



Ordinary Meeting of Council Agenda

**to be held on Tuesday 2 June 2020 at 7.00pm
via TEAMS**

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In order to ensure the health and safety of Councillors, staff and the community, Council meetings held during the Victorian State of Emergency are closed to the public. This is in accordance with advice provided by the State Government.

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Making a submission

In order to participate in the meeting, either by asking a question during Public Question Time or making a submission in relation to an item being considered at the meeting, you can lodge a written submission, which will be read in full to the Council by a Council officer on your behalf or you can arrange for a Council officer to telephone you during the meeting, and connect you directly to the Committee so you can make your submission yourself.

To participate in the meeting, you will need to lodge your submission or register to receive a phone call by midday on the day before the meeting. Submissions can be lodged online on the relevant meeting page on Council's website.

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Order of business

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

1. Acknowledgment of Country

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

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

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

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

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

2. Attendance, apologies and requests for leave of absence

Anticipated attendees:

Councillors

- Cr 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 and Culture)
- 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)
- Mel Nikou (Governance Officer)

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

4. Confidential business reports

Nil

5. Confirmation of minutes

RECOMMENDATION

That the minutes of the Ordinary Council Meeting held on Tuesday 19 May 2020 be confirmed.

That the minutes of the Special Council Meeting held on Thursday 21 May 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.

Public submissions procedure

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.

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

8. Delegate's reports

9. General business

10. Questions without notice

11. Council business reports

Item	Page	Rec. Page	Report Presenter
11.1 Final Draft Climate Emergency Plan for Adoption	6	13	Michael Oke – Sustainability Unit Manager
11.2 Amendment C231 Part 2 - 390A Queens Parade, North Fitzroy	14	29	Fiona Van der Hoeven – Assistant Manager City Strategy
11.3 Draft Yarra LGBTIQ+ Strategy	31	35	Sarah Jaggard – Senior Diversity and Inclusion Advisor
11.4 Community Engagement Policy and Action Plan	36	39	Brooke Colbert – Manager Advocacy and Engagement
11.5 2019/20 Annual Plan Review	40	43	Julie Wyndham – Manager Corporate Planning and Performance
11.6 Update of the Membership of the Inner Melbourne Action Plan (IMAP) Implementation Committee	45	46	Rhys Thomas - Senior Governance Advisor

12. Notices of motion

Nil

13. Urgent business

Nil

11.1 Final Draft Climate Emergency Plan for Adoption

Executive Summary

Purpose

To present a revised Climate Emergency Plan to Council seeking its adoption, following a period of community consultation.

Key Issues

Yarra Council was one of the first local governments in the world to declare a climate emergency.

A consultation draft Climate Emergency Plan was developed and underwent nine weeks of community consultation from December 2019 to February 2020. The feedback showed a high level of support in the community for the Climate Emergency Plan; a number of aspects of the feedback also indicated that it should be more ambitious to reflect the emergency situation in the current climate crisis.

An updated final draft Climate Emergency Plan has now been developed based in this feedback and to reflect the short to medium term change in circumstances due to the COVID-19 pandemic.

The updated Climate Emergency Plan is a stronger document that has more measurable and specific targets and actions. The Plan presents a strategic direction to respond effectively to the climate emergency which requires sustained, collective and large-scale action across all levels of government, businesses and the community.

Through this Climate Emergency Plan, Yarra Council will make ambitious commitments to cut carbon emissions, and seeks to ensure the municipality is resilient to future shocks and stresses.

Adopting a Climate Emergency Plan presents considerable financial implications over a number of years.

Many actions can commence within current resources and then furthered as budget allocation is made available.

Due to the COVID-19 pandemic situation, some actions, however, that were put forward as actions for 20/21 in the consultation draft Climate Emergency Plan, have needed to be deferred for the time being. There are nevertheless, a number of key activities that can still be progressed within normal operational budget allocation in the first 6 months of 20/21.

Funding for further aspects of the Plan should be considered as part of the 20/21 mid-year budget review for potential additional allocation of funds to further accelerate action in the second half of year 1 of the Plan (20/21).

The revised Plan highlights that additional Council funds would be sought in future years, subject to future budget processes.

Some active transport measures (improvements to cycling and walking areas) can also be provided in the short term to assist in better *access and movement* for community members in and around the municipality whilst COVID-19 limitations are in place. These may be able to become permanent where they are proved to be successful.

PROPOSAL

In summary, the officers recommend that Council:

- (a) note the officer report regarding the draft Climate Emergency Plan;
- (b) note the summary of community feedback on the consultation draft Climate Emergency Plan and the attached revised final draft Climate Emergency Plan; and
- (c) endorse the Climate Emergency Plan, with or without changes.

11.1 Final Draft Climate Emergency Plan for Adoption

Reference: D20/87612
Authoriser: Director Planning and Place Making

Purpose

1. To present a revised and final draft Climate Emergency Plan to Council seeking its adoption, following a period of community consultation.

Background

2. Yarra Council was one of the first local governments in the world to declare a climate emergency, and is one of the first in Australia to develop a Climate Emergency Plan.
3. The climate crisis affects everyone - increasing health risks, disrupting power, transport and businesses and impacting parks, gardens and other assets.
4. The climate emergency is a major challenge and responding effectively needs urgent, sustained, collective and large-scale action across all levels of government, businesses and the community.
5. Yarra Council will need to play a strong role in bringing people together and building the community's capacity to take climate action in their own lives and help them to cope with the more severe climate impacts.
6. On 18 December 2018 Council resolved to develop a Climate Emergency Plan *"in light of scientific advice that we have just 12 years to dramatically reduce greenhouse gas emissions before runaway climate change"*.
7. On 3 December 2019, Council resolved to endorse the draft Climate Emergency Plan to be released for public consultation.
8. Public consultation on the draft plan occurred over 9 weeks from 5 December 2019 to 9 February 2020, with 145 Your Say Yarra submissions, 10 emailed submissions, 90 attendees at a public consultation session, as well as face to face engagement.
9. Overall there was a high level of support for Council developing a Climate Emergency Plan and its contents. There was also a significant portion of submissions and other feedback commenting that the plan needs to be more ambitious to reflect the emergency situation in the current climate crisis.
10. Key points raised from consultation included a desire for:
 - (a) measurable targets that are ambitious, but will also realistically be implemented and reported on by Council;
 - (b) bolder, more ambitious actions with fast implementation;
 - (c) additional data analysis and evidence to demonstrate actions are focussed on areas of greatest impact;
 - (d) major communications campaigns, community education and engagement programs that are highly visible across the city and help the community reduce carbon emissions and take other community-led action;
 - (e) stronger partnerships and avoidance of duplication of effort, including working with other councils and existing organisations running successful initiatives that could be scaled-up to efficiently increase Council's impact; and
 - (f) greater financial resources needed to achieve the level of impact desired.
11. A summary of feedback from community consultation can be found in Attachment 1.

12. The consultation draft Climate Emergency Plan (2020-2024) has now been updated having particular regard to this feedback; it is now considered ready for adoption by Council (Attachment 2). In finalising the Climate Emergency Plan, these key points of feedback have been addressed in the following ways.

(a) Measurable targets

13. The Objective in the plan to achieve zero-net carbon emissions across the entire Yarra community 'as soon as possible', has been revised to include a measurable target timeframe of 2030. It is noted in the updated plan that there is considerable policy, technology and systems-level change required to achieve this target by 2030 that is outside of Council's direct control.
14. Other minor wording revisions have been made to the other Objectives in the final draft Climate Emergency Plan, in line with feedback received.

15. Measurable targets have now been set for each of the five Strategic Priorities.

(b) Bolder, more ambitious actions

16. Several headline actions across each of the Strategic Priorities have been identified to be implemented over the next four years, subject to additional resourcing. These are summarised on page 7 of the Climate Emergency Plan.

(c) Additional data analysis and evidence to support actions

17. Additional analysis has been included in the revised Plan to better communicate the areas of greatest opportunity to reduce carbon emissions, particularly the substantial emissions from businesses and the need for a greater focus on this area.

18. The updated plan includes a commitment to carry out further data analysis and modelling to develop a roadmap towards zero emissions in the lead up the expiration of the four-year Climate Emergency Plan.

(d) Major communications campaigns, community education and engagement programs

19. The updated plan presents further details on the suggested communications and community programs to assist residents to reduce carbon emissions. It is noted that major programs with high visibility and reach into the community would require considerable additional resources.

(e) Stronger partnerships and avoidance of duplication of effort

20. Several actions have been updated for opportunities to work collaboratively, such as action 2.8 transition towards zero-carbon buildings and precincts.

(f) Greater financial resources needed to achieve the level of impact desired

21. The revised plan has updated funding requirements, as well as indicating where expanded programs would require additional resources, subject to future budget processes.
22. The Plan has also been updated in light of COVID-19 pandemic. As a society, we are currently experiencing two concurrent crises - the COVID-19 pandemic and the Climate Emergency. The impacts of the pandemic have been felt strongly and swiftly, necessitating a response within days across governments and communities. The climate crisis will continue to unfold over years as a combination of acute shocks and chronic stresses.
23. Right now when communities, businesses and governments are working on recovering from the pandemic, there's an opportunity to '*build back better*' — to act on the climate emergency and create a healthier, more equitable, prosperous society.
24. This Climate Emergency Plan sets long term objectives for the response to the climate emergency and identifies strategic priorities and actions to focus work over the next four years. This will need to involve an adaptive approach to implementation, to learn as action is taken and be flexible to respond to new opportunities and changes over the period.

