



# Agenda

## Council Meeting

7.00pm, Tuesday 20 July 2021

Richmond Town Hall

## Council Meetings

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

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

There are two ways you can participate in the meeting.

## Public Question Time

Yarra City Council welcomes questions from members of the community.

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

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

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

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

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

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

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

## Public submissions

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

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

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

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

## Arrangements to ensure our meetings are accessible to the public

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

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

## Recording and Publication of Meetings

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

## Order of business

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

## 1. Acknowledgment of Country

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

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

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

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

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

## 2. Attendance, apologies and requests for leave of absence

### Attendance

#### Councillors

- |                          |              |
|--------------------------|--------------|
| • Cr Gabrielle de Vietri | Mayor        |
| • Cr Claudia Nguyen      | Deputy Mayor |
| • Cr Edward Crossland    | Councillor   |
| • Cr Stephen Jolly       | Councillor   |
| • Cr Herschel Landes     | Councillor   |
| • Cr Anab Mohamud        | 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                       |

## 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 Enterprise Architecture and Technology Strategy Delivery Partner – C1571

This item is presented for consideration in closed session because it contains private commercial information, being information provided by a business, commercial or financial undertaking that relates to trade secrets or if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

This item is considered applicable because it contains information submitted as part of a competitive procurement process.

#### 5.2 Sandeman Place

This item is presented for consideration in closed session because it contains legal privileged information, being information to which legal professional privilege or client legal privilege applies.

This item is considered applicable because it contains information provided by way of advice from Council's solicitors.

#### 5.3 M9 - Draft Memorandum of Understanding (MOU)

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

This item is considered applicable because it contains information

## 6. Confirmation of minutes

### **RECOMMENDATION**

That the minutes of the Council Meeting held on Thursday 24 June 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	Yarra 2036 Community Vision	10	15	Julie Wyndham – Manager Corporate Planning and Performance
8.2	Future management of consumption of liquor in Yarra's public places	16	30	Malcolm McCall – Manager Social Strategy and Community Development
8.3	Creative and Engage Yarra 2022-2023 Grant Program Recommendations	31	34	Siu Chan – Business Unit Manager Arts, Culture and Venues
8.4	Road Management Plan 2021	35	41	Graham Davis – Manager Building and Asset Management
8.5	Yarra Push Notifications System - Update	42	44	Diarmuid McAlary – Director Corporate Business and Finance
8.6	Edinburgh Gardens Working Group	45	48	Ivan Gilbert - Group Manager - Chief Executive's Office
8.7	Yarra Planning Scheme Amendment C286 - Public Open Space Contribution Rate revised policy and notification	49	60	Michael Ballock – Executive Planner
8.8	Amendment C269 consideration of submissions and referral to Planning Panel	61	82	Fiona Van der Hoeven – Practice Leader, Strategic Planning

## 9. Notices of motion

Item		Page	Rec. Page	Report Presenter
9.1	Notice of Motion No. 5 of 2021 - Endorsing the call for a Fossil Fuel Non-Proliferation Treaty	83	84	Amanda Stone - Councillor
9.2	Notice of Motion No. 6 of 2021 - Ministerial Approval of Planning Scheme Amendment C231 - Part 2.	85	85	Amanda Stone - Councillor
9.3	Notice of Motion No. 7 of 2021 - Yarra Council Submission on Collingwood Housing Estate New Build	86	87	Amanda Stone - 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.

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## 8.1 Yarra 2036 Community Vision

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### Executive Summary

#### Purpose

To present the proposed Yarra 2036 Community Vision to Councillors for adoption.

#### Key Issues

The *Local Government Act 2020* (Act) requires Victorian Councils to adopt a Community Vision (Vision) by 31 October 2021.

A Community Vision must be developed with the community, in accordance with Council's deliberative engagement practices and Community Engagement Policy.

The Vision was developed by a representative panel of 55 Yarra community members in May 2021, working across four panel sessions (total 13 hours) to achieve this.

The Vision contains an overarching Vision Statement, eight Vision Themes and thirty Future Priorities that set out the community's vision for the future state of Yarra by 2036. A copy of the Vision is attached to this report.

Once adopted, the Vision will be promoted and communicated widely both externally and internally.

Progress on delivering the Vision will be reported through the Annual Report.

#### Financial Implications

There are no financial implications considered in this report.

#### PROPOSAL

Council adopt the Yarra 2036 Community Vision.

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## 8.1 Yarra 2036 Community Vision

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<b>Reference</b>	D21/70614
<b>Author</b>	Julie Tipene-O’Toole - Project Manager Community Vision
<b>Authoriser</b>	Director Corporate, Business and Finance

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### Purpose

1. To present the proposed Yarra 2036 Community Vision to Council for adoption.

### Critical analysis

#### History and background

2. Section 88 of the Local Government Act 2020 sets out the requirements for a Community Vision:
  - (1) A Council must maintain a Community Vision that is developed with its municipal community in accordance with its deliberative engagement practices.
  - (2) The scope of the Community Vision is a period of at least the next 10 financial years.
  - (3) A Community Vision must describe the municipal community's aspirations for the future of the municipality.
  - (4) A Council must develop or review the Community Vision in accordance with its deliberative engagement practices and adopt the Community Vision by 31 October in the year following a general election.
  - (5) The Community Vision adopted under subsection (4) has effect from 1 July in the year following a general election.
3. Work on developing the Vision was impacted by COVID-19 due to lockdowns and restrictions concerning large gatherings. The project was remapped and launched July 2020 with Stage 1 engagement with internal stakeholders.
4. Engagement with the broader community commenced in November 2020 and ended in January 2021. The results were shared with Councillors and are available to the community on Council’s Your Say Yarra engagement website.
5. Engagement with Councillors commenced as part of their induction following the election and a Community Vision Workshop in March 2021.
6. Recruitment of a randomly selected community panel was completed in April 2021 and the panel worked on developing the Vision from 6<sup>th</sup> to 22<sup>nd</sup> May 2021. Panel feedback gathered through evaluation activities demonstrated the process was a positive experience for many Panel members.

*“It was an honour to participate in this process, hoping that participatory democracy is used for more decision-making processes in the future”. – panel member*

*“A great experience. I’ve made connections and I’m a better citizen”. – panel member*
7. Councillors made the following commitment to the panel:

*We commit to receiving this vision and adopting it as you provide it.*

*The aspirations and priorities you identify will inform our strategic planning including, but not limited to, our four-year council plan and long term financial and asset plans.*

*We will continue to work in partnership with our community to see this Vision achieved.*

### Discussion

8. The vision scope for Yarra 2036 Community Vision is 15 years, the minimum requirement is 10 years.
9. The Vision was developed by a community panel comprising fifty-five people.
10. Observations by Mollie Rashleigh, lead facilitator, Capire Consulting include:
  - “Participants worked incredibly hard and tried their best to keep the energy up”*
  - “The deliberations were respectful and navigated different views and values well to find common ground”*
  - “Participants took onboard the responsibility to ensure the work reflected their collective voice”*
11. The Vision contains an overarching Vision Statement describing the future state of Yarra by 2036, eight Vision Themes or key focus areas and thirty Future Priorities that set out the community’s vision for Yarra for the next fifteen years.
12. The Future Priorities represent the aspirations for the municipal community as developed by the panel and meet the requirements for a Community Vision in The Act.
13. Once adopted, the Vision will be promoted widely and will be supported by a communications program that includes translating the Vision into the key language groups of those represented on the community panel. The detailed communications program is provided as Attachment 2.
14. Section 89(2)(b) of The Act states that “strategic planning must address the Community Vision”. The Council Plan 2021-25 is currently being developed and is a key strategic plan under this provision of The Act.
15. The Council Plan 2021-25 will be adopted by 31 October 2021, ensuring adequate time and consideration is given to address community priorities identified in the Vision.
16. Progress on delivering the Vision will be reported through the Annual Report.

### Options

17. There are no options considered in this report.

### Community and stakeholder engagement

18. The Community Vision is the product of a two-staged engagement approach, which started with broad community engagement in November 2020 and ended with deliberative engagement in May 2021.
19. 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.
20. 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 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 the 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 were provided clear direction on the scope at the EOI 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."; and
  - (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.
- (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) Sufficient 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 at the workshop in March 2021 identified a high level of influence, appropriate to deliberative engagement; Collaborate/ Empower on the IAP2 spectrum of engagement.

21. A commitment was provided to the panel that the Community Vision would be received and adopted, as provided by the panel, without changes.

## Policy analysis

### Alignment to Council Plan

22. The Vision identifies the long-term aspirations and priorities of the community and provides a future lens to guide all planning and decision making for Council and the community.
23. The Vision will guide and inform the next Council Plan in accordance with Section 89 of the Act that relates to strategic planning principles.
24. The Act states that the Council Plan must address the Community Vision.

### Climate emergency and sustainability implications

25. The Vision contains:
- (a) Vision Theme 4 - Environmental Sustainability; and
  - (b) Vision Theme 7 - Shared Spaces.

### Community and social implications

26. The Vision contains:
- (a) Vision Theme 1 - Strong and Vibrant Community;
  - (b) Vision Theme 3 - Community Safety;
  - (c) Vision Theme 5 - Social Equity;
  - (d) Vision Theme 7 - Shared Spaces; and
  - (e) Vision Theme 8 - Growing Sustainably.

### Economic development implications

27. The Vision contains:
- (a) Vision Theme 6 - Thriving Local Economy; and
  - (b) Vision Theme 7 - Shared Spaces.

### Human rights and gender equality implications

28. The Vision contains:
- (a) Vision Theme 1 - Strong and Vibrant Community;
  - (b) Vision Theme 2 - Shared Governance; and
  - (c) Vision Theme 5 - Social Equity.

## Operational analysis

### Financial and resource impacts

29. There are no financial and resource impacts considered in this report.

### Legal Implications

30. The Vision has been prepared in accordance with the *Local Government Act 2020*.

## Conclusion

31. The Yarra 2036 Community Vision complies with all requirements of the Act.

32. Council has satisfied the legislative requirements for developing a Community Vision and is now in a position to adopt the Yarra 2036 Community Vision.

33. A copy of the Vision is attached to this report.

## RECOMMENDATION

1. That:
  - (a) Council adopt the Yarra 2036 Community Vision.

## Attachments

- 1 Yarra 2036 Community Vision
- 2 Community Vision Communications Program

## 8.2 Future management of consumption of liquor in Yarra's public places

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### Executive Summary

#### Purpose

To present Council with information and options for managing the consumption of liquor in public places in Yarra once the existing law sunsets on 19 October 2021, and to seek Council's endorsement on a preferred option to proceed to broad community engagement on the details of that approach.

#### Key Issues

This report builds upon consultation and research into the consumption of liquor in Yarra's public places presented to Council on 30 March 2021. In that report, officers presented information from an extensive consultation undertaken with Yarra's Aboriginal and Torres Strait Islander community and other affected communities impacted by the local law. The report also provided research into responses to the public consumption of liquor by state and local governments and the experiences of communities. Council resolved that officers could proceed with broader stakeholder engagement.

Across the month of April, three independently facilitated focus group style engagement sessions, plus a larger workshop session, were held with self-nominated representatives from not-for-profit community services providers (including health, social and legal services); liquor licensees and business traders; and, frontline responders (including Victoria Police, hospital emergency departments and homelessness outreach workers). The views expressed by the stakeholder groups varied widely and the opinions expressed were divergent and strong.

Local laws are a mechanism to educate and communicate expectations to community. This report presents options available to Council, and a recommendation as to how to reach an effective balance of considerations through a new local law that is targeted, nuanced to Yarra's unique context, responsible to the community and responsive to social issues and needs.

Officers note that there are time-sensitive legislative requirements for any local law to be put in place and that the current local law is set to sunset (expire) on 19 October 2021, after which time there would be no law in place to manage consumption of liquor in Yarra's public places. Any delay in proceeding to public consultation at this stage would limit the opportunity for community engagement and participation on this matter.

#### Financial Implications

Any options would need to be resourced appropriately in accordance with budget processes.

### PROPOSAL

That Council:

- (a) notes the research to date into the current alcohol policy environment and benchmarking with neighbouring municipalities;
- (b) notes that stakeholders have been engaged on the current local law, as well as considerations and options for the future management of consumption of liquor in Yarra's public places, and that this feedback is provided within this report;
- (c) notes that stakeholders appreciate Council's responsibilities to promote local amenity and community safety, recognise the negative impacts consumption of liquor local laws can have upon people experiencing vulnerability in our community and understand the need for safeguards to ensure people are not unfairly and negatively impacted;



- (d) notes that several options local laws for the management of consumption of liquor in public places have been thoroughly explored and provided herein, and that each has benefits and limitations;
- (e) notes that a draft local law and accompanying draft procedures and protocols manual have been prepared (see Attachments 2 and 3) which seek to promote public amenity and community safety – including within entertainment precincts and for major events – while supporting harm minimisation, and the exclusion from enforcement, for people who are physically, psychologically, socially, culturally or economically vulnerable;
- (f) endorses officers to proceed to undertake a broad community engagement on the draft local law and accompanying draft procedures and protocols manual attached to this report;
- (g) notes that the results of the broad community engagement will be brought back to Council in September 2021, at which time direction will be sought as to the endorsement of a final draft law and the commencement of the exhibition period statutory process; and
- (h) notes that the current local law is set to sunset (expire) on 19 October 2021, after which time there would be no law in place to manage consumption of liquor in Yarra’s public places.

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## 8.2 Future management of consumption of liquor in Yarra's public places

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<b>Reference</b>	D21/62246
<b>Author</b>	Sarah Ernst - Policy Advisor
<b>Authoriser</b>	Director Community Wellbeing

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### Purpose

1. To present Council with information and options for managing the consumption of liquor in public places in Yarra once the existing law sunsets on 19 October 2021, and to seek Council's endorsement on a preferred option to proceed to broad community engagement.

### Critical analysis

#### History and background

#### **History of the local law**

2. The current *Consumption of Liquor in Public Places Local Law 2019* replaced a previous, similar law, which was in place from 2009 to 2019 (*Local Law 8*).
3. The current Local Law restricts people from consuming alcohol or possessing an open container of alcohol in any public place in Yarra, except for public parks between 9.00am and 9.00pm. The other exceptions to the law are if a person is at a licensed venue or event. The current Local Law also specifies no consumption of alcohol in Yarra's parks from 9pm the day before New Year's Eve until 9am on New Year's Day, or from 9pm on January 25 through to 9pm on January 27.
4. As noted in the previous Council report on 30 March 2021, it is clear from feedback received that the introduction in 2009 of Yarra's first local law related to consumption of liquor in public places – *Local Law 8* – created a deep division in the community, which has continued to influence community perceptions through to the current local law, *Consumption of Liquor in Public Places Local Law 2019*. The view of Yarra's Aboriginal and Torres Strait Islander community, and from a number of representatives of local not-for-profit health, legal, social and community service providers, has consistently held that *Local Law 8* – and the subsequent but similar *Consumption of Liquor in Public Places Local Law* – is inherently prejudicial towards people who are experiencing vulnerability. This view contrasts with that of other stakeholders who are keen to see a local law in place in order to manage community safety, health and amenity issues in the municipality.
5. Officers are mindful of these diverse opinions and have sought to ensure a comprehensive consultation process is undertaken to support a balanced and responsive solution.
6. It is noted that Yarra's neighbouring and comparable municipalities all have restrictions around the consumption of liquor in public places. These restrictions are articulated through a combination of geography, time and date, and are incorporated into general or activity-based local laws. Several municipalities have additional guidelines for implementation (e.g. Port Phillip and Bayside Councils). Importantly, several notable inner-city municipalities (Darebin, Melbourne and Maribyrnong), have a local law that works by exclusion to prescribe specific areas where drinking is restricted in the municipality, instead of prescribing places where drinking is permitted. This is the inverse of the way that Yarra's current local law operates.

## Work to date

7. This report builds on a first stage of consultation and research that was presented to Council on 30 March 2021. In that report, officers informed Council of the extensive consultation undertaken with Yarra's Aboriginal and Torres Strait Islander community, as to the impact of the local law related to consumption of liquor in public places. The report also provided additional research to give context around the complexity of public consumption of liquor and the community's experiences.
8. The previous report and this report respond to Council Resolution Item 6372 on 8 October 2019. It was resolved that the current law be in place for two years during which officers were directed to undertake research, consultation and investigation of alternatives to the current local law.
9. At its meeting on 30 March 2021, Council acknowledged the research and consultation undertaken to date with regard to the impact of the current local law on Yarra's Aboriginal and Torres Strait Islander community. Council resolved to support the following lines of enquiry for broader stakeholder engagement:
  - (a) *Whether to allow the current Consumption of Liquor in Public Places Local Law to sunset on 19 October 2021;*
  - (b) *Whether it is appropriate to create a mechanism within a new local law or within Yarra's General Local Law 2016 that enables Council to prescribe measures to promote public health and amenity at certain places and/or certain times and/or for certain events;*
  - (c) *Whether it is beneficial or desirable to create a complementary alcohol and other drug policy, one that is referenced in any future local law and explicitly articulates Council's positions and objectives regarding community safety, health promotion and harm minimisation, including harm reduction; and*
  - (d) *How to support a local health-based response with regard to the issue of alcohol-related harm, particularly episodic, and that responds to the unique context of Yarra with its popular entertainment and night-time economy precincts, destination parks and reserves, and major public events.*
10. Further to the above, Council endorsed the statement that it:
  - (a) *acknowledges the historical distress and trauma experienced in the Aboriginal and Torres Strait Islander community and that this cannot be separated from this community's perceptions of Local Law 8, which reverberates into the Consumption of Liquor in Public Places Local Law (adopted in October 2019); and*
  - (b) *maintains its commitment to the ongoing dialogue with the Aboriginal and Torres Strait Islander community as it considers the future of local laws for the consumption of liquor in public places, and the means by which a socially just, health-based approach can be promoted.*
11. As per the direction of Council on 30 March 2021, officers broadened the consultation to include additional key stakeholders. Across the month of April, three independently facilitated focus group style engagement sessions were held, plus a larger workshop session, for self-nominated representatives of the following stakeholder groups:
  - (a) Not-for-profit community services providers (including health, social and legal services);
  - (b) Liquor licensees and business traders; and
  - (c) Frontline responders (including Victoria Police, hospital emergency departments and homelessness outreach workers).

12. Separate engagement sessions were held for each stakeholder group initially, with the aim of educating them about the complex issues to be addressed, while creating the space and time for each group to speak candidly about their own perspectives and opinions on public consumption of liquor and the impact of having or not having a law, or an alternative response. Each session involved the same information and same engagement methods.
13. Once the separate engagement sessions were undertaken, a final stakeholder workshop was held in order to bring representatives from the different groups together. The aim of this session was that participants would discuss their views and collaborate to find common ground that could be used to address the issues and challenges in deciding on future options for managing public consumption of liquor in Yarra. A final report on this engagement was prepared by the consultant and is included at Attachment 1. Participants were engaged on the basis that their opinions would not be directly attributed within reporting. Accordingly, the additional attachment that is referred to in the consultant's report, and which details workshop attendance, has not been included here so that participants may remain de-identified.
14. As has been seen during previous consultations regarding the consumption of liquor in Yarra, the views expressed by the stakeholder groups varied widely and the opinions expressed were divergent and strong.
15. Despite the considerable polarity in opinion, the facilitator noted some common ground that could inform the way that Council addresses issues arising from public consumption of liquor in Yarra. Participants recognised the safety concerns generated from major events occurring in or adjacent to Yarra (such as the AFL Grand Final) and acknowledged the challenges in managing Yarra's substantial entertainment precincts.
16. The independent facilitator described the potential common ground found among stakeholders as follows:

*'There was little opposition to a local law prohibiting consumption of liquor during public events and in the immediate vicinity of entertainment venues in the evening, providing the law was designed and enforced in such a way that it did not discriminate against vulnerable people including people who are homeless and Aboriginal people.'*
17. This report presents possible options available to Council, and a recommendation as to how to reach an effective balance of considerations in a way that is targeted, nuanced to Yarra's unique context, responsible to the community and responsive to the issues raised.

