



Agenda

Council Meeting

7.00pm, Tuesday 3 August 2021

MS Teams

Council Meetings

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

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

There are two ways you can participate in the meeting.

Public Question Time

Yarra City Council welcomes questions from members of the community.

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

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

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

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

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

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

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

Public submissions

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

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

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

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

Arrangements to ensure our meetings are accessible to the public

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

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

Recording and Publication of Meetings

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

Order of business

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

1. Acknowledgment of Country

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

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

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

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

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

2. Attendance, apologies and requests for leave of absence

Attendance

Councillors

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

Nil

6. Confirmation of minutes

RECOMMENDATION

That the minutes of the Council Meeting held on Tuesday 20 July 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	Community Partnership Grants 2021-25 Recommendations Report	8	13	Michael Van Vliet – Community Grants Team Leader
8.2	Proposal for a Children, Youth and Families Advisory Committee	14	16	Malcolm Foard – Manager Family, Youth and Children’s Services
8.3	Planning Scheme Amendment C280yara - 32-68 Mollison Street, Abbotsford	17	32	Fiona Van der Hoeven – Practice Leader Strategic Planning
8.4	Amendment C269 consideration of submissions and referral to Planning Panel	33	54	Fiona Van der Hoeven – Practice Leader Strategic Planning

9. Notices of motion

Item		Page	Rec. Page	Report Presenter
9.1	Notice of Motion No. 8 of 2021 - Ministerial Approval of Planning Scheme Amendment C270 (Fitzroy and Collingwood)	55	56	Sophie Wade - Councillor
9.2	Notice of Motion No. 9 of 2021 - Thresholds for Heritage Protection and Forthcoming Thematic Study	57	58	Edward Crossland - Councillor

10. Petitions and joint letters

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

11. Questions without notice

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

12. Delegate's reports

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

13. General business

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

14. Urgent business

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

8.1 Community Partnership Grants 2021-25 Recommendations Report

Executive Summary

Purpose

To seek Council endorsement of the recommended grants for the 2021-2025 Community Partnership Grants.

Key Issues

The Community Partnership Grants program is a four-year funded program. The Community Partnership Grants program is a targeted and non-contested program in which the Council invites selected organisations to apply. The recommended grant recipients have all previously received the grant.

Financial Implications

The budget for the Community Partnerships Grants in 2021/2022 was \$455,000. The proposed allocation for the first year (2021/22) of the program is \$413,930. The budget will be subject to a CPI increase of 1.5% per annum (pending budget approval) rising to \$435,328 in the final year (2024-2025) and a total commitment of \$1,703,123 over four years. This is \$79,864 less than the previous four-year allotment which was \$1,782,987 from 2017-2021. The lower allocation is due to two invited applications not proceeding.

PROPOSAL

That the Council endorses funding the ten recommended projects for a four-year period from 2021/22 to 2024/25 to these Yarra-based community organisations and that Council endorses redirecting unallocated funds totalling \$38,687 for 2021/22 towards the 2022 Annual Grants Program.

8.1 Community Partnership Grants 2021-25 Recommendations Report

Reference	D21/66453
Author	Michael Van Vliet - Team Leader Community Grants
Authoriser	Manager Social Strategy and Community Development

Purpose

1. To seek Council endorsement of ten recommended grants for the 2021-2025 Community Partnership Grant program.

Critical analysis

History and background

2. The Community Partnership Grants (CPG) program is a four-year funded program which provides support to projects based on important, unique and enduring partnerships between the Council and community organisations. The grant program, which was established in 2005, is a targeted program in which Council invites selected organisations to apply.
3. The purpose of the CPG program is to support Council to achieve the objectives of the Council Plan, to support community organisations through strategic partnerships, and to develop a positive approach to local social issues.
4. The grants support community engagement activities which utilise both Council and community organisation contributions. Ultimately the program's aim is to develop an empowered and self-determining community and provide a positive approach to the resolution of social issues in the City of Yarra.
5. This program acknowledges the recurrent nature of these partnership projects and provides greater security for the community organisations along with a high level of accountability for the Council. Funding is provided either as operational funding, and/or for specific programs.
6. On 4 May 2021, Council endorsed the Initiation Report which approved the invitation to those community organisations already receiving a CPG to apply again for the following four years. The grant round opened on 11 May 2021 and closed on 30 May 2021 with ten applications received. Applications were not received from cohealth for their Refugee and Asylum Seeker Support Program or from Melbourne Aboriginal Youth Sport and Recreation (MAYSAR) for their Future Building Project, though both were invited to apply.
7. The applications were first assessed by Council officers and then by an appointed panel consisting of three prominent community members (David Lee, President of Yarra U3A; Lee Chia, Community Liaison Officer at Clifton Hill / North Fitzroy Community Bank; and, Rei Chin, Community Development Manager, Carringbush Adult Education) which convened on 25 June to review applications and make recommendations.
8. The applicants, projects and recommended annual funding amount for the first year are provided overleaf in the table. Detailed project descriptions and panel comments are included in Attachment 1.

Applicant	Project Title	Year One
Yarra Drug and Health Forum auspiced by cohealth	Yarra Drug and Health Forum	\$32,000.00
cohealth	Billabong BBQ	\$54,235.00
Fitzroy Legal Service	Access to justice: Free evening legal advice service	\$90,000.00
Princes Hill Community Centre Inc	Community Involvement project	\$30,000.00
Collingwood Children's Farm	Young Farmers Program	\$70,000.00
Launch Housing	First Nations Pathways Program	\$54,000.00
cohealth	Aboriginal Access and Engagement	\$41,761.00
Richmond Toy Library	Richmond Toy Library – Rebuild Community	\$15,000.00
Collingwood Toy Library	Nurturing children and community through play	\$13,467.00
Collingwood Toy Library	Fitzroy Toy Library	\$13,467.00
	TOTAL	\$413,930.00

Discussion

9. An independent external review of the CPG program was conducted by consultants GrantsPro five years ago which recommended the Council “maintain its commitment to the CPG program and retain Council’s commitment to achieving social justice outcomes and a partnership approach as a basis for the CPG program’s intent.”
10. Whilst all previous recipients have provided acquittals for grants received prior to this process, officers will work collaboratively with recipients to identify opportunities to strengthen kpis and reported outcomes, to ensure Council can be even more confident of the value that the grants provide to the Yarra community. This process will occur before the end of 2021 calendar year.
11. The active recipients were directly consulted in a review of the CPG program. In the review each program was assessed against several criteria including impact, community engagement, short, medium and long-term outcomes. All the funded programs were found to have positive benefits to the Yarra community. These benefits were strengthened and enabled by the security associated with multi-year funding. Organisations were able to develop long-term programs that would not have been possible through an annual funding arrangement.
12. Council has directed that before the next round of CPGs a future review will establish if the by invitation approach should continue or whether these grants become part of a competitive round.
13. All grant applicants have been recommended for a four-year grant, other than the Richmond Toy Library who is recommended to be initially offered a one-year grant. Richmond Toy Library has experienced a long history of struggling with membership and this has been exacerbated through COVID. While they have aspired to partner with other organisations, this has not been successful. The following years are contingent on the Richmond Toy Library satisfying the Council it has met the commitments set out in their application.

Options

14. If all the grant recommendations are approved, there will be a \$38,687 underspend in the budget allocations in the first year. Council could choose to save this amount for other purposes, or alternatively could reinvest in the Annual Grants Program 2022. Given the competitiveness of the annual grants process, officers recommend that the amount be reinvested to that stream, which will also enable Council's overall commitment to supporting the grants program to remain the same. A further report on the recommended applications for the annual grants will be brought to Council in a future report.

Community and stakeholder engagement

15. There is ongoing discussion and consultation with the grant recipients about the programs. Each year recipients provide a comprehensive acquittal as well as a project plan for the coming year. Officers also provide training to the grant recipients on a range of topics including project planning and how to manage their grants. There is also discussion with Council officers around providing additional support to the projects in consultation with the grant recipients.

Policy analysis

Alignment to Council Plan

16. The 2017 - 2021 Council Plan closely guides the Community Partnership Grants objectives. Community Grants are intended to support the delivery of the Council Plan and are a key way in which those objectives can be achieved in partnership with the community. Three key objectives of the Council Plan directly relate to the CPG Program:
 - (a) Community health, safety and wellbeing are a focus in everything we do: The Community Grants Program provides a flexible and responsive source of funds to support projects and initiatives within the not for profit community sector. The program supports Council's commitment to social justice and social inclusion principles and provides support to communities living in Yarra's public housing estates. Many of the grants address social issues which improve community health and safety by seeking to resolve some of the urban problems of poverty, drug addiction and family violence;
 - (b) Inclusion, diversity and uniqueness are welcomed, respected and celebrated: The program provides support for community groups to offer inclusive and diverse activities, services, information and cultural celebrations; and
 - (c) Transparency, performance and community participation drive the way we operate. Yarra Council's community grants program is a recognised leader among Local Governments in Victoria. As well as having a diverse grants program, Yarra's grants have been an innovative means of connecting with and supporting local communities and involving them in the decision-making process.

