



Ordinary Meeting of Council Agenda

to be held on Tuesday 8 July 2014 at 7.00 pm
at the Fitzroy Town Hall

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- Hearing loop (Richmond only), the receiver accessory may be accessed by request to either the Chairperson or the Governance Officer at the commencement of the meeting, proposed resolutions are displayed on large screen and Auslan interpreting (*by arrangement, tel. 9205 5110*)
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Order of business

- 1. Statement of recognition of Wurundjeri Land**
- 2. Attendance, apologies and requests for leave of absence**
- 3. Declarations of conflict of interest (Councillors and staff)**
- 4. Confidential business reports**
- 5. Confirmation of minutes**
- 6. Petitions and joint letters**
- 7. Public question time**
- 8. General business**
- 9. Delegates' reports**
- 10. Questions without notice**
- 11. Council business reports**
- 12. Notices of motion**
- 13. Urgent business**

1. Statement of Recognition of Wurundjeri Land

“Welcome to the City of Yarra. Council acknowledges the Wurundjeri community as the first owners of this country. Today, they are still the custodians of the cultural heritage of this land. Further to this, Council acknowledges there are other Aboriginal and Torres Strait Islander people who have lived, worked and contributed to the cultural heritage of Yarra.”

2. Attendance, apologies and requests for leave of absence

Anticipated attendees:

Councillors

- Cr Jackie Fristacky (Mayor)
- Cr Geoff Barbour
- Cr Roberto Colanzi
- Cr Misha Coleman
- Cr Sam Gaylard
- Cr Simon Huggins
- Cr Stephen Jolly
- Cr Amanda Stone
- Cr Phillip Vlahogiannis

Council officers

- Vijaya Vaidyanath (Chief Executive Officer)
- Jack Crawford (Director Corporate and Financial Services)
- Ivan Gilbert (Executive Manager Governance)
- Craig Kenny (Director Community Programs)
- Bruce Phillips (Director City Development)
- Guy Wilson-Browne (Director Infrastructure Services)
- Mel Nikou (Governance Officer)
- Margaret Elvey (Governance Officer)

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

4. Confidential business reports

4.1 Legal Advice

The following item was deemed by the Chief Executive Officer to be suitable for consideration in closed session in accordance with section 89 (2) of the *Local Government Act 1989*. In accordance with that Act, Council may resolve to consider this issue in open or closed session.

Recommendation

1. That the meeting be closed to members of the public, in accordance with section 89 (2) of the *Local Government Act 1989*, to allow consideration of:
 - (a) Legal Advice
2. That all information contained within the Confidential Business Reports section of this agenda and reproduced as Council Minutes be treated as being and remaining strictly confidential in accordance with the provisions of sections 77 and 89 of the *Local Government Act 1989* until Council resolves otherwise.

5. Confirmation of minutes

Recommendation

That the minutes of the Confidential Council Meeting held on Tuesday 3 June 2014 be confirmed.

That the minutes of the Ordinary Council Meeting held on Tuesday 24 June 2014 be confirmed.

6. Petitions and joint letters

7. Public question time

Yarra City Council welcomes questions from members of the community.

Public question time is an opportunity to ask questions, not to make statements or engage in debate.

Questions should not relate to items listed on the agenda. (Council will consider submissions on these items separately.)

Members of the public who wish to participate are to:

- (a) state their name clearly for the record;
- (b) direct their questions to the chairperson;
- (c) ask a maximum of two questions;
- (d) speak for a maximum of five minutes;
- (e) refrain from repeating questions that have been asked previously by themselves or others; and
- (f) remain silent following their question unless called upon by the chairperson to make further comment.

8. General business

9. Delegates' reports

10. Questions without notice

11. Council business reports

Item		Page	Rec. Page	Report Presenter
11.1	Secondary School Study - Final Report	8	11	Ross Goeman - Manager Community and Corporate Planning
11.2	Darling Gardens Draft Master Plan for Community Consultation	13	15	Justin Hanrahan - Manager Recreation and Open Space
11.3	Discontinuance of Road at the Rear of 137 Green Street, Cremorne (this item has been withdrawn from the meeting)	16	-	
11.4	Yarra Heritage Strategy - Consideration of draft for public consultation	17	20	Erika Russell – Strategic Planner
11.5	182-186 St Georges Road, Fitzroy North - PLN14-0122 - North Fitzroy Library and Community Hub planning permit application	21	64	Matthew Cohen - Coordinator Statutory Planning
11.6	12 Month Review of Mobile Food Vehicles Guidelines	72	74	Ivan Gilbert - Executive Manager Governance
11.7	Appointment of Authorised Officers - Planning and Environment Act 1987	75	76	Ivan Gilbert - Executive Manager Governance
11.8	Report on Assemblies of Councillors Held - 12 May to 23 June 2014	77	78	Ivan Gilbert - Executive Manager Governance

Public submissions procedure

The public submission period is an opportunity to provide information to Council, not to ask questions or engage in debate.

When the chairperson invites verbal submissions from the gallery, members of the public who wish to participate are to:

- (a) state their name clearly for the record;
- (b) direct their submission to the chairperson;
- (c) speak for a maximum of five minutes;
- (d) confine their remarks to the matter under consideration;
- (e) refrain from repeating information already provided by previous submitters; and
- (f) remain silent following their submission unless called upon by the chairperson to make further comment.

12. Notices of motion

Nil

13. Urgent business

Nil

11.1 Secondary School Study - Final Report

Trim Record Number: D14/76136

Responsible Officer: Director Community Programs

Purpose

1. To report the findings on the secondary school research and consultation.

Background

2. This work began in response to a Council resolution from 26 November 2012 to look at supply and demand of secondary schools in and around Richmond, in relation to current and future population.
3. An initial in-house report of secondary school provision in Yarra, with a particular focus on Richmond, was presented to Council on 17 September 2013, following the release of the Prahran study.
4. The DEECD *School Provision Plan for the Prahran Area Demographic Study* (the Prahran study) concludes that existing secondary schools within the Prahran study area (which includes Richmond) have sufficient capacity to accommodate forecast population growth for the next 15 years and that a new school in Prahran is not needed.
5. The initial council study found that whilst there were enough school places for children in Yarra over the next 15 years, it was unclear whether the options, in terms of curriculum, facilities and programs, were what parents wanted. This report was followed by a resolution;
"That Council requests the scope of the recently commenced research and consultation project include:
 - (a) *engagement with principals of existing secondary schools in the proximity of Yarra and the Department of Education (DEECD) to understand any planned changes in their respective curricula;*
 - (b) *identification of potential sites for a campus or annex in Richmond, of an existing secondary school in Melbourne; and*
 - (c) *gauge the interest in hosting a campus or annex in Richmond with Principals of schools in Melbourne, and the Department of Education (DEECD)."*
6. The current project (encompassing all of Yarra) researched the secondary school education needs and choices of parents in Yarra and the corresponding range and availability of secondary school options to meet those needs.
7. The State Government made an announcement at the start of April 2014 that \$20 million has been committed to a new public secondary school in Prahran. The current research project did not identify potential sites for a campus or annex in Richmond given this announcement from DEECD.
8. In the 2013/14 Council Budget \$20,000 was allocated for this study, and was undertaken as a joint project between the Family, Youth and Children's Services and Community and Corporate Planning Branches.

Consultation

9. From January - April 2014 twelve school principals at both primary and secondary schools in Yarra were consulted, along with Yarra parents who are about to, or have recently, transitioned their children to secondary school.
10. The consultation and research report (attached) includes the following:
 - (a) sample and methodology;
 - (b) results of desktop research;

- (c) results from primary research (with schools and parents);
- (d) full list of schools in Yarra; and
- (e) research findings.

Financial Implications

- 11. In the 2013-14 Council Budget, \$20,000 was allocated to resource this research and consultation project. This Project budget is now exhausted.
- 12. On reflection, the amount of staff time required to engage schools has been far greater than anticipated. Multiple phone calls and emails were necessary to make contact with the appropriate person in many schools; future projects that expect wide engagement with senior figures in schools in and around Yarra will need to allow much more officer time.
- 13. Further research with parents from culturally and linguistically diverse (CALD) communities, or to engage schools we have not already reached, is however beyond the current allocated budget.

Economic Implications

- 14. This study seeks to understand the secondary education options and choices of all young people in the municipality. In undertaking this research, it has been difficult to engage some of the more socially and economically disadvantaged families in our community. It is likely that these families may be less well equipped and supported to navigate the local education system.

Sustainability Implications

- 15. There are no sustainability implications contained within this report.

Social Implications

- 16. Preliminary findings suggest that support to more disadvantaged families in Yarra may be needed to facilitate informed education choices.
- 17. The study highlights that many families travel outside of Yarra to access their preferred secondary education, however this experience is not unique to Yarra residents.

Human Rights Implications

- 18. Responding to the needs of children and young people is guided at the broadest level by the covenants and legislation outlined in the *UN Declaration on the Rights of the Child* and the *Victorian Charter of Human Rights and Responsibilities* 2006. Policy and program responses fall within the *Children, Youth and Families Act* 2005 and the *Child Safety and Wellbeing Act* 2005.

Communications with CALD Communities Implications

- 19. Minimal consultation with CALD families is an acknowledged limitation of the study.

Council Plan, Strategy and Policy Implications

- 20. This study aligns with objectives in the Council Plan, Yarra Youth Policy and Middle Years Strategy:
 - (a) Yarra Council Plan 2013 – 2017, in particular with strategic objective 2: *Supporting Yarra's community*;
 - (b) Yarra Youth Policy 2013 – 2016, in particular Objective 4: *Young people have opportunities to learn and earn*; and
 - (c) Goal 3 of the Yarra Middle Years Strategy 2014- 2017: *Middle years children and young people are engaged in learning*.

Legal Implications

- 21. There are no legal implications contained within this report.

Other Issues

22. Yarra Youth Services (YYS) has a designated Education, Training and Employment Officer whose role it is to develop and maintain strong links with local secondary schools. Our role with schools includes:
 - (a) liaising with welfare staff to support vulnerable young people – e.g. through a referral for individual support; and
 - (b) liaising with office and classroom staff around relevant programming including YYS programs, partnership programs and linking to other community organisations.
23. Yarra Youth Services also plays a leading role in the Yarra Education Youth Commitment. However this group is one which looks at broad strategic actions to improve educational outcomes across the municipality rather than specific actions within any one school. In addition, City of Yarra has funded the Inner Northern Local Learning and Employment Network (INLLEN) through a three-year funding agreement to undertake research that examines issues in relation to primary to secondary school transition.
24. This study examines the strategies schools employ to attract and retain students, and how parents make choices about school enrolment. The key findings of this report point to several options that Council could pursue, however Council does not have the expertise nor is it its role to determine and/or influence education policy, program renewal or school curriculum.
25. In addition given budgetary constraints, Council currently has a limited capacity to address the results of this study and this may require discussion and agreement to determine council's future role in this space.
26. The survey responses from parents have been skewed to particular geographic areas and communities. Despite this, there have been a range of needs and preferences identified. Any action undertaken by Council will need to balance the needs and preferences of the diverse communities residing in Yarra.
27. Key findings from the research include:
 - (a) in 2012, there was an unfilled capacity of 1,045 places at government schools in the City of Yarra;
 - (b) the top three subscribed government secondary schools across the State are all within the municipality (Melbourne Girls College, Princess Hill Secondary College and Fitzroy High School);
 - (c) primary principals identified that parent's value academic achievement when making choices about secondary schools. Word-of-mouth was considered an important way of influencing secondary school choices for parents;
 - (d) the top five most important factors for parents choosing a secondary school included: quality of teaching; location; curriculum; reputation; and academic scores;
 - (e) although there was a broad range of secondary school options in Yarra, a number of parents who participated in the research continued to express concerns regarding the lack of access to a public single sex secondary school. In addition, many parents also discussed the lack of 'mainstream' co-ed options for students in Yarra;
 - (f) parents expressed the need for diverse curriculum offerings in secondary schools, with an importance placed on art, sport and language subjects. A broad range of VET, VELS, VCE and VCAL curriculum options are currently being offered in schools in Yarra. In addition, arts and sports subjects are also offered in all secondary schools in Yarra, and language studies are offered in the majority of Yarra secondary schools;
 - (g) the top three deterrents for parents choosing a secondary school included: poor reputation; poor results; location; lack of subjects/poor curriculum; and cost;

- (h) migrant families in Yarra were identified by schools as being from two main groups – newly arrived business families; and refugee asylum seekers. Parents who were from refugee or asylum seeking backgrounds tended to be less informed about the school system and relied more on word-of-mouth for information about schools; and
- (i) some parents who participated in the research do not see some schools in Yarra as a viable option for their child due to perceived negative reputation.

Options

28. The research identified six options to be considered in the future:

- (a) advocate to DEECD to ensure schools in and around Yarra meet the needs of boys;
- (b) continue to strengthen partnerships across schools, the family and youth sector, and with State Government to ensure diverse curriculum offerings in secondary schools across Yarra;
- (c) advocate to DEECD to address causes of any negative reputation linked to secondary schools in Yarra;
- (d) distribute findings of this research to principals of secondary schools in Yarra in order to influence marketing that may assist in communicating more effectively with parents;
- (e) continue to strengthen partnerships across schools, the family and youth sector, and with State Government to enhance programs that focus on transition from primary to secondary school transition, school options and capacities, and support families to make informed decision making around secondary education options; and
- (f) continue to work in partnership with the Inner Northern Local Learning and Employment Network (INLLEN) to support the ongoing sustainability of the Yarra Education Youth Commitment.

Conclusion

29. Council endorse the options for future work as outlined above.

RECOMMENDATION

1. That Council endorses the following recommendations:

- (a) engage the Department of Education and Early Childhood Development (DEECD) on the outcomes of Council's research and consultation into secondary school needs of Yarra students and parents;
- (b) engage with Principals of schools in and around Yarra to inform them of the outcomes of this research and consultation into secondary school needs of Yarra students and parents;
- (c) advocate to DEECD to ensure schools in and around Yarra can meet the needs of all Yarra students;
- (d) advocate to DEECD to address causes of any negative reputations of government schools in and around Yarra;
- (e) advocate to DEECD to ensure that the announced new Prahran Secondary School campus is easily accessible to Richmond students;
- (f) continue to strengthen partnerships across schools, the family and youth sector, and with State Government to ensure diverse curriculum offerings in secondary schools across Yarra;
- (g) continue to strengthen partnerships across schools, the family and youth sector, and with State Government to enhance programs that focus on transition from primary to secondary school transition, school options and capacities, and support families to make informed decision making around secondary education options;

- (h) continue to work in partnership with the Inner Northern Local Learning and Employment Network (INLLEN) to support the ongoing sustainability of the Yarra Education Youth Commitment; and
- (i) explore opportunities for a regional response to school infrastructure and increasing demand for places through the Inner Melbourne Action Plan group or Melbourne Planning Authority.

CONTACT OFFICER: Ross Goeman
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TEL: 9205 5397

Attachments

- 1 Secondary Schools in Yarra Consultation & Research Report June 2014

11.2 Darling Gardens Draft Master Plan for Community Consultation

Trim Record Number: D14/88573

Responsible Officer: Manager Recreation and Open Space

Purpose

1. To obtain Council endorsement to commence a public exhibition period seeking community feedback on the Draft Darling Gardens Master Plan 2014-2018 (Attachment 1).

Background

2. The purpose of the Draft Master Plan is to set the strategic direction for Darling Gardens in Clifton Hill and guide its future maintenance, development, and improvement over the next four years in accordance with the four year Strategic Resource Plan.

Consultation

3. Consultation was conducted during March 2014 in order to obtain community input, ideas and opportunities which were then used to develop the Draft Master Plan.
4. Consultation carried out included:
 - (a) signs on the site and information on Council's website inviting people to make a submission to the Master Plan;
 - (b) a questionnaire (Attachment 2) dropped to 1800 residences in the surrounding area; and
 - (c) a public meeting on site on 22 March 2014.
5. A summary of the results of consultation is provided in Attachment 3.
6. Internal consultation has occurred across branches within Council including:
 - (a) Arboriculture and Streetscapes;
 - (b) Water Management / WSUD;
 - (c) Building and Property;
 - (d) Recreation;
 - (e) Family and Children's Services;
 - (f) Venues and Events;
 - (g) Local Laws;
 - (h) Sustainable Transport; and
 - (i) Sustainability and Environment.
7. Having reviewed the feedback received during the preliminary consultation, a Draft Darling Gardens Master Plan has been prepared (Attachment 1). The guiding principles for the Draft Master include:
 - (a) Landscape Heritage
 - (i) retain and respect the heritage character of the Gardens;
 - (ii) plan for the future of mature trees in the Gardens; and
 - (iii) retain the large open lawns and simplicity of the layout of the Gardens;
 - (b) Environmental Sustainability
 - (i) improve the sustainability of the Gardens and ensure the park is able to cope with the impact of climate change;
 - (ii) seek opportunities for greater water efficiency and integrated water cycle management, while improving the health of vegetation; and

- (iii) improve the biodiversity of the Gardens through greater variety of plant type and species;
 - (c) Uses and Activities
 - (i) allow for public use and enjoyment by encouraging a complementary mix of activities;
 - (ii) provide for a variety of passive and active recreation uses in the Gardens, whilst maintaining the local feel of the park;
 - (iii) consider synergies or conflicts between uses when locating them in the Gardens;
 - (iv) provide additional amenities and uses where these are complementary to the character and capacity of the Gardens; and
 - (v) look to remove uses inconsistent with passive and active open space; and
 - (d) Access and Safety
 - (i) ensure public access to the Gardens, considering people of all abilities;
 - (ii) support equitable use of the Gardens by people of all ages; and
 - (iii) utilise principles based on crime Prevention Through Environmental Design (CPTED) to ensure a safe public space.
8. The proposed public exhibition period of six weeks on the Draft Master Plan will include (but not be limited to):
- (a) signs on the site and information on Council's website inviting people to provide comment on the Draft Master Plan recommendations; and
 - (b) an information flyer dropped to surrounding residents inviting them to provide comment on the Draft Master Plan recommendations.

