



Agenda

Council Meeting

7.00pm, Tuesday 18 May 2021

Richmond Town Hall

Council Meetings

Council Meetings are public forums where Councillors come together to meet as a Council and make decisions about important, strategic and other matters. The Mayor presides over all Council Meetings, and they are conducted in accordance with the City of Yarra Governance Rules 2020 and the Council Meetings Operations Policy.

Council meetings are decision-making forums and only Councillors have a formal role. However, Council is committed to transparent governance and to ensuring that any person whose rights will be directly affected by a decision of Council is entitled to communicate their views and have their interests considered before the decision is made.

There are two ways you can participate in the meeting.

Public Question Time

Yarra City Council welcomes questions from members of the community.

Ideally, questions should be submitted to Council in writing by midday on the day of the meeting via the form available on our website. Submitting your question in advance helps us to provide a more comprehensive answer. Questions that have been submitted in advance will be answered first.

Public question time is an opportunity to ask questions about issues for which you have not been able to gain a satisfactory response on a matter. As such, public question time is not:

- a time to make statements or engage in debate with Councillors;
- a forum to be used in relation to planning application matters which are required to be submitted and considered as part of the formal planning submission;
- a forum for initially raising operational matters, which should be directed to the administration in the first instance.

If you wish to raise matters in relation to an item on this meeting agenda, Council will consider submissions on these items in conjunction with and prior to debate on that agenda item.

When you are invited by the Mayor to ask your question, please come forward, take a seat at the microphone, state your name clearly for the record and:

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

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

Public submissions

Before each item is considered, the meeting chair will ask people in attendance if they wish to make submission. If you want to make a submission, simply raise your hand and the Mayor will invite you to come forward, take a seat at the microphone, state your name clearly for the record and:

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

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

Once all submissions have been received, the formal debate may commence. Once the debate has commenced, no further submissions, questions or comments from submitters can be received.

Arrangements to ensure our meetings are accessible to the public

Council meetings are held at either the Richmond Town Hall or the Fitzroy Town Hall. The following arrangements are in place to ensure they are accessible to the public:

- Entrance ramps and lifts (off Moor Street at Fitzroy, entry foyer at Richmond).
- Interpreting assistance is available by arrangement (tel. 9205 5110).
- Auslan interpreting is available by arrangement (tel. 9205 5110).
- A hearing loop is available at Richmond only and the receiver accessory is available by arrangement (tel. 9205 5110).
- Proposed resolutions are displayed on large screen.
- An electronic sound system amplifies Councillors' debate.
- Disability accessible toilet facilities are available at each venue.

Recording and Publication of Meetings

An audio recording is made of all public Council Meetings and then published on Council's website. By participating in proceedings (including during Public Question Time or in making a submission regarding an item before Council), you agree to this publication. You should be aware that any private information volunteered by you during your participation in a meeting is subject to recording and publication.

Order of business

1. **Acknowledgement of Country**
2. **Attendance, apologies and requests for leave of absence**
3. **Announcements**
4. **Declarations of conflict of interest**
5. **Confidential business reports**
6. **Confirmation of minutes**
7. **Public question time**
8. **Council business reports**
9. **Notices of motion**
10. **Petitions and joint letters**
11. **Questions without notice**
12. **Delegates' reports**
13. **General business**
14. **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

Attendance

Councillors

- Cr Gabrielle de Vietri Mayor
- Cr Claudia Nguyen Deputy Mayor
- Cr Edward Crossland Councillor
- Cr Stephen Jolly Councillor
- Cr Herschel Landes Councillor
- Cr Bridgid O’Brien Councillor
- Cr Amanda Stone Councillor
- Cr Sophie Wade Councillor

Council officers

- Vijaya Vaidyanath Chief Executive Officer
- Brooke Colbert Group Manager Advocacy and Engagement
- 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

Leave of absence

- Cr Anab Mohamud Councillor

3. Announcements

An opportunity is provided for the Mayor to make any necessary announcements.

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

Any Councillor who has a conflict of interest in a matter being considered at this meeting is required to disclose that interest either by explaining the nature of the conflict of interest to those present or advising that they have disclosed the nature of the interest in writing to the Chief Executive Officer before the meeting commenced.

5. Confidential business reports

The following items were deemed by the Chief Executive Officer to be suitable for consideration in closed session in accordance with section 66(2)(a) of the Local Government Act 2020. In accordance with that Act, Council may resolve to consider these issues in open or closed session.

RECOMMENDATION

1. That the meeting be closed to members of the public, in accordance with section 66(2)(a) of the Local Government Act 2020, to allow consideration of confidential information

Item

5.1 Fitzroy North Primary School

This item is presented for consideration in closed session because it contains council business information, being information provided that would prejudice the Council's position in commercial negotiations if prematurely released.

This item is considered applicable because it is the subject of commercial negotiations between Council and the Minister for Education.

6. Confirmation of minutes

RECOMMENDATION

That the minutes of the Council Meeting held on Tuesday 4 May 2021 be confirmed.

7. Public question time

An opportunity is provided for questions from members of the public.

8. Council business reports

Item		Page	Rec. Page	Report Presenter
8.1	Collingwood South DDO23 - Permanent Provisions	10	26	Fiona van der Hoeven – Practice Leader, Strategic Planning
8.2	Gleadell Street Market	28	35	Stewart Martin – Manager Compliance and Parking Services
8.3	March 2021 Finance Report	36	38	Wei Chen - Chief Financial Officer
8.4	2020/21 Annual Plan Progress Report - March	39	43	Julie Wyndham - Manager Corporate Planning and Performance
8.5	Edinburgh Gardens Working Group	44	46	Ivan Gilbert - Group Manager - Chief Executive's Office
8.6	Councillor attendance at the ALGA National General Assembly and change to Council meeting date	48	50	Rhys Thomas - Senior Governance Advisor
8.7	Inner Melbourne Action Plan (IMAP) Implementation Committee	51	54	Justin Kann – Senior Advisor Strategic Advocacy

9. Notices of motion

Item		Page	Rec. Page	Report Presenter
9.1	Notice of Motion No. 3 of 2021 - E-Scooter Trials	55	55	Herschel Landes – Councillor

10. Petitions and joint letters

An opportunity exists for any Councillor to table a petition or joint letter for Council's consideration.

11. Questions without notice

An opportunity is provided for Councillors to ask questions of the Mayor or Chief Executive Officer.

12. Delegate's reports

An opportunity is provided for Councillors to table or present a Delegate's Report.

13. General business

An opportunity is provided for Councillors to raise items of General Business for Council's consideration.

14. Urgent business

An opportunity is provided for the Chief Executive Officer to introduce items of Urgent Business.

8.1 Collingwood South DDO23 - Permanent Provisions

Executive Summary

Purpose

The purpose of the report is for Council to consider whether to:

- (a) proceed to introduce permanent Design and Development Overlay 23 Collingwood South (Mixed-Use) Precinct (DDO23); updates in Clause 21.11 Reference Documents; and delete Design and Development Overlay Main Roads and Boulevards (DDO2) where it would be covered by a permanent DDO23;
- (b) request the Minister for Planning refer a proposed amendment implementing the permanent built form provisions to an Advisory Committee appointed under Section 151 of the Planning and Environment Act 1987;
- (c) request the Minister for Planning in accordance with Section 8 (1) (b) and 20 (4) of the Planning and Environment Act 1987, to extend the 'Interim' Design and Development Overlays (DDOs): Schedule 23; and
- (d) request the Minister for Planning to correct technical errors in Clause 43.01 Schedule 1 and the Yarra Planning Scheme Map No6 HO.

Key Issues

Council and the Yarra community place great importance on planning provisions to better manage development pressure, change and provide as much certainty as possible for future development outcomes.

Interim DDO23 Collingwood South was the first of the suite of interim DDOs for Fitzroy and Collingwood. It was approved by the Minister for Planning in November 2018. Interim DDO23 is due to expire on 30 June 2021.

With the expiry of interim DDO23 imminent, Council needs to progress permanent provisions as soon as possible to manage change and provide as much certainty as possible about future development outcomes.

In reviewing interim DDO23, some technical errors to the Heritage Overlay were detected which are recommended to be addressed to achieve higher clarity in the Yarra Planning Scheme.

Financial Implications

The costs associated with preparing strategic work to underpin permanent provisions; exhibition of the amendment and Advisory Committee fees have been considered within the strategic planning budget.

PROPOSAL

In summary, that Council:

- (a) adopt the proposed permanent built form provisions for Collingwood South (Mixed-Use) Precinct and the supporting documents which informed the provisions, as the basis of a proposed amendment to the Yarra Planning Scheme;
- (b) request the Minister for Planning refer a proposed amendment implementing the permanent built form provisions and associated changes to an *Advisory Committee* appointed under section 151 of the Planning and Environment Act 1987 to progress and consider the proposed provisions;
- (c) note that should the Minister for Planning determine not to proceed with an *Advisory Committee*, Council would proceed with the 'usual' full amendment process, seeking '*authorisation*' from the Minister for Planning to exhibit an amendment;

- (d) request the Minister for Planning to extend the expiry dates for interim DDO23 which applies to the Collingwood South Mixed-Use Zone Precinct on an interim basis for an extra 12 months while the permanent provisions are considered; and
- (e) request the Minister for Planning to correct technical errors in Clause 43.01 Schedule 1 and the Yarra Planning Scheme Map No6 HO.

8.1 Collingwood South DDO23 - Permanent Provisions

Reference	D21/42817
Author	Joerg Langeloh - Project and Policy Coordinator
Authoriser	Practice Leader, Strategic Planning

Purpose

1. The purpose of the report is for Council to consider whether to:
 - (a) proceed to introduce permanent 'Design and Development Overlay' 23 being Collingwood South (Mixed-Use) Precinct (DDO23); updates in Clause 21.11 Reference Documents; and delete Design and Development Overlay Main Roads and Boulevards (DDO2) where it would be covered by a permanent DDO23;
 - (b) request the Minister for Planning refer a proposed amendment implementing the permanent built form provisions to an *Advisory Committee* appointed under Section 151 of the Planning and Environment Act 1987;
 - (c) request the Minister for Planning in accordance with Section 8 (1) (b) and 20 (4) of the Planning and Environment Act 1987, to extend the 'Interim' Design and Development Overlays (DDOs): Schedule 23; and
 - (d) request the Minister for Planning to correct technical errors in Clause 43.01 Schedule 1 and the Yarra Planning Scheme Map No6 HO.

Critical analysis

History and background

2. Interim provisions for the mixed-use zone precinct in Collingwood South came into effect on 22 November 2018 and will expire after 30 June 2021. It was introduced into the Planning Scheme via Amendment C250.
3. With the expiry of the interim DDO23 imminent, Council needs to progress permanent provisions as soon as possible to manage change and provide as much certainty as possible about future development outcomes.
4. Without a permanent DDO, the Yarra Planning Scheme would not adequately guide the extent of change in this precinct, having particular regard to the competing factors such as urban consolidation and the protection and enhancement of heritage significance of streets and individual buildings.
5. The operation of interim DDO23 for the past two years has provided Council, developers, the community and VCAT with the opportunity to road test the DDO.
6. Officers have undertaken a review of interim DDO23 to:
 - (a) test the suitability of the provisions for translation into permanent provisions;
 - (b) recommend any necessary refinements to enhance the clarity and workability of the provisions; and
 - (c) ensure the proposed permanent DDO23 will achieve the development outcomes sought for Collingwood South.
7. This review has included:
 - (a) a review of recent amendments, including Planning Panel reports;
 - (b) consideration of current strategic planning work;
 - (c) a review of recent development applications within the area;

- (d) comments from Statutory Planning and Yarra’s Heritage Advisory Committee;
 - (e) advice from technical experts;
 - (f) review of Clause 21.11 Reference Documents; and
 - (g) review applicability of DDO2 where it overlaps with DDO23.
8. Since the approval of interim DDO23 significant further work has occurred to prepare interim DDOs for the remaining activity centres in Fitzroy and Collingwood – which are included in Amendment C270 (Stage 1 Fitzroy-Collingwood interims) and C288 (Stage 2 Fitzroy-Collingwood interims) and have been sent to the Minister for Planning.
 9. All interim DDOs for Fitzroy - Collingwood were informed by urban design, heritage and transport advice and have followed the same logic to derive street wall heights, upper level setbacks, overall heights, interface provisions, overshadowing requirements, access and car parking and other design requirements.
 10. Amendments C270 and C288 were also informed by other amendment work and Planning Panel reports, including C191 Swan Street Major Activity Centre, C220 Johnston Street Activity Centre, C231 Queens Parade and C269 re-write of local planning policy.
 11. These amendments provided significant guidance with respect to achieving a nuanced balance between heritage protection and allowing development in activity centres in different contexts.