Climate emergency and sustainability implications

17. All grant applicants are encouraged to consider the environmental impact of their projects and ways in which to minimise their ecological footprint. All applicants, regardless of which grant round they are applying for, are asked to consider ways of reducing and/or re-using resources.
18. While none of the grants directly target sustainability projects, they all impact on improving the wellbeing of vulnerable groups of people in Yarra. It is well documented that these groups are most impacted by climate emergency issues. Any program that seeks to improve a vulnerable population's capacity will ultimately impact on their experience of climate emergency incidents.

Community and social implications

19. The Community Partnership Grants aim to address social needs across various areas: community development, family, children and youth, health and Aboriginal communities. Social objectives addressed within the grants program are:

- (a) building a sense of community through social cohesion: projects which seek to bring people together and support the development of communities with shared aims and aspirations;
- (b) improving health and wellbeing: food security, nutrition, skills development, health information, social engagement and support;
- (c) working with children to develop skills, and educate young people about nature; and,
- (d) promoting the participation of older people from CALD backgrounds in cultural, social and civic activities.

Economic development implications

- 20. The grants strengthen the community sector through providing a flexible and responsive source of funds to community-based Not-for-Profit organisations. Funding is used to support projects that deliver the outcomes outlined within the Council Plan, target the areas of highest need within the community, and ultimately aim to improve the long-term economic outlook for local individuals, families and businesses through strengthening the capacity of local organisations.
- 21. These grants redistribute funds to those less advantaged in the community. Projects that are funded to support Aboriginal people, migrants, refugees, young people and families through skills development or projects that support service coordination also have an indirect economic benefit.

Human rights and gender equality implications

- 22. The Community Partnership Grants are in close alignment with the Victorian Charter of Human Rights and Responsibilities Act 2006 and actively support people to participate in and contribute to their community. They seek to empower those community members experiencing disadvantage.
- 23. The grants require applicants to address issues of gender inequality in their proposed initiative, ensuring that planning on this issue is addressed from the commencement of the project.

Operational analysis

Financial and resource impacts

- 24. The approved annual budget (as per Council meeting 4 May 2021) for the Community Partnerships Grants is \$455,000. However, the proposed recommendation for the first-year budget (2021/22) of the program is \$416,313. The amount is less than the allocated budget due to two of the invited organisations failing to apply for funding.
- 25. The budget will be subject to a CPI increase of 1.5% per annum (pending budget approval) rising to \$435,328 in the final year (2024-2025) and a total commitment of \$1,703,123 over four years. This is \$79,864 less than the previous four-year allotment which was \$1,782,987 from 2017-2021.

Grant year	Financial Year	Allocated amount
Year one	2021/22	\$416,313.00
Year two	2022/23	\$422,557.00
Year three	2023/24	\$428,895.00
Year four	2024/25	\$435,328.00
TOTAL		\$1,703,123.00

[Legal Implications](#)

26. There are no identified legal implications.

[Conclusion](#)

27. The Community Partnership Grants program provides funding to a unique group of programs which are based on an enduring partnership between Council and community organisations. The programs create substantial and ongoing social benefit for the Yarra community. The ten programs invited to apply for these grants have had their applications assessed and are recommended to receive funding for the next four years.

[RECOMMENDATION](#)

1. That:
 - (a) Council approve the ten recommended grants for a four-year period from 2021/22 to 2024/25; and
 - (b) the unallocated funds of \$38,687 be redirected towards the Annual Grants 2022 program.

[Attachments](#)

- 1 Community Partnership Grants 2021-2025 Recommendations

8.2 Proposal for a Children, Youth and Families Advisory Committee

Reference	D21/62664
Author	Lisa Wilkins - Coordinator Service Planning and Development
Authoriser	Manager Family and Children's Services

Purpose

1. To seek Council endorsement to establish a new Children, Youth and Families Advisory Committee to inform planning for children and young people and their families, and to replace the Early Years Reference Group.

Critical analysis

History and background

2. The Yarra 0 - 25 Plan 2018-2022 adopted a life stage approach reflecting the journey of families raising and caring for children and young people as they grow and develop from dependence to independence.
3. The Plan has been based on the Nest Framework developed by the Australian Research Alliance for Children and Youth (ARACY). The motivation for the Nest research was persistent poor outcomes for many Australian children despite significant investment in policies, programs and services over time targeting child and/or youth wellbeing.
4. In developing the 0 - 25 Plan, Council sought to focus on better understanding the evidence of factors that contribute to positive social change and to address the experiences of children and young people.

Discussion

5. There is no existing advisory committee that addresses the scope of the Yarra 0 - 25 Plan.
6. The current advisory groups do not focus on engagement or planning for children and young people and/or their families:
 - (a) The Early Years Reference Group (EYRG) is primarily childcare and kindergarten providers focussing more on operational rather than strategy and policy;
 - (b) The Yarra Children Services' Leadership Network meets after hours and provides a relevant focus for the EYRG members and allow those with an interest in engagement, planning and policy to pursue this through a new advisory committee;
 - (c) Further work is being undertaken by Yarra Youth Services on youth engagement that is focused upon youth representation and consultation with Councillors. This work is complementary to the proposed new advisory committee; and
 - (d) Yarra Communities that Care focuses on children in the middle years.
7. Implementation of the Yarra 0 – 25 Plan would be enhanced with a community advisory committee that could bring together stakeholders to provide insight and advice to Council on engagement, planning, policy and service delivery for children, young people and their families.
8. Attachment 1 presents draft Terms of Reference for the proposed Children, Youth and Families Advisory Committee.
9. The recruitment process, which would involve a public expression of interest process followed by internal shortlisting of candidates and preparation of a recommendation to Council, who will make the final decision by Council resolution, is expected to take approximately three months.

Community and stakeholder engagement

10. Officers surveyed EYRG members in April-May to find out what's important for their participation in the Group. Of the 73 external service representatives surveyed, 13 participants responded to the survey. Of all activities of the EYRG, the survey found that the common important activities are:
 - (a) Meeting and networking with peers;
 - (b) Information and advice from Victorian Department of Education and Training;
 - (c) Training and professional development;
 - (d) Finding out how other services like theirs are operating;
 - (e) Grants and funding information; and
 - (f) Of the survey respondents that do not usually attend EYRG meetings, the main reason for not attending is time constraints.
11. Re-development of the Yarra Youth Advisory Committee was considered in a workshop with young people which informed a report to Council addressing youth representation.

Policy analysis

Alignment to Council Plan

12. The Council Plan 2017–21 informs the Yarra 0 - 25 Plan as it focuses upon health and wellbeing, participation and recognition of community diversity for children and young people.
13. The Council Plan commits Council to “maintain a culture of transparency, governance, ethical practice and management of risks that instils a high level of community respect and confidence in Council decision-making”.
14. The establishment of a new advisory committee to support implementation of planning for children, young people and their families and a public process to appoint members would further demonstrate Council's commitment to transparent governance.

Climate emergency and sustainability implications

15. There are no climate emergency and sustainability implications considered for this report.

Community and social implications

16. The proposal to create a new advisory committee with a mix of community and organisational members relevant to child, youth and family services responds to the framework of the Yarra 0 - 25 Plan. The Plan recognises that a child's experience of the different life stages and associated transitions from infancy, childhood, adolescence and adulthood are critical to health and wellbeing in the short and longer term.

Economic development implications

17. There are no economic development implications considered for this report.

Human rights and gender equality implications

18. The advice provided in this report does not have any human rights implications.
19. The internal shortlisting of candidates and preparation of a recommendation to Council will consider any gender equality implications.

Operational analysis

Financial and resource impacts

20. No financial impacts are identified in this report. Minor costs for meeting attendance such as transport and catering are already factored into the Family, Youth and Children's Services branch budget.

Legal Implications

21. There are no legal implications considered for this report.

Conclusion

22. The Yarra 0 - 25 Plan 2018-2022 provides a focus for direction of resources and actions towards the healthy development and wellbeing of children and young people.
23. There is no existing advisory committee that addresses the scope of the Yarra 0 - 25 Plan. Current advisory groups do not focus on engagement or planning for children and young people and/or families.
24. It is recommended that Council establishes a new Advisory Committee to better inform planning and consultation for children and young people and their families, and to replace the Early Years Reference Group.

RECOMMENDATION

1. That Council:
 - (a) establishes the Children, Youth and Families Advisory Committee;
 - (b) endorses the terms of reference of the Children, Youth and Families Advisory Committee contained in Attachment 1;
 - (c) appoint Councillor and Councillor to the Children, Youth and Families Advisory Committee;
 - (d) authorise officers to undertake a public expression of interest for membership of the first term of the Children, Youth and Families Advisory Committee;
 - (e) authorise officers to provide a further report to Council on the proposed membership of the Children, Youth and Families Advisory Committee;
 - (f) agrees to dissolve the Early Years Reference Group; and
 - (g) thank participants of the Early Years Reference Group and invite them to seek appointment to the Children, Youth and Families Advisory Committee.

