

Ordinary Meeting of Council Agenda

**to be held on Tuesday 26 November 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.

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Order of business

- 1. Statement of recognition of Wurundjeri Woi-wurrung 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. Delegates' reports**
- 9. General business**
- 10. Questions without notice**
- 11. Council business reports**
- 12. Notices of motion**
- 13. Urgent business**

1. Acknowledgment of Country

“Yarra City Council acknowledges the Wurundjeri Woi Wurrung people as the Traditional Owners and true sovereigns of the land now known as Yarra.

We acknowledge their creator spirit Bunjil, their ancestors and their Elders.

We acknowledge the strength and resilience of the Wurundjeri Woi Wurrung, who have never ceded sovereignty and retain their strong connections to family, clan and country despite the impacts of European invasion.

We also acknowledge the significant contributions made by other Aboriginal and Torres Strait Islander people to life in Yarra.

We pay our respects to Elders from all nations here today—and to their Elders past, present and future.”

2. Attendance, apologies and requests for leave of absence

Anticipated attendees:

Councillors

- Cr Danae Bosler (Mayor)
- Cr Mi-Lin Chen Yi Mei
- Cr Jackie Fristacky
- Cr Stephen Jolly
- Cr Daniel Nguyen
- Cr Bridgid O'Brien
- 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)
- Bruce Phillips (Director Planning and Place Making)
- Mel Nikou (Governance Officer)

Leave of absence

- Cr Misha Coleman (Deputy Mayor)
- Cr James Searle

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

4. Confidential business reports

Item

- 4.1 Contractual matters
- 4.2 Contractual matters
- 4.3 The personal hardship of a resident or ratepayer

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) The personal hardship of a resident or ratepayer.
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 12 November 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 Mayor to ask your question, please come forward, take a seat at the microphone, state your name clearly for the record and:

- direct your question to the Mayor;
- refrain from making statements or engaging in debate
- not raise operational matters which have not previously been raised with the Council administration;
- not ask questions about matter listed on the agenda for the current meeting.
- refrain from repeating questions that have been previously asked; and
- if asking a question on behalf of a group, explain the nature of the group and how you are able to speak on their behalf.

Once you have asked your question, please remain silent unless called upon by the Mayor to make further comment or to clarify any aspects.

8. Delegate's reports

9. General business

10. Questions without notice

11. Council business reports

Item		Page	Rec. Page	Report Presenter
11.1	Update on Status of Pitfall Traps in Yarra	9	10	Peter Moran – Acting Manager City Works
11.2	Grant Initiation Report - Richmond and Collingwood Youth Program Grants 2020 - 2023	11	18	Malcolm Foard – Manager Family, Youth and Children’s Services
11.3	Amendment C269 - Yarra Planning Scheme - Rewrite of local policies	19	42	David Walmsley – Manager City Strategy
11.4	Amendment C245 Heritage Overlay and Zone Amendments - Consideration of Submissions	43	57	David Walmsley – Manager City Strategy
11.5	Discussion Paper - Planning and Building Approvals Process Review	58	81	Mary Osman – Manager Statutory Planning
11.6	Proposed Discontinuance of Road between 5 & 7 Brunswick Street, Fitzroy.	82	86	Bill Graham – Coordinator Valuations
11.7	Proposed Discontinuance of Road abutting the rear of 88-90 Johnston Street, Collingwood	87	93	Bill Graham – Coordinator Valuations

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 Mayor to make your submission, please come forward, take a seat at the microphone, state your name clearly for the record and:

- Speak for a maximum of five minutes;
- direct your submission to the Mayor;
- confine your submission to the subject under consideration;
- avoid repetition and restating previous submitters;
- refrain from asking questions or seeking comments from the Councillors or other submitters;
- if speaking on behalf of a group, explain the nature of the group and how you are able to speak on their behalf.

Once you have made your submission, please remain silent unless called upon by the Mayor to make further comment or to clarify any aspects.

12. Notices of motion

Item		Page	Rec. Page	Report Presenter
12.1	Notice of Motion No.16 of 2019 - Local Government Bill 2019	94	96	Cr Amanda Stone

13. Urgent business

Nil

11.1 Update on Status of Pitfall Traps in Yarra

Reference: D19/190392
Authoriser: Director City Works and Assets

Purpose

1. To outline the findings of Council officers in response to the Council resolution of 30 July 2019 (agenda item 9.3) on pitfall traps, being:
“That Officers present a report to Council:
 - (a) *providing an update audit on all pitfall traps in Yarra; and*
 - (b) *whether pitfall traps across the municipality have all been modified to be “wildlife safe” as was done in Edinburgh Gardens.”*

Background

2. Following the Council resolution, City Works officers conducted an audit of all known stormwater pits within open spaces and rain gardens to identify any possible pitfall traps within these areas.
3. The results of the audit were as follows:
 - (a) For open space areas, two pitfall traps were identified, both of which are within Kevin Bartlett Reserve (refer Attachment 1); and
 - (b) No pitfall traps were identified within rain gardens.
4. The identified pits have been inspected and both pits are functional from a drainage perspective.
5. It is unknown as to the extent that these pits present a risk to small wildlife, however it is possible that a risk exists.
6. Council officers have obtained quotes to undertake modifications to the two pits eliminate the pitfall traps.

External Consultation

7. No external consultation was undertaken.

Internal Consultation (One Yarra)

8. This report was prepared with input from the Drainage & Stormwater and Streetscapes & Natural Values teams within City Works branch.

Financial Implications

9. Should Council support officers to undertake the modifications for the two pitfall traps, the works will cost approximately \$10,000 (\$5,000 per pit) to make the necessary modifications.

Economic Implications

10. There are no economic implications for this report.

Sustainability Implications

11. There are no sustainability implications for this report.

Social Implications

12. There are no social implications for this report.

Human Rights Implications

13. There are no human rights implications for this report.

Communications with CALD Communities Implications

14. There are no CALD community implications for this report.

Council Plan, Strategy and Policy Implications

15. There are no Council plan, strategy and policy implications for this report.

Legal Implications

16. There are no legal implications for this report.

Other Issues

17. Council officers will ensure that no further pitfall traps are created when constructing new drainage infrastructure within open spaces and rain gardens, by considering small wildlife in pit design.

Options

18. Option 1 – No modifications to either pit

No action undertaken with no additional cost to Council, accepting that both pits identified in the audit may present a danger to small wildlife.

19. Option 2 – Modify both pits

Eliminate the two pitfall traps identified in the audit by reconstructing the drainage pits at a total cost of approximately \$10,000 to ensure they are safe for small wildlife.

Conclusion

20. Two pitfall traps that may present a risk to small wildlife were identified following inspections of open space and rain gardens, although the extent of the risk is unknown.

21. The cost to reconstruct these two pits to remove all potential risk to wildlife is \$10,000.

RECOMMENDATION

1. That Council:

(a) note this report; and

(b) approve Council Officers to proceed to eliminate the pitfall traps identified in the audit as potentially presenting a risk to wildlife, by reconstructing the two stormwater drainage pits.

CONTACT OFFICER: Fadi Fakhoury
TITLE: Principal Infrastructure Engineer
TEL: 03 9205 5523

Attachments

1 [⇒](#) Pitfall Traps - Attachment I

11.2 Grant Initiation Report - Richmond and Collingwood Youth Program Grants 2020 - 2023

Reference: D19/193069
Authoriser: Director Community Wellbeing

Purpose

1. The purpose of this report is to seek endorsement of the Richmond and Collingwood Youth Program Grants Guidelines 2020 – 2023 (**Attachment 1**) and approval of the grant process.
2. The report also seeks to address other funding and programmatic opportunities for young people living on the Richmond and Collingwood public housing estates, including officers' response to the General Business Motion on 13 August 2019 regarding the establishment of a Youth Employment Officer for Richmond.

Background

3. Yarra City Council has a long history of supporting disadvantaged children, young people and their families in public housing across the City of Yarra.
4. In 2014, Council established the Richmond and Collingwood Youth Program Grants, a three-year grant program for the delivery of youth programs on both estates. The program was incorporated into Council's Community Grants Program, and funding of \$85,000 per annum (per estate) over three years was made available.
5. Following a review in 2016, Council endorsed several changes to the Richmond and Collingwood Youth Program Grants 2017 – 2020, including:
 - (a) Changing the target age range from 12yrs – 25yrs to 8yrs – 21yrs;
 - (b) Updating the objectives of the Richmond and Collingwood Youth Program Grants 2017 – 2020;
 - (c) Encouraging applicants to consider formal partnerships with local community partners, such as Neighbourhood Houses or established organisations;
 - (d) Involving DHHS Housing and Place Managers on each estate in grant information sessions with prospective applicants, and on the community panel in the assessment process; and
 - (e) Requiring formal six-monthly progress reports (as opposed to annual reports in the 2014 – 2017 grants).
6. In 2016/17, following a competitive process, Council awarded, the drum youth services \$170,000 per annum to deliver programs and services on both estates, commencing 1 July 2017 to 30 June 2020.
7. Despite challenges with staff turnover and a lack of dedicated, accessible youth spaces on the two estates, the drum youth services have met annual performance targets as per their Service Agreement with Council in 2017/18 and 2018/19. Over the past 12 months, approximately 185 young people have engaged in five different drum youth services' programs across the two estates (1,235 contacts). The drum youth services' staff have developed strong relationships with local young people, families and service providers, and linkages to other programs and services from their Collingwood offices. There is also strong engagement from young people in the Richmond Youth Hub project. To date officers are satisfied with the overall performance of the drum and believe that they are offering a valuable service to vulnerable young people living in both estates.

8. The current grant concludes in June 2020, which provides an opportunity for Council to reflect on the outcomes over the last three years, with the view to improving processes and funding priorities that will deliver the best outcomes for young people living in the Richmond and Collingwood Housing Estates in future programs.
9. Officers propose to continue the Richmond and Collingwood Youth Program Grants as a targeted grant to support vulnerable young people in the Richmond and Collingwood public housing estates, in line with the strategic objectives of Council's 0 – 25 Years Plan for Children, Young People and Families.
10. However, in order to broaden and further maximise the impact of the Program, and to enhance children and young people's engagement with future activities, officers propose that some changes be made to the Richmond and Collingwood Youth Program Grants 2020 – 2023, including:
 - (a) Update the objectives of the Richmond and Collingwood Youth Program Grants 2020 – 2023 to align more closely with the seven key strategic priorities in Council's 0 – 25 Years Plan for Children, Young People & Families, and specifically:
 - (i) Deliver regular programs, activities and events for children and young people during term time and school holidays on the Collingwood and Richmond housing estates;
 - (ii) Ensure all programs and activities delivered are culturally safe, welcoming and inclusive for all children and young people;
 - (iii) Work with Council to promote stories and achievements of children and young people from the Collingwood and Richmond housing estates;
 - (iv) Work in partnership with children and young people, their families, and key local stakeholders to increase young people's access to information, support and referral to youth services in the City of Yarra; and
 - (v) Support opportunities for children and young people to participate in the design, planning, delivery and evaluation of programs, and, where possible, have a greater voice and influence on wider Council decision-making.
 - (b) Ensuring that some programming and activities on the Richmond housing estate are delivered at the Richmond Youth Hub (pending completion), and in partnership with organisations coordinating the facility;
 - (c) Establishing an assessment panel to be convened by the Manager Family, Youth & Children's Services with representatives from the *Onwards Collingwood* and *Richmond Rising* local area partnerships, DHHS and local schools (as appropriate); and
 - (d) Enhancing contract governance and management by requiring formal six-monthly progress reports against agreed KPI's, with an external evaluation of the program required in Year 3.
11. The proposed grant guidelines have been drafted and are attached in this report.
12. \$170,000 per annum (plus CPI) over a three year timeframe is currently allocated to the Richmond and Collingwood Youth Program Grants until June 2020. A similar amount is forecast to be incorporated into the 2020/21 budget.
13. The following table shows the proposed time-frame for Richmond and Collingwood Youth Program Grants 2020 – 2023:

Milestone	Date
Information Session (Collingwood & Richmond locations)	20 – 24 January 2020
Program grant opens	20 January 2020

Council officers available for consultation	20 January – 14 February 2020
Applications close	17 February 2020
Assessment	February – March 2020
Approval by Council and announcement of grant outcomes	April 2020
Program commences	From 1 July 2020

External Consultation

14. The Coordinator, Youth & Middle Years has a formal monthly meeting with management staff at the drum youth services to monitor progress on the delivery of the grant program. In addition, the drum youth services provide an annual acquittal report.
15. Yarra City Council also participate in quarterly local area partnership meetings at both Collingwood and Richmond housing estates. Through these meetings, local stakeholders have regularly raised the need for ongoing support for children and young people on both estates, from recreational opportunities to more tailored case management support, and initiatives to support young people seeking employment.
16. Officers from Council's Family, Youth and Children's Services Branch have also had initial discussions with DHHS to establish a working relationship with the Richmond Community Capacity Building Initiative, including the opportunity to temporary activate the space at 110 Elizabeth Street with activities stemming from the Social Landlord program.
17. A Community Grant Assessment Panel will be established to conduct an assessment of applications based on the grant guidelines and selection criteria.
 - (a) Each panel member will receive the full application and a summary of the internal assessor's comments. The Panel will then develop and agree on recommendations for approval by Council;
 - (b) For the proposed Richmond and Collingwood Youth Program Grants, an assessment panel would be convened by the Manager Family, Youth & Children's Services with representatives from the *Onwards Collingwood* and *Richmond Rising* local area partnerships, DHHS and local schools (as appropriate); and
 - (c) The proposed composition of the panel is consistent with community grant panels as the majority of members are external community representatives and they fulfil Council's selection criteria for community representatives to serve on the Panels by having a strong working knowledge of the Yarra community; expertise in, and representative of, the local area (Richmond and Collingwood housing estates); and, a commitment to complying with the ethical requirements of the process e.g. confidentiality and declaration of any conflict of interest.

Internal Consultation (One Yarra)

18. Council's Richmond and Collingwood Youth Program Grants are managed by the Community Partnerships and Youth Services teams. This Grants Initiation Report, and the updated guidelines for the Richmond and Collingwood Youth Program Grants 2020 – 2023 have been prepared by officers from both teams.
19. Advice about the proposed approach for the Richmond and Collingwood Youth Program Grants was sought from different areas of the Family, Youth and Children's' Services branch, Social Policy and Research, Community Partnerships, and Advocacy and Engagement teams.

Financial Implications

20. \$170,000 per annum (plus CPI) over a three year timeframe is currently allocated to the Richmond and Collingwood Youth Program Grants until June 2020. Officers propose no increase to the overall budget of the current grant. This will mean a commitment of \$180,000 per annum (plus CPI) – or \$90,000 per annum per estate (subject to Council adoption of the 2020/21 budget).
21. Additionally, at its 13 August 2019 meeting, Council adopted a general business motion that Council:
 - (a) Notes the success of youth employment services facilitated by the Yarra Youth Service's Youth Employment Officer stationed in Fitzroy; and
 - (b) Requests officers to bring a report on youth employment and the potential for funding of a similar role for the Richmond public housing estate, with the view of referring it to the mid-year budget process for consideration.
22. A separate briefing report was presented to Council on 21 October, which detailed the need for such a role and an indicated officer's intention to refer the proposal to the mid-year budget review.
23. Officers estimate the approximate costs associated with establishing a full time position to establish a Youth Employment position at the Richmond Estate at \$100,000 (inclusive of on-costs). It is expected that programming costs will be covered by the existing operational budget of youth services. The total amount to be referred to the midyear budget process will remain at \$100,000.

Economic Implications

24. Community grants strengthen the community sector through providing a flexible and responsive source of funds to community based not-for-profit organisations.
25. The provision of more resources to support young people's participation in learning, employment, education and training will have significant positive economic implications, increasing young people's employability and/or direct employment, leading to benefit to the local economy.

Sustainability Implications

26. All grant applicants are encouraged to consider the environmental impact of their program and opportunities to minimise their footprint. Applicants are required to demonstrate strategies to reduce and/or re-using resources.
27. All applicants must be submitted online, reducing the need for printed forms. The Guidelines will also be available online.

Social Implications

28. The level of disadvantage on the Richmond and Collingwood public housing estates suggests that the transition from childhood to adulthood presents additional challenges and barriers for young people and their families. An increase in protective factors in a community is linked to better health, wellbeing and life chance outcomes for young people.

Human Rights Implications

29. No specific human rights implications are considered in this report.

Communications with CALD Communities Implications

30. Young people from CALD backgrounds are highly engaged in the current programs and activities provided through the Richmond and Collingwood Youth Program Grants and education, training and employment initiatives led by Council's Youth Services Unit. As with the Richmond Youth Hub consultations, young people (and families) from CALD backgrounds will be engaged in consultation regarding any proposed changes to future funding opportunities for young people living on the Richmond and Collingwood public housing estates.

Council Plan, Strategy and Policy Implications

31. The 2017 – 2021 Council Plan has a number of strategies and initiatives around creating local employment initiatives, and also closely guides the Community Grants objectives. Community Grants are intended to support the delivery of the Council Plan and are a key way in which those objectives can be achieved in partnership with the community.
32. Four of the seven key objectives of the Council Plan relate to the Grant:
 - (a) Community health, safety and wellbeing are a focus in everything we do: The Grant provides a flexible and responsive source of funds to support the provision of the Richmond and Collingwood Youth Program Grants by a not for profit community organisation. The grant supports Council's commitment to social justice and social inclusion principles, and provides support to communities living in Yarra's public housing estates;
 - (b) Inclusion, diversity and uniqueness are welcomed, respected and celebrated: The grant provides support for a community organisation to offer a program delivered to the Richmond and Collingwood communities;
 - (c) Council leads on sustainability and protects and enhances its natural environment: All applicants are asked to consider the environmental impact of their organisation and program; and
 - (d) Transparency, performance and community participation drive the way we operate: the establishment of the grant positions future funding in an open process connecting with and supporting the Richmond and Collingwood communities.
33. The Richmond and Collingwood Youth Program Grants are also strongly aligned to the vision of Council's 0 – 25 Years Plan 2018 – 2022, that: *"All children and youth are loved and safe, have material basics, are healthy, are learning and are participating and have a positive sense of culture and identity."*
34. Increased resourcing towards youth employment initiatives for the Richmond public housing estate also aligns to the Council Plan 2017 – 2021, and specifically to Council's 0 – 25 Years Plan 2018 – 2022, supporting *Strategic Priority 4: Improve participation of children, young people and their families in learning, employment, education and training.*

Legal Implications

35. No legal implications are considered in this report.

Other Issues

36. While separate to the Richmond and Collingwood Youth Program Grants 2020 – 2023, there are a number of other issues that need to be considered as part of wider planning and service model for young people living on the Richmond housing estate.
37. Through the 2018/19 budget process, Council contributed \$185,000 toward the establishment of a Youth Hub on the Richmond housing estate. Officers are continuing to work with representatives from DHHS to establish the Richmond Youth Hub, and a Funding Deed has been signed by both parties acknowledging Council's financial contribution and interests in establishing a Youth Hub at 110 Elizabeth Street. On 10th September, young people from the drum youth services' programs participated in a focus group with the DHHS appointed architect to inform the concept design of the Richmond Youth Hub. DHHS has made a matching capital commitment of \$185,000 to ensure that the development of the Hub is successful.
38. Officers from Council's Family, Youth and Children's Services Branch have also had initial discussions with DHHS to establish a working relationship with the Richmond Community Capacity Building Initiative, including the opportunity to temporarily activate the space at 110 Elizabeth Street with activities stemming from the Social Landlord program.

- 39. Any decisions regarding the Richmond and Collingwood Youth Program Grants and funding a Youth Employment Officer for Richmond need to be cognisant of the development of the Richmond Youth Hub, and be considered as part of wider planning and service model for young people living on the Richmond housing estate.
- 40. At its 13 August 2019 meeting, Council adopted a general business motion requesting officers to bring a report on youth employment and the potential for funding of a similar role for the Richmond public housing estate.
- 41. Yarra City Council’s Youth Services have successfully delivered a number of key projects supporting education, training and employment outcomes for young people over the past 12 – 18 months. However, there remains strong empirical evidence (through SEIFA and Australia Bureau of Statistics data), and anecdotal feedback from young people and service providers for additional resources focusing on supporting young people on the Richmond Housing Estate. As such, officers recommend referring \$100,000 to the mid-year budget process for the recruitment of a full-time Youth Development Officer, Pathways.

Options

- 42. Council does have the option of not providing any funding for the Richmond and Collingwood Youth Program Grants beyond its current commitment. However, through ongoing monitoring of the program – and via the latest annual reporting process – the program appears to be well attended, respected and supported by young people and key stakeholders within the community. On the basis of community support for the program and the recent history of funding support from Council, officers would not recommend discontinuing funding at this time.
- 43. A further option is for Council is to operate the Richmond and Collingwood Youth Program through its Youth Services Unit and existing service model. An analysis of this option (versus providing a grant to an external provider) is explored in the table below. This is based on providing a similar service model and programming to the current and previous providers – where locally-based teams of qualified youth workers deliver a minimum of two weekly after-school programs on each estate; activities and events throughout each school holiday period; and local engagement, support and referral for young people to other youth services.

Consideration	Council’s Youth Services	External Provider
Workforce costs	<p>Council officers are paid a higher award rate than not-for-profit organisations, so staffing costs and overheads would be higher.</p> <p>The annual grant amount would cover one full-time Band 5 Youth Development Officer, plus two casual Youth Workers employed specifically to co-facilitate weekly program and activities across 2 Estates. There is no provision for management support and supervision, which would have to be absorbed into the current structure. A small budget would be available for program running costs, such as food and materials.</p> <p>Financial (and time) costs associated with recruitment, training and induction would also need to be factored into this option.</p>	<p>Award rates for not-for-profit, community organisations are lower, enabling greater staffing (and program) resources to be directed to the community.</p> <p>The current provider employs a full-time Senior Youth Development Practitioner (Team Leader), two part-time Youth Peer Leaders, and other casual Youth Workers to co-facilitate weekly program and activities as required. A provision is also included for management support and supervision, plus program running costs.</p>
Location	Council’s Youth Services team, including management staff, are based in Fitzroy. Staff would need to be managed remotely.	The current (and previous) providers, including local management staff, are co-located with other services at 253 Hoddle Street, Collingwood. This enables a more visible presence, and referral pathways to

	There would be a financial cost to establishing a remote office/s, including rental, furniture and IT (of approximately \$10,000).	other services. There would be additional costs associated with establishing a presence at the new Richmond Youth Hub (tbc). This would be the same for both options.
Other direct / indirect benefits	Council would have greater control and accountability over its resources.	Community grants strengthen the local community sector, providing more engagement and referral options for young people and their families in Yarra. A service agreement, with focused KPIs, provides clear accountability for external providers.
Programming	Yarra Youth Services' staff would require time to set up, establish and build relationships with young people, families and key service providers locally. Similar "transition" experiences in 2017 indicate that this can take at least six months.	If the current provider were successful through a grants process, Council would benefit from an established team being able to provide program continuity, and no period of reduced service capacity.

