



# Agenda

## Council Meeting

6.30pm, Tuesday 20 June 2023

Richmond Town Hall

## Council Meetings

Council Meetings are public forums where Councillors come together to meet as a Council and make decisions about important, strategic and other matters. The Mayor presides over all Council Meetings, and they are conducted in accordance with the City of Yarra Governance Rules.

Council meetings are decision-making forums and only Councillors have a formal role. However, Council is committed to transparent governance and to ensuring that any person whose rights will be directly affected by a decision of Council is entitled to communicate their views and have their interests considered before the decision is made.

## Question Time

Yarra City Council welcomes questions from members of the community.

### Registration

To ask a question, you will need to register and provide your question by 6.30pm on the day before the meeting. Late registrations cannot be accepted, and you will be unable to address the meeting without registration.

### Asking your question

During Question Time, the Mayor will invite everyone who has registered to ask their question. When your turn comes, come forward to the microphone and:

- state your name;
- direct your question to the Mayor;
- don't raise operational matters that have not been previously raised with the organisation;
- don't ask questions about matter listed on tonight's agenda
- don't engage in debate;
- if speaking on behalf of a group, explain the nature of the group and how you are able to speak on their behalf.

You will be provided a maximum of three minutes to ask your question, but do not need to use all of this time.

### Comments not allowed

When you are addressing the meeting, don't ask a question or make comments which:

- relate to a matter that is being considered by Council at this meeting;
- relate to something outside the powers of the Council;
- are defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable;
- deal with a subject matter already answered;
- are aimed at embarrassing a Councillor or a member of Council staff;
- include or relate to confidential information; or
- relate to something that is subject to legal proceedings.

## Addressing the Council

An opportunity exists to make your views known about a matter that is listed on the agenda for this meeting by addressing the Council directly before a decision is made.

### Registration

To ask address Council, you will need to register by 6.30pm on the day before the meeting. Late registrations cannot be accepted, and you will be unable to address the meeting without registration.

## Addressing the Council

Before each item is considered by the Council, the Mayor will invite everyone who has registered in relation to that item to address the Council. When your turn comes, come forward to the microphone and:

- state your name;
- direct your statement to the Mayor;
- confine your submission to the subject being considered;
- avoid repeating previous submitters;
- don't ask questions or seek comments from Councillors or others; and
- if speaking on behalf of a group, explain the nature of the group and how you are able to speak on their behalf.

You will be provided a maximum of three minutes to speak, but do not need to use all of this time.

## Comments not allowed

When you are addressing the meeting, don't make any comments which:

- relate to something other than the matter being considered by the Council;
- are defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable;
- are aimed at embarrassing a Councillor or a member of Council staff;
- include or relate to confidential information; or
- relate to something that is subject to legal proceedings.

## Arrangements to ensure our meetings are accessible to the public

Council meetings are held on the first floor at Richmond Town Hall. Access to the building is available either by the stairs, or via a ramp and lift. Seating is provided to watch the meeting, and the room is wheelchair accessible. Accessible toilet facilities are available. Speakers at the meeting are invited to stand at a lectern to address the Council, and all participants are amplified via an audio system. Meetings are conducted in English.

If you are unable to participate in this environment, we can make arrangements to accommodate you if sufficient notice is given. Some examples of adjustments are:

- a translator in your language
- the presence of an Auslan interpreter
- loan of a portable hearing loop
- reconfiguring the room to facilitate access
- modification of meeting rules to allow you to participate more easily

## Recording and Publication of Meetings

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

## Order of business

1. **Acknowledgement of Country**
2. **Attendance, apologies and requests for leave of absence**
3. **Announcements**
4. **Declarations of conflict of interest**
5. **Confirmation of minutes**
6. **Question time**
7. **Council business reports**
8. **Notices of motion**
9. **Petitions and joint letters**
10. **Questions without notice**
11. **Delegates' reports**
12. **General business**
13. **Urgent business**
14. **Confidential business reports**

## 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

### Attendance

#### Councillors

- Cr Claudia Nguyen Mayor
- Cr Edward Crossland Deputy Mayor
- Cr Michael Glynatsis Councillor
- Cr Herschel Landes Councillor
- Cr Anab Mohamud Councillor
- Cr Bridgid O’Brien Councillor
- Cr Amanda Stone Councillor
- Cr Sophie Wade Councillor

#### Council staff

##### *Chief Executive Officer*

- Sue Wilkinson Chief Executive Officer

##### *General Managers*

- Brooke Colbert Governance, Communications and Customer Experience
- Sam Hewett Infrastructure and Environment
- Kerry McGrath Community Strengthening
- Mary Osman City Sustainability and Strategy
- Jenny Scicluna Corporate Services and Transformation

##### *Governance*

- Phil De Losa Manager Governance and Integrity
- Rhys Thomas Senior Governance Advisor
- Mel Nikou Governance Officer

#### Leave of absence

- Cr Stephen Jolly Councillor

## 3. Announcements

An opportunity is provided for the Mayor to make any necessary announcements.

#### 4. Declarations of conflict of interest

Any Councillor who has a conflict of interest in a matter being considered at this meeting is required to disclose that interest either by explaining the nature of the conflict of interest to those present or advising that they have disclosed the nature of the interest in writing to the Chief Executive Officer before the meeting commenced.

#### 5. Confirmation of minutes

##### **RECOMMENDATION**

That the minutes of the Council Meeting held on Tuesday 16 May 2023 be confirmed.

That the minutes of the Extraordinary Council Meeting held on Monday 5 June 2023 be confirmed.

#### 6. Question time

An opportunity is provided for questions from members of the public.

## 7. Council business reports

Item		Page	Rec. Page	Report Presenter
7.1	2023/24 Annual Plan	9	12	Wei Chen – Chief Financial Officer
7.2	Review of Council Order - under the Domestic Animal Act 1994	48	57	Stewart Martin - Manager Compliance and Parking Services
7.3	Grants Administration Guide Adoption	75	78	Malcolm McCall – Manager Equity and Community Development
7.4	Street Garden Guidelines Process Update	97	101	Susan Stanes – Coordinator Design and Place Making
7.5	Yarra Leisure Off Peak Fees and Charges	102	109	Sally Jones - Manager Property and Leisure
7.6	Sportsground and Facilities Allocation Policy	110	114	Sally Jones - Manager Property and Leisure
7.7	Palmer Street Fitzroy streetscape proposal	120	124	Susan Stanes – Coordinator Design and Place Making
7.8	PLN21/0984 - 492 Queens Parade, Fitzroy North	167	188	Lara Fiscalini - Principal Planner
7.9	Governance Report - June 2023	280	282	Phil De Losa – Manager Governance and Integrity

## 8. Notices of motion

Item		Page	Rec. Page	Report Presenter
8.1	Notice of Motion No. 3 of 2023 - Department of Transport Delays	300	301	Sophie Wade - Councillor

## **9. Petitions and joint letters**

An opportunity exists for any Councillor to table a petition or joint letter for Council's consideration.

## **10. Questions without notice**

An opportunity is provided for Councillors to ask questions of the Mayor or Chief Executive Officer.

## **11. Delegate's reports**

An opportunity is provided for Councillors to table or present a Delegate's Report.

## **12. General business**

An opportunity is provided for Councillors to raise items of General Business for Council's consideration.

## **13. Urgent business**

An opportunity is provided for the Chief Executive Officer to introduce items of Urgent Business.

## **14. Confidential business reports**

Nil

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## 7.1 2023/24 Annual Plan

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### Executive Summary

#### Purpose

To present the 2023/24 Annual Plan to Councillors for endorsement.

#### Key Issues

Council produces an Annual Plan alongside each year's Budget, setting out specific projects and activities that Council will undertake towards achieving the Strategic Objectives in the Council Plan 2021-25.

The 2023/24 Annual Plan includes 56 actions aligned under the six Strategic Objectives in the Council Plan.

#### Financial Implications

Actions in the Annual Plan are funded in the Annual Budget. Any change to the Annual Budget may have a consequent change in the Annual Plan.

#### PROPOSAL

Council endorses the 2023/24 Annual Plan.

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## 7.1 2023/24 Annual Plan

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<b>Reference</b>	D23/208125
<b>Author</b>	Shane Looney - Corporate Planner
<b>Authoriser</b>	Chief Financial Officer

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### Purpose

1. To present the 2023/24 Annual Plan (Annual Plan) to Councillors for endorsement.

### Critical analysis

#### History and background

2. Council produces an Annual Plan alongside each year's Budget, setting out specific projects and activities that Council will undertake towards achieving the Strategic Objectives in the Council Plan 2021-25.
3. The Annual Plan is the organisation's annual response to Initiatives contained in the four-year Council Plan. Council Plan Initiatives are significant projects and activities that are proposed to be worked on over the term of the Council Plan.
4. The Council Plan 2021-25 was adopted on 19 October 2021.

#### Discussion

5. The attached Annual Plan (Attachment 1) includes 56 Actions.
6. The Actions respond to the Council Plan 2021-25 Strategic Objectives and Initiatives:

<b>Strategic Objective</b>	<b>Number of actions</b>
Climate and environment	7
Social equity and health	17
Local economy	5
Place and nature	15
Transport and movement	5
Democracy and governance	7
<b>Total</b>	<b>56</b>

7. The Annual Plan is built primarily from Initiatives in the adopted Council Plan 2021-25. Noting that the Council Plan is a four-year document and not all Initiatives will feature in every Annual Plan over its four-year term.
8. Actions in the Annual Plan are funded in the 2023/24 Budget (Annual Budget). Any change to the Annual Budget may have a consequent change in the Annual Plan.
9. Progress of the Annual Plan Actions is monitored and reported to Council quarterly in the Annual Plan Progress Report.
10. To ensure the integrity and transparency of the Annual Plan, once endorsed by Council, actions including their descriptions and milestones can only be changed by resolution of Council.

### Options

11. This report does not consider any options.

### Community and stakeholder engagement

12. The Annual Plan is informed by Initiatives in the adopted Council Plan 2021-21 and community engagement was undertaken during the development of the Council Plan 2021-25.
13. Consideration is given to the community feedback received during the Annual Draft Budget community engagement feedback.
14. Projects in the Annual Plan are subject to community consultation and engagement on a project-by-project basis.

### Policy analysis

#### Alignment to Community Vision and Council Plan

15. The structure of the Annual Plan is aligned to the six Strategic Objectives of the Council Plan 2021-25 that respond to Yarra 2036 Community Vision.
16. Actions in the Annual Plan are closely aligned to Initiatives in the Council Plan.

#### Climate emergency and sustainability implications

17. The Council Plan 2021-25 includes a Strategic Objective 'Climate and environment' that addresses climate emergency and sustainability implications. The Annual Plan includes seven actions that respond to Initiatives in this Strategic Objective.
18. Actions in the Annual Plan include work to transition Council buildings off gas, supporting and engaging households and business to transition to zero carbon, progress zero carbon development and programs and initiatives to reduce organic and plastic waste and support circular economy solutions.
19. The Council Plan 2021-25 includes a Strategic Objective 'Transport and movement' that is an integral part of our climate emergency response to reduce transport emissions. The Annual Plan includes five actions that respond to Initiatives in this Strategic Objective.
20. Actions in the Annual Plan include adoption of the Transport Action Plan, delivering active transport projects, advocacy for public transport and Transition to Zero emissions Transport.

#### Community and social implications

21. The Council Plan 2021-25 includes a Strategic Objective 'Social equity and health' that addresses community and social implications. The Annual Plan includes seventeen actions that respond to Initiatives in this Strategic Objective.
22. Actions in the Annual Plan include Richmond Youth Hub, programs and initiatives to support children and young people, older people, culturally diverse and LGBTIQ communities and sporting clubs.
23. The Council Plan 2021-25 includes a Strategic Objective 'Place and nature' which recognises the important role that public places, streets and green open space have in bringing our community together. The Annual Plan includes fifteen actions that respond to Initiatives in this Strategic Objective.
24. Actions in the Annual Plan include the Cremorne Urban Design Framework, new parks in Cambridge Street, Otter Street and Charlotte Street, the redevelopment of Brunswick Street Oval Precinct, renewing Yambla Street Pavilion, direct seeding and cultural burning bushland management and greening initiatives including tree planting.
25. The Council Plan 2021-25 incorporates the Municipal Health and Wellbeing Plan that guides how Council will promote health and wellbeing across the municipality.

### Economic development implications

26. The Council Plan 2021-25 includes a Strategic Objective 'Local economy' that addresses economic development implications. The Annual Plan includes five actions that respond to Initiatives in this Strategic Objective.
27. Actions in the Annual Plan include promotion of arts and culture, precinct activation program, night time economy and local safety and wellbeing.

### Human rights and gender equality implications

28. The Council Plan 2021-25 includes a Strategic Objective 'Social equity and health' that addresses human rights and gender equality implications. The Annual Plan includes eleven actions that respond to Initiatives under this Strategic Objective.
29. Actions in the Annual Plan include programs and initiatives to support children and young people, older people, culturally diverse and LGBTIQ+ communities.

## Operational analysis

### Financial and resource impacts

30. Actions in the Annual Plan are funded in the Annual Budget. Any change to the Annual Budget may have a consequent change in the Annual Plan.

### Legal Implications

31. There are no legal implications.

## Conclusion

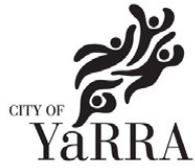
32. The 2023/24 Annual Plan has been developed following a rigorous process and is presented to Council for endorsement.

## RECOMMENDATION

1. That:
  - (a) Council endorses the 2023/24 Annual Plan.

## Attachments

- 1 [↓](#) Attachment 1 - 2023/24 Annual Plan



# 2023/24 Annual Plan



## Introduction

Yarra City Council produces an Annual Plan alongside each year's Budget, setting out specific projects and activities that Council will undertake towards achieving the Council Plan Strategic Objectives. This includes priority projects, actions in response to initiatives in the Council Plan and other Council strategies and plans.

The Council Plan 2021-25 was adopted on 19 October 2021 and addresses the aspirations and priorities identified in the Yarra 2036 Community Vision. For information about how the Council Plan Strategic Objectives respond to the Community Vision Themes please see [Council Plan 2021-25](#).

The Council Plan 2021-25 is an important strategic document that guides all planning and decision making for Council over the Council Plan term as we work towards the Community Vision. It contains Strategic Objectives, Strategies, Initiatives and Indicators.

Council has committed to 60 projects and activities (Actions) in the 2023/24 Annual Plan, from a broad range of services, and contains some but not all Initiatives from the Council Plan 2021-25. The Annual Plan aligns these Actions with one of the six Strategic Objectives in the Council Plan 2021-25.

The following Strategic Objectives represent our Strategic Direction over the Council Plan term:

- 1. Climate and environment** Yarra urgently mitigates climate change while also adapting to its impacts and developing resilience in everything we do.
- 2. Social equity and health** Yarra's people have equitable access and opportunities to participate in community life. They are empowered, safe and included.
- 3. Local economy** Yarra's neighborhoods and major activity centres, nightlife and employment precincts are thriving, accessible and connected. They support and inspire diverse creative communities, cultural activities, businesses, and local employment.
- 4. Place and nature** Yarra's public places, streets and green open spaces bring our community together. They are planned to manage growth, protect our unique character and focus on people and nature.
- 5. Transport and movement** Yarra's transport network is sustainable and recognises that streets are important shared public spaces. Transport and movement is accessible, safe and well connected.
- 6. Democracy and governance** Yarra is smart, innovative and sustainable. Our decisions and advocacy are built on evidence and meaningful engagement. Good governance is at the heart of our processes and decision-making.

Progress of the Actions will be reported in the *2023/24 Annual Plan Quarterly Progress Reports*.

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## 1. Climate and environment

**Yarra urgently mitigates climate change while also adapting to its impacts and developing resilience in everything we do. The community, business and industry are supported and encouraged to do the same.**

The climate emergency represents an unprecedented challenge – both globally and locally – with devastating consequences now and in the immediate future. Council is renowned for being at the forefront of Local Government action on the climate emergency.

Strategies to implement this Strategic Objective in the Council Plan 2021-25 are:

1. Take urgent action to respond to the climate emergency and extend our impact through advocacy and partnerships
2. Lead and support the community, business and industry to take urgent climate action and transition towards net zero emissions and a circular economy
3. Enhance the resilience of our community to prepare for health-related and other impacts of climate change (MPHWP)
4. Lead, embed and promote the transition towards net zero carbon and a circular economy and extend our impact through advocacy and partnerships

The below Actions demonstrate what we will do over 2023-24 to support climate and environment.

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*We aspire to achieve zero-net emissions across the entire Yarra community by 2030 and ensure the city is resilient to future pressures. We are committed to mitigate the impacts of climate change and adapt to those impacts.*

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### 01 Development of the new Climate Emergency Plan

Develop a new climate emergency plan that builds on the success of the last plan, incorporates current best practice, and builds from a foundation of community engagement. Look to broaden the focus and reach of the Plan as needed and include the strong links to community well-being and strengthening.

Branch            Sustainability

#### Quarterly Milestones

September	Complete an updated inventory review of the greenhouse emissions for the City of Yarra community, broken into key sections
December	Undertake community consultation to feed into the development of a new Climate Emergency Plan
March	Complete a draft new Climate Emergency Plan
June	Complete a final new Climate Emergency Plan

### 02 Community engagement and mobilisation on climate emergency

Deliver targeted programs and activities to key sectors in our community to take climate action. This includes supporting our community to reduce individual and household carbon emissions; bringing people together to be active citizens pushing for change; and helping our community prepare for and cope with worsening climate impacts.

Branch Sustainability

Quarterly Milestones

- September Commence delivery of a program designed to support local sports clubs to support their communities to take climate action.  
 Promote the Climate Action Grants to the Yarra community, seeking strong community-led projects which continue to build action across the municipality  
 Review the lessons to date from Council work on sustainable apartments and electrify everything programs and commence a new targeted programs to improving pathways for increased solar uptake and electrification of all households in Yarra, including apartments and for renters.
- December Complete Neighbourhood House Climate Resilience project, and review opportunities to support Neighbourhood House's to build community resilience to climate impacts and resilience in the delivery of own services.  
 Complete annual Climate Active submission, required for Council to remain a certified Carbon Neutral organisation
- March Deliver programs/campaigns which support people to reduce household emissions not related to energy
- June Complete delivery of a program focused specifically on better understanding the opportunities and needs related to climate action in Yarra, and to support these groups to take climate action and spread the message in their communities

**03 Community batteries**

Support opportunities to accelerate uptake of renewable energy in Yarra through community battery installations.

Branch Sustainability

Quarterly Milestones

- September Brief Councillors on the status and direction of community batteries in Yarra
- December Complete the collaborative 'Fast Tracking Neighbourhood batteries' project being delivered with the Cities of Melbourne and Port Phillip
- March Present a draft Roadmap to Accelerate Community Batteries in Yarra as a cross organisation project to identify the drivers and potential locations for community batteries across the municipality
- June finalise the roadmap to accelerate community batteries

**04 Zero Carbon Business**

Engage businesses and partners to transition towards zero-net carbon and develop circular economy approaches

Branch Sustainability

Quarterly Milestones

September	<p>Promote the <i>CitySwitch</i> program to Yarra office-based businesses, seeking to increase local recruitment and provide a new pathway to reduce emissions from this sector.</p> <p>Work with YEF review and deliver phase 2 of the <i>Better Energy Better Business</i> program</p>
December	<p>Develop a second phase Business Renewables Buying Group and promote to Yarra businesses to participate</p>
March	<p>Continue to deliver and grow the Sustainable Business Yarra Working Group of local businesses engaged in taking climate action and transition to a 'circular economy', as well as the Sustainable Business Newsletter</p>
June	<p>Support delivery of activities to engage local Small to Medium Enterprises to take climate action and transition to a 'circular economy'</p>

**05 Circular Economy**

Circular economy is a new way of seeing products and materials, viewing them as valuable resources instead of 'waste'. Where possible Yarra will design products using circular principles, avoid the consumption of new materials and reuse, repair or recyclable all other products. Yarra City Council continue to support our community to do the same, be a leader in this space and drive change through our initiatives and services.

Branch City Works

Quarterly Milestones

September	<p>Promote sustainable local food systems through an online Community Growing Spaces workshop for residents interested in applying for a planter box, productive tree, or laneway garden</p> <p>Advocate and partner with state government to influence the standards of our recycling system and rollout of Container Deposit Scheme</p> <p>Finalise and put on public exhibition Draft Circular Economy Strategy 2023-2030</p> <p>Develop options for delivery of the preferred Food Organics and Green Organics (FOGO) service in line with State Legislation to reduce the level of organic waste going into landfill.</p>
December	<p>Finalise organisational wide Draft Circular Economy Policy and start implementation of action plan</p> <p>Complete final Yarra Circular Economy Strategy 2023-2030. Finalise organisational wide Draft Circular Economy Policy</p>
March	<p>Hold an Open Day at the Clifton Hill Operations Depot to engage the community on how we are incorporating a circular economy approach through the services we deliver (Sustainable Road Materials, integrated water management solutions, FOGO initiatives, cleansing and open space services, nature and biodiversity initiatives etc)</p>

June Implement first 6 months of organisation wide draft Circular Economy Polic Action Plan=

**06 Reduce the use of single use plastics**

Engage with businesses and the community to reduce the use of single use plastics and phase out single use plastics across Council's operations.

Branch City Works

Quarterly Milestones

September Reform 'Yarra Single Use Plastic Internal Working Group

December The group will review and implement a Yarra Single Use Plastic Internal Policy and Action Plan

March Use the learnings from the review of Proudly Plastic free Program to develop a Circular Single Use Products reduction program

June Deliver circular single use plastics reduction program in collaboration with businesses

**07 Collingwood Leisure Centre facility design to support the transition off gas**

Council will undertake design for the renewal of building services at Collingwood Leisure Centre. A major component of this is Heating, Ventilation and Airconditioning (HVAC), which will include full electrification to enable retirement of the use of gas at the facility.

Branch Building and Asset Management

Milestones

September

December

March Complete feasibility study, options paper and project concept brief for transitioning Collingwood Leisure Centre off gas <Is this already done>

June

## 2. Social equity and health

**Yarra's people have equitable access and opportunities to participate in community life. They are empowered, safe and included.**

Participation in community plays a big role in creating a healthy, socially connected and culturally rich Yarra. We value all ages, genders, sexualities, abilities and cultures and work to ensure that diversity and uniqueness are welcomed, respected, and celebrated.

Strategies to implement this Strategic Objective in the Council Plan 2021-25 are:

1. Celebrate, respect and embrace Wurundjeri Woi Wurrung, Aboriginal and Torres Strait Islander people and heritage, and reflect this in our decision-making, services and activities
2. Build a more resilient, inclusive, safe and connected community, which promotes social, physical and mental wellbeing (MPHWP)
3. Support vulnerable communities and residents of public housing to thrive in the community
4. Work to reduce the harms associated with the use of alcohol, illicit drugs, gambling and tobacco (MPHWP)
5. Celebrate and respect culturally vibrant and socially diverse communities
6. Leverage opportunities and advocate for increased access to public, social and affordable housing stock in new and significant developments
7. Work actively to prevent and respond to gendered violence and all forms of violence by addressing known contributors to violence and promoting a gender equitable, safe and respectful community (MPHWP)

The below Actions demonstrate what we will do over 2022-23 to support social equity and health.

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*Council delivers a wide range of inclusive and accessible services and programs. These range from childcare, recreation facilities, libraries, arts and cultural initiatives, services for older persons and people living with a disability. We recognise the broad scope of this important work to create safe, resilient, healthy, inclusive and socially well-connected communities where quality services are accessible to everyone. We will work to promote social, physical and mental wellbeing for our community, and create resilient, safe communities.*

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### 08 Yana Ngargna – Reflection and future directions

Work with Yana Ngargna Advisory Group, Aboriginal and Torres Strait Islander community and key stakeholders to reflect on the Yana Ngargna 2020-23 plan and its implementation and development of the next multi-year partnership plan.

Branch            Equity and Community Development

#### Quarterly Milestones

September	Reactivate the Yana Ngargna Advisory Group
December	With members of the Advisory Group, local Aboriginal and Torres Strait Islander community and other stakeholders, define the purpose and scope of the next multi-year partnership plan
March	Undertake and conclude consultation and community engagement to guide the development of the plan

June Finalise the new multi-year partnership plan with Aboriginal and Torres Strait Islander peoples.

**09 Richmond Youth Hub**

Undertake a project evaluation of the Richmond Youth Hub and advocate to the State government for appropriate funding to continue activities to vulnerable young people living on the Nth Richmond Estate.

Branch Family Youth and Children's Services

Quarterly Milestones

September Complete a Project Evaluation Report for the Richmond Youth Hub to determine its effectiveness, future service model and service improvements for young people

December Use the outcomes of the evaluation report to develop Council's advocacy position in order to secure additional multi-year funding from the State Government, beyond June 2024 to support the Richmond Youth Hub operations

March

June

**10 0-25 Plan**

Implement initiatives within the 0-25 Plan to enhance the health and wellbeing of children, young people and families

Branch Family Youth and Children's Services

Quarterly Milestones

September Implementation of Voice of the Child project to support increased engagement and empowerment of children in our Family Services programs

December Update and finalise the 0-25-year plan to guide Council's strategic planning to support improved health and wellbeing outcomes for children, young people and families

March Establishment of parent engagement committee(s) to inform our early years precinct planning across the municipality

June Implement and plan the *Best Start Best Life* early years reforms including infrastructure opportunities for kindergarten expansion at Collingwood College and Atherton Gardens Estate and longer-term kindergarten and pre-prep planning across the municipality

**11 Youth led engagement**

Empower young people aged 12 – 25 to have a greater voice on the issues that affect them through Council's Youth Advocacy Group. With the support of a project steering committee, and Council, young people will co-design a series of youth-led activities, which build young people's skills and confidence and help them establish networks and opportunities to amplify their voices in local decision-making and inform advocacy priorities.

Branch Family Youth and Children's Services

## Quarterly Milestones

September

December

March Establish a pilot youth traineeship program to provide employment pathways for at risk young people, to experience work activities across Council business units.

June Identify and deliver youth led engagement projects by Council's Youth Advocacy Group to address local priorities and needs raised by young people

**12 Access and Inclusion Strategy and Action Plan**

Implement the Access and Inclusion Strategy's strategic actions to ensure that Yarra is an inclusive and accessible community and is a place where everyone can live well. In addition to implementing the 2023-24 action plan, a new strategy (2024 – 2030) will be developed, to align with new and emerging priorities and needs.

Branch Aged and Disability Services

## Quarterly Milestones

September Develop and support accessibility initiatives to increase access to small local businesses accessible parking, access to businesses and safe use of public spaces.

December Implement community consultation, undertake research, engage with key external stakeholders to identify key strategic directions and action areas for the Strategy 2024-2030

March

June Launch the new Access and Inclusion Strategy 2024-2030, including provision of accessible formats

**13 Active and Healthy Ageing Strategy and Action Plan**

Implement the Active and Healthy Ageing Strategy, action plan to ensure our residents aged 50+ remain engaged, active, and independent. Living well means feeling included and active in the community, being able to connect to other people and being able to participate in everyday life. In addition to implementing the 2023-24 action plan, a new strategy (2024 – 2030) will be developed, to align with new and emerging priorities and needs.

