



Agenda

Council Meeting

7.00pm, Thursday 23 June 2022

Richmond Town Hall

Council Meetings

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

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

There are two ways you can participate in the meeting.

Public Question Time

Yarra City Council welcomes questions from members of the community.

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

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

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

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

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

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

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

Public submissions

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

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

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

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

Arrangements to ensure our meetings are accessible to the public

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

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

Recording and Publication of Meetings

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

Order of business

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

1. Acknowledgment of Country

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

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

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

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

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

2. Attendance, apologies and requests for leave of absence

Attendance

Councillors

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

Council officers

- | | |
|--------------------|--|
| • Chris Leivers | Interim Chief Executive Officer |
| • Brooke Colbert | Group Manager Advocacy and Engagement |
| • Malcolm Foard | Director Community Wellbeing |
| • Ivan Gilbert | Group Manager Chief Executive’s Office |
| • Geoff Glynn | Director City Works and Assets |
| • Gracie Karabinis | Group Manager People and Culture |
| • Diarmuid McAlary | Director Corporate, Business and Finance |
| • Bruce Phillips | Director Planning and Place Making |
| • Mel Nikou | Governance Officer |

Municipal Monitor

- | | |
|------------------|-------------------|
| • Yehudi Blacher | Municipal Monitor |
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3. Announcements

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

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

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

5. Confidential business reports

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

RECOMMENDATION

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

Item

5.1 **C1613 Provision of Structural Relining of Stormwater Drains and Associated Works**

This item is to be considered in closed session to allow consideration of private commercial information, being information provided by a business, commercial or financial undertaking that relates to trade secrets or if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

These grounds are applicable because the report contains information that has been submitted on a commercial in confidence basis as part of a tender process.

6. Confirmation of minutes

RECOMMENDATION

That the minutes of the Council Meeting held on Tuesday 31 May 2022 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 Adoption of Annual Budget 2022/23 and Long Term Financial Plan 2022/23 to 2031/32	9	12	Wei Chen – Chief Financial Officer
8.2 2022/23 Annual Plan	14	16	Julie Wyndham – Manager Corporate Planning and Performance
8.3 Asset Plan 2022-2032 and Asset Management Policy (2022)	17	21	Graham Davis – Manager Building and Asset Management
8.4 Victorian Election Advocacy Priorities	22	25	Justin Kann – Senior Advisor, Advocacy and Partnerships
8.5 Yarra Planning Scheme Amendment C293yara - Collingwood South	26	43	Leonie Kirkwood – Project and Policy Coordinator, Strategic Planning
8.6 PPE22/0085 - 9-13 Stewart Street, Richmond	44	82	Mary Osman – Manager Statutory Planning
8.7 Fairlea Netball Precinct, Yarra Bend	83	89	Sally Jones – Manager Recreation and Leisure Services
8.8 Yarra Libraries Strategic Plan 2022-2026	90	93	Felicity Macchion – Manager Yarra Libraries
8.9 Environment Advisory Committee Membership	94	97	Michael Oke – Sustainability Unit Manager
8.10 Appointment of Authorised Officers under the Planning and Environment Act 1987	99	100	Rhys Thomas - Senior Governance Advisor

9. Notices of motion

Nil

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 Adoption of Annual Budget 2022/23 and Long Term Financial Plan 2022/23 to 2031/32

Reference	D22/140689
Author	Dennis Bastas - Manager Financial Services
Authoriser	Chief Financial Officer

Purpose

1. The purpose of this report is to present for adoption the:
 - (a) Annual Budget 2022/23 (Budget) (**Attachment One**);
 - (b) Long Term Financial Plan 2022/23 to 2031/32 (Financial Plan) (**Attachment Two**); and
 - (c) Updated Financial Hardship Policy (**Attachment Three**).

Critical analysis

History and background

2. Section 94 of the Local Government Act 2020 provides that Council must prepare and adopt a Budget for each financial year and the subsequent three financial years.
3. Section 96 of the Local Government Act 2020 provides that Council must develop the Budget in accordance with its community engagement policy.
4. Section 91 of the Local Government Act 2020 provides that Council must prepare and adopt a Financial Plan for a period of at least the next 10 financial years.
5. The Financial Plan will be updated annually as part of the budget preparation process. Together with the budget document, it is subject to ongoing review and may be updated during the budget year through a revised budget process.
6. On 19 April 2022, Council resolved to adopt the draft Budget and draft Financial Plan for the purpose of seeking community feedback.
7. On 30 May 2022, Council held a Special Council Meeting to hear any person who wishes to speak in support of written feedback to the draft Budget and draft Financial Plan.

Discussion

8. Yarra enters this financial plan with significant challenges, as its operating environment and financial position has been impacted significantly by the COVID-19 pandemic with a loss in excess of \$50 million. While Council has sufficient funds at present, our Financial Plan highlights the potential strain on available and unrestricted cash in future years. There is a need for urgent and meaningful change now, to ensure we can keep providing for our community in the future.
9. To continue to deliver the breadth and quality of services, as well as continuing to deliver on our strategic vision, the Council and community may need to make some tough decisions. To ensure our financial sustainability now and into the future, consideration has to be given to improving our operations and making them as efficient as possible, managing costs, attracting external funding and expanding opportunities to generate revenue.
10. The Budget and Financial Plan includes efficiency benefits over the next ten years, investment in our information technology and data to improve customer experience and changes to parking and leisure fees which were shared via the draft budget and remain detailed within the budget and financial plan. Council has also commissioned an independent strategic review of its operations.

11. This Budget and Financial Plan are updated to reflect some changes that have occurred since the draft Budget in April 2022. The budgeted operating surplus for 2022/23 has increased from \$9.1m to \$12.2m, although the majority of the movement is merely due to changes in expected timing for certain external grants.
12. The draft Budget released in April 2022 utilised preliminary valuations from the Valuer-General Victoria (VGV). Final valuations of all properties in the municipality have now been received, and adjustments have been made to the “rate in \$” to ensure compliance with the Fair Go Rates System. Total rates and charges has increased from the initial draft budget of \$125,111,946 to \$125,163,270 as the valuations of all properties has been finalised.
13. The 2021/22 budget allowed capacity for Council to borrow an additional \$20m. However, the assessment of cash requirements has identified that the additional borrowings are not required during 2020/21. Instead, we have allowed capacity for Council to borrow up to \$20m during 2022/23 to support Council in delivering our significant program of capital works.
14. In response to community feedback, \$37,000 was added to the Budget for preliminary design and consultation work for a potential new shared zone in the Perry Street precinct in Collingwood. Council is undertaking these preliminary works with the intention of advocating to the State Government to fund the remainder of the project.
15. Council’s current COVID-19 Financial Hardship Policy expires on 30 Jun 2022, and this report seeks to revert back to Financial Hardship Policy, which has also been updated to ensure continuation of support to ratepayers experiencing financial hardship.
16. Under the updated Financial Hardship Policy, Council will encourage those ratepayers and service users experiencing hardship to set up a payment plan with Council tailored specifically to the ratepayers needs to reduce the amount of debt owing and not have accumulating debt.
17. Between 1st July 2022 and 31st December 2022, penalty interest charges will apply to outstanding Rates and Charges for the financial year of 2022/2023. From the 1st January 2023 penalty interest charges will apply to all outstanding Rates and Charges for past and current financial years. However, Council could hold or waive penalty interest charges as part of payment plan arrangements for ratepayers experiencing financial hardship.
18. Council may engage legal and debt collection agencies to recover unpaid council fees and charges, but only when ratepayers and service users refuse to engage, and all other options have been exhausted.
19. The Victorian Government has introduced the Local Government Legislation Amendment (Rating and Other Matters) Bill 2022 into Parliament on 8 June 2022. This Bill seeks to empower the Minister for Local Government to make Ministerial Guidelines on unpaid rates and charges and hardship to ensure greater consistency across councils in how they deal with ratepayers experiencing financial hardship. Further review and update will be made to the Financial Hardship Policy once new legislation and ministerial guidelines are issued.

Options

20. There are no options to be considered in this report.

Community and stakeholder engagement

21. Significant community engagement was undertaken in November and December 2021 inviting the community to share their priorities and aspirations for the future of Yarra. The community engagement was facilitated via online Your Say Yarra page and pop-up in person events. It was also prompted via e-mail campaign, Yarra Life eNews, social media and postcards at all neighbourhood houses. We heard from approximately 376 participants and the results have assisted the in development of the draft Budget and Financial Plan.
22. The draft Budget and Financial Plan was presented at the Ordinary Council meeting on 19 April 2022, and was adopted in principle, to seek community feedback.

23. Engagement during the exhibition period between Friday 22 April and Friday 6 May 2022 was facilitated online, in person and via email and hard copy. The following methods were used to encourage and facilitate the Yarra community to engage in our budget consultation process:
- (a) yoursayyarra.com.au/budget2223 – Feedback tool – Go live: Friday 22 April 2022;
 - (b) Mayor’s video – Introducing the Budget – Available via yoursayyarra.com.au/budget2223;
 - (c) Hard copy draft budgets available at town halls and posted if requested; and
 - (d) Three information sessions were promoted to the broad community. They included an online webinar, one in person session and another in person session dedicated for youth. The webinar was recorded so our community could watch in their own time during the exhibition period.
24. Council received feedback from 162 contributors. Some contributors raised multiple issues in their feedback with 178 comments being received across 22 themes.
25. A special council meeting was held on Monday 30 May 2022 to hear feedback from community members who wished to speak in support of their submission.

Policy analysis

Alignment to Council Plan

26. The Council Plan 2021-25 and Yarra Vision – Yarra 2036 has been adopted in accordance with the *Local Government Act 2020*.
27. The Budget and Financial Plan has been structured according to the Strategic Objectives in the Council Plan 2021-25 and Yarra Vision 2036.

Climate emergency and sustainability implications

28. The Budget and Financial Plan preparation and adoption process shows a commitment to continue funding appropriate environmental initiatives.

Community and social implications

29. The Budget and Financial Plan supports Council’s social policies and services.

Economic development implications

30. The Budget and Financial Plan preparation and adoption process has wide-ranging economic implications for Yarra’s citizens, particularly those reliant on Council infrastructure, services and funding, which in turn continue to support and contribute to economic activity in the municipality.

Human rights and gender equality implications

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

Operational analysis

Financial and resource impacts

32. The Budget and Financial Plan has major financial implications for Council’s current and future operations and financial direction into the future.

Legal Implications

33. The Budget and Financial Plan have been prepared in accordance with the Local Government Act 2020.

Conclusion

34. Council’s 2022/23 Budget and Financial Plan process commenced in November 2021 and has involved numerous meetings with Councillors and Officers over the past several months.

35. Council ran an early community engagement process in late 2021 and this initial round of consultation assisted Council to understand a range of community suggestions and priorities for the budget.
36. The draft Budget and Financial Plan was made available for feedback between Friday 22 April and Friday 6 May 2022. Engagement during this period was facilitated online, in person and via email and hard copy.
37. Council received feedback from 162 contributors. Some contributors raised multiple issues in their feedback with 178 comments being received across 22 themes.
38. Council has satisfied the legislative requirements of the process and is now in a position to adopt its Annual Budget 2022/23 and Long Term Financial Plan 2022/23 to 2031/32.
39. Any further changes resulting from the budget deliberation and resolution will be incorporated in the final version of the documents.
40. Council's Financial Hardship Policy has been updated to ensure continuation of support to ratepayers experiencing financial hardship.

RECOMMENDATION

1. That Council, following a community engagement process conducted in accordance with its community engagement policy:
 - (a) notes that the Budget and Financial Plan are updated to reflect the changes that have occurred since mid-April 2022. The budgeted operating surplus for 2022/23 has increased from \$9.1m to \$12.2m, majority of which is merely due to changes in timing for certain external grants;
 - (b) notes that the current Council Plan 2021-2022 and Yarra Vision 2036 was used to develop this budget and Financial Plan;
 - (c) adopts the Annual Budget 2022/23 as its budget for the 2022/23 financial year and the subsequent 3 financial years (**Attachment One**);
 - (d) adopts the Long Term Financial Plan 2022/23 to 2031/32 (**Attachment Two**);
 - (e) endorses the updated Financial Hardship Policy (**Attachment Three**);
 - (f) declares rates and charges as per pages 33-35 of the budget document (**Attachment One**). In summary, an amount of \$125,163,270 (or such greater amount as is lawfully levied as a consequence of this resolution) as the amount which Council intends to raise by General Rates and other charges, which is calculated as follows:

General Rates	\$123,640,040
Special Rates & other charges	\$526,490
Supplementary Rates	\$1,500,000
Pensioner rate rebate and other rate offsets	(\$503,260)
Total Rates and Charges	\$125,163,270

- (g) advises in respect to General Rates:
 - (i) a general rate be declared in respect of and for the entire duration of the 2022/23 financial year;
 - (ii) it further be declared that the general rate be raised by application of a uniform rate;
 - (iii) a percentage of 0.035680990 be specified as the percentage of the uniform rate which may be alternatively expressed as \$ 0.035680990 cents in the NAV dollar:

- (iv) it be confirmed that no amount is fixed as the minimum amount payable by way of a general rate in respect of each rateable property within the municipality; and
- (v) the Council funded Pensioner Rate Rebate be declared at \$197.20 for 2022/23;
- (h) declares no Annual Service Charge in respect of the 2022/23 financial year;
- (i) declares no Municipal Charge in respect of the 2022/23 financial year; and
- (j) authorises the Chief Executive Officer to effect administrative and wording changes to the Annual Budget 2022/23, Financial Plan 2022/23 to 2031/32 and Financial Hardship Policy, which may be required.

Attachments

- 1 Attachment 1 - Annual Budget 2022-23
- 2 Attachment 2 - Long Term Financial Plan 2022-23 to 2031-32
- 3 Attachment 3 - Updated Financial Hardship Policy

8.2 2022/23 Annual Plan

Reference	D22/129401
Author	Julie Wyndham - Manager Corporate Planning and Performance
Authoriser	Director Corporate, Business and Finance

Purpose

1. To present the 2022/23 Annual Plan (Annual Plan) to Councillors for endorsement.

Critical analysis

History and background

2. Council produces an Annual Plan alongside each year's Budget, setting out specific projects and activities that Council will undertake towards achieving the Strategic Objectives in the Council Plan 2021-25.
3. The Annual Plan is the organisation's annual response to Initiatives contained in the four-year Council Plan. Council Plan Initiatives are significant projects and activities that are proposed to be worked on over the term of the Council Plan.
4. The Council Plan 2021-25 was adopted on 19 October 2021.

Discussion

5. The attached Annual Plan includes 49 Actions.
6. The Actions respond to the Council Plan 2021-25 Strategic Objectives and Initiatives:

Strategic Objective	Number of actions
Climate and environment	10
Social equity and health	11
Local economy	4
Place and nature	7
Transport and movement	6
Democracy and governance	11
Total	49

7. The Annual Plan is built primarily from Initiatives in the adopted Council Plan 2021-25. Noting that the Council Plan is a four-year document and not all Initiatives will feature in every Annual Plan over its four-year term.
8. Actions in the Annual Plan are funded in the 2022/23 Budget (Annual Budget). Any change to the Annual Budget may have a consequent change in the Annual Plan.
9. Progress of the Annual Plan Actions is monitored and reported to Council quarterly in the Annual Plan Progress Report.
10. To ensure the integrity and transparency of the Annual Plan, once endorsed by Council, actions including their descriptions and milestones can only be changed by resolution of Council.

Options

11. This report does not consider any options.

Community and stakeholder engagement

12. The Annual Plan is informed by Initiatives in the adopted Council Plan 2021-25 and community engagement was undertaken during the development of the Council Plan 2021-25.
13. Projects in the Annual Plan are subject to community consultation and engagement on a project-by-project basis.

Policy analysis

Alignment to Community Vision and Council Plan

14. The structure of the Annual Plan is aligned to the six Strategic Objectives of the Council Plan 2021-25 that respond to Yarra 2036 Community Vision.
15. Actions in the Annual Plan are closely aligned to Initiatives in the Council Plan.

Climate emergency and sustainability implications

16. The Council Plan 2021-25 includes a Strategic Objective 'Climate and environment' that addresses climate emergency and sustainability implications. The Annual Plan includes ten actions that respond to Initiatives in this Strategic Objective.
17. Actions in the Annual Plan include work to transition Council buildings off gas, supporting and engaging households and business to transition to zero carbon, progress zero carbon development, continue transition of Council's fleet to low emissions options and programs and initiatives to reduce organic and plastic waste and support circular economy solutions.
18. The Council Plan 2021-25 includes a Strategic Objective 'Transport and movement' that is an integral part of our climate emergency response to reduce transport emissions. The Annual Plan includes six actions that respond to Initiatives in this Strategic Objective.
19. Actions in the Annual Plan include adoption of the Transport Action Plan, delivering active transport projects, advocacy for public transport, designing and implementing road safety studies and supporting shared micro-mobility, car share and ride share schemes.

Community and social implications

20. The Council Plan 2021-25 includes a Strategic Objective 'Social equity and health' that addresses community and social implications. The Annual Plan includes eleven actions that respond to Initiatives in this Strategic Objective.
21. Actions in the Annual Plan include commencing construction of Collingwood College early childhood centre, progressing the Collingwood Town Hall Precinct Community Hub project, programs and initiatives to support children and young people, older people, culturally diverse and LGBTIQ communities.
22. The Council Plan 2021-25 includes a Strategic Objective 'Place and nature' which recognises the important role that public places, streets and green open space have in bringing our community together. The Annual Plan includes seven actions that respond to Initiatives in this Strategic Objective.
23. Actions in the Annual Plan include the Cremorne Urban Design Framework, new parks in Cambridge Street and Otter Street, the redevelopment of Brunswick Street Oval Precinct, renewing Yambla Street Pavilion, direct seeding and cultural burning bushland management, nature engagement programs and greening initiatives including tree planting and measuring tree cover canopy.
24. The Council Plan 2021-25 incorporates the Municipal Health and Wellbeing Plan that guides how Council will promote health and wellbeing across the municipality.

Economic development implications

25. The Council Plan 2021-25 includes a Strategic Objective 'Local economy' that addresses economic development implications. The Annual Plan includes four actions that respond to Initiatives in this Strategic Objective.
26. Actions in the Annual Plan include promotion of arts and culture, supporting new business through the approvals process, developing accessible information for potential businesses to locate vacant properties and work to understand community perceptions of safety.

Human rights and gender equality implications

27. The Council Plan 2021-25 includes a Strategic Objective 'Social equity and health' that addresses human rights and gender equality implications. The Annual Plan includes eleven actions that respond to Initiatives under this Strategic Objective.
28. Actions in the Annual Plan include programs and initiatives to support children and young people, older people, culturally diverse and LGBTIQ+ communities as well as implementation of the Gender Equality Action Plan 2021-25.

Operational analysis

Financial and resource impacts

29. Actions in the Annual Plan are funded in the Annual Budget. Any change to the Annual Budget may have a consequent change in the Annual Plan.

Legal Implications

30. There are no legal implications.

Conclusion

31. The 2022/23 Annual Plan has been developed following a rigorous process and is presented to Council for endorsement.

RECOMMENDATION

1. That:
 - (a) Council endorse the 2022/23 Annual Plan

Attachments

- 1 Attachment 1 - 2022/23 Annual Plan

8.3 Asset Plan 2022-2032 and Asset Management Policy (2022)

Reference	D22/132286
Author	Paul Dwyer - Senior Coordinator Asset Management and Capital Works
Authoriser	Director City Works and Assets

Purpose

1. The purpose of this report is:
 - (a) to advise Council of the outcomes from the recent community consultation on the Draft Asset Plan 2022-2032 and Draft Asset Management Policy (2022); and
 - (b) to recommend that Council adopt the proposed Asset Plan 2022-2032 and proposed Asset Management Policy (2022).

Critical analysis

History and background

Asset Plan

2. The Local Government Act 2020 introduced a requirement for councils to adopt an Asset Plan by 30 June 2022 as part of an integrated strategic planning approach.
3. The requirements for the Asset Plan are in section 92 of the act and, in summary, include that the Asset Plan:
 - (a) is to be adopted by 30 June 2022 (s92(6)), to have effect from 1 July 2022 (s92(7));
 - (b) must cover a period of at least 10 financial years (s92(2)); and
 - (c) must include information about maintenance, renewal, acquisition, expansion, upgrade, disposal and decommissioning in relation to each class of infrastructure asset under the control of the Council (s92(3)).
4. The act requires Council to subsequently adopt an updated Asset Plan by 31 October in each year following a Council general election (s92(4)).
5. Local Government Victoria provided guidance to councils relevant to the development of the Asset Plans, including:
 - (a) Integrated Strategic Planning and Reporting Framework, published in late 2020, showing the relationship of the Asset Plan to other key strategic planning documents including the Community Vision, Council Plan and Financial Plan; and
 - (b) Asset Plan Guidance 2022, published February 2022, providing further context to the purpose of the Asset Plan and the key components that it should include.

Asset Management Policy

6. Council first adopted an Asset Management Policy (AM Policy) in October 2004, and it has been updated every four to six years since then. The most recent version was prepared in 2017 and endorsed by the Executive team; the most recent Council adopted version was in 2011.

Discussion

7. The proposed Asset Plan 2022-2032 was developed to comply with legislative requirements and further guidance provided by Local Government Victoria.

8. An Asset Management Policy is not required by the Local Government Act 2020, however in line with guidance from Local Government Victoria and relevant international standards for Asset Management, an updated proposed Asset Management Policy (2022) has been prepared to support the Asset Plan.
9. Attachment 1 – Proposed Asset Plan 2022-2032 and Attachment 2 – Proposed Asset Management Policy (2022) are proposed for adoption by Council.
10. A community engagement was recently undertaken on draft versions of the Asset Plan and Asset Management Policy.
11. The proposed documents include some adjustments arising as a result of that engagement.
12. Some minor adjustments have been made to the financial projections in section 5.1 of the proposed Asset Plan for consistency with the final proposed Annual Budget 2022/23 and proposed Long-Term Financial Plan 2022/23 – 2031/32.
13. Other minor non-substantive editorial changes have been made, including numbering of the policy principles for ease of reference.

Options

14. There are no options identified.

Community and stakeholder engagement

15. The Draft Asset Plan included consideration of the deliberative community engagement undertaken for the Yarra 2036 Community Vision and Council Plan 2021-25, noting that process had included consideration of asset-related topics.
16. An internal consultation process was undertaken in November 2021 on the Draft Asset Management Policy and Asset Management Framework to seek feedback from primary stakeholders involved in asset management, service management, financial management, and people management across the organisation.
17. Further community feedback on the Draft Asset Plan and Draft Asset Management Policy was sought using the Your Say Yarra portal. The engagement page (available at <https://yoursayyarra.com.au/draft-asset-plan-2022-2032>) was open for submissions from 6 to 20 May 2022.
18. Community members were invited to make submissions in relation to these items:
 - (a) Asset Management at Yarra (section 3 of the Draft Asset Plan);
 - (b) Our Assets (section 4 of the Draft Asset Plan);
 - (c) Financial Information (section 5 of the Draft Asset Plan);
 - (d) Priorities and Challenges (section 6 of the Draft Asset Plan);
 - (e) any further feedback on the Draft Asset Plan; and
 - (f) feedback on Draft Asset Management Policy.
19. A total of seven public submissions were received (with each submitter providing feedback on multiple items). Attachment 3 – Draft Asset Plan 2022-2032 Submissions Overview contains detail of the submissions received, along with an officer response, including whether an associated amendment has been made to the proposed Asset Plan and/or Asset Management Policy.
20. Six of the seven submissions were submitted via the Your Say Yarra portal and one was submitted via email by a representative of Streets Alive Yarra; the full submission from Streets Alive Yarra is included within Attachment 3.

