

ORDINARY MEETING OF COUNCIL AGENDA

**to be held on Tuesday 14 October 2003
at the Richmond Town Hall at 7:30pm**

I. ATTENDANCE

II. APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE

III. DECLARATIONS OF PECUNIARY INTEREST

IV. CONFIRMATION OF MINUTES

Ordinary meeting of Council held on 9 September 2003.

RECOMMENDATION

That the minutes of the Ordinary meeting of Council held on 9 September 2003 be confirmed.

V. PETITIONS AND JOINT LETTERS

VI. PUBLIC QUESTION TIME

VII. COUNCILLORS' FORUM

General Business

Delegates Reports

Questions Without Notice

***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.***

ORDINARY MEETING OF COUNCIL

FINANCE AND RESOURCES COMMITTEE RECOMMENDATIONS

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CONFIDENTIAL ITEMS

Nil

FINANCE & RESOURCES COMMITTEE MEETING

**Tuesday 7 October 2003
Richmond Town Hall
Commencing 6:30pm**

ATTENDANCE

Councillor Jackie Fristacky (Chairperson)
Councillor Greg Barber
Councillor Sue Corby
Councillor Jenny Farrar
Councillor Li Lai

APOLOGIES

DECLARATIONS OF PECUNIARY INTEREST

Nil

1.1 Western Regional Waste Management Group (WRWMG)

File: 55/50/05-12
Responsible Officer: Manager Governance

Purpose

1. To report on the introduction of a director fee entitlement for Councillor representatives on the Board of the Western Regional Waste Management Group (WRWMG).
2. To consider the adoption of a Council policy concerning Councillor and Officer Board Remuneration.

Background

3. Councillors were previously advised of the new constitution for the WRWMG by memorandum on 30 June 2003. The constitution was adopted by the Management Committee on 10 April 2003. The WRWMG comprises the following member councils:
 - (a) Brimbank City Council;
 - (b) Hobsons Bay City Council;
 - (c) Maribyrnong City Council;
 - (d) Melbourne City Council;
 - (e) Melton Shire Council;
 - (f) Moonee Valley City Council;
 - (g) Port Phillip City Council;
 - (h) Yarra City Council; and
 - (i) Wyndham City Council.
4. At the Council meeting on 8 July 2003, Councillor Meadows in the 'Councillors Questions Without Notice' segment enquired as to when a report on the proposed allowance/fee for Board members of the Western Regional Waste Management Group would be presented to Council.
5. The Manager Environmental Services advised that the issue of a Director fee entitlement to a Councillor representative on the WRWMG Board would be referred to the Governance Branch for comment. This report provides details of the recent Constitution change in respect to Director's fee entitlements.
6. Council's representatives on the WRWMG are Councillor Sekhon (Council Director), Councillor Greg Barber (Alternate Director) and the Coordinator Services Contracts (Technical representative).

Issues

7. The constitution provides an entitlement for a director of the Board to be paid an annual director fee of \$1,746 and \$2,286 for the Chairperson. The fees are only applicable for Councillor members (not Council officers or alternate) and are paid at the commencement of the sitting year. Sitting fee entitlements are based on six meetings per annum. Payments have been made to all Board members in accordance with the constitution.
8. The payment of a director fee to a councillor who (in their position of councillor) represents council on Boards of statutory and other external bodies has not been commonplace in Victorian local government. However, these arrangements are becoming more prevalent, in recognition of increased commitment and contribution levels expected of individuals nominated for appointment on such bodies.

Consultations

9. The Executive Officer of the WRWMG advised that all council members had received and accepted the sitting fee entitlement and was aware of only the Melbourne City Council requiring this entitlement being forfeited by its nominee and paid into the Council's operating revenue. Melbourne City Council has adopted a policy that Councillors not accept remuneration payable to Board members representing Council.

City Plan, Strategy and Policy Implications

10. Council does not have a policy in relation to Councillor and Council officer Board remuneration. There are no specific legal requirements as to whether Board members be it a Councillor or a Council officer, be required to retain a directors fee entitlement. However, in the Public Service of Victoria document entitled *"Guidelines for the Appointment and Remuneration of Part Time Non Executive Directors of State Government Boards and Members of Statutory Bodies and Advisory Committees it states:*

"...it is Government policy that no fees are payable to full-time Government employees who serve in a non-executive position on any board, commission, committee or advisory board established by statute or which is accountable to a Minister in his or her capacity as a Minister of the Crown (as against their capacity as a shareholder)." These guidelines further explain that:

"there are no exceptions to this policy of non payment of fees for: academics with "private practice" rights, appointees who are eligible to claim overtime and appointees who perform higher work-value functions in their part-time employment than their full-time position."

Legal Implications

11. Director remuneration is primarily a matter between the relevant body and the Board member, who once becoming a member of the Board has a predominant duty to act in the interests of the Board he or she represents. There is case law in regard to the legal principles governing the duties of nominee directors. Notwithstanding the duty to the body that appointed or nominated him or her, a member of an external agency owes his or her primary duty to that body.

12. The *Local Government Act* 1989 does provide requirements in relation to benefits gained by Council staff. Section 99(1) states :

"A member of Council staff must not exact or accept from any person any fee or reward:

- (a) for anything done by virtue of his or her employment; or*
- (b) in relation to any act, matter or thing done under this Act, or any other Act dealing with local government or requiring any act, matter or thing to be done or performed by the Councillor a local governing purpose and which is a duty of that employment unless the fee or reward is received from the Council or with the Council's written permission."*

Given that an Officer is fulfilling the role by virtue of his/her employment with the Council, it is appropriate any remuneration entitlement pertaining to a Council officer be remitted to Council. Similarly, the same rationale can be applied to Councillors.

Proposal

13. It is proposed that Council adopt the following policy:

- (a) "Where a Councillor or Council officer receives an entitlement to be paid a director or any similar such fee by an organisation to which they have been nominated to be a representative of the Council, the Councillor and/or Council officer be required to forward any such payment received to Council; or if applicable, the organisation be requested to remit the fee directly to Council".*
- (b) "Nothing in this policy shall apply to circumstances where monies have been received by Councillors or Council officers prior to commencement of this policy."*

RECOMMENDATION

14. That the report on the Western Regional Waste Management Group (WRWMG) be noted.
15. That Council adopt the following policy effective from 14 October 2003:
- (a) "Where a Councillor or Council officer receives an entitlement to be paid a director or any similar such fee by an organisation to which they have been nominated to be a representative of the Council, the Councillor and/or Council officer be required to forward any such payment received to Council; or if applicable, the organisation be requested to remit the fee directly to Council".*
 - (b) "Nothing in this policy shall apply to circumstances where monies have been received by Councillors or Council officers prior to commencement of this policy."*

FINANCE & RESOURCES COMMITTEE RECOMMENDATION

Moved: Councillor Corby

Seconded: Councillor Barber

That the matter the referred to Council for further consideration.

CARRIED

ADDITIONAL INFORMATION

To be circulated at the Council meeting.

CONTACT OFFICER:

Gary Mills

TITLE:

Senior Governance Officer

TEL:

9205 5128

1.2 Senior Officer Appointments as Board Members/Directors – Yarra Melbourne Regional Library Board and Inner Northern Group Training Limited (INGTL)

File: 52/20/03/09 & 10/10/07-13
Responsible Officer: Director Corporate Services

Purpose

1. This report seeks approval for Senior Officer appointments to the Yarra-Melbourne Regional Library Board and the Board of Directors of Inner Northern Group Training Limited (INGTL) trading as Apprenticeships Plus.

Background

2. The Yarra-Melbourne Regional Library is a joint City of Melbourne and City of Yarra service managed by the Regional Library Board. The functions and responsibilities of the Regional Library Board are prescribed in the Regional Library Agreement (RLA).
3. The RLA provides for the City of Yarra to appoint a "Senior Officer" member and deputy to the Board.
4. Currently the City of Yarra "Senior Officer" Board Member of the Regional Library Board is Michael Sedgman, Chief Financial Officer who was appointed in April 2000. The "Senior Officer" deputy position has been vacant since the retirement of the previous Director Finance and Business Development, in January 2003. This means that while the City of Yarra has a currently appointed Board Member, it does not have an appointed "Senior Officer" deputy.
5. INGTL is a leading provider of industry training and placement services in Melbourne's northern suburbs. It is a "not for profit" company limited by guarantee, owned by the Cities of Darebin, Moreland and Yarra. The company now trades under the name "Apprenticeships Plus".
6. Following a review of the governance structure of the company by the member-owners in 1999, a seven member Board of Directors was appointed to oversee the operation of the company. The member-owner councils have the power to appoint Directors to the Board of the company.
7. The City of Yarra appointed Director position has been vacant since the resignation of the previous Director Community Development in January 2003. Michael Sedgman, Chief Financial Officer, as the nominated Alternate Director for the City of Yarra, has maintained Council representation at INGTL Board meetings.

Consultation

8. Discussions between the Director Corporate Services and the Chief Financial Officer have resolved that a formalisation of the "Senior Officer" Board Member/Director appointments is necessary and appropriate.

Proposal

9. It is proposed that Council:
 - (a) appoint the Director Community Development, Craig Kenny, as the City of Yarra's "Senior Officer" deputy and confirm the appointment of the Chief Financial Officer as the City of Yarra's "Senior Officer" Board Member. This will ensure continuity and ongoing participation by the City of Yarra "Senior Officer" representatives at Regional Library Board Meetings; and
 - (b) appoint the Chief Financial Officer, Michael Sedgman, as the City of Yarra's member Director of the INGTL Board and nominate the Director Community Development as the Alternate Director for the City of Yarra.

Resource and Financial Implications

10. The role of "Senior Officer" Members of the Regional Library Board entails significant time on a monthly basis, particularly in relation to Board Committees, working groups and other meetings. The library service accounts for a significant amount of Council funds in operational and capital expenditure.
11. It is important that the skill sets and experience of individual INGTL Directors are complementary and meet the needs of the Board. The appointment of a member Director with financial management experience will resource and support the capacity of the Board.

Legal Implications

12. The Regional Library Agreement requires that Council formally appoint its "Senior Officer" and Deputy category members to the Regional Library Board.
13. The appointment of member Directors is governed by INGTL's Articles of Association.

RECOMMENDATION

14. That Council:
 - (a) appoint the Director Community Development, Craig Kenny, as the City of Yarra's "Senior Officer" deputy of the Regional Library Board and confirm the appointment of Michael Sedgman, the current "Senior Officer" Board Member, from 1 October 2003;
 - (b) appoint the Chief Financial Officer, Michael Sedgman, as the City of Yarra's member Director of the INGTL Board and nominate the Director Community Development as the Alternate Director for the City of Yarra.

FINANCE & RESOURCES COMMITTEE RECOMMENDATION

Moved: Councillor Farrar

Seconded: Councillor Lai

That the recommendation be adopted.

CARRIED

CONTACT OFFICER:

Michael Sedgman

TITLE:

Chief Financial Officer

TEL

9205 5230

1.3 Yarra-Melbourne Regional Library Corporation – Service and Funding Agreement

File: 52/20/03-06
Responsible Officer: Chief Financial Officer

Purpose

1. To recommend Council's approval of the Service and Funding Agreement 2003 – 2006 between Council and the Yarra-Melbourne Regional Library Corporation ('the Corporation').

Background

2. The Corporation is jointly funded by the City of Yarra and the City of Melbourne. The functions and responsibilities of the Regional Library Board (the Board) are set out in the Regional Library Agreement (RLA). The review and amendment of the RLA was considered and adopted by Council at its meeting of 13 May 2003.
3. The management of the regional library service is the responsibility of the Board. Council is actively involved in the monitoring and development of the library service through participation by Councillor and Senior Officer representatives on the Board.
4. At its meeting of 4 July 2000 Council authorised the negotiation and execution of a three year Service and Funding Agreement between the Cities of Yarra and Melbourne and the Corporation. This agreement was executed on 4 August 2000 and operated for a three year period ending 30 June 2003.
5. The Service and Funding Agreement provided for an initial term of three years and an option for two additional three-year terms. The Service and Funding Agreement also includes a requirement for a review at least once every three years, prior to the end of each agreement term.
6. At its meeting of 26 November 2002, Council considered a report regarding the proposed process and timelines for review of the Service and Funding Agreement and exercise of the option to extend the agreement for a further three year term.
7. The review of the Service and Funding Agreement was impacted as a consequence of delays in the finalisation of the review of the RLA. In recognition of this delay Council, at its meeting of 8 July 2003 approved a three month extension of the Service and Funding Agreement 2000 – 2003 to 30 September 2003.
8. The Regional Library Board has subsequently completed its review of the Service and Funding Agreement and at its meeting of 27 August 2003 resolved to endorse the draft Service and Funding Agreement 2003 – 2006 and that it be forwarded to the member councils for their approval.

Issues

9. The Service and Funding Agreement documents the integration of the planning and resourcing process in accordance with the Council approved Strategic Plan and incorporates an annual update of both the Service Plan and Budget.
10. The parameters of the review of the Service and Funding Agreement were essentially bounded by the principle that there are no compelling reasons not to exercise the extension option provided for under the existing agreement.
11. The review and the resultant draft Service and Funding Agreement 2003 – 2006 (Attachment 1) primarily reflect:
 - (a) incorporation of Deeds of Variation in relation to GST, Occupational Health & Safety and Equal Employment Opportunity and Privacy;
 - (b) updating of wording throughout agreement as required;
 - (c) consistency of terminology with revised RLA;
 - (d) recognition of the Corporation's service provider role for City Library Services under a separate Service Agreement with the City Library Joint Venture;
 - (e) recognition of legislative requirements with respect to physical access;
 - (f) provision for variation of the current split between capitalised library materials and recurrent library materials within the range 80:20 and 75:25, subject to review and approval through the budget process; and
 - (g) a review of fees and charges.

Consultations

12. Councillor and Senior Officer representatives of both the Cities of Yarra and Melbourne have been involved in the Service and Funding Agreement review processes at both the sub-Committee and Board level.
13. The Chief Executive Officer of the Corporation has written to Council advising of the endorsement of the Board and its request for the member councils' approval of the draft Service and Funding Agreement 2003 – 2006.

Resource and Financial Implications

14. The City of Yarra funding for the Corporation in 2003/2004 allowed in Council's budget is \$2,876,725.
15. The total contribution from member councils in 2003/2004 amounts to \$5,042,190 of which Yarra will contribute \$2,876,725 and the City of Melbourne will contribute \$2,165,465. Other contributions will be received by way of State Government Grants, fees and charges and a City of Melbourne specific contribution for the Corporate Library.

City Plan, Strategy and Policy Implications

16. The Service and Funding Agreement provides the planning and resourcing linkages to ensure delivery of the Corporation's Strategic Plan over the term of the agreement in the key result areas of:
- (a) Planning and Evaluation;
 - (b) Service Delivery and Promotion;
 - (c) Advocacy; and
 - (d) Resources and Infrastructure.

Proposal

17. It is proposed that Council approve the Service and Funding Agreement 2003 – 2006 between Council, the City of Melbourne and the Yarra-Melbourne Regional Library Corporation.

RECOMMENDATION

18. That Council:
- (a) approve the Service and Funding Agreement 2003 – 2006 for the period 1 October 2003 to 30 June 2006; and
 - (b) authorise the Chief Executive Officer to execute the Service and Funding Agreement on behalf of Council.

FINANCE & RESOURCES COMMITTEE RECOMMENDATION

Moved: Councillor Farrar

Seconded: Councillor Corby

That the recommendation be adopted.

CARRIED

CONTACT OFFICER: Michael Sedgman
TITLE Chief Financial Officer
TEL: 9205 5230

See Attachment



Adobe Acrobat
Document

1.4 2003/04 Monthly Financial Report – Period Ending 31 August 2003

File: 40/40/02
Responsible Officer: Director Corporate Services

Purpose

1. To provide a financial report for the two months ending 31 August 2003 and information on the current status of Council's financial performance and position.

Background

2. The 2003/04 Annual Budget was adopted by Council on 8 July 2003.
3. This report is being presented in accordance with Regulation 18 of the *Local Government Regulations 2001*.
4. The report has been prepared on an accrual basis, to ensure accurate matching of income and expenditure, both operating and capital, for the period ending 31 August 2003.

Issues

5. The forecast operating result to 31 August 2003 is projected to be a surplus of \$3.218m being an unfavourable variance of \$0.038m compared to the Annual Budget surplus of \$3.256m. This result is reflected by a favourable forecast income variance of \$0.081m offset by an unfavourable forecast expenditure variance of \$0.119m. The overall forecast variance comprises of the following significant variances:
 - (a) parking revenue favourable to budget by \$0.124m;
 - (b) user charges unfavourable to budget by \$0.305m;
 - (c) reimbursements and contributions favourable to budget by \$0.229m;
 - (d) maintenance unfavourable to budget by \$0.099m;
 - (e) contract payments unfavourable to budget by \$0.367
 - (f) other materials and services favourable to budget by \$0.572m;
 - (g) provision for doubtful parking debtors unfavourable to budget by \$0.240m.
6. As outlined in the Statement of Financial Performance, the year to date operating result before reserve transfers reflects a favourable variance of \$1.466m.

7. The overall year to date variance in income is a favourable result of \$0.158m comprising the following significant variances:
 - (a) government grants are unfavourable to budget by \$0.099m (11.5%), primarily reflecting the timing grant receipts which are to be received in future periods;
 - (b) reimbursements and contributions \$0.288m (90%) favourable to budget primarily due to receipt of unbudgeted Roads to Recovery funding plus additional road reinstatement income.
8. The overall year to date variance in expenses is a favourable result of \$1.307m comprising the following variances:
 - (a) employee costs are favourable compared to budget by \$0.233m (5.04%) due to a higher than planned level of vacant positions across the staff establishment for some Council activities;
 - (b) contract payments are favourable compared to budget by \$0.127m (6.7%) reflecting a lower than anticipated cost of various contract services to date;
 - (c) other materials & services is favourable compared to budget by \$0.801m (23.06%) primarily reflecting lower than planned expenditure for consultants and professional services, contributions, materials, training and other expenses.
9. Council's 2003/2004 adopted budget from a rate determination perspective would result in a rates surplus carried forward of \$2.026m. The current forecast result is for a rates surplus carried forward of \$2.789m. The favourable forecast variance of \$0.763m is as a result of additional income identified in the operating budget (\$0.081m), savings in the capital works program (\$0.105) in addition to a favourable carry forward rate surplus (\$0.696).
10. Council's cash position at the end of August stood at \$7.2m, reflecting a net cash outflow of \$2.4m for the year to date.
11. Rates outstanding as at the end of August totalled \$44.673m, of which \$1.739m pertains to rates outstanding from previous rate years.
12. Parking debtors amounted to \$6.1m (net of provision for doubtful debts). Infringements outstanding for more than 90 days are referred to the PERIN Court for collection.
13. Other debtors (excluding GST-ATO) outstanding at the end of August were \$1.6m of which \$0.2m has been outstanding for more than 90 days.
14. The attached capital works report reflects expenditure to the end of August of \$0.685m compared to a year to date budget of \$1.717m and represents 4.19% of the annual capital works program. The current year-end Capital Works program forecast is currently \$16.213m, which represents an under spending to budget of \$0.105m.
15. The purchase order compliance rate for the month of August was 91.1% against a target of 100% (excluding exempt orders).

Community Implications

16. The 2003/04 Annual Budget resources the second year of the City Plan 2002-05 adopted by Council on 25 June 2002 and thus ensures achievement of the major strategies and actions of the key commitment areas of the City Plan.

RECOMMENDATION

17. That the financial report for the two months ending 31 August 2003, be noted.

FINANCE & RESOURCES COMMITTEE RECOMMENDATION

Moved: Councillor Barber

Seconded: Councillor Farrar

That the recommendation be adopted.

CARRIED

CONTACT OFFICER:

Marc Giglio

TITLE:

Manager, Management Accounting

TEL:

9205 5236

See Attachment



Adobe Acrobat
Document

1.5 2004 Council Meeting Program

File: 25/15/01
Responsible Officer: Manager Governance

Purpose

1. To adopt the 2004 Council meeting program.

Background

2. Council has adopted its meeting program up until the end of December 2003.
3. The adoption of a 12-month meeting timetable facilitates forward planning and the programming of Council business.

Issues

4. The proposed 2004 Council meeting program includes:
 - (a) monthly Finance & Resource Committee meetings;
 - (b) monthly Planning & Community Development Committee meetings;
 - (c) monthly Ordinary Council meetings;
 - (d) twice-monthly Councillor Briefings; and
 - (e) fortnightly meetings of the Internal Development Approvals Committee (IDAC).
5. The proposed 2004 Council Meeting Program is included with this report as Attachment 1.

Proposal

6. It is proposed that Council adopt the attached meeting program for 2004.

RECOMMENDATION

7. That the attached 2004 Council meeting program be adopted.

FINANCE & RESOURCES COMMITTEE RECOMMENDATION

Moved: Councillor Barber

Seconded: Councillor Farrar

That the matter be referred to Council for further consideration.

CARRIED

CONTACT OFFICER:

Gary Mills

TITLE:

Senior Governance Officer

TEL:

9205 5128

See Attachment



Adobe Acrobat
Document

1.6 2003 Australian Local Government Association (ALGA) National General Assembly of Local Government Conference

File: 14/45/05/01
Responsible Officer: Senior Governance Officer

Purpose

1. To report on the 2003 ALGA National General Assembly of Local Government conference and consider a request for councillor attendance.

Background

2. The ALGA National General Assembly of Local Government Conference will be held in Canberra between 23- 26 November 2003. This is a premier conference for Australian local government.
3. The theme of this years' Assembly is "*Forging our Future*". The program includes regional cooperation and development, environmental sustainability, information technology, population and ageing, local government financing and infrastructure. An international Council for Local Environmental Initiatives (ICLEI) Recognition Event and Briefing entitled 'Sustainable Future – Local Action' forms part of the conference program. The conference program is attached.
4. Also, the conference will consider motions for debate submitted by councils and regional organisations of councils. Yarra has submitted notices of motions calling on the Federal Government to:
 - (a) provide funding reforms to support and maintain the current Home and community Care program;
 - (b) support and expedite the processing of Visas for East Timorese asylum seekers;
 - (c) support the retention and extension of medicine to ensure equal access to medical , hospital and pharmaceutical service;
 - (d) introduce of a plastic bag levy;
 - (e) increase its role in building transport infrastructure to make Australian cities environmentally sustainable;
 - (f) amend as a matter of priority, the Fringe Benefits Tax Assessment Act to remove the existing bias that encourages driving and discourages public transport use by charging much lower rates of fringe benefits tax on employer provided cars (7-26%) and car parking spaces (0%) than on employer provided public transport tickets (48.5%);
 - (g) introduce stricter controls on the streams of packaging material produced and used in the market as a key outcome of the current review of the National Packaging Company;

- (h) urgently address funding reforms to minimise the impacts of cost shifting to Local Government;
 - (i) fully recognise local government in the national structure of government; and
 - (j) increase consultation with the local government in all areas of public policy.
5. Council has submitted an application to the National Awards for Local Government concerning Council's role in a successful local government initiative in influencing Federal Government policy in the context of East Timor and asylum seekers.
 6. Awards will be presented at the conference.
 7. Councillors Farrar, Sekhon and Corby have expressed interest in attending the conference.

Resource and Financial Implications

8. Indicative conference costs are set out below.

Details	Cost \$
Registration	825.00
Accommodation (3 Days)	600.00
Air Fare	400.00
Total (approx)	1825.00

9. Council will also pay any living and other incidental expenses incurred by the delegate. Council has a budget of \$10,000 for Councillor attendance at conferences and seminars.

City Plan, Strategy and Policy Implications

10. Council approval is required for councillor attendance at interstate or overseas conferences in accordance with Council policy.