Branch Aged and Disability Services

## Quarterly Milestones

September	Promote Yarra's Seniors Clubs Re-connect Project through the "Our Clubs, Our Stories" videos Establish and deliver Seniors Week 2023 program and activities in consultation with community partners
December	Support Active Ageing Advisory Committee in advocacy and advice to Council on national aged care reforms, social connections and early intervention to support wellbeing Implement community consultation, undertake research, engage with key external stakeholders to identify key strategic directions and action areas for the Strategy 2024-2030
June	Launch Strategy 2024-2030, including provision of accessible formats

**14 National aged care reforms**

Ensuring residents and clients are supported across the transitional period of the National Aged Care reforms, expected to commence in full by 1 July 2025. Across 2023-2024, Council will continue to review and assess its role in the new program and existing State based Home & Community Care program for Young People. This will include the range of services Council provides directly and areas of potential re-investment.

**Branch** Aged and Disability Services

## Quarterly Milestones

September	Advocate for quality and accessible aged care services, inclusive of people at risk of isolation and homelessness, people from CALD backgrounds, people requiring mental health support, or otherwise vulnerable, as part of the final design of the national Support at Home program
December	Undertake service reviews of Council's Support at Home services to identify community needs, service provision trends, priorities and changes to inform future Council decision-making based on a comprehensive assessment of the national changes.  Determine Council's position on service delivery under the new program (home care and home maintenance; meals services; social support; community transport, assessment) and identify areas for re-investment and/or re-orientation of service. Work with the State Government on service options under the Home and Community Care Program for Young People
March	Provide advice and information to residents and clients as the new Support at Home program develops, including access to advice and service options
June	Implement changes required to deliver the Support at Home Program post 1 July 2025  Support residents and clients, including offering transitional support, to assist in navigating and accessing services under the new national program.

**15 Supporting the community**

Engage with community, local organisations and other key stakeholders to identify, develop and leverage the strengths and passions of the community in responding to identified support need, including for harder to reach/vulnerable people in the community.

Branch            Aged and Disability Services

Quarterly Milestones

September

December        Increase utilisation of the Djerring Centre at Collingwood to support older residents and people with disability to engage in social wellbeing and cultural connection programs

March            Provide workshops to strengthen the governance and sustainability of Senior Clubs and including alternative sources of funding and resourcing.

                      Establish an additional support program under the Home & Community Care program, to provide a flexible service response for young people with disability

June              Provide digital technology support (up to 30 residents) as part of the Support for Carers program, with a focus on 'hard to reach' carers.

                      Provide a community education workshop and community information to support and increase awareness of people living or at risk of hoarding & squalor.

                      Complete an evaluation of the Companion Animal Program to assess effectiveness in addressing social wellbeing, volunteer engagement and animal welfare, and make recommendations on future directions.

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*We value our LGBTIQ+ community and culture, and work to ensure everyone is welcomed, engaged and included equitably. Cultural diversity and our public housing residents are fundamental to our unique social fabric. Feeling connected to the community, having social networks and being able to participate and contribute to community life are important factors that promote physical health, mental wellbeing and social inclusion. There is a real and critical need to support our vulnerable and marginalised communities to thrive in the digital age, which in turn supports the attainment of positive health and wellbeing. Council works in close collaboration with our various partners at the local, state and national level to support, facilitate and advocate for increased digital literacy in our community.*

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**16 Promote initiatives to celebrate Yarra’s cultural diversity**

Host events that bring Yarra’s artists, communities and generations together, provide skills- and resource-sharing opportunities, and build connections between artists and representatives from other sectors.

Branch            Arts Culture and Venues

Quarterly Milestones

September       Plan and conduct Smith Street Dreaming, an event celebrating Aboriginal and Torres Strait Islander Community arts, culture and resilience.

                      Implement the Leaps and Bounds Music Festival, a live music festival celebrating Yarra’s live music sector, especially supporting a diversity agenda

Support the annual Gertrude Projection Festival with the Centre for Projection Art.

- December
  - Develop the purpose and scope of a Cultural Events Plan to ensure Council meaningfully recognises, celebrates and partners with others in relation to dates of significance for our community.
  - Review the purpose and scope of Council's Public Policy Art Policy to increase public and private art opportunities within public spaces and private developments/spaces
  - Plan and hold the Remembrance Day in Barkly Gardens
  - Plan and hold Christmas celebrations, a Christmas decorations program and community event at changing locations across Yarra
  - Plan and conduct the New Year's Eve family friendly event at Edinburgh Gardens and active monitoring of public safety across Yarra
- March
  - Finalise and implement the Cultural Events Plan
  - Finalise and implement the review of Council's Public Art Strategy and refresh the strategy
  - Support the e Pride event, proudly supporting Midsumma, a street party event in Gertrude and Smith Streets in Fitzroy
  - Support the annual Johnston Street Fiesta in Johnston Street celebrating Hispanic Latin Culture
  - Support the annual Victoria Street Lunar Festival in Victoria Street Richmond celebrating the Lunar New Year
- June

**17 Promote access and inclusion for Culturally and Linguistically Diverse (CALD) communities**

Address discrimination and tackle systemic barriers to participation in social and economic life for CALD communities and promote access and inclusion to the policies and services of the Council, other levels of government, and relevant agencies.

Branch            Equity and Community Development

Quarterly Milestones

- September      Establish the scope and intent of the next Multicultural Partnerships Plan, informed by stakeholder engagement and review of policy and practice
- December        Deliver another anti-racism workshop with local partners, to coincide with International Human Rights Day
- March             Finalise the draft Multicultural Partnerships Plan for public exhibition
- June                Adopt the new Multicultural Partnerships Plan to address discrimination and systemic barriers to participation in social and economic life for CALD communities and promote access and inclusion

**18 Celebrate LGBTIQ+ community, enhance visibility and promote inclusion**

Support the LGBTIQ+ community through inclusive Council policy and programs, strategic advocacy, local visibility campaigns and cultural events

Branch Equity and Community Development & Property and Leisure Services

Quarterly Milestones

- September Implement the LGBTIQ+ visibility campaign
- December Support Council's the Rainbow Advisory Committee to continue to provide guidance of Council's work in supporting the LGBTIQ+ community through inclusive Council policy and programs, strategic advocacy, local visibility campaigns and cultural events  
  
Undertake planning and consultation with identified user groups and relevant committees for assistance with planning an inclusive gym and swim event at a Yarra Leisure venue to support diversity and inclusion, specifically targeting LGBTIQ+ community and their allies.
- March Market and promote activities for the inclusive gym and swim event at a Yarra Leisure venue
- June Actively support IDAHOBIT and all key activities and initiatives that address transphobia and promote inclusion for gender diverse communities  
  
Deliver an inclusive Gym and Swim event at a Yarra Leisure venue by June 2024

**19 Strategic activities to advance the Yarra Homelessness Strategy**

Work to deliver an enhanced coordinated and compassionate crisis response to people experiencing homelessness and connecting with secure housing working with local partners, particularly Launch and cohealth.

Branch Equity and Community Development

Quarterly Milestones

- September Launch and provide backbone support for the Yarra Towards Zero project, as a collective impact initiative with key partner agencies, to address issues of homelessness in Yarra.
- December Implement and monitor progress against Council's Homelessness Strategy in reducing homelessness and its impacts in Yarra.
- March Implement and monitor the progress of the Yarra Zero project, including assessing/measuring the impact of homelessness in Yarra.
- June

**20 Alcohol and other drugs harm minimisation**

Through a program of action research, investigate and develop strategies to reduce alcohol-related and other drug harm in the community through a multi-faceted approach (e.g., education, enforcement, support, harm reduction, and responsible drinking promotion). Branch

Equity and Community Development

Quarterly Milestones

- |           |  |
|-----------|--|
| September | Seek funding from VicHealth to support the development of Council's Alcohol Harm Minimisation Plan<br><br>Develop the scope of a Council "Alcohol and other Drugs Policy" that provides a framework to address alcohol and other drug issue within the community.  |
| December  | Continue engagement and event planning for summer events with Liquor Forum members in order to reduce the impacts of alcohol relation harm   |
| March     |  |
| June      | Finalise and launch the Draft Alcohol Harm Minimisation Plan and the Alcohol and Other Drugs Policy to reduce harm and promote safety and ensure fairness and consistency in how drug and alcohol-related issues are handled and create awareness, understanding, and support for healthier and more productive city |

**21 Supporting the National Alliance for Gambling Reform (MPHWP)**

Minimise the social and economic harms caused by gambling via the Yarra Gambling Policy, which outlines how Council works to reduce gambling through i.e., advocacy, planning controls, community education and supporting gambling-free initiatives). Our membership of the Alliance is a critical means to advance Council objectives to reduce gambling-related harm.

Branch            Equity and Community Development

Quarterly Milestones

- |           |   |
|-----------|---|
| September |   |
| December  | Support education campaign for Gambling Harm Awareness Week, in conjunction with partners, through a mix of social marketing and in-person events within the municipality |
| March     |   |
| June      |   |

**22 Access for all and community connections**

Access for all, Council's Library Strategic Plan 2022-2026 outlines the direction for library services over 4 years. Library services will support our community to access spaces and services, build skills and knowledge, connect and discover learning opportunities that enables our community to thrive. Our goal is to ensure access for all by reducing barriers for our community.

Branch Library Services

Quarterly Milestones

- September Deliver digital training programs to North Richmond community, including for community members who face barriers in accessing digital channels, via the Learning Bank hub, in partnership with local agencies and business
- December
- March Investigate options with community agencies to support Libraries in meeting the needs of users with complex needs
- June Achieve SCOPE accreditation for accessible communication for people with disabilities at all Council libraries.  
Review and update the Yarra Library Policy related to service access, usage and memberships to ensure at risk community members are accessing our libraries.

**23 Sport Club development workshop**

Develop and host three club development workshops across the 2023/24 financial year, specifically designed for Yarra’s community sports clubs. The workshops aim to support local sports clubs to develop and improve the sustainability and capacity of their organisation, the capability of their people/volunteers and connect them with specific tools and resources to inform the direction and priority of activities and investment, as well as deliver quality, inclusive and accessible sport and recreation programs that are aligned with Yarra’s Sports Ground and Facilities Allocations Policy 2022.

Branch Property and Leisure Services

Quarterly Milestones

- September Undertake workshop planning, marketing and promotional activities for the workshop and conduct one workshop
- December Undertake workshop planning; Complete marketing and promotional activities for the workshop; and conduct another workshop
- March Undertake workshop planning; Complete marketing and promotional activities for the workshop; and conduct another workshop
- June Review and assess club development workshop series and gauge the need and focus for future club development workshop

**24 Sustainable food systems**

Promote sustainable local food systems and building community resilience in the Yarra community.

Branch City Works

Quarterly Milestones

September	Promote and run an online Community Growing Spaces workshop for residents interested in applying for a planter box, productive tree, or laneway garden
December	
March	
June	<p>Deliver three My Smart Garden Workshops that informs a holistic approach to 'smarter' and more sustainable home gardening across five elements, including food, shelter, waste, water, and habitat</p> <p>Maintain productive on-street growing spaces by replacing damaged and deteriorated planter boxes (ongoing, but a minimum of 15 boxes replaced) with recycled plastic boxes installed with water efficient wicking systems.</p>

### 3. Local economy

**Yarra's neighbourhoods and major activity centres, nightlife and employment precincts are thriving, accessible and connected. They support and inspire creative communities, cultural activities, diverse businesses, and local employment.**

Economic development is a primary focus for Council. We foster economic vitality and creativity, supporting our local businesses who form an integral part of our community. From artists and craftspeople to the traders on our shopping strips, through to the increasing number of creative enterprises and technology businesses - the economic capacity of Yarra is diverse and growing.

We deliver a range of enabling infrastructure and work to improve the amenity of the city and build our economic capacity and prosperity. This includes work around community safety such as promoting public amenity and constantly striving to improve feelings of safety in our streets and public spaces.

Strategies to implement this Strategic Objective in the Council Plan 2021-25 are:

1. Support Yarra's employment precincts and drive economic development opportunities
2. Revitalise local retail, arts and culture and night-time economy to enhance Yarra as an economic destination and extend our reach through partnerships and advocacy
3. Support and encourage innovative and entrepreneurial activities across Yarra's employment precincts
4. Facilitate local partnerships which create and promote a range of learning, employment and other pathway opportunities for businesses, workers, and residents
5. Manage access, safety and amenity to enhance people's experience when visiting Yarra (MPHWP)

The below Actions demonstrate what we will do over 2023-24 to support our local economy.

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*Council is committed to achieve a Yarra where local businesses prosper, and creative and knowledge industries thrive. Over the next year, we will leverage our economic potential to further grow our economy.*

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#### 25 Promote arts and culture within Yarra

Ensure the integration of Arts and Culture into Yarra's built form and public realm design

Branch            Arts Culture and Venues

##### Quarterly Milestones

September      Deliver integrated public art as part of the Chas Farquhar Complex development, an integrated community hub offering services for children and families.  
  
Support the realisation of the William Eicholtz and Reko Rennie artworks as part of Otter Street and Cambridge Street Reserve redevelopments

December

March

June              Deliver integrated public art as part of the following projects. Edinburgh Gardens Sports facility upgrade (Brunswick Street Oval), Alphington Bowls Club, Yambla Pavilion

**26 Enable opportunities in the planning development process for spaces for artists to work to enhance the arts sector and everyday creative experiences**

Facilitate and encourage landowners and planning permit applicants to provide affordable spaces for creatives in support of Council's Room to Create scheme.

Branch Arts Culture and Venues

Quarterly Milestones

- September Work with private property owners to facilitate the access to affordable creative spaces by artists and arts organisations in the City of Yarra to increase the availability and affordability of spaces for creative production and presentation.
- December Activate the Wellington and Vine Arts and Craft space for the benefit of the local community.
- March
- June

**27 Precinct Activation Program**

The economic Development unit will work with trader groups and associations to co-design and deliver 4 projects/campaigns within Yarra's retail and services precincts. The purpose is to create awareness, drive visitation, increase spend and revitalise our main streets.

Branch City Strategy – Economic Development

Quarterly Milestones

- September Delivery of Program 1 – Victoria Street East
- December Delivery of Program 2 – Brunswick Street
- March Delivery of Program 3 – Nicholson Street/Fitzroy North
- June Delivery of Program 4 – Gertrude Street

**28 Night Time Economy Action Plan**

The economic benefit of Night Time Economy to the city is largely unknown, so a gap analysis is required to be carried out, which can then lead to a short term action plan, followed by a draft Night Time Economy strategy.

Branch City Strategy – Economic Development

Quarterly Milestones

- September Complete brief for consultant regarding the Night Time Economy. Ideally look to partner with neighbouring council areas in order to widen the understanding and impact across multiple regions.
- December Procurement completed and consultant selected

- March            Analysis and draft action plan completed. Budget bids completed in order to fund actions in upcoming financial year.
- June            Initial implementation of plan started – advocacy to State Government to seek support in delivery of action plan.

**29 Joined-up response to promote local safety and wellbeing**

Promote community safety through interagency partnerships including the Local Safety Reference Group, Yarra Liquor Forum, and supporting initiatives with VicPol, Department of Justice and Community Safety, Department of Families, Fairness and Housing, Department of Housing and agencies commissioned locally to promote health and wellbeing.

Branch            Equity and Community Development

Quarterly Milestones

September

December        Implement, monitor and report on public intoxication health model working in partnership with key agencies

March            Assess and adjust Yarra’s Liquor Forum activities, including the effectiveness of interagency coordination over the summer event period

June

## 4. Place and nature

**Yarra's public places, streets and green open spaces bring our community together. They are planned to manage growth, protect our unique character and focus on people and nature.**

Council recognises the pressures and opportunities associated with growth and inner-city life. We are committed to expanding and improving public space and building a network of green spaces that contribute to a liveable and sustainable Yarra.

Strategies to implement this Strategic Objective in the Council Plan 2021-25 are:

1. Create safe, accessible active spaces that provide diverse physical activity opportunities for the whole community (MPHWP)
2. Plan and manage community infrastructure that responds to growth and changing needs
3. Protect and enhance the biodiversity values, connectivity and resilience of Yarra's natural environment
4. Protect, promote and maintain our unique heritage and ensure development is sustainable
5. Encourage people to connect with Yarra's natural and cultural heritage and prioritise the voices of traditional owners

The below Actions demonstrate what we will do over 2023-24 to support place and nature.

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*We plan, manage and advocate for development, planning and urban design that is shaped by and meets our community's future needs*

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### 30 Permeable pavement study

Commence a study into the optimised use of permeable pavement in partnership with the University of Melbourne and the Australian Research Council.

Branch            Infrastructure Traffic and Civil Engineering

Quarterly Milestones

September

December        Council to confirm the terms of the partnership for the permeable pavement study  
Finalise and sign the MOU with Melbourne University and Australian Research

March

June                Finalise the locations assessment and identification process

### 31 Direct Seeding and Cultural Burning

Adopt innovative integrated bushland management approaches to achieve cost effective and efficient bushland management and site-specific targets in partnership with Yarra's Bushland Contractor and Wurrundjeri Woi Wurrung Narrap Team.

Branch            City Works

Quarterly Milestones

September

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December	Undertake a pre-burn habitat hectare assessment of the Autumn ecological cultural burn site.
March	
June	Implement 1000m2 of autumn direct seeding adjacent to the Merri Creek to reinstate endangered Plain Grassy Woodland and Escarpment Shrubland EVCs.  Deliver an Autumn ecological cultural burn in conjunction with the Wurrundjeri Woi Wurrung Narrap Team, in the endangered Plains Grassy Woodland EVC in Burnley Park to heal country.

**32 Education and awareness program**

Deliver Yarra's community based education, awareness, and nature engagement program as outlined in the Yarra Nature Strategy Action Plan 2020-2024.

Branch City Works

Quarterly Milestones

September	Deliver the 2023 National tree day in conjunction with Merri Creek planting 3000 local indigenous tube stock to reinstate the endangered Plains Grass Woodland ecological vegetation classes at Kevin Bartlett Reserve
December	
March	Continue to partner with the Merri Creek Management Committee to host the City of Yarra Waterwatch Program, targets for 2023/24 are: <ul style="list-style-type: none"> <li>• Engage a minimum of 200 students over 10 education sessions,</li> <li>• Conduct 1x Community Waterwatch Training Days</li> <li>• Conduct 3 x Litter Clean Ups, education and data collection in the City of Yarra</li> </ul>
June	Implement and expand Yarra's Gardens for Wildlife Program to include 50 households in 2023/24

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*Shared use of public space and flexible community infrastructure is a means to manage community needs whilst the city grows and thrives. Welcoming environments that are planned to enable and promote physical activity and active living are beneficial to health and wellbeing and support community connectedness. We are committed to expanding and improving public space and building a network of green spaces that contribute to a liveable and sustainable Yarra.*

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**33 Yarra citizen's science program**

Encourage Yarra's community to further appreciate and actively enhance Yarra's natural landscape by offering engagement and education opportunities.

Branch City Works

Quarterly Milestones

September	Conduct a National Biodiversity Month grassland walk and talk with local indigenous grass expert at Burnley Park
December	Encourage Yarra's community to contribute to the Aussie Backyard Bird Count Conduct one community Frog Watch during spring and record all observations on the Melbourne Water Frog Census App
March	
June	Encourage Yarra's community to contribute to the Greater Melbourne City Nature Challenge Event. Yarra's community can help us compete with cities around the world by recording observations (photos or sounds) of wild plants, animals and fungi on iNaturalist  Conduct a Bat Appreciation Day bat explorer tour with the Friends of Bats and Bushcare to GHHF colony.

**34 Greening Yarra**

Reduce the urban heat island effect, enhance amenity, improve wildlife corridor connections and overall biodiversity values across the community through the planting of trees, shrubs and grasses, and increasing canopy cover.

Branch City Works and City Strategy

Quarterly Milestones

September	Commence planning for additional street tree locations to accelerate the annual street tree planting programme by 100%,
December	Commence feasibility study of street tree locations and species selection as part of our accelerated tree planting program and infill planting program
March	Confirm locations of tree planting and tree species orders as part of our accelerated tree planting program and infill planting program
June	Plant a minimum of 10,000 locally indigenous plant species to improve habitat hectare condition score and reinstate endangered Ecological Vegetation Classes (EVC) including riparian woodland, escarpment shrubland, plains grassy woodland EVCs within Yarra's bushland areas  Plant 100 advanced local provenance trees of 2 different species in open space park and reserves areas to provide habitat, canopy connections with waterway corridors, fauna stepping-stones to other vegetation patches and ongoing foraging opportunities for the Grey-headed Flying-fox  Consolidate and reinstate areas of strategic biodiversity value by increasing indigenous vegetation extent within Open Space by 5000m2  Complete accelerated tree planting program

**35 Opportunities for new and expanded open space in Yarra**

Construction of Otter Street new pocket park and expansion of Cambridge Street Park by converting road space into park to increase open space provision in Collingwood.

Branch City Strategy – Open Space

## Quarterly Milestones

September Otter Street Park commencement of construction

December Completion of Cambridge Street Park Expansion

March Completion of Otter Street Park

June

**36 Opportunities for new open space in Yarra**

Roads to Parks programme to increase open space in areas identified as deficient in the Open Space Strategy.

Branch City Strategy – Open Space

## Quarterly Milestones

September Feasibility studies underway to identify new opportunities to convert road space into open space.

December Identification of possible sites for conversion

March Implementation of trial short term road closure for pop up park to test feasibility

June Review of the sites identified and proposed way forward.

**37 Cremorne implementation**

Continue work to implement built form controls for Cremorne and implement the Cremorne Implementation Plan

Branch City Strategy – Strategic Planning

## Quarterly Milestones

September Present updated UDF to Council and seek interim DDOs. Request consent /authorisation to exhibit permanent DDO provisions.  
Advocate to State Government to reconvene the Cremorne Place Implementation Plan working group.

December Prepare exhibition of permanent DDO.

March Exhibit permanent DDO and consider submissions.  
Update on CPIP working group progress.

June Depending on exhibition outcomes, request referral to the Standing Advisory Committee / Panel for independent hearings post exhibition.

**38 Permanent built form provisions**

Continue work to implement permanent Built form controls

Branch City Strategy – Strategic Planning

Quarterly Milestones

September C273 Heidelberg Road: Exhibit and analyse submissions.  
C271 Fitzroy-Collingwood: Exhibit (timing is dependent on consent from State Government).

December C273 Heidelberg Road: Consider submissions and request referral to the Standing Advisory Committee and prepare for hearings.  
C271 Fitzroy-Collingwood: Analyse submissions.

March C273: Standing Advisory Committee hearings (timing is dependent on State Government referral).  
C271: Consider submissions and request referral to the Standing Advisory Committee

June C273: Consider Standing Advisory Committee report and present at Council workshop.  
C271: Prepare for Standing Advisory Committee hearings in July/August (timing is dependent on State Government referral).

**39 C286 Open Space Contribution Rate**

Continue to pursue Open Space Contribution Rate changes

Branch City Strategy – Strategic Planning

Quarterly Milestones

September Workshop with Councillors on outcome of the peer review process.

December Reconvene Panel Hearing process – subject to DTP approval.

March Consider final Panel report.

June Advocate position to the Minister for Planning.

**40 Gipps Street Employment Precinct Local Area Plan**

Preliminary investigation into the Gipps Street Employment Area

Branch City Strategy – Strategic Planning

Quarterly Milestones

September	Seek Streamlining for Growth funding from Victorian Planning Authority to support strategic background work that would underpin a future local area plan, start-up and creative enterprises, identify potential transport and public realm improvements, interim and permanent built form provisions.
December	Subject to external funding support, procure strategic background work to support start-up and creative enterprises, identify potential transport and public realm improvements, prepare interim and permanent built form provisions.
March	Prepare strategic background work to support a local area plan and prepare interim and permanent built form provisions. Undertake consultation.
June	Prepare strategic background work to support a local area plan and prepare interim and permanent built form provisions. Commence drafting of a local area plan.

**41 Special Building Overlay update**

Review provisions within the Yarra Planning Scheme as they relate the Special Building Overlay in Yarra

Branch            Engineering and City Strategy – Strategic Planning

Quarterly Milestones

September	
December	Consider outcomes of community consultation (undertaken by Civil Engineering) and request authorisation to exhibit an amendment to the Special Building Overlay.
March	Await decision from Minister for Planning.
June	Exhibit amendment.

**42 LGBTiQA+ Cultural Heritage**

Branch            City Strategy – Heritage

Quarterly Milestones

September	Completion of the LGBTiQA+ Heritage Study Part 1 (Thematic Statement and a comprehensive list of places of significance to community)
December	Initiate Part 2 - Preparation of place citations and statements of significance
March	Finalise LGBTiQA+ Heritage Study for Yarra with place citations and statements of significance.
June	Council report to adopt the LGBTiQA+ Heritage Study

**43 Charlotte Street New Public Space**

Continue to consult and prepare designs to convert road space in Charlotte Street into public open space.

Branch City Strategy

Quarterly Milestones

September	Consultation on concept design complete
December	Consultation findings on concept design completed and posted on Your Say Yarra Detailed design underway
March	Temporary pop up trial of road closure in progress
June	Present final design for new park in Charlotte Street to Council

**44 Brunswick Street Oval precinct redevelopment**

This project will redevelop the sporting and community facilities in the immediate vicinity of the Brunswick Street Oval (WT Peterson Community Oval) within Edinburgh Gardens, North Fitzroy, along with improvements to the landscaping and civil infrastructure in the area.

Branch Building and Asset Management

Quarterly Milestones

September	Tender evaluation complete for Brunswick St Oval works
December	
March	Works on-site commenced
June	

## 5. Transport and movement

**Yarra's transport network is sustainable and recognises that streets are important shared public spaces. Transport and movement is accessible, safe and well connected.**

Yarra prioritises sustainable and active transport, to help people move safely and sustainably through and within our municipality. Council is committed to creating a city that is accessible to all irrespective of levels of personal mobility, to support a fulfilling life without the need for a car. It is an integral part of our climate emergency response to reduce transport emissions and towards net-zero emissions by 2030.

Strategies to implement this Strategic Objective in the Council Plan 2021-25 are:

1. Lead, promote and facilitate the transition to active transport modes for people living and working in Yarra, as well as people moving through Yarra (MPHWP)
2. Advance the transition towards zero-carbon transport by 2030 throughout the municipality
3. Foster strategic partnerships and advocate to improve sustainable and active transport options, integration and accessibility
4. Create a safe, well-connected and accessible local transport network including pedestrian and bike routes through Yarra (MPHWP)

The below Actions demonstrate what we will do over 2023-24 to support transport and movement.

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*To remain an attractive inner-city destination to live, work and visit, Council will continue to address transport challenges and create opportunities for sustainable and active transport. We will improve our neighbourhoods to make walking and cycling possible as a part of everyday life, support micro-mobility and car share and ride schemes, and advocate for improved public transport.*

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### 45 Fitzroy and Collingwood 30km/hr pre-trial study

Undertake a pre-trial study to investigate the feasibility of expanding the current 30km/hr speed limit trial to cover the entire suburbs of Fitzroy and Collingwood.