**Purpose of a local law and the need for balance**

18. Local laws are, first and foremost, ways of communicating behavioural expectations in the social context of the municipality, and it is in this that the primary intent of a local law lies.
19. Yarra's thriving entertainment economy makes it a popular destination for people from all over Melbourne, and the local law is a mechanism to educate and communicate expectations to people who visit or take up residence in the municipality.
20. There is an expectation from the community that Council will look out for their safety, while balancing any measures against the need for recognition and support of vulnerability in the population. This type of thinking is emblematic of Council's approach to complex social issues, and consumption of liquor in public places is no exception. To obtain such a balance, authorised enforcement must be nuanced, focused and context dependent – there are situations where an enforcement response is appropriate and others where it is not appropriate. In this work, officers are seeking ways to care for, not punish, people who are experiencing vulnerability.

[Discussion](#)

**What we have heard so far**

21. The issues that have been raised by stakeholders – not-for-profit community services providers (including health, social and legal services), liquor licensees and business traders, and frontline responders (including Victoria Police, hospital emergency departments and homelessness outreach workers) – are multi-faceted and complex and can be summarised as follows:

Issue	Description
<p><b>(a) Pre-loading</b></p>	<p>(i) Pre-loading, also referred to as pre-drinking, is the act of consuming alcohol prior to an evening out at a licensed venue. Another form of this is side-loading, which is the act of drinking during a night out other than at a licensed venue (e.g. when moving between venues). Reasons for this type of behaviour are usually to save money on the cost of drinks, combined with a desire to be able to drink a greater volume of alcohol. When someone has been drinking before visiting a venue, or when moving between venues, it becomes more difficult for licensees to gauge responsible alcohol intake as people become more drunk at a faster rate.</p> <p>(ii) Without a local law restricting drinking in the area near licensed venues, it is easier for people to pre-load and side-load and it becomes more difficult to manage this practice. It is also a public health consideration, not only because of the damage that excessive drinking can cause to the individual, but also because of the anti-social behaviours and/or hazards that can arise near our licensed venues in these situations. A restriction on drinking in the vicinity of licensed areas discourages the practice of pre or side loading by making it less convenient and by supporting licensees to enact responsible service of alcohol and maintain their own license restrictions, particularly close to their front doors.</p> <p>(iii) Minimising pre and side loading outside venues would also limit the possibility of alcohol-fuelled violence taking place there and provide licensees with more control over any situations that do arise in the vicinity of their licence.</p>
<p><b>(b) Unplanned alcohol-fuelled parties in Yarra parks after 9pm</b></p>	<p>(i) Yarra is fortunate to have some beautiful – and large – green open spaces, which are well used and loved by residents and visitors alike. Yarra’s proximity to central Melbourne means that these parks, much like our entertainment precincts, are destinations for outdoor gatherings, parties and events.</p> <p>(ii) While officers support well-planned events through our venues and events team and permits system, there have also been large-scale illegal parties held in our parks that have caused considerable damage to people, and to the park and surrounding area (through littering, inappropriate toileting and damage to plants, lawns, property and infrastructure).</p> <p>(iii) The advent of COVID-19 has resulted in considerably increased demand on open public spaces such as parks, which in turn has led to a greater need to effectively manage major events (both formal and informal), navigate contested space, and reduce risk to the community (such as reduce the risk of assault, sexual assault, hospitalisation and other health impacts).</p>
<p><b>(c) Tourism and large-scale events and holidays</b></p>	<p>(i) It is essential that Yarra has a mechanism to effectively communicate with the visitors and the community about behavioural expectations in regard to safety, health and amenity issues, particularly on occasions that see a huge influx of visitors to the city’s entertainment precincts.</p>

	<p>(ii) Previously there have been safety and amenity concerns in relation to people consuming liquor on, in and around Swan Street after leaving the Melbourne Cricket Ground, particularly during the AFL finals period, and there have also been safety and amenity issues requiring expensive clean-up and security measures in Yarra’s parks as a result of illegal dance parties (with recorded crowds of up to 15,000 people).</p>
<p><b>(d) Responsibility to the community</b></p>	<p>(i) It was strongly felt by the Aboriginal and Torres Strait Islander community and some stakeholders that people with chronic health issues, and/or who are experiencing homelessness, should not be a target of any local law regarding consumption of liquor in public places.</p> <p>(ii) Primary and secondary health service providers have advised that local laws generally do not impact behaviours of people in this cohort and that enforcement can create barriers to accessing services.</p> <p>(iii) Further to this, community legal services advocated that the local law could potentially result in negative interactions with law enforcement that can easily escalate and result in a potentially avoidable criminal offence.</p>
<p><b>(e) Risk to children and other vulnerable groups in the vicinity of community facilities</b></p>	<p>(i) When people are consuming alcohol on the street immediately outside facilities that provide services to families and children, it creates barriers to people accessing these essential services due to both real and perceived safety (and sometimes amenity) issues. While situations such as this are complex and must be handled respectfully, being able to clearly define an area where there is an expectation of safety is an important tool in navigating the situation. It supports officers to communicate these expectations to street drinkers and also work with support services, police, and other areas of Council (such as Urban Design) to find alternative space and solutions for sharing contested public spaces.</p>

22. From stakeholder feedback, it is evident that:

- (a) There is a need for some type of regulation of consumption of liquor in public places in Yarra that supports response to and prevention of the risks inherent in alcohol consumption at large scale events and occasions;
- (b) Council has a responsibility to ensure that people experiencing vulnerability are not unduly impacted by a local law and that they have access to support services;
- (c) Any local law must be proportional in its response to the issues it seeks to address and clearly articulate Council’s social commitment to harm minimisation by addressing people experiencing vulnerability with respect, care and compassion;
- (d) Council must recognise that it has the largest night-time economy in Victoria outside of the capital city and ensure that there are regulations in place to support the responsible service of alcohol and minimise dangerous anti-social behaviours; and
- (e) Communicating how visitors and residents are expected to behave while using Yarra’s shared public spaces and entertainment precincts is key to both the purpose and success of any local law.

Options

23. Consumption of liquor in public places, which are often contested spaces used in different ways by different parts of the community, is a matter of great complexity and sensitivity, and there is no singular option that can address all issues at hand. Each option carries its own risks, whether that be in terms of easing or heightening restrictions, ease and methods of enforcement, reputational risk, or prioritisation of different community needs and opinions. Having considered the matter from many angles and perspectives, it is evident that there is no ‘neat’ or ‘flawless’ solution possible.

24. The concerns that a solution seeks to address are:
- (a) Managing large-scale events and crowds;
  - (b) Protecting the night-time economy;
  - (c) Managing parks and gardens;
  - (d) Promoting public amenity and community safety; and
  - (e) Seeking ways to care for, not punish, people who are experiencing vulnerability.
25. Consumption of liquor in public places refers to any alcohol that is consumed while someone is situated beyond the boundary of a private residence, or a regulated licensed premises/festival/event.
26. **Option 1: A new and balanced approach (recommended):**
- (a) Alcohol policy has evolved in the past 12 years, and now requires a responsive, targeted approach, with environmental measures aimed at supporting the individual as well as the community;
  - (b) When Council first introduced Local Law 8 in 2009, alcohol policy was focussed on intoxication and enforcement, guided by the *National Alcohol Strategy 2006–2009*. Since that time, there has been considerable research and evidence demonstrating the need to balance community safety and amenity with improved options for treatment, support and rehabilitation. This innovation, which is articulated in the current *National Alcohol Strategy 2019–2026* is guiding policy focus towards harm minimisation;
  - (c) This change in policy focus is reflected at a state level in the current government's reforms of Victoria's *Summary Offences Act*, which moves from a punitive approach to public drunkenness to a focus on harm minimisation and responsive health promotion;
  - (d) In consideration of this changing policy environment, and particularly the feedback received so far from a range of stakeholders who hold divergent opinions, officers have devised and recommend that Council pursue an option that will balance the responsibilities for which a local law is required, with a harm minimisation approach that actively recognises and responds to the needs of community members who are experiencing vulnerability;
  - (e) This option is substantially different from the current local law, involving social considerations, and having carefully designed restrictions aimed squarely at specific health and safety concerns; and
  - (f) This balanced option involves the following principles and measures, which are articulated also in Attachment 2 and 3:
    - (i) ***Finding a balanced meeting point that has a local law with a very different approach to the existing law. This would be more targeted and nuanced, with a holistic view that acknowledges the importance of social considerations;***
    - (ii) A draft local law and accompanying draft procedures and protocols manual have been prepared to illustrate this option and are attached to this report (Attachment 2);
    - (iii) The functional component of the law would be incorporated into Yarra's General Local Law (as opposed to it being standalone as it currently is, which is unlike any other municipality);
    - (iv) The provisions in the General Local Law would begin with a Statement of Intent regarding the importance of not applying penalties to people who are physically, psychologically, socially, culturally or economically vulnerable;

- (v) Along with the Statement of Intent, a procedure and protocols manual for application of the law would specifically include the necessity to offer alternative health support where someone has a vulnerability due to mental or physical health issues, or socio-economic circumstance;
- (vi) There would be Chief Executive Officer delegation to be responsive to situations as they arise in exceptional circumstances. This delegation is only to be invoked where it is evident that there is an extraordinary and imminent risk to public safety related to consumption of liquor in a public place. The Chief Executive Officer must not make a prescription without first complying with the Procedure and Protocols Manual (see Attachments 2 and 3);
- (vii) Perhaps most importantly, this draft law would operate as the *inverse* of the current law. Currently there is a blanket restriction that bans the consumption of alcohol across the entire municipality except at certain times in Yarra's parks and gardens. This law would instead specify targeted areas where there would be restrictions on drinking, while allowing responsible drinking generally;
- (viii) This inverse approach is more nuanced, more responsive to community feedback, it ensures that Council is more transparent and accountable as to where and why restrictions are in place, and it better aligns with the common practices in neighbouring municipalities:
  - Responsible drinking would be generally allowed throughout the municipality with the following exceptions:
    - a. In municipal parks and reserves between 9pm and 9am (same as current law);
    - b. On a footway or in a public car park within 10 metres of the boundary of any area which is licensed under the *Liquor Control Reform Act 1998* (benchmarked to non-smoking laws);
    - c. Within 10 metres of a pedestrian entrance to an aquatic or leisure centre, a public library, a Maternal and Child Health Centre, a play centre, a child care centre, a pre-school, a school or any other building or structure used predominantly for the purpose of providing services to families or children, whether the person is on a footway or not; and (benchmarked to non-smoking laws);
    - d. From 9pm on the day immediately preceding AFL Grand Final Day to 9am on the day immediately following AFL Grand Final Day, in the area around Swan Street, Cremorne and Richmond, defined as being bounded by Punt Road in the West, Church Street in the East, Tanner Street and Gipps Street in the North and the railway line leading into and out of East Richmond Station in the South (i.e. Friday evening to Sunday morning of the AFL Grand Final weekend); and
    - e. From 9pm on 30 December to 9am on 1 January in any public place.

**27. Option 2: Keeping the law as it is (not recommended):**

- (a) The current and previous local laws have been simple to communicate and straight forward to enforce, but as we have heard, this has caused considerable stress and harm for our Aboriginal and Torres Strait community;
- (b) It is clear from looking at the laws in neighbouring municipalities that there are more nuanced approaches that can be used to manage consumption of liquor in public places more responsively and with greater sensitivity to diverse community needs. In this respect, it appears that relative complexity – where it results in a better outcome for the community – is required to cultivate a more contemporary and perceptive response;
- (c) The current law is straightforward and comprehensive, making it clear to communicate, and offering ease of application;



- (d) Since 2009, public policy on alcohol and other drug issues has progressed and now has a deliberate emphasis on harm reduction and provision of supportive services;
- (e) Introduction of the current local law in 2019, and prior to that in 2009, caused in a deep divide in community opinion and sentiment, which would continue to resonate through the local law if retained in its current form;
- (f) In 2019, Council requested that officers investigate alternative options to the law in its current form, and benchmarking has shown that there are alternative approaches to public consumption of liquor bylaws that would be more nuanced, targeted and holistic than the current law;
- (g) It is clear from looking at the laws in neighbouring municipalities that there are options and tools to manage consumption of liquor in public places with a more holistic view than blanket enforcement, balancing this mechanism with a deliberative focus on harm minimisation;
- (h) A different, more contemporary and refined response is necessary for the unique Yarra context, particularly when considering the perspectives and experience of the Aboriginal and Torres Strait Islander community and other key stakeholders; and
- (i) To continue the current law without change would be to disregard the impact on individual vulnerability and the experiences that we know people in our community have had in relation to this law to date and is not a progressive stance on best practice alcohol policy.

28. **Option 3: Have no local law at all (not recommended):**

- (a) During the first two stages of consultation and research on this matter, officers heard detailed viewpoints as to why it would be better for – and why it is preferred by – some parts of the community to have no local law;
- (b) However, without a local law, there is no legal basis to convey the municipality's behavioural expectations in conversation with the community and its many visitors. The lack of consequence could result in Yarra becoming a known drinking 'hot spot' as all the surrounding municipalities have a local law to regulate consumption of liquor in public places;
- (c) Victoria Police has advised that having no local law would restrict its capacity to respond to escalating situations and safety concerns involving consumption of alcohol in Yarra's public places. Having no local law would also result in difficulty for Yarra's licensees enforcing responsible service of alcohol requirements and controlling anti-social behaviour and amenity outside of their venues in the city's busy entertainment precincts;
- (d) While having no law is not recommended due to the need for a legal mechanism to ensure that Council is able to manage its responsibility for community safety, amenity and public health, officers note Council's acknowledgement of the historical distress and trauma experienced in the Aboriginal and Torres Strait Islander community and that this cannot be separated from this community's perceptions of Local Law 8 (2009), which reverberates into the current Consumption of Liquor in Public Places Local Law (2019); and
- (e) Further to this, officers note that Council maintains its commitment to the ongoing dialogue with the Aboriginal and Torres Strait Islander community about the management of consumption of liquor in public places, and the means by which a socially just, health-based approach can be promoted.

### Community and stakeholder engagement

29. Following a Council Resolution on 30 March 2021, officers began targeted engagement. An independent facilitator delivered four online workshops held with self-nominated representatives drawn from the following stakeholder groups:

- (a) Not-for-profit community service providers (community health, legal, social and community services, Aboriginal-controlled organisations);
  - (b) Activity and entertainment precincts (liquor licensees, business owners, Victorian Commission for Gaming and Liquor Regulation);
  - (c) Frontline responders (Victoria Police, hospital emergency departments representatives, outreach workers); and
  - (d) A final session including representation from all three stakeholder groups.
30. Consultation with Aboriginal and Torres Strait Islander people has already taken place through 2020 and 2021. Officers continue providing progress updates on this project through existing channels with the community.
31. Upon commencement of this work in response to resolution 6372 on 8 October 2019, officers established a steering committee of community members, stakeholders and experts with considerable combined knowledge. This group has continued to meet throughout all stages of the work to date, and conversations are ongoing. Membership includes representatives from Aboriginal and Torres Strait Islander community service providers, Department of Justice, Department of Health, Department of Families, Fairness and Housing, Victoria Police, alcohol and drug policy experts, legal services, Neighbourhood Justice Centre, health services, and outreach workers.
32. For the next stage of work, which is the broad community engagement, the public will be asked to respond to both the principles and specifics of the Council-endorsed draft option, including being asked to articulate views on the different elements forming why they do or do not support the solution. The broad community engagement will be promoted through all of Council's communication channels and networks to ensure the widest possible reach.
33. Consultation methods will include not only an online survey, promoted through Council's communications and social media channels, but also printed materials and face-to-face pop-up consultation stalls.
34. Consultation materials will be translated in accordance with Council policy and distributed to all Council-run community service interfaces, as well as through neighbourhood houses.
35. Inclusive, flexible, best practice engagement tools will be used to ensure that officers reach and listen to lesser heard voices as well as the broader community. Some of these include our Culturally and Linguistically Diverse (CALD) community, people experiencing a disability, young people, public housing residents, and older people.
36. Councillors are strongly advised that any delay in proceeding to broad community engagement at this stage would limit the opportunity for public engagement and participation on this matter.
37. It is essential that broad public opinion is sought on any local law through a consultation period of four weeks, as per Council policy, and that time is then allowed to make any required amendments to a proposed draft law.
38. Following broad community engagement, there must be time to analyse the feedback provided by the public, and incorporate this into a final draft. Then there must be a public notice provided to the broader community through wide advertisement that a final draft has been created and is intended to become a local law.
39. Each of the above steps reflects best practice, exceeds the requirements of the *Local Government Act 2020* and meets the standards set by the *Yarra City Council Community Engagement Policy 2020*. Should Council endorse the recommendation, it is then essential that there be no deviation from the proposed timeline of work, which is as follows:

Proposed timeline (in 2021)	Proposes tasks
20 July	<ul style="list-style-type: none"> <li>• Council Meeting – endorsement to proceed to broad community engagement on recommended option sought</li> </ul>
21 July – 18 August (4 weeks)	<ul style="list-style-type: none"> <li>• Broad community engagement period including:                             <ul style="list-style-type: none"> <li>– Online survey and materials</li> <li>– Hard copy materials and translations available</li> <li>– Distribution and promotion through Council-run venues, neighbourhood houses, community venues</li> <li>– Distribution through email networks</li> <li>– Social media campaign</li> <li>– Pop-up consultation booths</li> </ul> </li> </ul>
23 August – 31 August	<ul style="list-style-type: none"> <li>• Finalise consultation data analysis</li> <li>• Refine and finalise a draft local law</li> <li>• Report provided to Council for consideration prior to meeting</li> </ul>
7 September	<ul style="list-style-type: none"> <li>• <b>Council meeting:</b> <ul style="list-style-type: none"> <li>– <b>Endorsement sought of a final draft local law</b></li> <li>– <b>Endorsement sought to commence public exhibition (the notification period)</b></li> </ul> </li> </ul>
8 September – 29 September (4 weeks)	<ul style="list-style-type: none"> <li>• Public exhibition period</li> </ul>
5 October	<ul style="list-style-type: none"> <li>• Council meeting – draft law adopted to become a local law</li> </ul>
19 October	<ul style="list-style-type: none"> <li>• Current <i>Consumption of Liquor Local Law 2019</i> expires and if the above process has been followed the new law would take effect</li> </ul>

40. Officers note that there are time-sensitive legislative requirements for any local law to be put in place and that the current local law is set to sunset (expire) on 19 October 2021, after which time there would be no law in place to manage consumption of liquor in Yarra’s public places.
41. Feedback from the broad community engagement would be brought back to Council at the meeting scheduled for 7 September 2021, at which time there will also be an opportunity for the public to make and speak to submissions on the proposal in the Council chamber.