44. The option of running the Richmond and Collingwood Youth Program "in-house" through the Youth Services Unit would be a more costly option, potentially reducing service capacity. It would also place additional management and supervision stress on the Youth Services' Unit, by creating additional sites to manage. There would also potentially be a program continuity concern managing a transition from externally-provided to internally-run service. As such, based on this analysis, officers would recommend the continuation of a grant program.

Conclusion

45. Community Grants are intended to support the delivery of the Council Plan and are a key way in which those objectives can be achieved in partnership with the community. The Richmond and Collingwood Youth Program Grants are also strongly aligned to the vision of Council's 0 – 25 Years Plan 2018 – 2022, that: *"All children and youth are loved and safe, have material basics, are healthy, are learning and are participating and have a positive sense of culture and identity."*
46. The current Richmond and Collingwood Youth Program Grants concludes in June 2020, which provides an opportunity for Council to reflect on the outcomes over the last three years.
47. Feedback from the drum youth services, young people, their families, and key stakeholders working on the Richmond and Collingwood housing estates have informed several changes to the grant guidelines, with the view to improving processes and funding priorities that will deliver the best outcomes for young people living in the two public housing estates in future.
48. Other options are presented for consideration, with officers recommending the continuation of a grant program. This should be considered in the context of other Council initiatives in the Richmond public housing estate – specifically the Richmond Youth Hub – to ensure a strategic approach to providing positive outcomes young people living in Richmond and Collingwood.

RECOMMENDATION

1. That Council:
 - (a) Endorse the Richmond and Collingwood Youth Program Grants Guidelines 2020 – 2023 (**Attachment 1**);
 - (b) Authorises officers to establish the Richmond and Collingwood Youth Program Grants and to open applications from 20 January 2020;
 - (c) Endorses the formation of the Community Grant Assessment panel for the Richmond and Collingwood Youth program Grant to be chaired by the Manager Family, Youth and Children’s Services with two community representatives; and
 - (d) Note that \$100,000 will be referred to the mid-year budget process for consideration and for the purposes of recruitment of a full-time Youth Development Officer, Pathways, with a focus on working collaboratively with other key partners on the Richmond Housing Estate to deliver education, training and employment outcomes for young people.

CONTACT OFFICER: Rupert North
TITLE: Coordinator Youth and Middle Years
TEL: 9426 1503

Attachments

- 1 [↔](#) Grant Guidelines - Richmond and Collingwood Youth Program Grants - 2020-...

11.3 Amendment C269 - Yarra Planning Scheme - Rewrite of local policies

Executive Summary

Purpose

The purpose of this report is for Council to:

- (a) To present draft local planning policies that would form Amendment C269;
- (b) To provide a background to the preparation of the policies in the Yarra Planning Scheme;
- (c) To seek authorisation from the Minister for Planning to prepare and exhibit Amendment C269yara which seeks to introduce new local planning policies into the Yarra Planning Scheme; and
- (d) To briefly outline the public exhibition process and the statutory process beyond exhibition.

Key Issues

Section 12B of the *Planning and Environment Act 1987* (The Act) requires a planning authority (Council) to regularly review its planning scheme to ensure the scheme achieves the objectives of planning in Victoria and the objectives and strategies of the Planning Policy Framework (PPF).

A comprehensive review of the planning scheme was undertaken in 2014 and was reported to Council.

The “*Liveable Yarra*” process was then run to inform a re-write of the Yarra Planning Scheme.

To present Councillors with the draft local policies in the Yarra Planning Scheme following a number of briefing sessions.

Financial Implications

The costs associated have been anticipated and included in the City Strategy budget, which includes payment of a statutory fee for authorisation to the Department of Environment, Land, Water and Planning and costs associated with the exhibition of the amendment.

PROPOSAL

That Council:

- (a) notes the officer report on the Yarra Planning Scheme – rewrite of local policy;
- (b) notes the supporting documentation attached to this report;
- (c) endorses the draft Municipal Planning Strategy, local policies and supporting documents as a basis for Amendment C269yara; and
- (d) seeks authorisation from the Minister for Planning to prepare and exhibit Amendment C269yara to the Yarra Planning Scheme in accordance with section 8A of the *Planning and Environment Act 1987*.

That if the Minister for Planning authorises Amendment C269yara, Council undertakes an extensive exhibition of it in accordance with Section 19 of the Act.

11.3 Amendment C269 - Yarra Planning Scheme - Rewrite of local policies

Reference: D19/208933
 Authoriser: Director Planning and Place Making

Purpose

1. This report provides the background to the preparation of the draft local planning policies in the Yarra Planning Scheme that is proposed to be placed on exhibition.
2. The report also explains how the rewrite of the policies addresses the issues raised in the planning scheme review.
3. The report requests that Council seeks authorisation from the Minister for Planning to prepare and exhibit Amendment C269yara which seeks to introduce new local planning policies into the Yarra Planning Scheme.
4. An outline of the intended public exhibition process and the statutory process beyond exhibition is also presented.

Background

Planning and Environment Act requires a planning scheme review

5. Section 12B of the *Planning and Environment Act 1987* (The Act) requires a Planning Authority (Council) to regularly review its planning scheme to ensure the scheme achieves the objectives of planning in Victoria and the objectives and strategies of the Planning Policy Framework (PPF).
6. A comprehensive review of the planning scheme was undertaken in 2014 and was reported to Council. The review was undertaken in accordance with Planning Practice Note 32 – *Review of Planning Schemes*. The review found that the scheme needed updating to:
 - (a) reflect Council’s updated policy positions;
 - (b) make the scheme easier to understand and use;
 - (c) address gaps in policy; and
 - (d) consider the diversity of views on key planning topics.
7. Table 1 outlines the key findings identified by the planning scheme review and explains how they have been addressed. Table 2 outlines findings related to specific themes / policies and explains how they have been addressed.
8. Table 1: Planning scheme review - key findings and officers’ response

Planning scheme review key findings	Officer response
a. Currency of the Scheme: data, information, policy updates are required	Policies have been drafted to reflect: <ol style="list-style-type: none"> a. the adopted <i>Housing Strategy</i> and <i>Spatial Economic and Employment Strategy (SEES)</i> in 2018 which includes data on development trends, housing projections, demographic profile and population projections, commercial floor space and the like; b. other adopted Council strategies and the Council Plan; c. State policies and <i>Plan Melbourne</i>. The directions and policies included in <i>Plan Melbourne</i> are one of the key drivers of updated local planning

Planning scheme review key findings	Officer response
	<p>policy. <i>Plan Melbourne</i> was considered in the preparation of the <i>Housing Strategy</i> and <i>SEES</i> (refer to c in the table).</p>
<p>b. Policy drafting: some policies are poorly structured, repetitive, ambiguous and sometimes contradictory</p>	<p>Draft policies have been drafted with DELWP officers to:</p> <ul style="list-style-type: none"> a. create policies that are structured to be consistent with the new Planning Policy framework (PPF) (discussed further under Amendment VC148); b. remove repetition, ambiguity and contradiction. <p>They have been drafted in accordance with the <i>Practitioner’s Guide to Victorian Planning Schemes</i> and use plain English and clearly articulate the objectives and strategies of the policies.</p>
<p>c. An evidence based narrative that establishes how Council intends to accommodate population and employment growth.</p>	<p>Along with <i>Liveable Yarra</i> (refer to external consultation), the <i>Housing Strategy</i> and the <i>Spatial Economic and Employment Strategy (SEES)</i> are two important strategic foundations that underpin the re write of local policy, forming part of the over-arching narrative about how and where to accommodate growth in the Municipal Planning Strategy.</p> <p>Both documents implement <i>Plan Melbourne 2017-2050</i>, which removed urban renewal areas in Yarra and the notion of strategic redevelopment sites.</p> <p>Preparation of the Strategy included: a review of policy context, demographics, housing trends and development activity; future land supply; capacity and community consultation.</p> <p>Based on the evidence, a preferred growth strategy was established. The strategy includes four strategic directions that articulate Yarra’s preferred growth strategy, including:</p> <ul style="list-style-type: none"> a. monitor population growth, land capacity and evolving development trends in Yarra to plan for future housing growth and needs; b. direct housing growth to appropriate locations; c. plan for more housing choice to support Yarra’s diverse community; and d. facilitate the provision of more affordable housing in Yarra. <p>The strategic directions relating to housing growth, choice and diversity set out in the <i>Housing Strategy</i> are articulated in:</p> <ul style="list-style-type: none"> a. the directions outlined in the Municipal Planning Strategy (MPS); b. Strategic Framework Plan; and c. clauses relating to Activity Centres, location of residential development, housing diversity and

Planning scheme review key findings	Officer response
	<p>housing affordability.</p> <p>Council adopted the <i>SEES</i> in 2018. It was prepared to understand and capitalise on Yarra’s economic strengths and respond to key trends and economic drivers over the next 10 to 15 years. The <i>SEES</i> includes 6 directions which has informed new policy in the planning scheme. These are:</p> <ul style="list-style-type: none"> a. support employment growth in activity centres; b. retain and grow Yarra’s major employment precincts; c. identify preferred locations for housing growth to reduce pressures or conversion of employment land for housing; d. support the expansion of Yarra’s health related employment and services in Yarra’s health precincts; e. retain other C2 zoned land to support the diversity of business and employment opportunities; and f. plan for the transition of Yarra’s remaining industrial areas. <p>The directions set out in the <i>SEES</i> are articulated in:</p> <ul style="list-style-type: none"> a. the directions outlined in the Municipal Planning Strategy (MPS); b. Strategic Framework Plan; and c. clauses relating to Activity Centres, employment, retail and tourism. <p>Draft policies referred to above, in conjunction with urban design, heritage and built form related clauses inform the appropriate scale of growth across the municipality. This is supported by zone provisions and Design and Development Overlays that have been prepared for Yarra’s Activity Centres.</p>
<p>d. Local spatial plans: are needed to support decision making in activity centres and employment areas.</p>	<p>Yarra has a network of Activity Centres - major, neighbourhood and local – as well as a range of employment areas.</p> <p>The draft policies include the following plans to clearly define spatial areas to assist with decision making.</p> <ol style="list-style-type: none"> 1. A <u>Spatial Framework Plan</u>: which includes all locations referred to in policy including: residential, employment areas, major employment areas, activity centres and health and education precincts. This plan is supported by text in draft policy and the MPS. 2. <u>Activity Centre Plans</u>: the boundary of each activity centre is defined on plans included in clause 11.03. Defining the boundaries has taken

Planning scheme review key findings		Officer response
		<p>into consideration field work; Council strategies, planning policy and the criteria included in Planning Practice Note 58 <i>Structure Planning for Activity Centres (Activity Centres Roles and Boundaries, 2019)</i></p> <p>The draft policy includes clauses on Activity Centres and major employment areas that sets out a policy context for the role and function of these places.</p> <p>Importantly, Council has also been implementing spatial plans (Swan Street Structure Plan, Johnston Street Local Area Plan) through separate amendments that introduce Design and Development Overlays (including interim DDOs). In addition, Council has been preparing built form frameworks for Bridge Road, Queens Parade, Victoria Street, Brunswick Street, Smith and Gertrude Streets Activity Centres to guide decision making on built form outcomes. These have been pursued through separate amendments.</p>
e.	More effective mapping to address housing, open space, built form across Yarra rather than by neighbourhood.	<p>The maps in the current local policies are hard to read and lack key information.</p> <p>The maps in the new policies are produced in colour, have clear legends and more clearly illustrate and supplement the text in the policy.</p> <p>The draft maps relating to housing are produced at a sufficient scale to show the cadastre below (showing allotments), making it clear exactly which land is included in each of the hierarchy of change areas.</p>
f.	Need for ongoing systematic data collection to support evidence based spatial planning.	As an outcome of the <i>Housing Strategy</i> and <i>SEES</i> , officers in strategic planning are monitoring planning permits for residential development of 10 units and over and office developments.

9. Table 2: Planning scheme review issues - specific findings and officers' response

Planning scheme review issue specific finding		Officer response
a.	Current MSS: clearer articulation of the opportunities, challenges and vision is required	<p>The MSS is to be replaced with the <u>Municipal Planning Strategy</u> which reflects the changes in Yarra since the existing scheme was written. It is arranged into the PPF themes of:</p> <ul style="list-style-type: none"> a. activity centres; b. natural environment; c. climate change; d. built environment and heritage; e. housing; f. economic development; and g. transport

Planning scheme review issue specific finding	Officer response
	<p>The Council Plan and Community Health and Wellbeing Plan 2017-2021 is relevant. It envisages “A vibrant, liveable and sustainable inner-city that the community can be proud of”.</p> <p>The Yarra Planning Scheme forms the spatial response to the Council’s vision. In this regard, the draft MPS includes a vision that forms a spatial response to the Council’s vision.</p> <p>The MPS also includes strategic direction for each theme which includes challenges and opportunities to respond to the challenges.</p>
<p>b. Environment: the review concluded that the existing clause 21.07 Environmental Sustainability makes appropriate reference to biodiversity, flora and fauna protection and protection of water quality</p>	<p>Draft environmental policy has been prepared based on a review of:</p> <ul style="list-style-type: none"> a. <i>Yarra Environment Strategy 2017</i>; and b. Existing local planning policy, including clause 22.16 <i>Stormwater management</i> which was introduced in March 2014 and Clause 21.07 <i>Environmental sustainability</i> which was introduced by C133 in November 2015.
<p>c. Landscape and Built form:</p> <ul style="list-style-type: none"> - clarify and simplify built form policies to remove repetition, ambiguity and (occasional) contradiction. - separate heritage policy from more generalised built form policy - prepare policy that expresses the expectation of the height and form of development. - express neighbourhood descriptions in the context and vision 	<p>The draft policies have been redrafted to remove repetition, ambiguity and contradiction.</p> <p>The built form provisions are separated into:</p> <ul style="list-style-type: none"> a. urban design; b. building Design; c. landmarks; d. heritage; and e. World Heritage Environs Area. <p>The expectation on heights and form of development is set out in a narrative that extends through the draft policy from MPS, Activity Centres, built form provisions to the implementation of Zones and Design and Development overlays.</p> <p>The MPS describes the existing scale of development within the municipality.</p>
<p>d. Heritage: need to address</p> <ul style="list-style-type: none"> - duplication between policy and overlay; - lack of guidance on commercial and industrial heritage; - application of sight line test. 	<p>The Planning Policy Framework (PPF) translation has removed this duplication.</p> <p>The draft policy includes strategies for former industrial and commercial heritage places. GJM Heritage Consultants were engaged to provide advice on former industrial heritage and their recommendations have been incorporated.</p> <p>Heritage work associated with the introduction of DDOs in Activity Centres has provided guidance on commercial heritage.</p> <p>In residential heritage, the draft policy removes the sightline diagrams and replaces them with a “depth of</p>

Planning scheme review issue specific finding		Officer response
		two rooms” test. These tests are used to determine the visibility of rear additions. The “depth of two rooms” test is clearer and easier to administer. It is an accepted test to determine visibility among heritage professionals. This was informed by the <i>Residential Heritage Policy Review</i> (Context, October 2019).
e.	Housing: update housing strategy	Refer to item (c) in table 1.
f.	Activity Centres: - clarity of role - improve mapping	Refer to item (d) in table 1.
g.	Industry, Office and Commercial Areas: need to consider the - interface between residential; entertainment and commercial activities - consider the scale and of future employment growth and spatial implications - improve mapping	Amendment C209 introduced the licenced premises policy into the current scheme in February 2018. This policy has been translated into the new PPF format. Refer to items (c) and (d) in table 1 for discussion on updated evidence for employment growth, spatial implications and improved mapping.
h.	Community development: need to consider the - limited direction about education and health; - gaming, entertainment and the arts should be separately considered - limited direction in the licenced premises policy.	Draft policy includes reference to the health and education precincts. Gaming provisions are proposed to be included in the Particular Provisions (clause 52.28) Arts is proposed to be included under employment in the draft PPF. NB: Refer above to discussion on Amendment C209 licenced premises.
i.	Open space: need to consider any updated Open Space Strategy	A draft Open Space Strategy is currently being prepared. Until adopted the draft local policy will continue to reflect the current strategy.
j.	Transport: the scheme would be assisted with a clear direction on facilitation greater use of sustainable transport modes and circumstances for reduced parking.	Council has an established position on transport, as articulated in the Strategic Transport Statement, which prioritises sustainable transport modes. The draft PPF includes policy which prioritises transport modes and sets out criteria for supporting a reduction in car parking spaces.
k.	Update list of reference documents (now called background documents in the PPF).	The background documents are now included in Clause 72.08. It has been refreshed to remove outdated documents and includes up to date background documents.

Other work that has informed the rewrite

10. In addition to the work described in the table above, other strategic foundations of the planning scheme rewrite include:
- (a) additional consultation with Council’s Advisory Committees;

- (b) internal consultation with relevant Council officers including statutory planning, strategic transport, sustainability, heritage advisor and open space;
- (c) technical reports on acoustics, former industrial and residential heritage, activity centre boundaries (these are described in more detail in the table at table 3) and
- (d) adopted structure plans, local area plans, built form frameworks for activity centres, Council strategies and *Plan Melbourne*.

Amendment VC148

11. Amendment VC148 is part of the State Government's *Smart Planning* programme to reform and modernise Victoria's planning policy aimed at simplifying planning schemes, particularly the language, to make schemes more efficient, accessible and transparent.
12. The amendment was brought into all Victorian planning schemes on 31 July 2019. It introduced the *Planning Policy Framework (PPF)* which replaced the *State Planning Policy Framework (SPPF)* and provides a means of better integrating Council's local planning policies into the overall policy structure. The PPF also includes regional policies into planning schemes. Yarra's Amendment C269 proposes to replace the existing *Local Policy Planning Framework (LPPF)* with redrafted policy in the PPF format.
13. **The PPF provides a thematic structure for policies which is included at Attachment 1. The structure is standard across all Victorian Planning Schemes.** Attachment 1 illustrates in light blue text where Yarra's local policies will sit within the thematic structure.
14. **The amendment also provides a standardised format for policies that includes objectives and strategies and where necessary, policy guidelines. It removes "application requirements" and "decision guidelines". The new PPF structure is aimed at significantly reducing repetition in the planning scheme and using language that is more easily understood.**
15. In addition, VC148 introduced a *Municipal Planning Strategy (MPS)* which supports, but does not form part of the PPF. It provides the policy foundation for the planning scheme and is a succinct statement of Council's planning and land use vision and directions. It provides a more focussed message about Council's planning aspirations than the current *Municipal Strategic Statement (MSS)*.
16. Other structural changes were also introduced by the Amendment. It restructured Particular Provisions, integrated *Vic Smart* applications and reorganised operational and administrative provisions of the scheme among other changes.
17. Officers have worked closely with officers from DELWP to ensure that the policies have been prepared in accordance with the requirements of Amendment VC148.

Strategic justification

18. *Planning Practice Note 46 Strategic Assessment Guidelines* makes clear that any change in policy must be supported by a strategic study or report. The draft local policy has been based on current and relevant reports and strategies. There are some areas such as transport and environment where new Council strategies are underway but have not yet been adopted, e.g. Nature Strategy, Open Space Strategy, Integrated Transport Strategy. Accordingly, the policies in the planning scheme on these subjects are based on current policy.
19. Table 3 lists the *Municipal Planning Strategy* and draft planning policy clauses and outlines if the policy content is new or a translation of existing policy and the key sources that informed the policy content. The policies are included in full at Attachment 2.

