



# Ordinary Meeting of Council Agenda

**to be held on Tuesday 3 March 2020 at 7.00pm  
Fitzroy 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**

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Meeting recordings can be viewed at <http://webcast.yarracity.vic.gov.au>.

**[www.yarracity.vic.gov.au](http://www.yarracity.vic.gov.au)**

## **Order of business**

- 1. Statement of recognition of Wurundjeri Woi-wurrung 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. Delegates' reports**
- 9. General business**
- 10. Questions without notice**
- 11. Council business reports**
- 12. Notices of motion**
- 13. Urgent business**

## 1. Acknowledgment of Country

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

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

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

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

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

## 2. Attendance, apologies and requests for leave of absence

Anticipated attendees:

### Councillors

- Cr Mi-Lin Chen Yi Mei (Deputy Mayor)
- Cr Danae Bosler
- 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)
- Bruce Phillips (Director Planning and Place Making)
- Rhys Thomas (Senior Governance Advisor)

### On leave of absence

- Cr Misha Coleman (Mayor)

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

## 4. Confidential business reports

Nil

## **5. Confirmation of minutes**

### **RECOMMENDATION**

That the minutes of the Ordinary Council Meeting held on Tuesday 18 February 2020 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 Mayor to ask your question, please come forward, take a seat at the microphone, state your name clearly for the record and:

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

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

## **8. Delegate's reports**

## **9. General business**

## **10. Questions without notice**



## 11. Council business reports

Item		Page	Rec. Page	Report Presenter
11.1	Amendment C223 - Planning Controls for 81-95 Burnley Street and 26 Doonside Street Richmond - Consideration of Submissions	6	25	Fiona Van der Hoeven – Assistant Manager City Strategy
11.2	Draft Yarra LGBTIQ+ Strategy	102	106	Sarah Jaggard – Community Advocacy Team Leader
11.3	Walmer Street Bridge - Advocacy Update and Nomination to the Victorian Heritage Register	138	142	Bruce Phillips – Director Planning and Place Making
11.4	Annual update on the Yarra Housing Strategy	143	148	Fiona Van der Hoeven – Assistant Manager City Strategy
11.5	Road Management Plan Amendment	152	158	Peter Moran – Manager Traffic and Civil Engineering

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 Mayor to make your submission, please come forward, take a seat at the microphone, state your name clearly for the record and:

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

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

## 12. Notices of motion

Nil

## 13. Urgent business

Nil

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**11.1 Amendment C223 - Planning Controls for 81-95 Burnley Street and 26 Doonside Street Richmond - Consideration of Submissions**

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## **Executive Summary**

### **Purpose**

The purpose of this report is for Council to consider:

- (a) the fifty-three (53) submissions received following the exhibition of Amendment C223 to the Yarra Planning Scheme ("Amendment");
- (b) officers' responses to the fifty-three (53) submissions received following the exhibition of the Amendment;
- (c) requesting the appointment of an independent planning panel ("Panel") to consider all submissions;
- (d) officers recommended refinements to the wording of the DPO schedule as exhibited to respond to submissions and to be presented to the Panel in Council's submissions; and
- (e) the next steps for advancing the Amendment in accordance with the requirements under the *Planning and Environment Act 1987* ("Act").

### **Key Issues**

Amendment C223 seeks to rezone the land at 81-95 Burnley and 26 Doonside Streets ("Subject Land") from Industrial 3 to Mixed Use, apply Development Plan Overlay 15 and apply an Environmental Audit Overlay.

The purpose of this report is to consider and respond to submissions received following exhibition of Amendment C223.

The Amendment was placed on public exhibition from 19 September to 24 October 2019. Letters were sent to 1,640 owners and occupiers of surrounding properties. Fifty-three (53) submissions were received during the exhibition period. In summary:

- (a) one submission was in support (proponent's planning consultant);
- (b) two submissions conditionally support the Amendment.
- (c) one submission from a government authority (Melbourne Water) informed Council that:
  - (i) the properties affected by the amendment were not subject to flooding from Melbourne Water's drainage system; and
  - (ii) Melbourne Water had no objection to the proposed amendment.
- (d) one submission did not object or support the amendment but wished to raise key matters with Council regarding their land holdings (Salta Properties);
- (e) forty-eight (48) submissions were received from surrounding residents, objecting to the Amendment:
  - (i) fourteen (14) from the Embassy Apartments (adjoining site);
  - (ii) eleven (11) from the Supply Co Apartments (David Street);
  - (iii) five (5) from the Richmond Heights Apartments (Burnley Street);
  - (iv) four (4) from North Street;
  - (v) three (3) from the southern side of Appleton Street; and
  - (vi) other submissions received did not provide their full address.

Key issues raised in the objecting submissions related to:

- (a) building heights;
- (b) impact on property values;
- (c) views;
- (d) overshadowing of surrounding streets and buildings;
- (e) amenity impacts on neighbouring properties – overlooking and buildings separation.
- (f) heritage;
- (g) traffic congestion, traffic reports, parking and public transport;
- (h) public open space;
- (i) rezoning;
- (j) affordable housing; and
- (k) building materials and design.

### **Financial Implications**

There are substantial costs associated with the panel process, including panel fees, legal representation and other experts who provide evidence on behalf of Council. These costs are accounted for in Council's budget.

### **PROPOSAL**

In summary, that Council:

- (a) receives and notes submissions received following the exhibition of Amendment C223;
- (b) notes the officer report in response to submissions on Amendment C223;
- (c) requests the Minister for Planning appoint an independent Planning Panel to consider submissions received in Amendment C223 in accordance with Section 23 of the *Planning and Environment Act 1987*;
- (d) refers all submissions to a Panel;
- (e) in its submissions to the Panel, adopts a position of general support for Amendment C223 generally in accordance with the officer response to submissions in this report and attachments (including advancing refinements to the wording of the DPO schedule);
- (f) writes to all submitters to advise of this decision; and
- (g) notes officers will provide a further report to Council after the Planning Panel report is received.

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## 11.1 Amendment C223 - Planning Controls for 81-95 Burnley Street and 26 Doonside Street Richmond - Consideration of Submissions

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Reference: D20/24246

Authoriser: Director Planning and Place Making

### Purpose

1. The purpose of this report is for Council to consider:
  - (a) the fifty-three (53) submissions received following the exhibition of Amendment C223 to the Yarra Planning Scheme ("Amendment");
  - (b) officers' responses to the fifty-three (53) submissions received following the exhibition of the Amendment;
  - (c) requesting the appointment of an independent planning panel to consider all submissions;
  - (d) officers recommended refinements to the wording of the DPO schedule as exhibited to respond to submissions and to be presented to the Panel in Council's submission; and
  - (e) the next steps for advancing the Amendment in accordance with the requirements under the *Planning and Environment Act 1987* ("Act").

### Background

#### Background to the Amendment

2. Council resolved to seek *authorisation* for Amendment C223 on 19 December 2017. The Amendment received conditional authorisation from the Minister for Planning on 19 February 2018. The condition required that prior to exhibition a Housing Diversity Report is prepared to justify the 10% affordable housing contribution. The report was prepared in May 2018 and updated in May 2019.
3. Prior to exhibition, the proponent requested changes to the Amendment to accommodate additional commercial space for the existing operation (Harry the Hirer) to expand the office / retail activities. Changes to the Development Plan Overlay 15 included the following changes:
  - (a) increase the minimum gross floor area provided for employment generating uses from 7,000m<sup>2</sup> to 9,000m<sup>2</sup>;
  - (b) amend the "*Indicative Framework Plan*" to enable flexibility to accommodate additional employment generating uses;
  - (c) includes new clauses relating to infrastructure;
  - (d) amends the Housing affordability clause; and
  - (e) some other changes to improve wording.
4. As the Amendment made changes to the composition of land uses and buildings, Council resolved to seek re-authorisation from the Minister for Planning at its meeting on 16 July 2019. It was appropriate that changes occur prior to public exhibition.
5. Authorisation was received on 9 August 2019.

#### Exhibited Amendment C223

6. The exhibited Amendment C223 proposes to:
  - (a) rezone the land at 81-95 Burnley Street and 26 Doonside Street, Richmond from the Industrial 3 Zone (IN3Z) to the Mixed Use Zone (MUZ);

- (b) apply the Environmental Audit Overlay (EAO), and
  - (c) apply the Development Plan Overlay – Schedule 15 (DPO15).
7. The introduction of the EAO will ensure that any land contamination is properly addressed at the planning permit stage. An EAO indicates that an environmental audit must be carried out before land is developed. The application of the EAO is required to manage any site contamination issues prior to a sensitive use (such as housing, a primary school or early childcare centre) commencing on the land.
8. A Development Plan Overlay requires a Development Plan to be prepared to coordinate land uses, development and redevelopment change. The overlay prevents the granting of permits before a plan has been approved, with some exceptions. Any Development Plan must be adopted by Council to come into effect. The DPO15 ensures that future development will address the following issues:
- (a) approximately 500 dwellings built in six towers ranging in height between 7 storeys fronting Appleton Street up to 12 storeys along Doonside Street;
  - (b) 576 square metres of public open space facing Doonside Street;
  - (c) a 9 metre wide pedestrian link which runs through the site adjoining the public open space;
  - (d) 10% of dwellings to be for affordable housing;
  - (e) retention of heritage buildings including the entire building at 26 Doonside Street;
  - (f) at least 9,000 square metres of commercial/retail floor space (part of which would see the “Harry the Hirer” administrative headquarters remain on-site); and
  - (g) a requirement for the landowner to enter an agreement prior to a permit being issued for the following:
    - (i) affordable housing;
    - (ii) traffic upgrades as identified in a future Traffic Impact Assessment Report; and
    - (iii) public realm improvements as identified in a future public realm report.

## External Consultation

### Exhibition

9. In accordance with Council resolution on 16 July 2019, exhibition included the statutory requirements in accordance with the *Planning and Environment Act 1987*; notification letters detailing information about the proposed Amendment; provision of fact sheets with information about the Amendment and the consideration process; and a targeted consultation process with residents immediately adjoining the site conducted by the proponent.
10. Amendment C223 was exhibited from 19 September to 24 October 2019 (five weeks).
11. Notification and exhibition of the Amendment included:
- (a) letters, incorporating an information brochure and notice of preparation were sent to owners and occupiers surrounding the site, advising of Council’s intent to exhibit Amendment C223;
  - (b) letters, incorporating notice of preparation and fact sheet, sent to Government Agencies and Prescribed Authorities;
  - (c) notices placed in the Age and the Government Gazette;
  - (d) full amendment documentation on the Department of Environment, Land, Water and Planning (DELWP) and the City of Yarra’s website;
  - (e) hard copies of the Amendment documentation at Richmond Town Hall and the Collingwood Town Hall; and

- (f) council officers offered appointments to all affected parties to sessions with Yarra Council staff who explained the proposed Amendment in more detail. Sessions took place at the Williams Reserve Community Room, 520 Victoria Street, Richmond (this meeting room is on the ground floor opposite the park) on the following dates:
  - (i) Monday 14 October 5:30pm to 8pm;
  - (ii) Tuesday 15 October 5:30pm to 8pm;
  - (iii) Wednesday 16 October 12:30 to 3:30pm, and
  - (iv) Alongside several separate appointments for people who could not attend the prescribed times.

12. The proponent undertook the following activities in the exhibition period:

- (a) prepared a separate webpage for the Amendment which included detailed information about the Amendment and a site tour/information session that was being held by consultants engaged by the proponent;
- (b) a site tour and information session for residents/owners along Appleton Street on 12 October 2019; and
- (c) a separate site tour and information session for all parties that were notified as part of Council's letter notification, on 12 October 2019.

#### Submissions

13. Council received fifty-three (53) submissions (a map showing the location of submitters and the notification area is included in **Attachment 1** and a summary of submissions is in **Attachment 2**). In summary:

- (a) one (1) submission in support from the proponent's planning consultant;
- (b) one (1) submission did not object or support the amendment but wished to raise key matters with Council regarding their land holdings (Salta Properties);
- (c) two (2) submissions conditionally supporting the Amendment from a nearby residents;
- (d) one (1) submission from a government authority (Melbourne Water) that informed Council that:
  - (i) the properties affected by the amendment were not subject to flooding from Melbourne Water's drainage system; and
  - (ii) Melbourne Water had no objection to the proposed amendment;
- (e) forty-eight (48) objecting submissions from surrounding residents, comprising:
  - (i) fourteen (14) from the Embassy Apartments (adjoining development);
  - (ii) eleven (11) from the Supply Co Apartments (David Street);
  - (iii) five (5) from the Richmond Heights Apartments (Burnley Street);
  - (iv) four (4) from North Street;
  - (v) three (3) from the southern side of Appleton Street; and
  - (vi) other submissions received did not provide their full address.

14. The key issues raised in submissions, and proposed responses, are addressed below. A detailed response to specific issues raised is provided in **Attachment 2**.

#### **Officers approach to submissions**

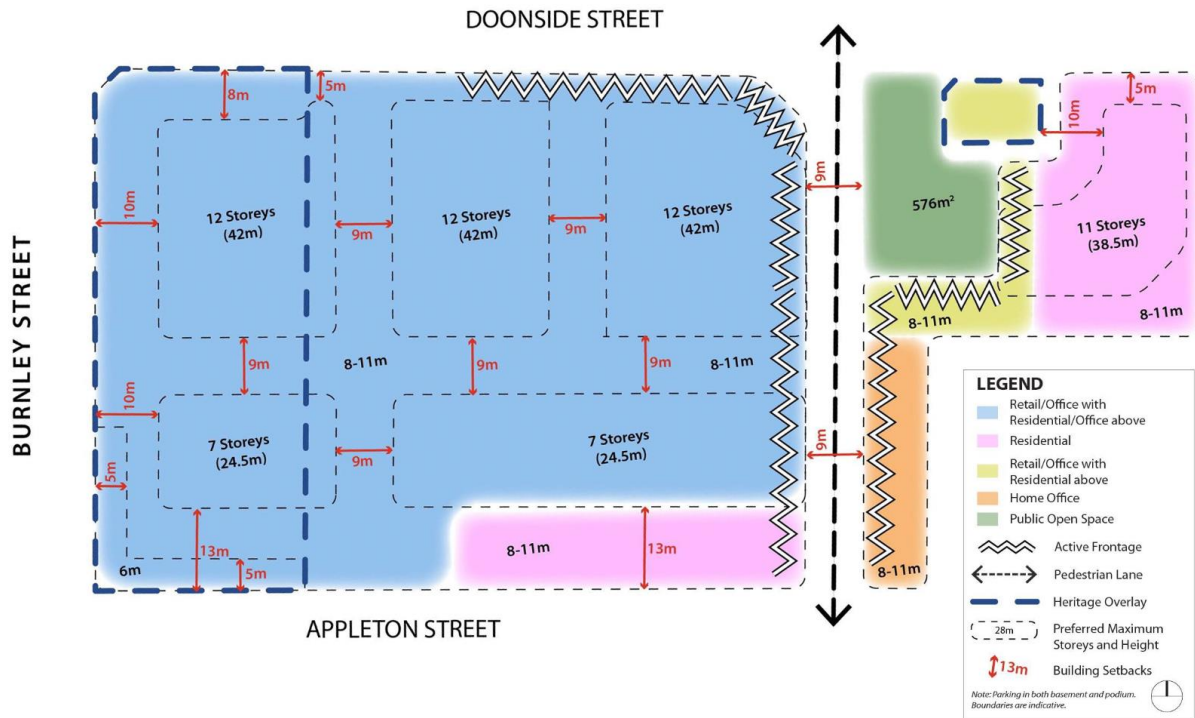
15. In response to issues raised in submissions received during the exhibition, additional analysis has been undertaken by Council officers. This included:

- (a) Obtaining and Considering Expert Advice: Council officers engaged external expert advice to assist in responding to submissions that raised issues regarding heritage (GJM Heritage), traffic (Traffix) and urban design (MGS Architects);
- (b) Planning applications and approvals: Council officers have undertaken a detailed analysis of planning applications and approvals around the eastern end of the Victoria Street Major Activity Centre. This has provided information on how the precinct is changing and assists in responding to concerns in submissions regarding built form issues;
- (c) Additional Overshadowing Plans: Council sought further shadow analysis from the proponent and, upon receipt, reviewed additional plans and other material to assist officers in responding to issues raised in submissions around the impact of overshadowing;
- (d) Review of relevant VCAT and Planning Panel reports: A review of VCAT and Planning Panel reports was conducted to assist officers in responding to issues raised in submissions that a precedent has already been set; and
- (e) Review of existing DDOs: Officers reviewed the schedules to the DDO already gazetted within the Yarra Planning Scheme and other guidance such as Practice Notes to inform recommended refinements to the wording of the DDO schedule in the Amendment in response to issues raised in submissions.

## Key Issues and responses

### Building Heights

- 16. DPO15 contains an *indicative framework plan* that identifies heights on the site (see Figure 1). The heights outlined in DPO15 were a key concern for many submissions, with many considering twelve (12) storey was too high.
- 17. Council received thirty-five (35) submissions that raised the height of the buildings as a concern.
  - (a) approximately 88% of those submissions came from neighbouring apartment developments; and
  - (b) one submission came from Appleton Street and two came from North Street, which is one block south of the land subject to the Amendment.
- 18. Submissions received from residents located within the adjacent apartment development to the east (Embassy) recommended lowering the heights. Recommendations ranged from two (2) storeys to seven (7) storeys. Many submissions recommended that the heights be lowered to both protect the views from the common area and apartments and to reduce afternoon overshadowing of the common areas and apartment. These issues are addressed later in this report.
- 19. Many of the submissions that came from the Richmond Heights Apartments on Burnley Street, commented that prevailing height in the area, especially along Burnley Street, was seven (7) storeys. Those submissions recommended that the height along Burnley Street should be lowered to match apartment developments on the west side of Burnley Street.

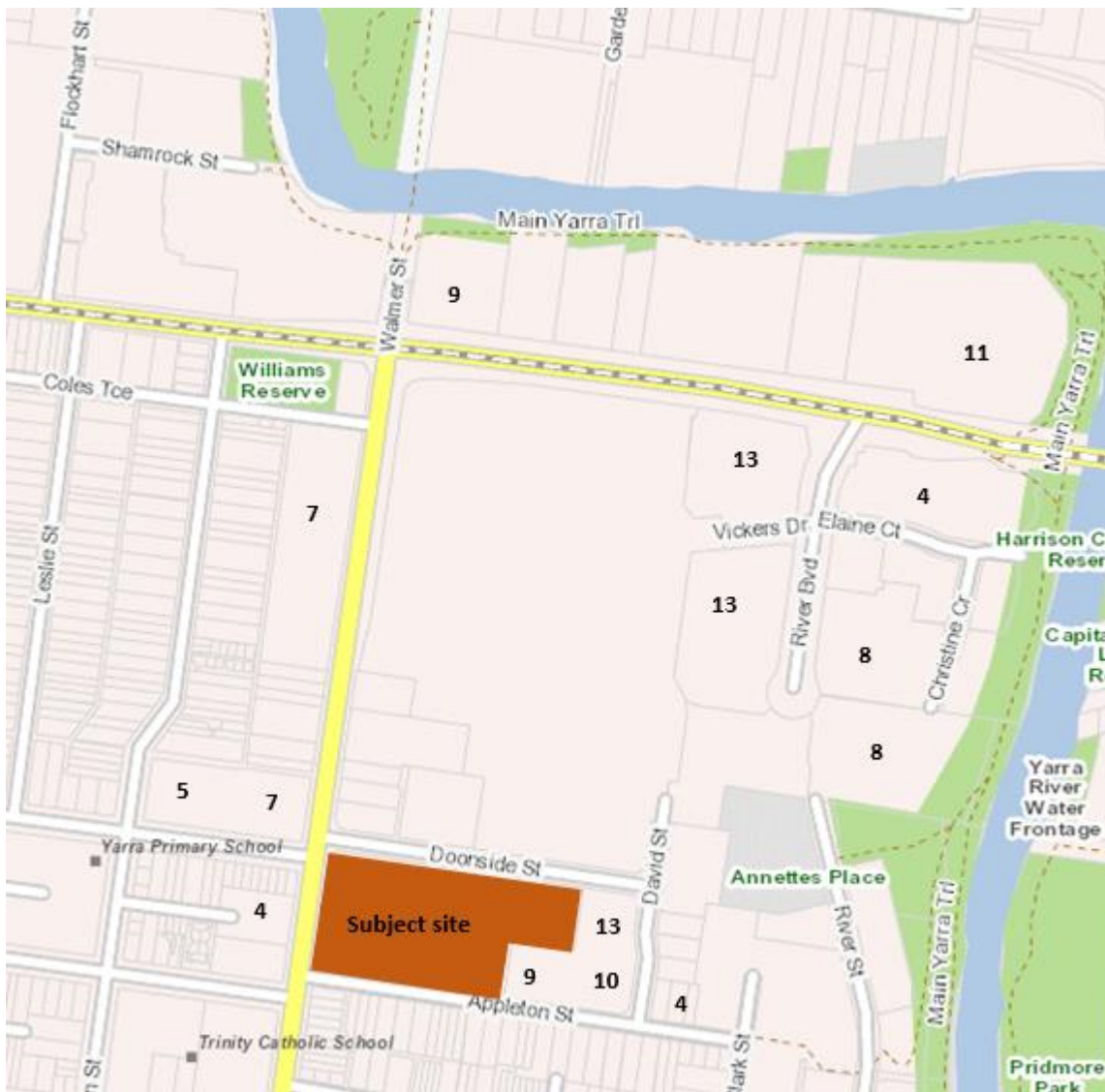


**Figure 1 – Exhibited Indicative Framework Plan**

*Officer Response*

20. The nature of the broader precinct is changing substantially, and development along Burnley and Victoria Streets forms part of this evolution. This transformation is envisioned in the Victoria Street Structure Plan and encouraged by the Yarra Planning Scheme.
21. Amendment C223 seeks to provide a high level of certainty in terms of a future built form outcomes for the Subject Land, particularly in terms of the height and layout of future development. The composition of heights was developed with regard to the existing context, future residential amenity, heritage, amenity of open space and avoiding amenity impacts on neighbouring properties.
22. The heights in Amendment C223 are comparable with approved/constructed development on adjacent sites and in the surrounding area (see Figure 2).
23. While many submissions recommended heights of seven (7) storeys to fit in with the developments west of Burnley Street, it is noted that those developments are seven (7) storeys with no upper level setbacks. The Amendment however, proposes a 10m setback from Burnley Street and 13m setback from Appleton Street for upper levels, thereby presenting a lower street wall to both Burnley and Appleton Streets than the developments west of Burnley Street. These substantial setbacks mitigate the visibility and visual impact of taller forms from surrounding areas.
24. A reduction in height is not warranted in the opinion of Council officers, as the upper levels are setback to reduce their visual impact, the heights are comparable to the surrounding development and reflect the nature of an area that is identified suitable for commercial activities at lower levels and higher density housing at upper levels.





**Figure 2 – Surrounding building height map (# represents storeys)**

*Recommended Position*

25. Officers do not recommend any refinements to the Amendment in response to submissions concerning the building heights provided in the DPO15.

Impact on Property Values

26. Seventeen (17) submissions objected to the Amendment on the basis it would have negative implications on their property values. Most submissions that raised impacts on property values were either located within the Embassy Apartment (16 submissions) or Supply Co Apartments (1 submission).

*Officers Response*

27. Land value changes as may be asserted to occur following an amendment to the value of individual property owners' properties are not matters relevant to the planning system. The economic effects, positive and negative, relevant at the Amendment stage are those of a broad community nature only, rather than private economic effect.
28. On this issue, the Panel considered Stonnington Planning Scheme Amendment C270 noted at page 24 of its report:
  - (a) *"This Panel maintains the consistent view adopted by other panels that broader community effects, rather than private economic effects such as impacts upon land values or the individual financial circumstances of the landowner, are of particular*

*relevance at the Amendment stage. The Melbourne C207 Panel conclusions on social and economic effects maintained that these impacts relate to broader community, rather than personal impacts. Review by the Supreme Court in *Dustday Investments Pty Ltd v Minister for Planning* [2015] VSC101 (*Dustday*) did not find that the Melbourne C207 Panel had erred."*

*Recommended Position*

29. Officers do not recommend any refinements to the Amendment in response to submissions about changes in private land values.

Views

30. Twenty (20) submissions objected to the Amendment on the basis that the future development would either block or obstruct current views from their dwelling. All submissions concerning the impact of views came from Apartment developments, largely from the adjoining Embassy Apartments. Three (3) submissions came from the Supply Co Apartments and two (2) came from the Burnley Street Apartments.

*Officers Response*

31. The planning system does not protect views from private property. The issue was dealt with by the High Court of Victoria in *Victoria Park Racing & Recreation Grounds Co Ltd v Taylor* [1937] HCA 45. The High Court held that a property owner does not own the views (spectacles) from his or her land.

*Recommended Position*

32. Officers do not recommend any refinements to the Amendment to ensure views from private property are maintained.

Overshadowing

33. Sixteen (16) submissions were concerned about the overshadowing impacts from a future development on the Subject Land.
34. Eight (8) submissions from residents within the Embassy Apartments raised concern with the impact of overshadowing on their building, with particular concern for overshadowing impacts on the level 7 common areas.
35. Three (3) submissions came from residents from Richmond Heights were concerned about overshadowing of their apartments and on Burnley Street.
36. Two (2) submissions each were received from the Appleton Street and North Street properties concerned about overshadowing of private property at the winter solstice.

*Officer Response*

37. It is a well-established practice within the Victorian Planning System to use the September Equinox as the point in time to measure the acceptability of overshadowing impacts.
38. Tract Consulting (proponent's planners) provided Council with overshadowing diagrams taken at the September Equinox that show the extent of overshadowing from a potential design outcome in line with the exhibited DPO15 on the Embassy common areas (see Figure 3). The diagram shows overshadowing impacts from a potential new development (blue shading) and existing shadow from the Embassy building itself at the September equinox at 2pm. The figure shows that the majority of overshadowing of common areas is caused by the Embassy building itself (shown in Figure 3).
39. There is existing policy in the Yarra Planning Scheme to manage overshadowing impacts from development at a planning permit stage. Clause 22.10-3.8 (Built Form and Design Policy) applies which aims to:
  - (a) *ensure that new development does not substantially overshadow adjoining residential private open space or public facilities such as parks and gardens. Pursuant to this clause where private open space and/or windows to adjacent uses are affected, additional setbacks from side boundaries are required to address loss of daylight,*

*overshadowing and visual bulk impacts on neighbouring properties, especially residential properties.*

40. The Development Plan Vision (clause 4.1 of DPO15) aims to protect the amenity of residential properties on the south side of Appleton Street. Council officers have considered and examined the merit of an amendment to this Vision statement to include the adjoining residential properties to the east and find there is merit in such a revision.



**Figure 3 – September Equinox Shadow at 2pm – Common area analysis (Tract Consulting)**

41. Richmond Heights Apartments are located west across Burnley Street from the taller 12 storey tower on the North West corner (see Figure 1). MGS architects have advised officers that there may be some modest impacts at 10am. Considering that the heights listed in DPO15 are *preferred heights* there is a risk that the public realm of Burnley Street may become overshadowed at certain points during the year.
42. Ensuring sunlight access to the Burnley Street footpath is supported by strategic work that informed the implementation of the interim Design and Development Overlay (DDO22) for Victoria Street Activity Centre. It includes a control that development should not overshadow any part of the following:
- (a) *the opposite footpath of Burnley Street to a distance of 2.0 metres from the kerb between 11am and 2pm at 22nd September.*

43. Council has included controls to protect footpaths in activity centres from overshadowing in other DDOs within the Yarra Planning Scheme. The use of overshadowing controls within activity centres was supported in the Panel Report to Amendment C220 (DDO15 Johnston Street Activity Centre):
  - (a) *the Panel agrees that sunlight to the footpath is a desirable outcome in an Activity Centre; and*
  - (b) *the Panel supports the use of the equinox as the right measure for solar access for a footpath in an Activity Centre.*
44. The submissions from Appleton and North Streets have suggested that the winter solstice to should be taken into account in assessing a future development proposal. This measurement is highly restrictive and requires strong strategic justification for its use, normally relating to the special circumstance (e.g. a place fulfilling a specific public purpose to provide public access to daylight such as a park). Officers do not recommend using the winter solstice to measure overshadowing impacts in this instance. It is noted that the proposed controls reflect those in the existing DDO9.
45. In DPO15 new buildings fronting Appleton Street have a *preferred height* limits of 3 – 7 storeys. The upper levels along Appleton Street are also set back at least 13 metres which is consistent with the approved development on the adjoining lot and mitigates overshadowing impacts. Additional provisions are already contained in the proposed DPO to protect the residential properties on the south side of Appleton Street.
  - (a) ***Built Form Guidelines*** “ *no overshadowing of private properties on the southern side of Appleton Street beyond that caused by a building of 11m when measured between the hours of 10:00am and 2:00pm at the September Equinox*” ....
46. There would be no overshadowing impacts on the Supply Co apartments, nor the Appleton Street and North Street properties, at the September Equinox.

*Recommended Position*

47. Council officers recommend that in Council’s submissions to the Panel, the following refinements to the exhibited DPO15 be sought:
  - (a) the wording in the Development Plan Vision add ‘and adjoining residential properties to the east’ to the third dot point: *To protect the amenity of residential properties on the south side of Appleton Street* (see **Attachment 3**); and
  - (b) overshadowing controls apply to the west of Burnley Street from 11am onwards at the September Equinox, comparable with the controls in DDO22 (see **Attachment 3**).

Amenity Impacts on neighbouring properties – overlooking and buildings separation.

48. Many submissions raised concern that the development would overlook their properties, reduce the privacy within their dwellings or objected to the proposed 11 storey building east of their building.
49. The issue of building separation was raised specifically between the Embassy apartments and proposed building envelopes by submission 44. The submission recommended the northeast tower be setback 9m from the boundary.
50. The majority of submissions came from residents within the Embassy Apartment building, with some also from the Supply Co apartments which are both located in the Mixed Use Zone (MUZ).
51. Two (2) submissions came from the North Street properties in the Neighbourhood Residential Zone (NRZ) who were concerned about overlooking into their backyards.

*Officer Response*

52. There is detailed decision guidance to manage the reasonable protection of privacy and overlooking within apartment developments. This was introduced by the State Government through the *Better Apartments* Guidelines. For apartment developments in the Mixed Use

Zone, Clause 58 Apartment Developments applies. It does not specify a numeric preferred separation distance as ResCode does for single dwellings or more than two dwellings on a lot, but states performance guidance.

53. Clause 58.04-1 of the Yarra Planning Scheme seeks to:

- (a) *“Limit views into habitable room windows and private open space of new and existing dwellings.”* Buildings should be set back from side and rear boundaries to *“avoid direct views into habitable room windows and private open space of new and existing dwellings. Developments should avoid relying on screening to reduce views.”*

54. Officers acknowledge the concerns from the Embassy Apartment submissions, which note the proximity of a new development to their building. There is clear guidance on how far upper level development on-site should be separated within the *Indicative Framework Plan* however, there is a gap on how far new development should be separated from the Embassy Apartment Building. Currently the IFP requires upper levels to be setback 9m from each other. A 9m setback between medium rise form as present in this instance is characteristic of much of Melbourne’s recent Urban renewal and has been tested and found acceptable through numerous Panel and VCAT reviews. Officers recommend a similar separation of upper levels between the new development and the Embassy Building.

*Recommended Position*

55. Officers recommend that in Council’s submissions to the Panel consideration be given to amending the Schedule to the DPO and/or the Indicative Framework Plan to ensure the upper levels of future development on the north east corner of the site is setback 9m from habitable rooms and/or balconies of the Embassy building directly to the east and south (see **Attachment 3**).

Heritage

56. Three (3) submissions raised concern that proposed heights and setbacks to the two heritage buildings would overwhelm and detract from the heritage significance of these places. It was suggested that it would result in facadism.

57. Two (2) submissions supported the retention of the heritage buildings.

*Officers Response*

58. There are two heritage places located on the land that is affected by the Amendment, being the Repco Factory building (HO375) and the Repco Laboratory and Office building, 26 Doonside Street (HO252). Both heritage places are graded individually significant. Any future planning permit applications would be considered against the provisions of the Heritage Overlay and heritage policy of the Yarra Planning Scheme.

59. DPO15 provisions as exhibited were informed by concern to ensure appropriate siting of buildings from the heritage building at 26 Doonside Street; appropriate proposed heights and upper level setbacks at 81-95 Burnley Street; and requirements for a Heritage Impact Statement and built form guidelines.

60. GJM Heritage was engaged to assist Council officers to review the submissions that raised heritage concerns and to consider the impact of the proposed planning controls on the two heritage places on the land. GJM Heritage provided the following responses:

- (a) *“Taking into account other planning objectives, it is our view that the construction of medium-rise development of up to 24.5m and 42m in height (partially within the extent of HO375) can be accommodated while retaining the integrity of heritage buildings where adequate setbacks are provided and design objectives ensure that the new built form does not result in facadism or the loss of legibility of the three dimensional form of heritage places.”*
- (b) *“... it is our view that, assuming the retention of the Burnley, Doonside and Appleton Street elevations, the setbacks proposed in the Indicative Framework Plan are sufficient to retain the key heritage values of the Russell Manufacturing Company*

*building and the visual prominence and legibility of the three-dimensional form of the building when viewed from street level; and*

- (c) *While the lower (seven storey) height sought by Submitter 44 for the north-western tower would lead to reduced scale of new development, the emerging built form of the area and the proposed 8m and 10m setbacks from the heritage façades will, in our view, achieve an acceptable relationship between the retained heritage fabric and the new tower elements.*

61. In relation to protecting the heritage significance of the Repco Laboratory and Office building at 26 Doonside Street, GJM heritage recommended to Council that consideration be given to some wording refinements to ensure that DPO15 is clear in its intent. GJM recommend that:
  - (a) *It is our recommendation that the Indicative Framework Plan be amended to clarify that this building as being conserved and adaptively reused without any development above its existing built form or, alternatively, stating a height limit on the plan equal to the existing height of the heritage building; and*
  - (b) *It is recommended that DPO15 be more explicit in relation to the retention of heritage fabric.*

#### *Recommended Position*

62. For clarity in DPO15 on the intention of protecting buildings of heritage significance, it is recommended that in Council's submissions to the Panel consideration be given to the following refinements to DPO15 to:
  - (a) clarify that Repco Laboratory and Office building be conserved and adaptively reused without any development above its existing built form (see **Attachment 3**); and
  - (b) be more explicit in relation to the retention of heritage fabric (see **Attachment 3**).

#### Accommodating Growth

63. Many submissions raised concern with the level of development occurring in the area, and the ability to maintain residential amenity. Many submissions felt that another 500 apartments would place increasing strain on schools, public transport, traffic flows, and other services.

#### *Officer Response*

64. Accommodating a growing population in and around Activity Centres, which are close to public transport and local services is part of State Government planning policies. The Victoria Street Structure Plan and Yarra's Local Planning Policy identify opportunities for the Doonside Precinct to develop as a mixed-use precinct with higher levels of residential and commercial development.
65. Council's adopted Housing Strategy identifies the Subject Land as an opportunity for well-located housing growth and renewal, specifically labelling the area as a *high change area*. The Strategy describes a high change area in the following way:

*"Areas will support increased residential densities and housing diversity through mixed use, infill and urban renewal apartment development that will establish new character for a site or precinct."*

66. Officers acknowledge that the Subject Land is located between contrasting land uses and that any future development on the Subject Land will need to provide a transition. The land and surrounding area's character is currently in transition, moving away from low rise industrial to a mixed-use area with urban infill. The shift from industrial to mixed-use with a taller built form will not diminish the existing character but support the emerging Doonside Precinct as a mixed-use area with mid-rise development.
67. Amendment C223 supports the use of active transport by new residents of any future development through the requirement of preparing a green travel plan. The Amendment directs housing growth to an area that is well served by public transport and services within walking distance.

68. Council officers sought feedback from several government authorities during formal exhibition from the following authorities: PTV, Yarra Trams, Vic Roads, EPA and Melbourne Water. Melbourne Water was the only Authority to provide feedback to the Amendment and did not object to the Amendment. Officers also note that the provision of schools is managed by the Department of Education and the Victoria School Building Authority, and it's outside the scope of Local Government Authorities.

*Recommended Position*

69. Officers do not recommend any refinements to the Amendment in response to submissions related to accommodating growth.

Traffic Congestion, Traffic Reports, Parking and Public Transport.

70. Many submissions raised concern that:
- (a) future development would place a further strain on traffic movement within the area, availability of parking and pressure on existing public transport capacity;
  - (b) the future development would place increasing strain on traffic movements around the site and along Burnley Street; and
  - (c) the parking rates outlined in the Planning Report and TIAR were too low and several submissions suggested varied rates for any future development.
71. Appleton Street residents were concerned about the reference to “*secondary access points*”. Submissions either requested further clarification on the meaning or requested that vehicle access be prohibited from Appleton Street.
72. Submissions were also concerned with:
- (a) the rigour of data that was used within the Traffic Impact Assessment Report (TIAR) and that it did not properly take into consideration the surrounding development; and
  - (b) future development placing a strain on on-street parking along Appleton/ Doonside/ David Streets.

*Officer Response*

73. Traffic impacts are usually assessed at the planning permit stage when there is more certainty about potential traffic generation, notably the number of dwellings/floor space and car parking rates. Traffic impacts have been raised now because of the potential impacts that rezoning of sites, allowing future residential/commercial development opportunities could incur in the future.
74. Based on the traffic reports provided by both Ratio Consultants and Traffix Consultants, redevelopment of the land would lead to traffic impacts on Appleton, Burnley and Doonside Streets, inevitably leading to a requirement for the signalisation of Burnley and Doonside Street with the possibility of Buckingham Street.
75. While officers understand the concerns regarding traffic congestion, many of the issues raised would be dealt with at the development plan and planning permit stage.
76. DPO15 includes a number of provisions to address transport and parking, including: the preparation of a Traffic Impact Assessment Report (TIAR) to:
- (a) identify mitigating works required for each development stage in the Development Plan;
  - (b) assess whether a two way or a four way signalised intersection between Burnley Street/Doonside Street/Buckingham Street is required and the trigger for providing the signalised intersection to the satisfaction of VicRoads, and
  - (c) identify a new intersection layout and operation, if required, approved by VicRoads in consultation with the Responsible Authority.



77. In addition, DPO15 requires the preparation of a *Green Travel Plan* which would need to demonstrate that the development supports sustainable transport alternatives.
78. Furthermore, the landowner would be required to enter a Section 173 agreement with both Council and VicRoads for the provision of traffic mitigation works prior to a permit being issued.
79. Council Officers have sought clarification on the definition of “secondary access” and whether further refinements are required within DPO15. Traffix has provided a definition of “secondary access” below. Officers and Traffix have reviewed DPO15 and are satisfied that there is sufficient policy guidance to manage traffic access and movement along Appleton Street to achieve an outcome that aligns with the definition below.
  - (a) *A secondary access services are less convenient than the primary access, does not provide for loading or truck access and additionally it may service only limited number of car spaces or service only as an entry or an exit.*
80. Traffix consultants were engaged to review submissions raising traffic matters and in their response, have advised officers that they are satisfied with the DPO15 requirements to limit access to Appleton Street and do not recommend any refinements.
81. Many submissions raised concern with the impact regarding on-street parking. The management of on-street parking is a matter for Council and is outside the planning process. Council has a policy (*Parking Restrictions Guidelines*) which provides a process for the management of parking restrictions on streets.
82. Submissions raised concern with the rates of off-street parking proposed within the development. While the actual rates will be refined further during the preparation of the development plan, officers consider proposed rates in the Ratio and Traffix reports are appropriate. The parking rates proposed, align with ABS 2016 data for ‘flats, units or apartments in a three storey block or less’, thus reflecting the true demand for car parking in the area. The area is also well serviced by public transport and the neighbourhood is highly walkable.
83. The provision of public transport services is the responsibility of the State Government and relevant state-level agencies. The provision of these services is not something that is under the control of the proponent. From a planning perspective, the provision of more intense land use in areas well serviced by existing infrastructure is a positive outcome and encouraged through various state and local planning policies. There is no reason to believe that the existing public transport services cannot be improved to provide additional capacity as demand for these services increases over time.

#### *Recommended Position*

84. Officers do not recommend any refinements to the Amendment as there are provisions within the DPO15 to address the issues raised in submissions in regard to traffic matters.

#### Public Open Space

85. While many submissions were supportive of the proposal for public open space, some submissions raised concern that a greater amount should be provided in response to increased dwelling numbers.

#### *Officer Response*

86. Schedule to the Clause 53.01 (Public Open Space Contribution and Subdivision) outlines the amount of contribution for public open space. The rate is 4.5% of the land intended to be used for residential, industrial or commercial purposes, or a percentage of the site value of such land, or a combination of both.
87. The *Indicative Framework Plan* within Schedule 15 of the Development Plan Overlay allocates an area of 576sqm of public open space in future development. This amount equals 4.5% of the total size of the site.



88. In addition, DPO15 also offers a 9 metre wide pedestrian link that runs through the site and would allow pedestrian access from Doonside to Appleton Street. The link would receive sunlight between 10am and 2pm at the equinox.

*Recommended Position*

89. Officers do not recommend any increase to the amount of open space to be provided in response to submissions concerning public open space.

Rezoning

90. Nine (9) submissions either questioned the proposal to rezone the land from IN3Z to MUZ or objected to the rezoning entirely. Some submissions questioned the strategic basis of the rezoning, while other submissions highlighted the success of nearby businesses within the nearby industrially zoned land as justification to retain the current zone.

*Officer Response*

91. There is strong policy support for a rezoning within the Municipal Strategic Statement of the Yarra Planning Scheme (YPS):
- (a) in Clause 21.03 the site is identified as a “strategic redevelopment” site; and
  - (b) figure 21, Neighbourhood Map: North Richmond specifically identifies the site to be rezoned to mixed use zone.
92. It is also consistent with the Victoria Street Structure Plan, in which the land is included in Precinct 11a Doonside Precinct – potential housing mixed with retail and business.
93. Amendment C223 completes the rezoning of the ‘missing part’ of the Doonside Precinct that was rezoned in 2009.
94. The rezoning would allow for the land to be used and developed for a mix of uses including residences and employment opportunities. The rezoning would provide an incentive for further renewal and mixed-use redevelopment on the land, consistent with State and metropolitan planning policy.
95. Council’s Spatial Economic and Employment Strategy guides future strategic direction for Yarra’s industrial and commercial zoned land. The Strategy acknowledges the importance of the Richmond East Industrial precinct but also flags the opportunity for commercial land to be rezoned:

*An exception might be made for interfaces with residential areas, where rezoning to allow mixed employment and residential uses would help address an existing or potential land use conflicts (e.g. by providing an appropriate and enduring buffer between residential and non-residential uses).*

*Recommended Position*

96. Officers do not recommend any refinements to the Amendment.

Affordable Housing

97. Officers do not recommend any refinements to the Amendment in response to submissions regarding the proposed rezoning of the Subject Land.

*Officer Response*

98. Council has a long history of advocating and delivering social and affordable housing within significant redevelopment sites and through the planning scheme amendment process. The provision of affordable housing as part of the redevelopment of significant redevelopment sites (and putting mechanisms in place during processes to rezone such parcels of land, in line with the Planning and Environment Act provisions related to securing affordable housing contributions) is a tangible ‘net community benefit’ outcome benefiting from strategic support.

99. Council adopted its Social and Affordable Housing Strategy on 12 November 2019. This incorporated a Policy Guidance Note: *Affordable Housing Outcome at Significant Developments*, which guides Council's position when considering proposals for rezoning of land for residential use that would allow the development of 50 or more dwellings.
100. Council applied to seek authorisation from DELWP to prepare and exhibit Amendment C223 in January 2018. Council received conditional authorisation on 19 February 2018. DELWP issued a condition that Council would need to prepare a Housing Diversity Report that would justify the 10% of affordable housing alongside further details of the affordable housing proposal. Council provided DELWP with an updated Housing Diversity Report in 2018 and received confirmation to proceed with the exhibition of Amendment C223. The Housing Diversity Report was updated in 2019 to reflect three important changes that had been made to the *Planning and Environment Act 1987 (the Act)*, those being:
  - (a) adding a new objective to the Act "*to facilitate the provision of affordable housing in Victoria*";
  - (b) provide a definition of affordable housing within the Act; and
  - (c) affirming the use of section 173 for voluntary affordable housing agreements.
101. The proponent has agreed to the provision of 10% of the total number dwellings to be allocated for affordable housing. Officers are comfortable with the mandatory nature of the provision as this has been agreed to by both parties before proceeding with the Amendment.

*Recommended Position*

102. Officers do not recommend any refinements to the Amendment as this has been agreed to by the proponent.

Building Materials and Design

103. Submissions 41 and 44 made several recommendations to amend DPO15 to ensure a better design outcome for new development on site. The submissions raised the following recommendations:
  - (a) recommended that the new development exhibit a *variety of building heights to create visual diversity and interest*;
  - (b) recommended DPO15 provide for *high quality treatments to building facades facing the pedestrian lane*;
  - (c) recommends high quality tactile design response for the podium and public interfaces should be sort; and
  - (d) recommended wording to guide the design of building services and loading areas.

*Officers Response*

104. Officers concur with submissions outlined above.

*Recommended Position*

105. Officers recommend that in Council's submissions to the Panel consideration be given to amending the Schedule specifically with the following refinements to the DPO to clarify the intent:
  - (a) for a visually interesting and diverse skyline (see **Attachment 3**);
  - (b) for high quality treatments to building facades facing the pedestrian lane and podiums (see **Attachment 3**); and
  - (c) to integrate services and loading areas into building design (see **Attachment 3**).

Other Issues

106. Other issues raised by submissions are addressed in Attachment 2 of this Report.

### **Internal Consultation (One Yarra)**

107. The Amendment was prepared with assistance from Statutory Planning, Open Space, Economic Development and Urban Design units within Council.

### **Financial Implications**

108. The financial costs of planning scheme amendments are included in the budget of Council's Strategic Planning Unit for 2019/2020.

### **Economic Implications**

109. There are no significant economic implications from the Amendment.
110. The Amendment would facilitate a change in business operations for Astrodome Pty Ltd, allowing them to shift their warehousing activities from the site and expand their showroom and administrative operations.
111. The Amendment would facilitate a greater diversity of land uses on the site.

### **Sustainability Implications**

112. The Amendment would help facilitate at a local level sustainable communities that are walking distances to sustainable transport options, employment and services.

### **Social Implications**

113. There are no other significant social implications.
114. The Amendment would facilitate 10% of dwellings within future development to be designated for affordable housing.

### **Human Rights Implications**

115. There are no human rights implications.

### **Communications with CALD Communities Implications**

116. Consultation for the Amendment has been in accordance with the *Planning and Environment Act 1987* and Council's consultation policies.
117. Statutory notification for Amendment C223 was provided to all landowners and occupiers.
118. Notification and consultation about the Amendment included advice about the use of interpreter service by residents. This was available to help affected parties understand the proposal and associated processes. The Amendment process involved the steps outlined in Council's strategy to engage and assist CALD communities.

### **Council Plan, Strategy and Policy Implications**

119. The value of creating a Liveable Yarra to Council and the community is acknowledged in the Council Plan 2017-2021.
120. A Liveable Yarra is identified as where development and growth are managed to maintain and enhance the character and heritage of the city.
121. The Amendment seeks to promote and conserve areas of growth and significance by:
- (a) applying new Heritage Overlay provisions in the Planning Scheme; and
  - (b) correcting errors and anomalies in the Heritage Overlay and zones.

### **Legal Implications**

122. The Amendment complies with the requirements of the *Planning and Environment Act 1987*.
123. There are no known legal implications of this amendment.

### **Options**

124. Where submissions have been received to an amendment, Council has three options under Section 23 of the *Planning and Environment Act 1987*:

- (a) change the Amendment in the manner requested; or
- (b) refer the submissions to an independent Planning Panel to consider the submissions and to provide recommendations to Council; or
- (c) abandon the Amendment or part of the Amendment.

125. Officers recommend option (b) based on the following:

- (a) given the submissions present a range of different views, Council will not be able to fully resolve the Amendment and change it in the manner requested by all submitters. Council must refer the Amendment to a Panel or abandon it; and
- (b) the Amendment is consistent with the strategic direction for Victoria East and delivers a number of public benefits. It should therefore not be abandoned.

126. Council can make a submission to the Panel appointed to consider submissions that suggests refinements to the Amendment that Council supports in response to submissions for the consideration of the Panel. This can take the format of a 'track-changed' DPO schedule (or other statutory document in the Amendment). In line with the above, Council officers recommend that Council refers all submissions to the planning panel. Council officers also recommend Council resolve to present to the Panel the various refinements recommended to the exhibited amendment generally as set out in this report.

## Conclusion

127. Council exhibited Amendment C223 and received fifty-three (53) submissions.

128. Submitters are seeking a variety of changes to the amendment. In response to submissions, officers have analysed the matters further and sought expert advice. Officers propose that Council's submission to the Panel advocate for the following refinements to the DPO as follows:

- (a) insert provisions protecting west side of Burnley Street from overshadowing;
- (b) include wording in the Development Plan Vision by adding 'and adjoining residential properties to the east' to the third dot point: *To protect the amenity of residential properties on the south side of Appleton Street;*
- (c) include a 9m building separation between new development and the Embassy Apartments directly to the east and south;
- (d) insert provisions and amend DPO15 to reflect the intention to retain the heritage building at 26 Doonside Street;
- (e) insert provisions to clarify the expectations for a varied skyline and high quality building materials and design; and
- (f) insert provisions to clarify the treatment of loading areas and services.

129. The submissions received request a variety of alternative positions which Council cannot reconcile, therefore all submissions should be referred to the panel.

## RECOMMENDATION

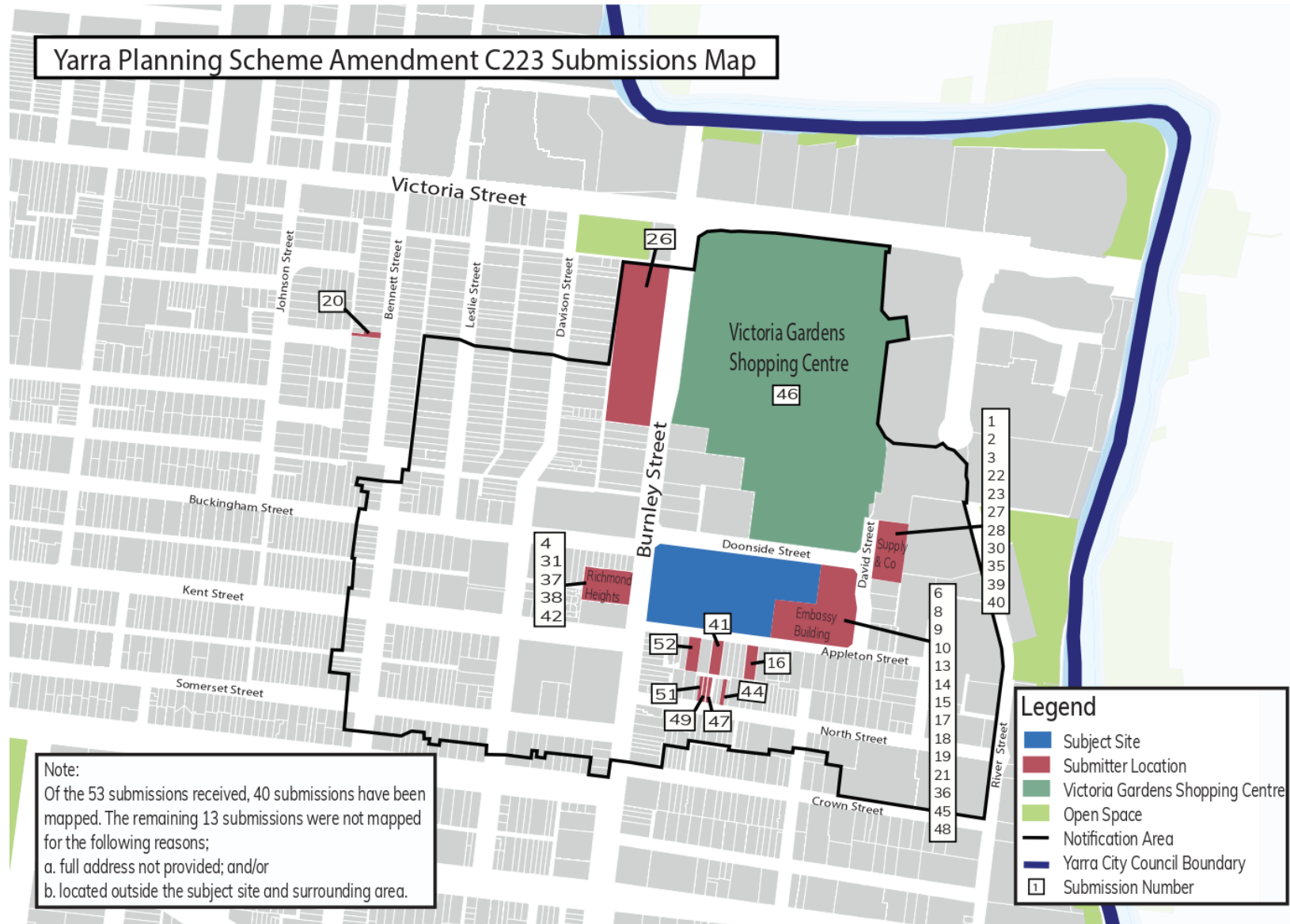
1. That Council:
  - (a) notes the officer report in relation to the proposed Planning Scheme amendment in relation to 81-85 Burnley St, Richmond and 26 Doonside St, Richmond;
  - (b) receives and notes submissions received following the exhibition of Amendment C223;
  - (c) notes the officer report in response to submissions on Amendment C223;
  - (d) requests the Minister for Planning appoint an independent Planning Panel to consider submissions received in Amendment C223 in accordance with Section 23 of the *Planning and Environment Act 1987*;
  - (e) refers all submissions to a Panel;
  - (f) in its submissions to the Panel, adopts a position of general support for Amendment C223 generally in accordance with the officer response to submissions in this report and attachments (including advancing refinements to the wording of the DPO schedule);
  - (g) writes to all submitters to advise of this decision; and
  - (h) notes officers will provide a further report to Council after the Planning Panel report is received.

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**TITLE:** Assistant Manager, City Strategy  
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## Attachments

- 1 [↓](#) Amendment C223 - Map of submitter's location and notification area
- 2 [↓](#) Amendment C223 - Summary of submissions and response to inform council's position at panel
- 3 [↓](#) Amendment C223 - DPO15 with recommended refinements for Council's position at Panel

# Attachment 1 - Amendment C223 - Map of submitter's location and notification area



## Attachment 2 - Amendment C223 - Summary of submissions and response to inform council's position at panel

### Amendment C223 – Summary and Response to Submissions

The following Table provides a summary of submissions received to Amendment C223 and officer's response to issues raised in the submission.