Proposal

11. It is proposed consideration be given to approving councillor attendance at this conference.

RECOMMENDATION

12. That the report be noted.
13. That Council approves the attendance of *(councillors' names to be inserted)* at the 2003 ALGA National General Assembly of Local Government to be held in Canberra between 23- 26 November 2003.

FINANCE & RESOURCES COMMITTEE RECOMMENDATION

Moved: Councillor Barber

Seconded: Councillor Farrar

That the matter be referred to Council for further consideration.

CARRIED

CONTACT OFFICER:

Gary Mills

TITLE:

Senior Governance Officer

TEL:

9205 5128

See Attachment

**PLANNING & COMMUNITY DEVELOPMENT
COMMITTEE MEETING**

**Tuesday 7 October 2003
Richmond Town Hall
Commencing at 8:00pm**

ATTENDANCE

Councillor Judy Morton (Chairperson)
Councillor Greg Barber
Councillor Kay Meadows
Councillor Gurm Sekhon

APOLOGIES

Councillor Di Natale

DECLARATIONS OF PECUNIARY INTEREST

Nil

2.1 Northern Central City Corridor Study (NCCCS) – Response to Draft Strategy

EXECUTIVE SUMMARY

Purpose

The purpose of this report is for Council to endorse a submission to the Department of Infrastructure on the Northern Central City Corridor Study's (NCCCS) Draft Strategy.

Background

On 12 March 2002, Council adopted a position on the NCCCS that called for an ambitious but practical blueprint for major improvements to public transport, cycling and walking along with measures to provide improved transport choices and significantly reduce the community's dependence on the private automobile.

Consultations

There has been extensive consultation with the Yarra community during the development of the Draft Strategy. A community bulletin about the strategy has recently been delivered to all houses in the NCCCS area. Council is planning a joint public forum on the NCCCS with the City of Melbourne planned for 15 October, 2003, 7.00pm at Collingwood Town Hall.

Issues

The NCCCS Draft Strategy includes significant sections that would achieve the outcomes desired by Council. However, Council also has significant concerns about aspects of the Draft Strategy, especially plans to extend clearways and increase traffic efficiency on arterial roads.

Environmental Implications

Improving Yarra's environment is a key aim of the NCCCS Draft Strategy.

City Plan, Strategy and Policy Implications

The NCCCS Draft Strategy has implications for Council's City Plan and many of Council's strategies and policies, particularly related to improving Yarra's environment, maintaining vibrant shopping and business precincts, reducing car dependence, promoting public transport, walking and cycling and maintaining Yarra's heritage.

Resource and Financial Implications

The most significant financial implication is the \$500,000 per year estimated for traffic management in Yarra's section of the NCCCS area for the remaining 18 years of the strategy.

RECOMMENDATION

That Council hold a public forum in cooperation with the City of Melbourne to provide the community with an opportunity to discuss the NCCCS Draft Strategy. The forum is scheduled for 7.00pm on 15 October 2003 at Collingwood Town Hall.

That Council, noting that the response to the Draft Strategy is required by 7 November 2003, endorse the attached report as its official submission on the Draft Strategy, subject to any changes arising out of the public forum to be held on 15 October, other community input and Council's Parking and Traffic Community Advisory Committee.

2.1 Northern Central City Corridor Study (NCCCS) – Response to Draft Strategy

File: 55/60/22/01-02
Responsible Officer: Manager City Infrastructure

Purpose

1. The purpose of this report is for Council to endorse a submission to the Department of Infrastructure on the Northern Central City Corridor Study's (NCCCS) Draft Strategy.

Background

General

2. The NCCCS has been investigating transport and land-use issues in Melbourne's inner north. It has developed a draft strategy to improve the liveability of the area over the next 20-30 years. The NCCCS area covers all of Yarra north of Victoria Street/Parade and south of Park Street, North Fitzroy excluding Alphington.
3. The study was launched by the State Government in November 2000. This followed the previous Government's announcement prior to the 1999 State election that it would investigate the feasibility of a new freeway linking the Eastern and Tullamarine Freeways.

Council involvement in the study

4. The study has been managed by the Department of Infrastructure and includes a Community Reference Group (CRG), a Technical Steering Committee (TSC) and Minister-Councillor group.
5. The City of Yarra has been represented on the TSC by the Manager City Infrastructure, on the CRG by Councillors Barber and Fristacky and the Manager City Infrastructure and on the Minister-Councillor group by Councillors Barber and Fristacky.

Council resolutions

6. On 15 May 2001, Council resolved that it would continue to participate in the NCCCS, subject to the government maintaining a balanced approach to transport options and engaging in genuine consultation. Council also recorded its strong preference for NCCCS outcomes to be based on public transport and other non-car initiatives consistent with City Plan 2001-2004.
7. On 11 December 2001, Council unanimously resolved to oppose a new freeway link between the Eastern and Tullamarine Freeways (City Link). Council called on the State Government to work with councils and their communities in the study area to advance innovative public transport solutions as part of an integrated transport approach to the issue.

8. On 12 March 2002, Council adopted a position on the Northern Central City Corridor Study. This was as follows:

“The City of Yarra’s vision is that the NCCCS strategy will clearly layout an ambitious but practical blueprint for major improvements to public transport, cycling and walking along with measures to provide improved transport choices and significantly reduce the community’s dependence on the private automobile.

Improving Existing Public Transport

For the final NCCCS study to be acceptable to Yarra, it must:

- (a) contain plans to at least maintain all existing levels of public transport performance or service; and*
- (b) contain plans for a quantum leap in existing public transport performance including faster services, shorter headways, longer service spans, better access to services, priority for public transport at intersections, improved ticketing, reliability and transfer improvements (allowing patrons to move quickly from service to service).*

Remove Extra Traffic From Local Streets

For the final NCCCS study to be acceptable to Yarra, it must:

- (a) not contain initiatives that will increase the amount of motor vehicle traffic in local streets in Yarra;*
- (b) include strategies that will reduce the volume and speed of motor vehicles, especially trucks, in Yarra’s residential streets; and*
- (c) ensure that thorough community and council consultation precedes any major traffic management works.*

Facilitate growth in cycling and walking

For the final NCCCS study to be acceptable to Yarra, it must:

- (a) not include plans to reduce the existing level of service to cyclists and walkers; and*
- (b) contain a quantum leap in existing infrastructure for cycling and walking.*

Actively Reduce Car Use

For the final NCCCS study to be acceptable to Yarra, it must:

- (a) provide improvements in public transport, walking and cycling infrastructure and other initiatives to improve transport choices prior to any action to reduce parking levels or before introducing other specific disincentives affecting car users in the Yarra community;*
- (b) involve significant public education and participation across the entire community on the benefits of reducing car use and providing wider*

*transport choices, especially the business and residential communities;
and*

- (c) Outline a cooperative approach to tackling parking and other car reduction measures across the metropolitan area to ensure fairness and equity between different councils and areas of Melbourne.*

Integrate Planning for Transport and Land Use

For the final NCCCS study to be acceptable to Yarra, it must include initiatives to help local and State governments to develop planning rules that will support sustainable transport and reduce car dependency.

Create New Public Transport Systems

For the final NCCCS study to be acceptable to Yarra, it must:

- (a) contain practical public transport initiatives that will win significant market share for people travelling to, through and within the NCCCS area, and*
- (b) develop new public transport initiatives that will contribute to the overall improvement of a comprehensive public transport network in Melbourne, not stand-alone services.*

Arterial Road Efficiency

For the final NCCCS study to be acceptable to Yarra, it must:

- (a) not propose a freeway linking the Eastern and Tullamarine Freeways;
and*
- (b) not propose any expansion of arterial road capacity that will encourage further car use.*

General

The City of Yarra endorses the first six objectives agreed by the NCCCS (improve existing public transport, remove extra traffic from local streets, facilitate growth in cycling and walking, actively reduce car use, integrate planning for transport and land use, create new public transport systems). Yarra is concerned that the seventh objective (improve arterial road efficiency) is likely to lead to an expansion of capacity for private motor vehicles and increase car dependence. Yarra would like to see arterial road efficiency improvements directed towards improving the performance of on-road public transport.

Council is concerned that without the significant change in transport policies outlined above that the Yarra community will suffer significantly worsening impacts of excessive traffic and that traffic levels in residential streets will continue to rise. Traffic impacts are expected to be exacerbated by several planned road projects including the extension of the Eastern Freeway to Ringwood and Scoresby and the Craigieburn Bypass.

Council's position on the NCCCS is in line with Council's firm support of the State Government's initiative to boost public transport patronage in Melbourne

to 20% by 2020. (*Growing Victoria Together, November 200, Department of Premier and Cabinet*).”

9. It is noted that this position was developed prior to the launch of *Melbourne 2030* and that many of the initiatives called for by Council are now being considered as part of *Melbourne 2030*.

Consultations

10. There has been extensive consultation with the Yarra community through a NCCCS Community Reference Group as part of the NCCCS process during the development of the strategy. Some of these consultations were detailed in the report to Council on 12 February 2001.
11. The final draft of the NCCCS Strategy was presented to the CRG on Tuesday 12 August 2003. Unfortunately, CRG members were given only one working day's notice of the meeting (there having not been a CRG meeting for approximately 12 months) and as a result the meeting was poorly attended by community representatives. The Department of Infrastructure has also delivered a summary of the Draft Strategy in its *Community Update No. 5* to all households in the NCCCS area.
12. In an effort to ensure that the public has an opportunity to fully understand the details of the Draft Strategy and to ask questions about it, the Cities of Yarra and Melbourne are planning to hold a joint public forum on 15 October 2003 at 7.00pm at Collingwood Town Hall. Representatives of the Department of Infrastructure have been invited to attend this meeting to make a presentation on the Draft Strategy.

Issues

13. Council's submission to the NCCCS Draft Strategy is attached to this report. It notes that Council supports the broad aims of the Draft Strategy. The Draft Strategy also outlines an attractive potential future scenario of less car travel especially in some local streets, a much better public transport service and better cycling and walking networks.
14. The Draft Strategy rejects the construction of a new freeway joining City Link to the Eastern Freeway. This is clearly in line with Council's resolutions.
15. However, Council's submission also outlines a number of concerns in relation to the ability of the Draft Strategy to be able to deliver the attractive scenario that it outlines. These include:
 - (a) the high estimated cost of traffic management that will fall entirely to Council (\$500,000 per year in the NCCCS study area);
 - (b) lack of timelines or guarantees for the State Government to deliver the significant improvements in public transport on which the Strategy is based;
 - (c) the lack of timelines or commitments to the construction of the Doncaster Area Rapid Transit System;

- (d) the plans to increase the efficiency of arterial roads and extend clearways;
and
- (e) the limited scope of walking and cycling initiatives.

Environmental Implications

- 16. Improving Yarra's environment is a key aim of the NCCCS Draft Strategy.

City Plan, Strategy and Policy Implications

- 17. The NCCCS Draft Strategy clearly has implications for Council's City Plan and many of Council's strategies and policies. These are largely related to improving Yarra's environment, maintaining vibrant shopping and business precincts, reducing car dependence, promoting public transport, walking and cycling and maintaining Yarra's heritage.

Resource and Financial Implications

- 18. Several of the major transport initiatives outlined in the final NCCCS Strategy will be funded by the State Government. However, the Draft Strategy indicates significant financial implications for Yarra. These include:
 - (a) \$500,000 per year estimated for traffic management in Yarra's section of the NCCCS area for the remaining 18 years of the strategy (a total commitment of \$9m); and
 - (b) an unknown amount of staff, councillor and possibly consultant resources to work on a number of the initiatives in the Draft Strategy including developing a new road hierarchy, planning changes to arterial roads, reviewing parking strategies, developing a bicycle strategy, developing a walking strategy and others.

RECOMMENDATION

- 19. That Council hold a public forum in cooperation with the City of Melbourne to provide the community with an opportunity to discuss the NCCCS Draft Strategy. The forum is scheduled for 7.00pm on 15 October 2003 at Collingwood Town Hall.
- 20. That Council, noting that the response to the Draft Strategy is required by 7 November 2003, endorse the attached report as its official submission on the Draft Strategy, subject to any changes arising out of the public forum to be held on 15 October, other community input and Council's Parking and Traffic Community Advisory Committee.
- 21. That a copy of the Draft Strategy and Council's Draft Response be posted on Council's website for information and comment together with advice on the above meeting.
- 22. That copies of Council's submission on the Draft Strategy when finalised and this report be sent to the Minister for Transport, the Department of Infrastructure, VicRoads, the City of Melbourne and a copy posted on Council's website.

That a further report be presented to Council once the final NCCCS Strategy is released.

Submissions

The following people addressed the Committee on this item:

*Kevin Morgan;
John Beckwith; and
Peter Canals.*

PLANNING & COMMUNITY DEVELOPMENT COMMITTEE RECOMMENDATION

Moved: Councillor Barber

Seconded: Councillor Sekhon

1. That Council hold a public forum in cooperation with the City of Melbourne to provide the community with an opportunity to discuss the NCCCS Draft Strategy. The forum is scheduled for 7.00pm on 15 October 2003 at Collingwood Town Hall.
2. That Council, noting that the response to the Draft Strategy is required by 7 November 2003, endorse the attached report as its official submission on the Draft Strategy, subject to any changes arising out of the public forum to be held on 15 October, other community input and Council's Parking and Traffic Community Advisory Committee.
3. That a copy of the Draft Strategy and Council's Draft Response be posted on Council's website for information and comment together with advice on the above meeting.
4. That copies of Council's submission on the Draft Strategy when finalised and this report be sent to the Minister for Transport, the Department of Infrastructure, VicRoads, the City of Melbourne and a copy posted on Council's website.
5. That a further report be presented to Council once the final NCCCS Strategy is released.
6. That Council convene a further public forum on Wednesday 19 November 2003 to discuss broader transport issues to guide Council's policy making.

CARRIED

CONTACT OFFICER:
TITLE
TEL:

Richard Smithers
Transport Planner
9205 5061

See Attachment



Adobe Acrobat
Document

2.2 Local Area Traffic Management (LATM) Planning - Priorities

File: 55/75/03
Responsible Officer: Coordinator Transport

Purpose

1. To report on analysis of LATM precinct areas 3 (Scotchmer), 4 (North Fitzroy), 15 (Highett), 20 (Balmain) and 21 (Barkly).
2. To determine the priority for future planning and budget submissions for capital works expenditure on LATM studies.

Background

3. LATM precinct areas 6 (East Clifton Hill), 13 (Abbotsford) have been treated in current/previous budgets. LATM precinct area 2 (North Carlton) is currently under review and is soon to be displayed for community input.
4. Council at its meeting on 29 October 2002 (Item 2.5) resolved:
 - “1. *That Council:*
 - (a) *reconfirm that the priority for treatment of LATMs be in accordance with the recommendations of its adopted Traffic Management Strategy (O'Brien 1996); and*
 - (b) *recognise LATMs 3, 4, 15, 20 and 21 as those areas to be analysed in detail to identify the priority order for future traffic management treatment.*
 2. *That a further report be presented to the December 2002 Council cycle detailing LATMs 6 and 13 and subsequent cost implications and status of work completed.”*
5. The requested report was submitted to the December 2002 Council cycle and at its meeting on 17 December 2002, Council resolved (Item 2.6)
 - “1. *That the report on Local Area Traffic Management Works (East Clifton Hill and Abbotsford) be noted.*
 2. *That further discussions be held on the Local Area Management Works with relevant neighbourhood groups.*
 3. *That a project update with timelines be provided to the relevant community groups involved in the development of the LATM works.”*
6. Discussions have been held with the neighbourhood groups, and are ongoing, and the project update and timelines have been provided to the community groups.

7. Data has been collected and the above five LATM precincts have been analysed in accordance with the Council's adopted Traffic Management Strategy.
8. The LATM analysis of each precinct includes assessment of criteria related to traffic speed, volume, accidents and land use for the most severely affected streets, to produce a comparative priority ranking score for each precinct.
9. The LATM analysis established the following priority:

Rank	Precinct
1	3 (Scotchmer)
2	15 (Highett)
3	21 (Barkly)
4	4 (North Fitzroy)
5	20 (Balmain)

Table 1

The spreadsheets used to calculate the priority score for each precinct area are attached (Attachment A).

10. There are 13 LATM precinct areas in the City which are yet to be assessed. Data will be progressively collected and these remaining precincts will be progressively analysed in conjunction with those not already identified for capital works.
11. The process of LATM analysis is dynamic. Should traffic conditions change over time within a previously prioritised precinct area, new data will be collected and the precinct re-analysed.
12. Current resources generally provide for no more than one LATM study to be undertaken per annum, with construction works generally being undertaken in the following financial year.
13. As noted in Council Notice Paper No.7 on 30 June 1997:
 - (a) some precincts have already been treated reasonably well and various localised issues within these could potentially be addressed in other program areas;
 - (b) *it is appropriate some precincts not be considered as part of the LATM areas programme for various reasons.*

Issues

14. Community expectation for traffic management treatment is increasing throughout the City.
15. Recent land redevelopments have increased community expectation in some areas.

Consultations

16. Development of LATMs will be the subject of consultation as part of the planning and design process.

Resource and Financial Implications

17. A LATM precinct study is estimated to cost \$40,000. Until the study is complete, it is difficult to quantify the required capital works, but it could be in the range of \$400,000-\$500,000.
18. Because of general community demands and other transport strategies and initiatives, the planning and implementation of LATM works is a process which could span many years, requiring significant annual budget allocations.

City Plan, Strategy and Policy Implications

19. The implementation of LATM is in accordance with the adopted Traffic Management Strategy (O'Brien 1996).

Legal Implications

20. Nil

Proposal

21. It is proposed that precinct area No.3 (Scotchmer) be adopted as the first priority area in which a local area traffic management study be undertaken.
22. It is also proposed that LATM precinct area No.3 be considered for funding in the 2004/05 traffic management budget provisions for capital works.

RECOMMENDATION

23. That:
 - (a) Council adopt precinct area No.3 (Scotchmer) as the next area in which a local area traffic management study (LATM) be undertaken.
 - (b) the outcomes of the LATM precinct area No.3 study be referred to Council's 2004/05 Capital Works Budget process for funding consideration, if required.

Submissions

The following people addressed the Committee on this item:

*Jonathon Anderson;
Mark Scholes; and
John Beckwith.*

PLANNING & COMMUNITY DEVELOPMENT COMMITTEE RECOMMENDATION

Moved: Councillor Sekhon

Seconded: Councillor Barber

1. That:
 - (a) Council adopt precinct area No.3 (Scotchmer) as the next area in which a local area traffic management study (LATM) be undertaken.
 - (b) the outcomes of the LATM precinct area No.3 study be referred to Council's 2004/05 Capital Works Budget process for funding consideration, if required.
2. That Council develop a policy on traffic calming for Yarra's streets recognising 'liveability' objectives such as traffic speed volume, pedestrian safety and comfort and the amenity of local streets for non-car users as well as local accessibility.

CARRIED

CONTACT OFFICER:

Colin Bates

TITLE:

Road Network Planning Officer

TEL:

9205-5076

See Attachment



Microsoft Excel
Worksheet

2.3 Parking Permits - Non Eligibility for New Residential Developments

EXECUTIVE SUMMARY

Purpose

To consider options for amending Council's Parking Permit Policy so as to exclude new residential developments from obtaining parking permits under Councils' Parking Permit Policy.

Issues

Many planning applications in the City of Yarra seek a waiver of car parking requirements to support development proposals. This has also raised concern about the future impact on parking in residential streets should these developments not be 'self sufficient' in providing their car parking demand on-site.

Resource Financial Implications

There are no significant resource implications in implementing the policy.

Community Implications

No formal external consultation has been undertaken, however based on feedback from Council customer satisfaction surveys, growing resident concerns over the increasing impact of parking on-street, the repeated submissions contained in planning permit objections and the opposition to the impact of planning parking permit waivers it is considered that the proposed changes are consistent with community attitudes and will be well received by existing residents.

Environmental Implications

The new policy is expected to have a positive overall impact on the environment by reducing car dependence. Any reduction in car dependence will lead to fewer cars on Yarra's streets, better residential amenity, less pollution, improved road safety outcomes and a better environment for pedestrians and cyclists.

City Plan, Strategy and Policy Implications

Reducing car dependence is a key aim of Council's Environment Strategy (Our Sustainable Future – The Yarra Environment Strategy 2000). It also supports the 10-Year Vision outlined in City Plan 2002-05 including the creation of a sustainable transport system. Council's Municipal Strategic Statement also seeks to reduce the level of car based travel, contain vehicle growth, advocate for alternative modes of travel and to manage the supply of parking to encourage better transport choice.

Legal Implications

Council is clearly empowered to amend or replace Council's current Parking Permit Scheme or make a local law under the Local Government Act 1989.

PROPOSED ACTIONS

That Council amend its Parking Permit Policy to exclude all new residential development which increases the number of dwellings on a site from obtaining resident or visitor parking permits, other than development affected by heritage controls under the Yarra Planning Scheme which prevent the adequate provision for parking vehicles on-site.

2.3 Parking Permits - Non Eligibility for New Residential Developments

Responsible Officer: Director City Development

Purpose

1. To consider options for amending Council's Parking Permit Policy so as to exclude new residential developments from obtaining parking permits under Councils' Parking Permit Policy.

Background

2. This matter has been raised on a number of occasions by Councillors, the community and through Council's Transport and Parking Community Advisory Committee. In this regard, at the Council meeting held on 9 September 2003 Cr Fristacky asked the following Questions Without Notice *"What is happening with the review of non eligibility of new residential developments to be issued with on-street parking permits?"* In response the Director City Development advised that *"Legal advice is being sought in relation to this matter and a report will be presented to the October 2003 Council (meeting) cycle."*
3. Many planning applications in the City of Yarra seek a waiver of car parking requirements to support development proposals. This has also raised concern about the future impact on parking in residential streets should these developments not be 'self sufficient' in providing their car parking demand on-site.
4. A Car Parking Strategy for Yarra is currently being developed and it is anticipated that a Strategy will soon be released for consultation purposes. During the discussions in developing the Strategy, concern has been expressed about the increasing number of car parking waivers granted for new residential developments and that this issue is a major concern for residents, expressed particularly through submissions received through the planning application process.
5. The City of Port Phillip introduced a system in 1997 which restricted occupiers of new residential developments, where the developer/owner who had not provided off-street (on site) car parking in accordance with Council policy, from participating in the Council's residential parking permit scheme. The policy effectively prohibited the issue of resident and visitor parking permits in these situations.
6. On 2 September 2002, the policy was reviewed and amended by Port Phillip Council to apply to all new residential development irrespective of the level of off-street (on site) parking provided. (New residential development was defined as all planning permit applications which increase the number of residences on each lot lodged on or after the 1 October 2002 with the City of Port Phillip. Applications lodged after that date where pre application meetings with Council officers/Councillors held before the 27 September 2002 has advised or directed the applicant on car parking supply which may be contradictory to this new policy, will be exempt from this policy).

7. Two exemptions to the 'blanket' application of not issuing resident and visitor permits to all new residential development in Port Phillip, would be in the instances where the development:
 - (a) Was affected by heritage controls which prevent the adequate provision for parking of vehicles on site, and/or
 - (b) Located in a street where the on-street parking controls included 'permit zone' parking restrictions on both sides of the street.
8. Given its exposure and experience in the issue being considered, the City of Port Phillip is used as reference throughout this report.
9. For information, Port Phillip regulates its parking through a Local Law whilst the City of Yarra uses a policy adopted in 1995. Both systems are compliant with the Local Government Act 1989 as amended.