Policy analysis

Alignment to Community Vision and Council Plan

21. The following Yarra 2036 Community Vision future priorities relate to the proposed Asset Plan and Asset Management Policy:
- (a) Community Safety - 3.4 Council actively maintains ... and implements infrastructure to ensure our streets and public spaces are free of hazards;
 - (b) Environmental Sustainability – 4.2 Lead the way in climate change mitigation and resilience within Yarra and extend our impact through advocacy and innovative partnership;
 - (c) Environmental Sustainability – 4.4 A transport system that is innovative, efficient, sustainable and accessible;
 - (d) Shared Space – 7.1 All our shared spaces are made physically accessible and welcoming to people of all abilities, linguistic, cultural backgrounds and age groups;
 - (e) Shared Space – 7.2 Community meeting spaces, service buildings, and facilities evolve and adapt to reflect changing needs of our diverse community;
 - (f) Shared Space – 7.3 Create and innovate solutions to maximise the use of under or unused streets and spaces; and
 - (g) Shared Space – 7.4 Increase availability and diversify use of open spaces to address existing shortages and respond to population growth.
22. The following Council Plan 2021-25 strategic objectives and strategies relate to the proposed Asset Plan and Asset Management Policy:
- (a) SO 1 Climate and environment – S1.1 Take urgent action to respond to the climate emergency and extend our impact through advocacy and partnerships;
 - (b) SO 4 Place and nature – S4.2 Plan and manage community infrastructure that responds to growth and changing needs;
 - (c) SO 5 Transport and movement – S5.4 Create a safe, well-connected and accessible local transport network including pedestrian and bike routes through Yarra (MPHWP);
 - (d) SO 6 Democracy and governance – S6.1 Provide opportunities for meaningful, informed and representative community engagement to inform Council's decision-making;
 - (e) SO 6 Democracy and governance – S6.2 Manage our finances responsibly and improve long-term financial management planning;
 - (f) SO 6 Democracy and governance – S6.3 Maximise value for our community through efficient service delivery, innovation, strategic partnerships and advocacy;
 - (g) SO 6 Democracy and governance – S6.4 Practice good governance, transparency and accountable planning and decision-making; and
 - (h) SO 6 Democracy and governance – S6.5 Progress and embed our culture of organisational continuous improvement and build resilience to adapt to changing requirements in the future.

Climate emergency and sustainability implications

23. The proposed Asset Management Policy contains the following principles associated with climate emergency and environmental sustainability:
- (a) Principle 3 – Asset management will support the delivery of the Council Plan and the various sub-ordinate strategies of Council (which is inclusive of Council's Climate Emergency Plan);
 - (b) Principle 4 – Asset planning ... will include consideration ... of climate adaptation;

- (c) Principle 5 – Lifecycle asset activities will be considered with the objectives of minimising cost and environmental impact; and
- (d) Principle 6 – Levels of service will be defined for asset-based services (including consideration of ... environmental sustainability).

Community and social implications

- 24. Infrastructure assets are used to deliver services of benefit to the community, including those assets from which a community service is provided (e.g. Council buildings and facilities) and those assets that provide a direct service that benefits the community (e.g. transport, stormwater and open space assets).

Economic development implications

- 25. The sustainable provision of infrastructure assets, that support the delivery of services to the community, has a direct impact on the economic vitality and development of the municipality.

Human rights and gender equality implications

- 26. There are no known specific human rights or gender equity implications arising from the Asset Plan or the Asset Management Policy.

Operational analysis

Financial and resource impacts

- 27. The Asset Plan helps communicate the investments required to acquire, operate, maintain, renew and upgrade Council's infrastructure assets over the next ten years. The Asset Plan provides further detail on the future challenges and priorities over that period to help inform future budgets. This assists the community to understand the costs associated with managing the infrastructure asset lifecycle.
- 28. The proposed Asset Plan covers the financial years from 2022-23 through to 2031-32, which is the same period covered by the proposed Long Term Financial Plan 2022/23 – 2031/32. The operating and capital expenditure amounts presented in the proposed Asset Plan are consistent with the proposed Long Term Financial Plan.
- 29. The Asset Management Policy provides guidance on Council's approach to asset management which in turn will impact Council's finances and resources through asset valuation, service level definition and lifecycle funding.

Legal Implications

- 30. Under the Local Government Act 2020, Council has a legislative obligation to adopt an Asset Plan by 30 June 2020.

Conclusion

- 31. The proposed Asset Plan 2022-32 will enable Council to comply with the Asset Plan obligations of the Local Government Act 2020.
- 32. The proposed Asset Management Policy (2022) supports the plan.

RECOMMENDATION

1. That Council:
 - (a) notes that a community engagement has been undertaken on the Draft Asset Plan 2022-2032 and Draft Asset Management Policy (2022);
 - (b) notes the submissions received and officer responses;
 - (c) adopts the proposed Asset Plan 2022-2032 in Attachment 1;
 - (d) adopts the proposed Asset Management Policy (2022) in Attachment 2; and
 - (e) authorises officers to apply any administrative changes which may be required for consistency with Council's adopted Annual Budget 2022/23 and Long Term Financial Plan 2022/23 – 2031/32.

Attachments

- 1 Attachment 1 - Proposed Asset Plan 2022-2032
- 2 Attachment 2 - Proposed Asset Management Policy (2022)
- 3 Attachment 3 - Draft Asset Plan 2022-2032 Submissions Overview

8.4 Victorian Election Advocacy Priorities

Reference	D22/132294
Author	Justin Kann - Senior Advisor, Strategic Advocacy
Authoriser	Group Manager Advocacy and Engagement

Purpose

1. To consider and seek Council's adoption of its advocacy priorities for the 2022 Victorian Election.

Critical analysis

History and background

2. Advocacy and representing the views and aspirations of the community is a core function of all councils.
3. As the level of government closest to the community, councils are well-placed to understand the needs and views of local residents, business and community groups and work with State and Federal governments to deliver positive outcomes and meaningful policy change.
4. Yarra City Council has a long and proud history of advocating at both a State and Federal level and does so on a regular basis.
5. This advocacy occurs in a manner that seeks a combination of outcomes including policy reform, interventions from government and funding for specific projects or initiatives within the municipality.
6. To achieve these outcomes, Council engages with government at different levels including the Premier, Ministers, Opposition, crossbenchers and local Members of Parliament. It does this through a range of different forums or opportunities including one-on-one engagement or meetings, parliamentary submissions, advocacy by peak bodies or as part of regional groupings like M9.
7. An important opportunity for Council to advocate to other levels of government and to advance its advocacy agenda is during elections when Council can seek commitments from local candidates or political parties seeking to form government or enter the Parliament.
8. The next Victorian Election is scheduled to be held on Saturday, 26 November 2022 and is an opportunity for Council to advocate for a range of policy reforms, projects and initiatives which are integral to Yarra's recovery from the COVID-19 pandemic and to building a fairer, more sustainable future for the local community.
9. The attached *Draft Victorian Election Advocacy Priorities* set out Council's priorities aligned with Victorian Government responsibilities and which Council will pursue with individual candidates, party spokespeople and other key stakeholders during the election.

Discussion

Draft Victorian Election Advocacy Priorities

10. As Victoria continues to meet the challenges of the COVID-19 pandemic and shifts towards the COVID-recovery, the policies, plans and commitments of local candidates and political parties will guide and shape the future of local communities, their residents, businesses, workers and community groups.
11. Council has an important role to play in advocating for policy change and initiatives which support positive local outcomes and align with the aspirations and priorities of the community.

12. Yarra's *Draft Victorian Election Advocacy Priorities* sets out an ambitious list of commitments across a broad range of topics including infrastructure, transport, sustainability, jobs, the economy and the arts. These priorities are drawn from Council's policies, strategies and resolutions as well as direct input with Councillors and Council officers.
13. The document sets out 32 priorities across 7 key actions that support Council's commitment to creating a climate-safe, equitable and liveable Yarra.
14. The actions outlined in the document are:
 - (a) Taking real and tangible action to address the climate emergency;
 - (b) Creating a safe, inclusive and connected community;
 - (c) Investing in local community infrastructure;
 - (d) Improving movement and connectivity;
 - (e) Supporting growth and liveability in Cremorne;
 - (f) Supporting arts and culture in Yarra; and
 - (g) Revitalising our precincts, activity centres and suburbs.
15. The priorities under each action take the form of either a policy commitment, such as investing in the collaborative procurement of digital assets, smart technologies and Internet of Things (IoT) services; or a specific funding request, such as \$9.3 million for the redesign and diversification of Burnley Golf Course.
16. Overall, the document calls for urgent policy reform, particularly in the area of the climate emergency, as well as substantial funding to be made available to Yarra to invest in local infrastructure and initiatives.
17. Importantly, while not all policy and funding requests are expected to be realised, this document provides a guide for candidates and parties for future investment within the municipality.

Advocacy Strategy

18. If adopted, Council will implement an integrated communications and advocacy strategy to communicate its advocacy priorities to local candidates and political parties at the upcoming election.
19. Following the Victorian electoral redistribution which was finalised in 2021, there will be three State electorates or districts which overlap with the City of Yarra.
20. The three electorates are:
 - (a) the electorate of Richmond, currently held by the Australian Labor Party (ALP);
 - (b) the electorate of Brunswick, currently held by the Victorian Greens (Greens); and
 - (c) the electorate of Northcote, currently held by the ALP.
21. Officers propose Council initially communicates its agreed priorities to individual candidates and parties in all electorates through a letter written by the Mayor and pursues follow-up meetings with candidates to discuss specific policy commitments and projects in greater detail.
22. Council will also work closely with local organisations, peak bodies and other relevant groups to further its advocacy priorities and support key community or sector-led campaigns which align to Council's advocacy agenda and strategy.

Options

23. The options for Council in relation to the Victorian Election advocacy priorities are to adopt the draft list of priorities, amend and adopt the list or reject the list.

Community and stakeholder engagement

24. The priorities, policy reforms and funding requests contained in the *Draft Victorian Election Advocacy Priorities* document have been drawn from a range of Council strategies, plans and resolutions, many of which have undergone extensive community and stakeholder consultation.

Policy analysis

Alignment to Community Vision and Council Plan

25. Many of the priorities, actions and specific policy and funding requests contained in the *Draft Victorian Election Advocacy Priorities* directly relate to the Strategic Objectives outlined in the Council Plan and support the individual strategies and initiatives contained within it. It also supports the themes and aspirations set out in the Yarra 2036 Community Vision.

Climate emergency and sustainability implications

26. As a key focus of Yarra's advocacy agenda, sustainability and the climate emergency - including action on waste and circular economy, electric vehicles and public and active transport – are reflected in the proposed priorities with many individual actions being drawn from Yarra's Climate Emergency Plan.

Community and social implications

27. The draft advocacy priorities support positive community and social outcomes with many individual actions directly relating to Council's commitment to social justice and creating a fairer, more inclusive Yarra.

Economic development implications

28. Many of the priorities, actions and specific policy and funding requests contained in the *Draft Victorian Election Advocacy Priorities* directly relate to economic development with individual actions addressing local economic recovery and economic development across the City of Yarra.

Human rights and gender equality implications

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

Operational analysis

Financial and resource impacts

30. There are no specific financial or resource impacts from this report.
31. The implementation and operationalisation of the Victorian Election advocacy strategy is expected to be delivered through existing budgets and resources.

Legal Implications

32. There are no specific legal implications associated with this report.

Conclusion

33. Advocacy and representing the views and aspirations of the community is a core function of all councils.
34. As the level of government closest to the community, councils are well-placed to understand the needs and views of local residents, business and community groups and work with State and Federal governments to deliver positive outcomes and meaningful policy change that benefits the community.
35. Yarra City Council has a long and proud history of advocating at both a State and Federal level.

36. The next Victorian Election is scheduled to be held on Saturday, 26 November 2022 and is an opportunity for Council to advocate for a range of policy reforms, projects and initiatives which are integral to Yarra's recovery from the COVID-19 pandemic and to building a fairer, more sustainable future for the local community.

RECOMMENDATION

1. That Council:
 - (a) notes that the next Victorian Election is scheduled for Saturday, 26 November 2022;
 - (b) notes the officer report regarding Yarra's Victorian Election advocacy priorities, including the proposed advocacy strategy to communicate these priorities to local candidates and parties; and
 - (c) adopts the advocacy priorities as shown in the *Draft Victorian Election Advocacy Priorities* (Attachment 1).

Attachments

- 1 Attachment 1 - Draft Victorian Election Advocacy Priorities

8.5 Yarra Planning Scheme Amendment C293yara - Collingwood South

Executive Summary

Purpose

The purpose of this meeting is for Councillors to:

- (a) note the report of the *Yarra Activity Centres Standing Advisory Committee* (the Committee) concerning draft Amendment C293yara (Amendment C293) regarding Collingwood South; and
- (b) consider the officer recommendations in respect of the Committee Report.

Key Issues

Council prepared Amendment C293 to:

- (a) better manage and respond to increased development activity within the Collingwood South area;
- (b) provide a higher level of clarity and certainty for Council and the community regarding development parameters for the area; and
- (c) facilitate and guide the scale, massing and bulk of new development so that it appropriately considers the impacts on the heritage qualities, streetscapes, public realm, and amenity within the area.

As required in the Committee's Terms of Reference, the report from the Committee that considered Amendment C293 has been received by both Council and the Minister for Planning.

The Committee supported the Amendment, with changes largely as advocated for by Council during the public hearing, and recommended it be approved under Section 20(4) of the *Planning and Environment Act 1987*.

Council has the opportunity to form a final position on the Amendment which would be considered by the Minister for Planning before he makes a decision on Amendment C293yara.

Financial Implications

Costs associated with the Committee process have been met through the City Strategy Branch and Governance budgets.

PROPOSAL

Council could adopt the amendment with or without changes and provide its adopted version to the Minister for approval. Alternatively, it could request the Minister not pursue the amendment.

The officer recommendation is to adopt the Amendment with changes based on the justification outlined in this report and request the Minister for Planning prepare, adopt and approve a formal planning scheme amendment in the same form as the draft Amendment using his powers under 20(4) of the Act.

8.5 Yarra Planning Scheme Amendment C293yara - Collingwood South

Reference	D22/132288
Author	Madeline Riseborough - Strategic Planner
Authoriser	Project and Planning Coordinator

Purpose

1. The purpose of this meeting is for Councillors to:
 - (a) note the report of the *Yarra Activity Centres Standing Advisory Committee* (the Committee) concerning draft Amendment C293yara (Amendment C293) regarding Collingwood South; and
 - (b) consider the officer recommendations in respect of the Committee Report.

Critical analysis

History and background

2. The Collingwood South Precinct has a valued and unique heritage character of both commercial and residential properties of varied scale and architecture.
3. Council resolved to progress planning controls for the Collingwood South Mixed-Use Precinct via *Yarra Activity Centres Standing Advisory Committee* established under Part 7 Section 151 of the *Planning and Environment Act 1987* (the Act) at its meeting on 18 May 2021.

Amendment C293yara

4. Council has prepared Amendment C293yara to:
 - (a) better manage and respond to increased development activity within the Collingwood South area;
 - (b) provide a higher level of clarity and certainty for Council and the community regarding development parameters for the area; and
 - (c) facilitate and guide the scale, massing and bulk of new development so that it appropriately considers the impacts on the heritage qualities, streetscapes, public realm, and amenity within the area.
5. The land affected by the Amendment is outlined on the map below (Figure 1).



Figure 1. Collingwood South Precinct Area

6. The Amendment has taken a comprehensive approach to planning the centre, consistent with the expectations for activity centre planning across Metropolitan Melbourne.
7. Amendment C293yara implements findings of the following strategic work:
 - (a) the *Brunswick Street and Smith Street Built Form Review: Collingwood Built Form Framework*, (Hansen Partnership June 2018);
 - (b) the *Supplementary Heritage Report: Collingwood South (Mixed Use) Precinct, May 2021* (Heritage Report Update, GJM) and the *Collingwood Mixed Use Pocket Heritage Analysis and Recommendations 2018* (GJM Heritage June 2018); and
 - (c) the *Traffic Engineering Assessment: Brunswick Street and Smith Street Activity Centres* (Traffix November 2019).
8. Specifically, the Amendment proposes to:
 - (a) insert a new Schedule to Clause 43.02 Design and Development Overlay (DDO23) on a **permanent** basis to apply street wall and overall height controls, as well as setback and other requirements to the land;
 - (b) amend Clause 21.11 Reference Documents to include the *Brunswick Street and Smith Street Built Form Review: Collingwood Built Form Framework 2018*, *Collingwood Mixed Use Pocket Heritage Analysis and Recommendations 2018* and *Supplementary Heritage Report: Collingwood South (Mixed Use) Precinct, 2021* as reference documents in the planning scheme; and
 - (c) amend Planning Scheme Map No.6 DDO to:
 - (i) remove the rear of property at 32 Smith Street, Collingwood from DDO23; and
 - (ii) remove Schedule 2 to Clause 43.02 Design and Development Overlay from the western side of Wellington Street where the new DDO23 would apply.

9. Amendment C293yara is intended to replace the interim built form controls, which currently apply, with permanent controls. The interim controls have been in place since 22 November 2018.
10. As interim DDO23 has an expiry date, Council needs to progress permanent provisions to manage change and provide as much certainty as possible about future development outcomes. Officers formally requested an extension of the interim controls. This has been approved by the Department of Environment, Land, Water and Planning (DELWP) under delegation from the Minister and was gazetted on 16 June 2022. The interim DDO has been extended until March 2023.

The Amendment Process

11. The Minister for Planning gave consent to exhibit draft Amendment C293yara in August 2021. It was publicly exhibited from 14 September to 27 October 2021 (six weeks), during which Council received 102 submissions.
12. Key issues raised in submissions included:
 - (a) excessive building height in certain areas;
 - (b) use of mandatory versus discretionary controls;
 - (c) the importance of maintaining and being sensitive towards heritage fabric;
 - (d) the need for more public open space;
 - (e) traffic and parking issues;
 - (f) impacts of new development on the public realm;
 - (g) overshadowing of public open space, footpaths, and street trees, and
 - (h) impact of new development on neighbourhood character.
13. On 21 December 2021, Council considered the 102 submissions and resolved to request the Minister refer the amendment and submissions to the *Yarra Activity Centres Standing Advisory Committee*.
14. At the December Council meeting, Council adopted a set of proposed changes to the Amendment in response to submissions to advocate for at the Committee hearing. These included:
 - (a) a reduction in street wall height along the eastern boundary of Oxford Street Reserve from 14 metres to 11 metres;
 - (b) strengthened requirements relating to the overshadowing of public open spaces;
 - (c) new requirements relating to landscaping and building design to provide for wider entry areas and the flexible use of lower floor levels; and
 - (d) minor amendments to wording of the requirements to improve clarity, in response to submissions.
15. Council also resolved to request that the Committee particularly consider the submissions that raised concerns with potential heights in two areas. These submissions related to the block bound by Langridge Street, Oxford Street Reserve, Derby and Cambridge Streets and properties between 23-31 Derby Street, east of Oxford Street.
16. Following the Council meeting, additional notice was sent out to owners and occupiers potentially affected by a possible reduction in maximum built form heights in these two areas.
17. One additional submission was received and referred to the Committee.

Standing Advisory Committee Hearing

18. The Committee consisted of two members and the hearing occurred between 28 March 2022 and 1 April 2022.

19. Council was represented by Barrister Sarah Porritt and instructed by Maddocks Lawyers, with assistance from Council officers.
20. Council's Part A and B submissions to the Committee were based on the position endorsed at the Council meeting on 21 December 2021.
21. At the close of the hearing, Council was directed to submit a final version of DDO23, to the Committee and all parties, indicating the changes suggested by submitters and experts which officers support (Part C version).
22. Together with Part A, Part B and Part C submissions, Council provided evidence from the following expert witnesses:
 - (a) Alastair Campbell, Hansen Partnership (Urban Design);
 - (b) Jim Gard'ner, GJM Heritage (Heritage);
 - (c) Charmaine Dunstan, Traffix Group (Traffic);
 - (d) Julian Szafraniec, SGS Economics and Planning (Capacity Analysis); and
 - (e) Sandra Rigo, Hansen Partnership (Planning).
23. Five residents presented to the Committee at the hearing.
24. The Committee considered the submissions and all amendment documentation, including Council's preferred version of DDO23, endorsed by Council at its 21 December 2021 meeting.
25. The Amendment was rigorously reviewed, scrutinised, and tested during the Committee Hearing process.
26. The '*Committee preferred version of the planning provisions*', is set out in Appendix F of the Committee Report and is based on Council's Preferred DDO23.

Standing Advisory Committee Report

27. The Committee Report was received by Council on 19 May 2022 and publicly released on 30 May 2022. A copy of the Amendment C293 Committee Report can be viewed at Attachment 1.
 28. The Committee:
 - (a) determined that Amendment C293yara is well founded and strategically justified;
 - (b) supported key aspects of the Amendment such as the majority of proposed mandatory provisions specified for building heights, street wall heights and setbacks, upper level setbacks and overshadowing;
 - (c) determined that the application of mandatory controls as proposed will not inappropriately compromise the future growth of the precinct;
 - (d) found that the Amendment would provide sufficient capacity within the Precinct and the broader Smith Street Activity Centre to facilitate expected residential and employment growth over the next 15 years; and
 - (e) found that:

"[...] the proposed DDO23 is based on sound strategic planning. Council has completed a range of comprehensive studies regarding urban design, heritage and transport matters and there is a clear link between the provisions in DDO23 and the recommendations in these strategic planning studies." (Page 21)
 29. The Committee recommended that the Amendment should be approved subject to recommended changes as shown in Appendix F to the Committee Report.
 30. The current step in the process is the final step for Council (Figure 2).
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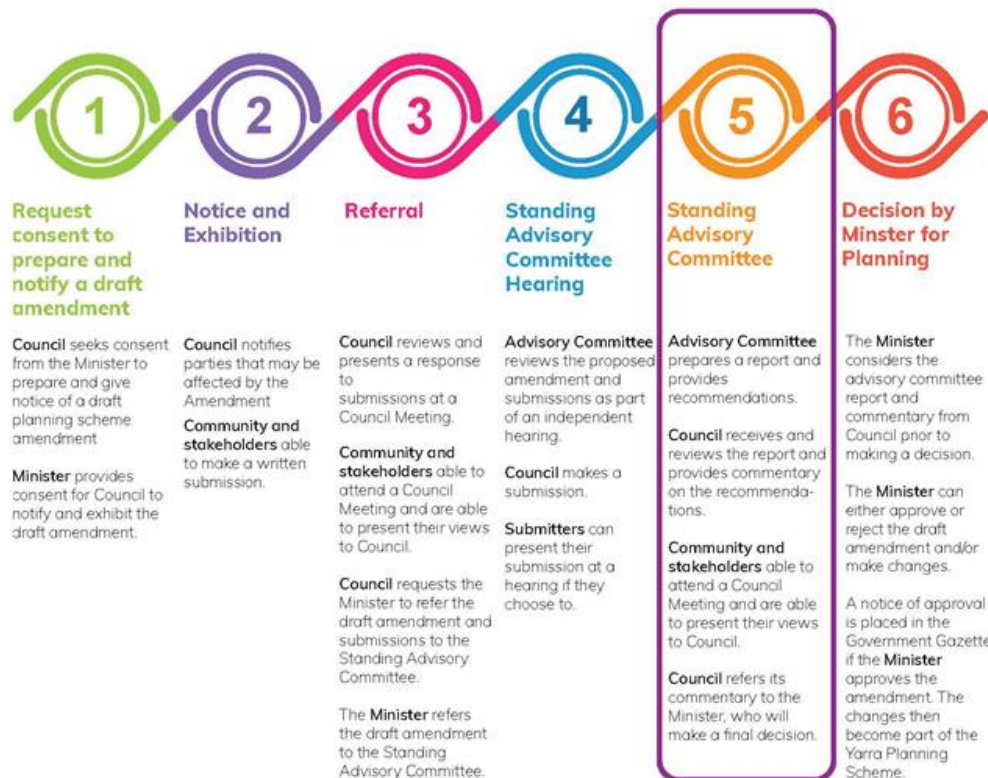


Figure 2. Steps in the amendment process

31. Council needs to now consider the Committee Report and form a final position on the amendment so the Minister for Planning can consider it before making a decision on Amendment C293.
32. Following Council's consideration of the final form of the amendment, and in order to progress the amendment, Council would need to request the Minister for Planning prepare, adopt, and approve the draft amendment via a Ministerial Amendment as set out in Section 20 (4) of the Act.

Discussion

Committee recommendations and officer response

33. The Committee report supported the Amendment, with changes largely as advocated for by Council during the hearing, and recommended it be approved with changes, without further notice, under Section 20(4) of the Act.
34. A summary of the officer response to the Committee's recommendations is provided at Attachment 2. It outlines all the changes recommended by the Committee and provides the officer response to each recommended change and should be read in conjunction with this report.
35. Attachment 3 provides an annotated version of DDO23 outlining whether officers support the Committee's specific recommendation and including officer recommended changes.
36. Officers agree with the recommendations made by the Committee, except the proposed deletion of two criteria for assessing preferred (discretionary) building heights - the BESS (Built Environment Sustainability Scorecard) standard requirement and private / communal open space requirement.
37. The vast majority of other changes to the preferred DDO23 were minor, mainly arising from expert advice. They are supported by officers and reflect the Part C version of the Amendment submitted to the Committee.

