



# Ordinary Meeting of Council Agenda

**to be held on Tuesday 17 March 2020 at 7.00pm  
Fitzroy 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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**[www.yarracity.vic.gov.au](http://www.yarracity.vic.gov.au)**

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

### Council officers

- Vijaya Vaidyanath (Chief Executive Officer)
- Ivan Gilbert (Group Manager Chief Executive’s Office)
- Lucas Gosling (Director Community Wellbeing)
- Gracie Karabinis (Group Manager People, Culture and Community)
- Chris Leivers (Director City Works and Assets)
- Diarmuid McAlary (Director Corporate, Business and Finance)
- Bruce Phillips (Director Planning and Place Making)
- Rhys Thomas (Senior Governance Advisor)

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

## 4. Confidential business reports

Nil

## **5. Confirmation of minutes**

### **RECOMMENDATION**

That the minutes of the Ordinary Council Meeting held on Tuesday 3 March 2020 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	Amendment C231 - Queens Parade	7	28	Fiona van der Hoeven - Assistant Manager City Strategy
11.2	Community Reference Group membership - former AMCOR site	30	32	David Walmsley, Manager City Strategy
11.3	Zero Carbon in the Yarra Planning Scheme	33	40	Fiona van der Hoeven - Assistant Manager City Strategy
11.4	Gleadell and Griffith Street Precinct Project	41	52	David Walmsley, Manager City Strategy
11.5	Proposed Discontinuance of Roads abutting 53-77 Burnley Street, Richmond.	53	56	Bill Graham – Valuations Coordinator
11.6	Active Transport Advisory Committee	58	62	Rhys Thomas - Senior Governance Advisor
11.7	Motions for ALGA National General Assembly and MAV State Council	63	64	Ivan Gilbert - Group Manager Chief Executive's Office
11.8	Councillor Attendance at Sydney Climate Change Summit	66	67	Ivan Gilbert, Group Manager Chief Executive's Office
11.9	Report on Assemblies of Councillors	68	69	Ivan Gilbert - Executive Manager - Chief Executive's Office

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

Public submissions procedure

When you are invited by the 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**

Nil

## **13. Urgent business**

Nil

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**11.1 Amendment C231 - Queens Parade**

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## **Executive Summary**

### **Purpose**

The purpose of the meeting is to consider the report of the independent Planning Panel in relation to Amendment C231 and consider the officer recommendations. Council then needs to decide whether to adopt the Amendment with or without changes, or whether to abandon the Amendment.

### **Key Issues**

The report from the Panel, appointed to consider Amendment C231, has been received.

The Panel largely supported the Amendment but with changes as advocated by Council in the form of Council's *preferred version* of the Amendment as endorsed by Council on 28 May 2019, except for building heights in Precinct 4 and Precinct 5C and a small number of less significant proposed changes. These matters are outlined in the officer report.

The Panel Report is being considered by Council over two meetings:

A report prepared by officers for a Special Council Meeting on 25 February 2020 provided an overview of the Panel Report. The first meeting on 25 February 2020 enabled any person who wished to speak to the issue in accordance with normal meeting procedure rules to do so.

Speakers identified a range of issues but largely supported the recommendations in the Panel Report with the exception of four storeys in part of Precinct 4.

Council must now make a decision on the Amendment in accordance with the *Planning and Environment Act 1987*.

### **Financial Implications**

Costs associated with the Panel process have been met through the City Strategy budget.

### **PROPOSAL**

In summary, it is proposed that Council considers the Planning Panel and officer report for Amendment C231 Queens Parade and decides whether to:

- (a) adopt all or part of the Amendment with or without changes; or
- (b) abandon all or part of the Amendment.

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## 11.1 Amendment C231 - Queens Parade

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Reference: D20/37677

Authoriser: Director Planning and Place Making

### Purpose

1. The purpose of the meeting is to consider the report of the independent Planning Panel in relation to Amendment C231 and consider the officer recommendations. Council then needs to decide whether to adopt the Amendment with or without changes, or whether to abandon the Amendment.

### Background

2. Council prepared Amendment C231 to introduce built form controls for new development and make other changes to the planning scheme along Queens Parade, Fitzroy North/Clifton Hill.
3. Amendment C231 is intended to replace the interim built form controls which currently apply with permanent controls.
4. The Amendment was authorised by the Minister for Planning and exhibited during October and November 2018. 414 written submissions were received. On 28 May 2019 Council resolved to request the Minister appoint an independent Planning Panel to hear submissions.
5. At that 28 May meeting, Council considered the submissions and endorsed a set of proposed changes to the Amendment. Those proposed changes were reflected in a document called the Council's *preferred version* of the DDO.
6. Council's submission to the Panel was based on the position endorsed at the Council meeting on 28 May 2019.
7. Although the Panel considered the Amendment as exhibited, the Panel also had regard to Council's *preferred version* of the DDO. At the close of the hearing, Council was directed to submit its *final version* of DDO16 to all parties. The Panel used this *final version* of DDO16 as the basis for its recommendations as found in the Panel report. There was an acceptance by all parties at the hearing that the starting position for deliberations was the *preferred DDO*, although the Panel was still required to consider the *exhibited DDO*.
8. As outlined in the officer report for the Special Council Meeting on 25 February 2020, Council is considering the Amendment over the course of two meetings:
  - (a) **first meeting (Stage 1) (25 February 2020 Special Council Meeting)** - At the Special Meeting any person who wished to address Council on the Panel's recommendations was given an opportunity to do so in accordance with normal meeting procedure rules. In total, 31 speakers addressed the Council.
  - (b) **second meeting (Stage 2) (this meeting)** - Council will make a decision on the Amendment.

### Panel Report

9. The Panel Report was received by Council on 1 November 2019 and released publicly on 14 November 2019. A copy of the Panel Report was attached to the officer report for the Special Council Meeting on 25 February 2020. A copy of the report is also on Council's website. <https://www.yarracity.vic.gov.au/the-area/planning-for-yarras-future/yarra-planning-scheme-and-amendments/current-amendments/amendment-c231-queens-parade>
10. The Panel supported Amendment C231 but subject to certain recommended changes.
11. The Panel concluded that Amendment C231:



- a) is 'well founded and strategically justified, and generally supported by submitters who acknowledged the need to accommodate change but questioned how much change was required' (Page 18);
- b) was responsive to submissions and was subject to an extensive process of review by Council following exhibition and during the Panel hearing; and
- c) has been underpinned by comprehensive strategic work that supports the use of a combination of *mandatory* and *preferred* height and setback controls in DDO16.

12. The key aspects of Amendment C231 that were supported by the Panel were:

Table 1: Key aspects of the amendment that were supported by Panel

Issue	Panel comments
A mix of mandatory and preferred controls	<p>The Panel supports the balance of the mandatory controls and preferred provisions sought by Council as it will assist to provide certainty in areas where distinctive heritage fabric warrants greater protection from inappropriate development.</p> <p>It noted Council had undertaken comprehensive strategic work to support the application of mandatory controls and there is evidence of increasing development pressure within the area.</p> <p>It considers <i>exceptional circumstances</i> exist for the application of mandatory controls as Queens Parade includes a number of significant and contributory heritage places and heritage fabric set within a consistent streetscape form.</p>
Heritage and growth	<p>The Panel acknowledged the importance of the overall heritage setting, significance and importance of maintaining and protecting the identified heritage places and fabric of Queens Parade. It supported the protection of view lines to the former ANZ Bank building and St John the Baptist's Church.</p> <p>It agreed with Council that the 'heart' of the Activity Centre is particularly sensitive with consistent and close-grained development whereas the larger lots and less sensitive surroundings at the 'bookends' of Queens Parade lend itself to development of appropriately designed taller and larger buildings.</p> <p>The Panel found that the Amendment is responsive to and consistent with the projected economic growth and population estimates and forecasts and plans for appropriate urban growth and renewal, consistent with State planning policy.</p>
Built form	<p>The Panel generally supported the heights and setbacks in Council's <i>preferred DDO</i> except in Precinct 4 where it recommended Council's preferred 4 storey height be reduced to 3 storeys in three of the four quadrants.</p> <p>In Precinct 5C, the Panel also recommended a different height to Council's preferred DDO - increasing the preferred height from 43 metres to 49 metres.</p>
Residential interfaces	<p>The Panel supported the protection of the sensitive residential interfaces through the use of overshadowing controls and a modified ResCode standard for side and rear interfaces. It also supported building separation controls in Precincts 2 and 5.</p>

13. In addition to the above, the Panel recommends that Council:

- (a) adopt Amendment C231 to the Yarra Planning Scheme as exhibited subject to the Panel's recommended version of DDO16 (note that the Panel's preferred version is different to the Council's *preferred version of the DDO*);
- (b) undertake further heritage assessment of the existing built form and associated structures located at 390A Queens Parade to establish whether other buildings and associated structures on this property would support or warrant a 'contributory' grading within the context of HO330; and
- (c) correct the spelling of Raines Reserve (from 'Rains' to 'Raines') and correct the street numbering for the St John's Church complex in Appendix 8.

#### **Next steps in the amendment process**

14. The next phase of the Amendment is the final step in the Amendment process for Council and is a critical step. The way in which Council considers the adoption is prescribed in the *Planning and Environment Act 1987* (the Act).
15. Two VCAT cases, *Steller 250 Pty Ltd v Frankston CC [2019]* and *Lend Lease Apartments (Armadale) Pty Ltd v Stonnington CC [2013]* have highlighted the need to strictly adhere to the Act as a way of avoiding further procedural review under Section 39 of the Act.
16. Under Sections 27, 28 and 29 of the Act, Council must:
  - (a) consider the Panel's report before deciding whether or not to adopt the amendment; and then;
  - (b) either abandon all or part of the Amendment; or
  - (c) adopt all or part of the Amendment with or without changes.
17. Section 9 of the *Planning and Environment Regulations 2015* (the Regulations) sets out the information to be submitted to the Minister for Planning under Section 31 of the Act. Council must provide the following:
  - (a) the reasons why any recommendations of a Panel were not adopted; and
  - (b) a description of and the reasons for any changes made to the amendment before adoption.
18. Attachment 1 to this report sets out what the Panel recommended and explains why or why not recommendations were adopted. Attachment 3 to this report describes every change to the Amendment since exhibition and gives reasons for the change.

#### **Splitting of the Amendment into two parts**

19. Legal proceedings involving an application under Section 39 of the *Planning and Environment Act 1987* have been lodged at VCAT.
20. The Section 39 proceeding relates to 390A Queens Parade. It surrounds notification of the Amendment, in particular that the permit applicant was not specifically advised about the *preferred DDO*. The permit applicant was neither the owner nor the occupier of the land.
21. This matter was heard at VCAT on 10 February 2020. At the time of writing this report, no decision has been received.
22. Accordingly, to enable that part of the Amendment not subject to legal challenge to proceed and enable its adoption, officers recommend splitting Amendment C231 into two parts as shown on Map 1 below:
  - (a) Part 1 would comprise the part of the Amendment that is not subject to legal challenge.
  - (b) Part 2 would comprise the part of the Amendment relating to the land at 390A Queens Parade.
23. This would enable the two parts of the Amendment to be considered together or separately depending on the timing and outcome of the VCAT decision.

24. At this stage, officers recommend Council adopts both Part 1 and 2 at this Council meeting. NB: This position assumes a decision will have been made by VCAT before 17 March and that the decision is favourable to Council.
25. If, however, a decision has not been received by the date of this meeting, or if the applicant's Section 39 proceeding is successful, officers would provide an alternate recommendation before the Council sits, which would recommend Council:
  - (a) adopts Part 1 (the part of the amendment not subject to legal challenge); and
  - (b) considers Part 2 (390A Queens Parade) at a later date after the outcome of the VCAT decision regarding the section 39 proceedings.

Map 1: Amendment C231 (Parts 1 and 2)



**Issues raised by speakers at 25 February 2020 Special Council Meeting**

26. 31 people addressed Council at the Special Council meeting on 25 February 2020 in accordance with normal meeting procedure rules. The issues raised included:
  - (a) strong support for a maximum building height of three storeys in Precinct 4. One speaker noted that at least 60 per cent of submitters supported two and three storeys in this precinct;
  - (b) most speakers commented that they did not support the Panel's recommendation of four storeys in the *Fourth Quadrant* of Precinct 4 – the area bounded by Queens Parade, Gold and Turnbull Streets. Concerns were raised about the impacts of four storeys on individually significant and contributory heritage buildings in this quadrant; creation of a different scale to the rest of the shopping strip; overshadowing, privacy and building bulk impacts on neighbouring residential properties; and the functioning of laneways and lack of access to properties;
  - (c) support for a maximum building height of 43 metres in Precinct 5C (noting some speakers sought a mandatory rather than preferred height.);
  - (d) strong support for the application of mandatory controls;

- (e) concerns about the adequacy of the 8 metre upper level setback in Precinct 4 (with an increased upper level setback being sought);
- (f) concerns about the pedestrian environment particularly in Precinct 5;
- (g) concerns that the definition of public realm does not include laneways in the Panel's *recommended DDO* and potential maximum height of building services such as lift overruns and air conditioning plants;
- (h) a representative of 390A Queens Parade requested that Council does not make a decision before the Section 39 proceeding is determined. They opposed three storeys in Precinct 4, and
- (i) concern about ensuring housing is available for future generations.

#### **Panel recommendations and detailed officer response**

27. A detailed officer response to the Panel's recommendations is provided at Attachment 1. Attachment 1 outlines all the changes recommended by the Panel and provides the officer response to each recommended change. Where any recommendations are not supported by officers, reasons are given for not supporting the change.

#### ***Design and Development Overlay 16 (DDO16)***

28. Council officers have reviewed and considered the Panel's recommended changes to DDO16 as set out in the Panel's *final version* of DDO16 and agree with the majority of recommendations made by the Panel.
29. The following details the key changes to DDO16 as recommended by the Panel. It also highlights where the Panel supported key requirements of Council's *preferred version of DDO16* and suggested no/little change.
30. A summary of the Panel's key recommended changes and the officer response is set out below.

#### **Preferred character statements**

31. Council's *preferred version* of DDO16 included 'preferred character statements' (a change proposed in response to submissions). They were added to better define the future character sought by the controls.
32. The Panel supported their inclusion but has recommended redrafting them to make their intent clearer. The Panel considered the preferred character statements must describe an appropriate outcome and the design requirements must demonstrably assist in achieving this outcome. They recommend edits some preferred character statements to read as more positive outcomes and removed repetition.
33. Officers recommend the acceptance of the changes to the preferred character statements proposed by the Panel because they improve clarity and remove repetition. The edits are consistent with the intent of the preferred character statements as proposed by Council.

#### **Mix of mandatory and preferred requirements**

34. The Panel supported the balance of the mandatory controls and preferred provisions sought by Council.
35. The Panel assessed the Amendment against the criteria for mandatory controls in Planning Practice Notes (PPN) 59 and 60. PPN 59 requires that mandatory controls must be strategically justified, suitable for the majority of proposals and whether they provide for the preferred outcome. Conversely, the PPN also requires an assessment of the likely outcome and the administrative burden in the absence of a mandatory control. PPN 60 considers whether mandatory controls are 'absolutely necessary' to achieve the preferred built form outcomes, whether they are supported by robust and comprehensive strategic work or where 'exceptional circumstances' warrant their introduction.
36. The Panel considered the circumstances outlined in PPN 59 and PPN 60 exist to justify the application of some mandatory controls in Queens Parade.

Use of 'must' and 'should' in mandatory and preferred requirements

37. The *exhibited DDO16* used the word *must* in relation to both mandatory and preferred requirements. However, where the control was intended to be mandatory, the words '*A permit cannot be granted to vary this requirement*' were included. This approach was taken in response to advice received by Council, which was based on the way the head clause of the Design and Development Overlay is drafted. However, in practice this made the DDO more difficult to understand.
38. Council's *preferred version* of DDO16 used *must* and *should* to distinguish between mandatory and preferred requirements respectively. While there are different opinions on the proper approach, the use of the words *must* and *should* in the *preferred version* of DDO16 was supported by the Panel.

Heritage design requirements

39. The *exhibited version* of DDO16 included *Heritage Design Requirements* to guide decision-making for buildings in Queens Parade.
40. The Panel acknowledged the importance of the heritage fabric and the identified significant and contributory heritage places located throughout Queens Parade.
41. At the Panel hearing, Council noted that it is updating its Planning Scheme in line with the recently introduced integrated Planning Policy Framework structure by the State Government. This process of updating will review Clause 22.02 – Council's Heritage Policy and provide new policy for retail, commercial and industrial buildings.
42. The Panel recommended that the Heritage Design Requirements are not required in DDO16 and should be deleted. It considered that the Heritage Design Requirements duplicate existing provisions found within Clause 22.02 (Development Guidelines for Sites Subject to a Heritage Overlay) and within the Decision Guidelines of Clause 43.01-8 (Heritage Overlay). It further considered the amended Preferred Character Statements (which were included post exhibition) and the amended Design Requirements for each Precinct appropriately consider the impact of heritage on development.
43. Officers do not agree with the Panel's finding that the Heritage Design Requirements duplicate existing provisions.
44. The Heritage Design Requirements address gaps in the scheme provisions. For example, Clauses 43.01 and 22.02, do not apply to buildings adjacent to but not in a Heritage Overlay area as the Heritage Design Requirements do.
45. Additionally, although Clause 22.02 applies to all buildings in a heritage overlay area, it is principally drafted to inform new development, alterations and additions in a residential setting, rather than commercial and industrial buildings, and it does not address elements such as architectural features and glazing, as proposed in the Preferred DDO16.
46. In this regard, officers do not accept the Panel's recommendation and support retention of the Heritage Design Requirements. They are a necessary stop-gap measure that address a gap in the scheme provisions and should be included until such time Clause 22.02 is amended to more comprehensively address industrial, commercial and retail places, after which, they can be removed.
47. It is noted that Clause 22.02 will be amended by Amendment C269 (the Planning Scheme Local Policy rewrite). Officers propose that after Amendment C269 is gazetted, an administrative amendment would be undertaken and the Heritage Design Requirements in this (and other) DDO(s) would be removed.
48. It is also highlighted that the inclusion of the Heritage Design Requirements was supported by the Panel considering Amendment C220 (which seeks to apply new built form controls for Johnston Street) and also by the Department of Environment, Land, Water and Planning (DELWP) on the basis they were a stop-gap measure.

