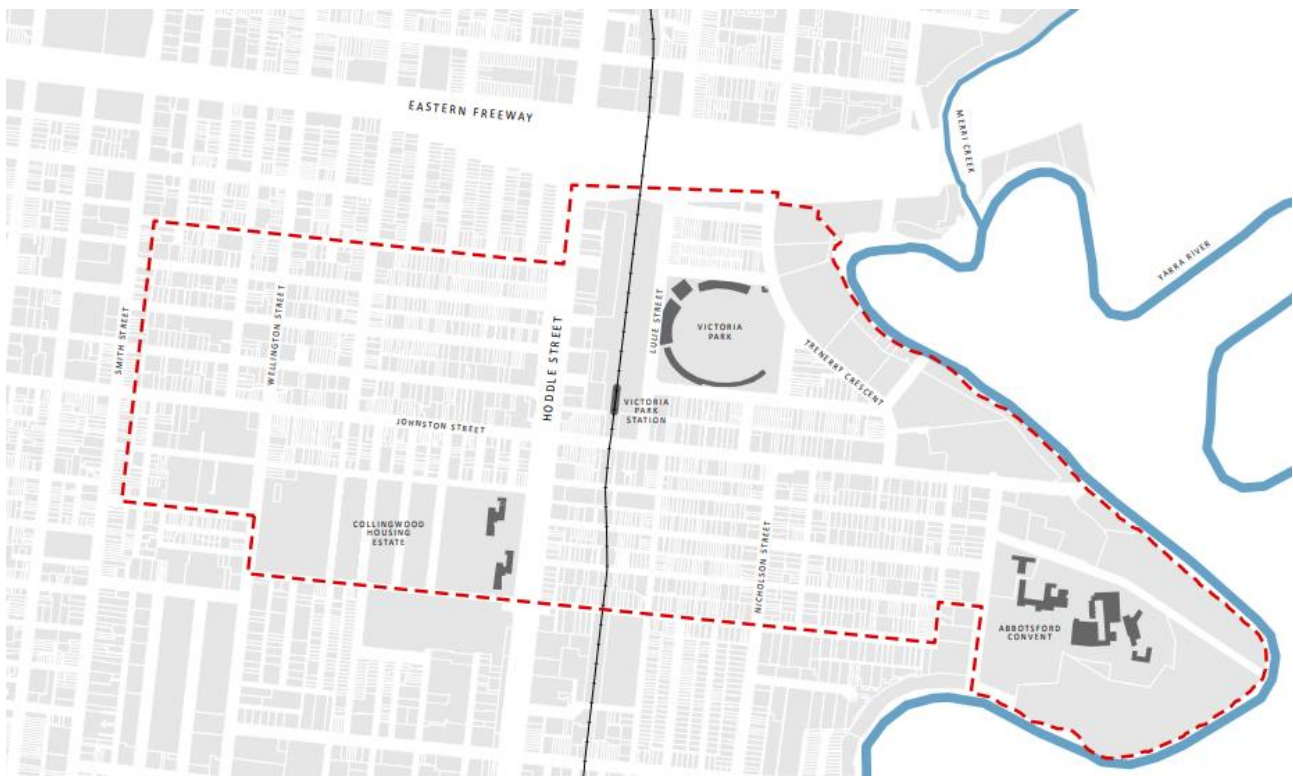
Purpose

1. The purpose of this report is for Council to consider the Planning Panel Report for Amendment C220 Johnston Street Local Area Plan and decide whether to:
 - (a) adopt the Amendment with the changes recommended by the Planning Panel; or
 - (b) adopt Amendment C220 with changes recommended in this report and submit it to the Minister for Planning for final approval in accordance with the relevant provisions of the Planning and Environment Act 1987; or
 - (c) adopt the Amendment as exhibited; or
 - (d) abandon the Amendment and advise the Minister that Council has abandoned it.

Background

Johnston Street Local Area Plan

Figure 1: Johnston Street Local Area Plan Study Area



2. Council adopted the Johnston Street Local Area Plan (the Plan) on 1 December 2015 after extensive community consultation.
3. The Plan outlines a vision for the Johnston Street neighbourhood activity centre, east of Smith Street through to the Yarra River that encourages a more activated, pedestrian-friendly, liveable, vibrant and connected street through land use and built form change and public realm improvements.
4. In May 2016, Council resolved to seek authorisation to prepare and exhibit Amendment C220 from the Minister for Planning.

Amendment C220 Exhibition

5. Amendment C220 was exhibited from 16 November and 18 December 2017. Notification and exhibition of the amendment were carried out via a range of methods including letters, public viewing file, drop-in sessions and summary brochure.
6. A total of twenty-eight (28) submissions were received:
 - (a) 2 submissions were supportive of the amendment and sought no changes;
 - (b) 17 submissions were supportive of the amendment and sought changes;
 - (c) 7 submissions objected to the amendment and sought changes; and
 - (d) 2 submissions sought changes.
7. 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.
8. The broad issues raised in submissions included:
 - (a) Support for rezoning land from Commercial 2 Zone to Commercial 1 Zone;
 - (b) Support for the introduction of the DDO to provide guidance for future ;
 - (c) The use of mandatory controls in the DDO; and
 - (d) Concern around the scale of future development proposed by the DDO.
9. On 21 August 2018, Council considered submissions received during the exhibition period and resolved to refer the Amendment with some changes and submissions to an independent Planning Panel. Council resolved:
 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.*

Amendment C220 Panel Hearing

10. The Panel Hearing was held over nine (9) days in October 2018.

11. In addition to Council, eight (8) submitters were heard at the Panel Hearing. Council was represented by Harwood Andrews and called expert evidence in urban design (Larry Parsons, Ethos Urban and Koos de Keijzer), planning (David Barnes, Hansen), economic evidence (Andrew Spencer, SGS) and heritage (Bruce Trethowan).
12. Submitters to the hearing included residents and land owners, seven (7) of which were represented at Panel. Submitters called three (3) expert witnesses with experience in planning and urban design.
13. The Panel's Report (with recommendations) was received by Council on 25 February 2019. (see **Attachment 1**).