25. The Objectives of the plan have been updated to:

- (a) *achieve zero-net emissions across the entire Yarra community by 2030, and accelerate the removal of excess carbon emissions;*
 - (b) *activate our community to take effective climate action - pushing for urgent change and changing the way we live and work;*
 - (c) *ensure our community is safe, healthy and resilient - especially those most vulnerable to severe climate impacts;*
 - (d) *create a city that continues to adapt to a changing climate and is ecologically healthy for all species; and*
 - (e) *collaborate and advocate with others in the climate emergency movement to increase our impact.*
26. To prioritise actions by Council over the next four years the document sets out five strategic priorities, with detailed actions provided under each of these. The strategic priorities are:
- (a) *mobilise and enable our community to respond to the climate emergency;*
 - (b) *accelerate renewable energy, zero carbon buildings and efficient operations;*
 - (c) *create a climate adapted city;*
 - (d) *transition to zero emissions transport; and*
 - (e) *move towards zero waste and conscious consumption.*
27. Some of the key actions in the final draft Climate Emergency Plan include:
- (a) introduce zero carbon standards for new commercial and residential developments, working with other government partners to amend the planning scheme;
 - (b) enable our community to cut their carbon emissions, lead grassroots projects and collectively push for the urgent climate action we need;
 - (c) help residents and businesses take up renewable energy and facilitate the install of solar installations;
 - (d) create climate adapted green spaces by harvesting more stormwater to irrigate our parks;
 - (e) advocate for urgent climate action by other levels of government, including strong renewable energy and carbon emissions reduction targets, along with policy and economic measures that both enable recovery from the pandemic and drive emissions reductions;
 - (f) 'Get off gas' by transitioning all Council's buildings to be all electric, powered by renewable energy;
 - (g) transition all Council's fleet to electric vehicles powered by renewable energy; and
 - (h) speed up the roll out of cycling infrastructure by trialling temporary protected bike lanes to inform permanent upgrades.
28. An overview of the *Objectives, Strategic Priorities, Targets, and Headline Actions* are provided on pages 7 - 8 of the Final Draft Climate Emergency Plan (Attachment 2).

External Consultation

29. Since the release of the draft Climate Emergency Plan for consultation on 5 December, feedback was received via the following channels:
- (a) *Your Say Yarra* page - 145 submissions;
 - (b) Separate emailed submissions - 10 submissions, including from Yarra Climate Action Now, Yarra Energy Foundation, Fitzroy Residents Association;

- (c) A workshop-style public consultation session, 5 February at Fitzroy Town Hall - 90 attendees, including participation by key members of Yarra Climate Action Now, Futures Group, Yarra Environment Advisory Committee and Yarra Energy Foundation;
 - (d) Pop-up consultation at Collingwood Farmers Market, Gleadell St Market and Bargoonga Nganjin - 35 people engaged; and
 - (e) Targeted consultation with harder to reach communities through Carlton Neighbourhood Learning Centre and Yana Ngargna Advisory Group - 16 people engaged.
30. There was considerable promotion of the public consultation period on the draft plan, including through social media, council's website, various electronic newsletters (including Yarra Life, Yarra Environment News, Urban Agriculture News, Yarra Business News, Yarra Libraries) and Yarra News December print edition.
31. Targeted promotion to key individuals and networks was also utilised, including through advisory committees, neighbourhood houses, businesses and community groups.

Internal Consultation (One Yarra)

32. Significant internal consultation has occurred with all areas impacted and influencing Councils' climate emergency response.
33. Teams consulted on the public feedback received and contributing to finalising the Climate Emergency Plan included Waste Minimisation and Urban Agriculture, Sustainable Transport, Traffic Engineering, Urban Design, Strategic Planning, Statutory Planning, City Works, Open Space Services and Communications.

Financial Implications

34. Adopting this final draft Climate Emergency Plan presents considerable financial implications over a number of years.
35. Many actions can commence within current resources and then furthered as budget allocation is made available.
36. It is noted that due to the COVID-19 pandemic situation, some actions that were put forward as actions for 20/21 in the consultation draft Climate Emergency Plan, have needed to be deferred. There are, however, a number of key activities that can still be progressed within normal operational budget allocation in the first 6 months of 20/21.
37. Funding for further aspects of the Plan should be considered as part of the 20/21 mid-year budget review for potential additional allocation of funds to further accelerate action in the second half of year 1 (20/21) of the Plan.
38. The revised Plan indicates that additional Council funds would be sought in future years, subject to future budget processes, to significantly increase programs to reduce carbon emissions in the community.
39. It is also noted that there are other strategies (and actions in those strategies) that also contribute to Council's response to the climate emergency, including urban forest, urban agriculture, sustainable transport, integrated water management, and waste minimisation and resource recovery areas.

Economic Implications

40. The Climate Emergency Plan includes actions that have strong economic benefits. These include a focus on zero carbon developments, renewable energy purchasing for businesses, facilitating a fast transition to electric vehicles in the community, and a safer, climate adapted city.

Sustainability Implications

41. The Climate Emergency Plan includes actions that also have multiple sustainability benefits including urban forest, urban agriculture, biodiversity, fauna and flora, sustainable transport, integrated water management, and waste management and resource recovery areas.

42. Some short term measures to assist in improved and safer pedestrian and cycling areas can also be pursued as part of the response to the current COVID-19 situation. These initiatives can then be assessed, and where successful, they could be made permanent through more enduring treatments over time.

Climate Emergency Implications

43. Through this Climate Emergency Plan, Yarra Council would make ambitious commitments to cut carbon emissions, and to ensure the municipality is resilient to future shocks and stresses.
44. The Plan presents a strategic direction to respond effectively to the climate emergency which requires sustained, collective and large-scale action across all levels of government, businesses and the community.

Social Implications

45. The Climate Emergency Plan includes actions that have considerable social benefits. These include a community that is actively engaged to reduce carbon emissions, taking climate action and more resilient to climate impacts.
46. There is a link to the urgent need for climate emergency responses and the current COVID-19 situation. The community have needed to urgently change behaviours because of the COVID-19 pandemic and this has shown the broader community that change can occur and how it can be achieved.

Human Rights Implications

47. There are significant human rights implications of not taking urgent action to mitigate climate change and adapt to the impacts being felt already.
48. Climate change impacts are not likely to be felt by everyone equitably; they are likely to be disproportionately felt by vulnerable people, such as those on low incomes or with pre-existing health conditions.

Communications with CALD Communities Implications

49. During public consultation on the draft plan, written submissions were received from people from diverse cultural backgrounds, and face to face feedback was received through consultation with English language students at Carlton Neighbourhood Learning Centre, and Yana Ngargna Advisory Group and a representative from the Serbian Australian Pensioners Association.

Council Plan, Strategy and Policy Implications

50. The development of a Climate Emergency Plan responds to the following:
 - (a) Council Plan Strategy 3.3 *Leads in sustainable energy policy and deliver programs to promote carbon neutral initiatives for the municipality;*
 - (b) the 2019/20 Annual Plan *Action 3.02 Climate Emergency: Present draft Climate Emergency Plan to Council;* and
 - (c) Council's commitments under the Global Compact of Mayors for Climate and Energy, to *"Develop [Municipal] Action Plans for both climate change mitigation and adaptation (climate resilience) within 3 years of becoming a signatory"* (March 2020).
51. There is also a link to the Council's community health and wellbeing plans and actions.

Legal Implications

52. There are no known legal implications in adopting the Climate Emergency Plan.

Other Issues

53. The COVID-19 pandemic and the requirement for changed behaviours in the community and individuals has clearly illustrated that changes can be made if the need or desire exists. These changes have shown a way forward regarding the required changes in relation to the climate emergency.

Options

54. The Council can:
- (a) adopt the Climate Emergency Plan (with no or limited amendments);
 - (b) request significant changes and defer consideration until an updated Plan is brought back to Council; and
 - (c) not adopt the Climate Emergency Plan.

Conclusion


55. The Climate Emergency Plan has been updated based on considerable public consultation and community feedback, and in consideration of the impacts of COVID-19. It is now considered ready for adoption by Council.
56. The updated Climate Emergency Plan is a stronger document that is also clearer and has measurable targets and actions.
57. The Plan presents a strategic direction to respond effectively to the climate emergency which requires sustained, collective and large-scale action across all levels of government, businesses and the community.
58. Through implementing this Climate Emergency Plan, Yarra Council would make ambitious commitments to cut carbon emissions, but also importantly, seeks to ensure the municipality is resilient to future shocks and stresses.
59. Right now when communities, businesses and governments are working on recovering from the impacts of the COVID-19, pandemic, there's an opportunity to *'build back better'* - to act on the climate emergency and create a healthier, more equitable, prosperous society.
60. The adoption of the Climate Emergency Plan presents a strong and important first step in this direction.

RECOMMENDATION

1. That Council:
 - (a) note the officer report regarding the Climate Emergency Plan;
 - (b) note the summary of community feedback on the consultation draft Climate Emergency Plan as shown in Attachment 1;
 - (c) note the attached final draft Climate Emergency Plan as shown in Attachment 2;
 - (d) note that the final draft Climate Emergency Plan has been modified having regard to key points from the community consultation; and
 - (e) note that the action plan of the draft Climate Emergency Plan has had regard to the current COVID-19 pandemic situation and the constraints that has imposed upon the Councils budget for 20/21.
2. That Council, in the context of the above, endorse the attached Climate Emergency Plan as shown in Attachment 2.
3. That officers commence the programs and actions that are within the resource allocation of the 20/21 adopted budget and report back to Council in December 2020 with a progress report for Council consideration.
4. That Council consider the opportunities to fund further actions in the second half of the 20/21 financial year following the mid-year review process and also as part of the preparations for the 21/22 budget.
5. That Council authorise the CEO to finalise the Climate Emergency Plan consistent with the above resolution and arrange for it to be published as soon as possible.

