



Agenda

Council Meeting

7.00pm, Tuesday 19 October 2021

MS Teams

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 Chief Executive Officer – Determination on Performance Review for the period 2020/2021

This item is to be considered in closed session to allow consideration of personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

These grounds are applicable because the report contains private information about the personal affairs of an individual.

6. Confirmation of minutes

RECOMMENDATION

That the minutes of the Council Meeting held on Tuesday 5 October 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 Proposed Council Plan 2021-25 (incorporating the Municipal Public Health and Wellbeing Plan)	9	17	Julie Wyndham – Manager Corporate Planning and Performance
8.2 Long-Term Financial Plan 2021/22 to 2030/31	18	19	Wei Chen – Chief Financial Officer
8.3 Domestic Animal Management Plan (DAMP) Adoption	20	24	Stewart Martin – Manager Compliance and Parking Services
8.4 Submission to the Inquiry into Apartment Design Standards	25	37	Mary Osman – Manager Statutory Planning
8.5 Inner Metro Land Use Framework Plan - Consideration of draft submission	40	48	Althena Davidson – Manager City Strategy
8.6 Draft Arts and Culture Strategy 2022-2026	49	54	Siu Chan – Business Unit Manager Arts, Culture and Venues
8.7 Yarra City Council Annual Report 2020/21	55	57	Anya Murray – Coordinator Communications and Engagement
8.8 Planning Scheme Amendment C286yara - Yarra Open Space Levy	58	71	Michael Ballock – Executive Planner Strategic Projects

9. Notices of motion

Item	Page	Rec. Page	Report Presenter
9.1 Notice of Motion No.13 of 2021 - Parklets	72	74	Stephen Jolly - 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 Proposed Council Plan 2021-25 (incorporating the Municipal Public Health and Wellbeing Plan)

Executive Summary

Purpose

To present the proposed Council Plan 2021-25 (incorporating the Municipal Public Health and Wellbeing Plan) to Council for adoption.

Key Issues

The *Local Government Act 2020* (Act) requires Victorian Councils to prepare and adopt a Council Plan for a period of at least the next four financial years, by 31 October after a general election, in accordance with its deliberative engagement practices.

Section 90 of the *Local Government Act 2020* prescribes what the Council Plan must contain, this includes Strategic Objectives and related Strategies, Initiatives and Indicators.

The preparation of this proposed Council Plan has been undertaken in accordance with the Strategic Planning Principles as outlined in section 89 of the *Local Government Act 2020*. One of these principles is that the Council Plan must address the Community Vision.

Financial Implications

The proposed Council Plan 2021-25 is supported by the draft Long Term Financial Plan 2021/22 to 2030/31.

Projects arising out of the proposed Council Plan 2021-25 are subject to the Annual Budget process.

PROPOSAL

That Council adopt the proposed Council Plan 2021-25 (incorporating the Municipal Public Health and Wellbeing Plan).

8.1 Proposed Council Plan 2021-25 (incorporating the Municipal Public Health and Wellbeing Plan)

Reference	D21/140414
Author	Julie Wyndham - Manager Corporate Planning and Performance
Authoriser	Director Corporate, Business and Finance

Purpose

1. To present the proposed Council Plan 2021-25 (incorporating the Municipal Public Health and Wellbeing Plan) to Council for adoption.

Critical analysis

History and background

2. Council is required under the Local Government Act 2020 to develop and adopt a Council Plan, for at least the next 4 financial years, by 31 October after a general Council election in accordance with its deliberative engagement practices.
3. Furthermore, Section 89(2)(b) of the Act states that “strategic planning must address the Community Vision”. The Council Plan is a key strategic plan under this provision of The Act.
4. Under the Victorian Public Health and Wellbeing Act 2008, local government is required to develop a Municipal Public Health and Wellbeing Plan (MPHWP) every four years. The Council Plan 2021-25 (attachment 1) is Yarra’s second Council Plan to incorporate the MPHWP, having exemption from the Secretary of the Department of Health.
5. The MPHWP outlines how Council will protect, improve and promote public health and wellbeing within the City of Yarra. The MPHWP has been incorporated with the Council Plan 2021-25 to deliver a single high-level plan that can drive a focus on health and wellbeing across Council.
6. The Council Plan is a high-level umbrella document that guides and informs Council’s work. It elevates and sets out Council’s strategic priorities and direction for the next four years, working towards the community’s priorities identified in the Yarra 2036 Community Vision.
7. As such, the Council Plan does not specifically consider all of Council’s services and activities; rather seeks to inform them. Detailed planning and specific priorities and actions for services are outlined in Council’s strategies and plans. The Council Plan complements other strategies and plans and does not intend to replicate them.

Yarra 2036 Community Vision

8. Yarra 2036 Community Vision (the Vision) was adopted by Council on 20 July 2021. The Vision can be viewed on Council’s website.
9. The Vision helps us understand our community’s long-term aspirations, provides a tool for future planning and decision-making and identifies our community’s future priorities
10. It was developed and handed over to Council for adoption by a deliberative community panel. The Vision includes an overarching Vision Statement and eight Vision Themes with 30 supporting future priorities. From these future priorities, the panel identified the most important ones that they wanted Council to start work on over the life of the Council Plan 2021-25.
11. The Council Plan 2021-25, which is required to be adopted by 31 October 2021, has been staged to ensure adequate time and consideration was given to address community priorities identified in the Vision.

12. To develop the Council Plan, we looked to what the community said in the Vision. We developed our six Strategic Objectives around the Vision Themes and Future Priorities so that our work over the next four years responds and is anchored to the voices of our community.

Discussion

13. Six Strategic Objectives have been proposed in the draft Council Plan 2021-25:
- (a) **Climate and environment:**
Yarra urgently mitigates climate change while also adapting to its impacts and developing resilience in everything we do. The community, business and industry are supported and encouraged to do the same;
 - (b) **Social equity and health:**
Yarra’s people have equitable access and opportunities to participate in community life. They are empowered, safe and included;
 - (c) **Local economy:**
Yarra’s neighbourhoods and major activity centres, nightlife and employment precincts are thriving, accessible and connected. They support and inspire diverse creative communities, cultural activities, businesses and local employment;
 - (d) **Place and nature:**
Yarra’s public places, streets and green open spaces bring our community together. They are planned to manage growth, protect our unique character and focus on people and nature;
 - (e) **Transport and movement:**
Yarra’s transport network is sustainable and recognises that streets are important shared public spaces. Transport and movement is accessible, safe and well connected; and
 - (f) **Democracy and governance:**
Yarra is smart, innovative and sustainable. Our decisions and advocacy are built on evidence and meaningful engagement. Good governance is at the heart of our processes and decision-making.
14. Each Strategic Objective is detailed through:
- (a) narrative discussing Council’s Strategic Direction and what is important to Yarra including the challenges and opportunities we face;
 - (b) strategies that identify how Council will achieve the Strategic Objective;
 - (c) initiatives that identify what projects and activities Council will work on; and
 - (d) indicators setting out some of the ways Council will monitor achievement of the Strategic Objective.
15. There is a total of 30 Strategies, 64 Initiatives and 62 Indicators for the Council Plan 2021-25. The below table shows how these are distributed across the Strategic Objectives.

Strategic Objective	Strategies	Initiatives	Indicators
Climate and environment	4	13	12
Social equity and health	7	16	13
Local economy	5	5	5
Place and nature	5	14	14
Transport and movement	4	7	9
Democracy and governance	5	9	9
Total	30	64	62

16. Subsequent Annual Plans and Annual Budgets will operationalise the Council Plan, detailing Council actions to be delivered that year. Progress is reported to Council and our community through quarterly reports and the Annual Report.
17. The MPHWP guides how Council will promote health and wellbeing across the municipality. It is incorporated within the Council Plan 2021-25. The Council Plan indicates which Strategies, Initiatives and Indicators that contribute to the MPHWP.
18. The MPHWP has six key themes that align to the Victorian Public Health and Wellbeing Plan 2019-23 and connect across the Council Plan. These themes are:
 - (a) assisting to reduce the harms from tobacco, alcohol, illicit drugs and gambling;
 - (b) promoting gender equality and reducing gendered violence;
 - (c) promoting physical wellbeing;
 - (d) promoting community safety;
 - (e) promoting mental wellbeing; and
 - (f) assisting to reduce the health harms from climate change.
19. Council has developed an Operational Supplement: Health and Wellbeing Activities (OSHWA) 2021-2025. The OSHWA will provide further detail on the health and wellbeing actions being delivered by Council, in line with the Strategic Objectives, Strategies and Initiatives outlined in this Council Plan, relevant to the MPHWP.

Options

20. There are no options considered in this report.

Community and stakeholder engagement

21. The proposed Council Plan 2021-25 was informed by extensive community engagement as part of the Community Vision project over three stages which started with broad community engagement in November 2020, included deliberative engagement in May 2021 and ended with public exhibition of the draft Council Plan 2021-25 in September 2021.

Broad community engagement

22. The broad community engagement approach started in November 2020 and ended in January 2021, attracting 1,300 contributions which well exceeded our targets. This approach meant a reliable cross-section of Yarra took part in the conversation and the results provided a solid foundation for our community panel to understand the range of views that exist in Yarra.

Deliberative community engagement

23. The deliberative engagement process was guided by Section 56 of the Local Government Act 2020 outlining the principles of good community engagement and Section 88 (1) requiring development of the Community Vision and Council Plan in accordance with Council's deliberative practices. In particular, the following standards outlined in Yarra's Community Engagement Policy 2020, defining best practice deliberative engagement, were reflected in the process:
 - (a) Representative sample of the population or group impacted:
 - (i) The panel size was relatively large according to general industry standards due to additional recruitment component to ensure diverse representation;

- (ii) Representation was determined through a thorough stakeholder analysis identifying locations, dwelling and tenure types (including homeowners, private renters, public renters and a small number of business owners) and age groups according to Yarra's demographics and gender representation. The expression of interest invitation to 8,000 households, stratification of 360 EOI's and final recruitment of 40 participants was conducted independently of Council through Sortition Foundation to ensure transparency in the process;
 - (iii) A further 20 participants were targeted through individual EOI processes managed through council branches to ensure appropriate diversity and inclusion of groups at risk of underrepresentation including; young people aged 15-18 years, people living with a disability, Aboriginal and Torres Strait Islanders and Culturally and Linguistically Diverse representatives according to Yarra's demographics; and
 - (iv) A total of 61 community members registered to participate in the panel process. Of the 61 participants who originally registered, 55 participated across some or all the four sessions with an excellent attendance and retention rate;
- (b) Clear scope and remit:
- (i) The panel was provided clear direction on the scope of the Vision at the Expression of Interest stage of recruitment; being 15 years duration and applying to the whole of the municipality, and the overarching remit; "What needs to happen to make sure Yarra is the best it can be in 2035";
 - (ii) Further clear direction on the components of the Vision document including the overarching vision statement, themes and descriptors and priorities outlining Yarra's aspirations was provided at session one and reiterated throughout the process; and
 - (iii) The panel voted for the most important priorities they wanted Council to work on to inform the Council Plan 2021-25;
- (c) Provision of timely, objective and independently sourced/verified information:
- (i) The panel was provided with:
 - a. Pre reading information kit outlining the role of the panel and panel process, role of different levels of government, the role of Council in the Yarra context of service delivery, and information relating to key pressures and opportunities and Council's asset management and financial position;
 - b. Through the process the panel received information from the CEO on current and future operational pressures and opportunities unique to Yarra, a presentation on the strategic planning process and outputs and their relationship to the Community Vision, a detailed presentation and report on the key themes provided through broader community engagement, a detailed presentation on input from the Yarra's broader Aboriginal and Torres Strait Islander community and young people aged 0-25;
 - c. Through the process the online portal facilitated responses to five requests for further information on topics ranging from housing and homelessness through to waste management and community safety; and
 - d. Support staff recruited from a range of branches provided information in their role as table and focus area hosts;
- (d) Adequate time:
- (i) Four sessions were scheduled across four weeks (total 13 hours), outside of business hours with a gap deliberately scheduled between session two and three to seek and digest further information;

- (e) Support to participate:
 - (i) Five interpreters and translated pre reading materials were provided prior to and throughout the process;
 - (ii) Key support staff were specifically charged with support responsibilities for young people and Aboriginal and Torres Strait Islander participants and CALD participants;
 - (iii) Transport arrangements were provided to four participants;
 - (iv) Childcare support was provided to four participants; and
 - (v) Participants were provided with catering at each session and per diem financial acknowledgements to alleviate financial hardships incurred; and
- (f) A commitment to participants on the level of influence their recommendation or decision holds:
 - (i) Engagement with Councillors identified a high level of influence, appropriate to deliberative engagement; Collaborate/Empower on the IAP2 spectrum of engagement.

Public exhibition

- 24. The community were invited to provide feedback on the draft Council Plan for two weeks from 9 September until 23 September 2021.
- 25. The draft Council Plan was promoted through Yarra News, Yarra Life, electronic direct mail, a news item on the corporate website, via direct email to everyone who participated in the Community Vision engagement and via social media channels (both Instagram and Facebook).
- 26. Across the advertisements 32,000 people were reached. This resulted in 56 clicks through to the website. On social media, Instagram Stories reached 380 people and across Facebook we reached 2,490 people and around 14 clicks. The community was invited to submit their feedback to Your Say Yarra, emailing info@yarracity.vic.gov.au or writing to us.

What the community told us on the Draft Council Plan 2021-25

- 27. A total of 87 responses were received from the community. Of these, 70 feedback forms were received through Your Say Yarra and 17 responses were received through emails.
- 28. The responses from the community were analysed and we looked to section 90 (3) of the *Local Government Act 2020* for requirements of how we are to engage with the community in developing the Council Plan.
- 29. The feedback was themed by each Strategic Objective. The most commonly mentioned themes were Lack of green/open space, Climate response, Sustainable and active transport, Vegetation/tree canopy/greening, Community safety and Planning and building.
- 30. A lot of the feedback from the community wasn't directly relevant to the Council Plan and included broad statements, commentary on Council activities, localised service issues and/or at a level more consistent with a detailed policy, strategy or plan rather than a strategic plan.
- 31. This feedback is valued and will be provided to the relevant service areas to consider outside of the Council Plan process.
- 32. Each item of feedback was considered in the context of the Council Plan legislated framework. A change to the draft Council Plan to incorporate feedback has been included in the proposed Council Plan 2021-25 where the feedback:
 - (a) enhances the Council Plan;
 - (b) aligns with the legislative framework;
 - (c) importantly aligns with the Community Vision;

- (d) not deviates significantly from the community feedback already received, including the deliberative engagement; and
 - (e) is consistent and faithful to the draft Council Plan 2021-25 that was on exhibition.
33. The below provides an overview of changes to the Council Plan in response to community feedback:
- (a) Lack of green/open space:
The initiative in 'Place and nature' to create new or expanded parks has been increased from five to seven. Wording in the narrative of the Strategic Objective 'Place and nature' has been strengthened to recognise the high value placed on our open and green space and its many uses and purposes;
 - (b) Climate response:
To strengthen our commitment to work towards a safer climate, several Initiatives and Indicators in the Strategic Objective 'Climate and environment' have been edited, as well as some additional Indicators included. In the Strategic Objective 'Place and nature' reference to the impact of the urban island heat effect has been made and Initiatives included that relate to Council's work to reduce and monitor the urban heat island effect in addressing climate change impacts. Note the theme 'Vegetation/tree canopy/greening' detailed below lists changes that also align with the 'Climate response' theme;
 - (c) Sustainable and active transport:
Wording in the Strategic Objective 'Transport and Movement' has been strengthened to reflect Council's commitment to creating a city that is accessible to all people including those with mobility limitations; where getting to school and the shops using sustainable transport options is prioritised; and where people can move about safely and sustainably. An Initiative and Indicators have been added to 'Transport and Movement' that that align with the additional wording;
 - (d) Vegetation/tree canopy/greening:
Wording has been added to narrative of the Strategic Objective 'Place and nature' around the urban heat island effect, importance of vegetated landscapes, the many users of open space and parks and its importance as well as water sensitive urban design in the sustainable management of water resources. Initiatives and indicators were added to 'Place and nature' that align with the additional wording;
 - (e) Community safety:
Wording in the narrative of the Strategic Objective 'Social equity and health' has been edited to better explain Council's role and level of influence in community safety, including the work we do regarding the promotion of public health, safety and amenity; and
 - (f) Community engagement:
Three indicators have been added to Democracy and Governance that monitor Council's commitment to meaningful and representative community engagement.

Health and Wellbeing Project Consultative Group

34. A Health and Wellbeing Project Consultative Group (Group) was established in early 2021, comprising more than 20 members (including council officers, councillors, community health representatives, primary health network and primary care partnership representatives). The purpose of the Group was to review the evidence relating to health and wellbeing in Yarra and translate the evidence and their specialist knowledge into guidance on what Council should prioritise in the MPHWP. The Group met five times in 2021 and provided advice and context for the development of the MPHWP and associated action plan.

Internal engagement

35. Internal engagement with Councillors occurred over three facilitated workshops and numerous briefings.

36. Executive, senior managers and subject matter experts were engaged through multiple workshops and meetings.

Policy analysis

Alignment to Community Vision and Council Plan

37. The proposed Council Plan 2021-25 is Council's key strategic document. It informs all our work and decision-making and sets out what Council seeks to achieve over its four-year term. Attachment 1 is the Council Plan.
38. The proposed Council Plan 2021-25 addresses Yarra 2036 Community Vision with close alignment and connection between the Vision themes and priorities and the Council Plan's Strategic Objectives, Strategies and Initiatives.

Climate emergency and sustainability implications

39. The proposed Council Plan 2021-25 includes a Strategic Objective 'Climate and environment' that includes four Strategies and thirteen Initiatives to address climate emergency and sustainability.

Community and social implications

40. The proposed Council Plan 2021-25 includes a Strategic Objective Social Equity and Health that includes seven Strategies and sixteen Initiatives to address community and social implications.
41. The proposed Council Plan 2021-25 incorporates the MHWP that guides how Council will promote health and wellbeing across the municipality.

Economic development implications

42. The proposed Council Plan 2021-25 includes a Strategic Objective Local Economy that includes five Strategies and five Initiatives to address economic development implications.

Human rights and gender equality implications

43. The draft Council Plan 2021-25 includes a Strategic Objective Social equity and health that includes seven Strategies and sixteen Initiatives to address human rights and gender equality implications.