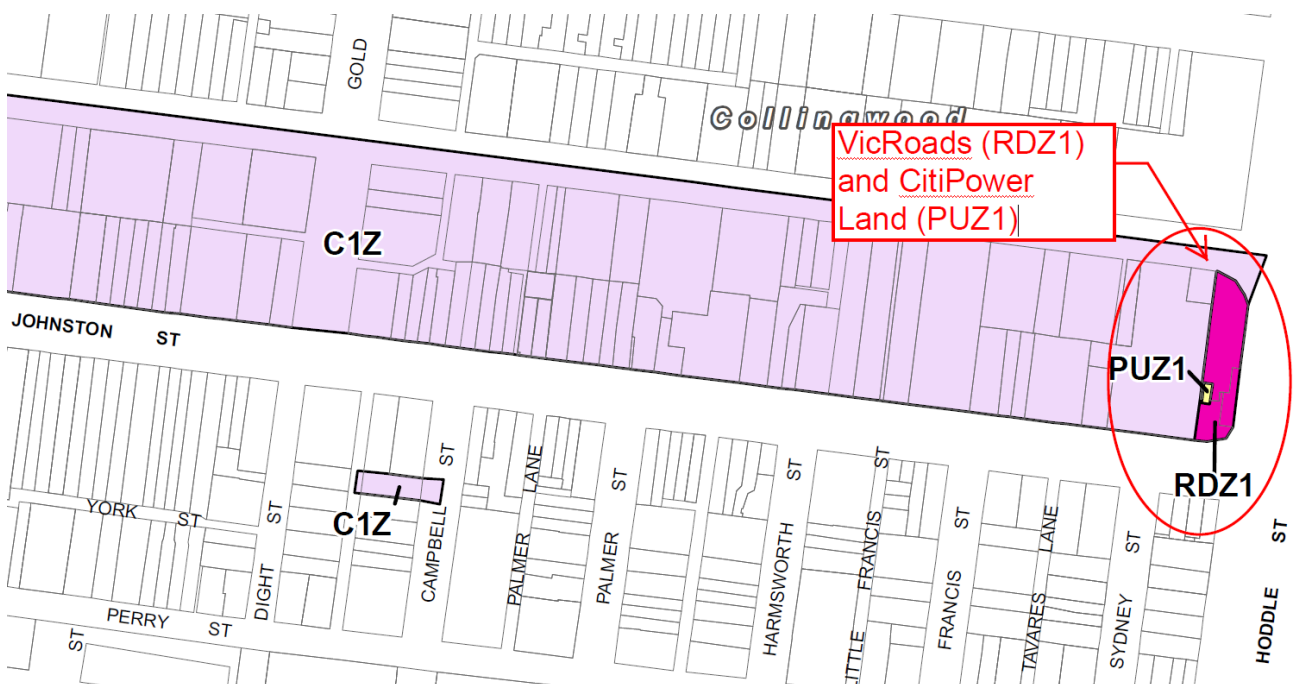
Discussion

14. Overall the Panel found the amendment and the evidence to support it “*well researched, thorough and carefully tested analysis*”. The Panel supported the Amendment with some minor changes.
15. The Panel made specific reference within its Report to the work undertaken by Council to support the Amendment.
16. The Panel said: “*The Panel has been impressed by the extent and nature of council’s strategic work underpinning the amendment, including the more recent 3D modelling by Ethos Urban, the SGS Spatial Economic and Employment Study, August 2018 and Council’s Housing Strategy, also of August 2018. This strategic work is demonstrably extensive, robust and up to date.*”
17. The work undertaken by Council provided the Panel with enough confidence to support the implementation of *mandatory* built form controls in the Design and Development Overlay.
18. Significantly, the Panel supported the *mandatory* controls proposed in the Amendment. This is an important outcome given Council and community support for *mandatory* controls to provide greater certainty in the planning system. This provides an important opportunity for Council’s other work on preparing built form controls for activity centres.
19. This report sets out each of the Panel’s recommendations and provides a discussion and an officer response.

Panel Recommendations

The application of zones and overlays

Figure 2: VicRoads and CitiPower Land



20. The Panel Recommended:
- (a) *Rezone the VicRoads land on the northwest corner of Johnston Street and Hoddle Street, Collingwood to Road Zone Category 1 and delete Design and Development Overlay Schedule 15.*
 - (b) *Rezone the CitiPower land near the northwest corner of Johnston Street and Hoddle Street, Collingwood to Public Use Zone (PUZ1) if compliant with the Ministerial Direction – The Form and Content of Planning Schemes and delete Design and Development Overlay Schedule 15.*
21. The Panel acknowledged that no submission opposed the rezoning of Commercial 2 zoned land to the Commercial 1 Zone. The Panel noted that some submissions asked to be included in the rezoning.
22. A submission from VicRoads, requested that the land on the north western corner of Johnston and Hoddle Streets be rezoned to reflect its current use. The submission identified the current zoning as an anomaly in the Planning Scheme and should be amended to reflect the current use as a road reserve. The submission also raised the appropriate zoning of the small parcels of land within the road reserve that are currently owned by Citi Power. The Amendment proposed to rezone these parcels to the Commercial 1 Zone.
23. The Panel stated that the VicRoads land zoning does not conform to the “Ministerial Direction – The Form and Content of Planning Schemes”, meaning that it’s current Commercial 2 Zone should not apply to land that is being used as a road reserve. With regards to the land owned by Citi Power Ltd, the Panel noted, due to the complex cadastre the Public Use Zone would provide greater planning certainty.
24. The Panel and Council agreed with VicRoad’s position and recommended that the VicRoads land be zoned Road Zone Category 1, the Citi Power Ltd land be zoned Public Use Zone 1 and the DDO from the combined area be removed.

Officer Recommendation

Exhibited	Adopted position at Panel	Panel Recommendations	Officer Recommendation
Land owned by VicRoads and CitiPower should be zoned C1Z and have the DDO1 applied.	Rezone VicRoads land to RZ1 Remove DDO1 from VicRoads Land Rezone CitiPower land to PUZ1 Remove DDO1 from CitiPower Land	Rezone the VicRoads land on the northwest corner of Johnston Street and Hoddle Street, Collingwood to Road Zone Category 1 and delete Design and Development Overlay Schedule 15. Rezone the CitiPower land near the northwest corner of Johnston Street and Hoddle Street, Collingwood to Public Use Zone (PUZ1) if compliant with the Ministerial Direction – The Form and Content of Planning Schemes and delete Design and Development Overlay Schedule 15.	Support the Panel recommendations.

Heritage Overlay

25. The Panel recommended:
- (a) *Support for the application of the proposed Heritage Overlay 505.*

- (b) *Change the Schedule to the Heritage Overlay to reclassify 270 Johnston Street, Abbotsford as 'Not Contributory'.*
- (c) *Retain the Heritage Overlay on road reserves.*

- 26. The Panel considered the heritage significance of the proposed Johnston Street, East Precinct (HO 505) covering commercial properties along Johnston Street east of Hoddle Street to the railway bridge. The Panel concluded that the proposed Heritage Overlay for this Precinct, which covers the road reserve, met the threshold for heritage significance and should be included in the Planning Scheme.
- 27. The Panel acknowledged the demolition of 270 Johnston Street, as a consequence of an older permit granted in absence of a Heritage Overlay. The Panel recommended that the property be regraded to a non-contributory within the Precinct.

Figure 3: Proposed Heritage Overlay Precinct



Officer Recommendation

- 28. The building at 270 Johnston Street, Abbotsford has been demolished and does not contribute to the heritage significance of the proposed precinct. The new grading for the property is appropriate. The Panel’s recommendation aligns with Council position at the Planning Panel.
- 29. The Panel Report notes that in a Yarra context other Heritage Overlays span across other road reserves. The Panel recommended retaining the Heritage Overlay on the road reserve to maintain consistency within the Yarra Planning Scheme

Exhibited	Adopted position at Panel	Panel Recommendations	Officer Recommendation
The Amendment applies a new Heritage Overlay precinct (HO505) 'Johnston Street East' to the	No change.	Support new Heritage Overlay 505. 'Johnston Street East precinct'. Re-classify 270 Johnston Street, Abbotsford as 'Not	Support the Panel recommendation.

properties at 219–241 Johnston Street, and 246–274 Johnston Street, Abbotsford (on a permanent basis).		Contributory’.	
The Heritage Overlay will apply to road reserves.	Council proposed as part of its post exhibition changes to amend the HO and DDO maps to exclude the road reserve.	Retain the Heritage Overlay on road reserves.	Supports the Panel Recommendation. Retain HO as exhibited.

DDO 15 - Precinct and Sub-precinct boundaries

Figure 4: Revised Precincts and Sub-Precinct Map



30. The Panel recommended:
 - (a) Consider realigning the Precinct 1 boundary to the rail bridge in the planning scheme documentation.
 - (b) Use the Design and Development Overlay map in the planning scheme to identify sub precinct boundaries.
31. The DDO divides Johnston Street into two precincts and various sub-precincts. Precinct 1 includes land west of Hoddle Street and Precinct 2 includes land east of Hoddle Street.
32. Considering the proposed Heritage Overlay on the land west of the rail bridge, the Panel stated that the land better aligned with Precinct 1 due to the high coverage of Heritage Overlay within that Precinct.
33. The Panel recommends that the Design and Development Overlay map in the planning scheme should be amended to identify the sub-precincts. It is recommended that this is a sensible recommendation to assist the user in determining the relevant sub-precinct and is a technical change only.

Officer Recommendation
34. It is considered logical to realign the Precinct 1 boundary to include the properties west of the rail bridge. In amending the Precinct boundaries, minor wording and diagram changes have been made to the propose Clause 22.18 – Johnston Street Activity Centre Policy to reflect the Panel’s recommendation (see Attachment 1).

Exhibited	Adopted position at Panel	Panel Recommendations	Officer Recommendation
Precinct 1 and Precinct 2 were separated by Hoddle Street.	No change.	Consider realigning the Precinct 1 boundary to the rail bridge in the planning scheme documentation.	Support the Panel recommendation and realign the Precinct boundaries to reflect the Panel's recommendation. Make minor wording changes to the propose Local Policy – Johnston Street Activity Centre Policy.
DDO15 presents the sub precinct boundaries as part of the DDO schedule.	No change.	Use the Design and Development Overlay map in the planning scheme to identify sub precinct boundaries.	Support the Panel Recommendation. Amend the DDO map to highlight sub-precinct boundaries. Retain sub-precinct map within the DDO with amendments reflecting recommendations made by the Panel.