Financial Implications

9. The financial implications of the key recommendations contained in the Draft Master Plan are itemised. Preliminary approximate costs and proposed funding sources are listed in the Implementation Plan section of the Draft Master Plan. The majority of actions are funded within the four year Strategic Resource Plan unless identified as being subject to a new initiative bid.

Economic Implications

10. There are no economic implications to this report.

Sustainability Implications

11. Improving the environmental sustainability of the Darling Gardens is one of the guiding principles of the Master Plan. This encompasses
- (a) ensuring the park is able to cope with the impact of climate change;
 - (b) seeking opportunities for greater water efficiency and Water Sensitive Urban Design; and
 - (c) improving the biodiversity of the Gardens through greater variety of plant species.

Social Implications

12. The Darling Gardens is a much loved and treasured public park in Clifton Hill. The surrounding residents highly value many aspects of the park in its existing form, but also identified potential improvements which would enhance the Gardens for all users.
13. The Master Plan strikes an appropriate balance between retaining and respecting the heritage character of the Gardens, and providing for minor changes which will allow for enhanced enjoyment of the park by all in the community.

14. The Master Plan has been reviewed by heritage consultants Lovell Chen Pty Ltd to confirm it is in generally keeping with the Darling Gardens Cultural Significance and Conservation Policies (1993).

Human Rights Implications

15. There are no human right implications to this report.

Communications with CALD Communities Implications

16. The communication to residents included a panel containing language advisory text can be included on key Council information documents in eight languages: Vietnamese, Greek, Mandarin, Cantonese, Italian, Turkish, Arabic and Spanish. The same information will be provided as part of the consultation on the Draft Master Plan.
17. As part of the exhibition process on the Draft Master Plan it is proposed to offer additional interpreter support to frequent user groups within the Gardens including the Maternal and Child Health Centre and the Clifton Hill Primary School.

Council Plan, Strategy and Policy Implications

18. The Yarra Open Space Strategy (2007) includes the recommendation to:
'Prepare and implement a Landscape Master Plan incorporating recommendations from the existing Darling Gardens Cultural Significance and Conservation Policies (1993)'.

Legal Implications

19. There are no legal implications to this report

Options

20. There are no options considered appropriate to this report.

Conclusion

21. The public exhibition period on the Darling Gardens Draft Master Plan 2014-2018 will allow Council to obtain feedback on the key recommendations contained in the Master Plan, prior to considering the Final Master Plan for adoption and implementation.

RECOMMENDATION

1. That Council:
 - (a) authorises Council officers to commence a six week public exhibition period on the Draft Darling Gardens Master Plan 2014-2018 (Attachment 1); and
 - (b) requests officers review feedback received during the exhibition period and recommend any changes to the Draft Master Plan to Council for endorsement including implications for Council's four year Strategic Resource Plan.

CONTACT OFFICER: Joanna Bush
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Attachments

- 1 Draft Darling Gardens Masterplan
- 2 Darling Gardens Preliminary Questionnaire
- 3 Darling Gardens Preliminary Consultation Summary

11.3 Discontinuance of Road at the Rear of 137 Green Street, Cremorne

Trim Record Number: D14/94277

Responsible Officer: Manager Finance

THIS ITEM HAS BEEN WITHDRAWN FROM THE MEETING.

11.4 Yarra Heritage Strategy - Consideration of draft for public consultation

Trim Record Number: D14/84862

Responsible Officer: Coordinator Strategic Planning

Purpose

1. For Council to endorse the draft Yarra Heritage Strategy for public consultation.

Background

2. Council's Heritage Advisory Committee (HAC) has identified the need for Council to have a heritage strategy in place as a priority. A draft heritage strategy has been developed in consultation with the project's internal reference group which contains HAC members (including Councillor Gaylard and Councillor Barbour) and staff members from different parts of Council, and with heritage consultants. A full copy of the draft strategy is outlined at Attachment 1.
3. The draft strategy sets out a plan to effectively manage the city's heritage buildings, places and objects over the next four years. The strategy provides a strategic framework for Council's future heritage work and identifies future priorities in the following four key areas:
 - (a) knowing our heritage;
 - (b) protecting and managing our heritage;
 - (c) supporting our heritage; and
 - (d) promoting and celebrating our heritage.
4. The heritage strategy will assist in conserving the heritage of Yarra in an integrated manner and ensure that our heritage is well understood, celebrated and protected.

Consultation

5. The development of the draft strategy has included a series of internal consultation events with the HAC and staff from different parts of Council. These included an initial workshop to discuss ideas for the strategy and a second workshop that predominantly focussed on the vision, actions and future public consultation methods for the draft heritage strategy.
6. The planned public consultation period for the draft strategy is for a four week period from 21 July 2014 to 15 August 2014.
7. The public consultation methods/notification for the draft heritage strategy is to include a public consultation event on 30 July 2014 (World Café style), an online survey, HAC led consultation with the groups they are associated with (guidance provided in the form of consultation packs), a mail out to key stakeholders, notices in Yarra News and local papers, twitter, email (Business Bulletin), postcards, posters, on hold messages and Council's website.

Financial Implications

8. The resources required to undertake the heritage strategy have come from the existing 2013/2014 Strategic Planning budget.
9. The majority of actions in the strategy can be undertaken with existing staff resources, in accordance with the identified timeframes and actions. The actions with the most significant cost (i.e. the main heritage gap study) have already been budgeted for.
10. All year one actions have either been funded through the existing heritage budget or can be undertaken within existing resources. Resources for years 2-4 will be subject to budget bids via the budget process where required.

Economic Implications

11. There are no direct implications resulting from a heritage strategy itself. It is often debated as to whether or not heritage provisions in the planning scheme have a positive impact on property values of a neighbourhood.

Sustainability Implications

12. There are no sustainability implications from the strategy itself. However, retention of building fabric, in general, avoids use of new resources.

Social Implications

13. A heritage strategy would promote the value of heritage and is intended to broaden people's views about what constitutes heritage. Importantly the strategy covers all aspects of Yarra's heritage, both tangible and intangible (e.g. built, natural, cultural, objects, collections, traditions and stories).

Human Rights Implications

14. There are no human right implications in Council having a heritage strategy.

Communications with CALD Communities Implications

15. Relevant material advertising the draft strategy will be arranged to engage the CALD community. A range of stakeholders will be targeted and invited to the main consultation event, including representatives from CALD communities.

Council Plan, Strategy and Policy Implications

16. One of the key objectives for the Council Plan 2013-2017 is "Strategic Objective 1: celebrating Yarra's uniqueness". Yarra's uniqueness is influenced by its heritage. Yarra has a rich history and is home to a large number of heritage buildings, places and objects of significance. The draft heritage strategy focuses on celebrating this uniqueness, particularly through the actions identified within the "Promoting and celebrating our heritage" strategic direction. The heritage strategy will have influence on a number of the strategies listed under the theme "Strategic Objective 1: celebrating Yarra's uniqueness" in the Council Plan, including:
 - (a) *protect heritage and the Yarra River corridor;*
 - (b) *recognise the value of Yarra's Aboriginal cultural heritage; and*
 - (c) *foster and promote Yarra's arts, culture, history, diversity and vitality.*

Legal Implications

17. There are no known legal implications.

Overview of the strategy

18. The draft heritage strategy has been produced in accordance with the Heritage Victoria toolkit for heritage strategies titled *Municipal Heritage Strategies: A guide for Councils*. The toolkit provides a template for best practice heritage strategies.
19. The draft heritage strategy is a four year plan that focuses on the following four areas:
 - (a) knowing our heritage (identification, assessment and documentation of heritage places);
 - (b) protecting and managing our heritage (statutory protection, policy development, appropriate management) ;
 - (c) supporting our heritage (assistance, advice and incentives to help conserve heritage places); and
 - (d) promoting and celebrating our heritage (measures to raise awareness and appreciation of the heritage of the area).
20. The components of the heritage strategy are as follows:

Yarra Snapshot

Introduction
Historical background

Strategic context

What is a heritage strategy?
Strategic background
Achievements
Challenges and opportunities

Strategic directions

Introduction
Vision
Principles
Strategic directions

Action plan

Knowing our heritage
Protecting and managing our heritage
Supporting our heritage
Promoting and celebrating our heritage
Review and monitoring

References

21. The fundamental part of the strategy is the action plan. The action plan sets out future work that is required to effectively manage the city's heritage buildings, places and objects. It identifies a number of actions to be completed over the four year life of the strategy. Some actions will be ongoing, others are able to be completed within one year, whereas others are spread across two or more years.
22. Key actions throughout the four years include:
 - (a) complete the heritage gaps assessments for central Richmond and existing heritage precincts according to identified priorities;
 - (b) identify potential heritage places including sites, places and artefacts of importance to Aboriginal communities;
 - (c) improve the quality of citations so that they provide better information and guidance for decision making;
 - (d) include a list of community groups with heritage briefs for studies and assessments and encourage consultants to draw on community expertise when undertaking research;
 - (e) assess the economic and social contribution that heritage makes to the City of Yarra;
 - (f) review planning scheme clause 22.02 - Development Guidelines for sites subject to the Heritage Overlay;
 - (g) identify and document the different parts of Council and external groups that are involved with heritage matters. Identify the heritage resources that are available. Make this information publicly accessible;
 - (h) review heritage advisor roles and responsibilities to ensure that the best use is made of available time, funding and resources. Evaluate whether further resources are required;
 - (i) review and update the new resident kit to include heritage information;
 - (j) establish relationships with the custodians of major heritage;
 - (k) support heritage organisations with work that involves the promotion and celebrating of heritage in Yarra. Identify ways for increased cross promotion of heritage resources and events between internal and external groups;

- (l) develop best practice guidelines for planning applicants to use for engaging communities on planning applications; and
 - (m) establish a Yarra heritage awards program.
23. The review and monitoring section of the strategy specifies that the actions will be reviewed on an annual basis and progress will be reported to Council.

Endorsement of final heritage strategy

24. It is anticipated that the post consultation version of the heritage strategy will be considered by Council for adoption at a Council meeting in September 2014.

Options

25. Council can either:
- (a) endorse the draft strategy (with or without changes) for exhibition; or
 - (b) not proceed with a strategy regarding heritage matters.

Conclusion

26. Council's Heritage Advisory Committee (HAC) has identified the need for Council to have a heritage strategy in place as a priority. A draft heritage strategy has been developed in consultation with the HAC, Council staff and with heritage consultants. Council endorsement of the draft heritage strategy is sought to enable broader consultation with the Yarra community.

RECOMMENDATION

1. That:
- (a) Council notes the officer report regarding the draft heritage strategy; and
 - (b) a further report be received by Council following the exhibition period of the draft heritage strategy.

CONTACT OFFICER: Erika Russell
TITLE: Strategic Planner
TEL: 9205 5322

Attachments

- 1 Draft Yarra Heritage Strategy 2014

11.5 182-186 St Georges Road, Fitzroy North - PLN14-0122 - North Fitzroy Library and Community Hub planning permit application

Executive Summary

Purpose

1. This report provides Council with an assessment of the proposed North Fitzroy Library and Community Hub planning permit application.

Key Planning Considerations

2. Key planning considerations include:
 - (a) Clause 15.01-2 – Urban Design Principles;
 - (b) Clause 22.01 – Discretionary Uses in the Residential 1 Zone;
 - (c) Clause 22.02 - Development Guidelines for Sites Subject to the Heritage Overlay;
 - (d) Clause 22.04 – Advertising Signs Policy;
 - (e) Clause 22.05 – Interface Uses Policy;
 - (f) Clause 22.07 – Development Abutting Laneways;
 - (g) Clause 22.16 – Stormwater Management;
 - (h) Clause 52.06 – Car Parking; and
 - (i) Clause 52.07 – Loading and Unloading.

Key Issues

3. The key issues for Council in considering the proposal relate to:
 - (a) Use;
 - (b) Building Design and Heritage;
 - (c) ESD;
 - (d) Amenity impacts;
 - (e) Parking and traffic;
 - (f) Objectors concerns; and
 - (g) Soil Contamination.

Objector Concerns

4. Seven (7) objections were received to the application and three (3) submissions in support. Objections can be summarised as:
 - (a) General building appearance (dark colours and too many materials);
 - (b) Layout and location of entrances;
 - (c) Design of the canopy structure;
 - (d) Overlooking;
 - (e) Overshadowing;
 - (f) Parking and traffic; and
 - (g) Landscaping (lack of).

Conclusion

5. Based on the following report, the proposal is considered to comply with the relevant planning policy and should therefore be supported.

CONTACT OFFICER: Matthew Cohen
TITLE: Coordinator Statutory Planning
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11.5 182-186 St Georges Road, Fitzroy North - PLN14-0122 - North Fitzroy Library and Community Hub planning permit application

Trim Record Number: D14/91346

Responsible Officer: Manager Statutory Planning

Proposal: Use and development of the land for the construction of a place of assembly (library and community hub), medical centre (maternal child and health centre), reduction in the car parking and loading bay requirements, business identification signage and works within a Road Zone Category 1 (footpath canopy)

Existing use: Vacant land (former petrol station and dwelling)

Applicant: Yarra City Council C/- Hansen Partnership

Zoning / Overlays: Residential 1 Zone
Heritage Overlay – Schedule 327 (North Fitzroy Precinct)
Public Acquisition Overlay - Schedule 3 (creation of a new library and community hub)

Date of Application: 21 February 2014

Application Number: PLN14/0122

Planning History

6. Planning permit PLN12/0995 for the demolition of a non-contributory dwelling was approved by Council on 28 March 2012. The dwelling has since been demolished.
7. Planning permit PL09/0992 for the use of the land as a car wash, café and associated signage was refused by Council on 20 April 2010. A review was lodged with the Victorian Civil and Administrative Tribunal (VCAT) however, was ultimately withdrawn.
8. Public Acquisition Overlay - PAO3 (Amendment C126) facilitated Council's desire to purchase the subject land for the purpose of creating a new library and community hub.

Background

9. This important Council and Community project has been developed with extensive community consultation over the past four years. The last 12 months has seen very intensive engagement with a Design Reference Group (DRG) holding 14 separate meetings. The DRG was established through an expression of interest process with representation from Friends of the North Fitzroy library, Yarra Active Ageing Group, a playgroup representative, nearby residents, a primary school representative, 3068 community group, Ward Councillors and others co-opted for specific interests.
10. The DRG provided valuable input into the Schematic Design process and the current design is supported by the group. Meetings have also been held with the North Fitzroy Primary School and it is anticipated that further engagement will occur to discuss how the school might utilise this new community facility once built.
11. The architect has also engaged heavily with service managers from Yarra Libraries, Aged & Disability Services, Family Youth & Children's Services, Arts, Culture & Venues, International House group representatives and other individual stakeholder groups.

Existing Conditions

Subject Site

12. The subject site is located on the eastern side of St Georges Road, Fitzroy North and has a dual (secondary) frontage with Best Street to the east. The site is generally triangular in shape with a frontage to St Georges Road of 58.7m, a frontage to Best Street of 58.1m and a southern (rear) frontage to an unnamed, 3.6m wide laneway of 31m. The subject site has a total site area of approximately 942sqm, is currently vacant and is understood to be a former petrol station and dwelling.
13. Presently, access to the site can be gained from St Georges Road via two double width crossovers, Best Street via one single and one double width crossover and the 3.6m wide laneway to the south (rear). The site is relatively flat with no significant, on-site vegetation.
14. The subject site comprises five parcels of land with all Certificates of Title indicating the land is free of any restrictions, easements or covenants and the southernmost parcel having right of carriageway over the southern (rear) laneway.

Surrounding Land

15. Unusually, the subject site has no direct property abutments and is island like in its spatial characteristics. To the west, across St Georges Road are a mix of fine and coarse grain, commercial buildings, all located in a Commercial 1 Zone and the same heritage overlay as the subject site. Historic commercial buildings are generally purpose built, Victorian in nature and are two traditional stories in height equating to three modern stories. Single storey commercial buildings are also evident. Face brickwork, rendered concrete and substantially glazed shopfronts dominate. Uses are mixed though are primarily commercial in nature, reflecting the Commercial 1 Zone.
16. To the north-east, across Best Street are a mix of attached dwellings all located in the Residential 1 Zone. A mix of historic, converted and infill development exists, all attached in nature and comprising two, three and four storey development. Face brickwork and rendered facades are the dominant building materials.
17. To the south-east, also across Best Street is the Fitzroy North Primary School, an historic, red brick school building described as Urban Gothic in appearance. The school is located centrally on site and is flanked by large trees and children's playgrounds.
18. To the south, across the laneway is a small pocket of dwellings with frontages to St Georges Road, Best Street or Alfred Crescent, further south. These dwellings comprise single to three storey development, some of heritage value and some being recently constructed (three storey townhouses on the corner of St Georges Road and Alfred Crescent).
19. Generally the precinct is well known for the beautiful Edinburgh Gardens (55m to the south), the well serviced North Fitzroy Village Neighbourhood Activity Centre (of which the subject site forms part of) and the low density Victorian and Edwardian housing stock. The St Georges Road, Best Street and Alfred Crescent road reserves all contain on-street, time restricted public parking on both sides and the site is extremely well serviced in terms of public transport with a tram stop located 54m to the south, along St Georges Road. Bicycle paths are also located in close proximity along Fergie Street to the east and Scotchmer Street to the north. The subject site is located approximately 3km from the Melbourne Central Business District (CBD).

The Proposal

20. The proposal seeks approval for the use and development of the site as a place of assembly (library & community hub), medical centre (maternal child and health centre), a reduction in the car parking and loading bay requirements and associated signage. The development will be 3 stories high, with a roof top garden. No on-site car parking is proposed although a total of 34 bicycle parking spaces will be provided. The separate uses will be able to function independently of one another. More specific details are as follows:

Basement

21. A small basement is proposed, located centrally towards the site's southern boundary. The basement will comprise a large plant/equipment area, lift and stair access to the levels above and a large water storage tank (22K litres) in the south-eastern corner.

Ground level

22. At ground level, the new building will contain the main library area, workspace and reception area, two public entry points (one each from St Georges Road and Best Street), large central foyer with access to stairs and lifts, ancillary children's play area, two seminar/meeting rooms, staff and public amenities and additional stair access within the northern point of the building.
23. Externally, the building is proposed to splay in the south-western corner to facilitate what would effectively appear to be a wider laneway that will allow for deliveries, staff access, bin store and 10 secure, staff bicycle spaces. A further 24 bicycle parking spaces are proposed along the Best Street frontage. Permanent canopies are also proposed along both the Best Street and St Georges Road frontages, with sporadic, indented seating and planters integrated into the façade.