Issues

10. To assist Council's consideration in this matter it is useful to outline how the scheme would operate.
11. From a given date following Council adopting any change to its current Parking Permit Policy, say 15 October 2003, all new residential development that increased the number of residences on each lot (not subject to any exemptions) would be prohibited from participating in Council's Parking Permit Scheme.
12. Each time a planning permit is approved, Council's Urban Planning Branch would generate an electronic note to be automatically placed on the property in Council's corporate property information system. This would enable an automatic note to be included on the Land Information Certificate (LIC) which forms part of the section 32 Contract of Sale documents for residential property. (This advice would go to potential owners however no similar statutory notice exists for those who rent or lease a property). Advice would also be sent to Council's Parking Services Unit advising that the property was not eligible for parking permits.
13. Advantages and disadvantages to such an initiative are listed below.

Perceived Advantages

Existing Residents

14. The policy will assist existing residents who currently rely on on-street parking. They will not be disadvantaged by future increases in demand for on-street parking from the residents in new developments.

Business Community

15. The policy will protect access to existing on-street parking capacity for the benefit of local businesses. For example, Council has been working towards community agreed plans for sharing on-street parking resources in some areas. These plans include prioritising access to parking for residents, visitors to residences, shoppers, visitors to businesses and others. Without the new

policy, a new development in such an area could result in an increase in demand for on-street parking and a reduction in access to this parking for all these stakeholder groups.

Parking Supply for Residential Developments

16. The policy will assist ensuring developments are self sufficient in parking and ensure the need for proper provision of parking.
17. The policy is likely to lead to people in new developments using their off-street parking facilities since they won't have access to an on-street permit. They will have to choose whether to have a car and garage it off-street or not to have a car. This will lead to better compliance with planning conditions, better utilisation of off-street parking facilities and possibly a reduction in car dependence.
18. The policy supports Council's parking policy goals of ensuring new developments are self sufficient in parking.

Reduced car dependence

19. The policy may encourage people to use their cars less for short trips since they find it less convenient to drive in and out of their off-street parking facilities compared to simply parking on the street for a quick getaway.
20. If existing residents are confident that residents of new developments will be required to park largely off-street, they may be less motivated to call for the provision of more car parking in new developments. Also, Council may be able to review and reduce its town planning parking rates – or allow reduced provision of parking or developments with no car parking -- in the knowledge that there will be less on-street impact from new developments. This would reduce car dependence in Yarra.
21. There are also a variety of opportunities for innovative developers to integrate measures to reduce car dependence that would be supported by this policy. These include provision of improved infrastructure on site for pedestrians and cyclists, promotion of public transport, car-free developments, car sharing and others. Council would have the opportunity to work with developers on these innovative schemes.
22. The policy may make it more difficult for visitors to new developments to park, depending on the amount of visitor parking provided off-street and the time restrictions on-street. This may lead to visitors choosing alternate modes which would reduce car dependence. It is expected however that visitors will be able to gain reasonable access either to off-street parking or time-limited on-street parking.
23. Any reduction in car dependence will lead to fewer cars on Yarra's streets, better residential amenity, less pollution, improved road safety outcomes and a better environment for pedestrians and cyclists.

Perceived Disadvantages

Two Classes of Properties

24. The policy will create two different classes of properties in Yarra:
 - (a) those with access to on-street parking permits (existing residents); and
 - (b) those without access to on-street parking permits (future residents).
25. Those without access to on-street parking permits may question the benefit they receive from the Council's expenditure on parking issues.
26. It is important to note that no one will be forced into purchasing or living in a property that has no access to on-street parking since the policy will only apply to future developments. It is expected that full information about the availability or not of on-street parking permits would be provided to purchasers.
27. Since the availability of car parking is a key factor for many people deciding where they will live, it is likely that the rental market can be quickly informed that some properties will have no access to on-street parking permits. This information can then be factored into purchase and rental decisions.

Council already has policies and has taken other decisions that have created several classes of properties with respect to access to off-street parking. Council has a policy of reducing the number of on-street parking permits that are available to residents of new developments. It also does not grant business permits to businesses that have off-street parking.

Future Changes to On-Street Restrictions

28. The introduction of this policy would have an impact on the mechanisms and policies that are used to decide on-street parking conditions.
29. For example, occupiers of properties that have no access to on-street parking permits will be likely to oppose the introduction of tighter on-street parking restrictions because they and their visitors would have less access to on-street parking.
30. Council will need to develop mechanisms to deal with this situation as part of its review of the Street Coordinator process.

Parking permit scheme

31. The introduction of the new policy will have an impact on the permit scheme, though all of these implications are not clear at this stage.
32. It is likely that existing parking permits will become more valuable since there will not be such a large increase in the number of people holding permits and the chance of holders gaining access to a parking spot within reasonable distance of their home will not decrease as quickly. In this environment, Council may wish to review the permit scheme to identify the appropriate prices for permits and the number that should be issued.

Other Issues

Heritage Exemption

33. It seems logical to retain an exemption to the policy for cases where heritage controls prevent the adequate provision of parking in a new development. This is what the City of Port Phillip has done. Examples might include Nicholson Street, north of Gertrude Street, where the footpath has heritage significance and the construction of a cross-over may not be supported. This might prevent the provision of adequate parking in a new development.
34. Heritage buildings where the constraints of the site do not allow excavation or access would also be subject to exemption. In addition, heritage buildings with high site coverage, may need special consideration as it may be contrary to their heritage value to provide additional/new crossovers and off-site parking facilities. This may undermine the heritage value of the property.

Disabled Parking Permits

35. Under Council's current policies, anyone with a disabled parking permit will have an exemption from this policy. Where justifiable circumstances exist on-street car disabled spaces can also be designated.

Time options

36. This policy could be introduced for 6 or 12 months as a trial. A review can be undertaken if needed after the trial period and a further report presented to Council to determine if any changes are necessary (this is dependant on the nature of the controls introduced – refer legal implications section of this report).

Blanket Policy Versus Area-Specific Policy

37. Another option may be to introduce the policy only in areas/'hot spots' where there are significant parking problems and development pressures and that meet specific criteria. However, it is likely to be very difficult to establish the criteria to select the areas where the policy should apply. There could be extremely contentious discussion and argument about the inclusion or exclusion of certain areas. Notwithstanding, feedback from the City of Port Phillip is that a blanket approach is the only way to go, ruling out an area by area approach as too unwieldy.
38. Alternatively, an appropriate 'trigger' point introduced that excluded small developments, say up to five (5) units, from the policy. (Five units is the point at which visitor parking is required under the ResCode provisions in the Yarra Planning Scheme.)

Urban Design Issues

39. The requirement to provide all car parking needs on site can often result in the provision of a ground level car park which provides blank walls to the street, at pedestrian level. Council encourages active street frontages to improve the pedestrian environment and to contribute to public safety (Public surveillance). This policy however would not impede good design outcomes as this is still an integral component of the planning assessment process.

Census Information

40. The '2001 Yarra Community Profile Dynamic In Diversity' identifies changing patterns of car ownership in Yarra. Of particular concern is the decreasing number of households that reported not having a car. This number has decreased from 24.4% in 1996 to 20% in 2001. There has been a marginal increase in households that now claim to have 2 vehicles. This would appear to be consistent with the demographic data that shows increasing number of households and younger population.

Consultations

41. No formal external consultation has been undertaken, however based on feedback from Council customer satisfaction surveys, the growing resident concerns over the increasing impact of parking on-street, the repeated submissions contained in planning permit objections and the opposition to the impact of planning parking permit waivers it is considered that the proposed changes are consistent with community attitudes and will be well received by existing residents.
42. The likely people to be disenfranchised by any changes are developers and future residents, however there is no need at present to undertake specific consultation with these parties. Firstly, future residents are obviously not yet known and owners can be notified through normal land purchase enquiries and conveyancing practices. As has been the case in port Phillip, the difficulty of getting on-street parking in inner city areas is and becoming increasingly well understood. Expectations of future tenants, as well as owners will therefore not be inconsistent with Council's policy. Secondly, developers are often promoting the need to waive car parking requirements in new developments under the Yarra Planning Scheme on the basis that additional parking is not required because of a range of factors, such as good public transport accessibility. If this is the case then developers can have no concern with the policy as it is merely representing the case they are putting to Council to justify the need to waive parking – that is the site is self sufficient in parking.
43. Notwithstanding the above, Council can choose to consult with the community before introducing the policy or based on the known feelings in the community, adopt the policy without further consultation. If it chooses the latter course of action then, Council is free to seek feedback during implementation and then review the policy at any time if need be.
44. Consultation mechanisms, if chosen, will depend on how the policy is introduced and in what form. The section below on legal implications outlines what form the policy can be introduced.

Resource and Financial Implications

45. There are no significant resource implications in implementing the policy other than ensuring relevant records are kept of new developments and appropriate notations incorporated into Council's corporate property information systems.

Environmental Implications

46. The new policy is expected to have a positive overall impact on the environment by reducing car dependence. Any reduction in car dependence will lead to fewer cars on Yarra's streets, better residential amenity, less pollution, improved road safety outcomes and a better environment for pedestrians and cyclists.

City Plan, Strategy and Policy Implications

47. Council's Municipal Strategic Statement calls on Council to reduce the level of car based travel, contain vehicle growth, advocate for alternative modes of travel and to manage the supply of parking to encourage better transport choice (21.05-08). The new policy supports these objectives.
48. Reducing car dependence is a key aim of Council's Environment Strategy (Our Sustainable Future – The Yarra Environment Strategy 2000). It also supports the 10-Year Vision outlined in City Plan 2002-05 including the creation of a sustainable transport system.
49. This policy supports the draft Vision, Goals and Principles of the Parking Management Policy Review being developed by Council's Steering Committee in consultation with the Traffic and Parking Community Advisory Committee. Goal number 7 of this document is to "ensure that new developments are self-sufficient in meeting their parking needs."

Legal Implications

50. For information, Port Phillip regulates its parking through a Local Law whilst the City of Yarra uses a policy adopted in 1995. Both systems are compliant with the Local Government Act 1989 as amended. The advantage of Yarra's approach is that changing a policy does not have the same advertising/consultation requirements as changing a local law, so it can be done immediately.
51. Council's solicitors have advised that the following potential mechanisms may be considered to implement the proposal:

Permit Condition Option

52. This option proposes that an appropriate condition be imposed on a planning permit that allows a new residential development. Council's solicitors advise that VCAT has rejected this on numerous occasions and in one decision ordered Council to pay costs, because council had decided to impose such a condition (which the tribunal rejected on that review), 'in defiance of a considerable number of decisions of this Tribunal indicating that such a condition is inappropriate'. Council's solicitors do not recommend this option.

Amendment or replacement of Council's Parking Permit Scheme

53. Council's solicitors believe there are few (if any) obstacles to this form of implementation. In terms of process there is no requirement for public consultation and equally amendment to such a Scheme can be effected simply by Council resolution. Any challenge to such a scheme is considered to be highly unlikely. From a legal viewpoint this option is one well worth considering

Making of an appropriate local law under Part 5 of the Local Government Act 1989 ('the Act').

54. Council's solicitors advise that Council is clearly empowered to make a local law, however there is a statutory procedure for making a local law which requires public notice and public participation, by submission and that the local law may be revoked or challenged in the Supreme Court. Council's Solicitors consider this option to be also available to council as a possible legal mechanism.
55. Which of the latter 2 options is preferred is based on the competing considerations of simplicity and convenience (policy option) or transparency and public participation (local law option).
56. A copy of the above legal advice has been circulated under separate cover to Councillors

Options

57. Option 1 - Maintain the current Parking Permit Policy.
58. Option 2 - Amend the current Parking Permit Policy by establishing non-eligibility for new residential developments (with or without exemptions).
59. Option 3 - Make an appropriate local law under Part 5 of the Local Government Act 1989 (Act) and undertake the relevant statutory procedures under the Act.
60. Option 4 - Undertake a complete review of all aspects of Council's Parking Permit Scheme.

Proposal

61. Option 2 (policy amendment option) is preferred based on considerations of simplicity, convenience and expediency. However, in pursuing this option, Council will need to determine how the policy is to be applied, including possible exemptions, commencement date, any review period/date, the nature/type of new residential developments to be subject to the policy, and whether and in what form any consultation should take place.
62. Having regard to the previous discussion the following proposal to amend Council's Parking Permit Policy is put forward for Council consideration:
 - (a) *"For all new residential development which increases the number of dwellings on a site, all future residents and occupiers will not be permitted to obtain resident or visitor parking permits irrespective of the level of off-street (on site) parking provided".*

(An alternative trigger point of five dwellings could be applied as it relates to the Rescode requirement contained in Clause 55.03-11 of the Yarra Planning Scheme which states that 'Developments of 5 or more dwellings should provide visitor car parking of one space per 5 dwellings'.)

- (b) *“The policy will apply on the day immediately after adoption of the policy by Council (i.e. 15 October 2003). All applications for planning permit received prior to this date will be exempt from this policy”.*

(Retrospective application of the policy is not proposed given natural justice issues. Immediate commencement of the policy without further community feedback is considered appropriate in the circumstances, particularly as Council can monitor its performance and resolve to amend or rescind the policy at any time by Council resolution. Consultation on Council’s forthcoming Parking Strategy Plan may also provide further guidance on the issue.)

- (c) *“Development affected by heritage controls under the Yarra Planning Scheme which prevent the adequate provision for parking vehicles on-site are exempt from the policy”.*

(This exemption is particularly required where the constraints of the site do not allow excavation or access, where the provision of additional/new crossovers and off-site parking facilities for heritage buildings with high site coverage will undermine the heritage value of the property.”

RECOMMENDATION

63. That Council amend its Parking Permit Policy as follows:

- (a) for all new residential development which increases the number of dwellings on a site, all future residents and occupiers will not be permitted to obtain resident or visitor parking permits irrespective of the level of off-street (on site) parking provided;
- (b) the policy will apply on the day immediately after adoption of the policy by Council (i.e. 15 October 2003). All applications for planning permit received prior to this date will be exempt from this policy; and
- (c) Development affected by heritage controls under the Yarra Planning Scheme which prevent the adequate provision for parking vehicles on-site are exempt from the policy.

Submissions

The following people addressed Committee on this item:

*Ian Quick; and
John Beckwith.*

PLANNING & COMMUNITY DEVELOPMENT COMMITTEE RECOMMENDATION

Moved: Councillor Barber

Seconded: Councillor Meadows

1. That Council amend its Parking Permit Policy as follows:

- (a) for all new residential development which increases the number of dwellings on a site, all future residents and occupiers will not be permitted

to obtain resident or visitor parking permits irrespective of the level of off-street (on site) parking provided;

- (b) the policy will apply on the day immediately after adoption of the policy by Council (i.e. 15 October 2003);
- (c) development affected by heritage controls under the Yarra Planning Scheme that can prove adequate provision for parking vehicles on site would adversely affect the integrity of the heritage place be exempt from the policy;

CARRIED

CONTACT OFFICER: Jon Brock
TITLE: Director City Development
TEL: 9205-5301

2.4 Strategic Planning Work Program 2003-2004

EXECUTIVE SUMMARY

Purpose

To endorse the work program of the Strategic Planning Unit for 2003- 2004.

Issues

The report outlines the proposed strategic planning work program required to meet Councils commitment to i) implement Melbourne 2030, the state governments planning policy to manage growth and change across metropolitan Melbourne for the next 30 years, and ii) undertake strategic planning policy work as part of Councils ongoing review and refinement of the Yarra Planning Schemes Local Planning Policy Framework, including the Municipal Strategic Plan (MSS), to ensure Council's Local Planning Policy Framework (LPPF) reflects the needs of stakeholders in accordance with Clause 21.06 of the Yarra Planning Scheme.

The report seeks Council's approval of briefs for projects that are part of the work program to meet the above commitments: a Review of Business and Industry Activity in Yarra; the Local Heritage Study Part 2 and Activity Centre Review – An Overview of Activity Centres and their Structure Planning Requirements in the City of Yarra.

The report seeks Councils endorsement to i) defer consideration of new requests to Council to rezone Industrial 1, Industrial 2, Business 3 and/or Business 4 zoned land within the municipality until the Industry and Business Activity-Trends & Opportunities Analysis is completed unless otherwise approved by Council and ii) endorse the proposed way forward outlined in the report to deal with proposed requests to rezone Industrial 1, Industrial 2, Business 3 and/or Business 4 zoned land within the municipality, that have been subject to ongoing discussions between Council officers and Councillors over the last twelve months.

Resource Financial Implications

The projects will be funded from Council's approved 2003 – 2004 strategic planning budget and, in part, by funding grants under the State Government Assistance Grants associated with Melbourne 2030. Funding from the State Government to implement Melbourne 2030, is tied to Ministerial approval of the briefs and proposed consultants to undertake the work.

Community Implications

Strategic planning projects must include comprehensive consultation with key stakeholders including relevant local communities. Projects will establish steering committees that will include relevant Councillors, key stakeholders and representatives from the Planning and Community Advisory Committee (PCAC).

Environmental Implications

The planning projects outlined in Attachment 1 to this report are being developed to improve Yarra's built and natural environment.

City Plan, Strategy and Policy Implications

The planning projects outlined above are consistent with the Urban and Natural Environment Major Strategies incorporated in Yarra's City Plan 2002 – 2005.

Legal Implications

Nil.

PROPOSED ACTIONS

To endorse the work program of the Strategic Planning Unit for 2003- 2004 including significant project briefs and the approach to the processing of new requests to rezone land in Council's Commercial and Industrial Zones.

2.4 Strategic Planning Work Program 2003-2004

File: 30/25/05/05
Responsible Officer: Coordinator Strategic Planning

Purpose

1. To endorse the work program of the Strategic Planning Unit for 2003- 2004.
2. To endorse the following briefs as part of that work program:
 - (a) Industry and Business Activity-Trends & Opportunities Analysis
 - (b) Yarra City Local Heritage Study Consultancy – Part 2
 - (c) Activity Centre Review – An Overview of Activity Centres and their Structure Planning Requirements in the City of Yarra.
3. To defer consideration of new requests to Council to rezone Industrial 1, Industrial 2, Business 3 and/or Business 4 zoned land within the municipality until the Industry and Business Activity-Trends & Opportunities Analysis is completed unless otherwise approved by Council.
4. To endorse the proposed way forward outlined in the report to deal with proposed requests to rezone Industrial 1, Industrial 2, Business 3 and/or Business 4 zoned land within the municipality, that have been subject to ongoing discussions between Council officers and Councillors over the last 12 months.

Background

5. A central element of the new format planning scheme is the role of strategic planning policy as the “driver” of the planning scheme.
6. The Local Planning Policy Framework (LPPF) forms an integral part of the Yarra Planning Scheme and provides the strategic basis for the application of zone and overlays under the scheme, and for determining planning permit applications within the municipality.
7. A principal component of the LPPF is the Municipal Strategic Statement (MSS). The MSS outlines the future strategic planning objectives of Council and the planning strategies and tools to achieve these objectives.
8. The *Planning and Environment Act 1987* (the Act) requires the planning authorities (the City of Yarra) to regularly review the local planning policy (including the MSS) provisions of the planning scheme under Section 12 (1) (c) of the Act and Section 12A(5) of the Act.
9. The review of the planning schemes local planning policy framework, and more particularly the MSS, provides Council with the opportunity to undertake a “strategic audit” of the scheme’s performance to ensure that it is meeting stakeholders needs, and in turn, identify and implement required amendments of the scheme, through the extension and refinement of the MSS and related local policy’s to ensure it effectively addresses the key future land use and development issues in the City of Yarra.

10. At Council's meeting of 9 September 2003, Council considered the monitoring of the planning scheme review and resolved the following:
- "1. That Council requests that a brief be initiated to carry out a Performance Review of the operational effectiveness of the Yarra Planning Scheme in order to*
- (a) gauge the present effectiveness of the operation of the Scheme against the indicators listed in Clause 21.06 of the Yarra Planning Scheme, especially customer satisfaction (applicant and community) and consistency of delegate decisions; and*
- (b) develop appropriate objectives, parameters and indicators (together with community input) to enable the development of an ongoing program of performance monitoring of the operational effectiveness of the planning scheme, as outlined in Clause 21.06 of the Scheme. The monitoring program will be reported on annually in order to guide the review of the MSS (as per Clause 21.06).*
- 2. Further, that the brief be completed within the next Council cycle and a report be presented to the October 2003 cycle."*

Issues

11. Council's strategic planning unit has prepared a future works program (Attachment 1).
12. This program addresses the planning actions that will be undertaken in order to achieve the regular review and upgrade of Council's MSS under the *Planning and Environment Act 1987* and respond to Melbourne 2030 as required by the State Government. The two planning actions are inextricably linked and both form the basis of Council's ongoing review of its planning scheme and its response to Melbourne 2030.
13. The strategic planning program suggests a comprehensive review of the MSS following completion of the policy work as outlined in Attachment 1, including extensive community consultation. In this review a more comprehensive monitoring and review program can be developed.

Population Targets and Municipality Capacity

14. A preliminary Population Targets and Municipality Capacity study is proposed to respond to and assess the population targets set in Melbourne 2030 for inner Melbourne. It will also analyse Yarra's capacity to accommodate the proposed increase over the next thirty years.
15. This study will determine current population levels and the projected growth in Yarra's local population. It will include a five year audit of all development approvals in the City of Yarra to ascertain the impact of current development trends on the future population/household targets set down in Melbourne 2030 and a preliminary assessment of the yield of key development sites within the municipality. This work, to be completed before the preparation of a comprehensive local housing strategy, will provide valuable information regarding the municipality's capacity to accommodate additional dwellings and an update of what we have accommodated or approved in planning applications to date.

16. Melbourne 2030 (Implementation Plan 3 – Housing) has required all Councils to prepare a Housing Strategy in association with Regional Housing Working Groups that are (yet) to be established by the Government. The aim of the Regional Housing Working Group is to ensure that planning for housing effectively implements the policy directions of Melbourne 2030. Council is awaiting notification from DSE to commence this project.

Built Form Review

17. In March 2003, Planisphere completed the Built Form Review for the City of Yarra which determined the built form outcomes for the non-heritage areas of the City and recommended changes to the MSS and policy provisions of the Local Planning Policy Framework (LPPF) under the Yarra Planning Scheme.
18. The study was undertaken in response to Council's concerns regarding ongoing development pressure in the municipality and its impact of residential amenity and the environment. The Strategy includes City-wide built form and design responses, including absolute building heights along the Yarra River corridor and preferred building height in other location, revised provisions in the MSS under Urban Design, Residential and Land Use, and Yarra River Corridor Elements and revised Design and Development Overlays for the Yarra River. It is a precinct based policy for residential precincts in non-heritage areas.
19. The proposed policy and overlay provisions are currently being 'road-tested' by Council's statutory planners and external urban designers and architects that work in the municipality. The aim of "road-testing" is to test the Policy in terms of its use as a policy document that can be clearly and consistently interpreted by Planning Officers when determining planning applications and by applicants when developing proposals for sites within the areas subject to the proposed policy. Results from the road-testing will contribute to the fine-tuning of the document and its statutory provisions, prior to its consideration by Council and recommendation to Council that an independent planning panel is appointed by the Minister to consider the proposed Amendment. The Policy is on public exhibition until 15 October 2003 following two month public exhibition.
20. The proposed precinct based policy provisions will benefit from more detailed analysis and refinement. The urban design guidelines to be developed as part of the Strategic Planning work program for key redevelopment sites and precincts in Yarra provide the mechanism to develop more detailed and robust controls to complement the Built Form Review Policy. This is an integral part of Council's response to the urban consolidation objectives of Melbourne 2030.
21. Council has been granted funds for the development of urban design guidelines for key redevelopment sites and precincts under the Government Assistance Grants scheme to implement Melbourne 2030. The amount of money (\$45,000) will provide urban design principles for these areas, identifying key pedestrian and cycle routes, open space network and links, and preferred uses and development types. Council funds have been allocated for more detailed work such as outlining preferred building envelopes for priority sites and areas.