Supporting Strategic Planning Work

Urban Design

12. C191, C220 and C231 Planning Panel reports have supported the method and logic that is reflective of the work that formed the basis of the framework, control plan and other guidelines and requirements in the *Collingwood South Built Form Framework 2018* (prepared by Hansen Partnership, **Attachment 1**). The parameters used to derive built form guidance as a basis for drafting the permanent DDO23 provisions remain generally accepted.
13. The *Collingwood South Built Form Framework 2018* therefore remains a supporting document.

Heritage

14. GJM Heritage was engaged to review the currency of their previous built form recommendations (Section 8 of their *Collingwood Mixed Use Pocket: Heritage Analysis & Recommendations (June 2018)* report, **Attachment 2**) to inform the drafting of permanent DDO provisions.
15. GJM has provided a *Supplementary Heritage Report: Collingwood South (Mixed Use) Precinct (May 2021, Attachment 3)* which, also informed the drafting of permanent DDO provisions. The supplementary report made the following recommended changes to the existing interim DDO Table 1. Figure 1 shows how the recommendations have been translated into the propose permanent provisions.

Table 1: Recommended heritage related changes to the existing interim DDO

Built Form Requirements	Recommended change
Sightline test	<ul style="list-style-type: none"> • The outcome of Amendments C191, C220 and C231 suggests that the current sightline test should be removed and metrics for upper level setbacks refined in preparing a proposed permanent DDO23. A sight-line test is a tool to determine upper level setbacks by the level of visibility of built form behind. • In discussing upper level setbacks above heritage buildings, the Panel for Amendment C220 found that a consistent metric measure is preferable in comparison to a sight-line test. The Panel found that a sight-line test

Built Form Requirements	Recommended change
	<p>depended too much on individual street wall heights.</p> <ul style="list-style-type: none"> The recommendation to replace the sightline test with appropriate upper level setbacks has been included in the proposed permanent DDO provisions.
Upper level setbacks	<ul style="list-style-type: none"> GJM recommends a <i>mandatory</i> 6 metres upper level setback for heritage buildings in DDO23, which would also apply as both a front setback and side setback on corner sites. There are some unique cases in the precinct where the nature of heritage fabric may mean that a 6 metres upper level setback (applicable from the street wall, not the front property boundary), is not adequate to achieve good heritage outcomes. In the following of these unique cases, the proposed local policy in Clause 15.03-1L (Amendment C269) would achieve a good outcome, as it requires development to be located either behind the depth of the two front rooms or the principle roof form of the heritage building: <ul style="list-style-type: none"> 57-63 Oxford Street (HO125); 50-52 Oxford Street (HO123); 13-15 Peel Street (part of HO318); and 14-34 Cambridge Street (part of HO336). For properties at 58-62 Oxford Street (HO126) the report states they: <p><i>“[...] have a unique form as single storey dwellings facing Oxford Street with original two storey wings set back beyond depth of the front two rooms. These rear elements are identified within the heritage citations and Statement of Significance for HO126 and any development should consider the impact it has on these unusual features.”</i></p> On upper level setbacks, the report recommends adding guidance to DDO23 to ensure that: <p><i>“[...] new development must consider the specific historic built form of the building and any relevant heritage citation and/or Statement of Significance.”</i></p> The below requirements have been included in the proposed permanent provisions to implement the specific upper level setback advice and recommendations: <ul style="list-style-type: none"> Upper levels should be placed behind the front two rooms and/or principle roof form, whichever is the greater, for properties at 50-52 Oxford Street, 57-63 Oxford Street, 13-15 Peel Street and 14-34 Cambridge Street; Upper levels should be placed behind the heritage fabric as identified in the relevant Statement of Significance of 58-62 Oxford Street. A more general guideline is also included to require greater setbacks than the minimum 6 metres to retain elements such as chimneys or visible roof forms.
Front Setbacks and Street Wall Heights	<ul style="list-style-type: none"> Show the existing front setbacks (generally with modest front gardens to the residential heritage buildings) on the DDO23 map. On page 20 the supplementary report states: <p><i>“In terms of street wall height, discretion needs to be provided to</i></p>

Built Form Requirements	Recommended change
	<p><i>allow for a range of design responses that transition between the lower (heritage) built form and taller new development that is generally located outside the extent of the Heritage Overlay. Mandatory maximum street wall heights are warranted where there are infill sites between low-scale heritage buildings or on intact and consistent streetscapes”</i></p> <ul style="list-style-type: none"> • The following infill sites between heritage buildings are recommended to have a <i>mandatory</i> street wall height: <ul style="list-style-type: none"> ○ 35 Derby Street - 11m now <i>mandatory</i>; ○ 43-49 Oxford Street - 11m now <i>mandatory</i>; ○ 54-56 Oxford Street - 8m now <i>mandatory</i>; and ○ 26-30 Peel Street (this property addresses Cambridge Street, is south of 97 Cambridge Street) - 8m now <i>mandatory</i>. • The infill site at 12 Cambridge Street is recommended to have a <i>mandatory</i> street wall height reduced from 14m to 11m. • The recommendations have been translated into DDO23 and are indicated in Figure 1 below. • GJM also advised that: <ul style="list-style-type: none"> ○ the current local policy in 22.10-3.3 as well as the new policy at proposed Clause 15.01-1L (as subject to C269) ensures that new street wall heights adjacent to a heritage building are no higher than the street wall height of such adjoining heritage building; and ○ the street wall definition in the DDO should be clarified to ensure it accommodates existing front setbacks. • The street wall height has been adjusted in the proposed permanent provisions.
<p>Overall building heights</p>	<ul style="list-style-type: none"> • GJM advises that: <p style="text-align: center;"><i>“In the majority of the study area discretionary controls are appropriate to reflect the varied existing and emerging built form and to enable a range of design responses.”</i></p> • As commercial heritage buildings vary in height and form a <i>discretionary</i> height provision is seen as appropriate to account for a range of building forms, development outcomes and varied contexts. • However, for residential heritage buildings a <i>mandatory</i> height control is seen as necessary to ensure adequate development outcomes that retain the legibility of the host form and avoid new development dominating their modest scale. • In combination with the upper level setback requirements outlines above, a <i>mandatory</i> maximum height of 11 metres to these residential heritage buildings is recommended to ensure additions remain moderate and secondary to the heritage host form. • To provide for an appropriate transition towards low-scale residential heritage buildings, the height on some infill sites south of Peel Street is recommended to be lowered from a <i>discretionary</i> 20 metres to 14 metres. • These infill sites are located at 4-6 Derby Street, 43-49 Oxford Street, 64-66 Oxford Street and the vacant land on Cambridge Street at the rear of 1-35 Wellington Street.

Built Form Requirements	Recommended change
	<ul style="list-style-type: none"> The recommended height changes have translated into the proposed permanent provisions.

Traffic

- Traffic Group prepared the *Traffic Engineering Assessment - Brunswick Street and Smith Street Activity Centres* (November 2019, **Attachment 4**) that informed the drafting of interim DDOs for Fitzroy and Collingwood.
- It focussed on identifying changes required to achieve safe and efficient vehicular and pedestrian access as activity centres and mixed use zone areas in the two suburbs are developed in accordance with the anticipated level of change in the Yarra Housing Strategy 2018 and the recommended built form guidance of C270 and C288.
- The study area for this report included the Collingwood South (Mixed Use) Precinct. The recommended guidelines and requirements set out in that report have now been transferred to the proposed permanent DDO23 (**Attachment 5**). This will align it with the remaining DDOs included in amendments C270 and C288.

Overarching Context of the Proposed Permanent Design and Development Overlay - Schedule 23

- The proposed permanent DDO23 seeks to provide a balanced approach between protecting heritage fabric, minimising impact on sensitive residential interfaces and guiding development within the Collingwood South (Mixed Use) Precinct.
- The *Housing Strategy (2018)* marks the Collingwood South precinct as a major activity centre, identifying a designation of 'high change' (around Langridge and Wellington Streets) and 'incremental change' areas (generally covering pockets with heritage buildings).
- Along with the requested interim DDOs and associated strategic background work of C270 and C288 (Stages 1 and 2), the proposed permanent DDO23 and its strategic justification would assist in guiding change and development across Fitzroy and Collingwood in a balanced manner.
- It is noteworthy that parts of the Collingwood South (Mixed Use) Precinct has already been developed, particularly around the Langridge Street, Peel Street and Wellington Street area and east side of Cambridge Street.
- The 'Foundation Map' on page 12 in Attachment 1 provides an overview of constructed and approved development as per June 2018. Since then, 3 more applications have been decided (40 Oxford St 42-44 Oxford St, 48 Oxford St) and one is ongoing (1-13 Oxford St).
- The majority of sites remaining to potentially be developed are of finer-grain subdivision pattern and most are subject to the heritage overlay. Several medium-sized infill sites have not yet been developed and are mostly located between Cambridge and Oxford Street, north of Derby Street.

Boundary Adjustment

- A minor adjustment to the DDO boundary is proposed. Officers identified that the property at 32-34 Smith Street, Collingwood, is covered by both interim DDO23, and the requested interim DDO37 Smith Street North and South. This occurred because the front portion of the property is zoned C1Z and the rear (eastern portion) is in the Mixed-Use Zone. The site is developed, containing a four-storey building.
- Officers propose to delete this site from DDO23. It would remain in the future amendment for permanent provisions for the Smith Street corridor. The proposed permanent DDO23 map is shown in Figure 1 below.

Figure 1: Changes from interim DDO23



Overview of Proposed Built Form Provisions and General Changes

- 27. The proposed permanent DDO23 provides guidance on street wall heights, front setbacks, upper level setbacks, building heights, setbacks to residential properties, building separation, overshadowing of public realm and residential properties, access, parking and loading, wind effects as well as façade design requirements.
- 28. Heritage matters have been carefully considered in preparing the proposed permanent provisions. It seeks to protect the heritage and streetscape character of the precinct.
- 29. Careful consideration has also been taken to ensure developments achieve high quality urban design outcomes, including pedestrian-oriented facades at ground level, a clear street wall edge with strong upper level setbacks and transitioning down towards heritage buildings and sensitive residential interfaces.
- 30. The proposed permanent DDO23 provisions pay attention to minimising impacts on residential uses as well as the public realm (footpaths, open spaces, kerb outstands).
- 31. The propose permanent provisions are drafted:
 - (a) to improve the language so that desired outcome hard to understand or creating uncertainty what is to be achieved (i.e. which side of the street to use to assess overshadowing of the footpath was not distinct enough);
 - (b) to remove ambiguous reference to what is a *mandatory* control or a *discretionary* provision; and

- (c) to take into account recent planning context, such as recent amendments, and approach to heritage provisions.

32. The proposed permanent DDO23 is provided in **Attachment 5**. Other associated amendment documentation is provided in **Attachment 6**.