CONTACT OFFICER: Michael Oke
TITLE: Environment Coordinator
TEL: 9205 5723

Attachments

- 1  Attachment 1 - Public Summary Report - Consultation on Draft Climate Emergency Plan
- 2  Attachment 2 - Final Draft Climate Emergency Plan 2020-2024

11.2 Amendment C231 Part 2 - 390A Queens Parade, North Fitzroy

Executive Summary

Purpose

The purpose of the meeting is to consider the report of the independent Planning Panel and the officer recommendations in relation to Part 2 of Amendment C231 which applies to 390A Queens Parade, Fitzroy North. Part 2 is the remaining part of Amendment C231 to be considered by Council. Council needs to decide whether to adopt Part 2 of the Amendment with or without changes, or whether to abandon it.

Key Issues

On 17 March 2020, Council considered the Planning Panel Report and adopted Parts 1 and 3 of Amendment C231 with changes.

This report considers the remaining part of the Amendment – Part 2, which relates to 390A Queens Parade.

Council did not consider Part 2 of the Amendment at the 17 March 2020 Council meeting because the land at 390A Queens Parade was the subject of an application to VCAT under Section 39 of the *Planning and Environment Act 1987* (an appeal regarding process of the amendment not planning merits of an application).

The VCAT decision has now been received and the appeal dismissed meaning that no process issues were identified with the notification of the amendment.

The Planning Panel's Report is generally supportive of the Amendment but recommends some changes. It recommended a maximum mandatory building height of 3 storeys apply to 390A Queens Parade (as part of the north side of Queens Parade in Precinct 4) and supported the other built form parameters proposed by Council for the wider precinct.

Council must now consider the report of the independent Planning Panel and the officer recommendations and make a decision in relation to Part 2 of Amendment C231 in accordance with the *Planning and Environment Act 1987*.

Financial Implications

Costs associated with the Planning 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 Part 2 of Amendment C231 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.

11.2 Amendment C231 Part 2 - 390A Queens Parade, North Fitzroy

Reference: D20/86120
 Authoriser: Director Planning and Place Making

Purpose

1. The purpose of the meeting is to consider the report of the independent Planning Panel and the officer recommendations in relation to Part 2 of Amendment C231 which applies to 390A Queens Parade, Fitzroy North. Part 2 is the remaining part of Amendment C231 to be considered by Council. Council needs to decide whether to adopt Part 2 of the Amendment with or without changes, or whether to abandon it.

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 (DDO16 and DDO20) which currently apply with permanent controls.
4. A Planning Panel was appointed to hear submissions to the amendment. The Panel Report was received by Council on 1 November 2019 and released publicly on 14 November 2019.
5. On 17 March 2020, Council considered the Panel Report and adopted Parts 1 and 3 of Amendment C231 with changes.
6. Council considered Amendment C231 over the course of two previous 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; and
 - (b) **second meeting (Stage 2) (17 March 2020 Ordinary Council Meeting)** - Council made a decision to split the Amendment into three parts and adopt Parts 1 and 3 of the Amendment with changes.
7. The purpose of splitting of the Amendment into three parts was to enable the parts that were not subject to the section 39 appeal at VCAT.
8. The three parts of the Amendment (as shown on Map 1 below) are:
 - (a) Part 1 – Includes all land subject to Amendment C231 with the exception of the land comprising 390A Queens Parade and 141-167 Queens Parade;
 - (b) Part 2 – Comprises the part of the Amendment relating to the land at 390A Queens Parade; and
 - (c) Part 3 – Comprises the part of the Amendment relating to the land at 141-167 Queens Parade.
9. Council did not consider Part 2 of the Amendment because the land at 390A Queens Parade was the subject of an application to VCAT under Section 39 of the *Planning and Environment Act 1987* (the Act).
10. At the time of the Council meeting on 17 March 2020, a decision from VCAT had not yet been received. As a result, Council resolved to defer consideration of Part 2 of the Amendment until after the outcome of the VCAT decision was known.
11. Parts 1 and 3 of the Amendment, (following the Council decision on 17 March) have been lodged with the Department of Environment, Land, Water and Planning (DELWP) for approval by the Minister for Planning.

Map 1: Land included in Parts 1, 2 and 3 of Amendment C231



390A Queens Parade

12. 390A Queens Parade (now Part 2 of Amendment C231) is 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 2 below.

Map 2: Location of 390A Queens Parade



Section 39 proceeding

13. In December 2019, the owners of 390A Queens Parade lodged an application with VCAT under Section 39 of the Act, alleging that Council (and the Panel) had failed to afford procedural fairness to the owner during the Amendment process for C231.
14. A VCAT hearing was held on 10 February 2020.
15. The VCAT decision was received on 24 April 2020 (see Attachment 6 for a copy of the decision). The appeal was dismissed and VCAT found:

- (a) *'The Tribunal does not have jurisdiction under s 39 of the Act to consider the implied obligations to afford procedural fairness to the Applicant as contended for by the Applicant; and*
 - (b) *There has not been a failure to comply –*
 - (i) *by the Council, with Division 1, 2 or 3 of Part 1 of the Act; or*
 - (ii) *by the Panel, with Division 2 or 3 of Part 3 of the Act; or*
 - (iii) *by the Panel, with Part 8 of the Act.'*
16. These parts of the Act relate to the planning scheme amendment process and Planning Panel process.
17. The VCAT Member (Member Djohan) found that there has not been any failure on the part of Council, as the planning authority, to comply with the following sections of the Act:
- (a) Section 19 - *What notice of an amendment must a planning authority give?* (noting the applicant did not raise any issues about this aspect of the amendment);
 - (b) Section 23 - *Decisions about submissions*; and
 - (c) Section 24(e) - *Hearing by Panel* (Under this sub-clause, the Panel must consider all submissions referred to it and give a reasonable opportunity to be heard to any person the Minister or the planning authority directs the panel to hear).
18. Member Djohan found that there has not been any failure on the part of the Panel to comply with:
- (a) Section 24 - *Hearing by Panel*;
 - (b) Section 161 - *General Procedure for Panel*; and
 - (c) Section 25 – *Report by Panel*.
19. Member Djohan also found that the *'Tribunal does not have jurisdiction to consider any matters not directly arising from a failure to comply with an express requirement of Division 1, 2, or 3 of Part 3, or Part 8 of the Act'* (paragraph 127). The member concluded that 'the Tribunal's jurisdiction under s 39 of the Act does not extend to consideration of whether there exists any implied obligation on Council or the Panel to afford the Applicant procedural fairness as alleged by the Applicant'. She said:
- (a) *'The purpose of s 39 of the Act is limited and it does not permit a broader review of Council's conduct or that of the Panel'. (paragraph 82); and*
 - (b) *'Apart from the allegation that the Panel failed to comply with s 161(1) of the Act, the conduct complained of by the Applicant is reliant on implied obligations which fall within the judicial review jurisdiction of the Supreme Court and not within the Tribunal's jurisdiction under s 39 of the Act' (paragraph 84).*
- Planning permit application for 390A Queens Parade*
20. A planning permit application has been lodged for 390A Queens Parade.
21. The permit applicant has appealed Council's 'failure to determine the application' within the statutory timeframe to VCAT.
22. The original planning application sought to demolish all existing buildings on the site and construct 15 four storey townhouses. However the applicant has amended their proposal (through VCAT).
23. The amended planning application seeks to demolish all existing buildings on the site, except the substation building on the north-east corner of the site and construct 13 four storey townhouses and an office in the former substation.

24. Officers from Council's statutory planning branch have subsequently advised VCAT that, if it had been in a position to make a decision, Council would have issued a notice of refusal for the amended proposal based on issues such as visual bulk, the scale of the development and internal amenity.
25. The matter was listed for a 4 day merits hearing starting on 24 March 2020, however due to COVID-19 and the associated temporary closure of VCAT to the public, the hearing has been adjourned to 17 August 2020.
26. At the VCAT hearing, if Part 2 of the Amendment has not been adopted and approved by the Minister before 17 August 2020, the development proposal will be primarily assessed against the existing provisions in the planning scheme i.e. DDO20 (the interim DDO which allows up to 6 storeys in height on the land at 390A Queens Parade). That said, if adopted further by Council, regard will be given to the proposed DDO under Part 2 of Amendment C231, because, Amendment C231 would be further considered a 'seriously entertained amendment' (i.e. the further along the formal amendment process the more "weight" the matter has at VCAT).

Amendment process to date

27. Amendment C231 was authorised by the Minister for Planning and exhibited during October and November 2018. 414 written submissions were received. (The owners of 390A Queens Parade did not make a submission during the process.)
28. On 28 May 2019 Council resolved to request the Minister appoint an independent Planning Panel to hear submissions.
29. At that 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.
30. Council's submission to the Panel was based on the position endorsed at the Council meeting on 28 May 2019.
31. 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.
32. 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-planningscheme-and-amendments/current-amendments/amendment-c231-queens-parade>.
33. As noted above, on 17 March 2020 Council considered the Panel Report and adopted Parts 1 and 3 of the Amendment with changes.

Next steps in the amendment process

34. The consideration of Part 2 of Amendment C231 is the final step in the Amendment process for Council.
35. 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.

36. 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.
37. Attachment 1 to this report sets out what the Panel recommended (in respect of the land at 390A Queens Parade and the surrounding precinct i.e. the north side of Queens Parade in Precinct 4). It explains why or why not recommendations were adopted.
38. Attachment 3 describes every change made by Council to the Amendment from exhibition to the version of the amendment proposed for adoption and gives reasons for the change.

