

# Ordinary Meeting of Council Agenda

**to be held on Tuesday 2 June 2020 at 7.00pm  
via TEAMS**

## **Participating in Council meetings during the COVID-19 pandemic**

In order to ensure the health and safety of Councillors, staff and the community, Council meetings held during the Victorian State of Emergency are closed to the public. This is in accordance with advice provided by the State Government.

Members of the public are encouraged to watch proceedings online at [www.yarracity.vic.gov.au/webcast](http://www.yarracity.vic.gov.au/webcast).

## **Making a submission**

In order to participate in the meeting, either by asking a question during Public Question Time or making a submission in relation to an item being considered at the meeting, you can lodge a written submission, which will be read in full to the Council by a Council officer on your behalf or you can arrange for a Council officer to telephone you during the meeting, and connect you directly to the Committee so you can make your submission yourself.

To participate in the meeting, you will need to lodge your submission or register to receive a phone call by midday on the day before the meeting. Submissions can be lodged online on the relevant meeting page on Council's website.

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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 Misha Coleman (Mayor)
- 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 and Culture)
- 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)
- Mel Nikou (Governance Officer)

## 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 19 May 2020 be confirmed.

That the minutes of the Special Council Meeting held on Thursday 21 May 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.

##### Public submissions procedure

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.

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

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

#### **9. General business**

#### **10. Questions without notice**

## 11. Council business reports

Item		Page	Rec. Page	Report Presenter
11.1	Final Draft Climate Emergency Plan for Adoption	6	13	Michael Oke – Sustainability Unit Manager
11.2	Amendment C231 Part 2 - 390A Queens Parade, North Fitzroy	104	119	Fiona Van der Hoeven – Assistant Manager City Strategy
11.3	Draft Yarra LGBTIQ+ Strategy	246	250	Sarah Jaggard – Senior Diversity and Inclusion Advisor
11.4	Community Engagement Policy and Action Plan	284	287	Brooke Colbert – Manager Advocacy and Engagement
11.5	2019/20 Annual Plan Review	313	316	Julie Wyndham – Manager Corporate Planning and Performance
11.6	Update of the Membership of the Inner Melbourne Action Plan (IMAP) Implementation Committee	318	319	Rhys Thomas - Senior Governance Advisor

## 12. Notices of motion

Nil

## 13. Urgent business

Nil

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## 11.1 Final Draft Climate Emergency Plan for Adoption

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### Executive Summary

#### Purpose

To present a revised Climate Emergency Plan to Council seeking its adoption, following a period of community consultation.

#### Key Issues

Yarra Council was one of the first local governments in the world to declare a climate emergency.

A consultation draft Climate Emergency Plan was developed and underwent nine weeks of community consultation from December 2019 to February 2020. The feedback showed a high level of support in the community for the Climate Emergency Plan; a number of aspects of the feedback also indicated that it should be more ambitious to reflect the emergency situation in the current climate crisis.

An updated final draft Climate Emergency Plan has now been developed based in this feedback and to reflect the short to medium term change in circumstances due to the COVID-19 pandemic.

The updated Climate Emergency Plan is a stronger document that has more measurable and specific targets and actions. The Plan presents a strategic direction to respond effectively to the climate emergency which requires sustained, collective and large-scale action across all levels of government, businesses and the community.

Through this Climate Emergency Plan, Yarra Council will make ambitious commitments to cut carbon emissions, and seeks to ensure the municipality is resilient to future shocks and stresses.

Adopting a Climate Emergency Plan presents considerable financial implications over a number of years.

Many actions can commence within current resources and then furthered as budget allocation is made available.

Due to the COVID-19 pandemic situation, some actions, however, that were put forward as actions for 20/21 in the consultation draft Climate Emergency Plan, have needed to be deferred for the time being. There are nevertheless, a number of key activities that can still be progressed within normal operational budget allocation in the first 6 months of 20/21.

Funding for further aspects of the Plan should be considered as part of the 20/21 mid-year budget review for potential additional allocation of funds to further accelerate action in the second half of year 1 of the Plan (20/21).

The revised Plan highlights that additional Council funds would be sought in future years, subject to future budget processes.

Some active transport measures (improvements to cycling and walking areas) can also be provided in the short term to assist in better *access and movement* for community members in and around the municipality whilst COVID-19 limitations are in place. These may be able to become permanent where they are proved to be successful.

#### PROPOSAL

In summary, the officers recommend that Council:

- (a) note the officer report regarding the draft Climate Emergency Plan;
- (b) note the summary of community feedback on the consultation draft Climate Emergency Plan and the attached revised final draft Climate Emergency Plan; and
- (c) endorse the Climate Emergency Plan, with or without changes.

## 11.1 Final Draft Climate Emergency Plan for Adoption

Reference: D20/87612

Authoriser: Director Planning and Place Making

### Purpose

1. To present a revised and final draft Climate Emergency Plan to Council seeking its adoption, following a period of community consultation.

### Background

2. Yarra Council was one of the first local governments in the world to declare a climate emergency, and is one of the first in Australia to develop a Climate Emergency Plan.
3. The climate crisis affects everyone - increasing health risks, disrupting power, transport and businesses and impacting parks, gardens and other assets.
4. The climate emergency is a major challenge and responding effectively needs urgent, sustained, collective and large-scale action across all levels of government, businesses and the community.
5. Yarra Council will need to play a strong role in bringing people together and building the community's capacity to take climate action in their own lives and help them to cope with the more severe climate impacts.
6. On 18 December 2018 Council resolved to develop a Climate Emergency Plan *"in light of scientific advice that we have just 12 years to dramatically reduce greenhouse gas emissions before runaway climate change"*.
7. On 3 December 2019, Council resolved to endorse the draft Climate Emergency Plan to be released for public consultation.
8. Public consultation on the draft plan occurred over 9 weeks from 5 December 2019 to 9 February 2020, with 145 Your Say Yarra submissions, 10 emailed submissions, 90 attendees at a public consultation session, as well as face to face engagement.
9. Overall there was a high level of support for Council developing a Climate Emergency Plan and its contents. There was also a significant portion of submissions and other feedback commenting that the plan needs to be more ambitious to reflect the emergency situation in the current climate crisis.
10. Key points raised from consultation included a desire for:
  - (a) measurable targets that are ambitious, but will also realistically be implemented and reported on by Council;
  - (b) bolder, more ambitious actions with fast implementation;
  - (c) additional data analysis and evidence to demonstrate actions are focussed on areas of greatest impact;
  - (d) major communications campaigns, community education and engagement programs that are highly visible across the city and help the community reduce carbon emissions and take other community-led action;
  - (e) stronger partnerships and avoidance of duplication of effort, including working with other councils and existing organisations running successful initiatives that could be scaled-up to efficiently increase Council's impact; and
  - (f) greater financial resources needed to achieve the level of impact desired.
11. A summary of feedback from community consultation can be found in Attachment 1.

12. The consultation draft Climate Emergency Plan (2020-2024) has now been updated having particular regard to this feedback; it is now considered ready for adoption by Council (Attachment 2). In finalising the Climate Emergency Plan, these key points of feedback have been addressed in the following ways.

*(a) Measurable targets*

13. The Objective in the plan to achieve zero-net carbon emissions across the entire Yarra community 'as soon as possible', has been revised to include a measurable target timeframe of 2030. It is noted in the updated plan that there is considerable policy, technology and systems-level change required to achieve this target by 2030 that is outside of Council's direct control.
14. Other minor wording revisions have been made to the other Objectives in the final draft Climate Emergency Plan, in line with feedback received.
15. Measurable targets have now been set for each of the five Strategic Priorities.

*(b) Bolder, more ambitious actions*

16. Several headline actions across each of the Strategic Priorities have been identified to be implemented over the next four years, subject to additional resourcing. These are summarised on page 7 of the Climate Emergency Plan.

*(c) Additional data analysis and evidence to support actions*

17. Additional analysis has been included in the revised Plan to better communicate the areas of greatest opportunity to reduce carbon emissions, particularly the substantial emissions from businesses and the need for a greater focus on this area.
18. The updated plan includes a commitment to carry out further data analysis and modelling to develop a roadmap towards zero emissions in the lead up the expiration of the four-year Climate Emergency Plan.

*(d) Major communications campaigns, community education and engagement programs*

19. The updated plan presents further details on the suggested communications and community programs to assist residents to reduce carbon emissions. It is noted that major programs with high visibility and reach into the community would require considerable additional resources.

*(e) Stronger partnerships and avoidance of duplication of effort*

20. Several actions have been updated for opportunities to work collaboratively, such as action 2.8 transition towards zero-carbon buildings and precincts.

*(f) Greater financial resources needed to achieve the level of impact desired*

21. The revised plan has updated funding requirements, as well as indicating where expanded programs would require additional resources, subject to future budget processes.
22. The Plan has also been updated in light of COVID-19 pandemic. As a society, we are currently experiencing two concurrent crises - the COVID-19 pandemic and the Climate Emergency. The impacts of the pandemic have been felt strongly and swiftly, necessitating a response within days across governments and communities. The climate crisis will continue to unfold over years as a combination of acute shocks and chronic stresses.
23. Right now when communities, businesses and governments are working on recovering from the pandemic, there's an opportunity to '*build back better*' — to act on the climate emergency and create a healthier, more equitable, prosperous society.
24. This Climate Emergency Plan sets long term objectives for the response to the climate emergency and identifies strategic priorities and actions to focus work over the next four years. This will need to involve an adaptive approach to implementation, to learn as action is taken and be flexible to respond to new opportunities and changes over the period.
25. The Objectives of the plan have been updated to:

- (a) *achieve zero-net emissions across the entire Yarra community by 2030, and accelerate the removal of excess carbon emissions;*
  - (b) *activate our community to take effective climate action - pushing for urgent change and changing the way we live and work;*
  - (c) *ensure our community is safe, healthy and resilient - especially those most vulnerable to severe climate impacts;*
  - (d) *create a city that continues to adapt to a changing climate and is ecologically healthy for all species; and*
  - (e) *collaborate and advocate with others in the climate emergency movement to increase our impact.*
26. To prioritise actions by Council over the next four years the document sets out five strategic priorities, with detailed actions provided under each of these. The strategic priorities are:
- (a) *mobilise and enable our community to respond to the climate emergency;*
  - (b) *accelerate renewable energy, zero carbon buildings and efficient operations;*
  - (c) *create a climate adapted city;*
  - (d) *transition to zero emissions transport; and*
  - (e) *move towards zero waste and conscious consumption.*
27. Some of the key actions in the final draft Climate Emergency Plan include:
- (a) introduce zero carbon standards for new commercial and residential developments, working with other government partners to amend the planning scheme;
  - (b) enable our community to cut their carbon emissions, lead grassroots projects and collectively push for the urgent climate action we need;
  - (c) help residents and businesses take up renewable energy and facilitate the install of solar installations;
  - (d) create climate adapted green spaces by harvesting more stormwater to irrigate our parks;
  - (e) advocate for urgent climate action by other levels of government, including strong renewable energy and carbon emissions reduction targets, along with policy and economic measures that both enable recovery from the pandemic and drive emissions reductions;
  - (f) 'Get off gas' by transitioning all Council's buildings to be all electric, powered by renewable energy;
  - (g) transition all Council's fleet to electric vehicles powered by renewable energy; and
  - (h) speed up the roll out of cycling infrastructure by trialling temporary protected bike lanes to inform permanent upgrades.
28. An overview of the *Objectives, Strategic Priorities, Targets, and Headline Actions* are provided on pages 7 - 8 of the Final Draft Climate Emergency Plan (Attachment 2).

### **External Consultation**

29. Since the release of the draft Climate Emergency Plan for consultation on 5 December, feedback was received via the following channels:
- (a) *Your Say Yarra* page - 145 submissions;
  - (b) Separate emailed submissions - 10 submissions, including from Yarra Climate Action Now, Yarra Energy Foundation, Fitzroy Residents Association;

- (c) A workshop-style public consultation session, 5 February at Fitzroy Town Hall - 90 attendees, including participation by key members of Yarra Climate Action Now, Futures Group, Yarra Environment Advisory Committee and Yarra Energy Foundation;
  - (d) Pop-up consultation at Collingwood Farmers Market, Gleadell St Market and Bargoonga Nganjin - 35 people engaged; and
  - (e) Targeted consultation with harder to reach communities through Carlton Neighbourhood Learning Centre and Yana Ngargna Advisory Group - 16 people engaged.
30. There was considerable promotion of the public consultation period on the draft plan, including through social media, council's website, various electronic newsletters (including Yarra Life, Yarra Environment News, Urban Agriculture News, Yarra Business News, Yarra Libraries) and Yarra News December print edition.
31. Targeted promotion to key individuals and networks was also utilised, including through advisory committees, neighbourhood houses, businesses and community groups.

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

32. Significant internal consultation has occurred with all areas impacted and influencing Councils' climate emergency response.
33. Teams consulted on the public feedback received and contributing to finalising the Climate Emergency Plan included Waste Minimisation and Urban Agriculture, Sustainable Transport, Traffic Engineering, Urban Design, Strategic Planning, Statutory Planning, City Works, Open Space Services and Communications.

#### **Financial Implications**

34. Adopting this final draft Climate Emergency Plan presents considerable financial implications over a number of years.
35. Many actions can commence within current resources and then furthered as budget allocation is made available.
36. It is noted that due to the COVID-19 pandemic situation, some actions that were put forward as actions for 20/21 in the consultation draft Climate Emergency Plan, have needed to be deferred. There are, however, a number of key activities that can still be progressed within normal operational budget allocation in the first 6 months of 20/21.
37. Funding for further aspects of the Plan should be considered as part of the 20/21 mid-year budget review for potential additional allocation of funds to further accelerate action in the second half of year 1 (20/21) of the Plan.
38. The revised Plan indicates that additional Council funds would be sought in future years, subject to future budget processes, to significantly increase programs to reduce carbon emissions in the community.
39. It is also noted that there are other strategies (and actions in those strategies) that also contribute to Council's response to the climate emergency, including urban forest, urban agriculture, sustainable transport, integrated water management, and waste minimisation and resource recovery areas.

#### **Economic Implications**

40. The Climate Emergency Plan includes actions that have strong economic benefits. These include a focus on zero carbon developments, renewable energy purchasing for businesses, facilitating a fast transition to electric vehicles in the community, and a safer, climate adapted city.

#### **Sustainability Implications**

41. The Climate Emergency Plan includes actions that also have multiple sustainability benefits including urban forest, urban agriculture, biodiversity, fauna and flora, sustainable transport, integrated water management, and waste management and resource recovery areas.



42. Some short term measures to assist in improved and safer pedestrian and cycling areas can also be pursued as part of the response to the current COVID-19 situation. These initiatives can then be assessed, and where successful, they could be made permanent through more enduring treatments over time.

### **Climate Emergency Implications**

43. Through this Climate Emergency Plan, Yarra Council would make ambitious commitments to cut carbon emissions, and to ensure the municipality is resilient to future shocks and stresses.
44. The Plan presents a strategic direction to respond effectively to the climate emergency which requires sustained, collective and large-scale action across all levels of government, businesses and the community.

### **Social Implications**

45. The Climate Emergency Plan includes actions that have considerable social benefits. These include a community that is actively engaged to reduce carbon emissions, taking climate action and more resilient to climate impacts.
46. There is a link to the urgent need for climate emergency responses and the current COVID-19 situation. The community have needed to urgently change behaviours because of the COVID-19 pandemic and this has shown the broader community that change can occur and how it can be achieved.

### **Human Rights Implications**

47. There are significant human rights implications of not taking urgent action to mitigate climate change and adapt to the impacts being felt already.
48. Climate change impacts are not likely to be felt by everyone equitably; they are likely to be disproportionately felt by vulnerable people, such as those on low incomes or with pre-existing health conditions.

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

49. During public consultation on the draft plan, written submissions were received from people from diverse cultural backgrounds, and face to face feedback was received through consultation with English language students at Carlton Neighbourhood Learning Centre, and Yana Ngargna Advisory Group and a representative from the Serbian Australian Pensioners Association.

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

50. The development of a Climate Emergency Plan responds to the following:
- (a) Council Plan Strategy 3.3 *Leads in sustainable energy policy and deliver programs to promote carbon neutral initiatives for the municipality;*
  - (b) the 2019/20 Annual Plan *Action 3.02 Climate Emergency: Present draft Climate Emergency Plan to Council;* and
  - (c) Council's commitments under the Global Compact of Mayors for Climate and Energy, to *"Develop [Municipal] Action Plans for both climate change mitigation and adaptation (climate resilience) within 3 years of becoming a signatory"* (March 2020).
51. There is also a link to the Council's community health and wellbeing plans and actions.

### **Legal Implications**

52. There are no known legal implications in adopting the Climate Emergency Plan.

## Other Issues

53. The COVID-19 pandemic and the requirement for changed behaviours in the community and individuals has clearly illustrated that changes can be made if the need or desire exists. These changes have shown a way forward regarding the required changes in relation to the climate emergency.

## Options

54. The Council can:
- (a) adopt the Climate Emergency Plan (with no or limited amendments);
  - (b) request significant changes and defer consideration until an updated Plan is brought back to Council; and
  - (c) not adopt the Climate Emergency Plan.

## Conclusion

55. The Climate Emergency Plan has been updated based on considerable public consultation and community feedback, and in consideration of the impacts of COVID-19. It is now considered ready for adoption by Council.
56. The updated Climate Emergency Plan is a stronger document that is also clearer and has measurable targets and actions.
57. The Plan presents a strategic direction to respond effectively to the climate emergency which requires sustained, collective and large-scale action across all levels of government, businesses and the community.
58. Through implementing this Climate Emergency Plan, Yarra Council would make ambitious commitments to cut carbon emissions, but also importantly, seeks to ensure the municipality is resilient to future shocks and stresses.
59. Right now when communities, businesses and governments are working on recovering from the impacts of the COVID-19, pandemic, there's an opportunity to '*build back better*' - to act on the climate emergency and create a healthier, more equitable, prosperous society.
60. The adoption of the Climate Emergency Plan presents a strong and important first step in this direction.

## RECOMMENDATION

1. That Council:
  - (a) note the officer report regarding the Climate Emergency Plan;
  - (b) note the summary of community feedback on the consultation draft Climate Emergency Plan as shown in Attachment 1;
  - (c) note the attached final draft Climate Emergency Plan as shown in Attachment 2;
  - (d) note that the final draft Climate Emergency Plan has been modified having regard to key points from the community consultation; and
  - (e) note that the action plan of the draft Climate Emergency Plan has had regard to the current COVID-19 pandemic situation and the constraints that has imposed upon the Councils budget for 20/21.
2. That Council, in the context of the above, endorse the attached Climate Emergency Plan as shown in Attachment 2.
3. That officers commence the programs and actions that are within the resource allocation of the 20/21 adopted budget and report back to Council in December 2020 with a progress report for Council consideration.
4. That Council consider the opportunities to fund further actions in the second half of the 20/21 financial year following the mid-year review process and also as part of the preparations for the 21/22 budget.
5. That Council authorise the CEO to finalise the Climate Emergency Plan consistent with the above resolution and arrange for it to be published as soon as possible.

**CONTACT OFFICER:** Michael Oke  
**TITLE:** Environment Coordinator  
**TEL:** 9205 5723

## Attachments

- 1 [↓](#) Attachment 1 - Public Summary Report - Consultation on Draft Climate Emergency Plan
- 2 [↓](#) Attachment 2 - Final Draft Climate Emergency Plan 2020-2024

# Attachment 1 - Attachment 1 - Public Summary Report - Consultation on Draft Climate Emergency Plan

## Attachment 1: Summary of Public Consultation on the Draft Climate Emergency Plan

### 1. Introduction

The Draft Climate Emergency Plan was released for public consultation from 5 December 2019 to 9 February 2020 (9 weeks). During this time, 306 community members provided feedback on the draft Plan via several engagement channels.

This report presents a summary of the consultation methods used; and a general overview of feedback received on the draft Climate Emergency Plan.

### 2. Consultation methods and responses received

Both targeted and broad consultation occurred during the consultation period, with the [Your Say Yarra](#) page providing the main platform for written feedback. The survey page had six questions asking respondents for their views on the proposed Objectives of the draft Plan, the actions proposed under the four Strategic Priorities, and an open-ended question seeking any other comments on the draft Plan.

There was also face to face consultation via advisory committees, drop-in sessions, a public consultation workshop and discussions with culturally diverse community members at a neighbourhood house.

### 3. Summary of responses

The following feedback was received via several channels:

- 145 submissions via the Your Say Yarra page, comprising the following demographics:

Age range of respondents	Percentage of respondents
Under 18	2%
18-25	1%
26-35	17%
36-45	18%
46-55	18%
56-65	21%
Over 65	23%

Connection to Yarra*	Percentage of respondents
Resident	78 %
Business owner or worker	18%

\*Some respondents identified as both resident and business owner

- 10 submissions emailed separately from individuals and groups
- 90 attendees at a workshop-style public consultation session at Fitzroy Town Hall on 5 February
- 35 people engaged via drop-by consultation at Collingwood Farmers Market, Gleadell St Market in December and Bargoonga Nganjini in January
- 26 people engaged via targeted consultation with culturally and linguistically diverse communities through a language class at Carlton Neighbourhood Learning Centre and Yana Ngargna Advisory Committee; and consultation with the Bicycle Advisory Committee.

### 4. Overview of feedback received

Overall there is general support for the Draft Climate Emergency Plan, however there was a reasonable portion of submissions commenting that the Plan needs to be more strategic and ambitious to reflect the emergency situation we face in the current climate crisis.

## Attachment 1 - Attachment 1 - Public Summary Report - Consultation on Draft Climate Emergency Plan

There were calls for Council to set clear targets and timeframes to reduce community carbon emissions, with greater funding needed to achieve rapid, large-scale reductions. At the public consultation session, the general view from attendees was consistent with the written feedback seeking improvements to the draft Plan.

As general points that apply across the Climate Emergency Plan, respondents made the following suggestions:

- (a) More measurable targets and timelines for actions and reporting on progress
- (b) Additional data analysis and evidence to demonstrate actions are focussed on areas of greatest impact
- (c) A need for major climate-related communications campaigns, community education and engagement programs
- (d) Stronger partnerships and avoidance of duplication of effort across councils, including new ways of working with existing organisations / successful initiatives that could be scaled-up
- (e) Additional financial resources to achieve the level of impact desired, especially for community programs to drive carbon emission reductions
- (f) A small proportion of respondents expressed a view that climate action is not core business for local government, and some rejected the climate emergency as a legitimate issue

### 6. Summary of specific feedback on sections of Climate Emergency Plan

#### 6.1 Feedback on the proposed Objectives for the Plan

Overall there was strong support for the proposed objectives, along with a desire for Council to set a measurable target timeline to achieve zero-net carbon emissions. Many called for zero-net emissions for the entire Yarra community to be achieved by 2030.

There were also suggestions to refine wording of the other objectives, including:

- rather than referring to an 'engaged' community, this could include a stronger focus on people taking action / changing behaviours
- a reference to safety, security health and resilience
- a stronger focus on collaboration with others and the importance of advocacy

#### 6.2 Feedback on the proposed Strategic Priorities of the Plan

##### ***Strategic priority 1: Mobilise and engage the community to respond to the climate emergency***

For actions under this strategic priority, some of the most common suggestions included:

- Expanding community programs —highly visible communication and education campaigns to help people understand how they can make change
- Establishing a 'citizen's assembly' —a representative group of people recommending responses to the climate emergency
- Council to working closely with others, including community groups, organisations, businesses and neighbourhood houses
- Neighbourhood houses as demonstration spaces, to hold workshops and share knowledge around taking climate action
- Support for the 'Nature in the Neighbourhood' initiative to reconnect residents with our natural environment
- Support for community grants for climate action and other council support for grassroots action and volunteering
- Support for engaging the community around divesting away from fossil fuels
- Potential for incentives, rewards and removal of barriers to action, particularly to reduce carbon emissions (e.g. differential property rates based on environmental performance)

## Attachment 1 - Attachment 1 - Public Summary Report - Consultation on Draft Climate Emergency Plan

- The need to reduce impacts from agriculture by shifting to plant-based diets
- Council staff and service areas to be advocates for climate emergency action, such as libraries, childcare, customer service and parks staff

### ***Strategic priority 2: Accelerate renewable energy, zero carbon buildings and efficient operations***

For actions under this strategic priority, some of the most common suggestions included:

- That this strategic priority —to drive carbon emissions reductions across the community — should be a major focus for Council
- Higher Environmentally Sustainable Development (ESD) standards for new developments
- Initiatives to assist renters to reduce carbon emissions
- Consider whether the level of action required to drive emissions reductions can be delivered within proposed resources in the draft plan
- Support for Council helping upgrade vulnerable people's homes to be more energy efficient and climate resilient, and a desire for more households to be assisted
- Potential for interest-free loans (e.g. like Darebin Solar Savers) for housing upgrades, subsidised solar and batteries and/or trialling new technologies like micro-grids
- The proposed public lighting upgrade was identified as providing limited climate-related benefits as street lighting is already powered with 100% renewable energy
- Support for Council transitioning its facilities away from gas, with a small number of submissions suggesting funds may be better used to help reduce community emissions
- Support for assisting businesses to reduce emissions, including through the purchase of renewable energy
- A desire for the removal of barriers to energy upgrades to buildings, such as solar installations in heritage areas

### ***Strategic priority 3: Create a climate adapted city***

For actions under this strategic priority, some of the most common suggestions included:

- Support for additional trees, along with increased vegetation overall to enhance biodiversity and a desire for additional open spaces in Yarra
- Additional food growing and related opportunities - more community gardens, localised food production, communal composting, worm farms and gardens
- Working with other stakeholders to lead and support greening across the municipality, not limited to Council land
- More information and support for community planting and volunteering
- Considerable support for a 'flagship' climate adapted street, demonstrating increased greening, water sensitive urban design, biodiversity and sustainable transport infrastructure
- Strong support for integrated water management, particularly greater stormwater harvesting and storage
- Several respondents saw this Strategic Priority as also needing to focus on emergency management and preparing the community for worsening climate-related impacts, using the recent bushfire smoke impacts as an example.

### ***Strategic priority 4: Transition to zero emissions transport***

For actions under this strategic priority, some of the most common suggestions included:

- Support for the use of pilots and trials to quickly enable sustainable transport infrastructure and calls for additional investment at a faster rate
- Support for facilitating a shift to electric vehicles and car sharing, acknowledging there is a need to reduce cars overall to reduce congestion and enable other benefits, like reclaiming road space for improved pedestrian areas and green space

## Attachment 1 - Attachment 1 - Public Summary Report - Consultation on Draft Climate Emergency Plan

- While there was a desire to transition to more sustainable transport options, several respondents saw a need for cars and did not want to see a reduction in on-street parking
- Considerable support for pilots / 'flagship streets' that demonstrate best practice for sustainable transport, shared space and enhanced greening
- Strong support for better separation of modes of transport, improved cycling and pedestrian infrastructure, with a focus on safety and connectivity
- Increased communications and education to encourage behaviour change to take up sustainable transport modes
- Considerable feedback seeking Council to convert all its fleet to electric vehicles as soon as possible (earlier than 2030)
- Support for development of an Integrated Transport Plan

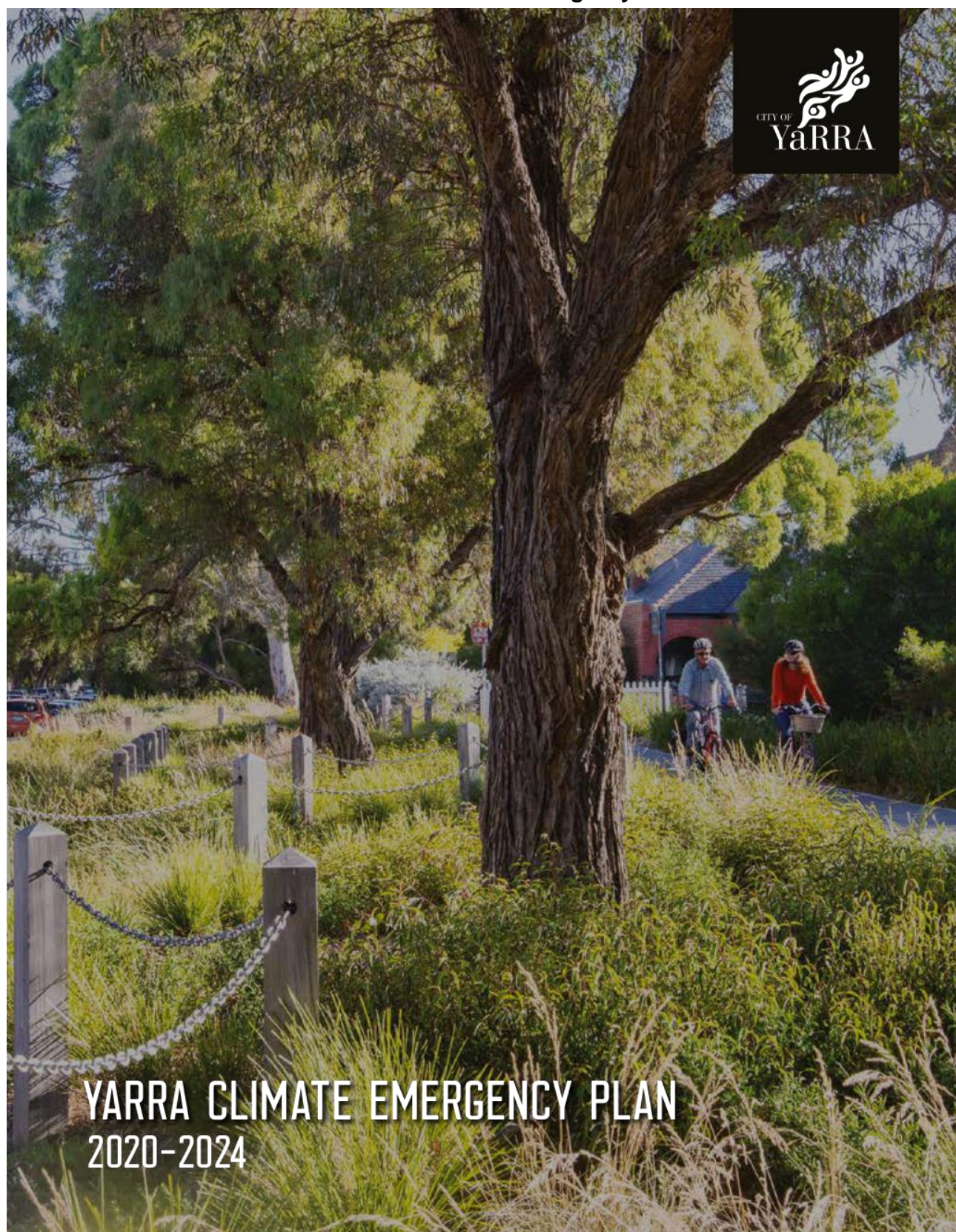
### ***Strategic priority 5: Moving towards zero waste and conscious consumption***

For actions under this strategic priority, some of the most common suggestions included:

- The kerbside food waste service was highly supported with a push for fast roll out across the city. (Note: feedback was received prior to Council's decision to roll out the four-bin service).
- More and higher profile waste communications and education programs and promotion of action being taken by the community to reduce waste
- Further emphasis on lifecycle and circular economy approaches, with a need to focus on avoiding waste and consumption in the first instance
- Expansion of existing initiatives such as recycling drop-off points / communal hubs, further work with businesses, more kerbside bin audits, feedback and compliance action
- Improvements to waste management in multi-unit developments, including food waste options for apartments
- Seed funding or other incentives for repair and reuse by businesses and groups
- Improved explanation of the carbon emissions associated with waste



**Attachment 2 - Attachment 2 - Final Draft Climate Emergency Plan 2020-2024**



**YARRA CLIMATE EMERGENCY PLAN  
2020-2024**



## Attachment 2 - Attachment 2 - Final Draft Climate Emergency Plan 2020-2024

### 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 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 and to their Elders past, present and future.

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#### Translations

العربية 9280 1930

中文 9280 1937

Ελληνικά 9280 1934

Italiano 9280 1931

Español 9280 1935

Tiếng Việt 9280 1939

Other 9280 1940

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## MAYOR'S FOREWORD

Our first Climate Emergency Plan cements Yarra's commitment to respond to the climate emergency. We're proud to be part of a growing movement — with over 1,400 jurisdictions across 30 countries that have declared a climate emergency —and we know that collective, global effort is needed across all levels of government, businesses and communities to address the climate crisis. We also recognise the interconnectedness of global warming, human health and environmental health.

Right now, as governments are designing plans to stimulate the economy and support people to recover from the COVID-19 pandemic, we have a once in a generation opportunity to 'build back better'. We can use the recovery efforts to lower carbon emissions, create the jobs of the future and support stronger, better connected communities.

This plan sets out our longer term targets and lays out the path ahead over the next four years. Through this plan we make several key commitments. We'll accelerate emission reductions in our operations, with a focus on getting off gas and switching to zero emissions vehicles. We'll support you to take climate action — to cut your carbon footprint and create change in your community. We'll also support you to cope with stresses, such as elevated urban heat and poor air quality, especially those of you who are disproportionately affected by worsening climate impacts.

We're changing the ways we manage our natural and built environments to handle climate-related disruptions. We're partnering with others and advocating for the changes that are urgently needed but are beyond the control of a local government — the magnitude of the climate crisis requires that we all work together. This plan sets out the road map for this collective approach.





## EXECUTIVE SUMMARY

Yarra City Council recognises that the climate emergency presents an unprecedented challenge – both globally and locally. Our planet's climate is already too hot, with dangerous heatwaves, droughts, storms and flooding becoming more intense and destructive. Global heating is now considered by the world's leading climate scientists and many others to be a 'climate emergency'.

Transformational change is needed across our society and economy to rapidly reduce carbon emissions and drawdown<sup>a</sup> emissions from the atmosphere in order to restore a safe climate. It requires large-scale action across all levels of government, businesses and the community to both cut carbon emissions and adapt to living on a hotter planet.

The major transition ahead needs to occur in a fair and socially equitable way. The most vulnerable people have typically made the least contribution to the problem and often have less capacity to respond and cope with the impacts.

<sup>a</sup>The removal of excess greenhouse gases from the atmosphere with the aim of restoring a safe climate.

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### 'Build back better' — Responding to the climate emergency and recovering from the pandemic

As communities, businesses and governments work on recovering from the COVID-19 pandemic, there's an opportunity to 'build back better' — to act on the climate emergency and create a healthier, more equitable, prosperous society. It's a unique opportunity for all levels of government to work together to stimulate the industries of the future — renewable energy, electrical vehicles, resource recovery solutions, water harvesting, environmentally sustainable housing, healthy ecosystem management, sustainable transport infrastructure and food systems. It's also an opportunity for relocalisation and strengthened community resilience — to lead lives that are less energy and resource intensive; and to support one another to cope with future shocks and stresses in all forms.

It's also an opportunity for relocalisation and strengthened community resilience — to lead lives that are less energy and resource intensive; and to support one another to cope with future shocks and stresses in all forms.

In this Climate Emergency Plan we have committed to actions that we can take as a local government, and we will work with and advocate to other levels of government to deploy policy and economic measures that both enable recovery from the pandemic and respond to the climate crisis.

Yarra Council is 'building back better' to act on the climate crisis and enable recovery from the pandemic through delivering our Climate Emergency Plan. We will:

- 'Get off gas' by transitioning all Council's buildings to be all electric, powered by renewable energy by 2030
- Transition all Council's fleet to electric vehicles powered by renewable energy by 2025
- Speed up the roll out of cycling infrastructure by trialling temporary bike lanes to inform permanent upgrades
- Create climate adapted green spaces by harvesting more stormwater to irrigate our parks
- Introduce zero carbon standards for new commercial and residential developments, working with other government partners to amend the planning scheme
- Enable our community to cut their carbon emissions, lead grassroots projects and collectively push for the urgent climate action we need
- Help residents and businesses take up renewable energy and facilitate solar installations
- Advocate for urgent climate action by other levels of government, including strong renewable energy and carbon emissions reduction targets, along with policy and economic measures that both enable recovery from the pandemic and drive emissions reductions

# OVERVIEW OF CLIMATE EMERGENCY PLAN

## Objectives

- Achieve zero-net emissions across the entire Yarra community by 2030, and accelerate the removal of excess carbon emissions
- Enable our community to take effective climate action — pushing for urgent change and changing the way we live and work
- Ensure our community is safe, healthy and resilient — especially those most vulnerable to severe climate impacts
- Create a city that continues to adapt to a changing climate and is ecologically healthy for all species
- Collaborate and advocate with others in the climate emergency movement to increase our impact

## Strategic Priorities

1. Mobilise and enable our community to respond to the climate emergency
2. Accelerate renewable energy, zero carbon buildings and efficient operations
3. Create a climate adapted city
4. Transition to zero emissions transport
5. Move towards zero waste and conscious consumption

## Targets

- By 2024, engage 10,000 people in Yarra to take action on the climate emergency
- By 2024, double the percentage of dwellings in Yarra with solar energy systems from 9% in 2019
- By 2024, achieve a 50% increase in the capacity of commercial solar installations across Yarra
- Before 2030, all Council buildings to be 'all-electric' — powered by 100% renewable energy with no use of gas
- By 2040, increase canopy cover for the whole municipality by 25% from a 17% baseline in 2014
- By 2024, 15% of total water consumption by Council to come from alternative sources
- Through an Integrated Water Management Plan, set additional targets for improved water quality
- Through developing an Integrated Transport Plan set ambitious targets to increase the share of trips by active and public transport and decrease the share by car
- By 2025, all Council's vehicles to be powered by 100% renewable electricity / zero emissions, where practical options are available
- Contribute towards the state government's targets to:
  - Divert 80% of waste from landfill by 2030, with an interim target of 72% reduction by 2025
  - Halve the volume of organic material going to landfill between 2020 and 2030, with an interim target of 20% reduction by 2025

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### Headline actions

- |   |   |  |
|---|---|--|
| <ul style="list-style-type: none"> <li>• Deliver a new climate program to enable the community to act on the climate emergency</li> <li>• Commit substantial grant funds to stimulate community-driven climate action</li> <li>• Upgrade the homes of vulnerable people to be more energy efficient and climate resilient</li> <li>• Deliver a new 'Nature in the Neighbourhood' initiative to reconnect people with our natural environment</li> <li>• Assist large energy users to switch to renewable energy via Power Purchase Agreements (PPA)</li> <li>• Support small businesses and residents to buy renewable energy through retail partnerships / independently reviewing retail options</li> <li>• Introduce zero carbon standards for new commercial and residential developments, working with local and state government partners to amend the planning scheme</li> </ul> | <ul style="list-style-type: none"> <li>• Develop a zero carbon developments framework and work with developers to achieve and promote leading practice</li> <li>• Seek to waive planning application fees for solar installations and improve guidance to help facilitate installs in heritage areas</li> <li>• Transition Council's small sites away from using gas within two years and larger, complex facilities before 2030</li> <li>• Accelerate street tree planting guided by Priority Planting Plans</li> <li>• Expand stormwater harvesting at Edinburgh Gardens to reduce reliance on drinking water for irrigation and improve water quality</li> <li>• Create additional pocket parks in high density areas through reclaiming road space</li> <li>• Develop options to implement trials or permanent works to enhance streetscapes through increasing tree plantings and permeable surfaces to mitigate heat, wind exposure and flood risk</li> </ul> | <ul style="list-style-type: none"> <li>• Support the installation of public-use electric vehicle charge points</li> <li>• Replace all Council's diesel and petrol powered vehicles with electric vehicles, where practical options are available</li> <li>• Use an 'iterative trial' approach to roll out transport projects quickly to inform permanent upgrades</li> <li>• Roll out a municipal-wide, four-bin food and organic waste kerbside collection service in 2020</li> <li>• Facilitate the development of local recycling solutions and markets for recyclables, working with industry and council partners</li> <li>• Phase out single use plastics across Council's operations and further engage the community to reduce plastics</li> </ul> |
|---|---|--|





# INTRODUCTION

## The climate emergency

Our planet's climate is already too hot, with dangerous heatwaves, droughts, storms and flooding becoming more intense and destructive. It is widely understood by the world's leading climate scientists that the unprecedented rate of global heating is destroying ecosystems, raising sea levels and undermining food and water security for many of the world's people.<sup>1</sup> It is not only a problem for the future - impacts are being felt here and now. These impacts will dramatically worsen as global temperatures continue to increase.

An emergency situation is a threat to life, health, property or the environment that has the potential to overwhelm and requires urgent intervention. The current level of planetary heating has reached this emergency condition.<sup>2</sup> The use of the term 'emergency' signals both the gravity of the climate crisis and the need for urgent interventions that go well beyond business-as-usual.

Global heating is primarily due to burning fossil fuels, such as coal, gas and other fuels that are used to power our buildings and vehicles and create the products and services we consume. Burning fossil fuels releases carbon (or greenhouse gas) emissions into the air, trapping heat in the atmosphere. Clearing vegetation from land and generating waste further worsens the problem.

To date, action to reduce carbon emissions and mitigate the resulting climate impacts has been inadequate. The planet has already warmed by more than 1°C over the last century with 13 of the 14 hottest years on record occurring this century. Global heating of 1.5°C or higher further increases the risks of very long-lasting or irreversible changes – it is not a safe level of warming. The UN Intergovernmental Panel on Climate Change warns that unless global emissions are halved within 10 years and virtually eliminated by 2050, the risk of mass-extinction, ecosystem loss, drought, floods, extreme heat and poverty of hundreds of millions of people is high.<sup>3</sup> Furthermore, our collective consumption of natural resources is greatly exceeding the Earth's ecological limits.



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The climate emergency will increasingly be an issue of security – both national security as impacts lead to conflict and mass movement of people; and personal security as people become more concerned about their health and livelihoods. Globally, we can expect large numbers of climate refugees forced to leave their homes due to environmental disruption.

Both globally and locally, the climate emergency will disproportionately impact the most vulnerable people in our communities who often have far less capacity to respond and cope with the impacts. The people who are unfairly impacted are typically those living on low incomes, the aged and very young, people who are chronically ill, Indigenous people, people experiencing homelessness, and those from culturally and linguistically diverse backgrounds. There is also likely to be more people experiencing climate-related anxiety and grief due to the ecological losses, immediate stresses or concern about future generations and their ability to live healthy lives.

According to the UN Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES), the health of ecosystems on which we and all other species depend is deteriorating more rapidly than ever. Around 1 million animal and plant species are now threatened with extinction, many within decades, more than ever before in human history.<sup>4</sup> Global heating is a driver of biodiversity loss and ecosystem destruction, along with land clearing, over-exploitation, pollution and invasive species. Devastation to the natural environment is exacerbated by the inability of many species to adapt at the same pace as the climatic change and the changing risk of pests and disease. Locally, the places that Australians identify with and the wildlife we cherish are suffering because of intensifying climate impacts, including the recent unprecedented bushfires.<sup>5</sup>

### Local climate impacts

Climate risk trends will significantly impact our natural environment, ecosystems, agriculture, the built environment, and importantly, the health and wellbeing of our community. In addition to the direct impacts of heat and drought, our community's health will continue to be affected by worsening air quality due to bushfire smoke, changes in the spread of infectious diseases, risks to drinking water quality, and the mental anxiety of living in an increasingly uncertain world. The health impacts associated with bushfires have been acutely felt recently. The federal parliament's Royal Commission into National Natural Disaster Arrangements (commonly referred to as the bushfire royal commission), recently heard from medical experts who estimated around 445 people died as a result of smoke from the 2019/2020 bushfires and over 3,000 people were admitted to hospital for respiratory problems.<sup>7</sup>

A hotter climate is expected to bring more heavy rainfall events, which will increase the potential for infrastructure, waterway and property damage and associated mental and physical health risks. Future rainfall is difficult to predict, however on average rainfall in Melbourne has declined by 100-200mm per year with the 1°C of global heating already experienced. It is likely that as the planet continues to heat and our population grows, Melbourne's water resources will be placed under increased pressure, with greater incidence of drought and water shortages. Ensuring a continuous and secure water supply will be a challenge in the future.

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Climate risk trends will significantly impact our natural environment, ecosystems, agriculture, the built environment, and importantly, the health and wellbeing of our community. In addition to the direct impacts of heat and drought, our community's health will continue to be affected by worsening air quality, changes in the spread of infectious diseases, risks to drinking water quality, and the mental anxiety of living in an increasingly uncertain world.

As a highly-urbanised, high to medium density municipality, Yarra experiences elevated urban heat (example in Figure 1.), which will further increase as the planet heats up. People who are most vulnerable during extreme heat (especially if coupled with power outages) are those living in intense urban heat islands, older people, the very young, people who are chronically ill, those experiencing homelessness, socio-economic disadvantage and Indigenous and culturally and linguistically diverse communities.

### Climate risks for Melbourne<sup>8</sup>



MORE DAYS OF  
EXTREME HEAT



HARSHER  
FIRE WEATHER



RISING  
SEA  
LEVEL



MORE  
FREQUENT AND  
INTENSE HEAVY  
DOWNPOURS



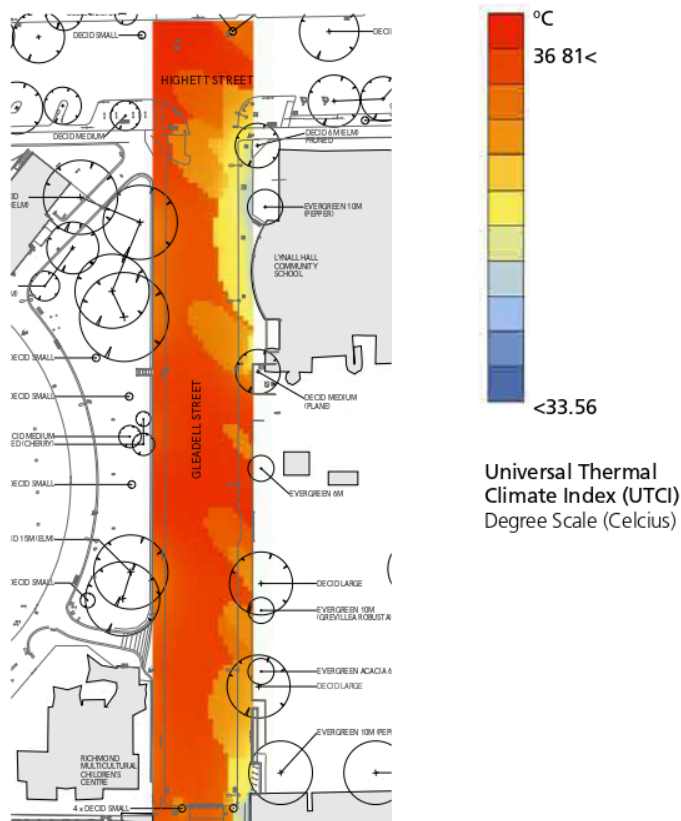
LESS  
RAINFALL

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People living on low incomes are often concerned about the energy cost of air-conditioning and have less access to cool spaces. This is substantiated by the close correlation between vulnerability and ambulance call-outs in Melbourne on hot summer days. Increased heat will also place pressure on the economy with the expected annual cost to Victoria from heatwave events alone predicted to reach \$179 million by 2030.<sup>9</sup>

The climate emergency has serious consequences for food production and supply in Australia. The food supply chain is highly exposed to disruption from increasingly extreme weather, with farmers already dealing with more frequent and intense droughts, fires and changing weather patterns.<sup>10</sup> In these circumstances crop yields and quality are compromised, and food prices impacted. This has the potential to increase food insecurity for the most vulnerable in our community.

Figure 1. Example of heat mapping applied to inform a potential streetscape redevelopment, Gleadell Street, Richmond

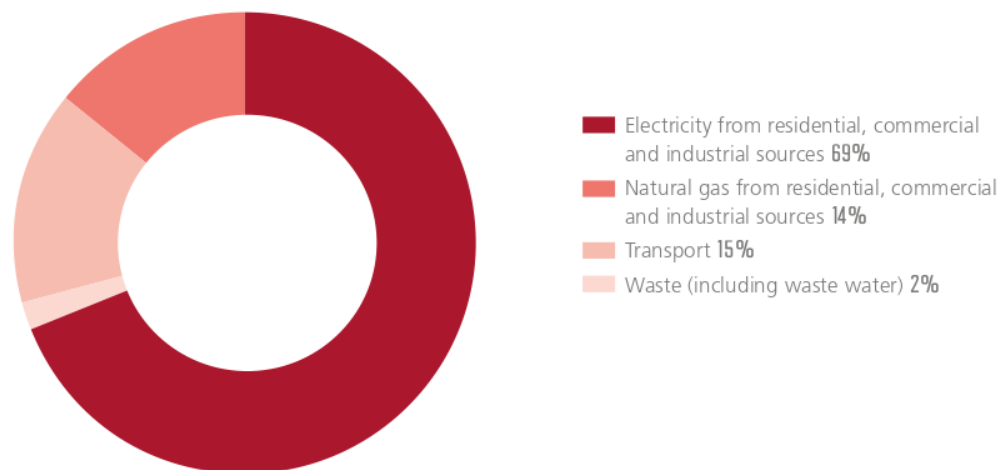


# YARRA'S EMISSIONS PROFILE

## Emissions from the Yarra community

In 2017/2018 the total annual carbon emissions for the Yarra community was approximately 1,900kt CO<sub>2</sub>e. The majority of these emissions (approximately 69%) come from stationary electricity, that is, mostly associated with fossil fuel based electricity used in residential and commercial buildings and industrial processes. The other main source of carbon emissions is gas usage (approximately 14%), transport (approximately 15%) and waste (approximately 2%, including wastewater) (Figure 2).

Figure 2. Yarra community carbon emissions profile 2017/18<sup>11</sup> (Total emissions 1,900kt CO<sub>2</sub>e)



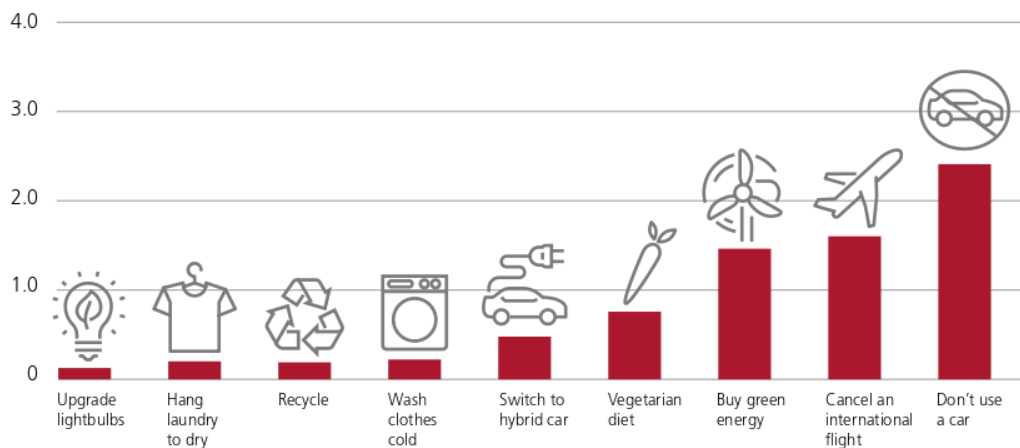
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In addition to the emissions above, there are significant embodied emissions produced from goods, services and activities that are not accounted for in the profile. These include emissions produced from extracting or growing raw materials, processing and manufacturing, transport, use and disposal. Air travel and the food we consume — especially meat and dairy — are particularly carbon and resource-intensive and are additional to the emissions presented in Figure 2. While the exact quantity of emissions attributable

to our lifestyles is complex to properly calculate and ascribe, it is widely accepted that the planet cannot sustain this level of consumption, the associated carbon emissions and waste generation.

A meta-analysis of a range of individual lifestyle choices in developed countries and their potential to reduce carbon emissions found the greatest opportunities to reduce emissions were through travelling less by car and plane, buying renewable energy and switching to a plant-based diet (Figure 3).

**Figure 3. Choices to reduce personal contribution to climate change (annual reduction in carbon emissions, tCO<sub>2</sub>e)<sup>12</sup>**



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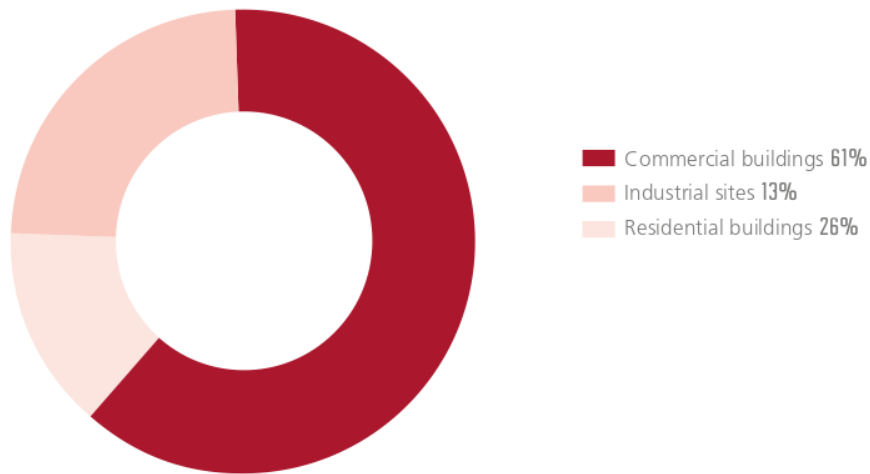
Nationally, electricity generation remains the largest contributor of carbon emissions in Australia. As shown in Figure 2, the vast majority of emissions (83%), come from stationary electricity and gas used in commercial, industrial and residential buildings. In order to identify areas of greatest opportunity to reduce emissions, it is useful to analyse which sectors and sub-sectors these emissions come from. Commercial buildings emit the most emissions (61% - Figure 4), mainly due to electricity used for heating, ventilation and air conditioning; lighting; hot water heating and running office equipment.

The growth in commercial office floor space in the past two years has been unprecedented in Yarra and is expected to continue this decade, notwithstanding any unforeseen lasting impacts from the pandemic. Richmond and Cremorne

are major creative and tech hubs — demand for office space in these areas is significantly higher than the rest of Yarra and growing rapidly.

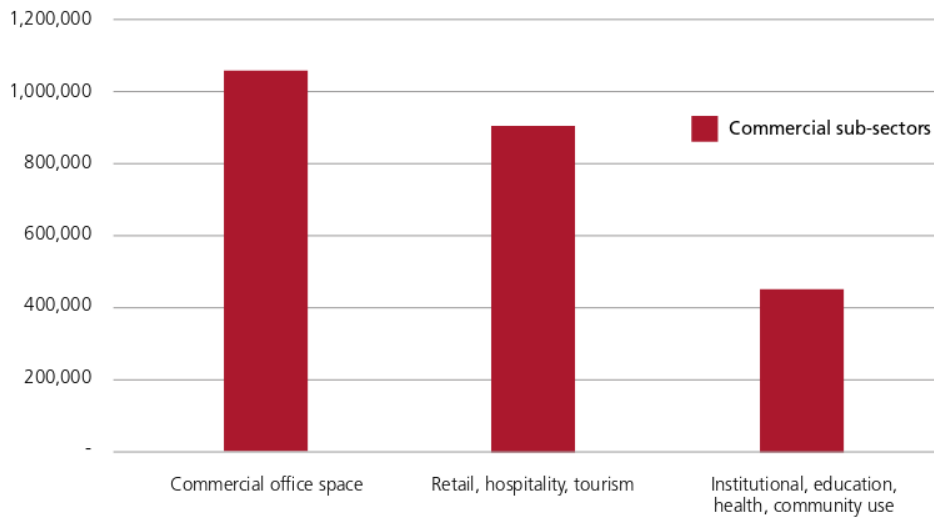
In 2018, there were 15,470 businesses registered in the City of Yarra, an increase of 7.4% since 2016. Businesses employing 1–19 people make up 96% of all registered businesses in the municipality.<sup>13</sup> While Yarra is overwhelmingly made up of small businesses, our city has been increasingly attracting larger businesses that typically require commercial office spaces. Figure 5 shows the largest portion of commercial sector floor space in Yarra is office space, followed by retail, hospitality and tourism, then other institutional uses, such as education, health, and community use.

Figure 4. Stationary carbon emissions from gas and electricity use by sector<sup>14</sup>



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Figure 5. Yarra floor space by commercial sub-sectors<sup>15</sup>



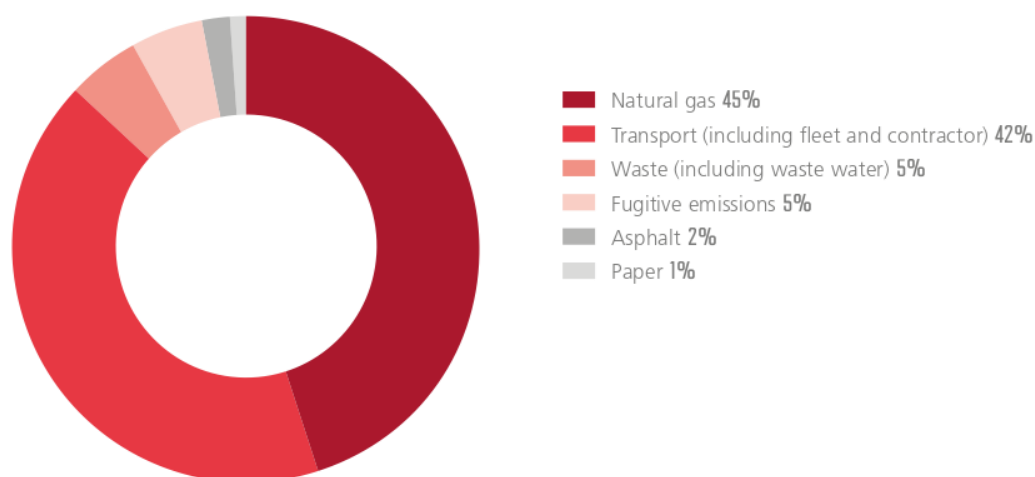
### Emissions from Council's operations

Since January 2019, all of Yarra Council's organisational electricity needs have been met by 100% renewable electricity, through rooftop solar generation across 38 council sites, and the remainder from wind power supplied by the Melbourne Renewable Energy Project (MREP). This means the main opportunities to reduce our organisation's emissions are transitioning away

from natural gas (making up around 45 percent of emissions) and reducing emissions from transport (currently around 42 percent) (see Figure 6). Over ten years, the total emissions from Yarra Council as an organisation have reduced substantially from 16,194 tCO<sub>2</sub>e in 2008/09 to approximately 4,500 tCO<sub>2</sub>e for the 2019 calendar year, with major reductions achieved via street lighting, building upgrades and MREP (Figure 7).

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Figure 6. Yarra Council's organisational carbon emissions profile, July 2019 (4,500tCO<sub>2</sub>e)<sup>16</sup>

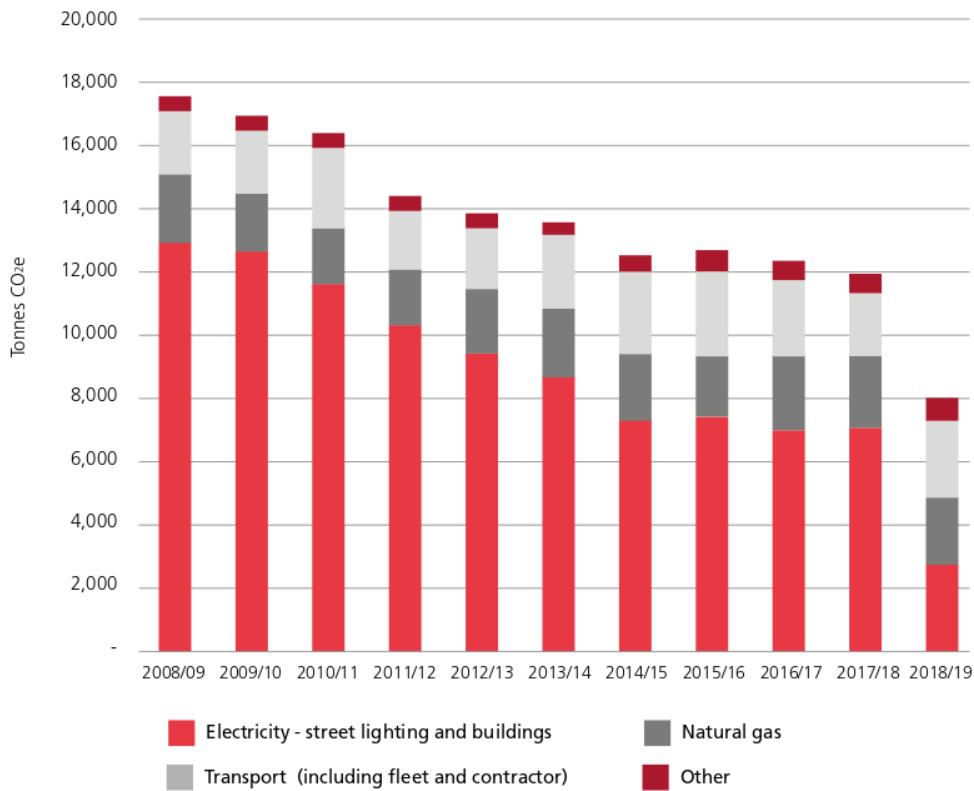


THE MAIN OPPORTUNITIES TO REDUCE OUR ORGANISATION'S EMISSIONS ARE A TRANSITION AWAY FROM NATURAL GAS AND FOSSIL-FUEL POWERED VEHICLES



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Figure 7. Yarra Council's organisational carbon emissions trend from 2008/09 to 2018/19\*



\* Council commenced purchasing 100% renewable electricity halfway through 2018/19, hence this includes some emissions from electricity. Slight changes in Council's carbon emissions inventory boundary have occurred over time.

Since 2012 Yarra Council has been operating as a certified carbon neutral organisation (under the National Carbon Offsetting Standard), meaning certified carbon offsets have been purchased to cover the residual emissions, bringing overall emissions to net zero. Yarra Council was just the second local government in Australia to achieve this accreditation.



## RESPONDING TO THE CLIMATE EMERGENCY

Yarra Council was one of the first local governments in the world to declare a climate emergency, acknowledging both the scale and urgency of action needed to avoid the catastrophic impacts of global heating.

Effectively responding to the climate emergency requires transformational societal and economic change. Both globally and locally, we must rapidly reduce carbon emissions and drawdown excess emissions from the atmosphere to restore a safe climate. It will require changing our resource intensive, high consuming ways of life, as well as adapting to living on a hotter planet.

YARRA COUNCIL  
WAS ONE OF THE FIRST  
LOCAL GOVERNMENTS  
IN THE WORLD TO  
DECLARE A CLIMATE  
EMERGENCY

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Across the world, millions of people are calling for urgent and significant action to address the climate emergency. While there may be various interpretations of a 'climate emergency response' depending on context, it can be considered to mean:

- Mobilising the community to take collective action on the climate emergency and advocate for urgent and meaningful change
- Taking action to reduce emissions at a scale and speed commensurate with the magnitude of the climate emergency. It does not mean taking action that is considered business-as-usual or making incremental change
- Climate action being greatly accelerated across our society — by all levels of government, businesses and the wider community
- Acknowledging we are in uncharted territory which requires experimentation and new ways of operating

Responding proportionately to the climate emergency will at times involve uncomfortable change and the need to make hard choices. Relatively affluent countries like Australia have greater capacity to respond, and arguably a moral obligation to take on a considerable share of the work to be done and to assist others to transition.

Both Yarra Council and the Yarra community have a long history of environmental action and advocacy. The community advocated to Council to declare a climate emergency, taking the view that we need stronger policies and programs to reduce carbon emissions and to protect the community, particularly its most vulnerable members, from climate-related impacts.

### Drawdown

Carbon (or greenhouse gas) emissions from past human activity continue to have a destructive impact on our planet by trapping heat in the atmosphere and creating climate conditions that are unsafe for humans, other species and ecological systems. In order to restore a safe climate, excess emissions need to be removed (or drawn down) from the atmosphere, such as through storing carbon in soils, vegetation, trees, oceans and via other biological processes.

Many carbon removal techniques are not currently deployable at the scale needed, may be unproven and have other implications for land and natural resource use.<sup>17</sup> There is a need to rapidly reduce emissions while also supporting action that contributes to carbon storage, such as tree planting and vegetation management.

Yarra Council acknowledges that effective drawdown of emissions globally will require large-scale actions, such as the creation of vast carbon sinks and changes in land management practices that are well beyond the direct control of local governments. We will stay up to date with emerging approaches to drawdown and partner with others to advocate for effective and scalable drawdown methods. There may be future opportunities for partnerships with regional councils to jointly invest in regenerative land management practices to sequester carbon and contribute to regional economies.

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### Yarra Council's roles

Responding effectively to the climate emergency requires a collective effort across all levels of government, businesses and the community, and as a council we have several key roles to play (Figure 8).

There is a strong role for Council to partner with others — our community, other councils and alliances — to jointly scale up our efforts and collectively push for change. Within our own operations, we will significantly accelerate emission reductions and ensure our infrastructure, assets and community are resilient to climate impacts.

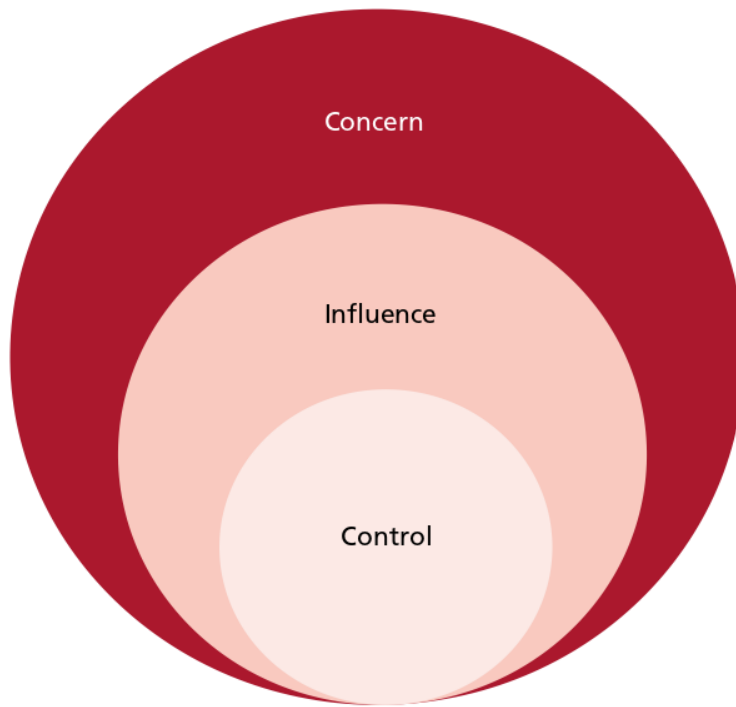
Many of the structural changes and policy reforms needed are outside the direct control of local governments. For example, driving major emission reductions through policy changes to speed up investment in grid-supplied renewable electricity, public transport improvements and raising building standards.

In responding to the climate emergency, Yarra Council plays the following roles:

- Enabling and supporting community-led climate action and advocacy
- Supporting the community to be healthy and resilient in a climate impacted world, including through our emergency management functions
- Partnering with other councils, alliances, other levels of government and organisations such as Yarra Energy Foundation to implement solutions to reduce emissions
- Advocating to state and federal governments to commit to and deliver the transformational changes required to avoid overwhelming climate damage
- Partnering with others — businesses, community and key stakeholders — to recognise the global climate emergency and take action
- Planning, designing and building a city that is adapted to climate impacts
- Embedding climate resilience into all Yarra Council's work and supporting staff to understand the climate emergency and to deliver climate responses as part of their roles
- Operating as a carbon neutral organisation, rapidly reducing carbon emissions from our own operations prior to purchasing carbon offsets

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Figure 8. Circles of concern, influence and control



### Concern

- Issues that Council has little ability to directly influence or control, for example, international climate commitments, broader societal trends.
- Council can monitor and may respond strategically in priority areas.