Proposed Built Form Requirements of DDO23

33. Key proposed built form requirements are summarised in Table 2 below.

Table 2 - Key proposed built form requirements

Objectives and Built Form Requirements	General Description of Proposed Elements
Objectives	<ul style="list-style-type: none"> Retains objectives of interim DDO with some refinements; Specified objectives to reference the mixed built form character of Collingwood South (industrial, institutional and residential heritage buildings with emerging contemporary form); Deleted reference to storey heights in the objectives; Included reference to achieving high quality urban design and pedestrian-oriented outcomes.
General Requirements	<ul style="list-style-type: none"> Clarified that a requirement expressed with the word ‘must’ is <i>mandatory</i> and cannot be varied with a permit. <i>Discretionary</i> requirements have been expressed with the word ‘should’. The interim DDO23 was ambiguous in its language where it used mandatory language for what were discretionary requirements. This was the case for street wall heights, upper level setbacks, building heights and overshadowing requirements. The wording has been clarified and requirements have been aligned with findings from C191, C220, C231 and C270/C288. Final heritage advice has informed the officer’s final recommendations on mandatory and discretionary requirements, particularly in relation to upper level setbacks and buildings height on sites containing heritage buildings.
Street wall	<ul style="list-style-type: none"> Development should not exceed the street wall height shown on the DDO Map, unless all of the listed conditions are met (meeting the objectives and not overwhelming the adjacent heritage building). Street wall heights of infill sites adjoining heritage buildings have been reduced as per updated heritage advice. Some have been made mandatory, as shown in Figure 1. New development should “turn a corner” and apply the same street wall height for a minimum distance along the side street. Front setbacks of adjacent heritage buildings should be matched. Projections such as balconies, building services and architectural features should not intrude into a setback. A 1x1 metre splay should be provided to street corners on infill sites.
Upper level setbacks	<ul style="list-style-type: none"> The upper level setback requirements generally follow those of interim DDO23, except that the sightline test would be deleted. Upper level setbacks above heritage buildings are now a general <i>mandatory</i> minimum of 6 metres, as per updated heritage advice. Specific upper level guidance has been added to recognise specific needs of certain heritage buildings:

Objectives and Built Form Requirements	General Description of Proposed Elements
	<ul style="list-style-type: none"> ○ Upper levels should be placed behind the front two rooms and/or principle roof form, whichever is the greater, for properties at 50-52 Oxford Street, 57-63 Oxford Street, 13-15 Peel Street and 14-34 Cambridge Street; ○ Upper levels should be placed behind the heritage fabric as identified in the relevant Statement of Significance of 58-62 Oxford Street. ● Further requirements state that upper levels should be recessive to lower heritage floors and should generally avoid a stepped form. Projections into the setback should be avoided. Certain heritage places may require a stronger setback, depending on the individual heritage building and development proposal.
<p>Overall building heights</p>	<ul style="list-style-type: none"> ● The language has been clarified to reflect that the overall heights of interim DDO23 were in fact <i>discretionary</i>. ● Development of residential heritage buildings (i.e. former cottages, terraces and shop/residential buildings) must not be higher than 11m, as per updated heritage advice and shown on Figure 1. ● Development on other sites should not exceed the building heights shown on the DDO map. ● Development on infill sites adjoined by heritage buildings have been lowered from 20m to 14m, as per updated heritage advice and shown on Figure 1. ● Conditions to exceed the building height have been clarified. A permit should only be granted to a development attempting to exceed the building heights where all of the conditions are met. ● These conditions generally include fulfilling the Objectives in Clause 1.0, the Street Wall Heights and Front setback requirements in Clause 2.3, the Upper Level Setback Requirements in Clause 2.4, the Other Design Requirements in Clause 2.8 and the Overshadowing and Solar Access (Public Realm) Requirements in Clause 2.6. ● Further, it would need to achieve greater building separation as required in DDO23, a BESS score of 70% or more to achieve higher ESD requirements, not cause any additional overshadowing or overlooking to residentially zoned land, end-of-trip facilities and parking for bike riders, dwelling types for diverse households, exceeding the accessibility provisions in Clause 55.07 or 58 and greater communal and/or private open space provisions than in Clause 55.07 or 58, as applicable. ● Service equipment, unenclosed pergolas or similar may exceed the height, but subject to not causing additional amenity impacts and not being over 2.6m in height.
<p>Overshadowing</p>	<ul style="list-style-type: none"> ● Development must not overshadow the opposite footpaths of Peel, Langridge and Derby Streets and any north-south streets between 10AM-2PM on 22 September. ● Development should be designed to minimise overshadowing of the public spaces of: <ul style="list-style-type: none"> ● Cambridge Street Reserve; ● Oxford Street Reserve; ● The outdoor space of the Collingwood English Language School; ● Any opposite kerb outstands, seating or planting areas, as applicable to the satisfaction of the responsible authority.

Objectives and Built Form Requirements	General Description of Proposed Elements
<p>Building separation, amenity and equitable development requirements</p>	<ul style="list-style-type: none"> • An application for development should provide a design response that considers the future development opportunities of adjacent properties in terms of outlook, daylight and solar access to windows, as well as managing visual bulk. • Where development shares a common boundary within the overlay and/or adjoins a Commercial 1 Zone and/or Mixed-Use Zone outside of the overlay, upper level development must: <ul style="list-style-type: none"> • be setback a minimum of 4.5m from the common boundary, where a habitable window or balcony is proposed or exists on the adjacent property; and • be setback a minimum of 3.0m from the common boundary where a commercial or non-habitable window is proposed or exists on the adjacent property; and • for buildings over 27 metres in height, be set back a minimum of 6 metres from the common boundary, whether or not windows are proposed. <p>Where the common boundary is a laneway, the setback is measured from the centre of the laneway.</p> <ul style="list-style-type: none"> • A similar requirement applies to proposals on larger sites where multiple buildings are proposed.
<p>Other building design requirements</p>	<ul style="list-style-type: none"> • Design requirements have been included to ensure development achieves good design outcomes that are pedestrian-oriented, resemble the character of precinct, achieve visual interest through arrangement of façade elements rather than relying on multiple materials and colours and ensure that facades do not overwhelm or compete with heritage buildings. • Lower levels should be designed to allow for commercial uses (4m floor to floor heights) and to respond to the topography of the precinct. • Upper levels should be lightweight in appearance and read as one with the rest of the development. • Development should transition down towards public open spaces to avoid overwhelming them.
<p>Access, parking and loading bay requirements</p>	<ul style="list-style-type: none"> • Further access, parking and loading bay requirements have been included to reflect the advice from the transport assessment report by Traffix. They include requirements to ensure good pedestrian outcomes, consideration of bicycle parking and minimising conflicts from vehicle access.
<p>Application requirements and decision guidelines</p>	<ul style="list-style-type: none"> • Design and application requirements and associated decision guidelines have been refined, so good design outcomes are achieved.
<p>Potential front and side setbacks at ground level and above (vertical and horizontal setbacks)</p>	<ul style="list-style-type: none"> • The interim DDO and the proposed permanent DDO generally seeks to ensure buildings are built to their front and side boundaries especially in heritage areas. • Officers have investigated opportunities to create building setbacks to enhance opportunities for improved circulation, landscaping and enhanced entrances to buildings where that may be appropriate. • A provision has been included in the proposed permanent DDO23 that, development on sites abutting narrow footpaths of less than 1.8 metres, provide for front setbacks and/or generous, recessed building entrances to

Objectives and Built Form Requirements	General Description of Proposed Elements
	provide space for pedestrian circulation and include space for landscaping, outdoor trading, seating and/or visitor bicycle parking.
Previous heritage building design requirements	<ul style="list-style-type: none"> • The proposed permanent DDO would delete the specific existing 'Heritage Design Requirements' which address upper level setbacks, design of upper levels and façade design for heritage buildings. • The 'Heritage Building Design Requirements' are proposed to be removed as they duplicate existing provisions in Clause 22.02 (Development Guidelines for Sites Subject to the Heritage Overlay) and proposed updates to municipal-wide heritage guidelines in the integrated Planning Policy Framework (PPF) included in Amendment C269yara. • This is consistent with the approach taken in Swan Street and also the approval of the DDO for Queens Parade. • However, some specific heritage design requirements would be included under 'Upper level setback requirements' and 'Other Design Requirements', such as: ensuring upper levels are visually recessive and do not visually dominate the heritage building or heritage streetscape; and avoiding large expanses of glazing. • Heritage consideration has played a key role in determining the proposed requirements to limit visibility and to retain the heritage character of streetscapes.

Mandatory Controls

34. The DDO schedule includes some proposed *mandatory* controls which address elements most important to the respective location, such as building heights, upper level setbacks and street wall heights.
35. Guidance of the application of *mandatory* controls is provided in the State Government Planning Practice Note 59 and 60. Planning Practice Note 60 details that *mandatory* height and setback controls would only be considered in 'exceptional circumstances', where they are absolutely necessary to achieve the built form objectives or outcome identified within a comprehensive built form analysis.
36. Specifically the Practice Notes requires that *mandatory* controls must:
 - (a) be underpinned by comprehensive strategic work;
 - (b) consistent with state policy;
 - (c) take into consideration recent development activity; and
 - (d) provide capacity to accommodate growth.
37. The application of *mandatory* controls has been carefully considered and applied selectively. It is not recommended to apply *mandatory* controls across all of the Collingwood South (Mixed Use) Precinct.
38. *Mandatory* controls are proposed where it is considered 'absolutely necessary' (in accordance with PPN59), and would apply to:
 - (a) intact heritage streetscapes and heritage buildings;
 - (b) sensitive residential interfaces; and
 - (c) protect the opposite footpaths from overshadowing.
39. It is considered that the extensive strategic work undertaken provides sufficient justification for the use of *mandatory* controls in the DDO schedule where appropriate.

40. Opposite footpaths have been protected with *mandatory* controls to ensure the limited public space is free from additional overshadowing.
41. *Mandatory* maximum street wall heights are warranted where there are infill sites between low-scale heritage buildings or on intact and consistent streetscapes.
42. Mandatory upper-level setbacks have been supported by the Panels considering Amendments C191yara, C220yara and C231yara and are consistent with those introduced in similar heritage contexts within other inner urban municipalities. Interim DDO23 establishes a minimum upper-level setback for heritage buildings of 6m from the 'heritage façade'.
43. *Mandatory* height controls are necessary for the residential buildings within the Heritage Overlay to retain their legibility and to avoid new development dominating their generally modest scale.
44. The proposed permanent DDO23 has no interface with land in a General Residential Zone or Neighbourhood Residential Zone. As such, the criterion (b) in clause 39, does not exist in a similar way to the other linear activity centres. Existing, traditional dwelling forms are within the MUZ and generally co-located in pockets and covered by a heritage overlay.
45. DDO23 includes requirements to transition proposed development down towards adjoining heritage buildings and secluded private open spaces.

Removal of DDO2 and Reference Document Update

46. In reviewing the interim DDO23 it was recognised that the interim DDO overlaps with DDO2 Main Roads and Boulevards along Wellington Street.
47. It is proposed that DDO2 be removed from the properties on the west side which are currently affected by both DDO's. DDO2 requires the consideration of the design, height and visual bulk of the development in relation to surrounding land uses, developments and character of the street. This in effect is a double up of the proposed permanent DDO23. Removal of DDO2 would ensure the Yarra Planning Scheme is efficient and does not apply two DDOs to the same area.
48. As part of the review, the Reference Documents list in Clause 21.11 was updated to also reference the *Collingwood South Built Form Framework, 2018* and the *Supplementary Heritage Report: Collingwood South (Mixed Use) Precinct (May 2021)*.

Extension of Interim DDOs – Amendment C292

49. As noted, interim DDO23 will expire on 30 June 2021.
50. An extension of this expiry date is required to ensure appropriate and orderly planning while permanent controls are progressed through an *Advisory Committee* or a regular, permanent amendment process should the advisory committee process not be available.
51. It is recommended Council request the Minister for Planning extend the interim provisions through a Ministerial amendment under section 20(4) of the Planning and Environment Act 1987 (see **Attachment 7**).
52. NB. Exhibition and notification requirements of sections 17, 18 and 19 of the Act do not apply in respect of this form of amendment.

Heritage Overlay fix up – Amendment C294

53. In reviewing interim DDO23, officers identified inconsequential corrections that are required to the schedule in Clause 43.01, Heritage Overlay.
54. Amendment C294 would provide an efficient process to remove now redundant interim heritage overlays in the Schedule to Clause 43.01 – Heritage Overlay and Map No6 HO of the Yarra Planning Scheme.
55. This Amendment would apply to 33-45 Derby Street, Collingwood, 18-22 Derby Street, Collingwood, 32-34 Thomas Street, Richmond and 200-206 Church Street, Richmond.
56. This Amendment would:

- (a) delete redundant interim HO506, 507, 508 & 509 from the Schedule to Clause 43.01;
 - (b) delete redundant interim HOs 506, 507, 508 & 509 from the planning scheme map; and
 - (c) update the Schedule to Clause 43.01 to correctly reference the properties at 18-22 Derby St, Collingwood, in HO102.
57. C245yara (gazetted on 11 February 2021) sought, amongst other things, to apply a heritage overlay on a permanent basis to properties in interim heritage overlays; HO506, HO507, HO508 and HO509 (applied through Amendment C261yara). However, when Amendment C245 was gazetted, the interim heritage overlays were not removed from those properties.
58. Interim HO506, HO507, HO508 and HO509 remain in the Schedule to Clause 43.01 - Heritage Overlay and on Map No6HO of the Yarra Planning Scheme (see Table 1 below). As permanent Heritage Overlays now apply, the redundant interims heritage overlays should be removed
59. Officers would propose that a separate request is made to the Minister for Planning under Section 20(A) of the Planning and Environment Act 1987 to correct the above obvious technical errors (see **Attachment 8**).

Options

60. With regards to pursuing permanent built form provisions there are two options for Council:
- (a) request the Minister for Planning to refer proposed Amendment C293 to an *Advisory Committee* appointed under Part 7, section 151 of the Planning and Environment Act 1987; or
 - (b) request '*authorisation*' from the Minister for Planning so that Council could commence the 'usual' full amendment process for permanent provisions for Amendment C293 (which would also be assessed by a Panel along that pathway).
61. If Council wishes to progress permanent provisions through either options listed above, it is also recommended that Council request the Minister for Planning extend the current expiry provisions for DDO23 under section 8(1)b and section 20(4) of the Planning and Environment Act 1987 for a further 12 months.