Precinct-wide issues

Mandatory and discretionary provisions

38. The Committee supported the majority of the mandatory controls proposed by Council in the preferred version of DDO23. The preferred DDO23 proposes a mix of *discretionary* and *mandatory* provisions.
39. While discretionary provisions are the tool preferred by the State Government in the Victorian planning system, the Committee concluded that Council had made an appropriate case for introducing mandatory controls, consistent *with Planning Practice Notes 59: The Role of Mandatory Provisions in Planning Schemes* (PPN59) and *60: Height and Setback Controls for Activity Centres* (PPN60).
40. Council's heritage, urban design and planning experts gave evidence during the hearing to support the implementation of mandatory controls as shown in the preferred DDO23.
41. Practice note PPN59 requires that mandatory controls must be strategically justified, suitable for the majority of proposals and whether they provide for the preferred outcome.
42. PPN59 also requires an assessment of the likely outcome and the administrative burden in the absence of a mandatory control.
43. PPN60 considers whether mandatory controls are 'absolutely necessary' to achieve the preferred built form outcomes, whether they are supported by robust and comprehensive strategic work or where 'exceptional circumstances' warrant their introduction.
44. The Standing Advisory Committee concluded that mandatory controls were applied in circumstances where they were absolutely necessary having regard to heritage fabric, streetscape amenity and sensitive interfaces. The Committee found the controls were based on comprehensive strategic planning, including the capacity analysis and the Supplementary Heritage Report, which provides a '*compelling case for the introduction of the proposed mandatory provisions in Clauses 2.3, 2.4 and 2.5 of DDO23*'. (Page 24)
45. The Committee supported the mandatory overshadowing provisions for specified footpaths because:
 - (a) they are vulnerable to the cumulative impacts of site-specific planning applications, and additional shadowing may impact the comfort of pedestrians (noting that walking is a stated priority mode of transport for the Precinct);
 - (b) they are important places for people to congregate and enjoy the outdoors (including for ground floor hospitality uses), and
 - (c) it is consistent with the *Built Form Framework* recommendations.
46. The Committee also found that the proposed mandatory and discretionary provisions would enable an appropriate level of growth and change and are aimed at facilitating good design outcomes and sensitively respond to identified heritage.

Building separation, amenity, and equitable development requirements

47. The Committee recommended changing Clause 2.7 Building separation, amenity, and equitable development requirements from *mandatory* (as exhibited) to *preferred* (discretionary) requirements. They considered there is no strategic justification for mandatory controls to this clause as this would have unintended consequences for developing narrow lots.

Criteria for varying discretionary maximum building heights

48. The preferred DDO23 includes performance-based criteria which should be considered where development proposals seek to exceed preferred (discretionary) maximum building heights. They include design objectives, overshadowing, building separation, accessibility provisions, diverse household types, communal and private open space, and sustainable design requirements.

49. As part of the consent to prepare and exhibit C293, the Minister specifically requested that the Committee investigate the appropriateness of performance-based measures which are not directly built form related.
50. The Committee has recommended the deletion of the performance-based measures relating to accessibility provisions, diverse household types, communal and private open space, and sustainable design on the basis that these objectives do not have a nexus to built form outcomes. They are concerned that “*unlinked criteria*” could create an ‘opaque’ and inconsistent planning framework.
51. Officers do not support the Committee’s recommendation to delete two of the criteria shown below, and propose to retain them in DDO23:
- (a) the environmentally sustainable design requirements (“*excellence for environmentally sustainable design measured as a minimum BESS project score of 70%*”); and
 - (b) the requirement for buildings which exceed the preferred height in DDO23 to provide private/communal open space in excess of the minimum standards of Clause 55.07 and/or 55.08, as relevant.
52. Officers consider that both of these requirements are built form related, as a taller proposals can lead to increased impacts on the environment and demand on open space. Considering these matters at an early stage of the proposal is important as they can have an impact on the external built form of the proposal. Retaining these two requirements would ensure that the impacts of proposal are being mitigated.
53. Officers agree with the Committee that the other requirements it recommended to be deleted are not directly built form related. They mainly relate to the internal layout of a proposal and have less of an impact on the external form.
54. Officers do not support the Committee’s recommendation to delete the BESS requirement for the following reasons:
- (a) the implementation of the requirement for a *minimum BESS project score of 70%* under Clause 2.5 of DDO23 seeks to help mitigate the environmental impact of intensified development that proposes to exceed the preferred height;
 - (b) the minimum 70% BESS project score requirement aligns with Council’s strategic objectives, including the *Council Plan 2021-2025* is ‘Climate and Environment’ objectives, which under Initiative (e) seeks to ‘*Complete work to introduce zero carbon standards into the planning scheme for new commercial and residential developments and seek change to the Victorian Planning Provisions via Ministerial approval*’;
 - (c) the requirement is also consistent with Amendment C269yara (adopted by Council on 19 April 2022) which includes a strategic direction under Clause 02.03-3 *Environmental risks and amenity* seeking to (amongst other things):
 - Embed sustainable environmental practices to Yarra’s buildings, infrastructure, places, and spaces, including a framework for early consideration of environmental sustainability at the early building design stage; and*
 - (d) the requirement was recently approved and is included in DDO25-28 which apply to the Swan Street Major Activity Centre.
55. Officers do not support the Committee’s recommendation to delete the requirement to provide additional private/communal open space for the following reasons:
- (a) the area of DDO23 has limited public open space areas. Council received many submissions which raised concerns in relation to increased population and demand upon the public open spaces in Collingwood South;
 - (b) a building which exceeds the preferred height of DDO23 is likely contain more residents / workers and place more demand on already constrained public open spaces. Provision of additional private open space and communal open space within private property would alleviate some pressure on the limited public open spaces;

- (c) Council's expert evidence on capacity projections (from Julian Szafraniec of SGS) noted "*post-pandemic, it is likely many workers (who are able to) will shift to a hybrid working model (i.e., not always in the office nor always working from home). This means work location will still be important to many, but it will be balanced against the quality and size of their home and the amenity and services in their local area. [...] these trends are also likely to shift dwelling type preferences toward larger forms, in terms of additional bedrooms/space.*";
- (d) the requirement is consistent with policy in Amendment C269yara (adopted by Council on 19 April 2022) which includes a strategic direction under Clause 02.03-4 Built environment and heritage to '*Design development and locate land uses to create people-oriented places with high standard of amenity on-site.*'; and
- (e) the requirement was recently approved and is included in DDO25-28 which apply to the Swan Street Major Activity Centre.

Heritage

- 56. Exhibited DDO23 includes objectives and requirements relating specifically to the heritage buildings within the precinct.
- 57. At the Committee hearing, Council's heritage expert gave evidence to support changes within DDO23 in relation to protection of the heritage buildings and wider heritage streetscape. These changes generally sought to clarify the exhibited built form requirements. No new requirements were proposed by Council's heritage expert.
- 58. The Committee concluded that the minor word changes to heritage related provisions improve the clarity of the requirements and that DDO23 provides a comprehensive suite of objectives and specific requirements that consider heritage issues. The proposed changes are shown in Attachment 3 as Nos. 5 and 39.

Infrastructure Capacity

- 59. At the Committee hearing, the matter of infrastructure capacity was discussed, particularly in relation to public open space and transport.
- 60. A number of submissions expressed concern that the Precinct has insufficient public open space and transport infrastructure to accommodate projected population growth.
- 61. Council acknowledged the need for more public space within the area, however this matter is not able to be addressed through DDO23. The Committee concludes that exhibited DDO23 includes planning provisions that protect the amenity of existing areas of public open space, and that the future growth of the Precinct should not be limited because of the extent of existing public open space. The Committee did not recommend any changes to exhibited DDO23 in relation to public open space provision.
- 62. At the Committee hearing, Council submitted a number of recently completed and ongoing projects which seek to improve transport infrastructure for all modes of travel through the Precinct (i.e. the separated bike lanes along Wellington Street and a revised Transport Action Plan).
- 63. Council's traffic expert gave traffic evidence to show the exhibited DDO23 includes appropriate traffic engineering controls and built form provisions which ensure the street network (including laneways) enable appropriate vehicle access and circulation.
- 64. The Committee concludes that the DDO23 provisions to manage access and transport are generally appropriate and the Amendment has considered a wide range of traffic and access issues associated with the further development of the Precinct. The Committee did not recommend any changes in relation to transport infrastructure.

DDO23 specific issues

Design objectives

65. DDO23, as exhibited, includes five design objectives. The proposed design objectives were supported by the Committee subject to the minor wording change to the second objective as proposed by Council – the addition of the word ‘rise’ after the word ‘low’ (Proposed change No. 1 in Attachment 3).

Street wall height requirements

66. DDO23, as exhibited, includes both mandatory and discretionary provisions regarding street wall height and front setbacks. The Committee’s position on mandatory controls is discussed above.
67. Street wall height and front setbacks in several locations were raised in written submissions and at the hearing; and were considered by the Committee:

(a) Land bound by Oxford Street Reserve, Langridge, Cambridge, and Derby Streets

Exhibited DDO23 proposed a preferred street wall height of 14 metres on the eastern side of the Oxford Street Reserve. Many submissions raised concern with the potential impact of future built form on Oxford Street Reserve.

Council undertook further shadow testing to determine the potential impact upon the Oxford Street Reserve. At its meeting on 21 December 2021, Council proposed to reduce the *preferred* street wall height from 14 metres to 11 metres. This change is supported by Council’s urban design and planning experts.

The Committee supports the reduction of the street wall height from 14 metres to 11 metres to ensure the amenity of the park is better protected (proposed change No. 27 in Attachment 3).

(b) 64 - 66 Oxford Street

Exhibited DDO23 proposed a *preferred* maximum street wall height of 14 metres for this site. Council’s urban design expert gave evidence to support an increased maximum street wall height of 20 metres at the corner of the site. Council’s heritage expert did not agree because the site is flanked by heritage building and a 20m street wall height would not provide an appropriate transition to places of heritage significance. Council relied on the evidence of its heritage expert on this issue.

The Committee concludes the exhibited street wall heights of this site are appropriate and recommends no change.

(c) 23 - 31 Derby Street

Exhibited DDO23 proposed a *preferred* maximum street wall height of 14 metres for part of the block east of Oxford Street, south side of Derby Street. Several submitters sought a lower street wall height for this location.

At the hearing, Council submitted the exhibited street wall heights were appropriate given the existing street wall heights of neighbouring buildings (i.e. 13.8 metres and 14.2 metres).

The Committee concludes there is no compelling reason to modify the street wall heights for this site and recommends no changes.

(d) 10 – 22 Derby Street

Exhibited DDO23 proposed a mandatory maximum street wall height of 11 metres for the rear of this site fronting Langridge Street. A submission sought a reduced maximum street wall height of two storeys (equivalent).

Council submitted the exhibited street wall heights were appropriate and relied on the evidence of its heritage expert. He stated the 11m street wall height, together with the 11m maximum building height for this site, would ensure that the two-storey Victorian-era buildings at this site would retain their heritage values and character.

The Committee concludes there is no compelling reason to modify the street wall height for this site and recommended no change.

Upper Level Setbacks

68. Exhibited DDO23 included a minimum upper level setback of 6 metres (mandatory minimum for heritage buildings) for all sites within Areas 1 and 2 (as shown on Map 1 of the DDO). Additional site-specific setback requirements were also exhibited for heritage properties at 57-63 Oxford Street, 13-15 Peel Street, 14-34 Cambridge Street, and 58-62 Oxford Street.
69. A minimum 3 metre upper level setback applies to development sites (not heritage) in Area 3 (on Map 1).
70. A submission from the Yarra Planning Coalition sought a minimum setback of 10 metres from the street wall. Council's heritage expert gave evidence that the exhibited 6 metre setback (mandatory for heritage buildings) is appropriate.
71. Council's planning expert also supported the exhibited setbacks (of 6 metres and 3 metres), but recommended wording clarifications and suggested a re-ordering of the provisions to ensure a clearer distinction between requirements for heritage and non-heritage buildings. Council supports this proposed change (proposed changes No. 6-12, 14 and 16-17 in Attachment 3).
72. The Committee concluded Clause 2.4 should be re-worded to improve its clarity and intent and recommends rewording as outlined in Attachment 3.
73. The Committee agreed that the exhibited 6 metre setback is sufficient and recommended no change in this regard.

Realignment of area boundaries within the DDO

74. Many submissions requested that Map 1 be modified to show the block east of Oxford Street Reserve, bound by Langridge, Cambridge, and Derby Streets within 'Area 2' rather than 'Area 3'.
75. Council's planning, urban design and heritage experts supported the retention of this land in Area 3 as the conditions of this location are a close match to those of Area 3 (larger allotments, less heritage fabric). The Committee supported this position having regard to its location and site context and did not recommend any change.
76. During the Committee Hearing, the Committee queried the difference between Areas 1 and 2 in DDO23. Council's urban design expert explained there was no distinction between Areas 1 and 2 as exhibited as both areas have upper level setbacks of 6 metres. The Committee concluded there was merit to combining Areas 1 and 2 into a single area – to be called 'Area A'. Area 3 would be renamed 'Area B'.
77. Officers support this recommendation, as it simplifies the DDO but does not have an effect on any built form requirements. (See proposed changes No. 13, 15 and 25-26 in Attachment 3).

Building Height Requirements

78. Exhibited DDO23 applied a range of *mandatory* and *preferred* building heights within the Precinct. Many submissions requested lower building heights, concerned the exhibited building heights would adversely impact on neighbourhood character and heritage streetscapes, and affect amenity through overshadowing and wind tunnelling.

79. In its 21 December 2021 Council resolution, Council asked the Committee to specifically consider building heights in two locations:

(a) Land bound by Oxford Street Reserve, Langridge, Cambridge, and Derby Streets

Exhibited DDO23 proposed a preferred maximum building height of 27 metres. There were no submissions from the owners of this land but many submissions from surrounding buildings. Many submitters requested the height be reduced to 14 metres.

Council's urban design expert found that the preferred maximum height of 27 metres was appropriate and consistent with the recommendations in the *Built Form Framework*. Council's planning and heritage experts did not support a reduction in height – given the absence of heritage interfaces to the north and east, its location as an island site and the other extensive requirements in the DDO to mitigate impacts on public spaces, footpaths, and residential properties.

The Committee considered that given the size and location of this site it has the potential to support more intensive development without adversely impacting nearby development. It did not support a reduction in height.

(b) 23-31 Derby Street

Exhibited DDO23 shows proposed a preferred maximum height of 20 metres. Submissions objected to this height; concerned about its effects on amenity and liveability, overshadowing of the school playground and impacts on heritage places in Derby Street, west of Cambridge Street. They proposed 14 metres. An owner of one of the sites supported the 20 metre height.

Council's heritage and planning experts did not support a reduction in height. They considered the height was consistent with existing and emerging built form. They also considered the DDO requirements were adequate to address amenity and overshadowing and would ensure any development would be moderated in height towards the two-storey heritage fabric.

The Committee supported a preferred maximum building height of 20 metres for this site. It was satisfied that a building height of 20 metres would sit comfortably within the existing and emerging built form character and any amenity concerns can be managed. It saw no compelling reason to lower the preferred building height to 14 metres.

80. The Committee also considered the exhibited preferred maximum building heights of other sites raised in submissions:

(a) 9-13 Derby Street;

(b) Oxford Street and Cambridge Street (between Peel Street and Langridge Street); and

(c) north side of Mason Street.

81. Council's experts supported the exhibited potential building heights proposed for these sites. They considered the range and application of preferred (discretionary) building heights would facilitate a building form outcome consistent with the objectives sought and the valued characteristics of the area.

82. The Committee is satisfied the proposed heights reflect the existing and emerging character of the area, the significance of heritage buildings and amenity considerations. The off-site impact of development on these sites is appropriately managed through a range of requirements in DDO23 and other parts of the Planning Scheme.

83. Council's planning witness recommended clarification of the term 'architectural features' and whether it was intended to apply in areas where there are preferred (discretionary) and mandatory heights. At the hearing, Council clarified the exemption was intended to apply to both mandatory and discretionary height limits. It also clarified the term does not include 'service equipment or structures'. The Committee agrees and recommended changes shown as No. 24 in Attachment 3.

Overshadowing and solar access requirements

84. Submitters raised concerns with the potential for overshadowing of public open spaces in the Precinct. Council in its preferred version of the Amendment (considered in December 2021) made the following wording changes to strengthen this provision:
- (a) As exhibited: *‘Development should be designed to minimise the amount of overshadowing of the following areas of open space and/or public realm between 10am and 2pm on 22 September, to the satisfaction of the Responsible Authority’*; and
 - (b) Revised wording: *‘Development should not increase the amount of overshadowing as caused by existing conditions, measured between 10am and 2pm on 22 September for the following areas of open space and/or public realm’*.
85. This change was supported by Council’s urban design and planning experts at the hearing. The Committee also supports this change as it improves clarity and certainty of the provisions (see proposed change no. 33 in Attachment 3).
86. Council’s urban design expert also gave evidence that DDO23 should include overshadowing protection of the Peel Street Park. Council submitted the sites which have the potential to overshadow this park are outside the Precinct, and controls should be considered under a separate Amendment. The Committee agreed and recommended no change.
87. Submissions raised concern with overshadowing to properties on the south side of Mason Street. Given the proposed street wall and building heights (11 and 14 metres) and upper level setback requirements (6 metres) for the northern side of Mason Street, testing showed that overshadowing is unlikely to occur upon the properties on the south side of Mason Street. The Committee is satisfied that the requirements in DDO23 are sufficient to mitigate impacts along Mason Street and recommended no change in this regard.

Other Design Requirements

88. When considering submissions in December 2021, Council proposed additional requirements to ensure new development provides landscaping and has greater potential to accommodate different uses over time:
- Lower levels of development should:*
- *Incorporate adaptable building structures, layouts, and non-residential unit sizes so as to allow for a variety of uses over time;*
- Development should provide for landscaping that provides a positive contribution to the public realm, such as canopy trees where possible, green walls or planter boxes.”*
89. Council’s planning witness supported these requirements in principle. No party objected to these proposed changes. The Committee concludes it is appropriate to include an additional requirement regarding adaptable building structures and layouts to allow for a variety of uses over time, and the additional landscaping requirement, and recommends changes No. 36 and 42 be made to DDO23 as shown in Attachment 3.

Access, parking and loading bay requirements

90. In response to questions from the Committee regarding the requirement in Clause 2.9 for a setback and headroom clearance in laneways to accommodate vehicles, Council’s traffic expert agreed that the requirement could be reworded to improve its clarity as follows:
- Where a ground level setback is provided to achieve practicable vehicle access to a laneway, a minimum headroom clearance of 3.6 metres should be provided to any overhang of the first floor.*
91. Council submitted revised wording, supported by Council’s traffic expert, in its closing submission. The Committee supports the rewording to improve its clarity and intent as shown in proposed change No. 46 in Attachment 3.
92. Council’s planning witness also suggested changes to two requirements:

- (a) To add the wording '*where practicable*' to the requirement for naturally lit and ventilated lobby areas of new buildings, and
 - (b) To add the wording '*where alternative access exists*' to the requirement for vehicle access to be achieved from laneways and side streets.
93. Council did not support these changes and relied on the evidence of Council's traffic witness who supported the exhibited version of these requirements. The Committee concludes there was no compelling need to include the additional qualifications proposed by Council's planning witness as they are discretionary requirements. The Committee recommended no changes to these requirements.

Drafting issues

94. Multiple additional small changes were also proposed by Council to the exhibited DDO23 which sought to provide clarity to exhibited requirements. These changes were supported by Council's planning witness and included in her evidence statement. These changes were included in Council's closing submission and the revised officer version of DDO23. No parties objected to these changes.
95. The Committee supports these drafting changes which help clarify expression and provide certainty to the intent of the requirements and recommends they be adopted. (See Attachment 3).
96. Upon final review of the wording of DDO23, officers have identified further improvements and clarifications to the wording in the DDO. They do not change the outcome or intent of the requirements and are indicated as 'Officer recommended changes' in Attachment 3.

Mapping

97. The Committee recommended a number of changes be made to Map 1 in DDO23 to enhance its clarity and readability.
98. It agreed with the evidence of Council's planning witness who noted the colours in the map were difficult to distinguish. The Committee considers the colours in Map 1 should be reviewed to make sure there is greater distinction between different colours.
99. A number of other minor changes to Map 1 were suggested by Council officers at the hearing in response to evidence from Council's urban design witness, including:
- (a) labelling 'Little Oxford Street';
 - (b) adding 'Public Open Space' to the legend; and
 - (c) showing the extension of the Cambridge Street Reserve in a different colour green to 'Public Open Space' and adding 'Potential future open space under investigation' to the legend.
100. The Committee recommends all of the above changes are made to Map 1 (shown as proposed changes Nos. 25 – 32 in Attachment 3).

Background Documents

101. The letter of referral from the Minister for Planning to the Committee included a request that the Committee give:
- Consideration of where reference documents (Clause 21.11) will be located within the Yarra Planning Scheme when the Planning Policy Framework translation occurs.*
102. The exhibited version of Clause 21.11 included two new documents:
- (a) under the heading 'Heritage' - *Supplementary Heritage Report: Collingwood South (Mixed Use) Precinct, 2021*; and
 - (b) under the heading 'Built form character' - *Brunswick Street and Smith Street Built Form Review: Collingwood Built Form Framework 2018*.

103. Amendment C269 – Local Policy Rewrite (which is currently being considered by the Minister) proposes to delete Clause 21.11. Reference / background documents from this clause would be included in the Schedule to Clause 72.08.
104. The Committee recommends the following documents should be included in the Schedule to Clause 72.08 as part of the approval consideration by the Minister for Planning for Amendment C269:
- (a) *Brunswick Street and Smith Street Built Form Review: Collingwood Built Form Framework, 2018;*
 - (b) *Collingwood Mixed Use Pocket Heritage Analysis and Recommendations, 2018; and*
 - (c) *Supplementary Heritage Report: Collingwood South (Mixed Use) Precinct, 2021.*

Amendment C293yara – Version for adoption

105. The version of Amendment C293yara recommended for adoption is included at Attachment 4.

106. A marked-up version of the amendment that highlights the changes since exhibition is at Attachment 3.
107. Attachment 2 describes the Committee’s recommended changes between the exhibited Amendment and the version of the Amendment for adoption and sets out the reasons for each change.

Options

108. In line with the Committee’s Terms of Reference, the report from the Committee that considered Amendment C293 has been received by Council and the Minister for Planning.
109. Council has the opportunity now to form a final position on the amendment which would be considered by the Minister for Planning before making a decision on Amendment C293yara.
110. After considering the Committee’s report, Council has the option to either:
- (a) either abandon all or part of the Amendment; or
 - (b) adopt all or part of the Amendment with or without changes.
111. Section 9 of the *Planning and Environment Regulations 2015* (the Regulations) sets out the information to be submitted to the Minister for Planning under Section 31 of the Act. Council must provide the following:
- (a) the reasons why any recommendations of a Committee were not adopted; and
 - (b) a description of and the reasons for any changes made to the Amendment before adoption.
112. Attachment 2 to this report sets out what the Committee recommended and explains why the recommendations are supported.
113. With the expiry date of the interim DDOs, abandoning the amendment would mean there would be no permanent built form provisions, as the Minister for Planning has indicated that he would be unlikely to further extend the interim without substantial progress on permanent provisions.
114. The Committee recommends the Draft Yarra Planning Scheme Amendment C293yara should proceed subject to the changes shown in Appendix F to its report in accordance with section 20(4) of the Act.
115. A 20(4) Ministerial amendment would occur without further public notice. The Committee supported this approach outlining the public notification and submission process that had been undertaken by Council. It noted:

“In these circumstances, there is little utility in processing the Draft Amendment as a ‘standard’ Planning Scheme Amendment involving notification, consideration of submissions and potentially a Panel Hearing to consider submissions. Following a ‘standard’ process from this point would be an unnecessary duplication of procedure that is unlikely to change the ultimate outcome or be of any significant benefit.” (Page 73)

Community and stakeholder engagement

External Consultation

116. Amendment C293yara was publicly exhibited from 14 September to 27 October 2021 (six weeks). Notification and exhibition of the Amendment was carried out via the following measures:
- (a) emails sent on Tuesday 14 September 2021 to Fitzroy and Collingwood resident groups and societies, advising of Council’s intent to exhibit Amendment C293yara;
 - (b) sent letters dated Monday 6 September 2021 that included notice of preparation and a brochure, sent to over 5,000 owners and occupiers, government agencies and prescribed authorities;
 - (c) notice placed in *The Age* on Tuesday 14 September 2021;
 - (d) package of Amendment documentation placed on Council’s and the Department of Environment, Land, Water and Planning’s websites on Sunday 12 September 2021. Council’s Amendment webpage received 644 unique views;
 - (e) hard copies of the Amendment documentation made available to view at Richmond Town Hall, Collingwood Town Hall, and the Fitzroy Library during standard business hours; and
 - (f) interactive online map on Council’s website.
117. Following the 21 December 2021 Council meeting, Council gave additional notice of its resolution by:
- (a) informing all submitters of the Council’s resolution to request C293 be referred to the Committee; and
 - (b) sending a letter to landowners and occupiers of land at 23-31 Derby Street, 30-34 Oxford Street, and 53-57 Cambridge Street.
118. The letter noted additional submissions could be made until by Friday 4 February 2022. Council subsequently received one additional submission. All submissions were considered by the Committee.