## Policy analysis

### Alignment to Council Plan

42. The work undertaken to date complies with Council’s Engagement Policy and statutory processes required by the *Local Government Act 2020*.
43. The following Council Plan objectives inform the stakeholder engagement and analysis of the current options for the next steps:
- Objective one: Community health, safety and wellbeing are a focus in everything we do;
  - Objective two: Inclusion, diversity and uniqueness are welcomed, respected and celebrated; and
  - Objective five: Local businesses prosper, and creative and knowledge industries thrive.

### Climate emergency and sustainability implications

44. Not applicable to this report.

### Community and social implications

45. Representatives from the Aboriginal and Torres Strait Islander community along with representatives from Yarra's health and social service providers have made clear their view that any local law to regulate consumption of liquor in public places is inherently discriminatory.
46. There are also sections of the community who would like to see further action undertaken to regulate the behaviours that arise from excessive consumption of liquor, particularly in large crowds, and particularly related to Yarra's entertainment precincts and night-life.
47. The recommendation represents a balanced meeting point and Council can meet its responsibilities for community safety, health and amenity, while ensuring a holistic view is taken of the diverse issues and needs. Some of the ways this could be achieved are:
  - (a) Incorporating the regulation of public consumption of liquor into the existing general local law;
  - (b) Prefacing regulations with a Statement of Intent related to social inclusion;
  - (c) Targeting restrictions based on safety needs; and
  - (d) Articulating the requirement for nuanced and sensitive enforcement in the *General Local Law Procedures and Protocol* document.
48. A draft local law related to consumption of liquor in public places that has regard to the above is attached to this report (Attachment 2), along with draft procedures and protocol manual guidelines (Attachment 3).

### Economic development implications

49. As detailed above, Yarra has the largest night-time economy in Victoria outside of the capital city. The licensees and business owners engaged in this process are concerned that if there are not restrictions to regulate the consumption of liquor immediately outside their premises, it will be more difficult for them to realise their responsibilities under liquor licensing laws.
50. Significant efforts were made in cooperation with the Economic Development team and Business Ambassadors to involve all businesses in Yarra in the stakeholder engagement.

### Human rights and gender equality implications

51. Legal advice will be sought to ensure compliance with the Charter of Human Rights of any new local law.
52. Yarra's own Social Justice Charter advocates for a humane approach to all policy.

## Operational analysis

### Financial and resource impacts

53. Any options would need to be resourced appropriately in accordance with budget processes.

### Legal Implications

54. Legal advice has been sought and a draft local law is attached to this report.

## Conclusion

55. As presented in this report, several options have been thoroughly explored and are available to Council in contemplating the issue of consumption of liquor in public places. What is abundantly clear however is that there is no 'perfect' solution available. Nevertheless, it appears that a reasonable meeting point would be to create a draft local law that specifically targets regulations to address known issues, along with a clear statement of intent and specific guidelines to support harm minimisation, and the exclusion from enforcement for people who are either physically, psychologically, socially, culturally or economically vulnerable. With this in mind, it is noted that Council's approach to social policy remains humane, and strives to find ways to care for, not punish, people experiencing vulnerability.

56. Based on stakeholder feedback, the research undertaken to date, and the benchmarking with neighbouring municipalities and the current public policy environment, the recommended way forward is for a new section within the general local law that fulfils Council's responsibility to promote local amenity and community safety, recognise the negative impacts consumption of liquor local laws can have upon people experiencing vulnerability in our community and understand the need for safeguards to ensure people are not unfairly and negatively impacted.
57. A draft local law and accompanying procedure and protocol manual have been prepared to illustrate this option and are attached to this report (Attachments 2 and 3).
58. Under this new and balanced option:
- (a) Responsible drinking would be generally allowed throughout the municipality with the following exceptions:
    - (i) In municipal parks and reserves between 9pm and 9am (same as current law);
    - (ii) On a footway or in a public car park within 10 metres of the boundary of any area which is licensed under the *Liquor Control Reform Act 1998* (benchmarked to non-smoking laws);
    - (iii) Within 10 metres of a pedestrian entrance to an aquatic or leisure centre, a public library, a Maternal and Child Health Centre, a play centre, a child care centre, a pre-school, a school or any other building or structure used predominantly for the purpose of providing services to families or children, whether the person is on a footway or not; and (benchmarked to non-smoking laws);
    - (iv) From 9pm on the day immediately preceding AFL Grand Final Day to 9am on the day immediately following AFL Grand Final Day, in the area around Swan Street, Cremorne and Richmond, defined as being bounded by Punt Road in the West, Church Street in the East, Tanner Street and Gipps Street in the North and the railway line leading into and out of East Richmond Station in the South (i.e. Friday evening to Sunday morning of the AFL Grand Final weekend); and
    - (v) From 9pm on 30 December to 9am on 1 January in any public place.
59. Officers seek Council's support to proceed to a broad community engagement on the draft local law and accompanying procedure and protocol manual provided.
60. Councillors are strongly advised that any delay in proceeding to broad community engagement at this stage would limit the opportunity for public engagement and participation on this matter. Officers note that there are time-sensitive legislative requirements for any local law to be put in place and that the current local law is set to sunset (expire) on 19 October 2021, after which time there would be no law in place to manage consumption of liquor in Yarra's public places.

## RECOMMENDATION

1. That Council:
  - (a) notes the research to date into the current alcohol policy environment and benchmarking with neighbouring municipalities;
  - (b) notes that stakeholders have been engaged on the current local law, as well as considerations and options for the future management of consumption of liquor in Yarra's public places, and that this feedback is provided within this report;
  - (c) notes that stakeholders appreciate Council's responsibilities to promote local amenity and community safety, recognise the negative impacts consumption of liquor local laws can have upon people experiencing vulnerability in our community and understand the need for safeguards to ensure people are not unfairly and negatively impacted;
  - (d) notes that several options local laws for the management of consumption of liquor in public places have been thoroughly explored and provided herein, and that each has benefits and limitations;
  - (e) notes that a draft local law and accompanying draft procedures and protocols manual have been prepared (see Attachments 2 and 3) which seek to promote public amenity and community safety – including within entertainment precincts and for major events – while supporting harm minimisation, and the exclusion from enforcement, for people who are physically, psychologically, socially, culturally or economically vulnerable;
  - (f) endorses officers to proceed to undertake a broad community engagement on the draft local law and accompanying draft procedures and protocols manual attached to this report;
  - (g) notes that the results of the broad community engagement will be brought back to Council in September 2021, at which time direction will be sought as to the endorsement of a final draft law and the commencement of the exhibition period statutory process; and
  - (h) notes that the current local law is set to sunset (expire) on 19 October 2021, after which time there would be no law in place to manage consumption of liquor in Yarra's public places.

## Attachments

- 1 Street Drinking project stakeholder engagement report - Kerry Alexander Research 2021
- 2 Draft proposed amendment - general local law - consumption of liquor - 1 July 2021
- 3 Draft text for inclusion in procedure and protocols manual consumption of liquor - 1 July 2021

## 8.3 Creative and Engage Yarra 2022-2023 Grant Program Recommendations

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<b>Reference</b>	D21/65529
<b>Author</b>	Brona Keenan - Arts & Cultural Development Officer
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### Purpose

1. This report seeks Council endorsement of the Yarra Arts Advisory panel's recommendations for the Creative and Engage Yarra 2022-2023 Grant program.

### Critical analysis

#### History and background

2. Yarra City Council's Arts & Culture Multi-Year Grants Program is a part of the Community Partnership Grants (CPG), offering cash and in-kind support for arts and culture programs within the City of Yarra over two- and three-year terms.
3. The Community Grants Program is a significant investment in the community. It is one of Victoria's leading local government grant programs, through which Yarra has established a reputation for its strong support for the community.
4. In December 2018 Council endorsed the Multi-Year Grants to be established across three streams:
  - (a) Creative Yarra (2 years, \$130,000 total pool);
  - (b) Engage Yarra (2 years, \$100,000 total pool); and
  - (c) Celebrate Yarra (3 years \$105,000 total pool).
5. *Engage Yarra* and *Creative Yarra* offer two years of fixed funding from January 2020 to December 2021 for individual creative practitioners and organisations to deliver arts and cultural activities within the City of Yarra.
6. *Celebrate Yarra* offers three years fixed funding from January 2020 to December 2022. This program is currently in the second year of a three-year funding cycle and not in the scope of this report.
7. *Creative Yarra* supports professional artists and arts organisations to produce and present new or existing work in any medium via funding that supports projects, programs, operations and/or administration.
8. The funding pool for *Creative Yarra* is \$130,000 per annum with a maximum funding ceiling of \$30,000 for organisations and \$15,000 for individual practitioners.
9. *Engage Yarra* supports activities that showcase, celebrate and promote local cultures, people, places and arts practice. It supports projects that enhance community participation and engagement in arts and cultural activities.
10. The funding pool for *Engage Yarra* is \$100,000 per annum with a maximum funding ceiling of \$30,000 for organisations and \$15,000 for individual practitioners.
11. The Arts & Culture Multi-Year Grants Program is designed to provide security and reduce administration costs to enable creative activity to be developed over a long period, support creative organisations to build greater capacity to deliver the best outcomes in our City.
12. A total of 50 applications were received across the two streams requesting \$1,225,028 for their first year. One application was deemed ineligible, resulting in 30 Creative Yarra and 19 Engage Yarra for assessment.

13. On 4 May 2021 Council approved the Creative and Engage Yarra 2022-2023 Grants guidelines, assessment process and budget in the Creative and Engage Yarra 2022-2023 Grants Initiation report. The grants were open from 5 May to the 13 June.
14. The Yarra Arts Advisory Committee, the community advisory committee for the arts, assessed the applications. The Committee has recommended 7 applications out of the 30 applications in the Creative Yarra stream to the value of \$135,000 per annum, and 5 applications out of the 19 applications in the Engage Stream to the value of \$95,000 for the two-year program.
15. This represents 24.5% of all the submissions received; the requested amount was 530% of the total funding available. The recommendations are provided in at attachment to this report.
16. The grants were promoted through Council channels, including social media, e-news and website. An information session was held, and applicants were encouraged to contact Council Officers to discuss ideas and gain assistance with the application process including understanding program criteria and eligibility criteria.

### Discussion

17. The Yarra Arts Advisory Panel members reviewed and assessed all the applications without remuneration. This is a significant quantity of work as the applications included photographic, video and other support documentation. The members worked with diligence and dedication to ensure all applications were assessed rigorously.
18. It is worth noting that, in the opinion of the panel, no applicant was recommended to receive the full funding sought. As a result, the maximum grant recommended is \$20,000 as opposed to the \$30,000 ceiling amount Council had determined in the guidelines.
19. Whilst the panel members acknowledged a desire to fund programs and projects properly, to ensure the success of projects, to ensure workers are compensated for their work, in the end the panel determined it was impossible to reduce the number of applications they would support.
20. The panel members acknowledged there were many more projects that were of high merit and worthy of Council support.
21. The timing of these grants is planned so that any applicants unsuccessful in this grant round will have the opportunity to seek Annual Grant support which is currently open for application.

### Options

22. There are no options presented as part of this report.

## Community and stakeholder engagement

23. Creative and Engage Yarra Grants is a competitive grant program and recommendations are made by the Yarra Arts Advisory Committee, comprised of community representatives.
24. The Arts & Culture Multi-Year Grants Program is managed by the Grant Teams in close consultation with Arts and Cultural Services.
25. Recipients have direct contact with Council officers who provide varying levels of support and recipients provide reporting on an annual basis.

## Policy analysis

### Alignment to Council Plan

26. This report relates to the following Council Plan objectives:
  - (a) A healthy Yarra: Community health, safety and wellbeing are a focus in everything we do; arts and cultural initiatives create opportunities for community engagement, expression and connection. This program supports professional creatives and community members alike to participate in the arts through a range of experiences, as creative producers and /or consumers, promoting individual and communal wellbeing;



- (b) An inclusive Yarra: Inclusion, diversity and uniqueness are welcomed, respected and celebrated; the grants support activities that showcase, celebrate and promote local cultures, people, places and arts practice. Priority is given to proposals that enable collaboration and participation in strong creative projects between artists and non-artists, that value and highlight diversity and that encourage engagement with new audiences; and
- (c) A prosperous Yarra: Local businesses prosper, and creative and knowledge industries thrive; the grants facilitate and promote creative endeavour and opportunities for the community to participate in a broad range of arts and cultural activities. The grants support local creative economies, directly helping local creative organisations and individuals to maintain and grow their practices and these outcomes in turn draw people to the City of Yarra to engage in these and other experiences.

#### Climate emergency and sustainability implications

- 27. All supported projects are encouraged to adopt sustainable practices including but not limited to sustainable travel and sustainable waste management.

#### Community and social implications

- 28. The positive social outcomes of arts and cultural activity are accepted all over the world and have been substantiated by many research projects.
- 29. Participation in arts and cultural activity contributes to a sense of well-being, to identity and aspirations and enables community building and expression.
- 30. In Yarra, it connects with a strong sense of the City's identity; it reflects the vibrancy and diversity of our community. It is often cited as the palpable, yet irreducible quality that makes Yarra an attractive place to live, work and visit.

#### Economic development implications

- 31. Yarra is recognised as a home for the arts and creative industries are identified as one of the four key areas of Yarra's economy in the Yarra Economic Strategy 2020-2025.

#### Human rights and gender equality implications

- 32. The UN Declaration of Human Rights recognises the right to freedom of artistic expression and creation, which includes the right of all persons to freely experience and contribute to artistic expressions and creations, through individual or joint practice, to have access to and enjoy the arts, and to disseminate their expressions and creations.
- 33. The grants are gender neutral and have historically supported gender diversity through the range of projects supported.

### Operational analysis

#### Financial and resource impacts

- 34. The grant program is budgeted at \$230,000 per annum for the two-year cycle with a CPI increase for each year budget allowing.
- 35. The program is managed across Arts and Culture and Events Permits units and forms part of the core work of the units, directly supporting each recipient to responding to different levels of need.

#### Legal Implications

- 36. The Funded organisations and individuals enter into formal funding agreements with Council.

### Conclusion

- 37. The recommendations for the Creative and Engage Yarra 2022-2023 Grants program are provided in the attachment to this report. All applicants are to be commended for their efforts to contribute to the creative culture of Yarra through their work.

38. The Creative Yarra and Engage Yarra Grants multi-year program is designed to provide security and reduce administration costs to enable creative activity to be developed over a long period, support creative organisations to build greater capacity to deliver the best outcomes in our City.

## RECOMMENDATION

1. That Council:
  - (a) endorses the recommendations made by the Yarra Arts Advisory Panel for Creative and Engage Yarra 2022-2023 Grant program; and
  - (b) thanks the community members of the Yarra Arts Advisory Panel for their diligence in reviewing the application for the Creative and Engage Yarra 2022-2023 Grant program.

## Attachments

- 1 Creative Yarra and Engage Yarra 2022-2023 - Recommended
- 2 Creative Yarra and Engage Yarra 2022-2023 - Not recommended - *Confidential*

## 8.4 Road Management Plan 2021

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<b>Reference</b>	D21/38482
<b>Author</b>	Bon Tee - Coordinator Asset Management
<b>Authoriser</b>	Director City Works and Assets

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### Purpose

1. The purpose of this report is:
  - (a) to advise Council of the outcomes from the public submissions process based on the Road Management Plan Review Report 2021 and the Draft Road Management Plan 2021 published in accordance with Council's resolution of 20 April 2021; and
  - (b) to recommend that Council adopt the proposed amended Road Management Plan 2021 (Attachment 1) in accordance with the requirements of the Road Management Act 2004 and the outcomes of the public submissions process.

### Critical analysis

#### History and background

2. The Road Management Act 2004 (the Act) aims to deliver improved and more efficient road management practices, a safer road network and fairer and clearer rights for road users and responsibilities for road managers.
3. The Act and insurance law reforms introduced in July 2004 created a comprehensive package of civil liability protection for councils and other road authorities.
4. The key features of the Act are:
  - (a) the requirement for a road authority to have a Road Management Plan (RMP) in place in order to receive a level of statutory protection against civil liability claims under the Act;
  - (b) establishes through a Code of Practice, the allocation of responsibility between road authorities for managing different parts of the road reserve (e.g. roadway, footpath, service road);
  - (c) requires a road authority to establish a Register of Public Roads listing each public road for which it is responsible;
  - (d) clearly defines powers and obligations regarding traffic management (including clearways), access management, road works by utilities, and maintenance of public transport infrastructure within road reserves;
  - (e) continues to provide municipalities with responsibility for parking on arterial roads;
  - (f) provides for Department of Transport (DoT) to implement clearways on declared arterial roads, subject to consultation with Councils, affected landowners, traders and the community in accordance with a Code of Practice;
  - (g) confirms DoT responsibility for the declared arterial network, whilst allowing for DoT and Councils to enter into arrangements to transfer or delegate to one another for any operational or coordinating functions; and
  - (h) allows for a Code of Practice for utilities works on the road reserve, requiring utility authorities to obtain consent from road authorities for certain works; adequately reinstate roads after completion of works; and be responsible for the repair of road infrastructure damaged by failure of utility infrastructure (e.g. burst water mains).

5. The Code of Practice for Road Management Plans associated with the Act states that the contents of an RMP should include:
  - (a) a description of those assets on public roads for which a road authority is responsible;
  - (b) the standard, or target condition, of those assets to be maintained by a road authority; and
  - (c) a management system as established and implemented by a road authority to discharge its duty to inspect, maintain, and repair public roads for which it is responsible.
6. The Road Management Act section 54 and the Road Management (General) Regulations 2016 sections 8 – 13 define the requirements for the review and amendment of Road Management Plans.
7. Council is required to review its RMP every four years, with the review to be completed by the required date of adoption for the new Council Plan (being 31 October 2021 for the current Council Plan and RMP update cycle).
8. Council is required to give public notice in the Victoria Government Gazette and a newspaper generally circulating in the area stating:
  - (a) that Council has completed the review of its RMP;
  - (b) whether Council intends to amend its RMP or not; and
  - (c) where the report can be obtained or inspected.
9. Council may choose to amend the RMP following the review, although is not obliged to.
10. If Council chose to amend the RMP, Council must also include in the public notice:
  - (a) the purpose and general purport of the proposed RMP;
  - (b) where the proposed RMP can be obtained or inspected; and
  - (c) that any person who is aggrieved by the proposed amended RMP may make a submission to Council within a specified period (of at least 28 days in duration).
11. Following the public submission period, if Council adopt an amended RMP, a further public notice in the Victoria Government Gazette and a newspaper generally circulating in the area is required stating that:
  - (a) that Council has amended its RMP; and
  - (b) where the amended RMP can be inspected.
12. Council first adopted an RMP in 2004, with updated versions subsequently adopted in 2009, 2013 and 2017.
13. A report was provided to Council on 20 April 2021 outlining the review conducted of Council's existing RMP (2017-2021), and proposed amendments to the RMP arising from that review.
14. Council's resolution of 20 April 2021 (as below) is relevant:

*That Council:*

  - (a) *note that Road Management Act 2004 and Road Management (General) Regulations 2016 specify the requirements for the review of Council's Road Management Plan and the process for adopting an amended Road Management Plan;*
  - (b) *note that the required review of Council's Road Management Plan 2017-2021 has been undertaken as outlined in this report;*
  - (c) *note that Council is required to give public notice of the outcomes of the review in the Victoria Government Gazette and a newspaper generally circulating in the area;*
  - (d) *endorses the Road Management Plan Review Report 2021 to be advertised by such public notice;*

- (e) *approves the commencement of the process to amend its Road Management Plan and endorses the proposed Draft Road Management Plan 2021 to also be advertised in the same public notice;*
  - (f) *note that, in accordance with sections 54(2) and 54(3) of the Road Management Act 2004 to amend the Road Management Plan, the public notice will state:*
    - (i) *the purpose and general significance of the proposed Road Management Plan;*
    - (ii) *that a copy of the proposed Road Management Plan can be inspected or obtained at the Richmond Town Hall Customer Service Centre and on Council's public website; and*
    - (iii) *that any person who is aggrieved by the proposed Road Management Plan may make a submission to the Yarra City Council within a period of 28 days after the day on which notice is given; and*
  - (g) *note that following the required 28-day period, officers will provide a further report to Council on the submissions received and a proposed final Road Management Plan 2021 for adoption by Council.*
15. Public notice of the review and Council's intention to amend the Road Management Plan have subsequently been given in the Victoria Government Gazette, The Age and several relevant Culturally and Linguistically Diverse (CALD) media publications, with the public submissions period concluding on 31 May 2021.