Activity Centres Review

22. Melbourne 2030 identifies Activity Centres as the focus areas of major change and increased densities in metropolitan Melbourne.
23. In response to this, a brief has been prepared for Council to undertake an overview of Yarra's Activity Centres in order to assess their capability in planning terms to accommodate the projected growth in household numbers, whilst achieving appropriate built form outcomes (refer Attachment 2) . This will commence in November 2003. This study will provide an overview of the planning approach and issues to be addressed in structure plans for each Major Activity Centre and for the group of Neighbourhood Centres in the municipality.
24. Melbourne 2030 states:

"In their strategic planning work, Councils will need to confirm the extent of each (Activity) Centre, including areas suitable for higher density housing."
25. In its response to Melbourne 2030, Council has submitted that the differentiation between Activity Centres throughout Melbourne should be recognised and that in Yarra, not all designated centres can be considered as suitable for increased development.
26. Local heritage and amenity issues must also be taken into account. Yarra's centres are already developed at high density and infrastructure and parking facilities are generally operating at full capacity. Council has submitted to the Government that any extra capacity for growth in Yarra's centres should only be identified through the structure planning process for each centre.
27. As outlined in the strategic work program in Attachment 1, this overview will be followed by the preparation and implementation of Structure Plans for Yarra's Major Activity Centres which will address local planning issues such as pedestrian facilities, cycling, traffic, parking, open space, community facilities, and affordable housing, and will manage land use and development to achieve vibrant centres in terms of both land use mix and urban environment.
28. Planning for the future role and limited growth of Council's Activity Centres is a major strategic planning project over the next 2-3 years.

Industrial and Commercial Land Review

29. In support of Council's policy commitment to a strong and viable industrial and business base to benefit the community, a critical component of the strategic planning work program is the review of the industrial and commercial land throughout the City. This will require a comprehensive analysis of the study *"Industrial and Business Activity: Trends and Opportunities Analysis Parts A and B* prepared by Ratio consultants, (the Ratio Report) which was adopted by Council in July 2000.
30. The Urban Planning Branch receives frequent enquiries in relation to the rezoning and redevelopment opportunities of Yarra's industrial and business land, particularly land zoned Industrial 1 and 2 and Business 3 and 4 under the Yarra Planning Scheme. Major industry is re-locating out of Yarra as a result of the changing nature of manufacturing industry in Australia, many of the buildings on Industrial and Business zoned land are coming to the end of their

lifecycle and as a result of increasing conflicts between providing residential amenity and meeting the needs of Industry including traffic access for large vehicles to and from sites. Simultaneously, interest grows in redeveloping former industrial sites for commercial or residential purposes, or a mix of both as a result of market demand.

31. This work will provide an up to date strategic framework to guide decisions on future rezonings and/or changes of land use in the industrial and commercial areas throughout the City, and to manage interface issues to protect the areas where industry and commercial activity are supported by Council. A brief for an *Industry and Business Activity Trends and Opportunities Analysis* has been prepared and is at Attachment 2
32. The proposed study will include research into industry and commercial trends at the metropolitan and local level to identify future viable industrial activities within the municipality and set clear planning guidelines to provide more certainty for future protection and redevelopment of Yarra's industrial and commercial areas in appropriate locations.
33. The work will complement Council's Built Form Review and the preparation of urban design guidelines for key redevelopment sites and precincts, as discussed above in relation to Melbourne 2030.
34. While the review is being undertaken, it is proposed that Council defer consideration of new requests to Council to rezone Industrial 1, Industrial 2, Business 3 and/or Business 4 zoned land within the municipality until the Industry and Business Activity-Trends & Opportunities Analysis is completed unless otherwise approved by Council.
35. Prior to the preparation of the above brief, Council officers and several Councillors have had having on-going discussions with land owners of former industrial sites, regarding amendments to the scheme to facilitate the redevelopment of the sites with a form of mixed use development over the last 12 months. These sites are listed below with an update on the current status of each Amendment request and a proposed way forward for Council to deal with these requests.

Address	Rezoning Request	Proposed Use	Current Zone	Proposed Action
601 Victoria St. Richmond. Going Going Gone.	C52 Business 2	Retail / Office / Residential	Business 3	Applicant prepare a Design and Development Overlay to the satisfaction of the RA to accompany the rezoning request for Council consideration
48 – 60 Nicholson Street Abbotsford. Heritage Overlay 40 Former Denton	C62 - Industrial 3 with schedule to the overlay to allow residential in IN3 Zone due	Commercial / Retail to Nicholson St frontage & Residential apartments.	Industrial 3	Applicant to prepare a Planning Application that is consistent with Council Policy to accompany

Hat Mills	to heritage significance of building.			rezoning request for Council consideration.
17 – 19 Islington Street, Collingwood	Business 2	Showroom to ground floor with residential above.	Industrial 1	Rezoning and development request be considered as an integral part of Councils Industrial and Commercial land review.
2-8 Bedford and 10 Perry Street and 15-33 Johnston Street in Collingwood.	C54 - Business 1 Johnston St Business 2 2-8 Bedford St/ 10 Perry St.	Commercial / Office/ Industrial uses with residential above.	Business 3	Subject to separate October cycle Council Report
210 Alexandra Parade, Clifton Hill	C44 - Mixed Use with planning permit application for 7 dwellings and apply EAO a to the site.	Residential .	Business 3	Subject to separate October cycle Council Report
Lord St	C53	To apply and Environmental Audit Overlay		Subject to separate October cycle Council Report

36. The report seeks Councils endorsement of the proposed way forward to deal with the rezoning and development requests as outlined above.

Heritage Review Part 2

37. Amendment C43 - Heritage Amendment has been considered in part by an independent panel and the hearing on the amendment will resume mid October 2003.
38. Council is aware of the need to undertake further strategic work to address heritage gaps identified as part of the Amendment C43 process and for the areas in the municipality which currently sit outside the Heritage Overlay in the current Yarra Planning Scheme.
39. A brief for the study has been prepared and is submitted as Attachment 2.

Consultations

40. Each of the individual planning projects will include public consultation and referral to PCAC for comments. PCAC has been informed of the future

strategic planning work program which will contribute to the ongoing Review of Yarra's MSS and Council's response to Melbourne 2030. Steering groups will be established for each project consisting of Councillors and key stakeholders.

Resource and Financial Implications

41. The strategic planning work program will be carried out under the provisions of Council's current budget for the year 2002/2003 and will be partly financed by grants under the Local Government Assistance Program under Melbourne 2030.

Environmental Implications

42. The strategic planning projects outlined in the attached work program at Appendix 1 will contribute to the future sustainable use and development of Yarra's built environment.

City Plan, Strategy and Policy Implications

43. The planning projects outlined above are consistent with the Urban and Natural Environment Major Strategies incorporated in Yarra's City Plan 2002 – 2005.

Legal Implications

44. Nil.

Options

45. Council has the following options available to it:
46. Option 1
 - (a) to endorse the work program of the Strategic Planning Unit for 2003-2004;
 - (b) to endorse the following briefs as part of that work program:
 - (i) Industry and Business Activity-Trends & Opportunities Analysis;
 - (ii) Yarra City Local Heritage Study Consultancy – Part 2;
 - (iii) Activity Centre Review – An Overview of Activity Centres and their Structure Planning Requirements in the City of Yarra;
 - (c) to defer consideration of new requests to Council to rezone Industrial 1, Industrial 2, Business 3 and/or Business 4 zoned land within the municipality until the Industry and Business Activity-Trends & Opportunities Analysis is completed unless otherwise approved by Council; and
 - (d) to endorse the proposed way forward outlined in the report to deal with proposed requests to rezone Industrial 1, Industrial 2, Business 3 and/or Business 4 zoned land within the municipality, that have been subject to ongoing discussions between Council officers and Councillors over the last 12 months.

47. Option 2

That Council not endorse any or all of the recommendations as outlined above.

RECOMMENDATION

48. That Council:

- (a) endorse the work program of the Strategic Planning Unit for 2003- 2004;
- (b) endorse the following briefs as part of that work program:
 - (i) Industry and Business Activity-Trends & Opportunities Analysis;
 - (ii) Yarra City Local Heritage Study Consultancy – Part 2;
 - (iii) Activity Centre Review – An Overview of Activity Centres and their Structure Planning Requirements in the City of Yarra;
- (c) defer consideration of new requests to Council to rezone Industrial 1, Industrial 2, Business 3 and/or Business 4 zoned land within the municipality until the Industry and Business Activity-Trends & Opportunities Analysis is completed unless otherwise approved by Council;
- (d) endorse the proposed way forward outlined in the report to deal with proposed requests to rezone Industrial 1, Industrial 2, Business 3 and/or Business 4 zoned land within the municipality, that have been subject to ongoing discussions between Council officers and Councillors over the last 12 months.

PLANNING & COMMUNITY DEVELOPMENT COMMITTEE RECOMMENDATION

Moved: Councillor Barber

Seconded: Councillor Meadows

That the matter be referred to Council for further consideration.

CARRIED

CONTACT OFFICER:

Pauline Semmens

TITLE:

Coordinator Strategic Planning

TEL:

92055049

See Attachment



Adobe Acrobat
Document



Adobe Acrobat
Document



Adobe Acrobat
Document



Adobe Acrobat
Document

2.5 Municipal Strategic Statement – Monitoring and Review Process and Requirements Under Clause 21.06 of the Yarra Planning Scheme - Update

File: 30/25/05/05
Responsible Officer: Manager Urban Planning

Purpose

1. To update Council on the current performance monitoring program to evaluate the operational effectiveness of the administration of the Yarra Planning Scheme as required under Clause 21.06 of the Yarra Planning Scheme.

Background

2. At its meeting on 9 September 2003, Council resolved:

“That Council requests that a brief be initiated to carry out a Performance Review of the operational effectiveness of the Yarra Planning Scheme in order to:

- (a) gauge the present effectiveness of the operation of the Scheme against the indicators listed in Clause 21.06 of the Yarra Planning Scheme, especially customer satisfaction (applicant and community) and consistency of delegate decisions; and*
- (b) develop appropriate objectives, parameters and indicators (together with community input) to enable the development of an ongoing program of performance monitoring of the operational effectiveness of the planning scheme, as outlined in Clause 21.06 of the Scheme. The monitoring program will be reported on annually in order to guide review of the MSS (as per Clause 21.06).*

Further, that the brief be completed within the next Council cycle and a report be presented to the October 2003 cycle.”

3. Strategic Planning has developed a work program to undertake the necessary policy work to meet Council's planning policy work in relation to Melbourne 2030 and Councils review of its Municipal Strategic Plan. The work plan will be presented in a separate report to the October 2003 Council meeting for endorsement.
4. In addition, Council has engaged a consultant to undertake an audit of Councils administration of the Planning Scheme that will address customer satisfaction (applicant and community) and consistency of delegate decisions. Council is also refining and improving its current monitoring and reporting on the administration of the planning scheme in terms of efficiency. An overview of this work is provided in the detail of this report.

Issues

5. Council is committed to developing a performance monitoring program that focuses on an efficient decision making process, a decision making process

that meets the expectations of stakeholders and efficient operation of the new format planning scheme.

6. One of the key areas of performance monitoring is to track the time taken for statutory planning decisions to ensure ongoing improvements and an efficient decision making process. Council currently monitors turnaround times for planning permit applications. Urban planning is committed to making these statistics available to Council on a monthly basis.
7. Day Neilson, Accountants have been appointed to undertake an audit of Council's planning functions. The audit is an opportunity to determine "where we are now," and will provide a risk assessment focusing on current practice, consistency of decision making, planner's delegation and will utilise a sample of randomly chosen applications to focus on the quality of decisions including consistency of delegate decisions. The audit will include interviews with Council's Planning Community Advisory Committee (PCAC), key planning consultants working in the municipality to indicate customer satisfaction (applicant and community).
8. The ongoing operation of PCAC is important to gauge community satisfaction in relation to planning matters.
9. Council is also making use of existing methods of determining community satisfaction. This years Community Survey will include additional planning related questions and provide opportunities for survey participants to make qualitative responses in relation to planning matters in the municipality.
10. A review of Council's strategic and statutory performance at VCAT is used as part of Council's ongoing review of the planning scheme and the effectiveness of Local Planning Policy to reflect Council's decisions in relation to planning matters.
11. As a part of ensuring the ongoing efficient operation of the new format Yarra Planning Scheme, Council is proposing to undertake a comprehensive review of the Municipal Strategic Statement in late 2004, following completion of the current and proposed strategic work plan. This work plan seeks to update Clause 22 policies of the Scheme (Local Planning Policy Framework).
12. A significant element of this work plan is to determine how Melbourne 2030, the State Government's vision for a sustainable Melbourne, relates to Yarra's unique and complex built and natural environments.
13. As outlined in this report, Council is currently undertaking a number of initiatives to evaluate the operational effectiveness of the administration of the Yarra Planning Scheme and developing local policies to further refine the Local Policy Framework as required under Clause 21.06 of the Yarra Planning Scheme. It is important that this work is completed prior to commencing further reviews or new initiatives.

Resource and Financial Implications

14. The current work program as outlined in this report can be accommodated in Urban Planning's approved 2003- 2004 budget and current staffing levels.

Environmental Implications

15. The MSS articulates Council's vision for the sustainable development and on going protection of the built and natural environments in Yarra.

City Plan, Strategy and Policy Implications

16. The MSS is guided by the policy objectives outlined in City Plan.

Legal Implications

17. Clause 21.06 of the Yarra Planning Scheme requires that Council develop a performance monitoring program to evaluate the operational effectiveness of the administration of the Yarra Planning Scheme.

Options

18. That Council continue to monitor the operation of the Yarra Planning Scheme and develop a monitoring program in response to Melbourne 2030 and Council's strategic work program as outlined in this report.

RECOMMENDATION

19. That:
 - (a) Council continue to improve its monitoring and reporting to evaluate the operational effectiveness of the administration of the Yarra Planning Scheme as required under Clause 21.06 of the Yarra Planning Scheme.
 - (b) Council review the need for further work on the completion of the current policy work as outlined in the Strategic Planning work program and on completion and review of the audit of Council's administration of the Planning Scheme that will address customer satisfaction (applicant and community) and consistency of delegate decisions.
 - (c) a further report be presented to Council following the completion and review of the audit of Council's administration of the Planning Scheme.

PLANNING & COMMUNITY DEVELOPMENT COMMITTEE RECOMMENDATION

Moved: Councillor Meadows

Seconded: Councillor Barber

That the recommendation be adopted.

CARRIED

CONTACT OFFICER
TITLE
TEL

Gary Dew
Senior Strategic Planner
9205 5335

2.6 Amendment C54 to the Yarra Planning Scheme – Cnr Bedford, Johnston and Perry Streets, Collingwood – Public Exhibition Stage

EXECUTIVE SUMMARY

Purpose

For Council to consider whether to exhibit a planning scheme amendment pursuant to Section 8 of the *Planning and Environment Act 1987*. The amendment proposes to rezone land at 2-8 Bedford Street and 10 Perry Street, Collingwood from a Business 3 to a Business 2 Zone, and 15- 33 Johnston Street, Collingwood from a Business 3 Zone to a Business 1 Zone (the amendment land). In addition, it is proposed that the amendment land would have an Environmental Audit Overlay applied.

Issues

The amendment land forms part of the Johnston Street Precinct in Council's "*Industrial and Business Activity: Trends and Opportunities Analysis*." (Ratio Consultants 2000), adopted by Council in July 2000 (The Ratio Report). The rezoning request has been assessed using the decision making framework for rezoning in the Ratio Report. This analysis has confirmed that the amendment land should be considered for rezoning.

The Yarra Planning Scheme identifies that Business 1 and 2 Zones are not primarily residential zones, but are zones designed to integrate retail, commercial, office and accommodation land uses. This integration can enable reinvestment, maintenance and consolidation of existing employment generating activities, facilitating renewed business vitality in the area. The amendment land is affected by a combination of controls under the Yarra Planning Scheme. Firstly, the zoning controls address land use, the heritage overlay, built form, with any residential use assessed under ResCode and the heritage controls.

Resource Financial Implications

The costs associated with the amendment (\$2560) will be borne by the proponent.

Community Implications

The public exhibition of the amendment application allows for community input into the decision making process.

Environmental Implications

The proposed amendment will facilitate a more efficient use of existing physical infrastructure.

City Plan, Strategy and Policy Implications

The amendment application is consistent with relevant planning policies.

Legal Implications

The exhibition of the proposed amendment does not have any legal implications.

PROPOSED ACTIONS

That Council resolve to prepare and exhibit amendment C54 to the Yarra Planning Scheme pursuant to Section 8 of the *Planning and Environment Act 1987*. The amendment seeks to rezone land at 2-8 Bedford Street and 10 Perry Street, Collingwood from a Business 3 to a Business 2 Zone, and 15- 33 Johnston Street, Collingwood from a Business 3 Zone to a Business 1 Zone. In addition the amendment land would have an Environmental Audit Overlay applied.

2.6 Amendment C54 to the Yarra Planning Scheme – Cnr Bedford, Johnston and Perry Streets, Collingwood – Public Exhibition Stage

File: 30/25/07/54
Responsible Officer: Coordinator Strategic Planning

Purpose

1. For Council to consider whether to exhibit a planning scheme amendment pursuant to Section 8 of the *Planning and Environment Act 1987*. The amendment proposes to rezone land at 2-8 Bedford Street and 10 Perry Street, Collingwood from a Business 3 to a Business 2 Zone, and 15- 33 Johnston Street, Collingwood from a Business 3 Zone to a Business 1 Zone (the amendment land). In addition an Environmental Audit Overlay will be applied to the amendment land.

The Amendment Land

2. The amendment land is located on the south side of Johnston Street, Collingwood in an established commercial area. It is bordered by Bedford Street to the west and Perry Street to the south. The eastern boundary of the site is formed by an abuttal with the Northern Melbourne Institute of TAFE (Collingwood Campus) which fronts Johnston Street.
3. The amendment land is more particularly described as:

Street Address	Title Volume	Title Folio
Substation	6761	094
2 Bedford Street	5859	771
2A Bedford Street	4612	274
4 Bedford Street	10241	414 and 415
Cnr. Bedford and Perry	9331	016
15 Johnston Street	6761	093
17 Johnston Street	9821	879
19 Johnston Street	6151	126
21 Johnston Street	5712	231
23- 25 Johnston Street	4265	889
27 Johnston Street	4500	918
31- 33 Johnston Street	6499	776
10 Perry Street	4544	605

A Site Location Plan is provided in Attachment 1.

4. The parcels of land that comprise the amendment site currently have the following land uses.

Address	Use	Development
15 Johnston Street	Ground Floor: Shop. First Floor: Dwelling.	Double storey infill corner bld.
17 Johnston Street	Ground Floor: Shop First Floor: Dwelling.	Double storey terrace.
19 Johnston Street	Office.	Double storey office, on site car parking.
21 Johnston Street	Office (as above).	As above.
23 Johnston Street	Recording Studio	Double storey infill brick bld.
25 Johnston Street	Recording Studio (as above).	As Above.
27 Johnston Street	Shop.	Double storey infill brick bld.
29 Johnston Street	Shop (as above).	As Above.
31 Johnston Street	Shop (as above).	As Above.
33 Johnston Street	Shop.	Double storey infill brick bld.
2 Bedford Street	Light Industry with caretaker's residence.	Double storey brick factory.
4 Bedford Street	As above.	Double storey factory.
6 Bedford Street	Light Industry.	Single storey brick factory.
8 Bedford Street	Office.	Single storey brick factory.
10 Perry Street	Light Industry with caretaker's residence.	Double storey infill brick bld.

5. It is apparent that a significant proportion of the current land uses are not operating in conformity with the Business 3 zoning of the site, but operate substantially as retail uses.

Surrounding Land

6. Opposite the amendment land, across Johnston Street is a large precinct of Business 3 Zoned land.
7. Abutting the amendment land to the east is a parcel of land zoned Public Use Zone 2 (PUZ2), which contains the Northern Melbourne Institute of TAFE (Collingwood Campus).
8. To the south of the amendment land is land zoned Residential 1 Zone (R1Z) which contains dwellings.
9. Land to the west is Business 1 Zone (B1Z). This area includes premises fronting Smith Street. The land uses consist of residences and commercial and industrial uses with caretaker's dwellings attached.

Existing Planning Scheme Controls

10. The amendment land is currently located in the Business 3 Zone of the Yarra Planning Scheme.

11. The primary purpose of the Business 3 Zone is to “*encourage the integrated development of offices and manufacturing industries and associated commercial and industrial uses*”. Residential and retail uses are prohibited.
12. The amendment land is covered by the Heritage Overlay (HO 324, Johnston Street). The heritage precinct extends well beyond the amendment site, there are no individual buildings of heritage significance on the amendment land and no change to the Heritage Overlay is proposed.

Proposed Rezoning Request

13. The request for Council to prepare an amendment to the Yarra Planning Scheme has been received from Ratio Consultants Pty. Ltd, on behalf of Mr. Craig Peverelle, Mr. Angelo Martino and Others.
14. The rezoning request has been made on the basis of the recommendations contained in the *Industrial and Business Activity: Trends and Opportunities Analysis* (Ratio Consultants Pty. Ltd. 2000) (The Ratio Report). The Report notes that the “*B3 Zoning provides appropriate support for the existing activities in the precinct, however it is recognised that the area displays signs of decline and requires reinvestment. Therefore in future re – zoning should be considered if it can be demonstrated it will lead to reinvestment in the area.*” This report was adopted by Council in July 2000.

Proposed Business 1 Zone

15. The purpose of a Business 1 Zone is to “encourage the intensive development of business centres for retailing and other complimentary commercial, entertainment and community uses”. In this zone, land uses such as food and drink premises and shop do not require a town planning permit, as long as all other relevant controls under the scheme are met. In this zone the use of land for a dwelling does not require a town planning permit if the entrance at ground level is less than two metres. The zoning requirements emphasise the development of dwelling uses above retail office or commercial uses at ground level.
16. Buildings and works in this zone require town planning permission but are exempt from the public notification requirements of Section 52 of the Yarra Planning Scheme. Given on site vehicle requirements and that the amendment land is affected by a Heritage Overlay, a planning permit for either use or buildings and works would be required.
17. Any demolition of the current buildings would require town planning approval, which would include a referral to Council’s Heritage Advisors.

Proposed Business 2 Zone

18. The purpose of a Business 2 Zone is “*to encourage the development of offices and associated commercial uses*”. In this zone the use of land for an office does not require a town planning permit as long as all other relevant provisions of the scheme are met. The use of the land for accommodation, including dwelling and a caretaker’s house requires a town planning permit.

Environmental Audit Overlay

19. The planning scheme amendment proposes to apply the Environmental Audit Overlay to the amendment land. This is required to comply with Ministerial Direction No. 1, which is designed for land that has previously been used for industrial purposes. The Direction states that,

“A planning authority must include in the amendment a requirement to the effect that before a sensitive use commences or before the construction or carrying out of buildings or works in association with a sensitive use commences:

- (a) *a certificate of environmental audit must be issued for the land in accordance with Section 57AA of the Environment Protection Act 1970, or*
- (b) *an environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Section 57AA(5)(b) of that Act that the environmental conditions of that land are suitable for the sensitive use.”*

20. The application of an Environmental Audit Overlay will meet the requirements of Ministerial Direction Number 1.

Proposed zoning and overlay maps are provided at Attachment 2.

Issues

Strategic Assessment Guidelines for Planning Scheme Amendments

21. The Minister for Planning requires that proposed planning scheme amendments are assessed against the *General Practice Note (November 2001): Strategic Assessment Guidelines for Planning Scheme Amendments*. This practice note requires that proposed planning scheme amendments respond to five tests which are:

Is the Amendment Required?

22. The amendment land, when assessed against the criteria contained in the Ratio Report, Council's primary strategic policy for commercial and industrial land, can be considered for rezoning.

What is the Strategic Basis for the Amendment?