Branch            Infrastructure Traffic and Civil Engineering

#### Quarterly Milestones

September      Complete infrastructure plans and stakeholder engagement with other transport and approval authorities

December        Complete any pre-trial community engagement and report to Council on findings

March

June

### 46 Transport Action Plan

Continue to develop actions that support the implementation of the Yarra Transport Strategy, including, finalise the Transport Action Plan, commence development of a parking strategy and design and construct new and upgraded walking and cycling infrastructure on key transport corridors

Branch            Strategic Transport

Quarterly Milestones

September	Engage with the community on a Draft Transport Action Plan and develop the scope for the Parking Strategy
December	Finalise the Transport Action Plan
March	Commence data collection for the new Parking Strategy
June	

**47 Transport New Deal implementation**

Council will implement the three New Deal programs outlined in the Yarra Transport Strategy, New Deal for Cycling: design and construct new and upgraded cycling infrastructure in priority locations, New Deal for Walking: develop clear processes for implementing the outcomes of the Yarra Transport Strategy and continue to deliver safer walking infrastructure, such as pedestrian improvements in Cremorne and New Deal for Schools: commence the first round of the New Deal for Schools program to encourage and enable active travel.

Branch            Strategic Transport

Quarterly Milestones

September	Deliver a new pedestrian-priority crossing on Cremorne Street Commence development of processes to deliver outcomes from the New Deal for Walking
December	Prepare ‘shovel ready’ projects for delivery in the 2024/25 Financial Year
March	Commence implementation of the first round of the New Deal for Schools program
June	Complete development of processes to deliver outcomes for the New Deal for Walking

**48 Transport advocacy**

Advocate to other stakeholders, including the State Government, for priority transport needs identified in the Yarra Transport Strategy by raising awareness of these and being proactive in identifying solutions, including:

- Accessible tram stop upgrades across all of Yarra’s network, including Smith Street, Gertrude Street, Swan Street and Bridge Road
- Increased bus, tram and rail services and reliability to support current and future needs
- Funding and/or delivery of active transport infrastructure in priority locations, such as Strategic Cycling Corridors and areas with high pedestrian activity

Branch            Strategic Transport

Quarterly Milestones

September	Government and other stakeholders of the Transport Action Plan consultation for their input
December	Assess and apply for relevant external grant funding to assist with delivering active transport projects
March	Meet with the State Government to discuss priority tram stop upgrade options
June	Complete all advocacy actions for 2024 as set out in the Transport Action Plan

**49 Transition to Zero-Emission Transport**

Encourage, facilitate and advocate for policies and projects that result in an increased use of electric and other zero-emission modes of transport in Yarra, including:

Accelerated use of electric and other zero-emission vehicles on bus routes

Increased replacement of internal combustion engines with electric and other zero-emission means of propulsion in cars

Increased adoption and use of electric bicycles, including for 'last kilometre' freight and local business use

Branch	Strategic Transport, Sustainability
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Quarterly Milestones

September	Continue to advocate for greater state and national leadership on the uptake and development of all types of electric vehicles
	Continue to advocate for and work with stakeholders on accelerating the rollout of electric vehicle charging points in Yarra
December	Provide budget bids to Executive for 2024/25 delivery
March	
June	

## 6. Democracy and governance

**Yarra is smart, innovative and sustainable. Our decisions and advocacy are built on evidence and meaningful engagement. Good governance is at the heart of our processes and decision-making.**

Delivering outcomes for the community requires an agile and responsive organisation. We are proud of our strong advocacy on issues of community importance. We are committed to good governance, financial stewardship, championing authentic community engagement and enhancing our culture of continuous improvement.

Strategies to implement this Strategic Objective in the Council Plan 2021-25 are:

1. Provide opportunities for meaningful, informed and representative community engagement to inform Council's decision-making
2. Manage our finances responsibly and improve long-term financial management planning
3. Maximise value for our community through efficient service delivery, innovation, strategic partnerships and advocacy
4. Practice good governance, transparency and accountable planning and decision-making
5. Progress and embed our culture of organisational continuous improvement and build resilience to adapt to changing requirements in the future

The below Actions demonstrate what we will do over 2023-24 to support democracy and governance.

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*Over the next year, we will be future-focused, manage our finances responsibly and build the capacity of our community to participate in decisions that affect them. We are committed to making information available that explains how we operate and be a leading local government organisation.*

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### 50 Financial Sustainability Strategy

Develop and begin implementation of the Financial Sustainability Strategy

Branch            Finance

#### Quarterly Milestones

September	Consult internally to identify further opportunities for revenue generation and cost efficiency
December	Seek council endorsement on the Strategy
March	Where appropriate, apply actions from the strategy to the budget development process for the 2024/25 financial year
June	

### 51 Service Review Program

Develop and implement the service review and improvement program for identified Council services

Branch            Business Transformation

#### Quarterly Milestones

September	Undertake a two-stage community engagement process to seek community input into service value, service levels and principles for evaluation
December	Develop a service review framework and initial program
March	Begin implementation of the service reviews and seek endorsement for any changes in service delivery
June	

**52 Digital Transformation**

Deliver a series of digital projects to transition Yarra technology into a contemporary future state and enhance employee and customer experience

Branch Digital and Technology

Quarterly Milestones

September	Develop, and adopt a new City of Yarra Data Governance Framework. Present the Digital Blueprint and Roadmap to the Executive Leadership Team and seek endorsement for it to guide the future work program of the Digital and Technology branch
December	Develop Business Case for GIS/Yarra Maps enhancement
March	Create information products for the Workforce and Community by centralising data from multiple systems across the organisation into the Datahub Establish Data Governance Sub-committee
June	Provide access to data assets in the new Datahub to users and develop Power BI dashboards to support new data communication Develop, seek endorsement of and adopt Data Governance and Management policies and standards

**53 CX Program 2022-2024**

Implement the CX Strategy’s program of initiatives to realise and deliver the best service value for Yarra’s customers, community, and internal teams. This is delivered through four strategic objectives Mindset | Systems Discipline | Collaboration | Empathy. This year Council will deliver service experience improvements with the official launch of additional digital channels, a relaunch of the CX program internally, establishment of a CX Centre of Excellence and creation of a Customer Service Charter.

Branch Customer Experience

Quarterly Milestones

September	Promotion of digital customer service options and channels
December	Re-establishment of a CX working group to drive best practice

March	Scope, research and benchmark for development of the Customer Service Charter
June	Development of the Customer Service Charter

**54 Councillor engagement program**

Develop and promote Council’s enhanced engagement program to provide more opportunities for the community to engage with Councillors.

Branch	Strategic Communications and Engagement
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Quarterly Milestones

September	Continue to implement the new Councillor engagement program for 2023 including, Meet the Mayor, Community Tuesday and Councillor Conversations with Community covering a variety of locations across the municipality
December	
March	Complete review of Council’s new Councillor engagement program, apply lessons learnt and adjust the program as needed.
June	

**55 Website strategy and redevelopment of the Council website.**

Develop and implement a website strategy and redevelop the Council website, with a focus on accessibility and ease of finding information, to increase community awareness and encourage broader participation in decision making.

Branch	Digital Communications and Marketing
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Quarterly Milestones

September	Develop and implement a website strategy to guide the development of the new website and future improvements
December	Develop a content strategy and commence rewrite of website content in line with accessibility standards
March	Test new and updated website content to ensure the community can easily find and engage with information relevant to them
June	Launch new website on a new digital platform that will provide an excellent user experience, support the community to intuitively access information, easily complete transactions, and genuinely engage with Council

**56 Electoral representation review**

The City of Yarra will actively engage in the Electoral Representation Review to be conducted by the Victorian Electoral Commission in preparation for the 2024 Council election. We will make a submission to the process on behalf of the Council and advocate for a system that provides for

representation that reflects Yarra's diverse community. We will encourage and support the community to make their own direct submissions to the review.

Branch Governance and Integrity

Quarterly Milestones

September Complete a publicity campaign to engage the community in the electoral representation review process  
Lodge a formal submission to the electoral representation review and present that submission at a formal hearing.

December Plan for single member ward changes

March

June

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## 7.2 Review of Council Order - under the Domestic Animal Act 1994

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### Executive Summary

#### Purpose

To seek the endorsement to begin community engagement on proposed changes to the Council Order including.

- (a) The proposed introduction of a timed cat curfew (between 7pm & 7am the next day); and
- (b) New additions to clause 5 'Owner's obligations in a Designated Reserve' and other minor changes and additions to the Council Order.

#### Key Issues

Council has the authority under the *Domestic Animals Act 1994* pursuant to sections 25 and / or 26 to create a Council Order detailing the control of domesticated dogs and cats within a public space. It is designed to ensure the ongoing safety and amenity of the community.

A year one action of the adopted Domestic Animal Management Plan 2021-25 was to review the Council Order and consider the introduction of a cat curfew.

This report recommends that Council endorses for public consultation, the introduction of a timed cat curfew (between 7pm & 7am the next day).

Other minor proposed changes and additions to the Council Order include:

- (a) New additions to clause 5 '*Owner's obligations in a Designated Reserve*':
  - (i) The dog does not dig or otherwise damage a Designated Reserve'; and
  - (ii) 'dogs must be on lead when Council or any contractor is conducting maintenance including mowing of the lawn, oval or any other area';
- (b) Addition of a newly created park to Schedule One; '*O'Connell Reserve*' and conversion of '*Cairns Reserve*' to a dog on lead park; and
- (c) Address any anomalies or inconsistencies as required within the current Council Order.

The fundamentals of the Council Order will remain the same, however some changes are proposed to the wording and language within the Order to ensure that it is both enforceable and easy to understand by the community.

#### Financial Implications

The proposed Council Order review and implementation process will be managed within existing budget.

#### PROPOSAL

To commence community engagement on the proposed changes to the Council Order including the proposed introduction of a timed cat curfew (between 7pm & 7am the next day).

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## 7.2 Review of Council Order - under the Domestic Animal Act 1994

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<b>Reference</b>	D23/170429
<b>Author</b>	Samantha Hall - Special Projects Officer
<b>Authoriser</b>	General Manager City Sustainability and Strategy

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### Purpose

1. To seek the endorsement to begin community engagement on proposed changes to the Council Order including.
  - (a) The proposed introduction of a timed cat curfew (between 7pm & 7am the next day); and
  - (b) New additions to Clause 5 'Owner's obligations in a Designated Reserve' and other minor changes and additions to the Council Order.

### Critical analysis

#### History and background

2. Council has the authority under the *Domestic Animals Act 1994* pursuant to sections 25 and / or 26 to create a Council Order detailing the control of domesticated dogs and cats within a public space. It is designed to ensure the ongoing safety and amenity of the community.
3. The current Council Order was adopted by Council in 2015. This Order outlines the requirements for the keeping of the domestic cats and dogs within the municipality, including the mandatory desexing of all cats first introduced 1 March 2010.
4. A year one action of the adopted Domestic Animal Management Plan 2021-25 was to review the Council Order and consider the introduction of a cat curfew.

#### Discussion

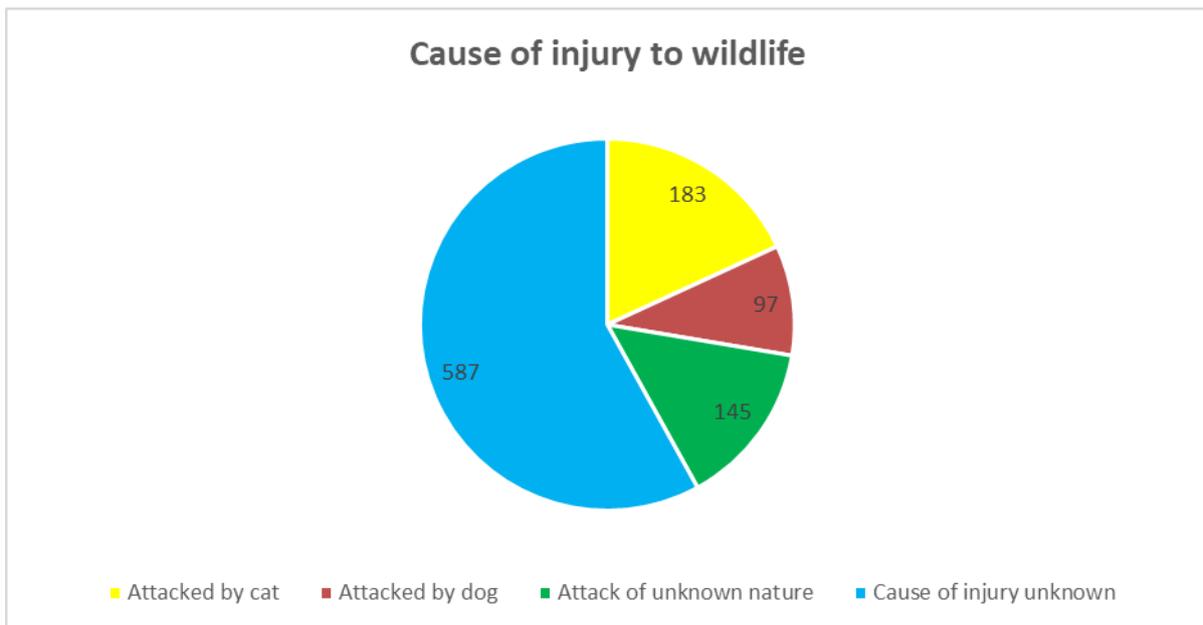
##### Proposed changes to the Council Order

5. The key issues proposed under this review include:
  - (a) Introduction of a timed cat curfew proposed to be introduced between 7pm & 7am the next day;
  - (b) To ensure dogs and cats in a public space are suitably controlled and do not impact the enjoyment of other members of the community or the environment around them;
  - (c) New additions to clause 5 '*Owner's obligations in a Designated Reserve*':
    - (i) The dog does not dig or otherwise damage a Designated Reserve'; and
    - (ii) 'dogs must be on lead when Council or any contractor is conducting maintenance including mowing of the lawn, oval or any other area';
  - (d) Addition of a newly created park to Schedule One; '*O'Connell Reserve*' and conversion of '*Cairns Reserve*' to a dog on lead park; and
  - (e) Address any anomalies or inconsistencies as required within the current Council Order.
6. The fundamentals of the Council Order will remain the same, however some changes are proposed to the wording and language within the Order to ensure that it is both enforceable and easy to understand by the community.
7. A change to the Order specifies that Cairns Reserve that has been signed as a dog on lead park for a number of years and functioned as such, is proposed to be updated to reflect this status and change the designation of the park from dogs prohibited to dog on lead.

8. No other changes to the designation of existing Council parks are being considered.

Cats in the City of Yarra

9. The most significant proposed change to the Council Order relates to the proposed cat curfew.
10. The City of Yarra is home to 3,049 registered cats (June 2023).
11. Council introduced mandatory desexing for all cats on 1 March 2010 and has over a number of years encouraged cat owners to keep their cats confined at night. Officers believe that introducing a night time cat curfew is the next logical step to protect both cats and wildlife within the municipality.
12. Statistical data for the City of Yarra was provided to us by Wildlife Victoria in 2022. This shows that 183 animals were confirmed as being attacked by a cat in the last five years (1 July 2017 – 30 June 2022).
13. To provide further context, a further breakdown follows:
- (a) 183 were confirmed cat attacks;
  - (b) 97 were confirmed dog attacks;
  - (c) 145 were attacks of an unknown nature; and
  - (d) 587 had injuries sustained from an unknown cause.



14. It should be noted that a cat curfew will not address the issue of feral cats.
15. An ongoing extensive education program around the dangers of semi-owned and feral cats will be required for cat owners and residents in Yarra regardless of any curfew. This program would include the impact of feral, semi-owned and domestic cats on native wildlife and is planned to commence in conjunction with the proposed cat curfew.

Cat Management outside the City of Yarra

16. The introduction of a cat curfew will bring the City of Yarra into line with some other Councils in Victoria. A table showing the current cat containment requirements for the M9 Councils is below.

Council	Category	Cat curfew	Introduced
Darebin	Metro	Sunset to sunrise (7pm to 7am)	Jan 2021
Melbourne	Metro	No current curfew (confirmed April 2023)	
Stonnington	Metro	No current curfew (confirmed April 2023)	
Maribyrnong	Metro	No current curfew (confirmed April 2023) DAMP 2021-2025 states that they will investigate community support for the introduction of a cat curfew in 2022, but no evidence of this on the website.	
Merri-bek	Metro	No current curfew (confirmed April 2023)	
Hobsons Bay	Metro	No current curfew (confirmed April 2023)	
Moonee Valley	Metro	Sunset to sunrise (no specific times)	2011
Port Philip	Metro	Sunset to sunrise (9pm to 6am)	April 2022

17. Other metro and interface Councils to recently introduce or announce plans to introduce a cat curfew include Manningham, Knox, Monash, Whitehorse, and Whittlesea. Knox commenced a 24-hour curfew in April 2022 after beginning with a night-time curfew in January 2020.
18. Manningham has announced plans to go straight to a 24-hour curfew however the implementation date for Manningham has not been confirmed.
19. Whittlesea announced plans (July 2022) to introduce a 24-hour curfew beginning in August 2023.

Council	Category	Cat curfew	Introduced
Whittlesea	Interface	(Planned) 24 hours	Beginning August 2023
Knox	Metro	24 hours	April 2022 (Night curfew pilot from Jan 2020)
Monash	Metro	Sunset to sunrise	April 2021
Manningham	Metro	Decision made to move to 24 hours.	Implementation date not yet confirmed
Whitehorse	Metro	Sunset to sunrise (8pm to 6am)	Jan 2020

20. Officers understand that statistics from recent public consultations at other Councils shows support from cat owners for a night-time curfew.
  - (a) The Monash City Council website states that survey results demonstrated that 74% of cat owners supported a night-time curfew, with the majority of owners already bringing their pet inside at night;
  - (b) Discussions with the City of Port Philip indicate that they received positive feedback, with approximately 85% of cat owners already keeping their cats inside at night; and

- (c) Manningham City Council provided information at their Council meeting that 78% of respondents supported a night-time curfew, while 52% supported a 24-hour curfew.
21. RSPCA Victoria recently released their election priorities including priority three ‘to develop a holistic cat management plan’. They stated that:
- (a) *“There are inconsistencies in how cats are managed in Victoria. Cat management is regulated at both the state and local government level, with each of the 79 local government areas able to create their own cat management by-laws. A lack of consistency across local jurisdictions means that cats are not being managed according to best practice and this is having an impact on cat welfare, wildlife welfare and public nuisance.”*
22. The State Government have announced a 10-year plan (May 2022) in relation cats and the protection of wildlife in Victoria. Details of the plan have not been published yet, however discussions with a representative of Animal Welfare Victoria has indicated that the strategy is expected to take about two years to develop and four years to implement.

A curfew could benefit both cats and wildlife

23. RSPCA Australia and the Zoo and Aquarium Association (ZAA) have created a joint initiative called ‘Safe Cat, Safe Wildlife’. Keeping cats at home gives them a better chance to enjoy a longer and healthier life.
24. The RSPCA’s Victorian campaign, *Safecat.org*, states that keeping cats contained will reduce the risk of:
- (a) Traumatic Injury:
- (i) *With greater numbers of roadways and increased traffic, the risk of being hit by cars is a very real possibility. So too is the risk of attack by other animals, including dogs and also other cats, as cat territories do not always coincide with human boundaries. Cat bite abscesses are a very common presenting complaint to veterinarians, are painful for the cat and costly for the owner.*
- (b) Infectious and parasitic disease:
- (i) *Roaming also presents the risk of contracting common feline diseases such as cat flu, ringworm, and ear mites but the greatest risk by far is contracting Feline Immunodeficiency Virus (FIV) which causes similar symptoms to HIV in humans (though it is not transferable to humans). FIV is transmitted via cat bites from fighting – there is a vaccine available, but it is not 100% effective so keeping your cat from roaming and getting into fights is the best way to keep your cats safe.*
- (c) Poisoning:
- (i) *Roaming allows access and exposure to many sources of toxins - including toxic plants (such as lilies), garden pesticides, being bitten by poisonous snakes, spiders etc. If your cat decides to hunt, they also face the real possibility of exposure to rodent poisons by eating mice or rats that have ingested these.*
- (d) Entrapment / Getting lost:
- (i) *With their curious nature and habit of exploring, it is not uncommon for cats to get lost in unfamiliar territory or even become locked in neighbours’ garages or sheds; and*
- (e) Exposure to weather extremes:
- (i) *Cats can sometimes roam far from home, and this puts them at risk of being exposed to thunderstorms, frost and the harsh Australian sun which can cause sunburn. The risk of skin cancer is high, particularly for white and light-coloured cats.*
25. The *Safe Cat, Safe Wildlife* website states that “Around 46% of Australia’s endangered wildlife can be found in towns and cities (Ives et al. 2015).”

26. Further to this the RSPCA encourages the containment of cats in an enclosed area (within the owner's property boundaries). The RSPCA believes that containment of cats can help to protect cats from disease and injury through fighting and accidents, increase the opportunity for owner-animal interaction and reduce the impact of hunting by cats and disturbance caused to neighbours.
27. The RSPCA advises that keeping cats at home benefits *'not just the individual cat, but our wider community'*:
- (a) *"Numerous studies show that cats have a significant negative impact on native wildlife. Roaming pet cats kill 390 million animals per year in Australia, including reptiles, birds, and mammals. That's an average of 186 animals, mostly native species, per roaming domestic cat each year. Roaming cats also pose a concern to animal shelters. RSPCA shelter staff are faced with the daily challenge of finding homes for a continuing intake of stray cats and kittens. The intake of cats into shelters and rescue groups is just one of the many symptoms that characterise the problem of cat overpopulation in Australia."*
28. It is accepted that cats have an impact on native fauna. There is some conjecture as to whether the impact is predominantly caused by feral or domestic cats, and how to reduce the impact from domestic cats specifically. There are varying studies, statistics, and information available on the subject:
- (a) A recent study undertaken for the Australian Parliament, *"Project Noah"*, states that in Australia it is estimated that one feral cat can kill app. 1,100 animals each year; and
- (b) The following extracts are from the 2020 study *"We need to worry about Bella and Charlie: the impacts of pets cats on Australian Wildlife"*:
- (i) *"An average pet cat kills fewer animals than does a feral cat: a pet's predation rate is 14–25% that of a feral cat, depending on whether all pet cats, or only the subset of pets that roam and hunt, are considered. On average, a roaming and hunting pet cat kills 186 mammals, birds, and reptiles each year (including 115 native animals), which is about a quarter of what an average feral cat kills in the bush (748 mammals, birds, and reptiles, including 576 native) per year. But pets occur at a high density in small areas, so local predation pressure can be substantial; in those areas in which they occur..."*
- (ii) *"Detrimental impacts to wildlife populations from pet cat predation have also been reported from Australia, but the evidence is patchier. Pet cats were blamed for the decline of a local population of superb lyrebirds, *Menura novaehollandia*, at Sherbrooke Forest, Victoria; consequent changes to pet cat management regulations were associated with a recovery in lyrebird numbers. However, the improved pet cat management coincided with fox and feral cat control programs, so the relative contributions of pet cats versus introduced predators to the lyrebird declines are hard to disentangle"*.
- (iii) *"Night-time curfews are widely perceived as protecting wildlife. For example, studies in Victoria and in South Australia both found that pet cat owners were more likely to contain their pets overnight than during the day"*.
- (iv) *"Some cat owners have successfully trained their cats to be walked on a leash, but not all cats enjoy this or 'agree' to be walked. Containment could incur costs to the cat owners, if they build containment structures outdoors, and purchase cat toys and other equipment for behavioural enrichment"; and*

(v) *“Local governments with cat curfew or containment regulations have generally been unable to demonstrate reductions in complaints about roaming cats, or the incidence of roaming cats, following the introduction of the regulations. In part, this is due to the lack of monitoring for compliance and outcomes, as well as the fundamental issues of non-compliance. Containment bylaws can be effective only if compliance is monitored, if noncompliance is detected and penalised, if infrastructure, staffing and a process for impounding and handling wandering cats are all in place, and if accompanied by ongoing education about the need for cat containment (Moore 2001). Thus, the effectiveness of curfews and containment are likely to be correlated with local government investment...”*

29. While there is no specific research on the impact of cats (pet cats or feral cats) specifically for Yarra, new research conducted by the Australian National University found that roaming pet cats kill 546 million animals a year in Australia, 323 million of which are native animals.
30. This research found that pet cats kill 6,000 to 11,000 native animals per square kilometre in urban areas each year. ‘Professor Sarah Legge’ also found that 730,000 pet cats were roaming in Greater Melbourne each year and that these cats killed approximately 62 million native animals annually.

#### Considerations of a cat curfew

31. An extensive public consultation and education program will be undertaken.
32. Officers also recognise that building a cat enclosure or installing cat proof fencing will not be possible for all cat owners as a solution.
33. Council can evaluate the success of cat containment measures by monitoring the number of:
  - (a) new and active cat registrations;
  - (b) cat trap / nuisance requests;
  - (c) Cats collected and impounded within the municipality; and
  - (d) Analysing data from Wildlife Victoria on the number of injured wildlife being received at their facility, specifically those caused by cat attacks.
34. The introduction of a night time cat curfew will make it an offence for cat owners to allow their pet to roam outside their property at night.
35. Any curfew is intended to be mainly self-regulated, and we need to encourage a willingness to comply from pet owners, and a night time curfew is the appropriate first step to introduce our residents to the idea of cat containment.
36. Cat owners that repeatedly breach a curfew following education and warnings may receive an infringement notice and potential prosecution. If a cat is unregistered, or its owners are not available to receive it safely at home, the cat will be impounded. There is a fee for pound collections and unfortunately pets are not always reunited with their owners.
37. Reuniting cats with their owners after being impounded can be difficult for Councils. Findings published by RSPCA Victoria state that *“In 2020/21, RSPCA Victoria received 8,480 cats into our shelters, which was 58% of the total incoming animals. RSPCA Victoria is just one of several large shelter facilities in Victoria, with shelters such as The Lost Dogs’ Home receiving a similar total of incoming animals in 2020/21 and Animal Aid receiving 2,753 cats (61% of their total incoming animals) within the same period. While many cats are highly valued as companions and pets, many others have no defined owner and due to cat overpopulation have fewer rehoming options than dogs. In 2020/21, only 7% of incoming cats into RSPCA Victoria were reclaimed, whereas 53% of incoming dogs were reunited with their owners”*.

## Options

38. A night time curfew is proposed for community consultation alongside a planned education campaign which will allow cat owners to learn about the impacts of cats on native wildlife, along with the benefits to cats' health in the prevention of disease and the prospect of a greater life expectancy for their cat.