#### Discussion

16. The assets covered by the RMP include roads, kerb and channel, lanes, pathways (within road reserves) and shared zones, drainage pipes and pits.
17. The RMP focus is on the operational activities for managing existing transport infrastructure and is based on the Code of Practice for Road Management Plans.
18. Standards proposed for road maintenance are predicated on the following considerations:
- (a) meeting reasonable community expectations with regard to road maintenance;
  - (b) minimising risk to human safety and exposure of Council to civil claims;
  - (c) working within projected available financial and staff resources;
  - (d) recognition of Council's unique environment, particularly the heritage significance of bluestone lanes and the constraints due to street trees;
  - (e) feedback from Council staff on the effectiveness and efficiency of past performance and identified opportunities for improvement; and
  - (f) consideration of public submissions on the Draft RMP 2021.
19. Changes to levels of service and intervention levels in the proposed RMP 2021 are not expected to have any material impact on the level of funding allocated in Council's Long-Term Financial Strategy.
20. The proposed amendments do not alter the intent of the relevant sections nor do they seek to absolve Council of its responsibilities under the Road Management Act.

#### Options

21. Council has an option to not amend its RMP following the review of the current RMP (2017-2021), noting that Council has endorsed the recommendation of officers following the review to commence the process for the amendment of the RMP by the giving of public notice that it intends to do so and conducting a public submissions period.

#### Community and stakeholder engagement

22. The review involved officers from Asset Management, Infrastructure Traffic and Civil Engineering, Open Space Services, Strategic Transport, and Risk and Safety.

23. Officers engaged in organised discussions with peers from the neighbouring municipalities of Moreland, Banyule and Boroondara to share knowledge of and collaborate on RMP matters.
24. Officers also engaged with MAV Insurance - Liability Mutual Insurance for a review of the existing RMP 2017-2021 and for specific items of further advice.
25. Public notices of the review, Council's intention to amend the RMP and inviting submissions on the Draft RMP 2021 were placed in:
  - (a) the Victoria Government Gazette on 29 April 2021;
  - (b) The Age newspaper on 1 May 2021; and
  - (c) Four locally available CALD media publications (Greek, Chinese, Vietnamese and Italian) on or before 1 May 2021.
26. The RMP Review Report and the Draft RMP 2021 have been made available through the following means:
  - (a) on a Your Say Yarra website engagement page for the proposed amendments <https://yoursayyarra.com.au/road-management-plan>; and
  - (b) for inspection at the Richmond Town Hall Customer Service Centre.
27. Yarra's current Road Management Plan (2017-2021) is available on the Roads and Traffic page of Yarra's main website <https://www.yarracity.vic.gov.au/services/roads-and-traffic>, and a link has also been provided from there through to the Your Say Yarra RMP engagement page.
28. The public submissions period closed on 31 May 2021. A total of sixteen (16) public submissions were received. **Attachment 2 – Draft Road Management Plan 2021 Public Submissions Summary** contains a summary of the submissions and the officer response to each submission, including whether a change to the RMP 2021 (from the Draft version) is proposed based on the submission.
29. As a result of further internal discussion in reference to section 6.1 of the RMP (Performance Review), it was identified that no similar Council policy or plan requires an annual report to Council and the Audit Committee, and further that the Audit Committee does not have the authority to engage independent auditors or to direct our auditors to undertake specific projects as described in the Draft. On this basis, the recommendation is for the report on the performance review to be provided to Council's Executive Team.
30. To recap from the Council report of 20 April 2021, the key changes included in the Draft RMP 2021 were:
  - (a) New sub-section (1.11) Management policy in relation to Laneways Passageways and Right of Ways in Yarra;
  - (b) Street lighting, traffic and pedestrian operated signals and open space pedestrian bridges excluded;
  - (c) Updated lists of Shared Roads, Major On-road Bicycle Routes, Shared Zones and High Pedestrian Traffic Streets;
  - (d) Inspection frequencies altered from nominal to maximum;
  - (e) Inspection frequency for High Pedestrian Traffic footpath – period increased from 4-monthly (nominal) to 7-monthly (maximum);
  - (f) Include defect mode for property drain with >30mm protrusion at kerb face;
  - (g) Minimum clearance of street trees revised and separately specified for over arterial and Council roads;
  - (h) Specific response times for tree root damage, crack sealing and tree pruning included; and

- (i) Management systems updated to reflect Asset Management Information System workflow processes.
31. The further key changes to the final proposed RMP 2021 following the public submissions process are:
- (a) Appendix 6 - additional roads with high pedestrian footpaths added;
  - (b) Section 1.4 – context of relationship to strategic documents added; and
  - (c) Section 6.1 – changed report on performance to Executive Management Team.
32. **Attachment 1 – Proposed Road Management Plan 2021** is the final proposed RMP 2021 including these further changes.
33. Subject to Council’s adoption of the amended RMP 2021, in accordance with section 55 of the Act:
- (a) Council is required to give public notice of the adoption of the amended Road Management Plan 2021 in the Victoria Government Gazette and a newspaper generally circulating in the area; and
  - (b) the notice will state that the amended Road Management Plan 2021 and the Code of Practice for Road Management Plan can be inspected or obtained at the Richmond Town Hall Customer Service Centre and on Council’s public website.

## Policy analysis

### Alignment to Council Plan

34. The proposed RMP 2021 is aligned with the “A Connected Yarra” strategic objective of the Yarra Council Plan 2017-2021.
35. The proposed RMP 2021 has been developed in accordance with Council’s Asset Management Policy and Asset Management Strategy.

### Climate emergency and sustainability implications

36. The proposed RMP 2021 continues to recognise the importance of giving priority to pedestrians, cyclists and public transport users in line with Council’s Strategic Transport Statement. Initiatives in the plan in support of this include:
- (a) consideration of the needs of cyclists during the planning of all capital works and road maintenance activities. In some instances, this may result in resurfacing of the bike lane only on a particular road;
  - (b) higher inspection frequencies and shorter response time on high use pedestrian footpaths relative to other footpaths; and
  - (c) increased number of roads with on-road bike routes listed at higher maintenance standards and a high response priority for repair.
37. Through the annual capital works plan, separate allocations are sought for programs such as Safety Around Schools, Pedestrian Safety, Spot Safety and DDA compliance works, all of which contribute to pedestrian and cyclist safety, as do discrete projects funded such as those under the Bicycle Strategy.
38. The early identification of defects under the RMP assists with the preservation and extension of useful lives of road assets and reduces the extent of necessary remedial interventions, meaning less material consumption and less machinery usage.
39. The systematic inspections process allows for packaging up of defects similar in nature and/or in close proximity, reducing the overall impact of works.

### Community and social implications

40. The proposed RMP 2021 will continue to provide for a sustainable, safe, convenient and efficient transport system and street environment that meets the needs of the community.

41. The proposed RMP 2021 recognises Council's Road Materials Policy which seeks to comply with heritage requirements and conserve and repair the traditional street fabric sympathetic to the character of the municipality by encouraging the retention of bluestone road and laneways.

#### Economic development implications

42. The responsible management of road-related infrastructure is essential to ensure that all forms of transport can operate as effectively and efficiently as possible. The RMP 2021 will continue to optimise the use of available road funding, which will lead to economic benefits to various entities across the municipality.

#### Human rights and gender equality implications

43. There are no known human rights or gender equality implications.

### Operational analysis

#### Financial and resource impacts

44. The proposed Levels of Service (inspection and maintenance) have been based on what Council is able to achieve within existing budgetary constraints and priorities. There are no anticipated financial implications resulting from the proposed amendments to the RMP.
45. Council's Road Materials Policy seeks to provide an efficient and cost-effective approach for the distinct requirements of repair/maintenance and reconstruction of road assets and the existing infrastructure.
46. Service levels within the proposed RMP 2021 have been based on funding provided in the 2020/21 budget as listed below:
- (a) Roads, Footpaths, Kerb and Channels, and Lanes (Capital Expenditure) \$7,945,000;
  - (b) Drainage (Capital Expenditure) \$2,110,000;
  - (c) Road Maintenance (Operating Expenditure) \$4,693,000; and
  - (d) Street, Lane and Drain Cleaning (Operating Expenditure) \$3,959,000.
47. Maintenance of the service levels in the proposed RMP 2021 assumes on-going funding of road asset capital and maintenance expenditure in accordance with Council's Long-Term Financial Strategy.

#### Legal Implications

48. The Road Management Act 2004 clarifies the legal responsibilities for the different categories of road assets within the road reserve.
49. Under the Road Management Act section 103, an RMP provides Council with a statutory 'policy defence' against claims for acts or omissions which are in accordance with an RMP made by Council, providing that the RMP is reasonable; this assists Council to manage claims and litigation relating to the road network.

### Conclusion

50. Following a review of Council's existing RMP, and a public submissions process on the Draft RMP 2021, the proposed RMP 2021 builds upon the existing RMP by including a number of improvements and clarifications to operational processes for managing existing transport infrastructure and also changes to reflect the current usage of the Yarra road network, which will enable Council to comply with its obligations under the Road Management Act and subordinate legislation.



## RECOMMENDATION

1. That Council:
  - (a) notes that public notice has been given of the following:
    - (i) the review of Council's Road Management Plan (2017-2021);
    - (ii) Council's intention to amend the Road Management Plan; and
    - (iii) the Draft Road Management Plan 2021;
  - (b) notes that a period for public submissions has been provided;
  - (c) notes the submissions received, the officer responses and further proposed amendments to the Road Management Plan as a result of the submissions;
  - (d) adopts the amended Road Management Plan 2021 in Attachment 1; and
  - (e) notes that (in accordance with section 55 of the Road Management Act 2004):
    - (i) Council is required to give public notice of the adoption of the amended Road Management Plan 2021 in the Victoria Government Gazette and a newspaper generally circulating in the area; and
    - (ii) the notice will state that the amended Road Management Plan 2021 and the Code of Practice for Road Management Plans can be inspected or obtained at the Richmond Town Hall Customer Service Centre and on Council's public website.

## Attachments

- 1 Road Management Plan 2021 for Adoption
- 2 Draft Road Management Plan 2021 Submissions Summary

## 8.5 Yarra Push Notifications System - Update

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<b>Reference</b>	D21/63717
<b>Author</b>	Diarmuid McAlary - Director Corporate, Business and Finance
<b>Authoriser</b>	Director Corporate, Business and Finance

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### Purpose

1. The purpose of this report is to provide Council with an update on a push notifications system being implemented and used in Yarra.

### Critical analysis

#### History and background

2. This report is being tabled following a Notice of Motion passed by Council at the Ordinary Council Meeting held in August 2020.
3. The City of Yarra is in the process of implementing long-term improvements to its Enterprise Architecture and Technology and is working closely with the Planning and Placemaking Division to ensure alignment between this and the Digital Planning Project is maintained.
4. The Digital Planning Project has completed an external discovery phase which will be used to inform the way forward. The next steps would include an internal discovery phase that will deliver a full review of the current planning process and identify products within our current suite of platforms that can be leveraged to build the digital planning solution.
5. Additionally, Council is in the process of implementing its Geospatial Strategy with a vision to build the geospatial foundations for a smart, vibrant, liveable, and sustainable city – beginning with the procurement of a new enterprise Geospatial Information System (GIS). This has now been procured and is in the process of the implementation.

### Discussion

6. The new enterprise GIS will include several public-facing components designed to help better inform residents, as well as providing location-based feedback opportunities and new mobile applications.
7. It should be feasible to expand the functionality of the new system to include a notification widget to allow users to specify an area and define their information requirements to receive notifications as updated information becomes available.
8. Such functionality would likely be delivered following initial releases of the new system, along with further enhancements that have been identified since the new GIS is first rolled out.
9. Internal GIS User Acceptance Testing has been scheduled for September 2021. With a go live date to be scheduled after that. Currently the public facing site has been scheduled for release at the same time.
10. Once further work has been undertaken to improve our Enterprise Architecture, we will be able to and plan to consider development of push notifications and other customer-oriented tools.
11. It will be important that push notifications are developed from the perspective of customer experience. At their best, push notifications are a useful and helpful tool; however, if not designed carefully, they can potentially be perceived as unwelcome “spam” or clutter in digital communications.

## Community and stakeholder engagement

12. Stakeholder engagement was undertaken as a key part of the Geospatial Strategy. Workshops were held across all major council buildings with input from staff of all levels having equal input.

## Policy analysis

### Alignment to Council Plan

13. A push notifications system would contribute to the Annual Plan objective ‘to collaborate with the local community and relevant stakeholders to ensure Yarra becomes a Smart City which delivers a connected, informed, and sustainable future.

### Climate emergency and sustainability implications

14. There are no climate emergency and sustainability implications in this report.

### Community and social implications

15. The implementation and usage of a push notifications system may serve to enhance community connectedness to Council’s business, for example being notified of information to relevant residents.

### Economic development implications

16. There are no economic development implications in this report.

### Human rights and gender equality implications

17. There are no human rights and gender equality implications in this report.

## Operational analysis

### Financial and resource impacts

18. The cost of implementing a push notifications system is likely to be embedded in the procurement of the new GIS system. However, technical aspects of this request will need to be clarified and further project work will need to be undertaken by the Data Management team to deliver the best outcome for Council. The push notification requirement is not scheduled for the initial release but can be added to in subsequent updates to the GIS System.
19. There is no identified need to add additional financial budget for development of push notifications. Development of such technology and process can be integrated into our wider program of work. The important part is progressing our Enterprise Architecture and Technology improvements, including GIS. These will provide the platform upon which push notifications and similar processes and tools can be built.

### Legal Implications

20. There are no legal implications in this report.

## Conclusion

21. The new enterprise GIS will provide a consolidated and current view of all Council and third-party spatial data to support analysis, planning and decision-making functions, with web portals for internal and external use. This new system will also support the Council’s ambitions within the Smart City space. Council is also improving its overall Enterprise Architecture and Technology platforms. These improvements will then allow for development and implementation of customer benefitting processes, including push notifications in the medium term.

## RECOMMENDATION

1. That:

- (a) Council note the progress made to date regarding implementing push notifications at Yarra and the further work required to enable such technology and our intention to include push notifications and similar customer benefitting processes in the future.

## Attachments

There are no attachments for this report.

## 8.6 Edinburgh Gardens Working Group

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<b>Reference</b>	D21/69030
<b>Author</b>	Ivan Gilbert - Group Manager Chief Executive's Office
<b>Authoriser</b>	Group Manager Chief Executive's Office

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### Purpose

1. To determine on the appointment of an Edinburgh Gardens Working Group as resolved by Council to: ...”...*establish an **Edinburgh Gardens Working Group** of regular park users, local residents and a representative of Fitzroy North Primary School, to inform future management of the gardens in peak periods over summer and public holidays...*”.

### Critical analysis

#### History and background

2. There have been several occasions in recent years where inappropriate activities at the Edinburgh Gardens have created situations which have caused:
  - (a) very considerable cost to the Council;
  - (b) extensive damage to public and private property; and
  - (c) great concern, inconvenience and indeed risk to each of the Council, community members, nearby residents, police and emergency services members.
3. Clearly there is also significant community interest in the development of and maximising of accessibility to open space facilities in Yarra.

#### Discussion

4. Council some time ago determined to establish the Edinburgh Gardens Working Group. Due to the impost of COVID-19 constraints on some consultation avenues, processing of the matter had been deferred for a period however following a public invitation for expressions of interest from some 20 community members have now been received.

#### Options

5. Council’s intention in establishing the Working Group is“...*to advise and inform Council on future management of the Gardens in peak periods over summer and public holidays....;*”.
6. Such advice would be intended to incorporate comments including on such as:
  - (a) any types of activities suggested as not considered appropriate to be held at the Gardens and the reasons for same;
  - (b) any special conditions considered applicable to particular uses of and activities at, the Gardens;
  - (c) the review of the Consumption of Liquor in a Public Place Local Law;
  - (d) any considerations which would come under the Council’s current General Local Law; and
  - (e) the Council Order under the Domestic Animal’s Act.
7. As outlined in the **Attachment 1** Council has adopted a representational make-up of the Working Group and a meeting frequency and venue.

## Community and stakeholder engagement

8. Based upon the note in Council's resolution "...establish an **Edinburgh Gardens Working Group** of regular park users, local residents and a representative of Fitzroy North Primary School,"... it was previously determined by Council to form a representative Working Group of **twelve** members comprising the following:
- (a) **four** Local resident members;
  - (b) **one** representative from Fitzroy North Primary School;
  - (c) **two** members drawn from the Edinburgh Gardens sporting community which comprises:
    - (i) Fitzroy Tennis Club;
    - (ii) Fitzroy Football Club;
    - (iii) Fitzroy Junior Cricket Club;
    - (iv) Edinburgh Cricket Club;
  - (d) **two** casual park users; and
  - (e) **three** Councillors,
- including a requirement that at least three of the Working Party, be under the age of 35 years.

## Policy analysis

### Alignment to Council Plan

9. The following objectives are considered applicable:
- (a) **A Healthy Yarra** – where community health, safety and wellbeing are a focus in everything we do;
  - (b) **An Inclusive Yarra** – as a place where inclusion, diversity and uniqueness are welcomed, respected and celebrated; and
  - (c) **A Leading Yarra** – where transparency, performance and community participation drive the way we operate.

### Climate emergency and sustainability implications

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

### Community and social implications

11. Implications will include:
- (a) having regard to previous inappropriate activities which occurred at the Gardens and the very significant adverse impact they had on the Gardens, the streets and lanes in the vicinity of the Gardens and indeed the community in reasonable proximity to the Edinburgh Gardens, there are potential community and social implications which can arise from inappropriate activities in the Gardens and environs;
  - (b) the desire by many in the local community to see Edinburgh Gardens develop as a park for everyone and as a "sanctuary from our busy lives"; and
  - (c) a management profile which will seek to build to a better understanding and co-operation between diverse users of the Gardens amenity.

### Economic development implications

12. Not particularly relevant to this report.

### Human rights and gender equality implications

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

### Operational analysis

#### Financial and resource impacts

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

#### Legal Implications

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

### Conclusion

16. Having regard to the above criteria and an assessment of expressions of interest submitted by community members, the Council should now select the representative for each category.