Panel recommendations and officer response

39. The Panel supported Amendment C231 but subject to certain recommended changes.
40. The officer report forming part of the Agenda for the Ordinary Meeting of Council on 17 March 2020 (17 March 2020 Council Report) outlined the aspects of the Amendment supported by the Panel. However, in summary, the Panel concluded that the Amendment:
 - (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.
41. The Panel:
 - (a) supported 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. It considers exceptional circumstances 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;
 - (b) acknowledged the importance of the overall heritage setting and 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;
 - (c) 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; and
 - (d) 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.

Design and Development Overlay 16 (DDO16)

42. Council officers have reviewed and considered the Panel's recommended changes to DDO16 as set out in the Panel's final version of DDO16 as they relate to 390A Queens Parade and agree with the majority of recommendations made by the Panel.
43. Council generally adopted the key recommendations from the Panel in relation to DDO16 when it adopted Parts 1 and 3. The two key exceptions were:

- (a) applying a mandatory height of 14 metres (4 storeys) across Quadrant 4 (the section of the shopping strip between Gold and Turnbull Streets). Instead Council adopted a mandatory maximum building height of 11 metres (3 storeys) for part of this quadrant (141-167 Queens Parade) with 14 metres mandatory (4 storeys) to apply to the remainder of this quadrant; and
 - (b) deleting the Heritage Design Requirements. Council resolved to retain these in the DDO.
44. The following table details the key changes to the General Requirements in DDO16 as recommended by the Panel. Noting Attachments 1 and 3 outline other more minor recommended changes to the General Requirements and the officer response.

Table 1: Changes to General Requirements

DDO16	Panel and officer recommendations
Heritage design requirements	<p>The Panel considered that the Heritage Design Requirements were not required and repeated policy already in Clause 22.02, the decision guidelines in the Heritage Overlay and the Preferred Character Statements in the preferred version of the DDO.</p> <p>Officers do not support this change. The Heritage Design Requirements should be retained.</p> <p>Officers consider that they address a gap in the scheme provisions and should be included until such time Clause 22.02 is amended by Amendment C269 (Planning Scheme Local Policy rewrite) to more comprehensively address industrial, commercial and retail places.</p>
Access via laneways	<p>The exhibited version of DDO16 sought to ensure vehicle access is provided via side streets and rear laneways wherever possible to maximise the efficiency of the arterial roads and retain the historic pedestrian-focused shopping strip.</p> <p>To ensure this was explicit, in the Council's preferred version of DDO16 the requirement for access from side streets and rear laneways was deleted and replaced with a requirement to avoid new crossovers on Queens Parade.</p> <p>The Panel recommended Council reinstate the requirement for access from rear laneways or side streets.</p> <p>Officers support the Panel's recommended change to the Council's preferred version of DDO16.</p> <p>Officers support the inclusion of both requirements to provide clarity around access.</p>

Building heights

- 45. 390A Queens Parade is located in Precinct 4 – Activity Centre.
- 46. Building heights in Precinct 4 were the subject of significant expert evidence, cross examination and discussion at the Panel Hearing:
 - (a) many community submitters expressed concern about the six storey height proposed in the exhibited version of DDO16 – highlighting negative impacts on the valued heritage character of Queens Parade and on the amenity of adjoining residential properties;
 - (b) 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; and
 - (c) community submitters at the Panel 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

47. The Panel recommended a mandatory height of 10.5 metres (three storeys) in the majority of Precinct 4 (including 390A Queens Parade) with the fourth quadrant bounded by Queens Parade, Gold Street and Turnbull Street to remain at 14 metres (four storeys) mandatory (see Map 3).

Map 3: Panel’s recommended heights in Precinct 4



48. The Panel explained that it considered 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).

Officer position

49. At the 17 March 2020 Ordinary Meeting of Council, Council adopted the Panel’s recommendation of a three storey mandatory maximum building height for three of the four quadrants in Precinct 4.
50. However, while the Panel recommended the fourth quadrant bounded by Queens Parade, Gold Street and Turnbull Street remain at 14 metres (four storeys), Council adopted a mandatory maximum building height of 3 storeys (11 metres) for 141-167 Queens Parade and four storeys (14 metres) for the remainder of the quadrant (see Maps 4 and 5).

Map 4: Adopted building heights – Amendment C231 (Part 1)



Map 5: Adopted building heights – Amendment C231 (Part 3)



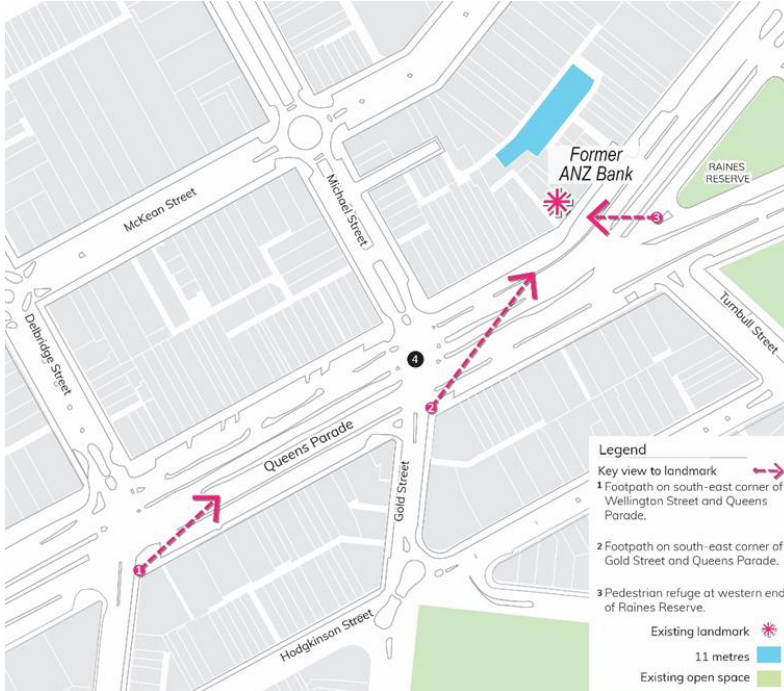
51. Council also adopted the officers' recommendation that the Panel's recommended three storey height of 10.5 metres be amended to 11 metres to ensure heritage floor plates can be carried through into the new development. Refer to section headed *10.5 metres versus 11 metres* for further discussion.
52. 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).

53. 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.
54. 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.
55. 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.
56. 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).
57. In the 17 March 2020 Council Report, officers supported the Panel's recommendations for a three storey height limit in three of the 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.
58. 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. (Noting that while 390A Queens Parade does not front Queens Parade itself, it does form a backdrop and has been included in the Heritage Overlay which applies to Queens Parade);
 - (b) secondly, higher levels of growth can be accommodated elsewhere within the centre or nearby. 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 (i.e. the former Gasworks site and at 26 Queens Parade at the western end). i.e. the 'barbells' with taller heights at each end of the centre and lower heights in the centre; and
 - (c) 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.
59. The planning consultant representing the owner of 390A Queens Parade spoke at the 25 February 2020 Special Meeting of Council. In summary, the consultant said:
 - (a) they do not support the application of three storeys to their site and urged Council to retain its position of four storeys mandatory as presented to the Panel;
 - (b) they noted their planning permit application is for four storey townhouses which was below the 6 storeys permitted under the interim controls which applied when they lodged their planning permit application but did not seek this height; and
 - (c) they consider Council should abandon the Amendment in relation to their site and pursue a new Amendment, providing an opportunity to be heard.
60. As noted above, the Panel recommended that this part of Precinct 4, in which the land at 390A Queens Parade is located, should have a mandatory maximum building height of three storeys.
61. Officers support the Panel's recommendation for a three storey maximum building height for 390A Queens Parade.

62. Officers consider that the justification for a mandatory three storey maximum height that applied for the majority of Precinct 4 more broadly (and as set out above in paragraph 58), equally applies to 390A Queens Parade. Officers recommend a three storey maximum building height (or 11 metres) should also be adopted for 390A Queens Parade (see Map 6) to:

- (a) ensure a consistent building height applies across this part of Precinct 4; and
- (b) retain and reinforce the low-rise heritage built form character of the area.

Map 6: Building heights – Amendment C231 (Part 2) – 390A Queens Parade



10.5 metres versus 11 metres

63. On 17 March 2020, Council adopted the officers’ recommendation that the height in areas where a three storey outcome was sought be increased from 10.5 metres (as recommended by the Panel) 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); and
- (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.

64. To ensure consistency across the three storey areas of Precinct 4, it is therefore recommended that an 11 metre rather than 10.5 metre maximum height should apply to 390A Queens Parade.

Street wall heights and upper level setbacks

65. The Panel supported the proposed street wall heights and upper level setbacks proposed by Council in the Council’s preferred version of DDO16 for Precinct 4.

Side and rear setbacks

66. Changes to the side and rear setbacks for Precinct 4 were recommended in Council's preferred version of DDO16 in response to submissions expressing concerns about impacts on the amenity of the low scale residential properties which abut the centre:
 - (a) in circumstances where there is no laneway, it provides a 3 metre ground level setback (similar to the separation provided by a laneway); and
 - (b) where there is a laneway, a setback similar to the B17 standard in ResCode applies.
67. Council's preferred version of DDO16 reinstated a requirement from the interim DDO (omitted in the exhibited version) to establish a setback for sites that have an interface to the Commercial 1 Zone i.e. island sites behind the Queens Parade commercial properties.
68. No change was recommended by the Panel to the above side and rear setback requirements in Council's preferred version of DDO16.