Attachments

- 1 Proposed Children, Youth and Families Advisory Committee - Terms of Reference

8.3 Planning Scheme Amendment C280yara - 32-68 Mollison Street, Abbotsford

Executive Summary

Purpose

The purpose of this report is for Council to consider:

- (a) the ten (10) submissions received on Amendment C280yara to the Yarra Planning Scheme;
- (b) officers' responses to the ten (10) submissions received following the exhibition of Amendment C280yara;
- (c) requesting the appointment of an independent Planning Panel to consider all submissions and Amendment C280yara; and
- (d) the next steps for advancing the Amendment in accordance with the requirements under the *Planning and Environment Act 1987*.

Key Issues

The Amendment (C280yara) seeks to replace the *Incorporated Plan Overlay – Schedule 1 (IPO1)* and the associated *Incorporated Plan* (an 'Incorporated Document') at 32-68 Mollison Street, Abbotsford.

The purpose of this report is to consider and respond to submissions received following exhibition of the Planning Scheme Amendment C280yara.

Amendment C280yara was placed on public exhibition from 15 April 2021 to 17 May 2021. Letters were sent to owners and occupiers of affected properties. 10 submissions were received during the exhibition period. In summary:

- (a) one submission is from a nearby business owner not directly objecting; and
- (b) nine (9) objecting submissions from surrounding residents.

Key issues raised in the objecting submissions related to:

- (a) building height;
- (b) loss of character;
- (c) overshadowing;
- (d) traffic impact;
- (e) parking; and
- (f) architectural and design treatment.

Financial Implications

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

PROPOSAL

In summary, that Council:

That Council:

- (a) note and consider all submissions made on or before the last date of exhibition of Amendment C280yara to the Yarra Planning Scheme, in accordance with section 22(1) of the of the *Planning and Environment Act 1987* (Vic);

- (b) note the officer report and Attachments 1-5 in relation to the Amendment;
- (c) in relation to all submissions which were considered by Council, refer those submissions to an independent Planning Panel appointed by the Minister under Part 8 of the Act in accordance with section 23 of the Act;
- (d) authorise officers to consider any further late or modified submissions received prior to a hearing by a Planning Panel appointed by the Minister under Part 8 of the Act and determine whether to refer any late submissions to the independent Planning Panel;
- (e) authorise officers to present submissions to the Planning Panel, adopting a position of advocacy for the Amendment, including requesting recommendations from the Planning Panel for any proposed changes or revisions to the exhibited Amendment, generally in accordance with the officer report, officer recommendations and Attachments 1-5;
- (f) authorises officers to write to all submitters to Amendment C280yara to advise of the Council resolution; and
- (g) receive a further report after the Panel Report is received from Planning Panels Victoria to enable further consideration of the Amendment by Council.

8.3 Planning Scheme Amendment C280yara - 32-68 Mollison Street, Abbotsford

Reference	D21/77734
Author	Mir Faruque - Strategic Planner
Authoriser	Director Planning and Place Making

Purpose

1. The purpose of this report is for Council to consider:
 - (a) the ten (10) submissions received on Amendment C280yara to the Yarra Planning Scheme;
 - (b) officers' responses to the ten (10) submissions received following the exhibition of Amendment C280yara;
 - (c) requesting the appointment of an independent Planning Panel to consider all submissions and Amendment C280yara; and
 - (d) the next steps for advancing the Amendment in accordance with the requirements under the *Planning and Environment Act 1987*.

Critical analysis

History and background

Subject site

2. The site at 32 – 68 Mollison Street, Abbotsford, is located on the northern side of Mollison Street, between Little Nicholson Street and Victoria Crescent (Figure 1). It is approximately 4,360 square metres with a frontage of approximately 147m to Mollison St. It is part of an employment area generally located between Mollison Street to the south, Gipps Street to the north, the Yarra River to the east, and Nicholson Street to the west.

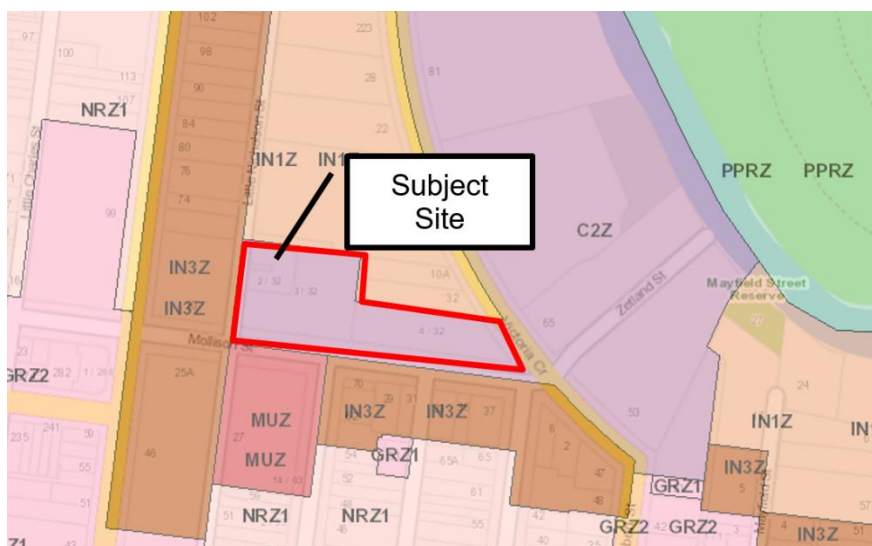


Figure 1: Location of the subject site

3. The site is owned by an entity of the Meydan Group (AH Meydan Pty Ltd) and is currently developed with an 'at grade' carpark at the western end adjoining Little Nicholson Street, and a three-storey office building across the remainder (Figures 2 and 3).

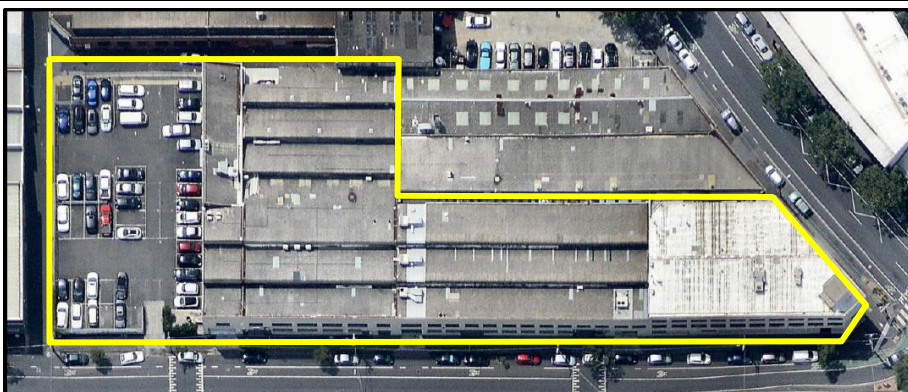


Figure 2: Aerial photograph (from Meydan Planning Scheme Amendment Request)



Figure 3: Mollison Street Frontage – 48 – 60 Mollison (from Meydan Planning Scheme Amendment Request)

Surrounding Context

4. The surrounding land is zoned mostly for non-residential uses, with the exception of the 'Mixed Use' land on the south side of Mollison Street. This includes 'Industrial 1' zoned land to the north, 'Industrial 3' zoned land to the west, 'Industrial 3' zoned land to the south and 'Commercial 2' zoned land to the east.
5. The site is in proximity to Victoria Street Activity Centre, two train stations and a tram line (along Victoria Street).
6. While the surrounding area is currently developed with a mix of one to three storey older industrial and warehouse style buildings, this is set to change due to recent planning permit approvals (refer to Table 1).

Table 1: Existing Planning Permit Approvals in Surrounding Area

Site	Use	Height	Setback from Little Nicholson Street
20-30 Mollison St (opposite side of Little Nicholson Street) Zoned Industrial 3 PLN17/0535	Office	Proposed: 12 Storeys (47.5m) Approved: 8 Storeys (29.7m) <i>NB: The permit was issued following a Compulsory Conference (mediation) at VCAT.</i> <i>This building provides an indication of emerging street wall heights with a 3 storey</i>	Setback from Little Nicholson Street, enabling it to be widened to 5.5 metres.

		<i>podium accentuated by variable upper level setbacks</i>	
12-20 Victoria Crescent (north of the subject site) Zoned Industrial 1 PLN18/0239	Office	Proposed: 9 Storeys (34.37m) Approved: 9 Storeys stepping down to 6 storeys (25.64m) towards Victoria Crescent.	An additional setback (approx. 1.5m to 1.6m) from Little Nicholson Street to provide a minimum width of 6.5 metres.