Access via laneways

49. The *exhibited version* of DDO16 sought to ensure vehicle access is provided to the side and rear of lots, wherever possible. This is partly to maximise the efficiency and safety of the arterial roads e.g. Queens Parade and to ensure the historic Queens Parade shopping strip is not dominated by car access points (and further promoting a safe and friendly walking environment, reducing conflict points and retaining the historic streetscape).
50. To ensure this expectation about access points on Queens Parade was explicit, in the Council *preferred version* of DDO16 as presented to Panel, Council deleted the following: 'Future vehicle access and services must be provided from a rear laneway or side street where possible' and replaced it with 'New vehicle crossovers onto Queens Parade must be avoided.'
51. The Panel recommended Council reinstate the requirement that 'Future vehicle access and services must be provided from a rear laneway or side street where possible.'
52. The Panel also recommended that Napier and Brunswick Streets are added to the requirement seeking to limit access points on Queens Parade as both are significant heritage streetscapes.
53. Officers support this recommended change to the Council preferred version of DDO16. Both requirements should be reintroduced to provide clarity around access.

Building separation/side and rear setbacks

54. The *exhibited version* of DDO16 included various side and rear setbacks requirements.
55. In response to submissions, the Council *preferred version* of DDO16 proposed changes to side and rear setback requirements to improve internal amenity in the buildings and to provide blue sky between the buildings.

*Precincts 2B, 2C, 5B and 5C*

56. For Precincts 2B and 2C, a revised rear setback of 4.5 metre from the centre point of the laneway was included. Additionally, in Precincts 2B, 2C, 5B and 5C, a setback requirement was included which applies to upper levels and requires a building separation of:
  - a) 4.5 metres from the centre point of the laneway for habitable room windows; or
  - b) 3 metres from the centre point of the laneway for non-habitable windows.
57. Both of these proposed changes to setbacks were supported by the Panel.

*Precincts 3 and 4*

58. For side/rear setbacks in Precincts 3 and 4, a modified version of the ResCode B17 standard that accommodated a 4 metre commercial height ground level was proposed. (Refer Figure 1 below.) In circumstances where there is no laneway, it provides a 3 metre ground level setback (similar to the separation provided by a laneway). (Refer Figure 2 below). Where there is a laneway, a setback similar to the B17 standard in ResCode applies. These were also supported by Panel.

Figure 1: Setback where there is a laneway to the side/rear

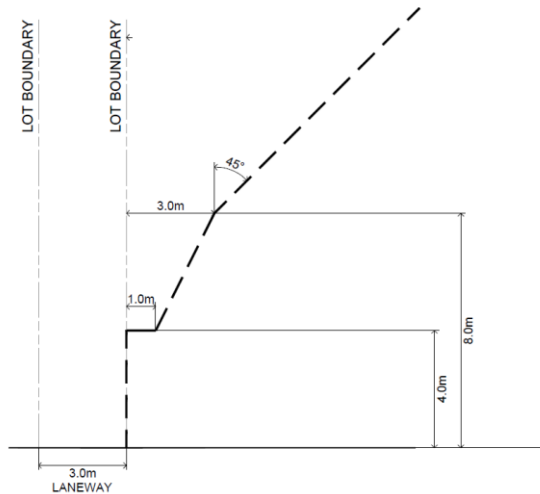
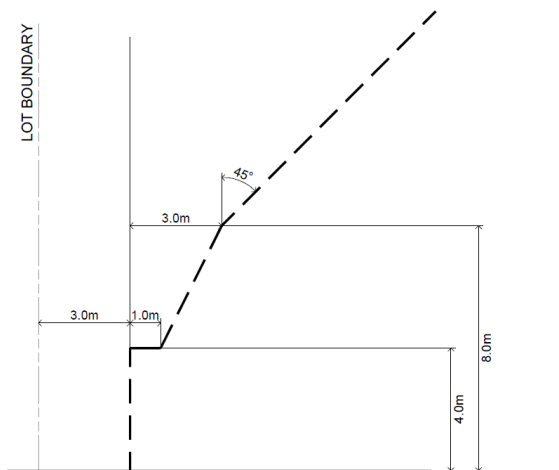


Figure 2: Setback where there is no laneway to the side/rear



Overshadowing of residential properties

- 59. Council's preferred version of DDO16 included the addition of overshadowing controls in Precincts 3 and 4 to protect adjoining residential properties from additional overshadowing at the September equinox.
- 60. The Panel supported this addition but recommended that it be relocated to the *General Requirements* section of DDO16. Officers support this recommendation but propose that a new heading, *Interface to NRZ or GRZ requirements* is added to aid navigation of the numerous requirements.

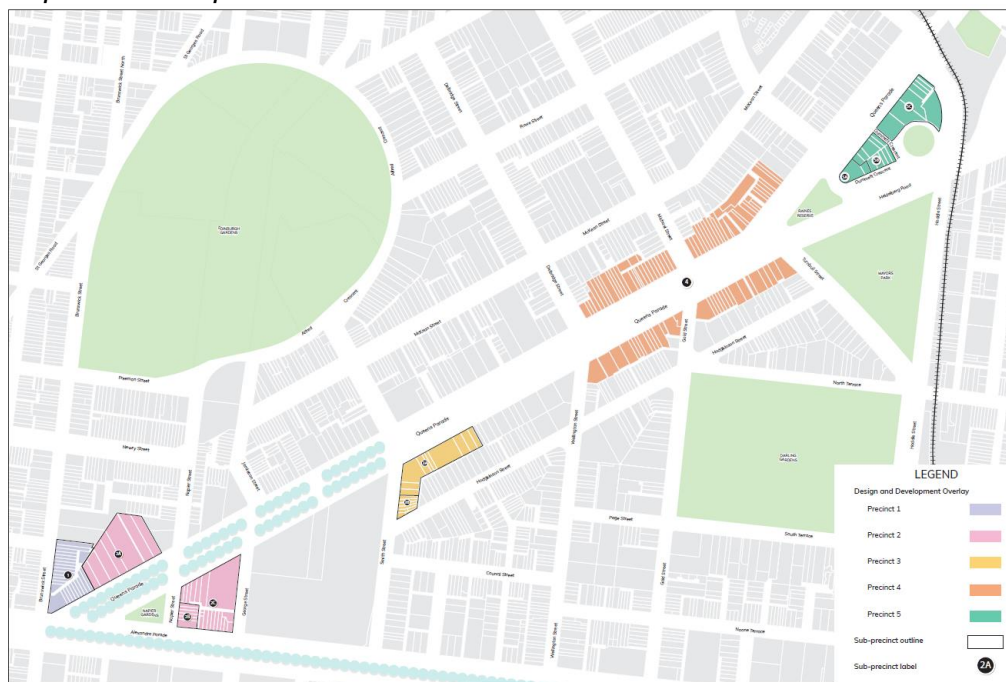
Building heights, street wall heights and upper level setbacks

- 61. The Panel generally supported the changes to the heights, street wall heights and upper level setbacks proposed by Council in the Council preferred version of DDO16, except in Precincts 4 and 5C.

**Precinct specific Panel recommendations**

- 62. The following outlines the commentary and changes made by the Panel across the five precincts shown on Map 2 in relation to built form controls.

Map 2: The five precincts of Amendment C231



**Precinct 1**

- 63. The Panel considered Precinct 1 'owes a significant part of its character to the distinction between the building on the corner at 460 Brunswick Street and the surrounding buildings on either side' created by the street wall height and street setback.
- 64. The Panel supported the revised street setbacks and upper level setbacks proposed by Council in the preferred version of the DDO to ensure 460 Brunswick Street retains its prominence. No changes to overall heights were proposed.

**Precinct 2**

- 65. The Panel agreed Precinct 2 has the capacity to accommodate higher forms of residential development than other, more sensitive precincts.
- 66. The Panel considered that the size of Precinct 2A coupled with controls for amenity, heritage and character, justifies the mandatory maximum height of 31 metres. Further, the retention of the heritage façade establishes an appropriate street wall height.
- 67. The Panel considered it appropriate that development in Precinct 2C (bound by Queens Parade, George Street and Alexandra Parade) should provide a transition between the Gasworks site and the lower scale heritage buildings in Precinct 2B (Elizabeth Terraces on Napier Street). It supported the preferred heights in Precincts 2B and 2C.
- 68. In the preferred DDO, Council also proposed changes to the Napier Street street-wall to ensure that the two storey Elizabeth Terraces remained a prominent heritage feature. The Panel noted the terraces make an important contribution to the experience of Napier Gardens and it supports the controls on building heights and street wall heights to minimise overshadowing of Napier Gardens.

**Precinct 3**

- 69. The Panel supported the protection of view lines to the St John's Church and supported Council's clarification of the viewpoint presented at the end of the Panel hearing. NB. (The interim controls, exhibited controls and background work had included different viewpoints.)
- 70. The Panel supported the splitting of Precinct 3 into two sub-precincts – Precincts 3A and 3B.
- 71. Additionally, it supported mandatory heights in Precinct 3 to protect the amenity of the immediately adjacent properties. It also considered the varied built form in Precinct 3A justifies the greater heights in Precinct 3A than in Precincts 3B and 4.



72. The Panel considered that the combination of mandatory and preferred street wall heights and upper level setbacks were appropriately nuanced to address local circumstances and would allow change to occur. The 6 metre upper level setbacks would achieve an appropriate level of separation between the heritage streetscape and new development above and behind it.
73. To emphasise the corner of Smith Street and Queens Parade, the Panel recommended a taller element be added to the street wall at that corner. The Panel recommended the street wall height be increased from 14 metres to 17 metres for a length of 6 metres from the corner on both Smith Street and Queens Parade.
74. This recommendation was not the subject of discussion at the hearing and had not been proposed by any of the parties.
75. Officers support this recommendation, however, as it reinforces this historic corner and would not impact on the heritage streetscapes along Queens Parade or Smith Street or the amenity of the residential properties to the rear on Hodgkinson Street.

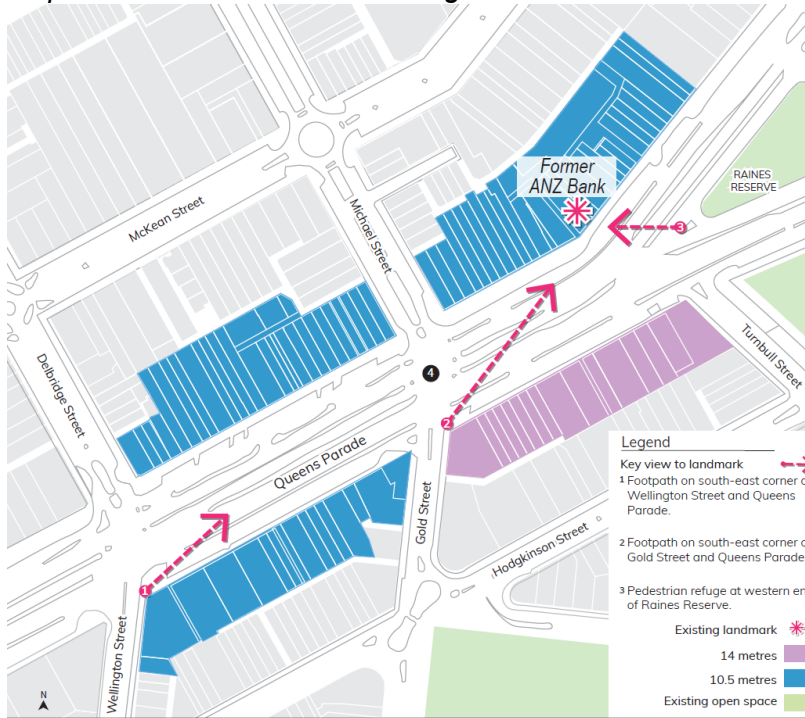
#### **Precinct 4**

76. Building heights in Precinct 4 were the subject of significant expert evidence, cross-examination and discussion at the Panel Hearing.
77. Many community submitters expressed concern about the six storey height proposed in the *exhibited version* of DDO16. They submitted it would have a negative impact on the valued heritage character of Queens Parade and on the amenity of adjoining residential properties.
78. In response to the submissions and as a result of further built form testing, Council submitted to the Panel that building heights in Precinct 4 should be reduced from 21.5 metres (six storeys) *mandatory* (as exhibited) to 14 metres (four storeys) *mandatory*.
79. The community submitters on the other hand, argued at the Panel hearing in favour of three storeys on the basis that it would provide a better heritage protection to highly valued commercial heritage buildings.

#### *Panel recommendations on building heights*

80. The Panel recommended a height of 10.5 metres (three storeys) in the majority of Precinct 4 with the fourth quadrant bounded by Queens Parade, Gold Street and Turnbull Street to remain at 14 metres (four storeys) (see Map 3).
81. The Panel explained that it considered:
  - (a) the contribution made to the character of the area by the consistent and fine grained detail and heritage features in this area warrant a mandatory height limit of 10.5 metres (three storeys); and
  - (b) the quadrant between Gold and Turnbull Streets has larger lots, two street corners and less consistent heritage qualities, noting that blank side walls may have less impact and there is capacity for more development.

Map 3: Panel's recommended heights in Precinct 4



Officer position

- 82. Officers support the Panel's recommendations of three storeys in three of the four quadrants in Precinct 4 and four storeys in the Fourth Quadrant (see Map 4).
- 83. However officers recommend the three storey height of 10.5 metres be amended to 11 metres to ensure heritage floor plates can be carried through into the new development. Refer to section headed *10.5 metres versus 11 metres* for further discussion.

Map 4: Officer's recommended heights in Precinct 4



84. The Panel highlighted that in its opinion, it considers *the generally high and sensitive character and heritage values of this Precinct warrant protecting heritage over the facilitation of development.* (Page 72.)
85. The issue of capacity and development was also extensively debated at the hearing. The Panel supported the strategic evidence put by Council that Queens Parade and the wider municipality has sufficient capacity to support future housing needs.
86. The Panel's view, therefore, was that Precinct 4 does not need to accommodate development. This enabled them to take a different position to Council and focus more so on heritage rather than development potential. Officers had taken a view that achieving a balance between heritage and development was the desired outcome.
87. In addition, the Panel gave significant weight to the intactness and consistency of the centre and its heritage streetscape. Additionally they were concerned about visibility of new additions. Council too was concerned about visibility; this was one of the reasons Council reduced its position on heights from 6 to 4 storeys.
88. The Panel also drew on the centre's function as well as its built form, noting *it contains a highly intact, turn of the century commercial precinct containing heritage fabric that is highly valued by the local community.* (Page 64.)
89. Officers support the Panel's recommendations for a three storey height limit in three of four quadrants in Precinct 4 on the basis that Queens Parade is a special case where future growth can be restricted on the basis of a combination of circumstances.
90. The specific circumstances (agreed by both Council officers and the Panel) which warrant this approach are:
  - (a) Firstly, Queens Parade is unusually wide at 60 metres. Other high streets are more typically around 20 metres wide. This means that any new development in Queens Parade will be more visible than elsewhere.
  - (b) Secondly, higher levels of growth can be accommodated elsewhere within the centre or nearby.
  - (c) Queens Parade is a neighbourhood activity centre, not a major activity centre and as such, is not expected to accommodate the extent of growth a major activity centre would.
 

Queens Parade is unusual for a Neighbourhood Activity Centre in that it has several large sites which can accommodate considerable growth (ie the former Gasworks site and at 26 Queens Parade at the western end). Ie the 'barbells' with taller heights at each end of the centre and lower heights in the centre.
  - (d) Another unique aspect of Queens Parade as an activity centre is that the heritage streetscape in Precinct 4 is highly intact and consistent and features a fine grain subdivision pattern and narrow allotments. In this regard:
    - i. The Panel found that *'this Precinct has significant heritage. The changes make Council's intent clearer and character qualities and a greater sensitivity to redevelopment'* (page 70 of the Panel Report); and
    - ii. Under cross examination, Council's heritage expert said that three storeys provides a better heritage outcome than four storeys in Precinct 4. Officers agree.

Quadrant Four – between Gold and Turnbull Streets

91. It is clear from the Panel's report that issues about the heritage character and qualities of Precinct 4 were thoroughly canvassed through evidence and were considered by the Panel in its support for "*prioritising the protection of heritage over facilitation of development*".
92. The Panel placed weight on Precinct 4 generally having "*significant heritage and character qualities and a greater sensitivity to redevelopment*" but noted that "*some areas are more*

*sensitive than others*". The Panel emphasised the importance of the highly valued character and the consistency in the streetscape, building rhythm, fine grained detail and heritage features in Precinct 4.