## RECOMMENDATION

1. That Council:
  - (a) note the Report;
  - (b) approve the appointment of the Edinburgh Gardens Working Group with a membership comprising of:
    - (i) **four** Local resident members, being:
      - a. ....;
      - b. ....;
      - c. ....; **and**
      - d. ....;
    - (ii) **one** representative from Fitzroy North Primary School, being:
      - a. ....;
    - (iii) **two** members drawn from the Edinburgh Gardens sporting community which comprises; Fitzroy Tennis Club, Fitzroy Football Club, Fitzroy Junior Cricket Club and Edinburgh Cricket Club, being:
      - a. .... (representing .....); and
      - b. .... (representing .....);
    - (iv) **two** casual park users, being:
      - a. .... and
      - b. ....;
    - (v) **three** Councillors, being:
      - a. **Councillors O'Brien, Stone and Wade.**
2. The Edinburgh Gardens Working Party will report back to Council periodically via a delegates Report.

## Attachments

- 1 Edinburgh Gardens Working Group Terms of Reference
- 2 Edinburgh Gardens Working Group Expressions of Interest - *Confidential*
- 3 Edinburgh Gardens Working Group Officer Assessment - *Confidential*
- 4 Edinburgh Gardens Working Group Officer Recommendation - *Confidential*



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## 8.7 Yarra Planning Scheme Amendment C286 - Public Open Space Contribution Rate revised policy and notification

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### Executive Summary

#### Purpose

The purpose of this report is to obtain Council's endorsement for an additional document and edits to an endorsed document to be included in the exhibition of Amendment C286 to the Yarra Planning Scheme.

#### Key Issues

The Amendment proposes to replace the current Schedule to Clause 53.01 which sets the public open space contribution rate at 4.5%, with a new schedule to set the rate at 10.1%.

The *Yarra Open Space Strategy 2020* (the Strategy) has been prepared over the past few years and now approved by Council on 1 September 2020.

A new public open space contribution (POSC) rate is being proposed based on the recommendations and rationale outlined in the adopted Strategy.

The Yarra Planning Scheme currently applies a citywide POSC rate of 4.5% to residential land only. The updated Strategy is recommending a rate of 10.1% that will apply to all land including commercial and industrial.

#### Financial Implications

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.

Overall, the projects in the Strategy would need to be funded from a mix of general rates revenue, grants and the public open space contribution rate.

The planning scheme amendment process will most likely lead to a Planning Panel which will require Council to engage lawyers to advocate Council's submissions and the engagement of the consultant team to present expert evidence to a panel.

#### PROPOSAL

Endorse the revised Clause 22.12 (Public Open Space Contribution) policy and the changes to the adopted 'Explanatory Report' and include both documents in the exhibition of Amendment C286 and undertake notification of the Amendment as outlined in this report.

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## 8.7 Yarra Planning Scheme Amendment C286 - Public Open Space Contribution Rate revised policy and notification

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<b>Reference</b>	D21/71359
<b>Author</b>	Michael Ballock - Executive Planner Strategic Projects
<b>Authoriser</b>	Director Planning and Place Making

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### Purpose

1. The purpose of this report is to obtain Council's endorsement of the revised Clause 22.12 (Public Open Space Contribution) policy and the changes to the adopted 'Explanatory Report' and include both documents in the exhibition of Amendment C286 and undertake notification of the Amendment as outlined in this report.
2. The Amendment proposes to replace the current Schedule to Clause 53.01 which sets the public open space contribution rate at 4.5%, with a new schedule to set the rate at 10.1%.

### Critical analysis

#### History and background

3. The *Yarra Open Space Strategy 2020* (the Strategy) was adopted by Council at its Meeting on 1 September 2020.
4. The costed implementation program underpinning the adopted Strategy is focused on Council owned and/or managed open space and includes projects that are appropriate to be funded by public open space contributions.
5. 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 POSC rate to ensure it is derived from an appropriate basis.
6. There are long standing legislative principles with respect to the 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

7. 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.
8. The current contribution program has been successful in lifting the value of contributions and Yarra's Open Space Reserve compared to the contributions that were being collected before the 'mandatory rate' of 4.5 % was introduced in the planning scheme following the adoption of the previous Open Space Strategy dated 2006.

9. The contributions have helped Council fund its open space program via the implementation of the 2006 Strategy.
10. Council has an *Allocation of Moneys Received via the Public Open Space Requirement Policy 2016* to guide the application of the POSC rate.
11. The existing program brings in monies each financial year to Council to assist in the provision of open space improvements and additional space for new residents.
12. Currently, some monies are used towards capital works improvement projects and the remainder is set aside and accumulated for the future purchase of land for open space.
13. In the past, the majority of the allocations were put towards capital projects, however, given the land costs in Yarra, it is recommended that a greater percentage of money will need to be held in Reserve, and accumulated, if any new open space is to be developed through the purchase of land.
14. A key issue in implementing the 2006 Strategy was the difficulty in securing new land for open space. That is, the majority of development sites are too small to contribute a viable parcel for public open space.
15. In order to realise the open space requirements of the current and future Yarra community, there is a need to purchase land for new open space rather than solely rely on land contributions or conversions of Council land from another use.

Comparison with adjoining municipalities

16. Many inner Melbourne Councils have a scheduled an open space contribution rate in their planning schemes.
17. Recently, established rates are based on strategic open space studies that can be supported through the planning scheme amendment and Planning Panel process. See table below:

<b>Municipality</b>	<b>Clause 53.01 type or location of subdivision</b>	<b>Rate</b>
Yarra	Land or buildings intended to be used for residential purposes	4.5%
Banyule	A subdivision that creates more than one additional separately disposable parcel of land.	5%
Boroondara	None specified. Defaults to individual subdivision levies	None
Darebin	Sliding scale 2 to 5+ lots	2% - 5%
Maribyrnong	Subdivision of 10 lots or greater	5.7% where provided as a percentage of the site value of the land.  5.7% or greater to the satisfaction of Council where provided as land.
Melbourne	Fisherman's Bend  High growth areas  Moderate and low growth areas	8%  7.06%  5%
Moonee Valley	Subdivisions of greater than 10 lots	5 % where provided as a percentage of the site value of the land.  5% or greater subject to negotiation of the density and layout of the development where provided as land.

Moreland	12 suburb locations shown on map	2.5% - 6.8%
Stonnington	Low growth areas	5%
	High growth areas	8%

Methodology to derive the POSC rate

18. The new YCC Open Space Strategy (2020) contains a costed implementation program based on the principles set out in the Strategy. The analysis to develop the recommendations and determine the POSC rate is rigorous and strategically sound.
19. Extensive community consultation was undertaken to understand the values and use of open space by both the residential and employment communities, and to then develop the precinct recommendations and the implementation program in the Strategy.
20. The Strategy establishes the need for more open space, or open space improvements, in response to population growth and change.
21. 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 *Spatial Economic and Employment Strategy 2018 (SEES)* developed by SGS consultants.
22. 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.
23. The costs for each project is apportioned between the existing and forecast population, based on the anticipated need and benefit derived from each project.
24. 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. Council will need to pay market value for these sites. 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.
25. The cost of purchasing new land for open space is the highest cost item when establishing the costings for the Strategy.
26. 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.
27. The value of the land was determined based on Council's property rate valuations as the contribution rate is applied to site value.
 

*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 will mean all developments will contribute 10.1%.*
28. The single 10.1% rate would serve the public open space program into the next decade and beyond. Variations in private development decisions over time are ironed out with the single rate and would, in the long run, provide a more robust funding stream for public open space improvements.

29. It is noted that the former Amcor Alphington Paper Mill site, and the former Fitzroy Gasworks Site, would be exempt from a POSC rate application as their open space contribution requirements have been determined as part of the Yarra Planning Scheme provision for those sites.

#### Discussion

30. 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; and*
    - (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.*
31. In line with Council's resolution *authorisation* of Amendment C286 was sought from the Minister for Planning in December 2020.
32. By letter dated 18 June 2021 (Attachment 1) the Minister's delegate authorised Amendment C286 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; (underlines added for emphasis);
  - (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.
33. The current Clause 22.12 is based on the 2006 Yarra Open Space Strategy and basically nominates where Council prefers the provision of land over cash for the public open space contributions levy.
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34. However, Clause 22.12 is proposed to be amended as part of Amendment C269 (the rewrite of local policies). For this reason, it was thought (in September 2020), best not to include an updated Clause 22.12 as part of the open space levy amendment (C286) because of the potential for complications and confusion because C286 proposes to amend a clause that C269 proposes to amend.
35. However, the *authorisation* condition requires revision of 22.12 and officers have agreed on a format for the policy that will reduce the potential for complications for either amendment.
36. Given the revised policy was not included in Council endorsement of Amendment C286 for *authorisation* (for an abundance of caution), the revised Clause 22.12 is being presented to Council for its endorsement as part of the exhibition documents. The revised Clause 22.12 is included in Attachment 2 and the edited 'Explanatory Report' included in Attachment 3.

#### Notification

37. Section 19 of the *Planning and Environment Act* requires Council to give notice to (among others) owners and occupiers of land it believes may be materially affected by the amendment. The Act also requires Council to publish notice of the amendment in a newspaper circulating in the area (The Age) and in the Government Gazette. The amendment must be on exhibition for no less than one month.
38. Where the affected number of owners and occupiers makes it impractical to notify all of them individually, Sections 19 (1A) and (1B) of the Act allow a Planning Authority *take reasonable steps to ensure that public notice of the amendment is given in the area affected by the amendment*. For this amendment, it is impractical to notify all 52,000 ratepayers plus occupiers across the entire municipality.
39. Instead of individual notification, officers have prepared a community engagement strategy that will form the basis of the statutory consultation.
40. The objectives of the engagement are:
  - (a) to assist a diverse range of stakeholders understand what the planning scheme is and how it works;
  - (b) to explain the changes proposed to the planning scheme and the planning scheme process;
  - (c) to help people make informed submissions that address their areas of interest;
  - (d) to include deliberate outreach and promotion to communities who may be affected but might be underrepresented and/ or not usually engaged;
  - (e) to use plain English descriptions and messaging that assists understanding of what the planning scheme is, how it works and proposed changes;
  - (f) to present lengthy and complex information in an easily accessible format; and
  - (g) to clearly communicate the statutory requirements of the submission process.
41. The engagement process will *take reasonable steps to ensure that public notice of the amendment is given in the area affected by the amendment*. This includes notification in:
  - (a) *Yarra News*, which is distributed to every household in Yarra;
  - (b) *Yarra Life* fortnightly eNews, which reaches 13,000 recipients;
  - (c) *Economic Development Teams Business eBulletin*, which has some 11,000 subscribers;
  - (d) eBulletins / newsletters, sent from other teams across Council, and
  - (e) Social media platform.

42. In addition, direct emails would be sent to Council's Advisory Committees, community groups; organisations, current applicants for planning a permit, consultants with regular involvement in permit applications and the peak development and property organisations in Victoria.
43. A purpose built website will be used to provide material in a visually pleasing way and in an easily understood format.

#### Next Steps

44. Amendment C286 will be placed on public exhibition as outlined above.
45. A report will then be brought to Council to consider any submissions, and if required, refer the amendment to an independent Planning Panel for consideration.
46. A further report will then be presented to Council to consider the Panel's report and recommendations.

#### Options

47. No options are presented. This refinement to the documentation is required to advance the Amendment to seek to increase the open space contribution rate.

### Community and stakeholder engagement

48. An extensive consultation and engagement program was delivered as part of the development of the new Open Space Strategy.
49. 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.
50. The technical report indicates a new POSC rate in the order of around 10% is appropriate in Yarra.
51. During the planning scheme amendment process, the documents will be made public in the exhibition period and the wider community will be able to assess the method used to derive the POSC rate.
52. 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.

### Policy analysis

#### Alignment to Council Plan

53. The new POSC rate would enable and assist in the implementation of the Open Space Strategy (2020). This is linked to the seven priority areas of the Council Plan as detailed in the table below:

<b>Council Plan Objective</b>	<b>How the Strategy will meet the objective</b>
<p><b>A healthy Yarra</b></p> <p><i>1.1 Maintain and enhance Yarra’s open space network to meet the diverse range of community uses.</i></p> <p><i>1.1.1 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><i>1.1.2 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><i>1.1.3 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><b>An inclusive Yarra</b></p> <p><i>2.1 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>
<p><b>A sustainable Yarra</b></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>



<b>Council Plan Objective</b>	<b>How the Strategy will meet the objective</b>
<p><b>A liveable Yarra</b></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><b>A prosperous Yarra</b></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><b>A connected Yarra</b></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>

<b>Council Plan Objective</b>	<b>How the Strategy will meet the objective</b>
<p><b>A leading Yarra</b></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 high 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

- 54. The new POSC rate would support the implementation of the new Open Space Strategy (2020).
- 55. 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**

- 56. The new POSC rate would support implementation of the Open Space Strategy (2020). This, through design aspects of new open space areas, would also allow some mitigation measures to be built into Yarra’s infrastructure and provide long term positive environmental impacts.

Community and social implications

- 57. 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.
- 58. The open space network provides varied opportunities for childhood development and growth. Being outdoors is an important part of early years learning.
- 59. 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.
- 60. 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 related community wellbeing related strategies.

61. 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

62. 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.
63. It is noted that an increase in the contribution rate would be an additional cost on development and may affect some development proposals.
64. 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 and the increased population.

#### Human rights and gender equality implications

65. 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

66. When the new POSC rate is incorporated into the *Yarra Planning Scheme*, it will 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.
67. The new POSC rate would also allow the levy to be applied to residential and non-residential developments instead of restricting it to only residential developments.
68. It is recommended a large percentage of the fund is accumulated and held in Open Space Reserve to acquire land for the development of new open space.
69. Overall, the projects in the Strategy would need to be funded from a mix of general rates revenue, grants and the public open space contribution rate.

#### Legal Implications

70. The planning scheme amendment process will most likely lead to a Planning Panel which would require Council to engage lawyers to advocate Council's submissions and the engagement of the consultant team to present expert evidence to a panel.

### Conclusion

71. Amendment C286 will put Council in a significantly better position to provide fit for purpose open space for its growing community.
72. In support of this goal Council has previously adopted the Yarra Open Space Strategy 2020 and resolved to seek *authorisation* to exhibit Amendment C286.
73. Amendment C286 has been conditionally '*authorised*' subject to updating Clause 22.16 and the exhibited Explanatory Report.
74. The updating of Clause 22.13 is more than a minor change to the Amendment which the CEO is authorised to make under the resolution of 15 September 2020 and consequently Council needs to adopt the updated Clause 22.12 for the Amendment to proceed to the exhibition stage.
75. The alterations to the Explanatory Report have been included for completeness.

## RECOMMENDATION

1. That Council:
  - (a) note the officer report outlining the proposed public open space contributions rate for the municipality as determined by Council in September 2020;
  - (b) note the proposed open space contribution rate is a municipal wide contribution rate applicable to all subdivisions in Yarra;
  - (c) note the open space contribution rate proposed is derived from the methodology of the Open Space Strategy adopted by Council on 1 September 2020;
  - (d) notes and endorses the changes proposed to Clause 22.12 and the Explanatory Report (as outlined in Attachments 2 and 3), and includes these documents as part of the exhibited documents for Amendment C286;
  - (e) endorses the notification process as outlined in this report;
  - (f) reiterates its resolution of 15 September 2020 that Amendment C286 be placed on public exhibition for a period of 4 weeks; and
  - (g) authorise the CEO to make minor changes to the Amendment C286 documents, should any be necessary, prior to exhibition.
2. That following the exhibition of Amendment C286 a report be provided to Council on any submissions received.

## Attachments

- 1 Yarra C286 Authorisation letter to PA with conditions - 18 June 2021
- 2 Yarra C286 Draft policy exhibition 22.12
- 3 Yarra C286yarr - Explanatory Report Authorisation - Revised

## 8.8 Amendment C269 consideration of submissions and referral to Planning Panel

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### Executive Summary

#### Purpose

The purpose of this report is for Council to note and consider:

- (a) the 424 submissions received in response to the exhibition of Amendment C269;
- (b) the officers' responses to the various aspects raised in the 424 submissions;
- (c) the officer recommendation that Council now request the appointment of an independent Planning Panel (from *Panels Victoria*) to consider all submissions and report back to Council;
- (d) the key officer recommendations for proposed changes to the exhibited version of the Amendment C269 documentation to form the basis of Council's position at a Planning Panel hearing; and
- (e) the next steps for advancing Amendment C269 in accordance with the requirements of the *Planning and Environment Act 1987*.

#### Key Issues

##### Brief background

The *rewrite* of the Yarra Planning Scheme has been underway for a number of years. This has followed the formal *review* of the Yarra Planning Scheme.

A number of processes have occurred as part of this rewrite program, including further strategy work (various) and also the 'deliberate community forum process' known as *Liveable Yarra* that occurred in 2015 (see report).

Other processes regarding the reformatting of the *Victorian Planning Provisions* (VPP's) by the State Government required a number of modifications to the formatting of the proposed Amendment – that caused a delay until the Government resolved that changed format.

##### Amendment C269

Following this work, Amendment C269 was prepared and Council resolved to exhibit the Amendment from 20 August 2020 to 4 December 2020 for 12 weeks in total (not including the pause for council elections).

In response to the formal exhibition period, a total of 424 submissions were received.

Officers have been assessing these submissions and this report now provides an analysis of the submissions so that the Amendment can be progressed in accordance with the provisions of the Planning and Environment Act.

##### Next steps

Due to the volume, complexity and the scope of changes requested by submissions (including highly detailed requests for rewritten policies), the appropriate (and normal) process step, is to now request an independent Planning Panel (through *Panels Victoria*) to consider the submissions.

This step provides the specific opportunities for those persons who wish to be heard by the Planning Panel and for the Panel to report back to the Council with considered analysis and recommendations for the Council to further consider.

That is, as Council cannot resolve these differences to the satisfaction of all submitters, a Planning Panel is the appropriate course for the advancement of the current Amendment.

### Important process points

The subject matter for this Amendment is the various aspects that were placed on public exhibition. That is, this is the basis of the Amendment to be progressed through the normal planning scheme amendment processes. It is important to note that new matters cannot now be introduced to this current Amendment as they would fall outside the scope of this particular Amendment.

Other matters sought by the Council can be the subject of *other* proposed Planning Scheme Amendments via different Amendment processes (NB. some are already underway such as some further Design and Development Overlays and others mooted such as a zero based carbon development planning scheme amendment).

More specifically, it is noted that under Section 23 of the Planning and Environment Act 1987 (**the Act**), Council must either:

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

Under Section 23 of the Act, Council may refer to the Panel submissions which do not require a change to the amendment.

It is officers recommendation that Council refer all submissions to an independent Planning Panel for consideration and provide recommendations to back to Council for further formal consideration.

After Council receives the Planning Panel report, officers would then provide a further report back to a Council meeting with recommendations as to the Amendment. Once Council resolves on a final position on the Amendment (adoption), Council then formally seeks the approval of the Amendment from the Minister for Planning.

If the Minister approves the Amendment, and it is gazetted as an approval, the various provisions then fold into the Yarra Planning Scheme.

It is noted that other 'standalone' Amendment proposals can be pursued by the Council in the future in accordance with the Planning and Environment Act and the specific Practice Notes of planning scheme amendments.

### Financial Implications

There are substantial costs associated with this panel process. They include Planning Panel costs and fees, legal representation and the engagement of experts such as urban design, heritage and planning who will provide evidence on behalf of Council.

### PROPOSAL

In summary, the officers recommendation is that Council:

- (a) requests the appointment of an independent Planning Panel to consider all of the submissions;
- (b) refers all submissions, including late submissions, to the independent Planning Panel for consideration and enabling a hearing of those persons who wish to be heard;
- (c) adopts a position of support for Amendment C269, generally in accordance with the officer's response to the submissions, as contained in the officer's report and attachments; and
- (d) submits to the Planning Panel that Amendment C269 should be recommended for approval subject to the highlighted changes made to the exhibited amendment.