#### Summary of Individual Submissions and Officer's Response to inform Council's submission to Panel

Submission Number	Summary of Submission	Response to inform Council's submission to Panel
Interest		
Type of Submission		
<b>Submission 1: Resident – David Street</b>		
Objection	<u>General Objection</u> Objects to Amendment C223	Noted.
	<u>Traffic and Parking</u> Submits that parking in the area is a nightmare and that residents, visitors and services are vying with shoppers to find parking in the street. (Notes that this is despite the fact most residences have at least one car park each.)	<p>The 2019 Traffix Peer Review of on-street car parking found occupancy rates ranged from 53% to 88% during periods of high demand and further advice found the impact on on-street car parking acceptable.</p> <p>The Traffix Peer Review 2019, notes that parking data can become outdated between 12 and 18 months. However, as part of the development plan, an updated Traffic Impact Assessment will be required to be prepared before a permit is issued. This will respond to a more detailed plan for the site and provide solutions to traffic impacts. Any recommendation to rearrange or remove on-street car parking will be discussed at this stage of the process.</p> <p>The management of on-street parking is a matter for Council and is outside the planning process. Council will need to actively manage on-street parking surrounding the site as the area develops.</p> <p>Council has developed a policy for reviewing parking restriction and avenues on how to propose changes to current restrictions. For example, proposing greater levels of permit parking on-streets. Officers recommend that residents review Council's <i>Parking Restrictions Guidelines</i> and to considering placing a request to review on-street parking restrictions on their streets. This can be found here: <a href="https://www.yarracity.vic.gov.au/services/parking/apply-for-parking-restrictions-in-your-street">https://www.yarracity.vic.gov.au/services/parking/apply-for-parking-restrictions-in-your-street</a></p> <p>All new developments following 2003 are not entitled to on-street car parking permits.</p> <p><b>Recommended position:</b> No change to amendment</p>
	<u>Amenity Impacts</u> Submits that further development will increase the amounts of rubbish in the area. For example, coffee cups, cigarette butts, drink bottles and fast food wrappers constantly litter the streets.  The submission is also concerned that further noise from an additional 500 residences and Council is unable to enforce the control of noise.	<p>The City of Yarra on a regular basis cleans and maintains roads, streets, footpaths, laneways, street bins, local parks and reserves and other public spaces. Council regularly monitors streets and determines which streets need more attention and identify recurring hotspots.</p> <p>Residents can request a street cleaning service online at: <a href="https://www.yarracity.vic.gov.au/services/cleaning-and-maintenance">https://www.yarracity.vic.gov.au/services/cleaning-and-maintenance</a></p> <p>The Environment Protection (Residential Noise) Regulations 2018 apply to noise from residential premises and residential premises under construction. They list specific types of equipment and their</p>

## Attachment 2 - Amendment C223 - Summary of submissions and response to inform council's position at panel

Submission Number Interest Type of Submission	Summary of Submission	Response to inform Council's submission to Panel
		<p>prohibited times. Noise is automatically unreasonable if certain items are audible inside a neighbouring residence during the prohibited times.</p> <p>Items include motor vehicles, lawnmowers, electrical tools and equipment, domestic heating/cooling equipment, pumps, musical instruments, radios and televisions. Note that these Regulations outline the minimum requirements under the <i>Environment Protection Act 1970</i> – noise can still be unreasonable even outside the hours listed in these regulations. Any residential noise might be considered unreasonable with regard to its volume, intensity and duration, and the time, place and other circumstances in which it is emitted.</p> <p><b>Recommended position:</b> No change to amendment</p>
	<p><u>Heritage</u></p> <p>Submits that the Harry the Hirer building is a beautiful example of Australian architecture of its time and the use of using its facade to maintain Richmond's heritage is tokenistic.</p>	<p>There are two heritage places located on the land that is affected by the amendment. These being the Repco Factory building (HO375) and the Repco Laboratory and Office building (HO252). Both heritage places are graded individually significant. Any future planning permit applications are considered against the provisions of the Heritage Overlay and heritage policy of the Yarra Planning Scheme.</p> <p>DPO15 requires the preparation of a heritage impact statement to be included with a Development Plan, alongside policy guidance on how new development should respond to the heritage building.</p> <p>Officers acknowledge that wording could be improved within DPO15 to ensure the retention of these heritage places is maintained. Officers also acknowledge that it is unclear within DPO15 whether the development could occur on top heritage place HO252 on Doonside Street.</p> <p><u>Recommended Position:</u></p> <ul style="list-style-type: none"> <li>• Improve the wording within DPO15 to strengthen the retention of heritage fabric through the design of new development.</li> <li>• Amend the <i>Indicative Framework Plan</i> to label the height of the Repco Offices and Laboratories Heritage Place (HO252).</li> </ul>
	<p><u>Accommodating Growth and Neighbourhood Character</u></p> <p>Submits that this pocket of Richmond is very rapidly losing its charm and historical integrity due to overdevelopment within very close proximity of one and other. These buildings look dour, create wind tunnels in the street and block out sunlight, casting huge shadows on both other buildings and the streetscape in general views of the city, older historical urban landscapes, trees and green spaces are being obliterated.</p> <p>Submits that the addition of a further 500 residents to the area is madness</p> <p>Submits that community wants green spaces, maintenance of heritage architecture, cohesive community, trees, views, clean and peaceful streets and smooth flowing traffic. Submits that Council does not share this vision and is jamming residents into high rise boxes.</p>	<p>The DPO15 includes several requirements for a Development Plan that meets a vision that includes, amongst other matters:</p> <ul style="list-style-type: none"> <li>• To provide improvements to the public domain, including pedestrian friendly environments along all street frontages, the provision of public open space and a pedestrian laneway</li> <li>• To provide for the sensitive adaptive re-use of heritage buildings</li> </ul> <p>In addition as part of the Development Plan, the applicant will need to prepare:</p> <ul style="list-style-type: none"> <li>• Built form guidelines for the development that includes, amongst other matters::</li> <li>• Guidelines to mitigate adverse impacts of wind effects in building design</li> <li>• Shadow diagrams</li> <li>• Heritage Impact Statement</li> <li>• Landscape concept plan</li> <li>• Public realm plan that details improvements to the public realm adjacent to the site</li> <li>• A Traffic Impact Assessment Report and Green travel Plan to mitigate any adverse impact development may have on local traffic conditions</li> </ul>



## Attachment 2 - Amendment C223 - Summary of submissions and response to inform council's position at panel

Submission Number	Summary of Submission	Response to inform Council's submission to Panel
Interest		
Type of Submission		
		<p>DPO15 also requires s173 agreements to be entered that address:</p> <ul style="list-style-type: none"> <li>Public realm improvements</li> <li>Traffic impact mitigation works are identified, prepared and approved</li> </ul> <p><b>Recommended Position:</b> No change to amendment</p>
<b>Submission 2: Resident – David Street</b>		
Objection	<p><u>General Objection</u></p> <p>Objects to Amendment C223</p> <p><u>Victoria Street Structure Plan</u></p> <p>Submits that the amendment is consistent with the Victoria Street Structure Plan and Yarra Planning Scheme. What's the point of having a structure plan and planning scheme if it's not adhered to?</p> <p><u>Heritage</u></p> <p>Submits that 12 storeys 'monstrosity' on top of a heritage building will detract from the history of the area and skyline.</p> <p><u>Building Heights</u></p> <p>Opposes 12 storey heights in DPO15 and submits that a 12 storey building will have a negative impact on the skyline and views from surrounding apartments and that the height is ridiculous and that the area isn't the CBD. There are too many tall apartment buildings (including Embassy and Supply Co developments) for the small area around Doonside Street.</p>	<p>Noted.</p> <p>The Victorian Street Structure Plan places the site within the Doonside Precinct. The Doonside Precinct is categorised as an area that will experience substantial change and for development to include "Potential Housing, Retail and Business". The amendment will facilitate a development that is in keeping with the vision outlined in the Victoria Street Structure Plan.</p> <p><b>Recommended Position:</b> No change to amendment</p> <p>Refer to Submission 1.</p> <p>The seven to 12 storey scale proposed to be facilitated through the amendment are consistent with the emerging scale of recent developments in this part of Richmond.</p> <p>GJM Heritage has advised:</p> <p><i>Taking into account other planning objectives, it is our view that the construction of medium-rise development of up to 24.5m and 42m in height (partially within the extent of HO375) can be accommodated while retaining the integrity of heritage buildings where adequate setbacks are provided and design objectives ensure that the new built form does not result in facadism or the loss of legibility of the three-dimensional form of heritage places.</i></p> <p><b>Recommended Position:</b> No change to amendment</p> <p>The nature of the precinct is changing, and development along Burnley and Victoria Streets form part of this transformation that is envisioned in the Victoria Street Structure Plan, Yarra Housing Strategy and Yarra Planning Scheme.</p> <p>Amendment C223 seeks to provide a high level of certainty in terms of a future built form outcome, particularly in terms of the height of future development. The composition of heights has had regard to the existing context, future residential amenity, heritage, the amenity of open space and avoiding amenity impacts on neighbouring properties.</p> <p>The heights in Amendment C223 are comparable with approved/constructed development on adjacent sites and in the surrounding area.</p> <p>The Amendment, proposes a 10m setback from Burnley Street and 13m setback from Appleton Street for upper-levels, thereby reducing the visual appearance of the upper levels from those streets. These substantial setbacks mitigate their visibility impact from surrounding areas.</p>

## Attachment 2 - Amendment C223 - Summary of submissions and response to inform council's position at panel

Submission Number Interest Type of Submission	Summary of Submission	Response to inform Council's submission to Panel
		<p>A reduction in height is not warranted as the upper-levels are setback to reduce their visual impact, they are comparable to the surrounding development and reflect the nature of an area that is identified suitable for higher density housing.</p> <p><b>Recommended Position:</b> No change to amendment</p>
	<p><u>Accommodating Growth</u></p> <p>Submits that there are already too many people in this area and additional population will exacerbate existing problems.</p>	<p>The key purpose of this amendment is to facilitate a rezoning to a land-use that is supported by both state and local planning policy.</p> <p>Council's adopted Housing Strategy identifies the centre as an opportunity for well-located housing growth and renewal, specifically labelling the area as a high change area. The Strategy describes a high change area as:</p> <p><i>"Areas will support increased residential densities and housing diversity through mixed-use, infill and urban renewal apartment development that will establish new character for a site or precinct."</i></p> <p>Officers acknowledge that the land is located between contrasting land uses and that any future development on the land will need to provide a transition between. The land and surrounding area's character is currently in transition, moving away from low rise industrial to a mixed-use area with urban infill. The land has been nominated as an area for change, specifically housing and office. The shift from industrial to mixed-use with a taller built form will not diminish the existing character but support the emerging Doonside Precinct as a mixed-use area with mid-rise development.</p> <p>Amendment C223 supports the use of active transport by new residents of any future development through the requirement of preparing a green travel plan. The Amendment directs housing growth to an area that is well served by public transport and services within walking distance.</p> <p><b>Recommended Position:</b> No change to amendment</p>
	<p><u>Notification</u></p> <p>Notes that they would have liked to have been notified earlier prior to purchasing an apartment in Supply Co.</p>	<p>Notification parties occurs during the exhibition period, following authorisation from the Minister for Planning.</p> <p><b>Recommended Position:</b> No change to amendment</p>
	<p><u>Traffic Congestion</u></p> <p>Notes that the traffic movement at the Doonside/Burnley intersection is struggling and hard to navigate.</p>	<p>Traffic impacts are usually assessed at the planning permit stage when there is more certainty about potential traffic generation, notably the number of dwellings/floor space and car parking rates. Traffic impacts have been raised now because of the potential impacts that rezoning of sites, allowing future residential/commercial development opportunities could incur in the future.</p> <p>While officers understand the concerns regarding traffic congestion, the impact of traffic impacts will be dealt with at the development plan and planning permit stage when there is specific information regarding a proposal.</p> <p>DPO15 requires an updated Traffic Impact Assessment (TIAR) as part of the development plan to be prepared before a permit is issued. This will respond to a more detailed plan for the site and provide solutions to traffic impacts.</p>

## Attachment 2 - Amendment C223 - Summary of submissions and response to inform council's position at panel

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		<p>The TIAR will need to address the following:</p> <p><i>Expected traffic volumes and impact on the existing road network, including but not necessarily limited to Doonside Street, Appleton Street and Burnley Street. This assessment is to include details of any assumptions relied upon.</i></p> <p><i>Identify mitigating works required for each development stage in the Development Plan</i></p> <p><i>Identify a new intersection layout and operation, if required, approved by VicRoads in consultation with the Responsible Authority.</i></p> <p><i>Details of any works or treatments proposed to Doonside Street or Appleton Street or the nearby road network.</i></p> <p><i>Details regarding the impact on pedestrian and bicycle routes. Measures to reduce conflict and improve pedestrian and bicycle amenity.</i></p> <p><i>Details regarding loading arrangements, with loading to be undertaken on-site and conflict between the loading bay(s) and car parking areas and non-motorised transport to be minimised.</i></p> <p><i>Access to the site by trucks is to be via Doonside Street.</i></p> <p><i>Details regarding on-site waste collection, with waste vehicles accessing the site from Doonside Street.</i></p> <p><i>Assess whether a two way or a four-way signalised intersection between Burnley Street/Doonside Street/Buckingham Street is required and the trigger for providing the signalised intersection to the satisfaction of VicRoads</i></p> <p>In addition, DPO15 requires the preparation of a <i>Green Travel Plan</i> which would need to demonstrate that the development supports sustainable transport alternatives.</p> <p>The landowner will be required to enter a Section 173 agreement with VicRoads and Council for the provision of traffic mitigation works outlined in the updated TIAR before a permit can be issued.</p> <p><b>Recommended Position:</b> No change to amendment</p>
	<p><u>Views</u></p> <p>Submits that the 12 storey building will take away a large chunk of the view they paid for.</p>	<p>The planning system does not protect views from private property. The issue was dealt with by the High Court of Victoria in <i>Victoria Park Racing &amp; Recreation Grounds Co Ltd v Taylor</i> [1937] HCA 45. The High Court held that a property owner does not own the views (spectacles) from his or her land. Justice Dixon stated:</p> <p><i>"I find difficulty in attaching any precise meaning to the phrase 'property in a spectacle'. A 'spectacle' cannot be 'owned' in any ordinary sense of that word."</i></p> <p><b>Recommended Position:</b> No change to amendment</p>
Submission 3: Resident – Supply Co		

## Attachment 2 - Amendment C223 - Summary of submissions and response to inform council's position at panel

Submission Number Interest Type of Submission	Summary of Submission	Response to inform Council's submission to Panel
Objection	<u>General Objection</u> Objects to Amendment C223.	Noted.
	<u>Building Heights</u> Opposes 12 storey heights as it is too high for the area and recommends a height of 5 storeys.	Refer to Submission 2.
<b>Submission 4: Resident – Burnley Street</b>		
Objection	<u>General Objection</u> Objects to Amendment C223.	Noted.
<b>Submission 5: Consultant for Proponent</b>		
Support	<u>General Support</u> Supports the amendment as it will provide a net community benefits.	Noted.
	<u>Land use</u> Supports: <ul style="list-style-type: none"> <li>Retention of employment-generating land uses</li> <li>The net increase in jobs</li> <li>The provision of additional residential, commercial, retail and home office land uses within an activity centre and walking distance of its catchment.</li> </ul>	Noted.
	<u>Public Open Space and pedestrian laneway</u> Supports the creation of a new public open space, pedestrian laneway and other local amenity improvements.	Noted.
	<u>Affordable Housing</u> Supports the provision of 10% of dwellings to be for affordable housing.	Noted.
	<u>Heritage</u> Supports the restoration of heritage buildings including the entire building at 26 Doonside Street.	Noted.
	<u>Traffic</u> Supports the contribution to the future signalisation of Doonside Street and Burnley Street intersection.	Noted.

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	<u>State and Local Planning Policy</u> Notes that the amendment implements the policies of the Yarra Planning Scheme and Plan Melbourne 2017-2050.	Noted.
<b>Submission 6: Resident – Embassy Apartments</b>		
Objection	<u>General Objection</u> Strongly objects to Amendment C223.	Noted.
	<u>Property Values</u> Submits that the amendment will heavily depreciate the value of their apartment, by obstructing views to the City. Recommends Council should reimburse the premium paid for city views for affected apartment owners.	The economic effects relevant to the Amendment stage are those of a broad community nature rather than of an individual kind. On this issue, the Panel considered Stonnington Planning Scheme Amendment C270 at page 24 of its report noted: <i>"This Panel maintains the consistent view adopted by other panels that broader community effects, rather than private economic effects such as impacts upon land values or the individual financial circumstances of the landowner, are of particular relevance at the Amendment stage. The Melbourne C207 Panel conclusions on social and economic effects maintained that these impacts relate to the broader community, rather than personal impacts. Review by the Supreme Court in Dustday Investments Pty Ltd v Minister for Planning [2015] VSC101 (Dustday) did not find that the Melbourne C207 Panel had erred."</i> The Planning and Environment Act 1987 clearly sets out the matters which give rise to claims for compensation. The compensation provisions of Section 98 of the Act do not include compensation for the loss in property values. <b>Recommended Position:</b> No change to amendment
	<u>Building Heights</u> Recommends the building heights should be lowered to a 3 or 4 storey maximum height limit. The submission also recommends that the heights should be lowered to not obstruct apartment and common area views of the Embassy Building.	Refer to Submission 2.
<b>Submission 7: Owner – Embassy Apartments</b>		
Objection	<u>General Objection</u> Strongly objects to Amendment C223	Noted.

## Attachment 2 - Amendment C223 - Summary of submissions and response to inform council's position at panel

Submission Number Interest Type of Submission	Summary of Submission	Response to inform Council's submission to Panel
	<u>Building Heights</u> Notes that the 12 storey height will block city views to the common area and opposes the height and recommends that the height be should be lowered.  Proposes a much lower building height to ensure views from the level 7 common area of the Embassy building are maintained	Refer to Submission 2.
	<u>Views</u> Recommends that the views to the City from the common area should not be obstructed.	Refer to Submission 2.
	<u>Property Values</u> Submits that any development must account for the current and future value of other properties in the area.	Refer to Submission 6.
	<u>Consultation</u> Recommends that there be consultation with the owners of the surrounding properties.	<p>The statutory provisions in the Planning and Environment Act 1987 provide for extensive external consultation.</p> <p>Community consultation has taken place via a formal planning scheme amendment process. The Planning and Environment Act 1987 at section 19 (4) (b) states the amendment must be exhibited for at least a month. The amendment was exhibited for five weeks, providing an extra week on top of the statutory requirement.</p> <p>Council sent around 1,640 letters to landowners and occupiers and included a four-page information booklet with the letter that explained the amendment.</p> <p>Details of a site tour/information session organised by an external consultant engaged by the landowner were included in the letter. Residents along Appleton Street were offered an invitation to a community information session run by an external consultant engaged by the landowner. Council officers offered one on one information appointments to affected parties across three days. Affected parties who have submitted to the Amendment will be permitted to make a submission at an independent planning panel.</p> <p>The schedule to the Development Plan Overlay requires a proposed development plan be available for public inspection and submission for 28 days before its consideration by the Responsible Authority.</p> <p><b>Recommended Position:</b> No change to amendment</p>
<b>Submission 8: Resident – Embassy Apartments</b>		
<b>Objection</b>	<u>General Objection</u> Strongly objects to Amendment C223	Noted.
	<u>Property Values</u> Notes that amendment will depreciate the value of properties with city views.	Refer to Submission 6.

## Attachment 2 - Amendment C223 - Summary of submissions and response to inform council's position at panel

Submission Number Interest Type of Submission	Summary of Submission	Response to inform Council's submission to Panel
	Submits that any development must account for the current and future value of other properties in the area. Submits that owners will lose the premium they paid in order to gain apartments with city views.	
	<u>Building Heights</u> Objects to the 12 storey height. 12 storeys are utterly outrageous and propose lower building height which ensures views from the level 7 common area of the Embassy building are maintained.	Refer to Submission 2.
	<u>Views</u> Submits that the proposed 12 storey development will block city views from the Embassy building, particularly from the shared common area and some apartments	Refer to Submission 2.
	<u>Consultation</u> Recommends that there be consultation with the owners of the surrounding properties.	Refer to Submission 7.
<b>Submission 9: Owner – Embassy Apartments</b>		
Objection	<u>General Objection</u> Strongly objects to Amendment C223	Noted.
	<u>Property Values</u> Notes that amendment will depreciate the value of properties with city views. Submits that any development must account for the current and future value of other properties in the area.	Refer to Submission 6.
	<u>Building Heights</u> Objects to the 12 storey height. 12 storeys is utterly outrageous and propose lower building height which ensures views from the level 7 common area of the Embassy building are maintained.	Refer to Submission 2.
	<u>Consultation</u> Recommends that there be consultation with the owners of the surrounding properties.	Refer to Submission 7.
	<u>Views</u> Submits that the proposed 12 storey development will block city views from the Embassy building, particularly from the shared common area and some apartments.	Refer to Submission 2.
<b>Submission 10: Resident – Embassy Apartments</b>		
Objection	<u>General Objection</u>	Noted.

## Attachment 2 - Amendment C223 - Summary of submissions and response to inform council's position at panel

Submission Number Interest Type of Submission	Summary of Submission	Response to inform Council's submission to Panel
	Strongly objects to Amendment C223	
	<p><u>Property Values</u></p> <p>Notes that many owners paid a premium to gain city views and the amendment will depreciate the value of properties with city views</p> <p>Submits that any development must account for the current and future value of other properties in the area.</p>	Refer to Submission 6.
	<p><u>Amenity Impacts</u></p> <p>Notes that the amendment proposes to build a 12 storey building in front of the facilities city views and our north facing level 6 apartment.</p> <p>Submits that the new building will impose on their privacy of their bedroom, balcony, and entire apartment.</p> <p>Submits that the proposal to build a twelve storey residential apartment in front of their building is outrageous.</p>	<p>For apartment developments in the Mixed-use Zone, Clause 58 Apartment Developments applies.</p> <p>Clause 58.04-1 seeks to:</p> <p><i>"Limit views into habitable room windows and private open space of new and existing dwellings." Buildings should be set back from side and rear boundaries to "avoid direct views into habitable room windows and private open space of new and existing dwellings. Developments should avoid relying on screening to reduce views."</i></p> <p>Officers have reviewed the endorsed plans for the Embassy building to better understand the location of submitter's apartment and the communal areas within the development. Officers note that there it is an 11 storey proposed building that is located immediately west of the Embassy Building that is separated by the Embassy's pedestrian walkway.</p> <p>Currently, the <i>Indicative Framework Plan</i> requires a building separation of upper forms to set back by 9m from each other. Currently, the <i>Indicative Framework Plan</i> is not clear on how far upper-levels of new development should be set back from the existing Embassy building. A 9m setback between medium-rise form as present in this instance is characteristic of much of Melbourne's recent urban renewal and has been tested and found acceptable through numerous Panel and VCAT reviews as a distance to provide appropriate separation and privacy between apartments.</p> <p><u>Recommended Position:</u></p> <p>It is recommended that the <i>Indicative Framework Plan</i> or Schedule 15 to the Development Plan Overlay be updated to ensure a 9m separation between upper-levels of new development and the Embassy Apartments.</p>
	<p><u>Overshadowing</u></p> <p>Submits that the outcome of the amendment is that future development will block daytime light to the apartment.</p>	<p>Clause 15.01-25 of the Yarra Planning Scheme aims to provide building design the minimises the detrimental impact of development on neighbouring properties, public realm and the natural environment, with potential impacts relating to overshadowing of secluded private open spaces, loss of daylight to windows and overlooking of sensitive areas.</p> <p>There is also VCAT Case law to ensure that future development will not unreasonable overshadow existing residents. As outlined in paragraph 61 of <i>Leading Edge Construction v Yarra CC</i> [2011] VCAT 3098, Member Davies stated that;</p>



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		<p><i>Existing residents in the B 1 Z (now C 1 Z) are entitled to 'some basic amenity measures'. Redevelopment of neighbouring sites should not be 'totally obliterating' their amenity.</i></p> <p>There is existing policy in the Yarra Planning Scheme to manage overshadowing impacts from development at a planning permit stage. Clause 22.10-3.8 (Built Form and Design Policy) applies which aims to:</p> <p><i>Ensure that new development does not substantially overshadow adjoining residential private open space or public facilities such as parks and gardens. Pursuant to this clause where private open space and/or windows to adjacent uses are affected, additional setbacks from side boundaries are required to address loss of daylight, overshadowing and visual bulk impacts on neighbouring properties, especially residential properties.</i></p> <p>The Development Plan Vision (clause 4.1 of DPO15) aims to protect the amenity of residential properties on the south side of Appleton Street. This could be amended to include the adjoining residential properties to the east.</p> <p>There is policy provisions in the Yarra Planning Scheme to address overshadowing and to ensure that a good design outcome is achieved at the development plan and planning permit stage.</p> <p><b>Recommended Position:</b></p> <p>Amend wording of DPO15:</p> <p><i>To protect the amenity of residential properties on the south side of Appleton Street.</i></p> <p>To reference the properties to the east of the site.</p>
	<p><u>Building Heights</u></p> <p>Objects to the 12 storey height. 12 storeys is utterly outrageous and propose lower building height which ensures views from the level 7 common area of the Embassy building are maintained.</p>	<p>Refer to Submission 2.</p>
	<p><u>Rezoning</u></p> <p>Notes that zoning for this area is only for commercial use and two storeys.</p> <p>Questions why the land is being rezoned to MUZ and why developers are getting the upper hand to argue for this rezoning. The area is zoned commercial for a reason.</p>	<p>Amendment C223 proposes to rezone 81-95 Burnley Street and 26 Doonside Street Richmond to the Mixed-use Zone (MUZ) to allow for the land to be used and developed for a mix of uses including residences and employment opportunities. The rezoning will provide an incentive for further renewal and mixed-use redevelopment on the land, consistent with State and metropolitan planning policy. DPO15 includes the provision that at least 9,000m2 of Gross Floor Area provided for employment generating activities.</p> <p>Amendment C223 completes the rezoning of the 'missing part' of the Doonside Precinct that was rezoned in 2009, in Amendment C99. In that amendment the Panel supported the rezoning, noting the opportunity to "encourage and facilitate a mix of uses including residential development, office and retail, in a location which has all of the attributes needed to support inner-city urban renewal and redevelopment" (Am C99 Panel Report, p47).</p>

## Attachment 2 - Amendment C223 - Summary of submissions and response to inform council's position at panel

Submission Number Interest Type of Submission	Summary of Submission	Response to inform Council's submission to Panel
		<p>Amendment C223 is consistent with the Victoria Street Structure Plan, in which the land is included in Precinct 11a <i>Doonside Precinct – potential housing mixed with retail and business</i>.</p> <p>Council's <i>Spatial Economic and Employment Strategy</i> provides guidance on the future strategic direction for Yarra's industrial and commercial-zoned land. The Strategy acknowledges the importance of the Richmond East Industrial precinct but also flags the opportunity for commercial land to be rezoned:</p> <p><i>An exception might be made for interfaces with residential areas, where rezoning to allow mixed employment and residential uses would help address existing or potential land-use conflicts (e.g. by providing an appropriate and enduring buffer between residential and non-residential uses).</i></p> <p>The rezoning provides for a transition in uses and built form from Victoria Gardens, north of the site to the residential area to the south.</p> <p><b>Recommended position:</b> No change to amendment</p>
	<p><u>Views</u></p> <p>Submits that the outcome of the amendment will be to block views from the Embassy Apartments and common areas.</p>	Refer to Submission 2.
<b>Submission 11: Resident – Embassy Apartments</b>		
Objection	<p><u>General Objection</u></p> <p>Very strongly objects to Amendment C223</p>	11.1 Noted.
	<p><u>Views</u></p> <p>Submits that the outcome of the amendment will block views from the embassy apartments and common areas.</p>	Refer to Submission 2.
	<p><u>Rezoning</u></p> <p>Requests that the Harry the Hirer building is not extended [rezoned].</p>	Refer to Submission 10.
<b>Submission 12: Submitter – Unknown interest</b>		
Objection	<p><u>General Objection</u></p> <p>Strongly objects to Amendment C223</p>	Noted.
	<p><u>Accommodating Growth</u></p> <p>Concerned with overcrowding and over development in the area.</p>	Refer to Submissions 1, 2 (accommodating growth).
<b>Submission 13: Ovner – Embassy Apartments</b>		
Objection	<p><u>General Objection</u></p> <p>Strongly objects to Amendment C223</p>	Noted.

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Submission Number Interest Type of Submission	Summary of Submission	Response to inform Council's submission to Panel
	<u>Property Values</u> Notes that amendment will depreciate the value of properties with city views. Submits that any development must account for the current and future value of other properties in the area.	Refer to Submission 6.
	<u>Building Heights</u> Objects to the 12 storey height. 12 storeys is utterly outrageous and propose lower building height which ensures views from the level 7 common area of the Embassy building are maintained.	Refer to Submission 2.
	<u>Consultation</u> Recommends that there be consultation with the owners of the surrounding properties.	Refer to Submission 7.
	<u>Views</u> Submits that the outcome of the amendment will block views from the Embassy Apartments and the level 7 common area.	Refer to Submission 2.
<b>Submission 14: Resident – Embassy Apartments</b>		
<b>Objection</b>	<u>General Objection</u> Strongly objects to Amendment C223	14.1 Noted
	<u>Property Values</u> Notes that the amendment will depreciate the value of properties with city views which a premium was paid for. Submits that any development must account for the current and future value of other properties in the area.	Refer to Submission 6.
	<u>Building Heights</u> Objects to the 12 storey height. 12 storeys is utterly outrageous and propose lower building height which ensures views from the level 7 common area of the Embassy building are maintained.	Refer to Submission 2.
	<u>Views</u> Submits that the possibility of the blockage of open views from apartments is causing much stress and anxiety.	Refer to Submission 2.
	<u>Community Well-being</u> Requests Council consider the well-being of local residents in the area and the distress this proposal is causing.	Broader community effects of the amendment has been considered. While the amendment will cause some change to the area, it will deliver several key benefits that will have a tangible effect on local residents. These benefits including but not limited to: <ul style="list-style-type: none"> <li>Provision of 576 square metres of public open space;</li> </ul>

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		<ul style="list-style-type: none"> <li>Retention and restoration of heritage places on the land;</li> <li>Creation of a new pedestrian link through the site, improving the walkability of the precinct;</li> <li>Affordable housing;</li> <li>Opportunities for local jobs to assist in contributing to the vibrancy of the Activity Centre;</li> <li>Public realm improvements.</li> <li>Mitigation of traffic impacts</li> </ul> <p><b>Recommended position:</b> No change to amendment</p>
<b>Submission 15: Resident – Embassy Apartments</b>		
<b>Objection</b>	<u>General Objection</u> Strongly objects to Amendment C223	Noted.
	<u>Property Values</u> Notes that amendment will depreciate the value of properties with city views Submits that any development must account for the current and future value of other properties in the area.	Refer to Submission 6.
	<u>Building Heights</u> Objects to the 12 storey height. Utterly outrageous. Proposes a much lower building which ensures views from the level 7 common area of the Embassy building are maintained.	Refer to Submission 2.
	<u>Consultation</u> Recommends that there be consultation with the owners of the surrounding properties.	Refer to Submission 7.
	<u>Views</u> Submits that the outcome of the amendment will block views from the Embassy apartments and the level 7 common area.	Refer to Submission 2.
<b>Submission 16: Resident – Appleton Street</b>		
<b>Objection</b>	<u>Pedestrian Lane</u> Concerned that the activated lane will attract more people and noise at night and will result in a threatening night time environment with associated security issues. Concerned that bars, restaurants and cafes will have a negative impact on surrounding residents living and restful environments. Recommends that controls need to address the type of retail and its impacts on surrounding residents.	Council has several local planning policies to manage potential amenity impacts to nearby residential properties. This includes Council's <i>Interface Uses Policy</i> (To manage impacts from new residential and commercial developments) and <i>Licensed Premised Policy</i> (to manage licensed premises and protect the amenity of nearby properties). Council's Licensed Premises Local Policy was recently updated in 2018 and its purpose is to manage licensed premises in the City of Yarra. This policy's objective is to ensure amenity impacts on surrounding residential properties is maintained. <p><b>Recommended position:</b> No change to amendment</p>

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	<p><u>Overshadowing</u></p> <p>Concerned about the overshadowing to Appleton Street and notes there is already significant shading of the street from just a one storey building and raised that the photo wasn't taken in winter [this overshadowing would be worse].</p>	<p>It is a well-established practice within the Victorian Planning System to use the September Equinox as the point in time to measure overshadowing impacts.</p> <p>Officers support the protection of Appleton Street properties from overshadowing at the September equinox. Overshadowing requirements are already included within the DPO15 that will adequately address overshadowing impacts. This include:</p> <p><i>no overshadowing of private properties on the southern side of Appleton Street beyond that caused by a building of 11m when measured between the hours of 10:00 am and 2:00 pm at the September Equinox</i></p> <p><b>Recommended position:</b> No change to amendment</p>
	<p><u>Amenity Impacts</u></p> <p>Submits that during the construction period there will be an extensive period of time living in a noisy and dusty construction site.</p>	<p>Officers do acknowledge the proximity of some apartment complexes to the site and expect there to be some noise during the construction period. The State Environment Protection Policy – Control of noise from industry, commerce and trade No. 1 (SEPP N-1)'s purpose is "to protect people from commercial, industrial or trade noise that may affect the beneficial uses made of noise-sensitive areas while recognizing the reality of the existing land use structure in the Metropolitan Region". Any future development of the land will have to comply with the guidelines set out in this State Policy.</p> <p>Clause 22.05-4.4 of the Yarra Planning Scheme requires the following in relation to Construction Management:</p> <p><i>All developments are to ensure that construction times, storage and disposal methods minimise disruption to nearby residential and business uses.</i></p> <p><b>Recommended position:</b> No change to amendment</p>
	<p><u>Compensation</u></p> <p>Recommends a compensation plan for homeowners should be included.</p>	<p>The <i>Planning and Environment Act 1987</i> clearly sets out the matters which give rise to claims for compensation. The compensation provisions of Section 98 of the Act do not include compensation for the loss in property values.</p> <p><b>Recommended position:</b> No change to amendment</p>
<b>Submission 17: Owner – Embassy Apartments</b>		
<b>Objection</b>	<p><u>General Objection</u></p> <p>Objects to the amendment.</p>	Noted.
	<p><u>Views</u></p> <p>Submits that the outcome of the amendment may impact the views from their apartment.</p>	Refer to Submission 2.
	<p><u>Property Values</u></p> <p>Notes that amendment will depreciate the value of properties with city views.</p>	Refer to Submission 6.
	<p>Submits that a 12 storey apartment could make their property investment redundant.</p>	

## Attachment 2 - Amendment C223 - Summary of submissions and response to inform council's position at panel

Submission Number Interest Type of Submission	Summary of Submission	Response to inform Council's submission to Panel
	<u>Rezoning</u> Recommends that the Harry the Hirer site should not be rezoned.	Refer to Submission 10.
<b>Submission 18: Ovner – Embassy Apartments</b>		
Objection	<u>General Objection</u> Strongly objects to Amendment C223	Noted.
	<u>Property Values</u> Notes many owners paid a premium for their view and the Amendment will depreciate the value of properties with city views. Submits that any development must account for the current and future value of other properties in the area.	Refer to Submission 6.
	<u>Building Heights</u> Objects to the 12 storey height limit. Proposes a much lower building which ensures views from the level 7 common area of the Embassy building are maintained.	Refer to Submission 2.
	<u>Consultation</u> Recommends that there be consultation with the owners of the surrounding properties.	Refer to Submission 7.
	<u>Views</u> Submits that the outcome of the amendment will block views from the Embassy apartments and the level 7 common area.	Refer to Submission 2.
<b>Submission 19: Ovner – Embassy Apartments</b>		
Objection	<u>General Objection</u> Strongly objects to Amendment C223	Noted.
	<u>Property Values</u> Notes many owners paid a premium for their view and the Amendment will depreciate the value of properties with city views. Submits that any development must account for the current and future value of other properties in the area.	Refer to Submission 6.
	<u>Building Heights</u> Objects to the 12 storey height limit.	Refer to Submission 2.

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	Proposes a much lower building which ensures views from the level 7 common area of the Embassy building are maintained	
	<u>Consultation</u> Recommends that there be consultation with the owners of the surrounding properties.	Refer to Submission 7.
	<u>Views</u> Submits that the outcome of the amendment will block views from the Embassy apartments and the level 7 common area	Refer to Submission 2.
<b>Submission 20: Resident – Bennet Street</b>		
Objection	<u>Building Heights</u> Objects to the 12 storey height.  Submits that the proposal is an overdevelopment of the site and the heights should be reduced.  Submits that the proposed development is not an appropriate scale and will erode the historical amenity of street frontages in Richmond.	Refer to Submission 2.
	<u>Traffic Congestion</u> Submits that the outcome of the amendment will be increased pedestrian and vehicle congestion in the area which has already exceeded the capacity of local infrastructure.	Refer to Submission 2.
	<u>Accommodating Growth</u> Recommends that the density of the development needs to be reduced.	Refer to Submissions 1 and 2.
<b>Submissions 21, 21A &amp; 21B: Owner – Embassy Apartments</b>		
Objection	<u>Submission 21</u> <u>General Objection</u> Strongly objects to Amendment C223	Noted
	<u>Views</u> Submits that the outcome of the amendment will block views from the embassy apartments and the level 7 common area.	Refer to Submission 2.
	<u>Consultation</u> Recommends that there be consultation with the owners of the surrounding properties.	Refer to Submission 7.

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	<p><u>Building Heights</u> Objects to the 12 storey height limit being directly in front of the new Embassy Building. Proposes a much lower building which ensures views from the level 7 common area of the Embassy building are maintained.</p>	Refer to Submission 2.
	<p><u>Property Values</u> Submits that the Amendment will depreciate the value of properties by restricting city views and traffic congestion. Submits that any development must account for the current and future value of other properties in the area. Submits that another residential building will significantly diminish the quality and enjoyment of the existing properties and lead to a reduction in value and rent income.</p>	Refer to Submission 6.
	<p><u>Traffic</u> Submits that the outcome of the amendment will create traffic congestion along Doonside Street and at the exit to Burnley Street. Notes that Doonside Street is already shared by the Embassy building and Supply Co and the traffic congestion is already felt every morning by these residents.</p>	Refer to Submission 2.
<b>Submission 21A</b>	<p><u>Artist impression – pages 4-5 (Artist Impressions in Planning Report)</u> Submits that the artist's impression is the only visual of the proposed development and does not show all six proposed buildings and neighbouring buildings. Submits the artist's impression is a misrepresentation of the proposed development (notes disclaimer on image). Recommends that a detailed design should be made available before the approval stage.</p>	<p>Noted. The development outcome will be refined during the preparation of a development plan and separate planning permit applications. The purpose of the images in the Report are to provide a visual aid. Prior to a permit being issued, a comprehensive development plan would need to be prepared in accordance with DPO15. The community will be given an opportunity to review and comment on the development plan. The development plan then needs to be adopted by Council. <b>Recommended position:</b> No change to amendment</p>
	<p><u>Economics and Employment</u> Notes that many of the retail and commercial opportunities around the immediate area are still vacant on Burnley and Victoria Streets and many businesses have located outside of Richmond (reflects the decline of jobs in the area). Supporting documents should not be assumed that jobs will increase long term (rather it appears this is referring to the short term/finite construction periods). Questions what other retail or business opportunities have been confirmed aside from Harry the Hirer's business? What specific job increase is being referred to? Questions what considerations Council will take in account its approval process for mixed [use] and commercial developments when business have been leaving Richmond?</p>	<p>It is the intention of Astrodome Hire Pty Ltd to remain on the site and expand the showroom and administrative side of their business. The City of Yarra has adopted the <i>Spatial Economic and Employment Strategy 2018</i> (SEES) which provides guidance on managing growth and change in employment and economic activity. Yarra's economy has evolved through several significant shifts from early settlement to the present day. These changes have been driven by broader structural economic changes. A key trend is the decline of industrial business within the City of Yarra. Over the next 15 years, a reduction in the quantity of industrial floor space in Yarra is forecast, with the total floor space demand within the municipality forecast to decrease by around 25%. (P.37 SEES).</p>



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	<p>Who is living and working in Richmond?</p> <p>Questions the projected job numbers listed in the <i>Planning Report</i> and referenced the number of vacant properties located in the area.</p> <p>Notes that the decline [of businesses] has been exacerbated by the Council's approval of the supervised injection room.</p>	<p>The SEES identifies that demand for commercial floor space (both retail and office) is expected to grow. Yarra currently supports in the order of 910,000 square metres of retail floor space with demand for an additional 55,000 square metres of floor space projected over the next 15 years. (p.36, SEES)</p> <p>The Strategy acknowledges that: "<i>Victoria Street provides vibrant street-based retail and hospitality businesses. Expansion of these activities to the east towards a growing residential precinct is a logical extension of this centre. Land to the south of the Victoria Gardens presents opportunities for higher density employment and housing, in the medium to longer term.</i>"</p> <p>The supporting documentation indicates that the introduction of a residential component will bring an injection of \$18.3m pa in retail spending by new residents, around \$13.7m pa of which would be captured by local retailers</p> <p>There is flexibility within DPO15 to allow for varying levels of office or residential development on the site which will assist in any future development responding to the market demand at that point in time.</p> <p>While data is not available for Richmond specifically, there is information regarding local workers for the City of Yarra. 24.3% of residents also work within the City of Yarra, which make up 15.2% of Yarra's total workforce (Profile ID).</p> <p><b>Recommended position:</b> No change to amendment</p>
	<p><u>Public Open Space</u></p> <p>Notes the public open space offered is minimal for the proposed size of this development.</p> <p>Notes that the proposed public open space referred to is paved walkways, not green space.</p> <p>How the proposed development supports local recreational use. Will it be open to the public including pets and children?</p> <p>How are existing parks meeting the needs of the increasing population</p> <p>Questions on what basis would Council approve taking away green space adjacent to Victoria Gardens? How does this comply with its planning scheme?</p> <p>Questions how this development will improve the quality and distribution of open space?</p> <p>Notes that the development is only preserving one tree on site and questions whether the developer will plant all the trees outlined in the supporting planning report.</p>	<p>The development outcome would be refined during the preparation of a development plan. While there are artistic impressions within the Planning Report, this is not the final outcome for the public open space and will be refined at later stages.</p> <p>DPO15 requires the preparation of landscape concept plans to be provided as part of the development plan.</p> <p>The amendment proposes to introduce a new open space to the network. This space would be open to the public.</p> <p>As part of the Public Realm Plan to be provided alongside a development plan, it will need to discuss improvements to the public realm adjacent to the site. Tree plantings have been flagged as one of the options that may be suitable. This will be further defined at the development plan stage. A requirement of DPO15 is for the landowner to enter into a legally binding Section 173 agreement to implement the recommendations of the public realm plan.</p> <p>Refer to Submission 23 "<i>Public Open Space</i>".</p> <p><b>Recommended position:</b> No change to amendment</p>
	<p><u>Pedestrian Lane</u></p> <p>Questions how the pedestrian walkway will offer a net community benefit in such a defined in page 7.</p> <p>Does this mean Council intends to remove the current access on David Street? Or, rather could this current pedestrian access be enhanced?</p>	<p>The pedestrian lane will provide another north-south connection through a large site improving overall walkability of the neighbourhood.</p> <p>Refer to Submission 14 above for further discussion on net community benefits.</p>

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	<p>Questions when was the pedestrian laneway to David Street for the Embassy building approved and by whom?</p>	<p>There is no intention by Council to remove the existing pedestrian walkway through the Embassy Apartments as this is private property.</p> <p>The permit for the Embassy development was issued by VCAT on 17 March 2012, which includes the development of the Embassy pedestrian laneway.</p> <p><b>Recommended position:</b> No change to amendment</p>
	<p><u>Amenity</u></p> <p>Questions how the development will 'creating other local amenity improvements'? Recommends the supporting documents be more specific by demonstrating what local amenity improvements have been tabled for approval in the imminent area, rather than a 'possibility' or 'maybe'?</p>	<p>The Amendment is providing the following:</p> <ul style="list-style-type: none"> <li>• 576 square metres of public open space facing Doonside Street.</li> <li>• A 9-metre wide pedestrian link which runs through the site from Doonside Street to Appleton Street.</li> <li>• A range of public realm improvements</li> <li>• 10% of dwellings to be for affordable housing.</li> <li>• Retention of heritage buildings including the entire building at 26 Doonside Street.</li> </ul> <p><b>Recommended position:</b> No change to amendment</p>
	<p><u>Transport</u></p> <p>Requests evidence that the landowner has submitted a request to VicRoads for the signalisation upgrades.</p> <p>Submits that there is inadequate evidence that signalisation is even possible or guaranteed, given the current width and heritage buildings along Burnley and Doonside Streets.</p> <p>Signalisation upgrade at Stage 2 of the development is little too late for the current residents of the vicinity.</p> <p>Concerned about potential issues around traffic congestion and public transport overcrowding with the increased population in the area due to new developments.</p> <p>Asks whether Yarra Trams have been approached to discuss options for coping with increased volume?</p> <p>Asks what traffic congestion impacts have been considered and what specific actions to address and improve?</p> <p>Submits that the amendment does not align with the objectives 32 and 33 set out in Clause 21.06-3 of the planning scheme, which set out to reduce the reliance on the private motor vehicle. The development will add 500 more private vehicles and additional traffic from its extensive commercial activity.</p> <p>Submits that it is not reasonable to assume reliance on the private motor car will reduce for both residents and works of future development.</p>	<p>The amendment directs housing growth to an area that is well serviced by public transport, cycle routes, services and jobs. While there will be car parking within the development, the parking rate is likely to be in line with car ownership within high-density dwellings. The car parking rates outlined in both traffic reports rely upon ABS census car ownership data for the suburb of Richmond. The car parking rates are in line with the data and are appropriate. The requirement for residents to drive to key services is substantially lower than other areas, thus meeting the requirements of Clause 21.06-3. Also, refer to Submission 24 (off street parking).</p> <p>No decision has been made regarding the upgrade to the intersection. It is a requirement for the landowner to enter a legally binding Section 173 agreement implementing recommendations from an updated Traffic Impact Assessment Report (TIAR) before a permit is issued. A detailed design would occur following an updated Traffic Impact Assessment Report. The assessment of the timing for traffic mitigation works will need to be completed will be addressed then, also Refer to submission 2 regarding the S173 agreement.</p> <p>Both Yarra Trams and PTV were notified of the amendment, no submission was received from either organisations.</p> <p>The amendment identifies a new 9m wide pedestrian lane through the site. Detailed plans which include pedestrian access points will be provided at this stage.</p> <p>Detailed plans have not been provided as part of this amendment, the amendment requires the preparation of a development plan to be prepared. As part of the development plan, an updated TIAR will be prepared. This will respond to a more detailed plan for the site and provide solutions to traffic impacts. This will include vehicle and pedestrian access points.</p>

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	<p>Requests confirmation that additional pedestrian access and cycle lanes are intended for Doonside Street. Asks how this will impact future vehicle access?</p> <p>Submits that there appears to be limited access [zero to one access points] on Doonside Street for five-six buildings which is inadequate for this size of the development.</p> <p>Submits that the increased turning points on Doonside Street will create further traffic congestion.</p> <p>How will Doonside Street be widened to accommodate both heritage and Council's requirements?</p> <p>Notes the <i>Planning Report</i> states the intention is for Doonside Street to become major vehicular access to Victoria Gardens and the area to the south to keep traffic away from Victoria Street and housing South of Appleton Street.</p> <p>Notes that on 15 October 2019, two fire engines had trouble turning around on Doonside Street due to parked cars.</p> <p>Submits that once approved and if the signalisation or widening is not possible or will be too late for residents in the neighbourhood to reject further.</p>	<p>The <i>Planning Report 2018</i> outlines relevant strategic work that relates to the site. The comment that "<i>Doonside Street should be the major vehicle entry</i>" is from the <i>Victoria Street East Precinct, Urban Design Framework</i>. The amendment does not propose Doonside Street be a major vehicle entry for Victoria Gardens Shopping centre.</p> <p>The street network allows for a number of exit routes for emergency vehicles (Doonside St and Appleton Street)</p> <p>Also refer to Submission 7 "<i>consultation</i>" Submission 2 "<i>traffic congestion</i>" and Submission 25 "<i>public transport</i>".</p> <p><b>Recommended position:</b> No change to amendment</p>
	<p><u>Schools and Childcare</u></p> <p>What evidence has been submitted by the developer about the current roll and accessibility to the schools?</p> <p>What the Council is doing to ensure schools have the capacity and whether there are any proposals to build new schools?</p> <p>Questions if there is enough capacity in nearby schools and public parks to meet the area's growth and needs?</p> <p>Recommends that the proposed development site should consider an early childhood centre as an option to accommodate these</p>	<p>The provisions of schools is managed by the Department of Education and the School Building Authority, and it's outside the scope of Local Government Authorities. The Department of Education has made several improvements, upgrades and new schools within Richmond, including:</p> <ul style="list-style-type: none"> <li>• New Richmond High School.</li> <li>• Upgrades to Lynall Hall Community School.</li> <li>• Upgrades to Richmond West Primary School.</li> <li>• Upgrades to Hawthorn West Primary School.</li> </ul> <p>Early childhood centres are a permissible use in the proposed MUZ.</p> <p><b>Recommended position:</b> No change to the amendment</p>
	<p><u>Built Form</u></p> <p>Notes that the heights of developments outlined in the Proponent's Planning Report (page 12) do not accurately represent the number of buildings and their heights for each development. This is a misrepresentation of information [cites a range of inconsistencies in submission].</p> <p>11 storey building is the same height as the Embassy's highest building at 38.5m. 12 storey buildings are 3.5 metres taller than Embassy's highest building. Seven storey buildings will exceed the height of the Embassy's seven-storey building.</p> <p>Submits that while the heritage buildings (Repco Factory and offices) will be retained, there will be buildings between 7 and 12 storeys high above which is not in the character of the area.</p> <p>Notes that the Embassy building and Supply and Co have a staggered design and the Embassy building has townhouses. Recommends that the buildings should have a staggered design.</p>	<p>The heights shown on page 12 of the planning report show some of the maximum heights of the development rather than a range of heights. It also reflects the heights known to the consultants at the moment in time when the image was prepared. Proposed developments change as they move through the planning permit. The purpose is to illustrate the range of developments that have occurred within the Victoria Street Structure Plan. Officers do not consider the diagram to be misleading.</p> <p>Officers acknowledge that the height of the proposed 11 storey building is a comparable height to the 12 storey Embassy building. Heights in the Indicative Framework Plan reflect one or two levels of commercial with residential levels above. Floor level heights can range depending on the design and use of each floor. Commercial floor to ceiling heights is greater than residential. Residential floor heights can also vary depending on the design of the building.</p> <p>The <i>Planning Report 2018</i> outlines relevant strategic work that relates to the site. The comment that:</p>

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	<p>Recommends future townhouse proposal outlined in Submission 21B.</p> <p>Requests an explanation of the statement in the <i>Planning Report 2018</i>:</p> <ul style="list-style-type: none"> <li>“Industrial and Commercial Interface: Max height RL26 along street frontages. Increases in height to RL30.5 max which may be acceptable with upper-level setbacks to ensure no detrimental impact on views of significant landmarks and no more overshadowing of the adjoining streets, public spaces or private properties beyond that caused by building to RL 26.”</li> </ul>	<p>“Industrial and Commercial Interface: Max height RL26 along street frontages. Increases in height to RL30.5 max which may be acceptable with upper-level setbacks to ensure no detrimental impact on views of significant landmarks and no more overshadowing of the adjoining streets, public spaces or private properties beyond that caused by building to RL 26.”</p> <p>Is an excerpt from the <i>Victoria Street East Urban Design Framework 2005</i> and provides proposed heights for buildings within the Victoria East Precinct.</p> <p>Refer to Submissions 1 and 2 (Building Heights and Heritage) and Submission 28 (Upper-Level Setbacks)</p> <p><b>Recommended position:</b> No change to the amendment</p>
	<p><u>Planning Applications</u></p> <p>Seeks clarification on indication/approval might have already been given to the developer which may negatively influence any objection from affected residents?</p> <p>Questions whether Council has approved the redevelopment of the vacant land northeast of the site.</p> <p>Notes that the Embassy has only provided a selection of townhouses.</p> <p>Submits that it is immoral and unethical to approve a development on maybe ideas.</p> <p>Notes that significant development in the area surrounding Victoria Gardens has already been approved by City of Yarra, which includes other new/proposed mixed developments</p>	<p>The submitter requested whether a permit for redevelopment of the vacant land to the northeast of the site had been issued. Permits have been issued for 10-20 River Blvd Richmond and 25-35 River Blvd Richmond.</p> <p>Council is progressing an amendment to the planning scheme that will allow the landowner to apply for a permit to redevelop the land. The amendment will need to be adopted by Council then approved by the Minister for Planning. If this occurs a development plan needs to be prepared alongside several \$173 agreements prior to a permit being issued.</p> <p>The Development Plan Overlay is an appropriate planning tool for the amendment as it is used to:</p> <ul style="list-style-type: none"> <li>require a plan to be prepared to coordinate proposed use or development, before a permit under the zone can be granted</li> <li>guide the content of the plan by specifying that it should contain particular requirements</li> <li>provide certainty about the nature of the proposed use or development</li> <li>remove notice requirements and third-party review rights from planning permit applications for proposals that conform to plan requirements</li> <li>ensure that permits granted are in general conformity with the plan</li> <li>apply particular permit conditions that help to implement the plan</li> <li>provide statutory force to plans.</li> </ul> <p><b>Recommended position:</b> No change to the amendment</p>
	<p><u>Planning Report 2018</u></p> <p>Seeks clarification on the statement in the <i>Planning Report</i> page 15: “the opportunity to provide commercial, retail, vehicle access and public open space along this edge enhance the neighbourhood” and how it affects the residents of Supply &amp; Co/Embassy?</p> <p>Requests confirmation of the number of townhouses built as part of this development.</p> <p>Objects to the following statement in the Planning Report (page 40) “The proposal for the Site is for an eleven storey residential building (38.5m), which will have a strong aesthetic relationship with the</p>	<p>The Amendment seeks to rezone the land to be used and developed for a mix-use of residences and employment opportunities, both retail and commercial. The amendment will apply planning controls to ensure there are key public benefits in any redevelopment on this land. Which include but are not limited to:</p> <ul style="list-style-type: none"> <li>Around 500 dwellings in six buildings, ranging in height between 7 storeys fronting Appleton Street and up to 12 storeys along Doonside Street.</li> <li>576 square metres of public open space facing Doonside Street.</li> <li>A 9-metre wide pedestrian link which runs through the site from Doonside Street to Appleton Street.</li> </ul>

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	<p>approved twelve storey form directly to the east. Further, there is a significant physical break/separation between the approved and proposed building forms to allow adequate sunlight and views from the proposed approved building directly to the south-east."</p> <ul style="list-style-type: none"> <li>Does not agree with the above statement that Embassy views and sunlight will not be affected by the proposed 11 storey building.</li> </ul> <p>Notes that on page 57 of the <i>Planning Report</i> it references a population increase of 835 people for this development but does not consider other developments being completed in the area.</p>	<ul style="list-style-type: none"> <li>10% of dwellings to be for affordable housing.</li> <li>Retention of heritage buildings including the entire building at 26 Doonside Street.</li> <li>At least 9,000 square metres of commercial/ retail floor space (part of which will see the Harry the Hirer administrative headquarters remain on-site).</li> </ul> <p>The number of dwellings will be addressed in the development plan Refer to Submissions 1 and 2 regarding accommodating growth in Yarra.</p> <p>For commentary on views refer to submission 2, and for commentary on amenity and overshadowing impacts also refer to submission 2.</p> <p><b>Recommended position:</b> No change to the amendment</p>
	<p><u>Housing Mix</u></p> <p>Submits that the amendment does not meet Clause 11.01R/Clause 16.01.3R</p> <ul style="list-style-type: none"> <li>86% of new dwellings in Yarra were high density. (Jul16 – Oct18)</li> <li>There are minimal other housing choices offered in local neighbourhoods.</li> <li>The current proposal continues to offer high-density housing options.</li> </ul> <p>Questions why there isn't any reference to townhouses in the dwelling numbers listed on page 55 of the <i>Planning Report</i>.</p>	<p>The strategies of this clause are (amongst other things)</p> <ul style="list-style-type: none"> <li>'develop a network of activity centres linked by transport; consisting of Metropolitan Activity Centres supported by a network of vibrant major and neighbourhood activity centres of varying size, role and function' as well as;</li> <li>'create mixed-use neighbourhoods at varying densities, including through the development of urban-renewal precincts, that offer more choice in housing, create jobs and opportunities for local businesses and deliver better access to services and facilities'.</li> </ul> <p>Council has adopted the <i>City of Yarra Housing Strategy</i> which sets out a preferred vision for housing growth within Yarra. The Strategy has undertaken a compressive investigation of places best to locate housing growth. The site is marked as a high change area, most likely due to its proximity to services, public transport, large island site and surrounding development.</p> <p>While the indicative framework plan identifies that there may be some townhouse developments on parts of the site where the height is 8-11m, full details on dwelling numbers and types are to be determined at the development plan stage.</p> <p>Officers consider that the amendment aligns with the objectives and strategies of Clause 11.01R and Clause 16.01.3R</p> <p><b>Recommended position:</b> No change to the amendment</p>
	<p><u>Access to shops, services and schools</u></p> <p>Asks what other new activity centres are planned to encourage and sustain growth in Council?</p>	<p>Council is currently undertaking a thorough review existing activity centres through local area planning and structure planning process. These strategic documents coupled with built form frameworks, the housing strategy and Spatial Employment and Economic Strategy define the preferred direction for future growth and set out how this change will be managed. The plans provide the preferred vision for land use, the height, setback and spacing of buildings and the types of public spaces that we want to see in our commercial centres.</p> <p>Refer to Submissions 1 and 2 "accommodating growth".</p> <p><b>Recommended position:</b> No change to the amendment</p>

## Attachment 2 - Amendment C223 - Summary of submissions and response to inform council's position at panel

Submission Number Interest Type of Submission	Summary of Submission	Response to inform Council's submission to Panel
	<p><u>Consistency with Policy</u></p> <p>Submits that the amendment does not meet Clause 15.01-2S of the Planning Scheme:</p> <ul style="list-style-type: none"> <li>The mass and heights of this development will create a bulk visual impact of overcrowding, contributing to the loss of sunlight, views to landmarks and overshadowing, detrimental to the value and personal wealth of Embassy residents within the City of Yarra.</li> </ul> <p>Submits that the amendment does not align with Clause 19.02-6S – Open Space.</p> <p>Questions how the Amendment will meet the Objective 17 in Clause 21.05-2 “<i>acknowledges much of the municipalities built form is low rise typology punctuated by pockets of higher development.</i>”</p> <p>Questions how will the proposed development comply with Council’s Urban Design Principles, specifically, UDP11 (Maintain a relatively open streetscape (on Doonside St), and UDP12 (Avoid a wall of taller form, with three 12 storey buildings along Doonside St, or four including Embassy)?</p> <p>Argues that the amendment does not align with Clause 21.05-3 Objective 17 “<i>Yarra’s identity as a low-rise urban form with pockets of higher development.</i>”</p> <p>Submits that the detrimental impacts and design of the buildings are not in line with the City of Yarra Planning Scheme.</p> <p>Submits that the proposed rezoning does not adequately meet all planning objectives in Victoria and the City of Yarra Local Policy.</p>	<p>This Planning Scheme Amendment seeks to implement a number of objectives of planning in Victoria under Section 4 of the Planning and Environment Act, in particular:</p> <ul style="list-style-type: none"> <li>To provide for the fair, orderly, economic and sustainable use, and Development of land;</li> <li>To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.</li> <li>To facilitate development in accordance with the other objectives;</li> <li>To facilitate the provision of affordable housing in Victoria; and</li> <li>To balance the present and future interests of all Victorians.</li> </ul> <p>The amendment seeks to replace a contextually outdated zoning (Industrial) with a more appropriate land use zone that encourages the creation of a dynamic mixed-use environment that includes commercial, residential and retail activities. It will facilitate housing growth as well as economic growth, whilst providing for affordable housing and public open space for the local area.</p> <p>Clause 15 requires planning to recognise the role of urban design, building design, heritage and energy and resource efficiency in delivering liveable and sustainable cities, towns and neighbourhoods. The amendment will enable a mix of uses, including residential, retail and office, and will provide for sensitive re-use of heritage buildings.</p> <p>The land affected by the amendment is located within a pocket of higher density development that has been identified by Council’s adopted <i>City of Yarra Housing Strategy</i>. Officers consider that the location of higher built form is supported in the area and meets objective 17 within Clause 21.05-3.</p> <p>DPO15 includes provisions to promote quality built form, allow for impacts to be managed and provide several key community benefits which include:</p> <ul style="list-style-type: none"> <li>Around 500 dwellings in six buildings, ranging in height between 7 storeys fronting Appleton Street and up to 12 storeys along Doonside Street.</li> <li>576 square metres of public open space facing Doonside Street.</li> <li>A 9-metre wide pedestrian link which runs through the site from Doonside Street to Appleton Street.</li> <li>10% of dwellings to be for affordable housing.</li> <li>Retention of heritage buildings including the entire building at 26 Doonside Street.</li> <li>At least 9,000 square metres of commercial/ retail floor space (part of which will see the Harry the Hirer administrative headquarters remain on-site).</li> </ul> <p>While officers consider that the amendment aligns with the Yarra Planning Scheme any future development will also need to be assessed against broader Yarra Planning Scheme at the time of a permit application.</p> <p><b>Recommended position:</b> No change to the amendment</p>
	<p><u>Property Values</u></p> <p>Submits that Richmond/Abbotsford runs the risk of becoming another Docklands due to its proposed oversupply and potential devaluation of property prices will not assist constituents to achieve some level of personal wealth.</p>	<p>Refer to Submission 6.</p>



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	<p>Submits that the amendment will impact saleability and devaluation of surrounding properties.</p> <p><u>Neighbourhood Character</u></p> <p>Submits that the amendment will further tarnish the reputation of Richmond.</p> <p>Submits that the proposed development does not stagger upper-levels or townhouse-style housing as part of the development which is in keeping with the area.</p>	<p>Notes that the nature of the Doonside Precinct is changing substantially with the completion of the Embassy and Supply Co buildings, the amendment forms part of the transformation.</p> <p>As mentioned above in Submission 2, the heights of the development are appropriate for the precinct which is currently in a state of transformation from a low rise industrial precinct to a mixed-use mid-rise precinct</p> <p>The heights and setbacks respond to the heritage values on site as well as the surrounding land uses and developments. Doonside Street is a Mixed use precinct with taller built form, unlike Appleton Street which has low scale residences on the south side.</p> <p>DPO15 has provisions that seek high quality outcomes for upper levels and to use materials that respond to the site's industrial history.</p> <p>Refer to Submission 2 "<i>building heights</i>".</p> <p><b>Recommended position:</b> No change to the amendment</p>
	<p><u>Parking</u></p> <p>Notes that Doonside Street already has restricted parking.</p> <p>Requests explanation on how the Council and developer plan to ensure there is adequate parking for the neighbourhood?</p> <p>Questions whether there will be any loss of off-street parking on Doonside Street?</p> <p>Questions how the development will meet Council's requirement for off-street parking when the TIAR recommends a reduced rate?</p>	<p>Refer to Submissions 1 and 24.</p>
	<p><u>Overshadowing</u></p> <p>Considers the 3D image of the shadow study a misrepresentation of the proposed development.</p>	<p>The images shown in the planning report reflect a potential development rather than an actual application for the site. The applicant will need to prepare a development plan prior to any permit being issued. Further details on overshadowing will be provided at the development plan and planning permit stage.</p> <p><b>Recommended position:</b> No change to the amendment</p>
	<p><u>Privacy</u></p> <p>Submits that the public communal garden spaces of Embassy will be lost and privacy will be decimated.</p> <p>Submits that the 12 storey buildings within the proposed development will look directly into each other.</p>	<p>In officer's response to submission 10 (amenity impacts) officers recommend a 9m setback between upper levels of the Embassy and upper levels on the subject land for a variety of reasons. This will assist in providing a greater level of privacy for current residents within the Embassy Building. The recommendation for a building separation of 9m setback between medium-rise forms has been tested and found acceptable through numerous Panel and VCAT reviews.</p> <p>There is currently policy guidance to limit views into private open space and habitable room windows of dwellings within a development (Clause 58.04-2).</p> <p>Also refer to Submission 10 (Amenity Impacts) for further discussion.</p> <p><b>Recommended position:</b> Refer to submission 10.</p>

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	<u>Building Heights</u> Submits the heights do not include any allowance for air conditioning units or solar panels.	The heights outlined in the indicative framework plan are discretionary, this will allow for some flexibility to accommodate services on top of buildings. <b>Recommended position:</b> No change to the amendment
	<u>Noise</u> Submits there should be no allowance for the noise of rooftop air conditioning.	Rooftop air conditioning noise is governed by the <i>State Environmental Protection (Residential Noise) Regulations 2018</i> . Noise levels are properly managed by these regulations. <b>Recommended position:</b> No change to the amendment
	<u>Views</u> Requests an explanation on how adequate sunlight and views for all Embassy building will not be affected?	Refer to Submission 2.
	<u>Construction</u> Concerned that the Harry the Hirer business will not be affected by the four year construction period. Submits there is no consideration about how residents will be affected during the construction period and want an explanation on what considerations will be given to residents living in the vicinity?	Refer to Submission 16.
	<u>Economics</u> Notes that on page 57 of the <i>Planning Report</i> it references the rates revenue from future development and questions the justification for the Amendment.	The rates revenue listed in the report is an estimate only and does not influence whether the amendment is strategically supported or not. For more information on how rates are calculated please refer to <a href="https://www.yarracity.vic.gov.au/services/rates-and-valuations/how-rates-are-calculated">https://www.yarracity.vic.gov.au/services/rates-and-valuations/how-rates-are-calculated</a> <b>Recommended position:</b> No change to the amendment
	<u>Approval Process</u> Concerned that an approval from the Minister for Planning may be a conflict of interest.	The amendment process is set out in the <i>Planning and Environment Act 1987</i> where the Minister's responsibilities are set out. The <i>Members of Parliament (Standards) Act 1978</i> includes a code of conduct. This lists Parliament's expectations of members' ethical behaviour. It confirms the first responsibility is their public duty. This means they must avoid actual conflicts of interest and anything which looks like a conflict of interest. <b>Recommended position:</b> No change to the amendment
<u>Submission 21B</u>	Submission 21B included a series of images to help convey the messages in Submission 21A. A summary of this submission is incorporated in Submission 21A.	Submission 21B included a series of images to help convey the messages in Submission 21A. A summary of this submission is incorporated in Submission 21A. <b>Recommended position:</b> No change to the amendment
<b>Submission 22: Resident – Supply Co David Street</b>		
Objection	<u>General Objection</u> Opposes Amendment C223	Noted.
	<u>Accommodating Growth and Neighbourhood Character</u>	Notes that the nature of the Doonside Precinct is changing substantially with the completion of the Embassy and Supply Co buildings, the amendment forms part of the transformation.