93. The Panel distinguished quadrant four (the block defined by Gold and Turner Streets on the south side of Queens Parade) from the rest of Precinct 4 on the basis that *"the heritage characteristics are less consistent, and the lots are wider than those elsewhere in the Precinct."* The Panel concluded that quadrant 4 was *"less sensitive and may have more development capacity"* and therefore supported the 14 metre (4 storey) maximum building height.
94. The physical characteristics of lot sizes, fine grain architectural features, and streetscape consistency in this quadrant do vary from the other parts of Precinct 4. The Panel has picked up on these difference to more finely tune the form of built form controls in response to these differences, rather than take a uniform approach across the whole of Precinct 4.
95. These heights are consistent with the evidence presented by Council to the Panel which indicated that a four storey maximum building height provides an appropriate design response having regard to the characteristics and context of this quadrant. Officers support the Panel's recommendation.
96. As Council submitted at the Panel hearing, the majority of development at four storeys would achieve the overshadowing requirement proposed in DDO16 for the Equinox (21 September). Equinox is the standard that applies in ResCode.
97. Additionally the DDO requires that where there is no laneway, buildings are set back three metres from their rear boundary. The rear interface requirements in the DDO also seek to address building bulk and overlooking. In other words, the DDO includes requirements that address residential interfaces to the rear.
98. Council advocated for a maximum height of four storeys for the whole of Precinct 4 at the Panel hearing and the Panel recommended four storeys for the fourth quadrant. As noted above, Council must provide reasons if it does not adopt any of the Panel's recommendations.

#### 10.5 metres versus 11 metres

99. Officers are concerned a three storey height of 10.5 metres may not be sufficient to accommodate a third storey and *ensure* the continuation of the floor levels of the existing heritage building into the new building.
100. While floor to floor heights are not included in the DDO, the heights in the Commercial 1 Zoned areas were based on floor to floor heights of 4 metres for commercial floors and 3 metres for residential floors.
101. Officers recommend that the height in three of the four quadrants be increased from 10.5 metres to 11 metres for the following reasons:
  - (a) Providing for a height of 11 metres would enable the continuation of the existing floor plates into the new building which provides a better heritage outcome. It also avoids new floors across existing openings such as windows.
  - (b) 11 metres cannot accommodate an extra storey.
  - (c) 11 metres enables the provision of commercial uses at both the ground and first floor, given the land is in a Commercial 1 Zone. (Noting the existing heritage buildings often have floor to ceiling heights that accommodate commercial uses at first floor.)
  - (d) A third storey would need to be 3 metres tall to accommodate reasonable residential ceiling heights that provide a good level of amenity for residents of new apartments.

## **Precinct 5**

### Precinct 5A

102. The Panel said it *agrees with the evidence of Mr Gard'ner that built form controls as applied under the preferred DDO16 for the land adjoining both the former UK Hotel and the Clifton Motors Garage ensures the prominence of these local landmarks is retained in this Precinct and QPAC more generally.* (Page 83)
103. The Panel therefore supported the reduction in height from 18 metres preferred in the exhibited DDO to 11 metres mandatory in the preferred DDO.
104. It also supported the relocation of land at 2 Dummett Crescent from Precinct 5B to 5A because it is in the same ownership as the former UK Hotel and is used as the drive through for the fast food restaurant that occupies the site.

### Precinct 5B

105. The *exhibited version of DDO16* included a 1:1 ratio of heritage street wall to new built form to determine the height of the development behind the former Clifton Motor Garage. It was a difficult control to understand and was inconsistent with the remaining controls which were all specified in metres.
106. The Council's *preferred version of the DDO* replaced this with a mandatory maximum street wall height, mandatory minimum upper level setback and mandatory 18 metre height on Queens Parade and a preferred 28 metre height on Dummett Crescent in a format consistent with other controls. This was supported by the Panel. The Panel considered that the building height transition and new built form behind Clifton Motors is an important consideration in this precinct.

### Precinct 5C

107. The *exhibited version of DDO16* included a maximum building height of 49 metres (preferred) for Precinct 5C. Council's *preferred version of DDO16* reduced the height to 43 metres (preferred).
108. The Panel recommended the height be increased back to 49 metres (preferred) as the Precinct is less constrained by heritage and sensitive interfaces. Additionally, the Panel did not agree with submitters that the site at the far north-eastern end should be designated a 'landmark site' but was satisfied that the design requirements and preferred character statements would ensure a high quality outcome. Officers agree that the site at the far north-eastern end is not a landmark site.
109. Officers do not agree, however, that a height of 49 metres is appropriate in Precinct 5C. The Panel emphasised a step up in transition from Precincts 5A and 5B and officers consider that a height of 43 metres represents a suitable step up in height.

## **Changes to zoning**

### 245 Gold Street

110. The owner of 245 Gold Street made a submission to the Amendment that sought to have the land rezoned from the Commercial 1 to a Neighbourhood Residential Zone.
111. This was suggested by GJM in its *Built Form Heritage Analysis and Recommendations* (December 2019) but was not exhibited as part of Amendment C231.
112. In response to this and other submissions, Council at its ordinary meeting of 28 May 2019 supported the rezoning of the site and recommended this change to the Panel.
113. However the Panel considered that since this rezoning was not part of the Amendment and had not been exhibited, it could not consider the rezoning. Accordingly, officers accept that Council cannot progress the rezoning as part of Amendment C231.
114. In Council's submissions to the Panel, an assurance was given that Council would pursue the rezoning as part of a future amendment. Officers anticipate including the rezoning in an

amendment making other changes to the residential zones. Officers will write to the landowner to advise them of this and will keep them up to date with the proposed timing.

115. The property at 245 Gold Street was included in the Precinct 4 map to Schedule 16 to the DDO. The map has been amended to align the planning scheme maps with the DDO maps.

Rezoning land from Commercial 2 to Commercial 1 and application of the Environmental Audit Overlay

116. Amendment C231 proposes to rezone land at 660-668 Smith Street and 1-41 Queens Parade from Commercial 2 to Commercial 1 Zone and apply the Environmental Audit Overlay to manage past contamination prior to the use of the land for a sensitive use such as residential. The Panel supported this proposal.

**Changes to Heritage Overlays and Heritage Gradings**

117. The Amendment proposed the following in relation to Heritage Overlays and heritage gradings:

*Table 3: Changes to Heritage Overlays and heritage gradings*

Grading change or change to Heritage Overlay	Address of property
From 'contributory' to 'individually significant'	<ul style="list-style-type: none"> <li>662 Smith Street (former Fire Station)</li> </ul>
From 'contributory' to 'not contributory'	<ul style="list-style-type: none"> <li>7-11 Queens Parade</li> <li>137 Queens Parade</li> <li>402 Queens Parade</li> </ul>
From 'ungraded' to 'contributory'	<ul style="list-style-type: none"> <li>Rear of 312 Queens Parade</li> <li>350 Queens Parade</li> <li>380 Queens Parade</li> <li>390A Queens Parade (two storey building in north-east corner)</li> </ul>
From 'ungraded' to not 'contributory'	<ul style="list-style-type: none"> <li>Rear of 304 Queens Parade</li> <li>Rear of 316 Queens Parade</li> <li>390A Queens Parade (all other buildings except two storey building in NE corner)</li> <li>88 Queens Parade</li> <li>32, 33 and 34 Jamieson Street</li> </ul>
Changes to the Heritage Overlay	<p><u>Move from Precinct HO to individual overlay</u></p> <ul style="list-style-type: none"> <li>St John the Baptist Church complex</li> <li>Former Clifton Motors Garage</li> </ul> <p>(These are discussed in more detail below)</p> <p><u>Apply site specific overlay</u></p> <ul style="list-style-type: none"> <li>472-484 Napier Street</li> </ul> <p><u>Correct extent of overlay</u></p> <ul style="list-style-type: none"> <li>26 Queens Parade</li> <li>Raines Reserve</li> </ul>

118. The Panel accepted the changes to heritage gradings and the Heritage Overlay but recommended Council undertake further assessment of the other buildings at 390A Queens Parade (refer below).

### Heritage assessment - 390A Queens Parade

119. 390A Queens Parade is an “island” site located between the rear of the shops on the north side of Queens Parade and the rear of the houses in McKean Street. Refer to Map 5 below.

Map 5: Location of 390A Queens Parade



120. There is currently a planning permit application being considered for the land. The planning permit seeks to demolish all existing buildings on the site and construct 15 four storey townhouses. The permit applicant has appealed Council’s ‘failure to determine the application’ within the statutory timeframe to the Victorian Civil and Administrative Appeals Tribunal (VCAT).
121. Officers from Council’s statutory planning branch advised the VCAT that Council would have issued a refusal based on issues such as loss of heritage fabric, building bulk, impacts on the ability of neighbouring commercial properties to develop, internal amenity and street address.
122. The matter is listed for a full planning merits hearing scheduled for 24 March 2020.
123. There are five buildings located on this site. All five buildings are currently included in a Heritage Overlay (HO327 North Fitzroy), but do not have a heritage grading.
124. In the *Heritage Built Form Heritage Analysis and Recommendations*, GJM Heritage recommended that the buildings be included in HO330 (Queens Parade), instead of the North Fitzroy Precinct (HO327), as they historically serviced properties fronting Queens Parade and form part of the commercial area. The Panel supported this recommendation.
125. GJM also recommended that the substation in the north-east corner of the site be graded *contributory* and the remainder of the buildings on the site be graded *not contributory*.
126. During exhibition of the Amendment, submissions were received that questioned the *not contributory* grading of the remaining buildings. They considered the rest of the bakery building was significant and should be protected. They argued while some original openings have been closed, the original form and fenestration pattern remain. They said that the single storey building to the immediate south-east of the substation formed part of Wilmott’s bakery and should be retained.
127. No submissions to the exhibited amendment were received from the owners of this site in relation to the grading.
128. In response to the submissions that were received, GJM Heritage was asked to review the relevant submissions and gradings. GJM confirmed its original advice.

129. At the Panel hearing, submitters presented additional information about the site's history and its past use as Wilmott's bakery.

Panel recommendations in relation to 390A Queens Parade

130. The Panel concluded as follows:

- (a) it supported the 'contributory' grading of the north-east corner building at 390A Queens Parade and 'not contributory' to other buildings on the subject land within HO330, as exhibited, is appropriate and consistent with PPN01' (*Planning Practice Note 1 – Applying Heritage Overlays*);
- (b) it considered Council should 'undertake further heritage assessment of the existing built form and associated structures located at 390A Queens Parade to establish whether other buildings and associated structures on this property would support or warrant a 'contributory' grading'; and
- (c) the Panel (at page 100) observed there is remnant heritage fabric in all the buildings on the site, but accepts the buildings have been considerably altered over time. The Panel advised it 'therefore was unable to establish with enough certainty, that the level of physical fabric of the other buildings on this property would warrant these buildings to be graded as 'contributory' as sought by some community submitters'.

Response to Panel recommendations in relation to the heritage grading of 390A Queens Parade

131. Officers recommend that Council should progress the grading changes as proposed in the exhibited Amendment (i.e. the building in the north-east corner of the site be graded *contributory* and the remainder of the buildings on the site be graded *not contributory*). NB: This was supported by the Panel.
132. Officers subsequently engaged David Helms Heritage to undertake the further assessment of the other buildings (excepting the building in the north-east corner of the site).
133. David Helms found that:
- (a) the remainder of the former Wilmott bakery building should also be graded *contributory* (see map 6 below and the report from David Helms, included as Attachment 2); and
  - (b) the proposed Statement of Significance should be updated to reference the buildings at the rear of the shops.

*Map 6: Heritage grading of 390A Queens Parade proposed by David Helms*



*Red = Contributory grading proposed by C231 (Proposed by GJM and supported by David Helms)*



*Green = Extension of Contributory grading proposed by David Helms*

*Yellow = Not Contributory grading proposed by David Helms*

134. The application of a *contributory* grading to the remainder of the Wilmott's bakery building and further changes to the Statement of Significance were not initially included as part of Amendment C231 and were not exhibited. Therefore, it is not proposed to include them in this Amendment at this late stage.
135. While the recommendations of David Helms are noted, there are varying and contradictory views offered by at least three well-credentialed heritage experts - David Helms, GJM and Lovell Chen (who prepared a Heritage Impact Statement for the permit applicant). There is also well-researched material presented by submitters to consider.
136. Accordingly, further work is required but the matter cannot be progressed as part of this Amendment. It cannot be progressed because it was never part of this Amendment, it was not exhibited and the owner has not been given a reasonable opportunity to test the propositions in the context of a panel hearing noting that the recommendation came out of the C231 Panel. Therefore, officers are of the view that the issue would need to be pursued as part of a future planning scheme amendment. This would enable the proposal to be fully and properly considered through a public process.

**Individual HO for former Clifton Motors**

137. Since exhibition of Amendment C231, the Minister for Planning has approved Amendment C267 to the Yarra Planning Scheme which was prepared by Heritage Victoria (to reflect the place's inclusion on the Victorian Heritage Register – VHR). Amendment C267 removed the Former Clifton Motor Garage from HO330 and included it in its own Heritage Overlay HO480.
138. Amendment C231 had proposed to include the Former Clifton Motors in its own Heritage Overlay but that is no longer required and accordingly will not now form part of the Amendment. (The version of Appendix 8 accompanying this Amendment already includes HO480 created by Amendment C267. This matter was highlighted by Council officers at the Panel hearing.)
139. The other issue arising in relation to the Former Clifton Motor Garage is that Heritage Victoria only included the land at 205-211 Queens Parade in HO480. The land at 10-12 Dummett Crescent, 201-203 and 213-215 Queens Parade is in the same ownership but was not included in HO480 (see Map 7).
140. The exhibited Amendment (C231) proposed to remove 10-12 Dummett Crescent from HO330 and give it its own Heritage Overlay. However, this change will not be progressed as it is no longer necessary. The site will remain in HO330 along with the land at 201-203 and 213-215 Queens Parade. Council identified this in its submission to Panel and is noted in the Panel Report. The Heritage Overlay map has been amended to reflect this change.

*Map 7: Heritage Overlays - Clifton Motors*



### **Yarra High Streets - Statement of Significance**

141. As part of Amendment C231, an updated Statement of Significance was prepared for HO330 – Queens Parade.
142. Many submitters were concerned that text identifying the '*picturesque shop-row skyline, visible from across Queens Parade*' was absent from the exhibited version. The Panel considered these words are not required and may create unnecessary duplication between the Statement of Significance and Clause 22.02 provisions.
143. As highlighted in Council's submission to the Panel, *Yarra High Streets: Statements of Significance*, (a Reference Document) will be introduced by this Amendment. The version for adoption has been edited to remove references to Richmond. (The Richmond references were included because it was assumed that as Swan Street [Amendment C191] had been sent for authorisation prior to Queens Parade, Swan Street would proceed ahead of this Amendment [C231]. The Queens Parade Amendment proceeded ahead of Swan Street.) With each Amendment, additional Statements of Significance will be added to the reference document. Additionally, the Statements of Significance have been reformatted to comply with *Planning Practice Note 1 – Applying the Heritage Overlay*.
144. Currently all of Yarra's Statements of Significance are Reference Documents in the Planning Scheme. Amendment VC148 was approved on 31 July 2018 and introduced changes to the Heritage Overlay that require any new Statements of Significance to be included as Incorporated Documents. This Amendment [C231] was authorised on 30 July 2018 – before VC148. Accordingly, the VC148 changes were not exhibited as part of this Amendment. The *Yarra High Streets Statement of Significance* will now be included as an Incorporated Document to make it compliant with the current Planning Scheme Provisions.

### **Other administrative matters**

145. The third recommendation from the Panel was to correct the spelling of Raines Reserve (from 'Rains' to 'Raines') and correct the street numbering for the St John's Church complex in Appendix 8:
  - (a) officers have checked the spelling of Raines Reserve in the amendment documents and corrected the spelling of it in Appendix 8 (Refer Attachment 5 – Amendment documentation). The *Panel version of DDO16* includes the correct spelling of Raines Reserve; and
  - (b) street numbering for St John the Baptist Church was correct in Appendix 8; 61-87 Queens Parade. The Explanatory Report listed the number incorrectly. It was listed as 57-87 Queens Parade. This has been corrected.
146. It is proposed to change the description of the land at 137 Queens Parade in Appendix 8. When exhibited, Appendix 8 showed land at 137 Queens Parade as vacant. Since that time, apartments have been constructed on the land. Appendix 8 will be updated to reflect that change.
147. The maps for the DDO (Schedule 16) and the DDO planning scheme map show the Aquila apartments at 500 Brunswick Street included in the DDO. This property was included in the maps in error. The land is occupied by a relatively recent apartment development and is unlikely to be redeveloped in the foreseeable future. The DDO is not required over this property. The maps have been amended to remove this property.

### **Amendment C231 – Version for adoption**

148. A marked up version of the DDO showing the changes between the exhibition and the version for adoption has been included at Attachment 4.
149. In addition, Attachment 3 compares the exhibited amendment with the version of the amendment for adoption and sets out the reasons for each change. This is a further piece of prescribed information required under Section 31 of the Act.

