



Ordinary Meeting of Council Agenda

**to be held on Tuesday 14 May 2019 at 7.00pm
Richmond Town Hall**

Arrangements to ensure our meetings are accessible to the public

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

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

Recording and Publication of Meetings

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

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Order of business

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

1. Statement of Recognition of Wurundjeri Land

"Welcome to the City of Yarra."

"Yarra City Council acknowledges the Wurundjeri as the Traditional Owners of this country, pays tribute to all Aboriginal and Torres Strait Islander people in Yarra and gives respect to the Elders past and present."

1A. Announcement – Elected Nicholls Ward Councillor

Following the resignation of Cr Mike McEvoy, a recount of ballot papers from the 2016 Council election was conducted by the Victorian Electoral Commission at the Richmond Town Hall on Thursday 8 May. Following the recount, Cr Bridgid O'Brien was declared elected and was sworn in as a Councillor until November 2020.

This first meeting since Cr O'Brien's appointment provides an opportunity for Cr O'Brien to repeat the swearing in process in the presence of the full Council and the general public. The Chief Executive Officer will administer the oath in accordance with the Local Government Act 1989.

2. Attendance, apologies and requests for leave of absence

Anticipated attendees:

Councillors

- Cr Danae Bosler (Mayor)
- Cr Misha Coleman (Deputy Mayor)
- Cr Mi-Lin Chen Yi Mei
- Cr Jackie Fristacky
- Cr Stephen Jolly
- Cr Daniel Nguyen
- Cr Bridgid O'Brien
- Cr James Searle
- Cr Amanda Stone

Council officers

- Vijaya Vaidyanath (Chief Executive Officer)
- Ivan Gilbert (Group Manager Chief Executive's Office)
- Lucas Gosling (Director Community Wellbeing)
- Gracie Karabinis (Group Manager People, Culture and Community)
- Chris Leivers (Director City Works and Assets)
- Diarmuid McAlary (Director Corporate, Business and Finance)
- Mary Osman (Acting Director Planning and Place Making)
- Mel Nikou (Governance Officer)

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

4. Confidential business reports

Item

- 4.1 Contractual matters
- 4.2 Contractual matters
- 4.3 Contractual matters
- 4.4 Matters prejudicial to Council and/or any person

Confidential business reports

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

RECOMMENDATION

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

5. Confirmation of minutes

RECOMMENDATION

That the minutes of the Ordinary Council Meeting held on Tuesday 30 April 2019 be confirmed.

6. Petitions and joint letters

7. Public question time

Yarra City Council welcomes questions from members of the community.

Public question time procedure

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

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

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

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

When you are invited by the meeting chairperson to ask your question, please come forward and take a seat at the microphone and:

- state your name clearly for the record;
- direct your questions to the chairperson;
- ask a maximum of two questions;
- speak for a maximum of five minutes;
- refrain from repeating questions that have been asked previously by yourself or others; and
- remain silent following your question unless called upon by the chairperson to make further comment or to clarify any aspects.

8. General business

9. Delegates' reports

10. Questions without notice

11. Council business reports

Item		Page	Rec. Page	Report Presenter
11.1	C220 - Johnston Street Local Area Plan - Adoption	7	21	David Walmsley – Manager City Strategy
11.2	Proposed discontinuance and sale of the road abutting 359 & 361 Pigdon Street, Princes Hill.	176	178	Bill Graham – Valuations Coordinator
11.3	2018/19 March Report (Incorporating Financial Report and Annual Plan Progress Report)	186	191	Ange Marshall – Chief Financial Officer Julie Wyndham – Manager Corporate Planning and Performance
11.4	Appointment of Councillor to Council Committees	249	250	Ivan Gilbert – Group Manager Chief Executive's Office

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

Public submissions procedure

When you are invited by the meeting chairperson to make your submission, please come forward and take a seat at the microphone and:

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

12. Notices of motion

Item		Page	Rec. Page	Report Presenter
12.1	Notice of Motion No. 7 of 2019 - Ongoing Support for the MSIF in North Richmond	251	252	Amanda Stone - Councillor

13. Urgent business

Nil

11.1 C220 - Johnston Street Local Area Plan - Adoption

Trim Record Number: D19/70529

Responsible Officer: Manager City Strategy

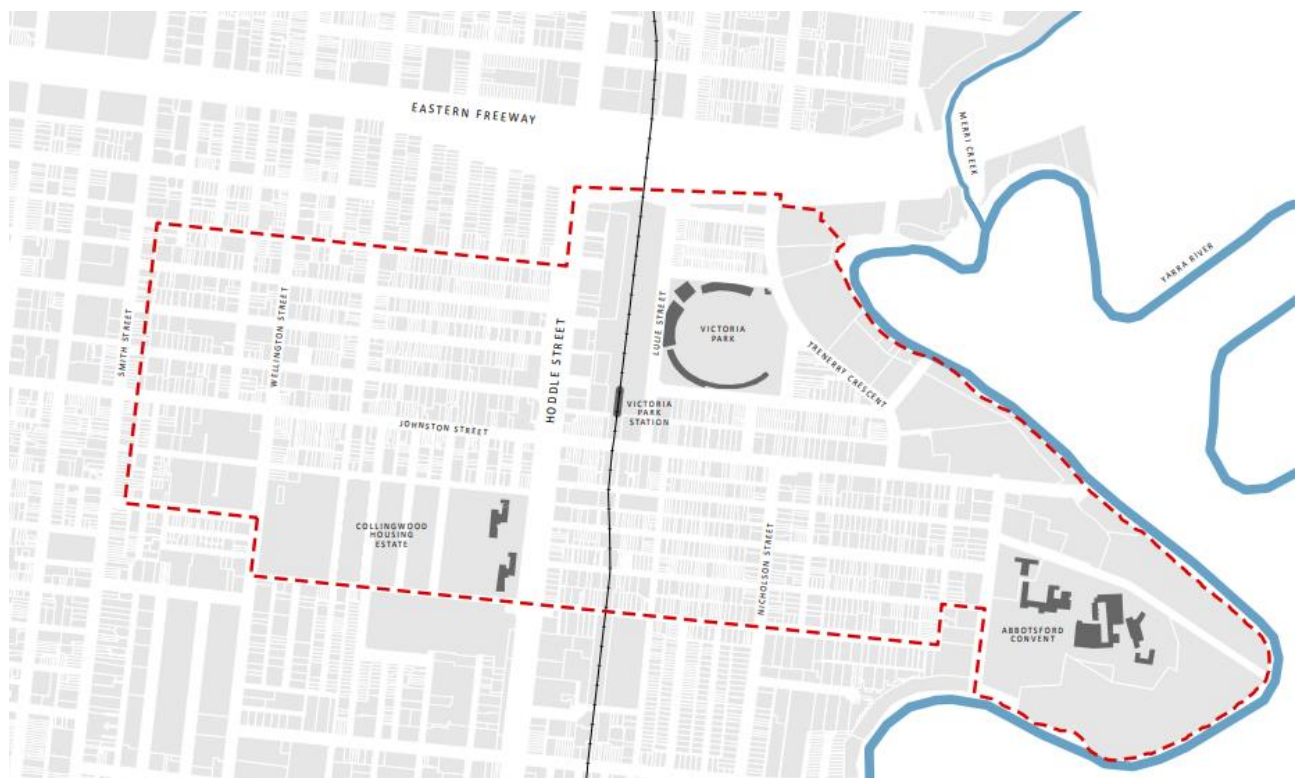
Purpose

1. The purpose of this report is for Council to consider the Planning Panel Report for Amendment C220 Johnston Street Local Area Plan and decide whether to:
 - (a) adopt the Amendment with the changes recommended by the Planning Panel; or
 - (b) adopt Amendment C220 with changes recommended in this report and submit it to the Minister for Planning for final approval in accordance with the relevant provisions of the Planning and Environment Act 1987; or
 - (c) adopt the Amendment as exhibited; or
 - (d) abandon the Amendment and advise the Minister that Council has abandoned it.

Background

Johnston Street Local Area Plan

Figure 1: Johnston Street Local Area Plan Study Area



2. Council adopted the Johnston Street Local Area Plan (the Plan) on 1 December 2015 after extensive community consultation.
3. The Plan outlines a vision for the Johnston Street neighbourhood activity centre, east of Smith Street through to the Yarra River that encourages a more activated, pedestrian-friendly, liveable, vibrant and connected street through land use and built form change and public realm improvements.
4. In May 2016, Council resolved to seek authorisation to prepare and exhibit Amendment C220 from the Minister for Planning.

Amendment C220 Exhibition

5. Amendment C220 was exhibited from 16 November and 18 December 2017. Notification and exhibition of the amendment were carried out via a range of methods including letters, public viewing file, drop-in sessions and summary brochure.
6. A total of twenty-eight (28) submissions were received:
 - (a) 2 submissions were supportive of the amendment and sought no changes;
 - (b) 17 submissions were supportive of the amendment and sought changes;
 - (c) 7 submissions objected to the amendment and sought changes; and
 - (d) 2 submissions sought changes.
7. Of the submissions:
 - (a) 15 were from planning consultants/developers;
 - (b) 8 were landowners with interests in the area;
 - (c) 3 were from residents;
 - (d) 1 submission from a community group (Collingwood Historical Society); and
 - (e) 1 submission was from Vic Roads.
8. The broad issues raised in submissions included:
 - (a) Support for rezoning land from Commercial 2 Zone to Commercial 1 Zone;
 - (b) Support for the introduction of the DDO to provide guidance for future ;
 - (c) The use of mandatory controls in the DDO; and
 - (d) Concern around the scale of future development proposed by the DDO.
9. On 21 August 2018, Council considered submissions received during the exhibition period and resolved to refer the Amendment with some changes and submissions to an independent Planning Panel. Council resolved:
 1. *That:*
 - (a) *note the officer report regarding the exhibition of Amendment C220;*
 - (b) *note the submissions received in respect to the exhibition period of Amendment C220;*
 - (c) *endorse the recommended changes to Amendment C220, including the recommended changes to DDO15 as shown in Attachment 3; and*
 - (d) *having considered the submissions received in relation to Amendment C220:*
 - (i) *request that the Minister for Planning appoints a panel to consider Amendment C220 in accordance with Section 23 of the Planning and Environment Act; and*
 - (ii) *notify the submitters of the post-exhibition changes to the amendment outlined in the report.*
 2. *That officers advise all submitters of Council's decision.*
 3. *That Council receive a further report from officers after the Planning Panel report is received from Panels Victoria to enable further Council consideration of Amendment C220.*

Amendment C220 Panel Hearing

10. The Panel Hearing was held over nine (9) days in October 2018.

11. In addition to Council, eight (8) submitters were heard at the Panel Hearing. Council was represented by Harwood Andrews and called expert evidence in urban design (Larry Parsons, Ethos Urban and Koos de Keijzer), planning (David Barnes, Hansen), economic evidence (Andrew Spencer, SGS) and heritage (Bruce Trethowan).
12. Submitters to the hearing included residents and land owners, seven (7) of which were represented at Panel. Submitters called three (3) expert witnesses with experience in planning and urban design.
13. The Panel's Report (with recommendations) was received by Council on 25 February 2019. (see **Attachment 1**).

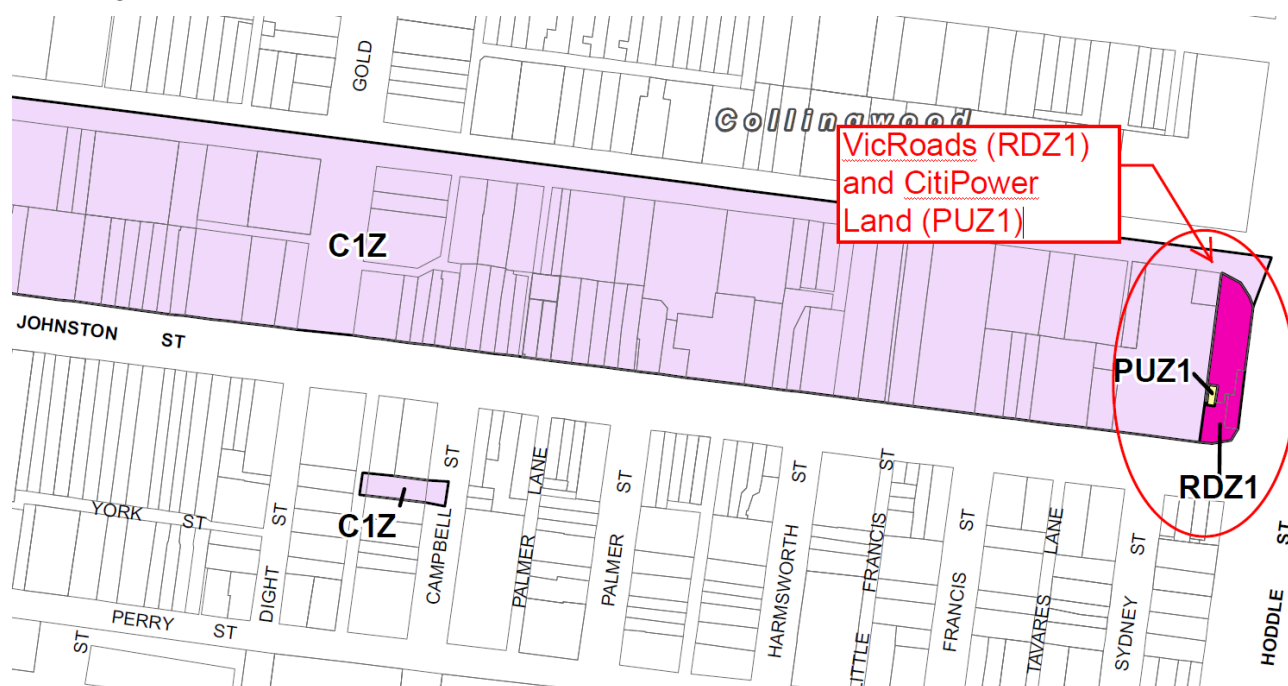
Discussion

14. Overall the Panel found the amendment and the evidence to support it "*well researched, thorough and carefully tested analysis*". The Panel supported the Amendment with some minor changes.
15. The Panel made specific reference within its Report to the work undertaken by Council to support the Amendment.
16. The Panel said: "*The Panel has been impressed by the extent and nature of council's strategic work underpinning the amendment, including the more recent 3D modelling by Ethos Urban, the SGS Spatial Economic and Employment Study, August 2018 and Council's Housing Strategy, also of August 2018. This strategic work is demonstrably extensive, robust and up to date.*"
17. The work undertaken by Council provided the Panel with enough confidence to support the implementation of *mandatory* built form controls in the Design and Development Overlay.
18. Significantly, the Panel supported the *mandatory* controls proposed in the Amendment. This is an important outcome given Council and community support for *mandatory* controls to provide greater certainty in the planning system. This provides an important opportunity for Council's other work on preparing built form controls for activity centres.
19. This report sets out each of the Panel's recommendations and provides a discussion and an officer response.

Panel Recommendations

The application of zones and overlays

Figure 2: VicRoads and CitiPower Land



20. The Panel Recommended:

- (a) *Rezone the VicRoads land on the northwest corner of Johnston Street and Hoddle Street, Collingwood to Road Zone Category 1 and delete Design and Development Overlay Schedule 15.*
- (b) *Rezone the CitiPower land near the northwest corner of Johnston Street and Hoddle Street, Collingwood to Public Use Zone (PUZ1) if compliant with the Ministerial Direction – The Form and Content of Planning Schemes and delete Design and Development Overlay Schedule 15.*

21. The Panel acknowledged that no submission opposed the rezoning of Commercial 2 zoned land to the Commercial 1 Zone. The Panel noted that some submissions asked to be included in the rezoning.
22. A submission from VicRoads, requested that the land on the north western corner of Johnston and Hoddle Streets be rezoned to reflect its current use. The submission identified the current zoning as an anomaly in the Planning Scheme and should be amended to reflect the current use as a road reserve. The submission also raised the appropriate zoning of the small parcels of land within the road reserve that are currently owned by Citi Power. The Amendment proposed to rezone these parcels to the Commercial 1 Zone.
23. The Panel stated that the VicRoads land zoning does not conform to the “Ministerial Direction – The Form and Content of Planning Schemes”, meaning that it’s current Commercial 2 Zone should not apply to land that is being used as a road reserve. With regards to the land owned by Citi Power Ltd, the Panel noted, due to the complex cadastre the Public Use Zone would provide greater planning certainty.
24. The Panel and Council agreed with VicRoad’s position and recommended that the VicRoads land be zoned Road Zone Category 1, the Citi Power Ltd land be zoned Public Use Zone 1 and the DDO from the combined area be removed.

Officer Recommendation

Exhibited	Adopted position at Panel	Panel Recommendations	Officer Recommendation
Land owned by VicRoads and CitiPower should be zoned C1Z and have the DDO1 applied.	<p>Rezone VicRoads land to RZ1</p> <p>Remove DDO1 from VicRoads Land</p> <p>Rezone CitiPower land to PUZ1</p> <p>Remove DDO1 from CitiPower Land</p>	<p>Rezone the VicRoads land on the northwest corner of Johnston Street and Hoddle Street, Collingwood to Road Zone Category 1 and delete Design and Development Overlay Schedule 15.</p> <p>Rezone the CitiPower land near the northwest corner of Johnston Street and Hoddle Street, Collingwood to Public Use Zone (PUZ1) if compliant with the Ministerial Direction – The Form and Content of Planning Schemes and delete Design and Development Overlay Schedule 15.</p>	Support the Panel recommendations.

Heritage Overlay

25. The Panel recommended:

- (a) *Support for the application of the proposed Heritage Overlay 505.*

- (b) *Change the Schedule to the Heritage Overlay to reclassify 270 Johnston Street, Abbotsford as 'Not Contributory'.*
- (c) *Retain the Heritage Overlay on road reserves.*

26. The Panel considered the heritage significance of the proposed Johnston Street, East Precinct (HO 505) covering commercial properties along Johnston Street east of Hoddle Street to the railway bridge. The Panel concluded that the proposed Heritage Overlay for this Precinct, which covers the road reserve, met the threshold for heritage significance and should be included in the Planning Scheme.
27. The Panel acknowledged the demolition of 270 Johnston Street, as a consequence of an older permit granted in absence of a Heritage Overlay. The Panel recommended that the property be regraded to a non-contributory within the Precinct.

Figure 3: Proposed Heritage Overlay Precinct



Officer Recommendation

28. The building at 270 Johnston Street, Abbotsford has been demolished and does not contribute to the heritage significance of the proposed precinct. The new grading for the property is appropriate. The Panel's recommendation aligns with Council position at the Planning Panel.
29. The Panel Report notes that in a Yarra context other Heritage Overlays span across other road reserves. The Panel recommended retaining the Heritage Overlay on the road reserve to maintain consistency within the Yarra Planning Scheme

Exhibited	Adopted position at Panel	Panel Recommendations	Officer Recommendation
The Amendment applies a new Heritage Overlay precinct (HO505) 'Johnston Street East' to the	No change.	Support new Heritage Overlay 505. 'Johnston Street East precinct'. Re-classify 270 Johnston Street, Abbotsford as 'Not	Support the Panel recommendation.

properties at 219–241 Johnston Street, and 246–274 Johnston Street, Abbotsford (on a permanent basis).		Contributory’.	
The Heritage Overlay will apply to road reserves.	Council proposed as part of its post exhibition changes to amend the HO and DDO maps to exclude the road reserve.	Retain the Heritage Overlay on road reserves.	Supports the Panel Recommendation. Retain HO as exhibited.

DDO 15 - Precinct and Sub-precinct boundaries

Figure 4: Revised Precincts and Sub-Precinct Map



30. The Panel recommended:
 - (a) Consider realigning the Precinct 1 boundary to the rail bridge in the planning scheme documentation.
 - (b) Use the Design and Development Overlay map in the planning scheme to identify sub precinct boundaries.
31. The DDO divides Johnston Street into two precincts and various sub-precincts. Precinct 1 includes land west of Hoddle Street and Precinct 2 includes land east of Hoddle Street.
32. Considering the proposed Heritage Overlay on the land west of the rail bridge, the Panel stated that the land better aligned with Precinct 1 due to the high coverage of Heritage Overlay within that Precinct.
33. The Panel recommends that the Design and Development Overlay map in the planning scheme should be amended to identify the sub-precincts. It is recommended that this is a sensible recommendation to assist the user in determining the relevant sub-precinct and is a technical change only.

Officer Recommendation
34. It is considered logical to realign the Precinct 1 boundary to include the properties west of the rail bridge. In amending the Precinct boundaries, minor wording and diagram changes have been made to the propose Clause 22.18 – Johnston Street Activity Centre Policy to reflect the Panel’s recommendation (see Attachment 1).

Exhibited	Adopted position at Panel	Panel Recommendations	Officer Recommendation
Precinct 1 and Precinct 2 were separated by Hoddle Street.	No change.	Consider realigning the Precinct 1 boundary to the rail bridge in the planning scheme documentation.	Support the Panel recommendation and realign the Precinct boundaries to reflect the Panel's recommendation. Make minor wording changes to the propose Local Policy – Johnston Street Activity Centre Policy.
DDO15 presents the sub precinct boundaries as part of the DDO schedule.	No change.	Use the Design and Development Overlay map in the planning scheme to identify sub precinct boundaries.	Support the Panel Recommendation. Amend the DDO map to highlight sub-precinct boundaries. Retain sub-precinct map within the DDO with amendments reflecting recommendations made by the Panel.

DDO 15 - Street Wall Height

35. The Panel recommended:

(a) *Increase street wall heights from 11 metres to 11.3 metres to allow for three commercial floors.*

36. The Panel raised concerns that the proposed 11m street wall height would not allow for three levels of commercial in developments. The Panel Report read:

(a) *The Panel is, however, concerned that 11 metres may not allow for a three storey commercial building and accepts that a maximum street wall height of 11.3 metres is more appropriate.*

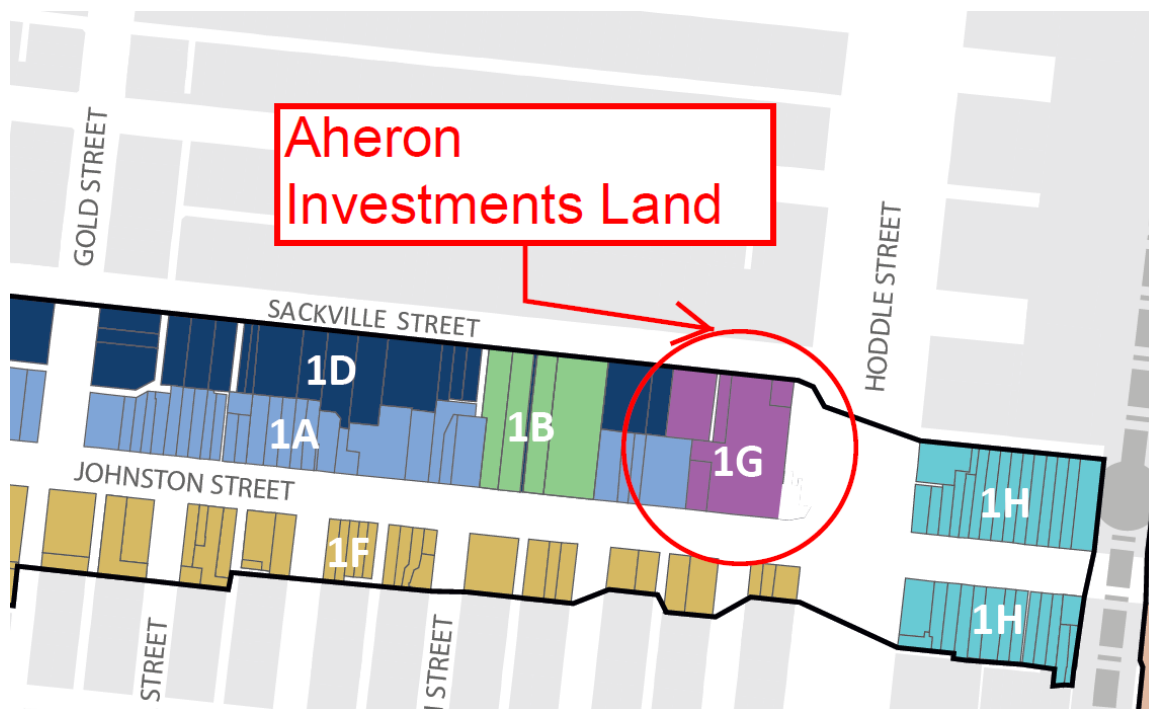
Officer Recommendation

37. In determining the street wall heights, Council officers had conducted extensive heritage, urban design and economic research to underpin the controls outlined in the DDO. Council engaged of SGS Economics to prepare and present commercial and housing capacity evidence at the Planning Panel. A key assumption in the evidence was for two levels of commercial and one level of residential which should be accommodated within the 11m.
38. Sub-precincts with a prescribed 11m street wall height exhibit high value heritage qualities. The 11m street wall height has been chosen to not overwhelm nearby heritage buildings which tend to exhibit a street wall height of 8-9m as a maximum. Many of the sub-precincts have mandatory street wall heights, this has been supported by the Panel to ensure the protection of the “exceptional” heritage streetscape.
39. While many sub-precincts have mandatory street wall heights, there are several that include a preferred street wall height of 11m where there is a street frontage that is not Johnston Street. The Panel raised concern that the height would not accommodate greater commercial floor levels. In these cases there is flexibility to adjust the street wall height to allow for greater commercial opportunities, with the condition that the application meets the design requirements within the DDO.

Exhibited	Adopted position at Panel	Panel Recommendations	Officer Recommendation
Street wall height for all sub-precincts in Precinct 1 set at 11m.	No change.	Increase street wall heights from 11 metres to 11.3 metres to allow for three commercial floors.	Do not support Panel's recommendation.

Aheron Investments land

Figure 5: Aheron Investments Land



40. The Panel recommendation stated:

- (a) Place the Aheron Investments land at 220, 222 and 222A Johnston Street, Collingwood and 153–155 and 165 Sackville Street, Collingwood in a new sub precinct, with the following applying:
 - (i) Increase the preferred overall height to 34 metres;
 - (ii) A mandatory 11.3 metre street wall height on Johnston Street;
 - (iii) A preferred 11.3 metre street wall height on Sackville;
 - (iv) No street wall height or setback to Hoddle Street;
 - (v) A discretionary 3 metre setback above the street wall to transition to a 6 metre setback to the east where the building meets sub precinct 1A on Johnston Street;
 - (vi) A preferred 6 metre setback above the street wall on Sackville Street;
 - (vii) Exemption from 45 degree envelope requirement on Johnston Street but not on Sackville Street;
 - (viii) No rear interface height, and
 - (ix) Maintain the mandatory solar control.

41. The Panel considered a submission from Aheron Investments requesting that its whole landholding (220, 222, 22A Johnston Street and 153-155, 165 Sackville Street) be contained within a single sub-precinct rather than a mix of sub-precincts. Council advocates agreed to generally accept the recommendations made by Aheron Investments at Panel with a few qualifications.
42. Those qualifications being:
- (a) mandatory 11 metre street wall on Johnston Street;
 - (b) discretionary 3 m setback above the street wall to transition to a 6 metre setback to the east where the building meets sub precinct 1A;
 - (c) preferred 11 metre street wall on Sackville Street;
 - (d) preferred 6 metre setback above the street wall on Sackville Street;
 - (e) exemption from 45 degree envelope requirement on Johnston Street but not on Sackville Street;
 - (f) retain preferred overall height of 28 metres;
 - (g) no rear interface height; and
 - (h) Maintain mandatory solar control.
43. The Panel found the submission by Aheron Investments concise, clear and made good use of illustrative material. The Panel supported the recommendations made by Aheron given the site key intersectional location.

Officer Recommendation

44. The Panel recommended that the properties at 220, 222 and 222A Johnston Street, Collingwood and 153–155 and 165 Sackville Street, Collingwood form a new sub-precinct. Considering the size of the combined properties, their location and under single ownership, it is sensible to identify them as a sub-precinct and warrant individual controls.
45. The Panel has recommended controls that mostly align with Council's position at Panel besides the total building height and setback to Hoddle Street. It is not considered that these two variations to Council's position are an issue. As the Panel notes development "*will be most visible from Hoddle Street which is a wide arterial road with a different character to Johnston Street.*" The Panel also notes "*that the overshadowing control will still apply*". Alongside other mandatory and discretionary built form controls, future development on the site will need to meet the objectives of the DDO.

Exhibited	Adopted position at Panel	Panel Recommendations	Officer Recommendation
Aheron Investments land included in sub-precincts 1A, 1AA and 1B:	<p>Agreed to include the Aheron Investment Land in a new Precinct:</p> <p>retain preferred overall height of 28 metres</p> <p>With the following controls: mandatory 11 metre street wall on Johnston Street</p> <p>preferred 11 metre</p>	<p>Place the Aheron Investments land at 220, 222 and 222A Johnston Street, Collingwood and 153–155 and 165 Sackville Street, Collingwood in a new sub precinct, with the following applying:</p> <p>Increase the preferred overall height to 34 metres</p> <p>A mandatory 11.3 metre street wall height on Johnston Street</p> <p>A preferred 11.3 metre street wall height on Sackville</p> <p>A discretionary 3 metre</p>	<p>It is recommended that Council adopt the Panel recommended version except with a variation to street wall heights of Johnston Street and Sackville Street to 11m down from 11.3m.</p>

	<p>street wall on Sackville Street</p> <p>discretionary 3 m setback above the street wall to transition to a 6 metre setback to the east where the building meets sub precinct 1A</p> <p>preferred 6 metre setback above the street wall on Sackville Street</p> <p>exemption from 45 degree envelope requirement on Johnston Street but not on Sackville Street</p> <p>no rear interface height</p> <p>Maintain mandatory solar control.</p>	<p>setback above the street wall to transition to a 6 metre setback to the east where the building meets sub precinct 1A on Johnston Street</p> <p>A preferred 6 metre setback above the street wall on Sackville Street</p> <p>Exemption from 45 degree envelope requirement on Johnston Street but not on Sackville Street</p> <p>No rear interface height</p> <p>Maintain the mandatory solar control</p> <p>No street wall height or setback to Hoddle Street</p>	
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Amendments to the Design and Development Overlay

46. The Panel Recommended:

(a) *Change Design and Development Overlay Schedule 15 to*

- (i) *Refine the drafting of Design and Development Overlay Schedule 15 generally as shown in Appendix D. (Attachment 2)*
- (ii) *Amend the Design objectives to delete 'overlooking' from the third objective.*
- (iii) *Refine the language of the 'Requirements to exceed preferred heights' to avoid an overly prescriptive interpretation.*

47. The Panel found the drafting of the controls clear and aligns with the intended vision for Johnston Street. The Panel has made some minor adjustments to the DDO to better meet with drafting guidelines set out by the State Government. The Panel's revised Design and Development Overlay are detailed in Appendix D in the Panel Report.

Officer Recommendation

- 48. Council officers have considered and reviewed the redrafting of DDO15, and agree with the majority of recommendations made by the Panel. In reviewing the Panel's preferred DDO officers are recommending some minor changes based on internal and legal advice. A copy of the Panel's preferred DDO with officer track changes is included as **Attachment 2**.
- 49. It is recommended that Council adopts the amended DDO15 with officer recommended changes as shown in **Attachment 3**.

Panel Conclusions

Mandatory Controls and Height Limits

50. Council received many submissions regarding the heights proposed in the DDO15, some sought increased heights, while others were concerned the proposed scale was excessive. Many submissions argued that mandatory controls should be discretionary.
51. The Minister for Planning invited consideration of some mandatory controls in the conditional authorisation letter for Amendment C220 and the Council made changes consistent with this advice. A new Planning Practice Note 60: *Height and setback controls for activity centres (PPN60)* was introduced prior to the Panel which sets out the guidance for using mandatory controls:
 - (a) *Mandatory height or setback controls should only be applied where:*
 - (i) *Exceptional circumstances exist or council has undertaken comprehensive strategic work and is able to demonstrate that mandatory controls are appropriate in the context, and*
 - (ii) *They are absolutely necessary to achieve the preferred built form outcomes and it can be demonstrated that exceeding these development parameters would result in unacceptable built form outcomes.*

(emphasis added)
52. The Panel highlighted that DDO15 is underpinned by comprehensive strategic work that meets the requirements of PPN60. This included:
 - (a) Is consistent with state and regional policy – DDO15 proposes a preferred future character for Johnston Street that aligns with the aspirations of Plan Melbourne and State Policies;
 - (b) Is current and takes account of recent trends and approvals, and has been subject to a program of public consultation; and
 - (c) Provides capacity to accommodate growth within Johnston Street.
53. The Panel acknowledged the role 3D modelling assisted in providing a clear visualisation of the controls proposed and an understanding of the impact of higher built form.
54. The Panel supported the use of mandatory controls where:
 - (a) Land directly abuts residential areas, in line with Council's position at Panel; and
 - (b) Land was within a significant heritage streetscape.
55. The Panel confirmed the importance of protecting sunlight to the southern footpath as a higher level of pedestrian movements would occur along Johnston Street. The Panel agreed with Council's approach to using the September equinox and concluded that mandatory controls were "absolutely necessary" to ensure sun access to the southern footpath.
56. The Panel noted:
 - (a) *That Johnston Street is exceptional in a metropolitan context. While typical in many ways of strip commercial development associated with Melbourne's cable car and tramway network, Johnston Street did not develop at the same intensity as other inner urban commercial strips. This makes the street more susceptible to development undermining its heritage character.*
57. The Panel concluded: *sufficient strategic work has been carried out for Johnston Street to support mandatory controls in DDO15 provided the specific controls are 'absolutely necessary'.*

Mid Rise Scale

58. The Panel acknowledged the Neighbourhood Activity Centre status given to Johnston Street in the Yarra Planning Scheme and relevant State Policies, which provide an expectation that future growth in dwellings will occur in areas that can accommodate change. The Panel supported the vision and preferred character for Johnston Street based on the strategic planning work and Johnston Street Local Area Plan (JSLAP) in particular. The Panel commented:
- (a) *The Panel agrees that a legitimate role for planning authority is to set a vision for an area. But this vision cannot be set at a whim, or without strategic justification.*
59. The Panel acknowledged that the mid-rise scale proposed in the DDO is supported by relevant State and Local Policy.

Sub-precincts

60. The Panel heard submissions from land owners requesting their land be moved from one sub-precinct to another.
61. At the hearing land owners for the property at 288 Johnston Street requested their property be placed in a separate precinct as the site could accommodate greater height without impacting surrounding amenity. While the Panel did acknowledge the site may be able to accommodate greater height, the Panel did not see the need for a new precinct as future development should be tested against the criteria set out in the DDO.
62. The Panel considered a submission from the land owner of 329 Johnston Street (which has a VCAT approved planning permit for development) requesting that its property be moved from sub-precinct 2D to 2E on the basis it owned the residential properties to the rear of the site. Council's advocates did not support this change as it would affect the zoning of the residential properties and impact on the residential properties that adjoin the development site. The Panel agreed with Council's position.
63. Land owners for the property at 424 Johnston Street requested that their site be shifted from sub-precinct 2C to 2B, which would allow for greater development potential. The Panel found that the site shared the same characteristics of buildings within sub-precinct 2C and there is no basis for a change.

Upper Level Setback Envelope

64. The Panel acknowledged and supported the 45 degree envelope as a simple tool to assist in the management of visual bulk and protecting solar access along Johnston Street.

Rear interface controls

65. The Panel supported Council's rear interface controls proposed by Council in the DDO presented at the Panel Hearing. The Panel also agreed with Council that it is appropriate to make the rear interface heights mandatory in relation to precinct 2D.

Building Separation

66. The Panel has supported Council's position including building separation requirements within new developments. The Panel acknowledged that by providing a setback it would avoid the need for screening between buildings and help to provide daylight to apartments and offices, and help to achieve equitable development outcomes.

Setbacks to Heritage Buildings

67. The Panel considered the submission made by the Collingwood Historical Society, requesting an increase in setbacks to individually significant heritage places from 6m to 8m.
68. The Panel agreed with Council's position that a 6m setback was an appropriate control to achieve a balance between heritage protection and new development. The Panel concluded that it is not appropriate to require a greater setback above heritage buildings. The Panel said:

- (a) *“The Panel does not agree that less significant sections warrant a different treatment. Less significant areas equally deserve to exhibit the overall urban design outcome: a strong street wall with a distinct setback to the mid-level form. It is an urban design outcome as much as a heritage one. The Panel is not persuaded that 6 metres should be discretionary. This would certainly prejudice the idea of a strong urban design frame and could lead to lengthy debates trying to reach no setback with differentiation limited solely to a change of materials. The benefits of certainty should prevail here, and the Panel is confident that design solutions for economically sound development can be achieved by competent architects.”*

Buildings on Corner sites

69. The Panel acknowledged that some submissions expressed uncertainty about how the requirements for upper level setbacks would apply on corner sites.
70. In response, Council advocates proposed changes that require the street wall height to “wrap” around corners into side streets in some situations and include a discretionary requirement for a minimum 3 metre setback above the street wall on side streets.
71. The Panel supported Council’s position and found the requirement appropriate.

Amendment C220 – version for Adoption

72. The Amendment for adoption proposes to make the following changes to the Yarra Planning Scheme (refer to Attachment 1):
- (a) rezone land generally within the Commercial 2 Zone (C2Z) and within the General Residential Zone (GRZ1), west of Nicholson Street, to Commercial 1 Zone (C1Z);
 - (b) Rezone land owned by VicRoads located on the corner of Hoddle and Johnston Streets to Road Zone Category 1 (RZ1);
 - (c) Rezone land owned by CitiPower located on the corner of Hoddle and Johnston Streets to Public Use Zone 1 (PUZ1);
 - (d) Rezone part of the site at 67-71 Johnston Street from Public Use Zone (PUZ) to Commercial 1 Zone (C1Z) to correct a mapping error;
 - (e) apply the Design and Development Overlay (DDO15) to the Subject Land;
 - (f) insert a new DDO schedule at Clause 43.02s;
 - (g) insert a new Local Policy (Johnston Street Activity Centre Policy) at Clause 22.18;
 - (h) apply the Environmental Audit Overlay (EAO) to sites being rezoned from Commercial 2 Zone to the Commercial 1 Zone;
 - (i) apply a new Heritage Overlay precinct to the following properties:

HO Number	Precinct Name	Properties Included in HO
HO505	Johnston Street East	219-241 Johnston Street, Abbotsford 246-274 Johnston Street, Abbotsford

- (j) amend the existing Appendix 8 incorporated document listed in the schedule to clause 81.01 to include the addresses and grading of all new and revised places;
- (k) rename the existing Appendix 8 incorporated document in Clause 22.02 and in the schedule to clause 72.04 to refer to the new revised date;
- (l) amend the schedule to Clause 43.01 (Heritage Overlay); and
- (m) amend Planning Scheme Maps.

External Consultation

- 73. The JSLAP was subject to consultation through three phases: initial consultation in the form of workshops in October 2011 to February 2012; consultation on a draft plan in June to July 2012; and consultation on a revised plan in early 2015. At each stage, approximately 30 to 40 submissions were received on the draft plans.
- 74. Amendment C220 was exhibited from 16th November to 18th December 2017. All affected parties notified and an information session was held on 29th November 2017. A total of 28 submissions were received.
- 75. The Amendment has been consulted upon in accordance with the relevant provisions of the Planning and Environment Act 1987 and submitters have been notified as the Amendment has progressed through the Planning Panel Stage.

Internal Consultation (One Yarra)

- 76. The Amendment has had input from statutory planning, urban design, open space and traffic (engineering and sustainable transport) departments at Council.

Financial Implications

- 77. The financial costs of planning scheme amendments have been included in the budget of Council's City Strategy Unit in 2018/2019.

Economic Implications

- 78. The proposed Amendment would have positive economic implications through the rezoning and built form elements of the Plan and proposed Amendment.

Sustainability Implications

- 79. The proposed Amendment would promote both the economic and environmental sustainability of the activity centre through land use change and sustainable development outcomes.
- 80. Through the use of the Environmental Audit Overlay, the Amendment would ensure that potentially contaminated land is identified, assessed and treated through the environmental audit process.

Social Implications

- 81. The proposed Amendment would have positive social implications through the revitalisation of the activity centre through land use change that encourages increased residential and commercial activity in the activity centre.

Human Rights Implications

- 82. There are no known human rights implications.

Communications with CALD Communities Implications

- 83. The amendment notification process would be undertaken through various forms of notification and media which includes information for CALD communities including translator services.

Council Plan, Strategy and Policy Implications

- 84. The DDO supports the following strategy in the Council Plan:
 - (a) *Manage change in Yarra's built form and activity centres through community engagement, land use planning and appropriate structure planning processes.*

Legal Implications

- 85. All parties have had the opportunity to be heard at an independent panel hearing.
- 86. The approach outlined in this report is in accordance with the requirements of the Planning and Environment Act 1987.

Options

87. There are four options for Councillors to consider in relation to adopting the Amendment:
- (a) adopt the Amendment with the changes recommended by the Planning Panel; or
 - (b) adopt the Amendment with the officer recommended changes which take into account the Panel's recommendations with some variations; or
 - (c) adopt the Amendment as exhibited; or
 - (d) abandon the amendment.

Conclusion

88. The independent Planning Panel has considered Amendment C220 and submissions and has strongly supported the Amendment C220 with minor changes. The Panel commended Council for the substantial body of work that has supported the Amendment and has supported a suite of mandatory built form controls to enable Council in achieving its built form vision for Johnston Street.
89. The Panel has made a number of recommendations for changes outlined in this report, and outlined in Attachment 2. In accordance with Section 27 of the Planning and Environment Act, Council must have regard to and consider the recommendations of the Planning Panel report before deciding to adopt an amendment with or without changes.
90. It is considered that Council should adopt Amendment C220 in accordance with the Panel's recommendation with the further minor officer changes as outlined in this report and Attachments 3 and 4.

RECOMMENDATION

1. That Council:
- (a) notes the officer report regarding the Panel Report in relation to Amendment C220 regarding Johnston Street, Collingwood
 - (b) considers the report and recommendations of the Planning Panel and adopts Amendment C220 to the Yarra Planning Scheme with changes (pursuant to Section 29 (1) of the Planning and Environment Act 1987) in accordance with this report and those outlined in Attachments 1 and 3;
 - (c) submits the adopted Amendment C220 to the Minister for Planning for approval, in accordance with Section 31 (1) of the Planning and Environment Act 1987;
 - (d) notes the reasons for varying from the Panel Report as outlined in the report; and
 - (e) advises all submitters of Council's decision in relation to Amendment C220.

CONTACT OFFICER: Kyle Everett
TITLE: Strategic Planner
TEL: 9205 5075

Attachments

- 1 [↓](#) Amendment C220 - Johnston Street Local Area Plan - Panel Report
- 2 [↓](#) Amendment C220 - Panel Recommended DDO15 with Council officer post Panel tracked changes for Adoption
- 3 [↓](#) Amendment C220 - Amendment Documents and Maps for Adoption

Attachment 1 - Amendment C220 - Johnston Street Local Area Plan - Panel Report

Planning and Environment Act 1987

Panel Report

Yarra Planning Scheme Amendment C220

Johnston Street Built Form Controls

22 February 2019



Attachment 1 - Amendment C220 - Johnston Street Local Area Plan - Panel Report

Planning and Environment Act 1987

Panel Report pursuant to section 25 of the Act

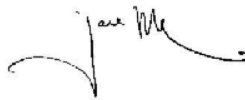
Yarra Planning Scheme Amendment C220

Johnston Street Built Form Controls

22 February 2019



Lester Townsend, Chair



Jane Monk, Member



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Glossary and abbreviations

Act	<i>Planning and Environment Act 1987</i>
C1Z	Commercial 1 Zone
C2Z	Commercial 2 Zone
CBD	Central Business District
Council	Yarra Council
DDO	Design and Development Overlay
DDO15	Design and Development Overlay Schedule 15
DELWP	Department of Environment, Land, Water and Planning
DLA	David Lock Associates
EAO	Environment Audit Overlay
GRZ	General Residential Zone
HO	Heritage Overlay
JSLAP	the Johnston Street Local Area Plan
LPPF	Local Planning Policy Framework
MPS	Municipal Planning Strategy
MSS	Municipal Strategic Statement
NAC	Neighbourhood Activity Centre
Pilot Program	Activity Centre Pilot Program
PPF	Planning Policy Framework
PPN59	Planning Practice Note 59 The role of mandatory provisions in planning schemes
PPN60	Planning Practice Note 60 Height and setback controls for activity centres
PUZ	Public Use Zone
SLO	Significant Landscape Overlay
SUZ6	Special Use Zone Schedule 6
VCAT	Victorian Civil and Administrative Tribunal
VPP	Victoria Planning Provisions

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Overview

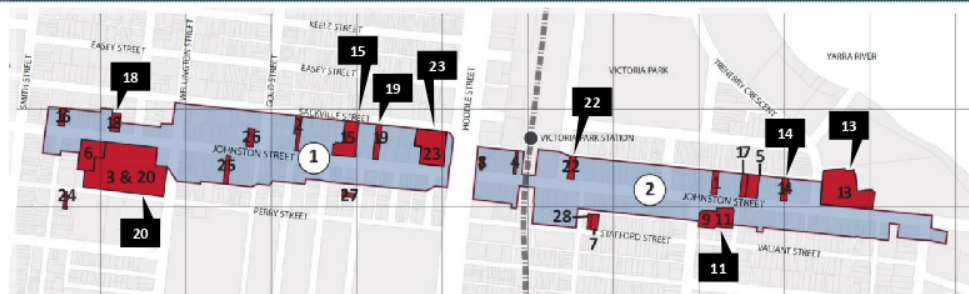
Amendment summary	
The Amendment	Yarra Planning Scheme Amendment C220
Common name	Johnston Street Activity Centre
Brief description	The Amendment rezones land and implements built form and heritage controls for Precincts 1 and 2 of the Johnston Street Local Area Plan
Subject land	Precinct 1 is in Collingwood and extends east-west along Johnston Street, between Smith Street and Hoddle Street. It also includes parts of Sackville Street to the north. Precinct 2 is in Abbotsford and extends east-west along Johnston Street from Hoddle Street to Trenerry Crescent on the north side and Clarke Street to the south
The Proponent	Yarra City Council
Planning Authority	Yarra City Council
Authorisation	In March 2017 the Minister gave conditional authorisation which provided for mandatory controls to be confined to locations where there were 'exceptional circumstances' as provided for in PPN60.
Exhibition	Between 16 November and 18 December 2017.
Submissions	A total of 28 submissions were received. Refer to Appendix A

Panel process	
The Panel	Lester Townsend, Chair, Jane Monk, Member
Directions Hearing	18 September 2018 at Richmond Town Hall
Panel Hearing	Nine days between Tuesday 16 October 2018 and Friday 26 October, at Fitzroy Town Hall and Planning Panels Victoria offices
Further submissions	Following the Hearing, written submissions were sought from VicRoads in relation to its land on the north west corner of Hoddle and Johnston Streets. After two draft submissions, a final submission was received on 4 December 2018. A submission in reply was subsequently received from the City of Yarra on 12 December 2018.
Site inspections	Unaccompanied on Friday 19 October 2018
Appearances	Refer to Appendix B
Citation	Yarra C220 (2019) PPV
Date of this Report	22 February 2019

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Location of submitters



Location of submitters named in this Report

11	Pelican Capital	329, 329A Johnston Street, , 37 Hunter Street, & 236 Nicholson Street, Abbotsford
13	Shakespeare Property Group	436–438 Johnston Street, Abbotsford
14	M and C Jack	424 Johnston Street, Abbotsford
15	Titanium Property Investments	166–168, 174–176 Johnston Street, Abbotsford and 121 Sackville Street, Collingwood
18	AA Holdings	40 Johnston Street, Abbotsford & 35–37 Sackville Street, Collingwood
19	De Luca Property Group	196–202 Johnston Street, Collingwood
20	Collingwood Arts Precinct	35 Johnston Street, Collingwood
22	K7 Developments	288–296 Johnston Street, Collingwood
23	Aheron	220,222 & 222A Johnston Street, Abbotsford, 153–155 & 165 Sackville Street, Collingwood

Executive summary

The Johnston Street Local Area Plan (JSLAP) was prepared by Yarra City Council for the Johnston Street Activity Centre and adopted by Council in December 2015. The plan provides a high-level strategic framework and future vision for the Johnston Street Neighbourhood Activity Centre and a wider study area that extends across the suburbs of Abbotsford and Collingwood, from Smith Street, eastwards towards the Yarra River.

The plan focusses on issues and opportunities identified through analysis, research and consultation with the community and key stakeholders.

Yarra Planning Scheme Amendment C220 proposes to facilitate the land use and built form objectives and strategies for Precincts 1 and 2 (Johnston Street) of the Johnston Street Local Area Plan (JSLAP) by:

- rezoning properties within the Commercial 2 Zone (C2Z) and General Residential Zone (GRZ) to the Commercial 1 Zone (C1Z)
- applying a Design and Development Overlay (DDO)
- introducing a new Municipal Strategic Statement policy at Clause 21.12
- applying a new Heritage Overlay (HO) precinct
- applying the Environmental Audit Overlay (EAO) to sites being rezoned from the Commercial 2 Zone.

No submissions opposed the rezoning to Commercial 1 Zone. Some submitters asked for additional land to be included in the Commercial 1 Zone, to take advantage of this zone's wider range of land uses.

Some raised concerns in relation to certain properties being included in the expanded Heritage Overlay, and in the case of two submissions from local residents, opposed the scale of development that could be allowed under the DDO.

The proposition for Precincts 1 and 2 is to ensure consistent street wall heights and for higher built form to be setback and more recessive in the streetscape. Where a heritage character prevails, the ambition is for the street wall to remain at 2 to 3 storeys, with development of up to 6–7 storeys behind. East of the rail bridge, where heritage stock is less consistent, a new contemporary character is sought. The street wall preference is for 4–5 storeys with 6–7 storeys behind, rising to 8–10 storeys adjacent to Victoria Park Railway Station.

The concern was not so much about the need for a clear regime of built-form requirements – this was not in dispute – or even the general form and scale envisaged for the activity centre, rather, debate focussed on the metrics of various height, setback, overshadowing and sight-line controls and on the extent to which they should be either discretionary or mandatory. These concerns also extended to the detailed drafting of objectives and specific provisions in the DDO. The principal concerns, as expressed to the Panel, were that the proposed mandatory controls could stifle innovative design and prevent the centre from being able to optimise its redevelopment potential.

Following exhibition and in response to submissions received, Council made a number of suggested changes to the metrics of the DDO controls (Document 2) and some more minor

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typographical changes to the supporting Clause 21 local policy. The DDO changes were further refined during the hearing (Document 26) at the suggestion of council officers and in response to material in the expert witness reports. The Document 26 version of the DDO formed the basis of most discussion at the Hearing.

The Panel has been impressed by the extent and nature of council's strategic work underpinning the amendment, including the more recent 3D modelling by Ethos Urban, the SGS Spatial Economic and Employment Study, August 2018 and Council's Housing Strategy, also of August 2018. This strategic work is demonstrably extensive, robust and up to date.

The Panel has concluded that for the most part the specific metrics and the balance between mandatory and discretionary built form controls, as put forward by Council in Document 26, will not prevent good design outcomes and can be supported, subject to some relatively modest drafting changes.

While there is clearly room for different opinions as to the precise metrics of a mandatory upper level setback or street wall height, those put forward by Council are well founded, as demonstrated by Ethos Urban's 3D modelling work. The east-west orientation of the street, coupled with the relatively shallow depth of many properties and their close abuttal to existing residential areas warrants a cautious approach. These constraints reduce the degree of 'wriggle room' for negotiating well designed outcomes.

Without the certainty provided by the mandatory street wall, sunlight and upper level setback metrics, JSLAP's future vision for Johnston Street could be jeopardised. The Panel accepts that the proposed controls provide a simple, user friendly frame on which the significant change envisaged for Johnston Street can be applied with greater confidence than would be the case if they were not in place.

An exception is the Aheron site at 220–222A Johnston Street and 153–165 Sackville Street, one of the two redevelopment sites depicted as sub precinct 1AA in DDO15. This site, other than for a strip of VicRoads owned land to the east, occupies the north-west corner of Johnston and Hoddle Streets. The JSLAP Built Form Framework Plan singles the site out for 'Corner Opportunity – High Quality Entry Buildings'. The 3D modelling, reinforced by the evidence of Messrs Barnes and de Keijzer and the persuasive submission of Mr Furness, demonstrates that a lesser upper level setback would provide a stronger corner treatment to Hoddle Street. Following VicRoads concession that its land abutting Aheron's site is not surplus and should therefore be in a Category 1 Road Zone, it is appropriate for DDO15 to allow a strong corner treatment at such a prominent location.

The totality of material before the Panel demonstrates a substantial body of well researched, thorough and carefully tested analysis which supports the Amendment.

At the end of the day, the principal issues in dispute have reduced to:

- requests for rezoning to C1Z
- objection to the use of mandatory controls
- debate about metrics, including for example whether: setbacks should be 5 or 6 metres; whether a 45 degree angle should be used above 11, 17, 21 or 24 metres; and whether preferred heights should be 28 metres or 34 metres.

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The Panel concludes:

- a mid rise scale of development is supported by policy in this area.
- the post exhibition change in sub precinct 2rB for the K7 Developments land at 288 Johnston Street is appropriate
- the proposed change of the commercially zoned area of the Pelican Capital land – 329 Johnston Street – to sub precinct 2rD is appropriate
- there is no basis for a sub precinct change for 424 Johnston Street, Abbotsford
- the use of an indicative height range in the Design objectives is appropriate
- apart from the Aheron site, the proposed heights are appropriate
- the solar access provisions are appropriate
- it is not appropriate to require a greater setback above heritage buildings
- a 45 degree upper level set back is appropriate
- the rear interface controls are appropriate
- the building separation requirements are appropriate
- the corner provisions are appropriate.

The Panel concludes that sufficient strategic work has been carried out for Johnston Street to support mandatory controls in DDO15 and the specific controls are ‘absolutely necessary’.

The Panel has some concerns over the drafting of the Amendment and has prepared a version of DDO15 that shows the changes that the Panel thinks would improve its usability.

Recommendations

Based on the reasons set out in this Report, the Panel recommends that Yarra Planning Scheme Amendment C220 be adopted as exhibited with the changes proposed by:

- Council when it referred the Amendment to the Panel (Document 1)
- the Council officers’ changes presented in Document 26

and subject to the following further changes:

- 1 **Change the application of zones and overlays to:**
 - a) **Rezone the VicRoads land on the northwest corner of Johnston Street and Hoddle Street, to Road Zone Category 1 and delete Design and Development Overlay Schedule 15**
 - b) **Rezone the CitiPower land near the northwest corner of Johnston Street and Hoddle Street, Abbotsford? to Public Use Zone Schedule 1 if compliant with the Ministerial Direction – The Form and Content of Planning Schemes, and delete Design and Development Overlay Schedule 15**
 - c) **Retain the Heritage Overlay on road reserves.**
- 2 **Change the Schedule to the Heritage Overlay to reclassify 270 Johnston Street, Abbotsford as ‘Not Contributory’.**
- 3 **Use the Design and Development Overlay map in the planning scheme to identify sub precinct boundaries.**
- 4 **Place the Aheron Investments land at 220, 222 and 222A Johnston Street, Collingwood and 153–155 and 165 Sackville Street, Collingwood in a new sub precinct, with the following applying:**

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- a) increase the preferred overall height to 34 metres
 - b) a mandatory 11.3 metre street wall height on Johnston Street
 - c) a preferred 11.3 metre street wall on Sackville Street
 - d) no street wall height or setback to Hoddle Street
 - e) a discretionary 3 metre setback above the street wall to transition to a 6 metre setback to the east where the building meets sub precinct 1A on Johnston Street
 - f) a preferred 6 metre setback above the street wall on Sackville Street
 - g) exemption from 45 degree envelope requirement on Johnston Street but not on Sackville Street
 - h) no rear interface height
 - i) maintain the mandatory solar control.
- 5 Change Design and Development Overlay Schedule 15 to:
- a) Refine the drafting of Design and Development Overlay Schedule 15 generally as shown in Appendix D.
 - b) Amend the Design objectives to delete 'overlooking' from the third objective.
 - c) Refine the language of the 'Requirements to exceed preferred heights' to avoid an overly prescriptive interpretation.
 - d) Increase street wall heights from 11 metres to 11.3 metres to allow for three commercial floors

The Panel further recommends:

Consider realigning the Precinct 1 boundary to the rail bridge in the planning scheme documentation.

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1 Introduction

1.1 The Amendment

The Amendment affects land in and around Johnston Street (Collingwood and Abbotsford), including Sackville Street in Collingwood. The Amendment proposes to rezone land and implement built form strategies in the Johnston Street Local Area Plan (JSLAP).

The Amendment applies to land in Precincts 1 and 2 as identified in the Johnston Street Local Area Plan. Figure 1 shows the existing zones, proposed Commercial 1 Zone and Design and Development Overlay Schedule 15. A Heritage Overlay is proposed for the area between the rail bridge and Hoddle Street and an Environmental Audit Overlay for land rezoned from the Commercial 2 Zone to the Commercial 1 Zone.

Figure 1: Existing and proposed planning controls



Source: Evidence of David Barnes

Johnston Street between Smith Street and the Yarra River is a neighbourhood activity centre with a traditional strip form. It is characterised by a range of commercial activities in mostly one and two storey buildings, including a mix of service industries, offices, studios, galleries, retail, cafes and bars.

Johnston Street is one of five activity centres in the City of Yarra for which strategic planning work is underway¹. As acknowledged in Council's Part B Submission, this work builds on a long-standing objective² of Yarra's Planning Scheme:

To retain Yarra's identity as a low rise urban form with pockets of higher development.

and the accompanying strategy³ that:

Development within activity centres should generally be no more than 5–6 storeys unless it can be demonstrated that the proposal can achieve specific benefits. Such as significant upper level setbacks, architectural design excellence, best practice

¹ The others being Bridge Road, Victoria Street, Queens Parade and Swan Street

² Built Form Objective 17, Clause 21.05–2

³ Strategy 17.2, Clause 21.05–2

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environmental sustainability objectives in design and construction, high quality restoration and adaptive reuse of heritage buildings, positive contribution to the enhancement to of the public domain and provision of affordable housing.

Amendment description

The Amendment proposes to make the following changes to the Yarra Planning Scheme:

- insert a new section and policy at Clause 21.12 'Local Areas' with a subsection at Clause 21.12-1 'Johnston Street Activity Centre'
- Rezone:
 - land in the Commercial 2 Zone (C2Z) and General Residential Zone (GRZ) to Commercial 1 Zone (C1Z)
 - part of the site at 67-71 Johnston Street from Public Use Zone (PUZ) to Commercial 1 Zone (C1Z) to correct a mapping error.
- Apply the Design Development Overlay (DDO15) on a permanent basis with a new schedule.
- Apply the Environmental Audit Overlay (EAO) to sites being rezoned from Commercial 2 Zone to the Commercial 1 Zone.
- Apply a new Heritage Overlay precinct (HO505) 'Johnston Street East' to the properties at 219-241 Johnston Street, and 246-274 Johnston Street, Abbotsford (on a permanent basis), with the consequential changes:
 - amend the schedule to Clause 43.01 (Heritage Overlay) to include HO505
 - amend the existing incorporated document *City of Yarra Review of Heritage Overlay Areas 2007 Appendix 8*, listed in the schedule to clause 81.01 to include the addresses and gradings of all new and revised places and rename the incorporated document to *City of Yarra Review of Heritage Overlay Areas 2007 Appendix 8 revised November 2017*.

At an ordinary meeting of Council on 21 August 2018, Council resolved⁴ to endorse officer recommended changes to the Amendment and request that the Minister for Planning appoint a panel. The officer recommended changes included:

- amend the indicative height range in the objectives to 5 to 10 storeys
- amend the controls for 220-222a Johnston Street; 153-155 and 165 Sackville Street to reflect that these sites are currently in common ownership and should reasonably have the same provisions applied to all the properties
- change 288-296 Johnston Street from sub precinct 2rC to sub precinct 2rB to reflect the recommendations in the JSLAP and to acknowledge that the site does not share the same level of sensitivity at the rear interface as properties to the east in sub precinct 2rC
- increase the setback above the street wall from a discretionary 3 metres to a discretionary 6 metres in sub precincts 2rB, 2rC, 2rD and 2rE
- minor changes to improve interpretation of requirements
- changes to require that the street wall height 'wrap' around corners into side streets in some situations, and include a requirement for a minimum 3 metre setback of upper levels above the street wall on side streets

⁴ Agenda of ordinary meeting of Council held on 21 August 2018 available at: <https://www.yarracity.vic.gov.au/about-us/council-information/past-council-and-committeemeetings/2018-council-meetings>.

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- changes made when the interim DDO was introduced by the Minister for Planning
- minor changes to the proposed Local Policy at Clause 21.12
- changes have been made to the proposed planning scheme maps to remove both the HO and DDO from road space managed by VicRoads
- correction of a minor mapping error in the proposed HO map.

At the Hearing, Council presented further changes recommended by Council officers. The Panel adopts the 'clean' version of these changes (Document 26) for the purposes of discussion in this report.⁵

This version somewhat unhelpfully reassigned the precinct labels so that a reference to '2C' in this version of the controls is a reference to a different precinct to '2C' in the exhibited version. This runs the risk of misunderstanding submissions and evidence, and indeed Council's own Part C submission used an outdated precinct reference. To try to avoid confusion the Panel has adopted the latest precinct references in this report, that is the precinct references in Document 26, including in quotes from experts and Council. Where this change is made the revised sub precinct label has an 'r' inserted. In other words a reference to '2rC' is a reference to a relabelled precinct, in this case the exhibited '2D'. The Panel hopes this is clear.

DDO15 provides⁶ for:

- preferred and maximum building heights, including requirements to be met when exceeding a preferred height
- overshadowing and solar access requirements to the southern footpath
- street wall height
- mid level set back above the street wall
- upper level setbacks specified by a setback angle
- corner site requirements
- building separation requirements
- street frontage requirements
- commercial floor space requirements
- upper level design requirements
- vehicle access and car parking.

The key elements of DDO15 are summarised in Figure 2 and Table 1. The combination of the street wall height, mid level setback and upper level setback angle combine to create an implied 'mid level street wall'.

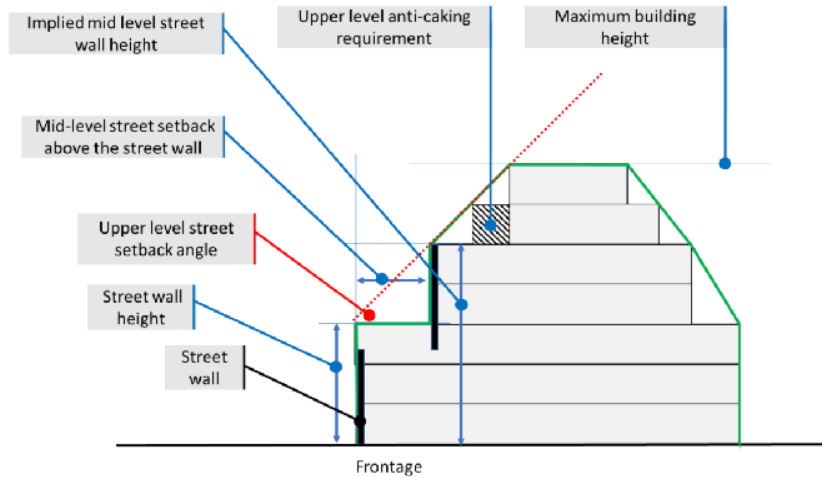
⁵ This was provided electronically to the Panel at 09:31 AM 23 October 2018 by way of an email from Harwood Andrews

⁶ In the Panel preferred version

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Figure 2: Elements of DDO15



Source: Prepared by the Panel

Table 1: Overview of the elements of DDO15 – final Council position

Element	Proposed control
Maximum building height	<p>Mandatory heights of between 21 metres and 31 metres where sub precincts abut residential zoned land</p> <p>Preferred heights of between 21 metres and 34 metres in all other sub precincts</p>
Overshadowing	<p>Mandatory requirement for buildings on the north side of Johnston Street to not overshadow the southern footpath between 10.00am and 2.00pm at the equinox (22 September)</p>
Street wall height	<p>In heritage streetscapes: mandatory height of 11 metres (other than where a heritage building is retained)</p> <p>East of the rail bridge: a preferred street-wall height of 15 metres with a mandatory height of 18 metres</p> <p>South side of Sackville Street: preferred height of 11 metres (not a heritage area)</p>
Mid level set back above the street wall	<p>In heritage areas: mandatory minimum of 6 metres</p> <p>In non-heritage streetscapes east of the rail line and to Sackville street: preferred minimum of 6 metres</p>
Upper level setback angle	<p>45 degree envelope above a specified height</p>
Maximum rear boundary interface heights to residential areas	<p>Mandatory 11 metres (or 9 metres in the case of Precinct 2rE).</p> <p>Preferred 11 metres to non-residential interfaces</p>

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1.2 Background

Johnston Street Local Area Plan

JSLAP is a high-level strategy document with the purpose to provide a framework and future vision for the Johnston Street Activity Centre and wider study area. The plan focusses on the key issues and opportunities affecting the study area which have been identified through analysis, research and consultation with the community and key stakeholders.

Consultation preceding the adoption of JSLAP went through three separate phases:

- October 2011 – February 2012 – Initial consultation in the form of workshops
- June 2012 – July 2012 – Consultation on a draft plan
- Early 2015 – Consultation on a revised plan.

JSLAP was informed by the following background documents which were presented as appendices to the plan:

- Appendix A – Policy and Strategic Basis (November 2015)
- Appendix B – Built Form Analysis and Recommendations (December 2015)
- Appendix C – Trenerry Crescent Urban Design Analysis and Masterplan (September 2015)
- Appendix D – Johnston Street Economic Advice (SGS Economics, August 2015).