Next steps

62. As noted above, the interim DDO23 expires on 30 June 2021 and Council needs to progress permanent provisions as soon as possible.
63. In the approval letter to extend the expiry date for DDO23, dated 29 September 2020, the Minister has commented that he is:
- 'unlikely to extend these controls without permanent controls being prepared or the council seeking an advisory committee process.'*
64. At the Council meeting on 2 March 2021, the Council Report identified key parts of the *Advisory Committee* process that enable Council's control and influence over the process and content. These were to:
- (a) ensure landowners and occupiers and the wider community would have the opportunity to make formal submissions to an independent body;
 - (b) allow Council to consider submissions and form a position on them to advocate to the Advisory Committee; and
 - (c) afford Council the opportunity to review the final report and submit a final form of the 'preferred' amendment for the Minister to make a decision.
65. Should Council support progressing the proposed permanent provisions and referring an amendment to the *Advisory Committee*, the amendment would be placed on exhibition.
66. While the final Terms of Reference for the *Advisory Committee* process has not been finalised by the Minister for Planning, it is anticipated exhibition of the proposed amendment would involve:

- (a) notifying owners and occupiers in and around the Collingwood South (Mixed Use) Precinct, community and interest groups, relevant Government Ministers and Departments and statutory bodies;
 - (b) advertising the proposed amendment in the newspaper (and Yarra News if the timing is appropriate); and
 - (c) placing information on Council's and DELWP's website.
67. As outlined in the draft Terms of Reference endorsed by Council, Council would then consider the submissions and form a preferred position from which to advocate to the *Advisory Committee*.
68. Due to the limited time available officers consider the exhibition period will provide the opportunity for the community to have their say on the proposed DDO23.
69. Officers also anticipate submitters will have an opportunity to present their views to the *Advisory Committee* itself.

Community and stakeholder engagement

70. Wider consultation has not been possible during the development of the proposed amendment given tight timeframes driven by the lapsing of the interim controls.
71. Officers have sought feedback from the Heritage Advisory Committee (HAC) on the operation of the interim provisions. Members also provided comprehensive written comments.
72. Officers have briefed the consultants on issues raised by the HAC, in particular, concerns about:
- (a) 'mandatory controls' vs 'discretionary provisions';
 - (b) street wall heights, upper level setbacks and building heights; and
 - (c) protection of heritage fabric.
73. Officers have undertaken consultation with statutory planners on the operation of the existing provisions, development applications, existing planning permits and the proposed new provisions.
74. Further community and stakeholder engagement would occur during an *Advisory Committee* (or other permanent) process.
75. As noted above, if Council resolves to refer a proposed amendment to an *Advisory Committee*, the amendment documentation would be exhibited (for a period of one month by Council).
76. This would include giving notice to those considered to be materially affected through mail out and would include all owners and occupiers of land within and immediately adjoining the amendment area. The information would be made available online through our website. This would provide the community with an opportunity to submit on the proposed provisions.

Policy analysis

Alignment to Council Plan

77. The development of permanent DDO schedules for Collingwood South (Mixed Use) Precinct supports the following strategies in the Council Plan:
- (a) *4.2 Actively plan for Yarra's projected growth and development and advocate for an increase in social and affordable housing; and*
 - (b) *4.3 Plan, promote and provide built form and open space that is accessible to all ages and abilities.*

Climate emergency and sustainability implications

78. There are no adverse sustainability implications for preparing strategic work to underpin permanent built form provisions for the Collingwood South (Mixed Use) Precinct.
79. The proposed amendment would assist in directing new housing and employment space to an area with good access to public transport, open space and other services.

Community and social implications

80. There are no adverse community or social implications for preparing strategic work to underpin permanent built form provisions for the Collingwood South (Mixed Use) Precinct.
81. Improved built form provisions would help guide the future development of the centre.

Economic development implications

82. There are no economic development implications for preparing strategic work to underpin permanent built form provisions for the Collingwood South (Mixed Use) Precinct.
83. An amendment may aid in providing further stimulus to the mixed-use precinct and the Smith Street Major Activity Centre.

Human rights and gender equality implications

84. There are no known human rights implications for preparing strategic work to underpin permanent built form provisions for the Collingwood South (Mixed Use) Precinct.
85. There are no known human rights implications for requesting the Minister for Planning to progress the permanent DDO or extend the existing interim DDO23.

Operational analysis

Financial and resource impacts

86. The costs associated with preparing strategic work to underpin permanent provisions has been considered within the strategic planning budget.
87. The costs associated with the exhibition of the amendment and *Advisory Committee* fees would be within the strategic planning budget.

Legal Implications

88. The amendment would be progressed in accordance with the provisions of the Planning and Environment Act 1987.

Conclusion

89. As interim DDO23 would expire on 30 June 2021, Council needs to progress permanent provisions as soon as possible.
 90. Officers have undertaken a review of interim DDO23 to:
 - (a) test the suitability of the provisions for translation into permanent provisions;
 - (b) recommend any necessary refinements to enhance the clarity and workability of the provisions, and
 - (c) ensure the DDO would achieve the development outcomes sought for Collingwood South (Mixed Use) Precinct.
 91. The review indicated that proposed permanent provisions could be based on some refinements to the existing interim DDO23.
 92. Officers have considered urban design, transport and previous and updated heritage advice, as well as recommendations from the HAC and the Statutory Planning Unit.
-

93. Proposed Amendment C293 seeks to introduce permanent Design and Development Overlay 23 Collingwood South (Mixed-Use) Precinct (DDO23); update Clause 21.11 Reference Documents; and delete Design and Development Overlay Main Roads and Boulevards (DDO2) where it would be covered by a permanent DDO23.
94. The permanent provisions are essential to put in place the first part of balancing growth and change across Fitzroy and Collingwood on a permanent basis.
95. In correspondence dated 29 September 2020, the Minister for Planning has expressed a willingness to consider appointing an *Advisory Committee* to help speed up the progression of the Council planning scheme amendments.
96. Council resolved to pursue this new pathway for planning scheme amendments in March 2021.
97. Officers now recommend that Council request the Minister for Planning to refer proposed Amendment C293 to an *Advisory Committee* appointed under Part 7, section 151 of the Planning and Environment Act 1987.
98. While an amendment to apply permanent DDOs is progressed, the interim DDO will expire; and its expiry provision will need to be extended.
99. It is recommended that Council request the Minister for Planning in accordance with sections 8(1) (b) and section 20(4) of the Planning and Environment Act 1987 to extend the expiry provision within DDO23 for a further 12 months.
100. In reviewing interim DDO23, officers identified inconsequential corrections that are required to the schedule in Clause 43.01, Heritage Overlay.
101. Amendment C294 would provide an efficient process to remove now redundant interim heritage overlays in the Schedule to Clause 43.01 – Heritage Overlay and Map No6 HO of the Yarra Planning Scheme.
102. It is recommended that Council make a separate request is made to the Minister for Planning under Section 20(A) of the Planning and Environment Act 1987 to correct the above obvious technical errors in the Heritage Overlay Schedule and related Yarra Planning Scheme Map No6 HO.

RECOMMENDATION

1. That Council:
 - (a) note the officer report and Attachments 1-6 introducing proposed permanent built form provisions, removal part of DDO2 and amending Clause 21.11 for the Collingwood South Mixed-Use Zone Precinct;
 - (b) adopt the *Collingwood Built Form Framework (June 2018)*, *Collingwood Mixed Use Pocket: Heritage Analysis and Recommendations (June 2018)*; *Supplementary Heritage Report: Collingwood South (Mixed Use) Precinct (May 2021)* and the *Traffic Engineering Assessment: Brunswick Street and Smith Street Activity Centres (November 2019)* prepared by Hansen Partnership, GJM Heritage and Traffix Group in Attachments 1, 2, 3 and 4 as the general basis for Amendment C293 to the Yarra Planning Scheme;
 - (c) adopt the amendment documentation for proposed Amendment C293, including proposed Design and Development Overlay (DDO) Schedule 23; deletion of DDO2 from the DDO23 area; and the amended Clause 21.11 *Reference Documents* as in Attachments 5 and 6 as the basis for proposed Amendment C293;
 - (d) request the Minister for Planning refer proposed Planning Scheme Amendment C293 to an Advisory Committee under Part 7 Section 151 of the Planning and Environment Act 1987;

- (e) determine that should the Minister for Planning decide not to proceed with an Advisory Committee, Council as the Planning Authority apply to the Minister for Planning under Section 8A of the Planning and Environment Act 1987, for 'authorisation' to prepare Amendment C293;
 - (f) request the Minister for Planning to prepare, adopt and approve Amendment C292 (as in Attachment 7) to the Yarra Planning Scheme, in accordance with the Minister's powers under sections 8(1)(b) and Section 20(4) of the *Planning and Environment Act 1987* to extend the expiry dates for the interim Design and Development Overlay - Schedule 23 which applies to the Collingwood South (Mixed-Use) Precinct, on an interim basis for 12 months while the permanent provisions in C293 are formally considered; and
 - (g) authorise officers to consult with the Minister for Planning, in accordance with Sections 8(1)(b) and 20(4) of the Planning and Environment Act 1987, to assist the Minister to prepare, adopt and approve Amendment C292 to extend the interim provisions.
2. That Council:
- (a) note the officer report and Attachment 8 requesting a prescribed amendment to correct obvious and technical errors to the heritage overlay;
 - (b) adopt the draft amendment documentation of C294 at Attachment 8, which contains information required by the Minister for Planning to prepare prescribed Amendment C294 to the Yarra Planning Scheme under Section 20A of the *Planning and Environment Act 1987*; and
 - (c) authorise officers to consult with the Minister for Planning, in accordance with Sections 8(1)(b) and 20A(4) of the *Planning and Environment Act 1987*, to assist the Minister to prepare the prescribed Amendment to correct the obvious and/or technical errors as prescribed in regulation 8(1)(a) of the *Planning and Environment Regulations 2015*.
3. That Council:
- (a) authorise the CEO to make any minor adjustments required to meet the intent of Resolutions 1 and 2 of this report.

Attachments

- 1 C293 Collingwood Built Form Framework June 2018
- 2 C293 Collingwood Mixed Use Pocket - Heritage Analysis and Recommendations June 2018
- 3 C293 Supplementary Heritage Report Collingwood South May 2021
- 4 C293 Traffic Engineering Assessment Brunswick and Smith St Activity Centres November 2019
- 5 C293 Proposed DDO23
- 6 C293 Amendment documents
- 7 C292 Amendment Documents
- 8 C294 Amendment Documents

8.2 Gleadell Street Market

Reference	D21/43055
Author	Stewart Martin - Manager Compliance and Parking Services
Authoriser	Director Corporate, Business and Finance

Purpose

1. To review the operation and assess any improvement opportunities for the Gleadell Street Market.

Critical analysis

History and background

2. The Gleadell Street Market is Council operated and governed by the Gleadell Street Market Policy (Attachment 1) endorsed by Council.
3. This Market is a fresh food market with a requirement to have a 70% fresh produce sold under the Gleadell Street Market Policy. This ensures a focus on fresh produce and local products.
4. The Market has a long-standing history and has operated in the Richmond vicinity over many decades.
5. It operates every Saturday morning except for certain public holidays (e.g. Christmas Day and Easter) on Gleadell Street in Richmond, between Bridge Road and Highett Street.
6. Gleadell Street is closed from midnight Friday night until 3.00pm Saturday.
7. The Gleadell Street Market is open to the public between 7.00am to 1.00pm, however stallholders begin setting up from midnight the night before.
8. The Market is operated by the City of Yarra, unlike other markets which are run by private enterprise businesses or not for profit organisations.
9. Some stallholders have operated at the Market for several years and stalls have been passed from generation to generation.
10. There is a Gleadell Street Market internal working group established as stipulated under the Gleadell Street Market Procedure and Protocols Manual (Attachment 2). The group consists of nominated stallholder representative, the relevant contractor representatives and Council staff. Meetings are held quarterly and strictly focused on the operation and functioning of the market.
11. The Market policy is designed to ensure fair and equitable provisions for stallholders to operate within the market. Examples of these include preventing a monopoly by traders as they are limited to a maximum number of stalls and ensuring the market continues to remain primarily a fresh food market.
12. The Market policy is designed to ensure public safety and accessibility, this includes operation of the forklifts, the opening and closing times of the market, motor vehicles within the market and ensuring public access is always maintained. The policy also allows for penalties for breaches under the General Local Law and ensures stallholders maintain all associated market fees.
13. Council provides and pays for the road closure and waste services for the operation of the market, such as contracted staff in attendance every market day, cleansing, and maintaining the area to ensure safety and proper disposal and maintenance of waste.