### **External Consultation**

150. Officers wrote to all 414 submitters as well as land owners and occupiers in Precinct 4 and Precinct 5 to advise them of the two stage meeting process for consideration of Amendment C231.
151. Any person who wished to speak to the issue at the Council meeting in accordance with normal meeting procedure rules had the opportunity to do so at the 25 February 2020 Special Council Meeting. 31 speakers addressed Council at that meeting.
152. This Amendment has been the subject of substantial external consultation with residents, traders, land owners and occupiers, including exhibition of the Amendment, formal Council meetings, informal officer meetings with residents, landowners and community groups and the independent planning panel hearing.

### **Internal Consultation (One Yarra)**

153. There has been consultation with officers from statutory planning and with the Senior Advisor, City Heritage.

### **Financial Implications**

154. The financial costs of planning scheme amendments have been included in the budget of Council's City Strategy Branch in 2019/2020.

### **Economic Implications**

155. The Amendment may provide further stimulus to the retail precinct. No other economic implications are apparent.

### **Sustainability Implications**

156. There are no known sustainability implications relating to the Amendment. Specific ESD aspects of planning applications would be considered at the planning permit stage.

### **Social Implications**

157. There are no significant social implications. Approved planning provisions would provide certainty in relation to future development in the centre.

### **Human Rights Implications**

158. There are no known human rights implications.

### **Communications with CALD Communities Implications**

159. Public exhibition of the Amendment contained information for CALD communities including how to access translator services.

### **Council Plan, Strategy and Policy Implications**

160. The Amendment supports the following strategy in the Council Plan:
  - (a) *Manage change in Yarra's built form and activity centres through community engagement, land use planning and appropriate structure planning processes.*

### **Legal Implications**

161. The approach outlined in this report, including splitting the Amendment (outlined earlier) accords with the requirements of the *Planning and Environment Act 1987*.

### **Other Issues**

162. It is important that Council meets all the requirements of the *Planning and Environment Act 1987* to ensure natural justice to all parties and to maintain the integrity of the Amendment process.

### **Options**

163. Sections 27, 28 and 29 of the *Planning and Environment Act 1987* require that the Planning Authority (Council)

- (a) must consider the Panel's report; and can then either
- (b) abandon all or part of the amendment; or
- (c) adopt all or part of the amendment with or without changes.

164. Any changes to the *exhibited Amendment* must be justified in writing to the Minister for Planning.

### **Conclusion**

- 165. Council has received the report of the Independent Planning Panel in relation to Amendment C231. The Panel is generally supportive of the Amendment but recommends some changes.
- 166. Building heights in Precinct 4 are the most contentious issue. The Panel recommended mandatory heights of 10.5 metres (three storeys) in three of the four quadrants and 14 metres (four storeys) in Quadrant Four.
- 167. At a Special Council Meeting on 25 February 2020, 31 people addressed Council on the Panel Report and the officer report in accordance with normal meeting procedure rules.
- 168. A large number of speakers at the Special Council Meeting on 25 February 2020 urged the Council to consider dropping the height of the fourth quadrant to 10.5 metres on the basis that its characteristics were no different from those in the remaining three quadrants.
- 169. Officers recommend that the height of Quadrant Four remains at the four storeys as recommended by Panel as the lot sizes, fine grain architectural features, and streetscape consistency in this quadrant do vary from the other parts of Precinct 4. In addition, the DDO includes requirements that address residential interfaces to the rear in terms of building bulk and overshadowing.
- 170. Officers support the Panel's recommendation for three storeys in the remaining three quadrants but recommend a maximum building height of 11 metres rather than 10.5 metres because officers consider this to be a more workable building height for three storeys.
- 171. Council must now decide whether or not to adopt the Amendment, with or without changes.
- 172. Alternatively under the *Planning and Environment Act 1987*, Council could chose to abandon the Amendment or parts of the Amendment.

### **RECOMMENDATION**

- 1. That Council notes the officer report regarding Amendment C231 including the Panel Report and officer recommendations.
- 2. That Council resolve to determine to split Amendment C231 into two parts as shown in Map 1 of this report being:
  - (a) Part 1 – All land subject to Amendment C231 with the exception of 390A Queens Parade, and
  - (b) Part 2 – land relating to 390A Queens Parade.
- 3. That Council notes the rezoning of 245 Gold Street will be pursued through a separate planning scheme Amendment and advises the owner in writing;
- 4. That Council Adopts Amendment C231 (Parts 1 and 2) to the Yarra Planning Scheme in accordance with Section 29(1) of the *Planning and Environment Act 1987* with the changes set out in Attachment 3 and Attachment 4 to this report;
- 5. That Council submits the adopted Amendment C231 (Parts 1 and 2) to the Minister for Planning for approval, in accordance with Section 31(1) of the *Planning and Environment Act 1987*;
- 6. That Council submits the information prescribed under Section 31 of the *Planning and Environment Act 1987* with the adopted amendment, including:

- (a) the reasons why any recommendations of the Panel were not adopted as outlined in Attachment 1 of this report; and
  - (b) a description of and reasons for the changes made to Amendment C231 between exhibition and adoption as outlined in Attachment 3 of this report;
7. That Council delegates to the CEO the authority to finalise Amendment C231 (Parts 1 and 2), in accordance with Council's resolution, and to make any administrative changes required to correct errors, grammatical changes and map changes; and
8. That all submitters of Council's decision are advised of the Council determinations in relation to Amendment C231.

**CONTACT OFFICER:** Fiona van der Hoeven  
**TITLE:** Assistant Manager City Strategy  
**TEL:** 9205 5156

### **Attachments**

- 1** ⇨ Panel Recommendations and officer response
- 2** ⇨ 390A Queens Parade Heritage Review in response to Panel Report prepared by David Helms
- 3** ⇨ Table - Changes to the Amendment from exhibition to adoption
- 4** ⇨ Track change DDO from exhibition to adoption
- 5** ⇨ Amendment documentation for adoption

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## 11.2 Community Reference Group membership - former AMCOR site

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Reference: D20/36464

Authoriser: Director Planning and Place Making

### Purpose

1. For Council to endorse a change in the membership of the Community Reference Group (CRG). relating to the former Amcor site in Alphington.

### Background

2. The CRG was established in 2016 following Council's approval of the Alphington Paper Mill Development Plan in 2015.
3. The purpose of the group is set out in the CRG Terms of Reference, refer to **Attachment 1**.
4. The membership of the CRG comprises Langridge Ward Councillors and six community representatives. Council appoints representatives to the CRG.
5. The current membership of the CRG includes representatives from various community groups including APMAG, SAFCA, WARI and three community representatives being from the Alphington Primary School, Alphington Community House and the sporting clubs within the local area.

### Discussion

6. The membership of the CRG at the time of appointment reflected the key community groups and interests in the community. A representative from the Alphington Primary School (APS) was included on the CRG as the development, at that time, proposed a campus annex to the school. This is no longer a part of the development as the annex concept in this location was not supported by the State Government.
7. The other factor that has changed is that residents are now living in the first stages of the Yarra Bend development.
8. The discussions at the CRG meeting on 14 November 2019 considered whether the representation membership of the Group should be amended to reflect these changed circumstances. The recommendation of the CRG was to cease having a representative of the Alphington Primary School as a school annex was no longer part of the development and that a representative of the new residents should be included on the CRG. It was considered that issues concerning the school's development were no longer directly relevant to the CRG and its Terms of Reference and could be pursued directly by the school with Council.
9. The current school representative is accepting of this change, however, is seeking the coordination amongst the VSBA the school and Council regarding facilities, construction activities and traffic management at the Alphington Primary School site.
10. Council officers are supportive of the working with the School and VSBA and are considering the School's suggestion.
11. The Yarra Bend Townhouse Owners Corporation (from the new development) has put forward a nomination to the CRG for Council's consideration. This is outlined in the Confidential pages of the Council Agenda.
12. Other than this change the membership of the CRG would be remain the same.

### External Consultation

13. The CRG discussed the representation on the Group at its meeting on 14 November 2019. There has been no external consultation seeking nominations.

### **Internal Consultation (One Yarra)**

14. There has been no internal consultation as the CRG membership is specified in the Terms of Reference and are approved by Council.

### **Financial Implications**

15. There are no financial implications in this report.

### **Economic Implications**

16. There are no economic implications in this report.

### **Sustainability Implications**

17. There are no sustainability implications in this report.

### **Climate Emergency Implications**

18. There are no climate emergency implications in this report.

### **Social Implications**

19. Updating the representation on the CRG would continue the well-established mechanism for dialogue with the local community and would ensure that new residents living in the Yarra Bend development are represented and can contribute to the CRG as outlined in The Terms of Reference.

### **Human Rights Implications**

20. There are no apparent human rights implications.

### **Communications with CALD Communities Implications**

21. There are no apparent implications to CALD communities.

### **Council Plan, Strategy and Policy Implications**

22. The CRG will continue to support the involvement and consultation with the community regarding the matters in the terms of reference.

### **Legal Implications**

23. There are no legal implications.

### **Options**

24. Council can either approve or not approve the proposed changes to the CRG membership as outlined in the report.
25. Council also has the option of accepting the submitted nomination and directly appointing a representative of the new residents at the Yarra Bend development to the CRG, or undertake a public process seeking nominations from the new residents in the Yarra Bend development.

### **Conclusion**

26. The recommendation of the CRG is considered appropriate given the school campus is not proceeding and recognises that new residents are now living in the Yarra Bend development and have an interest in the further developments as envisaged in the approved Development Plan.
27. The inclusion of a representative from the new residents is consistent with the purpose of the CRG.
28. The nomination received from the Yarra Bend Townhouse Owners Corporation is considered suitable for appointment to the Amcor Community Reference Group.

**RECOMMENDATION**

1. That Council:
  - (a) appoint \_\_\_\_\_ to the former Amcor site Community Reference Group; and
  - (b) writes to the Alphington Primary School representative, thanking him for his participation and contribution to the Community Reference Group.

**CONTACT OFFICER:** David Walmsley  
**TITLE:** Manager City Strategy  
**TEL:** 9205 5350

**Attachments**

- 1⇒ Amcor Community Working Group - Terms of Reference
- 2 Nomination for member Amcor Community Reference Group - *Confidential*



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## 11.3 Zero Carbon in the Yarra Planning Scheme

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### Executive Summary

#### Purpose

To provide a report to Council on the options to transition towards zero carbon and highly sustainable future development through new Yarra Planning Scheme Provisions.

#### Key Issues

On 26 November 2019 Council resolved to investigate the process required to amend the Yarra Planning Scheme to require:

- (a) that all future developments in the City of Yarra have the highest possible environmental rating; and
- (b) the use of 100% renewable energy in both the construction phase of developments and in completed developments.

Council officers have investigated the process to amend the Yarra Planning Scheme to implement zero carbon planning policy as per the Council resolution dated 26 November 2019.

After examining relevant factors including a case study of the development of the current Environmentally Sustainable Development (ESD) policy, officers have identified a preferred approach towards the development of zero carbon planning policy.

The recommended approach includes working within established networks to formulate a voluntary zero carbon development framework, progress research into zero carbon standards and then to pursue a group planning scheme amendment with other councils.

Due to the long partnership with Council, the Council Alliance for Sustainable Built Environment (CASBE) and other interested member councils are logical partners to further explore this approach. Officers also note the importance of maintaining industry engagement throughout any move towards zero carbon development.

#### Financial Implications

There are no financial implications in receiving this report. Expenses would occur in any program to further ESD provisions.

#### PROPOSAL

That Council resolve to:

- (a) note the officer report investigating zero carbon development standards in the Yarra Planning Scheme; and
- (b) endorse Option 3 recommended in this report for officers to work with (Council Alliance for Sustainable Built Environment) and other interested councils to:
  - i. formulate a voluntary zero carbon development framework;
  - ii. progress research into zero carbon standards; and
  - iii. pursue a group planning scheme amendment with (Council Alliance for Sustainable Built Environment) and other Councils.

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## 11.3 Zero Carbon in the Yarra Planning Scheme

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Reference: D20/42197

Authoriser:

### Purpose

1. On 26 November 2019 Council resolved to investigate the process required to amend the Yarra Planning Scheme to require:
  - (a) that all future developments in the City of Yarra have the highest possible environmental rating; and
  - (b) the use of 100% renewable energy in both the construction phase of developments and in completed developments.
2. The purpose of this report is to provide recommendations to Council on the options to transition towards zero carbon and highly sustainable future development through new Yarra Planning Scheme provisions.

### Background

3. At the Council meeting on 26 November 2019 it was reported that 80% of carbon emissions in the City of Yarra come from stationary energy. The improvement of energy performance to transition towards zero carbon buildings through the planning process is one means to reduce the carbon footprint of the City of Yarra.
4. Improved energy performance of buildings has the potential to reduce stress on the electricity network, offer bill savings, improve health and resilience for households and businesses whilst transitioning towards a zero carbon built environment.
5. The reduction of carbon emissions to mitigate the effects of climate change is not a concern of Yarra alone, but of all local governments within Victoria. A cohesive state policy for zero carbon development may be a preferable outcome, however, at this point there remains little commentary on how the State Government would tackle such an issue. As noted by the C133 Planning Panel, which introduced the Environmentally Sustainable Development (ESD) policy:

*“... even if a State wide policy is introduced, local policies, may still be appropriate where municipalities seek to ‘raise the bar higher’ either in specific locations, or where the community has higher sustainability expectations.” (pg. 50)*

### Zero Carbon Standards

6. Some recent development applications have demonstrated that zero carbon is possible, although this is a limited number of all applications. Current zero carbon buildings however, do not usually include the energy and carbon emissions associated with the construction of the building. The focus is placed on the operational life of the building which emits the vast majority of the associated carbon emissions.
7. Zero carbon standards in the built environment have a consistent set of features across a range of international examples, governments and agencies. These elements are:
  - (a) high standard of energy efficiency;
  - (b) maximising onsite renewable energy generation (typically solar PV);
  - (c) long term off-site renewable energy purchasing, such as through power purchase agreements (PPAs); and
  - (d) various legal and contractual arrangements to ensure the standard is maintained over the life of the building.

8. Of these features, the reliance on ongoing power purchase agreements (PPAs) to deliver zero carbon standards is challenging for local government planning authorities, as they are longer than the traditional scope of statutory planning, into the ongoing operation of the building.
9. Best practice in ESD and zero carbon development standards are increasing over time, however, it is a relatively slow process.

#### Current Actions

10. In the draft local planning policy endorsed by Council in November 2019 as part of the re-write of the Yarra Plans Scheme, a climate change strategy included *Support zero carbon development and the offsetting of emissions from the existing built environment*. This is recognition of recent development applications (point 6 above). The strategy is currently written to 'support and advocate' for such development rather than as a 'requirement'.
11. Council is an active participant in strategic alliances and partnerships that operate within the sustainability and built environment sectors. These include the Council Alliance for Sustainable Built Environment (CASBE), the Yarra Energy Foundation (YEF) and the Northern Alliance for Greenhouse Action (NAGA).
12. CASBE and its member councils are currently undertaking work to deliver enhanced ESD outcomes to work towards the implementation of zero carbon planning policy.
13. The Built Environment Sustainability Scorecard (BESS) Governance Board within CASBE has developed the *'Front Runner'* scoring program over the last two years. The program works to build an evidence base to increase ESD standards supported by the existing ESD local policy and inform the work towards zero carbon. The program analyses BESS data and use standards achieved by market leaders to upgrade the minimum standard accepted as 'best practice'.
14. The BESS *'Front Runner'* scoring program would generate the evidence base to review and increase sustainability performance benchmarks through an industry-led approach.
15. Council officers have also conducted initial research to establish possible *pathways* to transition towards zero carbon buildings within Council's Environmentally Sustainable Development (ESD) program for private development proponents within the City of Yarra.

#### Amendment Process

16. The inclusion of zero carbon and increased ESD requirements in the Yarra Planning Scheme would require an amendment to the Planning Scheme.
17. Minister's Direction No.11 Strategic Assessments of Amendments, requires a planning authority to evaluate and discuss how an amendment addresses several strategic considerations. An amendment requires extensive evidence-based justification as well as a draft control (local policy) that is consistent with the State policy.
18. Council is unable to proceed to exhibition without 'authorisation' from the Minister for Planning. If strategic justification is lacking or there is inconsistency with the Victorian Planning Provisions, the Minister may not authorise the amendment.
19. The case study of the current ESD policy below sets out the difficulty in pursuing ESD amendments, which included a program of education and trialling with the development industry prior to an amendment to introduce planning controls.