Current Planning Controls

7. The site is subject to the following zone and overlays:

(a) *Commercial 2 Zone (C2Z)* – refer to Figure 1;

The purpose of this zone is generally *to encourage commercial areas for offices, appropriate manufacturing, bulky good retailing, other retail uses, and associated business and commercial services.*

The zone will remain unchanged as part of this amendment;

(b) *Environmental Audit Overlay (EAO)*;

The purpose of this zone is *to ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination*

The EAO will remain unchanged as part of this amendment; and

(c) *Incorporated Plan Overlay* – Schedule 1 (IPO1) applies specifically to '32-68 Mollison Street and 61-69 William Street, Abbotsford';

Changes to the *Incorporated Plan Overlay 1* and *Incorporated Document* are the subject of Amendment C280 and outlined further in this report.

Amendment C170

8. The current controls are an outcome of Amendment C170 to the Yarra Planning Scheme, which was gazetted in 2013. The planning scheme request was made by the Meydan Group to:

- (a) rezone of 32-68 Mollison Street from 'Industrial 1' Zone to the 'Business 3' Zone;
- (b) rezone of 61-69 William Street from Part 'Industrial 3' Zone and part 'Residential 1' Zone to the 'Mixed Use' Zone;
- (c) introduce Schedule 1 to the *Incorporated Plan Overlay (IPO)* and apply the IPO Schedule to land on Mollison Street and William Street;
- (d) include the *Incorporated Plan* to the 'Incorporated Document Schedule' at Clause 81.01; and
- (e) apply the *Environment Audit Overlay (EAO)* over the land at Mollison Street and William Street.

9. The purpose of Amendment C170 that applied to the William Street land was to provide for an apartment development with ground floor retail. That development has recently been completed.

10. The purpose of Amendment C170 as it related to 32-68 Mollison Street was primarily to permit the use of the land for office to accommodate the land owner's (Meydan Group) growing businesses. 'Office' was a prohibited use in the 'Industrial 1' Zone at the time that the amendment process commenced.

11. State Government zoning changes came into effect shortly before Amendment C170 was gazetted. Those changes allowed for offices to be permissible. The substantive impact of Amendment 170 was to introduce the built form controls via IPO1.

Existing Planning Permit (PLN17/0679)

12. 32-68 Mollison Street (and 10 Victoria Street) is subject to planning permit PLN17/0679, which provides for a development of the site that is in accordance with the existing IPO1 and the *Incorporated Document*.
13. The permitted development allows for a five storey office building with some retail at ground level and two levels of basement parking. The development would occur in two stages, divided generally into the eastern and western portions of the site. Vehicular access from Little Nicholson Street (Stage 1) and Victoria Crescent (Stage 2).

Planning Scheme Amendment C280yara

14. In August 2019, the landowner lodged a request with Council to consider a Planning Scheme Amendment (C280) to replace the *Incorporated Plan Overlay – Schedule 1 (IPO1)* and the associated *Incorporated Plan* (an 'Incorporated Document').
 15. At the Council meeting on 1 September 2020, Council considered the request for an amendment to the Yarra Planning Scheme for the subject site. Council resolved to proceed with the formal exhibition of Amendment C280yara.
 16. In assessing the amendment request and preparing the amendment documentation Council officers sought advice from Council's traffic engineers, civil engineers and urban design teams and independent urban design advice from 'Hodyl and Co' (2019).
 17. The following outlines the proposed differences to the existing IPO1 and associated Plan and elements that create a modified built form, traffic / access and movement outcomes and retain or enhance the existing amenity of the public realm.
 18. The proposed IPO1 varies from the existing IPO1, as follows it:
 - (a) is drafted in accordance with the Ministerial Direction for '*The form and content of Planning Scheme*' and *Planning Practice Note 23: Applying the Incorporated Plan and Development Plan Overlays* (November 2018);
 - (b) removes controls that specifically relate to the land at William Street as the development of that site has been completed;
 - (c) extends the set of conditions that apply to a permit to relate to road widening, built form and amenity outcomes, and car parking / traffic impact;
 - (d) removes the requirement for a permit to address the '*the proximity of properties to the north in a different zone including the potential impacts from noise, light, odour and 24 hour traffic movements*' as this is addressed in Clause 22.05 Interface Uses Policy in the Yarra Planning Scheme and the approved planning permit for the site to the north is for office, not industry;
 - (e) removes the decision guideline to consider the extent to which environmentally sustainable design features are adopted as this is now a requirement in Clause 22.17 *Environmentally Sustainable Design Policy* in the Yarra Planning Scheme;
 - (f) removes the decision guideline related to 'design of the car park building', as the proposal is introducing a requirement for active frontage at ground level and for car parking to be concealed from the Victoria Crescent and Mollison Street frontages;
 - (g) removes the decision guideline relating to 'screening of mechanical plant equipment' and 'reverse amenity impacts' as this can be addressed through Clause 22.05 *Interface Uses Policy* in the Yarra Planning Scheme;
 - (h) removes the decision guidelines relating to 'the proposed development has regard to the heritage values of the site as applicable' as the subject site is not affected by Heritage Overlay, this was specific to the property 61-69 William Street; and
-

- (i) changes to the requirements to prepare an *Incorporated Plan* to include additional built form controls and remove provisions relating to land use. Land use is controlled by the 'Commercial 2' Zone.
19. The proposed *Incorporated Plan* prepared under IPO1 would be an 'Incorporated Document' in the Schedule to clause 72.04 of the Yarra Planning Scheme. Figures 4 and 5 illustrate the existing and proposed Incorporated Plans and the table 2 provides a comparison between the existing and proposed Incorporated Plans (refer to Attachment 5).

Table 2: Comparison between the Existing and Proposed Incorporated Plans

	Current Incorporated Plan (refer to Figure 4)	Proposed Incorporated Plan (refer to Figure 5)
Height	Building height for 32-68 Mollison Street, Abbotsford must not exceed 23 metres and 5 storeys.	Building height in Area A is increased to not exceed 32 metres and 7 storeys. Building height in Area B remains the same and not exceed 23 metres and 5 storeys.
Street wall	Existing building Street Wall (three storey)	Street wall height should transition from three storeys at the western end (Area A) of the site to four storeys at the eastern end (Area B) of the site.
Upper level setback from street wall and northern boundary	Manage edge to provide for continued industrial purposes on the northern side. 2m setback as shown on the Incorporated Plan.	Above the street wall and northern boundary wall, upper level setback is increased to a minimum of 3 metres from northern boundary, Mollison Street, Victoria Crescent and Little Nicholson Street. Upper level setbacks above the street wall and northern boundary should be contained within a maximum of two steps (including the setback above the boundary wall below as one step) to avoid repetitive stepping of individual levels.
Ground Level Setback	No requirement. (in current IPO1 and Incorporated Plan)	The building must be setback along the western boundary of the property to provide for two way vehicle access on Little Nicholson Street.
Corner treatment	No requirement. (in current IPO1 and Incorporated Plan)	The corner of the development at the Mollison Street and Victoria Crescent intersection should be chamfered as shown on The Plan. No cantilevering should occur at the upper levels.
Upper Level building separation	No requirement. (in current IPO1 and Incorporated Plan)	Upper level development (from 4 th Storey) should be separated by a minimum of 6 metres between Area A and Area B.
Overshadowing	No requirement. (in current IPO1 and Incorporated Plan)	New development must not overshadow the footpath on the southern side of Mollison Street between 10 am and 2 pm on 22 September.
Active frontages	As per the IPO1, <u>Conditions and requirements for permits</u> An active ground floor frontage	Active frontages should be provided to a

	<p>incorporated into the design of the car park building at 32 Mollison Street.</p> <p><u>Decision Guidelines</u></p> <p>The relationship of any new buildings to the street including entrances that provide opportunities for active or visual engagement.</p>	<p>minimum 80% of the Mollison Street & Victoria Crescent frontage, keeping inactive facades to a minimum.</p>
Material definition (podium and upper levels)	No requirement. (in current IPO1 and Incorporated Plan)	Façade articulation and composition should achieve cohesive design between lower and upper levels with upper level being lighter colour.
Car Parking	Requirement for a car parking building on the western part of the property.	Car parking should be concealed from the Victoria Crescent and Mollison Street frontages.
Bicycle Parking	No requirement (in current IPO1 and Incorporated Plan)	Staff bicycle parking should be located and designed to be secure and conveniently accessible from the street and associated uses (e.g. changing facilities).
Vehicular access	Three access points from Mollison Street and one from Victoria Crescent. (as shown on the Incorporated Plan)	<p>Limit vehicular access to one from Little Nicholson Street and one from Mollison Street as shown on Map 1.</p> <p>No vehicular access is to be provided from Victoria Crescent.</p>
Pedestrian Access	No requirement (in current IPO1 and Incorporated Plan)	<p>Pedestrian access to buildings should be achieved via streets and primary access from laneways should be avoided.</p> <p>Where pedestrian access from a laneway is appropriate, it should include a pedestrian refuge or landing and include lighting.</p> <p>Ensure pedestrian entrances are clearly visible, secure and have an identifiable sense of address.</p>
Service cabinets	No requirement (in current IPO1 and Incorporated Plan)	Service cabinets to be appropriately located and integrated with the design of the building utilising the laneway where possible.