14. Council also assigns a Market Officer from the Compliance and Parking branch who monitors the market operation on each market day to ensure compliance and safety as well as the opening and closing of the market at the appropriate times.
15. The Gleadell Street Market provides a community stall which is used by community groups, local schools, local Yarra politicians and provides information sharing opportunities for both Council and community organisations.
16. The Market is very important to the community and provides a meeting place for members of the community.
17. It further provides an alternative to the larger commercial supermarkets to obtain fresh food and produce.
18. During the COVID-19 restrictions, the Market continued to operate each week with additional support from Council including extra Council staffing and security guards to monitor numbers within the market, assist with social distancing and pedestrian flow as well as ensuring the wearing of masks.
19. During the COVID-19 restrictions, stallholder fees were placed on hold and not charged for over 6 months.

Discussion

20. The visitation to the market has been impacted as a result of the COVID-19 restrictions with concerns from shoppers regarding social distancing. However, the attendance numbers have continued to increase, particularly during good weather days.
21. Attendance at the market can vary depending on the weather and other issues such as public holidays abutting the weekend etc.
22. The Gleadell Street Market is unique in that it is solely operated by Council, as most other markets are operated by private enterprise or not for profit organisations.
23. Officers have contacted three other markets operating around Melbourne namely the Kingston Farmers Market, Yarraville Village Farmers Market and Boroondara Farmers Market.
24. The details of each market are shown in the comparison table below.

	City of Yarra	City of Kingston	Yarraville	City of Boroondara
Frequency	Weekly	Monthly	Fortnightly	Three of four weeks
Council operated	Yes	No	No, supported by Council	No, supported by Council
Fresh produce only	Yes	Yes	Yes	Yes
Cost per stall	\$92	\$60	\$70	\$75 (or \$85 if paid on day)
Location	Public street closure	Car Park	Reserve / Green space	Reserve / Green space
Operating Hours	7am – 1pm	8am – 12:30pm	8:30am – 1pm	8am – 12:30pm
Entry fee	Free	Free	Free	\$2

25. The current operational model of the Market is designed to ensure compliance with the Gleadell Street Market Policy and to prevent issues such as subletting of stalls, the misuse of public space, accessibility and all safety related matters are maintained and addressed appropriately.

26. Without strict adherence to the Gleadell Street Market Policy and safety requirements, Council exposes itself to liability for any incidents or damage that may occur.
27. Under the current operation and by having a Market Officer in attendance, there has been no major incidents and in fact the Market was able to continue to operate during COVID-19 lockdowns.
28. Vacant market stalls are filled via a waiting list and Council officers utilise this list depending on the needs of the market at the time and to ensure a variety of products is offered and compliance with the fresh food and produce criteria under the policy.
29. The Market working group is beneficial in providing a conduit between Council, stall holders, and contractors. It provides an opportunity to listen to and understand changes or specific operational matters. The working group meets quarterly, however during COVID-19 restrictions this was not able to occur. Minutes of meetings are further sent to all stallholders after the meeting.
30. The 'Gleadell St and Griffith St Streetscape Improvement Project' is currently on hold, due to funding not being allocated in the 2020/21 financial year.
31. Should funding be available for the project to proceed, extensive engagement with market stall holders, other key stakeholders, and the broader community would be undertaken during the concept and design development phases.
32. Any construction works would be implemented in ways to minimise the impact and possible disruptions to the market operation, including but not limited to possible staging of construction works.
33. There is an ongoing issue in maintaining the 70% fresh fruit and vegetables criteria as required under the policy and to attract these types of traders to the market to fill vacancies. This is potentially due to the restriction of two stalls per trader.
34. Generally, the sale of fruit and vegetable have low profit margins on each item and there is a need to carry more stock and offer greater variety. Two stalls could be seen by some potential traders as not viable. The ability to be able to offer a third stall to potential traders could be more attractive.

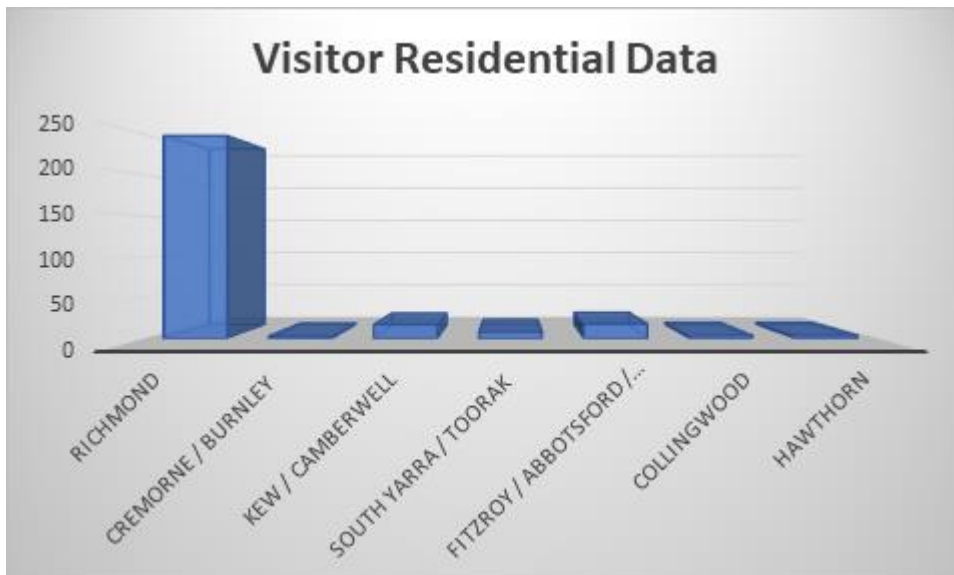
Options

35. Any community based advisory group should be broader based than the operation of the Market taking into consideration Bridge Rd, Sporting groups and users of Citizens Park etc. However, if a group was established a market representation would be appropriate.
36. The Gleadell Street Market Policy dictates the number of stalls and functioning of the market in general. There is an option to review and amend the policy, however there is a continual need for suitable controls in place to ensure safety and appropriate conditions for stallholders to adhere to so the market can function effectively.
37. With the review of the policy, it would be appropriate to consider the use of incentives to promote stallholder attendance. There are stallholders who do not turn up on the market day. If this situation continues, it may have negative impacts on the overall appearance and popularity of the market.
38. Discretion to the appropriate Council Officers in respect to allowing a third stall to assist in maintaining the fresh fruit and vegetable component of the market and to ensure viability of these types of stalls.
39. To continue to investigate opportunities to improve the attendance of stallholders each week at the market.
40. To confirm the market is predominately for fresh food only and to minimise takeaway items to what is presently available, also to ensure there is a balanced offering of products and not a monopoly. In relation to takeaway items, we will continue to consider and protect bricks and mortar businesses within the activity centres.

41. There is an opportunity to consider activating other parts of Gleadell Street or Citizens Park, for example, for local school's music performances around Christmas time. However, the operational area of the market is quite confined, and these options could only be considered at either end of the market, within Citizen Park, or within the Richmond Bowls club carpark.
42. The community Stall could also be utilised for small music groups as required.
43. To ensure the operation of the Gleadell Street Market is considered in the local masterplans or street scape improvements projects.
44. Further consider the operations and community benefit of other markets within Yarra. Consider the feasibility, options and benefits of enhancing the presence of markets held within Yarra.

Community and stakeholder engagement

45. A survey was completed by the community in relation to opportunities and potential improvements to the operation of the market.
46. This survey was live on our website for a period of three weeks. The survey was further promoted via news articles, Yarra Life, and all social media platforms.
47. Council officers also attended the market on two separate occasions to engage with the market goers and promote the survey. Overall, we had 366 people complete the survey.
48. The survey questions were:
 - (a) How often do you visit the Gleadell Street Market?
 - (b) What do you enjoy about the market?
 - (c) Are there any improvements or changes you would like to see at the market?
 - (d) Do you have any other comments or feedback?
 - (e) Your suburb?
49. The results of this survey in relation to distance travelled to attend the market i.e. home suburb



50. The results that were consistently provided include the themes below.

Community survey results:

Improvements	Positives
Produce is not always fresh	Fresh & quality produce
More variety of stalls (organic goods, craft, cheese & fish)	Atmosphere
Sustainability & Waste improvements (remove plastic bags)	The people / stallholders
Cashless payments	Pricing
Seating areas	Location
Dog control measures	Supporting local businesses
Longer opening times and extended space	Open during COVID lockdowns
Rain cover	Community spirit and atmosphere
Increase parking	
Toilet Facilities	
Make no changes	
Community involvement with market management via their ongoing representation in setting Market Policy and in decision making processes (feedback from one group)	
Formally include the Street Market into the Council Community Engagement for the Gleadell and Griffiths Street Civic Precinct Project (feedback from one group)	

51. Actions and comments from community survey:

- (a) We already have a no plastic bag policy in place. Officers regularly inspect the stalls to ensure compliance;
- (b) During COVID-19 we encouraged all stallholders to use cashless payment methods. A number of stallholders were unable to achieve this due to financial reasons. We will continue to promote cashless payment methods;
- (c) We will be looking at ways to implement seating areas, but this would also be a consideration under the Gleadell St and Griffith St Streetscape Improvement Project; and
- (d) An ongoing discussion with City Works waste team and market contractors to review and look to improve waste processes.

52. A separate survey was facilitated for all 28 stallholders. Each stallholder was individually emailed on two separate occasions. Officers attending the market also encouraged stallholders to participated and respond.

53. Council received 5 stallholder responses, the results of which are outlined below.

Positives	Improvement Areas
Atmosphere	Coordinated social media promotion

Variety of stalls	Further promotion
Regular customers	Increase variety of stalls
	Seating area
	Fresh / high quality produce
	Attendance rate

54. Action items from stallholder survey:

- (a) We have engaged with the internal communications team. The following action items have been planned or already taking place:
 - (i) New photos taken for social media posts;
 - (ii) Profiles of stallholders to be used on social media and website;
 - (iii) Update webpage;
 - (iv) Collaboration with GSM social media accounts, training to be provided by Communications team;
 - (v) Social media drive to be implemented, paid posts to achieve a greater reach;
 - (vi) Posters and leaflets printed and to be placed in local businesses;
 - (vii) Banners placed in local parks;
 - (viii) Use of Real Estate signage (Communications department currently actioning); and
 - (ix) Promotion piece to be included in 'Yarra Life' on an ongoing basis.

55. Attendance rates of stallholders are steadily on the increase.

Policy analysis

[Alignment to Council Plan](#)

56. A Prosperous & Healthy Yarra – Local businesses prosper, social connectedness is encouraged along with community health and safety is maintained.

[Climate emergency and sustainability implications](#)

57. Over the past five years, staff have been working closely with the Gleadell Street Market stallholders and patrons to reduce waste, including diverting food waste/recyclables and banning plastic bags.

58. The next stage is to eliminate single use plastic at events, meetings, and festivals run by or on Council managed sites and venues. Council is in process of developing a policy, with the intent of identifying a series of new actions with the goal of minimising the production of unnecessary plastic waste by 2023.

59. Single use plastic bags are banned for use within the market and this falls in line with the Victorian State Government ban on single use plastics that will apply to all cafes, restaurants and organisations in Victoria by 2023.

[Community and social implications](#)

60. The Gleadell Street Market provides the community with a meeting point and social interaction for many residents including some marginalised individuals and groups.

61. It provides an opportunity for the community to purchase fresh food and produce at affordable prices.

62. The Community stall provides the local community groups, schools, local Yarra politicians as well as Council Officers an opportunity to engage with the community and provide information or seek feedback on issues.

63. The market also provides some light entertainment from local buskers and school bands etc.

Economic development implications

64. To support stallholders at the market during the COVID-19 lockdown and restrictions no stall fees were charged for over six months.

65. There is no doubt the Gleadell Street Market provides benefits to the Bridge Road local trader economy as it attracts considerable numbers of visitations to the market each market Saturday which in turn flows onto the local economy.

66. Council officers consciously limit the sale of takeaway food including coffee sales at the market to support local traders.