Operational analysis

Financial and resource impacts

44. The proposed Council Plan 2021-25 is supported by the proposed Long Term Financial Plan 2021/22 to 2030/31.
45. Projects arising out of the proposed Council Plan 2021-25 are subject to the Annual Budget process.

Legal Implications

46. The proposed Council Plan 2021-25 has been developed in accordance with all relevant requirements of the Local Government Act 2020 and Victorian Public Health and Wellbeing Act 2008.

Conclusion

47. The proposed Council Plan 2021-25 (incorporating the Municipal Health and Wellbeing Plan) addresses the Yarra 2036 Community Vision and the priorities identified by the community and is presented to Council for adoption.

RECOMMENDATION

1. That Council:
 - (a) adopt the proposed Council Plan 2021-25 (incorporating the Municipal Public Health and Wellbeing Plan).

Attachments

- 1 Proposed Council Plan 2021-25

8.2 Long-Term Financial Plan 2021/22 to 2030/31

Reference	D21/141331
Author	Wei Chen - Chief Financial Officer
Authoriser	Director Corporate, Business and Finance

Purpose

1. To adopt the Long-Term Financial Plan 2021/22 to 2030/31 (LTFP).

Critical analysis

History and background

2. The *Local Government Act 2020* introduced a new requirement for all Councils to prepare and adopt a Long-Term Financial Plan for period of at least the next 10 financial years by 31 October 2021.
3. The Long-Term Financial Plan will be updated annually as part of the budget preparation process. Together with the budget document, it is subject to ongoing review and may be updated during the budget year through a revised budget process.

Discussion

4. The LTFP provides financial strategy principles, strategic actions, assumptions to the financial plan statements, financial performance indicators and strategies for borrowings and reserves.
5. The LTFP provides a ten year financially sustainable projection regarding how the actions of the Council Plan 2021-2025 may be funded to achieve the aspirations in Yarra 2036 Community Vision.
6. In the first four years of the LTFP, there is no change from the adopted budget document, apart from replacing the 2020/21 forecast with actual results. The budget document published on 24 June 2021 contained 4-year budgeted financials and these have remained consistent in the LTFP.

Options

7. There are no options considered in this report.

Community and stakeholder engagement

8. The community were invited to provide feedback on the draft LTFP and draft Council Plan for two weeks from the 9 September until 23 September 2021.
9. The draft LTFP and draft Council Plan was promoted through Yarra News, Yarra Life, electronic direct mail, a news item on the corporate website, via direct email with everyone who participated in the Community Vision engagement and via social media channels (both Instagram and Facebook).
10. Across the advertisements 32,000 people were reached. This resulted in 56 clicks through to the website. On social media, Instagram Stories reached 380 people and across Facebook we reached 2,490 people and around 14 clicks. The community was invited to submit their feedback to Your Say Yarra, emailing info@yarracity.vic.gov.au or writing to us.
11. A total of 7 responses on draft LTFP were received from the community and considered. No change to the LTFP was required.

Policy analysis

Alignment to Council Plan

12. The Council Plan 2021-25 is supported by the LTFP.
13. Projects arising out of the Council Plan 2021-25 are subject to the Annual Budget process.

Climate emergency and sustainability implications

14. There are no climate emergency and sustainability implications.

Community and social implications

15. There are no community and social implications.

Economic development implications

16. There are no economic development implications.

Human rights and gender equality implications

17. There are no human rights and gender equality implications.

Operational analysis

Financial and resource impacts

18. The LTFP provides financial strategy principles, strategic actions, assumptions to the financial plan statements, financial performance indicators and strategies for borrowings and reserves.

Legal Implications

19. The LTFP has been developed in accordance with all relevant requirements of the *Local Government Act 2020*.

Conclusion

20. The LTFP is presented to Council for adoption.

RECOMMENDATION

1. That Council:
 - (a) adopt the Long-Term Financial Plan 2021/22 to 2030/31.

Attachments

- 1 Yarra City Council LTFP 2021-22 to 2030-31

8.3 Domestic Animal Management Plan (DAMP) Adoption

Reference	D21/132037
Author	Steve Alexander - Coordinator, Civic Compliance
Authoriser	Manager Compliance and Parking Services

Purpose

1. The purpose of this report is to present the draft Domestic Animal Management (DAM) Plan 2021 - 2024 (Attachment 1) for Council adoption.

Critical analysis

History and background

2. Under Section 68A of the Domestic Animals Act 1994, every Council must prepare a domestic animal management plan, Section 68A states:

68A Councils to prepare domestic animal management plans

- (1) Subject to subsection (1A), each Council must, in consultation with the Secretary, prepare a domestic animal management plan on 4 December 2021 and at the end of each period of 4 years after that day.
- (1A) A Council may apply to the Secretary for an extension of time within which to prepare a domestic animal management plan.
- (1B) The Secretary may grant an extension of time under subsection (1A) if the Secretary believes that special circumstances exist that warrant the granting of an extension.
- (2) A domestic animal management plan prepared by a Council must—
 - (a) set out a method for evaluating whether the animal control services provided by the Council in its municipal district are adequate to give effect to the requirements of this Act and the regulations; and
 - (b) outline programs for the training of authorised officers to ensure that they can properly administer and enforce the requirements of this Act in the Council's municipal district; and
 - (c) outline programs, services and strategies which the Council intends to pursue in its municipal district—
 - (i) to promote and encourage the responsible ownership of dogs and cats; and
 - (ii) to ensure that people comply with this Act, the regulations and any related legislation; and
 - (iii) to minimise the risk of attacks by dogs on people and animals; and
 - (iv) to address any over-population and high euthanasia rates for dogs and cats; and
 - (v) to encourage the registration and identification of dogs and cats; and
 - (vi) to minimise the potential for dogs and cats to create a nuisance; and
 - (vii) to effectively identify all dangerous dogs, menacing dogs and restricted breed dogs in that district and to ensure that those dogs are kept in compliance with this Act and the regulations; and

- (d) provide for the review of existing orders made under this Act and local laws that relate to the Council's municipal district with a view to determining whether further orders or local laws dealing with the management of dogs and cats in the municipal district are desirable; and
 - (e) provide for the review of any other matters related to the management of dogs and cats in the Council's municipal district that it thinks necessary; and
 - (f) provide for the periodic evaluation of any program, service, strategy or review outlined under the plan.
- (3) Every Council must—
- (a) review its domestic animal management plan annually and, if appropriate, amend the plan; and
 - (b) provide the Secretary with a copy of the plan and any amendments to the plan; and
 - (c) publish an evaluation of its implementation of the plan in its annual report.
3. The draft plan has been developed using the template provided by the Secretary and responds to the changes that have been introduced in the Act over the past four years.

Discussion

- 4. The key issue addressed by the plan is the manner in which Council will discharge its duties as prescribed in the Domestic Animals Act 1994.
- 5. The plan aims to provide a balanced approach to animal control that meets both community expectations and Councils statutory obligations.
- 6. The Domestic Animal Management Plan 2021- 2024 continues to identify the key issues such as:
 - (a) training of animal management officers;
 - (b) the continued success of registration and identification initiatives;
 - (c) to minimise the potential for dogs and cats to create a nuisance;
 - (d) the impact of pets not contained within the property of their owners;
 - (e) to promote and encourage the responsible ownership of dogs and cats; and
 - (f) to address any over-population and high euthanasia rates for dogs and cats.
- 7. The development of the plan is to be considered in three stages, namely:
 - (a) Preparation of a draft plan for discussion and comment;
 - (b) Public and internal consultation; and
 - (c) Adoption.
- 8. The initial draft preparation involved reviewing the existing plan, reviewing data associated with animal management operational activities over the period of the previous plan and consultation with the Animal Management Team.
- 9. The DAM Plan must be reviewed each year, along with reporting against any proposed actions that were to be completed. Also, Council Officers can implement additional actions that are identified and are appropriate throughout the life of the Plan.

Options

- 10. Council must submit a Domestic Animal Plan to the Secretary Department of Jobs, Precincts and Regions by 4 December 2021. However, Council can if required apply for an extension of time.

11. Any proposed amendments or alternations to the plan would require additional consultation and engagement.

Community and stakeholder engagement

External Consultation

12. A Communications Plan was developed in consultation with Council's Communications team to ensure that as many members of the community were engaged in the process as possible.
13. The external public consultation was conducted from 16 June – 15 July 2021: The table below outlines the activities undertaken and relevant statistics. See detailed Community Engagement Report (attachment 2).

Online Survey (Have Your Say)- Yarra website	848 views 78 responses
Councils' Social Media	4,978 people reached, 139 engaged with the post
In person	Gleadell Street Market Community Stall Saturday 10 July 9am-1pm- Officers were available to discuss the plan and responsible pet ownership.
Consultation information cards	500 handed out over the 28-day period in parks and were available at all Council officers including libraries etc.

14. Online Survey results (Have your Say): Of the seventy-eight (78) engaged respondents to the survey questions the following are directly relevant to the DAM plan.

Activity	% neutral and satisfied with current actions.
Promote and encourage the responsible ownership of dogs and cats	65%
Ensure registration and identification of dogs and cats	94%
Respond to issues raised by the community about nuisance animals	82%
Minimise the risk of attacks by dogs on people and animals	76%
Ensure dangerous, menacing or restricted dog breeds are kept in compliance with the Domestic Animals Act and regulations	86%
Address potential over population and high euthanasia	86%
Provide for the review of other matters related to the management of dogs and cats	75%

15. The survey responses below are useful in relation to improving our service to certain aspects of our interaction with the community. However, it must be noted these activities are not directly related or required to be formally included in the DAM plan although the percentage of satisfaction with the activity is generally high except for **'fencing and off leash enclosures.**

Activity	% neutral and satisfied with current actions.
Council Officer patrols and presence in council parks	53%
Signage in parks (e.g. off leash and on leash locations)	66%
Fencing and off leash enclosures	39%
Provision of dog pick up bags	66%
Pet education and obedience programs	60%
Provision of water bowls	80%

16. The lower scores in relation Officer patrols and presence in parks maybe a reflection of lockdown restrictions where proactive patrols were reduced. With the easing of restrictions Officer patrols will increase accordingly to provide information and education to all park users. Also, the options surrounding fenced dog parks is a consideration being further examined.
17. The draft DAM Plan was accepted by the majority of the respondents; however, a number of issues were raised which included animal waste removal, introduction of cat curfews and designation of 'off-leash' areas and in particular dog only parks etc. In addition, general responsibilities of animal owners which are issues that need to be addressed with individual animal owners.
18. In addition to advertising and seeking comments from the public, the project advisors invited a range of stakeholders to participate in the consultation process such as:
 - (a) Yarra sporting clubs;
 - (b) Dog walking groups;
 - (c) Local veterinarians;
 - (d) Domestic animal businesses;
 - (e) RSPCA;
 - (f) Parks Victoria; and
 - (g) Lost Dog's Home.
19. Five hundred individual 'Have your say' cards which included information in multiple languages were handed out in parks and at the Gleadell street Market on 10 July 2021 as well as being available at all Yarra customer service centres and libraries.

Internal Consultation (One Yarra)

20. On 25 March 2021 a draft DAM plan inviting feedback was sent to Managers Open Space & Recreation, Family Services, Aged Services, Infrastructure & Leisure Services along with all Yarra Advisory Group Coordinators.
21. A draft DAM plan outlining the key aspects was discussed at the Councillor briefing 17 May 2021.
22. The draft plan was further sent to fifteen City of Yarra Advisory Group Coordinators on 25 March 2021 inviting feedback.

Policy analysis

[Alignment to Community Vision and Council Plan](#)

23. The DAM Plan touches on Objective 1 – A Healthy Yarra, of the Council Plan 2017-21.

Climate emergency and sustainability implications

24. There are no known sustainability implications.

Community and social implications

25. The continued development and subsequent adoption by Council of the Domestic Animal Management Plan 2021-24 will have a positive impact on community and social wellbeing as well as exploring measures that will bring a positive impact on the natural environment and wildlife habitat within the municipality along with encouraging responsible pet ownership and dealing with companion animals that support isolated owners or those requiring assistance.

Economic development implications

26. There are no known economic implications.

Human rights and gender equality implications

27. There are no conflict of interest issues arising through the development of the Plan. The Plan has also been developed with a view to compliance with Council's obligations under Human Rights legislation.

Operational analysis

Financial and resource impacts

28. The Plan development and implementation process is envisaged to fall within the current Council adopted budget. However, the review of the Council Order may require external consultation to assist in the engagement process as well as potential education programs and desexing assistance programs that may be implemented as required through the life of the Plan.

Legal Implications

29. Under Section 68A of the Domestic Animals Act 1994, every Council must prepare a Domestic Animal Management Plan every four years. The new four (4) year plan is due by 4 December 2021.

Conclusion

30. The DAM Plan for the City of Yarra has been developed in accordance with the legislative and the Department of Jobs, Precincts and Regions (DJPR) requirements.

RECOMMENDATION

1. That Council:
- (a) adopt the draft City of Yarra Domestic Animal Management Plan (DAMP) 2021-24; and
 - (b) authorise Officers to submit the Domestic Animal Management Plan 2021-24 to the Department of Jobs, Precincts and Regions by 4 December 2021.

Attachments

- 1 Draft Domestic Animal Management Plan
- 2 Engagement Report

8.4 Submission to the Inquiry into Apartment Design Standards

Executive Summary

Purpose

The purpose of this report is to seek Council's approval for a submission to the *Victorian Legislative Assembly Environment and Planning Standing Committee* in relation to the *Better Apartment Design Standards*.

The submission is to respond to the following *Terms of Reference* statements:

- (a) improvements that can be made to the liveability in apartments and apartment building developments, including communal areas; and
- (b) initiatives undertaken by other states or nations that have improved apartment design standards.

Key Issues

The officer report provides an analysis of the existing *Better Apartment Design Standards* contained within Planning Schemes and whether they are delivering liveable apartments and where the provisions can be improved.

The officer report also provides recommendations out of this analysis for the basis of suggested improvements to the apartment provisions.

The recommendations provided are intended to form the basis of a Council submission to the Inquiry.

Financial Implications

There are no financial implications for Council.

8.4 Submission to the Inquiry into Apartment Design Standards

Reference	D21/142592
Author	Amy Hodgen - Senior Coordinator Statutory Planning
Authoriser	Manager Statutory Planning

Purpose

1. The purpose of this report is to seek Council's approval for a submission to the Victorian Legislative Assembly *Environment and Planning Standing Committee* that are looking into the *Better Apartment Design Standards* contained within Planning Schemes.
2. The submission is to respond to the following *Terms of Reference* statements:
 - (a) improvements that can be made to the liveability in apartments and apartment building developments, including communal areas; and
 - (b) initiatives undertaken by other states or nations that have improved apartment design standards.
3. The officer report provides comments in relation to the current standards contained in the *Apartment Design Standards*, and also highlights where improvements are highly desirable.

Critical analysis

History and background

4. Some background to design standards for Apartments is useful for context.
5. In 2017, the Minister for Planning introduced the ***Better Apartments Design Standards (BADS)*** into the *Victorian Planning Provisions*. This is part of the Yarra Planning Scheme.
6. The intent for these new controls was to improve the internal design of new apartments and make them more liveable and sustainable. This was in response to general concerns that apartment developments were not providing safe, liveable and healthy environments.
7. These controls were introduced into the Yarra Planning Scheme (**the Scheme**) on 13 April 2017 via Amendment VC136 at clauses 55.07 (apartment developments up to 4 storeys) and clause 58 (apartment developments of five or more storeys).
8. Amendment VC136 also introduced the following definition for an 'Apartment' at clause 73.01 (general terms) of the Scheme:

A dwelling located above the ceiling level or below the floor level of another dwelling and is part of a building containing two or more dwellings.
9. Amendment VC139, gazetted on 29 August 2017, introduced *new* guidelines for apartment developments: *Urban Design Guidelines for Victoria* (DELWP 2017) and subsequently deleted redundant references to the Design Guidelines for Higher Density Residential Development (DSE 2004).
10. In August 2019, the Department of Environment, Land, Water and Planning (**DELWP**) released a discussion paper on the next phase of the apartment standards for feedback. This involved a review of the following five elements:
 - (a) green space;
 - (b) high quality building facades;
 - (c) protection from wind impacts;
 - (d) attractive engage streets; and
 - (e) better managed construction impacts.

11. A report was presented to Council on 24 September 2019 (refer to attachments) with a recommended response. This was largely supported by Council subject to some minor refinements (refer to minutes in the attachments).
12. On 1 March 2021, DELWP released a soft launch of the updated standards to BADS (refer to attachments), which have been designed to address four main policy aims:
 - (a) provisions of communal green space and improving landscaping;
 - (b) use of high-quality building facades;
 - (c) protection of streets from wind impacts; and
 - (d) creation of attractive and engaging street frontages.
13. **These elements have not yet been updated within the Planning Scheme, however, DELWP indicated that this was likely to occur before the end of 2021.**
14. Recently, on 22 September 2021, Council was invited by the *Victorian Legislative Assembly Environment and Planning Standing Committee* to make a submission to its Inquiry into the current Apartment Design Standards. The closing date for submissions is Sunday, 31 October 2021.

Discussion

15. The following report is an analysis of the *current* Apartment Development provisions contained within the Scheme at Clause 55.07 and Clause 58.
16. Recommendations are also identified where improvements could be made to the liveability of apartments.
17. These recommendations are based on officer experiences with previous apartment applications, and also some examples drawn from planning controls in other states such as NSW and WA as well as an international example (London).
18. The following analysis of the current Apartment Design Standards is made under specific headings; and the recommendations are collated in the Officer Recommendation to comprise the basis of a submission by Council to the Inquiry.

Integration with the street

19. Standard D5 (Integration with the street) currently lacks detail, however, this is proposed to be improved by the draft update to BADS released in March of this year.
20. Whilst the revised standard does include greater guidance, such as limiting blank walls and concealing car parking and waste from the street, it does not address building services (gas/substations/water metres), which can affect a development's integration with the street (particularly on narrow sites). These services are often not properly considered until after development has been approved and undermines the integrity of the building's relationship with the street.

Recommendation

- (a) Update Standard D5 to require services to be integrated within the development and to comprise a maximum of 10% of the frontage.

Climate comfort

21. Standard B35/D6 (Energy efficiency) includes guidelines for maximum cooling loads, however, these are calculated as an average across the entire apartment. In doing so, this fails to consider excessive heat gain to individual rooms, particularly bedrooms.
22. To improve passive energy design and reduce reliance on mechanical cooling systems, a recommendation is to require external shading devices or energy efficient glazing to all north, east and west facing habitable room windows.