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## 8.8 Amendment C269 consideration of submissions and referral to Planning Panel

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<b>Reference</b>	D21/69666
<b>Author</b>	Fiona van der Hoeven - Practice Leader, Strategic Planning
<b>Authoriser</b>	Director Planning and Place Making

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### Purpose

1. The purpose of this report is for Council to consider:
  - (a) the 424 submissions received in response to the exhibition of Amendment C269;
  - (b) the officers' responses to the various aspects raised in the 424 submissions;
  - (c) the officer recommendation that Council now request the appointment of an independent Planning Panel (from *Panels Victoria*) to consider all submissions and report back to Council;
  - (d) the key officer recommendations for proposed changes to the exhibited version of the Amendment C269 documentation to form the basis of Council's position at a Planning Panel hearing; and
  - (e) the next steps for advancing Amendment C269 in accordance with the requirements of the *Planning and Environment Act 1987*.

### Critical analysis

#### History and background

2. Amendment C269 proposes to update the local policies in the *Yarra Planning Scheme* by replacing the *Municipal Strategic Statement (MSS)* at Clause 21 and *Local Planning Policies* at Clause 22 with a *Municipal Planning Strategy* and *Local Policies* within the *Planning Policy Framework (PPF)*, consistent with the structure recently introduced by the State Government.
3. The preparation of Amendment C269 included consideration of:
  - (a) *Yarra's Planning Scheme Review*:
    - (i) Section 12B of the Planning and Environment Act 1987 (the Act) requires a Planning Authority (Council) to regularly review its planning scheme to ensure the scheme achieves the objectives of planning in Victoria and the objectives and strategies of the Planning Policy Framework (PPF).
    - (ii) A comprehensive review of the planning scheme was undertaken in 2014 and was reported to Council. The review was undertaken in accordance with Planning Practice Note 32 – Review of Planning Schemes. The review found that the scheme needed updating to:
      - reflect Council's updated policy positions;
      - make the scheme easier to understand and use;
      - address gaps in policy; and
      - consider the diversity of views on key planning topics.
  - (b) Additional consultation occurred with:
    - (i) Council's Advisory Committees;
    - (ii) "*Liveable Yarra*" (the people's Panel), and
    - (iii) relevant Council Departments.

- (c) Technical reports on acoustics, former industrial and residential heritage buildings, activity centre boundaries.
  - (d) Adopted structure plans, local area plans, built form frameworks for activity centres, Council strategies and *Plan Melbourne*.
  - (e) Amendment VC148:
    - (i) Amendment VC148 is part of the State Government’s Smart Planning programme to reform and modernise Victoria’s planning policy aimed at simplifying planning schemes, particularly the language, to make schemes more efficient, accessible and transparent.
    - (ii) VC148 was brought into all Victorian planning schemes on 31 July 2019. It introduced the *Planning Policy Framework (PPF)* which replaced the State Planning Policy Framework (SPPF) and intends to provide a means of better integrating Council’s local planning policies into the overall policy structure. It is noted that Amendment C269 proposes to replace the existing Local Policy Planning Framework (LPPF) with the redrafted policy in the PPF format.
    - (iii) The PPF provides a thematic structure for policies and is standard across all Victorian Planning Schemes. Attachment 1 illustrates in light blue text where Yarra’s local policies will sit within the thematic structure.
    - (iv) VC148 also provides a standardised format for policies that includes objectives and strategies and where necessary, policy guidelines. It removes ‘application requirements’ and ‘decision guidelines’.
    - (v) The amendment also introduced a *Municipal Planning Strategy (MPS)* which supports, but does not form part of the PPF. It provides the policy foundation for the planning scheme and is a succinct statement of Council’s planning and land use vision and directions.
    - (vi) Council Officers have worked closely with Department of Environment, Land, Water and Planning (DELWP) to ensure that the rewritten policies included in Amendment C269 have been prepared in accordance with the requirements of Amendment VC148.
  - 4. Council sought ‘authorisation’ from the Minister of Planning to prepare and exhibit Amendment C269 on 26 November 2019. Council received a letter from the Minister of Planning granting ‘authorisation’ of the Amendment (subject to conditions) on 7 July 2020. Confirmation from DELWP to exhibit the documents was received on 14 August 2020.
  - 5. Amendment C269 was publicly exhibited from 20 August 2020 to 4 December 2020 for 12 weeks in total (not including the ‘pause’ for Council elections).
  - 6. A total of 424 submissions were received including:
    - (a) 394 from community members (280 of which were via a community webpage campaign);
    - (b) 12 from community groups;
    - (c) 2 from State Government departments;
    - (d) 4 from organisations;
    - (e) 3 from local councils, and
    - (f) 9 from representatives of landowners.
  - 7. A number of the submissions raised similar issues or themes.
  - 8. Twenty-nine (29) of the submissions received provided detailed, tracked changes (rewritten) versions of the exhibited policies.
  - 9. Council is required under Section 22 of the Act to consider all submissions received during the exhibition of the Amendment.
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10. Under Section 23 of the *Planning and Environment Act 1987*, after considering submissions which request a change to the Amendment, Council must:
  - (a) Change the Amendment in the manner requested; or
  - (b) Refer the submissions to an independent Planning Panel (set up by 'Panels Victoria'); or
  - (c) Abandon the Amendment or part of the Amendment.
11. Council may also refer submissions which do not require a change to the Amendment to the planning panel.
12. It is important to note that Council is not able to make changes to the exhibited Amendment at this point in time. It is, however, recommended that Council support certain changes to the exhibited Amendment to form part of Council's submissions to the Panel in seeking that the Panel recommend adoption of Amendment C269 subject to the changes described in this report.
13. Due to the volume, complexity and the scope of changes requested (including highly detailed requests for rewritten policies), Council cannot resolve these differences to the satisfaction of all submitters.
14. Accordingly, it is recommended that Council refers all submissions, including the late submissions received up to the date of this report, to the Planning Panel, and request that the Panel recommend adoption of Amendment C269 with changes to the exhibited Amendment, consistent with Council's submissions, as informed by the recommendations in this report.
15. In response to submissions, officers have outlined the changes which it is recommended that Council should submit for consideration by the Panel. Council will then consider the Panel's recommendations on those matters, and any other matters raised by the submitters, at the next stage of the amendment process when it considers the Panel report.

### Discussion

#### **Considering the submissions to Amendment C269**

16. Each submission has been considered in detail, however, the sheer volume of submissions presented difficulties for officers in responding to each submission individually. Given the similar themes and issues raised across the submissions, the process set out in the following paragraphs has been undertaken.
17. The issues raised in submissions have been summarised in table form using key 'Themes' and 'Sub-Themes' as headings (refer to Attachment 2 for the **Summary of Submissions** Table). The 'Themes':
  - (a) are generally taken from the new format of the planning scheme introduced by State Government; and
  - (b) were also identified on Council's C269 webpage as part of the exhibition of the Amendment (as a way of grouping together the policies that are included in the Amendment).
18. It has not been possible to summarise the submissions that included detailed requests for changes using tracked changes (rewritten) versions of the exhibited policies. These submissions essentially "rewrote" the relevant policy, attaching the submitters preferred version. These submissions have been identified in Attachment 2.
19. The issues raised in submissions (excluding detailed requests for changes to the proposed policies using tracked changes) have been responded to using the key 'Themes' and 'Sub-Themes'. Refer to Attachment 3 for the **Response to Submissions** Table. This Table identifies whether officers are recommending accepting a change, or no change, to the Amendment in response to the issues raised in the submissions.

20. To consider the 29 submissions that included detailed requests for changes using tracked changes (rewritten) versions of the exhibited policies, an *Assessment Criteria* was prepared to help assess whether to recommend accepting a change or no change to the Amendment in response to these submissions. Refer to Attachment 4 for the **Assessment Criteria**.

**Key issues raised in submissions**

21. Below is a summary of key issues raised in submissions. Due to the volume of submissions it is not possible to summarise all of the issues raised in the submissions in the body of this report. Refer to the key attachments 2 and 3 for further summaries of submissions.

Table 1 Summary – ‘key issues raised in submissions’

Theme & Sub-Themes	Key issues raised in submissions
<p><b>Activity Centres</b>                      (A number of the issues raised in submissions under the Activity Centres Theme, were linked to multiple Sub-Themes (for example: the issue related to Height/Built form AND Heritage AND Character within an Activity Centre)</p>	
<p><i>Height / Built form</i></p>	<p>Examples of issues include:</p> <ul style="list-style-type: none"> <li>• Requests for mandatory building height limits.</li> <li>• ‘Mid-rise’ may be too high in heritage activity centres.</li> <li>• Concerned about the impact of ‘mid-rise’ and ‘high-rise’ development on the heritage and community feel of the area.</li> <li>• Transition policies need to be strengthened between activity centres and residential areas.</li> <li>• Need to maintain the village atmosphere - not want ‘high rise’ buildings.</li> <li>• Council needs to be clearer in articulating the precise extent of <i>urban change</i> in local neighbourhoods, especially those interfacing with key thoroughfares in activity centres and managing development along these sensitive residential interfaces.</li> </ul>
<p><i>Heritage and Character</i></p>	<p>Examples of issues include:</p> <ul style="list-style-type: none"> <li>• There needs to be well crafted neighbourhood character statements for all the activity centres.</li> <li>• Maintain human scale, diversity and vibrancy.</li> <li>• Need to protect heritage streetscapes, veranda’s and heritage buildings.</li> <li>• Planning Scheme needs to ensure diversity of small shops rather than a move to larger less diverse complexes.</li> </ul>
<p><i>Transport / Traffic / Car parking</i></p>	<p>Examples of issues include:</p> <ul style="list-style-type: none"> <li>• Concerns regarding the impact of development on traffic, car volumes in side streets.</li> <li>• Object to having car access to the areas noted for moderate or incremental residential developments on rear or side laneways.</li> </ul>
<p><i>Boundary</i></p>	<p>Examples of issues include:</p> <ul style="list-style-type: none"> <li>• Does not support:                             <ul style="list-style-type: none"> <li>- Stewart, Hoddle, Tanner and Wangaratta Streets being included in the Swan Street Major Activity Centre;</li> <li>- Swan Street MAC boundary should not be extended to</li> </ul> </li> </ul>

	<p>include the Australian Knitting Mills complex just north of Richmond Station.</p> <ul style="list-style-type: none"> <li>- inclusion of Berry/Ramsden Street, Clifton Hill and Spensley Street, Clifton Hill within the Local Activity Centres;</li> <li>- the inclusion of the site at 582 Heidelberg Road, Alphington in the Alphington Activity Centre.</li> </ul> <ul style="list-style-type: none"> <li>• Redesignation of activity centres in the hierarchy of major, neighbourhood and local activity centres.</li> </ul>
<b>Environmental and landscape values</b>	<p>Examples of issues include:</p> <ul style="list-style-type: none"> <li>• Significant trees, street trees, avenues of trees, culturally significant trees, trees in parks should be registered and retained / maintained</li> <li>• Submissions include specific trees to be nominated under the planning scheme.</li> <li>• The Urban Forest Strategy is a major policy in Yarra and needs implementing through this scheme.</li> <li>• Prefer indigenous and native plants.</li> <li>• Protect river corridors</li> </ul>
<b>Environmental risk and amenity</b>	
<i>Interface and amenity</i>	<p>Examples of issues include:</p> <ul style="list-style-type: none"> <li>• Submission from the EPA with specific comments regarding proposed Clause 13.07-1L (Interfaces and amenity) and the proposed Guideline – <i>Managing Noise Impacts in Urban Development</i>.</li> </ul>
	<p>Example of issues include:</p> <ul style="list-style-type: none"> <li>• Construction noise – Suggest that Yarra adopt a policy of allowing only one noisy building/renovation project at a time in 500 metres of any residential dwelling. Suggests a policy of staggering them also.</li> </ul>
<i>Licensed venues</i>	<p>Example of issues includes:</p> <ul style="list-style-type: none"> <li>• Unable to see protections for long established bars and pubs.</li> </ul>
<i>Climate change</i>	<p>Example of issues includes:</p> <ul style="list-style-type: none"> <li>• Yarra's declaration of a Climate State of Emergency should be reflected in C269.</li> </ul>
<i>Flood management</i>	<p>Examples of issues include:</p> <ul style="list-style-type: none"> <li>• Flood management – Should not apply to outdoor additions such as decks or pergolas.</li> <li>• Increasing red tape for these important minor additions is overzealous.</li> </ul>
<b>Built environment and heritage</b>	
<i>Urban design</i>	<p>Examples of issues include:</p> <ul style="list-style-type: none"> <li>• Laneways need to be maintained, cleaned and retained.</li> <li>• Ensure that new developments do not overshadow parks and green spaces.</li> <li>• Overshadowing of public open space should be based on the winter solstice, not the equinox.</li> </ul>

	<ul style="list-style-type: none"> <li>• Supports Objective 17 of existing policy (Clause 21.05-2) that includes the stipulation that “development on strategic redevelopment sites or within activity centres should generally be no more than 5-6 storeys unless it can be demonstrated that the proposal can achieve specific benefits”.</li> </ul>
<i>Building design</i>	<p>Examples of issues include:</p> <ul style="list-style-type: none"> <li>• I have heard that Yarra Planning defines ‘moderate height’ as 14 storeys. I hope this is not true. 14 storeys is high.</li> <li>• Identifies the “ill effects” of high-rise buildings: noise levels of building and construction, blocks views and light, compromises the character of the area – large buildings dominate the feeling of the neighbourhood</li> <li>• Height impact on heritage character in size, scale and good design and overlooking.</li> <li>• Any development that borders a residential area should have much sterner height and setback restrictions than those on a main road (perhaps three storeys if next to existing dwelling).</li> <li>• Proposed guidelines should address the issues of height, setbacks, a variety of finishes, privacy, overshadowing, retention of street character and establish lower building heights for new development.</li> <li>• Pursue inclusion of ‘Universal Design’ and the ‘Liveable Housing Guidelines’ and develop a position on mandatory minimum accessibility regulations for Class 1a residential buildings and internal parts of individual Class 2 buildings.</li> <li>• Encouraging mid-rise development in Cremorne is inappropriate in the absence of specific built form guidance in the form of a Structure Plan, Design and Development Overlay or similar control.</li> </ul>
<i>Landmarks</i>	<p>Examples of issues include:</p> <ul style="list-style-type: none"> <li>• Requests for additional landmarks and additional primary views to be included.</li> <li>• Wording used in the landmarks section should be inclusive rather than exclusive.</li> <li>• Objects to the proposed 15.01-2L Landmarks and associated background document ‘Landmarks and Views Assessment – Ethos Urban – October 2019 (Specific reference to the Pelaco sign).</li> <li>• The implications of protecting the view lines to the Pelaco sign from the proposed vantage points has not been properly tested or assessed.</li> </ul>
<i>Heritage</i>	<p>Examples of issues include:</p> <ul style="list-style-type: none"> <li>• C269 should have clearly listed heritage objectives to preserve, restore and enhance the heritage of Yarra.</li> <li>• Exhibited 15.03-1L Heritage - this Clause requires meaningful objectives.</li> <li>• Concerns/requests for changes in terminology in proposed 15.01-1L Heritage – Lack of technical terms.</li> <li>• Need to protect the heritage and visual aesthetic of Yarra.</li> <li>• Need to preserve more than just façades.</li> <li>• Concerned about the lack of policy on veranda’s.</li> </ul>

	<ul style="list-style-type: none"> <li>Views of our streets and lanes should ensure visibility of the heritage building against the blue sky.</li> <li>Importance of laneways – love the heritage views from these laneways – those views need protecting.</li> <li>Planning Scheme should include reference to the original owners of the land – the Wurundjeri.</li> </ul>
<i>World Heritage</i>	<p>Example of issues include:</p> <ul style="list-style-type: none"> <li>Requests for additional content.</li> </ul>
<i>ESD</i>	<p>Examples of issues include:</p> <ul style="list-style-type: none"> <li>Requests for additional / strengthened standards.</li> <li>Requests to accept changes in terminology proposed by CASBE (this has also been requested in submissions by Local Councils).</li> </ul>
<i>Signs</i>	<p>Examples of issues include:</p> <ul style="list-style-type: none"> <li>15.01-1L Signs – current legislation appears to limit control of illuminated street signs due to the effect they have on drivers and road users. These can be placed in direct line of sight of residential developments, apparently with only limited control of the light pollution effects.</li> </ul>
<b>Housing</b>	
<i>Location of residential development</i>	<p>Examples of issues include:</p> <ul style="list-style-type: none"> <li>There is too much densification of housing already and no further need for more.</li> <li>There is potential to undermine State Policy that directs more intense development outcomes in Activity Centres.</li> <li>Residential development should not be in local shopping strips. Industrial spaces would be more sustainable and a better option for residential development as they have less impact on shops and residential homes.</li> <li>The strategic housing framework does not give any idea of the height and density of future developments.</li> <li>Requests for reclassification.</li> </ul>
<i>Housing diversity</i>	<p>Examples of issues include:</p> <ul style="list-style-type: none"> <li>Housing diversity policy has a narrow view of what types of housing diversity needs to be supported. Does not mention singles or couples. Nor does it note that many homes in Yarra already cater for families.</li> <li>Size matters. Generous apartments designed for a single person through to families.</li> </ul>
<i>Affordable housing</i>	<p>Examples of issues include:</p> <ul style="list-style-type: none"> <li>New developments with over 50 dwellings should include at <b>least</b> 10% of affordable housing.</li> <li>The trigger for providing housing affordability should be lowered – i.e. 10 dwellings proposed.</li> </ul>
<b>Economic development</b>	
	<p>Examples of issues include:</p> <ul style="list-style-type: none"> <li>(Cremorne – Site amalgamation) Clause 17.01-1L be amended by deleting the word ‘consolidation’ from the strategy</li> </ul>