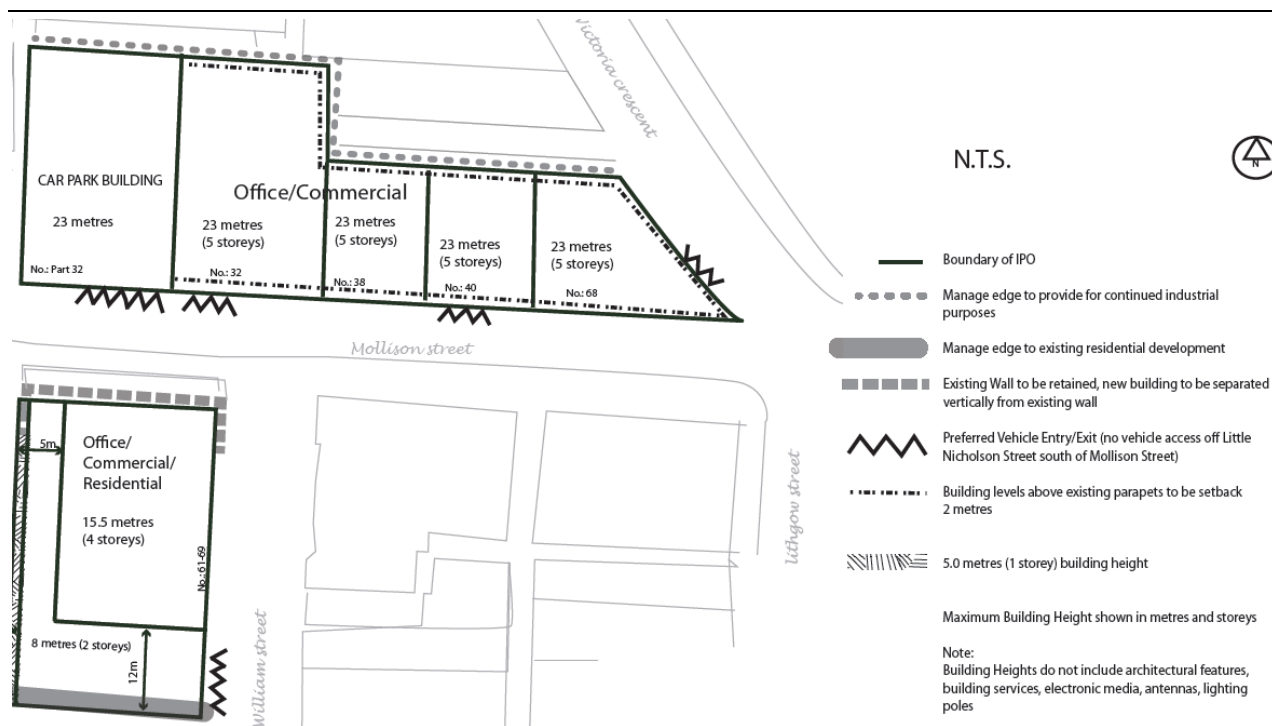


Figure 4: Existing 'Incorporated Plan' Map



Figure 5: Proposed 'Incorporated Plan' Map

Discussion

Exhibition

20. Amendment C280yara was placed on public exhibition on 15 April 2021 to 17 May 2021.
21. Notification and exhibition of the amendment were carried out via the following measures including:
 - (a) statutory required notification:

- (i) letters, including an information brochure and notice of preparation (Attachment 2) were sent to owners and occupiers surrounding the site (Attachment 3), advising of Council's intent to exhibit Amendment C280yara;
 - (ii) letters, including notice of preparation and fact sheet, sent to Stakeholders and Prescribed Authorities;
 - (iii) notices placed in the Age and the Government Gazette;
 - (iv) full amendment documentation on the Department of Environment, Land, Water and Planning (DELWP) and the City of Yarra's website. (Attachment 4);
 - (v) hard copies of the amendment documentation at Richmond Town Hall; and
- (b) Non statutory notification:
- (i) Council offered appointments with Council officers to all affected parties. These were made at the interested party's request.

Submissions

22. As a result of exhibition, ten (10) submissions were received. In summary:
- (a) one submission is from a nearby business owner not directly objecting; and
 - (b) nine (9) objecting submissions from surrounding residents.
23. The key issues raised in submissions, and proposed responses to these issues, are addressed below. A detailed response to specific issues raised is provided in **Attachment 1**.

Response to Key Issues

Building Height, Loss of Character and Overshadowing

24. Many submissions commented that the increased height to seven (7) storeys is not supported and this increased height would overshadow their properties, private space and the footpath along Mollison Street.
25. A few submissions also raised concerns that the development is not appropriate with the surrounding character.
26. Submissions received from residents located on the southern side of Mollison Street recommended that the heights be lowered to both protect the views to the sky and to reduce overshadowing.

Officer Response

27. Amendment C280yara seeks to provide a high level of certainty in terms of a future built form outcome, particularly in terms of the height of future development.
28. Officers note that the nature of the precinct is changing substantially, the surrounding land is zoned mostly for non-residential uses (refer to figure 1), with the exception of the 'Mixed Use' land on the south-west side of the subject site. This includes 'Industrial 1' zoned land to the north, 'Industrial 3' zoned land to the west, 'Industrial 3' zoned land to the south and 'Commercial 2' zoned land to the east.
29. While the surrounding area is currently developed with a mix of one to three storey older industrial and warehouse style buildings, this is set to change due to recent planning permit approvals:
- (a) PLN17/0535: 20-30 Mollison St (Zoned INZ3) for Office use:
Proposed: 12 Storeys (47.5m),
Approved: 8 Storeys (29.7m); and
 - (b) PLN18/0239: 12-20 Victoria Crescent (Zoned INZ1) for Office use:
Proposed: 9 Storeys (34.37m),
Approved: 9 Storeys stepping down to 6 storeys (25.64m) towards Victoria Crescent.

30. The proposed *Incorporated Plan Overlay – Schedule 1* ‘permit requirement’ section includes the following:

‘A new development must not overshadow the southern footpath of Mollison Street between 10 am and 2 pm on the 22nd of September.’

Therefore, the properties to south would not be overshadowed during the equinox.

31. It is a well-established practice within the Victorian Planning System to use the September Equinox as the point in time to measure overshadowing impacts.
32. Some submissions have raised that the Winter solstice should be taken into account in assessing a future development proposal. This measurement is highly restrictive and would require strong strategic justification for its use - and is inconsistent with Victorian planning system general approach which is to use the Equinox.
33. Council has progressed a number of amendments with built form controls (including DDO15, DDO17 and DDO23) which uses the measure of 10am to 2pm at the equinox to protect public realm and public open spaces from overshadowing in Yarra’s Activity Centres. This amendment is consistent with that approach.
34. It is officers view that when combined with the surrounding proposed developments, public linkages and new built form requirements the suggested reductions in height are not warranted.

Recommended Changes

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

Traffic Impact and Parking

36. Many submissions raised concern that future development would place a further strain on traffic movement within the area and availability of parking.
37. Several submissions were proposing to undertake Traffic Impact Assessment prior to the Amendment is considered.

Officer Response

38. Traffic impacts are usually assessed at the planning permit stage when there is more certainty about potential traffic generation, notably the commercial floorspace and car parking rates. Traffic impacts have been raised now because of the potential impacts that future commercial development opportunities could incur.
39. While officers understand the concerns regarding traffic congestion, many of the issues raised will be dealt with at the planning permit stage. As part of the planning permit, an updated Traffic Impact Assessment Report (TIAR) will be prepared. This will respond to a more detailed plan for the site and provide solutions to traffic impacts.
40. Many submissions raised concern with the impact on on-street parking. The management of on-street parking is a matter for Council but is outside the planning process. Council will need to actively manage on-street parking surrounding the site as the area develops. Council has a policy (*Parking Restrictions Guidelines*) which provides a process for the management of parking restrictions on streets.
41. All new developments (residential, mixed use, commercial or industrial) following 2003 are not entitled to on-street car parking permits. (City of Yarra Parking Permit Policy – Adopted 21 October 2014).

Recommended Changes

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

Views to the Sky

43. Many submissions objected to the amendment on the basis that the future development would either block or obstruct current views to the sky from their dwelling.

Officers Response

44. The planning system does not protect views from private property. The issue was dealt with by the High Court of Victoria in *Victoria Park Racing & Recreation Grounds Co Ltd v Taylor [1937] HCA 45*. The High Court held that a property owner does not own the views (spectacles) from his or her land. Justice Dixon stated:

“I find difficulty in attaching any precise meaning to the phrase ‘property in a spectacle’. A “spectacle” cannot be “owned” in any ordinary sense of that word.”