Human rights and gender equality implications

67. No issued Identified.

Operational analysis

Financial and resource impacts

68. Operating Cost of the Market during COVID lockdown restrictions:

Cost	Weekly	Monthly
Cleansing/Road closure	\$5,329.28	\$ 21,317.12
Security guards	\$960.00	\$3,840.00
Overtime- extra staffing	\$2000-\$2500	\$10,000.00
Total expense	\$8,789.28	\$35,157.12

Stallholder fee income (not charged) = **\$5,520.00** Weekly

(not charged) = **\$23,920.00** Monthly

Loss to Council not charging fees over six months = **\$143, 520.00**

69. The total expenditure to operate the Market up until end of December was costing Council approximately \$35,157.12 per month. The costs for six months to be \$210,942.72.

70. Normal cost of operating the market (outside COVID-19) is approximately \$5,829.28 (consisting of cleansing and staffing) with an income from stall rental of \$5,520.00.

71. The above costs do not include any administration costs and implications that support the weekly operation of the market.

Legal Implications

72. Council has a legal obligation to provide a safe environment and this requires regular and appropriate monitoring of the market operations and functioning. To meet this obligation Council officers do need to take enforcement action under the Gleadell Street Market policy and Local law from time to time.

73. Council as the Market operator must comply with any relevant laws and restrictions which includes social distancing and COVID-19 related restrictions.

Conclusion

74. The operation of the Gleadell Street Market is unique and beneficial to the community.

75. Policy controls and regulations are required to ensure the safe and appropriate functioning of the market.

76. Council officers will continue to work with stallholders to promote and maintain effective operation of the market.

77. The sale of takeaway food items be continued at present levels and the market maintains its current fresh food status.
78. The revised- Gleadell Street Market Policy (Attachment 3) has been updated to allow for discretion by the relevant Manager to issue a third stall permit to maintain the required percentage of fresh fruit and vegetables available. Also, to allow the relevant Manager discretion in relation to operational decisions to ensure the continual smooth operation of the market.
79. Council will undertake further work to review the many other markets that operate within the municipality and seek to ensure markets remain a vibrant and sustainable part of Yarra.

RECOMMENDATION

1. That
 - (a) Council note the contents of the report and the uniqueness of the Gleadell Street Market, along with the ongoing associated costs and responsibilities;
 - (b) Council adopt the revised Gleadell Street Market Policy in respect to authorising the relevant Manager; the discretion to issue a third stall permit for fruit and vegetable sales and to ensure the continual smooth operation of the market as appropriate;
 - (c) Any streetscape improvements or masterplans for the Gleadell Street area consider the distinctiveness of the Market and ensure the operation of the market is maintained; and
 - (d) Council will further consider the impact and operation of markets across the municipality and consider the feasibility, options and benefits of enhancing the presence of markets held within Yarra.

Attachments

- 1 The Gleadell Street Market Policy
- 2 The Gleadell Street Market Procedure & Protocols Manual
- 3 Revised - Gleadell Street Market Policy

8.3 March 2021 Finance Report

Reference	D21/45217
Author	Wei Chen - Chief Financial Officer
Authoriser	Director Corporate, Business and Finance

Purpose

1. For Council to note the March 2021 Finance Report.

Critical analysis

History and background

2. Under the Local Government Act 2020, Council is required to report on its financial results on a quarterly basis.
3. The March 2021 Finance report is provided at Attachment 1 for noting and discussion.
4. The March 2021 Capital Adjustments Running Table is provided at Attachment 2 for noting.

Discussion

Finance Report – March 2021 (Attachment 1)

5. As at 31 March 2021, Council is favourable to YTD budget by \$9.1m. This result is predominantly due to the following areas:
 - (a) Higher YTD operating grants received of \$4.7m, mostly due to unbudgeted grants for Working for Victoria, outdoor dining, kindergarten support activities and the glass bin rollout. The corresponding expenses are reflected in the forecast for the remainder of the year;
 - (b) Higher YTD capital grants received of \$1.8m, mostly due to unbudgeted grant received for Local Roads and Community Infrastructure (LRCl) Program (Phase 2), Victoria Street Public Safety Infrastructure and Ramsden Reserve Stormwater Harvesting;
 - (c) Higher YTD net gain on disposal of property, infrastructure, plant and equipment of \$2.8m, mostly due to unbudgeted sale of discontinued roads;
 - (d) Lower YTD materials and services expenditure of \$7.3m, mainly due to delays in the timing of contract payments. These are expected to be incurred later than budget; and
 - (e) Lower YTD bad and doubtful debts of \$1.3m, due to the impact of the COVID-19 pandemic on the value and number of parking infringements being issued. This has resulted in a reduction in expected doubtful debts expense.
6. These favourable outcomes are offset by unfavourable variances of:
 - (a) Lower YTD parking income of \$6.7m, mostly due to a reduction in parking activity as a result of the COVID-19 pandemic; and
 - (b) Lower YTD user fees of \$3.1m, mostly due to the impact of reduced fee income from childcare and leisure (including Burnley Golf Course), which is a result of mandatory facility closures in response to the COVID-19 pandemic and reduced operating capacity upon reopening.

2020/21 Full year forecast – March 2021 (Attachment 1)

7. As at 31 March 2021, from a forecast year-end position, Council is anticipating a full year operating deficit of \$10.4m, unfavourable to budget by \$6.5m. This result is mainly due to:
 - (a) Lower than budgeted parking income of \$8.5m, reflecting the YTD position;

- (b) Lower than budgeted user fees of \$4.5m, reflecting the YTD position;
- (c) Lower than budgeted capital grant income of \$1.1m, mostly due to due to the removal of two grants that were received last financial year; and
- (d) Higher than budgeted employee costs of \$2.6m, largely attributable to the Working for Victoria project which is offset by operating grant income.

8. These unfavourable outcomes are offset by:

- (a) Higher than budgeted operating grant income of \$4.4m, mostly due to unbudgeted grants, including Working for Victoria, outdoor dining, etc.;
- (b) Higher than budgeted net gain or on disposal of property, infrastructure, plant and equipment of \$2.9m, mostly due to unbudgeted sale of discontinued roads; and
- (c) Lower than budgeted bad and doubtful debts of \$2.0m resulting from the reduced value and number of parking infringements being issued. This has resulted in a reduction in expected doubtful debts expense.

Capital Adjustments Running Table March 2021 (Attachment 2)

9. The capital works program is subject to regular adjustments by Executive in response to various issues including variations to current projects, substitution in response to changing priorities and urgent new works being identified, and additional external funding obtained for particular projects. Attachment 2 (Capital Works Program Adjustments– March2021 Q3) identifies all capital works budget adjustments, and the reasons for these adjustments, which have been made so far, this financial year.

Options

10. No options

Community and stakeholder engagement

11. No external consultation was required.

Policy analysis

Alignment to Council Plan

12. No implications

Climate emergency and sustainability implications

13. No implications

Community and social implications

14. No implications

Economic development implications

15. No implications

Human rights and gender equality implications

16. No implications

Operational analysis

Financial and resource impacts

17. As at 31 March 2021, from a forecast year-end position, Council is anticipating a full year operating deficit of \$10.4m.

Legal Implications

18. No implications

Conclusion

19. As at 31 March 2021, from a forecast year-end position, Council is anticipating a full year operating deficit of \$10.4m.

RECOMMENDATION

1. That Council note the March 2021 Finance Report.

Attachments

- 1 Finance Report - March 2021
- 2 Capital Adjustments Running Table -March 2021

8.4 2020/21 Annual Plan Progress Report - March

Executive Summary

Purpose

To present the 2020/21 Annual Plan Quarterly Progress Report - March to Councillors for noting.

Key Issues

The 2020/21 Annual Plan contains 47 actions of which 38 (81%) are On-track or Complete.

Annual targets set a requirement for 75% of Annual Plan actions to be Complete or On Track (>90%) by 30 June each year.

Financial Implications

There are no financial implications.

PROPOSAL

That Council note the 2020/21 Annual Plan Quarterly Progress Report for March.

That Council endorse changes to two actions in the 2020/21 Annual Plan.

8.4 2020/21 Annual Plan Progress Report - March

Reference	D21/33119
Author	Shane Looney - Corporate Planner
Authoriser	Director Corporate, Business and Finance

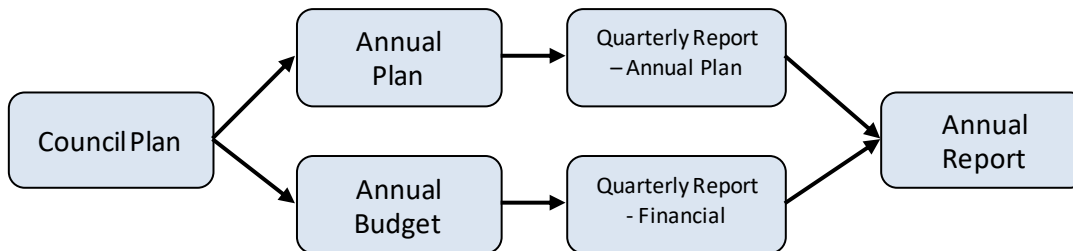
Purpose

1. To present the 2020/21 Annual Plan Quarterly Progress Report - March to Councillors for noting.
2. To propose changes to two actions in the 2020/21 Annual Plan for endorsement.

Critical analysis

History and background

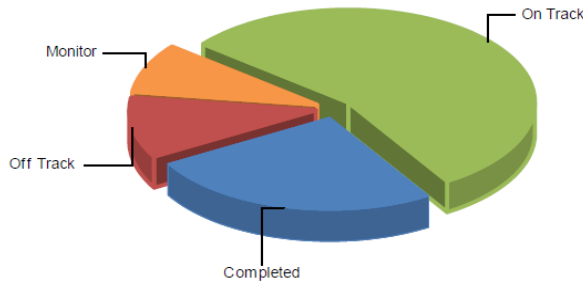
3. The Annual Plan is the organisation's annual response to Initiatives contained in the 4-year Council Plan. Council Plan Initiatives are significant projects and activities that are proposed to be worked on over the term of the Council Plan.
4. The Annual Plan and Annual Plan Quarterly Progress Reports are two of Council's key accountability documents to the community.



5. This year, 2020/21 represents the fourth and final year of the 4-year Council Plan 2017-21 (incorporating the Municipal Public Health and Wellbeing Plan), adopted by Council on 1 August 2017.
6. The 2020/21 Annual Plan was endorsed by Council on 4 August 2020 and is fully resourced and funded within the 2020/21 Budget.
7. Progress of Annual Plan actions are monitored and reported to Council quarterly in the Annual Plan Progress Report. Quarterly progress will be measured against a target of 75% of action targets achieved.

Discussion

8. The 2020/21 Annual Plan contains 47 actions spread across the Council Plan's seven Strategic Objectives.
9. The progress of an action is measured by the status of its individual milestones which are weighted to represent the relative time and effort they contribute to achievement of the overall action.
10. The following thresholds are used to determine the status of an action:
 - (a) On track $\geq 90\%$
 - (b) Monitor 75-89%
 - (c) Off track $< 75\%$.
11. Annual Plan Action progress summary as at 31 March 2021.



Strategic Objective	No. of Actions Reported	Complete	On track (>=90%)	Monitor (75-90%)	Off track (<75%)	Not Started
A healthy Yarra	18	5	9	3	1	0
An inclusive Yarra	6	1	4	1	0	0
A sustainable Yarra	5	3	2	0	0	0
A liveable Yarra	5	0	2	0	3	0
A prosperous Yarra	2	0	2	0	0	0
A connected Yarra	3	0	3	0	0	0
A leading Yarra	8	3	4	0	1	0
	47 (100%)	12 (25.53%)	26 (55.32%)	4 (8.51%)	5 (10.64%)	0 (0.00%)

12. The Annual Plan has 47 Actions, 38 Actions achieved a result of On Track or Complete (81%).
13. The 9 actions whose progress was rated a monitor (75-89%), off-track (< 75%) are:
 - (a) Monitor status:
 - (i) 1.12 State Government suburban parks program;
 - (ii) 1.13 Reid Street Park, North Fitzroy;
 - (iii) 1.18 Brunswick Street Oval Precinct Redevelopment;
 - (iv) 2.03 Yarra Physical Activity Plan;
 - (b) Off track:
 - (i) 1.15 New open space planning and design, Cremorne;
 - (ii) 4.01 Progress the Yarra Planning Scheme rewrite;
 - (iii) 4.03 Structure Planning for Major Activity Centres;
 - (iv) 4.04 Built Form Analysis for Heidelberg Road, Alphington; and
 - (v) 7.08 Develop and implement the Risk Management Framework.
14. To ensure the integrity and transparency of the Annual Plan, once endorsed by Council, actions including their descriptions and milestones can only be changed by resolution of Council. Officers and Councillors can propose changes to the Annual Plan over the course of the year as priorities change.
15. Officers are proposing to make changes to actions 4.03 Structure Planning for Major Activity Centres and 4.04 Built Form Analysis for Heidelberg Road, Alphington. After the Annual Plan was endorsed, Council resolved to request the Minister to appoint an advisory committee to consider translating interim controls into permanent controls. This means the current and future milestones are no longer relevant to the direction Council is taking and it is recommended they be removed by resolution of Council.