#### Case study: development of the current ESD local policy

20. Council was successful in getting approval and support for the current ESD local policy after demonstrating a successful voluntary Sustainable Design Assessment in the Planning Process (SDAPP) program with the active participation of developers. The associated C133 Panel Report confirmed the role of ESD in the planning system noting that:

*"It is clear planning not only has a role to play in achieving sustainability outcomes, it also has a clear obligation to do so. There is clear strategic justification for the development of greater sustainability focus within planning schemes..."* (pg. 49)

21. The SDAPP program was trialled, refined and introduced on a voluntary basis over three years before the ESD local policy was drafted as a planning scheme amendment. All development applicants were participating in the SDAPP program before the ESD local policy was formalised.
22. The development of the SDAPP program and the ESD local policy involved extensive education and engagement with professionals such as architects, developers and engineers. It also required the development of education materials such as the IMAP Fact Sheets and the BESS tool with CASBE and its members.
23. The SDAPP program gave industry the chance to learn, develop their own ESD responses and for Council to refine and build an effective program. The program experience gave Council a very convincing submission to take to Panels Victoria for the ESD planning scheme amendment. Without the experience of the voluntary program, the amendment would have been unlikely to have gained support to progress and eventually be approved.
24. The amendment underwent extensive public exhibition for two months in 2013.
25. Following the planning scheme amendment process, the Minister for Planning approved amendments to introduce a new ESD local policy to the respective Planning Schemes: Banyule, Moreland, Port Phillip, Stonnington, Whitehorse and Yarra. The ESD local policy was gazetted on 19 November 2015 through the work of CASBE, Yarra and the other local governments, representing a significant planning policy reform.
26. A key factor to the success of the ESD local policy was the support of a collective approach with the initial six councils participating in the process together. Currently, 17 Victorian Councils have copied the same consistent ESD local policy into their planning scheme.
27. The resulting ESD local policy applies to both residential and non-residential development throughout the City of Yarra. Specifically, it requires development of two or more dwellings, or 100m<sup>2</sup> of non-residential area, to demonstrate 'best practice' in ESD.
28. The ESD Policy operates under the overarching objective that development;
 

*“Should achieve best practice in environmentally sustainable development from the design stage through to construction and operation.”*

Further objectives apply within the categories of energy performance, water resources, indoor environment quality, stormwater management, transport, waste management and urban ecology.
29. The Built Environment Sustainability Scorecard (BESS) is the tool through which the ESD local policy is currently implemented. BESS is utilised to complete ESD assessments for planning permit applications.
30. Higher ESD performance standards also apply to certain development in activity centres. These additional requirements are outlined in the activity centre specific Design and Development Overlay (DDO). Generally they require an 'Excellence' 70% BESS score which aligns to a five star green star rating called 'Australian Excellence'. Council developed this level as an additional standard to push leaders in the development industry. The 70% BESS Excellence standard has been successfully used in planning scheme amendments for DDOs and structure plans.
31. A State ESD provision is in development and in late 2020 or early 2021, is expected to be incorporated as a Victorian Planning Provision (VPP). There is limited information available as to the content and possible outcomes of the upcoming policy.

#### Actions of other Councils

32. The Councils of Melbourne and Moreland have commenced research into zero carbon standards and are taking the lead in CASBE.
33. The City of Moreland has recently considered a zero carbon planning scheme amendment. The research concluded that:

- (a) there is a strong need for the preparation of an ESD local policy 2.0 to transition towards zero carbon and increase ESD in the planning process;
- (b) before a planning scheme amendment can be drafted to increase ESD standards, significant research must be completed to build an evidence base; and
- (c) a group amendment with CASBE and interested member Councils should be pursued as a result of favourable experiences of undertaking the first ESD planning policy as a joint venture between 6 Councils, and also due to the benefit of shared costs.

Related actions undertaken by Council

34. The move towards zero carbon and the use of 100% renewable energy is consistent with Council's draft Climate Emergency Plan (CEP). The CEP identifies the acceleration of renewable energy, zero carbon buildings and efficient operations as strategic priorities into the future. In particular, it proposes an action (2.8) to:
- “Seek to transition towards zero-carbon buildings and precinct through the planning process by:*
- *Working with other partners (e.g Council Alliance for Sustainable Built Environment (CASBE) / the Inner Melbourne Action Plan (IMAP) to raise the standards for energy performance in the Sustainable Design in the Planning Process (SDAPP) Scheme (p30)”.*
35. Reducing the carbon footprint of the City of Yarra to transition towards zero carbon is a complex and multifaceted process which involves numerous areas of Council and the Council funded *Yarra Energy Foundation*. The planning process is just one area where a zero carbon transition can occur, as there are considerable carbon emissions from existing building stock and energy use behaviours that are not subject to planning requirements.
36. Council has a long history of environmental action and leadership as the first carbon neutral Council in Victoria (2012). Council delivers a range of carbon emission reduction projects, including:
- (a) purchasing 100% renewable electricity for all Council operations and continuing to achieve carbon neutral status;
  - (b) reducing Council's carbon emissions from 16,000 tCO<sub>2</sub>e in 2008/09 to 4,500 tCO<sub>2</sub>e in 2019;
  - (c) proposing to progressively transition Council buildings away from gas with 30 of 38 sites to be transitioned off in the next two years (subject to budget allocation) and the remaining, more complex sites (such as leisure centres and town halls) by 2030, as feasible;
  - (d) major street lighting upgrades to reduce energy use by approximately 60%; and
  - (e) substantial building upgrades across Council's facilities including solar panels, solar hot water, heat pump units and batteries.
37. Council's draft Climate Emergency Plan (CEP) sets objectives for Council's response to the climate emergency and identifies strategic priorities and actions over the next four years. The public consultation period recently closed and the plan is being finalised for further Council consideration in April.
38. Additionally, Council is undertaking a range of activities to progress sustainable practices within the built environment. In particular, Council is participating in several activities and collaborations with CASBE and other member Councils. This includes:
- (a) the CASBE ESD policy working group building the evidence base and program framework for a zero carbon program and a future planning scheme amendment;
  - (b) liaising with DELWP on planning scheme translation and the State ESD provisions; and
  - (c) BESS Governance Board membership, including evidence based standards improvement and software upgrades.

39. Council is also working with the development industry to engage and facilitate zero carbon leadership. Actions include:
- (a) industry engagement to discuss practical mechanisms to deliver zero carbon developments, including current proposed developments in Yarra and other parts of Australia;
  - (b) tracking the progress of industry leaders, including building a better understanding of how zero carbon development can be delivered;
  - (c) identification of key thresholds and viability indicators, such as scale and typology that may influence viable zero carbon pathways; and
  - (d) focus on understanding what legal agreements and mechanisms are effective at a planning stage, for accounting and reporting on off-site renewable energy power purchase agreements (PPAs).

#### **External Consultation**

40. No external consultation was undertaken in the preparation of this report.

#### **Internal Consultation (One Yarra)**

41. This report was prepared in collaboration with the Strategic Planning, Sustainability and Statutory Planning (ESD advisor) units of Council. Any further work in this space would involve all three units.

#### **Financial Implications**

42. There are no financial implications in receiving this report. Expenses would occur in any program to further ESD provisions.

#### **Economic Implications**

43. There are no economic implications.

#### **Sustainability Implications**

44. This report has assessed the pathway to move towards future zero carbon development through the Yarra Planning Scheme. If actions are pursued this would significantly increase sustainability outcomes through the planning process and increase environmentally sustainable development throughout Yarra.

#### **Climate Emergency Implications**

45. The report supports strategic priority two in the draft Climate Emergency Plan:  
*Accelerate renewable energy, zero carbon buildings and efficient operations.*

#### **Social Implications**

46. There are no anticipated social implications.

#### **Human Rights Implications**

47. There are no anticipated human rights implications.

#### **Communications with CALD Communities Implications**

48. There are no anticipated implications for communication with CALD Communities.

#### **Council Plan, Strategy and Policy Implications**

49. This report supports the following strategy in the Council Plan:  
*Lead in sustainable energy policy and deliver programs to promote carbon neutral initiatives for the municipality and maintain Council as a carbon neutral organisation.*

#### **Legal Implications**

50. There are no anticipated legal implications.

## Other Issues

51. There are no other issues.

## Options

52. There are three options in relation to this matter:

### Option 1

53. Do not proceed with further work to move towards zero carbon development.

A 'do nothing' approach is not recommended. A move towards zero carbon and the use of 100% renewable energy is consistent with Council's draft Climate Emergency Plan (CEP). The draft CEP identifies the acceleration of renewable energy, zero carbon buildings and efficient operations as strategic priorities into the future.

### Option 2

54. Pursue an amendment to the Yarra Planning Scheme to implement zero carbon development standards.

55. This option is not recommended. Before work on a planning scheme amendment could commence, additional actions would have to be undertaken to legitimise the need for zero carbon development provision in the Planning Scheme.

56. Yarra Council already deliver a large work program across the Strategic Planning, ESD and Sustainability units. Currently there are limited available resources to manage and implement such a long term project. Future zero carbon activities are not possible with the current resources allocated. It is important to consider the current ESD local planning policy took over five years of work before it was gazetted into the Yarra Planning Scheme.

### Option 3

57. Work with CASBE and other interested member Councils to establish a voluntary zero carbon development framework in the short term, and progress research into zero carbon standards and work towards a group planning scheme amendment to implement a new zero carbon local policy.

58. **This is the recommended option.** A group planning scheme amendment with CASBE and member Councils presents an opportunity for Council to act in collaboration and develop consistent zero carbon requirements across Victorian Councils. It is the most realistic and effective method to achieve a new zero carbon local policy whilst reducing costs and workload to Council.

59. Building on work already undertaken by Melbourne and Moreland Councils and CASBE, as well as sharing the remaining research and consultancy costs, would significantly reduce the cost and workload to Council. A partnership of this nature would allow the financial costs and resources to be shared, through co-funding a zero carbon local planning policy amendment.

60. This also provides greater opportunities for Council to actively engage industry throughout the process in working towards zero carbon planning policy within the Planning Scheme.

61. To inform the policy amendment, a voluntary zero carbon development framework could be established in 2020. This includes:

- (a) Defining, clear and consistent terminology, standards and assessment processes to evaluate what zero carbon actually involves;
- (b) supporting local leaders in the development industry who are pursuing zero carbon outcomes to inform the ESD program and a new zero carbon planning provision;
- (c) risk analysis and benefit cost analysis of zero carbon in built form;
- (d) engage actively with development applicants to build industry-wide understanding in how zero carbon can be practically achieved; and

- (e) work towards planning scheme provisions based on practical and viable zero carbon pathways.

62. It is important to note that current resources for progressing a voluntary zero carbon framework are limited and this work would require additional resources.

### Conclusion

63. Council officers have investigated the process to amend the Yarra Planning Scheme to implement zero carbon planning policy as per required in the Council resolution dated 26 November 2019.

64. There are 3 options:

- (a) Option 1: Do not pursue an amendment at this point in time;
- (b) Option 2: Progress a planning scheme amendment; or
- (c) Option 3: Formulate a voluntary zero carbon development framework, progress research into zero carbon standards and then pursue a group planning scheme amendment.

65. Council does not have the capacity to complete a zero carbon planning scheme amendment alone, this approach would be unlikely to succeed and is not recommended by officers. Due to the long partnership with Council and the nature of work they complete, CASBE and interested member councils are logical partners to further explore a group planning scheme amendment which would work towards implementing zero carbon standards in new development approvals.

66. Officers note the importance of maintaining industry engagement throughout any move towards zero carbon development and increased environmentally sustainable development.

67. Officers will continue implementing the range of zero carbon and sustainability actions as outlined in this report and work alongside industry and government to develop a range of practical, zero carbon and ESD provisions and standards.

### RECOMMENDATION

1. That Council:

- (a) note the officer report investigating zero carbon development standards in the Yarra Planning Scheme; and
- (b) endorse Option 3 recommended in this report for officers to work with (Council Alliance for Sustainable Built Environment) and other interested councils to:
  - (i) formulate a voluntary zero carbon development framework;
  - (ii) progress research into zero carbon standards; and
  - (iii) pursue a group planning scheme amendment with the (Council Alliance for Sustainable Built Environment) and other Councils.

**CONTACT OFFICER:** Kate Johnson  
**TITLE:** Strategic Planner  
**TEL:** 9205 5374

### Attachments

There are no attachments for this report.



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**11.4 Gleadell and Griffith Street Precinct Project**

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## Executive Summary

### Purpose

The purpose of this report is to seek Council's authorisation for community consultation to occur to seek feedback and ideas for the future design aspects of Gleadell and Griffith Streets Richmond.

### Key Issues

Some initial sketch design ideas are intended to be presented as part of the consultation. Feedback and responses would be invited on these as well as the community's thoughts and proposals on any other design options.

The *design ideas* have been developed in order to indicate what the implications are of different types of interventions in terms of practical changes and approximate costings. This information would assist the community in responding to references for future design proposals in these streets.

Following feedback, functional layout designs would be prepared for further Council consideration seeking consent to develop these into concept designs for a further round of consultation.

### Financial Implications

Costs associated with undertaking the community consultation would be met through the current 2019/2020 capital works budget for this project.

All of the high level design work, feasibility and background research has been and would continue to be undertaken in house by Council staff except for the traffic studies where external consultants would be engaged and funding met through the City Strategy budget.

Once the preferred *functional design* options have been approved by Council, then external consultants would be engaged to undertake concept design, detailed design and tender documentation. A capital works bid for consideration has been prepared for 2020/2021 to progress these designs; this cost would depend on the level of change that is proposed following the initial consultation process.

### PROPOSAL

The intended anticipated timelines for consultation include:

- Late March/April 2020 – Public consultation;
- May 2020 – Internal development of functional layout options;
- July 2020 – Council report on functional layout options;
- August / October 2020 – Engagement of external consultants to develop concept design; and
- November 2020 – Community consultation on concept design and review of consultation feedback.

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## 11.4 Gleadell and Griffith Street Precinct Project

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Reference: D20/19723  
Authoriser: Director Planning and Place Making

### Purpose

1. To seek Council's authorisation for community consultation to occur in to seek feedback and ideas for the future design aspects of Gleadell and Griffith Streets

### Background



Figure 1: Study Area

2. Council adopted an *Urban Design Framework* for the Richmond Town Hall precinct in 2007.
3. More recently, the adopted *Bridge Road Streetscape Master Plan 2017* identifies the precinct around the Richmond Town Hall including Gleadell and Griffiths Streets as the focus for a civic heart, centred around the iconic town hall, civic and institutional uses with opportunities to enhance and improve the streetscapes.
4. This project arose from the master plan, as well as community and Councillors interest to upgrade the streetscape as well as capital works funding in 2019/2020 to progress the feasibility work.

5. This report addresses Gleadell and Griffiths Street streetscapes. The Richmond Town Hall forecourt project is subject to a separate design project and a report has previously been presented and is now in the process of community consultation.
6. The streets currently prioritise vehicular movement and car parking, provide limited amenity for pedestrians and cyclists, and provide poor tree canopy cover. The streets are not designed to provide a civic space nor do they respond to recent policy initiatives such as the *Urban Forest Strategy*, and the *Climate Emergency Plan*.
7. The key existing characteristics for the precinct area are:
  - (a) located within the broader Bridge Road Major Activity Centre;
  - (b) a clustering of recreation, education and civic/community facilities;
  - (c) number of different stakeholders with competing needs;
  - (d) a high level of community engagement;
  - (e) the weekly Saturday Gleadell Street Market;
  - (f) streetscapes prioritised for vehicles and car parking; and
  - (g) streets used as a thoroughfare or link to adjacent schools or institutions.
8. Key issues for the precinct include:
  - (a) a 'business as usual' in the function and design of the streets;
  - (b) lack of trees, shade and heat mitigation;
  - (c) no contribution to biodiversity;
  - (d) expansive areas of hard non-permeable surfaces that store and radiate heat;
  - (e) all storm water channelled into drains;
  - (f) lack of identity and character, to reflect on this important location in the heart of Richmond;
  - (g) poor pedestrian amenity with car overhangs protruding over the footpath, creating narrow pedestrian paths;
  - (h) sections of footpaths too narrow to comply with relevant Australian Standards;
  - (i) no/minor amenities such as seating;
  - (j) poor integration with Citizen's Park;
  - (k) non-compliant access steps to Citizens Park from Gleadell Street;
  - (l) lack of formalised pedestrian crossing points in both streets. (NB the raised "wombat crossing" on Gleadell Street was constructed in 2018);
  - (m) 90° angled parking poses some safety concern for cyclists;
  - (n) inconsistent and poor quality interfaces (fences and car parking) with Gleadell Street;
  - (o) poor pedestrian lighting, existing lights focused on vehicle lanes; and
  - (p) competing demands for car parking during peak times (e.g. Gleadell Street Market, Richmond Recreation Centre, sporting clubs and Neuma Church).



Figure 2: Existing Conditions Gleadell Street



Figure 3: Existing Conditions Griffiths Street

### Background Study and Investigations

9. A *Heat Mapping Study* (Figure 4) was undertaken of the two streets which shows:
  - (a) spatial heat mappings of *Universal Thermal Climate Index* (UTCI) was undertaken that accounts only for MRT (Mean Radiant Temperature) as it relates to the human comfort;
    - (i) UTCI mapping at 5PM on an average day in summer (15th January) using published weather statistics that is within the typical summer week.
    - (ii) the mappings generated illustrate the spatial effect of sun/shade on comfort - a key driver of outdoor comfort during the daytime.
    - (iii) thermal comfort analysis was sampled 1.1m above ground level and the expressed as a “feels like” temperature incorporating wind, relative humidity and radiant heat in a simplified model of the urban environment.
  - (b) based on the results from the *Heat Mapping*, Gleadell and Griffiths Streets are identified as hot spots, with the need for trees to be planted along the streets to contribute to mitigating the impact of the *Urban Heat Island Effect* and improve the micro-climate to encourage active transport usage in the precinct and a more comfortable environment for people.
10. Urban Design in collaboration with Council’s traffic engineers investigated traffic solutions such as full and partial closures of Gleadell Street. Due to requirements such as pick-up/drop-off, loading, DDA and emergency vehicle access these were deemed not feasible.
11. *Design ideas* were then explored to form the basis for the community consultation. These are ideas only, that provide the community with an indication of the level of change that is required in regards to make improvements to the street for items including but not limited to:
  - (a) greening through canopy tree plantings;
  - (b) pedestrian priority through shared zones and/or widened footpaths;
  - (c) section of one way traffic movement;
  - (d) traffic control measures; and
  - (e) changes to parking provision.