Recommended Changes

45. Officers do not recommend any changes to the amendment to ensure views from private property are maintained.

Architectural and design treatment

46. Three submissions were made objecting that the architectural and design treatment would apply to any new development of that scale.

Officers Response

47. The subject site has an approved planning permit for development. The site was already impacted by an *Incorporated Plan Overlay* (IPO) which did not include built form requirements.
48. This Amendment is an opportunity to update the IPO with new built form requirements. In addition, Council sought independent Urban Design Review (2019) by Hodyl & Co. which recommended the following:
- (a) street wall height should range from three to four storeys: three storeys to Little Mollison Street and four storeys to the corner of Mollison Street and Victoria Crescent;
 - (b) introduce a setback above the street wall of 3m from Mollison Street and Victoria Crescent;
 - (c) introduce a 5m setback above the street wall at Little Nicholson Street (this is varied as the proponent is providing a ground level setback to allow two way traffic, therefore, a 3m upper level setback is recommended);
 - (d) introduce a 3m setback from the boundary or the laneway centreline to the north of the site;
 - (e) require material definition between the podium and upper levels that is responsive to the local context and character. Podium materials should be detailed and robust with visually recessive materials used at upper levels;
 - (f) corner should be chamfered at the Mollison St and Victoria Crescent intersection to mark the corner. No cantilevering should occur at upper levels; and
 - (g) the proposed development should provide above 80% active frontages to the Mollison Street and Victoria Crescent frontage (including individual entrances to tenancies).

These recommendations have been addressed though the *proposed ‘Incorporated Plan Overlay – Schedule 1 and ‘32-68 Mollison Street Incorporated Plan, March 2021’*.

49. Detail design and plans of the development would be submitted to Council at the Planning Permit stage.

Recommended Changes

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

Construction Impacts

51. A few submissions raised concern that the development would cause excessive noise during the construction period.

Officer Response

52. Officers do acknowledge the proximity of some apartment complexes to the site and expect there to be some noise during the construction period.
53. The *State Environment Protection Policy – Control of noise from industry, commerce and trade No. 1 (SEPP N-1)*'s purpose is:
 - (a) “to protect people from commercial, industrial or trade noise that may affect the beneficial uses made of noise sensitive areas while recognising the reality of the existing land use structure in the Metropolitan Region”.
54. Any future development of the land would have to comply with the guidelines set out in the State Environment Protection Policy and residents would have avenues to raise any compliance issues with the relevant authority.
55. A ‘Construction Management Plan’ (CMP) is required by Council for large or difficult to build developments. Considering the size, any application to redevelop the land at the subject site would require the applicant to prepare a CMP. A CMP would help address how works would take place and is assessed to reduce possible impacts. This document is prepared prior to commencement of any works.

Other Issues

56. There were other minor or singular issues raised by submissions, these are addressed in attachment 1 of this Report.

Options

Section 23 of the *Planning and Environment Act 1987* – considering changes to Amendment C280yara

57. Where submissions have been received to an amendment, Council has three options under Section 23 of the *Planning and Environment Act 1987*:
 - (a) change the amendment in the manner requested; or
 - (b) refer the submissions to an independent Planning Panel to consider the submissions and to provide recommendations to Council; or
 - (c) abandon the amendment or part of the amendment.
58. Council received a total of ten (10) submissions to the amendment. Given the submissions present a range of different views, Council will not be able to fully resolve the amendment and change it in the manner requested by all submitters. Council must refer the amendment to a Panel or abandon it.
59. Before referring the amendment to Panel, Council can recommend changes to the amendment in response to submissions for the consideration of the Panel.
60. Accordingly, it is recommended that Council refers all submissions, including any late submissions to the Panel and request that it recommends approval of Amendment C280yara with changes to the exhibited amendment consistent with Council's position as informed by the recommendations in this report.

Next steps if submissions are referred to a panel

61. In accordance with *Ministerial Direction No. 15*, Council must request the appointment of a Panel under Part 8 of the Act within 40 business days of the closing date of submission.
62. The following dates have been pre-set, pending Council's resolution:
 - (a) a Directions Hearing is scheduled for the week commencing 6 September 2021; and
 - (b) a Panel hearing is scheduled for the week commencing 4 October 2021.
63. It is recommended that Council's position to the Panel be based on the response to the submissions outlined in this report and attachment 1.

64. If Council requests for a Planning Panel, officers would write to all submitters and advise them of the Panel.
65. On receipt of the Panel report for Amendment C280yara, a report would be brought to Council to consider the Panel's recommendations.

Community and stakeholder engagement

66. Council has:
 - (a) exhibited the amendment for one calendar month, in accordance with the requirements of the *Planning and Environment Act 1987*;
 - (b) posted notice of the proposal to all owners and occupiers of land directly affected by the changes, other interested parties and Prescribed Ministers;
 - (c) published formal notice of the amendment in the Age and Government Gazette; and
 - (d) provided comprehensive information on the Council's websites.
67. Consultation provided the community, landowners and stakeholders with the opportunity to make a submission about the proposed changes.
68. Council officers have had preliminary discussions about the amendment with the Department of Environment, Land, Water and Planning (DELWP).

Policy analysis

Alignment to Council Plan

69. The amendment is consistent with the Council Plan 2017 - 21 objective 4: *A Liveable Yarra* and Objective 5: *A Prosperous Yarra*.

Spatial Economic and Employment Strategy 2018

70. A key finding in Council's adopted *Spatial Economic and Employment Strategy* (SEES) was that:

Employment growth and floor space demand forecasts suggest that, in aggregate terms, Yarra will not need significant additional floor space to accommodate future employment growth. However, there will be significant changes in the mix and type of floor space that is required, necessitating redevelopment and renewal in existing employment precincts. (p37)

71. The relevant strategic direction of the SEES is to:

Retain other C2 zoned precincts and sites to support a greater diversity of business and economic activity.

72. The site is specifically considered under Strategy 5: 'Retain other C2 zoned precincts'.
73. Amendment C280yara facilitates commercial redevelopment of the site, supporting greater diversity of business and economic activity.

Climate emergency and sustainability implications

74. The site is in proximity to public transport and can be accessed by different modes of travel.
75. The amendment is accompanied by a Section 173 agreement to contribute to a raised pedestrian crossing on Mollison Street, facilitating pedestrian movement between surrounding employment uses and Victoria St activity centre.
76. Clause 22.17 *Environmentally Sustainable Development* seeks to ensure environmental sustainability is considered at planning permit application stage, with particular consideration given to energy performance, water resources, indoor environment quality, stormwater management, transport, waste management and urban ecology.

77. For a development of the type permitted on the site, a *Sustainability Management Plan* and *Green Travel Plan* would be required to be submitted as part of the planning permit application.

Community and social implications

78. The active frontages of the development would engage with the public realm and potentially increase the safety of the pedestrians.

Economic development implications

79. The economic implications are set out earlier in the report. The Amendment could facilitate more employment opportunities within the premises.

Human rights and gender equality implications

80. There are no anticipated human rights and gender equality implications.

Operational analysis

Financial and resource impacts

81. The costs associated with the exhibition panel process, including panel fees, representation and other experts who provide evidence on behalf of Council would be met by the proponent. Other aspects would be met by the strategic planning budget.

Legal Implications

82. The amendment complies with the requirements of the Planning and Environment Act 1987.
83. There are no known legal implications of this amendment.

Conclusion

84. Council exhibited Amendment C280yara and received 10 submissions.
85. Submitters are objecting to the Amendment C280yara on the following issues:
- (a) building height;
 - (b) overshadowing;
 - (c) traffic and parking;
 - (d) views to the sky;
 - (e) loss of character and
 - (f) other matters as discussed in this report.
86. In response to the submissions, officers have analysed the matter further and recommend no changes to the Amendment.
87. Officers recommend that the Amendment is now referred to an independent Planning Panel to enable an independent assessment of the submissions and a report back to Council.

RECOMMENDATION

1. That Council:
 - (a) note and consider all submissions made on or before the last date of exhibition of Amendment C280yara to the Yarra Planning Scheme, in accordance with section 22(1) of the of the *Planning and Environment Act 1987* (Vic);
 - (b) note the officer report and Attachments 1-5 in relation to the Amendment;
 - (c) in relation to all submissions which were considered by Council, refer those submissions to an independent Planning Panel appointed by the Minister under Part 8 of the Act in accordance with section 23 of the Act;
 - (d) authorise officers to consider any further late or modified submissions received prior to a hearing by a Planning Panel appointed by the Minister under Part 8 of the Act and determine whether to refer any late submissions to the independent Planning Panel;
 - (e) authorise officers to present submissions to the Planning Panel, adopting a position of advocacy for the Amendment, including requesting recommendations from the Planning Panel for any proposed changes or revisions to the exhibited Amendment, generally in accordance with the officer report, officer recommendations and Attachments 1-5;
 - (f) authorises officers to write to all submitters to Amendment C280yara to advise of the Council resolution; and
 - (g) receive a further report after the Panel Report is received from Planning Panels Victoria to enable further consideration of the Amendment by Council.