Table 3: Draft *Municipal Planning Strategy* and planning policies and strategic sources

	Clause no.	Clause name	Commentary
Municipal Planning Strategy (MPS)			
1	02.01	Context	The context describes the planning scheme's policy foundation, based on the municipality's location and regional context, history, assets, strengths, key attributes and influences. The context reflects the changes in Yarra since the existing scheme was written. It is based on updated data and adopted council strategies.
2	02.02	Vision	The Council Plan establishes a vision for Yarra to be <i>a vibrant, liveable and sustainable inner-city that the community can be proud of</i> . The vision sets out the spatial response to the Council Plan vision.
3	02.03	Strategic directions	This content is new and derived from adopted strategies across Council and strategic work completed in preparing the draft planning policy (included as Background reports). It provides Yarra's response to the implementation of <i>Plan Melbourne</i> , the metropolitan planning strategy.
Settlement			
4	11.03-1L	Activity centres	This is largely new content. It addresses deficiencies in current scheme identified in the planning scheme review; being where current policy does not distinguish between the hierarchy of centres ("major" versus "neighbourhood" centre) or its vision for the centres. These shortcomings are addressed in this policy. It also provides guidance about supporting high-quality development that is consistent with the capacity of each centre while maintaining heritage fabric that provides part of the essential character of each centre. It incorporates themes from recent work regarding the built form DDO projects including Johnston Street, Queens Parade and Swan Street. <i>Plan Melbourne</i> identifies Activity Centres as places for housing, retail, commercial and civic functions and in many centres, will be the focus of higher density housing because they are well serviced by public transport. This policy supports that direction. Key policy sources: <ul style="list-style-type: none"> • Clause 21.04-2 Activity Centres; • Clause 21.08 Neighbourhoods; • <i>Activity Centre Roles and Boundaries</i> (Yarra Council 2018); (Refer Attachment 3) • <i>Spatial Economic and Employment Strategy</i> (SGS)

	Clause no.	Clause name	Commentary
			2018); <ul style="list-style-type: none"> • <i>Public Place</i> (background document to licenced premises policy) 2015; • <i>Plan Melbourne</i>; and • Supporting Local area plans, structure plans, technical reports and Panel reports that informed the preparation of the Design and Development Overlays for Johnston Street, Swan Street, Victoria Street, Bridge Road and Queens Parade.
5	11.03-6L	Victoria Street East	This is a translation of existing policy. No new content. The content has been edited based on approvals, DDO1 and the Comprehensive Development Zone. It is in line with the <i>Plan Melbourne</i> direction to support development of an urban renewal precinct that delivers a high quality mixed-use neighbourhood. The policy is to be revised as <i>Victoria Street Structure Plan</i> progresses. Key policy sources: <ul style="list-style-type: none"> • Clause 22.11 Victoria Street East. • DDO1 Yarra (Birrarung) River Corridor Protection.
Environmental and landscape values			
6	12.01-1L	Biodiversity	This seeks to retain existing biodiverse landscapes and promote development that provides habitats for biodiversity and links between habitats. <i>Plan Melbourne</i> notes that Melbourne will need to manage its natural environment in a more integrated and sustainable way. This policy supports <i>Plan Melbourne's</i> aim of protecting and restoring natural habitats. Key policy sources: <ul style="list-style-type: none"> • Clause 21.07 Environmental Sustainability. • Clause 22.08 Protection of Biodiversity. • <i>Yarra Environment Strategy 2013 – 2017</i>.
7	12.03-1L	River corridors	This is a translation of existing content. It seeks to prevent intrusion of development and additional overshadowing of the waterways at the winter solstice. It includes policy on improving access to the river and providing recreation opportunities and cycle and walking paths. Key policy sources: <ul style="list-style-type: none"> • Clause 21.07-2 Yarra River, Merri Creek, Darebin

	Clause no.	Clause name	Commentary
			<p>Creek.</p> <ul style="list-style-type: none"> • DDO1 Yarra (Birrarung) River Corridor Protection.
Environmental risks and amenity			
8	13.01-1L	Climate change	<p>This is new content.</p> <p>The policy aims to ensure new development mitigates and adapts to climate change. It also supports similar direction in <i>Plan Melbourne</i>.</p> <p>Key policy sources:</p> <ul style="list-style-type: none"> • Clause 21.07 Environmental sustainability • <i>Urban Forest Strategy 2017</i>
9	13.03-1L	Flood management	<p>This aims to reduce the flood risk brought by heavy rains. It also supports a similar direction in <i>Plan Melbourne</i>.</p> <p>It complements and adds to the Special Building Overlay and the Land Subject to Inundation Overlay.</p>
10	13.07-1L	Caretaker's houses	<p>This is a translation of existing content. There have been minor changes made to clarify the intent of the policy.</p> <p>The policy seeks to protect business by preventing dwellings that are not associated with a business or industry from establishing in industrial and commercial zones where a dwelling is prohibited.</p> <p>Key policy sources:</p> <ul style="list-style-type: none"> • Clause 22.06 Caretaker's House.
11	13.01-7L	Interfaces and amenity	<p>This has been updated to address shortcomings identified in the planning scheme review.</p> <p>It translates existing Clause 22.01 and 22.05 policies into one document and provides additional policy based on input from acoustic consultants to address noise.</p> <p>It introduces a new incorporated document called <i>Guidelines – Managing noise impacts in urban development, October 2019</i> to provide additional guidance for deciding applications where noise is an issue.</p> <p>The revised policy seeks to ensure that new residential development in proximity to live music venues and main roads and train lines protects itself from noise.</p> <p>Key policy sources:</p> <ul style="list-style-type: none"> • Clause 22.01 Discretionary Uses in the Residential 1 Zone • Clause 22.05 Interface Uses. • <i>Guidelines - Managing Noise Impacts in Urban</i>

	Clause no.	Clause name	Commentary
			<p><i>Development</i> (City of Yarra, October 2019) (Refer Attachment 4)</p> <ul style="list-style-type: none"> • <i>Noise and Vibration Considerations. Discussion Report</i> (SLR, October 2019) (Refer Attachment 5)
12	13.01-7L	Licensed premises	<p>This is a translation of existing policy. There is no new policy.</p> <p>The existing policy includes extensive application requirements. These have been recast as strategies and policy guidelines.</p> <p>NB: An <i>application checklist</i> on the permit application webpage could address the removal of “application requirements” in the new policy.</p> <p>Key policy sources:</p> <ul style="list-style-type: none"> • Clause 22.09
Built environment and heritage			
14	15.01-1L	Signs - heritage	<p>This updates the existing policy. NB: The new PPF format splits heritage signs from general sign policy.</p> <p>The update includes new content to ensure new signs do not detract from the significance of the heritage buildings.</p> <p>Key policy sources:</p> <ul style="list-style-type: none"> • Clause 22.04-3.8 Advertising Signs • Updates are adapted from Moreland, Port Phillip and Stonnington Councils’ signs policies
15	15.01-1L	Signs	<p>This is revised to provide additional guidance sourced from other planning schemes and strengthens the provisions for residential, commercial and industrial areas.</p> <p>Key policy sources:</p> <ul style="list-style-type: none"> • Clause 22.04-3.8 Advertising signs • Updates are adapted from Moreland, Port Phillip and Stonnington Councils’ signs policies
16	15.01-1L	Urban design	<p>This is a translation of existing policy and expands the application of the policy to apply to all development not only areas outside the heritage overlay.</p> <p>The new PPF format splits “urban design” and “building design”. This policy retains the intent of existing guidance but language in this version makes the intent clearer. It removes repetition which was recommended in the planning scheme review.</p> <p>The new policy consolidates a number of existing policies into one, reducing fragmentation and repetition. It supports <i>Plan Melbourne’s</i> aim of promoting urban design excellence in the built</p>

	Clause no.	Clause name	Commentary
			<p>environment.</p> <p>Key policy sources:</p> <ul style="list-style-type: none"> • Clause 21.05 Built Form • Clause 22.07 Development abutting laneways • Clause 22.10 Built Form and Design • Strategic work undertaken to inform the DDOs for the Activity Centres
17	15.01-2L	Building design	<p>The commentary provided above in relation to Urban Design also applies to this policy.</p> <p>Building Design includes policy on equitable development which was identified as a shortcoming of the existing scheme in the planning scheme review.</p> <p>Key policy sources:</p> <ul style="list-style-type: none"> • Clause 21.05 Built Form • Clause 22.10 Built Form and Design • Clause 22.13 Residential Built Form • Strategic work undertaken to inform the DDOs for the Activity Centres
18	15.01-2L	Landmarks	<p>The existing policy is strengthened to clarify the exact location of primary views and to identify which elements of the landmark Council is seeking to protect. <i>Ethos Urban</i> were engaged to prepare a report that provides the strategic basis for the policy.</p> <p>St Luke's North Fitzroy has been added as a landmark. The Olympic Tyre Sign has been removed as the sign no longer exists.</p> <p>Key policy sources:</p> <ul style="list-style-type: none"> • Clause 22.03 Landmarks and Tall Structures • <i>Landmarks and Views Assessment</i> (Ethos Urban October 2019) (Refer Attachment 6)
19	15.02-1L	Environmentally sensitive design	<p>This is a translation of existing policy. There is no new content.</p> <p>Yarra is one of 17 Councils that has this policy in its planning scheme. Yarra is a member of the <i>Council Alliance for Sustainable Built Environment (CASBE)</i>. CASBE does not support all the revisions DELWP made to this policy in its translation to the PPF format and has prepared its own version.</p> <p>It is largely similar but includes a definition of best practice in the objective, makes minor drafting changes and requires a sustainable design assessment or a sustainability management plan accompany an application. In the DELWP version this is a matter for Councils to "consider", rather than</p>

	Clause no.	Clause name	Commentary
			<p>“require”.</p> <p>The intent of the amendments made by CASBE are generally supported.</p> <p>As Council is a member of CASBE, the CASBE version has been included in this draft local policy.</p> <p>Key policy sources:</p> <ul style="list-style-type: none"> • Clause 22.17 Environmentally sustainable development • CASBE draft policy
20	15.03-1L	Heritage	<p>This updates and strengthens existing policy in line with <i>Plan Melbourne’s</i> aim of respecting the city’s heritage.</p> <p>The planning scheme review highlighted the lack of policy in relation to commercial and former industrial heritage. This policy addresses that shortcoming. <i>GJM Heritage Consultants</i> were engaged to provide advice on former industrial heritage and their recommendations have been incorporated.</p> <p>GJM has worked on a number of built form projects in Yarra’s Activity Centres and this work has helped inform the heritage policy in commercial areas. The DDOs include heritage design guidelines which could be removed once this policy is in place.</p> <p>In residential heritage, the policy removes the sightline diagrams and replaces them with a “depth of two rooms” test. These tests are used to determine the visibility of rear additions. The “depth of two rooms” test is clearer and easier to administer. It is an accepted test to determine visibility among heritage professionals.</p> <p>The planning scheme review also identified that there was a duplication of heritage policy at state and local level. The PPF translation has removed this duplication.</p> <p>Key policy sources:</p> <ul style="list-style-type: none"> • Clause 21.05 Built form • Clause 22.02 Development Guidelines for Sites Subject to the Heritage Overlay • <i>Yarra Industrial Heritage Policy</i> (GJM, October 2019) (Refer Attachment 7) • <i>Residential Heritage Policy Review</i> (Context, October 2019) (Refer Attachment 8) • Council strategic work relating to Activity Centres.
21	15.03-1L	World Heritage Environs Area	<p>This is a translation of the existing World Heritage Environs Area policy. There is no new content.</p>

	Clause no.	Clause name	Commentary
			<p>Key policy sources:</p> <ul style="list-style-type: none"> • Clause 21.05 Built Form • Clause 22.14 Development Guidelines for Heritage Places in the World Heritage Environs Area
Housing			
22	16.01-2L	Location of residential development	<p>This is largely new content supported by the adapted <i>Housing Strategy</i>. Based also on recast policy from Clause 21.04.</p> <p>It introduces the hierarchy of change areas into the planning scheme which are included in the <i>Housing Strategy</i> – “minimal”, “incremental”, “moderate” and “high change”.</p> <p>Key policy sources:</p> <ul style="list-style-type: none"> • Clause 21.04-1 Accommodation and Housing • <i>Yarra Housing Strategy</i>, Sept 2018
23	16.01-3L	Housing diversity	<p>This is new content based on the <i>Housing Strategy</i> aimed at improving housing diversity.</p> <p>The majority of new housing in Yarra is provided in apartments and the policy seeks the provision of some larger units to accommodate families and share households.</p> <p>The policy also provides support for emerging housing models such as co-housing. <i>Plan Melbourne</i> seeks to facilitate housing that offers choice and meets household needs.</p> <p>Key policy sources:</p> <ul style="list-style-type: none"> • <i>Yarra Housing Strategy</i>, Sept 2018
24	16.01-4L	Housing affordability	<p>This is largely new content supported by the <i>Housing Strategy</i>.</p> <p>The policy seeks to facilitate the provision of new and upgraded social housing and affordable housing. <i>Plan Melbourne</i> supports the increase of social and affordable housing.</p> <p>It sets a target for affordable housing.</p> <p>Key policy sources:</p> <ul style="list-style-type: none"> • Clause 21.04-1 Accommodation and Housing • <i>Yarra Housing Strategy</i>, Sept 2018 • <i>Policy Guidance Note: Affordable Housing Outcomes at Significant Redevelopments</i> • <i>Building for Diversity – Yarra’s Social and Affordable Housing Strategy</i> (Yarra City Council, November 2019)

	Clause no.	Clause name	Commentary
Economic development			
25	17.01-1L	Employment	<p>This is largely new content supported by the <i>Spatial Economic and Employment Strategy</i>. It is also based on recast policy from 21.04-3.</p> <p>The policy seeks to maintain and grow Cremorne and the Gipps Street precinct as employment areas. It also seeks to provide good amenity for workers, affordable and co-working spaces and support for the creative industries.</p> <p>Key policy sources:</p> <ul style="list-style-type: none"> • Clause 21.04-3 Industry, Office and Commercial • <i>Yarra Spatial Economic and Employment Strategy (2018)</i>
26	17.02-1L	Retail	<p>This is largely new content supported by the <i>Spatial Economic and Employment Strategy</i>. It is also based on recast policy from 21.04-2.</p> <p>It aims to support high quality retail development that sustains activity centres.</p> <p>Key policy sources:</p> <ul style="list-style-type: none"> • Clause 21.04-2 Activity centres • <i>Yarra Spatial Economic and Employment Strategy (2018)</i>
27	17.04-1L	Tourism	<p>This is largely new content supported by the <i>Spatial Economic and Employment Strategy</i>. It is also based on recast policy from 21.04-2.</p> <p>It aims to promote Yarra as a tourism, arts and cultural destination in Melbourne.</p> <p>Key policy sources:</p> <ul style="list-style-type: none"> • Clause 21.04-2 Activity Centres • <i>Yarra Spatial Economic and Employment Strategy (2018)</i>
Transport			
28	18.01-1L	Integrated transport	<p>The policy aims to ensure that structure plans deliver improved safety and connectivity for pedestrians and cyclists, improved access to public transport, efficient road networks and minimising the impact of development on local transport.</p> <p>Key policy sources:</p> <ul style="list-style-type: none"> • Clause 21.06 Transport • <i>Yarra Strategic Transport Statement 2006</i>
29	18.02-1L	Sustainable transport	<p>This is largely new content. It is partly based on recast content from Clause 21.06. Sustainable transport was highlighted in <i>Plan Melbourne</i> as a key</p>

	Clause no.	Clause name	Commentary
			<p>feature of a connected and well-functioning city.</p> <p>It introduces a transport hierarchy that encourages walking and cycling over private car use. It also encourages lower car parking rates in new development with an increased focus on active transport.</p> <p>Key policy sources:</p> <ul style="list-style-type: none"> • Clause 21.06 Transport • <i>Plan Melbourne</i> • <i>Yarra Strategic Transport Statement 2006</i>
30	18.02-2L	Public transport	<p>This is largely new content. It is partly based on recast content from Clause 21.06.</p> <p>The policy seeks to improve access to public transport and supports the provision of new and upgraded services.</p> <p>Key policy sources:</p> <ul style="list-style-type: none"> • Clause 21.06 Transport • <i>Yarra Strategic Transport Statement 2006</i>
31	18.02-3L	Road system	<p>This is largely new content. It is partly based on recast content from Clause 21.06.</p> <p>The policy addresses road and junction reconfiguration to improve reliability and safety for all users. It promotes public realm improvements. It also addresses access to car parking, vehicle crossings and avoiding delays to public transport.</p> <p>Key policy sources:</p> <ul style="list-style-type: none"> • Clause 21.06 Transport • <i>Yarra Strategic Transport Statement 2006</i>
32	18.02-4L	Car parking	<p>This is largely new content. It is partly based on recast content from Clause 21.06-3.</p> <p>The Planning scheme review identified the need to identify in what circumstances a parking reduction and car sharing would be considered. Updated policy addresses these policy gaps.</p> <p>The policy ensures parking is supplied and managed consistent with promoting sustainable travel. It sets out circumstances in which parking can be reduced, promotes car sharing and seeks to maintain high levels of pedestrian safety.</p> <p>Key policy sources:</p> <ul style="list-style-type: none"> • Clause 21.06 Transport • <i>Yarra Strategic Transport Statement 2006</i>

	Clause no.	Clause name	Commentary
Infrastructure			
33	19.02-1L	Health precincts	<p>This is largely new content.</p> <p><i>Plan Melbourne</i> identifies the need to reinforce the specialised economic function of health precincts, noting they are also well served by public transport.</p> <p>The policy identifies St Vincent's Hospital / ACU and Epworth as Yarra's health precincts. It encourages allied health care and ancillary uses to locate close by and addresses the need to manage interface impacts on adjacent areas.</p> <p>Key policy sources:</p> <ul style="list-style-type: none"> • <i>Yarra Spatial Economic and Employment Strategy (2018)</i> • <i>Plan Melbourne</i> • Clause 21.04-4 Community Facilities, Hospitals and Medical Services.
34	19.02-2L	Education precincts	<p>This is largely new content.</p> <p><i>Plan Melbourne</i> identifies the need to reinforce the specialised economic function of health and education precincts, noting they are also well served by public transport.</p> <p>The policy seeks to support the growth of ACU as an education and research employment hub and to support development that promotes the teaching role of St Vincent's and Epworth Hospitals.</p> <p>It encourages allied health care and ancillary uses to locate close by and addresses the need to manage interface impacts on adjacent areas.</p> <p>Key policy sources:</p> <ul style="list-style-type: none"> • <i>Yarra Spatial Economic and Employment Strategy (2018)</i> • <i>Plan Melbourne</i> • Clause 21.04-4 Community Facilities, Hospitals and Medical Services.
35	19.02-6L	Open space	<p>This is a translation of existing policy. There is no new content.</p> <p>It seeks to protect existing open space and increase the quality and quantity of open space that meets existing and future needs in line with <i>Plan Melbourne</i> objectives.</p> <p>Key policy sources:</p> <ul style="list-style-type: none"> • Clause 21.04-5 Parks, gardens and public open space • <i>Yarra Open Space Strategy (2006)</i>

	Clause no.	Clause name	Commentary
36	19.02-6L	Public open space contribution	<p>This is a translation of existing Clause 22.12. There is no new policy.</p> <p>Key policy sources:</p> <ul style="list-style-type: none"> • Clause 22.12 Public Open Space Contribution
37	19.03-2L	Development contributions	<p>This is new content and is partly based on Clause 21.04-4</p> <p>Amendment C238 is seeking the introduction of the <i>Development Contributions Plan Overlay (DCPO)</i>. A planning panel has recommended its approval. Council has adopted the amendment and it is awaiting Ministerial approval and gazettal. This policy will support the DCPO.</p>
38	19.03-3L	Water sensitive urban design	<p>This is a translation of existing policies in Clause 21.07-3 and Clause 22.16. There is no new content.</p> <p>It removes “application requirements” and recasts them as strategies and policy guidelines.</p> <p>The policy seeks to minimise impact of development on waterways and to minimise peak stormwater flows through collection and reuse of rainwater on site.</p> <p>It provides local policy in support of Clause 53.18 – stormwater management in new development. Provides support to <i>Plan Melbourne</i> direction of reducing pressure on water supplies by making best use of all water sources.</p> <p>It includes an expiry when either new state wide planning scheme or building code regulations are introduced by the Minister for Planning.</p> <p>Key policy sources:</p> <ul style="list-style-type: none"> • Clause 21.07-3 Waterway Quality • Clause 22.16 Storm Water Management (Water sensitive urban design.)
39	19.03-5L	Waste	<p>This is largely new content with some input from Clause 22.05-4.3.</p> <p>The policy aims to make provision for waste, recycling and composting in new development.</p> <p>It supports the <i>Plan Melbourne</i> direction of reducing waste and improving waste management and resource recovery.</p> <p>Key policy sources:</p> <ul style="list-style-type: none"> • Clause 22.05-4.3 Commercial Waste • City of Yarra <i>Waste Minimisation and Resource Recovery Strategy 2018-2022</i>.

	Clause no.	Clause name	Commentary
Schedule to particular provisions			
40	52.28	Gaming	<p>This is a translation of existing policies in Clause 21.06-7 and 22.15. There is no new policy content.</p> <p>This policy will sit as a schedule to the Particular Provision of Clause 52.28 Gaming; rather than in the Planning Policy Framework.</p> <p>The policy discourages gaming machines in disadvantaged areas and seeks to ensure their location minimises risks, avoids worsening problem gambling and delivers a net community development in Yarra.</p> <p>Key policy sources:</p> <ul style="list-style-type: none"> • Clause 21.04-2 Activity Centres • Clause 22.15 Gaming Policy
Reference documents			
41	72.08	Schedule to background documents	<p>The list of background documents has been totally revised and updated.</p> <p>This is currently called “reference documents”. The new Planning Policy Framework structure lists only background documents in this clause. Currently, each policy contains a list of reference documents at the end of the policy. Amendment VC148 changed the structure.</p>
Incorporated documents			
42	74.01	Schedule to incorporated documents	<p>The document called <i>Guidelines – Managing noise impacts in urban development</i> prepared by the City of Yarra in consultation with SLR Consultants has been added to the Schedule of incorporated documents.</p> <p>The guidelines have been prepared to assist with decision making in relation to noise under proposed Clause 13.01-7L – Interfaces and amenity.</p>
Application of zones, overlays and provisions			
43	74.01	Schedule to Application of zones, overlays and provisions	<p>This lists Application of Zones and Overlays in accordance with VC148.</p>

External Consultation

Liveable Yarra

20. In 2015, Council had an in-depth conversation with the community about how Yarra could adapt to the challenges and opportunities brought about by growth and change in Yarra.
21. The Planning Scheme Review identified policy gaps in a number of key fundamental policy areas, and the *Liveable Yarra* engagement subsequently focused on these. Background papers were prepared on each topic.
 - (a) People and Housing;

- (b) Business and Employment;
 - (c) Movement and Access; and
 - (d) Built Environment.
22. The consultation included a People's Panel comprised of 60 community members that enabled detailed discussion and debate of the issues. Consultation also included engagement with Advisory Committees, targeted community workshops and a baseline survey.
 23. Detailed findings from this engagement are in *Liveable Yarra Engagement Summary Report* (Capire & City of Yarra October 2015). A copy is on Council's web site.
 24. Consultation continued with the *Liveable Yarra Reference Group* comprising of members of the Initial Panel who wanted an ongoing involvement in Council's strategic work. There have been a number of workshops on topics including heritage, housing, built form in the activity centres and economic development.
 25. The *Liveable Yarra* project has informed the review of the Yarra Planning Scheme and draft policy.
 26. The project supported *Plan Melbourne's* aim of strengthening community participation in the planning of the city.

Consultation with Heritage Advisory Committee (HAC)

27. Officers formally consulted with the HAC on three occasions:
 - (a) November 2017: where officers discussed the gaps identified in the current policy and addressed a submission from the (previous) HAC on the heritage policy;
 - (b) May 2018: where officers presented a working draft of the policy and considered comments from individual HAC members; and
 - (c) October/November 2019: a copy of the draft policy was circulated to the HAC. Officers have accommodated relevant comments received from the HAC.