JSLAP was adopted by Council in 2015. As set out in the introduction to the plan:

The Johnston Street Local Area Plan has been prepared by Yarra City Council for the Johnston Street Activity Centre. The plan is a high-level strategy document and has been arranged around the following four themes:

- Part A 1 Land Use
- Part A 2 Public Spaces
- Part A 3 Access and Movement
- Part A 4 Built Form

Over the past five to ten years, Johnston Street has experienced signs of revitalisation with changes in land use activity, increased development pressure and a number of planning permits issued as well as the construction of new buildings within the study area.

The Johnston Street Activity Centre has the potential to accommodate a greater mix of activities including residential, retail, offices and other commercial uses that enhance the character and amenity of the street and local area, as well as the existing mix of activity. Johnston Street has the potential to play a more significant commercial role whilst accommodating a growing population and business community that has good access to areas of open space and public transport.

The Abbotsford Convent towards the eastern end of Johnston Street and the emergence of both Circus Oz and the Collingwood Arts Precinct at 35 Johnston Street (former TAFE site) provide opportunities to anchor creative activities such as artist studios and galleries.

There is the opportunity to provide a stronger retail and commercial environment along the street, supported by a growing population. There are already a number of bars, cafes and restaurants that have created a sense of vibrancy at some locations along Johnston Street, as the street starts to create an identity as a vibrant, eclectic activity centre.

Amendment C237 – Interim controls

In 2016, Council engaged Context Pty Ltd to undertake a review of the streetscape between Hoddle Street and the railway line, east of Hoddle Street. Context concluded upon review

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that a new precinct Heritage Overlay (HO505) should apply to that section of Johnston Street.⁷

In October 2017, Council resolved to lodge a request for interim controls in this area under section 20(4) of the Act.

On 2 March 2018, Amendment C237 to the Scheme was gazetted to introduce HO505 and DDO15 on an interim basis until 31 December 2019.⁸

The Minister for Planning introduced both overlays into the Scheme with one key change: a mandatory maximum height requirement applied to 23–33 Johnston Street to manage the impacts on the adjacent Collingwood Arts Precinct, and the sub precinct designation was changed from 1AA to a new 1AAA.

Specifically, the interim controls for 23–33 Johnston Street include a mandatory maximum building height of 28 metres in addition to a mandatory setback of six metres for upper levels from a street wall façade that has a mandatory maximum wall height of 11 metres. The interim DDO15 also has a new design objective:

To ensure that new development does not compromise the operation of the state significant Collingwood Arts Precinct from unreasonable loss of amenity through visual bulk, overlooking, overshadowing and vehicle access.

At the time that the interim controls were gazetted, there was a permit application before VCAT for a development at 23–33 Johnston Street.⁹

The Amendment

In May 2016, Council resolved to seek authorisation from the Minister for Planning to prepare and exhibit the Amendment.

In March 2017, the Minister provided conditional authorisation which advised that the Amendment could be prepared and exhibited if particular conditions were met.¹⁰ These conditions included a requirement for Council to:

... limit the application of mandatory controls to confined locations where there are exceptional circumstances as outlined in Practice Note 60 – Height and Setback controls for Activity Centres.

In July 2017, Council was invited by DELWP to participate in the Activity Centre Pilot Program (discussed below). Council agreed to participate in the Pilot Program.

Following receipt of the conditional authorisation, Council officers prepared further built form analysis documented in *Amendment C220 Supporting Document, October 2017*. The supporting document identified where mandatory controls may be appropriate having regard to the Minister's conditional authorisation and *Planning Practice Note 60 – Height and setback controls for activity centres* (PPN60). This work took into account the principles underpinning JSLAP and considered recently approved permits. As a result, Council officers prepared a revised Amendment which contained two key changes:

- a revised DDO schedule which included both preferred and mandatory provisions

⁷ Heritage Gap Study: Review of Johnston Street East Final Report prepared by Context Pty Ltd dated April 2016.

⁸ *Reasons for decision to exercise power of intervention under section 20(4) of the Planning and Environment Act 1987* Yarra Planning Scheme Amendment C237 dated 28 February 2018.

⁹ Gurner 23–33 Johnston Street Pty Ltd v Yarra CC [2018] VCAT 794.

¹⁰ Letter from the Minister for Planning to Council's CEO dated 8 March 2017.

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- a new Clause 21 Local Policy that replaced the proposed Clause 22 (to reflect the proposed structure of the Yarra Planning Scheme rewrite).

As set out in the 31 October 2017 agenda:¹¹

Mandatory height controls have been applied to areas of intact heritage streetscapes and to areas that directly adjoin low scale residential areas. The sensitivity of these locations and the potential adverse impact that taller built form could have on their character and on the amenity of residents is considered to meet the tests of PPN60.

On 31 October 2017, Council resolved to authorise officers to exhibit the Amendment.¹²

The Amendment was exhibited between 16 November to 18 December 2017. A total of 28 submissions were received.

Activity Centre Pilot Project – Better height controls in activity centres

In December 2016 the Minister for Planning announced the Activity Centre Pilot Program ('Pilot Program'). A key purpose of the Pilot Program was to identify how planning controls could be used to provide greater clarity and certainty about development heights in activity centres and to ensure the community and developers have a clearer understanding of the form of new development expected in activity centres.

The Pilot Program investigated how planning controls could be improved to better reflect and support strategic work undertaken by councils, and lessen the instances of proposals far exceeding preferred maximum heights and being out of step with community expectations.¹³

This approach to strengthening how building heights are dealt with in areas identified for change was reiterated through policies in *Plan Melbourne 2017–2050* released by the Victorian Government in March 2017.¹⁴

In late September 2018, DELWP updated the webpage 'Better height controls in activity centres'.¹⁵ A Key Findings Report was released that details findings from the Pilot Program. Council submitted¹⁶ that the Key Findings Report said:

Johnston Street has a mix of mandatory and discretionary controls that were implemented on an interim basis, generally consistent with the recommendations of Council's Plan.

Johnston Street is a Neighbourhood Activity Centre, also characterised by its strip centre. It is well located and well supported by services and transport. Importantly, the centre has areas of heritage value needing appropriate planning to respond to these characteristics, in comparison to areas within the activity centre designated for change. The Amendment is scheduled for hearing for October 2018.

The key findings of the Pilot Program include that:

- strategic work underpinning controls needs to be sound and current
- preferred maximum height controls are generally effective

¹¹ Council Part A [1]

¹² Minutes of ordinary meeting of Council held on 31 October 2017 available at: <https://www.yarracity.vic.gov.au/about-us/council-information/past-council-and-committeemeetings/2017-council-meetings>.

¹³ Three activity centres were identified for inclusion as part of the Pilot Program – Moonee Ponds in the City of Moonee Valley, Ivanhoe in the City of Banyule and Johnston Street in the City of Yarra.

¹⁴ See *Plan Melbourne 2017–2050* at Policy 2.1.4: Provide certainty about the scale of growth in the suburbs.

¹⁵ See <https://www.planning.vic.gov.au/policy-and-strategy/activity-centres/height-controls>.

¹⁶ Part A [32]–[33]

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- mandatory height controls do not necessarily inhibit development
- widespread application of mandatory maximum height controls across activity centres could have detrimental consequences
- consistent terminology to specify heights should be used
- preferred heights are more commonly exceeded on larger sites
- precedents can be set by previous approvals
- consideration of off-site impacts can vary in decision making
- use of subjective terminology can lead to uncertainty in outcomes
- floor area ratios can guide preferred built form outcomes in activity centres
- requirements for public benefits need to be unambiguous
- allowances should be made for sloping sites.

The Panel understands that the Pilot Program informed updates to *Planning Practice Note 60: Height and setback controls for activity centres* (PPN60).

Minor updates have also made to *Planning Practice Note 58: Structure planning for activity centres* and *Planning Practice Note 59: The role of mandatory provisions in planning schemes* (PPN59).

The Department's webpage also includes research undertaken and has made available the following supplementary studies:

The report entitled *Measurable criteria to assess development applications exceeding preferred heights: Analysis and Recommendations* prepared by MGS Architects and dated August 2018;

The report entitled *Viability of High Density Residential Development in Activity Centres*, Refresh prepared by Essential Economics Pty Ltd and dated September 2018;

The report entitled *Monitoring Land Use Planning Outcomes: Assessment of Local Economic Impacts of Increased Residential Development in Activity Centres* prepared by Essential Economics Pty Ltd dated February 2018.

1.3 Procedural issues

Conditional authorisation

The Amendment received conditional authorisation.

The Panel asked Council for submissions about how it should approach the conditional authorisation letter and in particular whether the Panel should consider itself bound by the condition in the authorisation relating to restricting a consideration of mandatory controls to "*exceptional circumstances*".

Council responded¹⁷ that the Panel "*is not confined in its consideration of the proposed mandatory controls to the 'exceptional circumstances' test*" for a number of reasons including:

The authorisation letter, after referring to the exceptional circumstances test, also says that "*in addition to that condition*", the Council may consider applying a formula of discretionary controls plus mandatory maximum height. It is not clear that that paragraph was confined by the exceptional circumstances test.

¹⁷ Part C [3]

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The authorisation letter makes note of the pilot program and contemplates that the Amendment may be considered in light of that program.

The Panel should make its recommendations having regard the current version of Practice Note 60, as amended since authorisation of the Amendment.

Practice Note 60, although it provides useful guidance, is not a binding document.

The Panel notes this response and observes that even if the premise that a panel is not bound by a conditional authorisation is correct, it may be seen as unhelpful if a panel were to ignore such conditions in reporting its findings.

Amendments VC148 and VC149

Amendment VC148 was gazetted on 31 July 2018, after the Amendment was exhibited. VC148 made substantial changes to the structure and content of the planning policy framework, as well as other provisions in the Planning Scheme. VC148 introduced a new Planning Policy Framework (PPF) and enables the future introduction of a Municipal Planning Strategy (MPS).

VC149 was gazetted on 4 October 2018 and introduces the new Commercial 3 Zone.

Amendments VC148 and VC149 have implications for the form and content of zones and overlays. The Local Policy can progress under the current system and will be translated into the PPF format as part of a separate process.

The introduction of the Commercial 3 Zone brings into effect an additional zone that promotes a more genuine form of mixed-use development. It is not being considered as part of this Amendment process.

1.4 Issues raised in submissions and dealt with in this Report

Twenty-eight submissions were received in response to exhibition of the Amendment. Included within these submissions were:

- two submissions in support of the Amendment (with no changes)
- seventeen submissions in support of the Amendment (with changes)
- seven submissions objecting to the Amendment (with changes)
- two submission seeking changes.

By way of an overview:

- there was general support for the rezoning from C2Z to C1Z
- some submissions were in support of the DDO providing guidance to future built form
- some submissions opposed the use of mandatory controls and some submissions opposed requirements in the DDO in so far as they have been applied to their sites
- two submissions, from residents, submitted that the scale of development that could be allowed for in the DDO is too large.

The key issues raised in the submissions concerned:

- objection to mandatory controls
- objection to requirements to exceed preferred heights (with suggested changes)
- objection to a height limit at all (whether preferred or mandatory)
- interpretation of the height range for mid-rise development
- objection to taller buildings
- requests for a different sub precinct control to be applied

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- requests from landowners to be included in the Amendment
- objection to 45 degree building envelope
- objection to upper level side setbacks (on all sites)
- request for greater setbacks for individually significant heritage buildings
- uncertainty on the requirements for corner sites
- objection to HO being applied
- objection to requirements for floor to floor ceiling heights at lower levels to support commercial development
- protection of the Collingwood Arts Precinct.

The Panel has assessed the Amendment against the principles of net community benefit and sustainable development, as set out in Clause 71.02–3 (Integrated decision making) of the Planning Scheme.

The Panel considered all written submissions made in response to the exhibition of the Amendment, observations from site visits, and submissions, evidence and other material presented to it during the Hearing. It has reviewed a large volume of material, and has had to be selective in referring to the more relevant or determinative material in the Report. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

This Report deals with the issues under the following headings:

- Does the vision have strategic justification?
- Is the extent of the Amendment appropriate?
- Are mandatory controls justified?
- Sub precinct boundaries
- Issues with the requirements:
 - Objectives
 - The need for built form objectives for sub precincts
 - Definitions
 - Wording of clause 2.0 – Amendment of permits
 - Building height
 - Overshadowing and solar access requirements
 - Street wall height
 - Mid level street setback above the street wall
 - Upper level setback above the street wall
 - Rear setbacks
 - Building separation requirement
 - Corner site requirements
 - Commercial floor space requirements
- Drafting issues.

2 Does the vision have strategic justification?

2.1 The vision for Johnston Street

(i) What is the vision?

The 'Vision' for Johnston Street is set out at p 39 of JSLAP. The Amendment, as exhibited, adapts these for inclusion at Clause 21.12–1 of the planning scheme as follows:

Vision

Johnston Street will continue to evolve into a vibrant activity centre that serves the day to day needs of the local community while supporting employment, business and creative opportunities. The area will accommodate a diverse and growing population, well connected by sustainable forms of transport, with activity focussed around Victoria Park Station.

High quality corner buildings at the intersection of Johnston and Hoddle Streets will create a point of entry into Precincts 1 and 2, complemented by streetscape improvements.

For Precinct 1, and for the section of Precinct 2 between the rail bridge and Hoddle Street, the Precinct Vision Statements in the proposed Table to Clause 21.12–1 includes:

The Victorian and Edwardian era heritage character will remain the prominent feature of the streetscape ... with taller built form setback from the street edge to provide separation between the heritage streetscape and newer built form.

For Precinct 2, east of the rail bridge, the proposed Vision Statement ¹⁸refers to:

... a more prominent, well designed and contemporary built form character will emerge with well-designed buildings with well activated ground floor frontages and articulated facades to break up the mass of buildings. Taller built form will be appropriately set back from the main facades.

At present all Johnston Street sites in Precinct 1 are protected by a Heritage Overlay; the Amendment proposes extending permanent heritage protection to all but one of the Johnston Street properties between the rail bridge and Hoddle Street.

(ii) Where does the vision come from?

The strategic justification for the Amendment is provided by JSLAP. JSLAP provides background information and a statement of the strategic land use and built form directions for the Johnston Street corridor and a wider study area that includes Hoddle Street, Trenerry Crescent, the Easy Street precinct, Abbotsford Convent and surrounding residential areas.

JSLAP identifies:¹⁹

- That Hoddle Street is an urban renewal area under *Plan Melbourne* and has the potential for significant change.
- That VicTrack land adjacent to Victoria Park Station, as well as land to the west of the railway, also provides significant opportunities for redevelopment.
- That other precincts along Johnston Street will experience lower more moderate levels of change.

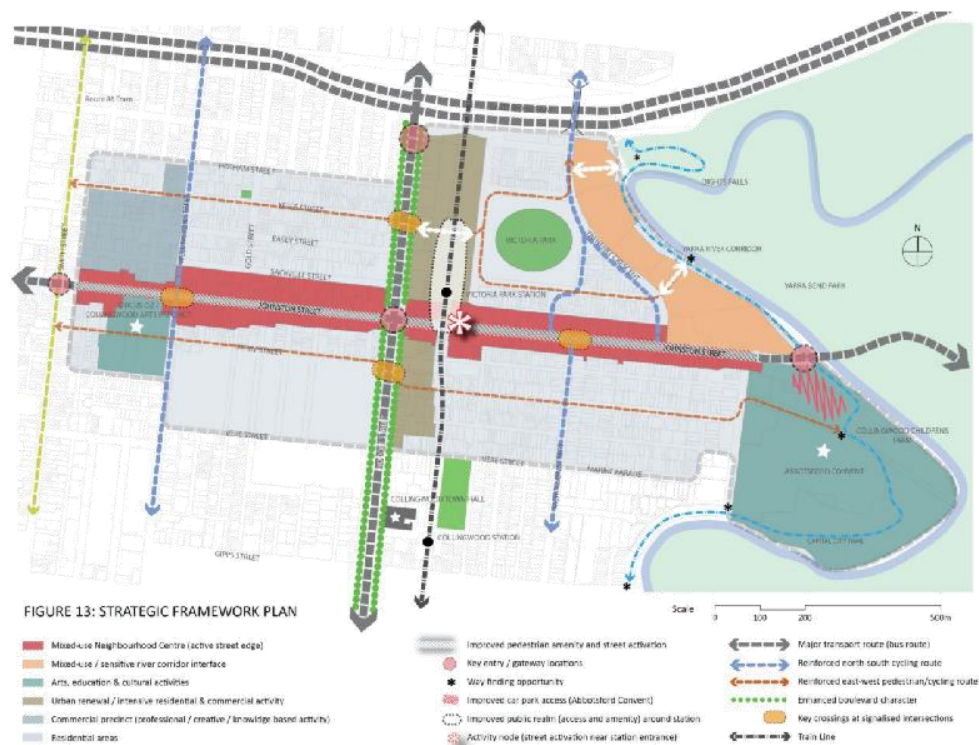
¹⁸ As edited in Council's post exhibition version at Tab 6 of Document 1

¹⁹ Page 42

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- That the central section of Johnston Street (Smith Street to Hoddle Street) is subject to a heritage overlay and has the potential for moderate change that is respectful of the heritage qualities of the area.
- That the eastern end of Johnston Street is not subject to the same heritage values and has the potential for moderate change with a more contemporary character.
- The potential for an activity node and improved public realm, focussed on the area where the railway line crosses Johnston Street at Victoria Park Station, with the opportunity for a slightly higher built form in that location.
- Minimal change in the existing low rise residential areas surrounding the Hoddle Street and Johnston Street corridors.

Table 2: Strategic Framework Plan – JSLAP Figure 13



JSLAP includes objectives for land use, public spaces, access and movement, and built form. It divides the wider area into a number of built form precincts. For each precinct it provides a statement of future character, guidelines, principles, maximum building heights and setbacks.²⁰

It identifies Johnston Street as being within two general precincts, these are elaborated into 11 sub precincts in DDO15 (see Figure 6 on page 37 of this report).

JSLAP clearly sets out a hierarchy of 'maximum' heights, not just for precincts 1 and 2 (which are the subject of this Amendment), but for surrounding precincts including:

²⁰ Page 53

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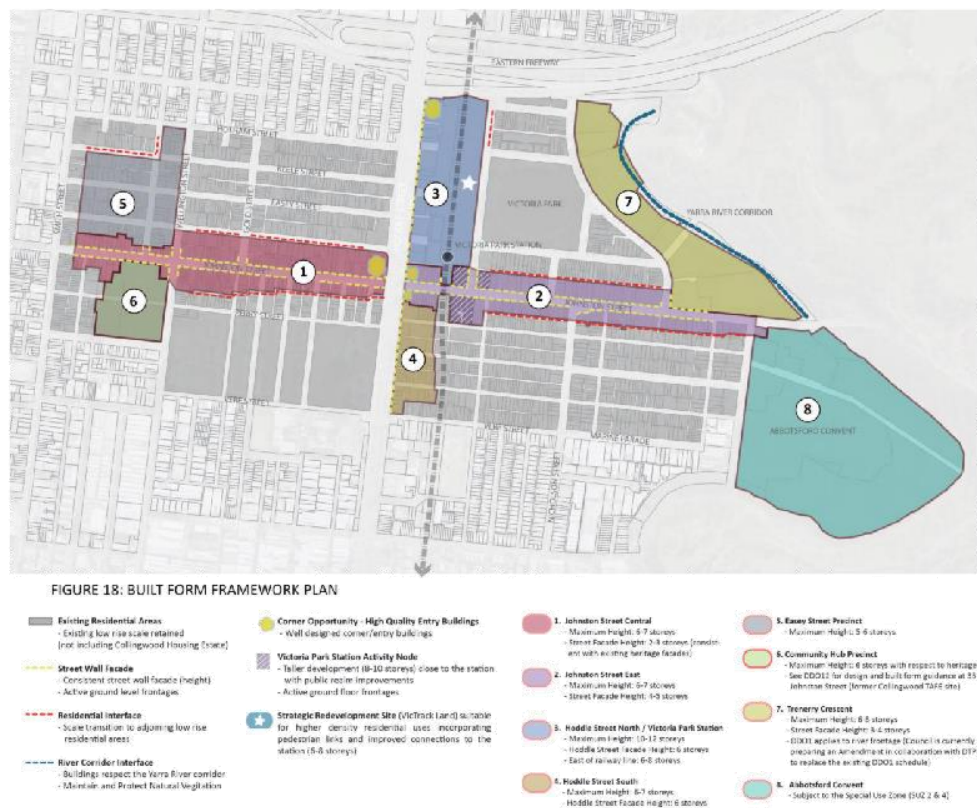
- Precinct 7 (Trenerry Crescent at 6–8 storeys)
- Precinct 4 (Hoddle Street South at 6–7 storeys)
- Precinct 3 (Hoddle Street North/Victoria Park Station at 10–12 storeys west of the railway line and 6–8 storeys east of the railway line).

Some submitters argued the inherent virtue of increased height to provide more housing or commercial floor space, provided it did not otherwise produce unacceptable impacts.

Council submitted²¹ that:

The hierarchy is supported by a sound strategic rationale. For example, the Hoddle Street/Victoria Park Station built form guidelines seek lower built form to the east of the railway to transition to lower built form at the interface with Lurie Street (which is a residential street incorporating heritage listed Victoria Park).

Figure 3: Built Form Framework Plan – JSLAP Figure 18



David Barnes gave evidence that:²²

The buildings guidelines, heights and setbacks are generally consistent with those identified in the *Built Form Analysis and Recommendations* background report.

When compared to the built form requirements and controls that are proposed to be included in DDO15, I am satisfied that the overall built form intent has carried through

²¹ Part C [26]

²² Paragraphs [43] to [45]

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from the background reports to the DDO. However, there are a number of subtle changes that have been made, as follows:

- Absolute heights and setbacks have been stated in the DDO, whereas the background reports referred to a range of heights and setbacks.
- Heights are expressed in metres rather than storeys.
- The Johnston Street corridor area has been divided into 11 sub precincts, rather than the two precincts referred to in the other report.
- Upper level setbacks above the street wall and about a rear boundary interface height have been expressed differently, by reference to a 45 degree building envelope.

Generally, JSLAP and the background reports prepared as part of the preparation of the plan, provide an appropriate level of detail and analysis to provide strategic justification for the Amendment.

De Luca Property Group criticised the strategic analysis behind the Amendment. Council made the following points in response to De Luca's written submissions:²³

- Council's experts did assess the Amendment against PPN60²⁴
- the Supporting Document (attachment 4 to the Council Agenda dated 31 October 2017) refers to the GJM advice ...
- the new PPN60 does bring about a change "*in substance*" for reasons the Council has already explained.
- Council did take the Panel to the *Pace Development Group* decision²⁵
- Council's experts have assessed where guidance is found on the same matters within the Scheme.

Mr Parsons and Mr de Keijzer were clear that they did not consider that the *Better Apartment Design Standards* dealt with building separation and equitable development sufficiently. Mr Barnes also assessed the existing policy provisions.²⁶

Council submitted:²⁷

The exercise that Mr O'Farrell went through by taking the Panel to the existing heritage policy and urban design policy demonstrated why it is so important for the DDO to deal with the matters it does. Mr O'Farrell undertook no substantive exercise of identifying where a particular requirement in the DDO15 was simply duplicating another control.

2.2 Is it appropriate to set a vision?

(i) The issue

Is it appropriate for Council to set a vision for the area?

(ii) Evidence and submissions

Council put forward a number of propositions, which Mr Biacsi fairly accepted:

- it is legitimate and appropriate for the Council to seek a preferred character, including preferred scale, for the Johnston Street activity centre

²³ Part C [65]

²⁴ see for example, Mr Barnes' evidence at [94]–[98] and Mr Parsons' evidence at [61] onwards

²⁵ See [67] of Council's Part B submission

²⁶ For example, at [57]–[63]

²⁷ Part C [65]

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- the suitability of any proposal should be judged by its responsiveness to that preferred character, including preferred scale
- that it was desirable to define that preferred character including by reference to the intended scale.

(iii) Discussion and conclusion

The Panel agrees that a legitimate role for planning authority is to set a vision for an area. But this vision cannot be set at a whim, or without strategic justification. In considering whether a vision is appropriate it is important to consider (at least) whether the vision is:

- capable of delivering a quality public environment
- capable of delivering quality private environments considering conventional amenity impacts such as overshadowing and visual bulk
- compatible with heritage (or natural) values
- neither an overdevelopment nor underdevelopment of the area in terms of local infrastructure capacity: on the one hand it can be serviced, and on the other it makes efficient use of infrastructure and location attributes and is economically viable
- appropriate given the metropolitan and local role expected of an area
- likely to be robust over time.

Planning Schemes in Victoria must seek to achieve the objectives of planning in Victoria as set out in Section 4(1) of the *Planning and Environment Act 1987*. These objectives include:

To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.

Clearly many different types of area deliver on this objective and Victorians enjoy a range of living environments from high-rise central city apartments, through mixed-use areas to leafy suburbs, and beyond into a range of regional options.

Not only should new areas deliver a quality public environment, but new development should also ensure that it does not undermine those elements of adjoining areas that deliver a quality environment to such an extent that particular impacts are unacceptable or that broader impacts negate the community benefit of the development to such an extent that a net community benefit is not achieved.

The fact that some sites in Johnston Street could support increased height and hence provide more housing or commercial floor space and do this without unacceptable conventional amenity impacts is only part of the consideration that needs to be made.

2.3 Is there policy support for the vision?

The Explanatory Report briefly discusses how the Amendment meets relevant policies. A strategic planning policy analysis was undertaken as part of the preparation of JSALP and summarised relevant policies that applied in 2015.²⁸

David Barnes gave evidence²⁹ that:

²⁸ (Johnston Street Local Area Plan Appendix A – Policy and Strategic Basis November 2015

²⁹ Barnes Evidence 53

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The review was undertaken prior to the latest release of *Plan Melbourne 2017–2050*. However, the policy review generally remains a sound analysis of State and local planning policy implications for Johnston Street.

(i) *Plan Melbourne* and State policy

When *Plan Melbourne* was first released in 2014 it showed Hoddle Street and the Collingwood industrial area as urban renewal areas. That is not now the case under *Plan Melbourne 2017–2050*.

Mr Barnes gave evidence³⁰ that despite this change there was in his view still a strong policy direction to:

- Concentrate investment and jobs in the Central City area.
- Deliver more housing close to jobs and transport.
- Recognise the importance of neighbourhood activity centres in supporting the significant growth anticipated in higher order metropolitan and major activity centres, especially where they have good access to public transport.
- Recognise the need for greater flexibility in planning controls in activity centres than in surrounding residential areas to facilitate growth.
- Recognise the need to prepare local plans in consultation with the community to identify the scope and nature of future growth within activity centres.
- Recognise the importance of neighbourhood activity centres to the 20 minute neighbourhood concept.

These policy directions from *Plan Melbourne* are generally embedded into the following sections of the State section of the Yarra Planning Scheme:

- 16.01–1S Integrated housing
- 16.01–1R Integrated housing – Metropolitan Melbourne
- 11.03–1S Activity Centres
- 11.03–1R Activity Centres – Metropolitan Melbourne
- 16.01–2S Location of residential development
- 16.01–2R Housing opportunity areas – Metropolitan Melbourne.

(ii) Local planning policies

Local planning policy in the City of Yarra is structured along the following themes:

- Land use (21.04)
- Built form (21.05)
- Transport (21.06)
- Environmental sustainability (21.07).

Clause 21.4–2 includes policies for activity centres. Policies seek to maintain the balance between the local convenience and the regional retail roles of Yarra’s activity centres. They also place emphasis on maintaining the business function of activity centres and ensuring that housing does not compromise that function.

The Strategic Framework Plan (Figure 9) identifies Johnston Street, extending from Nicholson Street in the west to the Yarra River in the east, as a Neighbourhood Activity Centre. It also identifies:

³⁰ Barnes Evidence 55

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- Major activity centres in the municipality as being Brunswick Street, Smith Street, Victoria Street, Bridge Road and Swan Street.
- The Easy Street precinct is identified as a Commercial and Industrial Area. Municipal wide urban design policies are contained in Clause 21.05–2. They include the following:
 - Retaining Yarra’s identity as a low rise urban form with pockets of higher development.
 - Development on strategic sites and within activity centres to be generally no more than 5 to 6 storeys unless demonstrated that a greater height can be accommodated.
 - Development outside activity centres and not on strategic redevelopment sites to reflect prevailing low-rise urban form.

The MSS provides policies for each ‘neighbourhood’ in the municipality (Clause 21.08). Johnston Street east of Smith Street is split between the neighbourhoods of Collingwood (west of Hoddle Street) and Abbotsford (east of Hoddle Street). Key neighbourhood policies relevant to the Abbotsford part of Johnston Street identify:

- Victoria Park Station and land along the east side of the railway line north of Johnston Street as a strategic redevelopment site.
- Residential land to the south of Johnston Street between the railway and the river as Inner Suburban Residential.
- Residential land to the south of Johnston Street between Smith Street and Hoddle Street as Urban Residential.
- Johnston Street East as a main road with the aim to maintain a hard urban edge and reflect the fine grain of subdivision in building design where it exists.
- Land to the north of Johnston Street along Sackville Street as ‘Non Residential’.

(iii) Discussion and conclusion

The Neighbourhood Activity Centre (NAC) status previously given to Johnston Street in the Yarra Planning Scheme meant that there was an expectation through State Planning Policy objectives that future growth in dwellings would occur in areas able to accommodate change (in terms of land use, built form and character). This has not changed under *Plan Melbourne* and higher density development is expected to be supported by local planning policies and local area plans.

The current C22 prevents the achievement of this policy. The critical issue is the balancing of housing supply against built form outcomes. In broad terms is it appropriate to designate the area for mid rise development. The precise parameters around that mid rise development is a matter for detailed consideration in Chapter 6.6.

The proposed controls follow a comprehensive built form analysis that:

- identifies the opportunities for change and explores alternative built form outcomes to accommodate that change
- includes an analysis of visual and amenity impacts, solar access, overshadowing impacts and any wind impacts
- identifies any significant physical features
- identifies and articulates how new development should address street frontages and relate to adjacent residential areas

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Johnston Street has several larger sites that can accommodate more intense development. The Amendment cannot be divorced from the wider JSLAP which identifies development opportunities across a wider area.

The Panel concludes:

- a mid rise scale of development is supported by policy in this area.

2.4 Are the implications of the vision understood?

(i) The issue

If a vision is effective it will, by way of more detailed controls, shape the outcomes in an area. It is important that the built form implications of the vision are properly understood.

(ii) Evidence and submissions

3D modelling has been prepared of the Precinct areas. Council explained³¹ the detail of the model as follows:

The basic detail of facades and roofs has been modelled to assist identification and provide the relevant context for the built form controls proposed. Approved permits were specifically modelled from the latest submitted or approved plans available Council. Several parties and experts have inspected the 3D modelling following the Panel directions hearing.

A fly-through and walk-through of the 3D model of both the exhibited and Council's Preferred Version of the Amendment was prepared by Ethos Urban and presented to the Panel. Submitters had an opportunity before the Hearing to view the model.

The Council maintained³² that the 3D modelling provided a substantial additional tool for analysis which supplements the earlier work of sections, perspectives and artist's impressions contained in JSLAP and the *Supporting Document* prepared as part of the Amendment documentation. It said that the model enables street level views which move through the street corridor gaining an appreciation of the maximum massing envelope enabled by the proposed controls.

Mr Sheppard, Mr de Keijzer and Mr Furness acknowledged the 3D modelling as a useful tool of analysis. In particular Mr Sheppard agreed that the virtue of a 3D computer model enables a more fulsome appreciation of the impact in the street than do sections and that the 3D model is the best tool to understand the recessiveness of built form.

The model also provides a 3D analysis of the effect of shadow, which Mr de Keijzer used to understand the shadow impact of a street wall that is higher than 18 metres on the buildings to the south of Johnston Street.

³¹ Council Part A [114]

³² Part C [16]

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Figure 4: Illustration of modelling



Source: Parsons Evidence Figure 8.8

(iii) Discussion and conclusions

The Panel accepts that 3D modelling has its limitations, but those limitations are well understood by experienced practitioners. The massing model cannot be compared with fully designed buildings, but it can be used to compare the relative impact of different metrics in the controls.

The 3D model was an important tool in understanding the impact of the controls and informed the views of most of the witnesses. The Panel commends Council for preparing the model.

The Panel agrees with Council that the modelling work confirms the importance of the 45 degree requirement in achieving visually recessive upper levels and the use of a 6 metre setback in preference to a 3 metre setback above the street wall east of Johnston Street.

2.5 Does the local policy capture the vision?

The Panel has reviewed the local policy at Clause 21.12 and concluded that it reflects the proposed vision.

Contemporary Arts Precinct requested a change in the policy to add the underlined words:

Foster and support education, arts and community based activities at 35 Johnston Street (Collingwood Arts Precinct) including through the protection of its outdoor space from any additional overshadowing.

The Panel does not support this change. Overshadowing is dealt with in DDO15 and does not need to be repeated in the policy

The Panel notes that with the inclusion of land west of the rail bridge in a Heritage Overlay it may make sense to shift the Precinct 1 boundary from Hoddle Street to the rail bridge.

The Panel suggests:

Consider realigning the Precinct 1 boundary to the rail bridge in the planning scheme documentation.

2.6 Is there strategic support for the proposed planning scheme provisions?

(i) Zones

Submitters generally supported the proposed rezoning of the land from C2Z to the C1Z for the following reasons:

- the current zoning is too restrictive

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- it will increase land use and development opportunities for both the site and broader Johnston Street area
- it will facilitate the rejuvenation and revitalisation of the area as envisaged by the Johnston Street Local Area Plan
- it will increase residential development that will help commercial uses in the street including, shops and restaurants and give a new feel to the area
- it will allow the first floor areas above shops to be utilised to provide much needed residences close to the CBD.

Submitter 26 commended Council for taking action to inject life into Johnston Street, which is underutilised given its proximity to the university and to the city.

Mr Barnes gave evidence that the existing pattern of commercial zonings in the Johnston Street area is largely derived from the *Yarra Business and Industrial Land Strategy 2012*. The Panel notes that the land currently in C2Z was placed in the then Business 3 Zone (B3Z) with the new format planning scheme; this zone had a purpose to:

To encourage the integrated development of offices and manufacturing industries and associated commercial and industrial uses.

Accommodation was prohibited in the B3Z apart from a caretaker's house. The B3Z was converted to the C2Z when the new commercial zones were introduced.

As part of the preparation of JSLAP, SGS Economics and Planning was engaged to review the economic trends and outlook for the Johnston Street area, to assist Council in making land use planning decisions in Precincts 1 and 2. The report recommended that all properties fronting Johnston Street that are in the C2Z be rezoned to C1Z.

The report concludes that rezoning existing C2Z land was the best way to encourage new investment and redevelopment, and to reactivate ground level uses along Johnston Street.

(ii) Overlays

The application of DDO to an activity centre is common practice. The Panel supports the use of this overlay. Chapter 7 identifies a number of drafting issues with the controls. These are more in the way of refinements and are not critical to the operation of DDO15.

The application of the EAO to land being rezoned to a zone that allows for residential development will ensure land contamination issues are considered. The Panel observes that the EAO is a blunt tool and will place requirements on even relatively minor development.

2.7 Overall conclusion and recommendations

For the reasons set out in the following chapters, the Panel concludes that the Amendment is supported by, and implements, the relevant sections of the PPF, and is consistent with the relevant Ministerial Directions and Practice Notes. The Amendment is well founded and strategically justified, and the Amendment should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

The Panel recommends:

Based on the reasons set out in this Report, the Panel recommends that Yarra Planning Scheme Amendment C220 be adopted as exhibited subject to:

- a) The changes proposed by Council when it referred the Amendment to the Panel (Document 1)

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- b) The Council officers' changes presented in Document 26**
- c) Changes to refine the drafting of Design and Development Overlay Schedule 15 generally as shown in Appendix D.**
- d) The further changes set out in this report.**

3 Is the extent of the Amendment appropriate?

3.1 Extending the controls

(i) The issue

A number of submitters asked for their land to be included in the Amendment or for the proposed rezoning to Commercial 2 to apply to more land.

(ii) General issues

Evidence and submissions

Council's primary position³³ was that the question of 'whether this land should be rezoned' is not a submission 'about the Amendment' and therefore is not a matter that is properly before the Panel.

Council explained that while all submissions were referred to the Panel out of an abundance of caution, the Panel still needs to turn its own mind to the question of whether each submission (or part of a submission) is 'about the Amendment'.

Council submitted that as the planning authority, it is the body responsible for determining whether to seek authorisation for a planning scheme amendment, and which land is included in any such amendment.

Council submitted that while landowners are often frustrated that a council will not progress amendments on their behalf, or include their land in an amendment, that is the nature of the system provided for in the Act.

In flagging the potential for further notice to contemplate further rezoning, the Panel drew Council's attention to Darebin C136 where further notice was given and further land included in that amendment. Council responded:³⁴

The present situation can be distinguished from the C136 Darebin panel for Saint Georges Road and Plenty Road. That panel report records the submissions of landowners and the planning authority that certain sites were "*clear anomalies*" for which strategic work had been undertaken to support rezoning but rezoning had not been progressed as part of the amendments before the panel. The planning authority indicated its support for the provision of further notice to relevant neighbouring properties in relation to the planning authority's willingness to rezone the sites to Mixed Use.

In addition to the reasons of principle, Council gave site specific reasons (discussed below) why it is not appropriate for the Panel to entertain the submissions about rezoning land outside the Amendment:

Discussion

The Panel heard submissions and evidence in relation to the proposed re-zonings. This was primarily on the basis of section 24 of the Act which states:

The panel must consider all submissions referred to it and give a reasonable opportunity to be heard to:

³³ Part C [67]

³⁴ Part C [110]

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(a) any person who has made a submission referred to it ...

Council referred the submissions “*out of an abundance of caution*” – the Panel heard them for the same reason.

The Panel agrees that as a general principle it not the role of a panel to go beyond the exhibited Amendment and ‘to stand in the shoes’ of the planning authority. However, the Panel is aware of other amendments (not in the City of Yarra) where the strategic work that underpins the amendment has not been applied in a consistent fashion, and essentially identical parcels of land have been treated differently for no explicit reason. In these cases the Panel thinks it may be appropriate for a panel to consider land that might not have been covered by the exhibited amendment.³⁵

But none of this is relevant here: for this Amendment Council has applied the strategic work consistently and the strategic work is well-founded. The Panel does support any further rezoning of private land as part of the Amendment

(iii) Site specific reasons why land should not be rezoned

For completeness the Panel records the site specific reason identified by Council that militate against an inclusion of specific sites in the C1Z. The Panel endorses these reasons.

73 Harmsworth Street

Submitter 27 requested 73 Harmsworth Street to be rezoned from the General Residential Zone to the Commercial 1 Zone.

Council responded that the property sits outside of the area subject to the Amendment. The JSLAP seeks to protect the low-scale residential areas north and south of Johnston Street.

Land with Sackville Street frontages

AA Holdings, 40 Johnston Street and 35–37 Sackville Street, requested the following:

- amend the Precinct 1 boundary to include all of Sackville Street
- rezone Sackville Street to C1Z so that development in the area can be maximised
- undertake an assessment of ownership on all properties within Precinct 1.

At the Hearing AA Holdings acknowledged its submission calling for rezoning of the Sackville Street property was “*beyond the scope of the Panel hearing*”. The Council agreed.

Submitter 16 supported rezoning 8–10 Johnston Street to C1Z and sought to also rezone sites to the rear (north) of the site, fronting Sackville Street, to C1Z for the following reasons:

- there is no planning reason why the southern side of Sackville is not included as part of the proposed changes as the immediate interface to the north are non-sensitive commercial properties
- there is also no strategic basis for splitting the block with an artificial mid-block
- current rezoning proposal does not encourage future consolidation of land for improved planning outcomes and more comprehensive developments options.

The JSLAP adopted this rationale as the basis for the rezoning of Johnston Street in order to activate the activity centre whilst retaining the commercial precinct to the north.

³⁵ This might involve further notice

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Council submitted that the Easey Street Precinct functions as a viable commercial precinct and the activities occurring along Johnston Street are considered separate to that activity. It is logical to retain as much of the economic component of this precinct as possible.

The rationale for the boundary between Precinct 1 and Precinct 5 within the JSLAP can be found³⁶ in Yarra's *Business and Industrial Land Strategy*, where it states:

The interface ... may involve conflicts between future housing and industry. The future zone/precinct boundary should be the property boundaries midway between Sackville and Johnston Streets rather than Sackville Street.

This logic was also expressed in the *Yarra Industrial and Business Land Strategy Review* (2004) which stated:

Between Smith Street and Wellington Street a more extensive concentration of business uses exist to the north of Johnston Street, extending through to Keele Street. It is not the intention to introduce the opportunity for residential uses into this precinct.

Accordingly between Smith Street and Wellington Street, any rezoning to Business 1 should only apply to properties fronting Johnston Street, and should not extend through to Sackville Street.

329 Johnston Street, 236 Nicholson Street and 37 Hunter Street

Pelican Capital supported the rezoning of 329 Johnston Street to the C1Z and also sought for 236 Nicholson Street and 37 Hunter Street to be rezoned from General Residential Zone (GRZ) to C1Z for the following reasons:

- all of the above sites are within single ownership
- if rezoned, the whole landholding can be efficiently redeveloped (appropriate to the role and function of the activity centre) and will become available for a wide range of uses in accordance with provisions of the zone.

The Council did not support rezoning the land at 236 Nicholson Street and 37 Hunter Street from GRZ to C1Z on the basis that:

- no strategic work has been undertaken by the Council to support such a rezoning
- the happenstance of common ownership of these parcels with 329 Nicholson Street is not a strategic reason
- Pelican Capital bought land in two zones:
 - it applied for and secured a permit for land in two zones
 - it has at all times been fully informed of the zone conditions
 - the attempt to rezone the residential land is entirely opportunistic
- Pelican Capital secured a permit in February 2018 but it has not submitted plans for endorsement – in the context of the rezoning of 329 Nicholson Street to C1Z, there is a real question whether it will pursue development of the land in accordance with the permit.

Council noted that the permit application was hotly contested: the decision records that the Council would have refused the application, and that residents actively participated in the Tribunal hearing, including by calling expert evidence. A number of these residents have lodged submissions to the Amendment relating to the Pelican Capital land.

³⁶ Page 29.

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436–438 Johnston Street

Shakespeare Property Group sought to include 436–438 Johnston Street in the proposed rezoning from C2Z to C1Z for the following reasons:

- the site's major frontage presentation is to Johnston Street
- the site has been redeveloped for the purposes of an office building therefore the economic vitality of the activity centre is assured without needing the limitations of the C2Z to control land use
- all properties in Trenerry Crescent have, or are in the process of being rezoned to the C1Z
- maintaining the eastern properties within the C2Z does not reflect:
 - the evolution of the Johnston Street area
 - nor the Council's strategic planning for this centre, which is otherwise providing for the rezoning of all other surrounding commercial land to the Commercial 1 Zone.

The JSLAP identifies the site as sitting within Precinct 7: the Trenerry Crescent Precinct³⁷. The JSLAP notes that the sites located to the east of Trenerry Crescent on the northern side of Johnston Street are well utilised in terms of commercial uses and should remain as C2Z to maintain their commercial and employment focus.³⁸

Council submitted³⁹ that as is often the case with 'edge of precinct' sites, a judgment needs to be made about where to draw the boundary, and that it had made a strategic decision that this site fits within the Trenerry Crescent precinct, as reflected in the JSLAP. That designation is logical and accords with the Planisphere report of 2003.

Mr Barnes' evidence (under cross examination) was that the built form for this site needed to respond to the Significant Landscape Overlay (SLO), and that if there is to be a DDO that applies to the site, it should not be DDO15 but rather a DDO that 'ties in with' the SLO.

The SLO (schedule 1) was not referred to in Mr Twite's evidence and Mr Twite's evidence says⁴⁰ that the only built form controls over the site are those in the C2Z and cl 22.10, which is incorrect if SLO is taken as built form control.

3.2 VicRoads land on the northwest corner of Johnston Street and Hoddle Street

(i) The issues

During the Hearing it became clear that it was not certain whether land forming part of the road reserve on the corner of Johnston Street and Hoddle Street was capable of development. This has implications as to whether the adjoining Aheron land is on a corner or not.

³⁷ Page 52

³⁸ Page 17

³⁹ Part C [75]

⁴⁰ at [152]

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(ii) What land is affected?

VicRoads advised that the land comprises seven separate parcels (Figure 5 and Table 3), two of which are owned by CitiPower and occupied by an active substation. It is noted that parcel 22A (also known as 165 Sackville Street) was sold by VicRoads in 2017 and is currently owned by Aheron.

Figure 5: Affected VicRoads land

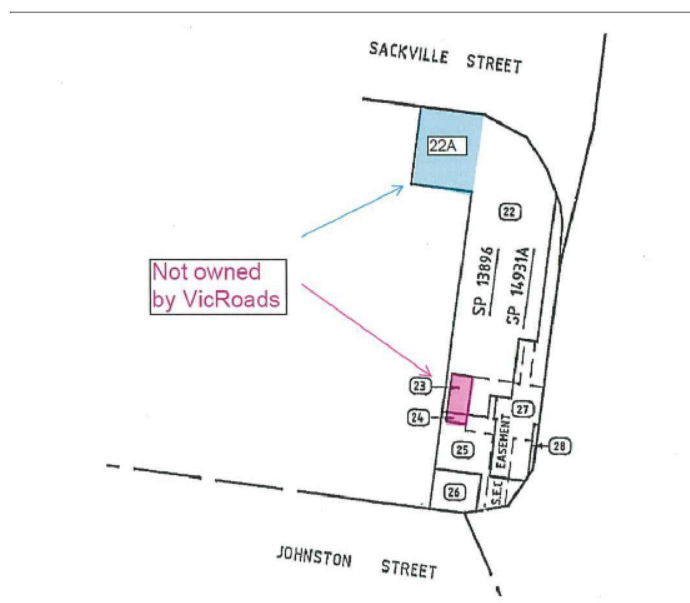


Table 3: Land ownership details of land in Figure 5

Street No	Land Owner	Certificate of Title	Size
22	Roads Corporation	C/T 11096/789	—
23	CitiPower Ltd	C/T 9533/836	22 sqm
24	CitiPower Ltd	C/T 9533/837	
25	Roads Corporation	C/T 8354/704	99 sqm
26	Roads Corporation	C/T 0354/688	43 sqm
27	Roads Corporation	C/T 8260/997	150 sqm
28	Roads Corporation	C/T 8410/601	3 sqm
22A	Aheron Investments Pty Ltd	C/T 11096/787	—

Source: VicRoads advice

(iii) Evidence and submissions

Submissions from VicRoads were sought after the close of the Hearing. VicRoads advice involved several letters and settled as:⁴¹

⁴¹ 21 November 2018

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It is recognised that 'the land' is currently commercially zoned (CZ2) and is affected by various overlays including Design and Development Overlays (DDO2, DDO15) and Environmental Audit Overlay despite being a declared arterial road by the Roads Corporation.

Further investigation of various titles and surveys indicates that the remaining area owned by VicRoads ... is a declared arterial road under the Road Management Act 2004.⁴² ...

VicRoads regional metropolitan north west office has not identified this land as surplus, despite acknowledging Council did approach VicRoads Commercial Enterprises department in mid-September 2018 to enquire whether the land could potentially be identified as surplus. To date no further investigation has been undertaken by VicRoads to dispose of this land in the medium to long term.

VicRoads in consultation with Transport for Victoria seek to retain this land for future public transport connectivity including pedestrian and cycling upgrades ...

Having regard to the above, VicRoads in consultation with Transport for Victoria, CitiPower Pty and Powercor Australia Ltd requested the anomalies in the planning scheme map be corrected to:

- show the relevant parcels of land as a Road Zone Category 1
- correctly identify CitiPower's land as a Public Use Zone 1 or Public Use Zone 7.

VicRoads also noted that the title alignment in the southeast corner of 222A Johnston Street, Collingwood where it intersects with Hoddle Street incorrectly incorporates VicRoads parcels 25 (in part) and 26. This anomaly should be corrected on all relevant maps numbered Map 6 (affecting C1Z, DDO, EAO) to reflect Road Zone Category 1 and Public Use for CitiPower's land.

After reviewing correspondence from VicRoads, Council advised⁴³ that it had revised its position in its Part C submission, which recommended that the land on the corner of Hoddle Street and Johnston Street should be included within a sub precinct and therefore subject to specific built form controls.

Council agreed with the December submission of VicRoads which requests that the VicRoads land:

- be shown as Road Zone, Category 1 on the Yarra Planning Scheme maps
- that DDO15 be removed.

Council considered that the CitiPower land should be zoned Public Use Zone (PUZ1 – Service & Utility) to recognise the public land use for public utility and community services and facilities. Council advised that this anomaly could be addressed by Council after receiving the Panel's report to enable appropriate consultation with CitiPower.

(iv) Discussion

The Panel notes the *Ministerial Direction – The Form and Content of Planning Schemes* states:

22. A road which is declared as a freeway or an arterial road under the Road Management Act 2004 must be shown as a Road Zone – Category 1 on the planning scheme maps.

⁴² The notice/declaration was published in the Victorian Government Gazette on 26 January 1995. Hoddle Street is a State Highway pursuant to the Transport Act 1983 and is treated as a declared arterial road under Schedule 9(1) (2) of the Road Management Act 2004.

⁴³ Letter of 12 December 2018.

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The planning scheme does not currently conform with the Ministerial Direction in relation to VicRoads land. The Panel understands that the CitiPower site could remain in a commercial zone, but agrees with submissions that the Public Use Zone is preferable to reduce planning uncertainty in an area with a complex cadastre, provided the Public Use Zone can be applied to CitiPower land.⁴⁴

The Panel accepts that this rezoning was not exhibited as part of the Amendment but thinks it would be efficient for it to be dealt with as part of this Amendment.

(v) Recommendations

The Panel recommends:

Rezone the VicRoads land on the northwest corner of Johnston Street and Hoddle Street, Collingwood to Road Zone Category 1 and delete Design and Development Overlay Schedule 15.

Rezone the CitiPower land near the northwest corner of Johnston Street and Hoddle Street, Collingwood to Public Use Zone (PUZ1) if compliant with the Ministerial Direction – *The Form and Content of Planning Schemes* and delete Design and Development Overlay Schedule 15.

3.3 The Heritage Overlay

3.3.1 Objection to introduction of Heritage Overlay

(i) The issue

The inclusion of properties east of Hoddle Street to the railway bridge was recommended in a report prepared by Context (expert heritage consultants).

One submission objected to the introduction of a new Heritage Overlay (HO505) east of Hoddle Street to the railway bridge due to the impact on the development potential of their property.

(ii) What the Amendment provides?

The Amendment applies a new Heritage Overlay precinct (HO505) 'Johnston Street East' to the properties at 219–241 Johnston Street, and 246–274 Johnston Street, Abbotsford (on a permanent basis).

(iii) Evidence and submissions

Submitter 4 stated that 272 Johnston Street is the one of the owner's main sources of income (rental income) and strongly opposed the application of the Heritage Overlay for the following reasons:

- it would devalue the property, as its use will be limited
- the owner will gain nothing in return for the place's inclusion in the overlay

⁴⁴ The Ministerial Direction – The Form and Content of Planning Schemes states:

19. A planning scheme may only include land in a Public Use Zone ... if the land is Crown land, or is owned by, vested in or controlled by a Minister, government department, public authority or municipal council.

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- buildings in the Heritage Overlay are dilapidated and the owners should be encouraged to extend, renovate or demolish and rebuild without needing to seek a planning permit
- facades of the buildings have no consistency or theme and are nothing special and as such, they should not be preserved.

Submitter 8, sub precinct 2A, 248 Johnston Street, supported the intent of the Amendment to preserve the Victorian and Edwardian era heritage of Johnston Street.

Submitter 8 requested the following changes to the Amendment, to ensure that the structural integrity of the heritage buildings is maintained:

- reduce the preferred maximum building height for sub precinct 2A [21 metres (with basement car parking)]
- update the Amendment to prevent disturbance of sub-soils in sub precinct 2A, possibly making alternative options available for the provision of car parking to minimise the potential for disruptive excavation works.

The submission also requested that, if the above were unachievable, Council should not apply the HO to sub precinct 2A.

Council responded that the Amendment and DDO do not require that proposals provide basement car parking. The impact of any proposed car parking on the heritage place would be considered against the provisions of the HO and Clause 22.02. Entries from Johnston Street are strongly discouraged and would generally be unachievable for heritage frontages.

(iv) Discussion

The heritage qualities have been assessed by Context (heritage consultants) and found to comprise a number of contributory buildings that warrant application of a precinct overlay, in addition to the overlays recently applied to individually significant buildings in this section of Johnston Street.

The background report (*Heritage Gap Study: Review of Johnston Street East*, May 2016) by Context assessed the buildings between Hoddle Street and the railway bridge and supported the proposed Heritage Overlay.

The Panel supports the application of the HO. This section of the street is similar to the street west of Hoddle Street. The Panel accepts that this section of the street contains a number of contributory buildings.

The Panel notes that 270 Johnston Street has been demolished in the absence of a Heritage overlay and an older permit application has allowed demolition.

(v) Recommendation

The Panel recommends:

Re-classify 270 Johnston Street, Abbotsford as 'Not Contributory'.

3.3.2 Road reserves

VicRoads objects to the requirement for planning permits for routine works and maintenance to the road reserve of Johnston Street.

As exhibited the Amendment applied to road reserves.

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VicRoads requested the following changes to the Amendment:

- alter the alignment of the HO and DDO15 so they no longer apply to the arterial road reserve with the exception of the Railway Bridge which has identified heritage significance
- modify the provisions, overlay or schedules to provide planning permit exemptions for:
 - crossovers
 - roadworks other than traffic signals or signs
 - bicycle paths and trails
 - maintenance, which changes the appearance of the heritage place or uses different materials to the existing conditions.

Council noted the submission from VicRoads and proposed as part of its post exhibition changes to amend the HO and DDO maps to exclude the road reserve.

Excluding the road reserve from the HO will exclude any private works in the road reserve, such as a veranda from the HO. Other overlays in Yarra seem to apply the HO to the road reserve but not the DDO.

(i) Recommendation

The Panel recommends:

Retain the Heritage Overlay on road reserves.

4 Are mandatory controls justified?

4.1 The issue

The most significant theme in submissions was an objection to the inclusion of mandatory requirements in DDO15, particularly mandatory maximum overall building height and minimum upper level setback requirement requirements.

Council has sought to pursue community aspirations for certainty, while managing opposition to mandatory controls, by targeting mandatory controls to the following specific locations:

- in locations of intact heritage streetscape
- in locations with a sensitive interface with low scale residential properties where taller form could have adverse visual bulk and overshadowing impacts.

The issue is whether mandatory controls are justified.

4.2 What is proposed as mandatory and why?

(i) Evidence and submissions

Council's submission, which it said⁴⁵ was supported overwhelmingly by its experts appearing before the Panel, was that the following controls ought to be mandatory:

- the street wall height
- the setback above the street wall to the west of the rail bridge
- building heights in precincts with sensitive interfaces
- residential interface street wall heights.

Submissions requested that some or all of the mandatory controls be removed and replaced with discretionary controls. Submitters provided a range of reasons in support of their objection to the mandatory controls as follows:

- the lack of exceptional circumstances to justify use of mandatory controls
- the need for mandatory controls has not been demonstrated as necessary to prevent unacceptable built form outcomes
- mandatory controls do not allow contextual design opportunities that respond to policy
- mandatory controls do not allow sufficient design flexibility to ensure optimum development outcomes can be achieved
- mandatory controls are too inflexible and do not recognise differences in site context, design response and land use requirements.

M and C Jack submitted:⁴⁶

We advocate 'preferred' building criteria, in each instance, over 'mandatory' maximum criteria. This is consistent with the thrust of the VPP and planning schemes which are predominantly performance based.

De Luca Property Group, 196–202 Johnston Street, made an extensive submission at the Hearing on mandatory controls.⁴⁷ The site is subject to only three mandatory controls:

⁴⁵ Part B [76]

⁴⁶ [9]

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- street wall
- setback above the street wall
- solar access.

200 Johnston Street contains the Austral Theatre, an individually significant heritage building. 196 Johnston Street is an office building. Both sites are in precinct 1AA, extending through to Sackville Street.

The sites will be affected by the mandatory solar access control and the mandatory setback above the street wall control on Johnston Street. The site at 196 Johnston Street is also subject to the mandatory maximum 11 metres street wall and the further discretionary requirement to match its street wall height with the height of the retained heritage building for a length of 6 metres.

Otherwise, the sites are subject to discretionary controls, including a discretionary preferred height of 28 metres (8 storeys), a discretionary 11 metre street wall height on Sackville Street, a discretionary 6 metre setback above the street wall for Sackville Street and a discretionary 45 degree envelope control on both Johnston and Sackville Streets.

Council submitted⁴⁸ that a number of submissions “miss ... the important point that the Council has been very selective in its application of mandatory controls”.

In seeking to establish the preferred character, including in relation to scale, the Council applied mandatory maximum heights in precincts with a residential interface. Council submitted:⁴⁹

- The need to mitigate development pressure was recognised as an exceptional circumstance by each of Melbourne C240, Melbourne C245 and Melbourne C270 panels.
- Both Melbourne C245 and Melbourne C270 panels found that the need to address sustained development pressure in the inner city and its consequential adverse amenity impacts (including inequitable development, increased overshadowing, and pressure on available infrastructure) gave rise to exceptional circumstances.

The Melbourne C240 panel stated:⁵⁰

With regard to the question ‘Are mandatory controls necessary?’, perhaps they have not been so in the past, as was asserted by Mr Pitt, Mr Jackson and others, but as development pressures mount, mandatory controls will set clear parameters around acceptable development outcomes. In this respect, the Panel is mindful that the initial redevelopment proposal for the Palace Theatre site was for a 99 metre building – many times higher than the 15 metre discretionary control. The Panel agrees with the National Trust submission that it is appropriate that a pro-active approach be taken to managing change in this precinct rather than leaving it to ‘after the horse has bolted’.

Council submitted⁵¹ that It is manifestly clear that there will be sustained pressure to exceed the preferred heights in the Johnston Street NAC. The analysis of the VCAT cases, as well as the submissions made by property owners to this Panel only affirm that proposition.

⁴⁷ [6]–[14] of a 20 page submission

⁴⁸ Part C [61]

⁴⁹ Part C [27] onwards

⁵⁰ Page 97

⁵¹ Part C [30]

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Council had concerns about ‘creep’ which it said⁵² were well-founded. It gave the example of Mr Biacsi’s answers to questions about the cluster of towers around Spencer Street in West Melbourne which are significantly in excess of the 40 metre preferred height of the DDO, being upwards of 60 metres in most cases, and as high as 130 metres at 420 Spencer Street.⁵³

Notably in *Yarrabank Developments Pty Ltd v Melbourne CC* [2017] VCAT 888, the Tribunal stated:⁵⁴

The applicant says that the combination of strategic support for more intensive development, and the presence of existing and approved buildings that are at least twice DDO33’s preferred maximum height suggest that this 69 metre high building is acceptable. They rely on the discretionary nature of DDO33’s requirements, submitting that these allow greater heights and lesser setbacks based on an assessment of a proposal’s merits.

...

Mr Biacsi shares this view. He says that it is a logical response given the existing and approved heights of nearby buildings, and says that these approvals show a tolerance for variations in height.

...

With regard to the proposed development’s height, we are persuaded that the existing and approved heights of nearby buildings show the tolerance for variations in height that Mr Biacsi describes. We acknowledge Ms Hodyl’s massing studies and agree that buildings of 40–50 metres in height have a different visual impact than those of 70 metres, yet we are not persuaded that the proposed development’s height offends DDO33’s design objectives. Rather, we accept that it will be viewed as part of a ‘field’ of higher buildings on this part of Spencer Street as the applicant suggests.

(ii) Planning Practice Note 60: Height and setback controls for activity centres

The ongoing debate about discretionary or mandatory control has sparked the production of a number of practice notes. However, the situation in relation to the Amendment changed with the Minister for Planning’s conditional authorisation of the Amendment which invited consideration of some mandatory controls.

The pilot project *Better Height Controls in Activity Centres* was completed in 2017 (see Chapter 1.2) and a number of relevant planning practice notes have been modified.

PPN60 has expanded the criteria and discussion on when mandatory building height controls can be considered in activity centres.⁵⁵

The 2015 version of PPN60 said:

Mandatory height and setback controls ... will only be considered in exceptional circumstances.

...

Even where exceptional circumstances are identified, mandatory height and setback controls should only be applied where they are absolutely necessary.

⁵² Part C [31]

⁵³ See eg *Melbourne CC v Minister for Planning* [2015] VCAT 412 which concerned 371 Spencer Street and *Yarrabank Developments Pty Ltd v Melbourne CC* [2017] VCAT 888 which concerned 405 Spencer Street.

⁵⁴ At [103], [106] and [108]:

⁵⁵ (<https://www.planning.vic.gov.au/policy-and-strategy/activity-centres/height-controls>)

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An additional justification for controls based on ‘comprehensive strategic work’ has been added and PPN60 now reads:

Mandatory height or setback controls should only be applied where:

- [Either: ⁵⁶]
 - Exceptional circumstances exist; or
 - council has undertaken comprehensive strategic work and is able to demonstrate that mandatory controls are appropriate in the context, and
- they are absolutely necessary to achieve the preferred built form outcomes and it can be demonstrated that exceeding these development parameters would result in unacceptable built form outcomes.

In relation to exceptional circumstances PPN60 states:

Exceptional circumstances may be identified for individual locations or specific and confined precincts, and might include:

... significant heritage places where other controls are demonstrated to be inadequate to protect unique heritage values.

Mr Barnes gave evidence that:⁵⁷

Council has undertaken comprehensive strategic work in responding to land use and built form issues along the Johnston Street corridor. From a planning perspective, I believe that mandatory controls are likely to be necessary to achieve preferred built form outcomes in two key situations:

- Sensitive heritage areas.
- Sensitive lower rise residential areas adjoining precincts within activity centres, especially where those precincts expected to experience a significantly different and higher built form.

Such situations are common place along Johnston Street, given the heritage qualities of the street and the narrow depth of the commercially zoned strip along each side of the street, and its abuttal to residential areas in many places.

Examples of more specific situations in which I believe merit exists to consider mandatory height or setback controls in activity centres include the following:

- Direct abuttal to properties in a residential zone – In most situations where the proposed height difference is considerable.
- Abuttal to a residential laneway – In some situations where the proposed height difference is considerable.
- Abuttal to a residential street – On few occasions, depending on the streetscape qualities of the street to be maintained or promoted.
- In heritage areas – In situations where redevelopment is likely to occur above and behind the heritage façades and the heritage streetscape is a valued element.
- Adjacent to public places, parks, facilities etc.

Mr Biacsi was extremely reluctant to accept the role of mandatory controls in activity centres except in very limited circumstances (for example, where there is a specific strategic direction to that effect in Plan Melbourne. Council pointed out⁵⁸ that this runs counter to

⁵⁶ The Panel has added the ‘either’ to make it clear that the intention is:
(exceptional circumstances **OR** comprehensive work) **AND** (absolutely necessary)
and not:
(exceptional circumstances) **OR** (comprehensive work **AND** absolutely necessary)
This interpretation is consistent with other language in PPN60 and the earlier version of the PPN.

⁵⁷ Barnes [100] onwards

⁵⁸ Part C [33]

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the approach envisaged by PPN60 which, the Panel observed in the Hearing, is directed explicitly and specifically to activity centres.

(iii) Relationship between mandatory controls and good architecture

Concerns were expressed that mandatory built form controls would restrict site responsive design.

Council adopted⁵⁹ the evidence of Mr de Keijzer, namely that it is part of an architect's skill to work within the constraint of the controls that they are given, and that where mandatory controls are necessary, they do not affect quality.

Mr de Keijzer's evidence is consistent with the observations of the Melbourne C240 panel:

So far as the argument that mandatory height controls inappropriately restrict site responsive design is concerned, it is acknowledged that site responsive design is a desirable approach to development and one which is complementary to performance based decision making such as underpins the VPP. Site responsive design should be fostered wherever possible. The Panel considers, however, that where an absolute height is strategically justified and is applied, that height limit is capable of being viewed as another site constraint to be taken into account by a designer.⁶⁰

The Panel notes that similar concerns about stifling the creativity of designers were expressed by submitters to the Melbourne C270 panel. In its Report, that panel recorded:

While some submitters ... and witnesses ... supported discretionary controls on the basis that they would enable more site responsive and creative designs by architects, other designers indicated that they could work within set built form controls. Indeed, the Australian Institute of Architects ... supported defined mandatory limits on the basis that it would assist a designer in persuading a client not to overdevelop a site. Professor Rob Adams in his evidence for the Minister expressed the opinion under cross examination that mandatory controls would not stifle architectural creativity. Rather, he said, *"most creative architecture comes from the most constrained environments"*.⁶¹

De Luca Property Group devoted much their submission to an appeal to the talent of designers and planners to deliver good planning outcomes without the unnecessary fetter of prescriptive planning controls and an inference that the Council doubted these talents.

The Council submitted⁶² that it has faith:

... in the ability of designers and planners to conceive of high quality projects which fit within the proposed mandatory controls and realise the outcomes sought for Johnston Street.

4.3 Discussion

All submitters had ample opportunity to demonstrate how the proposed controls would prevent or frustrate quality design or reasonable development opportunities on their sites. The Panel agrees with Council⁶³ that *"None has done so"*.

⁵⁹ Part C [12]

⁶⁰ Melbourne C270 panel report, 1 June 2015, page 98

⁶¹ Melbourne C270 panel report, 26 October 2016, page 78

⁶² Part C [66]

⁶³ Part C [15]

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The purpose for applying DDO15 to this part of Johnston Street is to provide greater certainty in the face of current and future development pressure and to ensure appropriate built form outcomes for both heritage and non-heritage parts of the street.