## Community and stakeholder engagement

39. Community engagement will focus on the proposed introduction of the night time cat curfew as well as other administrative changes to the Council Order. The community engagement is planned to run for six weeks.
40. Council's annual pet registration renewals were sent to residents in February 2023 and included information in the renewal material letting pet owners know to keep an eye out for a review of current regulations that impact dogs and cats in 2023.
41. The community engagement is planned to coincide with the distribution of the July / August edition of the Yarra News (Council's bi-monthly community magazine which is delivered to every household across the City of Yarra). This is the main way to ensure that we reach every resident in the municipality including current and prospective cat owners as well as non-cat owners.
42. Council officers will continue running a responsible pet ownership education campaign. The education campaign is designed to inform residents as to how they can best manage their pet in Yarra. This program includes social media posts and news articles about keeping cats contained overnight and responsible pet ownership. The campaign messaging has highlighted issues including health benefits of cat containment to cats and the reduced risk of the spread of infectious diseases such as Feline AIDS.
43. In addition, in-person engagement pop-up sessions at a variety of locations across the municipality and targeted engagement through direct email to registered dog and cat owners, local vet clinics and pet supply stores will occur.
44. The opportunity to provide feedback on the proposed cat curfew via 'Your Say Yarra' and in-person pop-up sessions will be promoted to all Yarra residents via the following avenues:
- (a) Yarra News;
  - (b) Social media;
  - (c) Council's corporate and Your Say websites;
  - (d) Council's Bi-cultural Liaison Officers will be engaged at the in-person pop ups to assist residents from Culturally and Linguistically Diverse (CALD) backgrounds;
  - (e) Direct email (EDM); and
  - (f) Promotional posters encouraging people to participate in the community engagement at Council's libraries, leisure centres and customer service centres.
45. Alongside the broader engagement, project advisors will consult with a number of key stakeholders including land and wildlife management groups, animal welfare organisations, animal shelters, Yarra advisory groups, government organisations and applicable organisations as determined under the *Domestic Animals Act 1994*.
46. All feedback received through the community engagement period that is not relevant to the Council Order will be directed to the relevant Manager and department for consideration and appropriate action.

## Policy analysis

### Alignment to Community Vision and Council Plan

47. Strategic objective 4 (Place and Nature): Yarra's public places, streets and green open spaces bring our community together. They are planned to manage growth, protect our unique character, and focus on people and nature.

### Climate emergency and sustainability implications

48. Predation by cats has the potential to contribute to the decrease in numbers or the extinction of vulnerable and near extinct species.

### Community and social implications

49. The introduction of a cat curfew will have an impact on the community. Some residents may require a permit to make alterations to their property to meet cat containment requirements, such as adding screens to windows and doors of a heritage property. Further to this, some residents may not be able to afford the costs associated with obtaining permissions from Council or building the required structures.
50. Yarra is home to people of varied backgrounds. Many people including the disabled, elderly and those with poor socio-economic backgrounds may not understand the requirements of a cat curfew. This may lead to people committing offences unknowingly and heightened anxiety in the community.

### Economic development implications

51. There are no known economic development implications.

### Human rights and gender equality implications

52. Prior to making a resolution to make an Order, Council must comply with section 38 of the Charter of Human Rights Act 2006 and consider the relevant human right. In addition, Council must comply with its natural justice requirements and the requirements of the Local Government Act 2020 for the Order to be valid.

## Operational analysis

### Financial and resource impacts

53. The proposed Council Order review and implementation process is envisaged to fall within Council budget limitations with no expectation of additional cost impacts.
54. Officers must manage the communities' expectations to enforce any proposed changes. There will need to be a significant degree of self-regulation from cat owners within the community. Council currently has two full time employees in the Animal Management Team and one full time employee in the Parks Officer role. There are no further resources available to assist with requests for roaming cats and dogs. Any expectations from the community will need to be met by these officers.

### Legal Implications

55. Pursuant to section 25 and 26 of the *Domestic Animals Act 1994*, Council may make an Order by resolution which requires cats to be securely confined to their owner's premises in a municipal district or part of a municipal district. Prior to making a resolution to make an Order Council must comply with section 38 of the Charter of Human Rights Act 2006 and consider the relevant human right. In addition, Council must comply with its natural justice requirements and the requirements of the Local Government Act 2020 for the Order to be valid.

## Conclusion

56. If supported, the proposed changes to the Council Order, including the proposed introduction of a night time cat curfew (cats to be contained to their private property between 7pm and 7am) will be released for community consultation.
57. Community engagement for the Council Order review, including the introduction of a night time cat curfew (between 7pm and 7am) and other administrative changes are proposed to commence in July 2023 for a six-week period.
58. After the conclusion of the community engagement, officers will assess the findings and bring a further report to Council.

## RECOMMENDATION

1. That Council endorse all proposed changes to the Council Order as outlined in **Attachment One** for public consultation including:
  - (a) The introduction of a night time cat curfew (7pm to 7am the next day); and
  - (b) The new additions to clause 5 'Owner's obligations in a Designated Reserve' and the proposed changes to the Council Order.

## Attachments

- 1 [↓](#) Attachment 1 - Council Order Review - Table of Proposed Changes
- 2 [↓](#) Attachment 2 - Copy of proposed Council Order with tracked changes

**Council Order review - Table of proposed changes** (\*Numbering listed as per Council Order changes)

Current Order	Proposed change
<b>Council Orders made under S10A and 26 of the Domestic Animals Act 1994</b>	<b>Domestic Animals Act 1994 Section 25(2) and 26(2)</b>
New addition (TBC after consultation)	<b>1. Revocation</b> (1) All previous Orders made by Council under section 26 of the Domestic Animals Act 1994 are revoked.
New addition (TBC after consultation)	<b>2. Commencement</b> (1) This Order commences on [date]. (2) Clause 3(1) commences on (date).
New addition (TBC after consultation)	<b>3. Cat Curfew</b> (1) All cats kept within the municipal district of Yarra City Council must be securely confined to their owner's premises between the hours of 7.00pm and 7.00am the following day;
<b>3. Dogs must be under effective control</b> (1) The Owner of any dog must keep the dog under effective control by means of a leash held by the Owner and attached to the dog while the dog is in a Public Place except where that Public Place is a Designated Reserve or Prohibited Area.	<b>5. Dogs must be under effective control</b> Remove " <i>or prohibited area</i> " And "chain, cord or (not exceeding 2 metres in length)"
<b>4. Prohibited Areas</b> (2) The prohibition under sub-clause (1) applies in a Prohibited Area regardless of whether or not the dog is on a chain, cord or leash.	<b>6. Prohibited Areas</b> (2) The prohibition under sub-clause (1) applies regardless of whether or not the dog is under effective control by a leash held by the Owner and attached to the dog or otherwise controlled or not controlled.

**Council Order review - Table of proposed changes** (\*Numbering listed as per Council Order changes)

Current Order	Proposed change
<p><b>5. Owner’s obligations in a Designated Reserve</b></p> <p>(1) A dog may be exercised off a chain, cord or leash in a Designated Reserve if the Owner:</p> <p>(a) does not allow the dog to worry, threaten or attack any person or animal;</p> <p>(b) carries a chain, cord or leash not exceeding 2 metres in length sufficient to bring the dog under control by placing the dog on the chain, cord or leash if the dog behaves in a manner which worries, threatens or attacks any person or animal;</p> <p>(c) remains close enough to the dog so as to be able to immediately bring the dog under effective control by placing the dog on a chain, cord or leash;</p> <p>(d) brings the dog under effective control by placing the dog on a chain, cord or leash immediately upon the dog commencing to worry, threaten or attack any person or animal;</p> <p>(e) keeps the dog under effective control by placing the dog on a chain, cord or leash (not exceeding 2 metres in length) held by the Owner and attached to the dog whenever the dog is within 10 metres of:</p> <p>(i) an unfenced playground area;</p> <p>(ii) a barbecue or picnic facility;</p> <p>(iii) a sporting oval which is being used for an organised sporting event (including training), an authorised school event or other organised public event;</p> <p>(iv) any skate park or BMX facility;</p> <p>(v) any other authorised event; and</p> <p>(vi) any Play or Exercise equipment.</p>	<p><b>7. Owner’s obligations in a Designated Reserve</b></p> <p>(1) A dog may be exercised in a Designated Reserve, without being under effective control by a leash held by the Owner and attached to the dog, if:</p> <p>(a) the Owner carries a leash for each dog.</p> <p>(b) the Owner remains in close proximity to the dog to be able to bring the dog under effective control by placing the dog on a leash;</p> <p>(c) the Owner remains in effective voice or hand control of the dog so as to be able to promptly bring the dog under effective control by placing the dog on a leash if that becomes necessary;</p> <p>(d) the dog does not worry, threaten or attack any person or animal;</p> <p>(e) the Owner brings the dog under effective control by placing the dog on a leash promptly if the dog commences to worry, threaten or attack any person or animal;</p> <p>(f) the dog does not dig or otherwise damage the Designated Reserve;</p> <p>(g) the Owner keeps the dog under effective control by placing the dog on a leash, held by the Owner and attached to the dog whenever the dog is within 10 metres of:</p> <p>(i) an unfenced playground area;</p> <p>(ii) a barbecue or picnic facility;</p> <p>(iii) a sporting oval which is being used for an organised sporting event or training, an authorised school event or other organised public event;</p> <p>(iv) any skate park or BMX facility;</p>

**Council Order review - Table of proposed changes** (\*Numbering listed as per Council Order changes)

Current Order	Proposed change
	<p>(v) any other authorised event; and</p> <p>(vi) any Play or Exercise Equipment;</p> <p>the Owner keeps the dog under effective control by placing the dog on a leash held by the Owner and attached to the dog whenever lawn mowing, maintenance or other works is being carried out by a Council officer or Council contractor.</p> <p>(i) Shared path; the Owner keeps the dog under effective control by means of a Leash attached to the dog and held by the Owner when the dog is on or within 5 meters of a Shared Path.</p>
<p><b>6. Commercial Dog Walkers</b></p> <p>(1) Commercial Dog Walkers must keep all dogs in their care on leash at all times except when in a designated and fenced off- leash area.</p>	<p><b>8. Commercial Dog Walkers</b></p> <p>(1) Commercial dog walkers must keep all dogs in their care under effective control by a leash, held by the person and always attached to the dog except when in a Designated Reserve which is fenced off so that a dog cannot leave the Designated Reserve.</p>
<p><b>7. Shared Paths</b> (as defined under the Road Safety Road Rules 2009)</p> <p>(1) Dogs are required to be on lead on shared pathways and 5 metres either side, even if the pathways run through off-lead areas.</p>	<p><b>9. Shared Paths</b></p> <p>(1) Incorporated information in: (7. Owner’s obligations in a Designated Reserve)</p>

**Council Order review - Table of proposed changes** (\*Numbering listed as per Council Order changes)

Current Order	Proposed change
<p><b>8. Meaning of words</b></p> <p><b>In this Order:</b></p> <p><i>Designated Reserve</i> means any reserve specified in Schedule 1 of this Order.</p>	<p><b>9. Meaning of words</b></p> <p><b>In this Order:</b></p> <p><i>Designated Reserve</i> means any reserve specified in Schedule 1 of this Order.</p> <p><i>Dog multi -zone reserve</i> means a <i>Designated Reserve</i> that includes both on and off-leash areas as indicated by signage.</p>
<p><b><i>Play or Exercise equipment</i></b> means any item or facility installed by Council and designed to be used by children or adults.</p> <p><b><i>Prohibited Area</i></b> means:</p> <p>(a) any sporting oval when an organised sporting event (including training) is in progress; and</p> <p>(b) the places specified in Schedule 2 of this Order.</p> <p><b><i>Public Place</i></b> has the meaning given to it in the Summary Offences Act 1966, and includes all streets, roads, footways, reserves, lanes, parks, schools, public halls and markets</p>	<p><b><i>Play or Exercise Equipment</i></b> means any item, facility, or equipment installed by Council and designed to be used by children or adults for play or exercise.</p> <p><b><i>Prohibited Area</i></b> means:</p> <p>(a) any sporting oval when an organised sporting event or training is in progress; and</p> <p>(b) the places specified in Schedule 2 of this Order.</p> <p><b><i>Public Place</i></b> has the meaning given to it in the Summary Offences Act 1966, but does not include land owned or managed by Parks Victoria.</p> <p><b><i>Organised Event</i></b> means an event approved by Council in which a lease or permit has been granted, including (but not limited too) sporting and community events.</p> <p><b><i>Leash</i></b> means a chain, cord or leash (not exceeding 2 metres in length), sufficient to bring a dog under effective control.</p> <p><b><i>Shared Path</i></b> has the same meaning as defined under the Road Safety Road Rules 2017.</p> <p><b><i>Dog multi-zone reserve</i></b> means a designated reserve that includes both on and off leash areas as indicated by signage.</p>

**Council Order review - Table of proposed changes** (\*Numbering listed as per Council Order changes)

Current Order	Proposed change
Owner	Has the same meaning as in the Domestic Animals Act 1994 and includes a person in apparent control of the dog.

**Council Order review - Table of proposed changes** (\*Numbering listed as per Council Order changes)

**Schedule 1**

**Designated Reserves**

<b>Current Order</b>	<b>Proposed Change</b>	<b>Reason for change</b>
Melways Ref.	Remove Melways Ref. for all reserves	No longer relevant
Victoria Park and surrounds Dog Off-Lead area (sports ground)	Victoria Park (has a sports ground – See schedule 2) Dog Off-Lead	Updating the Order to provide clarity around sporting grounds.
Gahans Reserve	Gahan Reserve	Spelling correction
Alphington Park Dog Multi-zone Reserve (Between 10 am and 5 pm.	Alphington Park (has a sports ground – See schedule 2) Dog On-Lead (10am to 5pm) Dog Off-Lead (all other times)	Updating the Order to provide clarity around sporting grounds. Change park description to make it clearer for park users. (No change to times)
Coulson Reserve Dog Off-Lead Area (Sports ground)	Coulson Reserve (has a sports ground – See schedule 2) Dog Off-Lead area	Updating the Order to provide clarity around sporting grounds.
Yambla St Reserve Dog Off-Lead Area (Except Fenced Sports Ground)	Yambla St Reserve Dog Off lead	Remove reference to fenced sportsground as there is no enclosing fence

**Council Order review - Table of proposed changes** (\*Numbering listed as per Council Order changes)

Current Order	Proposed Change	Reason for change
Ramsden Street Reserve Dog Off-Lead	Ramsden Street Reserve (has a sports ground – See schedule 2) Dog Off-Lead area	Updating the Order to provide clarity around sporting grounds.
Fairfield Park Oval Dog Off-Lead Area (Sports ground)	Fairfield Park Oval (has a sports ground – See schedule 2) Dog Off-Lead area	Updating the Order to provide clarity around sporting grounds.
Alphington Park Oval Dog Multi-Zone Reserve (Sports Ground)	Removed	This reference needs to be removed. Information is covered above in the Alphington Park section.
George St Reserve (Next to Cairns Reserve) Fitzroy, 3065	George St Reserve (Next to Cairns Reserve) Richmond, 3121	Amending due to a clerical error in the location.
Atherton Reserve Dog Off-Lead Area (Sports Ground)	Atherton Reserve (has a sports ground – See schedule 2)	Updating the Order to provide clarity around sporting grounds.
New addition	O’Connell Reserve Bridge Road, Richmond, 3121 Dog On-Lead (9am to 5pm) Dog Off-Lead (all other times)	This park is already acting in this manner. Dogs are currently permitted off lead before 9am and after 5pm in accordance with existing signs. This was not included in the current Council Order as it’s a new park.

**Council Order review - Table of proposed changes** (\*Numbering listed as per Council Order changes)

Current Order	Proposed Change	Reason for change
Allen Bain Reserve	Alan Bain Reserve (S.G)	Spelling correction - Updating the Order to provide clarity around sporting grounds.
Burnley Park Oval Dog Off-Lead Area (Sports Ground)	Burnley Park Oval (has a sports ground – See schedule 2) Dog Off-Lead area	Updating the Order to provide clarity around sporting grounds.
Citizens Park Dog Off-Lead area	Citizens Park (has a sports ground – See schedule 2) Dog Off-Lead	Updating the Order to provide clarity around sporting grounds.
Williams Reserve Dog Multi-Zone Reserve	Williams Reserve Dog On-Lead (9am to 5pm) Dog Off-Lead (all other times)	Change park description to make it clearer for park users. (No change to times)
Dame Nellie Melba Reserve Dog Multi-Zone Reserve	Dame Nellie Melba Reserve Dog On-Lead (9am to 5pm) Dog Off-Lead (all other times)	Change park description to make it clearer for park users. (No change to times)
McConchie Reserve Dog Multi-Zone Reserve	McConchie Reserve Dog On-Lead (9am to 5pm) Dog Off-Lead (all other times)	Change park description to make it clearer for park users. (No change to times)

**Council Order review - Table of proposed changes** (\*Numbering listed as per Council Order changes)

**Schedule 2**

**Prohibited Area**

Current Order	Proposed change	Reason for change
New addition	9. Any cricket turf cricket wicket when roped off and any wicket covered area.	Adding this in to make it clearer for enforcement. We have received complaints about this issue.
13. Any established Council garden beds.	13. Any garden bed on Council land.	Updated to make it easier for enforcement and clearer for the community.
Council may, subject to public comment and public notice, add to, delete and vary the areas listed in Schedule 1.	Removed	
Cairns Reserve Playground Park	Removed from prohibited areas	This reserve has been signed as dogs on lead for many years and has functioned in this manner without any significant incidents.



COUNCIL ORDERS MADE UNDER SECTIONS 10A, 25 AND 26 OF THE DOMESTIC ANIMALS ACT 1994

At its meeting on ~~15 December 2015~~[date], Yarra City Council resolved to make the following Orders pursuant to sections 10A, ~~25(2) and~~26(2) of the Domestic Animals Act 1994.

Domestic Animals Act 1994

1. Revocation

~~(1)~~ All previous Orders made by Council under section 26 of the Domestic Animals Act 1994 are revoked.

2. Commencement

~~(1) This order commences on [date] other than clause 3 which commenced on [date].~~

3. Cat curfew pursuant to section 25(2)

~~(1) All cats within the municipal district of Yarra City Council, must be securely confined to their owners premises, or the premises where they are being kept for the time being, between the hours of 7.00 pm and 7.00 am the following day.~~

4. That as per section 10A of the Domestic Animals Act 1994, it will not after 22 December 2013, register or renew the registration of a cat unless the cat:

- a. Is de-sexed; or
- b. Is exempted under this Act from any requirements to be de-sexed.

5. Council order pursuant to section 26(2) ~~Dogs must be under effective control~~

(1) The Owner of any dog must keep the dog under effective control by means of a ~~Leash chain, cord or leash (not exceeding 2 metres in length)~~ held by the Owner and attached to the dog while the dog is in a Public Place except where that Public Place is a Designated Reserve, ~~or Prohibited Area.~~

~~4.6. Prohibited Areas~~

(1) A dog must not enter or remain in any Prohibited Area.  
 (2) The prohibition under sub-clause (1) applies in a Prohibited Area regardless of whether or not the dog is ~~under effective control by means of a Leash held by the Owner and attached to the dog, or otherwise controlled or not controlled on a chain, cord or leash.~~

~~5.7. Owner's obligations in a Designated Reserve~~

(1) A dog may be ~~exercised off a chain, cord or leash~~ in a Designated Reserve, ~~without being under effective control by means of a Leash held by the owner and attached to the dog, if the Owner:~~

- (a) ~~the Owner carries a Leash for each dog with them does not allow the dog to worry, threaten or attack any person or animal;~~
- (b) ~~the Owner remains in close proximity to the dog to bring the dog under effective control by attaching a Leash to the dog and held by the Owner;~~
- (c) ~~the Owner remains in effective voice or hand control of the dog so as to be able to promptly bring the dog under effective control by attaching a Leash to the dog and held by the Owner if that becomes necessary;~~

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(d) ~~the dog does not worry, threaten or attack any person or animal;~~

(e) ~~the Owner brings the dog under effective control by attaching a Leash to the dog and held by the Owner promptly if the dog commences to worry, threaten or attack any person or animal;~~

(f) ~~the dog does not dig or otherwise damage the Designated Reserve;~~

(g) ~~the Owner keeps the dog under effective control by attaching a Leash to the dog and held by the Owner whenever the dog is within 10 metres of;~~

(b) ~~carries a chain, cord or leash not exceeding 2 metres in length sufficient to bring the dog under control by placing the dog on the chain, cord or leash if the dog behaves in a manner which worries, threatens or attacks any person or animal.~~

(c) ~~remains close enough to the dog so as to be able to immediately bring the dog under the effective control by placing the dog on a chain, cord or leash;~~

(d) ~~brings the dog under effective control by placing the dog on a chain, cord or leash immediately upon the dog commencing to worry, threaten or attack any person or animal;~~

(e) ~~keeps the dog under effective control by placing the dog on a chain, cord or leash (not exceeding 2 metres in length) held by the Owner and attached to the dog whenever the dog is within 10 metres of:~~

- (i) an unfenced playground area;
- (ii) a barbecue or picnic facility;
- (iii) a sporting oval which is being used for an organised sporting event (including or training), an authorised school event or other organised public event;
- (iv) any skate park or BMX facility;
- (v) any other authorised event; and
- (vi) any Play or Exercise equipment.

(h) ~~the Owner keeps the dog under effective control by attaching a Leash to the dog held by the Owner whenever lawn mowing, maintenance or other works is being carried out by a Council officer or Council contractor; and~~

(i) ~~the Owner keeps the dog under effective control by means of a Leash attached to the dog and held by the Owner which the dog is on or within 5 metres of a Shared Path.~~

**6.8. Commercial Dog Walkers**

(1) Commercial dog walkers must keep all dogs in their care ~~under effective control by means of a Leash which is always attached to the dog and held by the person on leash at all times except when in a Designated Reserve which is and fenced off so that a dog cannot leave the Designated Reserve. —leash area.~~

~~7. Shared Paths (as defined under the Road Safety Road Rules 2009)~~

~~(1) Dogs are required to be on lead on shared pathways and five metres either side, even if the pathways run through off lead areas.~~

~~8.~~ **9. Meaning of words**

In this Order:

*Designated Reserve* ————— means any reserve specified in Schedule 1 of this Order.

*Dog multi-zone reserve* means a Designated Reserve that includes both on and off leash areas as

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indicated by signage.

Leash means a chain, cord or leash (not exceeding 2 metres in length), sufficient to bring a dog under effective control.

Organised Event means an event approved by Council in which a lease or permit has been granted, including (but not limited too) sporting and community events.

Owner \_\_\_\_\_ has the same meaning as in the Domestic Animals Act 1994 and includes a person in apparent control of the dog.

Play or Exercise equipment \_\_\_\_\_ means any item, ~~or~~ facility or equipment installed by Council and designed \_\_\_\_\_ to be used by children or adults for play or exercise.

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Prohibited Area \_\_\_\_\_ means:

- (a) any sporting oval when an organised sporting event or ~~(including training)~~ is in progress; and
- (b) the places specified in Schedule 2 of this Order.

Public Place \_\_\_\_\_ has the meaning given to it in the Summary Offences Act 1966, but does not include land owned or managed by Parks Victoria, and includes all streets, roads, footways, reserves, \_\_\_\_\_ lanes, parks, schools, public halls and markets.

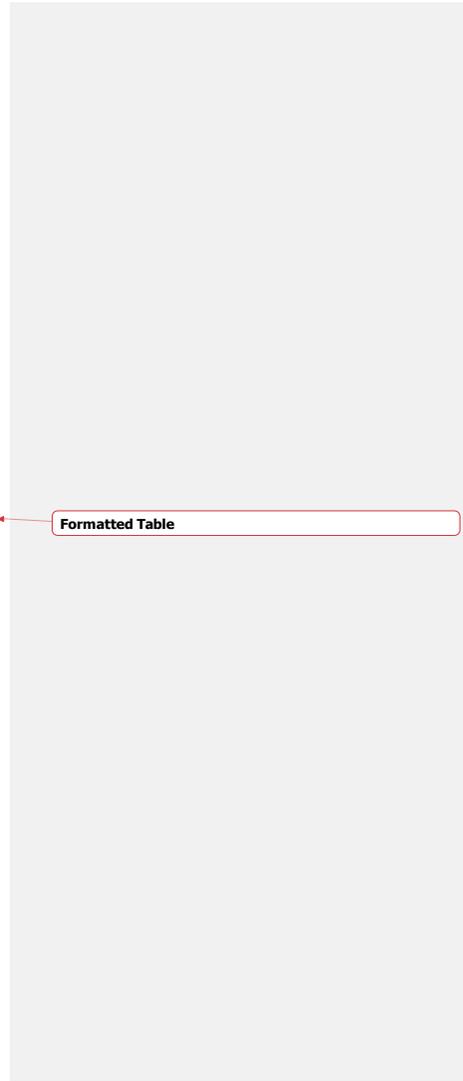
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Shared Path has the same meaning as defined under the Road Safety Road Rules 2017.