Overshadowing of residential properties

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

Preferred character statement

72. Council's preferred version of DDO16 included a preferred character statement for each Precinct (a change proposed in response to submissions). They were added to better define the future character sought by the controls.
73. The Panel supported their inclusion but recommended some redrafting to make their intent clearer, read as more positive outcomes and remove repetition. Officers support the edits recommended by the Panel.

DDO16 Version for adoption – 390A Queens Parade

74. A DDO specific to 390A Queens Parade is proposed for adoption at Attachment 5. The contents of this DDO includes the same metrics as the version of DDO16 adopted by Council for the north side of Queens Parade in Precinct 4 on 17 March 2020. References to precincts, streets and landmarks outside Precinct 4 have been deleted.

Changes to Heritage Overlays and Heritage Gradings

75. As noted in the 17 March 2020 Council Report, there are five buildings located on the site at 390A Queens Parade. All five buildings are currently included in a Heritage Overlay (HO327 North Fitzroy), but do not have a heritage grading.
76. The Amendment (implementing the recommendations of *Heritage Built Form Heritage Analysis and Recommendations* by GJM Heritage) proposed the following in relation to the Heritage Overlay and heritage gradings for 390A Queens Parade:
 - (a) the two storey building (i.e. the substation - part of the former Wilmott bakery) in the north-east corner of the site was changed from 'ungraded' to a 'contributory' grading;
 - (b) all buildings on 390A Queens Parade (except the two storey building in the north-east corner) was changed from 'ungraded' to 'not contributory'; and

- (c) remove 390A Queens Parade (and the surrounding laneways) from HO327 North Fitzroy Precinct and include it in HO330 Queens Parade Precinct, as the site historically serviced properties fronting Queens Parade and forms part of the commercial area (see Attachment 2).
77. During exhibition of the Amendment, submissions were received that questioned the ‘*not contributory*’ grading of the remaining buildings. These submissions considered that the rest of the bakery building was significant and should be protected, and the single storey building to the immediate south-east of the substation formed part of Wilmott’s bakery and should be retained.
78. The submissions regarding the heritage grading of the buildings at 390A Queens Parade were predominantly from local residents. No submission to the exhibited amendment was received from the owners of this site in relation to the grading (indeed, no submission at all was received from the owners of this site).
79. In response to the submissions that were received, GJM Heritage was asked to review the relevant submissions and gradings. GJM confirmed its original advice.
80. 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 the heritage grading of the buildings at 390A Queens Parade

81. The Panel concluded as follows:
- (a) it supported the ‘*contributory*’ grading of the north-east corner building at 390A Queens Parade and the ‘*not contributory*’ grading of the other buildings at 390A Queens Parade within HO330, as exhibited;
 - (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*’;
 - (c) it observed (at page 100) 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*’; and
 - (d) it supported the recommendation to include the site in HO330 – the Queens Parade Precinct.

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

82. Officers recommend that Council 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*’).
83. NOTE - The grading changes will be implemented through an update to Appendix 8 - City of Yarra Review of Heritage Overlay Areas 2007- an incorporated document to the Yarra Planning Scheme which lists heritage gradings (see Attachment 5).
84. As outlined in the 17 March 2020 Council Report, following receipt of the Panel Report, officers engaged David Helms Heritage to undertake the further assessment of the other buildings.
85. David Helms found that:
- (a) the remainder of the former Wilmott bakery building should also be graded contributory (see map 7 below and the report from David Helms at Attachment 2); and

- (b) the proposed Statement of Significance should be updated to reference the buildings at the rear of the shops.

Map 7: 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*

86. 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.
87. 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. In addition, 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, they should not be included in this Amendment at this late stage. 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.

External Consultation

88. All submitters to Amendment C231 and the planning consultants acting for the owners of 390A Queens Parade have been advised of the intent to consider Part 2 of Amendment C231.
89. Officers wrote to all 414 submitters as well as land owners and occupiers in Precinct 4 and Precinct 5 prior to 25 February 2020 Council meeting to advise them of the two stage meeting process for consideration of Amendment C231.
90. 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.
91. 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)

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

Financial Implications

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

Economic Implications

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

Sustainability Implications

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

Climate Emergency Implications

96. There are no known climate change implications relating to the Amendment.

Social Implications

97. There are no known climate change implications relating to the Amendment.

Human Rights Implications

98. There are no known human rights implications.

Communications with CALD Communities Implications

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

Council Plan, Strategy and Policy Implications

100. 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

101. The approach outlined in this report accords with the requirements of the *Planning and Environment Act 1987*.

Other Issues

102. 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

103. 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.
104. Any changes to the exhibited Amendment must be justified in writing to the Minister for Planning.

Conclusion

105. Council considered and adopted (with changes) Amendment C231 (Parts 1 and 3) at the Ordinary Council Meeting of 17 March 2020.

106. This report considers the remaining part of the Amendment – Part 2, which relates to 390A Queens Parade.
107. 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. This included the planning consultant representing the owners of 390A Queens Parade.
108. 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. It recommended a maximum mandatory building height of 3 storeys apply to 390A Queens Parade (as part of Precinct 4) and supported the other built form parameters proposed by Council for the wider precinct.
109. Council must now consider the report of the independent Planning Panel and the officer recommendations in relation to Part 2 of Amendment C231 which applies to 390A Queens Parade.
110. The two key issues for 390A Queens Parade are:
 - (a) Building heights - Officers support the Panel's recommendation for a mandatory maximum three storey building height for the site at 390A Queens Parade (albeit with a maximum height of 11m rather than 10.5m); and
 - (b) Heritage - Changes to the gradings and Precinct HO were supported by the Panel. However the Panel also recommended additional work is undertaken to review the other buildings on the site at 390A Queens Parade. This work has been undertaken but cannot be implemented through Amendment C231 and may be pursued through a separate amendment process.
111. At this meeting, Council will be asked to decide whether or not to adopt the final part of the Amendment, with or without changes.
112. Alternatively under the *Planning and Environment Act 1987*, Council could choose to abandon the Amendment or parts of the Amendment.

RECOMMENDATION

1. That Council notes the officer report regarding Amendment C231 (Part 2) including the Panel Report and officer recommendations.
2. That Council adopts Amendment C231 (Part 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.
3. That Council submits the adopted Amendment C231 (Part 2) as set out in Attachment 5 to this report to the Minister for Planning for approval, in accordance with Section 31(1) of the *Planning and Environment Act 1987*.
4. 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.
5. That Council delegates to the CEO the authority to finalise Amendment C231 (Part 2), in accordance with Council's resolution, and to make any administrative changes required to correct errors, grammatical changes and map changes.
6. That all submitters are advised of the Council determinations in relation to Amendment C231 (Part 2).

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Attachments

- 1⇒ Table - 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 version for Adoption
- 4⇒ Track change version of DDO from Exhibition to version for Adoption
- 5⇒ C231 Part 2 - Amendment documentation for Adoption
- 6⇒ VCAT Decision - S39 appeal for 390A Queens Parade, North Fitzroy

11.3 Draft Yarra LGBTIQ+ Strategy

Executive Summary

Purpose

To seek endorsement of the draft Yarra LGBTIQ+ Strategy for public exhibition.

Key Issues

Yarra City Council has a long history of promoting equal rights for its LGBTIQ+ (Lesbian Gay Bisexual Trans Intersex Queer Plus) community, and many LGBTIQ+ people choose to live, work and socialise in the City of Yarra.

In early 2015, Council's inaugural LGBTIQ+ Working Group, QnA, was created. With a number of key internal projects now completed or ongoing, QnA is focussing on a more active role in engaging with Yarra's LGBTIQ+ community.

Fundamental to this role is the development of a LGBTIQ+ Strategy.

In consultation with key businesses, services and organisations and the wider LGBTIQ+ community, three key priorities were developed which will form the basis of Council's future work.

These priorities are Welcoming and Celebrating Diversity, An Inclusive Yarra, and Supporting, Participating and Connecting.

Subject to its endorsement by Council, the draft Yarra LGBTIQ+ Strategy will be out for public exhibition (June-July) and further refining, before its final adoption late 2020.

Financial Implications

The Strategy will be delivered within existing budgets.

PROPOSAL

That Council note the draft Yarra LGBTIQ+ Strategy, and endorse the draft Yarra LGBTIQ+ Strategy for public exhibition across June – July 2020.