23. Council's Municipal Strategic Statement highlights that appropriate lands use controls need to be placed in the Scheme to recognise the shift in the local industrial and commercial sector, particularly in relation to declining industrial activity and changing retail patterns.

Does the Proposed Amendment Meet the Requirements of any Ministerial Direction?

24. The requirements of Ministerial Direction Number 1 will be met by the application of an Environmental Audit Overlay on the amendment land.

What Aspects of the State Planning Policy Framework are Relevant?

25. The proposed amendment is consistent with the direction of the State Planning Policy Framework, particularly in relation to Business Objectives and economic development, with the proposed zoning recognising the community's need for retail, commercial, office, and other commercial services.

How does the Amendment Accord with the Local Planning Policy Framework?

26. As above.

Ministerial Direction Number 9: Melbourne 2030

27. Ministerial Direction Number 9 requires that planning authorities have regard to five matters when making decisions about planning scheme amendments. Each of these matters in relation to Amendment C 53 is addressed below.

What aspects, if any, of the Metropolitan Strategy are relevant?

28. The Strategy presents a vision for a more compact and environmentally sustainable Melbourne. One way of achieving this is to ensure that the planning system is responsive to micro economic change, providing a zoning framework that enables the revitalisation and redevelopment "lifestyle" based mixed use precincts, encouraging the integration of retail, commercial and accommodation land uses.

How does the Metropolitan Strategy Effect the Amendment?

29. As above.

Is the Amendment Consistent with any Directions and Policies in the Metropolitan Strategy?

30. The proposed rezoning is consistent with one of the key directions, "A More Compact City," by enabling accommodation uses to be developed in this precinct in tandem with retail, commercial and office uses.

Does the Amendment Support, Give Effect to or Assist the Implementation of the Metropolitan Strategy or can it be Reasonably Modified to do so?

31. As Above.

Will the Amendment Compromise the Implementation of the Metropolitan Strategy?

32. No.

Planning Background

33. The consultants that were commissioned by the City to undertake a detailed study of the industrial and business activity in Yarra in July 2000, being Ratio Consultants Pty. Ltd., have also been appointed by the land owners of the subject land forming the basis of amendment C54 to the Yarra Planning Scheme. The consultants have addressed any possible conflict by commenting that:
- (a) the Ratio Report was commissioned in 2000 in the context of protecting the City's employment resources from attrition to residential uses;
 - (b) the Ratio Report was based on the argument that gains in residential land use come at the expense of employment generating land uses;
 - (c) the Ratio Report provided a general review of all the City's industrially zoned precincts;
 - (d) the Ratio Report was not intended to be a definitive and detailed handbook for precinct management;
 - (e) further work undertaken by Ratio on behalf of the proponents has provided a more detailed and focused look at the amendment land than contained in the Ratio Report;
 - (f) the Ratio Study has recognised that the precinct is experiencing decline and is in need of reinvestment and renewal. More flexible zone provisions, such as Business 1 and Business 2 will facilitate reinvestment and consolidate local employment and business viability;
 - (g) significant change in land use and trends has occurred in a number of the commercial and industrial precincts assessed by Ratio Consultants Pty. Ltd. in July 2000, with a prime example being the Cremorne area. These changes also affect the amendment land, which although fully tenanted, is lacking stimulus for investment and rejuvenation; and
 - (h) it is proposed to review the findings and recommendations of the July 2000 Ratio Report, including a reassessment of the zonings in each industrial and Business precinct as a part of the 2003- 2004 Strategic Planning work program.

Control of Built Form

34. The proposed zoning changes to the Yarra Planning Scheme are primarily land use based controls and are not designed to address built form issues or urban design issues such as the interface between any proposed buildings and works and the private and public realms. These considerations are best dealt with through the provision of a planning overlay.
35. The amendment land is already subject to the Heritage Overlay (HO 324). The Heritage Amendment (C43) is currently on exhibition and aims to provide strengthened built form controls in heritage areas throughout the municipality. This strengthened heritage provision will give increased guidance and direction to the formulation of building envelopes in heritage areas.

36. Of particular concern however is the management of the private and public interface between the amendment land and the surrounding area. One way to control this interface in the planning scheme is through the application of a Design and Development Overlay, the purpose of which is to *“identify areas which are affected by specific requirements relating to the design and built form of new development”*. This Overlay would need to be negotiated with all parties to the amendment.
37. Design and Development Overlays must be drafted in a manner that ensure they do not duplicate or repeat the provisions relating to built form in other areas of the Scheme. The amendment land is already covered by Zoning Controls, the Heritage Overlay, and any residential proposal would be assessed under Clauses 54 of 55 (ResCode) of the planning scheme. It is believed that these controls already adequately control built form outcomes and would not add value to the development of the area or respond to any issues raised by the community in the public exhibition period.
38. It is recommended that a Design and Development Overlay not be applied on the amendment land as a combination of Zoning Controls, heritage overlay and ResCode for residential development will ensure that private public interface issues are considered as a part of any planning permit application.

Proposed Rezoning of the Precinct

39. Any proposed rezoning of the amendment land must be assessed against the following criteria and this assessment has been organised into three key areas. These are:
 - (a) recommendations from the Ratio Report and the management framework for amendment assessment provided in the Ratio Report;
 - (b) Council's consideration of the results from the application of the rezoning request to the above; and
 - (c) the consultants' arguments that have been made in support of the rezoning of the amendment land.

Recommendations from the Ratio Report

40. The following key points have been made by the proponents:
 - (a) a central tenet of the Report is to *“reinforce the ability of business and industrial precincts to maintain a viable and sustainable role as a location of economic activity”*;
 - (b) in the future, *“rezoning may be considered if viable projects can be presented that will facilitate revitalisation and reinvestment in the area”*;
 - (c) the Ratio Report establishes a decision making framework within which consistent decisions can be made concerning the rezoning of commercial and industrial land. The main categories for this consideration are:
 - (i) that there should be a change in the land use zoning only in exceptional circumstances;

- (ii) that no "spot" rezoning will be considered (individual sites within a particular precinct); and
 - (iii) that suitability for residential land uses is not enough reason for rezoning.
- (d) the key element contained in the above tests is the ability to determine how the rezoning of a precinct could lead to its revitalisation and to reinvestment in the precinct, if that is genuinely needed, and if a specialised form of retail could be established; and
- (e) these considerations are accompanied by the requirement to show that there will be no net loss of employment generating activities on land that is being rezoned from commercial and industrial to a zone which could permit residential.

Council Consideration

41. The following key points are made:

- (a) site inspections have revealed that all lots are tenanted, however the precinct is in need of revitalisation;
- (b) the proposed rezoning could foster revitalisation of the area with the rezoning facilitating a restructuring of land use and business activity in line with the emerging trends for the precinct, and consistent with the retail uses that have established on the amendment land for a long time;
- (c) the proposed rezoning could facilitate some land use change in the precinct over time, to a combination of retail and accommodation in the land proposed to be rezoned Business 1, and a combination of offices and accommodation in the land proposed to be rezoned Business 2;
- (d) it is apparent that the proposed land use zones permit accommodation subject to planning permission. The purpose of both the proposed zones are however focused on commercial and office uses and accommodation that is consistent with these uses. The amendment request does therefore not constitute a residential rezoning;
- (e) in accordance with the adopted decision making framework contained in the Ratio Report, the proposed Business 1 Zone along Johnston Street will facilitate the rejuvenation of existing retail uses with good exposure to Johnston Street and immediately adjoining the Smith Street shopping strip. Furthermore the proposed Business 2 zoning in Bedford Street will provide opportunities for redevelopment consistent with the purpose of the zone, namely for offices and associated commercial uses;
- (f) the proposed rezoning should be seen as providing the opportunity to increase the supply of off street car parking through the planning permit process when sites are consolidated;
- (g) rezoning to Business 1 Zone along Johnston Street will, more than likely, encourage similar types of "lifestyle" based retail uses similar to those which have been established in the Business 1 zone in Smith Street in the last few years. The proposed Business 1 Zone along Johnston Street

will read as a natural extension of the Business 1 Zone in Johnston Street and Smith Street; and

- (h) the application for rezoning was referred to Council's Business Support Officer for comment. He has offered no objection to the proposed amendment.

Proponent's Consideration

42. Ratio Planning Consultants for the proponent have made the following observations:
- (a) the long term viability and sustainability of the amendment land for industrial purposes is doubtful;
 - (b) the broader range of land uses permissible in the Business 1 Zoning that is proposed along Johnston Street will provide a framework for the ongoing revitalisation of the amendment land. The proposed Business 1 Zone for this section of the amendment land will result in shops and dwellings becoming as a right, or no planning permit required as long as all other relevant provisions of the scheme are met, and as long as a residential frontage to the street is less than 2 metres. This use is currently prohibited in the Business 3 Zone. The opportunity of retail activities in combination with accommodation could work well together to help revitalise the Johnston Street frontage of the amendment land;
 - (c) the preferred position of property owners and business operators is for both the retention and long term viability of the area as well as a statutory framework that permits upper level reinvestment;
 - (d) the consultants commented that the simple dichotomy whereby permission to allow for some residential land use would automatically lead to a loss in employment generating land uses was simplistic and outmoded. The argument was that with a change in land use zoning that the amendment proposes, any accommodation land use that may take place on the upper floors of the precinct would contribute to the sustainability and potential for improvement of the current properties; and
 - (e) the consultants comment that *"the rezoning of the site would be generally consistent with future intentions for the city's industrial and business activity centres, as outlined in the "Industrial and Business Activity" Report. The business activity analysis recognised that activity within the precinct is dynamic and circumstance may change. The survey of business zoned land use, and assessment of the project proposal against provisions of the "Industrial and Business Activity Report", establish that the proposed rezoning of land has the ability to broaden the base of allowable development for the gateway Johnston Street Precinct. The proposed Business 1 and 2 zones would open up opportunities for shops and accommodation that are clearly at the vanguard of revitalisation of the inner areas generally, and in the locality of the site.*

43. An on site meeting was held between the proponents, their planning consultants, Council officers and ward councillors, Cr. Greg Barber and Cr. Deborah Di Natale on 11 August 2003. Further information was sought, and the following key points were made:
- (a) the precinct should be considered in isolation given its distinctiveness from other Business 3 Precincts. It is geographically separate from other Business 3 Precincts, consists of a small number of lots, and many non conforming land uses;
 - (b) the Ratio Study recognises that a zoning change could be considered if it would lead to reinvestment in the precinct. The proposed Business 1 Zoning along the Johnston Street frontage allows a wider range of retail land uses as well as accommodation, but the purpose of the zoning is retail and commercial. The change in zoning will legitimise the existing businesses and facilitate future reinvestment in the area;
 - (c) the proposed Business 2 Zoning at the rear of the amendment land will reflect what exists with the possibility of accommodation on upper floors potentially facilitating reinvestment; and
 - (d) the Ratio Report requires a viable project to be submitted to Council before the consideration of rezoning could take place. It is recognised now that one single project would be unlikely given the fragmented land ownership and that a more likely outcome would be a number of smaller projects.
44. In conclusion, Ratio has responded thoroughly to the criteria contained in its 2000 Report, and has demonstrated that the rezoning applied for will lead to reinvestment in the precinct. An important consideration for any planning permit for the new land uses permitted under the rezoned land should be the provision of off street car parking as it appears that consolidation of sites will not take place just because of rezoning of the precinct.

Conclusions

45. A framework for analysis of sites for potential rezoning is given in the Ratio Report. The above mentioned characteristics of the amendment land have been compared to the decision framework provided. The following is apparent:

Decision Framework	Comment
Does the precinct have clearly defined physical boundaries?	Yes
Is the precinct serviced by collector and arterial roads?	Yes
Does the precinct contain a diversity of allotment sizes and types?	Yes
Is there reasonable provision of on street and off street parking?	No Particularly for businesses in Johnston Street.
Is there evidence in reinvestment in building stock?	No
Are there appropriate site conditions to re use existing building stock?	No It appears that the current land use

	zoning is inhibiting the revitalisation of the precinct in a manner that is consistent with structural macro economic changes.
Does the precinct contain specialist business infrastructure?	No
Is there any highly problematic residential interface?	No The proposed Business 2 Zoning will facilitate the development of offices on the southern portion of the amendment land. These land uses should have less of an impact on the residentially zoned properties to the south and the existing residences in the amendment land, than the land uses permitted in the current Business 3 zone (office and manufacturing industries).

46. The Ratio Report provides a sound framework for determining if a precinct is a candidate for a rezoning. The precinct should fail the majority of the above mentioned tests to be suitable for rezoning. As the precinct fails the majority of the above mentioned tests it can be considered suitable for rezoning.
47. The following key conclusions are made:
- (a) it is apparent that the precinct has locational characteristics that make it more suitable for an office and commercial/ retail zoning than the current commercial and industrial emphasis of the Business 3 Zoning. These attributes include a main road frontage and the locational advantage of proximity to a major shopping strip;
 - (b) synergies will be created between the proposed Business 1 Zoning of the amendment land and the Business 1 Zoning along Smith Street and Johnston Street, that could help to revitalise and invigorate the amendment land;
 - (c) the zoning controls give an adequate level of protection from the encroachment of residential land uses on the amendment land. Both proposed land use zonings require a planning permit for the use and development of residential land uses on ground level, at the frontage of sites. This is due to the zoning controls requiring town planning permission for residential land uses with frontages greater than 2 metres at ground level;
 - (d) it is clear that the proposed Business 1 and 2 zones on the amendment land better suit the existing land uses as well as provide an appropriate statutory land use framework for the revitalisation of the amendment land in line with structural economic changes taking place at a local level;
 - (e) the amendment land is already affected by the Heritage Overlay HO 327. Amendment C 43 to the Yarra Planning Scheme (The Heritage Amendment) seeks to strengthen the built form controls in heritage areas throughout the municipality. This overlay used in an integrated manner in tandem with other design and built form controls in the scheme as well as

ResCode if a residential development is applied for will provide several layers of assessment frameworks to ensure that issues of built form and private public interface are addressed during the planning permit process. It is for this reason that the application of a further overlay on the amendment land should not be undertaken; and

- (f) application of the decision making framework in the Ratio Report to the amendment land provides a clear direction for the recommendation to rezone the amendment land.

Consultations

- 48. Formal public exhibition of the amendment and planning permit application will occur for a one month period, including:
 - (a) direct notice to all owners and occupiers of properties likely to be affected (including a copy of the explanatory report and Draft Planning Permit);
 - (b) public notices in the Yarra Leader and Melbourne Times;
 - (c) notice in the Government Gazette; and
 - (d) display of the amendment at the Municipal Offices and at the Department of Sustainability and Environment.

Proposed Amendment documentation is provided at Attachment 3.

Resource and Financial Implications

- 49. The costs incurred in processing the amendment/ permit application will be borne by the proponent.

Environmental Implications

- 50. The amendment should have positive environmental impacts as well as economic benefits as the proposed Business 1 and 2 zones facilitate the efficient use of existing physical infrastructure.
- 51. Any more sensitive land use proposed for the site such as a residential land use, would require testing for contamination and decontamination, if required.

City Plan, Strategy and Policy Implications

- 52. As discussed, the proposal seeks to implement the recommendations for the Johnston Street Precinct contained in the Ratio Study.
- 53. The proposed rezoning responds to the ongoing decline of traditional manufacturing areas within the municipality and the structural changes that are taking place both on a local as well as global scale, towards an increase in "lifestyle" activities based around retail activities and service industries. It is apparent from this that an update to the Ratio Report is required that will assess the ongoing viability of marginal industrial precincts within the municipality and to provide direction for rezoning requests for larger parcels of industrially zoned land.

54. A review of the Ratio Study, dated July 2000, will commence in November 2003, as a part of the program of Council's strategic planning unit.

Legal Implications

55. There are no legal implications associated with the amendment process. The amendment will be processed in accordance with provisions of the *Planning and Environment Act 1987*.

Options

56. Council has the following options available to it:
- (a) Option 1 - resolve to prepare and exhibit an Amendment C54 to the Yarra Planning Scheme to rezone land at 2-8 Bedford Street and 10 Perry Street from a Business 3 to a Business 2 Zone, and 15- 33 Johnston Street, Collingwood from a Business 3 Zone to a Business 1 Zone. In addition the amendment land would have an Environmental Audit Overlay applied.
 - (b) Option 2 - resolve to prepare and exhibit an Amendment C54 to the Yarra Planning Scheme to rezone land at 2-8 Bedford Street and 10 Perry Street from a Business 3 to a Business 2 Zone, and 15- 33 Johnston Street, Collingwood from a Business 3 Zone to a Business 1 Zone. In addition the amendment land would have a Design and Development Overlay and an Environmental Audit Overlay applied.
 - (c) Option 3 - resolve to refuse prepare and exhibit an amendment to the Yarra Planning Scheme until the update of the Ratio Report *Industrial and Business Activity: Trends and Opportunities Analysis* for the precinct is undertaken.

RECOMMENDATION

57. That Council resolve to prepare and exhibit amendment C54 to the Yarra Planning Scheme pursuant to section 8 of the *Planning and Environment Act, 1987*. The amendment seeks to rezone land at 2-8 Bedford Street and 10 Perry Street, Collingwood from a Business 3 to a Business 2 Zone, and 15- 33 Johnston Street, Collingwood from a Business 3 Zone to a Business 1 Zone (the amendment land). In addition the amendment land would have an Environmental Audit Overlay applied.

Submissions

David Crowder addressed the Committee on this item.

PLANNING & COMMUNITY DEVELOPMENT COMMITTEE RECOMMENDATION

Moved: Councillor Barber

Seconded: Councillor Meadows

That the recommendation be adopted.

CARRIED

CONTACT OFFICER
TITLE
TEL

Gary Dew
Senior Strategic Planner
9205 5335

See Attachment



Adobe Acrobat
Document

2.7 Amendment C40 to the Yarra Planning Scheme – Licensed Premises Policy – Consideration of Panel Report

EXECUTIVE SUMMARY

Purpose

To consider the panel report concerning Amendment C40 to the Yarra Planning Scheme.

To adopt Amendment C40 to the Yarra Planning Scheme with minor changes and recommend to the Minister for Planning that it be approved.

Issues

The *Licensed Premises Policy* provides clear and user-friendly performance based guidelines in relation to the establishment and management of licensed premises within the City of Yarra. The policy includes four key objectives, which aim to effectively manage the location, hours of operation, and potential associated amenity impacts that may result from licensed premises.

An independent panel has considered the proposed amendment and recommended that it be approved, subject to minor changes.

Financial Implications

The costs of the amendment (including panel costs) have been accommodated in the 2003/2004 planning budget approved by Council.

Community Implications

Eight submissions were received in response to the public exhibition of the amendment. Only one submitter requested to be heard by the panel. The panel considered all written and verbal submissions in reaching its conclusions.

City Plan, Strategy and Policy Implications

The *Licensed Premises Policy* is consistent with City Plan 2002-2005, and the State Government's recently released *Melbourne 2030* strategic plan, most specifically direction number 5 'a great place to be'.

Legal Implications

Consideration of the panel report and adoption of the amendment and recommendation has been undertaken in accordance with the *Planning and Environment Act 1987*.

PROPOSED ACTIONS

To adopt Amendment C40 to the Yarra Planning Scheme with minor changes.

2.7 Amendment C40 to the Yarra Planning Scheme – Licensed Premises Policy – Consideration of Panel Report

File: 30/25/07/40
Responsible Officer: Manager Urban Planning

Purpose

1. To consider the panel report concerning Amendment C40 to the Yarra Planning Scheme.
2. To adopt Amendment C40 to the Yarra Planning Scheme with minor changes.

Background

3. For the purpose of this policy, licensed premises include food and drink premises and places of assembly, used or to be used in conjunction with a liquor licence.

Amendment Land

4. The *Licensed Premises Policy* is to apply to all applications for new licensed premises and for the extension of existing licensed premises, where a permit is required pursuant to Clause 52.27 of the Yarra Planning Scheme.

Context

5. The drafting and preparation of the *Licensed Premises Policy* follows from the adoption of the *'Late Night Trading in Brunswick and Johnston Streets Policy'* in 1997, which was applied as a 'blanket' provision to all late night licensed uses across the City of Yarra. The *'Late Night Trading in Brunswick and Johnston Streets Policy'* was widely criticised by the Victorian Civil and Administrative Tribunal, due to its lack of strategic basis, inadequate public consultation and lack of sound planning evidence to substantiate its application across the City.
6. In July 2001, Council resolved to formulate a new policy for licensed premises across the City of Yarra, which following consultation, exhibition and strategic analysis and research, is to be incorporated into the Yarra Planning Scheme. No guidance or policy is currently provided in the Yarra Planning Scheme for the consideration of applications pursuant to Clause 52.27 (Licensed Premises), other than the general decision guidelines at Clause 65 of the Yarra Planning Scheme.
7. The new policy has been prepared through exhaustive strategic work and targeted community consultation, and adopts a performance-based approach to the management of licensed premises throughout the City of Yarra. The policy sets down key objectives, principles, guidelines and criteria for licensed premises throughout the City, and establishes a sound strategic framework for the consideration of applications for licensed premises pursuant to Clause 52.27 of the planning scheme.

8. The policy aims to provide a greater level of guidance and certainty to applicants and the community, whilst effectively linking in and complementing the decision guidelines at Clause 65.
9. The *Licensed Premises Policy* has been formulated through the collection and use of current land use data strategically analysed within the policy context of the provisions of the State and Local Planning Policy Frameworks of the Yarra Planning Scheme, the *Activity Centres Strategy Study 1996* and the *Residential Interface Study 2001*, as adopted.

State Planning Policy Framework

10. The new *Licensed Premises Policy* seeks to further the objectives of the State Planning Policy Framework of the Yarra Planning Scheme. More specifically, the policy promotes the objectives of Clause 17.01 (Activity Centres) and Clause 17.02 (Business), through encouraging developments and uses that meet community need for entertainment, whilst promoting their concentration in activity centres which are highly accessible to the community and less detrimental to residential zoned neighbourhoods. The policy does not seek to prohibit uses, which are discretionary under the Yarra Planning Scheme, but rather provides a framework with associated guidelines for locating and managing entertainment uses throughout the City of Yarra.

Municipal Strategic Statement

11. The *Licensed Premises Policy* has been developed to create a series of performance-based standards to be used in the assessment and consideration of planning applications for licensed premises. The standards relate to residential amenity, economic viability and employment opportunities in the City and are dealt with by addressing the issues of location, hours of operation, patron numbers, car parking and noise emissions. This approach seeks to provide for appropriately located and managed licensed premises and enable Council to implement a number of the key objectives of the Municipal Strategic Statement, including:
 - (a) enhanced long term viability of strip centres (Element 4 – Retailing and Activity Centres – Clause 21.05-4);
 - (b) functioning of activity centres which minimises amenity impacts on adjoining residential areas, particularly from parking demand, noise and late night trading (Element 4 – Retailing and Activity Centres – Clause 21.05-4);
 - (c) an increase in number and diversity of local employment opportunities (Element 3 – Industry and Commerce – Clause 21.05-3); and
 - (d) a continual reduction in the incidence of amenity conflicts between business and residential activities (Element 3 – Industry and Commerce – Clause 21.05-3).
12. The provisions of the Policy dealing with licensed premises within the Residential 1 Zone also seek to complement the existing provisions of the Local Planning Policy Framework at Clause 22.01 (Discretionary Uses in the Residential 1 Zone) through ensuring,

“that residential amenity is not adversely affected by non-residential uses”.

The amendment proposes to modify this policy by requiring that the hours of operation of non-residential uses within a Residential 1 Zone be limited to 8am to 11pm (rather than 8am to 8pm which is the current policy provision) to achieve consistency between the new Licensed Premises Policy and the existing policy – Discretionary Uses in the Residential 1 Zone.