The Panel acknowledges that there is an expectation from sections of the community for greater certainty in the Scheme regarding future development outcomes, particularly in Council's heritage rich activity centres. Mandatory controls offer an opportunity to provide that certainty, provided the controls are justified. Justification requires:

- comprehensive strategic work or exceptional circumstance
- a judgement that the controls are 'absolutely necessary'.

DDO15 is underpinned by comprehensive strategic work that meets the requirements of PPN60. In particular this work:

- Is consistent with state and regional policy – DDO15 proposes a preferred future character for Johnston Street that aligns with the aspirations of *Plan Melbourne* and state policies.
- Is current and takes account of recent trends and approvals, and has been subject to a program of public consultation.
- Provides capacity to accommodate growth within Johnston Street consistent with:
 - the role of Johnston Street in the broader activity centre network for Yarra
 - the location of the centre and its access to services, such as public transport
 - potential for redevelopment having regard to urban form, lot sizes and topography
 - key sites that can accommodate more intense development when compared with the remainder of the activity centre.

The Panel is satisfied that the controls are appropriate considering the housing needs of Yarra and the economic development of the street.

The Panel shares Council's faith in the ability of designers to conceive of high quality projects that fit within the proposed mandatory controls. Clearly mandatory controls will affect the amount of development that can be included on a site, but within those limits they do not constrain the creativity of the designer.

The Panel also considers that Johnston Street is exceptional in a metropolitan context. While typical in many ways of strip commercial development associated with Melbourne's cable car and tramway network, Johnston Street did not develop at the same intensity as other inner urban commercial strips. This makes the street more susceptible to development undermining its heritage character.

Chapter 6 considers specific mandatory controls for street wall height, setback and solar protection are necessary as part of the discussion on those elements of DDO15.

4.4 Conclusions

The Panel concludes:

- sufficient strategic work has been carried out for Johnston Street to support mandatory controls in DDO15 provided the specific controls are 'absolutely necessary'.

As discussed in Chapter 1.1 the version of DDO15 tendered at the Hearing (Document 26) reassigned the precinct labels so that a reference to '2C' in this version of the controls refers to a different precinct than the precinct labelled '2C' in the exhibited version. The Panel has adopted the revised precinct references in this report, but has inserted an 'r'. Figure 6 shows the revised labels (but without the inserted 'r')

The top map shows the area around Smith Street, Wellington Street, Gold Street, Sackville Street, Johnston Street, Campbell Street, Perry Street, and Harmsworth Street. The proposed BRT stations are highlighted in red circles: 1AAA (red) and 1AA (green).

The bottom map shows the area around Hoodie Street, Victoria Station, Turner Street, Johnston Street, Stafford Street, Valiant Street, and Claire Street. The proposed BRT stations are highlighted in red circles: 2B (orange), 2C (purple), and 2E (green).

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5.2 Mapping the sub precincts

DDO15 presents the sub precinct boundaries as part of the DDO schedule. The Panel thinks it would be better if the sub precincts were recorded on the planning scheme overlay maps. This is a feature of many DDOs across Melbourne and makes it more certain as to which sub precinct applies.

In applying sub precincts there is no need to use 1A, 1AA and 1AAA, these can be given single letter codes.

The Panel recommends:

Use the overlay map in the planning scheme to identify sub precinct boundaries

5.3 Aheron Investments – 220, 222 and 222A Johnston Street and 153–155 and 165 Sackville Street

(i) Evidence and submissions

Aheron initially requested that its whole landholding be contained within a single sub precinct rather than a mix of Sub precincts (1A, 1AA and 1B) to facilitate a coherent and comprehensive built form outcome for the area and avoid a compromised design response.

Council responded to this initial submission by acknowledging that the consolidation of a number of various sized parcels makes up a significant redevelopment opportunity for the corner of Johnston, Sackville and Hoddle Streets. The site was designated as sub precinct 1AA in the post exhibition version, with a preferred height limit of 8 storeys.

At the Hearing Aheron submitted that it supports the strategic intent of the Amendment and the implementation of the vision outlined in JSLAP. It considered the proposed rezoning to C1Z to be strategically sound. The application of the EAO as a consequence of its rezoning to a zone which contemplates sensitive uses (such as residential) and was not contested.

In relation to the management of built form change, it acknowledged that JSLAP was based on a comprehensive analysis of the existing context and how this could be evolved into a higher density precinct.

As part of this work, JSLAP identified⁶⁴ the importance and role of 'entry buildings' at the corner of Hoddle Street and Johnston Street, as well as the need for a high quality entry building on Aheron's land.⁶⁵

The key issue was that in the subsequent translation of JSLAP into DDO15, the recognition of the Aheron land as an identified entry and gateway site had been eroded.

The built form controls proposed as part of the Amendment, both in the exhibited version and Council's subsequent 'preferred version' – see Figure 7 – have a strong focus on matters of street wall height and upper level setbacks along Johnston Street as well as Sackville Street to the north. However, they have little to say about how a building form should be resolved on an important corner to a major arterial road.

⁶⁴ In JSLAP Appendix B

⁶⁵ JSLAP Built Form Framework Plan, page 52

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It was submitted that, further refinements are required to the DDO15 provisions to provide greater design flexibility for a building on this site to fulfil its role in defining an important corner and entry point to Johnston Street and allow for development to address the entry to the western section of Johnston Street from Hoddle Street.

The Aheron submission – see Figure 8 – sought:

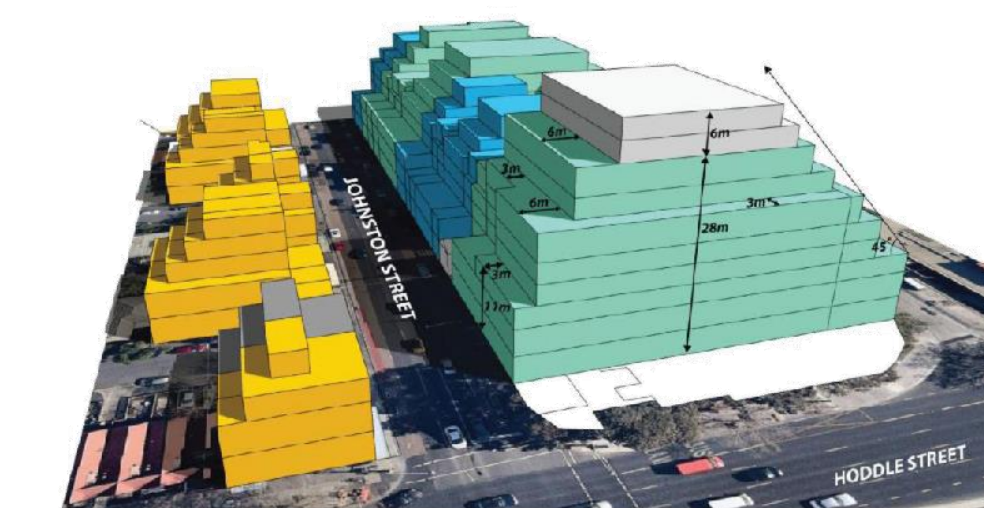
- a stand-alone precinct
- an exemption from the (discretionary) 45 degree envelope
- discretion to allow the 6 metre setback above the street wall to reduce at the eastern end
- a greater preferred height (34 metres rather than 28 metres)
- to enable the site's 'gateway role' to be recognised.

Figure 7: Council Part B version preferred envelope



Source: Extract of Aheron submission

Figure 8: Aheron preferred envelope



Source: Extract of Aheron submission

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At the Hearing it was not clear whether the site was in fact on the corner of Hoddle Street, with Council submitting⁶⁶ that the site is near the corner of Johnston, Hoddle and Sackville Streets:

The site is not strictly on the corner of Hoddle and Johnston Streets. There is a parcel of land, owned by VicRoads, that is approximately 20 metre wide, and is therefore potentially separately developable.

The post Hearing submissions confirmed that the VicRoads land is road reserve and will need to be placed in the Road Zone Category 1 (see Chapter 3.2)

Council's position⁶⁷ was to generally accept the submissions of Aheron, with a few qualifications.

Council officers suggested⁶⁸ that the Aheron land ought to be placed into a new sub precinct 1E, with the following built form controls applying:

- mandatory 11 metre street wall on Johnston Street
- discretionary 3 m setback above the street wall to transition to a 6 metre setback to the east where the building meets sub precinct 1A
- preferred 11 metre street wall on Sackville
- preferred 6 metre setback above the street wall on Sackville
- exemption from 45 degree envelope requirement on Johnston Street but not on Sackville Street
- retain preferred overall height of 28 metres
- no rear interface height
- maintain mandatory solar control.

(ii) Discussion and recommendation

The Aheron submission was concise, clear and made good use of illustrative material.

The critical outstanding issue is whether the height should be increased to 34 metres. Given the location on this key intersection the Panel thinks that an increase in height is warranted. The Panel also thinks that no street wall height needs to be specified for Hoddle Street, but expects that some upper level setback would be required as part of any future design. The Panel notes that the overshadowing control will still apply. The extra height will be most visible from Hoddle Street which is a wide arterial road with a different character to Johnston Street.

The Panel discusses changing the 11 metre street wall requirement to 11.3 metres in Chapter 6.8.

The Panel recommends:

Place the Aheron Investments land at 220, 222 and 222A Johnston Street, Collingwood and 153–155 and 165 Sackville Street, Collingwood in a new sub precinct, with the following applying:

- a) increase the preferred overall height to 34 metres
- b) a mandatory 11.3 metre street wall height on Johnston Street

⁶⁶ Part C [96]

⁶⁷ Part C [97]

⁶⁸ Part C [101]

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- c) a preferred 11.3 metre street wall on Sackville Street
- d) no street wall height or setback to Hoddle Street
- e) a discretionary 3 metre setback above the street wall to transition to a 6 metre setback to the east where the building meets sub precinct 1A on Johnston Street
- f) a preferred 6 metre setback above the street wall on Sackville Street
- g) exemption from 45 degree envelope requirement on Johnston Street but not on Sackville Street
- h) no rear interface height
- i) maintain the mandatory solar control.

5.4 288 Johnston Street

(i) Evidence and submissions

This site is on the north east corner of Johnston and Lulie Streets. It is opposite the service station site (to the west), the St Crispin site (to the south) and has an interface to Little Turner Street to the north, across from which is a recently developed 4 storey building.⁶⁹

The site is subject to two mandatory controls: a mandatory maximum street wall height and the solar access control. It has a preferred height of 34 metres (which equates to 10 storeys), based on its location in proximity to the railway station.

The site has the benefit of an existing permit for an 8 storey building (granted in the *Strathelie* decision) and is the subject of an application for a 12 storey building. The proposed plans appear to depict a development which complies with the two mandatory controls which apply to that site, with the exception of the corner element of the street wall which rises to 6 storeys and just over 19 metres.

Council submitted⁷⁰ that if the height of this street wall were to be reduced to comply with the mandatory street wall height, the distinctive corner treatment in terms of form and materials could be maintained.

In its Part A submission⁷¹ Council supported changing the designation from sub precinct 2rC to sub precinct 2rB. This reflected recommendations in JSLAP and acknowledges that the site does not share the same level of sensitivity at the rear interface as properties to the east in sub precinct 2rC.

K7 Developments requested:

- a discretionary street wall height
- a preferred height of 40 metres, not 34 metres
- an exemption from the solar access control
- a discretionary rear interface wall height of 15 metres, not an 11 metre rear interface wall.

Submissions addressed the appropriate height for this land based in part on the development potential of land proposals to the north. The Council noted⁷² that, despite K7

⁶⁹ See doc 42 for the endorsed plans for the 4 storey development.

⁷⁰ Part C [89]

⁷¹ [79]

⁷² Part C [94]

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Developments's contentions, the precinct to the north of the site is not contemplated in JSLAP as having a maximum 10–12 storey height but rather a 6–8 storey height, recognising the area is a residential area around Victoria Park.⁷³

(ii) Discussion and conclusions

The Panel agrees that even if 288 Johnston Street may be able to accommodate greater height than the preferred 34 metres whilst still meeting the solar access requirements and adequately protecting the residential amenity to the north,⁷⁴ this should be tested against the criteria in clause 2 rather than automatically substituting a higher preferred height in Table 1. The Panel does not see the need for a new sub precinct. Other issues with the built form control are discussed in Chapter 6.

The Panel concludes:

- the post exhibition change in sub precinct 2rB for the K7 Developments land at 288 Johnston Street is appropriate.

5.5 329 Johnston Street, 2, 36 Nicholson Street, and 37 Hunter Street, Abbotsford

Pelican Capital objected to the inclusion of the site at 329 Johnston Street in sub precinct 2rE and the application of mandatory requirements, for the following reasons:

- the landholding is one of the largest in the Johnston Street area, which provides a unique redevelopment opportunity
- the landholding can accommodate larger heights and smaller setbacks without affecting residential amenity or compromising the character of any of the streetscapes
- the landholding does not abut sensitive interfaces
- JSLAP nominates a preferred height of 6–7 storeys or 23 metres for this part of Johnston Street while DDO15 nominates a mandatory height of 21 metres.

Council submitted⁷⁵ that the reason for placing this site in 2rE rather than 2rD⁷⁶ was because it has a direct residential abuttal, rather than being separated from the residential area by a laneway. This logic, it said, continues to apply to the site notwithstanding the common ownership.

However, the Council acknowledged that there are particular circumstances which would make this site a better fit in new sub precinct 2rD, which would change the mandatory height to 24 metres, rather than 21 metres (consistent with the permit that issued for the site).

The Panel agrees with Council that a change in sub precinct is appropriate.

The Panel concludes:

- The proposed change of the commercially zoned area of the Pelican Capital land – 329 Johnston Street – to sub precinct 2rD is appropriate.

⁷³ See the indicative section in JSLAP, Appendix B, page 34.

⁷⁴ Although the Council's Supporting Document suggests this may be challenging given the depth of the site.

⁷⁵ Part C [114] and [115]

⁷⁶ Council rather unhelpfully changed the sub precinct notations in Document 26. The Panel has revised submissions to match the new sub precincts.

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5.6 424 Johnston Street, Abbotsford

M and C Jack are the owners of 424 Johnston Street, Abbotsford. 424 Johnston Street is on the north side and is one of five similar properties which, it was submitted⁷⁷ together form a substantial development site bounded on three sides by roads (Johnston Street, Trenerry Crescent, and Little Turner Street).

This site is located on the north side of Johnston Street to the east of the railway line, in the eastern end of sub precinct 2. The submission was made on the basis that the site, combined with another 4 sites, was a strategic redevelopment site. The submitter advised that he had the support of the other owners of the Owners Corporation.

The initial submission of M and C Jack, sought a change in building heights or setbacks for sub precinct 2rC and part of sub precinct 2rB on the north side of Johnston Street.

If these changes were not supported, the submission requested that 422–430 Johnston Street be removed from sub precinct 2rC and included in sub precinct 2rB. The submission said that sub precinct 2rB and 424 Johnston Street, Abbotsford have sufficiently similar characteristics to warrant the height limits and setbacks being the same.

At the Hearing M and C Jack submitted:⁷⁸

We wish to comment on two main issues. Firstly, to strongly support the proposed rezoning the land to the Commercial 1 Zone, and to advocate the absence of mandatory building envelope controls, in favour of only discretionary controls

Council responded that the majority of properties in sub precinct 2rC have the same characteristics and do not share the same circumstances as 2rB which has less sensitive interfaces to the north, and the properties on the south side are considerably deeper lots, with an approved permit at 247–259 Johnston Street.

The submitters argued⁷⁹ that their site has similar characteristics to the Caltex site (in precinct 2rB, originally 2C). Council said⁸⁰ there is a major differentiating factor:

One site is adjacent to the station; the other is approximately 450 metres from the station.

While the site at 424 Johnston Street may be part of a common Owners Corporation with another for sites, it cannot be assumed that those 5 sites will be redeveloped as a single development site. The Panel is aware of the difficulties with consolidating subdivided sites, with different owners being constrained by their tenancy arrangements and other matters.

The Panel concludes:

- there is no basis for a sub precinct change for 424 Johnston Street, Abbotsford.

⁷⁷ [1]

⁷⁸ [3]

⁷⁹ [15]

⁸⁰ Part C [120]

6 Issues with the requirements

6.1 Introduction

This Chapter addresses the:

- metrics presented in the controls
- a more detailed assessment of whether controls ought to be mandatory.

6.2 Objectives

6.2.1 The issues

Issues were raised about:

- the use of an indicative height range in objectives
- overlooking of the Collingwood Arts Precinct.

6.2.2 What does DDO15 provide?

DDO15 (Part B version) sets out five objectives:

To preserve the valued heritage character of the streetscape and ensure that the predominantly two storey (heritage scale) street-wall remains the visually prominent built form of Johnston Street west of the railway line bridge, ensuring that upper levels are visually recessive.

To ensure that the overall scale and form of new buildings is mid-rise (5 to 10 storeys) and provides a suitable transition to low scale residential areas, protecting surrounding residential properties from unreasonable loss of amenity through visual bulk, overlooking and overshadowing.

To ensure that new development does not compromise the operation of the state significant Collingwood Arts Precinct from unreasonable loss of amenity through visual bulk, overlooking, overshadowing of open space areas and vehicle access.

To activate the street edge, provide passive surveillance opportunities and accommodate commercial activity at the lower levels of new development and enhance the public realm through high quality buildings and protect footpaths and public spaces on the southern side of Johnston Street from loss of amenity from overshadowing.

To provide for equitable development outcomes through built form design that responds to the development opportunities of neighbouring properties, and through the consolidation of finer grain sites.

6.2.3 Indicative height range

(i) The issues

Submissions said that it was not appropriate to specify an indicative height range in the second objective.

(ii) What does DDO15 provide?

The exhibited version of DDO15 specified a range of 5 to 12 storeys. The Document 26 version specified 5 to 10 storeys.

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(iii) Evidence and submissions

Some submissions identified varying interpretations of the term “*mid-rise*” within the objectives in DDO15 and the implications it has for future maximum building heights. Submissions suggested that the exhibited indicative height range of 5 to 12 storeys could potentially be used to justify buildings up to 12 storeys throughout the centre.

One submission recommended that the height range be amended to 10 storeys given this is the maximum height identified in the DDO.

The Collingwood Historical Society recommended that DDO15 is altered to define mid-rise as “*5 to 7 storeys*” and not “*5 to 12 storeys*,” as none of the building heights requirements extend to 12 storeys.

Council submitted that⁸¹ the term ‘mid-rise’ has been used consistently across DDOs in the City of Yarra to indicate the preferred scale and form of new development, and particularly to distinguish it from a ‘high rise’ development typology.

Council agreed with the submission that the indicative height range should be lowered to 10 storeys.

Mr Sheppard’s reluctance to accept a definition of ‘mid rise’ was concerning.

(iv) Discussion and conclusion

‘Mid rise’ means different things to different people. And different things in different DDOs:

- Melbourne DDO67 (Lorimer): “*For the purpose of this schedule ... Mid-rise is development of 7 storeys to 15 storeys*”.
- Melbourne DDO63 (Macaulay Urban Renewal Area, Kensington and North Melbourne) has as a design objective: “*To create a compact, high density, predominantly mid-rise, 6 – 12 storey walkable neighbourhood ...*”.

Including an indicative height range assists to provide certainty about the preferred scale of development. This is a feature of a number of other DDOs across Melbourne. The proposed heights reflect JSLAP and supporting background documents which demonstrate that properties could be developed to different heights owing to their attributes and their context.

Including a height range does not allow all development on all sites to go to the upper limit of the indicative height range. If this were the case, there would be no lower scale suggested and there would be no mandatory heights included in the DDO that would limit development below this height.

The Panel concludes:

- the use of an indicative height range in the Design objectives is appropriate.

6.2.4 Overlooking Collingwood Arts precinct

(i) The issue

The ‘Contemporary Arts Precinct’, is the body that manages the Collingwood Arts Precinct site at 35 Johnston Street. The Contemporary Arts Precinct requested changes to DDO15

⁸¹ Part A [70]

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and local policy (Clause 22.12) to protect the site from potential impacts (mainly overshadowing, as well as visual dominance) of future built form on neighbouring properties.

(ii) Evidence and submissions

The primary concern was the potential for new development to overshadow particular outdoor areas on the site that are proposed to accommodate community and public events related to the creative activities occurring on the site.

The Collingwood Arts Precinct was rezoned to the Special Use Zone (SUZ6) in 2017, as part of a Government Land Standing Advisory Committee process, to facilitate the desired activities on the site by making a number of uses 'as of right', and identifying the site as being of 'State significance'.

When the interim DDO15 was introduced, a mandatory maximum height limit of 28 metres (8 storeys) at 23–33 Johnston Street was applied and a new objective was added:

To ensure that new development does not compromise the operation of the state significant Collingwood Arts Precinct from unreasonable loss of amenity through visual bulk, overlooking, overshadowing and vehicle access.

Council recommended that the changes should be made to DDO15 to reflect the changes introduced within the interim DDO15 to ensure new development does not overshadow particular outdoor areas on the Collingwood Arts Precinct.

(iii) Discussion and recommendation

The Panel notes that because SUZ6 allows Accommodation it is not a non-sensitive commercial interface.

The Panel supports an objective to ensure development does not compromise the amenity of the Collingwood Arts Precinct, but does not think overlooking of the precinct would compromise its amenity. The reverse may be true – for the same reasons that active frontages and casual surveillance supports the amenity of streets casual surveillance into the courtyard of the arts centre may add to its ambience.

The Panel recommends:

Amend the Design objectives to delete 'overlooking' from the third objective.

6.3 The need for built form objectives for sub precincts

It was suggested that there may be need for sub precinct objectives or built form outcomes.

Council submitted⁸² that there is sufficient guidance in the DDO15 and clause 21.12 to guide the exercise of discretion without the need for additional built form outcomes for sub precincts.

The Panel agrees with Council.

⁸² Part C [41]

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6.4 Definitions

Some definitions include exemptions as part of the definition rather than as a requirement. This is poor drafting practice.

DDO15 provides an exemption to the height control requirements for architectural features as part of the definition:

Building height is measured as the vertical distance between the footpath at the centre of the frontage and the highest point of the building. It does not include architectural features and service equipment including plant rooms, lift overruns, structures associated with green roof areas and other such equipment provided that each of the following criteria are met for the equipment or structure:

- Less than 50% of the roof area is occupied by the equipment (other than solar panels).
- Any equipment is located in a position on the roof so as to avoid additional overshadowing.
- Any equipment does not extend higher than 3.6 metres above the maximum building height.

Street wall height is measured as the vertical distance between the footpath at the centre of the frontage and the highest point of the building at the street edge, with the exception of architectural features.

Using Victoria's planning system, Chapter 9 – Plain English, specifically cautions against this approach. These issues might have limited impact on the usability of these controls but they make the planning system as a whole more difficult to use, when potentially every DDO has its own definition of height.

The Panel has made an earlier recommendation to refine the drafting of DDO15. Specific refinement in the Definitions are:

- redraft the control so that the building elements that can exceed a specified height are dealt with in the relevant requirement not as part of the definition
- do not define 'setback' as it defined in the Victoria Planning Provisions.

6.5 Wording of clause 2.0 – Amendment of permits

(i) The issue

The issue is the need to guard against the possibility that a person could obtain a permit that complies with the mandatory provisions, and then seek to amend that permit to exceed the mandatory controls arguing that they do not apply to a permit amendment.

(ii) What does DDO15 provide?

Clause 2.0 of DDO15 proposes inclusion of the following underlined words:

A permit must not be granted or amended (unless the amendment would not increase the extent of non-compliance) ...

(iii) Evidence and submissions

Council advised⁸³ that as far as it was aware, the effect of the wording has not been tested by a Court or the Tribunal.

⁸³ Part C [5]

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Section 28(2)(e) of the *Interpretation of Legislation Act 1984* operates to protect an accrued right, such as a permit, if the planning scheme under which the permit was granted is amended as follows:

- (2) Where a subordinate instrument or a provision of a subordinate instrument—
 - (a) is repealed or amended; or
 - (b) expires, lapses or otherwise ceases to have effect— the repeal, amendment, expiry, lapsing or ceasing to have effect of that subordinate instrument or provision shall not, unless the contrary intention expressly appears—
 - ...
 - (e) affect any right, privilege, obligation or liability acquired, accrued or incurred under that subordinate instrument or provision.

VCAT in *Alkero Development Pty Ltd v Stonnington CC* (Red Dot) [2018] VCAT 1120 explained:

43 Just as section 28(2) of the Interpretation of Legislation Act 1984 can create an accrued right to use land under a permit in a way that is now prohibited, so it may create an accrued right to develop land in a way that is now prohibited.

45 For example, the planning scheme may include a mandatory height control of 10 metres. A permit may allow a development with a height of 15 metres. We consider that the permit could be amended to change the height of the development so that it does not exceed 15 metres even though the height exceeds 10 metres and would be prohibited under the planning scheme if a new planning permit was applied for.

The words in DDO15 are consistent with the VCAT's interpretation of the protection of accrued rights.

The proposed words will assist permit holders who need to make amendments to their permits. The proposed words make it clear (without permit holders needing to inform themselves of the principles of accrued rights) that the mandatory provisions only apply if the amendment seeks to increase the extent of non-compliance. In that way, they provide certainty and clarity.

The Panel notes that the wording proposed in DDO15 is the same as that in DDO10 of the Melbourne Planning Scheme.

6.6 Building height

6.6.1 Objection to height limits

(i) The issue

Several submissions objected to a height limit being applied at all in DDO15.

(ii) What does DDO15 provide?

Table 4 shows the proposed maximum building heights.

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Table 4: Building heights in DDO15 (Document 26 version with Aheron added)

Sub precinct	Preferred maximum building height	Mandatory maximum building height
1A	24 metres	–
1AA	28 metres	–
1AAA	–	28 metres
1B	24 metres	–
1C	21 metres	28 metres
1D	–	21 metres
Aheron land	28 metres (Council view)	–
2A	21 metres	–
2rB	34 metres	–
2rC	24 metres	31 metres
2rD	21 metres	24 metres
2rE	–	21 metres

(iii) Evidence and submissions

While some submitters sought higher development, others were concerned that the proposed scale was excessive. One submitter objected to the height of development owing to its potential impact on their property, particularly solar access to their property in winter months. Another considered that the scale of recent development and the proposed heights was creating an extreme change to the current scale.

Table 5 summarises the position of Council and the expert witnesses.

Table 5: Height – position of Council and the expert witnesses

	Overall height heritage areas	Overall height non heritage areas
Council	Mandatory in 1 AAA, 1C, 1D	Mandatory in 2rC, 2rD, 2rE
Hansen advice	Mandatory 6 storey (20 metres) for lots <30 metres (Matrix p 5)	Mandatory 6 storey (20 metres) for lots <30 metres (Matrix p5)
Parsons	All discretionary if other metrics are mandatory [114], [116]	All discretionary if other metrics are mandatory [114], [116]
Barnes	Same as Council [104] – [111]	Same as Council [104] – [111]
Trethowan	Same as Council	N/A
de Keijzer	Same as Council (eg p16) (oral evidence)	Same as Council (oral evidence)

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	Overall height heritage areas	Overall height non heritage areas
Sheppard	All discretionary [81] Same preferred height as Council for precinct 1 except for 'mixed streetscapes' where height should be 28 metres [70]. Sites that extend from Johnston to Sackville where height should be 34 metres [75]–[76]	Increase height in 2rB from 34 m to 40 m [104]
Biacsi re 196–202 Johnston Street	Preferred height 34 metres. [110] (same as Mr Sheppard)	N/A

Source: Extract of Document 19

Submitter 7 raised concerns about height saying:

- If the south side of Johnston Street were developed to the heights, and with the setbacks proposed, 54 Stafford Street and other properties on the north side of Stafford Street would be permanently in shadow for weeks in the depths of winter.
- It is not reasonable to exercise planning powers to compel residents to live in darkness for weeks on end at the coldest and darkest time of the year.

Council responded that ResCode standards in the Planning Scheme for overshadowing of private open space are measured at the equinox (22 September) only and not winter. The building height and rear interface requirements have been developed with regard to minimising overshadowing of private open space at the equinox.

DDO15 sets stricter parameters where height limits are currently not specified in the Yarra Planning Scheme, as well as applying rear interface requirements to reduce visual bulk and overshadowing.

Criticisms that the heights were too low included that the preferred maximum height of sub precinct 1AA does not go far enough in implementing policy settings for Activity Centres in the State Planning Policy Framework and *Plan Melbourne 2017–2050*.

AA Holdings (40 Johnston Street and 35–37 Sackville Street) sought an increase of the preferred height from 24 metres to 28 metres. Council submitted that the change is unwarranted. The DDO15 seeks a preferred 7 storey scale in this section of relatively shallow lots to the north of Johnston Street, stepping down to 6 storeys on the south side, with 8 storeys preferred in the deeper lots to the east. There is discretion to go higher if the nominated criteria are met.

Council said⁸⁴ that the 7 storeys sits comfortably with the hierarchy of height contemplated by the DDO15, and provides an appropriate scale for this activity centre, which is identified for moderate change in JSLAP and the Housing Strategy.⁸⁵

De Luca Property Group (196–202 Johnston Street) argued that that the preferred height was too low to deliver a sufficient level of residential intensity for their site. De Luca Property Group sought 40 metres preferred height in place of 34 metres. Council rejected this.

⁸⁴ Council Part C [52]

⁸⁵ Housing Strategy p 69.

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Council submitted that the preferred 8 storeys is at the upper end of the heights nominated for this activity centre, recognising the extra development potential of the site as it extends through to Sackville Street and its lack of direct residential abuttals. Mr Biacsi and Mr Sheppard gave evidence that the preferred maximum height in sub precinct 1AA should be 34 metres.

Council did not support this increase. It said that this would directly compete with the preferred height nominated for 2rB around the station, it substantially exceeds the height proposed for the corridor by JSLAP and it represents a 10 metre (or 3 storey) increase in preferred height over the immediately adjoining sub precinct 1A. While some sites in precinct 1AA may be able to accommodate height above the preferred heights (as the Supporting Document shows), this additional height should be tested against the criteria in clause 2 rather than substituted as a greater preferred height in DDO15.

Mr Barnes observed⁸⁶ that building height is only one of the controls contained in the planning scheme amendment:

There are a number of other controls such as upper level setbacks from the front and rear of properties, overshadowing requirements for the footpath on the south side of Johnston Street etc. Given the shallow depth of many lots along Johnston Street, such requirements mean that the maximum buildings heights identified may not be able to be achieved in some cases.

Council submitted that one of the key purposes of the Amendment was to provide clarity on the preferred and mandatory maximum overall building heights that would be supported. Council submitted that:⁸⁷

The overall preferred and maximum building heights proposed in the Amendment have been based on thorough technical analysis and are an appropriate response to the context of the centre and future development opportunities.

Council acknowledged⁸⁸ that proposed heights of new development would represent a significant change from the current scale of buildings in the area. However, the heights in DDO15 are consistent with JSLAP that was subject to three rounds of consultation. They are consistent with the scale of development being planned for across other centres in Yarra and more broadly across inner Melbourne.

Council did not support changes to DDO15 in response to submissions objecting to the proposed maximum overall building heights.

(iv) Is a mandatory control justified?

Mr Barnes gave evidence⁸⁹ in relation to mandatory controls:

- West of Hoddle Street:
 - Discretionary maximum building heights are proposed for all land on the north side of Johnston Street between Smith and Hoddle. This is entirely appropriate as lots abut land that will remain in either a Commercial 2 Zone, or run through to Sackville Street and will not have direct abuttals to sensitive residential boundaries.

⁸⁶ Barnes [104]

⁸⁷ Part A [66]

⁸⁸ Part A [75]

⁸⁹ Barnes Evidence [105] to [111]

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- A mandatory height is proposed for land along the south side of Hoddle Street in precincts 1C and 1D. Mr Barnes believed that this was appropriate as these properties have either a direct abuttal to properties in a residential zone or are separated from residential zoned land by a laneway.
- Precinct 1AAA applies to properties adjoining the Collingwood Arts Centre to the west. It identifies a mandatory height. Mr Barnes believed that a mandatory height was appropriate for that site, as it has considerable redevelopment potential and is located adjacent to an internal courtyard on the Arts Centre site.
- East of Hoddle Street:
 - Land on both sides of Johnston Street around Victoria Park Station have discretionary height limits (Precincts 2A and 2rB). Mr Barnes said that was appropriate to reflect the increased development potential identified in that area in JSLAP.
 - Further east, land on both sides of Johnston Street is proposed to have mandatory heights. Mr Barnes had no issue at all with this in relation to land in Precinct 2rE, on the south side of Johnston Street, which has direct abuttal to residential zoned land.
 - Land on the north side of the street (Precinct 2rC) does not directly abut residential zoned land but is separated from housing by Little Turner Street. Given that the maximum mandatory height proposed for the precinct is 31 metres (9 storeys), which is one of the greater heights identified along Johnston Street, Mr Barnes believed there was merit in applying a mandatory height to that land. He noted that it was proposed to state both a preferred and a mandatory maximum building height for this precinct, consistent with the Minister's conditional authorisation.
 - Land in Precinct 2rD (on the south side of the street) also has a mandatory height specified (24 metres). That precinct is also separated from dwellings by a laneway. He believed there was merit in applying a mandatory height to that land for similar reasons to the above.

(v) Discussion

In response to concerns about development being too high it is correct that greater scale and intensity of development can be expected on sites in Johnston Street which are rezoned from C2Z to C1Z. The Panel notes that the C1Z purpose no longer refers to intensification but to residential densities complementary to the role and scale of the commercial centre and the expectation of residential development has already been taken into account in JSLAP and the proposed height controls in the DDO15.

The Panel has previously concluded that a mid rise scale is appropriate for Johnston Street given its location and role. The 3D modelling allows for a clear visualisation of the controls proposed, and by extension, an understanding of what higher building form might mean. The Panel is satisfied that (except where noted for Aheron) the heights represent an appropriate level of development.

In respect of mandatory controls the Panel accepts the considered and thoughtful evidence of Mr Barnes. Mandatory maximum building heights are only proposed where sites abut land zoned for residential use. In these cases the maximum heights range between 21 metres and 31 metres (6 and 9 storeys) depending on local conditions, for example, if separated by a laneway or with potential to overshadow residential properties. There is

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sense in mandatory heights adjacent to these particular residential areas. Council has demonstrated the heights are reasonable, are supported by existing policy and do not prejudice reasonable levels of redevelopment consistent with the future growth and capacity modelling. The Panel accepts the heights are necessary to maintain appropriate interfaces with adjoining land in the context of significant redevelopment.

(vi) Conclusions

The Panel concludes that:

- apart from the Aheron site, the proposed heights are appropriate
- the mandatory heights are necessary.

6.6.2 Requirements to exceed preferred heights

(i) The issue

Submissions from developers and landowners challenged the inclusion of criteria for exceeding the preferred maximum overall building height. Some submissions object in principle to the criteria; others object to specific criteria; and some submissions seek to add new criteria. Generally, the submissions consider that the criteria are too onerous.

(ii) What does DDO15 provide?

DDO15 sets out criteria to be achieved if a building is to gain a permit above the preferred maximum height

A permit may only be granted to exceed the preferred maximum building height ... if the following criteria are met to the satisfaction of the responsible authority:

- The built form outcome as a result of the proposed variation satisfies the design objectives of Clause 1.0 and the provisions of Clause 21.12-1.
- The proposed building height will not prejudice the preferred future mid rise character within Johnston Street for the sub precinct.
- The proposal will achieve each of the following:
 - Housing for diverse households types, including people with disability, older persons, and families with children, through the inclusion of varying dwelling sizes and configurations.
 - Universal access.
 - Communal and/or private open space provision that exceeds the minimum standards in Clauses 55.07 and 58.
 - Excellence for environmental sustainable design measured as a minimum BESS project score of 70% or 5 Star Green Star Standard.
 - Greater building separation than the minimum requirement in this schedule.
 - No additional amenity impacts to residential zoned properties, beyond that which would be generated by a proposal that complies with the preferred building height.
 - For *Heritage Buildings*, the proposed development enhances the heritage fabric of the building (primarily through restoration or reinstatement of the front façade and external features visible from Johnston Street).

(iii) Evidence and submissions

Criteria have been included in DDO15 to incentivise development to comply with the preferred maximum building heights and to ensure that taller development achieves a high standard of design outcome, including housing diversity, environmental sustainability and amenity. This approach of seeking improved design outcomes and community benefit when

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the preferred building height is exceeded is consistent with Strategy 17.2 of the current Scheme.

Mr Barnes questioned⁹⁰ the application of such criteria. In his opinion, all development should comply with most of the criteria listed. The nature of the criteria identified were not in his opinion sufficient to justify additional height. For that to occur the criteria should relate to matters aligned with a public benefit, such as affordable housing, public open space, or community facilities etc.

Council submitted⁹¹ that:

The interim DDO15 approved by the Minister for Planning includes the criteria suggesting an acceptance of this form of control. Similar criteria were supported by the planning which considered the DDO for Arden Macaulay in the City of Melbourne.

Pelican Capital requested the following changes to the specific design requirements:

- amend phrase *“the proposal will achieve each of the following”* to read, *“the proposal can achieve specific benefits, such as”*
- delete the fourth dot point as *“minimal”* is not a quantifiable measure of amenity impacts and will cause confusion.

Submitter 5 considered that the specific design requirements in DDO15 were too rigid because all the requirements need to be achieved to exceed preferred maximum height limit. The submitter thought it would be better if the design requirements allowed a proponent to put forward an alternative solution for achieving net community benefit. The submitter recommends a sixth design requirement:

Or other design features or elements that deliver a net community benefit to the satisfaction of the Responsible Authority.

(iv) Discussion and recommendation

The Panel supports the broad approach of the requirements. The Panel does not see higher built form as a reward for meeting the criteria, rather, if a development is to exceed the preferred maximum height it should be a ‘good’ development. The criteria help specify what a good development is in this context.

The Panel notes that in the criteria:

- There is no need to repeat the reference to ‘mid rise’ as this is now in the Objectives.
- In respect to the elaboration of diverse housing types, it is not clear precisely how the housing needs of older people differ from the general population. What design features would be specifically required beyond universal access? It is not clear how much of a range of dwelling types is appropriate. The Panel is concerned that this criterion could be applied in an overly prescriptive way with no real benefit for anyone.

The Panel recommends:

Refine the language of the ‘Requirements to exceed preferred heights’ to avoid an overly prescriptive interpretation.

⁹⁰ Barnes Evidence [127]

⁹¹ Council Part A [63]

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6.7 Overshadowing and Solar Access Requirements

(i) The issues

The issue is whether the overshadowing control is warranted.

(ii) What does DDO15 provide?

DDO15 (Document 26 version) says:

New development must not overshadow the southern footpath of Johnston Street, measured as 3.0 metres from the property frontage on Johnston Street, between 10am and 2pm at September 22. A permit must not be granted to vary this requirement.

Development in Sub precincts 1C, 1D, 2rB, 2rD and 2rE should be designed to avoid additional overshadowing of residential zoned properties to the south measured from 10am to 2pm at the equinox (September 22).

(iii) Evidence and submissions

Table 6 summarises the position of Council and the expert witnesses

Table 6: Solar access – position of Council and the expert witnesses

	Solar access
Council	Mandatory to southern footpath
GJM advice	N/A
Hansen advice	Johnston Street southern footpath: mandatory maintain solar access at equinox between 9am- 3pm. Overshadowing of private space: discretionary maintain solar access at equinox between 9–3pm. (Matrix p5)
Parsons	Same as Council (evidence in chief)
Barnes	Same as Council (evidence in chief)
Trethowan	N/A
de Keijzer	Same as Council on Johnston Street but solar access control to rear should be mandatory (pp18–19)
Sheppard	Discretionary requirement and reference to 3 metres be removed [125]
Biacsi re 196–202 Johnston Street	Not mandatory [115]

There did not appear to be any substantial submission about the desirability of sunlight to footpaths and Council⁹² drew the Panel's attention to other work of Mr Sheppard's firm that supported mandatory overshadowing controls.

The mandatory street wall height to the east of the railway ties in neatly with the mandatory solar access requirement. Mr Parsons, Mr de Keijzer and Mr Barnes all agree that the solar

⁹² Part B [98]

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access requirement to the southern Johnston Street footpath along its length should be mandatory. Mr Sheppard and Mr Biacsi say it ought to be discretionary.

Council submitted⁹³ that:

- Johnston Street will require a range of measures to make sure it becomes a vibrant and high quality place to be.
- Solar access at least between each equinox is critically important to place-making in Johnston Street, and as an east west corridor, there is a need for vigilance to ensure that development along the northern side does not irreparably prejudice the quality of the place.
- There is a need for the control to be mandatory as it is critically important to the success of Johnston Street and it is too easy for solar access to be eroded on a 'death by a thousand cuts' basis.

Council did not⁹⁴ accept the proposition that 288 Johnston Street should be exempt from the solar access requirement. To the contrary, it said that this part of the street is a place that is likely to have larger numbers of people congregating, and it is also possible that the St Crispin site will host a café with outdoor seating (even if only a modest number), possibly even a coffee 'window'.

Council provided an assessment of the mandatory control against PPN59.

(iv) Discussion and conclusion

The Panel agrees that sunlight to the footpath is a desirable outcome in an Activity Centre, especially around a station where there is likely to be a higher level of pedestrian activity.

Southern side footpaths are an important component of the public realm and the sun currently reaches the southern footpath throughout the year. Taller development will inevitably reduce the amount of sun during winter months and restricting the amount of overshadowing to the September equinox is a common measure to reduce the overall impact of taller buildings.

The Panel supports the use of the equinox as the right measure for solar access for a footpath in an Activity Centre. This is in contrast to some open space areas that warrant protection all year round.

The Panel agrees with the Fishermans Bend Planning Review Panel (Advisory Committee) which discussed the 'death by a thousand cuts' dilemma in Fishermans Bend (in relation to overshadowing of parks), where Mr Sheppard had opposed mandatory controls. The Advisory Committee stated:⁹⁵

Mr Sheppard suggested that the 'death by a thousand cuts' problem could be overcome by introducing decision guidelines requiring cumulative shadow impacts to be considered. The Review Panel is not entirely satisfied with this solution. It creates the potential for a 'first in best dressed' scenario that would not, in the Review Panel's view, represent fair and orderly planning. ...

On balance, and having considered the principles outlined in Practice Note 59, the Review Panel considers that mandatory winter solstice controls are justified for the key open spaces in each Precinct, given their importance in the open space hierarchy.

⁹³ Part B [99] onwards

⁹⁴ Part C [91]

⁹⁵ At pages 110–111.

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Given the vision of a relatively consistent street wall and overall height it seems to the Panel that each site can be treated in a similar fashion. This implies avoiding a 'first in best dressed' approach to overshadowing. Considering the overall suite of controls, the extra quantum of development that could be delivered with a building that overshadowed the footpath is not so great as to trade off the solar access.

Clearly the control is 'absolutely necessary' if you want to ensure sun access.

The Panel concludes:

- the solar access provisions are appropriate
- the mandatory solar access control is necessary.

6.8 Street wall height

(i) The issue

The issue is the maximum street wall height where a heritage building is not retained.

(ii) What does DDO15 provide?

Both the exhibited version of the control and the Council's preferred control propose an 8 metre preferred minimum and an 11 metre mandatory maximum street wall height (where heritage fabric is not retained).

The post Hearing version proposes to amend the structure of the DDO to ensure there is no confusion about the 8 metres minimum preferred street wall height and the reference to heritage.

Table 7 shows the proposed maximum building heights.

Table 7: Street wall heights in DDO15 (Document 26 version with Aheron added)

Sub precinct	Preferred maximum Street wall height	Mandatory maximum Street wall height
1A	–	11 metres
1AA	11 metres fronting Sackville Street	11 metres fronting Johnston Street
1AAA	–	11 metres fronting Johnston Street
1B	11 metres	–
1C	–	11 metres
1D	–	11 metres
Aheron land	11 metres fronting Sackville Street	11 metres fronting Johnston Street
2A	–	11 metres
2rB	15 metres	18 metres
2rC	15 metres	18 metres
2rD	15 metres	18 metres
2rE	15 metres	18 metres

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(iii) Evidence and submissions

Table 8 summarises the position of Council and the expert witnesses

Table 8: Street wall height – position of Council and the expert witnesses

	Street wall height	Street wall adjacent to heritage buildings
Council	Heritage area: Mandatory max 11 metres Preferred min 8 metres. Non heritage area: Discretionary 15 metres Mandatory 18 metres	West of railway: match facade height for length of 6 metres for heritage building, minimum 8 metres. East of railway: one storey higher for length of 6 metres for heritage building, minimum 8 metres
GJM advice	Heritage area: Same as Council (s 4.3.1)	On sites adjoining a HO, preferred street wall that adopts the parapet or roof ridgeline height of adjacent heritage place (s4.3.1)
Hansen advice	Heritage area: Mandatory 11 metres for significant streetscapes, significant or contributory buildings (Matrix p5) Non heritage area: Discretionary except for Johnston Street (north side) which is a mandatory maximum 20 metres (for solar access) (Matrix p5)	New development should reference adjacent parapet height of contributory and individually significant buildings (p2)
Parsons	Heritage area: Same as Council [69] Non heritage area: Same as Council [77]	Same as Council [70] and [77]
Barnes	Heritage area: Same as Council [113] Non heritage area: Defer to urban design expert on whether it needs to be mandatory [113]	N/A
Trethowan	Heritage area: Same as Council (p5)	Same as Council (p8)
de Keijzer	Heritage area: Same as Council (p 9) Non heritage area: 18 metre street wall is too high (north side of Johnston Street) (p22) Should be mandatory 15 metres on north side (oral evidence)	N/A
Sheppard	Heritage area: 8–11 metres. Mandatory 11 metres for significant streetscapes [23], discretionary [143(2)] in other areas. Non heritage area: Discretionary 18 metres maximum [86]	Match for length of 6 metres adjacent to individually significant buildings [28].

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	Street wall height	Street wall adjacent to heritage buildings
Biacsi re 196– 202 Johnston Street	Heritage area: Discretionary 11 metres [110]	N/A

Source: Extract of Document 19

Street wall height west of railway bridge

Mr Sheppard agreed with a mandatory 11 metre street wall height for 'significant streetscapes' but advocates a discretionary street wall height for what he describes as the 'mixed streetscapes' west of the railway line.

The Council considered that the built form controls west of the railway line should be consistent for the length and opposite sides of the street, thereby reflecting the predominant scale of the street notwithstanding that there are a number of buildings which are not of heritage significance interspersed in some sections of the street.

The Heritage Overlay has been applied to the whole of Johnston Street west of the rail bridge.

Mr Sheppard described parts of the street west of the rail bridge as 'mixed'.

The dark blue line, shown in Figure 9 below, is Mr Sheppard's "interpretation of the consistency of heritage fabric". This suggests that the balance of the Heritage Overlay area is not 'mixed' and would warrant the higher protection appropriate for intact heritage areas.

Figure 9: Mr Sheppard's assessment of mixed streetscapes



Council said⁹⁶ that Mr Sheppard's evidence was inconsistent with the approach advocated by DLA in the *Bridge Road Victoria Street Built Form Framework* (June 2018) which recommends a mandatory maximum 11 metre street wall height for significant streetscapes and 12 metres mandatory maximum street wall height "where there is a valued low-rise street wall character (but with little or no significant heritage fabric)".⁹⁷

Council also submitted⁹⁸ that the approach taken in Sydney Road, supported by Mr Sheppard, was for a consistent mandatory maximum 11 metre street wall height to be applied to all sections of the street, even those parts without heritage buildings due to the

⁹⁶ Part B [89]

⁹⁷ DLA, *Bridge Road Victoria Street Built Form Framework* (June 2018) p 70.

⁹⁸ Part B [90]

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strong, two storey existing character exhibited in that street. That situation also applies in Johnston Street west of the rail bridge, which exhibits a two storey scale, interspersed with single storey buildings, and only limited 3 storey buildings.

AA Holdings (40 Johnston St and 35–37 Sackville Street) argued that the Panel should accept many of Mr Sheppard's recommendations.

De Luca Property Group (196–202 Johnston Street) argued that the exhibited and preferred version of the DDO did not propose a street wall height or setback above the street wall for properties in the Heritage Overlay. Council submitted that no one could read the proposed controls or the JSLAP or the Supporting Document and form the view that no street wall height was proposed for infill buildings in Precinct 1.

Street wall height east of railway bridge

Mr Parsons, Mr de Keijzer and Mr Barnes agreed with the Council that the preferred street wall height should be 15 metres to the east of the railway bridge. Mr Parsons agreed with the Council that it should be a mandatory maximum of 18 metres to prevent a canyon effect. Mr de Keijzer was of the opinion that the street wall ought to be 15 metres mandatory on the north side of the street to prevent the footpath and (north facing) buildings on the south side of Johnston Street from being in shade between each equinox. Mr Barnes deferred to the urban design experts as to whether it should be mandatory or discretionary.

Mr Sheppard argued in favour of an 18 metre discretionary maximum street wall.

Council noted⁹⁹ that the *Bridge Road – Victoria Street Built Form Framework* re-affirms Council's position that a preferred 15 metre street wall will provide an appropriate relationship to the street and avoid an overwhelming sense of enclosure. When referring to the street wall in Victoria Street between Church Street and Burnley Street, the report states:

A 15 metres street wall will maintain a comfortable relationship with a 20 metre wide street, avoiding an uncharacteristic sense of enclosure.

Council's position was that 15 metres will provide a good urban design outcome. While there is discretion to go to 18 metres, that is the absolute maximum that ought to be permissible.

(iv) Is a mandatory control justified?

Mr Parsons, Mr de Keijzer, Mr Barnes, Mr Trethowan and the author of the GJM advice all agree that the street wall of 11 metres in HO324 and new HO 505 ought to be mandatory.

The GJM report says:

4.3.1 Street wall

Having regard to recent Planning Panel Reports into Moreland C134 and Boroondara C108, we consider that mandatory street wall heights of 8–11 metres with a zero setback from Johnston Street are likely to be appropriate within HO324 along the Johnston Street corridor and in the proposed Heritage Overlay between Hoddle Street and the railway line given the dominance and consistency of the two-storey Victorian/Edwardian-era street wall in these areas.

⁹⁹ Part B [95]

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For new development on sites adjoining a Heritage Overlay or on the side streets of Johnston Street within HO324, we recommend that a preferred street wall height be applied that adopts the parapet or roof ridgeline height of the adjacent heritage place to ensure that new infill development is sensitively integrated with existing heritage fabric.

The Amendment C134 Panel accepted the 11 metre mandatory street wall height on the basis that it was generally higher than most of the existing two storey heritage parapets and accommodated a contemporary 3 storey building with commercial floor heights for two of the three levels.

Council provided an assessment against PPN59.

Mr Biacsi was isolated in the view that the street wall height should be discretionary in all parts of the activity centre. He did accept the 11 metre metric. Mr Barnes gave evidence that:¹⁰⁰

In most cases the Amendment has adopted the approach suggested in the Minister's conditional authorisation, of providing a preferred maximum street wall height and then a higher mandatory maximum street wall height. For this reason, I generally support a mandatory street wall height, especially in the heritage areas to the west of the railway bridge. ...

(v) Discussion and recommendations

The preferred 8 metre minimum street wall height is non-contentious and where a heritage street wall is retained, the street wall will simply be the height of the retained heritage street wall.

The Panel does not accept that Mr Sheppard's concept of a mixed streetscape west of the rail bridge makes sense in the Johnston Street context. With the exception of the building on the north east corner of Gold Street, the gap between graded buildings is only 40 metres. This represents a relatively small break between heritage buildings and is not a large enough 'gap' to warrant breaking up the street in the way that Mr Sheppard has sought to do. Breaking up the street would undermine the fundamental vision for the street.

The HO west of the rail bridge did not proceed on the basis that the street could be broken up. The Panel is not inclined to substitute Mr Sheppard's opinions on the heritage value of the streetscape for the clear statement in the planning scheme of the value of the heritage place (through the application of the HO) and the heritage evidence of Mr Trethowan.

The Panel is, however, concerned that 11 metres may not allow for a three storey commercial building and accepts that a maximum street wall height of 11.3 metres is more appropriate.

East of the rail bridge a 15 metre preferred street wall will provide a good urban design outcome. While there is discretion to go to 18 metres, that is the absolute maximum that ought to be permissible. Anything greater will significantly compromise the vision for the future for this part of Johnston Street. That is particularly the case near the railway station where large numbers of pedestrians are likely to congregate, whether it be walking to the station or having a coffee outside the existing space outside the heritage building on the corner of Park Street or the proposed new spaces within the Street Crispin building.

¹⁰⁰ Barnes evidence [113]

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The Panel concludes:

- the mandatory street wall heights are necessary.

The Panel recommends:

Increase street wall heights from 11 metres to 11.3 metres to allow for three commercial floors

6.9 Mid-level street setback above the street wall

6.9.1 Request for greater setbacks for individually significant heritage buildings

A submission from the Collingwood Historical Society requested that the setbacks for individually significant buildings be increased from 6 metres to 8 metres to reflect the version of DDO15 that was originally submitted for authorisation in May 2016.

Council received a conditional authorisation that required a comprehensive review of the proposed DDO15 and a scaling back of the mandatory provisions was required to comply with the authorisation. Reflecting this authorisation, Council reviewed the adopted JSLAP.

JSLAP's Appendix B, *Built Form Analysis and Recommendations*, sets out Principle 6,¹⁰¹ for taller development to be set back and visually recessive, "when viewed from across the street and when looking obliquely along the street". Principle 6 also states; "Upper levels should be setback a minimum of 3–6 metres from the street façade, dependent on the height of the taller element". However, Principle 8 provides that for heritage buildings "New upper levels may need to be setback further from heritage facades to ensure they remain dominant in the streetscape".

Council said¹⁰² that a 6 metre setback for heritage buildings was an appropriate control to achieve the necessary balance between heritage protection and enable new development. Importantly, the control is a minimum setback so does not prevent a greater setback being provided or required if considered necessary, having regard to the heritage values in the Statement of Significance for the heritage place and the first objective of the DDO:

To preserve the valued heritage character of the streetscape and ensure that the predominantly two storey Victorian and Edwardian-era heritage street-wall remains the visually prominent built form of Johnston Street west of the railway line bridge.

The Panel thinks that a consistent mid level setback is appropriate west of the rail line to create a consistent 'secondary street wall' behind the heritage fabric. In any case it is not clear how much an additional setback would achieve when viewed obliquely if the adjoining buildings are built to a lesser setback.

The Panel concludes:

- it is not appropriate to require a greater setback above heritage buildings.

6.9.2 What setback is appropriate

(i) The issue

The issue is what mid level set back behind the street wall is appropriate.

¹⁰¹ Page 21

¹⁰² Council Part A [92]

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(ii) What does DDO15 provide?

Table 9 shows the proposed minimum mid level street setback above the street wall.

Table 9: Mid level street setback above the street wall (Document 26 version with Aheron added)

Sub precinct	Preferred minimum setback for upper levels from street wall facade	Mandatory minimum setback for upper levels from street wall facade
1A	None specified	6 metres
1AA	6 metres (fronting Sackville Street)	6 metres (fronting Johnston Street)
1AAA	None specified	6 metres (fronting Johnston Street)
1B	6 metres	None specified
1C	None specified	6 metres
1D	None specified	6 metres
Aheron	3 metres fronting Johnston Street with transition to property to the west 6 metres fronting Sackville Street	None specified
2A	None specified	6 metres
2rB	6 metres	None specified
2rC	6 metres	None specified
2rD	6 metres	6 metres (293 and 323–325 Johnston Street)
2rE	6 metres	None specified

(iii) Evidence and submissions

Table 10 summarises the position of Council and the expert witnesses

Table 10: Mid level street setback above the street wall – position of Council and the expert witnesses

	Setback above street wall Heritage areas	Setback above street wall Non heritage areas	Setback above street wall Sackville
Council	Mandatory 6 metres	Discretionary 6 metres	Discretionary 6 metres
GJM advice	Mandatory 5 metres only for significant streetscape or significant building. 6 metres subject to testing through modelling (s4.3.2).	N/A	N/A
Hansen advice	Mandatory 6 metres in HO for contributory and individually significant buildings; and significant streetscapes (Matrix_p5)	Discretionary 6 metres (Matrix p 5)	N/A
Parsons	Same as Council [84]	Mandatory 6 metres [88]	Mandatory 6 metres [85]

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	Setback above street wall Heritage areas	Setback above street wall Non heritage areas	Setback above street wall Sackville
Barnes	Same as Council [114]	Defer to urban design to justify 6 metre setback [116]	N/A
Trethowan	Same as Council (p5)	N/A	N/A
de Keijzer	Same as Council (oral evidence)	Same as Council (p20) even on corner sites (oral evidence)	
Sheppard	Mandatory 6 metres for significant streetscapes [32] and individually significant heritage buildings [33]. Discretionary 5 metres in 'mixed' streetscapes.	Discretionary 5 metres in precinct 1 [35] and discretionary 3 metres in precinct 2 [92] except for precinct 2rB (which should have a 5 metres setback but increased height ([102]))	Discretionary 5 metres [38]
Biacsi re 196–202 Johnston Street	Discretionary 5 metres [110]	N/A	Discretionary 3 metres [11]

Source: Based on extract of Document 19

There was some debate about whether a 3 metre, 5 metre or 6 metre setback was more appropriate. Submissions and evidence did not present an overwhelming argument for 5 metres over 6 metres. The critical issue is whether the requirement should be mandatory.

Mr Sheppard and the GJM report say the setback should be mandatory for significant streetscapes and individually significant heritage buildings but discretionary for 'mixed' streetscapes. Mr Sheppard adopts 6 metres for significant streetscapes and individually significant heritage buildings but 5 metres for other sites. The GJM report adopted 5 metres but flagged the possibility of 6 metres – to be tested through modelling.

The *Bridge Road – Victoria Street Built Form Framework*, prepared by Mr Sheppard's firm, suggests a 6 metre mandatory setback is appropriate within a significant heritage streetscape to maintain a clear distinction between the heritage fabric and the addition but adopts a discretionary setback for other sites.

Council maintained¹⁰³ that the 6 metres setback is necessary to distinguish the heritage scale street wall from the upper levels, and to retain the prominence of street wall, as an urban design tool not just a heritage protection tool.

Council also sought consistent controls along the length of the street, and was concerned that a variation on 5 metre and 6 metre setbacks and a combination of mandatory and discretionary controls will lead to a proliferation of blank side walls and further complexity in the controls.

East of the railway bridge Council supported a discretionary setback above the street wall of 6 metres. The exhibited version of the control proposed a 3 metre discretionary setback.

¹⁰³ Part B 110

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The Council Agenda dated 21 August 2018, noted that the reason behind the change in position, namely Mr Parsons' advice:

Officers recommend that no changes are made to DDO15 in response to submissions objecting to the use of mandatory controls. However, minor changes are recommended to be made to DDO15 to increase the setback above the street wall from a discretionary 3 metres to a discretionary 6 metres in precincts 2rB, 2rC, 2rD and 2rE ... This change is recommended by the expert urban designer.

Mr Parsons' expert witness statement explains:¹⁰⁴

As discussed above, this eastern precinct has a higher street wall of 18 metres mandatory maximum and lesser heritage significance. However, this does not mean that reducing shadowing and visual impacts above this height is unimportant, potentially quite the opposite given the already substantial scale of permitted frontage structures. The eastern sub precinct is still an area where pedestrian activity is to be promoted and an improvement of pedestrian amenity is a big part of this strategy, including an appropriate scale of frontage development. The Exhibited DDO15 contains a minimum setback above the street wall of just 3 metres preferred. As discussed above, I consider this inadequate to secure a meaningful distinction between upper and lower levels, particularly when viewed at an angle along the street, and potentially insufficient to deflect wind down draughts. I consider a mandatory 6 metres setback is required to secure these important aspects. I note Council's amended DDO15 now proposes a 6 metres setback in this sub precinct, but preferred rather than mandatory. In my view, the visual separation and wind aspects demand a mandatory treatment.

Mr Sheppard's view was that the setback should be a discretionary 3 metres in Precinct 2 except for sub precinct 2rB (which should have a 5 metre setback but increased height).

The Council supported¹⁰⁵ a 6 metre discretionary setback to ensure that the separation between the street wall and upper levels is maintained, thereby increasing the amenity of Johnston Street. The Council deferred to Mr Parsons' recommendation in that regard, given that he had done extensive modelling. However, the Council still thought that the control should be discretionary, which would allow shallower setbacks to be considered in appropriate circumstances.

A wind report attached to Mr Parsons' evidence supported a 6 metre setback as a default position for wind, noting that a lesser setback may be acceptable depending upon the design of the building.¹⁰⁶

(iv) Is a mandatory control justified?

Council made an assessment against PPN59.

Mr Parsons, Mr de Keijzer, Mr Barnes and Mr Trethowan all agree with Council that there should be a mandatory 6 metre setback above the street wall.

In terms of the heritage buildings:

- the rationale for the control is to ensure that the mid level is 'distinguishable' from the street wall and a recessive element within the streetscape
- the 6 metres represents a typical 'room depth' in heritage terms and will enable the heritage buildings to retain their three dimensional form to avoid facadism.¹⁰⁷

¹⁰⁴ At [88]

¹⁰⁵ Part B 117

¹⁰⁶ Mel Consultants, Amendment C220 Wind Report p 13

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(v) Discussion

In urban design terms, the 6 metre setback will retain the 'human scale' of Johnston Street, secure the distinction between the street wall and upper levels and will reduce the potential for overshadowing and adverse wind conditions.

The Panel agrees that in this context a 3 metre setback is unlikely to create a distinct enough street wall.

In urban design terms, whether the setback should be a minimum of 5 metres (Sheppard) or 6 metres (Parsons) is a somewhat arbitrary choice. This doesn't mean a choice should not be made. Some arbitrary choices are important, for example which side of the road to drive on. On balance the Panel prefers a 6 metre setback because:

- this will better protect heritage buildings
- a 6 metre setback fits better with the 45 degree upper level set back requirement – a 5 metre set back would potentially give only 5 metres to fit two additional floors within the 45 degree envelope leading to a greater setback at the mid level and hence breaking a consistent mid level street wall.

As noted by Parsons, east of the rail bridge it boils down to a simple set of provisions where sunlight becomes the key influencer.

A mandatory minimum upper level setback of 6 metres is only proposed in heritage overlay areas west of the rail bridge. In this area both sides of the street are in the heritage overlay. Further, within HO324, graded buildings comprise 780 metres out of the total 1,200 metres,¹⁰⁸ with only small sections of the street (the widest being 40 metres) that do not contain heritage buildings. In all cases, the objective is to retain the street wall as the prominent element.

There is a clear justification for a strong second tier of development and the 3D modelling demonstrates that 6 metres gives a greater sense of separation plus a more recessive effect, allowing the street wall to retain its prominence.

The Panel does not agree that less significant sections warrant a different treatment. Less significant areas equally deserve to exhibit the overall urban design outcome: a strong street wall with a distinct setback to the mid level form. It is an urban design outcome as much as a heritage one. The Panel is not persuaded that 6 metres should be discretionary. This would certainly prejudice the idea of a strong urban design frame and could lead to lengthy debates trying to reach no setback with differentiation limited solely to a change of materials. The benefits of certainty should prevail here, and the Panel is confident that design solutions for economically sound development can be achieved by competent architects.

The Panel concludes:

- the mid level set backs are appropriate
- the mandatory mid level setback controls are necessary.

¹⁰⁷ As per Mr Trethowan's evidence and see also p133 GJM report Victoria Street and Bridge Road Built Form Review – Heritage Analysis and Recommendations p133 and 134. ⁶⁶ Mr Parsons' evidence [80] ⁶⁷ At p 73.

¹⁰⁸ Mr Parsons PowerPoint.

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6.10 Upper level setback envelope

(i) The issue

The issue is whether the upper level setback envelopes are appropriate.

(ii) What does DDO15 provide?

DDO15 includes a requirement for development above the street wall to be contained within a 45 degree envelope. The mid level setback requirement creates in effect a 'secondary street wall' 6 metres higher and set back 6 metres from the maximum street wall, and the 45 degree envelope takes effect from this secondary street wall.

Table 11 shows the preferred minimum upper level setback.

Table 11: Upper level setbacks (Document 26 version with Aheron added)

Sub precinct	Preferred upper level setback/envelope from property frontage (measured as the distance above ground level as specified below)
1A	45° above 11 metres
1AA	45° above 11 metres
1AAA	45° above 11 metres
1B	45° above 11 metres
1C	45° above 11 metres
1D	45° above 11 metres
Aheron	45° above 11 metres Sackville Street only
2A	45° above 11 metres
2rB	45° above 18 metres
2rC	45° above 18 metres
2rD	45° above 18 metres
2rE	45° above 18 metres

(iii) Evidence and submissions

Table 12 summarises the position of Council and the expert witnesses

Table 12: Upper level setback – position of Council and the expert witnesses

	45 degrees Johnston Street	45 degrees Sackville Street
Council	Discretionary above street wall	Discretionary above street wall
GJM advice	$\frac{\text{one third}}{\text{two thirds}}$ ratio (s4.3.2 p14)	N/A
Hansen advice	N/A	N/A
Parsons	Same as Council [84]	Same as Council [84]
Barnes	Does not support for every application	Not explicitly stated
Trethowan	Same as Council	N/A

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	45 degrees Johnston Street	45 degrees Sackville Street
de Keijzer	Same as Council with consideration to be given to nominated corners (pp 20 and 23)	Same as Council (oral evidence)
Sheppard	Precinct 1: 45 degree above 24 metres [62] Precinct 2: supports the 45 degree rule with the exception of precinct 2rB [98] [99]	45 degrees above 14 metres [67]
Biacci re 196–202 Johnston Street	45 degree above 21 metres [110]	45 degree above 21 metres [110]

Source: Extract of Document 19

Several submissions object to this requirement and contend that it is not necessary to manage amenity impacts. The submissions contend that the requirement is too restrictive and stifles flexibility and design innovation.