Statutory Framework

28. Consultation in the review of the planning scheme included discussion with users of the *Yarra Planning Scheme* – Councillors, Council planners, community groups and other regular users. The consultation process indicated that there is a diversity of views in the community particularly regarding car parking, built form and heritage. Strategic investigations have formed the draft policy positions. The process of statutory exhibition will allow the divergent views in the community to be considered and responded to in a formal, transparent and fair process.
29. Section 19 of the *Planning and Environment Act* requires Council to give notice to (among others) owners and occupiers of land it believes may be materially affected by the amendment. The Act also requires Council to publish notice of the amendment in a newspaper circulating in the area (*The Age*) and in the *Government Gazette*. The amendment must be on exhibition for no less than one month.
30. Where the affected number of owners and occupiers makes it impractical to notify all of them individually, Sections 19 (1A) and (1B) of the Act allow a Planning Authority *take reasonable steps to ensure that public notice of the amendment is given in the area affected by the amendment*. For this amendment, it is impractical to notify all 52,000 ratepayers plus occupiers across the entire municipality.
31. Instead of individual notification, strategic planning officers have worked with the communications unit to commence the preparation of a community engagement strategy that will form the basis of the statutory consultation.

32. The objectives of the engagement are:
- (a) to assist a diverse range of stakeholders understand what the planning scheme is and how it works;
 - (b) to explain the changes proposed to the planning scheme and the planning scheme process;
 - (c) to help people make informed submissions that address their areas of interest;
 - (d) to include deliberate outreach and promotion to communities who may be affected but might be underrepresented and/ or not usually engaged;
 - (e) to use plain English descriptions and messaging that assists understanding of what the planning scheme is, how it works and proposed changes;
 - (f) to present lengthy and complex information in an easily accessible format; and
 - (g) to clearly communicate the statutory requirements of the submission process.
33. The engagement process will *take reasonable steps to ensure that public notice of the amendment is given in the area affected by the amendment*. This includes notification in:
- (a) *Yarra News* which is distributed to every household in Yarra;
 - (b) *Yarra Life* fortnightly eNews which reaches 13,000 recipients;
 - (c) *Economic Development Teams Business eBulletin* which has some 11,000 subscribers;
 - (d) eBulletins / newsletters sent from other teams across Council; and
 - (e) Social media platform.
34. In addition, direct emails would be sent to Council's Advisory Committees, community groups; organisations, people who had previously participated consultation and those that have registered interest in this topic.
35. A purpose built website will be used to provide material in a visually pleasing way and in an easily understood format.

Internal Consultation (One Yarra)

36. The planning scheme's local policy rewrite has been prepared with extensive input from statutory planning, urban design, open space, sustainability, strategic transport and senior heritage advisor.

Financial Implications

37. The costs associated have been anticipated and included in the City Strategy budget, which includes payment of a statutory fee for "authorisation" to the Department of Environment, Land, Water and Planning and costs associated with the exhibition of the amendment.

Economic Implications

38. The economic policies seek to maintain and grow employment in Yarra's major employment precincts. They protect employment land by maintaining zoning that supports commercial activity and seek to make employment areas attractive to existing and future businesses by encouraging public realm and pedestrian improvements.
39. The policies also seek to support targeted growth in Yarra which will stimulate the economy through jobs in construction.

Sustainability Implications

40. The updated planning policies have a stronger focus on reducing the impacts and mitigating the impacts of climate change within the ambit of planning scheme discretion. The new policies build on the strengths of the existing Environmentally Sustainable Design and Water Sensitive Urban Design policies.

41. The new policies have a stronger focus on sustainable transport and retention of wildlife habitats.

Social Implications

42. The revised local policies are clearer about directing growth to Activity Centres, major regeneration areas and major employment areas than the current scheme. This clarity will help people understand how Council's vision for growth will be managed in the built environment.
43. The implementation of Council's *Housing Strategy* through the various housing policies will promote more diverse housing to support a range of household sizes and forms and provide the potential for affordable housing to be provided.

Human Rights Implications

44. There are no known human rights implications.

Communications with CALD Communities Implications

45. Extensive notification will be undertaken as part of this proposed planning scheme amendment and it will include advice about the use of interpreter services by residents. The amendment process involves the steps outlined in Council's strategy to engage and assist CALD communities.

Council Plan, Strategy and Policy Implications

46. The Council Plan is one of the key documents that underpins the policy in the planning scheme. It includes the following strategy: (To) *manage change in Yarra's built form and activity centres through community engagement*.
47. The proposed planning scheme amendment provides the spatial response to the vision set by the Council Plan.
48. A number of Council strategies provide strategic support for various planning scheme policies.

Legal Implications

49. The approach outlined in this report accords with Council's obligations under the *Planning and Environment Act 1987*.

Other Issues

50. There are no other issues associated with Council seeking "authorisation" of the planning scheme amendment from the Minister for Planning.

Options

51. Council can either:
 - (a) agree to proceed with the amendment, with or without changes, and request the Minister for Planning to "authorise" it for public exhibition, or
 - (b) not to proceed with the amendment at this stage.

Conclusion

52. Amendment C269yara (the formal name) proposes to introduce rewritten and updated local planning policies into the Yarra Planning Scheme.
53. They have been prepared in accordance with the new Planning Policy Framework (PPF) introduced as part of the state government's Smart Planning initiative.
54. The draft local policies build on the strengths of the current scheme and addresses gaps identified in the review and through the *Liveable Yarra* process.
55. Updated Council strategies and background documents provide a strong strategic foundation to support the policies.

56. A community engagement strategy has been prepared to ensure the statutory exhibition of the amendment will meaningfully engage a range of stakeholders and allow them to make informed submissions.
57. Once submissions are received, officers will report further to Council and potentially request that Council asks the Minister for Planning to refer submissions to an independent Planning Panel. The Panel would consider submissions and provide recommendations for Council to consider.
58. In considering the Panel's recommendations, Council could make adjustments to the policies before sending it to the Minister for Planning for final approval.

RECOMMENDATION

1. That Council:
 - (a) notes the officer report on the Yarra Planning Scheme – rewrite of local policy;
 - (b) notes the extensive strategic work supporting the draft policy positions including the adopted *Housing Strategy 2018* and the *Yarra Spatial Economic Employment Strategy 2018* and other adopted strategies and policies outlined in the report;
 - (c) notes the supporting documentation attached to this report;
 - (d) endorses the draft Municipal Planning Strategy, local policies and supporting documents as a basis for Amendment C269yara; and
 - (e) seeks authorisation from the Minister for Planning to prepare and exhibit Amendment C269yara to the Yarra Planning Scheme in accordance with section 8A of the *Planning and Environment Act 1987*.
2. That if the Minister for Planning authorises Amendment C269yara, Council undertakes an extensive exhibition of it in accordance with Section 19 of the Act and as outlined in the report at paragraph 33-35.

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Attachments

- 1⇨ Local policies in PPF structure
- 2⇨ YPS Rewrite - 2019 October
- 3⇨ Activity Centres Roles and Boundaries (October 2019)
- 4⇨ Guidelines - Managing Noise Impacts in Urban Development (October 2019) - Incorporated Document
- 5⇨ Noise and Vibration Considerations: Discussion Report, SLR (October 2019)
- 6⇨ Landmarks and Views Assessment, Ethos Urban (October 2019)
- 7⇨ Former Industrial Heritage, GJM Heritage (1 October 2019)
- 8⇨ Residential Heritage Policy Review, Context Pty. Ltd. (October 2019)

11.4 Amendment C245 Heritage Overlay and Zone Amendments - Consideration of Submissions

Executive Summary

Purpose

The purpose of this report is for Council to:

- (a) consider the nine submissions received following exhibition of Amendment C245 to the Yarra Planning Scheme;
- (b) present officers' responses to submissions;
- (c) outline the key recommendations for changes to the Amendment C245 documentation;
- (d) request the Minister of Planning to appoint an independent Planning Panel to consider submissions; and
- (e) outline the next steps for the amendment in accordance with the requirements of the *Planning and Environment Act 1987*.

Key Issues

Amendment C245 was publicly exhibited from 18 July to 19 August 2019 (1 month) and 9 submissions were received. Under Section 23 of the *Planning and Environment Act 1987*, Council must either:

- (a) change the amendment in the manner requested; or
- (b) refer the submissions to an independent Planning Panel; or
- (c) abandon the amendment or part of the amendment.

Officers recommend option (b) – refer the submissions to an independent Planning Panel for consideration and to provide recommendations back to Council.

Financial Implications

The financial cost of planning scheme amendments and the panel process, including panel fees, legal representation and other experts, is included in the budget of Council's Strategic Planning Unit for 2019/20.

PROPOSAL

In summary, it is proposed that Council:

- (a) receive and note submissions received following the exhibition of Amendment C245;
- (b) notes the officer report in response to submissions on Amendment C245 and split it into two parts, with:
 - (i) Part 1 – Places that received no submissions seeking changes;
 - (ii) Part 2 – Places which received submissions seeking changes; and
 - (iii) abandon the part of Amendment C245 proposing changes to HO109, including 14 Glasgow Street, Collingwood and a change of address for HO109 (from 51 to 61-75 Langridge Street, Collingwood) so it no longer forms part of the Amendment.
- (c) adopt Part 1 and submit it to the Minister for Planning for Approval;
- (d) request the Minister for Planning appoint an independent Planning Panel to consider Amendment C245 Part 2 in accordance with Section 23 of the *Planning and Environment Act 1987* and refer all submissions, including late submissions to the panel;

- (e) refer the submissions and C245 Part 2 to a Panel and adopt a position of support for Amendment C245 Part 2 and responses to submissions, as set out in this report and the associated attachments;
- (f) write to all submitters to advise of this decision; and
- (g) officers provide a further report to Council after the Planning Panel report is received about how to proceed with C245 Part 2.

11.4 Amendment C245 Heritage Overlay and Zone Amendments - Consideration of Submissions

Reference: D19/191633
 Authoriser: Director Planning and Place Making

Purpose

1. The purpose of this report is for Council to:
 - (a) consider the nine submissions received following exhibition of Amendment C245 to the Yarra Planning Scheme;
 - (b) present officers' responses to submissions;
 - (c) outline the key recommendations that will be included in a report to Council on 12 November 2019, to request the Minister of Planning to appoint an independent Planning Panel to consider submissions; and;
 - (d) outline the next steps for the amendment in accordance with the requirements of the *Planning and Environment Act 1987*.

Background

2. This amendment is derived from a number of separate projects:
 - (a) *Thematic Study of Theatres in the City of Yarra*, Context Pty Ltd (2017);
 - (b) *Victoria Street and Bridge Road Built Form Review: Heritage Assessment*, GJM Heritage (2018); and
 - (c) Corrections to zone and heritage overlay anomalies, based on queries and requests received from land owners and other interested parties.

Thematic Study of Theatres in the City of Yarra, Context Pty Ltd (2017)

3. Context Pty Ltd was engaged in June 2015 to conduct the *Thematic Study of Theatres in the City of Yarra* to assess the existing properties and recommend potential controls.
4. Context found 38 places, which warranted investigation. Of these 38 places:
 - (a) 17 had been demolished;
 - (b) 15 did not require further protection (controls were sufficient);
 - (c) 3 could no longer be located; and
 - (d) 3 theatres had inadequate protection and insufficient controls for the level of significance:
 - (i) 200-202 Johnston Street, Fitzroy - Austral Theatre (former);
 - (ii) 365 Swan Street, Richmond - Burnley Theatre (former); and
 - (iii) 311-317 Bridge Road, Richmond - Richmond Cinema.
5. The amendment to the Yarra Planning Scheme proposes to:
 - (a) apply the Heritage Overlay (HO) to (i) and (ii), which includes internal controls; and
 - (b) add internal controls for the existing heritage overlay for (iii).

Victoria Street and Bridge Road Built Form Review: Heritage Assessment, GJM Heritage (2018)

6. In June 2018, Council sought interim heritage planning controls for a number of places in the Victoria Street and Bridge Road activity centres.

7. GJM Heritage consultants were engaged by Council to prepare the *Victoria Street and Bridge Road Built Form Review: Heritage Assessment*. This document included recommendations for 12 places:
 - (a) 2 places were recommended to have grading changes from 'individually significant' to 'not contributory', because they have been redeveloped;
 - (b) 1 place was recommended to be removed from HO mapping to correct an error;
 - (c) 1 mapping correction was recommended to extend the HO over an entire significant place;
 - (d) 6 places were recommended to be transferred from a precinct HO to an individual Heritage Overlay control; and
 - (e) 2 places, 32 & 34 Thomas Street, Richmond and 202-206 Church Street, Richmond, were recommended to be included into new Heritage Overlays. These were requested on an interim basis through Amendment C251.
8. The recommendations also included amending the incorporated document, *Appendix 8 - City of Yarra Review of Heritage Overlay Areas, Graeme Butler and Associates (2007)* (which is to be renamed *City of Yarra Database of Heritage Significant Areas, September 2018*) to include the above changes.

Corrections to zone and heritage overlay anomalies

9. Council maintains a list of heritage and zone anomalies, which arise from public queries or requests for corrections. From time to time, Council progresses an amendment to the Yarra Planning Scheme, in order to ensure that there are no discrepancies between how places are identified in Zones, Heritage Overlay schedule, and subsequent maps.
10. A majority of errors and anomalies included in this amendment are in the Heritage Overlay. These changes are in accordance with *Practice Note: 01 Applying the Heritage Overlay*.
11. At its meeting on 18 September 2018, Council resolved to seek authorisation from the Minister for Planning, to prepare and exhibit Amendment C245.

Amendment C245

12. Amendment C245 proposes to correct identified heritage overlay errors and zone anomalies within the Yarra Planning Scheme and implement the recommendations and findings of the recent heritage studies and citations.
13. A complete summary of places affected and the proposed changes is **Attachment 1**.

Exhibition

14. Amendment C245 was placed on public exhibition between Thursday 18 July 2019 and Monday 19 August 2019. The closing date for submissions on the amendment was at 5pm on Monday 19 August 2019.
15. Notification and exhibition of the amendment was carried out via the following measures including:
 - (a) letters, including notice of preparation and fact sheet (**Attachment 2**), sent to 649 owners and occupiers of affected properties, advising of Council's intent to exhibit Amendment C245;
 - (b) letters, including notice of preparation and fact sheet, sent to the Heritage Advisory Committee (HAC) and other heritage related interest groups;
 - (c) letters, including notice of preparation and fact sheet, sent to government agencies and prescribed authorities;
 - (d) an interactive map, as well as more detailed information about the Amendment online at yarracity.vic.gov.au/amendmentC245;
 - (e) notices placed in The Age and the Government Gazette;

- (f) full amendment documentation on the Department of Environment, Land, Water and Planning website; and
 - (g) hard copies of the amendment documentation at Richmond Town Hall and the Collingwood Town Hall.
16. Council also offered appointments with Council officers to all affected parties. These appointments were held during the exhibition period. These were made at the interested parties' request.

Submissions

17. As a result of exhibition, nine submissions were received (a register and summary of submissions is listed in **Attachment 3**). 5 submissions were submitted by the close of exhibition and four were sent to Council as late submissions. All submissions responded to site specific changes. In summary:
- (a) 3 of the submissions were from the owners or proprietors, objecting to the proposed heritage controls for three former theatres set out in the *Thematic Study of Theatres in the City of Yarra* for land at:
 - (i) 200 - 202 Johnston Street, Collingwood (Austral Theatre);
 - (ii) 365-377 Swan Street, Richmond, (the former 'Burnley Theatre'); and
 - (iii) 311-317 Bridge Road, Richmond, (the former Richmond Theatre).
 - (b) 1 submission (from the Catholic Church) supported the heritage overlay over the south section of 378A and 378B Nicholson Street, Fitzroy North, and 27 Alexandra Parade, but objected to the current heritage overlay on St. Brigid's hall and adjoining school building (378C Nicholson Street, Fitzroy North). This submission also raises issues about whether the significant buildings are properly identified;
 - (c) 1 submission from the Collingwood Historical Society (CHS), which:
 - (i) supported most of the changes proposed in Amendment;
 - (ii) did not support the removal of 14 Glasgow Street, Collingwood until further heritage assessment had been done;
 - (iii) noted that a number of changes were as a result of total demolition of buildings and raised concern that '*when contributory buildings are approved for demolition, the City of Yarra appears to the community to place little value on the heritage status of buildings.*'; and
 - (iv) noted that the Collingwood College Doll's House was in disrepair and requires attention;
 - (d) 1 submission from the 3068 Group Inc. (Fitzroy North) indicated the extension of HO93 to protect the landscape in Queens Parade was not sufficient and should be extended; and
 - (e) 3 submissions objected to the HO proposed for 202-206 Church Street, Richmond.
18. The key issues raised in submissions, and proposed responses to these issues, are addressed below. A detailed response to specific issues raised is provided in **Attachment 4**.

Discussion of key issues

Justification and impact of internal heritage controls

19. Three submissions objected to the application of internal heritage controls applied to the theatres identified in the *Thematic Study of Theatres in the City of Yarra*.

Officer Response:

20. These submissions object to a key element of the recommendations in the Theatres Study which is to protect the internal features of the identified theatres. These internal features are a major part of the significance of the places. The Amendment should not be changed to meet the submitter objections. These submissions should be referred to a Panel for review.

Heritage significance

21. Six submissions requested changes to the heritage significance or proposed HO of specific sites. These included:
- (a) 378 Nicholson Street, Fitzroy North (St Brigid’s Church);
 - (b) 14 Glasgow Street, Collingwood;
 - (c) 200-202 Johnston Street, Collingwood; and
 - (d) 202-206 Church Street, Richmond.

378 Nicholson Street, Fitzroy North – St Brigid’s Catholic Church, school, former convent and presbytery

22. The submission on behalf of the Catholic Church, objects to the existing heritage overlay over the northern section of the property because:

“the buildings are of:

- *Ordinary red bricks,*
- *Simple architectural design*
- *Not old for more than 100 years”*

23. **Figure 1** shows the existing extent of HO327, the church land boundary and the buildings with dates. The buildings which the submission indicates are not significant are the schoolroom (1897) and school (1924).

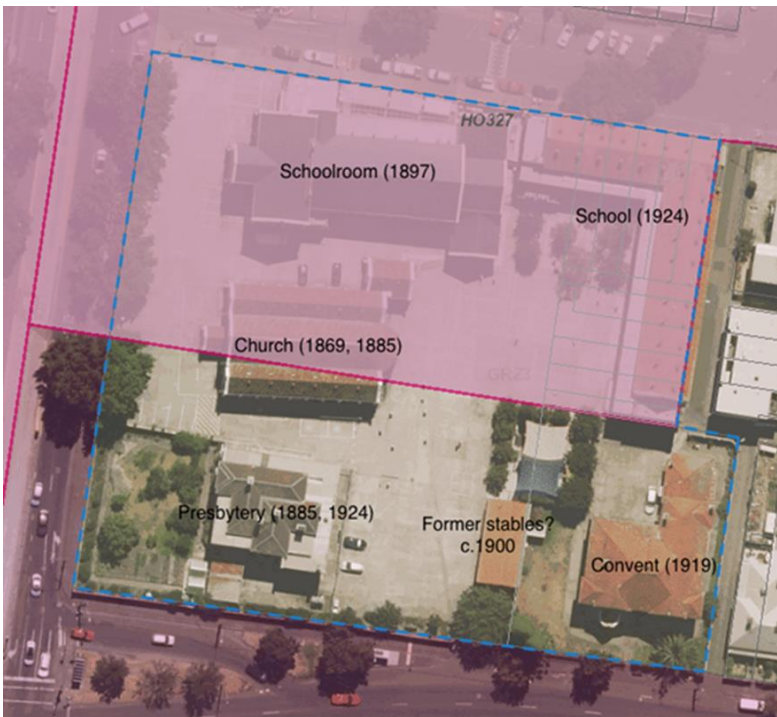


Figure 1: Current extent of HO327 shown in pink shading, boundary of St Brigid’s indicated by blue dotted line

Officer Response:

24. Council referred this submission to an independent heritage advisor who has advised that the proposed extension of the heritage overlay is justified and is consistent with the identified significance of the buildings on the land (**Attachment 5** - Amendment C245 heritage advice – St Brigid’s Catholic Church complex – D Helms September 2019). This advice also suggested that a new citation should be prepared for the whole place (all the church land) which would list the significant buildings.
25. Independent advice from a heritage expert notes;
- (a) *St Brigid’s Catholic Church complex, comprising the church and front fence, school & hall (and remnants of front and side fences), presbytery and outbuilding (and remnant front fence), 1924 school and 1919 convent, is of local significance to the City of Yarra;*
 - (b) *there is a reasonable case for Council to proceed with the proposed extension of the HO over the balance of 378 Nicholson Street, Fitzroy North, as:*
 - (i) *this will resolve the anomaly where the current HO327 boundary cuts through the middle of the church and excludes the presbytery, which is currently listed in Appendix 8 incorporated document as an Individually Significant place; and*
 - (ii) *it will ensure that all the St Brigid’s church buildings are included within the heritage overlay;*
 - (c) *as a place of individual significance comprising a complex of buildings and other features the preparation of an individual citation and statement of significance for St Brigid is required. In the interim, the significance of St Brigid’s is recognised by the HO327 precinct statement of significance; however, it emphasises the importance of the church and excludes specific references to the other buildings forming part of the complex;*
 - (d) *also, the associated incorporated document listing the gradings of buildings, as updated by Amendment C245, still only lists the 1897 school and hall (‘schoolroom’), church and presbytery as being of Individual significance, and does not identify the grading of the 1924 school and the 1919 convent;*
 - (e) *on this basis, I believe that the proposed changes to St Brigid’s should be included in Amendment C245 – Part 2 and referred to an independent Planning Panel with the following changes:*
 - (i) *renaming the ‘schoolroom’ as ‘School & hall’ and listing the 1924 St Brigid’s School at 20 York Street, and the former St Brigid’s convent at 27 Alexandra Parade as ‘Contributory’ places in the updated incorporated document ‘City of Yarra Database of Heritage Significant Areas, September 2019’; and*
 - (ii) *making a minor change to the HO327 precinct statement of significance to include specific reference to the whole of St Brigid’s church complex. This is shown below.*
 - (f) *as a priority, the City of Yarra should prepare an individual citation for St Brigid’s complex. This assessment should also consider whether an individual HO would be justified. For example, to provide interior controls for the church (e.g., for the organ) or for significant fences, as was done as part of the recent assessment of St John’s, Clifton Hill.*
26. Officers believe that the Amendment should not be changed to meet the submitter objections. This submission should be referred to a Panel for review.
- 14 Glasgow Street, Collingwood:
27. The CHS objected to the removal of 14 Glasgow Street, Collingwood from HO109 (*Former William Peatt Boot Factory*) until the heritage significance of the building had been addressed.

28. **Figure 2:** Shows the existing HO boundaries in relation to 14 Glasgow Street, which is indicated by the dotted blue line (Source: VicPlan). The red arrow indicates the section of the c.1937 William Peatt building that appears to be within 14 Glasgow Street.



