



Agenda

Council Meeting

6.30pm, Tuesday 15 August 2023

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.

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.

Question Time

Yarra City Council welcomes questions from members of the community.

Registration

To ask a question, you will need to register and provide your question by 6.30pm on the day before the meeting. Late registrations cannot be accepted, and you will be unable to address the meeting without registration.

Asking your question

During Question Time, the Mayor will invite everyone who has registered to ask their question. When your turn comes, come forward to the microphone and:

- state your name;
- direct your question to the Mayor;
- don't raise operational matters that have not been previously raised with the organisation;
- don't ask questions about matter listed on tonight's agenda
- don't engage in debate;
- if speaking on behalf of a group, explain the nature of the group and how you are able to speak on their behalf.

You will be provided a maximum of three minutes to ask your question, but do not need to use all of this time.

Comments not allowed

When you are addressing the meeting, don't ask a question or make comments which:

- relate to a matter that is being considered by Council at this meeting;
- relate to something outside the powers of the Council;
- are defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable;
- deal with a subject matter already answered;
- are aimed at embarrassing a Councillor or a member of Council staff;
- include or relate to confidential information; or
- relate to something that is subject to legal proceedings.

Addressing the Council

An opportunity exists to make your views known about a matter that is listed on the agenda for this meeting by addressing the Council directly before a decision is made.

Registration

To ask address Council, you will need to register by 6.30pm on the day before the meeting. Late registrations cannot be accepted, and you will be unable to address the meeting without registration.

Addressing the Council

Before each item is considered by the Council, the Mayor will invite everyone who has registered in relation to that item to address the Council. When your turn comes, come forward to the microphone and:

- state your name;
- direct your statement to the Mayor;
- confine your submission to the subject being considered;
- avoid repeating previous submitters;
- don't ask questions or seek comments from Councillors or others; and
- if speaking on behalf of a group, explain the nature of the group and how you are able to speak on their behalf.

You will be provided a maximum of three minutes to speak, but do not need to use all of this time.

Comments not allowed

When you are addressing the meeting, don't make any comments which:

- relate to something other than the matter being considered by the Council;
- are defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable;
- are aimed at embarrassing a Councillor or a member of Council staff;
- include or relate to confidential information; or
- relate to something that is subject to legal proceedings.

Arrangements to ensure our meetings are accessible to the public

Council meetings are held on the first floor at Richmond Town Hall. Access to the building is available either by the stairs, or via a ramp and lift. Seating is provided to watch the meeting, and the room is wheelchair accessible. Accessible toilet facilities are available. Speakers at the meeting are invited to stand at a lectern to address the Council, and all participants are amplified via an audio system. Meetings are conducted in English.

If you are unable to participate in this environment, we can make arrangements to accommodate you if sufficient notice is given. Some examples of adjustments are:

- a translator in your language
- the presence of an Auslan interpreter
- loan of a portable hearing loop
- reconfiguring the room to facilitate access
- modification of meeting rules to allow you to participate more easily.

Recording and Publication of Meetings

A recording is made of all public Council Meetings and then published on Council's website. By participating in proceedings (including during 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. **Confirmation of minutes**
6. **Question time**
7. **Council business reports**
8. **Notices of motion**
9. **Petitions and joint letters**
10. **Questions without notice**
11. **Delegates' reports**
12. **General business**
13. **Urgent business**
14. **Confidential business reports**

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 Claudia Nguyen Mayor
- Cr Edward Crossland Deputy Mayor
- Cr Michael Glynatsis Councillor
- Cr Stephen Jolly Councillor
- Cr Herschel Landes Councillor
- Cr Anab Mohamud Councillor
- Cr Bridgid O’Brien Councillor
- Cr Amanda Stone Councillor
- Cr Sophie Wade Councillor

Council staff

Chief Executive Officer

- Sue Wilkinson Chief Executive Officer

General Managers

- Brooke Colbert Governance, Communications and Customer Experience
- Sam Hewett Infrastructure and Environment
- Kerry McGrath Community Strengthening
- Mary Osman City Sustainability and Strategy
- Jenny Scicluna Corporate Services and Transformation

Governance

- Phil De Losa Manager Governance and Integrity
- Rhys Thomas Senior Governance Advisor
- Mel Nikou Governance Officer

3. Announcements

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

4. **Declarations of conflict of interest**

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. **Confirmation of minutes**

RECOMMENDATION

That the minutes of the Council Meeting held on Tuesday 18 July 2023 be confirmed.

6. **Question time**

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

7. Council business reports

Item		Page	Rec. Page	Report Presenter
7.1	Assessment of proposed Development Plan at 81-95 Burnley Street and 26-34 Doonside Street, Richmond	9	111	Lara Fiscalini - Principal Planner
7.2	Amendment C286yara – Open Space Contributions – Peer Review	119	125	Leonie Kirkwood - Project and Planning Coordinator
7.3	Proposed Discontinuance of portion of Road abutting 111 Best Street, Fitzroy North.	126	129	Bill Graham - Coordinator Valuations
7.4	C1644 - Burnley Golf Course Redesign and Risk Mitigation Work	130	132	Sally Jones - Manager Property and Leisure
7.5	Yarra Grants Review Project Terms of Reference	133	140	Cristina Del Frate - Senior Coordinator Equity and Inclusion
7.6	Neighbourhood House Partnership Framework Draft for Endorsement	141	148	Malcolm McCall - Manager Equity and Community Development
7.7	Street Tree Canopy Cover and UFS Target Update	149	158	John Williams - Landscape Architect Streetscapes and Design
7.8	Governance Report - August 2023	159	163	Rhys Thomas - Senior Governance Advisor

8. Notices of motion

Nil

9. Petitions and joint letters

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

10. Questions without notice

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

11. Delegate's reports

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

12. General business

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

13. Urgent business

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

14. Confidential business reports

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

RECOMMENDATION

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

Item

5.1 Chief Executive Officer Key Performance Indicators 2023/2024

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

These grounds are applicable because this report contains information about the employment arrangements of an individual member of staff.

7.1 Assessment of proposed Development Plan at 81-95 Burnley Street and 26-34 Doonside Street, Richmond

Reference	D23/267292
Author	Lara Fiscalini - Principal Planner
Authoriser	General Manager City Sustainability and Strategy
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

Ward:	Melba
Proposal:	Development Plan approval pursuant to Schedule 15 of the Development Plan Overlay of the Yarra Planning Scheme (81-95 Burnley Street and 26-34 Doonside Street, Richmond).
Existing use:	Harry the Hirer
Applicant:	Gurner
Zoning / Overlays:	Mixed Use Zone Development Plan Overlay – Schedule 15 (81-95 Burnley Street and 26-34 Doonside Street, Richmond) Design and Development Overlay – Schedule 2 (Main Roads and Boulevards) Environmental Audit Overlay Heritage Overlay (HO252 & HO375) Development Contributions Plan Overlay, Schedule 1
Date of Application:	22 December 2021
Application Number:	PLN21/0981

Background

1. Amendment C223yara (the Amendment) was approved by the Minister for Planning on 6 May 2021, with the Amendment seeking to alter the planning controls affecting land at 81-95 Burnley Street and 26-34 Doonside Street, Richmond. The Amendment underwent a comprehensive process, which included a Panel hearing and the release of a Panel report on 23 July 2020.
2. The Panel report recommended that the following changes to the planning controls of this site be undertaken;
 - (a) Rezone the land from Industrial 3 Zone (IN3Z) to Mixed Use Zone (MUZ);
 - (b) Apply the Development Plan Overlay Schedule 15 (DPO15); and,
 - (c) Apply an Environmental Audit Overlay (EAO) to the land.
3. These recommendations were incorporated into the approved Amendment.
4. The proposed rezoning to MUZ allows the land to be used and developed for a mix of uses, including residential, retail and commercial. The Amendment replaced a contextually outdated zone (Industrial) with a more appropriate land use zone that encourages the creation of a dynamic mixed-use environment. It will facilitate housing growth as well as economic growth, whilst providing for affordable housing and public open space for the local area.
5. The application of the Development Plan Overlay (DPO) to the land as a planning mechanism allows the following:

- (a) Manages the built form of new development, with special consideration to sensitive residential areas to the south of the land along Appleton Street;
 - (b) Ensures that new development respects the heritage significance of the land;
 - (c) Provides direction on the location of land uses on the land and facilitates at least 9,000sqm of employment generating uses;
 - (d) Provides a mechanism to deliver 10% affordable housing;
 - (e) Facilitates a new public park along Doonside Street, and a 9m wide pedestrian link between Doonside and Appleton Streets;
 - (f) Provides a mechanism for the delivery of traffic infrastructure to Doonside, Burnley and Buckingham Streets; and
 - (g) Provides a mechanism for the delivery of public realm improvements and the requirement of a Public Realm Plan.
6. A key component of the DPO is the need for a Development Plan (DP) to be prepared and approved to the satisfaction of Council. Once the DP is approved, all permit applications must be generally in accordance with it. An important consequence of the DPO is that there are no statutory rights of public participation once the DP is approved.
7. A proposed DP in response to the DPO was submitted to Council on 22 December 2021. A request for further information was issued on 10 January 2022. A response was subsequently lodged on 7 March 2022, with this package referred to internal Council departments and external consultants. Several concerns were raised at this time, with particular regard to proposed heights and setbacks of the built form.
8. An amended DP seeking to address these concerns was submitted on 20 February 2023. The following changes were incorporated into this updated document;
- (a) Increased street setbacks of the upper levels of Building A to Doonside Street and Burnley Street from 8m to 12m;
 - (b) A stepping down in built form of Building B from 55.9m to 42m towards the public open space (Doonside Park) to the east;
 - (c) Modified architectural composition of Building B;
 - (d) Removal of the cantilever of Building B over the north-south pedestrian link (Park Lane);
 - (e) Reconfiguration of Doonside Park to provide:
 - (i) 576sqm unencumbered space, within a total area of 727sqm;
 - (ii) A 12m frontage to Doonside Street;
 - (f) A second north-south link that connects Doonside Street with Appleton Street (Harry's Lane);
 - (g) Replacement of the rock-climbing wall and fitness zone at the southern end of Park Lane with canopy plantings, bicycle parking, park seating and an urban art opportunity;
 - (h) Revised vehicle access strategy to Doonside Street; and,
 - (i) Revised ground floor area of future commercial tenancies to 12,000 – 16,000sqm.
9. The revised DP was re-referred to external Urban Design and Heritage Consultants and forms the final document upon which this report is based.

The Proposal

10. A key feature of the DP is that the level of detail contained within the document is not as refined as that required by a planning application. The DP allows for the indicative massing and heights of buildings to be approved presenting as a general master plan for the site; however, it does not require detailed outcomes such as internal layouts or final architectural designs. These aspects will be assessed via subsequent planning applications, which must be generally in accordance with the built form outcomes approved in this DP.
11. The DPO specifies that the approved DP must be 'generally in accordance' with the Indicative Framework Plan (IFP) as shown in Figure 1 of Schedule 15 to the DPO within the Yarra Planning Scheme (the Scheme). The IFP contains a general layout for future built form, with the heights and setbacks envisioned for each building. It is noted that the heights and setbacks outlined in the IFP are discretionary and not a mandatory requirement. The IFP is demonstrated in Figure 1.

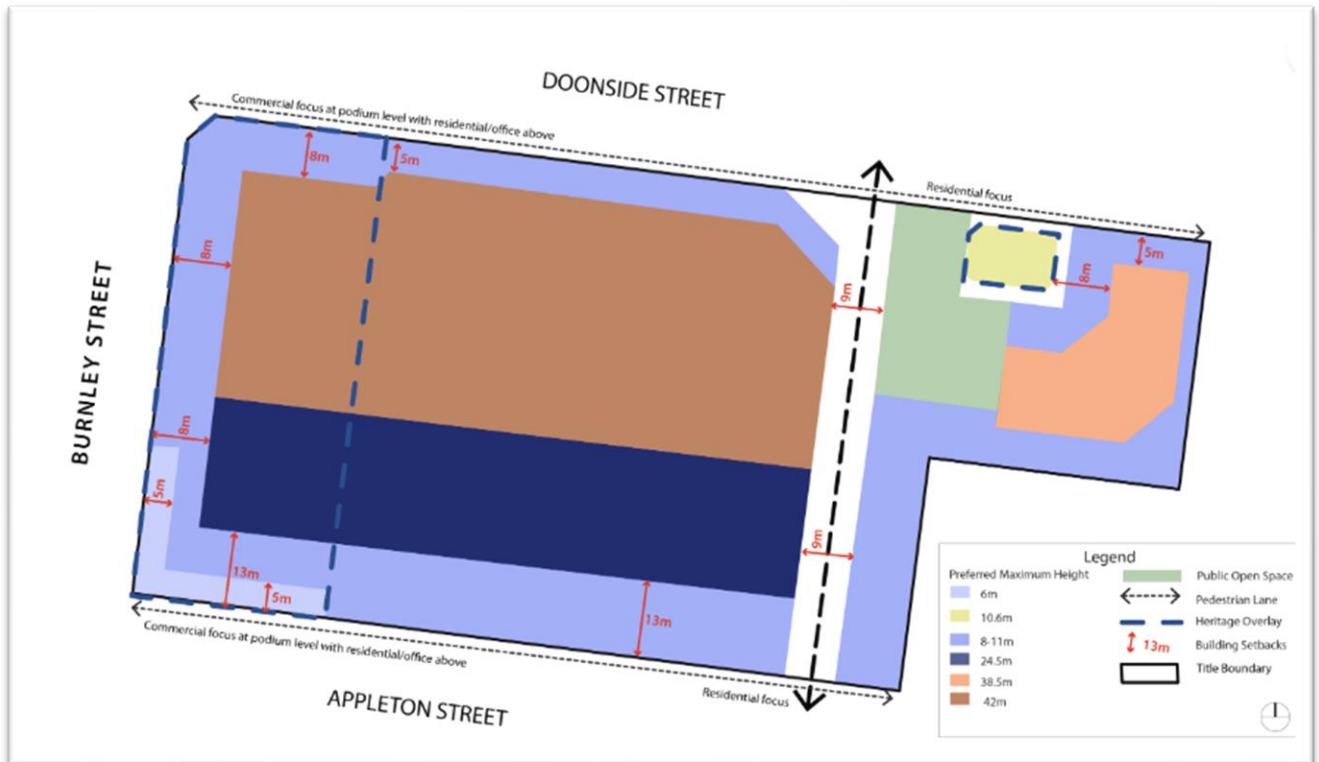


Figure 1: Indicative Framework Plan – DPO15. Source: Yarra Planning Scheme

12. A proposed 'Masterplan' is included within the DP and reproduced at Figure 2. This plan outlines how the DP responds to the IFP, and demonstrates the proposed location of public open space, laneways and built form.

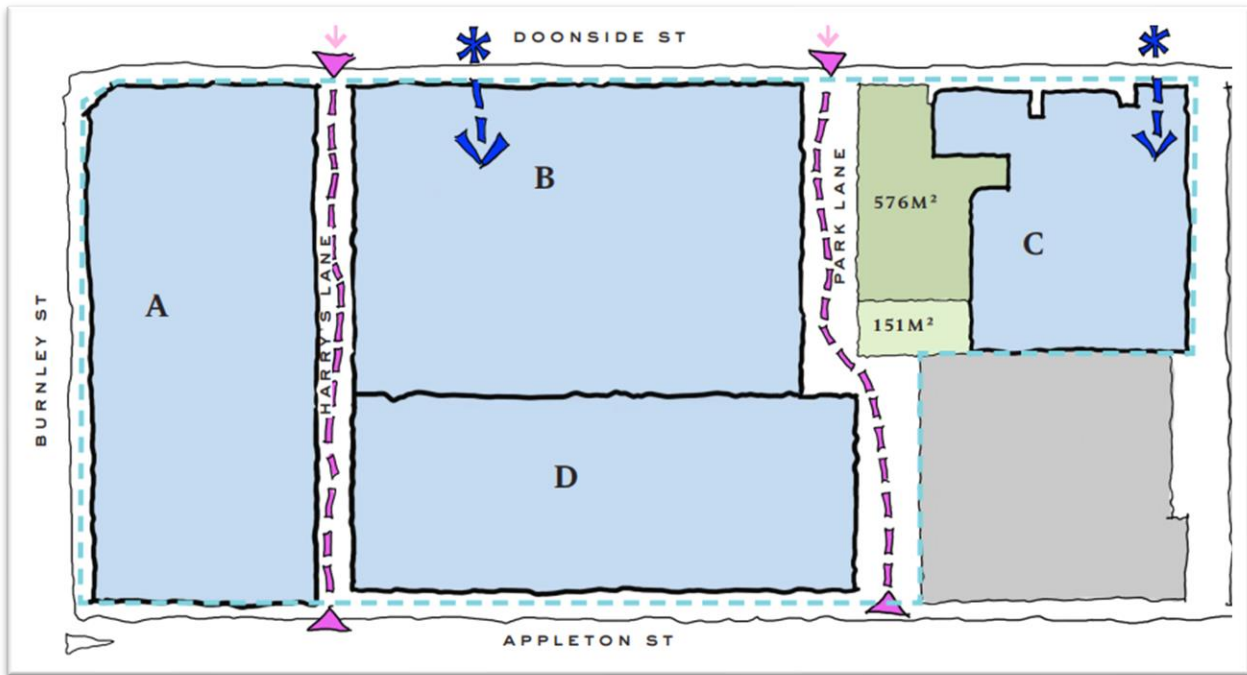


Figure 2: Proposed Masterplan. Source: Development Plan (Gurner 2023)

13. The proposed DP seeks to construct 4 buildings within the site; with indicative heights and massing demonstrated in Figures 3 & 4. Two existing heritage buildings within the site will be largely retained and restored.
14. In total, the precinct will provide between 545-645 dwellings, between 12,000sqm to 16,000sqm of commercial floor area, a new 576sqm park (unencumbered) with an additional green space of 151sqm and two new laneways connecting Doonside and Appleton Streets.

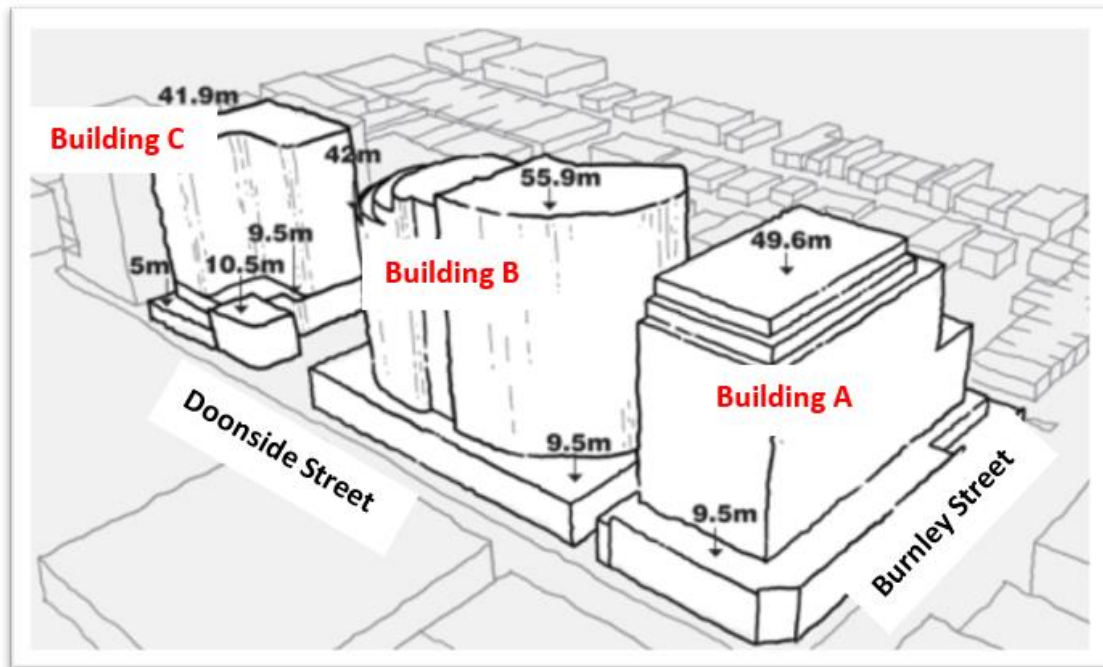


Figure 3: Proposed massing of buildings viewed from north-west. Source: Development Plan (Gurner 2023)

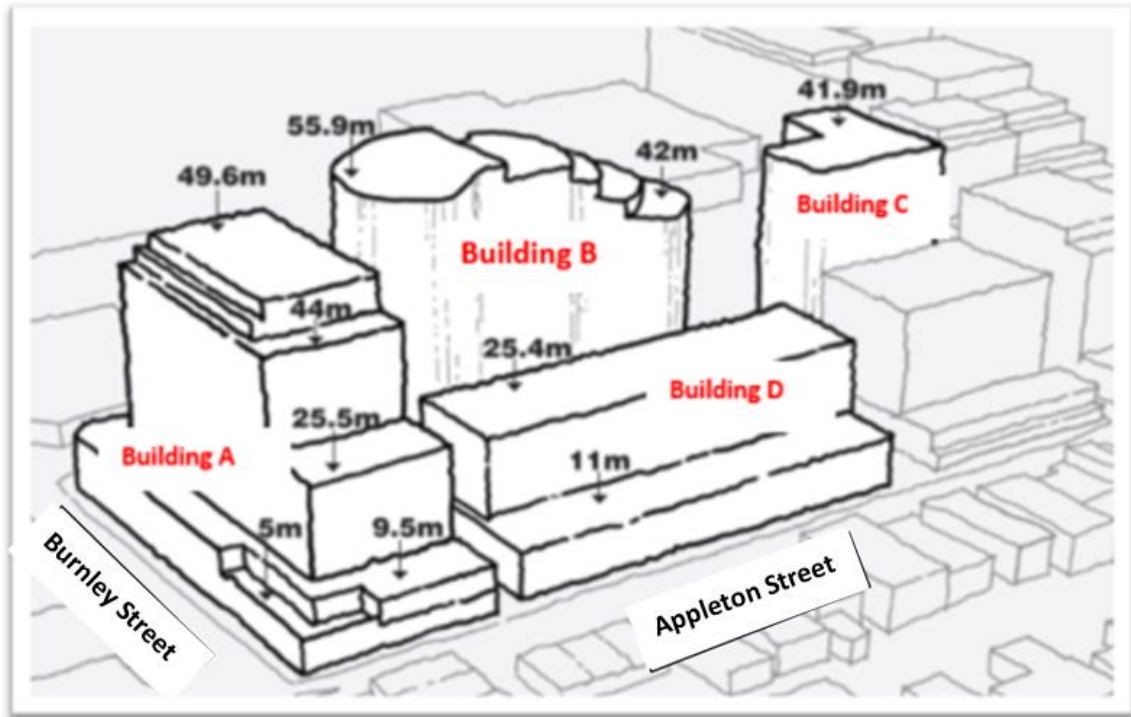


Figure 4: Proposed massing of buildings viewed from south-west. Source: Development Plan (Gurner 2023)

15. The proposed DP divides the site into 4 distinct buildings:
 - (a) Building A – orientated to the western portion of the site with its main frontage to Burnley Street;
 - (b) Building B – centrally located with orientation to Doonside Street;
 - (c) Building C – located in the east of the site, also orientated to Doonside Street; and
 - (d) Building D – centrally located with orientation to Appleton Street.
16. The DP seeks to vary the preferred heights of each building within the precinct, with higher built form than that outlined in the DPO sought.
17. An overview of each building is provided below, along with an outline of the variations between the preferred heights in the DPO and the heights proposed in the DP.

Building A

18. Building A is located on the western side of the site addressing Burnley Street and extends to Doonside Street in the north and Appleton Street in the south. The proposal retains the heritage buildings street walls to all three street interfaces. An image of the retained heritage form is provided below.



Figure 5: 81-95 Burnley Street and Building A. Source: Development Plan (Gurner 2023)

19. The building heights across Building A include a maximum height of 49.6m is (15-16 storeys) with the building reducing in height to 44m (14-15 storeys), 25.5m (8-9 storeys) and 9.5m (3 storeys) to the south.
20. The existing podium of the heritage building is constructed hard-edge to all three street interfaces (at heights of 5m and 9.5m), with the following setbacks of the upper levels proposed;
 - (a) 5m to 8m from Burnley Street (west), with successive upper-level setbacks of 10m and 12m;
 - (b) 8m from Doonside Street (north), with successive upper-level setbacks of 10m and 12m; and
 - (c) 5m to 11m from Appleton Street, with successive upper-level setbacks of 24m and 31m.
21. Building A will contain between 120-135 dwellings with commercial floor space ranging between 4,500sqm to 5,500sqm. Commercial areas are likely to include a multi-level commercial tenancy and a bar/alfresco tenancy at ground level.
22. Building A will be provided with primary pedestrian access from the future 'Harry's Lane' along its western frontage within the site.
23. A comparison table outlining the changes between the preferred heights in the DPO and proposed heights in the DP for Building A is provided below.

Building A	DPO preferred heights	DP proposed heights	Difference in height
Street wall – south-west corner	6m	5m	- 1m
Street wall – Appleton Street	8-11m	9.5m	
Mid-levels	24.5m	25.5m	+ 1m
Upper levels	42m	44m – 49.6m	+ 2m-7.6m

Building B

24. Building B is located on the northern side of the site addressing Doonside Street.
25. Heights will range from 55.9m (approximately 17-18 storeys), with successive height reductions to 42m (approximately 14 storeys) at the eastern end.

26. The podium will extend along Doonside Street at a height of 9.5m, with a curved tower design. The upper levels will be set back between 3m and 5m in the centre, with curved side setbacks extending to 20m at each end.
27. This building will contain between 275-330 dwellings with a commercial floor space at ground level ranging between 4,000sqm to 5,000sqm.
28. Building B will be provided with lobby access from Doonside Street and potential secondary access to the internal laneways.
29. A comparison table outlining the changes between the preferred heights in the DPO and proposed heights in the DP for Building B is provided below.

Building B	DPO preferred heights	DP proposed heights	Difference in height
Podium	8-11m	9.5m	
Upper levels	42m	42m – 55.9m	+ 13.9m

Building C

30. Building C will be located at the eastern end of the site addressing Doonside Street. The proposed new built form will sit behind the retained heritage building at 26 Doonside Street and have an interface with the new open space area to the west.
31. The overall height of this building will be 41.9m (approximately 12 storeys).
32. A lower section of street wall, 5m in height, will sit directly to the east of the heritage façade, with a 9.5m high podium set back 8m and wrapping around the heritage built form. This outcome is demonstrated in Figure 6.

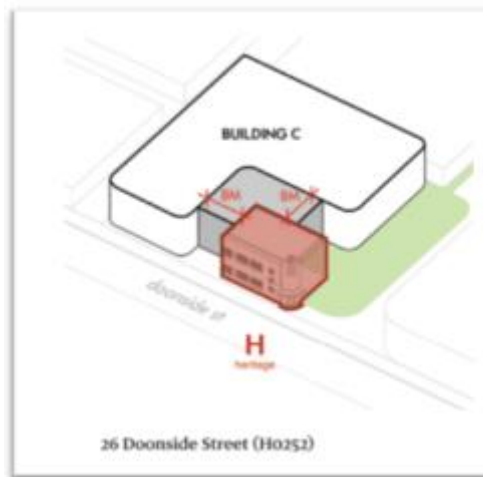


Figure 6: 26 Doonside Street & Building C. Source: Development Plan (Gurner 2023)

33. This building will contain between 65-80 dwellings with a commercial floor space ranging between 1,500sqm to 2,000sqm. Retail tenancies and a gym are anticipated to be located at ground level, with commercial tenancies at level 1.
34. Building C will be provided with lobby access from Doonside Street and potential secondary access to the proposed two new internal laneways.
35. Building C is immediately adjacent to the new open space area orientated to both Doonside Street and the new internal laneway.

36. A comparison table outlining the changes between the preferred heights in the DPO and proposed heights in the DP for Building C is provided below.

Building C	DPO preferred heights	DP proposed heights	Difference in height
Podium	8-11m	5m – 9.5m	- 3m
Upper levels	38.5m	41.9m	+ 3.4m

Building D

37. Building D will be located on the southern side of the site addressing Appleton Street.
38. The overall height will be 25.4m (approximately 7 storeys), with a podium of 11m presenting to the street. The podium will be composed of individual triple-storey townhouse typologies with the tower set back 13m from Appleton Street.
39. The building will contain between 80-100 dwellings with a commercial floor space ranging between 2,000sqm to 3,500sqm. Retail tenancies will be located within a section of the ground floor.
40. Building D will have access opportunities from both laneways. The townhouses are fronting Appleton Street, which will have direct pedestrian access to the footpath. They will also be provided with rear access to the Tower D core for access between parking and the dwellings.
41. A comparison table outlining the changes between the preferred heights in the DPO and proposed heights in the DP for Building D is provided below.

Building D	DPO preferred heights	DP proposed heights	Difference in height
Podium	8-11m	11m	
Upper levels	24.5m	25.4m	+ 0.9m

Open Space and laneways

42. The DPO requires the provision of at least 4.5% of the total site (576sqm) for public open space which fronts Doonside Street and adjoins the pedestrian lane (or a higher percentage if contained in Clause 53.01 of the Yarra Planning Scheme at the time of subdivision). A pocket park, known as Doonside Park, has been provided to address this requirement.

Doonside Park

43. Doonside Park will be located at the northern interface with Doonside Street, with a total landscaped area of 727sqm. An area of 576sqm of this park will be vested to Council once the development is complete and will form a key public area of open space within the precinct. The area of parkland owned by Council will be unencumbered by the basement below and will provide opportunities for deep soil planting.
44. A supplementary area of 151sqm is proposed to the south of the proposed park expanding the greenspace. This area will not be vested in Council as a basement car parking area sits below this space.

Park Lane

45. Park Lane will extend along the western side of Doonside Park in a north-south alignment between Doonside Street in the north to Appleton Street in the south. It will range in width from 9m to 10m and will be the key pedestrian thoroughfare through the precinct. Landscaping and seating will be provided within this space.

Harry's Lane

46. A second laneway, 6m in width, will also extend from north to south. This laneway will be lined with raised garden beds and public seating and will provide an activated frontage between buildings. Commercial tenancies will address this laneway at ground level.
47. The proposed ground floor layout, included at Section 3.3 of the DP and with Doonside Park highlighted by the Planning officer, is shown at Figure 7.

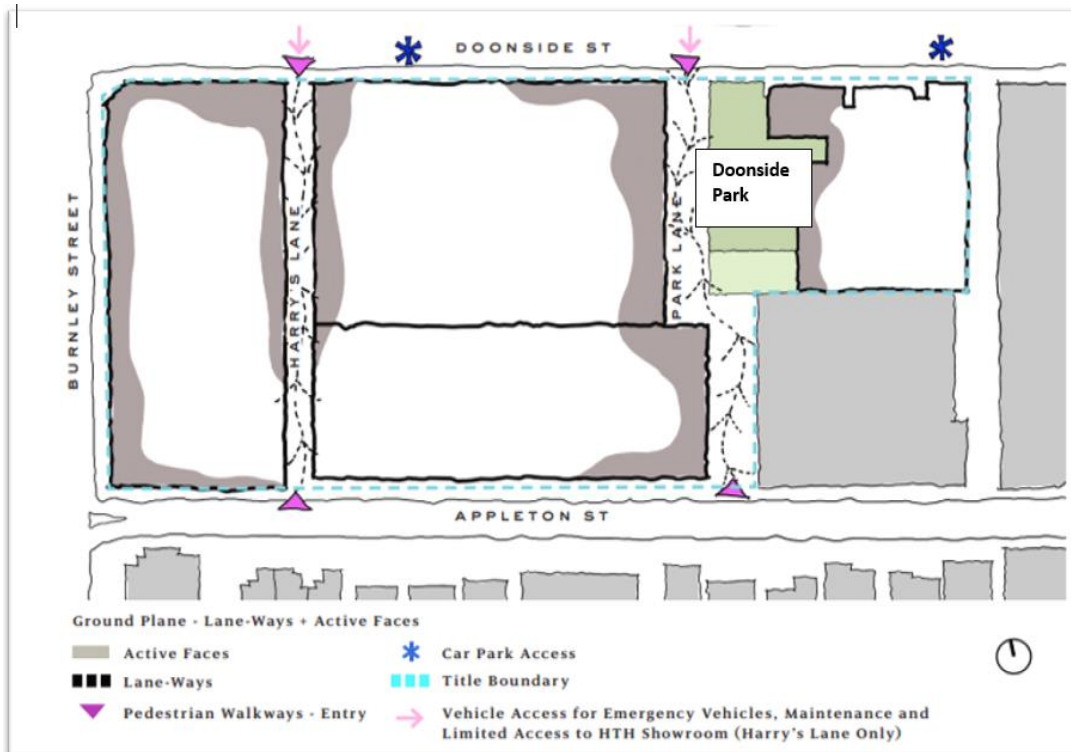


Figure 7: Ground floor layout. Source: Development Plan (Gurner 2023)

Vehicle access

48. A basement will extend under a large component of the site, with two vehicle access points provided from Doonside Street. No vehicle access is proposed from Burnley Street or Appleton Street. All loading and waste will occur on-site, within specific loading zones at basement level, with access from Doonside Street.

Car Parking/Bicycle Parking

49. A summary of the parking provisions is provided in the table below.

Use		Proposed
Bike Parking	Resident	545-645 spaces
	Staff	120-160 spaces
	Visitor	>84 spaces
Motorcycle Parking		15-20 spaces
Car Parking	Car Share	2 spaces
	Commercial Uses	240-270 spaces
	Residents	550-560 spaces
	Total	775-825 spaces (including approx. 80 electric charging)

Materials and Finishes

50. Each building will have a different design language and material palette, with a significant extent of brickwork, masonry and metal proposed for built form adjacent to the retained heritage buildings. Buildings will respond to the industrial history of the site, with lightweight concrete finishes and glazing incorporated throughout. The triple-storey buildings addressing Appleton Street will consist of a townhouse typology, providing individual design responses to articulate this streetscape. The final architectural design of each building will be refined during the planning application stage.

Existing Conditions

Subject Site

51. The subject site is approximately 1.3 hectares in size and has extensive frontages to Burnley Street (80m), Doonside Street (170m) and Appleton Street (130m). The land contains a series of low-rise warehouse and other buildings, parking and hard stand areas. An aerial image of the subject site is provided at Figure 8.

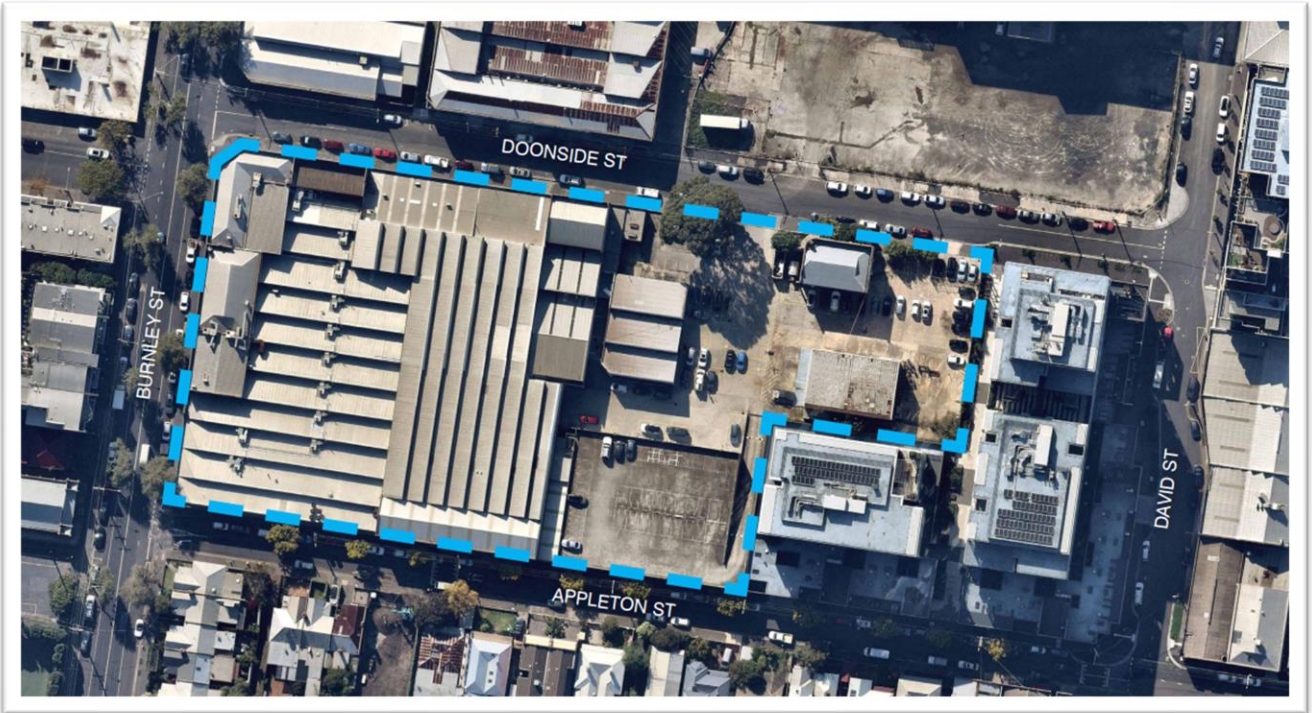


Figure 8: Aerial image of the subject site. Source: Landscape Plan (TCL 2023)

52. Two heritage buildings are located within the site. These are the Russell Manufacturing Co. (former Repco) building on the western side of the land which extends along all three street frontages (81-95 Burnley Street) and the former Repco Offices and Laboratories which addresses Doonside Street (26 Doonside Street). Both of these buildings are located within site specific heritage overlays.



Figure 9: Russell Manufacturing Co. building (81-95 Burnley Street). Source: Landscape Plan (TCL 2023)



Figure 10: former Repco Offices and Laboratories (26 Doonside Street). Source: Landscape Plan (TCL 2023)

53. The site has primary vehicle access to Doonside Street via six crossovers and is currently tenanted by 'Harry the Hirer', a party and marquee hire company.
54. The site is designated as a 'strategic redevelopment site' within Clause 21.03 (Vision) of the Yarra Planning Scheme.

Certificates of title

55. The site comprises two certificates of title:
 - (a) 81-95 Burnley Street, Richmond – Lot 1 on Plan of Subdivision 743081D; and
 - (b) 26-34 Doonside Street, Richmond – Lot 2 on Plan of Subdivision 743081D.
56. There are no easements or restrictive covenants on the certificates of title.

Surrounding Land

57. The subject site is located in an area which includes a mix of high- and low-density residential development, industrial uses, a shopping and office complex, two major arterial roads (Victoria and Burnley Street) and two Major Activity Centres (Victoria Street and Bridge Road). The proximity to these Major Activity Centres (MAC) ensures that the site has good access to a range of amenities and services, including within the Victoria Gardens Shopping Centre immediately to the north of the subject site.
58. The surrounding area features a variety of building styles, primarily consisting of inter-war factory and commercial buildings typically between one and four storeys in height, and an emerging character of contemporary high-rise apartment and mixed-use developments. Scale of development drops from north to south, reducing to low rise dwellings.



Figure 11: Aerial image of subject site and Victoria Gardens. Source: Development Plan (Gurner 2023)

59. Several public transport options are accessible within proximity to the subject site, including:
- (a) Tram Routes 109 (Box Hill- Port Melbourne) and 12 (St Kilda - Victoria Gardens) approximately 350- 400m to the north and north-east of the site respectively, servicing Victoria Street;
 - (b) Tram Routes 48 (Victoria Harbour Docklands - North Balwyn) and 75 (Etihad Stadium - Vermont South) approximately 550m south of the site, along Bridge Road;
 - (c) Bus Route 609 (Hawthorn - Fairfield), approximately 1.2km east of the site;
 - (d) Burnley Station, approximately 1.5km south of the site;
 - (e) North Richmond Station, approximately 1.8km west of the site; and
 - (f) West Richmond Station, approximately 1.9km west of the site.
60. Sustainable travel modes, including cycling and walking, are accessible via the Main Yarra Trail/Capital City Trail off-road bicycle and walking path to the east of the site, along the Yarra River, as well as bicycle and footpaths along Burnley Street to the west.
61. The more immediate interfaces are as follows:

North

62. Immediately to the north of the site is Doonside Street, a local road extending between Burnley Street to the west and David Street to the east. Doonside Street currently accommodates traffic in both directions with restricted on-street car parking on both sides of the road.
63. The Victoria Gardens shopping complex is located on the northern side of Doonside Street. This area contains a floor area of approximately 35,000sqm and 2,000 car spaces. The parcel of land associated with Victoria Gardens extends from the corner of Victoria Street and Burnley Street (north-west) to the corner of Doonside Street and David Street (south-west).
64. The area of land immediately to the north of the subject site is known as the 'Doonside Precinct', with this precinct encompassing land at 53, 61-67, 77-79 Burnley Street, 1-9 Doonside Street and 620 Victoria Street, Richmond. This precinct currently contains a range of single and double-storey buildings, along with at-grade car parking and loading facilities for the shopping complex.
65. The Doonside precinct is subject to a current Section 96A Planning Application which seeks to undertake a combined Planning Scheme Amendment (PSA) and Planning Permit Application (PPA) for the land. The Minister for Planning is the Responsible Authority for this land.
66. An assessment of the combined amendment and application was undertaken by Council planning officers, with Council resolving at its Council meeting of 14 March 2023 that it would write to the Minister outlining recommendations and concerns with the proposed scheme.
67. The PPA sought approval for the demolition and construction of six multi-storey mixed-use buildings. These buildings range from 7 storeys to 17 storeys and contain a total of 839 'build to rent' apartments located across all buildings. Images of this proposal are provided in Figures 12 & 13.
68. At the time of writing this report, no decision has been made by the Minister for Planning.

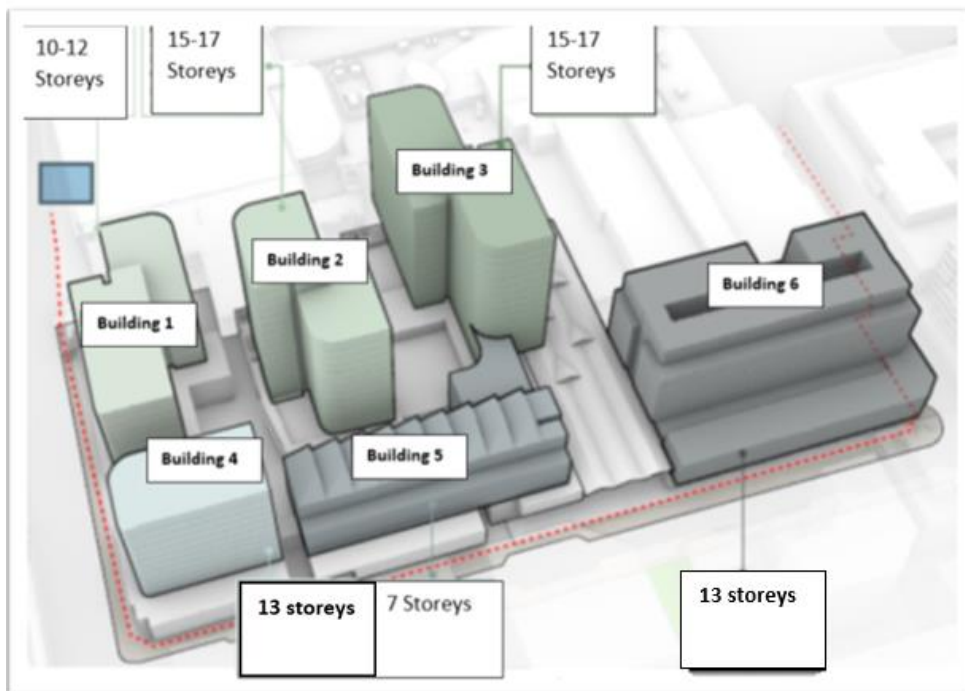


Figure 12: Proposed Building Heights within Doonside Precinct. Source: Planning Officer Report, Council Meeting 14 March 2023.



Figure 13: Proposed Building Heights within Doonside Precinct. Source: Planning Officer Report, Council Meeting 14 March 2023.

69. To the north of the Doonside and Victoria Garden precincts is Victoria Street, a major arterial road defined as being a 'Principal Road Network – TRZ2' within the Scheme. Victoria Street provides an east-west connection through Richmond.
70. On the opposite side of Victoria Street, further north, No. 647 Victoria Street is a multi-storey mixed-use development (Figure 14), with the 'Skipping Girl' Sign to the north-east. Also, to the north-east is the 11-13 storey 'Honeywell' residential development. To the north-west are several taller (8 and 10 storeys) residential developments. These are demonstrated in Figure 15.



Figure 14: No. 647 Victoria Street. Source: Planning Officer Report, Council Meeting 14 March 2023.



Figure 15: Built form to the north-west. Source: Planning Officer Report, Council Meeting 14 March 2023.

East

71. The entire eastern boundary of the site abuts the Embassy Apartment complex. This is an L-shaped development at 36-44 Doonside Street that wraps around the site's eastern and south-eastern boundary. The development contains three buildings, ranging in heights from 9, 10 and 13 storeys. The development contains 289 dwellings, 335 car spaces accessed via Appleton Street and David Street and 414sqm of commercial floor area. The layout of the apartment complex is demonstrated in Figure 16.



Figure 16: Embassy Apartment Complex. Source: Development Plan (Gurner 2023)

72. Built form throughout the complex provides two to three storey street walls addressing all street interfaces, with varied setbacks of the upper levels (Figure 17). The exception to this is the 9-storey street wall addressing Doonside Street at Figure 18.



Figure 17: Embassy Apartments viewed from south-east (2023)

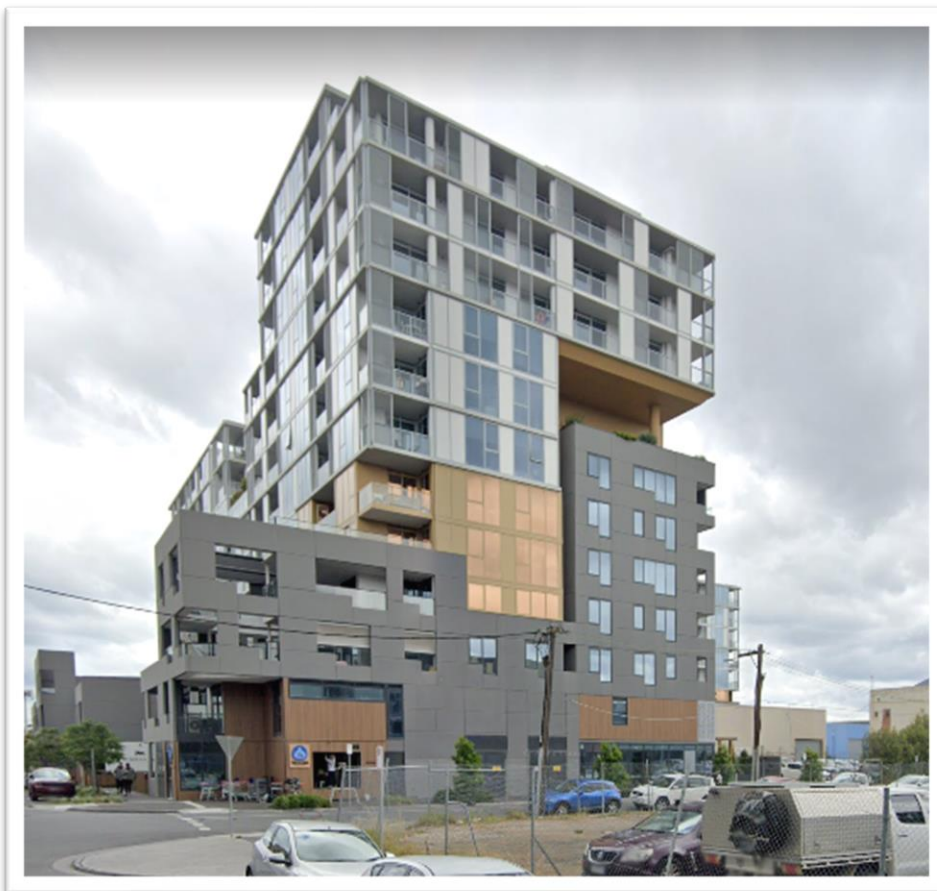


Figure 18: Embassy Apartments viewed from north-east (2023)

73. A significant number of windows and balconies address the subject site in all three buildings. Within Building A of the Embassy Apartments, these habitable spaces are setback between 2.45m to 3.15m from the shared boundary, with greater setbacks provided for the existing Buildings B & C.