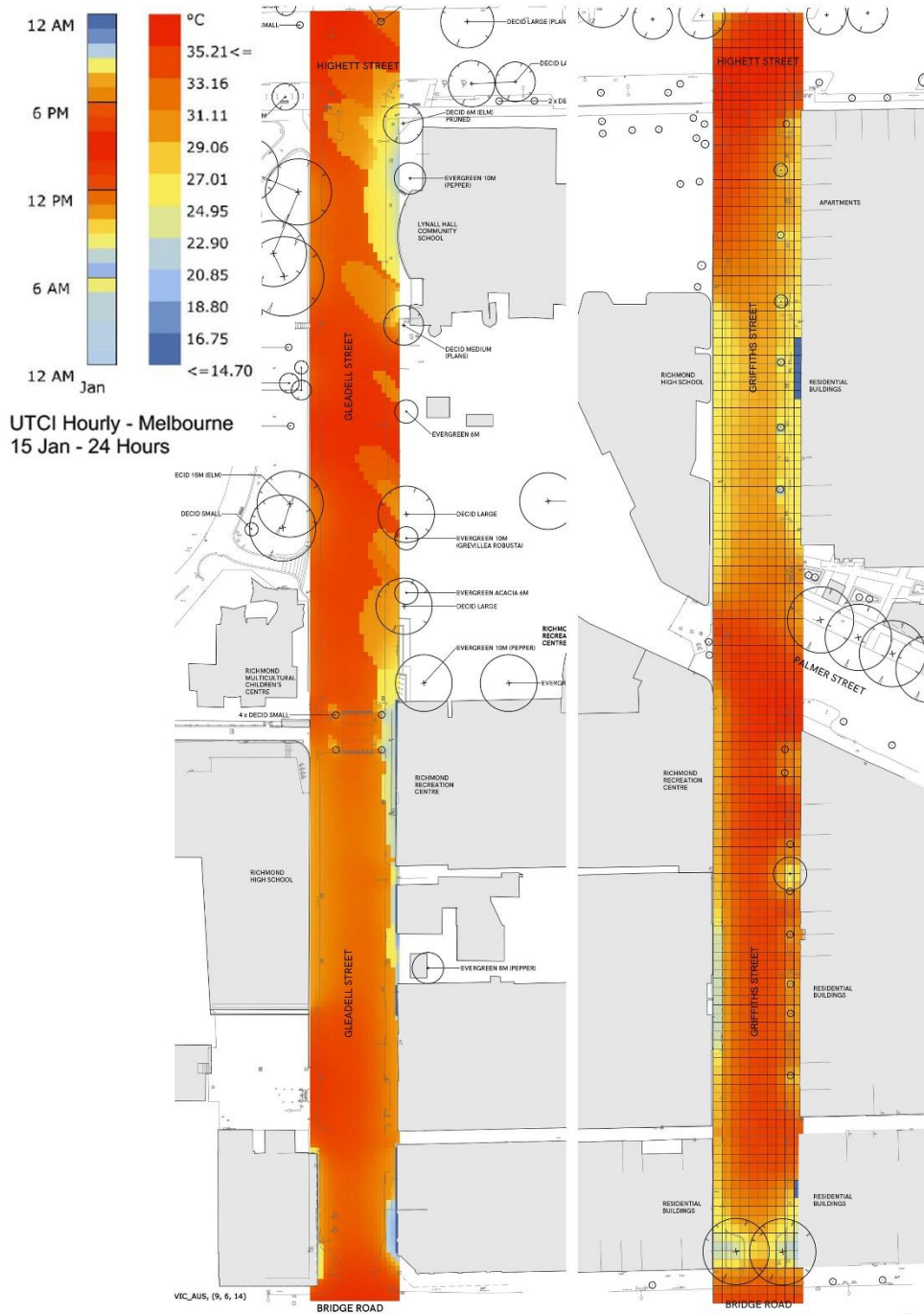


Figure 4: Heat Map (Emergent Studios, 2019)

**Project Methodology**

- 12. The vision for the streets is based on the aspirations set out in the endorsed *Bridge Road Streetscape Master Plan* while also linking to Council’s policies and plans (including the *Urban Forest Strategy* and the draft *Climate Emergency Plan* which has recently been on exhibition seeking community comment).
- 13. Gleadell Street has been considered as warranting the greatest level of transformation due to the high number of key destinations, while Griffiths Street is secondary with predominantly residential uses and a less civic function.
- 14. Building upon this vision, six design principles were developed:
  - (a) improve the streetscape character and identity;

- (b) prioritise pedestrian and bicycle users;
  - (c) maximise street tree planting;
  - (d) maintain access to existing activities and institutions;
  - (e) flexible and adaptable space for the Gleadell Street Market and events; and
  - (f) additional space priority and efficient use of space.
15. The Urban Design unit in collaboration with Council’s traffic engineers, investigated traffic solutions.
  16. As an aesthetic design tool the concept of creating strong lines of canopy trees along the streets to strengthen the cohesiveness and streetscape character was used as the overarching structure for the design ideas.
  17. The concept of strong lines of canopy trees, would create elegant avenues once mature, reflecting on the locations within the civic heart of Yarra. They would also assist in the mitigation of the urban heat island effect and strengthen the climate change resilience.
  18. The purpose of the *design ideas* are to interrogate different levels of intervention and the resulting implications in terms of cost, trade-offs between car parking and improving streetscape safety and amenity. Two ideas for Gleadell Street and one for Griffiths Street are presented to stimulate discussion and to encourage comments and proposals from the community.
  19. The options have assisted in gaining an understanding of the many implications and trade-offs and their interrelationships within the streets.
  20. Design detail considerations such as materials, landscaping, tree species, drainage (including WSUD opportunities), furniture and fixtures (bicycle hoops, seating, drink fountains etc.) are yet to be investigated. Car parking, including the allocation of DDA, short term, loading and potential car share spaces are indicative only and subject to further consultation.
  21. The design refinement stage would occur after the first stage of consultation and engagement and would be subject to extensive review across relevant internal Council Units.

## External Consultation

### Consultation to Date

22. Preliminary stakeholder conversations were undertaken in October and November 2019. The primary purpose being to build rapport and gather information about how the stakeholders and its users/visitors use the streets and any potential future changes to their usage or operations. No design options were presented or discussed. External stakeholder engagement meetings were held with:
  - (a) A Thousand Blessings (café, opposite north end of Gleadell Street);
  - (b) Australia Post;
  - (c) Neuma Church (formerly Bridge Church);
  - (d) Gleadell Street Market;
  - (e) Jaques Apartments Body Corporate;
  - (f) Jaques Businesses (Frankie’s Salon and The Richmond Dentist);
  - (g) Leo Berry’s Boxing Gym;
  - (h) Lynall Hall Community School;
  - (i) NAB;
  - (j) Richmond Harriers Athletic Club;
  - (k) Richmond Multicultural Children’s Centre;
  - (l) Richmond Union Bowls Club;

- (m) Richmond Union Cricket Club;
  - (n) Royal Flying Doctors; and
  - (o) Yarra Energy Foundation (as occupants of the former Richmond Police Station).
23. The following were approached, however, declined or for other reasons were unable to engage with Council before finalising this report:
- (a) Barbeques Galore;
  - (b) Bridge Road Traders Association;
  - (c) LEGS (*Let's Enhance Gleadell Street* have had extensive conversations with Council staff over the 12 months, refer to item 25 for further details and comments related the current discussions and consultation held with and ongoing with LEGS); and
  - (d) Richmond High School.
24. The Urban Design unit met with each group separately to discuss how the streets operate and function, opportunities and issues. All information gathered that was outside the scope of this project was fed through to relevant Council teams. It is noted that:
- (a) most respondents appreciated the complexity of the area and the need to balance priorities; and
  - (b) most respondents noted concerns over any potential loss of car parking.
25. LEGS Association Incorporated is a passionate local group, advocating for Gleadell Street to be a *"shared community space... a civic hub where people meet every day"*:
- (a) recently incorporated, with the intent to *"lobby government and Council more effectively, arrange events and seek funding for improving open space for people"*. They are strong supporters of the Saturday Gleadell Street Market, and in the absence of a unified voice from stall holders, wish to advocate on the market's behalf. They are very active and are led by a President and, a Vice President;
  - (b) recent activities by LEGS include running community stalls, market advertising, website and social media and applying for grants;
  - (c) in a bid to better understand Council operations, and where they might have greater traction, LEGS have met with around a dozen Council officers, across various divisions, some multiple times; and
  - (d) it has been expressed to LEGS that their passion for the area is welcomed, but that Council officers must be impartial and adhere to Yarra's Community Engagement Policy when engaging with all stakeholders.

#### Proposed Consultation

26. A detailed *Engagement Plan (Attachment One)* has been developed in collaboration with the Communications team.
27. The purpose of this engagement is to understand the community's aspirations, preferences and priorities in relation to potential streetscape upgrades to Gleadell Street and Griffiths Street Richmond.
28. The objectives of the engagement include:
- a) communications that are effective and encourage engagement with residents, businesses, community organisations and service providers, and other stakeholders identified as interested, or impacted by changes to Gleadell Street and Griffiths Street;
  - b) engagement methods that allow participants to identify challenges, opportunities and priorities and aspirations for Gleadell Street and Griffiths Street;
  - c) that participants understand how their input will inform a draft concept design for Gleadell Street and Griffiths Street;

- d) that participants are informed of the project scope and negotiables and non negotiables for the project;
  - e) that participants are aware of the project stages and timelines and kept informed of the next steps; and
  - f) that participants are informed at all stages of how their input has influenced future streetscape planning of Gleadell Street and Griffiths Street.
29. Over 30 stakeholders have been identified and would be directly targeted throughout the consultation. This would include community and advocacy groups, businesses and traders.
30. A three stage engagement plan has been prepared of which Stage 1 is complete:
- (a) Stage 2 would test ideas with the community;
  - (b) Stage 3 would be the development of a draft concept plan informed by the outcomes of Stage 2 and would form part of a future engagement process;
31. Communication tools include a wide range of channels to ensure that stakeholders and the wider community are aware of the opportunity to contribute to the project.

### **Internal Consultation (One Yarra)**

32. A series of internal collaborative workshops with Council officers to discuss the issues and opportunities have occurred. Workshops were broadly themed around three topics, with attendance from the following units:
- (a) *Meeting 1 - Integrated Transport*,
    - (i) Strategic Transport and Traffic.
  - (b) *Meeting 2 - Climate Resilience*;
    - (i) City Works & Assets, Engineering Services, Open Space, Sustainability, Streetscapes & Natural Values; and
  - (c) *Meeting 3 – Local Community & Economy*;
    - (i) Arts and Culture & Leisure and Recreation.
33. In addition to collaborative workshops, one-on-one meetings have been held with Building Projects, Compliance and Parking and Open Space. These were held to ensure that all views were captured and considered.

### **Summary of Design Ideas**

34. The design ideas (Attachments Two, Three and Four) reflect the input of internal stakeholder engagement workshops. This includes two ideas for Gleadell Street and one idea for Griffiths Street.
35. Two ideas for Gleadell Street are presented both with very different budget and parking implications. The higher cost idea provides an outcome that is more in line with the aspirations of the Bridge Road Streetscape Master Plan as well as the current thinking of the LEGS group and some of the feedback requesting pedestrianised spaces for gathering and events.
36. The second idea for Gleadell Street is a more economical proposal still providing a much improved and pedestrianised environment.
37. There are a range of other more ‘pared back’ options with different financial and functional implications that can be investigated and pursued dependant upon the feedback from the community and Council direction and budget affordability.
38. Overarching proposals for both streets include:
- (a) safe pedestrian and bicycle environment;
  - (b) addresses relevant policies and plans;



- (c) parallel parking in lieu of angle parking, where feasible;
- (d) maximise street tree planting to improve streetscape character and address climate change; and
- (e) maintain access.

**Gleadell Street Design Idea 1 (Attachment Two)**

39. This option proposes a major streetscape transformation into a public space, creating a pedestrian friendly and walkable environment for all users, a space that could be used for events, recreation and temporary activation such as removable furniture elements to allow for market operation. In this option, the key outcomes include:
- (a) linear public space with high quality surface materials;
  - (b) shared zone for pedestrians and bicycle users, improved safety;
  - (c) one way north to south between Highett and Neuma Church car park. Two way from Bridge Road to Neuma Church car park allowing access to properties and emergency access;
  - (d) parallel parking spaces (including drop-off/pick-up, DDA parking and loading);
  - (e) temporary traffic control measures for Gleadell Street Market and other closures;
  - (f) extensive street tree planting utilising 'structural cells' (in the ground) to maximise canopy cover and address issues of climate change;
  - (g) major infrastructure upgrades including lighting and the undergrounding of power;
  - (h) potential to integrate and expand the park interface into the street; and
  - (i) trade-off in major loss of parking and high implementation costs (*estimated reduction of approximately 90 car parks and cost estimate of construction at \$9.5million*).

**Gleadell Street Design Idea 2 (Attachment Three)**

40. With this option, streetscape improvement would create a wide pedestrian friendly link to Citizens Park, with opportunity for street furniture and potential for events and temporary activation such as removable furniture elements to allow for market operation. The key outcomes would include:
- (a) maintain two way between Highett Street and Bridge Road;
  - (b) parallel parking spaces (including drop-off/pick-up, DDA parking and loading);
  - (c) speed reduction, improved bicycle environment;
  - (d) raised pedestrian thresholds for priority crossings at intersections;
  - (e) widening of footpath outside the Recreation Centre;
  - (f) extensive street tree planting to address issues of climate change;
  - (g) minor infrastructure upgrades including lighting;
  - (h) potential to integrate and expand park interface into street; and
  - (i) trade-off in medium loss of parking and medium implementation costs (*estimated reduction of approximately 65 car parks and cost estimate of construction at \$2.7million*).

**Griffiths Street Design Idea 3 (Attachment Four)**

41. In this option, streetscape improvement would create a pedestrian friendly environment, with improved bicycle infrastructure to key institutions. The southern portion would be maintained as parking priority. The key outcomes would include:
- (a) one way between Highett Street and Palmer Street with parallel parking on both sides;
  - (b) two way between Palmer St and Bridge Road, with parallel and angle parking;

- (c) raised pedestrian thresholds for priority crossings at main intersections;
- (d) extensive street tree planting to address issues of climate change;
- (e) minor infrastructure upgrades including lighting;
- (f) safe bicycle connection between Highett Street and Palmer Street, linking to strategic cycling network; and
- (g) trade-off in medium loss of parking and medium implementation costs (*estimated reduction of approximately 50 car parks and cost estimate of construction at \$1.7million*).

### **Financial Implications**

- 42. Costs associated with undertaking the community consultation would be met through the current 2019/20 budget for this project.
- 43. A capital works bid has been prepared for consideration in 2020/21 to progress the design ideas to concept and detailed design stages. The cost would be dependent on the level of works proposed.

### **Economic Implications**

- 44. If implemented the streetscape improvements would provide high quality environments and improved footpaths, trees and places for people to sit. This would support the vitality of Bridge Road, attract more visitors and encourage people to spend more time in the area, in turn benefitting the local economy.
- 45. Gleadell Street Market would be enhanced with improved streetscape amenities that would assist in increasing the patronage and would be a space that could potentially be used for events (functional requirements for the market such as vehicle access, loading and cleansing would be resolved in the concept and detailed design phase).

### **Sustainability Implications**

- 46. Increased tree canopy cover would assist in the mitigation of the urban heat island effect resulting in cooler streets and contribution to mitigating climate change and create a more pleasant local environment.
- 47. Flood mitigation and permeable surfaces, would contribute to reduce the effect of localised flooding to adjacent buildings and moisture in the ground.
- 48. Wind mitigation, additional trees would reduce wind corridor effects along the streets.

### **Social Implications**

- 49. New and improved public spaces is important with a rapidly growing city, new high density residential developments, the various abutting land uses and the Richmond High School building towards its full capacity.

### **Human Rights Implications**

- 50. There are no identified human rights implications from the proposed project.
- 51. Universal design principles would be underpinning the future design of the streetscape to ensure best practice design is implemented for persons of all movement abilities.

### **Communications with CALD Communities Implications**

- 52. During the consultation phase, Council's website and all information distributed within the community would provide contact numbers for interpreter services for the CALD community seeking information/clarification.

### **Council Plan, Strategy and Policy Implications**

- 53. The project is an initiative drawn from the adopted *Urban Design Framework (2007) (UDF)*, the *Bridge Road Streetscape Master Plan (2017)* and place making principles.