13. The role and function of the City’s activity centres are defined in Element 4 (Retailing and Activity Centres) of the Municipal Strategic Statement, as well as in the referred document titled *Activity Centres Strategy*, prepared by WSC Consultants Pty Ltd, August 1996. The Policy as exhibited seeks to enhance the defined role / functions of Yarra’s centres by requiring that:
 - (a) the location of new licensed premises accords with the provisions of Element 4 of the Municipal Strategic Statement; and
 - (b) new hotels, taverns and licensed places of assembly are discouraged from locating at ground level, unless the use is located within a Food / Entertainment Activity Area as defined in the Retail and Activity Centres Framework Plan included in Element 4 of the Municipal Strategic Statement.
14. The *Licensed Premises Policy* also seeks to discourage the location of licensed premises within the Industrial 1 Zone and Industrial 3 Zone in order to enhance the Municipal Strategic Statement strategy of protecting industrial areas from further encroachment by retail activities.
15. In developing the *Licensed Premises Policy*, land use surveys were undertaken of all the retail and activity centres within the City of Yarra. This survey information has since been mapped in order to provide an up-to-date understanding of the nature of land uses within the retail and activity centres. The land use survey information and corresponding maps will be used to update the *Retail and Activity Centres Framework Plan* at Clause 21.05-4 to reflect the nature of land uses within these centres, whilst providing strategic direction for future development of these centres, and allowing for informed decision making by Council planners and other planning authorities on the appropriateness of entertainment uses in various retail and activity centres in line with the provisions of the Municipal Strategic Statement and the new *Licensed Premises Policy*.
16. A set of standard conditions to be included on planning permits for licensed premises is also proposed in order to achieve the effective management of licensed premises. While these proposed permit conditions do not form part of the amendment, a copy of the proposed conditions were included as part of the supporting documentation for the exhibited amendment (planning permit conditions at Attachment 6).

Local Planning Policy

17. Statistical information gathered in the formulation of the new policy has highlighted that a number of existing licensed entertainment venues in the City of Yarra exist within residential areas. In response to this and in line with the provisions of Clause 22.01 (Discretionary Uses in Residential 1 Zone), the new

policy seeks to discourage the establishment of new licensed premises or the extension of existing licensed premises in Residential and Mixed Use zones.

18. Further, consistent with Clause 22.04 – Retail Centres Policy, the policy discourages late night licensed premises adjacent to residential areas where amenity conflicts may result, in order to strike a balance between the objectives of economic development and neighbourhood amenity. The policy also adopts the identified role of each individual retail centre within the City of Yarra, as detailed in the *Activity Centres Framework Plan* at Clause 21.05-4, together with statistical data from Liquor Licensing Victoria, as the basis for planning future licensed premises across the city.
19. To assist in the implementation of the new policy, it is intended to have an operating procedure which has a requirement for a written report from the City Safe Branch to be considered as part of the process. This report will include comments on issues such as complaints, officer observations and licensing issues.

Panel Hearing Process

20. Council at its meeting of 13 May 2003 resolved:

“That Council amends Clause 22.08-3.2 “Location” of the proposed policy (being Attachment 1 to this report) by deleting the second dot point;

That Council makes consequential amendments to the MSS to ensure consistency with the revised Clause 22.08-3.2;

That Council request the Minister for Planning to appoint an Independent Panel pursuant to s. 23(1)(b) of the Planning and Environment Act 1987 to consider submissions received in response to Amendment C40.

That Council refer all submissions received (and pursuant to s. 22(2) of the Planning and Environment Act 1987 any late submissions) to the Panel for consideration.”

21. At the conclusion of the advertising period, eight submissions had been received from the following:
 - (a) Mr Ian Wight;
 - (b) Mr Geoff Barbour, President, Fitzroy Residents Association;
 - (c) Mr Anthony Wright;
 - (d) Australian Hotels and Hospitality Association Inc;
 - (e) Nicholson Street Association;
 - (f) Mr John Jennings;
 - (g) The Peel Hotel; and
 - (h) Richmond Licensees Forum.

22. The Council submission to the panel (Attachment 2) identified the key issues raised in submissions as follows:
- (a) concern regarding the proximity of new residential uses to existing entertainment uses;
 - (b) differing amenity expectations required in mixed use areas as opposed to residential areas, and the requirement for information on amenity expectations in different land use zones;
 - (c) existing entertainment uses should not be expected to change when an area becomes more residential in nature;
 - (d) support for the patron management plan framework proposed by the new policy;
 - (e) need to pre warn new residents that mixed use areas have different amenity standards than residential areas;
 - (f) new residential uses must incorporate noise attenuation measures; and
 - (g) training requirements for new licensees, and the value of accords such as the Richmond Liquor Licensing Accord;
 - (h) entertainment venues add to the cultural life of the city;
 - (i) the need for car parking policies and separate parking precinct plans for entertainment areas;
 - (j) Local Planning Policy Framework should include decision guidelines for new residential uses in addition to those for licensed premises;
 - (k) Existing uses should not be expected to comply with decision guidelines if proposing new buildings and works;
 - (l) Extension of licensed hours after 11pm creates amenity conflicts;
 - (m) Support for siting policies in Residential 1 and Mixed Use Zones;
 - (n) Noise is a health as well as an amenity issue;
 - (o) The onus should be on licensees to contain noise;
 - (p) Proposed draft policy deals only with strip shopping centres and should address all licensed premises;
 - (q) Council's should instigate a version of the State Environment Protection Policy (SEPP) – N2 for the control of entertainment noise; and
 - (r) Separate hospitality precincts should be formulated and these should have different noise regulations than areas outside of these precincts.
23. Council advised the panel that the eight submitters were contacted prior to the hearing and invited to meet individually with Council officers to discuss their submissions. Individual meetings were held with six of the submitters in

October 2002, in an attempt to resolve the matters identified. At the conclusion of these meetings, Council advised that it had undertaken a revision of the *Licensed Premises Policy* to best fit the recommendations made by the submitters, whilst maintaining the general aims and purpose of the policy.

24. Following the revision of the proposed policy, the policy was referred to Council's solicitors to advise Council on the legal implications of its content, wording and consistency with the State and Local Planning Policy Frameworks of the Yarra Planning Scheme. After a number of minor wording changes, Council forwarded the revised version of the policy to each of the submitters for further consultation.
25. Three further submissions were made in response to this, from Mr Ian Wight, Mr Geoff Barber and Mr Anthony Wright. The additional submissions supported the intent of the policy and raised similar issues to the original submissions. The Council then resolved on 13 May 2003 to refer the amendment to a panel for consideration.
26. A Hearing in relation to the amendment was held on Thursday 17 July 2003 at the offices of the Planning Panels Victoria, during which time the following submitters were represented and/or heard:

Planning Authority (City of Yarra): Mr David Vorchheimer, Planning Advocate

Ms Pauline Semmens, Co-ordinator, Strategic Planning

Mr Matthew Fleischmann, Strategic Planner

Fitzroy Residents Association: Mr Geoff Barbour, President

27. The panel expressed some concern that Council had not notified all submitters of the hearing. Therefore, as a matter of process, Council was instructed by the panel to notify all submitters of the panel hearing. The panel advised Council to undertake the following:

“(a) Council prepare a revised version of the amendment that shows clearly the changes from the exhibited version of the amendment and the adopted Council position of 13 May 2003 (ie using ‘track-change’).

(b) Council review the Planning Practice Note “Writing Local Policy”, and provide a written assessment of the proposed policy against that Practice Note.

(c) Council write to all submitters advising them that a Panel hearing has been held in relation to this amendment, and that some submitters were not formally notified of the hearing. Council is to attach its submission dated 17 July, the revised copy of the amendment and the assessment of the amendment against the Practice Note as in (ii) above to all submitters, inviting them to comment. If any submitter wishes to be heard in response to the amendment by the Panel, the hearing will be re-convened. In this regard, I will hold open the morning of 18 August for any additional hearings.

(d) *Council should prepare the revised information within one week, and all submitters should be provided with an opportunity to respond within two further weeks of receipt of the letter.*

28. This was discussed at the panel hearing and conveyed to Council by letter dated 17 July 2003 (Attachment 3).
29. Council responded in full to these directions and the panel received the additional information as requested. Council sent a letter dated 19 August 2003 to inform the panel that Council did not receive any additional request to be heard forms by any submitter. Therefore, there was no reason to reconvene the panel hearing.

Issues

30. In response to the submissions made on the policy, Council presented the panel with a slightly modified version of the policy at the hearing. Some of these changes provide more clarity on the policy provisions and in summary included the following:

Clause 22.08-1 Policy Basis

31. It is proposed to delete the last sentence of paragraph 3 of the proposed policy, as exhibited, which is basically repetitive of an earlier statement and which does little to add to the policy basis. The panel supports this deletion.

Clause 22.08-2 Objectives

32. Council proposed to include the words "... *and entertainment uses*" at the end of the fourth objective to make it consistent with the first objective. This inclusion is to ensure that the policy applies to all uses or premises that can be licensed, and it ensures that some places are not left inadvertently outside the policy through definition reasons. It also provides consistency with other aspects of the policy. The panel supports this inclusion.

Clause 22.08-3 Policy

33. Council proposed to delete the second dot point from Clause 22.08-3.2 Location, as it provides specific location guidelines for licensed premises, when in fact the Yarra Planning Scheme allows for consideration of licensed premises in a broad range of locations. The panel supports this deletion. In addition, the panel also considers that the first dot point under 'Location' also should be deleted for similar reasons. Furthermore, there are other location requirements set out in the policy for the various zones and the panel considers the location provision is repetitive of these. This whole section should be deleted from the policy, following the panel hearing process.
34. The wording of the second dot point in Clause 22.08-3.3 Hours is proposed to be modified so that it encompasses all residential areas, and that it does not refer to just residential uses. It is also modified to specifically refer to the Residential and Mixed Use Zones. The panel supports these modifications.

35. Reference to the *Yarra Parking Policy 2001* is proposed to be deleted from Clause 22.08-3.5 as Council indicated that it does not propose to use this policy in decision making. The panel supports this deletion.
36. The first dot point at Clause 22.08-3.6 Residential 1 Zone states that new licensed premises are not to be located within Residential 1 Zones. The panel does not consider this can be stated as a matter of policy. The purpose of the policy is to assist in the exercise of discretion when determining a planning permit application, not to categorically state where uses should or should not be located, particularly if they are permitted under the provisions of the applicable zone. If the purpose of the policy is to discourage new licensed premises from establishing in Residential 1 Zones, then that can be stated. The panel recommends this section of the policy be modified as:

“New licensed premises are to be discouraged from locating within Residential 1 zones”.

Clause 22.08-4 Application Requirements

37. Minor modifications are proposed to the requirements for the preparation of plans as part of the ‘Application Requirements’, to provide better clarity eg including outdoor seating with plans.
38. Likewise, some modifications are proposed to the Noise and Amenity Action Plan, particularly with regard to the first dot point. The panel considers these requirements are quite detailed, and it notes that the submissions from the industry groups generally support the requirements as set out. The panel supports these modifications eg the withdrawal of ‘measures to be instituted when dealing with intoxicated patrons’ (refer Attachment 4 – for track changes policy between Exhibited Policy and Policy submitted to Panel).

Clause 22.08-5 Decision Guidelines

39. The preface to the ‘Decision Guidelines’ was expanded in Version 2 of the proposed policy to make it clearer as to what matters need to be taken into account when assessing a permit application eg the deletion of reference to the *Yarra Parking Policy 2001* is also noted here. The panel supports these amendments.

Conclusion

40. Overall, the panel considers the changes to the proposed policy following its public exhibition take into account the submissions made and the discussion that occurred at the panel hearing. The result is a more rigorous policy that will assist Council in its exercise of discretion when considering planning applications for licensed premises.

The panel has recommended (panel report at Attachment 5):

1. *That Amendment C40 to the Yarra Planning Scheme be adopted, subject to the following modifications:*
 - (i) *Substitute the exhibited Clause 22.08 with Version 3 submitted at the conclusion of the hearing, as attached at Attachment 1, and subject to (ii) and (iii) below;*

- (ii) *Delete the Location provision from Clause 22.08-3.2, and renumber the remainder of the sub-clause; and*
- (iii) *Amend the first dot point of Clause 22.08-3.6 to read “New licensed premises are to be discouraged from locating within Residential 1 Zones”.*

Planning Permit Conditions

- 41. In conjunction with the new policy it is proposed that a number of standard conditions be applied to permits for licensed premises. These conditions (Attachment 6) although not included in the policy document, will be included in a practice note to be used by all planning officers and will be included as a protocol in the Urban Planning Branch Instrument of Delegation. The conditions generally relate to amenity, hours of operation, numbers of patrons, use in accordance with the approved Noise and Amenity Action Plan and the responsible conduct of the licensed premises, which was considered by Panel. Other conditions may be included on permits for licensed premises at Council’s discretion.
- 42. It is noted that these conditions are already being placed on permits and have been received favourably by applicants and other parties, since the exhibition period.

Consultations

- 43. Notification of the amendment was carried out in accordance with the relevant provisions of the *Planning and Environment Act 1987* (‘the Act’).
- 44. Eight submissions were referred to the panel for consideration. The panel report addresses the issues raised in these submissions and concludes that the amendment should be supported subject to changes.

Resource and Financial Implications

- 45. The costs of the amendment (including panel costs) have been accommodated in the 2003/2004 planning budget approved by Council.

City Plan, Strategy and Policy Implications

- 46. The proposed Local Planning Policy is consistent with City Plan 2002/05, and the State Government’s recently released Melbourne 2030 strategic plan, most specifically direction number 5 ‘a great place to be’.
- 47. The incorporation of the policy into the Yarra Planning Scheme, whilst facilitating sound decisions on licensed premises applications, will also require minor adjustments to the existing provisions of Clause 22.01 (Discretionary Uses in Residential 1 Zones) of the Local Planning Policy Framework of the Planning Scheme. The adjustment required is a change to the policy provisions which currently detail that “hours of operation should be limited to 8am to 8pm except for a convenience shop”. The amended wording is to read “hours of operation should be limited to 8am to 11pm except for a convenience shop”. This change to Clause 22.01 of the Yarra Planning “Discretionary Uses in a Residential 1 Zone’ was exhibited as part of Amendment C40 documentation.

Legal Implications

48. Adoption of the amendment has been considered in accordance with the Act.

Options

49. Having considered the panel report, Council has three options available in relation to Amendment C40 under the provisions of the Act. These options are to:
- (a) adopt the amendment without changes; or
 - (b) adopt the amendment with changes (Attachment 7 – Final Version of the Policy); or
 - (c) abandon the amendment or part of the amendment.

Proposal

50. As outlined in the report the proposed *Licensed Premises Policy* is considered appropriate subject to changes recommended by the panel. It is therefore proposed that Option (b) be pursued, and that the amendment be adopted with changes (a copy of Amendment C40 to be adopted by Council is at Attachment 7).

RECOMMENDATION

51. That Council adopt Amendment C40 to the Yarra Planning Scheme pursuant to Section 29(1) of the *Planning and Environment Act 1987*, subject to the following changes:
- (a) substitute the exhibited Clause 22.08 with Version 3 submitted at the conclusion of the independent panel hearing and subject to (a) and (b) below;
 - (b) delete the Location provision from Clause 22.08-3.2, and renumber the remainder of the sub-clause; and
 - (c) amend the first dot point of Clause 22.08-3.6 to read “New licensed premises are to be discouraged from locating within Residential 1 Zones”.
52. That in consideration of requests for variation or new liquor licences, a further report be presented to Council detailing issues related to complaints, officer observations and licensing issues.
53. That all submitters be advised of Council’s decision.

Submissions

The following people addressed the Committee on this item:

*Ian Quick; and
John Beckwith.*

PLANNING & COMMUNITY DEVELOPMENT COMMITTEE RECOMMENDATION

Moved: Councillor Barber

Seconded: Councillor Meadows

1. That Council adopt Amendment C40 to the Yarra Planning Scheme pursuant to Section 29(1) of the *Planning and Environment Act 1987*, subject to the following changes:
 - (a) substitute the exhibited Clause 22.08 with Version 3 submitted at the conclusion of the independent panel hearing and subject to (b) below; and
 - (b) delete the Location provision from Clause 22.08-3.2, and renumber the remainder of the sub-clause.
2. That in consideration of all requests for variation or new liquor licences, a written report from the City Safe Branch be considered detailing issues related to complaints, officer observations and licensing issues in the assessment of all relevant planning permit applications.
3. That all submitters be advised of Council's decision.

CARRIED

CONTACT OFFICER
TITLE
TEL

Matthew Fleischmann
Strategic Planner
9205 5332

See Attachments



Adobe Acrobat
Document



Image Document



Microsoft Word
Document



Adobe Acrobat
Document

2.8 Amendment C44 to the Yarra Planning Scheme 210 – 228 Alexandra Parade (East), Clifton Hill – Combined Amendment/ Planning Permit Adoption Stage

EXECUTIVE SUMMARY

Purpose

To rezone land at 210 – 228 Alexandra Parade (East), Clifton Hill from the Business 3 Zone to the Mixed Use Zone (and to apply the Environmental Audit Overlay); and

To enable consideration of a planning permit application (No. PL02/0525) for the development of seven dwellings at 210 Alexandra Parade (East).

Issues

The proposed amendment has been initiated in response to the relevant recommendations contained in the “Industrial and Business Activity: Trends and Opportunities Analysis” report prepared by Ratio Consultants Pty Ltd (the Ratio Study, adopted by Council in July 2001).

The subject land comprises the Alexandra Parade (East) Precinct as identified in the Ratio Study. The Report has recommended that a variety of land use concepts, including business, residential or mixed use may offer viable alternatives for the future use and development of the area.

Resource Financial Implications

The costs associated with this request will be borne by the proponent.

Community Implications

The proposed combined amendment/ permit application was placed on public exhibition for a one-month period, and 1 objecting submission has been received from the Environment Protection Authority.

Environmental Implications

The combined amendment/ permit application will facilitate a more efficient use of existing physical infrastructure.

City Plan, Strategy and Policy Implications

The combined amendment/ permit application implements recommendations from the Ratio Study, which has been formally adopted by Council. Additionally, the proposed amendment is consistent with City Plan 2002-2005.

Legal Implications

The combined amendment/ permit application has been processed in accordance with the provisions of the *Planning and Environment Act 1987*.

PROPOSED ACTIONS

That Council resolves to adopt Amendment C44 to the Yarra Planning Scheme and planning permit application (No. PL02/0525) and submit it to the Minister for Planning for approval.

2.8 Amendment C44 to the Yarra Planning Scheme 210 – 228 Alexandra Parade (East), Clifton Hill – Amendment Adoption Stage

File: 30/25/07/44
Responsible Officer: Coordinator Strategic Planning

Purpose

1. To rezone land at 210 – 228 Alexandra Parade (East), Clifton Hill from the Business 3 Zone to the Mixed Use Zone (and to apply the Environmental Audit Overlay); and
2. To enable consideration of a planning permit application for the development of seven dwellings at 210 Alexandra Parade (East), Clifton Hill.

Background

Subject Site & Environs

3. The amendment land is located on the north side of Alexandra Parade (East) between Rutland Street (west) and Groom Street (east), Clifton Hill. The land has a direct frontage to Alexandra Parade and incorporates two properties:
 - (a) 210 Alexandra Parade (East); and
 - (b) 226-228 Alexandra Parade (East).
4. Rezoning maps showing the amendment land and the Environmental Audit Overlay are provided at Attachment 1.
5. Both of these properties are currently used and developed for light industrial/commercial purposes. The land at 226-228 Alexandra Parade (East) is developed with a double storey, rendered factory/warehouse occupied by Miller Graphic Pty Ltd. This site provides nine car spaces within the front set back. A continuous crossover for almost the length of the site allows access to these spaces and prohibits on street parking. The land at 226-228 has no planning permit application before council. The land at 210 Alexandra Parade (East) is subject to planning permit application PL02/0525 and is described in detail in the following section.

Permit Application Site

6. The land at 210 Alexandra Parade (East) is rectangular in shape, with a frontage of 22.09 metres to Alexandra Parade (East) and a depth of 40.23 metres, yielding an overall site area of 889m². The site currently supports existing warehouse/factory type structures, with the principal building being a 9.5 metre high, red brick building, built hard to Alexandra Parade (East). The building demonstrates regular and generally unadorned fenestration, a single pedestrian access point and a high parapet. The building is largely used for the wholesale of architectural metal and ceramic products and has an existing caretaker's residence at the first floor level of approximately 120m². The caretaker's residence can be accessed either internally through the warehouse or via an external stairwell along the west boundary.

7. A smaller shed of approximately 30m², with an overall height of 3.1 metres, is situated to the north of the brick building described above. Directly north of this structure again is a warehouse of approximately 120m² built to the east boundary and set 1.5 metres off the west boundary and 1 metre off the north boundary. The overall height of the warehouse is 3.7 metres. Both outbuildings are of steel construction with corrugated iron roofs. Vehicular access to the site is from Alexandra Parade (East), along the east boundary via an existing single crossover. A 4 metre high, steel roller door exists across this access point.
8. The site has high site coverage with little vegetation; three willow trees in relatively poor condition located in the northwest corner of the site.
9. The amendment land is an isolated business precinct surrounded by residential use and development. The broader area (around Noone, Groom and Roseneath Streets) is characterised by a number of recent warehouse conversions to residential use, including the site on the corner of Alexandra Parade (East) and Groom Street, situated directly to the east of 226-228 Alexandra Parade (East).
10. The Australian Dying Company industrial complex (still in operation) is located further eastwards of the amendment land between Alexandra Parade (East), Gray Street and Noone Street. This site is the subject of a rezoning from Business 3 Zone to Mixed Use Zone under Amendment C65 to the Yarra Planning Scheme.
11. Six double storey residences are located at 208 Alexandra Parade (East), directly to the west of the permit application land. The units are of recent construction, with rendered surfaces, simple window proportions and flat roofs.
12. Land to the north of the site is developed with single Victorian and Edwardian era dwellings (fronting Noone Street). More particularly, there are two single storey, double fronted Victorian era dwellings. The rear gardens of these dwellings abut the north boundary of the permit application site.
13. Alexandra Parade (East) is a local road that abuts the Eastern Freeway, a major arterial roadway. A sound wall and landscaping serve as a physical barrier separating the two roadways.

Differences between advertised and amended plans

14. Plans submitted to Council on 29 April 2002 were those that were originally advertised. Following public exhibition and a consultative meeting held between Council Officers and the proponent on 27 June 2003, amended plans were required to be submitted that sought to address officer concerns. These plans were submitted on 16 August 2003.
15. The plans submitted to Council on 16 August 2003 incorporated the following changes to the originally advertised plans:
 - (a) pedestrian access beside the vehicle access was increased to 1 metre wide and delineated by changing the surface to brick paving (this has been checked by Council's Engineering Services Unit has supported the

amended width of the pedestrian and vehicle access to the northern dwellings);

- (b) the width of the balcony to unit 1 was reduced to 2.5 metres, however the total area remains the same, as the balcony has been lengthened (total area 8 square metres). Beams that span the driveway will support the balcony;
- (c) the floor plans of the rear units have been reversed (the exhibited plans had the entry to the northern units on the east side, which decreased visibility) to provide better visibility to the entries to units 5, 6 and 7. Also the entry area in the front of each garage is proposed to be paved brick to increase visibility and delineate clearly the access points to each unit on the northern boundary.
- (d) the balconies to level 1 of the rear units have been moved back 1 metre from the northern boundary to reduce overlooking into the abutting northern properties; and
- (e) Council raised concerns about the sight lines to the mezzanine on the 2nd floor from Alexander Parade East. Council has asked the consultants to resubmit plans to clearly indicate the sight lines from the west and south elevations. These lines were taken from 20 metres from the boundary before the mezzanine to unit 2 can be seen. From the eastern boundary the "attic" cannot be seen due to a property abutting the eastern boundary.