Figure 2: Current extent of HO420 and HO109 shown in pink shading, boundary of 14 Glasgow Street indicated by blue dotted line

Officer Response:

29. Independent advice was sought from a heritage expert (**Attachment 6** Amendment C245 heritage advice – 14 Glasgow Street, Collingwood – D Helms September 2019) who advised that:
- (a) *the part of 14 Glasgow Street proposed for removal from HO109 contains a car park that has no heritage value. However, it also appears to include a small part of the significant c.1937 William Peatt building – this finding is based on the aerial image overlaid with the HO109 boundary shown in **Figure 2**, which is derived from VicPlan;*
 - (b) *the proposed new address for HO109 in the HO schedule and incorporated document is incorrect;*
 - (c) *in accordance with Planning Practice Note 1, there should be a single citation and HO number for the former William Peatt Boot Factory complex;*
 - (d) *on this basis, I believe the proposed changes to HO109 should be removed from Amendment C245 pending a further review, which should include:*
 - (i) *a desktop review of the two separate citations to make a single citation for the William Peatt Boot Factory; and*
 - (ii) *a more detailed investigation of the title boundary to determine whether or not the c.1937 William Peatt building is partially within 14 Glasgow Street.*
30. Having considered the heritage advice the part of Amendment C245 that includes 14 Glasgow Street, changes to the extent of HO109 and the associated change of address for HO109 from 51 to 61-75 Langridge Street, Collingwood should be abandoned and no longer form part of C245.

200-202 Johnston Street, Collingwood

31. 1 submission objected to the inclusion of 200-202 Johnston Street, Collingwood as an 'individually significant' place and objected to the extension of the HO to cover the entire site.

Officer Response:

32. The property is already graded as an 'individually significant' heritage place in the Database of Heritage Significant Areas and the Amendment does not propose to change this heritage significance. Currently HO324 covers only a part of 200-202 Johnston Street, Collingwood. It cuts through the former Austral Theatre so that only part is protected. The Amendment proposes a new HO499 to cover the entire property so the building is protected.
33. It is proper planning practice to apply a heritage overlay to the whole extent of a property to ensure heritage protections and minimise any uncertainty about planning scheme requirements. No change is proposed to the exhibited amendment. This submission should be referred to a Panel for review.

34. 202 and 204 Church Street, Richmond

- (a) Three submissions objected to 202-206 Church Street, Richmond being protected as 'individually significant' in the new HO526; and
- (b) The grounds for opposing the new HO include that this would be an additional burden in the context of a commercial zone, significant development is occurring nearby, the condition or integrity of the buildings does not warrant heritage protection.

Officer Response:

35. These properties are part of a group of three shops, the 'Halls Buildings', identified by GJM in the *Victoria Street and Bridge Road Built Form Review: Heritage Assessment*. GJM Heritage identified the shops and residences as being constructed in 1886, noting a number of elements that contributed to the significance of the place. The GJM Heritage Assessment found:

'The buildings retain a high degree of integrity to the Victorian period in fabric, form and detail. Whilst the building has undergone some alterations, these have not diminished the ability to understand and appreciate the place as an example of a Victorian shop and residence.'

36. The Amendment should not be changed to meet the submitter objections. These submissions should be referred to a Panel for review.

Demolition of buildings

37. The submission from the Collingwood Historical Society noted that a number of the proposed re-graded places in Amendment C245 resulted from demolition of buildings. The submission noted that five buildings had been entirely demolished and redeveloped or are in the process of being redeveloped.

Officer Response:

38. Council officers have investigated the circumstances around the demolition of the five buildings identified in the submission.
39. Of these buildings, three properties were graded 'contributory' prior to demolition, with the remaining two properties being ungraded or graded 'unknown'.
40. In the Yarra Planning Scheme, properties are graded 'unknown' where insufficient information is available to allow an assessment from the public domain.
41. The Yarra Planning Scheme and the Yarra City Council policy generally encourage the retention of a heritage place, unless;
- (a) the building is identified as not contributory; and
- (b) if the building is identified as a contributory building;

- (i) new evidence has become available to demonstrate that the building does not possess the level of heritage significance attributed to it in the incorporated document, *Database of Heritage Significant Areas* (formerly, *City of Yarra Review of Heritage Areas 2007 Appendix 8* [as updated from time to time]); and
- (ii) the building does not form part of a group of similar buildings.

42. Table 1 outlines the circumstances of the demolition of buildings noted in the submission.

Table 1 – Circumstances for demolition of ‘contributory’ buildings

Address	Grading prior to demolition	Circumstances of demolition
160 Gold Street, 1 & 1A South Terrace, Clifton Hill	'contributory'	<p>The advertised heritage advice found new evidence that demonstrated that the ‘contributory’ building did not possess the level of heritage significance attribute to it in the incorporated document, <i>Database of Heritage Significant Areas</i> (formerly, <i>City of Yarra Review of Heritage Areas 2007 Appendix 8</i> [as updated from time to time]).</p> <p>Additionally, it was found that the building had been modified prior to the application to demolish and that the contributory nature had been diminished.</p> <p>The planning proposal was taken to VCAT after Council refused to grant a permit. Council’s grounds for refusal raised concerns for the demolition from a heritage perspective.</p> <p>VCAT set aside Councils decision and directed Council to issue a permit.</p>
4 Eddy Court, Abbotsford	<i>Not graded</i>	<p>The building was identified as being not contributory.</p> <p>The building was in disrepair (the floor had collapsed).</p>
55 Park Street, Abbotsford	<i>Not graded</i>	<p>The building was identified as being not contributory.</p> <p>The planning proposal was taken to VCAT after Council failed to grant a permit within the statutory timeframes.</p> <p>VCAT set aside Councils decision and directed Council to issue a permit.</p> <p style="text-align: right;"><i>(VCAT Ref. No – PL06/1131)</i></p>
18 Peel Street, Collingwood	'contributory'	<p>The advertised heritage advice found new evidence that demonstrated that the ‘contributory’ building did not possess the level of heritage significance attributed to it in the incorporated document, <i>Database of Heritage Significant Areas</i> (formerly, <i>City of Yarra Review of Heritage Areas 2007 Appendix 8</i> [as updated from time to time]).</p> <p>Additionally, the building did not form part of a group of similar buildings that contributed to the heritage of the area.</p>
133 Keele Street, Collingwood	'contributory'	<p>New evidence that demonstrated that the ‘contributory’ building did not possess the level of heritage significance attributed to it in the incorporated document, <i>Database of Heritage Significant Areas</i> (formerly, <i>City of Yarra Review</i></p>

		<p><i>of Heritage Areas 2007 Appendix 8 [as updated from time to time]).</i></p> <p>Building was in disrepair and became a hazard.</p> <p>The demolition of the building was justified by the degradation of structural integrity and an emergency demolition was approved.</p>
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Collingwood College Doll's House

43. The Collingwood Historical Society noted that the Collingwood College Doll's House is in poor condition and needs repair.

Officer Response:

44. Council notes that the Collingwood College Doll's House is in poor condition and there is a threat to the conservation of the heritage place.
45. The Doll's House is part of the Collingwood College campus grounds and not a Council asset.
46. Council is, however, currently addressing potential funding, the responsibility of maintenance and actions necessary to repair the Doll's House.

Heritage Overlay HO93 and Amendment C231

47. The 3068 Group Inc. objects that the proposed extension of HO93 '*do not go far enough to protect the elm boulevard which is more extensive than that identified. The HO93 statement of significance does not distinguish between the 19th C plantings and the interwar plantings. HO93 should include Napier Reserve and the substation*'.
48. The submission referenced a previous submission made to Amendment C231 – Queens Parade Design and Development Overlay.

Officer Response:

49. HO93 was introduced, based on a 1998 heritage citation prepared by Allom Lovell and John Patrick Pty Ltd. A recent internal assessment identified an anomaly in the extent of HO93, which the C245 changes propose to address. The scope of those changes is based on the original 1998 assessment and a review carried out by John Patrick Landscape Architects Pty Ltd in November 2018. The 2018 review recommends the extension of HO93 so it applies to all the road reserve between Alexandra Parade and Delbridge Street, Clifton Hill. The 2018 review did not consider or propose any extension beyond this section of Queens Parade.
50. The 2018 review report includes **Figure 3** illustrating the extent of the current Heritage Overlays in the area and the gaps adjoining HO93. This shows the anomaly which excludes street trees and associated median strips and landscape features as detailed in **Attachment 7**.



Figure 3: Heritage Overlay HO93 of the Yarra Planning Scheme as indicated on Planning Maps Online

51. The revised HO93 extent and the revised citation are based on expert advice. The submission in part questions some aspects of that advice and the revised citation. The submission also suggests extending protection to other areas such as Napier Reserve (which is bounded by Napier Street, Queens Parade and Alexandra Parade) and other parts of Queens Parade.
52. Given the nature of a Planning Scheme amendment process, it is generally not possible to extend the geographic extent of the proposals after exhibition. This is for reasons which include potential impacts on other parties who might for example object to revised proposals.
53. The significance of the sub-station on Napier Reserve was considered as part of the Queens Parade Amendment C231 where heritage protection was not supported by the Council heritage expert. It may be that the report by the Planning Panel will provide recommendations regarding this matter.
54. In conclusion, the 3068 Group Inc. submission raises issues which do not warrant changes to the Amendment. This part of the Amendment should be referred to a Panel.

Split Amendment C245 into Part 1 and Part 2

55. An amendment may be split into parts and separately processed. Such a split is warranted in this instance, because it will allow those parts of the Amendment which do not have submissions seeking changes to be adopted and submitted for approval without further delay as C245 (Part 1). The balance of the items will be either referred to a Panel or in the case of the items dealing with 14 Glasgow Street, HO109 and 51 Langridge Street, Collingwood abandoned and removed from the Amendment.
56. It is recommended that the changes in Amendment C245 are split into two parts, as follows:
 - (a) Part 1 – Places that received no submissions seeking changes; and

(b) Part 2 – Places which received submissions seeking changes.

C245 (Part 1)

57. Part 1 includes **65** places that did not attract objections (listed in **Attachment 8**). It is recommended that Part 1 should be adopted and submitted to the Minister for Planning for Approval as 'Yarra Planning Scheme Amendment C245 (Part 1)'.

C245 (Part 2)

58. Part 2 of the Amendment includes **6** places for which an objection was received (listed in **Attachment 9**). It is recommended that all submissions in Part 2 be referred to an independent Planning Panel.

External Consultation

59. Council has:

- (a) exhibited the amendment for one calendar month, in accordance with the requirements of the *Planning and Environment Act 1987*;
- (b) posted notice of the proposal to all owners and occupiers of land directly affected by the changes, other interested parties and Prescribed Ministers;
- (c) published formal notice of the amendment in the Age and Government Gazette; and
- (d) provided comprehensive information on the Council website.

60. Consultation provided the community, land owners and stakeholders the opportunity to make a submission about the proposed changes.

61. Council officers have had preliminary discussion about the amendment with the Department of Environment, Land, Water and Planning (DELWP).

Internal Consultation (One Yarra)

62. The proposed amendment has been circulated internally with comments from different team members from the Strategic Planning unit and the Statutory Planning team of Council.

63. These comments form part of the assessment process leading to this report.

Financial Implications

64. The financial cost of planning scheme amendments is included in the budget of Council's Strategic Planning Unit for 2019/20.

Economic Implications

65. There are no significant economic implications from the amendment.

Sustainability Implications

66. The retention of heritage places reduces building waste and conserves embodied energy in existing buildings. However, older buildings are potentially less energy efficient than new buildings and the amendment may limit opportunities for future development of sustainable buildings.

Social Implications

67. There are no significant social implications from Amendment C245 identified.

Human Rights Implications

68. There are no human rights implications anticipated from the amendment.

69. The amendment complies with the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

Communications with CALD Communities Implications

70. Consultation for the amendment is in accordance with the *Planning and Environment Act 1987* and Council's consultation policies.

Council Plan, Strategy and Policy Implications

71. The value of creating a liveable Yarra to Council and the community is acknowledged in the Council Plan 2017-2021.
72. A liveable Yarra is identified as where development and growth are managed to maintain and enhance the character and heritage of the city.
73. The amendment seeks to promote and conserve areas of growth and significance by:
 - (a) applying new Heritage Overlay provisions in the Planning Scheme; and
 - (b) correcting errors and anomalies in the Heritage Overlay and zones.

Legal Implications

74. The amendment complies with the requirements of the *Planning and Environment Act 1987*.
75. There are no known legal implications of this amendment.

Other Issues

Changes to the *Yarra High Streets: Statements of Significance* – adding the citations and studies in this Amendment C245

76. The *Yarra High Streets: Statements of Significance* is a reference document which contains the relevant heritage studies and citations for all the activity centres or 'high streets'. This needs to be updated in part as a result of changes since C245 was exhibited. The Panel process for Amendment C231 (Queens Parade) made changes to this reference document. The *Yarra High Streets: Statements of Significance* prepared by GJM Heritage in 2017, has been updated as part of the post-Panel direction for Amendment C231.
77. It is recommended that the *Yarra High Streets: Statements of Significance* be updated with the addition of the following from Amendment C245:
 - (a) *Heritage Citation: Queens Parade, Fitzroy North Street Trees*, John Patrick Landscape Architects Pty. Ltd. (2018);
 - (b) *Victoria Street and Bridge Road Built Form Review: Heritage Assessment*, GJM Heritage (2018); and
 - (c) *Thematic Study of Theatres in the City of Yarra*, Context Pty. Ltd. (2017).
78. The updated *Yarra High Streets: Statements of Significance* is **Attachment 10**.

Options

79. Where submissions have been received to an amendment, Council has three options under Section 23 of the *Planning and Environment Act 1987*:
 - (a) change the amendment in the manner requested; or
 - (b) refer the submissions to an independent Planning Panel to consider the submissions and to provide recommendations to Council; or
 - (c) abandon the amendment or part of the amendment.
80. Council can forward the submissions and C245 (Part 2) to a Panel.
81. Council must make a formal request to the Minister for Planning to appoint a Panel, after which Planning Panels Victoria will confirm the hearing dates.

Conclusion

82. Amendment C245 proposes to correct heritage and zoning anomalies in the City of Yarra and to implement recommendations from recent heritage studies and citations.

83. Exhibition of Amendment C245 has been completed. Nine submissions were received, relating largely to internal heritage controls for former theatres and the extension of the heritage overlay over some sites.

RECOMMENDATION

1. That Council:
 - (a) receive and note submissions received following the exhibition of Amendment C245;
 - (b) notes the officer report in response to submissions on Amendment C245 and split it into two parts, with:
 - (i) Part 1 – Places that received no submissions seeking changes as listed in **Attachment 8**;
 - (ii) Part 2 – Places which received submissions seeking changes (**Attachment 9**); and
 - (iii) abandon the part of Amendment C245 proposing changes to HO109, including 14 Glasgow Street, Collingwood and a change of address for HO109 (from 51 to 61-75 Langridge Street, Collingwood) so it no longer forms part of the Amendment.
 - (c) adopt Part 1 and submit it to the Minister for Planning for Approval;
 - (d) request the Minister for Planning appoint an independent Planning Panel to consider Amendment C245 Part 2 in accordance with Section 23 of the *Planning and Environment Act 1987*;
 - (e) refer the submissions and C245 Part 2 to a Panel and adopt a position of support for Amendment C245 Part 2 and responses to submissions, as set out in this report and the associated attachments;
 - (f) update the *Yarra High Streets: Statements of Significance* with the addition of the documents from Amendment C245 set out in this report;
 - (g) write to all submitters to advise of this decision; and
 - (h) officers provide a further report to Council after the Planning Panel report is received about how to proceed with C245 Part 2.

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Attachments

- 1 ⇨ Summary of Places
- 2 ⇨ Fact Sheet
- 3 ⇨ Summary of Individual Submissions
- 4 ⇨ Key Submitted Issues
- 5 ⇨ Heritage advice - St Brigids Catholic Church complex
- 6 ⇨ Heritage advice - 14 Glasgow Street
- 7 ⇨ Heritage Citation QP, FN, John Patrick Landscape Architects Pty. Ltd. (2018)
- 8 ⇨ Summary of Places - No Submission
- 9 ⇨ Summary of Places - Submission
- 10 ⇨ Yarra High Streets: Statements of Significance (October 2017, updated October 2019)

11.5 Discussion Paper - Planning and Building Approvals Process Review

Executive Summary

Purpose

The purpose of this report is to:

- (a) provide Council with a summary of the *Planning and Building Approvals Process Review Discussion Paper 2019* released by Better Regulations Victoria;
- (b) outline Council officers' position on the recommended Actions; and
- (c) recommend feedback to the Red Tape Commissioner on the discussion paper to assist them in preparing their final report to be submitted to the Department of Treasury and Finance (DTF) and the Planning Minister in December 2019.

Key Issues

The key issue for Council in considering the *Planning and Building Approvals Process Review Paper 2019* is whether the recommended Actions outlined within the paper are appropriate for a Yarra context and provide feedback on the paper on how the findings and Actions could be improved. Any suggested improvements to the items are for discussion only.

Financial Implications

None anticipated.

PROPOSAL

Better Regulations Victoria has released a discussion paper that explores four key areas, these are:

- (a) Part A – The Strategic Approvals Process;
- (b) Part B – The Permit Approvals Process;
- (c) Part C - The Post-permit Approvals Process; and
- (d) Part D – The Building Approvals Phase.

11.5 Discussion Paper - Planning and Building Approvals Process Review

Reference: D19/209452

Authoriser: Director Planning and Place Making

Purpose

1. The purpose of this report is to:
 - (a) provide Council with a summary of the *Planning and Building Approvals Process Review Discussion Paper 2019* released by Better Regulations Victoria;
 - (b) outline Council officers' position on the recommended Actions; and
 - (c) recommend feedback to the Red Tape Commissioner on the discussion paper to assist them in preparing their final report to be submitted to the Department of Treasury and Finance (DTF) and the Planning Minister in December 2019.

Background

2. This most recent discussion paper is the continued work by the State Government in reforms to the development industry to streamline process.
3. Building Regulations Victoria has released the subject discussion paper, and are requesting Councils to review and make submissions to them, with submissions sought by Friday, 15 November 2019. The office has informed the Commissioner's office that Yarra City Council comments will be provided by the end of November.

External Consultation

4. None.

Internal Consultation (One Yarra)

5. The following internal departments have been consulted in preparing this report:
 - (a) Strategic Planning; and
 - (b) Building.

Financial Implications

6. Costs associated with ongoing process improvements.

Economic Implications

7. Processing times for development approvals adds to the cost to applicants, who can be ratepayers, occupiers and developers.

Sustainability Implications

8. None anticipated.

Social Implications

9. Better accessibility with the ongoing process improvements.

Human Rights Implications

10. Nil.

Communications with CALD Communities Implications

11. Nil.

Council Plan, Strategy and Policy Implications

12. On-going process improvements is broadly a Council strategic initiative.

Legal Implications

13. Nil.

Discussion

14. The follow sections provide detail and assessment on the four topics contained within the discussion paper, which are as follows:

- (a) Part A – The Strategic Approvals Process;
- (b) Part B – The Permit Approvals Process;
- (c) Part C - The Post-permit Approvals Process; and
- (d) Part D – The Building Approvals Phase.