South

74. Appleton Street contains a low-rise residential scale, with single and double-storey dwellings extending along the southern side of the streetscape in a fine-grain pattern. Land to the south is located within a mixture of the General and Neighbourhood Residential Zones.



Figure 19: View along Appleton Street

West

75. To the west of the site is Burnley Street, an arterial road extending north-south through Richmond. Burnley Street accommodates a lane of traffic, a bicycle lane and on-street car parking in both directions.
76. Further to the west, on the opposite side of Burnley Street, built form ranges between single storey dwellings up to the more recent 171 Buckingham Street developed at 7-storeys (Figure 20). Towards the Victoria Street intersection, built form typically ranges between 7-8 storeys as it interfaces with the Victoria Gardens Shopping centre.
77. Land addressing Burnley Street has increasingly been redeveloped with residential apartments of a midrise scale. Other nearby uses include a primary school and church on the western side of Burnley Street.



Figure 20: No. 171 Buckingham Street (2023)

Planning Scheme Provisions

Zoning

Mixed Use Zone

78. The purpose of the MUZ is:

- (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.*

79. Pursuant to Clause 32.04-2 of the Scheme, the following uses are *Section 1 – Permit not required* uses:

- (a) Dwelling;
- (b) Food and drink premises (if the leasable floor area does not exceed 150sqm);
- (c) Office; and
- (d) Shop (if the leasable floor area does not exceed 150sqm).

80. Pursuant to Clause 32.04-6 of the Scheme, a planning permit is required to construct two or more dwellings on a lot. For an apartment development of five or more storeys, excluding a basement, the objectives, standards and decisions guidelines of Clause 58 apply.

Overlays

81. The subject site is affected by the following overlays:

- (a) Development Plan Overlay (DPO15) – Schedule 15 (81-95 Burnley Street and 26-34 Doonside Street, Richmond);

- (b) Design and Development Overlay – Schedule 2 (Main Roads and Boulevards);
- (c) Environmental Audit Overlay (EAO);
- (d) Heritage Overlay (HO252 & HO375); and
- (e) Development Contributions Plan Overlay, Schedule 1 (DCPO1).

Development Plan Overlay

82. Pursuant to Clause 43.04, the purpose of the DPO is as follows:

- (a) *To implement the Municipal Planning Strategy and the Planning Policy Framework;*
- (b) *To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land; and*
- (c) *To exempt an application from notice and review if a development plan has been prepared to the satisfaction of the responsible authority.*

83. Schedule 15 to the DPO applies to the subject site and outlines the conditions and requirements for permits (Clause 3) and requirements for a Development Plan (Clause 4).

84. The requirements of the Development Plan are as follows:

- (a) *A development plan must be generally in accordance with the Indicative Framework plan as shown in Figure 1, and the vision set out in this schedule, to the satisfaction of the responsible authority;*
- (b) *A development plan must be approved for the whole site, however the land may be developed in stages;*
- (c) *The development plan must include the following sections, all prepared to the satisfaction of the responsible authority:*
 - (i) *Development Plan Vision;*
 - (ii) *Components of the Development Plan;*
 - *Site and Context Information;*
 - *Concept Plans;*
 - *Built Form guidelines;*
 - *Supplementary Documentation;*
 - *Open Space and Landscape;*
 - *Public Realm Plan;*
 - *Housing Diversity Report;*
 - *Transport Works Assessment;*
 - *Environmentally Sustainable Design;*
 - *Drainage;*
 - *Comprehensive Heritage Analysis;*
 - *Noise Impacts;*
 - *Development Staging.*

Design and Development Overlay, Schedule 2 (DD02) 'Main Roads and Boulevards'

85. Pursuant to Clause 43.02-2 of the Scheme, a planning permit is required to construct a building or construct or carry out works.

86. Design objectives of Schedule 2 include the following:

- (a) *To recognise the importance of main roads to the image of the City;*

- (b) *To retain existing streetscapes and places of cultural heritage significance and encourage retention of historic buildings and features which contribute to their identity;*
- (c) *To reinforce and enhance the distinctive heritage qualities of main roads and boulevards;*
- (d) *To recognise and reinforce the pattern of development and the character of the street, including traditional lot width, in building design;*
- (e) *To encourage high quality contemporary architecture;*
- (f) *To encourage urban design that provides for a high level of community safety and comfort;*
- (g) *To limit visual clutter; and*
- (h) *To maintain and where needed, create, a high level of amenity to adjacent residential uses through the design, height and form of proposed development.*

Environmental Audit Overlay (EAO)

87. Pursuant to Clause 45.03-1 of the Scheme, before a sensitive use (residential use, child care centre, kindergarten, pre-school centre, primary school, even if ancillary to another use), children's playground or secondary school commences or before the construction or carrying out of buildings and works in association with these uses commences:
- (a) *A preliminary risk screen assessment statement in accordance with the Environment Protection Act 2017 must be issued stating that an environmental audit is not required for the use or the proposed use; or*
 - (b) *An environmental audit statement under Part 8.3 of the Environment Protection Act 2017 must be issued stating that the land is suitable for the use or proposed use; or*
 - (c) *A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970; or*
 - (d) *A statement of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970 stating that the environmental conditions of the land are suitable for the use or proposed use.*

Heritage Overlay (HO252 – 26 Doonside Street, Richmond & HO375 – Russell Manufacturing Company Pty Ltd later Repco)

88. Pursuant to Clause 43.01-1 of the Scheme, a planning permit is required to demolish a building, construct a building and construct or carry out works.
89. Both of these overlays are site specific overlays.

Development Contributions Plan Overlay, Schedule 1 (DCP01).

90. The subject site is affected by the Development Plan Contributions Overlay (DPCO) – Schedule 1.
91. Pursuant to Clause 45.06-1 a permit granted in the DCPO 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.*
92. A planning permit is not required for works under the overlay. However, if a permit was issued in accordance with other permit triggers, conditions should be added to the permit as follows;
- (a) *Prior to the commencement of the development, the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan; and*

- (b) *Prior to the issue of a building permit, the Community Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan.*

Particular Provisions

Clause 52.06 – Car Parking

93. Pursuant to Clause 52.06-2, before a new use commences, the required car parking spaces must be provided on the land.
94. The proposal intends to provide in the order of 775-825 car parking spaces on-site. Approximately 220-270 car spaces are proposed for the commercial uses, as a mixture of staff and visitor provisions. The remaining circa 550-560 car spaces would be allocated for residents. Between 15-20 motorcycle spaces are proposed, along with 2 car share spaces.
95. The final car parking numbers and assessment will be undertaken via the planning application stage.

Clause 52.34 – Bicycle Facilities

96. Pursuant to Clause 52.34-1, a new use must not commence until the required bicycle facilities and associated signage are provided on the land.
97. The proposal contemplates the following bicycle parking provisions;
- (a) Approximately 140-180 staff bicycle parking spaces;
 - (b) Approximately 545-645 resident bicycle spaces;
 - (c) A minimum of 84 visitor bicycle spaces; and
 - (d) End of Trip facilities are proposed on-site for staff and will achieve a minimum rate of 1 shower/changeroom per 10 bikes.
98. The final bicycle numbers and assessment will be undertaken via the planning application stage.

Clause 53.01 – Public Open Space Contribution and Subdivision

99. A person who proposes to subdivide land must make a contribution to the council for public open space in an amount specified in the schedule to this clause (being a percentage of the land intended to be used for residential, industrial or commercial purposes, or a percentage of the site value of such land, or a combination of both). If no amount is specified, a contribution for public open space may still be required under section 18 of the *Subdivision Act 1988*.
100. The DPO specifies that the development must include the provision of at least 4.5% of the total site (576 square metres) for public open space which fronts Doonside Street and adjoins the pedestrian lane (or a higher percentage if contained in Clause 53.01 of the Yarra Planning Scheme at the time of subdivision). Council is currently reviewing its open space contribution rate and anticipates that the requirement for provision of open space on the land may increase. This aspect will be discussed within the body of the report.

Clause 53.18 – Stormwater Management in Urban Development

101. 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

102. The decision guidelines outlined at Clause 65 of the Scheme are relevant to all applications. Because a permit can be granted does not imply that a permit should or will be granted.

Before deciding on an application, the Responsible Authority must consider a number of matters. Amongst other things, the Responsible Authority must consider the relevant Municipal Planning Strategy and the Planning Policy Framework, as well as the purpose of the zone, overlay or any other provision. An assessment of the application against the relevant sections of the Scheme is contained in this report.

[Planning Policy Framework \(PPF\)](#)

103. The following PPF provisions of the Scheme are relevant:

Clause 11.01-1R – Settlement – Metropolitan Melbourne

104. The relevant strategy of this clause is to:

- (a) *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

105. The relevant strategy of this clause is to:

- (a) *Planning for urban growth should consider:*
 - (i) *Opportunities for the consolidation, redevelopment and intensification of existing urban areas.*

Clause 11.03-1S – Activity Centres

106. The objective of this clause is to:

- (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; and*
- (b) *Relevant strategies include the following;*
 - (i) *Undertake strategic planning for the use and development of land in and around activity centres;*
 - (ii) *Encourage a diversity of housing types at higher densities in and around activity centres;*
 - (iii) *Reduce the number of private motorised trips by concentrating activities that generate high numbers of (non-freight) trips in highly accessible activity centres; and*
 - (iv) *Improve access by walking, cycling and public transport to services and facilities.*

Clause 11.03-2S – Growth Areas

107. The objective of this clause is:

- (a) *To locate urban growth close to transport corridors and services and provide efficient and effective infrastructure to create sustainability benefits while protecting primary production, major sources of raw materials and valued environmental areas.*

Clause 13.04-1S – Contaminated and potentially contaminated land

108. The objective of this clause is:

- (a) *To ensure that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely.*

Clause 13.05-1S – Noise management

109. The objective of this clause is;

- (a) *To assist the management of noise effects on sensitive land uses.*

Clause 15.01 – Built Environment and Heritage

Clause 15.01-1S – Urban design

110. The objective is:

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

Clause 15.01-1R – Urban design - Metropolitan Melbourne

111. The objective is:

- (a) *To create a distinctive and liveable city with quality design and amenity.*

Clause 15.01-2S – Building design

112. The objective is:

- (a) *To achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development.*

113. Relevant strategies include:

- (a) *Ensure a comprehensive site analysis forms the starting point of the design process and provides the basis for the consideration of height, scale and massing of new development;*
- (b) *Ensure development responds and contributes to the strategic and cultural context of its location;*
- (c) *Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment;*
- (d) *Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm;*
- (e) *Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security;*
- (f) *Ensure development is designed to protect and enhance valued landmarks, views and vistas; and*
- (g) *Ensure development provides safe access and egress for pedestrians, cyclists and vehicles.*

114. This clause also states that planning must consider as relevant:

- (a) *Urban Design Guidelines for Victoria (Department of Environment, Land, Water and Planning, 2017); and*
- (b) *Apartment Design Guidelines for Victoria (Department of Environment, Land, Water and Planning, 2017).*

Clause 15.01-4S – Healthy neighbourhoods

115. The objective of this clause is:

- (a) *To achieve neighbourhoods that foster healthy and active living and community wellbeing.*

Clause 15.01-4R – Healthy neighbourhoods - Metropolitan Melbourne

116. The strategy is:

- (a) *Create a city of 20 minute neighbourhoods, that give people the ability to meet most of their everyday needs within a 20 minute walk, cycle or local public transport trip from their home.*

Clause 15.01-5S – Neighbourhood character

117. The objective of this clause is

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

Clause 15.03-1S – Heritage Conservation

118. The objective of this clause is;

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

Clause 16 – Housing

Clause 16.01-1R – Housing supply – Metropolitan Melbourne

119. Relevant strategies include;

- (a) *Identify areas that offer opportunities for more medium and high density housing near employment and transport in Metropolitan Melbourne;*
- (b) *Facilitate increased housing in established areas to create a city of 20 minute neighbourhoods close to existing services, jobs and public transport; and*
- (c) *Provide certainty about the scale of growth by prescribing appropriate height and site coverage provisions for different areas.*

Clause 16.01-2S – Housing affordability

120. The objective of this clause is;

- (a) *To deliver more affordable housing closer to jobs, transport and services.*

121. The relevant strategy is to;

- (a) *Improve housing affordability by;*
 - (i) *Encouraging a significant proportion of new development to be affordable for households on very low to moderate incomes.*

Clause 17.01 – Employment

Clause 17.02-1S – Business

122. The relevant objective of this clause is:

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

123. Relevant strategies include;

- (a) *Locate commercial facilities in existing or planned activity centres; and*
- (b) *Provide new convenience shopping facilities to provide for the needs of the local population in new residential areas and within, or immediately adjacent to, existing commercial centres.*

Clause 18 – Transport

Clause 18.01-1S – Land use and transport integration

124. The objective of this clause is;

- (a) *To facilitate access to social, cultural and economic opportunities by effectively integrating land use and transport.*

Clause 18.02-1S – Walking

125. The objective of this clause is;

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

Clause 18.02-2S – Cycling

126. The objective of this clause is;

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

Clause 18.02-2R – Cycling – Metropolitan Melbourne

127. The strategy of this clause is to;

- (a) *Develop local cycling networks and new cycling facilities that support the development of 20-minute neighbourhoods and that link to and complement the metropolitan-wide network of bicycle routes - the Principal Bicycle Network*

Clause 18.02-3S – Public Transport

128. The objective of this clause is;

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

Clause 18.02-3R – Principal Public Transport Network

129. Relevant strategies include the following;

- (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 19.02-6R – Open Space – Metropolitan Melbourne

130. The relevant objective and strategies of this clause are;

- (a) *To strengthen the integrated metropolitan open space network; and*
- (b) *Develop a network of local open spaces that are accessible and of high-quality and include opportunities for new local open spaces through planning for urban redevelopment projects.*

Clause 19.03-1S – Development and infrastructure contributions plans

131. The relevant objective of this clause is;

- (a) *To facilitate the timely provision of planned infrastructure to communities through the preparation and implementation of development contributions plans and infrastructure contributions plans.*

Clause 19.03-3S – Integrated water management

132. The relevant objective of this clause is;

- (a) *To sustainably manage water supply and demand, water resources, wastewater, drainage and stormwater through an integrated water management approach.*

Local Planning Policy Framework (LPPF)

Clause 21 – Municipal Strategic Statement (MSS)

Clause 21.04 – Land Use

Clause 21.04-1 – Accommodation and housing

133. The relevant objectives and strategies of this clause are:

- (a) *Objective 1 To accommodate forecast increases in population.*
 - (i) *Strategy 1.1 Ensure that new residential development has proper regard for the strategies applicable to the neighbourhood in question identified in clause 21.08;*
 - (ii) *Strategy 1.2 Direct higher density residential development to Strategic Redevelopment Sites identified at clause 21.08 and other sites identified through any structure plans or urban design frameworks; and*
 - (iii) *Strategy 1.3 Support residual population increases in established neighbourhoods; and*
- (b) *Objective 2 To retain a diverse population and household structure;*
 - (i) *Support the provision of affordable housing for people of all abilities particularly in larger residential developments and on Strategic Redevelopment Sites.*

Clause 21.04-2 – Activity Centres

134. The relevant objectives and strategies of this clause are:

- (a) *Objective 4 To maintain a balance between local convenience and regional retail roles in Yarra's activity centres:*
 - (i) *Strategy 4.1 Increase the range of retail, personal and business services, community facilities, and recreation activities, within individual centres; and*
- (b) *Objective 5 To maintain the long term viability of activity centres:*
 - (i) *Strategy 5.3 Discourage uses at street level in activity centres which create dead frontages during the day; and*
 - (ii) *Strategy 5.4 Permit residential development that does not compromise the business function of activity centres.*

Clause 21.04-3 Industry, office and commercial

135. The relevant objectives and strategies of this clause are:

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

Clause 21.04-5 Parks, gardens and public open space

136. The relevant objectives and strategies of this clause are:

- (a) *Objective 13 To provide an open space network that meets existing and future community needs.*
 - (i) *Strategy 13.1 Apply the Public Open Space Contribution Policy at clause 22.12; and*
 - (ii) *Strategy 13.3 Ensure new development does not have a negative impact on adjoining open space.*

Clause 21.05-1 Heritage

137. The relevant objectives and strategies are:

- (a) *Objective 14 To protect and enhance Yarra's heritage places:*
 - (i) *Strategy 14.2 Support the restoration of heritage places;*

- (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;*
- (iii) *Strategy 14.8 Apply the Development Guidelines for sites subject to a Heritage Overlay policy at clause 22.02; and*
- (iv) *Strategy 14.9 Apply the Landmarks and Tall Structures policy at clause 22.03.*

Clause 21.05-2 – Urban design

138. The relevant objectives and strategies of this clause is:

- (a) *Objective 16 To reinforce the existing urban framework of Yarra;*
- (b) *Objective 17 To retain Yarra's identity as a low-rise urban form with pockets of higher development:*
 - (i) *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.*
 - (ii) *Strategy 17.3 Apply the Landmarks and Tall Structures policy at clause 22.03; and*
 - (iii) *Strategy 18.2 Enhance the amenity of laneways by applying the Development Abutting Laneway policy at Clause 22.07;*
- (c) *Objective 21 To enhance the built form character of Yarra's activity centres:*
 - (i) *Strategy 21.1 Require development within Yarra's activity centres to respect and not dominate existing built form;*
 - (ii) *Strategy 21.2 Require new development within an activity centre to consider the context of the whole centre recognising that activity centres may consist of sub-precincts, each of which may have a different land use and built form character;*
 - (iii) *Strategy 21.3 Support new development that contributes to the consolidation and viability of existing activity centres; and*
- (d) *Objective 22 To encourage the provision of universal access in new development.*

Clause 21.05-4 Public environment

139. The relevant objectives and strategies of this clause is:

- (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;*
 - (ii) *Strategy 28.2 Ensure that buildings have a human scale at street level;*
 - (iii) *Strategy 28.3 Require buildings and public spaces to provide a safe and attractive public environment;*
 - (iv) *Strategy 28.4 Require new development to consider the opportunity to create public spaces as part of new development;*

- (v) *Strategy 28.5 Require new development to make a clear distinction between public and private spaces;*
- (vi) *Strategy 28.6 Require new development to consider the creation of public access through large development sites, particularly those development sites adjacent to waterways, parkland or activity centres;*
- (vii) *Strategy 28.9 Apply the Public Open Space Contribution policy at clause 22.12; and*
- (viii) *Strategy 28.10 Require site rezonings for new development to consider the inclusion of public domain improvements commensurate with the new use.*

Clause 21.06 - Transport

Clause 21.06-1 Walking and cycling

140. The relevant objectives and strategies of this clause are:

- (a) *Objective 30 To provide safe and convenient pedestrian and bicycle environments:*
 - (i) *Strategy 30.1 Improve pedestrian and cycling links in association with new development where possible.*

Clause 21.06-3 The road system and parking

141. The relevant objectives and strategies of this clause are:

- (a) *Objective 32 To reduce the reliance on the private motor car.*

Clause 21.07-1 Environmentally sustainable development

142. The relevant objectives and strategies of this Clause are:

- (a) *Objective 34 To promote environmentally sustainable development:*
 - (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; and*
 - (ii) *Strategy 34.3 Apply the Environmentally Sustainable Development policy at clause 22.17.*

Clause 21.08 – Neighbourhoods

Clause 21.08-9 – North Richmond (north of Bridge Road)

143. The Victoria Street Major Activity centre runs along the northern boundary of this neighbourhood. This activity centre spans approximately 2 kilometres and incorporates a variety of land uses along its length – some vibrant and others more dormant in terms of activity and street frontage. Within the centre are three precincts. The subject site is located within Victoria Street East.

144. This precinct incorporates the area between Grosvenor Street in the west and the Yarra River to the east. It includes a combination of retail, bulky goods, entertainment, residential and office land uses. The centre has a key interface with the Yarra River, which defines its northern and eastern boundaries. Significant parts of this precinct have recently undergone extensive redevelopment. With a number of key sites in the area still up for redevelopment, it will continue to evolve. New development must enhance the landscape qualities of the Yarra River and include active frontages on Victoria Street and the River. The Victoria Gardens development has the capacity to incorporate further residential development.

145. Relevant strategies include:

- (a) *Supporting residential and office growth on the Victoria Street Gardens site; and*
- (b) *Linking the eastern part of the Victoria Street Major Activity Centre with the open space along the Yarra River.*

Relevant Local Policies

Clause 22.02 – Development Guidelines for Sites Subject to the Heritage Overlay

146. This policy applies to all new development included in a heritage overlay. The relevant objectives of this clause are:

- (a) *To conserve Yarra’s natural and cultural heritage;*
- (b) *To retain significant view lines to, and vistas of, heritage places;*
- (c) *To preserve the scale and pattern of streetscapes in heritage places;*
- (d) *To ensure that additions and new works to a heritage place respect the significance of the place; and*
- (e) *To encourage the retention of ‘individually significant’ and ‘contributory’ heritage places.*

Clause 22.03 – Landmarks and Tall Structures

147. The objective of this clause is;

- (a) *To maintain the prominence of Yarra’s valued landmarks and landmark signs; and*
- (b) *This includes the Skipping Girl sign on Victoria Street.*

Clause 22.05 – Interface Uses Policy.

148. The objectives of this clause are:

- (a) *To enable the development of new residential uses within and close to activity centres, near industrial areas and in mixed use areas while not impeding the growth and operation of these areas as service, economic and employment nodes; and*
- (b) *To ensure that residential uses located within or near commercial centres or near industrial uses enjoy a reasonable level of amenity.*

Clause 22.07 – Development Abutting Laneways

149. The objectives of this clause are;

- (a) *To provide an environment which has a feeling of safety for users of the laneway; and*
- (b) *To ensure that development along a laneway is provided with safe pedestrian and vehicular access.*

Clause 22.10 – Built Form and Design Policy

150. This policy applies to all new development not included in a heritage overlay. Relevant objectives aim to;

- (a) *Ensure that new development positively responds to the context of the development and respects the scale and form of surrounding development where this is a valued feature of the neighbourhood character;*

- (b) *Ensure that new development makes a positive contribution to the streetscape through high standards in architecture and urban design;*
- (c) *Limit the impact of new development on the amenity of surrounding land, particularly residential land;*
- (d) *Design buildings to increase the safety, convenience, attractiveness, inclusiveness, accessibility and 'walkability' of the City's streets and public spaces;*
- (e) *Create a positive interface between the private domain and public spaces; and*
- (f) *Encourage environmentally sustainable development.*

Clause 22.11 – Victoria Street East Precinct Policy

151. The Victoria Street East Precinct is undergoing extensive private-sector redevelopment. The Victoria Gardens Shopping Centre and associated apartments are the first stages in the transformation of industrial sites in the area.

152. Key objectives of this clause are:

- (a) *To improve the pedestrian environment along main roads, within the Precinct and along the River corridor, particularly at the intersection of Victoria Street with Burnley and Walmer Streets;*
- (b) *To encourage the use of public transport, cycling and walking for access within the Victoria Street Precinct and between it and other parts of Melbourne;*
- (c) *To provide for adequate access to, from and within redevelopment sites that contributes to the development of an integrated pedestrian and cycling network within the Precinct;*
- (d) *To reduce vehicular traffic conflicts with tram services in Victoria Street without the requirement of future road widening;*
- (e) *To ensure new development contributes to the provision of appropriate physical and social infrastructure to support the change of uses in the Precinct;*
- (f) *To provide for higher intensity residential development within the Major Activity Centre where this will not be discordant with the built form and amenity of residential areas to the west and south of the Precinct;*
- (g) *To encourage high quality urban design and architecture throughout the precinct which contributes to the public realm, including the Yarra River corridor and street scapes;*
- (h) *To ensure that the development or redevelopment of this precinct protects the character and amenity of neighbouring residential areas; and*
- (i) *To ensure access to sunlight and amenity is maintained in public spaces and that sensitive community facilities are protected from overshadowing and other detrimental impacts.*

Clause 22.12 – Public Open Space Contribution

153. This policy applies to all residential proposals, mixed use proposals incorporating residential uses and proposals incorporating residential subdivision.

154. The objectives of this clause are:

- (a) *To implement the Yarra Open Space Strategy;*
- (b) *To identify when and where land contributions for public open space are preferred over cash contributions; and*

- (c) To ensure that where appropriate, land suitable for public open space is set aside as part of the design of a development so that it can be transferred to or vested in Council, in satisfaction of the public open space contribution requirement.

155. The site is located in an area where land contributions of public open space are preferred over cash contributions. The DP requires a land contribution of at least 4.5% of the total site. This will be provided in the form of Doonside Park, which will be vested with Council once complete.

Clause 22.16 – Stormwater Management (Water Sensitive Urban Design)

156. The relevant objectives of this clause are:

- (a) *To achieve the best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended). Currently, these water quality performance objectives require:*
 - (i) *Suspended Solids - 80% retention of typical urban annual load;*
 - (ii) *Total Nitrogen - 45% retention of typical urban annual load;*
 - (iii) *Total Phosphorus - 45% retention of typical urban annual load; and*
 - (iv) *Litter - 70% reduction of typical urban annual load; and*
- (b) *To promote the use of water sensitive urban design, including stormwater re-use.*

Clause 22.17 – Environmentally Sustainable Development

157. This policy applies to residential development with more than one dwelling. The overarching objective is that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation. The Development Plan has specific environmental sustainability standards that will be referenced within the assessment section.

[Other relevant documents](#)

158. Clause 15.01-2S states that planning must consider as relevant:

- (a) *Urban Design Guidelines for Victoria (Department of Environment, Land, Water and Planning, 2017). (UDG)*

159. Schedule to Clause 72.04 of the Yarra Planning Scheme refers to the following Incorporate Documents which are of relevance to the site:

- (a) *Victoria Gardens Building Envelope and Precinct Plan and Precinct 3 Plan - Warehouse Area; and*
- (b) *Victoria Gardens Urban Design Guidelines, May 1997.*

Plan Melbourne

160. Plan Melbourne outlines a vision of Melbourne as a 'global city of opportunity and choice'. This vision is guided by seven key outcomes, each supported by directions and policies towards their implementation. Outcomes relevant to the land-use and built-form changes sought by this proposal include the following:

- (a) *Outcome 1: Melbourne is a productive city that attracts investment, supports innovation and creates jobs;*
- (b) *Outcome 4: Melbourne is a distinctive and liveable city with quality design and amenity; and*
- (c) *Outcome 5: Melbourne is a city of inclusive, vibrant and healthy neighbourhoods:*
 - (i) *Direction 1.1 seeks to create a city structure that strengthens Melbourne's competitive for jobs and investment, particularly regarding supporting the central city to become Australia's largest commercial and residential centre by 2050.*

161. Policy 1.1.1 & 1.1.2 encourages new development opportunities to create grow office floor space amongst residential space is to deliver co-benefits of employment, reduced commuting and transport costs for workers and residents. Urban renewal precincts in and around the central city is acknowledged here to play a major role in delivering high-quality, distinct and diverse neighbourhoods that offer a mix of uses.
162. Policy 4.3.1 seeks to integrate place-making practices into road-space management to ensure the design of streets encourages the use of active transport and facilitates a greater degree of and encounter and interaction between people and places.
163. Direction 5.1 outlines the ambition of creating a city of 20-minute neighbourhoods by encouraging the development of vibrant, mixed-use neighbourhoods linked by a network of activity centres. 'Walkability', 'housing diversity', 'ability to age in place' are identified here as key characteristics of 20-minute neighbourhoods.
164. Direction 5.3 notes the importance of social infrastructure in supporting strong communities.

Yarra Open Space Strategy 2020

165. The Yarra Open Space Strategy was adopted on 1 September 2020 and provides an overarching vision and direction for the future provision, planning, design and management of open space in Yarra to 2031. It considers the current challenges and pressures of an expanding population and inner-city life and how these can be addressed with an expanded and improved public open space network that contributes to a more liveable and sustainable Yarra in the future.

Yarra Housing Strategy

166. The Housing Strategy was adopted on 4 September 2018 and establishes a framework for residential growth for the municipality to meet emerging housing needs and seeks to direct housing growth to appropriate locations. The Strategy identifies opportunities for over 13,000 new dwellings.
167. The subject land is identified in the Housing Strategy for site specific rezoning (reference to Amendment C223) and includes the land in a "high change" area in the Strategic Housing Framework Plan together with land to the north within the Activity Centre, including confined land on the northern side of Victoria Street.
168. Under 'What type of development is likely in high change areas?' the Strategy explains: It is expected that high change areas will support increased residential densities and housing diversity through mixed use, infill and urban renewal apartment development that will establish new character for a site or precinct.

Social and Affordable Housing Strategy

169. Yarra's Social and Affordable Housing Strategy was adopted on 12 November 2019. This document outlines Yarra's future vision for the provision of affordable housing within the municipality and outlines its commitments to pursuing strategies that increase social and affordable housing within the City of Yarra.

Yarra Spatial Economic and Employment Strategy

170. This strategy was adopted on 4 September 2018 and developed to assist Council to understand and capitalise on the municipality's economic strengths over the next 10 to 15 years. The Strategy seeks to provide guidance for the management of growth and change in employment and economic activity, recognising employment land within the municipality as a strategic resource.
171. Relevant strategies for this land include:
 - (a) *Strategy 1 – Support employment growth in Yarra's Activity Centre;*
 - (b) *Strategy 2 – Retain and grow Yarra's major employment precincts;*
 - (c) *Strategy 3 – Identify proposed locations for housing growth; and*

- (d) *Strategy 6 – Retain Yarra’s existing industrial precincts for manufacturing and urban services.*

Victoria in Future 2019

172. Victoria in Future is the official state government projection of population and households. Victoria in Future 2019 (VIF2019) covers the period 2016 to 2056 for Victoria and the major regions. For Local Government Areas (LGA), smaller areas (VIFSAs) and Australian Statistical Geography Standard Areas Level 2 (SA2) and above, it covers the period to 2036. VIF2019 shows Victoria remains the fastest-growing state in the country with our population expected to reach 11.2 million by 2056.

Amendment C269

173. Amendment C269 proposes to update the local policies in the Scheme by replacing the Municipal Strategic Statement (MSS) at Clause 21 and Local Planning Policies at Clause 22 with a Municipal Strategic Strategy and Local Policies within the Planning Policy Framework (PPF), consistent with the structure recently introduced by the State Government.
174. Amendment C269 was on public exhibition between 20 August 2020 and 4 December 2020 and proceeded to a panel hearing in October 2021. The Panel report was released on 18 January 2022. Council resolved on 19 April 2022 that having considered the Panel report, to submit the adopted Amendment to the Minister for Planning for approval.
175. The new clauses are largely reflected in current planning policy, which is generally not contradictory to the proposed re-write of Clauses 21 and 22. However, as this amendment is now a ‘seriously entertained’ planning proposal, a summary and brief assessment of the relevant policies to the proposal is provided in the table below.

Proposed C269 Local Policy reference	
Clause 02.04 – Strategic Framework Plan	The subject site is located in the MUZ, which specifically encourages a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality
Clause 13.07-1L – Interfaces and amenity	These aspects will be considered in detail within this assessment.
Clause 15.01-1L – Urban Design Clause 15.01-2L – Building Design	The proposal exhibits a high quality architectural and urban design outcome. These aspects will be considered in detail within this assessment.
Clause 15.01-2L - Landmarks	The development has no impact upon the identified landmarks contained within this updated clause.
Clause 15.02-1L - Environmentally Sustainable Development	Environmentally Sustainable Development will be considered in detail within this assessment.
Clause 16.01-2L – Housing Affordability	To facilitate the provision of affordable housing and social housing (public and affordable community housing), including new social housing and upgrades to existing social housing. The policy seeks the provision of a minimum of ten per cent of affordable housing for a major residential development of 50 or more dwellings, unless affordable housing has been provided as part of an earlier rezoning of the site. A commitment to provide a minimum 10% affordable housing has been provided and will be discussed in detail within this report.

Clause 17.01-1L - Employment	The development will provide a number of retail outlets, thereby contributing to employment opportunities within the Richmond area.
Clause 18.02-3L – Sustainable Transport	The provision of bicycle parking for residents, employees and visitors will be discussed in detail to ensure that sustainable transport opportunities are provided.
Clause 18.02-3L – Road System	The road system and the proposal has been assessed by council's Engineering team, who are supportive of the proposal, based on conditions to be discussed later within this report.
Clause 18.02-4L – Car Parking	The proposal seeks a reduction of the carparking requirements to reduce reliance on private vehicle usage associated with the commercial use.
Clause 19.03-3L – Water Sensitive Urban Design	Water Sensitive Urban Design will be discussed within this assessment.
Clause 19.03-5L - Waste	Waste management procedures of the proposal are considered acceptable, having been reviewed by Council's Waste Services team.

Notice of the application

176. Pursuant to Clause 43.04, a purpose of the DPO is:

- (a) *To exempt an application from notice and review if a development plan has been prepared to the satisfaction of the responsible authority.*

177. Clause 43.04-3 notes that if a development plan has been prepared to the satisfaction of the responsible authority, an application under any provision of this planning scheme is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

178. There is no requirement under Schedule 15 of the DPO for notice and review of a development plan to be undertaken.

Referrals

179. The application was referred to the following internal departments and external consultants and their recommendations are contained within the attachments to this report.

Internal Departments

180. The following internal referrals have been provided:

- (a) Open Space Unit;
- (b) Urban Design Unit (on public realm works);
- (c) Environmental Sustainable Development Advisor (ESD);
- (d) Social Planning;
- (e) Strategic Planning;
- (f) Civil Engineering;
- (g) Engineering Services Unit;
- (h) Strategic Transport Unit; and
- (i) City Works.

External Consultants

181. The external consultants were:

- (a) Urban Design (MGS Architects);
- (b) Heritage (Anita Brady Heritage);
- (c) Wind (MEL); and
- (d) Acoustic (SLR Consultants).

OFFICER ASSESSMENT

182. When assessing a submitted DP, Section 4 within Schedule 15 of the DPO outlines the following requirements for any future Development Plan (DP) associated with this site;

- (a) *A development plan must be generally in accordance with the Indicative Framework Plan as shown in Figure 1, and the vision set out in this schedule, to the satisfaction of the responsible authority;*
- (b) *A development plan must be approved for the whole site; however the land may be developed in stages;*
- (c) *The development plan must include the following sections, all prepared to the satisfaction of the responsible authority:*
 - (i) *Section 4.1 – Development Plan Vision;*
 - (ii) *Section 4.2 – Components of the Development Plan;*
 - *Site and Context Information;*
 - *Concept Plans;*
 - *Built Form Guidelines;*
 - *Supplementary Documentation;*
 - *Open Space and Landscape;*
 - *Public Realm Plan;*
 - *Housing Diversity Report;*
 - *Transport Works Assessment;*
 - *Environmentally Sustainable Design;*
 - *Drainage;*
 - *Comprehensive Heritage Analysis;*
 - *Noise Impacts;*
 - *Development Staging.*

183. The following assessment will address the above components and provide detailed discussion on how the proposed DP has met these requirements.

[Section 4.1 - Development Plan Vision](#)

184. The overarching vision of the DP as outlined in Schedule 15 of the DPO is as follows:

- (a) *To become a sustainable, mixed-use residential community, supported by convenience retailing services, community facilities, and employment opportunities augmenting the role of the Victoria Street Activity Centre;*
- (b) *To recognise the opportunity of the site's activity centre context, whilst respecting the low rise residential development to the south;*
- (c) *To protect the reasonable amenity of residential properties on the south side of Appleton Street and to the east of the subject site;*
- (d) *To provide improvements to the public domain, including pedestrian friendly environments along all street frontages, the provision of public open space and a pedestrian laneway;*

- (e) *To provide a high standard of internal amenity, building separation and best practice environmentally sustainable design;*
- (f) *To respect the scale and form of heritage places within and adjacent to the site;*
- (g) *To provide for the conservation of heritage places within the site;*
- (h) *To ensure that new development mitigates any adverse impact it may generate upon local traffic conditions;*
- (i) *To ensure that the primary responsibility for noise attenuation rests with the agent of change;*
- (j) *To ensure new development, does not unreasonably prejudice by way of reason of reverse amenity the ongoing operation of nearby existing commercial, industrial and warehouse businesses, including Victoria Gardens Shopping Centre; and*
- (k) *To provide for the sensitive adaptive re-use of heritage buildings in accordance with the Comprehensive Heritage Analysis referred to in Clause 4.2 of this schedule:*
 - (i) *describes the relationship between the heritage place and any neighbouring or adjacent heritage place/s; and*
 - (ii) *establishes principles for managing the significance of the heritage place and its relationship with its surroundings.*

185. Section 1.1 of the DP outlines the following vision being sought by the proposed development of the site:

- (a) A bona-fide mixed use development commensurate with the sites scale and its activity centre context, with the provision of 12,000 -16,000 square metres of employment generating uses and 545-645 dwellings;
- (b) Four purposefully designed buildings with a form and scale that responds to the sites redevelopment potential and emerging character, which includes a hierarchy of built form that responds to its interfaces;
- (c) Retention and restoration of the existing heritage buildings to allow for their adaptive re-use to accommodate future employment uses and integration with the wider development;
- (d) The prioritisation of pedestrian movements within the site through the provision of a pedestrian laneway network of approximately 1,400 square metres, a minimum of 576 square metres of public open space and 151 square metres of landscaping adjacent to supplement the park;
- (e) Upgrades to the public realm to include new street tree planting, bicycle parking, footpaths and the reinstatement of redundant vehicle crossovers; and
- (f) The management of traffic and loading considerations with vehicle access limited to Doonside Street.

186. This vision is further articulated within the individual components of the DP which will be discussed in detail below, however it is noted that the response above does not reference the following key aspects outlined in Section 4.1 of the DPO:

- (a) *To provide a high standard of internal amenity, building separation and best practice environmentally sustainable design;*
- (b) *To ensure that the primary responsibility for noise attenuation rests with the agent of change; and*
- (c) *To ensure new development, does not unreasonably prejudice by way of reason of reverse amenity the ongoing operation of nearby existing commercial, industrial and warehouse businesses, including Victoria Gardens Shopping Centre.*

187. Section 1.1 should be updated to include a brief outline of how the above requirements will be addressed. A condition will be added to ensure this occurs.

Section 4.2 – Components of the Development Plan

188. The specific requirements of each component are outlined below, with detailed discussion on how the DP seeks to achieve each of these aspects via the proposed development of the land.

Site and Context Information

189. A site analysis that identifies:

- (a) *The key attributes of the land and its context;*
- (b) *Existing or proposed uses on adjoining land;*
- (c) *Other neighbourhood features such as public transport, activity centres, walking and cycling connections; and*
- (d) *Important views to be considered and protected, including views of existing heritage buildings.*

190. Section 2 of the DP provides an outline of the context of the site, including the Statutory Planning Context (Section 2.1), Metropolitan Context (Section 2.2), Neighbourhood Context (Section 2.4) and views around the site at Section 2.6. Other neighbourhood features such as public transport, activity centres and walking and cycling connections are provided within Section 2.3 (Local Networks). This section also contains descriptions and images of the site's interfaces with the Embassy Apartment complex to the east (Section 2.7) and Victoria Gardens to the north (Section 2.8).

191. While some of these sections are relatively detailed, with Sections 2.7 and 2.8 providing comprehensive outlines of the site's interfaces to the east and north, additional information on the site and surrounding context would assist in providing a more thorough overview of the site's attributes and development potential.

192. One change recommended to assist with this is the relocation of part of the current Section 3.2, which outlines the key heritage fabric on the site, to be within Section 2. This page provides a description of the existing heritage buildings forming part of the site and is more relevant to this area of the DP as it would give users a clearer overview of existing built form on the site. Relocating the information under the specific building headings and the c1962 illustration of the Repco/Russell factory to Section 2.1 is recommended, with the 'proposal' information and setback images to remain at Section 3.2.

193. Further to this, the purpose of the 'Design and Development Overlay Map' provided in Section 2.1 is unclear. Of more benefit would be a plan of the subject site, with the planning controls affecting the site clearly demonstrated. This should include the two heritage overlays on the land, with this information not included anywhere within the DP. These are shown in Figure 21 below.

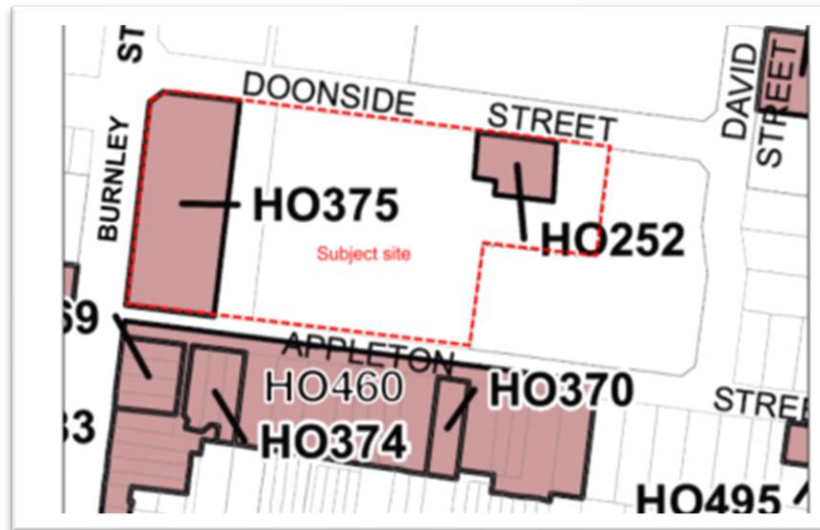


Figure 21: Heritage Overlays within the site. Source: Heritage Analysis (Bryce Raworth 2021)

194. Section 2.3 includes local network maps, demonstrating the context of public transport, roads and walking/cycling opportunities surrounding the site. It would also assist if a map showing the context of the public open space network surrounding the site was shown.
195. As outlined within the 'site and surrounds' section of this report, the site is located in an area characterised by a substantial degree of existing higher density development, and is undergoing significant change, with currently under-utilised land being repurposed to provide a vibrant, mixed-use neighbourhood.
196. This pocket of Richmond is already densely populated, with recently constructed multi-storey developments extending along the northern interface of Victoria Street, and a mixture of existing and emerging multi-level buildings addressing the western side of Burnley Street. In general, these developments range in height from 7 to 11 storeys, with areas of higher built form to 13 storeys also located to the east of the precinct along Doonside Street and David Street.
197. A more detailed response to the neighbourhood context in Section 2.4 would assist in providing further justification for the heights being sought by the development, with the plan provided on page 17 (reproduced below in Figure 22) of the DP presenting a limited overview of the surrounding environment.
198. This Section could be strengthened via the addition of images of higher density development surrounding the site, along with details on existing and approved heights within proximity to the land.



Figure 22: Neighbourhood context plan. Source: Development Plan (Gurner 2023)

199. The existing view study (Section 2.5) does not include adequate views of 26 Doonside Street, with no photographs of the heritage façade of this building. To provide further context of the heritage built form, this section should be updated accordingly.
200. Section 2.6 incorporates views around the site, however many of these are close-range and do not provide a clear context of surrounding built form. A photograph of 171 Buckingham Street has been included twice and will require updating to show the finished building (as opposed to the photograph of scaffolding). Additional photos including the streetscape directly to the west (along Burnley Street) and longer-range views of dwellings along Appleton Street would also allow for a more comprehensive overview of the diverse surrounding context.
201. These alterations to Section 2 of the DP will ensure that a more robust site analysis and a detailed response to the DPO is provided.

Concept Plans

202. The DP outlines the information required to be included in the 'Concept plans' section including:
- The total number of dwellings across the entire site;*
 - The proposed use of each building and estimated floor area for each use;*
 - At least 9,000m² of Gross Floor Area provided for employment generating activities;*
 - An indication of the location and approximate commercial and retail yield for the site;*

- (e) *A north south pedestrian lane:*
 - (i) *with a minimum width of 9 metres;*
 - (ii) *that provides safe and pleasant pedestrian and cycling access between Doonside Street and Appleton Street;*
 - (iii) *that receives sunlight between 10am and 2pm at the equinox;*
 - (iv) *that remains publicly accessible to pedestrians at all times; and*
 - (v) *that will not be accessible by private vehicles at any time (with the exception of emergency services and public/authority services);*
- (f) *The provision of at least 4.5% of the total site (576 square metres) for public open space which fronts Doonside Street and adjoins the pedestrian lane (or a higher percentage if contained in Clause 53.01 of the Yarra Planning Scheme at the time of subdivision). The plan must show the area of public open space in square metres and its percentage of overall site area;*
- (g) *Indicative vehicular, pedestrian, cyclist and loading access points and connections; and*
- (h) *Details of any works or treatments proposed to Doonside Street or Appleton Street or the nearby road network.*

203. The development summary at Section 3.12 of the DP outlines that the development will provide between 545-645 new dwellings and between 12,000-16,000sqm of commercial floor area. These details are shown in the table below. For ease of reference, this development summary should be provided earlier within the DP, with the logical location being on the same page as the Proposed Masterplan at Section 3.1.

Building	Residential Dwellings	Commercial Floor Area (sqm)
Building A	120 - 135	4,500 - 5,500
Building B	275 - 330	4,000 - 5,000
Building C	65 - 80	1,500 - 2,000
Building D	80 - 100	2,000 - 3,500
Total	545 - 645	12,000 - 16,000

204. The DPO notes that a development plan must be ‘generally in accordance’ with the Indicative Framework Plan (IFP) as shown in Figure 1 of the DPO and reproduced in Figure 23 below. The IFP incorporates the envisioned future layout of built form throughout the site, including preferred maximum heights and the location of public open space. As demonstrated in the IFP, higher elements of built form are anticipated on the northern side of the site, with a reduction in height towards the lower-scale residential interface to the south.

205. A minimum 9m wide north-south link is required; this will provide pedestrian and cyclist access from Appleton Street in the south through to Doonside Street in the north. The future location of a park on the northern interface is also shown.