Pelican Capital objected to the 45 degree setback envelope as prescribed in DDO15 for the following reasons:

- amenity impacts can be managed without the need to conform to a 45 degree angle measurement
- blanket approach to all designs, and does not allow for design variation for individual site circumstances and interfaces.

Submitter 17 did not support application of the 45 degree setback envelope, particularly at the Johnston Street interface as it is not based on sound principles and is inflexible. The 45 degree setback envelope should be removed and replaced with broader, performance-based objectives.

De Luca Property Group objected to application of a 45 degree setback envelope for new developments on sites with a north–south orientation, including 196–202 Johnston Street, Abbotsford as there is little strategic justification for the uses of this principle and it precludes site-specific innovative design.

Submission 25, 105–107 Johnston Street, Collingwood said the proposed 45 degree upper level setbacks is not suitable in this context.

Council submitted¹⁰⁹ that the '45 degree envelope' requirement is necessary to ensure development achieves the preferred future character and principles outlined in JSLAP, notably:

- a prominent (heritage) street wall
- recessive upper levels
- a human scale to development
- solar access to the street; and
- a transition in setbacks and heights to low scale residential properties.

The requirement is discretionary, not mandatory. Development that does not comply with the requirement may be permitted if key design objectives and the preferred character are

¹⁰⁹ Council Part A [84]

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met. Council submitted that this gives flexibility and potential design innovation for developers while at the same time providing clear direction on the form of development that is needed to achieve the preferred character.

Pelican Capital submitted that the upper level 45 degree setback envelope is a departure from JSLAP 2015. The Supporting Document sets out the rationale for the 45 degree envelope.¹¹⁰

It is generally agreed that there should be a metric to provide some certainty about upper level built form. It is also agreed (other than the minimum setback above the street wall) that the control should be discretionary.

The dispute between the Council on the one hand (supported by Mr Parsons, Mr Trethowan and Mr de Keijzer) and Mr Biacsi and Mr Sheppard on the other hand is whether a 45 degree building envelope is appropriate or whether a less recessive control ought be adopted.

Mr Sheppard advocates what he describes as a $\frac{\text{one third}}{\text{two thirds}}$ ratio of upper level visibility to street wall.

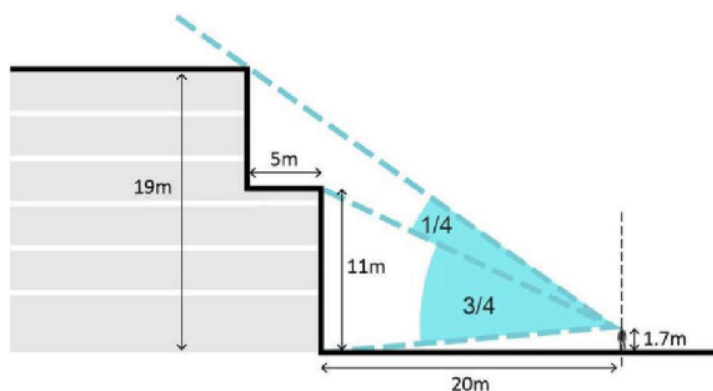
Mr Biacsi advocated a similar built form outcome to Mr Sheppard on Johnston Street, all be it a more recessive one. It was not clear what analysis underpinned Mr Biacsi's opinion, and he declined repeated questions from Council to explain how cross sections prepared by other supported his view. The Panel was not assisted by his evidence.

Mr Parsons, Mr de Keijzer and Mr Trethowan explained why the 6 metres setback from the street wall, combined with a 45 degree envelope, is an appropriate control to apply.

Mr Sheppard suggested a $\frac{\text{one third}}{\text{two thirds}}$ ratio comparing upper level visibility with street wall visibility would be appropriate west of the railway line. This is notwithstanding that a ratio of $\frac{\text{one quarter}}{\text{three quarters}}$ has been applied by him or his firm in hertiage areas elsewhere (including Sydney Road – see Figure 10, Hawksburn Village and most relevantly proposed by him for parts of Bridge Road and Victoria Street.

He also agreed that the formula needs to be translated to something simpler in the DDO, and suggests a 1 to 1 setback (in other words a 45 degree angle) above 24 metres.

Figure 10: Example of view angle upper level setback control – Moreland DDO18



¹¹⁰ See eg pages 4, 10–11.

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(iv) Discussion and conclusion

The utility of the 45 degrees – for relieving visual bulk, protecting solar access and simplicity of application – is demonstrated by its use by both Mr Sheppard and Mr Biacsi, albeit starting from a higher point.

The Panel agrees with Council, that document 37 demonstrates that if the $\frac{\text{one quarter}}{\text{three quarters}}$ ratio of upper level visibility to street wall is to be achieved west of the railway line, a 45 degree angle above a nominal 11 metres high street wall represents the best fit.

This is because most of the heritage fabric street wall heights are below 11 metres, typically ranging between 8–9 metres but also as low as single storey development.

The projection of Mr Biacsi's preferred upper level envelope beyond the 45 degree angle proposed by the Council is not great and falls within the bounds likely to be able to be considered by way of the exercise of discretion.

The issue the Panel has with the use of a street wall to upper level visibility ratio of upper level visibility to street wall is that the quantum of upper level development that is possible is highly dependent on the height of the street wall. In Johnston Street where a lower scale heritage street wall may be retained the approach is unlikely to deliver an equitable outcome.

The Panel concludes:

- a 45 degree upper level set back is appropriate.

6.11 Rear setbacks

(i) The issue

The issue is whether the proposed rear setback is appropriate.

(ii) What does DDO15 provide?

DDO15 specifies either a 4.5 metre setback or 45 degree setback above 11 metres (or 9 metres in sub precinct 2rE).

Table 13 shows the proposed rear interface requirements.

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Table 13: Rear interface (Document 26 version with Aheron added)

Sub precinct	Preferred maximum rear boundary height	Maximum rear boundary height	Minimum setback or envelope from rear property boundary (measured from 11 metres above ground level, (above 9 metres for sub precinct 2rE)
1A	11 metres	None specified	4.5 metres
1AA	11 metres	None specified	4.5 metres
1AAA	11 metres	None specified	4.5 metres
1B	11 metres	None specified	4.5 metres
1C	None specified	11 metres	45 ⁰
1D	None specified	11 metres	45 ⁰
Aheron	None specified	None specified	None specified
2A	11 metres	None specified	4.5 metres
2rB	11 metres	None specified	4.5 metres / 45 ⁰ (Stafford Street)
2rC	None specified	11 metres	45 ⁰
2rD	None specified	11 metres	45 ⁰
2rE	None specified	9 metres	45 ⁰ above 9 metres (mandatory)

(iii) Evidence and submissions

Table 14 summarises the position of Council and the expert witnesses

Table 14: Rear envelope – position of Council and the expert witnesses

	Rear interface height	Rear envelope
Council	Mandatory 11 metres in 1C, 1D, 2rC, 2rD Mandatory 9 metres in 2rE	Discretionary 45 degree above rear wall where interface is residential Discretionary 4.5 metres where interface is commercial
GJM advice	N/A	N/A
Hansen advice	Mandatory 8 metres where: - adjacent to NRZ; or - adjoining a perpendicular property. - Otherwise 8 metres discretionary. (Matrix p 4 and 5)	Mandatory 45 degree to perpendicular residential interfaces and NRZ residential interfaces. Discretionary 45 degree to parallel interface or GRZ. [Matrix p5]
Parsons	Same as Council [92], [94]	Same as Council but mandatory [96] and [98]
Barnes	Mandatory 11 metres in 1D [118] Mandatory 9 metres in 2rE [118] Discretionary 11 metres in 1C, 2rD and 2rE [119]	Mandatory 45 degree to direct residential abuttal (precincts 1D and 2rE) [132] Discretionary 45 degree with intervening laneway in 1C, 2rD and 2rE [132]
Trethowan	N/A	N/A

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	Rear interface height	Rear envelope
de Keijzer	Same as Council (p 21) Rear wall should be 9 metres in 2rD(p19) (agrees with submission 28 (p20) Agrees with Mr Sheppard that 15 metres is appropriate in 2rB (cross examination)	Same as Council (p 16)
Sheppard	Same as Council except for 11 metres in 2rB (which should be 15 metres as per exhibition version) [131]	4.5 metres discretionary except where there is the potential to consolidate a site [127].
Biacci re 196–202 Johnston Street	N/A	N/A

One submission argued that it is not clear how the mandatory rear interface control would apply to their site in particular, whether the control would apply where a development had both a north-south and an east-west orientation given the words

... with a north-south orientation fronting Johnston Street, Sackville Street or Stafford Street

Council said¹¹¹ that it is intended that the 45 degree rear interface control only apply on north or south property boundaries, not east or west property boundaries. Council said it would accept additional words being added to the DDO to clarify this approach if necessary.

The critical site where this issue was contested was the K7 Developments land at 288 Johnston Street that backs onto Little Turner street.

Mr Sheppard's presented sections showing a building on this site which would present as a very substantial form on Johnston Street, Council said that this was simply not of the scale contemplated by Council for this precinct.

Council rejected¹¹² the notion that Little Turner Street should be treated as a "*back of house*" or "*service road*" location, and seeks to preserve the discretionary rear interface control of a 4.5 metres setback above an 11 metre wall.

The controls propose mandatory rear interface wall heights in precincts adjacent to established residential areas with preferred rear interface heights adjacent to commercial areas.

This approach was generally accepted by Mr Barnes, Mr de Keijzer, Mr Parsons and Mr Sheppard. Mr Barnes suggests the control ought to be discretionary where the site is opposite a laneway, but is more conservative on the built form controls for direct abutments, calling for the 45 degree envelope to be mandatory. The Council adopted¹¹³ a middle ground, combining a mandatory rear wall and a discretionary upper level envelope.

One of the concerns raised by De Luca was that the rear interface control would prevent them from achieving a consolidated development of their site.

¹¹¹ Part C [116]

¹¹² Part C [93]

¹¹³ Part B [120]

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In relation to the operation of the rear interface controls on consolidated sites, the Council submitted¹¹⁴ that any integrated development across a property with frontages to both Johnston Street and Sackville Street will **not** have an applicable “*rear interface*” height requirement because it does not have a “*rear wall*”, instead it will have two street wall height requirements to meet.

In the case of an integrated development comprising separate buildings, one fronting onto Johnston Street and one on to Sackville Street each with “*rear walls*”, the rear interface provisions will apply; however, the discretion available in relation to the rear interface height and 4.5 metre setback above the rear interface height would allow the particular circumstances of that development to be taken into account. Whether separation between buildings would be required at the property boundary will depend upon amenity within the development and the equitable development considerations of adjoining properties called up by the design objectives, the application requirements and the policy at 21.12.

(iv) Discussion and conclusions

The Panel agrees with Council that it is appropriate to make the rear height mandatory to protect established areas. The amount of development that will be permissible under the proposed controls errs on the generous side compared with ResCode. As the B17 envelopes demonstrate, the 11 metres rear interface combined with a 45 degree envelope (discretionary control) provides an outcome that results in an envelope similar to the B17 envelope when across a laneway and much more substantial built form where no laneway exists.

As the development at 109 Dight Street shows a higher rear wall height can be very imposing, even when opposite a laneway. Council officers advised that the overall height is in the order of 17 metres, with a scale of approximately 14 metres abutting the laneway. This approved and built development has the potential to set a precedent along this laneway, which would result in unacceptable outcomes for the rear yards of the properties located to the south. The same situation applies to the laneway in precinct 2rE.

It is important to protect the amenity of Little Turner Street, as it has the potential to develop into a highly used pedestrian environment, with a low scale built form to the north and with front entrances as well as rear gardens facing the laneway.

The Panel concludes:

- the rear interface controls are appropriate
- the mandatory rear interface control is necessary.

6.12 Building separation requirement

(i) The issue

Concerns were raised about the building separation requirements

(ii) What does DDO15 provide?

DDO15 provides:

¹¹⁴ Part C 63

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Where development shares a common boundary with a private property or a laneway, upper level development should:

- be set back a minimum of 4.5 metres from the common boundary or 4.5 metres from the centre line of the laneway where a habitable room window is proposed;
- be set back a minimum of 3 metres from the common boundary or 3 metres from the centre line of the laneway (on a laneway less than 6 metres wide) where a non-habitable room window or commercial window is proposed.

Development above 21 metres should provide an appropriate side setback to provide spacing between buildings in order to maintain views to the sky from Johnston and Sackville Streets and from residential properties adjacent to the development.

(iii) Evidence and submissions

Table 15 summarises the position of Council and the expert witnesses

Table 15: Building separation requirement – position of Council and the expert witnesses

	Upper and lower level side setback
Council	All discretionary: - 4.5 metres habitable room - 3 metres non-habitable room - no metric above 21 metres DDO silent on lightwells below street wall.
GJM advice	N/A
Hansen advice	N/A
Parsons	Lower levels: 4.5 metres to habitable windows for 1 metre either side of window [102] Upper levels: mandatory 4.5 metres setback from neighboring boundaries above 18 metres [107].
Barnes	N/A
Trethowan	N/A
de Keijzer	Same as Council except should be a further metric above the street wall that a building not be longer than 30 metres or setback 4.5 metres from one boundary only (pp10 and 22)
Sheppard	Same as Council except add metric: development above 21 metres should provide side setbacks totaling one third the of width of property [143].
Biacci re 196–202 Johnston Street	N/A

Some submissions objected to the requirement for setbacks from the side boundary where windows are proposed. The submissions contend that these setback requirements are unnecessary and would make some sites undevelopable as they are not of sufficient width to accommodate these setbacks.

(iv) Discussion and conclusions

The setbacks from the side boundary are proposed to provide breaks between buildings at upper levels to avoid development overwhelming the street and to provide views to the sky from street level. The Panel thinks this is a reasonable aim.

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The setbacks also avoid the need for screening where two windows face each other, help to provide daylight to apartments and offices, and help to achieve equitable development outcomes.

The Panel acknowledges that the requirements may make development unviable on a small number of sites unless they are consolidated. However, Council considers that this is justified given the importance and value of the setbacks and provides greater certainty to future developers to find solutions notably through site consolidation.

The Panel concludes:

- the building separation requirements are appropriate.

6.13 Corner site requirements

Some submissions expressed uncertainty about how the requirements for upper level setbacks would apply on corner sites.

Council¹¹⁵ recognised that there is ambiguity in how the requirements in DDO15 would apply to corner sites and also how the 45 degree is applied as the exhibited DDO only requires this from the front and rear of sites.

To address this, Council proposed changes that require the street wall height to “wrap” around corners into side streets in some situations and include a discretionary requirement for a minimum 3 metre setback above the street wall on side streets.

The Panel concludes:

- the corner provisions are appropriate.

6.14 Commercial floor space requirements

One submitter objected to the floor to ceiling height requirements that support commercial development in the lower two floors of new buildings. The submitter argued that the policy and floor height requirements should only apply to the ground floor of Johnston Street and contend that they are not necessary or appropriate along Sackville Street which does not exhibit the same commercial character as Johnston Street.

Council advised¹¹⁶ that it has included the floor to ceiling requirements across DDOs in the City of Yarra to promote commercial development in the immediate term and to ensure that buildings are designed with the flexibility to support commercial development in the future.

While Sackville Street does have a different character, its proximity to Johnston Street and the Easey Street Employment Precinct makes it a suitable location for commercial development.

The Panel understands that research shows there is increasing demand for office space within the inner city, beyond the CBD. Collingwood and Cremorne are emerging as two of Yarra’s most important employment areas with a number of recently approved office applications in both areas.

¹¹⁵ Part A 95 – 96

¹¹⁶ Council Part A [100]

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The Panel agrees that there is a need to facilitate a diversity of office spaces for future demand and thinks there is a need to ensure activity centres have scope to cater for a wide range of activities.

The Panel has previously recommended a change in street wall height to accommodate commercial development.

7 Drafting issues

The drafting of the controls is clear. However, the drafting does not always conform to published advice. The Panel understands that the published advice is extensive and when focussing on content, drafting conventions may be overlooked.

In reviewing the controls the Panel has been mindful of the Department's published guidance including:

- the Ministerial Direction on *The Form and Content of Planning Schemes*, which includes a requirement to draft in plain English
- *Using Victoria's planning system, Chapter 9 – Plain English*, which provides specific guidance on drafting for planning schemes as well as more general plain English advice
- relevant Planning Practice Notes
- *A Practitioner's Guide to Victorian Planning Schemes*.

The Panel includes the following commentary to explain why it has made the drafting changes it has. The Panel has formally recommended some specific changes in controls and has recommended that the drafting be refined. The changes the Panel has made are by way of illustration: further changes may be appropriate, or alternatively there may be good reasons to reject some of the Panel's suggestions.

(i) Are definitions needed?

Using Victoria's planning system, Chapter 9 – Plain English, cautions against adding definitions or changing existing VPP definitions.

In preparing its track change version of the controls, the Panel has sought to:

- use already defined VPP terms where they exist and are directly relevant
- reduce, and preferably eliminate definitions in schedules.

(ii) Making mandatory controls clear

The Panel has adopted drafting advice to use 'must' for mandatory control and 'should' for discretionary controls. In common with a number of recent DDOs the Panel thinks it is better to specify upfront that for controls expressed with 'must', or in the mandatory column of a table, a permit cannot be granted to exceed the control.

In preparing its track change version of the controls, the Panel has sought to:

- make it clear when controls are mandatory.

(iii) Making discretion clear

The construction:

A permit may only be granted to exceed the preferred maximum building height specified in Table 2 if the following criteria are met to the satisfaction of the responsible authority:

can be replaced with:

Development that exceeds the preferred maximum building height specified in Table 2 should meet the following criteria:

The provision is to the satisfaction of the responsible authority – the Panel understands that this makes it discretionary – and can be expressed in simpler language using 'should'.

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In preparing its track change version of the controls, the Panel has sought to:

- express discretionary controls with 'should'.

(iv) Headings and their numbering

The Panel thinks that additional more specific heading (with numbers) would make the DDO easier to navigate.

In preparing its track change version of the controls, the Panel has sought to:

- develop a more useful heading structure.

(v) The order of controls

The mandatory overshadowing control is potentially a significant constraint. It should be presented earlier in DDO15.

In preparing its track change version of the controls, the Panel has sought to:

- place more significant matters earlier.

(vi) Use of the table in the graphic

Many of the controls are presented in the table that is part of a graphic. The Panel considers these requirements would be clearer if this critical information was presented in the body of the controls.

In preparing its track change version of the controls, the Panel has sought to:

- present requirements in the body of the DDO.

(vii) Avoiding controls in table headings

Some of the table headings elaborate upon the control. The Panel thinks the control would be easier to use if this material was in the text and table headings were kept as simple as possible.

In preparing its track change version of the controls, the Panel has sought to:

- simplify table headings.

(viii) Active voice

Using Victoria's planning system, Chapter 9 – Plain English, says:

Use the active voice.

In preparing its track change version of the controls, the Panel has sought to:

- use the active voice.

(ix) Parallel structures

Using Victoria's planning system, Chapter 9 – Plain English, says:

If two or more coordinated elements (words, phrases or clauses) occur together, they should have the same grammatical structure.

In preparing its track change version of the controls, the Panel has sought to:

- use parallel grammatical structures.

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(x) 'If-then' or 'this-if'

In places DDO15 has adopted the practice of presenting information in a 'this-if' form; that is, presenting the height or setback that applies and then telling the reader where this applies. The control would be easier to use if the conditions that determined the height or setback (location, overall building height and the like – that is, the 'if') were presented first, and the actual metric to be achieved last.

In preparing its track change version the Panel has sought to:

- present conditional requirements in an 'if-then' order.

(xi) Choosing between 'which' and 'that'

The draft Amendment typically uses 'which' to introduce essential qualifications in the controls. *Using Victoria's planning system, Chapter 9 – Plain English*, says:

When making an essential qualification use 'that'; use 'which' when providing additional information about something being discussed.

In preparing its track change version of the controls, the Panel has sought to:

- use 'that' when making an essential qualification.

(xii) Using fewer, simpler words

The simplest English words have not always been used in the drafting.

In preparing its track change version of the controls, the Panel has sought to:

- avoid unnecessary words.

(xiii) Bulleted lists

Using Victoria's planning system, Chapter 9 – Plain English, says:

9.6.5 Using bulleted lists

... In bulleted lists neither 'and' nor 'or' should be used. The introduction to the list must make it clear whether all the requirements specified need to be met or just one of them.

The draft Amendment generally follows this advice, but not in every list. In planning schemes bulleted lists start each point with a capital letter and end each point with a full stop.

In preparing its track change version of the controls, the Panel has sought to:

- avoid 'and' or 'or' in bulleted lists, and use standard VPP punctuation.

(xiv) Use of diagrams

The Panel considers that the diagram could be expanded to give a clearer reference to how the different elements of DDO15 fit together.

In preparing its track change version of the controls, the Panel has sought to:

- improve the diagram.

(xv) Use of symbols

The authors of the DDO have used a superscript ⁰ in place of the degree symbol. Give the vagaries of computer systems and the unknown qualities of ATS the Panel thinks it would be

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safer just to type out 'degrees' in full. The % symbol needs to be spelt out in text as does 'metres' to comply with the practitioner guide.

(xvi) Conformity with directions on styles

The revised versions of the controls look like a standard planning scheme schedule but do not conform to the Ministerial Direction on the Form and Content of Planning Schemes in terms of the use of word styles to format text. Nothing turns on this, but the Panel understands that these formatting issues can cause problems during the approval process.

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Appendix A Submitters to the Amendment

Submission No	Submitter	Site
1	Ikeys Pty Ltd	378–380 Johnston Street, Abbotsford
2	Shane Short and Shortrack Constructions Pty Ltd	140A Johnston Street, and 95–97 Sackville Street, Collingwood
3	Collingwood Historical Society	Collingwood Arts Precinct – 35 Johnston Street, Collingwood
4	Ilias Gouletsas	272 Johnston Street, Abbotsford
5	Grange Development Consulting	400 Johnston Street, Abbotsford
6	Gurner 23–33 Johnston Street Pty Ltd	23–33 Johnston Street, Collingwood
7	Resident	54 Stafford Street, Abbotsford
8	Catherine Hales, Brendan Hales and Patrick Guinness	248 Johnston Street, Abbotsford
9	Resident	329, 329A Johnston Street, 37 Hunter Street and 236 Nicholson Street, Abbotsford
10	Resident	329, 329A Johnston Street, 37 Hunter Street and 236 Nicholson Street, Abbotsford
11	Pelican Capital Pty Ltd	329 Johnston Street, 236 Nicholson Street, and 37 Hunter Street, Abbotsford
12	VicRoads	–
13	Yarra Central Property Trust	436–438 Johnston Street, Abbotsford
14	Malcolm, and Carolyn Jack	424 Johnston Street, Abbotsford
15	Titanium Property Investments	166–168, 174–176 Johnston Street, Collingwood and 121 Sackville Street, Collingwood
16	Land owner	8–10 Johnston Street, Collingwood
17	Land owner	398 Johnston Street, Abbotsford
18	AA Holdings Pty Ltd	40 Johnston Street and 35–37 Sackville Street, Collingwood
19	De Luca Property Group	196–202 Johnston Street, Collingwood
20	Contemporary Arts Precinct	Collingwood Arts Precinct – 35 Johnston Street, Collingwood
21	Land Owner	Easey Street, Collingwood

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Submission No	Submitter	Site
22	K7 Developments	288–296 Johnston Street Collingwood
23	Aheron Pty Ltd	220, 222 and 222A Johnston Street, and 153-155 and 165 Sackville Street, Collingwood
24	Land Owners	13 Perry Street, Collingwood
25	Zero Nine Pty Ltd / land owner	105–107 Johnston Street, Collingwood
26	Land Owner	116–120 Johnston Street, Collingwood
27	Land Owner	73 Harmsworth Street Collingwood
28	Resident	Stafford Street, Abbotsford

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Appendix B Parties to the Panel Hearing

Party	Represented by
Yarra City Council	Ms Susan Brennan QC with Ms Juliet Forsyth SC (Counsel), instructed by Harwood Andrews Lawyers called evidence from: <ul style="list-style-type: none"> - Larry Parsons of Ethos Urban, in urban design - David Barnes of Hansen Partnership Pty Ltd in urban planning - Koos de Keijzer of DKO Architecture, in urban design - Andrew Spencer of SGS Economics and Planning in urban economics - Bruce Trethowan of Trethowan Architecture in heritage and urban conservation
Shakespeare Property Group Pty Ltd	Mr Dominic Scally of Best Hooper Lawyers called evidence from: <ul style="list-style-type: none"> - Kel Twite of SJB Planning, in urban planning
K7 Developments Pty Ltd	Mr Dominic Scally of Best Hooper Lawyers called evidence from: <ul style="list-style-type: none"> - Mark Sheppard of David Lock and Associates, in urban design
De Luca Property Group	Mr Peter O'Farrell of Counsel, with Reto Hoffman of Rigby Cooke Lawyers called evidence from: <ul style="list-style-type: none"> - Mark Sheppard of David Lock and Associates, in urban design - Andrew Biacsi of Contour Consultants, in urban planning
AA Holdings Pty Ltd	Mr Matthew Townsend of Counsel, instructed by Norton Rose Fulbright, called evidence from: <ul style="list-style-type: none"> - Mark Sheppard of David Lock and Associates, in urban design
Aheron Pty Ltd	Mr Mathew Furness of Message Consultants
Titanium Property Investments	Mr David Hicky of SJB Planning
Pelican Capital Pty Ltd	Mr Jarryd Gray of Minter Ellison Lawyers
Malcolm and Carolyn Jack	In person

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Appendix C Document list

No.	Date	Description	Provided by
1	18/09/2018	Folder: supporting documents including the Amendment as exhibited (Tab 3) and a version showing recommended changes endorsed by Council on 21 August 2018 (Tab 6)	S Brennan
2	16/10/2018	DELWP Letter to PPV dated 12/10/2018 advising of updates to Practice Notes following Activity Centre Pilot Program	S Brennan
3		Folder: including Council Part A Submission and additional supporting documents	S Brennan
4		Letter to owners of 262–264 Johnston Street	
5a		Ethos Urban – Witness Statement Larry Parsons	L Parsons
5b		Ethos Urban PowerPoint presentation	
6	17/10/2018	Summary Table comparing exhibited, revised 21 August 2018 and Parsons recommended versions of DDO15	L Parsons
7a-f		Screen shots from Urban Circus 3D Model commissioned by Ethos Urban	S Brennan
8a		Various height, setback and lot depth diagrams	S Brennan
8b		Extracts from Supporting Document – sections and shadows for sub precincts 1A, 1B, 1C, 1D, 2A, 2B, 2rD	
9a		Google Earth aerial key map of photo locations	S Brennan
9b		Photos of various locations	
10		Extracts from Supporting Document – sections through sub precincts 1C and 2rC with ResCode Standard B17 overlaid	D Barnes
11	18/10/2018	Revisions to part 9 of David Barnes witness statement	D Barnes
12		3D Urban Circus DDO images overlaid with approved and proposed permit plans for 288–296 Johnston Street	S Brennan
13		Context P/L Heritage Gap Study – Review of Johnston Street – Final Report April 2016, covers proposed HO505	S Brennan
14		Extract from G Butler and Assoc City Yarra Review of Heritage Overlay Areas 2007. HO324 statement of Significance	S Brennan
15		Bruce Trethowan photos of Johnston Street	B Trethowan
16	19/10/2018	Koos de Keijzer PowerPoint presentation	K de Keijzer
17	22/10/2018	Set back formula prepared by Mark Sheppard	D Scally
18		Council Part B submission	
19		Table comparing built form requirements of Council's consultants and witnesses and of M Shepard and A Biacsi	S Brennan
20		DD015 Track changes version (without comments) of Council officer's preferred changes	S Brennan
20A		Further track changes refinement of Doc 20 provided 23/10/2018	

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No.	Date	Description	Provided by
21		DDO15 Track changes version (with comments) of Council officer's preferred changes	S Brennan
22		Activity Centre Pilot Program – Key findings report (DELWP 2018)	S Brennan
23		Measurable Criteria to assess development applications exceeding preferred heights – Analysis and Recommendations (MGS Architects August 2018)	S Brennan
24		Practice Note 60 (September 2018) track changes version	S Brennan
25		Calculating Height (or angle) to edge of upper level with formula : using tangents (S Brennan)	S Brennan
26	23/10/2018	Clean copy of Doc 20A	S Brennan
27		Submission AA Holdings	M Townsend
28		Mark Sheppard slides of presentation	M Townsend
29		Extracts from Bridge Road and Victoria Street Built Form Framework – June 2018 pages 70 and 104	M Townsend
30		Extract from Yarra Housing Strategy – page 69	S Brennan
31		Extract from Mark Sheppard witness statement to Moreland C134 (Sydney Road, Moreland) Panel – pages 28–36	S Brennan
32		247–259 Johnston Street – Pace Developments project-ground floor Plan	S Brennan
33		Photo of restaurant at 265 Johnston Street	S Brennan
34		Extracts from DLA Sydney Road and Upfield Corridor Strategic Framework Plan – Draft October 2014	S Brennan
35		Photo – Little Turner Street	S Brennan
36		Extracts from DLA Hawksburn Village Structure Plan – Final July 2016	S Brennan
37		Series of Johnston Street view-line angles with different street-wall heights	S Brennan
38	24/10/2018	Submission on behalf of De Luca Property Group	P O'Farrell
39		June 2015 version of Planning Practice Note 60	P O'Farrell
40		Yarra Planning Scheme Clause 22.02 Development Guidelines for sites subject to the Heritage Overlay	P O'Farrell
41		Yarra Planning Scheme Clause 22.10 Built Form Design Policy	P O'Farrell
42		Endorsed planning permit plans for 1–5 Turner Street apartments	S Brennan
43		Site classification in council documents/reports for 436–438 Johnston Street	K Twite
44		News article from Sydney Morning Herald	J Forsyth
45		Extracts from Yarra Spatial Economic and Employment Strategy – Final Report Aug 2018	J Forsyth

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No.	Date	Description	Provided by
46		Extracts Yarra Housing Strategy – October 2018	J Forsyth
47		Planning Property Report 436–438 Johnston Street	J Forsyth
48		Yarra Planning Scheme- Schedule 1 to the Significant Landscape Overlay	J Forsyth
49		Planning Advisory Note 65 – Yarra River Protection Controls Feb 2017	J Forsyth
50		Yarra C218 – Explanatory Report	J Forsyth
51		Yarra C219 – Explanatory Report	J Forsyth
52		Folder of submissions and supporting documents on behalf of K7 Developments Abbotsford Pty Ltd and Shakespeare Property Group	D Scally
53		City of Yarra Footpath trading Policy – June 2013	D Scally
54		Suggested drafting changes to proposed Clause 21.12–1 Local Areas	D Scally
55		Moda Armadale v Stonnington CC [2018] VCAT 1581	D Scally
56	25/10/2018	Submission of behalf of Aheron Pty Ltd	M Furness
57		Submission on behalf of Titanium Property Investments	D Hicky
58		Submission on behalf of Pelican Capital Pty Ltd	J Gray
59		Submission of behalf of Malcolm and Caroline Jack	M Jack
60	26/10/2018	Marked up copy of Document 20A	P O'Farrell
61		Extract from Melbourne C270 Panel Report -October 2016 – pages 101–104	P O'Farrell
62		City of Yarra Part C Submission	S Brennan
63		Melbourne CC v Minister for Planning [2015] VCAT 412	S Brennan
64		Yarrabank Developments Pty Ltd v Melbourne CC [2017] VCAT 888	S Brennan
65		Series of photos of cantilevered buildings referred to in Panel Hearing for Melbourne C258	S Brennan
66		Extracts from Darebin C136, C137 and C138 – Panel Report July 2014	S Brennan
67		Table of Council responses to Recommendations of Mr Biacsi and Mr Sheppard	S Brennan
68	21/11/2018	VicRoads submission	Raymond Dicker
69	23/11/2018	VicRoads amended submission	Raymond Dicker
70	4/12/2018	VicRoads submission	Gillian Menegas
71	12/12/18	City of Yarra submission	

Appendix D Panel preferred version of Design and Development Overlay Schedule 15

This version shows Panel suggest changes based on Document 20A. Moved text is not tracked. Other changes are marked as Tracked Added and Tracked Deleted.

A clean version of this appendix has been sent to Council as a separate document

SCHEDULE 15 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

--/20--
C-- Shown on the planning scheme map as **DDO15**.

JOHNSTON STREET ACTIVITY CENTRE

1.0 Design objectives

- /20--
C--
- To preserve the valued heritage character of the streetscape and ensure that the predominantly two storey (~~heritage scale~~) street-wall remains the visually prominent built form of Johnston Street west of the railway line bridge, ~~ensuring that upper levels are visually recessive~~.

It is not clear what scale adds to the objective. Heritage buildings come in a variety of scales.

- To ~~ensure that the overall scale and form of new buildings is~~ provide for new mid-rise (5 to 10 storeys) buildings and provides a suitable transition to low scale residential areas, ~~protecting surrounding residential properties from unreasonable loss of amenity through visual bulk, overlooking and overshadowing~~.
- To ~~ensure that new development does not compromise~~ protect the operation of the state significant Collingwood Arts Precinct from unreasonable loss of amenity through visual bulk, ~~overlooking~~, overshadowing of open space areas and vehicle access.

The public spaces on the Collingwood Arts Precinct might benefit from casual surveillance.

- To activate the street edge, provide passive surveillance opportunities, ~~and~~ accommodate commercial activity at the lower levels of buildings new development and enhance the public realm through high quality buildings and protect footpaths and public spaces on the southern side of Johnston Street from loss of amenity from overshadowing.
- To provide for equitable development outcomes through built form design that responds to the development opportunities of neighbouring properties, and through the consolidation of finer grain sites.

2.0 Buildings and works

--/20--
C--

2.1 Definitions

--/20--
C--

Building height ~~is measured as~~ means the vertical distance between the footpath at the centre of the frontage and the highest point of the building.

Architectural feature exemption moved from definitions to requirements.

Heritage Building ~~refers to~~ means any building subject to a heritage overlay, graded as either *Contributory* or *Individually Significant*.

Laneway means a road reserve of a public highway 9 metres or less wide.

Rear interface ~~is~~ means the rear wall of any proposed building or structure at any level, whether on the property boundary or set back from the property boundary.

~~Setback is the shortest horizontal distance from a building, including projections such as balconies, building services and architectural features, to the property boundary.~~

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The VPP define **Setback** as “The minimum distance from any allotment boundary to a building.”
Projections moved to requirements.

Street wall ~~is means~~ the facade of a building at the street boundary.

Street wall height ~~is measured as means~~ the vertical distance between the footpath at the centre of the frontage and the highest point of the building at the street edge, ~~with the exception of architectural features.~~

~~Upper Level Development refers to the levels of buildings that are above the street wall.~~

2.2

--J--/20--
C--

Requirements

A permit cannot be granted to vary a requirement expressed with the term ‘must’ or listed in a ‘Mandatory’ column of a table.

A permit must not be granted or amended (unless the amendment would not increase the extent of non-compliance) for buildings and works which exceed the mandatory maximum ~~building height, mandatory maximum street wall height, mandatory maximum rear interface height~~ requirement or are less than the mandatory minimum ~~upper level setback for a relevant sub-precinct specified in Table 2 to this Schedule~~ requirement.

~~It does not include~~ Architectural features may exceed the preferred or mandatory height.

~~and s~~Service equipment including plant rooms, lift overruns, structures associated with green roof areas and other such equipment may exceed the preferred or mandatory height provided that each of the following criteria are met for the equipment or structure:

- Less than 50 per cent% of the roof area is occupied by the equipment (other than solar panels).
- ~~Any-The~~ equipment ~~is located in a position on the roof so as to avoid~~ does not cause additional overshadowing.
- ~~Any-The~~ equipment does not extend higher than 3.6 metres above the maximum building height.

Projections such as balconies, building services and architectural features must not intrude into a setback.

2.3

--J--/20--
C--

Building height

~~The maximum building height, street wall height, rear interface height and minimum setback requirements are set out at Table 2 of this schedule.~~

Buildings should not exceed the preferred maximum building height and must not exceed the mandatory maximum building height specified in Table 1.

Requirements on permit amendments moved to Requirements

Table 1: Building heights

Sub precinct	Preferred maximum building height	Mandatory maximum building height
1A	24 metres	None specified
1AA	28 metres	None specified
1AAA	None specified	28 metres
1B	24 metres	None specified
1C	21 metres	28 metres
1D	None specified	21 metres
Aheron land	34 metres	None specified
2A	21 metres	None specified
2rB	34 metres	None specified
2rC	24 metres	31 metres

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Sub precinct	Preferred maximum building height	Mandatory maximum building height
2rD	21 metres	24 metres
2rE	None specified	21 metres

A permit ~~may~~should only be granted to exceed the preferred maximum building height specified in Table 2-1 if the following criteria are ~~met to the satisfaction of the responsible authority~~:

- the ~~built form outcome as a result of the~~ building elements permitted by the proposed variation ~~satisfy~~ satisfies the design objectives of Clause 1.0 and the provisions of Clause 21.12-1.
- ~~the proposed building height will not prejudice the preferred future mid-rise character within Johnston Street for the sub-precinct.~~

This seems redundant. The objectives seek mid rise development.

- the proposal will achieve each of the following:
 - housing for diverse households types, ~~including people with disability, older persons, and families with children, through the inclusion of varying dwelling sizes and configurations~~

It is not clear precisely how the housing needs of older people differ from the general population. What design features would be specifically required beyond universal access? It is not clear how much of a range of dwelling types is appropriate.

- universal access.
- communal ~~and/or~~ private open space provision that exceeds the minimum standards in Clauses 55.07 and 58.
- excellence for environmental sustainable design measured as a minimum BESS project score of 70 ~~per cent~~% or 5 Star Green Star Standard.
- greater building separation than the minimum requirement in this schedule.

This is reasonable consideration for taller buildings than specified

- no additional amenity impacts to residential zoned properties, beyond that which would be generated by a proposal that complies with the preferred building height.

This is reasonable consideration for taller buildings than specified

- for *Heritage Buildings*, the proposed development enhances the heritage fabric of the building (primarily through restoration or reinstatement of the front facade and external features visible from Johnston Street).

This is reasonable consideration to support heritage restoration

2.4

--J--20--
C--

Overshadowing and solar access requirements

New development must not overshadow the southern footpath of Johnston Street, measured as 3.0 metres from the property frontage on Johnston Street, between 10am and 2pm at 22 September ~~22~~. ~~A permit must not be granted to vary this requirement.~~

Development in Sub precincts 1C, 1D, 2rB, 2rD and 2rE should ~~be designed to~~ avoid additional overshadowing of residential zoned properties to the south measured from 10am to 2pm at ~~the~~ ~~equinox~~ (22 September ~~22~~).

2.5

--J--20--
C--

Street Wall Height

A new street wall should not exceed the preferred maximum street wall height and must not exceed the mandatory maximum street wall height specified in Table 2. This does not apply to a heritage building.

Buildings should achieve the street wall transition specified in Table 3.

This is original requirement repeated for street wall height.

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Except where a heritage building (or part of a heritage building) is to be retained along the street frontage, new development should provide a minimum street wall height of 8 metres.

Table 2: Street wall height

Sub precinct	Preferred maximum Street wall height (non-heritage frontage)	Mandatory maximum Street wall height (non-heritage frontage)
1A	None specified	11.3 metres
1AA	11.3 (fronting Sackville Street)	11.3 metres (fronting Johnston Street)
1AAA	None specified	11.3 metres (fronting Johnston Street)
1B	11.3 metres	None specified
1C	None specified	11.3 metres
1D	None specified	11.3 metres
Aheron	11.3 fronting Sackville Street	11.3 metres fronting Johnston Street
2A	None specified	11.3 metres
2rB	15 metres	18 metres
2rC	15 metres	18 metres
2rD	15 metres	18 metres
2rE	15 metres	18 metres

Table 3: Street wall transition

Area	Street wall transition
East of the railway bridge	New development should provide a transitional street wall height (maximum one storey higher, but not less than 8 metres) on sites that are adjacent to Individually Significant heritage buildings for a minimum length of 6 metres from the heritage building.
West of the railway bridge	The street-wall height should match the parapet height of a neighbouring heritage building, where present, for a minimum length of 6 metres from the heritage building. If the parapet height of the neighbouring heritage building is less than 8 metres, the street wall height of new development should be 8 metres for a minimum length of 6 metres from the heritage building.

Requirements placed in table for ease of use

2.6

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C-

Mid level set back above the street wall - Building Envelope Requirement

Development should be set back from the street wall at least the preferred minimum mid level setback and must be set back from the street wall at least the mandatory minimum mid level setback specified in Table 4.

Table 4: Mid level setback above the street wall

Sub precinct	Preferred mid level minimum setback for upper levels from street wall facade	Mandatory mid level minimum setback for upper levels from street wall facade
1A	None specified	6 metres
1AA	6 metres (fronting Sackville Street)	6 metres (fronting Johnston Street)
1AAA	None specified	6 metres (fronting Johnston Street)
1B	6 metres	None specified

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Sub precinct	Preferred mid level minimum setback for upper levels from street-wall-façade	Mandatory mid level minimum setback for upper levels from street-wall-façade
1C	None specified	6 metres
1D	None specified	6 metres
Aheron	3 metres fronting Johnston Street with a transition to 6 metres to the west of the sub precinct 6 metres fronting Sackville Street	None specified
2A	None specified	6 metres
2rB	6 metres	None specified
2rC	6 metres	None specified
2rD	6 metres	6 metres (293 and 323–325 Johnston Street)
2rE	6 metres	None specified

2.7

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C--**Upper level setbacks** ~~Building Envelope Requirement~~

New development on sites ~~with a north-south orientation~~ fronting Johnston Street, Sackville Street or Stafford Street, should be setback from the front and rear property boundary, ~~as illustrated in Figure 1 and~~ as specified in Table ~~15~~.

In complying with the 45 degree envelope requirement, development should provide incremental setbacks of at least two storeys to avoid repetitive stepped form and ‘wedding cake’ outcomes.

A permit must not be granted for buildings and works which exceed the mandatory 45° ~~degree~~ envelope from rear property boundary in Sub precinct 2rE.

Table ~~15~~: ~~45° Rear Setback~~ **Upper level setback** requirements

Sub precinct	Preferred front upper level setback/envelope from property frontage (measured as the distance above ground level as specified below)	Preferred (except where stated as mandatory) rear minimum setback/envelope from rear property boundary (measured from 11-m above ground level, above 9-m for Mandatory rear minimum setback for Sub precinct 2rE)
1A	45° degrees above 11.3 metres	4.5 metres above 11.3 metres
1AA	45° degrees above 11.3 metres	4.5 metres above 11.3 metres
1AAA	45° degrees above 11.3 metres	4.5 metres above 11.3 metres
1B	45° degrees above 11.3 metres	4.5 metres above 11.3 metres
1C	45° degrees above 11.3 metres	45° degrees above 11.3 metres
1D	45° degrees above 11.3 metres	45° degrees above 11.3 metres
Aheron	45 degrees above 11.3 metres for Sackville Street	None specified
2A	45° degrees above 11.3 metres	4.5 metres above 11.3 metres
2rB	45° degrees above 18 metres	4.5 metres above 11.3 metres but 45° degrees above 11.3 metres for (Stafford Street)
2rC	45° degrees above 18 metres	45° degrees above 11.3 metres
2rD	45° degrees above 18 metres	45° degrees above 11.3 metres
2rE	45° degrees above 18 metres	45° degrees above 9 metres

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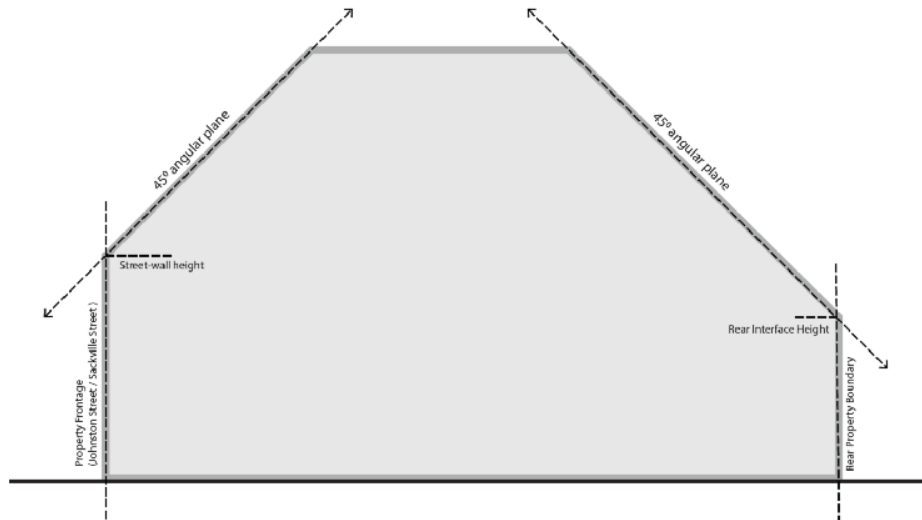
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	(mandatory)
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Figure 1: Building envelope requirement

UPDATE DIAGRAM TO SHOW MID LEVEL SETBACKS ABOVE THE STREET WALL



2.8 Corner site requirements

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C--

New development on a corner site with a frontage to Johnston Street or Sackville Street should:

- Continue the street wall height established at the Johnston Street or Sackville Street frontage along the side street, with a transition in height to ~~match~~ the rear interface where required.
- Setback ~~upper-level development buildings above the street wall~~ from the side street a minimum of 3 metres.

This requirement does not apply to new development on the corner of either:

- Hoddle Street and Johnston Street.
- A laneway.

2.9 Building separation requirement

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C--

Where development shares a common boundary with a private property or a laneway, ~~upper-level development buildings above the street wall~~ should be set back as follows:

- Where a habitable room window is proposed:
 - ~~be set back a minimum of~~ 4.5 metres from the common boundary ~~or~~
 - 4.5 metres from the centre line of the laneway ~~where a habitable room window is proposed;~~
- Where a non-habitable room window or commercial window is proposed:
 - ~~be set back a minimum of~~ 3 metres from the common boundary ~~or~~
 - 3 metres from the centre line of the laneway ~~(on a where the laneway is less than 6 metres wide) where a non-habitable room window or commercial window is proposed.~~

Development above 21 metres should provide an appropriate side setback to provide spacing between buildings in order to maintain views to the sky from Johnston and Sackville Streets and from residential properties adjacent to the development.

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2.10 Street frontage requirements

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C--

New development should:

- Be built to the front property boundary on ~~in-fill (non-heritage)~~ sites without a heritage building along Johnston Street and Sackville street.
- To the west of the railway bridge, ~~ensure that~~ maintain the visual prominence of heritage buildings ~~remain the visually prominent feature in Johnston Street.~~
- To the east of the railway bridge, contribute to a new, well-designed, contemporary urban character that provides articulation in building facades, reinforcing a finer grain street pattern.
- Address the primary street frontage and, where heritage elements are not a constraint, incorporate design elements that contribute to the provision of a continuous, visible and active frontage at ground level.
- Provide for passive surveillance, ~~and~~
- Provide an active or ~~visually interesting interface(s)~~ with the public realm, including areas of public open space and public transport stops.
- ~~be designed to~~ Locate service entries/access doors away from the primary street frontage, or where not possible, be sensitively designed to integrate into the facade of the building.

2.11 Commercial floor space requirements

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C--

~~New development~~ Buildings should:

- Be designed to accommodate commercial activity at the lowest two levels
- Incorporate floor to floor heights suitable for commercial activity of at least 4 metres at the lowest two levels, where heritage elements are not a constraint.

2.12 Upper level design requirements

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C--

~~Upper-level development~~ Facades above the street wall, ~~should be designed so that all facades,~~ including side walls, should;

- Employ a high standard of architectural design ~~and~~
- ~~are~~ Be well-articulated;
- ~~to be~~ designed to be read as part of the overall building ~~design and~~
- ~~do not~~ detract from the character of the streetscape when viewed ~~from directly or and~~ obliquely ~~views~~ along either Johnston Street or Sackville Street.

~~Upper-level development~~ Buildings above the facade of retained heritage buildings and on sites adjacent to a heritage building should:

- Ensure that heritage buildings remain the visually prominent feature within Johnston Street when viewed from ground level.
- Be visually recessive in mass, scale and materiality, incorporating materials and finishes that are sympathetic and in keeping with the character of the heritage streetscape.

2.13 Vehicle access and car parking

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C--

New development should ~~be designed to~~:

- Avoid providing vehicle access from Johnston Street and provide access from a side street or laneway where practical.
- Conceal the provision of car parking within the building or by ~~provide~~ing basement car parking.
- Avoid ~~providing~~ recessed parking spaces at the ground floor level of buildings and onsite parking spaces at the front of properties.

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3.0 Subdivision

None specified.

4.0 Advertising signs

None specified

5.0 Application requirements

An application for development must be accompanied by a design response that considers the future development opportunities of adjacent properties in terms of outlook, daylight and solar access to windows, as well as managing visual bulk.

6.0 Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

~~• The extent to which the proposal satisfies the Design Objectives at Clause 1.0.~~

- The architectural quality of the proposal, which includes the design, scale, height, materials, mass and visual bulk of the development in relation to the surrounding built form.
- The profile and impact of development on the vista along Johnston Street.
- How the proposal responds to the presence of heritage buildings either on, or in close proximity to the site and whether an increased upper level setback is required having regard to the heritage significance and contributory features of the site.
- The design response at the interface with existing low-scale residential properties and the potential amenity impacts to neighbouring residential properties.
- Whether the proposal provides an active street interface to Johnston Street and contributes positively to the pedestrian environment and other areas of the public realm.

~~• The wind impacts of the proposed development.~~

It is not clear how this can be considered on a site-by-site basis with the form of development proposed.

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YARRA PLANNING SCHEME PANEL PREFERRED VERSION

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C--

SCHEDULE 15 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO15**.

JOHNSTON STREET ACTIVITY CENTRE

1.0 Design objectives

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C--

- To preserve the valued heritage character of the streetscape and ensure that the predominantly two storey heritage street wall remains the visually prominent built form of Johnston Street west of the railway line bridge.
- To provide for new mid-rise (5 to 10 storeys) buildings and provide a suitable transition to low scale residential areas.
- To protect the operation of the state significant Collingwood Arts Precinct from unreasonable loss of amenity through visual bulk, overshadowing of open space areas and vehicle access.
- To activate the street edge, provide passive surveillance opportunities, accommodate commercial activity at the lower levels of buildings and protect footpaths and public spaces on the southern side of Johnston Street from loss of amenity from overshadowing.
- To provide for equitable development outcomes through built form design that responds to the development opportunities of neighbouring properties, and through the consolidation of finer grain sites.

2.0 Buildings and works

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C--

2.1 Definitions

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C--

Building height means the vertical distance between the footpath at the centre of the frontage and the highest point of the building.

Heritage Building building [EK1] means any building subject to a heritage overlay, graded as either *Contributory* or *Individually Significant*.

Laneway means a road reserve of a public highway 9 metres or less wide.

Rear interface means the rear wall of any proposed building or structure at any level, whether on the property boundary or set back from the property boundary.

Street wall means the facade of a building at the street boundary.

Street wall height means the vertical distance between the footpath at the centre of the frontage and the highest point of the building at the street edge.

2.2 Requirements

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C--

A permit cannot be granted to vary a requirement expressed with the term 'must' or listed in a 'Mandatory' column of a table.

A permit must not be granted or amended (unless the amendment would not increase the extent of non-compliance) for buildings and works which exceed a mandatory maximum requirement or are less than a mandatory minimum requirement.

Architectural features may exceed the preferred or mandatory height.

Service equipment/**structures** including plant rooms, lift overruns, structures associated with green roof areas and other such equipment may exceed the preferred or mandatory height provided that each of the following criteria are met for the equipment or structure:

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- Less than 50 per cent of the roof area is occupied by the equipment (other than solar panels).
- The equipment does not cause additional overshadowing.
- The equipment does not extend higher than 3.6 metres above the maximum building height.

Projections such as balconies and building services and architectural features [EK2] must not intrude into a setback.

2.3

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C--

Building height

Buildings should not exceed the preferred maximum building height and must not exceed the mandatory maximum building height specified in Table 1.

Table 1: Building heights [EK3]

Sub precinct	Preferred maximum building height	Mandatory maximum building height
1A1A	24 metres	None specified
1B1AA	28 metres	None specified
1C1AAA	None specified	28 metres
1D1B	24 metres	None specified
1E1C	21 metres	28 metres
1F1D	None specified	21 metres
1GAheron-land	34 metres	None specified
1H2A	21 metres	None specified
2A2rB	34 metres	None specified
2B2rC	24 metres	31 metres
2C2rD	21 metres	24 metres
2D2rE	None specified	21 metres

A permit should only be granted to exceed the preferred maximum building height specified in Table 1 if the following criteria are met:

- The building elements permitted by the proposed variation satisfy the design objectives of Clause 1.0 and the provisions of Clause 21.12–1.
- The proposal will achieve each of the following:
 - Housing for diverse households types.
 - Universal access.
 - Communal or private open space provision that exceeds the minimum standards in Clauses 55.07 and 58.
 - Excellence for environmental sustainable design measured as a minimum BESS project score of 70 per cent or 5 Star Green Star Standard.
 - Greater building separation than the minimum requirement in this schedule.
 - No additional amenity impacts to residential zoned properties, beyond that which would be generated by a proposal that complies with the preferred maximum [EK4] building height.
 - For Heritage bBuildings [EK5], the proposed development enhances the heritage fabric of the building (primarily through restoration or reinstatement of the front facade and external features visible from Johnston Street).

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2.4 Overshadowing and solar access requirements

--J-/20--
C--

New development must not overshadow the southern footpath of Johnston Street, measured as 3.0 metres from the property frontage on Johnston Street, between 10am and 2pm at 22 September

Development in Sub precincts ~~1C1E, 1D1F, 2B2A, 2C2D and 2E2D~~ should ~~avoid~~ additional overshadowing of residential zoned properties to the south measured from 10am to 2pm at 22 September.

2.5 Street wall height

--J-/20--
C--

A new street wall should not exceed the preferred maximum street wall height and must not exceed the mandatory maximum street wall height specified in Table 2. This does not apply to a heritage building.

Buildings should achieve the street wall transition specified in Table 3.

Except where a heritage building (or part of a heritage building) is to be retained along the street frontage, new development should provide a minimum street wall height of 8 metres.

Table 2: Street wall height~~EK7~~

Sub precinct	Preferred maximum Street wall height	Mandatory maximum Street wall height
1A4A	None specified	44.311 metres
1B1AA	44.311 fronting Sackville Street	44.311 metres fronting Johnston Street
1C1AAA	None specified	44.311 metres fronting Johnston Street
1D4B	44.311 metres	None specified
1E4C	None specified	44.311 metres
1F4D	None specified	44.311 metres
1GAheron	44.311 fronting Sackville Street	44.311 metres fronting Johnston Street
1H2A	None specified	44.311 metres
2A2rB	15 metres	18 metres
2B2rC	15 metres	18 metres
2C2rD	15 metres	18 metres
2D2rE	15 metres	18 metres

Table 3: Street wall transition

Area	Street wall transition
East of the railway bridge	New development should provide a transitional street wall height (maximum one storey higher, but not less than 8 metres) on sites that are adjacent to Individually Significant heritage buildings for a minimum length of 6 metres from the heritage building.
West of the railway bridge	The street-wall height should match the parapet height of a neighbouring heritage building, where present, for a minimum length of 6 metres from the heritage building. If the parapet height of the neighbouring heritage building is less than 8 metres, the street wall height of new development should be 8 metres for a minimum length of 6 metres from the heritage building.

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2.6 Mid level set back above the street wall

--J-120--
C--

Development should be set back from the street wall at least the preferred minimum mid level setback and must be set back from the street wall at least the mandatory minimum mid level setback specified in Table 4 and illustrated in Figures 1 & 2 in Table [EK8]4.

Table 4: Mid level setback above the street wall[EK9]

Sub precinct	Preferred mid level setback	Mandatory mid level setback
1A1A	None specified	6 metres
1B1AA	6 metres fronting Sackville Street	6 metres fronting Johnston Street
1C1AAA	None specified	6 metres fronting Johnston Street
1D1B	6 metres	None specified
1E1C	None specified	6 metres
1F1D	None specified	6 metres
1GAheron	3 metres fronting Johnston Street with a transition to 6 metres to the west of the sub precinct 6 metres fronting Sackville Street	None specified
1H2A	None specified	6 metres
2A2rB	6 metres	None specified
2B2rC	6 metres	None specified
2C2rD	6 metres	6 metres (293 and 323–325 Johnston Street)
2D2rE	6 metres	None specified

2.7 Upper level setbacks

--J-120--
C--

New development on sites fronting Johnston Street, Sackville Street or Stafford Street, should be setback from the front and rear property boundary, as specified in Table 5 and illustrated in Figures 1 & 2 in Table 5 [EK10]

In complying with the 45 degree envelope requirement, development should provide incremental setbacks of at least two storeys to avoid repetitive stepped form and 'wedding cake' outcomes.

A permit must not be granted for buildings and works which exceed the mandatory 45 degree envelope from rear property boundary in Sub precinct 2rE2D [EK11]

Table 5: Upper level setback requirements[EK12]

Sub precinct	Preferred front upper level setback	Preferred rear minimum setback (mandatory for 2rE)
1A1A	45 degrees above 44.311 metres	4.5 metres above 44.311 metres
1B1AA	45 degrees above 44.311 metres	4.5 metres above 44.311 metres
1C1AAA	45 degrees above 44.311 metres	4.5 metres above 44.311 metres
1D1B	45 degrees above 44.311 metres	4.5 metres above 44.311 metres
1E1C	45 degrees above 44.311 metres	45 degrees above 44.311 metres
1F1D	45 degrees above 44.311 metres	45 degrees above 44.311 metres
1GAheron	45 degrees above 44.311 metres for Sackville Street	None specified
1H2A	45 degrees above 44.311 metres	4.5 metres above 44.311 metres

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<u>2A2#B</u>	45 degrees above 18 metres	4.5 metres above 44.311 metres but 45 degrees above 44.311 metres for Stafford Street
<u>2B2#C</u>	45 degrees above 18 metres	45 degrees above 44.311 metres
<u>2C2#D</u>	45degrees above 18 metres	45 degrees above 44.311 metres
<u>2D2#E</u>	45 degrees above 18 metres	45 degrees above 9 metres (mandatory)

Figure 1: Building envelope requirement – Heritage Building ^{EK13}

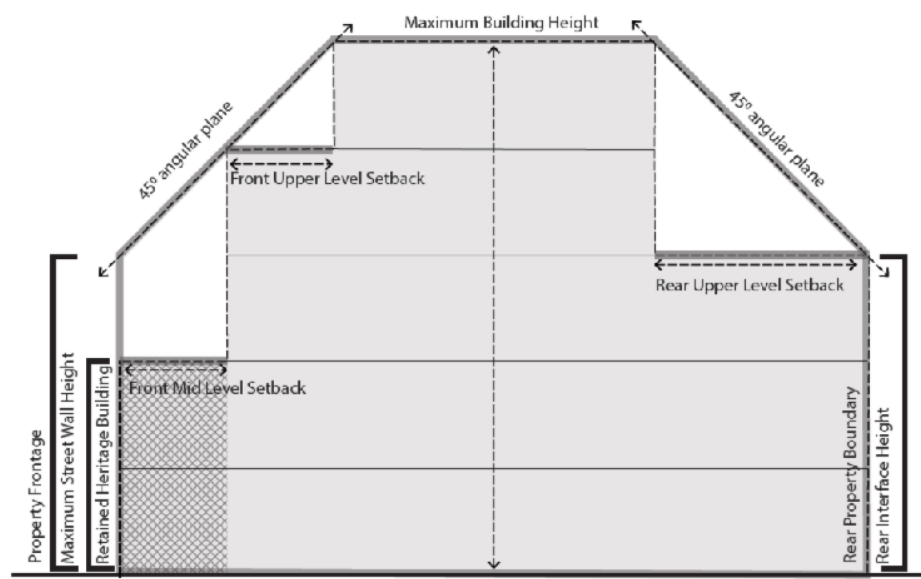
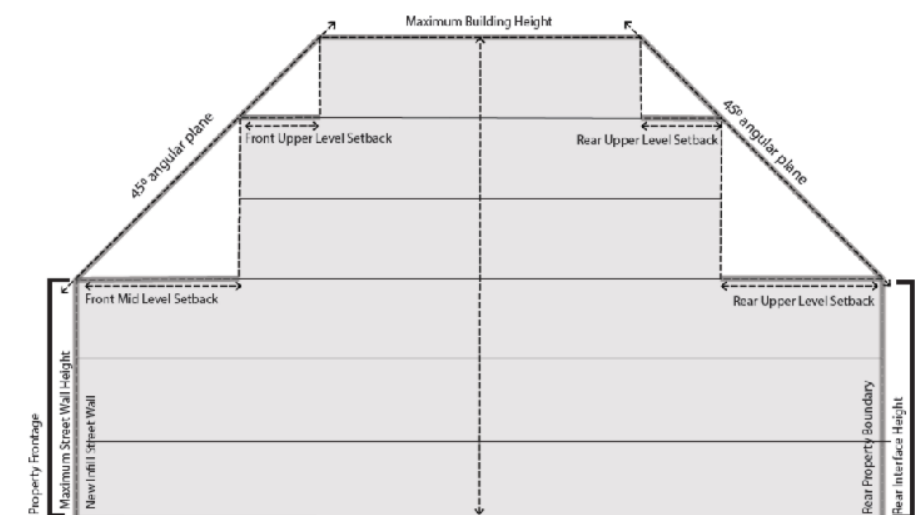


Figure 2: Building envelope requirement – Infill Building ^{EK14}

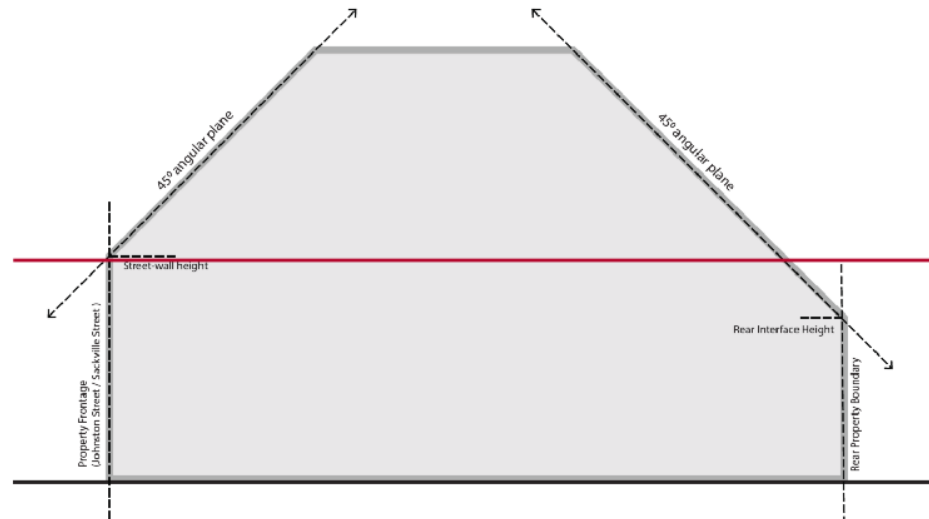


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YARRA PLANNING SCHEME
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Figure 1: Building envelope requirement

UPDATE DIAGRAM TO SHOW MID-LEVEL SETBACKS ABOVE THE STREET WALL



2.8

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C--

Corner site requirements

New development on a corner site with a frontage to Johnston Street or Sackville Street should:

- Continue the street wall height established at the Johnston Street or Sackville Street frontage along the side street, with a transition in height to the rear interface where required.
- Setback buildings above the street wall from the side street a minimum of 3 metres.

This requirement does not apply to new development on the corner of either:

- Hoddle Street and Johnston Street.
- A laneway.

2.9

--/20--
C--

Building separation requirement

Where development shares a common boundary with a private property or a laneway, buildings above the street wall should be set back as follows:

- Where a habitable room window is proposed:
 - 4.5 metres from the common boundary.
 - 4.5 metres from the centre line of the laneway.
- Where a non-habitable room window or commercial window is proposed:
 - 3 metres from the common boundary.
 - 3 metres from the centre line of the laneway where the laneway is less than 6 metres wide.

Development above 21 metres should provide an appropriate side setback to provide spacing between buildings in order to maintain views to the sky from Johnston and Sackville Streets and from residential properties adjacent to the development.

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YARRA PLANNING SCHEME PANEL PREFERRED VERSION

2.10 Street frontage requirements

--J--/20--
C--

New development should:

- Be built to the front property boundary on sites without a heritage building along Johnston Street and Sackville street.
- To the west of the railway bridge, maintain the visual prominence of heritage buildings.
- To the east of the railway bridge, contribute to a new, well-designed, contemporary urban character that provides articulation in building facades, reinforcing a finer grain street pattern.
- Address the primary street frontage and, where heritage elements are not a constraint, incorporate design elements that contribute to the provision of a continuous, visible and active frontage at ground level.
- Provide for passive surveillance.
- Provide an active or visually interesting interface with the public realm, including areas of public open space and public transport stops.
- Locate service entries/access doors away from the primary street frontage, or where not possible, be sensitively designed to integrate into the facade of the building.

2.11 Commercial floor space requirements

--J--/20--
C--

Buildings should:

- Be designed to accommodate commercial activity at the lowest two levels
- Incorporate floor to floor heights suitable for commercial activity of at least 4 metres at the lowest two levels, where heritage elements are not a constraint.

2.12 Upper level design requirements ^[EK15]

--J--/20--
C--

Facades above the street wall, including side walls, should:

- Employ a high standard of architectural design
- Be well-articulated. Be designed to be read as part of the overall building
- Not detract from the character of the streetscape when viewed directly or obliquely along either Johnston Street or Sackville Street.
- ~~Not detract from the character of the streetscape when viewed directly or obliquely along either Johnston Street or Sackville Street.~~

Buildings above the facade of retained heritage buildings and on sites adjacent to a heritage building should:

- Ensure that heritage buildings remain the visually prominent feature within Johnston Street when viewed from ground level.
- Be visually recessive in mass, scale and materiality, incorporating materials and finishes that are sympathetic and in keeping with the character of the heritage streetscape.