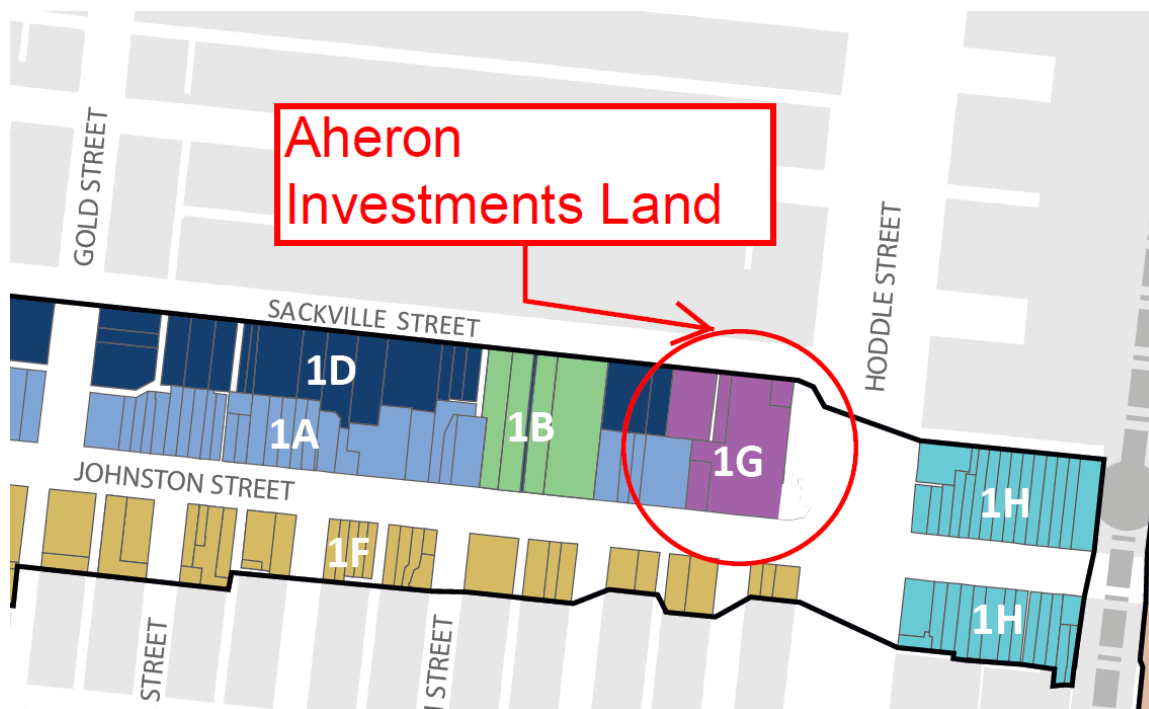
DDO 15 - Street Wall Height

35. The Panel recommended:
- (a) *Increase street wall heights from 11 metres to 11.3 metres to allow for three commercial floors.*
36. The Panel raised concerns that the proposed 11m street wall height would not allow for three levels of commercial in developments. The Panel Report read:
- (a) *The Panel is, however, concerned that 11 metres may not allow for a three storey commercial building and accepts that a maximum street wall height of 11.3 metres is more appropriate.*
- Officer Recommendation*
37. In determining the street wall heights, Council officers had conducted extensive heritage, urban design and economic research to underpin the controls outlined in the DDO. Council engaged of SGS Economics to prepare and present commercial and housing capacity evidence at the Planning Panel. A key assumption in the evidence was for two levels of commercial and one level of residential which should be accommodated within the 11m.
38. Sub-precincts with a prescribed 11m street wall height exhibit high value heritage qualities. The 11m street wall height has been chosen to not overwhelm nearby heritage buildings which tend to exhibit a street wall height of 8-9m as a maximum. Many of the sub-precincts have mandatory street wall heights, this has been supported by the Panel to ensure the protection of the “exceptional” heritage streetscape.
39. While many sub-precincts have mandatory street wall heights, there are several that include a preferred street wall height of 11m where there is a street frontage that is not Johnston Street. The Panel raised concern that the height would not accommodate greater commercial floor levels. In these cases there is flexibility to adjust the street wall height to allow for greater commercial opportunities, with the condition that the application meets the design requirements within the DDO.

Exhibited	Adopted position at Panel	Panel Recommendations	Officer Recommendation
Street wall height for all sub-precincts in Precinct 1 set at 11m.	No change.	Increase street wall heights from 11 metres to 11.3 metres to allow for three commercial floors.	Do not support Panel's recommendation.

Aheron Investments land

Figure 5: Aheron Investments Land



40. The Panel recommendation stated:

- (a) *Place the Aheron Investments land at 220, 222 and 222A Johnston Street, Collingwood and 153–155 and 165 Sackville Street, Collingwood in a new sub precinct, with the following applying:*
 - (i) *Increase the preferred overall height to 34 metres;*
 - (ii) *A mandatory 11.3 metre street wall height on Johnston Street;*
 - (iii) *A preferred 11.3 metre street wall height on Sackville;*
 - (iv) *No street wall height or setback to Hoddle Street;*
 - (v) *A discretionary 3 metre setback above the street wall to transition to a 6 metre setback to the east where the building meets sub precinct 1A on Johnston Street;*
 - (vi) *A preferred 6 metre setback above the street wall on Sackville Street;*
 - (vii) *Exemption from 45 degree envelope requirement on Johnston Street but not on Sackville Street;*
 - (viii) *No rear interface height, and*
 - (ix) *Maintain the mandatory solar control.*

41. The Panel considered a submission from Aheron Investments requesting that its whole landholding (220, 222, 22A Johnston Street and 153-155, 165 Sackville Street) be contained within a single sub-precinct rather than a mix of sub-precincts. Council advocates agreed to generally accept the recommendations made by Aheron Investments at Panel with a few qualifications.
42. Those qualifications being:
- (a) mandatory 11 metre street wall on Johnston Street;
 - (b) discretionary 3 m setback above the street wall to transition to a 6 metre setback to the east where the building meets sub precinct 1A;
 - (c) preferred 11 metre street wall on Sackville Street;
 - (d) preferred 6 metre setback above the street wall on Sackville Street;
 - (e) exemption from 45 degree envelope requirement on Johnston Street but not on Sackville Street;
 - (f) retain preferred overall height of 28 metres;
 - (g) no rear interface height; and
 - (h) Maintain mandatory solar control.
43. The Panel found the submission by Aheron Investments concise, clear and made good use of illustrative material. The Panel supported the recommendations made by Aheron given the site key intersectional location.

Officer Recommendation

44. The Panel recommended that the properties at 220, 222 and 222A Johnston Street, Collingwood and 153–155 and 165 Sackville Street, Collingwood form a new sub-precinct. Considering the size of the combined properties, their location and under single ownership, it is sensible to identify them as a sub-precinct and warrant individual controls.
45. The Panel has recommended controls that mostly align with Council’s position at Panel besides the total building height and setback to Hoddle Street. It is not considered that these two variations to Council’s position are an issue. As the Panel notes development “*will be most visible from Hoddle Street which is a wide arterial road with a different character to Johnston Street.*” The Panel also notes “*that the overshadowing control will still apply*”. Alongside other mandatory and discretionary built form controls, future development on the site will need to meet the objectives of the DDO.

Exhibited	Adopted position at Panel	Panel Recommendations	Officer Recommendation
Aheron Investments land included in sub-precincts 1A, 1AA and 1B:	<p>Agreed to include the Aheron Investment Land in a new Precinct:</p> <p>retain preferred overall height of 28 metres</p> <p>With the following controls: mandatory 11 metre street wall on Johnston Street</p> <p>preferred 11 metre</p>	<p>Place the Aheron Investments land at 220, 222 and 222A Johnston Street, Collingwood and 153–155 and 165 Sackville Street, Collingwood in a new sub precinct, with the following applying:</p> <p>Increase the preferred overall height to 34 metres</p> <p>A mandatory 11.3 metre street wall height on Johnston Street</p> <p>A preferred 11.3 metre street wall height on Sackville</p> <p>A discretionary 3 metre</p>	<p>It is recommended that Council adopt the Panel recommended version except with a variation to street wall heights of Johnston Street and Sackville Street to 11m down from 11.3m.</p>

	<p>street wall on Sackville Street</p> <p>discretionary 3 m setback above the street wall to transition to a 6 metre setback to the east where the building meets sub precinct 1A</p> <p>preferred 6 metre setback above the street wall on Sackville Street</p> <p>exemption from 45 degree envelope requirement on Johnston Street but not on Sackville Street</p> <p>no rear interface height</p> <p>Maintain mandatory solar control.</p>	<p>setback above the street wall to transition to a 6 metre setback to the east where the building meets sub precinct 1A on Johnston Street</p> <p>A preferred 6 metre setback above the street wall on Sackville Street</p> <p>Exemption from 45 degree envelope requirement on Johnston Street but not on Sackville Street</p> <p>No rear interface height</p> <p>Maintain the mandatory solar control</p> <p>No street wall height or setback to Hoddle Street</p>	
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Amendments to the Design and Development Overlay

46. The Panel Recommended:

(a) *Change Design and Development Overlay Schedule 15 to*

- (i) *Refine the drafting of Design and Development Overlay Schedule 15 generally as shown in Appendix D. (Attachment 2)*
- (ii) *Amend the Design objectives to delete ‘overlooking’ from the third objective.*
- (iii) *Refine the language of the ‘Requirements to exceed preferred heights’ to avoid an overly prescriptive interpretation.*

47. The Panel found the drafting of the controls clear and aligns with the intended vision for Johnston Street. The Panel has made some minor adjustments to the DDO to better meet with drafting guidelines set out by the State Government. The Panel’s revised Design and Development Overlay are detailed in Appendix D in the Panel Report.