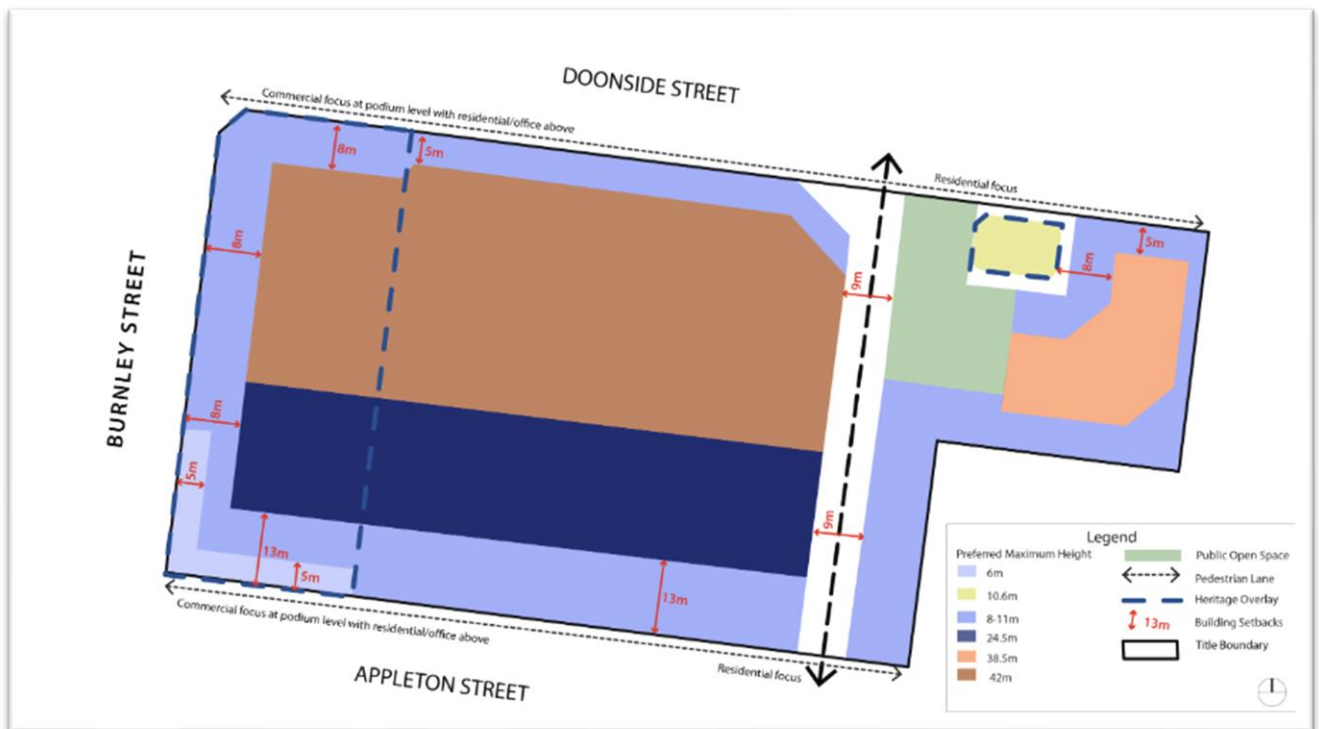


Figure 23: Indicative Framework Plan. Source: Schedule 15 to the DPO – Yarra Planning Scheme

206. A proposed master plan is provided at Section 3.1 of the DP (Figure 24). This plan generally reflects the layout of the IFP; however, a number of departures are sought by the submitted DP.
207. An image of the IFP is provided at page 11 of the DP, within Section 2.1. It would assist users of the DP if an image of the IFP was included on the same page as the proposed master plan, thereby allowing a clear comparison to be undertaken.
208. Additionally, to meet the requirements outlined above, the master plan should also be updated to include the following;
- (a) widths of all proposed laneways,
 - (b) setbacks from all three street boundaries;
 - (c) proposed heights of the buildings; and
 - (d) the provision of at least 4.5% of the total site (576 square metres) for public open space which fronts Doonside Street and adjoins the pedestrian lane (or a higher percentage if contained in Clause 53.01 of the Yarra Planning Scheme at the time of subdivision). The plan must show the area of public open space in square metres and its percentage of overall site area.

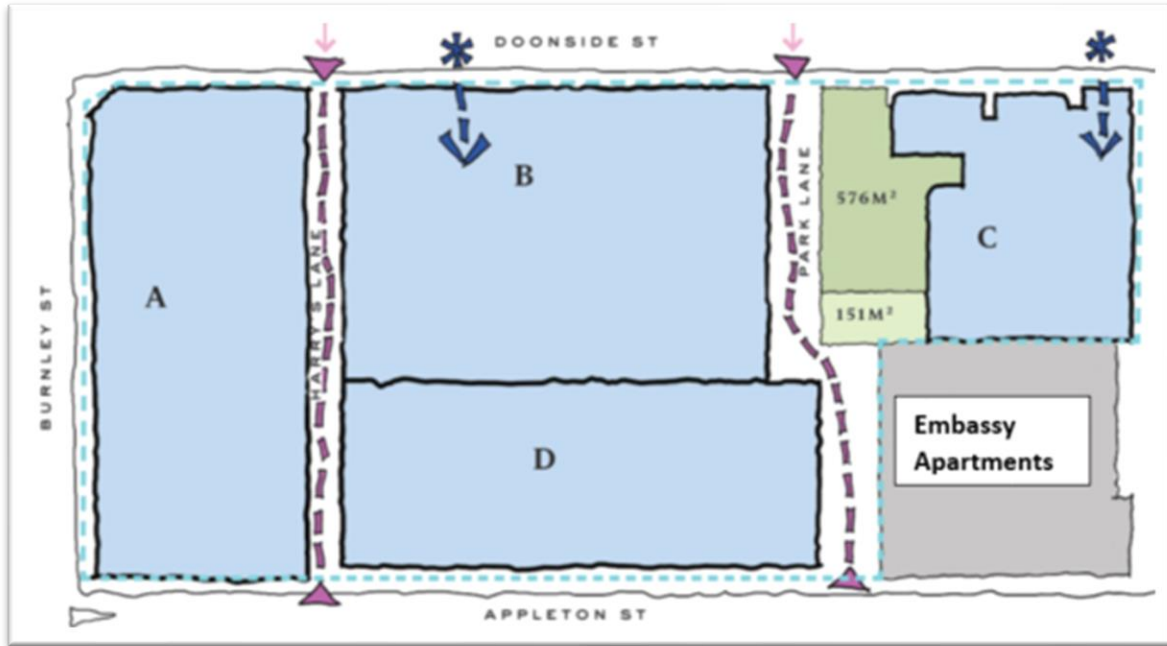


Figure 24: Proposed Master Plan. Source: Development Plan (Gurner 2023)

209. The proposed DP does seek to vary from the IFP. The main changes being sought to the layout of the IFP include the following:
- (a) Removal of the proposed area of built form abutting the existing Embassy Apartments in the south-east corner of the site, resulting in a 'crank' to Park Lane as opposed to a straight laneway. This is due to the eastern wall of Building D being located closer to the eastern boundary;
 - (b) The provision of an additional north-south oriented laneway through the western portion of the site (Harry's Lane);
 - (c) The removal of the splay in the north-east corner of Building B (adjacent to the northern end of Park Lane); and
 - (d) An additional area of public open space and landscaping of 151sqm to the south of Doonside Park.
210. To assist in determining whether the proposed changes shown in the DP are acceptable, comments were sought from an urban design perspective from Professor Rob McGauran (MSG Architects) and from a heritage perspective from Anita Brady. The proposed changes to the IFP and the subsequent layout of the DP are discussed below.

Park Lane

211. The proposed configuration of Park Lane differs from the layout shown in the DPO, with the IFP contemplating a consistent north-south alignment and the DP providing a 'crank' in the alignment due to the removal of built form in the site's south-east corner. A comparison of the two alignments is provided in Figure 25.

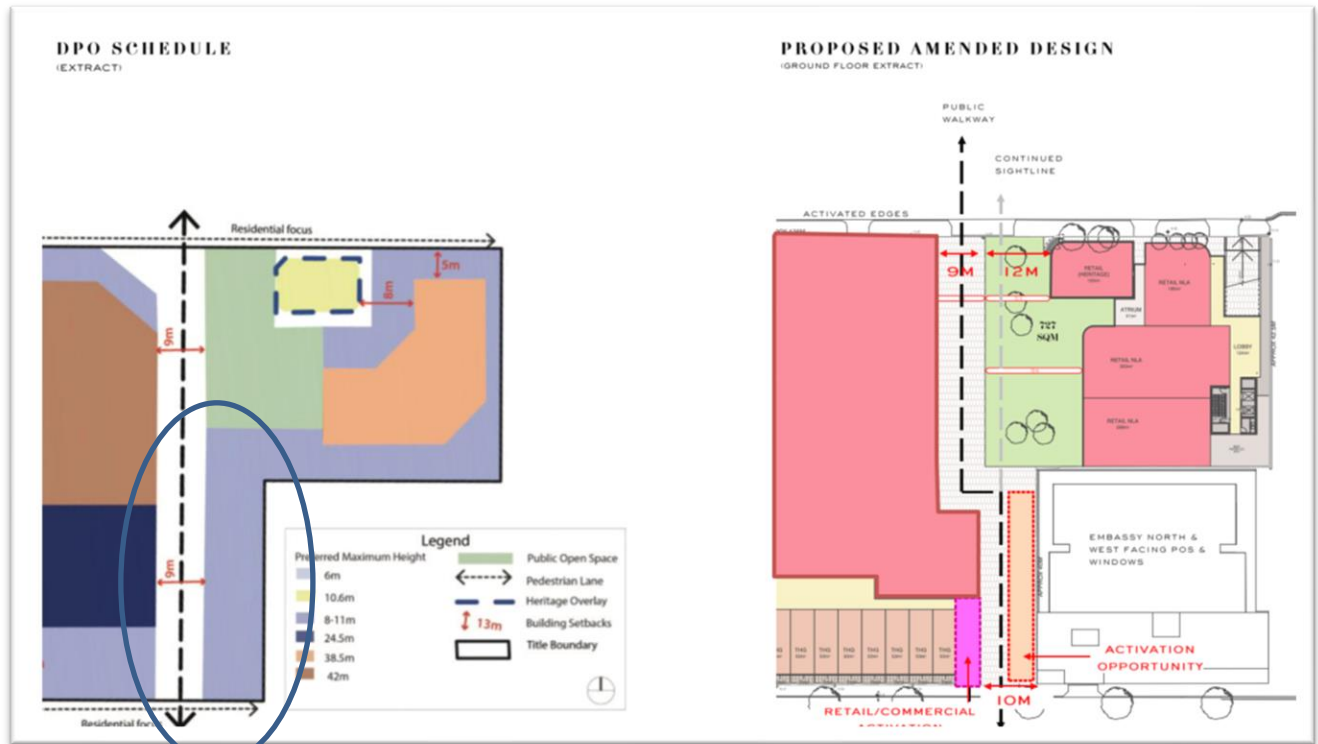


Figure 25: DPO laneway and DP laneway alignments. Source: Urban Design comments (MGS Architects 2023)

212. As shown in purple above, the IFP sought to include a relatively narrow section of built form, 8-11m in height, between Park Lane and the existing Embassy apartments to the east. The rationale behind the location of this building was not discussed in the Panel report that was released following the Panel hearing in 2020, however it is understood that the building was proposed as such to provide a degree of height transition along Appleton Street and to ensure a clear line of sight from north to south is available along the future laneway.
213. The DP seeks to remove this section of built form and replace it with an area of activated/open space, with the eastern wall of Building D subsequently moved eastward, closer to the Embassy apartments. This change would result in the eastern wall of Building D being setback 10m from the eastern boundary with the apartments.
214. Several west-facing windows and balconies are located within the western wall of the existing apartments, with no screening provided. The endorsed plans associated with the Embassy apartments indicate these windows and balconies are set back between 2.45m to 3.15m from the shared boundary. These are demonstrated in Figure 26.



Figure 26: Western wall of the Embassy Apartments (2023)

215. The sections provided at Figure 27 compares the outlook of these apartments based on the parameters sought by the IFP and the amended design proposed within the DP. Based on the IFP outcome, the lower-level apartments would be set back approximately 2.45m from a new triple-storey wall along the shared boundary. The removal of this area of proposed built form seeks to improve the interface and outlook with these apartments.

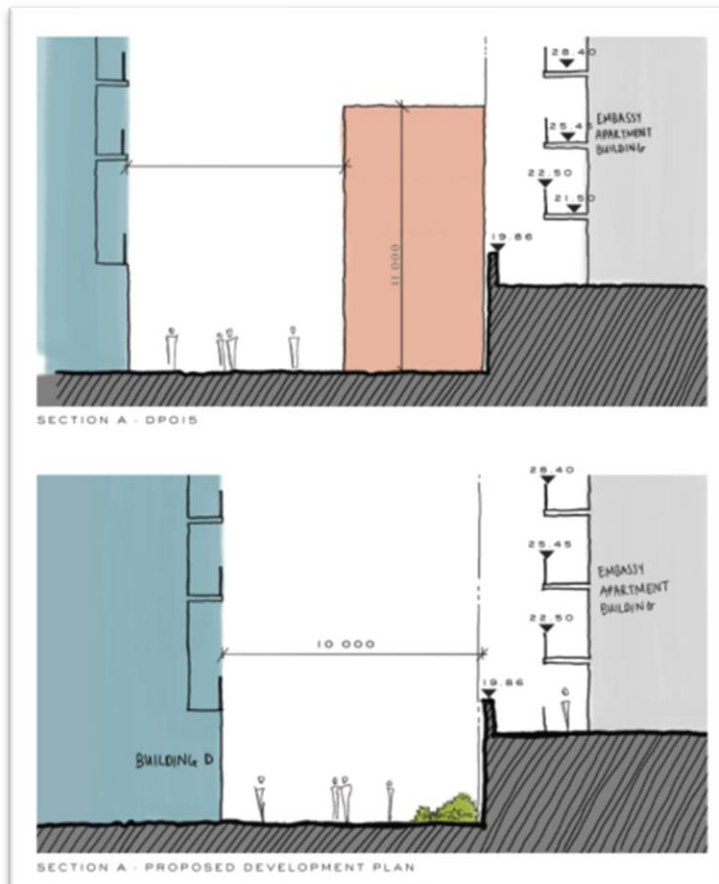


Figure 27: DPO built form requirement (above) and proposed DP outcome (below). Source: Development Plan (Gurner 2023)

216. Council's Strategic Planning officer was not supportive of this amended arrangement, noting that the proposed built form on the eastern side of the laneway as anticipated in the IFP would have provided a gradual increase in height from the podium of Building D to the Embassy apartments. The image in Figure 28 demonstrates how the IFP envisioned this interface, with the lower built form (circled) shown directly abutting the site's eastern boundary.

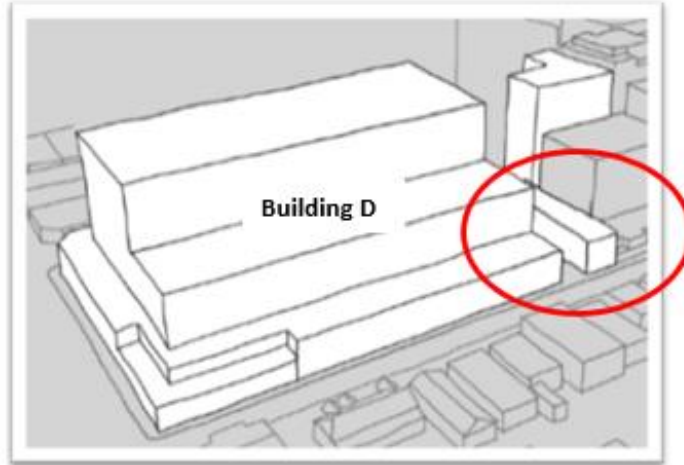


Figure 28: Proposed built form layout as per IFP. Source: Development Plan (Gurner 2023)

217. In comparison, the massing diagram at Figure 29 demonstrates the amended design, with no built form abutting the eastern boundary, and Building D relocated closer to this interface. It also demonstrates the proposed break in built form provided by the new laneway proposed in the western half of the site.

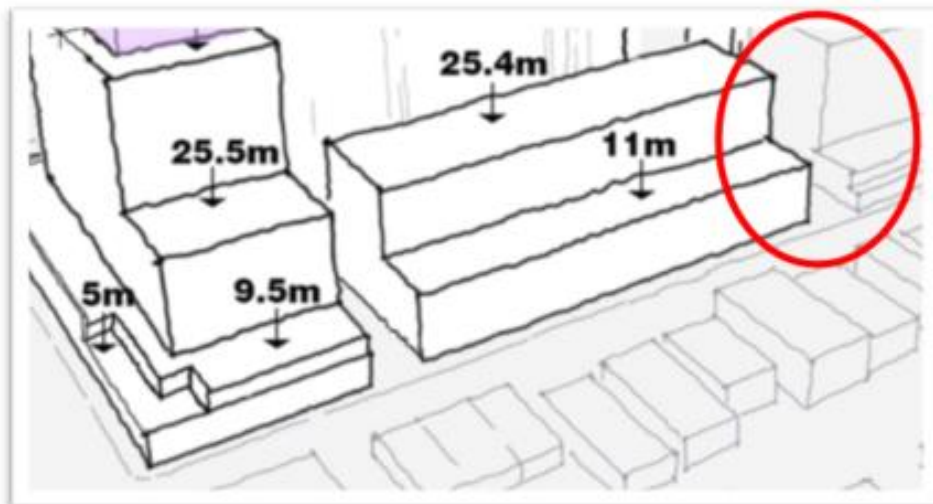


Figure 29: Proposed built form layout as per DP. Source: Development Plan (Gurner 2023)

218. In his original review, Mr McGauran was not supportive of this change, stating the following:

- (a) *The DPO seeks a low-rise human scale interface to the eastern side of this new pedestrian street and the sleeving of the interface with the Embassy apartments to introduce a generous visual break in taller built form when seen from the southern residential neighbourhoods in Appleton Street; and*
- (b) *This separation also ensures good levels of amenity and 24 hr surveillance to the pedestrian street with the envisaged low rise live/work, shophouses/ townhouses/apartments, to the eastern side of the walk enabling enhanced access to daylight for the west facing embassy apartments, the public realm of Appleton Street and the pedestrian walk area.*

219. These comments were based on the initial version of the DP, in which the area on the eastern side of the pedestrian walkway was proposed to be used as a 'fitness area', with the eastern wall potentially used for rock climbing, and subsequently only a narrow laneway would be provided (as shown in Figure 30). Based on the original design, Mr McGauran offered the following commentary:

- (a) *The positioning of the proposed climbing walls and active fitness areas into this small pedestrian zone between two high built forms oriented to this space is problematic; and*
- (b) *These facilities are typically used in the early morning and evenings. Their active use is relied upon to a significant degree for the satisfactory activation of the eastern interface, (otherwise a side fence), and the safety of the walk would come at the cost of the amenity of units to either side that have not in the case of the eastern units in particular, been conceived with this level of noise and activity in mind. Nor have the homes in Appleton Street abutting the area.*

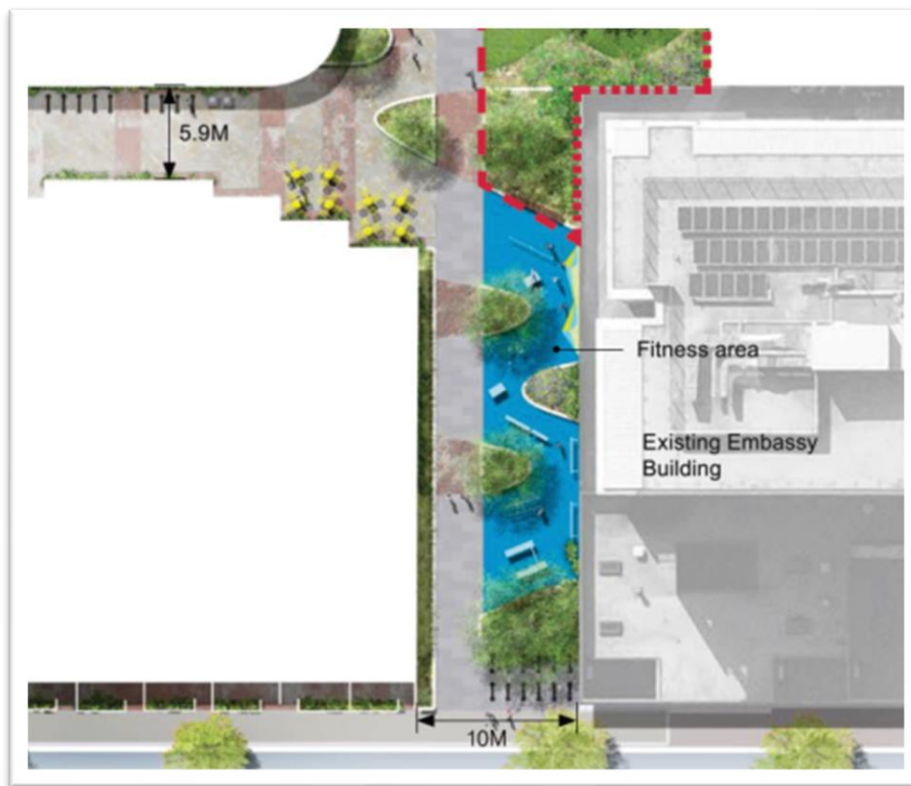


Figure 30: Original layout of Park Lane. Source: Original Development Plan (Gurner 2021)

220. The design of this space was amended in the subsequent DP, as demonstrated in Figure 31. The fitness area was removed, and the pedestrian path was increased to encompass limited landscaping which will provide a more open environment along this thoroughfare.



Figure 31: Proposed layout of Park Lane. Source: Development Plan (Gurner 2023)

221. A render demonstrating how this change would appear from Appleton Street is provided at Figure 32.



Figure 32: Proposed layout of Park Lane. Source: Development Plan (Gurner 2023)

222. One of the initial concerns raised by Mr McGauran was the lack of surveillance available to this path due to the removal of the proposed triple-storey building along the eastern boundary. However, as demonstrated in the render above, it is clear that the proposed eastern interface of Building D will provide generous levels of activation along this laneway, with views also available from the west-facing Embassy apartment balconies. A revised opinion based on the amended design was provided by Mr McGauran below:

- (a) *Subject to the correct treatments to the eastern side of the southern edge of the path, the proposed removal of the previously intended mixed use terraces to the eastern side of the pathway is I think supportable. The removal of 3 storey form on the boundary and substitution with an alternative landscape dominant solution perhaps in association with low intensity children's play or similar spaces could work in such a location with a net benefit for the neighbouring development.*
223. The design outcome demonstrated in Figure 32 will allow relatively unobstructed pedestrian movements along the southern half of Park Lane and will ensure views can be provided from Appleton Street through to the north of the site.
224. To further enhance the outlook from the Embassy apartments, Mr McGauran recommended an additional setback be incorporated into the tower element of Building D from the east. This setback, in the realm of 6m, would increase the separation between the taller section of Building D and the eastern boundary to 16m, thereby providing an overall setback of 18.45m between this building and the balconies of the Embassy apartments (where they are set back 2.45m from the shared boundary). This recommendation sought to reduce perceived visual bulk from the existing apartments and reduce any overshadowing that may occur to the lower levels.
225. This extent of separation exceeds the recommendations outlined in the DPO (under Built Form guidelines) which notes that buildings should be well spaced, with a preferred minimum 9m between buildings above the podium.
226. In contrast, Planning officers consider that the proposed built-form relationship with the adjacent Embassy apartment building is an appropriate one, noting that the separation of Building D will be at least 10m where the apartment building is built to the boundary and between 12.45m and 13.15m for the most part, given the existing balconies and windows are set back from this interface. This degree of separation exceeds that provided by many high-density apartment complexes and exceeds the 9m separation provided between the towers within the Embassy complex itself.
227. The massing diagram in the DP does not indicate where balconies will be located within the east-facing tower wall of Building D. It is likely that balconies at all levels will address this setback, thereby providing a degree of articulation and visual interest within this wall. Further to this, it is considered that the provision of a triple-storey wall abutting the shared boundary would result in more problematic overshadowing to lower-level balconies than the tower of this building would cause. On this basis, the setback as proposed is considered to improve these aspects and provide a more positive outcome which would benefit the internal amenity of the existing dwellings. This section should be updated to ensure that no balconies within the eastern wall of Building D encroach within the 10m setback.
228. The transition in height from the three-storey podium of Building D and the double-storey podium of the existing apartments is considered reasonable, with the one storey height difference providing an acceptable height graduation along the northern streetscape of Appleton Street.
229. Overall, the proposed variation to the layout of the IFP, via the removal of the eastern building and with the setback as proposed, is considered appropriate for the following reasons:
- (a) The removal of the proposed eastern building will reduce morning shadows to the Embassy apartments and afternoon shadows to the southern end of Park Lane;
 - (b) The laneway will be highly activated through the provision of habitable room windows, balconies and commercial frontages at ground level (a condition will require section 3.4 (dot point 3) to be more explicit about commercial and or active frontage along Building D's interface with 'Park Lane');

- (c) Given the Embassy apartment building does not include any screening from habitable room windows or balconies that are oriented towards the site, existing residents of this building will benefit from having an outlook to open space and will assist in providing surveillance over the laneway; and,
 - (d) The layout of the laneway will allow for good visibility and clear sightlines to Victoria Gardens.
230. The change increases the width of the southern portion of Park Lane from 9m to 10m, with a minimum 9m width maintained for the northern half. This increase in width to the southern portion is considered acceptable.
231. Park Lane will provide safe pedestrian and cyclist access between Doonside Street and Appleton Street at all times.
232. The DPO notes that the north-south pedestrian lane must receive sunlight between 10am and 2pm at the equinox. Precinct shadow diagrams are included in Section 3.10 of the DP; these shadow diagrams indicate that the southern section of Park Lane will receive a good degree of sunlight at 11am and midday, with the northern section of the laneway largely in sunlight between 10am and 1pm at the equinox. This outcome is acceptable and will provide a pleasant pedestrian environment within this space.
233. Subject to final design approval that will occur during a planning permit application, officers are satisfied with the proposed layout of Park Lane.

Harry's Lane

234. The development seeks to provide a second north-south laneway in the western half of the site with a minimum width of 6m. This outcome allows for additional activation of the precinct and provides a further break in built form that will articulate the massing and form when viewed from the north and south. The location of the laneway will provide additional views and connectivity through to the future Doonside Precinct to the north, whilst supporting commercial tenancies which will operate internally to the site. The addition of this laneway, including its orientation and width, is a feature that is supported by Mr McGauran and Planning officers.
235. Section 3.3 of the DP indicates that both laneways will be provided with high quality urban design and crime prevention through environmental design (CPTED) principles through a mix of built form uses, landscaping, access to sunlight, shelter, lighting, public seating and bicycle parking and will be universally accessible for persons of limited mobility. The DP also notes that the laneways will be accessible by emergency services, maintenance vehicles and limited access to the Harry the Hirer showroom.
236. The provision of the two laneways meets the requirements outlined above. While the DPO notes that the laneways should not be accessible by private vehicles at any time, it is acknowledged that only Harry's Lane will provide limited access to private vehicles (to the showroom). Park Lane will be accessible for emergency and maintenance vehicles only. Section 7.4 of the Traffic Assessment provided with the DP notes that a temporary loading area for display vehicles and event equipment is proposed at the northern end of Harry's Lane. The DP should be updated to specify that this will occur infrequently.
237. The Traffic Assessment states that access to Harry's Lane will be controlled through traffic management procedures, and bollards will be provided outside of loading periods to restrict vehicle accessibility. These loading activities are expected to be infrequent. As above, this should be specified in the DP.

238. The other two main changes outlined at the beginning of this section, which involve the removal of the splay in the north-east corner of Building B and the additional landscaping adjacent to Park Lane relate to built form, open space and landscaping and will be discussed in detail within the relevant sections of this report.

[Built Form Guidelines](#)

239. *Built form guidelines to assist the implementations of the vision which provide the following:*

- (a) *Maximum building heights and envelopes responding to the site context;*
- (b) *Building setbacks from street boundaries that ensure that new future development does not overwhelm the scale of the heritage buildings on the site and presents acceptably to lower scale buildings in the vicinity of the site, including dwellings on the south side of Appleton Street;*
- (c) *Building setbacks from the facades of 81-95 Burnley Street that ensure the heritage building can be understood as having a three-dimensional form;*
- (d) *Preferred minimum upper level (above podium) setbacks of:*
 - (i) *13 metres from the Appleton Street site boundary;*
 - (ii) *8 metres from the Burnley Street site boundary;*
 - (iii) *8 and 5 metres from the Doonside Street site boundary;*
 - (iv) *9m from habitable room windows or balconies of the Embassy building directly to the east and south;*
- (e) *Ensure new buildings are well spaced (preferred minimum 9 metres between buildings above podium);*
- (f) *Buildings set back a minimum of 8 metres (above podium) from the heritage building at 26-34 Doonside Street;*
- (g) *Inter-floor heights within the heritage buildings on the site to ensure they relate to the existing floor levels and/or fenestration patterns;*
- (h) *Ensure the retention of key heritage fabric of:*
 - (i) *the Appleton Street, Burnley Street and Doonside Street elevations of 81-95 Burnley Street (former Repco Factory) for the extent of the building within in heritage overlay; and*
 - (ii) *external form of 21 Doonside Street (former Repco Offices and Laboratories), while allowing for adaptive reuse.*
- (i) *Active frontages to Burnley Street, Doonside Street, open space and the pedestrian lane, as appropriate;*
- (j) *The design and use of materials must be respectful of the industrial heritage of the site and its surrounds to the north and east, as well as to the residential heritage to the south;*
- (k) *Provide for high quality architecture and spaces throughout the site and respond to heritage places through, as appropriate:*
 - (i) *create an interesting and varied street wall and podium which is reinforced through a range of parapet heights and rebates of sufficient depth and texture to provide modulation in the street façade;*
 - (ii) *use contemporary architectural detail which complements and responds to the significant elements of the heritage buildings;*
 - (iii) *avoid highly articulated facades above retained heritage buildings;*
 - (iv) *ensure there is solid built form behind retained facades and avoid balconies behind existing openings;*

- (v) *providing high quality treatments to the building facades facing the pedestrian lane and streets;*
- (l) *Ensure car parking is screened by buildings and not clearly visible from the street, or otherwise located in basement areas;*
- (m) *Ensure buildings are designed to ameliorate adverse wind conditions at street level, public spaces and lower level dwellings;*
- (n) *Ensure buildings are designed along Appleton Street to break up the form of the street wall;*
- (o) *Minimise vehicle access and traffic movements in Appleton Street;*
- (p) *Ensure buildings are designed and spaced to create a visually interesting skyline, streetscape and coherent precinct;*
- (q) *Ensure that site services and loading areas are carefully designed to minimise impacts on streetscapes, shared spaces and pedestrian footpaths and laneways;*
- (r) *Buildings designed to ensure the effectiveness of new residential development and other noise sensitive uses in protecting their own amenity where potentially affected by existing commercial, industrial and warehouse businesses; and*
- (s) *To encourage sustainable transport initiatives.*

240. Section 4 of the DPO states that a DP must be ‘generally in accordance’ with the IFP, with this plan demonstrating the height and setback expectations for future built form within the site. It is important to note that these expectations are articulated as ‘preferred’ and not ‘mandatory’ heights. The IFP is provided for reference again in Figure 33 below.

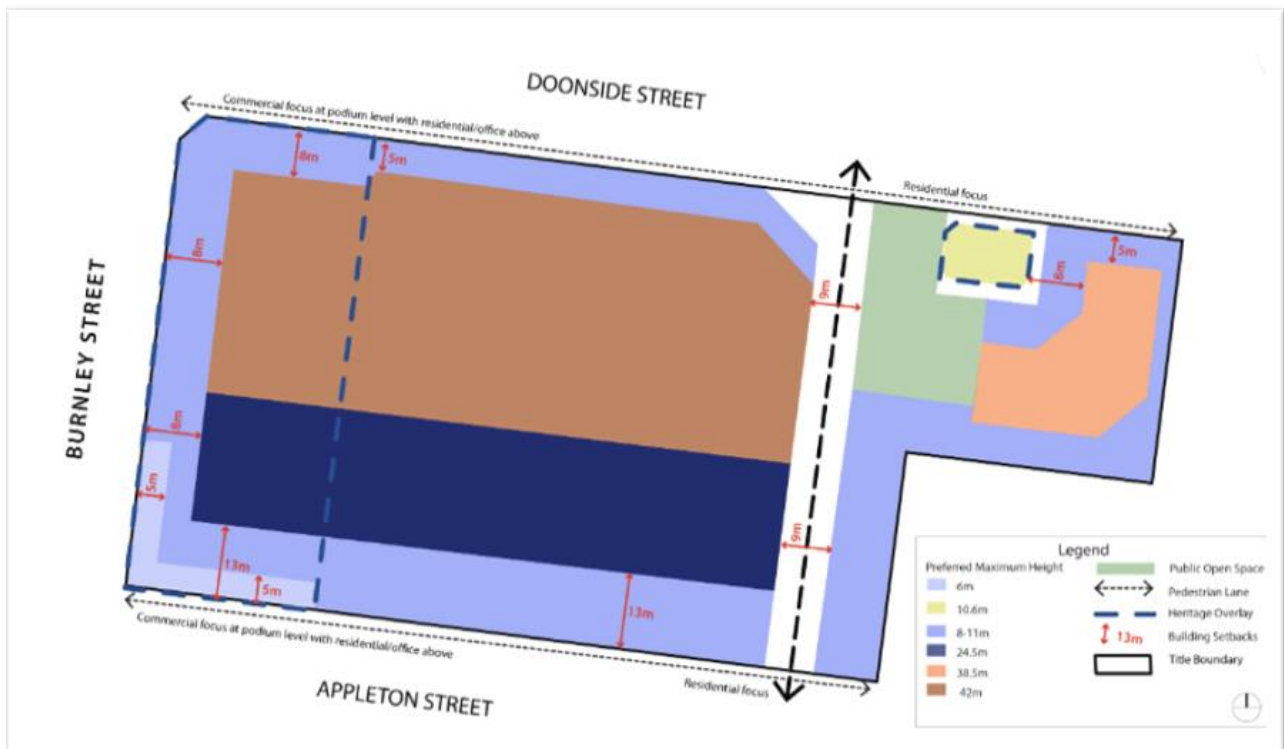


Figure 33: Indicative Framework Plan. Source: Schedule 15 to the DPO – Yarra Planning Scheme

241. The table below provides an overview of the preferred heights outlined in the IFP, and the heights sought by the DP. The variation in height is also shown.

Building		Preferred DPO heights	Proposed DP heights	Variation
Building A	Podium	6m-11m	5m-9.5m	-1m
	Lower tower form	24.5m	25.5m	+1m
	Higher tower form	42m	44m-49.6m	+2m-7.6m
Building B	Podium	8-11m	9.5m	
	Tower	42m	42m-55.9m	+13.9m
Building C	Podium	8-11m	5m-9.5m	-3m
	Tower	38.5m	41.9m	+3.4m
Building D	Podium	8-11m	11m	
	Tower	24.5m	25.4m	+0.9m

242. The existing heritage building at 26 Doonside Street will be fully retained at a height of 10.5m.

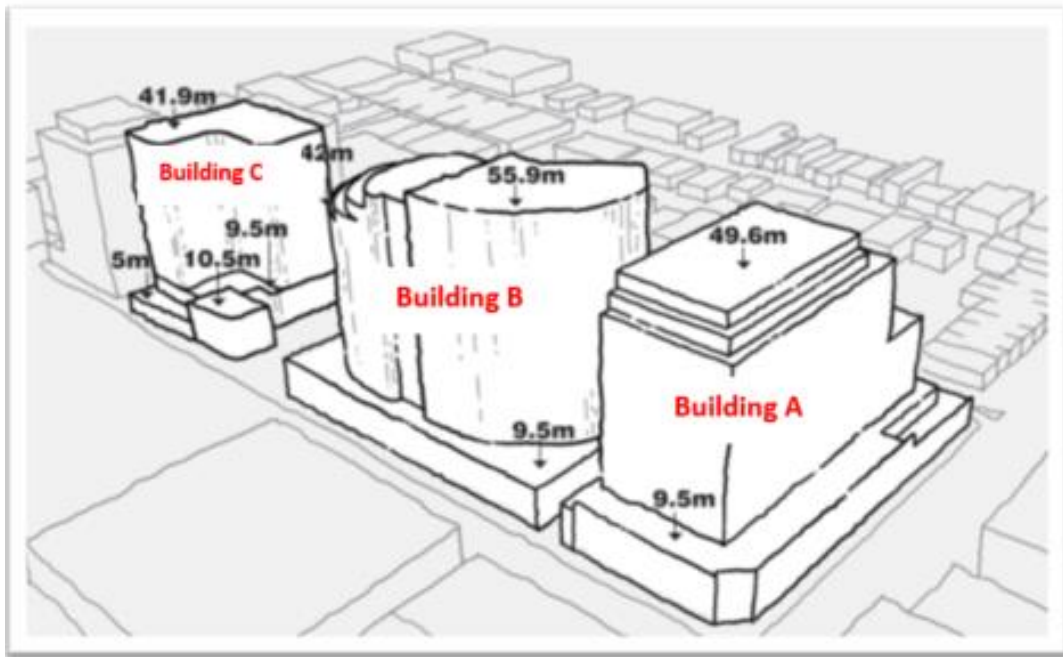


Figure 34: Proposed massing of buildings viewed from north-west. Source: Development Plan (Gurner 2023)

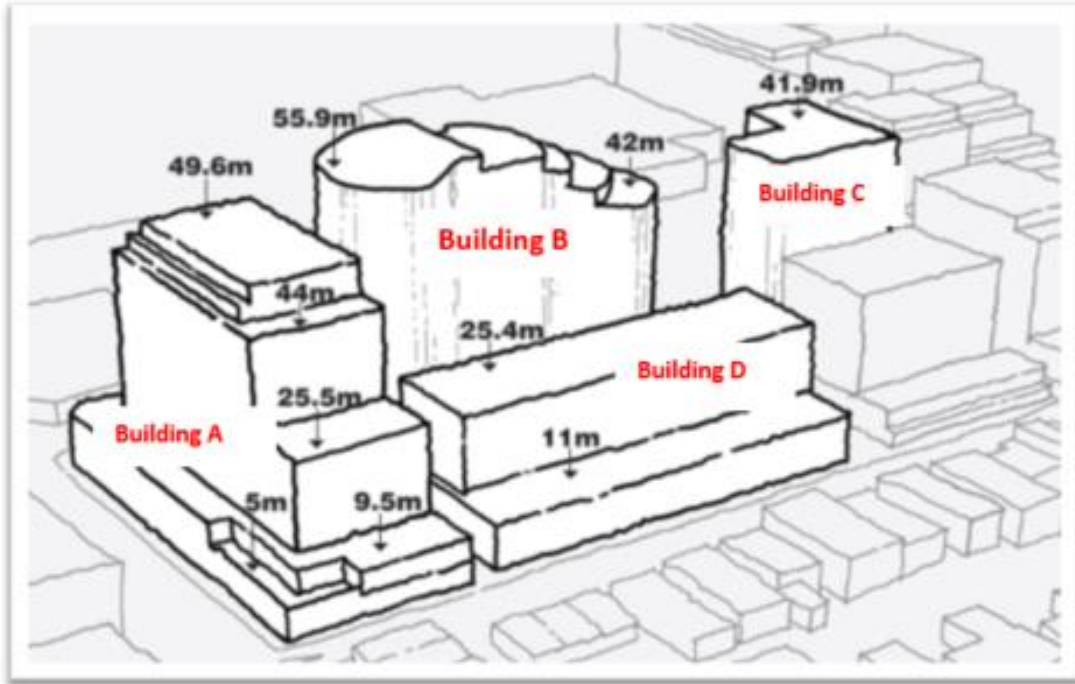


Figure 35: Proposed massing of buildings viewed from south-west. Source: Development Plan (Gurner 2023)

243. In general, the DP seeks to provide greater heights than the preferred heights outlined in the DPO.
244. Figure 35 outlines that the greatest increase in height is proposed to be located on the northern half of the site, with the heights along the southern interface similar to those envisioned in the IFP. The DP states that some parts of the new buildings and building components will be at a lesser height and of less bulk than proposed in the IFP, with articulation and variations of building forms assisting in addressing the bulk of the taller buildings. This will be discussed in detail below.
245. The DP seeks to vary a small number of the preferred setbacks outlined in the DPO, however the extent of changes is relatively minimal in most instances as shown in the table below.

Interface	Building	Preferred DPO setbacks	Proposed DP setbacks	Variation
Burnley Street	Building A	5m-8m	5m-8m	
Doonside Street	Building A	8m	8m	
	Building B	5m	3m, 5m, 20m	-2m +15m
Appleton Street	Building C	5m	5m	
	Building A	5m, 13m	5m, 11m	-2m
	Building D	13m	13m	

246. The proposed setbacks are shown visually in Figure 36.

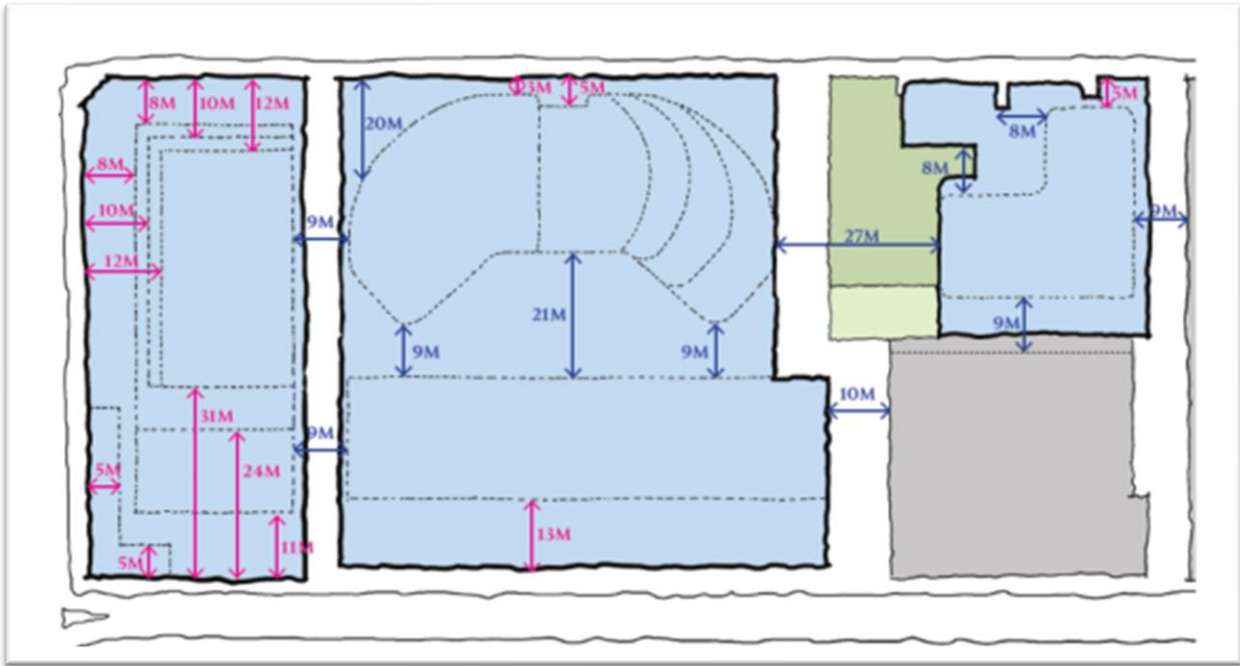


Figure 36: Proposed setbacks within the DP. Source: Development Plan (Gurner 2023)

247. Amendments to the proposed heights and setbacks of the development were originally sought by the Applicant during the Panel hearing and discussed in the subsequent Panel report, with the report noting:
- (a) *The alternative Indicative Framework Plan as proposed by Ms Heggen as part of her evidence differed from the exhibited IFP in the following key respects: increase in the preferred maximum height from 42 metres to 59 metres in the northern part of the land and increase in the preferred maximum height from 24.5 metres to 27.5 metres in the southern part of the land.*
248. This was not supported by the Panel and raised questions of procedure during the hearing. The Panel report also noted that the key question is whether the physical and policy setting would reasonably justify an increase in the preferred maximum height of buildings as proposed, and that 'a significant checkpoint for acceptable increased height was the need to restrict overshadowing to properties on the south side of Appleton Street and the footpath on the western side of Burnley Street'.
249. The increased heights sought during the Panel hearing proposed to extend to a maximum height of 59m to the north and 27.5m to the south. When compared to the preferred heights approved in the DPO, this results in additional heights of 17m and 3m respectively. In comparison, the additional height sought via the DP are between:
- (a) 7.6m and 2m (Building A);
 - (b) 13.9m (Building B);
 - (c) 3.4m (Building C); and
 - (d) An additional height of 0.9m is sought for Building D to the south.
250. The acceptability of the additional height of each building will be discussed individually. Prior to this, the issue surrounding the lack of third-party notice or review rights must be addressed.

251. The use of 'preferred' as opposed to a 'mandatory' requirement for the building heights allows a degree of flexibility and discretion in Council's decision making with regard to acceptable heights throughout the development. This discretion is also provided in the DPO, which notes that a *Development Plan must be generally in accordance with the Indicative Framework Plan*. The 'preferred' and 'generally in accordance' terminology indicates to the community that alternative heights may be sought, and are allowed to be sought, by the Applicant.
252. The concept of what constitutes 'generally in accordance' has been discussed at the Tribunal in a number of matters, including *Canet v Brimbank CC* [2003]; *Casey Garden's Development Pty Ltd v Casey CC* [2009] and *Bachley Street Pty Ltd v Maribyrnong CC* [2013].
253. These matters have established that:
- (a) General accordance is a question of fact, to be assessed on the facts and circumstances of each case;
 - (b) The less precision there is in the primary document/s, the more flexibility is given by the phrase "generally in accordance with";
 - (c) "Generally in accordance" does not require the proposed development to be identical to that described in the development plan or incorporated plan; and
 - (d) It is appropriate to read the development plan or incorporated plan as a whole when making this assessment, and to have regard to the objectives, responses and plans comprising the approved plan.
254. Based on the above, it is Council's role to determine whether the proposed increase in heights sought via the submitted DP are 'generally in accordance' with the approved DPO. This determination relies on a range of urban design and amenity considerations, including the objectives and vision of the DPO.
255. Also relevant is whether the physical and policy setting surrounding the site has changed since the hearing was conducted in 2020. While the policy context has not altered, the proposed redevelopment of the Victoria Gardens site immediately to the north has been considered by Council and is currently awaiting a decision by the Minister. The heights proposed within this site are outlined in Figure 37, with maximum heights in the realm of 17 storeys. Although these heights have not been approved at the time of writing this report, they provide an indication of expectations and potential emerging scale of development within immediate proximity to the site.

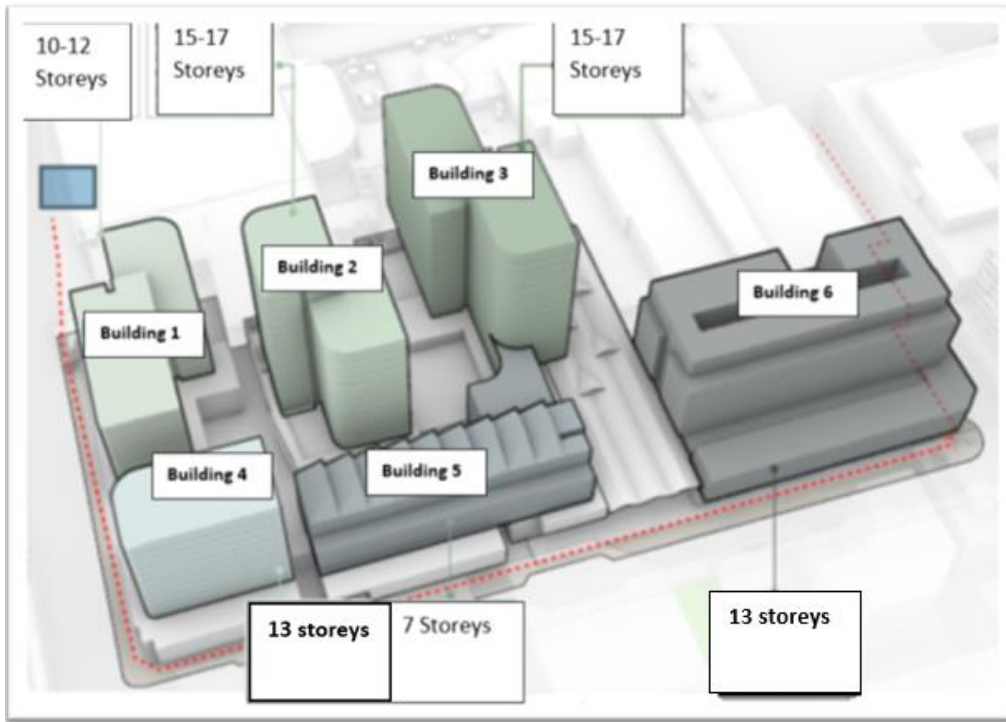


Figure 37: Proposed Building Heights within Doonside Precinct. Source: Planning Officer Report, Council Meeting 14 March 2023.

256. With the above in mind, each building will be discussed in turn.

Building A

257. The DP seeks a maximum height of 49.6m for Building A, exceeding the preferred height by 7.6m. This height reduces to 44m for a length of 7m to the south, and then to 25.5m at the building’s southern end. These heights also exceed the preferred heights in the DPO, by 2m and 1m respectively. The podium heights generally meet the preferred heights within the DPO, albeit with a 5m high section as opposed to a 6m high podium in the south-west corner.