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**SCHEDULE 1- Designated Reserves**

RESERVE NAME	SUBURB	STREET ADDRESS	POST CODE	MELWAY-REF.	DESIGNATION
YARRA RIVER PARKLANDS-FLOCKHART RESERVE	ABBOTSFORD	FLOCKHART ST	3067	2D-EI2	Dog Off-lead area
MAUGIE ST RESERVE	ABBOTSFORD	MAUGIE ST /LULIE ST	3067	2CK6	Dog Off-lead area
VICTORIA PARK (AND SURROUNDS - has a sports ground - see schedule 2)	ABBOTSFORD	ABBOT ST	3067	2CK7	Dog Off-lead area (Sports ground)
GAHAN'S RESERVE	ABBOTSFORD	PARK ST /VERE ST	3067	2C-JIO	Dog Multi-zone reserve
COATE PARK	ALPHINGTON	COATE AVE	3078	34-AI2	Dog Multi-zone reserve
ALPHINGTON PARK (has a sports ground - see schedule 2)	ALPHINGTON	BW PARKVIEW & VIEW ST	3078	34-CI2	Dog On-lead (10 am - 5 pm) Dog Off-lead (all other times) Multi-zone Reserve
CURTAIN SQUARE	CARLTON NTH	CURTAIN ST/RATHDOWNE ST	3054	2B-J2	Dog Multi-zone Reserve.
INNER CIRCLE- LYGON TO NICHOLSON	CARLTON NTH	PARK ST NICHOLSON TO LYGON ST	3054	36A-II	Dog Off-lead area
INNER CIRCLE- HARDY GALLAGHER RESERVE	CARLTON NTH	GARTON ST TO WILSON ST	3054	29-HIO	Dog Off-lead area
DARLING GARDENS	CLIFTON HILL	NORTH TCE /HODDLE ST / SOUTH TCE	3068	2C-H3	Dog Multi-zone Reserve
QUARRIES PARK (has a sports ground - see schedule 2)	CLIFTON HILL	DWYERSTI WRIGHT ST	3068	2D-C3	Dog Off-lead area
YAMBLA ST RESERVE	CLIFTON HILL	YAMBLA ST /WIDDE ST	3068	2D-B2	Dog Off-lead area



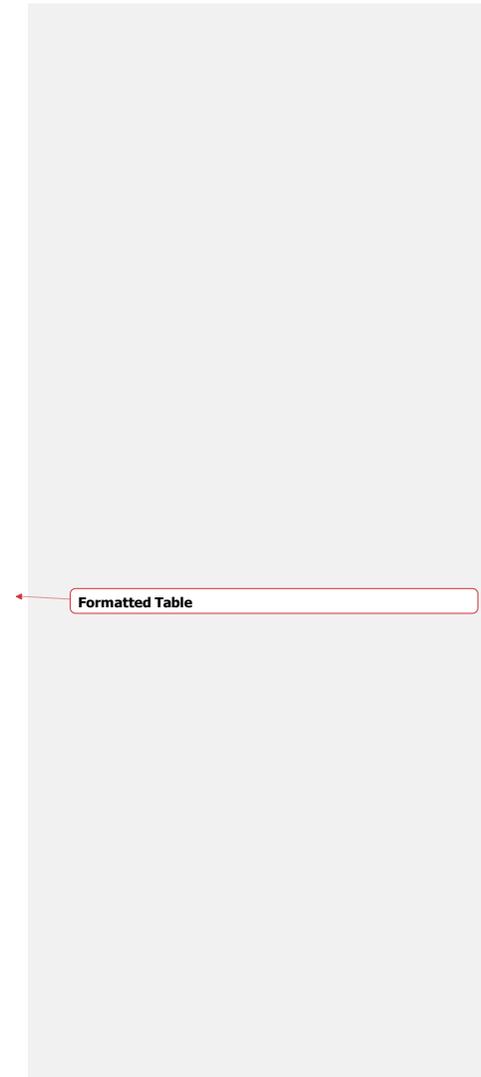
WALKER ST RESERVE	CLIFTON HILL	WALKERST	3068	<del>2D-D2</del>	Dog Off-lead area
MERRICK PARKLANDS- HALL RESERVE	CLIFTON HILL	THE ESPLANADE	3068	<del>2D-E1</del>	Dog Off-lead area
<b>RESERVE NAME</b>	<b>SUBURB</b>	<b>STREET ADDRESS</b>	<b>POST CODE</b>	<b>MELWAY REF.</b>	<b>DESIGNATION</b>
MAYORS PARK (EXCLUDES COLLINGWOOD LEISURE CENTRE)	CLIFTON HILL	TURNBULL ST/HEIDELBERG RD/ HODDLE ST	3068	<del>2C-J1</del>	Dog Off-lead area
COULSON RESERVE <a href="#">(has a sports ground – see schedule 2)</a>	CLIFTON HILL	HEIDELBERG RD	3068	<del>30-E12</del>	Dog Off-lead area <a href="#">(Sports-ground)</a>
RAMSDEN STREET RESERVE <a href="#">(has a sports ground – see schedule 2)</a>	CLIFTON HILL	FIELD ST / RAMSDEN ST	3068	<del>2D-G4</del>	Dog Off-lead <a href="#">area</a>
YAMBLAST RESERVE <a href="#">(has a sports ground – see schedule 2)</a>	CLIFTON HILL	YAMBLA ST / WRIGHT ST	3068	<del>2D-B2</del>	Dog Off-lead <a href="#">area (except fenced sports-ground)</a>
FAIRFIELD PARK	FAIRFIELD	HEIDELBERGRD/YARRA BEND RD	3078	<del>30-J12</del>	Dog Off-lead area
FAIRFIELD PARK OVAL <a href="#">(has a sports ground – see schedule 2)</a>	FAIRFIELD	HEIDELBERGRD/YARRA BEND RD	3078	<del>30-J12</del>	Dog Off-lead area <a href="#">(Sports-ground)</a>
<del>ALPHINGTON PARK OVAL</del>	<del>FAIRFIELD</del>	<del>PARKVIEW RD</del>	<del>3078</del>	<del>31-B12</del>	<del>Dog – Multi-zone reserve – (Sports ground)</del>
SMITH RESERVE	FITZROY	ALEXANDRA PDE/GEORGE / NAPIER / CECIL STS	3065	<del>2C-G5</del>	Dog Multi-zone reserve
GEORGE ST RESERVE (Next to Cairns Reserve)	<del>RICHMOND/FITZROY</del>	GEORGE ST / CHARLES ST	<del>3121965</del>	<del>2C-G10</del>	Dog Off-lead area
ATHERTON RESERVE	FITZROY	NAPIER ST	3065	<del>2C-B10</del>	Dog Off-lead area <a href="#">(Sports-ground)</a>
<del>O'CONNELL RESERVE</del>	<del>RICHMOND</del>	<del>BRIDGE RD</del>	<del>3121</del>		<del>Dog On-lead (9 am – 5 pm). Dog Off-lead (all other times)</del>
EDINBURGH GARDENS <a href="#">(has a sports ground – see schedule 2)</a>	FITZROY NORTH	<del>CNR</del> ST GEORGES RD/BRUNSWICK ST	3068	<del>2C-D1</del>	Dog Multi-zone reserve

LANGDON RESERVE	FITZROY NORTH	MILLER ST /NICHOLSON ST	3068	<del>30-A10</del>	Dog Multi-zone reserve
INNER CIRCLE- HOLDEN BYRNE RESERVE	FITZROY NORTH	HOLDEN ST /BYRNE ST	3068	<del>30-C11</del>	Dog Multi-zone reserve
RAINES RESERVE- TRIANGLE PARK (ALEXANDRA PDE/ QUEENS/ NAPIER ST)	FITZROY NORTH	QUEENS PDE	3068	<del>-2C-H4</del>	Dog Off-lead area
<b>RESERVE NAME</b>	<b>SUBURB</b>	<b>STREET ADDRESS</b>	<b>POST CODE</b>	<b>MELWAYS-REF.</b>	<b>DESIGNATION</b>
BATSON (RUSHALL STATION) RESERVE	FITZROY NORTH	RUSHALLCRS	3068	<del>30-D11</del>	Dog Off-lead area
INNER CIRCLE- THOMAS KIDNEY RESERVE	FITZROY NORTH	PARK ST /RUSHALL STTO BENNETT ST	3068	<del>30-D11</del>	Dog Off-lead area
INNER CIRCLE- ST GEORGES RD TO BENNETTST	FITZROY NORTH	PARK ST (BENNETT TO ST GEORGES RD)	3068	<del>30-C11</del>	Dog Off-lead area
INNER CIRCLE -JANET MILLMAN RESERVE	FITZROY NORTH	PARK ST(B/W NICHOLSON & ST GEORGES RD)	3068	<del>30-B11</del>	Dog Off-lead area
INNER CIRCLE- MARK ST RESERVE	FITZROY NORTH	CAPITAL CITY TRAIL (B/W ST GEORGES RD & ALFRED CR)	3068	<del>30-C11</del>	Dog Off-lead area
RUSHALL RESERVE	FITZROY NORTH	END OF HOLDEN ST	3068	<del>30-C11</del>	Dog <del>Off-</del> Lead area
K BARTLETT RESERVE	RICHMOND	YARRA BOULEVARD /F.R. SMITH DVE	3121	<del>59-B4</del>	Dog Multi-zone reserve
BARKLYGARDENS	RICHMOND	MARYST	3121	<del>2H-B4</del>	Dog Multi-zone reserve
BURNLEYPARK ( <a href="#">has a sports ground – see schedule 2</a> )	RICHMOND	PARK GVE /YARRA BLVD	3121	<del>2H-H4</del>	Dog Off-lead area
YARRA RIVER PARKLANDS- CRN BRIDGE AND YARRA BOULEVARD	RICHMOND	CRN BRIDGE AND YARRA BOULEVARD	3121	<del>2H-H7</del>	Dog Off-lead area

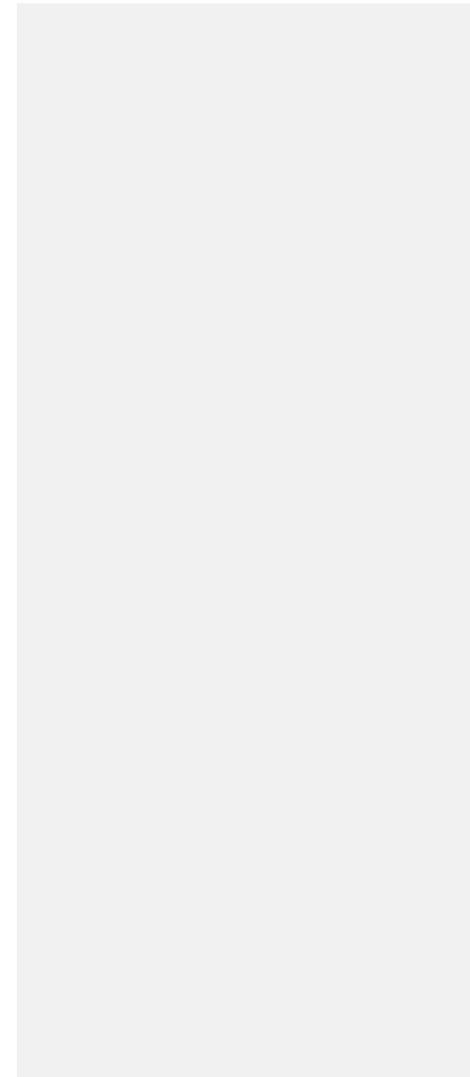
GOLDEN SQUARE	RICHMOND	MADDENGVE	3121	2HF11	Dog Off-lead area
ANNETTES PLACE (RIVER ST RESERVE)	RICHMOND	RIVER ST	3121	2HH4	Dog Off-lead area
<del>CITIZENS PARK</del>	<del>RICHMOND</del>	<del>CHURCH ST / HIGHETT ST</del>	<del>3121</del>	2HB5	<del>Dog Off-lead area</del>
CIRCUS SITE	RICHMOND	SWAN ST	3121	2HJJ0	Dog Off-lead area
<b>RESERVE NAME</b>	<b>SUBURB</b>	<b>STREET ADDRESS</b>	<b>POST CODE</b>	<b>MELB-A-Y-S-REF.</b>	<b>DESIGNATION</b>
AL_ALEN BAIN RESERVE <i>(has a sports ground – see schedule 2)</i>	RICHMOND	MARY ST	3121	2HB42	Dog Off-lead area
YARRA RIVER PARKLANDS-LOYS PADDOCK	RICHMOND	SNOW ST	3121	2MF4	Dog Off-lead area
<del>BURNLEY PARK OVAL</del>	<del>RICHMOND</del>	<del>PARK GRV / YARRA BLVD</del>	<del>3124</del>	2HHIO	<del>Dog Off-lead area (Sports ground)</del>
CITIZENS PARK <i>(has a sports oval – see schedule 2) – OVAL</i>	RICHMOND	CHURCH ST / HIGHETT ST	3121	2HB5	Dog Off-lead area (Sports ground)
WILLIAMS RESERVE	RICHMOND	VICTORIA ST / BURNLEY ST	3121	2HF2	Dog <u>On-lead (9 am – 5 pm)</u> <u>Dog Off-lead (all other times)</u> Multi-zone reserve
DAME NELLIE MELBA MEMORIAL RESERVE	RICHMOND	COPPIN ST	3121	2HC7	Dog <u>On-lead (9 am – 5 pm)</u> <u>Dog Off-lead (all other times)</u> Multi-zone reserve
McCONCHIE RESERVE	RICHMOND	MARY ST	3121	2MB2	Dog <u>On-lead (9 am – 5 pm)</u> <u>Dog Off-lead (all other times)</u> Multi-zone reserve

**SCHEDULE 2. Dog prohibited areas**

1. Edwardes Place, Falconer Street, North Fitzroy.
2. McNamara Reserve, Gold Street, Collingwood.
3. Batman Reserve, Batman Street, North Fitzroy.
4. Whitlam Place, Moor Street, Fitzroy.



5. Urban Arts Square, Bridge Road, Richmond.
  6. ~~Cairns Reserve Playground Park, Lyndhurst Street.~~
  - ~~7-6.~~ Gary Owen Park, Leicester Street, Fitzroy.
  7. All playgrounds.
  8. Any cricket turf cricket wicket when roped off and any wicket covered area.
  9. Any synthetic sports grounds.
  10. Any sporting grounds enclosed by fencing (except for Victoria Park and Citizens Park).
  11. ~~Alphington plington~~ Park wetland – Parkville Road, ~~Alphington plington~~.
  12. Any mulched areas of any play or exercise equipment.
  13. Any ~~established Council~~ garden bed on Council lands.
- ~~Council may, subject to public comment and public notice, add to, delete and vary the areas listed in Schedule 1.~~



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## 7.3 Grants Administration Guide Adoption

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<b>Reference</b>	D23/175536
<b>Author</b>	Cristina Del Frate - Senior Coordinator Equity and Inclusion
<b>Authoriser</b>	Manager Equity and Community Development

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### Purpose

1. This report seeks the adoption of the Grants Administration Guide to provide a framework to guide the administration of the Community Grants Program.

### Critical analysis

#### History and background

2. Through the Yarra Community Grants Program (CGP), each year Council provides significant funding to empower individuals and organisations to work together to address common challenges and achieve shared goals. The supported areas encompass community development, arts and culture, climate action and sustainability, sports and recreation, and youth and family initiatives.
3. The CGP funds contribute to projects and initiatives that are locally based and provide a program, service or activity that benefits the Yarra community.
4. On 14 March 2023, Council endorsed a review of the grants program to take place in 2023/2024. Considering this review, Council accepted that the multi-year grants be put on hold, and the Investing in Community grant pool was rolled into the Annual Grants by creating a new temporary grant stream, Major Community Projects.

#### Discussion

##### Assessment and Management of Community Grants: Internal Audit and Remedial Actions

5. As part of the 2022/2023 Internal Audit Program, the Audit and Risk Committee approved a review of the Council's Community Grants Program (CGP) Management processes to be completed by HLB Mann Judd. The objective of the internal audit was to determine whether the Council has appropriate policies, procedures, and systems in place concerning its CGP.
6. Mann Judd concluded that "The Council has established an appropriate CGP Framework that meets the needs of the Council", while also identifying "a number of opportunities for improvement ... (so as) to enhance the relevant practices".
7. Mann Judd recommended that an overarching policy is produced to provide a framework to guide Council in administering the CGP while also informing the community of the criteria, process, and expectations for accessing and utilising grants. In response, officers developed the Grants Administration Guide to meet this recommendation.
8. In developing the Grants Administration Guide, officers have:
  - (a) addressed the findings and recommendations of the audit;
  - (b) inspected and integrated relevant Council policies;
  - (c) reviewed available policy collateral for community grant making from other local governments and select public bodies;
  - (d) considered the published findings of the state's auditor general's office (Fraud Control over Local Government Grants / Victorian Auditor-General's Office. (2022). Melbourne: Victorian Auditor-General's Office);
  - (e) incorporated feedback from external subject matter experts from other councils on their community grant making; and

- (f) addressed the feedback from internal stakeholder workshops to ensure it is practical and meets the needs of various departments and their stakeholders.
- 9. The Grants Administration Guide at **Attachment One** covers the purpose, scope, principles, and objectives of the CGP; roles and responsibilities of officers; promotion and assistance with applications; processing applications (assessment criteria, terms of reference for Community Panels, conflict of interest, decision-making); managing awarded grants (funding agreements, performance, acquittal, disputes); and monitoring and evaluation.
- 10. Out-of-scope was the consideration of the Council’s current funding priorities and allocations for community grants.
- 11. A Draft Grants Administration Guide was endorsed at a Council meeting in March for public exhibition. The consultation was featured on Yarra’s Facebook, Instagram, and LinkedIn web pages. A survey seeking feedback about the guide was featured on the Your Say Yarra website from 20 March to 10 April 2023 garnering 141 views and 17 responses.
- 12. The consultation was also targeted to past grant recipients, service providers, community groups, and organisations in Yarra.
- 13. Feedback about the grants was overwhelmingly positive. Among the responses were:
  - (a) “I read the guide and it communicated clearly and showed a high degree of transparency. Well done.”;
  - (b) “I find the guide very clear in explaining the aims and processes involved.” ;
  - (c) “Clear and concise. Straight forward.”; and
  - (d) “The guide provides a strong governance perspective and an opportunity for community groups to seek assistance and support. The administrative in managing the funding, distribution and acquittal ensures integrity and fairness in the process.”
- 14. No feedback was received requesting changes to the Grants Administration Guide in structure or content. Any feedback provided centred on the Grants Program and ensuring Council continued providing an equitable and accessible program.

#### Options

- 15. There are no options provided.

#### Community and stakeholder engagement

- 16. For all grant rounds, feedback is gathered from the application stage and throughout the acquittal process from grant applicants and recipients. This feedback is collated and incorporated into future guidelines and application processes where appropriate. This process is conducted annually.
- 17. The reach of the CGP is extensive, as is the list of stakeholders. Each year over 200 organisations and many individuals are accessing Council funding. In any reviewing of sub-programs or the CGP broadly, consultation and engagement efforts will be extensive in reach, varied and authentic.
- 18. The Draft Grants Administration Guide was open for public exhibition from 20 March to 10 April 2023, seeking feedback on the draft document and how it would impact grant applicants; evaluating sentiment towards Yarra’s grants program; understanding the barriers to informing future planning and continuous improvement; and informing the community on the breadth of work covered by the grant program.

#### Policy analysis

##### Alignment to Community Vision and Council Plan

- 19. The Community Grants objectives align closely with the Council Plan 2021–25 and Community Vision. Community Grants are intended to support the delivery of the Council Plan and are a key means by which its strategic objectives can be realised in partnership with the community.

20. All six strategic objectives of the Council Plan are supported through the grants program, either via the proposed and delivered programs or by empowering community groups and organisations to deliver them.

#### Climate emergency and sustainability implications

21. Yarra's annual grants program has a climate action stream, which aims to encourage and support projects that align with the Climate Emergency Plan. This stream recently had 17 applications requesting \$114K for projects totalling \$677K in value.
22. Grant applications are submitted and managed through an online grants management system which has dramatically reduced the amount of paper.

#### Community and social implications

23. Yarra's grants program addresses numerous social and community issues/needs across areas such as arts and culture, sustainability, community development, sport and recreation, family, children, and youth.
24. The guidelines for each grant stream provide the priorities that will be funded. These priorities are aligned with building a sense of community, encouraging social inclusion, celebrating diversity, building social cohesion, and improving community health and wellbeing.

#### Economic development implications

25. The grants program provides a flexible and responsive source of funds to community-based not-for-profit organisations. Funding supports projects that deliver outcomes outlined within the Council Plan and target the areas of highest need within the community. The aim is to improve the long-term outlook for local families and businesses by strengthening the local not-for-profit sector's capacity and generating economic activity.
26. Projects that support new arrivals, young people and families through skills development or projects that support service coordination have a direct economic benefit. Grants also redistribute funds to the disadvantaged in the community. At the most recent annual grants round, 52 applications (30% of all) were for projects in one of Yarra's public housing estates or primarily engage public housing residents.
27. The festivals and events funded by grants bring economic benefits and assist with branding Yarra as a destination city.

#### Human rights and gender equality implications

28. The current grant guidelines (for all streams) align with the Victorian Charter of Human Rights and Responsibilities Act 2006 and Yarra's Social Justice Charter and actively support people to participate in and contribute to their community.
29. Annual grants applications seek information on how applicants will address issues of gender inequality in their proposed initiative, ensuring that planning and forethought on this issue are managed from the outset.
30. The principles set out in the Grants Administration Guide (at 1.3) reflect access, equity and participation, which are strongly aligned with a human rights and gender equality approach.

### **Operational analysis**

#### Financial and resource impacts

31. The process involved in finalising the Grants Administration Guide is included in the current budget and does not require further financial resources.

### Legal Implications

32. The Audit and Risk Committee is established under section 53 of the Local Government Act 2020. The role of the Audit and Risk Committee is to provide independent and objective assurance and assistance to Council and its CEO on Council's risk management, control and compliance framework and its external financial and performance accountability and responsibilities.
33. Fraud controls for grant-making include identifying conflicts of interest, assessing applications against criteria, documenting decisions, checking how recipients use funds, and evaluating the outcomes of funded projects and initiatives.
34. Mann Judd concluded that the Council has adequately adopted the best practice approach to manage risks and promote transparency and is in line with the industry standard.

### Conclusion

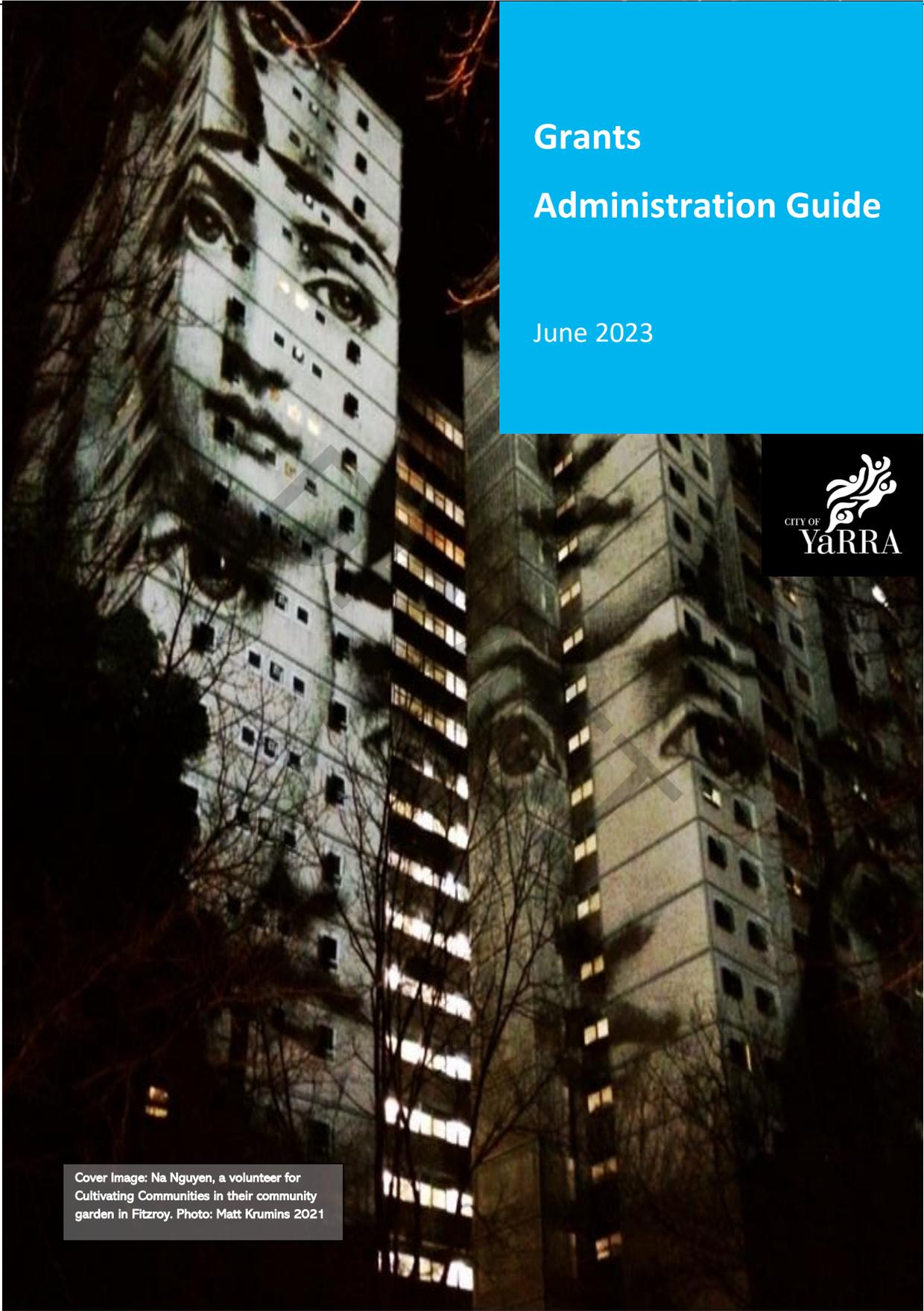
35. The internal audit of the CGP conducted by HLB Mann Judd concluded that Council has adopted the best practice approach to manage risks and promote transparency in line with the industry standard.
36. The development of the Grants Administration Guide has been in response to the above audit. It aims to provide a clear framework for the administration of the Council's community grants program.
37. The public exhibition phase of the development of the guide yielded overwhelmingly positive feedback for the guide.

### RECOMMENDATION

1. That Council adopts the Grants Administration Guide at **Attachment One**.

### Attachments

- 1 [↓](#) Attachment 1 - Grants Administration Guide - June 2023



# Grants Administration Guide

June 2023



Cover Image: Na Nguyen, a volunteer for Cultivating Communities in their community garden in Fitzroy. Photo: Matt Krumins 2021

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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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DRAFT

## 1. Introduction

The Community Grants Program provides an opportunity for Council and Community to work together on projects that build community connection, enhance arts and culture and promote sustainability.

For community groups and others eligible entities, the grants help realise their potential and turn ideas and enthusiasm into tangible projects. For Council, the grants are a vital means to achieve the Community Vision and its strategic objectives, as stated through the Council Plan. Specifically, the grants help to:

- Direct resources to the emerging and specific needs of disadvantaged groups,
- Develop a positive approach to the resolution of local social issues,
- Support local groups, activities, and community connectedness, and
- Support community organisations to develop skills and increase participation.

Community Grants provide funding towards small to medium-sized projects. A range of grant streams are available to support community, artistic, cultural and sustainability projects. A full list can be found at Appendix A: Grants Currently Available.

The Community Grants program is run in accordance with the principles of the City of Yarra Social Justice Charter. These are: Access, Equity, Rights, and Participation.

The diagram below outlines the key elements of the Community Grants Program.

### 1.1. Purpose

This Grants Administrative Guide provides guidance on the management of the grants program, including the application and assessment process. To understand the purpose of a particular grant stream and how specific applications are made and assessed, please read the relevant guidelines available at <https://www.yarracity.vic.gov.au/about-us/grants>.

To enable broad participation, the grants process is designed to be accessible and easy to navigate. It includes significant promotion and advertising of grants available and assistance in completing the grant application. This aims to increase the reach of the funding and ensure equity of access.

### 1.2. Scope

The Community Grants Program funds projects that are locally based, and that provide a program, service or activity that is of benefit to the Yarra community.

Community Grants will not fund:

- Projects considered to be the responsibility of the State or Federal Governments,
- Business grants and for profit organisations, or
- Neighbourhood Houses.

Additionally, to be eligible for funding, applicants must be a not-for-profit, incorporated community group **OR** meet one of the following specific exceptions.

The applicant must:

- be a registered charity, public benevolent institution or have deductible gift recipient (DGR) status,
- or be a state government entity seeking funding for activities beyond those considered the responsibility of State or Federal Government.

Or alternatively:

- Unincorporated not-for-profit community groups can have their applications auspiced by an eligible incorporated organisation or Neighbourhood House.
- Individual artists or arts-related businesses operating under an active sole-trader ABN can apply as individuals.

Each grants stream has specific eligibility criteria which can be found in the Grant Guidelines for the relevant grant stream as available at <https://www.yarracity.vic.gov.au/about-us/grants>.

### 1.3. Principles

The Community Grants Program is guided by the following principles:

- Local benefit – projects must provide a tangible benefit to the Yarra community.
- Access and equity – the program supports a range of community members to access grant funding.
- Partnership – the program promotes working together to increase the benefit of projects and organisations.
- Responsiveness – the program is flexible to develop solutions to emerging challenges and opportunities.
- Participation – the projects help build community engagement and citizenship.