Internal Consultation (One Yarra)

119. There has been consultation with officers from Statutory Planning, Sustainable and Strategic Transport Planning, Transport Engineering, Urban Design and with the Senior Advisor Heritage.

Policy analysis

Alignment to Community Vision and Council Plan

120. The Amendment supports the following strategies in the Council Plan:
- (a) *Manage change in Yarra’s built form and activity centres through community engagement, land use planning and appropriate structure planning processes; and*
 - (b) *Protect, promote, and maintain our unique heritage and ensure development is sustainable.*

Climate emergency implications

121. The Amendment would facilitate the redevelopment of the land which would provide for an opportunity to address climate emergency objectives including:
- (a) opportunity for greater levels of sustainability through the redevelopment of land in keeping with Council's ESD policy; and
 - (b) facilitate sustainable communities that are walking distances to sustainable transport options, employment, and services.

Sustainability implications

122. The officer recommendation to retain the BESS requirement within Clause 2.5 (under the criteria for varying preferred (discretionary) maximum building heights would ensure excellent sustainable design is implemented where a site is developed. Specific ESD aspects of planning applications would be considered at the planning permit stage.

Community and social implications

123. There are no significant social implications. The planning provisions would provide greater certainty in relation to future development in the Precinct.

Economic development implications

124. The Amendment would provide clearer expectations and increased certainty with regard to acceptable built form design, which would generally reduce planning application processing timeframes. No other economic implications are apparent.

Human rights and gender equality implications

125. There are no known human rights implications.

Communications with CALD Communities Implications

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

Operational analysis

Financial and resource impacts

127. The financial costs of Scheme amendments have been included in Council's Legal and Strategic Planning Budget in 2021/2022.

Legal Implications

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

Other Issues

129. Council must ensure natural justice to all parties and to maintain the integrity of the Amendment process per Section 32 of the *Terms of Reference*.
130. Under section 4(6) of *Ministerial Direction No. 15: The Planning Scheme Amendment Process*, Council needs to decide whether to abandon or adopt an Amendment within 40 business days of the date the planning authority receives the Committee's report, which is 14 July 2022.

Conclusion

131. Council has received the Committee Report in relation to Amendment C293yara.
132. The Committee is supportive of the Amendment. The Committee found that Amendment C293yara is well founded, strategically justified, and would deliver net community benefit and sustainable development, as required by Clause 71.02-3 of the Scheme.
133. Based on the reasons set out in its report, the Committee recommended that Amendment C293yara be approved as exhibited, subject to recommended changes.
-

134. Officers support all but two of the Committee’s recommendations. Officers do not support the removal of two criteria used in assessing variations to preferred (discretionary) building heights - BESS requirements, and private / communal open space requirements.
135. Council now has the opportunity to form a final position on the amendment for the Minister for Planning to consider it before making a decision on Amendment C293yara.
136. The Committee recommended it is appropriate to progress Draft Amendment C293yara subject to the changes recommended by the Committee, without notice, in accordance with section 20(4) of the Act.
137. The next step in the process, should Council choose to progress the amendment, would be to adopt a final version of the amendment (with or without changes) and request the Minister for Planning prepare, adopt, and approve a formal planning scheme amendment in the same form as Amendment C293 using his powers under 20(4) of the Act.
138. Officers consider that the implementation of built form provisions and controls through Amendment C293 provides added certainty and clarity for development within Collingwood South.

RECOMMENDATION

1. That Council:
 - (a) notes the officer report regarding draft Amendment C293yara (Amendment), officer recommendations and Attachments 1, 2, 3 and 4;
 - (b) notes the public release of the Committee Report for the Amendment under Section 40 of the *Yarra Activity Centres Standing Advisory Committee Terms of Reference*;
 - (c) having considered the Standing Advisory Committee report, adopts the Amendment with the changes as set out in Attachments 3 and 4 to this report;
 - (d) delegates to the CEO the authority to finalise the Amendment in accordance with Council’s resolution (1)(c), and to make any administrative or formatting changes to the Amendment documentation and maps required to give effect to Council’s resolution;
 - (e) submits the Amendment to the Minister for Planning and requests he prepare, adopt, and approve a formal planning scheme amendment in the same form as the Amendment adopted under resolution (1)(c) and (d), in accordance with section 20(4) of the *Planning and Environment Act 1987*; and
 - (f) notifies all submitters of this Council resolution.

Attachments

- 1 Attachment 1 - C293yara Standing Advisory Committee Report
- 2 Attachment 2 - C293yara Panel recommendations and officer response table
- 3 Attachment 3 - C293yara Marked-up preferred version DDO23
- 4 Attachment 4 - C293yara Clean version of documents for adoption

8.6 PPE22/0085 - 9-13 Stewart Street, Richmond

Executive Summary

Purpose

This report provides the Council with information relating to a Draft Yarra Planning Scheme Amendment C303 and draft Planning Permit PA2201605 as part of a combined amendment and permit process under Part 4, Division 5 of the Planning and Environment Act 1987 (the Act).

Draft Amendment C303 proposes to make the Minister for Planning the responsible authority for administering planning permit PA2201605.

The Minister for Planning received the request from Contour Consultants Australia (on behalf of Hines 9 Stewart Property Pty Ltd) to facilitate the proposal through the Development Facilitation Program (DFP).

The proposal is for partial demolition and construction of a multi-storey mixed-use building, comprising office, retail and a food and drink premises, and a reduction in car parking requirements.

The Minister for Planning is considering whether to prepare, adopt and approve Yarra Planning Scheme Amendment C303 and grant planning permit PA2201605.

To inform the Minister's decision, consultation is being undertaken under section 20(5) of the Planning and Environment Act 1987 about the draft amendment and the draft planning permit.

Following the consultation period, the Minister may decide to refer this matter to the Priority Projects Standing Advisory Committee for further advice before making a decision about whether to prepare, adopt and approve the amendment and permit.

This report provides an assessment of the application and recommends that Council advise the Minister for Planning that a permit should not be granted.

Key Planning Considerations

Key planning considerations include:

- (a) Amendment C269;
- (b) Clause 15.01 – Urban Environment;
- (c) Clause 22.02 – Development Guidelines for Sites Subject to the Heritage Overlay;
- (d) Clause 22.05 – Interface uses policy;
- (e) Clause 32.04 – Mixed Use Zone;
- (f) Clause 43.01 – Heritage Overlay; and
- (g) Clause 52.06 – Car Parking

Key Issues

The key issues for Council in considering the proposal relate to:

- (a) The Victorian Civil and Administrative Tribunal (VCAT) decision of 4 March 2021 to refuse to grant a permit for a similar proposal by the same applicant (*Hines 9 Stewart Property Pty Ltd v Yarra CC* [2021] VCAT 185);
- (b) Strategic justification;
- (c) Built form, urban design and heritage;

- (d) Off-site amenity impacts;
- (e) Environmentally sustainable design;
- (f) Car parking and traffic; and
- (g) Bicycle facilities and sustainable transport.

Conclusion

Based on the following report, the proposal is not considered to comply with the relevant planning policy in the Scheme or the seriously entertained planning policy to be introduced into the Scheme as part of Amendment C269 and therefore a permit should not be granted.

CONTACT OFFICER: Katrina Thomas
TITLE: Planning Appeals Advocate
TEL: 9205 5306

8.6 PPE22/0085 - 9-13 Stewart Street, Richmond

Reference	D22/113277
Author	Katrina Thomas - Planning Appeals Advocate
Authoriser	Manager Statutory Planning

Ward:	Melba
Proposal:	Part demolition and construction of a multi-storey building, use as office, retail, food and drink premises, and a reduction in the car parking requirements.
Existing use:	Vacant
Applicant:	Contour Consultants Australia (on behalf of Hines 9 Stewart Property Pty Ltd)
Zoning / Overlays:	Mixed Use Zone (MUZ) Development Contributions Plan Overlay Schedule 1 (DCPO1) Environmental Audit Overlay (EAO) Heritage Overlay Schedule 332 (HO332)
Date of Consultation:	11 May 2022
Council reference no:	PPE22/0085

Planning History

1. The subject site has a long planning history relevant to this most recent application.
2. On 9 August 2012, VCAT affirmed Council's decision and refused an application for construction of a 14 storey mixed use building on the site which also included the parcel of land at No. 5 Stewart St (*ACCC Pty Ltd tas AWC Property v Yarra CC (includes summary)(Red Dot) VCAT 1180*). The building had a proposed height of 40m-41m high to the roof terrace parapet and a maximum height of 44.5m high. In its decision, the Tribunal said:
[122] The review site presents a good opportunity for redevelopment, despite a number of constraints. Given its attributes, the use of the land for commercial uses and apartments is appropriate. However, we find that in this particular location, the design, height and setbacks are not appropriate. They do not respond acceptably to the existing built form and heritage context. There are also other issues relating to car parking and internal amenity that need to be addressed. We consider that the design as a whole should be reconsidered and a new proposal devised
3. Planning Permit PLN13/0417 issued on 20 November 2014 by Council for an 8 storey (mixed use building on the site which also included the parcel of land at No. 5 Stewart St. The building had a maximum height of 28m high. This permit was not acted upon and has since expired.
4. On 4 March 2021, VCAT affirmed Council's decision and refused an application for construction of a 10 storey mixed use commercial building (*Hines 9 Stewart Property Pty Ltd v Yarra CC [2021] VCAT 185*). The building had a proposed height of 38.28m high (to the roof terrace parapet) and a maximum height of 39.53m high. The Tribunal said:
[7] Overall, we have decided to affirm the Council's decision that it would have refused to grant a permit. Our principal concerns with the proposal are the extent of demolition and the design of the proposed building in relation to its height and its setbacks, particularly Stewart Street. We have made a number of findings on a number of other

matters as well in order to assist the parties in the event that a new planning permit application is prepared/lodged for this site.

Background

5. The Minister for Planning has received a request from Contour Consultants Australia (on behalf of Hines 9 Stewart Property Pty Ltd) to facilitate a proposal through the Development Facilitation Program (DFP).
6. The proposal is similar to the proposal refused by VCAT on 4 March 2021 in *Hines*. The key changes that have been made to the proposal are:
 - (a) a reduction in building height by one storey (by 3.6m);
 - (b) a reduction in the size of the rooftop plant;
 - (c) the deletion of the external stairwell to Margaret Street;
 - (d) retention of 18m of heritage façade along Margaret Street; and
 - (e) a varied façade composition.

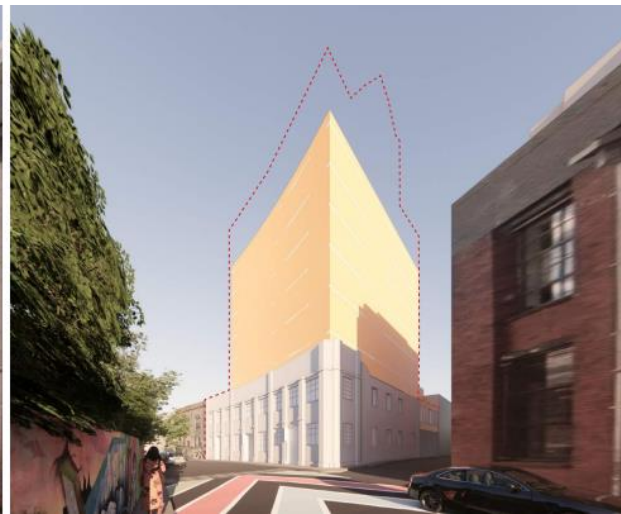


Figure 1: VCAT Proposal – NW view to site from Stewart St **Figure 2:** DFP Proposal - NW view to site from Stewart St

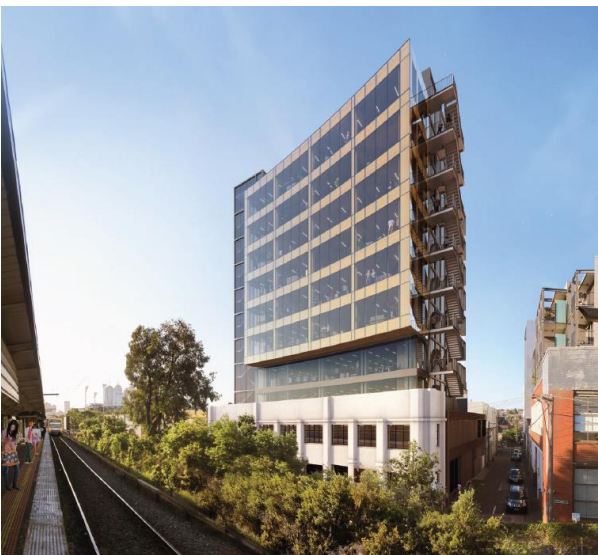


Figure 3: VCAT Proposal – View from Train Station

Figure 4: DFP Proposal – View from Train Station



Figure 5: VCAT Proposal – View south from Tyre St



Figure 6: DFP Proposal – View south from Tyre St



Figure 7: VCAT Proposal – View south along Margaret St



Figure 8: DFP Proposal – View south along Margaret St



Figure 9: VCAT Proposal – View from Punt Rd



Figure 10: DFP Proposal – View from Punt Rd

7. There has been no material change to the physical context of the site since VCAT's decision. In relation to planning policy, Amendment C269 (Local Policy Re-write) was submitted to the Minister for Planning on 12 May 2022 and is therefore now seriously entertained planning policy and relevant to the consideration of this proposal. Notably, the site is no longer proposed to be included within the Swan Street Major Activity Centre.
8. In summary, the overall height and setbacks to Stewart Street remain unacceptable and do not address the Tribunal's concerns in *Hines*. It is considered the overall building height is visually intrusive and does not fit with the existing or emerging built form character in this industrial heritage precinct.

The Proposal

9. The application seeks approval for partial demolition and construction of a multi-storey mixed-use building comprising a retail tenancy and a food and drinks premises at ground floor with office tenancies above, and a reduction in car parking requirements.
10. In summary, the application proposes:
 - (a) partial demolition of the existing double-storey warehouse building incorporating retention of the Stewart Street façade and the return heritage façade to Margaret Street;
 - (b) buildings and works to construct a mixed-use building comprising a maximum building height of 9 storeys (35.34m to roof parapet and 39.19m to lift overrun);
 - (c) above the street wall:
 - (i) the building is setback 2.5m from Stewart Street except Level 08 is setback 4.5m and the screened rooftop is setback 7.0m;
 - (ii) the building is setback 2.5m from Margaret Street except Level 08 is setback 4.0m and the screened rooftop is setback 6.5m;
 - (iii) the building is setback 3.0m from the northern boundary except Level 08 is setback 4.0m and the screened rooftop is setback 6.0m;
 - (iv) the building is setback 4.5m from the western boundary except for the lift core which is constructed to boundary;
 - (d) overall, the development comprises of:
 - (i) 4,201 sqm of office space at Levels 01 to 08 with a main lobby accessed off Stewart Street;
 - (ii) 113 sqm of retail at ground floor with a separate pedestrian entry off Stewart Street;
 - (iii) 157 sqm of food and drink premise at ground floor;
 - (e) 7 car parking spaces (including 1 DDA space) are provided within a basement level car park accessed via a car lift and a new vehicle crossover on Margaret Street;
 - (f) 45 employee bicycle spaces and 201 sqm of end of trip facilities (containing 57 lockers and 10 showers) are located at ground floor with the bicycle entry off Margaret Street and 7 visitor spaces proposed on Margaret Street;
 - (g) external materials and finishes include glass, powdercoated steel, precast concrete, corten steel and face brick;
 - (h) the food and drinks premise is proposed to operate between 7am – 7pm, 7 days a week; and
 - (i) the office hours and retail tenancy hours are not specified.

Existing Conditions

Subject Site

11. The subject site is located on the northern side of Stewart Street, between Stewart Place and Margaret Street in Richmond. Opposite the site to the south is Richmond Train Station.
12. The site has a frontage to Stewart Street of 30.1m and a frontage to Margaret St of 31.95m, yielding a total site area of approximately 899sqm. The site is occupied by a double storey, painted brick, Interwar building which is graded 'Contributory' to Heritage Overlay 332. The building is currently vacant.



Figure 11: Aerial Photo of subject site and surrounds (Source: Contour Town Planning Report)



Figure 12: Photo of subject site showing the Stewart St and Margaret St frontages (Source: Officer photo May 2022)

Surrounding Land

13. The subject site is located within a mixed use area that was formerly a light industrial precinct in the area between Hoddle, Tanner, Wangaratta and Stewart Streets. This discrete former industrial precinct comprises a number of large former warehouse/factory buildings of heritage significance. Over the years these buildings have been converted into residential apartments and/or offices. Some parts of these buildings are new and others utilise part of the existing heritage building stock. Heights of the newer buildings range between three to nine storeys. The low scale residential area of Richmond Hill is located to the north of Tanner Street and to the east of Botherambo Street.
14. The site's immediate interfaces are as follows:

South

15. To the south across Stewart Street are the elevated platforms of Richmond Train Station, with a high retaining wall presenting to the street.



Figure 13: Access to train station from Stewart St (Source: Officer photo May 2022)

East

16. On the opposite side of Margaret Street is the Express Apartment building, a former warehouse converted into an apartment building rising to seven storeys in height and comprising 92 dwellings. Apartments within this building (No. 1 Margaret Street) either have a northern, southern, eastern or western orientation with a number of balconies/terraces fronting Margaret Street from levels 1 and above.

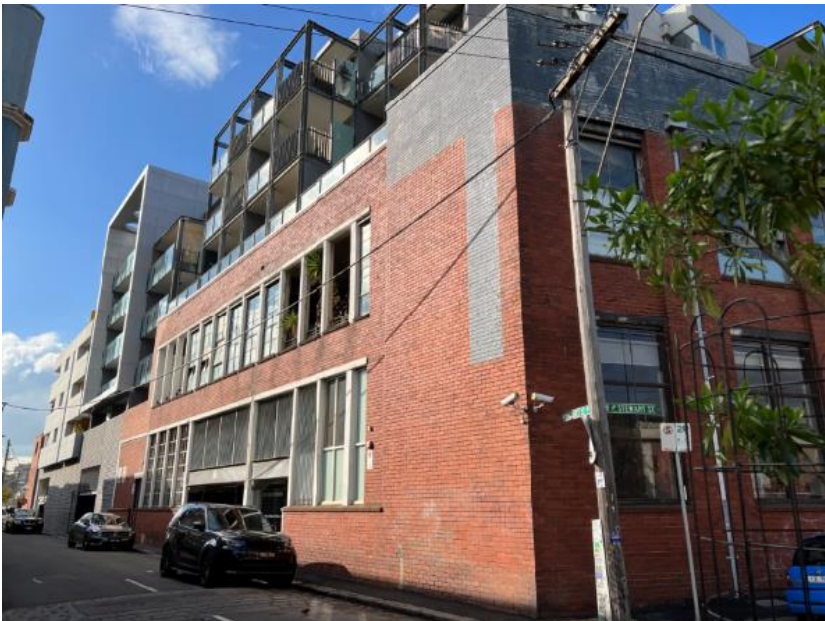


Figure 14: No. 1 Margaret St – Margaret St façade (Source: Officer photo May 2022)



Figure 15: View to No. 1 Margaret St showing upper level setback from Stewart St
(Source: Officer photo May 2022)

17. To the immediate east of this building (No. 33-35 Stewart Street) are two double storey warehouse buildings. Planning Permit PLN16/0807 was amended at the direction of VCAT on 20 November 2020 to allow construction of a 9 storey mixed use commercial building. The approved maximum building height is 28.75m high (to roof slab) and 31.76m (to lift overrun). Above the retained existing building façade to Stewart St, the approved building envelope is generally setback 2.8m – 3.8m.



Figure 16: Proposed 9 storey development at 33-35 Stewart St (Source: Advertised Plan Perspective 1)

18. Further east at No. 55-57 Stewart Street, Council refused Planning Application PLN21/0074 on 4 May 2022 which proposed full demolition and construction of an 8 storey mixed use commercial building. The proposed building height is 28.5m high (to roof parapet) and 30.9m high (to lift overrun). On 25 May 2022, Council received notice that an application to review the Council's decision has been lodged with VCAT. The matter is listed for a 6 day hearing commencing 8 November 2022.

North

19. To the immediate north of the subject site (No. 4 Margaret Street) is a three storey residential townhouse development constructed to the common boundary with the subject site. Pedestrian and vehicle access is gained via a private driveway which connects Margaret Street with Stewart Place. Dwellings are provided with outlook to either Margaret Street or to the north.



Figure 17: No. 4 Margaret St northern elevation and private driveway (Source: Officer photo May 2022)

20. To the north of the private driveway, a 3 storey townhouse development (4-16 Tanner Street) has dwellings with an outlook to either Tanner Street, Margaret Street or Stewart Place.



Figure 18: View south-west to No. 4-16 Tanner St Margaret St (Source: Officer photo May 2022)

West

21. To the immediate west (No. 5 Stewart St), is a double storey commercial building with 100% site coverage and frontages to Stewart Street and Stewart Place. The building is unoccupied.



Figure 19: View north-east to No. 5 Stewart St (Source: Officer photo, May 2022)

22. To the north of this building (1-7 Stewart Pl) is a three storey apartment building which shares a common boundary with subject site. There are balconies and habitable room windows facing the subject site at proposed Level 02.



Figure 20: No. 1-7 Stewart Place (Source: Officer photo, May 2022)

23. On the western side of Stewart Place with a frontage to Stewart Street is a double storey commercial building (3 Stewart Street), occupied as an office. To its north is an open air car park with frontages to Stewart Place and Tanner Street.



Figure 21: View north-west to No. 3 Stewart St (Source: Officer photo, May 2022)



Figure 22: View south to the car park at the rear of No. 3 Stewart St and to the rear of the row of double storey terraces on Punt Rd (Source: Officer photo, May 2022)

General

24. The site is very well located in terms of its access to public transport, retail, entertainment, international sporting facilities and other services and facilities in the Swan Street MAC. The site is 3.5km from the CBD.

Planning Scheme Provisions

Zoning

Clause 32.04 – Mixed Use Zone (MUZ)

25. The purposes of this zone are:
- (a) To implement the Municipal Planning Strategy and the Planning Policy Framework
 - (b) To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality;
 - (c) To provide for housing at higher densities;

- (d) *To encourage development that responds to the existing or preferred neighbourhood character of the area; and*
 - (e) *To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.*
26. Pursuant to Clause 32.04-2 of the Yarra Planning Scheme [Scheme]:
- (a) a permit is required for use of the site for a 'Food and drinks premises' (leasable floor area exceeding 150sqm);
 - (b) a permit is required for use of the site for 'Office' (leasable floor area exceeding 250sqm); and
 - (c) a permit is required for use of the site for 'Retail'.
27. Pursuant to Clause 32.04-8 of the Scheme, a permit is required to construct a building or construct or carry out works for a use in section 2.

Overlays

Clause 43.01 – Heritage Overlay – Schedule 332 (HO332)

28. The site is affected by HO332. The relevant purposes are:
- (a) *To implement the Municipal Planning Strategy and the Planning Policy Framework;*
 - (b) *To conserve and enhance heritage places of natural or cultural significance;*
 - (c) *To conserve and enhance those elements which contribute to the significance of heritage places; and*
 - (d) *To ensure that development does not adversely affect the significance of heritage places.*
29. Pursuant to Clause 43.01-1:
- (a) a permit is required to demolish or remove a building, construct a building or construct or carry out works.

Clause 45.03 – Environmental Audit Overlay (EAO)

30. The site is affected by an EAO which applies to a sensitive use. Pursuant to Clause 45.03-1 of the Scheme, an office use is not a sensitive use and therefore the provisions of this Clause do not apply.

Clause 45.06 – Development Contributions Plan Overlay - Schedule 1 (DCPO1)

31. The site is affected by DPCO1. Pursuant to Clause 45.06-1 a permit granted must:
- (a) Be consistent with the provisions of the relevant development contributions plan; and
 - (b) Include any conditions required to give effect to any contributions or levies imposed, conditions or requirements set out in the relevant schedule to this overlay.

Particular Provisions

Clause 52.06 – Car parking

32. Pursuant to Clause 52.06-3, a permit is required for a reduction of 128 car spaces as set out in the table overleaf.

Land Use	Quantity/ Size	Statutory Parking Rate*	No. of Spaces Required	No. of Spaces Allocated
Office	4,201sqm	3 spaces per 100sqm of net floor area	126	7
Food and drink premises/Retail	270sqm	3.5 spaces per 100sqm of leasable floor are	9	0
Total			135 spaces	7 spaces

* Note: The site is located within the Principal Public Transport Network Area, therefore parking rates in Column B of Clause 52.06-5 apply.