Attachments

- 1 Attachment 1 - Summary of submissions and responses
- 2 Attachment 2 - Exhibition Letter and Information Pack
- 3 Attachment 3 - Notification Area
- 4 Attachment 4 - Amendment C280 Documentation
- 5 Attachment 5 - IPO & IP (Current and Proposed)

8.4 Amendment C269 consideration of submissions and referral to Planning Panel

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.

8.4 Amendment C269 consideration of submissions and referral to Planning Panel

Reference	D21/77586
Author	Fiona van der Hoeven - Practice Leader, Strategic Planning
Authoriser	Director Planning and Place Making

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.
-

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>Activity Centres (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"> • Requests for mandatory building height limits. • ‘Mid-rise’ may be too high in heritage activity centres. • Concerned about the impact of ‘mid-rise’ and ‘high-rise’ development on the heritage and community feel of the area. • Transition policies need to be strengthened between activity centres and residential areas. • Need to maintain the village atmosphere - not want ‘high rise’ buildings. • 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.
<p><i>Heritage and Character</i></p>	<p>Examples of issues include:</p> <ul style="list-style-type: none"> • There needs to be well crafted neighbourhood character statements for all the activity centres. • Maintain human scale, diversity and vibrancy. • Need to protect heritage streetscapes, veranda’s and heritage buildings. • Planning Scheme needs to ensure diversity of small shops rather than a move to larger less diverse complexes.
<p><i>Transport / Traffic / Car parking</i></p>	<p>Examples of issues include:</p> <ul style="list-style-type: none"> • Concerns regarding the impact of development on traffic, car volumes in side streets. • Object to having car access to the areas noted for moderate or incremental residential developments on rear or side laneways.
<p><i>Boundary</i></p>	<p>Examples of issues include:</p> <ul style="list-style-type: none"> • Does not support: <ul style="list-style-type: none"> - Stewart, Hoddle, Tanner and Wangaratta Streets being included in the Swan Street Major Activity Centre; - Swan Street MAC boundary should not be extended to include the Australian Knitting Mills complex just north of

	<p>Richmond Station.</p> <ul style="list-style-type: none"> - inclusion of Berry/Ramsden Street, Clifton Hill and Spensley Street, Clifton Hill within the Local Activity Centres; - the inclusion of the site at 582 Heidelberg Road, Alphington in the Alphington Activity Centre. <ul style="list-style-type: none"> • Redesignation of activity centres in the hierarchy of major, neighbourhood and local activity centres.
Environmental and landscape values	<p>Examples of issues include:</p> <ul style="list-style-type: none"> • Significant trees, street trees, avenues of trees, culturally significant trees, trees in parks should be registered and retained / maintained • Submissions include specific trees to be nominated under the planning scheme. • The Urban Forest Strategy is a major policy in Yarra and needs implementing through this scheme. • Prefer indigenous and native plants. • Protect river corridors
Environmental risk and amenity	
<i>Interface and amenity</i>	<p>Examples of issues include:</p> <ul style="list-style-type: none"> • 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>.
	<p>Example of issues include:</p> <ul style="list-style-type: none"> • 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.
<i>Licensed venues</i>	<p>Example of issues includes:</p> <ul style="list-style-type: none"> • Unable to see protections for long established bars and pubs.
<i>Climate change</i>	<p>Example of issues includes:</p> <ul style="list-style-type: none"> • Yarra's declaration of a Climate State of Emergency should be reflected in C269.
<i>Flood management</i>	<p>Examples of issues include:</p> <ul style="list-style-type: none"> • Flood management – Should not apply to outdoor additions such as decks or pergolas. • Increasing red tape for these important minor additions is overzealous.
Built environment and heritage	
<i>Urban design</i>	<p>Examples of issues include:</p> <ul style="list-style-type: none"> • Laneways need to be maintained, cleaned and retained. • Ensure that new developments do not overshadow parks and green spaces. • Overshadowing of public open space should be based on the winter solstice, not the equinox. • Supports Objective 17 of existing policy (Clause 21.05-2) that

	<p>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”.</p>
<p><i>Building design</i></p>	<p>Examples of issues include:</p> <ul style="list-style-type: none"> • I have heard that Yarra Planning defines ‘moderate height’ as 14 storeys. I hope this is not true. 14 storeys is high. • 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 • Height impact on heritage character in size, scale and good design and overlooking. • 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). • 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. • 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. • 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.
<p><i>Landmarks</i></p>	<p>Examples of issues include:</p> <ul style="list-style-type: none"> • Requests for additional landmarks and additional primary views to be included. • Wording used in the landmarks section should be inclusive rather than exclusive. • 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). • The implications of protecting the view lines to the Pelaco sign from the proposed vantage points has not been properly tested or assessed.
<p><i>Heritage</i></p>	<p>Examples of issues include:</p> <ul style="list-style-type: none"> • C269 should have clearly listed heritage objectives to preserve, restore and enhance the heritage of Yarra. • Exhibited 15.03-1L Heritage - this Clause requires meaningful objectives. • Concerns/requests for changes in terminology in proposed 15.01-1L Heritage – Lack of technical terms. • Need to protect the heritage and visual aesthetic of Yarra. • Need to preserve more than just façades. • Concerned about the lack of policy on veranda’s. • Views of our streets and lanes should ensure visibility of the

	<p>heritage building against the blue sky.</p> <ul style="list-style-type: none"> • Importance of laneways – love the heritage views from these laneways – those views need protecting. • Planning Scheme should include reference to the original owners of the land – the Wurundjeri.
<i>World Heritage</i>	<p>Example of issues include:</p> <ul style="list-style-type: none"> • Requests for additional content.
<i>ESD</i>	<p>Examples of issues include:</p> <ul style="list-style-type: none"> • Requests for additional / strengthened standards. • Requests to accept changes in terminology proposed by CASBE (this has also been requested in submissions by Local Councils).
<i>Signs</i>	<p>Examples of issues include:</p> <ul style="list-style-type: none"> • 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.
Housing	
<i>Location of residential development</i>	<p>Examples of issues include:</p> <ul style="list-style-type: none"> • There is too much densification of housing already and no further need for more. • There is potential to undermine State Policy that directs more intense development outcomes in Activity Centres. • 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. • The strategic housing framework does not give any idea of the height and density of future developments. • Requests for reclassification.
<i>Housing diversity</i>	<p>Examples of issues include:</p> <ul style="list-style-type: none"> • 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. • Size matters. Generous apartments designed for a single person through to families.
<i>Affordable housing</i>	<p>Examples of issues include:</p> <ul style="list-style-type: none"> • New developments with over 50 dwellings should include at least 10% of affordable housing. • The trigger for providing housing affordability should be lowered – i.e. 10 dwellings proposed.
Economic development	
	<p>Examples of issues include:</p> <ul style="list-style-type: none"> • (Cremorne – Site amalgamation) Clause 17.01-1L be amended by deleting the word ‘consolidation’ from the strategy ‘<i>encourage the consolidation and intensification of employment</i>

	<p><i>land within Yarra’s major employment precincts’.</i></p> <ul style="list-style-type: none"> • Day/night diversity of shops and activities should include use above ground floor for additional shops, libraries, studios, residences etc. • 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). • There appears to be no current requirement for commercial landowners to maintain their premises in a fit state when unoccupied for periods of time.
<p>Transport</p>	
	<p>Examples of issues include:</p> <ul style="list-style-type: none"> • 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>). • Recommends an additional proposed control: the incorporation of carshare conditions for new residential developments. Submission includes a specified rate. • Amendment should eliminate minimum car parking requirements and replace them with maximum car parking limits of 1 parking bay per 100m² of building floor area. • Parking must be made available for residents so the elderly and disabled can park near their place of residence. • No excuse for new developments not to have extensive underground parking as a requirement to take the pressure off the streets. • Include rates for electric vehicles. • 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.
<p>Infrastructure</p>	
<p><i>Open space</i></p>	<p>Examples of issues include:</p> <ul style="list-style-type: none"> • 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. • Council must reject any and all sales, gifts or other “disposals” or “disbursements” of public lands or spaces to private entities. • There needs to be more mention of safety and provision for passive surveillance of open space in the proposed policy. • There needs to be more opportunities for green space to grow food and bring biodiversity back to our neighbourhood.
<p><i>Development contributions</i></p>	<p>Examples of issues include:</p> <ul style="list-style-type: none"> • 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). • Infrastructure improvements should be mandated, and requirements clearly set out upfront. Local community should be

	involved in negotiating trade-offs and facilities.
<i>Waste</i>	Example of issues include: <ul style="list-style-type: none"> 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.
<i>Water sensitive urban design</i>	Example of issues include: <ul style="list-style-type: none"> Suggests that the policy be expanded to clarify how Yarra will integrate water sensitive design in the public realm.
Form and content	
	Examples of issues include: <ul style="list-style-type: none"> Concerned about the key terms used in the built form policy elements of C269 – they are vague, ill-defined, meaningless. (Concerns/requests for changes in terminology in proposed 15.01-1L Urban Design.) Key terms should be clearly and explicitly defined and once this occurs it should be opened again for public consultation. There should be an accompanying document – with well-illustrated set of guidelines in plain English to support the new policy. Concerned about the numbering system of clauses.
Other	
	Issues addressed: <ul style="list-style-type: none"> liveability; zoning; safe injecting room; consultation; specific property; and graffiti.