2.13 Vehicle access and car parking

--J--/20--
C--

New development should:

- Avoid providing vehicle access from Johnston Street and provide access from a side street or laneway where practical.
- Conceal the provision of car parking within the building or provide basement car parking.
- Avoid recessed parking spaces at the ground floor level of buildings and onsite parking spaces at the front of properties.

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YARRA PLANNING SCHEME PANEL PREFERRED VERSION

3.0 Subdivision

--/20--
C-- None specified.

4.0 Advertising signs

--/20--
C-- None specified

5.0 Application requirements

--/20--
C-- An application for development must be accompanied by a design response that considers the future development opportunities of adjacent properties in terms of outlook, daylight and solar access to windows, as well as managing visual bulk.

6.0 Decision guidelines

--/20--
C-- The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The architectural quality of the proposal, which includes the design, scale, height, materials, mass and visual bulk of the development in relation to the surrounding built form.
- The profile and impact of development on the vista along Johnston Street.
- How the proposal responds to the presence of heritage buildings either on, or in close proximity to the site and whether an increased upper level setback is required having regard to the heritage significance and contributory features of the site.
- The design response at the interface with existing low-scale residential properties and the potential amenity impacts to neighbouring residential properties.
- Whether the proposal provides an active street interface to Johnston Street and contributes positively to the pedestrian environment and other areas of the public realm.

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YARRA PLANNING SCHEME
PANEL PREFERRED VERSION

Map 1: Johnston Street Sub-Precincts Plan ^{FEK16}



Attachment 3 - Amendment C220 - Amendment Documents and Maps for Adoption

Planning and Environment Act 1987

YARRA PLANNING SCHEME

AMENDMENT C220 INSTRUCTION SHEET

The planning authority for this amendment is the Yarra City Council.

The Yarra Planning Scheme is amended as follows:

Planning Scheme Maps

The Planning Scheme Maps are amended by a total of eight (8) attached maps sheets.

Zoning Maps

1. Amend Planning Scheme Map Nos 6ZN and 7ZN in the manner shown on the 2 attached maps marked "Yarra Planning Scheme, Amendment C220".

Overlay Maps

2. Amend Planning Scheme Map Nos. 6DDO, 7DDO, 6EAO, 7EAO, 6HO in the manner shown on the six (6) attached maps marked "Yarra Planning Scheme, Amendment C220".

Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

3. In Local Planning Policy Framework – insert new Clause 21.12 in the form of the attached document.
4. In Local Planning Policy Framework – insert new Clause 22.02 in the form of the attached document.
5. In Overlays – Clause 43.01, replace the Schedule with a new Schedule in the form of the attached document.
6. In Overlays – Clause 43.02, insert a new Schedule 15 in the form of the attached document.
7. In Incorporated Documents – Clause 72.04, replace the Schedule with a new Schedule in the form of the attached document.

End of document

Attachment 3 - Amendment C220 - Amendment Documents and Maps for Adoption

Planning and Environment Act 1987

YARRA PLANNING SCHEME

AMENDMENT C220

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the Yarra City Council, which is the planning authority for this amendment.

Land affected by the Amendment

The Amendment applies to the land in Precincts 1 and 2 (subject land) as identified in Figure 1.



Figure 1: Subject Land

What the amendment does

The Amendment implements the land use and built form objectives and strategies within the Johnston Street Local Area Plan that relate to Precincts 1 and 2 (Johnston Street).

The Amendment proposes to make the following changes:

1. Rezone land within the Commercial 2 Zone (C2Z) and General Residential Zone (GRZ1) to Commercial 1 Zone (C1Z);
2. Rezone land owned by VicRoads located on the corner of Hoddle and Johnston Streets to Road Zone Category 1 (RZ1).
3. Rezone land owned by CitiPower located on the corner of Hoddle and Johnston Streets to Public Use Zone 1 (PUZ1).
4. Rezone part of the site at 67-71 Johnston Street from Public Use Zone (PUZ) to Commercial 1 Zone (C1Z) to correct a mapping error.
5. Apply the Design Development Overlay (DDO15) to the Subject Land (not including the land owned by VicRoads and CitiPower on the Hoddle Street Road Reserve);
6. Insert a new DDO schedule at Clause 43.02s;
7. Insert a new section and policy at Clause 21.12 called "Local Areas" with a sub-section at Clause 21.12-1 called "Johnston Street Activity Centre";
8. Apply the Environmental Audit Overlay (EAO) to sites being rezoned from Commercial 2 Zone to the Commercial 1 Zone;
9. Apply a new Heritage Overlay precinct to the following properties:

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HO Number	Precinct Name	Properties Included in HO
HO505	Johnston Street East	219-241 Johnston Street, Abbotsford 246-274 Johnston Street, Abbotsford

10. Amend the existing Appendix 8 incorporated document listed in the schedule to clause 81.01 to include the addresses and gradings of all new and revised places;
11. Rename the existing Appendix 8 incorporated document in Clause 22.02 and in the schedule to clause 72.04 to refer to the new revised date;
12. Amend the schedule to Clause 43.01 (Heritage Overlay); and
13. Amend Planning Scheme Maps.

Strategic assessment of the Amendment

Why is the Amendment required?

The Amendment is required to implement the built form and land use recommendations of the Johnston Street Local Area Plan, 2015.

The Amendment will ensure that future development and land use change is in accordance with the vision, objectives and strategies outlined in the Johnston Street Local Area Plan, 2015.

How does the Amendment implement the objectives of planning in Victoria?

The Amendment is consistent with VPPs by encouraging and facilitating positive change in the Johnston Street Neighbourhood Activity Centre.

The Amendment will facilitate dwelling growth as well as economic growth and create a more economically viable mixed-use activity centre that has economic benefits for the local area.

How does the Amendment address any environmental, social and economic effects?

The Amendment will have positive social and economic effects through the facilitation of higher density housing above commercial activity, situated along an activity centre corridor that is well served by public transport.

The Amendment addresses any environmental effects or risks through the application of the Environmental Audit Overlay.

Does the Amendment address relevant bushfire risk?

There is no identified bushfire risk within the study area.

Does the Amendment comply with the requirements of any Minister's Direction applicable to the amendment?

The Amendment complies with Ministerial Direction No. 1 in addressing the risk from Potentially Contaminated Land.

The Amendment also complies with Ministerial Direction No. 9 in addressing and responding to the metropolitan planning strategy, Plan Melbourne.

How does the Amendment support or implement the Planning Policy Framework and any adopted State policy?

The Amendment supports and implements State Planning Policy in responding to the following clauses:

11.02-2S Structure Planning

To facilitate the orderly development of urban areas.

11.03-1S Activity Centres

Attachment 3 - Amendment C220 - Amendment Documents and Maps for Adoption

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

11.03-1R Activity Centres – Metropolitan Melbourne

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

13.04-1S Contaminated and Potentially Contaminated Land

To ensure that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely.

15.01-1S Urban Design

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

15.01-1R Urban Design – Metropolitan Melbourne

To create a distinctive and liveable city with quality design and amenity.

15.01-4R Healthy Neighbourhoods – Metropolitan Melbourne

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

15.03-1S Heritage Conservation

To ensure the conservation of places of heritage significance.

16.01-1R Integrated Housing – Metropolitan Melbourne

Provide certainty about the scale of growth by prescribing appropriate height and site coverage provisions for different areas.

Allow for a range of minimal, incremental and high change residential areas that balance the need to protect valued areas with the need to ensure choice and growth in housing.

16.01-2R Housing Opportunity Areas – Metropolitan Melbourne

Identify areas that offer opportunities for more medium and high density housing near employment and transport in Metropolitan Melbourne. Manage the supply of new housing to meet population growth and create a sustainable city by developing housing and mixed use development opportunities in locations that are:

Metropolitan activity centres and major activity centres.

16.01-2S Location of Residential Development

To locate new housing in designated locations that offer good access to jobs, services and transport.

17.02-1S Business

To encourage development that meets the community's needs for retail, entertainment, office and other commercial services.

How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

The Amendment is consistent with and facilitates the following Clauses of the Local Planning Policy Framework:

21.03 Vision

21.04-1 Accommodation and Housing

Objective 1 To accommodate forecast increases in population.

Strategy 1.2 Direct higher density residential development to Strategic Redevelopment Sites identified at clause 21.08 and other sites identified through any structure plans or urban design frameworks.

21.04-2 Activity centres

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Objective 4 To maintain a balance between local convenience and regional retail roles in Yarra's activity centres.

Strategy 4.1 Increase the range of retail, personal and business services, community facilities, and recreation activities, within individual centres.

Strategy 4.3 Support the role of all activity centres, including Neighbourhood Activity Centres, in providing local day-to-day needs of residents of all abilities.

Objective 5 To maintain the long term viability of activity centres.

Strategy 5.2 Support land use change and development that contributes to the adaptation, redevelopment and economic growth of existing activity centres.

Strategy 5.3 Discourage uses at street level in activity centres which create dead frontages during the day.

Strategy 5.4 Permit residential development that does not compromise the business function of activity centres.

Objective 7 To encourage the arts and arts venues.

Strategy 7.1 Support a diversity of arts uses such as live music venues, performance spaces, galleries and artist studios in appropriate and accessible locations.

21.05-1 Heritage

Objective 14 To protect and enhance Yarra's heritage places.

Strategy 14.1 Conserve, protect and enhance identified sites and areas of heritage significance including pre-settlement ecological heritage.

Strategy 14.2 Support the restoration of heritage places.

Strategy 14.3 Protect the heritage skyline of heritage precincts.

Strategy 14.6 Protect buildings, streetscapes and precincts of heritage significance from the visual intrusion of built form both within places and from adjoining areas.

21.05-2 Urban design

Objective 16 To reinforce the existing urban framework of Yarra.

Strategy 16.2 Maintain and strengthen the preferred character of each Built Form Character Type within Yarra.

Objective 19 To create an inner city environment with landscaped beauty.

Strategy 19.1 Require well resolved landscape plans for all new development.

Strategy 19.2 Encourage opportunities for planting suitable trees and landscape areas in new development.

Objective 20 To ensure that new development contributes positively to Yarra's urban fabric.

Strategy 20.1 Ensure development is designed having particular regard to its urban context and specifically designed following a thorough analysis of the site, the neighbouring properties and its environs.

Objective 21 To enhance the built form character of Yarra's activity centres.

Strategy 21.1 Require development within Yarra's activity centres to respect and not dominate existing built form.

Strategy 21.2 Require new development within an activity centre to consider the context of the whole centre recognising that activity centres may consist of sub-precincts, each of which may have a different land use and built form character.

Strategy 21.3 Support new development that contributes to the consolidation and viability of existing activity centres.

The Amendment is consistent with and supported by the following local policies under Clause 22:

Attachment 3 - Amendment C220 - Amendment Documents and Maps for Adoption

22.02 Development guidelines for sites subject to the Heritage Overlay

22.05 Interface uses policy

22.07 Development abutting laneways

22.09 Licenced premises

22.10 Built form and design policy

22.12 Public open space contribution policy

How does the amendment support or implement the Municipal Planning Strategy?

This does apply as the Yarra Planning Scheme does not have a Municipal Planning Strategy.

Does the Amendment make proper use of the Victoria Planning Provisions?

The Amendment is consistent with the objectives of State Planning Policy and the Victorian Planning Provisions.

How does the Amendment address the views of any relevant agency?

Council sought the views of VicRoads, the Department of Human Services, Public Transport Victoria and VicTrack in the drafting of the Johnston Street Local Area Plan which has informed the Amendment.

Does the Amendment address relevant requirements of the Transport Integration Act 2010?

The Amendment is consistent with the requirements of the Transport Integration Act 2010 and will facilitate development outcomes that promote the principles of transit oriented development.

Resource and administrative costs

The Amendment will have some impact on the general operation of Council's statutory planning department as it will facilitate some new forms of development and land use.

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[Delete this section if not applicable]

ATTACHMENT 1 - Mapping reference table

Location	Land/Area Affected	Mapping Reference
Abbotsford	370-430 Johnston Street, 329-399A Johnston Street, 407-411 Johnston Street.	Yarra C220 006eaoMaps06_07 Approval
Abbotsford	246-274A Johnston Street, 219-241 Johnston Street.	Yarra C220 007hoMap06 Approval
Abbotsford	370-430 Johnston Street, 303-399A Johnston Street, 407-411 Johnston Street.	Yarra C220 02znMaps06_07 Approval
Abbotsford	246-430 Johnston Street, 217-399A, 407-411 Johnson Street.	Yarra C220 004ddoMaps06_07 Approval
Abbotsford	258 & 290 Johnston Street, 219-223 Johnston Street.	Yarra C220 007d-hoMap06 Approval
Collingwood	4-222A Johnston Street, 67-71 Johnston Street, 135 Campbell Street.	Yarra C220 001znMap06 Approval
Collingwood	4-222A Johnston Street, 5-33 Johnston Street, 67-209 Johnston Street.	Yarra C220 003ddoMap06 Approval
Collingwood	4-222A Johnston Street, 67-71 Johnson Street.	Yarra C220 005eaoMap06 Approval

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YARRA PLANNING SCHEME

21.12 LOCAL AREAS

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This Clause focuses on the local area implementation of the objectives and strategies set out in the MSS. Each Section relates to a particular precinct within the municipality and should be read in conjunction with the rest of the Municipal Strategic Statement and not in isolation.

The sections are organised under the Local Area headings.

21.12-1 Johnston Street Activity Centre (east of Smith Street)

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This policy applies to the section of Johnston Street shown on Map 1 to this schedule, extending east from Smith Street through to the Yarra River, which is characterised by a range of commercial activities including a mix of service industries, offices, artist studios, galleries, retail, cafés and bars. Higher density residential uses are starting to emerge within the Commercial 1 Zone and this trend is expected to continue.

Vision

Johnston Street will continue to evolve into a vibrant activity centre that serves the day to day needs of the local community whilst supporting employment, business and creative opportunities. The area will accommodate a diverse and growing population, well connected by sustainable forms of transport, with activity focussed around Victoria Park Station.

High quality corner buildings at the intersection of Johnston and Hoddle Streets will create a point of entry into Johnston Street, complemented by streetscape improvements.

Table 1 – Precinct Vision Statements

Precinct	Precinct Vision Statement
Precinct 1: Johnston Street Central	<p>The Victorian and Edwardian-era heritage character will remain the prominent feature of the streetscape west of the railway line, with taller built form set back from the street edge to provide separation between the heritage streetscape and newer built form.</p> <p>Precinct 1 will continue to become a vibrant, mixed-use precinct which comprises medium scale (mid-rise) buildings that contribute positively to the active footpaths of Johnston Street. New buildings will respect the heritage qualities of the precinct and reinforce a consistent street edge through generous building setbacks from the street-wall.</p> <p>A mix of uses including cafes, bars, retail shops, offices and gallery/studio spaces will provide activity and visual engagement for people on the street.</p>
Precinct 2: Johnston Street East	<p>East of the railway line bridge at Victoria Park Station, a more prominent, well-designed and contemporary built form character will emerge with well-designed buildings with well-activated ground floor frontages and articulated façades. Taller built form set back from the main façades.</p> <p>The vibrant mixed-use strip will link Hoddle Street to Victoria Park Station and through to the Yarra River and associated activities of the Abbotsford Convent and Collingwood Children's Farm.</p> <p>A vibrant hub of shops, residential, commercial and entertainment activities, cafes and bars will contribute to the lively street environment, particularly around the train station entrance.</p>

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YARRA PLANNING SCHEME

Local area implementation

Ensure that any proposed use or development within the Johnston Street Activity Centre is generally consistent with the following policy objectives:

Land Use and Character

Heritage Character

- Protect the Victorian and Edwardian-era heritage streetscape character of Johnston Street as a significant part of its urban fabric, where the Heritage Overlay is present.
- Encourage the sensitive, adaptive re-use and restoration of heritage buildings.

Commercial and Creative Industries

- Promote Johnston Street as an economically viable activity centre.
- Foster new business opportunities and facilitate spaces for creative industries.
- Strengthen the role of Johnston Street in providing employment and business opportunities.
- Foster and support education, arts and community based activities at 35 Johnston Street (Collingwood Arts Precinct).
- Encourage commercial uses at the lower levels of new development, in addition to ground floor commercial uses.

Population and Mix of Uses

- Accommodate a growing population by integrating higher density residential and commercial uses as part of new mixed use developments.
- Provide a range of retail, entertainment and services that cater for local residents.
- Encourage land uses that generate street activity and increase pedestrian engagement.
- Discourage residential activity at the ground floor of new or existing buildings.

Access and Amenity

- Facilitate development close to Victoria Park Station that enhances the role and function of the station.
- Provide active interfaces and passive surveillance of public spaces, as part of new development close to the station.
- Reinforce connections and access to public transport stops and stations through well designed ground floor frontages, accommodating active uses.
- Improve pedestrian amenity along the length of Johnston Street and adjoining side streets through well designed ground floor frontages, accommodating active uses.
- Improve interfaces along the southern side of Sackville Street through improved building design and/or landscape treatments.
- Minimise potential conflicts between residential amenity and commercial uses.
- Limit vehicle access to new development from Johnston Street and discourage car parking in developments that only have access from Johnston Street.
- Encourage sustainable transport measures in new development.

Equitable Development

- Ensure that new development considers the future development opportunities of adjacent properties.
- Encourage consolidation of finer grain sites to achieve more efficient and equitable built form outcomes.
- Ensure that built form is spaced appropriately at the upper levels to maintain views to the sky from adjacent residential areas.

Reference Documents

Johnston Street Local Area Plan – December, 2015

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Map 1 – Johnston Street Local Area Plan (Precincts 1 and 2)



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22.02 DEVELOPMENT GUIDELINES FOR SITES SUBJECT TO THE HERITAGE OVERLAY

18/10/2018
C232
Proposed
C220

This policy applies to all land within a Heritage Overlay.

22.02-1 Policy Basis

30/09/2010
C85

The MSS highlights the importance of heritage to the identity and character of the municipality and one of its objectives is to protect and enhance the City's heritage places.

This policy provides guidance for the protection and enhancement of the City's identified places of cultural and natural heritage significance.

22.02-2 Definitions of Words used in this Policy

30/09/2010
C85

- Adaptation: modifying a place to suit the existing use or a proposed use.
- Architectural integrity: the quality of closely reflecting the architecture of the period in which a building was created.
- Conservation: the process of looking after a place so as to retain its cultural significance.
- Cultural significance: aesthetic, historic, scientific, social or spiritual value for past, present or future generations.
- Fabric: all the physical material of the place including components and fixtures, and can include building interiors.
- Heritage place: anything subject to the Heritage Overlay and can include a site, area, land, landscape, tree, building or other work, or group of buildings of heritage significance, and may include components or spaces. When used in the context of a building graded individually significant, the heritage place is initially the individually significant building and then the broader heritage area. When used in the context of a contributory building, the heritage place is the broader heritage area.
- Maintenance: the continuous protective care of the fabric and setting of a place. It is distinguished from repair which involves restoration and reconstruction.
- Preservation: maintaining the fabric of a place in its existing state and retarding deterioration.
- Reconstruction: returning a place to a known earlier state and is distinguished from restoration by the introduction of new material into the fabric.
- Restoration: returning the existing fabric of a place to a known earlier state and is distinguished from reconstruction by no introduction of new material into the fabric (note a permit is only required for works, repairs and routine maintenance which change the appearance of a heritage place or which are not undertaken to the same details, specifications and materials).

22.02-3 Levels of Significance

19/10/2017
C236
Proposed
C220

Every building of cultural significance has been assessed and graded according to its heritage contribution. The levels of significance used are:

- Individually significant: The place is a heritage place in its own right. Within a Heritage Overlay applying to an area each individually significant place is also Contributory.
- Contributory: The place is a contributory element within a larger heritage place. A contributory element could include a building, building groups and works, as well as building or landscape parts such as chimneys, verandahs, wall openings, rooflines and paving.

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- Not contributory: The place is not individually significant and not contributory within the heritage place.

The level of significance of every building is identified in the incorporated document, *City of Yarra Review of Heritage Overlay Areas 2007 Appendix 8* (as updated from time to time). Details of methodology used to determine levels of significance can be found in *City of Yarra Review of Heritage Overlay Areas 2007 (Graeme Butler and Associates)*, *City of Yarra Heritage Gaps Review Two 2013*, *City of Yarra Heritage Gaps Study July, 2014 – Smith Street South (Anthemion)*, ~~and~~ *Heritage Gap Study: Review of Central Richmond, Stage 2 Final Report, November 2014*, *and Heritage Gap Study: Review of Johnston Street East, March 2016*.

22.02-4 Objectives

30/09/2010
C85

- To conserve Yarra's natural and cultural heritage.
- To conserve the historic fabric and maintain the integrity of places of cultural heritage significance.
- To retain significant view lines to, and vistas of, heritage places.
- To preserve the scale and pattern of streetscapes in heritage places.
- To encourage the preservation, maintenance, restoration and where appropriate, reconstruction of heritage places.
- To ensure the adaptation of heritage places is consistent with the principles of good conservation practice.
- To ensure that additions and new works to a heritage place respect the significance of the place.
- To encourage the retention of 'individually significant' and 'contributory' heritage places.
- To protect archaeological sites of cultural heritage significance.

22.02-5 Policy

19/10/2017
C235

It is policy to:

22.02-5.1 Demolition

19/10/2017
C235

Full Demolition or Removal of a Building

Generally encourage the retention of a building in a heritage place, unless

- The building is identified as being not contributory.
- The building is identified as a contributory building, and
 - new evidence has become available to demonstrate that the building does not possess the level of heritage significance attributed to it in the incorporated document, *City of Yarra Review of Heritage Areas 2007 Appendix 8* (as updated from time to time) and
 - the building does not form part of a group of similar buildings.

Note: The poor condition of a heritage place should not, in itself, be a reason for permitting demolition.

Encourage the retention of original street furniture and bluestone road or laneway materials and details (where relevant).

An application for demolition is to be accompanied by an application for new development.

Removal of Part of a Heritage Place or Contributory Elements

Encourage the removal of inappropriate alterations, additions and works that detract from the cultural significance of the place.

Generally discourage the demolition of part of an individually significant or contributory building or removal of contributory elements unless:

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- That part of the heritage place has been changed beyond recognition of its original or subsequent contributory character(s).
- For a contributory building:
 - that part is not visible from the street frontage (other than a laneway), abutting park or public open space, and the main building form including roof form is maintained; or
 - the removal of the part would not adversely affect the contribution of the building to the heritage place.
- For individually significant building or works, it can be demonstrated that the removal of part of the building or works does not negatively affect the significance of the place.

22.02-5.2 Original Location

30/09/2010
C85

Encourage the retention of a heritage place or a contributory element to a heritage place in its original location unless:

- The location is not an important component of the cultural significance of the heritage place.
- It can be shown that the relocation is the only reasonable means of ensuring the survival of the heritage place.

22.02-5.3 Reconstruction and Restoration

30/09/2010
C85

Encourage restoration of a heritage place or contributory element if evidence exists to support its accuracy.

Encourage the reconstruction of a building or works which previously existed in a heritage place if:

- The reconstruction will enhance the heritage significance of the heritage place
- Evidence exists to support the accuracy of the reconstruction.

Encourage the reconstruction of original or contributory elements where they have been removed. These elements include, but are not limited to, chimneys, fences, verandahs, roofs and roof elements, wall openings and fitting (including windows and doors), shopfronts and other architectural details and features.

22.02-5.4 Painting and Surface Treatments

30/09/2010
C85

Encourage the removal of paint from originally unpainted masonry surfaces.

Encourage the retention of historic painted signs.

Discourage the sand blasting of render, masonry or timber surfaces; and the painting of unpainted surfaces.

Encourage paint colours to be consistent with the period of the heritage place.

22.02-5.5 Culturally Significant Trees

30/09/2010
C85

Encourage the retention of culturally significant trees in a heritage place unless:

- The trees are to be removed as part of a maintenance program to manage loss of trees due to deterioration caused by old age or disease.
- The trees are causing structural damage to an existing structure and remedial measures (such as root barriers and pruning) cannot be implemented.

Ensure additions and new works respect culturally significant trees (and where possible, significant garden layouts) by siting proposed new development at a distance that ensures the ongoing health of the tree.

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22.02-5.6 Subdivision

30/09/2010
C85

Support the subdivision of sites which do not detract from the heritage value of the place or contributory element.

Where appropriate, use a building envelope plan to protect the heritage values of the place. The building envelope plans should:

- Reflect the original rhythm of the streetscape.
- Allow sufficient space surrounding the heritage place or contributory element to a heritage place to retain its significance or contribution.

22.02-5.7 New Development, Alterations or Additions

30/09/2010
C85

22.02-5.7.1 General

30/09/2010
C85

Encourage the design of new development and alterations and additions to a heritage place or a contributory element to a heritage place to:

- Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape.
- Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place.
- Be visually recessive and not dominate the heritage place.
- Be distinguishable from the original historic fabric.
- Not remove, cover, damage or change original historic fabric.
- Not obscure views of principle façades.
- Consider the architectural integrity and context of the heritage place or contributory element.

Encourage setbacks from the principal street frontage to be similar to those of adjoining contributory buildings; where there are differing adjoining setbacks, the greater setback will apply.

Encourage similar façade heights to the adjoining contributory elements in the street. Where there are differing façade heights, the design should adopt the lesser height.

Minimise the visibility of new additions by:

- Locating ground level additions and any higher elements towards the rear of the site.
- Encouraging ground level additions to contributory buildings to be sited within the 'envelope' created by projected sight lines (see Figure 1)
- Encouraging upper level additions to heritage places to be sited within the 'envelope' created by projected sight lines (for Contributory buildings refer to Figure 2 and for Individually significant buildings refer to Figure 3).
- Encouraging additions to individually significant places to, as far as possible, be concealed by existing heritage fabric when viewed from the front street and to read as secondary elements when viewed from any other adjoining street.

Discourage elements which detract from the heritage fabric or are not contemporary with the era of the building such as unroofed or open upper level decks or balconies, reflective glass, glass balustrades and pedestrian entrance canopies.

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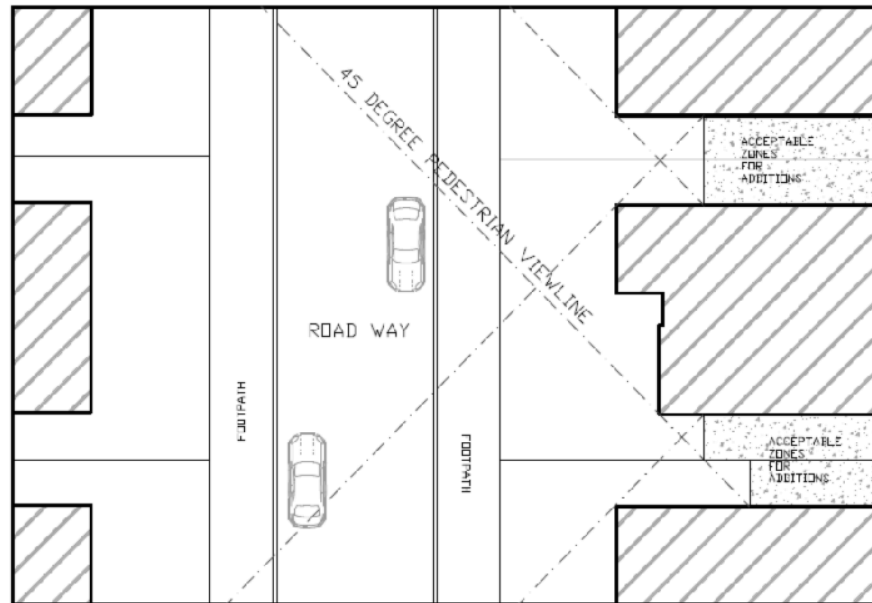


Figure 1 acceptable areas for ground level additions are sited within the area created by drawing a 45 degree view line from the opposite footpath through the front corner of the subject building and the corners of adjacent buildings.

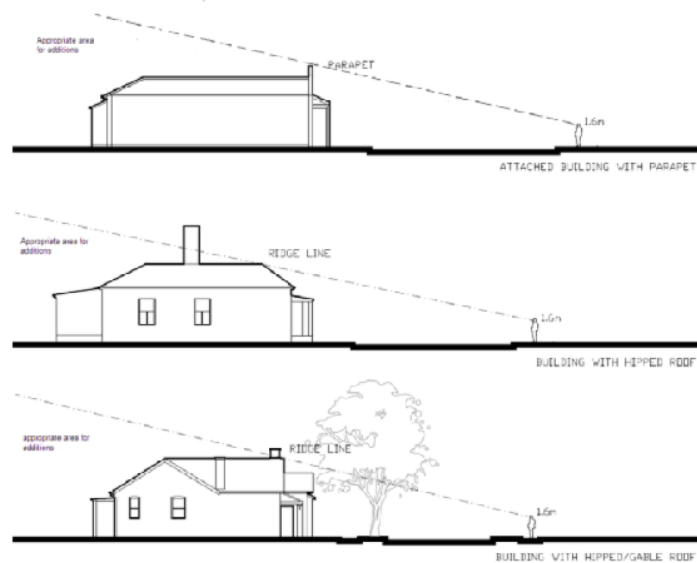


Figure 2 – appropriate areas for upper level additions to contributory buildings are sited within the ‘envelope’ created by projecting a sight line from 1.6 metres above ground level (eye level of average adult person) from the footpath on the opposite side of the street through the top of the front parapet or the ridge line of the principal roof form.

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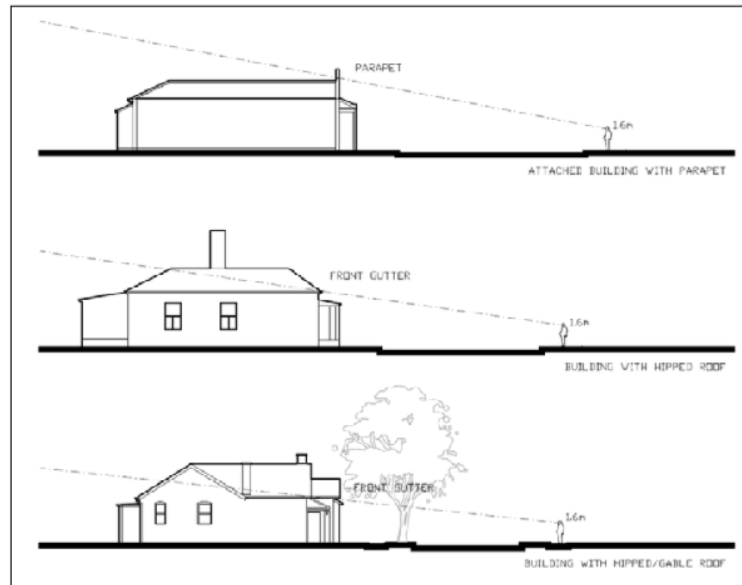


Figure 3 – appropriate areas for upper level additions to individually significant buildings are sited within the ‘envelope’ created by projecting a sight line from 1.6 metres above ground level (eye level of average adult person) from the footpath on the opposite side of the street through the top of the front parapet or the gutter line of the principal roof form.

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

30/09/2010
C85

Corner Sites and Sites with Dual Frontages

Encourage new building and additions on a site with frontages to two streets, being either a corner site or a site with dual street frontages, to respect the built form and character of the heritage place and adjoining or adjacent contributory elements to the heritage place.

Encourage new buildings on corner sites to reflect the setbacks of buildings that occupy other corners of the intersection.

Residential Upper Storey Additions

Encourage new upper storey additions to residential heritage places or contributory elements to heritage places to:

- Preserve the existing roof line, chimney(s) and contributory architectural features that are essential components of the architectural character of the heritage place or contributory elements to the heritage place.
- Respect the scale and form of the heritage place or contributory elements in the heritage place by stepping down in height and setting back from the lower built forms.

Sightlines should be provided to indicate the ‘envelope’ from the street of proposed upper storey additions (refer to the sightline diagrams in 22.02-5.7.1).

Industrial, Commercial and Retail Heritage Place or Contributory Elements

Encourage new upper level additions and works to:

- Respect the scale and form of the existing heritage place or contributory elements to the heritage place by being set back from the lower built form

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elements. Each higher element should be set further back from lower heritage built forms.

- Incorporate treatments which make them less apparent.

Carports, Car Spaces, Garages, and Outbuildings

Encourage carports, car spaces, garages and outbuildings to be set back behind the front building line (excluding verandahs, porches, bay windows or similar projecting features) of the heritage place or contributory element or to be reasonably obscured. New works should be sited within the 'envelope' shown in Figure 1 of 22.02-5.7.1.

Discourage:

- new vehicle crossovers in streets with few or no crossovers
- high fencing, doors and boundary treatments associated with car parking that are unrelated to the historic character of the area
- new vehicle crossovers in excess of 3 metres wide in residential streets.

Front Fences and Gates

Encourage front fences and gates to be designed to

- allow views to heritage places or contributory elements from surrounding streets
- be a maximum of 1.2 metres high if solid or 1.5 metres high if more than 50% transparent (excluding fence posts)
- be consistent with the architectural period of the heritage place or contributory element to the heritage place.

Ancillaries and Services

Encourage ancillaries or services such as satellite dishes, shade canopies and sails, access ladders, air conditioning plants, wall and roof top mounted lighting, roof top gardens and their associated planting, water meters, and as far as practical aerials, to contributory or significant buildings, to be concealed when viewed from street frontage.

Where there is no reasonable alternative location, ancillaries and services which will reduce green house gas emissions or reduce water consumption, such as solar panels or water storage tanks, or provide universal access (such as wheel chair ramps), may be visible but should be sensitively designed.

Encourage ancillaries or services in new development to be concealed or incorporated into the design of the building.

Encourage ancillaries or services to be installed in a manner whereby they can be removed without damaging heritage fabric.

22.02-6 Archaeological Sites

30/09/2010
C85

Encourage applicants to consult with Heritage Victoria where any proposed buildings or works may affect archaeological relics to facilitate compliance with Part 6 of the *Heritage Act 1995* (Protection of Archaeological Places).

22.02-7 Decision Guidelines

30/09/2010
C85

Before deciding on an application the responsible authority will consider:

- Whether there should be an archival recording of the original building or fabric on the site.
- The heritage significance of the place or element as cited in the relevant Statement of Significance or Building Citation.

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YARRA PLANNING SCHEME

22.02-8 References

18/10/2018
C232

- Heritage Citation: 112-124 Trenerry Crescent, Abbotsford. GJM Heritage, July 2016.
- Heritage Citation: 20-60 Trenerry Crescent, Abbotsford. GJM Heritage, July 2016.
- Heritage Gap Study: Review of Johnston Street East, Context Pty Ltd 2016.
- Heritage Gap Study: Review of 17 Precincts Stage 2 Report, Context Pty Ltd 2014, revised 2016.
- Heritage Review of Predefined Areas In Abbotsford & Collingwood Stage 2 Report, Context Pty Ltd 2015.
- Heritage Gap Study: Review of Central Richmond, Stage 2 Final Report, Context Pty Ltd 2014.
- City of Yarra Heritage Gaps Study – Smith Street South, Anthemion Consultancies 2014.
- City of Yarra Heritage Gaps – 233-251 Victoria Street Abbotsford Anthemion Consultancies, 2012.
- City of Yarra Heritage Gaps Stage Two, Graeme Butler and Associates 2009.
- City of Yarra Heritage Gaps Stage One, Graeme Butler and Associates 2008.
- City of Yarra Heritage Gaps Review One 2013 [Appendix A and B includes Statements of Significance] Incorporated Plan under the provisions of clause 43.01 Heritage Overlay - methodology report, Lovell Chen 2014.
- City of Yarra Heritage Gaps Review Two 2013.
- City of Yarra Heritage Gaps Study – 233-251 Victoria Street, Abbotsford, Anthemion Consultancies 2012.
- City of Yarra Review of Heritage Overlay Areas [Appendix 7 includes Statements of Significance], Graeme Butler and Associates 2007 updated 2013.
- Yarra Heritage Database 2007 including photos, Allom Lovell and Associates 1998.
- City of Yarra Heritage Review, Volumes 1-4, Allom Lovell and Associates 1998.
- Protecting Archaeological Sites in Victoria, Heritage Victoria 1998.
- The Burra Charter. Australian ICOMOS Charter for the Conservation of Places of Cultural Significance, as updated from time to time.
- Fitzroy Urban Conservation Study Review, Allom Lovell and Associates 1992.
- Collingwood Conservation Study, Andrew Ward and Associates 1989.
- Richmond Conservation Study, J and T O'Connor and Coleman and Wright Architects 1985.
- Carlton, North Carlton and Princes Hill Conservation Study, Nigel Lewis and Associates 1984.
- City of Northcote Urban Conservation Study, Graeme Butler Architect 1982.
- South Fitzroy Conservation Study, Jacob Lewis Vines Architects 1979.
- North Fitzroy Conservation Study, Jacob Lewis Vines Architects 1978.

Attachment 3 - Amendment C220 - Amendment Documents and Maps for Adoption

YARRA PLANNING SCHEME PANEL PREFERRED VERSION

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SCHEDULE 15 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO15**.

JOHNSTON STREET ACTIVITY CENTRE

1.0 Design objectives

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C--

- To preserve the valued heritage character of the streetscape and ensure that the predominantly two storey heritage street wall remains the visually prominent built form of Johnston Street west of the railway line bridge.
- To provide for new mid-rise (5 to 10 storeys) buildings and provide a suitable transition to low scale residential areas.
- To protect the operation of the state significant Collingwood Arts Precinct from unreasonable loss of amenity through visual bulk, overshadowing of open space areas and vehicle access.
- To activate the street edge, provide passive surveillance opportunities, accommodate commercial activity at the lower levels of buildings and protect footpaths and public spaces on the southern side of Johnston Street from loss of amenity from overshadowing.
- To provide for equitable development outcomes through built form design that responds to the development opportunities of neighbouring properties, and through the consolidation of finer grain sites.

2.0 Buildings and works

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2.1 Definitions

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Building height means the vertical distance between the footpath at the centre of the frontage and the highest point of the building.

Heritage Building building [EK1] means any building subject to a heritage overlay, graded as either *Contributory* or *Individually Significant*.

Laneway means a road reserve of a public highway 9 metres or less wide.

Rear interface means the rear wall of any proposed building or structure at any level, whether on the property boundary or set back from the property boundary.

Street wall means the facade of a building at the street boundary.

Street wall height means the vertical distance between the footpath at the centre of the frontage and the highest point of the building at the street edge.

2.2 Requirements

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A permit cannot be granted to vary a requirement expressed with the term 'must' or listed in a 'Mandatory' column of a table.

A permit must not be granted or amended (unless the amendment would not increase the extent of non-compliance) for buildings and works which exceed a mandatory maximum requirement or are less than a mandatory minimum requirement.

Architectural features may exceed the preferred or mandatory height.

Service equipment/**structures** including plant rooms, lift overruns, structures associated with green roof areas and other such equipment may exceed the preferred or mandatory height provided that each of the following criteria are met for the equipment or structure:

Attachment 3 - Amendment C220 - Amendment Documents and Maps for Adoption

YARRA PLANNING SCHEME
PANEL PREFERRED VERSION

- Less than 50 per cent of the roof area is occupied by the equipment (other than solar panels).
- The equipment does not cause additional overshadowing.
- The equipment does not extend higher than 3.6 metres above the maximum building height.

Projections such as balconies and building services and architectural features [EK2] must not intrude into a setback.

2.3

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Building height

Buildings should not exceed the preferred maximum building height and must not exceed the mandatory maximum building height specified in Table 1.

Table 1: Building heights [EK3]

Sub precinct	Preferred maximum building height	Mandatory maximum building height
1A4A	24 metres	None specified
1B1AA	28 metres	None specified
1C1AAA	None specified	28 metres
1D4B	24 metres	None specified
1E4C	21 metres	28 metres
1F4D	None specified	21 metres
1GAheron-land	34 metres	None specified
1H2A	21 metres	None specified
2A2fB	34 metres	None specified
2B2fC	24 metres	31 metres
2C2fD	21 metres	24 metres
2D2fE	None specified	21 metres

A permit should only be granted to exceed the preferred maximum building height specified in Table 1 if the following criteria are met:

- The building elements permitted by the proposed variation satisfy the design objectives of Clause 1.0 and the provisions of Clause 21.12–1.
- The proposal will achieve each of the following:
 - Housing for diverse households types.
 - Universal access.
 - Communal or private open space provision that exceeds the minimum standards in Clauses 55.07 and 58.
 - Excellence for environmental sustainable design measured as a minimum BESS project score of 70 per cent or 5 Star Green Star Standard.
 - Greater building separation than the minimum requirement in this schedule.
 - No additional amenity impacts to residential zoned properties, beyond that which would be generated by a proposal that complies with the preferred maximum [EK4] building height.
 - For Heritage bBuildings [EK5], the proposed development enhances the heritage fabric of the building (primarily through restoration or reinstatement of the front facade and external features visible from Johnston Street).

Attachment 3 - Amendment C220 - Amendment Documents and Maps for Adoption

YARRA PLANNING SCHEME
PANEL PREFERRED VERSION**2.4 Overshadowing and solar access requirements**--/20--
C--

New development must not overshadow the southern footpath of Johnston Street, measured as 3.0 metres from the property frontage on Johnston Street, between 10am and 2pm at 22 September

Development in Sub precincts ~~1C1E~~, ~~1D1E~~, ~~2B2A~~, ~~2C2D~~ and ~~2E2D~~ should ~~[EK6]~~ avoid additional overshadowing of residential zoned properties to the south measured from 10am to 2pm at 22 September.

2.5 Street wall height--/20--
C--

A new street wall should not exceed the preferred maximum street wall height and must not exceed the mandatory maximum street wall height specified in Table 2. This does not apply to a heritage building.

Buildings should achieve the street wall transition specified in Table 3.

Except where a heritage building (or part of a heritage building) is to be retained along the street frontage, new development should provide a minimum street wall height of 8 metres.

Table 2: Street wall height~~[EK7]~~

Sub precinct	Preferred maximum Street wall height	Mandatory maximum Street wall height
1A4A	None specified	44.311 metres
1B4AA	44.311 fronting Sackville Street	44.311 metres fronting Johnston Street
1C4AAA	None specified	44.311 metres fronting Johnston Street
1D4B	44.311 metres	None specified
1E4C	None specified	44.311 metres
1F4D	None specified	44.311 metres
1GAheron	44.311 fronting Sackville Street	44.311 metres fronting Johnston Street
1H2A	None specified	44.311 metres
2A2rB	15 metres	18 metres
2B2rC	15 metres	18 metres
2C2rD	15 metres	18 metres
2D2rE	15 metres	18 metres

Table 3: Street wall transition

Area	Street wall transition
East of the railway bridge	New development should provide a transitional street wall height (maximum one storey higher, but not less than 8 metres) on sites that are adjacent to Individually Significant heritage buildings for a minimum length of 6 metres from the heritage building.
West of the railway bridge	The street-wall height should match the parapet height of a neighbouring heritage building, where present, for a minimum length of 6 metres from the heritage building. If the parapet height of the neighbouring heritage building is less than 8 metres, the street wall height of new development should be 8 metres for a minimum length of 6 metres from the heritage building.

Attachment 3 - Amendment C220 - Amendment Documents and Maps for Adoption

YARRA PLANNING SCHEME
PANEL PREFERRED VERSION**2.6 Mid level set back above the street wall**--/120--
C-

Development should be set back from the street wall at least the preferred minimum mid level setback and must be set back from the street wall at least the mandatory minimum mid level setback specified in Table 4 and illustrated in Figures 1 & 2 in Table 4. [EK9]

Table 4: Mid level setback above the street wall [EK9]

Sub precinct	Preferred mid level setback	Mandatory mid level setback
1A1A	None specified	6 metres
1B1AA	6 metres fronting Sackville Street	6 metres fronting Johnston Street
1C1AAA	None specified	6 metres fronting Johnston Street
1D1B	6 metres	None specified
1E1C	None specified	6 metres
1F1D	None specified	6 metres
1GAheron	3 metres fronting Johnston Street with a transition to 6 metres to the west of the sub precinct 6 metres fronting Sackville Street	None specified
1H2A	None specified	6 metres
2A2rB	6 metres	None specified
2B2rC	6 metres	None specified
2C2rD	6 metres	6 metres (293 and 323–325 Johnston Street)
2D2rE	6 metres	None specified

2.7 Upper level setbacks--/120--
C-

New development on sites fronting Johnston Street, Sackville Street or Stafford Street, should be setback from the front and rear property boundary, as specified in Table 5 and illustrated in Figures 1 & 2 in Table 5. [EK10]

In complying with the 45 degree envelope requirement, development should provide incremental setbacks of at least two storeys to avoid repetitive stepped form and 'wedding cake' outcomes.

A permit must not be granted for buildings and works which exceed the mandatory 45 degree envelope from rear property boundary in Sub precinct 2rE2D. [EK11]

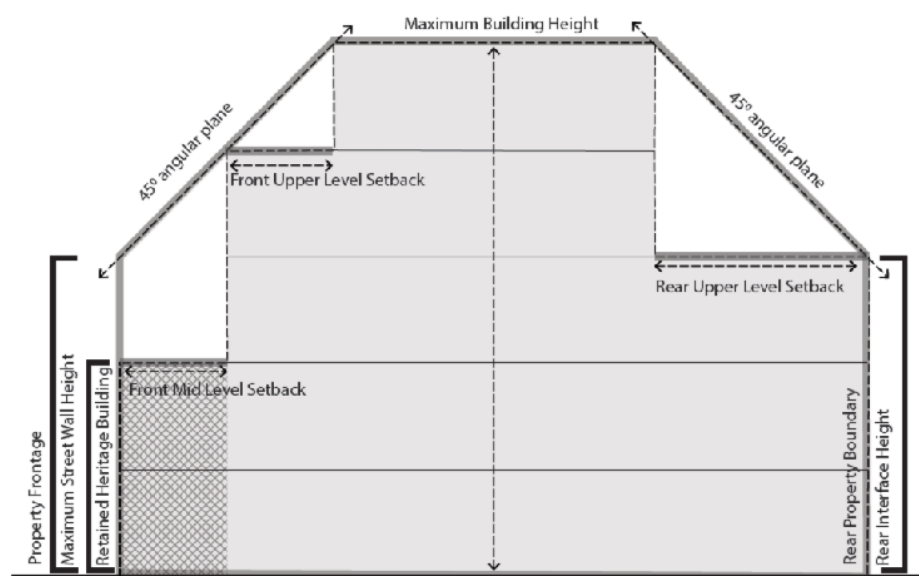
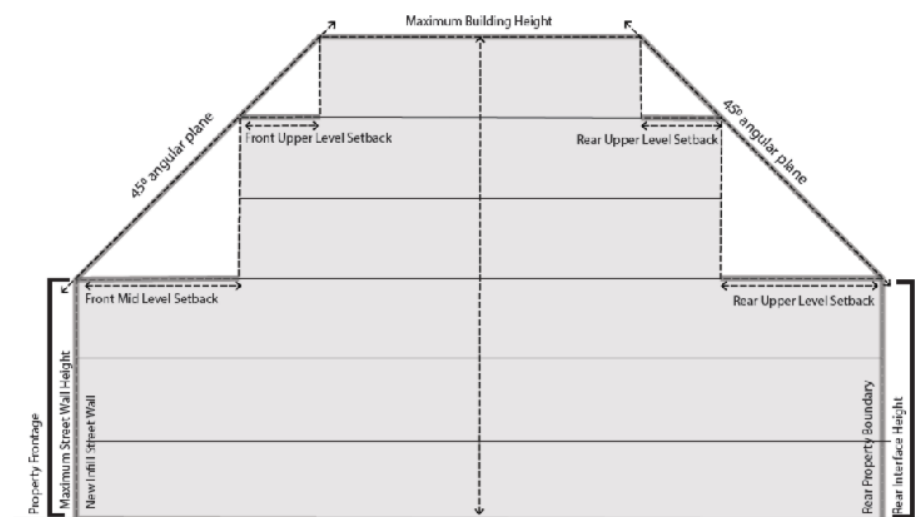
Table 5: Upper level setback requirements [EK12]

Sub precinct	Preferred front upper level setback	Preferred rear minimum setback (mandatory for 2rE)
1A1A	45 degrees above 4.311 metres	4.5 metres above 4.311 metres
1B1AA	45 degrees above 4.311 metres	4.5 metres above 4.311 metres
1C1AAA	45 degrees above 4.311 metres	4.5 metres above 4.311 metres
1D1B	45 degrees above 4.311 metres	4.5 metres above 4.311 metres
1E1C	45 degrees above 4.311 metres	45 degrees above 4.311 metres
1F1D	45 degrees above 4.311 metres	45 degrees above 4.311 metres
1GAheron	45 degrees above 4.311 metres for Sackville Street	None specified
1H2A	45 degrees above 4.311 metres	4.5 metres above 4.311 metres

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<u>2A2+B</u>	45 degrees above 18 metres	4.5 metres above <u>44.311</u> metres but 45 degrees above <u>44.311</u> metres for Stafford Street
<u>2B2+C</u>	45 degrees above 18 metres	45 degrees above <u>44.311</u> metres
<u>2C2+D</u>	45degrees above 18 metres	45 degrees above <u>44.311</u> metres
<u>2D2+E</u>	45 degrees above 18 metres	45 degrees above 9 metres (mandatory)

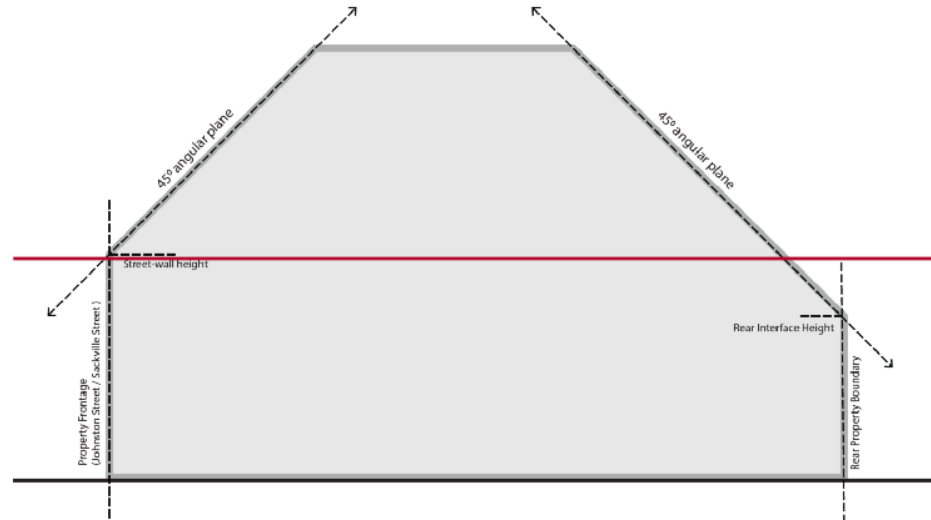
Figure 1: Building envelope requirement – Heritage Building ^[EK13]**Figure 2: Building envelope requirement – Infill Building** ^[EK14]

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YARRA PLANNING SCHEME
PANEL PREFERRED VERSION

Figure 1: Building envelope requirement

UPDATE DIAGRAM TO SHOW MID LEVEL SETBACKS ABOVE THE STREET WALL



2.8

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Corner site requirements

New development on a corner site with a frontage to Johnston Street or Sackville Street should:

- Continue the street wall height established at the Johnston Street or Sackville Street frontage along the side street, with a transition in height to the rear interface where required.
- Setback buildings above the street wall from the side street a minimum of 3 metres.

This requirement does not apply to new development on the corner of either:

- Hoddle Street and Johnston Street.
- A laneway.

2.9

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Building separation requirement

Where development shares a common boundary with a private property or a laneway, buildings above the street wall should be set back as follows:

- Where a habitable room window is proposed:
 - 4.5 metres from the common boundary.
 - 4.5 metres from the centre line of the laneway.
- Where a non-habitable room window or commercial window is proposed:
 - 3 metres from the common boundary.
 - 3 metres from the centre line of the laneway where the laneway is less than 6 metres wide.

Development above 21 metres should provide an appropriate side setback to provide spacing between buildings in order to maintain views to the sky from Johnston and Sackville Streets and from residential properties adjacent to the development.

Attachment 3 - Amendment C220 - Amendment Documents and Maps for Adoption

YARRA PLANNING SCHEME PANEL PREFERRED VERSION

2.10 Street frontage requirements

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New development should:

- Be built to the front property boundary on sites without a heritage building along Johnston Street and Sackville street.
- To the west of the railway bridge, maintain the visual prominence of heritage buildings.
- To the east of the railway bridge, contribute to a new, well-designed, contemporary urban character that provides articulation in building facades, reinforcing a finer grain street pattern.
- Address the primary street frontage and, where heritage elements are not a constraint, incorporate design elements that contribute to the provision of a continuous, visible and active frontage at ground level.
- Provide for passive surveillance.
- Provide an active or visually interesting interface with the public realm, including areas of public open space and public transport stops.
- Locate service entries/access doors away from the primary street frontage, or where not possible, be sensitively designed to integrate into the facade of the building.

2.11 Commercial floor space requirements

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Buildings should:

- Be designed to accommodate commercial activity at the lowest two levels
- Incorporate floor to floor heights suitable for commercial activity of at least 4 metres at the lowest two levels, where heritage elements are not a constraint.

2.12 Upper level design requirements ^[EK15]

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C--

Facades above the street wall, including side walls, should:

- Employ a high standard of architectural design
- Be well-articulated. Be designed to be read as part of the overall building
- Not detract from the character of the streetscape when viewed directly or obliquely along either Johnston Street or Sackville Street.
- ~~Not detract from the character of the streetscape when viewed directly or obliquely along either Johnston Street or Sackville Street.~~

Buildings above the facade of retained heritage buildings and on sites adjacent to a heritage building should:

- Ensure that heritage buildings remain the visually prominent feature within Johnston Street when viewed from ground level.
- Be visually recessive in mass, scale and materiality, incorporating materials and finishes that are sympathetic and in keeping with the character of the heritage streetscape.

2.13 Vehicle access and car parking

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New development should:

- Avoid providing vehicle access from Johnston Street and provide access from a side street or laneway where practical.
- Conceal the provision of car parking within the building or provide basement car parking.
- Avoid recessed parking spaces at the ground floor level of buildings and onsite parking spaces at the front of properties.

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YARRA PLANNING SCHEME PANEL PREFERRED VERSION

3.0 Subdivision

None specified.

4.0 Advertising signs

None specified

5.0 Application requirements

An application for development must be accompanied by a design response that considers the future development opportunities of adjacent properties in terms of outlook, daylight and solar access to windows, as well as managing visual bulk.

6.0 Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The architectural quality of the proposal, which includes the design, scale, height, materials, mass and visual bulk of the development in relation to the surrounding built form.
- The profile and impact of development on the vista along Johnston Street.
- How the proposal responds to the presence of heritage buildings either on, or in close proximity to the site and whether an increased upper level setback is required having regard to the heritage significance and contributory features of the site.
- The design response at the interface with existing low-scale residential properties and the potential amenity impacts to neighbouring residential properties.
- Whether the proposal provides an active street interface to Johnston Street and contributes positively to the pedestrian environment and other areas of the public realm.

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YARRA PLANNING SCHEME
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Map 1: Johnston Street Sub-Precincts Plan ^{FEK16}



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YARRA PLANNING SCHEME

14/03/2019
C261yaraPr**SCHEDULE TO CLAUSE 72.04 DOCUMENTS INCORPORATED IN THIS PLANNING SCHEME****1.0****Incorporated documents**14/03/2019
C261yaraPr

Name of document	Introduced by:
5-15 Mayfield Street, Abbotsford, Incorporated Document, October, 2018	C188
10 Bromham Place, Richmond Incorporated Document, February 2013	C171
18-62 Trenerry Crescent, Abbotsford (Incorporated Plan, May 2018)	C218
32-68 Mollison Street and 61-69 William Street, Abbotsford July 2013	C170
520 Victoria Street, 2A Burnley Street, and 2 – 30 Burnley Street, Richmond, Burnley Street West Precinct - Incorporated Plan, 2012	C150
Amcort Alphington Paper Mill Site Preparation – Incorporated Document, September 2012	C161
Atherton Gardens – Fitzroy, September 2010	C136
Caulfield Dandenong Rail Upgrade Project, Incorporated Document, April 2016	GC37
Chandler Highway Upgrade Incorporated Document, March 2016 (Amended December 2017)	GC80
City of Yarra Review of Heritage Overlay Areas 2007 Appendix 8, revised December 2018 <u>May 2019</u>	C261yara <u>C220</u>
Cremorne Balmain Dover Street Project	NPS1
Crown Land Car Park Works, Burnley, August 2005	C92
Fitzroy Former Gasworks Site, Incorporated Document, February 2018	C242
Flying Fox Campsite, Yarra Bend Park, December 2004	C90
Hurstbridge Rail Line Upgrade 2017 Incorporated Document, January 2017	GC60
Incorporated Plan under the provisions of clause 43.01 Heritage Overlay, Planning permit exemptions, July 2014	C178
Local Policy "Protection of Biodiversity" Sites of Remnant Vegetation (Biosis 2001)	C49
M1 Redevelopment Project, October 2006	C86
Melbourne City Link Project – Advertising Sign Locations, November 2003	VC20
Melbourne Metro Rail Project: Upgrades to the Rail Network Incorporated Document, May 2018	GC96
Planning and Design Principles for the Richmond Maltings Site, Cremorne – November 2007	C101
Richmond Walk Up Estate Redevelopment, September 2010	C136
Social housing redevelopment; Atherton Gardens Estate, Fitzroy, and Richmond Public Housing Estate, Richmond, for which the Minister for Planning is the Responsible Authority, May 2010	C135
Specific Site and Exclusion – Lot 2 on PS433628L (452 Johnston Street, Abbotsford)	C56
Swan Street Works, Burnley, June 2005	C91
Tramway Infrastructure Upgrades Incorporated Document, May 2017	GC68
Victoria Gardens Building Envelope and Precinct Plan and Precinct 3 Plan – Warehouse Area	C7

Attachment 3 - Amendment C220 - Amendment Documents and Maps for Adoption

YARRA PLANNING SCHEME

Name of document	Introduced by:
Victoria Gardens Urban Design Guidelines	NPS1
Victorian Institute of Forensic Psychiatry Concept Plan (January 1997)	NPS1
Yarra Gardens Precinct Plan, December 2009	C128

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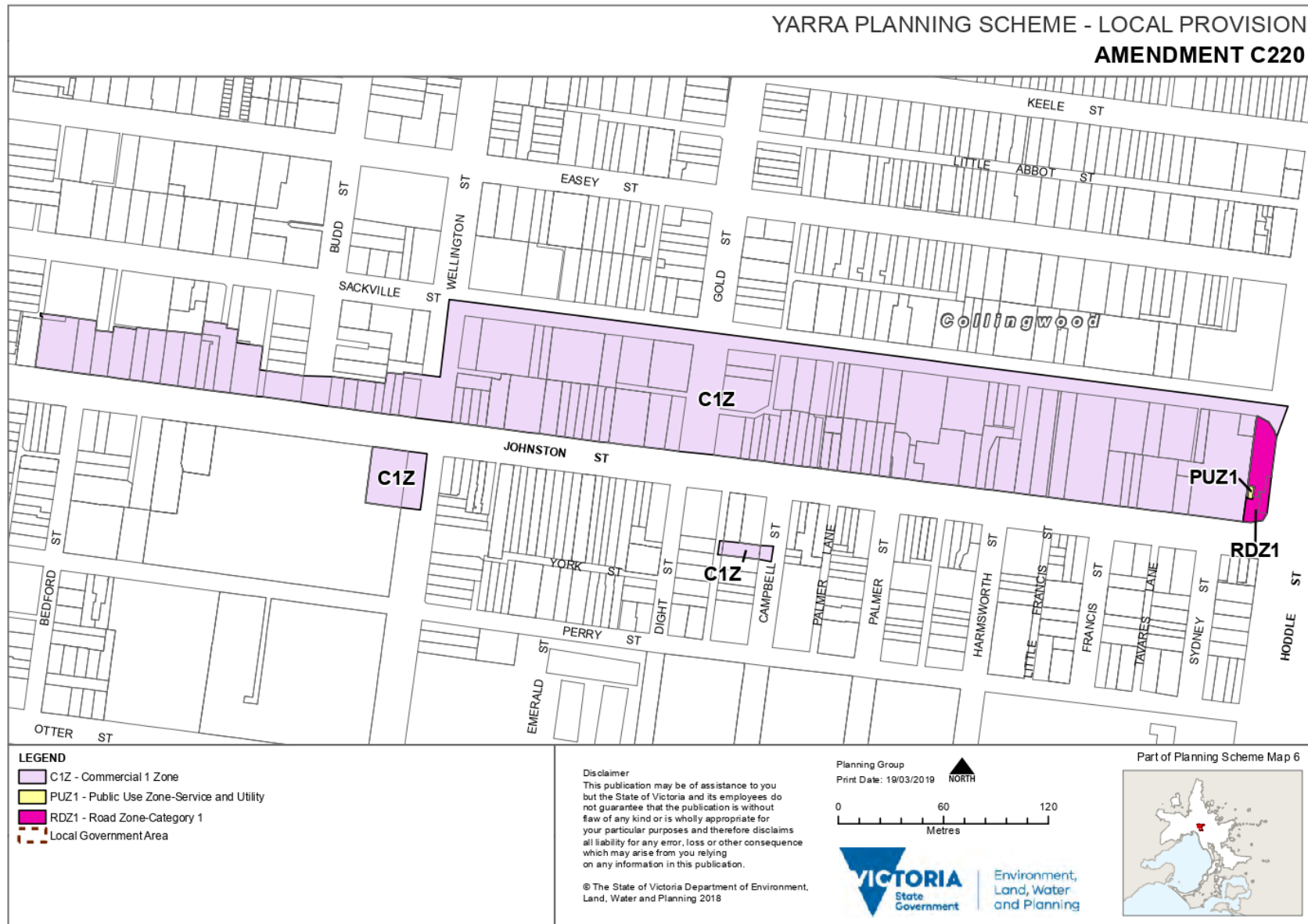
Amendment C220 – Additions to the Incorporated Document: Appendix 8

JOHNSTON STREET EAST PRECINCT (HO505)										
NAME	STREET		NUMBER		SUBURB	DATE	GRADING	PROPERTY NUMBER	PRECINCT	CHANGES FROM CURRENT HO
Shop & residence	JOHNSTON	STREET	219		ABBOTSFORD	1885-1890	Individually significant	112985	Johnston Street East Precinct	Individual HO409. Add to Johnston Street East Precinct
Shop & residence	JOHNSTON	STREET	221		ABBOTSFORD	1885-1890	Individually significant	112995	Johnston Street East Precinct	Individual HO409. Add to Johnston Street East Precinct
Shop & residence	JOHNSTON	STREET	223		ABBOTSFORD	1885-1890	Individually significant	113000	Johnston Street East Precinct	Individual HO409. Add to Johnston Street East Precinct
Shop & residence	JOHNSTON	STREET	225		ABBOTSFORD	c.1960	Not contributory	113005	Johnston Street East Precinct	
Shop & residence	JOHNSTON	STREET	227		ABBOTSFORD	c.1960	Not contributory	113010	Johnston Street East Precinct	
Shop & residence	JOHNSTON	STREET	229		ABBOTSFORD	1885-1890	Contributory	113015	Johnston Street East Precinct	
Shop & residence	JOHNSTON	STREET	231		ABBOTSFORD	1885-1890	Contributory	113020	Johnston Street East Precinct	
Shop & residence	JOHNSTON	STREET	233		ABBOTSFORD	1885-1890	Contributory	113030	Johnston Street East Precinct	
Shop & residence	JOHNSTON	STREET	235		ABBOTSFORD	1885-1890	Contributory	113035	Johnston Street East Precinct	
Shop & residence	JOHNSTON	STREET	237		ABBOTSFORD	1885-1890	Contributory	113040	Johnston Street East Precinct	
Shop & residence	JOHNSTON	STREET	239		ABBOTSFORD	1885-1890	Contributory	405430	Johnston Street East Precinct	
Railway bridge & abutments	JOHNSTON	STREET	241		ABBOTSFORD	1901	Individually Significant	113055	Johnston Street East Precinct	
Shop & residence	JOHNSTON	STREET	246		ABBOTSFORD	1900-1910	Contributory	113630	Johnston Street East Precinct	
Shop & residence	JOHNSTON	STREET	248		ABBOTSFORD	1900-1910	Contributory	113625	Johnston Street East Precinct	
Shop & residence	JOHNSTON	STREET	250		ABBOTSFORD	1900-1910	Contributory	113620	Johnston Street East Precinct	
Shop & residence	JOHNSTON	STREET	252		ABBOTSFORD	1885-1890	Contributory	113615	Johnston Street East Precinct	