258. Figure 38 demonstrates that the highest element of the building will present as a smaller ‘cap’ to the tower. The setback diagram at Figure 39 indicates that each of the levels within this cap will be setback 2m from the level below. This results in an overall setback of the highest level of 4m from the tower, and 12m from the north and west boundaries.

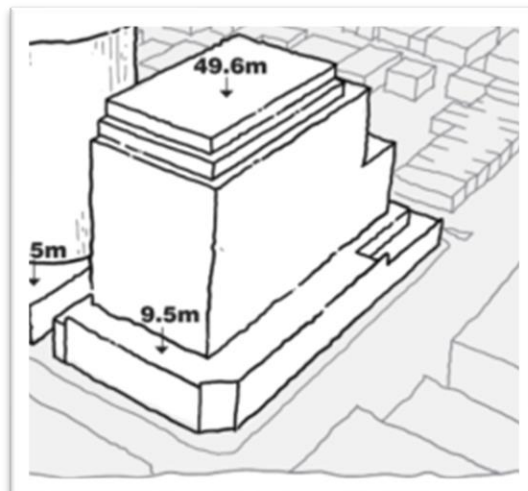


Figure 38: Upper level setbacks of Building A. Source: Development Plan (Gurner 2023)

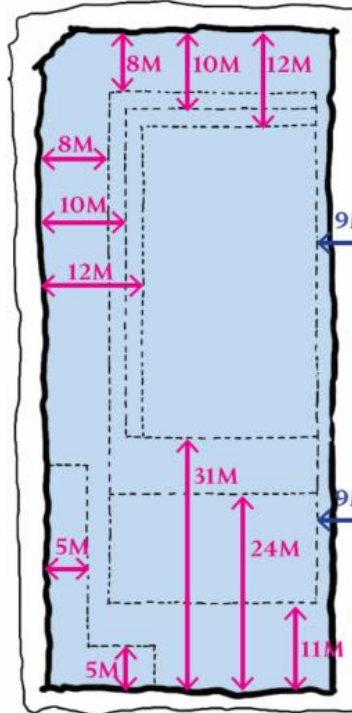


Figure 39: Upper level setbacks of Building A. Source: Development Plan (Gurner 2023)

259. The building cap would equate to approximately 15-16 storeys in height. The design relies on the most visible section of the building being the lower heights of 44m and 25.5m, equating to approximately 14 and 8 storeys respectively.
260. The consecutive setbacks of the upper levels allow them to be generally concealed from various vantage points surrounding the site. To demonstrate this, Figure 40 provides an indicative image of Building A when viewed from the intersection of Burnley Street and Doonside Street, with sightline diagrams at Figures 41 & 42 indicating that the additional two levels will not be visible when viewed from key vantage points along Burnley Street. The sightline diagrams confirm that the height of the tower will obscure visibility of the upper-most form. This ensures that the northern section of the building would present as 14-storeys when viewed from the street.

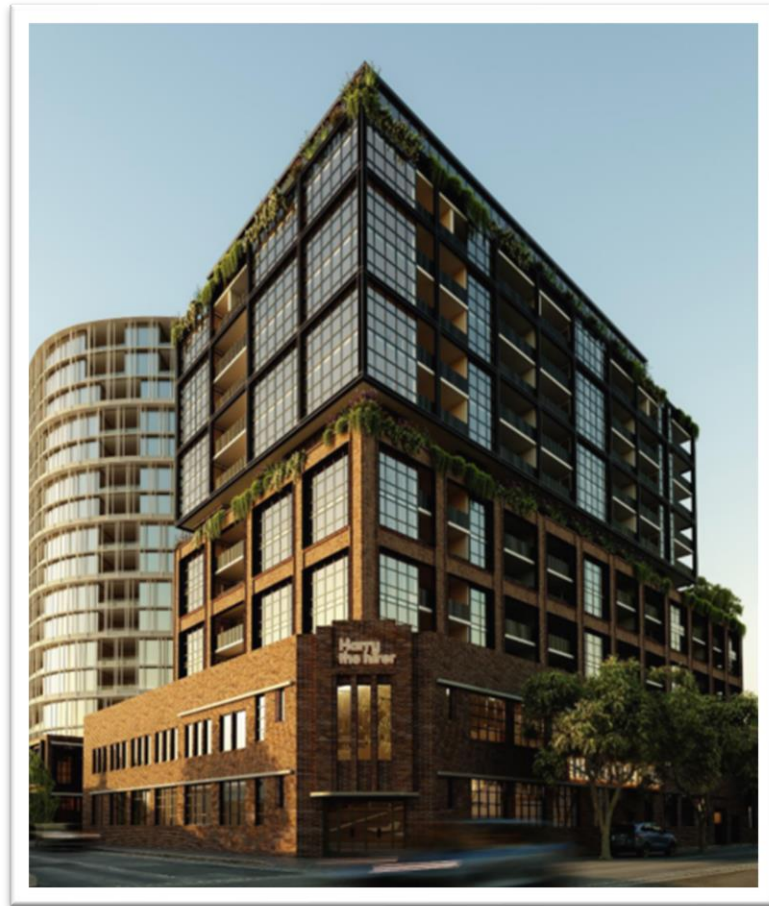


Figure 40: View of Building A from north-west. Source: Development Plan (Gurner 2023)

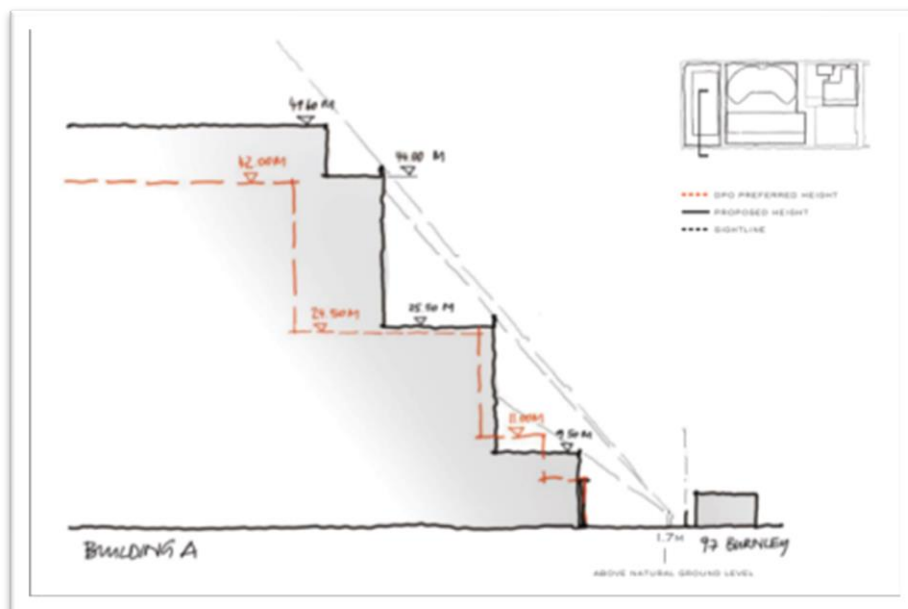


Figure 41: Sightline of Building A from Burnley Street. Source: Development Plan (Gurner 2023)

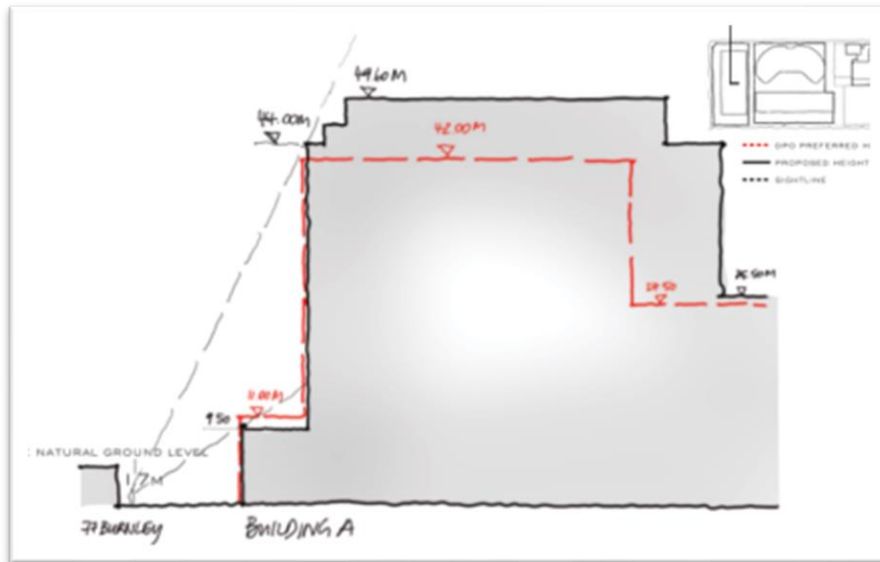


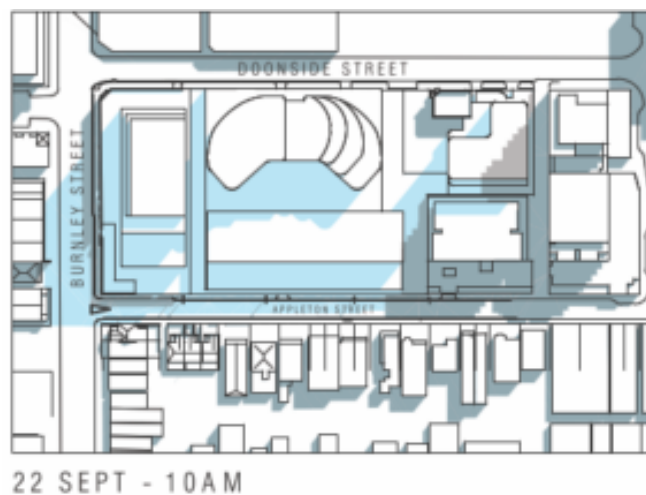
Figure 42: Sightline of Building A from Burnley Street. Source: Development Plan (Gurner 2023)

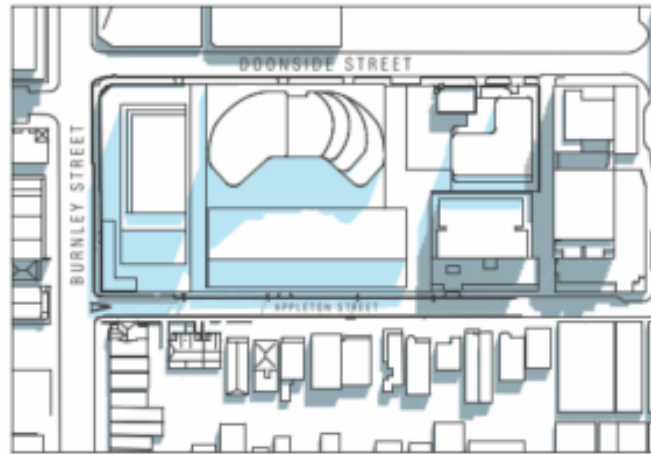
261. The limited visibility of the building 'cap' relies on the tower also extending marginally above the preferred height of 42m, to 44m. Mr McGauran was supportive of the additional height of 2m for the tower element; however, he did not consider that the additional height of the cap had been appropriately managed with regards to shadow impacts or visual bulk to Burnley Street.
262. Planning officers do not agree with this assessment. As demonstrated, visually the additional two storeys will not impact upon views from Burnley Street; the staggered setbacks of these levels have achieved this outcome. This allows the building to present visually at a lower height and it is considered that this setback addresses the visual bulk concerns highlighted by Mr McGauran.
263. The progressive setbacks of these levels have also ensured that additional shadows from the extra height will be mitigated. Respective setbacks of 10m and 12m from the tower element would result in no additional shadows from the top two levels falling beyond the IFP building heights. This outcome is demonstrated in the images below, with the shadows cast by the two upper levels shown in red.



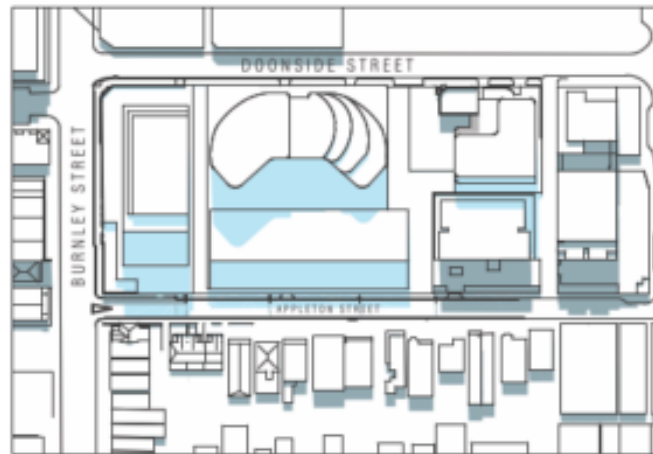
Figure 43: Additional shadows cast by two upper-most levels of Building A. Source: Applicant email 3 August 2023

264. The lack of any additional shadows cast by the extra height is a key point to the acceptability of the proposed building envelope. The shadow diagrams provided in Section 3.10 of the DP demonstrate that no overshadowing of residential properties on the south side of Appleton Street between 10am and 2pm will occur and no overshadowing of the footpath on the western side of Burnley Street from 11am will occur as a result of the proposed greater height. These shadow diagrams are replicated below.





22 SEPT - 11AM



22 SEPT - 12PM



22 SEPT - 01PM

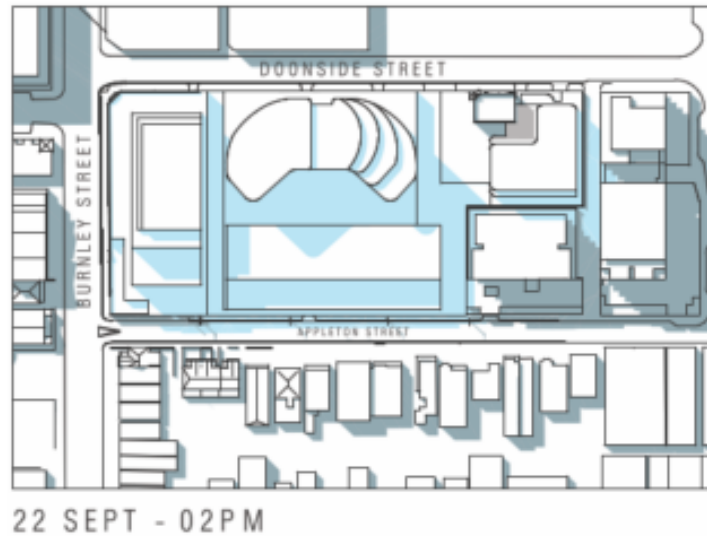


Figure 44: Proposed shadows between 10am-2pm. Source: Development Plan (Gurner 2023)

265. Given this outcome, it is considered that the two main concerns raised by Mr McGauran have been adequately addressed, with the design and setbacks of the 'cap' mitigating any unreasonable visual bulk or overshadowing to the surrounding sites.
266. The panel report noted that *'the preferred maximum height of 42 metres in the proposed Amendment would be at the upper end when compared with recent developments and approvals. Examples of higher developments in precincts distant from the subject site while still within the City of Yarra are outcomes of differing local contexts, development site conditions and planning scheme provisions. As such, these are not considered to carry sufficient weight to support a greater maximum height than that in the exhibited Amendment'*.
267. As outlined previously, the context of heights within the immediate surrounds has altered since the hearing was conducted, and it is acknowledged that the development of the Victoria Gardens site, whilst not approved, will result in substantial changes to the surrounding scale. This argument, when combined with the existing context of higher density development in the realm of 13 storeys around the site, is not considered to be as applicable to the current scheme. As noted, the building will largely present as a 14-storey building from street level.
268. In support of exceeding the preferred heights of this building, the DP notes the following;
- (a) The visibility of the building is generally consistent with the preferred building heights when viewed from the opposite footpaths on Doonside Street, Burnley Street and Appleton Street;
 - (b) The siting of the maximum building heights is at its least sensitive interface, with a transition of heights down from north to south provided; and,
 - (c) No overshadowing of residential properties on the south side of Appleton Street between 10am and 2pm will occur and no overshadowing of the footpath on the western side of Burnley Street from 11am will occur as a result of the greater height.

269. The Panel report supported the transition in heights throughout the site, which was included in both versions presented at the hearing, noting that *'the outcome of both these proposals is the positioning of lower built form at the southern edge of the subject land, stepping down from higher built form to the north. This would address the interface with the fine-grain residential character of the heritage area south of Appleton Street'*.
270. The DP maintains the graduated heights to the south as demonstrated in Figure 45, with the upper levels closest to the southern interface 25.5m in height, reducing to podiums of 9.5m and 5m towards the southern boundary. The 49.6m high section of building is setback 31m from the southern boundary; this provides a generous buffer between the lower built form to the south and appropriately manages views from this interface. The lower podium heights also provide an appropriate response to the residential properties on the southern side of Appleton Street. While the 25.5m section of building exceeds the preferred height by 1m, this difference is considered inconsequential and would not result in unreasonable visual impacts when viewed from surrounding land.

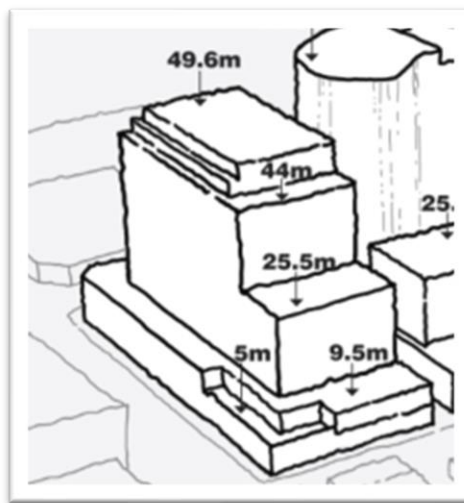


Figure 45: Height transition to the south in Building A. Source: Development Plan (Gurner 2023)

271. The acceptability of the increased heights is intrinsically related to the proposed setbacks of the building. In general, the setbacks meet the requirements of the DPO, with the main departure being the 11m setback of the lower tower form from Appleton Street, as opposed to 13m. The 11m setback is still considered to be a generous response, with the height of the podium appropriately screening views from street level and the setback ensuring that a clear degree of separation is provided between the lower and mid-rise built forms.
272. As demonstrated in Figure 46, these setbacks ensure the retention of key heritage fabric of the Appleton Street, Burnley Street and Doonside Street elevations of 81-95 Burnley Street for the extent of the building within the heritage overlay (HO375).

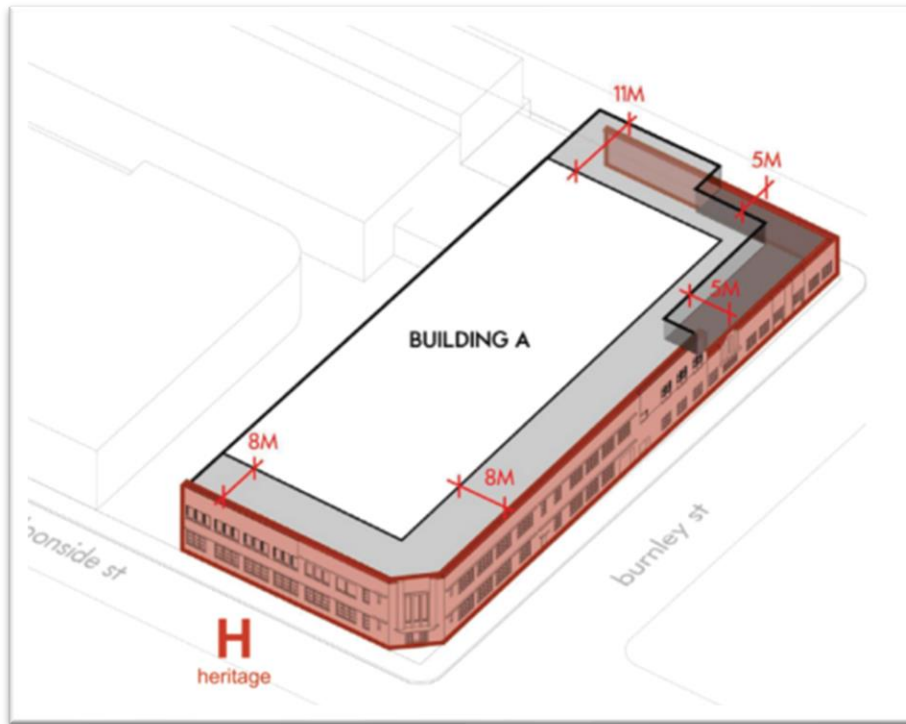


Figure 46: Proposed setbacks of Building A. Source: Development Plan (Gurner 2023)

273. This outcome was confirmed by Ms Brady as follows:

- (a) *Regarding the proposed setbacks to the new works from the facades of 81-95 Burnley Street, these generally achieve the preferred outcome of retaining a sense of the three-dimensional form of the building. This is also assisted by the retention of the three streetscape facades, as included in the Heritage Overlay. While an upper storey addition with a more limited setback is proposed for the single-storey part of the building to the corner of Burnley and Appleton streets, this too has a setback which reduces its impact, and is an acceptable outcome here.*

274. Further to this, Ms Brady notes:

- (a) *Regarding the proposed setbacks to the new buildings and works, in relation to the heritage buildings and streetscape interfaces, those identified at DPO15 are largely achieved. While there is some variation in consistency with DPO15, this is not to the detriment of the heritage buildings and is an acceptable outcome.*

275. This outcome is consistent with the requirements outlined in the 'built form guidelines', with the building setbacks from street boundaries ensuring that new future development does not overwhelm the scale of the heritage buildings on the site and presents acceptably to lower scale buildings in the vicinity of the site, including dwellings on the south side of Appleton Street. The setbacks also ensure that key heritage fabric is retained, with the DPO seeking to provide for the conservation of heritage places within the site.

276. The DP itself does not contain details about the restoration of the existing heritage fabric, however Section 3 stipulates that conditions of any permits issued must include a schedule of conservation works for the retained facades and a heritage maintenance plan to ensure the ongoing retention of the heritage built form.

277. While Ms Brady was supportive of the setbacks as proposed, she originally recommended a reduction in height of the northern half of Building A, noting that a height more closely approximating the preferred height in the DPO would result in a less impactful heritage outcome. However, this response was based on information provided with the original DP, with her review noting that a sightline analysis and 3D modelling of the proposed development from key viewpoints in the public realm would enable an assessment of the visual impact of the development on the heritage places within the site. This information was subsequently provided in the updated DP (via the render at Figure 37) and reviewed by Ms Brady, who noted *'for Building A, the setback to the upper levels has reduced the visibility and addressed the potential visual impact of the extra height. This makes the latter more acceptable in heritage terms'*.
278. Based on the above discussion, Planning officers are supportive of the amended envelope being sought for Building A. The additional height has been appropriately managed via the use of setbacks and a variation in massing throughout the building, with off-site amenity impacts effectively responded to. It is considered that the modified design will sit comfortably within the context of existing and emerging heights within the immediate area and is generally in accordance with the outcome sought by the DPO.

Building B

279. Building B seeks the most substantial departure to the preferred height requirements, with an overall height of 55.9m being sought. This extends 13.9m above the preferred height of the DP, with a reduction in height to 42m at its eastern end. The stepping down of height to the east is demonstrated in Figure 47.



Figure 47: Proposed heights of Building B. Source: Development Plan (Gurner 2023)

280. The increased height sought during the hearing was 59m, resulting in an additional height of 17m above the preferred height. The DP still seeks to exceed the preferred height; however, the exceedance has reduced, and the eastern side of the building would align with the preferred height of 42m. This building is located furthest from the more sensitive interfaces to the south and west, with the lower height to the east providing a graduation in scale towards the lower built form anticipated in this direction. It is noted that this building is not located within a heritage overlay.
281. The Panel report notes that *'An important policy direction for this precinct is to facilitate a transition from the scope of the taller, more robust building forms in and around the Victoria Gardens Shopping Centre to the more conventional residential areas beyond. The Panel considers that the emerging context in the vicinity of the subject site (which includes many recent approvals that are consistent with this) should be given substantive weight in assessing preferred maximum heights for the Amendment'*.

282. As outlined earlier, the Panel relied on the existing context surrounding the site when writing their report. It was acknowledged throughout the report that the site is designated as a 'strategic redevelopment site' within the Activity Centre context, and the provision of taller built form throughout the site would maximise housing yield. The delivery of more dwellings would also benefit the extent of affordable housing available within the development, with 10% of the dwellings to be provided as affordable housing. This aspect will be discussed in detail later within this report.
283. The context of the immediate surrounds has altered since the report was written. Section 3.9 of the DP states; *'In the intervening period since the release of the Panel report in July 2020, through consultation with Salta Properties, a redevelopment of Victoria Gardens to include additional commercial offerings and approximately 700-800 dwellings is being contemplated. The scale of any subsequent buildings is unknown, however it represents a change to the emerging context that informed the Panel's position in relation to building heights and will enable a transition from Victoria Street (north) to Appleton Street'*.
284. As shown in Figure 34 of this report, heights being sought within Victoria Gardens extend to a maximum of 17-storeys. The heights sought for Building B would range from approximately 17 storeys to approximately 14 storeys at its eastern end.
285. The sightline diagram at Figure 48 demonstrates how the additional height will be viewed from Doonside Street. Visually the building will present as higher built form from this interface than that envisioned in the DPO. However, the sightline diagram also shows the additional setback proposed for this building at its eastern and western ends. While the central section of tower will be setback 3m and 5m from the northern interface, this setback will extend to 20m at both ends of the curved building frontage. The curved design of the façade will reduce visibility of the building from various vantage points and provide a more visually interesting outcome than that anticipated in the DPO. The curved design of the building is demonstrated in the setback diagram at Figure 49 and render at Figure 50.

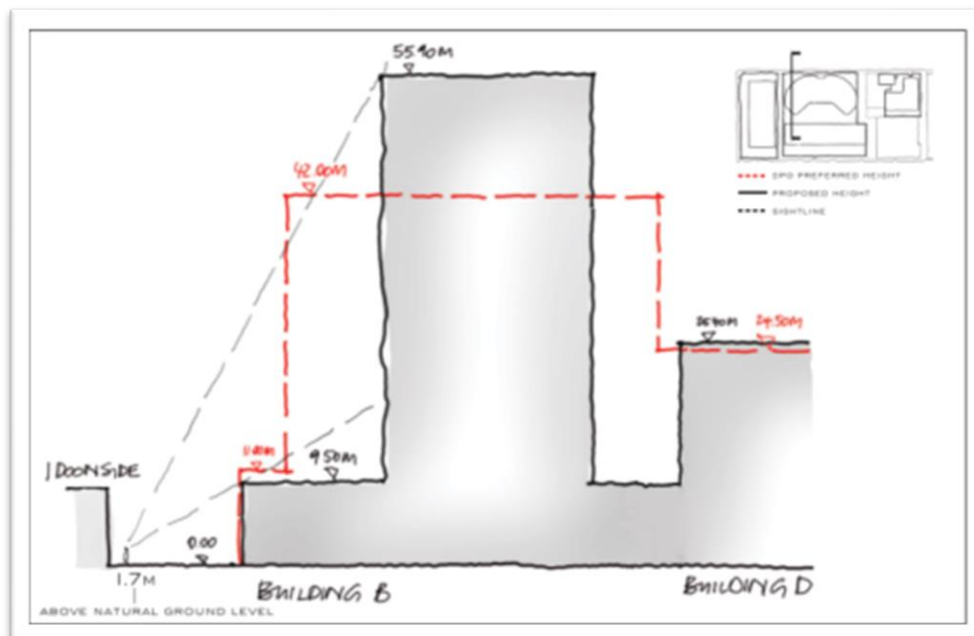


Figure 48: Sightline diagram from Doonside Street to Building B. Source: Development Plan (Gurner 2023)

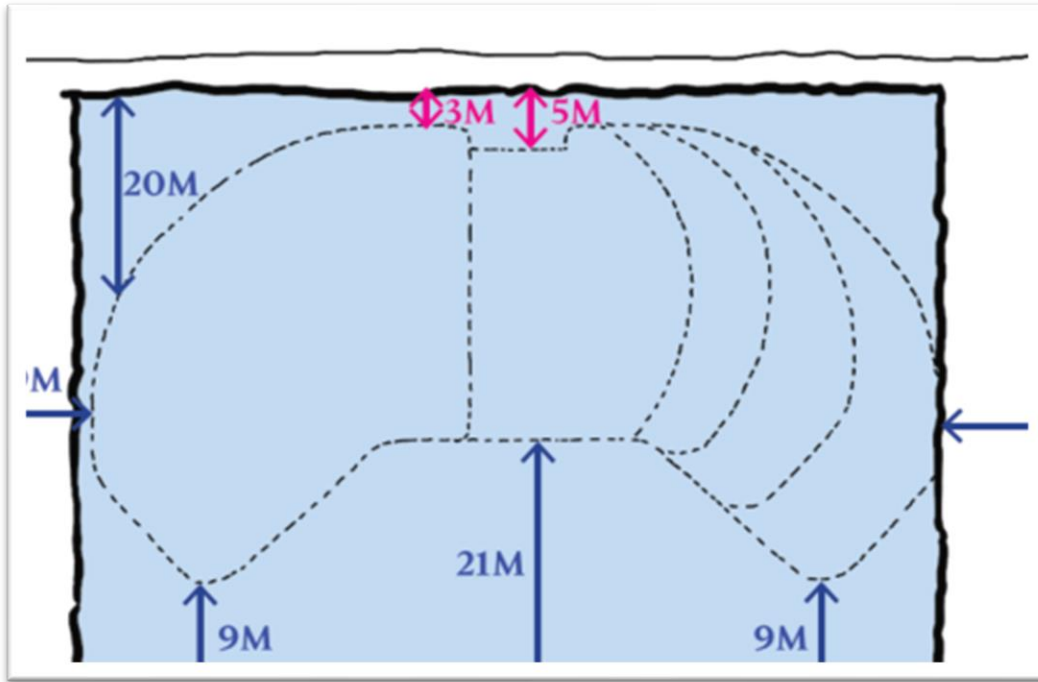


Figure 49: Proposed setbacks of Building B from Doonside Street. Source: Development Plan (Gurner 2023)



Figure 50: Render of Building B from north-west. Source: Development Plan (Gurner 2023)

286. Council's Strategic Planning team were not convinced that the tapered setback at either end of this building would sufficiently reduce the mass of Building B when viewed from oblique angles and were not of the opinion that the taller height being sought, along with the greater setbacks, would result in a varied or interesting skyline along Doonside Street.

287. In contrast, Mr McGauran noted:

- (a) *I think there is a case for the increase in height of Building B centrally located between the proposed east and west lanes on Doonside Street with the tallest built form to the west, with a setback from the laneway interface and the eastern side scaling down as previously envisaged to protect amenity in the adjoining park and pedestrian links.*

288. Planning officers share Mr McGauran's view. The IFP within the DPO allows for a consistent 5m setback to extend along the full frontage of Doonside Street. The DPO also did not include a second laneway between Buildings A & B. The break in built form provided by Harry's Lane, along with the varied setbacks proposed from Doonside Street, are considered to result in a visually appropriate outcome which allows for a variation in heights along the streetscape, and throughout the precinct as a whole. The variation in height provided within the building itself contributes to this response, with the graduation in scale to the east providing an acceptable transition to the heritage building at 26 Doonside Street.

289. The higher built form will respond appropriately to the anticipated 'more robust' heights being sought within the Victoria Gardens precinct, and the varied setbacks from Doonside Street will allow for suitable visual breaks when viewed in conjunction with future buildings from the western and eastern ends of Doonside Street.

290. Further to this, the additional height will not result in any additional overshadowing impacts to the south, and as demonstrated in Figures 51 & 52, visibility of the taller built form will be generally obscured from Appleton Street protecting the amenity of the sensitive residential interfaces to the south. The reduction in height to the east will also ensure that shadow impacts to the future Doonside Park on the eastern side of the building will be appropriately managed. On this basis, an increase in height for the western portion of this building is supported.

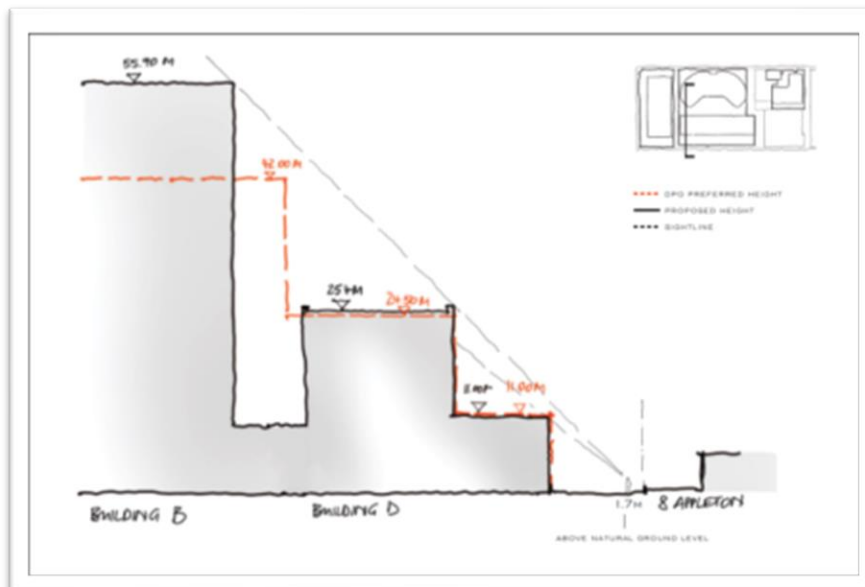


Figure 51: Sightline diagram from Appleton Street to Building B. Source: Development Plan (Gurner 2023)

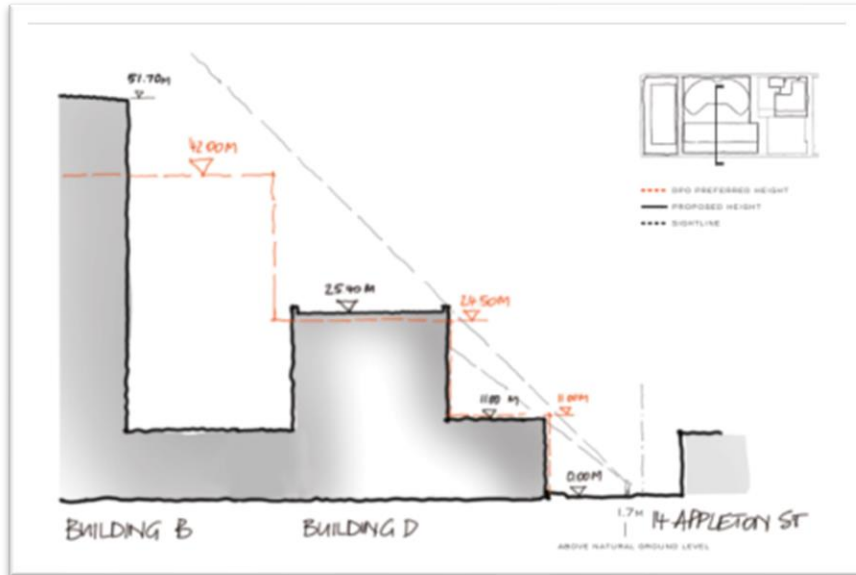


Figure 52: Sightline diagram from Appleton Street to Building B. Source: Development Plan (Gurner 2023)

291. The other variation to the preferred parameters of this building is the section of 3m setback from Doonside Street. As shown in Figure 49, this portion of the setback is relatively limited, with the central section of the façade set back 5m from the boundary, and the setbacks extending in a curved design to reach 20m to the east and west. The variation provided by the proposed setbacks is considered to result in a visually interesting upper-level response, with the greater side setbacks reducing any visual impacts that may otherwise be generated by the reduced depth. This outcome is supported.
292. One of the changes sought by the DP and highlighted within an earlier section of this report is the removal of the splay in the north-east corner of Building B at the entrance to Park Lane. This splay is demonstrated in Figure 53, however has not been replicated in the podium design of Building B (Figure 54).

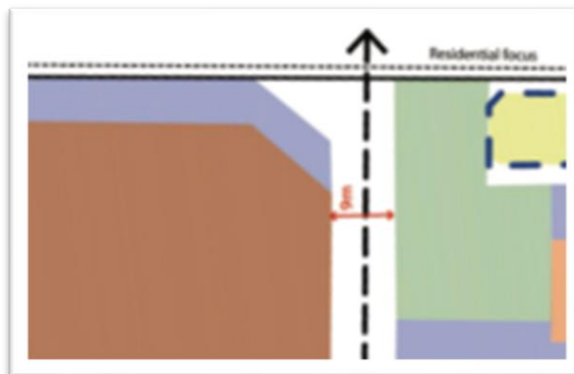


Figure 53: Building B layout in the IFP. Source: Schedule 15 to the DPO – Yarra Planning Scheme

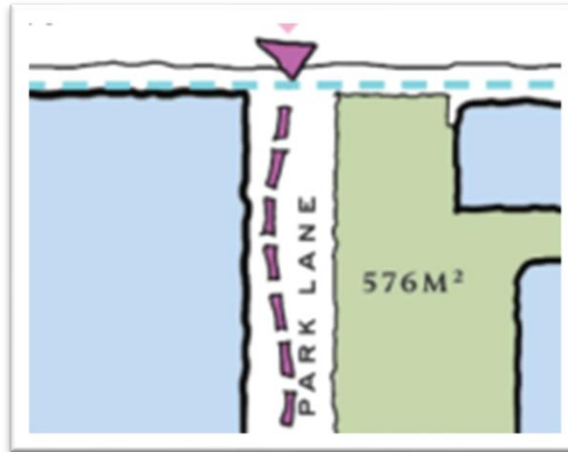


Figure 54: Building B layout in DP Source: Development Plan (Gurner 2023)

293. The removal of this chamfered corner from the design would necessitate the removal of a significant native tree within the title boundary of the site, with a tree of this size providing urban cooling, wind mitigation and biodiversity benefits to the streetscape and adjacent open space. Details of the tree are provided in Figure 55.



Figure 55: Existing tree on Doonside Street. Source: Council Urban Design Comments (2022)

294. Council’s Urban Design team’s review highlighted that to remove a significant tree within the City of Yarra, a separate application must be submitted. An independent Arborist would be engaged by Council to assess the tree. It is considered unlikely that permission for the removal of the tree would be given if the tree is not dead, dying or dangerous. To alleviate this outcome, it is recommended that the chamfered ‘splay’ as demonstrated in the IFP should be reinstated to this corner, to allow the retention of the significant tree.

Building C

295. Building C is located to the side and rear of 26-34 Doonside Street, which is within HO252. The DPO seeks to ensure retention of the key heritage fabric associated with this heritage building by providing setbacks of 8m from the retained building. As demonstrated in Figure 56, these setbacks have been provided.

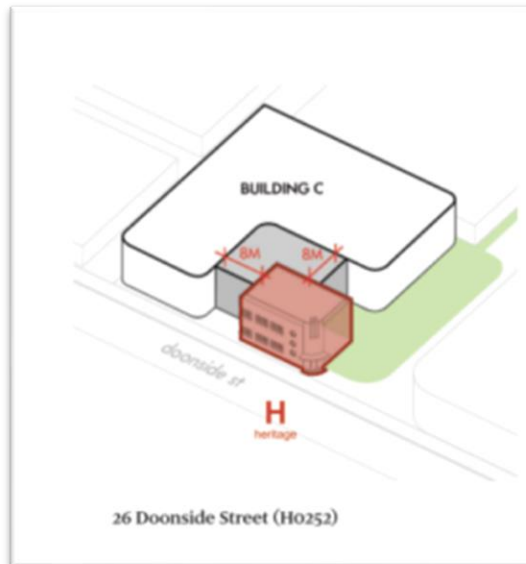


Figure 56: Setbacks of Building C from heritage fabric Source: Development Plan (Gurner 2023)

296. With regards to height, the IFP indicates a preferred podium height of 8-11m for this building, with a tower of 38.5m. The proposed podium ranges from 5m to 9.5m, with the tower extending to 41.9m, some 3.4m above the preferred height (Figure 57).
297. The DP notes that the height and form of Building C is complimentary to the neighbouring Embassy apartments (approximately 39m in height) and visually engages with the existing heritage building in the foreground. No concerns were raised by Mr McGauran regarding unreasonable visual impacts associated with the increase height sought by this building, with Ms Brady noting that '*no reduction in height is suggested for Building C*'.

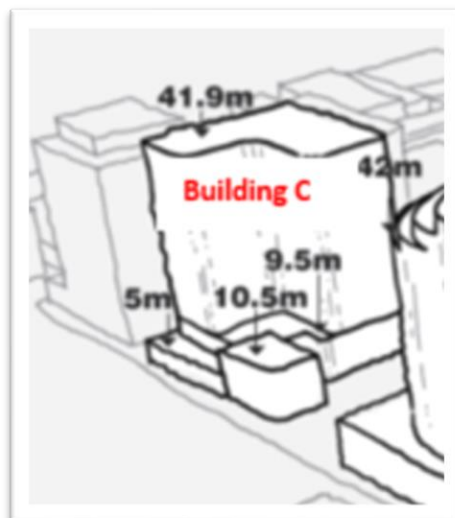


Figure 57: Proposed heights of Building C. Source: Development Plan (2023)

298. The lower street wall to the east allows the heritage building to retain its prominence within the streetscape and aligns with the built form guidelines by creating an interesting and varied street wall and podium which is reinforced through a range of parapet heights. The render at Figure 58 indicates that Building C will also incorporate a curved design response to the façade. This allows for a degree of continuity with the design of Building B, whilst also reflecting the design of the retained heritage building. These design details provide a sympathetic outcome that appropriately responds to the heritage built form, and it is not considered that the additional height being sought will cause any detriment to this outcome.



Figure 58: Indicative design of Building C. Source: Development Plan (2023)

299. The additional height is also not considered to result in any unreasonable visual or shadow impacts to Park Lane or Doonside Park, which will sit directly to the west of this building. From a pedestrian perspective, the extra height is unlikely to be perceivable, with the proximity to the park and laneway ensuring that any overshadowing of these spaces will be caused by the lower levels of this building. Additional shadows caused by the upper level would fall upon the surrounding roofs. Given the location of this building on the northern side of the precinct, views from Appleton Street will be appropriately restricted by existing and future built form. Based on the above, the additional height being sought for Building C is supported.

Building D

300. Building D is located on the southern side of the site and therefore has the most sensitive interface with the lower scale residential dwellings along Appleton Street. Building D is not located within the heritage overlay.
301. The DPO outlines a preferred podium height of 8-11m for this building, with a tower of 24.5m. The DPO also specifies a preferred setback of 13m from the Appleton Street boundary, and 9m from habitable room windows or balconies of the Embassy building directly to the east. The preferred setbacks have been achieved, with the height of the tower proposed at 25.4m. This is a 0.9m increase above the preferred height in the DPO.

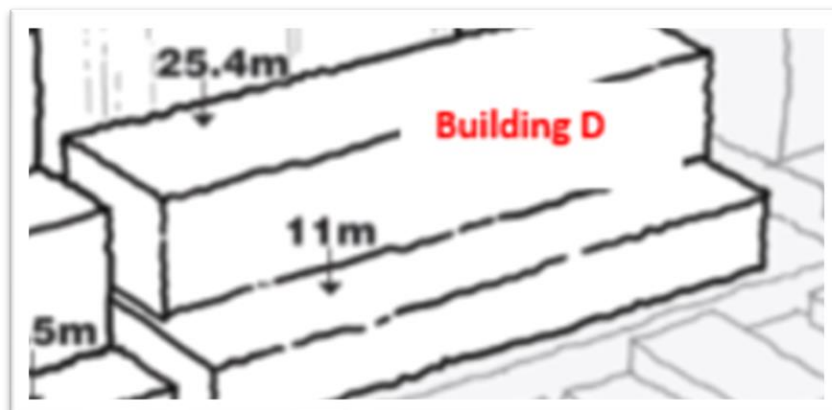


Figure 59: Proposed heights of Building D. Source: Development Plan (2023)

302. The heights and setbacks of Building D are considered acceptable, with the minor exceedance of 0.9m to the tower element marginal in the context of the development as a whole. Given the podium height and tower setbacks meet the preferred parameters of the DPO, overshadowing to the southern side of Appleton Street will be suitably addressed and visual impacts are not considered to increase to any unreasonable degree.
303. The main alteration to the design of this building is the removal of built form from the eastern side of Park Lane and the subsequent increase in façade length along Appleton Street. This aspect of the DP has been discussed previously within this report. As noted in this discussion, Mr McGauran recommended an additional setback be incorporated into the tower element of Building D from the east. This setback, in the realm of 6m, would increase the separation between the taller section of Building D and the eastern boundary to 16m, thereby providing a setback of 18.45m between this building and the balconies of the Embassy apartments.
304. This change was not considered necessary, with the proposed setback between these buildings already considered to be an appropriate outcome resulting in an improved response for west-facing apartments within the Embassy complex.
305. Instead, of relevance is a suitable response to the design guideline within the DPO which seeks to *'ensure buildings are designed along Appleton Street to break up the form of the street wall'*.
306. The DP confirms that the streetwall within Building D will be composed of triple-storey townhouses, with emphasis placed on expressing a textured and engaging street front to reflect the sense of scale and fine grain street character of the dwellings along the southern side of Appleton Street. An example of typical designs of these townhouses are provided in Section 3.11 of the DP and reproduced below.

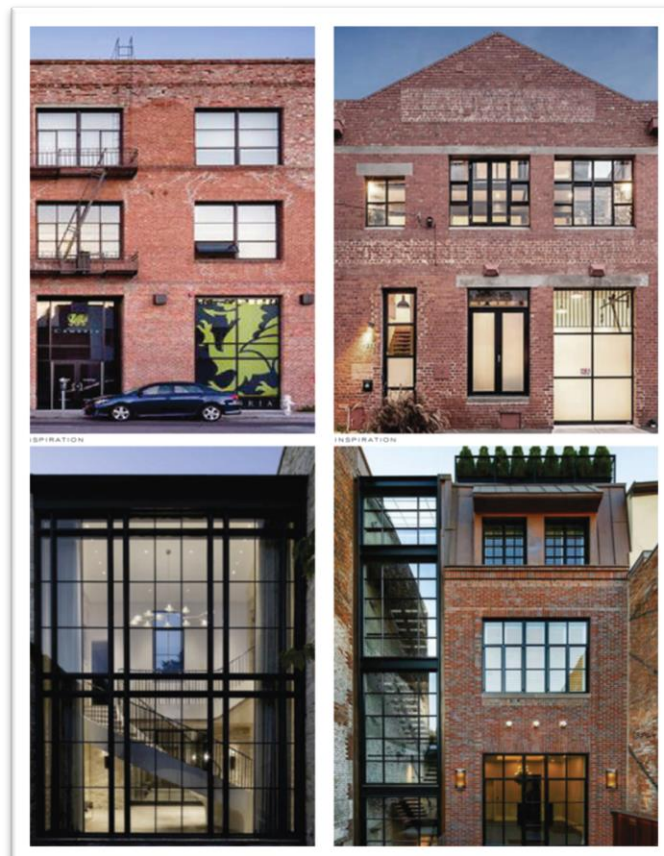


Figure 60: Indicative design of podium level dwellings in Building D. Source: Development Plan (2023)

307. The level of articulation provided in this design response is considered to provide a visually diverse outcome which appropriately addresses concerns about the massing of this façade. Further to this, the break within the streetwall provided by Harry's Lane to the west is a positive benefit of the amended layout, as are the views along Park Lane that will be available further to the east. Based on the above, the additional height being sought for Building D is supported.

Wind

308. While the proposed heights and setbacks of each building are supported from neighbourhood character and off-site amenity perspectives, an important aspect which will assist in determining whether the proposed building envelopes are appropriate is whether the development has been *designed to ameliorate adverse wind conditions at street level, public spaces and lower-level dwellings* as required in the guidelines outlined earlier.