Officer Recommendation

- 48. Council officers have considered and reviewed the redrafting of DDO15, and agree with the majority of recommendations made by the Panel. In reviewing the Panel’s preferred DDO officers are recommending some minor changes based on internal and legal advice. A copy of the Panel’s preferred DDO with officer track changes is included as **Attachment 2**.
- 49. It is recommended that Council adopts the amended DDO15 with officer recommended changes as shown in **Attachment 3**.

Panel Conclusions

Mandatory Controls and Height Limits

50. Council received many submissions regarding the heights proposed in the DDO15, some sought increased heights, while others were concerned the proposed scale was excessive. Many submissions argued that mandatory controls should be discretionary.
51. The Minister for Planning invited consideration of some mandatory controls in the conditional authorisation letter for Amendment C220 and the Council made changes consistent with this advice. A new Planning Practice Note 60: *Height and setback controls for activity centres (PPN60)* was introduced prior to the Panel which sets out the guidance for using mandatory controls:
- (a) *Mandatory height or setback controls should only be applied where:*
- (i) *Exceptional circumstances exist or council has undertaken comprehensive strategic work and is able to demonstrate that mandatory controls are appropriate in the context, and*
- (ii) *They are absolutely necessary to achieve the preferred built form outcomes and it can be demonstrated that exceeding these development parameters would result in unacceptable built form outcomes.*
- (emphasis added)
52. The Panel highlighted that DDO15 is underpinned by comprehensive strategic work that meets the requirements of PPN60. This included:
- (a) Is consistent with state and regional policy – DDO15 proposes a preferred future character for Johnston Street that aligns with the aspirations of Plan Melbourne and State Policies;
- (b) Is current and takes account of recent trends and approvals, and has been subject to a program of public consultation; and
- (c) Provides capacity to accommodate growth within Johnston Street.
53. The Panel acknowledged the role 3D modelling assisted in providing a clear visualisation of the controls proposed and an understanding of the impact of higher built form.
54. The Panel supported the use of mandatory controls where:
- (a) Land directly abuts residential areas, in line with Council's position at Panel; and
- (b) Land was within a significant heritage streetscape.
55. The Panel confirmed the importance of protecting sunlight to the southern footpath as a higher level of pedestrian movements would occur along Johnston Street. The Panel agreed with Council's approach to using the September equinox and concluded that mandatory controls were "absolutely necessary" to ensure sun access to the southern footpath.
56. The Panel noted:
- (a) *That Johnston Street is exceptional in a metropolitan context. While typical in many ways of strip commercial development associated with Melbourne's cable car and tramway network, Johnston Street did not develop at the same intensity as other inner urban commercial strips. This makes the street more susceptible to development undermining its heritage character.*
57. The Panel concluded: *sufficient strategic work has been carried out for Johnston Street to support mandatory controls in DDO15 provided the specific controls are 'absolutely necessary'.*

Mid Rise Scale

58. The Panel acknowledged the Neighbourhood Activity Centre status given to Johnston Street in the Yarra Planning Scheme and relevant State Policies, which provide an expectation that future growth in dwellings will occur in areas that can accommodate change. The Panel supported the vision and preferred character for Johnston Street based on the strategic planning work and Johnston Street Local Area Plan (JSLAP) in particular. The Panel commented:

(a) *The Panel agrees that a legitimate role for planning authority is to set a vision for an area. But this vision cannot be set at a whim, or without strategic justification.*

59. The Panel acknowledged that the mid-rise scale proposed in the DDO is supported by relevant State and Local Policy.

Sub-precincts

60. The Panel heard submissions from land owners requesting their land be moved from one sub-precinct to another.

61. At the hearing land owners for the property at 288 Johnston Street requested their property be placed in a separate precinct as the site could accommodate greater height without impacting surrounding amenity. While the Panel did acknowledge the site may be able to accommodate greater height, the Panel did not see the need for a new precinct as future development should be tested against the criteria set out in the DDO.

62. The Panel considered a submission from the land owner of 329 Johnston Street (which has a VCAT approved planning permit for development) requesting that its property be moved from sub-precinct 2D to 2E on the basis it owned the residential properties to the rear of the site. Council's advocates did not support this change as it would affect the zoning of the residential properties and impact on the residential properties that adjoin the development site. The Panel agreed with Council's position.

63. Land owners for the property at 424 Johnston Street requested that their site be shifted from sub-precinct 2C to 2B, which would allow for greater development potential. The Panel found that the site shared the same characteristics of buildings within sub-precinct 2C and there is no basis for a change.

Upper Level Setback Envelope

64. The Panel acknowledged and supported the 45 degree envelope as a simple tool to assist in the management of visual bulk and protecting solar access along Johnston Street.

Rear interface controls

65. The Panel supported Council's rear interface controls proposed by Council in the DDO presented at the Panel Hearing. The Panel also agreed with Council that it is appropriate to make the rear interface heights mandatory in relation to precinct 2D.

Building Separation

66. The Panel has supported Council's position including building separation requirements within new developments. The Panel acknowledged that by providing a setback it would avoid the need for screening between buildings and help to provide daylight to apartments and offices, and help to achieve equitable development outcomes.

Setbacks to Heritage Buildings

67. The Panel considered the submission made by the Collingwood Historical Society, requesting an increase in setbacks to individually significant heritage places from 6m to 8m.

68. The Panel agreed with Council's position that a 6m setback was an appropriate control to achieve a balance between heritage protection and new development. The Panel concluded that it is not appropriate to require a greater setback above heritage buildings. The Panel said:

- (a) *“The Panel does not agree that less significant sections warrant a different treatment. Less significant areas equally deserve to exhibit the overall urban design outcome: a strong street wall with a distinct setback to the mid-level form. It is an urban design outcome as much as a heritage one. The Panel is not persuaded that 6 metres should be discretionary. This would certainly prejudice the idea of a strong urban design frame and could lead to lengthy debates trying to reach no setback with differentiation limited solely to a change of materials. The benefits of certainty should prevail here, and the Panel is confident that design solutions for economically sound development can be achieved by competent architects.”*

Buildings on Corner sites

69. The Panel acknowledged that some submissions expressed uncertainty about how the requirements for upper level setbacks would apply on corner sites.
70. In response, Council advocates proposed changes that require the street wall height to “wrap” around corners into side streets in some situations and include a discretionary requirement for a minimum 3 metre setback above the street wall on side streets.
71. The Panel supported Council’s position and found the requirement appropriate.