54. A key outcome from the Master Plan is; *“Place making to establish a civic hub along Gleadell Street to support community and institutional uses”*.
55. It is also noted that other feedback and community concerns from the public consultation on the Master Plan also indicates different objectives such as:
  - (a) *“Positive feedback on key recommendations relating to street greening and creation of pause points”*;
  - (b) *‘Access and connection objectives should have a focus on improving universal access’*; and
  - (c) *‘Concerns regarding the loss of car parking’*.
56. The project also aligns with the overarching *Council Plan (2017-2021)* that supports the following strategy points:
  - 5.1: *“Maintain and strengthen the vibrancy and local identity of retail and commercial precincts”*. It also supports the following strategies:
    - 2.1 *“Build resilience by providing opportunities and places for people to meet, be involved in and connect with their community”* and
    - 2.4 *“Acknowledge and celebrate our diversity and people from all cultural backgrounds”*.
57. The project is consistent with the *Yarra Urban Design Strategy (2011)* which advocates for a quality public realm in Yarra, universal access, social interaction and walkability.
58. The project also aligns with the *Urban Forest Strategy (2017)*, to increase tree canopy cover to mitigate the urban heat island effect and help to further enhance Yarra's liveability. It also is consistent with the draft *Climate Emergency Plan*.
59. The project would also incorporate green infrastructure elements such as WSUD principles where possible, in line with the *Embedding Green Infrastructure Best Practice Toolkit*. This would assist in mitigating climate change and the project would also strive to be a flagship project within Yarra to set the precedence for future planning applications and private sector developments.

### **Legal Implications**

60. No legal implications are identified.

### **Other Issues**

61. The design ideas presented for Gleadell Street show two quite different design outcomes for the street while the idea presented for Griffiths Street is considered the most cost effective and practical option.
62. The design ideas can be reconfigured following consultation and combined with higher or lesser change to the current streetscape function which currently primarily operates as traffic flow and linear car parks.
63. Improvements along the full length of Gleadell Street should be considered while the southern section of Griffiths Street could have less intervention and still maintain its main current function including on street carparking.
64. Potential staging of works could minimise disruption and ensure ongoing operation of key facilities and uses.
65. The Richmond Quarter (former Coles Plaza) redevelopment (including Coles car park) is anticipated to be operating by 2021.

### **Conclusion**

66. Gleadell and Griffiths Streets have been identified as streets that would vastly benefit from significant streetscape upgrades in a place making sense, with designs that can also address issues of climate change through canopy tree plantings.

67. Considerable feasibility and research has been undertaken and some design ideas for these streets have been developed to stimulate and encourage community discussion.
68. Undertaking community engagement in late March/April 2020 would determine what the wider community see as the future options and desired outcomes for the two streets. Following this feedback, internal development and refinement of the design ideas would progress. Further public consultation on the concept designs would occur at a later date.
69. A capital works funding bid has been prepared for consideration in 2020/21 for concept and detailed design work for both of these streets.

## **RECOMMENDATION**

1. That Council;
  - (a) note the previous strategic work that has identified desirable improvements to Gleadell and Griffith Streets, including The Richmond Town Hall Urban Design Framework and the Bridge Road Streetscape Masterplan;
  - (b) note the officer report regarding the design ideas and community engagement proposal for improvements to Gleadell Street and Griffiths Street;
  - (c) note that background research and consultation has been used in preparing the design ideas for Gleadell Street and Griffith Street;
  - (d) note the progress of the Gleadell and Griffith Streets work to date;
  - (e) note the site extent of the project; and
  - (f) authorise the design ideas to go to the first stage of a community engagement process in late March /April 2020 to obtain feedback from the community and stakeholders on the ideas for the two streets.
2. That following the community consultation, officers consider the feedback as appropriate would be used to develop functional layout design concepts and present back to Council for consideration.

**CONTACT OFFICER:** Christian Lundh  
**TITLE:** Landscape and Urban Designer  
**TEL:** 9205 5736

## **Attachments**

- 1 [↔](#) Engagement Plan
- 2 [↔](#) Gleadell Street - Design Idea 01
- 3 [↔](#) Gleadell Street - Design Idea 02
- 4 [↔](#) Griffiths Street - Design Idea 03

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## 11.5 Proposed Discontinuance of Roads abutting 53-77 Burnley Street, Richmond.

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Reference: D20/29033

Authoriser: Director Corporate, Business and Finance

### Purpose

1. This report seeks Council's authority to remove the roads abutting 53-77 Burnley Street, Richmond (Roads) from Council's Register of Public Roads pursuant to section 17(4) of the *Road Management Act 2004* (RMA) and commence statutory procedures pursuant to the *Local Government Act 1989* (Act), to consider discontinuing the Roads.

### Background

2. The Roads are comprised of the whole of the land contained in Conveyance Book 227 No. 672 and shown as lot 1 on the title plan attached as **Attachment One** to this report (Burnley Street Road) and shown as the area highlighted purple on the plan attached as **Attachment Two** to this report (Site Plan) and part of the land contained in certificate of title volume 9214 folio 439 and shown as lot 1 on the title plan attached as **Attachment Three** to this report (Doonside Street Road) and shown as the area highlighted red on the Site Plan.
3. Vicinity Manager Pty Ltd (Owner) is the registered proprietor of all the properties which abut the Roads, shown delineated blue on the Site Plan, and being, 620 Victoria Street, 53 Burnley Street, 61 Burnley Street, 65 Burnley Street, 67 Burnley Street, 77-79 Burnley Street, and 1-9 Doonside Street, together the (Owner's Properties).
4. The ownership structure of the Owner is as follows:
  - (a) the Owner is the trustee of the Victoria Gardens Retail Trust;
  - (b) the unitholders (in equal shares) are the Victoria Gardens Trust No. 1 and the Victoria Gardens Trust No. 2;
  - (c) both the Victoria Gardens Trust No.1 and the Victoria Gardens Trust No. 2 are held equally by Vicinity Centres Trust and the Victoria Gardens Property Trust;
  - (d) Vicinity Centres Trust is part of the publicly listed Vicinity limited; and
  - (e) the sole beneficiary of the Victoria Gardens Property Trust is Taras Nomines Pty Ltd, which is ultimately owned by Salvatore (Sam) John Tarascio.
5. The Owner has requested that Council discontinue the Roads and sell the Roads to the Owner (Proposal).
6. The Owner has agreed to pay Council's costs and disbursements associated with proposed discontinuance of the Roads, together with the market value of the roads, as determined by the Act, for the transfer of the discontinued Roads to the Owner.

### Road Status

7. The Burnley Street Road is:
  - (a) known to title as a 'road' and is registered in the name of John Cornish dated 14 March 1873.
  - (b) constructed of concrete;
  - (c) partially obstructed by a chain; and
  - (d) listed on Council's register of Public Roads.
8. The Doonside Street Road is:
  - (a) known to title as a 'road' and is registered in the name of Finklands Nominees Pty Ltd dated 31 March 1981;

- (b) constructed in bitumen and gravel;
  - (c) partially obstructed by a gate approximately 35 metres from its entrance at Doonside Street; and
  - (d) listed on Council's register of Public Roads.
9. The Roads are 'roads' for the purposes of the Act. Council has the power to consider discontinuing the Roads. If discontinued the Roads will vest in Council.
10. A copy of the original subdivision showing the Roads is attached as **Attachment Four** to this report.
11. Site Inspections of the Roads were conducted by Veris Australia Pty Ltd on 10 December 2019.

#### Site Inspection

12. The site inspection report for the Burnley Street Road notes that:
- (a) the Burnley Street Road is constructed in concrete;
  - (b) access to the Burnley Street Road from Burnley Street is obstructed by a metal chain across the entrance to the Burnley Street Road; and
  - (c) the Burnley Street Road only provides access to the Owner's Property at 53 Burnley Street.
13. The site inspection report for the Doonside Street Road notes that:
- (a) the Doonside Street Road is constructed in bitumen and gravel;
  - (b) access to the Doonside Street, Road from Doonside Street is obstructed by a gate approximately 35 metres from the entrance to the Doonside Street road.
  - (c) the Doonside Street, Road only provides access to 53, 61, 65, 67 and 77-79 Burnley Street; and
  - (d) the Doonside Street, Road is not required for public use on the basis that the Owner owns all adjoining properties.
14. Copies of the site inspection reports are attached as **Attachments Five and Six** to this report.

#### Removal of Roads from Council's Register of Public Roads

15. It is considered that the Burnley Street, Road is no longer reasonably required for general public use pursuant to section 17(4) of the RMA as the Burnley Street, Road:
- (a) only provides access to the rear of the Owner's Property at 53 Burnley Street;
  - (b) is not available for vehicular access by the public due to a chain obstructing its entrance from Burnley Street;
  - (c) is a dead end and does not provide any public access to any other public road as a thoroughfare.
16. It is considered that the Doonside Street, Road is no longer reasonably required for general public use pursuant to section 17(4) of the RMA as the Doonside Street, Road:
- (a) only provides access to the Owner's Properties at 1-9 Doonside Street and 53, 61, 65, 67 and 77-79 Burnley Street; and
  - (b) does not provide public access to any other public road as a thoroughfare as the Doonside Street, Road is obstructed by a gate approximately 35 metres from its entrance.

#### Adjoining Owners

17. There are no Adjoining Owners as the Owner is the owner of all properties abutting the Roads.

### Statutory/Public Authorities

18. 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 Roads which should be saved under section 207C of the Act: City West Water, Melbourne Water, CitiPower, United Energy, Multinet Gas, Telstra, Optus, APA Gas, AusNet Services; and Yarra City Council.
19. Council, Ausnet Services, Melbourne Water, CitiPower, United Energy, Multinet Gas and Optus have advised that they have no assets in or above the Roads and no objection to the Proposal.
20. APA Gas responded on three occasions, firstly they advised that it objected to the discontinuance and sale of the Doonside Street, Road only, on the basis that it has gas main infrastructure located within the Road, APA Gas then advised that it no longer objected to the proposal provided that an easement was created in its favour on the title plan for the Doonside Street Road. Finally, APA Gas advised that the gas infrastructure located within the Doonside Street, Road had been abandoned and that it no longer requires an easement.
21. City West Water advised that it has sewer assets in both Roads. However, did not object to the Proposal subject to the following conditions:
  - (a) a 2 metre wide sewerage easement is created over the sewer main located in the Roads in favour of City West Water;
  - (b) any proposed fences must be located a minimum distance of 800mm clear of the centreline of the existing sewer mains;
  - (c) any proposed fence lines must be located a minimum of 1 metre from sewer manholes and/or inspection shafts; and
  - (d) any proposal to build over City West Water assets requires City West Water's prior written consent.
22. Telstra advised that it has assets located in the vicinity of the Roads, and no objection to the Proposal, provided that the Owner, calls Dial-Before-You-Dig for a detailed site plan to establish the exact location of Telstra assets and pays Telstra's costs for any relocation of Telstra's assets.

### Public Notice

23. Before proceeding with the discontinuance, Council must give public notice of the Proposal in accordance with section 223 of the Act. The Act provides that a person may, within 28 days of the date of publication of the public notice, lodge a written submission regarding the Proposal.
24. Where a person has made a written submission to Council requesting that he or she be heard in support of the written submission, Council must permit that person to be heard before a meeting of Council and give a reasonable notice of the day, time and place of the meeting.
25. After hearing any submissions made, Council must determine whether the Roads are not reasonably required as roads for public use, in order to decide whether the Roads should be discontinued.

### **External Consultation**

26. No external consultation is required for this report.

### **Internal Consultation (One Yarra)**

27. No internal consultation is required for this report.

### **Financial Implications**

28. The Owner/Applicant has agreed to acquire the Roads for their market value (plus GST) as determined by the Act.

29. In addition to the market value (plus GST) the Owner/Applicant has agreed to pay Council's costs and disbursements associated with the Proposal.

### **Economic Implications**

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

### **Sustainability Implications**

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

### **Climate Emergency Implications**

32. There are no climate emergency implications arising from this report.

### **Social Implications**

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

### **Human Rights Implications**

34. There are no human rights issues arising from this report.

### **Communications with CALD Communities Implications**

35. All notices and correspondence issued in respect of this Proposal will contain a reference to *National Relay Service*.

### **Council Plan, Strategy and Policy Implications**

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

### **Legal Implications**

37. There are no legal implications for this report.

### **Other Issues**

38. There are no other issues.

### **Options**

39. There are no options associated with this report

### **Conclusion**

40. It is proposed that Council, pursuant to sect 17(4) of the RMA, commences the process necessary to remove the Roads from Council's Register of Public Roads and also commences the statutory procedures pursuant to clause 3 of Schedule 10 of the Act to discontinue the Roads and transfer the discontinued Roads to the Owner/Applicant.

## **RECOMMENDATION**

1. That Council, acting under section 17(4) of the *Road Management Act 2004*, resolves that the roads abutting 53-77 Burnley Street, Richmond (Roads), being:
  - (a) the whole of the land contained in Conveyance Book 227 No. 672 (shown as the area highlighted purple on the plan attached as **Attachment Two** to this report (Site Plan)); and
  - (b) part of the land contained in certificate of title volume 9214 folio 439 shown as the area highlighted red on the Site Plan.be removed from Council's Register of Public Roads on the basis that the Roads are no longer required for general public use for the reasons set out in the body of the report.
2. That Council, acting under clause 3 of schedule 10 of the Local Government Act 1989:
  - (a) resolves that the required statutory procedures be commenced to discontinue the Roads;



- (b) directs that, under sections 207A and 223 of the Act Public Notice of the proposed discontinuance be given in the Age, The Weekly Review Melbourne Times Newspapers and Council's social media;
- (c) resolves that the public notice required to be given under sections 207A and 223 of the Local Government Act 1989 should state that if the Roads are discontinued, Council proposes to sell the Roads to the adjoining owner for market value; and
- (d) authorises the Valuations Coordinator to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Local Government Act 1989 in relation to this matter.

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

**Attachments**

- 1 [↔](#) Burnley Street Road
- 2 [↔](#) Site Plan
- 3 [↔](#) Doonside Street Road
- 4 [↔](#) Original Subdivision Plan
- 5 [↔](#) Burnley Street Site Inspection Report
- 6 [↔](#) Doonside Street Site Inspection Report

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## 11.6 Active Transport Advisory Committee

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Trim Record Number: D20/44955

Responsible Officer: Group Manager Chief Executive's Office

### Purpose

1. To provide advice on the possible establishment of three Council Advisory Committees (two new committees and one review of an existing committee) in response to a series of Council resolutions in late 2019.

### Background

2. On 16 July 2019, Council endorsed a Council Committees Policy which established consistent framework for the operation of Council Committees. Since the adoption of that policy, the terms of reference for each Committee were reviewed to ensure that it was simplified and consistent with the policy. The outcomes of these reviews were considered by Council at its meeting on 3 December 2019.
3. As a separate exercise, consideration has been given to three previous Council resolutions (one from September and two from November 2019) with a view to presenting options to Council for consideration. The outcomes of this work are presented in this report.
4. By way of context, the Council Committees Policy describes three types of committees:
  - (a) Advisory Committees (which are established by Council to provide advice to Council, a special committee or a Council officer);
  - (b) Interest Groups (which are established by Council to facilitate networking among members (including Council) on a subject of mutual benefit; and
  - (c) Project Consultative Groups (which are established by Council to provide advice and facilitate consultation in the delivery of a specific project).
5. In determining which type of committee is appropriate, it is necessary to understand the role and operation of the intended group. Where the intention is to support Council in the development of policy and to assist in informing its decision-making on an ongoing basis, an Advisory Committee is most appropriate. Where the intention is to bring like-minded people together to enable them to make community connections, learn from each other and share information among the group, an interest group is most appropriate. Where Council is seeking community advice or feedback in relation to a specific project or the development of a specific policy with the intention that the group be disbanded following the completion of the project, a Project Consultative Group is most appropriate.
6. While the structure of each of these committee types is broadly similar, there are administrative differences between them relating to establishment, the manner of member appointments, reporting to Council, publication of meeting proceedings and conflict of interest provisions.

### Active Transport

7. On 12 November 2019, Council resolved:

*"1. That:*

- (a) Officers prepare a report on the feasibility of forming an Active Transport Advisory Committee to Council, such Committee to incorporate the Bicycle Advisory Committee;*
- (b) the report include a proposed terms of reference for this Committee; and*
- (c) the Bicycle Advisory Committee continue to operate in the meantime."*

8. In presenting the item of General Business, Cr Stone clarified that the interpretation of “Active Transport” is intended to include cycling, walking, skating, scootering, etc.; and not include motor vehicles or public transport.
9. The Bicycle Advisory Committee has been established as an Advisory Committee with the following objectives:
  - (a) To provide advice to Council on how to:
    - (i) support and enhance safe and efficient cycling in Yarra; and
    - (ii) implement adopted Council policies/strategies as they impact on cycling; and
  - (b) To assist Council in its support for cycling by:
    - (i) providing a user perspective on proposed cycle projects and the existing network in Yarra; and
    - (ii) providing feedback on proposed initiatives such as local area traffic management/place making, road infrastructure, new strategies, master planning, parking changes or new products.
10. A broadening of the role of this committee to provide similar advice in relation to other means of ‘active transport’ (i.e. beyond bicycles) would reflect the interconnectedness of transport planning in the municipality, and align closely with the nature of organisational expertise and decision-making. While Council has historically considered cycling as a stand-alone transport mode, this is no longer the case, with Council now conducting its transport planning in a more integrated way than ever.
11. Further, Council is addressing challenges presented by the fast changing nature of personal transport, with developments such as ride sharing, car share schemes, dockless bicycle hire, power-assisted bicycles and the growth in what were traditionally regarded as toy vehicles (like scooters and skateboards) all making their presence felt within the past decade. A broadening of the role of the Bicycle Advisory Committee would enable Council’s planners and the Council itself to better respond to these developments.
12. On this basis, the author’s advice is that the establishment of an active transport advisory committee to replace the existing Bicycle Advisory Committee is warranted.
13. In investigating the scope of a future active transport advisory committee, the author developed a draft terms of reference, which was presented as a basis for discussion by the Bicycle Advisory Committee at their meeting in December 2019. Following this discussion, the draft terms of reference was further refined.
14. In developing the attached draft, the following considerations were made:
  - (a) It is proposed not to specifically include the consideration of wheelchairs and powered wheelchairs in the scope, as these matters are better addressed by Council’s Disability Advisory Committee;
  - (b) It is proposed to establish the formal appointment of members to the committee to enable the committee to be made up of a diversity of views and experiences and to facilitate an effective group size and consistency of attendance;
  - (c) It is proposed to draw a distinction between ‘motor vehicles’ and ‘power-assisted vehicles’ (with the former being out of scope and the latter being within scope) to enable the committee to provide advice on this growing segment of personal transport; and
  - (d) It is proposed to establish a membership rotation with half of the members reaching the end of their term every second year.
15. The draft terms of reference setting out these proposals can be found at **Attachment One**.
16. Given the process for appointing members to the new Committee, it is further proposed to continue the operation of the Bicycle Advisory Committee until such time as the Active Transport Advisory Committee membership can be appointed.