Clause 52.34 – Bicycle facilities

33. Pursuant to Clause 52.34-3 of the Scheme, the development's bicycle parking requirements are as follows:

Land Use	Units/Area proposed	Rate for staff	Rate for visitors/ shoppers	No. required	No. proposed	Reduction sought
Office	4,201sqm	1 to each 300sqm of net floor area if the net floor area exceeds 1000sqm	1 to each 1000sqm of net floor area if the net floor area exceeds 1000sqm	14 staff 4 visitor	45 staff 7 visitor	None
Retail (includes Food and drink premises)	157sqm	1 to each 300sqm of leasable floor area	1 to each 500sqm of leasable floor area	0 staff 0 visitor		
Shop	113sqm	1 to each 600sqm of leasable floor area if the net floor area exceeds 1000sqm	1 to each 500sqm of leasable floor area if the net floor area exceeds 1000sqm	0 staff 0 visitor		
Total				14staff 4 visitor	45 staff 7 visitor	None

34. The proposal exceeds the requirements of this clause.

Clause 53.18 – Stormwater Management in Urban Development

35. This clause applies to an application under a provision of a zone to construct a building or construct or carry out works. An application to construct a building or to construct or carry out works:

- (a) *Must meet all of the objectives of Clauses 53.18-5 and 53.18-6; and*
- (b) *Should meet all of the standards of Clauses 53.18-5 and 53.18-6.*

General Provisions

Clause 65 – Decision Guidelines

36. The decision guidelines outlined at clause 65 of the Scheme are relevant to all applications.

Clause 71.02-3 - Integrated Decision Making

37. The principles of integrated decision making apply to all applications and require decision makers to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.

Planning Policy Framework (PPF)

38. The following clauses of the PPF are relevant:

- (a) Clause 11.01 – Victoria;
- (b) Clause 11.02 – Managing growth;
- (c) Clause 11.03 – Planning for Places;
- (d) Clause 15.01 – Built Environment;
- (e) Clause 15.02 – Sustainable development;
- (f) Clause 15.03 – Heritage;
- (g) Clause 17.01 – Employment;
- (h) Clause 17.02 – Commercial; and
- (i) Clause 18.02 – Movement networks.

Clause 11.01-1S (Settlement)

39. This clause has the following strategies:

- (a) *Promote and capitalise on opportunities for urban renewal and infill redevelopment;*
- (b) *Develop compact urban areas that are based around existing or planned activity centres to maximise accessibility to facilities and services; and*
- (c) *Ensure retail, office-based employment, community facilities and services are concentrated in central locations.*

Clause 11.01-1R (Settlement Metropolitan Melbourne)

40. This clause has the following strategies:

- (a) *Develop a network of activity centres linked by transport; consisting of Metropolitan Activity Centres supported by a network of vibrant major and neighbourhood activity centres of varying size, role and function; and*
- (b) *Create mixed-use neighbourhoods at varying densities, including through the development of urban-renewal precincts that offer more choice in housing, create jobs and opportunities for local businesses and deliver better access to services and facilities.*

Clause 11.02-1S (Supply of Urban Land)

41. This clause has the objective:

- (a) *To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.*

Clause 11.03-1S (Activity Centres)

42. The relevant objectives of this clause include:

- (a) *To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community.*

Clause 11.03-1R (Activity centres – Metropolitan Melbourne)

43. Relevant strategies are:

- (a) *Support the development and growth of Metropolitan Activity Centres by ensuring they:*
 - (i) *Are able to accommodate significant growth for a broad range of land uses;*
 - (ii) *Are supported with appropriate infrastructure;*
 - (iii) *Are hubs for public transport services;*
 - (iv) *Offer good connectivity for a regional catchment; and*
 - (v) *Provide high levels of amenity.*

Clause 15.01-1S (Urban design)

44. This clause has the objective:

- (a) *To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.*

Clause 15.01-2S (Building design)

45. This clause has the objective:

- (a) *To achieve building design outcomes that contribute positively to the local context and enhance the public realm.*

Clause 15.01-5S (Neighbourhood character)

46. This clause has the objective:

- (a) *To recognise, support and protect neighbourhood character, cultural identity, and sense of place.*

Clause 15.02-1S (Energy Efficiency)

47. This clause has the objective:

- (a) *To encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions.*

Clause 15.03 (Heritage)

48. This clause has the objective:

- (a) *To ensure the conservation of places of heritage significance.*

Clause 17.01-1S (Diversified economy)

49. This clause has the objective:

- (a) *To strengthen and diversify the economy.*

Clause 17.01-1R (Diversified economy – Metropolitan Melbourne)

50. This clause has the objective:

- (a) *Plan for the redevelopment of Major Urban-Renewal Precincts in and around the Central City to deliver high-quality, distinct and diverse neighbourhoods offering a mix of uses.*

Clause 17.02-1S (Business)

51. This clause has the objective:

- (a) *To encourage development that meets the communities' needs for retail, entertainment, office and other commercial services.*

Clause 18.02-2S (Cycling)

52. This clause has the objective:

- (a) *To facilitate an efficient and safe bicycle network and increase the proportion of trips made by cycling.*

Clause 18.02-3S (Public Transport)

53. This clause has the objective:

- (a) *To facilitate an efficient and safe public transport network and increase the proportion of trips made by public transport.*

Clause 18.02-3R (Principle Public Transport Network)

54. This clause includes the following strategy:

- (a) *Maximise the use of existing infrastructure and increase the diversity and density of development along the Principal Public Transport Network, particularly at interchanges, activity centres and where principal public transport routes intersect.*

Clause 18.02-4S (Roads)

55. This clause includes the following strategies:

- (a) *Plan an adequate supply of car parking that is designed and located to:*
- (i) *Protect the role and function of nearby roads;*
 - (ii) *Facilitate the use of public transport; and*

- (iii) *Protect residential areas from the effects of road congestion created by on-street parking.*

[Local Planning Policy Framework \(LPPF\)](#)

56. Within the Municipal Strategic Statement (MSS), the following clauses are relevant to the Tribunal's consideration:

- (a) Clause 21.04 – Land use;
- (b) Clause 21.05 – Built form;
- (c) Clause 21.06 – Transport; and
- (d) Clause 21.08 – Neighbourhoods.

Clause 21.04-2 (Activity Centres)

57. The relevant objectives of this clause are:

- (a) *To maintain the long term viability of activity centres.*

58. Relevant strategies to achieve this objective include:

- (a) *Strategy 5.2 – Support land use change and development that contributes to the adaptation, redevelopment and economic growth of existing activity centres; and*
- (b) *Strategy 5.3 – Discourage uses at street level in activity centres which create dead frontages during the day.*

Clause 21.04-3 (Industry, Office and Commercial)

59. This clause has the objective:

- (a) *Objective 8: To increase the number and diversity of local employment opportunities.*

Clause 21.05-1 (Heritage)

60. This clause includes the following objective and strategies:

- (a) *Objective 14: To protect and enhance Yarra's heritage places:*
 - (i) *Strategy 14.3: Protect the heritage skyline of heritage precincts; and*
 - (ii) *Strategy 14.6: Protect buildings, streetscapes and precincts of heritage significance from the visual intrusion of built form both within places and from adjoining areas.*

Clause 21.05-2 (Urban design)

61. This clause describes the municipality as having low-rise urban form with pockets of higher development. Relevant objectives and strategies include:

- (a) *Objective 17: To retain Yarra's identity as a low-rise urban form with pockets of higher development:*
 - (i) *Strategy 17.1: Ensure that development outside activity centres and not on Strategic Redevelopment Sites reflects the prevailing low-rise urban form;*
 - (ii) *Strategy 17.2: 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 such as:*
 - *Significant upper level setbacks*

- *Architectural design excellence*
 - *Best practice environmental sustainability objectives in design and construction*
 - *High quality restoration and adaptive re-use of heritage buildings*
 - *Positive contribution to the enhancement of the public domain*
 - *Provision of affordable housing.*
- (b) *Objective 20: To ensure that new development contributes positively to Yarra's urban fabric;*
- (i) *Strategy 20.1: Ensure development is designed having particular regard to its urban context and specifically designed following a thorough analysis of the site, the neighbouring properties and its environs.*

Clause 21.05-4 (Public environment)

62. This clause includes the following objective and strategies:
- (a) *Objective 28 - To provide a public environment that encourages community interaction and activity:*
- (i) *Strategy 28.1: Encourage universal access to all new public spaces and buildings; and*
- (ii) *Strategy 28.2: Ensure that buildings have a human scale at street level.*

Clause 21.06-3 (The road system and parking)

63. This clause includes the following objective and strategies:
- (a) *Objective 32: To reduce the reliance on the private motor car; and*
- (b) *Objective 33: To reduce the impact of traffic.*

Clause 21.07-1 (Environmentally sustainable development)

64. This clause includes the following objective and strategies:
- (a) *Objective 34 To promote ecologically sustainable development that has the following strategy:*
- (i) *Strategy 34.1 Encourage new development to incorporate environmentally sustainable design measures in the areas of energy and water efficiency, greenhouse gas emissions, passive solar design, natural ventilation, stormwater reduction and management, solar access, orientation and layout of development, building materials and waste minimisation.*

Clause 21.08-2 (Burnley, Cremorne, South Richmond)

65. This clause includes the following description of the neighbourhood of relevance:
- (a) *This neighbourhood is largely an eclectic mix of commercial, industrial and residential land use. With two railway lines and both north south, and east west tram routes, the neighbourhood has excellent access to public transport. The Cremorne commercial area functions as an important metropolitan business cluster which must be fostered; and*
- (b) *The Swan Street major activity centre lies along the northern boundary of this neighbourhood. Within this major activity centre there are three recognisable precincts:*

- (i) *The Richmond Station precinct - Richmond Station is a nodal interchange and the largest station outside the City Loop. The precinct represents a major opportunity to improve the amenity of the area and encourage more local use of the Station.*

66. At the local policy levels, the following policies are relevant:

- (a) Clause 22.02 – Development Guidelines for Sites Subject to the Heritage Overlay;
- (b) Clause 22.03 – Landmarks and Tall Structures;
- (c) Clause 22.05 – Interface Uses Policy;
- (d) Clause 22.16 – Stormwater Management (Water Sensitive Urban Design); and
- (e) Clause 22.17 – Environmentally Sustainable Development.

Clause 22.02 (Development Guidelines for Sites Subject to the Heritage Overlay)

67. The objectives of this policy are:

- (a) *To retain significant view lines to, and vistas of, heritage places;*
- (b) *To preserve the scale and pattern of streetscapes in heritage places; and*
- (c) *To ensure that additions and new works to a heritage place respect the significance of the place.*

68. The policy includes development guidelines relevant to demolition and new works which will be considered in the assessment section of this report.

Clause 22.03 (Landmarks and Tall Structures)

69. This policy applies to all new development. It is policy to:

- (a) *Maintain the prominence of Yarra's valued landmark signs.*
- (b) *Protect views to the silhouette and profile of Yarra's valued landmarks to ensure they remain as the principal built form reference.*
- (c) *Ensure the profile and silhouette of new tall structures adds to the interest of Yarra's urban form and skyline.*

70. The Ball Tower of Dimmeys, Swan Street, is the nearest identified landmark.

Clause 22.05 – Interface Uses Policy

71. This policy applies to all development and use applications and aims to reduce conflict between commercial, industrial and residential activities. The policy acknowledges that the mix of land uses and development that typifies inner city areas can result in conflict at the interface between uses.

Clause 22.16 - Stormwater Management (Water Sensitive Urban Design)

72. This policy applies to new buildings and extensions to existing buildings which are 50sqm in floor area or greater. Clause 22.16-3 requires development to improve the quality and reduce the flow of water discharge to waterways; manage the flow of litter being carried off-site in stormwater flows; and encourage the use of green roofs, walls and facades in buildings where practicable.

Clause 22.17 – Environmentally Sustainable Development

73. This policy applies to non-residential development with a gross floor area of 100sqm or greater. The overarching objective is that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation. The policy considerations are energy performance, water resources, indoor environment quality, storm water management, transport, waste management and urban ecology.

Other Relevant Documents

Plan Melbourne 2017-2050

74. The Plan outlines the vision for Melbourne's growth to the year 2050. It seeks to define what kind of city Melbourne will be and identifies the infrastructure, services and major projects which need to be put in place to underpin the city's growth. It is a blueprint for Melbourne's future prosperity, liveability and sustainability.
75. The 'Flinders Street Station to Richmond Station Corridor' is identified as a Major Urban Renewal Precinct which 'will play an important role in accommodating future housing and employment growth and making better use of existing infrastructure.' The 'Richmond - Swan Street' area is identified as a Major Activity Centre. Activity centres are identified as playing an important role in delivering more housing closer to jobs and transport.

Urban Design Guidelines

76. Clause 15.01-2S requires consideration to be given to this document, as relevant.
- (a) *Urban Design Guidelines for Victoria (Department of Environment, Land, Water and Planning, 2017).*

Swan Street Structure Plan

77. The Swan Street Structure Plan was adopted by Council at its meeting on 17 December 2013. This led to the development of Amendment C191 for the activity centre which was gazetted into the Scheme on 10 February 2022. Of note, Amendment C191 replaces Design and Development Overlay Schedule 17 with revised schedules 25, 26, 27 and 28 on a permanent basis. DDO25 includes planning provisions relevant to Precinct 1 (Richmond Station) and DDO26 includes planning provisions relevant to Precinct 2 (Swan Street Retail Centre). The MUZ parcel of land between Hoddle, Stewart and Wangaratta Streets (including the subject site) does not fall within either precinct.
78. In the Structure Plan, the site falls within the Richmond Station Precinct in an area which recommends building height at 7-10 storeys high (a maximum height of 30m).

PLANNING SCHEME AMENDMENTS

Amendment C269 (Local Policy Rewrite)

79. Amendment C269 proposes to update the local policies in the Yarra Planning Scheme by replacing the MSS at Clause 21 and Local Planning Policies at Clause 22 with a Municipal Planning Strategy (MPS) and Local Policies within the Planning Policy Framework (PPF), consistent with the structure recently introduced by the State Government.
80. The amendment was on public exhibition between 20 August 2020 and 4 December 2020. Amendment C269 was adopted by Council on 3 August 2021 and proceeded to a panel hearing in October 2021. The Panel report was released on 18 January 2022. Of note, the Panel found Amendment C269 to be 'well founded and strategically justified and should proceed subject to addressing the more specific issues raised in submissions as discussed in this Report.'

81. At its Council meeting on 19 April 2021, Council adopted Amendment C269 and on 12 May 2022 it was submitted to the Minister for Planning for approval, in accordance with section 31(1) of the Act. As such, Amendment C269 is seriously entertained planning policy and relevant to the consideration of this application.
82. Of particular relevance to this application, Amendment C269 proposes:
- (a) Clause 11 (Settlement) – Introduces policy that defines Yarra’s hierarchy of activity centres and sets out the vision for each centre consistent with its capacity. The boundaries of activity centres have also been redefined;
 - (b) Clause 15 (Built environment and heritage) – Introduces policy that defines where mid-rise development is to be located. Strengthens the existing heritage policy guidelines relating to demolition and commercial/industrial heritage places;
 - (c) Clause 17 (Economic development) – Identifies Cremorne and Gipps Street as major employment precincts for intensification; and
 - (d) Clause 18 (Transport) – Promotes sustainable travel by introducing a transport hierarchy that favours walking, cycling and public transport over car based transport. Also identifies in what circumstances a parking reduction and car sharing will be considered.
83. Proposed Clause 02.03 (Strategic directions) in relation to activity centres states:
- Activity centres are a focus of growth in Yarra with the addition of mid-rise commercial development and apartments. They will continue to accommodate most of the city’s growth because of their proximity to transport infrastructure, shops and services making them the most suitable locations for development.*
- These activity centres generally contain highly valued streetscapes and commercial buildings included on the Heritage Overlay and must balance the requirements for growth with the retention of heritage significance.*
84. Proposed Clause 02.03-1 seeks to (among other things) ‘promote development that is of a scale appropriate to the role and capacity of the centre’.
85. Proposed Clause 11.03-1L (Activity centres) has the following strategies:
- Support development within activity centres that is consistent with the capacity for each centre as identified in the Strategic Housing Framework Plan at clause 16.01-1L.*
- Support high quality mid-rise buildings in major and neighbourhood activity centres as specified in a Design and Development Overlay.*
- Support development that improves the built form character of activity centres, whilst conserving heritage places, streetscapes and views to identified landmarks.*
- Support development that transitions to and is sensitive to the interfaces with low-rise residential neighbourhoods.*
86. In relation to the Swan Street MAC the Panel said at page 52:
- The Panel agrees with Council that further strategic work is required for the mixed use land. This is consistent with the conclusions and recommendations in the Panel Report for Amendment C191. This further work should explore the relationship between the mixed use land and the Swan Street Activity MAC, including:*
- *whether the mixed use land forms part of the Swan Street MAC or some other precinct*
 - *the boundary of the precinct*
 - *strategies in local policies to help guide the development of the area*

- *appropriate built form controls for the precinct.*

The Panel makes no judgement about these matters. It is premature to suggest whether the mixed use land should be included within the Swan Street MAC at this stage.

The Panel does not agree that the heritage significance of the precinct should determine whether the land is included within the Swan Street MAC. There are many parts of MACs within Yarra that are of heritage significance, and heritage character is a matter that needs to be considered when formulating strategies and built form controls for an area.

The Panel is concerned with Council's approach to include the mixed use land within the Swan Street MAC without any specific strategies within the activity centres policy at Clause 11.03-1L that address this important precinct. It is desirable to have appropriate planning strategies for the site (and associated built form controls) simultaneous with its inclusion within the Swan Street MAC (or other specified precinct). There would be further confusion and uncertainty if the land was included within the MAC with no strategies or built form controls to help understand the intentions for the precinct.

On this basis, the Panel does not support the mixed use land being included within the Swan Street MAC at this stage. The land should be included subject to further strategic work foreshadowed by Council and considered as part of a separate Planning Scheme amendment.

87. In relation to building height, the proposed MPS and various planning policies refer to building height by the terms 'low-rise', 'mid-rise' and 'high-rise'. The Panel supported the terms and that they be relative rather than prescriptive. Proposed Clause 02.03 contains the following strategic directions relevant to building height:

- *Ensure mid-rise buildings are in accordance with any building height requirements set out in the relevant zone or overlay, or, where there are no building height requirements specified, having regard to the physical and strategic context of the site.*

88. Proposed Clause 15.01-2L (Building design) states:

Direct mid-rise development to the following locations:

- *Appropriate locations within major and neighbourhood activity centres; major employment precincts, commercial and industrial land (as defined in clauses 2.01 and 11.03-1L).*

Support mid-rise development that:

- *Contributes to a high-quality built form.*
- *Demonstrates architectural design excellence.*
- *Provides a transitional scale to the buildings in adjoining low-rise neighbourhoods to protect amenity and avoid visual bulk.*
- *Improves movement through the site.*
- *Provides active frontages at street level.*
- *Contributes to an improved public realm.*

89. Having regard to the strategic directions above, the site is not in a location where mid-rise development is directed because the site is in a MUZ (not a commercial or industrial zone) and it is not defined as being in an activity centre or a major employment precinct.

90. In relation to heritage, proposed Clause 15.03-1L relevantly includes the following objectives:

To conserve and enhance 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 practices.

91. Proposed Clause 15.03-1L relevantly includes the following strategies:

New development, alterations or additions

Promote development that is high quality and respectful in its design response by:

- *Maintaining the heritage character of the existing building or streetscape.*
- *Respecting the scale and massing of the existing heritage building or streetscape.*
- *Retaining the pattern and grain of streetscapes in heritage places.*
- *Not visually dominating the existing heritage building or streetscape.*
- *Not detracting from or competing with the significant elements of the existing heritage building or streetscape.*
- *Maintaining the prominence of significant and contributory elements of the heritage place.*

Set back additions:

- *To avoid facadism, where only the visible façade is retained and the remaining fabric is demolished.*
- *To maintain the visibility of the three-dimensional form and depth of a building.*

Industrial heritage places

Encourage new development on small scale one or two storey industrial buildings that does not visually dominate the historic form when viewed from the public realm.

92. In relation to car parking, the Panel found '[t]he car parking policy is appropriate'. Clause 18.02-4L proposes (amongst other matters):

Support a reduction in the required number of car parking spaces where:

- *The site has high public transport accessibility and is located within walking or cycling distance to shops, jobs and amenities;*
- *The development or use is unlikely to result in unreasonable impacts on existing on-street parking;*
- *The development provides adequate bicycle parking.*

Referrals

External Referrals

93. DELWP have referred the application to Head, Transport for Victoria.

Internal Referrals

94. The application was referred to the following units within Council:

- (a) Heritage Advisor;
- (b) Environmentally Sustainable Design (ESD) Advisor;
- (c) City Works Unit;
- (d) Engineering Services Unit; and
- (e) Strategic Transport Unit.

95. The application was referred to the following external consultants:

- (a) Urban Design (MGS).

96. Referral comments have been included as attachments to this report.

OFFICER ASSESSMENT

97. The primary considerations for this application are as follows:

- (a) Policy and strategic support;
- (b) Built form, urban design and heritage;
- (c) Off-site amenity impacts;
- (d) Environmentally sustainable design;
- (e) Car parking and traffic; and
- (f) Bicycle facilities and sustainable transport.

VCAT History, Policy and Strategic Support

98. The Tribunal in both *ACCC* and *Hines* assessed the subject site as being within the Swan Street MAC. In *Hines* the Tribunal endorsed the following comments in *ACCC* as still being relevant to the current physical and planning context of the site:

[5] The State and local planning policies are consistent in their message that the subject land is located in an area where an intensity of development is encouraged. Based on the local planning policy framework, it is our finding that the subject land is within the Swan Street Major Activity Centre. The recent inclusion of the Richmond Station precinct in State planning policy that encourages high scale and high density mixed residential and commercial developments further identifies the area around the station as one where an intensity of development is encouraged. However, this does not create a 'free-for-all' situation in regard to the height and form of development that is acceptable for this land. There are other considerations that come into play through the planning policies and controls that are relevant in this case.

The subject land is a site with constraints as it is within a Heritage Overlay in a discrete industrial sub-precinct; and it has interfaces with a number of other properties and adjoins a major railway station, Richmond Station.

This is an area where heritage is clearly manifest in its built form....

99. In *Hines*, the Tribunal did however acknowledge that the future designation of the site's location in the Swan Street MAC is unclear having regard to Amendment C191 and C269.

100. Since *Hines*, C191 has been gazetted into the Scheme and relevantly the subject site is not included in the DDO's affecting the activity centre. Amendment C269 has also now been through a panel hearing process since *Hines* and the adopted C269 which has been submitted to the Minister for Planning for approval also does not include the site in the Swan Street MAC.

101. As to whether the site should be assessed as being within the MAC or not, in *Hines* the Tribunal said:

[22] The consequence of whether the site is within the MAC relates to what local planning policies are relevant and the extent of strategic support at a State and local level for this area to accommodate increased development.

[23] Our decision must be based on the current version of the planning scheme as at the date of this decision. Nothing has changed in the planning scheme Nothing has changed in the planning scheme since the previous Tribunal decision that relates to the extent of the Swan Street MAC. Clause 21.08 in particular includes figures for Burnley, Cremorne, South Richmond and for Central Richmond that illustrate at least part of the site is within the conceptual bubble of the MAC. Hence, at this time, this site remains part of the MAC.

102. As such, the Tribunal on two occasions has assessed the site as being in the MAC and found that despite the very high level of policy support for intensive development in activity centres, the proposed building height could not be supported.

103. In relation to the level of strategic support for the proposal under Plan Melbourne, in *Hines* the Tribunal said:

[29] The applicant's submission highlights that Plan Melbourne describes the Flinders Street Station to Richmond Station corridor as a 'major urban renewal precinct' and a place of 'state significance that will be the focus for investment and growth'. The applicant acknowledges that there are no publicly available plans or details about development in this precinct/corridor yet. The applicant refers to the Swan Street structure plan 2013 that includes reference to the precinct becoming a major catalyst for revitalisation. The applicant submits these documents, taken together, provide clear support for the intensive redevelopment of this site and an expectation for substantial change. We are not persuaded of this.

[30] Despite State and local level policies locating this site in a MAC and adjacent to a 'priority precinct', there is no clear policy guidance about how new development should be achieved, particularly in regard to the scale or intensity of new development. Also, the planning scheme makes it clear that the range of planning policies should be integrated and conflicting objectives should be balanced in favour of net community development and sustainable development for the benefit of present and future generations. In this case, in addition to being in a MAC and a priority precinct, this includes:

- *The State level planning policies seek for development to respond to its context, including to the character.*
- *The local planning statement at clause 21.05-2 (Urban design) provides the clearest guidance as to the expected built form outcomes. Strategy 20.1 seeks development that has particular regard to its urban context. Strategy 21.1 requires development in activity centres to respect and not dominate existing built form. Strategy 21.1 requires new development in activity centres to consider the context of the centre including that it may consist of sub-precincts that each have their own built form character. Strategy 17.2 states:*
- *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 such as:*
 - *Significant upper level setbacks*
 - *Architectural design excellence*
 - *Best practice environmental sustainability objectives in design and construction*
 - *High quality restoration and adaptive re-use of heritage buildings*
 - *Positive contribution to the enhancement of the public domain*
 - *Provision of affordable housing*
- *The purpose of the MUZ seeks 'to provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality'. This purpose gives no guidance about scale or intensity of development.*
- *The character of this mixed use precinct is heavily influenced by and impacted on by the heritage fabric recognised and protected in Heritage*

Overlay HO332. The site is within the 'south industrial sub-area' of the Richmond Hill heritage precinct.....