Level 1

24. At level 1, the new building will contain more library space with 2 small study nooks, computer access space, an outdoor deck with access to the roof terrace above, 2 children's playgroup areas, 2 maternal and child health consultation rooms with amenities, waiting area, the same lift and stair access as ground level, large storage area and public amenities. A large void to the library below is also provided, towards the northern portion of the site.

Level 2 (3rd floor/top level)

25. At level 2, the new building will contain a large (198sqm), north facing, terraced roof garden, accessed internally from level 1 below, 2 large community rooms with kitchen facilities, a small staff room and community office, a small 20sqm south facing balcony, accessed from the staff room and community office, plant/equipment room, public amenities and the same lift and stair access as levels below. A covered deck will provide access between the 2 community rooms and roof garden.

Design and signage

26. In terms of appearance, the new building will be built to all boundaries (100% site coverage), be 3 stories in height with a maximum height of 12m to the lift overrun and a street wall height of 10.2m. Notwithstanding the significant extent of glazing at ground level along St Georges Road and Best Street, the main building materials include etched patterned, charcoal concrete at the building's two ends (northern point and southern, laneway interface), small expanses of red brick and a series of perforated metal, bronze coloured panels which are significant features along the two street facades. These panels will be

intricately detailed, extend vertically across levels 1 and 2 and will be angled to protrude a maximum of 450mm from the façade, also acting as a shading device.

27. An opaque roofed, saw tooth like canopy is proposed along both streets frontages with built in bench seating and planting opportunities evident within some of the street level window reveals. Windows comprise a mix regularly proportioned and large portal (circular) window's along the ground level street frontage with rectangular slot windows to the rear laneway. Horizontal, metal fin elements sit above both main street entrances. A feature metal deck roof with timber soffit (underside) at the top level houses a series of solar panels which will not be visible from the street.
28. 5sqm of business identification signage is proposed, with once sign each above the two street entrances. The signs will be of a simple design, internally illuminated and say "North Fitzroy Library and Community Hub".

Use

29. *Library*

- (a) Monday to Wednesday – 10am – 8pm;
- (b) Thursday – 10am – 6pm;
- (c) Friday – 1pm – 6pm;
- (d) Saturday – 10am – 3pm; and
- (e) Sunday – 2pm – 5pm

A maximum of 7 staff and 105 patrons.

30. *Maternal & Child Health Centre*

- (a) Monday to Friday – 10am – 3pm

A maximum of 2 staff.

31. *Community Rooms & Roof Garden*

- (a) Monday to Saturday – 10am – 10pm; and
- (b) Sunday – 10am – 6pm

A maximum of 170 people.

32. *Access Yarra*

- (a) Monday to Friday – 9am – 5pm

A maximum of 2 staff.

ESD commitments

33. A number of ESD commitments are proposed and include:

- (a) Aspiration to achieve a 6 Star, Green Building Council of Australia rating (world leader) which would be a national first;
- (b) Roof top solar panels; and
- (c) Basement water storage tank (22000 litres).

Landscaping

34. Minimal landscaping is proposed however vegetation is proposed in a series of planters in the roof garden and at street level, along both street frontages in a series of recessed planters.

General

35. No on-site vehicle parking is proposed;
34 bicycle parking spaces will be provided;
Weekly Council waste collection service is proposed.

Professional reports

36. Professional reports were submitted with the application including, transport impact, heritage impact, town planning, acoustic assessment, waste management and ESD.

Planning Scheme Provisions

Zoning

Residential 1 Zone (R1Z)

37. The subject site is located within the Residential 1 Zone pursuant to clause 32.01 of the Yarra Planning Scheme (the Scheme). The following objective is relevant to the consideration of the application:
- (a) In appropriate locations, to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs.
38. Pursuant to clause 32.01-1 of the Yarra Planning Scheme (the Scheme), a planning permit is required to use the site for a place of assembly and medical centre. A planning permit is also required for buildings and works associated with a permit required use pursuant to clause 32.01-6 of the Scheme. There are no decision guidelines within this zone for permit required uses and as such, the relevant Local Planning Policy Framework (LPPF) provisions and Particular Provisions of the Yarra Planning Scheme are of elevated relevance
39. Advertising sign requirements are at Clause 52.05. This zone is in Category 3.
40. It is noted that Council has resolved to zone this site Neighbourhood Residential – Schedule 1 (maximum height of 8m) as part of the State Government's new residential zonings. At the time of writing this report, it is unknown whether or not the new zones will be approved by the Minister for Planning as adopted by Council, or varied. Nonetheless, it is understood that any changes will include transitional arrangements requiring any application lodged before the Minister approves the new residential zones, to be assessed under the current Residential 1 Zone, i.e. the Neighbourhood Residential Zone is not be a relevant statutory consideration for this application.

Road Zone (RDZ1)

41. St Georges Road is located within a Category 1 Road Zone which includes the road formation and the adjacent footpaths. Therefore technically the canopy structure is located in the road zone. Pursuant to clause 36.04-2, a permit is required construct a building or construct or carry out works. The canopy structure is associated with the place of assembly and medical centre which a Section 2 uses in the Road Zone. The proposal was referred to VicRoads as the RDZ1 managing authority. Their response is outlined in the referral section of this report.

Overlays

Heritage Overlay Schedule 327 - North Fitzroy Precinct (HO327)

42. Pursuant to clause 43.01-1 of the Scheme, a planning permit is required to construct a building or construct or carry out works and to construct or display a sign. A number of decision guidelines are offered to assist decision makers with their consideration of the heritage impacts of a proposal. However, most importantly, Council has its own, local heritage policy against which a detailed assessment of the application will be offered, further into this report.

Public Acquisition Overlay – Schedule 3 (PAO3)

43. The subject site has already been acquired by Council (acquiring authority) for the purpose of creating a new library and community hub. This application will fulfil the intention of this overlay and it is unnecessary to consider it any further. In the event this development proceeds, the PAO can be removed from the site.

Particular Provisions and General Provisions

Clause 52.05 – Signage

44. Clause 52.05 of the scheme provides general guidance for signage where a planning permit is required. In an R1Z, Category 3 – High Amenity Area signage controls apply, where medium limitation is required. Business identification signage requires a planning permit as it is Section 2 signage. A number of decision guidelines are offered to assist decision makers with their consideration of applications for signage. However, most importantly, Council has its own local signage policy against which a detailed assessment of the application will be offered, further into this report.

Clause 52.06 – Car parking

45. Clause 52.06 of the Scheme requires adequate car parking for particular uses and developments. The two principal uses on the site will be place of assembly and medical centre, with all other components being ancillary to these uses. The following table outlines the resultant statutory car parking requirement.

Land Use	Size	Rate	No. required	No. proposed	Reduction sought
Place of Assembly	275 people	0.3 to each	82	0	
Medical Centre	2 practitioners	5 for the first, 3 for every other	8	0	
Total			90	0	90

46. The proposal generates a technical requirement for 90 on site car parking spaces. Given the design of the building with no provision for on-site car parking, a full reduction of the car parking requirement is proposed. Car parking matters will be discussed in further detail in the assessment section of this report.

Clause 52.07 – Loading and Unloading of Vehicles

47. Clause 52.07 provides guidance for the provision of on-site loading facilities. Space should be provided on the land for the loading and unloading of vehicles. A small space has been provided which could accommodate deliveries however, is substandard. Therefore, a permit is required to reduce the technical requirements. Loading/unloading considerations are offered in the assessment section of this report.

Clause 52.34 - Bicycle Facilities

48. Clause 52.34 of the Scheme requires the provision of bicycle facilities for particular uses and developments. In this instance, the place of assembly and medical centre generate a combined required for 8 on site bicycle parking spaces. As 34 bicycle parking spaces are provided (10 for staff) the technical requirement has been met.
49. Combined shower/change rooms are also provided however; do not have direct access from the staff bicycle storage area. In the event a planning permit is to be issued, a condition can easily rectify this.

Clause 65 – Decision Guidelines

50. The decision guidelines outlined in clause 65.01 of the Scheme are of relevance to the application. A thorough assessment against the relevant sections of the Scheme are outlined in the assessment section of this report.

Clause 67 – Applications under Section 96 of the Act

51. Clause 67 of the Scheme also applies. The clause applies to an application for a permit which, except for the provisions of the clause, would be made to the Minister in accordance with Section 96 of the Act.
52. Where Council is the permit applicant, any application it makes for a planning permit must ordinarily be approved by the Minister for Planning. Clause 67.01 lists uses and developments which are exempt from requiring the Minister's approval. In this instance, the use and development of the land for a place of assembly and medical centre is exempt.
53. Clause 67.02 requires that notice be given to adjoining land owners and occupiers.

State Planning Policy Framework (SPPF)

Clause 11.01-2 – Activity Centre Planning

54. The objective of this policy is:
 - (a) *To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres which provide a variety of land uses and are highly accessible to the community.*
55. A number of Strategies are offered to help achieve this objective. The most relevant are as follows:
 - (a) *Reduce the number of private motorised trips by concentrating activities that generate high numbers of (non-freight) trips in highly accessible activity centres;*
 - (b) *Improve access by walking, cycling and public transport to services and facilities for local and regional populations;*
 - (c) *Broaden the mix of uses in activity centres to include a range of services over longer hours appropriate to the type of centre and needs of the population served;*
 - (d) *Provide a focus for business, shopping, working, leisure and community facilities;*
 - (e) *Locate new small scale education, health and community facilities that meet local needs in or next to Neighbourhood Activity Centres; and*
 - (f) *Improve the social, economic and environmental performance and amenity of the centre.*

Clause 13.01-1 – Use of Contaminated and Potentially Contaminated Land

56. The objective of this policy is:
- (a) *To ensure that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely.*
57. The relevant Strategy states the following:
- (a) *Require applicants to provide adequate information on the potential for contamination to have adverse effects on the future land use, where the subject land is known to have been used for industry, mining or the storage of chemicals, gas, wastes or liquid fuel.*
58. The site's historic use as a petrol station will need to be considered and managed appropriately. In the event a planning permit is to be issued, conditions will need to be imposed ensuring adequate management, handling and removal of any contaminated material.

Clause 13.04-1 – Noise Abatement

59. The relevant Objective states the following:
- (a) *To assist the control of noise effects on sensitive land uses.*
60. The relevant Strategy states the following:
- (a) *Ensure that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area.*
61. In the event a planning permit is to be issued, conditions aimed at managing noise emissions can be included.

Clause 15.01-2 – Urban Design Principles

62. The Objective of this policy is:
- (a) To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.
63. In implementing this policy, there are 11 principles a development should have regard to. These principles are context, the public realm, safety, landmarks/views/vistas, pedestrian spaces, heritage, consolidation of sites and empty sites, light and shade, energy and resource efficiency, architectural quality and landscape architecture.

Clause 15.01-5 – Cultural Identity and Neighbourhood Character

64. The Objective of this policy is:
- (a) To recognise and protect cultural identity, neighbourhood character and sense of place.
65. The relevant Strategies are as follows:
- (a) ensure development responds and contributes to existing sense of place and cultural identity;

- (b) ensure development recognises distinctive urban forms and layout and their relationship to landscape and vegetation;
- (c) ensure development responds to its context and reinforces special characteristics of local environment and place by emphasising:
 - (i) the underlying natural landscape character;
 - (ii) the heritage values and built form that reflect community identity; and
 - (iii) the values, needs and aspirations of the community.

Clause 15.02-1 – Energy and Resource Efficiency

66. The Objective of this policy is:
- (a) to encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.
67. The relevant Strategies are as follows:
- (a) ensure that buildings and subdivision design improves efficiency in energy use;
 - (b) promote consolidation of urban development and integration of land use and transport;
 - (c) improve efficiency in energy use through greater use of renewable energy; and
 - (d) support low energy forms of transport such as walking and cycling.

Clause 15.03-1 – Heritage Conservation

68. The Objective of this policy is:
- (a) to ensure the conservation of places of heritage significance.
69. The relevant Strategies are as follows:
- (a) identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme;
 - (b) provide for the protection of natural heritage sites and man-made resources and the maintenance of ecological processes and biological diversity;
 - (c) provide for the conservation and enhancement of those places which are of, aesthetic, archaeological, architectural, cultural, scientific, or social significance, or otherwise of special cultural value;
 - (d) encourage appropriate development that respects places with identified heritage values and creates a worthy legacy for future generations;
 - (e) retain those elements that contribute to the importance of the heritage place;
 - (f) encourage the conservation and restoration of contributory elements;
 - (g) ensure an appropriate setting and context for heritage places is maintained or enhanced; and
 - (h) support adaptive reuse of heritage buildings whose use has become redundant.

Clause 17.01-1 – Business

70. The relevant Objective states the following:
- (a) *To encourage development which meet the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.*
71. The relevant Strategy states the following:
- (a) locate commercial facilities in existing or planned activity centres.
72. The appropriateness of the use is discussed in the assessment section of this report.

Clause 18.02-1 – Sustainable Personal Transport

73. The Objective of this policy is to:
- (a) *to promote the use of sustainable personal transport.*
74. A number of Strategies are offered to help achieve this objective. The most relevant are as follows:
- (a) *encourage the use of walking and cycling by creating environments that are safe and attractive;*
 - (b) *develop high quality pedestrian environments that are accessible to footpath-bound vehicles such as wheelchairs, prams and scooters; and*
 - (c) *ensure development provides opportunities to create more sustainable transport options such as walking, cycling and public transport.*
75. The proposal actively and deliberately aims to discourage the community from driving to the facility by providing no car parking. This will be discussed in the assessment section of this report.

Clause 18.02-2 – Cycling

76. The Objective of this policy is to:
- (a) *to integrate planning for cycling with land use and development planning and encourage as alternative modes of travel.*
77. A number of Strategies are offered to help achieve this objective. The most relevant are as follows:
- (a) *require the provision of adequate bicycle parking and related facilities to meet demand at education, recreation, shopping and community facilities and other major attractions when issuing planning approvals; and*
 - (b) *ensure provision of bicycle end of trip facilities in commercial buildings.*
78. The proposal provides adequate bicycle parking provision and subject to the already mentioned condition, is an acceptable planning outcome.

Local Planning Policy Framework (LPPF)

Clause 21.03 - Vision

79. Clause 21.03 outlines the “Vision” for the City of Yarra; described around four key themes; Land Use, Built Form, Transport and Environmental Sustainability. The key vision statements for each of the themes are highlighted as follows:
80. Land Use:
- (a) the complex land use mix characteristic of the inner City will provide for a range of activities to meet the needs of the community; and
 - (b) Yarra's exciting retail strip shopping centres will provide for the needs of local residents, and attract people from across Melbourne.
81. Built Form:
- (a) will Yarra have a distinctive identity as a low-rise urban form, with areas of higher development and highly valued landmarks; and
 - (b) all new development will demonstrate design excellence.
82. Transport:
- (a) local streets will be dominated by walkers and cyclists; and
 - (b) most people will walk, cycle and use public transport for the journey to work.
83. Environmental Sustainability:
- (a) buildings throughout the City will adopt state-of the-art environmental design.

Clause 21.04-2 – Activity Centres

84. Objective 4 - To maintain a balance between local convenience and regional retail roles in Yarra's activity centres.
85. A number of Strategies are offered to achieve the above and following Objectives. The most relevant are as follows:
- (a) Strategy 4.1 - Increase the range of retail, personal and business services, community facilities, and recreation activities, within individual centres; and
 - (b) Strategy 4.3 - Support the role of all activity centres, including Neighbourhood Activity Centres, in providing local day-to-day needs of residents of all abilities.
86. Objective 5 - To maintain the long term viability of activity centres:
- (a) Strategy 5.2 - Support land use change and development that contributes to the adaptation, redevelopment and economic growth of existing activity centres.

Clause 21.04-4 – Community Facilities, Hospitals and Medical Services

87. Objective 9 - To provide community services that meet the needs of a diverse and changing community.
88. Objective 10 - To provide accessible community services:

- (a) Strategy 10.1 - Encourage community facilities and services to co-locate and to locate within or adjacent to activity centres and locations that support multipurpose trips and shared parking arrangements for people of all abilities; and
- (b) Strategy 10.2 - Encourage community facilities to locate where they are easily accessible by public transport.

Clause 21.05-1 – Heritage

- 89. Objective 14 - To protect and enhance Yarra's heritage places:
 - (a) Strategy 14.3 - Protect the heritage skyline of heritage precincts;
 - (b) 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;
 - (c) Strategy 14.8 - Apply the Development Guidelines for sites subject to a Heritage Overlay policy at clause 22.02; and
 - (d) Strategy 14.9 - Apply the Landmarks and Tall Structures policy at clause 22.03.

Clause – 21.05-2 – Urban Design

- 90. Objective 17 - To retain Yarra's identity as a low-rise urban form with pockets of higher development:
 - (a) 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:
 - (i) Significant upper level setbacks;
 - (ii) Architectural design excellence;
 - (iii) Best practice environmental sustainability objectives in design and construction;
 - (iv) High quality restoration and adaptive re-use of heritage buildings;
 - (v) Positive contribution to the enhancement of the public domain; and
 - (vi) Provision of affordable housing.
 - (b) Strategy 17.3 Apply the Landmarks and Tall Structures policy at clause 22.03.
- 91. Objective 18 - To retain, enhance and extend Yarra's fine grain street pattern:
 - (a) Strategy 18.2 - Enhance the amenity of laneways by applying the Development Abutting Laneway policy at Clause 22.07.
- 92. Objective 19 - To create an inner city environment with landscaped beauty.
 - (a) Strategy 19.1 - Require well resolved landscape plans for all new development.
- 93. Objective 20 - To ensure that new development contributes positively to Yarra's urban fabric.
 - (a) Strategy 20.1 - Ensure development is designed having particular regard to its urban context and specifically designed following a thorough analysis of the site, the neighbouring properties and its environs; and
 - (b) Strategy 20.3 Reflect the fine grain of the subdivision pattern in building design where this is part of the original character of the area.