Public Transport Advocacy

17. On 12 November 2019, Council resolved:

*"1. That:*

- (a) Officers prepare a report on the feasibility of forming a Public Transport Advocacy Committee to assist Council in the advocacy and promotion of public transport; and*
- (b) the report include a proposed terms of reference for such a Committee."*

18. In presenting the item of General Business, Cr Stone clarified that the role of the Public Transport Advocacy Committee is intended to include the tasks of assisting Council in advocating for the establishment of new lines/services of public transport; and the improvement and better co-ordination / linking of existing public transport lines / services.

19. The Council resolution has called for the establishment of an 'Advocacy Committee'. The establishment of a committee to undertake direct advocacy efforts or advocacy on Council's behalf, runs counter to the provisions of the Council Committees Policy, which sets out that a committee can provide advice to Council only. The Council Committees Policy contains express provisions to ensure that advocacy and other public statements and submissions are authorised by the Council and delivered in a way consistent with Council's Advocacy Action Plan. In most cases, the Mayor would serve as Council's spokesperson, ensuring the Council speaks with a single voice. Delegating this responsibility to a committee is likely to cloud the message and lose the targeted and strategic focus that effective advocacy requires.

20. That said, previous experience shows that Council can play a role in actively supporting and adding voice to community advocacy efforts, as was the case with the successful community-led efforts to resist the development of Melbourne's proposed east-west road link. With Council's advocacy efforts now guided by its adopted Advocacy Action Plan, this is an approach which can still be taken at the appropriate time, and does not require the establishment of a standing committee.

21. The author's advice is that the establishment of a public transport advisory committee is not warranted.

Tree Planting

22. On 10 September 2019, Council resolved:

*"1. That Council seek an Officer's report on the need for the City of Yarra implementing a tree planting advisory committee and if the need is found, propose options for the establishment of such an advisory committee."*

23. In considering the role of the proposed committee, it is necessary to understand the context in which street tree planting decisions are currently made.

24. Decisions regarding street tree planting are primarily informed by two Council policies – the Urban Forest Strategy (adopted in 2017) and the Street Tree Policy (adopted in 2014). These policies both inform the process for maintenance and replacement of existing trees and the planting of new trees.

25. The adoption of the Urban Forest Strategy followed extensive community consultation and engagement during February – March 2017 with over 250 community members providing feedback via the Your Say Yarra online portal, face-to-face conversations at local parks and community events and presentations to the Yarra Environment Advisory Committee and Disability Advisory Committee. The Yarra Environment Advisory Committee reviewed an early strategy draft and provided feedback, which was taken into account.

26. According to the adopted Urban Forest Strategy, implementation of the priority planting plan phase will include close community consultation.

27. The Street Tree Policy sets out the mandatory consultation process that is required when coordinated infill street tree planting programs are being implemented. In the process, both

local residents and absentee owners are asked to contribute to the process and no more than 25% of trees in any one street will be removed at one time (unless the trees are dead, dying or pose a risk to private property). Where decisions are made to remove a tree, an appeal mechanism is built in to the Street Tree Policy to enable residents to seek a review of the decision.

28. Given the extensive involvement of Council's existing advisory groups in the development of the guiding policy framework, and the requirement to consult directly with affected residents and property owners at the implementation phase, there is no clearly defined role for a tree planting advisory committee.
29. Street tree planting decisions are made at an operational level and are heavily informed by Council's adopted policy, officer expertise and consultation and engagement with local residents. Having regard to the number of insurance damage claims on Council arising from tree root damage to property, the Council has a distinct risk management obligation in respect of such elements as, the appropriate location of tree planting in a restricted environment, the most appropriate species of tree to be planted in specific locations and additionally, having regard to Council's climate emergency principles, the most appropriate species to maximise shade, heat reflection and carbon sequestration. If a street tree planting committee were to provide advice at the local rollout phase, there is a very real risk that one section of the community would be placed in opposition to another – something that is undesirable in achieving community consensus.
30. The author's advice is that the establishment of a tree planting advisory committee is not warranted.

#### **External Consultation**

31. No external consultation has taken place, save the discussion by the Bicycle Advisory Committee described in the context of the proposed Active Transport Advisory Committee.

#### **Internal Consultation (One Yarra)**

32. Discussions have been held with the officers responsible for each of the portfolio areas that would be within the scope of the proposed committees.

#### **Financial Implications**

33. The precise cost to Council of an Advisory Committee is difficult to quantify.
34. Minor costs are associated with meeting logistics, such as catering, transport reimbursements, room hire (where relevant) and printing and mailing. The most significant costs are associated with officer time for meeting preparation, communication with members, attendance at meetings (including overtime) and preparation of meeting minutes. Further costs are incurred for officer time associated with committee administration, such as maintenance of Council's website, communication with membership, public advertising and committee selection processes.
35. Should the author's advice be heeded and the changes limited only to the altered scope of the Bicycle Advisory Committee, there would not be any financial implications.

#### **Economic Implications**

36. The advice provided in this report does not have any economic implications.

#### **Sustainability Implications**

37. The advice provided in this report does not have any sustainability implications.

#### **Social Implications**

38. The advice provided in this report does not have any social implications.

#### **Human Rights Implications**

39. The advice provided in this report does not have any human rights implications.

### **Communications with CALD Communities Implications**

40. There has been no external communication undertaken in the development of this report.

### **Council Plan, Strategy and Policy Implications**

41. There are no Council Plan, strategy or policy implications arising from the matters addressed in this report.

### **Legal Implications**

42. Aside from the need to ensure that Council Committees do not inadvertently have delegated decision-making authority, no further legal implications have been identified arising from the matters addressed in this report.

### **Other Issues**

43. No other issues have been identified in the development of this report.

### **Options**

44. When this item is presented to Council, options will be provided in relation to each of the three Council Committees, including the establishment of a new committee and the maintenance of the status quo. It will be open to Council to pursue its desired option by means of an alternate Council resolution.

### **Conclusion**

45. Following Councillor feedback, it is proposed to present the formal officer recommendations in relation to each of the Council resolutions at the Council Meeting on 17 March 2020.

## **RECOMMENDATION**

1. That:
  - (a) Council establish an Active Transport Advisory Committee and endorse the terms of reference found at **Attachment One**;
  - (b) officers commence an expression of interest process for membership, and present recommendations to Council with four members to take up a two year term and four members to take up a four year term; and
  - (c) the Bicycle Advisory Committee continue to operate until appointments to the Active Transport Advisory Committee are made, at which time the Committee will sunset.

**CONTACT OFFICER:** Rhys Thomas  
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**TEL:** 9205 5302

### **Attachments**

- 1 ⇨ DRAFT - Active Transport Advisory Committee Terms of Reference

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## 11.7 Motions for ALGA National General Assembly and MAV State Council

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Trim Record Number: D20/42677

Responsible Officer: Group Manager Chief Executive's Office

### **Purpose**

1. To provide an opportunity for Council to consider submitting motions to:
  - (a) the Australian Local Government Association (ALGA) National General Assembly to be held in Canberra on 14-17 June 2020; and
  - (b) the Municipal Association of Victoria (MAV) State Council to be held in Melbourne on 15 May 2020.

### **Background**

#### ALGA National General Assembly

2. Council has an opportunity to submit motions for consideration by the ALGA National General Assembly. To be eligible for inclusion in the NGA Business Papers, and subsequent debate on the floor of the NGA, motions must meet the following criteria:
  - (a) be relevant to the work of local government nationally;
  - (b) not be focussed on a specific location or region – unless the project has national implications;
  - (c) be consistent with the themes of the National General Assembly, which in 2020 is *“Working Together for Our Communities”*;
  - (d) complement or build on the policy objectives of your state and territory local government association;
  - (e) be submitted by a council which is a financial member of their state or territory local government association;
  - (f) propose a clear action and outcome; and
  - (g) not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members, or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.
3. Motions must be submitted to the ALGA Secretariat by 27 March 2020.

#### MAV State Council

4. Council has the opportunity to submit motions for consideration by the MAV State Council. To be eligible for inclusion and presentation to the State Council, motions must:
  - (a) be of state-wide significance to local government; and
  - (b) not be identical or substantially similar to a motion previously considered (this is a request only at this stage as this proposed rule change will be incorporated into the upcoming MAV Rules Review).
5. Motions must be submitted to the MAV by 21 April 2020.

### **External Consultation**

6. There has been no external consultation in the preparation of this report.

### **Internal Consultation (One Yarra)**

7. Invitations have been extended to all Councillors to consider preparation of motions for consideration by Council for submission to the National General Assembly and/or State Council.

### **Financial Implications**

8. As the National General Assembly is interstate, the attendance of Councillors requires approval by Council and will be the subject of a future report. There are no financial implications of submitting motions to the National General Assembly.
9. As the State Council is held in Victoria, no approval from Council is required for attendance. There are no financial implications of submitting motions to the State Council.

### **Economic Implications**

10. There are no economic implications associated with this report.

### **Sustainability Implications**

11. There are no sustainability implications associated with this report.

### **Climate Emergency Implications**

12. There are no climate emergency implications associated with this report.

### **Social Implications**

13. There are no social implications associated with this report.

### **Human Rights Implications**

14. There are no Human Rights implications associated with this report.

### **Communications with CALD Communities Implications**

15. There are no CALD communities implications associated with this report.

### **Council Plan, Strategy and Policy Implications**

16. Any submitted proposed motion should be consistent with Council's established policy position on the relevant subject.

### **Legal Implications**

17. There are no legal issues associated with this report.

### **Other Issues**

18. None applicable.

### **Options**

19. Council has the option of determining whether or not to submit a motion (or motions) to either the National General Assembly or State Council in 2020.

### **Conclusion**

20. This report provides Councillors an opportunity for Council endorsement of motions for submission to the Australian Local Government Association (ALGA) National General Assembly to be held on 14-17 June 2020 and the Municipal Association of Victoria (MAV) State Council to be held on 15 May 2020.

## **RECOMMENDATION**

1. That Council endorse the following motions for submission to the Australian Local Government Association (ALGA) National General Assembly to be held on 14-17 June 2020, as detailed at **Attachment One**:
  - (a) National Product and Packaging Standards
  - (b) Tackling Rising Transport Emissions
  - (c) Treaty on the Prohibition of Nuclear Weapons
  - (d) ARRB Standards for recycling material in road base
  - (e) Gambling harm



2. That Council endorse the following motions for submission to the Municipal Association of Victoria (MAV) State Council to be held in on 15 May 2020, as detailed at **Attachment Two**:
  - (a) Tackling Rising Transport Emissions
  - (b) Treaty on the Prohibition of Nuclear Weapons

**CONTACT OFFICER:** Rhys Thomas  
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#### **Attachments**

- 1 [⇒](#) ALGA Motions 2020
- 2 [⇒](#) MAV Motions May 2020

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## 11.8 Councillor Attendance at Sydney Climate Change Summit

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Trim Record Number: D20/42753

Responsible Officer: Group Manager Chief Executive's Office

### Purpose

1. To approve attendance by the Mayor at the Sydney Climate Action Summit, presented by the City of Sydney in partnership with C40 Cities, from 31 March to 2 April 2020 in Sydney, New South Wales.

### Background

2. In late February 2020, the Mayor received an invitation from the Lord Mayor of Sydney, Clover Moore to the Sydney Climate Action Summit, titled "*Local Action in a Hostile Climate*".
3. In response to this summer of climate-induced bushfires and extreme weather, the City of Sydney and C40 Cities have refocused the scheduled C40 Women4Climate conference to respond directly to this context, and to deliver concrete climate actions by capital and metropolitan cities and regional councils.
4. The summit will have a series of events to enable participants to discuss their experiences and successes (or not!) in local government, and demonstrate how to take action in a hostile climate.
5. The program includes:
  - (a) "CityTalks", with keynote speaker Professor Ross Garnaut AC and emcee Patricia Karvelas;
  - (b) "Welcome Reception", an invitation only event to which the Mayor has been invited;
  - (c) "Mayors for Climate Action: Local Action in a Hostile Climate" with speaker The Hon Matt Kean MP, NSW Minister for Energy and Environment and emcee Mark Watts, CEO of C40 Cities;
  - (d) "Launch of the Global Covenant of Mayors for Climate and Energy (GCoM) in Oceania", a workshop on Collaborative Climate Action (Part 1 and 2)
  - (e) "Sydney Climate Expo", a public event showcasing businesses, community organisations, universities and others who are developing innovative research, products and services that respond to climate change.
  - (f) "Student Dialogue", a forum of secondary students focussing on climate change
6. Council's Expense Entitlement Policy provides:
  - (a) "Councillors' attendance at interstate and overseas conferences and Council's payment of airfares is subject to the approval of the Council;" and
  - (b) "Subject to the availability of funds, Council shall pay for the cost of registration fees, accommodation and travelling expenses, meals and other incidental expenses associated with authorised attendance at conferences and seminars."

### Consultation

7. Not relevant to this report.

### Financial Implications

8. The costs of travel and accommodation associated with attendance by the Mayor at the event are estimated at \$2,000.
9. Provision is made in the Council budget for Councillors to attend approved conferences.

### Economic Implications

10. There are no economic implications.

### **Sustainability Implications**

11. In making travel bookings, arrangements will be made to minimise the impact of the travel and accommodation on the environment, by booking sustainable options where available and taking up relevant carbon offsets.

### **Climate Emergency Implications**

12. Attendance at the Sydney Climate Action Summit will be an opportunity to share Council's experiences in responding to the declared climate emergency and to learn from others who have similarly faced the challenge of taking local action in response to the global challenge.
13. As one of the early municipalities to declare a climate emergency, Yarra is well placed to demonstrate leadership at this important event.

### **Social Implications**

14. Not applicable to this report.

### **Human Rights Implications**

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

### **Communications with CALD Communities Implications**

16. There are no communications with CALD communities implications associated with this report.

### **Council Plan, Strategy and Policy Implications**

17. The attendance at conferences enables discussion with Councillors across the nation to compare issues, processes, services standards which assist Council in formulating its own plans, strategies and work procedures.

### **Legal Implications**

18. There are no legal issues concerned with attendance by Councillors at the event, save that details of interstate travel (dates, attendees and costs) must be recorded in the interstate travel register, in accordance with the *Local Government (General) Regulations*, in respect of the conference.

### **Other Issues**

19. None applicable.

### **Options**

20. None applicable.

### **Conclusion**

21. That Council authorise the attendance of the Mayor at the Sydney Climate Action Summit.

### **RECOMMENDATION**

1. That, pursuant to Council's Expense Entitlement Policy, Council approve attendance by the Mayor (Cr Misha Coleman) at the Sydney Climate Action Summit, presented by the City of Sydney in partnership with C40 Cities, from 31 March to 2 April 2020 in Sydney, New South Wales.

**CONTACT OFFICER:** Rhys Thomas  
**TITLE:** Senior Governance Advisor  
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### **Attachments**

There are no attachments for this report.

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## 11.9 Report on Assemblies of Councillors

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Trim Record Number: D20/29212

Responsible Officer: Group Manager Chief Executive's Office

### **Purpose**

1. To provide a report on Assemblies of Councillors.

### **Background**

2. The *Local Government Act 1989* (The Act) requires that ..."The Chief Executive Officer must ensure that the written record of an Assembly of Councillors is, as soon as practicable:
  - (a) reported at an ordinary meeting of the Council; and
  - (b) incorporated in the minutes of that Council meeting.....".
3. This report includes all Assemblies of Councillors reported to the Governance Department at the cut-off date that have not already been reported to Council. Assemblies held prior to the cut-off date that are not included here will be included in the next report to Council.

### **Consultation**

4. Not applicable.

### **Financial Implications**

5. Not applicable.

### **Economic Implications**

6. Not applicable.

### **Sustainability Implications**

7. Not applicable.

### **Climate Emergency Implications**

8. Not applicable.

### **Social Implications**

9. Not applicable.

### **Human Rights Implications**

10. Not applicable.

### **Communications with CALD Communities Implications**

11. Not applicable.

### **Council Plan, Strategy and Policy Implications**

12. Not applicable.

### **Legal Implications**

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

### **Other Issues**

14. Not applicable.

### **Options**

15. Nil.

## **Conclusion**

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

## **RECOMMENDATION**

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

**CONTACT OFFICER:** Mel Nikou  
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## **Attachments**

- 1 [⇒](#) Assemblies of Councillors Report - March