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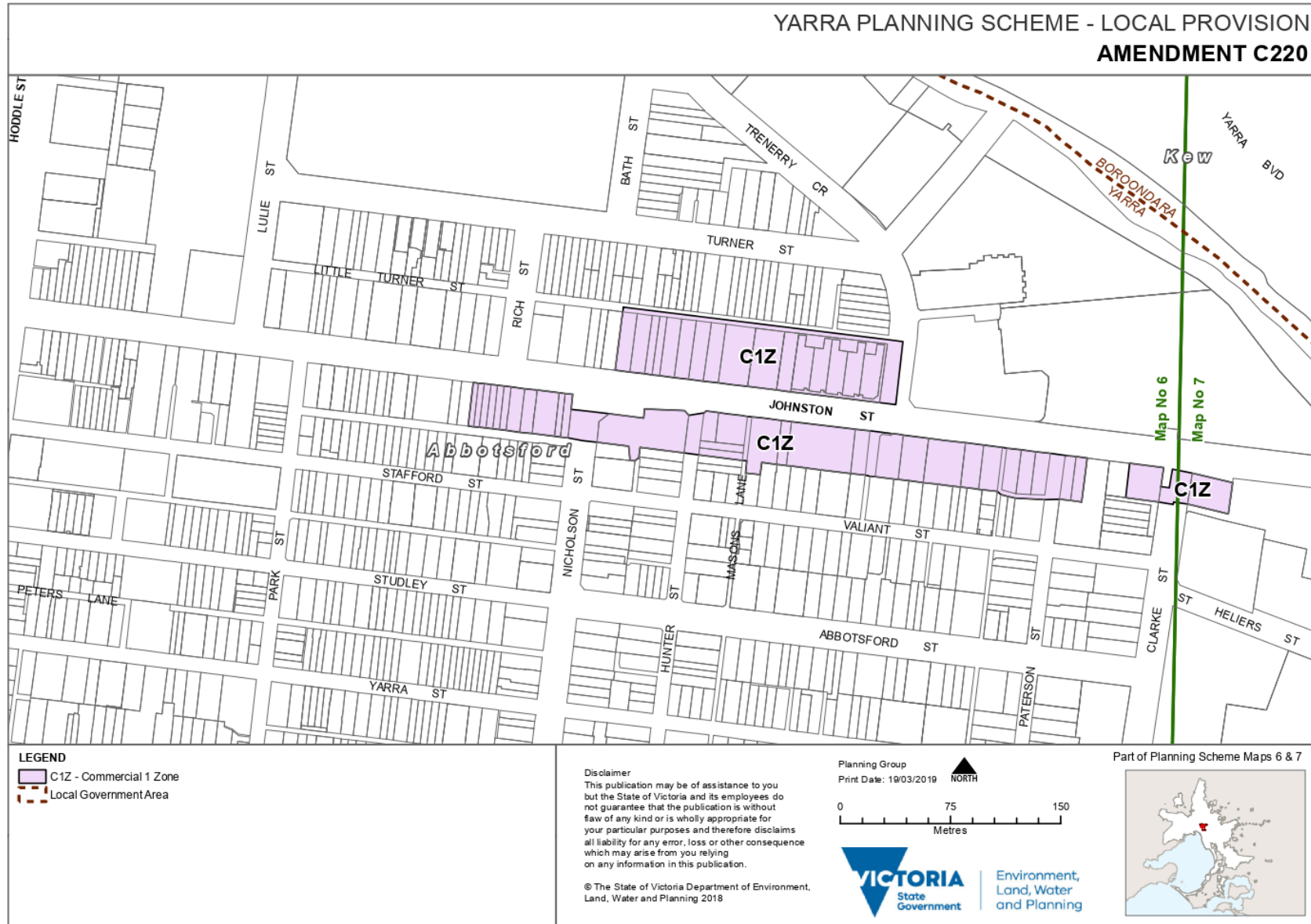
JOHNSTON STREET EAST PRECINCT (HO505)									
NAME	STREET		NUMBER		SUBURB	DATE	GRADING	PROPERTY NUMBER	PRECINCT
Shop & residence	JOHNSTON	STREET	254		ABBOTSFORD	1885-1890	Contributory	113610	Johnston Street East Precinct
Shop & residence	JOHNSTON	STREET	256		ABBOTSFORD	1885-1890	Contributory	113605	Johnston Street East Precinct
Shop & residence	JOHNSTON	STREET	258		ABBOTSFORD	1885-1890	Individually significant	113600	Johnston Street East Precinct
Shop & residence	JOHNSTON	STREET	260		ABBOTSFORD	1885-1890	Individually significant	113595	Johnston Street East Precinct
Shop & residence	JOHNSTON	STREET	262		ABBOTSFORD	1885-1890	Contributory	113590	Johnston Street East Precinct
Shop & residence	JOHNSTON	STREET	264		ABBOTSFORD	1885-1890	Contributory	113585	Johnston Street East Precinct
Shop & residence	JOHNSTON	STREET	266		ABBOTSFORD	1885-1890	Contributory	113580	Johnston Street East Precinct
Shop & residence	JOHNSTON	STREET	268		ABBOTSFORD	1885-1890	Contributory	113575	Johnston Street East Precinct
Shop & residence	JOHNSTON	STREET	270		ABBOTSFORD	1885-1890	Not contributory	113570	Johnston Street East Precinct
Shop & residence	JOHNSTON	STREET	272		ABBOTSFORD	1885-1890	Contributory	113565	Johnston Street East Precinct
Shop & residence	JOHNSTON	STREET	274		ABBOTSFORD	1885-1890, c.1930	Contributory	113560	Johnston Street East Precinct

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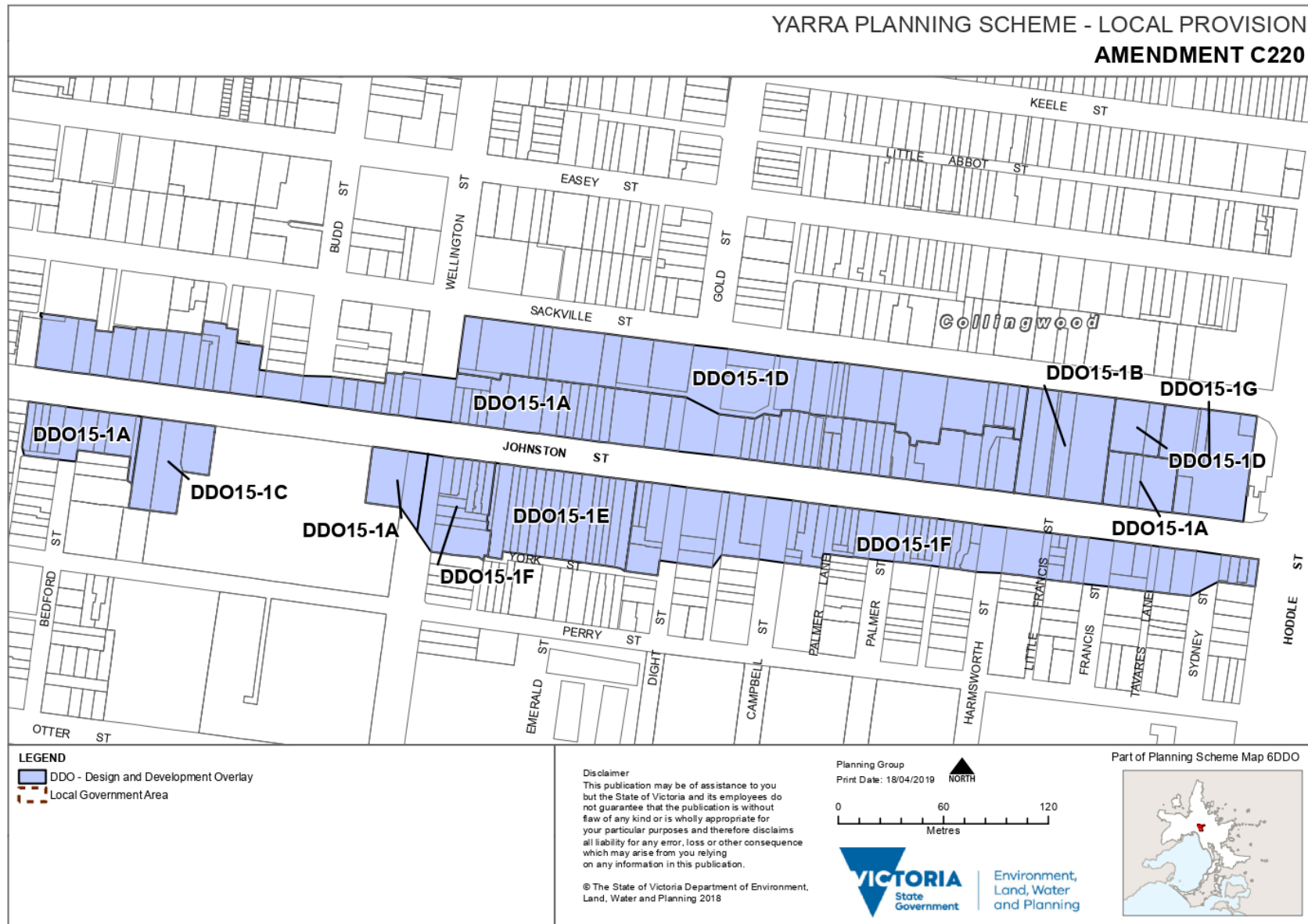


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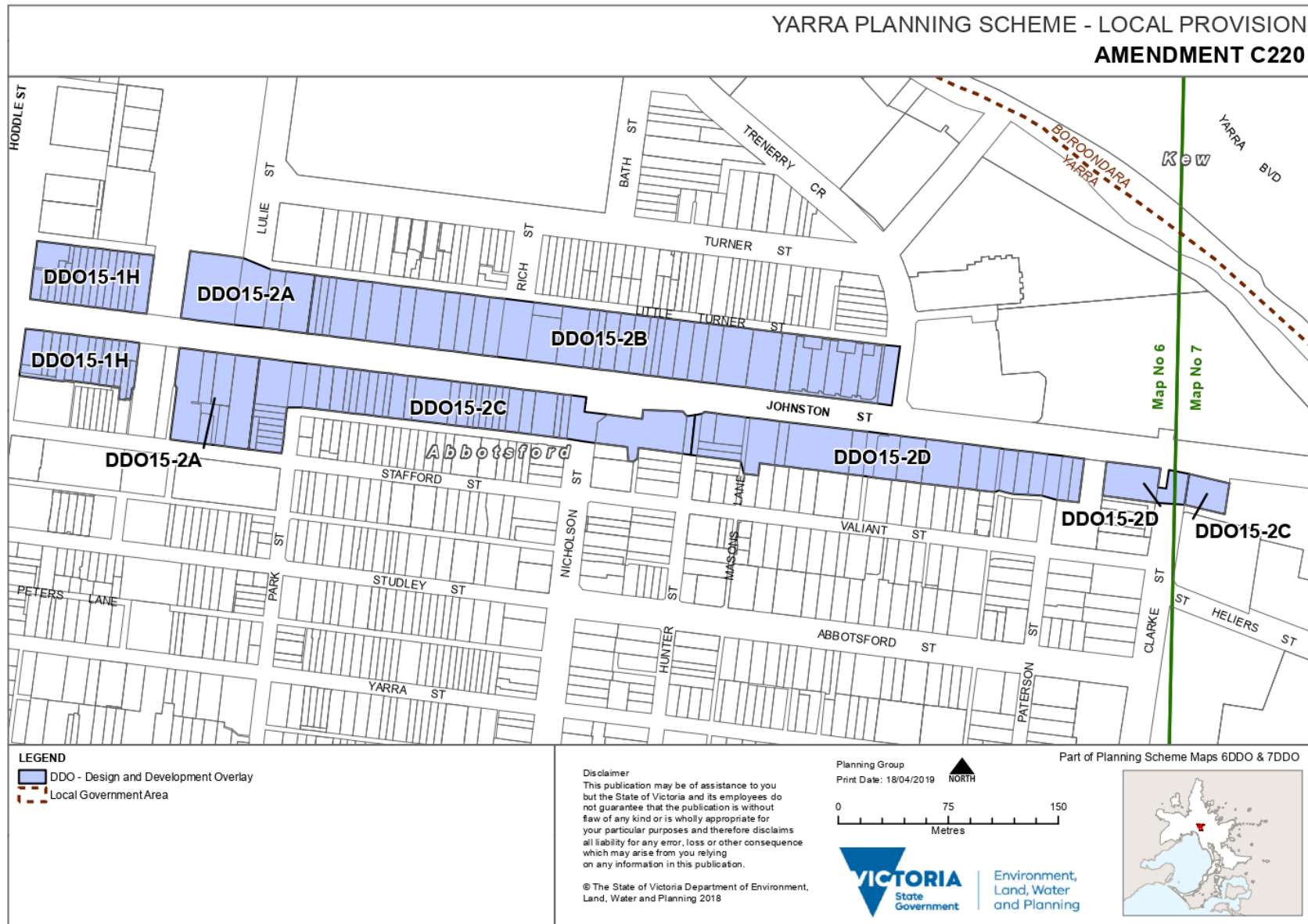


Attachment 3 - Amendment C220 - Amendment Documents and Maps for Adoption

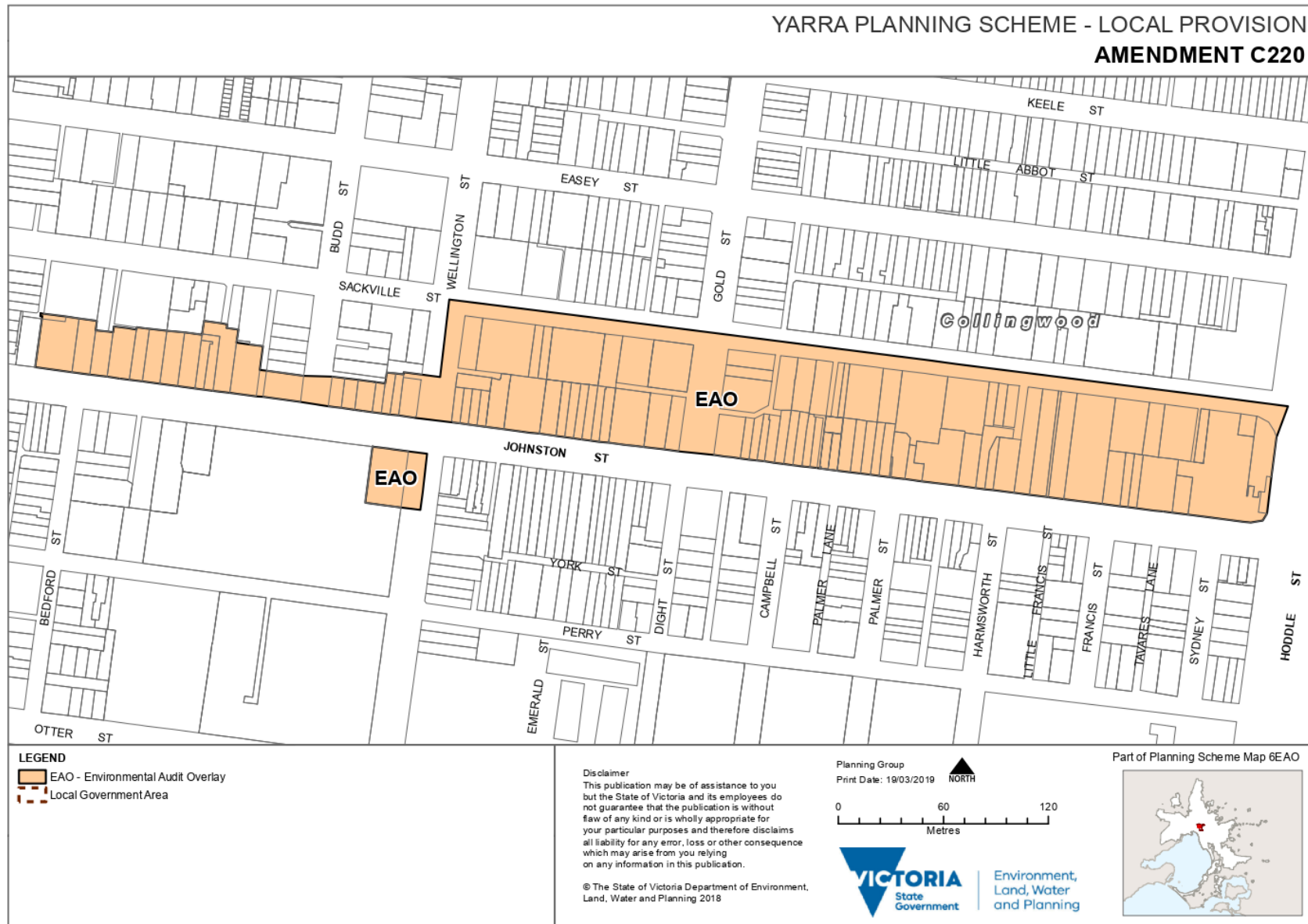


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Attachment 3 - Amendment C220 - Amendment Documents and Maps for Adoption

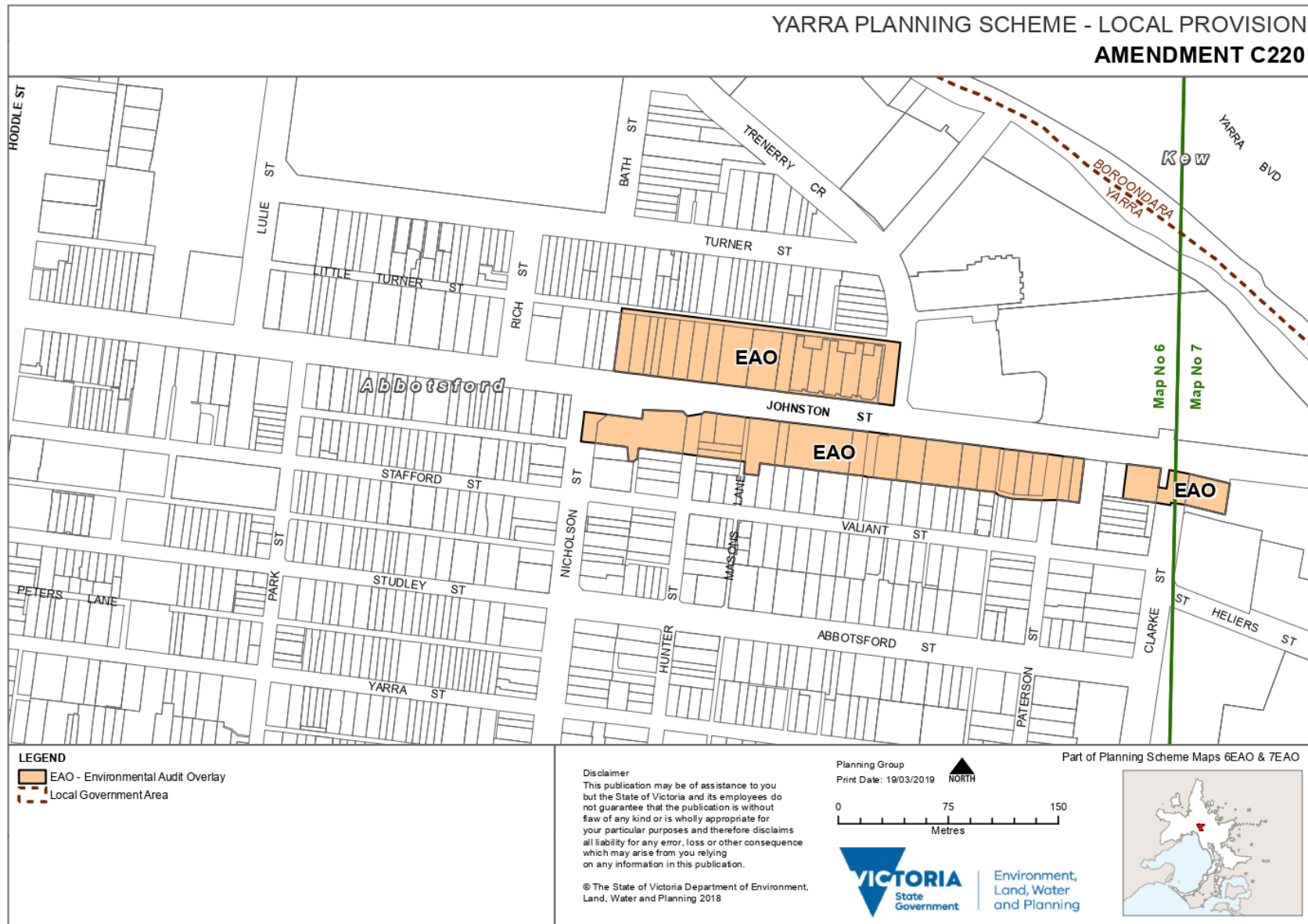


Attachment 3 - Amendment C220 - Amendment Documents and Maps for Adoption



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Attachment 3 - Amendment C220 - Amendment Documents and Maps for Adoption



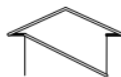
Attachment 3 - Amendment C220 - Amendment Documents and Maps for Adoption



Attachment 3 - Amendment C220 - Amendment Documents and Maps for Adoption



| Planning Mapping Services |
| Planning Information Services |
| Planning |



008

11.2 Proposed discontinuance and sale of the road abutting 359 & 361 Pigdon Street, Princes Hill.

Trim Record Number: D19/49409

Responsible Officer: Director Corporate, Business and Finance

Purpose

1. For Council to consider whether the road shown as lots 1 and 2 on the title plan attached as Attachment 1 (**Title Plan**) to this report, being the whole of the land contained in certificate of title volume 1618 folio 508 (**Road**), should be discontinued pursuant to the *Local Government Act 1989* (**Act**) and sold to the owners of 359 Pigdon Street, Princes Hill, and the owners of 361 Pigdon Street, Princes Hill (the **Proposal**).

Background

2. The Road is shown as lots 1 and 2 on the Title Plan and shown outlined red and red hatched on the plan attached as Attachment 2 to this report (**Site Plan**). A copy of the title to the Road is contained in Attachment 3 to this report.
3. The following adjoining properties abut the Road on its northern boundary:
 - (a) 361 Pigdon Street, Princes Hill, being the land contained in certificate of title volume 6730 folio 848 and outlined green on the Site Plan (**Owner 1**); and
 - (b) 359 Pigdon Street, Princes Hill, being the land contained in certificate of title volume 4849 folio 632 and outlined yellow on the Site Plan (**Owner 2**).
4. Together, the (**Applicants Properties**).
5. The Road also abuts, or is adjacent to, the following properties (together **Adjoining Properties**), as shown outlined blue on the Site Plan:
 - (a) 357 Pigdon Street, Princes Hill, being the land contained in certificate of title volume 1562 folio 269; and
 - (b) 25-35 Garton Street, Princes Hill, being the land contained in certificate of title volume 2809 folio 669.
6. Owner 1 and Owner 2 (together, **Owners**) have requested that Council discontinue the Road and sell:
 - (a) that part of the Road shown red hatched on the Site Plan (being lot 1 on the Title Plan) (**Lot 1**) to Owner 1; and
 - (b) that part of the Road show outlined red on the Site Plan (being Lot 2 on the Title Plan) (**Lot 2**) to Owner 2.
7. The Road is shown on title as a 'road' and has been constructed and historically used as a right of way. Accordingly, the Road is a 'road' for the purposes of the Act and Council has statutory power to consider discontinuing the Road.
8. At its meeting of 18 September 2018, Council resolved to commence the statutory procedures and give notice pursuant to section 207A and 223 of the Act of its intention to discontinue and sell the Road to the Owners.

Discussion

Public Notice

9. The required public notice was placed in the Weekly Review Melbourne Times and Age Newspapers on the 14 November 2018. Council's Facebook page and website (social media).
10. A copy of the public notice was given by letter to the Adjoining Owners.

11. A copy of the Public Notice was displayed prominently on site.
12. Following the publication of the public notice and allowing for the required public notice period, Council did not receive any submissions.
13. A copy of the public notice is attached as Attachment 4 to this report.

Road Status

14. It is established that the Road is a Road which Council has the power to consider discontinuing pursuant to the Act. If the Road is discontinued, the Road will vest in Council.

Public Authorities

15. The following statutory/public authorities have been advised of the Proposal and have been asked to respond to the question of whether they have any existing assets in the Road that should be saved under section 207C of the Act; City West Water, Melbourne Water, APA Group, Citipower, Telstra, Optus and Yarra City Council.
16. Melbourne Water, Citipower, APA Group, Telstra, Optus and Yarra City Council advised that they have no known assets in or above the Road and have no objection to the Proposal.
17. In a letter dated 1 November 2017, City West Water (**CWW**) advised that it did not object to the Proposal, subject to the Following conditions:
 - (a) a certified Title Plan must show a 2.0m wide centrally located Sewerage Easement to be in favour of CWW pursuant to section 12(1) of the *Subdivision Act 1988*. This plan must be referred to CWW for consideration prior to offering a withdrawal of objection;
 - (b) any proposed fences must be located a minimum distance of 800mm clear of the centreline of existing CWW sewer mains;
 - (c) any proposed fence lines must be located a minimum distance of 1.0m from sewer manholes and/or sewer inspection shafts; and
 - (d) any proposal to build over a sewer asset will require CWW's written consent (i.e. Build-Over Application approval).
18. A copy of the correspondence from CWW is contained in Attachment 5 to this report.

Internal Consultation (One Yarra)

19. No internal consultation is required for this report.

Financial Implications

20. There are no financial implications arising from this report.

Economic Implications

21. The Owners have agreed to acquire the Road for its market value (plus GST) as determined by the Act.
22. In addition to the market value of the Road (plus GST), the Owners have agreed to pay Council's costs and disbursements associated with the Proposal.

Sustainability Implications

23. There are no sustainability implications arising from this report.

Social Implications

24. There are no social implications arising from this report.

Human Rights Implications

25. There are no human rights implications arising from this report.

Communications with CALD Communities Implications

26. All correspondence issued in respect of this proposal will contain a reference to Yarralink Interpreter Services.

Council Plan, Strategy and Policy Implications

27. There are no Council Plan, Strategy or Policy implications.

Legal Implications

28. If the Road is discontinued and sold to the Applicants, Council will require the Applicants to:
- (a) create a 2.0 metre wide centrally located sewerage easement in favour of City West Water (**CWW**) along the length of the Road (this can be effected as part of the transfer of land);
 - (b) agree to observe the conditions imposed by CWW in respect of the Road;
 - (c) consolidate the title to lot 1 with the title of 361 Pigdon Street, Princes Hill, within 6 months of the date of transfer of the Road to Owner 1, at Owner 1's expense; and
 - (d) consolidate the title to lot 2 with the title of 359 Pigdon Street, Princes Hill, within 6 months of the date of transfer of the Road to Owner 2, at Owner 2's expense.

Other Issues

29. There are no other issues.

Options

30. There are no options associated with this report.

Conclusion

31. Council must now determine whether the Road is reasonably required for public use in order to decide whether the Road should be discontinued and sold pursuant to clause 3 of schedule 10 of the Act.

RECOMMENDATION

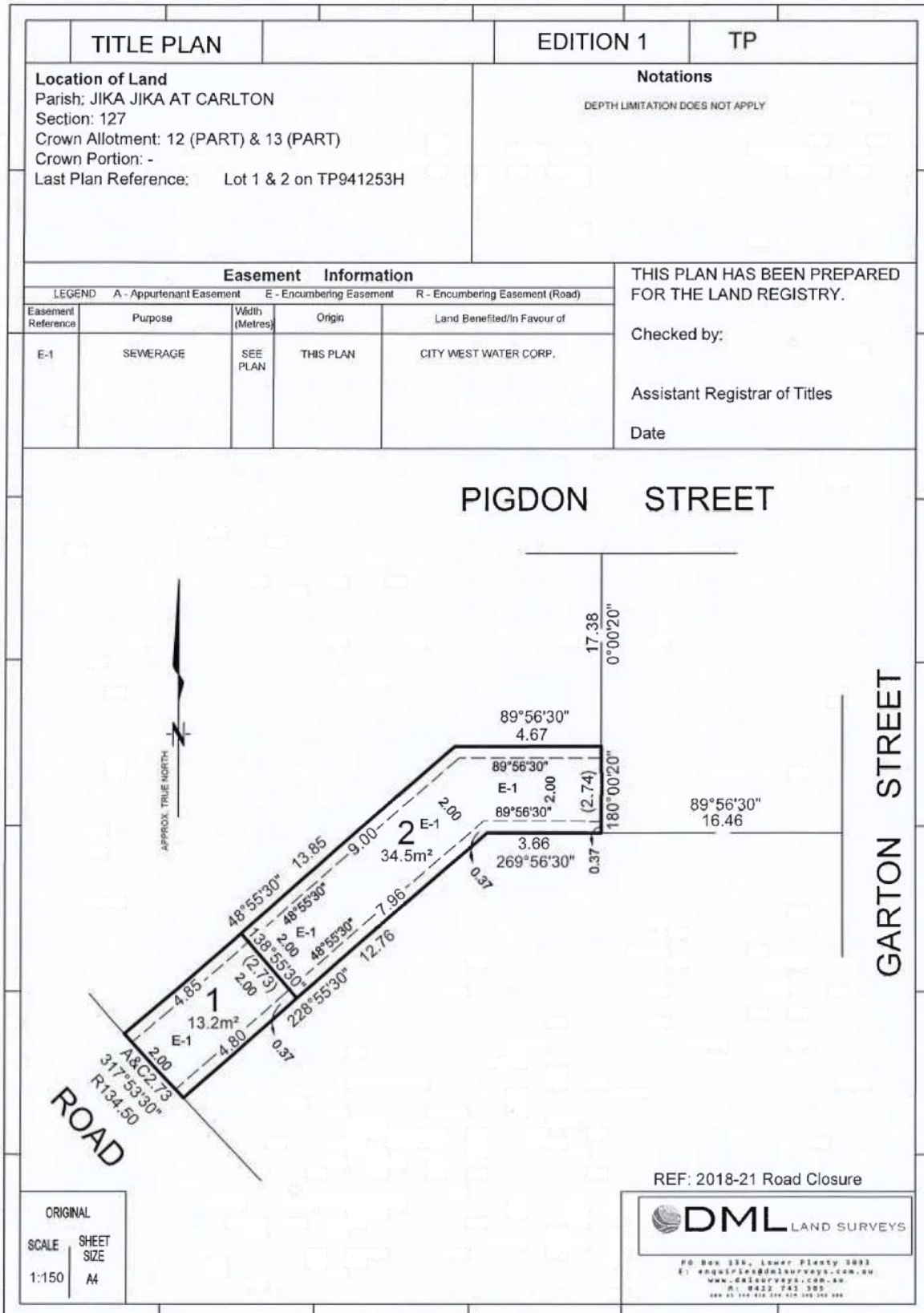
1. That Council , acting under clause 3 of schedule 10 of the *Local Government Act 1989* (**Act**):
- (a) resolves, that having followed all the required statutory procedures pursuant to sections 207A and 223 of the Act pursuant to its power under clause 3 of Schedule 10 of the Act, and being of the opinion that the Road is not reasonably required for public use, it discontinues the Road;
 - (b) directs that a notice pursuant to the provisions of clause 3(a) of Schedule 10 of the Act is to be published in the *Victoria Government Gazette*;
 - (c) directs that once discontinued, the Road be transferred to the adjoining owners at 361 Pigdon Street, Princes Hill (**Owner 1**) and 359 Pigdon Street, Princes Hill (**Owner 2**), for no less that the market value (plus GST), as determined by the Act;
 - (d) directs that the CEO sign any transfer or transfers of the Road and any other documents required to be signed in connection with the discontinuance of the Road and its subsequent transfer to Owner 1 and Owner 2;
 - (e) directs that Owner 1 and Owner 2 observe the conditions and easement requirements imposed by City West Water; and
 - (f) directs that, Owner 1 and Owner 2 be required to consolidate the titles to lot 1 and lot 2 to their respective titles by no later than 6 months after the date of transfer of the discontinued Road.

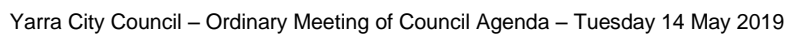
CONTACT OFFICER: Bill Graham
TITLE: Coordinator Valuations
TEL: 9205 5270

Attachments

- 1 [!\[\]\(38441ceaa711016e0bf2ad46ad394ff4_img.jpg\)](#) Title Plan
- 2 [!\[\]\(6e027340d4263908f264926b1ad81c5e_img.jpg\)](#) Site Plan
- 3 [!\[\]\(781510d64f329bf3c880acf086e884d6_img.jpg\)](#) Title
- 4 [!\[\]\(93cdf5b84f2bfec404f7441e84b6ba5c_img.jpg\)](#) Public Notice
- 5 [!\[\]\(0f0f932ce3b5577a82f34ad23239a6e5_img.jpg\)](#) CWW Response

Attachment 1 - Title Plan





Attachment 3 - Title

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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 01618 FOLIO 508

Security no : 124066408744L
Produced 06/06/2017 12:24 pm

LAND DESCRIPTION

Lots 1 and 2 on Title Plan 941253H (formerly known as part of Crown Allotment 12 Section 127, part of Crown Allotment 13 Section 127 at Carlton Parish of Jika Jika).

PARENT TITLES :

Volume 01123 Folio 472 to Volume 01123 Folio 473
Created by instrument 0137313 23/09/1884

REGISTERED PROPRIETOR

Estate Fee Simple

Sole Proprietor

JOHN BELLIN of MELBOURNE
0137313 23/09/1884

ENCUMBRANCES, CAVEATS AND NOTICES

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE TP941253H FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

DOCUMENT END

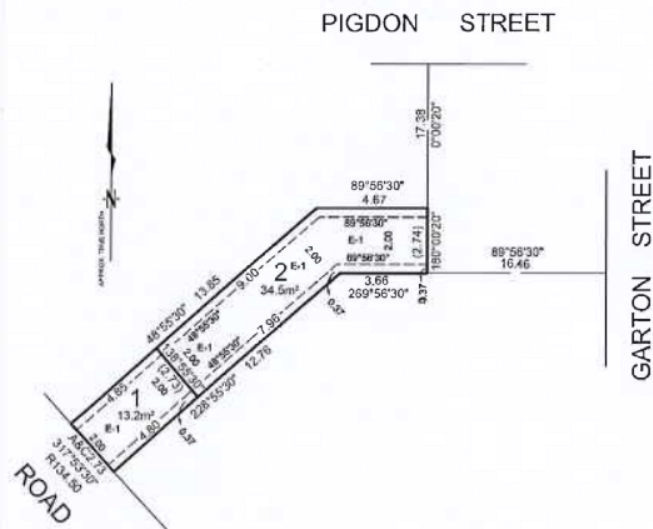
Attachment 4 - Public Notice

YARRA CITY COUNCIL
PROPOSED ROAD DISCONTINUANCE
PUBLIC NOTICE INVITING SUBMISSIONS UNDER SECTION 223



Yarra City Council (**Council**), acting under clause 3 of schedule 10 to the *Local Government Act 1989 (Act)*, proposes to discontinue the road at the rear of 359 and 361 Pigdon Street, Princes Hill, shown as Lot 1 and Lot 2 on the plan below, being the whole of the land contained in certificate of title volume 1618 folio 508 (**Road**).

The proposal is that Council discontinue the Road and transfer Lot 1 to the owner of 361 Pigdon Street, Princes Hill, and Lot 2 to the owner of 359 Pigdon Street, Princes Hill.



Any person may make a submission on the proposal.

Any person wishing to make a submission under section 223 of the Act must do so in writing by 19 December 2018.

All submissions will be considered in accordance with section 223 of the Act. Submissions should be addressed to the Chief Executive Officer, and can be hand delivered to Council's Municipal Office at 333 Bridge Road, Richmond or posted to the following address:

Vijaya Vaidyanath, Chief Executive Officer,
 Yarra City Council - PO Box 168, RICHMOND VIC 3121

Any person requesting to be heard in support of his or her submission is entitled to be heard before Council (or its committee established by Council for this purpose) or be represented by a person acting on his or her behalf, and will be notified of the time and date of the hearing.

Following consideration of submissions, Council may resolve not to discontinue the Road or to discontinue the Road and then either sell the land from the Road to the adjoining owner or transfer the Road to itself.

For more information on the proposal, please contact Bill Graham on 03 9205 5270 or bill.graham@yarracity.vic.gov.au.

Vijaya Vaidyanath, Chief Executive Officer, Yarra City Council

[7232212: 22748229_1]

Attachment 5 - CWW Response



City West Water™

1 November 2017

LISA ELEZOVIC
MADDOCKS
COLLINS SQUARE, TOWER TWO, LEVEL 25, 727 COLLINS STREET
MELBOURNE VIC 3008

City West Water Corporation
ABN: 70 066 902 467
1 McNab Avenue
Footscray Vic 3011 Australia
Locked Bag 350 Sunshine Vic 3020
DX 30311 Sunshine
citywestwater.com.au
Telephone (03) 9313 8422
Facsimile (03) 9313 8417

Dear Lisa,

Re: PROPOSED ROAD DISCONTINUANCE
Location: 359-361 PIGDON STREET, PRINCESS HILL
CWW Reference: 17/441

I refer to your email received by City West Water (CWW) regarding the proposed Road Discontinuance at the above location and request for comment from CWW. Enclosed for your information are copies of CWW's requirements for working in the vicinity of water and sewer assets and a plan of the general area.

As you will see on the plan provided, the parcel of land proposed for Discontinuance contains an existing CWW sewer main. It is with respect to this asset that CWW currently objects to this proposal subject to the following:

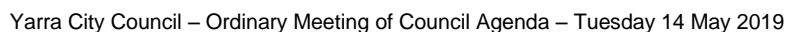
1. A certified Title Plan must show a 2.0m wide Sewerage Easement centrally located over the sewer main in favour of CWW pursuant to Section 12(1) of the Subdivision Act. This plan must then be referred to CWW for consideration prior to offering a withdrawal of objection.
2. Any proposed fences must be located a minimum distance of 800mm clear of the centreline of existing CWW sewer mains.
3. Any proposed fence lines must be located a minimum distance of 1.0m from sewer manholes and/or sewer inspection shafts.
4. Any proposal to build over CWW assets will require CWW's written consent (i.e. Build-Over Application approval).

Naturally, extreme care must be taken when working in the vicinity of CWW assets and CWW will seek cost recovery for any damage caused to its assets that can be attributed to your works.

If you have any questions, please do not hesitate to contact me on 0407 528 605.

Yours faithfully,

Mark Abraham
Technical Officer, Other Authorities Works



11.3	2018/19 March Report (Incorporating Financial Report and Annual Plan Progress Report)
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Executive Summary

Purpose

To provide Councillors with the 2018/19 March Quarterly Report incorporating the Financial Report and Annual Plan progress report.

Key Issues

Council's 2018/19 financial position as at 31 March 2019 is better than budget at this point in time.

Council's 2018/19 Annual Plan action progress at the end of March 2019 is 78.73% of actions are either Complete or On Track.

Financial Implications

There are no financial implications.

PROPOSAL

That Council note the 2018/19 March Quarterly Report (incorporating Financial and Annual Plan progress reports).

That Council endorse changes to the 2018/19 Annual Plan.

11.3 2018/19 March Report (Incorporating Financial Report and Annual Plan Progress Report)

Trim Record Number: D19/56297

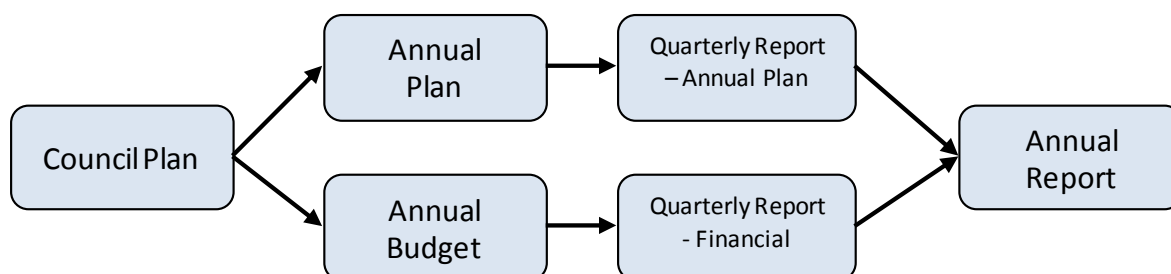
Responsible Officer: Director Corporate, Business and Finance

Purpose

1. To provide Councillors with the 2018/19 March Quarterly Report incorporating the Financial Report and Annual Plan progress reports and progress on 2018/19 Budget Resolution implementation.
2. To provide Councillors with the end-of-year forecast position for the 2018/19 Budget and Annual Plan.

Background

3. The Budget and Annual Plan (including quarterly progress reports) are Council's key accountability documents to the community.



2018/19 Financial Report (Attachment 1)

4. As at 31 March 2019 Council is favourable to YTD Budget by \$7.8m. This result is due to:
 - (a) Higher YTD parking infringements issued; \$1.8m;
 - (b) Higher YTD user fees received, which is mostly in construction occupancy permits; \$1.7m;
 - (c) Higher YTD Reimbursement fees; \$204k, mostly attributable to legal fees and inspection fees in Governance and Construction Management;
 - (d) Higher YTD grants received of \$2.3m, mostly attributable to the \$3m received from the State government to date for the relocation of the Depot;
 - (e) Higher YTD open space monetary contributions relating to developer contributions received; \$1.7m;
 - (f) Higher YTD Other income, mostly due to interest and service fee income; \$1.5m; and
 - (g) Lower YTD employee expenditure, mainly due to ongoing EFT vacancies; \$841k.
5. These favourable outcomes are offset by:
 - (a) Higher YTD provision for doubtful debts, which is due to the increased parking infringements issued; \$2.0m; and
 - (b) Higher YTD materials and services of \$512k, which is due to the recognition of an unbudgeted Council legal settlement, offset by favourable contract payments and utility costs YTD.

2018/19 Full Year Forecast

6. As at 31 March 2019, from a forecast year end position, Council is anticipating a full year surplus result of \$32.2m, favourable to Budget by \$22.1m. This result is due to:

- (a) Higher than budgeted parking infringements issued; \$2.2m;
- (b) Higher than budgeted user fees received, which is mostly in construction occupancy permits; \$1.8m;
- (c) Higher than budgeted Reimbursement fees; \$586k, mostly attributable to legal fees and inspection fees in Governance and Construction Management;
- (d) Higher than budgeted Grant income; \$19.7m, mostly attributable to the \$17.5m from the State government for the relocation of the Depot;
- (e) Higher than budgeted open space monetary developer contributions; \$1.0m; and
- (f) Higher than budgeted Other Income, mostly due to interest and service fee income; \$808k.

It is important to note that not all of these favourable results translate to additional cash as most are restricted for future use.

7. These favourable outcomes are offset by:
 - (a) Lower than budgeted rates income due to supplementary valuations forecast to be below budget and pensioner rate rebates over budget; \$405k;
 - (b) Higher than budgeted materials and services costs of \$2.6m, largely due to Council recognising its liability in relation to a legal settlement;
 - (c) Higher than budgeted doubtful debts expense, directly related to increase in parking infringement income; \$1.9m; and
 - (d) Higher than budgeted depreciation, due to revaluation of Building and Infrastructure assets from 2017/18; \$264k.
8. As at 31 March 2019 Council's capital works program is favourable to YTD Budget by \$7.5m. This result is mainly due to the building program progressing slower than anticipated as well as some delays in Capital expenditure on Parks, Open Space and Streetscapes. It is forecast that the current year budget for the Capital program will be met.
9. Council's cash position is anticipated to exceed budget, however the majority of the funds over budget are required for future capital works or restricted for the open space reserve.

2018/19 Capital Works Program Adjustments Report – March (Attachment 2)

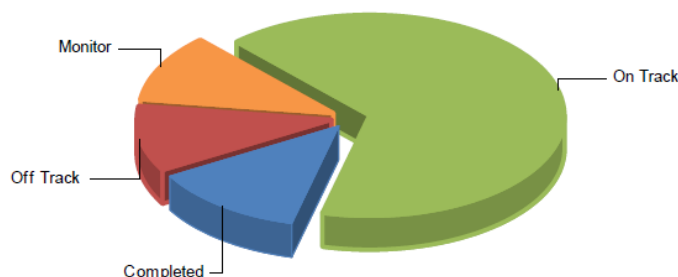
10. The 2018/19 Capital Works Program is subject to regular adjustments in response to variations to current projects and substitution in response to changing priorities and urgent new works being identified. The attached Capital Works Program Adjustments Report identifies changes which have taken place during the current quarter.

2018/19 Annual Plan Quarterly Progress Report – March (Attachment 3)

11. The 2018/19 Annual Plan contains 47 actions spread across the Council Plan's Strategic Objectives. It is achievable, delivers on Council's priorities and reflects the organisation's focus on delivering the Council Plan's Initiatives in 2018/19.
12. There are 49 Strategies in the *Council Plan 2017-21*, with 99 associated Initiatives. Not all of these have a corresponding action in the *2018/19 Annual Plan*. The Council Plan is a four-year document and Initiatives will commence across a range of years. A number of Initiatives are predominantly operational in nature and will be reported on through the 'Other Council Plan Initiatives' section of the Annual Plan Quarterly Progress Report six monthly in the March and June reports.

Quarterly performance

13. The progress of an action is measured by the status of its individual milestones which are weighted to represent the relative time and effort they contribute to achievement of the overall action.
14. The following thresholds are used to determine the status of an action:
 - (a) On track $\geq 90\%$
 - (b) Monitor 75-89%
 - (c) Off track $< 75\%$
15. Annual Plan Action progress summary as at 31 March 2019:



Strategic Objective	No. of Actions Reported	Complete	On track ($\geq 90\%$)	Monitor (75-90%)	Off track ($< 75\%$)	Not Started
A healthy Yarra	7	2	4	0	1	0
An inclusive Yarra	4	0	4	0	0	0
A sustainable Yarra	8	1	6	0	1	0
A liveable Yarra	13	3	3	5	2	0
A prosperous Yarra	5	0	4	0	1	0
A connected Yarra	6	0	6	0	0	0
A leading Yarra	4	0	4	0	0	0
	47 (100%)	6 (12.77%)	31 (65.96%)	5 (10.64%)	5 (10.64%)	0 (0.00%)

16. Annual targets set a requirement for 75% of Annual Plan actions to be Complete or On Track ($\geq 90\%$) by 30 June each year.
17. At the end of March, 37 of 47 actions (78.73%) were On Track or Complete.

Off track

- 1.03 Develop new Open Space Strategy
- 3.01 Develop Biodiversity Strategy
- 4.09 Major Activity Centres structure Planning
- 4.10 Strategies for the Hospital and education precincts
- 5.02 Develop shopping strip masterplans

Monitor

- 4.01 Develop and implement Development Contributions Plan
- 4.04 Develop Social and Affordable Social Housing Strategy
- 4.07 Heidelberg Road, Nicholson Street Bus Depot, Wellington Street built form Analysis
- 4.08 Major Activity Centres built form analysis
- 4.11 Develop options to plan for and further enhance key community precincts

18. To ensure the integrity and transparency of the Annual Plan, which is endorsed by Council, actions including their descriptions and milestones can only be changed by resolution of Council.

Proposed Changes to the Annual Plan

19. Officers or Councillors may propose changes to the Annual Plan.
20. Council received a briefing on 'Action 3.04 Trial food and green organics waste service' at its meeting on 18 March 2019 which discussed changes and pressures on the recycling industry and consideration of an alternate approach to organics and food waste. Based on the outcomes of that discussion officers have proposed the following amendments to the Quarter 3 and Quarter 4 Milestones for this Action.

Amendment to Action 3.04 Trial food and green organics waste service

Current: Q3. Develop options for a municipal-wide organics service and present to Council in the first half of 2019.

Q4. Present project and delivery plan to Council

Proposed: Q3. Develop plan for delivery of holistic waste system trial in selected areas

Q4. Commence holistic waste system trial in selected areas

21. These changes have been included in the resolution and the 2018/19 Annual Plan has been updated accordingly and changes reflected in the March Quarterly report.

External Consultation

22. Significant community engagement and consultation was undertaken during the development of the *2018/19 Budget and Council Plan 2017-21*. The *2018/19 Annual Plan* reflects the community priorities identified during these processes, included in the *Council Plan 2017-21* initiatives.
23. Projects contained in the *2018/19 Annual Plan* are subject to external consultation and engagement on a case-by-case basis.

Internal Consultation (One Yarra)

24. Managers and Directors were consulted during development of the *2018/19 Budget and 2018/19 Annual Plan*, and are responsible for providing quarterly updates on their progress against delivery of these actions.

Financial Implications

25. Actions in the *2018/19 Annual Plan* are resourced within the *2018/19 Budget*.
26. The objective of the implementation of specific actions in the *2018/19 Budget Resolution* is to achieve financial savings this year and into the future. These will be detailed in progress reports and/or separate reports to Council as required.

Economic Implications

27. The *Council Plan 2017-21* includes the Strategic Objective *A prosperous Yarra: a place where Local businesses prosper and creative and knowledge industries thrive*. The *2018/19 Annual Plan* includes 5 actions that respond to initiatives under this Strategic Objective.

Sustainability Implications

28. The *Council Plan 2017-21* includes the Strategic Objective *A sustainable Yarra: a place where Council leads on sustainability and protects and enhances its natural environment*. The *2018/19 Annual Plan* includes 8 actions that respond to initiatives under this Strategic Objective.

Social Implications

29. The *Council Plan 2017-21* includes the Strategic Objective *A healthy Yarra: a place Community health, safety and wellbeing are a focus in everything we do*. The *2018/19 Annual Plan* includes 6 actions that respond to initiatives under this Strategic Objective.

Human Rights Implications

30. The *Council Plan 2017-21* includes the Strategic Objective *An inclusive Yarra: a place where inclusion, diversity and uniqueness are welcomed, respected and celebrated*. The *2018/19 Annual Plan* includes 4 actions that respond to initiatives under this Strategic Objective.

Communications with CALD Communities Implications

31. CALD groups were specifically targeted as part of the engagement plan for the *2018/19 Budget and Council Plan 2017-21* and were represented in a group workshop which included Council's advisory groups.
32. Translation service assistance is available via Council's website for members of the CALD community and this service extended to the Council Plan engagement process.

Council Plan, Strategy and Policy Implications

33. The *2018/19 Annual Plan* represents Year 2 of the *Council Plan 2017-21* adopted on 1 August 2017.

Legal Implications

34. There are no legal implications.

Other Issues

35. There are no other issues.

Options

36. This report does not include any options.

Conclusion

37. The third quarter report demonstrates Council's progress toward achieving the *2018/19 Budget and 2018/19 Annual Plan*.

RECOMMENDATION

1. That Council:
- (a) notes the 2018/19 March Report incorporating Financial and Annual Plan progress reports; and
 - (b) endorse the amendment of the 2018/19 Annual Plan milestones relating to the following Actions:
 - (i) Action 3.04: Trial Food and Green Organics Waste service.
Replace current milestones for Quarters 3 and 4 with:
 - Q3 Develop plan for delivery of holistic waste system trial in selected areas;
and
 - Q4 Commence holistic waste system trial in selected areas.

CONTACT OFFICER: Shane Looney
TITLE: Corporate Planner
TEL: 9205 5397

Attachments

- 1 [↓](#) 2018/19 Financial Report - March
- 2 [↓](#) 2018/19 Capital Adjustments Running Table - March
- 3 [↓](#) 2018/19 Annual Plan Progress Report - March

Attachment 1 - 2018/19 Financial Report - March



Council Meeting

Year to Date Finance Report

**for the period
1 July 2018 to 31 March 2019**

Attachment 1 - 2018/19 Financial Report - March

YARRA CITY COUNCIL FINANCIAL REPORT 1 July 2018 to 31 March 2019 Dashboard										
Income Statement	Full Year Adopted Budget	Full year Adjusted Budget	YTD Adjusted Budget	YTD Actuals	YTD Variance Favi(Unfav)	YTD Variance Favi(Unfav)	Full year forecast	Variance to Full Year Adjusted Budget Favi(Unfav)	Forecast variance Favi(Unfav)	
	\$'000	\$'000	\$'000	\$'000	\$'000	%	\$'000	\$'000	%	
Revenue from ordinary activities										
Rates and charges	108,936	108,936	108,454	108,335	(119)	-0.1%	108,531	(405)	-0.4%	
Statutory fees and fines	29,570	29,870	21,831	23,637	1,806	8.3%	32,046	2,176	7.3%	
User Fees	28,041	28,969	21,783	23,522	1,739	8.0%	30,730	1,761	6.1%	
Reimbursements	1,360	1,360	985	1,189	204	20.7%	1,946	586	43.1%	
Grants - Operating	12,337	12,312	9,160	8,948	(212)	-2.3%	12,796	484	3.9%	
Grants - Capital	1,151	1,151	838	3,396	2,558	205.3%	20,340	19,189	188.7%	
Contributions - CSR	4,000	4,000	3,000	4,758	1,758	58.6%	5,000	1,000	25.0%	
Contributions - Other monetary	369	371	282	551	269	95.4%	418	47	12.7%	
Net gain/(loss) on disposal	205	205	154	151	(3)	-1.9%	205	-	0.0%	
Other Income	1,561	1,501	1,029	2,560	1,531	148.7%	2,309	808	53.8%	
Total Revenue	187,530	188,675	167,516	177,047	9,531	5.7%	214,322	25,647	13.6%	
Expenses from ordinary activities										
Employee Costs	82,260	82,615	61,685	60,844	841	1.4%	81,376	1,239	1.5%	
Materials and services	68,740	69,530	47,618	48,130	(512)	-1.1%	72,104	(2,574)	-3.7%	
Bad and doubtful debts	1,980	1,980	1,355	3,379	(2,024)	-149.4%	3,300	(1,920)	-97.0%	
Depreciation & Amortisation	22,432	22,432	16,824	16,811	13	0.1%	22,696	(264)	-1.2%	
Borrowing costs	1,964	1,964	1,473	1,483	(10)	-0.7%	1,964	-	0.0%	
Total Expenses	177,376	178,521	128,955	130,647	(1,692)	-1.3%	182,039	(3,518)	-2.0%	
Net Result	10,154	10,154	38,561	46,400	7,839	26.3%	32,283	22,129	217.9%	
Income Statement by Division	Full Year Adopted Budget	Full year Adjusted Budget	YTD Adjusted Budget	YTD Actuals	YTD Variance Favi(Unfav)	YTD Variance Favi(Unfav)	Full year forecast	Variance to Full Year Adjusted Budget Favi(Unfav)	Forecast variance Favi(Unfav)	
Chief Executive Revenue	1,559	1,559	1,169	1,377	208	17.8%	1,720	161	10.3%	
Chief Executive Expense	14,559	14,363	10,976	11,184	(208)	-1.9%	14,349	14	0.1%	
Net (Exp)/Rev	(13,000)	(12,804)	(9,807)	(9,807)	0.0%	0.0%	(12,629)	175	1.4%	
Corporate, Business and Finance Revenue	145,444	145,744	135,700	140,141	4,441	3.3%	165,816	20,072	13.8%	
Corporate, Business and Finance Expense	56,492	54,160	37,099	43,522	(6,423)	-17.3%	59,208	(5,046)	-9.3%	
Net (Exp)/Rev	88,952	91,584	98,601	96,619	(1,982)	-2.0%	106,608	15,024	16.4%	
Planning and Place Making Revenue	7,079	7,079	5,334	7,529	2,195	41.2%	10,315	3,236	45.7%	
Planning and Place Making Expense	13,546	15,651	11,033	10,044	989	9.0%	14,857	794	5.1%	
Net (Exp)/Rev	(6,467)	(8,572)	(5,699)	(2,515)	3,184	55.9%	(4,542)	4,030	47.0%	
Community Wellbeing Revenue	14,431	14,920	11,073	11,697	624	5.6%	14,656	(264)	-1.8%	
Community Wellbeing Expense	33,751	34,391	25,363	24,374	979	3.9%	33,900	691	1.7%	
Net (Exp)/Rev	(19,320)	(19,471)	(14,280)	(12,677)	1,603	11.2%	(19,144)	327	1.7%	
City Works and Assets Revenue	19,017	19,373	14,238	16,303	2,065	14.5%	21,815	2,442	12.6%	
City Works and Assets Expense	59,027	59,956	44,492	41,523	2,969	6.7%	59,825	131	0.2%	
Net (Exp)/Rev	(40,010)	(40,583)	(30,254)	(25,221)	5,034	16.6%	(38,010)	2,573	6.3%	
Total Net (Exp)/Rev	10,154	10,154	38,561	46,400	7,839	26.3%	32,283	22,129	217.9%	
Legend: <div> <div>>= 50,000 and/or 5%</div> <div>>= 50,000 and/or 5%</div> <div>No highlight indicates that the item is within tolerance</div> </div> <div> <div>Unfavourable variance</div> <div>Favourable variance</div> </div>										
Note: The adopted budget revenue has moved by \$1.1m due to increased user fees and charges as well as Grant income predominantly in the Community Wellbeing areas. This increase is entirely offset by increase in costs associated with the service delivery.										

Cash Position	Full year Budget Target	Current period Result	Forecast result	VAGO Ranges for Liquidity		
				Low Risk	Medium Risk	High Risk
Liquidity Ratio	1.22	3.28	1.22	> 1	0.75 - 1	< 0.75

Greater detail is included in the VAGO Indicators section on page 8

EFT	Full year Budget	Current period Result	Forecast result
Establishment	839	848.21	848.21
Vacant positions (included in above)		56.9	

Greater detail is included in the EFT section on page 4

Transfers to/from the Open Space Reserve	Balance as at 30/06/2018 \$'000	Current period balance \$'000	Movement \$'000	Comments
Open Space Reserve	3,517	7,525	4,008	Movement in contributions received less expenditure YTD for 2018/19.

Greater detail is included in the Open Space Reserves section on page 6

Borrowings	Balance as at 30/06/2018 \$m	Current period balance \$m	Movement \$m	Comments
Total Borrowings	44.9	44.0	0.900	Principal repayment of \$0.9M YTD

Greater detail is included in the Borrowings section on page 7

Debtors	Balance as at 30/06/18 \$'000	Current period balance \$'000	Movement \$'000	Comments
Total Debtors	15,867	44,598	(28,741)	Debtors have increased due to raising of the 2018-19 rates notices in August 2018.

Greater detail is included in the Debtors section on page 5

Attachment 1 - 2018/19 Financial Report - March

YARRA CITY COUNCIL FINANCIAL REPORT 1 July 2018 to 31 March 2019 Income Statement by Revenue and Expenditure with Variance Commentary										
Income Statement	Full Year Adopted Budget	Full Year Adjusted Budget	YTD Adjusted Budget	YTD Actuals	YTD Variance Fav(Unfav)	YTD Variance Fav(Unfav)	Full year forecast	Variance to Full Year Adjusted Budget Fav(Unfav)	Forecast variance Fav(Unfav)	Variance Comments (including variance comments for adjusted budget changes)
	\$'000	\$'000	\$'000	\$'000	\$'000	%	\$'000	\$'000	%	
Revenue from ordinary activities										
Rates and charges	108,936	108,936	108,454	108,335	(119)	-0.1%	108,531	(405)	-0.4%	Unfavourable variance YTD mainly due to pensioner rate discounts being over budget. Full year forecast unfavourable variance to budget due to supplementary rate revenue forecasted to be below budget and pensioner rate exemption expense forecast to exceed budget.
Statutory fees and fines	29,570	29,870	21,831	23,637	1,806	8.3%	32,046	2,176	7.3%	Higher than budgeted Parking Infringement notices issued YTD - ongoing influence of new parking technology. Favourable variance is reflected in the full year forecast. This does not translate to cash until the fines are paid, and bad debt provision also offsets some of the revenue.
User Fees	28,041	28,969	21,783	23,522	1,739	8.0%	30,730	1,761	6.1%	Construction Management occupation permits and inspection fee income has exceeded expectation YTD which is representative of high development activity. Full year forecast is favourable to budget as a result.
Reimbursements	1,360	1,360	985	1,189	204	20.7%	1,946	586	43.1%	Favourable variance relates to unbudgeted income relating to the Amcor Site development as well as reimbursements for legal and inspection fees in Construction Management.
Grants - Operating	12,337	12,312	9,160	8,948	(212)	-2.3%	12,796	484	3.9%	Unfavourable variance YTD due to 2nd instalment of Library funding from the State Government not yet being received. Expected to be received in April. Full year forecast still expected to exceed budget.
Grants - Capital	1,151	1,151	838	3,396	2,558	305.3%	20,340	19,189	166.7%	Favourable YTD variance mainly relates to the Capital Grant received from the State Government for the Fitzroy Depot relocation (initial contribution of \$3.0m). It is expected that the remaining \$14.5m of this Grant funding will be received in the 2018/19 year and has been reflected in the full year forecast. This funding is committed to the Depot relocation and was unknown at the time of Budget adoption. Additionally, \$1.54m Grant funding from State Government for Wellington Street bike lanes is also included in the full year forecast figure. Roads to recovery grants are unfavourable to budget YTD due to the timing of payments received. Grants Commission Local Roads funding 50% received in June 2018 for 2018/19 allocation. Expected to finish in line with budget pending an advance payment being received in June 2019 for 2019/20 financial year. Subsequent to the revised forecast being reviewed, Capital Grant funding of \$1.95m for Ryan's Reserve was received and will be carried forward to the 2019/20 year. This has not been included in the 2018/19 full year forecast. Additional Grant funding of \$400k was also identified subsequent to the review of the revised forecast and is not included in the full year forecast.
Contributions - OSR	4,000	4,000	3,000	4,758	1,758	58.6%	5,000	1,000	25.0%	Open space development contributions received are favourable to budget YTD which is determined by the progress of completion of individual developments. A large contribution was received in March 19 relating to a completed development in Richmond. As a result, full year forecast is expected to be favourable to budget. These funds are committed to be spent on eligible open space projects.
Contributions - Other monetary	369	371	282	551	269	95.4%	418	47	12.7%	Favourable variance relates to developer contributions received through City Works relating to Road maintenance. Amount received varies depending on rectification and maintenance work required as a consequence of development activity.
Net gain/(loss) on disposal	205	205	154	151	(3)	-1.9%	205	-	0.0%	
Other Income	1,561	1,501	1,029	2,560	1,531	148.7%	2,309	808	53.8%	YTD variance primarily relates to favourable interest income from investments received to date, additional program funding income for the Early Years business unit for kindergarten fee subsidy and also property valuation objection charges relating to land tax queries. Full year forecast expected to be favourable to budget.
Total Revenue	187,530	188,675	167,516	177,047	9,531	5.7%	214,322	25,647	13.6%	
Expenses from ordinary activities										
Employee Costs	82,260	82,615	61,685	60,844	841	1.4%	81,376	1,239	1.5%	Favourable YTD variance due to vacant EFT positions not backfilled. EB and backpay payments were made in November which had no budget impact as these amounts were fully provided for, however the cash has been paid out in this financial year. Full year forecast is expected that employee costs will be modestly favourable to budget.
Materials and services	68,740	69,530	47,618	48,130	(512)	-1.1%	72,104	(2,574)	-3.7%	Unfavourable variance YTD is due to the recording of the discounted liability associated with a Council legal settlement for \$3.8M. This is largely offset YTD by favourable contract payments and utility costs.
Bad and doubtful debts	1,980	1,980	1,355	3,379	(2,024)	-149.4%	3,900	(1,920)	-97.0%	Higher parking infringements issued YTD require additional bad debt provision. Full year forecast variance to budget is the result of additional bad debt expense relating to the increase in parking infringements issued, as well as the known recoverability issues stemming from problems with Fines Victoria.
Depreciation & Amortisation	22,432	22,432	16,824	16,811	13	0.1%	22,696	(264)	-1.2%	
Borrowing costs	1,964	1,964	1,473	1,483	(10)	-0.7%	1,964	-	0.0%	
Total Expenses	177,376	178,521	128,955	130,647	(1,692)	-1.3%	182,039	(3,518)	-2.0%	
Net Result	10,154	10,154	38,561	46,400	7,839	20.3%	32,283	22,129	217.9%	

Legend: > (\$0,000) and/or (5%) Unfavourable variance
 >= 50,000 and/or 5% Favourable variance
 No highlight indicates that the item is within tolerance

Note: The adopted budget revenue has moved by \$1.1m due to increases user fees and charges as well as Grant income predominantly in the Community Wellbeing areas. This increase is entirely offset by increase in costs associated with the service delivery.

Attachment 1 - 2018/19 Financial Report - March

YARRA CITY COUNCIL FINANCIAL REPORT 1 July 2018 to 31 March 2019 EFT			
Directorate	Budget 01/07/2018	Current period balance	Movement Fav/(Unfav)
CEO Division			
Permanent	46.3	49.9	(3.6)
Temporary	2.4	5.4	(3.0)
Casual	3.2	2.2	1.0
	51.9	57.4	(5.5)
Corporate, Business & Financial Services			
Permanent	153.1	155.5	(2.4)
Temporary	1.7	-	1.7
Casual	12.8	10.2	2.6
	167.6	165.7	1.9
Community Wellbeing			
Permanent	263.7	267.9	(4.2)
Temporary	4.2	3.1	1.1
Casual	20.8	20.6	0.2
	288.7	291.6	(2.9)
City Works & Assets			
Permanent	210.8	217.5	(6.7)
Temporary	3.0	2.6	0.4
Casual	28.2	26.5	1.7
	242.0	246.6	(4.6)
Planning & Placemaking			
Permanent	83.4	84.8	(1.4)
Temporary	0.6	1.8	(1.2)
Casual	0.2	0.2	-
	84.2	86.8	(2.6)
Total	834.4	848.2	(13.8)

Attachment 1 - 2018/19 Financial Report - March

YARRA CITY COUNCIL FINANCIAL REPORT 1 July 2018 to 31 March 2019 Debtors					
Rate Debtors Aging (years)	<1 \$'000	1 \$'000	2 \$'000	3+ \$'000	Total \$'000
Commercial	5,110	157	52	18	5,336
FSL - Commercial	1,633	52	20	5	1,710
Industrial	1,790	55	27	9	1,881
FSL - Industrial	777	14	20	5	815
Residential	21,263	1,072	419	601	23,355
FSL - Residential	1,740	95	36	28	1,898
FSL - Public Benefit	20	5	0	-	25
FSL - Vacant	10	1	0	-	11
FSL - Interest	31	12	4	2	49
Legal Fees	31	14	4	19	68
Bridge Road Special Charge	47	1	0	0	48
Garbage & Other	19	3	6	1	29
Sub Total	32,470	1,479	587	688	35,225

Parking Debtors	Balance as at 30/06/18 \$'000	Current period balance \$'000	Movement Inc/(Dec) \$'000	Comments
	5,711	6,097	386	Jul 18-Mar 19 Movement in additional parking infringement debtors raised less payments received and debt provision.

Parking Debtors Aging					
Aging (days)	Total	Current	30	60	90+
	6,097	897	434	489	4,277

General/Sundry Debtors	Balance as at 30/06/18 \$'000	Current period balance \$'000	Movement Inc/(Dec) \$'000	Comments
	4,761	3,276	(1,028)	Jul 18-Mar 19 decrease in debtors due to payments received exceeding new debtors raised. No adjustment to debt provision at this time.