94. Objective 21 - To enhance the built form character of Yarra's activity centres:
- (a) Strategy 21.1 - Require development within Yarra's activity centres to respect and not dominate existing built form;
 - (b) 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; and
 - (c) Strategy 21.3 - Support new development that contributes to the consolidation and viability of existing activity centres.

95. Objective 22 - To encourage the provision of universal access in new development:

- (a) Strategy 22.1 - Encourage applicants to take into account the access needs of all people in the design of new buildings.

Clause 21.05-4 – Public Environment

96. Objective 28 - To provide a public environment that encourages community interaction and activity:

- (a) Strategy 28.1 - Encourage universal access to all new public spaces and buildings; and
- (b) Strategy 28.2 - Ensure that buildings have a human scale at street level.

97. Objective 29 - To ensure that advertising signage contributes positively to Yarra.

- (a) Strategy 29.1 Apply the Advertising Signs Policy at clause 22.04.

Clause 21.06-1 – Walking and Cycling

98. Objective 30 - To provide safe and convenient pedestrian and bicycle environments:

- (a) Strategy 30.1 - Improve pedestrian and cycling links in association with new development where possible;
- (b) Strategy 30.2 - Minimise vehicle crossovers on street frontages; and
- (c) Strategy 30.3 - Use rear laneway access to reduce vehicle crossovers.

Clause 21.06-2 – Public Transport

99. Objective 31 - To facilitate public transport usage.

- (a) Strategy 31.1 - Require new development that generates high numbers of trips to be easily accessible by public transport.21.06-3.

Clause 21.06-3 – The Road System and Parking

100. Objective 32 - To reduce the reliance on the private motor car:

- (a) Strategy 32.1 - Provide efficient shared parking facilities in activity centres.

101. Objective 33 - To reduce the impact of traffic:

- (a) Strategy 33.1 - Ensure access arrangements maintain the safety and efficiency of the arterial and local road networks.

Clause 21.07-1 – Ecologically Sustainable Development

102. Objective 34 - To promote ecologically sustainable development:

- (a) Strategy 34.1 Encourage new development to incorporate environmentally sustainable design measures in the areas of energy and water efficiency, greenhouse gas emissions, passive solar design, natural ventilation, stormwater reduction and management, solar access, orientation and layout of development, building materials and waste minimisation.

Clause 21.08 – Neighbourhoods (Fitzroy North)

103. As highlighted earlier in this report, the North Fitzroy Village is a Neighbourhood Activity Centre noted for its mixed use, convenience retailing and St Georges Road interface. Edinburgh gardens, the former Melbourne Rail Loop (Linear park), Victorian and Edwardian building stock are all special features of the suburb.

Relevant Local Policies

Clause 22.01 – Discretionary Uses in the Residential 1 Zone

104. The Objective of this policy is:

- (a) To ensure that residential amenity is not adversely affected by non-residential uses.

105. It is policy that:

- (a) existing buildings constructed for non-residential purposes are the preferred location for non-residential uses;
- (b) food and drink premises, places of assembly, places of worship and plant nurseries should have access to and adjoin a road in a Road Zone;
- (c) except on land adjoining and gaining direct access from a road in a Road Zone;
 - (i) all required car parking should be on-site;
 - (ii) the scale of the proposed use should be compatible with providing service to the local residential community; and
- (d) hours of operation should be limited to 8am to 8pm except for convenience shop;
- (e) new buildings and works should be consistent with the scale, bulk and character of the area; and
- (f) noise emissions should be compatible with a residential environment.

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

106. The Objectives of this policy are:

- (a) to conserve Yarra's natural and cultural heritage;
- (b) To conserve the historic fabric and maintain the integrity of places of cultural heritage significance;
- (c) to retain significant view lines to, and vistas of, heritage places;
- (d) to preserve the scale and pattern of streetscapes in heritage places;
- (e) to encourage the preservation, maintenance, restoration and where appropriate, reconstruction of heritage places;

- (f) to ensure the adaptation of heritage places is consistent with the principles of good conservation practice;
- (g) to ensure that additions and new works to a heritage place respect the significance of the place;
- (h) to encourage the retention of 'individually significant' and 'contributory' heritage places; and
- (i) to protect archaeological sites of cultural heritage significance.

107. Given the site is vacant the policy components that guide demolition are irrelevant. Policy components that relate to the new building are as follows:

Clause 22.02-5.7.1 - General

- (a) encourage the design of new development and alterations and additions to a heritage place or a contributory element to a heritage place to:
 - (i) respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape;
 - (ii) be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place;
 - (iii) be visually recessive and not dominate the heritage place;
 - (iv) be distinguishable from the original historic fabric;
 - (v) not remove, cover, damage or change original historic fabric;
 - (vi) not obscure views of principle façades; and
 - (vii) consider the architectural integrity and context of the heritage place or contributory element; and
- (b) encourage setbacks from the principal street frontage to be similar to those of adjoining contributory buildings; where there are differing adjoining setbacks, the greater setback will apply;
- (c) encourage similar façade heights to the adjoining contributory elements in the street. Where there are differing façade heights, the design should adopt the lesser height;
- (d) minimise the visibility of new additions by:
 - (i) locating ground level additions and any higher elements towards the rear of the site;
 - (ii) encouraging ground level additions to contributory buildings to be sited within the 'envelope' created by projected sight lines (see Figure 1);
 - (iii) encouraging upper level additions to heritage places to be sited within the 'envelope' created by projected sight lines (for Contributory buildings refer to Figure 2 and for Individually significant buildings refer to Figure 3);
 - (iv) encouraging additions to individually significant places to, as far as possible, be concealed by existing heritage fabric when viewed from the front street and to read as secondary elements when viewed from any other adjoining street; and
- (e) discourage elements which detract from the heritage fabric or are not contemporary with the era of the building such as unroofed or open upper level decks or balconies, reflective glass, glass balustrades and pedestrian entrance canopies.

108. *Clause 22.02-5.7.2 – Specific Requirements (where there is a conflict or inconsistency between the general and specific requirements, the specific requirements prevail)*

Corner Sites and Site with Dual Frontages:

- (a) encourage new building and additions on a site with frontages to two streets, being either a corner site or a site with dual street frontages, to respect the built form and character of the heritage place and adjoining or adjacent contributory elements to the heritage place; and
- (b) encourage new buildings on corner sites to reflect the setbacks of buildings that occupy other corners of the intersection.

109. *Ancillaries and Services*

- (a) encourage ancillaries or services such as satellite dishes, shade canopies and sails, access ladders, air conditioning plants, wall and roof top mounted lighting, roof top gardens and their associated planting, water meters, and as far as practical aerials, to contributory or significant buildings, to be concealed when viewed from street frontage;
- (b) where there is no reasonable alternative location, ancillaries and services which will reduce green-house gas emissions or reduce water consumption, such as solar panels or water storage tanks, or provide universal access (such as wheel chair ramps), may be visible but should be sensitively designed;
- (c) encourage ancillaries or services in new development to be concealed or incorporated into the design of the building; and
- (d) encourage ancillaries or services to be installed in a manner whereby they can be removed without damaging heritage fabric.

110. Heritage considerations are offered in the assessment section of this report.

Clause 22.03 – Landmarks and Tall Structures

111. The Objective of this policy is:

- (a) to maintain the prominence of Yarra's valued landmarks and landmark signs.

112. It is policy to:

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

113. The policy highlights a number of landmarks which are to be protected and maintained as principal built form references. The relevant landmark in this instance is the silhouette/profile of the spire on the corner of Watkins Street and St Georges Road (St Luke's), seen from the intersection of Brunswick Street with Victoria Parade.

114. The subject site is located 305m to the north-east of St Lukes, on the opposite side of St George's Road. Given the alignment of St Georges Road, the distance between the sites, the scale of the proposed development and existing three-storey developments between both sites, the proposal will not have any impacts on St Lukes from the intersection of Brunswick Street with Victoria Parade.

Clause 22.04 – Advertising Signs Policy

115. The Objectives of this policy are:
- (a) to allow for the promotion of goods and services;
 - (b) to ensure that signs contribute to and do not detract from the visual amenity of commercial precincts, activity centres and residential areas;
 - (c) to minimise visual clutter;
 - (d) to ensure that signs are not the dominant element in the streetscape;
 - (e) to protect and enhance the character and integrity of places of heritage significance;
 - (f) to protect major view corridors and vistas; and
 - (g) to maintain vehicular and pedestrian safety.
116. A number of general decision guidelines are offered that relate to the design, streetscape, construction/support, illumination/animation, residential areas, commercial/industrial areas and heritage areas. Clause 22.04-3.8 provides specific guidance for new signage in heritage areas, with the following policy components:
- (a) new high wall signs, major promotion signs, promotion signs, panel signs, pole signs, internally illuminated and animated signs, and sky signs are discouraged;
 - (b) existing original heritage signs or advertising features should be conserved and enhanced;
 - (c) the number of signs should be limited;
 - (d) new signs should be small and restrained in design; and
 - (e) ensure that signs do not obscure the heritage features of the building.
117. Simply designed, minimal extent signage has been proposed. The signage will be discussed in the assessment section of this report.

Clause 22.05 – Interface Uses Policy

118. The Objectives of this policy 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.
119. A number of guidelines are offered to assist with determining the acceptability of new use or development applications. Clause 22.05-4.2 suggests that new non-residential development is to be designed to/so that:
- (a) New non-residential development is to be designed to / so that:
 - (i) minimise the potential for unreasonable overlooking of private open space areas and into habitable room windows of adjoining residential properties, through the use of appropriate siting, setbacks, articulation and possibly screens;
 - (ii) the location, length and height of any wall built to a boundary not adversely impact on the amenity of any adjoining residential properties in terms of unreasonable overshadowing of private open space, visual bulk or loss of day light to habitable room windows;

- (iii) where private open space and/or windows to adjoining residential properties are unreasonably affected, appropriate set-backs from boundaries are to be provided to address loss of daylight, overshadowing and visual bulk impacts;
 - (iv) provide for a high level of acoustic protection to adjoining residential properties by:
 - locating plant and other service infrastructure (including automatic garage doors) in discrete locations;
 - using masonry wall construction rather than, for example, curtain walling;
 - building in effective acoustic insulation; and
 - (v) minimise noise transmission within the building, including from machinery and ventilation systems, between floors or separate units and to adjoining residential properties.
 - (vi) minimise the opportunity for views from adjoining residential properties into the site, especially where the storage, preparation, business or industrial activity could present an unsightly appearance; and
 - (vii) minimise the opportunity for light spill due to fixed or vehicular lights, outside the perimeter of the site and on to habitable room windows of nearby residential properties.
120. Clause 22.05-4.3 provides guidance in relation to commercial waste and suggests the following:
- (a) business and industrial use is to ensure that commercial waste (solid, gas and liquid) management practices, storage and disposal are carried out with a minimum of odour and noise disruption to nearby residential properties; and
 - (b) a Waste Management Plan that includes details of proposed waste management practices, storage and disposal will be required where waste disposal, collection or storage may cause unreasonable detriment to the amenity of adjoining residential properties.
121. Clause 22.05-4.4 provides guidance in relation to construction management and suggest the following:
- (a) all developments are to ensure that construction times, storage and disposal methods minimise disruption to nearby residential and business uses.
122. In relation to applications for non-residential development, the following decision guidelines are offered:
- (a) the extent to which the proposed buildings or uses may cause overlooking, overshadowing, noise, fumes and air emissions, light spillage, waste management and other operational disturbances that may cause unreasonable detriment to the residential amenity of nearby residential properties; and
 - (b) whether the buildings or uses are designed or incorporate appropriate measures to minimise the impact of unreasonable overlooking, overshadowing, noise, fumes and air emissions, light spillage, waste management and other operational disturbances on nearby residential properties.
123. The impacts of the proposal will be discussed in the assessment section of this report.
- Clause 22.07 – Development Abutting Laneways*
124. The Objectives of the policy are:
- (a) to provide an environment which has a feeling of safety for users of the laneway;

- (b) to ensure that development along a laneway acknowledges the unique character of the laneway;
- (c) to ensure that where development is accessed off a laneway, all services can be provided to the development; and
- (d) to ensure that development along a laneway is provided with safe pedestrian and vehicular access.

125. It is policy that:

- (a) where vehicular movement in the laneway is expected to cause a material traffic impact, a traffic impact assessment report be provided to demonstrate that the laneway can safely accommodate the increased traffic;
- (b) where alternative street frontage is available, pedestrian access from the street be provided;
- (c) pedestrian entries be separate from vehicle entries;
- (d) pedestrian entries be well lit to foster a sense of safety and address to a development. Existing lights may need to be realigned, or have brackets or shields attached or additional lighting may be required;
- (e) lighting be designed to avoid light spill into adjacent private open space and habitable rooms;
- (f) vehicle access be provided to ensure ingress and egress does not require multiple vehicular movements;
- (g) windows and balconies overlook laneways but do not unreasonably overlook private open space or habitable rooms on the opposite side of the laneway;
- (h) development respect the scale of the surrounding built form;
- (i) development not obstruct existing access to other properties in the laneway;
- (j) doors to car storage areas (garages) not protrude into the laneway;
- (k) the laneway not be used for refuse storage;
- (l) all laneway upgrading's which provide improved access to the development be funded by the developer; and
- (m) the laneway meet emergency services access requirements.

126. Laneway impacts and the appropriateness of the proposal are considered in the assessment section of this report.

Clause 22.16 – Stormwater Management (Water Sensitive Urban Design)

127. This policy applies to all new buildings and has the following Objectives:

- (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;

- (c) to mitigate the detrimental effect of development on downstream waterways, by the application of best practice stormwater management through water sensitive urban
- (d) design for new development;
- (e) to minimise peak stormwater flows and stormwater pollutants to improve the health of water bodies, including creeks, rivers and bays; and
- (f) to reintegrate urban water into the landscape to facilitate a range of benefits including microclimate cooling, local habitat and provision of attractive spaces for community use and wellbeing.

128. It is policy to:

- (a) require that development applications provide for the achievement of the best practice performance objectives for suspended solids, total phosphorus and total nitrogen, as set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended);
- (b) require the use of stormwater treatment measures that improve the quality and reduce the flow of water discharged to waterways. This can include but is not limited to:
 - (i) collection and reuse of rainwater and stormwater on site;
 - (ii) vegetated swales and buffer strips;
 - (iii) rain gardens;
 - (iv) installation of water recycling systems;
 - (v) multiple uses of water within a single manufacturing site; and
 - (vi) direction of flow from impervious ground surfaces to landscaped areas; and
- (c) encourage the use of measures to prevent litter being carried off-site in stormwater flows, including:
 - (i) appropriately designed waste enclosures and storage bins; and
 - (ii) the use of litter traps for developments with the potential to generate significant amounts of litter; and
- (d) encourage the use of green roofs, walls and facades on buildings where practicable (to be irrigated with rainwater/stormwater) to enhance the role of vegetation on buildings in managing the quality and quantity of stormwater.

129. Decision guidelines are as follows:

- (a) the extent to which the development meets the objectives and requirements of this policy;
- (b) the Water Sensitive Urban Design Response;
- (c) whether the application meets the best practice performance objective and treatment measures;
- (d) whether the proposal is designed and incorporates works to maintain, or improve, the quality of stormwater within or exiting the site;
- (e) whether the proposal will significantly add to the stormwater discharge or adversely affect water quality entering the drainage system;
- (f) opportunities for water conservation and reuse that influence the use of water sensitive urban design; and
- (g) the level of ongoing management required to achieve and maintain the desired stormwater quality measures that will be used during the construction phase to prevent a loss of stormwater quality as a result of building activities, such as silt traps.

130. The application was significantly progressed before this new policy was introduced into the planning scheme. Nonetheless, stormwater management and broader ESD initiatives are discussed in the assessment section of this report.

Advertising

131. Notification of the application was required pursuant to Section 52 of the Planning and Environment Act 1987 (the Act). Four (4) notices were displayed on the site, 532 letters were sent to surrounding landowners/occupiers and a notice was included in the local paper. Given the significance of the proposal, notification was undertaken for one month instead of the usual 14 days. Council received 7 objections to the proposal and 3 submissions in support.

Summary of objections

132. The objections are summarised as follows:

- (a) general building appearance (dark colours and too many materials);
- (b) layout and location of entrances;
- (c) design of the canopy structure;
- (d) overlooking;
- (e) overshadowing;
- (f) parking and traffic; and
- (g) landscaping (lack of).

Public Information Session

133. A public information session was held on 15 April 2014. Eight (8) interested parties attended, as well as some Councillors and a number of Council Officers. A number of concerns and suggestions were discussed.

Consultation Meeting

134. A planning consultation meeting was held on 29 May 2014 and attended by 5 objectors, Council officers and a Ward Councillor. Objectors concerns were discussed at length, though no specific resolution was reached. An objector from Best Street asked to see winter shadow diagrams to which the Applicant agreed to provide. The planning officer highlighted that Winter overshadowing could not be considered in any statutory assessment of the application. The winter shadow diagrams were supplied via email to the relevant objector. Objectors concerns are discussed in more detail in the assessment section of this report

Referrals

External Referrals

VicRoads

135. The application was referred externally to VicRoads who did not object to the proposal subject to the following conditions:

- (a) *the signs must not be flashing or reflective; and*
- (b) *the luminance of the advertising sign must be such that it does not give a veiling luminance to the driver, of greater than 0.25 cd/m², throughout the driver's approach to the advertising sign.*

136. The following note was also recommended:

- (a) *the proposed permanent canopy must be in accordance with section 63, Interference with a road, of the "Road Management Act". Furthermore, Regulation 507 of Part 5 - Allotments and Projections of the Building Regulations 2006 must also be adhered to.*

Internal Referrals

137. The application was referred for advice in relation to Heritage, Engineering, Ecologically Sustainable Development (ESD), Urban Design, Waste Management and Acoustics.