Amendment C220 – version for Adoption

72. The Amendment for adoption proposes to make the following changes to the Yarra Planning Scheme (refer to Attachment 1):
- (a) rezone land generally within the Commercial 2 Zone (C2Z) and within the General Residential Zone (GRZ1), west of Nicholson Street, to Commercial 1 Zone (C1Z);
 - (b) Rezone land owned by VicRoads located on the corner of Hoddle and Johnston Streets to Road Zone Category 1 (RZ1);
 - (c) Rezone land owned by CitiPower located on the corner of Hoddle and Johnston Streets to Public Use Zone 1 (PUZ1);
 - (d) Rezone part of the site at 67-71 Johnston Street from Public Use Zone (PUZ) to Commercial 1 Zone (C1Z) to correct a mapping error;
 - (e) apply the Design and Development Overlay (DDO15) to the Subject Land;
 - (f) insert a new DDO schedule at Clause 43.02s;
 - (g) insert a new Local Policy (Johnston Street Activity Centre Policy) at Clause 22.18;
 - (h) apply the Environmental Audit Overlay (EAO) to sites being rezoned from Commercial 2 Zone to the Commercial 1 Zone;
 - (i) apply a new Heritage Overlay precinct to the following properties:

HO Number	Precinct Name	Properties Included in HO
HO505	Johnston Street East	219-241 Johnston Street, Abbotsford 246-274 Johnston Street, Abbotsford

- (j) amend the existing Appendix 8 incorporated document listed in the schedule to clause 81.01 to include the addresses and grading of all new and revised places;
- (k) rename the existing Appendix 8 incorporated document in Clause 22.02 and in the schedule to clause 72.04 to refer to the new revised date;
- (l) amend the schedule to Clause 43.01 (Heritage Overlay); and
- (m) amend Planning Scheme Maps.

External Consultation

73. 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.
74. 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.
75. The Amendment has been consulted upon in accordance with the relevant provisions of the Planning and Environment Act 1987 and submitters have been notified as the Amendment has progressed through the Planning Panel Stage.

Internal Consultation (One Yarra)

76. The Amendment has had input from statutory planning, urban design, open space and traffic (engineering and sustainable transport) departments at Council.

Financial Implications

77. The financial costs of planning scheme amendments have been included in the budget of Council's City Strategy Unit in 2018/2019.

Economic Implications

78. The proposed Amendment would have positive economic implications through the rezoning and built form elements of the Plan and proposed Amendment.

Sustainability Implications

79. The proposed Amendment would promote both the economic and environmental sustainability of the activity centre through land use change and sustainable development outcomes.
80. Through the use of the Environmental Audit Overlay, the Amendment would ensure that potentially contaminated land is identified, assessed and treated through the environmental audit process.

Social Implications

81. The proposed Amendment would have positive social implications through the revitalisation of the activity centre through land use change that encourages increased residential and commercial activity in the activity centre.

Human Rights Implications

82. There are no known human rights implications.

Communications with CALD Communities Implications

83. The amendment notification process would be undertaken through various forms of notification and media which includes information for CALD communities including translator services.

Council Plan, Strategy and Policy Implications

84. 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

85. All parties have had the opportunity to be heard at an independent panel hearing.
86. The approach outlined in this report is in accordance with the requirements of the Planning and Environment Act 1987.

Options

87. There are four options for Councillors to consider in relation to adopting the Amendment:
- (a) adopt the Amendment with the changes recommended by the Planning Panel; or
 - (b) adopt the Amendment with the officer recommended changes which take into account the Panel's recommendations with some variations; or
 - (c) adopt the Amendment as exhibited; or
 - (d) abandon the amendment.

Conclusion

88. The independent Planning Panel has considered Amendment C220 and submissions and has strongly supported the Amendment C220 with minor changes. The Panel commended Council for the substantial body of work that has supported the Amendment and has supported a suite of mandatory built form controls to enable Council in achieving its built form vision for Johnston Street.
89. The Panel has made a number of recommendations for changes outlined in this report, and outlined in Attachment 2. In accordance with Section 27 of the Planning and Environment Act, Council must have regard to and consider the recommendations of the Planning Panel report before deciding to adopt an amendment with or without changes.
90. It is considered that Council should adopt Amendment C220 in accordance with the Panel's recommendation with the further minor officer changes as outlined in this report and Attachments 3 and 4.

RECOMMENDATION

1. That Council:
- (a) notes the officer report regarding the Panel Report in relation to Amendment C220 regarding Johnston Street, Collingwood
 - (b) considers the report and recommendations of the Planning Panel and adopts Amendment C220 to the Yarra Planning Scheme with changes (pursuant to Section 29 (1) of the Planning and Environment Act 1987) in accordance with this report and those outlined in Attachments 1 and 3;
 - (c) submits the adopted Amendment C220 to the Minister for Planning for approval, in accordance with Section 31 (1) of the Planning and Environment Act 1987;
 - (d) notes the reasons for varying from the Panel Report as outlined in the report; and
 - (e) advises all submitters of Council's decision in relation to Amendment C220.

CONTACT OFFICER: Kyle Everett
TITLE: Strategic Planner
TEL: 9205 5075

Attachments

- [1](#) ⇨ Amendment C220 - Johnston Street Local Area Plan - Panel Report
- [2](#) ⇨ Amendment C220 - Panel Recommended DDO15 with Council officer post Panel tracked changes for Adoption
- [3](#) ⇨ Amendment C220 - Amendment Documents and Maps for Adoption

11.2 Proposed discontinuance and sale of the road abutting 359 & 361 Pigdon Street, Princes Hill.

Trim Record Number: D19/49409

Responsible Officer: Director Corporate, Business and Finance

Purpose

1. For Council to consider whether the road shown as lots 1 and 2 on the title plan attached as Attachment 1 (**Title Plan**) to this report, being the whole of the land contained in certificate of title volume 1618 folio 508 (**Road**), should be discontinued pursuant to the *Local Government Act 1989 (Act)* and sold to the owners of 359 Pigdon Street, Princes Hill, and the owners of 361 Pigdon Street, Princes Hill (the **Proposal**).

Background

2. The Road is shown as lots 1 and 2 on the Title Plan and shown outlined red and red hatched on the plan attached as Attachment 2 to this report (**Site Plan**). A copy of the title to the Road is contained in Attachment 3 to this report.
3. The following adjoining properties abut the Road on its northern boundary:
 - (a) 361 Pigdon Street, Princes Hill, being the land contained in certificate of title volume 6730 folio 848 and outlined green on the Site Plan (**Owner 1**); and
 - (b) 359 Pigdon Street, Princes Hill, being the land contained in certificate of title volume 4849 folio 632 and outlined yellow on the Site Plan (**Owner 2**).
4. Together, the (**Applicants Properties**).
5. The Road also abuts, or is adjacent to, the following properties (together **Adjoining Properties**), as shown outlined blue on the Site Plan:
 - (a) 357 Pigdon Street, Princes Hill, being the land contained in certificate of title volume 1562 folio 269; and
 - (b) 25-35 Garton Street, Princes Hill, being the land contained in certificate of title volume 2809 folio 669.
6. Owner 1 and Owner 2 (together, **Owners**) have requested that Council discontinue the Road and sell:
 - (a) that part of the Road shown red hatched on the Site Plan (being lot 1 on the Title Plan) (**Lot 1**) to Owner 1; and
 - (b) that part of the Road show outlined red on the Site Plan (being Lot 2 on the Title Plan) (**Lot 2**) to Owner 2.
7. The Road is shown on title as a 'road' and has been constructed and historically used as a right of way. Accordingly, the Road is a 'road' for the purposes of the Act and Council has statutory power to consider discontinuing the Road.
8. At its meeting of 18 September 2018, Council resolved to commence the statutory procedures and give notice pursuant to section 207A and 223 of the Act of its intention to discontinue and sell the Road to the Owners.

Discussion

Public Notice

9. The required public notice was placed in the Weekly Review Melbourne Times and Age Newspapers on the 14 November 2018. Council's Facebook page and website (social media).
10. A copy of the public notice was given by letter to the Adjoining Owners.

11. A copy of the Public Notice was displayed prominently on site.
12. Following the publication of the public notice and allowing for the required public notice period, Council did not receive any submissions.
13. A copy of the public notice is attached as Attachment 4 to this report.

Road Status

14. It is established that the Road is a Road which Council has the power to consider discontinuing pursuant to the Act. If the Road is discontinued, the Road will vest in Council.

Public Authorities

15. The following statutory/public 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 that should be saved under section 207C of the Act; City West Water, Melbourne Water, APA Group, Citipower, Telstra, Optus and Yarra City Council.
16. Melbourne Water, Citipower, APA Group, Telstra, Optus and Yarra City Council advised that they have no known assets in or above the Road and have no objection to the Proposal.
17. In a letter dated 1 November 2017, City West Water (**CWW**) advised that it did not object to the Proposal, subject to the Following conditions:
 - (a) a certified Title Plan must show a 2.0m wide centrally located Sewerage Easement to be in favour of CWW pursuant to section 12(1) of the *Subdivision Act 1988*. This plan must be referred to CWW for consideration prior to offering a withdrawal of objection;
 - (b) any proposed fences must be located a minimum distance of 800mm clear of the centreline of existing CWW sewer mains;
 - (c) any proposed fence lines must be located a minimum distance of 1.0m from sewer manholes and/or sewer inspection shafts; and
 - (d) any proposal to build over a sewer asset will require CWW's written consent (i.e. Build-Over Application approval).
18. A copy of the correspondence from CWW is contained in Attachment 5 to this report.