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	<p>Submits that the industrial history and charm of the area is being lost as the area is turning into a residential apartment precinct</p> <p>Notes that there are so many apartment blocks being built in this pocket of Richmond that it is losing its history and charm.</p> <p>Concerned that the area is becoming a 'concrete jungle' and will resemble the character of Docklands.</p>	<p>As mentioned above in Submission 2, the heights of the development are appropriate for the precinct which is currently in a state of transformation from a low rise industrial precinct to a mixed-use mid-rise precinct</p> <p>The amendment aligns with Council's adopted <i>Housing Strategy</i> that identifies the area as suitable for accommodating a greater level of housing change.</p> <p>DPO15 has provisions that seek high quality outcomes for upper levels and to use materials that respond to the site's industrial history.</p> <p>DPO15 requires a future development plan to consider and prepare a heritage impact statement for the heritage places onsite.</p> <p>Officers also recommend further refinements to DPO15 to address building design concerns raised in Submission 41 and 44.</p> <p><b>Recommended position:</b> No change to the amendment</p>
	<p><u>Traffic Congestion</u></p> <p>Concerned about the intersection at Burnley/Buckingham/David Streets becoming a dangerous intersection.</p> <p>Submits that extra traffic at this intersection could turn it into a 'Black Spot' location.</p>	Refer to Submission 2.
	<p><u>Parking</u></p> <p>Notes that parking is an issue and with another big apartment building would make it nearly impossible for residents and visitors to find a parking spot.</p>	Refer to Submission 1.
	<p><u>Wind impacts</u></p> <p>Concerned about the wind impacts including 'wind tunnels' created by the new building.</p>	<p>DPO15 includes a requirement to prepare guidelines to mitigate adverse impacts of wind effects in building design. These include:</p> <p><i>Built form guidelines which provide the following:</i></p> <ul style="list-style-type: none"> <li>- Ensure buildings are designed to ameliorate adverse wind conditions at street level, public spaces and lower level dwellings;</li> <li>- Guidelines to mitigate adverse impacts of wind effects in building design.</li> </ul> <p><b>Recommended position:</b> No change to the amendment</p>
	<p><u>Overshadowing</u></p> <p>Concerned about the impacts of overshadowing and loss of sunlight from the new building</p>	<p>The Supply Co Apartments are located on David Street, northeast of the subject site. These apartments will not be impacted by any overshadowing from any future development.</p> <p><b>Recommended position:</b> No change to the amendment</p>
	<p><u>Public Realm Improvements</u></p> <p>Recommends more green space and trees are needed in the precinct</p>	Refer to submission 1 (accommodating growth).
	<p><u>Views</u></p>	Refer to Submission 2.

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	Submits that residents of the Embassy building will lose views to the city skyline, including their own views to the City.	
	<u>Amenity Impacts</u> Concern that greater density will lead to greater amounts of rubbish on the streets.	Refer to submission 1 (Litter).
	<u>Construction Impacts</u> Concerned about the effects of the construction on local residents including blocked roads and decreased parking.	Refer to Submission 16.
	<b>Submission 23: Resident – Supply Co David Street</b>	
Objection	<u>General Objection</u> Opposes Amendment C223	Noted.
	<u>Heritage</u> Submits that the Victoria Gardens Precinct needs to be planned more in line with the character of the area by maintaining greater respect to industrial facades by setting back high-rise buildings from facades. Recommends setbacks to be established at level 2 to protect the current heritage buildings.	Refer to Submission 2 regarding setbacks to heritage buildings. Upper-level setbacks are outlined in DPO15 which requires a 10m setback to Burnley Street, 13m from Appleton Street and 8m and 5m to Doonside Street. These are required above an 8-11m street wall, which is approximately 2 to 3 storeys. <b>Recommended position:</b> No change to the amendment
	<u>Building Heights</u> Recommends heights of 5-6 storeys with setbacks Objects to the three buildings of 12 storeys along the footpath (Doonside Street).	Refer to Submission 2.
	<u>Public Realm Improvements</u> Recommends Doonside streetscape should be greened by mandatory tree planting, seating, gardens and landscaped footpath. Submits there is not enough green space and the green space proposed is not large enough. Recommends the public open space size to be tripled.	Schedule to the Clause 53.01 (Public Open Space Contribution and Subdivision) outlines the amount of contribution for public open space. The rate is 4.5% of the land intended to be used for residential, industrial or commercial purposes, or a percentage of the site value of such land, or a combination of both. The indicative framework plan within Schedule 15 of the Development Plan Overlay allocates an area of 576sqm of public open space in future development. This amount equals 4.5% of the total size of the site. In addition a 9m wide pedestrian link is to be provided. A Public Realm Plan to be provided alongside a development plan, will need to discuss improvements to the public realm adjacent to the site. Tree plantings have been flagged as one of the options that may be suitable. This will be further defined at the development plan stage. A requirement of DPO15 is for the landowner to enter into a legally binding Section 173 agreement to implement the recommendations of the public realm plan. All landscape concept plan and public realm improvement plans must be prepared with the Development Plan.

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	<p><u>Traffic</u></p> <p>Recommends traffic lights should be placed on the intersection of Doonside and Burnley Streets.</p>	<p><b>Recommended position:</b> No change to amendment</p> <p>The amendment will require an updated TIAR to be prepared and provide a recommendation to mitigate traffic impacts, which will most likely include an upgrade to the intersection. An S173 agreement for the provision of these works must be entered into prior to a permit being issued.</p> <p>DPO15 requires a TIAR to include consideration of any development stages and approved/current development applications within the immediate area surrounding the site. The assessment is to:</p> <ul style="list-style-type: none"> <li>Assess whether a two way or a four way signalised intersection between Burnley Street/Doonside Street/Buckingham Street is required and the trigger for providing the signalised intersection to the satisfaction of VicRoads</li> <li>Identify a new intersection layout and operation, if required, approved by VicRoads in consultation with the Responsible Authority.</li> </ul> <p><b>Recommended position:</b> No change to amendment</p>
<b>Submission 24: Resident – location unknown</b>		
Objection	<p><u>General Objection</u></p> <p>Opposes Amendment C223</p>	Noted.
	<p><u>Building Heights</u></p> <p>Objects to the 12 storey height. Far too high in this location.</p>	Refer to Submission 2.
	<p><u>Overshadowing</u></p> <p>Submits that the development will overshadow the neighbourhood the units within 86 Burnley Street.</p> <p>The proposed will overshadow the western side of Burnley Street in the morning and make the neighbouring environment gloomy.</p>	<p>The Richmond Heights apartments (86 Burnley Street) are located 20m from the subject land. Upper levels are set back a further 10m, making the upper level development 30m from Richmond Heights. Preliminary modelling show no impact of overshadowing to the Richmond Heights Apartments.</p> <p>Officers concur with submissions regarding the importance of ensuring sunlight access to footpaths within Activity Centres. This notion is supported by strategic work in the Victoria Street Structure Plan, which includes a strategy to:</p> <p><i>Retain sunlit footpaths and public spaces particularly on the south side of Victoria Street.</i></p> <p>The City of Yarra has used overshadowing controls within activity centres to protect sunlight to footpaths. The Panel Report to Amendment C220 supported the use of overshadowing controls within activity centres.</p> <p><i>The Panel agrees that sunlight to the footpath is a desirable outcome in an Activity Centre</i></p> <p><i>The Panel supports the use of the equinox as the right measure for solar access for a footpath in an Activity Centre.</i></p> <p>Council has also applied this approach to north-south streets in the interim DDO22 for Victoria Street. DDO22 applies a control to ensure development does not overshadow the opposite footpath on several key streets between the hours of 11 am and 2 pm. Such street includes Burnley Street. As the heights listed in DPO15 are preferred, its officer's view that overshadowing controls area appropriate.</p>

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		<p><b>Recommended position:</b></p> <p>Recommend that overshadowing controls apply to the west of Burnley Street from 11 am onwards at the September Equinox.</p>
	<p><u>Accommodating Growth</u></p> <p>500 units plus 9,000m<sup>2</sup> of retail/commercial space represents an overdevelopment and will saturate the area with apartments. This will have a negative impact on the amenity in the area (more traffic, noise and pollution and less sunlight).</p> <p>The number of 1, 2 and 3 bedroom apartments should be mentioned.</p> <p>The area already saturated with apartments. Submits that Richmond will become a 'Hong Kong' style of overdevelopment.</p>	<p>DPO15 includes a provision for the preparation of a Housing Diversity and Adaptability Report to be prepared to the satisfaction of the Responsible Authority which provides the following information:</p> <ul style="list-style-type: none"> <li>• A demographic analysis of the types of people and households anticipated to live within the development based on the proposed dwelling design and bedroom mix.</li> <li>• The model to provide 10% of the overall housing stock as affordable housing.</li> <li>• Demonstrate how the development plan responds to the particular housing needs of future residents across their lifetime.</li> </ul> <p>As discussed in Submissions 1 and 2 – <i>accommodating growth</i> the area is well suited to a accommodating housing growth. The amendment requires the preparation of a TIAR and subsequent Section 173 agreement to be made to address traffic impacts, further discussion can be found in response to Submission 2.</p> <p><b>Recommended position:</b> No change to amendment</p>
	<p><u>Traffic Congestion and signalisation</u></p> <p>Another set of traffic lights will slow down traffic in the area. There are already 5 sets between Bridge Road and Victoria Street.</p> <p>Increased vehicles starting on a green light will bring the noise to unacceptable levels.</p> <p>The increased traffic will increase the air pollution which will diminish air quality between two schools.</p>	<p>Government agencies and local authorities regularly monitor and upgrade the road system to manage traffic impacts. The EPA recommend that road traffic noise should be reported to VicRoads or the local authority. Burnley Street is managed by VicRoads and noise pollution from Burnley Street should be directed to VicRoads.</p> <p>Council also monitors local traffic through the LAPM process, which assists to manage local traffic impacts, including traffic noise. Refer to submission 27 for further information.</p> <p>The amendment includes several requirements to manage traffic impacts from a future development. Refer to Submission 2 (Traffic Congestion) and Submission 23 (Traffic) for further discussion regarding traffic mitigation works.</p> <p><b>Recommended position:</b> No change to amendment</p>
	<p><u>Safety on Roads and Pedestrian Footpaths</u></p> <p>Increased traffic will increase risk of danger for pedestrians.</p> <p>Picking up and drop off of children at local school will be difficult for parents and dangerous for children through lack of parking spaces.</p>	<p>Traffic has undertaken an updated road safety review of the casualty crash statistics in the nearby area using the VicRoads Crashstats database (to 1 January, 2019).</p> <p>There were no casualty crashes recorded at the Burnley Street/Doonside Street or Burnley Street/Buckingham Street intersections within the last 5 years of available data. Accordingly, there is no identifiable road safety issue based on the history of the nearby area.</p> <p>The provision of a potential traffic signals at the intersection of Burnley Street/Doonside Street provides a new opportunity to cross Burnley Street safely.</p> <p>Trinity Catholic School is already served by a signalised pedestrian crossing and the level of traffic generated by the rezoning will not significantly alter traffic conditions on Burnley Street in the context of the high volumes this road already carries.</p>

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Interest Type of Submission		
	<p><b>Parking</b></p> <p>The minimum car parking ratio should be 1 car per unit. The proposed 0.7 spaces per unit is unrealistic and leaves 150 cars without a park which will overflow into the surrounding streets.</p> <p>A reduced parking rate will result in further strain on on-street parking in Appleton, Doonside and Burnley Streets.</p> <p>Raises concern that some dwellings may need a second car park.</p> <p>Notes there is no mention of where and how the office and retail workers and customers will park.</p>	<p><b>Recommended position:</b> No change to amendment</p> <p>Exact details on parking rates would be considered as part of the Development Plan and subsequent planning permits.</p> <p>The Ratio Traffic Report outlined recommended car parking rates on site which were supported by a Peer Review conducted by Traffix in 2019. The following car parking rates were recommended for the development of the site:</p> <ul style="list-style-type: none"> <li>Residents <ul style="list-style-type: none"> <li>0.7 car spaces to each one bedroom dwelling</li> <li>0.9 car spaces to each two bedroom dwelling</li> <li>1-1.5 spaces to each three bedroom dwelling</li> </ul> </li> <li>Retail and Café staff <ul style="list-style-type: none"> <li>1 space per 100sqm for staff</li> </ul> </li> <li>1-2.5 car spaces per 100sqm of commercial floor area.</li> </ul> <p><b>Residential</b></p> <p>The Ratio Report relies on the ABS 2011 Census data for 'flats, units or apartments in a three storey block or less' to support lower car parking rates for residents than those outlined in Clause 52.06-5.</p> <p>Officers are satisfied with the rates as they appropriately meet the likely empirical demand and given the sites e site's location relative to alternative transport modes.</p> <p><b>Residential Visitor</b></p> <p>The State Government amended the particular provisions (parking) in 2018 to waive the requirement for visitor parking for developments located within the Principle Public Transport Network area. The land affected by the amendment is located within the Principle Public Transport Network area, therefore there is no requirement for the development to provide visitor car parking spaces and is consistent with the requirements of Clause 52.06-5.</p> <p><b>Retail and Café</b></p> <p>Provided the retail tenancies and cafes proposed on the site remain relatively small (approximately 800m2 for all tenancies), we are satisfied that a staff parking rate of 1 space per 100m2 is acceptable and that no customer parking is appropriate.</p> <p><b>Commercial Parking</b></p> <p>The commercial uses expected are either offices or restricted retail uses.</p> <p>While below the statutory requirement of 3.5 car spaces per 100m2, we are satisfied that an office rate of 1-2.5 car spaces per 100m2 is acceptable for an office use in this location as it encourages alternative travel modes.</p>

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		<p><b>Variation to Clause 52.06</b></p> <p>Clause 52.06 of the Yarra Planning Scheme provides decision guidelines in relation to car parking reductions and officers are satisfied that proposed car parking rates are supportable under this Clause.</p> <p><b>Recommended position:</b> No change to amendment</p>
<i>Submission 25: Submitter – interest unknown</i>		
<b>Objection</b>	<p><u>Safety on Roads and Pedestrian Footpaths</u></p> <p>Expresses safety concerns for the local children of the primary school across the road.</p>	Refer to Submission 24.
	<p><u>Building Heights</u></p> <p>Objects to the proposed 12 storey building height. Too tall for Richmond.</p>	Refer to Submission 2.
	<p><u>Victoria Street Structure Plan</u></p> <p>Submits that the proposal does not implement the design vision/intent of the <i>Victoria Street Structure Plan</i>, specifically:</p> <ul style="list-style-type: none"> <li>• Focus on the traditional strip centre</li> <li>• Buildings should be 2 to 3 storeys and up to 6 storeys setback</li> </ul> <p>Increased priority should be given to train and tram travel</p>	<p>The Victoria Street Structure Plan does not provide a height for the Doonside East Precinct and for the site.</p> <p>It identifies it within an area under consideration for a Priority Development Zone where the Minister for Planning would be the responsible authority for determining permits for the area.</p> <p>The Victorian Street Structure Plan vision for the Doonside Precinct is:</p> <p><i>Potential housing mixed with retail and business.</i></p> <p>The amendment seeks to make changes to the Planning Scheme that will result in a development outcome that achieves that vision.</p> <p><b>Recommended position:</b> No change to amendment</p>
	<p><u>Public Transport</u></p> <p>Submits that public transport should be given priority.</p> <p>Notes that the public transport infrastructure cannot support the development.</p>	<p>As part of a future development plan, a green travel plan will need to be prepared. This will encourage the uptake of sustainable transport options by new residents. Officers have also sought feedback from PTV and Yarra Trams, both of whom have not raised concern with the amendment.</p> <p>The provision of public transport services is the responsibility of the state government and relevant state-level agencies.</p> <p>Council regularly advocates for improvements to public transport and greater service efficiency as part of Council's role in the Metropolitan Transport Forum.</p> <p>Council frequently advocates for improvements of the public transport system, which is outlined in Council's Strategic Transport Statement.</p> <p>From a planning perspective, the provision of more intense land use in areas well serviced by existing infrastructure is a positive outcome and encouraged through various state and local planning policies.</p> <p>DPO15 also requires the preparation of a <i>Green Travel Plan</i> that must demonstrate:</p>

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		<p><i>that the development supports sustainable transport alternatives to the motor car, provides onsite car share spaces and provides bicycle parking and storage facilities</i></p> <p><b>Recommended position:</b> No change to amendment</p>
	<p><u>Parking</u></p> <p>Submits that the car parking allowances are not fair and are not in line with Clause 52.06 (parking requirement) in the Planning Scheme.</p> <p>Objects to the car parking rates outlined in the Traffic Impact Assessment Report as being too low, specifically the requirement of 0.7-0.9 spaces per 2 bedroom dwelling.</p>	Refer to Submission 24.
	<p><u>Economic</u></p> <p>Questions if the proposal is only being considered because of the rates it will provide Yarra City Council and the State Government.</p> <p>Submits that the proposed development may reduce the economic viability of the current shopping strip along Victoria Street.</p>	<p>The amendment is being prepared as the site current zoning is out of step with the surrounding area and with the vision set out in the Victoria Street Structure Plan and Yarra Planning Scheme.</p> <p>The City of Yarra Spatial and Employment Strategy identifies sites that may warrant rezoning:</p> <p><i>An exception might be made for interfaces with residential areas, where rezoning to allow mixed employment and residential uses would help address an existing or potential land use conflicts (page 65)</i></p> <p>Deep End Services' Economic Assessment Report found the development would inject an additional \$18.3 million per annum in retail spending by new residents, of which \$13.7 million per annum would be captured by local retailers. An additional \$22 million per annum in other spending such as local health providers, personal and business services is also predicted. The report further concludes there will be increased activity within the Victoria Street Activity Centre and provision of local facilities for nearby residents. Refer to Submission 21a for further commentary.</p> <p><b>Recommended position:</b> No change to amendment</p>
	<p><u>Construction Noise</u></p> <p>Submits that noise impacts during construction will have a negative impact on surrounding bird life.</p>	Refer to Submission 16.
<b>Submission 26: Resident – Burnley Street</b>		
<b>Objection</b>	<p><u>General Objection</u></p> <p>Objects to Amendment C223.</p>	Noted.
	<p><u>Traffic</u></p> <p>Submits that the outcome of the Amendment will lead to more congestion in the area.</p> <p>Submits that the development will exacerbate congestion along Burnley and Victoria Streets and place additional pressure on public transport.</p>	Refer to Submission 2 (traffic congestion) and Submission 25 (public transport).
	<p><u>Accommodating Growth</u></p> <p>Submits that the development will place pressure on surrounding services.</p>	Refer to Submissions 1 and 2.

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Submission Number Interest Type of Submission	Summary of Submission	Response to inform Council's submission to Panel
	<u>Property values</u> Submits that the outcome of the Amendment will devalue their property.	Refer to Submission 6.
	<u>Building Heights</u> Notes a 12 storey building on Burnley Street will make the area feel like a concrete jungle.	Refer to Submission 2.
<b>Submission 27: Resident – David Street</b>		
Objection	<u>General Objection</u> Objects to Amendment C223.	Noted.
	<u>Traffic Congestion</u> Submits that there is already frequent congestion entering and exiting Doonside Street, as well as traffic backed up on Doonside and Burnley Streets. Notes there is no way to accommodate more vehicle traffic in the area and that Council can pretend that people in Richmond do not own cars however that is not practical or realistic.	Refer to Submission 2.
	<u>Safety of Roads and Footpaths</u> Submits that crossing Burnley Street by foot is now dangerous given all of the cars backed up and frustrated drivers in all directions.	Refer to Submission 24.
	<u>Public Transport</u> Submits that public transport is at capacity and overcrowded. Local trams are packed without sufficient standing or sitting room. Submits that more infrastructure for public transit must be built prior to more housing being approved.	Refer to Submission 25.
	<u>Rezoning</u> Supports the mix of land uses within the precinct and mentions that if there were some other uses of land, so that there are places for jobs, recreation, entertainment, retail, wholesale, industrial, etc. in Richmond. Richmond should not just simply be a feeder suburb for CBD workers, but a vibrant mixed-use community. Notes that Richmond is losing industrial land, and there is not much left to support business, services and employment in Richmond. Notes that one of the benefits of having industrial land is that users of road and transit will be going in different directions. Submits that the public suffer when all types of zoning and land are the same use. Recommends that the area remain zoned as it is.	Officers do not support retaining its current zoning as explained in the response to Submission 10. Council's <i>Spatial Employment and Economic Strategy</i> provides guidance on the demand for commercial and industrial zoned land. The Strategy notes that Council has sufficient capacity in its commercial and industrial zoned land to accommodate the future needs of the municipality. While the Strategy does not generally encourage land to be rezoned, it does acknowledge: <i>An exception might be made for interfaces with residential areas, where rezoning to allow mixed employment and residential uses would help address an existing or potential land use conflicts (e.g. by providing an appropriate and enduring buffer between residential and non-residential uses).</i> The City of Yarra has a diverse range of zones applied across the municipality. While the Doonside Precinct will be one zone it is the MUZ, this zone allows for a wide range of uses to occur ensuring there is vibrancy in the precinct.



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		<p>The MUZ and DPO15 allow for a range of both residential, commercial and retail uses and will facilitate a residential and commercial development.</p> <p><b>Recommended position:</b> No change to amendment</p>
	<p><u>Height</u></p> <p>Concerned with the proposed height of 12 storeys. Submits that there is no precedent on the east side of Burnley Street that is higher than two storeys.</p> <p>Recommends the height to be 2 storeys if a rezoning were to occur.</p>	Refer to Submission 2.
	<p><u>Privacy and Views</u></p> <p>Concerned that new apartments on Doonside, David and Appleton Streets will be impacted by their privacy, views, light and sunlight.</p>	Refer to Submission 2, 10, 16 and 22.
	<p><u>Overshadowing</u></p> <p>The newer structures on the West side of Burnley Street appear to be between 4 and 7 storeys tall. This reduces sunlight on the street in the afternoon. This should not exist on both sides of Burnley Street.</p> <p>Concerned with the overshadowing of the proposed open space with 11-12 storey structure on two sides.</p>	Refer to Submission 10.
	<p><u>Wind Impacts</u></p> <p>Submits that the proposed pedestrian lane will be an even worse wind tunnel than the one that has recently opened in the Embassy apartments. The proposed one is to be surrounded by 12 storey structures.</p>	Refer to Submission 22.
	<p><u>Public open space</u></p> <p>Submits that the proposed public open space is not sufficient and no one will use it because it will be over shadowed by 11 and 12 storey buildings.</p>	<p>Refer to Submission 23.</p> <p>DPO15 requires a north south pedestrian lane, which receives sunlight between 10am and 2pm at the equinox. In addition it includes a requirement that there is no unreasonable overshadowing of Doonside Street public open space area. Preliminary overshadowing testing shows that the future public open space will receive sunlight in accordance with Clause 22.12.</p> <p>Clause 22.12 – <i>Public Open Space Contributions</i> within the Yarra Planning Scheme provides guidance on the location of public open space provided as part of a land contribution.</p> <p>Land to be contributed:</p> <p><i>Should have an area of about 300m<sup>2</sup> and a minimum width of 10m, or be able to meaningfully contribute to the assembly of a parcel of land of these dimensions or larger.</i></p>

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		<p><i>Should be of a shape and size which will be adequate for the proposed use having regard to the nature of public open space in an inner city environment, or be able to meaningfully contribute to the assembly of a parcel of land with these attributes.</i></p> <p><i>Should be free of structures and protrusions, such as balconies or other building projections that may encroach into the public open space reserve, except for historic buildings or structures relating to the designated public open space use.</i></p> <p><i>Should be located or capable of being designed so as to be subject to a high degree of casual surveillance. Must be accessible.</i></p> <p><i>Should be visible from adjacent thoroughfares. Should receive reasonable sunlight between 9am and 2pm on September 22.</i></p> <p><i>Should be located away from major or secondary arterial roads. Should have an entry from a local street or be capable of being provided with such entry</i></p> <p>The current location of the proposed public open space has been chosen to align with the requirements set out in Clause 22.12 and to best respond to the onsite constraints.</p> <p><b>Recommended position:</b> No change to amendment</p>
	<p><u>Traffic Congestion,</u></p> <p>Submits that the area cannot support 500 more dwellings. Needs to be more investment in roads, traffic management and public transit.</p>	<p>Council continually invests in roads, footpaths, drains, buildings and parklands through its capital works budget. Council allocated \$17 million (9%) of the budget to infrastructure and asset management.</p> <p>Council also manages roads and traffic management investment through its Local Area Place Making program (LAPM) program. The LAPM program investigates areas within the City of Yarra and provides recommendations for traffic upgrades and improvements. The site is located in area "1 - Victoria" and borders on area "15 – Highett". The City of Yarra collects various traffic data to rank the priority of LAPM areas and the areas are ranked 9 and 3 respectively. These rankings are reviewed yearly to incorporate changes in traffic conditions in each area and guide Council in which areas should be prioritised.</p> <p>Officers acknowledge that there will be impacts on traffic movements in the area, which is why DPO15 requires a Traffic Impact Assessment Report to be prepared which will identify recommendations to mitigate impacts. A Section 173 agreement will also need to be entered in to by the Landowner to implement recommendations prior to a permit being issued. These requirements ensure proper investment is provided to mitigate traffic impacts.</p> <p>Refer to Submission 25 regarding Public Transport.</p> <p><b>Recommended position:</b> No change to amendment</p>
	<p><u>Rezoning</u></p> <p>Objects to the rezoning from Industrial Zone to the Mixed-use Zone.</p> <p>Objects to the amendment and the Development Plan Overlay.</p>	<p>A Development Plan Overlay is a planning tool that is appropriate for areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.</p> <p>The DPO has been used as it allows for controls to deliver public benefits</p>

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		Refer to Submission 10 – rezoning. <b>Recommended position:</b> No change to amendment
	<u>Property Values</u> Submits that the rezoning of the Harry the Hirer site will negatively impact their property values. Submits that the submitter purchased the apartment with expectation that future land use of the adjacent sites would not change.	Refer to Submission 6.
<b>Submission 28: Resident – David Street</b>		
<b>Objection</b>	<u>General Objection</u> Objects to Amendment C223.	Noted.
	<u>Parking</u> Submits that there is insufficient car parking either within the complex and surrounding areas (including existing multi-level developments in the immediate area). Traffic in and around the adjacent streets including Doonside, David, Burnley and Appleton Streets is already difficult and this would only be made worse by increasing the density of the population.	Refer to Submissions 1 and 24.
	<u>Height</u> Concerned that the building of a 3 tower complex of 12 storeys each would be over bearing on the street scape and recommends a maximum 7 storey height.	Refer to Submission 2.
	<u>Accommodating Growth</u> Submits that there is lack of infrastructure in and around the site to cater for the increase in population that would come from such a development.	Refer to Submissions 1 and 2 – accommodating growth. Refer to submission 27 for discussion regarding local traffic infrastructure, Submission 21a regarding schools and Submission 25 regarding public transport.
	<u>Views</u> Concerned with obstruction of the views.	Refer to Submission 2.
	<u>Upper Level Setbacks</u> Recommends a (upper-level) setback of 13 metres from both Doonside Street and Appleton Street rather than just from Appleton Street. Recommends the development be designed in a tiered approach after the first upper-level setback.	As mentioned above in Submission 2, the heights of the development are appropriate for the precinct that is undergoing transformation from a low rise industrial precinct to a mixed-use mid-rise precinct. The heights and setbacks respond to the heritage places (refer to submission 2 – heritage) on site as well as the surrounding land uses and developments. Doonside Street is a Mixed use precinct with taller built form, unlike Appleton Street which has low scale residences on the south side. DPO15 has several provisions that seek to achieve a high quality design outcome for upper levels. DPO15 includes building envelopes for a final design to fit within. Final designs will be provided at later stages (i.e. development plan or permit application). A tiered approach to upper levels is possible within the requirements of the DPO15. Officers however, consider that there is enough guidance to

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		ensure upper levels achieve a high quality outcome regardless of whether they are tiered or not and do not recommend that DPO15 seeks to achieve this as an outcome. <b>Recommended position:</b> No change to amendment
	<u>Public Safety</u> Submits that outside of the major intersections the area has very poor lighting and is not a comfortable environment to walk in after dark.	Refer to Submission 24 regarding road and footpath safety. Refer to Submission 1 (accommodating growth) and 23 (public open space) regarding public realm improvements.
	<u>3D Modelling</u> Recommends a 3D model be prepared to "see" what the development would look like from various angles, heights and locations. As well as an actual model, this would better help in understanding of the buildings' impacts on local aesthetics.	The DPO15 requires:  <i>A site line analysis and 3D modelling of the proposed development from key view points in the public realm to enable an assessment of the visual impact of the development on heritage places.</i>  More detailed plans will be provided as part of the development plan stage. Residents will be given the opportunity to inspect and provide feedback on a future development plan.
	<u>Consultation</u> Commends the developer and the Council for undertaking this consultation process.	Noted.
<b>Submission 29: Resident – Palmer Street</b>		
<b>Objection</b>	<u>General Objection</u> Objects to Amendment C223.	Noted.
	<u>Height</u> Concerned with the proposed height of 12 storeys. Welcomes progress but notes it will be detrimental to existing residents. Notes most buildings are 7 storeys and 12 storeys will be out of place.	Refer to Submission 2.
	<u>Overshadowing</u> Concerned with the overshadowing of the proposed 12 storey building for nearby residents.	Refer to Submissions, 10, 16, 22 for commentary on overshadowing.
	<u>Accommodating Growth</u> Concerned with the proposed 500 dwellings and lack of infrastructure.	Refer to Submissions 1 and 2.
	<u>Traffic Congestion</u>	Refer to Submission 2.

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	Submits that Burnley St and Victoria St already have serious traffic problems and the addition of more cars will only make these problems worse.	
<b>Submission 30: Resident – David Street</b>		
Objection	<u>General Objection</u> Strongly objects to Amendment C223 and the construction of 7-12 storey buildings at 81-95 Burnley Street and 26 Doonside Street.	Noted.
	<u>Height</u> Concerned that a 12 storey building erected along Burnley Street is aesthetically an eye sore, and out of character with the surrounding area. Notes that other apartments on Burnley Street are a maximum of 6-7 storeys high.	Refer to Submission 2 for further discussion on building heights and Submissions 21a and 22 for discussion regarding neighbourhood character.
	<u>Amenity Impacts</u> Concerned about privacy issues for residents who already live behind the proposal.	Refer to Submission 10.
	<u>Accommodating Growth</u> Concerned with the proposed 500 dwellings and lack of infrastructure. Submits that if this development goes ahead this part of Richmond will become an 'apartment ghetto'.	Refer to Submissions 1 and 2 – accommodating growth. Refer to submission 27 for discussion regarding local traffic infrastructure, Submission 21a regarding schools and Submission 25 regarding public transport.
	<u>Land Use</u> Submits that the land should be used as a low rise office complex with opportunities for retail space.	Refer to Submission 2 regarding the height of the development. The Mixed-use Zone and the Development Plan Overlay – 15 allow for a range of uses to occur on the site, which allow for both office and retail uses. The DPO15 also provides guidance for the location of uses on the site. <b>Recommended position:</b> No change to amendment
	<u>Open Space</u> Supports the development of the public open space.	Noted.
	<u>Infrastructure</u> Recommends further development of infrastructure and public amenity to cope with the increase in the approved apartment developments in this area.	Refer to Submissions 25 and 27 regarding investing in local infrastructure and public transport. Refer to Submission 1 regarding public realm improvements and submission 23 regarding the provision of public open space.
	<u>Traffic Congestion</u> Even with added signalling, the Burnley Street/Doonside Street intersection is too narrow and only caters for one lane of traffic. Concerned about the increased traffic congestion and problems which will arise.	Refer to Submission 2.

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	<u>Economics</u> Concerned that the motivation for the amendment is related to increased rates received by Council.	Refer to Submission 21a (economics and employment).
<b>Submission 31: Resident – Burnley Street</b>		
<b>Objection</b>	<u>General Objection</u> Objects to Amendment C223.	Noted.
	<u>Amenity Impacts</u> Submits that the amendment will have an adverse impact on the amenity of and accessibility to neighbouring properties. Submits the amendment does not properly consider the visual, logistical and environmental impact of the development.	The amendment has been prepared in conjunction with a series of urban design, heritage, traffic and planning experts. The nature of the precinct is changing substantially, and development along Burnley and Victoria Streets form part of this transformation that is envisioned in the Victoria Street Structure Plan and Yarra Planning Scheme. Appropriate heights and upper-level setbacks have been incorporated into the planning controls to reduce visual impact, they are comparable to the surrounding development and reflect the nature of an area that is identified suitable for higher density housing. See Submission 2 for further commentary on building heights. The DPO15 includes several requirements for a Development Plan that includes, amongst other matters: <ul style="list-style-type: none"> <li>• To provide improvements to the public domain, including pedestrian friendly environments along all street frontages, the provision of public open space and a pedestrian laneway</li> <li>• To provide for the sensitive adaptive re-use of heritage buildings</li> </ul> An updated Traffic Impact Assessment Report and provision for mitigation works. Also refer to submission 10 (overshadowing) for commentary on the impacts on Richmond Heights. <b>Recommended position:</b> No change to amendment
	<u>Building Height</u> Submits that the proposal is inconsistent with other developments in the area and provides for unprecedented residential towers of a height that is not in keeping with other developments abutting Burnley Street. Submits that the proposal to build five high-rise towers on Burnley Street site will impact on the amenity and enjoyment of residents to the west of the site on Burnley Street, residents to the south in Appleton Street, the neighbouring schools and church.	Refer to Submission 2.
	<u>Traffic and safety</u> Notes that the <i>Traffic Impact Report</i> accompanying the proposal relies on peak hour survey data from one sample in April 2016. That data was compared with traffic signal volume data from November and December 2018.	The DPO includes specific requirements in regards to an updated TIAR to the satisfaction of Council and VicRoads to determine the mitigating works required to accommodate a future development. Based on advice from Traffix Consultants this trigger is appropriate and is required to ensure the provision of suitable mitigating works are implemented at an appropriate time. Council and VicRoads would require updated traffic counts to form the basis of the updated TIAR and the original traffic survey will be older than 4 years. The original TIAR made allowances for development in the area, but

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	<p>Notes that increased traffic from recent developments has not been anticipated or addressed in the report and the proposal.</p> <p>Notes that the report does not address the impact of any traffic signalling at Buckingham/Burnley/Doonside Streets or how it would operate.</p> <p>Submits that the suggestion/conclusion in the report that the addition of retail premises at the site will generate only 2 new traffic movements per day during peak times is surprising at best, especially when the type of retail development proposed is entirely unknown.</p> <p>Considers the assumption that there will be greater bicycle usage, optimistic.</p> <p>Concerned that the number of pedestrians crossing in this section of Burnley Street is high and there is no assessment on the impact on the safety of the school pedestrian crossing in Burnley Street, adjacent to Trinity Catholic Primary School.</p> <p>Submits there has been no analysis of the impact of additional traffic on pedestrians, local schools and residents particularly in Buckingham, River, North and Crown Streets.</p> <p>Comments that the traffic signalling as recommended in the traffic report is beyond the control of the City of Yarra as Burnley Street is a major road for which VicRoads is responsible.</p> <p>Recommends more recent and apposite data is required.</p> <p>Submits that the proposal fails to properly address and provide a credible solution to relieve Burnley Street congestion and improve safety and increased traffic flow to Doonside and Appleton Streets and River Boulevard.</p>	<p>updated data collection with a revised TIAR is preferable. This would take into account changes in traffic conditions and accurately account for new developments completed in the last 4 years.</p> <p>Traffic Consultants have informed officers that while traffic volumes may have increased on the surrounding road network since 2016 as a result of nearby development or other factors, this does not change the ultimate outcome that the signalisation of the Burnley Street/Doonside Street is most likely outcome to provide safe and efficient access to the development and nearby area.</p> <p>The proposal for traffic signals at the intersection of Burnley Street/Doonside Street is the appropriate solution to provide for safe and efficient vehicle and pedestrian movements.</p> <p>Officers note that people who use a bicycle as a method of travel to work has been increasing within the City of Yarra and Richmond. The percentage of people who used a bicycle to travel to work increased from 6.3% to 8.6% between the years 2006 and 2016. Council bicycle strategy has a series of proposed cycling infrastructure improvements, which should encourage cycling rates within the City of Yarra.</p> <p>Also, refer to Submissions 2 (traffic congestion) and 24 (Safety of footpaths and roads).</p> <p><b>Recommended position:</b> No change to amendment</p>
	<p><u>Parking</u></p> <p>Submits that the proposal fails to provide adequate resident and visitor parking. There is limited on-street parking in this precinct. The impacts of 557 dwellings plus 15,000sqm of commercial/retail space has not been adequately addressed.</p>	<p>Refer to Submission 24.</p>
	<p><u>Public Transport</u></p> <p>Concerned with the capacity of the existing public transport. Notes they are at capacity during morning and evening peak.</p> <p>Submits that there is no assessment of the impact of the proposal on existing public transport infrastructure.</p> <p>Questions whether the site is adequately served by public transport and whether it will be able to respond to increased demand.</p>	<p>The subject site has very good access to public transport, with numerous tram routes operating within close proximity of the site. The nearest train station is Burnley Station, located an approximate 1.4-kilometre walk from the subject site, whilst North Richmond Station is readily accessible via Tram routes 12 and 109 and Hawthorn Station is readily accessible via Tram Routes 48 and 75</p> <p>Refer to Submission 25 for further discussion regarding public transport.</p> <p><b>Recommended position:</b> No change to amendment</p>
	<p><u>Overshadowing</u></p>	<p>Refer to Submission 10 for discussion regarding overshadowing of Richmond Heights, Submission 16 and 22 for discussion of overshadowing impacts on Appleton and North Streets.</p>

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	Submits that the shadowing impact will be substantial to the residents of Richmond Heights (86 Burnley Street) and the residents of Appleton Street and North Street. Unable to understand how shadowing diagrams show overshadowing to Burnley Street itself and the western footpath.	
	<u>Upper Level Setbacks</u> Submits that the proposed (upper-level) setback of 10 metres from Burnley Street and 13 metres from Appleton Street is inadequate given overshadowing and proximity of the proposed eastern towers to neighbouring residents to the west and south. The impact and amenity on the play areas of the Trinity Primary School to the south-east have also been ignored.	Refer to Submission 10 (amenity impacts) for further discussion on the proximity of the eastern most upper level development to the Embassy building.  Upper level setbacks are discussed in Submission 2 (Heritage) regarding its relationship to heritage buildings and in Submission 23 (upper level setbacks).  <b>Recommended position:</b> No change to amendment
	<u>Waste Management</u> Concerned that there is no assessment of how waste management issues generated by a development of this magnitude will be addressed. Questions why the proposal will generate less waste (in accordance with the <i>City of Yarra Waste and Resource Recovery Strategy 2014-2018</i> ).	Waste management is an issue that is beyond the scope of the amendment and it is better addressed at the development plan and planning permit stage, where a greater level of detail with regards to dwelling number and commercial floor space is understood.  <b>Recommended position:</b> No change to amendment
	<u>Storm Water Management</u> Submits that the ESD report doesn't address the likely impact of the proposal on stormwater management. Acknowledges these issues will be taken into account at the detailed design stage but are pertinent in considering whether the Mixed-use Zone is appropriate.	DPO15 requires the applicant to provide a drainage assessment that must detail the following:  <i>A catchment analysis of the existing stormwater drainage system in Burnley Street and Doonside Street;</i>  <i>A capacity assessment for the existing drainage system into which future development will be discharged; and</i>  <i>A flood analysis which determines the overland flow depth within the road reserve during a 1 in a 100-year flood.</i>  Melbourne Water made a submission to the amendment and did not raise any concerns regarding the impacts on stormwater runoff or the amendment in general.  There are other policies in the Yarra Planning Scheme – the Water Sensitive Urban Design Policy and the Environmentally Sustainable Design Policy that include objectives and strategies to manage stormwater runoff from new developments.  The requirement for a drainage assessment and relevant state and local policies should adequately manage stormwater runoff at the development plan and planning permit stage.  <b>Recommended position:</b> No change to amendment
	<u>Accommodating Growth</u> Notes that since 2009 there have been planning approvals for substantial residential apartment developments on adjoining and neighbouring sites, with the potential for more  Submits that the Economic Assessment Report notes that economic desirability of maintaining and expanding commercial activity on the site but does not confirm market justification or need for the proposed residential apartment development.	Refer to Submissions 1 and 2 for discussion on accommodating growth and submission 10 for discussion on the strategic basis for the rezoning to allow for a mix of uses on site.



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	<p><u>Property Values</u></p> <p>Submits that the background documents do not address whether the amendment will have a beneficial impact on the market for residential properties.</p>	Refer to Submission 6.
	<p><u>Rezoning</u></p> <p>Submits that the application for amendment cannot be considered necessary or appropriate to the precinct merely because it is similar to adjoining permitted uses but must satisfy the requirements and objectives of the <i>Planning and Environment Act 1987</i> and the <i>Transport Integration Act 2010</i>.31.29 Objects to the proposal to rezone from Industrial 3 Zone to Mixed-use Zone.</p> <p>Submits that it was a deliberate decision of the owner to not rezone that land to the Mixed-use Zone in 2009 through Amendment C99.</p>	Refer to Submission 10.
	<p><u>Heritage</u></p> <p>Submits that it is desirable to retain the heritage aspects of the existing buildings (both Factory and Offices/Laboratories).</p>	Noted, refer to submission 2 for further commentary about proposed refinements to DPO15 to achieve a positive heritage outcome on site.
<b>Submission 32: Melbourne Water</b>		
No objection	<p><u>No objection</u></p> <p>Submits that Melbourne Water has no objection to the proposed planning scheme amendment. As the above mentioned properties are not subject to flooding from Melbourne Water's drainage system.</p>	Noted.
No objection	<p><u>Flooding and drainage</u></p> <p>The properties affected by the amendment are not subject to flooding from Melbourne Water's drainage system.</p>	Noted.
<b>Submission 33: Owner – location unknown</b>		
Objection	<p><u>General Objection</u></p> <p>Objects to Amendment C223.</p>	Noted.
	<p><u>Traffic and Parking</u></p> <p>Submits that there will be issues over the impossibility of finding street parking, increased noise, traffic in Burnley Street and the bringing of high density living to one of the few areas in the city where this is not the norm.</p>	Refer to submission 1 regarding on-street parking, submission 2 regarding traffic congestion and submission 24 regarding traffic noise.
	<p><u>Property Values</u></p> <p>Concerned with the impact on the property value as a result of more dwellings in the area and the loss of views of the city.</p>	Refer to Submission 6.

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	Notes that they had to pay a higher price to secure this property because of their unique situation and the developers will have achieved the same result by the rezoning.	
	<u>Seeks to suppress identifying information</u> Wishes to suppress as much identifying information as is possible under privacy laws.	33.5 Noted.
	<u>Rezoning and Land Use</u> Concerned that following the rezoning, surrounding landowners will apply for the remaining nearby land to be rezoned. Notes that their property is in a similar or identical zone but had the bonus of continuous history of residential occupation.	Amendment C223 completes the rezoning of the 'missing part' of the Doonside Precinct that was rezoned in 2009, in Amendment C99. In that amendment the Panel supported the rezoning, noting the opportunity to "encourage and facilitate a mix of uses including residential development, office and retail, in a location which has all of the attributes needed to support inner-city urban renewal and redevelopment" (Am C99 Panel Report, p47). Also refer to submission 10 regarding rezoning. <b>Recommended position:</b> No change to amendment
	<u>Accommodating Growth</u> Concerned that the area will become a high-density area and that it is one of the few remaining areas that are not high density.	Refer to Submission 2.
	<u>Compensation</u> Notes they will take legal advice as to what compensation is available.	Refer to Submission 6 (property values).
<b>Submission 34: Submitter – interest unknown</b>		
<b>Objection</b>	<u>General Objection</u> Objects to Amendment C223 in present form.	Noted.
	<u>Building Heights</u> Objects to the proposed buildings on the Harry the Hirer site at 12 storeys and recommends that 7-8 storeys would be more acceptable. Notes the heights of the Embassy apartment building should never have been allowed.	Refer to Submission 2.
	<u>Accommodating Growth</u> Submits that with 500 dwellings in six buildings, the entire block will become like an apartment 'ghetto' - ugly, overcrowded.	Refer to Submission 2 "accommodating growth" and "building heights section". DPO15 also includes several built form requirements to encourage the new development to incorporate positive design outcomes. These include: <b>Recommended position:</b> No change to amendment
	<u>Traffic</u> Submits that the proposed population density will result in a dramatic increase in car and people traffic that will choke the area.	Refer to Submission 2.

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	<p><u>Overshadowing</u></p> <p>Submits that the houses along Appleton Street are now completely immersed in shadows and dwarfed by this monstrosity. And the fact that Yarra City Council would consider adding more 12 storey buildings to this immediate area is unthinkable.</p> <p>Questions why the overshadowing analysis is not undertaken mid-winter on the 21/22 June is the shortest day in the southern hemisphere.</p>	<p>The use of the Winter Solstice to measure overshadowing impacts is highly restrictive and requires strong strategic justification for its use, normally relating to the special circumstance (e.g. a place fulfilling a specific public purpose to provide public access to daylight such as a park). Officers do not recommend using the winter solstice to measure overshadowing impacts in this instance. It is noted that the proposed controls reflect those in the existing DDO9. Those being:</p> <p><i>no overshadowing of private properties on the southern side of Appleton Street beyond that caused by a building of 11m when measured between the hours of 10:00am and 2:00pm at the September Equinox.</i></p> <p>Refer to Submission 16.</p> <p><b>Recommended position:</b> No change to amendment</p>
<b>Submission 35: Resident – David Street</b>		
<b>Objection</b>	<p><u>General Objection</u></p> <p>Objects to Amendment C223.</p>	35.1 Noted.
	<p><u>Building Height</u></p> <p>Submits that while the Supply co and Embassy exceed seven storeys, they should not use as justification for exceeding 7 storeys and Recommends the following height:</p> <ul style="list-style-type: none"> <li>From 12 to 7 storeys on Doonside Street</li> <li>From 7 to 5 storeys on Appleton Street</li> </ul> <p>Submits that listing heights in both metres and storeys creates confusion and recommends that the preferred height of the buildings included in the Development Plan Overlay should be metres only.</p> <p>Submits that without clear height controls the landowner could apply for 13 or more storeys.</p>	<p>Refer to Submission 2.</p> <p>The use of both metres and floor heights is to provide the community with greater certainty of a future development outcome. Floor to ceiling heights can range depending on their use, for example, commercial floor to ceiling heights usually begin at 4m while residential floors usually begin at 3.2m.</p> <p>Any future applications will have to first prepare a development plan that will need to be approved by Council. In addition to height controls, there are a series of requirements within the DPO15 and policy objectives within the Yarra Planning Scheme that would need to be considered. If an applicant wishes to propose a height above what is listed in the indicative framework plan, this will need to be in accordance with an approved development plan and Yarra Planning Scheme.</p> <p><b>Recommended position:</b> No change to amendment</p>
	<p><u>Overshadowing</u></p> <p>Recommends that the new development avoids overshadowing the front yard of dwellings on the south side of Appleton Street.</p> <p>Recommends that the new development should not block sunlight to windows in all buildings and allows sunlight to reach the ground between buildings.</p>	Refer to Submission 16.
	<p><u>Building Separation and Privacy</u></p> <p>Submits that the space between buildings is too small at 9 metres (is the bare minimum under planning rules).</p> <p>Recommends that the minimum separation from one residence to another should be increased to avoid overlooking and to provide greater amenity.</p>	<p>A 9m setback between medium-rise form as present in this instance is characteristic of much of Melbourne's recent Urban renewal and has been tested and found acceptable through numerous Panel and VCAT reviews.</p> <p><b>Recommended position:</b> No change to amendment</p>

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	<p><u>Proposed public open space</u></p> <p>Submits that the public open space is too small.</p> <p>Recommends that the percentage allocation of public open space be increased to 10% with a consequential increase in the size of the proposed open space and/or the allocation of additional open space to other parts of the site.</p> <p>Notes that the surrounding area has limited open space. Noting that some vacant sites used as open space in the area have been earmarked for future development.</p>	Refer to Submission 23 for a discussion on public open space.
	<p><u>Traffic Congestion</u></p> <p>Submits that this development will significantly impact on local traffic in a negative way. Looking at the immediate area, traffic congestion is already quite bad, particularly given Coles at Victoria Gardens uses Doonside Street for truck access to re-supply its supermarket. With the addition of another 500 apartments, it will only get worse.</p>	Refer to Submission 2 for a discussion regarding traffic congestion and Submission 23 for further information regarding the upgrade to the intersection on Burnley Street.
	<p><u>Property Value</u></p> <p>Concerned that many purchasers of apartments and owners of existing residential properties face significant drops in the value of their properties due to the proximity and scale of development in this area.</p>	Refer to Submission 6.
	<p><u>Rezoning</u></p> <p>Conditionally support the rezoning with qualifications (the points raised in the submission).</p> <p>Notes that there is currently a number of thriving businesses (e.g. Veneziano Coffee and Brogan's Way Distillery) in the surrounding area that support the area's current low rise character. This is supported with a number of photos attached to the submission.</p>	Refer to Submission 10 for a discussion on the strategic basis for the rezoning
	<p><u>Views</u></p> <p>Notes that the layout of the site does not consider a view sharing arrangement for existing buildings.</p>	Refer to Submission 2.
	<p><u>Building Heights</u></p> <p>Notes that the vast majority of apartment buildings in the surrounding area range from 4 to 10 storeys with the majority ranging from 4 to 7 storeys.</p> <p>Submits that many taller buildings feature terracing or shape to detract from their height, which reduces their visual impact.</p> <p>Submits that the DPO sets a precedent for future development in the area.</p>	Refer to Submission 2.
	<p><u>Amenity Impacts</u></p>	Refer to Submission 10, 16 and 22 regarding overshadowing.