Recommendation

- (a) Update Standard B35/D6 to require external shading devices or energy efficient glazing to be provided to all north, east and west facing habitable room windows.

Communal Open Space

- 23. Standard B36/D7 (Communal Open Space) is currently only required for developments of 40 or more dwellings and requires either 2.5sqm per dwelling or 250sqm, whichever the lesser.
- 24. The proposed update to the BADS released March of this year sought to amend this to require communal open space for developments of 10 or more dwellings. This amendment is supported.
- 25. The proposed changes to BADS would require communal open space to be provided at 30sqm for 10 dwellings and 2.5sqm for every dwelling over 12 dwellings or 220sqm, whichever the lesser. This is supported subject to the maximum area being retained at 250sqm.
- 26. Also, under the proposed changes to BADS, the additional area of communal open space required for developments of 13 or more dwellings, may be provided either indoors or outdoors, and may also consist of multiple separate areas of communal open space. This suggests that large developments would only need to provide 30sqm of outdoor space with the remaining requirement being provided indoors, which would be grossly insufficient for a large apartment development. Whilst there is value to good internal communal spaces, it should not be in lieu of adequate external communal open space.
- 27. Internal communal spaces can contribute to the amenity and liveability of apartment occupants, providing large spaces in which to entertain guests or meet other residents such as dining rooms with kitchen facilities, cinema rooms, gyms and co-working areas.
- 28. It is also important for there to be good connectivity between internal and external communal spaces, which improves outlook and functionality of the spaces. An example of well-connected communal open and internal spaces is provided in the image below of Planning Permit PLN16/0922 at No. 1-57 Wellington Street & 71-77 Victoria Parade, Collingwood.

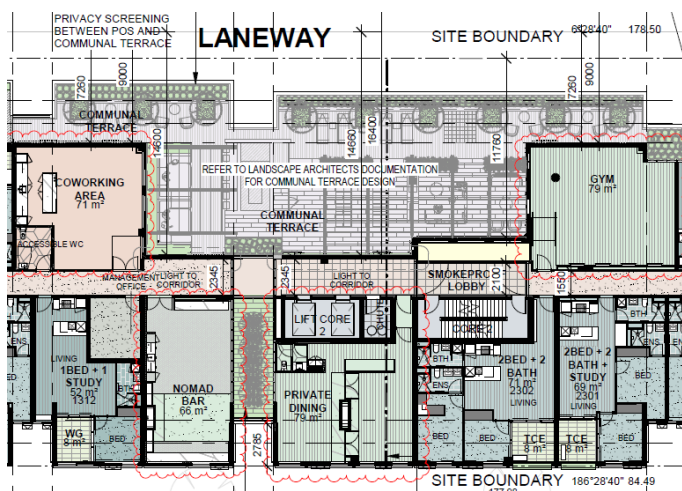


Figure 1: Communal spaces in PLN16/0922 – 1-57 Wellington Street & 71-77 Victoria Parade, Collingwood

- 29. It is recommended that Standards B36/D7 are amended to require internal communal spaces in addition to external open spaces at the same rate i.e. 30sqm for 10 dwellings with an additional 2.5sqm for every dwelling above 12 dwellings, or 250sqm, whichever the lesser.
- 30. To avoid ambiguity, it is also recommended that the standard be renamed to ‘Communal Spaces’.

31. An existing standard requires communal open space to be located to minimise noise impacts on new and existing dwellings. The expectations of this standard are vague. It is recommended that this be clarified via more quantifiable criteria e.g. distance from bedrooms.

Recommendation

- (a) Standard B36/D7 to retain the maximum Communal Open Space area as 250sqm;
- (b) Support the proposed amendments to BADS released March 2021 requiring communal open space to be provided for developments of 10 or more dwellings;
- (c) Object to communal open space above 30sqm being transferable to internal communal areas;
- (d) Standard B36/D7 to require internal communal space in addition and equivalent to the revised requirements for external open space (increasing to 250sqm);
- (e) Rename Standard B36/D7 to 'Communal Spaces' to avoid ambiguity; and
- (f) Quantifiable locational criteria to minimise noise impacts on new and existing dwellings.

Overlooking/Building Separation

32. Standard D14 (Building Separation) is vague. While it seeks to avoid direct views into habitable room windows and private open space, there are no parameters e.g. such as those found within Clauses 54 & 55 leaving developers, planning officers and the community unsure of reasonable overlooking outcomes.
33. Furthermore, while Standard D14 suggests that buildings should be sited to ensure adequate daylight into new habitable room windows, it provides no protection for existing habitable room windows e.g. within existing adjacent apartment buildings, which may be impacted.
34. Assessing adequate daylight also requires daylight modelling to be provided and standards to be met. This should be stipulated to ensure new development does not unreasonably impact the amenity of existing apartments and similarly that there is a benchmark for daylight standards in new developments.
35. Standard D15 (internal views) only refers to overlooking to a lower level dwelling directly below. The standard is vague i.e. omits detail similar to that found within Clause 54/55 (ResCode) and does not require any protection for adjacent apartments.
36. The poor direction within these standards risk apartment occupants being exposed to unreasonable overlooking.

Recommendations

- (a) Update standard D14 to ensure buildings are sited to ensure adequate daylight is retained for existing habitable room windows (as well as proposed);
- (b) Require daylight modelling to be provided when certain specified separation distances are not achieved for both existing and proposed habitable room windows; and
- (c) Include more prescriptive measures for assessing overlooking e.g. similar to clause 54/55.

Noise impacts

37. Standards B40/D16 has an unreasonably high threshold for road noise, with many high-frequency roads not achieving the applicable 40,000 Annual Average Daily Traffic Volume (AADTV) threshold for acoustic protection. For example, Hoddle Street (between Langridge St & Victoria Pde) has an AADTV of 32,000 vehicles and typical main Roads such as Smith Street (Between Alexandra Pde & Johnston Street) has an AADTV of 6,200 vehicles and Johnston Street (Between Wellington St & Hoddle St) has an AADT of 7,100 vehicles.

38. Based upon acoustic reports received for applications along these streets, additional acoustic measures have been required to ensure adequate noise protection is achieved. The standard should be modified to require acoustic protection for developments abutting main roads with lower AADT volumes, such as 5,000 AADTV.
39. The noise level criteria within Standards B40/D16 is considered to provide insufficient noise protection and would not meet the recently updated EPA Noise Protocol: '*Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues*'. This is because the noise levels within the Standard are based on a whole day or night average, whereas the Noise Protocol levels are averaged over the loudest 20 minutes. The potential impact of this is that existing businesses within the industrial zone may be required to control their emissions due to a new apartment development nearby, potentially at a considerable cost. It is therefore recommended that Standard B40/D16 is updated to align with the updated EPA Noise Protocol.
40. Standards B40/D16 also need to have consideration for vibration particularly for development proximate to railways servicing freight trains. With policy support for developments along trainlines, consideration needs to be given to vibration as it can be detrimental for amenity. It is also not an issue that can necessarily be resolved via retrofitting a development.
41. The current standards do not consider potential noise sources from within apartment developments, which may be detrimental to amenity. The NSW design guidelines, for example, include consideration of noise sources such as garage doors, driveways, service areas, plant rooms, building services, mechanical equipment, active communal open spaces and circulation areas, requiring these to be located at least 3m away from bedrooms. A similar standard should be considered.

Recommendation

- (a) Revisit the threshold for roads to include sites abutting main roads of a lower order than 40,000 AADTV, i.e. 5,000 AADTV;
- (b) Revise standards to align with the updated EPA Noise Protocol: '*Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues*';
- (c) Standards to require the consideration of vibration for developments proximate to railways servicing freight trains; and
- (d) Standards to consider noise sources within apartment developments, such as garage doors, driveways, service areas, plant rooms, active communal open spaces and circulation areas, such as requiring these to be located at least 3m away from bedrooms.

Accessibility

42. Existing Standards B41/D17 relating to accessible apartments are supported to meet the needs of people with limited mobility, however, clarity is required for some of the standards.
43. The following standard is ambiguous '*a main bedroom with access to an adaptable bathroom*'. It is unclear whether 'access' an adaptable bathroom needs to be connected to the main bedroom or to demonstrate a 1.2m clear path.
44. The standard requiring a clear 1.2m wide path through the dwelling should be clarified to ensure that it is clear of usable areas e.g. minimum living room areas.
45. The current Accessibility Objective also omits Decision Guidelines, which are provided for all other objectives and standards in Clause 55.07 and 58. This would assist in understanding considerations prior to determining an application and it is recommended that they be added.

Recommendation

- (a) Standard B41/D17 to clarify whether 'access' to an adaptable bathroom needs to be directly connected i.e. ensuite to the main bedroom or otherwise provide a 1.2m clear path; and

- (b) Include Decision Guidelines into the Accessibility standard of B41 & D17.

Building entry and circulation

46. The design standards for building entry and circulation offer minimal guidance, resulting in some cases, narrow and long corridor spaces. For example, the former *Guidelines for Higher Density Residential Development*, which have since been removed from the Scheme, included the following design suggestions:
- (a) Ensure that the main entry and individual dwelling entries allow for the delivery or removal of large furniture items;
 - (b) Ensure service lifts can accommodate large furniture items to the upper levels; and
 - (c) Quality internal circulation spaces:
 - (i) have a generous height and width to maximise space and light; and
 - (ii) are articulated by small lobbies, if corridors are exceedingly long.
47. Standard D18 omits the above guidance to the detriment of circulation spaces.
48. In addition to the above design suggestions, it is recommended that minimum common corridor dimension for both width and length are specified. It is recommended that these be a minimum of 1.8m and 2.1m at lift lobbies to support comfortable passing and delivery/removal bulky furniture. It is further recommended that the length of corridors is reduced to a maximum length of 18m as borrowed from the Western Australia planning standards.
49. In the NSW design guidelines, corridors greater than 12m in length from the lift core should be articulated. Design solutions may include a series of foyer areas with windows and spaces for seating or wider areas at apartment entry doors and varied ceiling heights. These design solutions are recommended to ensure high quality internal spaces.
50. The provision for wider and articulated corridors was a concern raised within the Victorian Civil and Administrative Tribunal (**the Tribunal**) decision of CP Alphington Development Pty Ltd v Yarra CC [2018] VCAT 1725, with the Tribunal making the following comments at Paragraph 55:
- (a) *Mr McGurn shared the concern of Council regarding the length of the eastern corridor at Level 2 and 3 and put that whilst it is 1.8 metres in width, it is extensive in length and has a daylight source at the southern end only. Mr McGurn recommends the provision of a break and an additional natural light source to provide 'relief' and a better level of amenity to this area. We agree with this recommendation and will require this change. We will include a condition that requires a break in the building to provide further ventilation, light and relief to a long walkway.*
51. There are also no standards to protect the amenity of dwellings abutting circulation spaces. Also, borrowing from the Western Australia planning standards, a 1.5m separation from any windows is recommended.

Recommendations

- (a) Introduce greater design guidance within the Building entry and circulation standards as previously provided within the former *Guidelines for Higher Density Residential Development*; and
- (b) Include more prescriptive criteria for corridor widths and lengths e.g. 1.8m wide and 2.1m at lift lobbies and 18m maximum corridor length, with corridors over 12m including articulation, such as foyer areas, spaces for seating, wider sections near entry doors and varied ceiling heights.

Private Open Space

52. Standard B43/D19 (Private Open Space) introduced a sliding scale for balcony areas relative to the number of bedroom within an apartment. Additional areas are also now required where cooling and heating units have been provided. These changes are supported.

53. However, the wording within the standard does not clarify that minimum areas must be met as a single usable area and achieving the minimum dimension as shown in the *Apartment Design Guidelines for Victoria* (see image below). It is recommended that this is integrated into the standard.

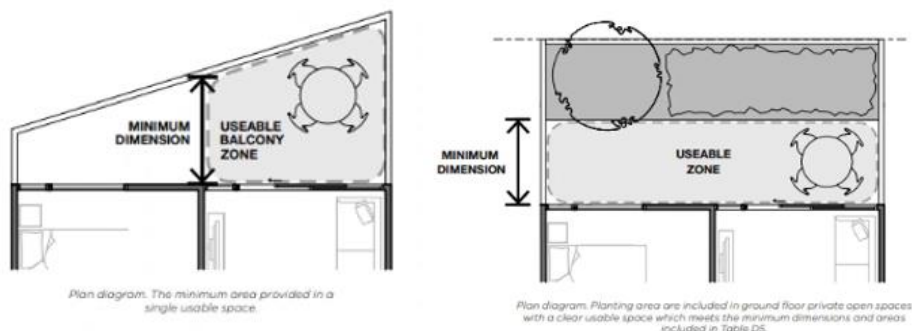


Figure 2: Images from p70 of the *Apartment Design Guidelines for Victoria*

54. The proposed update to the BADS standards released in March this year seeks to reduce the minimum balcony areas where orientated to the north or south (standard refers to orientation of the dwelling, but it is assumed that this is meant orientation of the balcony). To the north, balconies to apartments of all sizes would only need to be 8sqm and 1.7m in depth and to the south, balconies to apartments of all sizes would only need to be 8sqm and 1.2m in depth. The reason for this reduction is unclear, however this is strongly discouraged as it will significantly reduce the amenity of these apartments, particularly those with a southerly balcony orientation.
55. The updated BADS would not require balconies for developments above 40m, requiring instead larger living and bedroom areas. It is assumed that is due to the micro-climate at this height. Whilst few developments in Yarra would currently exceed this height, it is suggested that winter gardens should also be encouraged as an alternative.

Recommendations

- (a) Update Standards B43/D19 to show minimum floor areas to comply and include useable balcony areas to meet minimum dimensions as per practice note;
- (b) Delete proposed amendments to BADS reducing balcony sizes with a southerly or westerly orientation; and
- (c) Encourage winter gardens for developments over 40m.

Storage

56. Standard B44/D20 introduced requirements for minimum storage within the dwellings. This is supported as it has increased cupboard space provided within apartments, with apartments now providing generous built in robes for all bedrooms, bathroom and kitchen cabinetry and often linen closets.
57. However, the standard does not require a minimum consolidated area of storage, which is also important for storing bulky items such as strollers, ski equipment or surf boards. It is therefore recommended that storage volumes required in addition to the minimum internal storage is to be provided as a consolidated storage unit i.e. 3m³ for studios, 4m³ for 1 bedroom, 5m³ for 2 bedroom and 6m³ for 3 or more bedroom apartments.

Recommendation

- (a) Storage, in addition to minimum internal storage, to be provided as a consolidated storage unit i.e. 3m³ for studios, 4m³ for 1 bedroom, 5m³ for 2 bedroom and 6m³ for 3 or more bedroom apartments.

Functional layout/ Room depth

58. Standards B46/B24 (Functional layout) introduced minimum bedroom and living room sizes, which have significantly improved the amenity of apartments, however, it is recommended that living area dimensions include both a width and depth (similar to bedrooms) to avoid elongated spaces with narrow depths.
59. It is noted that the updated BADS proposes to introduce minimum areas for bedrooms, this is also supported.
60. A shortfall of the standards is that there is no requirement to allocate space in apartments for a dining table or any guidance on kitchen location. This could be addressed by introducing minimum dimensions for open plan living spaces, inclusive of kitchens and a dining area into Standard B47/B25 or/as well as minimum total apartment floor areas.
61. The NSW guidelines include a design guideline that *kitchens should not be located as part of the main circulation space in larger apartments (such as hallway or entry space)*. It is encouraged that a similar standard is introduced for all apartments into the Functional layout.
62. There is also insufficient guidance in the Scheme for studio apartments, with often these suffering from poor internal amenity, with only a 10sqm living area required to meet the standard. Studios are again becoming increasing common as a housing option within development and more guidance is required to ensure a minimum amenity level is achieved.
63. In both the NSW and London planning guidelines, for example, minimum floor areas are nominated for various apartment sizes, including studios, as illustrated in the tables below:

Number of bedrooms (b)	Number of bed spaces (persons (p))	Minimum gross internal floor areas and storage (sqm)			
		1 storey dwellings	2 storey dwellings	3 storey dwellings	Built in storage
1b	1p	39 (37)*			1
	2p	50	2b	2b	1.5
2b	3p	61	1b	1b	2
	4p	70	1b	1b	
3b	4p	74	1b	1b	2.5
	5p	86	1b	1b	
	6p	95	1b	1b	
4b	5p	90	1b	1b	3
	6p	99	1b	1b	
	7p	108	1b	1b	
	8p	117	1b	1b	
5b	6p	103	1b	1b	3.5
	7p	112	1b	1b	
	8p	121	1b	1b	
6b	7p	116	123	129	4
	8p	125	132	138	

*Where a studio / one-bedroom one-person one-bedspace (i.e. one single bedroom) dwelling has a shower room instead of a bathroom, the floor area may be reduced from 39 sqm to 37 sqm, as shown bracketed.

Figure 3: excerpt from London planning regulations

Apartment type	Minimum internal area
Studio	35m ²
1 bedroom	50m ²
2 bedroom	70m ²
3 bedroom	90m ²

Figure 4: excerpt from NSW planning regulations

Recommendations

- (a) Introduce minimum widths for living spaces;
- (b) Introduce minimum open plan dimensions i.e. to accommodate a dining table and kitchen;
- (c) Include a standard that kitchens are not be located as part of the main circulation space (such as hallway or entry space); and
- (d) Introduce minimum apartment floor areas, particularly for studio apartments.

Windows

- 64. Standards B48/D26 (windows) introduced requirements that addressed poor internal amenity outcomes caused by “saddleback” bedroom layouts. This has resulted in a notable improvement to apartment floor layouts in recent developments. The standards also assist in discouraging bedrooms with borrowed light.
- 65. The Standards, however, do not take into consideration windows to an external wall that faces onto a covered or inset balcony. These can have significant impacts on daylight levels, particularly at lower levels. It is recommended that a standard is added to account for windows affected by covered or inset balconies. This should also require the submission of daylight modelling to assess those affected apartments.

Recommendation

- (a) Include standards to address windows facing onto a covered or inset balcony and requirements for daylight modelling to be provided.

Natural Ventilation

- 66. Standards B49/D27 requires breeze paths up to a maximum of 18m. It is recommended that this be reduced to 15m to align with the cross flow ventilation requirements of Built Environment Sustainability Scorecard (BESS).