General/Sundry Debtors Aging					
Aging (days)	Total \$'000	Current \$'000	30 \$'000	60 \$'000	90+ \$'000
Sundry Debtors (3250 / 3270)	1,127	1,194	25	5	13
Provision for Doubtful Debt (3252)	(784)	-	-	-	(784)
RAMs Debtors (3256) - Property development applications	9,012	2,712	324	207	5,768
Animal Debtors (3257)	(124)	(95)	-	0	29
PLUS Debtors (3258) - Misc. permits for advertising and footpath occupation	28	7	4	-	17
Local Laws Debtors (3259)	87	3	0	1	83
Building Debtors (3261)	1,217	364	44	28	781
Salary Sacrifice (3264)	-2	-2	-	-	-
Fines and Costs (3265)	1,055	42	27	16	970
Leisure Debtors (3266)	103	3	2	3	95
Child Care Debtors (3267)	726	35	24	61	606
BAGS Control Debtors (3271) - Asset Protection applications	269	4	8	11	247
Bin Debtors (3272)	32	9	1	1	21
CD Debtors (3276) - Construction Development works	96	13	-	-	83
GST Clearing (3249 / 3255)	621	621	-	-	-
WorkCover Wages / Receipts (3230 / 3232)	-	-	-	-	-
WorkCover wages claims	190	190	-	-	-
Perin Cheques - Parking (3273)	185	-	-	-	185
S/Total	13,842	5,105	459	333	8,114
Services Contracts (3262) - Asset Protection bonds	(9,952)	(2,996)	(358)	(229)	(6,369)
CD Bonds (3277) - Construction Development bonds	(614)	(192)	-	-	(422)
S/Total	(10,566)	(3,188)	(358)	(229)	(6,791)
Total	3,276	1,917	101	104	1,323

Attachment 1 - 2018/19 Financial Report - March

**YARRA CITY COUNCIL
FINANCIAL REPORT
1 July 2018 to 31 March 2019
Open Space Reserve**

Council receives contributions specifically for Open Space as part of development permits. This reserve is then expended on open space projects. Contributions are received into Council's income statement first, as they are required to be recognised as revenue before being transferred into the reserve.

	Amount \$'000
Open Space Reserve Account	
Opening Balance as at 30 June 2018	3,517

Funds Received (Transfers to Reserve)	Amount \$'000
32-36 Newry St Rich - 12 lot subdivision	153
306-312 Swan St Rich - 34 lot subdivision	157
63-65 Glass St Rich - 19 lot subdivision	153
6-10 Keele St Coll - 45 lot subdivision	221
672 Nicholson St Fitz - 14 lot subdivision	162
142-144 Johnson St Fitz - 32 lot subdivision	257
9-15 David St Rich - 130 lot subdivision	495
466-482 Smith St Coll - 90 lot subdivision	517
2-4 St Georges Rd Nth Fitz - 27 lot subdivision	122
14 Hunter St Rich - 3 lot subdivision	90
802-804 Heidelberg Rd Alph. - 34 lot subdivision	131
73-77 Wellington St Coll - subdivision	600
81 Buckingham St Rich - subdivision	77
216 McKean St Fitz - subdivision	104
243-247 Queens Pde Fitz - subdivision	360
28 Farmer St Richmond - subdivision	92
109 Dight Street Collingwood - subdivision	79
27-41 Appleton st Richmond - subdivision	990
Total	4,760

Projects (transfers from Reserve)	Amount \$'000
Curtain Square works	17
Dame Nellie Melba Memorial Park Irrigation	15
Barkley Gardens - Pathways	6
Burnley Golf Course Shared Trail	3
Collingwood Town Hall Park	7
Darling Gardens Park	42
Edinburgh Gardens Park - Pathway	10
Condell Street Reserve Park - Playground	1
Edinburgh Gardens Park - Playground	159
Gahans Reserve Park - Playground	7
K Bartlett Res - Bastow Soccer 2 Park - Sports	5
K Bartlett Res -Fletcher Soccer 2 Park - Sports	44
K Bartlett Res -Loughnan Oval 2 Park - Sports	30
Burnley Park - Park Irrigation	5
Coate Park Parks - Irrigation	17
Merri Creek Parklands - Hall Reserve Parks - Pathway	17
Merri Cr Linear Reserve (sections) Parks - Horticulture	36
K Bartlett Res -Loughnan Oval 2 Park - Turf	140
Darlin Gardens Park - Park Furniture	30
Yarra Boulevard Park - Park Furniture	1
George Knott Reserve	160
Total	752

	Amount \$'000
Open Space Reserve Account	
Closing Balance as at 31 March 2019	7,525

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YARRA CITY COUNCIL FINANCIAL REPORT 1 July 2018 to 31 March 2019 Borrowings								
Amount \$m	Lender	Type	Term years	Maturity Date	Balance as at 30/06/18 \$m	Current period balance \$m	Movement	Comments
\$32.5M	NAB	Interest only	7	2021	32.5	32.5	-	Interest only
\$13.5M	CBA	P&I	10	2027	12.4	11.5	0.9	YTD repayment - \$0.9M (Next repayment due in May'19).

Attachment 1 - 2018/19 Financial Report - March

YARRA CITY COUNCIL FINANCIAL REPORT 1 July 2018 to 31 March 2019 Financial Sustainability Indicators

VAGO Indicators			VAGO Ranges			Commentary
Indicator/Description	Formula	Current Period Result	Low Risk	Medium Risk	High Risk	
Net Result (%)	Net Result / Total Revenue	26%	> 0%	-10% - 0%	< -10%	It should be noted that all Financial sustainability indicators are intended to be measured on an annual basis to ensure an accurate picture is presented. YTD result ahead of budget due to the annual rates being raised in Aug18. Final result expected to be in line with budget placing Council in the Low Risk range.
A positive result indicates a surplus, and the larger the percentage, the stronger the result. A negative result indicates a deficit. Operating deficits cannot be sustained in the long term. The net result and total revenue are						
Liquidity (ratio)	Current assets / Current liabilities	3.28	> 1.0	0.75 - 1.0	< 0.75	YTD result ahead of budget due to the annual rates being raised in Aug18. Final result expected to be in line with budget placing Council in the Low Risk range.
This measures the ability to pay existing liabilities in the next 12 months. A ratio of one or more means there are more cash and liquid assets than short-term liabilities.						
Internal financing (%)	Net operating cash flow / Net capital expenditure	280%	> 100%	75% - 100%	< 75%	YTD result ahead of budget due to net operating cashflows significantly exceeding capital works. Final result expected to be in line with budget placing Council in Low Risk range.
This measures the ability of Council to finance capital works from generated cash flow. The higher the percentage, the greater the ability for Council to finance capital works from their own funds. Net operating cash flow and						
Indebtedness (%)	Non-current liabilities / own-sourced revenue	27%	< 40%	40% - 60%	> 60%	Full year result expected to be more favourable than YTD result as Council continues to generate revenue from operations in line with budget. Low Risk range expected.
Comparison of non-current liabilities (mainly comprising borrowings) to own-sourced revenue. The higher the percentage, the less Council is able to cover non-current liabilities from the revenues Council generates itself. Own-						
Capital replacement (ratio)	Cash outflows for property, plant and equipment / Depreciation	0.9	> 1.5	1.0 - 1.5	< 1.0	Full year result expected to be more favourable than YTD result as Capital spend continues to pick up throughout the year. Low Risk range expected.
Comparison of the rate of spending on infrastructure with depreciation. Ratios higher than 1:1 indicate that spending is faster than the depreciation rate. This is a long-term indicator, as capital expenditure can be deferred in						
Renewal gap (ratio)	Renewal and upgrade expenditure/depreciation	0.7	> 1.0	0.5 - 1.0	< 0.5	Full year result expected to be more favourable than YTD result as Capital spend continues to pick up throughout the year. Low Risk range expected.
Comparison of the rate of spending on existing assets through renewing, restoring, and replacing existing assets with depreciation. Ratios higher than 1.0 indicate that spending on existing assets is faster than the						

Local Government Performance Reporting Framework Indicators				
Indicator/Description	Measure	2017-18 Result	Current Period Result	Variance
Liquidity				
L1	Current assets compared to current liabilities	196.9%	328.4%	66.8%
L2	Unrestricted cash compared to current liabilities	105.1%	183.9%	74.9%
Obligations				
O1	Asset renewal as a % of depreciation	102.4%	66%	-35.5%
O2	Loans and borrowings as a % of rates	42.7%	40.6%	-5.0%
O3	Loans and borrowings repayments as a % of rates	1.1%	1.8%	62.8%
O4	Non-current liabilities as a % of own source revenue	25.4%	27.5%	8.2%
Operating Position				
OP1	Adjusted underlying surplus (or deficit) as a % of underlying revenue	4.5%	20.7%	363.0%

Commentary
YTD result higher than budget due to Rates being raised in Aug-18. Full year result expected to be in line with budget.
YTD result higher than budget due to timing of cashflows. Full year result expected to be in line with budget.
YTD result impacted by timing in Capital spend. Full year result expected to be in line with budget.
YTD result impacted by timing of revenues from operations. Full year result expected to be in line with budget.
YTD result higher than budget due to timing of Rates being raised in Aug-18. Full year result expected to be in line with budget.

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YARRA CITY COUNCIL FINANCIAL REPORT 1 July 2018 to 31 March 2019 Capital Works Program with Variance Commentary												
Adopted Budget Classification	Full Year Adopted Budget	Full year Adjusted Budget	YTD Adjusted Budget	YTD Actuals	YTD Variance Fav/(Unfav)	YTD Variance Fav/(Unfav)	Full year forecast	Variance to Full Year Adjusted Budget Fav/(Unfav)	Forecast variance Fav/(Unfav)	Carry Over	Deferred	Variance Analysis/Comments (including explanation of budget movements)
	\$'000	\$'000	\$'000	\$'000	\$'000	%	\$'000	\$'000	%	\$'000	\$'000	
Property												
Buildings	6,053	7,056	4,917	2,797	2,120	56.9%	7,862	(806)	-11.4%	-	165	YTD variance due to slow start on buildings program, expected to catch up as the year progresses.
Total buildings	6,053	7,056	4,917	2,797	2,120	56.9%	7,862	(806)	-11.4%	-	165	
Total property	6,053	7,056	4,917	2,797	2,120	56.9%	7,862	(806)	-11.4%	-	165	
Plant and equipment												
Plant, Machinery & Equipment	1,205	1,246	836	568	268	38.3%	1,246	-	0.0%	-	-	YTD variance due to delays in timing of replacement purchases for passenger vehicles and trucks.
Computers & Telecommunications	1,935	2,290	2,113	512	1,601	65.2%	2,090	200	8.7%	579	-	YTD variance due to timing of projects, expected to catch up as the year progresses. Also due to delayed invoicing from the vendor regarding the Unified Communications Project which should correct in the coming months.
Total plant and equipment	3,140	3,536	2,949	1,080	1,869	63.4%	3,336	200	8.7%	579	-	
Infrastructure												
Roads	8,538	8,808	4,702	4,736	(34)	-1.2%	8,776	32	0.4%	-	440	Steady progress on projects at this time and many roads projects are expected to be completed as planned with invoicing to come.
Bridges	100	100	100	-	100	0.0%	100	-	0.0%	-	-	
Lanes	930	870	890	674	216	39.1%	735	135	15.5%	-	50	YTD variance due to timing of invoice payments.
Transport	1,187	3,362	951	638	313	38.2%	3,375	(13)	-0.4%	-	-	YTD variance due to timing of invoice payments.
Waste Management	70	70	70	-	70	0.0%	70	-	0.0%	-	-	
Parks, Open Space And Streetscapes	3,563	4,518	3,601	1,692	1,909	52.4%	4,531	(13)	-0.3%	-	-	YTD variance due to an initial delay in a number of contracts going out to tender which has started to be remediated. Contracts have been awarded and expenditure to catch up over the next few months.
Street Furniture	55	55	55	50	5	9.1%	58	(3)	-5.5%	-	-	
Retail Strips	200	200	200	-	200	0.0%	200	-	0.0%	-	-	
Priority Projects	1,049	1,189	1,374	857	517	38.9%	1,204	(15)	-1.3%	-	-	YTD variance due to delays with plant and equipment purchases.
Library Resources	600	610	524	326	198	39.2%	610	-	0.0%	-	-	Library resources projects are expected to occur later in the year.
Total infrastructure	16,292	19,782	12,467	8,973	3,494	28.0%	19,659	123	8.5%	-	490	
Total capital works expenditure	25,485	30,374	20,333	12,850	7,483	36.8%	30,857	(483)	-1.6%	579	655	

Note: Full year adopted budget figure of \$25.485M has been adjusted to incorporate unspent carry over funds of \$2.954M from the 2017/18 Capital Works program. Further movement of \$0.9M in Adjusted Budget YTD primarily due to Ryans Reserve Pavillion and Tennis Court development. Funding of \$1.5M due to be received from Sports Recreation Victoria over the next couple of months.

Attachment 1 - 2018/19 Financial Report - March

YARRA CITY COUNCIL FINANCIAL REPORT 1 July 2018 to 31 March 2019								
City of Yarra Income Statement								
For Period 9 - March								
	18/19 CL Actuals YTD	18/19 CL Bud Adjust YTD	Actuals vs Budget YTD Variance	Actuals vs Budget YTD Variance %	18/19 CL Bud Adopted Full Year	18/19 CL Bud Adjust Full Year	Current Forecast Full Year	Budget vs Forecast Full Year Variance
	\$'000	\$'000	\$'000	%	\$'000	\$'000	\$'000	\$'000
Revenue from ordinary activities								
Rates and charges	108,335	108,454	(119)	0%	108,936	108,936	108,531	(405)
Statutory fees and fines	23,637	21,831	1,807	8%	29,570	29,870	32,046	2,176
User Fees	23,522	21,783	1,739	8%	28,041	28,969	30,730	1,761
Reimbursements	1,189	985	204	21%	1,360	1,360	1,946	586
Grants - Operating	8,948	9,160	(211)	-2%	12,337	12,312	12,796	484
Grants - Capital	3,396	838	2,558	305%	1,151	1,151	20,340	19,189
Contributions - OSR	4,758	3,000	1,758	59%		4,000	5,000	1,000
Contributions - Other monetary	551	282	269	-20%	4,369	371	418	47
Net gain/(loss) on disposal of property, infrastructure, pla	151	154	(2)	-2%	205	205	205	0
Other Income	2,559	1,029	1,530	149%	1,561	1,501	2,309	808
	177,047	167,516	9,531	6%	187,530	188,675	214,322	25,647
Expenses from ordinary activities								
Employee Costs	60,844	61,685	841	1%	82,260	82,615	81,376	1,239
Materials and services	48,130	47,618	(512)	-1%	68,740	69,530	72,104	(2,574)
Bad and doubtful debts	3,379	1,355	(2,024)	-36%	1,980	1,980	3,900	(1,920)
Depreciation & Amortisation	16,811	16,824	13	0%	22,432	22,432	22,695	(264)
Borrowing costs	1,483	1,473	(10)	-1%	1,964	1,964	1,964	0
	130,647	128,955	(1,692)	-1%	177,376	178,521	182,039	(3,518)
	46,400	38,561	7,839	20%	10,154	10,154	32,283	22,129

Attachment 1 - 2018/19 Financial Report - March

YARRA CITY COUNCIL FINANCIAL REPORT 1 July 2018 to 31 March 2019 Balance sheet				
	Balance as at 30/06/2018 \$'000	Balance as at period end \$'000	Movement Inc/(Dec) \$'000	Comments
ASSETS				
Current Assets				
Cash and cash equivalents	51,086	75,836	24,750	Change in cash levels mainly due to receipt of rate payments, income grants and parking income over outgoing payments made July18-March19.
Receivables - Rates	5,385	35,225	29,840	Rates for 2018/19 were raised in August 2018 and Receivables reduce with each payment instalment received.
Receivables - Parking	5,711	6,097	386	Jul18-March19 infringement debtors raised less payments and debt provision.
Receivables - Other	4,761	3,276	(1,485)	Jul18-March19 debtors charges raised less payments received.
Accrued income	371	355	(16)	Revenue raised in previous periods has been received in cash
Prepayments	643	23	(620)	Prepayments are expected to expire by the end of the FY and relates to motor vehicle registration and insurance.
Inventories	107	107	-	
Total Current Assets	68,063	120,919	52,856	
Non-Current Assets				
Non-current receivables	230	230	-	
Financial assets	5	5	-	
Property, infrastructure ,plant and equipment	1,906,881	1,902,600	(4,281)	Payments for property, plant & equipment offset by accumulated depreciation.
Total Non-Current Assets	1,907,116	1,902,835	(4,281)	
TOTAL ASSETS	1,975,179	2,023,754	48,575	
LIABILITIES				
Current Liabilities				
Payables	5,411	966	(4,445)	Payments have been made which reduce the payables owing amount. This will vary during the financial year.
Fire Services Levy	5,335	9,100	3,765	Raised at the same time as Rate income. Instalment 3 for 2018/19 is now due and will be paid in April.
Trust funds	5,390	6,212	822	The movement is mainly due to construction management and asset protection bonds received.
Accrued Expenses	3,871	7,615	3,744	Accruals raised for expenditure not yet paid. This will vary during the financial year. Accruals include payroll and utilities.
Employee benefits	13,209	12,626	(583)	The movement is due to leave benefits taken across the Christmas and New year period.
Income in advance	181	-	(181)	The movement is due to income received in advance used in 2018-19
Interest-bearing liabilities	1,176	303	(873)	Payment of loan principal.
Total Current Liabilities	34,574	36,822	2,249	
Non-Current Liabilities				
Non-current employee benefits	1,398	1,319	(79)	
Non-current interest bearing liabilities	43,691	43,691	-	
Non-current Trust Liability	230	235	5	
Total Non-Current Liabilities	45,319	45,245	(74)	
TOTAL LIABILITIES	79,893	82,067	2,174	
NET ASSETS	1,895,287	1,941,687	46,400	
Represented by:				
Accumulated surplus	624,716	620,708	(4,008)	
Asset revaluation reserves	1,246,876	1,246,876	-	
Other reserves	23,696	27,704	4,008	
Retained Earnings	-	46,400	46,400	
EQUITY	1,895,287	1,941,687	46,400	

Attachment 1 - 2018/19 Financial Report - March

YARRA CITY COUNCIL
FINANCIAL REPORT
1 July 2018 to 31 March 2019
Cash Flow Statement

	Balance as at period end \$'000
Cash Flows from Operating Activities	
Rates and Charges	81,804
Parking Revenue	18,216
Government Grants Received	10,881
Victoria Grants Commission	757
User Charges, Fees and Other Fines Received	29,775
Reimbursements and Contributions Received	(2,104)
Interest Revenue	869
Other Revenue	9,188
Payments to Suppliers	(45,226)
Payments to Employees	(62,271)
Net GST	(284)
Net Cash Provided by Operating Activities	41,605
Cash Flows from Investing Activities	
Proceeds from Sale of Property, Plant & Equipment	196
Payments for Infrastructure, Property Plant & Equipment	(15,076)
Net Cash (Used in) Investing Activities	(14,880)
Cash Flows from/(used in) Financing Activities	
Finance Costs	(1,102)
(Proceeds from Borrowings)/Payments Towards	(873)
Net Cash (Used In) Financing Activities	(1,975)
Cash Balances	
Change in Cash Held	24,750
Cash at beginning of year	51,086
Cash at the End of the Financial Period	75,836
End of year Budgeted cash balance	31,818

Council needs to fund the following items from the current cash balance. This may include expenses associated with revenue received in a previous financial year (eg: grants)

Future items to be funded	\$'000
Grant Commission Funding (2018-19 funds received in 2017-18)	1,192
Capital Carry Forwards	3,579
Grants received in 2018-19 for expenditure in 2019-20	3,000
Operating Grant Income Received - to be paid back in 2018-19 (NDIS Funding Target Shortfall)	1,103
Open Space Reserve to be cash backed	7,525
Total	16,399

Attachment 1 - 2018/19 Financial Report - March

YARRA CITY COUNCIL FINANCIAL REPORT 1 July 2018 to 31 March 2019 Capital Works Statement											
Adopted Budget Classification	Full Year Adopted Budget	Full year Adjusted Budget	YTD Adjusted Budget	YTD Actuals	YTD Variance Fav/(Unfav)	YTD Variance Fav/(Unfav)	Full year forecast	Variance to Full Year Adjusted Budget Fav/(Unfav)	Forecast variance Fav/(Unfav)	Carry Over	Deferred
	\$'000	\$'000	\$'000	\$'000	\$'000	%	\$'000	\$'000	%	\$'000	\$'000
Property											
Buildings	6,053	7,056	4,917	2,797	2,120	43.1%	7,862	(806)	-11.4%	-	165
Total buildings	6,053	7,056	4,917	2,797	2,120	43.1%	7,862	(806)	-11.4%	(0)	165
Total property	6,053	7,056	4,917	2,797	2,120	43.1%	7,862	(806)	-11.4%	(0)	165
Plant and equipment											
Plant, Machinery & Equipment	1,205	1,246	836	568	268	32.1%	1,246	-	0.0%	-	-
Computers & Telecommunications	1,935	2,290	2,113	512	1,601	75.8%	2,090	200	8.7%	579	-
Total plant and equipment	3,140	3,536	2,949	1,080	1,869	63.4%	3,336	200	5.7%	579	-
Infrastructure											
Roads	8,538	8,808	4,702	4,736	(34)	-0.7%	8,776	32	0.4%	-	440
Bridges	100	100	100	-	100	100.0%	100	-	0.0%	-	-
Lanes	930	870	890	674	216	24.3%	735	135	15.5%	-	50
Transport	1,187	3,362	951	638	313	32.9%	3,375	(13)	-0.4%	-	-
Waste Management	70	70	70	-	70	100.0%	70	-	0.0%	-	-
Parks, Open Space And Streetscapes	3,563	4,518	3,601	1,692	1,909	53.0%	4,531	(13)	-0.3%	-	-
Street Furniture	55	55	55	50	5	9.1%	58	(3)	-5.5%	-	-
Retail Strips	200	200	200	-	200	100.0%	200	-	0.0%	-	-
Priority Projects	1,049	1,189	1,374	857	517	37.6%	1,204	(15)	-1.3%	-	-
Library Resources	600	610	524	326	198	37.8%	610	-	0.0%	-	-
Total infrastructure	16,292	19,782	12,467	8,973	3,494	28.0%	19,659	123	0.6%	0	490
Total capital works expenditure	25,485	30,374	20,333	12,850	7,483	36.8%	30,857	(483)	-1.6%	579	655

Note: Full year adjusted budget figure of \$25.485M has been adjusted to incorporate unspent carry over funds of \$2.954M from the 2017/18 Capital Works program. Further movement of \$0.9M in Adjusted Budget YTD primarily due to Ryans Reserve Pavillion and Tennis Court development. Funding of \$1.5M due to be received from Sports Recreation Victoria over the next couple of months.

Attachment 2 - 2018/19 Capital Adjustments Running Table - March

D19 72780 Attachment 2 - Capital Adjustments Running Table- March 2019

Project ID	Description	Project Budget Before Change \$	Net Change to Project Budget \$	Unbudgeted Income \$	Change Request Type	Reason	Approval Date	2018/19 Adjusted Budget Running Total \$	Cumulative Variance to Adopted Budget \$	Cumulative Variance less Unbudgeted Income \$
	2018/19 Capital Works Program					2018/19 Capital Works Program (incorporating changes as per budget resolution 26 June 2018)		25,484,770		
	2017/18 Capital Works Carried Forward		2,954,276		Carry Forward	2017/18 Capital Works carried forward to 2018/19; Running total is effective adopted 2018/19 capital works budget after application of carry forwards.		28,439,046		
2118	ROW 339 (off Vere St, Abbotsford)	50,000	- 50,000		Deferred	Defer until Vere Street precinct masterplan developed	29/08/2018	28,389,046	-50,000	-50,000
New	ROW 369 (off William St, Abbotsford)		50,000		New Project	Next highest priority ROW renewal	29/08/2018	28,439,046	-	-
2105	ROW 1788 (off Johnston St, Fitzroy)	30,000	30,000		Scope/Budget Increase	Larger area of remediation required	29/08/2018	28,469,046	+30,000	+30,000
1997 2018	Grant Street (Clifton Hill) – K&C + Footpath	80,000	80,000		Scope/Budget Increase	Revised project cost estimate following detailed planning	29/08/2018	28,549,046	+110,000	+110,000
2062	Reid Street (Fitzroy) - Pavement	45,000	50,000		Scope/Budget Increase	Larger area of remediation required due to abutting development	29/08/2018	28,599,046	+160,000	+160,000
2071	Sydney St (Collingwood) - Pavement	60,000	- 60,000		Deferred	Defer as permit issued for large development impacting this street	29/08/2018	28,539,046	+100,000	+100,000
2031	Adelaide Street (Richmond) - Pavement	70,000	- 30,000		Savings	Savings achieved in project delivery	29/08/2018	28,509,046	+70,000	+70,000
2043	Exhibition Street (Fitzroy) - Pavement	35,000	- 20,000		Savings	Savings achieved in project delivery	29/08/2018	28,489,046	+50,000	+50,000
2111	ROW 6.2 (off Hodgkinson St, Clifton Hill)	150,000	- 30,000		Savings	Savings achieved in project delivery	29/08/2018	28,459,046	+20,000	+20,000
2106	ROW 2184.1 (off Queens Parade, Clifton Hill)	90,000	- 20,000		Savings	Savings achieved in project delivery	29/08/2018	28,439,046	-	-
1994	Drummond Street, North Carlton – K&C	140,000	- 85,000		Scope/Budget Decrease	Future placemaking works planned – reduce scope to immediate safety works	26/09/2018	28,354,046	-85,000	-85,000
1998 2021 New	Marine Parade, Abbotsford – K&C, Footpath & Pavement	140,000	70,000		Scope/Budget Increase	Additional rock breaking; add pavement works to match kerb and footpath levels	26/09/2018	28,424,046	-15,000	-15,000
2199	Fairfield Park Boathouse - Painting	65,000	45,000		Scope/Budget Increase	Revised scope including replacement of gutters & downpipes	26/09/2018	28,469,046	+30,000	+30,000
2230	Minor Urgent Building Works	500,000	- 45,000		Savings	Transfer of budget to Fairfield Park Boathouse project	26/09/2018	28,424,046	-15,000	-15,000
2244	Fitzroy Tennis Club (Edinburgh Gardens)		- 50,000		Scope Change – Council	Reallocate to EGSC redevelopment planning; \$50k transfer to opex	18/09/2018	28,374,046	-65,000	-65,000
2037 2012	Campbell Street (Collingwood) - Pavement	200,000	- 200,000		Deferred	Impacted by delay to Collingwood Education Centre redevelopment project	24/10/2018	28,174,046	-265,000	-265,000
2075 2073	Vere Street (Collingwood) - Pavement	180,000	- 180,000		Deferred	Impacted by delay to Collingwood Education Centre redevelopment project	24/10/2018	27,994,046	-445,000	-445,000
New	Botherambo Street (Richmond) - Pavement		110,000		New Project	Next highest priority road project	24/10/2018	28,104,046	-335,000	-335,000
New	Noone Street (Clifton Hill) - Pavement		210,000		New Project	Next highest priority road project	24/10/2018	28,314,046	-125,000	-125,000
2301	Park Street (North Carlton) - Footpath		60,000		New Project	Next highest priority road project	24/10/2018	28,374,046	-65,000	-65,000
2238 2193	Fitzroy Swimming Pool – Misc + Floor	116,000	-		Scope Change	Defer accommodation works; additional rehabilitation works to group fitness room	24/10/2018	28,374,046	-65,000	-65,000
1931 2256	Property & Rating software	579,000	- 579,000		Carry Over	Carried over to 2019/20 as vendor release of software is delayed	24/10/2018	27,795,046	-644,000	-644,000
New	Ryan's Reserve Courts & Pavilion		1,500,000	1,500,000	New Project (Grant)	New project funded by SRV grant (further \$1.2m in 2019/20 and \$300k in 2020/21)	24/10/2018	29,295,046	+856,000	-644,000
2136	Gahan Reserve Playground	15,000	15,304		Scope/Budget Increase	Additional design services required for custom play structure	28/11/2018	29,310,350	+871,304	-628,696

Attachment 2 - 2018/19 Capital Adjustments Running Table - March

D19 72780 Attachment 2 - Capital Adjustments Running Table- March 2019

Project ID	Description	Project Budget Before Change \$	Net Change to Project Budget \$	Unbudgeted Income \$	Change Request Type	Reason	Approval Date	2018/19 Adjusted Budget Running Total \$	Cumulative Variance to Adopted Budget \$	Cumulative Variance less Unbudgeted Income \$
2146	Coale Park Irrigation	33,600	- 15,304		Savings	Savings achieved in project delivery	28/11/2018	29,295,046	+856,000	-644,000
1839	George Knott Reserve Athletics Track	325,000	52,800		Budget Increase	Shortfall in carried forward amount due to timings of payments	28/11/2018	29,347,846	+908,800	-591,200
2149	Dame Nellie Melba Irrigation	20,000	- 4,524		Savings	Savings achieved in project delivery	28/11/2018	29,343,322	+904,276	-595,724
2144	Minor Assets Sport Works	35,200	- 30,200		Savings	Savings achieved in project delivery	28/11/2018	29,313,122	+874,076	-625,924
2167	Minor Works - Linear Path	102,000	64,800		Scope/Budget Increase	Construct using concrete (Council standard) instead of asphalt	28/11/2018	29,377,922	+938,876	-561,124
2166	Halls Reserve Pathway	102,080	- 82,876		Savings	Savings achieved in project delivery	28/11/2018	29,295,046	+856,000	-644,000
2214	Carlton Library - Toilets	50,000	103,000		Budget Increase	Increase scope from refurbishment to reconfiguration to make toilets compliant	9/01/2019	29,398,046	+959,000	-541,000
2197	Carlton library - Painting	25,000	- 25,000		Budget Decrease	Project to be funded from maintenance budget. Savings transferred to 2214	9/01/2019	29,373,046	+934,000	-566,000
2186	Darling Gardens - BBQ/Picnic area	51,460	20,000		Budget Increase	Tender prices exceeded budgeted amount	23/01/2019	29,393,046	+954,000	-546,000
2162	Darling Gardens - Pathway & lighting works	431,150	- 20,000		Budget Decrease	Savings expected and funding transferred to do works at BBQ area	23/01/2019	29,373,046	+934,000	-566,000
2243	Richmond Town Hall ramp	420,000	186,120		Budget Increase	Tender prices above carried over budget amount	23/01/2019	29,559,166	+1,120,120	-379,880
2213	Richmond Town Hall electrical	120,000	- 100,000		Budget Decrease	Savings achieved in project delivery	23/01/2019	29,459,166	+1,020,120	-479,880
2216	Edinburgh Gardens Community Rooms	150,000	- 49,500		Savings	Savings achieved in project delivery	23/01/2019	29,409,666	+970,620	-529,380
2209	Collingwood Leisure Centre - plant/equipment	250,000	- 100,000		Budget Decrease	Reduction of scope	23/01/2019	29,309,666	+870,620	-629,380
2210	Fitzroy Pool - plant/equipment	145,000	75,000		Budget Increase	Scope increased to include spa/sauna works	23/01/2019	29,384,666	+945,620	-554,380
2212	RRC - plant/equipment	100,000	25,000		Budget Increase	Scope increased to include spa/sauna works	23/01/2019	29,409,666	+970,620	-529,380
2216	Edinburgh Gardens community rooms	150,000	-		Scope change	Scope change - include design toilets at southern end of the gardens	23/01/2019	29,409,666	+970,620	-529,380
2194 2201 2219 2225 2241	Richmond Preschool	115,000	- 115,000		Deferred	Deferred to fund work at The Stables - replan for 2020/21	27/02/2019	29,294,666	+855,620	-644,380
2302	The Stables	-	115,000		New Project	Upgrade works to first floor whilst facility closed for underpinning works	27/02/2019	29,409,666	+970,620	-529,380
2234	Collingwood Leisure Centre - Miscellaneous	335,000	256,000		Scope/Budget Increase	Include DDA stairs, lighting upgrades and renew spa tiling	27/02/2019	29,665,666	+1,226,620	-273,380
2230	Minor Urgent Building Works	455,000	- 185,000		Savings	Transfer of budget to Collingwood Leisure Centre - Miscellaneous project	27/02/2019	29,480,666	+1,041,620	-458,380
2261	Plant and Equipment - Leisure Centre Equipment	104,000	- 32,590		Savings	Transfer of budget to Collingwood Leisure Centre - Miscellaneous project	27/02/2019	29,448,076	+1,009,030	-490,970
2242	Richmond Recreation Centre - Miscellaneous	750,000	-		Scope Inclusion	Heating to be included in scope for dry-side change rooms refurbishment	27/02/2019	29,448,076	+1,009,030	-490,970
2304	Bicycle infrastructure	-	42,000		New Project	Council included project	4/03/2019 Council	29,490,076	+1,051,030	-448,970
2303	Victoria Street litter trap	-	150,000		New Project	Council included project	4/03/2019 Council	29,640,076	+1,201,030	-298,970
2242	RRC - Dry Side Change Rooms	750,000	207,362		Scope/Budget Increase	Council adjusted budget	4/03/2019 Council	29,847,438	+1,408,392	-91,608
1832 & 2130	Wellington Street (Collingwood) Copenhagen bike lanes	695,000	1,540,000	1,540,000	Scope/Budget Increase	Council adjusted budget	19/03/2019	31,387,438	+2,948,392	-91,608

Attachment 2 - 2018/19 Capital Adjustments Running Table - March

D19 72780 Attachment 2 - Capital Adjustments Running Table- March 2019

Project ID	Description	Project Budget Before Change \$	Net Change to Project Budget \$	Unbudgeted Income \$	Change Request Type	Reason	Approval Date	2018/19 Adjusted Budget Running Total \$	Cumulative Variance to Adopted Budget \$	Cumulative Variance less Unbudgeted Income \$
2095	Risk Mitigation Works	200,000	496,000		Scope/Budget Increase	Numerous drainage projects (city wide works to repair blockages & collapses)	3/04/2019	31,883,438	+3,444,392	+404,392
2035	Bosisto Street - Richmond	70,000	- 13,000		Deferred	Part deferred to fund Risk Mitigation Works	3/04/2019	31,870,438	+3,431,392	+391,392
2036	Bosisto Street - Richmond	140,000	- 140,000		Deferred	Deferred to fund Risk Mitigation Works	3/04/2019	31,730,438	+3,291,392	+251,392
2048	Hodgkinson Street - Clifton Hill	148,000	- 148,000		Deferred	Deferred to fund Risk Mitigation Works	3/04/2019	31,582,438	+3,143,392	+103,392
2112	ROW650 (Between Hull Street and Leggo Street Richmond)	40,000	- 40,000		Deferred	Deferred to fund Risk Mitigation Works	3/04/2019	31,542,438	+3,103,392	+63,392
2040	Dover Street - Richmond	40,000	- 40,000		Deferred	Deferred to fund Risk Mitigation Works	3/04/2019	31,502,438	+3,063,392	+23,392
2063	Rokeby Street - Collingwood	47,000	- 47,000		Savings	Savings to fund Risk Mitigation Works	3/04/2019	31,455,438	+3,016,392	-23,608
2019	Kneen Street - North Fitzroy	20,000	- 20,000		Savings	Savings to fund Risk Mitigation Works	3/04/2019	31,435,438	+2,996,392	-43,608
2041	Drummond Street - North Carlton	42,000	- 42,000		Savings	Savings to fund Risk Mitigation Works	3/04/2019	31,393,438	+2,954,392	-85,608
2031	Adelaide Street - Richmond	40,000	- 6,000		Savings	Savings to fund Risk Mitigation Works	3/04/2019	31,387,438	+2,948,392	-91,608
New	Sports Lights - WT Peterson Oval/Ramsden Street Oval	-	136,452	109,161	New Project (Grant)	Pick My Grant initiative - Grant program	3/04/2019	31,523,890	+3,084,844	-64,317
2139	Children's services- Shade sails	30,000	9,000		Budget increase	Slight budget overspend	3/4/2019 pending	31,532,890	+3,093,844	-55,317
2140	Gahan Reserve -Basketball court	38,900	20,000		Budget Increase	Insufficient funding to complete project	3/04/2019	31,552,890	+3,113,844	-35,317
2137	Quarries Park Playground	48,300	- 20,000		Savings	Savings achieved in project delivery reallocated to Gahan Reserve	3/04/2019	31,532,890	+3,093,844	-55,317
2138	Minor Works Assets	15,000	4,480		Budget Increase	Slight budget overspend	3/04/2019	31,537,370	+3,098,324	-50,837
2135	Edinburgh Gardens Playground	36,000	- 13,480		Savings	Savings reallocated to Minor works & shade sail	3/04/2019	31,523,890	+3,084,844	-64,317
2242	Richmond Recreation Centre - Dry Side Change Rooms	957,362	- 423,000		Carry over	Carried over into 2019/20	3/04/2019	31,100,890	+2,661,844	-487,317
2239	Malcolm Graham Pavilion	300,000	- 135,000		Carry over	Carried over into 2019/20	3/04/2019	30,965,890	+2,526,844	-622,317
2243	Richmond Town Hall- Main entrance	606,120	- 450,000		Carry over	Carried over into 2019/20	3/04/2019	30,515,890	+2,076,844	-1,072,317
2223	Connie Benn - CCTV and doors	28,000	18,000		Scope/Budget Increase	Additional CCTV and emergency door works	3/04/2019	30,533,890	+2,094,844	-1,054,317
1617& 2257	Unified Communications	465,000	30,000		Scope/Budget Increase	Additional works & equipment	3/04/2019	30,563,890	+2,124,844	-1,024,317
2292	Premiers Reading Challenge	-	10,231	10,231	Budget Increase	Grant money received	3/04/2019	30,574,121	+2,135,075	-1,024,317
2258	Bridge Road Activity Centre	240,000	- 200,000		Carry over	Carried over into 2019/20	3/04/2019	30,374,121	+1,935,075	-1,224,317
1832	Wellington Street (Collingwood) Copenhagen bike lanes	2,235,000	- 1,180,000		Carry over	Carried over into 2019/20	24/4/2019 pending	29,194,121	+755,075	-2,404,317
2126	LATM 9	313,600	- 250,000		Carry over	Carried over into 2019/20	24/4/2019 pending	28,944,121	+505,075	-2,654,317
2014	Clark Street - Abbotsford	60,000	60,000		Scope/Budget Increase	Include additional DDA works at intersecting side streets	24/4/2019 pending	29,004,121	+565,075	-2,594,317
2301	Park Street (North Carlton) - Footpath	60,000	- 60,000		Deferred	Further design/investigation required.	24/4/2019 pending	28,944,121	+505,075	-2,654,317

Attachment 2 - 2018/19 Capital Adjustments Running Table - March

D19 72780 Attachment 2 - Capital Adjustments Running Table- March 2019

Project ID	Description	Project Budget Before Change \$	Net Change to Project Budget \$	Unbudgeted Income \$	Change Request Type	Reason	Approval Date	2018/19 Adjusted Budget Running Total \$	Cumulative Variance to Adopted Budget \$	Cumulative Variance less Unbudgeted Income \$
2164	Edinburgh Gardens pathways	158,400	- 60,000		Carry Over	Carried over into 2019/20	24/4/2019 pending	28,884,121	+445,075	-2,714,317
2242	Richmond Recreation Centre - Dry Side Change Rooms	534,362	- 207,000		Carry Over	Carried over into 2019/20	24/4/2019 pending	28,677,121	+238,075	-2,921,317
2212	Richmond Recreation Centre - UV unit	125,000	50,000		Scope/Budget Increase	Replacement of mechanical plant - UV unit.	24/4/2019 pending	28,727,121	+288,075	-2,871,317
2209	Collingwood Leisure Centre - mechanical work	150,000	- 35,000		Savings	Savings achieved in project delivery	24/4/2019 pending	28,692,121	+253,075	-2,906,317
2203	Collingwood Leisure Centre - roof works	15,000	- 15,000		Savings	Savings achieved in project delivery	24/4/2019 pending	28,677,121	+238,075	-2,921,317
2236	Depot relocation project	30,000	920,000	920,000	Scope/Budget Increase	Funding sourced from Reserve	24/4/2019 pending	29,597,121	+1,158,075	-2,921,317
Provisional adjusted 2018/19 capital works budget								29,597,121	1,158,075	-2,921,317

Attachment 3 - 2018/19 Annual Plan Progress Report - March



ANNUAL PLAN 2018/19
QUARTERLY PROGRESS REPORT
MARCH 2019

Attachment 3 - 2018/19 Annual Plan Progress Report - March

Council Plan 2017-2021 : Year 2

2018/19 Annual Plan Quarterly Progress Report - March

Introduction

The Yarra City Council adopted its Council Plan 2017 – 21 on 1 August 2017. The Council Plan 2017 – 21 sets out the medium-term direction of Council and the outcomes sought by Councillors for their term. For the first time, the Council Plan incorporates the Health and Wellbeing Plan. This financial year, 2018/19 is Year two of the Council Plan 2017 – 21.

Under the Local Government Act 1989 (the Act), each council is required to produce a four-year Council Plan by 30 June in the year following a general election. The Plan must include Strategic Objectives, Strategies, Strategic Indicators and a Strategic Resource Plan.

Council has identified a number of initiatives under each Strategic Objective which are significant projects and activities that are proposed to be worked on over the term of the Council Plan, subject to approval through the annual budget process.

Council produces an Annual Plan alongside each year's Budget, setting out specific projects and activities that Council will undertake towards achieving the Strategic Objectives. This will include priority projects, capital works projects, actions in response to initiatives in the Council Plan and other Council strategies and plans as well as service reviews and improvements.

The Council Plan 2017 – 21 has seven Strategic Objectives which relate to a different aspect of service delivery :

A healthy Yarra: Community health, safety and wellbeing are a focus in everything we do. Council plays a key role in contributing to our community's health and wellbeing. From delivering maternal and child health services to ensuring access to open space, enforcing noise regulations to supporting community and cultural initiatives, community health, safety and wellbeing is central to everything we do.

An inclusive Yarra: Inclusion, diversity and uniqueness are welcomed, respected and celebrated. Identity was a passionate and recurring theme throughout community consultation for the Council Plan. Our community values its diversity. Creating a safe place where people of all ages, genders, sexualities, abilities, cultures and backgrounds feel welcome and connected is a priority for Council.

A sustainable Yarra: Council leads on sustainability and protects and enhances its natural environment. As Victoria's first carbon-neutral council, we are proud of our commitment to sustainability. Protecting our natural environment and supporting our community to reduce its environmental footprint will continue to be a priority for Council.

A liveable Yarra: Development and growth are managed to maintain and enhance the character and heritage of the city. With demand for inner city housing increasing, Council is mindful of the importance of balancing the needs of new and existing residents, and ensuring that development does not encroach on the amenity or heritage of our city.

A prosperous Yarra: Local businesses prosper and creative and knowledge industries thrive. Yarra is a great place to do business and to work. Supporting local businesses and creative industries not only contributes to Yarra's economy, but also increases local employment opportunities, enhances street life and fosters community connectedness.

A connected Yarra: Connectivity and travel options are environmentally sustainable, integrated and well-designed. Council is committed to creating a city that is accessible to all irrespective of levels of personal mobility, to support a fulfilling life without the need for a car.

A leading Yarra: Transparency, performance and community participation drive the way we operate. Council is committed to change through an energised, cohesive team of professionals, recognised for our leadership, innovation and service.

In response to its Strategic Objectives, Council has committed to 47 projects and activities from a broad cross-section of services in the 2018/19 Annual Plan.

Progress of these projects and actions will be reported in the 2018/19 Annual Plan Quarterly Progress Reports. Further information can be found in the published version of the Council Plan 2017 – 21 on the City of Yarra's website (<https://www.yarracity.vic.gov.au/about-us/council-information/council-plan>).

Attachment 3 - 2018/19 Annual Plan Progress Report - March

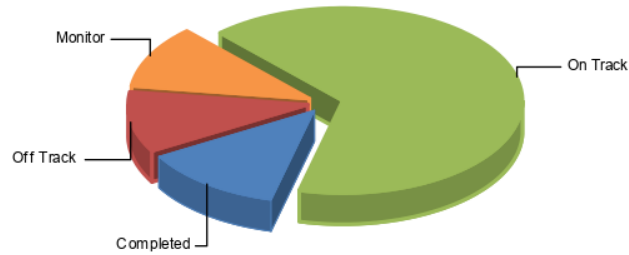
Council Plan 2017-2021 : Year 2

2018/19 Annual Plan Quarterly Progress Report - March

Quarter Summary

Council has committed to 47 actions across a range of services. Any variations to the Annual Plan are made openly and transparently in the context of priorities that arise over the course of the year.

The status of actions is classified based on the percentage of targets achieved as assessed by the responsible officer (forecast milestones compared to actual work completed).



Strategic Objective	No. of Actions Reported	Complete	On track (>=90%)	Monitor (75-90%)	Off track (<75%)	Not Started
A healthy Yarra	7	2	4	0	1	0
An inclusive Yarra	4	0	4	0	0	0
A sustainable Yarra	8	1	6	0	1	0
A liveable Yarra	13	3	3	5	2	0
A prosperous Yarra	5	0	4	0	1	0
A connected Yarra	6	0	6	0	0	0
A leading Yarra	4	0	4	0	0	0
	47 (100%)	6 (12.77%)	31 (65.96%)	5 (10.64%)	5 (10.64%)	0 (0.00%)

Attachment 3 - 2018/19 Annual Plan Progress Report - March

Council Plan 2017-2021 : Year 2

2018/19 Annual Plan Quarterly Progress Report - March

1 . A healthy Yarra

a place where...Community health, safety and wellbeing are a focus in everything we do

Council plays a key role in contributing to our community's health and wellbeing. From delivering maternal and child health services to ensuring access to open space, enforcing noise regulations to supporting community and cultural initiatives, community health, safety and wellbeing is central to everything we do.

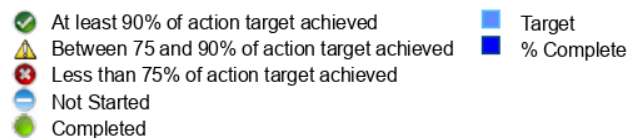
Strategies

Council's work to achieve this Strategic Objective includes the following strategies:

- 1.1 Maintain and enhance Yarra's open space network to meet the diverse range of community uses
- 1.2 Promote a community that is inclusive, resilient, connected and enjoys strong mental and physical health and wellbeing
- 1.3 Provide health promoting environments that encourage healthy eating and active living
- 1.4 Assist to reduce the harms from alcohol and drugs on individuals and the community in partnership with State Agencies and key service providers
- 1.5 Promote environments that support safe and respectful sexual practices, reproductive choices and gender equity
- 1.6 Promote a gender equitable, safe and respectful community
- 1.7 Promote an effective and compassionate approach to rough sleeping and advocate for affordable, appropriate housing
- 1.8 Provide opportunities for people to be involved in and connect with their community

The following actions are being undertaken in 2018/19 to work toward achieving Council's strategic objective of A healthy Yarra.

Action Progress Summary



Action	Start Date / End Date			
1.01 Support prevention of family violence initiatives and respectful relationships	01/07/18 30/06/19		0% 20% 40% 60% 80% 100%	✓
1.02 Reduce primary and secondary supply of alcohol to under age adolescents	01/07/18 30/06/19		0% 20% 40% 60% 80% 100%	●
1.03 Develop new Open Space Strategy	01/07/18 30/06/19		0% 20% 40% 60% 80% 100%	✗
1.04 Implement National Aged Care and Disability Reforms	01/07/18 30/06/19		0% 20% 40% 60% 80% 100%	✓
1.05 Advocate for an indoor sports stadium	01/07/18 30/06/19		0% 20% 40% 60% 80% 100%	●
1.06 Youth space in Richmond	01/07/18 30/06/19		0% 20% 40% 60% 80% 100%	✓
1.07 Develop Leisure Centres Master Plan	01/07/18 30/06/19		0% 20% 40% 60% 80% 100%	✓

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Attachment 3 - 2018/19 Annual Plan Progress Report - March

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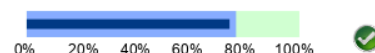
1.01 Support prevention of family violence initiatives and respectful relationships

Council Plan initiative:

Work with local and regional partners for greater awareness and intervention to prevent family violence

Work with local and regional partners to lead work to advance gender equity, prevent violence against women and promote respectful relationships

Council is committed to the prevention of family violence in the Yarra community and to partner with key service providers, police, schools and community members to raise awareness to prevent family violence. This year Council will endorse and launch its public statement against Family Violence – No Place for Violence.



Branch People, Culture and Community

Quarterly Milestones

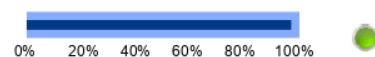
September	Q1. Work with Women's Health In the North to evaluate the Building Respectful Communities partnership and identify projects to address family violence and gender inequity with children, young people and families
December	Q2. Deliver Respectful Relationships initiative at Fitzroy High School Q2. Endorse Council's Family Violence Organisational Statement, No Place for Violence Q2. Participate in key networks such as the Building Respectful Communities (BRC) and Northern Prevention of Violence Against Women (NPVAW), Yarra Family Violence Network (YFVN) Q2. Publish Council's Family Violence Organisational Statement, No Place for Violence Q2. Participate in '16 Days of Activism Against Gender-Based Violence' (a global campaign to raise awareness of the prevalence and impact of violence against women and girls)
March	Q3. Deliver projects to address family violence and gender inequity with children, young people and families
June	Q4. Participate in key networks such as the BRC and NPVAW, YFVN Q4. Review projects to address family violence and gender inequity with children, young people and families Participate in key networks such as the BRC and NPVAW, YFVN
Quarterly Progress	Secured funding and agreement for redevelopment of Malcolm Graham Pavilion in Kevin Bartlett Reserve and the Jack Dyer Pavilion. Both projects will include improved facilities for women to encourage participation.
Comments	Collingwood Football Club, hosted two AFL women's matches in February and March at Victoria Park. These matches were an excellent opportunity to show case women's football and celebrate the return the of AFL football to Collingwood Football Club's spiritual home. Childrens Services <ul style="list-style-type: none"> - Free to be me program happening at Yarraberg & Richmond Kinder - Other Children's Services sites to commence Gender Bias project (based off free to be me program) in all programs. - Gender equality agenda items added into the team meeting agendas - Supported one child at Richmond West to transitioned, including follow up support to family. - Sharing of resources for families across the children's services branch - Gender neutral bathrooms introduced at Richmond West Outside School Hours Care after family feedback

1.02 Reduce primary and secondary supply of alcohol to under age adolescents

Council Plan initiative:

Work with local partners and agencies to increase health and education, community partnerships and harm minimisation from the abuse of drugs and alcohol

As part of the Communities that Care Smart Generation program, supply monitoring of packaged liquor outlets will be undertaken. This involves monitoring packaged liquor retail sales to those who look under 18 years of age to determine whether appropriate identification was sought.



Branch Social Policy and Research

April 18, 2019

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Attachment 3 - 2018/19 Annual Plan Progress Report - March

Council Plan 2017-2021 : Year 2

2018/19 Annual Plan Quarterly Progress Report - March

Quarterly Milestones

September	Q1. Conduct supply of alcohol study with Yarra licenced outlets as part of Communities that Care (CTC) program
December	Q2. Conduct analysis and report on supply of Alcohol initiative (CTC)
March	Q3. Provide report to licenced outlets on supply of alcohol (CTC)
Quarterly Progress Comments	<p>Sales of alcohol to confederates who appear under the age of 18, were tested and recorded in partnership with Deakin University .</p> <p>93% of packaged liquor outlets in Yarra were visited . Of concern, the sales rate in Yarra has increased in 2018 to 61.0%, from a baseline of 53% measured in 2017. Feedback letters were sent to all licensees and store managers</p>

1.03 Develop new Open Space Strategy

Council Plan initiative:

Develop an open space strategy to ensure Yarra's public open space is managed as a functional network that encourages shared use and active living

The Yarra Open Space Strategy guides the future provision, planning, design and management of public open space in Yarra. A new Open Space Strategy will result in a renewed direction for the provision and enhancement of the open space network, including changes in community needs since the last strategy was developed. The strategy aims to achieve a cohesive, linked and well managed network of open space to meet the full range of residents' needs.

Development of the strategy will occur over a two year period with the first year focussing on land use and landscape analysis, with extensive consultation, while Year Two will involve adoption of the Strategy, followed by an amendment to the Yarra Planning Scheme.



Branch City Strategy

Quarterly Milestones

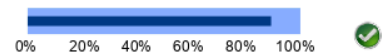
September	Q1. Analyse consultation results and commence drafting the Yarra Open Space Strategy
December	Q2. Engage with Councillors on key directions
March	Q3. Present draft Yarra Open Space Strategy to Council to endorse for community consultation
June	Q4. Undertake community consultation on draft Yarra Open Space Strategy
Quarterly Progress Comments	<p>The Project is approximately six months behind anticipated schedules, due to delays in obtaining population forecast data. The draft strategy will be available in May and engagement with Councilors will follow.</p>

1.04 Implement National Aged Care and Disability Reforms

Council Plan Initiative:

Continue to implement the National Aged and Disability Care reforms and develop new strategic directions for support of older people and people with disability

The Federal Government is making major changes to the aged and disability care service system and this requires Council to determine its role and implement changes already announced.



Branch Aged and Disability Services

Quarterly Milestones

December	Q2. Finalise decision on Council's role in providing Commonwealth Home Support Program (CHSP) services
March	Q3. Work with northern councils in determining future role in Regional Assessment Service (also subject to Federal Government policy decision)
June	Q4. Commence transition of CHSP services in readiness for 2020/21 changes determined by Federal Government

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Council Plan 2017-2021 : Year 2

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Q4, Finalise the transition of the Linkages program to the Home Care Packages program

Quarterly Progress Comments A Community Panel was convened and undertook a deliberative process to assist Council in its decision-making. The outcomes from the Panel were presented to Councillor representatives at the end of November. Due to on-going delays in the Commonwealth confirming the final system design, it has not been possible to make a final decision on Council's position. Further analysis of the Options will occur over the next two quarters and a report is scheduled for Council in May 2019. The last 2 milestones are dependent on the Commonwealth finalizing its system design and therefore cannot be progressed at this stage.

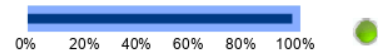
Council worked with Northern councils to provide a submission to the Commonwealth on the Streamlined Consumer Assessment for Aged Care Discussion Paper. This was submitted in February 2019. The Commonwealth has presented one model for consideration and once a final design is articulated, councils will be able to determine their role post June 2020.

1.05 Advocate for an indoor sports stadium

Council Plan Initiative:

Advocate to state government for an indoor sports stadium at 433 Smith Street redevelopment

Council has advocated for the State Government to commit to development of a six court indoor stadium on the former Gas and Fuel site in Smith Street. A response is expected to be received early this financial year.



Branch Office of the Director City Works and Assets

Quarterly Milestones

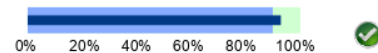
September Q1. Seek meetings with relevant Ministers, advisors and senior bureaucrats from State Government to influence and confirm a commitment to the delivery of a 6 court stadium at this site.

March Q3. In the event confirmation is not provided by September 2018, and/or in the event of a change in State Government, seek further meetings with relevant Ministers, advisors and senior bureaucrats from State Government to influence and confirm a commitment to the delivery of a 6 court stadium at this site.

Quarterly Progress Comments The State Government has confirmed its commitment to this project, which will result in the provision of a 6 court stadium, 1000m2 gym and 107 car parks to be managed by Council. Officers are working with State Government representatives to progress this project.

1.06 Youth space in Richmond

Council will work with Department of Health and Human Services to seek to provide upgrades of existing community facilities to deliver a Youth Hub in the Richmond Housing Estate. Once a suitable youth space is established a business plan will be developed for the management of the youth space.



Branch Family, Youth and Children's Services

Quarterly Milestones

September Q1. Commence preparation of a business case for the establishment of a youth space in Richmond
Q1. Monitor progress on advocacy to Department of Housing and Human Services to identify a preferred site

December Q2. Finalise business case and present to Council
Q2. Report on progress of consultation and planning with stakeholders to inform operational business planning

March Q3. Prepare an operational and activation plan

June Q4. Report on progress of advocacy to Department of Housing and Human Services towards establishing a dedicated youth space and programming on the Richmond Housing estate

Quarterly Progress Comments Officers continue to meet with senior Department of Health and Human Services representatives and have provided copies of the Hub Business Plan, together with copies of concept drawings to support a future capital works initiative.

Council is continuing to advocate to State Government seeking confirmation of ongoing operational funding

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to support a dedicated resource being made available on the Estate to coordinate programs and services.

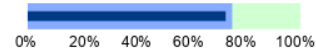
Officers are currently drafting a MOU which will be used to clarify and confirm stakeholder funding contributions, roles and partnership expectations.

1.07 Develop Leisure Centres Master Plan

Council Plan initiative:

Investigate a Leisure Centres Master Plan

Council manages leisure facilities in Richmond, Collingwood and Fitzroy. These facilities are highly valued by the community and attract in the order of 1 million visits per annum. A high level facilities plan will be developed to guide future investment in these facilities.



Branch *Recreation and Leisure Services*

Quarterly Milestones

December Q2. Appointment of Consultant

Q2. Project brief finalised and budget approved by Executive

March Q3. Key Findings Report presented to PCG and Executive

June Q4. Presentation of final report to Executive

Quarterly Progress A draft report has been completed for the purpose of internal engagement. The report includes a review of existing programs, services and facilities, a literature review, demographic and leisure trend analysis, demand and gap analysis, benchmarking and internal consultation. This will inform the draft Master Plan which is due to be completed by June 2019.

Attachment 3 - 2018/19 Annual Plan Progress Report - March

Council Plan 2017-2021 : Year 2

2018/19 Annual Plan Quarterly Progress Report - March

Highlights and Achievements

Branch	<i>Family, Youth and Children's Services</i>
Unit	<i>Children's Services</i>
	<p>Roll out across the children's services of increased technology accessibility including :</p> <ul style="list-style-type: none"> • Wifi installation at all Children Centres and Kindergartens enabling internet access for mobile devices. • Roll out of Qikkids Kiosks in all children's services to enable electronic sign in and out of children to comply with Child Care Subsidy; enabling real time attendance data and greater administrative efficiency . • Roll out of QK Enrol software to enable families to manage their own children's enrolment and child care bookings leading to a higher degree of data accuracy and greater administrative efficiency .
Branch	<i>Family, Youth and Children's Services</i>
Unit	<i>Service Planning and Development</i>
	<p>Evaluation of casual care trial framework established with a focus upon participant experience and utilisation of casual and occasional care.</p> <p>On 11 April 2017 Council resolved to evaluate the Cubbies program, and to run an open and competitive process for any funding related to programs at the Fitzroy Adventure Playground beyond 2018-19. Evaluation commenced with full cooperation of Save the Children the provider of Cubbies. Evaluation includes feedback from feedback from families and young people.</p> <p>Community consultations on the Draft Priority of Access Policy approved by Council for the purpose of consultation were carried out in March 2019. 96 individual responses were received on the Have Your Say page, largely from parents with children enrolled in a Council service or on the waitlist for a place.</p>
Branch	<i>Social Policy and Research</i>
Unit	<i>Social Policy</i>
	<p>Amendment C209, Licensed Premises Policy Gazetted in Yarra Planning Scheme.</p> <p>Project managed market research for Yarra Open Space Strategy.</p> <p>Working with DHHS, VicPol and NRCH on community Health and safety for Victoria Street Precinct post MSIR/MSIF.</p> <p>Produced a Discussion Paper and presentation on the setting of Fees and Charges at Council, options and directions.</p> <p>Completed planning referrals for GasWorks scheme amendment , focussing on affordable social housing inclusion.</p> <p>Provided advice and project support on consultation (market research) for Council's consultation program on the transition to My Aged Care.</p> <p>Program development, speakers and presentation for Yarra Future Ready Leadership Program at Bargoonga Nganjin</p> <p>Provided support (i.e. data and policy information) on the topic of social and affordable housing to Strategic Planning in finalising the Draft Housing Strategy for public consultation.</p>

Attachment 3 - 2018/19 Annual Plan Progress Report - March

Council Plan 2017-2021 : Year 2

2018/19 Annual Plan Quarterly Progress Report - March

2 . An inclusive Yarra

a place where...Inclusion, diversity and uniqueness are welcomed, respected and celebrated

Identity was a passionate and recurring theme throughout community consultation for the Council Plan. Our community values its diversity. Creating a safe place where people of all ages, genders, sexualities, abilities, cultures and backgrounds feel welcome and connected is a priority for Council.






Strategies





Council's work to achieve this Strategic Objective will include the following strategies :

- 2.1 Build resilience by providing opportunities and places for people to meet, be involved in and connect with their community
- 2.2 Remain a highly inclusive Municipality, proactive in advancing and advocating for the rights and interests of specific groups in the community and community issues
- 2.3 Continue to be a local government leader and innovator in acknowledging and celebrating Aboriginal history and culture in partnership with Traditional Owners
- 2.4 Acknowledge and celebrate our diversity and people from all cultural backgrounds
- 2.5 Support community initiatives that promote diversity and inclusion

The following actions are being undertaken in 2018/19 to work toward achieving Council's strategic objective of An inclusive Yarra.

Action Progress Summary

-  At least 90% of action target achieved
 -  Between 75 and 90% of action target achieved
 -  Less than 75% of action target achieved
 -  Not Started
 -  Completed
- Target
■ % Complete

Action	Start Date / End Date							
2.01 Implement Aboriginal Partnerships Plan	01/07/18 30/06/19		0%	20%	40%	60%	80%	100%
2.02 Develop Volunteer Strategy	01/07/18 30/06/19		0%	20%	40%	60%	80%	100%
2.03 Renew Active and Healthy Ageing Strategy and Action Plan	01/07/18 30/06/19		0%	20%	40%	60%	80%	100%
2.04 Renew Access and Inclusion Strategy and Action Plan	01/07/18 30/06/19		0%	20%	40%	60%	80%	100%

Attachment 3 - 2018/19 Annual Plan Progress Report - March

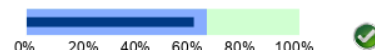
Council Plan 2017-2021 : Year 2

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2.01 Implement Aboriginal Partnerships Plan

Council Plan Initiative:
Implement the Aboriginal Partnerships Plan

The Aboriginal Partnerships Plan sets out Council's commitment and work with the Aboriginal and Torres Strait Islander community. Council is seen as a leader, not only in its programs, but also in its commitment to social justice and the way it approaches issues, opens discussion, and listens to the community. Council will continue to implement its Aboriginal Partnerships Plan through annual action plans endorsed by Council.



Branch *People, Culture and Community*

Quarterly Milestones

December Q2. Complete community consultation and engagement for the next four year Aboriginal Partnerships Plan

March Q3. Present draft Aboriginal Partnerships Plan 2019-2022 to Council

June Q4. Complete final version of Aboriginal Partnerships Plan 2019-2022

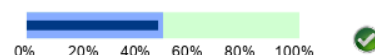
Quarterly Progress Comments Consultation for the next Aboriginal Partnerships Plan began in August with an online survey via Your Say Yarra and multiple engagements with Aboriginal community members. These engagements were through a special forum of the Aboriginal Advisory Group and visits to Aboriginal organisations in Yarra and Darebin. The consultation period concluded in November with meetings with Wurundjeri and the Aboriginal Advisory Group. A final draft of the new strategy went back to the Aboriginal Advisory Group and Wurundjeri in December.

The draft Aboriginal Partnerships Plan 2019-2022 is scheduled for presentation to Council in April.

2.02 Develop Volunteer Strategy

Council Plan initiative:
Develop and adopt a Volunteer Strategy

A Volunteer Strategy will be developed by consultation and engagement with stakeholders. A draft strategy will be presented to Council. A Volunteer Strategy will provide clear direction for Council in how it supports volunteering in Yarra.



Branch *People, Culture and Community*

Quarterly Milestones

December Q2. Complete consultation

June Q4. Present draft Volunteer Strategy to Council to endorse for public exhibition

Quarterly Progress Comments Formal consultation began on developing the draft Volunteer Strategy in August. Consultation methods have included both qualitative and quantitative methods; an online survey via Your Say Yarra, focus groups, listening posts (pop-up stalls), one-on-one interviews, promotion via Yarra City Council's social media/newsletters and email correspondence via the Yarra volunteer organisations contacts list.

The types of volunteer organisations contacted have included local sports/recreation, creative industries, education/employment pathways, housing/homelessness, heritage, health, community radio, community gardens/ environmental, cultural, elderly services, churches/multi-faith and groups eg. Lions, Rotary, Scouts, Fareshare, St Vincent de Paul to name a few.

2.03 Renew Active and Healthy Ageing Strategy and Action Plan

Council Plan Initiative:
Work with the community and other levels of government and advocate to challenge discrimination, and address disadvantage, whether based on income, age, gender, sexuality, cultural background, religion or abilities

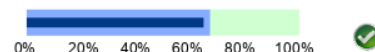
The current Positive Ageing Strategy and Action Plan is due for renewal with the support of Council's Active Ageing Advisory Group (AAAG), a new strategy and plan will be prepared. In the midst of the national aged care reforms, it

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provides an opportunity to consider strategic directions to ensure our 50+ residents remain engaged, active and independent.



Branch *Aged and Disability Services*

Quarterly Milestones

September Q1. Finalise draft Active and Healthy Ageing Strategy and Action Plan 2018 – 2022 and complete public exhibition process

December Q2. Present Active and Healthy Ageing Strategy and Action Plan 2018 – 2022 to Council for adoption

June Q4. Complete 2018/19 actions arising from the new Active and Healthy Ageing Action Plan 2018 – 2022

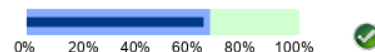
Quarterly Progress Comments The Active and Healthy Ageing Strategy and Action Plan 2018 – 2022 was endorsed by Council in October and was launched at the Seniors Christmas Party in December 2018, including a flash mob which was attended by 450+ residents.