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	Submits that the proposal will significantly impact on residential amenity, creating a neighbourhood which is in shadow, has privacy issues, is overcrowded and unattractive to live in.	Refer to Submission 10 regarding privacy issues. Refer to Submissions 1 and 2 regarding accommodating growth.
<b>Submissions 36, 36A &amp; 36B: Resident – Embassy Building</b>		
<b>Submission 36</b>	<u>General Objection</u> Objects to Amendment C223 and notes that the amendment in its current form is not in the best interest of the wider community of the City of Yarra.	36.1 Noted.
<b>Submission 36A</b>	Refer to submission 21A, submission 36a is an identical document.	Refer to submission 21A, submission 36a is an identical document.
<b>Submission 36B</b>	Refer to submission 21b, submission 36b is an identical document.	Refer to submission 21b, submission 36b is an identical document.
<b>Submission 37: Resident – Burnley Street</b>		
<b>Objection</b>	<u>General Objection</u> Objects to Amendment C223.	Noted.
	<u>Building Heights</u> Notes that the section from Swan Street to Buckingham Street along Burnley Street is mostly low rise buildings. Objects to the proposed high rise residential/office building which does not align to the surrounding area and will dominate the landscape and tower over the surrounding area. Concerned that the land will be sold and a future development will end out of place with the surrounding development. Recommends maximum heights of 2 storey for 81-95 Burnley Street and 6 storeys for 26 Doonside Street. Submits that a 12 storey building on Burnley Street will destroy the character of the street and dominate the surrounding area.	Burnley Street exhibits a range of building heights from Swan up to Victoria Street, including several apartment developments. The proposed amendment will allow for a development that will align with the current development pattern of Burnley Street.  The amendment will ensure there is sufficient guidance within the planning scheme to result in a positive planning outcome regardless of the landowner.  Also refer to Submission 2 for further discussion on building heights.  <b>Recommended position:</b> No change to amendment
	<u>Victoria Street Structure Plan</u> The heights set out in the Victoria Street Structure Plan only indicate heights of 6 storeys and above on top of IKEA (not elsewhere in the Doonside Precinct).	Refer to Submission 1.
	<u>Traffic</u> Concerned that the development will increase traffic volumes significantly at all hours of the day. The infrastructure in the area is already stretched to deal with the current traffic volumes. Increased traffic is likely to increase the risk of incidents and accidents as people are required to take risks and force	Refer to Submissions 2 and 24.

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	their way into traffic. Does not believe traffic lights at Doonside and Buckingham Street intersection will adequately address these safety concerns.	
	<u>Future Planning Application for the site</u> Concerned that following the planning amendment approval stage a future owner will have more sway at various levels of politics.	Planning permit decisions are made on the basis of their merit against the planning scheme, and there are several avenues where affected parties can raise a concern about a decision. Refer to this webpage which explores the complaint resolution process with Council decisions: <a href="https://knowyourcouncil.vic.gov.au/guide-to-councils/consultation-and-complaints/complaints/complaint-resolution-bodies">https://knowyourcouncil.vic.gov.au/guide-to-councils/consultation-and-complaints/complaints/complaint-resolution-bodies</a> <u>Recommended position:</u> No change to amendment
<b>Submission 38: Resident – Burnley Street</b>		
<b>Objection</b>	<u>General Objection</u> 38.1. Objects to Amendment C223.	38.1 Noted.
	<u>Building Heights</u> Submits that the proposed development would present excessive visual bulk and would have a detrimental impact on the overall streetscape of Burnley Street. Submits that the proposed development would not create a streetscape tailored for the 'human scale'.	The amendment proposes a built form outcome where upper levels are set back considerably behind a two to three street wall height, which will assist in reducing their visual prominence. The Amendment also proposes a new public open space and activated pedestrian lane through the site which will assist in promoting a streetscape and development that is of a human scale. Refer to Submission 2 for commentary on heights. <u>Recommended position:</u> No change to amendment
	<u>Views</u> 38.4. Submits the proposed development will block views, light and visual access to blue sky from the balconies of 86 Burnley Street.	Refer to Submission 2.
	<u>Overshadowing</u> Submits that the shadowing from the development would result in an unappealing pedestrian environment in the morning for the Burnley Street footpath.	Refer to Submission 10.
	<u>Amenity Impacts</u> Concerned that the height of the proposed development will impact on the amenity of 86 Burnley St by blocking views, light and visual access to blue sky from balconies which act as our backyard.	Refer to Submissions 10 regarding amenity impacts to Richmond Heights, and Submission 2 for commentary on views.
	<u>Parking</u> Concerned that the preliminary yield analysis indicates that an overall parking provision in the order of 0.5 - 0.8 car spaces per dwelling and no visitor's allowance. Recommends a significantly greater provision of off-street car parking for the proposed residents and visitors is required.	Refer to Submissions 1 (on street parking) and 24 (off street parking).

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	Concerned that there will be a negative impact on on-street parking by new residents and their visitors, office/retail visitors will greatly impact on the amenity of the area and street parking.	
	<u>Public Transport</u> Submits that there is lack of capacity on public transport to cater for additional population and that trams regularly have to by-pass the Burnley Street stop.	Refer to Submission 25.
	<u>Traffic and Safety</u> 38.11. States that Burnley St is a very busy vehicle thoroughfare. Additional traffic from 500+ apartments will further negatively impact on the traffic levels in the area and the ability for us to exit our property safely.	Refer to Submissions 2 (traffic congestion), Submission 23 (intersection upgrade) and 24 (Safety of roads and footpaths).
<b>Submission 39: Resident – David Street</b>		
Objection	<u>General Objection</u> Objects to the amendment.	Noted.
	<u>Building Heights</u> Supports development within the area but a major concern is with the three 12 storey buildings. Recommends height of 5-7 storeys will blend better with the surrounding area. Notes that the area already has apartments of 12 floors (embassy) and 10 storeys (Supply Co).	Refer to Submission 2.
<b>Submission 40: Resident – David Street</b>		
Objection	<u>General Objection</u> Objects to the amendment.	Noted.
	<u>Traffic Congestion</u> Concerned that the congestion of Doonside Street in particular as it is only a very small street and as the adjoining parallel Appleton Street is only one way, the proposal would add to this small street's congestion very significantly. It is already a challenge as it is and it would be a nightmare for us, residents, without going into hyperbole if the 12 storey blocks on Doonside Street is given the green light to be built.	Traffic advice considers Doonside Street to be a wide local street. For most of its length (approximately 10m wide and providing parking on both sides of the road with a traffic lane in each direction) and capable of accommodating the level of traffic proposed. Refer to Submission 2 and Submission 23 regarding discussion on traffic congestion and upgrades to the Burnley/Doonside Streets intersection. <b>Recommended position:</b> No change to amendment
	<u>Building Height</u> Objects to the three blocks of 12 storeys. Recommends a height of no more than 7 storeys.	Refer to Submission 2.

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<b>Submission 41: Resident – David Street</b>		
<b>Conditional Support</b>	<p><u>Conditional Support</u></p> <p>Conditionally supports the amendment with changes.</p>	Noted.
	<p><u>Building Heights</u></p> <p>Notes that the proposed Schedule 15 to Clause 43.04 Development Plan Overlay (DPO15) seems to be based upon the controls applicable to the land between 81-95 Burnley Street and 26-34 Doonside Street (the subject land) and David Street.</p> <p>Recommends that the podium height between the heritage 6m high street wall [south west corner] and the Embassy wall which is less than 8m, should respect those bookends.</p> <p>Recommends the preferred maximum heights of the street wall along Appleton Street vary in height between no more than 8-11m.</p> <p>Supports with changes to the street wall height to 2 storeys with only limited sections protruding up to three storeys.</p>	<p>Noted.</p> <p>The heights for the street wall along Appleton Street are 8-11m which allows for development to range between 2 and 3 storeys.</p> <p>Officers do not support a predominantly 2 storey street wall between the heritage corner of Appleton St/Burnley St and the Embassy Building on Appleton St. The Doonside Precinct does not exhibit a consistent street wall as seen in areas such as Swan Street but varies. In areas where this is the case new development can respect neighbouring heritage places with one or two levels of difference.</p> <p>Officers acknowledge that there should be further guidance regarding the treatment of the street wall and recommend some wording changes to DPO15.</p> <p><b>Recommended position:</b></p> <p>Recommend wording adjustments to DPO15 regarding the treatment of the street wall/podium.</p>
	<p><u>Overshadowing</u></p> <p>Recommends the text in DPO15 be updated to read</p> <p><i>"Shadow diagrams that demonstrate no overshadowing of private properties on the southern side of Appleton Street beyond that caused by a building of 11m when measured between the hours of 10:00 am and 2:00 pm at the September Equinox."</i></p>	<p>The wording for the overshadowing requirements for Appleton Street has been chosen to align with DDO9 and the neighbouring development.</p> <p><b>Recommended position:</b> No change to amendment</p>
	<p><u>Materials/Building Façade</u></p> <p>Submits that the provision "high-quality treatments to the building facades facing the pedestrian lane" should not be limited to the pedestrian lane and should be required to all street and lane frontages, especially those facing existing residential properties.</p>	<p>Officers agree with the submission</p> <p><b>Recommended position:</b> Recommend changes to DPO15 so that high-quality treatments to the building facades relates to all street and lane frontages, especially those facing existing residential properties.</p>
	<p><u>Housing Diversity</u></p> <p>Require that the Housing Diversity and Adaptability Report demonstrate how the development plan responds to the housing needs of families.</p>	<p>The Housing Diversity and Adaptability Report – Stage 1 includes a section that discusses the following:</p> <p><i>Provides an indication as to how the development proposition could support the needs of a diversity of households to live within the development based on current and forecast market assumptions as to population requirements and the likely development proposition, for further refinement at the detailed design stage.</i></p> <p>Detailed consideration to trends and housing requirements of residents would be undertaken in the preparation of the Stage 2 Housing Diversity and Adaptability Report and will inform the detailed built form proposal. This will include consideration of dwelling sizes, accessibility, environmental initiatives to reduce living costs, and on-site services to support different households such as aged, families and children.</p>



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		<p>The DPO15 also include guidance on the future Housing Diversity Report to include:</p> <p><i>Demonstrate how the development plan responds to the particular housing needs of future residents across their lifetime.</i></p> <p>Clause 58.02 Urban Context provides guidance on dwelling diversity within a apartment developments:</p> <p><i>Developments of ten or more dwellings should provide a range of dwelling sizes and types, including dwellings with a different number of bedrooms</i></p> <p>Also, refer to Submission 24.</p> <p><b>Recommended position:</b> No change to amendment</p>
	<p><u>Access</u></p> <p>Recommends vehicular access to Appleton Street is further limited by</p> <ul style="list-style-type: none"> <li>A right hand turn the only exit from the subject site;</li> <li>Entry to the site being only for lots immediately abutting Appleton Street (i.e. require no direct access to or from the subject site for parking or loading for the tower apartments).</li> </ul>	<p>Council Officers have sought clarification on the definition of "secondary access" and whether further refinements are required within DPO15. Officers have reviewed DPO15 and are satisfied that there is sufficient policy guidance to manage traffic access and movement along Appleton Street to achieve an outcome that aligns with the definition below.</p> <p>Traffic Consultants have reviewed the submission and responded:</p> <p><i>We are satisfied that the DPO15 requirements are appropriate to limit vehicle access to Appleton Street. This includes the requirement for any access to Appleton Street to be a secondary access and for site access by trucks to be via Doonside Street.</i></p> <p><b>Recommended position:</b> No change to amendment</p>
	<p><u>Parking</u></p> <p>Recommends the car parking ratios should reflect a trend towards reduced car ownership and promote sustainable transport.</p> <p>Recommends that DPO15 should nominate that a future Parking Overlay set parking rates as maximums and not minimums, and at the lower end of the ratios outlined in the Traffic Impact Report prepared by Ratio: consultants (19 December 2018).</p>	<p>The car parking rates outlined in both traffic reports rely upon ABS census car ownership data for the suburb of Richmond. This is discussed further in submission 24 (off-street parking)</p> <p>The State Government provides guidance for the preparation of a parking overlay is outlined in Planning Practice Note 57. The implementation of a parking overlay should be applied across a broader area, rather on a site by site basis to have a measurable impact.</p> <p>Council officers regularly vary the current parking in new developments to encourage more sustainable transport options.</p> <p><b>Recommended position:</b> No change to amendment</p>
<b>Submission 42: Owner and Owners corporation – Burnley Street</b>		
<b>Objection</b>	<p><u>General Objection</u></p> <p>Objects to Amendment C223.</p>	Noted.
	<p><u>Rezoning</u></p> <p>Doesn't support the rezone from Industrial 3 Zone to Mixed-use Zone.</p>	Refer to Submission 10.
	<p><u>Traffic</u></p> <p>Concerned with the increased traffic congestion the development will provide.</p>	<p>Refer to Submission 2 "Traffic Congestion".</p> <p>Refer to Submission 31 "Reliability of Data Used in Traffic Reports".</p>

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	<p>Submits there are already too many sets of traffic lights along Burnley Street which result in major congestion and slower times and no more traffic lights should be put in.</p> <p>Concerned that the traffic impact report for this application is outdated and the sample size hardly professional.</p> <p>Submits that the two schools are in the immediate vicinity hence traffic twice per day is further impacted.</p> <p>Submits that the future development around Victoria Gardens will have a huge impact on pedestrian and vehicle traffic along Burnley Street.</p>	Refer to Submission 24 " <i>Safety of footpaths and roads</i> ".
	<p><u>Public Transport</u></p> <p>States that the area is serviced by Yarra Trams numbers 12, 109, 75 and 48. During peak periods and major events they run at and above capacity. Notes the public transport system cannot cope with any high demand.</p>	Refer to Submission 25.
	<p><u>Parking</u></p> <p>Concerned that the proposal for vehicle parking at this development is 0.7 per unit. This figure does not align with local observations.</p> <p>Submits that the car parking along the streets are full all times.</p>	Refer to Submission 1 and 24.
	<p><u>Overshadowing/views</u></p> <p>Submits the proposal will cause a loss of visual amenity and the shadow effect is a serious matter for existing residents.</p>	Refer to Submission 10.
	<p><u>Upper Level Setbacks</u></p> <p>Submits that the "set-backs" (upper-levels) on Burnley St are misleading in that the existing building is not set back and will remain or be up for extension approval.</p> <p>Doesn't support the scale and extent of intended high rise residential.</p>	<p>The word "setbacks" have been used as they reflect both upper-levels or at ground setback depending on the location of setback. No change to the IFP is recommended.</p> <p>Refer to Submission 2.</p> <p><b>Recommended position:</b> No change to amendment</p>
	<p><u>Employment</u></p> <p>Submits that Richmond needs extensive employment opportunities and the amendment seeks to position residents' numbers far exceeding employment numbers.</p>	<p>The economic assessment report by Deep End Services outlines 529 ongoing positions would be created on-site with an additional 1,010 jobs indirectly generated in the wider economy.</p> <p>It also found that 265 full-time construction jobs will be created over the 4 year construction period. Another 795 jobs will be indirectly created over the construction period.</p> <p>The Indicative Framework Plan guides land use on the site. The largest portion of the site is labelled "retail/office with residential/office above". This provides flexibility on the site to allow for greater portion of floor area to be dedicated to office space if proposed.</p>

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		The development creates an opportunity for increased employment intensity in accordance with Local and State policy. <b>Recommended position:</b> No change to amendment
<b>Submission 43: Owner – Appleton Street</b>		
<b>Objection</b>	<u>General Objection</u> 43.1. Strongly objects to Amendment C223.	43.1 Noted.
	<u>Traffic</u> States that the traffic congestion and density of housing in the area is already impacting on the liveability of current residence. Submits that the traffic, pollution and parking issues are already at capacity.	Refer to Submission 2 regarding traffic congestion, Submission 23 (intersection upgrade) and Submission 24 (off-street parking).
	<u>Building Heights</u> Submits the development of 7-12 storeys is inappropriate and out of context with the heritage of the area. Submits that previous developments should not set any sort of precedents.	Refer to Submission 2.
	<u>Accommodating Growth</u> Submits that there has been a massive increase in dwellings in this area over the past 5 to 10 years without adequate consideration, planning or regard to the current residences. The density of poor quality high rise housing in this area has already exceeded capacity. Adding another 500 dwellings will have an unacceptable impact on the residential area.	Refer to Submission 2 "accommodating growth".
	<u>Community Well-being and Safety</u> Concerned that the poor quality of apartment buildings in the area are putting the surrounding residence health and safety at risk, decreased the liveability of the area and decreasing the value of the area.	There is a range of state and local planning policy that encourage the development of high-quality apartment buildings. These include the recently introduced Better Apartment Guidelines and Council Environmental Sustainable Development Policy. The Amendment would also facilitate key public benefits which include a new public open space, affordable housing and public realm/traffic improvements. <b>Recommended position:</b> No change to amendment
	<u>Development</u> Submits there is no consumer demand from this development and no advantages to the City of Yarra or the community.	Refer to Submissions 1 and 2 "accommodating growth".
<b>Submission 44: Resident – North Street</b>		
<b>Objection</b>	<u>Conditional Support.</u>	Noted.

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	Conditionally supports Amendment C223.	
	<p><u>Traffic</u></p> <p>States that the traffic report pre-dates the most recent developments.</p> <p>Supports the bicycle parking ratio.</p> <p>Supports loading and waste vehicle access from Doonside Street.</p> <p>Recommends that further specificity is provided to say access and egress is from Doonside Street.</p> <p>Recommends that impacts more broadly be considered such as River and Bridge Road (especially if driving further East) and Murphy and Burnley.</p> <p>Recommends Appleton street should retain its character as a predominantly Residential Street.</p>	<p>Support noted</p> <p>Refer to Submission 2 (Traffic Congestion) and 31(reliability of data in traffic reports).</p> <p>Land use location is described in the indicative framework plan within the DPO. Half of the Appleton Street interface is designated <i>Residential</i> and the other half <i>Retail Office and Residential/office above</i>.</p> <p>This will ensure that Appleton Street remains predominantly a residential street.</p> <p>Officers do not agree that the DPO15 should specify access and egress. DPO15 provides clear guidance that Doonside Street should be the primary access to the site and all heavy vehicle to access the site via Doonside Street. Requiring a future development plan and/or permit to only provide access and egress from Doonside Street is overly prescriptive and may prohibit acceptable design outcomes. The <i>DPO15</i> requires a Traffic Impact Assessment Report be prepared which will ensure that any access points from Appleton Street are properly considered.</p> <p><b>Recommended position:</b> No change to amendment</p>
	<p><u>Overshadowing</u></p> <p>Supports the conditions associated overshadowing throughout DPO15.</p> <p>Submits that specificity should be given to sunlight to the pedestrian lane and to the public open space.</p> <p>Submits the term 'unreasonable' is too ambiguous regarding overshadowing of POS.</p> <p>Recommends no overshadowing of pedestrian lane and public open space.</p> <p>Recommends to define a 2m wide strip in a north/south direction of sunlight between 10-2 at the equinox to the pedestrian lane. No additional overshadowing should be caused by the amendment.</p>	<p>Support noted.</p> <p>The DPO15 already includes wording to ensure the pedestrian laneway and public open space includes overshadowing protection.</p> <p><i>no unreasonable overshadowing of Doonside Street public open space area</i></p> <p><i>A north-south pedestrian lane receives sunlight between 10 am and 2 pm at the equinox</i></p> <p>Officers view that the wording is sufficient to ensure a positive outcome on the site. Shadow diagrams show that the POS receives a considerable amount of sunlight during the equinox.</p> <p><b>Recommended position:</b> No change to amendment</p>
	<p><u>Heritage</u></p> <p>Supports the retention of the existing heritage building façade [Repco Factory] and heritage building [Repco Offices and Laboratories]. Concerns relate to the dominance of adjacent built form (both 11 storey and 12 storey buildings on either side of pedestrian laneway).</p> <p>Recommends to provide further setbacks adjacent to the building. An indicative 11 storey 'L' shaped building should be setback behind the heritage building [Repco Offices and Laboratories] so to not compete and provide visual presence of the heritage building [Repco Offices and Laboratories] to the street (12 storey building across the pedestrian laneway).</p>	<p>Support noted.</p> <p>The Indicative Framework Plan within the DPO15 shows upper-level setbacks of generally 9m from heritage built form and between upper level elements. Where this differs is the 8m upper-level setback to Doonside Street, 10m to Burnley Street and 13m to Appleton Street within HO375. This appears to achieve the outcome sought by Submitter 44. The Indicative Framework Plan shows public open space to the immediate west and (part) south of 26 Doonside Street with a 9m wide pedestrian lane beyond this. This will achieve adequate separation between the Former Repco Offices building and new development to the west and south.</p> <p>The Indicative Framework Plan shows an 8m-11m podium height to the east and (part) south of the heritage building with a 10m upper-level setback. This will achieve an acceptable separation of new built form between the Former Repco Offices and the new 11-storey upper level development.</p>

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Submission Number Interest Type of Submission	Summary of Submission	Response to inform Council's submission to Panel
		<p>Officers sought advice from GJM Heritage who acknowledged that there is some ambiguity regarding the height of the Former Repco Offices and Laboratories, amendments to DPO15 are discussed in Submission 1 and 2.</p> <p><b>Recommended position:</b> Refer to Submission 1 (heritage).</p>
	<p><u>Building Height</u></p> <p>Notes the adjacent precedence heights at 36-44 Doonside Street and 12 David Streets.</p> <p>Does not support the proposed maximum heights of the development.</p> <p>Recommends a lower height along Burnley Street to match the heights of the recent developments at 30 Burnley Street</p> <p>Recommends a variety of heights to create visual diversity and interest.</p> <p>Requests to mention the floor to floor height for different uses and to label the Development Plan with the metres above natural ground level, as opposed to number of storeys.</p> <p>Recommends downward height downward Burnley street will open up view corridors to the city for a greater number of apartments and allow more sunlight between buildings.</p>	<p>Officers do not support the requirement to mention floor to floor height as these can vary between developments. The use of both metres and storeys provides adequate guidance for both applicant and the community.</p> <p>In determining the heights on the subject land, current and potential development patterns were taken into account. The amendment proposes a downwards height towards Appleton street to respond to its low rise residential character. The taller form is located on the northern portion of the subject land. Similar heights are seen immediately to the east (Embassy Apartments) and further east on David Street (Supply Co Apartments). It also responds to the development potential north side of Doonside Street and within Victoria Gardens. Officers acknowledge that west of Burnley Street there is a consistent 7 storey form however, officers note these buildings have no upper level setback. While the amendment proposes 7 and 12 storeys along Burnley Street, these upper levels are set back 10m from the Burnley Street street-wall, this will reduce their visual prominence and assist in opening up the view corridor down Burnley Street. Also refer to Submission 2 regarding building height.</p> <p>Officers concur with the view that a varied rather than uniform skyline view and design language would be a desirable outcome. Some revision to the DPO15 is recommended to encourage this outcome. (See building design below.</p> <p><b>Recommended position:</b> Wording changes to DPO15 align with the comments made in Submission 44.</p>
	<p><u>Upper Level Setbacks</u></p> <p>Recommends a 9m [upper-level] setback from Doonside St, and proposed laneway.</p> <p>Recommends considerations should be given in the NE corner of the site adjacent to the recently completed development at 36-44 Doonside Street. A 9m offset from this boundary is recommended.</p>	<p>The adjoining development (Embassy Apartments) has a zero setback at the podium to Doonside Street and a small upper level setback at the 12<sup>th</sup> storey. The amendment proposes in the Indicative Framework Plan a 5m setback from Doonside and a 8m setback on Doonside from the heritage façade of the former Repco Factory.</p> <p>While there is a taller form on the western side of the laneway (12 storey and 7 storey buildings), the eastern side is a public park and a low rise buildings measuring 8-11m is proposed within the IFP. These provide for considerable gap between the taller forms of the proposed and the existing Embassy building.</p> <p>The setbacks outlined in the IFP represent a satisfactory east-west transition and no change is recommended.</p> <p>Currently, the <i>Indicative Framework Plan</i> requires a building separation of upper forms to set back by 9m from each other. The <i>Indicative Framework Plan</i> is not clear on how far upper-levels of new development should be set back from the existing Embassy building. Officers agree that consideration to this north east corner should be given. Officers agree with the use of a 9m setback between medium-rise form as it has been tested and found acceptable through numerous Panel and VCAT reviews as a distance to provide appropriate separation and privacy between apartments. Officers do not agree that 9m should be set from the boundary. However, 9m from habitable room windows or</p>

## Attachment 2 - Amendment C223 - Summary of submissions and response to inform council's position at panel

Submission Number Interest Type of Submission	Summary of Submission	Response to inform Council's submission to Panel
		<p>balconies is appropriate and has been used as a measurement within existing DDOs already within the Yarra Planning Scheme.</p> <p><b>Recommended Position:</b> Refer to Submission 10.</p>
	<p><u>Wind Impacts</u></p> <p>Submits that appropriate wind modelling is undertaken to ensure that this development creates good conditions in the public realm at the street level. This includes the pedestrian lane and the public open space, as well as all footpaths bounding the site.</p> <p>Notes that Melbourne's predominant wind come from the South West, North and North East direction.</p> <p>Notes that the NNE wind direction will affect the public open space and the laneway.</p> <p>Recommends to use City of Melbourne's wind criteria, such as</p> <ul style="list-style-type: none"> <li>In all areas of activated building frontage, the following criteria should be implemented: <i>"generally acceptable for stationary short-exposure activities (window shopping, standing or sitting in plazas), if the annual maximum gust does not exceed 13 m/s"</i></li> <li>The new Public Open Space should comply with the following criteria <i>"Generally acceptable for stationary, long-exposure activities (outdoor restaurants, theatres), if the annual maximum gust does not exceed 10 m/s"</i>.</li> </ul>	<p>Refer to Submission 22.</p>
	<p><u>Design</u></p> <p>Submits high quality designed outcomes should be sort.</p> <p>Recommends that diversity in architectural language is sort between the buildings. This could be undertaken through the employment of different architectural firms to undertake the design work, or simply through the execution of the design.</p> <p>Recommends the architecture should vary in materiality, height, and form, to create a visually interesting skyline to this pocket of Richmond.</p> <p>Recommends high quality tactile design response for the podium and public interfaces should be sort. Variety in materiality, parapet heights, introduction of landscaping should be sort. Depth and articulation will be important to create light and shadow across a very long façade.</p> <p>Recommends that breaks should be provided in the massing, and clear and identifiable addresses provided to each of the buildings.</p>	<p>Officers concur with this view and would endorse that high-quality materials and finishes should characterise the development of this scale and likely subdivision and long life expectation.</p> <p>Officer concurs with the submitter's views and is concerned that the proposed guidelines give too little weight and confused guidance as to the outcomes sought for upper-level development and may lead to bland and entirely out of context glass boxes or similar which whilst meeting the controls may appear incongruous in the setting.</p> <p><b>Recommended position:</b></p> <p>Officers recommend amendments to the wording in the DPO15 to require:</p> <ul style="list-style-type: none"> <li>A varied rather than uniform skyline view and design would be achieved at upper levels.</li> <li>A high quality tactile design response for the podium and public interfaces.</li> <li>Variety in materiality, parapet heights, introduction of landscaping.</li> </ul>
	<p><u>Access</u></p> <p>Recommends the Lobby could become a part of the feature along the streetscape. Consolidation of building services and loading docks should be integrated into the design and considered in the design response</p>	<p>Officers agree that careful management of services and back of house areas required to ensure they do not become prominent features at the street level</p> <p><b>Recommended position:</b></p>

## Attachment 2 - Amendment C223 - Summary of submissions and response to inform council's position at panel

Submission Number Interest Type of Submission	Summary of Submission	Response to inform Council's submission to Panel
		Wording be included in DPO15 that requires building services and loading docks to be integrated into the design and considered in the design response.
<b>Submission 45: Resident – Embassy Apartments</b>		
<b>Objection</b>	<u>General Objection</u> Objects to Amendment C223.	Noted.
	<u>Traffic and Parking</u>  Notes that there is already significant traffic congestion, particularly around Burnley Street, Victoria Gardens Shopping Centre, Doonside Street, Appleton Street and David Street.  Notes the intersection of Burnley Street and Doonside Street is often heavily congested, particularly at peak times where it can take a significant amount of time to exit the intersection from Doonside Street where there is often a build-up of traffic waiting to exit.  Submits that the parking is already limited but with the large number of dwellings and businesses in the proposed development would have a negative impact on the current residents in David Street, Appleton street and Doonside Street.	Refer to Submissions 1 "on-street parking", Submission 2 "traffic congestion" and 24 "off-street parking"
	<u>Property value</u>  Submits that the property value will degrade due to 15 storeys on the subject site.	Refer to Submission 6.
	<u>Public Open Space</u>  Notes that a public open space is being provided as part of the proposed development but concerned with the sufficient sunlight access to the open space.  Submits there is insufficient allocation for open space.  Submits that the buildings of 12 and 11 storeys will overwhelm the public open space	Refer to Submission 23 (public open space) and submission 44 (overshadowing)
	<u>Building Heights</u>  Assumed that the height would align with other developments in the area which ranged from 4-10 storeys, with the average being less than 7 storeys.  Submits that the height of the proposed dwellings on the Doonside Street side of 42 metres is too high and will cause significant overshadowing and lack of light as well as having a negative impact on the residents within the area due to overcrowding.  Supports the amendment with the following change "The height of all buildings across the entire development should be reduced from 42 metres to a maximum height of 24.5 metres inclusive of lift wells, air conditioning and service units on the roof top. If all buildings on the subject site were restricted to a height of 24.5 metres (7 storeys), the amendment would be supported."	Refer to Submission 2 for discussion on building heights.  Refer to Submission 10 for discussion on overshadowing on Embassy Apartments.

## Attachment 2 - Amendment C223 - Summary of submissions and response to inform council's position at panel

Submission Number Interest Type of Submission	Summary of Submission	Response to inform Council's submission to Panel
	<p><u>Accommodating Growth</u></p> <p>Notes that as the site being a large site, it is important in dictating the future landscape and character of this part of Richmond.</p> <p>Notes that the north side of Victoria Street has created an area of high density living and that area was more appropriate for higher density living as it did not impact on the current residential areas of Richmond.</p> <p>Submits that the average height of apartment buildings in this precinct is around 9 storeys, with little impact on the surrounding area, including new developments in the early stages of construction which will also be 9 storeys high.</p>	<p>Refer to Submissions 1 and 2 (accommodating growth). Refer to submission 16 regarding construction noise. Refer to Submission 2 (amenity impacts).</p>
<b>Submission 46: Organisation – Salta Properties</b>		
	<p><u>Traffic</u></p> <p>Notes that the anticipated level of development for the site in question will generate additional traffic along Doonside Street, therefore we want to ensure that future development prospects of the Victoria Gardens Shopping Centre, and associated traffic generation, will not be unreasonably limited based on traffic generation and movements within Doonside Street in particular.</p>	<p>DPO15 requires the landowner to prepare an updated Traffic Impact Assessment Report and enter into a section 173 to deliver traffic mitigation works. Impacts on Doonside Street and Victoria Gardens will be assessed at the development plan and planning permit stage.</p> <p>Further discussion is found in Submission 2 and 23.</p>
	<p><u>Affordable Housing</u></p> <p>Expressed concerns regarding the mandatory requirement for the provision of affordable housing at a quantity equivalent to 10% of the total number of dwelling proposed.</p>	<p>There is strong policy support at both State and Local Government levels for the provision of affordable housing, which was discussed at the Panel Hearing for Amendment C185 – 462-485 Swan Street, Richmond.</p> <p><i>There seems little dispute about State policy supporting the provision of affordable housing. It is also clear to the Panel that there is policy support by Yarra Council for such provision.</i></p> <p>Council has a long history of advocating and delivering social and affordable housing within significant redevelopment sites and through the planning scheme amendment process. The provision of affordable housing as part of the redevelopment of significant redevelopment sites (and putting mechanisms in place during processes to rezone such parcels of land, in line with the Planning and Environment Act provisions related to securing affordable housing contributions) is a tangible 'net community benefit' outcome benefiting from strategic support.</p> <p>Council adopted its Social and Affordable Housing Strategy on 12 November 2019. This incorporated a Policy Guidance Note: <i>Affordable Housing Outcome at Significant Developments</i>, which guides Council's position when considering proposals for rezoning of land for residential use that would allow the development of 50 or more dwellings.</p> <p>Council applied to seek authorisation from DEWLP to prepare and exhibit Amendment C223 in January 2018. Council received conditional authorisation on 19 February 2018. DEWLP issued a condition that Council would need to prepare a Housing Diversity Report that would justify the 10% of affordable housing alongside further details of the affordable housing proposal. Council provided DEWLP with an updated Housing Diversity Report in 2018 and received confirmation to proceed with the exhibition of Amendment C223. The Housing Diversity Report was updated in 2019 to reflect three important changes that had been made to the <i>Planning and Environment Act 1987 (the Act)</i>, those being:</p>



## Attachment 2 - Amendment C223 - Summary of submissions and response to inform council's position at panel

Submission Number Interest Type of Submission	Summary of Submission	Response to inform Council's submission to Panel
		<p>a) adding a new objective to the Act "to facilitate the provision of affordable housing in Victoria";</p> <p>b) provide a definition of affordable housing within the Act; and</p> <p>c) affirming the use of section 173 for voluntary affordable housing agreements.</p> <p>The proponent has agreed to the provision of 10% of the total number dwellings to be allocated for affordable housing. Officers are comfortable with the mandatory nature of the provision as this has been agreed to by both parties before proceeding with the Amendment.</p> <p><b>Recommended Position:</b> No change to amendment</p>
	<p><u>Height</u></p> <p>Recommends a higher built form of 15 storeys than the proposed 12 storeys given the robust built form context within an identified activity centre.</p>	<p>The amendment is underpinned by a strategic analysis of existing development patterns and urban design advice. Officers consider that the range of 7 to 12 storeys on the site appropriate.</p> <p>Refer to Submission 2 – Building Heights for further discussion.</p> <p><b>Recommended Position:</b> No change to amendment</p>
	<p><u>Noise</u></p> <p>Notes that the new residential dwellings (and any other new sensitive uses) must be required to be designed to attenuate noise impacts from existing surrounding industrial and commercial uses (including Victoria Gardens Shopping Centre). This is necessary to protect existing commercial uses from having to carry out remedial works in respect to new sensitive uses to achieve compliance with SEPP N1.</p>	<p>Officers agree that new development should be designed to maintain an acceptable level of internal amenity.</p> <p>Clause 58.04-3 <i>Noise Impacts Objectives</i> ensure that new developments:</p> <p><i>Protect residents from external and internal noise sources.</i></p> <p>New developments will need to comply to Council's Interface Uses local planning policy which seeks:</p> <p><i>To enable the development of new residential uses within and close to activity centres, near industrial areas and in mixed-use areas while not impeding the growth and operation of these areas as service, economic and employment nodes.</i></p> <p><i>To ensure that residential uses located within or near commercial centres or near industrial uses enjoy a reasonable level of amenity.</i></p> <p><b>Recommended Position:</b> No change to amendment</p>
	<p><u>Public Open Space</u></p> <p>States that the area of proposed public open space has the potential to constrain the substantial development potential anticipated in this activity centre location, including on the north side of Doonside Street.</p>	<p>Refer to Submissions 23 and 27.</p>
	<p><u>Economic</u></p> <p>Notes that the retail outcomes anticipated for the site are unclear, with the assessment predicated on the Harry the Hirer business remaining, which ultimately may or may not be the case.</p>	<p>Refer to Submission 21a (economics and employment)</p>
<b>Submission 47: Resident – North Street</b>		

## Attachment 2 - Amendment C223 - Summary of submissions and response to inform council's position at panel

Submission Number Interest Type of Submission	Summary of Submission	Response to inform Council's submission to Panel
Objection	<u>General Objection</u> Objects to Amendment C223.	Noted.
	<u>Privacy</u> Mentions that the upper-levels of the 7 storey towers will be able to look onto the north facing courtyard.	The North Street properties are located approximately 50m from the southern portion of the land affected by the amendment.  The distance from the properties along North Street will minimise privacy and overlooking impacts for these residents.
	<u>Overshadowing</u> Concerns that the property will be overshadowed further with the proposed development. Mentions that the upper floors of the new development that has recently been built at the far end of Appleton Street can already see into my back yard. The building also obscures the morning sun, which I used to get.	Within the Victorian Planning System, it is standard practice to use the September Equinox as the point in time to measure overshadowing impacts. The North Street properties are located approximately 50m from the southern portion of the land affected by the amendment.  The requirements of DPO15 ensure that private property will not be overshadowed at the September Equinox between the hours of 10 am to 2 pm. This means the properties along North Street will have no overshadowing impacts caused by the new development during this time.  <u>Recommended Position:</u> No change to amendment
	<u>Building Heights</u> Recommends lower rise towers of 4 stories on Appleton Street and 7 stories on Doonside Street.	Refer to Submission 2.
	<u>Traffic</u> Concerned with increased traffic in the area with recent developments.	Refer to Submission 2.
	<u>Art precinct</u> Recommends the site to include 'Art Precinct', mentions that the City of Yarra seriously lacks such a venue, where you can bring local artist, cultural groups, musical ensembles, music theatre, shows etc. Research shows such an arts theatre helps lower stress, depression, and helps bring communities and people together.	The City of Yarra includes the Collingwood Art Precinct and Abbotsford Convent as a facilities which are a destination for art lovers, a meeting place for the local community, a home for artists, art organisations and creative industries. The COY is also home to a range of other spaces which facilitate the creative arts within the community.  The Mixed-use Zone is flexible enough to allow several of the uses listed in the submission to occur on site, as opposed to the more restrictive Industrial 3 Zone.  <u>Recommended Position:</u> No change to amendment
<b>Submission 48: Ovner – Embassy Building</b>		
Objection	<u>General Objection</u> 48.1. Objects to Amendment C223.	Noted.
	<u>Rezoning</u> Opposes the rezoning, to the change to mixed-use from industrial and the subsequent proposed development on the site of Harry the Hirer.	Refer to Submission 10 (rezoning).

## Attachment 2 - Amendment C223 - Summary of submissions and response to inform council's position at panel

Submission Number Interest Type of Submission	Summary of Submission	Response to inform Council's submission to Panel
	<u>Overshadowing</u> Concerned that the future development will further overshadow their apartment as they live on the south west corner on the second floor of the Embassy Apartments.	Refer to Submission 10.
	<u>Traffic and Parking</u> Concerned with the future increase in traffic and parking.	Refer to Submission 1, 2 and 24.
<b>Submission 49: Owner – North Street</b>		
Objection	<u>General Objection</u> Objects to Amendment C223.	Noted.
	<u>Height</u> Recommends a height of 4 storeys.	Refer to Submission 2.
	<u>Privacy</u> Submits that the upper-levels of the proposed development will overlook into the backyard.	The North Street properties are located approximately 50m from the southern portion of the land affected by the amendment.  The distance from the properties along North Street will minimise privacy and overlooking impacts for these residents.  <b>Recommended Position:</b> No change to amendment
	<u>Accommodating Growth</u> Concerned that the area is getting over populated with no infrastructure to support the community.	Refer to Submissions 1 and 2 – accommodating growth. Refer to submission 27 for discussion regarding local traffic infrastructure, Submission 21a regarding schools and Submission 25 regarding public transport.
<b>Submission 50: Anonymous Objection</b>		
Objection	<u>General Objection</u> Objects to Amendment C223.	Noted.
	<u>Parking</u> Submits increasing number of apartments that provide insufficient parking forces residents to park in the street.  Submits that there is already a crisis with on-street parking at night. Insufficient off-street parking means residents park on the street. It's almost impossible to find any vacant spots.  Many residents have two cars with one parking space.  Notes need for visitor parking and parking for service suppliers and deliveries.  Asks how widely traffic and parking was looked at e.g. taking into account SALTA construction nearby and vacant site across the road.	Refer to Submission 24 " <i>off-street parking</i> " and Submission 1 " <i>on-street parking</i> ".  Refer to Submission 31 " <i>reliability of data used in traffic reports</i> ".

## Attachment 2 - Amendment C223 - Summary of submissions and response to inform council's position at panel

Submission Number Interest Type of Submission	Summary of Submission	Response to inform Council's submission to Panel
	<p><u>Street Traffic, Noise and Air pollution</u></p> <p>Submits that the commercial aspect of the proposal, occupiers, suppliers and other service vehicles will increase traffic congestion, noise and air pollution far more than present.</p> <p>Concerned about the impacts created by the construction of a large development.</p>	<p>Noise from businesses, dwellings and construction are managed by several Environmental Protection Regulations.</p> <p>The State Environment Protection Policy – Control of noise from industry, commerce and trade No. 1 (SEPP N-1)'s purpose is "to protect people from commercial, industrial or trade noise that may affect the beneficial uses made of noise-sensitive areas while recognizing the reality of the existing land use structure in the Metropolitan Region". Any future development of the land will have to comply with the guidelines set out in this State Policy.</p> <p>Refer to Submission 1. (Residential Noise)</p> <p>Refer to Submission 16 (Construction Noise).</p> <p><b>Recommended Position:</b> No change to amendment</p>
	<p><u>Local Shopping</u></p> <p>Notes that the local businesses will welcome the 500 plus customer families but questions if the area can support an additional 500 residents. Will another centre be built?</p> <p>Will the local shopping centre be able to handle this number as well as the more than 500 from the SALTA development</p>	<p>The ability for the Victoria Gardens Shopping Centre to accommodate further customers from new development is outside the scope of the Amendment.</p> <p>Refer to Submission 21a, for discussion on new shopping centres.</p> <p><b>Recommended Position:</b> No change to amendment</p>
	<p><u>Public Transport</u></p> <p>Submits that the current public transport is already at capacity when it reaches the intersection of Burnley and Victoria Streets. Questions how residents will be able to avoid using cars with potential increases in workers of 500 to 1,000 people.</p>	<p>Refer to Submission 25.</p>
	<p><u>Schools</u></p> <p>Questions the capacity of the schools to handle the increased population.</p>	<p>The provisions of schools is managed by the Department of Education and the School Building Authority, and it's outside the scope of Local Government Authorities. The Department of Education has made several improvements, upgrades and new schools within Richmond, including:</p> <ul style="list-style-type: none"> <li>• New Richmond High School.</li> <li>• Upgrades to Lynall Hall Community School.</li> <li>• Upgrades to Richmond West Primary School.</li> <li>• Upgrades to Hawthorn West Primary School.</li> </ul> <p><b>Recommended Position:</b> No change to amendment</p>
	<p><u>Public Open Space</u></p> <p>Notes that a 576sqm open space is provided as part of the proposed development. Considers the space is not sufficient for the size of the development.</p> <p>Submits that existing local parks will become overloaded, polluted and not tranquil with an additional 500 residents.</p>	<p>Refer to Submissions 23.</p>

## Attachment 2 - Amendment C223 - Summary of submissions and response to inform council's position at panel

Submission Number Interest Type of Submission	Summary of Submission	Response to inform Council's submission to Panel
	<p><u>Safety and security</u> Concerned with the safety and security with the increased Airbnb business or short term rentals of the apartments. Submits that crime rates increase with density, "is that what the City of Yarra wants for its residents?"</p>	<p>This is not a matter for council, this is an issue for the body corporate of the development to deal with. Council is not involved with the purchasing/leasing of apartments and associated lease agreements. Crime rates are impacted by a variety of influencing factors, and population density does not necessarily correlate with high crime rates. The amendment will also facilitate new development that will provide passive surveillance to the street, which should help provide for a safer street environment. <b>Recommended Position:</b> No change to amendment</p>
	<p><u>Current occupier</u> Notes that if the development does not go ahead, Harry the Hirer (a Melbourne institution) could remain on the site. Development would mean the loss of its central location. Concerned you will have to drive miles to hire items or pay to have it delivered. Considers proposal that Harry the Hirer's admin functions would remain is only offered to make people believe that nothing will change.</p>	<p>Astrodome Hire Pty Ltd (trading as Harry the Hirer) has informed Council that it is relocating its industrial activities off its Richmond site to another site west of Melbourne. The industrial activities occurring on the site were one of the key reasons for it not being rezoned along with neighbouring properties in Amendment C99. Now that these activities are shifting off the site, this provides Council with the opportunity to implement the recommendations from various strategic documents (Housing Strategy, Spatial Employment Economic Strategy and Victoria Street Structure Plan) and fill in the missing piece from Amendment C99. The relocation of certain elements of the Harry the Hirer's business is their prerogative and it's outside the scope of the Amendment. Harry the Hirer has communicated with Council it intends to expand its show room and administrative function on the site, which will result in a net boost in employment in the area (see submission 21a economic and employment). <b>Recommended Position:</b> No change to amendment</p>
	<p><u>Accommodating Growth (and additional developments)</u> Concerned that neighbouring industrial sites will start consolidating properties and start building similar developments. Concerned with the future population density of the area. Notes the current density is low.</p>	<p>Property consolidation is outside the scope of the amendment however, the consolidation of sites can allow for better design outcomes for both future residents and surrounding residents. Refer to Submission 2. <b>Recommended Position:</b> No change to amendment</p>
<b>Submission 51: Ovner North Street</b>		
Objection	<p><u>General Objection</u> Objects to Amendment C223.</p>	Noted.
	<p><u>Privacy Concern</u> Submits that the upper-levels will easily overlook the backyard of the properties along North Street.</p>	Refer to Submission 47.
	<p><u>Accommodating Growth</u> Concerned that the area is getting over populated with no infrastructure to support the community.</p>	Refer to Submissions 1 and 2 – accommodating growth. Refer to submission 27 for discussion regarding local traffic infrastructure, Submission 21a regarding schools and Submission 25 regarding public transport.
	<p><u>Traffic</u> Submits that the proposed development will increase the traffic congestion on North street. It will cause traffic flow issues for both pedestrians and vehicles, making a residential street unliveable.</p>	Refer to Submission 2.

## Attachment 2 - Amendment C223 - Summary of submissions and response to inform council's position at panel

Submission Number Interest Type of Submission	Summary of Submission	Response to inform Council's submission to Panel
	<p><u>Height and apartment numbers</u></p> <p>Recommends that to allow for 4 storeys and 200 apartments within the proposed development.</p>	Refer to Submission 2 (heights) and 24 (Apartment numbers).
<b>Submission 52: Owner Appleton Street</b>		
Objection	<p><u>General Objection</u></p> <p>Objects to Amendment C223.</p>	Noted.
	<p><u>Traffic</u></p> <p>Notes cars may only turn left at the intersection of Burnley and Appleton Streets and traffic already 'banks' up over 70m from the intersection along Appleton</p> <p>Concerned about the proposed car park exit onto Appleton Street.</p> <p>Submits that the car park exit will increase the traffic flow and therefore compound this existing problem. Submits it will be impossible to manage the traffic flow from this exit.</p>	Refer to Submission 2.
	<p><u>Parking</u></p> <p>Notes that on average there are 8 available parking spaces along Appleton Street in the morning and evening.</p> <p>Concerned that a future development will remove car parking spaces from Appleton Street.</p> <p>Notes that the car park exit will remove much needed parks from the north side of Appleton Street whilst an additional 500 dwellings and commercial space will be added.</p> <p>Submits there will be unreasonable increased parking pressure as a result of the proposed development.</p>	Refer to Submission 1 (on street parking) and submission 41 (Access).
	<p><u>Overshadowing</u></p> <p>Notes that all existing dwelling along Appleton Street enjoy North Facing aspects.</p> <p>Submits that they would not accept any loss in natural light on our property.</p> <p>Acknowledges they have been told by Tract Consultants and the City of Yarra that their property will not be overshadowed.</p> <p>Submit they will not accept any loss in natural light to their property as a result of the amendment.</p>	Refer to Submission 16.
<b>Submission 53: Property Owner – Richmond</b>		
Objection	<p><u>Amenity Impacts</u></p> <p>Submits that a 12 storey building to be built in a residential areas will be detrimental to existing residents.</p>	Refer to Submissions 2 and 10.

## Attachment 2 - Amendment C223 - Summary of submissions and response to inform council's position at panel

Submission Number Interest Type of Submission	Summary of Submission	Response to inform Council's submission to Panel
	<u>Building Heights</u> Notes that most buildings in the area are less than 7 storey and a 12 storey building will look out of place and cause shading problems.	Refer to Submission 2.
	<u>Traffic</u> Concerned that the additional 500 dwelling will have serious traffic impacts on Victoria and Burnley Streets.	Refer to Submission 2.

**Attachment 3 - Amendment C223 - DPO15 with recommended refinements for Council's position at Panel**

**AMENDMENT C223YARA**

**SCHEDULE 15 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY**



# Attachment 3 - Amendment C223 - DPO15 with recommended refinements for Council's position at Panel

## AMENDMENT C223YARA

C223yara

### SCHEDULE 15 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO15**.

**81-95 BURNLEY STREET AND 26-34 DOONSIDE STREET, RICHMOND**

#### 1.0

C223yara

#### Objectives

None specified.

#### 2.0

C223yara

#### Requirement before a permit is granted

A permit may be granted for the following before a development plan has been approved:

- Buildings or works necessary for existing businesses or uses to continue.
- Consolidation or subdivision.
- Removal or creation of easements or restrictions.
- Demolition or removal of buildings.
- The construction or carrying out of minor buildings or works, including site preparation.
- Buildings and works associated with or for the purpose of obtaining a certificate or statement of environmental audit under the *Environment Protection Act 1970*; or environmental matters pursuant to any successor legislation, including the *Environment Protection Amendment Act 2018*, where these works do not prejudice the preparation and approval of the Development Plan and the vision for the land set out in this overlay.

Before granting a permit the Responsible Authority must be satisfied that the permit will not prejudice the future use and development of the land and will not compromise the objectives for the site as set out in this schedule.

#### 2.1

#### Section 173 Agreement to provide for affordable housing

The owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987* which requires that the owner must facilitate the provision of 10 percent of the total number of dwellings (being the total number of dwellings provided within the DPO15 area) as affordable housing by:

- Entering into an arrangement with a Registered Agency under the Housing Act 1983 for the provision of the affordable housing within the DPO15 area to a Registered Agency; and/or
- Making other arrangements for the provision of affordable housing in conjunction with a Not for Profit (registered with the Australian Charities and Not-for-profits Commission) to the satisfaction of the Responsible Authority; and/or
- Making other arrangements for the provision of for the provision of Affordable Housing as defined at Section 3AA of the *Planning and Environment Act 1987*, to the satisfaction of the Responsible Authority.

The owner, or other person in anticipation of becoming the owner, must meet all of the expenses of the preparation and registration of the agreement, including the reasonable costs borne by the Responsible Authority.

The Section 173 Agreement must be entered into prior to a planning permit being issued in accordance with the approved Development Plan.

## Attachment 3 - Amendment C223 - DPO15 with recommended refinements for Council's position at Panel

### AMENDMENT C223YARA

#### 2.2 Section 173 Agreement to provide for public infrastructure

The owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987* for the provision of the following items of public infrastructure in accordance with the Public Realm Plan prepared and approved in accordance with this schedule. The works may include but are not limited to:

- Streetscape and public realm improvements to Doonside Street;
- Streetscape and public realm improvements to Appleton Street; and
- A minimum nine (9) metre wide pedestrian lane connecting Doonside Street and Appleton Street at the approximate mid-point of the Site, generally in accordance with the *Indicative Framework Plan* at Figure 1.

The owner, or other person in anticipation of becoming the owner, must meet all of the expenses of the preparation and registration of the agreement, including the reasonable costs borne by the Responsible Authority.

The Section 173 Agreement must be entered into prior to a planning permit being issued in accordance with the approved Development Plan.

#### 2.3 Section 173 Agreement for Traffic Impact Assessment Report works

The owner (or another person in anticipation of becoming the owner) must enter into an agreement with VicRoads and the Responsible Authority under section 173 of the *Planning and Environment Act 1987* for the provision of works which are identified in the Traffic Impact Assessment Report prepared and approved in accordance with this schedule. The works may include but are not limited to:

- mitigating works required for each development stage in the Development Plan;
- a two way or a four way signalised intersection between Burnley Street/Doonside Street/Buckingham Street; and
- a new intersection, if required, approved by VicRoads in consultation with the Responsible Authority.

The owner, or other person in anticipation of becoming the owner, must meet all of the expenses of the preparation and registration of the agreement, including the reasonable costs borne by the Responsible Authority.

The Section 173 Agreement must be entered into prior to a planning permit being issued in accordance with the approved Development Plan.

### 3.0 Conditions and requirements for permits

C223yara

#### 3.1 Permit requirements

Except for a permit granted in accordance with Clause 1.0 of this Schedule, a permit must contain conditions that give effect to the provisions and requirements of the approved development plan.

#### 3.2 Heritage Impact Statement

A permit application must include, where relevant:

- A heritage impact statement prepared by a suitably qualified professional that assesses the impact of the proposed development on the heritage values of the heritage place and nearby

## Attachment 3 - Amendment C223 - DPO15 with recommended refinements for Council's position at Panel

### AMENDMENT C223YARA

heritage places, as identified in the conservation management plan or similar comprehensive heritage analysis prepared for the site, along with relevant heritage studies and citations.

- A siteline analysis and 3D modeling of the proposed development from key view points in the public realm to enable an assessment of the visual impact of the development on heritage places.

#### 4.0

C223yara

#### Requirements for development plan

A development plan must be generally in accordance with the *Indicative Framework Plan* as shown in Figure 1, and the vision set out in this schedule, to the satisfaction of the Responsible Authority.

A development plan must be approved for the whole site, however the land may be developed in stages.

The development plan must include the following sections, all prepared to the satisfaction of the Responsible Authority:

#### 4.1

#### Development Plan Vision

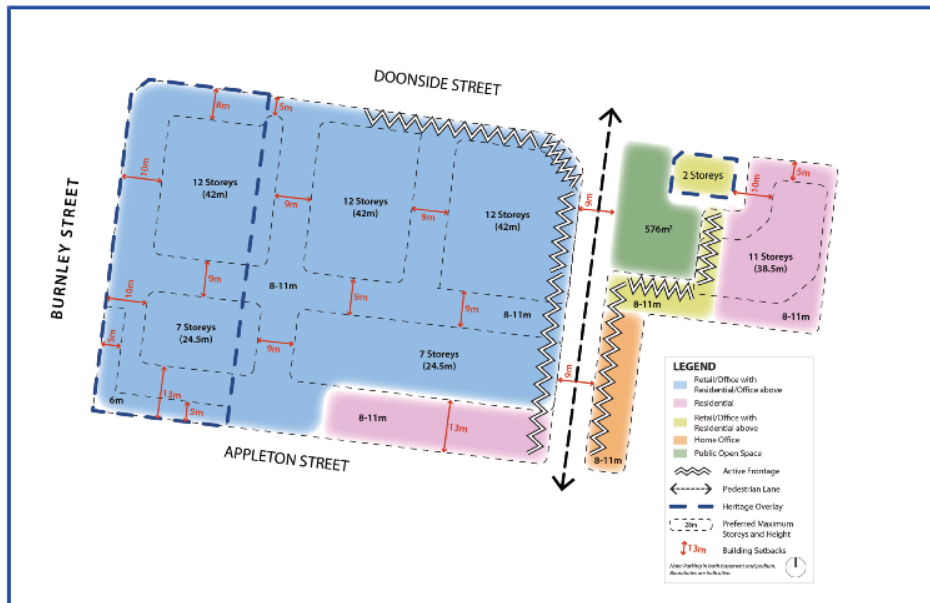
- To become a sustainable, mixed-use residential community, supported by convenience retailing services, community facilities, and employment opportunities augmenting the role of the Victoria Street Activity Centre.
- To recognise the opportunity of the site's activity centre context, whilst respecting the low rise residential development to the south.
- To protect the amenity of residential properties on the south side of Appleton Street and to the east of the subject site.
- To provide improvements to the public domain, including pedestrian friendly environments along all street frontages, the provision of public open space and a pedestrian laneway.
- To provide a high standard of internal amenity, building separation and best practice environmentally sustainable design.
- To respect the scale and form heritage places within and adjacent to the site and provide for the conservation of heritage places within the site.
- To ensure that new development mitigates any adverse impact it may generate upon local traffic conditions.
- To provide for the sensitive adaptive re-use of heritage buildings in accordance with the *Indicative Framework Plan* and informed by a comprehensive heritage analysis prepared for the site by a suitably qualified professional that:
  - articulates the significance of the heritage place, its component parts and its setting;
  - describes the relationship between the heritage place and any neighbouring or adjacent heritage place/s; and
  - establishes principles for managing the significance of the heritage place and its relationship with its surroundings.