11.3 Draft Yarra LGBTIQ+ Strategy

Reference: D20/40510
Authoriser: Group Manager People and Culture

Purpose

1. To seek endorsement of the draft Yarra LGBTIQ+ Strategy for public exhibition.

Background

2. Yarra City Council has a long history of promoting equal rights for its LGBTIQ+ (Lesbian Gay Bisexual Trans Intersex Queer Plus) community, and many LGBTIQ+ people choose to live, work and socialise in the City of Yarra.
3. Back in 2014, Officers sought Executive support for a project to investigate and draft strategies to improve Council's policies and programs for the LGBTIQ+ community in terms of equity, inclusiveness, celebration and community engagement.
4. In early 2015, Council's inaugural LGBTIQ+ Working Group, QnA, was created.
5. Since QnA's inception, it has implemented a number of key initiatives, including LGBTIQ+ awareness training for staff, reviewing internal Council policies, procedures, and forms, including LGBTIQ+ content in Council's corporate induction, and participating in key events such as IDAHOBIT (International Day Against Homophobia, Biphobia, Intersexism and Transphobia) and Midsumma.
6. With a number of key internal projects now completed or ongoing, QnA is focussing on a more active role in engaging with Yarra's LGBTIQ+ community.
7. Fundamental to this role is the development of a LGBTIQ+ Strategy (see Attachment 1).
8. The aim of the Yarra LGBTIQ Strategy is to set out clear priorities and actions which if implemented properly will contribute to the LGBTIQ+ community being welcomed, engaged and included equally as part of the Yarra community.
9. The process to develop the Yarra LGBTIQ+ Strategy has involved:
 - (a) a desktop review into other strategies and policies on LGBTIQ+ issues, and research to identify best practice approaches in Australia in relation to the LGBTIQ+ community, to inform the development of a Background & Discussion Paper;
 - (b) consultation with key internal stakeholders;
 - (c) an analysis of QnAs strengths, weaknesses, opportunities and threats; and
 - (d) seeking representation from key businesses, services and organisations and the wider LGBTIQ+ community.
10. In consultation with key stakeholders, the following three key priorities were developed. These priorities will form the basis of Council's future work.
 - (a) Key priority 1: Welcoming and Celebrating Diversity:
 - (i) Strategic goal 1.1: Recognising and celebrating Yarra's LGBTIQ+ community; and
 - (ii) Strategic goal 1.2: Raising awareness around the issues affecting LGBTIQ+ people;
 - (b) Key priority 2: An Inclusive Yarra:
 - (i) Strategic goal 2.1: An inclusive organisational culture that is reflective of Yarra's diverse communities; and
 - (ii) Strategic goal 2.2: An inclusive, appropriate and responsive Council;

- (c) Key priority 3: Supporting, Participating and Connecting:
 - (i) Strategic goal 3.1: Providing opportunities for people to join and connect with each other; and
 - (ii) Strategic goal 3.2: Supporting and nurturing Yarra's LGBTIQ+ Spaces.
- 11. Actions responding to the three key priority areas and strategic goals outlined in the Strategy will be revisited regularly. This will enable Council to be responsive to the changing needs of the community and to changes in the social, economic and political environment.
- 12. Additionally, There are a number of actions which will be included in the Yarra LGBTIQ+ Strategy Year 2 Action Plan including:
 - (a) investigate establishment of an LGBTIQ+ Reference Group comprising external stakeholders including businesses, organisations and community members;
 - (b) investigate models for a suitable inclusion audit for Council facilities and services;
 - (c) develop a series of resources for Council facilities that promote inclusion and celebrate diversity;
 - (d) explore ways of creating opportunities for intersectional, intergenerational and inclusive activities for the LGBTIQ+ community; and
 - (e) promote safe and inclusive services, businesses, groups and venues within Yarra, including promoting LGBTIQ+ venues as potential event spaces.
- 13. Subject to its endorsement by Council, the draft Yarra LGBTIQ+ Strategy will be out for public exhibition (June-July) and further refining, before its final adoption late 2020.

External Consultation

- 14. Officers sought representation from the wider LGBTIQ+ community, and a number of key services, organisations, and businesses including Rainbow Families Victoria, Bent Twig Alliance, St Vincent's, The Drum, Queer Space, Minus 18, the Neighbourhood Justice Centre, Thorne Harbour Health, Transgender Victoria, Eagle Leather, The Laird, The Peel, Vaud d' Vile, Hares & Hyenas, Melbourne Rubber, The 86, Club 80, Circuit, Mollies, Mannhaus, Wet on Wellington, Piercing HQ, and Lucrezia & De Sade.

Internal Consultation (One Yarra)

- 15. Officers consulted with key internal staff including Council's Community Partnerships, Arts and Culture, Family and Middle Years, Youth Services, Library Services, Aged and Disability Services, Leisure, and Diversity and Inclusion branches and LGBTIQ+ identifying staff.

Financial Implications

- 16. The Strategy will be delivered within existing budgets.

Economic Implications

- 17. Council recognises that certain groups in the community face various and sometimes intersecting barriers, and the Yarra LGBTIQ+ Strategy will outline ways in which these barriers can be understood and ultimately addressed.
- 18. This provides opportunities for self-determination and community engagement, which ultimately contributes to a richer and more diverse participation in the economic life of Yarra. The municipality can only benefit with a diverse and engaged workforce.
- 19. In drafting the Yarra LGBTIQ+ Strategy, economic implications have been considered through the application of Yarra's Quadruple Bottom Line (QBL) assessment tool. The tool results demonstrate that considerable consideration was given to the economic pillar, in particular, creating vibrant and thriving precincts.

Sustainability Implications

20. Sustainability implications have been considered through the application of Yarra's QBL assessment tool. The tool shows that standard consideration was given to the environment and adaptation pillars.

Social Implications

21. The Yarra LGBTIQ+ Strategy plays a key role in breaking barriers to access, participation and inclusion for the community, recognising that certain groups have intersecting and more complex barriers to overcome.
22. Social implications have been considered through the application of Yarra's QBL assessment tool. The tool shows that outstanding consideration was given to promoting access and inclusion, wellbeing, and community pride and identity.

Human Rights Implications

23. The City of Yarra is a vibrant and diverse municipality. It is the traditional lands of the Wurundjeri, and a place of special significance for the broader Aboriginal community. The City of Yarra is also home to diverse communities, something that Council is proud of and recognises as an asset.
24. Council has an important (and legally required) role to play in upholding and protecting its diverse population's human rights. Council will actively work to reduce barriers so that all residents can participate in community and access services and information regardless of age, gender, sex, sexuality, income, education, cultural background, language skills, religion or disability.
25. Our strong commitment to achieving social justice is articulated by our being signatories to a number of international Human Rights treaties.
26. Further, we are bound by the Charter of Human Rights and Responsibilities Act 2006 (Vic) to act compatibly with human rights, and to consider human rights when developing policies, making laws, delivering services and making decisions.

Communications with CALD Communities Implications

27. It is recognised that language and cultural background can be a barrier to community members fully participating in community life.
28. Once the draft Yarra LGBTIQ+ Strategy is approved for public exhibition, communities with low English literacy will be assisted to provide feedback via translated copies and focus groups with interpreters (as required), in order to facilitate participation in the process.

Council Plan, Strategy and Policy Implications

29. The Yarra City Council, Council Plan 2017 – 2021 commits to:
 - (a) a Healthy Yarra - Community health, safety and wellbeing are a focus in everything we do; and
 - (b) an Inclusive Yarra - Inclusion, diversity and uniqueness are welcomed, respected and celebrated.

Legal Implications

30. Some of the legislation related to this area include:
 - (a) Universal Declaration of Human Rights 1948;
 - (b) Human Rights and Equal Opportunity Commission Act 1986;
 - (c) Charter of Human Rights and Responsibilities Act 2006 (Vic); and
 - (d) Local Government Act 1989 (Vic).

31. The Charter of Human Rights and Responsibilities Act 2006 (Vic) requires local Councils to act compatibly with human rights and to consider human rights when developing policies, making laws, delivering services and making decisions.

Other Issues

32. Officers briefed the Executive on 5 February 2020 and Councillors on 17 February 2020 on the draft Yarra LGBTIQ+ Strategy, with the view to seeking endorsement for public exhibition at the Council meeting on 3 March 2020.
33. However the report was deferred on the basis of undertaking additional consultation following further feedback from local LGBTIQ+ businesses.
34. Officers sought representation from a breadth of LGBTIQ+ businesses, and had valuable conversations with key representatives from the LGBTIQ+ community, including the owners of Hares & Hyenas, The Laird, The Peel, Eagle Leather, Sircuit and Vaud d' Vile.
35. Businesses were largely concerned about protecting Yarra's LGBTIQ+ spaces. Suggestions around how this might be done included convening an LGBTIQ+ Advisory Group and promoting LGBTIQ+ businesses, services, and events within Yarra.
36. Data from the consultations was collated and analysed, and revisions were made to the draft Yarra LGBTIQ+ Strategy.
37. Revisions include broadening the key priority 'Participation and Community Connectedness', which is now 'Supporting, Participating and Connecting' and a new strategic goal 'Supporting and Nurturing Yarra's LGBTIQ+ Spaces' which sits under this key priority.
38. However, during this time, businesses started to indicate that Council consultations were not a high priority for them in the current Covid-19 climate.
39. This is a consideration for the community consultation period once the draft Yarra LGBTIQ+ Strategy has been endorsed for public exhibition. Best practice indicates that people (and communities) need to feel genuinely engaged with and heard. Due to the issues arising from Covid-19, Officers will need to engage in new and innovative ways, and allocate more time over all to ensure thorough consultation with the LGBTIQ+ community during the period of public exhibition.

Options

40. There are no options.

Conclusion

41. Subject to its endorsement by Council, the draft Yarra LGBTIQ+ Strategy will be out for public exhibition across June – July 2020, before its final adoption late 2020.

RECOMMENDATION

1. That Council:
 - (a) note the draft Yarra LGBTIQ+ Strategy; and
 - (b) endorse the draft Yarra LGBTIQ+ Strategy for public exhibition from June - July 2020.

CONTACT OFFICER: Sarah Jaggard
TITLE: Senior Diversity and Inclusion Advisor
TEL: 9205 5160

Attachments

- 1⇒ Draft Yarra LGBTIQ+ Strategy 1 April 2020

11.4 Community Engagement Policy and Action Plan

Reference: D20/29126
Authoriser: Group Manager Chief Executive's Office

Purpose

1. To seek Council endorsement of the draft Community Engagement Policy and four-year action plan for public exhibition and community feedback prior to adoption.