138. The advice is summarised below, as follows:

Heritage

139. Council's Heritage Advisor recommended the proposal be approved without any changes and in closing, offered the following comments:

- (a) *first, being a community and public building, the design needs to make a statement so as to identify its presence. A contemporary design is acceptable and appropriate, of itself however, it must also be an appropriate response to the heritage characteristics of the immediate context and this design has achieved an appropriate response. The elevations and 3D images show that the design is both distinctive but also architecturally polite in its response to the pattern and rhythm of the St. Georges Road streetscape and which is also acceptable in the context of Best Street. The building adopts the same zero setback which typifies the area and maintains a strong street wall; the height is similar to that of the Victorian shops and the materials respond to those in the immediate context while also including new and different elements which blend together through the use of colour and texture; and*
- (b) *the building will be a worthy legacy for the future.*

Engineering Services

140. Council's Senior Development Engineer provided advice in relation to the car parking reduction, traffic impacts and drainage. In relation to the car parking reduction, the following advice was offered:

- (a) *the proposed North Fitzroy Community hub will comprise a number of community based land uses which include a library; community meeting rooms and roof garden; a maternal and child health centre; a child playgroup; and an Access Yarra community service desk. According to the submitted report, the hub would have a total statutory car parking requirement of 89 spaces. The site is triangular in shape and is bounded by St Georges Road, Best Street and a Right of Way. No off-street car parking will be provided. Nine staff bicycle spaces will be provided on-site. It is also proposed to install 12 on-street bicycle hoops on the west side of Best Street;*
- (b) *the community hub is located within the St Georges Road activity centre and is adjacent to residential uses. Patrons and citizens utilising the various uses of the site would either reside within walking distance or visit the St Georges Road activity centre whilst in the area engaged in other activities or business (multi-purpose visits/trips). As with several other community based facilities throughout Yarra, persons who choose to drive would attempt to find an on-street parking space. The results of the GTA parking occupancy study of the surrounding area indicates the morning/early afternoon weekday on-street parking occupancy peak was around 79% and for the weekday afternoon peak was at 84% (occurring at 3:30pm). At 6:00pm and 7:00pm, the parking occupancy was recorded at 61% and 59%. On a Saturday, the peak parking occupancy was observed at 73 %, recorded at 12:30pm. Although the results indicate*

that the level of on-street parking levels are moderate to high, visitors to the hub should be able to find an on-street parking space should they choose to drive;

- (c) *the site is well positioned in terms of public transport, with frequent tram services operating along St Georges Road and bus services operating in Scotchmer Street. In addition, the site has connectivity to the on-road bicycle network. The provision of bicycle parking facilities would assist in off-setting the reduction in the car parking requirement of the site; and*
 - (d) *in summary, the report prepared by GTA is thorough and well presented, and adequately justifies the parking reduction associated with the various community based uses for the library and community hub. The existing on-street parking occupancy rates of the St Georges Road/Scotchmer Street area are consistent with our own anecdotal observations and local knowledge of the area.*
141. In relation to traffic generation, the following advice was offered:
- (a) *given that the site has no off-street parking, it is agreed that traffic associated with the library and community hub would be spread out over the course of any day and not be concentrated within peak hours. The multiplicity of traffic movements within and surrounding this part of North Fitzroy would make it very difficult to notice any traffic impact from the site. A proportion of trips to the site by motor vehicle would form part of multi-purpose trips that are common in activity centres/commercial areas.*

142. In relation to drainage, the following comments were offered:

- (a) *a Legal Point of Discharge under Regulation 610 – Stormwater Drainage of the Building Regulations 2006 from Yarra Building Services unit;*
- (b) *any storm water drainage within the property must be provided and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), to Council's satisfaction under Section 200 of the Local Government Act 1989 and Regulation 610; and*
- (c) *areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, valves or meters on Council property will be accepted.*

ESD

143. Council's ESD Advisor noted that the proposal meets Council's ESD Standards. The application's ESD commitments were noted as follows:

- (a) *5 Star Green Star standard;*
- (b) *Building design that achieves a 40% improvement over the reference case in the Green Star V1 Ene-1 modelling protocol, which considerably exceeds the BCA requirements for HVAC, lighting and ventilation.*
- (c) *water efficient appliances and fittings;*
- (d) *shading to eliminate 95% of all direct solar gain;*
- (e) *high VLT to ensure 30% of area achieves 2.0% daylight factor minimum;*
- (f) *CO2 monitoring to control and ensure good ventilation standards;*
- (g) *a target of 80% for recycling the existing building materials has been set;*
- (h) *bicycle parking, showers and lockers to support staff cycling to work;*
- (i) *solar PV for onsite electricity generation;*
- (j) *recycled content in concrete and steel used onsite; and*
- (k) *low VOC paints sealants and adhesives.*

144. The application's ESD deficiencies were noted by the Council's ESD Officer as follows:
- (a) *the SMP commits to a 5 Star Green Star standard, which is commendable. However, as a Council 'major project' it is required by Council's own ESD Buildings Policy to meet a 6 Star Green Star standard. Using the Public Buildings Green Star tool, a 6 Star standard represents an Australian first and should be pursued with all possible resources and technologies. I strongly recommend that all reasonable endeavours are undertaken to achieve this goal and I offer my continued support; and*
 - (b) *no STORM report has been provided. As discussed with the project manager, best practice stormwater management standards must be met. The SMP commits to rainwater tank-toilet flush system; however the size and nature of this has not been finalised at this point in time, although a combination of a raingarden treatment bed and a rainwater tank-toilet flush is proposed. The exact size and location of each stormwater management component can be updated during the detailed design stage, as long as a 100% STORM score can be met. Continue to liaise with internal ESD advisor and drainage engineers to assist this detail design stage. Please supply an updated STORM report when possible.*
145. A final suggestion for improvement was offered, as follows:
- (a) *no information regarding hot water was submitted with the SMP. I recommend considering highly efficient options such as; waste heat/heat recovery from boilers (or cogen), 5 star instantaneous gas hot water systems or highly efficient electric instantaneous, (such as Steibel Eltron), or similar.*
146. Council's ESD Advisor has had ongoing discussions with the permit applicant in relation to stormwater management options for the building and has advised that there are a number of options for using rainwater tanks and rain gardens, all of which would satisfy Council's local policy (clause 22.06). In response to the referral advice, a STORM report was submitted confirming a 100% score. The STORM report was referred to Council's ESD Advisor who was comfortable that the STORM report will meet Council's ESD standards.

Urban Design

147. Council's Urban Design Unit have reviewed the proposal and noted it as being generally acceptable but requiring the following improvements:
- (a) *improvements to the entry to the facility from St Georges Road. It is considered that the proposed entrance would not be easily identifiable. Considering that the building would be a community hub, a prominent entry is required. The proposed canopy over the entrance being the same as along rest of length of the façade and considering the different window treatments and circular windows at few places, it will be difficult to easily identify where the entrance is. To improve this aspect following suggestion is made:*
 - (i) *Re-design of the canopy over the entrance, possibly a double height.*
 - (b) *as above a redesign of the canopy over the entrance from Best Street will also improve the other entry;*
 - (c) *redesign of the narrow slit windows in the southernmost section of the building facing St Georges Road (section south of the entry) to a window shape that can better relate to the design detailing of the rest of the building;*
 - (d) *it is not very clear from the drawings whether there are double doors at the entrance. If not, the indentation of the entrance would have safety issues. Clarifications are required to this affect and one of the solutions could be rounding of the other side of the wall; and*

- (e) *clarification is also required about the seats on the footpath in front of the St Georges Road entry. The proposed seating arrangement as shown in the perspective views would block the entry from the car parks.*

Waste Management

- 148. The application was referred to Council's Services Contracts Unit for advice in relation to waste management. Council collections services are likely to be utilised with waste collected from St Georges Road. The waste management plan was considered to be satisfactory.

Acoustics

- 149. As Council does not employ an acoustic engineer, the services of SLR Consulting (Acoustic Engineers) were utilised to advise on potential noise impacts of the proposal. The following advice was received:
 - (a) *details of the existing residential buildings appear to be incorrect and as a consequence it is likely that the calculated levels of patron and music provided in the MDA report are low (i.e. they underestimate the height of the receptor). We recommend that building heights be more accurately determined and that this information be used to update the noise model;*
 - (b) *SLR predicted levels appear to be 3 to 4 dB higher than MDA levels. The source of this discrepancy should be identified (it is not wholly accounted for by the differences in assumed building heights);*
 - (c) *SLR calculations of patron noise to receptors are up to 5 dB above the identified limits. In our opinion exceedances of the nominated patron noise limit of 55 dBA should not be tolerated unless there is:
 - (i) *a commitment to follow up acoustic testing to demonstrate that the identified criteria are not exceeded; and*
 - (ii) *practical administrative and / or engineering noise control measures available to control noise, should the measured levels be found to be non-compliant; and**
 - (d) *any follow up assessment should also include a reassessment of background noise levels at residential receptor locations; and*
 - (e) *details of the construction assumed in calculations of music noise from inside the community rooms are not provided. In our opinion, some constraints are likely to be required to ensure that music from the louder considered source (the wedding band) are adequately controlled. It is suggested that the proposed construction of the roof / ceiling of the community rooms be provided.*

Referral advice conclusion

- 150. Generally speaking, the referral advice received provides support for the proposal and suggestions/recommendations can be ensured via planning permit conditions, should Council be of a mind to support the application.

OFFICER ASSESSMENT

- 151. The main considerations for this application are:
 - (a) appropriateness of the use;
 - (b) design, built form and heritage (including signage);
 - (c) ESD;
 - (d) amenity impacts;
 - (e) traffic, parking and loading; and
 - (f) objector concerns.

Appropriateness of the use

152. In considering the use of the land, the purpose of the Residential 1 Zone and Council's local policy guiding discretionary uses are the most relevant considerations. However, it is important to highlight that there is a plethora of planning scheme policy at both the State and Local levels which suggest the proposed use is an acceptable planning outcome. For example, at clause 11, uses that provide local services within neighbourhood Activity Centres are encouraged. Similarly, at the local level, Council's land use vision supports a range of activities to be provided in activity centres and also maintain the long term viability of centres.
153. A key purpose of the Residential 1 Zone is to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs, in appropriate locations. It must be acknowledged that the subject site is not located in a purely residential environment and has no immediate residential abutments. It is considered to be an acceptable location for a non-residential use.
154. The subject is located on a busy main road, in a designated Neighbourhood Activity Centre that has good access to public transport and well-connected cycling paths. The library and community hub will directly service the local community and provide a much planned for service, satisfying this purpose of the zone.
155. In terms of local policy, the following assessment is offered (Clause 22.01 – Discretionary Uses in the Residential 1 Zone):
- (a) existing buildings constructed for non-residential purposes are the preferred location for non-residential uses:
 - (i) N/A given the site is vacant however, it is important to acknowledge the site's previous use as a petrol station. Its previous commercial use supports the continuation of a non-residential use on the site.
 - (b) food and drink premises, places of assembly, places of worship and plant nurseries should have access to and adjoin a road in a Road Zone:
 - (i) the site has direct access to St Georges Road which is a main road and a designated road zone.
 - (c) Except on land adjoining and gaining direct access from a road in a Road Zone;
 - (i) all required car parking should be on-site; and
 - (ii) the scale of the proposed use should be compatible with providing service to the local residential community; and
 - (d) no on site car parking is proposed for this development, understood to be a deliberate Council imperative to lead the way in reducing private motor vehicle usage. Car parking considerations are outlined in more detail further into the assessment section of this report.
156. The library and community hub will service local needs and as a community facility, has strong support, particularly at the local level. Community rooms and roof top garden will be available for community use, to be managed via venues and events, in a similar manner to other Council facilities.
- (a) Hours of operation should be limited to 8am to 8pm except for convenience shop:
 - (i) specific use components have been outlined in the proposal section of this report. The library and community hub will contain a number of different components, including library, maternal and child health, community rooms and roof garden and general staff compliment. The maximum spread of hours, inclusive of all components will be 9:00am to 10:00pm. All operating hours comply with the local

policy with the exception of the 10:00pm closing time for the community rooms and roof garden, which may be hired out for community use; and

- (ii) it must be acknowledged that the local policy is offered as a guide only and strict adherence to its provisions is not always necessary. A two hour variation to the closing time for one component of the proposal is considered acceptable in this instance having regard to the Neighbourhood Activity Centre location, the existing nearby commercial zoning and non-residential uses and the potential future ability for Council to further control use of the land via venues and events in hiring out space for public use. In all likelihood, Council, as landlord, will have the ability to further restrict use of the facility, if need be. Nonetheless, in the event a planning permit is to be issued, permit conditions can be included to provide certainty around the more sensitive operational components of the proposal; and
- (b) new buildings and works should be consistent with the scale, bulk and character of the area:
- (i) the new building has been carefully designed to respond to its context in terms of its size, appearance and the material used. At three storeys, with a roof top terrace, it is directly comparable to nearby commercial heritage buildings, converted residential buildings and new infill development within the NAC. The building relates to its context but will be distinguishable from significant heritage stock; and
 - (ii) whilst the appearance of the building may be a matter of subjective preference, professional referral comments have not raised any significant design issues and in fact, are quite complimentary of the proposal, particularly the heritage advice. Design, built form and heritage matters are assessed in more details further into this report; and
- (c) Noise emissions should be compatible with a residential environment:
- (i) as outlined above, the subject site is not located in a pure residential environment. Edinburgh Gardens, nearby commercial uses, St Georgas Road traffic and Fitzroy North Primary School all combine to create a lively and sometimes noisy local environment; and
 - (ii) the library, maternal and child health, playgroups and office areas are unlikely to create noise emissions that would be any more detrimental than surrounding, non-residential uses especially considering they are all contained within the building. The community rooms and rooftop garden have the potential to be noisy if not managed properly and sound conditions are not imposed on any planning permit issued. Noise emissions are discussed in more detail further into this assessment.
157. It is noted that the local policy does not provide guidance on staff or patron numbers and therefore affords a level of flexibility for Council in exercising its discretion in terms of control. As highlighted above, it is only the community rooms and roof top garden which are likely to be potential noise sources and therefore, should be controlled via planning permit conditions should Council be of a mind to support the application. Standard conditions can be included in this regard.

Design, Built Form and Heritage (including signage)

158. The most relevant considerations in regards to design, built form and heritage matters are as follows:
- (a) Clause 15.01-2 – Urban Design Principles;
 - (b) Clause 22.02 - Development Guidelines for Sites Subject to the Heritage Overlay;
 - (c) Clause 22.04 – Advertising Signs Policy; and
 - (d) Clause 22.07 – Development Abutting Laneways.

Clause 15.01-2 – Urban Design Principles

159. In terms of the State provisions, the following assessment is offered against the urban design principles outlined at Clause 15.01-2:

(a) *context:*

- (i) *development must take into account the natural, cultural and strategic context of its location;*
- (ii) *planning authorities should emphasise urban design policies and frameworks for key locations or precincts; and*
- (iii) *a comprehensive site analysis should be the starting point of the design process and form the basis for consideration of height, scale and massing of new development.*

An adequate site and context analysis plan was submitted with the application, describing surrounding land use patterns and built form characteristics. The context has been described above and the proposal is an acceptable response to its context that will “fit” with the character of the area.

(b) *the public realm:*

- (i) *the public realm, which includes main pedestrian spaces, streets, squares, parks and walkways, should be protected and enhanced.*

The public realm will be significantly improved as a result of this development via the insertion of a new use with active street frontage and improved footpaths with opportunities for public seating and bicycle parking.

(c) *safety:*

- (i) *new development should create urban environments that enhance personal safety and property security and where people feel safe to live, work and move in at any time.*

The new building will provide a logical layout with clearly defined staff and public areas with spacious public entrance and foyer. Provision for an Access Yarra reception area is proposed that would assist with managing movement through the building.

(d) *landmarks, views and vistas:*

- (i) *Landmarks, views and vistas should be protected and enhanced or, where appropriate, created by new additions to the built environment.*

As outlined earlier in this report, the St Luke’s Church building is locally recognised as a significant building within Council’s Landmark and Tall Structures Policy. The new library and community hub will have no impact on views to St Luke’s.

In terms of the new building, it is envisaged it will be most notable for the perforated metal panels regularly aligned along both street frontages (first and second levels). The building will have a unique appearance and light spill in the evening, through the perforated metal panels, will create an interesting façade and exciting new local landmark.

(e) *pedestrian spaces:*

- (i) *design of interfaces between buildings and public spaces, including the arrangement of adjoining activities, entrances, windows, and architectural detailing, should enhance the visual and social experience of the user.*

The ground level interface with both St Georges Road and Best Street has been designed to maximise surveillance opportunities with expansive use of glazing, built in seating and planter boxes for landscaping. Combined, these aspects provide a visually interesting ground level activation zone.

(f) *heritage:*

- (i) *New development should respect, but not simply copy, historic precedents and create a worthy legacy for future generations.*

The new building will be a notable insertion into the Neighbourhood Activity centre, will not dominate existing heritage buildings and clearly include design elements that draw from the heritage context. A more detailed assessment against Council's specific heritage policy is offered further into this report.

(g) *consolidation of sites and empty sites:*

- (i) *new development should contribute to the complexity and diversity of the built environment;*
- (ii) *site consolidation should not result in street frontages that are out of keeping with the complexity and rhythm of existing streetscapes; and*
- (iii) *the development process should be managed so that sites are not in an unattractive, neglected state for excessive periods and the impacts from vacant sites are minimised.*

Given the site is currently vacant the new building will provide a significant improvement in terms of streetscape character. For the most part, the ground level frontages have been designed in a manner which relate to the fine grain commercial frontages within the activity centre and the overall redevelopment of the site will result in a positive addition to the streetscape.

(h) *light and shade:*

- (i) *enjoyment of the public realm should be enhanced by a desirable balance of sunlight and shade; and*
- (ii) *this balance should not be compromised by undesirable overshadowing or exposure to the sun.*

The new building is comparable in height to surrounding buildings (both commercial and residential) and given the orientation of the site, with the narrower portion to the north, overshadowing of public space is generally limited to earlier and later in the day.

Further, the "island" nature of the site, with no immediately neighbouring abuttals, ensures the new building will cast minimal shadows to the south, across the laneway and into the nearest residential properties.