# Attachment 3 - Amendment C223 - DPO15 with recommended refinements for Council's position at Panel

## AMENDMENT C223YARA

Figure 1: Indicative Framework Plan

Amended Figure 1  
- Storeys labelled  
on 26 Doonside  
Street Heritage  
Place



## 4.2

### Components of the Development Plan

#### SITE AND CONTEXT INFORMATION

A site analysis that identifies:

- the key attributes of the land and its context;
- existing or proposed uses on adjoining land;
- other neighbourhood features such as public transport, activity centres, walking and cycling connections; and
- important views to be considered and protected, including views of existing heritage buildings.

#### CONCEPT PLANS

Concept plans must include:

- The total number of dwellings across the entire site;
- The proposed use of each building and estimated floor area for each use;
- At least 9,000m<sup>2</sup> of Gross Floor Area provided for employment generating activities;
- An indication of the location and approximate commercial and retail yield for the site;
- A north south pedestrian lane :
  - with a minimum width of 9 metres;
  - that provides safe and pleasant pedestrian and cycling access between Doonside Street and Appleton Street;
  - that receives sunlight between 10am and 2pm at the equinox;
  - that remains publicly accessible in perpetuity; and
  - that will not be accessible by private vehicles at any time (with the exception of emergency services and public/authority services).

## Attachment 3 - Amendment C223 - DPO15 with recommended refinements for Council's position at Panel

### AMENDMENT C223YARA

- The provision of at least 4.5% of the total site (576 square metres) for public open space which fronts Doonside Street and adjoins the pedestrian lane. The plan must show the area of public open space in square metres and its percentage of overall site area; and
- Vehicular, pedestrian, cyclist and loading access points and connections.

#### BUILT FORM GUIDELINES

Built form guidelines which provide the following:

- Maximum building heights and envelopes responding to the site context;
- Building setbacks from street boundaries that ensure that new future development does not overwhelm the scale of the heritage buildings on the site or on heritage places in the vicinity of the site, including dwellings on the south side of Appleton Street;
- Building setbacks from the facades of 81-95 Burnley Street that ensure the heritage building can be understood as having a three dimensional form;
- Minimum upper level (above podium) setbacks of:
  - 13 metres from the Appleton Street site boundary.
  - 10 metres from the Burnley Street site boundary.
  - 8 and 5 metres from the Doonside Street site boundary.
  - 9m from habitable room windows or balconies of the Embassy building directly to the east and south.
- Ensure new buildings are well spaced (minimum of 9 metres between buildings above podium);
- Buildings set back a minimum of 10 metres (above podium) from the heritage building at 26-34 Doonside Street;
- Inter-floor heights within the heritage buildings on the site to ensure they relate to the existing floor levels and/or fenestration patterns;
- Ensure the retention of heritage fabric of:
  - the Appleton Street, Burnley Street and Doonside Street elevations of 81-95 Burnley Street (former Repco Factory) for the extent of the building within in heritage overlay; and
  - external form of 21 Doonside Street (former Repco Offices and Laboratories).
- Active frontages to Burnley Street, open space and the pedestrian lane, as appropriate;
- Massing diagrams that model the proposed built form envelopes based on the indicative heights and setbacks;
- Shadow diagrams that demonstrate:
  - no unreasonable overshadowing of Doonside Street public open space area and
  - no overshadowing of private properties on the southern side of Appleton Street beyond that caused by a building of 11m when measured between the hours of 10:00am and 2:00pm at the September Equinox.
  - no overshadowing of the footpath on the western side of Burnley Street from 11 am at the September Equinox.
- Indicative palette of building materials and architectural treatments throughout the site. The design and use of materials must be respectful of the industrial heritage of the site and its surrounds to the north and east, as well as to the residential heritage to the south.
- Provide for high quality architecture and spaces throughout the site and respond to heritage places through, as appropriate:



## Attachment 3 - Amendment C223 - DPO15 with recommended refinements for Council's position at Panel

### AMENDMENT C223YARA

- ~~Use of lightweight materials~~ Create an interesting and varied street wall and podium which is reinforced through the contemporary use of common historic industrial materials, a range of parapet heights and rebates of sufficient depth and texture to provide modulation in the street facade.
- At upper levels use lightweight materials and detailing that compliments the significant elements of heritage buildings.
- Simple architectural detail so as not to detract from significant elements of heritage buildings
- Discouraging highly articulated facades with recessed and projecting elements above retained heritage buildings
- Ensuring the retention of solid built form behind retained facades and avoiding balconies behind existing openings
- Providing high quality treatments to the building facades facing the pedestrian lane and streets.
- Ensure car parking is screened by buildings and not clearly visible from the street, or otherwise located in basement areas;
- Ensure buildings are designed to ameliorate adverse wind conditions at street level, public spaces and lower level dwellings;
- Ensure buildings are designed along Appleton St to break up the form of the street wall.
- Guidelines to mitigate adverse impacts of wind effects in building design.
- Minimise vehicle access and traffic movements in Appleton Street.
- Ensure buildings are designed and spaced to create a visually interesting skyline, streetscape and coherent precinct.
- Ensure that site services and loading areas are carefully designed to minimised impacts on streetscapes, shared spaces and pedestrian footpaths and laneways.

### OPEN SPACE AND LANDSCAPE

A Landscape Concept Plan must be prepared that provides:

- Dimensions of open space to the satisfaction of the Responsible Authority;
- An overall landscape masterplan for the site that includes landscape concepts for proposed open space and improvements along Appleton Street and Doonside Street;
- A written description of the management of the open space, pedestrian lane and other landscaped areas, including sustainable irrigation principles such as water sensitive urban design opportunities; and
- Details of how the Landscape Concept Plan responds to any requirements of the site remediation strategy for the land.

### PUBLIC REALM PLAN

A Public Realm Plan must be prepared to the satisfaction of the Responsible Authority. The Public Realm Plan must detail how the development will contribute towards improving the public realm adjacent to the site and provide the following information:

- Principles for how future development will contribute to improving the public realm and promoting inviting, pedestrian-friendly public spaces.
- The locations of public realm infrastructure works such as footpaths, bike paths, street lighting and furniture, and street trees, including:
  - Streetscape and public realm improvements to Doonside Street;

## Attachment 3 - Amendment C223 - DPO15 with recommended refinements for Council's position at Panel

### AMENDMENT C223YARA

- Streetscape and public realm improvements to Appleton Street; and
- A minimum nine (9) metre wide pedestrian lane connecting Doonside Street and Appleton Street at the approximate mid-point of the Site, generally in accordance with the *Indicative Framework Plan* at Figure 1.

#### HOUSING DIVERSITY REPORT

A Housing Diversity and Adaptability Report must be prepared to the satisfaction of the Responsible Authority which provides the following information:

- A demographic analysis of the types of people and households anticipated to live within the development based on the proposed dwelling design and bedroom mix.
- The model to provide 10% of the overall housing stock as affordable housing.
- Demonstrate how the development plan responds to the particular housing needs of future residents across their lifetime.

#### ECONOMIC ASSESSMENT

An economic assessment must be prepared which identifies, as appropriate, viable employment generating uses for the site.

#### TRANSPORT ASSESSMENT

A Traffic Impact Assessment Report (TIAR) prepared by a suitably qualified traffic engineer to the satisfaction of the Responsible Authority and Vic Roads. The Traffic Impact Assessment must include and demonstrate the following:

- An existing conditions assessment.
- Details of any development staging.
- A site layout plan showing convenient and safe primary vehicle access, including:
  - Primary vehicle access to and from Doonside Street;
  - Any vehicle access to Appleton Street to be a secondary access point;
  - No direct vehicle access to or from the site via Burnley Street.
- Details regarding the layout, cross section and function of any internal street or laneway network.
- On site car parking and bicycle parking provisions and allocations.
- Expected traffic volumes and impact on the existing road network, including but not necessarily limited to Doonside Street, Appleton Street and Burnley Street. This assessment is to include details of any assumptions relied upon.
- The TIAR is to include consideration of any development stages and approved/current development applications within the immediate area surrounding the site. The assessment is to:
  - identify mitigating works required for each development stage in the Development Plan
  - assess whether a two way or a four way signalised intersection between Burnley Street/Doonside Street/Buckingham Street is required and the trigger for providing the signalised intersection to the satisfaction of VicRoads
  - identify a new intersection layout and operation, if required, approved by VicRoads in consultation with the Responsible Authority.
- Details of any works or treatments proposed to Doonside Street or Appleton Street or the nearby road network.
- Details regarding the impact on pedestrian and bicycle routes.

## Attachment 3 - Amendment C223 - DPO15 with recommended refinements for Council's position at Panel

### AMENDMENT C223YARA

- Measures to reduce conflict and improve pedestrian and bicycle amenity.
- Details regarding loading arrangements, with loading to be undertaken on site and conflict between the loading bay(s) and car parking areas and non-motorised transport to be minimised.
- Access to the site by trucks is to be via Doonside Street.
- Details regarding on-site waste collection, with waste vehicles accessing the site from Doonside Street.

#### GREEN TRAVEL PLAN

A Green Travel Plan must demonstrate that the development supports sustainable transport alternatives to the motor car, provides on site car share spaces and provides bicycle parking and storage facilities. It must be prepared to the satisfaction of the Responsible Authority and prepared by a qualified traffic engineer.

#### ENVIRONMENTALLY SUSTAINABLE DESIGN (ESD)

An environmentally sustainable design assessment must be prepared to the satisfaction of the Responsible Authority which sets out how future development may achieve:



- WSUD objectives and requirements pursuant to the planning scheme; and
- ESD objectives and requirements pursuant to the planning scheme

#### DRAINAGE

A drainage assessment must be prepared to the satisfaction of the Responsible Authority which includes:

- A catchment analysis of the existing storm water drainage system in Burnley Street and Doonside Street;
- A capacity assessment for the existing drainage system into which future development will be discharged; and
- A flood analysis which determines the overland flow depth within the road reserve during a 1 in 100 year flood.

#### HERITAGE

A heritage impact statement must be prepared by a suitably qualified professional to the satisfaction of the Responsible Authority that:

- Assesses the impact of the proposed development on the heritage values of the heritage place and nearby heritage places,
- Addresses the retention, restoration, redevelopment and adaptive reuse of the heritage buildings (81-95 Burnley Street and 26-34 Doonside Street); and heritage façade (Burnley Street);
- Assesses the impacts on the context and setting of heritage places in the vicinity of the site;
- Addresses the retention, recording and interpretation of links to the site's history and industrial past including interpretive panels depicting that past; and
- Provides a siteline analysis and 3D modeling of the proposed development from key view points in the public realm to enable an assessment of the visual impact of the development on heritage places, in particular 26 Doonside Street.

#### DEVELOPMENT STAGING

A staging plan to provide an indication of the likely staging of the development of land, specifically:

- The expected sequencing of development;



**Attachment 3 - Amendment C223 - DPO15 with recommended refinements for Council's position at Panel**

**AMENDMENT C223YARA**

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

**COMMUNITY CONSULTATION**

The Development Plan shall be available for public inspection and submission for 28 days prior to its consideration by the Responsible Authority. Any submissions must be considered by the Responsible Authority in its decision.

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**11.2 Draft Yarra LGBTIQ+ Strategy**

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## **Executive Summary**

### **Purpose**

To seek endorsement of the draft Yarra LGBTIQ+ Strategy for public exhibition.

### **Key Issues**

Yarra City Council has a long history of promoting equal rights for its LGBTIQ+ (Lesbian Gay Bisexual Trans Intersex Queer Plus) community, and many LGBTIQ+ people choose to live, work and socialise in the City of Yarra.

In early 2015, Council's inaugural LGBTIQ+ Working Group, QnA, was created. With a number of key internal projects now completed or ongoing, QnA is focussing on a more active role in engaging with Yarra's LGBTIQ+ community.

Fundamental to this role is the development of a LGBTIQ+ Strategy.

In consultation with key stakeholders, three key priorities were developed which will form the basis of Council's future work. These priorities are Welcoming and Celebrating Diversity, An Inclusive Yarra, and Participation and Community Connectedness.

Subject to its endorsement by Council, the draft Yarra LGBTIQ+ Strategy will be out for public exhibition (March – April) and further refining, before its final adoption mid-2020.

### **Financial Implications**

There are no financial implications.

### **PROPOSAL**

That Council note the draft Yarra LGBTIQ+ Strategy, and endorse the draft Yarra LGBTIQ+ Strategy for public exhibition.

## **11.2 Draft Yarra LGBTIQ+ Strategy**

Reference: D19/241646

Authoriser: Group Manager People, Culture and Community

### **Purpose**

1. To seek endorsement of the draft Yarra LGBTIQ+ Strategy for public exhibition.

### **Background**

2. Yarra City Council has a long history of promoting equal rights for its LGBTIQ+ (Lesbian Gay Bisexual Trans Intersex Queer Plus) community, and many LGBTIQ+ people choose to live, work and socialise in the City of Yarra.
3. Back in 2014, Officers sought Executive support for a project to investigate and draft strategies to improve Council's policies and programs for the LGBTIQ+ community in terms of equity, inclusiveness, celebration and community engagement.
4. In early 2015, Council's inaugural LGBTIQ+ Working Group, QnA, was created.
5. Since QnA's inception, it has implemented a number of key initiatives, including LGBTIQ+ awareness training for staff, reviewing internal Council policies, procedures, and forms, including LGBTIQ+ content in Council's corporate induction, and participating in key events such as IDAHOBIT (International Day Against Homophobia, Biphobia, Intersexism and Transphobia) and Midsumma.
6. With a number of key internal projects now completed or ongoing, QnA is focussing on a more active role in engaging with Yarra's LGBTIQ+ community.
7. Fundamental to this role is the development of a LGBTIQ+ Strategy.
8. The aim of the Yarra LGBTIQ Strategy is to set out clear priorities and actions which if implemented properly will contribute to the LGBTIQ+ community being welcomed, engaged and included equally as part of the Yarra community.
9. The process to develop the Yarra LGBTIQ+ Strategy has involved:
  - (a) a desktop review into other strategies and policies on LGBTIQ+ issues, and research to identify best practice approaches in Australia in relation to the LGBTIQ+ community, to inform the development of a Background & Discussion Paper;
  - (b) consultation with key internal stakeholders;
  - (c) an analysis of QnAs strengths, weaknesses, opportunities and threats; and
  - (d) seeking representation from the wider LGBTIQ+ community, and key services and organisations.
10. In consultation with key stakeholders, the following three key priorities were developed. These priorities will form the basis of Council's future work.
  - (a) Key priority 1: Welcoming and Celebrating Diversity:
    - (i) Strategic goal 1.1: Recognising and celebrating Yarra's LGBTIQ+ community;
    - (ii) Strategic goal 1.2: Raising awareness around the issues affecting LGBTIQ+ people;
  - (b) Key priority 2: An Inclusive Yarra:
    - (i) Strategic goal 2.1: An inclusive organisational culture that is reflective of Yarra's diverse communities; and
    - (ii) Strategic goal 2.2: An inclusive, appropriate and responsive Council; and

(c) Key priority 3: Participation and Community connectedness:

- (i) Strategic goal 3.1: Providing opportunities for people to join and connect with each other.

11. Actions responding to the three key priority areas and strategic goals outlined in this Strategy will be revisited regularly. This will enable Council to be responsive to the changing needs of the community and to changes in the social, economic and political environment.
12. Subject to its endorsement by Council, the draft Yarra LGBTIQ+ Strategy will be out for public exhibition (March – April) and further refining, before its final adoption mid-2020.

**External Consultation**

13. Officers sought representation from the wider LGBTIQ+ community, and a number of key services and organisations, including Rainbow Families Victoria, Bent Twig Alliance, St Vincent's, The Drum, Queer Space, Minus 18, the Neighbourhood Justice Centre, Thorne Harbour Health and Transgender Victoria.

**Internal Consultation (One Yarra)**

14. Officers consulted with key internal staff including Council's Community Partnerships, Arts and Culture, Family and Middle Years, Youth Services, Library Services, Aged and Disability Services, Leisure, Diversity and Inclusion branches and LGBTIQ+ identifying staff.

**Financial Implications**

15. There are no financial implications.

**Economic Implications**

16. Council recognises that certain groups in the community face various and sometimes intersecting barriers, and the Yarra LGBTIQ+ Strategy will outline ways in which these barriers can be understood and ultimately addressed.
17. This provides opportunities for self-determination and community engagement, which ultimately contributes to a richer and more diverse participation in the economic life of Yarra. The municipality can only benefit with a diverse and engaged workforce.

**Sustainability Implications**

18. There are no sustainability implications.

**Social Implications**

19. The Yarra LGBTIQ+ Strategy plays a key role in breaking barriers to access, participation and inclusion for the community, recognising that certain groups have intersecting and more complex barriers to overcome.

**Human Rights Implications**

20. The City of Yarra is a vibrant and diverse municipality. It is the traditional lands of the Wurundjeri, and a place of special significance for the broader Aboriginal community. The City of Yarra is also home to diverse communities, something that Council is proud of and recognises as an asset.
21. Council has an important (and legally required) role to play in upholding and protecting its diverse population's human rights. Council will actively work to reduce barriers so that all residents can participate in community and access services and information regardless of age, gender, sex, sexuality, income, education, cultural background, language skills, religion or disability.
22. Our strong commitment to achieving social justice is articulated by our being signatories to a number of international Human Rights treaties.
23. Further, we are bound by the Charter of Human Rights and Responsibilities Act 2006 (Vic) to act compatibly with human rights, and to consider human rights when developing policies, making laws, delivering services and making decisions.

### **Communications with CALD Communities Implications**

24. It is recognised that language and cultural background can be a barrier to community members fully participating in community life.
25. Once the draft Yarra LGBTIQ+ Strategy is approved for public exhibition, communities with low English literacy will be assisted to provide feedback via translated copies and focus groups with interpreters (as required), in order to facilitate participation in the process.

### **Council Plan, Strategy and Policy Implications**

26. The Yarra City Council, Council Plan 2017 – 2021 commits to:
  - (a) a Healthy Yarra - Community health, safety and wellbeing are a focus in everything we do; and
  - (b) an Inclusive Yarra - Inclusion, diversity and uniqueness are welcomed, respected and celebrated.

### **Legal Implications**

27. Some of the legislation related to this area include:
  - (a) Universal Declaration of Human Rights 1948;
  - (b) Human Rights and Equal Opportunity Commission Act 1986;
  - (c) Charter of Human Rights and Responsibilities Act 2006 (Vic); and
  - (d) Local Government Act 1989 (Vic).
28. The Charter of Human Rights and Responsibilities Act 2006 (Vic) requires local Councils to act compatibly with human rights and to consider human rights when developing policies, making laws, delivering services and making decisions.

### **Other Issues**

29. There is a scarcity of data about the LGBTIQ+ community in Australia.
30. Lack of data about LGBTIQ+ people puts this cohort of Australians at a significant disadvantage in terms of enabling policy makers and service delivery agencies to accurately predict where resources including healthcare and education targeting the LGBTIQ+ population may be required.
31. Of concern, Council's Health and Wellbeing Status Report 2016 (which informs the Municipal Public Health Plan) highlights that people who identify as LGBTIQ+ are one of key identified groups who are more vulnerable to poorer health and wellbeing outcomes; these health issues are intrinsically linked to people who experience social isolation and discrimination.

### **Options**

32. There are no options.

### **Conclusion**

33. Since early 2015, Council's internal working group – QnA – has implemented a number of key initiatives across Council.
34. QnA is focussing on a more active role in engaging with Yarra's LGBTIQ+ community, and fundamental to this is the development of a LGBTIQ+ Strategy.
35. In consultation with key stakeholders, key priorities were developed which will form the basis of Council's future work.
36. Subject to its endorsement by Council, the draft Yarra LGBTIQ+ Strategy will be out for public exhibition (March – April) and further refining, before its final adoption mid-2020.

## **RECOMMENDATION**

1. That Council:
  - (a) note the draft Yarra LGBTIQ+ Strategy; and
  - (b) endorse the draft Yarra LGBTIQ+ Strategy for public exhibition from early March through to April 2020.

**CONTACT OFFICER:** Sarah Jaggard  
**TITLE:** Community Advocacy Team Leader  
**TEL:** 9205 5160

## **Attachments**

- 1 [!\[\]\(9bf097d682561b2ffd12d57a40ca73b1\_img.jpg\)](#) Draft Yarra LGBTIQ+ Strategy

**Attachment 1 - Draft Yarra LGBTIQ+ Strategy**

# Yarra LGBTIQ+ Strategy

2020 - 2024



## Attachment 1 - Draft Yarra LGBTIQ+ Strategy

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**Attachment 1 - Draft Yarra LGBTIQ+ Strategy**

## Acknowledgement of Country

Yarra City Council acknowledges the Wurundjeri Woi Wurrung people as the Traditional Owners and true sovereigns of the land now known as Yarra. We acknowledge their creator spirit Bunjil, their ancestors and their Elders. We acknowledge the strength and resilience of the Wurundjeri Woi Wurrung, who have survived European invasion and never ceded sovereignty. We also acknowledge the significant contribution made by the many other Aboriginal and Torres Strait Islander people to life in Yarra.

We acknowledge that Fitzroy and Collingwood are areas of special significance to Aboriginal and Torres Strait Islander people—as the cradle of Aboriginal and Torres Strait Islander affairs in Victoria, the birthplace of important Aboriginal and Torres Strait Islander organisations, the centre of political activism and a meeting place for Aboriginal and Torres Strait Islander people to link in with family, community and services. We acknowledge the role played by past federal and state government policies in the social and cultural dispossession of Aboriginal and Torres Strait Islander people—and the dispossession of land—which has caused the current disadvantages faced by many Wurundjeri Woi Wurrung Aboriginal and Torres Strait Islander people. And we believe that having an awareness of, and taking steps towards, mending this disadvantage is the shared responsibility of all residents in the City of Yarra

Council pays its respects to all in the Wurundjeri Woi Wurrung, Aboriginal and Torres Strait Islander community and Elders from all nations here today—and to their Elders past, present and future.

## Attachment 1 - Draft Yarra LGBTIQ+ Strategy

### Mayor's Foreword

To be included

## Attachment 1 - Draft Yarra LGBTIQ+ Strategy

### Our Commitment to Human Rights

The City of Yarra is a vibrant and diverse municipality. It is the traditional lands of the Wurundjeri, and a place of special significance for the broader Aboriginal community. The City of Yarra is also home to diverse communities, something that Council is proud of and recognises as an asset.

Council has an important (and legally required) role to play in upholding and protecting its diverse population's human rights. Council will actively work to reduce barriers so that all residents can participate in community and access services and information regardless of age, gender, sex, sexuality, income, education, cultural background, language skills, religion or disability.

Council's strong commitment to achieving social justice is articulated by our being signatories to a number of international Human Rights treaties.

Further, Council is bound by the Charter of Human Rights and Responsibilities Act 2006 (Vic) to act compatibly with human rights, and to consider human rights when developing policies, making laws, delivering services and making decisions.

## Attachment 1 - Draft Yarra LGBTIQ+ Strategy

### Our Commitment to the LGBTIQ+ Community

All people, regardless of sexual orientation and gender identity, are entitled to the enjoyment of human rights and deserve to be treated equally and with respect.

The Yarra City Council Council Plan 2017 – 2021 commits to:

- A Healthy Yarra - Community health, safety and wellbeing are a focus in everything we do
- An Inclusive Yarra - Inclusion, diversity and uniqueness are welcomed, respected and celebrated

Back in 2014, Officers sought Executive support for a project to investigate and draft strategies to improve Council's policies and programs for the LGBTIQ+ community in terms of equity, inclusiveness, celebration and community engagement.

In early 2015, Council's inaugural LGBTIQ+ Working Group, QnA, was created.

It was decided early on that QnA would initially have an internal focus due to the lack of work done in this space. The AWEI (Australian Workplace Equality Index) published by Pride in Diversity (a Diversity Council Australia program) annually benchmarks Australian LGBTIQ inclusion practice in organisations across four main areas. These areas include:

- policy & practice
- culture & visibility
- training & development
- community engagement

As such, the QnA decided to concentrate on Council policy and practice, culture and visibility, and training and development. Since QnA's inception, it has implemented a number of key initiatives, including LGBTIQ+ awareness training for staff, reviewing internal Council policies, procedures, and forms, including LGBTIQ+ content in Council's corporate induction, and participating in key events such as IDAHOBIT (International Day Against Homophobia, Biphobia, Intersexism and Transphobia) and Midsumma.

With a number of key internal projects now completed or ongoing, QnA is focussing on a more active role in engaging with Yarra's LGBTIQ+ community. Fundamental to this role is the development of a LGBTIQ+ Strategy.

It should be noted that the terminology used to describe and identify members of the LGBTIQ+ communities can vary. Yarra City Council uses the LGBTIQ+ acronym. A summary of different language and terms is attached in the appendix. Throughout this document the acronym changes in some cases if a direct reference from another source.

## Attachment 1 - Draft Yarra LGBTIQ+ Strategy

### Our LGBTIQ+ Community

Yarra City Council has a long history of promoting equal rights for its LGBTIQ+ community, and many LGBTIQ+ people choose to live, work and socialise in the City of Yarra.

2016 Census data (2016 ABS) on same sex families indicates that over 5% of Yarra's families are same sex couples (male same sex couple – 3.6% and female same sex couple 1.7%). This is a significantly higher proportion than the state figure (1%) and also higher than the figure for inner metropolitan LGAs (4%).<sup>1</sup>

Recent census data indicates that over 3% of the national population identify as non-heterosexual. Given the higher representation of same sex couples in Yarra than the national figure, it is reasonable to assume that there would also be a higher representation of non-heterosexual people in the Yarra community.

It is important to note that ABS data fails to account for anything outside of same sex live-in relationships, including those living in separate households, married overseas, or people who are not out to their parents.

Lack of data about LGBTIQ+ people puts this cohort of Australians at a significant disadvantage in terms of enabling policy makers and service delivery agencies to accurately predict where resources including healthcare and education targeting the LGBTIQ+ population may be required.<sup>2</sup>

Of concern, Council's Health and Wellbeing Status Report 2016 (which informs the Municipal Public Health Plan) highlights that people who identify as LGBTIQ+ are one of key identified groups who are **more** vulnerable to poorer health and wellbeing outcomes; these health issues are intrinsically linked to people who experience social isolation and discrimination.

<sup>1</sup><https://www.communityprofile.com.au/yarra/families/same-sex-couple#bar-chart;i=0;b=AAgB>

<sup>2</sup><https://lgbthealth.org.au/wp-content/uploads/2016/03/LGBT-Data-Online-Version-1.pdf>

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### Conventions & Legislation

International conventions and legislation inform Council's work in the LGBTIQ+ space.

#### INTERNATIONAL CONVENTIONS

##### - United Nations

*"The case for extending the same rights to lesbian, gay, bisexual and transgender (LGBT) persons as those enjoyed by everyone else is neither radical nor complicated. It rests on two fundamental principles that underpin international human rights law: equality and non-discrimination. The opening words of the Universal Declaration of Human Rights are unequivocal: All human beings are born free and equal in dignity and rights."*

Navi Pillay United Nations High Commissioner for Human Rights 2012<sup>3</sup>

In June 2011, the UN Council adopted resolution 17/19 – the first United Nations resolution on human rights, sexual orientation and gender identity. The resolution was approved, and significantly, received support from Council members from all regions. Its adoption paved the way for the first official United Nations report on the same subject, prepared by the Office of the High Commissioner for Human Rights ("Discriminatory Laws and Practices and Acts of Violence against Individuals Based on their Sexual Orientation and Gender Identity").

The High Commissioner's report presented evidence of a pattern of systematic violence and discrimination directed at people in all regions because of their sexual orientation and gender identity – from discrimination in employment, health care and education, to criminalization and targeted physical attacks, even killings. The report included a set of recommendations addressed to States designed to strengthen protection of the human rights of lesbian, gay, bisexual and transgender (LGBT) persons.

In 2015, the Council requested the High Commissioner update the above-mentioned report with a view to sharing good practices and ways to overcome violence and discrimination, in application of existing international human rights law and standards. The updated report reiterated that that all States have well-established obligations to **respect, protect and fulfil the human rights** of all persons within their jurisdiction, including LGBT and intersex persons.<sup>4</sup> These obligations extend to refraining from interference in the enjoyment of rights, preventing abuses by third parties and proactively tackling barriers to the enjoyment of human rights, including, in the present context, discriminatory attitudes and practices.

<sup>3</sup> <https://www.ohchr.org/Documents/Publications/BornFreeAndEqualLowRes.pdf>

<sup>4</sup> <https://www.refworld.org/docid/5571577c4.html>

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The report concludes that whilst there is as yet no dedicated human rights mechanism at the international level that has a systematic and comprehensive approach to the human rights situation of LGBT and intersex persons, there are a number of actions that can be taken to address obligations. Actions recommended to address violence against LGBTIQ community were:

- a) Enacting hate crime laws that establish homophobia and transphobia as aggravating factors for purposes of sentencing;
- b) Conducting prompt, thorough investigations of incidents of hate motivated violence against and torture of LGBT persons, holding perpetrators to account, and providing redress to victims;
- c) Collecting and publishing data on the number and types of incidents, while providing for the security of those reporting;
- d) Prohibiting incitement of hatred and violence on the grounds of sexual orientation and gender identity, and holding to account those responsible for related hate speech;
- e) Training law enforcement personnel and judges in gender-sensitive approaches to addressing violations related to sexual orientation and gender identity;
- f) Ensuring that police and prison officers are trained to protect the safety of LGBT detainees, and holding to account State officials involved or complicit in incidents of violence;
- g) Banning “conversion” therapy, involuntary treatment, forced sterilization and forced genital and anal examinations;
- h) Prohibiting medically unnecessary procedures on intersex children; and,
- i) Ensuring that no one fleeing persecution on grounds of sexual orientation or gender identity is returned to a territory where his or her life or freedom would be threatened, that asylum laws and policies recognize that persecution on account of sexual orientation or gender identity may be a valid basis for an asylum claim; and eliminating intrusive, inappropriate questioning on asylum applicants’ sexual histories, and sensitizing refugee and asylum personnel.

The report identifies that States should address discrimination by:

- a) Revising criminal laws to remove offences relating to consensual same sex conduct and other offences used to arrest and punish persons on the basis of their sexual orientation and gender identity or expression; ordering an immediate moratorium on related prosecution; and expunging the criminal records of individuals convicted of such offences;
- b) Repealing so-called “anti-propaganda” and other laws that impose discriminatory restrictions on freedom of expression, association and assembly;
- c) Ensuring that anti-discrimination legislation includes sexual orientation and gender identity among prohibited grounds, and also protects intersex persons from discrimination;
- d) Integrating analysis of violations based on sexual orientation and gender identity in national plans of action, thereby ensuring coordination and adequate resourcing of related activities, accountability for perpetrators, and redress for victims;
- e) Sensitising health-care workers to the health needs of LGBT and intersex persons, including in the areas of sexual and reproductive health and rights, suicide prevention, HIV/AIDS and trauma counselling;

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- f) Establishing national standards on non-discrimination in education; developing anti-bullying programmes and establishing helplines and other services to support LGBT and gender-non-conforming youth; and providing comprehensive, age-appropriate sexuality education;
- g) Ensuring that housing policies do not discriminate against tenants based on sexual orientation and gender identity; and establishing shelters for homeless LGBT persons, with specific attention to youth, older persons and those in emergency situations;
- h) Providing legal recognition to same-sex couples and their children, ensuring that benefits traditionally accorded married partners – including those related to benefits, pensions, and taxation and inheritance – are accorded on a non-discriminatory basis;
- i) Issuing legal identity documents, upon request, that reflect preferred gender, eliminating abusive preconditions, such as sterilization, forced treatment and divorce;
- j) Supporting public education campaigns to counter homophobic and transphobic attitudes, and addressing negative, stereotypical portrayals of LGBT persons in the media;
- k) Ensuring that LGBT and intersex persons and organizations are consulted with regard to legislation and policies that have an impact on their rights.

In 2016, the UNHRC passed a resolution to appoint an **Independent Expert** to find the causes of violence and discrimination against people due to their gender identity and sexual orientation, and discuss with governments about how to protect those people. In the discharge of the mandate, the Independent Expert<sup>5</sup>:

- a) transmits urgent appeals and letters of allegation to States with regard to cases of violence and discrimination against persons on the basis of their sexual orientation or gender identity.
- b) undertakes fact-finding [country visits](#).
- c) submits annual reports to the [Human Rights Council](#), and [General Assembly](#), on the activities, trends and methods of work.

### - The Yogyakarta Principles

In 2006 a distinguished group of international human rights experts met in Yogyakarta, Indonesia to outline a set of international principles relating to sexual orientation and identity.

These were called the Yogyakarta Principles and have been frequently referred to as an authoritative statement of the principles of international human rights relating to these fields. In November 2017 the principles were updated. The Yogyakarta Principles +10 (10-year anniversary of document) has been referred to in national and international courts, as guidance on how to apply international human rights standards to LGBTI persons.

The YP+10 document supplements the original 29 Yogyakarta Principles with nine Additional Principles and 111 Additional State Obligations. The expanded document covers a range of rights that have emerged from developments in international human rights law interacting with the new understandings of violations suffered by persons on grounds of sexual orientation and gender identity and the recognition of the distinct and intersectional grounds of gender expression and sex characteristics.<sup>6</sup>

<sup>5</sup> In 2017 the UNHRC appointed Mr. Madrigal-Borloz as UN Independent Expert on Protection against violence and discrimination based on sexual orientation and gender identity for a three years period starting on 1 January 2018.

<sup>6</sup> <http://yogyakartaprinciples.org/principles-en/>



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The principles address a LGBTIQ persons rights to: recognition; non-discrimination in life circumstances – e.g. housing, employment and cultural expression; freedom from violence, torture and intimidation; safety; have a family; participate in public affairs; and be free from any form of criminalisation or sanction.

### - World Health Organisation

The World Health Organization (WHO) have recently addressed an outstanding LGBTIQ issue by removing the stigma around transgender people in its latest changes to the global manual of diagnoses (ICD -11). In the prior version, ICD-10, being transgender was considered a gender identity disorder under a chapter entitled mental and behavioural disorders. The newly-approved version instead places issues of gender under a chapter on sexual health.

While ICD-11 is being celebrated by many as a step in the right direction, activists are keen to highlight that there is still work to be done. GATE, an organization advocating on issues of gender identity, gender expression and bodily diversity, will be focusing their efforts on contributing to the WHO's forthcoming reviewing and updating process and encouraging people to put pressure on their own governments to adopt ICD-11 in the coming years.<sup>7</sup>

### NATIONAL LEGISLATION

In Australia, it is unlawful to discriminate on the basis of a number of protected attributes including age, disability, race, sex, intersex status, gender identity and sexual orientation in certain areas of public life, including education and employment. Australia's federal anti-discrimination laws are contained in the following legislation:

- Age Discrimination Act 2004
- Disability Discrimination Act 1992
- Racial Discrimination Act 1975
- Sex Discrimination Act 1984.

The **protection** of the human rights of some LGLBTI people in Australia really took a step forward when discrimination against same-sex couples was removed from most Commonwealth laws. States and territories began granting domestic partnership benefits and relationship recognition to same-sex couples from 2003 onwards, with federal law recognising same-sex couples since 2009 as de facto relationships. This included laws about taxation, superannuation, pharmaceutical benefits, aged care, veterans' entitlements, workers' compensation and employment entitlements. Further, Australia legalised same-sex marriage on 9 December 2017.

<sup>7</sup> <http://time.com/5596845/world-health-organization-transgender-identity/>

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Discrimination on the basis of sexual orientation and gender identity or expression was officially prohibited in every state and territory, with concurrent federal protections for sexual orientation, gender identity and intersex on 1 August 2013. The Sex Discrimination Act makes it unlawful to treat a person less favourably than another person in a similar situation because of their sexual orientation. The Sex Discrimination Amendment (Sexual Orientation, Gender Identity and Intersex Status) Bill Act 2013 (Cth) amended the Sex Discrimination Act 1984 (Cth) to introduce these changes.

These legal protections were complemented by the Australian Government Guidelines on the Recognition of Sex and Gender, which commenced in July 2013. The guidelines recognise that individuals may identify as a gender other than the sex they were assigned at birth, or may not identify as exclusively male or female, and that this should be reflected in records held by the government. The guidelines also standardise the evidence required for a person to change their sex/gender in personal records held by Australian Government departments and agencies.

The guidelines apply to all Australian Government departments and agencies that maintain personal records (including employee records), and/or collect sex and/or gender information. The guidelines commenced on 1 July 2013, and Australian Government departments and agencies were expected to have progressively aligned their existing and future business practices with the guidelines by 1 July 2016.<sup>8</sup>

### STATE & LOCAL GOVERNMENT LEGISLATION

The Charter of Human Rights and Responsibilities Act 2006 is a Victorian law that sets out the basic rights, freedoms and responsibilities of all people in Victoria. The Charter requires public authorities, such as Victorian state and local government departments and agencies, and people delivering services on behalf of government, to act consistently with the human rights in the Charter. All LGAs must ensure that:

- all Council decisions give proper consideration to human rights;
- all actions, policies and services are compatible with human rights;
- local laws are interpreted and applied consistently with human rights; and,
- people who work on behalf of councils do so in a way that respects human rights.

The Equal Opportunity Act 2010 (Vic) makes it against the law to discriminate against a person on the basis of their sex, sexual orientation and gender identity. It is also against the law to discriminate against someone because of their lawful sexual activity and physical features.

Victoria is considered progressive in respect of introducing and/or amending legislation to ensure the rights of LGBTIQ communities are protected.

In 2015 Victoria established Australia's first Equality portfolio. It has a Minister for Equality and a Commissioner for Gender and Sexuality.

<sup>8</sup><https://www.ag.gov.au/RightsAndProtections/HumanRights/Pages/Australian-Government-Guidelines-on-the-Recognition-of-Sex-and-Gender.aspx>

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The Commissioner has a broad role aimed at integrating the advocacy of LGBTI rights within the Government. Types of roles initially under scrutiny of the Commissioner included the streamlining of federal and state laws to ensure passports and birth certificates align with a person's affirmed gender, as well as strengthening anti-discrimination protections in the workplace for transgender workers.

Since September 2015, a person or representative of a deceased person can apply to remove old convictions for homosexual sexual activity that is no longer a criminal offence. This is known as expungement.

In September 2016, changes to the Adoption Amendment (Adoption by Same-Sex Couples) Act 2015 in Victoria now allow couples to adopt regardless of their sex or gender identity.

The State Government has also announced (February 2019) its intention to bring in laws to denounce and prohibit LGBTI conversion practices.

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### Benchmarking & Best Practice

Outlined below are examples of strategic approaches to ensuring the rights of LGBTIQ+ people are being addressed at a local, national and international level. When reviewing the different approaches, it is interesting to note that whilst the manner of delivery might vary, many of the same themes and measures are being considered.

#### INTERNATIONAL APPROACHES

##### - ILGA-Europe<sup>9</sup>

ILGA-Europe are an independent, international non-governmental umbrella organisation bringing together nearly 600 organisations from 54 countries in Europe and Central Asia. They are part of the wider international ILGA organisation. The two main pillars of ILGA-Europe work are:

1. Advocating for human rights and equality for LGBTI people at European level, before organisations such as the European Union, the Council of Europe and the Organization for Security and Co-operation in Europe (OSCE) in particular in relation to asylum, hate crime and hate speech, education, employment, family, freedom of assembly, association and expression, health, legal gender recognition and bodily integrity; and,
2. Strengthening the LGBTI movement in Europe and Central Asia by providing training and support to its member organisations and other LGBTI groups on advocacy, fundraising, organisational development and strategic communications.

ILGA-Europe's annual benchmarking tool is the Rainbow Europe Map. Rainbow Europe brings together an index of LGBTI equality based on an overview of the social climate for LGBTI people in each European country. The rankings are based on how the laws and policies of each country impact on the lives of LGBTI people.

Rainbow Europe ranks all 49 European countries on a scale between 0% (gross violations of human rights, discrimination) and 100% (respect of human rights, full equality). They rank the countries on the basis of laws and policies that have a direct impact on the LGBTI people's human rights under **6 categories: equality and non-discrimination; family; hate crime and hate speech; legal gender recognition and bodily integrity; civil society space; and asylum.**<sup>10</sup>

<sup>9</sup> <https://www.ilga-europe.org/>

<sup>10</sup> <https://rainbow-europe.org/country-ranking>

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The index results have Malta (90%), Belgium (73%) and Luxembourg (70%) as the 3 top countries in terms of respecting LGBTIQ human rights. Those at the bottom of the scale (gross violations) were Turkey (6%), Armenia (5%) and Azerbaijan (3% - see Top 10 in table below).

Top 10 Rankings	Bottom 10 Rankings
Malta	Poland
Belgium	Latvia
Luxembourg	Moldova
Finland	Liechtenstein
Denmark	Belarus
Norway	San Marino
Portugal	Monaco
France	Russia
United Kingdom	Armenia
Sweden	Turkey

Given Malta's No 1 status it is interesting to note some of the work being done by the key agencies in that country. The Malta LGBTIQ Rights Movement (MGRM), despite its limited resources, has contributed to putting LGBTIQ equality high on the political agenda leading to significant legal advances in Malta. It forms part of the LGBTIQ Consultative Council set up by the Government in 2013 and is also a founding member of the Platform for Human Rights Organisations in Malta. The goals in their most recent strategic plan (2015 – 2019) are:

- To achieve legal equality for LGBTIQ individuals.
- To have policies that refer to and are inclusive of sexual orientation, gender identity, gender expression and sex characteristics.
- To bring about positive societal attitudes towards and the social inclusion of LGBTIQ people.
- To empower the LGBTIQ community to engage in social and political issues that are of direct concern.
- Provide support, assistance and information on LGBTIQ issues to LGBTIQ persons and their families.

The tools to deliver their goals are advocacy, communication, lobbying, capacity development and service delivery.<sup>11</sup>

<sup>11</sup> <http://maltagayrights.org/about-us/>

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### - United Kingdom

In July 2017, the UK government launched a survey to gather more information about the experiences of LGBT people. The survey response was unprecedented. Over 108,000 people participated, making it the largest national survey of LGBT people in the world to date. Key findings from the survey included:

- LGBT respondents are less satisfied with their life than the general UK population (rating satisfaction 6.5 on average out of 10 compared with 7.7). Trans respondents had particularly low scores (around 5.4 out of 10).
- More than two thirds of LGBT respondents said they avoid holding hands with a same-sex partner for fear of a negative reaction from others.
- At least two in five respondents had experienced an incident because they were LGBT, such as verbal harassment or physical violence, in the 12 months preceding the survey. However, more than nine in ten of the most serious incidents went unreported, often because respondents thought 'it happens all the time'.
- 2% of respondents had undergone conversion or reparative therapy in an attempt to 'cure' them of being LGBT, and a further 5% had been offered it.
- 24% of respondents had accessed mental health services in the 12 months.

A comprehensive LGBT Action Plan ("Improving the Lives of Lesbian, Gay, Bisexual and Transgender People") that sets out what steps the government will take in response to the survey findings was published in July 2018. Concurrently, they established an 'LGBT Implementation Fund' to deliver the Action Plan. The Government Equalities Office allocated £4.5 million of funding, for the period to March 2020, and will seek additional funding in future years. The Plan outlines key strategies and actions addressing the following areas:

- Health
- Education
- Safety
- Workplace
- Rights and the law
- Data and monitoring
- Representation
- International Rights<sup>12</sup>

<sup>12</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/721367/GEO-LGBT-Action-Plan.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/721367/GEO-LGBT-Action-Plan.pdf)

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### - Vancouver, Canada

Vancouver is home to the largest lesbian, gay, bisexual, trans, gender diverse, queer, and Two-Spirit (LGBTQ2+) community in Western Canada. The key driver of their local government policy is the LGBTQ2+ Advisory Committee. The mandate of the LGBTQ2+ Committee is to advise Council and staff on enhancing access and inclusion for lesbian, gay, bisexual, transgender, two-spirit and queer communities to fully participate in City services and civic life. Terms of reference outline the role of the Committee and a Work Plan is developed each year with strategic actions outlined.<sup>13</sup>

Vancouver City Council approved the signing of a proclamation to declare 2018 “The Year of the Queer” in Vancouver, in recognition of decades of queer contributions to the artistic, cultural, and social landscape of Vancouver.

### NATIONAL & STATE APPROACHES

#### - National

The **National LGBTI Health Alliance** is the national peak health organisation in Australia for organisations and individuals that provide health-related programs, services and research focused on lesbian, gay, bisexual, transgender, and intersex people and other sexuality, gender, and bodily diverse people and communities. The Alliance provides a national voice on policy related to the health and wellbeing of people with same-gender attractions and/or relationships, people of trans experience, and people with intersex variations. They work with a wide variety of stakeholders to produce evidence-based policy.

In 2017 the National LGBTI Health Alliance released the National LGBTI Mental Health and Suicide Prevention Strategy, a national plan for coordinated action and strategic response to prevent mental ill-health and suicide, and promote mental health and wellbeing for LGBTI populations.<sup>14</sup>

The purpose of the strategy is to respond to LGBTI people in current need, to provide interventions to those who are at risk, and to interrupt the structural factors that contribute to overrepresentation of LGBTI people in mental health and suicide statistics. The Strategy principles are:

- **Intersectionality** – the diversity of LGBTI people and communities is identified, acknowledged and respected with individual experiences being recognised as fundamental to appropriate care.
- **Evidence** – Evidence must be informed from both practice and research, and form the foundation of quality care to meet the support needs of LGBTI populations.
- **Access** – LGBTI people and communities must receive welcoming, equitable and inclusive care without encountering barriers to accessing support on the basis of their sexuality, gender, body, relationships, identities or history.
- **Lived Experience** – LGBTI people and communities are acknowledged as the experts in their own lives which have been shaped by personal and cultural history of both stigma and resilience.
- **Social Inclusion** – LGBTI people and communities must be included in the fabric of Australian society through reducing discrimination, eliminating violence and removing legal barriers that affect the ability of LGBTI people to experience connection.

<sup>13</sup> <https://vancouver.ca/your-government/lgbtq-advisory-committee.aspx>

<sup>14</sup> <https://lgbtihealth.org.au/resources/national-lgbti-mental-health-suicide-prevention-strategy/>



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The Strategic Goals and actions are:

- **Inclusive and Accessible Care** – LGBTI people will experience equitable access to mental health and suicide prevention services and receive support that is appropriate to their experience and responsive to their needs.
- **Evidence, Data Collection and Research** – Establish evidence base about LGBTI populations that adequately represents their histories, lives, experiences, identities, relationships and accurate recording of deaths by suicide.
- **Diversity of LGBTI Population** – The diversity within and between LGBTI populations will be recognised and responded to with strategies and approaches that take into account their individual and unique needs.
- **Intersectionality and Social Inclusion** – LGBTI people from across all populations, backgrounds and circumstances will experience an increase in social inclusion and a reduction in stigma and discrimination.
- **Skilled and Knowledgeable Workforce** – The mental health and suicide prevention sector workforce will be knowledgeable regarding LGBTI people, and skilled, confident, and competent in responding to their support needs.
- **Promotion and Prevention** – Mental health promotion and suicide prevention programs, activities and campaigns will address the underlying factors that compound the mental health outcomes for LGBTI populations.

### VICTORIA

#### - LGBTI Taskforce

The LGBTI taskforce provides high level, strategic advice to the Minister for Equality and government departments on current and emerging LGBTIQ issues and on government policy, programs and services to address those issues. The taskforce works closely with Victoria's Commissioner for Gender and Sexuality to ensure that the government's equality initiatives are underpinned by genuine community consultation.

#### - Rural and Regional Victoria

In November 2016, Victoria Government's first Gender and Sexuality Commissioner, undertook an "LGBTI Equality Roadshow" across rural and regional Victoria. The LGBTI Equality Roadshow visited over 29 towns. The Roadshow empowered an overwhelming number of LGBTI community members to connect with their communities and supporters. The Roadshow has led to the following outcomes:

- 90% of towns had local government Councillors commit to supporting LGBTI Inclusion during their terms
- 5 local councils committed to incorporating LGBTI into their Diversity Plans, with other councils reviewing their diversity plans, protocols and promotional materials;
- 13 LGBTI working groups formed in communities with other communities in discussion. Members included representatives from council, mainstream health providers, Victoria Police, community organisations and LGBTI community members;
- 3 Pride Sporting games were held in Roadshow towns following the Roadshow. The model was shared to empower other communities to implement;



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- 23 Inclusion plans created with the local community of initiatives that could be initiated within 6 months of the Roadshow visit;
- Switchboard Victoria, a volunteer run support service for LGBTI people and their allies, being enabled to establish regional ambassadors;
- All-gender toilet signs being implemented on the Hume Highway through VicRoads, at Horsham Secondary College, East Gippsland Water and Barwon Water;
- an LGBTI position being created in a mainstream organisation (Headspace Horsham); and
- The launch of a Gender Service at Gateway Health in Wodonga providing support, information and referral for trans and gender diverse young people, with the model shared across Victoria.

### - Department of Premier and cabinet (DPC)

DPC's Lesbian, Gay, Bisexual, Trans and Gender Diverse, Intersex, and Queer and/or Questioning (LGBTIQ) Inclusion Plan (the Plan) 2019-2021 sets out clear and measurable strategies on how DPC will work towards achieving and sustaining an equitable and LGBTIQ inclusive workplace.

It builds on previous initiatives and actions which focused on LGBTIQ inclusive employment practices, culture and leading LGBTIQ inclusion within DPC and across the Victorian Public Sector (VPS) and the community. The Plan sits under the Diversity and Inclusion Strategy 2019-2021. The priority areas of the Plan include:

- Employment practices: equitable employment opportunities and outcomes for LGBTIQ employees.
- Inclusive culture: work environment is welcoming, safe and inclusive of LGBTIQ employees.
- Leadership, visibility, measurement and accountability: LGBTIQ inclusion is championed by senior leaders.<sup>15</sup>

### LOCAL GOVERNMENT APPROACHES

#### - Banyule City Council

The Banyule Council Lesbian, Gay, Bisexual Transgender and Intersex (LGBTI) Plan 2017 – 2021 was developed to tackle discrimination, celebrate the diverse community, and to ensure that Banyule is a safe and welcoming place for LGBTI community members. The Plan uses Banyule's Inclusion, Access and Equity Framework (IAEF) which identifies five goals for their diverse communities. The five goals are:

1. Ensure Council facilities, activities and services are accessible, inclusive and equitable.
2. Work in partnership with local services to increase inclusion and address service gaps.
3. Work in partnership to build the capacity of disadvantaged groups to be involved in community life.
4. Education, celebration and awareness raising contributing to building inclusive and equitable communities.
5. Advocate on behalf of and with our community to reduce discrimination and disadvantage.

Targeted actions related to the LGBTIQ+ community have been developed to address each of the above goals.

<sup>15</sup> <https://www.vic.gov.au/dpcs-lgbti-inclusion-plan>

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### - Moonee Valley City Council

Adopted in June 2015, Moonee Valley's first LGBTIQ Action Plan aims to support the lesbian, gay, bisexual, transgender, intersex and queer community members and their families.

The Action Plan is one of three plans which sit under the Diversity, Access and Equity Policy which supports an inclusive city that respects the human rights of all citizens, celebrates diversity and promotes participation in community life. The other two action plans are the Disability Action Plan (2014-23) and Multicultural Action Plan.

The LGBTIQ Action Plan aims to: improve access and equity; acknowledge and celebrate sexual and gender diverse community members; and promote participation for all regardless of sexuality or gender identity. The 4 themes of the Action Plan are:

1. Fostering respect and celebrating diversity;
2. Promoting participation;
3. Creating accessible places and spaces; and,
4. Leadership and representation.

### - Port Phillip City Council

This council has a Statement of Commitment (no date) to its Lesbian, Gay, Bi-Sexual, Transgender, Intersex and Queer (LGBTIQ) Community.

The Statement of Commitment pledges:

- The Council's policies and strategies are designed to promote inclusiveness of the LGBTIQ community.
- Council will, at all times, ensure access for LGBTIQ to the City's services and administration.
- Council supports the community and cultural development of LGBTIQ.
- The Council supports and recognises the contribution of the LGBTIQ community to the social, economic and cultural life and ongoing development of the City of Port Phillip.

### - Moreland City Council

In the Moreland Human Rights Policy 2016-2026, Council commits to ensuring that Moreland is a safe and welcoming city for Lesbian, Gay, Bisexual, Trans, Gender Diverse and Intersex (LGBTIQ) communities. It states that Council will strive to ensure that its services are accessible and appropriate to the needs of our LGBTIQ residents and visitors.

This policy gives precedence to specific groups which are recognised as being at greatest risk of exclusion from social, economic and political life because of access barriers and discrimination. These are:

- Aboriginal and Torres Strait Islander communities;
- Migrant and refugee communities;
- People with disability;
- Women; and,
- Gay, lesbian, bisexual, transgender, intersex and queer (GLBTIQ) communities.

## Attachment 1 - Draft Yarra LGBTIQ+ Strategy

### Consultation

Yarra City Council's Community Partnerships, Arts & Culture, Family & Middle Years, Youth Services, Library Services, Aged & Disability Services, Leisure, Diversity & Inclusion and LGBTIQ+ identifying staff have contributed to the development of this Strategy.

Council's LGBTIQ+ Working Group, QnA, have played a key role.

Representation was also sought from the LGBTIQ+ community, and a number of key services and organisations, including Rainbow Families Victoria, Bent Twig Alliance, St Vincent's, The Drum, Queer Space, Minus 18, the Neighbourhood Justice Centre, Thorne Harbour Health and Transgender Victoria.

### Related documents

Yarra's whole of Council approach to LGBTIQ+ inclusion is reflected in, and intersects with the following policies and strategies:

- Gender Equity Action Plan for 2019-2021
- People Strategy 2017-2020
- Strategic Advocacy Framework 2018-2021
- Family Violence Organisational Statement
- 0-25 Years Plan 2018-2022
- Library Strategic Plan 2017-2020
- Access and Inclusion Plan 2018-2024
- Active and Healthy Ageing Strategy 2018 – 2024
- Council Plan 2017-2021

## Attachment 1 - Draft Yarra LGBTIQ+ Strategy

### Strategy

#### Themes

The following key priorities were developed in consultation with the community, including the LGBTIQ+ community. These priorities will form the basis of Council's future work.

The aim of the Yarra LGBTIQ+ Strategy is to set out clear priorities and actions which if implemented properly will contribute to the LGBTIQ+ community being welcomed, engaged and included equally as part of the Yarra community.

The LGBTIQ+ community deserve to have fulfilled human rights, be empowered, have equitable access to services and programs, and be included and able to participate freely in day to day life.

These priorities are the rights of any member of the Yarra community.

#### Priority Areas

The key priority areas for this strategy are:



#### Priorities & Strategic Goals

##### *Key priority 1 Welcoming and Celebrating Diversity*

- Strategic goal 1.1 Recognising and celebrating Yarra's LGBTIQ+ community
- Strategic goal 1.2 Raising awareness around the issues affecting LGBTIQ+ people

##### *Key priority 2: An Inclusive Yarra*

- Strategic goal 2.1 An inclusive organisational culture that is reflective of Yarra's diverse communities
- Strategic goal 2.2 An inclusive, appropriate and responsive Council

##### *Key priority 3: Participation and Community connectedness*

- Strategic goal 3.1 Providing opportunities for people to join and connect with each other

## Attachment 1 - Draft Yarra LGBTIQ+ Strategy

### Review & Reporting

Actions responding to the three key priority areas outlined in this Strategy will be revisited regularly. This will enable Council to be responsive to the changing needs of the community and to changes in the social, economic and political environment.

Towards the end of the calendar year, a report will be presented to Council, outlining activities which have been undertaken as well as those planned for the coming year. Elements of the Strategy will be updated when it is apparent that this is required. These updates will be presented to Council for endorsement. At the point of major changes to Council's policy positions and/or the broader policy environment a new Strategy should be developed.