### Influence

- Matters outside of Council's direct control, such as community carbon emissions and state and federal government policies.
- Council can play various roles to advocate, partner, educate, fund or incentivise change.

### Control

- Matters within Council's direct control, for example, emissions from our operations, management of assets and infrastructure, and discharging statutory responsibilities
- Council plays a decision-making role and leads implementation of action.

## Attachment 2 - Attachment 2 - Final Draft Climate Emergency Plan 2020-2024

Yarra Council has strategic partnerships that assist with accelerating climate action. These include:

- **Global Covenant of Mayors for Climate and Energy:** the world's largest global alliance for city climate leadership, with over 10,000 participants promoting and supporting voluntary action to combat the climate emergency and move to a low emissions, resilient society.
- **Northern Alliance for Greenhouse Action (NAGA):** a partnership between nine local governments in Melbourne's north that delivers carbon reduction programs and advocacy across municipal borders.
- **Cities Power Partnership (CPP):** Australia's largest local government climate network, with 115 participants sharing information and building connections in order to accelerate local action.
- **Resilient Melbourne:** a collaboration between inner-Melbourne councils to address the chronic stresses and acute shocks facing our city. Resilient Melbourne is part of the broader Global Resilient Cities Network.
- **Take 2:** A state-government led pledge program working across all sectors towards achieving zero-net emissions for Victoria.

YARRA COUNCIL'S STRATEGIC  
PARTNERSHIPS ASSIST WITH  
ACCELERATING CLIMATE ACTION



## Attachment 2 - Attachment 2 - Final Draft Climate Emergency Plan 2020-2024

### Yarra Energy Foundation

The Yarra Energy Foundation (YEF) is an independent organisation working towards a zero-carbon future in the City of Yarra. Established by Yarra Council in 2010, YEF receives core funding to deliver energy efficiency and renewable energy programs to support households, schools, community groups and businesses to move towards a zero-carbon city.

YEF facilitates solar installations on homes, businesses and community buildings and energy improvements in buildings through advising on products and technologies and changing energy behaviours. YEF can further assist businesses to buy renewable energy and work with apartment owners, tenants and managers to navigate the complexities of installing solar in multi-unit developments.



# A SNAPSHOT OF YARRA'S ACHIEVEMENTS



## Solar and renewable energy

- All Council's electricity needs met by 100% renewable power via the Melbourne Renewable Energy Project
- 2,920 solar panels (740 kW generation capacity) installed on 38 Council buildings
- 6 'Tesla 2' batteries (100kWh storage capacity) installed in community facilities, including leisure centres, libraries and sports pavilions
- 4,380 streetlights upgraded with efficient lamps saving \$385,000 per year in energy and maintenance costs
- Operating as a certified carbon neutral Council since 2012



## Trees

- Canopy cover increased by 4.3% from 2009 to 2016 across the municipality
- Planting between 800 - 1000 trees per year in streets and parks
- 33 bio-retention tree pits irrigate street trees and passively treat stormwater runoff



## Sustainable buildings

- Energy efficiency retrofits to Council buildings such as building upgrades, lighting, insulation, solar hot water, efficient heating and cooling, including via an Energy Performance Contract guaranteeing savings of 2,000 tonnes of carbon emissions and \$200,000 each year
- All new and renovated Council buildings include significant sustainability (ESD) features, such as the 6-star Green Star rated library — Bargoonga Nganjin in North Fitzroy
- One of the first Victorian councils to introduce an ESD Local Planning Policy raising environmental performance standards for new private developments



## Urban ecology

- 38 hectares of reserves are managed primarily for native vegetation cover
- An average of 15,000 – 20,000 indigenous ground covers, understory and trees are planted annually



## Transport and Yarra's fleet

- Australia's first municipality-wide 40km per hour speed limit on residential streets, with a further 30km per hour speed zone introduced in Collingwood, creating safer conditions for cyclists and pedestrians
- A Copenhagen style separated bike lane on Wellington Street Collingwood, providing safer and better-connected cycling conditions
- Six new accessible tram stops along Route 96, Nicholson St, North Carlton
- Priority crossings for walking and cycling on the Capital City Trail and Linear Park Trail
- Trial of the first electric bike share scheme with City of Melbourne and City of Port Phillip
- First electric tipper trucks in Australia, three electric vans, two sedans, 20 electric bikes and 40 hybrid vehicles
- Ecologically-based bushland management practices at 31 core bushland sites with additional native plant restoration programs at several other mixed-landscape sites
- All reserves with bushland values are mapped and monitored against national standards for ecological restoration



## Attachment 2 - Attachment 2 - Final Draft Climate Emergency Plan 2020-2024



### Climate adaptation

- Award winning analytical tools and training to enable staff to consider climate risks and opportunities for new projects and building developments



### Waste and resource recovery

- Through Yarra's Waste Revolution, the first Victorian council to trial organics and glass waste source separation and kerbside collection, sending 60% less waste to landfill
- Engaged North Fitzroy businesses and customers through the Proudly Plastic Free campaign to reduce supply of single-use plastics
- Installed new electronic waste recycling hubs across Yarra to make recycling easier
- Launched Yarra's Zero Waste Map a community education tool to enable business and residents to reduce their waste footprint
- 'Closing the loop' through a focus on buying products made from recycled materials



### Green spaces and urban agriculture

- Created six new open spaces since 2009, expanding the open space network in Abbotsford, Collingwood and Richmond
- Increased the size of two existing open space reserves in Fitzroy and Richmond
- 162 planter box community growing spaces supplementing the growing area of private gardens, five public community gardens, six community gardens on public housing sites and a new community garden under development
- Six communal compost hubs enabling residents to recycle food waste and regenerate local soils



### Water

- 27% reduction in total potable water consumption since 2000
- Major raingarden system at Edinburgh Gardens harvests and reuses stormwater to meet 50% of the park's irrigation needs
- Public raingardens across the city slowing and treating polluted stormwater before discharge to waterways
- 92 litter traps and 5 gross pollution traps preventing litter entering waterways
- 10ML of water use each year is met by alternative sources



### Community

- Established and continue to fund Yarra Energy Foundation to deliver programs supporting households, schools, community groups and businesses to reduce energy and carbon emissions

- Awarded around \$200,000 worth of sustainability related grants over the last 4 years, plus dozens of small project grants to support community-led sustainability projects
- Engaged over 700 people through climate emergency related events in 2019
- Partnered with Yarra Energy Foundation to facilitate the installation of 90 solar systems in the last year
- Recognised dozens of local businesses, community groups, schools, children's centres and individual sustainability champions through Yarra's Sustainability Awards
- Delivered 'Keep Cool in Yarra', an award-winning heatwave safety campaign to reduce heatwave vulnerability among people living in social and public housing

# YARRA'S CLIMATE EMERGENCY RESPONSE

## Focussing on areas of greatest opportunity

Many of the solutions to rapidly reduce carbon emissions are viable and available now – it is often a question of scaling up their implementation. Over the years, considerable robust, evidence-based work has been carried out to identify the areas of greatest opportunity to reduce emissions across the Australian economy, such as by Climate Works and Beyond Zero Emissions. Internationally, the 'Drawdown' project brought together peer-reviewed science on the top 100 impactful climate solutions, highlighting the benefits and costs of each. At the municipal level, we have analysed the emissions profiles of both Yarra Council and the community and identified emission reduction opportunities, along with climate adaptation actions. A review of the work at the national, state and local level has informed the development of this plan to focus on actions with the potential for the greatest impact.

Taking strong action on both climate mitigation and adaptation presents opportunities to realise a range of co-benefits including improved public health, social connectedness, a stronger economy, improved air quality and overall liveability of the city.

Our first Climate Emergency Plan sets longer term objectives for Yarra Council's response to the climate emergency and identifies strategic priorities to focus our work over the next four years.

## Objectives

The objectives of our Climate Emergency Plan are to:

- Achieve zero-net emissions across the entire Yarra community by 2030, and accelerate the removal of excess carbon emissions
- Enable our community to take effective climate action — pushing for urgent change and changing the way we live and work

- Ensure our community is safe, healthy and resilient — especially those most vulnerable to severe climate impacts
- Create a city that continues to adapt to a changing climate and is ecologically healthy for all species
- Collaborate and advocate with others in the climate emergency movement to increase our impact

## Achieving zero net emissions

Attaining 'zero-net' emissions across the Yarra community requires that the net carbon (or greenhouse gas) emissions from the entire municipality are equal to zero. The first priority is to reduce emissions — mainly from buildings and transport — as quickly as possible in the next ten years, however there will be residential emissions in 2030. At least initially, achieving zero-net emissions is likely to require the use of carbon offsets, through accredited initiatives such as forestation or soil carbon sequestration. It is anticipated that reliance on offsets would be reduced overtime and additional carbon would be drawn down.

Dramatically reducing carbon emissions largely relies on the rapid replacement of gas and coal-fired electricity with grid-supplied renewable energy and a fast transition away from petrol and diesel powered vehicles. We acknowledge that the government policy interventions and structural changes needed to drive this transition are outside of Council's direct control. We have set this ambitious 2030 target recognising that deep and rapid cuts to emissions are needed to prevent the worst impacts of the climate crisis. Partnering with others to advocate to other levels of government for much stronger climate action are a critical part of our climate emergency response.

## Attachment 2 - Attachment 2 - Final Draft Climate Emergency Plan 2020-2024

### Strategic priorities

We have set five strategic priorities to focus our climate emergency response:

#### 1. Mobilise and enable our community to respond to the climate emergency

Vision: The Yarra community and Council are taking effective climate action as part of a global climate movement, and are resilient in the face of the climate crisis.

#### 2. Accelerate renewable energy, zero carbon buildings and efficient operations

Vision: Yarra homes, businesses, Council operations and community buildings are of the highest energy standards and powered by renewable energy.

#### 3. Create a climate adapted city

Vision: Yarra's natural and built environments are healthy and resilient in a climate impacted world.

#### 4. Transition to zero emissions transport

Vision: Sustainable transport is the most attractive, safe and convenient way to travel in and through Yarra.

#### 5. Move towards zero waste and conscious consumption

Vision: The Yarra community are conscious consumers who avoid waste, reduce embodied carbon emissions and preserve resources.

## Attachment 2 - Attachment 2 - Final Draft Climate Emergency Plan 2020-2024

### The role of the action plans

Organised around the five strategic priorities, the following sections set out targets, headline actions and present actions in tabular action plans. As appropriate, the action plans include resources required for delivery, such as staff and financial resourcing. In many cases the actions fit into future budget cycles, therefore fully costed project proposals and schedules will be prepared at that time and be subject to future budget approval processes.

For many actions, the first year is to be delivered within existing resources or with a modest increase in resources to enable new initiatives to be set up then expanded in subsequent years (for example, the community climate programs). Where expansion of initiatives requires additional resources this has been indicated in the action plan. Some actions are delivered primarily through complementary Council strategies and plans, for example, strategies related to waste, urban agriculture and nature. The relationship between the Climate Emergency Plan and these other strategies is set out in Appendix A.

### Implications of the COVID-19 pandemic for the Climate Emergency Plan

As a society we are currently experiencing two concurrent crises — the COVID-19 pandemic and the climate emergency. The impacts of the pandemic in early 2020 have been felt strongly and swiftly, necessitating a response within days across governments and communities. The climate crisis will continue to unfold over years as a combination of acute shocks and chronic stresses.

During the COVID-19 pandemic many in our community are experiencing shocks in the form of economic downturn and unemployment, social isolation and food supply disruptions. While the shocks of the climate crisis may take different forms — more heatwaves, intense storms and flooding, leading to power, water and food supply disruptions and price rises — many of the support structures and interventions needed by governments and others to help communities bounce back from such disruptions are similar.

Communities that are most resilient to shocks — that is, most able to anticipate, cope with and recover — often share common characteristics. They typically have strong social networks and support that people can call on; they collectively hold a lot of knowledge and capability in the community; they have many people with a healthy mental outlook and coping abilities; and they offer security — providing adequate housing, personal safety, financial security and economic investment. These 'protective factors' typically apply in a crisis regardless of the source of the shocks, whether it be a pandemic, climate-related or other disruption. For example, it is the same networks and relationships between people and organisations who live and operate in the community that will enable the community to recover and function effectively.

## Attachment 2 - Attachment 2 - Final Draft Climate Emergency Plan 2020-2024

The pandemic recovery phase presents an opportunity to take action on the climate emergency and achieve multiple community benefits — to build more resilient communities and improve people's health, quality of life and economic prosperity. It's an opportunity for governments to deploy policy and economic measures that both enable recovery from the pandemic and drive emissions reductions (e.g. through stimulating the renewables industry, investing in sustainable transport and creating low carbon business opportunities). It's also an opportunity for relocalisation - to lead lives that are less energy and resource intensive and wasteful; to be more connected to one another and create healthy environments.

Yarra Council, like many other businesses and organisations, faces pandemic-related budget constraints in the short to medium term. There are however several actions in the plan that will progress within existing resources, such as pivoting existing resources towards community climate action; working towards zero carbon standards for new developments; joint advocacy efforts and feasibility and/or design stages of capital works projects. As financial resources become available and budgets are revisited, we will further implement actions in the plan.

We will work with and advocate to other levels of government to deploy policy and economic measures that both enable recovery from the pandemic and respond to the climate crisis. We will also develop projects to be ready to roll out should external funding become available through COVID-19 recovery efforts.

### Timeframes, monitoring and review

This plan sets out actions to be delivered over the next four years. We will publicly report on key actions via Council's annual corporate reporting and will communicate achievements through a range of communications channels, such as Yarra's website, Yarra News, digital media, case studies and other forms of recognition to promote and amplify the Yarra community's climate action efforts. The actions within the plan will be reviewed and updated after two years.

Council will continue to annually monitor, analyse and report on organisational carbon emissions, including maintaining carbon neutral certification. Emissions from the community will be monitored as electricity and gas data becomes available.

Levels of engagement through our community climate programs will be monitored and evaluated via a range of means including participation, action taken and measures of community driven projects. During the first year of the plan, we will review how we best deliver community programs to scale up and drive rapid emission reductions in the decade ahead. This review will include looking at suitable governance arrangements, potential delivery models/partnerships and future funding requirements.

There is considerable uncertainty about how the climate crisis will continue to unfold, but it is unlikely to progress in an orderly manner and is expected to be highly disruptive. We will take an adaptive approach to implementation, responding to new opportunities and changes over the life of the plan.

In the lead up to expiration of this plan, Council will develop an evidence-based 'roadmap to zero', analysing the emissions reduction potential and cost effectiveness of possible actions. This process will engage key stakeholders and the community and shape the way forward to drive further emission reductions.



## STRATEGIC PRIORITY 1: MOBILISE AND ENABLE THE COMMUNITY

**Vision:** The Yarra community and Council are taking effective climate action as part of a global climate movement, and are resilient in the face of the climate crisis.

The sheer scale and complexity of the climate emergency challenge requires that we work together — the actions of individuals, particular institutions or sectors cannot solve it alone.

Yarra Council has a significant role to play in bringing people together and enabling them to be active citizens creating change. Through our expanded community climate programs we will partner with and support a range of sectors within the community — residents, businesses, community groups, organisations, neighbourhood houses and young people — to take climate action in several different ways.

### Advocating for change

As the tier of government closest to the community, Council is well placed to partner with others in the community to jointly push for other levels of governments to respond to the climate emergency at the scale and speed the crisis requires. To amplify our impact, Council will connect people with existing groups, campaigns and provide training and support to help people advocate effectively. Additionally, we will continue working with other councils and alliances to influence state and federal governments.



## Attachment 2 - Attachment 2 - Final Draft Climate Emergency Plan 2020-2024

### Changing behaviours

While the scale of transformation needed goes well beyond people making individual lifestyle changes, there is a need for everyone to cut their carbon emissions. Along with Yarra Energy Foundation, we will deliver a range of programs, campaigns and events providing practical assistance to reduce carbon emissions and environmental impacts, including encouraging electric bicycles and vehicles, buying renewable energy, embracing plant-based diets and divesting from fossil fuels.

A new 'Nature in the Neighbourhood' program will aim to connect more people with our natural environment, increasing appreciation of our urban biodiversity and ecosystems, and enabling people to take a more active role in ecological restoration. Council will also continue to deliver complementary waste and urban agriculture educational programs.

### Supporting community-led climate action

The Yarra community has many highly active individuals, networks and groups leading grassroots environmental activity. Council can play a stronger role in connecting people and supporting and promoting the action they're taking. There are also many successful projects led by organisations that could be expanded in Yarra. By dedicating a substantial pool of community grant funds, Council can enable existing community groups and organisations to scale up their efforts.

### Fostering community resilience

Climate-related safety concerns in the community can be a result of chronic stresses (e.g. rising energy and food prices) and acute shocks or emergencies (e.g. power, water and food supply disruption). Typically people in communities that have strong social connections and collective capability are more resilient — better able to anticipate, cope with and recover from stresses and shocks in all forms.

Increasing resilience in part involves strengthening and better connecting the systems and structures that enable the community to function well. As a council, we already play a strong role in this area through our on-ground delivery of community services; our work with other community service partners and coordination of emergency management functions, such as communicating public health messages, assisting our community to be more prepared for extreme conditions and operating emergency relief centres during times of crisis.

As we experience more extreme climate impacts and other disruptions, including heatwaves, intense storms and flooding, transport disruptions and power outages there will be a growing need for community members to support each other, particularly those more vulnerable to impacts and with less capacity to respond. Council will work further with key sectors like community organisations, emergency agencies, businesses and governments to build more resilience in our communities.



## Attachment 2 - Attachment 2 - Final Draft Climate Emergency Plan 2020-2024

### Climate events series

Throughout 2019, we engaged over 700 people through climate emergency related events:

- |   |   |  |
|---|---|--|
| <ul style="list-style-type: none"> <li>• Climate emergency forum, focused on climate science and health impacts</li> <li>• How to stay engaged to act during a climate emergency</li> </ul> | <ul style="list-style-type: none"> <li>• Taking to children about the climate crisis</li> <li>• Several solar and battery information sessions, jointly with YEF</li> </ul> | <ul style="list-style-type: none"> <li>• Student Climate Justice Training Climate and Student Climate Leadership program</li> <li>• Citizen science urban heat monitoring</li> </ul> |
|---|---|--|



## Attachment 2 - Attachment 2 - Final Draft Climate Emergency Plan 2020-2024

### A new climate action program

Council's new program aims to mobilise people to take climate action in our city over the next four years. 'Climate action' can take many forms — from becoming part of the collective movement applying pressure on governments to step up their climate policies; to making lifestyle changes to cut individual and household carbon emissions; and helping people in the community prepare for and cope with worsening climate related impacts. The program will be delivered around six key areas:

- **Community connectors** – work across sectors – engaging at least 200 influential and well-connected people per year to lead climate action within their communities
- **Community and council advocacy** – partner with advocacy groups and organisations to deliver workshops to help people advocate effectively to governments for meaningful climate action
- **Climate communications and behaviour change** – events and campaigns to assist people to make practical changes to cut carbon emissions (for example, electric bicycles and vehicles, divesting from fossil fuels,

plant-based diets, '100% Renewable Yarra' campaign in partnership with YEF)

- **Climate conversations** – increase people's knowledge of the climate crisis through enabling more climate conversations throughout the city
- **Grants for climate action** – new climate action stream of Council's annual grants to enable community-led climate action
- **Showcase community climate action** – through open days, tours, case studies and other recognition

In addition, Council will work in a targeted way with Yarra businesses to assist them to buy renewable energy; and build the capacity of community service providers to prepare for and respond to climate related disruptions.

Through these various program elements we aim to engage 10,000 people in Yarra to take action on the climate emergency by 2024.



## Attachment 2 - Attachment 2 - Final Draft Climate Emergency Plan 2020-2024



### Target

- By 2024, engage 10,000 people in Yarra to take action on the climate emergency

### Headline actions

- Deliver a new climate program to enable the community to act on the climate emergency
- Commit substantial grant funds to stimulate community-driven climate action
- Upgrade the homes of vulnerable people to be more energy efficient and climate resilient
- Deliver a new 'Nature in the Neighbourhood' initiative to reconnect people with our natural environment

## Attachment 2 - Attachment 2 - Final Draft Climate Emergency Plan 2020-2024

1. Mobilise and enable the community to respond to the climate emergency			
No.	Action description	Resourcing <sup>b</sup>	Who
<b>Community mobilisation and capacity building</b>			
1.1	<p>Deliver community programs to accelerate climate action including:</p> <ul style="list-style-type: none"> <li>• A 'community connectors' program to enable at least 200 people each year from across the community to take climate action in their communities</li> <li>• Workshops to increase people's knowledge of the climate crisis and provide skills for effective climate advocacy and action</li> <li>• Educational events and campaigns with practical ways to help people change behaviours to reduce carbon emissions</li> <li>• Developing a '100% Renewable Yarra' campaign in partnership with YEF</li> <li>• Showcasing community climate action through open days, tours and other recognition</li> <li>• Working across sectors to support and partner with organisations, community groups and neighbourhood houses taking climate action</li> </ul>	<p>Commence program within existing resources, with further resourcing to be subject to future budget processes.</p> <p>Indicative future funding: at least \$100,000 per year with additional resources required for an expanded '100% Renewable Yarra' campaign.</p>	<p><b>Lead:</b> Sustainability</p> <p><b>Support:</b> Communications</p> <p><b>Partners:</b> Climate and environment groups, Other community organisations, Yarra Energy Foundation</p>

<sup>b</sup> Note that draft resourcing throughout the action plans have been revised in light of budget constraints due to the COVID-19 pandemic.

## Attachment 2 - Attachment 2 - Final Draft Climate Emergency Plan 2020-2024

1. Mobilise and enable the community to respond to the climate emergency			
No.	Action description	Resourcing <sup>b</sup>	Who
<b>Support vulnerable communities</b>			
1.2	<p>Support the most vulnerable in our community to prepare and cope with extreme climate impacts, including heatwaves, storms, floods, transport disruptions and power outages through:</p> <ul style="list-style-type: none"> <li>• Targeted communications and in-home support to older people, those who are unwell, have additional needs or are living in housing with poor environmental performance</li> <li>• Adapting heatwave and other climate risk messages promoted to the community</li> <li>• Build the capacity of community organisations to prepare for and respond to climate related impacts (for example, community service organisations, outreach workers, emergency response agencies, places of refuge, such as neighbourhood houses, libraries and leisure centres)</li> <li>• Adapting Council's emergency preparedness and response procedures and reviewing resourcing needs as climate impacts worsen</li> <li>• Assisting older and vulnerable people to upgrade their homes to improve energy efficiency and thermal comfort, through draft proofing, insulation and efficient lighting (Refer action 2.1)</li> </ul>	Through existing relationships and within existing resources.	<b>Partners:</b> Sustainability, Aged and Disability Services, Health, Safety and Risk, Community Development, Municipal Emergency Management Planning partners, State government agencies, Neighbourhood Houses Local community groups



## Attachment 2 - Attachment 2 - Final Draft Climate Emergency Plan 2020-2024

1. Mobilise and enable the community to respond to the climate emergency			
No.	Action description	Resourcing	Who
<b>Fund community-led climate action</b>			
1.3	<p>Dedicate a substantial pool of community grant funds to accelerate community-led climate action, with emphasis on projects that:</p> <ul style="list-style-type: none"> <li>• Mobilise the community to take climate action, including advocating for change</li> <li>• Support the most vulnerable in our community to cope with climate impacts (for example, extreme weather, energy and food insecurity)</li> <li>• Build stronger social connections to increase resilience to future shocks and stresses</li> <li>• Present replicable models to reduce carbon emissions; support local food systems; care for local natural environments; avoid waste and enable more conscious consumption; and foster sustainable transport behaviours in the community</li> </ul>	<p>Commence within existing community grants budget, with further resourcing to be subject to future budget processes.</p> <p>Indicative future funding: at least \$100,000 per year. Future years' resourcing to build on foundational first year.</p>	<p><b>Partners:</b> Sustainability, Community Development, Local environment groups, Not-For-Profit and other community organisations</p>
<b>Nature in the Neighbourhood</b>			
1.4	<p>Deliver a new 'Nature in the Neighbourhood' initiative focusing on:</p> <ul style="list-style-type: none"> <li>• Reconnecting people with our natural environment, to gain an appreciation of urban biodiversity and understand our interdependence with ecological systems</li> <li>• Engaging the community as stewards of our environment, providing hands-on experiences for people to connect with nature and take a more active role in ecological restoration</li> <li>• Improving ecological connectivity, creating cool spaces and habitat by skilling up the community to plant more vegetation on private land</li> </ul>	<p>To be delivered via Yarra's Draft Nature Strategy (under development).</p>	<p><b>Lead:</b> Biodiversity</p> <p><b>Support:</b> Sustainability, Communications</p>

## Attachment 2 - Attachment 2 - Final Draft Climate Emergency Plan 2020-2024

1. Mobilise and enable the community to respond to the climate emergency			
No.	Action description	Resourcing	Who
<b>Divestment</b>			
1.5	<p>Continue to implement and update Yarra Council's divestment activities, including:</p> <ul style="list-style-type: none"> <li>Utilising Council's Ethical Procurement and Investment Commitment to actively screen Council's investments to ensure divestment of funds away from banks and other institutions that invest in fossil fuel industries</li> <li>Educating the community and staff about options to divest from fossil fuels through superannuation, banking and other investments</li> </ul>	Within existing resources.	<p><b>Partners:</b> Finance, Sustainability</p>
<b>Advocacy and partnerships</b>			
1.6	<p>Advocate to other levels of government for stronger climate action by:</p> <ul style="list-style-type: none"> <li>Collaborating with others to advocate to state and federal governments to declare a climate emergency and take strong action commensurate with the scale and urgency of the emergency</li> <li>Advocating for policy reform on key issues including renewable energy, buildings, waste and transport</li> <li>Advocating for a just transition to a low carbon future with assistance for those most vulnerable to rising energy costs, such as people living on low incomes and in housing with poor energy performance</li> </ul>	Within existing resources.	<p><b>Lead:</b> Advocacy and Engagement, Sustainability</p> <p><b>Partners:</b> Northern Alliance for Greenhouse Action (NAGA), Other local governments</p>
1.7	<p>Support growth of the climate emergency movement by:</p> <ul style="list-style-type: none"> <li>Collaborating and sharing learnings with others to encourage more councils, organisations and businesses to declare and respond to the climate emergency</li> <li>Working with councils and other organisations that have declared a climate emergency to grow the movement and take collective action</li> </ul>	Within existing resources.	<p><b>Lead:</b> Sustainability</p> <p><b>Support:</b> Advocacy and Engagement</p> <p><b>Partners:</b> NAGA, Other local governments</p>





## STRATEGIC PRIORITY 2. ACCELERATE RENEWABLE ENERGY, ZERO CARBON BUILDINGS AND EFFICIENT OPERATIONS

Vision: Yarra homes, businesses, Council operations and community buildings are of the highest energy standards and powered by renewable energy.

Achieving zero-net carbon emissions across the entire municipality largely depends on how rapidly we can shift away from relying on fossil-fuel sourced electricity to power our buildings. Electricity use in buildings is the largest source of carbon emissions in the municipality (69%), compared to gas (14%) and transport (15%) (Figure 2 – ‘Yarra’s emissions profile’ section).

### Commercial sector opportunities

Focussing on electricity use in commercial buildings presents the greatest opportunity for emission reductions, as this sector is the source of 61% of Yarra’s carbon emissions from stationary energy use (Figure 4). This sector is largely made up of commercial office buildings; retail and hospitality; health, education, community facilities (Figure 5), with commercial office floor space being the fastest growing portion, particularly in Richmond and Cremorne.

## Attachment 2 - Attachment 2 - Final Draft Climate Emergency Plan 2020-2024

In general, emissions from buildings can be reduced in several ways — by using less energy, generating electricity through solar installations, buying 100% renewable electricity and shifting away from using gas. In the commercial sector, there remain considerable energy saving opportunities with strong financial returns, including upgrades to commercial lighting, plant, equipment and appliances, and optimising building energy management. There is also potential for additional commercial solar installations — currently there are 118 commercial solar systems in Yarra with a capacity of 4,541kW.

Notwithstanding these opportunities, there are considerable barriers that limit uptake of commercial solar, including that businesses are mostly tenants in the premises, limited available roof space and impediments to grid connections. In Yarra, the vast majority (more than 90%) of commercial premises are leased and 96% of businesses are small to medium enterprises. In this context there is likely to be greater opportunity to rapidly reduce emissions from electricity through:

- Using our experience with the Melbourne Renewable Energy Project to assist large energy using businesses in Yarra to purchase renewable energy via Power Purchase Agreements (PPA); and
- Partnering with Yarra Energy Foundation to explore renewable electricity partnerships with energy retailers and/or independently reviewing retail options to assist small businesses and residents to buy renewable energy.

### Residential sector opportunities

Around a quarter of Yarra's emissions (26%) come from electricity and gas usage in residential homes (Figure 4). Based on the latest data (2019), around 9% of freestanding and semi-detached dwellings in Yarra have solar energy systems. 6,568kW of our city's installed capacity is made up of systems less than 10kW in size.<sup>18</sup>

The amount of solar installed is comparable to other inner-city municipalities with similar constraints, including a high portion of medium density, multi-unit housing and rental properties. Even though there has been solid growth in installations in Yarra over ten years, there is still substantial potential to install additional solar, with considerable roof space not yet utilised. Analysis by YEF<sup>19</sup> found there to be more than 4,300 separate, single storey dwellings that are owner occupied and likely to have good potential for solar installation, out of approximately 23,400 freestanding and semi-detached dwellings in Yarra.

Although there is potential for much more rooftop solar, even if all viable roof space in Yarra was optimised we would only meet around 20% of our city's electricity needs. Furthermore, there are considerable portions of our community 'locked-out' from installing solar because they rent (50.3%), live in an apartment (46%) or may own a home with roof space but are living on a low income, such as an aged or disability pension.

## Attachment 2 - Attachment 2 - Final Draft Climate Emergency Plan 2020-2024

### Opportunities in existing apartment buildings

There is growing interest in solar installations on apartment buildings, with YEF having facilitated a small number of installs to supply energy to common areas, such as lifts, gyms and walkways. There are however, considerable hurdles for solar energy on apartments due to significant upfront costs, such as additional equipment and metering; strata management and owners' corporation governance structures; regulatory and network constraints; limited roof space and a large portion of apartments being rental properties.

As with the commercial sector, reducing carbon emissions in residential buildings warrants focussing on assisting residents — whether they rent, live in apartments or own their homes — to purchase renewable energy.

### Assisting vulnerable households

Those most vulnerable to heatwaves and rising energy costs are often the least able to afford the cost increases to install solar or buy renewable electricity. Council and YEF can play a stronger role through helping upgrade the homes of vulnerable residents, including older people and people on low incomes.

### Opportunities in new buildings

While emissions reductions can be made by sourcing renewable energy and upgrading existing housing stock, there is also a pressing need to raise the environmental performance standards of new buildings. Yarra was one of the first councils in Victoria to introduce higher environmental standards for new buildings through a joint planning scheme amendment introducing a local Environmentally Sustainable Development (ESD)

planning policy. This was a several year process with other councils, the state planning department and required approval from the state planning minister. To further raise the standards, we will partner with other councils to build a strong evidence-base for zero carbon building standards and work towards a group planning scheme amendment.

### Reducing emissions in Council's operations

Since 2019, Council's entire electricity needs have been met by 100% renewable power, and as a result, gas usage now represents the highest portion (45%) of our organisation's carbon emissions (Figure 6). Council's focus is to transition our buildings from gas to electricity as soon as practicable. In leading the way to transitioning to 'all-electric' operations, we will share the technologies and know-how with local businesses and other organisations to assist their transition. We will also continue a strong focus on energy performance to reduce costs through public lighting upgrades and optimising building performance with new technologies and approaches.

### Advocating for a fast transition

A fast transition to zero-net emissions relies heavily on grid-supplied electricity being sourced from renewables rather than coal and gas fired power stations. To accelerate this transition, Council will continue advocating for more ambitious renewable energy targets and stronger national policies. Other advocacy priorities include regulating the minimum energy efficiency performance of rental properties and addressing the barriers to installing solar on multi-unit developments.

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### Council's environmentally sustainable buildings

Bargoonga Nganjin, Yarra's library and community hub in North Fitzroy achieved a six-star Green Star rating — at the time the highest environmental rating awarded by the Green Building Council of Australia. The building's environmentally sustainable design features include:

- |   |  |   |
|---|--|---|
| <ul style="list-style-type: none"> <li>• Solar panels on the roof providing 12.5 kilowatts of power</li> <li>• Design and materials choice to enhance thermal performance</li> <li>• Facades providing west facing shade</li> </ul> | <ul style="list-style-type: none"> <li>• Rainwater storage for reuse throughout the building</li> <li>• Communal roof top garden with edible plants, an automatic irrigation system with moisture sensors</li> </ul> | <ul style="list-style-type: none"> <li>• Energy efficient fixtures and fittings</li> <li>• Recycled materials and natural finishes</li> </ul> |
|---|--|---|



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### Melbourne Renewable Energy Project

Yarra is a partner in the Melbourne Renewable Energy Project (MREP) which has resulted in Council sourcing 100% of its electricity from renewable energy via a long-term Power Purchase Agreement (PPA).

With significant energy efficiency works and on-site solar installations already implemented, the next step to reduce our emissions was to

explore purchasing renewable energy for the remainder of our electricity needs.

In an Australian first, this project brought together the purchasing power of 14 partners, including universities, cultural institutions, corporations and councils to drive the construction of a new wind farm near Ararat.

We will build on the success of MREP buy using our experience to assist large energy using businesses to procure renewable electricity via Power Purchase Agreements.





## Attachment 2 - Attachment 2 - Final Draft Climate Emergency Plan 2020-2024



### Targets

- By 2024, double the percentage of dwellings in Yarra with solar energy systems from 9% in 2019<sup>20</sup>
- By 2024, achieve a 50% increase in the capacity of commercial solar installations across Yarra, from current commercial capacity of 4,541kW
- Before 2030, all Council buildings to be 'all-electric' — powered by 100% renewable energy with no use of gas

### Headline actions

- Assist large energy users to switch to renewable energy via Power Purchase Agreements (PPA)
- Support small businesses and residents to buy renewable energy through retail partnerships / independently reviewing retail options
- Introduce zero carbon standards for new commercial and residential developments, working with local and state government partners to amend the planning scheme
- Develop a zero carbon developments framework and work with developers to achieve and promote leading practice
- Seek to waive planning application fees for solar installations and improve guidance to help facilitate installs in heritage areas
- Transition Council's small sites away from using gas within two years and larger, more complex facilities before 2030

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### Zero carbon developments

The buildings of the future could not only greatly reduce energy use, but generate and drive demand for renewable energy. Zero carbon developments are new buildings that have no net carbon emissions, typically achieved by being highly energy efficient and not using fossil fuels in their operation through a combination of rooftop solar and buying off-site renewable energy.

Through research into zero carbon standards and working with leaders in the development industry, Council can facilitate more zero carbon developments in Yarra. Internationally, zero carbon standards in the built environment generally have a consistent set of features:

- high standard of energy performance achieved for example through a focus on passive design, building orientation, improved air tightness and insulation, high performance glazing, windows, lighting, cooling and heating and hot water systems

- maximising on-site renewable energy generation, usually through by solar energy systems
- choosing materials in line with passive design strategies and with low embodied energy
- long term off-site renewable energy purchasing, such as through Power Purchase Agreements
- various legal and contractual arrangements to ensure the standard is maintained over the life of the building.

We will drive further leadership in the development industry by promoting examples of zero carbon buildings, and work towards a planning scheme amendment to raise standards across the sector.



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2. Accelerate renewable energy, zero carbon buildings and efficient operations			
No.	Action description	Resourcing	Who
<b>Residents</b>			
2.1	<p>Accelerate residential solar installs and the reduction of carbon emissions via tailored programs:</p> <p><b>Homeowners:</b> Providing expert energy advice and facilitating affordable, quality solar and battery installations and home upgrades, including heating and cooling, insulation, lighting, draught proofing and moving off gas.</p> <p><b>Vulnerable households:</b> Partnering with aged and community care providers to upgrade the homes of the most vulnerable community members each year. Customised energy retrofits may include insulation, lighting, draft proofing, door and window seals, fans and blinds, to improve thermal comfort, reduce bill stress and improve health outcomes.</p> <p><b>Tenants and landlords:</b> Providing information about solar rebates, energy saving and facilitating low-cost energy retrofits, including draft proofing and lighting changes. Assisting renters to engage property owners and managers around more significant energy improvements.</p> <p><b>Multi-unit developments:</b> Supporting apartment owners, property managers and tenants to work through the complexities of installing solar and upgrading buildings to improve energy performance.</p> <p><b>Low-income housing:</b> Exploring options to assist low-income households to buy renewable energy and/or cover the upfront cost of solar system installs with repayments to be made via Council's rates mechanism. Explore partnerships with community housing providers. Offer ongoing support through:</p> <ul style="list-style-type: none"> <li>• Online tools to help people prioritise actions to reduce carbon emissions</li> <li>• Seeking external funding opportunities to support additional households with energy-efficiency retrofits and solar installs, particularly low income and vulnerable households</li> <li>• Staying abreast of emerging technologies and trends, such as micro-grids and virtual networks, as well as partnership and funding opportunities to reduce emissions</li> </ul>	<p>Largely to be delivered by Council's existing contribution to Yarra Energy Foundation.</p> <p>Indicative budget: Post pandemic-phase, an additional \$30,000 per year for upgrading homes of vulnerable people. Up to 60 homes to be upgraded in first year, increasing over time.</p>	<p><b>Lead:</b> Yarra Energy Foundation</p> <p><b>Support:</b> Sustainability</p> <p><b>Partners:</b> Aged and Disability and other related service providers, Community service organisations, Social and public housing providers, including Office of Housing, Funding agencies such as state government</p>

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2. Accelerate renewable energy, zero carbon buildings and efficient operations			
No.	Action description	Resourcing	Who
<b>Residents</b>			
2.2	<p>Reduce the complexity for residents seeking to buy ethical, affordable, renewable electricity by:</p> <ul style="list-style-type: none"> <li>• Developing a '100% Renewable Yarra' campaign</li> <li>• Exploring partnerships with retailers and/or independently reviewing renewable electricity retail options</li> <li>• Stay abreast of emerging community energy models, such as solar gardens, or other approaches for the community to invest in renewables and enjoy greater energy independence</li> </ul>	<p>Establish renewable energy offer within existing resources. An expanded campaign would require additional resources.</p>	<p><b>Lead:</b> Yarra Energy Foundation</p> <p><b>Support:</b> Sustainability</p>
<b>Businesses</b>			
2.3	<p>Support Yarra businesses to transition to 100% renewable electricity and more efficient operations through:</p> <ul style="list-style-type: none"> <li>• Facilitating solar and battery installations and building upgrades, including accessing Environmental Upgrade Finance or other financial incentives</li> <li>• Supporting businesses to increase the uptake of energy audits, and high efficiency technologies and management processes</li> <li>• Supporting large energy using businesses to purchase renewable electricity including the potential for group Power Purchasing Agreements (PPA)</li> <li>• For small to medium businesses (and residents), explore partnerships with energy retailers and/or independently review and advise on renewable electricity retail options</li> <li>• Including businesses in the '100% Renewable Yarra' campaign to promote and educate businesses about renewable electricity options</li> <li>• Promoting sustainable businesses in Yarra who are taking strong action, such as purchasing 100% renewable electricity</li> </ul>	<p>Commence program within existing resources, with further resourcing to be subject to future budget processes.</p> <p>Indicative future funding: additional staff resource plus at least \$30,000 per year.</p>	<p><b>Lead:</b> Sustainability, Yarra Energy Foundation</p> <p><b>Support:</b> Economic Development</p>

## Attachment 2 - Attachment 2 - Final Draft Climate Emergency Plan 2020-2024

2. Accelerate renewable energy, zero carbon buildings and efficient operations			
No.	Action description	Resourcing	Who
<b>Community organisations</b>			
2.4	<p>Support Yarra community organisations to transition to 100% renewable electricity and upgrade their buildings through:</p> <ul style="list-style-type: none"> <li>Facilitating solar installations and the upgrade of buildings used by community groups, including assisting with access to financial support, such as government grants</li> <li>Supporting access to 100% renewable electricity in the most cost-effective way via: <ul style="list-style-type: none"> <li>enabling community organisations operating in Yarra Council buildings to purchase renewable energy as part of our long-term renewable electricity contract</li> <li>supporting other organisations to understand and access options to buy renewable energy including via the '100% Renewable Yarra' campaign</li> </ul> </li> </ul>	Existing resources.	<p><b>Lead:</b> Yarra Energy Foundation</p> <p><b>Support:</b> Sustainability</p>
<b>Yarra Council buildings</b>			
2.5	<p>Ensure all new Yarra Council buildings are zero-net emissions in construction and operation by:</p> <ul style="list-style-type: none"> <li>Setting strong design standards in an updated ESD (Environmentally Sustainable Design) Buildings Policy to ensure new Council buildings demonstrate environmental sustainability and climate resilience principles throughout design, construction and operation</li> <li>Eliminating the use of gas, maximising solar energy generation and battery storage, and powering buildings with 100% renewable energy</li> <li>Incorporating natural cooling and insulation such as green walls, roofs and landscaping</li> <li>Utilising partnerships and trialling new and emerging technologies</li> </ul>	Additional projects subject to annual capital budget processes.	<p><b>Lead:</b> Sustainability, Building and Asset Management</p>

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2. Accelerate renewable energy, zero carbon buildings and efficient operations			
No.	Action description	Resourcing	Who
Yarra Council buildings			
2.6	<p>Ensure all existing Yarra Council buildings are highly efficient and zero emissions by:</p> <ul style="list-style-type: none"> <li>Progressively transitioning facilities off gas, focusing on: <ul style="list-style-type: none"> <li>All sites with relatively simple gas systems (i.e. hot water systems and domestic-type heating) being transitioned off gas by the end of 2022 (30 of 38 sites)</li> <li>Sites with highly complex, building integrated gas systems (i.e. leisure centres and town halls) to be off gas by 2030 where feasible</li> </ul> </li> <li>Ensuring all Council buildings' roof space is maximised with solar panels by the of end 2022, including: <ul style="list-style-type: none"> <li>Provision for solar capacity beyond site electricity usage (where roof space allows) to feed additional renewable electricity into the grid</li> <li>Use of integrated battery storage where daytime electricity usage is low</li> <li>Investigating the use of micro-grids or other innovative technologies</li> <li>Provision of solar panels on community-used Council facilities</li> </ul> </li> <li>Implementing best-practice energy efficiency and building optimisation by: <ul style="list-style-type: none"> <li>Utilising smart control and monitoring technologies to operate buildings at the highest possible energy and building performance standards</li> <li>Identifying and investing in priority building energy efficiency upgrades, and ensure energy efficiency outcomes are factored into all building project works</li> </ul> </li> </ul>	<p>Actions are subject to budget processes. Indicative allocations would be: First stage of capital works: \$855,000. (\$355,000 for going off gas and \$500,000 for building upgrades)</p> <p>Second stage of capital works: \$320,000 for solar</p>	<p><b>Lead:</b> Sustainability</p> <p><b>Support:</b> Building and Asset Management</p>

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### 2. Accelerate renewable energy, zero carbon buildings and efficient operations

No.	Action description	Resourcing	Who
<b>Public lighting</b>			
2.7	<p>Accelerate the transition of Yarra's public lighting to the most energy efficient technology and management techniques by:</p> <ul style="list-style-type: none"> <li>• Upgrading all main road lights to smart LED</li> <li>• Upgrading all main road lights shared with the Department of Transport</li> <li>• Reviewing residential streetlights to upgrade from T5 to LED when appropriate, based on emerging technology and management practices</li> <li>• Reviewing and upgrading other public lighting (for example, parks, sports fields), as appropriate</li> </ul>	<p>Budget to be confirmed in future budget processes.</p> <p>Indicative budget: Approx. \$2.8million.</p>	<p><b>Lead:</b> Sustainability</p> <p><b>Partners:</b> Traffic and Civil Engineering, Open Space, Urban Design, Department of Transport</p>

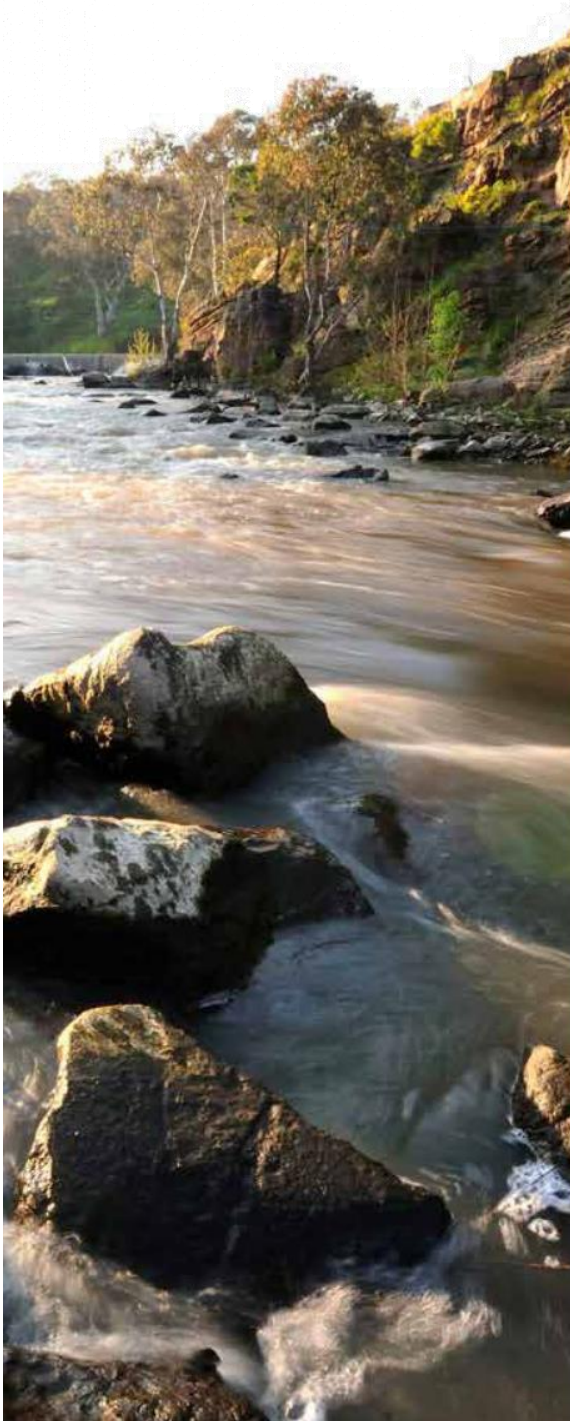
### Planning requirements for private developments and precincts

2.8	<p>Transition towards zero-carbon buildings and precincts through the planning process:</p> <ul style="list-style-type: none"> <li>• Develop a zero carbon developments framework and work with developers to achieve leading practice</li> <li>• Introduce zero carbon standards for new commercial and residential developments, through pursuing a planning scheme amendment with local and state government partners</li> <li>• Encourage leadership in the local development industry by promoting leading practice buildings, such as developments that have met high sustainability standards (for example, case studies, tours and recognition)</li> <li>• Seek to waive fees for solar installations and improve guidance to help facilitate installs in heritage areas</li> <li>• Consider precinct-level opportunities when undertaking planning for activity centres, precincts, such as renewable energy generation, storage and local distribution.</li> </ul>	<p>Commence work on the zero carbon developments framework and guidance for solar in heritage areas within existing resources.</p> <p>Further work to progress a planning scheme amendment is subject to future budget processes.</p>	<p><b>Lead:</b> Statutory Planning</p> <p><b>Support:</b> Strategic Planning, Sustainability</p> <p><b>Partners:</b> Local government alliances</p>
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2. Accelerate renewable energy, zero carbon buildings and efficient operations			
No.	Action description	Resourcing	Who
Advocacy and partnerships			
2.9	<p>Advocate to other levels of government to improve energy performance of buildings with an ultimate aim of achieving zero carbon buildings, such as through:</p> <ul style="list-style-type: none"> <li>• Increasing ESD requirements in all planning schemes across Victoria</li> <li>• Increasing energy performance standards in the National Construction Code</li> <li>• Mandating energy performance disclosure at point of sale and lease for residential and commercial buildings</li> <li>• Introducing minimum energy standards to be met at point of sale and lease</li> <li>• Significant investment of government funds and incentives like rebates, to assist homeowners to upgrade their homes (e.g. insulation, draft proofing etc.)</li> <li>• Advocating to the government and electricity distributors to reduce impediments to installing solar PV on multi-unit developments, such as distribution network constraints, on-site embedded networks and metering arrangements</li> </ul>	Within existing resources.	<p><b>Partners:</b> Statutory Planning, Sustainability, Advocacy and Engagement, NAGA, CASBE, One Million Homes Alliance</p>
2.10	<p>Advocate to the state government for a rapid transition to 100% renewable grid-supplied electricity and improved energy data provision by:</p> <ul style="list-style-type: none"> <li>• Increasing Victoria's Renewable Energy Target (VRET) to 100 per cent by 2030, and ensuring a fair and equitable transition for those in the community affected by energy insecurity</li> <li>• Improving access to and analysis of energy and emissions data by sector to inform policies and programs</li> </ul>	Within existing resources.	<p><b>Lead:</b> Sustainability</p> <p><b>Support:</b> Advocacy and Engagement</p> <p><b>Partners:</b> NAGA, Other councils</p>





## STRATEGIC PRIORITY 3. CREATE A CLIMATE ADAPTED CITY

**Vision: Yarra's natural and built environments are healthy and resilient in a climate impacted world.**

As the climate changes, our city's infrastructure and assets (both natural and built forms), will be placed under increasing pressure due to rising urban heat, storm and flood risks and water insecurity. Continued global heating means that the average number of days in Melbourne over 35°C will likely increase from around 8.3 days per year to between 13 and 21 days by the 2050's. The impact of continued global heating on water supply shows that by 2040 the Yarra catchment area will see rainfall reduce by 2.7% annually and an expected 11% reduction in water flowing to waterways.<sup>21</sup>

While these impacts pose significant challenges, they also present an opportunity to create a more climate resilient city that improves liveability. Our city's green spaces, parks and reserves provide considerable physical and mental health benefits that need to be preserved to help people cope with the impacts of a changing climate. To address these challenges, we need to adapt the way we design, build and manage our infrastructure and assets – our parks and reserves, buildings, roads, streetscapes and drainage network. We will implement a range of on-ground solutions and embed climate adaptation approaches across Council's works, strategies and policies.



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As part of our climate emergency response, we will further use blue/green infrastructure solutions to help mitigate flood, drought, heat, and enhance habitat and green spaces. This includes additional tree planting, water sensitive urban design, such as permeable surfaces and investing in water harvesting, treatment and irrigation for parks and gardens to reduce pressure on drinking quality water supplies. We will create additional green and open spaces where possible, and provide spaces for growing food locally to foster more resilient food systems and reduce the emissions associated with growing and transporting food.

To inform the adaptive management of our water assets, we are currently conducting city-wide flood modelling, including climate sensitivity analysis. For Council's buildings, we will regularly review and raise the ESD standards and design-in climate resilience to deliver shade and use heat reflective, light-coloured surfaces, as appropriate. We are developing a draft Integrated Water Management Plan (IWMP) that addresses the whole water cycle and water uses across Council's operations, setting targets and actions needed to adapt to climate impacts.

Around 17% of Council's public land reserves are bushland. In order to protect and enhance our parks, reserves and ecological assets, we need to adapt our land and vegetation management practices. Aboriginal peoples have been living in connection with country for thousands of years, observing, experiencing, and successfully adapting to significant changes in the landscape. This traditional knowledge, handed down through generations, provides a valuable base for adaptive land management in a changing climate.<sup>22</sup> Partnering with Traditional Owners, we also need to ensure that areas of cultural significance are protected and resilient to climate impacts and ensure future generations can enjoy and pay respect to these important places.

WE WILL CREATE ADDITIONAL GREEN  
AND OPEN SPACES WHERE POSSIBLE

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### Yarra's pocket parks

Since 2009 we've created six new pocket parks by reclaiming road space and transforming underused paved areas into green spaces in Collingwood, Abbotsford and Richmond.

Due to their industrial past, parts of Yarra have a very low proportion of open space relative to the growing worker and resident populations through new commercial and residential developments.

These award-winning green spaces not only provide much-needed recreation and socialising opportunities, but help mitigate urban heat, reduce stormwater run-off and often improve facilities for cyclists and pedestrians.

The pocket parks typically include grassed areas, seating, garden beds, trees, feature lighting, bicycle racks and drinking fountains.



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### Edinburgh Gardens stormwater harvesting

The large raingarden in Edinburgh Gardens treats stormwater runoff from nearby drains, capturing about 4ML per year for irrigation of the park. The 700m<sup>2</sup> terraced garden also adds character to the existing landscape of this popular park.

Further expansions to this scheme, including increased storage capacity are currently under development. The implementation of this project is expected to reduce downstream flooding in the Fitzroy area and further reduce reliance on drinking quality water for irrigation.



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### Targets

- By 2040, increase canopy cover for the whole municipality by 25% from a 17% baseline in 2014
- By 2024, 15% of total water consumption by Council to come from alternative sources (e.g. harvested rainwater and stormwater)
- Through an Integrated Water Management Plan set targets for improved water quality

### Headline actions

- Accelerate street tree planting guided by Priority Planting Plans
- Expand stormwater harvesting at Edinburgh Gardens to reduce reliance on drinking quality water for irrigation and improve water quality
- Create additional pocket parks in high density areas through reclaiming road space
- Develop options to implement trials or permanent works to enhance streetscapes through increasing tree plantings and permeable surfaces to mitigate heat, wind exposure and flood risk.

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Figure 9. Artist's impression of a draft design idea for a climate adapted street (Emergent Studios 2020)



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3. Create a climate-adapted city			
No.	Action description	Resourcing	Who
Street and park trees			
3.1	<p>Enhance our urban forest to increase tree canopy cover, diversity and climate resilience by:</p> <ul style="list-style-type: none"> <li>• Accelerating street tree planting guided by Priority Planting Plans, informed by areas most affected by urban heat and social vulnerability</li> <li>• Adapting tree selection and establishment practices to optimise tree health, lifespan and function in a changing climate</li> <li>• Strategically installing passive irrigation for new tree plantings where feasible, and increasing permeable surfaces around existing trees to improve soil moisture</li> <li>• Partnering with other councils and government agencies to improve vegetation connectivity across borders</li> </ul>	Subject to annual budget processes.	<p><b>Lead:</b> Urban Design, Open Space Services, Open Space Planning and Design, Drainage and Stormwater</p> <p><b>Support:</b> Sustainability</p> <p><b>Partners:</b> Resilient Melbourne and other networks</p>
Land use planning, local precincts and streetscapes			
3.2	<p>Plan and design streetscapes, open spaces and precincts considering increasing climate vulnerability, such as urban heat, flood risk and vulnerable communities:</p> <ul style="list-style-type: none"> <li>• During streetscape capital works processes, maximise opportunities for increased permeability and vegetation cover, sustainable infrastructure and enhanced walking and cycling. A current example is to develop options to implement trials or permanent works to enhance streetscapes along Gleadell Street and Griffith Street Richmond, increasing tree plantings and permeable surfaces to mitigate urban heat, wind exposure and flood risk. Options include to reclaim road space and reallocate car spaces to prioritise pedestrians and bicycle users, introduce traffic control measures, enhance the use of space and maintain access to existing uses</li> <li>• Identify climate resilience opportunities when undertaking planning for activity centres, precincts and other strategic land use planning processes</li> <li>• Create more green and open spaces, via a number of mechanisms, including land acquisition and reclaiming road space</li> <li>• Expand spaces for growing food locally, including new community gardens</li> </ul>	Subject to annual budget processes.	<p><b>Partners:</b> Urban Design, Traffic, Asset Management, Sustainability, Strategic Planning, Urban Agriculture Open Space Planning and Design</p>



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3. Create a climate-adapted city			
No.	Action description	Resourcing	Who
Land use planning, local precincts and streetscapes			
3.3	<p>Work through state and local planning mechanisms to facilitate a more climate resilient city, including:</p> <ul style="list-style-type: none"> <li>• Use updated flood modelling that includes future climate scenarios to inform future flood overlays</li> <li>• Working with the state government to periodically update the planning scheme to ensure climate-related impacts are addressed in line with evolving best practice</li> </ul>	Subject to annual budget processes.	<p><b>Lead:</b> Strategic Planning</p> <p><b>Support:</b> Asset Management, Drainage and Stormwater</p> <p><b>Partners:</b> State government</p>
Parks and reserves			
3.4	<p>Ensure climate resilient and ecologically healthy parks, reserves and green spaces by:</p> <ul style="list-style-type: none"> <li>• Adapting management practices and managing for diversity to ensure our landscapes, parks and reserves are resilient in the face of a changing climate</li> <li>• Partnering with other landholders and government agencies to enhance habitat, canopy cover, carbon drawdown potential, and connectivity between ecological communities</li> <li>• Engaging with and drawing from Indigenous cultures and traditional knowledge to assist in managing land as our climate continues to change</li> </ul>	Proposed resources in Yarra's Draft Nature Strategy.	<p><b>Partners:</b> Open Space Services, Open Space Planning and Design, Biodiversity, Urban Design, Urban Agriculture</p>

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3. Create a climate-adapted city			
No.	Action description	Resourcing	Who
Integrated and water sensitive solutions			
3.5	<p>Develop an Integrated Water Management Plan to enhance Yarra as a water smart city, improving liveability, social and economic outcomes of the community.</p> <p>Utilise integrated and water sensitive solutions to intercept run-off, increase soil moisture, manage flood risk throughout the city and enhance green spaces and waterway health by:</p> <ul style="list-style-type: none"> <li>Investing in further stormwater harvesting infrastructure at Edinburgh Gardens to increase capacity to capture 24 ML annually and meet most of the garden's irrigation demand</li> <li>Investigating the feasibility of stormwater harvesting facilities at a further three locations to reduce reliance on drinking quality water for irrigation, and implement one stormwater harvesting project per year</li> <li>Consider the potential for blue/green infrastructure in future capital projects to achieve multiple water outcomes and support urban cooling</li> <li>Conducting city-wide flood modelling, including climate sensitivity analysis, to adaptively manage our water assets and inform future planning overlays</li> </ul>	<p>Edinburgh Gardens project funded in 2020/21 and additional capital works are subject to future capital budget processes.</p> <p>Additional staff resource required to progress future projects.</p>	<p><b>Lead:</b> Drainage and Stormwater</p> <p><b>Support:</b> Building and Asset Management, Traffic, Strategic Transport, Open Space Planning and Design</p> <p><b>Partners:</b> Melbourne Water</p>
Council assets and infrastructure			
3.6	<p>Improve the climate resilience of Council's assets, such as buildings, roads and drainage through:</p> <ul style="list-style-type: none"> <li>Enhancing road design and construction for climate outcomes, including identifying opportunities for lower embodied energy and recycled content</li> <li>Investigating and trialling smarter and integrated asset management technologies</li> <li>Updating Council's ESD Buildings Policy to ensure our buildings are adapted to future climate impacts (for example, withstand increased rainfall, back-up power for critical buildings)</li> <li>Partnering with neighbouring councils and regional alliances to improve cross-border issues, such as flooding and tree corridors</li> </ul>	<p>New capital projects subject to annual budget processes.</p> <p>Council's ESD Buildings policy will be updated in year 1 within existing resources.</p>	<p><b>Lead:</b> City Works, Building and Assets Management, City Lab, Traffic, Sustainability</p>

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3. Create a climate-adapted city			
No.	Action description	Resourcing	Who
Organisational climate responses			
3.7	<p>Embed climate resilience into Council's strategies, policies and decision-making processes:</p> <ul style="list-style-type: none"> <li>• Ensure new and updated policies, plans and strategies consider climate-related risks and plan for climate resilience</li> <li>• Plan for intensifying climate impacts when reviewing key plans for heatwaves, extreme weather and emergency responses</li> <li>• Continue to engage management and staff around the climate emergency and support staff to deliver climate responses as part of their roles</li> <li>• Incorporate climate adaptation considerations into future Asset Management Plans and associated Project Implementation Plans for Council assets</li> <li>• Continuing to ensure all new design works are assessed using climate adaptation considerations through our Green Infrastructure Guidelines, Climate Adaptation Guidance Tool and Quadruple Bottom-Line Tool (QBL)</li> <li>• Stay abreast of adaptation information and technologies and periodically review our approaches to climate adaptation</li> </ul>	Within existing resources.	<p><b>Lead:</b> Sustainability</p> <p><b>Support:</b> Health Safety and Risk, Various units across Council</p>



## STRATEGIC PRIORITY 4: TRANSITION TO ZERO EMISSIONS TRANSPORT

Vision: Sustainable transport is the most attractive, safe and convenient way to travel in and through Yarra.

Carbon emissions from transport make up 15% of the Yarra community's emissions, with the majority being a result of car travel. Despite an extensive network of sustainable transport options in Yarra, the number of car trips starting, ending and occurring within Yarra is increasing, and is forecast to reach 42,800 by 2031 – equivalent to a 48% increase from 2011.

Reducing Yarra's transport emissions largely depends upon reducing non-essential car use, increasing the portion of trips taken by public transport, walking and cycling, and rapidly transitioning to electric (or other zero emissions) vehicles.

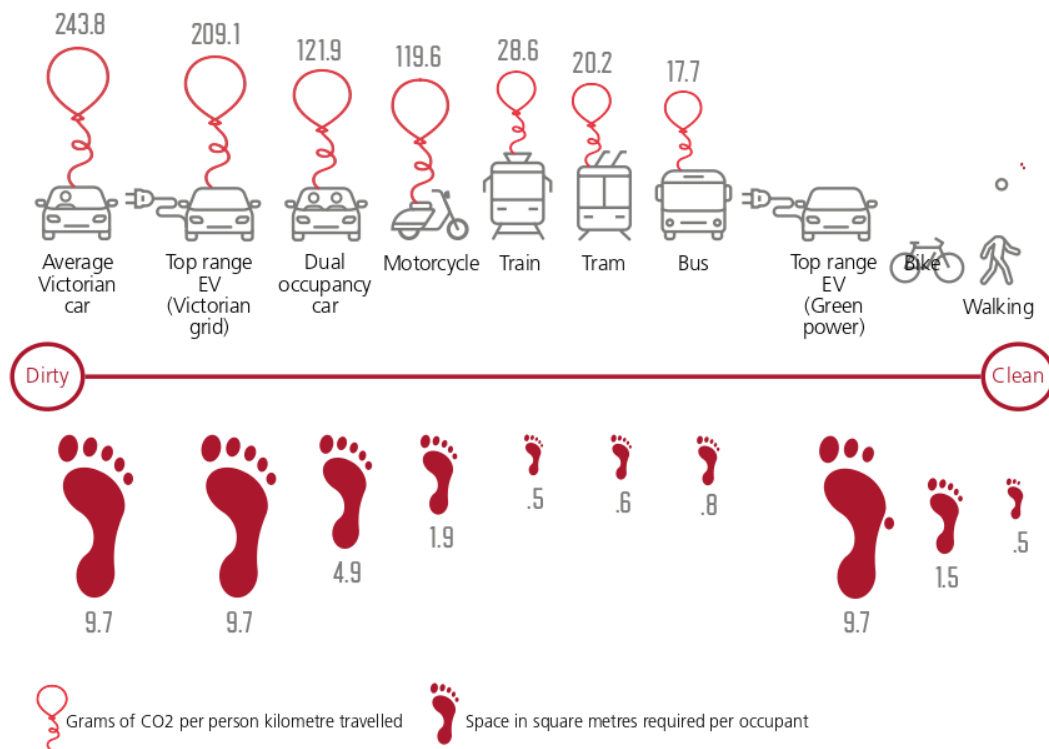
There is considerable opportunity to reduce transport emissions and realise a range of co-benefits including reduced congestion, improved air quality, health, amenity and overall liveability of the city. Noting the exception for electric vehicles, Figure 10. shows the strong correlation between carbon emissions intensity and land space taken up by the various modes of transport.

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As the COVID-19 related restrictions ease and people return to work and school, there's a pressing need for more cycling lanes to encourage people to keep up the cycling habits they're taken up during the restrictions; to reduce pressure on public transport; and provide an attractive alternative to driving. This is a unique opportunity to rapidly roll out 'pop-up' cycling lanes to give

commuters a safe, healthy way to get to work. Any temporary changes would be evaluated and would inform potential permanent upgrades in future. This is one of the key ways both council and state governments can 'build back better' to recover from the pandemic and reduce carbon emissions.

**Figure 10. Carbon emissions (gramsCO<sub>2</sub>e per person kilometre) and space taken up by various transport modes<sup>23</sup>**



Source: Institute for Sensible Transport

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### Yarra's transport snapshot

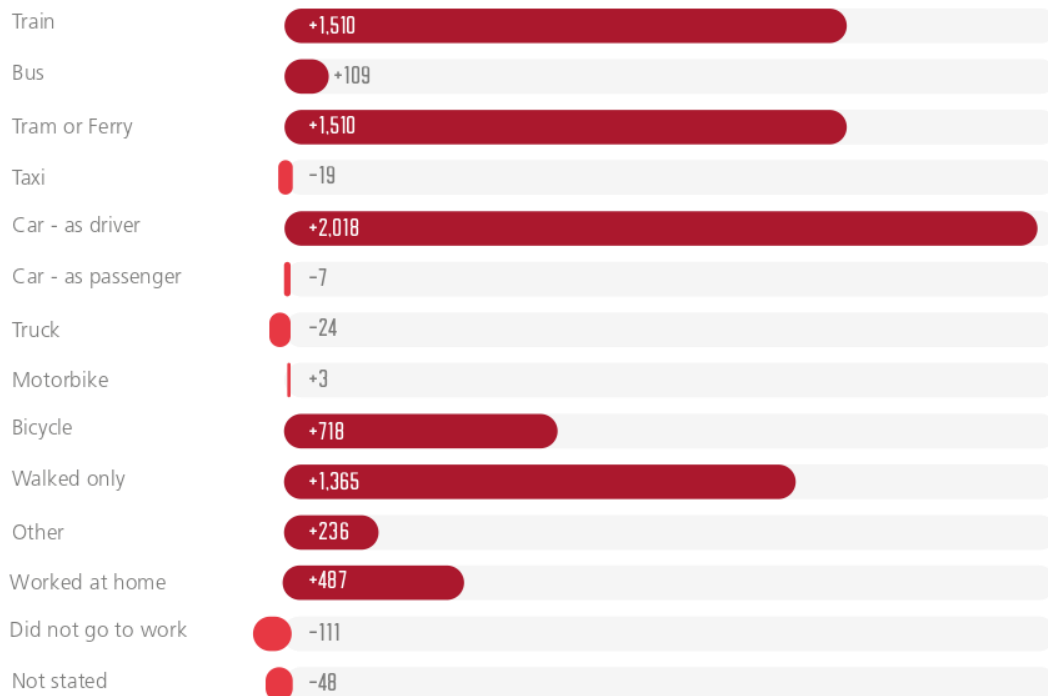
Largely due to Yarra's growing population, there were 7,747 additional residents travelling to work in 2016 (the most recent ABS Census data) compared to 2011. This included approximately 2,000 more people driving to work in the five-year period, and a further 3,000 people taking public transport (both tram and train modes). More modest increases in walking and cycling were also experienced over the same period. (Figure 11). Additionally, a significant portion of vehicle traffic in Yarra is commuter traffic passing through from other parts of Melbourne.