Planning Scheme Controls

- 16. The precinct is currently located in the Business 3 Zone of the Yarra Planning Scheme. The primary purpose of the Business 3 Zone is to encourage the integrated development of offices and manufacturing industries and associated commercial and industrial uses. Residential use is prohibited in the Business 3 Zone.
- 17. The amendment land is part of a small precinct that is not covered by the Heritage Overlay No. 316 (Clifton Hill Eastern Precinct), which has been applied to most of Clifton Hill East.

Proposed Rezoning Request

- 18. The request for Council to prepare an amendment to the Yarra Planning Scheme and concurrently consider a planning permit application has been received from Buchanan Planning, who are acting on behalf of the owners of the land at 210 Alexandra Parade (East). The planning permit application documentation has been prepared by Winston Green Design.
- 19. The combined amendment/ permit request is accompanied by a town planning report, and the standard supporting documentation required for a permit application.
- 20. The rezoning request has been made on the basis of the recommendations contained in the report commissioned by Council and prepared by Ratio Consultants Pty Ltd titled "Industrial and Business Activity: Trends and

Opportunities Analysis" (the Ratio Study). This Report and its findings were endorsed by Council at its meeting of 10 July 2001.

21. It is noted that the combined amendment/ permit application request relates to the property at 210 Alexandra Parade (East) only. However, to accord with the recommendations of the Ratio Study, the adjoining property at 226-228 Alexandra Parade (East) should also be included in the amendment process (The owner/ occupier of this property was notified during the public exhibition period and no objection was received).
22. The amendment is to rezone the subject land to the Mixed Use Zone with an Environmental Audit Overlay.
23. Council considered the amendment request at its meeting of 9 July 2002, where it resolved to prepare and exhibit the amendment.

Development Proposal (Permit Application PL02/0525)

24. The proposed redevelopment of the permit application site with seven dwellings includes the following components (based on revised plans submitted to Council on 16 August 2003):
 - (a) demolition of the existing warehouse/ factory buildings to the rear of the site;
 - (b) retention and conversion of the existing building fronting Alexandra Parade (East) to provide the building envelope for three dwellings with six car spaces to the rear;
 - (c) refurbishment of existing caretaker's residence located at the first floor level of the building fronting Alexandra Parade (East);
 - (d) a second floor mezzanine to accommodate a bedroom and bathroom to dwelling 2 in the existing building fronting Alexandra Parade (East);
 - (e) construction of three, two-storey dwellings along the rear boundary of the site. Each dwelling is to be provided with a single car garage;
 - (f) two bedrooms and bathroom facilities are provided in the ground floor of dwellings 1, 3, 5, 6, 7 and a single bedroom to dwelling 2;
 - (g) living/Kitchen areas are located at first floor level of the new dwellings;
 - (h) open space is to be provided to each of the dwellings as follows:
 - (i) Unit 1 – 16.8m² first floor balcony;
 - (ii) Unit 2 – 15.54m² between 2 balconies located at the first and second floors;
 - (iii) Unit 3 – 8m² balcony;
 - (iv) Unit 4 – existing 20m² balcony; and

- (v) Unit 5, 6 & 7 – 8.5m² courtyard to the rear of the dwelling and 8m² balcony located off the first floor living rooms.
 - (i) Units 5, 6 & 7 were setback an additional metre from the northern boundary, given a total setback of 2.5 metres.
25. New works would not be readily visible from Alexandra Parade (East) given the existing parapet, the setback of the second floor section.
 26. The form of the new works is sympathetic to the existing building, with higher levels of glazing, flat rooves and generally unadorned planes.
 27. The final permit application and development plans are provided at Attachment 2.
 28. Under the provisions of the Mixed Use Zone, dwellings are an as of right use and a planning permit is required for the development of dwellings. This proposal must be assessed against the Clause 55 – ResCode provisions. This will be detailed later in the report.
 29. Accompanying the submitted documentation, the proponent has provided a written statement, which assesses the development proposal against all relevant policies and controls, including the ‘South East Clifton Hill Local Area Plan’. This plan is only a preliminary document, and as such will not be considered for the assessment of this permit application.

Issues

Rezoning of the Precinct

30. The Ratio Study identifies six smaller, isolated precincts as potentially suitable for rezoning, including the Alexandra Parade (East) Precinct. This precinct comprises the two properties at 210-228 Alexandra Parade (East).
31. The Ratio Study identifies a number of constraints facing the precinct which have led to the market trend toward residential renewal in this general locality, namely,
 - (a) *“Due to the lack of exposure and lower levels of accessibility the area will not attract high profile tenants requiring visibility. Similarly the lack of direct access for deliveries reduces the attractiveness of the precinct to many businesses; and*
 - (b) *Evidence of significant re-investment in residential areas surrounding the precinct may begin to reduce the tolerance of the local area for noise/ odour emissions.”*
32. However, the Ratio Study also highlights some opportunities that arise from these constraints, the most relevant of these being,
 - (a) *“The lower levels of accessibility and exposure combined with evidence of residential renewal in the area offer potential for further residential activity”;* and

- (b) *“If the current tenants exit the precinct, rezoning may be considered appropriate due to the residential character of the surrounding area, the lack of access and exposure and its relative isolation from other business/industrial activities”.*
33. Council endorsed a Management Framework in July 2001 to establish how Council would deal with the rezonings of the six isolated precincts identified in the Ratio Study as suitable for a Mixed Use Zone and mixed use development.
34. The objectives of the Management Framework endorsed by Council for the Alexandra Parade (East) Precinct are as follows:
- (a) *“Rezoning of the entire precinct only;*
- (b) *Residential 1 or Mixed Use Zone (latter offering potential for staged transition of precinct); and*
- (c) *Initiation of land owner/s.”*
35. In line with the endorsed Management Framework, Amendment C44 shall include the property at 226 – 228 Alexandra Parade, as well as the property at 210 Alexandra Parade (the amendment has been initiated by the owner of the latter property).
36. The Mixed Use Zone has been selected in preference to the Residential 1 Zone, as it is a better fit with the existing business currently operating from 226-228 Alexandra Parade and provides a planning control over future residential development.
37. The planning scheme amendment also proposes to apply the Environmental Audit Overlay to 210 – 228 Alexandra Parade (East), Clifton Hill. This is required to comply with Ministerial Direction No. 1, which states, amongst other things, that,
- “A planning authority must include in the amendment a requirement to the effect that before a sensitive use commences or before the construction or carrying out of buildings or works in association with a sensitive use commences:*
- (a) *A certificate of environmental audit must be issued for the land in accordance with Section 57AA of the Environment Protection Act 1970, or*
- (b) *An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Section 57AA(5)(b) of that Act that the environmental conditions of that land are suitable for the sensitive use.”*

Development Proposal (Permit Application PL02/0525)

38. The permit application requires an assessment against the provisions of Clause 55 of the Yarra Planning Scheme (ResCode). There are no Clause 22 local planning policies that need to be taken into account in relation to the assessment of this application.

39. Clause 55 requires that the development proposal meets all of the objectives of the clause. An assessment of the planning permit application against each of the Clause 55 objectives and standards is provided below.

Neighbourhood Character

Standard B1

40. The existing neighbourhood character demonstrates a variety of dwelling styles, scales and periods. Alexandra Parade (East) is largely residential with the subject site and 226-228 Alexandra Parade (East) being the only industrial uses remaining in the immediate streetscape. The property to the east of 226-228 Alexandra Parade (East) is a residential warehouse conversion helping to create a consistent building rhythm from Groom Street to the subject site.
41. It is considered appropriate to retain the warehouse/ factory building for conversion to residential, as the development would maintain the existing character of the area and act as a reference to the history of development within this precinct.
42. The adopted form of the dwellings to the rear of the site is also considered generally appropriate in the context of the local area. The relatively simple design response helps to integrate the new dwellings with the retained warehouse/ factory building on the site as well as the residential character of the abutting properties to the north and west. At best a glimpse of the new dwellings will be observed from the street with the most prominent additions being the new terrace located above the driveway. Again the simplicity of the design will link appropriately with the industrial fabric existing on the site.

Residential Policy

43. The proposal is deemed to comply with Standard B2 of Clause 55. The proposal complies with the relevant clauses of the SPPF, namely Clause 16.02 – Medium Density Housing. The proposal is sensitive to the character of the area and aims to retain the streetscape largely as existing.
44. The proposal is also deemed to comply with the relevant clauses of the LPPF, namely Clause 21.04-1 – Sustainable Urban Environment, Clause 21.05-1 – Urban Design Framework and Clause 21.05-2 – Residential Land Use and Development. The proposal would increase the density of the area and make better use of the existing infrastructure, keeping off site amenity impacts to a minimum. The proposal maintains the existing streetscape and would generally provide an amenable environment for both future and neighbouring residents.

Dwelling Density

45. Standard B3 is not applicable in this instance given the proposal is providing less than 10 dwellings.

Infrastructure

46. The subject site is currently connected to all essential services.

Integration with the Street

47. The proposal provides separate pedestrian and vehicle access to dwellings 1, 2, 3 and 4 to avoid pedestrian/ vehicle conflict to these dwellings. The resubmitted plans have provided better pedestrian access to units 5, 6, and 7 by increasing the pathway to 1m, and delineated by changing the surface treatment to brick paving. Additionally, the floor plans of units 5, 6 and 7 has been reversed to provide better visibility to the entries of these units. This will improve the sight lines for vehicles entering the rear units. Adequate space is provided to perform vehicular manoeuvring and the level of vehicular movements is anticipated to be relatively low.

Street Setback

48. The development proposes no changes to the existing set back from Alexandra Parade (East).

Building Height

49. The new double storey dwellings to the north of the site fall within the 9 metre maximum building height as specified in Standard B7.
50. The additions to the existing building would reach an overall height of 10.8 metres. This increase in height is considered appropriate given:
 - (a) the bulk of the new height is set back behind the existing parapet and would read as a graduated change in height;
 - (b) the new wall height would sit 1 metre above the existing roof pitch;
 - (c) the location of the new height would not create an undue loss of amenity by virtue of visual bulk or overshadowing; and
 - (d) the proposed height of 10.8 metres is not unfamiliar in the local area.

Site Coverage

51. Standard B8 calls for new developments not to exceed 60% site coverage. The existing site coverage for the subject site is 60.17%, with the proposal increasing the site coverage to 62.22%. This increase of 2.2% is considered acceptable given that the site is located in a former industrial precinct, where site coverage and hard paving of 100% is not uncommon.
52. The marginal increase in site coverage will not create any negative impacts on the existing streetscape as it occurs at the rear of the site behind the retained warehouse. The retained warehouse building is constructed hard to the street, so that, when coupled with the roller door, provides an impression of 100% site coverage when viewed from the street. A condition on permit will be to delete reference to a roller door and replace with a permeable metal gate to allow views into the site.

Permeability

53. The existing buildings, driveways and hard paved surfaces presently cover 95% of the site, significantly short of the 20% of porous surfacing required

pursuant to Standard B9. However, subject to a condition on the permit, Council has specified that a permeable surface be used (such as paving) replace the hard paved surface that was previously proposed. The client has agreed to this condition (refer Attachment 8)

54. Although short of the Standard, the proposal is considered to comply with the overriding objective that seeks to reduce the impact of *increased run off on the drainage system* and *facilitate on site storm water filtration*. The development also proposes an increase in landscaping and porous surfaces through the addition of garden beds to the front and rear open space areas to dwellings 5, 6 and 7.

Energy Efficiency

55. Given that Council received the proposal after 1 March 2002, the proponent included with their submission, an assessment of the development using the approved Sustainable Energy Authority of Victoria 'First Rate' system. This assessment demonstrates that the development achieves a four-star energy efficiency rating.

Landscaping

56. All proposed landscaping would largely be obscured from the street, given that the existing warehouse building is to be retained. The proposed landscaping will increase the site's capacity for on site filtration and soften the hard surfacing associated with the former industrial use of the property.

Parking Location and Provision

57. The location of the parking spaces to each dwelling is considered to be acceptable. Dwellings 1, 2, 3 and 4 all have parking provided to the rear with direct access to the dwellings. Dwellings 5, 6 and 7 are provided with single garages with the required dimensions.
58. Standard B16 requires that each one or two bedroom is provided with a single car space in any new development. The proposal allocates the required number of spaces to each dwelling and one visitor space per dwelling.
59. The provision of bicycle parking for the dwellings located within the retained warehouse building will be required as part of an amended plans conditions (refer to the final revised draft Planning Permit provided at Attachment 2).

Side and Rear Setbacks

60. Several portions of new wall are to be constructed outside the requirements of Standard B17. Walls of 6.5m in height are to be built abutting the west and east boundaries. These are considered acceptable as they are located abutting an existing two-storey wall at 208 Alexandra Parade (East), and the factory/warehouse wall at 226-228 Alexandra Parade (East).
61. In the original plans (exhibited plans) the first floor balconies to Dwellings 5, 6 and 7 were set 1.5m off the north boundary, falling short of the required 1.57m. In the revised plans submitted to Council on the 16th of August, the set backs to the first floor balconies were increased by 1m, exceeding the B17 requirements. In Council's view the revised plans meet the requirements.

Wall on Boundaries

62. The development proposes 14 metres of new wall to the west boundary, 12 metres to the north boundary and 17 metres to the east boundary. This falls within the requirements of Standard B18.

Daylight to Existing Windows

63. The orientation of existing dwellings abutting the subject site is a development opportunity in this instance. The nearest habitable room windows facing the site are located on the rear walls of the dwellings fronting Noone Street. North facing windows to the dwelling at 208 Alexandra Parade (East), would not experience a significant reduction in solar penetration or access to daylight.

Overshadowing

64. The majority of new shadow created as a result of the new development would be cast over the proposed car parking areas. No overshadowing will occur to the existing residential properties located to the north of the site. Shadows are considered to be within acceptable limits.

Overlooking

65. The balconies and windows to the north elevation, that would have views of private open space areas, are all screened to a height of 1.7 metres. New windows to the east elevation are not shown as screened, but would not allow views, given the existing wall to 226-228 Alexandra Parade (East). The balcony to dwelling 1 is also screened to a height of 1.7 metres. A condition will be required to provide screening details to level 1 windows and balconies of rear units. Further, there is overlooking achieved between the front and rear units, therefore this will also be conditioned to comply with ResCode.

Dwelling Entry

66. The development proposes separate and easily identifiable entries to each new dwelling.

Daylight to New Windows

67. The development makes use of clear access to northern light, providing each dwelling with good daylight.

Open Space

68. The provision of open space is generally considered acceptable, as each unit has been allocated the following open space:

- (a) Unit 1 – 16.8m² first floor balcony;
- (b) Unit 2 – 15.54m² between 2 balconies located at the first and second floors;
- (c) Unit 3 – 8m² balcony;
- (d) Unit 4 – existing 20m² balcony; and

- (e) Unit 5, 6 & 7 – 8.5m² courtyard to the rear of the dwelling and 8m² balcony located off the first floor living rooms.

Common Property

- 69. Clear separation of public and private space is evident within the development. All areas of private open space would only be accessible through each dwelling and the common areas are to be mostly hard paved and can be easily maintained.

Site Services

- 70. The provision of areas for residents to store rubbish and recycling bins has not been addressed within the submitted documentation. A condition on permit will be to provide private collection of bins, as Council cannot collect the bins in accordance with its policy.

Public Exhibition Process

- 71. Amendment C44 was placed on public exhibition between 1 August 2002 and 2 September 2002 by:
 - (a) sending direct notice to all owners and occupiers of properties both within and proximate to the precinct (a total of 66 notices were posted). An Amendment Notification Plan showing the properties where owners/ occupiers received direct notice is provided at Attachment 3;
 - (b) sending direct notice to the 3068 Group Inc;
 - (c) sending direct notice to the Queens Parade Traders Association;
 - (d) sending direct notice to all relevant State Government departments, Ministers and agencies;
 - (e) publishing notices in the Yarra Leader (on 21 October 2002), Melbourne Times (on 23 October 2002) and Government Gazette (on 24 October 2002); and
 - (f) displaying the amendment at the Richmond and Collingwood Town Halls and at the Department of Infrastructure's Planning Information Centre.

Submissions

- 72. Two "no objection" submissions have been received from VicRoads (dated 11 November 2002) and Department of Natural Resources and Environment (dated 29 October 2002), they are provided at Attachment 4.
- 73. One 'objection' submission has been received in response to the public exhibition period from the Environment Protection Authority (EPA). The authority has highlighted concerns in regards to the Environmental Audit Overlay provisions and sought some changes.

74. Council sought advice from Maddocks about the suggested changes made by EPA (at Attachment 5) and Council then incorporated those changes and sent a revised edition to the EPA.
75. The EPA responded and made some further adjustments to the audit conditions attached to the combined amendment/ permit application. These suggested changes were reviewed by senior Council staff and then forwarded to the proponent for approval.
76. The proponent responded by fax, dated 16 June 2002 (at Attachment 6) stating that he was satisfied with the revised Environmental Audit Overlay audit conditions. In conclusion, both the EPA and the proponent are satisfied with the final Environmental Audit Overlay provisions to be included for planning permit no. PL02/0525.

Environmental Sustainable Design Outcomes

77. Council sent a letter dated 10th September 2003 (refer Attachment 7), asking for improved environmental sustainable design outcomes for the proposed development, which the applicant has agreed (refer Attachment 8). In the proponent's response the following was specified, to improve the environmental outcomes for the site:
 - (a) *"To provide landscaping which provides some canopy vegetation such as deciduous trees, for added sun protection in summer and sunlight penetration in winter;*
 - (b) *To ensure the majority of windows facing north in the development are openable for good north-south cross ventilation inside the dwellings;*
 - (c) *To provide energy efficient building materials including R 4.0 insulation batts directly over the ceiling lining between ceiling joints, reflective foil under the roof, R 2.0 insulation batts between studs in all external walls and all external doors fitted with a draught excluder".*
78. The majority of the improved environmental outcomes discussed with the applicant can be achieved through planning permit conditions (refer Attachment 2). The following conditions will improve the environmental outcomes for the site:
 - (a) Two at-grade bicycle parks;
 - (b) A bin and recycling enclosure to service the needs of the residents of dwellings 1, 2, 3 and 4; and
 - (c) All windows orientated to the west to include double-glazing;
 - (d) Inclusion of additional sources of natural light through the use of skylights in appropriate locations in consultation with the Responsible Authority;
 - (e) Provision of rainwater tanks stored within the application site. Specifications of the rain water tanks to be submitted to the Responsible Authority;

- (f) Provision of gas boosted solar hot water to all units. Specifications of the solar units and their location are to be in consultation with the Responsible Authority.
 - (g) Landscape plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The landscape plan must show the location, quantity and maturity of all proposed plants, the botanical name of plants, the location of all areas to be covered by lawn or other surface materials including the use of a permeable surface in the area between the northern and southern units and provide a specification of works to be undertaken prior to planting.
79. Through the revised planning permit conditions for the site, Council believes that the environmental outcomes will be far greater than those proposed in the previous planning permit conditions.

Strategic Assessment Guidelines

80. The amendment is affected by the Ministerial Direction No. 1 pursuant to Section 12(2)(a) of the *Planning and Environment Act* 1987. Direction No. 1 requires that in preparing an amendment that would have the effect of allowing potentially contaminated land (that is, land that has a history of industrial land use) to be developed for residential purposes, a planning authority must satisfy itself that the environmental conditions of that land are or will be suitable for the residential use.
81. The Direction specifies that one way of satisfying this requirement is that,
- “A planning authority must include in the amendment a requirement to the effect that before a sensitive use commences or before the construction or carrying out of buildings or works in association with the sensitive use commences:*
- (a) *A certificate of environmental audit must be issued for the land in accordance with Section 57AA of the Environment Protection Act 1970, or*
 - (b) *An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Section 57AA(5)(b) of that Act that the environmental conditions of that land are suitable for the sensitive use.”*
82. The amendment meets the above requirement by including the subject land in the Environmental Audit Overlay. As part of the revised draft planning permit conditions Council has required the following:
- (a) before the construction or carrying out of buildings or works in association with the residential use commences:
 - (i) a certificate of environmental audit must be issued for the land in accordance with Part IXD of the *Environment Protection Act* 1970; or
 - (ii) an environmental auditor appointed under the *Environment Protection Act* 1970 must make a statement in accordance with Part

IXD of that Act that the environmental conditions of that land are suitable for the residential use.

- (b) a copy of the certificate of environmental audit and/or statement, and the complete audit report and audit area plan must be submitted to the Responsible Authority.

State Planning Policy Framework (SPPF)

83. The rezoning to the Mixed Use Zone will provide new opportunities for residential use of the subject land. The amendment also applies an EAO. This supports the following objectives and strategies of the SPPF:
- (a) *“In planning for urban growth, planning authorities should encourage consolidation of existing urban areas while respecting neighbourhood character. Planning authorities should encourage higher density and mixed use development near public transport routes. (Clause 14.01-2, General implementation for Planning for urban settlement).”*
 - (b) *To ensure that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely. (Clause 15.06-1, Objective for soil contamination).*
 - (c) *Planning and responsible authorities should identify, conserve and protect places of natural or cultural value from inappropriate development. (Clause 15.11-2, General implementation for Heritage).*
 - (d) *To encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions by promoting consolidation of urban development and integration of land use and transport. (Clause 15.12, Energy efficiency).*
84. Other elements of the SPPF dealing with promoting and supporting positive design outcomes that are consistent with neighbourhood character, preventing negative impacts on existing amenity and provide appropriate levels of on-site parking would be addressed as part of the consideration of any future planning permit applications relating to the precinct.

Minister’s Directions

85. The amendment is affected by Ministerial Direction No. 9 which has been designed to ensure that all planning scheme amendments have regard to the State Government’s recently released Melbourne 2030 strategic plan (Metropolitan Strategy).
86. Direction No. 9 requires that planning authorities have regard to five matters when making decisions about planning scheme amendments. Each of these matters in relation to Amendment C44 is addressed below.

What aspects, if any, of the Metropolitan Strategy are relevant?

87. The aspect of the Metropolitan Strategy that is relevant to the amendment is Direction 1 (‘a more compact city’).

How does the Metropolitan Strategy affect the amendment?

88. The Metropolitan Strategy does not have any direct effects on this combined amendment/ permit application.

Is the amendment consistent with any directions and policies in the Metropolitan Strategy?

89. The combined amendment/ permit application is consistent with the following Metropolitan Strategy Direction 1 objectives:

“Locate a substantial proportion of new housing in or close to activity centres and other strategic redevelopment sites that offer good access to services and transport.”

Does the amendment support, give effect to or assist the implementation of the Metropolitan Strategy or can it be reasonably modified to do so?

90. The combined amendment/ permit application supports the achievement of the objectives and initiatives outlined above.

Will the amendment compromise the implementation of the Metropolitan Strategy?

91. The combined amendment/ permit application will not compromise the implementation of the Metropolitan Strategy.

Local Planning Policy Framework (LPPF)

92. The application of the Mixed Use Zone is intended to provide both new residential opportunities within Yarra as well as supporting existing businesses and provide opportunities for appropriate new business and industrial uses that are compatible with residential uses. Therefore there are two elements of the MSS that are relevant to the proposed amendment. These elements deal with residential land use and development, and industry and commerce. Each element is discussed below.

MSS Element 2: Residential Land Use and Development (Clause 21.05-2)

93. Council’s MSS recognises that the current resurgence of interest in the inner city as a residential location is providing the catalyst for renewal in many of the City’s residential areas and for the conversion of marginalised industrial areas.