309. A number of wind reports were submitted throughout the course of the application, with the most recent undertaking wind tunnel modelling to ascertain whether the proposed massing of the buildings could achieve safe and comfortable wind conditions throughout the precinct. It is highlighted that the preparation of a wind report is not a specific requirement outlined in DPO15, with detailed responses to wind testing expected as part of any future planning permit application once the architectural detailing of each building is resolved.

310. However, it was considered prudent to undertake a degree of testing at the initial stage to ensure that acceptable wind conditions could be achieved by the proposed development outcomes sought in the DP.

311. In consultation with Council's wind engineers (MEL Consultants), the wind report included the preparation of a model which was subsequently tested in a wind tunnel. The model included the basic massing approach identified within the DP and did not include any wind ameliorating devices such as screens, balustrades, balconies or vegetation. The results of the modelling indicated that wind conditions for many trafficable outdoor locations within and around the development will be suitable for their intended uses, however it also concluded that some areas would experience strong winds which will exceed the relevant criteria for safety and/or the existing site conditions. Additional wind tunnel testing was conducted with the inclusion of treatments for these areas. The results of the updated modelling indicated that the mitigation measures used in the subsequent tests were effective and would ensure that all trafficable areas within and around the development would meet the relevant safety limit criterion.

312. A summary of some of the treatments used for this testing include the following;

- (a) Doonside Park – 1m-1.5m high raised garden beds along the western edge, 2.5m high impermeable screens in strategic locations within the park and additional screening/bench seating to heights ranging from 1m to 2.5m;
- (b) Building A – A 1.5m high balustrade at level 2, an awning along the northern and western facades and a canopy to the east;
- (c) Building B – awnings along the northern façade at level 2 and a canopy to the east; and,
- (d) Building C – 3m high screen along the north-west and east perimeters at level 2, a canopy above this screen and strategic placement of balconies.

313. The majority of these measures are not considered to be acceptable outcomes, particularly given their locations within the most visible areas of the retained heritage buildings (Buildings A & C) and the potential to disrupt views within Doonside Park.

314. Further to this, the review by MEL Consultants noted that the in-principle mitigation strategies include street trees in the public realm (outside site boundaries) and landscaping. The planning application for the development will be assessed against Clause 58.04-4 (Wind impact objectives) of the Scheme, with this standard noting that trees and landscaping should not be used to mitigate wind impacts. This does not apply to sitting areas, where trees and landscaping may be used to supplement fixed wind mitigation elements.
315. As noted, the provision of a wind report is not a specific requirement of the DPO as it is difficult to fully assess the final wind outcomes at this early stage. The mitigation strategies suggested in the report are therefore based on the 'worst-case' scenario and have been provided to demonstrate that there are measures that could address unreasonable impacts if necessary. The report highlights that *'as the design is developed for the planning permit application, further modelling will be undertaken to optimise the scale and extent of the required treatments to suit the detailed design'*.
316. The planning application will include the details of each building, with the layout and location of balconies, indents, architectural features, balustrades and screening incorporated into the final drawings. It is anticipated that the inclusion of these features will negate the need for the majority of the mitigation treatments outlined above. To ensure that this occurs, the following disclaimer should be added to Section 3.9 of the DP:
- (a) The scale, siting and technique of the wind mitigation measures outlined within the Wind report prepared by Windtech (dated 13 July) are subject to further review, including any impacts on built form located within heritage overlays, Park Lane and Doonside Park, as part of any future planning permit applications and to the satisfaction of the Responsible Authority.
317. This will allow further reviews to be undertaken once the design of the development is refined. At that stage, if the necessary safety and comfort criterion cannot be met without resulting in unreasonable impacts to the heritage buildings or open space, alternative built form responses including alterations to building heights and setbacks may be required.
318. In summary, based on the above discussion, it is considered that the building heights and proposed envelopes as sought in the DP respond appropriately to the context of the site and reflect the emerging and anticipated context of the surrounding land. The spacing proposed between the towers achieve or exceed the expectations of the DPO, which stipulates a minimum of 9m should be provided. The degree of separation between buildings allows for a visually interesting skyline and streetscape along all frontages. It is acknowledged that this view was not shared by Council's Strategic Planning officer, who noted that *'the heights vary between 2 and 3 storeys between Buildings A, B and C. When these buildings are viewed from the oblique or from the public realm these minor height differences are unlikely to provide for a visually interesting skyline but rather overwhelming uniformity. The height difference between Buildings B and C provides the best example of visual interest between buildings, due to the greatest height difference and varied upper level setbacks'*.
319. Other issues were raised in the Strategic Planning comments; however, it is highlighted that these comments were based on the original version of the DP. The 'background' section of this report outlines the changes that were undertaken in the current version, with these including (but not limited to);
- (a) Increased setbacks of the upper levels of Building A from Burnley Street and Doonside Street;
- (b) Reduction in height to 42m for the eastern side of Building B;
- (c) Amended layout of both laneways, with Doonside Park increased in width and the fitness area removed from the southern end of Park Lane; and,
- (d) Cantilevered section of Building B removed from above Park Lane.

320. These changes addressed many of the concerns raised in the Strategic Planning comments, and also result in improved solar access within and surrounding the development. With regards to the comments regarding a 'varied skyline and streetscape', Planning officers do not share these views. The IFP proposes Building A & Building B to be a uniform height of 42m. This outcome is considered inferior with regards to variations in heights, with the contrasting massing proposed within the DP providing a more visually interesting outcome. The stepped design of the roof on Building B, and its relationship with the lower height of Building C also provides a positive response. These aspects of the development are supported.
321. Further to this, from a heritage perspective the proposed heights and setbacks achieve an appropriate outcome. However, the DP provides limited information on a number of built form guidelines relating to heritage, with Ms Brady noting that *'the DP doesn't include sufficient detail to fully assess the visual external impact of any new internal/inter-floor heights within the heritage buildings, and nor is detail provided on the presence of 'solid built form behind retained facades'. No balconies appear to be present 'behind existing openings', although again the detail is not fully available'*.
322. A new section should be incorporated into Section 3 of the DP to provide a comprehensive response to the built form guidelines from a heritage perspective. This could be amalgamated with Section 3.11, which provides details on the architectural responses proposed for each building but expanded to confirm that the inter-floor heights within the heritage buildings on the site will relate to the existing floor levels and fenestration patterns, and that balconies and built form will not be visible behind existing openings within the heritage facades.
323. With regards to the building finishes and materials proposed for built form within the heritage overlays, Ms Brady notes the following:
- (a) *The renders indicate brickwork and multi paned windows for Building A, which appear generally sympathetic to H0375. The curved form of Building C as it wraps to the rear of 26 Doonside Street, and the horizontal emphasis of the expressed floor plates are also sympathetic to the Modern heritage building. More generally, the new buildings across the site display diverse approaches and materials which are broadly acceptable in developments of this type, and within a range which Clause 22.02 contemplates for such developments associated with heritage places.*
324. The proposed design throughout the development is supported. The material palette is respectful of the heritage fabric on-site, as well as to the residential heritage precinct along Appleton Street. The variation in materials provide a visually interesting precinct wide outcome.
325. Clause 43.04-2 of the DPO notes that any permit granted for the site must be 'generally in accordance' with the development plan. It is acknowledged that this allows further flexibility for greater heights to be sought via the permit process. On this basis, Section 3.9 should be updated to include a paragraph which provides as follows: *The maximum building heights as specified for each of buildings A, B C and D are maximum heights not preferred maximum heights. These building heights have already, in some cases, exceeded the building heights shown in the Indicative Framework Plan forming part of DPO15 and are not intended to be further increased.*
326. This wording does not prevent the approval of greater heights if they are considered 'generally in accordance' with the DP, however a full assessment would be required at the time a permit application is submitted.

327. Further to this, the following requirements for future plant/equipment should be incorporated into the DP:
- (a) A requirement that future plant and equipment, including screening, for all buildings must comply with all of the following:
 - (i) Be no more than 3.6m above the maximum building height;
 - (ii) Occupy no more than 50% of the roof area;
 - (iii) Be set back a minimum of 3m from all building edges; and,
 - (iv) Be fully screened from view.
328. The DP indicates that car park access will be provided from two entrances on Doonside Street; one at the eastern end of Building C and one within the frontage of Building B. All car parking is proposed within the basement, with no visibility from any street frontage. This outcome ensures no vehicle access or traffic movements will impact Appleton Street. Traffic impacts from the development will be discussed in detail later within this report.
329. Also to be addressed within later sections of this assessment is the public realm and interface response, noise attenuation and sustainable transport initiatives.

Supplementary Documentation

330. The DPO requires additional supplementary information be provided including *massing diagrams that model the proposed built form envelopes based on the indicative heights and setbacks*
331. *Shadow diagrams that demonstrate:*
- (a) *no overshadowing of private properties on the southern side of Appleton Street beyond that caused by a building of 11m when measured between the hours of 10:00am and 2:00pm at the September Equinox;*
 - (b) *no overshadowing of the footpath on the western side of Burnley Street from 11 am at the September Equinox; and*
 - (c) *appropriate access to sunlight within the proposed park between the hours of 10am and 2pm at the September Equinox to provide a reasonable standard of amenity and useability as a principally passive open space.*
332. *Indicative palette of building materials and architectural treatments throughout the site.*

Massing

333. Four massing diagrams have been included in the DP within Section 3.8. These diagrams include views from north and south along Burnley Street, and from vantage points within Doonside Street and Appleton Street. Two additional diagrams which give overall views of the site from the north and south are provided in Section 3.9. These diagrams show the massing outcomes envisioned for the site, along with the proposed heights of the podium and tower elements of all buildings. A combination of these diagrams provides an appropriate response to modelling the proposed built form envelopes, however the following amendments should be provided to allow clear reading of the massing strategies:
- (a) View C within Section 3.8 (page 49) should be updated to show Building B in the background for clarity;
 - (b) The site layout keys on pages 46 & 48 should specify the buildings (i.e., Building A, Building B etc.) as shown on the Masterplan at page 33; and,
 - (c) The building height diagrams at Section 3.9 should be updated to include the following:
 - (i) Name of each building;
 - (ii) The direction the development is being viewed from; and,

- (iii) The names of the adjacent streets.

Overshadowing

334. Section 3.10 provides shadow diagrams at the times required by the DPO, with these shadow diagrams replicated at Figure 40 of this report. The extent of shadows cast by the development meet the requirements outlined above, with no overshadowing to the southern properties along Appleton Street between 10am and 2pm, and no overshadowing of the western footpath of Burnley Street from 11am onwards at the equinox.
335. As demonstrated in these diagrams, minor additional areas of shadowing will affect Doonside Park at 10am, 11am and 2pm. The existing heritage building adjacent to the park will cast shadows within this space at 9am, however these will dissipate from 10am onwards. The combined extent of overshadowing from existing and new built form is considered reasonable. An appropriate degree of sunlight access at the equinox will allow for an acceptable standard of amenity and useability within this space, as required by the DPO, with the majority of the park and in particular the northern half of this space, accessing a generous extent of direct sunlight throughout the day.

Materials

336. Section 3.11 of the DP provides an outline of the building finishes and materials and the proposed architectural language to be adopted for each individual building. A selection of indicative images has been provided; these images are a combination of artist impressions of the proposed design and background inspiration. A brief outline of the vision of each design has also been provided. Whilst a render of the proposed final design of the three-storey townhouses along Appleton Street has not been provided, this is due to the varied designs that will be adopted along this streetwall. The example images shown on page 76 are considered to provide an acceptable representation of what is proposed. The images provide an indicative palette of building materials and architectural treatments throughout the site, as required by the DPO.

Open Space and Landscape

337. *A Landscape Concept Plan must be prepared that provides:*
- (a) *Indicative dimensions of open space in all parts of the site at ground level to the satisfaction of the Responsible Authority;*
 - (b) *An overall landscape masterplan for the site that includes landscape concepts for proposed open space and improvements along Appleton Street and Doonside Street;*
 - (c) *Deep planting opportunities for canopy trees within the proposed public open space, free from basement incursion;*
 - (d) *A written description of the management of the open space, pedestrian lane and other landscaped areas, including sustainable irrigation principles such as water sensitive urban design opportunities; and*
 - (e) *Details of how the Landscape Concept Plan responds to any requirements of the site remediation strategy for the land.*
338. A Landscape Report was submitted with the DP; this report was prepared by TCL and dated 14 February 2023. The report includes the following information;
- (a) Landscape Concept Plan;
 - (b) Public Realm Plan;
 - (c) Information on public realm upgrades;
 - (d) Irrigation and WSUD details;
 - (e) Maintenance details; and,

(f) Site remediation details.

339. Key elements of this report are replicated in Section 4.2 of the DP.

340. The majority of landscaping within the site, including the only opportunity for deep soil planting, is within the proposed Doonside Park. Section 4.2 of the DP provides an image of this park (Figure 61) which confirms that 576sqm of open space is free from basement incursion. It is important to note that the 576sqm equates to the 4.5% as required by Clause 53.01 of the Yarra Planning Scheme; the DPO outlines that this percentage must be compliant with the existing provisions of the Planning Scheme at the time of subdivision. Council is currently reviewing its open space contribution rate and anticipates that the requirement for provision of open space on the land may increase. This requirement for the provision of public open space should be replicated in Section 4.2 of the DP.

341. Further to this, the DPO stipulates that the pedestrian lanes within the site must be publicly accessible to pedestrians at all times. Section 4.2 states that Doonside Park and Harry's Lane will be publicly accessible day and night. This statement should be updated to include Park Lane, and to clarify that unfettered public access will be provided throughout all of these spaces 24 hours a day, 7 days a week.

342. An additional 151sqm of landscaping is also proposed directly to the south of this space. The provision of this additional area of open space is supported. Indicative locations for seating, garden beds and bicycle hoops are included on the plans, with a generous area of lawn provided. It is noted that the area of Doonside Park unencumbered by the basement (576sqm) will be vested with Council once the development is completed, in accordance with Clause 52.01 of the Scheme.

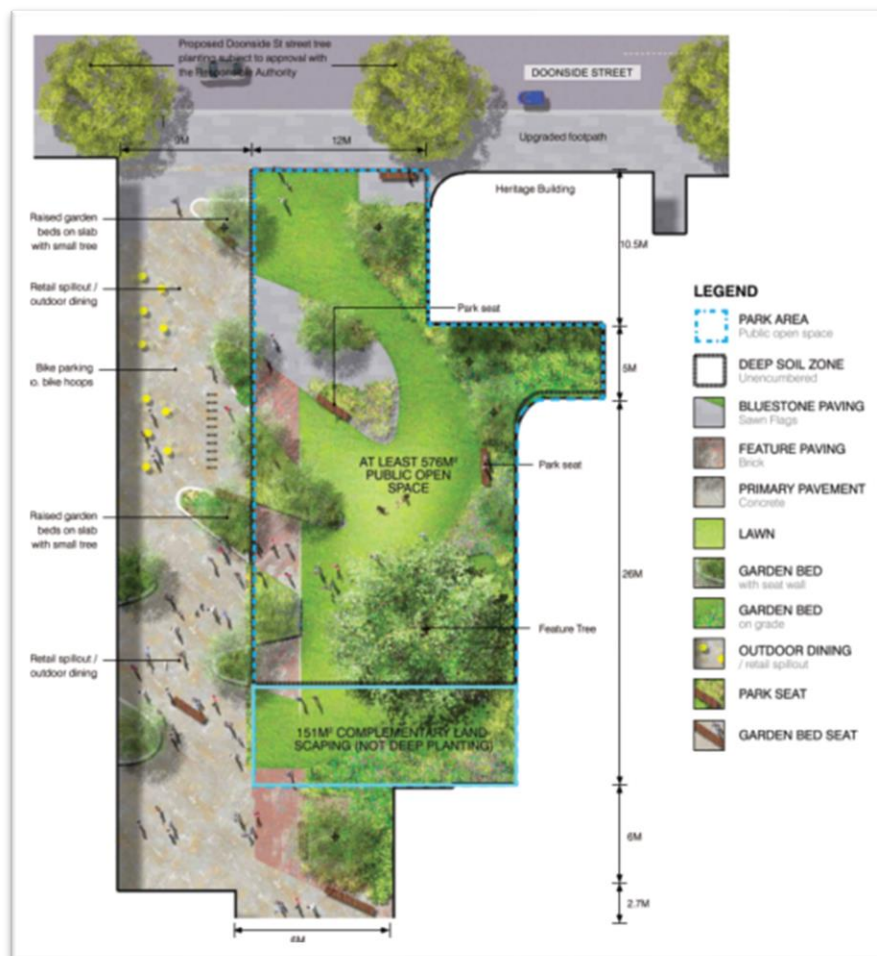


Figure 61: Indicative design of Doonside Park. Source: Development Plan (2023)

343. The original Landscape Plan and DP was reviewed by Council's Open Space team, with several issues raised. While these comments highlighted that Doonside Park is narrower and more linear than envisioned in the DPO, this aspect was amended in the updated DP, with the dimensions of the park modified to reflect the layout and width demonstrated in the IFP.
344. The overarching issue raised by Council's Open Space officer was the lack of detail provided within the plan, with general comments as follows:
- (a) It is unclear how the layout of garden beds within Doonside Park respond to and respect the retained heritage building at 26 Doonside Street;
 - (b) Limited details have been provided on irrigation and Water Sensitive Urban Design (WSUD); and,
 - (c) Limited details have been provided on the site remediation process.
345. The issue of how Doonside Park responds to the adjacent heritage building at 26 Doonside Street relates to a criterion outlined in the Built Form Guidelines and raised by Mr McGauran, in that no information has been provided about the proposed adaptive reuse of this building. As noted in the Open Space comments:
- (a) *There is no narrative provided for the landscape concept, which should be provided at a masterplan scale. The design with supporting annotation, needs to clearly show how it relates to the Repco office and the site history, this relationship should be expressed on an aesthetic, historical and physical level; and*
 - (b) *On a basic level this needs to include consideration of desire lines to the Repco office, circulation around the building, entry and exit locations of the building, view lines that need to be protected and/or enhanced, a legible material palette and layout that provides cohesion with the adjacent heritage building whilst still being read as new and separate.*
346. While the layout of garden beds in Doonside Park may at this stage be indicative, Planning officers agree that a masterplan should define the overall design intent, and in this instance, reference the heritage of the site. It should also provide explanatory notes as to how the heritage of the site has been considered in the landscape design. As outlined earlier within this report, the existing view study at Section 2.5 of the DP does not contain any images of the southern elevation of 26 Doonside Street. Consideration of these views are important for appropriate adaptive re-use of the building and when designing adjacent open space, particularly if existing entrances to the heritage building will be reinstated. The Landscape Report should be updated to discuss how the general layout of the park will reference this building, with the landscape concept plan at Section 4.2 to be updated to show how garden beds will respond to indicative locations of future entrances/windows within the heritage façade.
347. The Water Sensitive Urban Design (WSUD) and irrigation information indicates that street trees will receive passive irrigation from the road stormwater runoff, and where garden beds are flush with pavements, stormwater runoff will also be directed to this planting. Open Space comments note that there are very limited opportunities for this to occur as most of the planting within pavements is in raised planters and the edge of Doonside Park appears to be at a higher grade when compared to the pavement level. This provides limited opportunity for the overland flow of stormwater. When the drawings are further developed, more opportunities should be considered to allow for passive irrigation.
348. The Landscape Plan notes that stormwater will also be directed into tanks in the basement and used for irrigation of the planters and Doonside Park. While the storage of stormwater within the basement is appropriate for use to irrigate private open space and private landscaping, it is not appropriate for Doonside Park. As noted previously, this open space will be vested to Council once the development is complete, and Council will be responsible for the maintenance of all aspects of the open space which includes the irrigation system.

Irrigation controllers as well as the water supply must be able to be controlled by Council officers and be accessible at all times.

349. To ensure this occurs, the Landscape Plan will need to address how Doonside Park can be irrigated sustainably and on an ongoing basis by Council.
350. A high-level landscape management plan (noted under maintenance) is provided in the landscape report. From the information provided it is unclear how proposed hanging plants along the laneways will be maintained and if the planters will have enough soil to support healthy tree growth. These requirements will be required in more detailed planning drawings at the planning application stage.
351. The Landscape Report notes all existing site soil will be removed and replaced with topsoil. There are no details on how much soil will be removed. Given there are no details on the site contamination it is not possible to determine if the remediation of the site by the method noted in the Landscape Report is satisfactory for the proposed future use. A more detailed discussion on how the land will be effectively remediated is required within this section of the DP.
352. Currently only one canopy tree is proposed within Doonside Park. Additional opportunities for deep soil planting and mature trees within this park should be provided.
353. The Landscape Concept Plan at Section 4.2 shows indicative locations of street trees, with a notation on the Burnley Street trees indicating that they are 'subject to removal'. The removal of these trees is unlikely to be supported by Council, and this notation should be deleted. As discussed previously, the significant tree at the northern end of Park Lane should be retained, with this tree to be shown on the plan. Further to this, the proposed street trees along Doonside Street and Appleton Street should be removed from the Landscape Concept Plan, with these works related to the public realm. Further public realm works will be discussed below.

Public Realm Plan

354. *A Public Realm Plan that details how the development will contribute towards improving the public realm adjacent to the site and provide the following information:*
- (a) *Principles for how future development will contribute to improving the public realm and promoting inviting, pedestrian-friendly public spaces;*
 - (b) *The locations of public realm infrastructure works such as footpaths, bike paths, street lighting and furniture, and street trees, including:*
 - (i) *streetscape and public realm improvements to Doonside Street;*
 - (ii) *streetscape and public realm improvements to Appleton Street; and*
 - (iii) *a minimum nine (9) metre wide pedestrian lane connecting Doonside Street and Appleton Street generally in accordance with the Indicative Framework Plan at Figure 1.*
355. Section 4.3 of the DP is titled 'Public Benefit', with this section providing commentary on positive outcomes associated with the proposed DP. Section 4.3 should be dedicated instead to demonstrating the information required in the DPO (outlined above) by giving an overview of proposed public realm and streetscape works. This would require Section 4.3 to be amended to refer to 'Public Realm'. The information currently included on pages 90 & 91 can remain, as it gives an overview of features achieved by the design, however this section requires additional information as discussed below.
356. A 'Public Realm Plan' is included at page 18 of the Landscape Report and replicated below. This plan should be included in Section 4.3 of the DP.

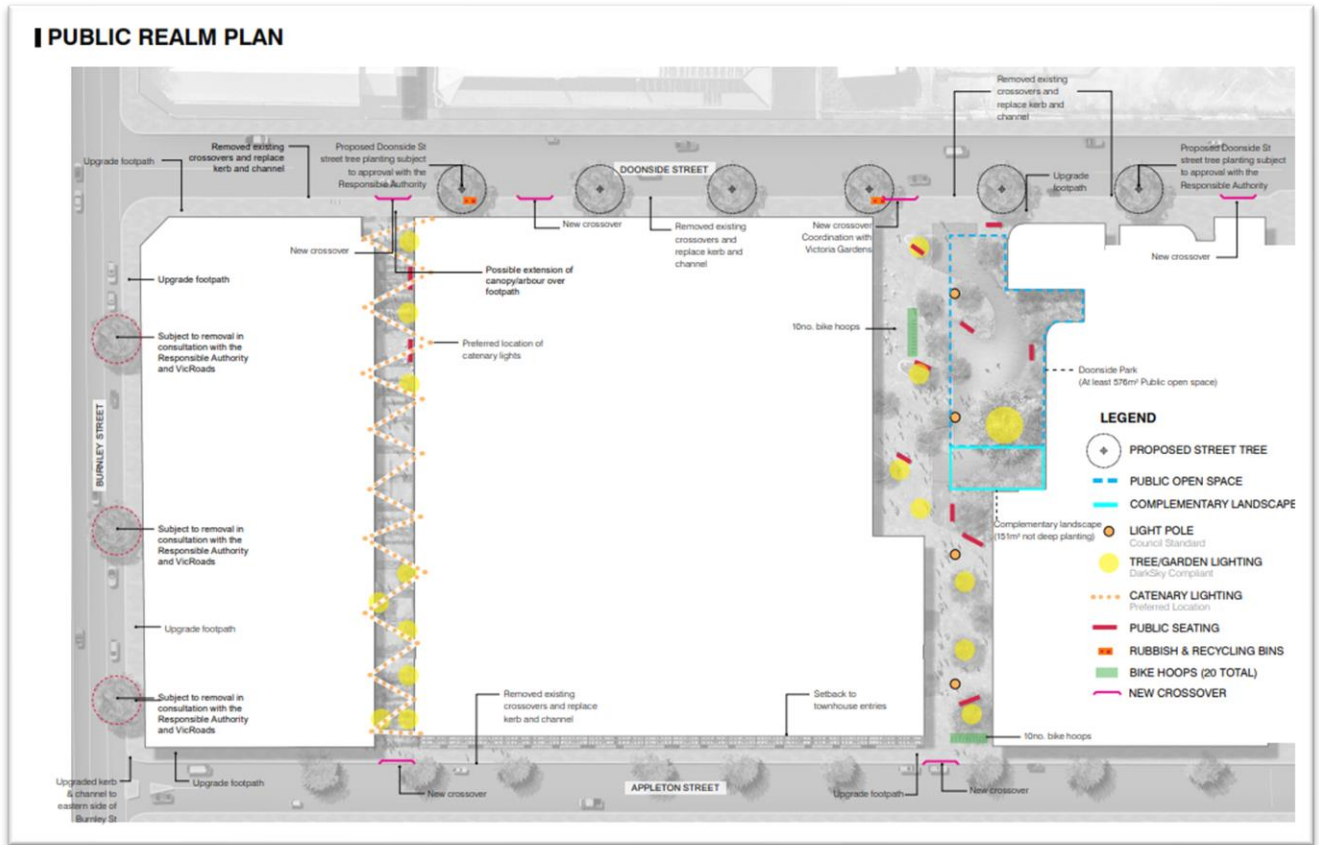


Figure 62: Public Realm plan. Source: Landscape Plan (TCL 2023)

357. The plan provides information on the removal of existing crossovers, addition of new crossovers, upgrades to footpaths and potential location of street trees. A written response in the Landscape Plan provides further detail, noting that the development will contribute to the public realm with upgrades to Doonside, Appleton and Burnley Street interfaces through garden bed and tree planting, by upgrading footpaths and additional public seating, bike hoops and bins.
358. Council's urban designer noted that not enough detail has been provided to make an informed assessment of the development's streetscape interfaces, however it is noted that the majority of these details will be provided at planning permit stage. These additional details will include items such as on-street parking, carpark ramps, garden beds, kerb outstands, service cabinet locations and designs, pedestrian entries and building awnings. It is considered reasonable at this stage however to confirm that the width and design of roller doors and services must be limited and integrated with the overall design and that any future substations be located within the basement.
359. The Plan includes a total of 20 bicycle hoops, in two separate locations along Park Lane. The number and location of visitor spaces will be discussed within the Traffic section of this report; however, 20 spaces are not sufficient. A substantial increase in visitor spaces will be required for a precinct of this scale.

360. The plan includes indicative locations of new street trees on Doonside Street; noting that the final location will be subject to Council's approval. This outcome is supported. Notations also indicate that the three trees along the Burnley Street boundary are 'subject to removal in consultation with the Responsible Authority and VicRoads'. It is unclear from the report why the plane trees along Burnley Street are indicated for removal, particularly given the heritage façade directly adjacent to these trees will be maintained. These mature plane trees are in good health and Council's arborists are not supportive of their removal. This notation should be amended to confirm that these trees will be retained.
361. Given the increased usage of the precinct, further information on how future pedestrian, cyclist and vehicular circulation is achieved should be provided. This should include the following:
- (a) An indication of proposed north-south pedestrian crossings of Doonside Street to the Victoria Gardens precinct. Whilst this aspect will be further coordinated with traffic/civil through the detailed design process, this section of the DP should provide a discussion on future outcomes; and,
 - (b) Proposed east-west pedestrian connections across Burnley Street and any proposed enhancements to the Burnley / Doonside Street intersection given the increased pedestrian and vehicular use.
362. In addition, given the scale of the development, it is recommended that the existing power lines extending along the northern side of Appleton Street be undergrounded to further improve the public realm outcome along this streetscape.
363. The requirements outlined above will ensure that a general overview of future improvements to the public realm is provided. At the planning application stage, a more detailed Public Realm Plan must be submitted to Council for assessment and approval prior to the issuing of any permit. This plan must include the following information;
- (a) Details of the functional layout of the civil and streetscape infrastructure proposed within the public areas adjacent to the development frontages;
 - (b) Confirmation that the footpath and kerb and channels along all frontages will be reconstructed to Council standards, and design grades will be compliant with the Disability Discrimination Act (DDA); and
 - (c) The final design of the Doonside Street road reserve in conjunction with the Victoria Gardens development to the north. This design must provide a fully coordinated layout, with the finished surface levels (FSL) of Doonside Street to ensure the accessways along this interface are integrated into the design.

Housing Diversity Report

364. *A Housing Diversity and Adaptability Report that provides the following information:*
- (a) *A demographic analysis of the types of people and households anticipated to live within the development based on the proposed dwelling design and bedroom mix;*
 - (b) *The model to provide 10% of the total number of dwellings as affordable housing; and*
 - (c) *Demonstrate how the development plan responds to the particular housing needs of future residents across their lifetime.*
365. A Housing Diversity & Adaptability Report was prepared by ASR Research (dated 21 December 2021). Key components of this report have been provided within Section 5.1 of the DP and are summarised below.
366. The development will provide between 545 to 645 apartments, with the following indicative breakdown;
- (a) 30% - 1 bedroom;

- (b) 60% - 2 bedroom; and
 - (c) 10% - 3 bedroom.
367. The DP outlines a demographic analysis of the types of people and households anticipated to live within the development based on the proposed dwelling design and bedroom mix. This analysis reflects the current profile of household types of people living in high density developments across the City of Yarra which currently consists of:
- (a) A high proportion of lone person households (38%);
 - (b) Couple families with no children (30%);
 - (c) Group households (10%);
 - (d) One parent family (10%); and
 - (e) Couple families with children (9%).
368. When compared to Richmond North and the whole of City of Yarra, the proposed development will deliver:
- (a) A much higher proportion of 1-bedroom dwellings (30%) compared to North Richmond (21%) and the City of Yarra (18%);
 - (b) A much higher proportion of 2-bedroom dwellings (60%) compared to North Richmond (40%) and the City of Yarra (20%); and
 - (c) A much lower proportion of 3-bedroom dwellings (10%) compared to Richmond North (23%) and the City of Yarra (40%).
369. Given the anticipated dwelling yield, the proposed development will likely generate a requirement for 55 to 65 affordable homes, based on the provision of 10% of the total number of dwellings as affordable housing as required by the DPO.
370. The DP notes that the developers of the subject site have commenced discussions with a number of Registered Housing Associations. Based on the analysis presented in the report, the DP notes that the following rental demographic groups should be prioritised:
- (a) Very low to low-income lone person households;
 - (b) Very low to low-income couples with no dependents; and
 - (c) Very low to low-income families (with one or two parents) and dependent children.
371. The broad process the proponent will undertake to pursue this option will consist of the following steps:
- (a) The proponent will interview a range of interested Registered Housing Associations to partner with;
 - (b) Select one preferred partner;
 - (c) Confirm the number and type of apartments required and what the likely target population target groups for these dwellings will be;
 - (d) Determine where and how the affordable housing dwellings are to be located within the development; and
 - (e) A broad model of provision will then need to be negotiated and confirmed between the developer and the Registered Housing Association.
372. The DP and accompanying report were reviewed by Council's Social Strategy team, who highlighted that while the DP states 10% of its delivery will be for 3-bedroom dwellings, the proposal indicates that it will not deliver affordable dwellings with 3 bedrooms to rent or purchase as *'none of the income ranges satisfy the key criteria'*. This means that none of the income ranges classed as very low, low or moderate could afford to rent or purchase a 3-bedroom apartment in the development, even at a more affordable price.

373. The report classifies families and dependent children on the upper end of the low-income range and the moderate income range as a suitable group to rent a 1 bedroom unit. However, a one-bedroom unit is unlikely to be a suitable option for families and dependent children. In the absence of affordable 3-bedroom apartments, the development only offers one dwelling size (2-bedroom unit) that would adequately accommodate a family and dependent children
374. The proposal does not allow for larger families to be accommodated through affordable housing. Yarra's *Social and Affordable Housing Strategy* identifies that single parent families, Aboriginal and Torres Strait Islander people, and Key Workers with large families may require larger dwelling sizes than other priority groups. These groups have the potential to be excluded from the development.
375. It is considered that the overall proportion of 3-bedroom units should be increased to better reflect the needs of the community. While just 10% of apartments have been allocated as 3-bedroom apartments, 29% of the population (households living in high density developments across the municipality) have the potential to require a 3-bedroom unit.
376. Further to this, the report does not demonstrate a breakdown of data on the number of children in families (with one or two parents) within Yarra, making it difficult to gage the necessary provision of 2- and 3-bedroom units. This information should be included.
377. The applicant is encouraged to continue conversations with Registered Housing Associations to determine how the purchase could be positioned to receive grant funding from state government or other funding sources that allow for a price reduction for 3-bedroom apartments that would meet the necessary income ranges. This commitment should be included in the DP.
378. Section 3.1 of the DPO notes that the following condition must be added to any future planning permit for this development:
- (a) *An agreement with the responsible authority under section 173 of the Planning and Environment Act 1987 which requires that the owner must facilitate the provision of 10 percent of the total number of dwellings (being the total number of dwellings provided within the DPO15 area) as affordable housing by:*
 - (i) *Entering into an arrangement with a registered agency under the Housing Act 1983 for the provision of the affordable housing within the DPO15 area to a Registered Agency; and/or*
 - (ii) *Making other arrangements for the provision of affordable housing in conjunction with a not for profit (registered with the Australian Charities and Not-for-profits Commission) to the satisfaction of the responsible authority; and/or*
 - (iii) *Making other arrangements for the provision of affordable housing as defined at Section 3AA of the Planning and Environment Act 1987, to the satisfaction of the Responsible Authority.*
 - (b) *The owner, or other person in anticipation of becoming the owner, must meet all of the expenses of the preparation and registration of the agreement, including the reasonable costs borne by the responsible authority.*
379. This ensures that the provision of affordable housing will be a mandatory requirement of this development.

Transport Works Assessment

380. *A Traffic Works Assessment prepared by a suitably qualified traffic engineer to the satisfaction of the responsible authority and Vic Roads. The Transport Works Assessment must include:*

- (a) *An existing conditions assessment, including existing and approved vehicle and loading access arrangements associated with the Victoria Gardens Shopping Centre with capacity to interact with traffic from the development;*
- (b) *Details of any development staging;*
- (c) *Consultation with the owner of the Victoria Gardens Shopping Centre;*
- (d) *A site layout plan showing convenient and safe primary vehicle access, including;*
 - (i) *primary vehicle access to and from Doonside Street;*
 - (ii) *any vehicle access to Appleton Street to be a secondary access point; and*
 - (iii) *no direct vehicle access to or from the site via Burnley Street; and*
- (e) *Details regarding the layout, cross section and function of any internal street or laneway network;*
- (f) *On site car parking and bicycle parking provisions and allocations;*
- (g) *Expected traffic volumes and impact on the existing road network, including but not necessarily limited to Doonside Street, Appleton Street and Burnley Street. This assessment is to include details of any assumptions relied upon;*
- (h) *The Transport Works Assessment must include consideration of any development stages and approved/current development applications within the immediate area surrounding the site. The assessment is to:*
 - (i) *identify mitigating works required for each development stage in the development plan;*
 - (ii) *assess whether a two way or a four way signalised intersection between Burnley Street/Doonside Street/Buckingham Street is required and the trigger for providing the signalised intersection to the satisfaction of VicRoads; and*
 - (iii) *identify a new intersection layout and operation, if required, approved by VicRoads in consultation with the Responsible Authority.*
- (i) *Details of any works or treatments proposed to Doonside Street or Appleton Street or the nearby road network;*
- (j) *Determine the likely increases to pedestrian and bicycle movements generated by the site and the likely distribution of those movements. Demonstrate how the subject site will prioritise those movements and provide convenient connections to existing infrastructure;*
- (k) *Measures to reduce conflict and improve pedestrian and bicycle amenity (if applicable);*
- (l) *Indicative loading arrangements, with loading to be undertaken on site and conflict between the loading bay(s) and car parking areas and non-motorised transport to be minimised;*
- (m) *Estimate the type and number of loading/unloading activities associated with the development and provide information on appropriate loading/unloading facilities to service the various uses proposed;*
- (n) *Access to the site by trucks is to be via Doonside Street; and*
- (o) *Details regarding on-site waste collection, with waste vehicles accessing the site from Doonside Street.*

381. Section 6 of the DP includes a written summary of the requirements outlined above and references the Traffic Works Assessment Report prepared by Traffix Group (dated December 2021) which provides responses to the above requirements in greater detail.

382. An existing conditions assessment was undertaken by Traffix Group (Traffix); this provides information on the surrounding road network and outlines the current vehicle access arrangements to the Victoria Gardens site to the north. These details are based on consultation with the owner of Victoria Gardens, as required by the DPO. Given the anticipated future development of this site, these details may alter, however the Traffic Report has acknowledged that car parking is likely to be accessed via David Street to the east (thereby relying predominantly on Doonside Street) with loading to continue on-site.
383. The DPO requires the provision of a site layout plan showing convenient and safe primary vehicle access, including:
- (a) primary vehicle access to and from Doonside Street;
 - (b) any vehicle access to Appleton Street to be a secondary access point; and,
 - (c) no direct vehicle access to or from the site via Burnley Street.
384. Section 6.1 specifies that the DP contemplates a four-stage development, starting at the Burnley Street frontage and progressing to the east. To provide further detail of this outcome, the proposed 'Staging Diagram' as shown in Section 11.1 of the DP should be replicated in the form of a 'Transport/Access Plan' in Section 6.1, with the location of vehicle entrances included on the plan. It should also be clearly outlined that the main vehicle entrance and the location of loading and waste areas will be included in Stage 1, along with the relevant section of basement.
385. This plan should also demonstrate the following;
- (a) Confirmation of the main access point that will cater for loading and waste vehicles;
 - (b) The internal dimensions of laneways;
 - (c) An indicative location of where visitor bicycle parking will be provided (including numbers of visitor spaces in each location); and,
 - (d) A notation confirming that all visitor spaces will be provided as horizontal rails/hoops and located at ground level.

Car parking allocation

386. Page 99 of the DP outlines the proposed car parking provision anticipated by the development as follows;
- (a) Residential – 550-560 spaces;
 - (b) Commercial – 240-270 spaces; and
 - (c) Car Share – 2 spaces.
387. The DP seeks a reduction in the statutory parking requirements under Clause 52.06 of the Scheme. The table below outlines the provision proposed under the DP and the comparison rates in the Scheme.

Use	Statutory Requirement Yarra Planning Scheme	DP provision
One-bedroom dwelling	1 space to each 1-bed dwelling	0.7-0.9 spaces to each 1-bedroom dwelling
Two-bedroom dwelling	1 space to each 2-bed dwelling	1 space to each 2-bedroom dwelling
Three-bedroom dwelling	2 spaces to each 3-bed dwelling	1.5-2 spaces to each 3-bedroom dwelling
Office	3 spaces to each 100sqm	1 space to each 100sqm
Shop/Food and drink premise	3.5 spaces to each 100sqm	1 space to each 100sqm

Restricted Retail	2.5 spaces to each 100sqm	2.5 spaces to each 100sqm
Gymnasium	To the satisfaction of the RA	2 spaces to each 100sqm

388. The above rates were reviewed by Council’s Engineering team, who concluded that the residential on-site parking rates are appropriate having regard to the site’s proximity to public transport options and services and the proposed commercial on-site parking rates are typical of rates that have been reviewed and supported for other developments in the past. The rates will be discussed with regard to each use in turn.

Residential

389. The Traffic Report provides an overview of car ownership data based on the 2016 Census (Australian Bureau of Statistics), which notes the following average car ownership rates for all apartment types:

- (a) 0.75 cars per one-bedroom dwelling;
- (b) 0.98 cars per two-bedroom dwelling; and
- (c) 1.13 cars per three-bedroom dwelling.

390. The report highlights that these rates (and lower) were presented at the Panel hearing, where it was generally accepted that reduced residential parking provisions could be supported.

391. A reduction in residential on-site car parking via the DP is supported by Planning officers, based on the following;

- (a) It is in line with Council’s sustainable transport policies and objectives;
- (b) The site has good access to public transport;
- (c) It reduces the traffic impacts of the proposal and supports sustainable transport modes;
- (d) Residents will not have access to parking permits and those without on-site car parking will not be able to maintain a car on-street given the prevailing parking restrictions; and,
- (e) Geographically, the site is well positioned in terms of public transport services, bicycle infrastructure, major shopping centres, businesses, essential facilities and potential places of employment and education.

Office

392. A review of ABS ‘journey to work’ data for the 2016 Census identifies that 54% of employees in the Richmond SA2 statistical area use alternate transport modes (other than cars) to travel to work.

393. The proposed development has excellent accessibility to public transport and bicycle infrastructure. Further, on-street parking in the surrounding area is predominantly short-term in nature specifically during business hours, and there is limited free-of-charge long-term parking available. The general approach across the municipality is to apply a target rate of 1 space per 100sqm for staff parking, with many examples of significant office developments throughout Richmond, Cremorne and Collingwood with car parking at levels at, or less than, this rate.

394. This rate is consistent with that presented at the Panel hearing, which was not contested.

Shop & Restricted Retail

395. The DP includes a mixture of retail uses of various sizes and locations. In general, the smaller shop tenancies are likely to operate as service retail, providing convenient access to food and drink, retail and other essential services. The proposed development will include over 14,000sqm of commercial floor area and in excess of 500 new dwellings and is therefore likely to draw a fair proportion of its trade from the new residential uses within the site.
396. The smaller tenancies would typically generate only staff demands for car parking, at a rate of 1 space per 100sqm, therefore the rate nominated in the DP is acceptable.
397. It is likely that there will be a larger shop/grocer tenancy, as well as the Harry the Hirer tenancy that may generate some visitor car parking demands. There will still be a significant proportion of walk-up trade for these uses, and therefore it is considered that the rate of 2.5 spaces per 100sqm is appropriate.

Gymnasium

398. The NSW RTA Guide to Traffic Generating Developments suggests parking provisions for gymnasiums of 3 spaces per 100sqm for a gym located within a central business district. The case study data provided by Traffix supports this generation, however, this rate is considered conservative, as a significant proportion of the patronage of the gym is likely to come from the residential and commercial uses within the proposal. Accordingly, a target rate of 2 spaces per 100sqm is acceptable for the gymnasium use. Gym patronage typically peaks of an early morning and late afternoon / early evening, with higher patronage expected at the start of the week, diminishing toward the weekend.
399. The Traffic Report notes that each of the commercial uses will have a varying peak, with the highest levels expected to occur on weekends. The higher levels were expected to be in the realm of 210 vehicles, based on the analysis provided in detail throughout the report. The provision of 240-270 commercial on-site spaces will therefore cater for these demands.
400. Surveys undertaken by Traffix in 2020 identified a total of 302 on-street car parking spaces within the immediate area. Of these spaces, 130 are long-term (8P) or unrestricted, with the remainder a combination of short-term restrictions and permit parking. This provides additional opportunities for parking within the surrounding streets.

Bicycle parking allocation

401. The DP proposes the following bicycle parking provisions/allocations:
- (a) Employee parking will be provided at a typical rate of 1 space per 100sqm (approximately 140-180 staff parking spaces);
 - (b) Resident parking will be provided at a minimum rate of 1 space per dwelling, with these spaces located within separate secure areas (approximately 545-645 spaces); and
 - (c) Parking for visitors will primarily be provided at ground level (with the DP noting that it may also be within the basement) and will achieve minimum rates of 1 space per 10 dwellings, plus 1 space per 500sqm of commercial floor area (a minimum of 84 spaces).
402. End of Trip (EoT) facilities are proposed on-site for staff and will achieve a minimum rate of 1 shower/changeroom per 10 bikes. They will be conveniently located to encourage use by staff for all buildings.

403. Council's Strategic Transport officer reviewed these allocations and requested further details on aspects of the bicycle provision, however the majority of these, including the final number of resident and employee spaces, can be dealt with via the planning application. This will allow for the number of dwellings and commercial floor space to be finalised.
404. One aspect that should be clarified at this initial stage is the number and location of visitor spaces. The DP currently notes that visitor spaces may be provided within the basement. This outcome is not supported, with all visitor bicycle parking to be located at ground level, within areas easily accessible and visible. All visitor spaces should also be provided as horizontal rails/hoops. It is essential to ensure that the layout and scale of public open space at ground level can accommodate these spaces.
405. Strategic Transport advice states that the best-practice provision for visitor spaces requires a rate of 0.25 visitor spaces to each dwelling; based on between 545 to 645 dwellings this number would range between 136 to 161 spaces. The Strategic Transport review recommends a minimum of 120 visitor bicycle spaces. As these spaces are required at ground level, dedicated (but indicative) locations for these spaces should be nominated on the 'Transport/Access Plan' discussed earlier. These details should also be replicated in the 'Public Realm Plan' at Section 4.3, with the DP updated to reflect these numbers.
406. With regards to resident and employee bicycle parking, the DP should specify that the number of secure compounds will be limited, and the EoT facilities will be located with direct access to all employee parking.
407. A Green Travel Plan (GTP) is required under future planning applications in the DPO. The GTP must demonstrate that the development supports sustainable transport alternatives to the motor car, provides on-site car share spaces and considers the opportunity for bicycle parking and storage facilities.
408. Strategic Transport comments note that Council's BESS guidelines encourage the use of fuel efficient and electric vehicles. The provision of electric car charging in 10% of spaces is proposed by the development. While this outcome is supported, further information is sought on:
- (a) Access arrangements proposed to electric car chargers;
 - (b) The types of chargers proposed to be provided (e.g. slow or fast charging, connecting cable);
 - (c) Proposed charging facilities for electric bicycles; and,
 - (d) The number of spaces available from 'Day 1' of the development and in future staging.
409. It is also recommended that further EV charging points are installed during construction. To allow for easy future expanded provision for electric vehicle charging, all car parking areas should be electrically wired to be 'EV ready'. A minimum 40A single phase electrical sub circuit should be installed to these areas for this purpose.
410. The provision of two car share spaces in the development is welcome. However, given the site's significant use and the increasing demand of car share, particularly in inner city areas, it is strongly recommended that additional car share spaces be allocated in consultation with car share companies to ascertain demand in the area.
411. The planning application and GTP will be required to address these issues in detail, with the DP updated to require principles of EV charging stations and additional car share will be provided.