(i) *energy and resource efficiency:*

- (i) *all building, subdivision and engineering works should include efficient use of resources and energy efficiency.*

The ESD credentials of the proposal have been outlined and Council's ESD Advisor has suggested that if a 6 Star Green Star energy rating is to be achieved, the building will be the first of its kind, nationally. ESD is discussed further in the assessment section of this report.

- (j) *architectural quality:*
- (i) *new development should achieve high standards in architecture and urban design; and*
 - (ii) *any rooftop plant, lift over-runs, service entries, communication devices, and other technical attachment should be treated as part of the overall design.*

As evidenced by the urban design and heritage referrals, there are no significant or fundamental issues with the proposal. Council's Urban Designer has made suggestions in an attempt to improve the visibility of entrance on both St Georges Road and Best Street. In the event a planning permit is to be issued, conditions can be included to accentuate the main entrances on both St Georges Road and Best Street.

Urban design advice also suggested that the horizontal slot windows to the south of the St Georges Road entrance should be revised to better relate to other windows along both frontages. These windows are to amenity areas at both first and second levels and can be easily conditioned to integrate in a more appropriate manner.

It is also noted that there are expanses of blank wall where there appears to be opportunities to incorporate additional windows in the eastern facade, south of the Best Street entrance and the southern façade, splayed wall closer to St Georges Road. Conditions can also be included to remedy these concerns.

A number of objectors were critical of both the choice of materials and in some instances, the dark coloured charcoal depicted on the elevation and perspectives. Upon closer inspection of the schedule of materials, the dark charcoal depicted on the elevations is actually pre-cast concrete with an etched pattern. The elevations do not reflect this and should be updated accordingly. In the event Council supports the application, this can be ensured via planning permit conditions. Putting this to one side, it is reiterated that neither Council's Urban Designer nor Heritage Advisor have raised issues with these matters and they are simply matters of subjective preference. As a civic building, the palette of materials, choice of colours and external finishes are an acceptable planning outcome, subject to the recommended conditions.

Roof top plant and equipment is limited to solar photo voltaic panels which will not be seen from the street given the angled design of the roof. The building has been deliberately designed to avoid roof top plant and equipment with a large plant area in the basement and a secondary, enclosed plant area at the rear of the top level. This is an appropriate outcome and ensures public appreciation of the building will not be compromised by poorly located equipment, installed as an afterthought.

It is noted that three flagpoles have been included on the roof towards the northern tip of the site. This is acceptable given the civic nature of the building.

- (k) *landscape architecture:*
- (i) *recognition should be given to the setting in which buildings are designed and the integrating role of landscape architecture.*

Minimal landscaping is proposed as part of this development. This is a direct result of the purpose built nature of the library and community hub. Obviously with the exception of Edinburgh Gardens, intense landscaping does not form a dominant characteristic of the commercial nature of the Neighbourhood Activity Centre. Notwithstanding the above, some landscaping has been incorporated into the development which will distinguish it from other, non-residential buildings in the area. Landscaped areas are proposed in the following areas:

- (ii) planter boxes along both street frontages, indented into the ground level façade; and
- (iii) planter boxes within the roof top garden.

A number of objectors queried why there couldn't be a green wall incorporated into the design. The perforated metal panels, which also form shading devices, would make a green wall problematic and potentially compromise their useability. The 100% site coverage would also make a viable green wall difficult to achieve. The Applicant has advised that maintenance of a green wall could also be costly and difficult to manage, particularly along St Georges Road where regular access for trimming or pruning would be required. With electricity power lines and the central tramline, regular maintenance of a green wall along St George's Road would be difficult. Best Street would be less problematic in this regard although the present design and viability concerns remain.

Notwithstanding the above, there are opportunities to increase the extent of street level planting within the recessed planter boxes along both street frontages. The proposal incorporates three recessed planters along the St Georges Road frontage and two along Best Street. In the event a planning permit is to be issued, an updated landscape plan can be required ensuring additional planting.

160. As a very separate consideration, as Council is the Applicant, if it wishes, separate investigations can be initiated that look to increase landscaping along Best Street (new Street trees etc.).

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

161. Council's local heritage policy provides specific guidance in relation to general principals and specific principles relating to sites with dual frontages. Ancillaries and services guidelines are also offered. Each is discussed in turn.

162. In relation to the general principles, the following assessment is offered;

- (a) *encourage the design of new development and alterations and additions to a heritage place or a contributory element to a heritage place to:*
 - (i) *respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape;*
 - (ii) *be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place;*
 - (iii) *be visually recessive and not dominate the heritage place;*
 - (iv) *be distinguishable from the original historic fabric;*
 - (v) *not remove, cover, damage or change original historic fabric;*
 - (vi) *not obscure views of principle façades; and*
 - (vii) *consider the architectural integrity and context of the heritage place or contributory element; and*
- (b) *encourage setbacks from the principal street frontage to be similar to those of adjoining contributory buildings; where there are differing adjoining setbacks, the greater setback will apply;*
- (c) *encourage similar façade heights to the adjoining contributory elements in the street. Where there are differing façade heights, the design should adopt the lesser height;*

- (d) *minimise the visibility of new additions by:*
- (i) *locating ground level additions and any higher elements towards the rear of the site;*
 - (ii) *encouraging ground level additions to contributory buildings to be sited within the 'envelope' created by projected sight lines (see Figure 1);*
 - (iii) *encouraging upper level additions to heritage places to be sited within the 'envelope' created by projected sight lines (for Contributory buildings refer to Figure 2 and for Individually significant buildings refer to Figure 3); and*
 - (iv) *encouraging additions to individually significant places to, as far as possible, be concealed by existing heritage fabric when viewed from the front street and to read as secondary elements when viewed from any other adjoining street; and*
- (e) *discourage elements which detract from the heritage fabric or are not contemporary with the era of the building such as unroofed or open upper level decks or balconies, reflective glass, glass balustrades and pedestrian entrance canopies.*
163. The building is respectful of the existing heritage context because at three stories in height, it would not dominate other existing heritage buildings in the precinct (including commercial and residential buildings).
164. The lack of setbacks for all levels is acceptable and a clear response to the prevailing pattern of commercial development in the area. Even the residential conversions to the north-east, across Best Street are hard edged with minimal to no setbacks from their respective boundaries and provide a minimum two-storey street wall, with even taller components. Given the commercial nature of this civic building and with no immediately sensitive abutments, upper level setbacks are unnecessary.
165. Council's Heritage Advisor raised no issues with the appearance of the building from either Street frontage and noted the fine grained repetition of the elevations as being an appropriate response to the double storey Victorian shops along St Georges Road.
166. The new building would be clearly distinguishable from existing heritage fabric but includes elements that can be found elsewhere in the precinct (with the exception of the perforated metal screens). The screens however, are the distinguishing elements and Council's Heritage Advisor noted them as adding an additional texture to the building. The use of recycled red brick, the etched concrete panels, louvers above entrances and different window shapes all combine to create a visually interesting, well resolved building.
167. Given the roof top garden, only a small section of the roof would be visible and only from longer range views. The roof comprises standard metal deck with a soft timber soffit, a high quality element adding to the overall high standard of quality for the project.
168. It is noted that whilst sightlines are suggested as a means to manage new additions to dwellings, they are not relevant in this instance given the purpose built, commercial nature of the proposal.
169. In terms of the specific principles for site with dual frontages, the following assessment is offered;
- (a) *encourage new building and additions on a site with frontages to two streets, being either a corner site or a site with dual street frontages, to respect the built form and character of the heritage place and adjoining or adjacent contributory elements to the heritage place; and*
 - (b) *encourage new buildings on corner sites to reflect the setbacks of buildings that occupy other corners of the intersection.*

170. As described above, the height of the building is directly comparable to other heritage buildings in the precinct and obviously relates more to the 2 storeys heritage street wall to the north-east and south-west.
171. As discussed above, setbacks for this building are unnecessary and would be unusual for this type of building, given the pattern of development in the surrounding area.
172. In terms of the heritage policy and guidance for ancillaries and services, the following assessment is offered:
- (a) *encourage ancillaries or services such as satellite dishes, shade canopies and sails, access ladders, air conditioning plants, wall and roof top mounted lighting, roof top gardens and their associated planting, water meters, and as far as practical aerials, to contributory or significant buildings, to be concealed when viewed from street frontage;*
 - (b) *where there is no reasonable alternative location, ancillaries and services which will reduce green-house gas emissions or reduce water consumption, such as solar panels or water storage tanks, or provide universal access (such as wheel chair ramps), may be visible but should be sensitively designed;*
 - (c) *encourage ancillaries or services in new development to be concealed or incorporated into the design of the building; and*
 - (d) *encourage ancillaries or services to be installed in a manner whereby they can be removed without damaging heritage fabric.*
173. The location of plant and equipment has been described earlier in this report and generally located within the building. A review of the elevations indicates that from longer range views, a glimpse of the photo voltaic solar panels may be afforded. This is acceptable given the purpose built nature of the new building and that they will not damage existing heritage fabric, nor conceal existing heritage elements. Solar panels generally are becoming a more common element in many streetscapes not just in Yarra but around Melbourne. Simply being able to see them is not an issue in this instance.
174. It is noted that Council's heritage policy suggests roof top gardens and plantings should be concealed when viewed from the street frontage. Whilst not explicit, it must be acknowledged that the aim of this aspect of the policy is to protect significant, existing heritage facades from being anything that may detract or distract from their significance. Some roof top planting is proposed and because this is a new building, some visibility can be tolerated.
175. The ground level canopy structure along both street frontages has been noted by Council's Heritage Advisor as a light element that will add texture to the building and separate the ground floor street interface from the metal screen facades above. A number of different opinions were expressed in relation to the canopy. Some community members welcome it, some do not like it. The heritage advice accepts it. The canopy structure is broken up into fine grained sections, reflective of the metal screens above and will be constructed with a metal frame, no footpath support posts and translucent glazing. Upon review, clarification is required to ensure the canopy will adequately serve its purpose. It's not clear from the plans whether there are gaps between each section. In the event a planning permit is to be issued, conditions can easily clarify this.
176. Considering the above policy principles, there are no heritage issues with this proposal, as evidenced by the heritage referral advice which compliments the design of the building and recommends approval with no changes. It must be said that the development is afforded a degree of flexibility because it is a vacant site and does not impact existing heritage fabric. The development represents what can be considered as a comfortable fit into the streetscape.

Clause 22.04 – Advertising Signs Policy

177. Very simple signage is proposed for this development. The signage plan submitted with the application indicates signage will be limited to one sign on each street frontage. Along St Georges Road, the sign will be located above the front entrance, at the second floor level, integrated into the louver screen element. Along Best Street, the sign will be located to the south of the entrance, at ground level and will be integrated into the precast concrete panels. The signs are both 2.5sqm in area, internally illuminated and will say, "North Fitzroy Library & Community Hub", in simple lettering.
178. The signage accords with Council's signage policy for the following reasons:
- (a) the signage complements the new building;
 - (b) the signage is simply designed and genuinely integrated into the building's design;
 - (c) the signage is not excessive, nor will it result in visual clutter;
 - (d) the signage will be flush mounted to the new building;
 - (e) the signage is not opposite any sensitive uses; and
 - (f) the signage will not obscure any heritage features.
179. Earlier discussion about the design of the building has explored opportunities to increase the number of windows along the southern elevation and south of the entrances on each street frontage. The signage to the south of the Best Street frontage is at ground level and in a location where a window or windows could easily be inserted. An option could be to relocate the signage to the first floor façade, above the canopy, thereby allowing windows at ground level and providing improved identification of the building, when viewed from Best Street. This will not have any impact on residences along Best Street because the location of the signage is towards the south of the site, opposite the primary school playground. This can be facilitated via planning permit conditions, should Council be of a mind to support the application.
180. Further, in the event a planning permit is to be issued, standard conditions can be included in relation to all site signage.

Clause 22.07 – Development Abutting Laneways

181. Council's local policy provides specific guidance where new development fronts onto a laneway. Assessment against the specific principles is warranted and offered below:
- (a) *where vehicular movement in the laneway is expected to cause a material traffic impact, a traffic impact assessment report be provided to demonstrate that the laneway can safely accommodate the increased traffic;*
 - (b) *where alternative street frontage is available, pedestrian access from the street be provided;*
 - (c) *pedestrian entries be separate from vehicle entries;*
 - (d) *pedestrian entries be well lit to foster a sense of safety and address to a development. Existing lights may need to be realigned, or have brackets or shields attached or additional lighting may be required;*
 - (e) *lighting be designed to avoid light spill into adjacent private open space and habitable rooms;*
 - (f) *vehicle access be provided to ensure ingress and egress does not require multiple vehicular movements;*
 - (g) *windows and balconies overlook laneways but do not unreasonably overlook private open space or habitable rooms on the opposite side of the laneway;*

- (h) *development respect the scale of the surrounding built form;*
 - (i) *development not obstruct existing access to other properties in the laneway;*
 - (j) *doors to car storage areas (garages) not protrude into the laneway;*
 - (k) *the laneway not be used for refuse storage;*
 - (l) *all laneway upgrading's which provide improved access to the development be funded by the developer; and*
 - (m) *the laneway meet emergency services access requirements.*
182. The laneway interface has been treated in a relatively straight forward manner. The lack of on-site car parking has removed any need for motor vehicle access which will assist with creating a more pedestrian and cyclist friendly thoroughfare. A separate staff entrance is proposed which would need to be well lit and secure. Similarly, the staff bicycle store whilst secure, would also need to be well lit for safe access early in the morning of an evening.
183. A second floor, south facing balcony is proposed for staff only and has a solid screen to a height of 1.8m and internalised planter box. Windows along the laneway interface are to amenity areas, maternal and child health meeting rooms or seminar rooms. Conditions seeking to improved articulation have already been discussed and more windows are suggested along this elevation, namely to the store, plant and amenity areas.
184. Standard conditions, as previous highlighted, would need to ensure adequate lighting with minimal light spill/nuisance for residences to the south, across the laneway. Some windows along the southern elevation at first floor level may require screening however; this is discussed in the amenity impacts section of this report.
185. Lastly, the laneway is in relatively sound condition and will not require any upgrade works, unless of course as a result of damage during the construction period. In the event a planning permit is issued, standard conditions can manage this aspect of the development.

ESD

186. Council's newly inserted local policy at Clause 22.16 relating to Stormwater Management (Water Sensitive urban Design) and the State principles outlined at Clause 15.02-1 relating to Energy and Resource Efficiency provide guidance in relation to general ESD matters. Additionally, Amendment C133 relates to Environmentally Efficient Design and is a seriously entertained planning scheme amendment. Together, they highlight Council's fundamental commitment to leading the way with regard to the environmental performance of new buildings. This application provides Council with an opportunity to lead the way in terms of high quality ESD outcomes.
187. Amendment C133 has finished exhibition, has proceeded through a panel hearing, and is currently with the Minister for Planning awaiting approval. The amendment proposes to introduce Clause 22.17 - Environmentally Efficient Design (EED) into the Yarra Planning Scheme. The Amendment will also update Clause 21.07-1 Ecologically Sustainable Development by introducing a new strategy.
188. The new policy applies to all land within the City of Yarra, and provides policy objectives and application requirements for residential, mixed use and non-residential development to further implement environmentally sustainable design policy contained within the State Planning Policy Framework (SPPF) and the Municipal Strategic Statement (MSS). The policy requires applications to be considered against the following objectives (where applicable):
- (a) energy efficiency;
 - (b) water resources;

- (c) indoor environment quality;
 - (d) stormwater management;
 - (e) transport;
 - (f) waste management;
 - (g) innovation; and
 - (h) urban ecology.
189. A Sustainable Design Assessment (SDA) is required for smaller developments as part of a planning permit application. Smaller developments include: 1-9 dwellings, non-residential development with a gross floor area of between 100m² and 1000m² and non-residential alterations and additions of between 100m² and 1000m².
190. Larger developments such as residential developments with 10 or more dwellings, or non-residential development greater than 1000m² gross floor area, are required to submit a Sustainability Management Plan (SMP) and a Green Travel Plan (GTP).
191. The draft policy suggests that in determining an application, the Responsible Authority will consider as appropriate:
- (a) how the proposal responds to the objectives of this policy from the design stage through to construction and operation, that appropriate tools have been used, and that the specified environmental targets to be achieved are appropriate; and
 - (b) how the development considers:
 - (i) best practice principles;
 - (ii) innovation;
 - (iii) use of emerging and proven technology; and
 - (iv) commitment to go beyond compliance throughout the construction period and subsequent operation of the building(s); and
 - (v) any relevant adopted policies.
192. An SMP was submitted as part of the application and was considered acceptable subject to achieving a 6 Star and Green Star Standard which Council's ESD Advisor suggests would be an Australian first. All other measures scored satisfactorily. Achieving a 6 Star, Green Star rating, will require re-assessment of the building both during and after construction.
193. In the event a planning permit is to be issued, conditions will need to be included to confirm the ESD aspirations and expectations of Council are met.

Amenity Impacts

194. Council's local policy at Clause 22.05 – Interface Uses Policy, provides the most specific guidance for the assessment of new development in close proximity to residential areas. The policy provides guidance for assessing noise, visual impacts, overlooking, odour and air emissions, light spill, loading and unloading, rubbish removal and storage and construction noise. The policy basis highlights Council's realistic approach to managing new use and development and applications and states the following:
- (a) *in order to maintain the viability of industrial and business areas there is a need to ensure that new residents do not have unrealistic expectations of the level of amenity that can be achieved. New dwellings must be constructed to protect residents as much as reasonably possible from the inherent conflicts. There is also a need to ensure that commercial and industrial activities are well managed having regard to their proximity to residential uses.*

195. Clause 22.05-4.2 provides specific guidance for non-residential development near residential properties. The following assessment against the policy is offered:

- (a) *new non-residential development is to be designed to / so that:*
- (i) *minimise the potential for unreasonable overlooking of private open space areas and into habitable room windows of adjoining residential properties, through the use of appropriate siting, setbacks, articulation and possibly screens;*
 - (ii) *the location, length and height of any wall built to a boundary not adversely impact on the amenity of any adjoining residential properties in terms of unreasonable overshadowing of private open space, visual bulk or loss of day light to habitable room windows;*
 - (iii) *where private open space and/or windows to adjoining residential properties are unreasonably affected, appropriate set-backs from boundaries are to be provided to address loss of daylight, overshadowing and visual bulk impacts;*
 - (iv) *provide for a high level of acoustic protection to adjoining residential properties by:*
 - *locating plant and other service infrastructure (including automatic garage doors) in discrete locations;*
 - *using masonry wall construction rather than, for example, curtain walling; and*
 - *building in effective acoustic insulation; and*
 - (v) *minimise noise transmission within the building, including from machinery and ventilation systems, between floors or separate units and to adjoining residential properties;*
 - (vi) *minimise the opportunity for views from adjoining residential properties into the site, especially where the storage, preparation, business or industrial activity could present an unsightly appearance; and*
 - (vii) *minimise the opportunity for light spill due to fixed or vehicular lights, outside the perimeter of the site and on to habitable room windows of nearby residential properties.*

196. A number of site inspections confirmed that the most sensitive residential neighbours are 5 and 7 Alfred Crescent, to the south, across the laneway. Whilst their areas of secluded private open space are located immediately south (4-4.5m) of the laneway, both areas comprise significant hard standing area and appear to be used also for car parking. Whilst it is noted that neither of these properties objected to the application, careful consideration must be given to overlooking and overshadowing impacts.