### 1.4. Objectives

The objective of the Community Grants Program is to provide opportunities for Council and Community to work together on projects that:

- Direct resources to the emerging and specific needs of disadvantaged groups,
- Develop a positive approach to the resolution of local social issues,
- Support local groups, activities, and community connectedness, and
- Support community organisations to develop skills and increase participation.

### 1.5. Roles and responsibilities

Area of Council	Relevant grants	Role
Arts, Culture and Venues	Projects and initiatives that relate to festivals, exhibitions, public art initiatives, community arts and supporting creative spaces.	<ul style="list-style-type: none"> <li>• Advice to those developing applications.</li> <li>• Initial assessment of relevant applications.</li> </ul>

Area of Council	Relevant grants	Role
	The subsidised use of Council-owned halls and meeting rooms.	<ul style="list-style-type: none"> <li>• Establishment and administration of assessment panels for relevant grants and streams.</li> <li>• Oversight of funded projects and initiatives, including liaison with funded parties as and when required.</li> <li>• Processing applications for the subsidised use of Council-owned halls and meeting rooms.</li> </ul>
Sustainability	Projects and initiatives that relate to efforts to mobilise community on climate action, carbon emissions, waste reduction, conscientious consumption, sustainable transport, local natural environments, local food systems and supporting vulnerable community members with climate impacts.	<ul style="list-style-type: none"> <li>• Advice to those developing applications.</li> <li>• Initial assessment of relevant applications.</li> <li>• Establishment and administration of assessment panels for relevant grants and streams.</li> <li>• Oversight of funded projects and initiatives, including liaison with funded parties as and when required.</li> </ul>
Family, Youth and Children’s Services	Projects and initiatives that relate to support for families, children and young people from all backgrounds, with a particular focus on families, children and young people who are vulnerable, socioeconomically diverse, culturally and linguistically diverse, gender diverse, and/or who are Aboriginal and Torres Strait Islander.	<ul style="list-style-type: none"> <li>• Advice to those developing applications.</li> <li>• Initial assessment of relevant applications.</li> <li>• Establishment and administration of assessment panels for relevant grants and streams.</li> <li>• Oversight of funded projects and initiatives, including liaison with funded parties as and when required.</li> </ul>
Sports and Recreation	Projects and initiatives that seek to increase inclusion, diversity and access to opportunities that increase physical activity levels and facilitate the sustainability of local clubs and community organisations.	<ul style="list-style-type: none"> <li>• Advice to those developing applications.</li> <li>• Initial assessment of relevant applications.</li> <li>• Establishment and administration of assessment panels for relevant grants and streams.</li> </ul>

Area of Council	Relevant grants	Role
		<ul style="list-style-type: none"> <li>• Oversight of funded projects and initiatives, including liaison with funded parties as and when required.</li> </ul>
Equity and Community Development	Projects and initiatives that engage communities in collaborative efforts to promote community health, safety and wellbeing, build confidence, capacity and resilience for diverse communities, and support under-resourced communities and other groups disadvantaged by systemic barriers and social injustice.	<ul style="list-style-type: none"> <li>• Advice to those developing applications.</li> <li>• Initial assessment of relevant applications.</li> <li>• Establishment and administration of assessors for relevant grants and streams.</li> <li>• Oversight of funded projects and initiatives, including liaison with funded parties as and when required.</li> </ul>
Community Grants Team (within Equity and Community Development)	The overall management and administration of the Community Grants Program.	<ul style="list-style-type: none"> <li>• Functions and tasks include: information provision, promoting and receiving requests for proposals, confirming eligibility, reviewing applications, coordinating internal referrals, managing assessment panels, reporting to Council, processing grants and their acquittal.</li> </ul>

## 2. Promotion and assistance with applications

### 2.1. Promotion of grants

The promotion of available grants helps to broaden the reach of the program and encourages new applicants. This helps individuals and organisations to learn about the program and apply for grant funding. The Community Grants Program and individual grant streams are widely promoted through a range of mediums:

- Council website and social media
- Yarra News
- e-newsletters
- information sessions
- local and ethnic radio
- visits to relevant organisations and groups
- posters and flyers (in English and a range of languages)

- other methods relevant to the individual grant stream

Promotion and advertising occurs before the opening of each grant round to allow applicants the opportunity to develop their projects and maximise the reach of grant funding. All grant rounds must be open for a minimum of six weeks.

## **2.2. Assistance with grant applications**

Community grants are open to all community members (subject to [eligibility](#)). Assistance in developing a project or navigating the application process can be provided by the Community Grants Team. This assistance ensures that the grants are accessible to a wide range of community groups and improves community skills in applying for funding.

### **2.2.1. Project development**

Groups are encouraged to talk their project idea through with Council officers prior to submitting a grant application. Council officers can advise on project design, budgeting and project management. Groups can attend an information session or book a one-on-one appointment.

### **2.2.2. Application process**

Assistance in completing the Smarty Grants™ application form can be provided if required.

### **2.2.3. Interpreters**

Interpreters can be provided for information sessions and one-on-one discussions.

### **2.2.4. Aboriginal consultation**

For grants that relate to or involve working with the Aboriginal and Torres Strait Islander Community, consultation should occur before applying for grant funding.

Council recognises the Wurundjeri Woi Wurrung as the Traditional Owners of the land on which the City of Yarra now stands. Consultation and cultural requests such as cultural awareness training, Welcome to Country ceremonies or smoking ceremonies must be directed to the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation. If a project relates to specific issues it may be necessary to consult with other Aboriginal and Torres Strait Islander organisations such as the Victorian Aboriginal Health Service or the Melbourne Aboriginal Youth Sport and Recreation Co-operative (MAYSAR) and Council's Aboriginal Partnership Officers.

### **2.2.5. Accessibility**

All applicants are encouraged to consider how their organisation and project will be accessible and inclusive of people with a disability.

### **2.2.6. Environmental Impact**

All applicants are encouraged to incorporate activities that will improve the sustainability of outcomes of their projects.

### 3. Processing applications

Grant applications are assessed on the information provided in the application using the following process.

1. **Eligibility:** Council officers examine applications to confirm that the applicant and project are eligible for funding. Ineligible applications do not progress.
2. **Review:** Council officers review applications against the advertised criteria and this commentary is collated and provided to assessors, along with the original applications.
3. **Assessment:** Through an expression of interest process or direct invitation where necessary, Council officers identify suitable members of the community to become an external assessor. External assessors review all applications, convene and determine which applications will be recommended for funding. Applications are assessed by at least two external assessors or through an external assessment panel comprising of at least three assessors, known as a Community Panel. These deliberations are documented, including the names of any panel members and relevant experience.
4. **Decision-making:** Council officers record the outcomes of panel assessments within the grants administration system (currently Smarty Grants™) and prepare a report listing the recommended applications which is presented to Council for consideration. Following the Council meeting, the successful and unsuccessful applicants are notified in writing as soon as is practicable. Letters to successful applicants will include the assessment comments. Unsuccessful applicants are provided with the contact details of an officer who can provide verbal feedback.

External assessors must:

- Be of good character, with a record of being ethical in the community.
- Be available to attend meetings.
- Understand and comply with conflict of interest and confidentiality requirements.
- Have a strong understanding of the grants program and the role of grants for non-profits and other community organisations. (Yarra's grants are part of a complex array of funding arrangements and opportunities).
- Bring experience and knowledge of the municipality and local communities in the relevant stream.
- Have the capacity to assess the proposals against stream criteria including assessment of the financial aspects of the proposals.
- Have no contact with applicants during the assessment process.
- Make decisions based on the information provided in the application.

Please note: Council officers process small project grants, Room to Create Grants and subsidised venue hire.

#### 3.1. Assessment criteria

All applications are assessed against the following criteria:

- the capacity of the applicant to deliver on project outcomes,
- clearly defined project aims,

- clearly identified target group,
- alignment with stream funding priorities,
- evidence of community need,
- well-defined intended outcomes,
- clear evaluation methods,
- community participation and consultation where appropriate, and
- a complete, balanced, and realistic budget.

Additional criteria may apply for certain grant streams. These will be outlined in the individual grant stream guidelines as available at <https://www.yarracity.vic.gov.au/about-us/grants>.

### 3.2. Terms of Reference

All Community Assessment panels will have Terms of Reference. The Terms of Reference will outline the purpose of the panel, how the assessments will be conducted, the responsibilities of panel members and how conflicts of interest will be managed. At a minimum, the Terms of Reference will record:

- Purpose,
- Objectives,
- Membership,
- Chair,
- Selection Criteria,
- Meeting arrangements,
- Assessment, and
- Conflicts of interest.

There may be variations or additions for certain grant streams and these will be outlined in the individual grant stream guidelines. Please refer to Appendix C: Sample Community Assessment Panel Terms of Reference.

### 3.3. Conflict of interest

A conflict of interest is defined as a conflict between a person's private interests and their public obligations. All assessors of Yarra City Council grants must declare if they have, or could be perceived to have, a conflict of interest. This process ensures that any potential, actual or perceived conflict of interest is promptly identified and addressed.

All assessors must declare if they have any relationship with an applicant or private interest in the application before any grant applications are assessed. Assessors are also deemed to have a potential conflict of interest if they provided intensive assistance with a particular application. If a member of the public would have reasonable grounds to believe that this relationship or private interest might influence their decision then the assessor should not proceed with the assessment.

In a panel setting, assessors with a conflict of interest must absent themselves from all discussions of the particular application and must not provide *any* additional information/background/context etc., letting the application speak for itself. If it is known that a Community Panellist or officer will have multiple conflicts of interest they should not participate in the assessment at all. Conflict of Interest forms are obtained from all assessors via Smarty Grants™ .

All assessors are also required to declare that they will treat information they have access to through the assessment process confidentially.

Questions or concerns relating to conflict of interest that cannot be resolved using the conflict of interest process are to be referred to the Manager Equity and Community Development.

## 4. Managing awarded grants

Council officers continue to engage with recipients after grants have been awarded, providing support and oversight for funded projects and navigating any required changes. The main tool for managing the grants is the funding agreement which provides detail on what is expected from Council and the grant recipient. The grants are a partnership between Council and the community. The management process helps foster and build this partnership.

### 4.1. Funding agreements

Successful applicants receive a Funding Agreement. This agreement must be signed by both parties. The funding agreement protects the interests of Council and the grant recipient and enables the conditions of the grant to be enforced. The agreement outlines:

- the purpose of the funding,
- the dollar amount of funding,
- a clear and precise statement of the required outcomes of the grant,
- the rights and responsibilities of all parties to the agreement, including reporting and evaluation requirements, and
- the terms and conditions of the grant, including the circumstances in which Council can reclaim the grant, consequences for breaches of grant conditions and a procedure for the return of unexpended funds.

### 4.2. Performance

While every effort is made to ensure that projects go smoothly, grant recipients may fail to deliver on aspects of their contract for a range of reasons. Applications for changes to the terms of the funding agreement can be made by contacting the grants team.

Requests for variation to the approved project must be made in writing. A written response is then provided by Council. Variations to project details are expected to deliver similar outcomes as initially approved by Council.

Requests for an extension of a funding agreement must be made in writing. A written response to such requests will be provided by Council. Extensions will not be accepted beyond a twelve-month period from the original acquittal date in the Funding Agreement, unless extenuating circumstances can be demonstrated.

In the event that an applicant can no longer complete any or all of the approved project, unspent grant funds must be returned to Council and any partial expenditure must be acquitted on the relevant forms.

#### **4.3. Acquittal**

Each grant recipient is required to submit an Acquittal Form within two months of completion of the project. The acquittal includes:

- how many people and Yarra residents participated in the event/program,
- what (if any) adjustments were made to the project, and
- whether the aims and objectives outlined in the application were met.

The acquittal also includes a financial report that outlines how funds were spent. The financial report must be submitted via Council's Smarty Grants™ portal on the form provided by Council by the date agreed in the funding agreement. It should contain supporting documents including receipts or other supporting documentation that shows expenditure of the funds granted by Council.

Any unspent Council grant money must be returned to Council.

#### **4.4. Record keeping**

All Council grant program records will be managed through Council's Smarty Grants™ portal. This system will be used to track interactions between Council and each grant applicant.

Applications and funding agreements will also be stored in Council's central record keeping system.

#### **4.5. Dispute process**

Council is committed to sound decision-making processes to ensure fair and reasonable outcomes for the Yarra community. If a complaint or dispute arises through Council's grant making processes, Council's Customer Complaints Policy be followed. The policy and related information can be found at <https://www.yarracity.vic.gov.au/contact-us/customer-feedback-and-complaints>

Where there is a complaint or dispute between assessment panel members, the Terms of Reference for that Panel will provide guidance.

#### **4.6. Role of grants in emergencies**

Grants can play an important role in response and recovery from emergencies such floods or pandemics. In circumstances where projects are adversely impacted Council will:

- Encourage delivery of projects, including re-imagined or revised versions, at an appropriate time, post-emergency.

- Exercise due consideration in determining whether funds expended in good faith on a grant project should be re-couped.
- Ensure acquittal of public funding.

This acknowledges the significant financial and wellbeing impacts emergencies can have on communities, and Council's focus on supporting communities to recover.

## 5. Monitoring and evaluation

The community grant program provides significant funding to a wide range of community groups and is responsible for delivering key strategic outcomes for Council and community. Monitoring and evaluation ensures that the individual grant recipients and the broader program are meeting these strategic outcomes.

### 5.1. Monitoring individual grants

Individual grants will be monitored through the Smarty Grants™ acquittal system. Specifically grant recipients will provide the following information:

- Funds used (or unused),
- Number of participants, and
- How the project met stated goals of the project.

### 5.2. Evaluating grants programs

Various community grants programs will be evaluated periodically to understand whether they are meeting required outcomes. Evaluations may consider who is receiving funding, which projects are being funded, the number of new recipients receiving funding, how the projects respond to the current Council Plan and Community Vision, and other matters.

## Appendices

### Appendix A: Grants Currently Available

Grant Program	Streams	Type	Delivery timeframe
Town Hall Subsidy for community events	N/A	Open	As required
Small Project Grants	<ol style="list-style-type: none"> <li>1. Community Projects</li> <li>2. Arts and Culture</li> <li>3. Climate action</li> </ol>	Open (until funds are exhausted)	Annual
Room to Create Responsive Grants	N/A	Open (until funds are exhausted)	Annual
Annual Grants	<ol style="list-style-type: none"> <li>1. Community Development</li> <li>2. Climate Action</li> <li>3. Family, Youth and Children</li> <li>4. Sports and Recreation</li> <li>5. Arts and Culture</li> <li>6. Community Housing</li> </ol>	Competitive	One Year
Creative and Engage Yarra	N/A	Competitive	Two Years
Investing in Community Grants	N/A	Competitive	Three Years
Richmond and Collingwood Youth Grants	N/A	Competitive	Three Years
Fitzroy Adventure Playground Program Grant	N/A	Competitive	Three Years
Celebrate Yarra	N/A	Direct Invitation	Three Years
Community Partnership Grants	N/A	Direct Invitation	Four Years

## Appendix B: Definitions

<b>Acquittal:</b>	An acquittal report details how grant recipients have successfully completed their project and administered their grant funds responsibly and in line with the terms and conditions of the funding agreement. An acquittal report usually consists of a written report that summarises how the project fared against the initial objectives of the grants, along with a financial statement detailing how the funds were spent.
<b>Auspice:</b>	An agreement where one organisation (the 'principal organisation') agrees to apply for funding on behalf of a second organisation that is not incorporated (the 'auspiced organisation'). If the funding application is successful, the principal organisation then receives, holds and distributes the funding to the auspiced organisation, so that the auspiced organisation can complete the funded project or activities.
<b>Eligibility criteria:</b>	A set of predefined factors used to assess the eligibility of a grant application.
<b>Funding agreement:</b>	A written agreement between Council and the grant recipient clearly articulating the purpose of the funding, the dollar amount and the grant conditions. It also defines the rights and responsibilities of each party. Once signed, organisations are under a legal obligation to comply with the stated terms and conditions.
<b>Grant:</b>	A grant is a sum of money given to organisations or individuals for a specified purpose directed at achieving goals and objectives consistent with specific policy.
<b>Grant stream:</b>	Grant streams indicate the various funding amounts available for a grant program. Each stream may have different eligibility, application and project requirements.
<b>Guidelines:</b>	A document outlining the reason for the grant funding, eligibility criteria and how to apply for the grant.

## Appendix C: Sample Community Assessment Panel Terms of Reference

### Introduction

Community Assessment Panels can be used to assess grant applications. The panels are made up of community members who have expertise of the relevant grant stream. The panels review grant applications against agreed criteria and make recommendations on which applications will be funded.

### Panel membership

Community panels will:

- Be of good character, with a record of being ethical in the community.
- Be available to attend the panel meeting.
- Have local knowledge.
- Understand and comply with conflict of interest and confidentiality requirements.
- Have a strong understanding of the grants program and the role of grants in the service and community sector. (Yarra's grants are part of a complex array of funding arrangements and opportunities).
- Bring experience and knowledge of the Yarra community in the relevant stream.
- Have capacity to assess the proposals against stream criteria including assessment of the financial aspects of the proposals.

### Assessment Criteria

All applications are assessed against the following criteria:

- capacity of the applicant to deliver on project outcomes
- clearly defined project aims
- clearly identified target group
- alignment with stream funding priorities
- evidence of community need
- well defined intended outcomes
- clear evaluation methods
- community participation and consultation where appropriate
- a complete, balanced, and realistic budget
- individual grant stream published criteria.

### Conflict of interest

All assessors must declare if they have, or could be perceived to have, a conflict of interest.

All assessors must declare their relationship with an applicant before their grant is assessed. If a member of the public would have reasonable grounds to believe that this relationship might influence their decision then the assessor should not proceed with the assessment.

Assessors with a conflict of interest should absent themselves from all discussion of the application relating to that conflict of interest. They should not provide *any* additional information/background/context etc. and let the application speak for itself.

All assessors must declare that they will treat information they have access to through the assessment process confidentially.

DRAFT

## 7.4 Street Garden Guidelines Process Update

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<b>Reference</b>	D23/105540
<b>Author</b>	John Williams - Landscape Architect Streetscapes and design
<b>Authoriser</b>	General Manager City Sustainability and Strategy

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### Purpose

1. To note the process for developing the Street Garden Guidelines.

### Critical analysis

#### History and background

2. At the February 2023 meeting Council resolved:

*“That officers bring forward a report to the May cycle of council on the process for developing Street Garden Guidelines for Community members who wish to contribute to gardening with non-edible plants in public places.”*

#### Discussion

3. The intent of the Street Garden Guidelines (Guidelines) is based on the following principles:
  - (a) Yarra City Council is supportive of community gardens in the streetscape provided:
    - (i) the gardens remain safe and functional;
    - (ii) no damage occurs to trees or other assets; and
    - (iii) gardens are well maintained.
  - (b) to provide guidance on how the community can plan, plant and maintain the gardens within Yarra’s streetscapes;
  - (c) to educate the community regarding the various considerations for gardening in streetscapes across the municipality. The guidelines will include safety, accessibility and tree protection requirements; and
  - (d) to recommend preferred species selections to increase biodiversity.

#### Scope of the Document

4. The scope of the Guidelines is outlined below:
  - (a) The guidelines will apply to all non-edible community plantings in streetscapes managed by Council. The guidelines will not apply to laneways, parks, reserves or private property and do not include vertical greening. Some of these may be covered by separate guidelines in the future;
  - (b) Projects relating to urban agriculture and food growing are covered under a separate document, Yarra Urban Agriculture Guidelines 2021; and
  - (c) Street gardening in Yarra is unique to many other Councils across Melbourne due the City’s narrow streets, high density, and limited lawn nature strips. Most existing Council policies across Melbourne are focused on lawn nature strip planting. While lawn nature strip planting does occur in Yarra, there are many other types of community street gardening in Yarra’s higher density streetscapes. These include:
    - (i) Community planting and maintenance of existing garden beds and traffic outstands;
    - (ii) Tree square planting;

- (iii) Planting in asphalt footpath cut outs;
- (iv) Raised pots and planters in the streetscape;
- (v) Vertical greening to fences and facades (not addressed by this document); and
- (vi) Urban agriculture (not addressed by this document).

#### Legacy Gardens

- 5. Legacy gardens will be addressed in the Guidelines as there are many existing valued, biodiverse and attractive examples of street gardens within the City of Yarra that may not meet the requirements of a new guideline. The management of these gardens into the future will be addressed in the guidelines.
- 6. Council is sometimes requested to investigate existing street gardens where a safety or tree health concern has been raised. In these instances, Council will work with affected residents to modify and maintain the gardens to ensure public safety.

#### Benefits of Street Gardens

- 7. There are many benefits to community participation in street gardening. These benefits can be summarised into the following themes:
  - (a) Urban biodiversity;
  - (b) Cooling and urban heat island mitigation;
  - (c) Increased permeability and stormwater retention;
  - (d) Aesthetics and neighbourhood character;
  - (e) Community building;
  - (f) Reduced need for mowing; and
  - (g) Community implementation and maintenance.

#### Identified Risk Factors

- 8. The Street Garden Guidelines relate to plantings and interventions in the public realm across Yarra. These spaces pose many challenges and constraints to planting options in terms of managing the extensive risk factors. A number of risks have been identified that will need to be addressed when developing the Guidelines.
- 9. The identified risks can be summarised into the following themes:
  - (a) Identified street gardening risks include:
    - (i) Traffic safety;
    - (ii) Tree health;
    - (iii) Soil contamination;
    - (iv) Accessibility;
    - (v) Crime Prevention Through Environmental Design (CPTED);
    - (vi) Damage to or obstruction of services;
    - (vii) Planting of environmental weeds;
    - (viii) Garden neglect and street aesthetics;
    - (ix) Dangerous, spikey or toxic planting;
    - (x) Impacting space for bin collection; and
    - (xi) Increased leaf litter and impacts on street cleansing;
  - (b) Identified risks of introducing a street gardening guideline include:
    - (i) Many existing street gardens may not comply with a new guideline;

- (ii) Balancing safety and risk concerns against community aspirations for greening;
  - (iii) Insufficient administrative resourcing that leads to program objectives being compromised and/or delivered;
  - (iv) Potential increased maintenance for Council;
  - (v) Potential non-compliance of some existing Council maintained garden beds; and
  - (vi) Equity of access to and participation in street gardening.
10. All of the risks and the controls that will need to be developed to mitigate against those risks will need to be clearly understood and determined. These will be workshopped and analysed prior to developing the draft Guidelines.

#### Project timeline

11. Project timeline:
- (a) A review and analysis of the policy, design guidelines and approval processes of other inner Melbourne Councils has been completed;
  - (b) A review of examples of existing types of street gardens in Yarra has been undertaken;
  - (c) A draft Street Garden Guidelines will be presented to Councillors in September/October 2023;
  - (d) Consultation on the draft Street Garden Guidelines is scheduled for November 2023; and
  - (e) The Street Garden Guidelines are scheduled to be completed by February 2024.

#### Community and stakeholder engagement

12. Staff from the following internal teams will be involved during the preparation of the Street Garden Guidelines:
- (a) Urban Design and Open Space Planning and Design;
  - (b) Open Space Services;
  - (c) Urban Agriculture and Biodiversity;
  - (d) Traffic Engineering;
  - (e) Aged and Disability Services;
  - (f) Waste Management and Cleansing;
  - (g) Risk and Safety;
  - (h) Parking and Compliance;
  - (i) Information and Communications Technology; and
  - (j) Communications and Engagement.
13. Council officers are in the process of developing the consultation strategy for the wider community and stakeholders. Consultation on the draft *Street Garden Guidelines* is scheduled for November 2023.

#### Policy analysis

##### Alignment to Community Vision and Council Plan

14. The aspirations of the Street Garden Guidelines directly align with the Community Vision. This includes creating high quality places that people feel safe and comfortable in and enable people to make connections with their community and their local area.
15. The principles and practices of the Street Garden Guidelines document align with the Council Plan 2021-25. This includes:

- (a) promoting tree planting, greenery and improved water management in streets (Strategic Objective one: Climate and Environment);
- (b) providing information on community led ideas for streets to enable people to contribute to and make connections with their community (Strategic Objective two: Social equity and Health);
- (c) setting out principles for well designed, safe and welcoming streets that contribute to a sense of place (Strategic Objective four: Place and Nature); and
- (d) providing principles for well-designed streets to encourage sustainable transport and prioritise more vulnerable road users such as people walking, wheeling and cycling, people with a disability, children, and older people (Strategic Objective five: Transport and Movement).

#### Climate emergency and sustainability implications

- 16. The Street Garden Guidelines document encourages the community to contribute to the planting and maintenance of vegetation that cools streetscapes, increases urban biodiversity, and improves amenity and safety to encourage people to travel by more sustainable modes of transport.

#### Community and social implications

- 17. The guideline will set out how the community can contribute to improved planting outcomes in Yarra's streetscapes.
- 18. The guideline will encourage people to spend more time in Yarra's streetscapes and make connections with their community.

#### Economic development implications

- 19. The document applies to local streets, some of which contain businesses and local shops.
- 20. The principles set out in this document promote high amenity street environments. This will encourage people to spend more time in their neighbourhood and use their local shops and businesses, supporting the local economy.

#### Human rights and gender equality implications

- 21. A person with a disability has a right to have access to places including public footpaths. The Disability Discrimination Act (DDA) makes it unlawful for public places to be inaccessible to people with a disability. Street gardens can sometimes inadvertently impact the accessibility of streetscapes and footpaths. The Street Garden Guidelines should provide guidance on how streets can remain accessible to users of all abilities.
- 22. The document promotes safe, welcoming and inclusive local streetscapes. These principles also seek to make local streets feel safer for more vulnerable members of the community, by ensuring that streetscapes remain accessible environments that encourage more people to use them and result in more passive surveillance.

### **Operational analysis**

#### Financial and resource impacts

- 23. Dependant of the process agreed for assessing and approving street gardens, the administrative workload of Council officers may increase. There is currently no funding or resources allocated for the administration of implementing street gardens.
- 24. There could be additional costs associated with monitoring and inspecting street gardens.

#### Legal Implications

- 25. All risk implications need to be fully explored and appropriate mitigation measures determined.

## Conclusion

26. The Street Garden Guidelines will provide guidance on how community can plan, plant and maintain the gardens within Yarra's streetscapes. The guidelines are intended to educate community regarding the various considerations for gardening in streetscapes across the municipality. It will include safety, accessibility and tree protection requirements and will make recommendations around preferred species selections to increase biodiversity.

## RECOMMENDATION

1. That Council note:
  - (a) the proposed process for developing a Street Garden Guidelines document;
  - (b) that the scope of the document will apply to non-edible community plantings in streetscapes managed by Council and not apply to laneways, parks, reserves or private property including vertical greening; and
  - (c) that the Street Garden Guidelines are proposed to be completed by early 2024 for consideration by Council.

## Attachments

There are no attachments for this report.

## 7.5 Yarra Leisure Off Peak Fees and Charges

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### Executive Summary

#### Purpose

To provide a summary of the programs and services currently offered to older adults at Yarra Leisure facilities and an overview of facility utilisation across the Collingwood Leisure Centre, Fitzroy Swimming Pool and Richmond Recreation Centre.