## Attachment 1 - Draft Yarra LGBTIQ+ Strategy

### YEAR 1 ACTION PLAN\*

#### Key Priority 1: Welcoming & Celebrating Diversity

\* All actions will be delivered within existing budgets

Strategic Goal	Action	Implementation	Who
1.1 Recognise and celebrate Yarra's LGBTIQ+ community	1.1.1 Continue to recognise and promote key days and events such as IDAHOBIT, Intersex Awareness Day, Trans Day of Awareness, Trans Day of Visibility and Midsumma	<p>Fly rainbow and trans flags to celebrate and acknowledge key days and events including Midsumma, IDAHOBIT, Intersex Awareness Day, Trans Day of Awareness and Trans Day of Visibility</p> <p>Continue to participate in key Midsumma events such as Carnival and the Pride March</p> <p>Continue to hold events in recognition of key days and events including Midsumma, IDAHOBIT, Intersex Awareness Day, Trans Day of Awareness and Trans Day of Visibility</p> <p>Promote key days and events through corporate social media and other Council communicate</p>	Diversity & Inclusion, Communications, Libraries, Aged & Disability, Family Youth & Children's, Leisure
	1.1.2 Promote the use of Council communications that reflect our diverse community	<p>Build a library of images of intersectional and intergenerational LGBTIQ+ people for use in Council communications</p> <p>Ensure all Council communications use LGBTIQ+ inclusive language</p>	Diversity & Inclusion, Communications
1.2 Raise awareness around the issues affecting LGBTIQ+ people	1.2.1 Continue to identify issues and advocate on behalf of Yarra's LGBTIQ+ community	<p>Identify emerging issues via media monitoring and discussion with key stakeholder groups</p> <p>Ensure Council responds to State and Federal reviews relating to LGBTIQ+ inclusion</p> <p>Work with local networks and organisations to advocate on issues related to LGBTIQ+ inclusion</p>	Diversity & Inclusion, Communications, Libraries, Aged & Disability, Family Youth & Children's, Leisure

## Attachment 1 - Draft Yarra LGBTIQ+ Strategy

### Key Priority 2: An Inclusive Yarra

Strategic Goal	Action	Implementation	Who
2.1 An inclusive organisational culture that is reflective of Yarra's diverse communities	2.1.1 Continue to provide strategic leadership in relation to LGBTIQ+ issues	Continue to coordinate bi-monthly meetings of QnA Develop a strategy to increase visibility of QnA and its activities across Council Ensure continued leadership by an Executive sponsor in the LGBTIQ+ space Provide safe spaces and support for LGBTIQ+ staff	Diversity & Inclusion, People & Culture
	2.1.2 Use data to monitor Council's culture	Make improvements, and use internal surveys, to examine shifts in inclusive culture and adjust internal initiatives accordingly	Diversity & Inclusion, People & Culture
	2.1.3 Include the voices of LGBTIQ+ staff in the development of policies, strategies and programs that affect them	Ensure community engagement processes involve QnA Ensure representatives from QnA are invited to attend relevant meetings and networks	Diversity & Inclusion, Communications
	2.1.4 Continue to educate staff on issues affecting the LGBTIQ+ community	Hold twice yearly lunchbox learning sessions to raise awareness around issues affecting LGBTIQ+ people Distribute merchandise to staff to support inclusion initiatives, such as ally and pronoun badges	Diversity & Inclusion
2.2 An inclusive, appropriate and responsive Council	2.2.1 Ensure Council has data required to respond appropriately to Yarra's LGBTIQ+ community	Scope an appropriate method of collecting data to build an understanding of Yarra's LGBTIQ+ community	Diversity & Inclusion, Social Policy & Research
	2.2.2 Continue to provide training to staff around LGBTIQ+ inclusion	Continue to provide training to staff to working directly with LGBTIQ+ people through Council's service arms Continue to review and include LGBTIQ+ content in	Diversity & Inclusion, Communications, Libraries, Aged & Disability, Family Youth & Children's, Leisure, Access Yarra

## Attachment 1 - Draft Yarra LGBTIQ+ Strategy

Strategic Goal	Action	Implementation	Who
		<p>Council's corporate induction</p> <p>Develop content re LGBTIQ+ inclusion for Council's online induction</p> <p>Develop a series of short policy statements that staff can refer to when responding to queries and complaints</p> <p>Provide updates to staff on changes to inclusive language as needed</p>	
	2.2.3 Include the voice of LGBTIQ+ people in the development of policies, strategies and programs that affect them	<p>Ensure community engagement processes involve the LGBTIQ+ community</p> <p>Ensure representatives from the LGBTIQ+ community are invited to attend relevant meetings and networks</p>	Diversity & Inclusion, Communications
	2.2.4 Facilitate networking and collaboration between Council, service providers and groups	<p>Explore links with Council Advisory Groups, including the Yarra Multicultural Advisory Group and Aboriginal Advisory Group, to look at further understanding and responding to intersectionality within Yarra</p> <p>Identify and participate in relevant local government networks including the Northern Councils Rainbow Alliance, LG Pro Rainbow SIG, Yarra LGBTIQ+ Network</p>	Diversity & Inclusion



## Attachment 1 - Draft Yarra LGBTIQ+ Strategy

### Key Priority 3: Participation & Community Connectedness

Strategic Goal	Action	Implementation	Who
3.1 Provide opportunities for people to join and connect with each other	3.1.1 Support and promote events from service delivery teams such as Leisure, Libraries, Arts & Culture, Aged & Disability and Family Youth & Children's Services to foster increased community engagement	Develop a dedicated webpage for the LGBTIQ+ community, providing information on local events and opportunities to connect Promote events through key networks, social media and other Council communicate	Diversity & Inclusion, Communications, Libraries, Aged & Disability, Family Youth & Children's, Leisure, Arts & Culture
	3.1.2 Continue to support LGBTIQ+ related projects and events through Council's community grants program	Provide new LGBTIQ+ groups with information on Council's community grants program	Diversity & Inclusion, Community Grants

### Further Actions

The following actions will be included in future Yarra LGBTIQ+ Strategy action plans:

- Investigate establishment of an LGBTIQ+ Reference Group comprising external stakeholders including community members
- Investigate models for a suitable inclusion audit for Council facilities and services
- Develop a series of resources for Council facilities that promote inclusion and celebrate diversity
- Explore ways of creating opportunities for intersectional, intergenerational and inclusive activities for the LGBTIQ+ community
- Promote safe and inclusive services, groups and venues within Yarra

## Attachment 1 - Draft Yarra LGBTIQ+ Strategy

### Appendix: Language & Terms<sup>16</sup>

There is a great deal of diversity within the LGBTIQ+ communities and a wide range of terms and language related to:

- sex;
- bodies;
- gender;
- sexuality;
- sexual attraction;
- experiences; and
- legal and medical classifications (Fileborn, 2012; National LGBT Health Alliance, 2013a).

This glossary is organised around the following categories:

- bodies and gender
- sexual orientations
- societal attitudes /issues.

#### 1.1 Bodies, Gender and Gender Identities

**Sex:** a person's sex is made up of anatomical, chromosomal and hormonal characteristics. Sex is classified as either male or female at birth based on a person's external anatomical features. However, sex is not always straight forward as some people may be born with an intersex variation, and anatomical and hormonal characteristics can change over a lifespan.

**Intersex:** an umbrella term that refers to individuals who have anatomical, chromosomal and hormonal characteristics that differ from medical and conventional understandings of male and female bodies. Intersex people may be "neither wholly female nor wholly male; a combination of female and male; or neither female nor male" (Sex Discrimination Amendment Act (Sexual Orientation, Gender Identity and Intersex Status) 2013 (Cth)). Intersex people may identify as either men, women or non-binary (see below).

**Gender:** Gender refers to the socially constructed and hierarchical categories assigned to us on the basis of our apparent sex at birth. While other genders are recognised in some cultures, in Western society, people are expected to conform to one of two gender roles matching their apparent sex; for example, male = man/masculine and female = woman/feminine. Gender norms define how we should dress, act/behave, and the appropriate roles and positions of privilege we have in society, for example the power relationships between men and women. Failing to adhere to the norms associated with one's gender can result in ridicule, intimidation and even violence (Aizura, Walsh, Pike, Ward, & Jak 2010).

Many people do not fit into these narrowly defined and rigid gender norms. Some women may feel masculine, some men may feel more feminine and some people may not feel either, or may reject gender altogether (see below).

**Gender Identity:** refers to an inner sense of oneself as man, woman, masculine, feminine, neither, both, or moving around freely between or outside of the gender binary.

<sup>16</sup> <https://aifs.gov.au/cfca/publications/lgbtiq-communities>

## Attachment 1 - Draft Yarra LGBTIQ+ Strategy

**Gender Binary:** the spectrum-based classification of gender into the two categories of either man or woman based on biological sex, as described above.

**Transgender/Trans/ Gender Diverse:** refer to people whose assigned sex at birth does not match their internal gender identity, regardless of whether their gender is outside the gender binary or within it. Transgender/trans or gender diverse people may identify as non-binary, that is: they may not identify exclusively as either gender; they may identify as both genders, they may identify as neither gender; they may move around freely in between the gender binary; or may reject the idea of gender altogether.

Transgender/trans or gender diverse people may choose to live their lives with or without modifying their body, dress or legal status, and with or without medical treatment and surgery. Transgender/trans or gender diverse people may use a variety of terms to describe themselves including but not limited to: man, woman, transwoman, transman, transguy, trans masculine, trans feminine, tranz, gender-diverse, gender-queer, gender-non-conforming, non-binary, poly gendered, pan gendered and many more.

Transgender/trans or gender diverse people have the same range of sexual orientations as the rest of the population. Transgender/trans or gender diverse people's sexuality is referred to in reference to their gender identity, rather than their sex. For example, a woman may identify as lesbian whether she was assigned female at birth or male.

Transgender /trans or gender diverse people may also use a variety of different pronouns including he, she, they, ze, hir. Using the incorrect pronouns to refer to or describe trans people is disrespectful and can be harmful (see misgendering below).

**Cisgender/Cis:** term used to describe people whose gender corresponds to the sex they were assigned at birth.

**Gender Questioning:** not necessarily an identity but sometimes used in reference to a person who is unsure which gender, if any, they identify with.

**Sistergirl/Brotherboy:** terms used for transgender people within some Aboriginal or Torres Strait Islander communities. Sistergirls and Brotherboys have distinct cultural identities and roles. Sistergirls are Indigenous women who were classified male at birth but live their lives as women, including taking on traditional cultural female practices (Sisters and Brothers NT, 2015a). Brotherboys are Indigenous transgender people, whose bodies were considered female at birth but "choose to live their lives as male, regardless of which stage/path medically they choose" (Sisters and Brothers NT, 2015b).

### 1.2 Sexual Orientations

Sexual orientation refers to an individual's sexual and romantic attraction to another person. This can include, but is not limited to, heterosexual, lesbian, gay, bisexual or asexual.

It is important to note, however, that these are just a handful of sexual identifications - the reality is that there are an infinite number of ways in which someone might define their sexuality. Further, people can identify with a sexuality or sexual orientation regardless of their sexual or romantic experiences. Some people may identify as sexually fluid; that is, their sexuality is not fixed to any one identity.

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**Lesbian:** an individual who identifies as a woman and is sexually and/or romantically attracted to other people who identify as women.

**Gay:** an individual who identifies as a man and is sexually and/or romantically attracted to other people who identify as men. The term gay can also be used in relation to women who are sexually and romantically attracted to other women.

**Bisexual:** an individual who is sexually and/or romantically attracted to both men and women.

**Pansexual:** an individual whose sexual and/or romantic attraction to others is not restricted by gender. A pansexual may be sexually and/or romantically attracted to any person, regardless of their gender identity.

**Asexual:** a sexual orientation that reflects little to no sexual attraction, either within our outside relationships. People who identify as asexual can still experience romantic attraction across the sexuality continuum.

**Heterosexual:** an individual who is sexually and/or romantically attracted to the opposite gender.

**Queer:** a term used to describe a range of sexual orientations and gender identities. Although once used as a derogatory term, the term queer now encapsulates political ideas of resistance to heteronormativity and homonormativity and is often used as an umbrella term to describe the full range of LGBTIQ+ identities.

### 1.3 Societal Attitudes /Issues

**Homophobia** and **biphobia** refer to negative beliefs, prejudices and stereotypes about people who are not heterosexual. **Transphobia** refers to negative beliefs, prejudices and stereotypes that exist about transgender and gender diverse people.

**Heterosexism** is the set of beliefs that privilege heterosexuality, heterosexual relationships and **cisgendered** identities over non-heterosexual relationships and non-normative gender identities (Leonard, Mitchell, Patel, & Fox, 2008). Heterosexism provides the "social backdrop" for homophobic and transphobic prejudices, violence and discrimination (Fileborn, 2012).

**Heteronormativity** is the view that heterosexual relationships are the only natural, normal and legitimate expressions of sexuality and relationships. These assumptions are reinforced through cultural beliefs and practices and through social and political institutions such as the law, family structures and religion (Fileborn, 2012).

**Homonormativity:** a term that describes the privileging of certain people or relationships within the queer community (usually cisgendered, white, gay men). This term also refers to the assumption that LGBTIQ+ people will conform to mainstream, heterosexual culture, for example by adopting the idea that marriage and monogamy are natural and normal.

**Cisnormativity** assumes that everyone is cisgendered and that all people will continue to identify with the gender they were assigned at birth. Cisnormativity erases the existence of trans and gender diverse people.

**Misgendering** is an occurrence where a person is described or addressed using language that does not match their gender identity (National LGBT Health Alliance, 2013b). This can include the incorrect use

## **Attachment 1 - Draft Yarra LGBTIQ+ Strategy**

of pronouns (she/he/they), familial titles (father, sister, uncle) and, at times, other words that traditionally have gendered applications (pretty, handsome, etc.). It is best to ask a person, at a relevant moment, what words they like to use.

### 11.3 Walmer Street Bridge - Advocacy Update and Nomination to the Victorian Heritage Register

Reference: D20/20999

Authoriser: Director Planning and Place Making

#### Purpose

1. To update Council on the recommendation that the Walmer Street Footbridge be included on the Victorian Heritage Register and to seek consent to lodge a submission to that process.

#### Background

2. The Walmer Street Bridge is a century-old bridge spanning the Yarra River at Walmer Street, Richmond and serves as a strategic link connecting the communities of Richmond, Abbotsford and Kew.
3. The bridge was constructed in 1892 and is located close to Victoria Gardens Shopping Centre, the Victoria Street commercial precinct, Route 109 tram stops and Yarra Bend Park.
4. It is a critical part of the metropolitan bicycle network and has been identified on the Principal Bicycle Network (PBN) as well as being a Bicycle Priority Route (BPR) and forms part of the Strategic Cycling Corridor (SCC), 'Main Yarra Trail' and 'Capital City Trail'.
5. Structurally, the bridge consists of three components being a northern-approach land bridge (Kew side of the River), a structure spanning the Yarra River and a southern-approach land bridge on the Yarra City Council side.
6. The northern land bridge has alternating concrete and steel piers. The deck surface is asphalt, 1.73m wide. The main super structure is wooden with steel handrails.
7. The "main" river bridge is a single span steel overhead truss structure with a timber deck and is 2.3m wide (between the handrails) and is supported by two large masonry (brick) piers.
8. The southern land bridge is a steel truss bridge with timber decking and is 2.4m wide. There is an adjacent steel disabled ramp structure which sits on timber posts. The bridge is some 1.8m lower than the level of Walmer Street.
9. The bridge is used by many Yarra residents, especially those who live in adjacent or nearby apartment developments such as Honeywell, Acacia Place, 677 Victoria Street and Victoria Gardens. It is also an important link for Kew residents and the broader public due to its Capital City Trail linkage.
10. Construction is also underway on a 539-dwelling development at 607-627 Victoria Street by Salta Properties which is scheduled to be completed by the end of November 2020. This development (Development Plan) was approved in January 2007 by the then Minister for Planning and subsequent approvals in more recent years with the Minister as Responsible Authority (until recently). Council is now again the Responsible Authority.
11. As part of the Approved Development Plan and agreement under section 173 of the Planning and Environment Act 1987, Salta Properties are required to construct a new connection from Walmer Plaza to the river span.  
***NB.*** Salta indicate that they are likely to complete the substantive build of 607-627 Victoria Street by end November 2020.
12. The development works includes a Walmer Street Plaza as approved by the Minister.
13. A separate 113-dwelling development has also been approved at 647-649 Victoria Street, which also abuts Walmer Street to the east.

#### Victorian Government Business Case

14. In August 2018, the Member for Richmond, Richard Wynne MP, announced the State Government would allocate \$200,000 for a scoping study and business case for upgrading the century-old Walmer Street Bridge.
15. The business case has been developed by VicRoads (and subsequently the Department of Transport) with input from Yarra and Boroondara Councils and will inform future decisions about the Walmer Street Bridge.

*Nomination to the Victorian Heritage Register*

16. In January 2020, the Executive Director of Heritage Victoria recommended to the Heritage Council that the bridge be included on the Heritage Register.
17. The recommendation put to the Heritage Council is for the river span, approaches and land as shown on the diagram (below) in the Executive Director's report and focuses on the bridge's construction as part of the Dights Falls Scheme which conveyed fresh water from the river to the Royal Botanic Gardens during 1890s to the 1930s.
18. The recommendation was published on the Heritage Council's website on 24 January and is open for public comment until 23 March 2020.





## AERIAL PHOTO OF THE PLACE SHOWING PROPOSED REGISTRATION



### External Consultation

19. No specific consultation has been sought in relation to this report, however, members of the Walmer Street Bridge Working Group, representatives of Boroondara City Council, Salta Properties, Icon and Heritage Victoria have been consulted more broadly regarding these matters.

### Internal Consultation (One Yarra)

20. Consultation has taken place with various internal stakeholders including Statutory Planning, City Heritage Advisor, Strategic Planning and City Works.

### Financial Implications

21. Officers are considering the medium and long-term financial implications to Council (if any) should the bridge be included on the Heritage Register.

### Economic Implications

22. No direct economic implications.

### Sustainability Implications

23. No direct sustainability implications, however, the Walmer Street Bridge is a key pedestrian and cyclist link and forms part of the 'Main Yarra Trail' and 'Capital City Trail'.

### Social Implications

24. The Walmer Street Bridge is a very important thoroughfare and connection between the communities on both sides of the Yarra River.
25. The bridge is no longer considered fit for purpose, being too narrow for the volume of movement of pedestrians and cyclists.

### Human Rights Implications

26. No known human rights implications.

### Communications with CALD Communities Implications

27. Consideration of communications with CALD communities are addressed as part of Council's standard communications guidelines and practices.



### **Council Plan, Strategy and Policy Implications**

28. Council's advocacy and support for a new, fit-for-purpose bridge at Walmer Street is consistent with Council's strategies and policies. A new, fit-for-purpose bridge across the Yarra River at Walmer Street is identified as a key priority under Council's Advocacy Action Plan.

### **Legal Implications**

29. Officers are considering the specific legal implications of the bridge's recommendation to the Heritage Register including obligations under the Heritage Act 2017.
30. Council officers are currently working with Salta Properties and Heritage Victoria to address these matters and ensure parties act in accordance with the relevant statutory obligations.
31. Further consideration is also being given to responsibilities on Council in regards to public safety and accessibility.

### **Other Issues**

32. Council has the opportunity to lodge a submission with the Heritage Council regarding this recommendation by the Executive Director, Heritage Victoria.
33. Council officers are reviewing the Executive Director's recommendation, relevant legislation and heritage value of the Walmer Street Bridge.
34. Council officers are continuing to liaise with Boroondara City Council officers and also the working group.

### **Options**

35. Council has the opportunity to provide a submission to the Heritage Council in response to the recommendation being put to it (copy provided on Board Books)
36. While the Executive Director's report highlights the historical significance of the bridge, Council's submission may comment on the broader range of matters being:
  - (a) the bridge's use as an important connection between communities on both sides of the Yarra River;
  - (b) the bridge's role as a strategic cycling link, forming part of the 'Main Yarra Trail' and 'Capital City Trail';
  - (c) the increasing number of pedestrian and cyclists using the bridge and its ability to cater for these growing volumes in a safe manner;
  - (d) the history of the planning permissions relative to the sites abutting Walmer Street and the legal obligations of the developers (Salta) to fulfil the requirements of a new connection to the existing bridge across the Yarra River;
  - (e) the timing aspects for the developer to fulfil these obligations and the design challenges in creating these connections having regard to:
    - (i) the 1.8m level change from the bridge to Walmer Street;
    - (ii) the importance of the connection to the local communities; and
    - (iii) the need for designs that cater well for pedestrians, person with mobility equipment and cyclists; and
  - (f) the impact of the bridge's inclusion on the Heritage Register in maintaining a fit-for-purpose thoroughfare between the Cities of Yarra and Boroondara.

### **Conclusion**

37. Council has the opportunity to lodge a submission to the Heritage Victoria exhibition of the recommendation the Heritage Council has received.
38. Council should provide a submission and provide the broader context so that the Heritage Council is aware of these aspects.

## **RECOMMENDATION**

1. That Council:
  - (a) note the officer report on the heritage nomination of the Walmer Street Bridge;
  - (b) note the key points in the officer report at paragraph 36 to be included in a submission to the Heritage Council for consideration during the sixty-day exhibition period;
  - (c) note that following the exhibition period, that the Heritage Council will determine the nomination application, and
  - (d) authorise the Chief Executive Officer to finalise the submission to the Heritage Council and then to lodge the submission within the specified period.

**CONTACT OFFICER:** Bruce Phillips  
**TITLE:** Director Planning and Place Making  
**TEL:** 9205 5300

## **Attachments**

There are no attachments for this report.

## 11.4 Annual update on the Yarra Housing Strategy

Reference: D20/30093  
Authoriser: Assistant Manager City Strategy

### Purpose

1. The purpose of this report is to inform Councillors on the:
  - (a) progress of the *Yarra Housing Strategy* (Strategy), in particular the implementation of the four Strategic Directions; and
  - (b) two new State Government Planning Practice Notes on planning for housing.

### Background

2. On 4 September 2018, Council adopted the Strategy. It includes four Strategic Directions that articulate Yarra's preferred growth strategy over the next 15 years:
  - (a) Strategic Direction 1: *Monitor population growth and evolving development trends in Yarra to plan for future housing growth and needs;*
  - (b) Strategic Direction 2: *Direct housing growth to appropriate location;*
  - (c) Strategic Direction 3: *Plan for more housing choice to support Yarra's diverse community; and*
  - (d) Strategic Direction 4: *Facilitate the provision of more affordable housing in Yarra.*
3. At that meeting, Council resolved that an annual report on the Yarra Housing Strategy is presented to Council, which provides an update on (but not limited to):
  - (a) *Current population growth forecasts and demographic changes;*
  - (b) *Housing delivery trends;*
  - (c) *The number of affordable housing dwelling proposed and/or constructed; and*
  - (d) *Current outputs of the Yarra housing capacity model.*

### Discussion

4. Each of the four Strategic Directions include several strategies to implement it. Following adoption of the Strategy, Officers commenced a program of work to implement the strategies. A breakdown of the implementation of each strategy is included at Attachment 1. A summary is set out below.

Strategic Direction 1 (SD1): Monitor population growth, land capacity, and evolving development trends in Yarra to plan for future housing growth and needs

5. The purpose of Strategic Direction 1 is to ensure that Yarra, following the adoption of the strategy, continues to monitor and track factors that impact the provision of housing in Yarra.
6. SD1 is being implemented through ongoing:
  - (a) monitoring of population forecasts;
  - (b) updating the Strategy's, *Residential Capacity in Activity Centres* (RCAC) model; and
  - (c) monitoring the number and type of residential applications received by the City of Yarra.
7. The findings of the monitoring indicates that the Strategy remains accurate, relevant and that Yarra is able to accommodate housing demand.

*Current Population and Dwelling Forecasts*

8. *Victoria in Future* (VIF) is the official State Government projection of population and households. The Strategy cites 2016 VIF population forecasts for Yarra City Council.
9. Since the adoption of the Strategy by Council, the State Government has released updated VIF (2019) forecasts. Refer to Table 1 for a comparison between the 2016 VIF and 2019 VIF forecasts.

**Table 1: Estimated resident population**

	2016	2021	2026	2031	2036
VIF 2016	92,610	103,830	113,705	122,022	
VIF 2019	92,894	104,905	115,587	125,856	136,454

10. The 2016 VIF forecasts estimated that, between 2016 and 2031, there would be an additional 29,412 residents in the City of Yarra and 13,431 dwellings would need to be added.
11. The newer forecasts (2019 VIF) suggest that, between 2016 and 2031, an additional 32,970 residents and 16,540 dwellings would need to be added – a slightly higher forecast than the previous release. To accommodate this level of growth Yarra would need to provide an average of 1,102 new dwellings, per annum, over the 15-year period.
12. The Strategy states that the estimated 15 year supply of new dwellings in the activity centres alone could be 14,300 dwellings. These supply estimates are based on the following assumptions:
  - (a) it accounts for all dwellings in the development pipeline (at application stage, approved, or under construction) based on data from the 2017 Urban Development Program; and
  - (b) the rate of dwelling supply that occurred in activity centres, between 2011 and 2016, would continue for the next 15 years to 2031.
13. The outputs of the Yarra Residential Capacity in Activity Centres (RCAC) Model are included in the expert evidence statements for Planning Scheme Amendments: C191 Swan Street Activity Centre; C220 (Johnston Street Activity Centre); and C231 (Queens Parade Activity Centre). The outputs confirm that Yarra's activity centres, alone, still have substantial capacity to accommodate the majority of housing growth, in line with Strategy. They also confirm that the built form controls being introduced by amendments C191, C220 and C231 do not largely impact total capacity.
14. In addition, small scale infill development in the residential areas is also likely to continue to contribute to additional housing.

*Housing Delivery Trends*

15. Over the last year, housing delivery trends have remained largely consistent with the findings of the Strategy.
16. The State Government's updated Housing and Development Data (HDD) document shows that for the 2005-2016 period, Yarra saw an average annual increase in dwelling stock of 880 dwellings per annum, with Richmond seeing the greatest increase. In line with the findings of Strategy, the HDD indicates that 87% net new dwellings were in or within 400m of an Activity Centres.
17. Internal monitoring of significant residential development in Yarra (developments proposing 10 or more dwellings), following the adoption of the Strategy in September 2018, reflects the findings of the HDD and Strategy. This includes Yarra's activity centres being the focus of housing growth.

Strategic Direction 2 (SD2): Direct housing growth to appropriate locations

18. The purpose of SD2 is to identify where projected growth should be directed and provide a clear framework to guide housing growth to these locations, largely Yarra's activity centres (directing housing growth away from established residential areas).

*Local Planning Policy*

19. SD2 is being implemented through the introduction of a new Local Planning Policy, draft *Location of Residential Development Local Planning Policy* (proposed Clause 16.012L) into the Yarra Planning Scheme, via Amendment C269.
20. Amendment C269 proposes to update Yarra's Local Planning Policies (the re-write of the Yarra Policies Scheme Project) and include the Strategy as a reference document in the Scheme. At its meeting 26 November 2019, Council resolved to seek authorisation from the Minister for planning to prepare and exhibit Amendment C269. Council is awaiting this "authorisation" – until then Council cannot exhibit the amendment.
21. Proposed Clause 16.012L introduces the Strategy's hierarchy of change areas – *minimal, incremental, moderate and high change* - into the planning scheme and includes objectives and strategies to guide and direct the appropriate level of change on all housing land in Yarra.
22. The housing change areas are shown on a *Strategic Housing Framework Plan* to visually represent the level of growth anticipated across the municipality.

*Planning Controls*

23. SD2 is also being implemented via proposed activity centres planning controls.
24. The Strategy, in particular, its hierarchy of change areas has informed Amendment C191, C220 and C231 which seek (in addition to other matters) to address and manage predicted population and economic growth pressures within the Swan Street, Johnston Street, and Queens Parade Activity Centres, respectively. The Strategy's *Strategic Housing Framework Plan* identified areas where population growth could be accommodated in these activity centres and areas that should be protected from more intensive growth.
25. The *C220 and C231 Planning Panel Reports* both noted that the Strategy, as a strategic piece of work is extensive, robust and up to date. The Reports also noted that the Strategy (in addition to other Council strategic work) has supported the application of mandatory controls where appropriate, and where justified.

Strategic Direction 3: To plan for more housing choice to support Yarra's diverse community

26. The strategies in this Direction support more housing choice for different people including people with disabilities, older persons and families' to support social inclusion and maintain Yarra's vibrant community.

*Local Planning Policy*

27. SD3 is being implemented through the introduction of the draft *Housing Diversity Local Planning Policy* (proposed Clause 16.01-3L) into the Yarra Planning Scheme via Amendment C269. (see paragraph 20 above)
28. Proposed Clause 16.01-3L would require housing diversity to be demonstrated in applications for residential rezoning and major residential developments (50 or more dwellings). Early consideration of these issues would help to ensure that future housing stock is more suitable for all households throughout their life stages.
29. As stated in the Strategy, the majority of new housing in Yarra would be provided in apartments and as such the policy seeks the provision of some larger units to accommodate families and share households and common areas that promote social interaction. The policy also provides support for emerging housing models such as co-housing.

Strategic Direction (SD4): Facilitate the provision of more affordable housing in Yarra.

30. SD4 addresses the need to provide more housing options suitable for very low, low and moderate income households to maintain social and economic diversity Yarra.
- Local Planning Policy*
31. SD3 is being implemented through the introduction of the draft *Housing Affordability Local Planning Policy* (proposed Clause 16.01-4L) into the Yarra Planning Scheme via Amendment C269.
32. Proposed Clause 16.01-4L seeks to facilitate the provision of new and upgraded social housing and affordable housing. It sets a minimum 10% target for affordable housing (when sites are rezoned for residential use and in major developments of 50 or more dwellings).
33. Since the adopted of the Housing Strategy, Officers have also been monitoring the number of affordable housing dwellings proposed and/or constructed to track the implementation of SD3.
34. Since the adoption of Housing Strategy 2018, Officers have been able to negotiate affordable housing provisions in:
  - (a) Development Plan Overlay 16, Former Fitzroy Gasworks, *for up to 20% of dwellings as affordable housing; and*
  - (b) Draft Development Plan Overlay 15 (81-95 Burnley Street, Burnley) *for the provision of 10 percent of the total number of dwellings (being the total number of dwellings provided within the DPO15 area) as affordable housing.*

NB: *Affordable Housing was also determined in the redevelopment of the former AMCOR site in Alphington 5% of the housing stock to be affordable housing in association with an accredited housing provider.*

*Yarra Social and Affordable Housing Strategy (SAHS)*

35. SD3 is also being implemented through the planning initiatives contained in the recently adopted *Social and Affordable Housing Strategy*, which outlines in more detail how Yarra would increase the long – term supply of both social and affordable housing.
36. Strategic Direction 1 (*Be a leading local government in realising affordable housing outcomes at new developments across Yarra*) of the SAHS builds upon the broader planning strategies contained in the Housing Strategy. In particular, defining Yarra's key workers and updating the *Policy Guidance Note: Affordable Housing Outcomes at Significant Developments* to reflect the new minimum 10% affordable housing target as specified in the Housing Strategy.
37. Officers will continue to implement the four Strategic Directions of the Strategy.

**Other Issues**

Recently Released Planning Practice Notes

38. In December 2019, the State Government released two new Planning Practice Notes that give advice to Councils on residential land management:
  - (a) Planning Practice Note 90: *Planning for Housing; and*
  - (b) Planning Practice Note 91: *Using the Residential Zones.*
39. These two Practice Notes are intended to be read in conjunction with each other.  
*Planning Practice Note 90: Planning for Housing (PPN90)*
40. PPN90 provides information and guidance to Councils about how to plan for housing growth and protect neighbourhood character to ensure a balanced approach to managing residential development in planning schemes.
41. PPN90 highlights the need for Councils to undertake local strategic studies for the development of a *Residential Development Framework*.

42. A *Residential Development Framework* can include the following strategic studies:
- (a) Housing Strategy;
  - (b) Neighbourhood Character Strategy; and
  - (c) Other Strategic work (Heritage, environmental studies, Employment/industrial land studies).
43. It notes that Councils do not need to produce all of the above but the practice note does put some greater weight on Housing Strategies.
44. Given the Yarra Housing Strategy is an adopted document and PPN90 does not apply retrospectively, consideration of how the Strategy aligns with PPN90 is not required. However, it should be noted that the Strategy does largely align with PPN90.

*Planning Practice Note 91: Using the Residential Zones (PPN91)*

45. PPN91 provides guidance to Councils on how residential zones should be applied across their municipality once the *Residential Development Framework* has been prepared.
46. Further clarification is also provided on the *objectives* to be applied to the residential zones by Councils. This initiative was first proposed by the State Government in 2016 as part of the review of the reformed residential zones.
47. Further strategic work, including the possible preparation of a Neighbourhood Character Strategy, is required to apply these objectives where required.
48. PPN91 will be referred to when Council undertakes its review of Yarra's residential zones and their new objectives. The City Strategy Branch work program does not yet include a fixed timeline to undertake this work.

**External Consultation**

49. No consultation is required as part of providing an update on the progress of the *Yarra Housing Strategy* (Strategy).

**Internal Consultation (One Yarra)**

50. Officers have consulted across Council, with advice from Statutory Planning and Social Policy and Research Units.

**Financial Implications**

51. The costs associated with the implementation of the Strategy have been anticipated and included in the City Strategy budget.

**Economic Implications**

52. The economic implications of the Strategy include:
- (a) managing the growth in the local housing market in Yarra;
  - (b) flow-on effects for Yarra's local economy as the municipality accommodates a growing population, with more people moving into the area and utilising local businesses and services; and
  - (c) reduce Council resources spent on the decision-making process.

**Sustainability Implications**

53. The Yarra Housing Strategy is consistent with the overarching goal in the Yarra Planning Scheme to integrate relevant environmental, social, and economic factors in the interests of net community benefit and sustainable development.

**Climate Emergency Implications**

54. Officers will continue to engage with the Sustainability Unit around the climate emergency and identify climate resilience opportunities.

### **Social Implications**

55. Affordability and diversity are key issues discussed in the Yarra Housing Strategy and are proposed to be addressed via the Strategic Directions.

### **Human Rights Implications**

56. Provision of diverse housing opportunities is important. There are no other anticipated human rights implications.

### **Communications with CALD Communities Implications**

57. The needs of the CALD community were considered as part of the consultation process in preparing the strategy. No additional consultation was undertaken in preparing this update.

### **Council Plan, Strategy and Policy Implications**

58. The Yarra Council Plan (2017-2021) identifies the need to actively plan and manage growth through the preparation of a Housing Strategy.
59. The Housing Strategy implements relevant objectives of the Planning Policy Framework (PPF), including Clause 16 – Housing. Clause 16 encourages consolidation of residential activities within existing urban areas and development in existing residential areas.

### **Legal Implications**

60. The approach outlined in this report accords with Council's obligations under the *Planning and Environment Act 1987*.

### **Conclusion**

61. On 4 September 2018, Council adopted the Yarra Housing Strategy, which includes four Strategic Directions that articulate Yarra's preferred growth strategy over the next 15 years.
62. Following adoption, Council Officers commenced a successful program of work to implement the directions of the Housing Strategy, including the drafting of new housing local planning policies.
63. Since adoption of the Strategy, the State Government has released two new Planning Practice Notes on planning for housing. The Strategy largely aligns with PPN90. Officers would need to refer to PPN91 when Council undertakes its review of Yarra's residential zones and their objectives.
64. Officers will continue to implement the four Strategic Directions of the Strategy.

### **RECOMMENDATION**

1. That Council note:
- (a) the update report on the implementation of the Yarra Housing Strategy; and
  - (b) Officers will continue to implement the Yarra Housing Strategy's four Strategic Directions and progress the strategies.

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### **Attachments**

- 1 [↓](#) Strategic Directions and Strategies – Year 1 Status Update



## Attachment 1 - Strategic Directions and Strategies – Year 1 Status Update

# Yarra Housing Strategy

## Strategic Directions and Strategies – Year 1 Status Update

The Yarra Housing Strategy includes four Strategic Directions. Each Strategic Direction includes several strategies to implement it. The following table provides an update on the status of these strategies.

STRATEGIC DIRECTIONS	STRATEGIES	STATUS	COMMENTS
<b>Strategic Direction 1 (SD1)</b> Monitor population growth, land capacity, and evolving development trends in Yarra to plan for future housing growth and needs	<b>SD1.2</b> Monitor population growth forecasts and demographic changes in Yarra	<b>In place and ongoing</b>	Officers are continuing to monitor any new growth forecasts and demographic changes in Yarra.
	<b>SD1.2</b> Monitor housing delivery trends	<b>In place and ongoing</b>	Officers are continuing to audit significant development (developments proposing 10 or more dwellings) planning permit applications.
	<b>SD1.3</b> Maintain the Yarra housing capacity model to reflect residential land available for development, the density of development and development realisation	<b>In place and ongoing</b>	The Yarra Residential Capacity in Activity Centres (RCAC) model has been maintained to be included in the expert evidence statements for Planning Scheme Amendments C191 Swan Street Activity Centre), C220 (Johnston Street Activity Centre) and C231 (Queens Parade Activity Centre).
	<b>SD1.4</b> Monitor the outputs of the Yarra housing capacity model to maintain an adequate supply of residential land for future housing and population growth	<b>In place and ongoing</b>	Officers have been monitoring the RCAC outputs included in expert evidence statements.  The current capacity estimates suggest that Yarra's activity centres, alone, still have substantial capacity to accommodate the majority of housing growth, in line with Strategy, and that the changes to built form controls do not largely impact total capacity.
<b>Strategic Direction 2 (SD2)</b> Direct housing growth to appropriate locations	<b>SD2.1</b> Develop a hierarchy of housing change areas and apply them to all residential land in Yarra	<b>Completed</b>	The Yarra Housing Strategy defines and applies four housing change area (high, moderate, incremental, and minimal) to all residential land in Yarra.
	<b>SD2.2</b> Introduce the hierarchy of housing change areas as a strategic housing framework plan into the Yarra Planning Scheme	<b>In progress</b>	The draft Location of Residential Development Local Planning Policy (Clause 16.012L) proposes to introduce the strategy's hierarchy of change areas into the planning scheme via Amendment C269 and includes objectives and strategies to guide and direct the appropriate level of change on all housing land in Yarra.  The Strategy, in particular its hierarchy of change areas, has informed Amendment C191, C220 and C231 which seek (in addition to other matters) to address and manage predicted population and economic growth pressures within the Swan Street, Johnston Street, and Queens Parade Activity Centres. The Strategy's Strategic Housing Framework Plan identified where population growth could be accommodated in these activity centres and areas that should be protected from more intensive growth.
	<b>SD2.3</b> Develop policy objectives and strategies to guide and direct the appropriate level of change on all housing land in Yarra	<b>In progress</b>	The draft <i>Location of Residential Development Local Planning Policy</i> (Clause 16.012L) proposes to include objectives and strategies to guide and direct the appropriate level of change on all housing land in Yarra Planning Scheme via Amendment C269.
<b>Strategic Direction 3 (SD3)</b>	<b>SD3.1</b> Support flexible housing design that allows for adaptations to support changing housing needs over time	<b>In place and ongoing</b>	The draft <i>Housing Diversity Local Planning Policy</i> (proposed Clause 16.01-3L) includes a number of strategies to support changing housing needs over time.

## Attachment 1 - Strategic Directions and Strategies – Year 1 Status Update

To plan for more housing choice to support Yarra's diverse community.	<b>SD3.2</b> Introduce a requirement in the Yarra Planning Scheme for housing diversity to be demonstrated in applications for residential rezoning and major residential developments (50 or more dwellings), based on available demographic information	In progress	The draft <i>Housing Diversity Local Planning Policy</i> (proposed Clause 16.01-3L) proposes to include the following strategy: <i>Provide housing diversity to be demonstrated when rezoning land for residential use and in major residential developments of 50 or more dwellings.</i>
	<b>SD 3.3</b> Encourage the development of aged care, student accommodation and key worker housing within or close to activity centres, health and education precincts	In progress	The draft <i>Housing Diversity Local Planning Policy</i> (proposed Clause 16.01-3L) proposes to include the following strategy: <i>Support purpose-built student housing in locations that have good access (by walking, cycling or public transport) to the tertiary institutions in the municipality.</i> The draft <i>Housing Affordability Local Planning Policy</i> (proposed Clause 16.01-4L) proposes to include the following strategy: <i>Support development that caters for key workers (employed in the provision of essential services such as in the police, health, emergency or education sectors) within or close to activity centres, health and education precincts.</i>
		Completed	The <i>Residential Aged Care Facilities State Planning Policy</i> (Clause 16.01-7s) includes the following strategy: <i>Ensure that residential aged care facilities are located in residential areas, activity centres and urban renewal precincts, close to services and public transport.</i> This strategy was inserted into the Yarra Planning Scheme on 31 July 2018.
	<b>SD3.4</b> Encourage more family-friendly design of communal open spaces in apartment developments	In progress	The draft <i>Housing Diversity Local Planning Policy</i> (proposed Clause 16.01-3L) proposes to include the following strategy: <i>Support well designed apartment development in high and moderate change areas (as shown in the figures in clause 16.01-2L) that include:</i> <ul style="list-style-type: none"><li><i>The provision of larger dwellings suitable for families and shared households particularly on the lower levels of the building and the ground floor, with good access to well-designed communal open space.</i></li></ul>
	<b>SD3.5</b> Support additions to existing houses to provide accommodation for larger household types	In progress	The draft <i>Housing Diversity Local Planning Policy</i> (proposed Clause 16.01-3L) proposes to include the following strategy: <i>Support alterations and additions to single houses to provide accommodation for larger household types.</i>
	<b>SD3.6</b> Encourage apartment development that includes the provision of sufficient internal common space	In progress	The draft <i>Housing Diversity Local Planning Policy</i> (proposed Clause 16.01-3L) proposes to include the following strategy: <i>Support well designed apartment development in high and moderate change areas (as shown in the figures in clause 16.01-2L) that include:</i> <ul style="list-style-type: none"><li><i>External spaces and large common rooms that promote social interaction as well as shared break out spaces and quiet areas.</i></li></ul>
Strategic Direction 4 (SD4) Facilitate the provision of more affordable housing in Yarra.	<b>SD3.7</b> Provide policy support for cohousing development in Yarra	In progress	The draft <i>Housing Diversity Local Planning Policy</i> (proposed Clause 16.01-3L) proposes to include the following strategy: <i>Support emerging housing models such as cohousing that provide private and shared spaces.</i>
	<b>SD4.1</b> Foster effective partnerships between registered housing associations or providers and the property development industry to deliver more affordable housing	In place and ongoing	Yarra's Policy Guidance Note: Affordable Housing Outcomes at Significant Redevelopments (adopted November 2019), sets out Council's intentions with regard to facilitating social and affordable housing at major redevelopment sites. It also helps facilitate effective partnerships between community housing providers and property developers by providing useful information for all parties.
	<b>SD4.2</b> Introduce requirements into the Yarra Planning Scheme for all rezonings to residential use, and in significant developments of 50 or more dwellings, to provide	In progress	The draft <i>Housing Affordability Local Planning Policy</i> (proposed Clause 16.01-4L) proposes to include the following policy guideline: <i>Consider as relevant:</i> <ul style="list-style-type: none"><li><i>A requirement for a rezoning to residential use to provide a minimum of ten per cent of affordable housing.</i></li></ul>

## Attachment 1 - Strategic Directions and Strategies – Year 1 Status Update

	at least 10% affordable housing		<ul style="list-style-type: none"> <li>A requirement for major residential development of 50 or more dwellings to deliver a minimum of ten per cent of affordable housing, unless affordable housing has been provided as part of an earlier rezoning of the site.</li> </ul>
	<b>SD4.3</b> Support opportunities to allow for shared equity schemes and other emerging affordable housing models	<b>In place and ongoing</b>	Officers supported a provision being included in proposed Schedule 15 to the Design and Development Overlay (Amendment C223: 81-95 Burnley Street and 26-34 Doonside Street, Richmond) which provides a potential opportunity for an emerging housing model to be realised.
	<b>SD4.4</b> Advocate for policy and legislative changes that enable Council to introduce inclusionary zoning or an alternative mechanism to secure affordable housing	<b>In place and ongoing</b>	<p>Council continues to support the introduction of inclusionary zoning into the Victorian Planning Provisions, to be employed either at specific precincts and/or regions. Inclusionary zoning is a requirement for developers to supply a proportion of new developments as affordable housing. This can be seen as a form of legitimate value capture in that some of the benefits to a developer in rezoning land is returned to the community in the form of affordable housing.</p> <p>The adopted Yarra Social and Affordable Housing Strategy 2019 reflects, reiterates and expands upon the above sentiment.</p>
	<b>SD4.5</b> Support the improvement and retention of social housing in Yarra	<b>In progress</b>	<p>The draft <i>Housing Affordability Local Planning Policy</i> (proposed Clause 16.01-4L) proposes to include the following objectives :</p> <p><i>Support the provision of new public housing and upgrades to existing social housing (includes public housing).</i></p> <p>A strategy of this objective is to:</p> <p><i>Support the development of new and additional social housing, in line with identified needs.</i></p>

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## 11.5 Road Management Plan Amendment

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### Executive Summary

#### Purpose

To amend Council's Road Management Plan 2017-2021 to include the recently adopted *Management Policy for Laneways, Passageways and Rights of Way in Yarra* (ROW Policy) as an Incorporated Document.

To seek approval for Council officers to publish a notice of the proposed amendments to the Road Management Plan (RMP) and allow for public submissions as per the requirements of Section 54 of the Road Management Act 2004.

#### Key Issues

The development of Council's ROW Policy identified the requirement to amend and update the wording of Council's current RMP.

The amendments to Council's RMP relate to a need to make the distinction between 'public roads' and 'non-public roads' with the current RMP. This is important as Council's responsibilities and exposure to risk is different for 'public roads' and 'non-public roads'.

There are no proposed amendments to the performance standards and management systems set out in the RMP adopted by Council in 2017. The proposed amendments do not advise any actions or Council position that impacts or changes the private rights of landowners or individuals.

Any amendments to Council's RMP must be published and consulted on as per Section 54 of the Road Management Act (2004).

As per the Council resolution of 17 December 2019, this report presents the draft amendment to Council's RMP prior to public exhibition.

#### Financial Implications

The requirement to publish a notice of the proposed amendments to the Road Management Plan (RMP) in the government gazette is anticipated to cost \$5,000.

#### RECOMMENDATION

1. That Council:
  - (a) adopts the proposed amendments to the Road Management Plan as presented in Attachment 1 for the purposes of public exhibition;
  - (b) instructs officers to publish a notice of the proposed amendments to the RMP and allow for public submissions as per the requirements of Section 54 of the Road Management Act 2004; and
  - (c) receives a further report during May 2020 to consider any received submissions and the adoption of a final version of an amended RMP.

## 11.5 Road Management Plan Amendment

Reference: D20/76

Authoriser: Director City Works and Assets

### Purpose

1. To amend Council's Road Management Plan 2017-2021 to include the recently adopted *Management Policy for Laneways, Passageways and Rights of Way in Yarra* as an Incorporated Document.
2. To present to Council the proposed amendments to the Road Management Plan for consideration.
3. To seek approval for Council officers to publish a notice of the proposed amendments to the Road Management Plan and allow for public submissions as per the requirements of Section 54 of the Road Management Act 2004.

### Background

4. Council's Road Management Plan (RMP) sets out the standards, policies and management systems used by Council to perform its road management functions for public roads and manage civil liability.
5. The current version of the RMP was adopted by Council on 4 July 2017.
6. The next scheduled full review of the RMP is in 2021. There is a legislative requirement that a review must be completed within six months of the new Council.
7. Council adopted its *Management Policy for Laneways, Passageways and Rights of Way in Yarra* (the Policy) on 17 December 2019.
8. When adopting the Policy at its meeting of 17 December 2019, Council resolved that:
  - (a) Council instructs officers to prepare a draft amendment to Council's Road Management Plan (2017/2021) that incorporates the adopted Policy; and
  - (b) Council instructs officers to prepare a report to Council on the draft amendment to Council's Road Management Plan (2017-2021) in early 2020 prior to public exhibition.

#### Why amendment to the RMP is required

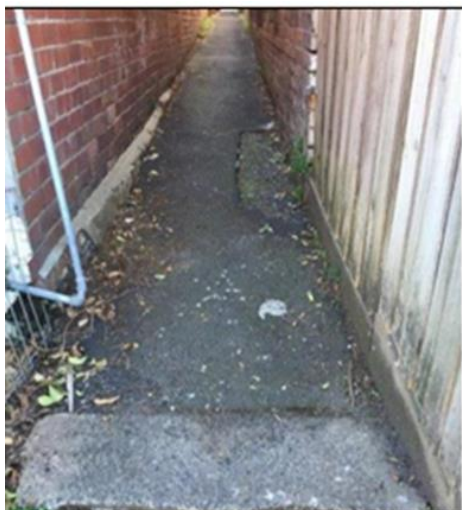
9. The Policy recognises that laneways and passageways in Yarra fall under at least one of the following legislative classifications:
  - (a) Laneways and passageways that are 'public roads' under the Road Management Act 2004 (RM Act); and
  - (b) Laneways and passageways that are 'roads' but not 'public roads' under the RM act (referred to in the Policy and this report as 'non-public roads').
10. Council officers are currently undertaking an assessment to determine which Council laneways are 'public roads' and 'non-public roads'. This assessment will take approximately three to six months to complete.
11. Examples of laneways and passageways that are likely (subject to further assessment) to be 'public roads' and 'non-public roads' respectively are provided in Figures 1 to 4 below.



**Figure 1** Laneways that connect two roads that are known to be presently used on a regular basis by the public.



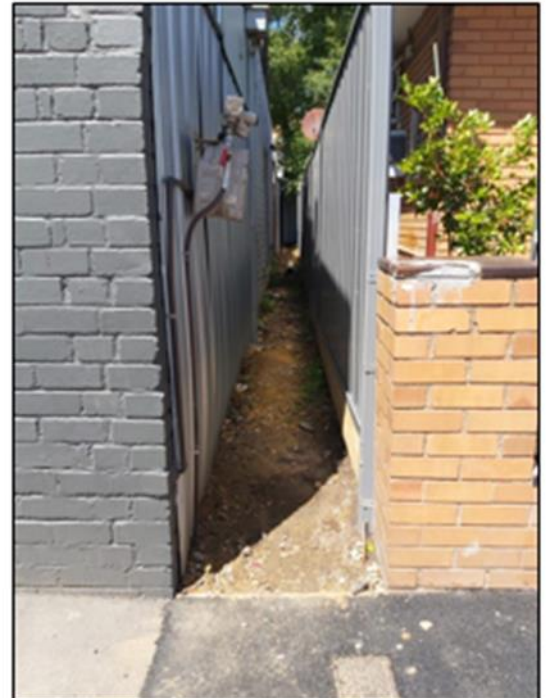
**Figure 2** Passageway that forms part of a link between two roads (see aerial at right) that is known to be presently used on a regular basis by the public.



**Figure 3** Laneway (left) that only leads to the rear of two properties and a disused passageway (right) that has been incorporated into a private property.



**Figure 4** Passageways that only lead to the rear of properties and have no apparent use to the wider community.



12. The distinction between 'public roads' and 'non-public roads' is important as Council's responsibilities and exposure to risk is different for 'public roads' and 'non-public roads'.
13. Under the RM Act, Council has the statutory duty to inspect, maintain and repair 'public roads' in line with the performance standards and management systems set out in Council's RMP.
14. Council has no duty to inspect, maintain and repair 'non-public roads' under the RM Act. Council will be at risk of liability for negligence if it chooses to engage in inspection, maintenance and repair, or undertakes activities that could be interpreted as imposing a duty to inspect, maintain and repair a 'non-public road'.
15. The Policy sets out that Council will respond reactively to requests regarding safety or maintenance issues on 'non-public roads'. Following inspection, Council will undertake localised repairs where required to meet the minimal standards of maintenance in order to extend the lifecycle of the road. This will be undertaken with the reactive inspection and resolution times set out in the RMP.
16. In order to minimise this exposure to liability, the Policy sets out the processes regarding the management of 'non-public roads' in Yarra, and how this relates to the performance standards and management systems set out in Council's RMP.
17. The development of the Policy has identified the need to update the wording of Council's RMP to distinguish between 'public roads' and 'non-public roads'.
18. All aspects of Council's management system relating to the inspection, maintenance and repair of 'public roads' set out in Council's RMP are currently capable of applying to both 'public roads' and 'non-public roads', even though all aspects of the management system are only intended to apply to 'public roads'.
19. The update to Council's RMP to distinguish between 'public roads' and 'non-public roads' is important, as the RMP takes precedence over other policies when it comes to establishing defences to liability.
20. Legal advice obtained by officers has advised that it would be appropriate to incorporate the Policy into Council's RMP as per Section 53 of the RM Act.

### Proposed amendments to RMP

21. The full RMP document including the proposed amendments is provided in **Attachment 1**.
22. The key update to the RMP is the inclusion of the Policy as an incorporated document, and recognition that:
  - (a) 'Roads' (including laneways and passageways) that are 'public roads' will continue to be managed as per the standards and management systems set out in the RMP; and
  - (b) 'Non-public road' will be managed as per the processes set out in the Policy (incorporated document to the RMP).
23. A copy of the Policy is included as **Attachment 2**.
24. The proposed amendments, as indicated by the tracked changes, include:
  - (a) additional definitions to provide greater clarity on key terminology used in the RMP (refer to Section 1.2);
  - (b) reference and background to the inclusion of the Policy as an incorporated document (refer to Section 1.11);
  - (c) general updates to wording to distinguish between 'public roads' and 'non-public roads' and the applicable management processes (refer to Sections 2.2, 3.2, 5.1);
  - (d) update to wording on the Register of Public Roads (refer to Section 2.5); and
  - (e) reference to a list of non-public roads to be included as an addendum to the Register of Public Roads (refer to Section 2.6).
25. There are no proposed amendments to the performance standards and management systems set out in the RMP adopted by Council in 2017. As such, the management of 'public roads' will continue as per existing practices.
26. The performance standards and management systems applied by Yarra will be reviewed during the next formal review of the RMP, currently planned for 2021.
27. The proposed amendments do not propose any actions or Council position that impacts or changes the private rights of landowners or individuals.
28. The proposed amendments do not result in the requirement to make a decision on an individual road, laneway, passageway, pathway or related infrastructure covered (or not covered) by the RMP.

### **External Consultation**

29. Should Council adopt the proposed amendments to the RMP, a notice must be placed in the Government Gazette and a local daily newspaper advertising the amendments and inviting public submissions during the specified 28 day statutory period.
30. Further details on how to make a submission will be made available via Council's website and social media pages.
31. Copies of the RMP will be forwarded to the Department of Transport (DoT) and Yarra Trams for comment. It is noted that the proposed amendments to the RMP does not impact on DoT or Yarra Trams infrastructure or operations.
32. A further report will be presented to Council in May 2020 to consider any received submissions and present a final version of an amended RMP for consideration.

### **Internal Consultation (One Yarra)**

33. Council's RMP is an operational document prepared by Council's Asset Management Unit and administered by Council's City Works branch and Infrastructure, Traffic and Civil Engineering branch.
34. Officers from these units/branches and Council's Governance Unit have been consulted in the preparation of the proposed amendments to the RMP.



35. This internal consultation has confirmed that the proposed amendments will have limited impact on Council operations.

### **Financial Implications**

36. The requirement to publish a notice of the proposed amendments to the Road Management Plan (RMP) in the government gazette is anticipated to cost \$5,000.
37. Inspection, maintenance and repair of 'public roads' and the management of known 'non-public roads' as set out in the Policy will continue to be undertaken within existing budgets and resources.
38. There is potential for reduced exposure to liability and other legal risks by adopting the proposed changes to the RMP.
39. Should Council instruct officers to proceed with the statutory consultation of the amended RMP, any costs associated with the advertisement and public submission process will be funded from existing budget allocations.

### **Economic Implications**

40. N/A

### **Sustainability Implications**

41. N/A

### **Social Implications**

42. N/A

### **Human Rights Implications**

43. N/A

### **Communications with CALD Communities Implications**

44. Should Council instruct officers to proceed with the statutory community consultation, this consultation will be done as per the CALD Community consultation requirements.

### **Council Plan, Strategy and Policy Implications**

45. The proposed amendments to Council's RMP are to ensure that the RMP aligns with statutory requirements.
46. The proposed amendments to the RMP do not impact on any other existing or proposed Council strategy or policy.

### **Legal Implications**

47. The RMP is Council's primary policy relating to its road management functions. The RMP takes precedence over other policies when it comes to establishing defences to liability regarding the management of road infrastructure in Yarra.
48. It is important that Council's RMP distinguishes between 'public roads' and 'non-public roads' as Council's responsibilities and exposure to risk is different for 'public roads' and 'non-public roads'.
49. Legal advice obtained by officers has advised that it would be appropriate to incorporate the Policy into Council's RMP as a means to specifying road management processes relating to 'non-public roads'.
50. The management of 'public roads' will continue in line with the performance standards and management systems set out in Council's RMP.