Part A – The Strategic Approvals Process

ACTION	RECOMMENDATION	RESPONSE
Action 1 – Simplify planning schemes	1. Extend Smart Planning program to further improve planning schemes to apply plain language drafting principles, revising the order of material in schemes, considering the digital delivery and search functions, provide clear information on who decides the application and continue the translation of planning schemes to the new state framework.	<p>Improving the clarity and effectiveness of planning schemes is a good principle to follow. The reports comment/criticism on schemes being too legal and requiring a level of technical understanding is overly simplistic.</p> <p>Planning schemes are complicated and they require a degree of technical expertise for many applications.</p> <p>Most of the proposals in this recommendation sit with the DELWP. The recent process to translate planning schemes into the new integrated planning framework is underway and has addressed many aspects of these proposals.</p> <p>However there are additional improvements that could be made to the planning scheme. E.g. clarity around improved certainty in language including the use of ‘must’ and ‘should’ in schedules to the DDOs and best practice drafting of schedules.</p> <p>It needs to be remembered that DELWP already have Practice Notes that provide Councils with guidance. This is coupled with the planning panel process providing a further examination on the form and content of policies and controls.</p>
	2. Consolidate planning scheme requirements, principles or rules that serve similar purposes (while allowing local variations).	Support in principle, however, care is needed to make sure that the intent of the requirements is not diminished (clarity of intended outcomes is important).
	3. Faster policy resolution for emerging planning issues to	This is a key issue in the planning system. There hasn’t been sufficient

	<p>ensure consistent state-wide approach with frameworks for local council variations.</p>	<p>leadership by DELWP to advance new policy development in emerging issues.</p> <p>An example is the effort, cost and time it took to achieve an ESD policy, which was necessary to satisfy a community expectation and fill a policy void. Still there is no state wide policy. Responding to climate change and further improving building design and performance is still an issue.</p> <p>Affordable housing is another example that has taken years to develop a statutory approach which still fails to provide any meaningful increase in housing stock whilst housing affordability is becoming a more critical issue.</p> <p>State policy provisions for car parking, bicycle facilities and parking lag current practice and need to be changed by the State to respond to these realities and emerging changes in transportation technologies.</p> <p>DELWP needs to have a clearer leadership and a program for these type of policy changes and development. This should be a priority.</p>
<p>A2 Streamline planning scheme amendments</p>	<p>4. Councils working within regions to harmonise their planning policies where possible.</p> <p>5. DELWP provide final response to authorisation requests in 30 days.</p>	<p>This may be realistic in some regional areas, however in metropolitan areas there are greater complexities in local circumstances and hence policy requirements.</p> <p>With the opportunity of having regional planning provisions in schemes, there may be greater interest in pursuing a regional approach. This may not be solely about harmonising policies but coordinating policy across a region. For example, car parking rates in the inner city or the spatial economic and employment role of the inner city.</p> <p>Yarra already works with its neighbouring councils through IMAP and the Inner Metro Region (in Plan Melbourne). Additional resourcing is needed to undertake research and develop policy which facilitate a regional approach to issues.</p> <p>Support to give Councils greater certainty about the amendment process timeframes. It needs to be accepted that some more complex amendments will require greater scrutiny but these should be the</p>

		<p>exception.</p> <p>Note that Planning Advisory Note 11 includes a performance target for DELWP to grant authorisation within 15 days of a completed authorisation request (for 80% of requests.) It is not clear if this is met.</p> <p>Timeframes for the amendment process sit within the Act, Regulations, Advisory Notes and Ministerial Directions. The combination of statutory and non-statutory timeframes are appropriate. However benefit could be gained by rationalising the non-statutory timeframes in various Practice Notes and Ministerial Directions into one.</p>
	6. DELWPs notice templates rewritten in plain English and include images and other explanation material.	<p>Agree that the notice templates could be rewritten.</p> <p>It needs to be acknowledged that Councils already supplement the statutory notices with additional information that explains an amendment (e.g. Yarra's interactive maps).</p>
	7. Where there are unresolvable issues in submissions to amendments the recommendation to proceed to panel should occur at the earliest opportunity.	<p>The review hasn't grasped the importance of the submission stage and the work Councils undertake to consider and address submissions. Councils need the time to resolve issues, negotiate resolution of changes and advise Council of preferred versions of the amendment that it would take to a Panel. Councils should not be limited in their ability to consider and respond to submissions.</p>
	8. Panel reports should only be embargoed by Councils for 7 days not 28 days.	<p>A reduction in this time frame to 7 days is too short. It doesn't recognise that Council officers need sufficient time to consider panel reports and recommendations and advise Council. In addition, Council needs to prepare public advice for the community through websites and also through enquiries. A more realistic reduction in the time frame would be 14 or 21 days.</p>
	9. Reduce administrative amendments could be reduced by grouping non-urgent matters into periodic omnibus amendments.	<p>Agree this already occurs.</p>
	10. Councils should make formal decision with reasons when deciding to abandon or not exhibit a proponent's amendment. In order that proponents and the Minister are better informed.	<p>Agree this is good practice.</p> <p>Already occurs in Council Reports which resolve to abandon a planning scheme amendment (noting abandoning an amendment requires a Council resolution) and advice to proponents when a proposed</p>

<p>A4. Escalate planning for sites of strategic importance</p>	<p>17. VPA and DJPR could advise the Minister for Planning and Minister for Priority Precincts of the pipeline of sites of strategic importance while ensuring sound planning principles are applied.</p> <p>Suggested selection criteria include:</p> <ul style="list-style-type: none"> • Development implements a direction in Plan Melbourne or helps leverage key government infrastructure e.g. Suburban Rail Loop • Site matches areas identified by Government for future housing/jobs growth • Landowner has requested the amendment be given priority • Council has failed to decide in a reasonable time or is not able to prepare a plan for its development. 	<p>amendment is not supported.</p> <p>Concept of strategic sites is not clearly defined. Unclear if the focus would be on precincts or individual sites. Criteria needs to be clearer.</p> <p>Planning for strategic sites and precincts should rest with Council as the Planning Authority, with assistance from other bodies such as VPA or DJPR and landowners. Council has strong links with its community, businesses and the development industry and is well placed to undertake this work.</p> <p>The VPA is under-resourced and its key focus is in planning. This leaves a gap in terms of funding and coordination in Government e.g. for transport infrastructure, business development, development facilitation etc.</p> <p>Additionally, Councils do not have the appropriate mechanisms to capture 'uplift' and achieve community benefits.</p> <p>Processes such as negotiating S173 agreements can be time consuming. E.g. with no statutory requirement for affordable housing, each development requires negotiation on a case by case.</p>
	<p>18. VPA in consultation with DJPR, the Suburban Rail Loop Authority, relevant Councils and stakeholders and advise the Minister for Planning and Minister for Priority Precincts about which sites could be prioritised and the best form of engagement for planning to be undertaken jointly in each case.</p>	<p>Council is best placed to identify strategic sites within its municipality, in consultation with other organisations.</p>

Part B – The Permit Approvals Process:

ACTION	RECOMMENDATION	RESPONSE
<p>Action 1 – More help with applications</p>	<p>19. DELWP to provide a Planning Practice Note (PPN) and model application form to Council about how pre application process can be used.</p>	<p>Agree this is good practice and already occurs.</p> <p>A PPN regarding a model application and pre application meeting formats could be helpful in an attempt to standardise expectations from both applicants and Council officers regarding standards of information to be provided to Council for all types of planning application</p>

	<p>20 - 21. Council's should be required to offer pre application meetings, option for Council's to charge for these meetings and consideration to be given by referral authorities to also offer this service.</p> <p>22. Adopting the Better Approvals approach focused on Council planning and building approvals process.</p>	<p>Yarra currently offers pre application meetings for all levels of applications from Simple to Major and Complex applications.</p> <p>Agree and already occurs. Prior to a meeting being organised, applicants are advised of minimum information requirements to ensure the meeting adds value to the process.</p> <p>Council already offers this service and dependant on the scale of the project; some involve other officers with specialist skills including urban design, heritage and engineering. In some instances, however, a proposal is fully designed at the pre application meeting and is ready to be lodged to Council, making this step of the process a waste of resources.</p> <p>Other Councils charge a fee for pre-application meetings and have internal referrals attend the meeting with the aim of the application, when it is lodged, being well formed and ready to be assessed/processed.</p> <p>Council does not charge for this service but as part of the review of planning process, due consideration will be given to charging for pre-application services.</p> <p>Council agrees with the suggestion of referral authorities having pre application services, it is understood that this may already occur.</p> <p>Generally agree with the intention, however, to service the approximately 1,500 applications Council receives per annum this process is too labour intensive and can mean double handling of applications.</p>
<p>Action 2 – Ensure lodged applications are complete</p>	<p>23. Council should only accept applications once they are complete. Guidelines standard forms and checklist should be developed to help applicant's complete applications.</p>	<p>Agree. The aim of this is to more clearly set out what information should be lodged with an application, so that expectations of the customer are clear, the need for Councils to request further information is reduced and processing times are improved. Currently no Council has the ability to 'not accept' an application.</p> <p><i>The Planning and Environment</i></p>

	<p>24 - 25. Amendments made to the VPP to increase clarity of application requirements and review local schedules within the VPP to remove duplication and determine if additional requirements are required.</p>	<p><i>Regulations 2015</i> states at Clause 13 the requirements for an application which include:</p> <p>An application for a permit under section 47 (1) (a) of the Act must be made in writing to the responsible authority and must—</p> <ul style="list-style-type: none"> (a) state the name, address and telephone number of the applicant; and (b) indicate clearly the land affected by the application by— <ul style="list-style-type: none"> (i) stating the address of the land; or (ii) stating the title particulars of the land; or (iii) including a plan showing the land; or (iv) any combination of these; and (c) state clearly the use, development or other matter for which the permit is required; and (d) describe the existing use of the land; and (e) if the permit is required to undertake development, state the estimated cost of any development for which the permit is required; and (f) state who is the owner of the land. <p>Agree, however, concurrently amendments would need to be made to the <i>Planning and Environment Act and Regulations</i> to enable incomplete applications to not be accepted or increase the amount of information required to make a 'complete' application.</p>
<p>Action 3 – Move to online planning permit processing and tracking</p>	<p>26 – 28. Development of fully trackable online applications.</p>	<p>The aim of this is to make all Councils aware of the benefits of online processing.</p> <p>Agree and support initiative.</p> <p>Council has recently commenced the process of developing such a system.</p> <p>Currently at Yarra, applicants have the ability to lodge a pre-application request online. Further, information is already available for all applications which are required to be</p>

		advertised with the submitted information being available to be viewed on line and the additional ability to lodge submissions to these applications on line.
Action 4 – Improving planning resources for Councils	<p>29. Additional resources for DELWP’s Regional Planning Services network to act as regional planning hub.</p> <p>30. DELWP and PIA could develop online training packages.</p> <p>31. DELWP could encourage harmonisation between Councils local planning requirements and process by holding regular regional meetings between Council’s, referral authorities, the VPA and other relevant bodies.</p>	<p>Agree and support – but not as applicable to Metropolitan Councils.</p> <p>Agree that additional training to Council staff is important and could be helpful for consistency.</p> <p>Agree, this already occurs informally between Council’s albeit infrequently and could be better used.</p>
Action 5 – Modernise public advertising of proposals	<p>32. Displaying images of the proposal on the advertising signs for the larger developments.</p> <p>33. Formal notice to be provided on Council website, via email alerts and on social media.</p> <p>34. DELWP could prepare an updated PPN on ‘Best Practice’ modern notification processes for different types of applications, in consultation with MAV and VLGA</p>	<p>Agree in principal, however consideration would need to be given to the cost of this modification and an update would need to be made to the regulated sign form.</p> <p>Advertising applications on Council’s website already occurs. The aim of this is to use social media and look at new ways of notifying applications on site. Agree with this recommendation but it needs more discussion, consultation and engagement with Councils in order to refine.</p> <p>Agree in principle, Yarra already has its own best practice guidelines, however some consistency with other Council’s in this area could be of benefit.</p>
Action 6 – Stream applications according to risk	<p>35. The smart planning program to review identified issues with current prohibited restricted uses i.e. non-retail land uses and planning concessions for child care centres, aged care facilities and social housing.</p> <p>36. The proposed VicSmart Plus should enable 30-day streamlined issuing of permits for: secondary dwellings on an existing lot and dwelling applications on a small lot in an established area.</p>	<p>Not an issue experienced in Yarra. The matter of concessions for child care centres, aged care facilities and social housing could be further explored to understand what is being proposed.</p> <p>Further exploration regarding a VicSmart Plus process for small extensions to existing dwellings could be of benefit but question adding the value of another level of control without further consultation and engagement with Councils.</p> <p>Do not support a second dwelling on</p>

	<p>37. Following the review of the small lot code for growth area, consider the case for amending Rescode and then dealing with siting and other issues through building permits.</p>	<p>a lot being part of a VicSmart Plus process in Yarra. These applications require notice and have appeal rights - how would this be avoided without significant changes to the current controls. The Yarra context needs to be further explored and tested before any changes to the VicSmart process is implemented.</p> <p>Not relevant to Yarra.</p>
<p>Action 7 – reduce requests for further information</p>	<p>38. Where RFI’s are necessary, responsiveness could be improved by having Council’s pause the clock on statutory timelines for decisions, rather than reset it.</p> <p>39. Set a deadline to encourage prompt assessment of the need for further information.</p> <p>40. VCAT could improve and promote the prominence, availability and turnaround times of the short cases list.</p> <p>41. DEWLP could support Councils to help them more accurately and efficiently assess the need for RFI’s by using a PPN.</p>	<p>Agree with the aim of more clearly setting out what information should be lodged with an application, so that expectations of the customer are clear and the need for Councils to request further information is reduced. But do not support this and it needs further discussion and consultation with Councils so that the Yarra context is better understood. The use of RFI’s is a requirement to correct an application which is lacking required information. Council’s should not be penalised for seeking additional information by pausing the clock. Responsiveness to a request for further information is the responsibility of an applicant.</p> <p>Council’s currently have 28 days to request further information for a regular application and 5 days if the application is deemed to be VicSmart. In addition many Councils have internal targets. At Yarra regular applications are encouraged to be reviewed within 21 days.</p> <p>Agree this could be helpful.</p> <p>Agree this could be helpful.</p>
<p>Action 8 – Reduce response times for referrals</p>	<p>42 – 47. Improving performance of referral comments (28 days) and encourage continuous improvements.</p>	<p>Agree. It would be useful to standardise referral comments for the “low risk” applications and avoid</p>

		<p>the need to formally refer low risk applications.</p> <p>In many instances, referral comments are received within the 28 day requirement. Any standardisation of referrals that would reduce turnaround times would, however, be beneficial in principle.</p>
<p>Action 9 – Make decisions within a reasonable time</p>	<p>48. Consider a longer statutory timeframe for complex application including a definition of 'complex' or facilitate a negotiation approach to enable Council's to enter an agreement with an applicant on the expected timeframes.</p> <p>49. Councils should report on the time taken for applications at different stages of the assessment and decision process so that KPI's can be determined.</p> <p>50. As part of the proposal for user-friendly concierge services that begin at the pre application stage, Council should also provide user updates throughout the assessment process.</p>	<p>Support the recognition that complex applications cannot be determined within 60 days and that there is merit in extending the determination for major applications to 90 days. Do not agree that an "agreement process with an applicant" would improve turnaround times or add value, and there would need to be more discussion/consultation with Councils on how would this be regulated by the Act. How different Council's define "complex" also needs further discussion/clarification.</p> <p>Monthly reporting on KPI's is already undertaken as part of the PPAR process, although this differs between Council's as a result of different internal systems and processes. A standardised online system would assist this and make reporting more accurate/valuable. Internal KPI's are already undertaken and reported.</p> <p>This is aiming to improve the initial stages of the application process. Agree and already occurs.</p>
<p>Action 10 – Promote best practice delegation of decisions</p>	<p>51 – 54. Could review the delegation standards across the state to stream line including frequency of meetings and training for Councillors.</p>	<p>There is recognition in the industry on how the Deeds of Delegation vary across Councils and how this can affect timeframes/processing of an application. The aim is, in part, to develop more guidance on the delegation structure while respecting Councillors involvement in the decision making process for an application.</p> <p>Yarra's Deed of Delegation has been recently reviewed.</p>

Part C – The Post - Permit Approval Process;

ACTION	RECOMMENDATION	RESPONSE
<p>Action 1 – Checking compliance with permit conditions.</p>	<p>55. DEWLP in consultation with the VPA, VCAT and MAV should formalise post-permit processes and set appropriate timeframes by providing a PPN.</p> <p>56 – 58. Standardisation of post permit conditions including training and a manual of standardised engineering infrastructure requirements and conditions.</p> <p>59. Councils should consult with applicants about draft conditions.</p> <p>60. Council should collect comprehensive data regarding post permit conditions and process.</p>	<p>Agree would be helpful for Council's and applicants and provide continuity between Council's.</p> <p>Agree, consistency in the application of these types of requirements would be beneficial, would need to allow for some flexibility in acknowledgement of the nuances between Council requirements. Applying timeframes for Councils to review and approve condition 1 plans and what is appropriate, requires more consultation and discussion.</p> <p>Where possible this already occurs where it adds value. If agreement cannot be reached, Council determines the application and an applicant can appeal the conditions of permit.</p> <p>Agree, some of this data may be collected by the YCC process improvement project.</p>
<p>Action 2 – Streamline variations to the terms of a permit.</p>	<p>61. VCAT's short case list should be used more often to hear secondary consent disputes quickly.</p> <p>62. DELWP could develop a PPN.</p> <p>63. Setting of prescribed Fees for Secondary consent requests.</p> <p>64. Broadening performance monitoring to include reporting on the time taken for post – permit decisions.</p> <p>65. A PPN should be developed to provide guidance to Council's about how to set specific timeframes for permits that are reflective of the complexity of a proposal.</p>	<p>This is already an option available to applicants.</p> <p>Agree, this could provide greater consistencies between Councils in assessing secondary consent applications. Council would be happy to share its existing template which is based on VCAT case law.</p> <p>Agree subject to more detail.</p> <p>The Discussion paper seeks additional reporting on a number of measures. Many of these indicators would require manual calculation. A greater focus on what information is being sought would be of benefit.</p> <p>Agree, would suggest that a degree of consistency already exists between Council's.</p>

<p>Action 3 – Reduce timelines for electricity connections.</p>	<p>66 – 67.</p>	<p>No comment</p>
<p>Action 4 – Simplify payment of infrastructure contributions.</p>	<p>68. Simplify calculations of ICP'S</p> <p>69 – 73. Not relevant to Yarra.</p> <p>74. DELWP and MAC should develop model S173 Agreements and explore the opportunity to create benchmark prices for standard infrastructure that can be applied across Victoria.</p>	<p>YCC Developer Contribution Plan will hopefully be approved in the coming months. As this is a recent amendment, no further comment is offered.</p> <p>Generally agree, suggest investigation into this option.</p>
<p>Action 5 – Approvals by other authorities.</p>	<p>75. Proponents need to be aware of the full range of approval that they need, including those from other authorities.</p> <p>76. The Minister for Planning and the Minister for Environment and Climate Change could seek direct talks with the Commonwealth to reduce the time taken for approval under the EPBC Act.</p> <p>77. Councils should ensure their heritage studies and Heritage Overlays in planning schemes are up to date.</p> <p>78. DELWP, in consultation with relevant parties, should provide clearer advice and information for council's and proponents about State and local heritage responsibilities and processes, including the safety protections of the Building Act.</p>	<p>Agree in principle, however, an applicant is responsible to understand all approvals required relevant to their property. Council can provide advice.</p> <p>A limited number of applications within Yarra require negotiation of offset plantings.</p> <p>Council regularly reviews its heritage studies and Heritage Overlays.</p> <p>Agree</p>
<p>Action 6 – Coordinate planning and building permit assessments.</p>	<p>79. Council should use the concierge approach in this review to anticipate and address specific issues early in the approvals process and to underpin effective coordination of planning, building, engineering, heritage and other specialist staff at Council.</p> <p>80. Flooding information to be consolidated into ones set of flooding mapping information.</p> <p>81. An additional measure that could be implemented in the short term is to require the building information statement to be provided at the time information is provided about the planning permit application</p>	<p>Agree in principle, however, don't believe this is appropriate for all types of applications (especially where Council are not engaged as the building surveyor). Input from other specialist departments within Council are common place.</p> <p>On-going discussions with Melbourne Water has resulted in updated flooding information being included within the Yarra Planning Scheme. Further discussions are continuing.</p> <p>Councils can only consider planning permit requirements when determining an application. If an application is not included within an SBO, flooding matters will not</p>

	requirements.	necessarily be considered unless Council's engineering department raise them.
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Part D – The Building Approvals Phase

ACTION	RECOMMENDATION	RESPONSE
<p>Clause C6 – coordinate planning and building permit assessments</p>	<p>79. Councils should use the concierge approach proposed in this review (see B1) to anticipate and address specific issues early in the approvals process and to underpin effective coordination of planning, building, engineering, heritage and other specialist staff at councils. This 'whole of project' customer focus would provide oversight and coordination of internal approvals, monitor timeframes to ensure responses are provided in a timely manner and assist to broker compromises or alternative solutions when necessary.</p> <p>80. With respect to flooding, the relevant authorities (for example, drainage authorities and catchment management authorities) should collaborate to develop a single, consolidated set of flood mapping information, with this data then made available to all parties who use and administer the system. Smart Planning could then consider integrating this information into the online portal.</p> <p>81. An additional measure that could be implemented in the short term is to require the '<i>building information statement</i>' to be provided at the time information is provided about the planning permit application requirements. It could then be considered as part of the planning approval process and provide access to any flooding information held by a council under the building regulations. This would enable building designers to incorporate this information in their planning permit application, avoiding unnecessary rework causing increased costs and delays if the information is discovered later.</p>	<p>Council is in support the proposed improvements. Yarra City Council have already implemented a new concierge process for council approvals which is working very well in its growing stages.</p> <p>It is recommended that DELWP implement a standardised flexible online templated application process for all Councils to utilise that will assist clients using the same and familiar process.</p> <p>A single consolidated flood map by Melbourne Water and Council that is on centralised website accessible by clients is supported.</p> <p>Some significant work would, however, be required to achieve that outcome.</p>
<p>Clause D 1 – PI Insurance</p>		<p>The Professional Indemnity (PI) Insurance issue is at breaking point that could collapse the entire building industry.</p>

ACTION	RECOMMENDATION	RESPONSE
		<p>It is believed that the State Government should introduce their own self-managed and funded PI insurance scheme in affiliation with the current insurer – VMIA and the regulator, VBA.</p> <p>State Government Levies could fund this system in addition to the current premiums and PI excesses.</p> <p>The Victorian Building Authority (“VBA”) should be more invested in training practitioners, Continuing Professional Development being mandatory along with penalising and removing practitioners not appropriate to work in the industry (e.g. where serious offences and/or major damages to owners building/structures have occurred).</p> <p>Further, it is understood that some insurance companies are dictating what is being excluded to the PI insurance provisions (e.g. cladding).</p> <p>This is a serious matter as this begins to have a major impact to the Building Industry.</p>
<p>Clause D1 – Interest in the profession</p>	<p>83. Establish a new class of building surveyor for low-risk building work.</p> <p>Depending on the scope of the Victorian Government's recently foreshadowed review of the Building Act, it is proposed that a new class of building surveyor be created that has a narrower scope of work. This scope of work would be limited to low-rise domestic building works (Class 1 and 10 buildings) not exceeding 500 square metres floor area.</p> <p>Increasing interest in the building and engineering professions.</p> <ul style="list-style-type: none"> • To interest school leavers in the building surveying and inspection professions, the following improvements could be considered: <ul style="list-style-type: none"> ○ the VBA, supported by the Victorian Government, the peak industry associations and training providers, continues to deliver its long-term strategy to market the profession as a desirable career option for school leavers and people wanting 	<p>A new class of building surveyor is supported to entice into the industry along with the important school enticements mentioned under item 83 on pages 121 and 122</p>

ACTION	RECOMMENDATION	RESPONSE
	<p>to change occupations, with a particular focus on encouraging women to consider careers as building surveyors and inspectors;</p> <ul style="list-style-type: none"> ○ the VBA, together with the peak industry associations and training providers, should: <ul style="list-style-type: none"> ▪ identify opportunities to increase the availability of training, particularly in regional Victoria, and provide flexible modes of study to support students to access and complete courses; ▪ identify and recommend, as appropriate, any additional courses that could be prescribed for the registration of building surveyors and inspectors; and ▪ strengthen the coverage in the prescribed courses of the technical requirements and standards under the Building Act and the NCC by recommending the preparation of a separate unit of study on this topic and developing local content and materials for use by training providers. ○ the Victorian Government should: <ul style="list-style-type: none"> ▪ in partnership with the VBA and peak industry associations, consider promoting and providing scholarships for approved university and TAFE courses; ▪ consider subsidising HECS fees and providing other funding support for university students studying the Bachelor of Building Surveying to complement the extension of the Free TAFE Program 	