Traffic

412. A comprehensive traffic assessment was undertaken by Traffix Group utilising SIDRA Analysis. SIDRA is a computer program originally developed by the Australian Road Research Board, which can be used to analyse the operation and capacity of intersections. A number of scenarios were contemplated in response to the DPO requirements, as follows;
- (a) Existing 'Base Case' Analysis – these identified conditions of existing network volumes (inclusive of approved and constructed development) and subsequent SIDRA analysis of the intersection of Burnley Street/Doonside Street and Burnley Street/Buckingham Street;
 - (b) Proposed Development Traffic Generation & Impact – This identified the projected trip generation of the site (inclusive of all modes) and established future intersection volumes to identify the need for intersection upgrades and at what stage; and,
 - (c) Allowing for Additional Surrounding Development – this identified what impact there will be on the intersection and network operations as a result of the additional development contemplated on the Victoria Gardens site to the north.
413. To provide details on the current operation of the existing intersection at Burnley Street and Doonside Street, SIDRA Analysis was undertaken for the AM and PM peak hours. The results of the existing analysis identified that the intersection currently operates under 'excellent' conditions with most movements at the intersection having relatively manageable delays and queues. However, Section 5.3.4 of the Traffic Report notes that the intersection is reaching capacity primarily due to the right turn egress in the PM peak hour.
414. To estimate the future trip generation of the site once it is developed, Traffix relied upon the ABS Journey to Work data for Richmond, as well as previous VISTA (Victorian Integrated Survey of Travel and Activity) data from Ratio Consultants. Based on this information, the proposal could be expected to generate a total of 815 movements during the AM peak hour, inclusive of 175 movements by private vehicle, 9 motorcycle trips, 135 pedestrian trips, 124 bicycle trips, 260 public transport trips and 114 other trips. During the PM peak hour, the proposal could be expected to generate a total of 1,115 trips, inclusive of 295 vehicle movements by private vehicle, 10 motorcycle trips, 165 pedestrian trips, 154 bicycle trips, 342 public transport trips and 151 other trips.
415. As noted previously, the application proposes all access to the site to occur from Doonside Street and therefore it is expected that the majority (approximately 80%) of traffic generated by the site will utilise the intersection at Burnley Street and Doonside Street. It is expected that the remaining 20% will utilise River Street to the east.
416. Based on these findings, Traffix concluded that from a road network capacity perspective, Stages 1, 2 and 3 could be delivered without the signalised intersection, with the development yields proposed by these stages able to be accommodated by the existing intersection. Signals would be required at the completion of Stage 4 of the development. No mitigating works are identified for other intersections.
417. This outcome is based on the development being constructed in stages; however, the Applicant has indicated to Council that a precinct wide delivery is preferred, with the stages provided as a contingency plan. To allow for this outcome, the DP should be updated to clarify that if the development is undertaken on a precinct wide scale, the intersection will be signalised concurrently. The timing of the signalisation of the intersection may also be impacted if development of the Victoria Gardens site occurs prior to this development.
418. This aspect was discussed in the Planning officer report for the Victoria Gardens development, which noted that it is evident that the combined traffic generated by both major developments will result in the requirement for signalisation of the Burnley and Doonside Street intersection.

419. This outcome should be accounted for in the DP.
420. The DPO requires consideration of what form the signalised intersection should take and requires an assessment as to “whether a two way or a four way signalised intersection between Burnley Street/Doonside Street/Buckingham Street is required “. Traffix concluded that due to the close spacing of the intersections, any signalisation of Doonside Street would require either incorporation of Buckingham Street into the signals, or implementation of physical controls to make movements to/from Buckingham Street left-in/left-out, or even full closure of the eastern end of the road.
421. On this basis the DP references the preparation of a Concept Plan showing potential signalisation of the two intersections to form a 4-way intersection. This outcome would deliver improved and appropriate pedestrian, cycle and vehicular movements and controls. The DP notes that further discussions on the functional layout plan of the signalised intersection will occur between the applicant, Council and DoT (Department of Transport).
422. These finding are consistent with the requirement under Section 3.1 of the DPO, which notes that the following conditions apply to permits:
- (a) *Except for a permit granted in accordance with clause 1.0 of this Schedule, a permit must contain conditions that give effect to the provisions and requirements of the approved development plan, and the following conditions:*
 - (i) *An agreement with VicRoads and the responsible authority under section 173 of the Planning and Environment Act 1987 for the provision of works which are identified in the Traffic Impact Assessment Report prepared and approved in accordance with this schedule. The works may include but are not limited to:*
 - *Mitigating works required for each development stage in the development plan; and*
 - *A two way or a four way signalised intersection between Burnley Street/Doonside Street/Buckingham Street if required, approved by VicRoads in consultation with the responsible authority.*
423. As outlined above, the traffic studies undertaken by Traffix indicate that an additional 135 pedestrian trips and 124 bicycle trips could occur at the AM peak, with 165 pedestrian trips and 154 bicycle trips anticipated at the PM peak. One of the requirements of the DPO is to determine the likely increases to pedestrian and bicycle movements generated by the site and the likely distribution of those movements, and to recommend measures to reduce conflict and improve pedestrian and bicycle amenity.
424. Council’s Strategic Transport officer noted that the proposed signalisation of the intersection as discussed may induce car demand and encourage the use of Buckingham Street and other local thoroughfares to the west of Burnley Street. This in turn may result in conflicts with vehicles, bicycles and pedestrians. To alleviate this, the following measures are recommended;
- (a) Provide physical protection of the Burnley Street on-road bike lanes (particularly given that Burnley Street is cited as “the key linkage for residents, staff and visitors to access the site via bicycle” in Section 3.2.2 of the Traffic Report);
 - (b) Provide physically protected bicycle facilities on Doonside Street to allow safe and direct access into the subject site;
 - (c) Provide bicycle head start lanterns in any proposed traffic signal programming; and,
 - (d) Provide ‘green paint’ line marking through the intersection in accordance with Council and VicRoads standards.

425. These recommendations should be incorporated into Section 6.1.
426. The DPO requires details of any works or treatments proposed to Doonside Street, Appleton Street or the nearby road network. Section 6.1 specifies that the footpath along Doonside Street at the site frontage will be reconstructed, however it notes that as no access is proposed via Appleton Street, limited improvements or modifications are necessary. This view is not shared by Council Officers.
427. While no vehicle access is proposed via Appleton Street, a significant degree of pedestrian and cyclist access will be generated along this thoroughfare. Further to this, the construction of the new buildings, the provision of underground utilities and the transporting of materials to the site will impact on Council assets. Trenching and areas of excavation for underground services invariably deteriorates the condition and integrity of footpaths, kerb and channel, laneways and road pavements of the adjacent roads. Heavy vehicle movements also often scour and deteriorate the condition of the road pavement. On this basis, the footpaths and kerb and channels along the property's road frontages must be reconstructed once the development is completed. The DP must be updated to reflect this.

Loading/waste

428. Section 6.1 of the DP provides details on how loading/unloading and waste collection will occur within the development. All loading is proposed on-site with dedicated ramps and zones provided. The DP notes that a separate access ramp will also be provided for cars to improve management of vehicle conflicts. Approximately 28 loading and waste movements are expected to be generated by the development per day, including vans and trucks. All loading access will be via 8.8m Medium Rigid Vehicles or smaller and will be provided with dedicated on-site loading zones.
429. Waste collections will be managed by private contractor and collected on-site with separate collections for different uses. A Waste Management Plan will be prepared with future planning applications that contemplates collection of 4 waste streams for each use as required by the Sustainability Victoria Guidelines. These loading and waste arrangements are considered acceptable.
430. As noted previously, a temporary loading area for display vehicles and event equipment is proposed at ground floor, within the northern section of Harry's Lane. Access to the loading area will be provided via a crossover to Doonside Street, with vehicles reversing into the laneway and exiting the site in a forward direction. It is anticipated that these loading activities will be infrequent. To ensure this aspect is managed appropriately, a Loading Management Plan will be required at planning permit stage. The DP should be updated to reference this plan, with a further amendment to specify that all other loading and waste activities will be undertaken within the basement.

Environmentally Sustainable Design (ESD)

431. *An environmentally sustainable design assessment must be prepared that sets out how future development may achieve:*
- (a) *Water sensitive urban design objectives and requirements pursuant to the Yarra Planning Scheme; and*
 - (b) *Environmentally sustainable design objectives and requirements pursuant to the Yarra Planning Scheme.*
432. An Environmentally Sustainable Design Framework was prepared by ADP Consulting (dated 03 May 2023 - Revision 4) with a summary of proposed components of future ESD documents outlined in Section 7.1 (Sustainability Commitments) of the DP.

433. In response to item (a), the DP states that the development will rely on either the STORM tool or MUSIC assessment to demonstrate Best Practice pollutant removal targets are met in line with clauses 22.16-2 and 53.18-5 of the Scheme. A combination of rainwater tanks, raingardens, proprietary devices and other treatment options will be explored when proposing a compliant stormwater solution.
434. The DP also notes that an SMP report will be prepared in accordance with clause 22.17-2 of the Scheme, with this document addressing objectives relating to energy, water, IEQ, stormwater, transport, waste and urban ecology. The SMP will focus on how improvements on minimum energy efficiency requirements for dwellings will be achieved. To do so, a BESS or Greenstar assessment is to be included to support the SMP report and ESD initiatives.
435. Outlined in Section 7.1 are the following ESD aspirations for the site:
- (a) Target of a net zero carbon development;
 - (b) To exceed the 80% minimum daylight requirement for internal amenity to dwellings;
 - (c) No natural gas connections to dwellings; and
 - (d) Align with an embedded energy network provider to procure 100% Greenpower or equivalent renewable energy for the development.
436. The DP and accompanying ESD assessment were reviewed by Council's ESD Advisor. While the objectives and aspirations outlined in the DP are supported in principle, further details on how these will be achieved should be provided to ensure that future ESD commitments throughout the development can be attained. Recommendations on details that should be presented in the DP and additional information to be included in the ESD assessment are outlined accordingly.
437. Regarding the WSUD objectives, the DP indicates that either the STORM tool or a MUSIC assessment will be undertaken to demonstrate that best practice pollutant removal targets are met. A MUSIC assessment is the preferred method in this instance, being more conducive to achieving better outcomes for a precinct of this scale, with the STORM tool not appropriate for such a large development. It is also Council's preference that the MUSIC modelling be undertaken on a precinct-wide scale at the start of the process, as opposed to a fragmented approach via separate planning applications.
438. The staging of the development will be discussed in detail later within this report; however, the Applicant has indicated that the preference is for the development to be delivered in one stage. While this is the preference, a contingency plan allowing a four-stage development has been submitted. Council's ESD Advisor noted that it is more likely for best practice WSUD outcomes to be achieved if the associated infrastructure and treatment options are determined at the preliminary stage, and on a precinct wide scale.
439. To capture this, the DP will require amending to confirm that development of a precinct level WSUD strategy utilising MUSIC modelling to demonstrate compliance with best practice stormwater pollutant reduction objectives will be undertaken. This modelling will be required in conjunction with the first planning application submitted to Council and must encompass the entire development. This outcome is more likely to achieve an integrated water management approach and will be required as a condition.
440. The ESD aspirations for the site are referenced in Section 7.1, however there is no supporting information provided. Further details on each aspect should be included in the DP. While each individual building will be required to submit an individual SMP to meet the standards set out in ESD Policy, the ESD expectations for the site are greater, given its scale and strategic location. Previous comments from ESD Advisors have been incorporated into updated versions of the ESD Assessments throughout this process, however these have not been incorporated into an updated DP. All of the updated information should be reflected in the DP, as outlined below.

Target of a net zero carbon development

441. This aspiration should be modified to clearly articulate the approach to achieving net zero carbon (e.g., a hierarchy of interventions - prioritising energy efficiency to reduce energy use and avoidance of gas, with operational emissions avoided through use of 100% renewable electricity either through Greenpower or renewable energy generated on-site).

To exceed the 80% minimum daylight requirement for internal amenity dwellings

442. The most recent version of the ESD Assessment was updated to confirm that the development will achieve the minimum daylight requirements to meet best practice BESS IEQ, with this ensuring that acceptable daylight will be achieved within commercial areas and not just in dwellings. The DP requires updating to reflect this change.

No natural gas connections to dwellings

443. As with the commitment above, the ESD Assessment was updated to note that no gas connections will be provided throughout the entire development, not just dwellings, however this commitment has not been updated in the DP. To ensure consistency, with DP must be updated to clarify that no gas connection will be provided, and the development is committed to be all-electric.

Align with an embedded energy network provider to procure 100% Greenpower or equivalent renewable energy for the development.

444. This aspiration is supported and is acceptable to maintain within this section of the DP with the current wording.
445. Further to the above, the following aspirations should be incorporated into Section 7.1 of the DP;
- (a) A precinct vegetation cover target (specifying a percentage of the site area, using the Green Factor Tool as a guide);
 - (b) A precinct urban heat reduction target (specifying a percentage of the site area which will meet SRI targets or be vegetated);
 - (c) A landfill diversion target for operational waste and development of a precinct waste management plan to drive its implementation, with this to be consistent with the landfill diversion target of 80% recently added to the ESD Assessment; and,
 - (d) Reductions in embodied carbon for the entire development, focusing on the top 4 – 6 materials, with this to be consistent with the embodied carbon reduction opportunities included in the updated ESD Assessment.
446. Prior to approval of the DP, a revised ESD Assessment is required which sets out whole of site goals and targets as a framework that can guide subsequent individual SMP's for each individual building. The current assessment specifically states that subsequent SMP reports will utilise one of the following tools:
- (a) Either a Built Environment Sustainability Scorecard – A minimum 50% score, or
 - (b) A Green Star Buildings – 4 Star certified rating.
447. This outcome is supported.

448. To provide more stringent outcomes on a precinct wide scale, the ESD assessment should also be updated to include mention of net zero development and commitment to *'an all-electric design, including solar panels, achieving 7-star NatHERS average rating and using either 100% offsite renewable energy sources (Green Power) or 5% of on-site renewable energy production'*.
449. To ensure the above is achieved, the assessment should be updated as follows;
- (a) Update the commitment relating to net zero / renewable energy procurement/generation to include mention of embedded networks and clarify that electricity sources will be 100% renewable (either through 100% GreenPower or a combination of GreenPower and on-site renewable energy production); and
 - (b) Update subheading from "Target New Zero Development" to "Target Net Zero Development"

Drainage

450. A drainage assessment must be prepared that includes:
- (a) A catchment analysis of the existing storm water drainage system in Burnley Street and Doonside Street;
 - (b) A capacity assessment for the existing drainage system into which future development will be discharged; and
 - (c) A flood analysis which determines the overland flow depth within the road reserve during a 1 in 100-year flood.
451. A Drainage Assessment was prepared by Reeds Consulting (8 August 2022) and reviewed by Council's Civil Engineers. Section 8.1 of the DP references key aspects of this report and outlines brief responses to the requirements above.
452. The catchment analysis of existing stormwater drainage is an appropriate response, with Council Engineers having no issue with the information provided.
453. The capacity assessment outlines estimate of the capacities of existing Council drains in Burnley Street and Doonside Street. It is Council's preference that these specific figures be removed from the DP, and instead the following wording is provided in this section:
- (a) *More accurate assessments and surveys will be undertaken to update the preliminary flooding report and subsequently inform the finished floor levels for the proposed ground floor levels.*
454. A flood analysis which determines the overland flow depth within the road reserve during a 1 in 100-year flood was undertaken. The information provided in the DP is relatively specific, with Council Engineers recommending this section be updated to provide the following wording:
- (a) *The flood analysis which determines the overland flow depth within the road reservations during a 1 in 100 year flood utilises the catchment analysis and existing capacity assessment of the drainage system to generate the gap flow measured against the capacity of the road reserve;*
 - (b) *Under instruction from Council's Engineering department, a preliminary flood assessment has been undertaken to reassure the development is not impacted by estimated water levels adjacent to the development under certain rain events;*
 - (c) *A more accurate assessment of the flooding impacts must be undertaken prior to the establishment of the finished floor levels (FFL's) of the development. The flood analysis must utilise as constructed survey levels of adjacent infrastructure (road, drainage, etc) as well as proposed design levels for the ultimate outcome of Doonside Street; and*

- (d) *The flood assessment will be completed under instruction of Council, and once approved, will dictate the FFL's of the ground floor plans. The flood assessment must be undertaken prior to the endorsement of the plans under the planning permit.*

455. In addition to the above, Council Engineers have recommended that the following information be included within the DP.

Legal point of discharge and onsite detention

456. *The legal point of discharge will be allocated for the development based on the capacities of the Council drainage infrastructure within the area. If existing properties discharges (as part of the consolidated development site) are to be redirected to alternative catchments, then an assessment of the proposal must be undertaken and approved by Council.*

457. *The Permissible Site Discharge (PSD) is the peak flow rate allowed to be discharged from the proposed development to the nominated LPD (stormwater network). The PSD must be limited to:*

- (a) *a 20% AEP flow rate (~1 in 5 ARI); and*
- (b) *the equivalent of a 70% impervious site coverage, or the pre-developed discharge rate if it is less than 70% impervious site coverage.*

458. *All developments that require on-site detention must detain, at a minimum, the 10% AEP storm event. However, for cases where a safe overland flow path cannot be provided or where flows exceeding pipe capacity may impact the development or adjacent, upstream, or downstream properties, the requirement will be to detain the 1% AEP storm event.*

459. *The drainage design must be completed in accordance with Council's standards and requirements.*

460. The amended wording recommended for this section of the DP provides certainty that the necessary works will be undertaken prior to any permit being issued and replaces some of the more specific outcomes with general statements that will allow a degree of flexibility when the final design detail is submitted and reviewed.

461. Section 8.1 should be updated accordingly, with the Drainage Assessment by Reeds Consultants also revised to ensure a consistent outcome is achieved.

Comprehensive Heritage Analysis

462. *A Comprehensive Heritage Analysis must be prepared by a suitably qualified professional that includes the following, having regard to the heritage expert assessments prepared for Amendment C223yara:*

- (a) *Written description of the heritage places;*
- (b) *History of the heritage places;*
- (c) *Assessment of significance of individual elements; and*
- (d) *Copies of the existing Statements of Significance of HO252 and HO375.*

463. A Heritage Analysis was prepared by Bryce Raworth (dated December 2021). This document was reviewed on behalf of Council by Anita Brady. Ms Brady confirmed that the requirements outlined above have been adequately provided in the report. The Heritage Report will be attached as an appendix to the DP.

464. The heritage assessment provided at Section 9.1 of the DP is brief and does not provide specific details of the heritage fabric within the site. Whilst heritage is discussed earlier within the DP, to provide context to this section it would be beneficial if photographs of the heritage places were provided. Clear reference to the Heritage Analysis prepared by Bryce Raworth should also be included.
465. The DPO states that the following documents will be required when a planning application is submitted for the development:
- (a) A schedule of conservation works for the retained facades of the heritage buildings at 81-95 Burnley Street and the exterior form of the heritage building at 26-34 Doonside Street, including time frames for each action to the Responsible Authority's satisfaction;
 - (b) Archival recordings of the heritage buildings (81-95 Burnley Street and 26-34 Doonside Street) to the responsible authority's satisfaction prior to any demolition on the site; and
 - (c) A heritage maintenance plan defining the ongoing cyclical repair and maintenance for the retained facades of the heritage buildings at 81-95 Burnley Street and the exterior form of the heritage building at 26-34 Doonside Street to the responsible authority's satisfaction.
466. In addition, Section 3.2 of the DPO states the following:
- (a) A permit application must include, where relevant:
 - (i) A Heritage Impact Statement prepared by a suitably qualified professional that assesses the impact of the proposed development on the heritage values of the heritage place; and
 - (ii) A sightline analysis and 3D modelling of the proposed development from key view points in the public realm to enable an assessment of the visual impact of the development on the heritage places within the site.
467. These requirements ensure that detailed information documenting the reinstatement and conservation of key heritage fabric within the site will be submitted at the planning permit stage. These future permit requirements should be included within this section of the DP.

Noise impacts

468. *Development that includes residential or other sensitive uses must be designed and constructed to include noise design and noise attenuation measures that achieve the noise levels that are calculated by applying the method in Schedule B of State Environment Protection Policy No. N-1 'Control of Noise from Commerce, Industry and Trade (SEPP N-1). (or the equivalent environment reference standard to be introduced under the Environment Protection Amendment Act 2018). For the purpose of assessing whether the above noise standards are met, the noise measurement point shall be located inside a habitable room of a noise sensitive residential use with windows and doors closed.*
469. Section 10.1 of the DP outlines the approach that will be taken to address this requirement, noting that the acoustic report to accompany any subsequent permit application will include a summary of the EPA Noise Protocol requirements, including the determination of noise limits for the project based on assumed background noise levels in the area. It also notes that the report will recommend noise control measures to be developed further as the design progresses.
470. An Acoustic Report was prepared in support of the DP by ADP Consulting (ADP) and reviewed on behalf of Council by SLR Consultants (SLR). In their review, SLR referred to the original 'Development Plan Vision' outlined in Section 4.1 of the DPO, which provides insight into the intention of the acoustic requirements. These include the following:

- (a) *To ensure that the primary responsibility for noise attenuation rests with the agent of change; and*
- (b) *To ensure new development, does not unreasonably prejudice by way of reason of reverse amenity the ongoing operation of nearby existing commercial, industrial and warehouse businesses, including Victoria Gardens Shopping Centre.*

471. A site investigation of the existing surrounds was completed to determine existing noise levels for the environment and surrounds for a proposed mixed-use redevelopment of the site. Current standards associated with the development have been reviewed and assessed in accordance with existing site constraints. Preliminary construction standards have been provided to ensure that relevant guidelines are satisfied.
472. The Acoustic Report prepared by ADP (4 June 2023 – Version 4) addresses design criteria and provides preliminary advice for the following:
- (a) the impact of operations on nearby sensitive receivers (including noise emission from emergency plant and equipment);
 - (b) internal noise levels;
 - (c) sound insulation between noisy areas and sensitive spaces within the development; and,
 - (d) vibration requirements for uses with potential to generate impact noise/structure borne sound (e.g. gyms and pools).
473. The design criteria and acoustic treatment concepts in this report demonstrate the pathways by which these will be addressed by ADP and the project team through further analysis, recommendations, and coordination as the design progresses. The future requirements that the development must meet are outlined below:
- (a) All retail/commercial tenancies must demonstrate compliance with the EPA Noise Protocol Part 1;
 - (b) Internal sound insulation of the residential component of the development must comply with the NCC requirements as a minimum.;
 - (c) The road traffic noise intrusion criteria of 35dBIAeq,8h for living rooms and 40dBIAeq,16h for sleeping areas must be met;
 - (d) Commercial noise emissions, including plant noise emissions, from any base-building systems and commercial tenancies within the subject development are required to comply with the EPA Noise Protocol Part I noise limits;
 - (e) Any noise and vibration transmitted by commercial gyms within the proposed development is required to comply with the noise and vibration limits scheduled in Section 3.2.7 (noise) and Section 3.2.6 (vibration) of the ADP Acoustic Report respectively; and,
 - (f) Impact noise will need to be addressed in the outdoor terraces/amenity to protect the amenity of residents in apartments within the building.
474. To ensure the above are met, the current wording within Section 10.1 will be replaced with that outlined above, and the Acoustic Report prepared by ADP dated 20 June 2023 (Revision 4) will be added as an appendix and referenced within this section.

Development Staging

475. *A staging plan to provide an indication of the likely staging of the development of land, specifically:*
- (a) *The expected sequencing of development;*

- (b) *The expected sequencing of works identified in the Public Realm Plan approved in accordance with this schedule;*
- (c) *Likely vehicle access points, road infrastructure works and traffic management; and*
- (d) *Interface/access treatments.*

476. Section 11.1 of the DP indicates that the project is proposed to be delivered in one stage, with four stages provided as a contingency. If four stages were undertaken, they would be generally in accordance with the staging plan outlined at Figure 63 below.



Figure 63: Proposed Staging diagram. Source: Development Plan (Gurner 2023)

477. Additional notations on this page address potential issues with the staging sequence, with particular regards to vehicle entrances and services. These include the following (where relevant);

- (a) The location of the main vehicle entry to the basement will be included in stage one;
- (b) The location of loading areas and waste collection will be included in stage one;
- (c) The extent of basement will be determined by the required level of carparking provision to service the relevant stages;
- (d) Temporary structures will be used to hoard off the sections of basement that will not be constructed until the appropriate time;
- (e) All incoming services including the electrical substation will be included in the first stage;
- (f) All subsequent stages will be able to plug into the initial service connections;
- (g) Provision of the southern portion of Park Lane in stage three;
- (h) Completion of the new public open space park in stage four; and

- (i) If the project is required to be staged then interim measures will be put in place to ensure the activation of the constructed laneway network and associated retail frontage.
478. Council Engineers were satisfied with the order of staging with regards to traffic generation and its impact on the Burnley Street/Doonside Street intersection. However, they noted that the staging of the works would have to consider the provision of upgraded or new utility services, with this undertaken on a precinct wide scale. Similarly, the drainage and civil infrastructure design would have to consider the site as a whole. This section should be updated to clarify that all of these aspects will be finalised prior to the commencement of Stage 1, with a detailed staging of works plan submitted as part of the planning application process.
479. Mr McGauran raised concerns with the proposed sequence of staging, and recommended that the sequence be reversed, with Building C and the adjacent Doonside Park to be completed in Stage 1. He also noted that Building B should be constructed prior to Buildings A & C, given the main vehicle access will be located within this building.
480. These changes are not considered necessary. The delivery of Doonside Park in the centre of what will be an ongoing construction site is not a feasible outcome; the amenity of this space would be severely compromised, and it is unlikely that any landscaping/vegetation could be adequately maintained under these circumstances. Landscaping is generally the final delivery of a development; this allows the open space to be used for construction storage and is a more logical outcome.
481. With regards to vehicle access, Section 11.1 confirms that the location of the main vehicle entry to the basement will be included in Stage 1, along with the loading and waste areas. This outcome is supported.
482. One aspect not discussed within Section 11.1 is when the public realm improvements, particularly within Doonside Street, will be delivered. It is assumed these will be undertaken towards the end of construction. Clarification on the delivery of these works will be required.

Conclusion

483. The proposed outcomes sought in the Development Plan are supported, with the heights, setbacks and building envelopes generally in accordance with the Indicative Framework Plan at Schedule 15 of the Development Plan Overlay. Where changes have been sought, it is considered that these modifications are in keeping with the existing and emerging character of the surrounding area, will not result in unreasonable off-site amenity impacts and are generally consistent with the outcomes envisioned by the DPO.
484. The proposal is considered to achieve the vision set out in the Schedule, subject to a range of changes outlined in the recommendation section of this report.

RECOMMENDATION

That Council:

- (a) will be satisfied with the proposed Development Plan when the following changes are made to the document to the satisfaction of the General Manager, City Sustainability and Strategy at which time the proposed Development Plan will be endorsed:

Section 1.1 (Project Vision)

1. The text of section 1.1 is to be amended to provide a brief overview on how the following requirements of Section 4.1 of the DPO will be achieved:
 - (a) To provide a high standard of internal amenity, building separation and best practice environmentally sustainable design;
 - (b) To ensure that the primary responsibility for noise attenuation rests with the agent of change; and
 - (c) To ensure new development, does not unreasonably prejudice by way of reason of reverse amenity the ongoing operation of nearby existing commercial, industrial and warehouse businesses, including Victoria Gardens Shopping Centre.

Section 2 (Site & Context Information)

2. Section 2.1 is to be amended to include;
 - (a) The information regarding the heritage buildings within HO252 & HO375 and the 'c1962 illustration of the Repco/Russell factory' that is currently included in Section 3.2; and,
 - (b) Replace the 'Design and Development Overlay Map' with a site map annotating all planning controls and demonstrating the location of the two Heritage Overlays (HO252 & HO375) within the site.
3. Section 2.3 is to be amended to include a separate map showing the context of surrounding public open space.
4. Section 2.4 is to be amended to include images and heights of existing/emerging higher density buildings surrounding the site.
5. Section 2.5 is to be amended to include a façade view of 26 Doonside Street.
6. Section 2.6 is to be amended to include;
 - (a) A current photograph of 171 Buckingham Street (and removal of second photograph of this building);
 - (b) Views of buildings along the western side of Burnley Street immediately opposite the site; and
 - (c) Long range views along Appleton Street.

Section 3 (Concept Plans and Built Form Guidelines)

7. Section 3.1 is to be amended as follows:
 - (a) The extract from Rick Jamieson is to be removed;
 - (b) The development summary table currently located at Section 3.12 should also be shown at section 3.1;
 - (c) An image of the Indicative Framework Plan as shown in the DPO schedule should be included;
 - (d) The Masterplan is to include the following;
 - (i) widths of all proposed laneways;
 - (ii) setbacks from all three road boundary interfaces;

- (iii) proposed heights of the building areas A, B C and D; and
 - (iv) the provision of at least 4.5% of the total site (576 square metres) for public open space in an area which fronts Doonside Street and adjoins the pedestrian lane (or a higher percentage if contained in Clause 53.01 of the Yarra Planning Scheme at the time of subdivision). The masterplan must show the area of public open space in square metres and its percentage of overall site area.
8. The podium design of Building B is to be amended to incorporate a splay within the north-east corner of the building, to allow the retention of the existing tree on Doonside Street.
9. Section 3.2 is to be amended to remove the description of the two heritage buildings and the 'c1962 illustration of the Repco/Russell factory', with this information relocated to Section 2.1.
10. Section 3.4 is to be amended to include:
- (a) No encroachment of balconies into the 10m setback of Park Lane; and
 - (b) Amend dot point 3 to clearly state commercial and active frontages to Park Lane.
11. View C in Section 3.8 is to be amended to show Building B in the background.
12. Section 3.9 is to be amended to include:
- (a) A requirement that future plant and equipment, including screening, for all buildings must comply with all of the following;
 - (i) Be no more than 3.6m above the maximum building height;
 - (ii) Occupy no more than 50% of the roof area;
 - (iii) Be set back a minimum of 3m from all building edges; and,
 - (iv) Be fully screened from view;
 - (b) A notation confirming that the scale, siting and technique of the wind mitigation measures outlined within the Wind report prepared by Windtech (dated 13 July) are subject to further review, including any impacts on built form located within heritage overlays, Park Lane and Doonside Park, as part of any future planning permit applications and to the satisfaction of the Responsible Authority; and
 - (c) A paragraph which provides as follows: The maximum building heights as specified for each of buildings A, B C and D are maximum heights not preferred maximum heights. These building heights have already, in some cases, exceeded the building heights shown in the Indicative Framework Plan forming part of DPO15 and are not intended to be further increased.
13. The building height/massing diagrams at Section 3.9 are to be amended to include the following;
- (a) Identify each building as A, B C or D;
 - (b) Indicate the direction the development is being viewed from; and,
 - (c) The names of the adjacent streets.
14. Section 3.11 is to be amended to include:
- (a) Text to state that the inter-floor heights within the heritage buildings on the site will relate to the existing floor levels and fenestration patterns; and
 - (b) Text to state that balconies will not be located behind existing openings within heritage facades.
15. The site layout keys on pages 46 & 48 are to be amended to identify the building as A, B C or D as shown on the Masterplan.

Section 4 (Open Space and Landscape)

16. The Landscape Report is to be amended to include:

- (a) Text to require the design of Doonside Park to reference the heritage building at 26 Doonside Street;
 - (b) A brief explanation on how Doonside Park will be irrigated on an ongoing basis by Council; and
 - (c) Additional text to outline how the site will be remediated.
17. The Landscape Concept Plan at Section 4.2 is to be amended as follows:
- (a) Text to be included which requires garden beds/layout to respond to indicative locations of future entrances/windows within the heritage façade of 26 Doonside Street;
 - (b) Remove the indicative street tree locations along Doonside Street and Appleton Street;
 - (c) Remove the notation on the Burnley Street trees indicating that they are ‘subject to removal’;
 - (d) Show the location of the existing tree within the subject site at the northern end of Park Lane; and
 - (e) Show additional deep soil planting and mature trees within Doonside Park.
18. Section 4.2 (page 82) is to be amended to include text that Park Lane is to be publicly accessible (in addition to Doonside Park and Harry’s Lane), with the text stating ‘unfettered public access will be provided throughout all of these spaces 24 hours a day, 7 days a week’.
19. Section 4.2 is to be amended to note that the provision of public open space must be compliant with the provisions of Clause 53.01 of the Yarra Planning Scheme at the time of subdivision.
20. The title of Section 4.3 amended to ‘Public Realm’, with the ‘Public Realm Plan’ at page 18 of the Landscape Report included in this section.
21. The Public Realm Plan is to be amended as follows;
- (a) Remove the notation on the Burnley Street trees indicating that they are ‘subject to removal’;
 - (b) Show the indicative location of where visitor bicycle parking will be provided (including numbers of visitor spaces in each location to a total of 120 spaces);
 - (c) Insert a notation confirming that all visitor bicycle spaces will be provided as horizontal rails/hoops and located at ground level (not within the basement);
 - (d) Insert text that states that the width and design of roller doors and services must be limited and integrated with the overall design, with the visibility of ramps minimised;
 - (e) Insert text stating that any future sub-stations are to be located within the basement;
 - (f) Indicate where a north-south pedestrian crossing of Doonside Street to the Victoria Gardens precinct will be located;
 - (g) Show proposed east-west pedestrian connections across Burnley Street and any proposed enhancements to the Burnley / Doonside Street intersection; and,
 - (h) Show electricity poles extending along the northern side of Appleton Street as to be undergrounded to the satisfaction of the relevant power authority and Council.

Section 5 (Housing Diversity)

- 22. Amend the proportion of 3-bedroom apartments throughout the development to be higher.
- 23. Show the data on the number of children in families (with one or two parents) within the City of Yarra.

24. Include text to provide a commitment to explore opportunities with Registered Housing Associations to determine how the purchase could be positioned to receive grant funding from State government or other funding sources that allow for a price reduction for 3-bedroom apartments that would meet the necessary income ranges.

Section 6 (Transport Works)

25. Include a 'Transport/Access Plan' in Section 6.1 which includes the following;
- (a) Details of each stage, with confirmation that the main vehicle entrance and the location of loading and waste areas will be included in Stage 1, along with the relevant section of basement;
 - (b) The internal dimensions of laneways;
 - (c) An indicative location of visitor bicycle parking (including numbers of visitor spaces in each location to a total of 120 spaces); and
 - (d) A notation confirming that all visitor spaces will be provided as horizontal rails/hoops and located at ground level.
26. Section 6.1 is to be amended to specify that the number of secure compounds for employee/resident bicycle spaces will be limited, and all End-of-Trip facilities will be located with direct access to employee parking.
27. Section 6.1 is to be amended to confirm that the timing of the delivery of the signalisation of the Burnley Street/Doonside Street/Buckingham Street intersection will account for the following;
- (a) The potential for the development to be delivered in one stage (in which case the intersection must be delivered concurrently to the overall development); and
 - (b) The development of the Victoria Gardens site to the north (which may necessitate an earlier delivery if applicable).
28. Section 6.1 is to be amended to confirm that the following features will be incorporated into any future signalisation of the Burnley Street/Doonside Street/Buckingham Street intersection:
- (a) Physical protection of the Burnley Street on-road bike lanes;
 - (b) The provision of physically protected bicycle facilities on Doonside Street to allow safe and direct access into the subject site;
 - (c) The provision of bicycle head start lanterns in any proposed traffic signal programming; and,
 - (d) The provision of 'green paint' line marking through the intersection in accordance with Council and VicRoads standards.
29. Section 6.1 is to be amended to confirm that the footpaths and kerb and channels along Doonside Street, Burnley Street and Appleton Street directly adjacent to the subject site will be reconstructed to the satisfaction of the Responsible Authority once the development is completed.
30. Section 6.1 is to be amended to include details of future EV charging stations and additional car share provisions.
31. Section 6.1 is to be amended to require a Loading Management Plan to be submitted with any future planning permit applications. The Loading Management Plan must require;
- (a) All loading and waste activities to be undertaken within the basement; and,
 - (b) The loading area within Harry's Lane is used as infrequently as is practical.

Section 7 (Environmentally Sustainable Design)

32. Section 7.1 (Sustainability Commitments) is to be amended to include the following commitment;
- (a) A precinct-wide Water Sensitive Urban Design (WSUD) strategy is to be developed utilising MUSIC modelling to demonstrate compliance with best practice stormwater pollutant reduction objectives will be undertaken in conjunction with the first planning application submitted to Council. The WSUD strategy must encompass the entire development.
33. The 'ESD Aspirations' section at Section 7.1 is to be amended to include the following:
- (a) Details on how the development will achieve net zero carbon (e.g., a hierarchy of interventions - prioritising energy efficiency to reduce energy use and avoidance of gas, with operational emissions avoided through use of 100% renewable electricity either through Greenpower or renewable energy generated on-site);
 - (b) Confirmation that the entire development (residential and commercial) will achieve the minimum daylight requirements to meet best practice BESS IEQ;
 - (c) Confirmation that the development will be all-electric;
 - (d) The provision of a precinct-wide vegetation cover target (specifying a percentage of the site area, using the Green Factor Tool as a guide);
 - (e) The provision of a precinct-wide urban heat reduction target (specifying a percentage of the site area which will meet SRI targets or be vegetated);
 - (f) A landfill diversion target for operational waste and development of a precinct-wide waste management plan to drive its implementation, with this to be consistent with the landfill diversion target of 80% in the ESD Assessment; and,
 - (g) Reductions in embodied carbon for the development, focusing on the top 4 – 6 materials, with this to be consistent with the embodied carbon reduction opportunities included in the ESD Assessment.
34. The Environmentally Sustainable Design Framework prepared by ADP Consulting (dated 3 May 2023) is to be amended to include the following:
- (a) Precinct-wide goals and targets as a framework that can guide subsequent individual SMP's for each individual building, utilising one of the following tools:
 - (i) Built Environment Sustainability Scorecard – A minimum 50% score, or
 - (ii) A Green Star Buildings – 4 Star certified rating.
 - (b) Confirmation of a net zero development and commitment to 'an all-electric design, including solar panels, achieving 7-star NatHERS average rating and using either 100% offsite renewable energy sources (Green Power) or 5% of on-site renewable energy production';
 - (c) A commitment relating to net zero/renewable energy procurement/generation to include mention of embedded networks and clarification that electricity sources will be 100% renewable (either through 100% GreenPower or a combination of GreenPower and on-site renewable energy production); and
 - (d) Amend the subheading on page 8 from "Target New Zero Development" to "Target Net Zero Development".

Section 8 (Drainage)

35. Section 8.1 is to be amended to replace the existing wording under the heading '*A capacity assessment for the existing drainage system into which future development will be discharged*' with the following wording:

- (a) The capacity assessment of the existing drainage system has been based on Reeds adopting the drainage sizes shown on available Council MOCS information. Without access to detailed design plans or Council GIS information at the issue date of this report, it was assumed that the existing drains have been laid at constant depth hence their grades (and capacities) were estimated based on review of existing road longitudinal grades. Given the relatively flat nature of the landform this is a reasonable assumption; and
 - (b) More accurate assessments and surveys will be undertaken to update the preliminary flooding report and subsequently inform the finished floor levels for the proposed ground floor levels.
36. Section 8.1 is to be amended to replace the existing wording under the heading '*A flood analysis which determines the overland flow depth within the road reserve during a 1 in 100-year flood*' with the following wording:
- (a) The flood analysis which determines the overland flow depth within the road reservations during a 1 in 100-year flood utilises the catchment analysis and existing capacity assessment of the drainage system to generate the gap flow measured against the capacity of the road reserve;
 - (b) Under instruction from Council's Engineering department, a preliminary flood assessment has been undertaken to reassure the development is not impacted by estimated water levels adjacent to the development under certain rain events;
 - (c) A more accurate assessment of the flooding impacts must be undertaken prior to the establishment of the finished floor levels (FFL's) of the development. The flood analysis must utilise as constructed survey levels of adjacent infrastructure (road, drainage, etc) as well as proposed design levels for the ultimate outcome of Doonside Street; and
 - (d) The flood assessment will be completed under instruction of Council, and once approved, will dictate the FFL's of the ground floor plans. The flood assessment must be undertaken prior to the endorsement of the plans under the planning permit.
37. Section 8.1 is to be amended to include the following wording under a new heading '*Legal point of discharge and onsite detention*':
- (a) The legal point of discharge will be allocated for the development based on the capacities of the Council drainage infrastructure within the area. If existing properties discharges (as part of the consolidated development site) are to be redirected to alternative catchments, then an assessment of the proposal must be undertaken and approved by Council;
 - (b) The Permissible Site Discharge (PSD) is the peak flow rate allowed to be discharged from the proposed development to the nominated LPD (stormwater network). The PSD must be limited to:
 - (i) a 20% AEP flow rate (~1 in 5 ARI); and
 - (ii) the equivalent of a 70% impervious site coverage, or the pre-developed discharge rate if it is less than 70% impervious site coverage;
 - (c) All developments that require on-site detention must detain, at a minimum, the 10% AEP storm event. However, for cases where a safe overland flow path cannot be provided or where flows exceeding pipe capacity may impact the development or adjacent, upstream, or downstream properties, the requirement will be to detain the 1% AEP storm event; and
 - (d) The drainage design must be completed in accordance with Council's standards and requirements.

Section 9 (Comprehensive Heritage Analysis)

38. Section 9.1 (Heritage Assessment) is to be amended to include:
- (a) Photographs of the two heritage buildings at 81-95 Burnley Street and 26 Doonside Street; and
 - (b) Reference to the Heritage Analysis prepared by Bryce Raworth (dated December 2021).
39. The following text to be inserted into Section 9.1:
- (a) The following documents will be required when a planning application is submitted for the development:
 - (i) A schedule of conservation works for the retained facades of the heritage buildings at 81-95 Burnley Street and the exterior form of the heritage building at 26-34 Doonside Street, including time frames for each action to the Responsible Authority's satisfaction;
 - (ii) Archival recordings of the heritage buildings (81-95 Burnley Street and 26-34 Doonside Street) to the responsible authority's satisfaction prior to any demolition on the site;
 - (iii) A heritage maintenance plan defining the ongoing cyclical repair and maintenance for the retained facades of the heritage buildings at 81-95 Burnley Street and the exterior form of the heritage building at 26-34 Doonside Street to the responsible authority's satisfaction;
 - (iv) A Heritage Impact Statement prepared by a suitably qualified professional that assesses the impact of the proposed development on the heritage values of the heritage place; and
 - (v) A sightline analysis and 3D modelling of the proposed development from key view points in the public realm to enable an assessment of the visual impact of the development on the heritage places within the site.

Section 10 (Noise Impacts)

40. Section 10.1 (Noise Assessment) is to be amended to include the following wording;
- (a) All retail/commercial tenancies must demonstrate compliance with the EPA Noise Protocol Part 1;
 - (b) Internal sound insulation of the residential component of the development must comply with the NCC requirements as a minimum.;
 - (c) The road traffic noise intrusion criteria of 35dBIAeq,8h for living rooms and 40dBIAeq,16h for sleeping areas must be met;
 - (d) Commercial noise emissions, including plant noise emissions, from any base-building systems and commercial tenancies within the subject development are required to comply with the EPA Noise Protocol Part I noise limits;
 - (e) Any noise and vibration transmitted by commercial gyms within the proposed development is required to comply with the noise and vibration limits scheduled in Section 3.2.7 (noise) and Section 3.2.6 (vibration) of the ADP Acoustic Report respectively; and
 - (f) Impact noise to be addressed in the outdoor terraces to protect the amenity of residents in apartments within the building.

Section 11 (Development Staging)

41. Section 11.1 is to be amended to include the following;
- (a) Confirmation that all upgraded/new utility, drainage and civil infrastructure services will be provided on a precinct-wide scale; and

- (b) Clarification on when public realm and streetscape improvements will be delivered.

Attachments

- 1 Attachment 1 - PLN21/0981 - 81-95 Burnley Street & 26-34 Doonside Street, Richmond - Final Development Plan
- 2 Attachment 2 - PLN21/0981 - 81-95 Burnley Street & 26 -34 Doonside Street Richmond - Final Landscape Report
- 3 Attachment 3 - PLN21/0981 - 81-95 Burnley Street & 26 -34 Doonside Street Richmond - Final Traffic Report
- 4 Attachment 4 - PLN21/0981 - 81-95 Burnley Street & 26-34 Doonside Street, Richmond - Wind Tunnel testing
- 5 Attachment 5 - PLN21/0981 - 81-95 Burnley Street & 26-34 Doonside Street, Richmond - Final ESD report
- 6 Attachment 6 - PLN21/0981 - 81-95 Burnley Street & 26 -34 Doonside Street Richmond - Final Acoustic Report
- 7 Attachment 7 - PLN21/0981 - 81 - 95 Burnley Street & 26 - 34 Doonside Street Richmond - Final Housing Diversity Report
- 8 Attachment 8 - PLN21/0981 - 81 - 95 Burnley Street & 26 - 34 Doonside Street Richmond - Final Heritage Report
- 9 Attachment 9 - PLN21/0981 - 81-95 Burnley Street & 26-34 Doonside Street, Richmond - Final Drainage Report

7.2 Amendment C286yara – Open Space Contributions – Peer Review

Reference	D23/291411
Author	Leonie Kirkwood - Project and Planning Coordinator
Authoriser	General Manager City Sustainability and Strategy
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

Purpose

1. To provide an overview of the outcomes of the peer review on the methodology of the apportionment of costs in Amendment C286 and outline the next steps in the process to reconvene the Independent Planning Panel and finalise Amendment C286yara – Open Space Contributions.

Critical analysis

History and background

2. The Yarra Open Space Strategy 2020 (YOSS) and the associated Technical Report 2020 identified the public open space needs of existing and future residents and workers of Yarra, gaps in the provision of public open space and opportunities to address those gaps.
3. The two YOSS reports informed Amendment C286, which proposes to increase public open space contributions from developments that subdivide land in Yarra from 4.5 per cent (residential subdivisions only) to 10.1 per cent (all eligible residential, commercial and industrial subdivisions).
4. Amendment C286 expands the application of the rate from residential subdivisions to include residential, industrial and commercial subdivisions.
5. The amendment was exhibited between 7 September to 5 October 2021. 72 submissions were received.
6. The Panel Hearing was conducted over 11 hearing days between December 2021 and February 2022.
7. The Panel released an interim report on 14 April 2022 (see **Attachment One**). The report concluded:
 - (a) the Yarra Open Space Strategy, 2020, is strategically justified and is a sound and appropriate strategy;
 - (b) there is a clearly established need for the existing open space contribution rate to be increased as a matter of some urgency;
 - (c) the open space projects proposed to meet identified needs are, with a minor exception, supported;
 - (d) the proposal by Council to add 30 per cent (adjusted down to 20 per cent during the Hearing) to Capital Improved Value of land to be acquired for new open space is not supported by the Panel which regards 10 per cent as appropriate;
 - (e) the amount of the total costs apportioned to new residents and workers has not been adequately justified and should be subject to peer review before the Amendment can be finalised;
 - (f) the Hearing be adjourned pending the completion of this further work; and

- (g) while this further work recommended by the Panel is being undertaken, Council should seek approval from the Minister for Planning for an interim increase in the open space contribution rate to 7.4 per cent. This would occur via the preparation of a new Planning Scheme Amendment.
8. Flowing from these conclusions, the Panel made three key recommendations; that Council should:
- (a) request an interim open space contribution rate of 7.4 per cent through a separate amendment process until Amendment C286 is finalised;
 - (b) conduct a peer review of the apportionment of costs between the existing and new population; and
 - (c) replace the 30 per cent allowance added to the Capital Improved Value (CIV) of land with 10 per cent in the calculation of the open space contribution rate.

Discussion

Interim public open space contribution rate

- 9. The application of an interim open space contribution rate of 7.4 per cent was considered by Council on 31 May 2022.
- 10. The request for a Ministerial Amendment, Amendment C306yara, was subsequently lodged and is under consideration by the Department of Transport and Planning (DTP).
- 11. Officers have impressed on DTP the need for the interim rate and have been in regular discussions to progress the amendment. No decision has been made regarding the proposed interim rate.

Peer review

- 12. At the May 2022 meeting, Council considered the Panel's recommendation to undertake a peer review.
- 13. The peer review has been conducted by Rob Panozzo of ASR Research (see **Attachment Two**). It has focussed on the Panel's Recommendation 2.
- 14. The Panel did not provide any specific guidelines for the peer review, but recommended the following parameters:
 - (a) The review should be undertaken by at least one suitably qualified person with open space planning experience;
 - (b) The review should be restricted to the apportionment of project-by-project costs between existing and new populations. Population forecasts and project costs should not be the subject of review;
 - (c) The qualitative methodology used in the apportionment of costs is acceptable and should not be the subject of review;
 - (d) The Panel concludes that the 'eight factors' influencing the apportionment of costs listed Council's expert witness statement are acceptable and should not be the subject of review, although commentary on them and their relative importance could be considered;
 - (e) The extensive field work undertaken by Council's consultant need not be repeated provided relevant records can be provided to the reviewer; and
 - (f) Where the reviewer finds that the apportionment of costs is different to that proposed by Council's consultant, the reviewer's recommended apportionment should be provided together with a clear rationale for the recommended change.

Addressing Apportionment

- 15. Addressing apportionment, i.e. the total costs apportioned to new residents and workers versus existing residents and workers, is the key focus of the peer review.