Options

16. No options are proposed.

Community and stakeholder engagement

17. Significant community engagement and consultation was undertaken during the development of the 2020/21 Budget and Council Plan 2017-21. The Plan reflects the community priorities identified during these processes.
18. Projects contained in the 2020/21 Annual Plan are subject to external consultation and engagement on a case-by-case basis.

Policy analysis

Alignment to Council Plan

19. The 2020/21 Annual Plan represents Year 4 of the Council Plan 2017-21 adopted on 1 August 2017.

Climate emergency and sustainability implications

20. 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. Action 3.01 in the 2020/21 Annual Plan specifically relates to Climate Emergency.

Community and social implications

21. 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 2020/21 Annual Plan includes 18 actions that respond to initiatives under this Strategic Objective.

Economic development implications

22. 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 2020/21 Annual Plan includes 2 actions that respond to initiatives under this Strategic Objective.

Human rights and gender equity implications

23. 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 2020/21 Annual Plan includes 6 actions that respond to initiatives under this Strategic Objective.

Operational analysis

Financial and resource impacts

24. Actions in the 2020/21 Annual Plan are resourced within the 2020/21 Budget.

Legal Implications

25. There are no legal implications.

Conclusion

26. The 2020/21 Annual Plan Quarterly Progress Report - March is presented to Council for noting.

RECOMMENDATION

1. That:

- (a) Council note the 2020/21 Annual Plan Progress Report for March;
- (b) Council endorse the following changes to the 2020/21 Annual Plan:

- (i) 4.03 Structure Planning for Major Activity Centres:

- Remove Milestones:

- December – Complete outline of draft structure plans;

- March – Brief Council on consultation with the community to inform the draft structure plans; and

- June – Complete draft Structure Plan; and

- (ii) 4.04 Built Form Analysis for Heidelberg Road, Alphington:

- Remove Milestones:

- December – Work with Darebin Council officers to complete the draft Local Area Plan;

- March – Commence preparation of permanent planning scheme provisions; and

- June – Report to Council on draft Planning Scheme provisions recommending a preferred option to seek permanent controls.

Attachments

- 1 2020/21 Annual Plan Quarterly Progress Report - March

8.5 Edinburgh Gardens Working Group

Reference	D21/43598
Author	Ivan Gilbert - Group Manager Chief Executive's Office
Authoriser	Group Manager Chief Executive's Office

Purpose

1. To determine on the appointment of an Edinburgh Gardens Working Group in accordance with the Council resolution of 15 December 2020 to:
“4(a) establish an Edinburgh Gardens Working Group of regular park users, local residents and a representative of Fitzroy North Primary School, to inform future management of the gardens in peak periods over summer and public holidays;”
2. The full resolution can be found at **Attachment Two**.

Critical analysis

History and background

3. There have been several occasions in recent years where inappropriate activities at the Edinburgh Gardens have created situations which have caused:
 - (a) very considerable cost to the Council;
 - (b) extensive damage to public and private property; and
 - (c) great concern, inconvenience and indeed risk to each of the Council, community members, nearby residents, police and emergency services members.

Discussion

4. On 15 December 2020, Council carried the resolution at **Attachment Two**. Due to the impost of COVID-19 constraints on some consultation avenues, processing of a number of elements of that resolution had been deferred for a period.

Options

5. Clearly Council's intention is to establish a working group *“to inform Council on future management of the gardens in peak periods over summer and public holidays;”*.
6. Such advice would be intended to include comments including on such as:
 - (a) any types of activities suggested as not considered appropriate to be held at the gardens and the reasons for same;
 - (b) any special conditions considered applicable to particular uses and activities at the gardens;
 - (c) the review of the Consumption of Liquor in a Public Place Local Law, later in 2021;
 - (d) any considerations which would come under the Council's current General Local Law; and
 - (e) the Council Order under the Domestic Animal's Act.
7. As outlined in the **Attachment One** there is a suggested representational make-up of the Working Group, selection criteria and a meeting frequency of the committee.

Community and stakeholder engagement

8. Based upon the note in Council’s resolution to “*establish an Edinburgh Gardens Working Group of regular park users, local residents and a representative of Fitzroy North Primary School,*” it is thus proposed to form a representative Working Group comprising say **twelve** members and including:
 - (a) **four** local resident members;
 - (b) **one** representative drawn from Fitzroy North Primary School;
 - (c) **two** members drawn from the Edinburgh Gardens sporting community which comprises:
 - (i) Fitzroy Tennis Club;
 - (ii) Fitzroy Football Club;
 - (iii) Fitzroy Junior Cricket Club;
 - (iv) Edinburgh Cricket Club;
 - (d) **two** casual Park users, and
 - (e) **three** Councillors.
9. This composition has been proposed on the basis that it provides a balanced mixture of participants, without making the overall participation number unwieldy. While it is not proposed to have dedicated positions for persons meeting certain demographic criteria (such as a defined number of young people, for example), the selection criteria set out in the attached terms of reference provides that these considerations be taken into account when making committee appointments.
10. It is proposed that expressions of interest for membership be sought as follows:
 - (a) For the local resident representatives – through a call for interest in Council’s social media channels, signage on site and direct notification of previously interested parties;
 - (b) For the sporting community representatives – through direct approach to each of the named Clubs asking them to collectively nominate the two representatives; and
 - (c) For the casual Park users – through a call for interest in Council’s social media channels and signage on site.
11. Following the expression of interest process, the appointment of members will be made in accordance with the Council Committees Policy and in consultation with the appointed Councillors.
12. In accordance with the Council Committees Policy and in order to enable the first meeting of the committee to be held without delay, it is not proposed to seek a further resolution to appoint the membership of the committee. In the event that the appointed Councillors could not agree on the committee makeup, a further resolution would be sought. Such a delay would likely mean the committee could not commence meeting until August.

Policy analysis

Alignment to Council Plan

13. The following objectives are considered applicable:
 - (a) **A Healthy Yarra** – where community health, safety and wellbeing are a focus in everything we do;
 - (b) **An Inclusive Yarra** – as a place where inclusion, diversity and uniqueness are welcomed, respected and celebrated; and

- (c) **A Leading Yarra** – where transparency, performance and community participation drive the way we operate.

Climate emergency and sustainability implications

14. The Council has invested significant resources in sustainability programs and works at the Gardens and needs to ensure protection to these works and facilities from any inappropriate activities.

Community and social implications

15. Having regard to previous inappropriate activities which occurred at the gardens and the significant adverse impact they had on the gardens and the formal playing surfaces, streets and lanes in the vicinity of the gardens and indeed the community and private property in reasonable proximity to the Edinburgh Gardens, there are potential community and social implications which can arise from inappropriate activities in the gardens and environs.

Economic development implications

16. Not particularly relevant to this report.

Human rights and gender equality implications

17. The above referenced inappropriate activities greatly heightened the risk of infringement of people's human rights and certainly heightened the risk of safety concerns for all genders. It is therefore considered essential to have a management regime which will oversee use of, and activities allowed in the Gardens, and to ensure respect to all users.

Operational analysis

Financial and resource impacts

18. The referenced inappropriate activities caused the Council to incur very substantial costs in clean-up and repairs and it is therefore considered essential to have a management regime which will minimise the risk of any such re-occurrence.

Legal Implications

19. The Council as Committee of Management of the Gardens has formal responsibility for the effective management and oversight of the Gardens such to ensure a diverse community may enjoy the facility in the spirit of equity, safety and respect.

Conclusion

20. That Council review the report on the proposed Working Group make-up, the meeting arrangements and the information to be sought from the Working Group and now approve:
- (a) the Terms of Reference for the group;
 - (b) the Councillor membership for the group; and
 - (c) the process of seeking public expressions of interest.

RECOMMENDATION

1. That Council:
- (a) establish the Edinburgh Gardens Working Group in accordance with the Terms of Reference at **Attachment One**;
 - (b) appoint Cr _____, Cr _____ and Cr _____ to the working group;
 - (c) commence a public invitation for expressions of interest for the community positions and appoint the membership in accordance with the committee terms of reference; and
 - (d) hold the first meeting of the Edinburgh Gardens Working Group in July 2021.

Attachments

- 1 Edinburgh Gardens Working Group Terms of Reference
- 2 Council Resolution - 15 December 2021

8.6 Councillor attendance at the ALGA National General Assembly and change to Council meeting date

Reference	D21/42370
Author	Rhys Thomas - Senior Governance Advisor
Authoriser	Group Manager Chief Executive's Office

Purpose

1. To:
 - (a) authorise the attendance of Councillors Gabrielle de Vietri (Mayor) and Amanda Stone at the Australian Local Government Association National General Assembly in Canberra from 20 to 23 June 2021; and
 - (b) alter the date of the Council Meeting scheduled for 22 June 2021.

Critical analysis

History and background

2. The Australian Local Government Association National General Assembly is being held this year in Canberra from 20 to 23 June 2021. Following an invitation to all Councillors, Cr Gabrielle de Vietri (Mayor) and Amanda Stone have expressed an interest in attending the event to represent the City of Yarra.
3. Council's Councillor Support Policy provides that: *"subject to the availability of funds, Council shall meet the cost of registration fees, accommodation, travelling expenses, meals and other incidental expenses associated with authorised attendance at conferences and seminars" and that "events interstate or overseas may be attended following approval by the Council. Councillors are encouraged to nominate themselves as early as possible to enable the preparation of a report to a subsequent Council meeting. Where approval is granted, Council shall meet associated expenses, subject to any conditions or limitations determined by the Council."*
4. A Council meeting is scheduled for 22 June 2021. Council's Governance Rules provide that *"Council may change the date, time and place of any Council meeting which has been fixed by it and must provide reasonable notice of the change to the public."*

Discussion

5. The Australian Local Government Association holds its National General Assembly each year in June. The National General Assembly is held in Canberra, and is an opportunity for Councils across Australia to come together and meet with each other, as well as leaders from the Federal and State Governments (including the Commonwealth Minister for Local Government and the Shadow Minister). The Assembly is also a forum where Councils can submit motions to be debated to set the agenda for the Association for the year ahead. In previous years, Council has submitted a number of successful motions.
6. In 2020, the National General Assembly was cancelled due to the COVID-19 pandemic and at the time of scheduling the 2021 Council meetings it was not known whether the 2021 Assembly would proceed, or be conducted in a virtual format. It has since been confirmed that the Assembly will take place in Canberra from 20 to 23 June 2021.
7. At the Council meeting on 16 March 2021, Council resolved to submit two motions to the Assembly, and on 30 March 2021 a further resolution was endorsed. While these motions will be considered regardless of the attendance of a representative of the Yarra City Council, having a Councillor in attendance will enable the motions to be formally presented by Yarra

Council and for Council to have a voice in the subsequent debates. The motions to be considered are:

- (a) Funding for local government climate action and adaptation;
 - (b) Treaty on the prohibition of nuclear weapons; and
 - (c) Jobseeker rate.
8. In order to enable Yarra's Councillors to attend the National General Assembly and present Council's motions on the floor, it is also necessary to reschedule the Council meeting set for 22 June 2021. While it is possible to proceed with a Council meeting with as many as four Councillors absent, the last meeting in June is planned to consider Council's Annual Budget, and it desirable to enable as many Councillors as possible to be in attendance for this matter.
9. It is therefore recommended that the Council meeting be scheduled two days later than planned and held instead on 24 June 2021.

Options

10. Council can determine to approve attendance of Councillors or not to approve attendance by alternate resolution.
11. Council has the option of altering the proposed meeting date by alternate resolution.

Community and stakeholder engagement

12. No community engagement has been undertaken in the development of this report.

Policy analysis

Alignment to Council Plan

13. The attendance at conferences enables discussion with Councillors across the nation to compare issues, processes, services standards which assist Council in formulating its own policies. It also enables Council to fulfil its Council Plan commitment to "*advocate for the best interests of our community*" through the pursual of a Strategic Advocacy Plan.
14. The establishment of a regular program of Council meetings and the clear communication of any changes to meeting dates underpins the Council Plan commitment to "*enable greater transparency and access to the conduct of Council Meetings*" and allows members of the public to attend and participate in the meetings in line with its strategic advocacy program.