94. Some of the key strategies to facilitate the renewal of marginalised industrial areas and to provide a diverse housing stock are to:

- (a) *“Create new residential development opportunities within Mixed Use Areas (formerly marginalised industrial areas) where the conversion of existing premises and new residential development is encouraged.*
- (b) *Emphasise these new locations and sites for residential development as the primary opportunity to maintain Yarra’s population base, rather than established residential areas that are already developed to a ‘medium density’.*

- (c) *Provide for a diversity of residential environments and dwelling types through facilitating opportunities for residential activity within mixed use areas.*
 - (d) *Require siting, design and construction techniques (where necessary) for new residential development in Mixed Use Areas, which reduces the potential for amenity impacts arising from existing non-residential uses in the vicinity.”*
95. The MSS states that the main way to achieve the above strategies is through the application of the Mixed Use Zone to locations suitable for urban renewal, as is the case with the Alexandra Parade (East) Precinct.

MSS Element 3: Industry and Commerce (Clause 21.05-3)

96. Council's MSS recognises the importance of maintaining and enhancing the local business base and retaining the image of the City as a place to do business. Some of the key objectives included in the MSS seeking to achieve this aim are:
- (a) *“An increase in the number and diversity of local employment opportunities.*
 - (b) *An increase in the proportion of Yarra’s business base involved in the expanding service sector (in particular, property and business services, cultural and recreation services, and health and community services).*
 - (c) *Employment areas which are adequately serviced by public transport, bicycle and pedestrian networks.”*
97. The relevant MSS strategies to implement the above objectives are to:
- (a) *“Facilitate the more efficient use of marginalised industrial land and a shift in the City’s economic base towards ‘service’ businesses through establishing Mixed Use Areas [where the Mixed Use Zone is applied] which provide for a diversity of land uses, including the continuation of established businesses, and new commercial and industrial enterprises compatible with expanding residential activity.*
 - (b) *Facilitate the trend toward Home Based Businesses through encouraging co-located residential/ business occupations within Mixed Use Areas [where the Mixed Use Zone is applied].”*

Local Planning Policies

98. There are no local planning policies at Clause 22.02 of the Planning Scheme that are directly relevant to this amendment. Should the amendment be approved, future planning permit applications for non-residential uses (depending on the nature of the proposal and the site location) will be subject to the requirements of the local planning policies titled “Location of Commercial/ Industrial Activities”.

Use of Victoria Planning Provisions (VPP)

99. The achievement of the MSS objectives and strategies set out for 'Mixed Use Areas' is implemented through the application of the Mixed Use Zone. This zone is the only VPP zone that provides for the degree of flexibility required for mixed use areas where a range of residential, commercial and compatible industrial uses are encouraged.
100. The application of the Mixed Use Zone will have minimal impact on the on-going operation of the existing business in the precinct. The Mixed Use Zone is a flexible zone that encourages and supports a range of different land uses, including residential use.
101. Any future use and development proposals for land within the precinct not included in this current proposal would be subject to the normal planning permit application process, including the development of residential use. The permit process would include third party notification and review rights and consideration of all relevant planning issues by the Council before determining the application. It is considered that the decision guidelines included in the Mixed Use Zone provisions provide an appropriate management framework for the consideration of any future proposals within the precinct.
102. As discussed above, the application of the Environmental Audit Overlay is required to satisfy Ministerial Direction No. 1.
103. The amendment does not have any referral authority implications.

Built Form Review

104. The subject site for the proposed combined amendment and planning permit application lies within the IC7 (Alexandra Parade East / Victoria Park Station) precinct. The proposed combined amendment and planning permit application is consistent with the objectives of the Built Form Policy, which are the following:

"It is policy that:

- (i) The quality of the environment and the interface of development with the street be improved;*
- (ii) The hard edge feel of the area be maintained; and*
- (iii) Flexibility in built form to accommodate future changes in activity be allowed."*

Cumulative Effects

105. This amendment is one of several similar amendments that seek to implement the endorsed Management Framework that sets out Council's position regarding the rezoning of the six isolated precincts identified in the Ratio Study. The other related amendments are:
 - (a) Amendment C20 (8-72 Queens Parade and 460-500 Brunswick Street, North Fitzroy) – submitted to Minister for approval;

- (b) Amendment C22 (13-19 Victoria Street, Fitzroy) – Approved on 17/01/02;
- (c) Amendment C23 (28-42 Taplin Street, North Fitzroy) - Approved on 24/01/02;
- (d) Amendment C25 (284 St Georges Road, North Fitzroy) – Approved on 27/06/02;
- (e) Amendment C26 (269-273 St Georges Road, 111-125 Fergie Street, 130-134 Park Street, North Fitzroy) – Approved on 27/06/02;
- (f) Amendment C33 (Pt. No. 13 & nos. 21-105 Victoria Street, Fitzroy) – Approved on 07/03/02;
- (g) Amendment C37 (Taplin Street, North Fitzroy) – Approved on 08/08/02.
- (h) Amendment C42 (Precinct bounded by Queens Parade, Hoddle Street and Dummett Crescent, Clifton Hill) – Approved on 19/12/02.

Consultations

- 106. Notification of the amendment was carried out in accordance with the Act.
- 107. As discussed, no objecting submissions have been received in response to the one-month public exhibition period. Only the EPA has forwarded a response seeking changes to the Environmental Audit Overlay, which have since been incorporated.

Resource and Financial Implications

- 108. The costs associated with the combined amendment/ permit application process are to be borne by the proponent.

City Plan, Strategy and Policy Implications

- 109. The combined amendment/ permit application implements recommendations from the Ratio Study, which has been formally adopted by Council. Additionally, the proposed amendment is consistent with City Plan 2002-2005, and the State Government's recently released *Melbourne 2030* strategic plan, most specifically direction number 1 'a more compact city'.

Legal Implications

- 110. Adoption of the combined amendment/ permit application accords with the relevant provisions of the Act.

Options

111. Pursuant to Section 23 of the Act, an amendment only requires consideration by a panel if either objecting submissions or submissions requesting changes are not accepted by Council. As this is not the case, the amendment does not require consideration by a panel. Council therefore has the following options:

- (a) Option 1 – adopt the amendment and planning permit with changes recommended by EPA, based on the revised plans and revised permit conditions (refer Attachment 2);
- (b) Option 2 – adopt the amendment without changes; or
- (c) Option 3 – abandon the amendment.

Proposal

112. As outlined in the Issues section of the report the proposed amendment should be supported as it implements relevant Council strategies and policies and accords with the Department of Infrastructure's 'Strategic Assessment Guidelines' (now known as Department of Sustainability and Environment). It is therefore appropriate that Option 1 be pursued.

RECOMMENDATION

113. That Council:

- (a) adopt Amendment C44 to the Yarra Planning Scheme and Permit Number PL02/0525 with changes (as shown in Attachment 2) pursuant to Section 29(1) of the Act;
- (b) submit the combined amendment/permit application together with the prescribed information to the Minister for Planning for approval pursuant to Section 31(1) of the Act; and
- (c) only submit the combined amendment/ permit application for approval by the Minister for Planning once the owner of 210 Alexandra Parade (East), Clifton Hill has paid for the costs associated with the amendment adoption and approval.

PLANNING & COMMUNITY DEVELOPMENT COMMITTEE RECOMMENDATION

Moved: Councillor Barber

Seconded: Councillor Sekhon

That the matter be referred to Council for further consideration.

CARRIED

CONTACT OFFICER
TITLE
TEL

Matthew Fleischmann
Strategic Planner
9205 5075

See Attachment



Adobe Acrobat
Document



Image Document



Microsoft Word
Document



Image Document

2.9 Amendment C53 to the Yarra Planning Scheme – 63, 65, 67, 81 - 85 Abinger, 45, 47, 49, and 67- 69 Coppin and 2 – 6, 8 – 16 Lord Streets, Richmond – Amendment Adoption Stage

EXECUTIVE SUMMARY

Purpose

To adopt Amendment C 53 to the Yarra Planning Scheme pursuant to section 29 (1) of the *Planning and Environment Act 1987*. Amendment C 53 proposes to apply an Environmental Audit Overlay (EAO) to 63, 65, 67, 81- 85 Abinger, 45, 47, 49 and 67 – 69 Coppin, and 2 – 6 and 8 – 16 Lord Streets, Richmond (the subject sites).

Issues

With the introduction of the current Yarra Planning Scheme in 1999 these sites were rezoned from a Light Industrial Zone to a Mixed Use Zone (MUZ). Given this change in zoning, sensitive land uses can be considered that would trigger Ministerial Direction Number 1 (Potentially Contaminated Land). The placement of an EAO on these sites ensures that testing for contamination, and decontamination will be undertaken if sensitive land uses are located on the sites given the mixed use zoning of the precinct. The Application of this overlay meets Council's responsibilities in relation to Ministerial Direction Number 1.

Resource and Financial Implications

The costs associated with the amendment process are to be borne by Council.

Community Implications

The amendment was placed on public exhibition for a one-month period, and no objecting submissions have been received.

Environmental Implications

Any contaminated soil from the subject land will be taken to a prescribed waste land fill. These are designed for the storage and disposal of contaminated soil.

City Plan, Strategy and Policy Implications

The amendment accords with Council's commitment to good community governance by providing a transparent planning mechanism to ensure the decontamination of former industrial sites, thereby enhancing Yarra's liveability.

Legal Implications

The amendment has been processed in accordance with the provisions of the *Planning and Environment Act 1987*.

PROPOSED ACTIONS

That Council:

- (a) adopt Amendment C 53 to the Yarra Planning Scheme without changes (attached) pursuant to Section 29(1) of the Act; and
- (b) submits the adopted amendment together with the prescribed information to the Minister for Planning pursuant to Section 31(1) of the Act.

2.9 Amendment C53 to the Yarra Planning Scheme – 63, 65, 67, 81 - 85 Abinger, 45, 47,49, and 67- 69 Coppin and 2 – 6, 8 – 16 Lord Streets, Richmond – Amendment Adoption Stage

File: 30/25/07/53
Responsible Officer: Coordinator Strategic Planning

Purpose

1. To adopt Amendment C 53 to the Yarra Planning Scheme pursuant to section 29 (1) of the *Planning and Environment Act*, 1987 (the 'Act').
2. Amendment C53 proposes to apply an Environmental Audit Overlay (EAO) to 63, 65, 67, 81- 85 Abinger, 45, 47, 49 and 67 – 69 Coppin, and 2 – 6 and 8 – 16 Lord Streets, Richmond ('the subject sites').

Background

3. Council, at its meeting on 13 May 2003 resolved to prepare and exhibit Amendment C 53 to the Yarra Planning Scheme.

Subject Site & Environs

4. The subject sites are bounded by Abinger, Coppin and Lord Street and the rear of properties fronting Bridge Road, Richmond. The subject sites consist of 9 titles and are owned by six separate owners.
5. Investigations undertaken by the planning department reveal that the subject sites have been used as industrial land uses since at least 1897.
6. Number 67 - 69 Coppin Street is owned by Council and now contains a community hall.
7. The subject sites are more particularly described as:

Street Address	Title Volume	Title Folio
63, 65 Abinger	10527	522
67 Abinger	8935	333
81 – 85 Abinger	09125	739
45 Coppin	07845	082
47 Coppin	02307	317
49 Coppin	808	417
67- 69 Coppin	1386	277170
2 – 6 Lord	09199	473
8 – 16 Lord	9464	447

Surrounding Land Uses

8. The precinct is typical of the complex and integrated nature of land uses in Richmond being surrounded by a mixture of residential and industrial land uses. Many of the industrial and commercial buildings to the south, east, and west of the precinct have been, in recent years, converted to residential land uses. This surrounding land is zoned a Residential 1 Zone.

9. The precinct is bordered to the north by a Business 1 Zone that runs along Bridge Road, Richmond. The building types are double storey terraces. Land uses in this interface are commercial and retail with storage or accommodation above.

Planning Scheme Controls

10. Under the previous Yarra Planning Scheme the precinct bounded by Abinger, Coppin and Lord Streets and the rear of properties fronting Bridge Road was classified as a Light Industrial Zone (IN1), which permitted industrial land uses to operate. All of the subject sites are located within this precinct.
11. The application of the Light Industrial Zone to this land was in recognition of the industrial activities carried out on these sites since at least 1897 (source: MMBW base maps)
12. With the introduction of the new format Yarra Planning Scheme on 27 May 1999 the precinct was rezoned as a Mixed Use Zone (MUZ).
13. The purpose of a Mixed Use Zone is *to provide for a range of residential, commercial, industrial and other uses which complement the mixed – use function of the locality.*
14. This amendment does not seek to alter this zoning. A site location plan showing the amendment land is provided at Attachment 1.

Issues

Rationale for Amendment

15. Given that the precinct has been rezoned to a Mixed Use Zone sensitive land uses can be considered. Eg: for a single dwelling no permit is required if all other provisions of the Scheme are met.
16. Ministerial Direction Number 1 (Potentially Contaminated Land) requires that Council has certain responsibilities when considering a rezoning of land used in the past for industrial uses, to a zone where more sensitive land uses such as a residential use, a child care centre, a pre school centre or a primary school can be undertaken.
17. Council must satisfy itself that the land has been tested for, and decontaminated if necessary, before sensitive land uses can operate.
18. The provision of an EAO in the Yarra Planning Scheme on the subject sites is a transparent planning mechanism that ensures that testing for contamination is undertaken and the sites decontaminated if necessary.
19. The application of an EAO on the subject sites will meet Council's responsibilities under the requirements of Ministerial Direction Number 1.
20. The provision of an Environmental Audit Overlay on former industrial land that has been rezoned to permit the consideration of sensitive land uses is consistent with the approach taken across the municipality.

Strategic Assessment Guidelines for Planning Scheme Amendments

21. The Minister for Planning requires that proposed planning scheme amendments are assessed against the *General Practice Note (November 2001): Strategic Assessment Guidelines for Planning Scheme Amendments*. This practice note requires that proposed planning scheme amendments respond to five tests which are:

Is the Amendment Required?

22. Yes, to meet Council's responsibilities in relation to Ministerial Direction Number 1.

What is the Strategic Basis for the Amendment?

23. Council's Municipal Strategic Statement commits the organisation to enhancing Yarra's liveability. The testing for contamination, and decontamination of sites planned to be used for sensitive land uses accords with this commitment.

Does the Proposed Amendment Meet the Requirements of Any Ministerial Direction?

24. Yes Ministerial Direction Number 1.

What Aspects of the State Planning Policy Framework are Relevant?

25. The proposed amendment accords with Clause 11.03 – 2 of the State Planning Policy Framework in that it proposes to adopt best practice environmental management aimed at minimising environmental hazards.

How Does the Amendment Accord with the Local Planning Policy Framework?

26. Council's Municipal Strategic Statement discusses how change within the built environment will be managed and facilitated, particularly in relation to urban renewal. The proposed amendment accords with best practice management for facilitating urban renewal and the redevelopment of former industrial land.

Ministerial Direction Number 9: Melbourne 2030

27. Ministerial Direction Number 9 requires that planning authorities have regard to five matters when making decisions about planning scheme amendments. Each of these matters in relation to Amendment C 53 is addressed below.

What aspects, if any, of the Metropolitan Strategy are relevant?

28. The Metropolitan Strategy presents a vision for a more compact and environmentally sustainable Melbourne. One of the lynch pins of this strategy is the re use of redundant industrial land for residential uses. This provides opportunities to recycle land and to meet the population and housing targets that the Metropolitan Strategy requires.

How Does the Metropolitan Strategy Affect the Amendment?

29. The Metropolitan Strategy requires that the community look at methods of achieving a more compact and environmentally sustainable Melbourne. One of

the methods for achieving this is to consider the development of residential land uses in former industrial areas. These former industrial areas are often quite well located for residential uses, are well served by public transport, but often do not have the easy road access required by contemporary industrial land uses. In addition some of these areas have become marginal given structural changes in the economy, away from traditional manufacturing land uses and towards a mixture of residential, service and office related activities.

Is the Amendment Consistent with Any Directions and Policies in the Metropolitan Strategy?

30. The application of an Environmental Audit Overlay on the subject sites facilitates the testing for and decontamination of sites if an application for a more sensitive land use is received. In this manner the amendment provides a framework so that the development of the former industrial land with more sensitive land uses, such as residential and uses is, facilitated. Importantly, it provides a transparent planning scheme mechanism to ensure that land is decontaminated if it is planned to develop the land for sensitive uses.

Does the Amendment Support, Give Effect to or Assist the Implementation of the Metropolitan Strategy or Can it be Reasonably Modified to do so?

31. The amendment seeks to provide a planning framework to facilitate the decontamination of industrial land so that it can be considered for more sensitive land uses such as residential. In this way the amendment assists the implementation of the Metropolitan Strategy.

Will the Amendment Compromise the Implementation of the Metropolitan Strategy?

32. No.

Consultations

Public Exhibition Process

33. Amendment C 53 was placed on public exhibition between 17 July 2003 and 18 August 2003 by:
- (a) sending direct notices to all owners and occupiers of the subject sites;
 - (b) sending notices to all parties required by section 19 of the Act;
 - (c) placement of the amendment documentation on Council's website;
 - (d) placement of a notice in the Government Gazette on 17 July 2003;
 - (e) placement of a notice in the Yarra Leader Newspaper on 14 July 2003;
 - (f) display of the amendment at the Richmond and Collingwood Town Halls and at the Department of Infrastructure (Department of Sustainability and Environment).

See Attachment 1 for amendment documentation.

Submissions

34. One “no objection” submission was received from the Environment Protection Authority who support the application of an EAO on the subject sites
35. As no submissions have been received that either object to the amendment or request changes to it, an independent panel process is not required.

Resource and Financial Implications

36. The costs incurred in processing the amendment will be borne by Council who has instigated the amendment. Submission of the amendment to the Minister for Planning for consideration costs \$700.00.

Environmental Implications

37. Any contaminated soil is taken to one of Melbourne’s prescribed waste landfill sites. These landfills are managed and designed for the storage of contaminated matter.

City Plan, Strategy and Policy Implications

38. This amendment accords with Council’s commitment to good community governance and role to enhance Yarra’s liveability.

Legal Implications

39. Adoption of the amendment accords with the relevant provisions of the Act.

Options

40. Pursuant to Section 23 of the Act, an amendment only requires consideration by a panel if either objecting submissions or submissions requesting changes are received. As this is not the case, the amendment does not require consideration by a panel. The Council therefore has the following options:
 - (a) Option 1 - adopt the amendment without changes; or
 - (b) Option 2 - adopt the amendment with changes; or
 - (c) Option 3 – abandon the amendment.

Proposal

41. As outlined in the Issues section of the report the proposed amendment meets Council’s responsibilities in relation to Ministerial Direction Number 1, implements relevant Council strategies and policies and accords with the Department of Infrastructure’s ‘Strategic Assessment Guidelines’. It is therefore appropriate that Option 1 be pursued.

RECOMMENDATION

42. That Council:

- (a) adopt Amendment C 53 to the Yarra Planning Scheme without changes (as attached) pursuant to Section 29(1) of the Act; and
- (b) submits the adopted amendment together with the prescribed information to the Minister for Planning pursuant to Section 31(1) of the *Planning and Environment Act 1987*.

PLANNING & COMMUNITY DEVELOPMENT COMMITTEE RECOMMENDATION

Moved: Councillor Meadows

Seconded: Councillor Barber

That the recommendation be adopted.

CARRIED

CONTACT OFFICER
TITLE
TEL

Gary Dew
Senior Strategic Planner
9205 5335

See Attachment



Image Document



Adobe Acrobat
Document

2.10 Planning Enforcement – Quarterly Report

File: 25/25/07
Responsible Officer: Manager City Safe

Purpose

1. To provide an update on planning enforcement issues considered since the Council meeting held on 8 July 2003.

Background

2. An area of local government that has sustained a growth explosion since 1998 is the area of Planning Enforcement. The growth has centred around residents being more aware of developments and the built form surrounding them.
3. All inner city and suburban municipalities have experienced this surge in planning complaints, these complaints may include liquor licensing and venue noise.
4. As a result, no proactive investigations are being undertaken in planning enforcement, other than the investigation into suspect illegal brothels.
5. Yarra has a global response and provides a service in all its planning enforcement statutory responsibilities, which include all issues relating to the *Planning and Environment Act, 1987*, the *Liquor Control Reform Act, 1998*, the *Environment Protection Act, 1970* and the *Prostitution Control Act, 1994*. All Councils are authorised under the provision of these Acts and are required to take action as necessary.
6. Planning Enforcement Requests- 10 June 2003- 31 August 2003

Suburb	No. Enforcement Requests
Richmond	18
Collingwood	8
Fitzroy	13
North Fitzroy	12
Abbotsford	3
Clifton Hill	7
North Carlton	7
Fairfield	1
Burnley	2
Alphington	2
Princes Hill	2
TOTAL	75

Table 1

7. Planning Enforcement Complaints by Type

Complaint Type	No. Enforcement Requests
Breach of Scheme - Use	7
Breach of Permit – Screening	5
Breach of Permit – Heights	2
Breach of Permit - Development	21
Breach of Permit – Pro active	0
Breach of Permit / Use – Proactive	0
Breach of Permit – Vegetation	0
Breach of Permit – Construction Noise	0
Development, No Permit - Proactive	0
Development, No Permit	36
Brothels	4
TOTAL	75

Table 2

8. Planning Enforcement Action Taken
(includes actions from previous month)

Action Type	No. Actions Taken
PIN Issued - Reactive	15
PIN Issued - Proactive	0
Enforcement Order	5
Interim Enforcement Order	0
No Breach	24
Awaiting Files From Archives	3
Compliance Letter	5
Awaiting Advice From Solicitors	5
Compliance follow up inspections	15
Initial Inspection Conducted (Further Information Being Obtained)	4
Proactive Inspections	0
To Be Inspected	9
Referred to Building	1
Referred to Planning	8
TOTAL	94

Table 3

RECOMMENDATION

9. That the Quarterly Planning Enforcement report be noted.

PLANNING & COMMUNITY DEVELOPMENT COMMITTEE RECOMMENDATION

Moved: Councillor Meadows

Seconded: Councillor Barber

That the recommendation be adopted.

CARRIED

CONTACT OFFICER:

Ken Wolfe

TITLE:

Team Leader Planning Enforcement

TEL:

9205 5015

2.11 Urban Planning – Quarterly Planning Appeals Report

File: 30/20/01
Responsible Officer: Manager Urban Planning

Purpose

1. To report on planning appeal decisions for June, July, August and September 2003.
2. To provide an analysis of planning appeal decisions for the first nine months of 2003 (January – September 2003) and for 2002/03.
3. To provide a summary of significant appeal decisions over the past three months.

Background

4. Attachment 1 details planning appeals that have decided on by the Victorian Civil Administrative Tribunal ('VCAT') for June, July, August and September 2003, listed according to the dates that these matters were heard, and where available, VCAT's decision.
5. Attachment 2 details planning appeals that have decided on by the Victorian Civil Administrative Tribunal ('VCAT') for June, July, August and September 2003, listed according to property address.
6. Attachment 3 details analysis of planning appeal decisions, decided on by VCAT during the first nine months of 2003 (January – September 2003) and for 2002/03.
7. No significant appeal decisions have been received from VCAT since the last report (July 2003).

City Plan, Strategy and Policy Implications

8. Feedback and communication of significant planning appeal decisions and statistics is essential in ensuring that optimum planning practices are instituted in the City of Yarra. The reporting on planning appeals provides an understanding of Council's performance in these matters, aiding in policy and process improvement and an in-depth understanding of the quality of Council's planning decisions.

RECOMMENDATION

9. That the following reports be noted:
 - (a) Statutory Planning – Monthly Planning Appeal decisions for June, July, August and September 2003; and,

- (b) Planning Appeals decisions for the first nine months of 2003
(January – September 2003) and for 2002/03.

PLANNING & COMMUNITY DEVELOPMENT COMMITTEE RECOMMENDATION

Moved: Councillor Barber

Seconded: Councillor Sekhon

That the recommendation be adopted.

CARRIED

CONTACT OFFICER:

Jane Homewood

TITLE:

Manager Urban Planning

TEL:

9205 5104

See Attachment



Adobe Acrobat
Document