The portion of trips to work made by bike in Yarra has seen a modest increase over time — from 6.4% in 2006 to 8.5% in 2011, and 8.6% in

2016<sup>24</sup> — however this is likely to plateau unless measures are taken to significantly improve the quality of Yarra's cycling infrastructure. While Yarra has an established cycling culture and cycling levels are high in Yarra compared to most Melbourne municipalities, leading cycling cities in Europe with a comparable density and urban form to Yarra have a bike mode share of over 25% — around three times higher than Yarra.

The recent period of COVID-19 restrictions has seen an increased interest in cycling, with an Australia-wide survey reporting that 73% of people said that during the pandemic they will ride their bike more or as much as they normally would.<sup>25</sup> This period presents opportunities to create lasting changes to increase cycling rates in Yarra and beyond.

**Figure 11. Change in method of travel to work by employed people, trips originating in Yarra - 2011 to 2016<sup>26</sup>**





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### Opportunities for transport improvements

In order to reduce car use, a range of interventions are needed, including additional investment in sustainable transport infrastructure, public transport improvements, bicycle and pedestrian infrastructure, car sharing and other initiatives to discourage non-essential car ownership and use.

Transitioning to a zero emissions future requires urgent improvements across metropolitan Melbourne's transport network. Council has key commitments in the Council Plan to advocate for public transport improvements and deliver improved active transport. In line with these commitments, we are advocating to and working with the state government to deliver public transport improvements, including more accessible tram stops along tram routes, advocating for a new north-south bus route, facilitating new electric bus routes, rail improvements and for the state government to power public transport with 100% renewable energy.

Council will progressively improve environments for pedestrians so that more journeys can be safely and enjoyably made on foot. These include improved pedestrian crossings, footpath widening, signage and pedestrian facilities, such as adequate lighting and seating. There may also be opportunities to further slow traffic speeds in additional areas and reduce traffic volumes.

There is significant opportunity to increase the portion of trips taken by push bike and electric bike by improving Yarra's cycling network to encourage cycling by people who may be interested in riding but currently do not feel safe. Electric bikes can reduce some common barriers to conventional bikes, including physical limitations of the rider, arriving at work without perspiring and the ability to ride with greater loads (for example, children or groceries), and have the potential to replace some car use.<sup>27</sup>

Council will continue to collaborate with other governments to deliver an integrated, accessible and convenient transport system for Melbourne, in which sustainable transport is prioritised as the most attractive transport option for the community.

### Integrated transport planning

To deliver sustainable transport priorities that respond to the climate emergency, Council will implement actions through an Integrated Transport Plan (ITP). The ITP will set out our strategic objectives for transport and how future projects could be delivered. We will also develop a new Parking Management Plan in conjunction with the ITP, to ensure the strategic directions of both plans deliver on climate emergency objectives and transport priorities for Yarra.

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The Integrated Transport Plan will:

- |  |   |   |
|--|---|---|
| <ul style="list-style-type: none"> <li>• Set ambitious targets to increase the share of trips by sustainable transport modes</li> <li>• Provide a comprehensive evidence-base to support transport action in Yarra</li> <li>• Identify existing and emerging issues and opportunities, including incentives or initiatives to change travel behaviours</li> <li>• Update and improve Council's existing transport policy objectives and vision statements</li> <li>• Identify a comprehensive list of integrated actions that align with transport objectives</li> </ul> | <ul style="list-style-type: none"> <li>• Use parking provisions, or other mechanisms, to encourage car-share and electric vehicles</li> <li>• Promote efficient use of road space for walking and cycling, public transport, shared transport and zero emissions vehicles</li> <li>• Highlight new approaches to delivering transport projects, such as pilots and trials, to enable more innovative and time and cost-effective ways of implementing projects</li> <li>• Inform an update to Yarra's Bicycle Strategy and a Parking Management Plan</li> </ul> | <ul style="list-style-type: none"> <li>• Set out a clear advocacy agenda to facilitate the delivery of state government projects in Yarra</li> <li>• Provide Councillors with a strategic community-endorsed mandate to make the project decisions required</li> <li>• Provide an effective monitoring framework for informed on-going decision making</li> </ul> |
|--|---|---|

### Electric vehicles and fleet

While public and active transport modes are preferred ahead of vehicular transport, electric vehicles present considerable opportunity to reduce transport emissions. Electric vehicles have lower emissions over their lifecycle than fossil fuel vehicles, however there are still carbon emissions and environmental impacts from manufacture through end-of-life disposal. As such, a range of vehicles should be considered, with a preference for smaller, lighter weight, more efficient vehicles, such as electric bicycles, scooters and motorbikes, followed by cars.

Establishing Yarra as a leading zero emissions vehicle municipality will provide other local benefits including reduced noise and air pollution. Work to achieve this will include provision of some Council-owned public-use charge points at key locations, and developing a strategic and shared plan for a diverse charge point network in Yarra. We will also advocate to other levels of government for mechanisms to support a fast transition to electric vehicles.

We will transition our fleet to all electric vehicles as soon as practical and assist others by sharing our experience. We currently operate a number of electric vehicles powered by 100% renewable electricity, as part of our operational fleet, including electric bikes and electric tipper trucks. We will also work actively with our contractors to transition their vehicles to low emissions and electric vehicles.

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### Copenhagen-style segregated bike lanes

Yarra's first protected bike lanes along Wellington Street, Collingwood separate cyclists from road traffic, providing a safer and better connected journey. The bike lanes run on both sides of Wellington Street, from Victoria Parade to Johnston Street.

In addition to the improvements for cyclists, the street upgrades included tree planting, new garden beds, an improved pedestrian crossing, more bike parking, and traffic-calming measures to make the road safer and more user-friendly. Distinct honeycomb road markings are in place at potential conflict points and traffic lights have been sequenced to smooth the passage for cyclists at peak times.

With around 1,000 people taking that route during the weekday morning peak, this is an important investment for cyclists and is encouraging more people to take up two wheels. Shortly after completing the works, we observed a 20 percent increase in cycling during the morning peak. Approximately one third of those riders are female, which is higher than the Victorian and national average, and a strong indication that the road is now safer.

With the significant increase in cyclists, who are smaller and more vulnerable than cars, there is an opportunity to further improve cycling safety and attractiveness, through upgrading street lighting to better achieve cyclist safety.

The works were delivered in partnership with VicRoads and the Transport Accident Commission.

The works were delivered in partnership with VicRoads and the Transport Accident Commission. Council will work with partners to deliver further separated bike lane projects, applying an iterative trial approach.





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### Targets

- Through developing an Integrated Transport Plan, set ambitious targets to increase the share of trips by active and public transport and decrease the share by car
- By 2025, all Council's vehicles to be powered by 100% renewable electricity / zero emissions, where practical options are available

### Headline actions

- Support the installation of public-use electric vehicle charge points
- Replace all Council's diesel and petrol powered vehicles with electric / zero emissions vehicles, as practical options become available
- Use an 'iterative trial' approach to roll out transport projects quickly to inform permanent upgrades

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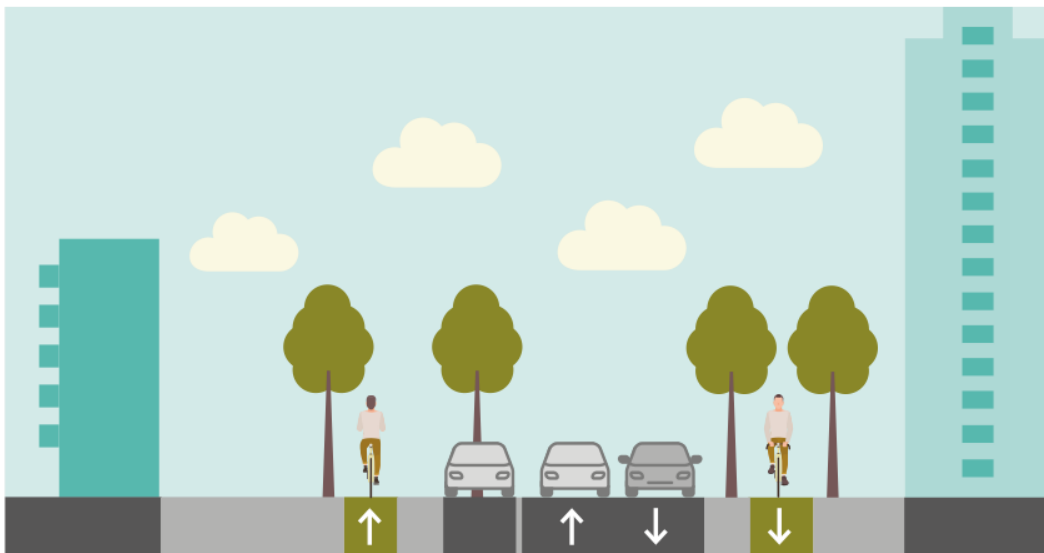
### Protected bike lane trial in Elizabeth Street, Richmond

Elizabeth Street, Richmond is a key east-west cycle route through the city, carrying around 1,000 cyclists per day. Although this is an important cycling corridor, it has narrow bike lanes that place cyclists between parked car doors and large volumes of moving traffic — an environment that typically discourages additional cyclists.

Using an iterative trial approach, Council is temporarily putting in place cycling infrastructure to create protected bike lanes. Such an approach enables trial designs to be rolled out quickly and tested in real world environments before progressing more permanent and costly upgrades.

The Elizabeth Street project involves monitoring and evaluation to inform potential upgrades including reallocation of road space for permanent bike lanes and additional tree plantings.

Figure 12. Elizabeth Street, Richmond proposed trial of segregated bike lanes



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4. Transition to zero emissions transport			
No.	Action description	Resourcing	Who
Public, active transport and parking			
4.1	<p>Develop an Integrated Transport Plan (ITP) to facilitate the uptake of sustainable modes of transport and the long-term reduction of private car use by:</p> <ul style="list-style-type: none"> <li>• Reallocating road and parking space for upgrades, enabling footpath widening, bike lanes, public transport improvements and greening opportunities</li> <li>• Prioritising walking, cycling and public transport through improved infrastructure based on evidence and future predicted transport modelling</li> <li>• Promoting and facilitating car-sharing and other alternatives to private car ownership</li> <li>• Investigating parking restrictions to facilitate improved access for sustainable modes of transport through changes to allocation of road space</li> </ul>	Budget required for comprehensive strategy development.	<p><b>Lead:</b> Strategic Transport</p> <p><b>Support:</b> Parking Management, Traffic</p> <p><b>Partners:</b> Various — to be confirmed through the ITP</p>



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4. Transition to zero emissions transport			
No.	Action description	Resourcing	Who
Public, active transport and parking			
4.2	<p>Increase sustainable transport solutions throughout the city including:</p> <ul style="list-style-type: none"> <li>• Using iterative trials for temporary sustainable transport infrastructure, car free zones and curfews and reallocation of car space for sustainable transport modes</li> <li>• Rapidly rolling out temporary cycling lanes as part of the recovery from COVID-19*</li> <li>• A near-term project is introducing protected bike lanes along Elizabeth Street Richmond, a key east-west cycle route through the city. The project would involve reallocation of road space, additional canopy tree plantings and monitoring to learn from and inform future street upgrade projects.</li> <li>• Delivering additional safe cycling infrastructure projects and on-going maintenance improvements</li> <li>• Increasing active transport infrastructure, traffic calming and filtering solutions via local 'access and movement' projects and capital works process, including additional 30km per hour zones</li> <li>• Raising the sustainable transport standards (i.e. Green Travel Plan requirements) for new residential and commercial developments, working with council and state government partners</li> <li>• Working towards developing a high-profile street to deliver improvements that may include maximising opportunities for improved public transport access, cycling infrastructure and pedestrian areas, enhanced tree canopy and vegetation, permeable surfaces, green spaces and reclaiming road space.</li> </ul>	To be considered during planning and programming specific capital works.	<p><b>Lead:</b> Strategic Transport</p> <p><b>Support:</b> Traffic</p> <p><b>Partners:</b> VicRoads, Public Transport Victoria, Council alliances</p>

\*Due to COVID-19 related changes to community transport needs, Council will implement short term measures to provide additional bike lanes and improve cycling safety through creating increased spaces for cyclists in roadways; and then evaluate if they are effective, with a view to making them more permanent.

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4. Transition to zero emissions transport			
No.	Action description	Resourcing	Who
Public, active transport and parking			
4.3	<p>Develop a Parking Management Plan that is informed by the Integrated Transport Plan that would seek to:</p> <ul style="list-style-type: none"> <li>• Apply user-pays principles and remove incentives that preference car use and ownership</li> <li>• Apply a road-use hierarchy to favour active and public transport modes</li> <li>• Develop a model for Council's parking revenue that's financially and environmentally sustainable</li> <li>• Reduce on-street parking, where necessary, to enable improvements to sustainable transport infrastructure and the public realm</li> <li>• Consider appropriate approaches to restrain the provision of off-street parking</li> <li>• Introduce a parking overlay in the Yarra Planning Scheme to reduce the on-site car parking requirements for new developments, due to the availability of public and sustainable transport options</li> </ul>	To be resourced by additional resources required for the Integrated Transport Plan.	<p><b>Partners:</b> Strategic Transport, Compliance and Parking, Statutory Planning, Strategic Planning</p>
4.4	<p>Support the rapid transition to zero emissions vehicles, including facilitation and advocacy to increase electric vehicle charging points across private and public spaces within the municipality by:</p> <ul style="list-style-type: none"> <li>• Working with potential sites and providers to support the roll out of public-use electric vehicle charge points</li> <li>• Incorporating in the planning permit process, requirements for significant new developments to make appropriate provision for electric vehicle charging infrastructure</li> <li>• Collaborating with car-sharing businesses to accelerate the transition to electric vehicles</li> <li>• Supporting, educating and promoting the transition to electric vehicles by Yarra residents and businesses.</li> </ul>	To be resourced by additional resources required for the Integrated Transport Plan.	<p><b>Lead:</b> Strategic Transport</p> <p><b>Support:</b> Sustainability, Economic Development, Statutory Planning</p> <p><b>Partners:</b> Local businesses</p>

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4. Transition to zero emissions transport			
No.	Action description	Resourcing	Who
Electric and low emissions vehicles			
4.5	<p>Support the transition of Yarra Council's fleet to zero emission vehicles and low emissions vehicles including:</p> <ul style="list-style-type: none"> <li>• Converting Council's entire fleet to zero emissions by 2025, subject to availability of suitable vehicles and charging infrastructure/capability</li> <li>• Converting Council's diesel fleet (i.e. tipper trucks) to electric as soon as possible</li> <li>• Converting Council bus fleet to electric by 2023</li> <li>• Ceasing purchase of new diesel-powered utes until practical electric vehicles enter the market</li> <li>• Progressively switching to electric or other zero emissions vehicles at the time of renewal where possible, utilising full lifecycle cost budgeting rather than purchase price</li> <li>• Utilise hybrid options, such as the efficient Yaris hybrid, as a transitional technology where zero emissions vehicles and charging infrastructure are not practical. Phase out non-hybrid petrol driven passenger vehicles by 2022</li> <li>• Reducing vehicles and their usage through a range of organisational and technical solutions including active transport, online meetings and remote monitoring. Use of telematics will allow Council to better understand the opportunities.</li> <li>• Ensuring Council's service delivery contractors transition to zero emissions vehicles as quickly as possible (aim for 2026), including street sweeping and kerbside waste collection vehicles</li> <li>• Participating in sector-leading pilots and trials for new vehicles or zero emissions fuel opportunities, such as using onsite solar and battery storage to power council and contractor electric vehicles</li> <li>• Being a community leader in staff travel planning and travel behaviour change</li> </ul>	Subject to annual budget processes.	<p><b>Lead:</b> City Works</p> <p><b>Support:</b> Procurement, Sustainability</p>

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4. Transition to zero emissions transport			
No.	Action description	Resourcing	Who
Advocacy and partnerships			
4.6	<p>Advocate to and partner with state and federal governments for improved active and public transport infrastructure including:</p> <ul style="list-style-type: none"> <li>• Prioritising public transport infrastructure spending over road infrastructure spending and increased funds for active transport projects</li> <li>• Providing more frequent, increased capacity, and better-connected modes of public transport</li> <li>• Powering all trains with renewable electricity</li> <li>• Zero emissions public transport buses, with trials focused on routes through Yarra</li> <li>• Improving separated bike infrastructure with good interconnectivity across intersecting municipal areas</li> </ul> <p>Seek to enhance effectiveness of advocacy through partnerships and collaboration with other local governments and key partners.</p>	Within existing resources.	<p><b>Lead:</b> Strategic Transport, Advocacy and Engagement</p> <p><b>Support:</b> Sustainability</p> <p><b>Partners:</b> NAGA, Other local governments</p>
4.7	<p>Advocate to state and federal governments to accelerate the uptake of electric vehicles including:</p> <ul style="list-style-type: none"> <li>• Developing a coordinated national electric vehicle strategy and support mechanisms</li> <li>• Implementing best-practice national vehicle emissions standards</li> <li>• Funding and planning for public charge points</li> <li>• Providing financial incentives for businesses and private owners to purchase electric vehicles</li> </ul> <p>Seek to enhance effectiveness of advocacy through partnerships and collaboration with other local governments and key partners.</p>	Within existing resources.	<p><b>Lead:</b> Advocacy and Engagement</p> <p><b>Support:</b> Strategic Transport, Sustainability</p> <p><b>Partners:</b> NAGA, other local governments</p>



## STRATEGIC PRIORITY 5. MOVE TOWARDS ZERO WASTE AND CONSCIOUS CONSUMPTION

**Vision:** The Yarra community are conscious consumers who avoid waste, reduce embodied carbon emissions and preserve resources.

What and how people consume has a profound impact on our planet. In an affluent country like Australia we are over consuming; depleting the Earth's natural resources, generating harmful carbon emissions and creating unnecessary waste. Many products and services have significant embodied emissions — carbon emissions generated from production through to their end-of-life, such as raw material extraction, manufacturing, use and transport. If everyone in the world consumed as many resources and as much fossil fuel-based energy as the average Victorian today, three to four planets would be needed to sustain us.

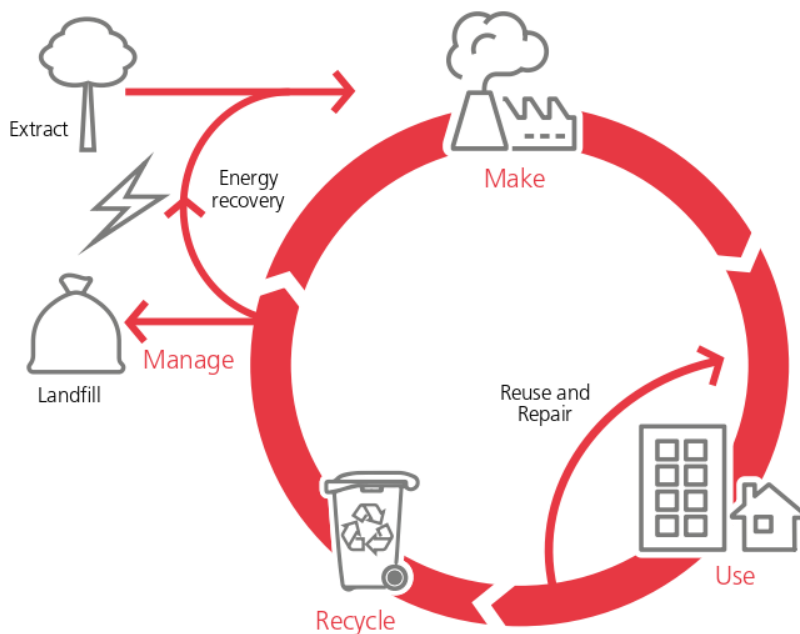
## Attachment 2 - Attachment 2 - Final Draft Climate Emergency Plan 2020-2024

To accelerate reductions in carbon emissions and curb the overuse of resources, we need to consume resources more consciously, with an understanding of the environmental and social implications of our choices. Emissions associated with using goods and services – such as buying food, plastic items and packaging, electronics and clothing — occur right across the supply chain. For example, there are considerable emissions at each stage of growing crops, processing, distributing, storing, cooking and disposal of food waste. By some estimates direct emissions from food growing represents between 25-30% of its emissions<sup>28</sup>, with the rest occurring along the food supply chain through to disposal. Other goods, such as electronics and fashion, generate significant carbon emissions and waste through intentionally designing for obsolescence and disposability.

Reducing consumption and waste will require a shift in mindsets to move away from a traditional 'take-make-dispose' model to one that values any 'waste' as a resource and aspires to a zero waste system. Through approaches such as applying circular economy principles, waste can be designed out of a system, and finite resources valued and kept circulating within it (Figure 13).

Driving this requires systemic changes across government policies, regulatory settings, behavioural patterns and investment to drive new industries, infrastructure and processing facilities.

Figure 13. Resource flows in a circular economy<sup>29</sup>





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Community education and engagement are critical in accelerating this transition. Yarra Council has long had a role in delivering waste behaviour change programs, services and infrastructure. We actively support the community to avoid waste and take up alternative models, such as sharing, repairing, reusing; and enable greater recycling.

Council also continues to evolve its services and infrastructure, such as kerbside collections and recycling systems and infrastructure, to apply new approaches and meet community needs.

Yarra Council will continue to partner with other councils and state government to create viable local recycling solutions and markets, based on circular economy principles. Through our alliances, we'll also continue to advocate to state and federal government for systemic improvements in consumer products, waste and recycling industries.

### Targets

Contribute towards the state government's targets to:

- Divert 80% of waste from landfill by 2030, with an interim target of 72% reduction by 2025
- Halve the volume of organic material going to landfill between 2020 and 2030, with an interim target of 20% reduction by 2025

### Headline actions

- Roll out a municipal-wide, four-bin food and organic waste kerbside collection service in 2020
- Facilitate the development of local recycling solutions and markets for recyclables, working with industry and council partners
- Phase out single use plastics across Council's operations and further engage the community to reduce plastics

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### Yarra's Waste Revolution

In 2020/21, Council will be rolling out a four-bin kerbside recycling service based on a successful trial with 1300 households in Abbotsford. The new service will enable residents across Yarra to separate food and glass waste for recycling, in addition to the usual commingled recyclable and landfill waste streams.

As part of Yarra's Waste Revolution, residents' food and garden waste is sent to a commercial composter and turned into nutrient rich mulch and fertiliser, avoiding highly polluting methane when food waste is disposed to landfill. Removing glass from the other recyclables enables higher quality glass to be turned into new glass products, and low-quality glass to be used in local road construction. Separating glass also produces better quality paper, cardboard and plastic material for recycling.

The trial has seen a dramatic reduction in waste disposal — diverting about 60% of household waste from landfill. When we surveyed over 400 residents in the trial area, almost 80% told us they think these changes are an improvement in managing waste and just under 90% support separating their waste for collection.



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5. Move towards zero waste and conscious consumption			
No.	Action description	Resourcing	Who
5.1	<p>Continue to deliver communications campaigns and behaviour change programs with a focus on waste avoidance and sustainable consumption:</p> <ul style="list-style-type: none"> <li>Examples include: Proudly Plastic Free, This is Your Waste, Zero Waste Map, Food Know How, Grow Your Own</li> </ul>	Current programs within existing resources. New programs subject to annual budget processes.	<p><b>Lead:</b> Waste Minimisation</p> <p><b>Support:</b> Communications, Sustainability</p> <p><b>Partners:</b> Local environment groups and other community organisations</p>
5.2	Roll out Yarra's Waste Revolution across the municipality: a new four-bin glass, food and organic waste kerbside collection service, along with recycling education	Additional resources subject to annual budget processes.	<p><b>Lead:</b> Waste Minimisation</p> <p><b>Support:</b> Service Contracts</p>
5.3	<p>Facilitate the development of local recycling processing solutions</p> <ul style="list-style-type: none"> <li>Carry out feasibility work with other councils and state government to explore opportunities for Council-run glass processing facilities</li> </ul>	Subject to annual budget processes.	<p><b>Lead:</b> City Works</p> <p><b>Support:</b> Sustainability</p> <p><b>Partners:</b> State government agencies</p>
5.4	<p>Apply circular economy and lifecycle approaches in Council business</p> <ul style="list-style-type: none"> <li>Embed approaches into procurement and management of Council's assets, goods and services (for example, design-out resource use, minimise inputs, maximise resource recovery, reduce residual waste and carbon emissions and buy recycled products).</li> </ul>	Resourcing needs to be determined.	<p><b>Lead:</b> Sustainability, City Works</p> <p><b>Support:</b> Waste Minimisation, other teams across Council</p>

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5. Move towards zero waste and conscious consumption			
No.	Action description	Resourcing	Who
Advocacy and partnerships			
5.5	<p>Advocate to state and federal government on waste and recycling issues — advocacy to include:</p> <ul style="list-style-type: none"> <li>• Placing a future ban on food waste to landfill</li> <li>• Supporting recycling industry innovation and market development</li> <li>• Improving and expanding domestic recycling and composting systems and facilities</li> <li>• Imposing stricter sustainable packaging standards</li> <li>• Expanding product stewardship schemes</li> </ul>	Within existing resources.	<p><b>Lead:</b> City Works</p> <p><b>Support:</b> Advocacy and Engagement, Waste Minimisation, Sustainability</p>

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### Appendix A: Council strategies and climate responses

Relevant Council strategy	Climate response in strategy	Strategic priority alignment
Council Plan and Health and Wellbeing Plan	Community resilience, health and wellbeing, social cohesion, food systems	All
Urban Agriculture Strategy	Sustainable, resilient food systems	Strategic Priority 1, 4 and 5
Urban Forest Strategy	Climate adaptation, tree resilience and diversity	Strategic Priority 3
Draft Nature Strategy	Ecological regeneration, biodiversity management	Strategic Priority 3
Draft Integrated Water Plan	Climate adaptation, water security, urban heat mitigation	Strategic Priority 3
Waste and Resource Recovery Strategy	Circular economy principles	Strategic Priority 5
Environmentally Sustainable Design (ESD) Buildings Policy	Sustainable built environment, zero carbon developments	Strategic Priority 2, 3
Yarra Open Space Strategy	Climate adapted open spaces, flood and heat mitigation	Strategic Priority 3
Municipal Strategic Statement	Climate considerations in land use planning	Strategic Priority 2, 3
Urban Design Strategy	Climate adapted landscapes, streetscapes and places, flood and heat mitigation	Strategic Priority 2, 3, 4
Economic Development Strategy	Low carbon economy, sustainable business leadership and sustainable economy	Strategic Priority 2, 3, 5
Bicycle Strategy	Active transport	Strategic Priority 4

# GLOSSARY

## Carbon offset

The action or process of compensating for carbon (or greenhouse gas) emissions arising from industrial or other human activity, by participating in schemes designed to make equivalent additional reductions in carbon emissions. Examples include tree planting to sequester carbon, methane capture and use and renewable energy projects.

## Carbon neutral

Carbon neutral refers to the balance achieved when emissions created by human activity are offset by an equal amount. Carbon neutrality is often achieved through a combination of reducing carbon emissions and buying carbon offsets, which means investing in projects that reduce or absorb greenhouse gas emissions of equal value to the amount being produced. Carbon neutrality is sometimes referred to as having a net zero carbon footprint.

## Climate crisis

See climate emergency.

## Climate emergency

Climate emergency can be understood in two ways. Firstly, it refers to the catastrophic changes to the climate brought about by human activity that poses a dangerous threat to all life on the planet. Secondly, a climate emergency response can be considered taking effective action at a scale and speed commensurate with the magnitude of the crisis.

## Drawdown

The removal of excess greenhouse gases from the atmosphere with the aim of restoring a safe climate.<sup>30</sup>

## Environmentally Sustainable Development (ESD)

Environmentally sustainable development is the integration of environmental considerations in urban planning, development and construction, with the aim of protecting the environment while meeting current and future community needs. The term also refers to building performance in relation to the use of environmentally sustainable design and orientation, low-impact materials, reuse and recycling of materials, energy efficiency, waste management and the use of closed loop systems.

## Green/blue infrastructure

Green and blue infrastructure refers to landscape elements that are designed to deliver a range of environmental, economic, and social benefits including improved water quality, enhanced climate resilience and restoring the health of ecosystems. Examples include natural and artificial waterways and water courses, raingardens, vegetated swales, trees and indigenous plant landscapes.

## Greenhouse gas (GHG) emissions

Carbon dioxide, methane, nitrous oxide and other gases that contribute to global heating. Also referred to as carbon emissions.

## Integrated Water Management

Integrated Water Management (IWM) is a holistic approach to water management that considers the interactions of all elements of the water cycle including potable (drinking quality) water, rainwater, stormwater, recycled water and groundwater to ensure they support and enhance social, ecological and economic outcomes.



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### Safe climate

A climate that allows the natural environment, existing and future generations and communities to survive. The current climate conditions are not safe for a large range of species and increasingly unsafe for millions of people.

### Urban heat island

An urban heat island is an urban area that is significantly warmer than its surrounding areas. This increased warmth is due to heat being retained by roads, buildings, footpaths made of concrete and asphalt, and waste heat created by cars, industry and people. The urban heat island effect can negatively impact the natural environment and human health.

### Water sensitive urban design treatments (WSUD)

Water sensitive urban design (WSUD) attempts to mimic the natural water cycle as closely as possible, such as by slowing down, intercepting and reusing stormwater and improving the quality of water discharged to waterways. Examples of WSUD treatments include raingardens, rainwater tanks, swales, wetlands and sediment ponds.

# REFERENCES

- <sup>1</sup>United Nations Intergovernmental Panel on Climate Change (2018). Global Warming of 1.5°C
- <sup>2</sup>Breakthrough National Centre for Climate Restoration
- <sup>3</sup>United Nations Intergovernmental Panel on Climate Change (2018). Global Warming of 1.5°C
- <sup>4</sup>UN Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES)
- <sup>5</sup>Climate Council (2019). This is What Climate Change Looks Like
- <sup>6</sup>Department Environment, Land, Water and Planning (2019). Greater Melbourne Climate Projections
- <sup>7</sup>ABC News (26 May 2020)
- <sup>8</sup>Department Environment, Land, Water and Planning (2019). Greater Melbourne Climate Projections
- <sup>9</sup>Department Environment, Land, Water and Planning (2019). Greater Melbourne Climate Projections
- <sup>10</sup>Climate Council (2015). Feeding a Hungry Nation: Climate Change, Food and Farming in Australia
- <sup>11</sup>City of Yarra Greenhouse Gas Profile Report in accordance with the Global Protocol for Community-Scale Greenhouse Gas Emission Inventories. Note that transport emissions are modelled rather than measured directly
- <sup>12</sup>Wynes, S. and Nicholas, K. (2017). The climate mitigation gap: education and government recommendations miss the most effective individual actions, *Environ. Res. Lett.* 12 074024. Average values for developed countries based on current emissions
- <sup>13</sup>Yarra Economic Development Strategy 2020-2025 Background Report
- <sup>14</sup>CitiPower electricity data 2018/19; Gas data 2018
- <sup>15</sup>Yarra Economic Development Strategy 2020-2025 Background Report
- <sup>16</sup>Council's emissions profile established in accordance with National Carbon Offset Standard requirements
- <sup>17</sup>Spratt, David. (2016). Climate Reality Check: After Paris, counting the cost
- <sup>18</sup>Australian PV Institute
- <sup>19</sup>Yarra Energy Foundation (2020), City of Yarra – Solar Estimate Potential (unpub.)
- <sup>20</sup>Analysis of freestanding and semi-detached dwellings from Australian PV Institute informed by adjusted Australian Bureau of Statistics Census data
- <sup>21</sup>Department Environment, Land, Water and Planning (2016). Guidelines for Assessing the Impact of Climate Change on Water Supplies in Victoria
- <sup>22</sup>Adams, M. (2013). Indigenous knowledge and climate change in Australia: Can the traditional knowledge of Australia's indigenous communities keep pace with climate change? *Current Conservation*, 7 (1), 17-21
- <sup>23</sup>Institute for Sustainable Transport (2018). Potential for electric bike use in Melbourne Background report for Transport Strategy Refresh. Commissioned by the City of Melbourne
- <sup>24</sup>Based on ABS Census data for travel to work trips for employed people over 15 years old in Yarra
- <sup>25</sup>Bicycle Network Victoria (9 April 2020)
- <sup>26</sup>Based on ABS Census data for travel to work trips for employed people over 15 years old in Yarra
- <sup>27</sup>Institute for Sustainable Transport (2018). Potential for electric bike use in Melbourne Background report for Transport Strategy Refresh. Commissioned by the City of Melbourne
- <sup>28</sup>Victorian Eco Innovation Lab (2008). Sustainable and Secure Food Systems for Victoria: What do we know? What do we need to know?
- <sup>29</sup>Department Environment, Land, Water and Planning (2020). Recycling Victoria – a new economy
- <sup>30</sup>Darebin City Council (2017). Darebin Climate Emergency Plan 2017-2022

**Attachment 2 - Attachment 2 - Final Draft Climate Emergency Plan 2020-2024**

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**11.2 Amendment C231 Part 2 - 390A Queens Parade, North Fitzroy**

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## **Executive Summary**

### **Purpose**

The purpose of the meeting is to consider the report of the independent Planning Panel and the officer recommendations in relation to Part 2 of Amendment C231 which applies to 390A Queens Parade, Fitzroy North. Part 2 is the remaining part of Amendment C231 to be considered by Council. Council needs to decide whether to adopt Part 2 of the Amendment with or without changes, or whether to abandon it.

### **Key Issues**

On 17 March 2020, Council considered the Planning Panel Report and adopted Parts 1 and 3 of Amendment C231 with changes.

This report considers the remaining part of the Amendment – Part 2, which relates to 390A Queens Parade.

Council did not consider Part 2 of the Amendment at the 17 March 2020 Council meeting because the land at 390A Queens Parade was the subject of an application to VCAT under Section 39 of the *Planning and Environment Act 1987* (an appeal regarding process of the amendment not planning merits of an application).

The VCAT decision has now been received and the appeal dismissed meaning that no process issues were identified with the notification of the amendment.

The Planning Panel's Report is generally supportive of the Amendment but recommends some changes. It recommended a maximum mandatory building height of 3 storeys apply to 390A Queens Parade (as part of the north side of Queens Parade in Precinct 4) and supported the other built form parameters proposed by Council for the wider precinct.

Council must now consider the report of the independent Planning Panel and the officer recommendations and make a decision in relation to Part 2 of Amendment C231 in accordance with the *Planning and Environment Act 1987*.

### **Financial Implications**

Costs associated with the Planning Panel process have been met through the City Strategy budget.

### **PROPOSAL**

In summary, it is proposed that Council considers the Planning Panel and officer report for Part 2 of Amendment C231 and decides whether to:

- (a) adopt all or part of the Amendment with or without changes; or
- (b) abandon all or part of the Amendment.

## 11.2 Amendment C231 Part 2 - 390A Queens Parade, North Fitzroy

Reference: D20/86120

Authoriser: Director Planning and Place Making

### Purpose

1. The purpose of the meeting is to consider the report of the independent Planning Panel and the officer recommendations in relation to Part 2 of Amendment C231 which applies to 390A Queens Parade, Fitzroy North. Part 2 is the remaining part of Amendment C231 to be considered by Council. Council needs to decide whether to adopt Part 2 of the Amendment with or without changes, or whether to abandon it.

### Background

2. Council prepared Amendment C231 to introduce built form controls for new development and make other changes to the planning scheme along Queens Parade, Fitzroy North/Clifton Hill.
3. Amendment C231 is intended to replace the interim built form controls (DDO16 and DDO20) which currently apply with permanent controls.
4. A Planning Panel was appointed to hear submissions to the amendment. The Panel Report was received by Council on 1 November 2019 and released publicly on 14 November 2019.
5. On 17 March 2020, Council considered the Panel Report and adopted Parts 1 and 3 of Amendment C231 with changes.
6. Council considered Amendment C231 over the course of two previous meetings:
  - (a) **first meeting (Stage 1) (25 February 2020 Special Council Meeting)** - At the Special Meeting any person who wished to address Council on the Panel's recommendations was given an opportunity to do so in accordance with normal meeting procedure rules. In total, 31 speakers addressed the Council; and
  - (b) **second meeting (Stage 2) (17 March 2020 Ordinary Council Meeting)** - Council made a decision to split the Amendment into three parts and adopt Parts 1 and 3 of the Amendment with changes.
7. The purpose of splitting of the Amendment into three parts was to enable the parts that were not subject to the section 39 appeal at VCAT.
8. The three parts of the Amendment (as shown on Map 1 below) are:
  - (a) Part 1 – Includes all land subject to Amendment C231 with the exception of the land comprising 390A Queens Parade and 141-167 Queens Parade;
  - (b) Part 2 – Comprises the part of the Amendment relating to the land at 390A Queens Parade; and
  - (c) Part 3 – Comprises the part of the Amendment relating to the land at 141-167 Queens Parade.
9. Council did not consider Part 2 of the Amendment because the land at 390A Queens Parade was the subject of an application to VCAT under Section 39 of the *Planning and Environment Act 1987* (the Act).
10. At the time of the Council meeting on 17 March 2020, a decision from VCAT had not yet been received. As a result, Council resolved to defer consideration of Part 2 of the Amendment until after the outcome of the VCAT decision was known.
11. Parts 1 and 3 of the Amendment, (following the Council decision on 17 March) have been lodged with the Department of Environment, Land, Water and Planning (DELWP) for approval by the Minister for Planning.

**Map 1: Land included in Parts 1, 2 and 3 of Amendment C231**



### 390A Queens Parade

12. 390A Queens Parade (now Part 2 of Amendment C231) is located between the rear of the shops on the north side of Queens Parade and the rear of the houses in McKean Street. Refer to Map 2 below.

**Map 2: Location of 390A Queens Parade**



### Section 39 proceeding

13. In December 2019, the owners of 390A Queens Parade lodged an application with VCAT under Section 39 of the Act, alleging that Council (and the Panel) had failed to afford procedural fairness to the owner during the Amendment process for C231.
14. A VCAT hearing was held on 10 February 2020.
15. The VCAT decision was received on 24 April 2020 (see Attachment 6 for a copy of the decision). The appeal was dismissed and VCAT found:



- (a) *'The Tribunal does not have jurisdiction under s 39 of the Act to consider the implied obligations to afford procedural fairness to the Applicant as contended for by the Applicant; and*
  - (b) *There has not been a failure to comply –*
    - (i) *by the Council, with Division 1, 2 or 3 of Part 1 of the Act; or*
    - (ii) *by the Panel, with Division 2 or 3 of Part 3 of the Act; or*
    - (iii) *by the Panel, with Part 8 of the Act.'*
16. These parts of the Act relate to the planning scheme amendment process and Planning Panel process.
17. The VCAT Member (Member Djohan) found that there has not been any failure on the part of Council, as the planning authority, to comply with the following sections of the Act:
- (a) Section 19 - *What notice of an amendment must a planning authority give?* (noting the applicant did not raise any issues about this aspect of the amendment);
  - (b) Section 23 - *Decisions about submissions*; and
  - (c) Section 24(e) - *Hearing by Panel* (Under this sub-clause, the Panel must consider all submissions referred to it and give a reasonable opportunity to be heard to any person the Minister or the planning authority directs the panel to hear).
18. Member Djohan found that there has not been any failure on the part of the Panel to comply with:
- (a) Section 24 - *Hearing by Panel*;
  - (b) Section 161 - *General Procedure for Panel*; and
  - (c) Section 25 – *Report by Panel*.
19. Member Djohan also found that the *'Tribunal does not have jurisdiction to consider any matters not directly arising from a failure to comply with an express requirement of Division 1, 2, or 3 of Part 3, or Part 8 of the Act'* (paragraph 127). The member concluded that 'the Tribunal's jurisdiction under s 39 of the Act does not extend to consideration of whether there exists any implied obligation on Council or the Panel to afford the Applicant procedural fairness as alleged by the Applicant'. She said:
- (a) *'The purpose of s 39 of the Act is limited and it does not permit a broader review of Council's conduct or that of the Panel'. (paragraph 82); and*
  - (b) *'Apart from the allegation that the Panel failed to comply with s 161(1) of the Act, the conduct complained of by the Applicant is reliant on implied obligations which fall within the judicial review jurisdiction of the Supreme Court and not within the Tribunal's jurisdiction under s 39 of the Act' (paragraph 84).*

*Planning permit application for 390A Queens Parade*

- 20. A planning permit application has been lodged for 390A Queens Parade.
- 21. The permit applicant has appealed Council's 'failure to determine the application' within the statutory timeframe to VCAT.
- 22. The original planning application sought to demolish all existing buildings on the site and construct 15 four storey townhouses. However the applicant has amended their proposal (through VCAT).
- 23. The amended planning application seeks to demolish all existing buildings on the site, except the substation building on the north-east corner of the site and construct 13 four storey townhouses and an office in the former substation.

24. Officers from Council's statutory planning branch have subsequently advised VCAT that, if it had been in a position to make a decision, Council would have issued a notice of refusal for the amended proposal based on issues such as visual bulk, the scale of the development and internal amenity.
25. The matter was listed for a 4 day merits hearing starting on 24 March 2020, however due to COVID-19 and the associated temporary closure of VCAT to the public, the hearing has been adjourned to 17 August 2020.
26. At the VCAT hearing, if Part 2 of the Amendment has not been adopted and approved by the Minister before 17 August 2020, the development proposal will be primarily assessed against the existing provisions in the planning scheme i.e. DDO20 (the interim DDO which allows up to 6 storeys in height on the land at 390A Queens Parade). That said, if adopted further by Council, regard will be given to the proposed DDO under Part 2 of Amendment C231, because, Amendment C231 would be further considered a 'seriously entertained amendment' (i.e. the further along the formal amendment process the more "weight" the matter has at VCAT).

#### **Amendment process to date**

27. Amendment C231 was authorised by the Minister for Planning and exhibited during October and November 2018. 414 written submissions were received. (The owners of 390A Queens Parade did not make a submission during the process.)
28. On 28 May 2019 Council resolved to request the Minister appoint an independent Planning Panel to hear submissions.
29. At that meeting, Council considered the submissions and endorsed a set of proposed changes to the Amendment. Those proposed changes were reflected in a document called the Council's *preferred* version of the DDO.
30. Council's submission to the Panel was based on the position endorsed at the Council meeting on 28 May 2019.
31. Although the Panel considered the Amendment as exhibited, the Panel also had regard to Council's preferred version of the DDO. At the close of the hearing, Council was directed to submit its final version of DDO16 to all parties. The Panel used this final version of DDO16 as the basis for its recommendations as found in the Panel report. There was an acceptance by all parties at the hearing that the starting position for deliberations was the preferred DDO, although the Panel was still required to consider the exhibited DDO.
32. The Panel Report was received by Council on 1 November 2019 and released publicly on 14 November 2019. A copy of the Panel Report was attached to the officer report for the Special Council Meeting on 25 February 2020. A copy of the report is also on Council's website. <https://www.yarracity.vic.gov.au/the-area/planning-for-yarras-future/yarra-planningscheme-and-amendments/current-amendments/amendment-c231-queens-parade>.
33. As noted above, on 17 March 2020 Council considered the Panel Report and adopted Parts 1 and 3 of the Amendment with changes.

#### **Next steps in the amendment process**

34. The consideration of Part 2 of Amendment C231 is the final step in the Amendment process for Council.
35. Under Sections 27, 28 and 29 of the Act, Council must:
  - (a) consider the Panel's report before deciding whether or not to adopt the amendment; and then;
  - (b) either abandon all or part of the Amendment; or
  - (c) adopt all or part of the Amendment with or without changes.

36. Section 9 of the *Planning and Environment Regulations 2015* (the Regulations) sets out the information to be submitted to the Minister for Planning under Section 31 of the Act. Council must provide the following:
  - (a) the reasons why any recommendations of a Panel were not adopted; and
  - (b) a description of and the reasons for any changes made to the amendment before adoption.
37. Attachment 1 to this report sets out what the Panel recommended (in respect of the land at 390A Queens Parade and the surrounding precinct i.e. the north side of Queens Parade in Precinct 4). It explains why or why not recommendations were adopted.
38. Attachment 3 describes every change made by Council to the Amendment from exhibition to the version of the amendment proposed for adoption and gives reasons for the change.

#### **Panel recommendations and officer response**

39. The Panel supported Amendment C231 but subject to certain recommended changes.
40. The officer report forming part of the Agenda for the Ordinary Meeting of Council on 17 March 2020 (17 March 2020 Council Report) outlined the aspects of the Amendment supported by the Panel. However, in summary, the Panel concluded that the Amendment:
  - (a) is *'well founded and strategically justified, and generally supported by submitters who acknowledged the need to accommodate change but questioned how much change was required'* (Page 18);
  - (b) was responsive to submissions and was subject to an extensive process of review by Council following exhibition and during the Panel hearing; and
  - (c) has been underpinned by comprehensive strategic work that supports the use of a combination of mandatory and preferred height and setback controls in DDO16.
41. The Panel:
  - (a) supported the balance of the *mandatory* controls and *preferred* provisions sought by Council as it will assist to provide certainty in areas where distinctive heritage fabric warrants greater protection from inappropriate development. It considers exceptional circumstances exist for the application of mandatory controls as Queens Parade includes a number of significant and contributory heritage places and heritage fabric set within a consistent streetscape form;
  - (b) acknowledged the importance of the overall heritage setting and of maintaining and protecting the identified heritage places and fabric of Queens Parade. It supported the protection of view lines to the former ANZ Bank building;
  - (c) agreed with Council that the 'heart' of the Activity Centre is particularly sensitive with consistent and close-grained development whereas the larger lots and less sensitive surroundings at the 'bookends' of Queens Parade lend itself to development of appropriately designed taller and larger buildings; and
  - (d) found that the Amendment is responsive to and consistent with the projected economic growth and population estimates and forecasts and plans for appropriate urban growth and renewal, consistent with State planning policy.

#### **Design and Development Overlay 16 (DDO16)**

42. Council officers have reviewed and considered the Panel's recommended changes to DDO16 as set out in the Panel's final version of DDO16 as they relate to 390A Queens Parade and agree with the majority of recommendations made by the Panel.
43. Council generally adopted the key recommendations from the Panel in relation to DDO16 when it adopted Parts 1 and 3. The two key exceptions were:

- (a) applying a mandatory height of 14 metres (4 storeys) across Quadrant 4 (the section of the shopping strip between Gold and Turnbull Streets). Instead Council adopted a mandatory maximum building height of 11 metres (3 storeys) for part of this quadrant (141-167 Queens Parade) with 14 metres mandatory (4 storeys) to apply to the remainder of this quadrant; and
- (b) deleting the Heritage Design Requirements. Council resolved to retain these in the DDO.

44. The following table details the key changes to the General Requirements in DDO16 as recommended by the Panel. Noting Attachments 1 and 3 outline other more minor recommended changes to the General Requirements and the officer response.

*Table 1: Changes to General Requirements*

DDO16	Panel and officer recommendations
Heritage design requirements	<p>The Panel considered that the Heritage Design Requirements were not required and repeated policy already in Clause 22.02, the decision guidelines in the Heritage Overlay and the Preferred Character Statements in the preferred version of the DDO.</p> <p>Officers do not support this change. The Heritage Design Requirements should be retained.</p> <p>Officers consider that they address a gap in the scheme provisions and should be included until such time Clause 22.02 is amended by Amendment C269 (Planning Scheme Local Policy rewrite) to more comprehensively address industrial, commercial and retail places.</p>
Access via laneways	<p>The exhibited version of DDO16 sought to ensure vehicle access is provided via side streets and rear laneways wherever possible to maximise the efficiency of the arterial roads and retain the historic pedestrian-focused shopping strip.</p> <p>To ensure this was explicit, in the Council's preferred version of DDO16 the requirement for access from side streets and rear laneways was deleted and replaced with a requirement to avoid new crossovers on Queens Parade.</p> <p>The Panel recommended Council reinstate the requirement for access from rear laneways or side streets.</p> <p>Officers support the Panel's recommended change to the Council's preferred version of DDO16.</p> <p>Officers support the inclusion of both requirements to provide clarity around access.</p>

### Building heights

45. 390A Queens Parade is located in Precinct 4 – Activity Centre.
46. Building heights in Precinct 4 were the subject of significant expert evidence, cross examination and discussion at the Panel Hearing:
- (a) many community submitters expressed concern about the six storey height proposed in the exhibited version of DDO16 – highlighting negative impacts on the valued heritage character of Queens Parade and on the amenity of adjoining residential properties;
  - (b) in response to the submissions and as a result of further built form testing, Council submitted to the Panel that building heights in Precinct 4 should be reduced from 21.5 metres (six storeys) mandatory (as exhibited) to 14 metres (four storeys) mandatory; and
  - (c) community submitters at the Panel argued at the Panel hearing in favour of three storeys on the basis that it would provide a better heritage protection to highly valued commercial heritage buildings.

Panel recommendations on building heights

47. The Panel recommended a mandatory height of 10.5 metres (three storeys) in the majority of Precinct 4 (including 390A Queens Parade) with the fourth quadrant bounded by Queens Parade, Gold Street and Turnbull Street to remain at 14 metres (four storeys) mandatory (see Map 3).

*Map 3: Panel's recommended heights in Precinct 4*



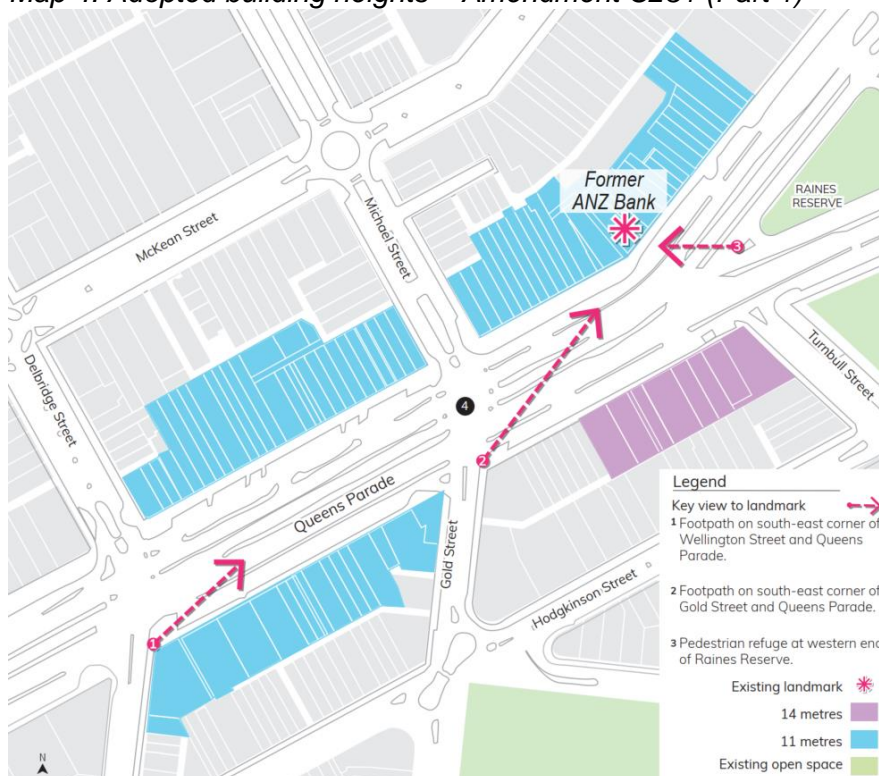
48. The Panel explained that it considered the contribution made to the character of the area by the consistent and fine grained detail and heritage features in this area warrant a mandatory height limit of 10.5 metres (three storeys).

Officer position

49. At the 17 March 2020 Ordinary Meeting of Council, Council adopted the Panel's recommendation of a three storey mandatory maximum building height for three of the four quadrants in Precinct 4.
50. However, while the Panel recommended the fourth quadrant bounded by Queens Parade, Gold Street and Turnbull Street remain at 14 metres (four storeys), Council adopted a mandatory maximum building height of 3 storeys (11 metres) for 141-167 Queens Parade and four storeys (14 metres) for the remainder of the quadrant (see Maps 4 and 5).



**Map 4: Adopted building heights – Amendment C231 (Part 1)**



**Map 5: Adopted building heights – Amendment C231 (Part 3)**



51. Council also adopted the officers' recommendation that the Panel's recommended three storey height of 10.5 metres be amended to 11 metres to ensure heritage floor plates can be carried through into the new development. Refer to section headed *10.5 metres versus 11 metres* for further discussion.
52. The Panel highlighted that, in its opinion, it considers the generally high and sensitive character and heritage values of this Precinct warrant protecting heritage over the facilitation of development (Page 72).

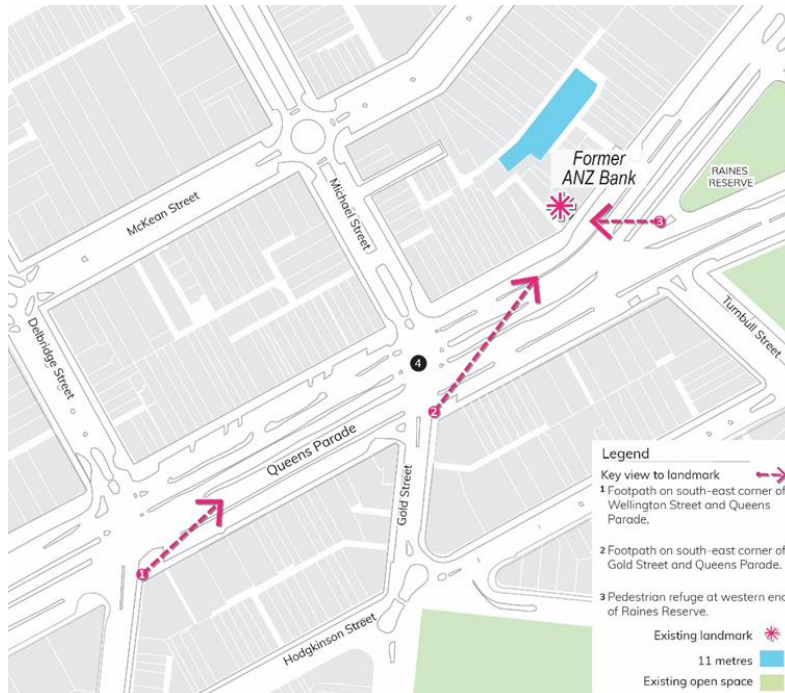


53. The issue of capacity and development was also extensively debated at the hearing. The Panel supported the strategic evidence put by Council that Queens Parade and the wider municipality has sufficient capacity to support future housing needs.
54. The Panel's view, therefore, was that Precinct 4 does not need to accommodate development. This enabled them to take a different position to Council and focus more so on heritage rather than development potential. Officers had taken a view that achieving a balance between heritage and development was the desired outcome.
55. In addition, the Panel gave significant weight to the intactness and consistency of the centre and its heritage streetscape. Additionally they were concerned about visibility of new additions. Council too was concerned about visibility; this was one of the reasons Council reduced its position on heights from 6 to 4 storeys.
56. The Panel also drew on the centre's function as well as its built form, noting it contains a highly intact, turn of the century commercial precinct containing heritage fabric that is highly valued by the local community (Page 64).
57. In the 17 March 2020 Council Report, officers supported the Panel's recommendations for a three storey height limit in three of the four quadrants in Precinct 4 on the basis that Queens Parade is a special case where future growth can be restricted on the basis of a combination of circumstances.
58. The specific circumstances (agreed by both Council officers and the Panel) which warrant this approach are:
  - (a) firstly, Queens Parade is unusually wide at 60 metres. Other high streets are more typically around 20 metres wide. This means that any new development in Queens Parade will be more visible than elsewhere. (Noting that while 390A Queens Parade does not front Queens Parade itself, it does form a backdrop and has been included in the Heritage Overlay which applies to Queens Parade);
  - (b) secondly, higher levels of growth can be accommodated elsewhere within the centre or nearby. Queens Parade is a neighbourhood activity centre, not a major activity centre and as such, is not expected to accommodate the extent of growth a major activity centre would. Queens Parade is unusual for a neighbourhood activity centre in that it has several large sites which can accommodate considerable growth (i.e. the former Gasworks site and at 26 Queens Parade at the western end). i.e. the 'barbells' with taller heights at each end of the centre and lower heights in the centre; and
  - (c) another unique aspect of Queens Parade as an activity centre is that the heritage streetscape in Precinct 4 is highly intact and consistent and features a fine grain subdivision pattern and narrow allotments.
59. The planning consultant representing the owner of 390A Queens Parade spoke at the 25 February 2020 Special Meeting of Council. In summary, the consultant said:
  - (a) they do not support the application of three storeys to their site and urged Council to retain its position of four storeys mandatory as presented to the Panel;
  - (b) they noted their planning permit application is for four storey townhouses which was below the 6 storeys permitted under the interim controls which applied when they lodged their planning permit application but did not seek this height; and
  - (c) they consider Council should abandon the Amendment in relation to their site and pursue a new Amendment, providing an opportunity to be heard.
60. As noted above, the Panel recommended that this part of Precinct 4, in which the land at 390A Queens Parade is located, should have a mandatory maximum building height of three storeys.
61. Officers support the Panel's recommendation for a three storey maximum building height for 390A Queens Parade.

62. Officers consider that the justification for a mandatory three storey maximum height that applied for the majority of Precinct 4 more broadly (and as set out above in paragraph 58), equally applies to 390A Queens Parade. Officers recommend a three storey maximum building height (or 11 metres) should also be adopted for 390A Queens Parade (see Map 6) to:

- (a) ensure a consistent building height applies across this part of Precinct 4; and
- (b) retain and reinforce the low-rise heritage built form character of the area.

*Map 6: Building heights – Amendment C231 (Part 2) – 390A Queens Parade*



### 10.5 metres versus 11 metres

63. On 17 March 2020, Council adopted the officers' recommendation that the height in areas where a three storey outcome was sought be increased from 10.5 metres (as recommended by the Panel) to 11 metres for the following reasons:
- (a) providing for a height of 11 metres would enable the continuation of the existing floor plates into the new building which provides a better heritage outcome. It also avoids new floors across existing openings such as windows;
  - (b) 11 metres cannot accommodate an extra storey;
  - (c) 11 metres enables the provision of commercial uses at both the ground and first floor, given the land is in a Commercial 1 Zone. (Noting the existing heritage buildings often have floor to ceiling heights that accommodate commercial uses at first floor); and
  - (d) a third storey would need to be 3 metres tall to accommodate reasonable residential ceiling heights that provide a good level of amenity for residents of new apartments.
64. To ensure consistency across the three storey areas of Precinct 4, it is therefore recommended that an 11 metre rather than 10.5 metre maximum height should apply to 390A Queens Parade.

### **Street wall heights and upper level setbacks**

65. The Panel supported the proposed street wall heights and upper level setbacks proposed by Council in the Council's preferred version of DDO16 for Precinct 4.

## Side and rear setbacks

66. Changes to the side and rear setbacks for Precinct 4 were recommended in Council's preferred version of DDO16 in response to submissions expressing concerns about impacts on the amenity of the low scale residential properties which abut the centre:
  - (a) in circumstances where there is no laneway, it provides a 3 metre ground level setback (similar to the separation provided by a laneway); and
  - (b) where there is a laneway, a setback similar to the B17 standard in ResCode applies.
67. Council's preferred version of DDO16 reinstated a requirement from the interim DDO (omitted in the exhibited version) to establish a setback for sites that have an interface to the Commercial 1 Zone i.e. island sites behind the Queens Parade commercial properties.
68. No change was recommended by the Panel to the above side and rear setback requirements in Council's preferred version of DDO16.

## Overshadowing of residential properties

69. Council's preferred version of DDO16 included the addition of overshadowing controls in Precinct 4 to protect adjoining residential properties from additional overshadowing at the September equinox.
70. The Panel supported this addition but recommended that it be relocated to the General Requirements section of DDO16.
71. Officers support this recommendation of the Panel but propose that a new heading, Interface to NRZ or GRZ requirements is added to aid navigation of the numerous requirements.

## Preferred character statement

72. Council's preferred version of DDO16 included a preferred character statement for each Precinct (a change proposed in response to submissions). They were added to better define the future character sought by the controls.
73. The Panel supported their inclusion but recommended some redrafting to make their intent clearer, read as more positive outcomes and remove repetition. Officers support the edits recommended by the Panel.

## DDO16 Version for adoption – 390A Queens Parade

74. A DDO specific to 390A Queens Parade is proposed for adoption at Attachment 5. The contents of this DDO includes the same metrics as the version of DDO16 adopted by Council for the north side of Queens Parade in Precinct 4 on 17 March 2020. References to precincts, streets and landmarks outside Precinct 4 have been deleted.

## Changes to Heritage Overlays and Heritage Gradings

75. As noted in the 17 March 2020 Council Report, there are five buildings located on the site at 390A Queens Parade. All five buildings are currently included in a Heritage Overlay (HO327 North Fitzroy), but do not have a heritage grading.
76. The Amendment (implementing the recommendations of *Heritage Built Form Heritage Analysis and Recommendations* by GJM Heritage) proposed the following in relation to the Heritage Overlay and heritage gradings for 390A Queens Parade:
  - (a) the two storey building (i.e. the substation - part of the former Wilmott bakery) in the north-east corner of the site was changed from '*ungraded*' to a '*contributory*' grading;
  - (b) all buildings on 390A Queens Parade (except the two storey building in the north-east corner) was changed from '*ungraded*' to '*not contributory*'; and
  - (c) remove 390A Queens Parade (and the surrounding laneways) from HO327 North Fitzroy Precinct and include it in HO330 Queens Parade Precinct, as the site historically serviced properties fronting Queens Parade and forms part of the commercial area (see Attachment 2).

77. During exhibition of the Amendment, submissions were received that questioned the '*not contributory*' grading of the remaining buildings. These submissions considered that the rest of the bakery building was significant and should be protected, and the single storey building to the immediate south-east of the substation formed part of Wilmott's bakery and should be retained.
78. The submissions regarding the heritage grading of the buildings at 390A Queens Parade were predominantly from local residents. No submission to the exhibited amendment was received from the owners of this site in relation to the grading (indeed, no submission at all was received from the owners of this site).
79. In response to the submissions that were received, GJM Heritage was asked to review the relevant submissions and gradings. GJM confirmed its original advice.
80. At the Panel hearing, submitters presented additional information about the site's history and its past use as Wilmott's bakery.

Panel recommendations in relation to the heritage grading of the buildings at 390A Queens Parade

81. The Panel concluded as follows:
  - (a) it supported the '*contributory*' grading of the north-east corner building at 390A Queens Parade and the '*not contributory*' grading of the other buildings at 390A Queens Parade within HO330, as exhibited;
  - (b) it considered Council should '*undertake further heritage assessment of the existing built form and associated structures located at 390A Queens Parade to establish whether other buildings and associated structures on this property would support or warrant a 'contributory' grading*';
  - (c) it observed (at page 100) there is remnant heritage fabric in all the buildings on the site, but accepts the buildings have been considerably altered over time. The Panel advised it '*therefore was unable to establish with enough certainty, that the level of physical fabric of the other buildings on this property would warrant these buildings to be graded as 'contributory' as sought by some community submitters*'; and
  - (d) it supported the recommendation to include the site in HO330 – the Queens Parade Precinct.

Response to Panel recommendations in relation to the heritage grading of the buildings at 390A Queens Parade

82. Officers recommend that Council progress the grading changes as proposed in the exhibited Amendment (i.e. the building in the north-east corner of the site be graded '*contributory*' and the remainder of the buildings on the site be graded '*not contributory*').
83. NOTE - The grading changes will be implemented through an update to Appendix 8 - City of Yarra Review of Heritage Overlay Areas 2007- an incorporated document to the Yarra Planning Scheme which lists heritage gradings (see Attachment 5).
84. As outlined in the 17 March 2020 Council Report, following receipt of the Panel Report, officers engaged David Helms Heritage to undertake the further assessment of the other buildings.
85. David Helms found that:
  - (a) the remainder of the former Wilmott bakery building should also be graded contributory (see map 7 below and the report from David Helms at Attachment 2); and
  - (b) the proposed Statement of Significance should be updated to reference the buildings at the rear of the shops.

*Map 7: Heritage grading of 390A Queens Parade proposed by David Helms*



*Red = Contributory grading proposed by C231 (Proposed by GJM and supported by David Helms)  
Green = Extension of Contributory grading proposed by David Helms  
Yellow = Not Contributory grading proposed by David Helms*

86. While the recommendations of David Helms are noted, there are varying and contradictory views offered by at least three well-credentialed heritage experts - David Helms, GJM and Lovell Chen (who prepared a Heritage Impact Statement for the permit applicant). There is also well-researched material presented by submitters to consider.
87. The application of a contributory grading to the remainder of the Wilmott's bakery building and further changes to the Statement of Significance were not initially included as part of Amendment C231 and were not exhibited. In addition, the owner has not been given a reasonable opportunity to test the propositions in the context of a panel hearing noting that the recommendation came out of the C231 Panel. Therefore, they should not be included in this Amendment at this late stage. Officers are of the view that the issue would need to be pursued as part of a future planning scheme amendment. This would enable the proposal to be fully and properly considered through a public process.

**External Consultation**

88. All submitters to Amendment C231 and the planning consultants acting for the owners of 390A Queens Parade have been advised of the intent to consider Part 2 of Amendment C231.
89. Officers wrote to all 414 submitters as well as land owners and occupiers in Precinct 4 and Precinct 5 prior to 25 February 2020 Council meeting to advise them of the two stage meeting process for consideration of Amendment C231.
90. Any person who wished to speak to the issue at the Council meeting in accordance with normal meeting procedure rules had the opportunity to do so at the 25 February 2020 Special Council Meeting. 31 speakers addressed Council at that meeting.
91. This Amendment has been the subject of substantial external consultation with residents, traders, land owners and occupiers, including exhibition of the Amendment, formal Council meetings, informal officer meetings with residents, landowners and community groups and the independent planning panel hearing.

**Internal Consultation (One Yarra)**

92. There has been consultation with officers from statutory planning and with the Senior Advisor, City Heritage.

### **Financial Implications**

93. The financial costs of planning scheme amendments have been included in the budget of Council's City Strategy Branch in 2019/2020.

### **Economic Implications**

94. The Amendment may provide further stimulus to the retail precinct. No other economic implications are apparent.

### **Sustainability Implications**

95. There are no known sustainability implications relating to the Amendment. Specific ESD aspects of planning applications would be considered at the planning permit stage.

### **Climate Emergency Implications**

96. There are no known climate change implications relating to the Amendment.

### **Social Implications**

97. There are no known climate change implications relating to the Amendment.

### **Human Rights Implications**

98. There are no known human rights implications.

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

99. Public exhibition of the Amendment contained information for CALD communities including how to access translator services.

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

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

### **Legal Implications**

101. The approach outlined in this report accords with the requirements of the *Planning and Environment Act 1987*.

### **Other Issues**

102. It is important that Council meets all the requirements of the *Planning and Environment Act 1987* to ensure natural justice to all parties and to maintain the integrity of the Amendment process.

### **Options**

103. Sections 27, 28 and 29 of the *Planning and Environment Act 1987* require that the Planning Authority (Council):
- (a) must consider the Panel's report; and can then either;
  - (b) abandon all or part of the amendment; or
  - (c) adopt all or part of the amendment with or without changes.
104. Any changes to the exhibited Amendment must be justified in writing to the Minister for Planning.