16. In the YOSS technical report that underpins Amendment C286, to calculate the total cost of the projects, Council's consultants apportioned a percentage cost of each project to new and existing populations. For example, for some projects/actions, the split was 50 new/50 existing whereas for others it was 30 new/70 existing or 80 new/20 existing etc.
 17. The apportionment ratio was informed by 'eight factors':
 - (a) existing open space within the precinct;
 - (b) spatial distribution of existing open space;
 - (c) hierarchy, character and condition of the existing open space;
 - (d) existing level of use and satisfaction with open space;
 - (e) existing urban layout;
 - (f) location and magnitude of forecast future resident and worker population growth;
 - (g) future population densities; and
 - (h) proposed urban form.
 18. The Panel, in its report, noted the apportionment methodology that informed the rate proposed in Amendment C286 appeared to rest on the consultant's professional judgement. The Panel could not be confident about how these factors were applied and what weight was given to them. As a result, the Panel could not conclude that the apportionments, as proposed, were justified.
 19. The peer review considered three methodologies:
 - (a) Method 1 - A methodology based solely on the quantum of new population. The public open space rate achieved using this method is 5.1 per cent (based on a 30 per cent allowance added to CIV, which the Panel did not accept. If the 30 per cent allowance was reduced to 10 per cent as recommended by the Panel, the public open space rate would be lower, and below 5 per cent);
 - (b) Method 2 - The methodology used in YOSS; and
 - (c) Method 3 – An alternative methodology.
 20. The peer review found that Method 1 is a far simpler and more replicable apportionment methodology, however it 'fails to reflect the genuine and complex open space needs of high density inner suburban municipalities such as the City of Yarra and fails to provide sufficient financial resources to implement important open space measures that many locations within the City of Yarra desperately need.'
 21. Regarding Method 2, the peer review notes the eight criteria used in the YOSS are all valid considerations. The peer review acknowledges this method is based on a more nuanced and complex understanding of local open space needs. However, the peer review notes that the 'systematic and consistent application of this method is problematic given the high level of subjective judgement required to determine which apportionment ratio to use for particular factors and what weighting to apply to these factors'.
 22. As such, the peer review considers the use of an alternative methodology (Method 3) to consider the apportionment issue. This method derives a public open space contribution rate based on weightings benchmarked against targets for public open space used by the Victorian Planning Authority (VPA) in Melbourne's growth areas.
 23. Target 11 (T11) of the Precinct Structure Planning Guidelines: New Communities in Victoria (October 2021) (PSP Guidelines) states the open space network should seek to meet the following minimum targets:
 - (a) Within residential areas (including activity centres) – 10 per cent of net developable area (NDA) for local parks and sports field reserves; and
 - (b) Within dedicated employment and/ or economic activity areas – 2 per cent of the net developable area (NDA) for local parks.
-

24. The peer review considers population density in Yarra relative to the 10 per cent of NDA for open space target. The PSP Guidelines currently anticipate the provision of 20 dwellings per hectare of NDA, which equates to 62 people per hectare of NDA (based on 3.1 persons per dwelling). The peer review takes the position that if less dense urban locations are expected to be supplied with at least 10 per cent unencumbered local public open space, then so should the most dense urban locations like the City of Yarra.
25. The peer review also considers the worker population density based on the PSP Guideline target of 1 job per dwelling (which equates to 20 workers per hectare of NDA). The peer review reduces the new worker population density weighting to 20 per cent, to align with the PSP Guidelines which allocate only 2% of NDA employment land hectares for public open space.

Addressing Capital Improved Value (CIV)

26. The public open space contribution calculation uses CIV as the basis for calculating the value of land. CIV is the assessed market value of the property including both land and all improvements such as buildings.
27. Council's original methodology which formed the basis of Amendment C286 included a 30 per cent margin added on top of CIV to address what was considered to be the actual cost to Council in purchasing new land for public open space.
28. Through the course of the hearing, Council accepted that there was not sufficient justification for an allowance of 30% above CIV for the land acquisition component of the public open space contribution rate calculation. However, Council submitted that there is a legitimate justification for an allowance of 20% above CIV. (Noting this would reduce the proposed open space contribution rate to 9.35 per cent.)
29. The Panel accepted that CIV is an 'appropriate, but imperfect measure' of land value. However, it did not accept that 30 or 20 per cent allowance was justified or defensible. The Panel recommended an allowance of 10 per cent be added to the cost of purchasing land.
30. The adoption of the 10 per cent margin reduces the 10.1 per cent public open space rate originally sought in Amendment C286 to 8.67 per cent.
31. The peer review adopts the CIV allowance recommended by the Panel (i.e. 10 per cent).

Peer review outcomes

32. Using the alternative methodology (Method 3), the peer review arrives at a public open space contribution rate of 9.4 per cent (using the 10 per cent CIV allowance recommended by the Panel).
33. It is important to note, there is a high degree of uncertainty around public open space methodologies, including the alternative methodology used in the peer review to calculate a public open space contribution rate. There is no agreed methodology for the calculation of public open space contributions in established residential areas. The State Government flagged in Open Space for Everyone - Open Space Strategy for Metropolitan Melbourne 2021, that it would 'review and ensure the effectiveness of current open space contribution guidelines in addressing legacy issues and differing needs in established suburbs, growth areas and areas of entrenched disadvantage'. However, this work has not progressed.
34. It is also noted other inner city councils and recently approved amendments have approved rates of 5 to just over 8 per cent. In Melbourne, Stonnington and Port Phillip, 5 to 8 per cent applies depending on the location and setting. 5.7 per cent applies in Maribyrnong. In Glen Eira, a rate of 8.3 per cent was recently approved across the municipality (with the exception of two specific development areas). In Monash Amendment C169, currently under consideration by the Department of Transport and Planning, Council adopted the Panel recommended rate of 7.61 per cent.

35. The purpose of the peer review is not to form a new position for Council to adopt the rate recommended by the peer reviewer. It was prepared in response to an issue identified by the Panel that 'the amount of the total costs apportioned to new residents and workers has not been adequately justified and should be subject to peer review before the Amendment can be finalised'.
36. Council should be aware that the alternative methodology in the peer review is a new approach for deriving a public open space contribution rate.
37. Council's position when the Panel hearing closed in February 2022 was to advocate for a public open space contribution rate of 9.35 per cent (based on a 20 per cent CIV). If the Panel's recommendation to proceed with the 10 per cent CIV allowance is accepted, the public open space contribution rate would be 8.67 per cent, noting the Panel did not support the use of the 20 per cent CIV. Officers will provide a report to Council on 12 September with a recommended approach.

Community and stakeholder engagement

38. The broader community and submitters were notified during the exhibition and hearing process of Amendment C286.
39. Should Council resolve to reconvene the Panel in September, Council officers will notify the Panel and the Panel would notify previous participants and set further hearing dates.

Policy analysis

40. The amendment supports the following themes in the Yarra 2036 Community Vision – Shared Spaces and Growing Sustainably:
 - (a) Priority 7.1 - All our shared spaces are made physically accessible and welcoming to people of all abilities, linguistic, cultural backgrounds and age groups;
 - (b) Priority 7.3 - Create and innovate solutions to maximise the use of under or unused streets and spaces;
 - (c) Priority 7.4 - Increase availability and diversify use of open spaces to address existing shortages and respond to population growth; and
 - (d) Priority 8.4 - Ensure that as we grow, community services and public spaces are adapted and created so that our unique lifestyle is maintained and continues to improve.
41. The amendment supports the following strategies in the Council Plan 2021-2025:
 - (a) Strategic Objective 1: Climate and Environment - Yarra urgently mitigates climate change while also adapting to its impacts and developing resilience in everything we do. The community, business and industry are supported and encouraged to do the same.'; and
 - (b) Strategic Objective 4 – Place and nature – 'Yarra's public places, streets and green open spaces bring our community together. They are planned to manage growth, protect our unique character and focus on people and nature.'

Climate emergency and sustainability implications

42. An expanded open space network would help achieve a number of sustainability actions in Council strategies:
 - (a) Developing biodiversity corridors;
 - (b) Creating opportunities for sustainable water management (e.g. through passive irrigation and stormwater harvesting); and
 - (c) Reducing the urban heat island effect by creating more permeable surfaces.

Community and social implications

43. The Panel has recognised the importance of the rate in meeting community needs resulting from increased development in the municipality.
44. Progressing Amendment C286 would ensure that more open space can be delivered for the community, enabling space to exercise and socialise.

Economic development implications

45. Progressing Amendment C286 would ensure Yarra remains an attractive place to live and work as it supports the creation of new open space.
46. The application of the open space rate to residential, commercial and industrial subdivisions would enable Council to provide for open space demands in both residential and employment areas and serve both the resident and worker population.

Human rights and gender equality implications

47. The upgrade and improvement of the open space network through the application of a new open space contribution rate would support the Yarra community and enhance their quality of life and liveability of Yarra.

Operational analysis

Financial and resource impacts

48. An increase of the open space contribution rate from 4.5 per cent and the inclusion of non-residential subdivisions in the rate is a very important matter for Council to assist in funding both the new and improved open space provision in the municipality over the next 15 years. (Noting the projects in the Yarra Open Space Strategy would need to be funded from a mix of general rates revenue, grants and the public open space contribution rate.)
49. The costs associated with the 2022 panel process, including panel fees, representation and other experts who provided evidence on behalf of Council were met by the 2022/23 budget. The majority of the costs associated with the preparation of the peer review were also paid in 2022/23.
50. Costs for this financial year will include further panel, legal and statutory costs and are budgeted for in the 2023/24 Strategic Planning budget.

Legal Implications

51. There are no known legal implications. The amendment is being progressed in accordance with the Planning and Environment Act 1987. The amendment process has included an Independent Planning Panel hearing that has enabled submitters to be heard. The Panel has released an interim report that was considered by Council.

Conclusion

52. The peer review has been completed.
53. The completion of the peer review has been an important step in the process and will help to inform the Panel about the issue of apportionment.
54. The peer review has considered the public open space planning principles established by the Victorian Planning Authority - Precinct Structure Planning Guidelines (adapted to an established urban context) and quantitative data such as population densities and public open space supply in the City of Yarra.
55. Officers will report back to the Council Meeting of 12 September with a proposed position and next steps.
56. The next steps in the process would be to request Planning Panels Victoria reconvene the Amendment C268yara Panel hearing and refer the peer review and Council's position on that material for consideration.

57. It is understood the Panel would re-notify submitters to Amendment C286 and hold a Directions Hearing. The further public hearing would follow.
58. Recommencement of the Panel Hearing would occur at the first available opportunity, dependent on the availability of Panel members, legal representation and submitters.
59. Providing the peer review to the Planning Panel is necessary to progress Amendment C286 and secure a revised permanent public open space contribution rate in the Yarra Planning Scheme.

RECOMMENDATION

1. That Council:
 - (a) note the findings of the Amendment C286yarra Open Space Project Cost Apportionment Final Report (dated 2 August 2023) prepared by Robert Panozzo; and
 - (b) receive a report from officers on 12 September 2023 that outlines a recommended position and next steps in the process to reconvene the Amendment C286yarra Independent Planning Panel Hearing.

Attachments

- 1 Attachment 1 - C286yara Interim Panel Report
- 2 Attachment 2 - Review of Open Space Project Cost Apportionment for Amendment C286yarra Robert Panozzo

7.3 Proposed Discontinuance of portion of Road abutting 111 Best Street, Fitzroy North.

Reference	D23/269359
Author	Bill Graham - Coordinator Valuations
Authoriser	General Manager Corporate Services and Transformation
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

Purpose

1. This report seeks Council's authority to:
 - (a) remove the road abutting 111 Best Street, Fitzroy North, being the land shown highlighted red (part of Road 2122) on the site plan attached as Attachment 1 to this report (**Road**) from Council's Register of Public Roads pursuant to section 17(4) of the Road Management Act 2004 (**RMA**); and
 - (b) commence the statutory procedures pursuant to the Local Government Act 1989 (**Act**) to consider discontinuing the Road.

Critical analysis

History and background

2. The Road is part of the land contained in certificate of title volume 653 folio 457 and is shown as the 18.3 square metre parcel marked '1' on the title plan attached as Attachment 2 to this report.
3. The Applicants are the registered proprietors of the adjoining property being the whole of the land contained in certificate of title volume 2347 folio 265, known as 111 Best Street, Fitzroy North shown delineated blue on the site plan attached as Attachment 1 (**Site Plan**) to this report (**Adjoining Property**).
4. The Applicants have requested that Council discontinue and sell the Road to them (**Proposal**).
5. The Applicants have agreed to pay Council's costs and disbursements associated with the proposed discontinuance of the Road, together with the market value of the for the transfer of the discontinued Road to the Applicants.

Discussion

Road

6. The Road is:
 - (a) part of the land remaining in certificate of title volume 653 folio 457;
 - (b) is shown as a 'road' on title; and
 - (c) is listed on Council's register of Public Roads as part of Road 2122.
7. As the Road is a 'Road' for the purposes of the Act, Council has the power to consider discontinuing the Road, if discontinued the Road will vest in Council.
8. A copy of the manual search of the Road is attached as Attachment 3.

Adjoining Owners

9. As the Adjoining Property is the only property which directly abuts the Road, the Applicants will not be required by Council to seek the consent of any adjoining landowners to the proposal.

Site Inspection

10. A site inspection of the Road was conducted by Land Dimensions on 5 March 2023. The site inspection report notes:
- (a) the Road is not constructed as a road or available for use by the public;
 - (b) there is no evidence of the Road being used;
 - (c) the Road has a fence constructed on it over the northern boundary and is encroached over by part of the dwelling located on the Adjoining Property.
 - (d) is entirely fenced within the physical boundaries of the Adjoining Property; and
 - (e) is not required for public access on the basis that it is not currently being used by the general public and entirely occupied by the Applicant as part of their residence.
11. A copy of the site inspection report is attached as Attachment 4 to this report.

Removal of Road from Council's Register of Public Roads

12. It is considered that the Road is no longer reasonably required for general public use pursuant to section 17(4) of the RMA as:
- (a) the Road is enclosed within the physical boundaries of the Adjoining Property; and
 - (b) the balance of the Road is a dead end and does not connect as a throughfare to any other public roads.

Statutory/Public Authorities

13. The following public/statutory authorities have been advised of the Proposal and have been asked to respond to the question of whether they have any existing assets in the Road which should be saved under section 207C of the Act; Greater Western Water, Melbourne Water, CitiPower, United Energy, Multinet Gas, Telstra, Optus, APA Gas, Ausnet Services and Yarra City Council.
14. Council, Melbourne Water, CitiPower, United Energy, Multinet Gas, APA Gas and Greater Western Water have advised that they have no assets in or above the Road and no objection to the proposal.
15. Optus has advised that it has no assets in or above the Road.
16. Telstra advised that it has no assets located within or above the Road and no objection to the proposal, provided that the Applicant:
- (a) calls 'dial before you dig' prior to any construction activities in the vicinity of Telstra's communication plant; and
 - (b) upon receipt of plans, obtains a Telstra accredited Asset Plant Locator to confirm the location of the plant.

Public Notice

17. Before proceeding with the discontinuance, Council must give public notice of the Proposal in accordance with section 223 of the Act. The Act provides that a person may, within 28 days of the date of public notice, lodge a written submission regarding the Proposal.
18. Where a person has made a written submission to Council requesting that he or she be heard in support of the written submission, Council must permit that person to be heard before a meeting of Council or the Committee of Council which has delegated authority to hear those submissions, giving reasonable notice of the day, time, and place of the meeting.

19. After hearing submissions made, Council must determine whether, the Road is not reasonably required as a Road for public use, in order to decide whether the Road should be discontinued.

Options

20. Council has the option to discontinue the Road or not to discontinue the Road.

Community and stakeholder engagement

21. The Public Notice of the proposal will be published pursuant to the requirements of section 223 of the Act.

Policy analysis

Alignment to Community Vision and Council Plan

22. This report aligns to strategy objective 6 in the 2021-25 Council Plan – manage our financial responsibility and improve long-term financial management planning.
23. Council's 'Management Policy in relation to laneways, passageways and rights of way in Yarra' adopted by Council in December 2019, states, laneways and passageways that are not reasonably required for public use are likely to include:
- (a) laneways and passageways that only provide access to adjacent properties and have no through connection (unless stormwater drainage function or identified legitimate community needs); and
 - (b) disused laneways and passageways.

Climate emergency and sustainability implications

24. There are no climate emergency and sustainability implications.

Community and social implications

25. There are no community or social implications.

Economic development implications

26. There are no Economic development implications.

Human rights and gender equality implications

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

Operational analysis

Financial and resource impacts

28. The Applicant has agreed to acquire the road for its market value (plus GST) as determined by the Act.
29. In addition to the market value (plus GST), the Applicant has agreed to pay Council's costs and disbursements associated with the proposal.
30. There are no resource impacts.

Legal Implications

31. If the Road is discontinued and sold to the Applicant, Council will require the Applicant to consolidate the title to the former Road with the title to the adjoining Property, within 6 months of the date of transfer of the Road to the Applicants.

Conclusion

32. It is proposed that Council should commence the statutory procedures pursuant to clause 3 of Schedule 10 of the Act to discontinue the Road and transfer the discontinued Road to the Applicants.

RECOMMENDATION

1. That Council:
 - (a) acting under section 17(4) of the Road Management Act 2004, resolves that the road abutting 111 Best Street, Fitzroy North, being part of the land in certificate of title volume 8258 folio 156 (and shown as the 18.3 square metre parcel on the plan attached as **Attachment Two**), be removed from Council's Register of Public Roads on the basis that the Road is no longer required for general public use for the reasons set out in the body of this report.
 - (b) acting under clause 3 of schedule 10 of the Local Government Act 1989 (Act):
 - (i) resolves that the required statutory procedures be commenced to discontinue the Road;
 - (ii) directs that, under sections 207A and 223 of the Act, public notice of the proposed discontinuance be given in "The Age" newspaper;
 - (iii) resolves that the public notice required to be given under sections 207A and 223 of the Act should state that if the Road is discontinued, Council proposes to sell the Road to the adjoining owner for market value (plus GST); and
 - (iv) authorises the Valuations Coordinator to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act in respect of this matter.

Attachments

- 1 Attachment 1 - Site Plan
- 2 Attachment 2 - Title Plan
- 3 Attachment 3 - Original Title
- 4 Attachment 4 - Site Inspection Report

7.4 C1644 - Burnley Golf Course Redesign and Risk Mitigation Work

Reference	D23/277011
Author	Frankie Hocking - Recreation Facilities and Contracts Officer
Authoriser	General Manager Infrastructure and Environment
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

Purpose

1. To award the contract C1644 for the Burnley Golf Course (BGC) Redesign and Risk Mitigation Works.

Background

2. It had been acknowledged that since March 2020 adjustments to BGC would be required to reduce the risks associated with golf balls breaching existing boundary fences, particularly along Madden Grove and CityLink.
3. Initial consultation for the course re-design works began in 2020, with the understanding a risk mitigation plan would be needed. The timeframe from initial discussions and consultations have been necessary to ensure the most beneficial and economical solutions for Council and the community could be found.
4. Golf Course Architect, Crafter and Mogford, was engaged to complete a re-design brief to mitigate the identified risks and present to Council. The project will redesign holes 1, 3, 6 and 7, which will mitigate the risk of golf balls breaching boundary fences, along with improvements to drainage to holes 2, 4 and 5.

Tender Process

Pre-Tender Panel Review Meeting

5. A pre-tender review panel meeting was held to discuss process milestones, review of the tender documentation and assignment of evaluation criteria and weightings.
6. An invitation to tender for the services was advertised on Saturday 17 June 2023 in The Age newspaper inviting suitably qualified contractors to submit a response to the Tender.

Tender Evaluation Panel ("Panel")

7. The panel consisted of the following personnel:
 - (a) Senior Procurement Officer;
 - (b) Manager Property and Leisure Services;
 - (c) Coordinator Burnley Golf Course;
 - (d) Recreation Development and Planning Officer; and
 - (e) Recreation Facilities and Contracts Officer.

Tenders Received

8. Tenders closed on Friday 7 July 2023 and one tender submission was received.

Tender Evaluation Criteria and Quantitative Assessment

9. The tender evaluation criteria and quantitative assessment are outlined in **Confidential Attachment One**. The panel considered the tenderer's submission for conformance to the tender document and deemed the tender to be conforming.

10. The panel conducted an assessment of the responses to qualitative criteria, and this is outlined in **Confidential Attachment One**.

Financial Assessment

11. Financial credit checks were sought from Corporate Scorecard Pty Ltd for the tenderer and the financial check for the contractor is considered in **Confidential Attachment One**.

Probity

12. In accordance with Council's Procurement Policy, there was no requirement for the engagement of a Probity Auditor as the total expenditure for this project is below \$10 million.

Occupational Health and Safety requirements

13. The recommended contractor has an occupational health and safety management system that complies with the requirements of the Occupational Health and Safety Act 2004, and this has been implemented throughout the organisation.
14. The tender document contained occupational health and safety conditions, which require the following prior to commencement:
- (a) A Risk Assessment (includes requirement for a Job Safety Analysis (JSA));
 - (b) A Health and Safety Plan (includes induction and safety training, safe work practices and procedures, occupational health and safety consultation, emergency procedures, incident reporting and investigation and occupational health and safety performance monitoring; and
 - (c) Compliance with all Victorian occupational health and safety legislation (includes acts, regulations and codes of practice).
15. The panel has verified that it is satisfied with the contractor's previous history in respect of occupational health and safety claims or incidents. The contract will be managed by a Council Officer who will ensure compliance with the Health and Safety Plan monitoring of monthly performance, and JSA reports.

Financial Implications

16. The endorsed 2023/2024 annual budget for the contract component of the BGC Redesign and Risk Mitigation works is \$2,431,700.00 (exclusive of GST).
17. The car park line marking and parking meter installation works will be carried out concurrently and will be completed in time for the course reopening.

Economic Implications

18. There are no economic implications.

Stakeholder Consultation

19. Due to golf balls breaching existing boundary fences, a course re-design has been imperative to mitigate the risk arising from BGC.
20. Initial community consultations began in 2020. After multiple designs ideas, Council endorsed the Crafter and Mogford designs in February 2023.
21. Two community engagement sessions were held at BGC on 27 April and 29 April 2023 following the endorsement of the designs. The sessions provided golf club members and the general public the opportunity to ask questions and understand the value of the risk mitigation re-design.

Sustainability Implications

22. Tenderers were asked to provide accredited certificate of Environmental Management Systems and this was satisfactorily supplied.

Social Procurement Implications

23. The recommended tenderer indicated it is willing to engage Aboriginal and Torres Strait Islander subcontractors as part of the tender.

Human Rights and Disability – Access and Inclusion Implications

24. There are no human rights and disability implications associated with this tender.

Council Plan, Strategy and Policy Implications

25. The Council Plan 2021-25 includes the following strategic objectives apply to this project:
- (a) climate and environment;
 - (b) social equity and health; and
 - (c) place and nature.

Legal Implications

26. The contract will be governed by terms and conditions based on the General Services Conditions of Contract. The recommended tenderer has identified no departures from these conditions. There are no further legal implications.

Communities with CALD Communities Implications

27. All public communications will meet CALD policy principles.

Ethical Practices

28. The successful tenderer has identified that it complies with Council's ethical standards.

Options

29. The works are essential and cannot be completed by Council staff so contractors are required to undertake the scope of works. Council may choose not to award a tender, or re-tender, but safety risks at the site will remain with both these options.

Conclusion

30. The panel considers that the recommended tenderer represents the best option to complete these works. The panel therefore recommends awarding a contract to the preferred contractor.

RECOMMENDATION

1. That Council:
 - (a) Awards Contract C1644 to _____ for the Burnley Golf Course Redesign and Risk Mitigation Works at a lump sum cost of _____ (GST exclusive).
 - (b) Authorises the officer either acting in the position of, or General Manager Infrastructure and Environment, to sign on behalf of Council all necessary documentation including any contract variations relating to Contract C1644; and
 - (c) Authorises Council officers to communicate this information to the extent necessary to give effect to the recommendation.

Attachments

- 1 Attachment 1 - C1644 Burnley Golf Course - *Confidential*

7.5 Yarra Grants Review Project Terms of Reference

Reference	D23/262633
Author	Cristina Del Frate - Senior Coordinator Equity and Inclusion
Authoriser	Manager Equity and Community Development
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

Purpose

1. To seek endorsement on the Project Terms of Reference of the Strategic Review of the Yarra Community Grants Program (CPG). The review will seek to determine whether the CPG is fit for purpose and maximises value to the Yarra community.

Critical analysis

History and background

2. Through the Community Grants Program (CGP) each year, Council provides over \$2.4M to empower individuals and organisations to work together to address common challenges and achieve shared goals. The supported areas encompass community development, arts and culture, climate action and sustainability, sports and recreation, as well as youth and family initiatives.
3. The following principles guide the CGP:
 - (a) Local benefit – projects must provide a tangible benefit to the Yarra community;
 - (b) Access and equity – the program supports a range of community members to access grant funding;
 - (c) Partnership – the program promotes working together to increase the benefit of projects and organisations;
 - (d) Responsiveness – the program is flexible to develop solutions to emerging challenges and opportunities; and
 - (e) Participation – the projects help build community engagement and citizenship.
4. The objective of the CGP is to provide opportunities for Council and community to work together on projects that:
 - (a) Direct resources to the emerging and specific needs of disadvantaged groups;
 - (b) Develop a positive approach to the resolution of local social issues;
 - (c) Support local groups, activities, and community connectedness; and
 - (d) Support community organisations to develop skills and increase participation.
5. The CGP does not fund projects considered to be the responsibility of the State or Federal Governments, businesses and other for-profit organisations.
6. The CGP is managed through SmartyGrants™. SmartyGrants is a cloud-based grants management software that automates and simplifies grant program management. It offers tools for application management, review and evaluation, grant administration, reporting and evaluation, and communication and collaboration. The platform helps organisations streamline their grant processes and ensure transparency and effectiveness in distributing grants.

7. For Council, the grants are key to advancing the Community Vision and Council Plan. Each grant round and specific stream has its own guidelines, updated regularly, and published on the Council website. Drawing on these preeminent strategies (and adopted, topic-specific strategies or plans where relevant), the various guidelines specify program objectives, funding priorities, eligible initiatives, and recipients. In their applications, organisations (and individuals) must demonstrate how their project addresses the specified initiatives and strategies of the Council Plan.
8. Grant applications are assessed on the information provided in the application using the following process:
 - (a) Eligibility: Council officers examine applications to confirm that the applicant and project are eligible for funding. Ineligible applications do not progress;
 - (b) Review: Council officers review applications against the advertised criteria and this commentary is collated and provided to assessors, along with the original applications;
 - (c) Assessment: Through an expression of interest process or direct invitation where necessary, Council officers identify suitable community members to become external assessors. External assessors review all applications, convene, and determine which applications will be recommended for funding. Applications are assessed by at least two external assessors or through an external assessment panel comprising of at least three assessors, known as a Community Panel. These deliberations are documented, including the names of any panel members and relevant experience; and
 - (d) Decision-making: Council officers record the outcomes of panel assessments within the grants administration system (currently Smarty Grants™) and prepare a report listing the recommended applications which are presented to Council for consideration. Following the Council meeting, the successful and unsuccessful applicants are notified in writing as soon as is practicable. Letters to successful applicants will include the assessment comments. Unsuccessful applicants are given the contact details of an officer who can provide verbal feedback.
9. The CGP has developed iteratively over many years. There are currently ten sub-programs, with and without themed streams (e.g., arts, sustainability, etc.), a mix of delivery timeframes (e.g., over one or several years), most are competitive, and several are by invitation only.
10. The current grant programs are as follows:
 - (a) The town hall subsidy for community events (provided as required);
 - (b) Grants with annual rounds and a one-year delivery timeframe include Annual Grants (with six streams); Small Project Grants (eligible projects include Community Projects, Arts and Culture and Climate action); and Room to Create Responsive Grants. The Annual Grants are competitive with funded projects and initiatives timed to be delivered within the financial year. The Small Project Grants and Room to Create Grants are open until funds are exhausted;
 - (c) Creative and Engage Yarra is a competitive grant with funded projects and initiatives currently delivered over two calendar years;
 - (d) Investing in Community Grants is a competitive grant with funded projects and initiatives to be delivered over three calendar years;
 - (e) Relating to collaborative efforts with the Victorian Government to identify and address the needs of 8- to 21-year-olds who live in the Richmond and/or Collingwood Housing Estates, the Richmond and Collingwood Youth Grants are competitive grants with funded projects and initiatives timed to be delivered over three calendar years;
 - (f) The Fitzroy Adventure Playground Program Grant was established to provide up to three years of funding subsidy to a not-for-profit organisation towards the operation of the Fitzroy Adventure Playground and management of the site;

- (g) The Celebrate Yarra Grants are non-competitive and offered to three community organisations for the delivery of three prominent street-based festivals: Johnston Street Fiesta, Victoria Street Lunar Festival and Gertrude Street Projection Festival; and
- (h) The Community Partnership Grants support programs that promote partnerships between Council and community organisations that are “important, unique and enduring”. These grants are non-competitive and by invitation, with programs funded for four years.

11. The following table outlines grant rounds with funding allocations, delivery periods and timings. Initiation reports provide more extensive detail. It is important to note that there have been temporary changes to the CGP to accommodate the upcoming review.

Grant Sub Program	Type	Previous funding per year	Next Round (maximum amount where applicable)	Future period of project/initiative delivery	Last period of project/initiative delivery
Richmond & Collingwood Estate Youth Grants	Competitive 3 years	\$195,640	Extended by one year (mid-2024) with the previous recipient (i.e., Drummond Street Services) awarded funds	2023-24	2020-21, 2021-22, 2022-23 FY
Fitzroy Adventure Playground	Competitive 3 years	\$150,000	Opened March and closed April 2023	2023-24, 2024-25, 2025-26	2019-20, 2020-21, 2021-22,
Celebrate Yarra	By invitation 3 years	\$135,000	Extended until mid-2024. The funded festivals are Victoria Street Lunar Festival, Johnston Street Fiesta, and Gertrude Street Projection Festival	TBC	2019-20, 2020-21, 2021-22, 2022-23,
Investing in Community Grants*	Competitive 3 years	\$314,236	Not available in 2023. Funds were diverted to the Annual Grants as a temporary stream called "Major Community projects" (maximum \$50,000 per annum)	TBC	2021, 2022, 2023 CY
Community Partnership Grants**	By invitation 4 years	\$467,144	If continued, the next round would be in early 2025. (no maximum, highest funded \$90,000)	2025-26, 2026-27, 2027-28, 2028-29 FY	2021-22, 2022-23, 2023-24, 2024-25 FY
Creative Yarra	Competitive 2 years	\$135,000	Not available in 2023. Funds diverted to a second round for Arts and Culture in the Annual Grants (see below) (maximums: organisations \$30,000; individuals \$15,000)	TBC	2022, 2023 CY
Engage Yarra	Competitive 2 years	\$100,000	Not available in 2023. Funds diverted to a second round for Arts and Culture in the Annual Grants (see below) (maximums: organisations \$30,000; individuals \$15,000)	TBC	2022, 2023 CY
Major Community projects	Temporarily in Annual Grants	\$314,236	Funds are drawn from Investing in Community Grants (maximum \$50,000)	2024 CY	NA

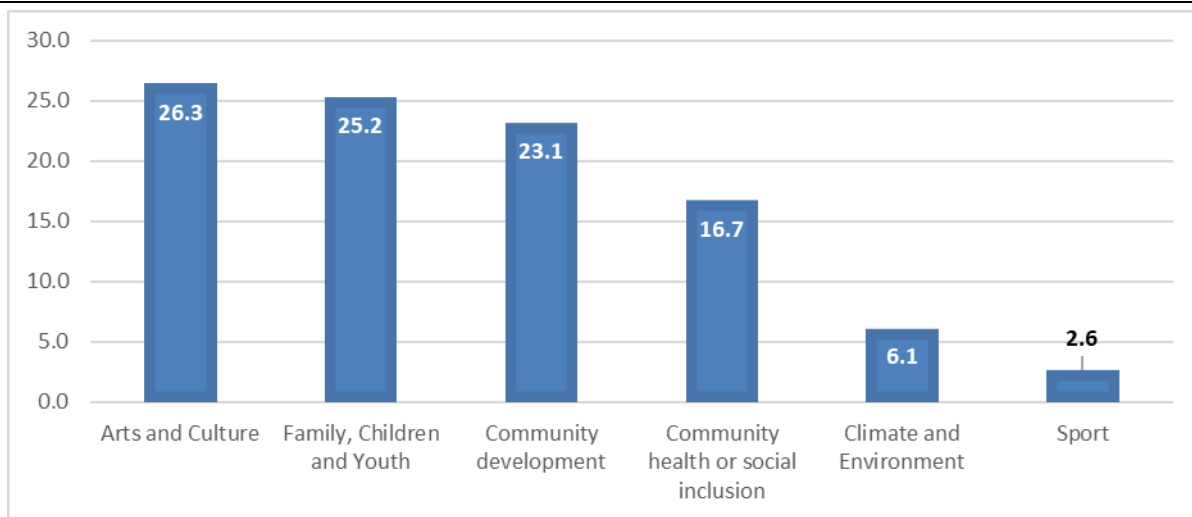
Council Meeting Agenda – 15 August 2023

Community Development Stream	Annual Grants	\$378,510	(maximum \$4,000)	2024 CY	2023 CY
Family, Children and Youth Stream	Annual Grants	\$166,870	(maximum \$10,000)	2024 CY	2023 CY
Climate Action and Environment	Annual Grants	\$130,240	(maximums: Tier 1 \$5,000; Tier 2 \$10,000)	2024 CY	2023 CY
Sports	Annual Grants	\$65,975	(maximum \$5,000)	2024 CY	2023 CY
Arts and Culture Rd1	Annual Grants	\$202,000	Reduced by \$55,000 to meet the resolution at the 19 June Council Meeting (maximums: organisations \$20,000; individuals \$10,000)	2024 CY	2023 CY
Arts and Culture Rd2	Temporary Annual Grants	\$255,333	(maximums: organisations \$20,000; individuals \$10,000)	NA	NA
Community Housing	Annual Grants	\$55,608	(maximum \$55,608)	2024 CY	2023 CY
Support for rental tenancies	Temporary in Annual Grants	\$100,000 0	Moved by resolution as per resolution at the 19 June Council Meeting. The Grant Guidelines are in development.	NA	NA
Small Project Grants	Until exhausted	\$102,456	Includes \$25,000 from Arts for one year (maximums: community projects: \$1,000); Arts and Culture: \$2,000; Climate and Environment: \$2,000; Youth-Led: \$3,000)	2024 CY	2023 CY
Room to Create (venue acoustic attenuation)	Until exhausted	\$25,375	(maximums: capped at \$2,000 for a standalone grant or at \$5,000 for a matching grant)	2024 CY	2023 CY
Sustainability Arts Grants	Until exhausted	\$10,000	(maximum \$1,000)	2024 CY	2023 CY
Arts Fellowship	Until exhausted	\$10,000	(single grant of \$10,000)	2024 CY	2023 CY

* Projects and initiatives funded in the last round in late 2020 included Yarra Multicultural Services Network, Second Chance Cycles (VACRO), Let's Keep Cooking (Cultivating Community), Beyond the Bars (3CR), Early and Middle Years Engagement at Connie Benn (BSL), Yarra Blue Light (VicPol), ACU Sport Programs for Middle Years, Cohesive Community Health by The Wellington, Disability Day Radio (3CR), Future Proofing Fitzroy Lions (Welcoming Australia), Skills2Connect (FLN) and Convent Kids (Abbotsford Convent Foundation).

** Yarra Drug and Health Forum (auspiced by cohealth), Billabong BBQ by cohealth, Free evening legal advice by Fitzroy Legal Service, Community Involvement Project by the Princes Hill Community Centre Inc., Young Farmers Program by the Collingwood Children's Farm, First Nations Pathways Program by Launch Housing, Aboriginal Access and Engagement by cohealth, Rebuild Community by the Richmond Toy Library, Nurturing children and community through play by the Collingwood Toy Library, Fitzroy Toy Library by the Collingwood Toy Library.

12. The diagram below thematically summarises the projects and initiatives being funded out of the \$2.4M CGP annually by percentage.



13. Beyond the CGP, Council also provides financial support through funding agreements, with examples including:
 - (a) Nine local Neighbourhood Houses receive a total of \$755,000 per annum through individual, multi-year funding agreements as part of a network Memorandum of Understanding. The current Funding Agreements with the nine Neighbourhood Houses span from 2020-2021 to 2023-2024;
 - (b) To support Council’s goal of carbon neutrality in the City of Yarra, Council established the Yarra Energy Foundation in 2010 and is the sole shareholder. Council has a Funding Agreement for 2022/23 with the Yarra Energy Foundation (YEF) with set deliverables throughout the year. The Funding Agreement for 2022-23 has a total value of \$400,000 (plus GST); and
 - (c) Since 2010, financial contributions have been made to the Victorian Heritage Restoration Fund (VHRF). Overseen by a committee of management comprising representatives of the partnering councils, the VHRF offers grants to restore eligible heritage places and objects in participating municipalities (i.e., Melbourne, Ballarat, Casey and Yarra). The initial financial contribution made by Council was \$50,000. Since 2019-20, funding has increased to \$80,000 per annum with two components: the General Restoration Fund (excluding Activity Centres) and the Activity Centre Façade Conservation Grant. The fund has received 120 applications since 2010, and 90 restoration grants have been provided across the municipality.
14. As part of the 2022-23 Internal Audit Program, the Audit and Risk Committee approved a review of the Council’s Community Grants Program (CGP) Management processes to be completed by HLB Mann Judd. The objective of the internal audit was to determine whether the Council has appropriate policies, procedures, and systems in place concerning its CGP.
15. Mann Judd concluded that “... The Council has established an appropriate CGP Framework that meets the needs of the Council”, while also identifying “a number of opportunities for improvement ... (So as) to enhance the relevant practices”.
16. In response to the internal audit, officers have since updated the internal operations CGP manual, enhanced practice concerning conflict-of-interest declarations, added the CGP to Council’s operational risk register and also developed a Grants Administration Guide – a framework that guides the actions of staff and Council in administering the CGP, while also informing the community of the criteria, process and expectations for accessing grants – which Council adopted on 20 June 2023 following public consultation and engagement.

Proposal to review the Community Grants Program

17. While the recent audit demonstrates that the CGP is performing well from a governance perspective, such audits do not consider whether the program is optimally designed or maximises the social (and sustainability) return on investment.
18. The sub-programs and streams of the CGP and the various funding allocations are products of historical circumstances. The current structure of the CGP presents challenges in responding to emerging issues, addressing the community's changing needs and reflecting the changing priorities, including those articulated in Council Plans.
19. While sub-programs have been examined in the past decade, along with the internal audit completed by Mann Judd, there has not been a holistic review of the CGP.
20. A report was submitted to Council in March 2023, proposing that officers review the CPG in the new financial year (2023-24) and report back to Council with a draft Project Terms of Reference for its consideration.

Discussion

21. In the Draft Project Terms of Reference (**see Attachment One**), the strategic review's focus can be summarised as follows:
 - (a) Evaluate the feasibility of determining and evaluating the impacts of community grants, including social return on investment and multiplier effects;
 - (b) Compare the CGP with grant programs offered by other M9 councils for benchmarking purposes;
 - (c) Assess the pros, cons, and trade-offs associated with different funding durations and the number of sub-programs and streams;
 - (d) Determine whether community services and programs should be acquired through grants or service agreements;
 - (e) Minimise the fiduciary and conflict of interest risks of those involved in the process, including Council officers, volunteers, Councillors, and the Council;
 - (f) Ensure alignment of the CGP with the strategic objectives of the four-year Council Plans and Yarra's 2036 Community Vision; and
 - (g) Investigate the accessibility of the CGP for under-resourced individuals and those facing systemic barriers and social injustice within the community.
 22. The Draft Project Terms of Reference are detailed in Attachment 1 for the unabridged version.
 23. In reviewing the CGP, the following matters are out of scope:
 - (a) Conducting a comprehensive analysis of non-cash contributions made to non-profit organisations, such as subsidised leases and licenses of properties, resulting in a loss of potential revenue; and
 - (b) Undertaking a strategic assessment of service agreements entered with non-profit organisations to deliver community programs and services to the local community.
 24. The Financial Sustainability Strategy will address matters of foregone property income, while the cost and value of service agreements will be examined through the various upcoming service reviews.
 25. The Grants Administration Guide, program-specific guidelines, coupled with a robust assessment process, has enabled transparent grant-making by Council. However, there still may be occasions where disputes arise between applicants and the Council. Currently, if a complaint or dispute arises through Council's grant-making processes, the matter is managed in accordance with Council's Customer Complaints Policy.
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26. The Draft Project Terms of Reference includes a clause to “examine the potential of mediation or alternative dispute resolution methods and consider the establishment of an independent committee, separate from the Council, to ensure the impartial review and resolution of appeals emerging through the CGP”.

Options

27. There are no options provided.

Community and stakeholder engagement

28. There has been no community consultation in developing the Draft Project Terms of Reference. The Grants Review will, however, involve extensive engagement with both internal and external stakeholders.
29. Consultations will be undertaken using a survey, focus groups, workshops, interviews and a Your Say Yarra webpage.
30. Groups to be consulted include Council staff from areas directly interacting with the CGP, such as Family, Youth and Children’s Services, Sports and Recreation, Sustainability, Arts and Culture, and Aged and Disability Services.
31. External stakeholders include applicants and recipients of Council grants, Yarra service providers, Council-supported Advisory Committees, and the wider Yarra community.

Policy analysis

Alignment to Community Vision and Council Plan

32. The Community Grants objectives align closely with the Council Plan 2021–25 and Community Vision. Community Grants are intended to support the delivery of the Council Plan and are a key means by which its strategic objectives can be realised in partnership with the community.
33. All six strategic objectives of the Council Plan are supported through the Grants Program, either via the proposed and delivered programs or by empowering community groups and organisations to deliver them.
34. The Draft Project Terms of Reference and subsequent review directly address the question of how closely the CGP is aligned with the strategies and initiatives of the Council Plan and Community Vision (see Attachment 1).

Climate emergency and sustainability implications

35. Yarra’s Annual Grants Program has a Climate Action Stream, which aims to encourage and support projects that align with the Climate Emergency Plan. This stream will be examined as part of the broader Grants Review.
36. Within the Draft Project Terms of Reference is a clause to assess “the degree to which the CGP effectively addresses the climate change emergency by promoting practices that mitigate resource consumption, emissions, pollution, and habitat disruption”.

Community and social implications

37. Yarra’s grants program addresses numerous social and community issues/needs across areas such as arts and culture, sustainability, community development, sport and recreation, family, children, and youth.
38. The community and social implications for the grants program are substantial. Many of the not-for-profit organisations based in Yarra depend on grants for their sustainability. The grants also support Yarra’s artistic community which relies on Council’s support.

Economic development implications

39. The Grants program provides a flexible and responsive source of funds to community-based not-for-profit organisations. Funding supports projects that deliver outcomes outlined within the Council Plan and target the areas of highest need within the community. The aim is to improve the long-term outlook for local families and businesses by strengthening the local not-for-profit sector's capacity and generating economic activity.
40. There is currently no Economic Development grants stream, and investigation of this as a potential stream moving forward will be considered in the review.

Human rights and gender equality implications

41. The current grant guidelines (for all streams) align with the Victorian Charter of Human Rights and Responsibilities Act 2006 and Yarra's Social Justice Charter, actively supporting people to participate in and contribute to their community.
42. The CGP is a major way the Council supports human rights and gender equity by supporting community-led projects on addressing social issues.
43. The Draft Project Terms of Reference references human rights and social justice as lenses through which the review will be examined.

Operational analysis

Financial and resource impacts

44. There are no financial impacts on the current Grants Program being administered 2023/24, as an initiation report was endorsed at Council on 18 April 2023, allowing the Grants Program to proceed as "business as usual".

Legal Implications

45. There are no legal implications.

Conclusion

46. Council has resolved to review the grants program to determine its suitability and value to the community.
47. The Draft Project Terms of Reference have been developed to guide and set parameters for this review.

RECOMMENDATION

1. That Council endorses the project terms of reference for the strategic review of the Community Grants Program at **Attachment One**.

Attachments

- 1 Attachment 1 - Draft Project Terms of Reference - Strategic Review of the Yarra Community Grants Program

7.6 Neighbourhood House Partnership Framework Draft for Endorsement

Reference	D23/273059
Author	Sarah Ernst - Acting Senior Coordinator Policy and Partnerships
Authoriser	General Manager Community Strengthening
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

Purpose

1. The purpose of this report is to outline the outcomes of the public consultation period for the Yarra Neighbourhood House Partnership Framework (the Framework) and seek endorsement of the Framework, which would succeed the Yarra City Council and Neighbourhood Houses Partnership Strategy and Action Plan 2018–2021.

Critical analysis

History and background

2. The current Neighbourhood House Partnership Plan expired at the end of 2021 and was extended to 2022. The proposed Framework has been developed to replace the Plan with a longer-standing, more robust guiding document that can be updated more easily to align with each Council Plan's objectives and values without requiring a complete redevelopment every four years.
3. The proposed Framework is an evolution of the previous strategic plans. It provides a detailed articulation of the operational context, policy, and demographic environment within which Yarra's neighbourhood houses function, along with information to profile the houses, their purpose and respective community development methodologies. It is a document that can remain in place for a substantial length of time, requiring periodic review of the strategic directions and demographic information when there is a considerable change to the operational or policy environment, such as a new Council Plan or policy changes by the Victorian Government.
4. The Framework gives structure to the relationship, function and expectations between Council and the houses and sets out strategic directions based on the current Council Plan. It elevates and makes the Council's investment in and expectations of the houses visible.
5. The Framework defines and coordinates Yarra's neighbourhood houses as a network, ensuring that information and resources can be shared and leveraged between the houses, an outcome which, according to officers consulted from other municipalities, is challenging to achieve without an overarching strategic document.
6. The Framework was endorsed for public consultation at the Council meeting on 18 April 2023.
7. The public consultation period ran from 29 May 2023 to 26 June 2023.

Discussion

8. Consultation activities sought feedback on the three Strategic Directions and their related Objectives within The Framework. Three areas for feedback were asked based on the following Strategic Directions:
 - (a) Build Community and Capacity – this direction is intended to:
 - (i) build capacity for social connections and civic participation in the community; and

- (ii) build the capacity and resilience of Yarra's neighbourhood houses;
- (b) Add Value Through Partnerships and Collaboration – this direction is intended to:
 - (i) sustain and improve resources and reach of Yarra's neighbourhood houses by actively leveraging partnerships and collaborations and exploring opportunities for aggregated procurement (e.g., jointly sourced staffing and resources for shared programs); and
- (c) Communicate, Promote, and Advocate – this direction is intended to:
 - (i) improve operational conditions for neighbourhood houses through strategic advocacy that considers the funding and policy context, promotes achievements and models best practice in the sector.

9. The Community Engagement Team provided a Community Engagement Report detailing the digital interaction related to engagement activities (refer Table 1).

Table 1. Results from Community Engagement Report

Activity	Audience	Timing	Result
Your Say Yarra (YSY) page	The whole Yarra community could access this page	The page was published on 29 May and closed on 26 June 2023. It is still available but is no longer open for feedback	Page views = 378 Visitors = 222
Online YSY feedback survey	The whole Yarra community could access this survey	The survey was launched on 29 May, and closed on 26 June 2023	Contributions – 14 online surveys were completed
Posters	9 neighbourhood houses	Posters were put up on 29 May 2023, with an option to submit feedback with a paper form	15 QR code usages (across all posters) 1 paper form completed
Social media post	Social media followers	31 May 2023	The Facebook post reached 569 people with 2 reactions, and 6 people clicking through to the YSY page.
Social media post	Social media followers	13 June 2023	The Facebook post reached 464 people with 1 reaction and 4 clicks through to the YSY page.
Yarra Life – detailing consultation and linking back to the YSY page	Broad Yarra community	23 June 2023	21 clicks on the link to the consultation page

10. Of the 15 responses received, 14 respondents provided demographic data. Of these responses:
- (a) 79% lived in Yarra, 43% worked in Yarra, 21% visited Yarra, and 0% studied in Yarra;
 - (b) 57% owned a property or mortgage in Yarra, 0% rented in Yarra, and 14% percent owned a business in Yarra (noting 43% of respondents did not answer this question);
 - (c) 62% were female, and 36% were male;
 - (d) 21% were 35-49 years old, 21% were 50-59, 50% were 60-69, and 7% were 70-84;
 - (e) 14% lived in Carlton North, 7% lived in Collingwood, 29% lived in Fitzroy North, 7% lived in Princes Hill, 21% lived in Richmond, and 14% lived outside of Yarra;
 - (f) 7% identified as a person with a disability, 7% identified as LGBTIQ+, 7% identified as an Aboriginal or Torres Strait Islander person, and 79% did not identify with the options provided; and

- (g) 43% were employees or board members of Yarra’s neighbourhood houses, and 57% were not.