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"> • Include the Mixed-Use zoned land north of the Richmond Train Station in the Activity Centre boundary • Identify ‘land subject to future strategic work’ on the map as per adopted Swan Street Framework Plan in Amendment C191.
13.07-1L Interfaces and Amenity	In response to a submission from the EPA: <ul style="list-style-type: none"> • change Clause 13.07-1L <i>‘Interfaces and Amenity’</i> as identified in preferred version of policies included as an attachment to this report; • changes to the <i>Guidelines - Managing Noise Impacts in Urban Development</i> as identified in Attachment 6. • consequential changes to the Noise and Vibration Considerations Discussion Report consistent with changes to the <i>Guidelines - Managing Noise Impacts in Urban Development</i>. <p>Refer to Table 2 below for further ‘other officer’ changes.</p>
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"> • To conserve Yarra’s natural and cultural heritage. • To preserve the scale and pattern of streetscapes in heritage places. • To ensure the adaptation of heritage places is consistent with the principles of good conservation practice.
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 ‘minimum’ before the words ‘depth of two front rooms’.
15.03-1L Heritage	Under the heading <i>‘New development, alterations or additions’</i> , include ‘verandahs’ as an element under the dot point <i>respecting the following</i>

	<i>elements of the heritage place:...</i>
15.03-1L Heritage	<p>Under the heading ‘<i>New development, alterations or additions</i>’ insert underlined:</p> <p><i>Promote development that is high quality and respectful in its design response by:</i></p> <ul style="list-style-type: none"> • <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	<p>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:</p> <p><i>Avoid the demolition of any part of an individually significant or contributory building unless all of the following can be demonstrated:...</i></p> <ul style="list-style-type: none"> • <i>The area of demolition is not visible from:</i> <ul style="list-style-type: none"> - <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	<p>Insert new strategy:</p> <p><i>Where possible, encourage waste and recycling facilities are sensitively and discreetly located.</i></p>
General Form and content	<p>The term ‘scale’ has been replaced with ‘rise’ where appropriate throughout the proposed policies.</p> <p>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.</p> <p>The numbering system of the Planning Policy Framework (PPF) is in accordance with the State Government’s Smart Planning program.</p> <p>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.</p> <p>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.</p>

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	Reference to <i>Built Environment</i>	Remove “ <i>2015</i> ” after “ <i>Built Environment</i>

Background documents	<i>Sustainability Scorecard (BESS)</i> includes the date (issue raised in ESD related submissions).	<i>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. 8 of 2021 - Ministerial Approval of Planning Scheme Amendment C270 (Fitzroy and Collingwood)

Reference	D21/84200
Author	Ivan Gilbert - Group Manager Chief Executive's Office
Authoriser	Group Manager Chief Executive's Office

I, Councillor Sophie Wade, hereby give notice that it is my intention to move the following motion at the Ordinary Meeting of Council to be held on 3 August 2021:

“That the Mayor write to the Minister for Planning requesting him to conclude important process of developing planning controls for Fitzroy and Collingwood by approving Amendment C270 to the Yarra Planning Scheme.”

Background

Planning Scheme Amendment C270 proposes built form controls (in the form of 9 DDOs) to cover:

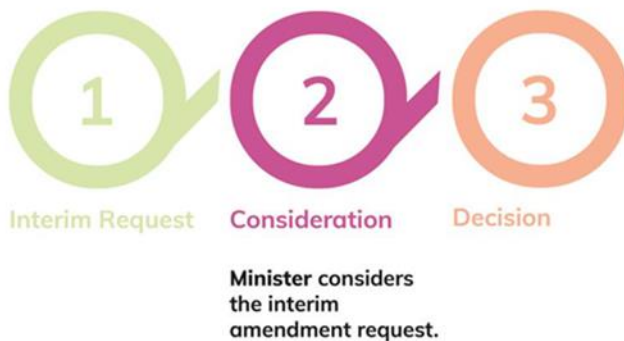
- Brunswick Street
- Smith Street
- Gertrude Street
- Johnston Street (between Smith and Nicholson)
- Fitzroy East MUZ area, north of Johnston Street
- Small MUZ pockets behind Brunswick and Smith Street

These are areas of high growth, and are in desperate need of controls.

Planning Scheme Amendment C270 was submitted to the Minister in **January 2020**.

The above proposed interim DDOs were to be temporary only and to be included in the Yarra Planning Scheme for approximately 2 years, with a view to undertaking public consultation to inform the future built form changes of these centres. An almost 2 year delay clearly diminishes the purpose of putting forward interim planning controls, and means Council is unable to effectively regulate development in the area.

Planning Scheme Amendment C270 has been at the below stage of the process since it was submitted almost two years ago.



We call on the Minister for Planning to decide on these important interim controls.

More details

<https://www.yarracity.vic.gov.au/the-area/planning-for-yarras-future/yarra-planning-scheme-and-amendments/current-amendments/amendment-c270-fitzroy-collingwood-interims>

RECOMMENDATION

That the Mayor write to the Minister for Planning, requesting him to conclude the important process of developing planning controls for Fitzroy and Collingwood, by approving Amendment C270 to the Yarra Planning Scheme.

Attachments

There are no attachments for this report.

9.2 Notice of Motion No. 9 of 2021 - Thresholds for Heritage Protection and Forthcoming Thematic Study

Reference	D21/84302
Author	Ivan Gilbert - Group Manager Chief Executive's Office
Authoriser	Group Manager Chief Executive's Office

I, Councillor Edward Crossland, hereby give notice that it is my intention to move the following motion at the Ordinary Meeting of Council to be held on 3 August 2021:

“That the Mayor write to the Minister for Planning:

- (a) regarding the difficulty in meeting the current threshold to achieve internal heritage protection, the limitation of means of protection for places of social and cultural significance, and a desire for a review of such thresholds; and*
- (b) referencing the undertaking of a thematic study for places of significance to the LGBTIQ+ community in the City of Yarra and also including, the opportunity to partner with Council, to establish possible mechanisms for their retention (in terms of use and function), protection, celebration and acknowledgement.”*

Background:

- (a) The former Austral Theatre is one of three former theatres that were considered as a part of Amendment C245 following a Thematic Study of Theatres in the City of Yarra (Context Pty. Ltd. 2017);
- (b) While the Thematic Study of Theatres highlighted the significance of their interiors, internal protection was not pursued as part of Amendment C245 as they were not seen to meet the relevant threshold for protection. Unfortunately, since the study, one theatre has been partially demolished, the interior of the Burnley Theatre has been significantly compromised and there is currently an application for the former Austral Theatre;
- (c) There are numerous places within Yarra and across Victoria more broadly that are recognised for their social and cultural significance, however the means of protecting such places is currently limited;
- (d) The City of Yarra Heritage Strategy also recognises the need for recording of breadth of heritage values such as historical and social etc. for a fully informed decision making. Whilst the Strategy recommends improving *Statements of Significance* and precinct citations of existing heritage places as a key action, it also recommends strengthening of existing planning provisions and mechanisms to better manage issues of overdevelopment and loss of heritage fabric of such places;
- (e) Council adopted the Yarra LGBTIQ+ Strategy 2021-2024 at the Council Meeting 15 December 2020, which resolution included (d): *request Officers undertake a thematic heritage study for places and objects of social and cultural significance to the LGBTIQ+ community in the City of Yarra and explore possible mechanisms for their retention (in terms of use and function), protection, celebration and acknowledgement;*
- (f) In March 2021 Heritage Victoria published A History of LGBTIQ+ Victoria in 100 Places and Objects. The report, which is the first of its kind in Australia, identifies 100 places, object, and collections that have special meaning to Victoria’s contemporary queer communities; and

- (g) The thematic study to be undertaken for the City of Yarra may seek to build on the approach of the Heritage Victoria study, while further exploring and establishing means of protection and retention; in terms of use and function. This represents a unique opportunity to potentially partner with the State Government to establish potential future controls or mechanisms of retention.

RECOMMENDATION

1. That the Mayor write to the Minister for Planning:
 - (a) regarding the difficulty in meeting the current threshold to achieve internal heritage protection, the limitation of means of protection for places of social and cultural significance, and a desire for a review of such thresholds; and
 - (b) referencing the undertaking of a thematic study for places of significance to the LGBTIQA+ community in the City of Yarra and also including the opportunity to partner with Council, to establish possible mechanisms for their retention (in terms of use and function), protection, celebration and acknowledgement.

Attachments

There are no attachments for this report.