### **Other Issues**

51. There are no other issues canvassed in this report.

## Options

52. No options have been proposed.

## Conclusion

- 53. The development of Council's *Management Policy for Laneways, Passageways and Rights of Way in Yarra* has identified the need to amend Council's RMP.
- 54. The proposed amendments to the RMP are required to reduce Council's exposure to financial and legal risk regarding the performance of Council's road management functions in line with legislation.
- 55. There are no notable financial implications or changes to existing Council operations resulting from the proposed changes to the RMP.
- 56. Any amendments to Council's Road Management Plan must be published and consulted on as per the s54 of the RM Act.
- 57. It is recommended that Council adopts the proposed amendments to the RMP and instructs officers to publish a notice of the proposed amendments and allow for public submissions as per the requirements of Section 54 of the Road Management Act 2004.

## RECOMMENDATION

- 1 That Council:
  - (a) adopts the proposed amendments to the Road Management Plan as presented in **Attachment 1** for the purposes of public exhibition;
  - (b) publish a notice of the proposed amendments to the Road Management Plan and allow for public submissions as per the requirements of Section 54 of the Road Management Act 2004; and
  - (c) receives a further report during May 2020 to consider any received submissions and the adoption of a final version of an amended Road Management Plan.

**CONTACT OFFICER:** Danny Millican  
**TITLE:** Coordinator Civil Engineering  
**TEL:** 9205 5762

## Attachments

- 1 [!\[\]\(e27c4336460e9e6729a19580c0456728\_img.jpg\)](#) Road Management Plan 2017 to 2021 draft amendments
- 2 [!\[\]\(1a140e8db538fd46d58af9f9540232fd\_img.jpg\)](#) Management Policy for Laneways, Passageways and ROWs in Yarra



# Road Management Plan 2017 - 2021

[Adopted by Council on 4 July 2017](#)[Version Date: 3 March 2020](#)

[\(Version for Council Endorsement for Public Comment\)](#)

## Attachment 1 - Road Management Plan 2017 to 2021 draft amendments

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## **Attachment 1 - Road Management Plan 2017 to 2021 draft amendments**

### **Appendices**

- Appendix 1: Freeway and Declared Arterial Roads within Municipality
- Appendix 2: Bridges Owned by Others
- Appendix 3: Roads with Major On-road Bike Lanes
- Appendix 4: Shared Zones
- Appendix 5: High Pedestrian Volume Streets

### **Register of Public Roads (separate document)**

[Management Policy for Laneways, Passageways and Rights of Way in Yarra \(separate document\)](#)

## Attachment 1 - Road Management Plan 2017 to 2021 draft amendments

### Revisions and Adoption Schedule

#### Document Control

Rev No	Date	Version / Changes
	Aug 2004	First Edition
	July 2009	Second Edition
3.00	25 Jun 2013	RMP Review as per s54(5) of Road Management Act 2004. <i>Amendments Summary:</i> <ul style="list-style-type: none"> <li>• Focus on operational activities. Strategic planning activities removed from RMP</li> <li>• Asset maintenance hierarchies defined, with corresponding inspection regime (section 4.3) and response priority (section 4.4.3)</li> <li>• Footpath at vehicle crossing included (section 2.4.4)</li> <li>• Carparks and nature strips excluded (section 2.3)</li> <li>• Changes to road defects tolerance intervention levels (section 4.4.1)</li> <li>• Inclusion of 'Force Majeure' clause (section 1.10)</li> </ul>
3.01	11 Jul 2013	Initial Draft issued for Public Comment
3.02	17 Sep 2013	RMP 2013 Adopted by Council
4.00	15 Mar 2017	RMP Review as per s54(5) of Road Management Act 2004. <i>Amendments Summary:</i> <ul style="list-style-type: none"> <li>• <i>Changes to inspection program (Table 3)</i></li> <li>• <i>Changes to defects type and intervention levels (Table 4)</i></li> <li>• <i>Changes to response times (Table 4)</i></li> <li>• <i>significant parks excluded</i></li> </ul>
4.01	2 May 2017	Initial Draft issued for Public Comment
4.02	4 July 2017	RMP 2017 – 2021 Adopted by Council

## Attachment 1 - Road Management Plan 2017 to 2021 draft amendments

### 1 INTRODUCTION

#### 1.1 Legislation Applicable

The Road Management Act 2004 (the "Act") has established a statutory framework for the management of public roads in Victoria. The Act, and any associated legislation as defined in the Act, applies to road authorities including the City of Yarra.

#### 1.2 Meaning of Terms

Terms used in this Plan have the same meaning as the specific definitions included in the Act.

For the purposes of this plan the following terms shall be defined as:

"the Act"	means the Road Management Act 2004.
"the Council"	means the Yarra City Council.
"Crossover"	means the vehicle crossing or access from back of kerb to property boundary including any section of footpath within the lateral limits of the crossing.
"Day"	in terms of response times a day is a business (working) day excluding weekends and declared public holidays.
"Defect"	is a localised failure in an asset, for example potholes in a road surface or a joint displacement in a concrete pathway.
"Hazard"	is an event, defect, condition or substance, which has the potential to cause harm to property or the health and safety of persons in their use of road infrastructure.
"Inspection Frequency"	is the period between scheduled inspections of the road to identify hazards. The nominated time is not precise and a reasonable margin is allowable.
"Intervention Level"	is the extent of a defect above which the defect may pose an unacceptable risk to users of that asset. The asset defect intervention levels are not definitive criteria with respect to accurate measurement due to the nature of on-site visual assessment, ground condition and light condition at the time of survey. Therefore, there may be variances within reasonable limit as to the extent of the reported severity of a defect when compared to detailed measurement of any particular defect
"Level of Service"	is the defined service quality for the road against which performance may be measured and relates to quality, quantity, reliability, responsiveness and cost.
"Maintenance Category"	the nominated maintenance category for each road or footpath determined by Council according to an assessment of risk, taking into account factors such as road classification, road type and volume and type of traffic.
"Pathway"	<u>means a footpath, bicycle path or other area constructed by or developed by a road authority for use by members of the public other than with a motor vehicles but does not include any path –</u> <u>(a) which has not been constructed by a road authority; or</u> <u>(b) which connects to other land.</u>
"Programmed Maintenance"	works that are beyond the scope of reactive maintenance, but are not Capital Works projects. Generally they do not require a design to be completed and are seen as a method of rehabilitating infrastructure assets without the need for major capital works

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<u>"Public Road"</u>	<u>is a road that Council declares in writing is reasonably required for general public use and is then registered on Council's Register of Public Roads<sup>1</sup>.</u>
"Remediate"	action to reduce a defect or hazard to below Council's intervention levels.
"Response Times"	is the time to make safe or repair defects, identified by inspections undertaken by Council officers, or defects notified by the public. Response Time is measured from the time the defect is identified by, or notified to, Council. The nominated response time is not precise and a reasonable margin allowable.
"Reactive Maintenance"	the work undertaken daily to keep assets operating at the required service levels. This includes pothole patching, minor repairs to footpath, kerb and channel, signs and street furniture.
"Service Agreement"	means the Service Agreement for Road Maintenance
"Shared Zone"	a road or network of roads where pedestrians, cyclists and vehicles share the roadway.

### 1.3 Role of Road Authority

Under Part 4, Division 5 (s49 to s55) of the Act, Council elected to make a Road Management Plan in accordance with the Code of Practice for Road Management Plans (16 September 2004).

The Act provides that Council as the road authority is to exercise its functions within an overall policy context and to consider the expectations of the community and the resources available, and the competing demands for those resources.

Council is responsible for the development of the Road Management Plan and must ensure it manages the inspection, maintenance and repair of the public road network within available funding levels to ensure that a safe and efficient road network is provided for use by members of the public.

### 1.4 Purpose of the Road Management Plan

The Road Management Plan (the "RMP") is an *operational plan* within the City of Yarra.

The purpose of this RMP is to ensure Council has in place a plan that helps Council to achieve the following objectives –

1. Ensure that a safe and efficient network of municipal public roads is provided primarily for travel and transport.
2. Meet the statutory requirements of the Road Management Act, Road Management Regulations (the "Regulations") and relevant Ministerial Code of Practice (the "Codes"). Purposes defined in s50 of the Act are quoted below –

*"The purposes of a road management plan are having regard to the principal object of road management and the works and infrastructure management principles –*

*(a) to establish a management system for the road management functions of a road authority which is based on policy and operational objectives and available resources; and*

*(b) to set the relevant standard in relation to the discharge of duties in the performance of those road management functions."*

---

<sup>1</sup> Any "road" vested in Council, which may include a laneway, passageway or Rights of Way, which has not been declared by Council to be reasonably required for general public use, is not a public road and therefore considered by Council to be a 'non-public road'.



## Attachment 1 - Road Management Plan 2017 to 2021 draft amendments

3. Provide a structure that advances Council's asset management practice in delivering a sustainable road transportation service.
4. Adhere to good practice of achieving an appropriate level of statutory protection against civil liability claims under the Act.

### 1.5 How to achieve the RMP objectives

To achieve the above stated objectives, this RMP provides details in the following key management areas that are central to Council's role as the road authority for municipal public roads –

- provide descriptions of the types of road and road-related infrastructure assets included in the RMP (section 2, Road Asset Description).
- set up a road and pathway hierarchy classification to facilitate the setting of performance standards (section 3, Maintenance Hierarchy).
- set relevant performance standards to help with the discharge of Council's duties (section 4, Performance Standards).
- set details of management system to be implemented to help with the discharge of Council's duties. (section 5, Management System).

### 1.6 Key stakeholders

Key stakeholders who will be affected by this RMP in the City of Yarra include –

- The community - ratepayers, residents, business, industry, education.
- Road users such as pedestrians (including those with disabilities and the elderly), bicyclists, motorcyclists, public transport passengers and vehicle drivers and passengers.
- Transport service providers - transport operators, bus operators and service providers supporting the delivery of transport service.
- Tourists and visitors to the area (for recreation, sport, leisure and business, or in transit).
- Emergency authorities (Police, Fire, Ambulance, SES).
- Utilities agencies that use the road reserve for their infrastructure such as water, sewerage, drainage, gas, electricity, telephone, telecommunications, cable TV, pipeline and other like services under the authority of an Act of Victoria or the Commonwealth.
- Land and property developers and their respective consultants and contractors.
- Other road authorities such as VicRoads, neighbouring Councils, Department of Environment, Land, Water and Planning, Parks Victoria, Melbourne Water Corporation, etc.
- Special interest groups such as RACV, ratepayer associations, Chambers of Commerce, industry-representing bodies and like community groups.
- Council as the responsible road authority.
- State & Federal Government agencies that periodically provide support funding to assist with management of the network.

### 1.7 Duty of road users

Whilst Council has certain duties and responsibilities, this RMP is predicated on the basis that the road users also have certain obligations and responsibilities to drive safely according to the prevailing road conditions, to have regard to the rights of other road users, the community and infrastructure managers, and to avoid damaging infrastructure.

s17A of the Road Safety Act 1986 and s106 of the Road Management Act 2004 set out the obligations of road users:

- road users are required to travel safely having regard to the road, weather and traffic conditions, and avoiding unreasonable risks to other road users;

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Road users have additional duties and responsibilities under the Roads and Council Land Local Law (2012) of the City of Yarra.

In particular there are provisions relating to the protection of environment, public safety, management of traffic and roads, control of vehicles and animals on roads, and secondary activities on roads.

A copy of the Roads and Council Land Local Law is available from the municipal offices and on Council's web site at [www.yarracity.vic.gov.au](http://www.yarracity.vic.gov.au).

### 1.8 Relationship with Council Plan and Asset Management Policy

The Council Plan sets out Council's medium-term direction and the outcomes sought by Councillors for their four-year term of office. It details Council's strategic objectives, outlining some of the values, policy and research behind each objective.

The Asset Management Policy and its associated strategy framework have a direct link to the Council Plan through its budgetary and planning processes.

### 1.9 Relationship with Budget

Council's annual adopted Budget and Capital Works Program specifies the planning parameters by which the Road Management Plan is carried out. The annual Budget has been developed within an overall financial planning framework that guides Council in identifying community needs and expectations over the short, medium and long term. In preparing the annual Budget, funding requirements for each year are linked with the objectives contained in the Council Plan.

In relation to road and road-related infrastructure assets that provide road transport service, Council recognises the importance of balancing appropriate performance standards with what the community is able to afford and sustain. In balancing the funding level for the inspection, maintenance, repairs, upkeep, rehabilitation and renewal of road and road-related infrastructure assets, Council gives regards to the following key considerations –

- its role and obligations under the Road Management Act 2004;
- achievement of statutory protection against civil liability claims;
- preservation of existing assets in an appropriate and safe working condition;
- ability to acquire additional infrastructure assets to serve new growth;
- market constraints in labour, plant and equipment, building materials and contractors; and
- the competing demands for Council resources.

The performance standards set in Section 4 of this RMP reflect such balance.

### 1.10 Force Majeure

Council will make every endeavour to meet all aspects of its RMP. However in the event of natural disasters and events but not limited to, fires, and floods, as well as human factors, but not limited to lack of Council staff or suitably qualified contractors, because of s83 of the Victorian Wrongs Act, 1958, as amended, Council reserves the right to suspend compliance with its Plan.

In the event that the Chief Executive Officer of Council, has to, pursuant to s83 of the said Act, consider the limited financial resources of Council and its other conflicting priorities, meaning Council's RMP cannot be met, they will write to Council's Officer in charge of its RMP and inform them that some, or all of the timeframes and responses in Council's RMP, are to be suspended.

Once the events beyond the control of Council have abated, or if the events have partly abated, Council's Chief Executive Officer will write to Council's Officer responsible for Council's RMP and inform them which parts of Council's RMP are to be reactivated and when.

### 1.11 Management Policy for Laneways, Passageways and Rights of Way in Yarra (Incorporated Document to RMP)

[In 2019 Council adopted a Management Policy for Laneways, Passageways and Rights of Way \(ROW\) in Yarra.](#)

## Attachment 1 - Road Management Plan 2017 to 2021 draft amendments

This Policy recognises that there are some laneways, passageways and ROWs in Yarra that are 'roads' that vest in Council that are not declared (or considered) to be generally required for public use, and therefore are not public roads.

Roads (including laneways, passageways and ROWs) that are not public roads (referred to as non-public roads) will not be included on Council's Register of Public Roads and these assets would not be subject to the performance standards and management functions relating to public roads set out in Council's RMP.

The Policy recognises that Council has the care and management of non-public roads in Yarra. The Policy sets out how Council will manage non-public roads to provide a level of amenity in line with the 'roads' usage and function and to provide statutory protection against civil liability claims under the Act.

This policy is not contained in this Road Management Plan but is incorporated in full in accordance with Section 53(2) of the Act.

It is recommended that this RMP is read in conjunction with the adopted Management Policy for Laneways, Passageways and Rights of Way in Yarra, which is available on Council's website at [www.yarracity.vic.gov.au](http://www.yarracity.vic.gov.au).

### **4.441.12 Availability of Plan and Associated Documents**

This RMP and associated documents is available at the following locations and may be viewed, free of charge, by the public during the hours of 8.30am to 5.00pm each working day:

Yarra City Council  
Richmond Town Hall  
333 Bridge Road Vic 3121  
Customer Service Centre Phone 9205 5555

The RMP may also be viewed in PDF format on the Council website  
<http://yarracity.vic.gov.au/News/amend-road-management-plan-2017-2021/>

## Attachment 1 - Road Management Plan 2017 to 2021 draft amendments

### 2 ROAD ASSET DESCRIPTION

This section provides the details of road infrastructure and road-related infrastructure assets that are being covered under this RMP. It also outlines assets not covered under this RMP.

#### 2.1 Overview

Yarra's 19.5 square kilometres include the suburbs of Abbotsford, Burnley, Clifton Hill, Collingwood, Cremorne, Fitzroy, North Carlton, North Fitzroy, Princes Hill and Richmond. Parts of Alphington and Fairfield - south of Heidelberg Road - are also included in Yarra.

The City has a population forecast for 2017 of approximately 89,710.

The local road network comprises –

- 225 km of public roads (sealed and unsealed roads);
- 85 km of laneways<sup>2</sup>;
- 410 km of kerb and channel;
- 456 km of pathways; and
- 7 foot-bridges (4 co-owned with neighbouring Councils).

#### 2.2 Assets covered

The road and road-related infrastructure assets covered in this RMP are those that exist within the roads nominated in the Register of Public Roads, and they are –

- trafficable roads including features such as traffic lane, on-road bicycle lane, parking lane, service road and shared zones;
- public car parks directly abutting edge of constructed road pavement;
- ~~constructed laneways (the maintenance of unmade laneways that are not reasonably required for public access is not covered by this RMP)~~ laneways and passageways which Council has made the decision are reasonably required for general public use;
- road shoulder and verge;
- roundabouts, speed humps, traffic or splitter islands, central median, outer separator;
- pedestrian bridges and major culverts;
- kerb and channel;
- pathways – constructed footpath, bicycle path within the road reserve;
- pedestrian operated signals, pedestrian crossings and school crossings;
- traffic signals, regulatory signs, guide posts, raised reflective pavement marker (cat eyes), traffic safety barriers and guard rails;
- street lighting infrastructure for *decorative* schemes where Council is the asset owner; and
- roadside Water Sensitive Urban Design features.

~~laneways and passageways that are not public roads will be managed as per Figure 5 and Section 7 of Council's Management Policy for Laneways and Rights of Way in Yarra (Incorporated Document to this RMP)~~

#### 2.3 Assets not covered

This RMP does not cover the following assets:–

<sup>2</sup> Total km of laneways in Yarra. This includes laneways and passageways that are public roads and non-public roads. Refer to Section 1.2 for the definition of a Public Road.

## Attachment 1 - Road Management Plan 2017 to 2021 draft amendments

- road and road-related infrastructure assets that are the responsibilities of other road authorities, utilities and/or other infrastructure managers (e.g. VicRoads, Department of Environment, Land, Water and Planning, Yarra Trams, Parks Victoria, Melbourne Water Corporation, private roads, and the like);
- road, road-related and non-road infrastructure assets (e.g. gas pipes, water pipes, sewerage pipes, storm-water pipes, pits, electricity poles, cables, tram wires, rail infrastructure, bus shelters, public telephones, mail boxes, roadside furniture and fences erected by utilities) owned, managed and/or operated by private organisations, on private land or which interface on public land or within road reserves (e.g. shopping centres, educational institutions, body corporate subdivisions and the like);
- single property stormwater drains that are constructed within the reserve from the property;
- sub-divisional roads under construction and prior to the date the road became a public road;
- vehicle crossovers and driveways between the kerb and the property boundary;
- roads and laneways that have not been constructed to Council's design standards or by a responsible road authority (e.g. an unconstructed track such as a vehicle or motorcycle trodden roadway);
- park pathways and shared pathways;
- nature strips and infill areas between the edge of the road or back of the kerb and the property boundary not occupied by the pathway. These should be maintained by the abutting property owner;
- off-street car parks (including carparks in reserves and council maintained facility sites);
- rail crossings and associated structures (bridges);
- street lighting (Standard) – timber and concrete power poles;
- temporary road signs used in road works;
- any other road, road-related or non-road infrastructure asset not listed in the Register of Public Roads.

Regardless of its maintenance obligations, Council has a duty of care and will as far as practicable notify the relevant utility or authority where a defect related to third party asset has been identified. Council may also serve a notice on a property owner to have defects repaired within a given period.

### 2.4 Demarcation and Agreements with other Authorities

The Code of Practice – 'Operational Responsibility for Public Roads' defines the limits of responsibility between road authorities for different parts or elements within the road reserve.

#### 2.4.1 Freeways and Arterial Roads

Classification of a road as a freeway or an arterial road is declared by VicRoads in accordance with s14 of the Act. VicRoads is both the coordinating road authority and the responsible road authority for freeways and arterial roads.

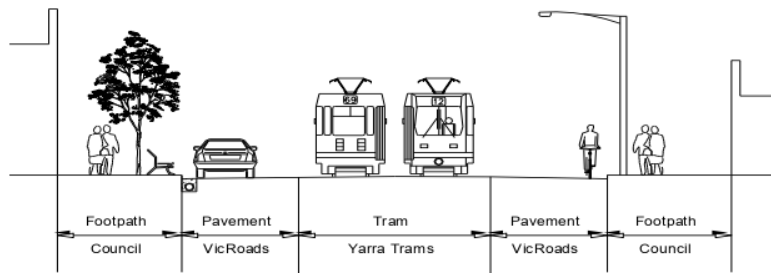
Declared arterial road and freeways within the municipality are listed in Appendix 1.

In the case of arterial roads VicRoads is responsible for the road pavement, kerb and channel, traffic signals, medians, 'easy access stop' raised pavement, some underground drainage and bike paths belonging to VicRoads.

Yarra City Council is responsible for Council owned assets contained within the area from the back of kerb to the building line and line-marking associated with parking bays.

The following figure illustrates the demarcation of responsibilities within VicRoads controlled arterial roads and council controlled local roads.

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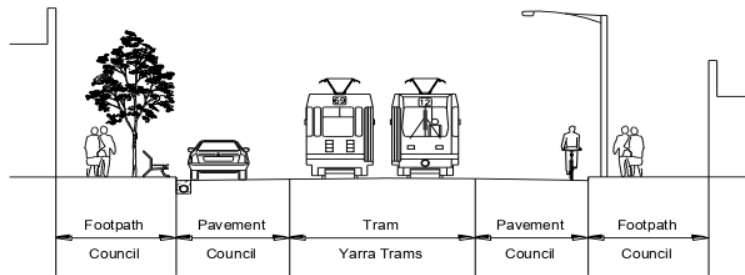
**Figure 1 – Declared Arterial Road with Shared Responsibility**

### 2.4.2 Local Roads with Tram Lines

Where tram tracks exist the Tram Operator is responsible for assets in the road reservation such as, tram tracks, yellow line marking, cat-eyes, overhead power lines and shelters. Tram operators are also responsible for the tram track reserve area typically within 500mm each side of the outer track rails in road reserves including crib crossings installed to protect pedestrians crossing tram tracks.

Council is responsible for the road reserve outside these limits.

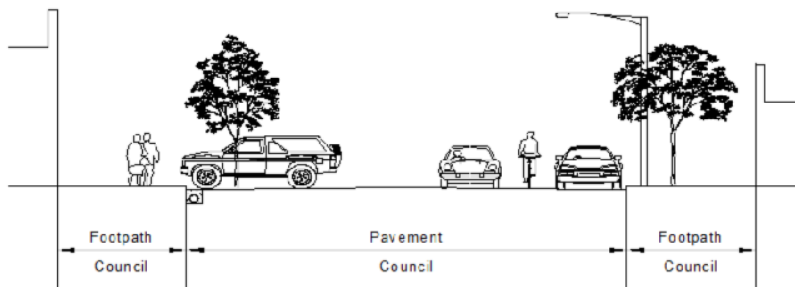
The demarcation of responsibilities between Council and Tram Operator is as shown in Figure 2.



**Figure 2 – Major Road with Shared Responsibility**

### 2.4.3 Local Roads

Council is both the Coordinating and Responsible Road Authority for all local roads.



**Figure 3 – Local Road with full Council Responsibility**

## Attachment 1 - Road Management Plan 2017 to 2021 draft amendments

### 2.4.4 Shared Roads

The City of Yarra shares boundaries with Melbourne, Moreland, Darebin, Banyule, Stonnington and Boroondara. Shared roads are those that may define boundaries with other municipalities. In most cases the adjoining municipalities are responsible for managing half of the road, depending on the boundary alignment.

The shared roads with adjoining municipalities are:

With Melbourne City Council

1. Bowen Crescent (Park Street to Garton Street), Princes Hill
2. Garton Street (Paterson Street to MacPherson Street), Princes Hill

With Moreland City Council

3. May Street (King Street to Ida Street), Fitzroy North
4. Park Street (Bowen Crescent to Wilson Street), Princes Hill

### 2.4.5 Bridges

There are a number of road bridges and railway line overhead bridges owned by others (Appendix 2).

VicRoads is responsible for the management and maintenance of the bridges and underpasses along Arterial Roads. All railway line bridges that cross above roads, underpasses, and level crossings are the responsibility of and maintained by the rail authority. The City of Yarra is however responsible for the maintenance of the road pavement and/or footpath over the rail lines as listed in Appendix 2.

Some footbridges along shared boundaries crossing the creeks have a shared responsibility between neighbouring Councils.

The shared *pedestrian* bridges are:

With Boroondara City Council

1. Walmer Street bridge (over Yarra River), Clifton Hill

With Darebin City Council

2. Merri Path/Knott Reserve Bridge (over Merri Creek), Clifton Hill
3. Merri Path/Coulson Reserve Bridge at (over Merri Creek), Clifton Hill
4. Holden Street Bridge (over Merri Creek), Fitzroy North

Formalised agreements detailing the responsibilities for managing bridges that are shared between Yarra and the neighbouring councils for the above had been prepared.

### 2.4.6 Public (Off-street) Car Parks

Off-street car parks outside road reserves including open space and recreation reserves are not considered as road assets under the Act and are only inspected by customer request.

Constructed car parks directly abutting edge of constructed roads are considered as ancillary areas and are included in the Plan. The inspection frequency, intervention levels and response time obligations of these car parks will be the same as those for the abutting roads.

### 2.4.7 Repair of Damaged Council Assets

Where a party other than Council has damaged a Council asset or road, that party shall be responsible for repairing the damage to ensure that it is safe and operates at the level it previously operated at or higher.

In particular, where secondary damage has been caused to Councils assets, such as subsidence from water damage, at a location other than the specific site of the asset works or repairs, the damage must be repaired by the responsible party.



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### 2.4.8 Legislation

This RMP has been prepared with reference to the following Acts, Regulations, and Codes of Practice:

- Road Management Act, 2004 (Vic)
- Local Government Act 1989 (Vic)
- Road Management (General) Regulations 2016 (Vic)
- Road Management (Works and Infrastructure) Regulations 2015 (Vic)
- Code of Practice for Operational Responsibility for Public Roads GG no s267, 17 December 2004
- Code of Practice for Road Management Plans GG nos201, 16 September 2004
- Code of Practice for Management of Infrastructure in Road Reserve GG no s117, 28 April 2016
- Code of Practice for Worksite Safety – Traffic Management GG nos276, 22 December 2004

### 2.5 Register of Public Roads

Council maintains a Register of Public Roads (the "Register") in accordance with s19 of the Act. The Register is a stand-alone document titled "Yarra City Council – Register of Public Roads".

The Register specifies all [public](#) roads and road categories (including laneways [and passageways that are public roads](#)) that Council will be responsible for [inspecting, maintaining and repairing in line with the performance standards and management systems set out in Council's RMP](#).

The Register also defines the general demarcations between private assets and Council assets. Where the City of Yarra enters into an arrangement with another organisation to carry out works on other public roads, the responsibility of the City of Yarra is limited to the terms of that agreement.

The Register will be updated from time to time as required if new assets are constructed, identified /discovered, transferred or existing assets disposed of. [Section 19\(4\) provides that Council must specify the details of any road or part of a road that has been discontinued in the Register.](#)

[The criteria and guidelines to identify 'public roads' and the processes for the inclusion, removal and retention of 'public roads' on the Register of Public Roads is set out in Council's Management Policy for Laneways, Passageways and Rights of Way in Yarra \(Incorporated Document to this RMP\).](#)

### 2.6 List of Non-Public Roads

[Council also maintains a list of 'roads' that are not declared \(or considered\) to be reasonably required for general public use, and therefore are not public roads. This list is an addendum to the Register of Public Roads.](#)

[The list comprises 'roads' \(predominantly laneways, passageways and ROWs\) that, based on the information available, are considered to be under the care and management of Council.](#)

[The list predominantly comprises 'roads' historically included on Council's Register of Public Roads that are not, or no longer, considered to meet the criteria of being a public road.](#)

[This list is provided as a reference to officers to assist with the delivery of Council's management functions relating to non-public roads as set out in Council's Management Policy for Laneways, Passageways and Rights of Way in Yarra \(Incorporated Document to this RMP\).](#)

[This list also provides an initial guide to community members on the existence of laneways, passageways and Rights of Way that, based on the previous inclusion on Council's Register of Public Roads, are considered to be 'roads' within the meaning of the Act.](#)

[This list will be updated from time to time as required if new non-public roads are identified/discovered or existing assets disposed of. This list also specifies that details of any 'non-public road' or part of a 'non-public road' that has been discontinued.](#)



## Attachment 1 - Road Management Plan 2017 to 2021 draft amendments

### 3 MAINTENANCE CATEGORY

#### 3.1 Introduction

Pursuant to s36 of the Act, Council is the coordinating road authority for the roads as well as pathways and ancillary areas within the road reserves of those public roads, as specified in the "Register of Public Roads".

This section describes the [public](#) road and pathway maintenance categories adopted in this RMP. The classifications assist in determining relevant performance standards (see section 4) for key maintenance areas such as inspection, maintenance, repairs and intervention levels. It also assists in other management activities such as allocating resources and specifying design and construction standards.

#### 3.2 Road

All Council managed [public](#) roads are classified as municipal roads in the Register of Public Roads.

Council has adopted, however, the following road maintenance categories for the purpose of setting the performance standards in terms of inspection, maintenance, intervention levels and repairs.

Traffic Type	Roads Included
Roads with major on-road bike lanes and shared zones	Refer to Appendix 3 and 4
Other local roads	Other Council roads in the Register of Public Roads
Laneways <a href="#">and passageways</a>	All <del>constructed laneways</del> <a href="#">laneways and passageways declared by Council to be reasonably required for general public use</a>

**Table 1 – Road Maintenance Categories**

These categories are based on vehicle 'volume/service level' and reflect the perceived risk associated with vehicle usage.

[Laneways and passageways that are not public roads will be managed as per Figure 5 and Section 7 of Council's Management Policy for Laneways and Rights of Way in Yarra \(Incorporated Document to this RMP\) Council has a number of laneways that are not constructed and is not obligated to do any particular work, and in particular, is not obligated to do any surface or drainage work on an unmade road or laneway.](#)

#### 3.3 Pathway

Council's pathway maintenance category is based on 'pedestrian volume /service level' and reflects the perceived risk associated with the pedestrian usage.

The following pathway maintenance category has been adopted to assist in setting performance standards in terms of inspection, maintenance, intervention levels and repairs.

Pedestrian Volume /Service Level	Pedestrian Environment
High	Major shopping strips, schools, aged care centres, senior citizen centres, hospitals, libraries, main community facilities, transport hubs.
Low	Residential areas, mainly at local streets.

**Table 2 – Pathway Maintenance Categories**

High pedestrian volume streets are listed in Appendix 5.

## Attachment 1 - Road Management Plan 2017 to 2021 draft amendments

### 4 PERFORMANCE STANDARDS

#### 4.1 Objectives

The objectives of setting performance standards –

- (1) Ensure public safety
- (2) Protect road infrastructure assets
- (3) Ensure an appropriate level of protection against civil liability claims based on available Council resources.

#### 4.2 Determining Level of Service

Council has determined the standard to which it will inspect, maintain and repair [public](#) roadways, pathways, road infrastructure and road related infrastructure assets. When assessing appropriate levels of service required for the various activities, the following are also taken into consideration;

- Utilisation
- Level of risk
- Cost

Council sets the performance standards for the following operational functions in [public](#) roads, pathways and ancillary areas –

- Inspection Program
- Maintenance levels of service (Defect Intervention level), and
- Response time.

#### 4.3 Inspection Programs

##### 4.3.1 Proactive Inspection Program

Various proactive road inspection programs are undertaken to identify defects and obtain condition data on the road infrastructure. The information obtained from these inspections is used to prioritise maintenance activities and develop future capital works programs.

Maintenance Category	Proactive Inspection Frequency
<a href="#">Public Road</a>	
Roads with major on-road bike lanes and shared zones	1 year
Other Local Roads	2 years
Laneways <a href="#">and passageways that are public roads</a>	3 years.
Pathway	
High Pedestrian Volume <sup>1</sup>	4 months
Low Pedestrian Volume	2 years
Bridges	
Pedestrian Bridge	12 months (Level 1 Inspection)
Road Delineation <sup>2</sup>	
All Categories	2 years

<sup>1</sup> includes inspection of roads and kerb and channel along high pedestrian volume

<sup>2</sup> typically include safety signs, guide posts, safety barriers, line-marking and pavement markers

**Table 3 – Proactive Inspection Frequencies**

## Attachment 1 - Road Management Plan 2017 to 2021 draft amendments

These inspections identify obvious defects (Table 4) to roads, footpaths, kerb and channels, and regulatory signs that are outside the maintenance intervention levels and are considered to be potential hazards and pose unnecessary risk to the road users. Other road defects such as wheel ruts, delamination, crocodile cracks, line markings etc are considered to be condition issues affecting the performance and are not included in Table 4. These latter defects will be considered in the development of capital works program.

Any defects associated with service utility pits, private street trees and vehicle crossings are reported to asset owner with a request to the asset owner to rectify the defect.

### 4.3.2 Reactive Inspection

This is unscheduled inspection undertaken in response to a customer request or complaint, usually within 3 days of notification. It also includes ad-hoc inspections undertaken by Council staff. An ad-hoc inspection may follow extreme weather conditions or intense development activities.

## 4.4 Maintenance Levels of Service

Levels of Service, including inspection frequencies, defect intervention levels and response times have been established for specific activities within each maintenance category.

In developing these levels of service, Council has considered community expectations, current service levels, the level of risk exposed and *available resources*. The current maintenance service levels being delivered are seen as being very close to reflecting the balance between customer expectations and financial affordability.

It is envisaged that the Levels of Service will be reviewed annually as more accurate data becomes available and customer expectations and resource allocations are reassessed.

### 4.4.1 Defects Intervention Levels and Response Times

Defects intervention levels and the corresponding response times included in the RMP are shown in the following table.

Defect And Intervention Level	Intervention Action <sup>1</sup>	Maintenance Category /Response Time	
<b>Pavement</b>		Roads with major on-road bike lanes	Other Roads
<b>Potholes</b> Pothole Ø=>300mm & D=>50mm (within major bike lane) Pothole Ø=>200mm & D=>50mm (roads with shared zones) Pothole Ø=>300mm & D=>100mm (all other roads)	Patch potholes <1 m <sup>2</sup> , in travelled way using bituminous and other appropriate materials to restore the riding surface to a smooth condition	10 working days	15 working days
<b>Cracking</b> Longitudinal Cracks > 20mm width (within bike lanes) All Cracks > 20mm (road with shared zone)	Seal and fill cracks and joints using liquid bituminous sealants	As per City Works crack sealing program	
<b>Tree Root Damage –</b> When pavement is raised >150mm (outside 2m square tree root base).	Ramping out displacement	15 working days	
<b>Lips between Utilities Assets and Road</b> Lip > 50mm	Level out to make safe and notify responsible service authority	Notify within 48 hours	
<b>Missing or Damaged Pit or Cover (Utilities Assets)</b>	Notify responsible service authority	Notify within 48 hours	
<b>Damaged Stormwater Pit /Cover or Steps &gt; 30mm</b>	Level out to make safe, repair or replace	10 working days	15 working days
<b>Regulatory signs and Supports</b>		2 working days	

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Defect And Intervention Level	Intervention Action <sup>1</sup>	Maintenance Category /Response Time	
Signs are damaged, incorrect, sign legend illegible at 150 m under low beam or in daylight, missing, or unstable support	Minor repair, straightening, re-erection, cleaning or replacement of signs and sole purpose supports.		
Kerb and Channel			
<b>Settlement</b> Channel settlement >150mm (over 5m length)	Repair / replace / realign kerb pitcher	15 working days	
<b>Displacement /rotation</b> Lip > 50 mm (non-tree root related) Lip >100 mm (tree root related)	Repair / replace / realign kerb and channel	15 working days	
<b>Laneway</b> (as measured beyond 0.5m from property boundary line on both sides of laneway)		All Laneways	
<b>Depression /Potholes (Asphalt or Concrete)</b> Pothole Ø=>300mm & D=>100mm; or Mounding / depressions >100mm	Apply a regulating / levelling course of bituminous materials to depressed or heaved areas of pavement <5m <sup>2</sup>	20 working days (temporary repair) then Refer to Capital Works Program	
<b>Depression (Bluestone)</b> Adjoining stones level diff >100mm; or Mounding or depressions >150 mm Missing pitchers Area 0.25m <sup>2</sup>	Reset, ramping out vertical displacement or replace broken, sunk, heaving, loose or missing bluestone	20 working days (temporary repair) then Refer to Capital Works Program	
<b>Footpaths (within road reserves)</b>		High Pedestrian Volume	Low Pedestrian Volume
<b>Trip Hazard</b> Lip >30mm (High Pedestrian) Lip >30mm (Low Pedestrian)	Grind (concrete footpath), repair or replace to level vertical displacement - <=5 bays - > 5 bays	10 working days Programmed works	15 working days Programmed works
<b>Potholes</b> Pothole Ø=>200mm & D>50mm	Patch potholes <0.2m <sup>2</sup> using bituminous and other appropriate materials to restore the surface to a smooth condition	10 working days	15 working days
<b>Cracking</b> All Cracks >20mm width	Seal and fill cracks and joints using liquid bituminous sealants	As per City Works crack sealing program	
<b>Tree Root Damage</b> (outside 0.8m square tree root base) Surface raised >50mm	Ramping out the displacement around tree roots using an asphalt fillet, concrete slurry or similar suitable material.	10 working days	15 working days
<b>Damaged Vehicle Crossing</b> Noticeable defects as to be potential hazards	Notify owner and request repair damage	Notify owner within 30 days	
<b>Overhanging Vegetation (Council trees)</b> Min Clearance: - 2.7m (above footpath) - 5.0m (above pavement).	Notify Council's Streetscape for follow-up action. Trim trees obstructing footpath, obscuring signs or visibility	Notify within 48 hours  As per tree pruning program	
<b>Overhanging Vegetation (Private trees)</b> Min clearance of 2.7 metres above the footpath and laneways.	Notify Council's Local Law for follow-up action.	Notify within 48 hours	
<b>Lips between Utilities Assets and Footpath</b> Level difference > 30mm	Level out to make safe and notify responsible service authority	Notify within 48 hours	

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Defect And Intervention Level	Intervention Action <sup>1</sup>	Maintenance Category /Response Time
<b>Missing or Damaged Pit or Cover (Third Party Assets)</b>	Notify responsible service authority	Notify within 48 hours
<b>Pedestrian Bridges</b>		
<b>Deck and Parapet</b> Uneven deck, loose or missing screws /nails, planks or boards, spalled posts and parapets	Paint, realign, repair or replace damaged sections.	30 working days
<b>Hazards and Emergency</b>		
<b>Obstructions</b> Road /footpath obstructions such as fallen materials from vehicles, dead animals, fallen trees, wet clay and other slippery materials.	Appropriate protection action and rectification	Initial assessment within 4 hours. Remediate within 24 hours.
<b>Emergency Response</b> All works arising from emergency incidents including flooding, fires, storms, traffic accidents to ensure the safety of the public and protection of the asset	Appropriate traffic control /management actions and implement public safety measures	Respond within 20 minutes and implement public safety measures within 4 hours. <a href="#">Remediate</a> within agreed timeline dependent on defect

1. Intervention action includes any action to remediate, conduct repairs, erect warning signs or reduce or remove a risk.

**Table 4 –Response Regime by Defects Type /Maintenance Category**

#### 4.5 Heritage Infrastructure

Heritage bluestone kerb and channel and laneways are recognised as being of local importance to the City of Yarra with historical, aesthetic and technical significance and they contribute to the significant heritage overlay precincts in the City of Yarra.

City of Yarra adopts a 'conservation' approach to all aspects of works with these heritage assets even though some of these heritage assets may not meet modern design, construction or maintenance standards and thus impacting on service delivery. Due to this constrained intervention action, e.g. asphalt patching on some of the defects may, at times, be only 'temporary' until permanent repair is carried out through programmed capital works.

Council's Infrastructure Materials Policy seeks to comply with Council's Heritage policy by encouraging the retention of original bluestone road or laneway materials. The objective is to conserve and repair the traditional street fabric of Yarra using historic materials, sympathetic to the character of the municipality while also meeting technical, access, safety and health requirements.

#### 4.6 Street Trees

Trees are the most important and highly visible asset within Yarra's parks, gardens and streets. Many of the City's trees are culturally important and some have heritage significance. They not only improve the liveability of the City, but characterise the place and provide enjoyment for people.

Council has a policy to preserve street trees as far as possible and to manage their well-being so that they continue to contribute to the quality of the urban environment.

Maintenance of roads, footpaths, kerb and channels may at times, where practical and without major damage to the integrity of the tree, require tree root pruning. If this is considered necessary, the optimal timing of this work would generally occur during the winter months in order to preserve the health of the trees.

Where tree root pruning is not immediately possible thus affecting effective remedial works it is recognized that local defects may persist such as ponding around the tree root base, obstruction to the natural flow of water in the kerb, and uplifting of footpath or road pavement outside the intervention levels.

Where a risk to pedestrians has occurred due to displacement of a footpath by tree roots, the site will initially be made safe and immediately referred to the program for temporary footpath repairs.

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Temporary repairs must be undertaken in such a manner that the integrity of the root system is not compromised whilst ensuring the risk to pedestrians is reduced. This may involve restoring the alignment and leveling out of the pathway surface with either replacement of pathway sections or ramping out the displacement using an asphalt fillet, concrete slurry or similar suitable material.



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### 5 MANAGEMENT SYSTEM

#### 5.1 Management System to Inspect, Repair and Maintain

The key feature of Council's 'management system' is to assist people through the use of technology and computer systems, in particular, helping officers to deliver service to the community within the statutory framework of the Act.

The management system by which the components referred to in the Road Management Plan will be undertaken are detailed in the following<sup>3</sup>.

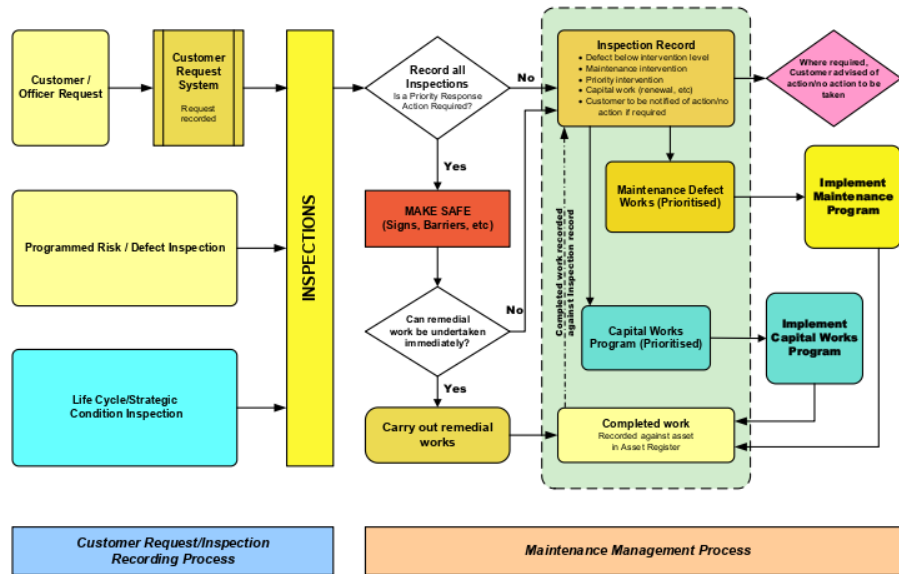


Figure 4 – Management System to Inspect, Repair and Maintain Roads

#### 5.2 Road Reserve Inspection Program Audit System (RRIPA)

Council deploys a smartphone application with key functions to facilitate field data capture during the programmed inspections. The application enables field inspectors to establish whether a defect manifestation is above the prescribed intervention level before defect data is logged. Defects information collected during field inspection are remotely transmitted to a server database which are then logged into Council's customer request management system to be further processed and programmed as either reactive or programmed maintenance depending on the risk assessment.

#### 5.3 Customer Request Management System (CRM)

All requests and notifications received from both the public and requests generated during the programmed inspections are captured in Council's corporate customer request management system (CRM). Key functions of the CRM are record keeping and request tracking, including records of all maintenance work, inspections and other actions performed on public roads.

<sup>3</sup> The management process for non-public roads in Yarra falls within the overall Management System framework set out in Figure 4 of this RMP. Refer to Section 7 of Council's Management Policy for Laneways and Rights of Way in Yarra (Incorporated Document to this RMP) for further information.

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### 5.4 Asset Information Systems

The Municipal Asset Support System (MASS) is currently the primary asset database for all road assets and bridges. It provides the essential asset data to other computer systems such as Council's geographical information system. As an asset register with all engineering attributes pertaining to road assets, MASS also provides key functions in condition assessment and reporting, asset valuation and depreciation schedules for accounting purposes.

### 5.5 Maintenance Works Program

Works program are developed from both the reactive CRM requests and the proactive program works based on the required timelines to complete the works as specified in the relevant Service Level Agreement within City Works.

The works program provides a proactive approach to maintenance or other works required by assessing the existing condition to determine if it is below, meeting or above the required standard as specified. Works that are considered to be non-urgent and beyond the maintenance scope of works will be referred to Council's capital works program.

### 5.6 Risk Management and Maintenance Categories

With regard to risk management, the Council has developed a simple risk assessment framework that uses risk-based prioritised activities for identified defects, as reflected in the different inspection programmes, intervention levels and response times for defects rectification.

Generally, defects found within roads with on-road bike lanes and roads with high pedestrian volume traffic are considered to be of higher risks than defects found in other parts of the municipal road network. Defects in these 'high risk' areas are accorded more frequent inspections, stringent intervention levels and faster response times, as indicated in Table 3 and 4.

### 5.7 Emergency Responses and After Hour Service

Council has established a 24x7 hour response capability so that assistance can be quickly provided in the event of an emergency. After hours calls received are screened for public safety by a Council Officer.

Emergency means a situation which, due to the actual or imminent occurrence of an event, will –

- endanger or threaten the safety or health of any person,
- destroy or damage any property or infrastructure,
- endanger the environment.

Required stock of warning signs and barricades are maintained to make areas safe until the following working day. Backup resources are available to patrol staff if required. The details resulting from the afterhours calls are recorded in CRM and the Maintenance Management System for any follow up action.

### 5.8 Managing Works within Road Reserve

In general, Council is the Co-ordinating Road Authority for all the public roads in the municipality. VicRoads is the Co-ordinating Road Authority for freeways and arterial roads.

The Act requires that any person intending to perform works within a road reserve must obtain the consent of the Co-ordinating Road Authority unless they are exempted under the Road Management (Works and Infrastructure) Regulations 2015.



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### 6 REVIEW OF ROAD MANAGEMENT PLAN

#### 6.1 Performance Review

The performance of the RMP will be reviewed internally by City Works staff *annually* in relation to the specified duties and actions in the plan and in relation to contractor performance, maintenance schedule and resource availability. Where major discrepancies are found matters shall be referred to the appropriate officer in Council for rectification and actioning.

A report on the performance in regard to the RMP will be presented to the Audit Committee and the Council following the internal review.

Independent audits *may* be undertaken by Council's internal auditors or by external auditors such as Council's insurers as directed by Council's Audit Committee.

#### 6.2 Review of Road Management Plan

If the adopted level of service, i.e. defect intervention level and/or rectification response time, is not achievable, the level of maintenance effort may need to be varied. The level of service, the anticipated quantity of works and Council's budget and resources would have to be reviewed and revision made to future version of the RMP.

A formal review, in accordance with sections s8(3) of the Road Management (General) Regulations 2016, will be conducted every four years generally in line with Council elections.

Any revision of the RMP would be subject to the consultation and approval processes as detailed in s54 of the Act.

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## Appendix 1 - Freeway and Declared Arterial Roads within Municipality

Arterial Roads and Freeways	From – To
Eastern Freeway	Gold St. to Yarra River
Alexandra Pde	Nicholson St to Gold St.
Punt Rd	Yarra River to Bridge Road
Bridge Road	Hoddle St to the Yarra River
Hoddle St	Bridge Road to Queens Pde
Brunswick St	Alexandra Pde to St Georges Rd
Burnley St	Barkly Ave to Victoria St
Chandler Highway	Heidelberg Rd to Yarra River
George St	Alexandra Pde to Queens Pde
Heidelberg Rd	Queens Pde to Darebin Creek
Johnston St	Nicholson St to Yarra River
Nicholson St	Victoria Pde to the Municipal boundary
Princes St	Nicholson St to Lygon St
Queens Pde.	Heidelberg Rd to Merri Creek
St Georges Rd	Brunswick St to Merri Creek
Swan St	Punt Rd to Yarra River.
Victoria Pde	Nicholson St to Hoddle St.
Victoria St	Hoddle St to the Yarra River
Church St	Yarra River to Victoria Street
Yarra Boulevard	Bridge Road to Loyola Gv
Barkly Av	Burnley St to Gibdon St
Twickenham Cr	Gibdon St to Loyola Gv
Loyola Gv	Twickenham Cr to Madden Gv
Madden Gv	Loyola Gv to Swan St

## **Attachment 1 - Road Management Plan 2017 to 2021 draft amendments**

### **Appendix 2 – Bridges Owned by Others**

The following bridge structures are not maintained by the City of Yarra.

- Church St Bridge over Yarra River
- Johnston St Bridge over Yarra River
- Johnston St Footbridge at Clarke St
- St Georges Road Bridge over Merri Creek
- Hoddle Street Footbridge at Vere St
- Rushall Cres Footbridge over Merri Creek
- Victoria St Bridge over Yarra River
- Heidelberg Road Bridge over Merri Creek
- Queens Pde Bridge over Merri Creek
- Heidelberg Road Bridge over rail line

**City of Yarra is responsible for the maintenance of the road pavement and/or footpath for the following bridges over the rail line:**

- Mary St Bridge over rail line
- Swan St Bridge over rail line
- Burnley St Bridge over rail line
- Coppin St Bridge over rail line
- Church St Bridge over rail line
- Freeman St Bridge over rail line

## **Attachment 1 - Road Management Plan 2017 to 2021 draft amendments**

### **Appendix 3 – Roads with Major On-road Bike lanes**

#### **Abbotsford**

Bath Street (Turner St to Trenerry Cr)  
Church Street (Victoria St to Murray St)  
Gipps Street (Yarra River to Wellington St)  
Langridge Street (Smith St to Nicholson St)  
Murray Street (Albert St to Church St)  
Nicholson Street (Johnston St to Victoria St)  
Rich Street (Johnston St to Turner St)  
Trenerry Crescent (Gray St to Johnston St)  
Turner Street (Rich St to Bath St)  
Victoria Crescent (Gipps St to Albert St)

#### **Clifton Hill**

Dwyer Street (Wright St to Heidelberg Rd)  
Fenwick Street (Walker St to Heidelberg Rd)  
Gray Street (Roseneath St to Alexandra Pde)  
Ramsden Street (Hoddle St to Capital City Trail)  
Roseneath Street (Hoddle St to Capital City Trail)  
Wright Street (Fenwick St to Dwyer St)  
Yambla Street (Wright St to Ramsden St)

#### **Fitzroy**

Brunswick Street (Alexandra Pde to Victoria Pde)  
Gertrude Street (Smith St to Nicholson St)  
Moor Street (Nicholson St to Smith St)  
Napier Street (Freeman St to Victoria Pde)  
Smith Street (Alexandra Pde to Queens Pde)  
Smith Street (Victoria Pde to Gertrude St)

#### **North Carlton**

Canning Street (Park St to Princes St)  
Newry Street (Lygon St to Nicholson St)  
Rathdowne Street (Park St to Princes St)  
Richardson Street (Lygon St to Nicholson St)  
Scotchmer Street (Nicholson St to St Georges Rd)

#### **North Fitzroy**

Falconer Street (Alfred Crescent to Rushall Cr)

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Michael Street (St Georges Rd to Queens Pde)  
Rushall Crescent (St Georges Rd to Queens Pde)

### **Princes Hill**

Park Street (Bowen Cr to Nicholson St)  
Pigdon Street (Bowen Cr to Nicholson St)

### **Richmond**

Coppin Street (Highett St to Swan St)  
Elizabeth Street (Hoddle St to Church St)  
Freeman Street (Muir St to Hoddle St)  
Highett Street (Burnley St to Muir St)  
Lennox Street (Victoria St to Swan St)  
Muir Street (Freeman St to Highett St)

### **Yarra**

Wellington Street (Queens Pde to Victoria Pde)

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### **Appendix 4 – Shared Zones**

#### **Abbotsford**

St Helier St

#### **Collingwood**

Robert Street

#### **Cremorne**

Walnut Street

Bryon Street

#### **Fitzroy**

Young Street (Between Duke Street and Victoria Parade)

#### **Richmond**

Lennox Street (Between Victoria Street and Butler Street)

Little Buckingham Street

Gibson Street (laneway to 511 Church Street)

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## Appendix 5 - High Pedestrian Volume / High Exposure Streets

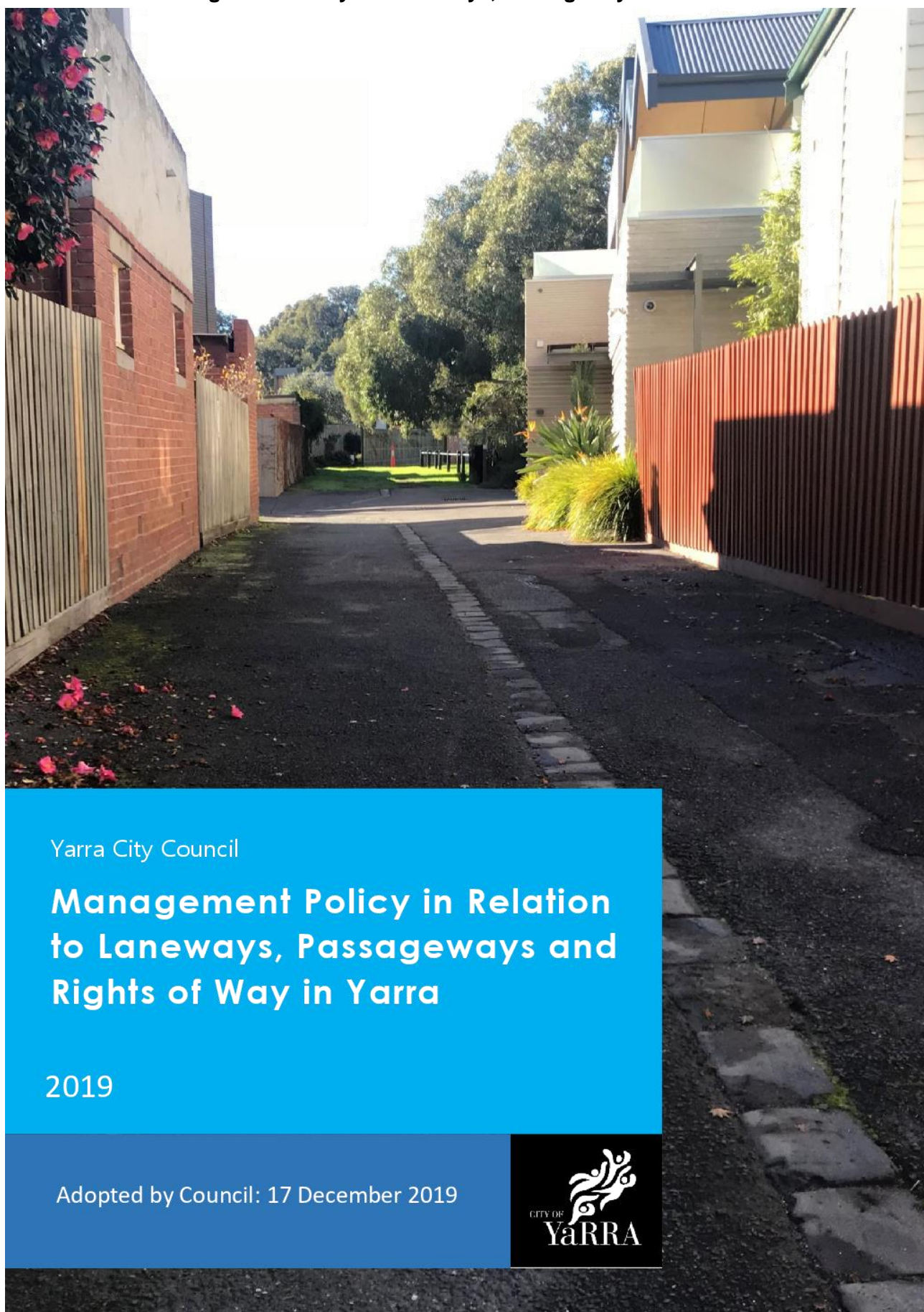
Precinct	Street	From	To	Suburb/s
1	Richardson St	Garton St	Lygon St	Princes Hill
1	Arnold St	McPherson St	Pigdon St	Princes Hill
1	Wilson St	Solly Ave	Pigdon St	Princes Hill
1	Garton St	Paterson St	McPherson St	Princes Hill
2	Rathdowne St	Princes St	Richardson St	Carlton North
3	Nicholson St	Richardson St	Park St	Fitzroy North
3	St Georges Rd	Watkins St	Scotchmer St	Fitzroy North
4	Queens Pde	Wellington St	Hoddle St North	Fitzroy North
4	St Georges Rd	Best St	Alfred Cr	Fitzroy North
4	Best St	St Georges Rd	Alfred Cr	Fitzroy North
5	Nil			
6	Spensley St	O'Dwyer St	The Esplanade	Clifton Hill
7	Nil			
8	Yarraberg St	Lucerne Cres	Heidelberg Rd	Alphington
8	Lucerne Cres	Heidelberg Rd	Yarralea St	Alphington
9	Brunswick St	Alexandra Pde	Johnston St	Fitzroy
9	Smith St	Alexandra Pde	Johnston St	Fitzroy
10	Nil			
11	Victoria Pde	Nicholson	Brunswick	Fitzroy
11	Gertrude St	Nicholson	Smith St	Fitzroy
11	Smith St	Victoria Pde	Johnston St	Fitzroy
11	Brunswick St	Victoria Pde	Johnston St	Fitzroy
11	Fitzroy St	Victoria Pde	Gertrude St	Fitzroy
11	Nicholson St	Victoria Pde	Hanover St	Fitzroy
11	Alma St	Entire length		Fitzroy
11	Regent St	Entire length		Fitzroy
11	Princes St	Entire length		Fitzroy
12	Otter St	Smith St	Wellington St	Collingwood
12	Stanley St	Smith St	Wellington St	Collingwood
13	Stanton St	Hoddle St	Park St	Abbotsford
13	Clarke St	Entire length		Abbotsford
13	St Heliers St	Entire length		Abbotsford
14	Victoria St	Hoddle St	Church St	Richmond
14	Bridge Rd	Hoddle St	Church St	Richmond
14	Lennox St	Bridge Rd	Highett St	Richmond
14	Erin St	Lennox St	Normanby Pl	Richmond
15	Church St	Highett	Bridge Rd	Richmond
15	Gleadell St	Bridge Rd	Highett	Richmond
16	Victoria St	Burnley	Yarra River	Richmond
17	Church St	Bridge Rd	Swan St	Richmond
17	Swan St	Punt Rd	Church St	Richmond
18	Bridge Rd	Church St	Burnley	Richmond
18	Swan	Church St	Burnley	Richmond
19	Nil			

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20	Church St	Swan	Yarra River	Cremorne
21	Nil			



## Attachment 2 - Management Policy for Laneways, Passageways and ROWs in Yarra



Yarra City Council

### **Management Policy in Relation to Laneways, Passageways and Rights of Way in Yarra**

2019

Adopted by Council: 17 December 2019



## Attachment 2 - Management Policy for Laneways, Passageways and ROWs in Yarra

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Title	Management Policy in Relation to Laneways, Passageways and Rights of Way in Yarra
Description	This policy provides the framework for consistent decision making regarding the management of laneways, passageways and Rights of Way in Yarra.
Category	Assets
Type	Policy
Approval authority	Director, City Works and Assets
Responsible officer	Manager Infrastructure, Traffic and Civil Engineering
Approval date	17 December 2019
Review cycle	Every four years
Review date	17 December 2023
Document Reference (Trim)	
Human Rights compatibility	This policy has been assessed and is compatible with the Victorian Charter of Human Rights of Responsibilities



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### 1. Introduction

There is an extensive network of streets, laneways, passageways and Rights of Way (ROWs) in Yarra, many of which have been in place since the early establishment of Yarra's suburbs.