Background

2. On 28 May 2019, Council endorsed officer's proposed approach to developing Yarra's next Community Engagement Policy, with the following resolution:

"That Council:

- (a) *note the proposed process and objectives for developing a refreshed Community Engagement Policy and a new 4 year implementation plan;*
- (b) *endorse the proposed process; and*
- (c) *note that there will be a further report on the Draft Community Engagement Policy later this year for Council consideration."*

3. An update on progress was provided to Councillors via briefings in December 2019 and February 2020.
4. This report presents the draft Community Engagement Policy and associated four-year action plan for endorsement to exhibit and seek community feedback.

Draft policy and action plan

5. The attached draft policy builds on the considerable achievements of the 2014 policy and implementation plan which focused on introducing best practice, building organisational capacity and developing new and creative practices.
6. The focus of the draft policy and action plan is on embedding best practice to:
 - (a) ensure Yarra Council meets the legislative requirements set out by the Victorian Auditor General's Office (VAGO) and the changes outlined in the Local Government Act 2020;
 - (b) drive the consistent application of IAP2 principles (the global standard in community and stakeholder engagement practice) to all Council engagement projects. In particular:
 - (i) fostering common understanding in applying the IAP2 spectrum to engagement practices (including opportunities that invite partnering with or empowering the community through deliberative processes where appropriate);
 - (ii) encouraging common understanding of how the engagement approach at different stages of decision making should match the level of influence expected of and by the community; and
 - (iii) considering where specialist research drawn from sector expertise can better inform engagement processes;
 - (c) reinforce Council's commitment to the community to undertake genuine, timely, transparent, well-planned and accessible engagement on decisions that affect or interest them; and
 - (d) update Council's approach to understanding and engaging underrepresented cohorts and changing demographics.

7. The draft policy outlines the approach that will guide community engagement practice and directly reflects the needs and expectations of the community borne out through the engagement process.
8. The new four-year action plan will deliver practical actions to support the policy objectives to ensure a consistent approach to community engagement through common understanding of processes, planning, methods and use of tools and resources.
9. A key commitment in the action plan is to implement a detailed process guide and toolkit for staff to support consistent practice. A deliberative engagement process guide will also be developed to guide practice and will include case studies of deliberative practices on different issues and at different scales.

External consultation

10. An extensive engagement process was undertaken throughout 2019 to understand the drivers of, and barriers to, participation in council engagement. This included how the community prioritise engagement of different areas of Council planning and decision-making, as well as the best methods of engaging different types of community within Yarra.
11. The level of community influence sought and achieved at stage one was 'consult/involve.' The feedback received informed the attached draft policy and action plan. The second stage of community engagement will be to consult on the exhibited draft policy and action plan. This will occur in June 2020.
12. In the stage one community engagement, participants were asked:
 - (a) What areas of Council decision making are most important to you?
 - (b) What would encourage you to have your say?
 - (c) What might stop you from having your say?
 - (d) What's the best way to let you know about opportunities to have your say?Different surveying methods were used including ranking examples and open ended responses.
13. The engagement was carefully designed to:
 - (a) ensure traditionally underrepresented groups in Yarra were represented;
 - (b) include methods to encourage children and young people to participate;
 - (c) ensure inclusive engagement using a variety of outreach methods; and
 - (d) include methods that would encourage residents in a range of dwelling types to participate, including public housing, private renting and multi-unit developments.
14. A broad range of stakeholders were represented in the engagement and more than 360 contributions were received, in addition to the direct outreach with underrepresented groups.
15. Direct outreach included with children and young people, culturally and linguistically diverse communities, private renters, public housing tenants, homeless services, and renters and owners of multi-unit developments. In-person engagement was also undertaken with community advisory groups.
16. The engagement results highlighted six common themes:
 - (a) transparency in the process is the main driver for participation in community engagement. For example, knowing the impact and level of influence as well as feeling heard. Participants of all demographics consistently rated transparency of process more highly than time required to participate and ease of participation;
 - (b) engagement needs to be approachable, accessible and clear about the potential impact of a decision and how it relates to the individual and their immediate community;

- (c) informed engagement is a key driver of participation. For culturally and linguistically diverse participants, detailed information about the engagement is a stronger driver of participation (double the rate) than the personal impact of the matter being engaged on. Providing adequate information through the right channels and communicating the role of Council was also a strong driver of participation for public housing residents, 12 to 25 year olds and renters;
- (d) mapping community outreach will provide better connections with those impacted or interested in Council decisions, particularly culturally and linguistically diverse communities;
- (e) Yarra's renting population provided nuanced responses, including a desire for creative, digital engagement approaches. Whilst Yarra News (bi-monthly print publication) and Yarra Life (fortnightly email newsletter) consistently rated highly as preferred channels across all demographics, for renters, social media is the stand-out channel. Priority engagement topics for renters varied markedly, with libraries in first place (where as for all other demographics engagement about libraries was of mid-range value). For renters in multi-unit developments, engagements about open space planning rated more highly than for owners (who rate urban planning issues as the highest engagement priority); and
- (f) considerable effort was put to exploring drivers, barriers and priorities of children and young people. Twelve to 25 year olds want to be better informed about the role of Council, how to influence decisions and want Council meeting times and locations to be accessible.

17. A detailed engagement report is provided as an attachment.

Internal consultation (One Yarra)

- 18. The Yarra Council Senior Management Team were briefed on the IAP2 Spectrum of engagement and had an opportunity review and input into the draft policy.
- 19. Approximately 50 staff participated in two facilitated workshops on best practice and resources, to provide advice on challenges and opportunities and feedback on the draft policy and internal process guide and identify actions.

Financial implications

- 20. Implementation of the Community Engagement Policy and action plan will primarily be delivered within existing operational budgets. Resourcing of individual engagement projects may require additional budget, which will be identified at the project planning stage.

Economic Implications

- 21. Not applicable

Sustainability Implications

- 22. No applicable

Social Implications

- 23. Engaging with Yarra's diverse and hard to reach community groups was intended to encourage wide participation in all aspects of the council's service delivery.

Human Rights Implications

- 24. Part 2(18) Victoria Charter of Human Rights and Responsibilities' Act 2006 states: "Each person in Victoria has the right, and is to have the opportunity, without discrimination, to participate in the conduct of public affairs, directly or through freely chosen representatives."

Communications with CALD Communities Implications

- 25. Targeted consultation with underrepresented cohorts was completed during the community engagement that informed the draft policy, including public housing residents, and people with English as a second language.

Council Plan, Strategy and Policy Implications

26. The development of the draft Community Engagement Policy aligns with Strategic Objective Seven of the Council Plan 2017-2021: *A Leading Yarra: Transparency, performance and community participation drive the way we operate.*

Legal Implications

27. The new Victorian Local Government Act 2020 received Royal Assent in March 2020. It requires councils to develop and approve a community engagement policy that gives effect to the community engagement principles outlined in the legislation. This draft policy complies fully with the legislative requirements.

Conclusion

28. The draft policy and action plan are the result of thorough research into best practice and statutory requirements and respond to the needs and expectations of the Yarra community as identified through the extensive engagement process. It is now ready for community feedback prior to adoption.

RECOMMENDATION

1. That Council:
- (a) endorse the draft community engagement policy and four-year action plan for a four week public exhibition period seeking community feedback.

CONTACT OFFICER: Natalie Thomas
TITLE: Senior Advisor Community Engagement
TEL: 9205 5154

Attachments

- 1⇒ Community engagement policy 2020
- 2⇒ Community Engagement Action Plan 2020-2024
- 3⇒ External engagement report

11.5 2019/20 Annual Plan Review

Reference: D20/88094
Authoriser: Director Corporate, Business and Finance

Purpose

1. To provide Councillors with the result of the 2019/20 Annual Plan Review and to flag actions for deferral due to COVID-19 and other circumstances beyond Council's control.

Background

2. The 2019/20 Annual Plan quarterly progress report – March, was presented to Council on 5 May 2020. While the March result of 81% was extremely positive Council acknowledged that it is not sustainable and resolved to receive a further report on the impact COVID will have on the delivery of the 2019/20 Annual Plan.
3. Council resolved to:
 - (a) *note the result as reported in the 2019/20 Annual Plan Quarterly Progress Report – March;*
 - (b) *acknowledge the significant impact the COVID-19 pandemic will have on the deliverability of 2019/20 Annual Plan actions by the end of June 2020; and*
 - (c) *receive a further Report on the impact of COVID-19 on the delivery of actions in the 2019/20 Annual Plan.*
4. Some of the impacts on our ability to deliver commitments in the Annual Plan include restrictions on planned community consultations, public meetings, community events and programs, service closures and the conduct of Council meetings, coupled with our subsequent response to the pandemic resulting in a considerable diversion of resources to support the business and community support package.
5. Council endorsed the 2019/20 Annual Plan on 25 June 2019. To ensure the integrity and transparency of the Annual Plan, Actions including their descriptions and milestones can only be changed by resolution of Council.
6. Officers or Councillors may propose changes to the Annual Plan.
7. A review of the 2019/20 Annual Plan identified a number of actions that will not be delivered due to the impact of COVID-19 and other circumstances beyond Council's control.
8. The following Actions cannot be delivered as planned and the identified milestones proposed to be deferred.
 - (a) 1.04 Provision of boat storage and clubhouse facility design - Panther Pavilion:
 - (i) Project has been delayed due to VCAT appeals process and the subsequent suspension of VCAT hearings as a result of the COVID-19 pandemic.

Milestones to Defer (NB all milestones for this action are being deferred and the action will be removed from the 2019/20 Annual Plan)

September – Commence boat storage construction
December – Complete boat storage construction
March – Commence pavilion design
June – Complete pavilion design
 - (b) 1.05 Ryan's Reserve Netball/Tennis Court and Pavilion:
 - (i) Pavilion construction has been delayed pending a decision from Sport and Recreation Victoria on the design of the pavilion.