Recommendation

- (a) Reduce the maximum breeze path for cross-ventilation from 18m to 15m to align with BESS.

Wind

- 67. Presently, there is no specific guidance on wind impacts within the *Apartment Development Standards*. The proposed updated BADS released in March of this year proposes to introduce new standards and a practice note for assessing wind. This is supported.
- 68. In Council’s submission to the draft BADS standards released in 2019, Council raised several concerns that have not been addressed in the proposed BADS released in March this year.
- 69. Including a standard stating that ‘*development should not cause unsafe wind conditions*’ suggests that there may be situations where unsafe wind conditions may be accepted. This is ambiguous and could result in dangerous outcomes. The second standard ‘*development should achieve comfortable wind conditions*’ should be applied to all situations, i.e. also to communal and private open spaces, to ensure all outdoor areas are usable at all times.
- 70. The ‘comfortable’ criteria within the Table refers to a “mean speed” rather than a “specific direction” criteria. Melbourne’s wind climate experiences strong northern and westerly wind gusts, however, other wind directions are typically milder. Using an average speed across all directions will mask more severe wind impacts from northerly and westerly winds, resulting in uncomfortable and potentially, unsafe, spaces.
- 71. Greater guidance is required to establish where sitting, standing and walking criteria is to be met. Informed by advice from various Wind Consultants, it is standard practice to apply:
 - (a) Walking comfort for footpaths and other pedestrian thoroughfares;

- (b) Standing comfort for building entrances, communal terraces and open space; and
 - (c) Sitting comfort for outdoor café seating.
72. However, more recently, Council has been advocating for sitting comfort for seating areas in communal terraces and private open spaces. The requirement for sitting comfort criteria within communal open space was supported by the Tribunal in SMA No. 17 Pty Ltd v Yarra CC [2020] VCAT 1364, which made the following comments at paragraph 111-113 (emphasis added):
- (a) *The key concerns relating to the wind impacts are in respect of the rooftop communal open space area. The evidence is that walking criterion is an acceptable outcome for this area. The Council does not agree, arguing that sitting criterion should be achieved;*
 - (b) *The rooftop space is an important area and will make a notable contribution to residents' amenity given its size, proportions, landscaping, opportunity for views and solar access. It will provide an attractive option for occupants and their visitors as an alternative to the individual balconies; and*
 - (c) *According to the evidence, it is possible to create areas within the rooftop communal open space that achieve the sitting criteria, with reference being made to the use of vegetation and screens. We consider that an acceptable outcome would be achieved by ensuring that the designated sitting area (comprising a table and seating) is designed to meet the sitting criterion in order for occupants to experience comfortable conditions while in this part of the rooftop open space. This outcome would be conducive to the intended use and provide an acceptable level of amenity to encourage residents to occupy this area.*
73. In light of the above decision by the Tribunal, it is recommended that the standards are amended to encourage 'sitting criteria' to be met for seating areas within communal and private open space areas.
74. The proposed wind standard states that sitting areas can be supplemented by landscaping. While landscaping to further bolster microclimate amenity is supported, it should not be relied upon to achieve minimum wind requirements as it is too variable i.e. trees may fail or vegetation may otherwise not grow with the density of foliage required.
75. The proposed wind standard indicates that wind mitigation elements should be located within the site boundary, unless consistent with the preferred future development of the area. Wind mitigation measures outside the site boundary are not supported as it creates an unreasonable burden on public or adjacent private land to maintain wind mitigation element.
76. Additionally, wind mitigation measures are often an afterthought in the design of a building. It is recommended that a standard is required to also ensure that wind mitigation measures are appropriately integrated into the design of the building.
77. The proposed decision guidelines for the wind standard do not require consideration of existing conditions. There may be situations where existing conditions already exceed comfort levels and therefore it may not be possible for a proposed development to achieve the comfort criteria in these cases. This should be included as a decision guideline to consider this circumstance.

Recommendations

- (a) Within updated BADS, remove reference to '*development should not exceed safety criteria...*' and amend standard to require that in all areas '*development should not exceed comfortable criteria*' i.e. including private open space and communal open space;
- (b) Comfortable wind criteria to be based upon specific direction criteria rather than mean wind speeds from any direction;
- (c) Identity how the comfort criteria is to applied as follows:
 - (i) Walking comfort for footpaths and other pedestrian thoroughfares;

- (ii) Standing comfort for building entrances, passageway areas of communal and private open space area; and
- (iii) Sitting comfort for outdoor café seating, seating areas within communal and private open space areas;
- (d) Minimum criteria for sitting areas achieved without reliance on vegetation;
- (e) Remove reference to wind mitigation measures provided outside site boundaries;
- (f) Include within the proposed standard that wind mitigation measures to be appropriately integrated into the design of the building; and
- (g) Include the consideration of existing wind conditions in the decision guidelines.

Student accommodation

78. There are presently no guidelines relating to student accommodation.

79. It is noted that some Planning Schemes, such as Melbourne, Stonnington and Monash, have individual local policies. It is recommended that a state-wide Particular Provision be introduced.

Recommendation

- (a) Introduce State-wide guidelines for student accommodation.

Sustainable Design

80. A significant part of improving liveability of apartments relies on environmentally sustainable design. Council officers acknowledge that separate work is concurrently being done in this space, with a focus toward carbon-neutral developments. Coordination between the standards is necessary to ensure an integrated outcome.

Recommendation

- (a) Coordination and integration with energy efficient and sustainable development policies and guidelines.

Community and stakeholder engagement

81. Council Officers have consulted acoustic engineers, SLR consulting and have referred to previous advice received from wind engineers MEL consultants.

82. The following planning controls have been considered in the preparation of the report:

- (a) State Policy 7.3 Residential Design Codes Volume 2 – Apartments: Department of Planning Lands and Heritage (Western Australia)- [SPP-7-3-R-Codes-Apartments \(dplh.wa.gov.au\)](https://www.dplh.wa.gov.au);
- (b) Part 4 Design the building – *Department of Planning and Environment* (New South Wales) - [Apartment Design Guide: Part 4 \(nsw.gov.au\)](https://www.nsw.gov.au); and
- (c) Housing Design Quality and Standards – Supplementary Planning Guidance (London, UK) - [hdspg_2020_module_c.pdf \(london.gov.uk\)](https://www.london.gov.uk).

Policy analysis

Alignment to Community Vision and Council Plan

83. The proposed amendments to the apartment standards support several broad Council intents regarding amenity and liveability.

Climate emergency and sustainability implications

84. The submission seeks to encourage sustainable design outcomes via improved passive environmental design encouraging increased daylight and reduced heat gain.

Community and social implications

85. The submission seeks to encourage improved apartment living standards, which include through the provision of better communal spaces within new developments.

Economic development implications

86. None anticipated.

Human rights and gender equality implications

87. Amenity of housing is important for residents.

Operational analysis

Financial and resource impacts

88. There are no financial implications in lodging a submission.

Legal Implications

89. Nil.

Conclusion

90. The submission highlights several improvements are desirable to apartment liveability from the *Better Apartments Standards* introduced in 2017.
91. However, further improvement is recommended to various standards to achieve better internal amenity, greater sustainability and liveability for residents in apartment developments.

RECOMMENDATION

1. That Council:
- (a) note the inquiry by the *Victorian Legislative Assembly Environment and Planning Standing Committee* in relation to the *Better Apartment Design Standards*;
 - (b) note the officer report providing an analysis of the 'Apartment Design Standards';
 - (c) authorise officers to submit a response to the Inquiry into the Apartment Design Standards in accordance with this report, including the following key recommendations:
 - Integration with the street:
 - (i) Update Standard D5 to require services to be integrated within the development and to comprise a maximum of 10% of the frontage.
 - Climate comfort:
 - (i) Update Standard B35/D6 to require external shading devices or energy efficient glazing to be provided to all north, east and west facing habitable room windows.
 - Communal open space:
 - (i) Standard B36/D7 to retain the maximum Communal Open Space area as 250sqm;
 - (ii) Support the proposed amendments to BADS released March 2021 requiring communal open space to be provided for developments of 10 or more dwellings;
 - (iii) Object to communal open space above 30sqm being transferable to internal communal areas;
 - (iv) Standard B36/D7 to require internal communal space in addition and equivalent to the revised requirements for external open space (increasing to 250sqm);
 - (v) Rename Standard B36/D7 to 'Communal Spaces' to avoid ambiguity; and
 - (vi) Quantifiable locational criteria to minimise noise impacts on new and existing

dwellings.

Overlooking /building separation:

- (i) Update standard D14 to ensure buildings are sited to ensure adequate daylight is retained for existing habitable room windows (as well as proposed);
- (ii) Require daylight modelling to be provided when certain specified separation distances are not achieved for both existing and proposed habitable room windows; and
- (iii) Include more prescriptive measures for assessing overlooking e.g. similar to clause 54/55.

Noise impacts:

- (i) Revisit the threshold for roads to include sites abutting main roads of a lower order than 40,000 AADTV, i.e. 5,000 AADTV;
- (ii) Revise standards to align with the updated EPA Noise Protocol: '*Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues*';
- (iii) Standards to require the consideration of vibration for developments proximate to railways servicing freight trains; and
- (iv) Standards to consider noise sources within apartment developments, such as garage doors, driveways, service areas, plant rooms, active communal open spaces and circulation areas, such as requiring these to be located at least 3m away from bedrooms.

Accessibility:

- (i) Standard B41/D17 to clarify whether 'access' to an adaptable bathroom needs to be directly connected i.e. ensuite to the main bedroom or otherwise provide a 1.2m clear path; and
- (ii) Include Decision Guidelines into the Accessibility standard of B41 & D17.

Building entry and circulation:

- (i) Introduce greater design guidance within the Building entry and circulation standards as previously provided within the former *Guidelines for Higher Density Residential Development*; and
- (ii) Include more prescriptive criteria for corridor widths and lengths e.g. 1.8m wide and 2.1m at lift lobbies and 18m maximum corridor length, with corridors over 12m including articulation, such as foyer areas, spaces for seating, wider sections near entry doors and varied ceiling heights.

Private open space:

- (i) Update Standards B43/D19 to show minimum floor areas to comply and include useable balcony areas to meet minimum dimensions as per practice note;
- (ii) Delete proposed amendments to BADS reducing balcony sizes with a southerly or westerly orientation; and
- (iii) Encourage winter gardens for developments over 40m.

Storage:

- (i) Storage, in addition to minimum internal storage, to be provided as a consolidated storage unit i.e. 3m³ for studios, 4m³ for 1 bedroom, 5m³ for 2 bedroom and 6m³ for 3 or more bedroom apartments.

Functional layout/room depth:

- (i) Introduce minimum widths for living spaces;

- (ii) Introduce minimum open plan dimensions i.e. to accommodate a dining table and kitchen;
- (iii) Include a standard that kitchens are not be located as part of the main circulation space (such as hallway or entry space); and
- (iv) Introduce minimum apartment floor areas, particularly for studio apartments.

Windows:

- (i) Include standards to address windows facing onto a covered or inset balcony and requirements for daylight modelling to be provided.

Natural Ventilation:

- (i) Reduce the maximum breeze path for cross-ventilation from 18m to 15m to align with BESS.

Wind:

- (i) Within updated BADS, remove reference to '*development should not exceed safety criteria*' and amend standard to require that in all areas '*development should not exceed comfortable criteria*' i.e. including private open space and communal open space;
- (ii) Comfortable wind criteria to be based upon specific direction criteria rather than mean wind speeds from any direction;
- (iii) Identity how the comfort criteria is to applied as follows:
 - a. Walking comfort for footpaths and other pedestrian thoroughfares;
 - b. Standing comfort for building entrances, passageway areas of communal and private open space area; and
 - c. Sitting comfort for outdoor café seating, seating areas within communal and private open space areas;
- (iv) Minimum criteria for sitting areas achieved without reliance on vegetation;
- (v) Remove reference to wind mitigation measures provided outside site boundaries;
- (vi) Include within the proposed standard that wind mitigation measures to be appropriately integrated into the design of the building; and
- (vii) Include the consideration of existing wind conditions in the decision guidelines.

Student accommodation:

- (i) Introduce State-wide guidelines for student accommodation.

Sustainable design:

- (i) Coordination and integration with energy efficient and sustainable development polices and guidelines.

Attachments

- 1 Report to Council 24 September 2019 - Review of BADS
- 2 Council meeting minutes (Action Sheet) 24 September 2019 - Review of BADS
- 3 Updated BADS - Soft Launch March 2021

8.5 Inner Metro Land Use Framework Plan - Consideration of draft submission

Executive Summary

Purpose

For Council to consider a draft submission to the *Inner Metro Land Use Framework Plan* (LUFPP).

Key Issues

The State Government Department of Environment, Land, Water and Planning (DELWP) has released the *Inner Metro Land Use Framework Plan* for comment.

The *Inner Metro Land Use Framework Plan* is one of six developed for each of Melbourne's six metropolitan regions in response to Action 1 of *Plan Melbourne 2017-2050*. The Inner Metro region includes the Local Government Areas of Melbourne, Port Phillip and Yarra.

The *Land Use Framework Plan (LUFPP)* is a 30-year strategic land-use and infrastructure plan that will guide future planning and growth.

The LUFPP is an important strategic document which will help provide a strong framework for Inner Melbourne.

Officers have thoroughly reviewed LUFPP in relation to Yarra's planning policies, strategies and strategic priorities.

A draft submission (at Attachment 1) to DELWP has been prepared which responds to the LUFPP and outlines a proposed Council position on its directions, strategies and proposed actions.

Overall its directions and strategies align with Yarra's Community Vision, Council Plan, planning policy framework and other adopted strategies and are supported.

However, the draft submission does identify areas where the strategies do not align with Council priorities or where they could be improved. It also suggests additional actions that could be pursued across the inner metro region to help successfully implement the plan.

Financial Implications

There are no financial implications for Council in making a submission to the Inner Region Land Use Framework Plan.

PROPOSAL

To provide Council with a summary of the Government's recently released *Inner Metro Land Use Framework Plan*.

To outline a draft submission to the Department of Environment, Land, Water and Planning (DELWP) in response to the *Inner Metro Land Use Framework Plan*.

To provide a draft submission for Council's consideration.

8.5 Inner Metro Land Use Framework Plan - Consideration of draft submission

Reference	D21/136763
Author	Leonie Kirkwood - Project and Planning Coordinator
Authoriser	Director Planning and Place Making

Purpose

1. To provide a summary of the Government's recently released *Inner Metro Land Use Framework Plan*, a 30-year strategic land-use and infrastructure plan that will guide future planning and growth.
2. To outline the contents of a proposed submission to the Department of Environment, Land, Water and Planning (DELWP) in response to the *Inner Metro Land Use Framework Plan*.

Critical analysis

History and background

3. The Department of Environment, Land, Water and Planning (DELWP) has released the *Inner Metro Land Use Framework Plan (LUFP)* for comment. Submissions close on 24 October 2021.

What is a LUFP?

4. The *Inner Metro Land Use Framework Plan* is a 30-year strategic land-use and infrastructure plan that will guide future planning and growth.
5. It arises out of Action 1 of *Plan Melbourne's* 5-year implementation plan. A Land Use Framework Plan has been developed for each of Melbourne's six metropolitan regions. The Inner Metro region includes the City of Melbourne, Port Phillip and Yarra.
6. The LUFP will direct land use decisions and investment, provide spatial plans that translate *Plan Melbourne* to the regional level and better align state and local government planning. The plan will also ensure land use, planning and development all support the vision of *Plan Melbourne*.

What does it include?

7. The LUFP includes:
 - (a) A land use framework that identifies state and regionally significant places that will be a focus for investment, growth and planning;
 - (b) A vision and a 2050 spatial plan;
 - (c) Directions and strategies around six themes; and
 - (d) A five-year action program for state and local governments.
8. The plan is structured around the six themes in *Plan Melbourne*:
 - (a) Productivity (jobs and investments);
 - (b) Housing choice;
 - (c) Integrated transport;
 - (d) Liveability;
 - (e) Strong communities; and
 - (f) Sustainability and resilience.

9. A copy of the *Inner Region Land Use Framework Plan* can be found at: engage.vic.gov.au/mfpf/inner-metro-lufp

How was it developed?

10. The development of the LUFP began in 2017/2018.
11. The DELWP has led the development of a LUFP for each region, supported by six Economy and Planning Working Groups (EPWG). The EPWG included senior representatives from the region's local councils, DELWP, the Department of Jobs, Precincts and Regions (DJPR) and the Department of Transport (DoT).
12. Development of the plans has also involved consultant and Council officer input. Officers have provided technical input to better inform the issues and directions and ensure the document identifies the valued aspects and issues of the inner region.

Next steps

13. Following consultation, the Minister for Planning will consider feedback. It is anticipated the plans will be updated and approved by the Minister in the first half of 2022.

How will it be implemented?

14. The LUFP identifies three key mechanisms to implement the directions and strategies:
- (a) Regional planning policies for inclusion in the planning scheme;
 - (b) A five year action plan which identifies cross-government actions; and
 - (c) Planning and investment such as infrastructure works.
15. The LUFP forms a planning document that will be implemented primarily through the planning scheme.
16. The plan will be translated into the Planning Policy Framework of the *Victoria Planning Provisions*. Councils will be expected to give it consideration when preparing and assessing planning scheme amendments.
17. It will introduce a level of planning guidance that will sit between the State and Local policies and provide more detailed guidance for Council planning policies than the current State Government strategies.
18. A number of short to medium term actions are included in the plan which will be delivered collaboratively by State Government and Council in the Inner Metro Region.

Discussion

19. A draft submission to the LUFP has been prepared for Council's consideration (see Attachment 1).
20. The draft submission acknowledges the LUFP is an important strategic document which will help provide a strong framework for Inner Melbourne. The development of regional strategies and maps identifying employment and housing opportunities and transport improvements are strongly supported.
21. Overall the directions and strategies in the LUFP generally align with the Community Vision, Council Plan, planning policy framework and other adopted strategies of Council.
22. The plan generally reflects the key elements that differentiate the Inner Region from other regions, such as heritage high streets; key natural features and icons; the Yarra River; key regional active and passive spaces (such as the Capital City Trail); the distinctive built form character; the complex mix of land uses; and evolving neighbourhoods, including places that attract creative industries and start-ups.
23. However, the draft submission does identify key elements that do not align or where they could go further. It also suggests a range of additional actions that could be pursued across the Inner Metro Region to help successfully implement the plan.