2.04 Renew Access and Inclusion Strategy and Action Plan

Council Plan Initiative:

Work with the community and other levels of government and advocate to challenge discrimination, and address disadvantage, whether based on income, age, gender, sexuality, cultural background, religion or abilities

The current Access and Inclusion strategy and plan is due for renewal and with the support of Council's Disability Advisory Committee (DAC), a new strategy and plan will be prepared this year. In the midst of the national disability care reforms, it provides an opportunity to consider Council's strategic directions to ensure people with disability remain engaged, active and empowered.



Branch *Aged and Disability Services*

Quarterly Milestones

September Q1. Finalise draft Access and Inclusion Strategy and Action Plan 2018 – 2022 and complete public exhibition process

December Q2. Present Access and Inclusion Strategy and Action Plan 2018 – 2022 to Council for adoption

June Q4. Complete 2018/19 actions arising from the new Access and Inclusion Action Plan 2018 – 2022

Quarterly Progress Comments The Access and Inclusion Strategy and Action Plan 2018 – 2022 was endorsed by Council in October and was launched in December as part of International Day for People with Disability held by the City of Yarra.

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Highlights and Achievements

Branch *People, Culture and Community*
Unit *Community Partnerships*

Draft Multicultural Partnerships Plan endorsed by Council (19 Feb), and gone out for public exhibition and community feedback.

Bridges to Harmony festival celebrating cultural diversity week, collaboration with Fitzroy Learning Network and Yarra Libraries.

Taste of Harmony lunches conducted across 3 sites at Council, celebrating cultural diversity at Yarra.

Ask Me Anything – panel Q&A at Yarra in early Feb on the topic of faith and religion. Yarra staff members generously answered questions on their views on their own spirituality and religion, with the aim of breaking down myths and fostering a spirit of inclusion and diversity.

Commenced partnership with Carringbush Adult Education on a support program for women and children from newly arrived communities escaping family violence.

Yarra hosted a workshop on the research conducted by Vic Uni on Far-right groups. The workshop was limited to local government reps only with about 40 in attendance.

Continued active involvement in Mayoral Taskforce supporting People Seeking Asylum. Yarra is on the executive of this group and work so far has involved a coordinated effort among several LGA's, and a media campaign urging Federal Government to reinstate the SRSS program for PSA (the cut to this program last year has created destitution for many PSA and placed an extra burden on material aid and housing agencies).

Official Mayoral visits to all the Neighbourhood Houses.

Training on Collective Impact with Neighbourhood Houses.

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3 . A sustainable Yarra

a place where...Council leads on sustainability and protects and enhances its natural environment

As Victoria's first carbon-neutral council, we are proud of our commitment to sustainability. Protecting our natural environment and supporting our community to reduce its environmental footprint will continue to be a priority for Council.






Strategies

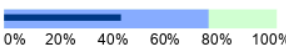





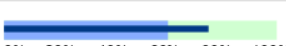

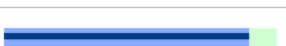





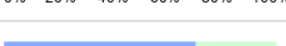

Council's work to achieve this Strategic Objective will include the following strategies :

- 3.1 Investigate strategies and initiatives to better manage the long term effects of climate change
- 3.2 Support and empower a more sustainable Council and Community
- 3.3 Lead in sustainable energy policy and deliver programs to promote carbon neutral initiatives for the municipality and maintain Council as a carbon neutral organisation.
- 3.4 Reduce the amount of waste-to-landfill with a focus on improved recycling and organic waste disposal
- 3.5 Promote responsible water usage and practices
- 3.6 Promote and facilitate urban agriculture with a focus on increasing scale and uptake in the community
- 3.7 Investigate strategies and initiatives to improve biodiversity

The following actions are being undertaken in 2018/19 to work toward achieving Council's strategic objective of A sustainable Yarra.

Action Progress Summary

-  At least 90% of action target achieved
 -  Between 75 and 90% of action target achieved
 -  Less than 75% of action target achieved
 -  Not Started
 -  Completed
- Target
■ % Complete

Action	Start Date / End Date			
3.01 Develop Biodiversity Strategy	01/07/18 30/06/19			
3.02 Reduce energy use and emissions	01/07/18 30/06/19			
3.03 Re-use, Reduce, Recycle, Recover	01/07/18 30/06/19			
3.04 Trial Food and Green Organics Waste service	01/07/18 30/06/19			
3.05 Embedding Green Infrastructure project	01/07/18 30/06/19			
3.06 Develop Climate Emergency Plan	01/07/18 30/06/19			
3.07 Investigate urban agriculture and community garden opportunities	01/07/18 30/06/19			
3.08 Integrate climate adaptation principles and environmental and sustainability policies and strategies	01/07/18 30/06/19			

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3.01 Develop Biodiversity Strategy

Council Plan Initiative:

Develop and adopt a Biodiversity Strategy. Utilise findings contained in the biodiversity health survey to inform future planning across the City

Over the past year, a biodiversity study was undertaken in the City of Yarra. Council will draw on the research completed as part of the Biodiversity Health Survey to inform a city-wide strategy that will help in preserving and enhancing biodiversity values on public land in the municipality.



Branch *City Works*

Quarterly Milestones

- September** Q1. Complete consultation on the draft Biodiversity Strategy
- December** Q2. Present report to Council on draft Biodiversity Strategy seeking endorsement
- March** Q3. Develop implementation Action Plan (if strategy is endorsed by Council)
- June** Q4. Commence implementation of Action Plan

Quarterly Progress Although the project has not met the Milestones as outlined in the Annual Plan, solid progress has been made on the draft Biodiversity Strategy. Internal staff and external expert consultations are complete.

Comments The Draft Strategy is being prepared currently and is proposed to be presented internally for comment and review in mid April 2019. After internal comments are considered the draft Strategy will be release for 8 weeks of public consultation. Public comments will be reviewed and where relevant included in a Draft Final Strategy that will be reviewed internally before being presented to Councillors for endorsement in June/July 2019.

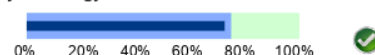
The Action Plan will form the delivery component of the Strategy.

3.02 Reduce energy use and emissions

Council Plan Initiative:

Continue to invest in initiatives to reduce energy use and emissions from Council operations

Over many years Council has endeavored to dramatically reduce its energy use and emissions. Previous programs have included the Energy Performance Contract and various capital works programs to install solar panels on many Council buildings. Council has participated in a tender process and is contracted for a new Victorian renewable energy supply to meet Council's energy needs, the project will commence delivery of energy in 2019.



Branch *Sustainability and Strategic Transport*

Quarterly Milestones

- September** Q1, Submit paperwork for certification of Council's Carbon Neutral Status
- December** Q2. Public report to Council with a prioritized list of building energy efficiency projects on council buildings
- March** Q3. Commence Melbourne Renewable Energy Project contract (start 1 January 2019)
- June** Q4. Present new Carbon Neutral Action Plan to Council for endorsement

Quarterly Progress Council has retained its Carbon Neutral certification for National Carbon Off-sets Standards, Council first achieved this 2012.

Comments The Melbourne Renewable Energy Project contract was commenced on 1 January 2019.

3.03 Re-use, Reduce, Recycle, Recover

Council Plan Initiative:

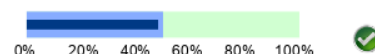
Reduce volume of kerbside waste collection per capita by behaviour change programs and increase of recycling

Develop and deliver education/engagement program to encourage residents to consume mindfully as an initiative to reduce the volumes of waste materials going to landfill.

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Branch *City Works*

Quarterly Milestones

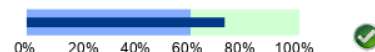
March	Amended by Council Resolution 19 February 2019 Q3. Develop a trial education/engagement program about the 4Rs (Re-use, Reduce, Recycle, Recover);
June	Amended by Council Resolution 19 February 2019 Q4. Deliver trial program to 500 households in Yarra
Quarterly Progress Comments	A range of project options are in the process of being scoped to for suitability, effectiveness, budget and resource requirements. Initial scoping has identified the potential requirements to conduct a research piece, which would inform the future education program development and implementation. Proposed project options were presented to Council in March.

3.04 Trial Food and Green Organics Waste service

Council Plan Initiative:

Investigate, implement and promote initiatives to divert organic waste from landfill

Yarra's Waste and Resource Recovery Strategy has identified the opportunity to potentially significantly reduce landfill costs by removing organic waste from the waste stream. Council has purchased the necessary infrastructure to develop and deliver a food and green waste service trial.



Branch *City Works*

Quarterly Milestones

September	Q1. Commence collection of food and green organics waste in selected trial areas
December	Q2. Evaluate trial program and brief Council on outcomes
March	Amended by Council Briefing 18 March and Council Resolution 14 May 2019 Q3. Develop plan for delivery of holistic waste system trial in selected areas
June	Amended following Council Briefing 18 March and Council Resolution 14 May 2019 Q4. Commence holistic waste system trial in selected areas.
Quarterly Progress Comments	In light of the changes to the waste/recycling industry in a Holistic Waste Systems A trial scope was approved by Executive in March 2019. The purpose of the trial is to test the best model for separate collection of glass, comingled and food/green from the household, the best education material required for satisfactory participation and low contamination, appropriate logistics required for modelling and processing and best market options for the end product.

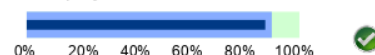
The new trial supports the change in milestones which will see the current Food Organic Green Organic trial area expanded to approximately 1000 households including both single and multi-unit development and the expansion of the trial to holistic system to include separation of glass in recycling and comingled organics.

3.05 Embedding Green Infrastructure project

Council Plan Initiative:

Improve integration across environmental and sustainability policies and strategies

The Embedding Green Infrastructure project aims to encourage greater use of Water Sensitive Urban Design and, increased tree and vegetation planting and improved irrigation design within existing Council works. Council will develop resources to support staff to apply the project design principles in capital works projects.



Branch *Sustainability and Strategic Transport*

Quarterly Milestones

September	Q1. Develop proposed tool for Embedding Green Infrastructure project Q1. Complete staff consultation (engagement and training)
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December	Q2. Progress Embedding Green Infrastructure project
June	Q4. Promote and share outcomes with other Councils (via council website)
Quarterly Progress	The Green Infrastructure project is progressing very well towards completion by end 2018/19. The staff consultation is complete and resulted in strong internal buy-in. The tool is complete and will be very useful for Yarra staff and those at other Councils.
Comments	

3.06 Develop Climate Emergency Plan

Council Plan Initiative:

Promote programs that monitor and reduce emissions across the municipality and strive to achieve carbon neutral status

Council will develop a Climate Action Plan (previously called Community Greenhouse Action Plan) (CAP) in partnership with the Yarra Energy Foundation (YEF) to work to reduce greenhouse emissions across the municipality.



Branch Sustainability and Strategic Transport

Quarterly Milestones

September	Q1. Commence development of CGAP in collaboration with YEF
December	Q2. Undertake community consultation on development of the CGAP
March	Deferred by Council Resolution 18 December 2018 Q3. Present draft CAP to Council for consideration Q3. Report to Councillors in March 2019 outlining timelines and next steps for development of Climate Emergency Plan (CEP).
June	Deferred by Council Resolution 18 December 2018 Q4. Present report to Council seeking endorsement of the CAP
Quarterly Progress	The development of the Community Greenhouse Action Plan with the Yarra Energy Foundation is underway. Community consultation has occurred and both parties are working to summarise outcomes and develop a draft for discussion.
Comments	

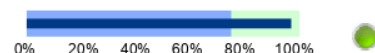
In December Council deferred the Quarter 3 and Quarter 4 milestones and elevated the future focus to the wide issue of Climate Emergency. Development of the Climate Emergency Plan and Actions is in progress.

3.07 Investigate urban agriculture and community garden opportunities

Council Plan Initiative:

Showcase urban agriculture and support community initiatives in sustainable practices

Investigate the potential for council to facilitate the public use of a privately owned site via a leasing arrangement. The council shall partner with community groups to develop a demonstration site for an urban food garden. Council will undertake community consultation on the potential for a community garden in Butler Street Park.



Branch City Works

Quarterly Milestones

September	Q1. Investigate lease options or other suitable mechanisms to support the use of private land for the purpose of urban agriculture and food gardens in Yarra
December	Q2. Develop a process to support the design and implementation of community gardens
March	Q3. Consult the community on the opportunity to create a community garden in Butler Street Park
June	Q4. Present a proposal to Council on the opportunity to create a community garden in Butler Street Park (subject to officer consultation and community feedback)
Quarterly Progress	Investigation was undertaken to develop private land for the purpose of urban agriculture and food garden however we were unable to come to an agreement with the land owner.
Comments	The process to support the design and implementation of community gardens is being informed by Officers

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work with the North Carlton Railway Neighbourhood House and gardening group on licence arrangements (including a service agreement with the Council). This will feed into a review of community gardens guidelines to be endorsed by Council in 2020/21.

Following further investigation of the site and internal consultation, it was determined that Butler Street Park would not be an appropriate location for a community garden.

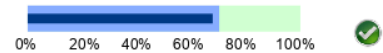
Officers are instead working closely with the North Carlton Railway Neighbourhood House and associated gardening subcommittee to develop a new community growing space on the bocce courts in Hardy Gallagher Reserve. Consultation of the design for the new Hardy Gallagher Community Growing Space in Princes Hill is programed to launch in early April.

3.08 Integrate climate adaptation principles and environmental and sustainability policies and strategies

Council Plan Initiative:

Embed adaptation sustainability across Council decision making processes.

Council has several environmental and sustainability policies. It has also developed a Climate Adaptation Guidance Tool and Training that can inform Council operations. These strategies and tools will be further embedded within the organisation.



Branch *CEO Office*

Quarterly Milestones

September	Q1. Develop a plan for how the organisation intends to embed the use of the Climate Adaptation Guidance Tool and Training in their operations in 2018/19 and beyond, and a plan for how strategies and policies to be developed in 2018/19 will integrate with environmental and sustainability policies and strategies
December	Deferred and amended by Council Resolution 18 December 2018 Q2. Receive reports from the organisation (particularly from relevant branches) outlining; the ways they have engaged the Climate Adaptation Guidance Tool and Training to-date, all strategies developed in 17/18 and how they integrated environmental and sustainability policies and strategies
June	Added by Council Resolution 18 December 2018 Q4. Council will receive in a report outlining the ways the organisation (and different departments) have engaged the Climate Adaptation Guidance Tool and Training to-date, and Council endorsed strategies developed and how they integrated sustainability (QBL). Deferred by Council Resolution 18 December 2018 Q4. Receive a further status report from the organisation.
Quarterly Progress Comments	in December 2018, Council endorsed the planned way forward to further embedded sustainability and adaptation into Council operations. Activities included converting the Adaptation training to the online system, establishing a new process for all strategies and policies to review against the QBL tool and report on sustainability integration actions, and to run Embedding sustainability training and engagement for senior staff. This will commence in 2019.

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4 . A liveable Yarra

a place where... Development and growth are managed to maintain and enhance the character and heritage of the city

With demand for inner city housing increasing, Council is mindful of the importance of balancing the needs of new and existing residents, and ensuring that development does not encroach on the amenity or heritage of our city.

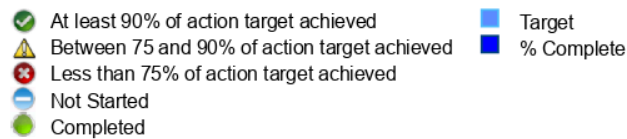
Strategies

Council's work to achieve this Strategic Objective includes the following strategies:

- 4.1 Protect Yarra's heritage and neighbourhood character
- 4.2 Actively plan for Yarra's projected growth and development and advocate for an increase in social and affordable housing
- 4.3 Plan, promote and provide built form, open space that is accessible to all ages and abilities
- 4.4 Protect Council assets through effective proactive construction management
- 4.5 Encourage and promote environmentally sustainable building, urban design, place-making and public realm outcomes
- 4.6 Provide direction and improve decision making on infrastructure projects through the application of the Strategic Community Infrastructure Framework
- 4.7 Encourage engagement with the community when developments are proposed

The following actions are being undertaken in 2018/19 to work toward achieving Council's strategic objective of A liveable Yarra.

Action Progress Summary



Action	Start Date / End Date	
4.01 Develop and implement Development Contributions Plan	01/07/18 30/06/19	
4.02 Negotiate Joint Use Agreement with Richmond High School	01/07/18 30/06/19	
4.03 Review and develop new Heritage Strategy	01/07/18 30/06/19	
4.04 Develop Social and Affordable Housing Strategy	01/07/18 30/06/19	
4.05 Yarra Planning Scheme	01/07/18 30/06/19	
4.06 Queens Parade Design and Development Overlay	01/07/18 30/06/19	
4.07 Heidelberg Road, Nicholson Street Bus Depot, Wellington Street built form analysis	01/07/18 30/06/19	
4.08 Major Activity Centres built form analysis	01/07/18 30/06/19	






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Action	Start Date / End Date							
4.09 Major Activity Centres structure planning	01/07/18 30/06/19		0%	20%	40%	60%	80%	100%
4.10 Strategies for the hospital and education precincts	01/07/18 30/06/19		0%	20%	40%	60%	80%	100%
4.11 Develop options to plan for and further enhance key community precincts	01/07/18 30/06/19		0%	20%	40%	60%	80%	100%
4.12 Planning for projected growth and housing	01/07/18 30/06/19		0%	20%	40%	60%	80%	100%
4.13 Alphington Paper Mill site redevelopment	01/07/18 30/06/19		0%	20%	40%	60%	80%	100%

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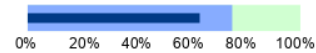
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4.01 Develop and implement Development Contributions Plan

Council Plan Initiative:

Progress a Planning Scheme amendment to implement a Development Contribution Plan

Council will prepare a Planning Scheme Amendment to implement a Development Contributions Plan (DCP) for submission to the Minister of Planning for approval. A DCP will be used to collect payments towards the provision of infrastructure triggered by new development. Contributions will assist with the cost of providing roads, drainage, open space and community infrastructure to respond to the needs of a growing population.



Branch Office of the Director Planning and Place Making

Quarterly Milestones

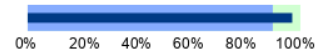
September	Q1. Prepare for Panel Hearing following exhibition (once authorisation to exhibit received)
December	Q2. Prepare for Panel Hearing of Amendment
March	Q3. Report to Council with Panel Report (if received)
June	Q4. Present final Development Contribution Plan to Council for adoption and forward to Minister for Planning requesting approval
Quarterly Progress	A Panel hearing was undertaken in February and a report is expect by mid-April.
Comments	Preliminary work on report to Council is being done, findings from the Panel report to be added. Scheduled to be presented to Council in May 2019.

4.02 Negotiate Joint Use Agreement with Richmond High School

Council Plan Initiative:

Campaign for appropriate joint use agreements for shared use community facilities as part of the Richmond High School project

Council will work with the Department of Education and Training to develop a Joint Use Agreement for community facilities as part of the Richmond High School project.



Branch Office of the Director City Works and Assets

Quarterly Milestones

September	Q1. Continue to engage with School Principal and Victorian School Building Authority about the scope and nature of the Joint Use Agreements, including which school facilities will be available for community use
December	Q2. Continue to engage with School Principal and Victorian School Building Authority regarding use of facilities in the precinct to determine the details of the Joint Use Agreements, including potential stakeholders and user groups for the school facilities
March	Q3. Finalise draft Joint Use Agreement with the School Principal
June	Q4. Seek signoff of Joint Use Agreement by all the relevant parties
Quarterly Progress	Officers have had ongoing conversations with the Principal Richmond High School, and both parties agree in principle to develop a Joint Use Agreement (JUA) to enable school use of Council and community facilities, and community use of school facilities. The Richmond High School Principal has indicated a preference to formalise a JUA in the latter part of 2019, once the operations and needs of the school are better understood. The Principal has also informed officers that the school facilities in Gleadell St are already being heavily utilised for both formal and informal community uses, and that the school will continue to support and facilitate this.
Comments	

On this basis, officers recommend Council note the change in timeframe and carry forward outstanding actions into 2019/20 for negotiation, drafting and reporting back to Council.

4.03 Review and develop new Heritage Strategy

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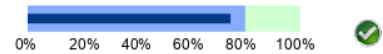
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The existing Heritage Strategy 2015-18 sunsets during the council term. Council will review and prepare a new Heritage Strategy and Action Plan which will commence in 2018.



Branch *CEO Office*

Quarterly Milestones

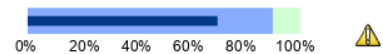
September	Q1. Appoint a consultant to prepare a new Heritage Strategy
	Q1. Complete the review of the current Heritage Strategy 2013-18
December	Q2. Initiate preparation of the draft Strategy
March	Q3. Complete an initial draft for public comment
June	Q4. Present report to Council on the outcome of the exhibition and adoption
	Q4. Exhibit draft Heritage Strategy
Quarterly Progress	A consultant has been appointed and preparation of the draft Strategy is underway. Initial draft will be completed by April 2019.
Comments	

4.04 Develop Social and Affordable Housing Strategy

Council Plan Initiative:

Advocate to federal and state governments through Yarra IMAP, MAV, ISMMF, VLGA on affordable and community housing.

Through Council Plans and other strategic documents, Council has expressed its commitment to maintain and support a socially, economically and culturally diverse community. This commitment is further evidenced by the financial support it has provided to the community housing sector, its resolute pursuit of affordable housing outcomes at major development sites and strategic advocacy to state and commonwealth governments. In 2018/19, a Policy Guidance Note will be published so that property development applicants, and other interested parties, can understand Council's expectations relating to affordable housing outcomes at significant redevelopment sites. A broader Social and Affordable Housing strategy, encompassing strategic directions for Council through its roles as a planning authority and community advocate, will be developed.



Branch *Social Policy and Research*

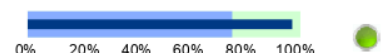
Quarterly Milestones

March	Q3. Present Social and Affordable Housing Strategy to Council seeking endorsement for public exhibition
June	Q4. Seek endorsement of Social and Affordable Housing Strategy
Quarterly Progress	The analysis of Housing Demand and Affordability in the City of Yarra, and Consulting October 2018 (including March 2019 updates on unmet housing need) has been completed.
Comments	There is a working draft of the strategy, including policy context, primary and secondary research, and (DRAFT) strategies. Internal stakeholder workshop scheduled for 10 April with key representatives from within the organisation.

Affordable Housing Industry workshop scheduled for 16 April, with representatives from community housing, property development, banking and finance and academic sectors participating in a facilitated session. The Social and Affordable Housing Strategy will be presented to Council in the next quarter.

4.05 Yarra Planning Scheme

Council is making revisions to the Municipal Strategic Statement and Local Planning Policies sections of the Yarra Planning Scheme to actively plan and manage projected growth and development in Yarra.



Branch *City Strategy*

Quarterly Milestones

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September	Q1. Brief Council on the proposed revisions to the Municipal Strategic Statement and amended Local Planning Policies to the Yarra Planning Scheme
December	Q2. Present draft revisions of the Municipal Strategic Statement and amended Local Planning Policies to the Yarra Planning Scheme to Council and recommend Council seeks 'authorisation' from the Minister for Planning to exhibit the revisions through an amendment to the Yarra Planning Scheme in accordance with the Planning and Environment Act 1987
March	Q3. Exhibit Planning Scheme Amendment (if 'authorisation' provided)
June	Q4. Review submissions and continue analysis
Quarterly Progress Comments	The planning scheme is now part of the Department of Environment Land Water and Planning translation project. In July 2018 the State Government gazetted VC148 which implemented changes to the Victoria Planning Provisions and planning schemes. This included the introduction of a new Planning Policy Framework (PPF) and Municipal Planning Strategy (MPS).

Council's are required to translate their previously drafted local planning policy to comply with the new framework. The basis of the new PPF integrates state, regional and local policy. This project is scheduled to be completed early 2019. A report will then go to Council to seek authorisation.

4.06 Queens Parade Design and Development Overlay

Council Plan Initiative:

Prepare a Planning Scheme amendment seeking permanent development and design overlay controls for Queens Parade North Fitzroy

Council will prepare and exhibit a new Design and Development Overlay for the Queens Parade area of Fitzroy North to introduce improved planning policy and guidance for the area within the Yarra Planning Scheme.



Branch City Strategy

Quarterly Milestones

September	Q1. Seek community and stakeholder input through exhibition of the planning scheme amendment (subject to Ministerial 'authorisation')
December	Q2. Brief Council on the progress of the amendment, including submissions from any exhibition of the amendment
March	Q3. Brief Council on submissions to the amendment, including recommendations post exhibition and referral to a Panel
June	Q4. Brief Council on the outcomes of any panel report received
Quarterly Progress Comments	Council report on submissions presented to Council in March 2019. Council report recommending referral to Panel programmed for May 2019.

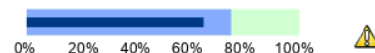
4.07 Heidelberg Road, Nicholson Street Bus Depot, Wellington Street built form analysis

Council Plan Initiative:

Develop planning controls for:

- Heidelberg Road, Alphington in conjunction with Darebin Council
- The Nicholson Street Bus Depot, North Fitzroy and
- Wellington Street, Collingwood

Undertake built form analysis for Heidelberg Road, Nicholson Street Bus Depot and Wellington Street to enable planning controls to be sought from the Minister for Planning in the Yarra Planning Scheme.



Branch City Strategy

Quarterly Milestones

December	Q2. Review current controls for Nicholson Street Bus Depot Q2. Progress discussions with Darebin on funding and preparation of draft planning controls for Heidelberg Road
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March	Q3. Brief Council on the review of current controls for Nicholson Street Bus Depot and discussions with Darebin Council on Heidelberg Road and progress of preparation of draft planning controls
June	Q4. Brief Council on the progress of preparation of draft planning controls
Quarterly Progress Comments	<p>A planning report that reviews the current controls for Nicholson St Bus Depot has been prepared and is proposed to be issued to Councillors inviting them to contact officers should they wish to discuss the report.</p> <p>Letters from Yarra's Mayor and CEO were sent to Darebin in March 2019 outlining that officers have found a common approach to preparation of the Heidelberg Road Local Area Plan draft that will help communicate general areas for improvement and ensure alignment between any future, detailed work undertaken by each municipality.</p>

4.08 Major Activity Centres built form analysis

Council Plan Initiative:

Prepare a built form analysis as part of the preparation of structure plans for major activity centres

Council will prepare a Built Form Analysis to inform Structure Plans for the Brunswick Street/Smith Street Major Activity Centres in Yarra and to support the future preparation of Design and Development Overlays in the Yarra Planning Scheme.



Branch City Strategy

Quarterly Milestones

September	Q1. Advance the Built Form Analysis for Brunswick/Smith Street Major Activity Centres
December	Q2. Advance the Built Form Analysis for Brunswick/Smith Street Major Activity Centres
March	Q3. Brief Council on Draft Built Form study and options for proposed Planning Scheme provisions for Brunswick and Smith Street Major Activity Centres
June	Q4. Finalise Built Form Planning Scheme Amendments for Brunswick and Smith Street Major Activity Centres and seek Council endorsement for progression
Quarterly Progress Comments	<p>The built form project work for the Johnston Street precinct is near completion. Built form project work for Smith and Brunswick Streets has commenced. Project work to be completed mid year with council considering Design and Development Overlays in September.</p>

4.09 Major Activity Centres structure planning

Council Plan Initiative:

Continue to develop structure plans for Yarra's major activity centres which build on the unique character of each precinct

Council will prepare Built Form Analysis and Structure Plans for Major Activity Centres in Yarra to support the future preparation of Design and Development Overlays in the Yarra Planning Scheme.



Branch City Strategy

Quarterly Milestones

September	Q1. Scope and progress structure plans that build on the Built Form Analysis for the Brunswick, Smith and Victoria Streets and Bridge Road Major Activity Centres
December	Q2. Brief Council on the progress of the structure plans preparations
March	Q3. Seek Council authority to exhibit the draft Victoria and Bridge Road Structure Plans for community and stakeholder comment
June	Q4. Complete exhibition of the draft Victoria and Bridge Road Structure Plans
Quarterly Progress Comments	<p>Project Plan is being prepared for Victoria Street/Bridge Road. Councillors have been briefed on structure plan processes and will be further briefed once the project plan is finalised.</p>

4.10 Strategies for the hospital and education precincts

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Council Plan Initiative:

Prepare strategies for the Epworth and St Vincent's hospital precincts and the Australian Catholic University education precinct identified in Plan Melbourne 2017-2050

Prepare strategies for the hospital and education precincts around St Vincent's and Epworth hospitals, and the Australian Catholic University.



Branch *City Strategy*

Quarterly Milestones

September	Q1. Hold further discussions with senior DELWP and VPA officers
December	Q2. Brief Councillors on progress of discussions
March	Q3. Scope issues and study areas for the hospital and education precincts including Australian Catholic University, around St Vincent's and Epworth Hospital, following discussions with the State Government and Victoria Planning Authority
June	Q4. Prepare briefs that address the issues identified in the scoping exercise for analysis to be undertaken
Quarterly Progress Comments	Discussions have occurred with the CEO of Victorian Planning Authority regarding involvement in a project and clarity around the Plan Melbourne directions for these precincts. No action has been initiated by VPA as yet.

4.11 Develop options to plan for and further enhance key community precincts

Determine a preferred outcome and approach to deliver maximum community benefit in the Collingwood Town Hall precinct (Vere Street and Sailors and Soldiers Buildings), and from the Fitzroy Town Hall precinct.

Yarra Council owns key sites within the Collingwood Town Hall (CTH) precinct which are identified within the CTH Urban Design Framework as development opportunities, and which present an opportunity to meet community needs.

The Fitzroy Town Hall precinct is home to the iconic Fitzroy Town Hall, and associated buildings. Whilst providing a range of highly valued and sought after spaces, the precinct is not meeting its potential in terms of amenity, access or utilisation.

This year, Council will consider the future of both precincts and the best way to maximise the opportunity each presents.



Branch *Office of the Director City Works and Assets*

Quarterly Milestones

September	Q1. Develop options for the process to consider the future of these precincts Q1. Report to Council on these options
December	Q2. Confirm a plan to progress options endorsed by Council, pending the outcomes of the report to Council
June	Q4. Report to Council on the status of planning for the respective precincts
Quarterly Progress Comments	Officers were awaiting the adoption of the Property Strategy to provide guidance, and now that the Property Strategy has been adopted by Council, this informs the approach to reporting to Council on these precincts. Following a Notice of Motion in October 2018, Council called for a formal public report on the property at 152 Hoddle St (Sailors and Soldiers building); this report was presented to Council in November, and resulted in a resolution to seek narrow scope Expressions of Interest (EOI) responses for refurbishment of the building and uses that provide support services and assistance to returned services veterans. Officers will present a proposed process and draft EOI criteria to Council in the first half of 2019.

A report outlining options for Fitzroy Town Hall is also intended to be presented to Council by June 2019.

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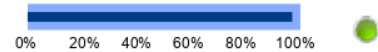
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4.12 Planning for projected growth and housing

Council Plan Initiative:

Prepare a Housing Strategy to manage residential growth

Council will prepare and exhibit a Housing Strategy to actively plan and manage projected growth and development in Yarra, including social and affordable housing.



Branch City Strategy

Quarterly Milestones

September Q1. Present report to Council seeking adoption of the Housing Strategy

Quarterly Progress Council adopted the Housing Strategy in September 2018.

Comments

4.13 Alphington Paper Mill site redevelopment

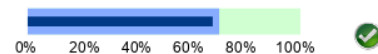
Council Plan Initiative:

Implement the 2016 approved development plan for the former Alphington Paper Mill (AMCOR)

The Alphington Paper Mill site is a 16.5 hectare parcel of land located on the corner of Heidelberg Road and the Chandler Highway and extending down to the Yarra River. The site is set to be developed into a major residential precinct with shops, offices, open spaces and community facilities.

On 2 December 2015, Yarra City Council unanimously approved the revised Development Plan for the Alphington Paper Mill subject to conditions including extra protections for the Yarra River frontage and the establishment of a community reference group.

This year Council will implement the Development Plan through statutory approval processes and infrastructure approvals.



Branch Office of the Director Planning and Place Making

Quarterly Milestones

September Q1. Continue to assess works and development application proposals against the approved Development Plan
Q1. Brief Council on proposed designs of the three open space areas in the redevelopment scheme

December Q2. Continue to assess works and development application proposals against the approved Development Plan

March Q3. Continue to assess works and development application proposals against the approved Development Plan

June Q4. Brief Councillors on options for use of the community facility space to be provided by Alpha Partners (proponent)

Q4. Continue to assess works and development application proposals against the approved Development Plan

Quarterly Progress There are three current large applications, these are:

Comments Application to amend planning permit which allows mixed use development comprising dwellings, supermarket, shops, food and drink premises, office (including medical centres), childcare centre, education centre (primary school) and community centre, reduction in the car parking requirements and creating access to Heidelberg Road.

Planning application for use and development of the land for a mixed use development containing 97 dwellings and 9 food and drinks premises with associated landscaping and reduction in the car parking.

Planning application for construction of 46 townhouses and a reduction in the car parking requirements.

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Reports are being prepared for consideration with respect to these applications.

Council and the Community Reference Group will be briefed on the proposed designs of the three open space areas once the final plans have been provided by the developer and considered by officers .

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5 . A prosperous Yarra

a place where...Local businesses prosper and creative and knowledge industries thrive

Yarra is a great place to do business and to work. Supporting local businesses and creative industries not only contributes to Yarra's economy, but also increases local employment opportunities, enhances street life and fosters community connectedness.








Strategies

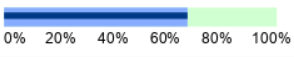
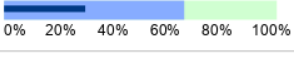
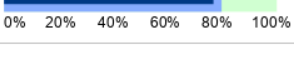


Council's work to achieve this Strategic Objective include the following strategies :

- 5.1 Maintain and strengthen the vibrancy and local identity of retail and commercial precincts
- 5.2 Strengthen and monitor land use change and economic growth including new and emerging economic clusters
- 5.3 Create local employment opportunities by providing targeted and relevant assistance to facilitate business growth, especially for small and medium size enterprises and entrepreneurs through the attraction and retention of businesses
- 5.4 Develop Innovative Smart City solutions in collaboration with government, industry and community that use technology to embrace a connected, informed and sustainable future
- 5.5 Facilitate and promote creative endeavour and opportunities for the community to participate in a broad range of arts and cultural activities
- 5.6 Attract and retain creative and knowledge industries in Yarra
- 5.7 Ensure libraries and neighbourhood houses support lifelong learning, wellbeing and social inclusion

The following actions are being undertaken in 2018/19 to work toward achieving Council's strategic objective of A prosperous Yarra.

Action Progress Summary

-  At least 90% of action target achieved
-  Between 75 and 90% of action target achieved
-  Less than 75% of action target achieved
-  Not Started
-  Completed
-  Target
-  % Complete

Action	Start Date / End Date	
5.01 Partnerships Program	01/07/18 30/06/19	
5.02 Develop shopping strip masterplans	01/07/18 30/06/19	
5.03 Shop improvement project	01/07/18 30/06/19	
5.04 Young Entrepreneurs program	01/07/18 30/06/19	
5.05 Neighbourhood Houses Partnership Strategy and Action Plan 2018-2021	01/07/18 30/06/19	

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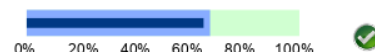
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5.01 Partnerships Program

Council Plan Initiative:

Identify opportunities to support retain and expand the arts sector as a viable and thriving industry in Yarra

The creative sector is important to Yarra socially, culturally and economically. Supporting this sector to flourish has many benefits to the City of Yarra, this includes providing financial support, skills development opportunities and facilitating other activities that promote sustainability.



Branch Arts, Culture and Venues

Quarterly Milestones

September	Q1. Identify and facilitate discreet projects in partnership within Council, such as Economic Development, Strategic Planning and external organisations, such as Melbourne Polytechnic, that provide employment, development and presentation opportunities to artists and creative organisations
March	Q3. Advocate for the consideration of the needs of the creative sector in the development of the new draft Yarra Planning Scheme
June	Q4. Develop strategic partnerships with key organisations such as the Contemporary Music Centre at Collingwood Arts Precinct, Visit Victoria, Australian Catholic University and Melbourne Polytechnic
Quarterly Progress Comments	Draft local planning policy has been prepared, which includes policy and discussion about the creative sector. The draft local policy is now part of a State Government translation project, to meet the new structure introduced by the Minister for Planning via VC148.

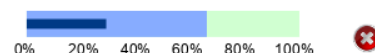
This project is due to be completed in mid 2019.

5.02 Develop shopping strip masterplans

Council Plan Initiative:

Undertake at least three streetscape masterplans for shopping strips based on Place Making principles

Masterplans for the main shopping centres are used to guide capital works proposals of Council and State agencies and to advocate for specific improvements. Preparation of Brunswick Street Streetscape Master Plan (BSSMP) and Swan Street Streetscape Masterplan (SSSMP), undertaking consultation and adoption of final masterplans by Council.



Branch City Strategy

Quarterly Milestones

September	Q1. Develop background report (SSSMP) Q1. Complete background report (BSSMP)
December	Q2. Prepare Draft Masterplan (BSSMP) Q2. Complete background report (SSSMP)
March	Q3. Complete Draft Masterplan including Council endorsement for consultation (BSSMP) Q3. Prepare Draft Masterplan (SSSMP)
June	Q4. Council consider final Masterplan (BSSMP) Q4. Complete Draft Masterplan including Council endorsement for consultation (SSSMP) Q4. Complete consultation (BSSMP)
Quarterly Progress Comments	Preparation of the background report and investigations for the Swan Street and Brunswick Street Streetscape master plans are in progress.

5.03 Shop improvement project

Council Plan Initiative:

Engage with local traders, leasing agents and property owners to strengthen the viability of Yarra's activity centres such as Bridge Road including the activation of empty spaces

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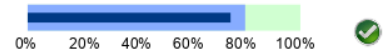
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Council is working to strengthen the viability of Yarra's retail and activity centres. This year officers will work with traders to encourage a refresh of shopfronts along Victoria Street and trial a vacant shopfront decal project on Bridge Road.



Branch *City Strategy*

Quarterly Milestones

- September** Q1. Work with a sample of traders on shopfront presentations and roller shutter improvements.
- December** Q2. Work with Bridge Road Main Street Incorporated and leasing agents, to seek the occupation of vacant shops along Bridge Road
Q2. Evaluate the Victoria Street shopfront refresh project and the Bridge Road vacant shopfront decal project
- March** Q3. Roll out year two of the Victoria Street shopfront refresh project
- June** Q4. Evaluate the success of the Victoria Street shopfront refresh and the Bridge Road vacant shopfront decal programs

Quarterly Progress Year two of the Victoria Street shopfront refresh project has been completed.

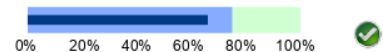
Comments

5.04 Young Entrepreneurs program

Council Plan Initiative:

Promote local employment and facilitate initiatives to assist small business to enter the local market

Economic Development and Youth Services in partnership with Moreland City Council will deliver the Young Entrepreneurs in the North (YEN) Program. The YEN aims to provide specifically designed training, skills, resources and support to committed young people aged 17–25 to establish and operate sustainable small businesses and social enterprises.



Branch *City Strategy*

Quarterly Milestones

- September** Q1. Deliver workshop for 2018 YEN program
- December** Q2. Review and evaluate 2018 YEN program
- March** Q3. Promote and recruit for 2019 YEN program
- June** Q4. Deliver workshop for 2019 YEN program

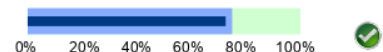
Quarterly Progress Economic Development plans to work closely with Yarra Youth Services to assist with the recruitment and promotion of the YEN program, however due to negotiation delays with the consultant this has been deferred to Quarter 4.

Comments

5.05 Neighbourhood Houses Partnership Strategy and Action Plan 2018-2021

Council Plan Initiative:

Run targeted events and programs promoting health, life-skills and life-issues and showcase their choirs and other creative talents.



Branch *People, Culture and Community*

Quarterly Milestones

- September** Q1. Deliver and report on Neighbourhood House community event
- December** Q2. Deliver and report via the Annual Plan Progress Report on sustainability projects undertaken by the Neighbourhood Houses.
- March** Q3. Deliver and report via the Annual Plan Progress Report on projects and events that celebrate diversity and inclusiveness
- June**

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Q4. Deliver and report via the Annual Plan Progress Report on projects that build community capacity and leadership

Quarterly Progress Comments	Several Houses celebrated cultural diversity and inclusiveness by running community festivals eg, Chinese New year Celebrations, Bridges 2 Harmony, Harvest Festival, Taste of Harmony, Sustainable Living Festival and Movies in the Park, Alphington Community Show.
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6 . A connected Yarra

a place where...Connectivity and travel options are environmentally sustainable, integrated and well-designed

Council is committed to creating a city that is accessible to all irrespective of levels of personal mobility, to support a fulfilling life without the need for a car.

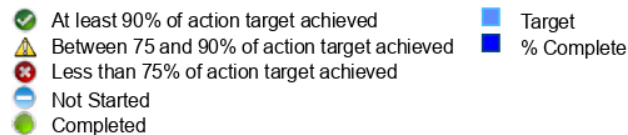
Strategies

Council's work to achieve this Strategic Objective includes the following strategies:

- 6.1 Manage traffic movement and promote road safety within local roads
- 6.2 Work in partnership with Vicroads and influence traffic management and road safety on main roads
- 6.3 Investigate and implement effective parking management options
- 6.4 Improve accessibility to public transport for people with mobility needs and older people
- 6.5 Develop and promote pedestrian and bicycle infrastructure that encourages alternate modes of transport, improves safety and connectedness
- 6.6 Advocate for increased infrastructure and performance of public transport across Melbourne

The following actions are being undertaken in 2018/19 to work toward achieving Council's strategic objective of A connected Yarra.

Action Progress Summary



Action	Start Date / End Date			
6.01 Low speed environments and community education	01/07/18 30/06/19	<div><div></div></div>	<div><div></div></div>	✓
6.02 Advocate for Disability Discrimination Act compliant tram stops	01/07/18 30/06/19	<div><div></div></div>	<div><div></div></div>	✓
6.03 Advocate for improved tram stops near key school sites	01/07/18 30/06/19	<div><div></div></div>	<div><div></div></div>	✓
6.04 Advocate for improved public and strategic transport	01/07/18 30/06/19	<div><div></div></div>	<div><div></div></div>	✓
6.05 Undertake Bridge Road parking trial	01/07/18 30/06/19	<div><div></div></div>	<div><div></div></div>	✓
6.06 Progress Wellington Street Bike Lane (Stage 2)	01/07/18 30/06/19	<div><div></div></div>	<div><div></div></div>	✓

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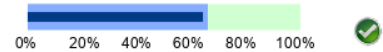
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6.01 Low speed environments and community education

Council Plan Initiative:

Continue to provide low speed environments and community education for pedestrians, cyclists, motor-cyclists and vehicle drivers and passengers

Undertake a trial of 30km/h speed limits in the Fitzroy and Collingwood precinct.



Branch Traffic and Civil Engineering

Quarterly Milestones

September Q1. Commence 30km/h trial

March Q3. Review 30km/h trial data

June Q4. Provide trial data to Council in order to consider any further action

Quarterly Progress Comments The 30km/h trial started in late September and will run for 12 months in the neighbourhood streets bordered by Alexandra Parade, Johnston Street, Hoddle Street and Nicholson Street. Traffic counts were undertaken in February 2019 and the results reviewed.

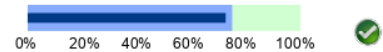
6.02 Advocate for Disability Discrimination Act compliant tram stops

Council Plan Initiative:

Continue to facilitate the upgrade of local tram stops to comply with the Disability Discrimination Act to support both access and viability of activity centres

Advocate to the state government for improved accessibility to public transport services

Public transport in the City of Yarra needs to be made more accessible for people with disability and to comply with the provisions of the Commonwealth Government's Disability Discrimination Act (1992) (DDA) and the Disability Standards for Accessible Public Transport (2002). Accessibility is at the forefront of ensuring independence and engagement for people 50+ and people with disability in our municipality. Council will focus on DDA compliant tram stops at Swan Street Punt Road as part of the Streamlining Hoddle Street project and Brunswick Street and Nicholson Street (Route 96).



Branch Sustainability and Strategic Transport

Quarterly Milestones

September Q1. Commence design work for complementary works associated with Route 96 tram upgrade, following receipt of partial funding by Public Transport Victoria (PTV)

December Q2. Facilitate PTV progression of program for installation of remaining platform stops on Route 96

March Q3. Advocate for PTV to program upgrade of remaining Bridge Road tram stops

June Q4. Commence complementary capital works associated with Route 96 tram stops upgrade

Quarterly Progress Comments Advocacy is on-going for Public Transport Victoria to program upgrade of remaining Bridge Road tram stops.

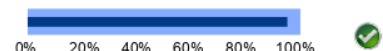
6.03 Advocate for improved tram stops near key school sites

Council Plan Initiative:

Monitor and manage traffic, road safety and parking and advocate to the State Government for improvement to tram stops and pedestrian safety measures around schools such as the Richmond High School development

Advocate to the state government for improved accessibility to public transport services

With the opening of a new high school in Richmond, it is important to ensure that students are able to access safe and sustainable transport options as part of their independent trips. Existing schools also attract students from wider Melbourne and provision of improved tram stops assists in improving safety around schools.



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Branch Sustainability and Strategic Transport

Quarterly Milestones

September	Q1. Complete initial travel behaviour engagement with Richmond High School
December	Q2. Deliver new pedestrian crossing on Gleadell Street beside Richmond High School
March	Q3. Continue to advocate for State to program upgrade of Bridge Road Richmond Town Hall tram stop
Quarterly Progress	The upgrade of the Bridge Road Richmond Town Hall tram stop resulted in it being widened but not DDA compliant. Officers are working with Yarra trams to advocate to Public Transport Victoria for a full compliant upgrade.
Comments	

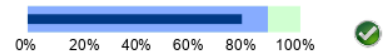
6.04 Advocate for improved public and strategic transport

Council Plan Initiatives:

Advocate to the state government for improved public transport services to meet population growth including Chandler Highway north-south bus route, Doncaster Rail, Hoddle Street Study, Airport Rail and Alexandra Parade

Advocate for the trial of an electric bus scheme

Much of Melbourne's transport network is under the authority of VicRoads rather than local government. Major state funded road infrastructure projects can also improve public transport service and reliability for the tram and bus network. To achieve an electric bus trial it is necessary to engage with bus service contractors and advocate to the State Government to implement a trial of the vehicles. Advocacy before as well as during development of these major projects can greatly improve the transport outcomes of the projects.



Branch Sustainability and Strategic Transport

Quarterly Milestones

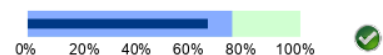
September	Q1. Advocate for provision of high quality Disability Discrimination Act compliant bus stop at Chandler Highway to be included in scope of North East Link Doncaster busway. Q1. Advocate for retention of train capability along Eastern Freeway reservation as part of North East Link Authority project Q1. Write to bus operators seeking status of any plans to implement electric buses in their operations
December	Q2. Engage with VicRoads to discuss expected project outcomes at Swan Street/Brunton Avenue and brief Councillors Q2. Continue advocacy and brief Councillors on North East Link Authority Project
March	Q3. Write to the Department of Transport to formally request a budget bid is submitted for a new bus route on Chandler Highway Q3. Advocate for improved bus service across the Chandler Highway (Burnley Station to La Trobe University route)
June	Q4. Advocate for progression of PTV planning for tram stop upgrades for Routes 86 and 11
Quarterly Progress	State Government is fully aware of Yarra City Council's desire for a better bus service. It will not be progressed until the Chandler Highway bridge upgrade has been completed.
Comments	

6.05 Undertake Bridge Road parking trial

Council Plan Initiative:

Continue to utilise data, technology and community consultation in considering the appropriate management of parking

Council will complete a parking trial and management strategy for Bridge Road to be used as a model for other precincts. The trial will include the installation of in ground sensors to allow for detailed data collection and analysis that could lead to a review parking restrictions and/or the fee charged for parking.



Branch Compliance and Parking Services

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Quarterly Milestones

September Q1. Finalise project timelines and model for trial

December Q2. First quarter review of trial data

March Q3. Second quarterly review and report to Council

June Q4. Third quarterly review of trial data

Quarterly Progress The interim report for Council is being prepared but the data will not be available until after the end of March, the report along with data is scheduled for Council briefing at the end of April.

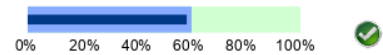
Comments

6.06 Progress Wellington Street Bike Lane (Stage 2)

Council Plan Initiative:

Complete construction of the Wellington Street Bike (Copenhagen style) Lane to Johnston Street

Wellington Street Bicycle Lane (Stage 1) involved the construction of a fully separated bicycle lane on both sides of the road from Victoria Parade to Gipps Street and was completed in 2015. The original concept for project extended the bicycle lane to Johnston Street; resulting in 1km of fully separated bicycle infrastructure. This project will complete the second stage of the original concept.



Branch Sustainability and Strategic Transport

Quarterly Milestones

September Q1. Process planning application

March Q3. Retender contract for construction of Wellington Street bicycle lane

Q3. Obtain planning permit for construction of remaining Wellington Street bicycle lane (if application approved)

June Q4. Seek Council approval of tender

Q4. Commence construction of Wellington Street bicycle lane (if tender approved)

Quarterly Progress A permit has been obtained and the tender process is complete and has been approved by Council. Works will commence by May and take approximately four months to complete.

Comments

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7 . A leading Yarra

a place where...Transparency, performance and community participation drive the way we operate

Council is committed to change through an energised, cohesive team of professionals, recognised for our leadership, innovation and service.

Strategies

Council's work to achieve this Strategic Objective includes the following strategies:

- 7.1 Ensure Council's assets and financial resources are managed responsibly to deliver financial sustainability
- 7.2 Continue to develop a culture of continuous improvement and innovation
- 7.3 Maintain a culture of transparency, governance, ethical practice and management of risks that instils a high level of community respect and confidence in Council decision-making
- 7.4 Ensure Council services are efficient, well-planned, accessible and meet community needs
- 7.5 Provide the community with meaningful and genuine opportunities to contribute to and participate in Council planning and decision making processes with a focus on young people, hard to reach and traditionally underrepresented communities
- 7.6 Enable greater transparency and access to the conduct of Council Meetings
- 7.7 Develop innovative Smart City solutions in collaboration with Government, Industry and Community which will use open data technology
- 7.8 Continue a 'customer centric' approach to all service planning and delivery
- 7.9 Advocate for the best interests of our community

The following actions are being undertaken in 2018/19 to work toward achieving Council's strategic objective of A leading Yarra.

Action Progress Summary

- ✓ At least 90% of action target achieved
 - ⚠ Between 75 and 90% of action target achieved
 - ✗ Less than 75% of action target achieved
 - 🔄 Not Started
 - 🟢 Completed
- Target
■ % Complete

Action	Start Date / End Date			
7.01 Engage young people	01/07/18 30/06/19		0% 20% 40% 60% 80% 100%	✓
7.02 Business Improvement	01/07/18 30/06/19		0% 20% 40% 60% 80% 100%	✓
7.03 Focus on customer responsiveness	01/07/18 30/06/19		0% 20% 40% 60% 80% 100%	✓
7.04 Develop Open Data Project	01/07/18 30/06/19		0% 20% 40% 60% 80% 100%	✓

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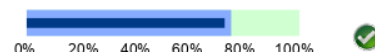
2018/19 Annual Plan Quarterly Progress Report - March

7.01 Engage young people

Council Plan Initiative:

Promote programs to educate and encourage young people in decision making and participation in their local community

Communications and engagement projects will be designed to maximise involvement of young people, in partnership with Yarra Youth Services.



Branch Family, Youth and Children's Services

Quarterly Milestones

September	Q1. Continue to deliver and develop the Youth Peer Leader and Youth Ambassadors Programs and Youth Advisory Committee
December	Q2. Develop a media project to engage young people in discussing issues and decision making in their local communities
March	Q3. Continue to deliver and develop civic participation activities including the Youth Peer Leader and Youth Ambassadors Programs and Youth Advisory Committee and other appropriate activities for young people
June	Q4. Improve engagement of young people in the Council annual budget process
Quarterly Progress Comments	The Youth Peer Leader developed and delivered a Sports Day event in Fitzroy (January 2019) that had almost 100 young people participating. As well as this event, the role continues to inform youth engagement practice within Yarra Youth Services (YYS).

Youth Ambassadors continue to meet weekly at the Youth Centre, and are planning an event as part of Victorian Youth Week in April 2019.

The Youth Advisory Committee (YAC) is currently under review, as the current two-year term finished in February 2019. YYS staff, young people and Councillors representing the YAC met late-March 2019, and are developing plan for the next iteration of the YAC.

7.02 Business Improvement

Council Plan Initiatives:

Continue to train staff in the application of appropriate continuous improvement methodologies

Continue to implement the service review program

Executive endorsed the Business Improvement Framework in 2017/18. Framework identifies the operating context, goals, key activities, outputs and outcomes to be delivered. Building on the work in recent years for Branch Service Plans and Service Reviews, it incorporates a stronger and more consistent approach to continuous quality improvement.

Implementation of the framework and staff training in continuous improvement methodologies will ensure that Yarra's business improvement priorities are driven by a stronger customer-focussed approach in a financially sustainable way.



Branch Corporate Planning and Performance

Quarterly Milestones

September	Q1. Endorse 2018/19 work program for improvement projects
	Q1. Develop staff training program for improvement methodologies
December	Q2. Implement Improvement Projects in accordance with agreed priorities
	Q2. Implement training program for improvement methodologies
March	Q3. Implement Improvement Projects in accordance with agreed priorities
June	Q4. Implement Improvement Projects in accordance with agreed priorities
	Q4. Review training program for improvement methodologies

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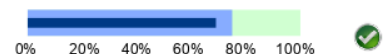
Quarterly Progress	The following activities and projects were carried out by the Business Improvement Unit in Q3:
Comments	<p>Staff Training The Business Improvement Unit (BIU) is co-ordinating advanced training in business improvement methods. This has involved - 3 staff commenced Green Belt certification in Lean Six Sigma 7 staff commenced Lean Practitioner training 5 staff consulted BIU to discuss future training needs</p> <p>Process Mapping The BIU has carried out process mapping across the following areas - Mapped HR Processes for People & Culture Mapped multiple processes across 2 Divisions for the Complaints, Infringements & Prosecutions Project Revenue Services & Claims Management are working with BIU to map processes</p> <p>Improvement Projects The BIU was involved in the following projects as either Project Lead or in a project support role: Reportable Conduct Process and Child Safety Reporting Process - The child safe reporting process has been updated to better reflect the steps required when staff have a concern about a child. The updated flowchart is designed to provide support to staff in managing incidents of child safety.</p> <p>Complaints, Infringements and Prosecutions Project (Compliance and Construction Branches) - The complaints, infringements and prosecutions processes vary between the Construction Management and Compliance Branches. The aim of this project is to streamline processes to reduce variation and to ensure consistency thereby resulting in better outcomes for the community.</p> <p>Member of Project Team for Better Approvals - The aim of the Better Approvals Project is to reduce the regulatory burden to make it easier to open or expand small business by streamlining the permit approval process. The project was funded through the Dept of Jobs, Precincts and Regions. A "showcase" of the project was presented to Executive and internal stakeholders on Wednesday 13th March and was extremely well received.</p> <p>Analysis of Reception Data for Customer Service - The BIU has analysed data for all reception points of Access Yarra. This analysis will help to build understanding of customer needs and to identify opportunities for improved customer experiences.</p>

7.03 Focus on customer responsiveness

Council Plan Initiative:

Continue to implement strategies that enhance customer and community experience with Council across services

Council's customer responsiveness is focused on providing exceptional customer service, delivering seamless experiences and resolving enquiries at the first point of contact.



Branch *Customer Service*

Quarterly Milestones

September	Q1. Implement a reporting framework for customer feedback and complaints
December	Q2. Utilise Customer Experience group to drive and develop customer personas
March	Q3. Develop customer journey maps for high volume/high impact requests
June	Q4. Develop Customer Experience Strategy
Quarterly Progress	Specialist training in journey mapping identified and procured. Implementation of specialist training targeted to take place in April.
Comments	Consultant's brief developed for Customer Experience Strategy and is in procurement phase.

7.04 Develop Open Data Project

Council Plan initiative:

Establish the digital direction for the next 10 years with actions aimed to support customer experience, economic

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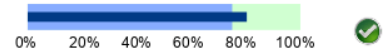
Attachment 3 - 2018/19 Annual Plan Progress Report - March

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competitiveness, accelerate innovation and deepen engagement with the community to transition Yarra into a nationally recognized digital economy

Council has an Open Data Policy that aims to foster greater transparency, responsiveness and accountability, to drive innovation and economic opportunities within the City of Yarra. The Open Data Project includes the delivery of a data audit, organisational engagement to identify and synthesis data, establishment of a data registry, development of internal skill and capability and increased rigor around data governance. And aims to empower and help shape Yarra in the future.



Branch *Information Services*

Quarterly Milestones

September Q1. Finalise Data Governance Steering Group Terms of Reference, establish group

December Q2. Explore opportunity to establish Data Asset Register in Asset Management System

March Q3. Commence Data Audit Program

June Q4. Complete Data Audit Program

Quarterly Progress The Data Audit Program is now complete with all council data captured. A final report and recommendation will be presented to the Executive team in May.

Comments

11.4 Appointment of Councillor to Council Committees

Trim Record Number: D19/75070

Responsible Officer: Group Manager Chief Executive's Office

Purpose

1. To appoint newly elected Cr Bridgid O'Brien to the casual vacancies on a number of Council Committees, triggered by the resignation of former Councillor Mike McEvoy.

Background

2. Following his resignation, Mr McEvoy's final day as a Councillor was Friday 5 April 2019. His resignation created a casual vacancy on Council which, following a formal electoral Count-back conducted by the Victorian Electoral Commission on 8 May 2019, was filled by Cr Bridgid O'Brien.
3. At his resignation, Mr McEvoy was a member of one Special Committee, a number of Advisory Committees and was appointed to two external organisations as Council's delegate (one of which was as a substitute).
4. It is now necessary to forthwith appoint Cr O'Brien to two Committees, namely:
 - (a) The Internal Development Approvals Committee (a Special Committee):
 - (i) The Internal Development Approvals Committee has the power to consider planning applications which require formal consideration (and an opportunity for community consultation) but do not require referral to the Council; consider planning applications where there is substantial non-compliance with Council policy and guidelines or involve planning applications which are subject to more than five objections; and determine on town planning applications received pursuant to the provisions of the Planning and Environment Act 1987; and
 - (ii) All Councillors are appointed to the Internal Development Approval Committee, with membership for each meeting comprising three Councillors as rostered. In order to maintain this arrangement, a resolution to appoint Cr O'Brien to the committee is thus required; and
 - (b) Performance Review Subcommittee (an Advisory Committee):
 - (i) The role of the Committee is to oversee the performance management process for the Chief Executive Officer and to present a report to Council to enable it to satisfy its obligation to conduct an annual review of the performance of its Chief Executive Officer in accordance with section 97A(1) of the Local Government Act 1989; and
 - (ii) All Councillors are appointed to the Performance Review Subcommittee. In order to maintain this arrangement, a resolution to appoint Cr O'Brien to the committee is thus required.
5. A separate report will be presented to Council at a later date, to consider and address necessary appointments to the other Advisory Committees and other Bodies.

External Consultation

6. No consultation was required concerning appointment to the two referenced Committees.

Internal Consultation (One Yarra)

7. No consultation was required concerning appointment to the two referenced Committees.

Financial Implications

8. There are no financial implications arising from this report.

Economic Implications

9. There are no economic implications arising from this report.

Sustainability Implications

10. There are no sustainability implications arising from this report.

Social Implications

11. There are no social implications arising from this report.

Human Rights Implications

12. There are no human rights implications arising from this report.

Communications with CALD Communities Implications

13. No consultation was required concerning appointment to the two referenced Committees.

Council Plan, Strategy and Policy Implications

14. The effective operation of advisory committees supports Council's processes, in providing advice and assistance in the development of the Council Plan, Strategies and Policies.

Legal Implications

15. The appointment of members to Council Committees is a matter for Council however it is necessary for appointments to be formalised by resolution.

Other Issues

16. There are no other issues arising from this report.

Options

17. There are no options in relation to this matter.

Conclusion

18. That Council appoint Cr O'Brien to each of:
- (a) the Internal Development Approvals Committee (a Special Committee); and
 - (b) the Performance Review Subcommittee (an Advisory Committee).
19. A further report will be presented to Council at a later date, to consider and address the appointments to the other Advisory Committees and other Bodies.

RECOMMENDATION

1. That Council appoint Cr Bridgid O'Brien to the following committees for the remainder of the 2018/2019 Council year:
- (a) the Internal Development Approvals Committee; and
 - (b) the Performance Review Subcommittee.

CONTACT OFFICER: Rhys Thomas
TITLE: Senior Governance Advisor
TEL: 9205 5302

Attachments

There are no attachments for this report.

12.1 Notice of Motion No. 7 of 2019 - Ongoing Support for the MSIF in North Richmond

Trim Record Number: D19/75248

Responsible Officer: Group Manager Chief Executive's Office

I, Councillor Amanda Stone, hereby give notice that it is my intention to move the following motion at the Ordinary Meeting of Council to be held on 14 May 2019:

“That Yarra City Council:

- (a) states its continued, ongoing support for the MSIF in North Richmond and notes that since the facility opening in 2018:*
 - (i) there have been no overdose deaths reported at the centre;*
 - (ii) demand often exceeds available space indicating large unmet need for the service; and*
 - (iii) despite early successes of the centre, its overall effectiveness will be assessed over a two year trial period;*
- (b) also acknowledges:*
 - (i) the ongoing reported incidences of public dealing and injecting with some reports that it has increased;*
 - (ii) the ongoing street based dealing and small scale local crime with minimal visible police enforcement action being taken;*
 - (iii) the amenity impacts of people gathering in and around North Richmond and Abbotsford – increasingly from outside Yarra and which are significant on local residents and businesses, ongoing and largely experienced as negative;*
 - (iv) that there is no clear forum for residents and businesses to share these experiences and observations or to receive information about actions being taken to address them;*
 - (v) the role of Council in maintaining a safe and clean public space and the increased investment of resources required to provide this; and*
 - (vi) the primary role of the State Government in addressing the behavioural, health and legal issues surrounding the MSIF;*
- (c) now call on the State Government to establish an independently chaired Taskforce, comprising representatives from local residents, businesses, Yarra City Council, Yarra Drug and Health Forum, Department of Health and Human Services, Victoria Police, the MSIF and the office of the Member for Richmond, to provide a forum for local concerns to be raised, information to be shared and where possible solutions formulated;*
- (d) propose that the Issues this Taskforce considers should include:*
 - (i) the measurable changes in community amenity since the opening of the MSIF;*
 - (ii) possible reasons for these changes;*
 - (iii) the extent and nature of the impact on local residents and businesses;*
 - (iv) the viability of a shopfront drop-in service in Victoria Street to support residents, gather and provide information, and report back to the taskforce, as proposed by Residents for Victoria Street Drug Solutions;*
 - (v) an efficient means of residents and businesses reporting their observations of illegal behaviour; and*

- (vi) *other measures to address these issues as suggested by community members through various other forums; and*
- (e) *request that the Taskforce should:*
 - (i) *report regularly to the community on the issues being raised and approaches to addressing them; and*
 - (ii) *continue until the community representatives consider it is no longer needed.”*

RECOMMENDATION

1. That Yarra City Council:

- (a) states its continued, ongoing support for the MSIF in North Richmond and notes that since the facility opening in 2018:
 - (i) there have been no overdose deaths reported at the centre;
 - (ii) demand often exceeds available space indicating large unmet need for the service; and
 - (iii) despite early successes of the centre, its overall effectiveness will be assessed over a two year trial period;
- (b) also acknowledges:
 - (i) the ongoing reported incidences of public dealing and injecting with some reports that it has increased;
 - (ii) the ongoing street based dealing and small scale local crime with minimal visible police enforcement action being taken;
 - (iii) the amenity impacts of people gathering in and around North Richmond and Abbotsford – increasingly from outside Yarra and which are significant on local residents and businesses, ongoing and largely experienced as negative;
 - (iv) that there is no clear forum for residents and businesses to share these experiences and observations or to receive information about actions being taken to address them;
 - (v) the role of Council in maintaining a safe and clean public space and the increased investment of resources required to provide this; and
 - (vi) the primary role of the State Government in addressing the behavioural, health and legal issues surrounding the MSIF;
- (c) now call on the State Government to establish an independently chaired Taskforce, comprising representatives from local residents, businesses, Yarra City Council, Yarra Drug and Health Forum, Department of Health and Human Services, Victoria Police, the MSIF and the office of the Member for Richmond, to provide a forum for local concerns to be raised, information to be shared and where possible solutions formulated;
- (d) propose that the Issues this Taskforce considers should include:
 - (i) the measurable changes in community amenity since the opening of the MSIF;
 - (ii) possible reasons for these changes;
 - (iii) the extent and nature of the impact on local residents and businesses;
 - (iv) the viability of a shopfront drop-in service in Victoria Street to support residents, gather and provide information, and report back to the taskforce, as proposed by Residents for Victoria Street Drug Solutions;

- (v) an efficient means of residents and businesses reporting their observations of illegal behaviour; and
- (vi) other measures to address these issues as suggested by community members through various other forums; and
- (e) request that the Taskforce should:
 - (i) report regularly to the community on the issues being raised and approaches to addressing them; and
 - (ii) continue until the community representatives consider it is no longer needed.

Attachments

There are no attachments for this report.