- *Other aspects of the local planning policy framework seek to protect and enhance the City's heritage places including supporting their restoration, protect the heritage skyline and subdivision patterns, and protect buildings, streetscapes and precincts from the visual intrusion of built form.*
- *The Swan Street Structure Plan adopted by Council in 2013 contains some built form guidelines and preferred maximum building heights for each precinct. The Richmond Station precinct (containing this site) has a preferred building height of 7-10 storeys (a maximum of 30 metres). Mr Barlow acknowledges this structure plan is of 'limited statutory weight' in the consideration of this application as it has not progressed to the formal planning scheme amendment stage in the last seven years (since its adoption).*

[31] Overall, our conclusions in regard to the relevant policies are that there is policy support for new development on this site of at least 5-6 storeys. There is no guidance as to how much greater the intensity of development can or should be. Rather there is a recognition of the heritage significance of this mixed use area/precinct, and the need to protect and enhance this significance. The form and scale of any development on this site must respond to these relevant planning controls and policies as well as the physical context of the site and surrounds.

104. In summary, it is clear from the Tribunal's most recent assessment in *Hines* that the strategic context of the site enjoys policy support for an intensive development of the site, however this does not override the need for the proposed built form to be respectful of the surrounding heritage context.
105. Under Amendment C269, the site is not identified as being in a location where mid-rise development is directed. This is because the site is in a MUZ (not a commercial or industrial zone) and the site it is not defined as being in an activity centre or major employment precinct. Having regard to the proposed MPS, the strategic context of the site is one where new development in this MUZ precinct is required to be of a building height that fits with the surrounding physical context.

Land use

106. The proposed mix of land uses is the same as what was proposed in *Hines* and is appropriate for the context and will complement the mixed-use function of the locality. Of note, in *Hines* the Tribunal did not support restricting the office hours of operation to address light spill and said:

[107] ...in an evolving and diversifying economy and in a Mixed Use Zone in a Major Activity Centre, we consider it is acceptable to anticipate and expect that an office premises use may extend beyond traditional business hours

107. In *17 Wangaratta Street Pty Ltd v Yarra CC* [2021] VCAT 167, relating to a proposed 8 storey mixed use commercial development, in the MUZ in this same precinct, the Tribunal said:

[50] Whilst understanding the residents' concerns, normal activities of people coming and going to an office and shop are part and parcel of an everyday experience within a MUZ. Similarly, in my view, the luminescence of office lighting that may operate into the evening hours is unlikely to extend beyond a background visibility, which in the context of an inner city site such as this, is a reasonable expectation. I am unpersuaded that there are any unreasonable amenity implications that will arise from the luminescence of office lighting.

[51] *Had I been of a mind to grant a permit, I accept the need for a Management Plan condition that would limit the hours of operation of the ground level shops, and also set in place amenity protections from the office use (as the application sought a 24 hour operation for the office use). I agree that these limitations, which were discussed at the hearing, are necessary as the land is within a zone that is within the residential suite of zones and the amenity expectations of nearby residents should be managed via this method.*

108. In relation to the proposed food and drinks premise, given that the site is not included in the MAC under Amendment C269 and the MUZ is a residential zone and not a commercial zone, it is considered that the hours of operation of the food and drinks premise should be regulated on a permit given its proximity to the train station entry and potential for off-site amenity impacts on surrounding residential land use. The proposed hours of operation are 7am to 7pm, seven days a week which is appropriate in a MUZ and ensures no risk of sleep disturbance which is assessed under EPA noise regulations after 10pm.
109. If a permit is to issue, a condition should regulate that deliveries only occur between the hours of 7am and 6pm (as recommended in the acoustic report submitted with the application), with one delivery per day per tenancy. A condition should also require that waste management be carried out in accordance with an amended waste management plan addressing Council's City Works Unit referral comments. Hours for collection should be conditioned to be between 7am and 6pm (as assessed in the acoustic report submitted with the application).

Built form, urban design and heritage

110. In regard to heritage, in *Hines* the Tribunal said:

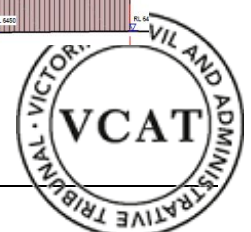
[43] *We are not persuaded that retaining the first 4.5 metre bay of the Margaret Street façade retains the contribution this building makes to the significance of this industrial sub-precinct heritage place. Rather, we find that the loss of almost all the Margaret Street façade will adversely impact upon the significance of this industrial sub-precinct, particularly views of the three-dimensional quality of the streetscapes of Stewart and Margaret Streets. This in turn will diminish the overall industrial heritage fabric remaining within Margaret Street...*

[45] *We accept that it is possible for the extent of demolition to be reduced to an acceptable degree through amendments to the plans. Therefore, we have not refused this application for this reason alone.*

111. The proposal has addressed the extent of demolition of the Margaret Street heritage façade by retaining approximately 18m of the façade as shown below.



Figure 23: DFP Proposal – Proposed demolition and restoration of Margaret St façade (Source: SK2101)



112. In assessing the appropriateness of the addition and the visual impact on the heritage precinct, in *Hines* the Tribunal found:

- [58] ... Whilst Wangaratta Street is part of the broader Richmond Hill heritage precinct, it forms the eastern boundary of this industrial sub-precinct. As these buildings are generally located on the east side of Wangaratta Street, they are not within this sub-precinct. This means their existence is of no relevance to the heritage considerations.
- [60] We agree with Ms Riddett that the consideration of building height is relevant to heritage skylines, which in this case means understanding its impact from further afield. In this case, we have given greater consideration to the proposed building height within the overall Richmond Hill heritage precinct (within which this site is located) rather than to the west side of Punt Road that is not within this precinct.
- [62] ... We acknowledge that there are new taller buildings emerging in Cremorne and that from various vantage points they form part of the backdrop to the proposed development. However, they are some distance away and obviously do not form part of the urban fabric evident in the industrial sub-precinct of Richmond Hill.

113. In considering the proposed building height, the Tribunal found:

- [70] The difference in building height between this proposal and the existing buildings in this industrial sub-precinct will be noticeable as it is in the order of 10 metres. We agree reducing the building height by two or three storeys (as is suggested by the Council's expert witnesses) would mean the height is comparable to the existing and approved buildings in this sub-precinct. Whether a taller building is acceptable on this site is influenced by the amenity impacts and by whether the design can 'successfully knit together' the modern and historic elements in a manner that allows the heritage fabric to stand out and remain prominent. We are not persuaded this design achieves this successful knitting enabling the heritage fabric to remain prominent, particularly in Stewart Street.
- [71] The difference in the building height between this proposal and the building at 1 Margaret Street is accentuated by the significant difference in the building setbacks from Stewart Street as well (refer to the image on following page illustrating existing setbacks at 1 Margaret Street). The minimum 4.5 metre staggered setback from the Stewart Street frontage (following the curve of the street) ensures that the new part of that building above the heritage façade is visually recessive and does not dominate that building or the Stewart Street streetscape. This is in contrast to this proposal.
- [77] Having viewed the subject land from various vantage points along Stewart Street, including those reflected in the photomontages in Mr Wilkinson's evidence statement, we are not persuaded that the combination of the 2.5 and 4.5 metre setbacks are acceptable... More importantly, we are of the view that the proposed setbacks are insufficient to ensure that the new building will be visually recessive in, and not dominate, the existing heritage significant facades in the Stewart Street streetscape, as sought by the policy at clause 22.02-5.7.1. Nor are the proposed setbacks consistent with the requirements at clause 22.02-5.7.2, which seeks for each higher element to be set further back from lower heritage built form. Rather, we find that the shallow 2.5 metre setback from the heritage façade in combination with the building height will result in a visually dominant building.

114. This proposal has lowered the building height from RL44750 to RL41150 (by 3.6m) but retains the 2.5m setback from Stewart Street, except for the uppermost level which is now setback a further 2m (to 4.5m). Levels 02 and 03 are now setback 2.5m from Stewart Street when previously they were setback 4.5m. The setback from Margaret Street is unchanged at 2.5m except the uppermost level which is now setback a further 1.5m (to 4.0m). Significantly, the external stairwell that was proposed along the Margaret Street frontage has been deleted.

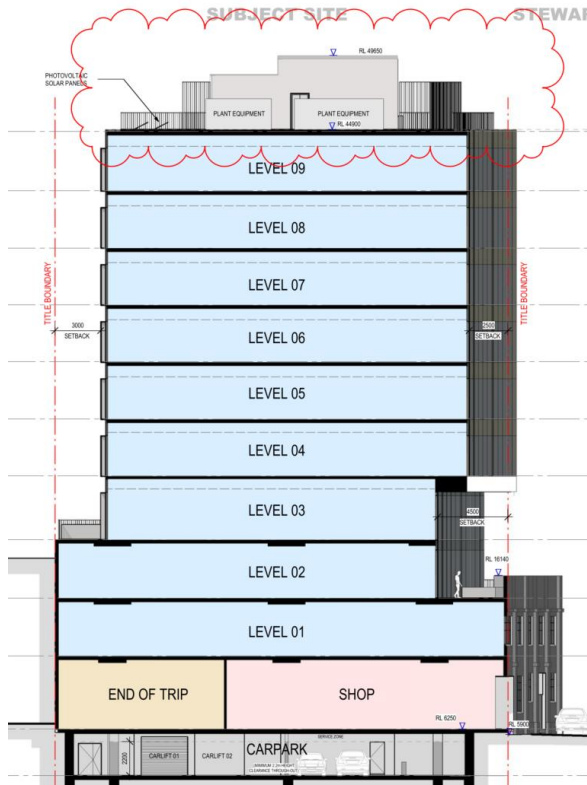


Figure 24: VCAT Proposal – North-south section

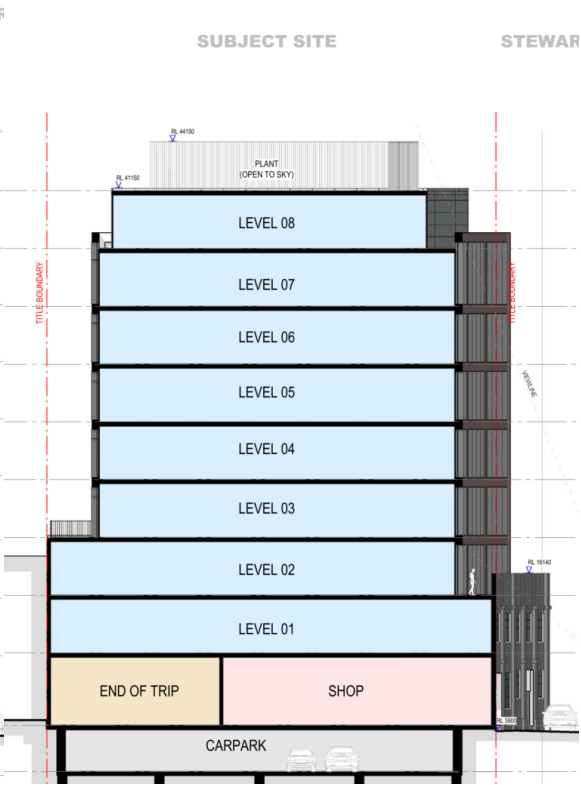


Figure 25: DFP Proposal – North-south section

115. Council's urban design consultant, Mr McGauran, who appeared as Council's urban design expert in *Hines* has reviewed this proposal and advised
- the excessive scale of the development above the predominant scale of the neighbourhood continues to be an issue with the development continuing to try to establish a landmark status when the attributes of the precinct relate to its consistency, an attribute affirmed in 2 previous VCAT decisions for the site. The design approach adopted does not support a more ambitious scale or expression indeed quite the contrary;*
 - the absence of western setbacks albeit better managed in expression than previously is undermined by the heavier masonry expression to the levels 2 to 7 inclusive; and*
 - The adoption of reduced setbacks to levels 2 and 3 has diminished the quality and amenity of open space in the development and amplified the abruptness of the extended tower form and base building.*
116. The proposed building scale is approximately 1/3 higher than that of the balance of the precinct and more than double of its neighbours. Mr McGauran has advised:

[114] In addition to seeking this greater height than that characterizing the majority of the Activity Centre and all the adjoining neighbourhood mixed-use area, it also seeks to propose setbacks less than half the mandated minimums in Swan Street from the Stewart Street interface itself a key pedestrian arrival point to the Richmond Station interchange and to adopt materiality and design expression that amplifies the incongruity in a local context of such an approach to valued heritage buildings and precincts.

[115] It is not a site or location that in my view promotes characteristics seeking landmark status.

[125] With surrounding redevelopments of heights in the order of 6-7 residential mixed-use levels of considerably lesser floor to floor heights typically, it is apparent in my view that the development should in a strategic and physical policy response to context have had more regard to the existing built form character of the area and needs to see substantial reductions in scale to respond to this policy and physical context setting.

117. Council's heritage expert, Ms Riddett, who gave evidence in *Hines* has reviewed this proposal and advised that her concerns about overall height remain and the building height should be constrained to 8 storeys high. Ms Riddett previously advised:

The height in combination with the width of these elevations will make the building dominant and visually conspicuous in views from Richmond Hill to the north, including a viewshed from the west and east, variously from the south, including the platforms of the Richmond Railway Station and probably Punt Road to the south. (Para 80)

The impact of the height on the Richmond Hill Precinct in views from the north is an important heritage consideration and the perspectives [provided to VCAT] demonstrate that the visibility of the upper levels will be dominant and intrusive on the skyline depending upon where the viewer stands". (Para. 94)

118. Ms Riddett considers the Margaret Street elevation is more resolved with the deletion of the external stair but considers 'there is very little difference' with respect to the north, south and west elevations.
119. Mr McGauran has recommended deletion of levels 6 and 7. This will reduce the height of the building by 7.5m to a foreground parapet height of RL 30.7 to the Stewart Street interface and overall height of nearly 31m to the large plant area screen level. This results in a building height similar to the approved development at No. 33-35 Stewart Street.
120. The proposal has not increased the building setback to Stewart Street therefore it is likely the Tribunal's concerns with this interface have not been addressed. It is considered that an increased setback to more closely align with the 4.5m upper level setback at No. 1 Margaret Street was being sought by the Tribunal in order for the proposed building to be respectful of its adjacent context.
121. Deletion of the stairwell along the Margaret Street elevation has largely addressed the bulk of this elevation. With the deletion of Levels 6 and 7 as recommended by Council's Urban Design consultant, it is considered that a 2.5m upper level setback is acceptable, noting that the Tribunal in *ACCC* considered a setback in the order of 3m to be reasonable.
122. Mr McGauran is critical of the revised design concept expression which has adopted a heavy masonry framework expression that borrows from the industrial fabric. He considers this creates a heavy upper level expression that competes with the adjoining heritage industrial buildings and that the previous lightweight upper level expression that contrasted with the heritage setting was a better response to the heritage context. Ms Riddett has not raised a concern with the revised design expression but observed that dark metal cladding is still proposed to the southern end of the western elevation which will not assist in making the elevation visually recessive.



Figure 26: VCAT Proposal (left) and DFP Proposal (right) (Source: 02 Design Response)

123. Mr McGauran also remains concerned about the treatment of the western elevation and has advised:

[147] This visually prominent aspect of the proposal and treatment of this important façade as a sideage places an excessive expectation on the development potential of its neighbour to screen an aspect clearly intended not to be seen. In contrast its neighbour at 31-33 has addressed development in the round. This façade will be the dominant façade visible from the city, Brunton Road and MCG interfaces.

124. In summary, the combination of the height and setbacks of the proposed building results in a building form that is not respectful of the heritage place and its contributory elements. It is considered the revised proposal has not addressed the Council's or Tribunal's concerns in *Hines* and the proposed development will be visually intrusive within the precinct.

Off-site amenity impacts

125. The relevant policy framework for amenity considerations is contained within clause 22.05 (Interface uses policy) of the Scheme. The decision guidelines at Clause 22.05-6 specify that Council should consider (as appropriate):

(a) *The extent to which the proposed buildings or uses may cause overlooking, overshadowing, noise, fumes and air emissions, light spillage, waste management and other operational disturbances that may cause unreasonable detriment to the residential amenity of nearby residential properties.*

126. The appropriateness of amenity impacts also needs to be considered within the strategic context of the site. As the Tribunal observed in *Hines*, the decision guidelines of the Mixed Use Zone (MUZ) do not specifically require a commercial development to consider amenity impacts or the compatibility of commercial use or development on adjacent residential properties. The Tribunal did however say that amenity impacts are not irrelevant, but must be considered within the policy context of the site's location being in an area where more intensive development, including higher development, is supported.

Overlooking

127. Clause 22.05-4.2 encourages new development to be designed to minimise 'Minimise the potential for unreasonable overlooking of private open space areas and into habitable room windows of adjoining residential properties, through the use of appropriate siting, setbacks, articulation and possibly screens'.

128. The proposal addresses overlooking to No. 1 – 7 Stewart Place by having fritted glass (maximum 25% visibility) to 1.7m high above finished floor level at Level 02 and fritted glass (maximum 25% visibility) to 1.5m high above finished floor level with horizontal louvres above preventing downward views at Level 03. This is the same screening technique that was applied in *Hines* and was found acceptable by the Tribunal.

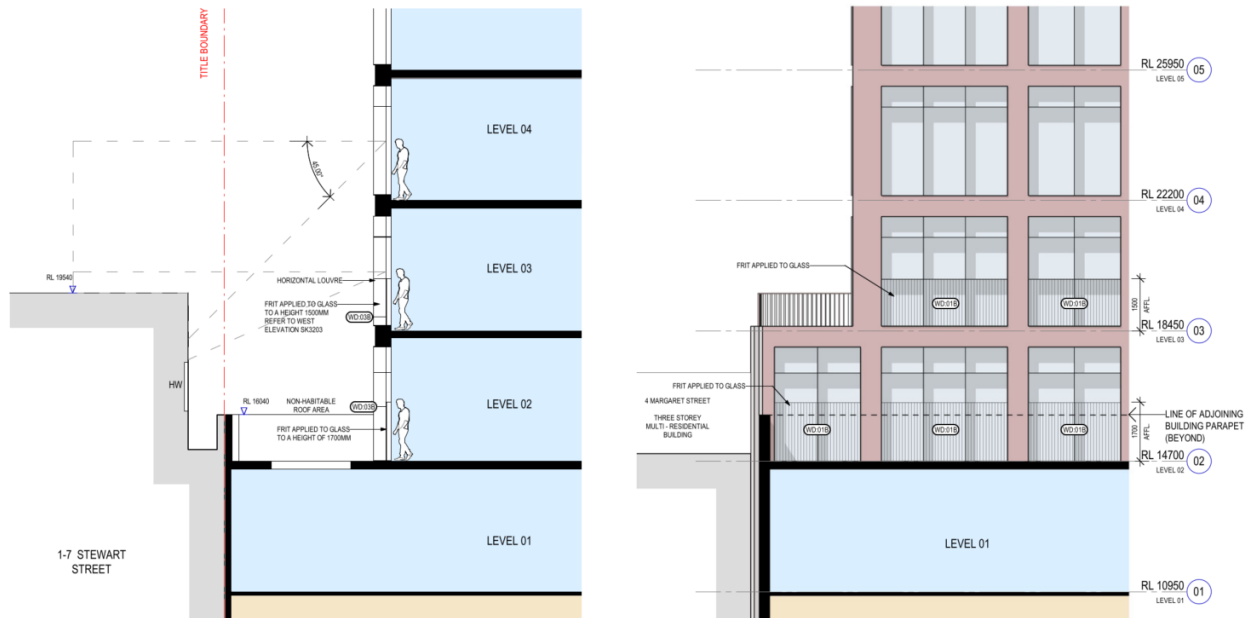


Figure 27: DFP Proposal – Proposed demolition and restoration of Margaret St façade (Source: SK2101)

129. In regard to potential overlooking of dwellings in the apartment building across Margaret Street to the east, a 9.0m building separation is achieved at Levels 02 – 09. Level 01 is treated with fritted glass (maximum 25% visibility) to 1.7m high above finished floor level.
130. In regard to potential overlooking to the north, there are no habitable room windows or private open spaces within 9m.

Visual bulk / Loss of daylight / Overshadowing

131. Clause 22.05-4.2 encourages 'The location, length and height of any wall built to a boundary not adversely impact on the amenity of any adjoining residential properties in terms of unreasonable overshadowing of private open space, visual bulk or loss of day light to habitable room windows.'
132. The proposal to construct to the northern boundary at Ground to Level 02 then provide a 3.0m setback from the northern boundary at Levels 03 to 09 is acceptable because as the Tribunal observed in *ACCC Pty*:

[67] *We note that the design of the 3 storey recently constructed apartments to the north effectively turns its back on the subject land. As such, there would not appear to be any significant impediment to building closer to this boundary...*

133. In relation to the interface with the townhouses at No. 1 – 7 Stewart Place, this proposal provides a minimum 4.5m setback from the west boundary opposite the light courts which is considered acceptable to maintain daylight access and is a greater setback than what the Tribunal considered acceptable in *ACCC*. In regard to overshadowing impacts, the principle private open space to these townhouses are the balconies to the west fronting Stewart Place, which will not be impacted by the development.

134. In *Hines* the Tribunal expressed concern about the location of the proposed western services core which was to be constructed approximately 300mm length along the common boundary with residential property at 7 Stewart Place. The Tribunal said:

[90] *...Having inspected both dwellings at 5 and 7 Stewart Street we are of the view that the services core will be readily visible from and extend some eight storeys above the windows in the western façade of these dwellings, particularly 7 Stewart Street. Given the location and height of the services core we are of the view that it is inconsistent with the policy guidelines at clause 22.05-4.2 that seek walls built to a boundary to not adversely impact on the amenity of any adjoining dwelling in terms of visual bulk.*

[91] *We cannot say what an acceptable extent of separation is. We note the 2014 permit has a varying setback of 1.3 from 7 Stewart Place’s southern side boundary extending into a setback of 4.3 metres from 5 and 7 Stewart Place’s eastern rear boundaries. Put simply, the acceptability of the proximity of new building to the Stewart Place residences depends upon the detail of the proposed design. Any future proposal should seek to locate building elements of such a height further away from the boundary with these residential properties or otherwise reduce their height.*

135. The proposal is no longer constructed 300mm along the boundary with No. 7 Stewart Place but aligns with the boundary and existing building of No 5 Stewart Street. It is considered the location of the lift core has not addressed the Tribunal’s concerns and the lift core should be located further south.