Strategic considerations addressed in the submission

24. The following are strategic considerations in the draft submission which sit across the six themes. They are considered priorities for Council and are critical for the successful delivery of *Inner Metro Region Land Use Framework Plan*.

Delivering well-located housing

25. Yarra acknowledges that the city will continue to play an important role in accommodating future housing growth, but that this must be balanced with maintaining Yarra's neighbourhood and heritage character, and important employment areas.
26. The LUPF seeks to define where new housing should be located across the Inner Region. The proposed inclusion of locations which may accommodate population growth is supported.
27. However, to maximise access to shops, services and public transport, the LUPF identifies a walkable catchment of 800 metres around the Major and Neighbourhood Activity Centres. This catchment approach is not supported.
28. Council has an adopted Housing Strategy which clearly identifies preferred locations for growth and applies a more nuanced approach. This approach has taken the extensive areas of heritage significance which abut many activity centres, broad public transport coverage across the municipality, and physical and strategic context of sites into account when determining the scale and intensity of housing which can be accommodated. Council's extensive capacity work identifies that Yarra can accommodate its projected growth. Officers consider the identification of 800m catchment would undermine this targeted approach.
29. An additional challenge in planning for growth is the need to accommodate new development in a built form that is sensitive to the context of the area which includes heritage significance, character and scale of the surrounding area. This needs to be balanced with opportunities to allow for new built form character in other areas. The valued character of Yarra needs to be retained and in this regard, the draft submission suggests additional strategies to address this.

Focus on social and affordable housing

30. Housing affordability is a key issue for Yarra. Maintaining the diversity of the municipality is very important; Council is committed to pursuing strategies that increase social and affordable housing in the municipality.
31. The plan recognises there is an insufficient supply of affordable housing in the Inner Metro Region and the housing prices are exceptionally higher than other metro regions. It includes directions and strategies to:
- 'increase the supply of social and affordable housing', and*
- 'provide greater choice and diversity of housing in the Inner Metro Region'.*
32. The directions and strategies within the plan are strongly supported, but lack specifics and actions.
33. Council continues to support the introduction of planning mechanisms such as inclusionary zoning into the Victoria Planning Provisions. Inclusionary zoning is a requirement for developers to supply a proportion of new developments as affordable housing.
34. Officers also consider the plan should address quality and ensure that development is 'tenure blind'. Affordable housing and private dwellings should not be able to be readily differentiated through their appearance, quality or amenity. Affordable housing should include high standards of accessibility and be durable and energy efficient.
35. Council also seeks to ensure community benefit from any renewal of public housing is maximised.

A balance of housing and employment growth

36. A key challenge for the inner city is the ongoing need to balance housing development with employment uses.
37. The plan generally recognises the need for this balance, particularly in the document's Strengths and Challenges sections of each theme. However, the structure of the document means that the housing and employment issues are dealt with separately.
38. The Plan provides a strong focus on housing growth and embeds the *Victoria in Future 2019* population and dwelling projections.
39. In terms of employment growth, the LUFP:
 - (a) supports employment in the Inner Region by supporting the role of the two employment / enterprise precincts – Cremorne and Gipps Street (Collingwood);
 - (b) identifies the multi-faceted roles of major activity centres;
 - (c) supports the employment role of the Abbotsford Industrial Precinct; and
 - (d) identifies the Inner Region as a location for sport, arts, culture and entertainment.
40. The draft Council submission attached supports these strategies and directions, but identifies some of the challenges in relation to workplace affordability and ensuring enterprise precincts promote quality development, provide attractive environments for businesses and workers, infrastructure and ease of access such as by public transport.
41. The draft submission supports the retention of industrial precincts, but identifies the need for a methodology to consider alternative uses in the future should things change; for example the departure of a major industry.

Revitalising activity centres

42. Yarra is home to a series of vibrant and evolving activity centres. Each centre in Yarra is unique and dynamic, with a business and land use mix that is continually changing.
43. The LUFP recognises the value of and variety of activity centres in the inner city – including their role in employment and housing, providing important community spaces and focuses for the community and transport interchanges.
44. While it recognises the changing retail sector and emerging retail vacancies in the region are key issues, officers consider the plan offers an opportunity to do more at the regional level to address this issue. One example is the consideration of nimble planning controls to support change of uses in activity centres to bring creatives industries and other industries back to activity centres to bring life to the precincts.
45. Officers note Action 6 which proposes to:

'Apply the Movement and Place Framework to the Inner Metro Region's arterial road network and allocate priorities for transport connector improvements such as improving road space allocation for public and active transport, identify priority streets for walking and cycling, and road management and use arrangements. This should include a focus on transport interchanges and transport corridors.'
46. This approach is strongly supported in Yarra's activity centres, but would require substantial funding and a very strong commitment from State Government.

Retaining Yarra's diversity and distinctiveness

47. Officers strongly support the recognition of the unique character and identity of the inner city as a key element of the city's liveability for residents and businesses and attraction for visitors in the LUFP.

48. The LUFPP identifies that as urban development intensifies, a high quality public realm, and expanded and better connected public open spaces will be crucial to ensure liveability is maintained. The plan includes a number of strategies in relation to public open space which are strongly supported but further specific actions are needed in relation to public open space provision to support these strategies.
49. The diversity and distinctiveness of neighbourhoods and places across Yarra are an inherent part of its character and attraction. Importantly this creates a strong sense of place for local communities and this diversity of place must be retained. Some strengthening of this aspect of the LUFPP is suggested in the draft submission.

Raising standards for environment and sustainability

50. To better manage increasing pressures on natural resources, higher levels of population growth, and the effects of climate change, there is a need to improve how environmental sustainability is incorporated into how the built environment is designed and planned.
51. Yarra has long advocated for stronger environmentally sustainable design controls in the planning and building process and has adopted its *Climate Emergency Plan* as a call to action.
52. The focus throughout the LUFPP on sustainability and resilience is welcomed. The LUFPP includes directions and strategies addressing urban heat, tree canopy cover and integrated water management.
53. However, officers consider it should be much stronger on commitments to a zero emissions built environment.
54. For the Victorian Government to meet its target of net-zero emissions by 2050, it needs to be clear that land-use planning to enable a zero-emissions built environment is a key part of achieving that target.
55. It would be useful to communicate the connection between the sustainability and climate change related measures in the LUFPP with those in the recently released ESD Roadmap, *Built Environment Adaptation Action Plan*, along with the work underway by local councils through the Elevating ESD Targets project.
56. In addition, it is suggested the LUFPP address other sustainability issues such as the circular economy and future gas usage.

Implementation

New provisions in the planning scheme

57. The LUFPP identifies that the plan will in many aspects be largely implemented through planning scheme provisions.
58. Careful consideration is required as to how the plan's directions and strategies will translate into planning policy and inform decision making.
59. It is also important the maps are accurate and clearly assist decision making.

Other actions

60. A number of short to medium term actions are included in the Inner Metro Region LUFPP. The five- year action program summarises these actions to be delivered collaboratively by the State Government and Councils in the Inner Metro Region.
61. Officers strongly support this on-going collaborative approach. Local Councils in the Inner Metro Region are already working together to address priority issues for their region and with the State Government such as through the *Inner Metropolitan Partnership* and the *M9 Group of Councils*.
62. Many of the directions and strategies in the plan will also be implemented outside the planning scheme. Successful implementation of the plan will be dependent upon improved cross-government commitment and co-ordination.

63. The LUPF must be clear on how its strategies will be implemented – at local, regional or State levels. There needs to be more clarity around funding, timing and responsibility.
64. Given the breadth of the issues covered in the document, the LUPF has a small number of actions. The draft submission suggests a range of additional actions that could be pursued across the inner metro region to help successfully implement the plan. These include ongoing monitoring, research and data gathering and funding.
65. The LUPF identifies there are many actions under *Plan Melbourne* and other government programs and initiatives, such as the Metropolitan Partnerships, that will contribute to improving planning outcomes in the Inner Metro Region. However, it does not list these actions, leaving the impression there are gaps in the document.
66. Cross referencing actions in other documents or projects being undertaken by the Inner City Partnership would assist in understanding how aspects of the plan are being implemented.

Options

67. There are two options that Council can consider.
68. Option 1 - provide DELWP with Council's submission to the LUPF.
This option is recommended. The LUPF is 30-year strategic land-use and infrastructure plan that will guide future planning and growth. Given it will form part of the *Yarra Planning Scheme*, and also guide future cross Government projects and budget allocations, it is critical Yarra provides feedback on its directions, strategies and actions.
69. Option 2 - do not proceed with making a submission to the State Government.
A 'do nothing' approach is not recommended.

Community and stakeholder engagement

70. No external consultation has been undertaken by Council. DELWP is currently undertaking a two month long engagement process which has included on-line information and on-line forum for the inner region.
71. The attached draft submission was prepared in collaboration with staff from the Economic Development, Urban Design, Sustainability, Heritage, Social Strategy, Traffic and Strategic Transport units of Council.
72. Officers also engaged with officers from the City of Melbourne and Port Phillip to understand the potential views of the other two councils and see where the Councils might align. (noting these were the views of officers as the two Councils had not yet endorsed their submissions).

Policy analysis

Alignment to Community Vision and Council Plan

73. The plan is broadly aligned with the *Yarra 2036 Community Vision*. It responds in the following way:
 - (a) Theme 1 – 'Strong and vibrant community' is addressed in Chapter 8 Strong Communities of the LUPF;
 - (b) Theme 4 – 'Environmental sustainability' and Theme 8 – 'Growing Sustainability' is addressed in Chapter 9 Sustainability and Resilience of the LUPF. This chapter includes directions, strategies and actions to make communities more climate resilient; and
 - (c) Theme 6 – 'Thriving Local Economy' is addressed in Chapter 1 Productivity of the LUPF. It provides guidance on shaping employment growth.
 74. It is also aligned with the draft *Council Plan 2021-2025*, particularly to the following Strategic Objectives:
-

- (a) Climate and environment: Yarra seeks to urgently mitigate climate change while also adapting to its impacts and developing resilience in everything we do. The community, business and industry are supported and encouraged to do the same;
- (b) Local economy: Yarra's neighbourhoods and major activity centres, nightlife and employment precincts are thriving, accessible and connected. They support and inspire diverse creative communities, cultural activities, businesses, and local employment;
- (c) Place and nature: Yarra's public places, streets and green open spaces bring our community together. They are planned to manage growth, protect our unique character and focus on people and nature; and
- (d) Transport and movement: Yarra's transport network is sustainable and recognises that streets are important shared public spaces. Transport and movement is accessible, safe and well connected.

Climate emergency and sustainability implications

- 75. Chapter 9 Sustainability and Resilience of the LUFPP outlines directions, strategies and actions to make communities more climate resilient.
- 76. The four relevant directions identified are:
 - (a) integrating cooling and greening initiatives with land use and infrastructure initiatives;
 - (b) increasing tree canopy cover;
 - (c) integrating water management initiatives and supporting zero emissions; and
 - (d) climate resilient urban areas and managing.

Community and social implications

- 77. The LUFPP seeks to create inclusive, vibrant and healthy communities. Chapter 8 Strong Communities outlines directions, strategies and actions to build strong communities. The three directions identified are:
 - (a) plan for major social infrastructure at a regional level to meet the needs of residents, workers and visitors;
 - (b) support the region's role in delivering state-significant health and education services while providing for the local community; and
 - (c) strengthen the Inner Metro Region's network of 20-minute neighbourhoods.

Economic development implications

- 78. Chapter 1 Productivity of the LUFPP includes directions, strategies and actions to shape employment growth in the inner metro region. Relevant directions include:
 - (a) strengthen the Inner Metro Region as a local and international destination for sport, arts, culture and entertainment to attract investment and visitors;
 - (b) enhance the Inner Metro Region's vibrant and diverse activity centres and their contribution to the identity of the region; and
 - (c) retain existing and support emerging employment areas, including industrial and enterprise precincts, across the Inner Metro Region.
- 79. The plan identifies:
 - (a) Cremorne and Gipps Street precinct, Collingwood as enterprise precincts;
 - (b) future role/strategic opportunities for major activity centres; and
 - (c) State-significant and regionally significant health and/or education precincts in Yarra which contribute to the productivity of the Inner Metro Region.

Human rights and gender equality implications

- 80. There are no known human rights and gender equality implications.

Operational analysis

Financial and resource impacts

81. There are no financial implications in receiving this report – it has been only officer time in preparing the submission.

Legal Implications

82. There are no anticipated legal implications.
83. Once finalised and approved by Minister for Planning, it is anticipated parts of the Plan would be included in the Planning Policy Framework in the *Yarra Planning Scheme* as regional policy.

Conclusion

84. Council officers have thoroughly reviewed the State Government's *Inner Metro Land Use Framework Plan* in relation to Yarra's planning policies, strategies and strategic priorities.
85. Officers note the importance of regional planning and integrating land use and transport planning for the inner region and generally support the directions and strategies included in the LUPP.
86. Officers have prepared a submission (Attachment 1) to the LUPP which provides a proposed response which seeks to ensure the LUPP provides a strong framework for the inner city area and Yarra.

RECOMMENDATION

1. That Council resolve to:
 - (a) note the officer report outlining the *Inner Metro Land Use Framework Plan* currently on exhibition by the State Government;
 - (b) note the broad alignment of the proposed Framework Plan with Council policies, and
 - (c) note the comments of officers where a submission to the State Government is considered necessary to reflect key aspects of Yarra City Council policies and strategic directions.
2. That Council note the draft submission provided by officers as shown in Attachment 1.
3. That Council endorse the submission in Attachment 1 to be submitted to the Department of Environment, Land, Water and Planning in response to the release of the *Inner Metro Land Use Framework Plan*.
4. That senior officers continue to advocate on Councils behalf regarding the specific areas identified in the submission that require changes and modifications to better reflect Council policies and strategic directions.

Attachments

- 1 CoY Draft Submission - October 2021 - Final(2)

8.6 Draft Arts and Culture Strategy 2022-2026

Reference	D21/137456
Author	Siu Chan - Unit Manager Arts, Culture and Venues
Authoriser	Director Community Wellbeing

Purpose

1. To seek Council approval for the Draft Arts and Culture Strategy 2022-2026 to be put on public exhibition to enable a new five year arts and culture strategy to be adopted for implementation.

Critical analysis

History and background

2. Yarra's last arts and culture strategy (2016-2020) is due for renewal and the process in developing a new strategy has been extended as a response to the COVID-19 pandemic.
3. Preparations for a new strategy began in 2019 with an environmental scan and consultation with the local community. The initial community engagement included an online survey and pop-up face-to-face consultation events.
4. Over 350 people participated in this research and discovery phase, including one hundred children, Yarra's business community, arts and culture advisory group members and Aboriginal and Torres Strait Islander community members.
5. The consultation revealed that people love the diversity, accessibility and vibrancy of Yarra's arts and culture, as well as their contribution to Yarra's sense of identity.
6. In contrast, they found Yarra challenging for its lack of affordable spaces and the associated financial vulnerability of its artists. They wanted more public events, studio spaces, and artist-in-residence opportunities.
7. This feedback and information arising from the environmental scan led to the creation of priorities for the arts and culture strategy for the next five years. Council then ran a series of in depth 90 minute workshops to test the priorities and develop initiatives for Council action.
8. These were conducted in person and online as an open invitation to community members and special interest groups. Participants included artists at Abbotsford Convent and Collingwood Yards, artists in residence at Yarra Youth Services, CALD communities and the Victoria Street Traders Association, as well as Council Advisory Committees (Active Ageing Advisory Committee, Yarra Environment Advisory committee and Yarra Yana Ngargna Advisory Group) and Council staff.
9. 55 people attended 90 minute workshops across three online and two in person sessions. Further to this, special sessions were convened with the Artists in Residence at Yarra Youth Services and with community members who were able to participate online representing a culturally and linguistically diverse focus.
10. The ongoing COVID-19 lockdowns and restrictions meant the format of workshops to test the priorities and develop initiatives had to be adapted to ensure we can reach all the identified stakeholders.
11. The draft Arts and Cultural Strategy 2022-2026 builds on the work of the previous strategy, aims to enable Council to respond to the opportunities and challenges over the next five years and reflects the community's aspirations and enthusiasm for a creative connected Yarra.

Discussion

12. Whilst Council's position with respect to its vision for arts and culture in our city remains the same, the impact of the pandemic on the arts and cultural sector has been devastating and the path to recovery is still to be charted.
 13. In 2016, the greatest threat to Yarra's vitality was the combined effect of gentrification, rental unaffordability and the pressure of growing density on our public spaces. While these conditions continue to present a challenge, they are overshadowed the COVID-19 pandemic which has had a profound impact on our health, social wellbeing and economy.
 14. The impact of the COVID-19 pandemic is unparalleled in recent history, and particularly detrimental to our creative community. This has led to an explicit focus in this strategy on initiatives and actions to revitalise the creative economy and the arts and culture sector.
 15. It is expected that the reshaping of the arts and cultural landscape will unfold over the entire life of the next arts and cultural strategy and Council has the opportunity to play a critical role in supporting the recovery and optimising the opportunities. Additional efforts will be required so that arts and cultural activities can continue to be integrated into our City, as an everyday experience, enjoyed by all of our community.
 16. The integrated service delivery approach for arts and culture has been in place since the previous strategy and that continues to develop and deliver good outcomes for Yarra; as demonstrated in projects that integrate public artwork into place making, supporting projects that increase participation in older and vulnerable communities and providing visibility and celebrating culture to our First Nations community to name a few.
 17. The next arts and cultural strategy continues and expands on this approach and this is most clearly demonstrated in the way the draft Arts and Cultural Strategy is closely aligned with the Community Vision and the draft Council Plan 2021-2025.
 18. The draft strategy also shows the leadership role Yarra continues to play as a progressive community by explicitly integrating a priority for a creative response to the challenge of climate sustainability.
 19. Arts and culture can delight and inspire, but also can create health and wellbeing outcomes, generate economic benefits, create vibrant spaces but also artists can help us imagine alternative futures.
 20. A thriving creative community is what makes Yarra strong and vibrant and a city that is sought after as a place to live, work, and play.
 21. The draft Arts and Culture Strategy 2022–2026 builds on the values and successes of the 2016–2020 strategy, while also responding to the threats and opportunities presented by the pandemic and the climate emergency.
 22. It sets out five priorities:
 - (a) Our Aboriginal and Torres Strait Islander arts and cultures are at the heart of Yarra;
 - (b) Artists are essential to a thriving Yarra;
 - (c) Our arts and culture shape Yarra's places and spaces;
 - (d) We celebrate and support our creative and diverse community; and
 - (e) Our arts contribute to an ecologically sustainable future.
 23. To be delivered through six initiatives:
 - (a) We will increase our Aboriginal and Torres Strait Islander cultural competence;
 - (b) We will raise the prominence of Aboriginal and Torres Strait Islander arts in Yarra;
 - (c) We will safeguard our artists' future;
 - (d) We will ensure that all of Yarra benefits from our arts and culture;
 - (e) Our arts and culture will present us with alternative futures; and
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- (f) Our arts and culture will advance Yarra's sustainability goals.