### **Conclusion**

105. Council considered and adopted (with changes) Amendment C231 (Parts 1 and 3) at the Ordinary Council Meeting of 17 March 2020.
106. This report considers the remaining part of the Amendment – Part 2, which relates to 390A Queens Parade.



107. At a Special Council Meeting on 25 February 2020, 31 people addressed Council on the Panel Report and the officer report in accordance with normal meeting procedure rules. This included the planning consultant representing the owners of 390A Queens Parade.
108. Council has received the report of the Independent Planning Panel in relation to Amendment C231. The Panel is generally supportive of the Amendment but recommends some changes. It recommended a maximum mandatory building height of 3 storeys apply to 390A Queens Parade (as part of Precinct 4) and supported the other built form parameters proposed by Council for the wider precinct.
109. Council must now consider the report of the independent Planning Panel and the officer recommendations in relation to Part 2 of Amendment C231 which applies to 390A Queens Parade.
110. The two key issues for 390A Queens Parade are:
  - (a) Building heights - Officers support the Panel's recommendation for a mandatory maximum three storey building height for the site at 390A Queens Parade (albeit with a maximum height of 11m rather than 10.5m); and
  - (b) Heritage - Changes to the gradings and Precinct HO were supported by the Panel. However the Panel also recommended additional work is undertaken to review the other buildings on the site at 390A Queens Parade. This work has been undertaken but cannot be implemented through Amendment C231 and may be pursued through a separate amendment process.
111. At this meeting, Council will be asked to decide whether or not to adopt the final part of the Amendment, with or without changes.
112. Alternatively under the *Planning and Environment Act 1987*, Council could choose to abandon the Amendment or parts of the Amendment.

## RECOMMENDATION

1. That Council notes the officer report regarding Amendment C231 (Part 2) including the Panel Report and officer recommendations.
2. That Council adopts Amendment C231 (Part 2) to the Yarra Planning Scheme in accordance with Section 29(1) of the *Planning and Environment Act 1987* with the changes set out in Attachment 3 and Attachment 4 to this report.
3. That Council submits the adopted Amendment C231 (Part 2) as set out in Attachment 5 to this report to the Minister for Planning for approval, in accordance with Section 31(1) of the *Planning and Environment Act 1987*.
4. That Council submits the information prescribed under Section 31 of the *Planning and Environment Act 1987* with the adopted amendment, including:
  - (a) the reasons why any recommendations of the Panel were not adopted as outlined in Attachment 1 of this report; and
  - (b) a description of and reasons for the changes made to Amendment C231 between exhibition and adoption as outlined in Attachment 3 of this report.
5. That Council delegates to the CEO the authority to finalise Amendment C231 (Part 2), in accordance with Council's resolution, and to make any administrative changes required to correct errors, grammatical changes and map changes.
6. That all submitters are advised of the Council determinations in relation to Amendment C231 (Part 2).

**CONTACT OFFICER:** Leonie Kirkwood  
**TITLE:** Project and Planning Coordinator  
**TEL:** 9205 5027

**Attachments**

- 1 [↓](#) Table - Panel recommendations and officer response
- 2 [↓](#) 390A Queens Parade Heritage Review in response to Panel Report prepared by David Helms
- 3 [↓](#) Table - Changes to the amendment from Exhibition to version for Adoption
- 4 [↓](#) Track change version of DDO from Exhibition to version for Adoption
- 5 [↓](#) C231 Part 2 - Amendment documentation for Adoption
- 6 [↓](#) VCAT Decision - S39 appeal for 390A Queens Parade, North Fitzroy

## Attachment 1 - Table - Panel recommendations and officer response

### Attachment 1

#### Amendment C231 Part 2 to the Yarra Planning Scheme

#### DDO16 – changes recommended by the Panel to Council's *preferred version of the DDO* (in respect of the land at 390A Queens Parade and the surrounding precinct ie the north side of Queens Parade in Precinct 4) and the officer response

This table is based on the *final preferred version* of the DDO that was requested by the Panel (as part of Council's Part C submissions to Panel). Council officers provided it to the Panel on 4 September 2019. It is the version the Panel used to base its recommendations.

The *final preferred version* made minor changes to the preferred version of the DDO endorsed by Council on 28 May 2019 in response to comments received during the drafting session on the final day of the hearing.

DDO element		Change recommended by the Panel	Officer response to Panel recommendation and reasons for response
1.0	Design objectives	<p>The Panel considered the five Design objectives at Clause 1.0 are appropriate for Queens Parade, subject to some minor modifications.</p> <p>The reference to <i>limiting new development</i> has been removed from the second objective and the <i>promotion of design excellence</i> has been added to the fourth objective.</p>	<p>Accepted.</p> <p>The changes would frame the objectives more positively.</p> <p>The addition of 'design excellence' is strongly supported.</p> <p>The removal of by limiting new development does not significantly change the intent of the objective.</p> <p>Design objectives 2 and 4 would read:</p> <ul style="list-style-type: none"> <li>▪ <i>To protect the integrity of historical streetscapes and clusters of heritage buildings of a similar scale and materiality <del>by limiting new development</del>.</i></li> <li>▪ <i>To <u>promote design excellence</u> that ensures new development respects the wide, open boulevard character of Queens Parade <del>and including</del> where existing historic trees are key elements in the streetscape, they remain the dominant visual feature.</i></li> </ul>
2.0	Buildings and works	The permit trigger to construct a building or carry out works has been removed.	<p>Accepted.</p> <p>It repeats the requirement in Clause 43.02 and is not needed. The permit trigger would be deleted.</p>
2.1	Definitions	The definition of <i>setback</i> has been removed.	<p>Accepted.</p> <p><i>Setback</i> is already defined in Clause 73.01 of the Planning Scheme and is unnecessary. The definition would be deleted.</p>
2.2	General requirements	The requirement from Precinct 3 which seeks to provide ' <i>appropriate transition to low adjoining low scale residential development</i> ' and the	<p>Accepted.</p> <p>The requirements which require an '<i>appropriate transition to low adjoining low scale residential development</i>' and the protection of '<i>sunlight to open space</i>' were supported by</p>

## Attachment 1 - Table - Panel recommendations and officer response

## Attachment 1

DDO element	Change recommended by the Panel	Officer response to Panel recommendation and reasons for response
	<p>'sunlight to open space' requirements from Precincts 3 and 4 have been moved to this section.</p>	<p>the Panel to address the interface with neighbouring residential properties. However the Panel recommended relocating the clauses to General Requirements to help to reduce repetition within the DDO.</p> <p>Officers support this recommendation, however instead of including these clauses under the General Requirements (Clause 2.2), officers propose to create a sub-clause number for the requirements to aid in readability ie <i>2.9 Interface to residential properties in NRZ or GRZ</i>.</p> <p>The reference to Hodgkinson Street has been deleted in the requirement on scale (as recommended by the Panel). This requirement would apply to all precincts with an interface to the Neighbourhood Residential Zone (NRZ) or General Residential Zone (GRZ).</p> <p>The requirement protecting <i>sunlight to the open space</i> has been amended to include a reference to Precinct 4. This reflects Council's position in the <i>preferred version of the DDO</i> presented to Panel. Precinct 1 and 2 have not been included as the precincts either interface with other zones eg Mixed Use Zone (MUZ) or the interfaces with the NRZ and GRZ are to the north and the adjoining properties would not be overshadowed.</p> <p>The requirements would read:</p> <p><b><u>2.9 Interface to residential properties in NRZ or GRZ</u></b></p> <ul style="list-style-type: none"> <li>▪ <i>Development should respond to the low scale form of existing development <del>outside Precinct 3 on Hodgkinson Street</del> through an appropriate transition in building height and setbacks to ensure a reasonable standards of amenity.</i></li> <li>▪ <i><del>ensure that</del>In Precinct 4, where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September.</i></li> </ul> <p><i>If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.</i></p>

## Attachment 1 - Table - Panel recommendations and officer response

### Attachment 1

DDO element		Change recommended by the Panel	Officer response to Panel recommendation and reasons for response
2.3	Street wall height requirements	Added the word 'taller' into the street wall requirement which requires a transition from an abutting heritage building to new built form.	<p>Not accepted.</p> <p>The addition of the word 'taller' is not supported.</p> <p>The purpose of this requirement in the <i>preferred version of the DDO</i> was to deal with situations where the abutting heritage building was lower than the street wall required in the Design Requirements and was seeking a step up or down from the new wall to the abutting heritage wall. The insertion of the word 'taller' would mean this transition, ie a step up from the lower street wall of heritage building to a taller street wall in an infill building would not apply.</p> <p>Council's <i>preferred version of the DDO</i>, provides an exception in Precinct 4 to deal with the situation where a minimum mandatory 8m street wall was required but there are abutting heritage buildings which are single storey and it not considered necessary to match them.</p>
2.4	Upper level requirements	A requirement to protect the contribution made by chimneys, parapets and other features has been included in this section.	<p>Accepted.</p> <p>The Panel's addition ensures heritage elements such as chimneys and the like are retained through upper level setbacks and is supported.</p> <p>Officers have made minor changes to the third and fourth sub-points to improve language and make the section more readable. The changes do not alter the intent of the requirements.</p> <p>Officers also propose to strengthen the requirement for the design of side walls. This is in response to the Panel's concerns about the impacts of blank side walls at upper levels when viewed from the public realm.</p> <p>The requirements would read:</p> <ul style="list-style-type: none"> <li>▪ <del>Development</del> <i>Upper level development should:</i> <ul style="list-style-type: none"> <li>- <del>provide</del> <i>Provide setbacks to ensure that upper level additions seen from the public realm do not diminish the appreciation of the heritage building and streetscape.</i></li> <li>- <del>avoid</del> <i>Avoid repetitive stepped built form at upper levels.</i></li> <li>- <del>ensure</del> <i>Ensure that upper level development is Be visually recessive.</i></li> <li>- <del>use</del> <i>Use materials at upper levels that are recessive in finish and colour.</i></li> </ul> </li> </ul>

## Attachment 1 - Table - Panel recommendations and officer response

### Attachment 1

DDO element	Change recommended by the Panel	Officer response to Panel recommendation and reasons for response
		<ul style="list-style-type: none"> <li>- <del>include</del>Include articulated side walls, <u>visible from the public realm, which are designed to reduce the visual impact of the wall and read as part of the overall building design.</u></li> <li>- <del>avoid</del>Avoid continuous built form at upper levels.</li> <li>- <del>ensure</del>Ensure balconies at upper levels do not dominate the solid façades of heritage street walls.</li> <li>- <del>Minimise</del>Minimise the visual intrusion of equipment and services.</li> <li>- <u>Protect the contribution made by chimneys, parapets and other architectural features to the fine grained character of the area.</u></li> </ul>
2.6	<b>Ground floor requirements</b>  Minor wording changes to the second design requirement to frame the desired outcome positively.  The Panel recommended including a new requirement to orientate commercial windows, habitable rooms and pedestrian entrances to the public realm.	Accepted.  Edits to the second requirement make the language in the DDO more positive and outline what outcome is required rather than what isn't required. (This is in line with comments made by the Panel.)  The new requirement addresses a gap in the DDO and will strengthen the interface of development with the public realm.  The second and third design requirements would read: <ul style="list-style-type: none"> <li>▪ <del>Building services and service cabinets should be located away from the street frontage of heritage facades. Where unavoidable, they and</del> <u>should be designed and located so they do not dominate complement the street frontage or detract from and the character and appearance of the heritage building.</u></li> <li>▪ <u>Windows of commercial premises, habitable rooms, and principal pedestrian entrances should be orientated towards the public realm and contribute to the safety of the adjoining public realm.</u></li> </ul>
2.7	<b>Vehicle access, car parking and loading area requirements</b>  The Panel reinstated the (exhibited) requirement to provide future vehicle access via a rear lane or side street where possible. This would be in addition to the <i>preferred DDO</i> requirement that sought to <i>avoid vehicle crossings on Queens Parade</i> .	Accepted.  A Design Requirement which required future vehicle access and services off a rear laneway or side street where possible was included in the <i>exhibited version of the DDO</i> but was replaced by the requirement which sought to avoid new vehicle crossovers <i>onto Queens Parade</i> in the <i>preferred version of the DDO</i> . At the Panel, Council's traffic expert recommended its inclusion to make the role of laneways and side streets clearer. The Panel



## Attachment 1 - Table - Panel recommendations and officer response

## Attachment 1

DDO element		Change recommended by the Panel	Officer response to Panel recommendation and reasons for response
			<p>considered this requirement requiring servicing off laneways and side streets should not have been removed and was helpful to give appropriate weight to outcome sought.</p> <p>The design requirements would read as follows:</p> <ul style="list-style-type: none"> <li>▪ <i>New vehicle crossovers onto Queens Parade should be avoided.</i></li> <li>▪ <i>Vehicle ingress and egress into development, including loading facilities and building servicing, should ensure a high <del>quality-standard</del> of pedestrian amenity and limit potential conflict between vehicle movements and pedestrian activity.</i></li> <li>▪ <i>Development on a laneway should include a rear/side setback or a corner splay at ground floor, to facilitate the ongoing functionality of the laneway and allow for building services and car park access.</i></li> <li>▪ <i><u>Future vehicle access and services must be provided by a rear laneway or side street, where possible.</u></i></li> <li>▪ <i>Permanent obstructions within a rear/side setback or splay to a laneway should be avoided.</i></li> </ul>
2.8	Heritage design requirements	<p>Delete</p> <p>The Panel considered the Heritage Design Requirements were not required and repeated policy in Clause 22.02, the decision guidelines in the Heritage Overlay and the Preferred Character Statements in the <i>preferred version of the DDO</i>.</p>	<p>Not accepted.</p> <p>The requirements address a gap in the scheme provisions and should be included until such time Clause 22.02 is amended to more comprehensively address industrial, commercial and retail places.</p> <p>The Heritage Design Requirements would be retained.</p> <p>Clause 22.02 will be amended by Amendment C269 (Planning Scheme Local Policy rewrite). Officers propose that after Amendment C269 is gazetted, an administrative amendment would be undertaken and the Heritage Design Requirements in this (and other) DDO(s) would be removed.</p>
2.9.4**	Precinct 4 – Activity Centre Precinct	<p><u>Preferred character statement:</u></p> <p>Changed wording to make the statements clearer and more succinct.</p>	<p>Accepted.</p> <p>The wording changes improve clarity and remove repetition.</p> <p>The Preferred Character Statement have been edited to explicitly recognise the importance of not just of the heritage elements but their characteristic rhythm and patterns.</p> <p>The Preferred Character Statements have been be amended to emphasise the prominence of the ANZ building.</p>

## Attachment 1 - Table - Panel recommendations and officer response

## Attachment 1

DDO element	Change recommended by the Panel	Officer response to Panel recommendation and reasons for response
		<p>The preferred character statement would read:</p> <p><i>Buildings and works in Precinct 4 should deliver the following preferred precinct character:</i></p> <ul style="list-style-type: none"> <li>▪ <i>A unique and vibrant Victorian era shopping strip which forms the retail and activity focus of Queens Parade building on its distinctive heritage qualities.</i></li> <li>▪ <i>The distinctive heritage qualities of this Victorian era shopping strip are protected.</i></li> <li>▪ <i>New Development development that complements the scale of heritage buildings and the patterns and rhythm of heritage features.</i></li> <li>▪ <i>The consistent heritage streetwall height is continued.</i></li> <li>▪ <i>Sympathetic Upper upper-level infill that reinforces the prevailing street wall and subdivision grain of significant streetscapes and transitions down to residential abutments to the rear.</i></li> <li>▪ <i>Enhanced pedestrian experience with well Well designed building frontages and public realm reinforcing that reinforces the pedestrian experience of this part of Queens Parade as a vibrant retail centre and the central hub for the local community.</i></li> <li>▪ <i>Development that retains the prominence of the Significant heritage corner forms and key view lines to local landmarks (former ANZ Building) retained by sensitive upper level development.</i></li> </ul>
	<p><u>Design requirements:</u></p> <p>Minor wording changes and removal of text.</p> <p>The Panel added a design requirement to ensure shop front widths are not reduced to the extent that they become commercially unviable.</p> <p>Relocated requirements relating to a low scale transition and overshadowing provisions from Precinct 4 to General Requirements.</p>	<p>Accepted.</p> <p>Removed text that repeats General Requirements (see comments above in General Requirements).</p> <p>The new requirement proposed by the Panel addresses concerns raised by residents and traders that a residential entry in a narrow shop would reduce the viability of the retail space. Its inclusion is supported to ensure the issue is considered in any development.</p> <p>See 2.2 General Requirements for comments on relocation of the low scale transition and overshadowing requirements.</p>

## Attachment 1 - Table - Panel recommendations and officer response

## Attachment 1

DDO element		Change recommended by the Panel	Officer response to Panel recommendation and reasons for response
			<p>The design requirements would read:</p> <p><i>Development in Precinct 4 must:</i></p> <ul style="list-style-type: none"> <li>▪ <del>Development must</del> <u>Protect</u> <del>protect</del> and maintain key views <del>lines and visual prominence</del> of the former ANZ Building from the south-west and north-east (<u>as indicated on Map 1</u>), in particular to the upper floor, roof form and chimneys. A permit cannot be granted to vary this requirement.</li> </ul> <p><i>Development in Precinct 4 should:</i></p> <ul style="list-style-type: none"> <li>▪ <u>Respect</u> <del>respect</del> the consistent scale, grain, rhythm and architectural quality of the highly intact heritage streetscapes and the heritage buildings in the precinct.</li> <li>▪ <u>Retain</u> <del>retain</del> the visual prominence of heritage buildings, their street wall and heritage streetscape when viewed from the opposite side of Queens Parade.</li> <li>▪ <u>Facilitate</u> <del>facilitate</del> the appropriate low rise infill of the sites located to the rear of commercial properties fronting Queens Parade.</li> <li>▪ <u>Ensure</u> <del>ensure</del> that any upper level development is set back from the heritage façade, is visually recessive and does not detract from the heritage streetscape.</li> <li>▪ <u>Retain</u> <del>retain</del> the visual prominence and heritage fabric of the return facades of heritage buildings that front Queens Parade, Delbridge, Gold, Michael and Wellington Streets.</li> <li>▪ <u>Ensure</u> <del>ensure</del> that facades at ground floor incorporate verandahs which are consistent with the form and scale of adjoining verandahs.</li> <li>▪ <u>Retain</u> <del>retain</del> chimneys visible from the public realm.</li> <li>▪ <u>Enhance</u> <del>enhance</del> the amenity and safety of laneways that provide pedestrian and vehicular access to buildings.</li> <li>▪ <u>Maintain</u> <del>maintain</del> service access from the laneways in order to facilitate commercial use of the properties fronting Queens Parade.</li> <li>▪ <u>Ensure</u> <del>shopfront widths are not reduced to the extent they become commercially unviable.</del></li> </ul>

## Attachment 1 - Table - Panel recommendations and officer response

## Attachment 1

DDO element	Change recommended by the Panel	Officer response to Panel recommendation and reasons for response
	<p><u>Table of requirements:</u></p> <p>The Panel reduced the building height in three of the four quadrants in Precinct 4 from Council's recommended 14 metre (4 storeys mandatory) height to 10.5 metres (3 storeys mandatory).</p> <p>It supported Council's recommended 14 metre (mandatory) height in the fourth quadrant, bounded by Queens Parade, Gold Street and Turnbull Street.</p> <p>The Panel recommended that the part of Precinct 4, in which the land at 390A Queens Parade is located, should have a maximum mandatory building height of 10.5m (3 storeys)</p>	<p><del>▪ respect the low scale, fine grain subdivision pattern of existing development on Hodgkinson Street and McKean Street through an appropriate transition in building height and setbacks.</del></p> <p><del>▪ ensure that where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September. If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.</del></p> <p>The Panel recommended a mandatory height limit of 10.5 metres (3 storeys) in three of four quadrants of Precinct 4. The Panel recognised the value of the heritage in this precinct and prioritised its protection over facilitating development.</p> <p>390A Queens Parade is located in one of the quadrants that the Panel recommended a three storey maximum building height should apply.</p> <p>At the 17 March 2020 Ordinary Council, Council adopted the Panel's recommendation of three storeys in three of the four quadrants in Precinct 4. However it varied from the Panel's recommendation of four storeys in the Fourth Quadrant (located between Gold and Turnbull Streets) and adopted 3 storeys (11 metres) mandatory for 141-167 Queens Parade and four storeys (14 metres) mandatory for the remainder of the quadrant.</p> <p>It is noted that Council also adopted 11 metres where a three storey height applied instead of 10.5 metres as recommended by the Panel. The height was increased to 11 metres to ensure heritage floor plates can be carried through into the new development and provide for residential amenity.</p> <p>Council adopted three storeys (11m) in Precinct 4 (excepting for 169-193 and 390A Queens Parade) on the basis that Queens Parade is a special case where future growth can be restricted on the basis of a combination of circumstances:</p> <ul style="list-style-type: none"> <li>Queens Parade is unusually wide at 60 metres. This means that any new development in Queens Parade will be more visible than in other high streets.</li> <li>Higher levels of growth can be accommodated elsewhere within the centre or nearby.</li> </ul>

## Attachment 1 - Table - Panel recommendations and officer response

## Attachment 1

DDO element		Change recommended by the Panel	Officer response to Panel recommendation and reasons for response
			<ul style="list-style-type: none"> <li>Queens Parade is an activity centre is that the heritage streetscape in Precinct 4 is highly intact and consistent and features a fine grain subdivision pattern and narrow allotments which give it a greater sensitivity to redevelopment.</li> </ul> <p>Officers consider that the justification for a mandatory three storey maximum height that applied for the majority of Precinct 4 more broadly (and as set out above), equally applies to 390A Queens Parade. Officers recommend a three storey maximum building height (or 11 metres) should also be adopted for 390A Queens Parade to:</p> <ul style="list-style-type: none"> <li>Ensure a consistent building height applies across this part of Precinct 4</li> <li>Retain and reinforce the low-rise heritage built form character of the area.</li> </ul>
		<p><u>Map:</u></p> <p>Map updated to reflect the change of building heights in Precinct 4.</p>	See comments above.
3.0	Subdivision	No change.	Accepted.
4.0	Advertising	No change.	Accepted.
5.0	Application requirements	Minor grammatical changes to text.	<p>Accepted.</p> <p>Panel's changes are minor.</p> <p>The inclusion of a reference to the Preferred Character Statement is supported. Preferred character statements were proposed in the <i>preferred version of the DDO</i> to describe the vision and outcome sought.</p> <p>The application requirements would read:</p> <ul style="list-style-type: none"> <li>A site analysis and urban design context report which demonstrates how the proposal achieves the Design Objectives, <u>Preferred Character Statement</u> and <u>Design Requirements</u> of this schedule.</li> <li><del>Development</del> For development proposals for buildings over 20 metres in height <del>should be accompanied by</del> a wind study analysis to assess the impact of wind on the safety and comfort of the pedestrian environment on footpaths and other public spaces while walking, sitting and standing.</li> </ul>

## Attachment 1 - Table - Panel recommendations and officer response

## Attachment 1

DDO element		Change recommended by the Panel	Officer response to Panel recommendation and reasons for response
			<ul style="list-style-type: none"> <li>A Traffic and Parking Assessment Report which includes an assessment of the cumulative impacts of traffic and parking in the Precinct including an assessment of the ongoing functionality of laneway/s.</li> </ul>
6.0	Decision Guidelines	<p>Deletes the reference to General Design Requirements, Heritage Design Requirements and Precinct-Design Requirements.</p> <p>Deletes 'design response at the interface with existing, low scale residential properties'</p> <p>Recommends addition of controls on light spillage and noise when considering side and rear setbacks.</p>	<p>Accepted.</p> <p>The deletion of the first decision guideline is supported. The DDO already requires these elements to be taken into account.</p> <p>The deletion of the fifth design guideline relating to the interface with low scale residential properties is supported. The issue is already covered in other decision guidelines.</p> <p>The explicit addition of noise and light spillage in the seventh decision is supported as light and noise are potential amenity impacts which should be considered for existing dwellings.</p> <p>The Decision Guidelines would read:</p> <ul style="list-style-type: none"> <li><del>Whether the General Design Requirements, Heritage Design Requirements and the Precinct Design Requirements in Clauses 2.2-2.9 are met.</del></li> <li>Whether the proposal delivers design excellence.</li> <li>If roof decks are proposed, whether they are set back from lower levels and are recessive in appearance.</li> <li>The profile and impact of development along Queens Parade when viewed from the north side of McKean Street.</li> <li><del>The design response at the interface with existing, low scale residential properties.</del></li> <li>The design of the streetscape interface along the primary street frontage.</li> <li>Whether side and rear setbacks <u>and controls on light spillage and noise</u> <del>are sufficient to appropriately limit the impact on the amenity of existing dwellings.</del></li> <li><del>How any proposed buildings and works will</del> The impact on solar access to Queens Parade.</li> <li>Whether heritage buildings on street corners retain their prominence when viewed from both streets.</li> </ul>



## Attachment 1 - Table - Panel recommendations and officer response

### Attachment 1

DDO element		Change recommended by the Panel	Officer response to Panel recommendation and reasons for response
			<ul style="list-style-type: none"> <li>▪ <i>Whether heritage buildings retain their three-dimensional form when viewed from the public realm.</i></li> <li>▪ <i>Whether upper level development above the heritage street wall is visually recessive and does not dominate or visually overwhelm the heritage buildings.</i></li> <li>▪ <i>Whether the proposal contributes to and improves the pedestrian environment and other areas of the public realm.</i></li> <li>▪ <i>The impact of development on views to the former ANZ Bank building's tower, roof, chimney and upper level</i></li> <li>▪ <i>The wind effects created by the development.</i></li> <li>▪ <i>The cumulative impact of traffic and parking in the Precinct including on the functionality of laneway/s.</i></li> </ul>
-	<b>Reference documents</b>	<p>The Panel raised the issue that some of the recommendations from the Built Form Review prepared by Hansen have now been changed by Council as its preferred position.</p> <p>The Panel agreed that the <i>Queens Parade Built Form Framework</i> and <i>Queens Parade Built Form Heritage Review</i> provided a catalyst and background for the amendment but not to the extent of being included as Reference Documents and recommended their deletion.</p>	<p>Accepted.</p> <p>Officers agree that some of the positions in the Hansen work no longer reflect Council's position.</p> <p>The inclusion of the reports as Reference Documents could create confusion in the future. Their deletion avoids that confusion.</p>

\*\* Clauses to be renumbered to address additional clause on interfaces.

**Attachment 2 - 390A Queens Parade Heritage Review in response to Panel Report prepared by David Helms**

**David Helms**  
HERITAGE PLANNING

3 December 2019

Amanda Haycox  
City of Yarra  
via email: amanda.haycox@yarracity.vic.gov.au

Dear Amanda

**Amendment C231 - 390A Queens Parade Heritage Review in response to Panel Report**

As requested, this letter provides my review of the heritage grading of buildings on 390A Queens Parade, North Fitzroy (the subject site), except for the 'substation' building, to determine whether a change in the grading from Non-contributory to Contributory is justified for any of the buildings. This review is in response to a recommendation made by the Amendment C231 Panel.

My report setting out the methodology and findings of the review is attached to this letter. Based on this, my findings in relation to the gradings of the buildings on the subject site other than the 'substation' may be summarised as follows:

- As shown on the aerial plan below, the section of building outlined in green is an original part of the c.1904 'substation' building (outlined in red), which the Amendment C231 Panel has accepted warrants a Contributory grading. For this reason, it also warrants a Contributory grading.



*Aerial view of subject site (Source: Nearmap). Red = Amendment C231 Contributory grading, Green = Recommended extension of Contributory grading, Yellow = Not Contributory*

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**Attachment 2 - 390A Queens Parade Heritage Review in response to Panel Report prepared by David Helms**

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- The other buildings on the subject site (outlined in yellow) do not warrant a Contributory grading. I agree with the findings of the GJM Heritage Analysis that they either were not constructed within the historic development period associated with the HO330 precinct ('c'), or have been altered over time to the extent that their heritage values are not well demonstrated ('d', 'e'). The Not contributory grading proposed by Amendment C231 should remain.

Table 1 on pp. 7-10 of the attached report provides further details, which includes recommended changes to the Appendix 8 incorporated document.

I also believe it would be desirable to amend the proposed new HO330 statement of significance (specifically in the 'Description' section under 'What is significant') to include more specific reference to the buildings at the rear of the Queens Parade retail strip. Please see p.7 of the attached report for details.

Please contact me if you have any questions or require further information.

Fond regards



**David Helms**

## Attachment 2 - 390A Queens Parade Heritage Review in response to Panel Report prepared by David Helms

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### Amendment C231 – 390A Queens Parade Heritage Advice

#### *Purpose*

This report provides a review of the heritage grading of buildings at 390A Queens Parade, North Fitzroy (the subject site), except for the 'substation' building, to determine whether a change in the grading from Non-contributory to Contributory is justified for any of the buildings. This review is being undertaken in response to a recommendation made by the Amendment C231 Panel (see below).

The subject site contains five distinct buildings and for the purposes of this review I have used the plan prepared by Lovell Chen (see list of references below) that identifies the boundaries of each on the site.

The building known as the 'substation' is building 'a' on this plan. This review therefore considers the buildings identified as 'b', 'c', 'd' and 'e'.



*Aerial photograph showing the five buildings on the subject site. Reproduced from Lovell Chen (May 2019), Original source: Nearmap*

#### *Background*

Amendment C231, amongst other things, proposes to implement the recommendations of the *Queens Parade Built Form Heritage Analysis & Recommendations* (11 December 2017) prepared by GJM Heritage for the City of Yarra. Amendment C231 proposes to make the following specific changes to the heritage controls for the subject site in accordance with the GJM report:

## Attachment 2 - 390A Queens Parade Heritage Review in response to Panel Report prepared by David Helms

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- Transferring the subject site from HO327 North Fitzroy Precinct to the HO330 Queens Parade Precinct.
- In the Appendix 8 Incorporated Document, applying a Contributory grading to the 'substation' building at 390A Queens Parade (described as '2 storey building in NE corner'). The other buildings at 390A Queens Parade (described as 'all buildings except 2 storey building in NE corner') are separately listed and graded Not contributory.

The submissions to Amendment C231 included some, which believed that other buildings on the subject site warranted a Contributory grading.

The Amendment C231 Panel (p.100) found:

*'Contributory' grading of the north-east corner building at 390A Queens Parade and 'not contributory' to other buildings on the subject land within HO330 as exhibited, is appropriate and consistent with PPN01.*

However, the Panel also considered (p.100) "... there is merit in Council undertaking further detailed assessment of this entire property and immediate surrounds, to consider whether other built forms or structures warrant a further regrading within this heritage precinct (HO330)" and recommended the City of Yarra:

*Undertake further heritage assessment of the existing built form and associated structures located at 390A Queens Parade to establish whether other buildings and associated structures on this property would support or warrant a 'contributory' grading within the context of HO330. (p.104 of the Panel report)*

There is also a planning permit application for this site to construct 15 x four storey town houses that proposes demolition of all the buildings on the site. The applicant has appealed to VCAT on failure to determine the application. The VCAT hearing will be held in early 2020.

### Methodology

The written material provided to me includes heritage reports and advice prepared by GJM for the City of Yarra, and by Lovell Chen for the owner/developer of the subject site, as well as submissions by local residents to the Amendment C231. This material contains adequate historical information about the development of the subject site and for this reason no further research has been required. The key tasks associated with this review have been:

- A detailed review of this material, which includes:
  - Amendment C231 Panel report.
  - *Queens Parade Built Form Heritage Analysis & Recommendations* (11 December 2017) and *Memorandum of Advice: Queens Parade Built Form Review Amendment C231 – Response to submissions* (16 April 2019), both prepared by GJM Heritage for the City of Yarra.
  - *Heritage impact statement, 390A Queens Parade, Fitzroy North, VIC 3068* (May 2019) prepared by Lovell Chen for Plenty & Dundas PL.

## Attachment 2 - 390A Queens Parade Heritage Review in response to Panel Report prepared by David Helms

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### YARRA 390A QUEENS PDE HERITAGE ADVICE

- Two Amendment C231 submissions (nos. 95 & 298) in relation to the subject site made by local residents (includes the updated submissions presented to the Amendment C231 panel).
- An inspection of the site (to confirm the integrity and intactness of the buildings and their visual/physical relationship to the adjoining buildings within the HO330 precinct) and,
- An analysis having regard the historic and physical evidence, as to whether the buildings other than the 'substation' contribute to the significance of the HO330 precinct having regard to the new statement of significance prepared by GJM.

#### *GJM Heritage Analysis findings*

The GJM Heritage Analysis included the review of heritage gradings and HO boundaries and the subject site is one of two groups of properties at the rear of Queens Parade that are currently contained in the adjoining HO327 – North Fitzroy Precinct. In relation to the HO boundary, the GJM Heritage Analysis (Appendix G, p.23) concluded:

*Historically it appears that all of the buildings at the rear of Queens Parade serviced properties fronting Queens Parade. It is therefore considered appropriate that they be removed from HO327 – North Fitzroy Precinct and included within HO330 – Queens Parade Precinct.*

The following specific comments were made about the subject site (Appendix G, p.24):

*390A Queens Parade is a large parcel of land containing four discreet structures. Based on an analysis of the built fabric on the site and the historical plans and aerial, it is considered that the only largely intact building remaining is the two-storey substation in the northeast corner of the site. The brickwork indicates the building dates from the late nineteenth century, and although some original openings have been closed, the original form and fenestration pattern remain. This building is considered to contribute to the significance of the precinct. The other buildings on the property are of more recent construction or have been substantially altered over time. They are not considered to contribute to the significance of the precinct.*

The other buildings at the rear of the Queens Parade retail strip reviewed by the GJM Heritage Analysis are at the rear of 304, 312 & 316 Queens Parade. Of these, the GJM Heritage Analysis only identified the building at 312 Queens Parade as 'Contributory', as it:

*... retains the same footprint as shown in the 1904 MMBW plan and comprises a two-storey brick and weatherboard structure and associated yard from the late nineteenth century. While the building is in very poor condition, it retains its historic fabric and is considered to contribute to the significance of the precinct. (Appendix G, p.23).*

The other buildings were assessed as not having heritage value (Appendix G, p.23):

- The building at the rear of 304 Queens Parade "is a simple utilitarian structure that can no longer be understood as dating from a particular period and is not considered to have heritage value".
- The building at the rear of 316 Queens Parade "is a utilitarian cream brick garage that appears to date from the c1950s/60s".



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#### Gratings review and analysis

Amendment C231 proposes to introduce a new statement of significance for the HO330 Queens Parade Precinct prepared by GJM Heritage. A copy is attached.

In accordance with this statement of significance, the buildings assessed as Contributory by the GJM Heritage Analysis at 312 (rear) and 390A Queens Parade each contribute to the historic significance (Criterion A) of the HO330 Precinct having regard to the following statement under 'Why is it significant':

*It contains a substantial collection of intact commercial buildings, predominantly from the Victorian and Edwardian periods, including shops and associated residences, hotels and other commercial and civic buildings, as well as a group of detached Edwardian residences at the north- eastern end. Together these buildings demonstrate the development of this 'High Street', particularly from the 1870s to c1920 when substantial growth along the boulevard occurred, and are illustrative of the enduring role the street has played in the economic and social life of North Fitzroy and Clifton Hill since the establishment of the suburbs.*

The approximate construction dates of each of the buildings on the subject site have been established in the reports mentioned above using sources such as the MMBW plan of 1904, Sands & McDougall Directories, rate books, probate records and aerial photos.

Figure 1 is a c.1925-1940 aerial photo reproduced in both the GJM and Lovell Chen reports that provides a useful snapshot of the subject site during the interwar period.

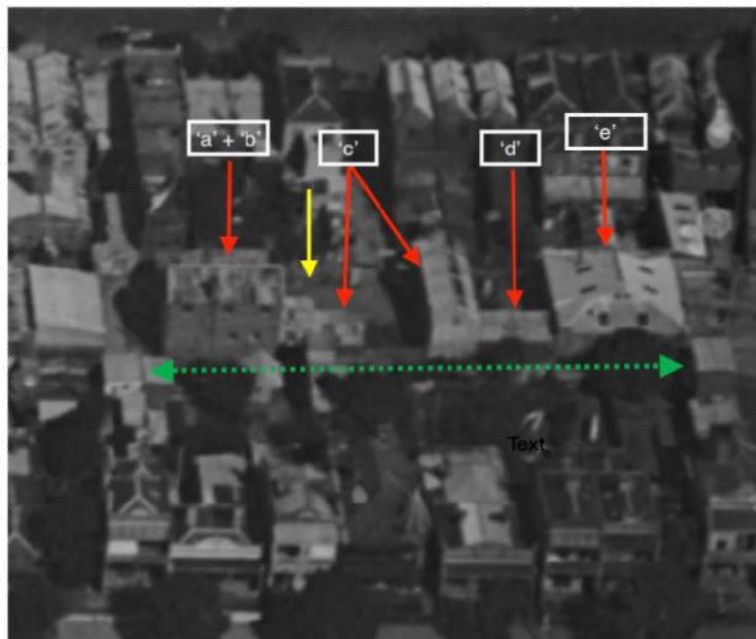


Figure 1: Aerial dating to c.1925-40. Source: GJM Heritage Analysis, Appendix G, p.23. The red arrows show the location of the present buildings including 'a', 'b' and 'e', which were extant at the time. The yellow arrow indicates the vacant land now occupied by an extension to building 'b'.

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Based on this information and my inspections of the buildings Table 1 provides a summary of my findings.

In addition to this, while I believe the contributory significance of these buildings at the rear of the retail strip in the Queens Parade precinct is appropriately reflected in the SoS under 'Why', they are not explicitly identified in the Description section under 'What', which focuses upon the buildings facing directly to Queens Parade. It would be desirable to include a brief reference to these buildings constructed at the rear of shops, perhaps at the end of the first paragraph under 'Description'. For example, as shown underlined below:

#### *Description*

*The main development period of the Queens Parade Precinct is from the 1870s to c1920 and the streetscape largely dates to this period. A small number of buildings from both earlier and later periods make a contribution to the precinct. A number of individually significant buildings are contained within the precinct, dating predominantly from the 1870s-1920 period.*





*Buildings are predominantly attached Victorian and Edwardian shops and residences. They are predominantly two-storey with some single-storey shops interspersed. At the rear of some are buildings such as stables and small factories that serviced the shops facing Queens Parade. Towards the north-eastern end of the precinct are a row of detached single and two-storey residences, predominantly from the Edwardian period.*

**Table 1 – Review of gradings**

Building	Assessment	Recommendation
'b'	<p>Part of this building was constructed c.1904 as a bakery for Mr Willmott to supply his adjacent shop at 392 Queens Parade (Lovell Chen &amp; Submission 298). The two-storey building now known as the 'substation' forms the other section of the original c.1904 bakery.</p> <p>Sometime after c.1945 the building was extended westward along the laneway – see the yellow arrow in Figure 1, which shows this land was vacant at that time. The images below indicate the approximate division between the two phases of building: black is c.1904 and red is c.1940.</p> <p>The c.1904 section is constructed of red brick (with the same brick bond as the 'substation' building) with a skillion roof and retains at least one original window and doorway. While altered, it can clearly be understood as being part of the original 'substation' building, which the Amendment C231 Panel has accepted warrants a Contributory grading.</p> <p>For this reason the c.1904 section also warrants a Contributory grading.</p> <p>The post-c.1940 section is not significant.</p>	<p>The Contributory classification should be extended to include the c.1904 section of the single storey building. The c.1945 section should remain as Not contributory (see plan in the covering letter to this report)</p> <p>In the Appendix 8 Incorporated Document listings for 390A Queens Parade:</p> <ol style="list-style-type: none"> <li>1. In listing 1 replace '2 storey building in NE corner' with: 'Former Willmott bakery (now part substation) constructed c.1904 at north-east end'.</li> <li>2. In listing 2 replace 'all buildings except 2 storey building in NE corner' with: 'All buildings except former Willmott bakery (now part substation) constructed c.1904 at north-east end'</li> </ol> <p>Create a Hermes record (or update the existing) for 390A Queens Parade to identify the Contributory and Not contributory buildings.</p>



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Building	Assessment	Recommendation
 <p><i>Showing connection between double and single storey sections of the c. 1904 building</i></p>	 <p><i>Showing the approximate division between the c. 1940 addition (painted red) to the c. 1904 building (painted black)</i></p>	
'c'	<p>Single storey L-shaped building dating from post-1945. Constructed of bricks with a skillion roof. The wall along north side is comprised of mixed bricks including what appear to be early bricks that may have come from the previous buildings on the site shown in Figure 1.</p> <p>This building was not constructed within the historic development period associated with the HO330 precinct and is not considered to have heritage value.</p>	<p>Does not warrant a Contributory grading. Retain Not contributory grading as proposed by Amendment C231.</p>
 <p><i>The south elevation</i></p>	 <p><i>Section of the north wall showing the variety of new and old bricks used in construction.</i></p>	

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Building	Assessment	Recommendation
'd'	<p>The north wall of this building may include part of the original wall of the early stables building shown in Figure 1. However, this is all that remains and the building has been significantly altered.</p> <p>Comparable to 304 Queens Parade as a simple utilitarian structure that can no longer be understood as dating from a particular period and is not considered to have heritage value.</p>	Does not warrant a Contributory grading. Retain Not contributory grading as proposed by Amendment C231.
<div style="display: flex; justify-content: space-around;">   </div> <p><i>The remnant north wall of the building. Note how upper section of wall is partially out of alignment (i.e., leaning toward the lane) and use of different bricks in the upper section</i></p> <p><i>Detail of north wall showing remnants of corbelling</i></p>		
'e'	<p>While this building dates to c.1930, it is a plain brick building, which has no distinguishing features apart from the half-gabled roof. Part of the south elevation is obscured and the visible west elevation has been significantly altered.</p> <p>It is comparable to 304 Queens Parade as a simple utilitarian structure that can no longer be understood as dating from a particular period and is not considered to have heritage value.</p>	Does not warrant a Contributory grading. Retain Not contributory grading as proposed by Amendment C231.

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Building	Assessment	Recommendation
 <p data-bbox="363 712 766 795"><i>The south wall of the building (at right) is partly obscured by later additions (garage directly ahead)</i></p>	 <p data-bbox="798 775 1284 795"><i>The altered west elevation, showing the roof.</i></p>	

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### Attachment – Proposed H0330 Queens Parade Precinct statement of significance

*Source: GJM Heritage Analysis, Appendix H.*

#### What is significant?

Queens Parade, North Fitzroy from south-west of Delbridge Street to Brennand Street (nos. 264-492); Queens Parade, Clifton Hill from Wellington Street to Turnbull Street (nos. 61-197), Queens Parade Road Reserve from St John the Baptist Church Presbytery to the railway overpass, and Raines Reserve. NOTE: 12 and 14 Brennand Street (not contributory) are included in H0330 in Appendix 8 but mapped in H0327.

#### History

First established as a track linking Melbourne and Heidelberg in the late 1830s, Queens Parade was one of Melbourne's first major roads. Originally extending from the top of Bourke Street, the route followed an irregular course to the north-east and continued across Merri Creek. The road was surveyed by Hoddle as a substantial three chain (60 metre) wide boulevard, reserved in 1853, and known as Heidelberg Road at the south-west end and Plenty Road further to the north-east and crossing Merri Creek. This thoroughfare to Northcote and Heidelberg formed part of the boundary between Clifton Hill and North Fitzroy and was renamed Queens Parade in the early twentieth century.

Allotments were sold in Queens Parade from 1853, on the northern side, south of Merri Creek as part of the Northcote township reserve. The Scotch Thistle Hotel, the present Terminus Hotel, had been built as part of this township by 1854 and some early bluestone terrace houses remain nearby at the corner of Rushall Crescent. Allotments fronting both sides of Queens Parade sold from 1864, however the street remained largely undeveloped until the construction of buildings such as the Daintons Family Hotel at the corner of Gold Street in 1875 and St John's Roman Catholic Church (now St John the Baptist Church), in 1876.

This thoroughfare between Melbourne and the northern districts experienced a development boom in the 1880s, with commercial functions serving local residents as well as those travelling through, and much of the present building stock in the precinct was constructed at this time. Development on the North Fitzroy (northern) side was predominantly two-storeys, including shops with residences above, such as the building at the corner of Michael Street (336-338 Queens Parade, 1870-1890) and banks, including the National Bank of Australasia (1886) and the three-storey landmark building, the former London Chartered Bank (later the ANZ Bank, 1889). The Clifton Hill (southern) side of the street developed with some shops, large commercial enterprises and some public buildings, including the Post and Telegraph Office (1893), a row of seven shops and residences known as Campi's Buildings (1880s), the State Savings Bank (1889), and the Clifton Hill Hotel (1884) on the south-east corner of Wellington Street.

Public transport was established in the area during the Boom years of the 1880s. A cable tram service was provided along the developing Queens Parade commercial strip in 1887, terminating at the Merri Creek and this was extended to Northcote in 1889. Increasing demand for public transport resulted in the opening of the Royal Park to Clifton Hill railway in 1888.

Development in Queens Parade decreased during the depression years of the 1890s, however a 1904 Melbourne and Metropolitan Board of Works detail plan indicates it was



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a tree lined commercial street with verandahs over the footpaths on both sides of Queens Parade by that time. Commercial development re-commenced in the early twentieth century, adding an Edwardian presence to the existing Victorian character of the precinct. Edwardian buildings include the Clifton Hill & Northcote United Friendly Societies Dispensary (1914), the Clifton Hill Post Office (c1915-20) and the former doctor's surgery and residence (c1915). Additionally, a substantial group of detached Edwardian houses were built on the North Fitzroy side of Queens Parade, at the north-east end.

By the close of the Edwardian period (c1918) the streetscape, that continues today to mark the entrance to Melbourne's northern suburbs, had largely been established. Notable Interwar buildings were added to the streetscape in the 1930s including a pair of landmark Moderne buildings at the north-east end - the former United Kingdom Hotel (1937-38), located on the prominent intersection of Queens Parade and Heidelberg Road, and the nearby Clifton Motors Garage (1938 façade). Extensive beautification took place in the inter-war period in the form of landscaping and further street tree plantings. Grassed median strips were planted with plane and elm trees at the western end and a triangular garden (Raines Reserve, originally Rain's Reserve) was created at the junction with Heidelberg Road.

#### *Description*

The main development period of the Queens Parade Precinct is from the 1870s to c1920 and the streetscape largely dates to this period. A small number of buildings from both earlier and later periods make a contribution to the precinct. A number of individually significant buildings are contained within the precinct, dating predominantly from the 1870s-1920 period. Buildings are predominantly attached Victorian and Edwardian shops and residences. They are predominantly two-storey with some single-storey shops interspersed. Towards the north-eastern end of the precinct are a row of detached single and two-storey residences, predominantly from the Edwardian period.

Elements that contribute to the significance of the place include (but are not limited to):

- The wide, open boulevard character with associated landscaping (including Raines Reserve, the planted medians, bluestone pitched road paving, crossings, stone kerbs and channels, and asphalt paved footpaths).
- Views afforded to significant buildings in and beyond the precinct (St John the Baptist Church, former ANZ Bank building, and former United Kingdom Hotel)
- The consistent Victorian and Edwardian commercial character of the precinct, which includes:
  - A consistent two-storey scale with some single-storey buildings
  - A variety of simple and some highly decorative façade parapets, with pitched roofs behind
  - No front or side setbacks
  - Face red brick or rendered walls
  - Rendered window frames, sills and hoods to upper stories
  - Rendered ornament to upper stories
  - Brickwork with corbelled capping courses
  - Strong horizontal lines formed by parapets, cornices, string courses



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- Repetitive upper floor fenestration patterns
- Corrugated iron, slate and terracotta tiled roof cladding
- Decorative chimneys (some with pots)
- Original post-supported street verandahs
- Shop fronts with display windows, timber or tiled plinths, and entry recesses.
- The predominantly Edwardian residential character at the north-eastern end, which includes:
  - Steeply pitched gabled or hipped roofs, predominantly with terracotta tiles and terracotta ridge capping and/or finials
  - Prominent, often highly decorative brick chimneys
  - Prominent gable ends
  - Predominantly red brick construction
  - Front gardens

#### How is it significant?

Queens Parade, North Fitzroy/Clifton Hill is of local historical, architectural and aesthetic significance to the City of Yarra.

#### Why is it significant?

The Queens Parade Precinct is located on a major thoroughfare that has linked Melbourne to the northern suburbs since the 1830s. It is centred on one of Melbourne's early reserved boulevards, having been surveyed by Hoddle and reserved in 1853. The wide boulevard retains distinctive median strip landscaping from the twentieth century, including Raines Reserve. The Queens Parade Precinct is an intact turn of the century 'High Street' that has functioned continuously as a key commercial centre since the 1870s. It contains a substantial collection of intact commercial buildings, predominantly from the Victorian and Edwardian periods, including shops and associated residences, hotels and other commercial and civic buildings, as well as a group of detached Edwardian residences at the north-eastern end. Together these buildings demonstrate the development of this 'High Street', particularly from the 1870s to c1920 when substantial growth along the boulevard occurred, and are illustrative of the enduring role the street has played in the economic and social life of North Fitzroy and Clifton Hill since the establishment of the suburbs [Criterion A].

The highly intact streetscape of the Queens Parade Precinct clearly demonstrates the principal characteristics of a major turn of the century 'High Street' in the City of Yarra. Typical characteristics – including predominantly two-storey Victorian and Edwardian wall heights, parapeted rendered or red brick facades with repetitive upper floor fenestration, and ground floor shopfronts – are displayed in the original forms, fabric and detailing of many of the buildings. The streetscapes on the northern side of Queens Parade from Delbridge Street to 410 Queens Parade and on the southern side of Queens Parade from Wellington Street to 169 Queens Parade are particularly intact and are highly consistent in their architectural form and expression, forming a cohesive and significant streetscape. A

**Attachment 2 - 390A Queens Parade Heritage Review in response to Panel Report prepared by David Helms**

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group of detached houses at the north-eastern end of the precinct are intact and consistent in their Edwardian character and form [Criterion D].

The Queens Parade Precinct contains a number of landmark and individually significant buildings which are well considered and carefully detailed examples of commercial and civic buildings. These include, among others, the prominent three-storey Former London Chartered Bank of Australia Ltd (later ANZ Bank building), 370-374 Queens Parade, the former Daintons Family Hotel (139 Queens Parade, built 1875), the former Melbourne Savings Bank (97-99 Queens Parade, built 1889), former National Bank of Australasia (270 Queens Parade, built 1886), Ryans Building (314 Queens Parade, built 1884), Campi's Buildings (149-167 Queens Parade, built c1880-c1890) and the corner shop at 336-338 Queens Parade, North Fitzroy (c1870-c1890). Key views to the local landmarks of the St John the Baptist Church complex and the Former United Kingdom Hotel, 199 Queens Parade, which bookend the precinct are afforded from within the precinct [Criterion E].

## Attachment 3 - Table - Changes to the amendment from Exhibition to version for Adoption

### Attachment 3

Underlined text signifies a mandatory control

#### Amendment C231 Part 2 to the Yarra Planning Scheme

#### Comparison of *exhibited version* and the *version for adoption* and reasons for the change

#### Design and Development Overlay 16 (DDO16) – 390A Queens Parade, North Fitzroy

The information in this table is based on the exhibited version of the DDO and the version of the DDO for 390A Queens Parade supported by officers for adoption. This table should be read in conjunction with Attachment 4 which provides a track change version of DDO16 showing the changes from the exhibited version to the version for adoption.

This table only highlights aspects of the DDO where changes are proposed to the exhibition version of the DDO. Elements of the amendment where no changes are proposed or very minor changes such as spelling mistakes or punctuation where there are no other changes are not included in this table.

General requirements			
Clause & DDO element	Exhibited DDO	Version of DDO for Adoption	Reason for change
<b>1.0 Design objectives</b>	<p>Included five objectives:</p> <ul style="list-style-type: none"> <li><i>To recognise and respond to the distinct character, heritage streetscape and varying development opportunities defined by the five precincts along Queens Parade,</i></li> <li><i>To support a new mid rise character behind a consistent street wall in precincts 2-5.</i></li> <li><i>To ensure development respects the architectural form and qualities of heritage buildings and streetscapes and maintains the visual prominence of the St John the Baptist church belfry and spire, the former ANZ Bank building, the former United Kingdom Hotel and the former Clifton Motors garage.</i></li> <li><i>To ensure new development responds to the grand, tree-lined boulevard character of Queens Parade.</i></li> <li><i>To ensure that the overall scale and form of new buildings provides a suitable transition to low scale residential areas and protects these</i></li> </ul>	<p>Five objectives redrafted:</p> <ul style="list-style-type: none"> <li><i>To ensure development responds to the heritage character and streetscapes and varying development opportunities and supports the existing low-rise character in Precinct 4.</i></li> <li><i>To protect the integrity of historical streetscapes and clusters of heritage buildings of a similar scale and materiality.</i></li> <li><i>To ensure development respects the architectural form and qualities of heritage buildings and streetscapes and maintains the visual prominence of the former ANZ Bank building.</i></li> <li><i>To promote design excellence that ensures new development respects the wide, open boulevard character of Queens Parade, including where existing historic trees are key elements in the streetscape, they remain the dominant visual feature.</i></li> </ul>	<p>Title of Clause 1.0 was amended from General Design Objectives to Design Objectives. Given there are no other objectives in the DDO eg for Precincts, the word 'General' is redundant.</p> <p>Objectives have been re-written to make clearer what built form outcomes the DDO seeks to deliver. These changes were supported by Panel. Minor edits recommended by the Panel have been accepted.</p> <p>Objective 1 (version for adoption) – amalgamates the first and second exhibited objectives into one. It provides additional detail around scale and distinguishes the low-rise character of Precinct 4. References to the other precincts have been deleted as this version of the DDO only addresses 390A Queens Parade.</p> <p>Objective 2 (version for adoption) – New objective added to emphasise heritage streetscapes and buildings – a key element of Queens Parade.</p>

## Attachment 3 - Table - Changes to the amendment from Exhibition to version for Adoption

## Attachment 3

Underlined text signifies a mandatory control

Clause & DDO element	Exhibited DDO	Version of DDO for Adoption	Reason for change
<b>1.0 Design objectives (cont.)</b>	<i>properties from unreasonable loss of amenity through visual bulk, overlooking and overshadowing.</i>	<ul style="list-style-type: none"> <li><i>To ensure development responds to sensitive interfaces by ensuring the overall scale and form of new buildings provides a suitable transition to low scale residential areas and protects these properties from an unreasonable loss of amenity through visual bulk, overlooking and overshadowing.</i></li> </ul>	<p>Objective 3 (version for adoption) – Objective has been edited to remove St John the Baptist Church, Clifton Motors Garage and the former United Kingdom Hotel as they are outside Precinct 4.</p> <p>Objective 4 (version for adoption) – rewritten to include concept of design excellence (recommendation of the Panel) and emphasis on trees as a key feature of the boulevard.</p> <p>Objective 5 (version for adoption) – some rewording and inclusion of concept of sensitive interfaces but focus remains on residential amenity and transition to low scale areas.</p>
<b>2.0 Buildings and works</b>	<p>Included permit trigger:</p> <p><i>A permit is required to construct a building or construct or carry out works.</i></p>	Permit trigger deleted	<p>Change recommended by the Panel.</p> <p>Permit trigger included in the head clause. No need to repeat it in the schedule.</p>
<b>2.1 Definitions</b>	<p>Included:</p> <ul style="list-style-type: none"> <li><b>1:1 ratio heritage street wall</b> to new built form is where the height of the heritage street wall equals the height of the new development above street wall when viewed from the opposite side of the street from the centre of the footpath at a height of 1.6 metres above ground level</li> <li><b>Street wall</b> is the façade of a building at the street boundary. Street wall height is measured at the vertical distance between the footpath at the centre of the frontage and the highest point of the building, parapet, balustrade or eaves at the street edge, with the exception of architectural features and building services.</li> <li><b>Building height</b> is the vertical distance from natural ground level to the roof or parapet at any point. <ul style="list-style-type: none"> <li>Building height does not include non structural elements that project above the</li> </ul> </li> </ul>	<p>Includes:</p> <ul style="list-style-type: none"> <li><b>Heritage building</b> means any building subject to a Heritage Overlay, on the Victorian Heritage Register or any building graded as either Contributory or Individually Significant.</li> <li><b>Laneway</b> means a road reserve of a public highway 9 metres or less in width. This does not include Dummett Crescent.</li> <li><b>Parapet</b> does not include features such as brackets, pediments, urns, finials or other decorative elements.</li> <li><b>Public realm</b> means all streets (including Dummett Crescent) and spaces open to the public but does not include laneways.</li> <li><b>Street wall</b> means the façade of a building at the street boundary, or if the existing heritage building is set back from the street boundary, the front of the existing building.</li> </ul>	<p>Revised definitions in the <i>version for adoption</i> provide a more relevant list of the terms used in DDO.</p> <p>The version for adoption deletes the following terms:</p> <ul style="list-style-type: none"> <li>1:1 ratio heritage street wall</li> <li>Street wall</li> <li>Building height</li> <li>Setback</li> </ul> <p>It includes the following definitions:</p> <ul style="list-style-type: none"> <li>Heritage building (new)</li> <li>Laneway (new)</li> <li>Parapet (no change from exhibited)</li> <li>Public realm (new)</li> <li>Street wall (amended)</li> <li>Street wall height (new)</li> <li>Upper level (no change from exhibited)</li> <li>Upper level setback (new)</li> </ul>

## Attachment 3 - Table - Changes to the amendment from Exhibition to version for Adoption

### Attachment 3

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Clause & DDO element	Exhibited DDO	Version of DDO for Adoption	Reason for change
<b>2.1 Definitions (cont.)</b>	<p><i>building height and service equipment including plant rooms, lift overruns, structures associated with green roof areas, screens to service areas or other such equipment provided that all of the following criteria are met:</i></p> <ul style="list-style-type: none"> <li><i>– The total roof area occupied by the service equipment (other than solar panels) is minimised;</i></li> <li><i>– The service equipment is located in a position on the roof so as to minimise its visibility;</i></li> <li><i>– The non structural elements and service equipment do not cause additional overshadowing of neighbouring properties and public spaces;</i></li> <li><i>– The non structural elements and service equipment do not extend higher than 3.6 metres above the maximum building height; and</i></li> <li><i>– The non structural elements and service equipment are integrated into the design of the building to the satisfaction of the responsible authority.</i></li> </ul> <ul style="list-style-type: none"> <li><b><i>Parapet height</i></b> does not include features such as brackets, pediments, urns, finials or other decorative elements.</li> <li><b><i>Setback</i></b> is the shortest horizontal distance from a building, including projections such as balconies, building services and architectural features, to the boundary.</li> <li><b><i>Upper level</i></b> is development above the height of the street wall.</li> </ul>	<ul style="list-style-type: none"> <li><b><i>Street wall height</i></b> means the height of the street wall measured by the vertical distance between the footpath at the centre of the frontage and the highest point of the building, parapet, balustrade or eaves at the street edge or in the case of a heritage building if it is set back from the street from the centre of the building frontage to the highest point of the building, parapet, balustrade or eaves.</li> <li><b><i>Upper level</i></b> means development above the height of the street wall.</li> <li><b><i>Upper level setback</i></b> means the setback of the upper level measured from the street wall of the building.</li> </ul>	<p>Exemptions to building heights relocated to 2.2 <i>General Requirements</i>.</p> <p>The concept of a 1:1 <i>street ratio</i> has been removed from the DDO. Consequently, there is no need to define a term that is not used.</p> <p><i>Building height</i> and <i>setback</i> were removed as they are defined elsewhere in the planning scheme.</p> <p><i>Public realm</i> added to specifically define public realm in the Queens Parade context.</p> <p><i>Heritage building, Laneway, Upper level setback and Parapet</i> were added. They are terms used in the DDO but were not defined. They assist in understanding the requirements. (The same definitions as the adopted Johnston Street DDO, DDO15 were used.)</p> <p>References to Dummett Crescent in <i>Public Realm</i> and <i>Laneways</i> have been removed in this version of the DDO for adoption as it is outside Precinct 4.</p>

## Attachment 3 - Table - Changes to the amendment from Exhibition to version for Adoption

## Attachment 3

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Clause & DDO element	Exhibited DDO	Version of DDO for Adoption	Reason for change
<b>2.1 Definitions (cont.)</b>			
<b>2.2 General requirements</b>	<p>Included explanation of mandatory and preferred requirements:</p> <p><i>The following requirements apply to an application to construct a building or carry out works and must be read in conjunction with the relevant precinct design requirements.</i></p> <ul style="list-style-type: none"> <li><i>A permit cannot be granted to construct a building or carry out works which are not in accordance with the mandatory requirements specified in the relevant Precinct Tables.</i></li> <li><i>A permit cannot be granted to construct a building or carry out works which exceeds the preferred building height and setbacks shown in the relevant Precinct Tables unless the following requirements are met, to the satisfaction of the responsible authority:</i> <ul style="list-style-type: none"> <li><i>The built form outcome as a result of the proposed variation satisfies the general design objectives in Clause 1.0; and</i></li> <li><i>The built form outcome as a result of the proposed variation satisfies the relevant requirements specified in this schedule.</i></li> </ul> </li> </ul> <p>Also included requirements to retain commercial height ground floors and for street wall heights, vehicle access and upper level setbacks:</p> <ul style="list-style-type: none"> <li><i>Facades at ground level must be designed with floor to floor ceiling heights suitable to accommodate commercial activity in the Commercial 1 Zone and the Mixed Use Zone.</i></li> <li><i>Development must create a consistent street wall height along the streetscapes.</i></li> </ul>	<p>Requirements relating to mandatory provisions have been made more explicit and it includes exemptions to building heights (relocated from Definitions), setbacks and upper level setbacks:</p> <p><i>The following requirements apply to an application to construct a building or carry out works and must be read in conjunction with the relevant precinct design requirements.</i></p> <ul style="list-style-type: none"> <li><i>A permit must not be granted or amended (unless the amendment would not increase the extent of non-compliance) to construct a building or carry out works which exceed the mandatory maximum building height, mandatory maximum street wall height or mandatory maximum street wall setback or are less than the mandatory minimum street wall height or mandatory minimum upper level setbacks specified in the relevant Precinct Tables.</i></li> <li><i>A permit must not be granted or amended (unless the amendment would not increase the extent of non-compliance) to construct a building or carry out works which exceeds the preferred building height and setbacks shown in the relevant Precinct Tables unless the following requirements are met, to the satisfaction of the responsible authority:</i> <ul style="list-style-type: none"> <li><i>The built form outcome as a result of the proposed variation satisfies the general design objectives in Clause 1.0.</i></li> <li><i>All other relevant requirements specified in this schedule.</i></li> </ul> </li> </ul>	<p><b><i>Title of the clause</i></b></p> <p>Title of Clause 2.2 was amended from General Design Requirements to General Requirements. The word 'Design' is redundant.</p> <p><b><i>Operation of mandatory and preferred requirements</i></b></p> <p>The clause explaining how the mandatory provisions operate was expanded to better describe the mandatory elements of the amendment eg mandatory maximum building heights, mandatory maximum street walls etc.</p> <p><b><i>Compliance of amendments to permits</i></b></p> <p>Amendments to permits was added to prevent situations where a person could obtain a permit that complies with the mandatory provisions, and then seek to amend that permit to exceed the mandatory controls (arguing that they do not apply to a permit amendment). The outcome would undermine the mandatory provisions.</p> <p><b><i>Must and should</i></b></p> <p>The exhibited DDO16 used the word must in relation to both mandatory and preferred controls. However, where the control was intended to be mandatory, the words '<i>A permit cannot be granted to construct a building or carry out works if it does not meet this requirement</i>' were included.</p> <p>This approach was taken in response to advice received by Council, which was based on the way the head clause of the Design and Development Overlay is drafted. However, in practice this made the DDO more difficult to understand.</p> <p style="text-align: right;">Cont.</p>



# Attachment 3 - Table - Changes to the amendment from Exhibition to version for Adoption

## Attachment 3

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Clause & DDO element	Exhibited DDO	Version of DDO for Adoption	Reason for change									
<b>2.2 General requirements (cont.)</b>	<ul style="list-style-type: none"><li>Future vehicle access and services must be provided from a rear laneway or side street where possible.</li><li>Development must provide setbacks which ensure that upper level additions seen from the public realm are high quality and do not diminish the appreciation of the heritage building and streetscape.</li><li>Development must avoid repetitive stepped built form at upper levels of development.</li><li>Unless specified in another table in this schedule, any part of a building adjacent to land in a residential zone must comply with the following:  <b>Table to Clause 2.2 boundary wall height and setback requirements for development adjoining a residential zone</b></li></ul> <table><tr><th></th><th>boundary wall height</th><th>setback</th></tr><tr><td><b>Common boundary</b></td><td>5 metres</td><td>45 degrees above boundary wall height</td></tr><tr><td><b>Laneway interface</b></td><td>8 metres</td><td>45 degrees above boundary wall height</td></tr></table> <p>NB - DDO used <i>must</i> throughout, even for preferred requirements. Mandatory denoted by <i>must</i> plus the following wording - <i>A permit cannot be granted to construct a building or carry out works if it does not meet this requirement.</i></p>		boundary wall height	setback	<b>Common boundary</b>	5 metres	45 degrees above boundary wall height	<b>Laneway interface</b>	8 metres	45 degrees above boundary wall height	<p>Architectural features may exceed the preferred or mandatory height.</p> <p>Service equipment / structures including plant rooms, lift overruns, structures associated with green roof areas, screens to service areas or other such equipment may exceed the mandatory or preferred height provided that all of the following criteria are met for the equipment or structure:</p> <ul style="list-style-type: none"><li>Less than 50 per cent of roof area is occupied by the service equipment (other than solar panels).</li><li>The equipment does not cause additional overshadowing of private open space, Napier Reserve and Queens Parade.</li><li>The equipment does not extend higher than 3.6 metres above the maximum building height.</li></ul> <p>Projections such as balconies and building services should not intrude into a setback or upper level setback.</p> <p>Specific requirements relating to floor to floor heights, street wall height, vehicle access and upper level setbacks given their own sub-headings in the version of the DDO for adoption (see below).</p> <p>NB - <i>Must</i> used for mandatory requirements and <i>should</i> used for preferred requirements. Where a clause is mandatory it uses <i>must</i> and is followed by the words, '<i>A permit cannot be granted to vary this requirement.</i>'</p>	<p>DDO16 has been updated and uses <i>must</i> and <i>should</i> to distinguish between mandatory and preferred controls respectively. While there are different opinions on the proper approach, the use of the words <i>must</i> and <i>should</i> in DDO16 was supported by the Panel. Where a clause is mandatory it is followed by the clause, '<i>A permit cannot be granted to vary this requirement.</i>'</p> <p><b><i>Relocation and changes to exemptions to building heights</i></b></p> <p>Requirement for service equipment relocated from Definitions, its location in the exhibited version, to this section for clarity.</p> <p>A total roof area was specified to help minimise impact of equipment on roof tops of new buildings. The subjective requirements in the exhibited clause were removed (eg <i>to the satisfaction of the responsible authority</i>) and only measurable parameters included to aid with assessment of compliance.</p> <p><b><i>Requirements on ground floors and for street wall heights, vehicle access and upper level setbacks</i></b></p> <p>More specific requirements have been removed in the version of DDO for adoption and given their own sub-headings to assist in making the DDO clearer and easier to navigate.</p> <p>Table to Clause 2.2 (Boundary Wall Height and Setback Requirements) was removed, relocated or replaced by updated side and rear setback requirements in each Precinct.</p>
	boundary wall height	setback										
<b>Common boundary</b>	5 metres	45 degrees above boundary wall height										
<b>Laneway interface</b>	8 metres	45 degrees above boundary wall height										



## Attachment 3 - Table - Changes to the amendment from Exhibition to version for Adoption

### Attachment 3

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Clause & DDO element	Exhibited DDO	Version of DDO for Adoption	Reason for change
<b>2.3 Street wall height requirements</b>	Not included in the <i>exhibition version</i> .	New sub-clause and heading added New requirement added to guide street wall transition to heritage buildings:  <i>Except in Precinct 4, the street wall height should be no higher than the parapet height of a abutting heritage building/s for a minimum length of 6 metres measured from the edge of the heritage building/s.</i>	This requirement was added to deal with situations where the abutting heritage building was lower than the street wall required in the Design Requirements and was seeking a step up or down from the new wall to the abutting heritage wall.  The issue was not addressed in <i>exhibited version of the DDO</i> .  Panel recommended the addition of the word 'taller', however this is not supported by officers (see Attachment 1 for the reason why this is not supported by officers.)
<b>2.4 Upper levels requirements</b>	Heading not included in the <i>exhibition version</i> . Two requirements addressed upper level development: <ul style="list-style-type: none"><li><i>Development must provide setbacks which ensure that upper level additions seen from the public realm are high quality and do not diminish the appreciation of the heritage building and streetscape.</i></li><li><i>Development must avoid repetitive stepped built form at upper levels of development</i></li></ul>	New sub-clause and heading added. Combination of relocated requirements and new requirements which address recessive upper levels; ensure side walls are articulated and avoiding a continuous built form at upper levels and recognising contribution made by chimneys, parapets and other architectural features. Requirements now read: <i>Upper level development should:</i> <ul style="list-style-type: none"><li><i>Provide setbacks to ensure that upper level additions seen from the public realm do not diminish the appreciation of the heritage building and streetscape.</i></li><li><i>Avoid repetitive stepped built form at upper levels.</i></li><li><i>Be visually recessive.</i></li><li><i>Use materials that are recessive in finish and colour.</i></li><li><i>Include articulated side walls, where visible from the public realm, which are designed to reduce the visual impact of the wall and read as part of the overall building design.</i></li><li><i>Avoid continuous built form at upper levels.</i></li></ul>	Requirements 1 and 2 (version for adoption) were relocated from 2.2 General Design Requirements. Requirements 4, 5 and 6 (version for adoption) were relocated from Precinct 3 as they are relevant across all precincts, not just Precinct 3. Requirements 7 and 8 (version for adoption) added in response to submissions and expert evidence given at the Panel Hearing on the impacts of balconies and equipment and services. Requirement 3 (version for adoption) was added to require visually recessive upper levels. This was not addressed in the General Requirements of the <i>exhibited DDO</i> . Requirement 9 (version for adoption) was recommended by the Panel to ensure heritage elements such as chimneys and the like are retained through upper level setbacks. This addition is supported by officers and has been included.