	<p><i>'encourage the consolidation and intensification of employment land within Yarra's major employment precincts'.</i></p> <ul style="list-style-type: none"> <li>• Day/night diversity of shops and activities should include use above ground floor for additional shops, libraries, studios, residences etc.</li> <li>• There needs to be a focus on maintaining the arts culture and diverse art activities need to be supported (for example the Gertrude Street Projection Festival).</li> <li>• There appears to be no current requirement for commercial landowners to maintain their premises in a fit state when unoccupied for periods of time.</li> </ul>
<p><b>Transport</b></p>	
	<p>Examples of issues include:</p> <ul style="list-style-type: none"> <li>• The Department of Transport submitted that there should be additional reference to transport networks – Principle Public Transport Network (<i>PPTN</i>), Principle Bicycle Network (<i>PBN</i>), Bicycle Priority Routes (<i>BPR</i>) and Strategic Cycling Corridors (<i>SCCs</i>).</li> <li>• Recommends an additional proposed control: the incorporation of carshare conditions for new residential developments. Submission includes a specified rate.</li> <li>• Amendment should eliminate minimum car parking requirements and replace them with maximum car parking limits of 1 parking bay per 100m<sup>2</sup> of building floor area.</li> <li>• Parking must be made available for residents so the elderly and disabled can park near their place of residence.</li> <li>• No excuse for new developments not to have extensive underground parking as a requirement to take the pressure off the streets.</li> <li>• Include rates for electric vehicles.</li> <li>• Main commuter trails need to be widened / improved shared paths and buildings need to be properly set back from pathways to ensure safe and unimpeded access for pedestrians and cyclists.</li> </ul>
<p><b>Infrastructure</b></p>	
<p><i>Open space</i></p>	<p>Examples of issues include:</p> <ul style="list-style-type: none"> <li>• There needs to be more open space and comprehensive management plans to support these important assets. This should include integrating any available and underutilised private parcels of land into the public domain.</li> <li>• Council must reject any and all sales, gifts or other “disposals” or “disbursements” of public lands or spaces to private entities.</li> <li>• There needs to be more mention of safety and provision for passive surveillance of open space in the proposed policy.</li> <li>• There needs to be more opportunities for green space to grow food and bring biodiversity back to our neighbourhood.</li> </ul>
<p><i>Development contributions</i></p>	<p>Examples of issues include:</p> <ul style="list-style-type: none"> <li>• It should be clear that where policies call for public realm improvements (e.g. footpaths or bicycle paths) it is in lieu of the Developer Contributions Plan Overlay (DCPO).</li> <li>• Infrastructure improvements should be mandated, and</li> </ul>

	requirements clearly set out upfront. Local community should be involved in negotiating trade-offs and facilities.
<i>Waste</i>	<p>Example of issues include:</p> <ul style="list-style-type: none"> <li>Under Clause 19.03-5L Waste, request that waste and recycling facilities are sensitively and discreetly located so as not to negatively affect the streetscape.</li> </ul>
<i>Water sensitive urban design</i>	<p>Example of issues include:</p> <ul style="list-style-type: none"> <li>Suggests that the policy be expanded to clarify how Yarra will integrate water sensitive design in the public realm.</li> </ul>
<b>Form and content</b>	
	<p>Examples of issues include:</p> <ul style="list-style-type: none"> <li>Concerned about the key terms used in the built form policy elements of C269 – they are vague, ill-defined, meaningless.</li> <li>(Concerns/requests for changes in terminology in proposed 15.01-1L Urban Design.)</li> <li>Key terms should be clearly and explicitly defined and once this occurs it should be opened again for public consultation.</li> <li>There should be an accompanying document – with well-illustrated set of guidelines in plain English to support the new policy.</li> <li>Concerned about the numbering system of clauses.</li> </ul>
<b>Other</b>	
	<p>Issues addressed:</p> <ul style="list-style-type: none"> <li>liveability; zoning; safe injecting room; consultation; specific property; and graffiti.</li> </ul>

**Proposed changes to the Amendment C269 recommended by officers to advocate as Council’s position at panel**

22. In preparing for the Planning Panel, Council should recommend what changes (if any) should be made to the exhibited amendment. In this regard, officers are seeking the Council’s considered opinion on the submissions via this report.
23. It is important to note that any recommended changes need to arise from the submissions, or be in response to the submissions received.
24. Officers are proposing that the Council submission to the Panel include a number of changes to the exhibited amendment for specific consideration by the Panel in response to the submissions.
25. Attachment 5 outlines the preferred version of policies to advocate as Council’s position at the Panel hearing. NB. The policies included at Attachment 5 are marked up to illustrate the ‘post exhibition’ changes.
26. Recommended changes, in response to the 29 submissions that included detailed requests for changes using tracked changes (rewritten) versions, are included in Attachment 5.
27. The recommended changes in response to other submissions (not track changes) are set out in Table 2 below. They are also summarised in Attachment 3 and are included in Attachment 5 (preferred version of policies).

**Table 2: Recommended changes in response to submissions**

(summarised in Attachment 3 and also shown in the marked up policies included in Attachment 5):

Proposed Clause No.	Recommended changes in response to submissions set out in Attachment 3
02.01 MPS - Context	Relocate the following in the proposed Clause 02.01 <i>MPS – Context</i> , as the first sentence:  “ <i>Yarra stands on the traditional lands of the Wurundjeri people</i> ”.
02.03	Include a statement in reference to the Climate State of Emergency declared by the City of Yarra in Clause 02.01 <i>Context</i> under the ‘Climate Change’ section.
11.03- 1L	Correct the error in the Swan Street Activity Centre Plan Map in Clause 11.03-1L <i>Activity Centres</i> to: <ul style="list-style-type: none"> <li>• Include the Mixed-Use zoned land north of the Richmond Train Station in the Activity Centre boundary</li> <li>• Identify ‘land subject to future strategic work’ on the map as per adopted Swan Street Framework Plan in Amendment C191.</li> </ul>
13.07-1L Interfaces and Amenity	In response to a submission from the EPA: <ul style="list-style-type: none"> <li>• change Clause 13.07-1L ‘<i>Interfaces and Amenity</i>’ as identified in preferred version of policies included as an attachment to this report;</li> <li>• changes to the <i>Guidelines - Managing Noise Impacts in Urban Development</i> as identified in Attachment 6.</li> <li>• consequential changes to the Noise and Vibration Considerations Discussion Report consistent with changes to the <i>Guidelines - Managing Noise Impacts in Urban Development</i>.</li> </ul> Refer to Table 2 below for further ‘other officer’ changes.
15.01-1L Urban Design	Under the heading ‘ <i>Development adjacent to a public open space</i> ’ alter reference from 11am to 10am:  <i>Avoids overshadowing of public open space between 10 am and 2pm on 22 September</i>
15.01-1L – Urban Design	Replace the term ‘ <i>adjacent</i> ’ in the section ‘Development adjacent to land in a Heritage Overlay’ with the word ‘ <i>adjoining</i> ’.
15.02-1L Environmentally Sustainable Development	Accept all track changes to the proposed policy <i>Environmentally sustainable development policy</i> submitted by CASBE.
15.03-1L Heritage	Add the following objectives: <ul style="list-style-type: none"> <li>• To conserve Yarra’s natural and cultural heritage.</li> <li>• To preserve the scale and pattern of streetscapes in heritage places.</li> <li>• To ensure the adaptation of heritage places is consistent with the principles of good conservation practice.</li> </ul>
15.03-1L Heritage	Changes to wording to clarify intent and ensure consistency as identified in the preferred version of policies in attachment 5.
15.03-1L Heritage	Under the heading ‘ <i>Residential alterations and additions</i> ’, insert the word ‘ <i>minimum</i> ’ before the words ‘ <i>depth of two front rooms</i> ’.



15.03-1L Heritage	Under the heading <i>'New development, alterations or additions'</i> , include <i>'verandahs'</i> as an element under the dot point <i>respecting the following elements of the heritage place:...</i>
15.03-1L Heritage	Under the heading <i>'New development, alterations or additions'</i> insert underlined:  <i>Promote development that is high quality and respectful in its design response by:</i>  • <i>Protecting and conserving the view of heritage places from the public realm (except from laneways, unless fabric visible from laneways is identified as being significant in the Statement of Significance for the place).</i>
15.03-1L Heritage	As a result of the above change, a consequential change is also required to the <i>'Demolition'</i> section of the policy. Insert the underlined words:  <i>Avoid the demolition of any part of an individually significant or contributory building unless all of the following can be demonstrated:...</i>  • <i>The area of demolition is not visible from:</i>  - <i>The street frontage (other than a laneway, unless the fabric visible from the laneway is identified in the Statement of Significance)...</i>
16.01-2L 'Location of residential development'	Redesignate land at 1 Turner Street Abbotsford from 'Minimal Change Area' to 'Incremental Change Area' as identified in preferred version of policies included as a separate attachment to the Council Report.
17.01-1L Employment	Delete the words <i>'consolidation and'</i> from the strategy <i>'encourage the consolidation and intensification of employment land within Yarra's major employment precincts'</i> .
19.03-5L Waste	Insert new strategy:  <i>Where possible, encourage waste and recycling facilities are sensitively and discreetly located.</i>
General Form and content	The term 'scale' has been replaced with 'rise' where appropriate throughout the proposed policies.  NB. Some submissions commented that the proposed numbering system of PPF is confusing and that a clear, non-repetitive numbering system is required so that statements can be easily identified.  The numbering system of the Planning Policy Framework (PPF) is in accordance with the State Government's Smart Planning program.  Council has acknowledged the issues associated with the numbering system and in December 2019, Council sent correspondence to the Department of Environment, Land, Water and Planning (DELWP) on this matter.  Council should continue to advocate to DELWP on this matter and for it to be raised as part of a Planning Panel should a Panel be convened.

28. Officers also recommend that Council submit that some other changes be made to the exhibited policies that have been identified in the process of considering the submissions and reviewing the exhibited policies. These changes are generally:
- (a) consequential changes (as a result of accepting the submissions), to ensure consistency through the new PPF;
  - (b) minor changes that clarify the intent of the exhibited policies where, on review, it was apparent that the language could be improved to ensure all future stakeholders are clear on the intent; and
  - (c) grammatical and formatting fix ups.
29. The other changes are outlined in Table 2 below. They are also shown in Attachment 5 as 'Other: Officer Change':

Table 2: **Other Officer Changes** (included in Attachment 5)

Proposed Clause No.	Issue identified	Other recommended changes proposed by Council officers
02.01	Context Grammatical error	In the <i>context section</i> , replace 'higher' with 'high' in relation to proportion of dwellings occupied by single occupants and families.
02.03 Strategic Directions	Under <i>Natural environment</i> the proposed policy does not specify what type of flora and fauna occurs along the water corridors.	Based on advice from Yarra's Biodiversity team (City Works & Assets), insert the word " <i>indigenous</i> " in front of "... <i>flora and fauna occur along the water corridors with other large reserves such as the...</i> ".
	Under <i>Climate Change</i> the proposed policy is too specific and needs to refer to all tree canopies.	Based on advice from Yarra's Environmental Management team, remove the word " <i>street</i> " from in front of "... <i>tree canopy by 25%...</i> ".
11.03-1L Activity Centres	In considering the submissions relating to the mixed use land north of Richmond Train Station, it was brought to officers' attention that in relation to three sites to the east (493-497 Swan Street), an update also needs to be made to the Swan Street Activity Centre Plan to identify this land subject to future strategic work. This update is consistent with the recommendations of the C191 Panel and as per the final form of C191 adopted by Council.	Update the <i>Swan Street Activity Centre Plan</i> to identify three sites to the east (493-497 Swan Street) as 'land subject to future strategic work'.
12.01-1L Biodiversity	Under <i>Strategies</i> the proposed policy needs to clarify the strategy " <i>Support development that creates habitats for biodiversity with a balance of native and non-native species...</i> " - native species are preference over non-native.	Based on advice from Yarra's Biodiversity team (City Works & Assets), insert the following "(with a preference of native over non-native)" after " <i>Support development that creates habitats for biodiversity with a balance of native and non-native species...</i> ".
	Under <i>Strategies</i> , the fourth strategy needs to be reworded as 're vegetate' is an obsolete	Based on advice from Yarra's Biodiversity team (City Works & Assets), replace the fourth strategy " <i>Restore and re vegetate existing habitats</i> " with the following " <i>Restore habitat</i> ".

	term.	values”.
13.03-1L Flood Management	The proposed objective needs minor language improvements to provide clarity.	Based on advice from Yarra’s Engineering Operations team, replace the objective “ <i>To reduce flood risk through the appropriate siting of development and use of flood resistance measures</i> ” with the following: “ <i>To manage the risk of flood through the appropriate siting of development and use of flood mitigation measures</i> ”.
13.07-1L Interfaces and Amenity	Consequential changes required to Clause 13.07-1L Interfaces and Amenity in response to considering Submission 15 from the EPA.	Based on consultation with SLR consulting.  Note: Based on consequential changes to the policy, changes are also required to the <i>Guidelines - Managing Noise Impacts in Urban Development</i> and the Noise and Vibration Considerations Discussion Report.
15.01-2L Landmarks	Under <i>Strategies</i> the word “ <i>night time</i> ” needs to be corrected (identified arising out of an issue raised in submissions).	Minor update to insert the hyphen in ‘night-time’.
	An error was identified by officers’ in Table 1 under ‘ <i>primary views</i> ’ of the proposed policy in relation to the Skipping Girl Sign.	“ <i>Victoria Street footpath, east side</i> ” needs to be changed to “ <i>Victoria Street footpath, south side</i> ”.  This update is consistent with the recommendations in the background document Landmarks & Views Assessment (October 2019).
18.02-1L Cycling	Reference to <i>Built Environment Sustainability Scorecard (BESS)</i> includes the date (issue raised in ESD related submissions).	Delete the date of BESS so that the reference is consistent with the preferred version of the ESD policy.
18.02-4L Car Parking	Reference to <i>Built Environment Sustainability Scorecard (BESS)</i> includes the date (issue raised in ESD related submissions).	Delete the date of BESS so that the reference is consistent with the preferred version of the ESD policy.
19.02-6L1 Open space	Under <i>Objective</i> , an update to be made to ensure consistency with the heading of the policy (which is proposed to be updated in response to submissions).	Insert the word “ <i>public</i> ” in front of “ <i>...open space and increase the quantity...</i> ”.
Schedule to Clause 52.28 Gaming	In Table 1, an update to the name of the shopping complex - Richmond Plaza, Richmond, to reflect the redevelopment of the site (PLN11/0834).	In Table 1 Replace “ <i>Richmond Plaza, Richmond</i> ” with “ <i>Richmond Traders, Richmond</i> ”
72.04 Incorporated documents	The listed document “ <i>Guidelines – Managing noise impacts in urban development, October 2019</i> ” needs to be updated as a consequential change made through review of policy in response to Submission 15 from the EPA.	Replace “ <i>October 2019</i> ” with “ <i>June 2021</i> ” after “ <i>Guidelines – Managing noise impacts in urban development...</i> ”.

72.08 Background documents	Reference to <i>Built Environment Sustainability Scorecard (BESS)</i> includes the date (issue raised in ESD related submissions).	Remove “2015” after “ <i>Built Environment Sustainability Scorecard ‘BESS’ (Council Alliance for a Sustainable Built Environment ‘CASBE’, ...</i> ”.
	The listed document “ <i>Heritage Policy – Industrial (GJM Heritage, 1 October 2019)</i> ” needs to be updated to reflect the version exhibited on Council’s C269 webpage.	Update so that the 15 October 2019 version is referenced.

**Background and incorporated document discrepancies**

*Landmarks and Views Assessment*

30. Amendment C269 proposes to include the *Landmarks and Views Assessment, October 2019* as a background document in the Planning Scheme. This version was an attachment to the report for the 26 November 2019 Council meeting, which resolved to seek ‘authorisation’ for the amendment.
31. Officers’ have become aware that whilst this document was listed on Council’s website during exhibition, two versions of the document were listed on DELWP’s website (October 2019 and a November 2019 version). The differences between versions are minor in nature and do not raise any significant implications. They include:
  - (a) general formatting adjustments;
  - (b) minor grammatical or language improvements; and
  - (c) clarification and correction of view lines to the Clock Tower of Dimmey’s Swan Street, as follows:
    - (i) wording correction of View 2 from ‘North **East** corner of Stewart and Swan Streets Intersection’ to ‘North **West** corner of Stewart and Swan Streets Intersection’; and
    - (ii) mapping adjustment of View 2 to accurately match the description of ‘North West Corner of Swan Street and Yan Lane’.
32. It is recommended that the October 2019 version be used as the Amendment progresses to Panel.

*Yarra Industrial Heritage Policy, GJM Heritage*

33. The report resolving to seek ‘authorisation’ for Amendment C269 included *Yarra Industrial Heritage Policy, GJM Heritage (1 October 2019)* as an attachment and proposed background document to the Planning Scheme. This version has been exhibited on the DELWP web page as part of the Amendment package.
34. It has come to officers’ attention that Council’s Amendment C269 webpage included the subsequent (final) version of the GJM report dated 15 October 2019 as a background document to the Planning Scheme.
35. The differences between versions do not have significant implications for the proposed heritage policy. The latest version (15 October 2019) includes:
  - (a) general formatting adjustments;
  - (b) grammar and language improvements for clarity;
  - (c) clarification on the typical location of different industrial types;
  - (d) updates to reflect Amendment C223 which affected land at 81-95 Burnley Street and 26 Doonside Street, Richmond (‘rezoning’ and introduction of an ‘Environmental Audit Overlay, and a ‘Development Plan Overlay’ (DPO)); and

- (e) updates to the discussion on heritage policy in the City of Melbourne as a consequence of a planning scheme amendment in the City of Melbourne and insertion of a new sub section describing application of policy for places graded as ‘Individually Significant’ or ‘Contributory’.

36. It is recommended that the 15 October 2019 version be used as the Amendment progresses to Panel (Attachment 7).

#### *Database of Heritage Significant Areas*

37. Amendment C245 updated the existing incorporated document ‘*Appendix 8 – City of Yarra review of Heritage Overlay Areas, Graeme Butler and Associates*’, to change the title to ‘*City of Yarra Database of Heritage Significant Areas*’. It was approved by the Minister for Planning and gazetted on 11 February 2021.

38. As a consequential change, the title page of the Incorporated Document, included in Amendment C269 should be updated at this stage of the Amendment. Note: the correct title is listed in the proposed schedule to Clause 72.04 *Documents incorporated in this planning scheme*.

#### Options

#### **Section 23 of the Act – considering changes to the amendment**

39. As said above, under Section 23 of the *Planning and Environment Act 1987*, Council must either:

- (a) change the amendment in the manner requested; or
- (b) refer the submission to an independent planning panel; or
- (c) abandon the amendment or part of the amendment.

40. Due to the volume, complexity and the scope of changes requested (including highly detailed requests for rewritten policies), Council cannot resolve these differences to the satisfaction of all submitters. Additionally, as set out and detailed in Attachment 3 (**Response to submissions**), officers do not support a number of the changes sought by submissions and do not recommend that Council support those changes to the exhibited Amendment, for the reasons provided.

41. **Accordingly, it is recommended that Council refers all submissions, including any late submissions received up to the date of this report, to an independent Planning Panel and request that the Panel recommend adoption of Amendment C269 with changes to the exhibited amendment consistent with Council’s submissions as informed by the officer recommendations in this report.**

42. When submissions are referred to the independent Planning Panel, all submitters would be given the specific opportunity to outline their submission to the Panel which would then make recommendations in a report to Council.

43. The Panel considers all submissions when making recommendations to Council about whether Council should adopt the amendment (with or without changes), or abandon the amendment.

44. The Panel’s report and its recommendations would then be provided to Council with an officer report for its formal consideration. At that time, Council would then have three options under the *Planning and Environment Act 1987*:

- (a) adopt the amendment as exhibited;
- (b) adopt the amendment with changes; or
- (c) abandon the amendment or part of the amendment.

45. It is noted that Council can choose to accept or reject a Panel’s recommendations. Where it chooses not to accept the Panel’s recommendation, it must provide justification to the Minister for Planning.

46. If Council chooses to adopt the amendment (with or without changes), it would then be sent to the Minister for Planning seeking approval and gazettal of the Amendment to bring the changes into the Yarra Planning Scheme.