Climate emergency and sustainability implications

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

Community and social implications

16. No community or social implications are presented in this report.

Economic development implications

17. No economic development implications are presented in this report.

Human rights and gender equity implications

18. No human rights or gender equity implications are presented in this report.

Operational analysis

Financial and resource impacts

19. The cost of travel, accommodation and ancillary costs are estimated at \$1,000 per attending Councillor, plus the cost of the conference itself (\$989). Provision is made in Council's budget for Councillor to attend approved conferences.

20. Council's budget contains a necessary provision for the conduct of the Council meeting program. Altering the meeting schedule will not have an impact on Council's budget.

Legal Implications

21. There are no legal issues concerned with attendance by Councillors at the event, save compliance with the adopted Councillor Support Policy.
22. Chapter 2, Clause 7 of the City of Yarra Governance Rules 2020 provides that "*Council may change the date, time and place of any Council meeting which has been fixed by it and must provide reasonable notice of the change to the public.*" It is proposed that such notice be provide via Council's social media channels and on Council's website.

Conclusion

23. It is recommended that Council:
- (a) authorise the attendance of Councillors Gabrielle de Vietri (Mayor) and Amanda Stone at the Australian Local Government Association National General Assembly in Canberra from 20 to 23 June 2021; and
 - (b) reschedule the Council Meeting scheduled for 22 June 2021 to 24 June 2021.

RECOMMENDATION

1. That in accordance with the Councillor Support Policy, Council authorise the attendance of Councillors Gabrielle de Vietri (Mayor) and Amanda Stone at the Australian Local Government Association National General Assembly in Canberra from 20 to 23 June 2021 at an estimated cost of \$1,989 per person.
2. That Council:
 - (a) reschedule the Council meeting scheduled for 22 June 2021 to the same time on 24 June 2021 (7.00pm for the public session, and 6.30pm for the closed session if required); and
 - (b) provide notice to the community of the change via its social media channels and Council's website.

Attachments

There are no attachments for this report.

8.7 Inner Melbourne Action Plan (IMAP) Implementation Committee

Reference	D21/45093
Author	Justin Kann - Senior Advisor, Strategic Advocacy
Authoriser	Group Manager Advocacy and Engagement

Purpose

1. To provide an overview of proposed changes to the Inner Melbourne Action Plan (IMAP) Implementation Committee and seek endorsement for Council to join an expanded group made up of inner Melbourne councils with a focus on advocacy and delivering collaborative partnerships.

Critical analysis

History and background

2. The Inner Melbourne Action Plan Implementation Committee or IMAP was established in 2005 to deliver on the State Government's "Melbourne 2030" planning agenda and to drive change across the inner Melbourne municipalities in key areas including economic development, transport and sustainability.
3. The current IMAP group consists of five councils – the Cities of Melbourne, Port Phillip, Stonnington, Yarra and Maribyrnong – as well as State Government representatives from the Department of Environment, Land, Water and Planning (DELWP), Department of Transport (DoT) and VicRoads, Department of Jobs, Precincts and Regions (DJPR), and Victorian Planning Authority.
4. IMAP was initially constituted under the Local Government Act 1989 by member Councils establishing identical section 86 special committees. In 2020, with the introduction of the Local Government Act 2020, IMAP became a joint delegated committee pursuant to section 64 of the Act.
5. IMAP's 2016-2026 Plan identifies 27 strategies across five goals to help build creativity, liveability, prosperity and sustainability across a range of diverse neighbourhoods experiencing rapid growth. It operates under the brand 'Making Melbourne More Liveable'.
6. While all current IMAP members remain committed to the goals, it has become clear that IMAP in its current form is no longer fit for purpose. Further, changes implemented with the making of the Local Government Act 2020 have also created a number of administrative inefficiencies which make the continuation of IMAP in its current form unsustainable.
7. There is interest from current IMAP members to expand the group to strengthen its mandate and influence and to sharpen its strategic focus while improving its value proposition for local residents and the community.

Discussion

8. While the current IMAP group is valued for its stability and longevity, members have found that its work has become too fragmented and a relatively "micro" focus of the agenda has limited its effectiveness.
9. Compared to other Council peak bodies, it is a relatively small group, focused on coordinating internal projects rather than representing inner Melbourne. It lacks a broader profile by which it can influence and represent the interests of local communities in the public debate.
10. There is unanimous agreement that the primary focus of IMAP moving forward should be advocacy, with a sharp focus on three to five key strategic issues.

11. There is also a strong appetite to expand the group to include Hobsons Bay, Moonee Valley, Moreland and Darebin Councils, to better represent inner Melbourne and its communities who face similar challenges and opportunities due to their demographics and geographic location.
12. A coalition of the nine inner-most Councils, unified with a shared vision for Melbourne, has the potential to be a major influence on State and Commonwealth policy and funding. It would represent 18 per cent of the Victorian population, or almost 1.2 million people. The working title for the expanded group is M9.
13. It is proposed that the group adopt key aspects of the successful Council of Mayors (South East Queensland) model, including reflecting its focus on advocacy, consistent branding and leadership approach.
14. Rather than using a joint delegated committee, the group would be established under a more agile Memorandum of Understanding (MoU).
15. It would involve the Mayor and CEO from each member Council who would meet to set and monitor strategy and undertake joint advocacy with the capital city Lord Mayor serving as inaugural Chair.
16. The group would also seek to formalise its advocacy efforts to include regular engagements with key State Government representatives such as the Premier, Treasurer and Minister for Local Government.
17. Projects underway or proposed in the IMAP 2016-2026 plan would be reviewed. It is recommended that shared projects are managed through other vehicles, allowing for a focus on advocacy work.
18. Subject to agreement from all current IMAP Councils, unexpended funds already contributed will be rolled over to support the new entity with additional contributions coming from new members.
19. Members agreeing adequate ongoing resourcing will be critical to the success of the project, however, the administration model and resourcing would depend on the final agreed scope and scale of M9.
20. Stakeholder consultation was conducted with all existing IMAP members to inform the analysis and recommendations in this report. Stakeholder consultation has also occurred with the CEOs of Hobsons Bay, Moonee Valley, Moreland and Darebin who have all indicated an interest in joining this new group, subject to the agreement of their own Councils.
21. IMAP members including the Cities of Maribyrnong, Stonnington and Port Phillip have resolved to join an expanded group in place of IMAP. A similar proposal is also expected to be considered by Melbourne City Council.

Options

22. This report proposes a way forward for IMAP and seeks the agreement of Council to reform the current model in favour of an expanded, more agile group with a focus on advocacy and strategic partnerships. This report does not seek to endorse specific focus areas which would be agreed through further consultation and engagement with member councils.

Community and stakeholder engagement

23. Stakeholder consultation was conducted in 2020 with the then Mayors and CEOs of the five IMAP councils on the group's purpose, projects and future. State Government stakeholders familiar with IMAP's work were also consulted.
24. The CEOs of Hobsons Bay, Moonee Valley, Moreland and Darebin have all been consulted and indicated an interest in joining the proposed new group, subject to the agreement of their own Councils.

25. Discussions have also taken place in recent months amongst the current Mayors of M9 councils.

Policy analysis

Alignment to Council Plan

26. Continuation of Council's strategic advocacy program is outlined in strategic objective 7 (A Leading Yarra) of the Council Plan 2017–2021. The proposal put forward for an expanded group which focuses on advocacy across a core number of strategic issues would also benefit other objectives in the Council Plan.

Climate emergency and sustainability implications

27. As a key focus of Yarra's advocacy agenda, sustainability and the climate emergency have been raised as potential topics for joint advocacy and would benefit significantly from the new group's ability to have greater influence and presence both with government and in the public debate.

Community and social implications

28. An expanded group would provide even greater opportunities for Council to advocate on behalf of the community and raise important issues impacting local residents, organisations and business.

Economic development implications

29. An expanded group would provide greater opportunities for Council to collaborate with other local government partners and support economic development within the inner Melbourne region. It would also be more likely to attract funding from State and Commonwealth governments and influence policy outcomes.

Human rights and gender equality implications

30. There are no specific human rights or gender equality implications associated with this report.

Operational analysis

Financial and resource impacts

31. This report does not seek any specific financial contribution for the proposed M9 group but does recognise that agreeing adequate ongoing resourcing is critical to the success of the project.
32. It proposes that unexpended funds already contributed to IMAP from current member Councils be rolled over to support the proposed M9 with additional contributions coming from new members.
33. The administration model and resourcing for this new group, however, would depend on the final agreed scope and scale of the group.

Legal Implications

34. IMAP was initially constituted under the Local Government Act 1989 by member Councils establishing identical section 86 special committees. In 2020, with the introduction of the Local Government Act 2020, IMAP became a joint delegated committee pursuant to section 64 of the Act.
35. This report proposes that the joint delegated committee be dissolved, and in its place, an expanded group be formed by way of a Memorandum of Understanding (MoU). The final scope and terms of which will be agreed after further consultation with member Councils.

Conclusion

36. IMAP was established in 2005 to deliver on the State Government's "Melbourne 2030" planning agenda and to drive change across the inner Melbourne municipalities in key areas including economic development, transport and sustainability. The current group consists of five Councils – the Cities of Melbourne, Port Phillip, Stonnington, Yarra and Maribyrnong and – as well as State Government representatives.
37. While members remain committed to the principle of greater collaboration and working between inner Melbourne Councils, members have found that IMAP's work has become too fragmented and a relatively "micro" focus of the agenda has limited its effectiveness.
38. There is unanimous agreement that the primary focus of IMAP moving forward should be advocacy, with a sharp focus on three to five key strategic issues. There is also a strong appetite to expand the group to include Hobsons Bay, Moonee Valley, Moreland and Darebin Councils, to better represent inner Melbourne and its communities who face similar challenges and opportunities due to their demographics and geographic location.
39. The new group would be established by way of a Memorandum of Understanding (MoU) and would involve the Mayor and CEO from each member council.
40. IMAP members including the Cities of Maribyrnong, Stonnington and Port Phillip have resolved to join an expanded group in place of IMAP. A similar proposal is also expected to be considered by Melbourne City Council.

RECOMMENDATION

1. That Council:
 - (a) pursuant to sections 11 and 64 of the Local Government Act 2020, dissolve the Inner Melbourne Action Plan Implementation Committee as a joint committee of Council and revoke the Instrument of Delegation by Council to the Inner Melbourne Action Plan Implementation Committee dated 18 August 2020;
 - (b) agrees to join an expanded group of inner Melbourne councils for the purpose of shared advocacy, with a working title of M9;
 - (c) approves the rollover of unexpended IMAP funds to fund the new group (M9);
 - (d) authorises the Chief Executive Officer to develop a Memorandum of Understanding with other participating councils to establish the new group and its operating principles;
 - (e) requests that the draft MoU, once developed in partnership with other participating councils, be presented to Council for endorsement; and
 - (f) requests that further information be provided to Council on proposed advocacy priorities.

Attachments

There are no attachments for this report.

9.1 Notice of Motion No. 3 of 2021 - E-Scooter Trials

Reference	D21/46881
Author	Mel Nikou - Administration Officer - Governance Support
Authoriser	Group Manager Chief Executive's Office

I, Councillor Herschel Landes, hereby give notice that it is my intention to move the following motion at the Ordinary Meeting of Council to be held on 18 May 2021:

“That Council:

- (a) submit a competitive expression of interest to the Department of Transport to be considered for the Victorian Government’s electric scooter trial; and*
- (b) seek to act in collaboration with the City of Melbourne, and that the CEO of Yarra seek to work with the CEO of the City of Melbourne to form a joint MOU to establish rules, management and placement of the trial.”*

Background

The Victorian Government recently announced that electric scooters will be trialled for up to 12 months in three Victorian council areas.

Starting later in 2021, the trial is seeking to ascertain out how e-scooters could be integrated safely into the transport network. It will be conducted in two metropolitan councils and one regional council.

The Council areas will be selected through a targeted expression of interest procedure overseen by the Department of Transport.

In a 2019 RACV survey, around 80 percent of Victorians said they would consider using an e-scooter and almost 60 percent said they would use e-scooters to replace car trips.

Given Yarra Council’s commitment to reducing transport emissions as part of its Climate Emergency Plan, high competition around parking, rapidly increasing population and commitment to reviving our local shopping strips and activity centres, Yarra is ideally placed to undertake the trial.

RECOMMENDATION

1. That Council:
 - (a) submit a competitive expression of interest to the Department of Transport to be considered for the Victorian Government’s electric scooter trial; and
 - (b) seek to act in collaboration with the City of Melbourne, and that the CEO of Yarra seek to work with the CEO of the City of Melbourne to form a joint MOU to establish rules, management and placement of the trial.

Attachments

There are no attachments for this report.