## Attachment 3 - Table - Changes to the amendment from Exhibition to version for Adoption

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Clause & DDO element	Exhibited DDO	Version of DDO for Adoption	Reason for change
<b>2.4 Upper levels requirements (cont.)</b>		<ul style="list-style-type: none"> <li>– <i>Ensure balconies at upper levels do not dominate the solid façades of heritage street walls</i></li> <li>– <i>Minimise the visual intrusion of equipment and services.</i></li> <li>– <i>Protect the contribution made by chimneys, parapets and other architectural features to the fine grained character of the area.</i></li> </ul>	
<b>2.5 Corner site requirements</b>	Not included in the <i>exhibition version</i> .	<p>New sub-clause and heading added.</p> <p>New requirement added to address street wall on corner sites:</p> <p><i>New development on a corner site with a frontage to Queens Parade should continue the Queens Parade street wall height along the side street, with a transition in height to match the rear interface where required. This requirement does not apply a laneway except where specified.</i></p>	<p>New requirement which addresses gap in the <i>exhibited version</i>.</p> <p>Added in response to submissions about corner sites and expert evidence at the Panel Hearing to address the transition of new development on corner sites and ensure development 'turns' the corner appropriately. Supported by Panel.</p> <p>(References to Precincts outside Precinct 4 have been deleted in the version of the DDO version for adoption.)</p>
<b>2.6 Ground floor requirements</b>	<p>Heading not included in the <i>exhibition version</i>.</p> <p>Requirement ensuring floor to floor heights are suitable for commercial uses:</p> <ul style="list-style-type: none"> <li>▪ <i>Facades at ground level must be designed with floor to floor ceiling heights suitable to accommodate commercial activity in the Commercial 1 Zone and the Mixed Use Zone.</i></li> </ul>	<p>New sub-clause and heading added.</p> <p>Deletes the reference to Mixed Use Zone so it now reads:</p> <ul style="list-style-type: none"> <li>• <i>Facades at ground level should be designed with floor to floor ceiling heights suitable to accommodate commercial activity in the Commercial 1 Zone.</i></li> </ul> <p>Includes the following new requirements on building services at street level and orienting windows, habitable rooms and pedestrian entrances towards the public realm:</p> <ul style="list-style-type: none"> <li>• <i>Building services and service cabinets should be located away from the street frontage of heritage facades and they should be designed and located so they</i></li> </ul>	<p>Requirement 1 ensuring ground floor development accommodates floor to ceiling heights appropriate for commercial development was amended to address the CZ2 in Parts 1 and 3 of Amendment C231. Commercial floor to floor heights are equally relevant in this zone. The exhibited version only included MUZ and CZ1. The CZ2 and MUZ are not needed in this version of the DDO for adoption as only C1Z land is affected. 390A Queens Parade is zoned Commercial 1.</p> <p>Requirement 2 was added to ensure services do not dominate the street frontage. This was identified during the Panel hearing. Change supported by Panel.</p>

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Clause & DDO element	Exhibited DDO	Version of DDO for Adoption	Reason for change
<b>2.6 Ground floor requirements (cont.)</b>		<p><i>complement the street frontage and character and appearance of the heritage building.</i></p> <ul style="list-style-type: none"> <li><i>Windows of commercial premises, habitable rooms, and principal pedestrian entrances should be orientated towards the public realm and contribute to the safety of the adjoining public realm.</i></li> </ul>	Requirement 3 is a new requirement recommended by the Panel around windows and entrances being oriented to the public realm, which addresses a gap in the DDO and will strengthen the interface of development with the public realm.
<b>2.7 Vehicular access, car parking and loading areas requirements</b>	<p>Heading not included in the <i>exhibition version</i>.</p> <p>The following requirement addressed vehicle access:</p> <ul style="list-style-type: none"> <li><i>Future vehicle access and services must be provided from a rear laneway or side street where possible.</i></li> </ul>	<p>New sub-clause and heading added.</p> <p>Four new requirements added, in addition to exhibited requirement:</p> <ul style="list-style-type: none"> <li><i>New vehicle crossovers onto Queens Parade should be avoided.</i></li> <li><i>Future vehicle access and services must be provided from a rear laneway or side street where possible.</i></li> <li><i>Vehicle ingress and egress into development, including loading facilities and building servicing, should ensure a high standard of pedestrian amenity and limit potential conflict between vehicle movements and pedestrian activity.</i></li> <li><i>Development on a laneway should include a rear/side setback or a corner splay at ground floor, to facilitate the ongoing functionality of the laneway and allow for building services and car park access.</i></li> <li><i>Permanent obstructions within a rear/side setback or splay to a laneway should be avoided.</i></li> </ul>	<p>Requirement 2, which required future vehicle access and services off a rear laneway or side street where possible, was included in the <i>exhibited version of the DDO</i>.</p> <p>Requirement 1 was proposed in response to urban design advice which noted the exhibited version of the DDO sought to focus access off laneways or side streets but was not explicit about the use of Queens Parade for access.</p> <p>In the Council preferred version of DDO16 presented to Panel, a design requirement which sought the following was added: '<i>New vehicle crossovers onto Queens Parade must be avoided</i>'.</p> <p>This was partly to maximise the efficiency and safety of the arterial roads e.g. Queens Parade and to ensure the historic Queens Parade shopping strip is not dominated by car access points (and further promoting a safe and friendly walking environment, reducing conflict points and retaining the historic streetscape).</p> <p>Requirement 3 was added in response to submissions concerned about protecting pedestrian amenity and reducing conflicts between cars and people (eg in laneways, side streets and along Queens Parade).</p> <p style="text-align: right;">Cont.</p>

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Clause & DDO element	Exhibited DDO	Version of DDO for Adoption	Reason for change
<b>2.7 Vehicular access, car parking and loading areas requirements (cont.)</b>			<p>Requirements 4 and 5 were added to address issues raised by Council's traffic expert at the Panel hearing.</p> <p>The requirements require a corner splay and that setbacks and splays should be unobstructed. The change will see improved visibility for vehicles to improve safety and access for vehicles, pedestrians and cyclists.</p>
<b>2.8 Heritage design requirements</b>	<p>Included heritage design requirements which apply to:</p> <ul style="list-style-type: none"> <li>Contributory and individually significant buildings</li> <li>Infill buildings and development adjoining a heritage building</li> </ul> <p>Requirements addressed <i>Building facades and street frontages</i> and <i>Upper levels behind a heritage street wall</i>:</p> <p><b><i>Building facades and street frontages</i></b></p> <p><i>Infill buildings and development adjoining a heritage building</i></p> <ul style="list-style-type: none"> <li><i>Façade treatments and the articulation of infill buildings on land affected by a heritage overlay or immediately adjoining a heritage building must:</i></li> <li><i>ensure façade treatments and the articulation of new development are simple and do not compete with the more elaborate detailing of nineteenth century buildings</i></li> <li><i>respect the vertical proportions of the nineteenth and twentieth century facades in the heritage streetscape and/or the adjoining heritage building(s) avoid large expanses of glazing with a horizontal emphasis except to ground floor shopfronts</i></li> <li><i>avoid large expanses of glazing with a horizontal emphasis except for ground floor</i></li> </ul>	<p>Retains <i>Building facades and street frontages</i> and <i>Upper level behind heritage street wall</i> in an amended form and adds new requirements to address 'Upper level setbacks' so it now reads:</p> <p><b><i>Building facades and street frontages</i></b></p> <p><i>Infill buildings and development adjoining a heritage building:</i></p> <ul style="list-style-type: none"> <li><i>Façade treatments and the articulation of infill buildings should:</i></li> <li><i>be simple and not compete with the more elaborate detailing of nineteenth century buildings</i></li> <li><i>respect the vertical proportions of the nineteenth and twentieth century facades in the heritage streetscape and/or the adjoining heritage building(s)</i></li> <li><i>avoid large expanses of unarticulated curtain glazing, highly reflective glass and glazing with a horizontal emphasis except for ground floor shopfronts</i></li> <li><i>reflect the existing canopy/verandah height of the heritage streetscape and/or adjoining heritage building(s)</i></li> </ul> <p><i>Contributory or individually significant buildings must:</i></p> <ul style="list-style-type: none"> <li><i>maintain existing openings and avoid highly reflective glazing in historic openings</i></li> </ul>	<p>Changes include:</p> <ul style="list-style-type: none"> <li>Removing superfluous words (eg when the following requirement applies....) and errors (eg repetition of glazing in Design Requirements 3 and 4 in the exhibited version)</li> <li>Renaming <i>Upper level behind heritage street wall</i> to <i>Design of upper levels</i> to make what it covers clearer.</li> </ul> <p>Further guidance was added to Heritage Design Requirements following submissions which were concerned that the proposed upper level setbacks, particularly in Precinct 4 would result in the loss of primary roofs and features such as chimneys.</p> <p>The new requirements were added to address situations when upper level setbacks beyond the minimum might be required (eg to retain the roof of an individually significant building which is visible from the public realm).</p> <p>The Panel considered the Heritage Design Requirements were not required and repeated policy in Clause 22.02, the decision guidelines in the Heritage Overlay and the Preferred Character Statements in the preferred version of the DDO.</p> <p style="text-align: right;">Cont.</p>

## Attachment 3 - Table - Changes to the amendment from Exhibition to version for Adoption

## Attachment 3

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Clause & DDO element	Exhibited DDO	Version of DDO for Adoption	Reason for change
<b>2.8 Heritage design requirements (cont.)</b>	<p><i>shopfronts avoid the use of unarticulated curtain glazing and highly reflective glass</i></p> <ul style="list-style-type: none"> <li><i>reflect the existing canopy/verandah height of the heritage streetscape and/or adjoining heritage building(s)</i></li> </ul> <p><i>Adaption of contributory or individually significant buildings must:</i></p> <ul style="list-style-type: none"> <li><i>avoid highly reflective glazing in historic openings</i></li> <li><i>encourage the retention of solid built form behind retained facades and avoid balconies behind existing openings</i></li> <li><i>maintain the inter-floor height of the existing building and avoid new floor plates and walls cutting through historic openings</i></li> </ul> <p><b>Upper level behind heritage street wall</b></p> <p><i>Upper level development on land within a heritage overlay and on land immediately adjoining a heritage building must:</i></p> <ul style="list-style-type: none"> <li><i>be visually recessive and not visually dominate the heritage building and the heritage streetscape</i></li> <li><i>retain the primacy of the three-dimensional form of the heritage building as viewed from the public realm to avoid 'facadism'</i></li> <li><i>utilise visually lightweight materials and finishes that are recessive in texture and colour and provide a juxtaposition with the heavier masonry of the heritage facades</i></li> <li><i>incorporate simple architectural detailing that does not detract from significant elements of the heritage building and the heritage streetscape</i></li> </ul>	<ul style="list-style-type: none"> <li><i>encourage the retention of solid built form behind retained facades and avoid balconies behind existing openings</i></li> <li><i>maintain the inter-floor height of the existing building and avoid new floor plates and walls cutting through historic openings</i></li> </ul> <p><b>Design of upper levels</b></p> <p><i>Upper level development on land within a heritage overlay and on land immediately adjoining a heritage building should:</i></p> <ul style="list-style-type: none"> <li><i>be visually recessive and not visually dominate the heritage building and the heritage streetscape</i></li> <li><i>retain the primacy of the three-dimensional form of the heritage building as viewed from the public realm to avoid 'facadism'</i></li> <li><i>utilise visually lightweight materials and finishes that are recessive in texture and colour and provide a juxtaposition with the heavier masonry of the heritage facades</i></li> <li><i>incorporate simple architectural detailing that does not detract from significant elements of the heritage building and the heritage streetscape</i></li> <li><i>reflect the fine grained character of the streetscape, fine grained character and subdivision pattern of the streetscape, especially on larger sites.</i></li> </ul> <p><b>Upper level setbacks</b></p> <p><i>Upper level setbacks in excess of the minimum mandatory upper level setback should be provided where:</i></p> <ul style="list-style-type: none"> <li><i>it would facilitate the retention of a roof form and chimneys that are visible from the public realm, or a roof or any feature that</i></li> </ul>	<p>The requirements address a gap in the scheme provisions and should be included until such time Clause 22.02 is amended to more comprehensively address industrial, commercial and retail places. Officers recommend the Heritage Design Requirements are retained.</p> <p>Clause 22.02 will be amended by Amendment C269 (Planning Scheme Local Policy rewrite). Officers propose that after Amendment C269 is gazetted, an administrative amendment would be undertaken and the Heritage Design Requirements in this (and other) DDO(s) would be removed.</p>

## Attachment 3 - Table - Changes to the amendment from Exhibition to version for Adoption

## Attachment 3

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Clause & DDO element	Exhibited DDO	Version of DDO for Adoption	Reason for change
<b>2.8 Heritage design requirements (cont.)</b>	<ul style="list-style-type: none"> <li><i>be articulated to reflect the fine grained character of the streetscape</i></li> </ul>	<p><i>the relevant statement of significance identifies as contributing to the significance of the heritage building or streetscape</i></p> <ul style="list-style-type: none"> <li><i>it would maintain the perception of the three-dimensional form and depth of the building</i></li> <li><i>a lesser setback would detract from the character of the streetscape when viewed directly or obliquely along Queens Parade.</i></li> </ul>	
<b>2.9 Interface to residential properties in NRZ or GRZ</b>	Heading not included in the <i>exhibition version</i> .	<p>New sub-clause and heading added.</p> <p>The following new requirements are included:</p> <ul style="list-style-type: none"> <li><i>Development should respond to the low scale form of existing development through an appropriate transition in building height and setbacks to ensure reasonable standards of amenity.</i></li> <li><i>In Precinct 4, where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September.</i></li> </ul> <p><i>If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.</i></p>	<p>In addition to changes to the side and rear setbacks, specific overshadowing controls were proposed in Precinct 3 and 4 in response to submissions.</p> <p>Submitters were concerned about the impacts of 4, 5 and 6 storey developments on the amenity of their properties to the south of the centre.</p> <p>Both requirements were relocated from Precincts 3 and 4 at the suggestion of the Panel – to reduce repetition.</p> <p>Requirement 1 which requires an ‘<i>appropriate transition to low adjoining low scale residential development</i>’ was supported by the Panel to address the interface with neighbouring residential properties.</p> <p>The purpose of the Requirement 2 is to protect adjoining residential properties from additional overshadowing at the equinox (the accepted urban design standard to apply when assessing overshadowing). The overshadowing requirements mirror ResCode Standards A14 and B21.</p>



## Attachment 3 - Table - Changes to the amendment from Exhibition to version for Adoption

### Attachment 3

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Precinct specific requirements			
Requirement <sup>1</sup>	Exhibited DDO	Version of DDO for adoption	Reason for change
<b>Precincts 1-3</b>			
All	See exhibited DDO.	Content deleted.	The Precinct character statements, Design Requirements, maps and tables for the Precincts 1-3 have been deleted as this version of the DDO only applies to 390A Queens Parade.
<b>Precinct 4</b>			
<b>Preferred character statement</b>	Not included	<p>Preferred character statement inserted:</p> <p><i>Buildings and works should deliver:</i></p> <ul style="list-style-type: none"> <li><i>A unique and vibrant Victorian era shopping strip which forms the retail and activity focus of Queens Parade building on its distinctive heritage qualities.</i></li> <li><i>Development that complements the scale of heritage buildings and the patterns and rhythms of heritage features.</i></li> <li><i>Upper level infill that reinforces the prevailing street wall and subdivision grain of significant streetscapes and transitions to residential abutments to the rear.</i></li> <li><i>Well designed building frontages and public realm that reinforce the pedestrian experience of this part of Queens Parade as and the central hub for the local community</i></li> </ul>	<p>Council's preferred version of DDO16 included preferred character statements (a change proposed in response to submissions). They were added to better define the future character sought by the controls.</p> <p>The Panel supported their inclusion but recommended some redrafting to make their intent clearer, read as more positive outcomes and remove repetition. The wording suggested by the Panel has been accepted by officers.</p> <p>Preferred character statement for Precinct 4 seeks to:</p> <ul style="list-style-type: none"> <li>Recognise the centre as a vibrant retail shopping strip</li> <li>Recognise its heritage qualities and ensure development complements this</li> <li>Ensure development creates a high quality public realm and pedestrian experience</li> </ul>

<sup>1</sup> Design requirements in Table 4 were amended in the version for adoption to specify whether the requirement was for a maximum or minimum or both eg Maximum street wall height, Minimum upper level setback etc. In addition the format of the table has also been standardised eg removing the word maximum / minimum for most metrics and describing specific locations or sites eg south side of Queens Parade between Gold and Turnbull Streets - 14 metres.



## Attachment 3 - Table - Changes to the amendment from Exhibition to version for Adoption

## Attachment 3


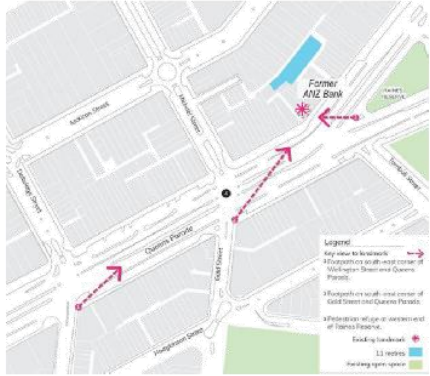
Underlined text signifies a mandatory control

Requirement <sup>1</sup>	Exhibited DDO	Version of DDO for adoption	Reason for change
		<ul style="list-style-type: none"> <li>Development that retains the prominence of the former ANZ Building.</li> </ul>	<ul style="list-style-type: none"> <li>Recognise the prominence of the ANZ Building.</li> </ul>
<b>Design requirements</b>	<p>Included:</p> <p>The design requirements for Precinct 4 are as follows:</p> <ul style="list-style-type: none"> <li><u>Development must protect and maintain key view lines and visual prominence of the former ANZ Building from the south-west and north-east, in particular to the upper floor, roof form and chimneys. A permit cannot be granted to construct a building or carry out works if it does not meet this requirement.</u></li> </ul> <p>Development must:</p> <ul style="list-style-type: none"> <li>retain the visual prominence of heritage buildings, their street wall and significant 'High Street' streetscapes when viewed from the opposite side of Queens Parade.</li> <li>facilitate the appropriate mid rise infill of the sites located to the rear of commercial properties fronting Queens Parade.</li> <li>retain the visual prominence of the return facades of buildings that front Queens Parade, Delbridge, Gold and Michael Streets.</li> <li>ensure that facades at ground floor incorporate verandahs which are consistent with the form and scale of adjoining verandahs.</li> <li>retain chimneys visible from the public realm.</li> <li>enhance the amenity and safety of laneways that provide pedestrian and vehicular access to buildings.</li> </ul>	<p>Design requirements amended and expanded as follows:</p> <p><u>Development in Precinct 4 must:</u></p> <ul style="list-style-type: none"> <li><u>Protect and maintain key view of the former ANZ Building from the south-west and north-east, in particular to the upper floor, roof form and chimneys. A permit cannot be granted to vary this requirement.</u></li> </ul> <p>Development in Precinct 4 should:</p> <ul style="list-style-type: none"> <li>Respect the consistent scale, grain, rhythm and architectural quality of the highly intact heritage streetscapes and the heritage buildings in the precinct.</li> <li>Retain the visual prominence of heritage buildings, their street wall and heritage streetscapes when viewed from the opposite side of Queens Parade.</li> <li>Facilitate the appropriate low rise infill of the sites located to the rear of commercial properties fronting Queens Parade.</li> <li>Ensure that any upper level development is set back from the heritage façade, is visually recessive and does not detract from the heritage streetscape.</li> <li>Retain the visual prominence and heritage fabric of the return facades of buildings that front Queens Parade, Delbridge, Gold, Michael and Wellington Streets.</li> <li>Ensure that facades at ground floor incorporate verandahs which are consistent with the form and scale of adjoining verandahs.</li> </ul>	<p>Design Requirement 1 (version for adoption) – Minor changes made to clause which makes the requirement mandatory.</p> <p>Design Requirement 2 (version for adoption) – New requirement added in response to submissions to recognize the intact streetscape and its buildings. Panel recommended the addition of the concept of 'rhythm' – an important element of the street.</p> <p>Design Requirement 3 (version for adoption) – Removes concept of significant high street streetscape. (Refer to <i>Minimum upper level setback - Queens Parade</i> below for further details.)</p> <p>Design Requirement 4 – Mid rise scale was changed to low rise scale to recognize the change in heights in this precinct from six storeys as exhibited to the three storeys recommended for adoption (for 390A Queens Parade).</p> <p>Design Requirement 5 (version for adoption) – Added in response to submissions concerned about the impacts of development on heritage fabric and the streetscape. Upper level setbacks were also increased from 6 metres to 8 metres in response to this issue.</p> <p>Design Requirement 6 (version for adoption) – Wellington Street (a key corner of the centre) was omitted in the exhibition version. Added to correct this. Panel recommended the addition of 'heritage fabric' to this requirement. This is supported as these are corner sites house key heritage buildings.</p> <p>Design Requirements 7, 8, and 9 (version for adoption) – Minor wording changes.</p> <p style="text-align: right;">Cont.</p>

# Attachment 3 - Table - Changes to the amendment from Exhibition to version for Adoption

## Attachment 3

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Requirement <sup>1</sup>	Exhibited DDO	Version of DDO for adoption	Reason for change
	<ul style="list-style-type: none"> <li>respect the low scale, fine grain subdivision pattern of existing development on Hodgkinson Street and McKean Street.</li> </ul>	<ul style="list-style-type: none"> <li>Retain chimneys visible from the public realm.</li> <li>Enhance the amenity and safety of laneways that provide pedestrian and vehicular access to buildings.</li> <li>Maintain service access from the laneways to facilitate commercial use of the properties fronting Queens Parade.</li> <li>Ensure shopfront widths are not reduced to the extent they become commercially unviable.</li> </ul>	<p>Design Requirement 10 (version for adoption) – Added in response to submissions from traders who were concerned that redevelopment would prevent the use of rear laneways for the servicing of their businesses.</p> <p>Design Requirement 11 (version for adoption) – New. Recommended for inclusion by the Panel to address an issue raised by submitters about the impacts of redevelopment on shop spaces at ground floor. This change is supported by officers.</p>
Map 4	<p>Included:</p> 	<p>Amended as follows:</p> <ul style="list-style-type: none"> <li>Significant heritage streetscape removed</li> <li>Heights reduced</li> <li>View from Raines Reserve shown</li> <li>More detail provided in base map</li> <li>Only shows 390A Queens Parade on map to reflect Part 2 and splitting of the amendment</li> </ul> 	<p>The map in the <i>adoption</i> version has also been modified to reflect the change in building heights recommended for adoption. It also only shows the heights proposed to apply to 390A Queens Parade (Part 2 of Amendment C231). Refer below for details.</p> <p>The <i>exhibited DDO</i> included a reference to a significant streetscape which was removed in the <i>adoption</i> version. (Refer to <i>Minimum upper level setback - Queens Parade</i> below for further details.)</p> <p>The map in the <i>adoption</i> version includes a third key view to the former ANZ Bank identified in the GJM work that was not shown in the <i>exhibited DDO</i>. The map's legend in the <i>adoption</i> version more precisely identifies viewing points.</p>

## Attachment 3 - Table - Changes to the amendment from Exhibition to version for Adoption

### Attachment 3

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Requirement <sup>1</sup>	Exhibited DDO	Version of DDO for adoption	Reason for change
<b>Maximum building height</b>	Requirement stated: <u>21.5 metres</u>	Requirement amended to read: <u>11 metres</u>	<p>A reduction in the maximum building height for 390A Queens Parade from a mandatory six storey height in the <i>exhibited DDO</i> to three storeys in the <i>version for adoption</i> is a result of community feedback to the <i>exhibited DDO</i>, extensive 3D modelling by Ethos Urban and the Panel's recommendations.</p> <p>Many community submitters expressed concern about the six storey height proposed for Precinct 4 in the exhibited DDO. They submitted it would have a negative impact on the valued heritage character of Queens Parade and on the amenity of adjoining residential properties.</p> <p>The Panel recommended a mandatory height limit of 10.5 metres (3 storeys) in three of four quadrants of Precinct 4. The Panel recognised the value of the heritage in this precinct and prioritised its protection over facilitating development. The Panel found that a 14 metre (4 storeys) mandatory height is appropriate in the fourth quadrant of Precinct 4 (bound by Gold and Turnbull Streets and Queens Parade). It noted that the heritage in this quadrant is less consistent and the lots are wider, consequently it is less sensitive and has greater development capacity.</p> <p>390A Queens Parade is located in one of the quadrants that the Panel recommended a three storey maximum building height should apply.</p> <p>At the 17 March 2020 Ordinary Council, Council adopted the Panel's recommendations of three storeys in three of the four quadrants in Precinct 4. However it varied from the Panel's recommendation of four storeys in the Fourth Quadrant (located between Gold and Turnball Streets) and adopted 3 storeys (11 metres) for 141-167 Queens Parade and four storeys (14 metres) for the remainder of the quadrant.</p> <p>It is noted that Council also adopted 11 metres where a three storey height applied instead of 10.5</p>

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Requirement <sup>1</sup>	Exhibited DDO	Version of DDO for adoption	Reason for change
Maximum building height (cont.)			<p>metres as recommended by the Panel. The height was increased to 11 metres to ensure heritage floor plates can be carried through into the new development and provide for residential amenity.</p> <p>Council adopted three storeys (11m) in Precinct 4 (excepting for 169-193 and 390A Queens Parade) on the basis that Queens Parade is a special case where future growth can be restricted on the basis of a combination of circumstances:</p> <ul style="list-style-type: none"> <li>Queens Parade is unusually wide at 60 metres. This means that any new development in Queens Parade will be more visible than in other high streets.</li> <li>Higher levels of growth can be accommodated elsewhere within the centre or nearby.</li> <li>Queens Parade is an activity centre is that the heritage streetscape in Precinct 4 is highly intact and consistent and features a fine grain subdivision pattern and narrow allotments which give it a greater sensitivity to redevelopment.</li> </ul> <p>Officers consider that the justification for a mandatory three storey maximum height that applied for the majority of Precinct 4 more broadly (and as set out above), equally applies to 390A Queens Parade. Officers recommend a mandatory three storey maximum building height (or 11 metres) should also be adopted for 390A Queens Parade to:</p> <ul style="list-style-type: none"> <li>Ensure a consistent building height applies across this part of Precinct 4</li> <li>Retain and reinforce the low-rise heritage built form character of the area.</li> </ul>

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Requirement <sup>1</sup>	Exhibited DDO	Version of DDO for adoption	Reason for change
<b>Maximum and minimum street wall height - Queens Parade</b>	Requirement stated: <u>Retain height of existing heritage façade</u> <u>Where no heritage façade exists:</u> <ul style="list-style-type: none"> <li><u>min 8m</u></li> <li><u>max 11m or where there is an adjacent heritage building, the parapet height of that building if taller than 11m.</u></li> </ul>	Requirement amended to read: <u>For existing heritage façades:</u> <ul style="list-style-type: none"> <li><u>Retain height of existing heritage façade</u></li> </ul> <u>Where no heritage façade exists and there is no adjacent heritage building/s:</u> <ul style="list-style-type: none"> <li><u>At least 8m in height and no higher than 11m in height</u></li> </ul> <u>Where no heritage façade exists and there is an adjacent heritage building/s:</u> <ul style="list-style-type: none"> <li><u>At least 8m in height and no higher than 11m unless an adjacent heritage building has a parapet height of more than 11m, in which case no higher than the adjacent heritage parapet height</u></li> </ul>	This requirement was modified to better clarify what street wall height would apply in various circumstances ie: <ul style="list-style-type: none"> <li>where there is an existing heritage façade</li> <li>there is no heritage façade but there is an adjacent heritage building</li> <li>there is no heritage façade and no adjacent heritage building.</li> </ul> As drafted, the <i>exhibited DDO</i> would have allowed for any height between 8m and 11m without reference to adjacent heritage buildings.
<b>Maximum and minimum street wall height – Side streets</b>	Requirement stated: <u>Retain height of existing heritage facade</u> <u>Where no heritage façade exists, development should be a minimum of 8 metres a maximum of 11 metres or where there is an adjacent heritage building, the parapet height of that building if taller than 11 metres</u>	Requirement amended to read: <u>For existing heritage façades:</u> <ul style="list-style-type: none"> <li><u>No higher than the existing heritage façade</u></li> </ul> <u>Where there is no heritage façade and there is no adjacent heritage building/s:</u> <ul style="list-style-type: none"> <li><u>At least 8m in height and no higher than 11m in height</u></li> </ul> <u>Where no heritage façade exists and there is an adjacent heritage building/s:</u> <ul style="list-style-type: none"> <li><u>At least 8m in height and no higher than 11m in height unless there is an adjacent heritage building with a parapet height of more than 11m, in which case no higher than the adjacent heritage parapet.</u></li> </ul>	This requirement was modified to better clarify what street wall height would apply in various circumstances ie: <ul style="list-style-type: none"> <li>where there is an existing heritage façade</li> <li>there is no heritage façade but there is an adjacent heritage building</li> <li>there is no heritage façade and no adjacent heritage building.</li> </ul> As drafted, the <i>exhibited DDO</i> would have allowed for any height between 8m and 11m without reference to adjacent heritage buildings.
<b>Minimum upper level setback - Queens Parade</b>	Requirement stated: <u>Significant heritage streetscape area – 6m</u> <u>364 Queens Parade – 8m</u> <u>167-197 Queens Parade – 6m</u>	Requirement amended to <u>8m</u> (mandatory) for the entire Precinct	In subsequent versions of the DDO post-exhibition, Council recommended deletion of the significant heritage streetscape area. The concept of a <i>significant heritage streetscape area</i> has been deleted.

### Attachment 3 - Table - Changes to the amendment from Exhibition to version for Adoption

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Requirement <sup>1</sup>	Exhibited DDO	Version of DDO for adoption	Reason for change
			<p>The entire centre is within a Heritage Overlay and therefore has heritage values. It is also noted this concept of differentiating between different gradings of heritage buildings was not supported by the Panel reviewing Amendment C220 relating to Johnston Street. For this and reason above, the delineation was removed.</p> <p>The minimum upper level setback was increased from a combination of 6 metres / 8 metres at exhibition to 8 metres across the entire precinct in response to submissions to better reflect the significance of the heritage streetscape.</p> <p>The mandatory 8 metre requirement is required across the entire Precinct to create better urban design and heritage outcomes, protect the unique heritage values of the precinct, and preserve viewlines to the ANZ Building.</p> <p>The increased setback and mandatory nature of the control was supported by Panel.</p>

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Requirement <sup>1</sup>	Exhibited DDO	Version of DDO for adoption	Reason for change
<b>Minimum setback (NRZ interface)</b>	Requirement stated and was named <i>Rear setback (NRZ interface)</i> : <i>45° above 8m from rear boundary to a laneway</i> <i>45° above 5m from rear boundary (no laneway)</i>	Requirement renamed 'minimum setback (NRZ interface)' and amended to read: <i>Where there is a laneway - height and setbacks as shown in Figure 1</i> <i>Where there is no laneway - height and setbacks as shown in Figure 2</i>	The setbacks were amended in response to submissions expressing concerns about impacts on the amenity of the low scale residential properties which abut the centre (refer to Clause 2.9 <i>Interfaces to residential properties in NRZ or GRZ.</i> ) The requirements are similar to ResCode B17 but modified to accommodate commercial height ground floors. They offer a better amenity outcome at the rear interface with adjoining residential properties. Where there is no laneway, Figure 2 effectively provides a setback at ground level that offers the separation that a laneway would otherwise provide. The Panel supported this change to the DDO.
<b>Minimum rear setback (C1Z interface)</b>	Not specified	The following requirement inserted: <i>3 metres above 11 metres</i>	The exhibited version of the DDO did not include this requirement, however it was included in the interim controls which apply to Queens Parade. It was reinstated to establish a setback for sites that have an interface to the Commercial 1 Zone ie island sites behind the Queens Parade commercial properties. The Panel supported this addition.
<b>Precinct 5</b>			
<b>All</b>	See exhibited DDO.	Content deleted.	The Precinct character statements, Design Requirements, maps and tables for Precinct 5 has been deleted as this version of the DDO only applies to 390A Queens Parade.



## Attachment 3 - Table - Changes to the amendment from Exhibition to version for Adoption

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#### Application requirements, Decision guidelines & Reference documents

Requirement	Exhibited DDO	Version of DDO for adoption	Reason for change
<b>Application requirements</b>	Not included	<p>Requirements inserted for:</p> <ul style="list-style-type: none"> <li>• Site analysis and urban context report</li> <li>• Wind study analysis</li> <li>• Traffic and Parking Assessment Report.</li> </ul> <p>The Application requirements read:</p> <p><i>The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and should accompany an application, as appropriate, to the satisfaction of the responsible authority:</i></p> <ul style="list-style-type: none"> <li>• <i>A site analysis and urban design context report which demonstrates how the proposal achieves the Design Objectives, Preferred Character Statements and Design Requirements of this schedule.</i></li> <li>• <i>For development proposals for buildings over 20 metres in height, a wind study analysis to assess the impact of wind on the safety and comfort of the pedestrian environment on footpaths and other public spaces while walking, sitting and standing.</i></li> <li>• <i>A Traffic and Parking Assessment Report which includes an assessment of the cumulative impacts of traffic and parking in the Precinct including an assessment of the ongoing functionality of laneway/s.</i></li> </ul>	<p>The exhibited version of the DDO did not include application requirements.</p> <p>Application requirements were proposed in Council's preferred version of the DDO to ensure the consideration of wind impacts (identified as an issue by Council's urban design expert), cumulative traffic and parking impacts and the functionality of laneways (raised by submissions and Council's traffic expert during the hearing).</p> <p>Additionally, a requirement for a site analysis and urban context report was included.</p> <p>The Panel supported the inclusion of the requirements albeit with minor edits. Officers accept these changes and they have been included in the version for adoption.</p>

## Attachment 3 - Table - Changes to the amendment from Exhibition to version for Adoption

### Attachment 3

Underlined text signifies a mandatory control

Requirement	Exhibited DDO	Version of DDO for adoption	Reason for change
<b>Decision guidelines</b>	<p>Included the following list of decision guidelines:</p> <p><i>The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:</i></p> <ul style="list-style-type: none"> <li>• <i>Whether the General Design Requirements, Heritage Design Requirements and the Precinct Design Requirements in Clauses 2.2, 2.3 and 2.4 are met.</i></li> <li>• <i>If roof decks are proposed, whether they are set back from lower levels and are recessive in appearance.</i></li> <li>• <i>The profile and impact of development along Queens Parade when viewed from the north side of McKean Street and the south side of Hodgkinson Street.</i></li> <li>• <i>The design response at the interface with existing, low scale residential properties.</i></li> <li>• <i>The design of the streetscape interface along the primary street frontage.</i></li> <li>• <i>Whether side and rear setbacks are sufficient to limit the impact on the amenity of existing dwellings.</i></li> <li>• <i>How any proposed buildings and works will impact on solar access to Queens Parade and Napier Street Reserve.</i></li> <li>• <i>Whether heritage buildings on street corners retain their prominence when viewed from both streets.</i></li> <li>• <i>Whether heritage buildings retain their three-dimensional form when viewed from the public realm.</i></li> </ul>	<p>Modified to remove references to:</p> <ul style="list-style-type: none"> <li>• General, Heritage and Precinct Design Requirements</li> <li>• Design response at low-scale residential interface</li> </ul> <p>Modified to add reference to:</p> <ul style="list-style-type: none"> <li>• Controls on light spillage and noise added to guideline addressing impact on adjoining dwellings</li> <li>• Cumulative impact of traffic and parking in the precincts including functionality of laneways</li> <li>• Design excellence.</li> </ul> <p>The Decision Guidelines now read:</p> <p><i>The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:</i></p> <ul style="list-style-type: none"> <li>• <i>Whether the proposal delivers design excellence.</i></li> <li>• <i>If roof decks are proposed, whether they are set back from lower levels and are recessive in appearance.</i></li> <li>• <i>The profile and impact of development along Queens Parade when viewed from the north side of McKean Street.</i></li> <li>• <i>The design of the streetscape interface along the primary street frontage.</i></li> <li>• <i>Whether side and rear setbacks and controls on light spillage and noise are sufficient to limit the impact on the amenity of existing dwellings.</i></li> <li>• <i>The impact on solar access to Queens Parade.</i></li> </ul>	<p>Changes to the decision guidelines were made in response to submissions and through minor recommendations of the Panel.</p> <p>The Panel recommended deletion of the reference to General, Heritage and Precinct Design Requirements (Decision Guideline 1 in the exhibited DDO). The DDO already requires these elements to be taken into account.</p> <p>The Panel recommended deletion of Decision Guideline 4 in the <i>exhibited DDO</i> as it referenced the low-scale residential interface which is already addressed elsewhere in the Decision guidelines and Design requirements.</p> <p>Decision Guideline 1 (in the version for adoption) - was added to address issue of design excellence raised by submissions.</p> <p>Decision Guideline 3 (in the version for adoption) – Reference to the south side of Hodgkinson Street has been deleted as it relates to properties on the south side of Queens Parade and is not proximate to 390A Queens Parade.</p> <p>Decision Guideline 5 (in the version for adoption) – A reference to light spillage and noise was added in response to a recommendation by Panel in response to submissions made at the hearing.</p> <p>Decision Guideline 6 (in the version for adoption) – The reference to Napier Street Reserve has been removed as it is outside Precinct 4 and not located in proximity to 390A Queens Parade.</p> <p>Decision Guideline 13 (in the version for adoption) was added to address concerns raised by submitters about the impact of additional traffic and parking brought about by increased development. This was supported by the Panel.</p>

## Attachment 3 - Table - Changes to the amendment from Exhibition to version for Adoption

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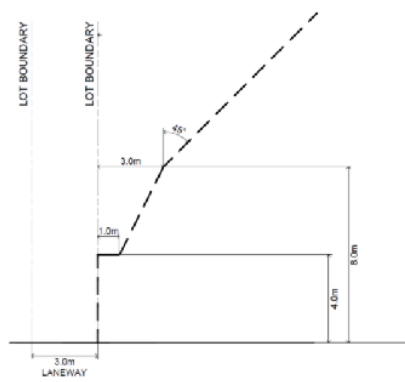
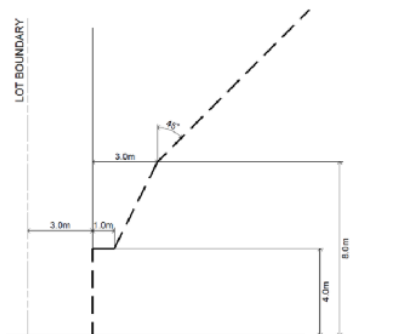
Underlined text signifies a mandatory control

Requirement	Exhibited DDO	Version of DDO for adoption	Reason for change
	<ul style="list-style-type: none"> <li><i>Whether upper level development above the heritage street wall is visually recessive and does not dominate or visually overwhelm the heritage buildings.</i></li> <li><i>Whether the proposal contributes to and improves the pedestrian environment and other areas of the public realm.</i></li> <li><i>The impact of development on views to:</i> <ul style="list-style-type: none"> <li><i>the former ANZ Bank building's tower, roof, chimney and upper level</i></li> <li><i>the St John the Baptist Church belfry and spire</i></li> <li><i>the former Clifton Motor Garage's Moderne façade and fin</i></li> </ul> </li> <li><i>The wind effects created by the development.</i></li> </ul>	<ul style="list-style-type: none"> <li><i>Whether heritage buildings on street corners retain their prominence when viewed from both streets.</i></li> <li><i>Whether heritage buildings retain their three-dimensional form when viewed from the public realm.</i></li> <li><i>Whether upper level development above the heritage street wall is visually recessive and does not dominate or visually overwhelm the heritage buildings.</i></li> <li><i>Whether the proposal contributes to and improves the pedestrian environment and other areas of the public realm.</i></li> <li><i>The impact of development on views to the former ANZ Bank building's tower, roof, chimney and upper level</i></li> <li><i>The wind effects created by the development.</i></li> <li><i>The cumulative impact of traffic and parking in the Precinct including on the functionality of laneway/s.</i></li> </ul>	
<b>Reference documents</b>	Included: <i>Queens Parade, Clifton Hill Built Form Review prepared by Hansen Partnership – December 2017.</i>	Reference documents removed.	<p>The Panel considered that some of the recommendations from the Built Form Review prepared by Hansen were no longer reflected in the amendment.</p> <p>The Panel agreed that the Built Form Review provided a catalyst and background for the amendment but not to the extent of being included as a Reference Document and recommended its deletion.</p> <p>The inclusion of the report as a Reference Document could create confusion in the future. Its deletion avoids that confusion.</p>
<b>Figures 1 and 2</b>	Not included	Added:	As discussed above, side and rear setback requirements were amended for Precinct 4.

# Attachment 3 - Table - Changes to the amendment from Exhibition to version for Adoption

## Attachment 3

Underlined text signifies a mandatory control

Requirement	Exhibited DDO	Version of DDO for adoption	Reason for change
Figures 1 and 2 (cont.)		<p><b>Figure 1 - Setback where there is a laneway to the side or rear</b></p>  <p><b>Figure 2- Setback where there is no laneway to the side or rear</b></p> 	<p>Submissions received during exhibition were concerned about residential amenity and suggested that the ResCode B17 setback was a better alternative.</p> <p>Amended controls based on B17 were proposed. Figures 1 and 2 illustrate the side and rear setbacks. They are a modified version of the ResCode B17 standard, amended to accommodate a 4 metre ground floor.</p> <p>Figure 1 applies where there is a laneway at the rear and Figure 2 applies where there is no laneway – it requires an additional 3 metre setback to provide the separation offered by a laneway.</p> <p>The Panel supported this change to the DDO.</p>

## Attachment 3 - Table - Changes to the amendment from Exhibition to version for Adoption

### Attachment 3

Underlined text signifies a mandatory control

#### *Schedule to Clause 72.04 – Schedule to documents incorporated in this Planning Scheme*

Exhibited	Version for adoption	Reason for change
Reference to Appendix 8 was dated December 2017 in the Clause 72.04 Schedule to the Incorporated Document.	Reference in Schedule to 72.04 updated to <i>City of Yarra Review of Heritage Overlay Areas 2007 Appendix 8, revised June 2020</i>	The date of Appendix 8 has been updated from Dec 2017 to June 2020. It is Council's practice to update the date of document to ensure the scheme reflects the latest version.

# Attachment 4 - Track change version of DDO from Exhibition to version for Adoption

## Attachment 4

YARRA PLANNING SCHEME

TRACK CHANGE VERSION – EXHIBITION TO VERSION FOR ADOPTION

xx/xx/xxxx  
Proposed  
C231 P12

### SCHEDULE 16 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO16**.

#### 390A QUEENS PARADE, FITZROY NORTH

##### 1.0

xx/xx/xxxx  
Proposed  
C231 P12

#### General dDesign objectives

- To ensure development recognise and responds to the distinct heritage character and heritage streetscapes and varying development opportunities defined by the five precincts along Queens Parade and supports the existing low-rise character in Precinct 4
- To support a new mid-rise character behind a consistent street wall in precincts 2-5.
- To protect the integrity of historical streetscapes and clusters of heritage buildings of a similar scale and materiality.
- To ensure development respects the architectural form and qualities of heritage buildings and streetscapes and maintains the visual prominence of the St John the Baptist church belfry and spire, the former ANZ Bank building, the former United Kingdom Hotel and the former Clifton Motors garage.
- To promote design excellence that ensures new development responds to the grand, tree-lined respects the wide, open boulevard character of Queens Parade, including where existing historic trees are key elements in the streetscape, they remain the dominant visual feature.
- To ensure development responds to sensitive interfaces by ensuring that the overall scale and form of new buildings provides a suitable transition to low scale residential areas and protects these properties from unreasonable loss of amenity through visual bulk, overlooking and overshadowing.

##### 2.0

xx/xx/xxxx  
Proposed C231  
P12

#### **Buildings and works**

A permit is required to construct a building or construct or carry out works.

##### 2.1

#### **Definitions**

1:1 ratio heritage street wall to new built form is where the height of the heritage street wall equals the height of the new development above street wall when viewed from the opposite side of the street from the centre of the footpath at a height of 1.6 metres above ground level

Street wall is the façade of a building at the street boundary. Street wall height is measured at the vertical distance between the footpath at the centre of the frontage and the highest point of the building, parapet, balustrade or eaves at the street edge, with the exception of architectural features and building services.

Building height is the vertical distance from natural ground level to the roof or parapet at any point.

Heritage building means any building subject to a Heritage Overlay, on the Victorian Heritage Register or any building graded as either Contributory or Individually Significant.

Laneway means a road reserve of a public highway 9 metres or less in width.

Building height does not include non structural elements that project above the building height and service equipment including plant rooms, lift overruns, structures associated with green roof areas, screens to service areas or other such equipment provided that all of the following criteria are met:

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- ~~The total roof area occupied by the service equipment (other than solar panels) is minimised;~~
- ~~The service equipment is located in a position on the roof so as to minimise its visibility;~~
- ~~The non structural elements and service equipment do not cause additional overshadowing of neighbouring properties and public spaces;~~
- ~~The non structural elements and service equipment do not extend higher than 3.6 metres above the maximum building height; and~~
- ~~The non structural elements and service equipment are integrated into the design of the building to the satisfaction of the responsible authority.~~

**Parapet height** does not include features such as brackets, pediments, urns, finials or other decorative elements.

**Public realm** means all streets and spaces open to the public but does not include laneways.

**Street wall** means the façade of a building at the street boundary, or if the existing heritage building is set back from the street boundary, the front of the existing building.

**Street wall height** means the height of the street wall measured by the vertical distance between the footpath at the centre of the frontage and the highest point of the building, parapet, balustrade or eaves at the street edge or in the case of a heritage building if it is set back from the street from the centre of the building frontage to the highest point of the building, parapet, balustrade or eaves.

**Setback** is the shortest horizontal distance from a building, including projections such as balconies, building services and architectural features, to the boundary.

**Upper level** ~~is means~~ development above the height of the street wall.

**Upper level setback** means the setback of the upper level measured from the street wall of the building.

## 2.2 General **design** requirements

The following requirements apply to an application to construct a building or carry out works and must be read in conjunction with the relevant precinct design requirements.

- A permit ~~cannot must not~~ be granted or amended (unless the amendment would not increase the extent of non-compliance) to construct a building or carry out works which exceed the mandatory maximum building height, mandatory maximum street wall height or mandatory maximum street wall setback or are less than the mandatory minimum street wall height or mandatory minimum upper level setbacks are not in accordance with the mandatory requirements specified in the relevant Precinct Tables.
- A permit ~~cannot must not~~ be granted or amended (unless the amendment would not increase the extent of non-compliance) to construct a building or carry out works which exceeds the preferred building height and setbacks shown in the relevant Precinct Tables unless the following requirements are met, to the satisfaction of the responsible authority:
  - The built form outcome as a result of the proposed variation satisfies the general design objectives in Clause 1.0; ~~and~~
  - ~~The built form outcome as a result of the proposed variation satisfies the~~ All other relevant requirements specified in this schedule.

Architectural features may exceed the preferred or mandatory height.

Building height does not include non structural elements that project above the building height and service equipment / structures including plant rooms, lift overruns, structures associated with green roof areas, screens to service areas or and other such equipment may exceed the mandatory or preferred height provided that all each of the following criteria are met for the equipment or structure:

- ~~The total~~ Less than 50 per cent of roof area is occupied by the service equipment (other than solar panels) ~~is minimised;~~



## Attachment 4 - Track change version of DDO from Exhibition to version for Adoption

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#### TRACK CHANGE VERSION – EXHIBITION TO VERSION FOR ADOPTION

- ~~— The service equipment is located in a position on the roof so as to minimise its visibility;~~
  - ~~— The non-structural elements and service equipment does not cause additional overshadowing of neighbouring properties and public spaces private open space, Napier Reserve and Queens Parade.;~~
  - ~~— The non-structural elements and service-The equipment does not extend higher than 3.6 metres above the maximum building height ; and~~
  - ~~— The non-structural elements and service equipment are integrated into the design of the building to the satisfaction of the responsible authority.~~
- Projections such as balconies and building services should not intrude into a setback or upper level setback.

#### 2.3 Street wall height requirements

- Except in Precinct 4, the street wall height should be no higher than the parapet height of a abutting heritage building/s for a minimum length of 6 metres measured from the edge of the heritage building/s.

#### 2.4 Upper level requirements

- Upper level development should:
  - ~~— Development must pProvide setbacks which~~to ensure that upper level additions seen from the public realm are high quality and do not diminish the appreciation of the heritage building and streetscape.
  - ~~— Development must aAvoid repetitive stepped built form at upper levels of development.~~
  - ~~— Be visually recessive.~~
  - ~~— uUse materials at upper levels that are recessive in finish and colour.~~
  - ~~— Include articulated be designed so that side walls are articulated, where visible from the public realm, which are designed to reduce the visual impact of the wall and read as part of the overall building design.~~
  - ~~— aAvoids continuous built form at upper levels.~~
  - ~~— Ensure balconies at upper levels do not dominate the solid façades of heritage street walls~~
  - ~~— Minimise the visual intrusion of equipment and services.~~
  - ~~— Protect the contribution made by chimneys, parapets and other architectural features to the fine grained character of the area.~~
- ~~Facades at ground level must be designed with floor to floor ceiling heights suitable to accommodate commercial activity in the Commercial 1 Zone and the Mixed Use Zone.~~
- ~~Development must create a consistent street wall height along the streetscapes.~~
- ~~Future vehicle access and services must be provided from a rear laneway or side street where possible.~~
- ~~Development must provide setbacks which ensure that upper level additions seen from the public realm are high quality and do not diminish the appreciation of the heritage building and streetscape.~~
- ~~Development must avoid repetitive stepped built form at upper levels of development.~~
- ~~Unless specified in another table in this schedule, any part of a building adjacent to land in a residential zone must comply with the following:~~

Table to Clause 2.2 boundary wall height and setback requirements for development adjoining a residential zone

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	<u>boundary wall height</u>	<u>setback</u>
<b>Common boundary</b>	5 metres	45-degrees-above-boundary wall height
<b>Laneway interface</b>	8 metres	45-degrees-above-boundary wall height

## 2.5 Corner site requirements

- New development on a corner site with a frontage to Queens Parade should continue the Queens Parade street wall height along the side street, with a transition in height to match the rear interface where required. This requirement does not apply to a laneway except where specified.

## 2.6 Ground floor design requirements

- Facades at ground level ~~must~~ should be designed with floor to floor ceiling heights suitable to accommodate commercial activity in the Commercial 1 Zone and the Mixed Use Zone.
- Building services and service cabinets should be located away from the street frontage of heritage facades and they should be designed and located so they complement the street frontage and character and appearance of the heritage building.
- Windows of commercial premises, habitable rooms, and principal pedestrian entrances should be orientated towards the public realm and contribute to the safety of the adjoining public realm.

## 2.7 Vehicular access, car parking, and loading areas requirements

- New vehicle crossovers onto Queens Parade should be avoided.
- Future vehicle access and services must be provided ~~from~~ by a rear laneway or side street where possible.
- Vehicle ingress and egress into development, including loading facilities and building servicing, should ensure a high standard of pedestrian amenity and limit potential conflict between vehicle movements and pedestrian activity.
- Development on a laneway should include a rear/side setback or a corner splay at ground floor, to facilitate the ongoing functionality of the laneway and allow for building services and car park access.
- Permanent obstructions within a rear/side setback or splay to a laneway should be avoided.

## 2.38 Heritage design requirements

### Design requirements for development on land affected by a Heritage Overlay or immediately adjacent to a heritage building

The following requirements apply to an application to construct a building or carry out works and must be read in conjunction with the relevant precinct design requirements development on land affected by a Heritage Overlay or immediately adjacent to a heritage building.

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TRACK CHANGE VERSION – EXHIBITION TO VERSION FOR ADOPTION

Element	Design Requirement
<b>Building facades and street frontages</b>	<p><b>Infill buildings and development adjoining a heritage building</b></p> <p>Facade treatments and the articulation of infill buildings <u>on land affected by a heritage overlay or immediately adjoining a heritage building must</u> should:</p> <ul style="list-style-type: none"> <li>• <u>ensure facade treatments and the articulation of new development are</u> be simple and <u>do not</u> compete with the more elaborate detailing of nineteenth century buildings</li> <li>• <u>respect the vertical proportions of the nineteenth and twentieth century facades in the heritage streetscape and/or the adjoining heritage building(s)</u></li> <li>• <u>avoid large expanses of glazing with a horizontal emphasis except to ground floor shopfronts</u></li> <li>• avoid large expanses of <u>unarticulated curtain glazing, glazing with a horizontal emphasis except for ground floor shopfronts</u> <u>avoid the use of unarticulated curtain glazing and highly reflective glass and glazing with a horizontal emphasis except for ground floor shopfronts</u></li> <li>• reflect the existing canopy/verandah height of the heritage streetscape and/or adjoining heritage building(s)</li> </ul> <p><b>Adaption of <u>contributory or individually significant buildings must</u>:</b></p> <p><u>Adaption and reuse of contributory or individually significant buildings should:</u></p> <ul style="list-style-type: none"> <li>• <u>maintain existing openings and</u> avoid highly reflective glazing in historic openings</li> <li>• encourage the retention of solid built form behind retained facades and avoid balconies behind existing openings</li> <li>• maintain the inter-floor height of the existing building and avoid new floor plates and walls cutting through historic openings</li> </ul>
<b>Upper level behind heritage street wall</b> <u>Design of upper levels</u>	<p>Upper level development on land within a heritage overlay and on land immediately adjoining a heritage building <u>must</u> should:</p> <ul style="list-style-type: none"> <li>• be visually recessive and not visually dominate the heritage building and the heritage streetscape</li> <li>• retain the primacy of the three-dimensional form of the heritage building as viewed from the public realm to avoid 'facadism'</li> <li>• utilise visually lightweight materials and finishes that are recessive in texture and colour and provide a juxtaposition with the heavier masonry of the heritage facades</li> <li>• incorporate simple architectural detailing that does not detract from significant elements of the heritage building and the heritage streetscape</li> <li>• <u>be articulated to reflect the rhythm of the wider streetscape, the fine grained character and subdivision pattern of the streetscape, especially on larger sites.</u></li> </ul>
<u>Upper level setbacks</u>	<u>Upper level setbacks in excess of the minimum mandatory upper level setback should be provided where:</u>

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Element	Design Requirement
	<ul style="list-style-type: none"> <li>it would facilitate the retention of a roof form and chimneys that are visible from the public realm, or a roof or any feature that the relevant statement of significance identifies as contributing to the significance of the heritage building or streetscape</li> <li>it would maintain the perception of the three-dimensional form and depth of the building</li> <li>a lesser setback would detract from the character of the streetscape when viewed directly or obliquely along Queens Parade.</li> </ul>

## 2.9 [Interface to residential properties in NRZ or GRZ requirements](#)

- Development should respond to the low scale form of existing development through an appropriate transition in building height and setbacks to ensure reasonable standards of amenity.
- In Precinct 4, where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September. If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.

## 2.410 [Precinct design requirements](#)

The following precinct specific design requirements apply in addition to the general design requirements outlined in Clause 2.2-[2.9](#).

### 2.4.1 [Precinct 1 – Brunswick Street](#)

Shown on the planning scheme map as **DDO16-1**

The design requirements for Precinct 1 are as follows:

Development must:

- ensure that upper level development is visually recessive retain the visual prominence of the individually significant corner building that forms the southern gateway to Queens Parade and to Fitzroy North more broadly
- be low rise
- reinforce the heritage values of the precinct
- provide for vehicular access off the laneway

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## YARRA PLANNING SCHEME TRACK CHANGE VERSION – EXHIBITION TO VERSION FOR ADOPTION

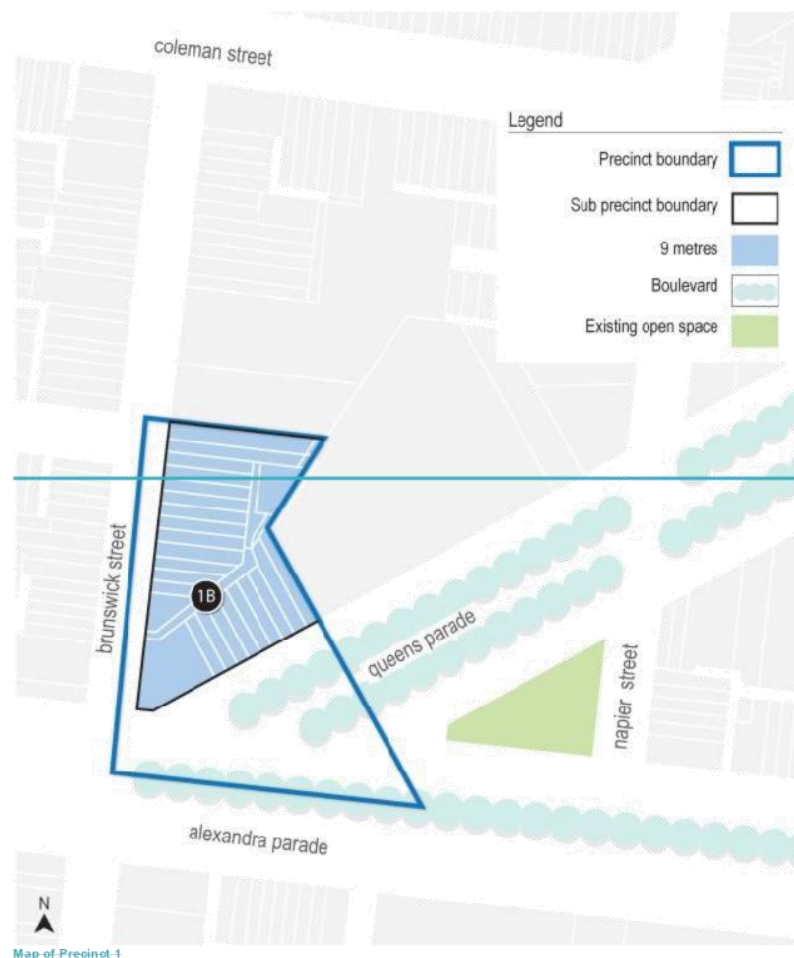


Table 1B – Front street wall height, building height setbacks for Precinct 1B

Built Form	Mandatory Control	Preferred Control
Development at and adjoining 460 Brunswick Street		
Maximum Building height	Maximum 9 metres	
Street wall height and front setback	match the parapet height of 460 Brunswick Street	Built to boundary at ground level
Upper level setback	Minimum 5 metres	
Setbacks from side and rear boundary		Res Code B17

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<b>Development on Brunswick Street, Queens Parade and land fronting the laneway known as Lot 1 on Title Plan TP806921 (apart from land at and adjoining 460 Brunswick Street)</b>		
Building height	Maximum 9 metres on Lot 1 on Title Plan TP806921	Maximum 9 metres elsewhere
Street wall or façade height and setback	Retain existing	Match the parapet or eaves height of taller adjacent heritage building
Setbacks from side and rear boundary and a laneway	Res Code B17	
Upper level setback	6 metres from the facade	

#### 2.4.1 Precinct 2 – Boulevard Precinct

Shown on the planning scheme map as **DDO16-2**

The design requirements for Precinct 2 are as follows:

Development must:

- not diminish or detract from the heritage values of the boulevard streetscape, the heritage street wall and the heritage trees along Queens Parade and deliver an appropriate interface arrangement to neighbouring properties and that minimises visual bulk and mass when viewed from the adjoining properties.

—

- ~~ensure adequate solar access is provided to the Queens Parade boulevard and Napier Street Reserve at the equinox from 9am-3pm.~~

Development in Precinct 2A must also:

- ~~ensure projections above the street wall are not dominant in the skyline when viewed from the north side of Newry Street and of Coleman Street and the WT Peterson Oval, the Fitzroy Grandstand and other locations in the southern part of Edinburgh Gardens.~~
- ~~ensure adequate solar access is provided to the Queens Parade boulevard and Napier Street Reserve at the equinox from 9am-3pm.~~
- ~~maintain the prominence and significance of the art deco facade.~~
- ~~the low scale, buildings and fine grain subdivision pattern of existing development to the north and west.~~
- ~~encourage pedestrian permeability within and through the precinct. avoid a repetitive stepped form within the 45 degree angle profile.~~
- Development in Precincts 2C and 2D must also:
  - ~~maintain the prominence of heritage buildings along Napier Street when viewed from Napier Reserve.~~
  - ~~be appropriately setback at upper levels from the heritage buildings along Napier Street.~~
  - ~~provide an appropriate transition in scale from the heritage buildings along Napier Street and Alexandra Parade.~~
  - ~~provide vehicular access from laneways~~
  - ~~provide building separation to reduce visual bulk~~



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Table 2 – Street wall height, building height and setbacks for Precincts 2A, 2C and 2D

Built form	Mandatory requirement	Preferred requirement
<b>Precinct 2A</b>		
<b>Built Form</b>	<b>Mandatory requirement</b>	<b>Preferred requirement</b>
<b>Building height</b>	Maximum of 31m	
<b>Front street wall height</b>	Retain height of existing heritage façade: Maximum of 10 metres where no heritage façade exists.	<u>None specified</u> Street wall of development adjoining the individually significant building must not exceed the parapet height of the taller adjoining heritage building
<b>Front setback</b>		0 metres to maximum 10 metres
<b>Upper level setback from front of building</b>		Above existing heritage façade: <ul style="list-style-type: none"> <li>Minimum 8 metre setback from 10 metres to 16 metres</li> <li>Minimum 10 metre setback from 16 metres</li> </ul>



# Attachment 4 - Track change version of DDO from Exhibition to version for Adoption

## YARRA PLANNING SCHEME

### TRACK CHANGE VERSION – EXHIBITION TO VERSION FOR ADOPTION

		Above new street wall (where no existing heritage façade): <ul style="list-style-type: none"> <li>Minimum of 5 metre setback from 10 metres to 16 metres</li> <li>Minimum of 8 metres setback from 16 metres</li> </ul>
Setback(s) from rear boundaries north and west adjacent to NRZ and GRZ		ResCode B17 from rear boundary of adjoining properties to 10 metres Setback within 45 degree angle measured from 10-25 metres {
Setbacks from side boundary east adjacent to NRZ		0 metre setback to match party wall of existing adjoining development to 10 metres Setback within 45 degree angle measured from 10-25 metres
Setbacks from side boundary east adjacent to MUZ		0 metre setback to match party wall of existing adjoining development, or 10 metre where no party wall exists. Minimum of 9 metre setback from the windows/ balconies of adjoining apartments up to 16 metres Minimum of 15 metre setback above 16 metres
Setbacks from side and rear boundaries west and north-west adjacent to MUZ		0 metre setback to match party wall of existing adjoining development, or 10 metre where no party wall exists. Setback within 45 degree angle measured from 10-25 metres
<b>Precinct 2C</b>		
<b>Built Form</b>	<b>Mandatory requirement</b>	<b>Preferred requirement</b>
Building height		Maximum of 28 metres
Front street wall height		Maximum 18 metres for development on Queens Parade, George Street and Alexandra Parade Development on Napier Street should not exceed the parapet height of the adjoining heritage buildings.
Upper level setback		5 metres minimum

# Attachment 4 - Track change version of DDO from Exhibition to version for Adoption

## YARRA PLANNING SCHEME

### TRACK CHANGE VERSION – EXHIBITION TO VERSION FOR ADOPTION

<b>Setback(s) from boundary of 472 to 484 Napier Street</b>		Setback within a 45-degree angle line measured from 12 metres
<b>Minimum side and rear setbacks</b>		<p><u>Rear setback:</u> 4.5m from centreline of laneway for height of the entire building</p> <p><u>Side setbacks:</u> For upper levels, where a habitable room window is proposed: — 4.5 metres from the common boundary or from the centre line of the laneway</p> <p>For upper levels, where a non-habitable room window or commercial window is proposed: 3 metres from the common boundary or the centre line of the laneway</p> <p>ResCode-B17</p>
<b>Precinct 2D</b>		
<b>Built Form</b>	<b>Mandatory requirement</b>	<b>Preferred requirement</b>
<b>Building height</b>		18 metres
<b>Front street wall height</b>	Retain existing parapet height	
<b>Upper level setback</b>	Minimum 6 metres from facade	

4.5m from centreline of laneway for height of the entire building

## 2.4.2 Precinct 3 – St John's Precinct

Shown on the planning scheme map as **DDO16-3**

Development must

- achieve a consistent street wall height along Queens Parade, extending along Smith Street;
- respond to the low-scale form of existing development outside Precinct 3 on Hodgkinson Street through an appropriate transition in building height;
- recognise the fine grain character of heritage streetscapes and minimise the dominance of wide building frontages;
- deliver high quality architectural detailing that respects the heritage qualities of Queens Parade and Smith Street;
- maintain the prominence of the heritage street wall in the streetscape and the vista along Queens Parade;

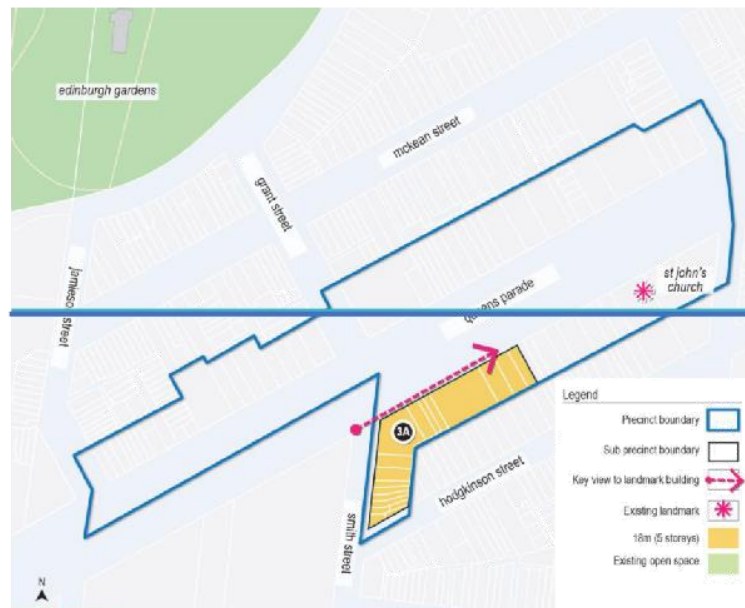
The design requirements for Precinct 3A are as follows:

# Attachment 4 - Track change version of DDO from Exhibition to version for Adoption

## YARRA PLANNING SCHEME

### TRACK CHANGE VERSION – EXHIBITION TO VERSION FOR ADOPTION

- ~~Development must maintain views of the belfry and spire of St John's church and maintain clear sky between the belfry and spire and new development when viewed from the centre of the footpath on the south-east corner of the intersection with Queens Parade and Smith Street (as indicated on Map 3). A permit cannot be granted to construct a building or carry out works if it does not meet this requirement.~~
- ~~that upper level development is visually recessive and does not detract from the heritage streetscape.~~
- ~~use materials at upper levels that are recessive in finish and colour.~~
- ~~be designed so that side walls are articulated and read as part of the overall building design.~~
- ~~avoids continuous built form at upper levels.~~



Map of Precinct 3

**Table 3 – Street wall height, building height and setbacks for Precinct 3A**

Built Form	Mandatory requirement	Discretionary requirement
<b>Building height</b>		Maximum of 18m
<b>Front street wall height</b>	<p>Maximum 11 metres for 15-33 Queens Parade</p> <p>Retain height of existing heritage façade.</p> <p>Development adjoining a heritage building must match the parapet height of adjacent taller heritage building.</p> <p>Maximum of 14m elsewhere</p>	

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<u>Minimum upper-level setback</u>	Minimum of 6 metres at 664 Smith Street (former Fire Station) and Minimum 6 metres at 15-41 Queens Parade	6 metres elsewhere
<u>Street wall setback</u>		0 metres – built to front boundary at ground level
<u>Rear setback</u>		45° above 8 metres from rear boundary to a laneway 45° above 5 metres from rear boundary (no laneway)
<u>Side setback</u>	<u>None specified</u>	If adjoins NRZ, ResCode B17 0 metres elsewhere
<u>Maximum building height</u>		
<u>Maximum street wall height</u>	<u>Retain height of existing heritage façade.</u>	
<u>Minimum upper-level setback</u>	<u>6 metres</u>	
<u>Maximum street wall setback</u>		<u>0 metres – built to front boundary at ground level</u>
<u>Minimum rear setback</u>		

## 2.4.310.4 390A Queens Parade (part of Precinct 4 – Activity Centre Precinct)

Shown on the planning scheme map as **DDO16-4**

### Preferred character statement

Buildings and works should deliver:

- A unique and vibrant Victorian era shopping strip which forms the retail and activity focus of Queens Parade building on its distinctive heritage qualities.
- Development that complements the scale of heritage buildings and the patterns and rhythms of heritage features.
- Upper level infill that reinforces the prevailing street wall and subdivision grain of significant streetscapes and transitions to residential abutments to the rear.
- Well designed building frontages and public realm that reinforce the pedestrian experience of this part of Queens Parade as and the central hub for the local community
- Development that retains the prominence of the former ANZ Building.