## Community and stakeholder engagement

### Exhibition of Amendment C269

47. The report to the Council meeting on 26 November 2019 outlined the following requirements:
- (a) Section 19 of the Act requires Council to give notice to (among others) owners and occupiers of land it believes may be materially affected by the amendment;
  - (b) The Act also requires Council to publish notice of the amendment in a newspaper circulating in the area (*The Age*) and in the *Government Gazette*. The amendment must be on exhibition for no less than one month; and
  - (c) Where the affected number of owners and occupiers makes it impractical to notify all of them individually, Sections 19 (1A) and (1B) of the Act allow a Planning Authority take reasonable steps to ensure that public notice of the amendment is given in the area affected by the amendment. For Amendment C269, it was impractical to notify all 52,000 ratepayers plus occupiers across the entire municipality.
48. Instead of individual notification, strategic planning officers worked with the Council communications unit to develop a community engagement strategy to inform the statutory consultation. Council supported this recommendation at its meeting on 26 November 2019.
49. Amendment C269 was **publicly exhibited** from Thursday 20 August 2020 to Friday 4 December 2020, being 12 weeks in total (not including the pause for Council elections).
50. The **exhibition** included:
- (a) a purpose built Council webpage with a dedicated web page ensuring that information was clear and easy to understand. This web page outlined the Amendment using themes and included short videos and links to supporting documents;
  - (b) amendment documents were available on the DELWP webpage;
  - (c) notice of the Amendment was published in both *The Age* and the *Herald Sun*;
  - (d) notice of the Amendment was also published in *Yarra News* in March 2020;
  - (e) emails were sent to the Prescribed Ministers outlined in the *Planning and Environment Act 1987*, relevant government agencies and neighbouring Councils; and
  - (f) email notification (on Wednesday 18 August 2020) was sent to over 300 key community stakeholder groups and individuals, including, but not limited to: resident groups, trader associations, housing organisations, members of the community that had expressed interest during previous engagements, community and volunteer groups, Yarra sporting groups, health and education organisations and Advisory Committees.
51. Council's communications activities on Amendment C269 were cognisant of people in the community who speak English as a second language and those that are more vulnerable, and included:
- (a) an email campaign to community and interest groups, including neighbourhood houses and CALD community groups, as well as housing and service providers;
  - (b) radio announcements that Council produces about *Yarra News* stories, which are translated into four languages (Vietnamese, Greek, Turkish, Arabic) and aired on community radio stations 3CR and 3ZZZ;
  - (c) video content on the webpage, designed to explain proposed changes in simple terms to those who have lower literacy levels or speak English as a second language;
-

- (d) information on Council's corporate website with the Google Translate function available, and
  - (e) Council's Interpreter service, which is available for all Yarra projects.
52. During exhibition, officers continued to promote exhibition of the Amendment through a number of other channels including:
- (a) Council's email newsletter to over 10,000 subscribers;
  - (b) emails to Yarra's Your Say subscriber list;
  - (c) further email newsletters to specific interest groups, including Yarra's Economic Development newsletter and Environment newsletter; and
  - (d) social media posts, including Facebook.

### **Heritage Advisory Committee (HAC)**

53. The Heritage Advisory Committee (HAC) Delegates Report (18 August 2020) recommended the following to Council:
- (a) Planning Scheme rewrite: Landmarks Policy and Yorkshire Brewery  
*Members agreed that the view to the Yorkshire Brewery and the Royal Exhibition Building Dome should be included as part to the Landmarks Policy.*
54. At its meeting on 18 August 2020, Council resolved to note the Delegate's Report and to consider the HAC advice.
55. The HAC Delegates Report (4 May 2021) included as advice to Council:
- (a) *In recognition of the significance of the Tanner Street industrial area and the threat posed by the possible extension of the Swan Street Major Activity Centre boundary to that significance, that Council be advised to abandon this part of Amendment 269.*
  - (b) *In view of the lack of clarity about the extension proposal in the exhibited material for Amendment 269, should the Council wish to continue with the proposed boundary extension, Council be advised that this should be included in a separate amendment and be exhibited accordingly.*
56. At its meeting on 4 May 2021, Council resolved to note the Delegates Report.

## **Policy analysis**

### Alignment to Council Plan

57. Amendment C269 implements strategies for *Liveable Yarra* in the current *Yarra Council Plan 2017-2022*, including:
- (a) *4.1 Protect Yarra's heritage and neighbourhood character;*
  - (b) *4.2 Actively plan for Yarra's projected growth and development and advocate for an increase in social and affordable housing;*
  - (c) *4.3 Plan, promote and provide built form and open space that is accessible to all ages and abilities; and*
  - (d) *4.5 Encourage and promote environmentally sustainable building, urban design, place-making and public realm outcomes.*

### Climate emergency and sustainability implications

58. The revised local polices in the Amendment have a stronger focus on reducing the impacts and mitigating the impacts of climate change within the ambit of planning scheme discretion.
59. The Amendment supports the actions of the *Yarra Climate Emergency Plan 2020-2024*, including providing a sound strategic basis for the future introduction into the Yarra Planning Scheme of zero carbon standards for new commercial and residential developments.

### Community and social implications

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

### Economic development implications

62. The proposed policies align with the *Economic Development Strategy 2020 - 2025* in particular:
  - (a) *Strategy 2: Retaining and growing Yarra's employment precincts and unlock economic development opportunities through strategic planning process and Action:*  
*by preparing planning controls for guiding development in Yarra's activity centres that support predictable decision making.*
63. The economic policies seek to maintain and grow employment in Yarra's major employment precincts. They protect employment land by maintaining zoning that supports commercial activity and seek to make employment areas attractive to existing and future businesses by encouraging public realm improvements and pedestrian movement.

### Human rights and gender equality implications

64. There are no known human rights implications anticipated from the amendment.
65. The amendment complies with the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

## Operational analysis

### Financial and resource impacts

66. The costs associated have been anticipated and included in the City Strategy budget, which includes statutory fees and costs associated with the Planning Panel process.

### Legal Implications

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

## Conclusion

68. Amendment C269 has been framed out of the formal *review* of the Yarra Planning Scheme, the 'Liveable Yarra' processes, significant strategy development (including the adopted *Housing Strategy* and *Spatial Economic Employment Strategy*), and the various rewrite processes in accordance with the State planning framework and guidelines of planning scheme amendments.
69. It is proposing a major update of the Yarra Planning Scheme - it embodies a great deal of work over many years by the Council.
70. It proposes to introduce rewritten and updated local planning policies into the Yarra Planning Scheme - it has been prepared in accordance with the new *Planning Policy Framework (PPF)* introduced as part of the State Government's Smart Planning initiative.
71. The Amendment is currently in the middle of the statutory framework processes under the *Planning and Environment Act* for changes to a planning scheme. The Amendment needs to be concluded via the formal 'due processes' of the planning scheme amendment stages and milestone steps.



72. Exhibition of Amendment C269 ran from 20 August 2020 to 4 December 2020 for 12 weeks in total (not including the pause for Council elections). A total of 424 submissions were received relating to a range of issues and themes. A number of the submissions provided also detailed suggested tracked changes (rewritten) versions of the exhibited policies.
73. Council is required under Section 22 of the Act to consider all submissions received during the exhibition of the Amendment.
74. Under Section 23 of the *Planning and Environment Act 1987*, after considering submissions which request a change to the Amendment, Council must either:
  - (a) change the Amendment in the manner requested; or
  - (b) refer the submissions to a planning panel; or
  - (c) abandon the Amendment or part of the Amendment.
75. In response to submissions, officers now recommend certain changes to the exhibited amendment.
76. These recommended changes are identified in the **Response to Submissions** Table (Attachment 3) and in the **Preferred version of policies** (Attachment 5) attached to this report.
77. The balance of the issues raised in submissions received adopt a variety of alternative positions which Council cannot reconcile, or which officers do not support; - therefore all submissions should now be referred to an independent Planning Panel which is the normal process for a Planning Scheme Amendment.
78. An independent Planning Panel (via Panels Victoria) will enable all persons who wish to be heard with a dedicated time to express their views, opinions and requests to the Panel who will then analysis all submissions, and provide an independent report to the Council with recommendations for the formal consideration of the Council.
79. The Directions hearing for the Panel process is set for 9 August and the 3-4 weeks of hearing already set for late October (pre-set as a requirement of the Panel Victoria processes).
80. Once the Panel report is received by Yarra City Council (anticipated possibly late December 2021), officers will then prepare a further report to the Council for consideration (anticipated say March 2022). The officer report will outline the Panel report and recommendations and make comment for Council consideration.
81. Council will then determine its position on the various aspects of Amendment C269 and then determine a way forward – and desirably seek the approval of the Council position by the Minister for Planning.
82. If the Minister for Planning approves Amendment C269 (with or without changes), then the Amendment provisions then become part of the formal Yarra Planning Scheme.
83. It is also noted that ‘other’ Amendments to the Yarra Planning Scheme are possible into the future; and some are already partly through the formal process (e.g. various Design and Development Overlays) and others are mooted (e.g. Zero Based Carbon Development provisions) or about to be commenced.
84. The officer recommendation on Amendment C269 is that all submissions be now referred to an independent Planning Panel with a Council position to enable Council advocates to present to the Panel and for submitters to be heard by the Panel.

## RECOMMENDATION

1. That Council:
  - (a) receives, notes and formally considers all submissions received in response to the exhibition of Amendment C269;
  - (b) notes and endorses the officer response to the issues raised by the submissions as outlined in the report and Attachment 3;
  - (c) requests the Minister for Planning to appoint an independent Planning Panel to consider all submissions referred in relation to Amendment C269 in accordance with Section 23 of the Planning and Environment Act 1987;
  - (d) refers all submissions, including late submissions received up to the date of this report, to the Panel;
  - (e) endorses the recommended changes to Amendment C269, including the Preferred Version of Policies, background documents and incorporated document as outlined in this report and Attachments 3, 5, 6, and 7 for the purposes of Council's advocacy position before the Planning Panel;
  - (f) adopts as its submission to the Panel the position of support for Amendment C269 with changes as identified in (e) above;
  - (g) writes to all submitters to advise of Council's decision to proceed to Panel;
  - (h) endorses changes to the Guidelines – Managing Noise Impacts in Urban Development, June 2020 as identified in Attachment 6;
  - (i) delegates to the officers to update Noise Discussion Paper to address consequential changes consistent with the Guideline – Managing Noise Impacts in Urban Development, June 2020;
  - (j) delegates to the officers to make minor updates to the Preferred Policies identified in Attachment 5 generally consistent with the information in this Council Report and attachments for the purpose of Panel; and
  - (k) notes that officers will provide a further report to Council after the Planning Panel report is received from Planning Panels Victoria to enable consideration of the Panel's recommendations and Amendment C269 by Council.

## Attachments

- 1 Attachment 1 - Local policies in PPF structure
- 2 Attachment 2 - Summary of Individual Submissions Table
- 3 Attachment 3 - Response to submissions table
- 4 Attachment 4 - Assessment Criteria Table used to assess submissions
- 5 Attachment 5 - Amendment C269yara - Preferred Version
- 6 Attachment 6 - Noise Guidelines City of Yarra - Tracked changes
- 7 Attachment 7 - Yarra Industrial Heritage Policy 15 October 2019

## 9.1 Notice of Motion No. 5 of 2021 - Endorsing the call for a Fossil Fuel Non-Proliferation Treaty

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<b>Reference</b>	D21/72135
<b>Author</b>	Ivan Gilbert - Group Manager Chief Executive's Office
<b>Authoriser</b>	Group Manager Chief Executive's Office

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I, Councillor Amanda Stone, hereby give notice that it is my intention to move the following motion at the Ordinary Meeting of Council to be held on 20 July 2021:

*“That Yarra Council:*

- (a) endorses the Fossil Fuel Non-Proliferation Treaty campaign that is calling on national governments to negotiate and ratify a Fossil Fuel Non-Proliferation Treaty to stop the expansion, and begin phase out, of fossil fuels and ensure a global just transition for all; and*
- (b) writes to the Australian Foreign Minister and the Federal Member for Melbourne advising of this action and calling on the Federal Government to support, negotiate and, eventually, ratify this treaty.”*

### **Background**

Yarra Council declared a Climate Emergency in 2017 and adopted a Climate Emergency Plan in 2020.

The **Objectives of the Climate Emergency Plan** include:

- (a) achieve zero-net emissions across the entire Yarra community by 2030, and accelerate the removal of excess carbon emissions;
- (b) enable our community to take effective climate action — pushing for urgent change and changing the way we live and work;
- (c) ensure our community is safe, healthy and resilient — especially those most vulnerable to severe climate impacts;
- (d) create a city that continues to adapt to a changing climate and is ecologically healthy for all species; and
- (e) collaborate and advocate with others in the climate emergency movement to increase our impact.

Central to achieving these goals is the need to eliminate the extraction and combustion of fossil fuels.

A new global campaign is calling for a **Fossil Fuel Non-Proliferation Treaty** (FFNPT). A FFNPT would be a companion treaty to the UNFCCC/Paris Agreement, focused on winding down the supply of fossil fuels (*the Paris Agreement does not mention fossil fuels*). The initiative aims to foster a global equitable transition away from fossil fuels to clean, low-carbon energy and economies. The campaign will spur international cooperation to end new development of fossil fuels, phase out existing production within the agreed climate limit of 1.5°C, and develop plans to support workers, communities and countries dependent on fossil fuels to create secure and healthy livelihoods. The fossil fuel industry has ignored science by planning new projects that will result in 120 percent more GHG emissions by 2030 than what is needed to limit warming to 1.5°C and avert catastrophic climate disruption. Emissions from existing production capacity alone make it impossible to stay within that threshold. The FFNPT initiative is seeking endorsement of the treaty by municipal governments, hoping such endorsements will build public profile for the campaign and ultimately put pressure on national governments to sign and ratify such a treaty.

Endorsing this treaty proposal would be consistent with Council's Climate Emergency Declaration and adopted Climate Emergency Plan.

## RECOMMENDATION

1. That Yarra Council:
  - (a) endorses the Fossil Fuel Non-Proliferation Treaty campaign that is calling on national governments to negotiate and ratify a Fossil Fuel Non-Proliferation Treaty to stop the expansion, and begin phase out, of fossil fuels and ensure a global just transition for all; and
  - (b) writes to the Australian Foreign Minister and the Federal Member for Melbourne advising of this action and calling on the Federal Government to support, negotiate and, eventually, ratify this treaty.

## Attachments

There are no attachments for this report.

## 9.2 Notice of Motion No. 6 of 2021 - Ministerial Approval of Planning Scheme Amendment C231 - Part 2.

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<b>Reference</b>	D21/72154
<b>Author</b>	Ivan Gilbert - Group Manager Chief Executive's Office
<b>Authoriser</b>	Group Manager Chief Executive's Office

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I, Councillor Amanda Stone, hereby give notice that it is my intention to move the following motion at the Ordinary Meeting of Council to be held on 20 July 2021:

*“That the Mayor write to the Minister for Planning requesting him to conclude the long process of developing planning controls for Queens Parade by approving and gazetting Part 2 of Amendment C231 to the Yarra Planning Scheme.”*

### **Background**

Planning Scheme Amendment C231 was initiated in late 2016 in response to increasing development pressure along Queens Parade, and in recognition of the need to provide protection to the substantially intact heritage elements of Queens Parade.

Amendment C231 has undergone:

- (a) a lengthy and rigorous process of initial consultation;
- (b) the adoption of interim planning controls by Council in 2017 and again in 2018;
- (c) the authorisation and exhibition of the amendment in late 2018;
- (d) the referral to a panel in 2019 with changes as a result of public exhibition;
- (e) the receipt of the Panel Report in late 2019; and
- (f) the decision by Council in March 2020 to split the amendment into 3 parts; and
  - (i) adopt Parts 1 and 3; and
  - (ii) defer Part 2, pending the outcome of a VCAT determination regarding 390A Queens Parade.

Parts 1 and 3 were subsequently approved and gazetted by the Minister in 2020 but Part 2 has not, despite the VCAT case having been determined.

We now call on the Minister for Planning to complete the prolonged and complex planning process associated with Amendment C231 by approving Part 2 of the amendment.

### **RECOMMENDATION**

1. That the Mayor write to the Minister for Planning requesting him to conclude the long process of developing planning controls for Queens Parade by approving and gazetting Part 2 of Amendment C231 to the Yarra Planning Scheme.

### **Attachments**

There are no attachments for this report.

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## 9.3 Notice of Motion No. 7 of 2021 - Yarra Council Submission on Collingwood Housing Estate New Build

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<b>Reference</b>	D21/73059
<b>Author</b>	Ivan Gilbert - Group Manager Chief Executive's Office
<b>Authoriser</b>	Group Manager Chief Executive's Office

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I, Councillor Amanda Stone, hereby give notice that it is my intention to move the following motion at the Ordinary Meeting of Council to be held on 20 July 2021:

*“That Yarra Council:*

- (a) acknowledges and welcomes the significant state government investment in public and affordable housing as long overdue and going a long way towards meeting the housing needs of the 100,000 people on the public housing waiting list and addressing the lack of affordable housing for low to middle income earners;*
- (b) also acknowledges the vital role of public housing in providing secure long-term housing for the most in need in our community and the lack of investment in public housing in recent decades;*
- (c) in relation to the proposed “build” at Collingwood, makes a submission which urges the state government to ensure that:*
  - (i) this new housing is and remains public housing (government owned and managed);*
  - (ii) no green open space is lost for this build and that any significant trees removed are offset on the estate;*
  - (iii) the new development is of the highest ESD standards with high levels of thermal comfort and indoor air quality;*
  - (iv) the existing car parking provision on site is maintained; and*
  - (v) maintenance of the new buildings be of a high standard and that maintenance levels of existing public housing be improved; and*
- (d) requests Homes Victoria to seek advice from Yarra’s Planning Officers on the design of any proposed development before finalising it, in order to benefit from their local experience on the best fit for the local context and to ensure the best ESD standards and internal amenity are achieved.”*

### **Background**

In late 2020, the Victorian Government announced the Big Housing Build, a \$5.4 billion investment to create over 12,000 homes in four years. Of these, 9,300 will be social housing. The rest will be affordable or market-rate housing. The program will replace 1,100 old public housing units.

On 27<sup>th</sup> June, Engage Victoria commenced public consultation on “Collingwood Housing” (<https://engage.vic.gov.au/collingwood-housing>).

The website states *“We’re planning for the future of social and affordable housing in Collingwood. We want to deliver more homes that are secure and affordable to better meet the housing needs of Victorians and support strong and inclusive communities. We’ll work with the community on the best way to deliver new homes on the available land in Collingwood.”*

It invites residents and neighbours of the existing housing estate and community organisations to complete a survey about what they value and would like to see improved at the estate.

There is no information on this website about where any new housing will be or what type of housing it will be.

Yarra Council was not advised of this proposal in advance nor have Councillors received any Briefing.

The state government has made the Minister for Planning the planning decision maker on any of the Big Housing Build projects.

Submissions on the “proposal” close on 19<sup>th</sup> July.

## RECOMMENDATION

1. That Yarra Council:

- (a) acknowledges and welcomes the significant state government investment in public and affordable housing as long overdue and going a long way towards meeting the housing needs of the 100,000 people on the public housing waiting list and addressing the lack of affordable housing for low to middle income earners;
- (b) also acknowledges the vital role of public housing in providing secure long-term housing for the most in need in our community and the lack of investment in public housing in recent decades;
- (c) in relation to the proposed “build” at Collingwood, makes a submission which urges the State Government to ensure that:
  - (i) this new housing is and remains public housing (government owned and managed);
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  - (iii) the new development is of the highest ESD standards with high levels of thermal comfort and indoor air quality;
  - (iv) the existing car parking provision on site is maintained; and
  - (v) maintenance of the new buildings be of a high standard and that maintenance levels of existing public housing be improved; and
- (d) requests Homes Victoria to seek advice from Yarra’s Planning Officers on the design of any proposed development before finalising it, in order to benefit from their local experience on the best fit for the local context and to ensure the best ESD standards and internal amenity are achieved.

## Attachments

There are no attachments for this report.