Options

24. Not relevant to this report.

Community and stakeholder engagement

25. Over 400 people have contributed to the development of the draft Arts and Cultural Strategy 2022 – 2026, from the identification of opportunities and issues to the drafting of the priorities and initiatives.
26. All departments across council have had an opportunity to contribute; with additional outreach to priority areas in council such as Strategic Planning, Economic Development, Youth Services, Active Ageing Advisory Committee, Yarra Environment Advisory committee and Yarra Yana Ngargna Advisory Group.
27. Subject to Council approval, the draft Arts and Cultural Strategy 2022 – 2026 will be put on public exhibition for a period of three weeks.
28. Any additional feedback from the community will be collated and considered for the final draft.
29. The Plan will be promoted in these places:
- (a) Your Say Yarra;
 - (b) Yarracityarts website; and
 - (c) Yarracityarts social media posts and electronic direct mail.
30. Following the exhibition period, officers will bring a further report to Council, for consideration of the final draft. Officers intend to bring the report to Council on 23 November 2021.

Policy analysis

Alignment to Community Vision and Council Plan

31. The draft Arts and Culture Strategy 2022-2026 is aligned with the Community Vision. It responds strongly to:
- (a) Theme 1 – Strong and vibrant community:
 - (i) Ensure a trusting, safe and welcoming environment to invite active participation of people from all backgrounds with tolerance and acceptance;
 - (ii) Create opportunities for meaningful exchange of our experiences, culture and arts;
 - (iii) Encourage and facilitate community engagement by amplifying lesser-heard voices and addressing gaps; and
 - (iv) Celebrate Aboriginal and Torres Strait Islander culture and country; and
 - (b) Theme 4 – Environmental sustainability:
 - (i) Lead the way in climate change mitigation and resilience within Yarra and extend our impact through advocacy and innovative partnership; and
 - (ii) Promote and facilitate a more efficient and effective waste management strategy that inclusively engages the community through education and awareness.
32. It is also aligned with the draft Council Plan 2021-2025, particularly to four of the six Strategic Objectives:
- (a) Climate and environment: Yarra urgently mitigate climate change while also adapting to its impacts and developing resilience in everything we do. The community, business and industry are supported and encouraged to do the same;

- (b) Social equity and health: Yarra's people have equitable access and opportunities to participate in community life. They are empowered, safe and included;
- (c) Local economy: Yarra's neighbourhoods and major activity centres, nightlife and employment precincts are thriving, accessible and connected. They support and inspire diverse creative communities, cultural activities, businesses, and local employment; and
- (d) Place and nature: Yarra's public places, streets and green open spaces bring our community together. They are planned to manage growth, protect our unique character and focus on people and nature.

Climate emergency and sustainability implications

- 33. Climate emergency and sustainability is one of the five identified priorities in the draft Arts and Cultural Strategy. Artists can help us imagine alternative futures and art and culture have a major role to play in achieving Council's sustainability goals.
- 34. Yarra Council was one of the first in the world to declare a climate emergency, and it is a key priority for Council that it reduces its carbon emissions to slow climate changes such as extreme heat and reduced annual rainfall. Yarra's goals include achieving net zero emissions by 2030, as well as enabling the community to take climate action.

Community and social implications

- 35. Yarra's population is economically and culturally diverse. While our socio-economic profile is relatively high, Yarra has pockets of disadvantage characterised by high unemployment and underemployment, and low-income households. It has a younger median age than Victoria as a whole, but it has fewer children and young adults, and fewer people over the age of 50. Our older residents value their ability to independently access a range of social and cultural programs and services.
- 36. The pandemic has put pressure on Yarra's community and repeated lockdowns have increased social isolation, and exacerbated risks to the community's wellbeing. Our most vulnerable residents – the aged, the homeless, the poor and the isolated – are also the most susceptible to the disease and the economic disruption it created.
- 37. This strategy seeks to continue to ensure that all of Yarra's residents across all our neighbourhoods benefit from the presence of arts and cultural initiatives, and that all feel included. Facilitating events, activities and intergenerational dialogue to build social connectedness for older residents are some of the initiatives that are identified in the strategy.

Economic development implications

- 38. Arts and culture continue to be important to Yarra's economy and communities. They are an important subset of the creative industries, which form one of Yarra's top four sectors of economic strength.
- 39. A key theme of Yarra's Economic Development Strategy is a 'creative, inclusive and sustainable economy' and Council aims to make Yarra a global hub for the arts sector. These industries are also growing.
- 40. Jobs in the creative industries are significant in Yarra, especially in the two identified creative precincts of Cremorne and Richmond and Collingwood where there are 5,528 creative jobs (15% of all jobs in area) and 2,178 creative jobs (18.8% of all jobs in area) respectively.
- 41. Arts and culture are also important generators for tourism and visitation. In the decade to 2019, total visitation to Yarra more than doubled, until more than half a million visitors were coming to Yarra every year. Many visitors and tourists are drawn by Yarra's arts and culture, as well as the night-life to which they are connected.

Human rights and gender equality implications

42. Equal access to and participation in artistic and cultural life is recognised in international law as a human right (International Covenant on Economic, Social and Cultural Rights, Article 15. Further to this, the arts can help give voice to those who aren't always able to access a platform to do so or have the power to speak up.

Operational analysis

Financial and resource impacts

43. The trend in funding and supporting arts and cultural activity across the Australia has seen an increased investment by local government authorities and state governments, most sharply demonstrated in the targeted funding packages for arts and cultural sector recovery that have been made available during the pandemic.
44. Over the three year period between 2018–2021, Yarra invested \$2.3 million in grants to community groups, including annual grants, Room to Create studio grants, and small project grants.
45. The draft Arts and Culture Strategy 2022-2026 initiatives include a review of the funding programs and distinct projects that will require further investments, either secured externally or by Council. There will be options for Council to consider reallocation of existing resources according to these priorities.

Legal Implications

46. Not relevant to this report.

Conclusion

47. Arts and culture is a core part of Yarra's identity and a strategy that outlines Council's vision and priorities is an important public testament of our intent.
48. Through an extensive consultation process with over 400 community members and all of Council departments over a two year period, five priorities and six initiatives have been developed to help Council achieve a vision that places arts and culture at the core of a strong and vibrant community.
49. The priorities and initiatives are critical to Yarra today in a post-pandemic, climate emergency landscape.
50. The draft strategy affirms Council's commitment to the Aboriginal and Torres Strait Islander community, celebrates the cultural diversity and rich creativity of our city, recognises the unparalleled challenges faced by the creative sector arising from the pandemic and places our faith in artists to help the community to respond to the greatest challenge of our time – the climate emergency.
51. The previous strategy provided a roadmap for the establishment of important major initiatives for our communities and demonstrate the impact arts and culture can have. Projects such as: the Stolen Generations marker, *Remember Me*, a permanent tribute to Aboriginal people taken and lost from their families; the Room to Create program has provided medium and long term homes to seven important arts organisations and short term studio space in under-utilised council properties for 20 artists since 2016, ensuring they continue to produce and present in Yarra; and the Leaps and Bounds music festival to support local venues and musicians through the traditional winter 'downtime', are some of the achievements that have contributed to the city's reputation as a creative city.
52. Yarra is well-known for its live music: prior to the pandemic, it was home to 75 music venues that presented over 16,000 gigs per year. But it is also home to numerous galleries and visual arts studios, theatre, performance, literature, public art, design, digital arts and film and craft. These creative activities happen across Yarra, from homes and childcare centres to commercial galleries and pubs.

53. As the boundaries between these different artforms blur, arts and culture also extend into new territory. The idea of digital live performance, for example, is a twenty-first century phenomenon. It is also an artform that has become an unexpected lifeline for many audiences during pandemic restrictions.
54. This arts and culture strategy supports all contributors to the creative ecology in Yarra, but it seeks to have the most impact by working closely with and for the individuals and organisations that have made creativity central to their activity.

RECOMMENDATION

1. That Council:
 - (a) authorises officers to commence the public exhibition of the draft Arts and Culture Strategy 2022-2026; and
 - (b) notes that officers intend to bring a further report to Council on 23 November seeking final adoption of the Arts and Culture Strategy 2022-2026.

Attachments

- 1 Draft Arts Culture Strategy 2022-2026

8.7 Yarra City Council Annual Report 2020/21

Reference	D21/131157
Author	Jamie Rachcoff - Communications and Engagement Advisor
Authoriser	Group Manager Advocacy and Engagement

Purpose

1. To formally present the Yarra City Council Annual Report 2020/21 (**Attachment 1**) to Council.

Critical analysis

History and background

2. Council's Annual Report is prepared in accordance with the Local Government Act 2020, Local Government Act 1989, and Local Government (Planning and Reporting) Regulations 2014.
3. The Annual Report was submitted to the Acting Minister for Local Government prior to the Ministerial deadline.
4. Council adopted in principle its 2020/21 Annual Financial Statements, Performance Statement and LGPRF reports at the Ordinary Meeting on Tuesday 7 September 2021. These documents are incorporated into the presented Annual Report.

Discussion

5. The Annual Report 2020/21 presents the fourth and final year of Council's progress delivering the Council Plan 2017-21. The report provides information about:
 - (a) progress on the seven objectives in the Council Plan 2017-21;
 - (b) the services and projects delivered through Council's 2020/21 Budget;
 - (c) our achievements for the year, including Council's response to COVID-19;
 - (d) Council's finances, performance and governance; and
 - (e) the year ahead.

Highlights and achievements

6. In 2020/21, Council's key highlights and achievements included:
 - (a) partnering with local organisations and community groups to establish Yarra Libraries' Community Wellbeing project, which is supporting more than 1,500 residents a month and addressing gaps in digital literacy, food insecurity and library access;
 - (b) development of the Yarra 2036 Community Vision. More than 1,300 people and a deliberative community panel of 55 locals created the vision;
 - (c) delivery of the Community Support, Resilience and Recovery Grants Program, with more than \$3 million in grants to support Yarra businesses and community groups through COVID-19;
 - (d) Council leading the way with its emergency management response during the year, with a focus on supporting at-risk residents through COVID-19. We also continued roll out of the Yarra COVID-19 Community and Economic Support Package, providing food relief, fee waivers, artists grants and support for asylum seekers;

- (e) establishment of a rapid response team to assess and issue free, flexible, and fast-tracked outdoor dining permits. The outdoor dining program has transformed Yarra's retail and dining precincts post-lockdown, creating lively, bustling areas across the city;
- (f) the roll out of a separate purple-lidded bin for recyclable glass to all households, businesses and multi-unit developments before the end of 2020. This initiative is reducing waste sent to landfill and providing an opportunity to recycle glass into new products;
- (g) upgrades to the stormwater harvesting scheme at Edinburgh Gardens, with a new 1 million litre water tank increasing the amount of water collected on-site to 24 million litres;
- (h) Council committing to a Green New Deal to address the current health, economic, social and climate crises facing the city. Part of Yarra's Climate Emergency Plan, this commitment provides an opportunity to plan Yarra's recovery from the COVID-19 pandemic in a way that builds community resilience to future social, economic and environmental shocks, including the climate emergency; and
- (i) continuing Council's work on Design and Development Overlays with the aim of improving the Yarra Planning Scheme. Council has invited the Victorian Minister for Planning to create a Standing Advisory Committee to work through planning scheme amendments in a more streamlined manner.

Options

- 7. Not applicable.

Community and stakeholder engagement

- 8. In accordance with the Act, Council provided 14 days' public notice of its intention to receive the Annual Report at this meeting. Public notices appeared on Council's website and in The Age on Tuesday 5 October 2021 and Monday 11 October 2021.
- 9. With Yarra's customer service centres and library branches closed due to COVID-19 restrictions, Council has provided the option of mailing hard copies to people wishing to inspect the Annual Report.
- 10. The production of the Annual Report 2020/21 was a collaborative approach, with input from Council's Corporate Planning and Performance, Finance, Governance Support, Human Resources, City Works and Assets and Communications and Engagement teams.

Policy analysis

Alignment to Community Vision and Council Plan

- 11. The Annual Report covers the fourth and final year of progress towards the achievement of the strategic objectives in Yarra's Council Plan 2017-21.

Climate emergency and sustainability implications

- 12. Limited copies of the final Annual Report will be printed on Council's preferred 100% recycled paper stock.

Community and social implications

- 13. The Annual Report includes a translation panel to assist culturally and linguistically diverse members of the Yarra community to access the document in their language.
- 14. A digital version of the Annual Report will be launched later in 2021 to make the document more accessible and engaging.

Economic development implications

- 15. Not applicable.

[Human rights and gender equality implications](#)

16. Not applicable.

Operational analysis

[Financial and resource impacts](#)

17. The preparation and publication of the Annual Report is funded within existing Council budgets and resources.

[Legal Implications](#)

18. Pursuant to the Act and Regulations, Council must prepare an Annual Report, submit it to the Minister for Local Government within three months of the end of the financial year, and receive the Annual Report at a Meeting of Council within one month of submission to the Minister. These requirements have been met.

Conclusion

Publication of the Annual Report

19. The final version of the report will be made available at Council's customer service centres and libraries. It will be promoted via Yarra's print and digital communications channels.
20. Large print versions of the report will be available on request for people with a vision impairment.

RECOMMENDATION

1. That Council notes and endorses the Yarra City Council Annual Report 2020/21 at **Attachment One** as submitted to the Minister for Local Government prior to 30 November 2021.

Attachments

- 1 Yarra City Council Annual Report 2021-21

8.8 Planning Scheme Amendment C286yara - Yarra Open Space Levy

Executive Summary

Purpose

The purpose of this report is for Council to initially consider submissions received from the exhibition period of Amendment C 286 which seeks to increase the open space contribution from developments.

Key Issues

The Amendment (C286yara) seeks to increase the public open space contribution rate in the schedule to clause 53.01 of the *Yarra Planning Scheme* from 4.5% to 10.1%.

This change is underpinned and supported by the adopted *Yarra Open Space Strategy 2020*.

During the exhibition period of the Amendment, sixty seven (67) submissions were received.

The purpose of this report is to consider and respond to submissions received following this exhibition period and to consider next steps.

Officers are recommending that the Amendment now be referred to an independent Planning Panel to consider all submissions and Amendment C286yara and then report back to Council with its report and recommendations.

Supporting submissions and opposing submissions have been received.

Key issues raised in the objecting submissions related to:

- (a) the magnitude of the increase;
- (b) the timing of the amendment in relation to the economic impact of COVID19;
- (c) the strategic justification for the increase;
- (d) the lack of transitional provisions;
- (e) the proposed rate is inconsistent with other municipalities;
- (f) the appropriateness of a flat rate for the whole municipality;
- (g) the impact on housing affordability;
- (h) justification for the inclusion of non-residential uses;
- (i) lack of bespoke arrangements for strategic redevelopment sites;
- (j) there is adequate open space in Yarra;
- (k) the impact on the economic viability of projects; need for greater flexibility;
- (l) impact on existing subdivisions;
- (m) the Amendment should address the need, nexus, accountability and equity that may be applicable to some subdivisions; and
- (n) the Open Space Strategy is based on outdated data.

Financial Implications

There are substantial costs associated with the Panel process, including panel fees, representation and other experts who provide evidence on behalf of Council which would be met by the strategic planning budget.

PROPOSAL

That Council:

- (a) note and consider all submissions made on or before the last date of exhibition of Amendment C286yara to the Yarra Planning Scheme, in accordance with section 22(1) of the of the *Planning and Environment Act 1987* (Vic);
- (b) note the officer report and Attachments 1-3 in relation to the Amendment;
- (c) in relation to all submissions which were considered by Council, refer those submissions to an independent Planning Panel appointed by the Minister under Part 8 of the Act in accordance with section 23 of the Act;
- (d) authorise officers to consider any further late or modified submissions received prior to the Directions Hearing by a Planning Panel appointed by the Minister under Part 8 of the Act and refer any late submissions, received prior to the Directions Hearing, to the independent Planning Panel;
- (e) authorise officers to engage counsel and appropriate experts to make submissions to the Planning Panel, adopting a position of advocacy for the Amendment, including requesting recommendations from the Planning Panel for any proposed changes or revisions to the exhibited Amendment, generally in accordance with the officer report, officer recommendations and Attachments 1-3;
- (f) authorises officers to write to all submitters to Amendment C286yara to advise of the Council resolution; and
- (g) receive a further report after the Panel Report is received from Planning Panels Victoria to enable further consideration of the Amendment by Council.

8.8 Planning Scheme Amendment C286yara - Yarra Open Space Levy

Reference	D21/148910
Author	Michael Ballock - Executive Planner Strategic Projects
Authoriser	Director Planning and Place Making

Purpose

1. The purpose of this report is for Council to initially consider submissions received from the exhibition period of Amendment C 286 which seeks to increase the open space contribution from developments.

Critical analysis

History and background

2. The *Yarra Open Space Strategy 2020* (the Strategy) was adopted by Council at its Meeting on 1 September 2020.
3. The costed implementation program underpinning the adopted Strategy is focussed on Council owned and/or managed open space and includes projects that are appropriate to be funded by public open space contributions.
4. The *Planning and Environment Act* considers fairness a fundamental objective of the Victorian Planning System, and the principles of need, nexus, equity and accountability are considered when preparing a Public Open Space Contribution (POSC) rate to ensure it is derived from an appropriate basis.
5. There are long standing legislative principles with respect to a POSC rate and the Strategy is based on these principles. The Strategy:
 - (a) provides a strategic assessment of open space needs for the future population of Yarra and recommendations for expenditure of contribution funds to meet the needs of the population on whose behalf the contributions are collected;
 - (b) supports a contribution rate that is strategically justified based on the value of open space projects;
 - (c) ensures that contributions are used for land acquisition and capital works (not maintenance);
 - (d) is based on the premise that contributions should not be used to make up historical deficiencies in open space provision; and
 - (e) expects contribution funding in established urban areas will generally need to be co-funded at some level with income from grants, rates or fees.