Internal Consultation (One Yarra)

19. No internal consultation is required for this report.

Financial Implications

20. There are no financial implications arising from this report.

Economic Implications

21. The Owners have agreed to acquire the Road for its market value (plus GST) as determined by the Act.
22. In addition to the market value of the Road (plus GST), the Owners have agreed to pay Council's costs and disbursements associated with the Proposal.

Sustainability Implications

23. There are no sustainability implications arising from this report.

Social Implications

24. There are no social implications arising from this report.

Human Rights Implications

25. There are no human rights implications arising from this report.

Communications with CALD Communities Implications

26. All correspondence issued in respect of this proposal will contain a reference to Yarralink Interpreter Services.

Council Plan, Strategy and Policy Implications

27. There are no Council Plan, Strategy or Policy implications.

Legal Implications

28. If the Road is discontinued and sold to the Applicants, Council will require the Applicants to:
- (a) create a 2.0 metre wide centrally located sewerage easement in favour of City West Water (**CWW**) along the length of the Road (this can be effected as part of the transfer of land);
 - (b) agree to observe the conditions imposed by CWW in respect of the Road;
 - (c) consolidate the title to lot 1 with the title of 361 Pigdon Street, Princes Hill, within 6 months of the date of transfer of the Road to Owner 1, at Owner 1's expense; and
 - (d) consolidate the title to lot 2 with the title of 359 Pigdon Street, Princes Hill, within 6 months of the date of transfer of the Road to Owner 2, at Owner 2's expense.

Other Issues

29. There are no other issues.

Options

30. There are no options associated with this report.

Conclusion






31. Council must now determine whether the Road is reasonably required for public use in order to decide whether the Road should be discontinued and sold pursuant to clause 3 of schedule 10 of the Act.

RECOMMENDATION

1. That Council, acting under clause 3 of schedule 10 of the *Local Government Act 1989 (Act)*:
- (a) resolves, that having followed all the required statutory procedures pursuant to sections 207A and 223 of the Act pursuant to its power under clause 3 of Schedule 10 of the Act, and being of the opinion that the Road is not reasonably required for public use, it discontinues the Road;
 - (b) directs that a notice pursuant to the provisions of clause 3(a) of Schedule 10 of the Act is to be published in the *Victoria Government Gazette*;
 - (c) directs that once discontinued, the Road be transferred to the adjoining owners at 361 Pigdon Street, Princes Hill (**Owner 1**) and 359 Pigdon Street, Princes Hill (**Owner 2**), for no less than the market value (plus GST), as determined by the Act;
 - (d) directs that the CEO sign any transfer or transfers of the Road and any other documents required to be signed in connection with the discontinuance of the Road and its subsequent transfer to Owner 1 and Owner 2;
 - (e) directs that Owner 1 and Owner 2 observe the conditions and easement requirements imposed by City West Water; and
 - (f) directs that, Owner 1 and Owner 2 be required to consolidate the titles to lot 1 and lot 2 to their respective titles by no later than 6 months after the date of transfer of the discontinued Road.

CONTACT OFFICER: Bill Graham
TITLE: Coordinator Valuations
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Attachments

- 1  Title Plan
- 2  Site Plan
- 3  Title
- 4  Public Notice
- 5  CWW Response

11.3 2018/19 March Report (Incorporating Financial Report and Annual Plan Progress Report)

Executive Summary

Purpose

To provide Councillors with the 2018/19 March Quarterly Report incorporating the Financial Report and Annual Plan progress report.

Key Issues

Council's 2018/19 financial position as at 31 March 2019 is better than budget at this point in time.

Council's 2018/19 Annual Plan action progress at the end of March 2019 is 78.73% of actions are either Complete or On Track.

Financial Implications

There are no financial implications.

PROPOSAL

That Council note the 2018/19 March Quarterly Report (incorporating Financial and Annual Plan progress reports).

That Council endorse changes to the 2018/19 Annual Plan.

11.3 2018/19 March Report (Incorporating Financial Report and Annual Plan Progress Report)

Trim Record Number: D19/56297

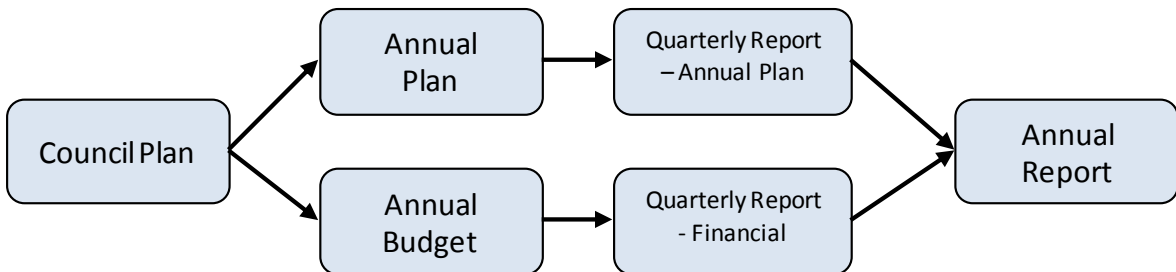
Responsible Officer: Director Corporate, Business and Finance

Purpose

1. To provide Councillors with the 2018/19 March Quarterly Report incorporating the Financial Report and Annual Plan progress reports and progress on 2018/19 Budget Resolution implementation.
2. To provide Councillors with the end-of-year forecast position for the 2018/19 Budget and Annual Plan.

Background

3. The Budget and Annual Plan (including quarterly progress reports) are Council’s key accountability documents to the community.



2018/19 Financial Report (Attachment 1)

4. As at 31 March 2019 Council is favourable to YTD Budget by \$7.8m. This result is due to:
 - (a) Higher YTD parking infringements issued; \$1.8m;
 - (b) Higher YTD user fees received, which is mostly in construction occupancy permits; \$1.7m;
 - (c) Higher YTD Reimbursement fees; \$204k, mostly attributable to legal fees and inspection fees in Governance and Construction Management;
 - (d) Higher YTD grants received of \$2.3m, mostly attributable to the \$3m received from the State government to date for the relocation of the Depot;
 - (e) Higher YTD open space monetary contributions relating to developer contributions received; \$1.7m;
 - (f) Higher YTD Other income, mostly due to interest and service fee income; \$1.5m; and
 - (g) Lower YTD employee expenditure, mainly due to ongoing EFT vacancies; \$841k.
5. These favourable outcomes are offset by:
 - (a) Higher YTD provision for doubtful debts, which is due to the increased parking infringements issued; \$2.0m; and
 - (b) Higher YTD materials and services of \$512k, which is due to the recognition of an unbudgeted Council legal settlement, offset by favourable contract payments and utility costs YTD.

2018/19 Full Year Forecast

6. As at 31 March 2019, from a forecast year end position, Council is anticipating a full year surplus result of \$32.2m, favourable to Budget by \$22.1m. This result is due to:

- (a) Higher than budgeted parking infringements issued; \$2.2m;
- (b) Higher than budgeted user fees received, which is mostly in construction occupancy permits; \$1.8m;
- (c) Higher than budgeted Reimbursement fees; \$586k, mostly attributable to legal fees and inspection fees in Governance and Construction Management;
- (d) Higher than budgeted Grant income; \$19.7m, mostly attributable to the \$17.5m from the State government for the relocation of the Depot;
- (e) Higher than budgeted open space monetary developer contributions; \$1.0m; and
- (f) Higher than budgeted Other Income, mostly due to interest and service fee income; \$808k.

It is important to note that not all of these favourable results translate to additional cash as most are restricted for future use.

- 7. These favourable outcomes are offset by:
 - (a) Lower than budgeted rates income due to supplementary valuations forecast to be below budget and pensioner rate rebates over budget; \$405k;
 - (b) Higher than budgeted materials and services costs of \$2.6m, largely due to Council recognising its liability in relation to a legal settlement;
 - (c) Higher than budgeted doubtful debts expense, directly related to increase in parking infringement income; \$1.9m; and
 - (d) Higher than budgeted depreciation, due to revaluation of Building and Infrastructure assets from 2017/18; \$264k.
- 8. As at 31 March 2019 Council's capital works program is favourable to YTD Budget by \$7.5m. This result is mainly due to the building program progressing slower than anticipated as well as some delays in Capital expenditure on Parks, Open Space and Streetscapes. It is forecast that the current year budget for the Capital program will be met.
- 9. Council's cash position is anticipated to exceed budget, however the majority of the funds over budget are required for future capital works or restricted for the open space reserve.