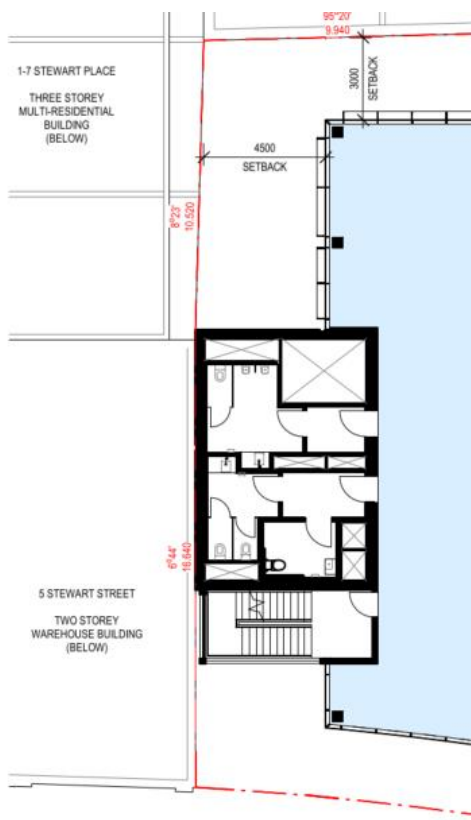


Figure 28: VCAT Proposal (Source: SK2206)

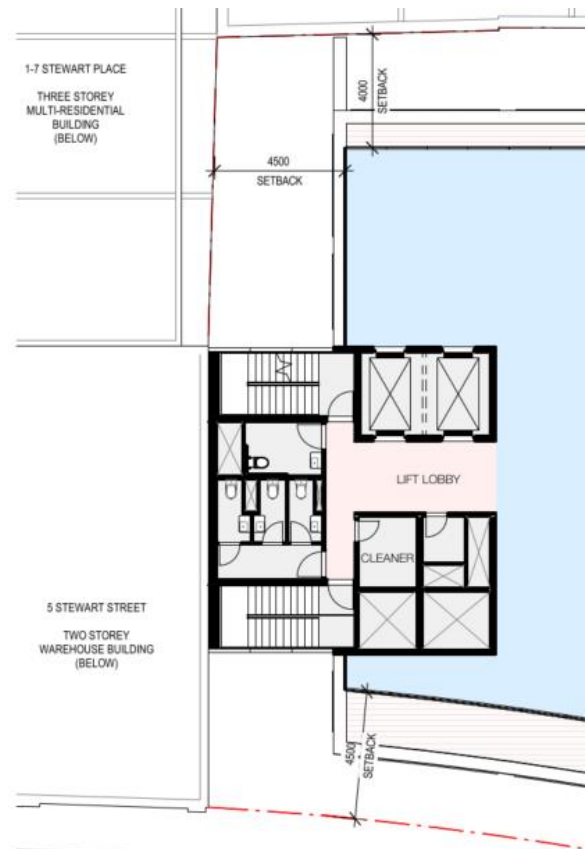


Figure 29: DFP Proposal (Source: SK2210)

136. A concern was raised in *Hines* regarding the removal of the existing wall along the boundary of this site, which is adjacent to the properties at 3, 5 and 7 Stewart Place. The Tribunal commented there appeared to be a lack of clarity as to whether the wall on the boundary is part of the existing building on the development site and to what extent their infrastructure will be protected. The Tribunal commented:

[117] ...it would be desirable for the planning application plans for demolition in any future proposal to be as clear as possible about the extent to which the existing eastern boundary wall on this site is within the Title boundaries of this site and/or is located along the Title boundaries of adjoining properties.

137. This proposal has not provided greater clarity in relation to the existing wall. If a permit is to issue, greater detail should be provided on the plans.

138. In relation to No. 1 Margaret Street, the Tribunal in *Hines* found there would be no unreasonable loss of daylight to existing windows because the apartments at 1 Margaret Street benefit from the width of the street itself as well as the respective setbacks of the development on either side.

139. In relation to loss of solar access, the Tribunal said:

[99] We do not intend to make any findings on the acceptability of the shadow impact given our previous findings raising concerns about the height of the building and the setback(s) from Stewart Street, as well as the need to retain more of the Margaret Street façade that could in turn impact upon setbacks along the east side of the site. Based on the shadow diagrams it appears to us that if the height of the new building was reduced and/or the setbacks from Stewart or Margaret Streets was increased, this will impact on the extent of additional overshadowing, particularly between 1.00pm and 2.00pm. Hence, this is an issue that will need to be considered afresh as part of any future planning application for this site.

140. This proposal does not provide any shadow diagrams so the actual overshadowing impacts on No. 1 Margaret Street are unknown, albeit that they will be less than in *Hines*. Council has previously assessed the overshadowing impacts as being acceptable having regard to the Tribunal's findings in *ACCC* that maintaining only 2 hours of sunlight at the Equinox is acceptable in a MUZ in a MAC.

Wind

141. In *Hines*, Council's urban design expert was concerned about the wind impacts based upon the desk top wind assessment report submitted with the planning permit. The Tribunal held that:

[110] ...in this case, it is important that the implications of wind impacts are considered hand in hand with the consideration of any impacts upon the heritage significance, particularly of visible new works along Stewart Street and Margaret Streets in proximity to the retained heritage facades.

[111] In general terms therefore we observe that any future proposal for the development of this site should include the details of any wind deflection devices and how they will be viewed in the context of any original building facades to be retained and the streetscapes.

142. No wind report has been submitted with the application. Council's urban design consultant has recommended:

An updated wind report based on a wind model in accordance with earlier report recommendations, is required demonstrating that the amenity of the public realm, terraces and adjoining residential private open space is not adversely impacted. Plans and elevations then need to be upgraded for assessment by heritage and urban design consultants and found to be to the satisfaction of the responsible authority.

143. This can be addressed via a permit condition, if a permit is to issue.

Noise / Light Spill

144. The applicant has submitted an acoustic report addressing the noise impacts from the proposed development. Of note, the acoustic report states:

- (a) Deliveries should be restricted to within office hours (i.e. between 7am and 6pm);
- (b) Waste collection shall occur during the day time period, i.e. between 7am and 6pm;
- (c) Treatments are recommended to the car park entry door to reduce the impact of their operation within the internal office area and on neighbouring properties; and
- (d) A review and assessment of the mechanical services will need to be conducted in the later stages of the design, following the completion of the mechanical plant layout and equipment selections.

145. If a permit is to issue, a condition would require the recommendations of the acoustic report be implemented. In addition, a condition would require an acoustic report be submitted post-construction demonstrating that noise levels comply with the requirements of the endorsed acoustic report.

146. In relation to light spill, there will be no adverse light spill impacts from vehicular lights because there is no dwelling located at the ground floor in the building opposite the car park entry. In relation to light spill from the office use, *Hines* the Tribunal said '*we do not dismiss the potential for light spill from the internal lights to cause amenity impacts on nearby residential properties*', but resolved it was not appropriate to restrict the hours of operation. It is therefore considered that a condition should require motion sensor lighting for minimising light spill after normal business hours.

Equitable development

147. Similar to the proposal in *Hines*, the proposal provides for an equitable development scenario with the adjoining property to the west with the upper levels setback 4.5m from the boundary and the proposed service core on the boundary allowing for a new building or addition to build up against it.

Waste management

148. Council's City Works Unit have reviewed the submitted WMP and advised the following:

- (a) due to changes in waste service systems recently announced by the State Government the site must consider how four waste streams will be separated and ensure adequate space for extra bins that will be required (Glass separation);
- (b) details are to be provided of the total footprint suggested for bins in M2;
- (c) the size of the bin storage area is not large enough to form an effective waste system and should be expanded;

- (d) five collections per stream is an excessive number and should be reduced;
- (e) details are required of how hard waste will be managed;
- (f) Table 3 has conflicting address in title;
- (g) An explanation of how risk will be managed must be provided; and
- (h) a clause must be included in the plan regarding potential review into the service if operational requirements change.

149. If a permit is to issue, these matters can be addressed via a permit condition.

Environmentally sustainable design

150. Policy at clauses 15.01-2S, 21.07, 22.16 and 22.17 of the Scheme encourage ecologically sustainable development, with regard to water and energy efficiency, building construction and ongoing management. The application is not accompanied by a Sustainable Management Plan (SMP) and no ESD information has been submitted.

151. An SMP prepared by AECOM, dated 4 March 2020 was submitted with the previous application and was found by Council's ESD Advisor to largely be acceptable. Given the similarities between the proposals and that it is the same applicant and architect, it is considered reasonable to require this proposal to implement the same ESD commitments as set out in the AECOM report dated 4 March 2020. Council's ESD Advisor has advised this would include the provision of a 28W solar array. and amended BESS Energy figures to be provided in be updated in an amended SMP to be consistent with the new proposed building design.

152. The requirement for a SMP can be addressed via a permit condition, if a permit is to issue.

Car parking and traffic

153. The proposal provides 7 car spaces and requires a statutory reduction of 128 car spaces. The proposal in *Hines* provided 7 car spaces and required a reduction of 142 spaces, which was supported by Council. Of note, the Tribunal said:

[115] It is not unusual for people to travel to work in an office by public transport, and particularly in central and inner city locations. Whilst there may be some reluctance and concern at present to travel on public transport because of Covid-19, the long term goal of increasing reliance on modes of transport other than cars remains in Victoria's planning schemes. This site is ideally located to support this long term goal. Mr Walsh's evidence is that 'Richmond Station is a premium station, and outside of the CBD is the most accessible station on the metropolitan network'. It is hard to imagine a development site better located to support public transport usage as an alternative to driving.

154. The car parking reduction is appropriate for the same reasons as set out in the previous officer report, being (in summary):

- (a) the site is within walking distance to high quality public transport networks;
- (b) the site is well connected to dedicated on road bicycle networks and the proposal includes secure bicycle parking spaces and change room facilities in excess of rates specified within the Scheme which will encourage future employees to use this mode of transport to commute to and from the site;
- (c) employees are unlikely to drive to the site due to the scarcity of long term unrestricted car parking in the area and the convenience of public transport options to access the site;

- (d) the food and drinks premises and retail premise would likely heavily rely on walk-up trade for its primary source of customers, attracting employees from nearby businesses as well as local residents;
 - (e) it is typical of small inner-city food and drinks premises and retail premises to not provide car parking spaces for visitors but rely on the turnover of short term restricted on-street car parking;
 - (f) employee or visitor parking permits will not be issued for the development, which will discourage people from driving to the site given the high utilisation of existing on-street car parking and lack of long term parking in the surrounding area; and
 - (g) Council's Engineering Unit has raised no objections.
155. In relation to traffic impacts, directional split assumptions in each peak hour are as follows:
- (a) AM Peak – 10% outbound (1 trip), 90% inbound (6 trips); and
 - (b) PM Peak – 90% outbound (6 trips), 10% inbound (1 trip).
156. Council's Senior Traffic Engineer has advised the peak hour traffic volumes generated by the site are considered low and should not adversely impact on the traffic operation of the surrounding road network.
157. In relation to the access arrangements and car park layout, Council's Engineering Unit has advised:
- (a) the swept path diagrams show appropriate access for a B85 design vehicle and a waste collection vehicle (6.4m in length);
 - (b) the proposed car lift, which will have a maximum service time of 81 seconds, can adequately operate without adversely impacting Margaret Street;
 - (c) headroom clearance and development entrance doorway width should be dimensioned on the plans; and
 - (d) the existing vehicle crossing on Margaret Street must be demolished and the new vehicle crossing designed in accordance with Council's Standard Drawings.
158. Permit conditions can address Council's Engineering Unit's requirements, if a permit is to issue.

Bicycle facilities and sustainable transport

Bicycle parking and facilities

159. The proposal exceeds the requirements of Clause 52.34. While the residential bicycle parking provision exceeds the statutory requirements of Clause 52.34, the proposal does not meet BESS best practice. Clause 22.17 provides for a BESS best practice bicycle parking rate of:
- (a) 1 employee space per 100sqm office floor area; and
 - (b) 1 visitor space per 500sqm office floor area.
160. There is no specification for retail / food and drinks premise therefore the statutory rate applies of 1 employee space to each 300sqm of leasable floor area and 1 visitor space to each 500sqm of leasable floor area. As such, 45 employee spaces does not meet Council's best practice rate of 48 spaces. Council's Strategic Transport Unit has however advised that a reduction of 3 employee spaces from the best practice rate is acceptable.
161. Council's Strategic Transport Unit has advised that if a permit is to issue, the following should be shown on the plans before endorsement:
- (a) All dimensions and locations of the proposed visitor bicycle parking spaces on Margaret Street;

- (b) All dimensions for employee bicycle spaces and access ways to demonstrate compliance with Clause 52.34 and AS2890.3; and
- (c) Details and numbers of horizontal and vertical bicycle parking spaces to demonstrate compliance with Clause 52.34 and AS2890.3.

162. Subject to conditions it is considered that the bicycle parking and facilities are acceptable for the proposed development.

Conclusion

163. The subject site is a suitable candidate for a mixed use commercial development but not at the scale proposed. Any net community benefit to be delivered from increasing employment opportunities in a well serviced location with excellent connection to a range of public transport networks will be outweighed by the adverse impact on the character and heritage values of the precinct. Two previous VCAT decisions have emphasised that the site is not without constraints and requires a design that appropriately responds to the existing built form and heritage context. The proposed height, scale and massing of the development is not respectful of the heritage context and will result in a building form that will overwhelm the host building and be visually dominating within this discrete former industrial heritage precinct.

RECOMMENDATION

That having considered all relevant planning policies, the Committee resolves to advise the Minister for Planning that planning permit PA2201605 should not be issued on the following ground:

1. The proposed height, scale, massing and design detailing of the development is not respectful of the heritage context and will result in a building form that will overwhelm the host building and be visually dominating within the precinct.

Attachments

- 1 Attachment 1 - Architectural Drawings
- 2 Attachment 2 - VCAT Plans
- 3 Attachment 3 - Hines 9 Stewart Property Pty Ltd v Yarra CC [2021] VCAT 185
- 4 Attachment 4 - ACCC Pty Ltd tas AWC Property v Yarra CC
- 5 Attachment 5 - Amendment C269 - Adopted version submitted to Minister for Planning
- 6 Attachment 6 - External Urban Design Referral Advice
- 7 Attachment 7- Council Engineering Unit Referral Advice
- 8 Attachment 8 - Council City Works Branch (Waste Management) Referral Advice
- 9 Attachment 9 - Council ESD Referral Advice
- 10 Attachment 10 - Council Heritage Referral Advice
- 11 Attachment 11 - Council Strategic Transport Referral Advice

8.7 Fairlea Netball Precinct, Yarra Bend

Reference	D22/110008
Author	Sally Jones - Manager Recreation and Leisure Services
Authoriser	Director City Works and Assets

Purpose

1. Update Council on the Fairlea Netball Precinct, Yarra Bend development; and
2. To present and seek support for the Parks Victoria's proposal to grant the management of the new Regional netball facility and shared-use pavilion to Yarra City Council for a 21 year period.

Critical analysis

History and background

3. Yarra Bend Park is 260 hectares in size; located predominately within the City of Yarra; and is managed by Parks Victoria (PV). The Park is also home to considerable sporting and recreational facilities.
4. The Fairlea Precinct within Yarra Bend Park is a large area already dedicated to sports including cricket, football/soccer and fly fishing, which was identified by PV as having lower environmental values than other areas of the park and being underutilised.
5. In 2017, PV and Sport and Recreation Victoria (SRV) commissioned a feasibility assessment to determine the suitability of developing netball facilities and a shared-use sporting pavilion in the Fairlea Precinct of Yarra Bend Park.
6. In 2018/19, PV was awarded an \$8 million Inner-City Netball Program grant by SRV to build eight netball courts with supporting facilities (lighting, seating, shelters, fencing, upgrade of road access and car parking, etc.) and a modular sporting pavilion in the Fairlea Precinct that will also service the easterly sportsgrounds, noting that the management and operations of the Fairlea East and West sportsgrounds are administered by PV.
7. The following transport assets within the precinct will be maintained by PV:
 - (a) 87 Parking bays; and
 - (b) 40 Parking bays adjacent to Yarra Bend Road.
8. PV proposes that as part of the lease agreement, Yarra would manage:
 - (a) 22 bicycle racks; and
 - (b) 4 DDA constructed car parking spots.
9. Whilst PV and SRV recognise that Yarra Bend Park serves the residents of the Cities of Yarra, Darebin, Banyule and a small number of Boroondara residents, they acknowledge that the main users and clubs of the regional level outdoor netball facility would be from the City of Yarra. Further, PV and SRV identified that the demographic profile of Yarra is very compatible with the typical profile of netballers, as well as the high propensity to play organised sports. For context, age, gender, income and education are key determinants of participation in netball and organised sport, noting that:
 - (a) Yarra's population comprises approximately 52% female;
 - (b) Yarra has a relatively young profile that is conducive to increasing demand for sport; Participation in sport is the highest in school-aged years with Yarra having a very high number of schools (32);

- (c) Overall, the City of Yarra has relatively high levels of advantage with a SEIFA score of 1,019.1 as compared to Victorian average of 995.5 and greater Melbourne 1,020.3, with some of the suburbs of Yarra, like Clifton Hill and Fairfield-Alphington, being in the top 24 percentile of Australian suburbs; and
 - (d) The recent residential development at the Alphington paper mill is estimated to contribute approximately 5,000 people to the immediate vicinity of the Park.
10. To address shared Local Government Authority (LGA) challenges, Yarra partnered with the Cities of Maribyrnong, Melbourne, Port Phillip, and Stonnington to form the Inner Melbourne Action Plan (IMAP). In 2020, the *Regional Sport and Recreation Facility Planning Strategy* was developed.
 11. The Final Report notes that Inner Melbourne sport facilities are at capacity and demand is set to double over the next 20 years – significant investment, innovation and a fundamentally different approach is essential to avoid a critical shortfall. Without change, people will miss out, impacting community health and wellbeing. New netball courts at Fairlea Netball Courts were one of the recommendations highlighted in the report for Yarra to address these known capacity challenges.
 12. Officers have been in regular discussion and have worked closely with PV and SRV since July 2018 to ensure best practice pavilion guiding principles and court standards inform the design and build of the new facilities, and that they are to a level suitable for semi-professional and regional netball, and community-level competition.
 13. Officers have consistently presented the view on behalf of the Council, that the provision of an eight-court outdoor regional netball facility and shared-use pavilion should be at no cost to the Council and the Yarra community. These conversations have consistently reinforced that Council does not have any funds allocated to this facility in its Long Term Financial Plan.
 14. The Fairlea Netball Precinct development is due for completion in mid-July 2022 (Attachment 1 – Fairlea Netball Precinct Yarra Bend Design Plan).
 15. PV and SRV have stated that neither organisation has the capacity or resources to manage such a facility, nor in their opinion, is there an association or private entity that could manage the facility.
 16. PV and SRV are now seeking an indication of Yarra City Council's interest and intent to partner with the State Government to accept the management rights of the Fairlea Netball facility and shared-use pavilion for a 21 year period, including taking on the ongoing costs, maintenance, renewals and capital replacement of operating the new facilities.

Discussion

17. PV and SRV reached the following conclusions:
 - (a) Organised sport provides significant social and economic contributions to Victoria. It creates jobs and brings resources into the Victorian economy. It increases the liveability of the State. It builds community cohesion and provides people in those communities with social and friendship networks. It also provides an important pathway to connect people to other community and social activities, health care services, education, training, and economic opportunities;
 - (b) Netball participation around Yarra Bend Park (5 km catchment) is estimated at 9,529, including 2,712 children and 6,817 adults and is forecast to rise to 11,177 by 2026;
 - (c) There is significant growth in demand for netball in the inner City where there are few facilities and no regional facilities within 5 km of Yarra Bend Park. Current netball facilities serving inner Melbourne is restricted to: The State Netball Centre, Parkville (7 courts), Ryans Reserve, Richmond (4 courts), Duncan MacKinnon Reserve, Murrumbeena (8 courts), Boroondara Netball Centre, Canterbury (8 courts), Ashwood Netball Courts, Ashwood (12 courts) and John Cain Memorial Park, Thornbury (4 courts). The Fairlea netball facilities will also cater for school sport and provide a full pathway of netball opportunities in the inner city;

- (d) The facility will meet the needs of major population growth around Alphington, Fairfield and Northcote that cannot be adequately serviced due to limited sport facilities;
 - (e) The new facility will increase levels of physical activity in existing populations and provide for a new population that otherwise will not be served by sport; and
 - (f) The new facility will result in increased opportunities for volunteering, generating non-user value estimated at \$19.9 million present value over a 10-year period.
18. Officers have developed a business case for the Fairlea Netball Precinct (Confidential Attachment 2 – Fairlea Netball Precinct Business Case), which is summarised below;
- (a) Officers have worked closely with key internal business units, including the Open Space, Waste, and Building Services teams to review, assess and develop a realistic business case with estimated costs to run the facility. Costs include:
 - (i) Costs for utilities, waste management, waste removal, reactive maintenance, cleaning, preparation of the lease area, and site security, etc., as well as some fit-out expenses including soft furnishings, first aid equipment and food and waste facilities;
 - (ii) Officers also acknowledge that the overall costs to operate the new facility would potentially be less if managed by Council due to the economies of scale, some of which include maintenance, staffing, allocations processes and systems, and communication mechanisms with existing facilities and clubs;
 - (b) The usage assumptions are based on existing local conditions at Yarra Bend Park, Officer expertise managing sport facilities in Yarra, as well as undertaking a benchmarking exercise. Research indicates:
 - (i) Facilities of this type typically operate for ten months per calendar year (February to November) or an average of forty weeks per year with approximately 50% utilisation per week across eight courts and 33% utilisation per week for the pavilion;
 - (ii) Competitions, both club/regional and commercial, peak demand periods are Monday to Friday 4pm to 10pm, Saturday and Sunday 8am-5pm. Outside these hours, demand can be considerably lower, and is therefore, more suitable for school based hire and events;
 - (iii) Commercial (fee-to-play) service sports providers have a greater capacity to pay higher hourly rates for courts and facilities as they tend to incorporate these hire costs into their player and team fees;
 - (iv) As with other venues, hirers and tenants would be billed for additional services over and above court hire, where appropriate, including being charged for cleaning, sanitary waste services and pavilion utilities, etc.;
 - (c) Council management of the facility would ensure community access of the Fairlea Netball Precinct, Yarra Bend is equitable, and that rates for community groups and schools are partially subsidised, as is currently the case;
 - (d) Officers have undertaken a benchmarking exercise and have developed the business case using fees and charges that are aligned with other like Regional facilities;
 - (e) Officer financial modelling assumes that it could take between two to three years for the precinct to reach an approximate 50% annualised court capacity; and
 - (f) As the facilities' objectives are primarily social, physical activity and community development oriented, generally a profit is not possible.

Options

19. Council has the following options regarding the request of State Government to manage the new sports facilities at Yarra Bend:

- (a) Determine not to take on the management of the eight-court regional netball facility and shared-use pavilion; or
- (b) Agree to assume management responsibility of the eight-court regional netball facility and shared-use pavilion for 21 years including the ongoing maintenance and capital expenditure costs associated with the new facilities and commence negotiations on a suitable contractual arrangement with PV.

Community and stakeholder engagement

- 20. PV and SRV undertook extensive community and stakeholder engagement in September 2017 including undertaking an exhibition of the draft concept. The community and stakeholder feedback informed the grant application process, which resulted in the awarding of the \$8 million Inner-City Netball Program Grant by SRV to build eight netball courts with supporting facilities and a modular shared-use sporting pavilion in the Fairlea Precinct.
- 21. In order to inform the pavilion and court requirements and development, extensive consultation occurred with key stakeholders and State Sporting Associations.
- 22. The usual public notification, advertising and consultation town planning processes occurred prior to Yarra City Council's decision to grant a planning permit in December 2019.
- 23. Officers met with the Department of Transport (DOT) to explore establishing dedicated, separated bike lanes and upgrading and widening the footpath. These discussions revealed:
 - (a) Yarra Bend Road is not wide enough to accommodate separated bicycle lanes as the full pavement width is 5.6m (from channel to channel);
 - (b) Preliminary estimates to construct a 3m wide concrete shared-use pathway to the west of Yarra Bend Road between Heidelberg Road and Eastern Freeway is approximately \$530,000;
 - (c) The existing footpath on the eastern side of Yarra Bend Road from Heidelberg Road to Melbourne Polytechnic is already 2.5m in width;
 - (d) The existing footpath on the eastern side of Yarra Bend Road from Melbourne Polytechnic to the Freeway Bridge is 1.5m in width and to widen it to 2.5m would cost approximately \$120,000;
 - (e) DOT officers were supportive with the intent to improve bicycle and pedestrian facilities in the region but indicated they have no existing budget to support the initiatives; and
 - (f) As the shared use path would be located within Yarra Bend Park, further discussions are required with PV to seek their views on this proposal.
- 24. On 3 June 2022 Officers held discussions with SRV to ask whether SRV or PV could contribute to the Precinct's operational costs. SRV has formally advised that they are not in a position to provide any operational support to community infrastructure management across Victoria as their funding is 100% consumed in grant programs to invest in facilities. PV are also not allocated asset management funding as part of the investment into the Precinct.
- 25. Officers also continued to engage and liaise with Netball Victoria (NV), whose clubs, Associations and competitions will be important to ensure the facility is well utilised once operational. Officers understand that Netball Victoria would also support an Association operating model. However, SRV and PV have stated that in their opinion there is no Association or private entity that could manage the facility. Further, Officer benchmarking has exposed difficulties with clubs and Associations operating facilities of this size and nature without considerable Council assistance, which includes taking on the facility's maintenance and renewal costs.

Policy analysis

Alignment to Community Vision and Council Plan

26. Yarra 2036 Community Vision - Themes 1, 5, 6, 7 and 8.
27. Council Plan 2021-25 - Objectives 2, 3 and 4.

Climate emergency and sustainability implications

28. All planning controls required the inclusion of sustainability principles, and the site redevelopment has conformed to best practice in terms of building sustainability.