ACTION	RECOMMENDATION	RESPONSE
	<p>announced in August 2019;</p> <ul style="list-style-type: none"> ▪ consider funding training providers to support the development of trainers with industry experience, robust training materials and assessment tools to enhance training standards; and ▪ consider providing support for cadetships. <ul style="list-style-type: none"> • To address the predicted engineering skills shortage and the impact this may have on the availability of appropriately skilled fire safety engineers, Engineering Australia's 'pipeline strategy' is supported, which calls on the Commonwealth Government to try to reverse the decline in secondary school students, in particular women, taking up science, technology, engineering and maths subjects. <p>85. Set-up new bridging pathways for practitioners from related professions.</p> <p>A new entry pathway for building surveyors and inspectors should be introduced for practitioners from related professions such as builders, architects, engineers and project managers. This would comprise a series of targeted bridging courses that recognise the knowledge and experience of these practitioners while providing top-up competencies in building surveying, law and practice.</p> <p>The bridging course pathway could be developed by the VBA in consultation with relevant peak industry bodies and training providers. The VBA could then recognise the bridging pathway using the power under section 171 of the Building Act, which gives it the authority to consider alternative non-prescribed qualification pathways for applicants for registration as building surveyors and inspectors. However, to support the VBA in promoting this pathway, it could be set out in a Ministerial Direction to the VBA. The VBA could also prepare and publish</p>	

ACTION	RECOMMENDATION	RESPONSE
	<p>guidelines on its approach to administering the bridging pathway to ensure that the process is consistent and transparent. Consideration could also be given to whether the bridging courses should be accredited by the Victorian Registration and Qualification Authority or other relevant accrediting body.</p> <p>Introducing a clear pathway for practitioners from related professions to transition into building surveying and inspection work would both expand the career paths for these practitioners and assist in alleviating the shortages of building surveyors and inspectors</p>	
<p>Clause D2 – access to building records</p>	<p>85. A central database for Victoria that is managed by the VBA is the intention of the Victorian Government. In the longer term, the Building Activity Management system (BAMS) platform, recently introduced by the VBA to manage building permits numbers, is intended to provide a central building records database.</p> <p>Once the needed software and infrastructure are in place through BAMS, Councils could be assisted to migrate existing digitised records to BAMS and digitise and lodge remaining hard copy building information.</p> <p>The intention of the BAMS system is that building surveyors would lodge records electronically direct to BAMS and would have unlimited access to records held in BAMS to support them to perform their building permit and enforcement functions. Councils would use the access they have through BAMS to records in their jurisdictions to respond to public requests for access to records</p>	<p>The newly created BAMS system for lodging and obtaining an online building permit from the VBA is a good start.</p> <p>This project needs to be expanded and updated with the current technology used by the private industry whereby building permit documents can be uploaded online and saved.</p> <p>Currently it is seen that numerous building permit documents are missing from private building surveyors who may dispose of documents after 10 years.</p> <p>This is posing a significant problem for Council when enforcing future building issues, carrying out Essential Safety Measure Audits or when new owners or their agents request information and it is not available.</p> <p>It is often unknown what has been built or approved in these cases.</p> <p>A Building Permit Register, Building Enforcement Register and Swimming Pool & Spa Register also needs to be implemented by the VBA so that Council, practitioners and general public can view only information allowed under freedom of information (noting that council and VBA would have unlimited access to personal information on these registers and be able to update and monitor).</p> <p>The above would create a uniform consistent system easily accessed</p>

ACTION	RECOMMENDATION	RESPONSE
		<p>by all.</p> <p>Councils would also not be burdened by the use of many different costly software systems.</p>
<p>Clause D3 – streamlining building permit requirements for low risk building</p>	<p>86. Decks The construction of a low-rise deck could be exempted from the requirement to obtain a building permit provided its maximum height does not exceed 800 millimetres. This height aligns with the overlooking requirements. To ensure its structural integrity, the construction of a deck would continue to be captured by Part 2 of the Building Regulations so that it is subject to the requirements of the NCC.</p> <p>87. Mobility access ramps To ensure that all mobility access ramps are exempt from the requirement to obtain a building permit, including those that provide higher level access, exemptions could be introduced for:</p> <ul style="list-style-type: none"> • mobility access ramps that do not exceed 800 millimetres in height provided they comply with the NCC; and • mobility ramps that exceed 800 millimetres in height provided they comply with the NCC and are certified on completion by a building surveyor or inspector. <p>Under both these sets of conditions, mobility access ramps would be exempted from the front, side and rear setback requirements.^[1]</p> <p>88. Sheds The existing exemption for sheds could be expanded by increasing the current 10-square-metre floor area trigger to 16 square metres. Stakeholders have advised that increasing the size to 16 square metres would ensure that enough space is available in exempt sheds to store tools and equipment for land and bushfire management.</p> <p>The proposed exemptions would require amendments to the Victorian Planning Provisions and the Building Regulations to specify the details and</p>	<p>Support provided for no building permit for decks less than 800mm high, mobility access ramps less than 800mm and sheds less than 16m2 (in lieu of 10m2).</p>

^[1] Setback is specified in the Victorian Planning Provisions, the Planning Schemes and the Building Regulations and is the minimum distance from the front, side and rear boundaries of a property within which a building must not be located.

ACTION	RECOMMENDATION	RESPONSE
	<p>conditions, provide an exemption from the setback requirements and require 'as built documents' to be lodged with councils. The Building Act would also need to be amended to set out the responsibility of building surveyors and inspectors to certify certain mobility access ramps when construction is completed.</p>	
<p>D4 - Construction Management Plans</p>	<p>DELWP's proposal to standardise the requirements for the preparation of construction management plans, if applied across Victoria, should provide benefits in terms of consistency.</p> <p>89. As many of the elements included in a construction management plan draw on local laws, DELWP could also prepare a model local law in consultation with councils and MAV to further facilitate standardisation across Victoria. The model local law would encourage a standard form and application of standard requirements, which could be varied by councils in certain circumstances to suit local conditions. Councils would need to replace their existing local laws with the model laws in line with the procedure for doing so set out in the Local Government Act</p> <p>90. To accompany the model local law, a model construction management plan and guidelines for the model plan could be developed. These would support the consistent preparation and assessment of construction management plans within Victoria. The guidelines and model plan prepared by the City of Melbourne are examples of current best practice that could guide this work.</p> <p>91. Consideration could also be given to including construction management plans in the concierge model of case management in councils (see B1). The City of Greater Dandenong has been cited by stakeholders as an example of using this practice efficiently.</p>	<p>Council is in support DELWPs proposals listed on pages 129 with a standard form and application with a model local law that can be adjusted by Councils to suit.</p>
<p>D5 – Improve consistency of Council asset protection requirements</p>	<p>92 Stakeholders have recommended that a standard practice guide should be set for building-related work that could be adopted by all councils to create uniformity across Victoria.</p>	<p>Support in principal for proposed improvements for standard practice guide, model local law that can be varied by Council.</p>

ACTION	RECOMMENDATION	RESPONSE
	<p>93 To support such a practice guide and standardise the requirements for council permits and asset protection, a model local law could be developed in consultation with councils and MAV. As proposed for construction management plans, the model local law could adopt a standard form and consistent requirements, which could be varied by councils to suit local conditions. Councils could also publish enforcement policies relating to these local laws. The model local law could be adopted by councils through an amendment to their local laws using the power given to them by the Local Government Act.</p> <p>94 Consideration could also be given to including asset protection requirements in the concierge model within councils (see B1).</p>	
<p>D6 – distinguish building consultants from building surveyors</p>	<p>95 It is proposed that in the short term, Consumer Affairs Victoria (CAV) runs a communications campaign to raise consumer awareness of the role of building consultants compared to building surveyors, the importance of engaging a qualified person, what to look for when engaging a building consultant, the risks, the relevant laws, where to get help and how to make a complaint.</p> <p>96 In the longer term, DELWP and CAV could undertake a joint review into the:</p> <ul style="list-style-type: none"> • issues raised by stakeholders, such as the HIA, and the risks for building owners and consumers more generally arising from the operation of building consultants; and • measures, both regulatory and non-regulatory, to address the issues including, but not limited to, the costs and benefits of a consumer awareness campaign and a registration scheme for building consultants. A registration scheme could consider standards of practice including permitted and prohibited conduct, which may be in the form of a mandatory code of conduct. 	<p>Support the proposed improvements.</p>
<p>D7 – Clarify processes and enforcement</p>	<p>Accountability and enforcement</p> <p>97 Depending on the scope of the Victorian Government's recently foreshadowed review of the Building Act, that alternative models for the administration and enforcement of the building permit process be considered, including those proposed by stakeholders.</p>	<p>It is believed this recommendation has been provided in an attempt to eliminate the conflict of interest between private building surveyors and builders.</p> <p>It is noted that the Victorian Municipal Building Surveying Group (“VMBSG”) suggest to limit private</p>

ACTION	RECOMMENDATION	RESPONSE
	<p>Addressing the fragmentation of the enforcement processes would assist in building consumer confidence in the operation and integrity of the building permit process and the regulatory system.</p> <p>98 That Recommendation 6 of the 2019 Victorian Cladding Taskforce be implemented – ‘that consideration be given to the development and implementation of a protocol between the VBA and Councils, which sets out accountabilities, mechanisms for cooperation and communication, strategic interventions and agreed procedures for referring enforcement actions.’[2] .Similarly, the 2015 report by the Auditor-General noted the opportunity for the VBA and Councils to establish communication and reporting protocols. Protocols were raised as an administrative approach to addressing ongoing uncertainty about responsibilities for enforcement that ‘would have significantly enhanced system-wide monitoring.’[3] The development of local Council building plans could also be considered to complement the protocol.</p> <p>Performance reporting 99 The State Building Surveyor should include monitoring and regular reporting on the operation and performance of the building permit process, including making recommendations to improve the process, where needed.</p> <p>The 2005 inquiry into housing regulation by the Victorian Competition and Efficiency Commission and, more recently, the 2015 report by the Victorian Auditor-General, noted the need for a performance monitoring framework for the building regulatory system.</p> <p>Conflict of interest 100 To remove the inherent conflict, the review of the Building Act could also consider the respective roles of municipal and private building surveyors.</p> <p>101 That a practice guide for building surveyors and inspectors be developed, which benchmarks the processes and the matters they must consider when inspecting each class of</p>	<p>building surveyors to only issuing building permit or inspecting work they had not approved.</p> <p>Note: The VNBSG also recommend the Municipal Building Surveyor (“MSB”) of Councils that certain classes of building permits be approved by the MBS. Furthermore that MBS’s be responsible for inspecting building work and issuing Occupancy Permits, Certificate of Final Inspections for private building surveyor permits.</p> <p>Finally, that the VBA be relinquished of being the regulator of the private building surveying industry and the Council MBS be the single regulator. This would in effect see Council MBS become the administering and enforcing responsibility of the building regulations and accountable to the VBA state building surveyor.</p> <p><u>Important Note:</u> This would pose a huge strain on Council building departments with no sufficient registered or experienced practitioners, huge exposure with PI insurance for incorrect or substandard building permit documentation along with building being occupied illegally. Further, Building permit levies are not provided to Councils.</p> <p>In short, Council Building Departments could not fulfil the proposed duties recommended by the VMBSG.</p> <p>In the opinion of the Yarra MBS, staffing numbers would have to be very substantially increased.</p> <p>Legal costs would also be very significant in pursuing cases where prosecutions etc. are warranted.</p> <p>This recommendation is <u>not</u> supported.</p> <p>Encourage a new practice guide regarding conflict of interest items, standard templates and procedures and code of conduct for the industry is supported.</p>

ACTION	RECOMMENDATION	RESPONSE
	<p>building. By clarifying processes and accountabilities for building inspections, a practice guide would assist with quality of work issues arising from conflicts of interest. A similar guide is in place in Queensland and proposed in New South Wales. The practice guide would be supported by templates for building surveyors and inspectors to record the details and outcomes of inspections.</p> <p>The 2011 report on the building permit process by the Victorian Auditor-General recommended standard templates and procedures to assist building surveyors to ‘... to adequately document their assessment approach and basis of their decisions ...[and] ... to demonstrate, using these templates and procedures, their consideration and acquittal of mandatory safety and technical requirements’.[4]</p> <p>Implementation of the guide and templates would require an amendment to the Building Act to provide a head of power for the VBA to approve and enforce a practice guide for building surveyors and inspectors.</p> <p>102 The code of conduct being developed by the VBA would support the proposed practice guide and strengthen the conflict of interest obligations of private building surveyors and inspectors.</p> <p>While the Building Act imposes obligations on surveyors and inspectors to avoid conflicts of interest, and since 2017 has prohibited builders from engaging building surveyors, the VBA’s code of conduct will strengthen the professional conduct of building surveyors and inspectors and further promote their independence. As noted by Shergold and Weir:</p> <p>‘Codes of conduct can be an effective means of documenting the clear standards of behaviour expected of professionals who have statutory responsibilities. They also provide a reference against which auditing can be carried out and disciplinary action taken where the code is not met.</p>	

Conclusion

15. The Discussion Paper provides commentary from the Committee regarding the views and opinions on ways to improve the broad approvals systems and procedures, and make more accessible the development approvals process.
16. It is important that Council's respond to the proposed reforms to ensure its voice is considered as part of any future changes. These are provided in the table above.
17. Council officers will continue to engage with the State Government. Officers recommend the above comments to be provided in response to this most recent paper.

RECOMMENDATION

1. That Council:
 - (a) receive the report on the *Planning and Building Approvals Process Review Discussion Paper*; and
 - (b) submit the comments contained in the officers report as feedback to Better Regulations Victoria in relation to the Discussion Paper.

CONTACT OFFICER: Rob Hicks
TITLE: Municipal Building Surveyor
TEL: 9205 5767

Attachments

There are no attachments for this report.

11.6 Proposed Discontinuance of Road between 5 & 7 Brunswick Street, Fitzroy.

Reference: D19/211918

Authoriser: Director Corporate, Business and Finance

Purpose

1. For Council to consider whether the road shown as lot 1 on the title plan attached as Attachment 1 (**Title Plan**) to this report, being part of the general law land contained in book Syd no 801 (**Road**), should be discontinued pursuant to the Local Government Act 1989 (**Act**) and sold to the owners of 5 Brunswick Street, 20-32 Fitzroy Street and 59, 63, 73, 75 and 77 Victoria Parade, Fitzroy (the **Proposal**).

Background

2. The Road is shown as lot 1 on the Title Plan and shown outlined red on the plan attached as Attachment 2 to this report (**Site Plan**). Copies of the titles to the Road are contained in Attachment 3 to this report.
3. St Vincent's Healthcare Ltd ACN 095 382 791 (**Applicant**) is the registered proprietor of all of the properties which abut the Road, except 7 Brunswick Street which is owned by an associated body. The St Vincent's Healthcare properties are shown outlined green on the site plan, the property owned by the associated body is shown on the site plan as green hatched, together the (**Adjoining Properties**).
4. The Applicant has requested that Council discontinue and sell the Road to the Applicant (**Proposal**).
5. The Road is shown on title as a right of way and 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.
6. At its meeting on 4 June 2019, 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 Applicant.

Discussion

Public Notice

7. The required public notice was placed in; The Age, Council's Facebook page and Council's website. Also, a large yellow notice was displayed at the site.
8. Following the publication of the public notice, 11 submissions were received by Council. All submissions received by Council are attached as Attachment 4 to this report.

Submissions in support of Proposal

9. The submissions received in support of the proposal may be summarised as follows:
 - (a) The Proposal would facilitate the expansion of St Vincent's Private Hospital Fitzroy (**Hospital**);
 - (b) The expansion of the Hospital will facilitate and enhance public access to the St Mary of the Cross Memorial Garden (**Garden**) at 7 Brunswick Street. The Garden redevelopment proposal is attached as Attachment 5 to this report and outlines future use of the Garden area;
 - (c) Public access, preservation and maintenance of the garden will not be affected by the Proposal as the Roman Catholic Trusts Corporation for the Diocese of Melbourne (**Corporation**) leases that part of 7 Brunswick Street which comprises the Garden;
 - (d) The Proposal and the redevelopment of the Hospital does not detract from, and would enhance public access to the Garden; and

- (e) A submission in favour of the proposal particularly the creation of a memorial garden, was lodged by the Congregational Leader of the Sisters of St Joseph of the Sacred Heart, Saint Mary Mackillop was co-founder of this Congregation.

Officer Comments on submissions in support of proposal.

- 10. The following comments are offered by Council Officers in respect of the submissions made in support of the Proposal.
 - (a) The Proposal would facilitate the expansion of the Hospital as per the approved permit;
 - (b) The garden is not located within the Road; and
 - (c) The Proposal will not restrict public access to the Garden located at 7 Brunswick Street.
- 11. The objections received in response to the Proposal can be summarised as follows:
 - (a) The public notice did not identify that Council may sell part of the Road;
 - (b) The Road should not be sold to a private body;
 - (c) Victorian Civil and Administrative Tribunal Order 1 May 2018 (**VCAT Order**) required a 1.2 Metre wide portion of the Road abutting the southern boundary wall of 7 Brunswick Street to remain open for public access to the Garden;
 - (d) If Council resolves to proceed with the Proposal, it should not discontinue that 1.2 metre wide section of the Road to allow continued access to the Garden;
 - (e) The Applicant should not be permitted to restrict access to the Road;
 - (f) If the Road is discontinued and sold to the Applicant, Council cannot ensure that the public have access to the Garden and the Applicant may permanently close access to the garden via the Road;
 - (g) The Proposal is not in the public interest;
 - (h) The bluestone paving in the Road is of historic significance and the VCAT Order required that it be retained; and
 - (i) The VCAT Order required the Road to be paved with Bluestone in a 'manner to evoke the laneway'.

Officer Comments on objections to Proposal

- 12. The following officer comments are offered in respect of the submissions made in objection to the Proposal.
 - (a) The public notice compiled with Council's requirements under section 207A and 223 of the Act;
 - (b) Council has the power to discontinue and sell roads to private applicants;
 - (c) Public access to the Memorial Garden will not be affected by the Proposal due to the lease commencing June 2018, between the Applicant and the Corporation (**Lease**) and restrictive covenant (**Covenant**) registered on title to 7 Brunswick Street, the details of which are as follows:
 - (i) The Lease is for a period of 200 years, and is registered as a dealing no. AR267385Q, a copy of which is attached as Attachment 6. Clause 10.2 of the Lease requires that the Applicant ensure that the Corporation and visitors have access to the Garden between 9.00am and 5.00pm Monday to Friday, excluding public holidays; and
 - (ii) The Covenant registered on title on June 2018 as dealing no. AR267384, requires that the Applicant not do anything or permit any person to do anything to prevent members of the public having access to the Garden between 9.00am and 5.00pm Monday to Friday, excluding public holidays. A copy of the Covenant is attached as Attachment 7;

- (d) The plans for the Hospital include an allowance for a 1.2 metre wide pathway and the retention of the bluestone paving as required by the VCAT Order and these requirements will be embodied in the planning permit for the development; and
- (e) The Proposal will facilitate the expansion of the Hospital which is of a public interest.

Road Status

- 13. 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. The Adjoining Properties have legal abuttal to the Road, however all of the Adjoining Properties are owned by the Applicant except 7 Brunswick Street which is owned by an Associated Owner namely the Roman Catholic Trusts Corporation.

Public/Statutory Authorities

- 14. 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, CitPower, Telstra, Optus and Yarra City Council.
- 15. 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.
- 16. City West Water (**CWW**) advised that it did not object to the Proposal, subject to the following conditions:
 - (a) a title plan approved by CWW 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*;
 - (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).
- 17. An adequately sized easement in favour of CWW has been included on the Title Plan.
- 18. A copy of the correspondence from CWW is contained in Attachment 8 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 Applicant has agreed to acquire the Road, for its market value (plus GST) as determined by the Act.
- 22. In addition to the market value plus (GST), the Applicant has 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 notices and 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 Applicant, Council will require the Applicant to:

- (a) Create a 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). However, it is anticipated that the Applicant will lodge a separate application with CWW to remove the easement. Removal of the Easement will facilitate the construction of the new improvements;
- (b) Agree to observe the conditions imposed by CWW in respect of the Road; and
- (c) Consolidate the title to the Road with the title to the property a 5 Brunswick Street Fitzroy, (Hospital), within 6 months of the date of transfer of the Road to the Applicant at the Applicant's expense.

Other Issues

29. There are no other issues.

Options

30. There are no options associated with report.

Conclusion

31. Council must consider the submissions lodged in respect of the proposal, then 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 *Local Government Act 1989*.

RECOMMENDATION

1. That Council, having considered all submissions received in response to the public notice regarding Council's proposal to discontinue the road shown marked lot 1 on the title plan attached as Attachment 1 to this report (**Road**), being part of the land contained in book SYD no 801:
 - (a) resolves that having followed all the required statutory procedures pursuant to section 189,207A and 223 of the Act pursuant to its power under Schedule 10, clause 3 of the Act, and being of the opinion that the road between 5-7 Brunswick Street, Fitzroy, is not reasonably required for public use. Council 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 Applicant for the current market value plus (GST), with the market value to be determined in accordance with the Act;
 - (d) directs that any easements, rights or interests required to be created or saved over the Road by an authority be done so;
 - (e) authorises Council's CEO to sign any transfer or transfers of the Road or any other documents required to be signed in connection with the discontinuance of the Road and its subsequent transfer to the Applicant; and
 - (f) informs the submitters in writing of Council's decision on the matter.

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

Attachments

- 1 ⇨ Title Plan
- 2 ⇨ Site Plan
- 3 ⇨ Title Search Road
- 4 ⇨ Public Submissions 5-7 Brunswick Street
- 5 ⇨ Memorial Garden Redevelopment Proposal
- 6 ⇨ 200 Year Lease
- 7 ⇨ Title Covenant
- 8 ⇨ City West Water Response

11.7 Proposed Discontinuance of Road abutting the rear of 88-90 Johnston Street, Collingwood

Reference: D19/212794
Authoriser: Director Corporate, Business and Finance

Purpose

1. For Council to consider whether the road shown as lot 1 on the title plan attached as Attachment 1 (**Title Plan**) to this report, being:
 - (a) the whole of the land contained in certificate of title volume 11849 folio 976; and
 - (b) part of the land contained in Memorial Book O no. 870.together, the (**Road**), should be discontinued pursuant to the *Local Government Act 1989 (Act)* and sold to the owner of 88-90 Johnston Street, Collingwood.