197. In terms of overlooking, the only windows requiring consideration are those associated with the first floor maternal and child health consultation rooms and staff room/amenity area in between the two. The second floor staff balcony has been described above and is proposed to be screened to a height of 1.8m. Borrowing the overlooking standard for residential development from Rescode, views within 9m of secluded private open space would require screening. These three windows should be screened to prevent unreasonable overlooking. In the event a planning permit is to be issued, this could be easily facilitated by planning permit conditions.

198. Some objectors to the east, across Best Street also raised issues with overlooking. The distance between the eastern façade of the new building and the Best Street dwellings is over 19m. If this were a residential apartment proposal, screening would not be required. Overlooking to the east, west and north is not unreasonable and not of concern.

199. In terms of overshadowing, again, the most sensitive interface are those to the south, across the laneway. The shadow diagrams and sun studies submitted with the application indicate some additional overshadowing would occur to 5 and 7 Alfred Crescent between 10am and 2pm but only to the northern most slither of those properties respective private open space areas. The impact though is not significant. Overshadowing to the east and west falls across St Georges Road in the morning and Best Street in the afternoon and is of no concern.
200. Some objectors to the east, across Best Street also raised issues with overshadowing and asked for Winter shadow diagrams to be provided. The planning officer explained in detail that Council has no ability to consider winter overshadowing of private spaces as part of a planning scheme assessment. Notwithstanding this advice, Winter shadow diagrams were prepared and showed that even in Winter, overshadowing to the east is minimal.
201. In terms of acoustic protection and noise impacts, this report has already highlighted that the site is located within a busy, mixed use precinct where realistically, the same level of amenity as in a purely residential context cannot be expected. Nonetheless, the design of the proposal is considerate of neighbouring residential properties and has located plant and equipment internally and within the basement.
202. The lack of on-site car parking would also reduce vehicle noise that would have been associated with a car park and roller doors, ventilation and vehicle movements. Plant and equipment rooms and the lift overrun are all integrated into the design and a small row of vents are located discreetly above the lift overrun, though integrated into the design of the building.
203. Noise associated with the library and maternal and child health facilities are unlikely to be of any concern, given the nature of those uses. Obviously, noise associated with the children's playgroup, community rooms and roof top gardens would need to be managed to ensure no unreasonable impacts occur, particularly to the Best Street residents. Whilst it is likely any people noise generated from these spaces would be comparable, or certainly no louder than children playing at the nearby primary school, the elevated nature of the spaces would require they be managed carefully.
204. Accordingly, acoustic advice was sought to understand what, if any noise impacts are likely. Via the acoustic referral, concern was raised that the permit applicant's acoustic report did not appropriately consider noise via measurements taken from Best Street properties (the most sensitive), particularly at the upper levels.
205. The testing found that the background noise levels around the subject site (and Best Street properties) is generally dominated by traffic noise along St Georges Road. Both sets of acoustic professional agreed that the community spaces and roof top garden had the potential to create the most noise and ultimately, using a very conservative set of measures, considering worst case scenario, noise levels could be 2-5 decibels above the accepted general range (55 decibels). It is important to note that the worst case scenario noise generator (a wedding band on the roof top) is not necessarily a reasonable benchmark. A number of factors must be considered in terms of relieving noise concerns. They are:
 - (a) no liquor license is being sought as part of this application;
 - (b) a 2-2.5m high glass screen is located to the eastern and western edges of the roof top garden (external spaces) between those spaces and the perforated metal screens;
 - (c) the context is inner urban and some noise is a natural part of living in this environment;
 - (d) Council as operator, has the ability to heavily regulate the hiring of the community rooms and roof top garden, possibly even more stringently than planning permit conditions, if the need arises;
 - (e) similarly, Council as operator would be able to respond to complaints far more quickly than say, for a private development;

- (f) the hours of operation (10pm close daily/6pm on Sundays) are reasonable; and
 - (g) conditions can be included on any planning permit issued to manage noise.
206. In light of the above, noise concerns can be managed and a suite of conditions can be included on any permit issued, to provide effective protection for nearby residences. Conditions will also need to be included confirming the roof construction materials and detailing, as suggested by the Applicant's Acoustic Engineer.
207. In terms of light spill, standard conditions can be imposed on any permit issued ensuring all public areas are adequately lit, for safety and that external lighting is designed and located so as not to cause public nuisance.
208. The policy also provides guidance in relation to waste and construction management. A waste management plan was submitted with the application and deemed to be acceptable by Council's Services Contracts Unit. Waste is to be collected up to four times per week, with collection to take place from St Georges Road. Bins would be adequately screened from external view. In the event a planning permit is to be issued, standard conditions can be imposed to ensure adequate waste management. Similarly, standard conditions can also be imposed to require a construction management plan be prepared and submitted to ensure the building is constructed with all necessary Council approvals in place.

Traffic, Parking and Loading

209. Council does not have a local policy in relation to car parking but has a number of MSS objectives that provide guidance in relation to Council's vision. The general decision guidelines of clause 52.06 therefore require specific considerations.
210. Pursuant to Clause 52.06-5 of the Scheme and as outlined in the table earlier in this report, the proposal generates a technical need for 90 (rounded up) on site car parking spaces.
211. Submitted with the application was a traffic report prepared by GTA Traffic Consultants. The report concludes with the following:
- (a) *the proposed development generates a statutory parking requirement of 89 spaces;*
 - (b) *the proposed development could be expected to generate a peak demand of 54 spaces on a typical weekday and 51 spaces on a typical Saturday;*
 - (c) *having regard to the sites location and its close proximity to the North Fitzroy Activity Centre, and its high level of accessibility to a variety of public transport facilities, it is likely that the parking demands generated by the site could be less than those calculated when using the statutory rates (where statutory rates have been adopted);*
 - (d) *the provision of no on-site car parking as part of the proposed development is considered acceptable;*
 - (e) *there are sufficient car parking vacancies in the immediate vicinity of the site to accommodate the parking demands associated with the development;*
 - (f) *the proposed on-site bicycle parking provision of 24 visitor and 9 staff bicycle space to be provided as part of this development exceeds the statutory requirement;*
 - (g) *furthermore, these visitor bicycle parking spaces are shown to be located in a suitable and accessible location; and*
 - (h) *against existing traffic volumes in the vicinity of the site, the proposed development could not be expected to compromise the safety or function of the surrounding road network.*
212. Council's Engineering Services Unit have reviewed the report and provided advice that the Applicant's findings are consistent with Council's own observations, thereby supporting the parking reduction being sought.

213. In terms of parking supply, the catchment included Alfred Crescent, Fergie Street, St Georges Road, eastern sections of Tranmere and Reid Streets, Best Street and the western section of Falconer Street. This catchments provides a supply of between 216 and 297, on street, public car parking spaces. It is noted that other areas of public car parking exist including further afield sections of Streets mentioned above, mark and Scotchmer Streets however, these were not included in the traffic study. In the AM and PM weekday peak periods, between 46 and 60 vacancies were recorded, 79 on the weekend and up to 123 at 7pm on a weeknight. At its maximum weekday peak, the proposal is anticipated to generate 54 spaces whilst at the weekend, generate demand for 51 spaces. With this in mind, there is more than adequate public parking to accommodate this development.
214. In terms of facility users driving to the site, the traffic report suggests the local road network would be easily able to accommodate any traffic increase given the multiple road network options available. Further, the report suggests a Green Travel Plan should be required to further assist with dissuading people from driving to the facility. This can be required via permit conditions, should Council support the proposal.
215. With the above in mind, the car parking reduction sought is considered appropriate and acceptable for the following reasons:
- (a) State and Local policy, especially Objectives 31, 32 and 33 of Council's MSS (outlined earlier in this report) all support car parking reductions which in turn reduces motor vehicle reliance and people driving to the site;
 - (b) the deliberate lack of on-site car parking would dissuade people from driving to the site;
 - (c) Council's Traffic Engineering Service Unit supports the proposed rate of car parking provision on site;
 - (d) the site is easily accessible via public transport and bicycle paths;
 - (e) to offset the shortfall in on-site car parking, the provision of secure bicycle spaces in excess of the technically required rate provides an alternative to the motor vehicle;
 - (f) the facility would provide a local service that is likely to serve a local catchment, most of whom would know their suburb well and Council's aspirations for reduced motor vehicle usage;
 - (g) Car parking supply is available locally; and
 - (h) employees and visitors would be ineligible to apply for on-street parking permits.
216. The proposal poses no significant issues with regard to parking and traffic matters and is an acceptable planning outcome that accords with Council's transport aspirations.
217. Clause 52.07 of the Scheme requires that loading facilities are provided for the facility. Given the nature of the use, it is not anticipated large trucks would need to deliver to the site. The splayed area to the south of the building and adjacent to the rear laneway would provide adequate area (27.4sm) for a small vehicle to prop and undertake deliveries to site. Alternatively, public parking is available on St Georges Road or Best Street for even smaller delivery types. There is adequate loading area for this development. Standard conditions can also assist with managing loading and unloading.

Objector Concerns

218. The key themes that are apparent from the objections received are outlined below, with officer commentary also provided.

General building appearance (dark colours and too many materials);

- (a) assessment of the colours and materials has been offered in this report. Some objectors feel the building comprises too many materials, the charcoal colour is too dark and would be hot and don't like the general appearance of the building;
- (b) one objector suggested that an art wall should be incorporated into the design of the building, perhaps to allow local school children or local artists the ability to contribute. Whilst not impossible, any such amendment would most likely require a curator and need to be managed carefully to ensure ongoing maintenance and integrity of any displays;
- (c) as outlined earlier, extensive consultation and use of a Council sanctioned, design reference group was used to evolve the design of the building that is currently being considered. It must be acknowledged that designing a building that everybody is content with would be problematic. Some concerns are based on subjective preferences and whilst some of the design elements have been criticised, the proposal is acceptable considering the relevant planning scheme requirements; and
- (d) Heritage and urban design advice supports the proposal (subject to the conditions outlined) and there is no substantive planning basis to make significant design changes to this building.

219. layout and location of entrances:

- (a) concerns were raised with the layout of the building and the location of the entrances. One objection suggested the entrances should be located further north, whilst some Best Street residents are content with the entrances as proposed. The entrances are located logically and enable maximum exposure for the internal foyer and Access Yarra reception. Subject to the conditions outlined earlier in this report, the proposed pedestrian access arrangements are acceptable.

220. design of the canopy structure:

- (a) some objectors were critical of the proposed canopy structure, questioning its viability and materials. The structure is of a simple design, with translucent glazing to avoid a "dirty glass"; appearance with minimal structural interference with footpaths below. Clarification is required to ensure there are no "gaps" at the overlapping sections of the canopy so as to avoid water dripping onto pedestrians. Permit conditions would address this.

221. overlooking and overshadowing:

- (a) both overlooking and overshadowing have been discussed in detail and the proposal provides an acceptable planning outcome. With both these concerns in mind, it is noted that the most sensitive properties are those to the south, none of whom objected to the application.

222. Parking and traffic:

- (a) Parking and traffic concerns have been discussed in the assessment section of this report and whilst there would be an increase in traffic, there is no evidence to suggest it would have an unreasonable impact on the local road network or broader Activity Centre. Adequate public parking is available and the deliberate lack of on-site car parking is a direct response to Council's current MSS.

223. *Landscaping (lack of):*

- (a) some objectors feel very strongly that the proposal should include a green wall and more landscaping. These aspects have been discussed in detail in the assessment section of this report and it is not necessary to require a redesign to include a green wall. Council's heritage policy does not encourage it and the inner urban character of this activity centre does not support it. Subject to conditions aimed at maximising the landscaping that is proposed, the proposal is acceptable.
224. Lastly, it is worth noting that 3 submissions in support of the proposal were also received with a common theme commending Council on the application and hoping it is built and available as soon as possible.

Other matters

225. Three remaining matters that need to be highlighted that have not been discussed relate to future Best Street improvements works, soil contamination (given the previous petrol station use) and Culturally and Linguistically Diverse (CALD) community:
- (a) Best Street improvements.
226. As a separate, non-planning related matter, an urban design proposal is being undertaken for possible improvement works to Best Street. Separate consultation has occurred with the community on this and it is understood officers will brief Councillors in the near future. Those possible works (whatever they may be) and this application do not rely on one another to occur and can proceed independently:
- (a) Soil contamination.
227. Ordinarily, where land is contaminated an environmental audit overlay (EAO) provides specific guidance in relation to the consideration of land use and/or development applications. In this instance, the land is not covered by an EAO and therefore its requirements do not technically apply.
228. Guidance on this matter is available in the form of a Ministerial Direction, dealing with potentially contaminated land and a general practice note released via the Department of Sustainability and Environment (DSE). Both documents confirm this facility as being a sensitive use. The Ministerial Direction deals with amendments to planning schemes and as such, is not directly relevant to this application.
229. The DSE practice note provides wider guidance on the issue, including appropriate conditions to include on planning permits. Irrespective of the site not being included in an EAO, Council must be satisfied that the use and development are appropriate in terms of the relevant SPPF objective and in terms of the Planning and Environment Act which, at section 60 states that before deciding on an application, the Responsible Authority must consider:
- (a) *any significant effects which the responsible authority considers the use or development may have on the environment or which the responsible authority considers the environment may have on the use or development.*
230. Therefore, Council must satisfy itself that the contaminated land is suitable for the sensitive use. A full statutory environmental audit of the land is one option available to Council, if a permit is to be granted. Another option would be to simply include a separate condition that seeks to deal with the contaminated land without the need for a full statutory environmental audit. Given there will be no exposed soil due to the 100% site coverage of the new building, a full environmental audit is not necessary. Therefore, the following condition is recommended for any permit issued:

- (a) prior to construction, an Environmental Site Assessment Report, Soil Analysis Report and Soil Management Plan prepared by a suitably qualified person/firm outlining all intended methods of action required to ensure any site contamination is adequately managed including any excavation works and any encapsulation works must be submitted to the satisfaction of the Responsible Authority. The Soil Management Plan must also describe any required ongoing maintenance works, what those works involve and a timeframe for when the works are to occur to the satisfaction of the relevant DHS and EPA regulations.

231. This will ensure any contaminants are handled appropriately:

(a) Communications with CALD Communities Implications:

- (i) Council's Multicultural Policy requires the organisation to engage with the culturally diverse community and provide services that are accessible and culturally relevant. The policy is based on the vision that all residents in Yarra feel valued, included, respected and able to access the range of community services and facilities offered by Council; and
- (ii) the notification process for this application was extensive, for one month and included a public information session. Translating services are available for community members and are available upon request. No known requests were made during the processing of this application.

Conclusion

232. This application has been subject to a thorough and comprehensive planning permit process and assessment. The proposal is the culmination of many years of planning and would fulfill Council's strategic desire to provide a library and community hub for North Fitzroy and Yarra residents more broadly.

233. Referral advice has been carefully considered and subject to the recommended conditions, the proposal is an acceptable planning outcome.

RECOMMENDATION

1. That having considered all objections and relevant planning documents, Council resolves to issue a Notice of Decision to Grant a Permit (PLN14/0122) for the use and development of the land for the construction of a place of assembly (library and community hub), medical centre (maternal child and health centre), reduction in the car parking and loading bay requirements, business identification signage and works within a Road Zone Category 1 (footpath canopy) at 182-186 St Georges Road, Fitzroy North, subject to the following conditions:

- (a) before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the advertised plans but modified to show:

Plan changes:

- (i) direct access from the staff bicycle store into the staff amenity area;
- (ii) the three (3), first floor, south facing windows to the maternal and child health consultation rooms and staff area, screened to a height of 1.7m above floor level (or demonstration that screening is not required);

- (iii) additional slot windows along the southern elevation, at first and second floors (splayed section of building closer to St Georges Road);
- (iv) the Best Street business identification sign relocated to the first floor and inclusion of an east facing, ground level window for the second seminar room;
- (v) design details of the canopy structure along both street frontages, confirming the overlapping sections will not drip water onto pedestrians;
- (vi) confirmation that seating (as depicted in the perspectives) will not block pedestrian access into the building from St Georges Road;
- (vii) redesign of the canopy over both main entrances to make them more visually obvious and prominent (with possible use of a double height canopy feature);
- (viii) confirmation that the sliding doors at the main entrance from St Georges Road are not setback from the street (no indent);
- (ix) confirmation of the following roof construction techniques:
 - metal deck roof;
 - 75mm thick, density greater than or equal to 14kg/m³ insulation sandwiched between the underside of the metal deck and the top of the purlins;
 - 8kg/m² lining to the underside of the purlins (13mm plasterboard or 12mm particle board); and
- (x) The provision of additional indented planter boxes with planting along both Street frontages;
- (xi) The location of planter boxes with planting in the roof top garden;
- (xii) Details of lighting to all public and staff access, laneway and footpaths confirming all spaces will be adequately lit;
- (xiii) An updated schedule of all external materials and finishes (including materials samples, colours and coloured elevations/perspectives). The schedule must show the materials, colour, finish and application methods (where relevant) of all external walls, roof, fascia's, window frames, glazing types, cladding, doors, perforated metal, balcony and window screens and:
 - confirm that no reflective paint or products are proposed for the facades;
 - graffiti proof finishes will be applied wherever possible; and
 - confirm the precast, charcoal coloured concrete panels with etched patterns are not as dark as depicted in the perspectives; and

Development:

- (i) The use and development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- (ii) The location and details of the sign(s), including the supporting structure and illumination method, as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- (iii) The sign(s) must be constructed, displayed and maintained to the satisfaction of the Responsible Authority.
- (iv) Floor levels shown on the endorsed plan(s) must not be altered or modified without the prior written consent of the Responsible Authority.
- (v) Prior to the completion of the development all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority, with a graffiti

proof finish wherever possible.