### Design requirements

The design requirements for Development Precinct 4 are as follows must:

- Development must protect and maintain key view lines and visual prominence of the former ANZ Building from the south-west and north-east, in particular to the upper floor,

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TRACK CHANGE VERSION – EXHIBITION TO VERSION FOR ADOPTION

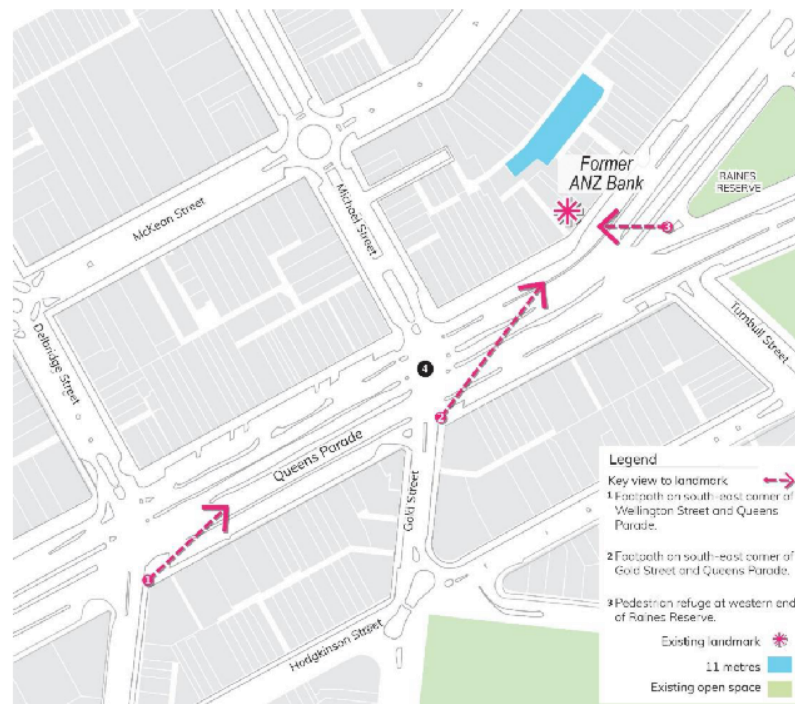
roof form and chimneys (as indicated on Map 41). A permit cannot be granted to construct a building or carry out works if it does not meet vary this requirement.

Development must should:

- Respect the consistent scale, grain, rhythm and architectural quality of the highly intact heritage streetscapes and the heritage buildings in the precinct.
- retain-Retain the visual prominence of heritage buildings, their street wall and significant ‘High Street’ heritage streetscapes when viewed from the opposite side of Queens Parade.
- facilitate-Facilitate the appropriate mid-low rise infill of the sites located to the rear of commercial properties fronting Queens Parade.
- Ensure that any upper level development is set back from the heritage façade, is visually recessive and does not detract from the heritage streetscape.
- retain-Retain the visual prominence and heritage fabric of the return facades of heritage buildings that front Queens Parade, Delbridge, Gold, and Michael and Wellington Streets.
- ensure-Ensure that facades at ground floor incorporate verandahs which are consistent with the form and scale of adjoining verandahs.
- retain-Retain chimneys visible from the public realm.
- enhance-Enhance the amenity and safety of laneways that provide pedestrian and vehicular access to buildings.
- Maintain service access from the laneways to facilitate commercial use of the properties fronting Queens Parade.
- Ensure shopfront widths are not reduced to the extent they become commercially unviable.

**Map 1 - 390A Queens Parade**

Map of Precinct 4



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Table 4-1 – Street wall height, building height and setbacks for Precinct 4

Built Form	Mandatory requirement	Preferred requirement
<b>Maximum Building height</b>	24.5 metres-11 metres	None specified
<b>Maximum and minimum Front street wall height - on Queens Parade</b>	<p>For existing heritage facades:</p> <ul style="list-style-type: none"> <li>Retain height of the existing heritage façade.</li> </ul> <p>Where no heritage façade exists and there is no adjacent heritage building/s:</p> <ul style="list-style-type: none"> <li>at least 8 metres in height and no higher than 11 metres in height.</li> </ul> <p>Where no heritage façade exists and there is an adjacent heritage building/s:</p> <ul style="list-style-type: none"> <li>at least 8 metres in height and no higher than 11 metres unless an adjacent heritage building has a parapet height of more than 11 metres, in which case no higher than the adjacent heritage parapet height.</li> </ul> <p>Retain height of existing heritage façade:</p> <p>Where no heritage façade exists, development must be:</p> <p>a minimum of 8 metres a maximum of 11 metres or where there is an adjacent heritage building, the parapet height of that building if taller than 11 metres.</p>	None specified
<b>Front Maximum and minimum street wall height - in side streets.</b>	-None specified	<p>For existing heritage facades:</p> <ul style="list-style-type: none"> <li>Retain height of the existing heritage façade.</li> </ul> <p>Where no heritage façade exists and there is no adjacent heritage building/s:</p>

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Built Form	Mandatory requirement	Preferred requirement
		<ul style="list-style-type: none"> <li>at least 8 metres in height and no higher than 11 metres in height</li> </ul> <p>Where no heritage façade exists and there is an adjacent heritage building/s:</p> <ul style="list-style-type: none"> <li>at least 8 metres in height and no higher than 11 metres unless an adjacent heritage building has a parapet height of more than 11 metres, in which case no higher than the adjacent heritage parapet height.</li> </ul> <p>Retain height of existing heritage façade.</p> <p>Where no heritage façade exists development should be: a minimum of 8 metres a maximum of 11 metres or where there is an adjacent heritage building, the parapet height of that building if taller than 11 metres</p>
<b>Minimum Upper level setback Queens Parade</b>	Minimum 6 metres in significant heritage streetscape area Minimum 8 metres at 364 Queens Parade	None specified Minimum 6 metres at 167-197 Queens Parade
<b>Minimum Upper level setback in side streets</b>	None specified	Minimum 6 metres
<b>Maximum and minimum Street wall setback</b>	0 metres - built to front boundary at ground level	None specified
<b>Minimum setback to a NRZ interface Side and rear setback (NRZ interface)</b>	None specified	<p>Where there is a laneway:</p> <ul style="list-style-type: none"> <li>Height and setbacks as shown in Figure 1</li> </ul> <p>Where there is no laneway:</p> <ul style="list-style-type: none"> <li>Height and setbacks as shown in Figure 2</li> </ul> <p>45-degree angle above 8 metres from rear boundary to laneway</p> <p>45-degree angle above 5 metres where no laneway</p>



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Built Form	Mandatory requirement	Preferred requirement
<a href="#">Minimum rear setback to a C1Z interface</a>	<a href="#">None specified</a>	<a href="#">3 metres above 11 metres</a>

#### 2.4.4 Precinct 5 – North-Eastern Precinct

Shown on the planning scheme map as **DDO16-5**

The design requirements for Precinct 5 are as follows:

Development must

- retain the visual prominence and not visually dominate the three dimensional forms of the former United Kingdom Hotel when viewed from as indicated on Raines Reserve and the former Clifton Motors Garage when viewed from the opposite side of Queens Parade.
- retain, conserve and incorporate the moderne façade of the former Clifton Motor Garage (205-211 Queens Parade) in any redevelopment of the site and ensure that the three dimensional form of the façade remains prominent and the decorative vertical fin remains a prominent freestanding element when viewed from the public realm.
- be designed above street wall in Precincts 5B and 5C as a series of separate development parts with building separation.
- establish a transition and gradual stepping down of building heights from taller forms in Precinct 5C to existing heritage form in Precinct 5A.



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Table 5 – Street-wall height, building height and setbacks for Precincts 5A, 5B and 5C

Built form	Mandatory requirement	Preferred requirement
<b>Precinct 5A</b>		
Building height		18 metres
Street-wall height	Match existing parapet or eaves height	
Upper level setback		Minimum 5 metres
<b>Precinct 5B</b>		
Building height		1:1 heritage street wall to new built form behind Clifton Motors and 203 Queens Parade visible from the opposite side of Queens Parade 28 metres elsewhere
Front street-wall height	Match parapet height of former Clifton Motor Garage and eaves line of former UK Hotel	11 metres for non contributory buildings facing Queens Parade and Dummett Crescent
Street-wall setback	0 metres	
Minimum upper level setback	6 metres for development at former Clifton Motor Garage	6 metres elsewhere
Minimum Setback from side and rear boundary setbacks	0 metres	For upper levels, where a habitable room window is proposed: <ul style="list-style-type: none"> <li>4.5 metres from the common boundary or from the centre line of the laneway.</li> </ul> For upper levels, where a non-habitable room window or commercial window is proposed: <ul style="list-style-type: none"> <li>3 metres from the common boundary or from the centre line of the laneway.</li> </ul>
<b>Precinct 5C</b>		
Built Form	Mandatory requirement	Preferred requirement
Building height		49 metres
Front street-wall height		35 metres

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Upper-level setback		10-metres
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#### 3.0 Subdivision

xx/xx/xxxx  
Proposed  
C231 Pt2

None specified.

#### 4.0 Advertising

xx/xx/xxxx  
Proposed  
C231 Pt2

None specified.

#### 5.0 Application requirements

xx/xx/xxxx  
Proposed  
C231 Pt2

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and should accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A site analysis and urban design context report which demonstrates how the proposal achieves the Design Objectives, Preferred Character Statements and Design Requirements of this schedule.
- For development proposals for buildings over 20 metres in height, a wind study analysis to assess the impact of wind on the safety and comfort of the pedestrian environment on footpaths and other public spaces while walking, sitting and standing.
- A Traffic and Parking Assessment Report which includes an assessment of the cumulative impacts of traffic and parking in the Precinct including an assessment of the ongoing functionality of laneway/s.

#### 56.0 Decision guidelines

xx/xx/xxxx  
Proposed  
C231 Pt2

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the General Design Requirements, Heritage Design Requirements and the Precinct Design Requirements in Clauses 2.2, 2.3 and 2.4 are met.
- Whether the proposal delivers design excellence.
- If roof decks are proposed, whether they are set back from lower levels and are recessive in appearance.
- The profile and impact of development along Queens Parade when viewed from from the north side of McKean Street and the south side of Hodgkinson Street.
- The design response at the interface with existing, low-scale residential properties.
- The design of the streetscape interface along the primary street frontage.
- Whether side and rear setbacks and controls on light spillage and noise are sufficient to limit the impact on the amenity of existing dwellings.
- How any proposed buildings and works will The impact on solar access to Queens Parade and Napier Street Reserve.
- Whether heritage buildings on street corners retain their prominence when viewed from both streets.
- Whether heritage buildings retain their three-dimensional form when viewed from the public realm.
- Whether upper level development above the heritage street wall is visually recessive and does not dominate or visually overwhelm the heritage buildings.
- Whether the proposal contributes to and improves the pedestrian environment and other areas of the public realm.

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### YARRA PLANNING SCHEME

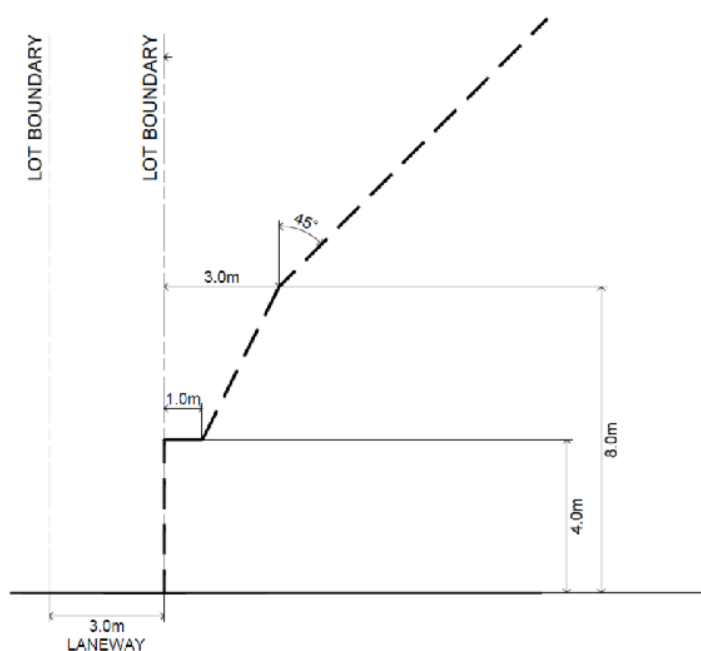
#### TRACK CHANGE VERSION – EXHIBITION TO VERSION FOR ADOPTION

- The impact of development on views to:
  - the former ANZ Bank building's tower, roof, chimney and upper level
  - the St John the Baptist Church belfry and spire
  - the former Clifton Motor Garage's Moderne façade and fin
- The wind effects created by the development.
- The cumulative impact of traffic and parking in the Precinct including on the functionality of laneway/s.

#### Reference Documents

*Queens Parade, Clifton Hill Built Form Review* prepared by Hansen Partnership—December 2017.

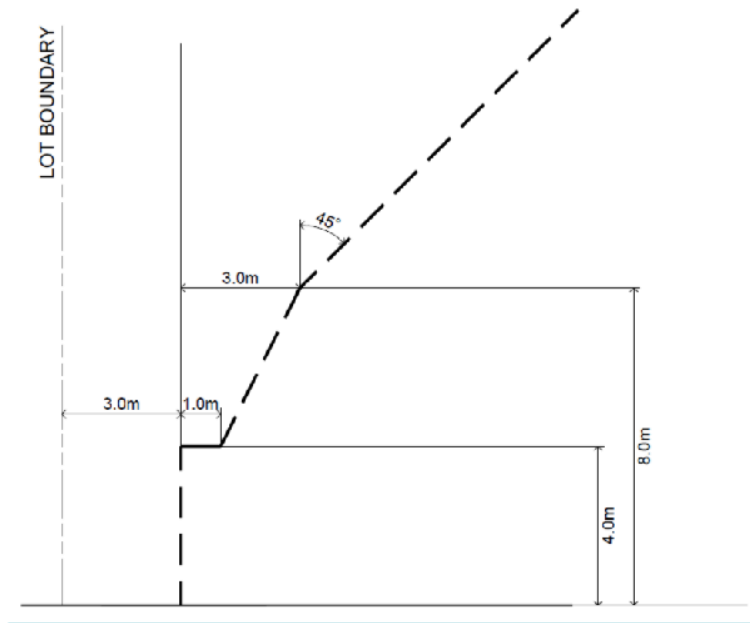
**Figure 1 - Setback where there is a laneway to the side or rear**



**Figure 2 – Setback where there is no laneway to the side or rear**

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**Attachment 5 - C231 Part 2 - Amendment documentation for Adoption****ATTACHMENT 5****PLANNING AND ENVIRONMENT ACT 1987****YARRA PLANNING SCHEME****AMENDMENT C231 PART 2****EXPLANATORY REPORT****Who is the planning authority?**

This Amendment has been prepared by the Yarra City Council which is the planning authority for this Amendment.

The Amendment has been made at the request of Yarra City Council.

**Splitting the Amendment into three parts:**

At adoption, Amendment C231 was split into three parts and will be considered as separate amendments:

- Part 1 – Includes all land subject to Amendment C231 with the exception of the land comprising 390A Queens Parade and 141-167 Queens Parade
- Part 2 – Comprises the part of the Amendment relating to land at 390A Queens Parade
- Part 3 – Comprises the part of the Amendment relating to land at 141-167 Queens Parade.

On 17 March 2020 Council adopted Parts 1 and 3 of Amendment C231 with changes. It did not consider Part 2 because the land in this part was the subject of an appeal under Section 39 of the *Planning and Environment Act 1987*. By the date of the Council meeting, a decision had not yet been received. Accordingly, Part 2 was deferred for consideration at a later date. The application under Section 39 of the *Planning and Environment Act 1987* for 390A Queens Parade has now been dismissed, allowing Part 2 to proceed to adoption.

**Land affected by the Amendment**

The wider Amendment applies to land in five precincts along Brunswick Street and Queens Parade, Fitzroy North and Clifton Hill between Alexandra Parade and Hoddle Street. Refer to Map 1.

Precinct one	460-498 Brunswick Street 8-24 Queens Parade
Precinct two	26-88 Queens Parade 67-81 Queens Parade 472-484 Napier Street 157-177 Alexandra Parade 537-541 George Street
Precinct three	1-87 Queens Parade 652-668 Smith Street
Precinct four	89-197 Queens Parade (noting 141-167 Queens Parade now forms Part 3 of Amendment C231) 272-428 Queens Parade (noting 390A Queens Parade now forms Part 2 of Amendment C231)
Precinct five	199-271 Queens Parade 2-12 Dummett Crescent 501-513 Hoddle Street

## Attachment 5 - C231 Part 2 - Amendment documentation for Adoption

Map 1: Land included in Parts 1, 2 and 3 of Amendment C231



### What the Amendment does

The Amendment (Am C231 Part 2) introduces a Design and Development Overlay (DDO16) to provide permanent built form controls for 390A Queens Parade. This would replace the interim control that is currently in place along this part of Queens Parade (DDO20). The controls for 390A Queens Parade in DDO16 are consistent with the controls that apply to the north side of Queens Parade in Precinct 4.

The Amendment also makes updates to the Heritage Overlay by deleting 390A Queens Parade from HO327 (North Fitzroy Precinct) and including it in HO330 (Queens Parade Precinct) and gives it a heritage grading.

The heritage grading for 390A Queens Parade is amended as follows:

- 390A Queens Parade (two storey building in north-east corner) from ungraded to contributory; and
- 390A Queens Parade (all other buildings except two storey building in north-east corner) from ungraded to not contributory.

### Strategic assessment of the Amendment

#### Why is the Amendment required?

Council engaged Hansen Partnership (Urban Designers) and GJM (Heritage Consultants) to assist in the preparation of the controls. This Amendment was informed by the recommendations of the *Queens Parade Clifton Hill Built Form Review* prepared by Hansen Partnership and *Queens Parade Built Form Heritage Analysis and Recommendations* prepared by GJM. Additional 3D modelling was undertaken following the receipt of the submissions which also informed the Amendment.

The scale and density of development approved and currently being proposed along Queens Parade has increased significantly in recent years and Council wants to introduce built form controls to manage change along Queens Parade and guide the scale of future buildings to provide certainty about development outcomes.

The permanent built form controls will be introduced into the Yarra Planning Scheme through a Design and Development Overlay - DDO16. (Noting interim built form controls currently apply to the



## Attachment 5 - C231 Part 2 - Amendment documentation for Adoption

centre.) The DDO includes a mix of mandatory and preferred requirements addressing issues such as building heights, street wall heights, upper level setbacks, front setbacks and interfaces to residential properties to the side and rear.

Heritage buildings along Queens Parade are an important part of the character of the area and the controls have been designed to protect views to key historic landmarks and protect significant and intact streetscapes. Heritage is a significant driver of the planning controls.

The controls will benefit the community because they provide certainty about future development outcomes.

### **How does the Amendment implement the objectives of planning in Victoria?**

The Amendment implements the objectives of planning in Victoria by establishing planning controls along Queens Parade that provide for the fair and orderly use and development of land as they seek to facilitate future development demands while maintaining the heritage character of the street. They will provide an efficient and safe built environment for those that currently live, work and visit the area and for those that will do so in the future. Heritage has been an important consideration in preparing the planning controls which will ensure that those buildings which are of aesthetic, architectural and historical interest are conserved as well as the wider streetscape.

### **How does the Amendment address any environmental, social and economic effects?**

The Amendment is consistent with the overarching goal in the planning scheme to:

*Integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.*

The Amendment is expected to generate positive social and economic benefits as it will facilitate development within a neighbourhood activity centre, providing opportunities for economic development, housing and employment growth. The Amendment will also respond to the local demand for housing and provide housing and employment in a location which has a good access to public transport infrastructure and community services.

It proposes to protect key views to landmark buildings and ensures that heritage is one of the key drivers of future built form.

### **Does the Amendment address relevant bushfire risk?**

The land affected by the Amendment is not located in an area of identified bushfire risk.

### **Does the Amendment comply with the requirements of any Minister's Direction applicable to the amendment?**

The Amendment complies with the requirements of the Ministerial Direction on the Form and Content of Planning Schemes in section 7(5) of the *Planning and Environment Act 1987*. It has also been prepared in accordance with other relevant Ministerial directions.

The Amendment has been prepared with regard to Ministerial Direction No. 9 Metropolitan Planning Strategy (which refers to *Plan Melbourne 2017-2050*). *Plan Melbourne 2017-2050* identifies a vision for the future of Melbourne and objectives and outcomes sought for the city, with directions identified to achieve the vision.

The Amendment is consistent with the following Directions contained in *Plan Melbourne 2017-2050*:

**Direction 1.1 – Create a city structure that strengthens Melbourne's competitiveness for jobs and investment** seeks to strengthen the competitiveness of Melbourne's employment land. The Amendment provides appropriate policy direction for the planning and development of the Queens Parade Neighbourhood Activity Centre to ensure that the activity centre continues to meet community needs.

**Direction 5.1- Create a city of 20-minute neighbourhoods** which aims to cluster new housing in activity centres and other places that offer good access to jobs, services and public transport. The Amendment will facilitate development within the Activity Centre which will improve local employment, housing and commercial opportunities.

## Attachment 5 - C231 Part 2 - Amendment documentation for Adoption

### How does the Amendment support or implement the Planning Policy Framework and any adopted State policy?

The Amendment supports and implements relevant objectives of the Planning Policy Framework (PPF) including:

**Clause 11 – Settlement** implements the key principles of *Plan Melbourne 2017-2050* which include providing housing choice by planning for expected housing needs and making that housing more affordable. It also provides for reduced ongoing living costs by increasing housing supply near public transport and services. It encourages consolidation of residential activities within existing urban areas and development in existing residential areas. The Amendment provides a framework for the orderly planning and high quality development of the Queens Parade Neighbourhood Activity Centre in a manner constant with the directions of *Plan Melbourne 2017-2050*.

**Clause 15 – Built Environment and Heritage** seeks to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity. This clause also highlights the importance of ensuring the conservation of places which have identified heritage significance. The Amendment supports this clause by developing planning controls which have heritage as one of their primary considerations. The controls will see views to key heritage landmarks and intact streetscapes protected.

**Clause 16 – Housing** emphasises the importance of providing enough quality housing that meets the growing and diverse needs of Victorians in locations in or around activity centres. The location of this housing needs to offer good access to jobs, services and transport. It requires councils to identify areas that offer opportunities for more medium and high-density housing near employment and transport in metropolitan Melbourne. The Amendment provides strategic guidance about how to accommodate future housing growth at an appropriate scale in the activity centre.

**Clause 17 – Economic Development** seeks to encourage development which meets the community's needs for retail, entertainment, office and other commercial services and provides a net community benefit in relation to accessibility, efficient infrastructure use and sustainability of commercial facilities. The Amendment supports this clause by facilitating opportunities for a mix of office, retail, and residential uses throughout the centre.

**Clause 18 – Transport** promotes the creation of a safe and sustainable transport system and promotes the use of sustainable personal transport. The Amendment implements the objectives of this clause by facilitating development in this activity centre which is well serviced by public transport.

### How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

The Amendment will assist decision making in relation to development applications by council and will help people better understand what scale and type of development is appropriate in the activity centre. There are no changes to the Municipal Strategic Statement proposed by this Amendment, but it nevertheless supports and implements the Local Planning Policy Framework (LPPF) by being consistent with the following clauses of the LPPF:

#### 21.04-1 Accommodation and housing

##### **Objective 1 - To accommodate forecast increases in population.**

*Strategy 1.2 Direct higher density residential development to Strategic Redevelopment Sites identified at clause 21.08 and other sites identified through any structure plans or urban design frameworks.*

#### 21.04-2 Activity centres

##### **Objective 4 - To maintain a balance between local convenience and regional retail roles in Yarra's activity centres.**

*Strategy 4.1 Increase the range of retail, personal and business services, community facilities, and recreation activities, within individual centres.*

*Strategy 4.3 Support the role of all activity centres, including Neighbourhood Activity Centres, in providing local day-to-day needs of residents of all abilities.*

##### **Objective 5 - To maintain the long term viability of activity centres.**

*Strategy 5.2 Support land use change and development that contributes to the adaptation, redevelopment and economic growth of existing activity centres.*

## Attachment 5 - C231 Part 2 - Amendment documentation for Adoption

*Strategy 5.3 Discourage uses at street level in activity centres which create dead frontages during the day.*

*Strategy 5.4 Permit residential development that does not compromise the business function of activity centres.*

### **Objective 7 - To encourage the arts and arts venues.**

*Strategy 7.1 Support a diversity of arts uses such as live music venues, performance spaces, galleries and artist studios in appropriate and accessible locations.*

#### 21.05-1 Heritage

### **Objective 14 - To protect and enhance Yarra's heritage places.**

*Strategy 14.1 Conserve, protect and enhance identified sites and areas of heritage significance including pre-settlement ecological heritage.*

*Strategy 14.2 Support the restoration of heritage places.*

*Strategy 14.3 Protect the heritage skyline of heritage precincts.*

*Strategy 14.6 Protect buildings, streetscapes and precincts of heritage significance from the visual intrusion of built form both within places and from adjoining areas.*

#### 21.05-2 Urban design

### **Objective 16 - To reinforce the existing urban framework of Yarra.**

*Strategy 16.2 Maintain and strengthen the preferred character of each Built Form Character Type within Yarra.*

### **Objective 19 - To create an inner-city environment with landscaped beauty.**

*Strategy 19.1 Require well resolved landscape plans for all new development.*

*Strategy 19.2 Encourage opportunities for planting suitable trees and landscape areas in new development.*

### **Objective 20 - To ensure that new development contributes positively to Yarra's urban fabric.**

*Strategy 20.1 Ensure development is designed having particular regard to its urban context and specifically designed following a thorough analysis of the site, the neighbouring properties and its environs.*

### **Objective 21 - To enhance the built form character of Yarra's activity centres.**

*Strategy 21.1 Require development within Yarra's activity centres to respect and not dominate existing built form.*

*Strategy 21.2 Require new development within an activity centre to consider the context of the whole centre recognising that activity centres may consist of sub-precincts, each of which may have a different land use and built form character.*

*Strategy 21.3 Support new development that contributes to the consolidation and viability of existing activity centres.*

#### 21.08 Neighbourhoods

Clause 21.08 identifies Queens Parade as a Neighbourhood Activity Centre.

### **Does the Amendment make proper use of the Victoria Planning Provisions?**

The Amendment uses the most appropriate VPP tools to achieve its objectives. A Design and Development Overlay (DDO) is the best tool to control future built form. The Amendment introduces a DDO which has been tested extensively to determine the most appropriate building and street wall heights and setbacks along Queens Parade.

The use of this tool by this Amendment is consistent with the direction on the form and content of planning schemes.

## Attachment 5 - C231 Part 2 - Amendment documentation for Adoption

### How does the Amendment address the views of any relevant agency?

Council has not sought the views of any government agencies such as VicRoads or Yarra Trams as the Amendment will not substantially affect the road network or the public transport network.

### Does the Amendment address relevant requirements of the Transport Integration Act 2010?

The Amendment is consistent with the requirements of the *Transport Integration Act 2010* and will facilitate development outcomes along a tram route.

Particular consideration has been given to ensuring that vehicular movements do not impact on the Principal Public Transport Network.

### Resource and administrative costs

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The new planning provisions will assist Council as responsible authority in deciding development applications as they provide greater certainty as to the scale of future built form along Queens Parade. Council does not anticipate that there will be an increased number of applications as a result of the new controls; rather the controls will provide a more consistent assessment of planning permit applications.

Consequently, Council does not anticipate that there will be higher administrative costs associated with implementing the new provisions or that there will be an impost on planning or heritage staff resources.

### Where you may inspect this Amendment

The Amendment is available for public inspection, free of charge, during office hours at the following places:

Planning Counter Richmond Town Hall 333 Bridge Road Richmond	Bargoonga Ngangin Fitzroy North Library 182 St Georges Road Fitzroy North
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The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at [www.delwp.vic.gov.au/public-inspection](http://www.delwp.vic.gov.au/public-inspection) or on the City of Yarra website at [www.yarracity.vic.gov.au/c231](http://www.yarracity.vic.gov.au/c231)

## **Attachment 5 - C231 Part 2 - Amendment documentation for Adoption**

### ***Planning and Environment Act 1987***

#### **YARRA PLANNING SCHEME**

#### **AMENDMENT C231 PART 2**

#### **INSTRUCTION SHEET**

The planning authority for this amendment is the Yarra City Council.

The Yarra Planning Scheme is amended as follows:

#### **Planning Scheme Maps**

The Planning Scheme Maps are amended by a total of 1 attached map sheet.

#### ***Overlay Maps***

1. Amend Planning Scheme Map No. 2DDO in the manner shown on the 1 attached map.
2. Amend Planning Scheme Map No. 2HO in the manner shown on the 2 attached maps.

#### **Planning Scheme Ordinance**

The Planning Scheme Ordinance is amended as follows:

3. In Overlays – Clause 43.02, replace Schedule 20 with a new Schedule 16 in the form of the attached document.
4. In Incorporated Documents – Clause 72.04, replace the Schedule with a new Schedule in the form of the attached document.

End of document

## Attachment 5 - C231 Part 2 - Amendment documentation for Adoption

YARRA PLANNING SCHEME  
DDO Schedule 16xx/xx/xxxx  
Proposed  
C231 Pt2**SCHEDULE 16 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY**Shown on the planning scheme map as **DDO16**.**390A QUEENS PARADE, NORTH FITZROY****1.0 Design objectives**xx/xx/xxxx  
Proposed  
C231 Pt2

- To ensure development responds to the heritage character and streetscapes and varying development opportunities and supports the existing low-rise character in Precinct 4.
- To protect the integrity of historical streetscapes and clusters of heritage buildings of a similar scale and materiality.
- To ensure development respects the architectural form and qualities of heritage buildings and streetscapes and maintains the visual prominence of the former ANZ Bank building.
- To promote design excellence that ensures new development respects the wide, open boulevard character of Queens Parade including where existing historic trees are key elements in the streetscape, they remain the dominant visual feature.
- To ensure development responds to sensitive interfaces by ensuring the overall scale and form of new buildings provides a suitable transition to low scale residential areas and protects these properties from an unreasonable loss of amenity through visual bulk, overlooking and overshadowing.

**2.0 Buildings and works****2.1 Definitions**xx/xx/xxxx  
Proposed  
C231 Pt2

**Heritage building** means any building subject to a Heritage Overlay, on the Victorian Heritage Register or any building graded as either Contributory or Individually Significant.

**Laneway** means a road reserve of a public highway 9 metres or less in width.

**Parapet** does not include features such as brackets, pediments, urns, finials or other decorative elements.

**Public realm** means all streets and spaces open to the public but does not include laneways.

**Street wall** means the façade of a building at the street boundary, or if the existing heritage building is set back from the street boundary, the front of the existing building.

**Street wall height** means the height of the street wall measured by the vertical distance between the footpath at the centre of the frontage and the highest point of the building, parapet, balustrade or eaves at the street edge or in the case of a heritage building if it is set back from the street from the centre of the building frontage to the highest point of the building, parapet, balustrade or eaves.

**Upper level** means development above the height of the street wall.

**Upper level setback** means the setback of the upper level measured from the street wall of the building.

**2.2 General Requirements**

The following requirements apply to an application to construct a building or carry out works and must be read in conjunction with the relevant precinct design requirements.

- A permit must not be granted or amended (unless the amendment would not increase the extent of non-compliance) to construct a building or construct or carry out works which exceed the mandatory maximum building height, mandatory maximum street wall height or mandatory maximum street wall setback or are less than the mandatory minimum street wall height or mandatory minimum upper level setbacks specified in the relevant Precinct Tables. A permit cannot be granted to vary these requirements.

## Attachment 5 - C231 Part 2 - Amendment documentation for Adoption

### YARRA PLANNING SCHEME DDO Schedule 16

- A permit must not be granted or amended (unless the amendment would not increase the extent of non-compliance) to construct a building or carry out works which exceeds the preferred building height and setbacks specified in the relevant Precinct Tables unless all the following requirements are met, to the satisfaction of the responsible authority:
  - The built form outcome as a result of the proposed variation satisfies the design objectives in Clause 1.0.
  - All other relevant requirements specified in this schedule.

Architectural features may exceed the preferred or mandatory height.

Service equipment/structures including plant rooms, lift overruns, structures associated with green roof areas and other such equipment may exceed the preferred or mandatory height provided that each of the following criteria are met for the equipment or structure:

- Less than 50 per cent of the roof area is occupied by the equipment (other than solar panels).
- The equipment does not cause additional overshadowing of private open space, Napier Reserve and Queens Parade.
- The equipment does not extend higher than 3.6 metres above the maximum building height.

Projections such as balconies and building services should not intrude into a setback or upper level setback.

#### 2.3 Street wall height requirements

- Except in Precinct 4, the street wall height should be no higher than the parapet height of an abutting heritage building/s for a minimum length of 6 metres measured from the edge of the heritage building/s.

#### 2.4 Upper level requirements

- Upper level development should:
  - Provide setbacks to ensure that upper level additions seen from the public realm do not diminish the appreciation of the heritage building and streetscape.
  - Avoid repetitive stepped built form at upper levels.
  - Be visually recessive.
  - Use materials that are recessive in finish and colour.
  - Include articulated side walls, where visible from the public realm, which are designed to reduce the visual impact of the wall and read as part of the overall building design.
  - Avoid continuous built form at upper levels.
  - Ensure balconies at upper levels do not dominate the solid façades of heritage street walls.
  - Minimise the visual intrusion of equipment and services.
  - Protect the contribution made by chimneys, parapets and other architectural features to the fine grained character of the area.

#### 2.5 Corner site requirements

- New development on a corner site with a frontage to Queens Parade should continue the Queens Parade street wall height along the side street, with a transition in height to match the rear interface where required. This requirement does not apply to a laneway except where specified.



## Attachment 5 - C231 Part 2 - Amendment documentation for Adoption

### YARRA PLANNING SCHEME DDO Schedule 16

#### 2.6 Ground floor design requirements

- Facades at ground level should be designed with floor to floor ceiling heights suitable to accommodate commercial activity in the Commercial 1 Zone.
- Building services and service cabinets should be located away from the street frontage of heritage facades. They should be designed and located so they complement the street frontage and character and appearance of the heritage building.
- Windows of commercial premises, habitable rooms, and principal pedestrian entrances should be orientated towards the public realm and contribute to the safety of the adjoining public realm.

#### 2.7 Vehicular access, car parking, and loading areas requirements

- New vehicle crossovers onto Queens Parade should be avoided.
- Future vehicle access and services must be provided by a rear laneway or side street, where possible.
- Vehicle ingress and egress into development, including loading facilities and building servicing, should ensure a high standard of pedestrian amenity and limit potential conflict between vehicle movements and pedestrian activity.
- Development on a laneway should include a rear/side setback or a corner splay at ground floor, to facilitate the ongoing functionality of the laneway and allow for building services and car park access.
- Permanent obstructions within a rear/side setback or splay to a laneway should be avoided.

#### 2.8 Heritage design requirements

The following design requirements apply to development on land affected by a Heritage Overlay or immediately adjacent to a heritage building.

Element	Design Requirement
Building facades and street frontages	<p><b>Infill buildings and development adjoining a heritage building</b></p> <p>Facade treatments and the articulation of infill buildings should:</p> <ul style="list-style-type: none"> <li>• be simple and not compete with the more elaborate detailing of nineteenth century buildings</li> <li>• respect the vertical proportions of the nineteenth and twentieth century facades in the heritage streetscape and/or the adjoining heritage building(s)</li> <li>• avoid large expanses of unarticulated curtain glazing, highly reflective glass and glazing with a horizontal emphasis, except for ground floor shopfronts</li> <li>• reflect the existing canopy/verandah height of the heritage streetscape and/or adjoining heritage building(s).</li> </ul> <p><b>Contributory or individually significant buildings</b></p> <p>Adaption and reuse of contributory or individually significant buildings should:</p> <ul style="list-style-type: none"> <li>• maintain existing openings and avoid highly reflective glazing in historic openings</li> <li>• encourage the retention of solid built form behind retained facades and avoid balconies behind existing openings</li> <li>• maintain the inter-floor height of the existing building and avoid new floor plates and walls cutting through historic openings.</li> </ul>

## Attachment 5 - C231 Part 2 - Amendment documentation for Adoption

YARRA PLANNING SCHEME  
DDO Schedule 16

Element	Design Requirement
Design of upper levels	<p>Upper level development on land within a heritage overlay and on land immediately adjoining a heritage building should:</p> <ul style="list-style-type: none"> <li>• be visually recessive and not visually dominate the heritage building and the heritage streetscape</li> <li>• retain the primacy of the three-dimensional form of the heritage building as viewed from the public realm to avoid 'facadism'</li> <li>• utilise visually lightweight materials and finishes that are recessive in texture and colour and provide a juxtaposition with the heavier masonry of the heritage facades</li> <li>• incorporate simple architectural detailing that does not detract from significant elements of the heritage building and the heritage streetscape</li> <li>• reflect the rhythm of the wider streetscape, fine grained character and subdivision pattern of the streetscape, especially on larger sites.</li> </ul>
Upper level setbacks	<p>Upper level setbacks in excess of the minimum mandatory upper level setback should be provided where:</p> <ul style="list-style-type: none"> <li>• it would facilitate the retention of a roof form and chimneys that are visible from the public realm, or a roof or any feature that the relevant statement of significance identifies as contributing to the significance of the heritage building or streetscape</li> <li>• it would maintain the perception of the three-dimensional form and depth of the building</li> <li>▪ a lesser setback would detract from the character of the streetscape when viewed directly or obliquely along Queens Parade.</li> </ul>

**2.9 Interface to residential properties in NRZ or GRZ requirements**

- Development should respond to the low scale form of existing development through an appropriate transition in building height and setbacks to ensure reasonable standards of amenity.
- In Precinct 4, where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September.  
If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.

**2.10 Precinct design requirements**

The following precinct specific design requirements apply in addition to the General Requirements outlined in Clauses 2.2-2.9.

**390A Queens Parade (part of Precinct 4 – Activity Centre Precinct)**

Shown on the planning scheme map as **DDO16-4**

**Preferred character statement**

Buildings and works should deliver:

- A unique and vibrant Victorian era shopping strip which forms the retail and activity focus of Queens Parade building on its distinctive heritage qualities.
- Development that complements the scale of heritage buildings and the patterns and rhythms of heritage features.

## Attachment 5 - C231 Part 2 - Amendment documentation for Adoption

### YARRA PLANNING SCHEME DDO Schedule 16

- Upper level infill that reinforces the prevailing street wall and subdivision grain of significant streetscapes and transitions to residential abutments to the rear.
- Well designed building frontages and public realm that reinforce the pedestrian experience of this part of Queens Parade as and the central hub for the local community
- Development that retains the prominence of the former ANZ Building.

#### **Design requirements**

Development must:

- Protect and maintain key views of the former ANZ Building from the south-west and north-east (as indicated on Map 1), in particular to the upper floor, roof form and chimneys. A permit cannot be granted to vary this requirement.

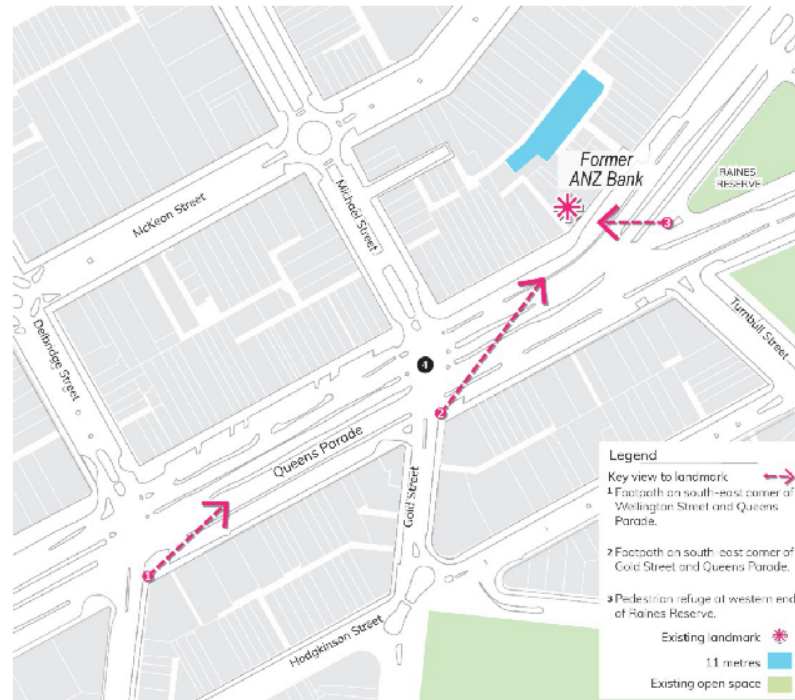
Development should:

- Respect the consistent scale, grain, rhythm and architectural quality of the highly intact heritage streetscapes and the heritage buildings in the precinct.
- Retain the visual prominence of heritage buildings, their street wall and heritage streetscape when viewed from the opposite side of Queens Parade.
- Facilitate the appropriate low rise infill of the sites located to the rear of commercial properties fronting Queens Parade.
- Ensure that any upper level development is set back from the heritage façade, is visually recessive and does not detract from the heritage streetscape.
- Retain the visual prominence and heritage fabric of the return facades of heritage buildings that front Queens Parade, Delbridge, Gold, Michael and Wellington Streets.
- Ensure that facades at ground floor incorporate verandahs which are consistent with the form and scale of adjoining verandahs.
- Retain chimneys visible from the public realm.
- Enhance the amenity and safety of laneways that provide pedestrian and vehicular access to buildings.
- Maintain service access from the laneways to facilitate commercial use of the properties fronting Queens Parade.
- Ensure shopfront widths are not reduced to the extent they become commercially unviable.

# Attachment 5 - C231 Part 2 - Amendment documentation for Adoption

## YARRA PLANNING SCHEME DDO Schedule 16

**Map 1 – 390A Queens Parade**



**Table 1 – Street wall height, building height and setbacks**

Built Form	Mandatory requirement	Preferred requirement
<b>Maximum building height</b>	11 metres	None specified
<b>Maximum and minimum street wall height on Queens Parade</b>	<p>For existing heritage facades:</p> <ul style="list-style-type: none"> <li>Retain height of the existing heritage façade.</li> </ul> <p>Where no heritage façade exists and there is no adjacent heritage building/s:</p> <ul style="list-style-type: none"> <li>at least 8 metres in height and no higher than 11 metres in height.</li> </ul> <p>Where no heritage façade exists and there is an adjacent heritage building/s:</p> <ul style="list-style-type: none"> <li>at least 8 metres in height and no higher than 11 metres unless an adjacent heritage building has a parapet height of more than 11 metres, in which case no higher than the adjacent heritage parapet height.</li> </ul>	None specified
<b>Maximum and minimum street</b>	None specified	For existing heritage facades:

## Attachment 5 - C231 Part 2 - Amendment documentation for Adoption

### YARRA PLANNING SCHEME DDO Schedule 16

Built Form	Mandatory requirement	Preferred requirement
wall height in side streets		<ul style="list-style-type: none"> <li>No higher than the existing heritage façade</li> </ul> <p>Where there is no heritage façade and there is no adjacent heritage building/s:</p> <ul style="list-style-type: none"> <li>at least 8m in height and no higher than 11m in height.</li> </ul> <p>Where no heritage façade exists and there is an adjacent heritage building/s:</p> <ul style="list-style-type: none"> <li>at least 8 metres in height and no higher than 11 metres unless there is an adjacent heritage building with a parapet height of more than 11 metres, in which case no higher than the adjacent heritage parapet.</li> </ul>
Minimum upper level setback on Queens Parade	8 metres	None specified
Minimum upper level setback in side streets	None specified	6 metres
Maximum and minimum street wall setback	0 metres - built to front boundary at ground level	None specified
Minimum setback to a NRZ interface	None specified	<p>Where there is a laneway:</p> <ul style="list-style-type: none"> <li>Height and setbacks as shown in Figure 1</li> </ul> <p>Where there is no laneway:</p> <ul style="list-style-type: none"> <li>Height and setbacks as shown in Figure 2</li> </ul>
Minimum rear setback (C1Z interface)	None specified	3 metres above 11 metres

#### 3.0 Subdivision

xx/xx/xxxx  
Proposed  
C231Pt2

None specified.

#### 4.0 Advertising

xx/xx/xxxx  
Proposed  
C231Pt2

None specified.

#### 5.0 Application requirements

xx/xx/xxxx  
Proposed  
C231Pt2

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and should accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A site analysis and urban design context report which demonstrates how the proposal achieves the Design Objectives, Preferred Character Statements and Design Requirements of this schedule.

## Attachment 5 - C231 Part 2 - Amendment documentation for Adoption

### YARRA PLANNING SCHEME DDO Schedule 16

- For development proposals for buildings over 20 metres in height, a wind study analysis to assess the impact of wind on the safety and comfort of the pedestrian environment on footpaths and other public spaces while walking, sitting and standing.
- A Traffic and Parking Assessment Report which includes an assessment of the cumulative impacts of traffic and parking in the Precinct including an assessment of the ongoing functionality of laneway/s.

#### 6.0 Decision guidelines

xx/xx/xxxx  
Proposed  
C231P12

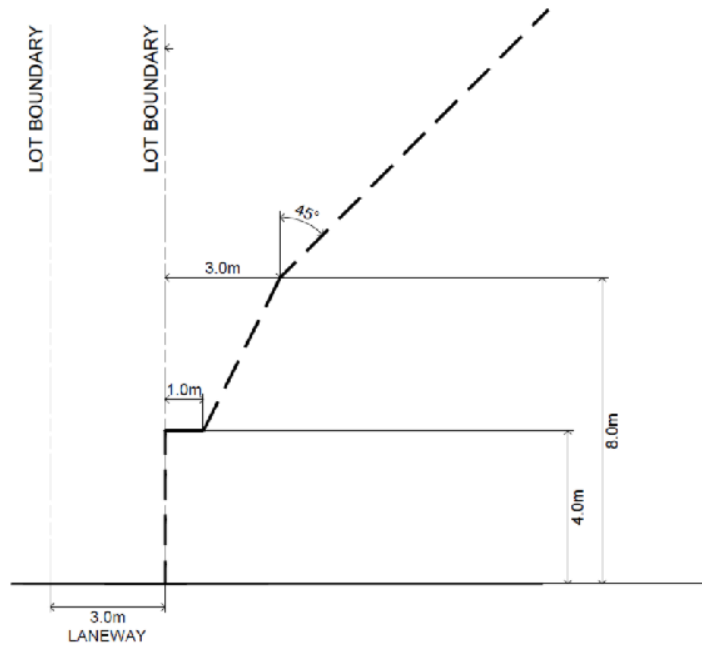
The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the proposal delivers design excellence.
- If roof decks are proposed, whether they are set back from lower levels and are recessive in appearance.
- The profile and impact of development along Queens Parade when viewed from the north side of McKean Street.
- The design of the streetscape interface along the primary street frontage.
- Whether side and rear setbacks and controls on light spillage and noise are sufficient to limit the impact on the amenity of existing dwellings.
- The impact on solar access to Queens Parade.
- Whether heritage buildings on street corners retain their prominence when viewed from both streets.
- Whether heritage buildings retain their three-dimensional form when viewed from the public realm.
- Whether upper level development above the heritage street wall is visually recessive and does not dominate or visually overwhelm the heritage buildings.
- Whether the proposal contributes to and improves the pedestrian environment and other areas of the public realm.
- The impact of development on views to the former ANZ Bank building's tower, roof, chimney and upper level.
- The wind effects created by the development.
- The cumulative impact of traffic and parking in the Precinct including on the functionality of laneway/s.

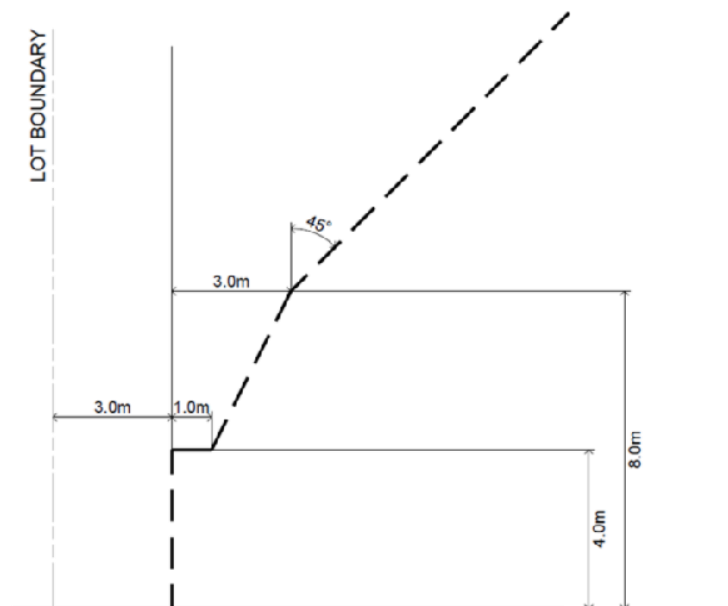
# Attachment 5 - C231 Part 2 - Amendment documentation for Adoption

## YARRA PLANNING SCHEME DDO Schedule 16

**Figure 1 - Setback where there is a laneway to the side or rear**



**Figure 2- Setback where there is no laneway to the side or rear**





# Attachment 5 - C231 Part 2 - Amendment documentation for Adoption



Attachment 5 - C231 Part 2 - Amendment documentation for Adoption



# Attachment 5 - C231 Part 2 - Amendment documentation for Adoption



## Attachment 5 - C231 Part 2 - Amendment documentation for Adoption

## YARRA PLANNING SCHEME

18/04/2019  
C225**SCHEDULE TO CLAUSE 72.04 DOCUMENTS INCORPORATED IN THIS PLANNING SCHEME****1.0 Incorporated documents**---  
Proposed C231yarapt2yara

Name of document	Introduced by:
5-15 Mayfield Street, Abbotsford, Incorporated Document, October, 2018	C188
10 Bromham Place, Richmond Incorporated Document, February 2013	C171
18-62 Trenerry Crescent, Abbotsford (Incorporated Plan, May 2018)	C218
32-68 Mollison Street and 61-69 William Street, Abbotsford July 2013	C170
351-353 Church Street, Richmond – Incorporated Document, February 2019	C225
520 Victoria Street, 2A Burnley Street, and 2 – 30 Burnley Street, Richmond, Burnley Street West Precinct - Incorporated Plan, 2012	C150
Amcort Alphington Paper Mill Site Preparation – Incorporated Document, September 2012	C161
Atherton Gardens – Fitzroy, September 2010	C136
Caulfield Dandenong Rail Upgrade Project, Incorporated Document, April 2016	GC37
Chandler Highway Upgrade Incorporated Document, March 2016 (Amended December 2017)	GC80
City of Yarra Review of Heritage Overlay Areas 2007 Appendix 8, revised <a href="#">June 2020</a>	<a href="#">C231pt2yara</a>
Cremorne Balmain Dover Street Project	NPS1
Crown Land Car Park Works, Burnley, August 2005	C92
Fitzroy Former Gasworks Site, Incorporated Document, February 2018	C242
Flying Fox Campsite, Yarra Bend Park, December 2004	C90
Hurstbridge Rail Line Upgrade 2017 Incorporated Document, January 2017	GC60
Incorporated Plan under the provisions of clause 43.01 Heritage Overlay, Planning permit exemptions, July 2014	C178
Local Policy "Protection of Biodiversity" Sites of Remnant Vegetation (Biosis 2001)	C49
M1 Redevelopment Project, October 2006	C86
Melbourne City Link Project – Advertising Sign Locations, November 2003	VC20
Melbourne Metro Rail Project: Upgrades to the Rail Network Incorporated Document, May 2018	GC96
North East Link Project Incorporated Document, December 2019	GC98
Planning and Design Principles for the Richmond Maltings Site, Cremorne – November 2007	C101
Richmond Walk Up Estate Redevelopment, September 2010	C136
Social housing redevelopment; Atherton Gardens Estate, Fitzroy, and Richmond Public Housing Estate, Richmond, for which the Minister for Planning is the Responsible Authority, May 2010	C135
Specific Site and Exclusion – Lot 2 on PS433628L (452 Johnston Street, Abbotsford)	C56
Swan Street Works, Burnley, June 2005	C91
Tramway Infrastructure Upgrades Incorporated Document, May 2017	GC68

**Attachment 5 - C231 Part 2 - Amendment documentation for Adoption**

**NB - Extract of Appendix 8**

**CITY OF YARRA**  
**REVIEW OF HERITAGE OVERLAY AREAS 2007**

*Appendix 8*

*Revised [June 2020](#)*





# Attachment 5 - C231 Part 2 - Amendment documentation for Adoption

## City of Yarra Review of Heritage Overlay Areas 2007 Appendix 8

Address			Name /Property Number /Heritage Status/Estimated creation date			
HO330 Queens Parade Precinct, North Fitzroy/Clifton Hill						
Queens	Parade	278	Fitzroy North	Shop & residence	248000 contributory	1870-1890
Queens	Parade	280	Fitzroy North	Shop & residence	248005 contributory	1870-1890
Queens	Parade	282	Fitzroy North	Shop & residence	248010 contributory	1883
Queens	Parade	284	Fitzroy North	Shop & residence	248015 contributory	1880-1890
Queens	Parade	286	Fitzroy North	Shop & residence	248020 contributory	1900-1915?
Queens	Parade	288	Fitzroy North	Shop & residence	248025 contributory	1900-1915
Queens	Parade	290	Fitzroy North	Shop & residence	248030 contributory	1880-1900
Queens	Parade	294 -292	Fitzroy North	Shop & residence	248035 contributory	1870-1890
Queens	Parade	296	Fitzroy North	Shop & residence	248040 contributory	1870-1890
Queens	Parade	298	Fitzroy North	Shop & residence	248045 contributory	1870-1890
Queens	Parade	300	Fitzroy North	Shop, offices	248050 not contributory	1980-1990
Queens	Parade	302	Fitzroy North	Shop, offices	248055 not contributory	1970-1980
Queens	Parade	302A	Fitzroy North	Office	248060 not contributory	1970-1980
Queens	Parade	304	Fitzroy North	Shop	248070 not contributory	1970-1980
Queens	Parade	rear 304	Fitzroy North		248065 not contributory	
Queens	Parade	306	Fitzroy North	Shop	248075 not contributory	1970-1980
Queens	Parade	308	Fitzroy North	Shop & residence	248080 contributory	1870-1890
Queens	Parade	310	Fitzroy North	Shop & residence	248085 contributory	1870-1890
Queens	Parade	312	Fitzroy North	Shop & residence	248090 contributory	1870-1890
Queens	Parade	rear 312	Fitzroy North		478930 contributory	
Queens	Parade	314	Fitzroy North	Ryans Buildings, Shop & residence	248095 individually significant	1884
Queens	Parade	316	Fitzroy North	Shop & residence	248100 contributory	1870-1890
Queens	Parade	rear 316	Fitzroy North		248100 not contributory	
Queens	Parade	318	Fitzroy North	Shop & residence	248115 contributory	1870-1890
Queens	Parade	320	Fitzroy North	Shop & residence	248120 contributory	1870-1890
Queens	Parade	322	Fitzroy North	Shop & residence	248125 contributory	1870-1890
Queens	Parade	324	Fitzroy North	Shop	248130 not contributory	unknown
Queens	Parade	326 -328	Fitzroy North	Commonwealth Bank	248135 not contributory	1970-1980
Queens	Parade	330	Fitzroy North	Shop & residence	248140 contributory	1870-1890
Queens	Parade	336	Fitzroy North	Shop & residence	248145 individually significant	1870-1890
Queens	Parade	338	Fitzroy North	Shop & residence	248150 individually significant	1870-1890
Queens	Parade	340	Fitzroy North	Shop & residence	248155 contributory	1870-1890
Queens	Parade	342	Fitzroy North	Shop & residence	248160 contributory	1880-1900
Queens	Parade	344	Fitzroy North	Shop & residence	248165 contributory	1870-1890
Queens	Parade	346	Fitzroy North	Shop & residence	248170 contributory	1870-1890
Queens	Parade	348	Fitzroy North	Shop & residence	248175 contributory	1870-1890
Queens	Parade	350	Fitzroy North	Shop & residence	248180 contributory	1870-1890
Queens	Parade	352	Fitzroy North	Shop & residence	248185 contributory	1870-1890
Queens	Parade	354	Fitzroy North	Shop & residence	248190 contributory	1870-1890
Queens	Parade	356	Fitzroy North	Shop & residence	248195 contributory	1870-1890
Queens	Parade	360	Fitzroy North	Shop	248200 not contributory	1950-1960
Queens	Parade	362	Fitzroy North	Shop & residence	248205 contributory	1870-1890
Queens	Parade	364 -366	Fitzroy North	Shop	248210 not contributory	1950-1960
Queens	Parade	370 -374	Fitzroy North	London Bank of Australasia, later the ANZ Bank, later shop & residence	248215 Victorian Heritage Register	1889
Queens	Parade	376	Fitzroy North	Kingdom Cycle Works & residence	248220 contributory	1904
Queens	Parade	382	Fitzroy North	Shop & residence	248235 contributory	1870-1890
Queens	Parade	386	Fitzroy North	Shop & residence	248255 contributory	1900-1915
Queens	Parade	388	Fitzroy North	Shop & residence	248250 contributory	1900-1915
Queens	Parade	390	Fitzroy North	Shop & residence	248225 contributory	1900-1915
<a href="#">Queens</a>	<a href="#">Parade</a>	<a href="#">390A</a>	<a href="#">Fitzroy North</a>	<a href="#">2 storey building in NE corner</a>	<a href="#">248225 contributory</a>	
<a href="#">Queens</a>	<a href="#">Parade</a>	<a href="#">390A</a>	<a href="#">Fitzroy North</a>	<a href="#">all buildings except 2 storey building in NE corner</a>	<a href="#">248225 not contributory</a>	

Graeme Butler and Associates, 2007: 782

# Attachment 6 - VCAT Decision - S39 appeal for 390A Queens Parade, North Fitzroy

## VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

### PLANNING AND ENVIRONMENT DIVISION

#### PLANNING AND ENVIRONMENT LIST

VCAT REFERENCE NO. P2339/2019

#### CATCHWORDS

*Planning and Environment Act 1987 s 39; extent of Tribunal jurisdiction under s 39; whether planning authority failed to afford implied obligations procedural fairness.*

<b>APPLICANT</b>	390A Queens Pde Pty Ltd
<b>PLANNING AUTHORITY</b>	Yarra City Council
<b>OTHER RESPONDENTS</b>	Minister for Planning and Yarra City Amendment C231 Planning Panel
<b>SUBJECT LAND</b>	390A Queens Parade FITZROY NORTH VIC 3068
<b>WHERE HELD</b>	Melbourne
<b>BEFORE</b>	Picha Djohan, Member
<b>HEARING TYPE</b>	Hearing
<b>DATE OF HEARING</b>	13 December 2019 and 10 February 2020
<b>DATE FURTHER WRITTEN SUBMISSIONS RECEIVED</b>	21 February 2020
<b>DATE OF ORDER</b>	24 April 2020
<b>CITATION</b>	309A Queens Pde Pty Ltd v Yarra CC [2020] VCAT 518

#### ORDER

- 1 Pursuant to s 60(2) of the *Planning and Environment Act 1987*, the Yarra City Amendment C231 Planning Panel is joined as a party to this proceeding.
- 2 The application under s 39 of the *Planning and Environment Act 1987* is dismissed.

**Picha Djohan**  
Member





**Attachment 6 - VCAT Decision - S39 appeal for 390A Queens Parade, North Fitzroy**

**APPEARANCES**

For the applicant	Mr S Morris QC with Ms E Delany of counsel, instructed by Best Hooper Lawyers
For the planning authority	Ms S Brennan S.C. with Mr Roshan Chaile, instructed by Maddocks
For other respondents	No appearances



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### REASONS<sup>1</sup>

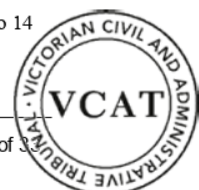
#### INTRODUCTION

- 1 309A Queens Pde Pty Ltd (the **Applicant**) has brought this proceeding under s 39 of the *Planning and Environment Act* 1987 (the **Act**) seeking certain declarations and an injunction concerning the process adopted by Yarra City Council (**Council**) and the Yarra City Amendment C231 Planning Panel (**Panel**) regarding proposed Amendment C231 (the **Amendment**) to the Yarra City Planning Scheme (the **planning scheme**).
- 2 On 31 July 2019, the Applicant became the registered owner of the land after the formal exhibition of the Amendment but prior to the Panel hearing into the Amendment.
- 3 In short, the Applicant alleges that Council and the Panel failed to afford procedural fairness to the Applicant during the amendment process that involved—
  - a. formal exhibition of the Amendment (during the period of 1 October 2018 to 30 November 2018) that relevantly imposed a mandatory building height limit applicable to the land of 21.5 metres (equivalent to 6 storeys);
  - b. adoption by Council (on 28 May 2019) of recommended changes to the exhibited version of the Amendment that relevantly recommended reduction of the exhibited mandatory building height for the land (from 21.5 metres) to 14 metres (equivalent to 4 storeys). These recommended changes are referred to by the Applicant as the ‘Revised Position’;<sup>2</sup>
  - c. recommendation by the Panel in its report on the Amendment (of 31 October 2019) for a further change of the exhibited mandatory building height for the land (from 21.5 metres) to 10.5 metres (3 storeys). This recommendation is termed by the Applicant as the ‘Further Revised Position’.<sup>3</sup>
- 4 The Applicant relied on the following two relevant sources argued as giving rise to a need for procedural fairness—
  - a. The explicit obligation on the Panel contained in s 161 of the Act; and
  - b. The implied obligation on the Council and Panel, the source of which being the rule that procedural fairness requires (subject to

<sup>1</sup> The submissions and evidence of the parties, any supporting exhibits given at the hearing and the statements of grounds filed have all been considered in the determination of the proceeding. In accordance with the practice of the Tribunal, not all of this material will be cited or referred to in these reasons.

<sup>2</sup> The Revised Position is defined by the Applicant in [6] of its primary written submissions to mean the position resolved by Council on 28 May 2019 to ‘revise its position in relation to the Amendment by, relevantly, reducing the mandatory heights for Precinct 4 from 21.5 metres to 14 metres (6 to 4 storeys).

<sup>3</sup> See [10] of the Applicant’s primary written submissions (received 6 February 2020).



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clear manifestation of contrary intention), a person be afforded a hearing that is fair and without bias before a decision which affects them is made.<sup>4</sup>

- 5 The Applicant contends that it was directly and materially affected by the alleged failures to afford it procedural fairness, and that the decisions of the Council and Panel may curtail the Applicant's ability to develop the land.<sup>5</sup>
- 6 For the reasons set out below, I find that-
  - a. The Tribunal does not have jurisdiction under s 39 of the Act to consider the implied obligations to afford procedural fairness to the Applicant as contended for by the Applicant; and
  - b. There has not been a failure to comply –
    - i. by the Council, with Division 1, 2 or 3 of Part 1 of the Act; or
    - ii. by the Panel, with Division 2 or 3 of Part 3 of the Act; or
    - iii. by the Panel, with Part 8 of the Act.
- 7 The reasons for this decision are set out as follows–
  - a. **Part A** sets out a relevant procedural matter.
  - b. **Part B** sets out in detail the final relief sought by the Applicant.
  - c. **Part C** outlines the Applicant's contentions forming the basis for the relief sought.
  - d. **Part D** outlines Council's response to the Applicant's contentions.
  - e. **Part E** sets out the Tribunal's findings of fact.
  - f. **Part F** examines the extent of the Tribunal's power under s 39 of the Act.
  - g. **Part G** sets out the Tribunal's findings on whether there has been a failure to comply under s 39 of the Act.