Implementation of the POSC rate

6. Once a subdivision rate is set in the planning scheme, the rate is applied to the 'site value' of the subject site. Council determines the form of the contribution that is required from each subdivision, whether land, cash or a combination of both.

Methodology to derive the POSC rate

7. The adopted Open Space Strategy establishes the need for more open space, or open space improvements, in response to population growth and change.
8. The open space projects recommended in the Strategy are determined via the open space needs assessment process. This includes:

- (a) determining the open space needs of the existing residential and employment populations;
 - (b) an analysis of the existing Yarra open space network, and
 - (c) mapping the extent and spatial distribution of the forecast change through the population and dwelling data provided by id. Consulting for the time period, between 2016-2031, and the employment and floor space data provided in the adopted *Spatial Economic and Employment Strategy 2018 (SEES)* developed by SGS Consultants.
9. The recommendations derived from this analysis include upgrades to the existing open space network, and provision of new open space, based on the research described above.
 10. The costs for each project is apportioned between the existing and forecast population, based on the anticipated need and benefit derived from each project.
 11. Where a recommendation has been made to develop new open space and a land acquisition is required, the cost of purchasing land has been included in the costings (noting that Council would need to pay market value for these sites).
 12. The Capital Improved Value (CIV) has been used instead of the undeveloped land value, and a 30% margin has been added on top of this to accommodate the actual cost to Council in purchasing new land for public open space.
 13. The cost of purchasing new land for open space is the highest cost item when establishing the costings for the Strategy.
 14. A spatial demographer, Dr Serryn Eagleson was engaged to assist in this work, to map the footprint of the growth and determine the land area requirements for the growth projections in Yarra.
 15. The value of the land was determined based on Council's property rate valuations as the contribution rate is applied to site value.
 16. Note: using a single citywide POSC rate will safeguard against inevitable future growth and any potential to underestimated forecast growth – that is, the single rate mechanism would mean all developments would contribute according to the 10.1% contribution rate.
 17. The single 10.1% rate would serve the YCC public open space improvement program into the next decade and beyond.

Previous Council resolutions

18. On 15 September 2020 Council resolved the following:
 1. *That Council note:*
 - (a) *the officer report outlining the proposed public open space contributions rate for the municipality;*
 - (b) *the proposed open space contribution rate is a municipal wide contribution rate applicable to all subdivisions in Yarra;*
 - (c) *the open space contribution rate proposed is derived from the methodology of the Open Space Strategy adopted by Council on 1 September 2020;*
 2. *That Council resolves to propose an open space contribution rate of 10.1 % as part of the Yarra Planning Scheme.*
 3. *That Council seek authorisation from the Minister for Planning to prepare and exhibit Amendment C286 to the Yarra Planning Scheme to implement the Yarra public open space contributions rate as detailed in the documents that make up Attachments 1 to 3 inclusive.*
 4. *That upon receipt of authorisation from the Minister for Planning, Amendment C286 be placed on public exhibition for a period of 4 weeks.*

5. *That Council authorise the CEO to make minor changes to the Amendment C286 documents, should any be necessary, prior to exhibition.*
 6. *That following the exhibition of Amendment C286 a report be provided to Council on any submissions received.*
 7. *That the Yarra Open Space Strategy, and report detailing the methodology employed and the calculations upon which the 10.1% POSC rate is based, be placed on exhibition with the amendment documents.*
19. In line with Council's resolution, 'authorisation' of Amendment C286 was sought from the Minister for Planning in December 2020.
20. By letter dated 18 June 2021 (Attachment 1), the Minister's delegate 'authorised' Amendment C286 being placed on public exhibition subject to the following conditions:
- (a) *The explanatory report must be strengthened to provide further explanation of the basis for calculating the total POS improvement cost of \$569,388,045;*
 - (b) *Clause 22.12 – Public Open Space Contribution must form part of this amendment which reflects the new OSS and which updates policy and form and content as appropriate;*
 - (c) *The OSS must form a background document for the purpose of Clause 72.08. Council should consider whether to also include any of the other associated documents in Clause 72.08 which provide supporting information to the OSS;*
 - (d) *The OSS, the Yarra Open Space Strategy 2020 Technical Report, July 2020 and the Yarra Open Space Strategy 2020 Public Open Contributions Report December 2020 must form part of the exhibition documents; and*
 - (e) *All amendment documents must be updated, including the amendment description, to reflect the above conditions.*
21. Given Clause 22.12 (the revised policy) was not included in Council endorsement of Amendment C286 for 'authorisation' a further report was prepared, and on 20 June 2021, Council resolved:
1. *That Council note:*
 - (a) *the officer report outlining the proposed public open space contributions rate for the municipality;*
 - (b) *the proposed open space contribution rate is a municipal wide contribution rate applicable to all subdivisions in Yarra;*
 - (c) *the open space contribution rate proposed is derived from the methodology of the Open Space Strategy adopted by Council on 1 September 2020;*
 - (d) *the changes proposed to Clause 22.12 and the Explanatory Report;*
 - (e) *The proposed notification process; and*
 - (f) *That Council endorses the revised Clause 22.12 and Explanatory Report and includes these documents as part of the exhibited documents for Amendment C286.*
 2. *That Council endorses the notification process and outlined in this report.*
 3. *That Council reiterates its resolution of 15 September 2020 that Amendment C286 be placed on public exhibition for a period of 4 weeks as outlined in this report.*
 4. *That Council authorise the CEO to make minor changes to the Amendment C286 documents, should any be necessary, prior to exhibition.*
 5. *That following the exhibition of Amendment C286 a report be provided to Council on any submissions received.*

Discussion

Exhibition period of the Amendment

22. Amendment C286yara was placed on public exhibition on 7 September 2021 to 5 October 2021.
 23. Section 19 of the *Planning and Environment Act* requires Council to give notice to (among others) owners and occupiers of land it believes may be materially affected by the amendment. The Act also requires Council to publish notice of the amendment in a newspaper circulating in the area (The Age) and in the Government Gazette.
 24. Where the affected number of owners and occupiers makes it impractical to notify all of them individually, Sections 19 (1A) and (1B) of the Act allow a Planning Authority to:

take reasonable steps to ensure that public notice of the amendment is given in the area affected by the amendment.
 25. For this amendment, it was impractical to notify all 52,000 ratepayers plus occupiers across the entire municipality.
 26. Instead of individual notification, officers have prepared a community engagement strategy that formed the basis of the statutory consultation.
 27. The objectives of the engagement were:
 - (a) to assist a diverse range of stakeholders understand what the planning scheme is and how it works;
 - (b) to explain the changes proposed to the planning scheme and the planning scheme process;
 - (c) to help people make informed submissions that address their areas of interest;
 - (d) to include deliberate outreach and promotion to communities who may be affected but might be underrepresented and/ or not usually engaged;
 - (e) to use plain English descriptions and messaging that assists understanding of what the planning scheme is, how it works and proposed changes;
 - (f) to present lengthy and complex information in an easily accessible format; and
 - (g) to clearly communicate the statutory requirements of the submission process.
 28. The engagement process took all reasonable steps *to ensure that public notice of the amendment is given in the area affected by the amendment.* This included notification in:
 - (a) *Yarra News* which is distributed to every household in Yarra;
 - (b) *Yarra Life* fortnightly eNews which reaches 13,000 recipients;
 - (c) Economic Development Teams *Business eBulletin* which has some 11,000 subscribers, and
 - (d) eBulletins / newsletters sent from other teams across Council and Social media platforms.
 29. In addition, direct emails were sent to:
 - (a) Council's Advisory Committees;
 - (b) community groups;
 - (c) organisations;
 - (d) current applicants for planning a permit;
 - (e) consultants with regular involvement in permit applications; and the
 - (f) peak development and property organisations in Victoria.
 30. A purpose-built website provided material in an easily understood format.
-

Submissions

31. As a result of exhibition, 67 submissions were received. In summary:
 - (a) Twenty seven (27) submissions supported the Amendment;
 - (b) Thirty eight (38) submissions opposed the Amendment; and
 - (c) Two (2) submissions were unclear.
32. The key issues raised in submissions, and proposed responses to these issues, are addressed below. A detailed response to specific issues raised is provided in **Attachment 1**.

Response to Key Issues

33. A number of opposing submissions to the Amendment raised similar issues. The following is a brief discussion of the main issues raised.

Rate increase

34. Many submissions commented that the proposed rate of 10.1% is excessive.

Officer comment:

35. The size of the increase is based on the demand for improvements to existing open space and new open space identified in the *Yarra Open Space Strategy 2020*.
36. Preparation of the Strategy included a review of funding mechanisms to support the implementation of the Strategy, including the public open space contribution rate. This resulted in a recommendation that Council should increase the municipal wide public open space contribution rate from 4.5 per cent to 10.1 percent and expand the rate to cover both residential and non-residential development.
37. The quantum of the open space levy has been calculated as detailed in the Public Open Space Contributions (December 2020) report. The method has previously been used to calculate the contribution rate for many municipal open space strategies, including the rate/s that are now included in the schedules to Clause 53.01 in the Glen Eira, Melbourne, Moonee Valley, Maribyrnong, Whitehorse and Yarra Planning Schemes.

Strategic justification

38. Opposing submissions also raised concerns that the proposed changes are not strategically justified.

Officer comment:

39. A key reason that the new Yarra public open space contribution rate is proposed to increase from 4.5 to 10.1 per cent is that there is a substantial level of residential and employment population growth forecast in the City of Yarra.
40. For the period between 2016 and 2031, which is the time period for the data used in preparing the Strategy, the forecast population will increase by over 77,000 people, which represents a 41 per cent increase in the number of residents and a 47 per cent increase in the number of workers.
41. The City of Yarra contains a mosaic of land uses and zones, with land that is available for more intensive redevelopment in all locations except for the heritage areas. However, even in the heritage areas there are newer buildings and redundant sites where redevelopment is occurring.
42. The forecast population is planned to be accommodated in medium to higher density urban development located across the municipality outside the heritage areas, including in areas that have little or no access to existing public open space. This will drive the need for an expanded open space network that will require Council to purchase new land area for public open space. As most of the larger strategic sites in the City of Yarra have already been redeveloped, the Council will not be able to rely on land contributions to create the new open spaces in all locations included in the Strategy.

Housing affordability

43. Housing affordability will be impacted.

Officer comment:

44. The City of Yarra Open Space Strategy aims to provide an equitable and consistent basis for the financial and land contributions of developers and government to provide open space and make open space improvements.

45. The local community, including residents and workers, should have reasonable access to public open space. This includes physical access, visual access and economic equity of access.

46. It is reasonable that new development, which creates the need for additional or improved open space, should contribute the cost of providing that open space.

Inclusion of non-residential uses

47. Some submissions argue that non-residential uses should not be included.

Officer Comment:

48. The forecasts of change also include the former industrial and manufacturing areas. These areas are being redeveloped to mixed use precincts with a combination of residential, commercial and business use.

49. Historically, the industrial areas did not have public open space. With the proposed changes, many of these areas are being redeveloped with increased building heights and a change to a predominantly office-based professional workforce. The surveys undertaken for this Strategy found that more than 80 per cent of workers visit public open space during the day.

50. With increased numbers of people working and living in the former industrial precincts there is a need to provide new areas of public open space.

Strategic development sites

51. Some submissions request that a blanket rate is unsuitable for strategic redevelopment sites.

Officer Comment:

52. The Amendment does not propose any changes to the Planning scheme other than an increase in the Public Open Space contribution rate and a revised Open Space Policy at Clause 22.12. Consequently, any ability to agree specific arrangements for strategic redevelopment sites or land within special purpose zones remains unchanged.

Transitional provisions

53. Some state it is unfair that transitional provisions for developments going through the permit process are not included in the amendment.

Officer Comment:

54. Transitional provisions are not common in planning scheme amendments.

55. It is likely that the amendment process will take over 12 months to run its course.

56. In addition, on the basis that all applications for a planning permit are considered on their own merits in light of the provisions of the planning scheme and no change is proposed to the provision of the planning scheme other than the quantum of the open space levy rate, transitional provisions are unnecessary.

Recommended Changes

57. Officers do not recommend any changes to the amendment.

Options

Section 23 of the Planning and Environment Act 1987 – considering changes to Amendment C286yara

58. Where submissions have been received to an amendment, Council has three options under Section 23 of the Planning and Environment Act 1987:
 - (a) change the amendment in the manner requested; or
 - (b) refer the submissions to an independent Planning Panel to consider the submissions and to provide recommendations to Council; or
 - (c) abandon the amendment or part of the amendment.
59. Council received a total of 67 submissions to the amendment. Given the submissions present a range of different views, Council will not be able to fully resolve the amendment and change it in the manner requested by all submitters. Council must therefore refer the amendment to a Panel or abandon it.
60. Before referring the amendment to Panel, Council can recommend changes to the amendment in response to submissions for the consideration of the Panel.
61. It is recommended that Council refers all submissions, including any late submissions to the Panel and request hearings to enable all submitters to express their opinions to the Panel.

Next steps if submissions are referred to a panel

62. In accordance with Ministerial Direction No. 15, Council must request the appointment of a Panel under Part 8 of the Act within 40 business days of the closing date of submission.
63. The following dates have been pre-set, pending Council's resolution:
 - (a) a **Directions Hearing** is scheduled for the week commencing 8 November 2021; and
 - (b) a **Panel hearing** is scheduled for the week commencing 6 December 2021.
64. It is recommended that Council's position to the Panel be based on the response to the submissions outlined in this report and Attachment 1.
65. If Council resolves to request a Planning Panel, officers would write to all submitters and advise them of the Panel.
66. On receipt of the Panel report for Amendment C286yara, a further report would be brought to Council to consider the Panel's recommendations.

Community and stakeholder engagement

67. An extensive consultation and engagement program was delivered as part of the development of the new Open Space Strategy.
68. The Technical Report contains information on the method to develop a new open space contribution rate, and how it will be applied. This was made public during the consultation period from 20 January 2020 and is still available to download and view on the project's *Your Say Yarra* Page.
69. The report indicates a new POSC rate in the order of around 10% is expected in Yarra.
70. A project working group has guided the development of the Strategy since its inception. It includes members from:
 - (a) Finance;
 - (b) Statutory Planning;
 - (c) City Strategy;
 - (d) Recreation and Leisure;
 - (e) City Works;

- (f) Property;
- (g) Urban Design;
- (h) Strategic Planning;
- (i) Communications and Engagement; and
- (j) Open Space Planning and Design.

71. The working group has been supportive of a higher POSC rate and the methodology used to derive the POSC rate.

Policy analysis

Alignment to Community Vision and Council Plan

72. The new POSC rate would enable and assist in the implementation of the adopted Open Space Strategy. This is linked to the seven priority areas of the Council Plan as detailed in the table below:

Council Plan Objective	How the Strategy will meet the objective
<p>A healthy Yarra</p> <p>1.1 <i>Maintain and enhance Yarra's open space network to meet the diverse range of community uses.</i></p> <p>1.1.1 <i>Increase the amount and quality of green open space through the strategic acquisition of land, the conversion of urban land to open space and/or the creation of pocket parks in high density areas.</i></p> <p>1.1.2 <i>Develop an open space strategy to ensure Yarra's public open space is managed as a functional network that encourages shared use and active living.</i></p> <p>1.1.3 <i>Undertake community education to promote understanding and greater acceptance of multiple use infrastructure including open space.</i></p>	<p>Upgrade existing open spaces to encourage the community outdoors to exercise and socialise in them.</p> <p>Provide additional public open space so that everyone lives and works within a safe and easy walk to open space.</p> <p>Encourage greening of open space so open space contributes to urban cooling.</p> <p>Protect and improve habitat and biodiversity values of open space including along the waterway corridors and across the network where appropriate.</p>
<p>An inclusive Yarra</p> <p>2.1 <i>Build resilience by providing opportunities and places for people to meet, be involved in and connect with their community</i></p>	<p>Open space is for everyone in Yarra's diverse community, including all ages, abilities and cultures.</p> <p>Open space is accessible to everyone and requires no membership of an organisation or payment to use it.</p> <p>Everyone lives and works within a safe and easy walk of open space.</p>

Council Plan Objective	How the Strategy will meet the objective
<p>A sustainable Yarra</p> <p><i>3.1 Investigate strategies and initiatives to better manage the long term effects of climate change.</i></p> <p><i>3.5 Promote responsible water usage and practices.</i></p> <p><i>3.7 Investigate strategies and initiatives to improve biodiversity.</i></p>	<p>Encourage use of sustainable materials in open space.</p> <p>Maximise urban greening.</p> <p>Protect and improve habitat and biodiversity values of open space including along the waterway corridors and across the network where appropriate.</p>
<p>A liveable Yarra</p> <p><i>4.3 Plan, promote and provide built form and open space that is accessible to all ages and abilities.</i></p>	<p>Identify the need for and areas where new open space is required in response to the <i>Yarra Housing Strategy 2018</i> and the <i>Yarra Spatial Economic and Employment Strategy 2018</i>.</p> <p>The design guidelines require the inclusion of sustainable water re-use and urban greening including additional large canopy trees to promote the role of open space in mitigating urban heat island effect.</p>
<p>A prosperous Yarra</p> <p><i>5.2 Strengthen and monitor land use change and economic growth including new and emerging economic clusters.</i></p> <p><i>5.4 Develop Innovative Smart City solutions in collaboration with government, industry and community that use technology to embrace a connected, informed and sustainable future.</i></p>	<p>Open space is able to attract employees and visitors to Yarra, increasing visitation and economic activities.</p> <p>The actions in the proposed Strategy are costed and form the basis of the open space contribution rate that is included in the Strategy.</p> <p>Growth projections will be monitored over the life of the Strategy. Recommendations may shift as required depending on changes in projected growth.</p> <p>The Strategy provides certainty for Council, the community and developers regarding the location and type of new open space that is required over the 10 year timeframe of the Strategy.</p> <p>Smart City solutions (use of technology) will be considered and applied to the development of new open space and linear trails where applicable.</p>
<p>A connected Yarra</p> <p><i>6.5 Develop and promote pedestrian and bicycle infrastructure that encourages alternate modes of transport, improves safety and connectedness.</i></p>	<p>Strengthen the linear connections and sustainable transport options to open space sites.</p> <p>Shared trails are safe and able to be used by a range of community members.</p> <p>Open space sites will be easy to walk to through a safe and amenable street network.</p> <p>Provide bike parking facilities at key open space sites.</p> <p>Enhance the biodiversity corridors in Yarra.</p>

Council Plan Objective	How the Strategy will meet the objective
<p>A leading Yarra</p> <p><i>7.4 Ensure Council services are efficient, well-planned, accessible, and meet community needs.</i></p> <p><i>7.5 Provide the community with meaningful and genuine opportunities to contribute and participate in Council planning and decision making processes with a focus on young people, hard to reach and traditionally underrepresented communities.</i></p> <p><i>7.8 Continue a 'customer centric' approach to all service planning and delivery.</i></p> <p><i>7.9 Advocate for the best interests of our community.</i></p>	<p>The proposed Strategy is based on community engagement feedback and best practice provision of open space and facilities in established areas and higher density precincts.</p> <p>The community will be engaged on a project basis during the implementation of the Strategy and their responses and experiences will form the base of future planning and design work.</p> <p>Community satisfaction standards will be measured through the <i>Annual Customer Satisfaction Survey</i>.</p>

Climate emergency and sustainability implications

- 73. The new POSC rate would support the implementation of the adopted Open Space Strategy.
- 74. Many Council strategies will achieve their sustainability actions through the open space network. This includes:
 - (a) developing biodiversity corridors;
 - (b) creating opportunities for sustainable water management; for example, through passive irrigation or storm water harvesting; and
 - (c) reducing the urban heat island effect by creating more permeable surfaces in parks which also provides the opportunity to plant larger canopy trees that cannot always be achieved through the streetscape network.