11. Overall, all Strategic Directions and their related objectives were supported, as evident in Table 2.

Table 2. Percentage of support towards the Framework

Do you support (strategic directions)	Yes	No	Unsure	No answer
SD 1. Build Community and Capacity	73.3%	13.3%	13.3%	0%
SD 2. Add Value Through Partnerships and Collaboration	86.7%	6.7%	0%	6.7%
SD 3. Communicate, Promote, and Advocate	86.7%	6.7%	0%	6.7%

12. Two respondents did not support the Framework in at least one of the three questions asked.
13. One respondent did not support any of the Strategic Directions and Objectives. The respondent’s feedback was not negative towards the Framework itself but instead indicated dissatisfaction with programs offered by the houses broadly and their closest house. The respondent felt that there was a deficit of programs targeted at families with children. The respondent also felt the Council’s funding for neighbourhood houses should be reduced. On investigation, officers found that activities and programs were currently available through the neighbourhood houses for this demographic. Consequently, there was no material change to the Framework. Officers have followed up and communicated the relevant information with this respondent.
14. One respondent did not support Strategic Direction 1 (Build Community and Capacity) and the associated objectives. The specific feedback did not warrant material changes to the Framework but will be used to inform future activity relating to objectives 1.3 (i.e., partner with Neighbourhood Houses Victoria to leverage research impact and better understand community needs) and 1.4 (i.e., extend outreach to underrepresented demographics using demographic data). The respondent requested:
- (a) An easy-to-follow table of Neighbourhood House program offerings (which officers will place on the Council website);
 - (b) Research to find out what people in the catchment area of each house would like to have offered or what local community members could contribute to delivering (to which officers will extend support to Neighbourhood Houses in terms of consultation and research); and
 - (c) In response to research insights, determine what practical measures can be undertaken to better align the houses’ programmed activities to the capacity and capabilities of existing and emerging volunteers and the needs and aspirations of local communities (to which officers will assist through the Council’s volunteering program and Neighbourhood House Network).
15. A thematic analysis of the open-ended feedback received (see Table 3 below) showed that Support for the Framework was the most common theme, followed by Funding and the Importance of the Houses.

Table 3. Themes from Responses towards the Framework

Themes	No. of occurrences of themes per question				Percentage of respondents indicating theme*
	Q. SD1	Q. SD2	Q. SD 3	Total	
Support for Framework	4	5	3	12	47%
Funding	3	2	7	12	40%
Importance of houses	5	0	0	5	33%
Communications	1	0	3	4	20%
Strategic Resourcing	0	3	0	3	20%
Request for specific changes in strategy	3	0	0	3	20%
Discontent with services	1	1	1	3	7%
Digital literacy/access	2	0	0	2	13%

* theme could be raised multiple times across each question

16. In response to the feedback, three minor adjustments were made to the draft Framework. These changes were:
 - (a) Adding additional information about Core Business and highlighting this section to make it more visible (see page 6 of the attached draft Framework);
 - (b) Amending the wording for Objective 1.1 (i.e., connect with community members with complex or emerging needs where practicable) and changing the responsibility from 'Neighbourhood Houses' to 'Shared' to reflect that resourcing issues may impact this objective (see page 7 of the attached draft Framework); and
 - (c) Amending the responsibility of Objective 1.5 from 'Neighbourhood Houses' alone to 'Shared' with Council to reflect that resourcing issues may impact this objective (see page 8 of the attached draft Framework).

17. Some feedback will inform future activity for specific objectives, including the following examples:
 - (a) Investigating whether Council's communications platforms can be leveraged to better share information about the house's activities and programs;
 - (b) Investigate the feasibility of developing a survey to better understand the community needs of the house's catchment areas (related to Objectives 1.3 and 1.4);
 - (c) Facilitating training opportunities for house staff and volunteers regarding communications and social marketing (related to Objective 3.5);
 - (d) Investigate how to enhance the linkage between the volunteer programs of Council and the houses (related to Objective 2.2); and
 - (e) Advocate and campaign for more funding for houses from State Government, education funders and other bodies (related to Objectives 3.2, 3.3, and 3.4).

18. Other non-specific suggestions provided were based on communications, digital literacy/access, strategic resourcing, equitable delivery of services, and increasing user groups. These suggestions align with the objectives and therefore no material change was made to the Framework.

19. The issue of funding was raised by numerous respondents. Four of six of the responses concerning funding came from neighbourhood house staff or board/committee members of the houses, calling for increased funding.

20. The desire for Council-led advocacy for increased funding from other sources was also noted, a focus already included under objectives for Strategic Direction 3.
21. Two final changes were made in finalising the draft Framework to aid readability and ensure the content is current. These were:
 - (a) Updating the Social Impact Data Snapshot, to include updated data from the Annual Neighbourhood Houses Victoria Survey; and
 - (b) Moving the position of Strategic Directions to the front of the document to make them more accessible for readers.
22. Where appropriate, officers have responded to consultation feedback to ensure accountability in the engagement process.

Options

23. There are no options provided.

Community and stakeholder engagement

24. During December 2021 and the first half of 2022, extensive consultations were carried out with each neighbourhood house manager. Officers toured the neighbourhood houses where possible (within COVID-19 restrictions) and met community members attending the houses' programs. Separate online consultations were held with the house governance committee/board members.
25. The themes were detailed and discussed after each consultation and built upon as consultations progressed, taking an iterative, inclusive approach. Regular updates on the progress of the draft Framework development were provided to the nine House managers via monthly network meetings.
26. Multiple meetings were held with the Chief Executive Officer and senior advisors from the peak body for the neighbourhood house sector, Neighbourhood Houses Victoria. The Manager of the North East Neighbourhood House Network, a peer support network for the sector in this region, was also part of the consultation process.
27. Internal consultations were undertaken with Council Officers from across Council that have contact with Neighbourhood Houses, including:
 - (a) Advocacy, Engagement and Communications;
 - (b) Aged and Disability Services;
 - (c) Arts and Culture;
 - (d) Family, Youth and Children's Services;
 - (e) Library Services;
 - (f) Social Strategy and Community Development;
 - (g) Sustainability;
 - (h) Urban Agriculture; and
 - (i) Waste management.
28. Council's Active Ageing and Disability Advisory Groups also participated in these targeted consultations, as both groups represent key user demographics for the neighbourhood houses.
29. The activities held over the public consultation period were planned in accordance with Yarra's Community Engagement Policy, with guidance from the Community Engagement Team.

30. Consultation activities sought feedback on the Strategic Directions and Objectives of The Framework. The following activities were organised:
- (a) Your Say Yarra page (shared through Yarra Communication Channels);
 - (b) 'Engagement stations' at each house, that allowed for both feedback through QR codes and with paper forms;
 - (c) One Councillor Conversation Pop-Up (17 June 2023);
 - (d) A presentation to the Yarra Multicultural Advisory Group (YMAG) on 21 June 2023. The timing was based on the group's convenor's advice on what point in the plan development process would best suit YMAG members; and
 - (e) Due to the timing of the meeting, a presentation to the Rainbow Advisory Committee was held prior to the consultation period on 8 May 2023.

Policy analysis

Alignment to Community Vision and Council Plan

31. In the Council Plan, the definition of 'what council does' articulates that community development is a crucial service, noting that neighbourhood houses are a part of this service (p. 8).
32. The Council Plan locates the houses within Strategic Objective Two: Social equity and health (p. 40). The Framework both supports and extends beyond this objective, aligning with the following Council Plan Strategic Objectives:
- (a) Climate and Environment – The houses offer activities and education to community to raise awareness and encourage sustainable practices in the everyday lives of the community;
 - (b) Social Equity and Health – The houses support community members and groups to participate in recreational, educational, and social programs that strengthen their capacity and improve wellbeing;
 - (c) Local Economy – The houses offer education and training to build capacity for disadvantaged communities which can lead to the development of small businesses; and
 - (d) Democracy and Governance – Through strategic partnerships, the houses and Council utilise resourceful service delivery methods, increase transparency, and further the reach of civic/community engagement efforts.
33. Specifically, the draft Framework aligns with the following specific strategies in the Council Plan:

Table 4. Alignment with the Council Plan

	Relevant Council Plan Strategic Objective	Related Council Plan Strategy
1	Climate and Environment	1.1, 1.2, 1.3, 1.4
2	Social equity and health	2.1, 2.2, 2.3, 2.7
3	Local Economy	3.4
6	Democracy and governance	6.1, 6.2, 6.3, 6.4

Climate emergency and sustainability implications

34. The Framework is vital in maintaining and guiding the strong partnerships between neighbourhood houses and Council's Open Space, Planning and Design, Waste Minimisation, Urban Agriculture and Sustainability Units. Through these partnerships, Council can demonstrate sustainability initiatives in situ to inform and educate the local community on how to take action to address the climate emergency. For example, North Carlton was part of the Council's 'four bins' pilot program to educate and promote the benefits to the local community. This played an important role in promoting and socialising a significant sustainability initiative.
35. All of Yarra's Houses have contributed to developing the Council's Climate Emergency Action Plan and initiatives to address climate change. For example, Holden Street was part of the pilot program to transfer to Council's 100% Renewable Electricity Contract to reduce their carbon footprint and energy bills. The program was also a springboard to educate and engage the broader community on the benefits of renewable electricity during a climate emergency and contribute to behaviour change with a focus on solutions.
36. Sustainability officers support North Carlton Railway Neighbourhood House's community garden project and Finbar Neighbourhood House's extensive community composting and recycling programs. The composting program also builds bridges between different parts of the community, as Finbar works with tenants in both public and private high-rise apartments, connecting them to the community and each other.

Community and social implications

37. Yarra's neighbourhood houses provide responsive social infrastructure for the community. Working within a capability-based community development model, the houses have in-depth local knowledge, trusting relationships and specialised community development skills and are central to how Council maintains strong connections within Yarra's local communities. The houses provide ongoing food relief, digital access, and social support to minimise isolation and its impacts on mental wellbeing in the community.
38. People experiencing vulnerability and disadvantage due to lacking personal, social, economic and financial resources have developed increasingly complex needs since the start of 2020. All houses have identified emerging and worsening socio-economic inequalities due to the COVID restrictions. The most significant impacts identified by the houses have been digital inequality, mental health, social isolation, precarious housing, and lack of sustainable food security. The effects of this period continue to resonate throughout Yarra's more disadvantaged communities.
39. The detailed demographic information in the Framework and the strategic directions that identify priority areas for neighbourhood houses provide additional tools to support, inform and guide the houses in their ongoing, high-impact social and community development work.

Economic development implications

40. Neighbourhood houses are an essential source of local employment. They provide full and part-time jobs for teachers, childcare educators, administration, project and community development workers, arts and wellbeing practitioners, and financial and IT staff. They also provide volunteer programs, alternative employment and educational pathways, and support for residents to establish new businesses and social enterprises.
41. According to calculations by Neighbourhood Houses Victoria, which are based on research from 2022, the social value delivered by Yarra's Neighbourhood Houses is equivalent to the following:
 - (a) \$2.95 for every \$1 of income;
 - (b) \$17.71 for every \$1 of Neighbourhood House Coordination Program funding; and
 - (c) > \$697.02 of value realised for every hour a neighbourhood house is in use.

Human rights and gender equality implications

42. The Framework recognises and aligns with the Charter of Human Rights and Responsibilities Act 2006 by actively supporting the Charter's substantive rights through programs and activities that support social equity. All neighbourhood house programs and activities are based on a human rights framework.
43. A Gender Impact Assessment is in development.

Operational analysis

Financial and resource impacts

44. There are no other financial impacts beyond the existing funding agreements already allocated to neighbourhood houses by Council.
45. For the 2023–24 financial year, Council allocated \$770K to Yarra's nine neighbourhood houses through the Neighbourhood House Funding Program.
46. Council has a capital responsibility as the 'landlord' to four of the houses:
 - (a) Holden Street Neighbourhood House;
 - (b) North Carlton Railway Neighbourhood House;
 - (c) Richmond Community Learning Centre (Studio 1 and Burnley Backyard); and
 - (d) Belgium Avenue Neighbourhood House (i.e., the land adjacent to the house on which a portable building is located and used to provide a range of activities).

Legal Implications

47. There are no legal implications.

Conclusion

48. The Framework coordinates the neighbourhood houses to deliver essential ground-level social infrastructure for Yarra. Each house provides responsive, high-impact services specific to their local communities per the strategic objectives of the Council Plan.
49. Neighbourhood Houses differ from other community services and facilities because they are based on community development principles and operate within a social justice framework, responding to and addressing social inequity through hyper-local programs and services.
50. The Framework acknowledges the valuable relationship between Council and the houses. It creates a foundation for coordinating effective and sustainable programs and activities, enabling Yarra residents to participate fully in social and civic life and contribute to the whole municipality's wellbeing.
51. Extensive research and consultation have informed the draft Framework. It provides a complete overview of the demographic, economic, social and policy environment in which the houses operate. This information establishes a strong foundational knowledge and provides the guidance and tools needed to sustain, maintain, and improve Yarra's neighbourhood houses into the future.

RECOMMENDATION

1. That Council endorse the Yarra Neighbourhood House Partnership Framework at **Attachment One**.

Attachments

- 1 Attachment 1 - Draft Neighbourhood House Partnership Framework

7.7 Street Tree Canopy Cover and UFS Target Update

Reference	D23/258296
Author	John Williams - Landscape Architect Streetscapes and design
Authoriser	General Manager City Sustainability and Strategy
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

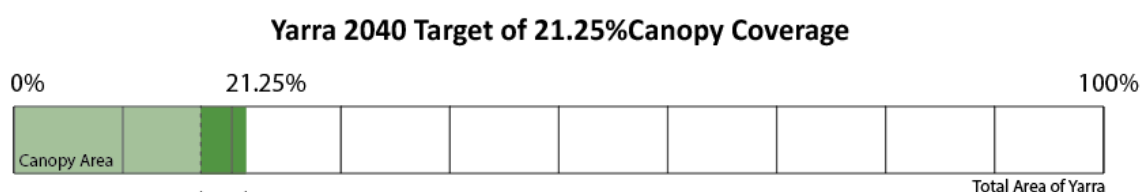
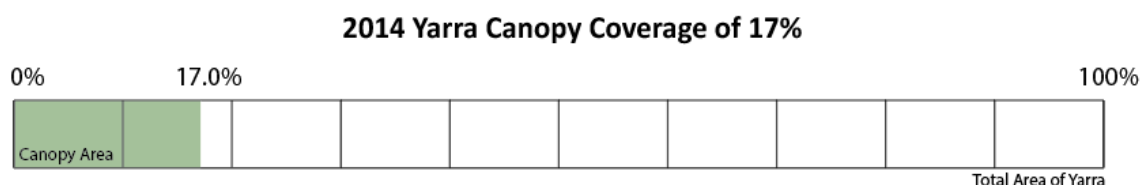
Purpose

- To measure tree canopy cover across the municipality and to review canopy coverage rates across the municipality as part of five-yearly monitoring and evaluation of the Yarra Urban Forest Strategy 2017 (UFS).
- To report to Council on the methodology, findings, and implications of the new canopy cover mappings.

Critical analysis

History and Background

- Yarra's Urban Forest Strategy (UFS) was adopted in 2017 with a vision to create a more liveable city supported by a healthy and growing urban forest.
- The target for canopy cover in the UFS states:
Canopy cover in Yarra will increase by 25% (from 2014 levels) by 2040. This represents an increase from 17% to 21.25% total canopy. (Figure 1).



Canopy cover in Yarra will increase by 25% (from 2014 levels) by 2040.
*This represents an increase from 17% to 21.25% total canopy.

Figure 1 – Graphic illustrating Yarra's canopy target of a 25% increase in canopy from the 2014 baseline rate of 17% to 21.25%.

- The baseline for this 21.25% target was established using a 2014 mapping of canopy cover across the municipality.
- The Strategy requires that a 5-year review is undertaken (to measure canopy cover using infrared imagery (to be broken down into public vs. private)).

Discussion

Canopy Mapping Methodologies

7. Technology for mapping canopy cover has improved considerably since the last canopy cover mappings were undertaken in 2014. It is now possible to generate much more accurate measurements using new technologies.

2014 Canopy Cover Mapping

8. The 2014 canopy cover mappings were generated using a pixel analysis of 2014 infrared imagery. These mappings measured canopy cover at 17% across the municipality.
9. This was the best available technology for measuring canopy at the time. However, a closer examination of the results reveals many 'false-negatives' and 'false-positives'. (Figure 2)

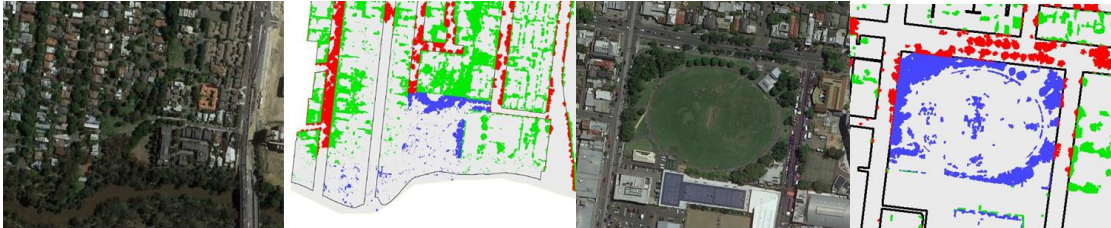


Figure 2 – 2014 mappings compared to aerial image to illustrate false negative results along the Yarra River and false positive results in an open sports field lawn.

10. This technology is now outdated with newer, more accurate options available.
11. Due to the inaccuracies of the 2014 mapping and the inability to accurately replicate the methodology, Council officers explored all current available measurement options and determined that the canopy coverage data from Nearmap is the preferred methodology for measuring canopy cover.
12. Due to the inaccuracies of the 2014 pixel analysis mappings it is necessary to set a new baseline using the Nearmap canopy measurement methodology. Using this same measurement methodology allows results to be accurately compared against each other over time.
13. 2016 has been selected as the new baseline year due to the availability of all other relevant tree data which informed the UFS. This tree data includes a comprehensive street tree survey that has not been replicated since. The UFS recommends that this comprehensive tree survey be repeated at the 10-year milestone in 2026. As such mappings have been aligned to these milestones.
14. Measurements were therefore also collected in 2021 at the five-year interval from 2016. This allows us to assess the progress of Yarra's canopy coverage as per the requirements of the UFS.
15. It should be noted that the 2014 pixel analysis mapping and the 2016 Nearmap mapping both register a total canopy coverage result of 17%. However, these results should not be compared against each other directly as they use different measurement methodologies.

Nearmap AI – Vegetation mapping.

16. A methodology for measuring vegetation and canopy coverage has been developed by Nearmap that uses a machine learning model to analysing aerial imagery and identify vegetation and canopy cover >2m in height.
17. This model can be used to derive a canopy cover layer from historic aerial imagery, allowing us to directly compare results from 2016 with 2021.
18. Results from this methodology are considerably more accurate however, it should be noted that the mappings are still not perfect with results affected in some cases by very tall buildings that obscure or overshadow trees depending on the time of day or angle of the aerial capture.

19. This methodology of measuring canopy cover is simple to replicate in the future and is significantly more affordable than other technologies.
20. These Nearmap mappings are accessible to Council officers to guide decision making and the implementation of the UFS and:
 - (a) Data can be analysed by land-use type and suburb to gain insights into trends in canopy coverage across the municipality; and
 - (b) Canopy coverage rates can also be derived from the data for all streets, parks and properties in Yarra offering further insights into Yarra’s urban forest.
21. Council officers also explored the potential use of LiDAR scanning as another technology that can be used to measure canopy, however this was not the preferred approach as this methodology picked up too many false positives and historic comparisons are not possible.

Canopy Mapping Results

22. The following canopy coverage rates were derived from a comparison of the 2016 and 2021 Nearmap canopy coverage data (5 years since the introduction of the UFS): (Figure 3)

Yarra Total Canopy Coverage			
Locality/Suburb	2016	2021	Canopy area increase
City of Yarra	17.0%	17.7%	+ 3.8%
Canopy Area	3,336,084 sq.m	3,463,960 sq.m	+ 127,876 sq.m

Figure 3 – Yarra total canopy coverage rates from 2016 – 2021.

23. The graphical representation in Figure 4 below shows that:
 - (a) the area of tree canopy cover in Yarra has increased by 3.8% across the municipality;
 - (b) this results in an increase in percentage of canopy cover across the municipality from 17% to 17.7%;
 - (c) this represents an increase in canopy coverage of 127,876 m², equivalent to 7 MCGs worth of additional canopy; and
 - (d) 51,142 m² (equivalent to 2.9 MCGs) of that canopy was gained in Yarra’s streetscapes which has been the primary focus of the UFS.

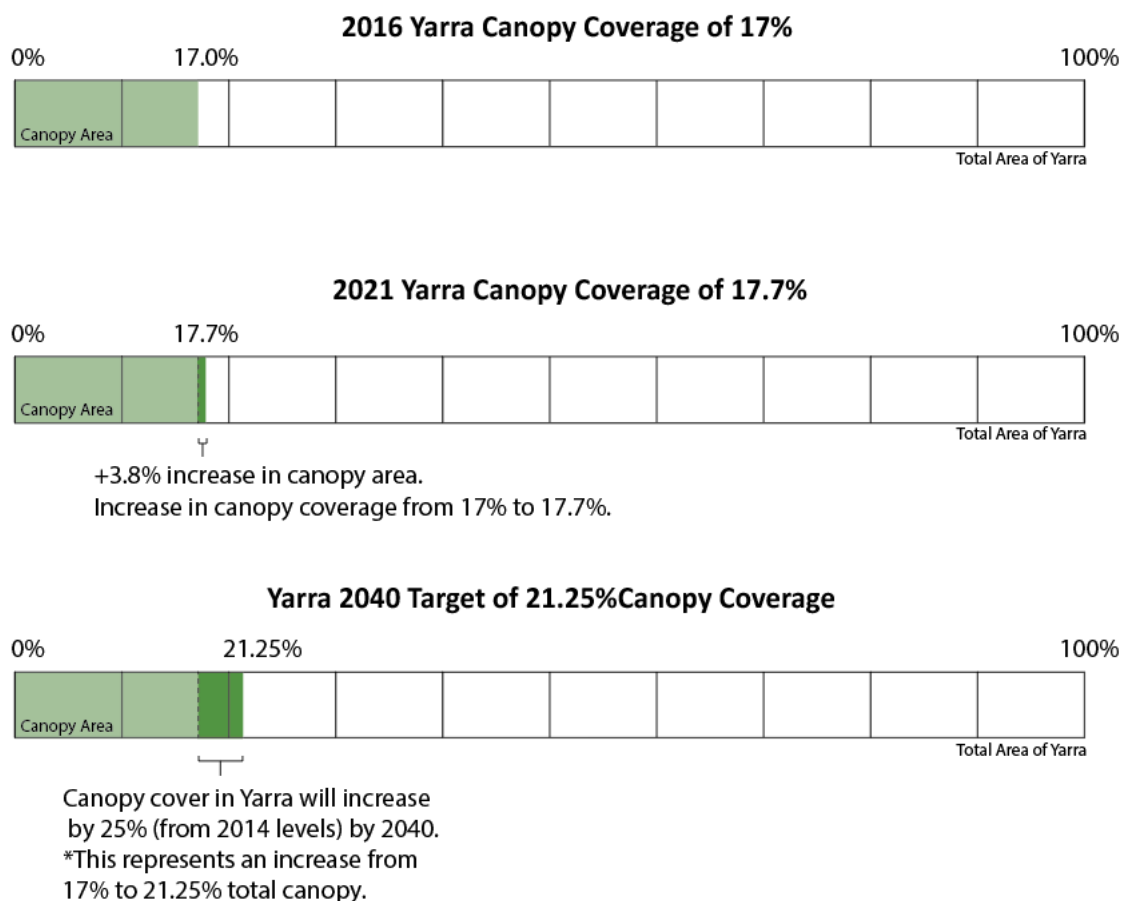


Figure 4 – Graphic illustrating Yarra’s progress towards a canopy target of 21.25%.

24. Canopy results have been broken into the following three land-use categories (Figure 5) and summarised:

Yarra Canopy Coverage By Land Use			
Year	Road Canopy %	Parks Canopy %	Property Canopy %
2016	16%	34.0%	12.2%
2021	17.4%	35.2%	12.5%
Canopy Area Increase	6.0%	3.4%	2.8%

Figure 5 – Yarra canopy coverage rates from 2016 – 2021 by land use category.

All land-use types have made gains in canopy coverage across Yarra, however the most significant gains have been made in the streetscape with a 6% increase in canopy over roads from 16% to 17.4%.

25. The largest gains in canopy have been made in Yarra’s streetscapes with a 6% gain in road canopy area. This aligns with the objectives of the UFS which focuses on increasing canopy in streets where the effects of urban heat island are most acutely felt, and the benefits of trees are greatest.

Canopy Cover Mapping Results by Suburb

26. Results have also been broken down by suburb as follows:

Total Canopy Coverage by Suburb			
Locality/Suburb	2016	2021	Canopy area increase
Abbotsford	14.4%	16.0%	11.5%
Alphington	29.6%	28.5%	-3.6%
Burnley	21.3%	24.0%	12.8%
Carlton North	13.2%	12.9%	-2.3%
Clifton Hill	19.3%	19.9%	3.2%
Collingwood	8.2%	9.2%	12.3%
Cremorne	6.2%	6.3%	0.7%
Fairfield	33.0%	33.5%	1.4%
Fitzroy	11.8%	12.8%	8.5%
Fitzroy North	17.2%	17.4%	1.6%
Princes Hill	15.1%	15.5%	3.1%
Richmond	11.6%	12.4%	6.3%
City of Yarra	17.0%	17.7%	3.8%

Figure 6 – Yarra canopy coverage rates from 2016 – 2021 by suburb.

- 27. Most suburbs across Yarra have made gains in canopy coverage with the largest gains made in Burnley (+12.8%), Collingwood (+12.3%) and Abbotsford (+11.5%) which all recorded more than 10% gains in canopy.
- 28. Some significant gains in canopy coverage have been made in areas with high social vulnerability including the Collingwood public housing estate (Figures 7 & 8). As a suburb Collingwood has seen a 12.3% rise in canopy cover from 8.2% to 9.2%.

Collingwood Canopy Coverage			
Land Use	2016	2021	Canopy area increase
ROADS	11.8%	13.5%	14.2%
PARKS	39.6%	47.6%	20.2%
PROPERTY	6.3%	6.9%	10.3%
TOTAL	8.2%	9.2%	12.3%

Figure 7 – Collingwood canopy coverage rates from 2016 - 2021 by land-use category.



Figure 8 – Change in tree canopy from 2016 – 2021 in Collingwood. Significant gains in canopy have been made in proximity of the Collingwood Public Housing Estate.

- 29. Reductions in canopy cover were recorded in Alphington (-3.6%) and Carlton North (-2.3%). (Figures 9,10,11&12):
 - (a) Reductions in Alphington can be primarily attributed to the significant removal of canopy required for the remediation and development of the AMCOR site. New trees have been planted however these are not yet registering significantly in the canopy mapping; and

Alphington Canopy Coverage			
Land Use	2016	2021	Canopy area increase
ROADS	27.3%	25.1%	-8.1%
PARKS	47.3%	51.4%	8.6%
PROPERTY	28.5%	27.1%	-4.7%
TOTAL	29.6%	28.5%	-3.6%

Figure 9 – Alphington canopy coverage rates from 2016 – 2021 by land-use category.

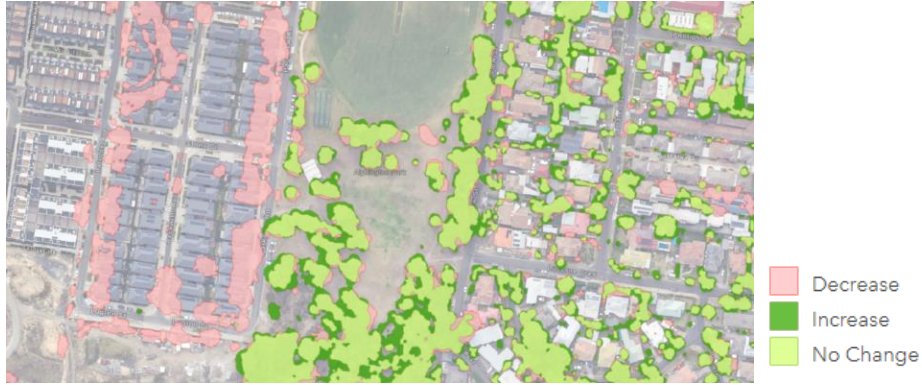


Figure 10 – Change in tree canopy from 2016-2021 in Alphington. Significant reduction in canopy indicated at the AMCOR development.

- (b) Reductions in canopy in Carlton North streetscapes can be primarily attributed to major street tree upgrades, including Canning, Drummond and Station Streets. These upgrades have resulted in the replacements of many over-mature poplar and elm trees. Trees have been replaced; however new trees are not yet registering significantly in the canopy mappings.

Carlton North Canopy Coverage			
Land Use	2016	2021	Canopy area increase
ROADS	17.3%	16.8%	-2.7%
PARKS	42.3%	40.5%	-4.2%
PROPERTY	9.4%	9.3%	-1.5%
TOTAL	13.2%	12.9%	-2.3%

Figure 11 – Carlton North canopy coverage rates from 2016 – 2021 by land-use category.



Figure 12 – Change in tree canopy from 2016-2021 in Carlton North. Significant reduction in canopy recorded due to several major park and street tree upgrades.

Changes to Tree Numbers (as distinct from canopy cover area)

- 30. The total number of street trees in Yarra has grown by 3,819 from 2016 to 2021 which represents an 18% increase in the number of trees.
- 31. The below table (Figure 13) provides an estimate of the change in total tree numbers from 2016 – 2021.

	2016	2021	Change	
	Street Trees	Street Trees		
Street Tree Numbers	20,897	24,716	+3,819	+18%

Figure 13 – Yarra estimate of total number of street trees from 2016 – 2021.

- 32. This increase is in part due to the additional climate emergency funding allocated by Council to accelerate the tree planting program.
- 33. While the number of street trees has increased by 18% from 2016 to 2022, canopy coverage in streetscapes across Yarra has only increased by 6% from 2016 to 2021.
- 34. The disparity between the total number of trees and tree canopy coverage can be attributed to a number of factors including:
 - (a) Insufficient size of new juvenile plantings to register in the mapping; and
 - (b) A shift in tree species selection away from large-scale plane and elm species to more compact tree species appropriate for dense urban environments.

Future Challenges to Canopy Coverage

- 35. The UFS identified that Yarra will face significant challenges in canopy loss in the decade between 2027 and 2037.
- 36. Based on the estimated Useful Life Expectancy (ULE) of all trees across Yarra in 2016, 24% of the trees are likely to reach the end of their useful life and need removing and replacing in the decade between 2027 and 2037, equalling 5,051 trees.
- 37. This is more than double the best-practice proportion of the tree population expected to reach end of life in any one decade. A strategic approach is therefore required to minimise the impact of tree and canopy loss during this decade.
- 38. Work has already begun on succession strategies to gradually replace trees within this ULE range to limit the impact of losing many mature trees all at once.
- 39. It should be noted that these succession strategies will have significant impacts on canopy cover in the short term as mature trees are gradually replaced with new juvenile trees. This has been evident in Carlton North where upgrades of mature trees have led to a short-term loss in canopy.
- 40. This loss of mature canopy is likely to be compounded by the effects of climate change and predictions of El Niño weather patterns developing in 2023 that may result in hotter, dryer conditions in Yarra over the coming years.
- 41. Yarra’s increasing urban density presents further challenges to finding appropriate locations within our streetscapes to plant new trees.

Implications for the UFS Canopy Cover Targets

- 42. The target of the UFS is:
Canopy cover in Yarra will increase by 25% (from 2014 levels) by 2040. This represents an increase from 17% to 21.25% total canopy.
- 43. Between 2016 and 2021 Yarra made a 3.8% gain in canopy cover. If this gain was sustained over each five-year period into the future, we would be projected to reach our canopy coverage target of 21.25% by 2046 (Figure 14).

Yarra Canopy Coverage Projections		
2016	3,336,084 sq.m	17.0%
2021	3,463,960 sq.m	17.7%
2026 (projection)	3,596,738 sq.m	18.4%
2031 (projection)	3,734,606 sq.m	19.1%
2036 (projection)	3,877,758 sq.m	19.8%
2041 (projection)	4,026,398 sq.m	20.6%
2046 (projection)	4,180,735 sq.m	21.3%

Figure 14 – Projected canopy cover change 2016 – 2046.

44. Note that the above projections are estimates and do not account for the impact of accelerated planting rates. Projections also do not factor in the challenges in loss of significant established trees that we are likely to face over the next decade.

Community and stakeholder engagement

45. Internal consultation has been conducted to update the following teams on the new methodology for measuring canopy and canopy cover results:
- (a) Urban Design;
 - (b) Digital & Technology - Data Services;
 - (c) Sustainability;
 - (d) Biodiversity;
 - (e) Open Space Planning; and
 - (f) Council Arborists.
46. Over the coming months the project team will work with the Communications and Engagement team to update the public on the new canopy cover rates and targets.
47. Targeted consultation with the Yarra Environment Advisory Committee (YEAC) is recommended to provide an update on the new mapping methodology and results.

Policy analysis

Alignment to Community Vision and Council Plan

48. Updating Yarra’s canopy cover mappings aligns with the Community Vision priority of leading the way in climate change mitigation and resilience within Yarra and extend our impact through advocacy and innovative partnership.
49. The updated canopy cover exercise aligns with Council Plan 2021-25 objectives and initiatives including:
- (a) Protect and enhance the biodiversity values, connectivity and resilience of Yarra’s natural environment (Strategic Objective three: Place and Nature); and
 - (b) Measure tree canopy cover across the municipality (Initiative (c): Place and Nature).

Climate emergency and sustainability implications

50. The climate emergency plan includes a target to increase canopy cover in 2040 by 25% for the whole municipality from a 17% baseline in 2014.
51. Increasing canopy coverage would be expected to have significant positive sustainability implications for Yarra by mitigating the effects of urban heat island and building climate resilience.

Community and social implications

52. Increasing canopy coverage in Yarra is likely to have significant positive social implications—via a reduction of the urban heat island effect and other liveability benefits trees in the urban environment provide.
53. Increasing public access to canopy coverage data in an engaging and compelling way is likely to encourage community to value and contribute towards increasing Yarra's Urban Forest.

Economic development implications

54. A flourishing and well managed urban forest can contribute many economic benefits within the Municipality, including:
 - (a) reduction of energy use in buildings from cooling through canopy shade;
 - (b) improved retail activity from shoppers spending longer in retail areas well treed and landscaped; and
 - (c) improved character, amenity and brand of the region.

Human rights and gender equality implications

55. There are no known human rights implications from the report.

Operational analysis

Financial and resource impacts

56. There is a cost associated with procuring canopy data from Nearmap. The UFS recommends updating canopy cover measurements every 5 years with the next review scheduled for 2026.

Legal Implications

57. There are no identified legal implications from the report.

Conclusion

58. Council officers have established a process for accurately measuring canopy coverage across the municipality. This process can be replicated in the future to track Yarra's progress towards our UFS targets.
59. Tree canopy cover has increased by 3.8% across Yarra, resulting in a rise in the percentage of Yarra that is covered by tree canopy from 17% to 17.7%. This represents an increase in canopy coverage of 127,876 m², equivalent to 7 MCGs worth of additional canopy across the municipality.
60. This increase puts Yarra roughly on track to achieve our UFS target of a 25% increase in canopy by 2040. However, additional planning and funding will be required to overcome the challenges of significant mature tree loss predicted to occur in Yarra over the next decade.
61. Canopy within streetscapes only, has increased by 6% across the municipality, resulting in a rise in the percentage of Yarra's streetscapes covered by tree canopy from 16% to 17.4%. Streetscapes have been the primary focus of the UFS as the places where the effects of urban heat island are most acutely felt, and the benefits of trees are greatest.
62. Over the coming months the project team will work with the Communications and Engagement team to update the public on the new canopy cover rates and targets via the Yarra website.

RECOMMENDATION

1. That Council note that:
 - (a) Council officers have established a process for accurately measuring canopy coverage across the municipality which will be replicated in the future to track Yarra's progress towards our Urban Forest Strategy targets;
 - (b) tree canopy cover has increased by 3.8% across Yarra, resulting in a rise in the percentage of the municipality covered by tree canopy from 17% to 17.7%;
 - (c) Yarra is on track to achieve our Urban Forest Strategy target of a 25% increase in canopy by 2040; and
 - (d) the public will be updated on the new canopy cover rates and targets via the Yarra website and other relevant avenues.

Attachments

There are no attachments for this report.

7.8 Governance Report - August 2023

Reference	D23/248989
Author	Rhys Thomas - Senior Governance Advisor
Authoriser	General Manager Governance, Communications and Customer Experience
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

Purpose

1. The Governance Report is prepared as a periodic report to Council which provides a single reporting platform for a range of statutory compliance, transparency and governance related matters.

Critical analysis

History and background

2. To ensure compliance with the Local Government Act 2020 and in accordance with best practice and good governance principles, transparency and accountability, this standing report consolidates a range of governance and administrative matters.
3. Matters covered in this report are:
 - (a) the delivery of conflict of interest training for Councillors;
 - (b) the release of the IBAC report following Operation Sandon; and
 - (c) changes to the Civic Flag Policy.

Discussion

Conflict of interest training for Councillors

4. Schedule 1 of the Local Government (Governance and Integrity) Regulations provides that a Councillor must “*undertake any training or professional development activities the Council decides it is necessary for all Councillors to undertake in order to effectively perform the role of a Councillor*”. Councillors are offered a program of training sessions covering matters relevant to their role, including strategic planning, financial stewardship, governance and other matters.
5. On 25 July 2023, training was delivered to Councillors in conflicts of interest. The training was delivered by Tony Raunic of Hunt and Hunt Lawyers, in partnership with Council officers. The training examined the legislative obligations insofar as they relate to conflicts of interest, including sections 127, 128 and 129 of the Local Government Act 2020.
6. In attendance at the training were Councillors Crossland, Glynatsis, Landes, Mohamud, Nguyen and Stone as well as members of the Council executive.

Operation Sandon

7. Operation Sandon was an investigation by the Independent Broad-based Anti-Corruption Commission (IBAC) into allegations of corrupt conduct involving councillors and property developers in the City of Casey. It also examined the adequacy of Victoria’s current systems and controls for safeguarding the integrity of the state’s planning processes.
8. IBAC’s investigation was primarily concerned with four planning matters. Each matter involved the Casey Council as decision-maker, and two required the Minister for Planning to make a determination.

9. The full report is available on the independent Broad-based Anti-corruption Commission's website at www.ibac.vic.gov.au
10. As a result of Operation Sandon, IBAC recommended a suite of reforms to address corruption risks to:
 - (a) promote transparency in planning decisions;
 - (b) enhance donation and lobbying regulation;
 - (c) improve the accountability of ministerial advisors and electorate officers; and
 - (d) strengthen council governance.
11. The Sandon Report makes 34 recommendations (refer summary document at **Attachment One**) including recommending that a Taskforce be appointed to oversee the implementation of the recommendations and provide quarterly reporting to IBAC detailing progress and report publicly within 18 months of actions taken.
12. Shortly after the release of the report, the Municipal Association of Victoria (MAV) issued a statement saying it will work through the planning recommendations with the sector and that it is essential that the recommended taskforce meaningfully consult with the MAV particularly in relation to recommendations to take statutory planning powers away from Councillors.
13. In a President Alert sent to all Victorian Mayors and Councillors on 4 August 2023, David Clark, President of the MAV advised;

At this morning's MAV Board meeting, the Board endorsed a planning reform advocacy position for the MAV to progress with our members.

Our goal is to have the sector articulate a clear and consistent vision for the Victorian planning system and use that to engage constructively with the Government.

The MAV will continue to actively seek to influence the Government's planning and housing reforms, including securing a seat on the Government working group to progress the recommendations of the Operation Sandon.

In addition to the release of the Operation Sandon report, the Victorian Government has been positioning itself for major reforms to the planning system. As a sector we need to articulate our vision for what planning in Victoria should be and use that to engage constructively with the Government. Building on the outputs of a council working group, the MAV Board has endorsed a position on planning reform encompassing seven themes:

Vision-based reforms

- *Social licence of the planning system*
- *Sustainability and future generations*
- *Delivering the housing Victorians need*

Process-based reforms

- *Good decisions grounded in local communities*
- *A high-impact, low-footprint planning system*
- *Continuous improvement*
- *Integrity, transparency, and accountability*

14. The MAV's Vision for planning reform overview is copied below:

The MAV's vision for planning reform - Overview

Vision-based reforms		
1) Social licence of the planning system	2) Sustainability and future generations	3) Delivering the housing Victorians need
1A Delivering on community expectations for their neighbourhoods	2A Addressing a changing climate	3A Mandatory social and affordable housing contributions
1B Delivering the infrastructure Victorians need	2B Sustainable transport hierarchy	3B Strategic planning that supports housing capacity
1C State and Local governments partnering to deliver place-based density	2C Making invisible costs visible	3C Converting approvals into supply
Process-based reforms		
4) Good decisions grounded in local communities	5) A high-impact, low-footprint planning system	6) Continuous improvement
4A Enhancing local democracy	5A Increasing clarity, prescription, and direction	6A Improving the Planning Scheme Amendment process
4B Properly resourcing the planning system	5B Streamlining applications by risk	6B Utilising local government expertise in planning reform
4C A framework for regional and state-wide issues	5C Consistent and decision-ready applications	6C Monitoring reform against measurable benchmarks
	7) Integrity, transparency, and accountability	
	7A Transparency and accountability across the whole planning system	
	7B Removing inappropriate influence	
	7C The role of independent panels	

15. In relation to recommendations relating to the role of local government in planning matters, Councillors will recall that on 16 May 2023, the following motion was carried unanimously:

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor O'Brien

1. That Yarra Council note recent media reports of an IBAC recommendation, following operation Sandon, to remove planning powers from councillors.
2. That the Mayor write to the Minister for Planning expressing Yarra Council's concern about these reports that the state may consider removing planning powers from local governments.
3. That the Mayor communicate to the Minister for Planning that:
 - (a) Local governments know their local areas and local communities best and are best placed to make planning decisions in the interests of present and future occupiers;
 - (b) Local governments are subject to a high level of scrutiny from their citizens. Corruption is therefore less likely to be undetected than at other levels of government;
 - (c) Local governments have approved over 85% of planning applications in the current financial year (State Government Planning Permit Activity Report). Housing affordability is not demonstrably being influenced by the planning decision-making of local government;
 - (d) To date in this financial year, 35,337 planning determinations have been made by councils across the state. 33,338 applications were received, 29,041 permits have been issued (new applications and amended), 4,119 notices of decision have been made, 1,073 refusals issued and 4,510 applications were withdrawn.¹ **Refusals comprise about 3 % of total applications;** and
 - (e) Removing planning powers from local councils will disenfranchise local communities and arguably decrease their confidence in the state government.
4. That the Mayor urge the Minister to meet with the local government sector to discuss any proposed changes to planning powers for local government before proceeding with such changes.
5. That the Mayor urge the Minister to ensure planning powers for local planning decisions remain in the hands of local governments to ensure the best planning decisions for their communities, present and future.
6. That the Mayor seek a meeting with the Minister for Planning to discuss the matters raised in this motion.
7. That a copy of this motion be sent to the Member for Richmond and members for the Northern Metropolitan Region.

16. This resolution has been actioned.
17. Officers will continue to review and consider the implications for Yarra and update Councillors accordingly.

Civic Flag Policy

18. Council's Civic Flag Policy governs the flying of flags at Council's Town Halls, Civic Flagpoles and other facilities.
19. The installation of new flagpoles at Council's depot in Roseneath Street Clifton Hill has triggered a review of the policy and a number of minor changes are now recommended. The Community Flag Schedule (which sets out which flags are flown) is not proposed to change.
20. The following changes are recommended for Council's endorsement:
 - (a) Inclusion of the Clifton Hill Depot alongside the three town halls as a flag location;
 - (b) Removal of references to the City of Yarra flag, which is no longer in use;
 - (c) Updating the reference to the former Internal Development Approvals Committee to the Planning Decisions Committee;
 - (d) Clarifying the intention to lower all three Australian flags to half-mast when recognising the passing of an Aboriginal or Torres Strait Islander person;
 - (e) Providing that the Australian national flags be lowered to half-mast upon the passing of Councillors, members of parliament or outstanding local citizens (instead of the City of Yarra flag as had previously been the case);
 - (f) Updating references to the former Group Manager Chief Executive's Office to the General Manager Governance, Communications and Customer Experience; and
 - (g) Adding the responsibility of the City Works Branch to appoint a flag Marshall for the new Clifton Hill flagpoles.
21. In addition, the review recommends that decisions about which flags are flown on the Civic flagpoles should rest with the Council, and that the process which enables community organisations to directly apply to the administration to fly a flag (which has gone unused to date) be removed from the policy. In line with this change, the criteria to be considered when making a decision about which flags to fly has been removed, with this to be left as a matter for the Council at the time of each decision.
22. It is recommended that Council endorse the changes set out in the marked up version of the Civic Flag Policy at **Attachment Two**.

Options

23. There are no options presented in this report.

Community and stakeholder engagement

24. No community or stakeholder engagement has been undertaken in the development of this report, save the engagement with internal stakeholders necessary to compile the report content.

Policy analysis

Alignment to Community Vision and Council Plan

25. In its Yarra 2036 Community Vision, Council articulated an objective for a community that is *"informed and empowered to contribute to the shared governance of Yarra, (where) decision-making is through access, inclusion, consultations and advocacy."*
26. City of Yarra Council Plan 2021-2025 includes Strategic Objective six: 'Democracy and governance', which states that good governance is at the heart of our processes and decision-making. The plan commits Council to *"practice good governance, transparency and accountable planning and decision-making."*

27. The presentation of a Governance Report provides an opportunity to provide updates on key organisational matters both to the Council and the community.

[Climate emergency and sustainability implications](#)

28. There are no climate emergency or sustainability implications considered in this report.

[Community and social implications](#)

29. There are no community or social implications considered in this report.

[Economic development implications](#)

30. There are no economic development implications considered in this report.

[Human rights and gender equality implications](#)

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

Operational analysis

[Financial and resource impacts](#)

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

[Legal Implications](#)

33. There are no legal implications considered in this report.

Conclusion

34. This report presents an officer recommendation on:
- (a) the delivery of conflict of interest training for Councillors;
 - (b) the release of the IBAC report following Operation Sandon; and
 - (c) minor changes to the Civic Flag Policy.

RECOMMENDATION

1. That Council note this Governance Report on:
 - (a) the delivery of conflict of interest training for Councillors; and
 - (b) the release of “Operation Sandon – Special Report” by the Independent Broad-based Anti-corruption Commission.
2. That Council adopt the changes to the Civic Flag Policy as set out in the marked up version at **Attachment Two**.

Attachments

- 1 Attachment 1 - IBAC Operation Sandon - Recommendation summary
- 2 Attachment 2 - Civic Flag Policy (2023 revision)