Milestone to Defer

June – Commence pavilion refurbishment works

(c) 2.04 LGBTIQ Strategy:

- (i) Project has been delayed due to a request from Council to undertake further consultation with relevant businesses and subsequent restrictions on consultation during COVID-19 pandemic.

Milestone to Defer

June – Present draft Strategy to Council for adoption

(d) 3.01 Yarra Environment Strategy:

- (i) Project was put on hold due to its dependency on adoption of the Climate Emergency Plan which is being presented to Council in June.

Milestone to Defer

June – Present Yarra Environment Strategy to Council seeking adoption

(e) 3.04 Review and update Council's Urban Agriculture guidelines:

- (i) Project has been delayed due to restrictions on consultation during COVID-19 pandemic.

Milestone to Defer

June – Present report on new Guidelines to Council

(f) 3.06 Commence holistic waste system trial in selected areas with 1300 households:

- (i) Final stage of the project has been put on hold due to restrictions on consultation during COVID-19 pandemic and subsequent discretionary project funding being withdrawn in the draft 2020/21 Budget.

Milestones to Defer

March – Depending on outcome of trial, develop plan for delivery of holistic waste system municipal wide

June – Commence engagement, communication and marketing to get community ready for roll out

(g) 4.07 Negotiate Joint Use Agreement with Richmond High School:

- (i) The project was initially delayed in 2019 due to the unfortunate circumstances leading to an Acting Principal taking over and further by the disruption to schools nationally as an impact of the ongoing COVID emergency and restrictions on public movements.

Milestones to Defer

December – Finalise Joint Use Agreement with the School Principal

March – Seek Council and Yarra City Council endorsement of Joint Use Agreement; and

(h) 4.08 Review and develop a framework for management of Council's own heritage assets:

- (i) Project has been delayed due to restrictions on consultation and site visits as a result of the COVID-19 pandemic.

Milestones to Defer

March – Present a draft framework to Executive

June – Present a draft framework to Council

9. All actions with deferred milestones and Off Track or Monitor status at 30 June 2020 will be considered in development of the 2020/21 Annual Plan which will be presented to Council for endorsement with the 2020/21 Budget on 4 August 2020.

External Consultation

10. Significant community engagement and consultation was undertaken during the development of the *Council Plan 2017-21*. The 2019/20 Annual Plan reflects the community priorities identified during this process, included in the *Council Plan 2017-21* initiatives.
11. Members of the community will have the opportunity to comment on the proposed changes to the 2019/20 Annual Plan Review when it is presented to Council on 2 June 2020.
12. Projects contained in the 2019/20 Annual Plan are subject to external consultation and engagement on a case-by-case basis.

Internal Consultation (One Yarra)

13. Managers and Directors were consulted during the review of the 2019/20 Annual Plan.

Financial Implications

14. Actions in the 2019/20 Annual Plan are resourced within the 2019/20 Budget.

Economic Implications

15. The *Council Plan 2017-21* includes the Strategic Objective *A prosperous Yarra: a place where Local businesses prosper and creative and knowledge industries thrive*. The 2019/20 Annual Plan includes 4 actions that respond to initiatives under this Strategic Objective.

Sustainability Implications

16. The Council Plan 2017-21 includes the Strategic Objective *A sustainable Yarra: a place where Council leads on sustainability and protects and enhances its natural environment*. The 2019/20 Annual Plan includes 9 actions that respond to initiatives under this Strategic Objective.

Climate Emergency Implications

17. This report does not have any Climate Emergency implications.

Social Implications

18. The *Council Plan 2017-21* includes the Strategic Objective *A healthy Yarra: a place where Community health, safety and wellbeing are a focus in everything we do*. The 2019/20 Annual Plan includes 6 actions that respond to initiatives under this Strategic Objective.
19. The 2019/20 Annual Plan Review is proposing to remove 1 action from this Strategic Objective.

Human Rights Implications

20. The Council Plan 2017-21 includes the Strategic Objective *An inclusive Yarra: a place where inclusion, diversity and uniqueness are welcomed, respected and celebrated*. The 2019/20 Annual Plan includes 4 actions that respond to initiatives under this Strategic Objective.

Communications with CALD Communities Implications

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

Council Plan, Strategy and Policy Implications

23. The 2019/20 Annual Plan represents Year 3 of the *Council Plan 2017-21* adopted on 1 August 2017.

Legal Implications

24. This report does not have any Legal Implications.

Other Issues

25. This report does not have any Other Issues.

Options

26. This report does not provide any Options.

Conclusion

27. The 2019/20 Annual Plan Review is proposing to remove one action from the 2019/20 Annual Plan and defer milestones in seven actions due to the impact of the COVID-19 pandemic and other circumstances beyond Council's control.

RECOMMENDATION

1. That Council endorse the following changes to the 2019/20 Annual Plan:
 - (a) 1.04 Provision of boat storage and clubhouse facility design - Panther Pavilion:
 - Defer milestones and remove action
 - September – Commence boat storage construction
 - December – Complete boat storage construction
 - March – Commence pavilion design
 - June – Complete pavilion design
 - (b) 1.05 Ryan's Reserve Netball/Tennis Court and Pavilion:
 - Defer milestone
 - June – Commence pavilion refurbishment works
 - (c) 2.04 LGBTIQ Strategy:
 - Defer milestone
 - June – Present draft Strategy to Council for adoption
 - (d) 3.01 Yarra Environment Strategy:
 - Defer milestone
 - June – Present Yarra Environment Strategy to Council seeking adoption
 - (e) 3.04 Review and update Council's Urban Agriculture guidelines:
 - Defer milestone
 - June – Present report on new Guidelines to Council
 - (f) 3.06 Commence holistic waste system trial in selected areas with 1300 households:
 - Defer milestones
 - March – Depending on outcome of trial, develop plan for delivery of holistic waste system municipal wide
 - June – Commence engagement, communication and marketing to get community ready for roll out
 - (g) 4.07 Negotiate Joint Use Agreement with Richmond High School:
 - Defer milestones
 - December – Finalise Joint Use Agreement with the School Principal
 - March – Seek Council and Yarra City Council endorsement of Joint Use Agreement; and
 - (h) 4.08 Review and develop a framework for management of Council's own heritage assets:
 - Defer milestones
 - March – Present a draft framework to Executive
 - June – Present a draft framework to Council.

CONTACT OFFICER: Julie Wyndham
TITLE: Manager Corporate Planning and Performance
TEL: 9205 5090

Attachments

There are no attachments for this report.

11.6 Update of the Membership of the Inner Melbourne Action Plan (IMAP) Implementation Committee

Trim Record Number: D20/83494

Responsible Officer: Group Manager Chief Executive's Office

Purpose

1. To recommend that Council approve a change to the membership of the Inner Melbourne Action Plan Implementation Committee ("IMAP") to reflect changes to the organisational structure of the City of Melbourne.

Background

2. The Inner Melbourne Action Plan Implementation Committee is a unique partnership between the Cities of Melbourne, Stonnington, Yarra, Port Phillip and the Maribyrnong City Council with five Special Committees meeting as one, identically constituted under section 86 of the former Local Government Act 1989 and bound by identical Instruments of Delegation and Terms of Reference; and with formal Memorandums of Understanding in place for procurement protocols and joint intellectual property matters. Its primary function is to oversee the implementation of regional strategies and actions through cross Council teams and associated partners.
3. As a result of an organisational realignment, the City of Melbourne has resolved to amend the membership of its Inner Melbourne Action Plan Implementation Committee to remove the Director City Strategy and Place and appoint the General Manager Strategy, Planning and Climate Change.
4. As these committees are identically constituted, the Yarra City Council now needs to make the equivalent membership change.

External Consultation

5. This report has been prepared based on advice provided by the IMAP Executive Officer, a position which is funded by IMAP member Councils and facilitated by Stonnington City Council.

Internal Consultation (One Yarra)

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

Financial Implications

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

Economic Implications

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

Sustainability Implications

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

Social Implications

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

Human Rights Implications

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

Communications with CALD Communities Implications

12. There are no implications arising from this report requiring community consultation.

Council Plan, Strategy and Policy Implications

13. The proposed change enables continued operation of the committee and the furtherance of the Inner Melbourne Action Plan.
14. There are no policy implications arising from this report.

Legal Implications

15. A failure to update the current membership of the Committee could leave open to a legal questions as to whether the Committee is validly constituted.

Other Issues

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

Options

17. There are no options presented in this report.

Conclusion

18. That Council renew the membership of the Inner Melbourne Action Plan Implementation Committee by replacing the City of Melbourne Director City Strategy and Place with the General Manager Strategy, Planning and Climate Change.

RECOMMENDATION

1. That Council appoints as voting members of the Inner Melbourne Action Plan Implementation Committee the persons from time to time holding the positions of:
 - (a) Mayor, Maribyrnong City Council;
 - (b) Chief Executive Officer, Maribyrnong City Council;
 - (c) Chair of the City of Melbourne Future Melbourne (Planning) Committee;
 - (d) General Manager Strategy, Planning and Climate Change, City of Melbourne;
 - (e) Mayor, City of Port Phillip;
 - (f) Chief Executive Officer, City of Port Phillip;
 - (g) Mayor, City of Stonnington;
 - (h) Chief Executive Officer, City of Stonnington;
 - (i) Mayor, City of Yarra; and
 - (j) Chief Executive Officer, City of Yarra.

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

Attachments

There are no attachments for this report.