### PART A - PROCEDURAL MATTERS

#### Hearing on 13 December 2019

- 8 This proceeding first came on for hearing before me on 13 December 2019 on the Applicant's application for urgent interim orders. For the reasons given by me on that day I declined to make any interim declarations or orders prohibiting Council from adopting the Amendment.
- 9 By correspondence dated 12 December 2019, the Minister informed the Tribunal the Amendment will not be considered by the Minister while this proceeding is being determined. At the hearing on 13 December 2019, Ms Turnbull, on behalf

<sup>4</sup> See [14] Applicant's primary written submissions (received 6 February 2020).

<sup>5</sup> See [9(b)] Applicant's Amended Statement of Grounds.



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of the Minister for Planning, confirmed that the Minister would not take an active role in this proceeding.

### Notice to the Panel of the Applicant's Amended Grounds

- 10 On 13 December 2019, I made a procedural order in this proceeding the **(December 2019 order)**. In brief, that order required amongst other things—
  - a. the filing and service of an amended statement of grounds to be relied upon by the Applicant;
  - b. a written notice of the final relief sought by the Applicant;
  - c. notification to the Panel of the amended grounds and relief sought if the Applicant alleged a failure on the part of the Panel or sought relief against the Panel;
  - d. an opportunity for the Panel to file material and make written submissions in this proceeding.
- 11 On 20 December 2019, the Tribunal received the Applicant's amended statement of grounds and written notice of the final relief sought.
- 12 The Tribunal did not receive any material or written submissions on behalf of the Panel prior to the adjourned hearing of this proceeding on 10 February 2020.
- 13 At the hearing, I was provided with correspondence from the Applicant to the Panel in compliance with the December 2019 order. Despite the lack of correspondence from the Panel, I am satisfied that the Panel was served with a copy of the Applicant's amended statement of grounds and written notice of the final relief sought by the Applicant and the Panel has declined to participate in this proceeding.

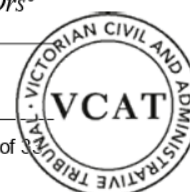
### Joinder of the Panel

- 14 Section 39(4) of the Act provides that if the failure referred to the Tribunal involves a failure to comply with Division 2 or 3 of Part 3, or with Part 8 of the Act, is entitled to make a written or oral submission to the Tribunal before the Tribunal completes the hearing of the matter. I am satisfied that having received notice of the Applicant's amended grounds, the final relief being sought and the orders made on 13 December 2019, the Panel has made an informed decision not to become an active party in this proceeding.
- 15 However, the Applicant's amended grounds alleged failures to comply by the Panel, and for this reason I find that the Panel ought to have the benefit of the final order in this proceeding. Accordingly, the Panel is joined as a party to this proceeding.

### Further written submissions at the request of the Tribunal

- 16 On 13 February 2020, after the hearing of this proceeding, the Court of Appeal delivered judgment in *Melbourne Water Corporation & Anor v Caligiuri & Ors*<sup>6</sup>

<sup>6</sup> [2020] VSCA 16.



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(the Court of Appeal decision) regarding a decision of Garde J in *Caligiuri v Attorney General (on behalf of the State of Victoria) & Ors (No.2)*<sup>7</sup>.

- 17 The Applicant's primary written submissions discussed at length the decision of Garde J in *Caligiuri*.<sup>8</sup> Accordingly, the Tribunal provided the parties with an opportunity to provide further written submissions concerning the effect of the Court of Appeal decision and those additional submissions<sup>9</sup> have been considered in making this decision.

### PART B - THE RELIEF SOUGHT BY THE APPLICANT

- 18 The Applicant seeks the following declarations and injunction:<sup>10</sup>
1. A declaration that where under s 23(1) of the *Planning and Environment Act 1987 (Vic) (Act)* the Council at its meeting on 28 May 2019 intended to and did revise its position on Amendment C231 to the Yarra Planning Scheme, an obligation of procedural fairness arose in all the circumstances to inform the Applicant and provide it with the opportunity to make submissions and be heard before the Panel.
  2. A declaration that where the Panel under s 24 of the Act intended to and did recommend a further change to the Amendment, an obligation of procedural fairness arose in all the circumstances to inform the Applicant and provide it with the opportunity to make submissions and be heard before the Panel.
  3. A declaration that the Council and Panel have failed to comply with these obligations.
  4. An injunction restraining the Council from adopting under s 29(1) of the Act the Amendment in the form put forward by the Panel, insofar as it relates to the Applicant's land at 390A Queens Parade.

### PART C - THE APPLICANT'S CONTENTIONS

- 19 At paragraph 2 of its amended statement of grounds,<sup>11</sup> the Applicant makes the following allegation –

On 20 March 2019 the Applicant lodged a planning permit application in respect of the Subject Land with Council which sought to construct four storey town houses (**Planning Application**). The Planning Application and title information submitted in support of same made it clear that the Applicant was not yet the registered proprietor of the Subject Land.

- 20 At paragraph 9 of its amended grounds, the Applicant contends that–

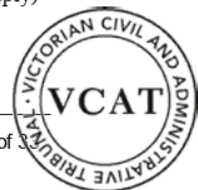
<sup>7</sup> [2019] VSC 365.

<sup>8</sup> See [15]–[25] of the Applicant's primary written submissions.

<sup>9</sup> See Applicant's supplementary submissions of 19 January 2020 (delivered with its written Reply) and Council's further submissions of 21 February 2020.

<sup>10</sup> Revised final orders sought by the Applicant received 20 December 2019.

<sup>11</sup> Amended Statement of Grounds received 20 December 2019.





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- a. The Council and the Panel have an implied (and in the case of the Panel, express, under s 161(1)(b) of the *Planning and Environment Act 1987* (Vic) (**Act**)) obligation to afford procedural fairness to persons who may be adversely affected, in a direct way, by a proposed change to an amendment to a planning scheme.
  - b. The Applicant was directly and materially affected by the failure to afford it the opportunity to be heard in respect of the proposed changes before the Panel. The decisions of the Council and Panel in respect of the Amendment may curtail the Applicant's ability to develop the Subject Land.
- 21 At paragraph 5 of its amended grounds, the Applicant contends that the implied obligation on Council to afford procedural fairness to the Applicant arose because procedural fairness required Council to—
  - a. give notice to the Applicant of Council's decision to recommend changes to the Amendment including, insofar as it relates to the land, a reduction in the maximum building height from 21.5 metres to 14 metres (six to four storeys);<sup>12</sup>
  - b. afford the Applicant the opportunity to make written submissions on the described change; and
  - c. afford the Applicant the opportunity to appear before the Panel to be heard.
- 22 In its primary written submissions, the Applicant also contends that –
  - a. prior to adopting recommended changes to the Amendment at its May 2019 meeting, Council was obliged to give to the Applicant and allow it to make submissions on the recommended changes;<sup>13</sup>
  - b. there was an implied obligation on Council to direct the Panel to hear the Applicant, as a person who could be *materially affected* by the recommended changes, at the Panel's hearing on the Amendment.<sup>14</sup>
- 23 In its amended grounds,<sup>15</sup> the Applicant describes the circumstances giving rise to an obligation on Council to give notice of the proposed changes as—
  - a. Council's knowledge of the Planning Application;
  - b. Council resolving on 28 May 2019 to inform all landowners/occupiers directly affected by the proposed change; and
  - c. Council issuing a second request for further information to the Applicant on 11 July 2019 (following the 28 May resolution) without bringing the proposed changes to the attention of the Applicant.

<sup>12</sup> This decision is variously described by the Applicant as the 'Proposed Change' (in its Amended Statement of Grounds); the "Revised Position" (in its written submission of 6 February 2020 and further written submissions of 19 February 2020).

<sup>13</sup> See [26(a)] of the Applicant's primary written submissions.

<sup>14</sup> See [26(b)] and [46] of the Applicant's primary written submissions.

<sup>15</sup> See [5] of the Applicant's Amended Statement of Grounds.



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- 24 The relevant source of the implied obligations on Council to provide procedural fairness to the Applicant is contended by the Applicant to be *“the rule that procedural fairness requires (subject to clear manifestation of contrary statutory intention), a person be afforded a hearing that is fair and without bias before a decision which affect them as is made.”*<sup>16</sup>
- 25 In particular, the Applicant contends that *“Council’s decision to adopt the Revised Position potentially affected the Applicant’s pecuniary interests and the bundle of rights that it had contracted to acquire.”*<sup>17</sup>
- 26 Regarding the Panel’s conduct, the Applicant contends that procedural fairness required the Panel to, in respect of its intention to put forward its recommendation to lower mandatory height limits applying to the land from 4 storeys to 3 storeys,  
–
  - a. afford the Applicant the opportunity to make written submissions;
  - b. afford the Applicant the opportunity to appear before the Panel to be heard,before making that recommendation in the Panel report on the Amendment.<sup>18</sup>
- 27 The Applicant generally contends that if a Panel intends to recommend changes to an amendment which are different from an amendment exhibited under s 19 of the Act *or that endorsed by the planning authority*, the Panel must afford procedural fairness to owners and occupiers who would be materially affected by those changes, *and those in an equivalent position.*<sup>19</sup>
- 28 On the Applicant’s case, it was a person to whom procedural fairness obligations were owed because if the Panel’s recommendations were to be adopted by the Minister, this would result in the *Applicant’s planning application* not being successful.

## PART D – COUNCIL’S RESPONSE TO THE APPLICANT’S CONTENTIONS

- 29 Council’s complete response to the Applicant’s contentions is succinctly summarised in its written submissions<sup>20</sup> as follows–
  - a. the question whether the Applicant was owed procedural fairness by either the Council or the Panel is to be resolved by interpreting the relevant statutory scheme;
  - b. the relevant statutory scheme contains an exhaustive code governing when notice must be given regarding a planning scheme amendment and when submissions may be made to Council and referred to the Panel;

<sup>16</sup> See [13] of the Applicant’s primary written submissions. The Applicant cites Aronson, Groves and Weeks, *Judicial Review of Administrative Act and Government Liability* (6<sup>th</sup> ed) at [7.10].

<sup>17</sup> See [43] of the Applicant’s primary written submissions referring to *Plaintiff S10/2011 v Minister for Immigration and Citizenship* (2012) 246 CLR 636 at [66] citing *Kioa v West* (1985) 159 CLR 550 at 619.

<sup>18</sup> See [54] of the Applicant’s primary written submissions.

<sup>19</sup> See [59] of the Applicant’s primary written submissions.

<sup>20</sup> See [3] of Council’s primary written submissions.





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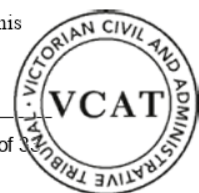
- c. the Applicant was not entitled to notice of the Amendment under s 19 of the Act and had no other statutory entitlement to notice and, as a result, the Applicant was neither owed, nor denied, procedural fairness by Council or the Panel;
  - d. the foregoing analysis does not change simply because Council may have had knowledge of the Applicant's interests, or because there may have been a particular position adopted by Council with respect to the Amendment in the course of its preparation and adoption.
- 30 In short, Council submitted that there has been no demonstrated failure to comply with any relevant statutory requirement regarding the preparation of the Amendment by either Council or the Panel; and neither Council nor the Panel were under an implied obligation to afford procedural fairness to the Applicant.

### PART E – FINDINGS OF FACT

- 31 The Amendment proposes to-
- a. introduce a design and development overlay (**DDO16**) on a permanent basis to five precincts in Queens Parade, Fitzroy North. The measures proposed in DDO16 include a range of mandatory and preferred building heights, street wall heights and setbacks within the nominated precincts;
  - b. rezone certain land not the subject of this proceeding;
  - c. apply the Heritage Overlay to identified premises and amend existing heritage gradings, citations and the relevant Incorporated Document.
- 32 Land subject to proposed DDO16 is divided into five precincts along Brunswick Street and Queens Parade, Fitzroy North and Clifton Hill, between Alexandra Parade and Hoddle Street.
- 33 The land is included in Precinct 4 and the specific measure to be introduced by DDO16 is the proposed mandatory building height applicable to Precinct 4.
- 34 Between 1 October 2018 and 30 November 2018, Council formally exhibited the Amendment (the **exhibition period**). The Amendment as exhibited proposed a mandatory building height of 21.5 metres for Precinct 4. A building height of 21.5 metres is generally accepted as permitting buildings of up to six storeys.
- 35 Documentation regarding the Amendment was also made publicly available on the Council's website and on the Department of Environment, Land, Water and Planning website.<sup>21</sup>
- 36 During the exhibition period the registered owners of the land were Rita Bernardi and Antonino Calabrese (the **vendors**).
- 37 On 19 December 2018<sup>22</sup>, a contract of sale for the land was entered into between the vendors and Plenty and Dundas Pty Ltd (signed by directors Pierre Bernardi

<sup>21</sup> See [9] of Council's primary written submissions; no issue was taken by the Applicant with this assertion.

<sup>22</sup> After the exhibition period.



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and Mario Le Giudice). The purchaser under the contract of sale was identified as 'Plenty and Dundas Pty Ltd or a nominee'.<sup>23</sup>

- 38 The 'Vendor Statement' attached to the contract of sale included a copy of a planning certificate obtained by the vendors' solicitors, Scopamrin & Bernardi, that included the following information—<sup>24</sup>

The land:	
- is included in a	COMMERCIAL 1 ZONE
- is within a	DESIGN AND DEVELOPMENT OVERLAY- SCHEDULE 20-3
and a	HERITAGE OVERLAY(H0327)
A Proposed Amending Planning Scheme C238 and C231 has been placed on public exhibition which shows this property:	
- is within a	DESIGN AND DEVELOPMENT OVERLAY- SCHEDULE 16-4-C231
and a	DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY- SCHEUDLE 1-C238
and a	AREA TO BE DELETED FROM A HERITAGE OVERLAY -C231
and a	HERITAGE OVERLAY (H0330) – C231

- 39 The vendors were sent notice of the Amendment by Council.<sup>25</sup>
- 40 The vendors did not make a submission during the exhibition period.<sup>26</sup>
- 41 Plenty and Dundas Pty Ltd did not make a submission during the exhibition period.<sup>27</sup>
- 42 At its ordinary meeting held on 12 March 2019, Council considered a report prepared by its officers that identified the key themes arising from the submissions received during the exhibition period,<sup>28</sup> including the key issues expressed in submissions regarding Precinct 4. That report was included in the publicly available agenda papers for that meeting.
- 43 At a special meeting held on 12 March 2019, Council made the following resolution in respect to the Amendment—

That Council:

<sup>23</sup> See Affidavit of Eliza Jane Minney affirmed 6 December 2019; exhibit EJM-3.

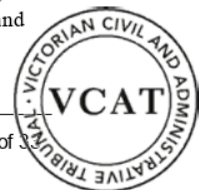
<sup>24</sup> See Affidavit of Eliza Jane Minney affirmed 6 December 2019; exhibit EJM-3.

<sup>25</sup> There was no evidence before the Tribunal of any noncompliance with the notice requirements of s.19 of the Act.

<sup>26</sup> This fact was accepted by both parties before the Tribunal but also see Affidavit of Eliza Jane Minney affirmed 6 December 2019; exhibit EJM-18, Appendix A List of submitters; neither the vendors nor the occupiers of the land are included in that list.

<sup>27</sup> This fact was accepted by both parties before the Tribunal but also see Affidavit of Eliza Jane Minney affirmed 6 December 2019; exhibit EJM-18, Appendix A List of submitters; Plenty and Dundas are not included as a submitter on that list.

<sup>28</sup> See Affidavit of Eliza Jane Minney affirmed 6 December 2019; exhibit EJM-4.



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- (a) receives all written and verbal submissions to Amendment C231.
  - (b) extends its appreciation to all submitters and to those people presenting at this meeting.
  - (c) notes that a further report will be presented to an Ordinary Council meeting on 28 May 2019, that will:
    - (i) provide an officer report and a recommended response to the specific issues raised in submissions for Council consideration; and
    - (ii) enable Council to determine whether to refer Amendment C231 and all submissions to an independent Planning Panel to be appointed by the Minister for Planning.
- 44 Council's resolution of 12 March 2019 was made available on Council's website.
- 45 On 19 March 2019, G2 Urban Planning Pty Ltd (**G2 Urban Planning**) on behalf of Plenty and Dundas Pty Ltd lodged an planning permit application with Council in respect of the land (the **planning application**).<sup>29</sup> The application was accompanied by an 'urban context report' that generally describes the development proposed as a 'residential development comprising 15 townhouses over 4 levels'.<sup>30</sup> The 'urban context report' acknowledges proposed Amendments C238 and C231 and states that "*At the time of writing this report the amendments are not seriously entertained*".<sup>31</sup>
- 46 On 15 April 2019, Council sent an information request to Plenty and Dundas Pty Ltd, care of G2 Urban Planning, in respect of the planning application.<sup>32</sup> One of the matters that Council requested further information about was the maximum overall building height above natural ground level. In addition, Council's information request directed the applicant's attention to a number of specified matters including the following—
- For further information regarding Amendment C231 (Queens Parade Built Form controls) to the Yarra Planning Scheme, please contact Council's Strategic Planning Department.
- 47 At its meeting held on 28 May 2019, Council considered, in open session, a report prepared by Council officers in response to the submissions received during the exhibition period (the **May 2019 report**).<sup>33</sup> The May 2019 report was published in the agenda for the 28 May 2019 meeting. In that report, Council officers recommended a proposal to Council that, in summary provided that Council resolve to do the following—
- a. request the appointment of an independent planning panel to consider all of the submissions received during the exhibition period;

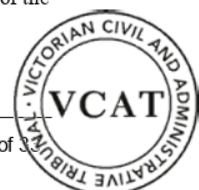
<sup>29</sup> See Affidavit of Eliza Jane Minney affirmed 6 December 2019; exhibit EJM-5.

<sup>30</sup> See Affidavit of Eliza Jane Minney affirmed 6 December 2019; exhibit EJM-5 at section 3.1 of the Urban Context Report at page 7.

<sup>31</sup> See Affidavit of Eliza Jane Minney affirmed 6 December 2019; exhibit EJM-5 at section 2.1 of the Urban Context Report at page 4.

<sup>32</sup> See Affidavit of Eliza Jane Minney affirmed 6 December 2019; exhibit EJM-6.

<sup>33</sup> See Affidavit of Eliza Jane Minney affirmed 6 December 2019; exhibit EJM-8.



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- b. refer all submissions, including late submissions, to an independent panel;
  - c. adopt a position of support for Amendment C231 generally in accordance with the officer's response to the submissions as contained in the officer's report to Council and attachments thereto;
  - d. submit to the planning panel that Amendment C231 should be recommended for approval subject to the highlighted changes made to the exhibited DDO amendment.
- 48 At paragraph 20 of the May 2019 report, the Council officers' proposal regarding suggested changes to the Amendment is described as follows-
20. Officers are proposing that the Council submission regarding the amendment outline a number of changes for consideration by the panel in response to the submissions. The recommended changes would improve the amendment in response to submissions and built form outcomes being sought by the DDO.
- 49 As regards Precinct 4, the May 2019 report at paragraph [38] under the heading 'Response to key issues' recommends that *'building heights are reduced from 6 storeys mandatory to 4 storeys mandatory...'*. Reasons for this recommendation are given in the following paragraph [39]. This recommendation is what is referred to by the Applicant as the Council's 'Preferred Version'.
- 50 At its May 2019 meeting, Council made the following resolution (the **28 May 2019 resolution**) –
- That Council:
- (a) receives and notes submissions received following the exhibition of Amendment C231;
  - (b) notes that there is/will be considerable development growth in precincts 2 and 5 of the DDO and at the former Gas Works site;
  - (c) notes that the officer report and attachments in response to submissions on Amendment C231 and endorses the recommended changes to the amendment including the Preferred Version of the DDO schedule, conditional upon the following further amendments, to Schedule 16 to Clause 43.02 Design and Development Overlay (dated 20 May 2019):
- 2.9.4 Precinct 4 – Activity Centre Precinct**
- Design requirements**
- (ii) revise the fifth requirement as follows, to include heritage fabric and Wellington Street:
    - a. retain the visual prominence and heritage fabric of the return facades of heritage building that front Queens Parade, Delbridge, Gold, Michael and Wellington Streets:
  - (iii) include a new requirement:



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- a. maintain service access from the laneways in order to facilitate commercial use of the properties fronting Queens Parade.

**Table 4 – street wall height, building height and setbacks for Precinct 4**

- (i) Include a new preferred built form requirement:
    - a. Minimum rear setback (C1Z) – 3 metres above 11 metres;
  - (d) adopts as its submission to the panel the position of support for Amendment C231 with changes as identified in (c) above;
  - (e) requests the Minister for Planning to appoint an independent planning panel to consider all submissions referred to in relation to Amendment C231 in accordance with Section 23 of the Planning and Environment Act 1987;
  - (f) refer all submissions, including late submissions and new or modified submissions in response to the further notice as in paragraph (g) below to the panel;
    - (i) writes to all landowners and occupiers directly affected by the revised DDO schedule and to all submitters to:
    - (ii) advise of Council’s decision to proceed to panel;
    - (iii) advise of Council’s position in support of the Preferred Version of the DDO; and
    - (iv) advise if they make a submission in relation to the recommended changes, the new or varied submission will be referred directly to the panel; and
  - (g) notes that officers will provide a further report to Council after the planning panel report is received from Panels Victoria to enable further consideration of Amendment C231 by Council.
- 51 The May 2019 resolution was recorded in the minutes for the 28 May 2019 meeting.<sup>34</sup>
- 52 By way of letters dated 29 May 2019, the then owners of the land (the vendors) and occupiers of the land (generally described as “The Occupiers”) were informed of the outcome of the 28 May 2019 meeting as regards the Amendment.<sup>35</sup>
- 53 Both the Council officers’ report to Council regarding the Amendment and the 28 May 2019 resolution were made publicly available from Council’s website.
- 54 Neither the vendors nor the occupiers of the land made any submission to Council in response to notification of the Preferred Version.

<sup>34</sup> See Affidavit of Eliza Jane Minney affirmed 6 December 2019; exhibit EJM-9.

<sup>35</sup> See Affidavit of Amanda Elizabeth Haycock sworn 17 January 2020; exhibits AEH-1 and AEH-2.





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- 55 By letter dated 26 June 2019, G2 Urban Planning replied to Council's further information letter of 15 April 2019. In its response letter, G2 Urban Planning confirmed the building height of the proposed development as four storeys—<sup>36</sup>

It is important to acknowledge that the DDO contemplates greater heights for this site than being proposed in this Application. The DDO sets a mandatory maximum height of 21.5 metres for the subject site as being part of Precinct 4. The proposal attains a maximum height of 13.0 metres (15 metres to the top of the lift access to the roof terraces). This equates to a potential two or three additional storeys for the subject site over and above the four storeys proposed.

- 56 On 11 July 2019, Council sent a further information letter to Plenty and Dundas Pty Ltd, care of G2 Urban Planning, seeking further information regarding the planning application.<sup>37</sup> This letter did not inform Plenty and Dundas Pty Ltd of Council's May 2019 resolution.
- 57 On 24 July 2019, G2 Urban Planning responded to Council's further information letter of 11 July 2019.
- 58 On 31 July 2019, the Applicant became the registered proprietor of the land.<sup>38</sup>
- 59 On 5 August 2019, Council received notice of an acquisition of interest in the land showing the Applicant as the registered proprietor of the land.<sup>39</sup>
- 60 On 27 August 2019, public notice of the proposed development of the land was undertaken by way of a sign erected on the land. The sign described the proposed development as follows—

FULL DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF  
15 FOUR STOREY TOWNHOUSE DWELLINGS PLUS ROOF TERRACES;  
USE OF THE LAND FOR DWELLINGS AND AN ASSOCIATED REDUCTION  
IN STATUTORY CAR PARKING REQUIREMENTS.

- 61 The planning permit applicant for the development application was identified in the public sign as 'Plenty and Dundas Pty Ltd'.
- 62 Commencing on 12 August 2019, the Panel conducted its hearing (over three weeks) regarding the Amendment.
- 63 Neither the vendors nor the occupiers of the land sought to appear before the Panel; nor did any representatives of Plenty and Dundas Pty Ltd nor the Applicant.<sup>40</sup>
- 64 The Panel Report on the Amendment dated 31 October 2019 makes the following recommendation—<sup>41</sup>

Based on the reasons set out in this Report, the Panel recommends:

<sup>36</sup> See Affidavit of Eliza Jane Minney affirmed 6 December 2019; exhibit EJM-10.

<sup>37</sup> See Affidavit of Eliza Jane Minney affirmed 6 December 2019; exhibit EJM-11.

<sup>38</sup> See Affidavit of Eliza Jane Minney affirmed 6 December 2019; exhibit EJM-13.

<sup>39</sup> See Affidavit of Amanda Elizabeth Haycock sworn 17 January 2020; exhibit AEH-3.

<sup>40</sup> See Affidavit of Eliza Jane Minney affirmed 6 December 2019; exhibit EJM-15, Appendix B.

<sup>41</sup> See Affidavit of Eliza Jane Minney affirmed 6 December 2019; exhibit EJM-15; at end of Executive Summary.



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1. **Adopt Amendment C231 to the Yarra Planning Scheme as exhibited subject to:**
  - a) **The Panel preferred version of Design and Development Overlay Schedule 16 as provided in Appendix E to this report.**
2. **Undertake further heritage assessment of the existing built form and associated structures located at 390A Queens Parade to establish whether other buildings and associated structures on this property would support or warrant a 'contributory' grading within the context of HO330.**
3. **Correct the spelling of Raines Reserve (from 'Rains' to 'Raines') and correct the street numbering for the St Johns Church complex in Appendix 8.**

65 The Panel's preferred version of DDO16 included a mandatory maximum building height applicable to the land of 10.5 metres.

### Findings of fact relevant to the Applicant's contentions in its Amended Grounds

66 The evidence in this proceeding establishes that—

- a. During the exhibition period, the vendors were the registered owners of the land.<sup>42</sup>
- b. The vendors did not make a submission regarding the Amendment during the exhibition period.
- c. Plenty and Dundas Pty Ltd, acting through its professional consultant, G2 Urban Planning, lodged the planning application with Council on 29 March 2019.<sup>43</sup> Therefore I reject the contention that the Applicant lodged the planning application.
- d. Council did not issue a further information letter to the Applicant on 11 July 2019. The evidence is that Council issued a further information letter dated 11 July 2019 to Plenty and Dundas Pty Ltd, care of G2 Urban Planning.<sup>44</sup>
- e. At all material times, the planning permit applicant was 'Plenty and Dundas Pty Ltd'.<sup>45</sup>
- f. At all material times, the planning application was for a residential development described as having a building height of 4 storeys.
- g. At all material times Council did have knowledge of the planning application on behalf of Plenty and Dundas Pty Ltd.

<sup>42</sup> See Affidavit of Eliza Jane Minney affirmed 6 December 2019; exhibits EJM-5 and EJM- 13.

<sup>43</sup> See Affidavit of Eliza Jane Minney affirmed 6 December 2019, exhibit EJM-5.

<sup>44</sup> See Affidavit of Eliza Jane Minney affirmed 6 December 2019; exhibit EJM-11.

<sup>45</sup> See Affidavit of Eliza Jane Minney affirmed 6 December 2019; exhibits EJM-5, EJM- 6, EJM-10, EJM-11, EJM-12, EJM-14 and EJM-16.





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- h. The planning application, and other communication regarding the planning application in evidence, did not identify any interest of the Applicant in the planning application, the proposed development or the land.<sup>46</sup>
- i. Until 5 August 2019, Council was not aware of the Applicant's interest in the land.
- j. At the time of making the May 2019 resolution-
  - i. the vendors were the registered owners of the land; and
  - ii. the Applicant was not the occupier of the land.
- k. Council provided notice to the vendors of the May 2019 resolution by way of letter dated 29 May 2019 addressed to the vendors.
- l. The vendors did not make a submission to Council following receipt of notice of the May 2019 resolution.
- m. Council did not send correspondence at any material time to the Applicant informing the Applicant of its May 2019 resolution.
- n. The May 2019 resolution was recorded in the publicly available minutes of the 28 May 2019 meeting. The May 2019 report was included in the publicly available agenda for the 28 May 2019 meeting.
- o. There is no evidence that Council had any knowledge of the Applicant's interest in the planning application at any time prior to, or during, the Panel hearing into the Amendment; and Council does not admit that it knew that the Applicant's interests would be affected by the May 2019 resolution or other actions.<sup>47</sup> I accept that submission for the reasons set out herein.
- p. The Panel did not invite the Applicant to make a written submission to it prior to, or during, the conduct of its hearing into the Amendment.
- q. The Panel did not invite the Applicant to appear before it at the hearing regarding the Amendment.
- r. I find that the Panel had no knowledge that the Applicant had any interest in the land or planning application at any time prior to, or during, the Panel hearing into the Amendment.
- s. Neither the vendors nor any representatives of Plenty and Dundas Pty Ltd made a request to the Panel to either make a written submission or to appear before the Panel in respect of the Amendment.

<sup>46</sup> See Affidavit of Eliza Jane Minney affirmed 6 December 2019; exhibit EJM-5.  
<sup>47</sup> See [55] of Council's primary written submissions.



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### PART F –THE TRIBUNAL’S JURISDICTION UNDER SECTION 39 OF THE ACT

- 67 Having brought this application under s 39 of the Act, the ‘matter’ that the Applicant has referred to the Tribunal consists of contentions that fall within two categories-
- a. first, the Applicant submitted that Council and the Panel breached their respective implied obligations to afford the Applicant procedural fairness in relation to the proposal to make the Amendment to date; and
  - b. secondly, the Applicant submitted that the Panel has breached the express statutory obligation under s 161(1)(b) of the Act.
- 68 Given the breadth of the referred matter, it is useful to set out s 39 of the Act in full-

#### 39 Defects in procedure

- (1) A person who is substantially or materially affected by a failure of the Minister, a planning authority or a panel to comply with Division 1 or 2 or this Division or Part in relation to an amendment which has not been approved may, not later than one month after becoming aware of the failure refer the matter to the Tribunal for its determination.
- (2) In addition to any other party to the proceeding the parties to a proceeding before the Tribunal under this section are-
  - (a) the person who referred the matter to the Tribunal; and
  - (b) the Minister; and
  - (c) the planning authority.
- (3) If a matter referred to the Tribunal under this section involves a failure by a panel to comply with Division 2 or this Division or Part 8 the panel (or a member of the panel authorised by the panel to act on its behalf) is entitled to make a written or oral submission to the Tribunal before the Tribunal completes the hearing of the matter.
- (4) The Tribunal may determine a matter referred to it under this section and may do any one or more of the following-
  - (a) make any declaration that it considers appropriate;
  - (b) direct that-
    - (i) the planning authority must not adopt or approve the amendment or a specified part of the amendment; or
    - (ii) the Minister must not approve the amendment or a specified part of the amendment-  
unless the Minister, planning authority or a panel takes action specified by the Tribunal.



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- (5) In exercising its jurisdiction under this section the Tribunal cannot vary a decision made in relation to a matter referred to it or set aside that decision and make a decision in substitution for the decision so set aside.

\* \* \* \* \*

- (7) An amendment which has been approved is not made invalid by any failure to comply with Division 1 or 2 or this Division or Part 8.
- (8) Except for an application under this section, a person cannot bring an action in respect of a failure to comply with Division 1 or 2 or this Division or Part 8 in relation to an amendment which has not been approved.

69 The Applicant submitted that s 39(1) confers a jurisdiction on the Tribunal ‘akin to a judicial review jurisdiction’<sup>48</sup> and the Applicant contends for ‘a limited recognition of procedural fairness obligation arising in the specific circumstances’.

70 Council submitted that s 39(1) is only concerned with failure to comply with the express statutory requirements in Division 1, 2, or 3 of Part 3, or Part 8 of the Act. In reply, the Applicant contended—<sup>49</sup>

- a. Council’s position was rejected by Deputy President Dwyer in *Coastal Estates Pty Ltd v Bass Coast SC & Ors*<sup>50</sup> because in that decision he confirmed that “on a proper construction of s 39, breach of the rules of natural justice is a relevant ‘failure to comply’ with Divs 1 or 2, or Part 8 that the Tribunal can review and determine under s 39”; and
- b. The High Court’s decision in *Kioa v West*<sup>51</sup> confirmed that the scope of natural justice is not ‘at large’ but is instead discernible from the statutory framework.

### The extent of the Tribunal’s jurisdiction

71 The jurisdiction of the Tribunal is derived entirely from statute. The Tribunal does not have any inherent jurisdiction.

72 The Tribunal does not possess a judicial review jurisdiction.<sup>52</sup>

73 Therefore the power conferred on the Tribunal to consider the lawfulness of the conduct of a planning authority, a panel or the Minister, when an amendment to a planning scheme is undertaken is derived solely from s 39 of the Act as there are no other statutory powers in the Act or any other Act permitting enquiring into such conduct.

<sup>48</sup> See [4(a)] of the Applicant’s reply submissions.

<sup>49</sup> See [4(b)] of the Applicant’s reply submissions.

<sup>50</sup> (includes Summary) (Red Dot) [2010] VCAT 1807.

<sup>51</sup> (1985) 159 CLR 550.

<sup>52</sup> *Director of Housing v Sudi* (2011) 33 VR 559.



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- 74 Section 39 of the Act does not confer a review jurisdiction on the Tribunal.<sup>53</sup>
- 75 As a result, when exercising its jurisdiction under s 39 of the Act, the Tribunal is exercising original jurisdiction.<sup>54</sup>
- 76 In *Freeman v Knox CC* Morris J observed—<sup>55</sup>
- [36] In my opinion, when a proceeding is brought pursuant to section 39 of the Act, the first task is to identify whether there has been a failure to comply with the relevant parts of the Act and the nature of that failure. Having identified a failure to comply, the second task is to consider whether an applicant has been substantially or materially affected by that failure.
- 77 In *East Melbourne Group v Minister for Planning*<sup>56</sup> Justice Morris considered the legislative history of s 39 of the Act and observed at paragraph 95—<sup>57</sup>
- When the Planning and Environment Act was amended in 1989, so as to recast section 39, the Minister observed that:
- “The Act provides a separate mechanism of review of amendments by an independent panel, and amendments ultimately require the Minister’s approval. The Tribunal does have an important role in resolving disputes of a procedural nature – that is specifically set out in the revised section 39 of the Act. The proposed amendments make this quite clear, and set out the range of disputes to be resolved by the Tribunal.”
- 78 As to the extent of the Tribunal’s power under s 39 of the Act, Deputy President Dwyer in *Coastal Estates* found that there were three primary reasons for holding the view that the section only covers procedural defects non-compliance, but not substantive errors. In short, those three reasons were—
- a. The conclusion by majority of the Court of Appeal in *East Melbourne Group v Minister for Planning*<sup>58</sup> that s 39(7) of the Act “only addresses non-compliance with procedural requirements” and “does not apply to decisions that are tainted by jurisdictional error”. Deputy President Dwyer considered that this conclusion was equally applicable to s 39(1) of the Act given the similarity in language used in both subsections.<sup>59</sup>
  - b. When read as a whole and properly construed, s 39 of the Act is intended to distinguish between ‘procedural defects’ that can be dealt with by the

<sup>53</sup> *Coastal Estates Pty Ltd v Bass Coast SC & Ors* (includes Summary) (Red Dot)[2010] VCAT 1807 at [21].

<sup>54</sup> See section 41 of *Victorian Civil and Administrative Act 1998* (the **VCAT Act**).

<sup>55</sup> [2007] VCAT 414 at [36].

<sup>56</sup> [2005] VSC 242.

<sup>57</sup> Morris J examination and recount of the legislative history of s 39 of the Act was met with approval by the majority of the Court of Appeal in *East Melbourne Group Inc v Minister for Planning and Anor* (2008) 23 VR 605 at [370].

<sup>58</sup> [2008] VSCA 217 at [370].

<sup>59</sup> [2010] VCAT 1807 at [30]-[31].



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Tribunal under s 39 of the Act and ‘substantive errors’ that fall outside s 39 of the Act.<sup>60</sup>

- c. The legislative history and context of s 39 of the Act supports the view that the operation of the section is intended to be limited to procedural non-compliance rather than substantive error.<sup>61</sup>

- 79 The limited power of the Tribunal under s 39 was recently described by Deputy President Dwyer in *Danaher v Whittlesea CC*<sup>62</sup> at [21] as follows–

By reference to other parts of s 39, and relevant case law, VCAT’s powers under s 39 are limited. VCAT is essentially looking at whether there has been a defect in certain specific statutory procedures in relation to an amendment that has not been approved, and the steps that might reasonably be taken to address that defect before the amendment is approved. VCAT is not undertaking a review of the merits of the amendment, nor can it vary or substitute a substantive decision made in relation to an amendment.

- 80 Adopting the approach of the foregoing case law with which I agree, I conclude that the Applicant is only entitled to relief if it can demonstrate that–

- a. there has been a failure to comply with Division 1, 2, or 3 of Part 3, or Part 8 of the Act; and
- b. the Applicant is a person that is substantially or materially affected by the failure to comply.

- 81 Therefore, in order for the Applicant, on its case, to successfully demonstrate that there has been a failure to comply with Division 1, 2, or 3 of Part 3, or Part 8 of the Act, the allegedly implied obligations to afford the Applicant procedural fairness that Council and the Panel allegedly owed and breached must form part of, or be necessarily read into, Division 1, 2, or 3 of Part 3, or Part 8 of the Act. I will now consider this.

**Does the Tribunal’s jurisdiction extend to consideration of failure to comply with the alleged implied obligations to accord procedural fairness?**

- 82 In short, I conclude that the Tribunal’s jurisdiction under s 39 of the Act does not extend to consideration of whether there exists any implied obligation on Council or the Panel to afford the Applicant procedural fairness as alleged by the Applicant. In my view, whether or not there exists any implied obligation or duty on either Council or the Panel as alleged by the Applicant, is a matter that falls outside the Tribunal’s jurisdiction under s 39 of the Act.

- 83 The purpose of s 39 of the Act is limited and it does not permit a broader review of Council’s conduct or that of the Panel. This is so even when the conduct complained of is described as a failure to accord ‘procedural’ fairness. This approach is consistent with the overall purpose of the VCAT Act which is to

<sup>60</sup> [2010] VCAT 1807 at [33]–[36].

<sup>61</sup> [2010] VCAT 1807 at [37].

<sup>62</sup> [2019] VCAT 552.





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establish the Tribunal as a forum for speedy and inexpensive resolution of specific kinds of disputes.<sup>63</sup>

- 84 Apart from the allegation that the Panel failed to comply with s 161(1) of the Act, the conduct complained of by the Applicant is reliant on implied obligations which fall within the judicial review jurisdiction of the Supreme Court and not within the Tribunal's jurisdiction under s 39 of the Act.

### Further consideration of *Coastal Estates*

- 85 I do not find any support in the reasons provided in *Coastal Estate* that the Tribunal's jurisdiction under s. 39 of the Act extends to a consideration of a breach of an obligation to afford natural justice or procedural fairness not provided for in Division 1, 2, or 3 of Part 3, or Part 8 of the Act.
- 86 In *Coastal Estates*, the applicant contended for a broad interpretation of the expression 'failure to comply'. Insofar as it is relevant to this proceeding, that broad interpretation included the failure to accord procedural fairness to the applicant by the relevant panel. In considering this allegation, Deputy President Dwyer considered whether allegations that the relevant panel in that matter had failed to accord the applicant procedural fairness in the conduct of the panel's hearing fell within the 'procedural defects' that the Tribunal had jurisdiction to consider under s 39 of the Act or whether those allegations fell outside the Tribunal's jurisdiction because the subject matter amounted to a 'substantive error'.
- 87 In arriving at his decision that the allegations in that matter fell within the Tribunal's jurisdiction, Deputy President Dwyer found that—<sup>64</sup>
- the ordinary distinction between substantive error and procedural non-compliance is subject to a limited exception where a breach of natural justice is alleged, because it is potentially both a 'procedural' failure to comply (for the purposes of s 39) and a jurisdictional error;
  - the exception is limited because the obligation to provide a reasonable opportunity to be heard (under s 24(a)) and to accord natural justice (under s 161(1)(b)) only arise in relation to a panel making findings and recommendations within the amendment process, rather than the actions of a planning authority or Minister making the ultimate decision;
  - the obligation to provide a reasonable opportunity to be heard and to accord natural justice is also limited, in context, by other statutory provisions governing panel procedures.
- 88 Later in that decision, Deputy President Dwyer identifies relevant statutory provisions in Part 3 and Part 8 of the Act, other than s 161, that required the panel

<sup>63</sup> *Director of Housing v Sudi* (2011) 33 VR 559.

<sup>64</sup> Accepting submissions on behalf of the Panel and the Minister – see [42] of [2010] VCAT 1807.



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to comply with the rules of natural justice. Those identified provisions that, considered in their totality, required a panel to accord with natural justice are—

- must consider all submissions, not just those of parties attending the hearing (s 24);
- must consider late submissions referred to it (through a combination of s 22(2), s 23(1)(b) and s 24);
- may make any recommendations it thinks fit (s 25(2));
- must conduct its hearing in public, subject to limited exceptions (s 160(1));
- must act according to equity and good conscience, and without regard to technicalities or legal forms (s 161(1)(a));
- is not required to conduct the hearing in a formal manner (s 161(1)(c));
- is not bound by the rules or practices to evidence but inform itself on any matter in any way it thinks fit, and without notice to any person who has made submission (s 161(1)(d));
- may regulate its own proceedings (s 167);
- may take into account any matter it thinks relevant in making its report and recommendations (s 168).

89 I find that there is nothing in the above extracts or any other part of the reasons given in *Coastal Estates* that supports the Applicant's submission that on proper construction of s 39 of the Act, a breach of an implied obligation to accord procedural fairness or natural justice amounts to a procedural defect within the Tribunal's jurisdiction under s 39 of the Act. I therefore reject the submission.

### **The Supreme Court's decision in *Winky Pop***

90 The Applicant submitted that, in determining this application under s 39 of the Act, I am bound by the decision of Kaye J in *Winky Pop Pty Ltd v Hobsons Bay Council*<sup>65</sup> which the Applicant submitted supports the proposition that 'the rules of procedural fairness can be implied into the process for amendment of a planning scheme under the P&E Act'.<sup>66</sup>

91 The proceeding before the Supreme Court in *Winky Pop* was one that was commenced in that court's inherent jurisdiction for relief by way of certiorari and declaration that two resolutions of the relevant council made in respect of an amendment to its planning scheme were invalid. It was not a proceeding in which the extent of the Tribunal's power under s 39(1) of the Act was examined. Indeed, s 39 of the Act was referred to by Kaye J in that decision on only two occasions—

<sup>65</sup> (2007) 19 VR 312.

<sup>66</sup> See [6(c)(ii)] of the Applicant's Reply Submissions.





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- a. the first, in the section of the decision summarising the statutory framework for the approval and implementation of planning schemes under the Act;<sup>67</sup> and
- b. the second, in response to a submission that the Court should not grant the relief sought because there were alternative rights available to the plaintiffs, including the right to bring a proceeding before the Tribunal under s 39 of the Act or to lobby the Minister. In response to that submission, Kaye J held -

[94] I do not consider that the potential availability of either alternative recourse is a proper basis for denying the plaintiffs' relief by way of certiorari, if they are otherwise entitled to it. Without expressing any concluded view on the matter, there is at least some room to doubt whether, under s 39(1) of the Act, the plaintiffs would be entitled to relief at the Victorian Civil and Administrative Tribunal on the basis on which relief is sought in this Court. Further, the question whether the plaintiffs will have the opportunity to "lobby" the Minister is entirely speculative. In the event that they do have that opportunity, it could not be sensibly equated with the rights of the plaintiffs to the relief claimed in this case, if the plaintiffs are otherwise entitled to that relief.

- 92 Therefore the Supreme Court's decision in *Winky Pop* is not binding on me when determining the extent of the Tribunal's jurisdiction under s 39 of the Act because it does not examine the extent of the Tribunal's jurisdiction but rather examines the Supreme Court's judicial review jurisdiction as is relevant to issues involving procedural fairness and natural justice relevant to the facts of that matter.

### The Tribunal's decision in *Danaher*

- 93 In its primary written submissions, the Applicant submitted that *Danaher v Whittlesea CC*<sup>68</sup> considered, amongst other issues, the applicability of principles of procedural fairness to the statutory procedures in the Act.<sup>69</sup> In its reply submissions, the Applicant asserts that *Danaher* specifically held that the obligations of procedural fairness can be implied into the amendment provisions of the Act,<sup>70</sup> however, no specific reference was given to support this general submission.
- 94 In *Danaher*, the Tribunal was concerned with alleged failures to comply with s 23, s 24 and s 161 of the Act. In its consideration as to whether there had been the alleged failure to comply under s 23 there is no discussion about implying obligations of procedural fairness. Similarly, in the discussion regarding the failures to comply with s 24 and s 161, the *Danaher* decision does not specifically

<sup>67</sup> (2007) 19 VR 312 at [10].

<sup>68</sup> [2019] VCAT 552.

<sup>69</sup> See [34] of the Applicant's primary written submissions.

<sup>70</sup> See [7(b)] of the Applicant's reply submissions.



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discuss ‘implying’ the obligations of procedural fairness. The decision discussed whether, on the facts of that matter–

- a. Mr Danaher, as a submitter, was afforded a reasonable opportunity to be heard by the panel as is expressly required under s 24; and
- b. The panel in that matter, when hearing submissions, acted in accordance with the rules of natural justice as is expressly required under s161(1)(b). In this part of its consideration, the Tribunal did consider what is meant by the conduct of a ‘fair hearing’ and in that context did find that where a body is expressly bound by the rules of natural justice, *“the obligations of procedural fairness lie not just with the body conducting the hearing, but also with the parties appearing before it. That requires a party to have reasonable notice of the case it is required to meet.”*<sup>71</sup>

- 95 The decision in *Danaher* properly construed does not provide support for the proposition that obligations of procedural fairness can be implied into the Act; rather that decision examines whether, on the facts of that matter, there had been a failure to comply with the express obligations in s 24 and s 161 of the Act.

**Conclusion on the extent of the Tribunal’s power under s 39 of the Act**

- 96 The Applicant also referred me to a number of other authorities,<sup>72</sup> including High Court decisions, in support of its general contention that upon consideration of the text and statutory context of the provisions found in Divisions 1, 2 and 3 of Part 3 and Part 8 of the Act, the Tribunal should find that the implied obligations contended for, exist.
- 97 In reaching my decision on the Tribunal’s jurisdiction I have considered these authorities. None of these additional authorities dealt directly with the Tribunal’s jurisdiction under s 39 of the Act. The first question regarding the task I am required to undertake in determining an application brought under s 39 of the Act is the extent of the Tribunal’s jurisdiction under that section, not whether there should be implied into Divisions 1, 2 and 3 of Part 3 of Part 8 implied obligations to afford procedural fairness to the Applicant.
- 98 In conclusion, I find that the Tribunal does not have jurisdiction under s 39 of the Act to consider alleged breaches of any implied obligations on Council or the Panel as set out in paragraph 9 of the Applicant’s Amended Grounds and–
- a. particularised in paragraphs 10 and 11; and
  - b. further particularised in paragraph 26 of the Applicant’s primary written submissions.
- 99 I do, however, address the alleged failures to comply with the express provisions of Division 1, 2, or 3 of Part 3, or Part 8 of the Act below as raised in the

<sup>71</sup> [2019] VCAT 552 at [150].

<sup>72</sup> See [15]–[25], [36],[42], [48],[55] and [61] of the Applicant’s primary written submissions.



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Applicant's written submissions to ensure that all such allegations are addressed in these reasons.

### **PART G - HAS THERE BEEN A FAILURE TO COMPLY WITH DIVISION 1, 2, OR 3 OF PART 3, OR PART 8 OF THE ACT?**

100 Although the Applicant did not raise any issue in its written submissions with compliance with section 19 of the Act,<sup>73</sup> the notice requirements under this section are an important part of the scheme amendment process.

101 Section 19 provides—

#### **19 What notice of an amendment must a planning authority give?**

- (1) A planning authority must give notice of its preparation of an amendment to a planning scheme—
  - (a) to every Minister, public authority and municipal council that it believes may be materially affected by the amendment; and
  - (b) to the owners (except persons entitled to be registered under the Transfer of Land Act 1958 as proprietor of an estate in fee simple) and occupiers of land that it believes may be materially affected by the amendment; and
  - (c) to any Minister, public authority, municipal council or person prescribed; and
  - (ca) to owners (except persons entitled to be registered under the Transfer of Land Act 1958 as proprietor of an estate in fee simple) and occupiers of land benefited by a registered restrictive covenant, if the amendment provides for the removal or variation of the covenant; and
  - (d) to the Minister administering the Land Act 1958 if the amendment provides for the closure of a road wholly or partly on Crown land.
- (1A) Subject to subsection (1C), the planning authority is not required to give notice of an amendment under subsection (1)(b) if it considers the number of owners and occupiers affected makes it impractical to notify them all individually about the amendment.
- (1B) A planning authority which does not give notice under subsection (1)(b) for the reasons set out in subsection (1A) must take reasonable steps to ensure that—

<sup>73</sup> See [1] of the Applicant's reply submissions.



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- (a) public notice of the proposed amendment is given in the area affected by the amendment; and
  - (b) that notice states that owners and occupiers of land referred to in subsection (1)(b) are entitled to make submissions in accordance with sections 21 and 21A.
- (1C) Subsection (1A) does not apply in relation to the giving of notice to an owner of land of an amendment which provides for—
- (a) the reservation of that land for public purposes; or
  - (b) the closure of a road which provides access to that land.
- (2) A planning authority must publish a notice of any amendment it prepares in a newspaper generally circulating in the area to which the amendment applies.
- (2A) A planning authority must cause notice of an amendment providing for the removal or variation of a registered restrictive covenant to be given by placing a sign on the land which is the subject of the amendment.
- (3) On the same day as it gives the last of the notices required under subsections (1), (2) and (2A) or after all other notices have been given under this section, the planning authority must publish a notice of the preparation of the amendment in the Government Gazette .
- (4) Any notice must—
- (a) be given in accordance with the regulations; and
  - (b) set a date for submissions to the planning authority which, if notice of the preparation of the amendment is given in the Government Gazette, must be not less than one month after the date that the notice is given in the Government Gazette.
- (5) The failure of a planning authority to give a notice under subsection (1) does not prevent the adoption or approval of the amendment by the planning authority or its submission to or approval by the Minister.
- (6) Subsection (5) does not apply to a failure to notify an owner of land about the preparation of an amendment which provides for—
- (a) the reservation of that land for public purposes; or
  - (b) the closure of a road which provides access to that land.



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- (7) A planning authority may take any other steps it thinks necessary to tell anyone who may be affected by the amendment about its preparation.
- 102 The Applicant submitted that the exhibition and submission provisions in Division 1 and 2 of Part 3 “*are clearly drafted with the purpose of ensuring that persons potentially affected by a proposed amendment to a planning scheme are provided with an opportunity to do so and be heard.*”<sup>74</sup>
- 103 It is clear that direct notice of a proposed amendment is not be given at large to persons that may be ‘potentially affected by a proposed amendment to a planning scheme’ but only to those owners and occupiers that the planning authority believes may be materially affected by the proposed amendment. All other persons including those who may be potentially affected are not required to be directly notified, however may inform themselves of the proposed amendment via the public notice required under s 19(2) of the Act.
- 104 The evidence in this proceeding is that—
- During the exhibition period, the vendors were the registered owners of the land;<sup>75</sup>
  - The vendors did not make a submission regarding the Amendment during the exhibition period; and
  - Neither Plenty and Dundas Pty Ltd nor the Applicant made a submission during this period.
- 105 On the evidence before me, I find that there has not been any failure on the part of Council, as the planning authority, to comply with s 19 of the Act.

### Section 23

- 106 Section 23 of the Act provides—

#### **23 Decisions about submissions**

- After considering a submission which requests a change to the amendment, the planning authority must—
  - change the amendment in the manner requested; or
  - refer the submission to a panel appointed under Part 8; or
  - abandon the amendment or part of the amendment.
- A planning authority may refer to the panel submissions which do not require a change to the amendment.
- Subsection (1) does not apply to a submission which requests a change to the terms of any State standard provision to be included in the planning scheme by the amendment.

<sup>74</sup> See [40] of the Applicant’s primary written submissions.

<sup>75</sup> See Affidavit of Eliza Jane Minney affirmed 6 December 2019; exhibits EJM-5 and EJM- 13.





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- (4) Despite subsection (3), subsection (1) does apply to a submission which requests that a State standard provision be included in or deleted from the scheme.
  - (5) Subsection (1) does not apply to a submission which requests a change to—
    - (a) any land credit amount or land equalisation amount specified in an infrastructure contributions plan that is to be incorporated into a planning scheme by the amendment; or
    - (b) any estimate of the value of public purpose land (within the meaning of Part 3AB) on which the amounts referred to in paragraph (a) are based.
- 107 The Applicant submitted that the obligation on a planning authority to do one of the three things set out in s 23(1) of the Act only after it ‘considers’ the submission. Further it is ‘inherent’ in the process of considering a submission is testing what results that submission would have on *any* person who might be adversely affected, and, in appropriate cases, providing that person with an opportunity to express their views.<sup>76</sup> I reject that construction of s 23(1) of the Act. The requirement on a planning authority under section 23(1) of the Act to ‘consider’ a submission is only so that it can determine which of the three alternative options under that section it will choose. There is no fourth alternative option such as testing the results of the submission on any person who may be adversely affected and providing further opportunities for submissions to be made.
- 108 The May 2019 resolution -
- a. referred the submissions to the Panel in accordance with s 23(1)(b) of the Act;
  - b. did not change the Amendment in the manner requested by the submissions received by Council;
  - c. did not abandon the Amendment or part of the Amendment.
- 109 Accordingly, Council resolved to undertake one of the three alternative options available to it thereby fulfilling its mandatory obligation under s 23(1) of the Act.<sup>77</sup> That Council understood its statutory obligation under s 23(1) of the Act is evident from the officer report to Council that stated—<sup>78</sup>
- 13. Under Section 23 of the Planning and Environment Act 1987, Council must either:
    - (a) Change the amendment in the manner requested; or
    - (b) Refer the submissions to an independent panel; or
    - (c) Abandon the amendment or part of the amendment.

<sup>76</sup> See [37] of the Applicant’s primary written submissions.

<sup>77</sup> See *Lend Lease Apartments (Armadale) Pty Ltd v Stonnington CC* [2013] VCAT 1663

<sup>78</sup> See Affidavit of Eliza Jane Minney affirmed 6 December 2019, exhibit EJM-8 at [13].





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- 110 I find that the May 2019 resolution, insofar as it adopts as its submission to the panel changes recommended by its officers (including the Revised Position), does not amount to a change to the Amendment under s 23(1)(b) of the Act. It is clear from the report to Council and from the language of the resolution that recommended changes were for the purposes of Council's submission before the Panel.
- 111 Therefore, I find that there has not been any failure on the part of Council, as the planning authority, to comply with s 23 of the Act.

### Section 24 and section 161

- 112 Section 24 of the Act provides—

#### **24 Hearing by panel**

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

- (a) any person who has made a submission referred to it;
  - (b) the planning authority;
  - (c) any responsible authority or municipal council concerned;
  - (d) any person who asked the planning authority to prepare the amendment;
  - (e) any person whom the Minister or the planning authority directs the panel to hear.
- 113 The Applicant does not contend that there has been any failure with an express requirement of s 24 of the Act, nor can it be given that neither it nor any of the persons apparently related to it, made submissions regarding the Amendment or sought to be heard before the panel at any time.
- 114 The purpose of a panel hearing is evident from s 24 of the Act itself; it is to consider all the submissions before it (being those submissions referred to it by the planning authority under s 23(1)(b)) and provide those persons identified (in s 24 (a)-(e)) an opportunity to be heard.
- 115 The Applicant contends that s 24(e) of the Act should be interpreted as containing an implied obligation on Council to inform and direct the Panel to hear a person who could be materially affected by Council's Revised Position.<sup>79</sup> That is, upon Council deciding to take its advocated position to the panel hearing, Council was under an implied obligation to consider who may be affected by the content of its submission to the Panel and inform the Panel of those persons and direct the Panel to hear from those persons.
- 116 The language of s 24(e) of the Act is clear and unambiguous. It imposes an obligation on a panel to hear from a person that the Minister or planning authority directs that panel to hear. Section 24(e) does not impose an express obligation on a planning authority to direct a panel to hear any person.

<sup>79</sup> See [46] of the Applicant's primary written submissions.



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117 The evidence in this matter is that—

- a. neither the Minister nor Council directed the Panel to hear the Applicant (or Plenty and Dundas Pty Ltd);
- b. the Panel heard from those persons identified in Appendix B of the Panel Report (which did not include the Applicant or Plenty and Dundas Pty Ltd).

118 There is no evidence in this matter that the Panel did not consider all the submissions referred to it or did not give a reasonable opportunity to be heard to any of those persons identified in s 24(a)-(e) of the Act.

119 The Applicant contends that the express obligation under s161(1)(b) that the Panel is bound by the rules of natural justice in conducting its hearing, imposed on the Panel an obligation to afford procedural fairness to persons who may be adversely affected, in a direct way, by a proposed change to an amendment to a planning scheme.<sup>80</sup> It is this alleged obligation that the Applicant submitted required the Panel to provide the Applicant an opportunity to be heard.

120 Section 161 of the Act sets out the requirements for the hearing of the submissions referred to a panel appointed under Part 8 of the Act and provides—

### **161 General procedure for hearings**

- (1) In hearing submissions, a panel—
  - (a) must act according to equity and good conscience without regard to technicalities or legal forms; and
  - (b) is bound by the rules of natural justice; and
  - (c) is not required to conduct the hearing in a formal manner; and
  - (d) is not bound by the rules or practice as to evidence but may inform itself on any matter—
    - (i) in any way it thinks fit; and
    - (ii) without notice to any person who has made a submission.
- (2) A panel may require a planning authority or other body or person to produce any documents relating to any matter being considered by the panel under this Act which it reasonably requires
- (3) A panel may prohibit or regulate cross-examination in any hearing.
- (4) A panel may hear evidence and submissions from any person whom this Act requires it to hear.

<sup>80</sup> See [9(a)] of the Applicant's Amended Statement of Grounds.



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(5) Submissions and evidence may be given to the panel orally or in writing or partly orally and partly in writing.

- 121 The requirements of s 161 are not stand-alone requirements, that is, these requirements have no meaning or role unless considered in the overall context of Part 8 of the Act. Part 8 of the Act provides for the appointment of panels by the Minister for the purpose of conducting hearings on submissions under Part 3 and Part 4 of the Act.<sup>81</sup> For the purposes of this application, the requirement to conduct a hearing on submissions received in respect of an amendment to a planning scheme is found in s 24 of the Act. It is s 24 that identifies the persons that a panel must give a reasonable opportunity to be heard and it is s 161 that sets out the procedures that are required to ensure that a 'reasonable opportunity to be heard' has in fact been extended by the panel. There is nothing in s 161 of the Act or the other provisions in Part 8 that identify additional persons to whom the reasonable opportunity to be heard must be extended under s 24 of the Act.
- 122 The Applicant referred me to the Tribunal's decisions in *Danaher* as support for its contention that by operation of s 161 of the Act there exists a broader obligation of procedural fairness than simply hearing from all submitters. I reject this.
- 123 The decision in *Danaher* does not stand for the general proposition advanced by the Applicant. Deputy President Dwyer in *Danaher* found that the panel in that matter had failed to afford Mr Danaher, a submitter appearing before that panel, with natural justice in the conduct of its hearing because the panel was aware that Mr Danaher did not have the same knowledge as other parties appearing before the panel regarding the planning authority's post exhibition changes to the relevant amendment and regarding the position of other submitters appearing before the panel. Acknowledging that in the pre-panel phase the planning authority in *Danaher* was under no '*formal obligation to abide by principles of natural justice as between submitters (save perhaps generally under the local government charter)*'. However, once submissions had been referred to a panel, both the Council and the panel were obliged to provide a level or procedural fairness commensurate with the nature of the matter before the panel'.<sup>82</sup> Moreover, the panel in *Danaher* had been apprised of the shortcoming in the way that Mr Danaher had been treated by the planning authority and despite this there was no evidence that the panel sought to investigate or to do anything to rectify that shortcoming or investigate how the implications of the complaint on the conduct of a fair hearing.<sup>83</sup> The finding of Deputy President Dwyer is consistent with application of s 161(1)(b) of the Act on the specific facts before him in that matter.
- 124 The obligations under s 161 of the Act impose on a panel appointed under Part 8 to hear submissions referred to under s 23(1)(b) of the Act do not include a requirement that a panel must identify all the persons who may be affected,

<sup>81</sup> See Divisions 5 and 6 of Part 4 of the Act.

<sup>82</sup> *Danaher v Whittlesea CC* [2019] VCAT 552 at 154.

<sup>83</sup> *Danaher v Whittlesea CC* [2019] VCAT 552 at 174.



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whether materially or not, by submissions referred to it on the contents of a planning scheme amendment and to invite those persons to make submissions before the panel at its hearing. A panel appointed under Part 8 has no investigative role into the identification of potential submitters. The role of a panel conducting a hearing under s 24 of the Act is to consider all the submissions referred to it under s 23(1)(b) of the Act, provide a reasonable opportunity for persons specified in s 24(a)-(e) of the Act and to conduct such a hearing in accordance with the requirements of s 161 of the Act.

125 Therefore, I find that there has not been any failure on the part of –

- a. Council, as the planning authority, to comply with s 24(e) of the Act; or
- b. the Panel, to comply with s 24 of the Act; or
- c. the Panel, to comply with s 161 of the Act.

### Section 25

126 Section 25 provides-

#### 25 Report by panel

- (1) The panel must report its findings to the planning authority.
- (2) In its report, the panel may make any recommendation it thinks fit.
- (3) A panel must not make a recommendation that an amendment be adopted with changes to the terms of any State standard provision to be included in the planning scheme.
- (4) Despite subsection (3), a panel may make a recommendation that an amendment provide for a State standard provision to be included in or deleted from the planning scheme.
- (5) A panel must not make a recommendation that an amendment be adopted with a change to—
  - (a) any land credit amount or land equalisation amount specified in an infrastructure contributions plan that is to be incorporated into a planning scheme by the amendment; or
  - (b) any estimate of the value of public purpose land (within the meaning of Part 3AB) on which the amounts referred to in paragraph (a) are based.

127 The Applicant's complaint against the Panel under s 25(2) of the Act is that the Panel was required to afford the Applicant procedural fairness in the form of providing it an opportunity to make submissions and be heard, before recommending the Further Revised Position. In advancing this complaint, the Applicant does not point to any conduct that it alleges amounts to a failure of the express requirements of s 25, rather it again relies on an alleged implied obligation to afford procedural fairness because it alleges the Panel's actions have the potential to adversely affect the legal rights and broader interests of



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individuals. As I have found, the Tribunal does not have jurisdiction to consider any matters not directly arising from a failure to comply with an express requirement of Division 1, 2, or 3 of Part 3, or Part 8 of the Act. I therefore reject this contention.

- 128 After conducting its hearing in accordance with the requirement of s 161 of the Act, a panel is permitted to make any recommendation it sees fit<sup>84</sup> and may take into account any matter it thinks relevant in making its report and recommendations.<sup>85</sup>
- 129 The Panel in this matter having—
- a. considered all the submissions referred to it under s23(1)(b) of the Act;
  - b. conducted a hearing under s 24;
  - c. heard from all the persons it was required to hear from under s 24(a)-(e);
  - d. conducted its hearing in accordance with the requirements of s 161;
- provided the Panel Report that contained the Further Revised Position.
- 130 The 'Further Revised Position' is more accurately described as the Panel's recommendation for mandatory building heights in Precinct 4 within which the land is located. From the Panel Report, it is apparent that this recommendation was made after consideration of the matters raised in the submissions referred to it and after hearing from the planning authority and those submitters appearing at the hearing before the Panel.<sup>86</sup> There is no basis to find that the matters contained in the Panel Report regarding Precinct 4 are not based on matters considered to be relevant by the Panel.
- 131 Therefore, I find that there has not been any failure on the part of the Panel to comply with s 25 of the Act.

### CONCLUSION

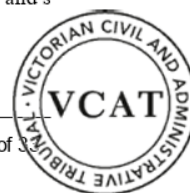
- 132 For the reasons given above, the application under s 39 of the *Planning and Environment Act 1987* is dismissed.

**Picha Djohan**  
Member

<sup>84</sup> Section 25(2) of the *Planning and Environment Act 1987*; subject to the limitations in s 25(3) and s 25(5) of the Act.

<sup>85</sup> Section 168 of the *Planning and Environment Act 1987*.

<sup>86</sup> See Affidavit of Eliza Jane Minney affirmed 6 December 2019, exhibit EJM – 15; pp 66-75





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**11.3 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 businesses, services and organisations and the wider LGBTIQ+ community, 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 Supporting, Participating and Connecting.

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

### **Financial Implications**

The Strategy will be delivered within existing budgets.

### **PROPOSAL**

That Council note the draft Yarra LGBTIQ+ Strategy, and endorse the draft Yarra LGBTIQ+ Strategy for public exhibition across June – July 2020.



## 11.3 Draft Yarra LGBTIQ+ Strategy

Reference: D20/40510  
Authoriser: Group Manager People and Culture

### 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 (see Attachment 1).
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 key businesses, services and organisations and the wider LGBTIQ+ community.
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; and
    - (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;

- (c) Key priority 3: Supporting, Participating and Connecting:
  - (i) Strategic goal 3.1: Providing opportunities for people to join and connect with each other; and
  - (ii) Strategic goal 3.2: Supporting and nurturing Yarra's LGBTIQ+ Spaces.
- 11. Actions responding to the three key priority areas and strategic goals outlined in the 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. Additionally, There are a number of actions which will be included in the Yarra LGBTIQ+ Strategy Year 2 Action Plan including:
  - (a) investigate establishment of an LGBTIQ+ Reference Group comprising external stakeholders including businesses, organisations and community members;
  - (b) investigate models for a suitable inclusion audit for Council facilities and services;
  - (c) develop a series of resources for Council facilities that promote inclusion and celebrate diversity;
  - (d) explore ways of creating opportunities for intersectional, intergenerational and inclusive activities for the LGBTIQ+ community; and
  - (e) promote safe and inclusive services, businesses, groups and venues within Yarra, including promoting LGBTIQ+ venues as potential event spaces.
- 13. Subject to its endorsement by Council, the draft Yarra LGBTIQ+ Strategy will be out for public exhibition (June-July) and further refining, before its final adoption late 2020.

#### **External Consultation**

- 14. Officers sought representation from the wider LGBTIQ+ community, and a number of key services, organisations, and businesses including Rainbow Families Victoria, Bent Twig Alliance, St Vincent's, The Drum, Queer Space, Minus 18, the Neighbourhood Justice Centre, Thorne Harbour Health, Transgender Victoria, Eagle Leather, The Laird, The Peel, Vaud d' Vile, Hares & Hyenas, Melbourne Rubber, The 86, Club 80, Sircuit, Mollies, Mannhaus, Wet on Wellington, Piercing HQ, and Lucrezia & De Sade.