2018/19 Capital Works Program Adjustments Report – March (Attachment 2)

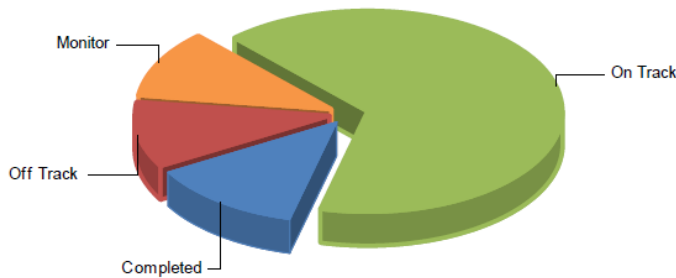
- 10. The 2018/19 Capital Works Program is subject to regular adjustments in response to variations to current projects and substitution in response to changing priorities and urgent new works being identified. The attached Capital Works Program Adjustments Report identifies changes which have taken place during the current quarter.

2018/19 Annual Plan Quarterly Progress Report – March (Attachment 3)

- 11. The 2018/19 Annual Plan contains 47 actions spread across the Council Plan's Strategic Objectives. It is achievable, delivers on Council's priorities and reflects the organisation's focus on delivering the Council Plan's Initiatives in 2018/19.
- 12. There are 49 Strategies in the *Council Plan 2017-21*, with 99 associated Initiatives. Not all of these have a corresponding action in the *2018/19 Annual Plan*. The Council Plan is a four-year document and Initiatives will commence across a range of years. A number of Initiatives are predominantly operational in nature and will be reported on through the 'Other Council Plan Initiatives' section of the Annual Plan Quarterly Progress Report six monthly in the March and June reports.

Quarterly performance

13. The progress of an action is measured by the status of its individual milestones which are weighted to represent the relative time and effort they contribute to achievement of the overall action.
14. The following thresholds are used to determine the status of an action:
 - (a) On track $\geq 90\%$
 - (b) Monitor 75-89%
 - (c) Off track $< 75\%$
15. Annual Plan Action progress summary as at 31 March 2019:



Strategic Objective	No. of Actions Reported	Complete	On track (>=90%)	Monitor (75-90%)	Off track (<75%)	Not Started
A healthy Yarra	7	2	4	0	1	0
An inclusive Yarra	4	0	4	0	0	0
A sustainable Yarra	8	1	6	0	1	0
A liveable Yarra	13	3	3	5	2	0
A prosperous Yarra	5	0	4	0	1	0
A connected Yarra	6	0	6	0	0	0
A leading Yarra	4	0	4	0	0	0
	47 (100%)	6 (12.77%)	31 (65.96%)	5 (10.64%)	5 (10.64%)	0 (0.00%)

16. Annual targets set a requirement for 75% of Annual Plan actions to be Complete or On Track (>90%) by 30 June each year.
17. At the end of March, 37 of 47 actions (78.73%) were On Track or Complete.

Off track

- 1.03 Develop new Open Space Strategy
- 3.01 Develop Biodiversity Strategy
- 4.09 Major Activity Centres structure Planning
- 4.10 Strategies for the Hospital and education precincts
- 5.02 Develop shopping strip masterplans

Monitor

- 4.01 Develop and implement Development Contributions Plan
- 4.04 Develop Social and Affordable Social Housing Strategy
- 4.07 Heidelberg Road, Nicholson Street Bus Depot, Wellington Street built form Analysis
- 4.08 Major Activity Centres built form analysis
- 4.11 Develop options to plan for and further enhance key community precincts

18. To ensure the integrity and transparency of the Annual Plan, which is endorsed by Council, actions including their descriptions and milestones can only be changed by resolution of Council.

Proposed Changes to the Annual Plan

19. Officers or Councillors may propose changes to the Annual Plan.
20. Council received a briefing on 'Action 3.04 Trial food and green organics waste service' at its meeting on 18 March 2019 which discussed changes and pressures on the recycling industry and consideration of an alternate approach to organics and food waste. Based on the outcomes of that discussion officers have proposed the following amendments to the Quarter 3 and Quarter 4 Milestones for this Action.

Amendment to Action 3.04 Trial food and green organics waste service

Current: Q3. Develop options for a municipal-wide organics service and present to Council in the first half of 2019.

Q4. Present project and delivery plan to Council

Proposed: Q3. Develop plan for delivery of holistic waste system trial in selected areas

Q4. Commence holistic waste system trial in selected areas

21. These changes have been included in the resolution and the 2018/19 Annual Plan has been updated accordingly and changes reflected in the March Quarterly report.

External Consultation

22. Significant community engagement and consultation was undertaken during the development of the *2018/19 Budget and Council Plan 2017-21*. The *2018/19 Annual Plan* reflects the community priorities identified during these processes, included in the *Council Plan 2017-21* initiatives.
23. Projects contained in the *2018/19 Annual Plan* are subject to external consultation and engagement on a case-by-case basis.

Internal Consultation (One Yarra)

24. Managers and Directors were consulted during development of the *2018/19 Budget and 2018/19 Annual Plan*, and are responsible for providing quarterly updates on their progress against delivery of these actions.

Financial Implications

25. Actions in the *2018/19 Annual Plan* are resourced within the *2018/19 Budget*.
26. The objective of the implementation of specific actions in the *2018/19 Budget Resolution* is to achieve financial savings this year and into the future. These will be detailed in progress reports and/or separate reports to Council as required.

Economic Implications

27. The *Council Plan 2017-21* includes the Strategic Objective *A prosperous Yarra: a place where Local businesses prosper and creative and knowledge industries thrive*. The *2018/19 Annual Plan* includes 5 actions that respond to initiatives under this Strategic Objective.

Sustainability Implications

28. The *Council Plan 2017-21* includes the Strategic Objective *A sustainable Yarra: a place where Council leads on sustainability and protects and enhances its natural environment*. The *2018/19 Annual Plan* includes 8 actions that respond to initiatives under this Strategic Objective.

Social Implications

29. The *Council Plan 2017-21* includes the Strategic Objective *A healthy Yarra: a place where Community health, safety and wellbeing are a focus in everything we do*. The *2018/19 Annual Plan* includes 6 actions that respond to initiatives under this Strategic Objective.

Human Rights Implications

30. The *Council Plan 2017-21* includes the Strategic Objective *An inclusive Yarra: a place where inclusion, diversity and uniqueness are welcomed, respected and celebrated*. The *2018/19 Annual Plan* includes 4 actions that respond to initiatives under this Strategic Objective.

Communications with CALD Communities Implications

31. CALD groups were specifically targeted as part of the engagement plan for the *2018/19 Budget and Council Plan 2017-21* and were represented in a group workshop which included Council's advisory groups.
32. Translation service assistance is available via Council's website for members of the CALD community and this service extended to the Council Plan engagement process.

Council Plan, Strategy and Policy Implications

33. The *2018/19 Annual Plan* represents Year 2 of the *Council Plan 2017-21* adopted on 1 August 2017.

Legal Implications

34. There are no legal implications.

Other Issues

35. There are no other issues.

Options

36. This report does not include any options.

Conclusion

37. The third quarter report demonstrates Council's progress toward achieving the *2018/19 Budget and 2018/19 Annual Plan*.

RECOMMENDATION

1. That Council:
- (a) notes the 2018/19 March Report incorporating Financial and Annual Plan progress reports; and
 - (b) endorse the amendment of the 2018/19 Annual Plan milestones relating to the following Actions:
 - (i) Action 3.04: Trial Food and Green Organics Waste service.
Replace current milestones for Quarters 3 and 4 with:
 - Q3 Develop plan for delivery of holistic waste system trial in selected areas;
and
 - Q4 Commence holistic waste system trial in selected areas.