Climate Emergency Implications

- 75. The new POSC rate would support implementation of the Strategy and allow mitigation measures to be built into Yarra’s infrastructure and provide long term positive environmental impacts.

Community and social implications

- 76. Yarra’s open space network provides a setting where the diverse community can converge and socialise if they choose to in a free, safe and welcoming environment, in a number of different ways.
- 77. The open space network provides varied opportunities for childhood development and growth. Being outdoors is an important part of early years learning.
- 78. Measures to manage perceptions of safety and equity across the open space network needs to be managed through the ongoing implementation of the Strategy and also aligned to the directions of many other relevant Council strategies.
- 79. There a number of key Council strategies and policies that are important companion documents for the enhancement, safety and recreation in open space areas for the community and the environment - for instance, the Urban Forest Strategy, Climate Action Plan, draft Nature Strategy, strategies under preparation by Council’s recreation team and also related community wellbeing related strategies.
- 80. These collective strategies and policies will be considered by the organisation when considering various matters including the planning, improvement and provision of new open spaces in the municipality.

Economic development implications

81. A new POSC rate in the Yarra Planning Scheme would apply to both commercial and residential development, but would mainly affect general residential development and provide greater funding in order to meet the community's open space needs.
82. It is noted that an increase in the contribution rate would be an additional cost on development and may affect some development proposals.
83. Overall the evidence used in developing the Strategy demonstrates the need for an increased contribution rate in order to meet the additional community needs resulting from development.

Human rights and gender equality implications

84. The upgrade and improvement of the open space network through the application of the new POSC rate would provide support to the Yarra community and enhance their quality of life and liveability of the City.

Operational analysis

Financial and resource impacts

85. A new POSC rate incorporated into the *Yarra Planning Scheme*, would provide an increased revenue stream for Council to deliver the projects listed in the Strategy in order to meet the needs of the population on whose behalf they are collected.
86. The Amendment would also allow the levy to be applied to residential and non-residential developments instead of restricting it to only residential developments.
87. Overall, the projects in the Open Space Strategy would need to be funded from a mix of general rates revenue, grants and the public open space contribution rate.

Legal Implications

88. The due process for a planning scheme amendment with multiple submissions is to for the Council to seek a Planning Panel in order to allow all submitters to be heard by the Panel and the Panel to then provide an analysis of the submissions back to Council for its consideration.

Conclusion

89. The POSC rate is strategically justified and based on the costed implementation plan in the adopted Open Space Strategy, as well as the growth projections for the residential and employment community to 2031.
90. A single citywide rate is the most appropriate for Council to apply in order to ensure an equitable POSC rate is applied when land is subdivided in Yarra.
91. Given the change in the patterns of use of open space since the development of the 2006 Strategy, the POSC rate would be used to enable and support the open space requirements of both the residential and employment community and be applied to all subdivisions in Yarra.
92. It is recommended that Council resolve to refer all submissions to an independent Planning Panel for consideration and a report back to Council.

RECOMMENDATION

1. That Council:
 - (a) note and consider all submissions made on or before the last date of exhibition of Amendment C286yara to the Yarra Planning Scheme, in accordance with section 22(1) of the of the *Planning and Environment Act 1987* (Vic);
 - (b) note the officer report and Attachments 1-3 in relation to the Amendment;
 - (c) in relation to all submissions which were considered by Council, refer those submissions to an independent Planning Panel appointed by the Minister under Part 8 of the Act in accordance with section 23 of the Act;
 - (d) authorise officers to consider any further late or modified submissions received prior to a hearing by a Planning Panel appointed by the Minister under Part 8 of the Act and determine whether to refer any late submissions to the independent Planning Panel;
 - (e) authorise officers to engage a legal team and appropriate experts to make submissions to the Planning Panel, adopting a position of advocacy for the Amendment, including requesting recommendations from the Planning Panel for any proposed changes or revisions to the exhibited Amendment, generally in accordance with the officer report, officer recommendations and Attachments 1-3;
 - (f) authorises officers to write to all submitters to Amendment C286yara to advise of the Council resolution; and
 - (g) receive a further report after the Panel Report is received from Planning Panels Victoria to enable further consideration of the Amendment by Council.

Attachments

- 1 Response to submissions v1.1
- 2 Yarra C286 Notice of Preparation of an Amendment Exhibition Final
- 3 Yarra C286yara - Amendment documents shortened

9.1 Notice of Motion No.13 of 2021 - Parklets

Reference	D21/143321
Author	Ivan Gilbert - Group Manager Chief Executive's Office
Authoriser	Group Manager Chief Executive's Office

I, Councillor Stephen Jolly, hereby give notice that it is my intention to move the following motion at the Ordinary Meeting of Council to be held on 19 October 2021:

“That in the matter of Council’s resolution of 5 October 2021 concerning the Parklet Policy and Design Guidelines, namely:

1. *“That Council notes:*
 - (a) *the current Council permission for the temporary parklets expires on 31 October 2021;*
 - (b) *that on 1 June 2021, Council requested officers to prepare a further report providing analysis of the temporary program and bring forward a recommended policy position for a more permanent outdoor dining program, and*
 - (c) *that the current waiver of any parklet fees is until end December 2020, as well as the current waiver of footpath trading fees for the same period in order to assist hospitality traders.*
2. *That Council notes:*
 - (a) *the officers report recommending a Parklet Policy and Design Guidelines for a permanent program for parklets;*
 - (b) *the proposed Parklet Policy and Guidelines as shown in Attachment 1; and*
 - (c) *that the Parklet Policy and Guidelines have had due regard to safety aspects and streetscape and amenity aspects in their formulation, and in this regard, note that officers have considered the opinions of two Road Safety Auditors for the design of a typical parklet layout.*
3. *That Council adopt the Parklet Policy and Design Guidelines as outlined in Attachment 1.*
4. *That in relation to fees for parklets, Council notes the following recommendations from officers:*
 - (a) *that the fees be structured in a three tier arrangement, on a per carspace used basis, regarding ‘Primary Streets’ (being Smith Street, Brunswick Street and Gertrude Street) , ‘Secondary Streets’ (being Langridge Street and Peel Street and similar streets) and ‘Neighbourhood’ Streets (such as Highett Street and similar streets);*
 - (b) *that an ‘annual covid recovery fee’ for a parklet (per carspace) be set against these street categories, reflecting some worth of the public land to be occupied by a local business in these streets, and then reviewed in the 23/24 budget;*
 - (c) *that the ‘annual covid recovery fee’, per carspace taken up by a parklet, be as follows:*
 - (i) *Primary Streets; \$ 5,000;*
 - (ii) *Secondary Streets; \$ 3,000; and*
 - (iii) *Neighbourhood Streets; \$ 2,250; and*
 - (d) *that fees for annual parklets in year 1 provide a discounted fee of 25 % from the covid recovery fee in recognition of the difficulty that hospitality traders are experiencing during the current pandemic;*
 - (e) *that the determined fee be also waived until 1 April 2022, due to the ongoing pandemic period for some months which will continue to impact on hospitality traders;*
 - (f) *that the summer period parklet permit behalf of an annual parklet fee; and*

(g) that an ‘application and inspection fee’ of \$ 275 be applied for a parklet application processing and monitoring payable for both an annual parklet permit fee and a summer parklet permit from 1 November 2021.

5. That Council now determine that the fee for annual parklet permits, on a per carspace basis, be as follows:

Street category	1 Nov 2021 to 31 March 2022	1 April 2022 to end Sept 2022 period <i>(that is, 6 mths fee per carspace) at a 25 % discounted rate from the ‘covid recovery fee’</i>	1 October 2022 to 30 September 2023 period <i>(the ‘covid recovery fee’)</i>	For the 1 October 2023 to 30 Sept 2024 period
	Fee per carspace	Fee per carspace	Fee per carspace	Fee per carspace
Primary Streets <i>(Smith St, Brunswick St and Gertrude St only)</i>	No fee	\$ 1,875	\$ 5,000	To be determined by the Council 23/24 budget process
Secondary Streets <i>(examples include Peel St and Langridge St)</i>	No fee	\$ 1,125	\$ 3,000	To be determined by the Council 23/24 budget process
Neighbourhood Streets <i>(example Groom St and Highett St)</i>	No fee	\$ 844	\$ 2,250	To be determined by the Council 23/24 budget process

6. That the summer parklet permit fee be one half of the annual parklet permit fee, but fully waived for the 21 / 22 summer period.
7. That Council apply an application and inspection fee of \$ 275 per parklet application, and that it be payable from 1 November 2021 to cover the costs of administering the permissions and inspections.
8. That officers write to all existing parklet operators advising of the new Parklet Policy and Guidelines, and also of the Council determination regarding fees.
9. That if there is a further lock down prior to 1 April 2022, the Council reconsider its approach to parklet fees and waivers, as it has done multiple times in 2021.
10. That Council discontinue the funding of safety bollards by Council from 1 November 2021 and require the traders to continue to pay for the leasing of the blocks.
11. That the CEO be authorised to operationalise these determinations of Council.”

1. Council note the correspondence now received from the Hon. Jaala Pulford MP, Minister for Small Business and Minister for Employment on behalf of the Victorian Government and the many struggling cafes, pubs and restaurants in the Yarra local government area:

- (a) referencing Council’s resolution;
- (b) noting that small business has shouldered a heavy burden through the COVID-19 pandemic and that while governments at all levels have experienced revenue decline, this does not compare with the profound drop in turnover that has hit so many in the private sector - with hospitality particularly impacted;

- (c) noting the State Government has provided in excess of \$11 billion in support to Victorian businesses and established a commercial rent relief scheme to give them the best chance to come through the pandemic;
 - (d) noting the State has gone to great lengths to assist the hospitality sector in finding ways to trade profitably and in a COVID-safe manner and which included last year, the *\$87.5 million Outdoor Eating and Entertainment Package 2020-21* and further, that the State is currently developing options to further support outdoor dining, events and trade;
 - (e) referencing that Yarra Council's decision to charge exorbitant fees for expanding outdoor dining into its car-parking spaces undermines these efforts and is also a blow to hard-working businesses, and their staff, at a time when governments at all levels should be doing everything within our power to assist them to survive and return to prosperity;
 - (f) suggesting that the opening up of Council space to small business at nominal or no cost will benefit owners, employees and their customers in so many ways, including, that:
 - (i) with less cars on the streets; and
 - (ii) more residents and visitors enjoying the sense of community that outdoor dining fosters, and businesses thriving once again,there is so much more to be gained from amending this policy than using it to extract fees from those who can least afford to pay them; and
 - (g) urging Council to reconsider its position in this matter.
2. Council, having regard to the above outlined information, now determine to review and consider all fees related to Parklets at the March Council Meeting in 2022 and to in the meantime, seek discussions with the State Government concerning assistance in the matter of Parklets.

RECOMMENDATION

That in the matter of Council's resolution of 5 October 2021 concerning the Parklet Policy and Design Guidelines, namely:

1. *That Council notes:*
 - (a) *the current Council permission for the temporary parklets expires on 31 October 2021;*
 - (b) *that on 1 June 2021, Council requested officers to prepare a further report providing analysis of the temporary program and bring forward a recommended policy position for a more permanent outdoor dining program, and*
 - (c) *that the current waiver of any parklet fees is until end December 2020, as well as the current waiver of footpath trading fees for the same period in order to assist hospitality traders.*
2. *That Council notes:*
 - (a) *the officers report recommending a Parklet Policy and Design Guidelines for a permanent program for parklets;*
 - (b) *the proposed Parklet Policy and Guidelines as shown in Attachment 1; and*
 - (c) *that the Parklet Policy and Guidelines have had due regard to safety aspects and streetscape and amenity aspects in their formulation, and in this regard, note that officers have considered the opinions of two Road Safety Auditors for the design of a typical parklet layout.*
3. *That Council adopt the Parklet Policy and Design Guidelines as outlined in Attachment 1.*

4. That in relation to fees for parklets, Council notes the following recommendations from officers:
- (a) that the fees be structured in a three tier arrangement, on a per carspace used basis, regarding 'Primary Streets' (being Smith Street, Brunswick Street and Gertrude Street) , 'Secondary Streets' (being Langridge Street and Peel Street and similar streets) and 'Neighbourhood' Streets (such as Highett Street and similar streets);
 - (b) that an 'annual covid recovery fee' for a parklet (per carspace) be set against these street categories, reflecting some worth of the public land to be occupied by a local business in these streets, and then reviewed in the 23/24 budget;
 - (c) that the 'annual covid recovery fee', per carspace taken up by a parklet, be as follows:
 - (i) Primary Streets; \$ 5,000;
 - (ii) Secondary Streets; \$ 3,000; and
 - (iii) Neighbourhood Streets; \$ 2,250; and
 - (d) that fees for annual parklets in year 1 provide a discounted fee of 25 % from the covid recovery fee in recognition of the difficulty that hospitality traders are experiencing during the current pandemic;
 - (e) that the determined fee be also waived until 1 April 2022, due to the ongoing pandemic period for some months which will continue to impact on hospitality traders;
 - (f) that the summer period parklet permit be half of an annual parklet fee; and
 - (g) that an 'application and inspection fee' of \$ 275 be applied for a parklet application processing and monitoring payable for both an annual parklet permit fee and a summer parklet permit from 1 November 2021.
5. That Council now determine that the fee for annual parklet permits, on a per carspace basis, be as follows:

Street category	1 Nov 2021 to 31 March 2022	1 April 2022 to end Sept 2022 period <i>(that is, 6 mths fee per carspace) at a 25 % discounted rate from the 'covid recovery fee'</i>	1 October 2022 to 30 September 2023 period <i>(the 'covid recovery fee')</i>	For the 1 October 2023 to 30 Sept 2024 period
	Fee per carspace	Fee per carspace	Fee per carspace	Fee per carspace
Primary Streets <i>(Smith St, Brunswick St and Gertrude St only)</i>	No fee	\$ 1,875	\$ 5,000	To be determined by the Council 23/24 budget process
Secondary Streets <i>(examples include Peel St and Langridge St)</i>	No fee	\$ 1,125	\$ 3,000	To be determined by the Council 23/24 budget process
Neighbourhood Streets <i>(example Groom St and Highett St)</i>	No fee	\$ 844	\$ 2,250	To be determined by the Council 23/24 budget process

6. *That the summer parklet permit fee be one half of the annual parklet permit fee, but fully waived for the 21 / 22 summer period.*
 7. *That Council apply an application and inspection fee of \$ 275 per parklet application, and that it be payable from 1 November 2021 to cover the costs of administering the permissions and inspections.*
 8. *That officers write to all existing parklet operators advising of the new Parklet Policy and Guidelines, and also of the Council determination regarding fees.*
 9. *That if there is a further lock down prior to 1 April 2022, the Council reconsider its approach to parklet fees and waivers, as it has done multiple times in 2021.*
 10. *That Council discontinue the funding of safety bollards by Council from 1 November 2021 and require the traders to continue to pay for the leasing of the blocks.*
 11. *That the CEO be authorised to operationalise these determinations of Council.”*
1. Council note the correspondence now received from the Hon. Jaala Pulford MP, Minister for Small Business and Minister for Employment on behalf of the Victorian Government and the many struggling cafes, pubs and restaurants in the Yarra local government area:
 - (a) referencing Council’s resolution;
 - (b) noting that small business has shouldered a heavy burden through the COVID-19 pandemic and that while governments at all levels have experienced revenue decline, this does not compare with the profound drop in turnover that has hit so many in the private sector - with hospitality particularly impacted;
 - (c) noting the State Government has provided in excess of \$11 billion in support to Victorian businesses and established a commercial rent relief scheme to give them the best chance to come through the pandemic;
 - (d) noting the State has gone to great lengths to assist the hospitality sector in finding ways to trade profitably and in a COVID-safe manner and which included last year, the *\$87.5 million Outdoor Eating and Entertainment Package 2020-21* and further, that the State is currently developing options to further support outdoor dining, events and trade;
 - (e) referencing that Yarra Council’s decision to charge exorbitant fees for expanding outdoor dining into its car-parking spaces undermines these efforts and is also a blow to hard-working businesses, and their staff, at a time when governments at all levels should be doing everything within our power to assist them to survive and return to prosperity;
 - (f) suggesting that the opening up of Council space to small business at nominal or no cost will benefit owners, employees and their customers in so many ways, including, that:
 - (i) with less cars on the streets; and
 - (ii) more residents and visitors enjoying the sense of community that outdoor dining fosters, and businesses thriving once again,there is so much more to be gained from amending this policy than using it to extract fees from those who can least afford to pay them; and
 - (g) urging Council to reconsider its position in this matter.
 2. Council, having regard to the above outlined information, now determine to review and consider all fees related to Parklets at the March Council Meeting in 2022 and to in the meantime, seek discussions with the State Government concerning assistance in the matter of Parklets.

Attachments

There are no attachments for this report.