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

- 15. 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, and Diversity and Inclusion branches and LGBTIQ+ identifying staff.

#### **Financial Implications**

- 16. The Strategy will be delivered within existing budgets.

#### **Economic Implications**

- 17. 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.
- 18. 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.
- 19. In drafting the Yarra LGBTIQ+ Strategy, economic implications have been considered through the application of Yarra's Quadruple Bottom Line (QBL) assessment tool. The tool results demonstrate that considerable consideration was given to the economic pillar, in particular, creating vibrant and thriving precincts.

### **Sustainability Implications**

20. Sustainability implications have been considered through the application of Yarra's QBL assessment tool. The tool shows that standard consideration was given to the environment and adaptation pillars.

### **Social Implications**

21. 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.
22. Social implications have been considered through the application of Yarra's QBL assessment tool. The tool shows that outstanding consideration was given to promoting access and inclusion, wellbeing, and community pride and identity.

### **Human Rights Implications**

23. 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.
24. 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.
25. Our strong commitment to achieving social justice is articulated by our being signatories to a number of international Human Rights treaties.
26. 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**

27. It is recognised that language and cultural background can be a barrier to community members fully participating in community life.
28. 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**

29. 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**

30. 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).

31. 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**

32. Officers briefed the Executive on 5 February 2020 and Councillors on 17 February 2020 on the draft Yarra LGBTIQ+ Strategy, with the view to seeking endorsement for public exhibition at the Council meeting on 3 March 2020.
33. However the report was deferred on the basis of undertaking additional consultation following further feedback from local LGBTIQ+ businesses.
34. Officers sought representation from a breadth of LGBTIQ+ businesses, and had valuable conversations with key representatives from the LGBTIQ+ community, including the owners of Hares & Hyenas, The Laird, The Peel, Eagle Leather, Sircuit and Vaud d' Vile.
35. Businesses were largely concerned about protecting Yarra's LGBTIQ+ spaces. Suggestions around how this might be done included convening an LGBTIQ+ Advisory Group and promoting LGBTIQ+ businesses, services, and events within Yarra.
36. Data from the consultations was collated and analysed, and revisions were made to the draft Yarra LGBTIQ+ Strategy.
37. Revisions include broadening the key priority 'Participation and Community Connectedness', which is now 'Supporting, Participating and Connecting' and a new strategic goal 'Supporting and Nurturing Yarra's LGBTIQ+ Spaces' which sits under this key priority.
38. However, during this time, businesses started to indicate that Council consultations were not a high priority for them in the current Covid-19 climate.
39. This is a consideration for the community consultation period once the draft Yarra LGBTIQ+ Strategy has been endorsed for public exhibition. Best practice indicates that people (and communities) need to feel genuinely engaged with and heard. Due to the issues arising from Covid-19, Officers will need to engage in new and innovative ways, and allocate more time over all to ensure thorough consultation with the LGBTIQ+ community during the period of public exhibition.

### **Options**

40. There are no options.

### **Conclusion**

41. Subject to its endorsement by Council, the draft Yarra LGBTIQ+ Strategy will be out for public exhibition across June – July 2020, before its final adoption late 2020.

### **RECOMMENDATION**

1. That Council:
  - (a) note the draft Yarra LGBTIQ+ Strategy; and
  - (b) endorse the draft Yarra LGBTIQ+ Strategy for public exhibition from June - July 2020.

**CONTACT OFFICER:** Sarah Jaggard  
**TITLE:** Senior Diversity and Inclusion Advisor  
**TEL:** 9205 5160

### **Attachments**

- 1 [📄](#) Draft Yarra LGBTIQ+ Strategy 1 April 2020

# Yarra LGBTIQ+ Strategy

2020 - 2024



## Attachment 1 - Draft Yarra LGBTIQ+ Strategy 1 April 2020

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## 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 1 April 2020

### Mayor's Foreword

To be included

## **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 1 April 2020

### 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.

## 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>

## Attachment 1 - Draft Yarra LGBTIQ+ Strategy 1 April 2020

### 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.

## 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>

## Attachment 1 - Draft Yarra LGBTIQ+ Strategy 1 April 2020

### - 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 1 April 2020

### 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, organisations, and businesses 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, Eagle Leather The Laird, Vaud d' Vile, Hares & Hyenas, Melbourne Rubber, The 86, Club 80, Sircuit, Mollies, Mannhaus, Wet on Wellington, Piercing HQ, and Lucrezia & De Sade.

### 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

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## Attachment 1 - Draft Yarra LGBTIQ+ Strategy 1 April 2020

### 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: Supporting, Participating and Connecting*

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

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Strategic goal 3.2      Supporting and nurturing Yarra's LGBTIQ+ spaces

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### 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 1 April 2020

## YEAR 1 ACTION PLAN\*

## Key Priority 1: Welcoming &amp; 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 Ensure Council communications 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> <p>Promote LGBTIQ+ services and businesses where appropriate</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</p>	Diversity & Inclusion, Communications, Libraries, Aged & Disability, Family Youth & Children's, Leisure



## Attachment 1 - Draft Yarra LGBTIQ+ Strategy 1 April 2020

Strategic Goal	Action	Implementation	Who
		advocate on issues related to LGBTIQ+ inclusion	

### 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

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Strategic Goal	Action	Implementation	Who
	2.2.2 Continue to provide training to staff around LGBTIQ+ inclusion	<p>Continue to provide training to staff to working directly with LGBTIQ+ people through Council's service arms</p> <p>Continue to review and include LGBTIQ+ content in 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>	Diversity & Inclusion, Communications, Libraries, Aged & Disability, Family Youth & Children's, Leisure, Access Yarra
	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> <p>Investigate ways in which to connect with LGBTIQ+ people living on the Richmond, Collingwood and Fitzroy Housing Estates</p>	Diversity & Inclusion

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### Key Priority 3: Supporting, Participating & Connecting

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
3.2 Supporting and nurturing Yarra's LGBTIQ+ spaces	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
	3.1.3 Promote safe and inclusive services, groups and venues within Yarra	Update and promote 'Find the Rainbow', an online resource listing LGBTIQ+ friendly services, businesses and networks	Diversity & Inclusion

### Further Actions

The following actions will be included in the Year 2 Yarra LGBTIQ+ Strategy action plan:

- Investigate establishment of an LGBTIQ+ Reference Group comprising external stakeholders including businesses, organisations and 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, businesses, groups and venues within Yarra, including promoting LGBTIQ+ venues as potential event spaces

## 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>

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**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, trans, 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

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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.



## 11.4 Community Engagement Policy and Action Plan

Reference: D20/29126  
Authoriser: Group Manager Chief Executive's Office

### Purpose

1. To seek Council endorsement of the draft Community Engagement Policy and four-year action plan for public exhibition and community feedback prior to adoption.

### Background

2. On 28 May 2019, Council endorsed officer's proposed approach to developing Yarra's next Community Engagement Policy, with the following resolution:

*"That Council:*

- (a) note the proposed process and objectives for developing a refreshed Community Engagement Policy and a new 4 year implementation plan;*
- (b) endorse the proposed process; and*
- (c) note that there will be a further report on the Draft Community Engagement Policy later this year for Council consideration."*

3. An update on progress was provided to Councillors via briefings in December 2019 and February 2020.
4. This report presents the draft Community Engagement Policy and associated four-year action plan for endorsement to exhibit and seek community feedback.

### Draft policy and action plan

5. The attached draft policy builds on the considerable achievements of the 2014 policy and implementation plan which focused on introducing best practice, building organisational capacity and developing new and creative practices.
6. The focus of the draft policy and action plan is on embedding best practice to:
  - (a) ensure Yarra Council meets the legislative requirements set out by the Victorian Auditor General's Office (VAGO) and the changes outlined in the Local Government Act 2020;
  - (b) drive the consistent application of IAP2 principles (the global standard in community and stakeholder engagement practice) to all Council engagement projects. In particular:
    - (i) fostering common understanding in applying the IAP2 spectrum to engagement practices (including opportunities that invite partnering with or empowering the community through deliberative processes where appropriate);
    - (ii) encouraging common understanding of how the engagement approach at different stages of decision making should match the level of influence expected of and by the community; and
    - (iii) considering where specialist research drawn from sector expertise can better inform engagement processes;
  - (c) reinforce Council's commitment to the community to undertake genuine, timely, transparent, well-planned and accessible engagement on decisions that affect or interest them; and
  - (d) update Council's approach to understanding and engaging underrepresented cohorts and changing demographics.

7. The draft policy outlines the approach that will guide community engagement practice and directly reflects the needs and expectations of the community borne out through the engagement process.
8. The new four-year action plan will deliver practical actions to support the policy objectives to ensure a consistent approach to community engagement through common understanding of processes, planning, methods and use of tools and resources.
9. A key commitment in the action plan is to implement a detailed process guide and toolkit for staff to support consistent practice. A deliberative engagement process guide will also be developed to guide practice and will include case studies of deliberative practices on different issues and at different scales.

### **External consultation**

10. An extensive engagement process was undertaken throughout 2019 to understand the drivers of, and barriers to, participation in council engagement. This included how the community prioritise engagement of different areas of Council planning and decision-making, as well as the best methods of engaging different types of community within Yarra.
11. The level of community influence sought and achieved at stage one was 'consult/involve.' The feedback received informed the attached draft policy and action plan. The second stage of community engagement will be to consult on the exhibited draft policy and action plan. This will occur in June 2020.
12. In the stage one community engagement, participants were asked:
  - (a) What areas of Council decision making are most important to you?
  - (b) What would encourage you to have your say?
  - (c) What might stop you from having your say?
  - (d) What's the best way to let you know about opportunities to have your say?Different surveying methods were used including ranking examples and open ended responses.
13. The engagement was carefully designed to:
  - (a) ensure traditionally underrepresented groups in Yarra were represented;
  - (b) include methods to encourage children and young people to participate;
  - (c) ensure inclusive engagement using a variety of outreach methods; and
  - (d) include methods that would encourage residents in a range of dwelling types to participate, including public housing, private renting and multi-unit developments.
14. A broad range of stakeholders were represented in the engagement and more than 360 contributions were received, in addition to the direct outreach with underrepresented groups.
15. Direct outreach included with children and young people, culturally and linguistically diverse communities, private renters, public housing tenants, homeless services, and renters and owners of multi-unit developments. In-person engagement was also undertaken with community advisory groups.
16. The engagement results highlighted six common themes:
  - (a) transparency in the process is the main driver for participation in community engagement. For example, knowing the impact and level of influence as well as feeling heard. Participants of all demographics consistently rated transparency of process more highly than time required to participate and ease of participation;
  - (b) engagement needs to be approachable, accessible and clear about the potential impact of a decision and how it relates to the individual and their immediate community;

- (c) informed engagement is a key driver of participation. For culturally and linguistically diverse participants, detailed information about the engagement is a stronger driver of participation (double the rate) than the personal impact of the matter being engaged on. Providing adequate information through the right channels and communicating the role of Council was also a strong driver of participation for public housing residents, 12 to 25 year olds and renters;
- (d) mapping community outreach will provide better connections with those impacted or interested in Council decisions, particularly culturally and linguistically diverse communities;
- (e) Yarra's renting population provided nuanced responses, including a desire for creative, digital engagement approaches. Whilst Yarra News (bi-monthly print publication) and Yarra Life (fortnightly email newsletter) consistently rated highly as preferred channels across all demographics, for renters, social media is the stand-out channel. Priority engagement topics for renters varied markedly, with libraries in first place (where as for all other demographics engagement about libraries was of mid-range value). For renters in multi-unit developments, engagements about open space planning rated more highly than for owners (who rate urban planning issues as the highest engagement priority); and
- (f) considerable effort was put to exploring drivers, barriers and priorities of children and young people. Twelve to 25 year olds want to be better informed about the role of Council, how to influence decisions and want Council meeting times and locations to be accessible.

17. A detailed engagement report is provided as an attachment.

#### **Internal consultation (One Yarra)**

- 18. The Yarra Council Senior Management Team were briefed on the IAP2 Spectrum of engagement and had an opportunity review and input into the draft policy.
- 19. Approximately 50 staff participated in two facilitated workshops on best practice and resources, to provide advice on challenges and opportunities and feedback on the draft policy and internal process guide and identify actions.

#### **Financial implications**

- 20. Implementation of the Community Engagement Policy and action plan will primarily be delivered within existing operational budgets. Resourcing of individual engagement projects may require additional budget, which will be identified at the project planning stage.

#### **Economic Implications**

- 21. Not applicable

#### **Sustainability Implications**

- 22. No applicable

#### **Social Implications**

- 23. Engaging with Yarra's diverse and hard to reach community groups was intended to encourage wide participation in all aspects of the council's service delivery.

#### **Human Rights Implications**

- 24. Part 2(18) Victoria Charter of Human Rights and Responsibilities' Act 2006 states: "Each person in Victoria has the right, and is to have the opportunity, without discrimination, to participate in the conduct of public affairs, directly or through freely chosen representatives."

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

- 25. Targeted consultation with underrepresented cohorts was completed during the community engagement that informed the draft policy, including public housing residents, and people with English as a second language.

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

26. The development of the draft Community Engagement Policy aligns with Strategic Objective Seven of the Council Plan 2017-2021: *A Leading Yarra: Transparency, performance and community participation drive the way we operate.*

### **Legal Implications**

27. The new Victorian Local Government Act 2020 received Royal Assent in March 2020. It requires councils to develop and approve a community engagement policy that gives effect to the community engagement principles outlined in the legislation. This draft policy complies fully with the legislative requirements.

### **Conclusion**

28. The draft policy and action plan are the result of thorough research into best practice and statutory requirements and respond to the needs and expectations of the Yarra community as identified through the extensive engagement process. It is now ready for community feedback prior to adoption.

### **RECOMMENDATION**

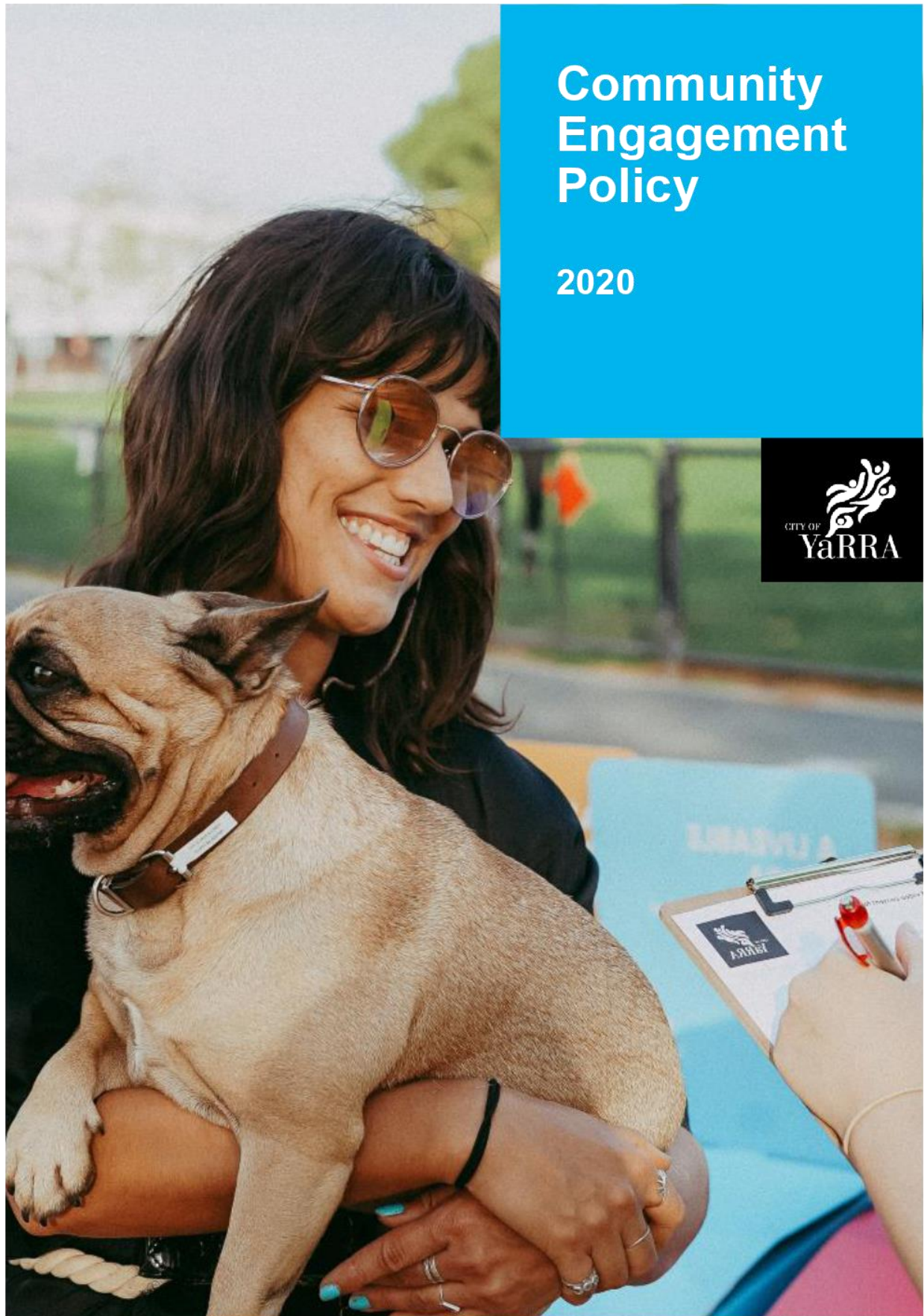
1. That Council:
- (a) endorse the draft community engagement policy and four-year action plan for a four week public exhibition period seeking community feedback.

**CONTACT OFFICER:**     **Natalie Thomas**  
**TITLE:**                    **Senior Advisor Community Engagement**  
**TEL:**                        **9205 5154**

### **Attachments**

- 1 [↓](#) Community engagement policy 2020
- 2 [↓](#) Community Engagement Action Plan 2020-2024
- 3 [↓](#) External engagement report

**Attachment 1 - Community engagement policy 2020**



## Attachment 1 - Community engagement policy 2020

# Community Engagement Policy

## Acknowledgement

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Yarra City Council acknowledges the Wurundjeri Woi Wurrung people as the Traditional Owners and true sovereigns of the land now known as Yarra. 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 and to their Elders past, present and future.

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## What do we mean by 'community engagement'?

Community engagement provides opportunities for the community to be involved in planning and decision-making because understanding the needs, aspirations, concerns and ideas of the community improves Council's planning and delivery of services. Good community engagement supports the building of respectful relationships it can also result in community strengthening and capacity building. Hearing from a range of perspectives leads to sustainable decisions and encourages ownership and belonging from all sections of our community. Importantly, it ensures transparency, integrity and trust in Council processes.

## What is the purpose of this policy?

This policy is our commitment to the community on the principles and values that guide our community engagement. It applies to our councillors, staff, contractors and volunteers. It also serves as a guide for external organisations delivering infrastructure and services in Yarra. The policy outlines the role that community members can reasonably expect to play in our planning and decision-making.

This policy provides the core values underpinning our approach to community engagement. Detail on our day-to-day practice is provided to all Yarra staff in **A guide to Community Engagement in Yarra**. The process guide is a regularly updated companion volume with advice on a range of engagement scenarios, as well as a suite of templates and other resources. More detail on our deliberative engagement practice (see definitions) is available to all staff in **A guide to deliberative engagement in Yarra**.



## Attachment 1 - Community engagement policy 2020

### Our promise to the community

The principles below (Table 1.) guide each of our community engagement projects. They are based on community feedback sought over a six month period and involving online and in person opportunities. A number of targeted consultations were arranged to include all advisory groups, different socio-economic groups, a range of language backgrounds, the voice of children and young people, the growing renter demographic and those living in multi-unit developments.

They are also based on best-practice community engagement frameworks including the International Association for Public Participation (IAP2) **Core Values for the Practice of Public Participation**, the Victorian Auditor General's Office (VAGO) **Public Participation Principles** and the principles outlined in the **Victorian Local Government Act 2020**.

Table 1. We commit to community engagement that is:

<b>Representative</b>	We identify people and groups likely to be affected by our decision, and ensure they have the chance to participate.
<b>Accessible</b>	We use methods that empower underrepresented groups to get involved. We use a variety of online, print and face-to-face methods to maximise our reach and remove potential barriers.
<b>Meaningful</b>	We empower stakeholders with relevant, objective and plain English information and resources to allow informed participation.
<b>Transparent</b>	We explain which elements the community can influence, to what level and how we will use our community's input.
<b>Accountable</b>	We report back to the community, explaining what we asked, what we heard, and what we did.
<b>Respectful</b>	We value and respect our community's time, engaging closely when their influence is high and scaling back when it is more limited.
<b>Flexible</b>	We adapt to evolving circumstances, including allowing for newly identified stakeholders to engage as necessary throughout the process.
<b>Supportive</b>	We advocate on behalf of the Yarra community where the work of external agencies (including other tiers of government) impacts our community.
<b>Prepared</b>	We ensure our engagement practitioners and decision makers have the right training, guidance and resources.



## Attachment 1 - Community engagement policy 2020

# What guides our engagement






## When we engage

Engagement should happen early in the planning stage for any changes to or introduction of new, services, facilities, policies or local laws that impact our community, including Council's budget. It may need to occur at several stages in the lead up to final plans or decisions. The greater the impact on the community, the more interactive the consultation will be. Where necessary we will conduct technical research and feasibility of options before seeking community input to ensure the community is appropriately informed.

## How we engage

Our approach is guided by the IAP2 **Spectrum of Engagement** which describes five levels of engagement, from 'inform' through to 'empower'. It matches the role of the community with the level of influence they should expect. Many projects will involve more than one level of engagement. This is because the community can have different levels of influence at different stages of the project and different groups within the community may be more directly impacted than others. Table 2 below describes the five levels of the spectrum and the roles of Council and community.

Table 2. Spectrum of engagement

	Inform 	Consult 	Involve 	Collaborate 	Empower 
<b>Our goal</b>	To provide balanced and objective information to make our community aware of something that has happened or will happen.	To listen to our community's feedback on options or a potential decision and take their input into account.	To seek input to identify issues, concerns and aspirations to inform decision making and show how that input has informed the decision.	To work with our community to develop a detailed understanding of all the issues and opportunities and identify agreed solutions at every step of the process.	To build the capacity of our community to identify solutions and/or lead change.
<b>Our promise to our community</b>	We will keep you informed.	We will listen to and acknowledge your concerns.	We will work with you to exchange information, ideas and concerns.	We will seek advice and innovation from amongst the various stakeholder groups.	We will work with you to implement agreed decisions.
<b>The role of our community</b>	Listen	Contribute	Participate	Partner	Partner or Lead

## Attachment 1 - Community engagement policy 2020

### Who we engage with

We make better decisions when we fully understand the needs, priorities and concerns of individuals and groups within our community. When we are planning to make a decision, we first identify the people and groups likely to be affected, and we reach out to involve them in the process. We recognise that some groups face barriers to engaging with us and we commit to using methods that enable and encourage their participation. Identifying who is impacted or interested in a decision, best methods of outreach and any barriers to participation are guided by a rigorous stakeholder identification process and our guide to working with groups at risk of underrepresentation that is routinely updated for current best practice.

#### Our community stakeholders

We understand that some of our decisions affect the entire community, but we also know that most of our decisions affect some people more than others. We work hard to identify and engage directly with the most impacted, including those who face barriers to participation. Some community members fall within multiple stakeholder groups, making them particularly relevant to certain engagement processes.

Table 3. Examples of our many community stakeholder groups include:

Aboriginal and Torres Strait Islander people	Motorists	Public transport users
Business owners	Neighbourhood houses and community centres	Resident associations
Carers	Neighbouring councils	Residents and ratepayers
Children and young people	Non-resident ratepayers	Rough sleepers
Community advocacy groups (e.g. 'Friends of...')	Not for profit services	Schools, kindergartens and childcare centres
Council service users	Older people	Service groups
Culturally and linguistically diverse people	Other government agencies and tiers of government	Shoppers and diners
Cyclists	Owner-occupiers	Sports and recreation clubs
Emergency services	Parents and guardians	Students
Families	Park users	Visitors
Heritage and history interest groups	People with disability	

## Attachment 1 - Community engagement policy 2020

### Other stakeholders

Sustainable decision making is also achieved when we involve relevant service providers, decision makers and funding bodies who might be external to council. This might be seeking their input prior to community engagement to understand all issues and parameters of a decision or to facilitate conversation between different community stakeholders and other levels of government or to inform those organisations and state and federal government of our community's concerns and aspirations.

Table 4. Examples of other stakeholders include:

Public Transport Victoria and Yarra Trams	Melbourne Water	VicRoads
Department of Health and Human Services	Victorian Planning Authority	Not for profit community service providers
State government	Federal government	Victorian Building Authority

### Council committees

We work with a number of advisory committees including Council interest groups and project consultative groups who provide us with detailed feedback on the ways our decisions may affect specific communities. Some help us understand the issues and concerns of underrepresented voices (e.g. Aboriginal Advisory Committee), while others help us understand specific interests (e.g. Heritage Advisory Group). The role of these advisory committees is guided by the **Council Committees Policy 2019**.






Different types of engagement suit different decisions according to the level of impact, and level of influence the community will have. Every project or decision will vary according to its context, who it affects and how it impacts them as well as what can be influenced or is achievable. We assess each project accordingly.

	Inform	Consult	Involve	Collaborate	Empower
Examples of Council decisions and planning			<p>The Local Government Act requires deliberative engagement practices for:</p> <ul style="list-style-type: none"> <li>• Long term Community Visions</li> <li>• 4 Year Council plans</li> <li>• Financial management plans, and</li> <li>• Asset Management Plans</li> </ul> <p>On long term and significant impact projects like these we use methods to partner with the community.</p>		
			<p>High impact and complex projects for example, major park upgrades, precinct master planning or annual budget planning require extra levels of interaction and often happen over several stages.</p>		
		<p>Decisions carrying a lower impact still require community input but less time and resource intensive methods.</p>			
		<p>Sometimes options are limited for practical reasons for example work must be carried out but we will ask you how and when it should happen.</p>			
	<p>If a decision has already been subject to engagement or there is a safety issue we will inform you rather than consult.</p>				

## Attachment 1 - Community engagement policy 2020

The tools and methods we use make a big difference to who can participate and how meaningful the feedback is. Often our projects will use different methods at different stages. For example we might consult to gather ideas at early stages and then involve, collaborate or empower to finalise priorities, design details or decision details. Examples of the types of methods and tools we employ are shown in table 5 according to the type of engagement.

Table 6. Examples of tools and methods according to engagement type:

	<b>Inform</b> 	<b>Consult</b> 	<b>Involve</b> 	<b>Collaborate</b> 	<b>Empower</b> 
<b>Example methods</b>	<ul style="list-style-type: none"><li>• Signs</li><li>• Yarra Life ebulletin</li><li>• Social media</li><li>• Yarra News bimonthly magazine</li><li>• Direct mail</li></ul>	<ul style="list-style-type: none"><li>• Surveys (online and hard copy)</li><li>• Ideas boards</li><li>• Creative projects</li><li>• Online pin-dropping map tools</li><li>• Face-to-face listening posts</li></ul>	<b>Partnering with the community</b> <ul style="list-style-type: none"><li>• Workshops</li><li>• Community panels</li><li>• Advisory groups</li><li>• Online forums</li><li>• Co designing</li><li>• Detailed online mapping, ranking and prioritising tools</li><li>• Regularly reporting back to the community across multiple stages of engagement</li><li>• Elements of deliberative engagement processes</li></ul>	<ul style="list-style-type: none"><li>• Independently governed reference groups</li><li>• Citizens juries</li><li>• Representative deliberative panels</li><li>• Deliberative budgeting</li></ul>	

This list is not exhaustive. There are many other methods and tools we can use. Our **Guide to Community Engagement in Yarra** provides a longer and more detailed list of our methods and tools. It also discusses the ways we adapt our approach to reach different stakeholder groups. For example, to boost participation of people with disability, we can make sure that our online survey is compatible with screen readers, our workshop venues are accessible to mobility aids, and that participants are aware that we can arrange support staff (e.g. Auslan and language interpreters). Where projects impact children and young people we work with our local early years and youth service providers and school communities, and use age appropriate methods.

## Attachment 1 - Community engagement policy 2020

### Transparent and accountable engagement

Our community tell us that clearly understanding the scope and potential impact of a decision, the type of influence they can have on a decision and being made aware of the outcomes of participating in engagement are the key drivers of participation. These three elements are also what make our engagement meaningful, transparent and accountable.

We will achieve this transparency and accountability through:

1. Empowering stakeholders with relevant, objective and plain English information and resources to allow informed participation.
2. Explaining which elements the community can practically influence, to what level and how we will use our community's input.
3. Reporting back to the community, explaining what we asked, what we heard, and what we did and/or the next steps that can be expected in the process.

Note: Reporting and updates will always be available online through our **Your Say Yarra** consultation platform, as well as provided directly to those who asked to be kept informed and have provided contact details.

### Understanding our community

Understanding our communities of identity, place and interest supports targeted engagement and outreach to those groups. Our research tells us that currently, the top three sources of local news and information for our residents are:

- Word-of-mouth – friends, family, co-workers and neighbours (49%),
- Facebook (44%), and
- Council publications (39%)

We also know that unique aspects of our community and changes in technology and expectations require us to routinely adapt, refresh and update our approaches.

#### The diversity of our population

The Wurundjeri people are the cultural custodians of the land now known as the City of Yarra. They cared for the land for many thousands of years before being displaced by European settlers from the 1830s. Council acknowledges the profound impacts of these changes and today celebrates the rich and enduring culture of Yarra's Traditional Owners.

Over the past 70 years, Yarra has welcomed large numbers of immigrants, refugees and asylum seekers from Europe, Asia and (more recently) Africa. Each group of new arrivals has diversified and strengthened the culture and economy of Yarra. We know that currently:

- about 19% of Yarra residents were born in non-English speaking countries, and
- 23% speak a language other than English at home.



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- In Yarra, 14.8% of the population has a disability and 7.2% of the Yarra population are unpaid carers assisting their family members. This totals 21% of Yarra's population- a large proportion of our community that face challenges to actively participate in community life.
- Yarra is a municipality of socio-economic extremes. While a third of households earn over \$2,500 per week, and 58% of workers are in managerial and professional occupations, more than one quarter earn less than \$400 per week and many are living with economic hardship and social disadvantage.
- Our methods of travel differ greatly to other municipalities. Yarra residents are more likely to travel by foot or bike than other municipalities, with nearly a half of all journeys to and from work using sustainable methods.
- Yarra has more than double the number of carless households (20%) than greater Melbourne (9%).

### Changes to how we live and interact

Our population is increasingly young and transient.

- Just over 30% are aged 25 to 34, compared with 16.3% for greater Melbourne and just over half our residents are renting, compared to just under a third in greater Melbourne.
- Over the years 2011-2016, we had close to 8,000 people move into Yarra who were between the ages of 18 and 35. During this time, close to 3,300 people aged 35-44 moved out. These statistics reflect the high number of renters in Yarra (ABS, Census of Population and Housing 2006 and 2016).

More than ever, we are operating in a digital society where mobile technology makes access to information and people's ability to interact instant, easy and attractive to a much larger audience. This presents great opportunities for us to engage with our community online through our **Your Say Yarra** consultation platform and social media channels. A mixture of online, in person and hard copy opportunities, however, are still important.

### Our inner urban culture and character

Our 235 hectares of parkland and open space offer a welcome buffer to high density living, and our heritage buildings are central to Yarra's character. Three-quarters of Yarra's buildings are covered by a Heritage Overlay.

Yarra has an identity as a creative place, built upon the legacy of the students, artists and activists who moved to the inner suburbs in the 1970s and 80s. Yarra's cultural assets include:

- 60 art galleries and numerous artist studios,
- over 50 live music venues,
- the Wurundjeri Tribe and Land Council and other key Aboriginal organisations,
- three community radio stations, and
- a growing creative industry.

Yarra is renowned for its dynamic mix of retail, hospitality and entertainment precincts, attracting locals, visitors and tourists alike and we have a thriving local economy employing nearly 70,000 people.

- The largest employer is the health sector, which accounts for over a fifth of all jobs,
- closely followed by the retail food and accommodation sector,
- Most of Yarra's workers (86%) live outside the municipality.



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### Legislative environment

Our engagement work is necessarily guided by Victorian Government legislation and we are obliged to follow some processes. These processes often relate to long term and strategic planning and finance, for example the Council budget, developing the community vision, the four year Council plan or amending the planning scheme.

The **Victorian Local Government Act 2020** outlines a set of five overarching principles that are central to our engagement practice. They broadly outline the need for community engagement to be transparent, accountable, meaningfully informed and representative. The act also outlines the process for developing a Community Vision.

Other relevant legislation includes the **Charter of Human Rights and Responsibilities Act 2006**, **Public Administration Act 2004**, **Equal Opportunity Act 2010** and the **Child Safety Act 2015**.

### Development and adoption of the policy

This Community Engagement Policy 2020 was adopted by Council resolution on >>>insert date<<<, superseding the Community Engagement Policy 2014.

This policy was directly informed by:

- online and face-to-face conversations with our community generating nearly 400 contributions
- in person opportunities that included direct engagement with our neighbourhood houses, community events engaging public housing residents, activities adapted for our CALD communities and a number of engagement projects trialling different methods to include the voice of children and young people
- consultation with our 14 community advisory groups
- best practice and statutory guides outlined in the references
- detailed input from our internal engagement network of IAP2-certified engagement practitioners

### References

This policy is informed by a range of external research, and best practice standards, including:

- Public Participation in Government Decision Making - Victorian Auditor General's Office – better practice guide
- IAP2 Quality assurance standards - Core Values, Practitioners code of ethics and the IAP2 Spectrum of engagement
- Victorian Small Business Engagement guidelines
- New Democracy - Foundations for best practice in deliberation
- 2017 Market research study – communication methods and hard to reach groups
- 2019 Yarra City Council Annual Customer Satisfaction Survey
- City of Yarra Community Profile – social atlas id.
- REMPLAN – City of Yarra economic profile Definitions

## Attachment 1 - Community engagement policy 2020

### Definitions

<b>Community engagement</b>	Involving those affected by or interested in a decision in the decision making process.
<b>Community</b>	<p>Can refer to the city of Yarra community as a whole or:</p> <ul style="list-style-type: none"> <li>community of place (based on geographic location e.g. the Richmond community)</li> <li>community of practice (based on common interests and activities e.g. the bike riding or gardening community)</li> <li>community of identity (based on an individuals shared perspective e.g. Aboriginal heritage, language speakers, residents of public housing, particular age groups or a religious community)</li> </ul>
<b>Stakeholders</b>	<p>Sections of the community involved in engagement because of impact, interest or responsibility to deliver on an outcome.</p> <p>Can also refer to external organisations, and other levels of government involved in a decision.</p> <p>Always includes internal decision makers and implementers of decision outcomes.</p>
<b>Tools and methods</b>	Refers to the many types of engagement that can be employed such as online or in person, public meetings and community panels, surveys, ideas boards, public competitions or deliberative budgeting for example.
<b>Engagement approach</b>	The design/plan that ensures appropriate timing, resources, tools and methods according to a considered analysis of those affected, impacted or interested and the scope and remit of any engagement project.
<b>Co-design</b>	<p>A partnership with community to come to an agreed model or design of service delivery or public infrastructure.</p> <p>Can also refer to the co-design of the engagement process itself to ensure it is fully transparent and works for all parties.</p>
<b>Representative Community Panel</b>	<p>Can be used to deliver a range of engagement types from world café's, in person and/or online advisory groups through to complex deliberative processes.</p> <p><b>Larger panels</b> (50-60 participants) can provide a representative sample of the population (to acceptable industry standards) of Yarra and can be appropriate for whole of Yarra decisions with wide reaching impact.</p> <p><b>Smaller panels</b> (15-30 participants) can provide representative samples for niche decisions impacting particular groups of the Yarra community but still require appropriate support, time and information.</p>

## Attachment 1 - Community engagement policy 2020

<p><b><i>Deliberative processes and/or citizens juries</i></b></p>	<p>Usually convened for more complex, long term and high impact issues, where perspectives are likely to differ and/or where the issue is high impact on sections of the community. Can take different forms but best practice always involves:</p> <ul style="list-style-type: none"> <li>• a representative sample of the population or group who are impacted (see representative panel)</li> <li>• a clear scope and remit that often asks for an agreed compromise of interests and outcomes, agreed priorities or consensus on a vision and direction</li> <li>• provision of timely, objective and independently sourced/verified information</li> <li>• sufficient time (often half day sessions spread across several weeks or months)</li> <li>• support to participate (including independent facilitation, reimbursement for time, hardships and expenses incurred and sometimes co-design of the process)</li> <li>• a commitment to participants on the level of influence their recommendation or decision holds (usually high)</li> </ul>
<p><b><i>Deliberative elements</i></b></p>	<p>Used where time and resources required of a full deliberative exercise is incompatible with the level of impact a decision entails, but the impact is sufficiently high or the decision is sufficiently complex to still warrant an extra level of transparency, meaningfulness and representation.</p> <p>Examples of elements of deliberative practice include:</p> <ul style="list-style-type: none"> <li>• Inviting a representative sample of those impacted by a decision in to a one off workshop in order to hear the range of perspectives and share more detailed information (this would usually happen after a broader community consultation so the full range of perspectives and issues requiring compromise are fully understood)</li> <li>• Inviting the community to consider the trade-offs involved in decision by presenting options, choices or a budget framework</li> <li>• Offering information sessions and accessible explanations of the project scope where issues are complex or dependent on other factors</li> <li>• Inviting key stakeholders or a sample of those highly impacted to co-design the engagement process to ensure it reaches out to the right groups and is fully representative</li> </ul>

## Attachment 2 - Community Engagement Action Plan 2020-2024

## Community engagement action plan 2020-2024

### 1. TRANSPARENT AND CONSISTENT

We clearly communicate the scope of the decision, as well as the community's role, level of influence in the process and the outcomes or future actions arising from the engagement. We are consistent in our approach so the community knows what standards to expect.

Action	Timing Short = Years 1&2 Medium = Years 2&3 Long = Years 3&4	Measure
1.1 Support consistent compliance with best-practice and statutory frameworks by developing and implementing engagement resources, including a process guide and planning and evaluation templates.	Short	Community Engagement Process Guide and planning and evaluation templates are launched, available to staff on the intranet and used consistently.
1.2 Develop a training model and build staff capacity to ensure best practice standards are consistently adhered to across the organisation.	Medium, long	Engagement training and capacity building is developed and implemented, including online and in-person training opportunities.
1.3 Support managers across the organisation to lead teams that meet Yarra's community engagement principles and standards.	Short	Community engagement process overview is included in the Managers Induction Manual.
1.4 Investigate opportunities to embed Community Engagement within Yarra's budgeting, planning processes and/or project management frameworks.	Medium, Long	The appropriate process or framework has an embedded community engagement component.
1.5 Ensure participants in community engagement projects are kept informed of the outcomes and/or any future stages they should expect to see in the process.	Short, ongoing	Reporting back model and procedure is included in Community Engagement Process Guide and planning and evaluation templates and a

## Attachment 2 - Community Engagement Action Plan 2020-2024

Action	Timing Short = Years 1&2 Medium = Years 2&3 Long = Years 3&4	Measure
		consistent model of reporting back to the community is reflected on the Your Say Yarra Website.
1.6 Ensure Yarra can undertake best practice deliberative engagement.	Medium	<p>A resource guide on deliberative engagement practice is developed and communicated.</p> <p>A register of independent engagement facilitators and specialists is developed and communicated.</p>
1.7 Promote online engagement opportunities through the Your Say Yarra website and encourage greater participation.	Ongoing	The number of people participating in Your Say Yarra platform increases annually.

## 2. REPRESENTATIVE AND INCLUSIVE

We routinely refresh our understanding of our community in order to actively reach out to those who are impacted, affected and/or interested in Council decisions. We use methods that ensure access equality and adapt our approach to support inclusive engagement.

Action	Timing	Measure
2.1 Embed robust stakeholder identification within our community engagement planning and evaluation processes to support representative and inclusive engagement.	Short	Stakeholder mapping process embedded in our process guide and templates.
2.2 Ensure communication materials used for community engagement are written in plain English and use accessible formats.	Short to medium, ongoing	All engagement materials comply with Yarra's Accessible Communications Guidelines.
2.3 Embed best-practice principles in the process of engaging with groups that	Short	The Community Engagement Process Guide includes best

## Attachment 2 - Community Engagement Action Plan 2020-2024

Action	Timing	Measure
might be at risk of underrepresentation including: people with a disability, older people, children and young people, people from different cultural or linguist backgrounds, Aboriginal and Torres Strait Islander people and renters.		practice principles to engage with groups at risk of underrepresentation.
2.4 Continue to trial creative and age-appropriate approaches to deliver meaningful engagement with children and young people.	Short, medium	Engagement projects provide specific opportunities for children and young people to participate.
2.5 Embed a strengthened, whole of Council approach, to including the voice of children in Council decision making through consistent practice, supporting resources and professional development.	Medium to long term	Establish guide with tips, principles, statutory obligations, useful case studies and reference to available resources on intranet. This is supported by library of physical, age appropriate engagement resources and professional development delivered to teams routinely engaging children in their practice.
2.6 Develop an effective, youth-led approach to engaging young people aged 12 to 25.	Medium	A youth-led approach to incorporating the voice of young people in council decision-making is established and implemented.
2.7 Create a centralised and regularly updated database of community contacts, including; multicultural community groups, public housing representative organisations, local sporting groups, business associations, resident groups and other relevant community based, peak body or advocacy groups. The database will be used internally to assist proactive outreach.	Short, ongoing	Database of community contacts is developed and updated annually.
2.8 Support meaningful engagement for people living with disability.	Short, ongoing	Engagement projects provide opportunities for people living with disability to participate, with accessible materials online and in hard copy, promotion of accessible supports at consultation events and updating the



## Attachment 2 - Community Engagement Action Plan 2020-2024

Action	Timing	Measure
		Your Say Yarra registration fields to allow individuals to outline their accessibility requirements.
2.9 Review our stakeholder mapping processes and community profile to ensure we continue to engage the most impacted demographics.	Annual	Internal resources are updated annually to reflect demographic changes.
2.10 Develop creative social media campaigns to support informed and meaningful engagement that encourages the participation of a broader audience, particularly renters and young people.	Short, ongoing	Social media campaigns are delivered that supported participation from a broad audience that reflects Yarra's demography.

### 3. INFORMED AND MEANINGFUL

We make sure those affected by or interested in a decision are informed by timely, relevant and objective information provided in a plain English and accessible format. We ensure the engagement methods are appropriate to the purpose and objectives of the engagement and the level of impact and influence involved in that decision making.

Action	Timing	Measure
3.1 Explore the use of different online methods and tools to present complex or technical information in an accessible, relatable and interactive way, to assist the community to engage meaningfully.	Ongoing	A range of digital engagement tools are implemented that deliver complex content in an easily accessible format.
3.2 Assist staff to engage with Yarra's advisory committees.	Short, ongoing	A central contact list detailing internal contacts is available for internal use.



## Attachment 2 - Community Engagement Action Plan 2020-2024

Action	Timing	Measure
		The role of advisory committees is embedded within Community Engagement Policy and process guide.
3.3 Be clear about the role of technical and social research and where it differs from, supports or is supported by community engagement.	Short, ongoing	Clear definitions and processes are outlined in the Community Engagement Process Guide.
3.4 Explore place-based online engagement methods and tools where appropriate to facilitate a neighbourhood approach.	Ongoing	Use map based engagement tools and investigate new digital opportunities where appropriate.
3.5 Ensure engagement methods are appropriate to the level of impact on the community and their level of influence on the decision-making process, in line with the IAP2 spectrum of engagement.	Short, ongoing	Council engagement processes use a range of engagement methods appropriate to different levels of influence as outlined in the community engagement policy and process guide.

### 4. RESPECTING AND STRENGTHENING COMMUNITY

We acknowledge and value our community's time and resources by inviting engagement early when influence is at its highest and choosing methods that match the level of influence available. We respect that our community includes a range of valid perspectives, experiences and knowledge. Where appropriate, we share community sentiment with other organisations and levels of government whose decisions impact our community.

Action	Timing	Measure
4.1 Conduct a representative and meaningful consultation process to develop a long term community vision for Yarra and inform Council's four year planning cycle and other long term planning processes.	Medium	Community vision and four year Council plan reflect outcomes of considered community engagement process.
4.2 Explore opportunities to harness community engagement input when advocating on behalf of the community to external organisations and other levels of government.	Medium, ongoing	Our advocacy reflects the needs, aspirations and challenges our community expresses through Council's community engagement processes.

## Attachment 2 - Community Engagement Action Plan 2020-2024

Action	Timing	Measure
4.3 Develop a shared central resource to catalogue where consultation has already occurred on issues or with particular communities to enhance future engagement and avoid over-consulting.	Short, ongoing	Central resource is available on intranet and is regularly updated.
4.4 Strengthen community engagement at an early stage in Council planning processes at the point where the community has the highest level of influence.	Short, ongoing	Community Engagement Process Guide outlines stages of engagement and how they align with the community's level of influence.
4.5 Ensure the community's time and resources are respected by selecting engagement methods (including deliberative processes where necessary) that are appropriate to the project scope, purpose and the level of influence available to the community.	Short, ongoing	Community Engagement Process Guide outlines tools and methods appropriate to different levels of community influence.
4.6 Advocate to external organisations and levels of government to ensure they are using best practice engagement standards when they are consulting with our community.	Medium	City of Yarra Communication and Engagement Guidelines for Authority and Infrastructure Works has been completed and is communicated to external organisations.
4.7 Explore the use of data analysis technology to more efficiently and effectively analyse large quantities of qualitative community feedback.	Medium	Explore and trial appropriate qualitative data analysis tools.

**Attachment 2 - Community Engagement Action Plan 2020-2024**

## Attachment 3 - External engagement report

# Stage 1 - Community engagement report

## Purpose

To understand the drivers and barriers of participation in Council engagement, how the community prioritises engaging with different areas of Council planning and decision making and the best methods of connecting with different segments of the Yarra community.

Figure one: stages and influence

Internal early 2019	External stage 1, (input to inform draft), mid to late 2019	External Stage 2, (feedback on draft), TBD
Involve	Consult/involve	Consult

## Objectives - Stage 1 external engagement

- ensure traditionally underrepresented groups in Yarra are represented
- include methods specific to children and young people participation
- use a variety of outreach methods
- include methods specific to a range of dwelling types including public housing, private renting and multiunit developments

## What did we ask?

Participants were asked:

‘What areas of Council decision making are most important to you?’

‘What would encourage you to have your say?’

‘What might stop you from having your say?’

‘What’s the best way to let you know about opportunities to have your say?’

Different surveying methods, including ranking and open ended responses were included.

## Who did we hear from?

365 contributions were received through the general survey both online and via outreach activities. This data is supplemented with input gathered through workshops and direct outreach community service providers and Council advisory committees.

Figure two: engagement methods

Community stakeholders	Methods
Broad range of ages groups	Surveying achieved a good spread of ages from 19 to 80+ years (majority 26-65 year olds)

### Attachment 3 - External engagement report

Community stakeholders	Methods
Children 0-12	<ul style="list-style-type: none"> <li>• Early years engagement facilitated by Richmond Kindergarten</li> <li>• Trialing of methods to engage children, including activities during the Brunswick Street streetscape master plan, Carlton North LAPMS and Arts Strategy consultations</li> <li>• Working closely with the Family and Children's Services team to identify opportunities to leverage the skill and resources of our child service providers and educators</li> </ul>
Young people 12-25 year olds	<ul style="list-style-type: none"> <li>• Workshop with 14-25 year olds through the Youth Services team (report provided to Council 14 October)</li> </ul>
Residents of a range of dwelling types including public housing, private renting and multiunit developments	<ul style="list-style-type: none"> <li>• Survey participants identified as multiunit apartment, stand-alone dwelling or share house renters.</li> <li>• Direct promotion to multiunit developments correlated with increased participation sufficient to show priorities and promotion preferences differed between owners and renters of multiunit developments</li> </ul>
Public housing residents	<ul style="list-style-type: none"> <li>• Outreach at Harvest festival on Collingwood housing estate</li> <li>• Meetings with public housing tenants association and relevant neighbourhood houses</li> </ul>
Homeless or at risk of homelessness	<ul style="list-style-type: none"> <li>• St Marks outreach to people experiencing or at risk of homelessness showed a surprising level of email access and confirmed the positive role of our libraries and neighbourhood houses.</li> </ul>
CALD communities	<ul style="list-style-type: none"> <li>• At least 40 responses received through interpreters and/or translated surveys including Turkish, Chinese and Vietnamese.</li> <li>• Advice sought from Carringbush and Fitzroy Learning Network English as Second Language providers</li> <li>• Multicultural advisory committee</li> <li>• In person lunch consultation at Belgium Avenue Neighbourhood House with interpreters</li> </ul>
Advisory committees	<ul style="list-style-type: none"> <li>• All advisory committees received invitation to participate</li> <li>• Direct meetings included:               <ul style="list-style-type: none"> <li>○ arts and culture</li> <li>○ Aboriginal and Torres Strait Islander</li> <li>○ bicycle/sustainable transport users</li> </ul> </li> </ul>

## Attachment 3 - External engagement report

Community stakeholders	Methods
	<ul style="list-style-type: none"> <li>○ people with disability and carers</li> <li>○ early years reference</li> <li>○ environment and sustainability</li> <li>○ heritage</li> <li>○ multicultural</li> <li>○ older persons reference group</li> </ul>

### What did we hear?

A total of 18 data sets and detailed input from targeted outreach provide a strong foundation for our policy focus and action plan. Below summarises the main themes and how we will respond through the draft policy and action plan.

**Figure three: response themes**

What we heard	Our response Community engagement action plan 2020-2024	Our response Community engagement policy 2020
<b>1. How does it impact me? – making engagement approachable and accessible</b>		
<ul style="list-style-type: none"> <li>• 'How it impacts me or my family' and 'Knowing it will have a positive impact on my community' were consistently, and significantly the main drivers of participation</li> <li>• CALD participants, however, identified 'having enough information' as the major factor in participation.</li> </ul>	<ul style="list-style-type: none"> <li>• Explore place-based online engagement methods and tools where appropriate to facilitate a neighbourhood approach.</li> </ul>	<p><b>Policy principles:</b> Representative, meaningful and accessible</p> <p><b>Policy sections:</b></p> <ul style="list-style-type: none"> <li>○ Who we engage with</li> <li>○ Our tools and methods</li> <li>○ Transparent and accountable</li> <li>○ Understanding our community</li> </ul>
<b>2. Transparency as a driver of participation</b>		
<ul style="list-style-type: none"> <li>• Transparency issues; knowing the impact and level of influence, as well as feeling heard consistently rate as high drivers of participation across all demographics</li> <li>• These factors measure far higher in value than the survey being quick and easy</li> </ul> <p>Note: a previous poor experience of participation rated extremely low as a barrier for all demographics.</p>	<ul style="list-style-type: none"> <li>• Reporting back model and procedure is included in Community Engagement Process Guide and planning and evaluation templates and a consistent model of reporting back to the community is reflected on the Your Say Yarra Website.</li> <li>• A range of engagement methods for different levels of engagement and their appropriate usage are embedded in our process guide and templates.</li> </ul>	<p><b>Policy principles:</b> Meaningful, transparent and accountable</p> <p><b>Policy sections:</b></p> <ul style="list-style-type: none"> <li>○ When we engage</li> <li>○ How we engage</li> <li>○ Our tools and methods</li> <li>○ Transparent and accountable</li> </ul>

## Attachment 3 - External engagement report

	<ul style="list-style-type: none"> <li>Ensure the community's time and resources are respected by selecting engagement methods, (including deliberative processes where necessary), that are appropriate to the project scope, purpose and the level of influence available to the community.</li> </ul>	
<b>3. Informed engagement</b>		
<ul style="list-style-type: none"> <li>Information was a key driver for the CALD participants (more than double personal impact)</li> <li>Information was a consistent theme for public housing residents (data showed the need to communicate the role of Council and the issues that can be influenced beyond DHHS functions)</li> <li>Making information accessible and through the right channels is also a key driver for 12 to 25 year olds and renters</li> </ul>	<ul style="list-style-type: none"> <li>To help the community engage meaningfully with complex or technical content explore the use of different online methods and tools to present complex information in an accessible, relatable and interactive way.</li> </ul>	<p><b>Policy principles:</b> Representative, accessible and meaningful</p> <p><b>Policy sections:</b></p> <ul style="list-style-type: none"> <li>How we engage</li> <li>Our tools and methods</li> </ul>
<b>4. Understanding and mapping community outreach</b>		
<ul style="list-style-type: none"> <li>Outreach through community groups and organisations was consistently highlighted in our targeted outreach as a valid promotional tool for our CALD communities</li> <li>The neighbourhood/community first approach requires better mapping of local organisations and groups</li> </ul>	<ul style="list-style-type: none"> <li>To help proactive outreach, create a centralised and regularly updated database of community contacts, including; multicultural community groups, public housing representative organisations, local sporting groups, business associations, resident groups and other relevant community based, peak body or advocacy groups.</li> </ul>	<p><b>Policy principles:</b> Representative, accessible, respectful, and flexible</p> <p><b>Policy sections:</b></p> <ul style="list-style-type: none"> <li>Who we engage with</li> <li>Understanding our community</li> </ul>



## Attachment 3 - External engagement report

5. Engaging our renter population		
<ul style="list-style-type: none"> <li>Yarra News and Yarra Life rate consistently high as preferred promotion, but for renters social media by far the most preferred medium</li> <li>Changes in priority areas show libraries are top ranking priority for renters moving from mid-range for all other demographics.</li> <li>Multi-unit development renters rate open space higher than MUD owners who rate urban planning higher (subtle differences potentially brought about by age and financial investment)</li> </ul>	<ul style="list-style-type: none"> <li>Develop creative social media campaigns to support informed and meaningful engagement that encourages the participation of a broader audience, particularly renters and young people</li> <li>Upcoming examples will be the Yarra Planning Scheme exhibition and Open Space Strategy</li> </ul>	<p><b>Policy principles:</b> Representative, meaningful and respectful</p> <p><b>Policy sections:</b></p> <ul style="list-style-type: none"> <li>Who we engage with</li> <li>Our tools and methods</li> <li>Understanding our community</li> </ul>
6. Children and young people		
<ul style="list-style-type: none"> <li>12 to 25 year olds want to be better informed on the role of Council, how to influence decisions and highlighted the need for accessible locations and times</li> <li>Working with schools and early learning centres highlighted different perspectives children bring and the benefits of working with our experienced teachers who have direct relationships with the children</li> <li>Early years participants in the consultation wanted to highlight the importance of hearing back from the engagement practitioners on what was heard and/or the outcomes</li> </ul>	<ul style="list-style-type: none"> <li>Continue to trial creative and age-appropriate approaches to deliver meaningful engagement with children and young people.</li> <li>Guide with tips, principles, statutory obligations, useful case studies and reference to available resources is launched and available on intranet. This is supported by library of physical, age appropriate engagement resources and professional development delivered to teams routinely engaging children in their practice.</li> <li>Develop an effective, youth-led approach to engaging young people aged 12 to 25.</li> </ul>	<p><b>Policy principles:</b> Representative, accessible, meaningful and flexible</p> <p><b>Policy sections:</b></p> <ul style="list-style-type: none"> <li>Who we engage with</li> <li>Our tools and methods</li> <li>Understanding our community</li> </ul>

## 11.5 2019/20 Annual Plan Review

Reference: D20/88094  
Authoriser: Director Corporate, Business and Finance

### Purpose

1. To provide Councillors with the result of the 2019/20 Annual Plan Review and to flag actions for deferral due to COVID-19 and other circumstances beyond Council's control.

### Background

2. The 2019/20 Annual Plan quarterly progress report – March, was presented to Council on 5 May 2020. While the March result of 81% was extremely positive Council acknowledged that it is not sustainable and resolved to receive a further report on the impact COVID will have on the delivery of the 2019/20 Annual Plan.
3. Council resolved to:
  - (a) *note the result as reported in the 2019/20 Annual Plan Quarterly Progress Report – March;*
  - (b) *acknowledge the significant impact the COVID-19 pandemic will have on the deliverability of 2019/20 Annual Plan actions by the end of June 2020; and*
  - (c) *receive a further Report on the impact of COVID-19 on the delivery of actions in the 2019/20 Annual Plan.*
4. Some of the impacts on our ability to deliver commitments in the Annual Plan include restrictions on planned community consultations, public meetings, community events and programs, service closures and the conduct of Council meetings, coupled with our subsequent response to the pandemic resulting in a considerable diversion of resources to support the business and community support package.
5. Council endorsed the 2019/20 Annual Plan on 25 June 2019. To ensure the integrity and transparency of the Annual Plan, Actions including their descriptions and milestones can only be changed by resolution of Council.
6. Officers or Councillors may propose changes to the Annual Plan.
7. A review of the 2019/20 Annual Plan identified a number of actions that will not be delivered due to the impact of COVID-19 and other circumstances beyond Council's control.
8. The following Actions cannot be delivered as planned and the identified milestones proposed to be deferred.
  - (a) 1.04 Provision of boat storage and clubhouse facility design - Panther Pavilion:
    - (i) Project has been delayed due to VCAT appeals process and the subsequent suspension of VCAT hearings as a result of the COVID-19 pandemic.  
Milestones to Defer (NB all milestones for this action are being deferred and the action will be removed from the 2019/20 Annual Plan)  
September – Commence boat storage construction  
December – Complete boat storage construction  
March – Commence pavilion design  
June – Complete pavilion design
  - (b) 1.05 Ryan's Reserve Netball/Tennis Court and Pavilion:
    - (i) Pavilion construction has been delayed pending a decision from Sport and Recreation Victoria on the design of the pavilion.  
Milestone to Defer

June – Commence pavilion refurbishment works

(c) 2.04 LGBTIQ Strategy:

- (i) Project has been delayed due to a request from Council to undertake further consultation with relevant businesses and subsequent restrictions on consultation during COVID-19 pandemic.

Milestone to Defer

June – Present draft Strategy to Council for adoption

(d) 3.01 Yarra Environment Strategy:

- (i) Project was put on hold due to its dependency on adoption of the Climate Emergency Plan which is being presented to Council in June.

Milestone to Defer

June – Present Yarra Environment Strategy to Council seeking adoption

(e) 3.04 Review and update Council's Urban Agriculture guidelines:

- (i) Project has been delayed due to restrictions on consultation during COVID-19 pandemic.

Milestone to Defer

June – Present report on new Guidelines to Council

(f) 3.06 Commence holistic waste system trial in selected areas with 1300 households:

- (i) Final stage of the project has been put on hold due to restrictions on consultation during COVID-19 pandemic and subsequent discretionary project funding being withdrawn in the draft 2020/21 Budget.

Milestones to Defer

March – Depending on outcome of trial, develop plan for delivery of holistic waste system municipal wide

June – Commence engagement, communication and marketing to get community ready for roll out

(g) 4.07 Negotiate Joint Use Agreement with Richmond High School:

- (i) The project was initially delayed in 2019 due to the unfortunate circumstances leading to an Acting Principal taking over and further by the disruption to schools nationally as an impact of the ongoing COVID emergency and restrictions on public movements.

Milestones to Defer

December – Finalise Joint Use Agreement with the School Principal

March – Seek Council and Yarra City Council endorsement of Joint Use Agreement; and

(h) 4.08 Review and develop a framework for management of Council's own heritage assets:

- (i) Project has been delayed due to restrictions on consultation and site visits as a result of the COVID-19 pandemic.

Milestones to Defer

March – Present a draft framework to Executive

June – Present a draft framework to Council

9. All actions with deferred milestones and Off Track or Monitor status at 30 June 2020 will be considered in development of the 2020/21 Annual Plan which will be presented to Council for endorsement with the 2020/21 Budget on 4 August 2020.

### **External Consultation**

10. Significant community engagement and consultation was undertaken during the development of the *Council Plan 2017-21*. The 2019/20 Annual Plan reflects the community priorities identified during this process, included in the *Council Plan 2017-21* initiatives.
11. Members of the community will have the opportunity to comment on the proposed changes to the 2019/20 Annual Plan Review when it is presented to Council on 2 June 2020.
12. Projects contained in the 2019/20 Annual Plan are subject to external consultation and engagement on a case-by-case basis.

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

13. Managers and Directors were consulted during the review of the 2019/20 Annual Plan.

### **Financial Implications**

14. Actions in the 2019/20 Annual Plan are resourced within the 2019/20 Budget.

### **Economic Implications**

15. The *Council Plan 2017-21* includes the Strategic Objective *A prosperous Yarra: a place where Local businesses prosper and creative and knowledge industries thrive*. The 2019/20 Annual Plan includes 4 actions that respond to initiatives under this Strategic Objective.

### **Sustainability Implications**

16. The Council Plan 2017-21 includes the Strategic Objective *A sustainable Yarra: a place where Council leads on sustainability and protects and enhances its natural environment*. The 2019/20 Annual Plan includes 9 actions that respond to initiatives under this Strategic Objective.

### **Climate Emergency Implications**

17. This report does not have any Climate Emergency implications.

### **Social Implications**

18. The *Council Plan 2017-21* includes the Strategic Objective *A healthy Yarra: a place where Community health, safety and wellbeing are a focus in everything we do*. The 2019/20 Annual Plan includes 6 actions that respond to initiatives under this Strategic Objective.
19. The 2019/20 Annual Plan Review is proposing to remove 1 action from this Strategic Objective.

### **Human Rights Implications**

20. The Council Plan 2017-21 includes the Strategic Objective *An inclusive Yarra: a place where inclusion, diversity and uniqueness are welcomed, respected and celebrated*. The 2019/20 Annual Plan includes 4 actions that respond to initiatives under this Strategic Objective.

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

21. CALD groups were specifically targeted as part of the engagement plan for the Council Plan 2017-21 and were represented in a group workshop which included Council's advisory groups.
22. Translation service assistance is available via Council's website for members of the CALD community and this service extended to the Council Plan engagement process.

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

23. The 2019/20 Annual Plan represents Year 3 of the *Council Plan 2017-21* adopted on 1 August 2017.

### **Legal Implications**

24. This report does not have any Legal Implications.

## Other Issues

25. This report does not have any Other Issues.

## Options

26. This report does not provide any Options.

## Conclusion

27. The 2019/20 Annual Plan Review is proposing to remove one action from the 2019/20 Annual Plan and defer milestones in seven actions due to the impact of the COVID-19 pandemic and other circumstances beyond Council's control.

## RECOMMENDATION

1. That Council endorse the following changes to the 2019/20 Annual Plan:
  - (a) 1.04 Provision of boat storage and clubhouse facility design - Panther Pavilion:  
Defer milestones and remove action  
September – Commence boat storage construction  
December – Complete boat storage construction  
March – Commence pavilion design  
June – Complete pavilion design
  - (b) 1.05 Ryan's Reserve Netball/Tennis Court and Pavilion:  
Defer milestone  
June – Commence pavilion refurbishment works
  - (c) 2.04 LGBTIQ Strategy:  
Defer milestone  
June – Present draft Strategy to Council for adoption
  - (d) 3.01 Yarra Environment Strategy:  
Defer milestone  
June – Present Yarra Environment Strategy to Council seeking adoption
  - (e) 3.04 Review and update Council's Urban Agriculture guidelines:  
Defer milestone  
June – Present report on new Guidelines to Council
  - (f) 3.06 Commence holistic waste system trial in selected areas with 1300 households:  
Defer milestones  
March – Depending on outcome of trial, develop plan for delivery of holistic waste system municipal wide  
June – Commence engagement, communication and marketing to get community ready for roll out
  - (g) 4.07 Negotiate Joint Use Agreement with Richmond High School:  
Defer milestones  
December – Finalise Joint Use Agreement with the School Principal  
March – Seek Council and Yarra City Council endorsement of Joint Use Agreement; and
  - (h) 4.08 Review and develop a framework for management of Council's own heritage assets:  
Defer milestones  
March – Present a draft framework to Executive  
June – Present a draft framework to Council.

**CONTACT OFFICER:** Julie Wyndham  
**TITLE:** Manager Corporate Planning and Performance  
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**Attachments**

There are no attachments for this report.

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## **11.6 Update of the Membership of the Inner Melbourne Action Plan (IMAP) Implementation Committee**

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Trim Record Number: D20/83494

Responsible Officer: Group Manager Chief Executive's Office

### **Purpose**

1. To recommend that Council approve a change to the membership of the Inner Melbourne Action Plan Implementation Committee ("IMAP") to reflect changes to the organisational structure of the City of Melbourne.

### **Background**

2. The Inner Melbourne Action Plan Implementation Committee is a unique partnership between the Cities of Melbourne, Stonnington, Yarra, Port Phillip and the Maribyrnong City Council with five Special Committees meeting as one, identically constituted under section 86 of the former Local Government Act 1989 and bound by identical Instruments of Delegation and Terms of Reference; and with formal Memorandums of Understanding in place for procurement protocols and joint intellectual property matters. Its primary function is to oversee the implementation of regional strategies and actions through cross Council teams and associated partners.
3. As a result of an organisational realignment, the City of Melbourne has resolved to amend the membership of its Inner Melbourne Action Plan Implementation Committee to remove the Director City Strategy and Place and appoint the General Manager Strategy, Planning and Climate Change.
4. As these committees are identically constituted, the Yarra City Council now needs to make the equivalent membership change.

### **External Consultation**

5. This report has been prepared based on advice provided by the IMAP Executive Officer, a position which is funded by IMAP member Councils and facilitated by Stonnington City Council.

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

6. There has been no internal consultation in the preparation of this report.

### **Financial Implications**

7. There are no financial implications arising from this report.

### **Economic Implications**

8. There are no economic implications arising from this report.

### **Sustainability Implications**

9. There are no sustainability implications arising from this report.

### **Social Implications**

10. There are no social implications arising from this report.

### **Human Rights Implications**

11. There are no human rights implications arising from this report.

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

12. There are no implications arising from this report requiring community consultation.



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

13. The proposed change enables continued operation of the committee and the furtherance of the Inner Melbourne Action Plan.
14. There are no policy implications arising from this report.

### **Legal Implications**

15. A failure to update the current membership of the Committee could leave open to a legal questions as to whether the Committee is validly constituted.

### **Other Issues**

16. There are no further issues arising from this report.

### **Options**

17. There are no options presented in this report.

### **Conclusion**

18. That Council renew the membership of the Inner Melbourne Action Plan Implementation Committee by replacing the City of Melbourne Director City Strategy and Place with the General Manager Strategy, Planning and Climate Change.

## **RECOMMENDATION**

1. That Council appoints as voting members of the Inner Melbourne Action Plan Implementation Committee the persons from time to time holding the positions of:
  - (a) Mayor, Maribyrnong City Council;
  - (b) Chief Executive Officer, Maribyrnong City Council;
  - (c) Chair of the City of Melbourne Future Melbourne (Planning) Committee;
  - (d) General Manager Strategy, Planning and Climate Change, City of Melbourne;
  - (e) Mayor, City of Port Phillip;
  - (f) Chief Executive Officer, City of Port Phillip;
  - (g) Mayor, City of Stonnington;
  - (h) Chief Executive Officer, City of Stonnington;
  - (i) Mayor, City of Yarra; and
  - (j) Chief Executive Officer, City of Yarra.

**CONTACT OFFICER:** Rhys Thomas  
**TITLE:** Senior Governance Advisor  
**TEL:** 9205 5302

### **Attachments**

There are no attachments for this report.