- (vi) Privacy screens as required in accordance with the endorsed plans must be installed prior to occupation of the building to the satisfaction of the Responsible Authority and maintained thereafter to the satisfaction of the Responsible Authority.

Use:

- (i) Except with the prior written consent of the Responsible Authority, the uses authorised by this permit may only operate between the following hours:
 - 9.00 am – 10.00 pm, Monday to Saturday; and
 - 10:00am to 6:00pm on Sunday; and
- (ii) except with the prior written consent of the Responsible Authority, no more than a maximum of 170 people are permitted in the roof top garden, community rooms and community office at any one time, to the satisfaction of the Responsible Authority.

ESD:

- (i) Before the development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the report will then form part of this permit. The Report must be generally in accordance with the Sustainable Management Plan prepared for the City of Yarra (February 2014) by Cundall but modified to address the following:
 - confirmation the development will achieve a 6 Star, Green Star public building standard; and
 - details of a suitably energy efficient hot water generating system; and
- (ii) the provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Green Travel Plan:

- (i) before the development is occupied, a Green Travel Plan must be prepared by a suitably qualified professional, submitted to and approved by the Responsible Authority. When approved, the Green Travel Plan will be endorsed and form part of this permit. The Green Travel Plan must address, but not be limited to the following:
 - an on-site bicycle parking and facilities map;
 - a mechanism to advertise the lack of on-site vehicle parking;
 - a mechanism to advertise non car based access possibilities to the site; and
 - provide a designated 'manager' or 'champion' responsible for the regular updating, coordination and implementation of the Green Travel Plan; and
- (ii) the provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

General Amenity:

- (i) the amenity of the area must not be detrimentally affected by the use or development, through:
 - the transport of materials, goods or commodities to or from land;
 - the appearance of any buildings, works or materials;
 - the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour; and
 - steam, soot, ash, dust, waste water, waste products, grit or oil, or the presence of vermin; and
- (ii) to the satisfaction of the Responsible Authority;
- (iii) all buildings must be maintained in good order and appearance to the satisfaction of the Responsible Authority;
- (iv) alarms associated with the premises must be directly connected to a security service and must not produce noise beyond the premises, to the satisfaction of the Responsible Authority;
- (v) the use and development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1);
- (vi) the use and development must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2);
- (vii) except with the prior written consent of the Responsible Authority, the provision of music and entertainment on the land must be at a background noise level;
- (viii) except with the prior written consent of the Responsible Authority, speakers external to the building must not be erected or used;
- (ix) except with the prior written consent of the Responsible Authority, emptying of bottles and cans into bins must not occur:
 - before 7 am or after 6 pm, Monday-Friday (excluding public holidays);
 - before 9 am or after 3 pm, Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday); or
 - at any time on Sundays, ANZAC Day, Christmas Day and Good Friday; and
- (x) Except with the prior written consent of the Responsible Authority, delivery and collection of goods to and from the land must not be conducted:
 - before 7 am or after 6 pm, Monday-Friday (excluding public holidays);
 - before 9 am or after 3 pm, Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday); or
 - at any time on Sundays, ANZAC Day, Christmas Day and Good Friday.

Lighting:

- (i) The development must be provided with external lighting capable of illuminating access to staff bicycle parking, storage areas, rubbish and recycling bins, pedestrian walkways, staff access, stairwells, lift, entry foyer and rear laneway. Lighting must be located, directed, shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within and beyond the site to the satisfaction of the Responsible Authority.

Bicycle parking:

- (i) before the building is occupied, a minimum of 34 bicycle spaces must be provided and thereafter maintained to the satisfaction of the Responsible Authority; and
- (ii) bicycle access and staff parking areas must at all times be clearly signed and marked, to the satisfaction of the Responsible Authority.

Landscaping:

- (i) Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
 - implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
 - not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
 - replacing any dead, diseased, dying or damaged plants.

Waste Management:

- (i) the collection of all waste must be in accordance with the approved Waste Management Plan. Rubbish, including bottles and packaging material, must at all times be stored within the building and screened from external view and be managed to the satisfaction of the Responsible Authority in accordance with the approved Waste Management Plan; and
- (ii) all infectious waste must be removed by a commercial waste contractor which holds an appropriate commercial waste licence to the satisfaction of the Responsible Authority.

Soil Contamination:

- (i) prior to construction, an Environmental Site Assessment Report, Soil Analysis Report and Soil Management Plan prepared by a suitably qualified person/firm outlining all intended methods of action required to ensure any site contamination is adequately managed including any excavation works and any encapsulation works must be submitted to the satisfaction of the Responsible Authority. The Soil Management Plan must also describe any required ongoing maintenance works, what those works involve and a timeframe for when the works are to occur to the satisfaction of the relevant DHS and EPA regulations; and
- (ii) disposal of all contaminated material must be undertaken in accordance with the Soil Management Plan and to the satisfaction of the Responsible Authority.

Construction:

- (i) any damaged road(s) and footpath(s) and other infrastructure adjacent to the development site as a result of the construction works including but not limited to trenching and excavation for utility service connections must be reinstated to the satisfaction of the Responsible Authority;
- (ii) prior to the occupation of the development, any portions of redundant vehicle crossing must be broken out and removed and reinstated with kerbing and paving of the surrounding area. The cost of these works must be borne by the permit holder and be undertaken to the satisfaction of the Responsible Authority;
- (iii) existing footpath, kerb and channel, and road pavement surface levels must not be altered unless with the prior written approval of the Responsible Authority;
- (iv) the development's finished floor levels for pedestrian access must be such that all access accords with relevant Australian Standards, to the satisfaction of the Responsible Authority;
- (v) provision must be made for the drainage of the site including communal, landscaped and roofed areas all to the satisfaction of the Responsible Authority; and
- (vi) before any development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed as evidence of its approval. The plan must provide for or include the following:
 - a pre-conditions survey (dilapidation report) of the subject site and all adjacent Council roads frontages and nearby road infrastructure;
 - protection works necessary to road and other infrastructure (limited to an area reasonably proximate to the site);
 - remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site);
 - containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build-up of matter outside the site;
 - on site facilities for vehicle washing;
 - the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
 - site security;
 - management of any environmental hazards that the activities on site pose including but not limited to: contaminated soil, materials and waste, dust, stormwater contamination from run-off and wash-waters, sediment from the site on roads, washing of concrete trucks and other vehicles and machinery, spillage from refuelling cranes and other vehicles and machinery;
 - construction program;
 - preferred arrangements for trucks delivering to the site including delivery and unloading points and expected frequency;
 - parking facilities for construction workers;
 - measures to ensure that sub-contractors/tradespersons operate in accordance with the Construction Management Plan;

- an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
 - an emergency contact that is available for 24 hours per day for residents and the responsible Authority in the event of relevant queries or problems experienced;
 - the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
 - a noise and vibration management plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008, to the satisfaction of the Responsible Authority. In this regard, consideration (amongst other matters) may be given to:
 - (a) using lower noise work practice and equipment;
 - (b) the suitability of the site for the use of an electric crane;
 - (c) silencing all mechanical plant by the best practical means using current technology; and
 - (d) fitting all pneumatic tools operated near a residential area with an effective silencer on their air exhaust port;
- (vii) During the construction, the following must occur:
- any stormwater discharged into the stormwater drainage system to comply with EPA guidelines;
 - stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the premises enters the stormwater drainage system;
 - vehicle borne material must not accumulate on the roads abutting the site;
 - the cleaning of machinery and equipment must take place on site and not on adjacent footpaths or roads;
 - all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly; and
 - all site operations must comply with the EPA Publication TG302/92.

Vic Roads (conditions 39 & 40):

- (i) The signs must not be flashing or reflective.
- (ii) The luminance of the advertising sign must be such that it does not give a veiling luminance to the driver, of greater than Cd/m², throughout the driver's approach to the advertising sign.

Time Limits:

- (i) this permit will expire if:
 - the development is not commenced within two years of the date of this permit;
 - the development is not completed within four years of the date of this permit; or
 - the use is not commenced within five years of the date of this permit.

- (ii) the Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards for commencement or within twelve months afterwards for completion;
- (iii) the Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards for commencement or within twelve months afterwards for completion; and
- (iv) the signage component of this permit expires 15 years from the date of the permit.

NOTES:

This site is subject to a Heritage Overlay. A planning permit may be required for any external works.

A building permit or asset protection permit may be required before development is commenced. Please contact Council's Building Services on 9205 5095 to confirm.

All future employees and visitors will not be permitted to obtain employee or visitor parking permits.

Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, valves or meters will be accepted.

VicRoads

The proposed permanent canopy must be in accordance with section 63, Interference with a Road, of the Road Management Act. Furthermore, Regulation 507 of Part 5 – Allotments and Projections of the Building Regulations must be adhered to.

CONTACT OFFICER: Matthew Cohen
TITLE: Coordinator Statutory Planning
TEL: 9205 5123

Attachments

- 1** Application Plans Part 1
- 2** Application Plans Part 2
- 3** Perspectives

11.6 12 Month Review of Mobile Food Vehicles Guidelines

Trim Record Number: D14/96739

Responsible Officer: Executive Manager Governance

This report was deferred from the last Council meeting.

Purpose

1. To further review the operational success of the Mobile Food Vehicle Guidelines and to make any appropriate alterations resulting from that review.

Background

2. Mobile Food Vehicle Guidelines were initially approved by Council in June 2011. Following representation and comments in the social media, Council requested that the Guidelines be reviewed.

3. Council on 21 May 2013, resolved:

“That in the matter of the amended Mobile Food Vehicle Guidelines; Council:

- (a) *review of the success of the guidelines to be conducted in 12 months and report to Council and that the review include;*
 - (i) *the number of permits issued;*
 - (ii) *the number cancelled, if any;*
 - (iii) *the number of complaints; and*
 - (iv) *any recommended adjustments to the guidelines; and*
- (b) *change wording from the last sentence at 8.3.2 to the original wording (i.e. note only one warning will be given prior to action being taken).”*

Response to questions raised by Council on 21 May 2013.

4. To date, a total of thirteen (13) Mobile Food Vehicle permits that have been issued.
5. There are no known application cancellations at the time of writing this report.
6. Council records indicate that there were a total of twelve (12) recorded complaints from, 01 May 2013 to 06 May 2014. Of the twelve (12) recorded complaints:
 - (a) two (2) were identified as illegally operating without a permit and were issued with enforcement notices; and
 - (b) the remaining ten (10) complaints were for existing permit holders not operating within the conditions of their permits; however, those complaints were unsubstantiated upon inspection.
7. A review of the Mobile Food Vehicle guidelines has been completed (**Refer Attachment 1**).

Consultations

8. A recent study by Council Officers regarding current permit locations has indicated that identification of additional preferred locations is becoming limited.

9. Mobile Food Vehicle permit holders have expressed their concern regarding not being able to utilise their permitted parking areas. This issue due to the spaces being occupied by community members. A possible solution is noted in paragraph 19 below.

Financial Implications

10. There are some minor implications to Council, where MFV permits have been approved within paid parking restricted areas. However any revenue losses would be expected to be recouped by the permit fees associated with the MFV permits.

Economic Implications

11. There are no known Economic Implications, other than the potential of a similar food business establishing within 100 metres of a MFV permitted area. This issue can be addressed by redefining the permit period back to a one year cycle.

Sustainability Implications

12. There are no known sustainability implications.

Social Implications

13. There are no social implications

Human Rights & Disability – Access and Inclusion Implications:

14. There are no known human rights or disability implications as they have been addressed within the Guidelines.

Communications with CALD Communities Implications

15. There are no known communication implications. The current permit holders represent a diverse cultural background.

Council Plan, Strategy and Policy Implications

16. There are no implications at this stage as the adopted Guidelines, accord with Council's 2013 – 2014 Annual Plan.

Legal Implications

17. There are no known legal implications.

Other Issues

18. There are no other known issues as MFV Permits are issued in line with the adopted Guidelines.
19. However as noted in paragraph 9 above:
 - (a) Council officers have identified a possible conflict, if a new food business is established within 100 metres of where Council approval has already been granted for a Mobile Food Vehicle location. This issue can be resolved, as permits are only for 12 months and can be reassessed at the time when applications for renewals are made. If any new businesses are being adversely impacted by the presence of the Mobile Food Vehicle, then adjustments or cancellation of the permits can be effected at this time; and
 - (b) if designated parking spaces are not available to MFV operators as stipulated in their permit, due to the presence of other vehicles; if an ongoing issue is identified, a review of the signage at that location will be conducted in association with Parking Services. This will result in examining the possibility of installing an enforceable parking sign to effectively reserve the permitted parking bay for the Mobile Food van operator during those times specified on their permit.

Options

20. A review of the current Guidelines has identified a number of recommendations for Council's consideration, including:
- (a) Council to identify a number of fixed sites for MFVs and suggesting these sites, having been assessed and compliant. MFV operators whose original site may have been rejected after assessment;
 - (b) formalising the eligible vehicle types to ensure that coffee carts and hot dog carts and similar vehicles, which are not Registered Vehicles, remain ineligible;
 - (c) a number of grammatical changes to clarify meanings have been included;
 - (d) limit the maximum total of MFV permits issued;
 - (e) guidelines amended to reflect one year permit rather than three years, with Council retaining the authority to not renew the permit application; and
 - (f) clause 6.3 from the MFV Guidelines has been deleted and replaced with a new clause 8.3.3.

These changes are also highlighted as tracked changes within the amended guidelines (refer **Attachment 1).*

Conclusion

21. The:
- (a) MFV system is now established and has proven to be a success; and
 - (b) adoption of the revised guidelines will continue to ensure the control and consistency required to enable the community to see the benefit of the system.

RECOMMENDATION

1. That Council:
- (a) note the report; and
 - (b) adopt the revised Mobile Food Vehicles Guidelines (**Attachment 1**).

CONTACT OFFICER: Stewart Martin
TITLE: Assistant Manager Compliance
TEL: 9205 5019

Attachments

- 1 Mobile Food Vehicle Guidelines

11.7 Appointment of Authorised Officers - Planning and Environment Act 1987

Trim Record Number: D14/62289
Responsible Officer: Chief Executive Officer

Purpose

1. To appoint the below named replacement staff member as an Authorised Officer pursuant to Section 147(4) of the *Planning and Environment Act 1987* and Section 232 of the *Local Government Act 1989*.

Background

2. In order to undertake the duties of office, the below named staff member should be appointed as an Authorised Officer pursuant to the above referred legislation.

Consultation

3. Not applicable.

Financial Implications

4. There are no financial implications arising from the appointment of an authorised officer.

Economic Implications

5. None applicable.

Sustainability Implications

6. None applicable.

Social Implications

7. None applicable.

Human Rights Implications

8. None applicable.

Communications with CALD Communities Implications

9. Not applicable.

Council Plan, Strategy and Policy Implications

10. None applicable.

Legal Implications

11. Pursuant to the *Planning and Environment Act 1987*, it is necessary for the Council to by formal resolution, make any appointment of an Authorised Officer under the *Planning and Environment Act 1987*.

Other Issues

12. None applicable.

Options

13. None applicable.

Conclusion

13. That Council formally appoint officer; John GUILFOYLE as an authorised officer pursuant to Section 147 (4) of the *Planning and Environment Act 1987* and Section 232 of the *Local Government Act 1989* and, the Instrument of Appointment and Authorisation document be signed and sealed accordingly by the Chief Executive Officer (refer Attachment 1 for example).

RECOMMENDATION

1. That:
 - (a) Council formally appoint officer: John GUILFOYLE as an authorised officer pursuant to Section 147 (4) of the *Planning and Environment Act 1987* and Section 232 of the *Local Government Act 1989*; and
 - (b) the Instrument of Appointment and Authorisation document be signed and sealed accordingly by the Chief Executive Officer.

CONTACT OFFICER: Ivan Gilbert
TITLE: Executive Manager Governance
TEL: 9205 5110

Attachments

- 1 Example - Copy of S11A Instrument of Appointment and Authorisation - Planning and Environment Act 1987

11.8 Report on Assemblies of Councillors Held - 12 May to 23 June 2014

Trim Record Number: D14/98758
Responsible Officer: Chief Executive Officer

Purpose

1. To report on the number of Assemblies of Councillors held since the previous Report.

Background

2. The *Local Government Act 1989* (The Act) now requires that ..."The Chief Executive Officer must ensure that the written record of an assembly of Councillors is, as soon as practicable-
 - (a) reported at an ordinary meeting of the Council; and
 - (b) incorporated in the minutes of that Council meeting.....".

Consultation

3. Not applicable.

Financial Implications

4. Not applicable.

Economic Implications

5. Not applicable.

Sustainability Implications

6. Not applicable.

Social Implications

7. Not applicable.

Human Rights Implications

8. Not applicable.

Communications with CALD Communities Implications

9. Not applicable.

Council Plan, Strategy and Policy Implications

10. Not applicable.

Legal Implications

11. Section 80A (2) of The Act, was amended and becoming operative from 24 September 2010 to now require the above information be reported to the next available Council Meeting and also be recorded into the Minutes of the Council.

Other Issues

12. Not applicable.

Options

13. Nil.

Conclusion

14. That Council formally note and record the Assemblies of Councillors report as detailed in Attachment 1 hereto.

RECOMMENDATION

1. That Council formally note and record the Assemblies of Councillors report as detailed in Attachment 1 hereto.

CONTACT OFFICER: Ivan Gilbert
TITLE: Executive Manager Governance
TEL: 9205 5110

Attachments

- 1 Report on the Assemblies of Councillors