Background

2. The Road is comprised of, the whole of the land contained in certificate of title volume 11849 folio 976, being lot 1 on title plan PS962046U, shown as the area outlined **Blue** on the plan attached as Attachment 2 to this report (**Site Plan**), and part of the land contained in Memorial Book O No. 870, shown as the area outlined yellow on the Site Plan. (**Yellow Road**).
3. Copies of the title searches of the Road are attached as Attachment 3 to this report.
4. 88 Johnston Street Pty Ltd (**Applicant**) is the owner of the properties adjoining the Road shown outlined red on the Site Plan, being, 80-90 Johnston Street, Collingwood and 59-63 Sackville Street, Collingwood.
5. The Road is adjacent to, 72, 74, 76 and 78 Johnston Street, Collingwood. Together the (**Adjoining Properties**), and shown green on the Site Plan.
6. The Applicant has requested that Council discontinue the Road and sell the former Road to the Applicant (**Proposal**). The Applicant is redeveloping the site and the discontinued road will be incorporated into the new development.
7. Council has recently made a decision to remove the Road from its register of public roads.
8. The Blue Road is:
 - (a) registered in the name of the Applicant as a result of an application made by the Applicant to the Registrar of titles to bring the land under the operation of the *Transfer of Land Act 1958*;
 - (b) not shown as a road on title, however as the land was recently listed on Council's register of public roads, it is a 'road' for the purposes of the Act which council has the power to consider discontinuing. If discontinued, the Blue Road will vest in Council;
 - (c) is not accessible to the public, as part of the building constructed on 88 Johnston and 90 Johnston is also constructed over the whole of the Blue Road since at least the 1930's; and
 - (d) does not provide access to 59 Sackville Street, Collingwood.
9. The Yellow Road:
 - (a) is registered in the name of Thomas Greenwood, Frederick Clews and Charles Woodward;
 - (b) is constructed of bitumen;

- (c) is known to title as a 'road' and was recently listed on Council's register of public roads. The Yellow Road is therefore a 'road' for the purposes of the Act which Council has the power to consider discontinuing. If discontinued the Yellow Road will vest in Council;
 - (d) is not required for access to the rear of the Adjoining Properties;
 - (e) is used primarily for rear access to 88 Johnston Street; and
 - (f) does not provide access to 90 Johnston Street and 59 Sackville Street.
10. At its meeting on 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 Roads to the Owner.

Public Notice

11. The required public notice was placed in the Age Newspaper on December 12 2018, together with Council's Website and Facebook Page.
12. A copy of the public notice was given to the Owners and Occupiers of the adjoining properties.
13. Following the publication of the public notice Council received 2 formal submissions and 6 responses on Council's Facebook page.
14. A copy of all submissions received by Council are attached as Attachment 4 to this report.

Objections to Proposal

15. The written submissions to the Proposal are summarised as follows:
Submission/Objection by Owner of 76 Johnston Street, Collingwood:
16. The Owner of 76 Johnston Street objected to Council discontinuing and selling that part of the Road shown marked 'A' on the plan attached to the Owner's letter, on the basis that:
- (a) Council's public notice was misleading;
 - (b) if part of the Road was to be constructed over, access to the parking spaces used by 76 Johnston Street, would be impeded;
 - (c) the Owner of 76 Johnston Street, requires the Road to enter and exit its parking spaces adjacent to the Road;
 - (d) the amenity of the Adjoining Properties would be affected by delivery vehicles utilising the Road; and
 - (e) the Applicant has no right to acquire the Road;
17. The Owner of 76 Johnston Street, does not object to the proposed discontinuance of the part of the Road marked B on the plan attached to the Owner's letter.
Submission/Objection by Owner of 78 Johnston Street, Collingwood
18. The Owner of 78 Johnston Street, Collingwood objected to Council discontinuing and selling that part of the Road shown marked A on the plan attached to the Owner's letter, on the basis that:
- (a) the Owner of 78 Johnston Street, required the Road to enable clients to access the car parking on its land;
 - (b) the Owners of 76 Johnston Street require the Road to access their car parking;
 - (c) access to the car parking located at 72 and 74 Johnston Street, Collingwood would be indirectly affected; and
 - (d) any development over the Road would inhibit the use of the rear of 78 Johnston Street and the Owner's business operation.
19. The Owner of 78 Johnston Street, does not object to the proposed discontinuance of that part of the Road marked B on the plan attached to the Owner's letter.

20. The Owners of 76 and 78 Johnston Street, provided several photographs in support of their submissions.

Submission/Objections received on Council's Facebook page.

21. The objections received on Council's Facebook page may be summarised as follows:
- (a) that any potential development of the area would affect the local amenity;
 - (b) that Council should better direct its resources to build a homeless shelter or upgrade the local police station; and
 - (c) that Council has approved too many developments within the area.

Additional Information provided by Applicant's Representative.

22. The Senior Development Manager of the Applicant has provided the following information:
- (a) a substation designed to CitiPower specifications has to be constructed adjacent to the laneway;
 - (b) CitiPower require access to the substation in perpetuity, this means that ground level access has to be maintained; and
 - (c) the Road will remain open at ground level but will be developed below and above as per the approved planning permit.

23. A copy of the ground floor development plan is attached to this report as Attachment 5.

Officer comments on objections to Proposal.

24. The following comments are offered by officers in respect of the submissions made in objection to the proposal:
- (a) Council's public notice accurately describes the Road;
 - (b) Council considers that access to the Adjoining Properties will not be impacted by Council discontinuing and selling the Road;
 - (c) Council considers that the amenity of the Adjoining Properties and the local area will not be adversely impacted by Council discontinuing and selling the Road;
 - (d) the Applicant has the right to apply to Council to request that Council discontinue and sell the Road to it;
 - (e) the Road is a 'road' which Council has the power to consider discontinuing and Council is entitled to consider discontinuing and selling roads pursuant to clause 3 of Schedule 10 of the Act; and
 - (f) The former road will still be available to use as access at ground level.

Road

25. 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.

Statutory/Public Authorities

26. 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, Yarra Valley Water, Melbourne Water, CitiPower, United Energy, Multinet Gas, Telstra, Optus, APA Group and Yarra City Council.
27. Yarra Valley Water, Melbourne Water, CitiPower, United Energy, Multinet Gas, Telstra, Optus, APA Group and Yarra City Council advised that they have no known assets in or above the Road and have no objection to the Proposal.
28. City West Water (**CWW**) advised that it did not object to the Proposal, subject to the following conditions:

- (a) a certified title plan approved by CWW must show a 2.0m wide centrally located sewerage easement to be in favour of CWW;
- (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 inspections shafts; and
- (d) any proposal to build over a sewer asset will require CWW's written consent (i.e. build-over application approval).

29. The future development of the site will be required to meet CWW's conditions.

External Consultation

30. Public notice of the proposal was given according to Council's resolution of 18 September 2018.

Internal Consultation (One Yarra)

31. No Internal consultation is required for this report.

Financial Implications

- 32. The Applicant has agreed to acquire the Road, for its market value (plus GST) as determined by the Act.
- 33. In addition to the market value (plus GST), the Applicant has agreed to pay Council's costs and disbursements associated with the proposal.

Economic Implications

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

Sustainability Implications

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

Social Implications

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

Human Rights Implications

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

Communications with CALD Communities Implications

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

Council Plan, Strategy and Policy Implications

39. There are no Council Plan, Strategy, or Policy Implications.

Legal Implications

40. There are no legal implications for this report.

Other Issues

41. There are no other issues.

Options

42. There are no options associated with this report.

Conclusion

43. Council must consider the submissions lodged in respect of the proposal, then 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 Local Government Act 1989 Act).

Additional Information

44. At its meeting on 24 September 2019, Council deferred this matter to “*receive further advice*” regarding a potential Section 173 Agreement between Council and the Applicant/Owner, a copy of the Agreement between the Applicant/Owner and CitiPower, Traffic Engineer’s commentary on the swept path diagrams and information on the City West Water Easement.
45. This additional information is included here.

Section 173 Agreement

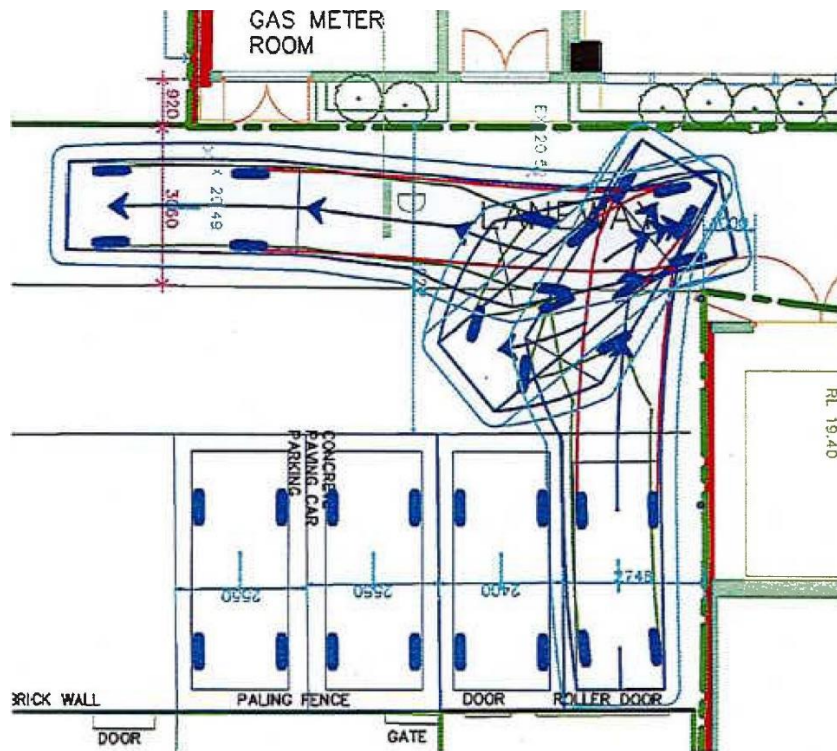
46. The Applicant has agreed to enter into a Section 173 Agreement with Council. The agreement will require the ground floor portion of the existing road, shown as coloured yellow on the Site Plan at Attachment 2 to remain open in perpetuity. The 173 Agreement will allow the adjoining Owners to continue using the ground floor area for access.

Citi Power Agreement

47. The Applicant has provided a copy of a lease agreement between themselves and CitiPower. The lease is required to enshrine access to the CitiPower Substation adjacent to the road shown pink. The lease is for 30 years with a 30 year option.

Swept Path Diagrams

48. Council Traffic Engineers have provided the following advice in respect of the proposal:
49. “The swept path diagrams provided by Traffix Group demonstrated that the egress movement of the easternmost car space of 78 Johnston Street required to traverse over the portion of Right of Way to be discontinued (in the event that vehicles occupy the spaces).
50. For the manoeuvrability assessment of the easternmost space, Traffix Group had used the 835 design vehicle (classified as a light car under the Australian/New Zealand Standard AS/NZS 2890.1:2004; 4450 mm by 1700 mm).
51. Typically, the 885 design vehicle (4910 mm by 1870 mm) is used to test the ingress and egress movements into and out of parking spaces.
52. Below is an extract of the Traffix Group swept path assessment for the easternmost space, clearly showing that the vehicle’s rear (with the 300 mm clearance) traverses over the Right of Way, beyond the alignment of the eastern boundary of 78 Johnston Street.



- 53. Council engineers have interpreted the Traffix swept path diagrams to show that exiting vehicles reverse slightly into the discontinued road.
- 54. The swept path diagrams are also based on a small car, so it is probable that a larger car may reverse further into the discontinued road.
- 55. Our advice is based on the swept path diagrams provided.”

City West Water Easement

- 56. The City West water easement will be removed as part of the redevelopment of the site. The Applicant will be required by City West Water to follow the necessary easement removal requirements. The removal of the City West Water easement will have no effect on the protection of the road portion.

Section 173 Agreement

- 57. The Applicant/Owner has now agreed to sign a 173 Agreement (**Agreement**). The Agreement outlines the specific obligations as follows:
 - (a) The adjoining Applicant/Owner covenants to keep the Vehicular Access Area open and accessible to the Adjoining Owners at all times, and
 - (b) The Applicant/Owner covenants that it will not place and not allow any person to place any obstruction on the Vehicular Access or install any structure on the Vehicular Access Area, except where Council or the Adjoining Owners have provided their prior written consent.
- 58. If the Applicant/Owner does not comply with its obligations the Applicant/Owner agrees that council may:
 - (a) Remove or procure the removal of the obstruction without further notice to the Applicant/Owner; and
 - (b) Recover from the Applicant/Owner its reasonable costs incurred to remove the obstruction, which (until paid) are and remain a charge on the Subject land.

RECOMMENDATION

1. That Council, having considered all submissions received in response to the public notice regarding Council's proposal to discontinue the road shown marked Lot 1 on the title plan attached as Attachment 1 to this report (**Road**), being the whole of the land contained in certificate of title volume 11849 folio 976 and part of the land contained in Memorial Book O No 870:
 - (a) Resolves that having followed all the required statutory procedures pursuant to section 189, 207A and 223 of the Act pursuant to its power under Schedule 10, clause 3 of the Act, and being of the opinion that the road abutting 88-90 Johnston Street, Collingwood, is not reasonably required for public use, Council 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 Applicant subject to the formal signing of a Section 173 Agreement requiring that:
 - (i) the adjoining Applicant/Owner covenants to keep the Vehicular Access Area open and accessible to the Adjoining Owners at all times; and
 - (ii) the Applicant/Owner covenants that it will not place and not allow any person to place any obstruction on the Vehicular Access or install any structure on the Vehicular Access Area, except where Council or the Adjoining Owners have provided their prior written consent; and thatthe transfer amount is to be the current market value plus (GST), with the market value to be determined in accordance with the Act;
 - (d) Directs that any easements, rights or interests required to be created or saved over the Road by any authority be done so;
 - (e) Authorises Council's CEO to sign any transfer or transfers of the Road or any other documents required to be signed in connection with the discontinuance of the Road and its subsequent transfer to the Applicant;
 - (f) Authorises Council's CEO to sign the Section 173 Agreement; and
 - (g) Informs the submitters in writing of Council's decision on the matter.

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

Attachments

- 1 ⇨ Title Plan
- 2 ⇨ Site Plan
- 3 ⇨ Title Searches
- 4 ⇨ Submissions
- 5 ⇨ Applicant Development Plan

12.1 Notice of Motion No.16 of 2019 - Local Government Bill 2019

Reference: D19/214269

Authoriser: 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 26 November 2019:

1. *That Council note:*
 - (a) *the tabling in the Victorian Parliament on 14 November of the Local Government Bill 2019;*
 - (b) *the inclusion in this Bill of Section 13 which removes the provision for multi-member wards;*
 - (c) *the recommendations by the Victorian Electoral Commission in recent electoral reviews of multi-members wards in most instances;*
 - (d) *the widespread sector opposition to the removal of multi-member wards;*
 - (e) *the deep concern expressed by the local government peak bodies, the Municipal Association of Victoria and the Victorian Local Governance Association about the removal of multi-member wards;*
 - (f) *the lack of support for the removal of multi-member wards throughout the prolonged consultation process during 2015-2018;*
 - (g) *support expressed in the Yarra community for the continuation of multi-member wards; and*
 - (h) *the lack of specific sector consultation on this aspect of the Bill.*
2. *That Council re-state its opposition to mandating single member wards for the following reasons:*
 - (a) *Council wards should be structured to best suit the differing geography, demographics and governance of municipalities and collective decision making in the interests of the community as a whole;*
 - (b) *single member wards are highly limiting for smaller geographic Councils like Yarra, Port Phillip or Queenscliff;*
 - (c) *the requirement for all Councillors to be elected from single-member wards has the effect of abolishing proportional representation;*
 - (d) *proportional representation allows for voters who favour independents and small political parties to have their views represented on Council;*
 - (e) *each State and Territory Parliament with the exception of Queensland and the Northern Territory has a proportionally elected house, and the Federal Senate is proportionally elected;*
 - (f) *the number of municipalities with Councillors elected from single-member wards has decreased from 43 in 2003 to 7 in 2019, due to Victorian Electoral Commission (VEC) representation reviews consistently recommending multi-member wards and that VEC representation reviews involve extensive community consultation and analysis of the impacts of each model;*
 - (g) *the 2016 State Government Commission of Inquiry into the City of Greater Geelong highlighted single-member wards as a contributing factor in the dysfunction and poor governance of that municipality, and since that inquiry, the City of Greater Geelong has had multi-member wards;*

- (h) *single-member wards were not canvassed in the government's 2016 discussion paper or the 2013 Petro Georgiou discussion paper;*
 - (i) *a single Councillor in each ward would mean that in the event of a Councillor being unable or unwilling to fulfil their duties, the local community would have no other ward Councillor representation;*
 - (j) *single-member wards have resulted in uncontested elections in other municipalities;*
 - (k) *Councillors are required to represent the entire municipality and having wards with a very small geographic area is in conflict with this principle;*
 - (l) *the proposal will require by-elections for each ward vacancy, resulting in lack of representation of constituents during the vacancy period, and require more costs and delays in filling vacancies, in lieu of the proposed improved count-back system for filling vacancies;*
 - (m) *current wards would need to be separated into multiple wards, potentially separating communities of interest from each other; and*
 - (n) *41.69% of Victorian Councillors elected from multi-member wards are women, vs. only 33.9% in single-member wards.*
3. *That the Mayor write to the Minister for Local Government, The Hon Adem Somyurek MP, asking him to pause the progress of this Bill and engage fully and respectfully with the local government sector on this issue.*
4. *That a copy of this resolution and the letter be sent to:*
- (a) *The Hon Dan Andrews, Premier of Victoria;*
 - (b) *Tim Smith MP, Shadow Minister for Local Government;*
 - (c) *Samantha Ratnam MLC, Local Government Portfolio holder, Victorian Greens;*
 - (d) *The Hon Richard Wynne MP, Member for Richmond;*
 - (e) *Tim Read MP, Member for Brunswick;*
 - (f) *Kat Theophanous, Member for Northcote;*
 - (g) *the Municipal Association of Victoria; and*
 - (h) *the Victorian Local Governance Association.*

Background

The Local Government Bill 2019 was introduced to the Victorian Parliament on 14 November 2019.

Section 13 of the Bill reads:

"13 Constitution of a Council

- (1) *A Council must consist of not fewer than 5 Councillors and not more than 12 Councillors.*
- (2) *The Mayor and Deputy Mayor are Councillors of the Council.*
- (3) *The number of Councillors of a Council for the purposes of subsection (1) is to be determined in accordance with the criteria prescribed by the regulations.*
- (4) *A Council may be constituted so that it consists of -*
 - (a) *subject to subsection (5), all Councillors elected to represent the municipal district as a whole; or*
 - (b) *all Councillors elected to represent single member wards into which the municipal district is divided.*

- (5) *A Council must not be constituted in accordance with subsection (4)(a) unless, by notice published in the Government Gazette, the Minister specifies that the Council, or a Council that is a specific type of Council, may be an un-subdivided municipal district.*
- (6) *For the avoidance of doubt, a Council constituted before the commencement of this Act is not required to be constituted in accordance with this section unless the electoral structure of the Council is altered in accordance with section 15.”*

This section, if included in the Act when it is adopted, will have the effect of requiring the Yarra City Council to be constituted either by single member wards or as a single, un-subdivided municipality. While the accompanying Regulations are not yet released, communication regarding the Bill to date explains that un-subdivided municipalities will only be introduced in geographically dispersed rural municipalities.

RECOMMENDATION

1. That Council note:
 - (a) the tabling in the Victorian Parliament on 14 November of the Local Government Bill 2019;
 - (b) the inclusion in this Bill of Section 13 which removes the provision for multi-member wards;
 - (c) the recommendations by the Victorian Electoral Commission in recent electoral reviews of multi-member wards in most instances;
 - (d) the widespread sector opposition to the removal of multi-member wards;
 - (e) the deep concern expressed by the local government peak bodies, the Municipal Association of Victoria and the Victorian Local Governance Association about the removal of multi-member wards;
 - (f) the lack of support for the removal of multi-member wards throughout the prolonged consultation process during 2015-2018;
 - (g) support expressed in the Yarra community for the continuation of multi-member wards; and
 - (h) the lack of specific sector consultation on this aspect of the Bill.
2. That Council re-state its opposition to mandating single member wards for the following reasons:
 - (a) Council wards should be structured to best suit the differing geography, demographics and governance of municipalities and collective decision making in the interests of the community as a whole;
 - (b) single member wards are highly limiting for smaller geographic Councils like Yarra, Port Phillip or Queenscliff;
 - (c) the requirement for all Councillors to be elected from single-member wards has the effect of abolishing proportional representation;
 - (d) proportional representation allows for voters who favour independents and small political parties to have their views represented on Council;
 - (e) each State and Territory Parliament with the exception of Queensland and the Northern Territory has a proportionally elected house, and the Federal Senate is proportionally elected;
 - (f) the number of municipalities with Councillors elected from single-member wards has decreased from 43 in 2003 to 7 in 2019, due to Victorian Electoral Commission (VEC) representation reviews consistently recommending multi-member wards and that VEC representation reviews involve extensive community consultation and analysis of the

impacts of each model;

- (g) the 2016 State Government Commission of Inquiry into the City of Greater Geelong highlighted single-member wards as a contributing factor in the dysfunction and poor governance of that municipality, and since that inquiry, the City of Greater Geelong has had multi-member wards;
 - (h) single-member wards were not canvassed in the government's 2016 discussion paper or the 2013 Petro Georgiou discussion paper;
 - (i) a single Councillor in each ward would mean that in the event of a Councillor being unable or unwilling to fulfil their duties, the local community would have no other ward Councillor representation;
 - (j) single-member wards have resulted in uncontested elections in other municipalities;
 - (k) Councillors are required to represent the entire municipality and having wards with a very small geographic area is in conflict with this principle;
 - (l) the proposal will require by-elections for each ward vacancy, resulting in lack of representation of constituents during the vacancy period, and require more costs and delays in filling vacancies, in lieu of the proposed improved count-back system for filling vacancies;
 - (m) current wards would need to be separated into multiple wards, potentially separating communities of interest from each other; and
 - (n) 41.69% of Victorian Councillors elected from multi-member wards are women, vs. only 33.9% in single-member wards.
3. That the Mayor write to the Minister for Local Government The Hon Adem Somyurek MP asking him to pause the progress of this Bill and engage fully and respectfully with the local government sector on this issue.
4. That a copy of this resolution and the letter be sent to:
- (a) The Hon Dan Andrews, Premier of Victoria;
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 - (d) The Hon Richard Wynne MP, Member for Richmond;
 - (e) Tim Read MP, Member for Brunswick;
 - (f) Kat Theophanous, Member for Northcote;
 - (g) the Municipal Association of Victoria; and
 - (h) the Victorian Local Governance Association.

Attachments

There are no attachments for this report.