CONTACT OFFICER: Shane Looney
TITLE: Corporate Planner
TEL: 9205 5397

Attachments

- 1  2018/19 Financial Report - March
- 2  2018/19 Capital Adjustments Running Table - March
- 3  2018/19 Annual Plan Progress Report - March

11.4 Appointment of Councillor to Council Committees

Trim Record Number: D19/75070

Responsible Officer: Group Manager Chief Executive's Office

Purpose

1. To appoint newly elected Cr Bridgid O'Brien to the casual vacancies on a number of Council Committees, triggered by the resignation of former Councillor Mike McEvoy.

Background

2. Following his resignation, Mr McEvoy's final day as a Councillor was Friday 5 April 2019. His resignation created a casual vacancy on Council which, following a formal electoral Count-back conducted by the Victorian Electoral Commission on 8 May 2019, was filled by Cr Bridgid O'Brien.
3. At his resignation, Mr McEvoy was a member of one Special Committee, a number of Advisory Committees and was appointed to two external organisations as Council's delegate (one of which was as a substitute).
4. It is now necessary to forthwith appoint Cr O'Brien to two Committees, namely:
 - (a) The Internal Development Approvals Committee (a Special Committee):
 - (i) The Internal Development Approvals Committee has the power to consider planning applications which require formal consideration (and an opportunity for community consultation) but do not require referral to the Council; consider planning applications where there is substantial non-compliance with Council policy and guidelines or involve planning applications which are subject to more than five objections; and determine on town planning applications received pursuant to the provisions of the Planning and Environment Act 1987; and
 - (ii) All Councillors are appointed to the Internal Development Approval Committee, with membership for each meeting comprising three Councillors as rostered. In order to maintain this arrangement, a resolution to appoint Cr O'Brien to the committee is thus required; and
 - (b) Performance Review Subcommittee (an Advisory Committee):
 - (i) The role of the Committee is to oversee the performance management process for the Chief Executive Officer and to present a report to Council to enable it to satisfy its obligation to conduct an annual review of the performance of its Chief Executive Officer in accordance with section 97A(1) of the Local Government Act 1989; and
 - (ii) All Councillors are appointed to the Performance Review Subcommittee. In order to maintain this arrangement, a resolution to appoint Cr O'Brien to the committee is thus required.
5. A separate report will be presented to Council at a later date, to consider and address necessary appointments to the other Advisory Committees and other Bodies.

External Consultation

6. No consultation was required concerning appointment to the two referenced Committees.

Internal Consultation (One Yarra)

7. No consultation was required concerning appointment to the two referenced Committees.

Financial Implications

8. There are no financial implications arising from this report.

Economic Implications

9. There are no economic implications arising from this report.

Sustainability Implications

10. There are no sustainability implications arising from this report.

Social Implications

11. There are no social implications arising from this report.

Human Rights Implications

12. There are no human rights implications arising from this report.

Communications with CALD Communities Implications

13. No consultation was required concerning appointment to the two referenced Committees.

Council Plan, Strategy and Policy Implications

14. The effective operation of advisory committees supports Council's processes, in providing advice and assistance in the development of the Council Plan, Strategies and Policies.

Legal Implications

15. The appointment of members to Council Committees is a matter for Council however it is necessary for appointments to be formalised by resolution.

Other Issues

16. There are no other issues arising from this report.

Options

17. There are no options in relation to this matter.

Conclusion

18. That Council appoint Cr O'Brien to each of:
- (a) the Internal Development Approvals Committee (a Special Committee); and
 - (b) the Performance Review Subcommittee (an Advisory Committee).
19. A further report will be presented to Council at a later date, to consider and address the appointments to the other Advisory Committees and other Bodies.

RECOMMENDATION

1. That Council appoint Cr Bridgid O'Brien to the following committees for the remainder of the 2018/2019 Council year:
- (a) the Internal Development Approvals Committee; and
 - (b) the Performance Review Subcommittee.

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

Attachments

There are no attachments for this report.

12.1 Notice of Motion No. 7 of 2019 - Ongoing Support for the MSIF in North Richmond

Trim Record Number: D19/75248

Responsible Officer: Group Manager Chief Executive's Office

I, Councillor Amanda Stone, hereby give notice that it is my intention to move the following motion at the Ordinary Meeting of Council to be held on 14 May 2019:

“That Yarra City Council:

- (a) states its continued, ongoing support for the MSIF in North Richmond and notes that since the facility opening in 2018:*
 - (i) there have been no overdose deaths reported at the centre;*
 - (ii) demand often exceeds available space indicating large unmet need for the service; and*
 - (iii) despite early successes of the centre, its overall effectiveness will be assessed over a two year trial period;*
- (b) also acknowledges:*
 - (i) the ongoing reported incidences of public dealing and injecting with some reports that it has increased;*
 - (ii) the ongoing street based dealing and small scale local crime with minimal visible police enforcement action being taken;*
 - (iii) the amenity impacts of people gathering in and around North Richmond and Abbotsford – increasingly from outside Yarra and which are significant on local residents and businesses, ongoing and largely experienced as negative;*
 - (iv) that there is no clear forum for residents and businesses to share these experiences and observations or to receive information about actions being taken to address them;*
 - (v) the role of Council in maintaining a safe and clean public space and the increased investment of resources required to provide this; and*
 - (vi) the primary role of the State Government in addressing the behavioural, health and legal issues surrounding the MSIF;*
- (c) now call on the State Government to establish an independently chaired Taskforce, comprising representatives from local residents, businesses, Yarra City Council, Yarra Drug and Health Forum, Department of Health and Human Services, Victoria Police, the MSIF and the office of the Member for Richmond, to provide a forum for local concerns to be raised, information to be shared and where possible solutions formulated;*
- (d) propose that the Issues this Taskforce considers should include:*
 - (i) the measurable changes in community amenity since the opening of the MSIF;*
 - (ii) possible reasons for these changes;*
 - (iii) the extent and nature of the impact on local residents and businesses;*
 - (iv) the viability of a shopfront drop-in service in Victoria Street to support residents, gather and provide information, and report back to the taskforce, as proposed by Residents for Victoria Street Drug Solutions;*
 - (v) an efficient means of residents and businesses reporting their observations of illegal behaviour; and*

- (vi) *other measures to address these issues as suggested by community members through various other forums; and*
- (e) *request that the Taskforce should:*
 - (i) *report regularly to the community on the issues being raised and approaches to addressing them; and*
 - (ii) *continue until the community representatives consider it is no longer needed.”*

RECOMMENDATION

1. That Yarra City Council:
 - (a) states its continued, ongoing support for the MSIF in North Richmond and notes that since the facility opening in 2018:
 - (i) there have been no overdose deaths reported at the centre;
 - (ii) demand often exceeds available space indicating large unmet need for the service; and
 - (iii) despite early successes of the centre, its overall effectiveness will be assessed over a two year trial period;
 - (b) also acknowledges:
 - (i) the ongoing reported incidences of public dealing and injecting with some reports that it has increased;
 - (ii) the ongoing street based dealing and small scale local crime with minimal visible police enforcement action being taken;
 - (iii) the amenity impacts of people gathering in and around North Richmond and Abbotsford – increasingly from outside Yarra and which are significant on local residents and businesses, ongoing and largely experienced as negative;
 - (iv) that there is no clear forum for residents and businesses to share these experiences and observations or to receive information about actions being taken to address them;
 - (v) the role of Council in maintaining a safe and clean public space and the increased investment of resources required to provide this; and
 - (vi) the primary role of the State Government in addressing the behavioural, health and legal issues surrounding the MSIF;
 - (c) now call on the State Government to establish an independently chaired Taskforce, comprising representatives from local residents, businesses, Yarra City Council, Yarra Drug and Health Forum, Department of Health and Human Services, Victoria Police, the MSIF and the office of the Member for Richmond, to provide a forum for local concerns to be raised, information to be shared and where possible solutions formulated;
 - (d) propose that the Issues this Taskforce considers should include:
 - (i) the measurable changes in community amenity since the opening of the MSIF;
 - (ii) possible reasons for these changes;
 - (iii) the extent and nature of the impact on local residents and businesses;
 - (iv) the viability of a shopfront drop-in service in Victoria Street to support residents, gather and provide information, and report back to the taskforce, as proposed by Residents for Victoria Street Drug Solutions;

- (v) an efficient means of residents and businesses reporting their observations of illegal behaviour; and
- (vi) other measures to address these issues as suggested by community members through various other forums; and
- (e) request that the Taskforce should:
 - (i) report regularly to the community on the issues being raised and approaches to addressing them; and
 - (ii) continue until the community representatives consider it is no longer needed.

Attachments

There are no attachments for this report.