#### Key Issues

On 15 November 2022, Council resolved to request that a report be provided outlining the following:

- (a) Options for the introduction of an additional fee category for casual swim or gym use at Yarra Leisure Centres, as a trial, to be offered during off peak periods and which is available to the over 60 age group;
- (b) Options for a fee which is less than full fee but more than a concession fee and defines off peak periods; and
- (c) The programs and services offered by Yarra Leisure to support and encourage Yarra's older residents to remain physically active into older age and the opportunities and plans to communicate these more widely.

Yarra Leisure facilitates over 1.1 million visits per year to the municipality's high-profile aquatic and recreation facilities (BGC, CEG, CLC, FSP and RRC) for programs including pool access, golf, group fitness classes, gym workouts and learn to swim.

Yarra Leisure is committed to ensuring older people in our community have many of options when it comes to staying active and connected by offering a wide selection of activities.

Data analysis demonstrates that the introduction of the new membership structure in 2022/23 has been positive, including most notably in the 60 plus age bracket. The membership data also shows positive effect in the take up of concession categories (which require means tested and government supported qualification).

#### Financial Implications

Yarra Leisure currently offers a full centre access pass (includes access to the gymnasium, group fitness and aquatic facilities) across the network of Yarra Leisure facilities (Richmond Recreation Centre, Collingwood Leisure Centre, and Fitzroy Swimming Pool).

In addition to a full centre casual access pass, there are casual access passes for:

- (a) Swim only;
- (b) Swim, Sauna, Spa; and
- (c) Gymnasium only.

Finally, Yarra Leisure fees and charges continue to ensure that vulnerable groups within the community are provided subsidised fees for entry and membership to Yarra Leisure facilities, programs, and services (i.e., Yarra Leisure offers a 40% discount to eligible, means tested concession card holders).

The 2022/23 fees and charges reflected the guiding principles within Yarra's *Pricing Policy (2019)*, were reflective of industry median pricing and were set in a financially sustainable way to ensure responsible operation of Yarra Leisure services.

## PROPOSAL

This report recommends that Council note that the introduction of the new Yarra Leisure membership structure has been positive, including most notably in the 60 plus age bracket and that Council does not pursue the introduction of Yarra Leisure off-peak casual access products.

## 7.5 Yarra Leisure Off Peak Fees and Charges

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<b>Reference</b>	D23/84541
<b>Author</b>	Sally Jones - Manager Property and Leisure
<b>Authoriser</b>	General Manager Infrastructure and Environment

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### Purpose

1. To provide a summary of the programs and services currently offered to older adults at Yarra Leisure facilities and an overview of facility utilisation across the Collingwood Leisure Centre, Fitzroy Swimming Pool and Richmond Recreation Centre.

### Critical analysis

#### History and background

2. On 15 November 2022, Council resolved that a report be presented to Council that:
  - (a) presents options for the introduction of an additional fee category for casual swim or gym use at Yarra Leisure Centres, as a trial, to be offered during off peak periods, and which is available to the over 60 age group;
  - (b) present options for a fee which is less than full fee but more than a concession fee, and defines off peak periods; and
  - (c) outlines the programs and services offered by Yarra Leisure to support and encourage Yarra's older residents to remain physically active into older age, and the opportunities and plans to communicate these more widely.
3. Yarra Leisure is recognised as an industry leader in the recreation and leisure sector and has received awards and recognition from peak bodies such as Aquatics and Recreation Victoria, AusActive (formerly Fitness Australia), Life Saving Victoria and Golf Australia, in addition to the range of ISO certifications for safety, OHS and quality.
4. Yarra Leisure facilitates over 1.1 million visits per year to the municipality's high-profile aquatic and recreation facilities (Burnley Golf Course (BGC), Collingwood Estate Gymnasium (CEG), Collingwood Leisure Centre (CLC), Fitzroy Swimming Pool (FSP) and Richmond Recreation Centre (RRC)) for programs including pool access, golf, group fitness classes, gym workouts and learn to swim.
5. Yarra Leisure also provides important and highly valued community programs via Move For Life, Empower, Empower+, women-only gym sessions, Women Making Waves and community golf programs that reach into underrepresented segments of the community and promote active living for all via subsidised access rates.
6. Yarra Leisure is also committed to ensuring older people in our community have plenty of options when it comes to staying active and connected by offering a selection of group fitness classes including Zumba programs, DanceFit, Yoga programs, Pilates, Aqua, Deep Water Running and Body Balance. Yarra Leisure is also affiliated with social and sports clubs including social golf clubs, a masters swimming club and a triathlon club.
7. Yarra Leisure has a small, dedicated marketing and communications team who deliver information about Yarra Leisure programs and services via a range of channels that includes:
  - (a) Website – Yarra Leisure and Yarra City Council websites;
  - (b) Email marketing – Yarra Leisure News (Yarra Leisure's monthly e-newsletter to over 32,000 email recipients) and Yarra Life (Yarra City Council's e-newsletter);

- (c) Social media platforms – Yarra Leisure Facebook, BGC Facebook, Yarra Leisure Instagram, Yarra Leisure Twitter. Promotional posts also shared to Facebook and Instagram by Yarra City Council and Yarra Libraries accounts;
  - (d) Fixed and digital signage and collateral at the CLC, FSP, RRC, and Council venues – promotional signage (posters), brochures, and digital signage;
  - (e) Yarra Life newsletter; and
  - (f) Third party advertising through relevant governing and peak bodies such as Life Saving Victoria, Royal Lifesaving Society Australia, AusActive, Golf Australia, amongst others.
8. An extensive membership, fees and charges review was undertaken in 2020/21. The 2022/23 fees and charges reflected the guiding principles within Yarra’s *Pricing Policy (2019)*, are reflective of industry median pricing and were set in a financially sustainable way to ensure responsible operation of Yarra Leisure services. The new membership structure, fees and charges were endorsed by Council as part of the 2022/23 Budget adoption process.
9. The fees and charges continue to ensure that vulnerable groups within the community are provided subsidised fees for entry and membership to Yarra Leisure facilities, programs, and services via a 40% discount to eligible, means tested concession card holders.
10. Yarra Leisure’s 2022/23 casual fees and charges were implemented in July 2022 and the new membership structure and associated fees and charges were fully integrated in December 2022.

Discussion

11. Casual visitor survey:
- (a) Officers conducted a survey of casual visitors at the three leisure centres (CLC, FSP, and RRC) in January 2023 to obtain a snapshot of the casual user group’s age bracket and post code. This data provided some indication of our casual visitor type; however, this survey was voluntary and cannot be viewed as conclusive, noting that in this period there were 26,819 total visitations across the three centres; and
  - (b) The data captured indicates that of the 218 respondents (representing 0.8% of total visitors to the three centres over the period), 41% were Yarra residents and the highest age bracket response was aged between 25 and 34 (32%). A breakdown of the age of the casual visitors who opted to complete the survey is as below:

**Table 1 – Casual Visitation Survey - Age Bracket**

Age Bracket	Respondents	Percentage
Under 18	4	1.8%
18 to 24	28	12.9%
25 to 34	70	32.25%
35 to 44	49	22.5%
45 to 54	32	14.7%
65 and over	34	15.6%

12. Yarra Leisure membership analysis:
- (a) Since 1 December 2022 when Yarra Leisure transitioned to a ‘service-based’ membership model, Yarra Leisure’s membership base has increased in totality by 1.8% from 5123 to 5215.
  - (b) In adults aged 50+, there has been an increase of members as follows:
    - (i) Increase of 2.29% in members aged 50 to 54 from 1649 to 1798;
    - (ii) Increase of 2.28% in members aged 55 to 59 from 1273 to 1415;

- (c) There was also an increase of members in the 60 plus age bracket over this time. Member analysis sees the introduction of the new membership having a notable positive effect in the over 60's age brackets as follows:
- (i) An increase of 14% in members aged 60 to 69;
  - (ii) An increase of 25% in members aged 70 to 79; and
  - (iii) An increase of 24% in members aged 80 years and over; and
- (d) Further, membership data also shows positive effect in the take up of concession categories (require means tested and government supported qualification) as follows:
- (i) An increase of 2.4% in members aged 50 to 54 on a concession membership;
  - (ii) An increase of 2.8% in members aged 55 to 59 on a concession membership; and
  - (iii) An increase of 3.1% in members aged 60 plus on a concession membership.

13. Facility visitation trends and analysis:

- (a) Officers have reviewed facility utilisation data at CLC, FSP and RRC from 1 July 2022 to 28 February 2023 (8-month period) in order to identify whether there are periods throughout operating hours with lower levels of visitation where an off-peak access option might be viable;
- (b) The below table illustrates total facility visitation by hour across the three centres and indicate that the lowest period of facility visitation is between the hours of 7pm and 9pm (facility closure) Monday to Friday. It's also worth noting swimming pools close at 8:45pm to allow for people to change before exiting the leisure centres at 9pm;

**Table 2 – Yarra Leisure Facility Visitation (including Percentage)**

Hour	Visitation	Total Visitations (%)
8pm	2,670	0.78%
7pm	10,904	3.20%
1pm	15,462	4.50%
2pm	16,349	4.80%
12pm	18,455	5.42%
11am	19,195	5.60%
6pm	21,229	6.20%
3pm	24,245	7.12%
7am	25,532	7.50%
10am	27,015	7.90%
6am	29,379	8.60%
8am	29,438	8.70%
4pm	32,427	9.50%
9am	33,910	9.90%
5pm	34,095	10%

- (c) The data in the above table identifies lower utilisation between the hours of 7pm and 9pm (Monday to Friday) with the combined visitation representing just 3.9% of the cumulative visitations across the three sites, which would be suitable as a potential off-peak access time:

- (i) This time period had 13,574 visitations in total in the 8-month period which equates to approximately 56 visitations per day and 18 visitations per centre per day during that time period between 7pm and 9pm (Monday to Friday).
  - (d) Officers have sought to identify off-peak by analysing the window of lowest utilisation and assessed these times against operational implications such as rostering and the triggers necessitating additional staff:
    - (i) The proposed off-peak times of 7pm to 9pm (Monday to Friday) would ensure that triggers around rostering additional staff (a mandated ratio of 1 to 80) will allow uptake of the proposed off-peak product without this trigger being met.
  - (e) Officers note that there is a minor reduction in visitation between the hours of 11am and 2pm; however this is considered a shoulder period whereby Yarra Leisure actively market our products and services to local businesses, schools, and community organisations during the 11am to 2pm period and as such, ensuring space is retained for these programs is essential.
14. Current Yarra Leisure casual access products:
- (a) Swim only (full: \$8.10 | concession: \$4.90);
  - (b) Swim, Sauna, Spa (full: \$14 | concession: \$8.40);
  - (c) Gymnasium only (full: \$22 | concession: \$13.20); and
  - (d) Full centre casual access pass (full: \$27 | concession: \$16.20).
15. Officers explored the introduction of off-peak casual access products from 7pm to 9pm (Monday to Friday) that allows access to the gymnasium and aquatic facilities only, excluding access to group exercise classes, as these are an additional expense to operate. The pricing would equate to a 26% reduction in cost, respectively and was formulated based on the current casual access products pricing and in line with Yarra's Pricing Policy (2019).
16. The proposed pricing for the off-peak casual access products available from 7pm to 9pm (Monday to Friday) are as follows:
- (a) Swim only (full: \$5.99 | concession: \$3.63);
  - (b) Swim, Sauna, Spa (full: \$10.36 | concession: \$6.22);
  - (c) Gymnasium only (full: \$16.28 | concession: \$9.77); and
  - (d) Full centre casual access pass (full: \$20 | concession: \$12).
17. Visitation analysis indicates the introduction of off-peak casual access products will reduce revenue and invariably increase operational costs.
18. Furthermore, there could be a negative flow on effect with existing memberships, whereby current members question the value of their memberships and press for an off-peak membership product.
19. Given the limited window for off-peak between 7pm and 9pm (Monday to Friday) and the low visitation rate of 18 visits per centre per day during that time period, Officers consider that off-peak casual products would not be viable and recommend that Council do not pursue further.

### Options

20. Officers understand that the intent of the 15 November 2022 Council resolution aimed to address the perceived issues and/or inequities arising from the changes to the membership structure, fees and charges that were endorsed by Council as part of the 2022/23 Budget process, including the removal of non-means tested concessions and subsidies for seniors.
21. However, the data demonstrates the introduction of the new membership structure has been positive, including most notably in the 60 plus age bracket. The membership data also shows positive effect in the take up of concession categories (which require means tested and government supported qualification).

22. Given the limited window for off-peak between 7pm and 9pm (Monday to Friday) and the low visitation rate of 18 visits per centre per day during that time period. The service cost analysis indicating the average cost per visitation for gymnasium access is \$10.94 and for aquatic access is \$12.67. Officers believe that off-peak casual products will not be viable and therefore, not worth pursuing.
23. Finally, Yarra Leisure fees and charges continue to ensure that vulnerable groups within the community are provided subsidised fees for entry and membership to Yarra Leisure facilities, programs, and services via a 40% discount to means tested concession card holders.

## Community and stakeholder engagement

24. Changes to Yarra Leisure's membership structure, fees and charges were part of the 2022/23 budget development and consultation process. Officers would not propose to undertake community consultation on Yarra Leisure fees and charges outside of this process.

## Policy analysis

### Alignment to Community Vision and Council Plan

25. Council Plan 2021 – 2025:
  - (a) Strategy 2.2 – Build a more resilient, inclusive, safe, and connected community, which promotes social, physical, and mental wellbeing;
  - (b) Strategy 3.5 – Manage access, safety, and amenity to enhance people's experience when visiting Yarra; and
  - (c) Strategy 4.1 – Create safe, accessible active spaces that provide diverse physical activity opportunities for the whole community.

### Climate emergency and sustainability implications

26. There are no climate emergency and sustainability implications present in this report.

### Community and social implications

27. The Physical Activity Strategy, Yarra Moves 2021 – 2031, goals include increasing the proportion of the population that is physically active, reducing sedentary behaviour and supporting lifelong habits for optimal health. The current utilisation of Yarra Leisure facilities is over 1.1 million visitations per year for a diverse audience. Consequently, Yarra Leisure and its facilities make a valuable contribution to the objectives outlined in Yarra Moves that aim to improve the health and well-being of people who live, work, learn and play in Yarra.

### Economic development implications

28. There are no economic development implications present in this report.

### Human rights and gender equality implications

29. Yarra Leisure facilities) are significant and iconic community assets that are extremely well used with 58% of members registered as Yarra residents. Female membership at Yarra Leisure is 43% and the organisation facilitates highly valued community programs via Move For Life, Empower, Empower+, women-only gym sessions, Women Making Waves and community golf programs that reach into underrepresented segments of the community and promote active living for all.

## Operational analysis

### Financial and resource impacts

30. Due to lower levels of visitation and the limited implications operationally with existing staffing levels and associated facility requirements, Officers have identified that an off-peak period exists between the hours of 7pm and 9pm (Monday to Friday).

31. Officers explored the introduction of a several categories of off-peak casual products. There is a limited window for off-peak between 7pm and 9pm (Monday to Friday) and low visitation rate of 18 visits per centre per day during that time period. The service cost analysis indicates the average cost per visitation for gymnasium access is \$10.94 and for aquatic access is \$12.67. As a result, Officers have concluded that off-peak casual products will not be viable and recommend that they not be pursued.

#### Legal Implications

32. There are no legal implications present in this report.

#### Conclusion

33. Yarra Leisure facilitates over 1.1 million visits per year to the municipality's high-profile aquatic and recreation facilities (BGC, CEG, CLC, FSP and RRC) for programs including pool access, golf, group fitness classes, gym workouts and learn to swim.
34. Yarra Leisure is committed to ensuring older people in our community have many of options when it comes to staying active and connected by offering a wide selection of activities.
35. Yarra Leisure fees and charges continue to ensure that vulnerable groups within the community are provided subsidised fees for entry and membership to Yarra Leisure facilities, programs, and services via a 40% discount to means tested concession card holders.
36. The data analysis demonstrates that the introduction of the new membership structure has been positive, including most notably in the 60 plus age bracket. The membership data also shows positive effect in the take up of concession categories (which require means tested and government supported qualification).
37. Whilst Officers have identified that an off-peak period exists between the hours of 7pm and 9pm from Monday to Friday, given the small off-peak window available, the service cost analysis and the low in visitation. Officers consider that off-peak products will not be viable and therefore, not worth pursuing.

#### RECOMMENDATION

1. That Council:
- (a) note that the introduction of the new Yarra Leisure membership structure has been positive, including most notably in the 60 plus age bracket; and
  - (b) not pursue the introduction of Yarra Leisure off-peak casual access products.

#### Attachments

There are no attachments for this report.

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## 7.6 Sportsground and Facilities Allocation Policy

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<b>Reference</b>	D23/198648
<b>Author</b>	Jackson Holland - Sport Operation and Development Officer
<b>Authoriser</b>	General Manager Infrastructure and Environment

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### Purpose

1. To provide a progress update on the implementation of Yarra's Sportsgrounds and Facilities Allocation Policy.

### Critical analysis

#### History and background

2. Council manages Yarra's 19 sportsgrounds and 25 pavilions (facilities), which are utilised by over 60 clubs for community sport and recreation.
3. Council endorsed the Sportsground and Facilities Allocation Policy on 10 May 2022.
4. The Policy brings Yarra clubs into line with industry standards and practices, as well as aligns them with Council policy and inclusion, diversity and governance objectives by mandating fair, transparent minimum standards and qualifying criteria to be eligible to receive facility allocation/s as follows:
  - (a) **Community First** - Allocations reflect that the Yarra community is the priority;
  - (b) **Governance** – Allocations ensure that clubs' organisational conduct demonstrates alignment with their respective state sporting associations' safe sport, risk mitigation and compliance, good governance and integrity frameworks and cultures;
  - (c) **Inclusion and Diversity** – Allocations mandate requirements that incentivise clubs to activate programs/services/events that positively influence member diversity and inclusiveness; and
  - (d) **Financial Management** – Allocations ensure that that clubs are fiscally responsible.

#### Discussion

5. The allocations criteria have been designed to be achievable, support the continued growth and drive the development of inclusive sports club environments that promote participation for all. The purpose of the Sportsgrounds and Facilities Allocation Policy is not to displace any current clubs. Officers understand that some clubs are not able to achieve all targets immediately but are being provided three years to transition and meet the criteria with assistance and guidance from officers, so as to be rewarded with priority access to Council facilities.
6. Specifically in the first year of policy implementation, Officers and Yarra clubs are focusing on improving the behaviours and standards of clubs hiring Yarra's sports facilities by adhering to the following areas within the qualifying criteria:
  - (a) **Community First** – Positive non-for-profit and Yarra business partnerships, child safety and sustainable waste initiatives;
  - (b) **Inclusion and Diversity** – Initiatives that target underrepresented groups, promote a diverse, inclusive environment with equitable programming;
  - (c) **Financial Management** – Financial planning, budgeting, and equitable fees for members; and
  - (d) **Governance** – Tenancy record, strategic planning and risk management.

7. Officers note that one of the key drivers of inclusion and diversity does not seek to prioritise any prescribed group in any order recognising that there are many types of underrepresented groups including new and emerging cohorts. Rather, the goal is to work with clubs to provide active recreation opportunities for underrepresented groups, including females, juniors, disabled, CALD, LGBTIQ+, etc.
8. Recent events remind us of the importance of Council's role in supporting diversity and inclusion so that the Yarra community is safe, inclusive and stands against discrimination.
9. In order to assess club performance against the qualifying criteria, clubs submit information and documentation to officers via the 'Annual Sport and Recreation Survey'. The responses received and information gathered provides officers with a clear understanding about which criteria are being responded to positively to, and which criteria require further resourcing, guidance and education. In the first year of implementation, 100% of seasonal clubs have completed the annual survey.
10. Whilst the first year of the three-year policy implementation process is primarily focused on a learning and development phase for club committees and volunteers, the 'Annual Sport and Recreation Survey' has demonstrated that there are a number of clubs who have made considerable progress in key areas since the policy's implementation including:
  - (a) In 2019, Northcote United Cricket Club did not have any women or girls' participation however, in 2022 they developed a female program with over 20 participants;
  - (b) In 2022, women and girls make up 46% of total participation at Yarra Jets FC; and
  - (c) In 2022, women make up 38% representation on Yarra club committees.
11. Additionally, several Yarra clubs have taken steps in the first year of the policy implementation towards achieving the objective of providing opportunities for underrepresented groups including:
  - (a) Three Yarra clubs successfully running access all abilities sport programs;
  - (b) Multiple Yarra clubs implementing schemes to assist underrepresented and/or disadvantaged cohorts by reducing costs associated with participating in their sport;
  - (c) Five Yarra clubs successfully receiving funding (up to \$5,000) from Yarra's Community Grants to progress participation initiatives; and
  - (d) One Yarra club is striving to achieve 50% women and girls' participation in coaching across all teams, by offering pathway programs to develop and upskill coaches.
12. In 2023, Council has designed and plan to deliver seven in-person club development workshops for all Yarra community clubs and associations. These workshops are aimed at upskilling volunteers in key areas relevant to the policy's qualifying criteria and offer learning opportunities in areas that clubs have themselves identified, including:
  - (a) February 2023 - Child Safe Sport, Inclusion and Diversity and Fair Play Code;
  - (b) May 2023 – Event Marketing and Promotion;
  - (c) May 2023 – Volunteer Recruitment Reward and Recognition;
  - (d) June 2023 – Let's Kick Climate goals;
  - (e) June 2023 - Grant Writing and Participation Programming;
  - (f) July 2023 - Marketing and Promotion, Participant Recruitment; and
  - (g) September 2023 - Governance, Strategic and Financial Planning.
13. On 22 February 2023, Council held the first workshop, which was facilitated by club development industry experts, Leisure Networks and aimed to educate participants on child safety and complying with the Fair Play Code as follows:

- (a) The two-hour workshop was promoted via the monthly recreation newsletter sent to all clubs, as well as individually targeted emails with clubs that had indicated that child safety and/or inclusion and diversity was a priority; and
  - (b) Twenty-three Yarra club volunteers attended the first workshop, represented by 12 Yarra sporting clubs. The workshop was interactive and also included slides, content and resources for clubs to go back, discuss and implement via their committees.
14. Relevant resources and targeted opportunities will continue to be adapted and delivered year on year in consultation with clubs and state and national sporting associations. These resources will include responding to relevant state and federal legislation, such as implementing the actions outlined in the Fair Access Policy Roadmap.
15. Officers also programmed a 'community active recreation' period into the seasonal calendar that aimed to encourage a more diverse range of participants and activities across Yarra's sports facilities. The summer community program ran from 6 November to 15 December 2022 and included the following community activations:
- (a) Alphington Soccer Club – Veterans' program;
  - (b) Collingwood City Soccer Club – Social women's programs and mixed junior sessions;
  - (c) FC Clifton Hill – Junior skills sessions; and
  - (d) FC Melbourne – Under 12 and 13 mixed gender sessions.

#### Options

16. There are no applicable options in this report.

#### Community and stakeholder engagement

17. Yarra sport clubs have received monthly newsletters, which has provided further resources including, promotion of grants, programs, and initiatives that Yarra clubs can engage with.
18. Council provides individual feedback to all clubs in response to their 'Annual Sport and Recreation Survey', which upskills volunteers and assists clubs to better understand the qualifying criteria including any areas that may require improvement.
19. Prior to the seasonal pavilion and ground inspections with Yarra's sport clubs, each club is offered the opportunity to discuss the policy and/or qualifying criteria with officers.

#### Policy analysis

##### Alignment to Community Vision and Council Plan

20. There are a range of policy alignments that pertain to this proposal including:
- (a) Climate and Environment - Strategy 3;
  - (b) Social Equity and Health - Strategy 2, Strategy 3 and Strategy 5;
  - (c) Local Economy - Strategy 1, Strategy 2 and Strategy 5;
  - (d) Place and Nature - Strategy 1 and Strategy 2; and
  - (e) Democracy and Governance - Strategy 2, Strategy 3 and Strategy 5.

##### Climate emergency and sustainability implications

21. There are no climate emergency or environmental sustainability issues arising from this report.

##### Community and social implications

22. The policy has the intention of ensuring that emphasis is placed upon the provision of welcoming, inclusive and accessible organised sporting opportunities for the Yarra community by clubs with safe sport, good governance and integrity frameworks in place, thereby ensuring positive impacts on the opportunities and outcomes for the community.

23. Officers recognise that the criteria within the policy may be viewed as increasing the expectations of some club behaviours and practises and this will require some additional work; other clubs are well-placed to meet these obligations. Consequently, Council continues to be committed to working directly with clubs to provide advice and guidance.

#### Economic development implications

24. There are no immediate economic development implications as a result of this report.

#### Human rights and gender equality implications

25. The essential and weighted criteria developed in the Sportsgrounds and Facilities Allocation Policy aims to meaningfully and deliberately progress inclusion, accessibility and equity opportunities in organised sport for the Yarra community. Further, officers also aim to ensure clubs are supported to be welcoming, safe and well-governed.
26. Flexibility within the policy enables clubs to target and develop their own target markets, audiences and member bases, as well as ensure the policy remains relevant within an ever-changing landscape.

### Operational analysis

#### Financial and resource impacts

27. The policy outlines the essential criteria for applications to use Yarra's sports facilities, which includes the key guiding principle of 'financial management'. This principle is intended to identify a club's capacity to be financially sustainable at the time of making an application to use Yarra's sportsgrounds and facilities.
28. In addition to the club development support proposed, and as per normal practices, officers continue to work with clubs to notify and assist with possible external funding and grant opportunities relevant to grassroots sport, engagement, participation and membership.

#### Legal Implications

29. The qualifying criteria identified in the policy that forms part of the allocation framework related to governance and finance is designed to advance club practices related to financial management, risk mitigation, dispute resolution, child safety and integrity. These criteria are in addition to other mandatory requirements, such as responsible service of alcohol and food-handling certification (where required) and have been informed by peak bodies such as Sport and Recreation Victoria, Sport Australia and state and national sporting associations.

### Conclusion

30. The Sportsgrounds and Facilities Allocation Policy includes a suite of transparent criteria that directly ties to Council's values and objectives, as well as state and national sporting associations safe sports and integrity frameworks, to ensure that sport is accessible, inclusive, equitable, well-managed and well-governed for all who live, learn, work and play in Yarra.
31. Council plays a significant role in the provision of leadership to the community and stakeholders when advocating for equitable access to sports facilities and ensuring safe, welcoming, well governed and sustainable programs are being delivered for a diverse range of participants throughout Yarra.
32. The data gathered from the first year of implementation will inform future club engagement and club development opportunities. Officers believe that the sport clubs are making progress and the majority of clubs will be in position to fulfill the policy criteria by year three.

## RECOMMENDATION

1. That Council:
  - (a) notes the positive progress made in the first year of implementation of Yarra's Sportsgrounds and Facilities Allocation Policy.