Yarra's streets and the majority of its laneways, passageways and ROWs are 'roads' as per the meaning of a 'road' set out in legislation (the relevant legislation is referred to in this Policy where it applies).

Non-State Government roads in Yarra's municipal district ordinarily vest in Council ownership free of all mortgages, charges, leases and sub-leases. In many cases this will include historic 'public highways' (as per the definition(s) set out in legislation) and 'roads' on title that, over time, have fallen into disuse and have subsequently been incorporated into private land.

The ownership, management and access requirements of some laneways, passageways and ROWs can be less clear in comparison to Yarra's streets and in some cases is contested.

There are many laneways, passageways and ROWs in Yarra that are considered to be 'reasonably required for general public use' and as per legislation are 'public roads'.

However, there are some laneways, passageways and ROWs in Yarra that currently do not serve a wider community need and different management approaches need to be considered, noting that the public has a right to access 'roads' in Yarra, subject to any Council (or other relevant authority) permit or restriction that states otherwise.

In some cases, there are laneways, passageways or ROWs that are no longer required to be a 'road' and, subject to the requirements of legislation and Council policy, could become land with an alternative use and/or ownership.

For these reasons, a standalone Management Policy has been developed for laneways, passageways and ROWs (referred to hereafter just as laneways and passageways) to help guide decision making in line with legislative requirements and to ensure that community need is prioritised in the management of laneways and passageways.

To achieve this, this Policy sets out guidelines to identify which laneways and passageways are 'public roads' and therefore must be included on Council's Register of Public Roads (referred to hereafter as the Register).

The Policy sets out processes for the inclusion, removal and retention of 'public roads' on the Register and the management of 'public roads' in line with legislation.

The Policy also sets out the processes for the management of laneways and passageways in Yarra that are not 'public roads' (referred to hereafter as 'non-public roads') and provides guidelines on the management and ownership options for laneways and passageways that are no longer required to be 'roads'.

### 2. Purpose

To provide the framework for consistent decision making regarding the management of laneways and passageways in Yarra.

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### 3. Objectives

- 3.1. To establish a policy position in relation to Council's management functions for laneways and passageways in Yarra.
- 3.2. To guide decision making in line with the requirements of the Road Management Act (2004) and the Local Government Act (1989).
- 3.3. To ensure safe access and movement on laneways and passageways that are 'reasonably required for general public use'.
- 3.4. To ensure the integrity and function of Council infrastructure assets typically installed in laneways and passageways such as the stormwater drainage system.
- 3.5. To ensure that community need is prioritised in the management of laneways and passageways.
- 3.6. To set out the criteria for deciding which laneways and passageways in Yarra are 'public roads' to be included on the Register.
- 3.7. To set out the process that Council will undertake following a community enquiry on the management of a laneway or passageway in Yarra.
- 3.8. To set out Council's position on the future management and ownership of laneways and passageways that currently do not meet the criteria to be a 'public road'.

### 4. Abbreviations and Definitions

- 4.1. LG Act – Local Government Act (1989)
- 4.2. RM Act – Road Management Act (2004)
- 4.3. RMP – City of Yarra Road Management Plan (2017)
- 4.4. Register – City of Yarra Register of Public Roads
- 4.5. Laneway: In the context of this Policy, a laneway is a narrow 'street' that typically provides a shared access carriageway that facilitates the movement of people and vehicles of a suitable size to access the laneway, subject to any traffic management restrictions. Laneways in Yarra have varying access functions which may include providing the only access to a properties or a secondary (usually side or rear) access to properties. Some laneways in Yarra provide direct connections or form part of a link between two streets, while other laneways only provide access to a limited number of properties.
- 4.6. Passageway: In the context of the Policy, a passageway is a narrow access provided between two or more properties that typically can only facilitate movements by pedestrians and non-car transport. Some passageways in Yarra provide direct connections or form part of a link between two streets, while other passageways only provide access to a limited number of properties.
- 4.7. Road: This policy refers to a 'road' within the meaning of section 3 of the RM Act and section 3 of the LG Act.

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- 4.8. Public Road: This policy refers to a 'public road' within the meaning of section 17 of the RM Act.
- 4.9. Non-Public Road: In the context of this Policy, the term 'non-public road' is used to refer to 'roads' (including laneways and passageways) in Yarra that Council has determined not to be a 'public road'.
- 4.10. Public Highway: This policy refers to a 'public highway' within the meaning of section 3 of the RM Act and section 3 of the LG Act.
- 4.11. Right of Passage: This policy refers to 'right of passage' within the context of the rights of road users to access roads within the meaning of section 8 of the RM Act.
- 4.12. Discontinuance: In the context of this Policy, discontinuance relates to the act and formal processes associated with the discontinuance of a road as per section 12 of the RM Act and Schedule 10 of the LG Act.
- 4.13. Primary Access: In the context of this Policy, primary access for a property refers to the local street(s) or main road(s), in cases where the property has access from both a street/main road and a laneway or passageway. For properties accessed only from a laneway, the laneway is the primary access.
- 4.14. Secondary Access: In the context of this Policy, secondary access for a property refers to the laneway or passageway, where the property also has access from a street or main road.
- 4.15. Coordinating Road Authority: the road authority which has coordination functions in accordance with section 36 of the RM Act.
- 4.16. Responsible Road Authority: the road authority which has operational functions in accordance with section 37 of the RM Act.
- 4.17. Gazetted: has been published by Council in an official gazette (a publication that has been authorised to publish public or legal notices).

### 5. Identifying 'road' and 'public road' status for laneways and passageways in Yarra

- 5.1. The City of Yarra is both the coordinating road authority and responsible road authority for laneways and passageways that are municipal 'roads' and municipal 'public roads' in Yarra.
- 5.2. Laneways and passageways in Yarra fall under at least one of the following legislative classifications:
  - Laneways or passageways that are 'public roads' under the RM Act;
  - Laneways or passageways that are 'roads' but not 'public roads' under the RM Act (referred to in this Policy as 'non-public roads', as laneways or passageways that are 'public roads' also fall under the definition of a 'road' under both the RM Act and/or LG Act); or
  - Laneways or passageways that are not 'roads' under the RM Act or LG Act, simply meaning that the laneway or passageway would be a parcel(s) of land.
- 5.3. In addition to the above classifications, there will also be laneways and passageways in Yarra that are no longer required to be 'roads', but would retain the legal status of a 'road' until the 'road' is discontinued.

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- 5.4. Council has different responsibilities and risk exposure in relation to laneways and passageways that are 'public roads', 'non-public roads' and 'not roads at all', hence there is a need for Council to adequately identify which laneways and passageways fall into each category.
- 5.5. The responsibilities and risk exposure for these different categories of 'road' (or 'non-road') is summarised in Appendix A of this Policy.
- 5.6. A laneway or passageway can only be a 'public road' if it is a 'road'.
- 5.7. Laneways and passageways in Yarra are 'roads' either through:
  - Declaration of road status under an Act (such as RM Act, LG Act, Land Act (1988), Planning and Environment Act (1987) or any other relevant legislation); or
  - By being public highways under common law.
- 5.8. It is noted that the majority of laneways and passageways in Yarra are 'public highways' under common law.
- 5.9. In many cases this will include historic 'public highways' and 'roads' on title that, over time, have fallen into disuse and have subsequently been incorporated into private land, noting that a 'road' retains the status of a 'road' until it is discontinued.
- 5.10. In cases where the identification of the 'road' status of a laneway or passageway is not clear, or is contested, Council officers will undertake further investigation using the process set out in Figure 1 (page 6) as a general guideline.
- 5.11. For a laneway or passageway to be a 'public road' and therefore required to be included on the Register, it must either meet certain statutory definitions or Council may make a decision in writing that the road is 'reasonably required for general public use'.
- 5.12. The RM Act does not define the phrase 'reasonably required for general public use'. As such it is up to Council (as the Road Authority) to determine, guided by the principles that:
  - The road should be available for use by the community as a whole; and
  - There is an identified reasonable or legitimate need, such as the road is regularly used by the public or it serves a public need.
- 5.13. To ensure fair and consistent decision making, 'public roads' will be identified based on the criteria and factors to be considered by Council set out in Figure 2 (page 7).
- 5.14. The criteria and factors for consideration by Council is justified on the basis of:
  - The laneway or passageway is currently used by the public and as such there is a public need for the use of the laneway or passageway.
  - The laneway or passageway has an identified movement or access function and contributes to local or regional connectivity for some or all transport modes.
  - The public stormwater drainage system plays an important function in managing storm water. In some cases, disruption to the public stormwater drainage system may result in damaged or shorter life of assets, or may impact on neighbouring properties. In such cases Council may decide that it is in the public interest that the laneway or passageway is a 'public road'.

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- The laneway or passageway contributes to public safety or any other legitimate community outcome or need.
- 5.15. Conversely, laneways and passageways that do not meet the criteria will not be subject to a decision that they are 'reasonably required for public use' and so will not be 'public roads'. This is likely to include:
- Laneways and passageways that only provide access to adjacent properties and has no through connection (unless it has stormwater drainage function or identified legitimate community need); and
  - Disused laneways and passageways.
- 5.16. While these laneways and passageways will not be 'public roads', they will continue to be 'roads' until the 'road' is discontinued. Until discontinuance, the rights of road users under the RM Act to pass along a road will still apply.



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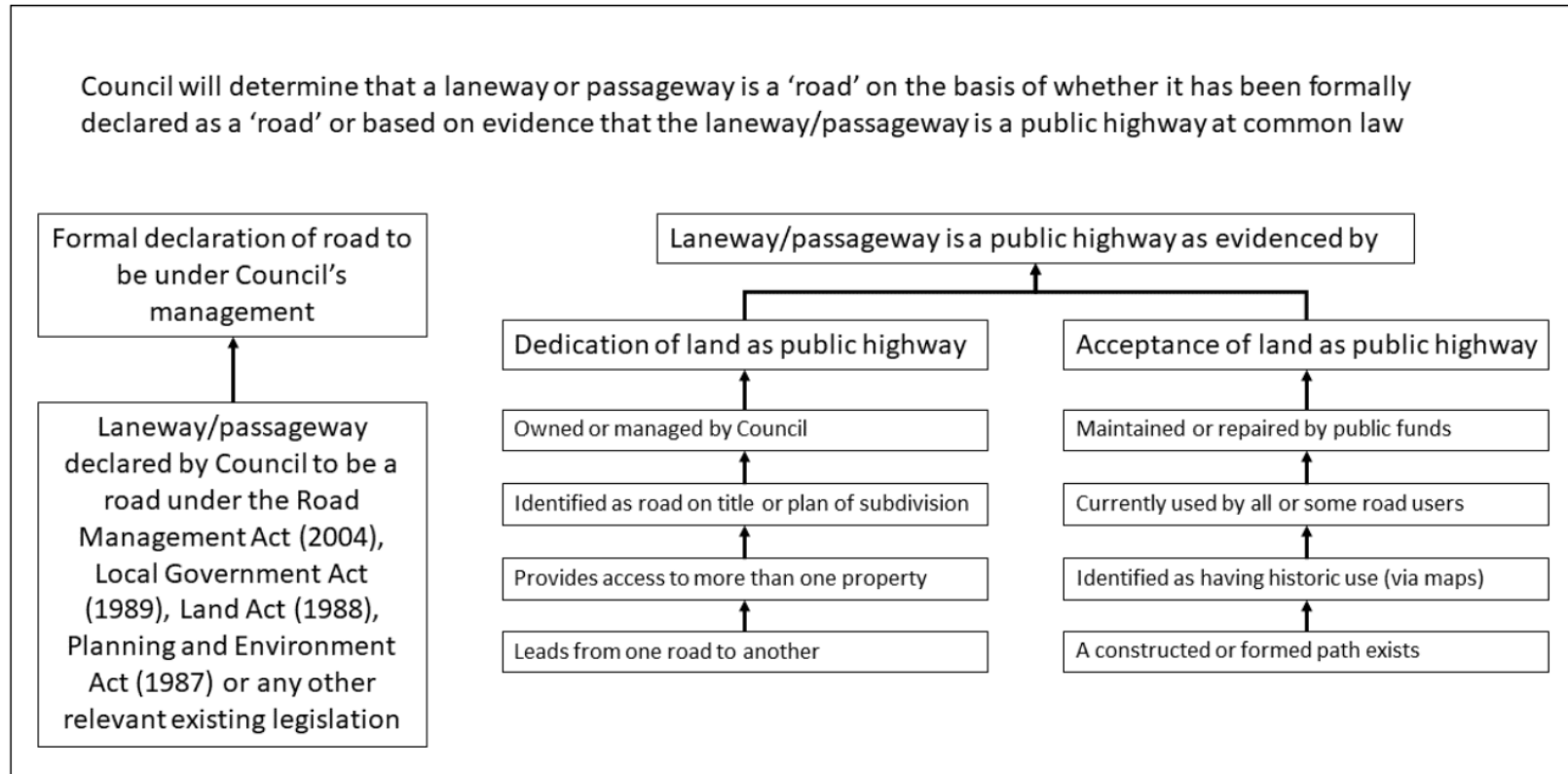


Figure 1 - Guideline to determine whether laneway or passageway is a 'road'

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Council will determine that a laneway or passageway is a 'public road' based on an assessment of the following criteria, and factors to be considered, on whether the laneway or passageway is 'reasonably required for general public use'.

In all cases the laneway or passageway must firstly be a 'road' for the purposes of the Road Management Act (2004) – see Figure 1  
Any new laneways or passageways created through subdivision will only be adopted as Public Roads if constructed to Council standards

### Criteria and factors to be considered

- Laneway/passageway is presently used by public and has not fallen into disuse
- Laneway/passageway directly connects to, or forms part of a link, between two roads
- Laneway/passageway provides the primary access point to a residence or business
- Laneway/passageway provides access to or is adjacent to public open space, sporting facilities, community facilities or a car park
- Laneway/passageway forms part of Council's storm water drainage system
- Laneway/passageway is constructed to Council standards
- Laneway/passageway is required for emergency fire access
- Laneway/passageway provides a legitimate other community need as determined by Council in its declaration of Public Road status (i.e. bluestone lane with heritage value)

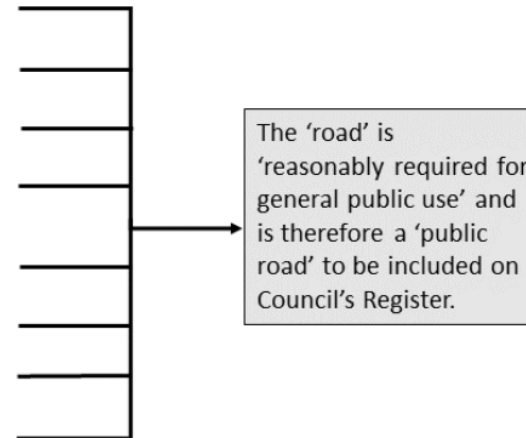


Figure 2 - Criteria and factors to be considered to determine 'public roads'

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### **6. Management of laneways and passageways that are 'public roads'**

- 6.1. Under the RM Act Council is required to have a Register of Public Roads (Register).
- 6.2. Council's current Register was first gazetted in 2004 and has been updated as required.
- 6.3. For a laneway or passageway to be a 'public road' under the RM Act, Council (or a delegate) is required at a meeting of Council to make a decision and record in writing that the laneway and passageway is 'reasonably required for general public use'.
- 6.4. This decision and record is a formal acknowledgement by Council that it has the responsibility for the ongoing inspection, maintenance, repair and risk associated with the laneway or passageway being a 'public road'.
- 6.5. Once Council makes this decision, Council will be required to add the laneway or passageway to the Register.
- 6.6. Similarly, if a 'public road' is no longer 'reasonably required for general public use', Council (or a delegate) is required at a meeting of Council to make a decision and record in writing that the laneway and passageway is not 'reasonably required for general public use'.
- 6.7. Once Council makes this decision, Council can remove the laneway or passageway from the Register.
- 6.8. The inclusion or retention of laneways and passageways as 'public roads' on the register will be based on the process and assessment set out in Figure 3.
- 6.9. Once a laneway and passageway becomes a 'public road', Council is under a statutory duty to inspect, maintain and repair the laneway or passageway.
- 6.10. Laneways and passageways that are 'public roads' will be managed as per the process set out in Figure 4 (page 9).
- 6.11. Laneways and passageways that are 'public roads' will be inspected, maintained and repaired as per the applicable standards as set out in Council's Road Management Plan (RMP).
- 6.12. To ensure that it is economically viable to manage the Register and to meet Council's obligation under the RM Act, Council will ensure that laneways and passageways are constructed or formed in line with standards to ensure safe access and to manage stormwater. Higher standard upgrades as per other policy objectives, such as the conversion of asphalt to bluestone laneways in heritage situations, will be referred to Council's long term capital works planning processes.
- 6.13. Laneways or passageways that are 'public roads' will have been considered as 'reasonably required for public use' such as by facilitating access or in some cases managing stormwater drainage (or be a 'public road' on another basis under the legislation). Any restrictions or blockages such as private gates or fencing will not be permitted and will be actively identified through inspections and removed via Council's compliance practices to ensure the integrity and facilitation of the public use.
- 6.14. In some cases, such as redevelopment of adjacent uses, the discontinuance of a laneway or passageway that is a 'public road' may be considered by Council. In such cases, the formal discontinuance process will apply (this process is distinct from the formal process to determine 'public roads').

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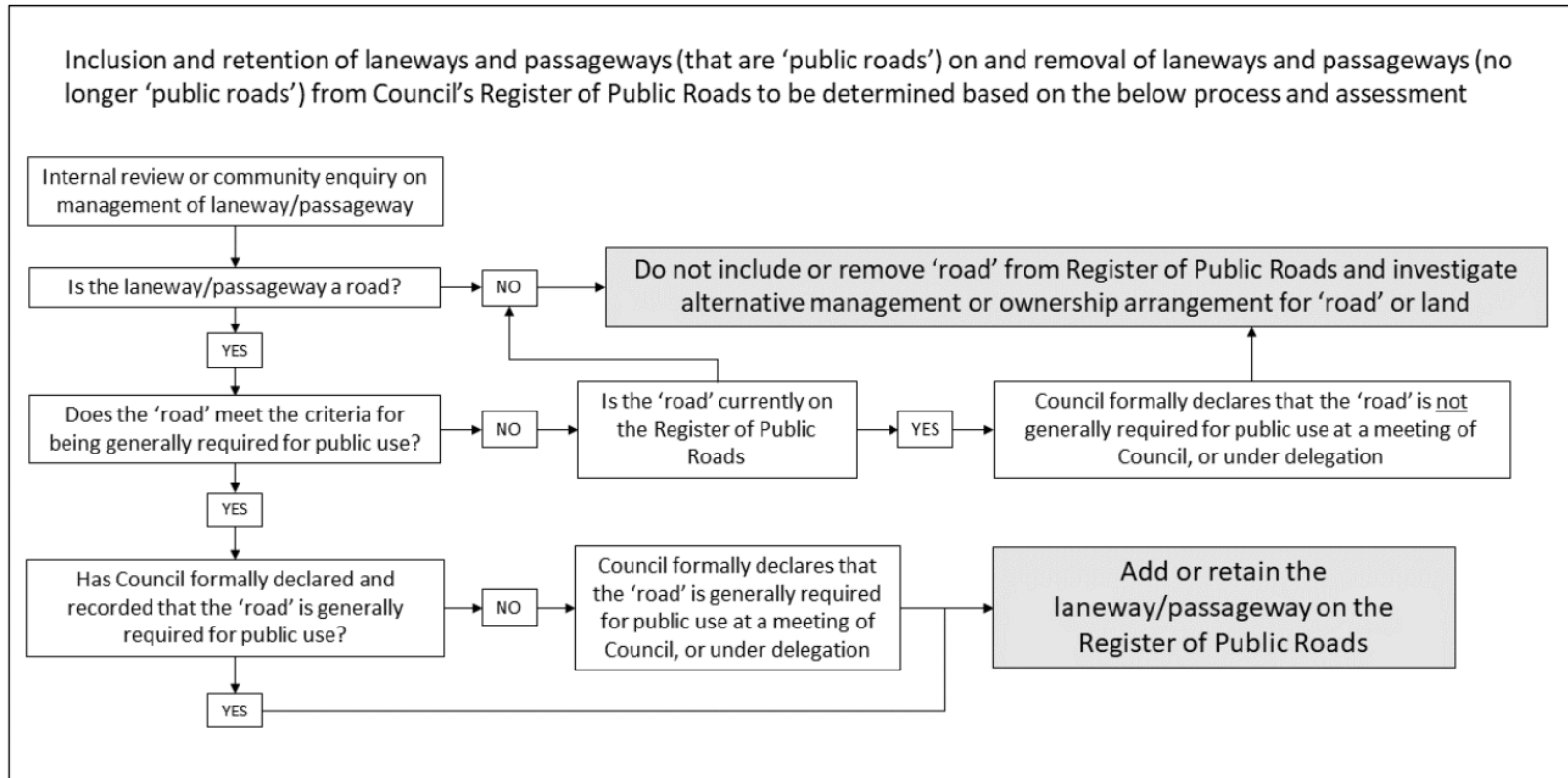
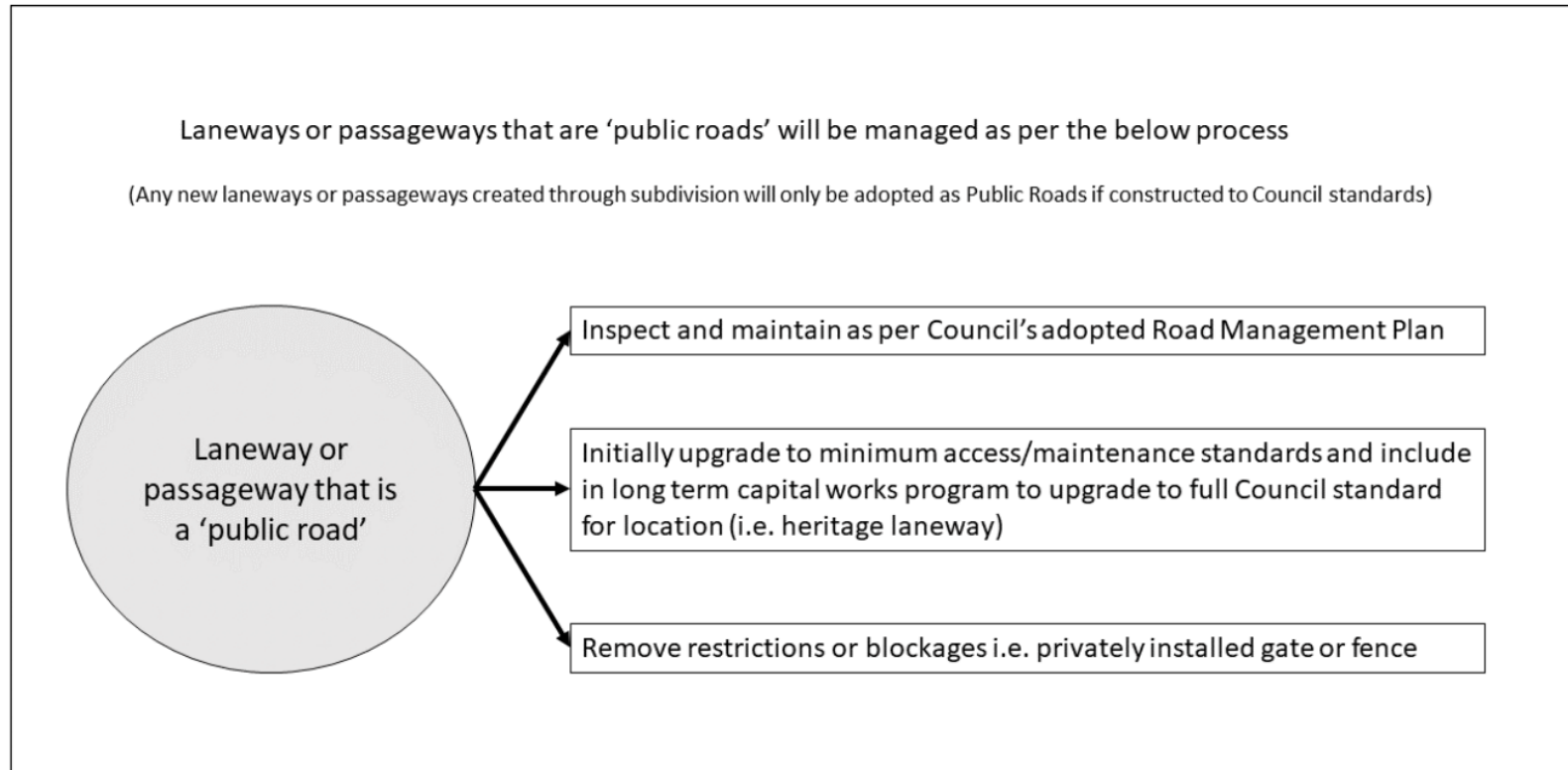


Figure 3 - Process to include, retain or remove 'public roads' on Register

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*Figure 4 - Management of laneways and passageways that are 'public roads'*

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### 7. Management of laneways and passageways that are 'non-public' roads

- 7.1. For laneways and passageways in which Council has not decided are 'reasonably required for general public use', or has decided that they are no longer 'reasonably required for general public use', an alternative method of management is required.
- 7.2. The majority of laneways and passageways in Yarra that are not 'public roads' (i.e. 'non-public roads') will be 'roads' under legislation and will continue to be 'roads' until they are discontinued.
- 7.3. Examples of 'non-public' roads would include:
  - A laneway or passageway between properties that serves no other purpose than providing access to the properties; or
  - A disused laneway or passageway with the legal status of a 'road' that has been incorporated into a private development that has not been formally discontinued.
- 7.4. Council has the care and management of laneways and passageways that are 'non-public roads'.
- 7.5. However, Council does not have a statutory duty to inspect, maintain and repair 'roads' under its management that are not 'public roads'.
- 7.6. For 'non-public roads', Council will be at risk of liability for negligence only if it chooses to engage in such inspection, maintenance and repair, or undertakes activities that could be interpreted as imposing a duty on Council to inspect, maintain or repair the 'non-public road'.
- 7.7. In order to minimise this exposure to liability, Council will maintain a record of 'non-public roads' known to Council, and will manage 'non-public roads' as per the process set out in Figure 5 (page 13).
- 7.8. There will be no regular programmed inspections of 'non-public roads', although Council will respond to requests from the community regarding safety issues or hazards within the reactive inspection times set out in the RMP.
- 7.9. Council has discretionary powers to inspect, maintain and repair 'non-public roads'. Council will respond reactively to community requests for maintenance which will be limited to:
  - Localised repairs or hazard warning based on level of risk to the community as identified by the inspection.
  - Minimal standard of maintenance to extend the lifecycle of the road.
  - Laneways and passageways will not be upgraded to a higher standard to which the road is constructed or previously used.
- 7.10. Roads users have the right to pass along a 'non-public road' and will have this right until the road is discontinued.
- 7.11. Council will not permit blockages (i.e. privately installed gates and fences) on Council owned or managed 'non-public roads' that restrict the access rights of road users.
- 7.12. Council will reactively respond to requests regarding obstructions and blockages to laneways or passageways and will enforce the removal any obstructions or blockages, at its discretion, that restrict the previously provided access or minimum required access rights of road users.

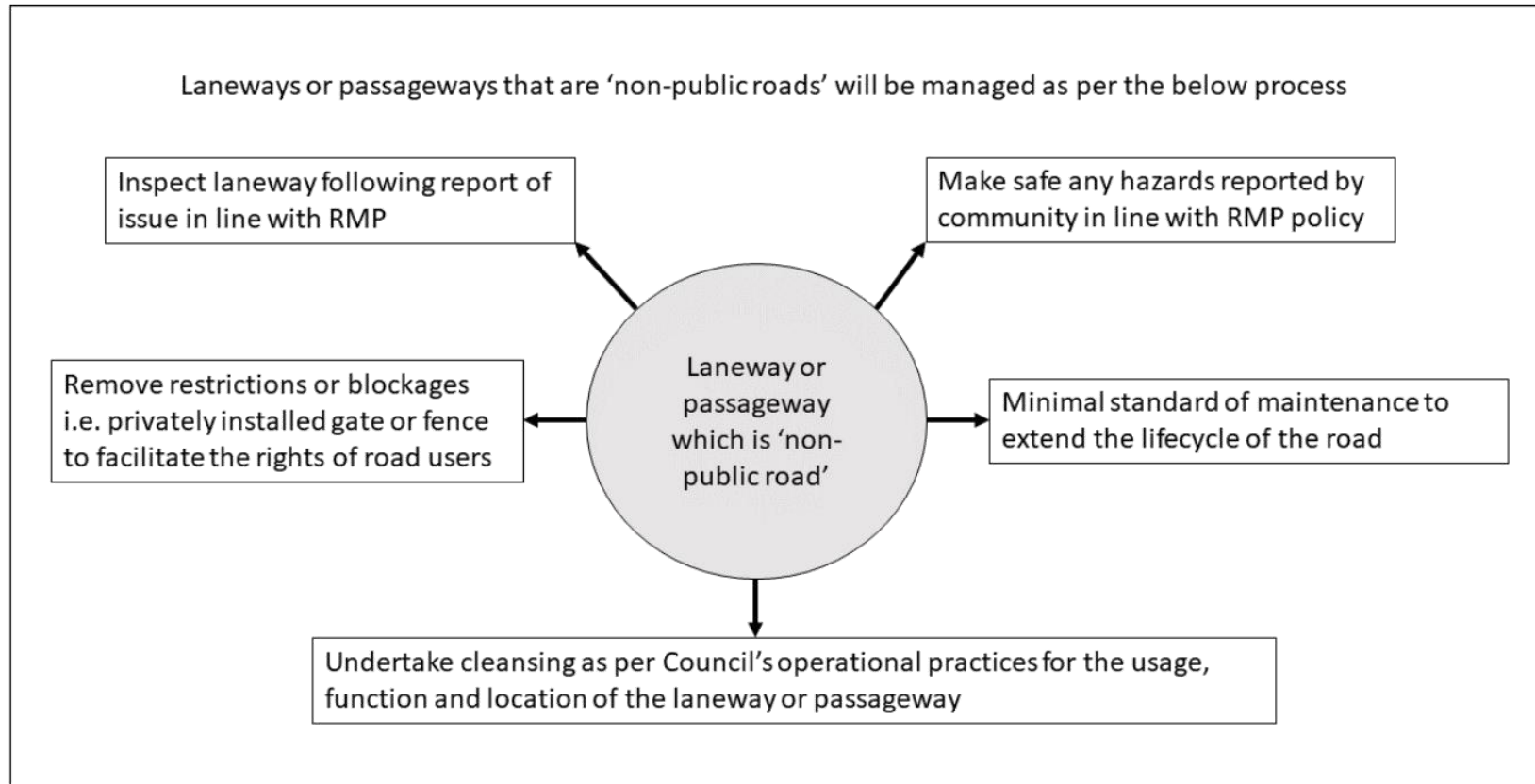
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- 7.13. Identified obstructions will be managed as per Council's compliance process which allows a grace period for corresponding with Council officers and private removal of the obstruction before enforcement action is taken.
- 7.14. Council will not be required to remove encroachments to provide better than existing access (i.e. to facilitate car or larger vehicle access) on laneways or passageways that are 'non-public roads' given that there will be an alternative primary access (i.e. the public road').

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*Figure 5 - Management of laneways and passageways that are 'non-public' roads*



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### **8. Management of laneways and passageways no longer required as 'roads'**

- 8.1. Some laneways and passageways in Yarra are currently not required, or may never be required, as roads.
- 8.2. This would generally include:
  - Laneways and passageways that are presently 'roads', where an alternative ownership or temporary management arrangement can be agreed that aligns with Council objectives and does not impact on the rights of adjacent property owners.
  - Disused roads incorporated into private property.
- 8.3. As Council only has discretionary requirements regarding the inspection of 'roads' that are not 'public roads', Council will not routinely undertake a program of determining whether a laneway or passageway should be discontinued as a 'road'.
- 8.4. This approach is considered justified as adverse possession does not apply in cases where the laneway or passageway is a 'road' and therefore there can be no unintended loss of public land.
- 8.5. Rather Council will review the ownership and management of the road, on a case by case basis, for example:
  - Council has had an unsolicited approach by a landowner or group of landowners to consider the discontinuance of the road status of the land, laneway or passageway.
  - A request to consider discontinuance has come as a result of enforcement action where Council has received a request to enforce the Local Law relating to unpermitted blockages (i.e. private gating or fencing) of the land, laneway or passageway.
  - An internal review has identified that the cost of cleaning and maintaining the land as a 'road' has become poor value to the community and there is no legitimate or reasonable community benefit relating to further public expenditure.
- 8.6. Council has the power to discontinue roads, and subject to legislative requirements and Council policy, sell them to a third party or retain them for municipal purposes.
- 8.7. The review of ownership and management of a laneway or passageway will be based on the process and assessment set out in Figure 6 (page 17).
- 8.8. In cases where there is no strategic or longer term municipal value, Council's preference will be to discontinue the laneway or passageway and sell the land to a new owner based on a cost agreed with Council's Property Services branch.
- 8.9. Any proposed discontinuance that will result in private ownership of a laneway or passageway will occur as per the requirements of the RM Act or LG Act, as the case may be, and will be assessed by Council based on advice commissioned and prepared by Council officers, in line with these Act(s), and will take into consideration, for example:
  - The interests of the general public, both now and going forward.
  - The requirements of emergency services and third party service authorities.
  - Impact on Council infrastructure, both now and going forward.

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- Impacts on adjacent property buildings, owners and occupiers.
- 8.10. In some instances, a Council decision to discontinue a road may result in the retention of the land under Council ownership and control. This may occur:
- Where an agreement cannot be reached with adjacent landowners on the sale of the land, but an alternative management arrangement can be agreed with Council.
  - Where the land has a strategic or longer term municipal value such as:
    - The potential for future public access or public infrastructure upgrade, where an interim alternative management arrangement can be agreed with Council.
    - The potential to facilitate future development as per Council's strategic planning objectives, where an interim alternative management arrangement can be agreed with Council.
    - Another important future community function as determined by Council, where an interim alternative management arrangement can be agreed with Council.
- 8.11. An alternative management agreement relates to the leasing of Council land for a period to be determined within a lease agreement between Council and the tenant.
- 8.12. The management responsibilities regarding the lease of a discontinued laneway or passageway is set out in Figure 7 (page 18).
- 8.13. The lease of the land will allow the tenant (or tenants) exclusive use of the land including the erection of temporary infrastructure (such as fences) subject to conditions including:
- The tenant being fully responsible for all cleaning and removal of rubbish.
  - The tenant being fully responsible for keeping the land in an acceptable condition.
  - The tenant reporting to Council any degradation of land that could result in a safety hazard that could result in a personal injury.
  - The tenant reporting to Council any requirement to maintain or repair the land.
  - The tenant agreeing to not making any permanent changes to the land or installing permanent structures on or above the land.
  - In the case of erection of gates blocking access to land, keys or access codes are to be supplied to adjoining owners with access rights to the land, and any agreed access rights are to be maintained and unrestricted.
  - The tenant enabling an annual inspection of the land by Council (or an inspection on request from Council if otherwise agreed).
  - The tenant agreeing to a payment of a bond as a means to recover costs if the land is not managed or maintained in line with the conditions of the lease arrangement.
  - The tenant accepting that the agreement may conclude, or not continue, at the end of the lease period, and that the lease may be revoked should the tenant not manage the land in line with the conditions of the lease agreement.
- 8.14. Council will respond reactively to tenant requests for maintenance which will be limited to:
- Localised repairs to make safe any potential hazards.

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- Minimal standard of maintenance to extend the lifecycle of the road.
  - The land will not be upgraded to a higher standard to which the land was constructed or previously used.
- 8.15. In instances where an alternative management arrangement cannot be agreed during the discontinuance process, the 'road' will not be discontinued, and the laneway or passageway will remain as a 'non-public road' and be managed as per the process set out in Figure 5 (page 13).
- 8.16. Council will maintain a record of leased land.

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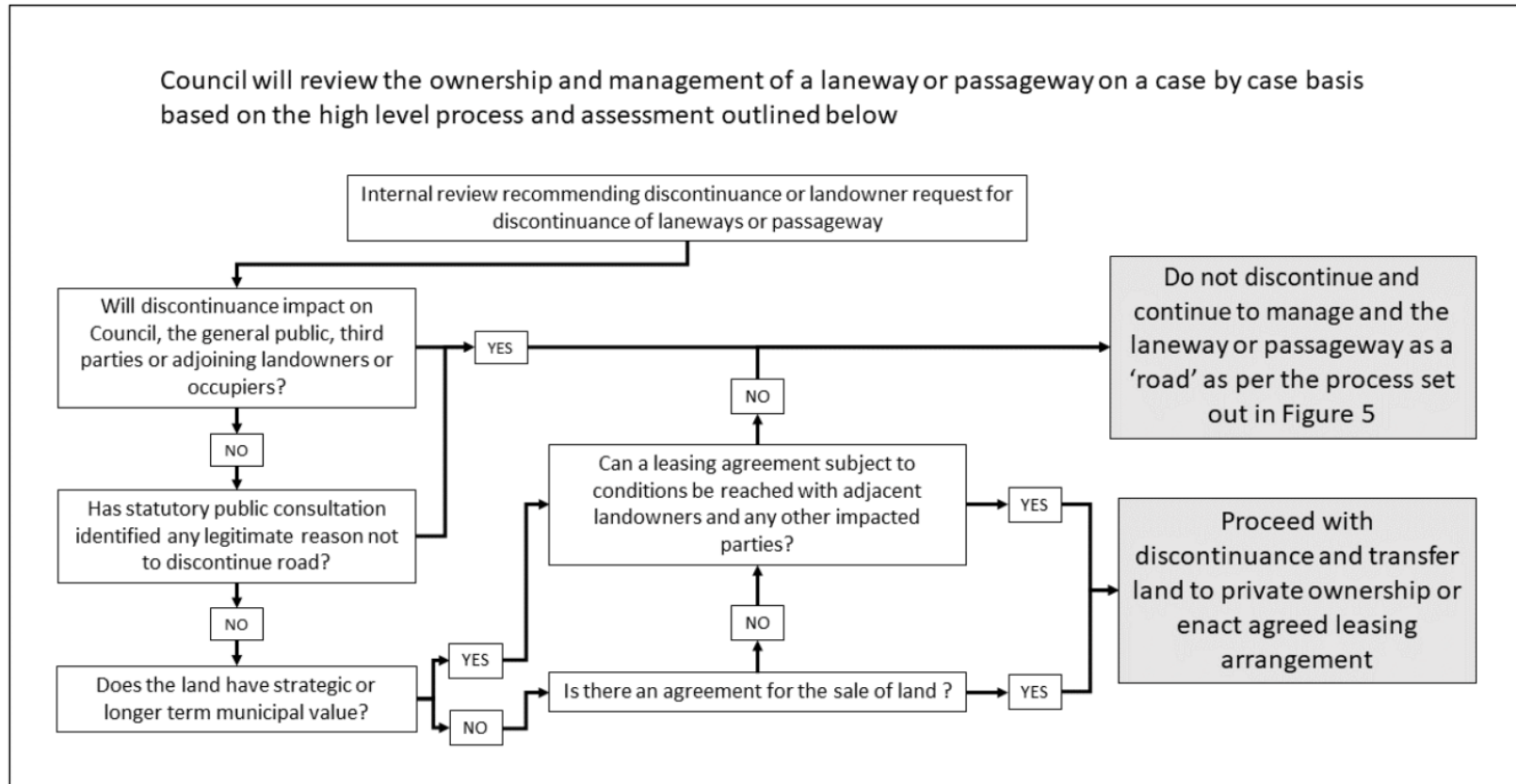


Figure 6 - Process to review ownership and management of laneway/passageway

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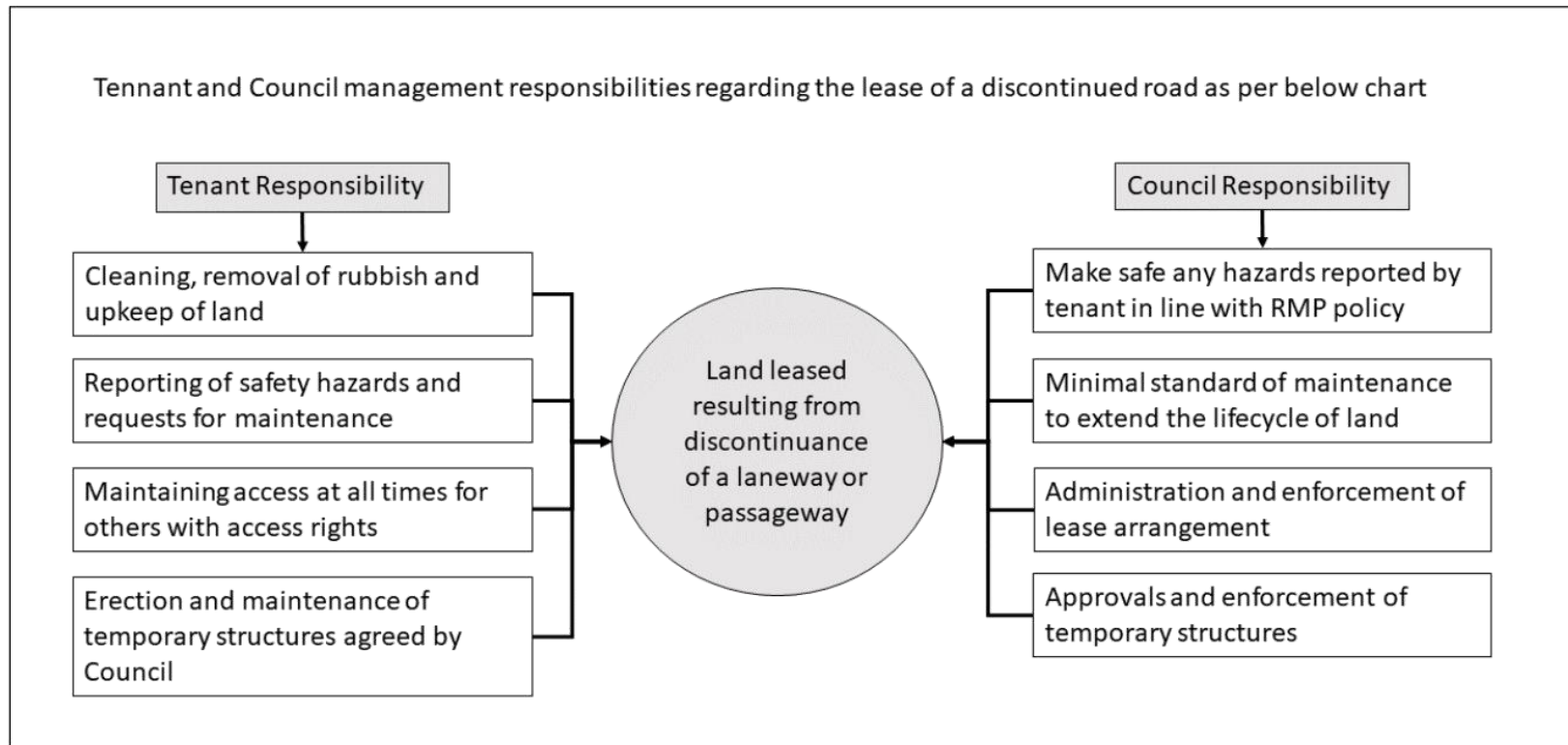


Figure 7 - Management of leased land resulting from discontinuance of a laneway or passageway

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### **9. Responsibilities**

- 9.1. The overall responsibility for the management of Council 'roads', 'public roads' and the Register sits with the Director City Works and Assets, and will be administered by branches within this division.
- 9.2. The overall responsibility for the administration of discontinuance of roads, the enforcement of Local Laws, and the leasing arrangements of Council discontinued roads sits with Director Corporate, Business and Finance and the Group Manager, Chief Executive's Office.
- 9.3. All Council staff involved in the management of laneways and passageways must inform the relevant administering branch of any changes or agreements regarding the ownership and management of laneways and passageways in Yarra.

### **10. Review of Management Policy**

- 10.1. This policy is an ongoing requirement as the Register will be continually reviewed and updated.
- 10.2. This policy will be reviewed and amended as required within each term of Council.
- 10.3. This policy will also be reviewed as part of the review of Council's RMP.

### **11. References**

Road Management Act 2004  
Local Government Act 1989  
Yarra City Council Road Management Plan 201

## Attachment 2 - Management Policy for Laneways, Passageways and ROWs in Yarra

Document Adopted: 17 December 2019



Maddocks

## Appendix A: Summary of responsibilities: public roads, roads and non-roads

	Laneways that are 'public roads' under RM Act	Laneways that are 'roads' (non-public) under RM Act	Laneways that are not 'roads' under RM Act
<b>Description/example</b>  [s 3(1) – definition of 'road'] [s 17(1) – definition of 'public road'] [s 12 – discontinuance of roads]	<p>Only laneways that are 'roads' may be 'public roads' (see next column).</p> <p>Usually a laneway will be a 'public road' only if Council has made a decision, in writing that it is a road that is 'reasonably required for general public use'.</p> <p>Reasons for decision:</p> <ul style="list-style-type: none"> <li>- the laneway is currently and regularly used by the public (generally a sufficient reason on its own); and/or</li> <li>- the laneway connects into and/or forms part of the wider road network;</li> <li>- the laneway abuts land used by the general public: eg public open space, community facilities, car park;</li> <li>- to facilitate future development of neighbouring properties; and/or</li> </ul>	<p>Most laneways are 'roads' under the RM Act, but some are not.</p> <p>A laneway is a 'road' if it is a 'highway' under the common law, ie, it has been used:</p> <ul style="list-style-type: none"> <li>- by the public;</li> <li>- as of right (not trespass or by invitation);</li> <li>- for a long and uninterrupted period of time;</li> <li>- even if <i>no longer</i> used by the public.</li> </ul> <p>Other factors that may mean a laneway is a 'road':</p> <ul style="list-style-type: none"> <li>- Council owns it or has access to it;</li> <li>- it is maintained and repaired at the public expense;</li> <li>- it is well-defined (constructed, fenced off);</li> <li>- it leads from one road to another;</li> </ul>	<p>Some laneways are not 'roads' under the RM Act, because:</p> <ul style="list-style-type: none"> <li>- they do not meet definition of 'road' in the RM Act (see column to left); or</li> <li>- they have formally been discontinued as a roads under the RM Act.</li> </ul>

A

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	Laneways that are 'public roads' under RM Act	Laneways that are 'roads' (non-public) under RM Act	Laneways that are not 'roads' under RM Act
	<ul style="list-style-type: none"> <li>the laneway contains public utilities or is required for fire access.</li> </ul> <p>(Alternatively, a laneway will be a 'public road' under the RM Act if Council has declared it to be a public highway under the LG Act.)</p>	<ul style="list-style-type: none"> <li>it is set aside for public use as a planning permit condition; and/or</li> <li>it is named and signed.</li> </ul> <p>(Alternatively, a laneway will be a 'road' under the RM Act if Council has declared it to be road under the RM Act.)</p>	
<b>Register</b>  [ss 17 and 19(4)]	<p><b>Yes</b>, must be added to the Register once it becomes a 'public road', eg:</p> <ul style="list-style-type: none"> <li>once Council decides it is reasonably required for general public use; or</li> <li>once Council declares it to be a public highway under the LG Act.</li> </ul> <p><b>Note:</b> a laneway is <i>not</i> converted into a 'public road' by being placed on the Register (see row above).</p>	<p><b>No</b>, need not be on the Register (and, if appears on the Register, should be removed).</p> <p><b>Note:</b></p> <ul style="list-style-type: none"> <li>If Council <i>has never made a decision</i> about whether a particular laneway is reasonably required for general public use, the laneway may immediately be removed from the Register (no decision required).</li> <li>If Council <i>has previously made a decision</i> that a laneway is reasonably required for general public use – the laneway is a 'public road' and must remain on the Register until Council makes another decision that the laneway is</li> </ul>	<p><b>No</b>, need not be on the Register (and, if appears on the Register, should be removed).</p> <p><b>Note:</b></p> <ul style="list-style-type: none"> <li>If the laneway is a former 'public road' that has been discontinued, the Register must note this.</li> </ul>

B



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	Laneways that are 'public roads' under RM Act	Laneways that are 'roads' (non-public) under RM Act	Laneways that are not 'roads' under RM Act
		no longer reasonably required for general public use (which will convert the laneway to a 'road' rather than a 'public road').	
<b>Status</b>  [s 108 and Schedule 5 – status of roads] [ss 7–9 – rights of road users] [ss 10; 12 – discontinuance]	<p>'Public roads' are a subset of 'roads' under the RM Act, therefore:</p> <ul style="list-style-type: none"> <li>- vest in Council, as owner, typically free of any mortgages, leases etc;</li> <li>- are not subject to adverse possession or easements by long use;</li> <li>- cannot be sold or leased;</li> <li>- cannot support private rights of way or easements; and</li> <li>- are not 'premises' and Council is not an 'occupier' for law of negligence.</li> </ul> <p>The public has rights in relation to 'roads', including 'public roads', under the RM Act:</p> <ul style="list-style-type: none"> <li>- all members of the public have a right of passage; and</li> <li>- owners and occupiers of adjoining land have right of access to road from their land.</li> </ul>	<p>'Roads' under the RM Act:</p> <ul style="list-style-type: none"> <li>- vest in Council, as owner, typically free of any mortgages, leases etc;</li> <li>- are not subject to adverse possession or easements by long use;</li> <li>- cannot be sold or leased;</li> <li>- cannot support private rights of way or easements; and</li> <li>- are not 'premises' and Council is not an 'occupier' for law of negligence.</li> </ul> <p>The public has rights in relation to 'roads' under the RM Act:</p> <ul style="list-style-type: none"> <li>- all members of the public have a right of passage; and</li> <li>- owners and occupiers of adjoining land have right of access to road from their land.</li> </ul>	<p>No status as 'roads' – ordinary parcels of land:</p> <ul style="list-style-type: none"> <li>- if discontinued, ordinarily vest in Council;</li> <li>- capable of being subject to mortgages, leases;</li> <li>- capable of being subject to private rights of way or easements;</li> <li>- capable of adverse possession or easement by long use;</li> <li>- may be sold or leased; and</li> <li>- 'occupier' liability is possible.</li> </ul> <p>The rights of road users are inapplicable, as not roads.</p>

C

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	Laneways that are 'public roads' under RM Act	Laneways that are 'roads' (non-public) under RM Act	Laneways that are not 'roads' under RM Act
<b>Council functions and powers to inspect, maintain and repair</b>  [ss 36(c) and 37(1)(e) – Council is road authority for municipal roads] [s 34 – functions of road authority] [s 35 – powers of road authority]	Yes – Council is the 'responsible road authority' and the 'coordinating road authority'.  See also Council's functions and powers related to roads under the LG Act.	Yes – Council is the 'responsible road authority' and the 'coordinating road authority'.  See also Council's functions and powers related to roads under the LG Act.	No – no 'road authority' in relation to land that is a not a road.  If Council is owner and/or occupier of laneway, may have functions and powers to inspect, maintain and repair in this capacity (see eg s 14B of the Wrongs Act).
<b>Duty to inspect, maintain and repair</b>  [s 40(1) – duty (public roads)] [ss 40(5) and 107 – no duty (non-public roads)]	Yes – express statutory duty on Council as road authority to inspect, maintain and repair public roads.  Standard to which duty to be performed is that specified in: <ul style="list-style-type: none"> <li>- Council's Road Management Plan;</li> <li>- failing that, any relevant policy; or</li> <li>- failing that by reference to s 101.</li> </ul>	No – express exclusion of any duty on road authority to inspect, maintain and repair non-public roads.  <b>Note:</b> If Council chooses to inspect, maintain and repair non-public roads, it may be liable if it does so negligently.	No – no 'road authority' in relation to land that is a not a road.  If Council is owner and/or occupier of laneway, may have a duty to inspect, maintain and repair in this capacity (see eg s 14B of the Wrongs Act).
<b>Liability</b>  [s 40(1) – duty (public roads)] [ss 40(5) and 107 – no duty (non-public roads)] [ss 39, 101–107 – defences/limitations]	Council may be exposed to liability for: <ul style="list-style-type: none"> <li>- failing to perform statutory duty to inspect, maintain or repair; or</li> <li>- performing such duty below the required standard.</li> </ul> Defences/limitations: <ul style="list-style-type: none"> <li>- duty always satisfied (any proceeding) if Council acts</li> </ul>	Council may be exposed to liability for negligence in inspecting, maintain and repairing laneways, but only if it chooses to engage in such functions.  Defences/limitations: <ul style="list-style-type: none"> <li>- if Council chooses to inspect, maintain and repair,</li> </ul>	N/A

D

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	Laneways that are 'public roads' under RM Act	Laneways that are 'roads' (non-public) under RM Act	Laneways that are not 'roads' under RM Act
	<p>in accordance with reasonably Road Management Plan or any relevant policy;</p> <ul style="list-style-type: none"> <li>- no negligence if acted in accordance with factors in s 101;</li> <li>- no negligence if had no actual knowledge of hazard or defect; and</li> <li>- no negligence if took care reasonably required to ensure not dangerous to traffic.</li> </ul>	<p>does so satisfactorily (any proceeding) if Council acts in accordance with reasonably Road Management Plan or any relevant policy;</p> <ul style="list-style-type: none"> <li>- no negligence if acted in accordance with factors in s 101; and</li> <li>- no negligence if another person was under a duty to do the inspection, maintenance or repair.</li> </ul>	

E