Community and social implications

29. Yarra Bend Park has the largest catchment population of any metropolitan park, with approximately 480,000 people (within 5km) and 2 million people (within 15km) and has been identified by PV and SRV as an underutilised area underserved by sport facilities, which the Fairlea Netball Precinct aims to address.
30. The Fairlea Netball Precinct can increase levels of physical activity in existing populations and provide for a new population that otherwise would not be served by sport. VicHealth estimates that increasing Victoria's rate of physical activity by 10% would reduce physical inactivity related deaths by 15% and new cases of physical inactivity-related diseases by 13%. Further, physical activity has been found to improve symptoms of mental health issues such as depression and anxiety and overall mental wellbeing. It is associated with better mental and social health, teamwork skills, and feelings of belongingness.
31. The availability of sport facilities is major factor in encouraging participation and there is specifically a severe shortage of netball facilities in Metro Melbourne. The Fairlea Netball Precinct will cater for a high growth, female dominated sport (more than 95% of registered netball players in Victoria are female with 46% of players under 16 years), address the shortage of suitable netball facilities and meaningfully contribute to increasing participation in the region and municipality.
32. Key stakeholders other than netball will benefit from access to hard courts including:
 - (a) People with a disability using wheelchairs;
 - (b) Young people seeking social low cost activity for social basketball/netball, futsal or tennis by providing at least one of the courts to be multi-sport;
 - (c) Families seeking mass participation sports, and existing clubs without adequate facilities including cricket, football/soccer and netball; and
 - (d) Existing sports clubs:
 - (i) Yarra Jets Soccer Club;
 - (ii) Clifton Hill Soccer Club;
 - (iii) Kew Juniors Cricket Club;
 - (iv) Clifton Hill Cricket Club;
 - (v) Anglers Cricket Club; and
 - (vi) St Kevin's Old Collegians Cricket Club.
33. Transport assets within the precinct include 87 parking bays and 40 parking bays adjacent to Yarra Bend Road, 22 bicycle racks and four DDA constructed car parking spots.

Economic development implications

34. The value of the health benefits supported by community sport and active recreation infrastructure in Victoria has been estimated at \$2.3 billion annually (The Value of Community Sport and Active Recreation Infrastructure, SRV, 2020).

35. SRV's report also found that being physically active led to increased productivity (i.e., lower number of sick days and increases in personal skills and ability), as well as enhanced cognitive performance. The value of increased productivity associated with physical activity supported by community sport and active recreation infrastructure in Victoria is estimated at \$270 million annually.
36. The site redevelopment has created employment opportunities during construction.
37. The facilities will generate non-user social value/benefits, which have been estimated at \$19.9 million over the next 10-year period.

Human rights and gender equality implications

38. There are no human rights implications, noting inclusion is the fundamental right of all people to partake in physical activity regardless of individual circumstances.
39. Netball has a low penetration rate in Yarra due to the shortage of suitable netball facilities. The Fairlea Netball Precinct would directly benefit a high growth, female dominated sport (netball is the number one team sport for girls and women in Australia with more than 95% of registered netball players in Victoria being female and 46% of these players being under 16 years old) and ensure opportunities for participation in physical activity is inclusive and accessible for all (NV report that girls and women need to travel outside Yarra to play the sport and in some instances access netball player pathways, which also prevents many girls living in Yarra from not only playing the sport but from being physically active).

Operational analysis

Financial and resource impacts

40. To date, the State Government has contributed \$8 million via the SRV Inner-City Netball Program Grant to build the Fairlea Netball Precinct. There has been no request for a financial contribution from Council for construction purposes.
41. PV and SRV have stated that neither organisation has the capacity or resources to manage the new facility and are now seeking an indication of Yarra's interest to accept the management rights of the Regional Netball facility and pavilion for a 21 year period, including taking on the costs, maintenance, renewals and capital replacement of the new facilities.
42. As the facilities' objectives are primarily social, physical activity and community development oriented, generally a profit is not possible. However, it is Officers' opinion that with the adequate resources and service agreements in place, the Precinct would earn sufficient revenue to pay the operating costs of the Precinct over the 21 year period.
43. The financial impact from this facility would be reflected in future budget and Long Term Financial Plans upon the completion of final agreement negotiation.
44. In relation to establishing dedicated, separated bike lanes and upgrading and widening the footpaths, the construction of a 3m wide shared use pathway to the west of Yarra Bend Road between Heidelberg Road and the Eastern Freeway is approximately \$530,000 and the widening of the footpath to 2.5m width on the eastern side of Yarra Bend Road from Melbourne Polytechnic to the Freeway Bridge is \$120,000.

Legal Implications

45. Should Council seek to assume management responsibility for the Fairlea Netball Precinct and shared-use pavilion, including taking on the ongoing maintenance and capital expenditure costs associated with the new facilities, Officers would commence negotiations on a suitable contractual arrangement with PV.

Conclusion

46. In summary, the Council must determine a position on the request of State Government to manage the new sports facilities at Yarra Bend.

47. The research undertaken to date by PV, SRV and Officers concludes that there is a significant demand for a facility of this nature and that it would contribute meaningfully to the growth of female participation in organised sport.
48. The benefits for Yarra’s community of Council managing the Fairlea Netball Precinct include providing more female friendly and inclusive sport facilities, managing the facility at a high standard for all and ensuring local community access.
49. Should Council agree to assume management responsibility of the regional netball facility and shared-use pavilion for 21 years including taking on the maintenance and capital expenditure costs associated with the new facilities, negotiations on a suitable contractual arrangement would need to commence with PV.

RECOMMENDATION

1. That Council:
 - (a) authorise officers to enter negotiations with Parks Victoria to assume management responsibility of the eight-court regional netball facility and shared-use pavilion for 21 years including taking on all ongoing maintenance and capital expenditure costs associated with operating and managing the new facilities; and
 - (b) authorise the Chief Executive Officer to engage a legal team to prepare contractual documentation to secure these arrangements and to sign the documentation on behalf of Council.

Attachments

- 1 Attachment 1 - Fairlea Netball Precinct Yarra Bend Design Plan
- 2 Attachment 2 - Fairlea Netball Business Case - *Confidential*

8.8 Yarra Libraries Strategic Plan 2022-2026

Reference	D22/129432
Author	Cory Greenwood - Coordinator Library Development and Marketing
Authoriser	Acting Director Community Wellbeing

Purpose

1. To seek Council's endorsement of the finalised Yarra Libraries Strategic Plan 2022-2026, following an exhibition of the draft document and review of comments and feedback received.

Critical analysis

History and background

2. The new Strategic Plan 2022-2026 aims to build on the achievements of the previous Strategic Plan 2017-2020, providing a comprehensive framework for the development and implementation of public library services in Yarra for the next four years.
3. The draft was developed through an in-depth research and consultation process that began in April 2021 with the assistance of CoSquared' a consultancy who has worked with Council previously to develop our Customer Experience Strategy.

Discussion

4. The new Strategic Plan 2022-2026 categorises our future priorities and actions into four broad themes that articulate the intended action and benefit to our community: *Access*, *Build*, *Connect* and *Discover*.
5. The theme of *Access* describes the ways in which we will work to remove barriers for our community that limit their ability to use our services and find value in our collections.
6. The theme of *Build* describes the ways in which we will work to increase the skills, knowledge and capacity of our community through our collections, programs and services.
7. The theme of *Connect* describes the ways in which we will expand our role as a touchpoint for the community between other Council services, local businesses/organisations and other individuals, through use and leverage of technology.
8. The theme of *Discover* describes the ways in which we will foster increasingly vibrant, relevant and enriching collections, programs and services that enhance the cultural lives of our community.

Options

9. There are no alternative options presented for consideration; the development of a new Strategic Plan is essential for the effective management and delivery of our library service.

Community and stakeholder engagement

10. A period of broad community consultation to gather feedback about our service and inform the development of our new strategic plan was held between 6 September 2021 and 10 December 2021.
11. An online survey was conducted through the "Your Say" website. 483 completed submissions were recorded and reached every suburb in the municipality. The largest age group of respondents were 35-39 year-olds (n=62), closely followed by 10-14 year-olds (n=44).

12. Four pop-up consultations were organised at various locations across the municipality: Carlton Farmers Market (Carlton North Primary School) on Saturday 6 November 2021, 8:00am-1:00pm, Gleadell Street Market, Richmond on Saturday 13 November 2021, 10am-1pm (cancelled due to poor weather), Harmsworth Street Reserve, Collingwood on Tuesday 23 November 2021, 3pm-5pm and Edinburgh Gardens, Fitzroy North on Saturday 4 December 2021, 10am-1pm.
13. Bicultural community liaisons supported our engagement activities by conversing in community languages and encouraging survey submissions. 30% of respondents reported they spoke a language other than English at home and 8% of submissions (n=37) were received in languages other than English (Vietnamese, Greek, Spanish, Arabic, Indonesian, Japanese, Korean, Mandarin, Somali, French, Filipino, Estonia, Dinka, Amharic and Tigrigna).
14. An online consultation was held on 27 August 2021 and was attended by 22 people, including representatives from NBNC, Telstra, Carringbush Adult Education, Professional Migrant Women's Association and CoHealth.
15. A second online consultation was held on 20 October 2021 and was attended by 26 people, including representatives from other Council departments. An internal survey was also circulated prior to the meeting to capture additional feedback and ideas from invited participants who were unable to make the session.
16. The Library Advisory Committee was initially consulted prior to the formal consultation period at a scheduled committee meeting on 24 February 2021.
17. The Active Ageing Advisory Committee was consulted on 20 October 2021.
18. The Disability Access Committee was consulted on 12 October 2021.
19. Temporary installations were installed at each of the five Yarra Libraries branches throughout January 2022 invited library visitors to provide written feedback and contribute to a visual noticeboard of what the library means to them. Over 200 contributions were recorded.
20. A two-week exhibition of the draft Strategic Plan 2022-2026 was held between 11 and 27 May 2022. Hard copies were made available in our libraries and electronic copies were emailed to key stakeholders. Several promotional posts to our social media channels, website and eNewsletter were made during this time.
21. A total of 9 submissions were received and considered; the finalised Strategic Plan includes accepted feedback about the document's design and minor grammatical corrections.
22. An action plan will be developed and presented to Council alongside the annual Library Services report in September 2022. This plan will address themes from the submitted feedback with particular attention to supporting speech development in children, investigating alternative service points, addressing barriers to social inclusion and improving communication/promotional channels.

Policy analysis

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

23. The Strategic Plan 2022-2026 responds to three of the eight themes outlined in the Yarra 2036 Community Vision: *Strong and vibrant community*, *Social equity* and *Shared spaces*.
24. Through partnerships and ongoing collaborations with other Council departments, Library Services may also support and contribute towards future priorities outlined under additional themes.
25. The Strategic Plan 2022-2026 responds to two of the six Strategic Objectives outlined in the Council Plan 2021-25: *Social equity and health* and *Place and nature*.

Climate emergency and sustainability implications

26. The Strategic Plan 2022-2026 theme of *Build* intends to enhance the resilience of our community to prepare for health-related and other impacts of climate change; this will be delivered through partnerships and community education programs.
27. The Strategic Plan 2022-2026 themes of *Access* and *Discover* intend to embed and promote the transition towards net zero carbon and a circular economy through partnership and collaboration with Council's waste minimisation team.
28. Specific initiatives to engage and support the community to participate in climate emergency actions, and to promote circular economy approaches and conscious consumption are detailed as tactical actions in the Branch Plan.
29. The Strategic Plan 2022-2026 also outlines the ways in which we support the United Nations' Sustainable Development Goals and the Stretch Targets for Australian Libraries as set by the Australian Library and Information Association.

Community and social implications

30. Tactical actions outlined in the Branch Plan intend to respond to the *Social equity and health* strategies as detailed in the Council Plan 2021-25.
31. The Strategic Plan 2022-2026 theme of *Connect* intends to build a more resilient, inclusive safe and community. Social, physical and mental wellbeing needs will be addressed through partnerships and community education programs and supported by library spaces and collections.
32. Feedback obtained through the community consultation period revealed how community members are currently using the library to seek high levels of assistance, predominately with technology and to navigate the complexities of government bureaucracy. The Yarra Libraries Strategic Plan 2022-2026 aims to solidify our position as an integral pillar in enabling community members to stay connected with modern life, and ensuring they are equipped with the necessary digital literacy skills and have access to required technology.
33. Another predominant theme found in the feedback is how our role during the COVID-19 pandemic and subsequent emergency response was critical to supporting the health and mental wellbeing of our community. The Strategic Plan 2022-2026 aims to expand our capacity to mobilise and respond to public health emergencies and play a supportive role in the recovery of our community.

Economic development implications

34. Tactical actions outlined in the Branch Plan intend to respond to the *Local economy* strategies as detailed in the Council Plan 2021-25.
35. The Strategic Plan 2022-2026 themes of *Access*, *Build*, *Connect* and *Discover* intend to enhance the skills, knowledge and capability of our community and provide pathways to learning and employment.
36. Access to information, room to study and create, and opportunities to connect with professionals and other service providers provide foundations for generating economic activity in our community. The tactical actions outlined in the Branch Plan support and influence economic development among individuals who may leverage our spaces, collections, programs and partnerships to forge a new idea, start a business or develop new skills that open them to further employment or education pathways.

Human rights and gender equality implications

37. The Strategic Plan 2022–2026 actively supports the substantive rights outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic.)*, notably those of relevance to the role and function of public libraries including freedom of thought, conscience, religion and belief, freedom of expression, taking part in public life and cultural rights.

38. A tactical action listed in in the Branch Plan outlines our commitment to undertake gender impact assessments on all aspects of our service delivery, including our collections and programs.

Operational analysis

Financial and resource impacts

39. All tactical actions proposed in the Branch Plan have been costed within the existing resources of Yarra Libraries' operational budget.
40. All proposed commitments and actions for future years will be subject to Council's consideration and approval during the annual budget planning cycle. It is anticipated that additional funding (human resources) will be required in order to meet community expectations; detailed costings can be provided at a later stage.
41. Future commitments and actions will continue to be developed and monitored during the life of the plan and presented to Council as part of our annual reporting process.

Legal Implications

42. There are no legal implications inherent in the draft Strategic Plan.

Conclusion

43. Yarra Libraries makes a significant and much valued contribution to the community, which has been reinforced by the feedback received from the community and internal and external stakeholders throughout the consultation process.
44. Library Services are the highest-rated Council service in the annual Customer Satisfaction Survey and have held this position for three consecutive years.
45. In February 2022, Vision Super awarded Yarra Libraries with the Local Heroes award for their outstanding contribution to the community throughout COVID-19.
46. The marketing campaign that accompanied the community consultation for the development of this Strategic Plan won first place at the 2022 IFLA PressReader International Marketing Awards. The judging panel commended the campaign for its clever use of print and digital marketing, plus non-traditional outreach and effective user engagement.
47. The new Yarra Libraries Strategic Plan 2022-2026 will enable Council to continue to lead the way and provide the best possible service for Yarra's diverse community.

RECOMMENDATION

1. That Council:
- (a) endorse the finalised Yarra Libraries Strategic Plan 2022-2026, following feedback received during the public exhibition period; and
 - (b) note that subject to the Strategy being adopted, an Action Plan will be developed to guide implementation.

Attachments

- 1 Attachment 1 - Yarra Libraries Strategic Plan 2022-2026

8.9 Environment Advisory Committee Membership

Reference	D22/143115
Author	Michael Oke - Unit Manager Sustainability
Authoriser	Director Planning and Place Making

Purpose

1. To inform Council that a public Expression of Interest (EOI) process has been completed, as required, to recruit new members to the Environment Advisory Committee ("EAC").
2. To seek Council's endorsement of the proposed new members.

Critical analysis

History and background

3. The Terms of Reference state that the purpose of EAC is to *represent interests pertaining to all aspects of urban environmental sustainability including (but not limited to) climate change; resource efficiency across water, waste and energy; urban greening and natural capital; local food systems; and the built environment, by providing advice to Council on policy, strategy and other strategic opportunities to progress the organisation's response to these issues.*
4. The objectives of EAC are to *capitalise on the knowledge, experience and skills available in the Yarra community to provide advice to Council in respect to:*
 - (a) *Emerging and evolving environmental sustainability issues, challenges and opportunities relevant to the City of Yarra;*
 - (b) *The delivery of its Council Plan in relation to environmental sustainability issues;*
 - (c) *Development and strategic implementation of environment-related council strategies, including (but not limited to) the Yarra Environment Strategy, Climate Emergency Plan, Waste Minimisation and Resource Recovery Strategy, Urban Agriculture Strategy, Urban Forest Strategy, Nature Strategy and Integrated Water Strategy (as updated from time-to-time);*
 - (d) *Key policy development on relevant issues;*
 - (e) *Design and delivery of specific environment sustainability programs and projects by Council;*
 - (f) *Engagement with the wider City of Yarra community to build awareness of environmental sustainability issues and activities; and*
 - (g) *Identifying strategic opportunities to collaborate with other organisations and groups to progress initiatives related to environmental sustainability issues.*
5. The term of the appointment to EAC is for two (2) years, unless a member resigns from their position prior.
6. The membership consists of two (2) Councillors (appointed annually), plus sixteen (16) community members made up of a minimum of two members from each the following specific subject areas:
 - (a) Climate emergency;
 - (b) Waste management ;
 - (c) Local food systems;
 - (d) Biodiversity and nature; and
 - (e) Water.

Discussion

7. Nominations were open from Tuesday 26 April through to Sunday 15 May 2022.
8. Council sought applicants with an ability to work collaboratively with other members and Council, and a strong interest and proven understanding of local environmental sustainability issues.
9. Applicants were reviewed on the basis of their capacity to form a committee with the following attributes:
 - (a) *Diversity of environmental interests and knowledge including climate change; waste; transport; community development; engagement and behaviour change; urban agriculture; biodiversity; water; and built environment, or*
 - (b) *Technical knowledge and experience in one of the following subject areas:*
 - (i) *Climate emergency;*
 - (ii) *Energy;*
 - (iii) *Waste management;*
 - (iv) *Local food systems;*
 - (v) *Biodiversity and nature; and*
 - (vi) *Water;*
 - (c) *Representation of members of different local community groups;*
 - (d) *Representation of a variety of sectors in the municipality, including community agencies, business, education, and interested citizens; and*
 - (e) *A mix of skills and attributes to complement other members of the Committee.*
10. Council received 45 applications for the sixteen positions available. Four existing EAC members reapplied to continue for another term.
11. The Selection Panel ("the Panel") comprised of two Officers: Sustainability Unit Manager, and Senior Biodiversity Officer. Note that the Sustainability Unit Manager had a conflict of interest regarding one of the applicants, and for this applicant the rating was completed by Senior Biodiversity Officer alone and confirmed via discussion with the Climate Emergency Coordinator.
12. The Panel was extremely impressed with the diversity of interest and knowledge, experience, and community representation reflected in the applications.
13. Applications were assessed individually against the above criteria (point 9) and the Panel then reviewed the overall mix and potential membership.
14. Based on this above process 16 community members have been recommended to be appointed to EAC for a two year term.
15. Additionally, 4 community members have been recommended to be appointed as back up candidates to be able to be brought onto the committee should any current members resign mid-term.

Options

16. Forty-five applications were received for the sixteen vacant positions.
17. Officers recommend Council support the appointment of sixteen nominees (see confidential Attachment 1).
18. Additionally, Officers recommend Council support the creating of a back-up list of 4 applicants to be called on should any current members resign mid-term (see confidential Attachment 1).

19. The names of the recommended and 'back-up' applicants, together with their expertise and experience is provided in the confidential Attachment 1.

Community and stakeholder engagement

20. In line with the *Appointment of Members to Council Committees Procedure*, Council Officers advertised an EOI to join EAC on the Yarra Council website and promoted this via Council Social Media (e.g. Facebook) and via the Yarra Environment News.
21. This advertising included:
- (a) the purpose of the EAC;
 - (b) desired attributes or skills of interested community or other non-Councillor representatives;
 - (c) inviting expressions of interest from suitably qualified or experienced persons seeking to be considered; and
 - (d) noting that Council will, following consideration of EOI's received, formally resolve to appoint the selected members.
22. The Governance Unit provided advice and support on the requirements of the public EOI process.

Policy analysis

Alignment to Community Vision and Council Plan

23. The *Council Vision 2036* includes the Theme '*Environmental Sustainability*' which states: *We are all custodians of the City of Yarra. While our skyline is growing, so are our green spaces. We are smarter in how we manage growth and use our resources and energy. We celebrate, enable and promote a circular economy.*
24. Council Plan 2021-2025 includes the Theme *Climate and Environment* and states *Yarra urgently mitigates climate change while also adapting to its impacts and developing resilience in everything we do. The community, business and industry are supported and encouraged to do the same.*

Climate emergency and sustainability implications

25. The Environment Advisory Committee is focused solely on advising Council on issues pertaining to Climate emergency and sustainability, and a recruitment of new members will strengthen the advisory group by providing fresh ideas, different points of view and invaluable feedback.

Community and social implications

26. The membership has sought to include diversity of representation on the Committee.

Economic development implications

27. There are no economic development implications associated with the report.

Human rights and gender equality implications

28. The appointment of proposed members ensures a balance of gender representation on the EAC.

Operational analysis

Financial and resource impacts

29. There are no financial or resource impacts associated with this report.

Legal Implications

30. There are no legal implications associated with this report.

Conclusion

31. The Selection Panel have undertaken a public EOI process to recruit new members to the EAC in accordance with the *Terms of Reference and Council's requirements relating to community advisory committees*.
32. The community responded with 45 applications for the sixteen vacant positions.
33. A diversity of community members is included in the 16 members recommended to fill the vacant EAC positions, and the additional 4 members recommended to be listed as a backup group.

RECOMMENDATION

1. That Council appoint the following persons to the sixteen vacant positions on the Environment Advisory Committee:
 - (a) _____;
 - (b) _____;
 - (c) _____;
 - (d) _____;
 - (e) _____;
 - (f) _____;
 - (g) _____;
 - (h) _____;
 - (i) _____;
 - (j) _____;
 - (k) _____;
 - (l) _____;
 - (m) _____;
 - (n) _____;
 - (o) _____; and
 - (p) _____.
2. That Council appoint the following persons to the act as four backup members should vacant positions on the Environment Advisory Committee:
 - (a) _____;
 - (b) _____;
 - (c) _____; and
 - (d) _____.
 - (e) That officers write to all members of the community who expressed interest, advising of this decision and thank them for applying to be members of the Environment Advisory Committee.

Attachments

- 1 EAC Nominations (confidential) - *Confidential*

8.10 Appointment of Authorised Officers under the Planning and Environment Act 1987

Reference	D22/127580
Author	Rhys Thomas - Senior Governance Advisor
Authoriser	Group Manager Chief Executive's Office

Purpose

1. To provide for the formal appointment of Council Officers as Authorised Officers pursuant to Section 147(4) of the Planning and Environment Act 1987 and Section 313 of the Local Government Act 2020.

Critical analysis

History and background

2. In order to conduct inspection, enforcement and prosecution activities on Council's behalf, officers require specific authorisation under the relevant legislation. While authorisation for most legislation is provided by the Chief Executive Officer acting under delegation, specific provisions of the Planning and Environment Act 1987 require that the authorisation be made directly by Council resolution.

Discussion

3. In order to undertake the duties of office, staff members listed in the recommendation require authorisation under the Planning and Environment Act 1987.
4. In addition, authorisation must also be provided under section 313 of the Local Government Act 2020 in order to enable these officers to commence enforcement action where necessary.

Options

5. No options are presented in this report.

Community and stakeholder engagement

6. No community engagement has been undertaken.

Policy analysis

Alignment to Council Plan

7. As part of Strategic Objective 6: Democracy and Governance, the City of Yarra Council Plan 2021-2025 contains the strategy "*Practice good governance, transparency and accountable planning and decision-making*".
8. The transparent appointment of authorised officer ensures compliance with the law and Council's commitment to good governance.

Climate emergency and sustainability implications

9. This report has no climate emergency or sustainability implications.

Community and social implications

10. This report has no community or social implications.

Economic development implications

11. This report has no economic development implications.

Human rights and gender equality implications

12. This report has no human rights or gender equality implications.

Operational analysis

Financial and resource impacts

13. There are no financial or resource impacts of this report.

Legal Implications

14. Appointment of Authorised Officers under the Planning and Environment Act 1987 requires a formal resolution of Council. Where such authorisation is proposed to be granted, provision is also made to allow the respective officer to also initiate proceedings on behalf of Council (as provided in Section 313 of the Local Government Act 2020).

Conclusion

15. That Council formally appoint the officers listed below as Authorised Officers pursuant to Section 147 (4) of the Planning and Environment Act 1987 and Section 313 of the Local Government Act 2020. The Instruments of Appointment and Authorisation document will be signed accordingly by the Chief Executive Officer.

RECOMMENDATION

1. In the exercise of the powers conferred by s 147(4) of the Planning and Environment Act 1987, Council resolves that:
- (a) Joshua URBANS,
be appointed and authorised as set out in the instrument at **Attachment One**; and
 - (b) each instrument comes into force immediately it is signed by Council's Chief Executive Officer, and remains in force until Council determines to vary or revoke it.

Attachments

- 1 Attachment 1 - TEMPLATE Instrument of Appointment and Authorisation - Planning Enforcement Officer