## Attachments

- 1 [↓](#) Attachment 1 - Community Sportsground and Facilities Allocation Policy



## Sportsgrounds and Facilities Allocation Policy

<b>Title</b>	<b>Sportsgrounds and Facilities Allocation Policy</b>
<b>Description</b>	A policy to outline the eligibility criteria and selection process for the allocation of Yarra's sportsgrounds and facilities.
<b>Category</b>	Community
<b>Type</b>	Policy
<b>Approval authority</b>	Council
<b>Responsible officer</b>	Manager Recreation and Leisure Services
<b>Approval date</b>	10 May 2022
<b>Review cycle</b>	Every five years
<b>Review date</b>	30 April 2027
<b>Document Reference</b>	D22/113338
<b>Human Rights compatibility</b>	This policy has been assessed and is compatible with the Victorian Charter of Human Rights and Responsibilities

### 1. Policy Statement

- 1.1. Yarra City Council (Yarra) will allocate the use of its sportsgrounds and facilities to Hirers that align with Yarra values and that are actively contributing to health, wellbeing and inclusion for the whole community.
- 1.2. The Sportsgrounds and Facilities Allocation Policy outlines the eligibility criteria and selection process for how these assets are allocated.
- 1.3. The policy replaces the allocation criteria aligned with the Yarra City Council Sports Strategy 2008-12 and has been expanded to apply to all allocation types.

### 2. Yarra Values

- 2.1. We aim to achieve the greatest outcomes for the community through delivering our Council Plan and working with, and for, all in Yarra.
- 2.2. Our values guide our conduct and working relationships with colleagues and the community.
  - 2.2.1. Accountability: We own what we do and expect others to as well.
  - 2.2.2. Respect: We include all. Diversity is our strength.
  - 2.2.3. Courage: We are intentional in our actions. We seek the brave path.

### 3. Purpose

- 3.1. To ensure a responsible, consistent, transparent and equitable approach to the allocation of Yarra's sportsgrounds and facilities.
- 3.2. To outline the expectations on Hirers and their role in making a positive contribution to health, wellbeing and inclusion for the Yarra community.
- 3.3. To provide agreed principles to prioritise use and management of sportsgrounds and facilities.



## Sportsgrounds and Facilities Allocation Policy

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### 4. Scope

- 4.1. This policy applies to the allocation of sportsgrounds and facilities managed by Yarra City Council.
- 4.2. This policy is relevant to sports clubs, associations, community groups, schools, and private and commercial organisations wishing to apply for an allocation.
- 4.3. Tenants who occupy Yarra facilities under a lease or licence agreement will be measured against the criteria from this policy upon re-negotiation of their agreement.

### 5. Objective

- 5.1. To ensure a diverse range of participants and activities across Yarra's sports facilities.
- 5.2. To provide an inclusive approach to sport, active recreation and physical activity opportunities.
- 5.3. To improve the physical, mental and social health and wellbeing outcomes for the Yarra community by ensuring facilities users are aligning their behaviours and culture with the values of Yarra.
- 5.4. To ensure Council owned sportsgrounds and facilities are occupied by Hirers who provide safe, welcoming, well governed and sustainable programs.
- 5.5. To drive and encourage usage of Yarra's sports facilities by underrepresented groups within the community.

### 6. Guidelines /Procedures for Hirers

- 6.1. All Hirers must:
  - 6.1.1. Provide current public liability insurance (insurance coverage must meet Council requirements);
  - 6.1.2. Not have any outstanding debts to Yarra City Council;
  - 6.1.3. Accept the terms and conditions of facility hire.
- 6.2. Other requirements may be communicated to Hirers depending on the nature of the activity taking place.
- 6.3. Council recognises the impact of bookings on turf sportsgrounds and the need to maintain playing surfaces. As such, capacity on each sportsground will not exceed 30 hours of allocated use per week.
- 6.4. Hirers based in Yarra will have priority over Hirers based outside the municipality.
- 6.5. Seasonal Hirers can refer to section 6, 7 and 8 of this policy for more information on the allocation process.
- 6.6. Access to sportsgrounds and facilities will be prioritised based on the type of user group, detailed below.
  - (1) Seasonal Hirers
  - (2) Not-for-profit community groups
  - (3) Government schools
  - (4) Private / commercial hirers and private schools



## Sportsgrounds and Facilities Allocation Policy

### 7. Allocation of Sportsgrounds and Facilities for Seasonal Hirers

- 7.1. Seasonal sportsground and facility hire are allocated for the purpose of providing sport and/or recreation programs where there is a benefit to the Yarra community.
- 7.2. Seasonal Hirers account for the majority of sportsground and facility allocations in Yarra. In order to achieve an ongoing allocation the Hirer must first meet essential criteria.

Essential Criteria
Registered as a legal entity (such as an Incorporated Association)
Affiliated with a State Sporting Association (SSA)
No financial debts owing to Yarra City Council
Provide current public liability insurance (insurance coverage must meet Council requirements)
Provide details of active participant numbers and demographics
Provide a detailed schedule of use for the requested facility
Acknowledge and sign the Child Safe Clause
Acknowledge and sign the Victorian Fair Play Code
Deliver ongoing programs or initiatives that cater for underrepresented groups
Accept the terms and conditions of seasonal facility hire

- 7.3. Allocation periods are typically based on traditional summer and winter sports seasons. However, it is acknowledged that new and emerging sports may have alternate season dates which will be accommodated where possible.
- 7.4. Seasonal Hirers will be required to submit an application prior to each allocation period, specifying their allocation preferences.
- 7.5. Winter and summer season allocations will take priority over off-season allocations.
- 7.6. Indicative season dates fall into four allocation periods, which are subject to change from season to season to align with scheduled competition dates.
  - 7.6.1. Winter season allocation
    - 1 April – 30 September
  - 7.6.2. Summer season allocation
    - 1 October – 30 March
  - 7.6.3. Winter off-season allocation
    - 15 January – 30 March
    - Up to 4 weeks between 1 November – 20 December\*
  - 7.6.4. Summer off-season allocation
    - 1 August – 30 September

\*Ground availability may vary each season, subject to ground conditions and maintenance programs

### 8. Allocation Framework

- 8.1. The extent of allocations a Seasonal Hirer will be considered for is dependent upon the number of participants and programs they cater for.



## Sportsgrounds and Facilities Allocation Policy

- 8.2. All eligible Seasonal Hirers will be allocated a primary facility (i.e. a home ground) as a priority before Hirers are allocated a secondary facility.
- 8.3. Where multiple applicants request the same facility, applications are subjected to Yarra's allocation framework and scored according to the weightings for each item. Hirers will be scored based on how well the allocation framework is met.

Item	Allocation Framework Criteria	Weighting
<b>Community First</b>		<b>30</b>
1	Documented evidence of a partnership / network with not-for-profit organisation/s within City of Yarra	5
2	Evidence of Child Safe Policy, including training, incident reporting process and record of Working with Children Checks	5
3	Evidence of partnerships and/or reciprocal arrangements with City of Yarra clubs and businesses	5
4	Evidence of how sustainability and waste management practices are implemented and communicated with members	5
5	Active participants comprise 50-75% Yarra residents	5
6	Active participants comprise 75-100% Yarra residents	5
<b>Inclusion and Diversity</b>		<b>30</b>
7	Planned initiatives and activations that target one or more underrepresented groups	5
8	History of delivering initiatives and activations that target underrepresented groups in previous seasons	5
9	Evidence of a safe, inclusive environment including welcoming off-field social activities	5
10	Provision of a documented inclusion and participation policy/plan, including equitable programming schedule	5
11	The Hirer can demonstrate diversity within the decision making positions of the organisation (e.g. committee, coaching)	5
12	The Hirer can demonstrate that it actively engages with its stakeholders to embed inclusion and diversity values and behaviours	5
<b>Financial Management</b>		<b>20</b>
13	Provision of a financial plan including annual budget	5
14	Provision of a financial statement and annual financial report	5
15	The Hirer can account for outstanding liabilities to creditors	5
16	The Hirer can demonstrate equitable fees and charges to its members	5
<b>Governance</b>		<b>20</b>
17	Previous history of good tenancy at Yarra facilities	5
18	The Hirer can provide a detailed risk management plan and policies that demonstrates both physical risk and dispute resolution	5
19	The Hirer can provide a strategic plan that links to a detailed operating budget	5
20	Registered with an organisation that supports strong club governance (e.g. Good Sports, Sports Community, Vic Sport etc.)	5



## Sportsgrounds and Facilities Allocation Policy

### 9. Allocation Framework – Scoring Scale

9.1. Applications for sportsground and facility hire are scored against the allocation framework utilising a scoring scale from 0 to 5. Council Officers will determine scores based on season applications and the quality of evidence provided by Seasonal Hirers.

Scoring Scale	Criteria
5	Meets criteria to the full extent
4	Meets criteria to a high level
3	Meets criteria to a medium level
2	Meets criteria to a low level
1	Barely meets criteria
0	Does not meet criteria

### 10. Glossary

<b>Sportsgrounds</b>	Natural turf ovals and pitches designated for the purpose of sport and recreation
<b>Facilities</b>	Incorporates all hireable sporting facilities managed by the Recreation Services unit. This includes all pavilions, halls, tennis/netball courts and cricket nets
<b>Seasonal Hirer</b>	Any organisation seeking ongoing access to a Yarra sportsground or facility (typically sports clubs)
<b>Based in Yarra</b>	Refers to Hirers based in a physical location within City of Yarra, and/or the service they provide directly benefits the Yarra community
<b>Not-for-profit groups</b>	Organisations who are registered with Consumer Affairs Victoria as not-for-profit and do not earn a profit for owners or members
<b>Underrepresented groups</b>	Populations identified as less likely to have opportunities to be physically active, based on demographics such as cultural background, gender, sexuality, age, religion, socio-economic status. The Recreation Services Unit can provide more information on specific priority groups which may evolve over time
<b>Allocation period</b>	Term in which grounds and facilities are assigned to a Seasonal Hirer or Hirers
<b>Active participants</b>	People currently involved in playing, coaching and facilitating sport within the organisation i.e. does not include past players/members

## 7.7 Palmer Street Fitzroy streetscape proposal

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<b>Reference</b>	D23/193695
<b>Author</b>	Hayley McNicol - Senior Urban Designer
<b>Authoriser</b>	Senior Coordinator Design and Place Making

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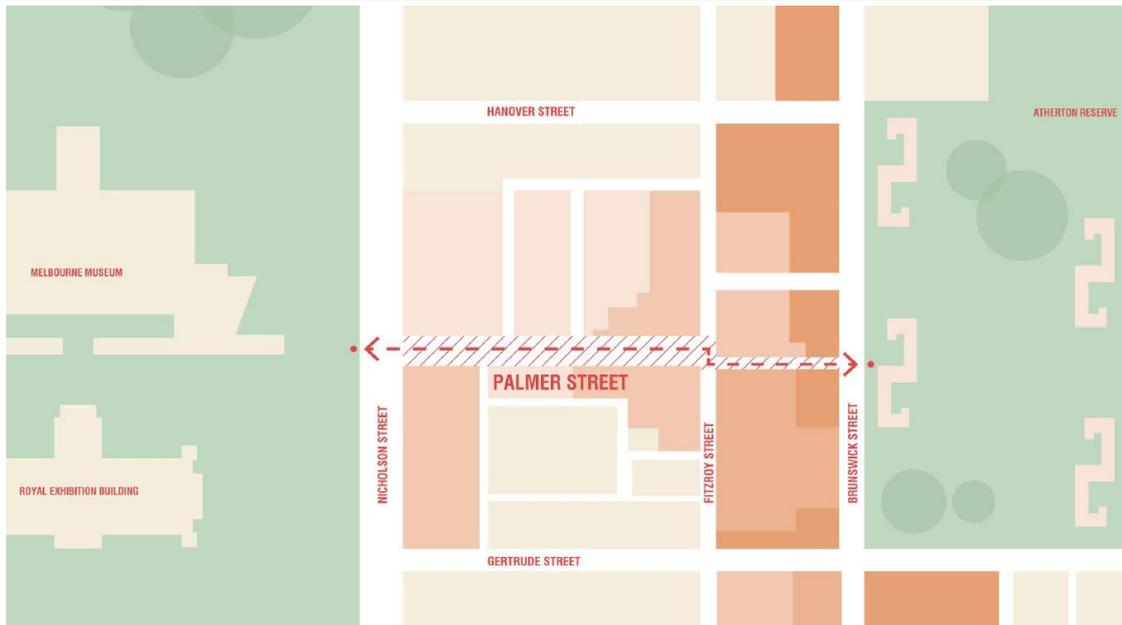
### Purpose

1. This report responds to the Council resolution on 14 February 2023 regarding concept for streetscape changes in Palmer Street, Fitzroy submitted by a local architecture studio. Council resolved:
  1. *“That in response to a proposal by Blur Architecture proposing streetscape works in Palmer Street Fitzroy, Council officers prepare a report:*
    - (a) *describing the process used by Council for determining the location of such works;*
    - (b) *setting out the criteria for assessing proposed projects; and*
    - (c) *providing a preliminary assessment of the merits of the proposal.”*

### Critical analysis

#### History and background

2. Council has received a proposal for a potential future streetscape project in Palmer Street, Fitzroy. The concept was prepared and submitted by a local architecture studio based in Collingwood (Blur Architecture). Refer **Attachment One**.
3. The proposal extends along the length of Palmer Street between Nicholson and Brunswick Streets, as shown in the map in Figure 1. The submission proposes that works would be broken into two areas/stages:
  - (a) Stage 1: Palmer Street east (between Fitzroy and Brunswick Streets)  
This includes a new shared zone, changes to kerbs, painted surface treatments, new garden beds and tree planting, artwork and a new raised pedestrian crossing at the Palmer/Fitzroy Street intersection. A landscape concept plan and renders have been included in their submission; and
  - (b) Stage 2: Palmer Street west (between Nicholson and Fitzroy Streets)  
Limited details have been provided for this section however it includes rearranging the on-street parking from angled to 90-degree parking, widening the footpaths and potential changes to the existing road closure layout which is currently mid-way along this stretch.



**Figure 1: Location plan by Blur Architecture**

Discussion

Process used by Council for determining the location of such works

4. In determining suitable locations for changes to the street that are put forward by the community or others, there are many factors that are considered including:
  - (a) the location of the street;
  - (b) how the street connects to the wider area;
  - (c) land use;
  - (d) any data or evidence that demonstrates an issue that needs to be resolved; and
  - (e) the level of community benefit and support.
5. Officers also consider relevant strategies, masterplans and other policies that provide a strategic basis for the project including any area specific requirements.
6. The scale of any proposal and likely costs involved will also influence the process for how a project is considered and dealt with. If supported, a small-scale change (e.g. a new seat) can be dealt with through business as usual activities. A medium-scale change (e.g. a kerb outstand) can be considered through the proposed principles of the Local Liveable Streets Guide where funding is anticipated to be made available. If supported, large-scale changes (e.g. a shared zone, pocket park or whole street change) require more rigorous feasibility and assessment, need to be underpinned by strategic policy and would go through a separate budget bid process.
7. The Palmer Street concept that has been submitted includes many significant changes to the street which affect pedestrian access, parking, kerbs and drainage and would be costly to deliver. Therefore, this type of proposal would be considered a large-scale project.

Criteria for assessing proposed projects

8. There are a number of relevant criteria that are considered in determining if a proposal is worthwhile and achieves good outcomes for the resources, time and cost to deliver the project. This includes the following:
  - (a) Alignment with Council Plan and Community Vision;
  - (b) How it supports Council policies and strategies;
  - (c) Level of community benefit/support;

- (d) Level of social, environmental, economic and climate adaptation benefits; and
- (e) Feasibility, cost and deliverability.

Preliminary assessment of the merits of the proposal

9. Whilst Officers appreciate the community initiating new ideas and reimagining their local streets, the proposed Palmer Street concept includes many significant changes to the street which affect pedestrian access, parking, kerbs and drainage and would be costly to deliver. Officers consider that Palmer Street is not a priority street for this scale of project.
10. Palmer Street is one of many streets in the area which connect Nicholson and Brunswick Streets. Palmer Street does lead towards Carlton Gardens, however, there is no pedestrian crossing on Nicholson Street at this location. There are a few community facilities along Palmer Street, and we note that this area of Fitzroy has a cluster of community facilities, which are more concentrated around the Fitzroy Town Hall and Atherton Gardens precinct. The submission has not provided any evidence or data of any specific issues that demonstrate that Palmer Street is a location that requires significant change.
11. Considering the above, Palmer Street has not been identified as a priority street for large scale improvements in this area. Council's strategic work and projects have prioritised areas that would have a larger benefit for the local and wider community. This includes the following examples, which cover some of the precedents mentioned in the attached submission.
  - (a) The Brunswick Street Streetscape Masterplan (adopted in 2020) has identified the opportunity to improve a section of King William and Condell Street for a new public space, which is surrounded by many different community facilities, is accessed from the Atherton Gardens Estate, is located on an east-west link that connects more widely from Nicholson Street (including Carlton Gardens and route 96 tram stop) to Smith Street, and which has an existing road closure;
  - (b) The Rose Street shared zone was implemented in an area undergoing development, with two popular weekend markets. Additionally, there are a number of businesses along the street that are destinations for both locals and visitors. The number of pedestrians using Rose Street on weekends is often beyond the capacity of the current footpaths. The shared zone project was delivered in partnership with the Transport Accident Commission;
  - (c) The Kerr Street public realm works (as identified in the Brunswick Street Streetscape Masterplan) has been delivered on a prominent street corner that would benefit high numbers of people using this busy shopping precinct and where there are limited opportunities for public seating; and
  - (d) The Otter Street pocket park will be delivered in a part of Collingwood that currently has little access to Open Space and which is undergoing development (bringing new residents and visitors to the area). This supports Council's Open Space Strategy.
12. The proposal for Palmer Street includes many changes to the road which would be costly to design and deliver. This includes:
  - (a) a raised road surface for the shared zone, widened footpaths in the western section and a new raised pedestrian crossing, which would require significant civil engineering and drainage works;
  - (b) the use of heritage materials given heritage context and World Heritage Environs Area;
  - (c) new artworks (including shared zone surface treatment); and
  - (d) extensive plantings which will have an ongoing maintenance costs.
13. From a high-level review of the drawings there are a few aspects of the design which would be problematic as explained below. This does not include more detailed investigation of services, drainage or other local conditions, which might bring up other issues.

- (a) The shared zone design includes new garden beds along the edge of the road reserve, but this does not provide adequate refuge for people to move to the side if they want to avoid on-coming traffic;
  - (b) The pedestrian crossing over Fitzroy Street does not provide a safe connection for people. In particular, the eastern side of the crossing leads people to the middle of the shared zone; and
  - (c) A number of seating areas have been proposed along the shared zone space, but these aren't well activated by surrounding uses and frontages.
14. The proposal includes changes to parking and would result in the loss of 30 on-street car parking spaces. It is noted that the supporting work by Trafficworks (Appendix B to the Blur Architecture proposal) states that the parking loss is between 15-30 spaces and suggests a lower level of parking loss if the car parking dimensions from the Planning Scheme are used (as opposed to the Australian Standards). Given this is a public road, the Australian Standards apply and therefore the overall parking loss is 30 spaces.
15. As mentioned above, Palmer Street is not considered to be a strategic priority for large scale changes. Council's approach is to prioritise larger projects in key streets and areas that would have the highest benefit for the community and value for money.
16. However, it may be possible to consider more modest interventions in Palmer Street in future, to improve amenity for local users.
17. If the local community support minor changes in their street, then a future opportunity may be available to apply for specific ideas to be considered for Palmer Street through the proposed Local Liveable Streets Program that is currently in the Draft 2023/2024 Council Budget.

### Community and stakeholder engagement

18. This proposal has been pitched by Blur Architecture, a local architecture studio. Officers understand that Blur Architecture has distributed leaflets about the proposal to properties in the local area. We also understand that there was a meeting held between Ward Councillors and the community in early February to discuss the proposal ahead of the 14 February Council Meeting where this proposal was tabled.
19. The proposal involves significant changes to the street which will affect residents and users of the street, and at this stage there has been no formal submissions by others apart from the Blur Architecture proposal.
20. In assessing this proposal on Palmer Street, officers have engaged closely with Council's Traffic Engineering team.

### Policy analysis

#### Alignment to Community Vision and Council Plan

21. The proposal includes changes to the road including more trees, greenery, a reduction in car parking, artwork, shared zone. In principle these types of changes have benefits that align with the broad objectives in the Council Plan. However, considering this is not a priority location for this scale of project, and there is no evidence or community drive to tell us there is an issue to be resolved, the project at this stage does not align with Strategic Objective 6: Democracy and Governance. This objective states that "Yarra is smart, innovative and sustainable. Our decisions and advocacy are built on evidence and meaningful engagement. Good governance is at the heart of our processes and decision-making".

#### Climate emergency and sustainability implications

22. In general, the proposed changes to the road space (such as tree planting and removal of car parking) would have a benefit in terms of climate emergency and sustainability. However, as mentioned above this street has not been identified as a priority street and at this stage there is no evidence to demonstrate that the proposal would have a significant community benefit.

### Community and social implications

23. The proposal involves significant changes to the street which will affect residents, and at this stage there has been no formal submission by others apart from the Blur Architecture proposal.

### Economic development implications

24. The project is of significant cost and is not included in the 23/24 budget. The delivery of works for other public realm improvements that have been identified in the Brunswick Street Streetscape Masterplan, would provide support to this well used shopping precinct.

### Human rights and gender equality implications

25. There are no human rights or gender equality implications identified.

## Operational analysis

### Financial and resource impacts

26. The proposal is of significant costs and would require Council resources to deliver over multiple years.

### Legal Implications

27. There are no legal implications identified.

## Conclusion

28. Following a review of the Palmer Street proposal, officers consider that although the general ideas and principles behind the proposal provide benefits, it is not a priority location for this scale of project and likely cost.
29. If the community has any particular concerns on Palmer Street, there may be opportunity to consider smaller scale interventions to address these issues and improve the amenity of the street.

## RECOMMENDATION

1. That Council:
- (a) note the proposal for Palmer Street, prepared by Blur Architecture and dated 23 November 2022;
  - (b) note the officer review of the proposal, which concludes that Palmer Street is not a priority street for this scale of project;
  - (c) note that minor opportunities for streetscape improvements may be available through a new Local Liveable Streets Program, subject to funding; and
  - (d) write to Blur Architecture and thank them for their submission.

## Attachments

- 1 [↓](#) Attachment 1 - Palmer Street Proposal - Blur Architecture



**A Cultural Bridge:  
Revitalising Palmer Street**

Blur Architecture | 23/11/2022

**Acknowledgements**

This strategy has been prepared with the support of the staff of Blur Architecture. Special thanks also to Longmore Landscape Architecture and Trafficworks for their contributions.

Blur acknowledges the Wurundjeri people of the Kulin Nation, upon whose land we operate. We pay our respects to their Elders, past, present and emerging.



## Executive Summary

---

Much has been written in recent times about the importance of the public realm in light of the COVID-19 pandemic and the need for adequate active and passive recreation spaces. This however, has served only to exacerbate an underlying issue in that much of our urban landscape has prioritised the car over the pedestrian. What if we were to turn the tables and create spaces that provided a safe and attractive place for people to walk, sit or gather?

This document proposes just that - and outlines a streetscape revitalisation strategy for Palmer Street in Fitzroy. Palmer Street is an east-west street that connects Brunswick Street through to the Melbourne Museum and presents a unique opportunity to create a mid-block connection that bridges together a number of cultural landmarks.

**We invite the City of Yarra to facilitate this project.**

## Background

---

The City of Yarra prepared an Open Space Strategy in 2020. On the back of extensive survey data, the Strategy seeks to set out preferred locations for new open space and improvements to the existing open space network to improve amenity for both residents and visitors.

In addition to this Strategy, the City of Yarra more recently developed the Brunswick Street Masterplan, which outlines a number of civic and streetscape enhancement projects to revitalise the area.

Notably, both documents did not propose any works within Palmer Street.

### Why Palmer Street?

As detailed in Figure 1 and 2, Palmer Street is a mid-block connection that ties Nicholson Street (west) through to Brunswick Street (east). The existing traffic/landscape island within Palmer Street prevents vehicle connectivity and lends itself to pedestrian and cyclist usage. Flanked by the Melbourne Museum and the iconic Social Housing buildings, Palmer Street ties together two cultural landmarks in a way that is not currently recognised.

With the Ursula Frayne Memorial Chapel, the Brotherhood of St Laurence and the Fitzroy Mosque also located along Palmer Street, there is an opportunity to create a 'cultural bridge' that improves pedestrian connectivity within the City of Yarra. Underpinned by this layering of cultural diversity, Palmer Street also ties together the Carlton Gardens (west) and Atherton Gardens/Reserve (east) - providing municipal-wide benefits in improving links to larger open space areas.





Figure 1: Site Context



Figure 2: Site Analysis

A review of Council's existing strategic work provides a strong basis for streetscape enhancement projects such as this, and key findings are summarised below.

**Open Space Strategy:**

The top three values for open space across the municipality are: trees (73%), a place to relax and unwind (70%) and the feeling of space (61%);

On a daily basis, local streets for exercise are the most frequently used open space, with some of the most frequently used facilities being walking paths (80%) and seating (68%). This was reinforced within the findings for Fitzroy specifically, with most exercise taking place in the form of jogging and cycling;

Residents saw that being outside was a key to health and wellbeing and, after the importance of trees, most values centred on the belief that open spaces are places to relax and unwind, escape the city and the traffic, and enjoy the feeling of space.

Trees and shade were recognised as being highly important, with respondents aware that trees and vegetation are required to help reduce the heat island effect.

Safe connected routes can help encourage cycling as a mode of transport and make cycling more accessible for children.

Fitzroy residents also valued the accessibility of open space at a much higher rate than the municipal average and also identified garden beds, flowers and the quiet are also of high importance.

**Brunswick Street Masterplan:**

- More greenery - trees and shade, planter boxes, vertical greenery, garden beds.
- Friendlier, safer, and more accessible footpaths for pedestrians.
- More places to sit and gather.
- More public art.
- Improved safety, particularly at night.
- More bins and street cleaning.

Within this context, there is clear support for the revitalisation of Palmer Street and the project will bring together a range of disjointed cultural facilities through a cohesive streetscape enhancement project.

## Precedents

The City of Yarra is home to a number of similar types of projects and examples are provided below. This proposal seeks to build upon these examples.

### **Kerr Street**

A new seating space for the corner of Kerr & Brunswick Street.

### **Otter Street**

Proposed road discontinuance to introduce a park.

### **Rose Street**

Turning Rose Street into a shared zone with pocket parks, seating and art installations.



Figure 3: Precedent Examples and Locations

## Proposal

---

This streetscape enhancement project seeks to build on the findings within both the Open Space Strategy and Brunswick Street Masterplan to recognise an opportunity to create an east-west pedestrian connection.

It is proposed that the project is delivered in two key stages; being:

- Stage 1: Palmer Street, east (between Fitzroy Street and Brunswick Street); and
- Stage 2: Palmer Street, west (between Nicholson Street and Fitzroy Street).

This document deals with Stage 1 and forms the basis of future works in Stage 2. The traffic analysis attached to this report also outlines how car parking within Stage 2 could be altered with no change to the existing parking provisions.

Stage 1 works are focused on providing a dedicated shared space that prioritises pedestrian connectivity and delivers improved landscape, seating, street art and Water Sensitive Urban Design (WSUD) opportunities - see Figures 4, 5 and 6 over. Further detailed plans can be found in Attachment A.

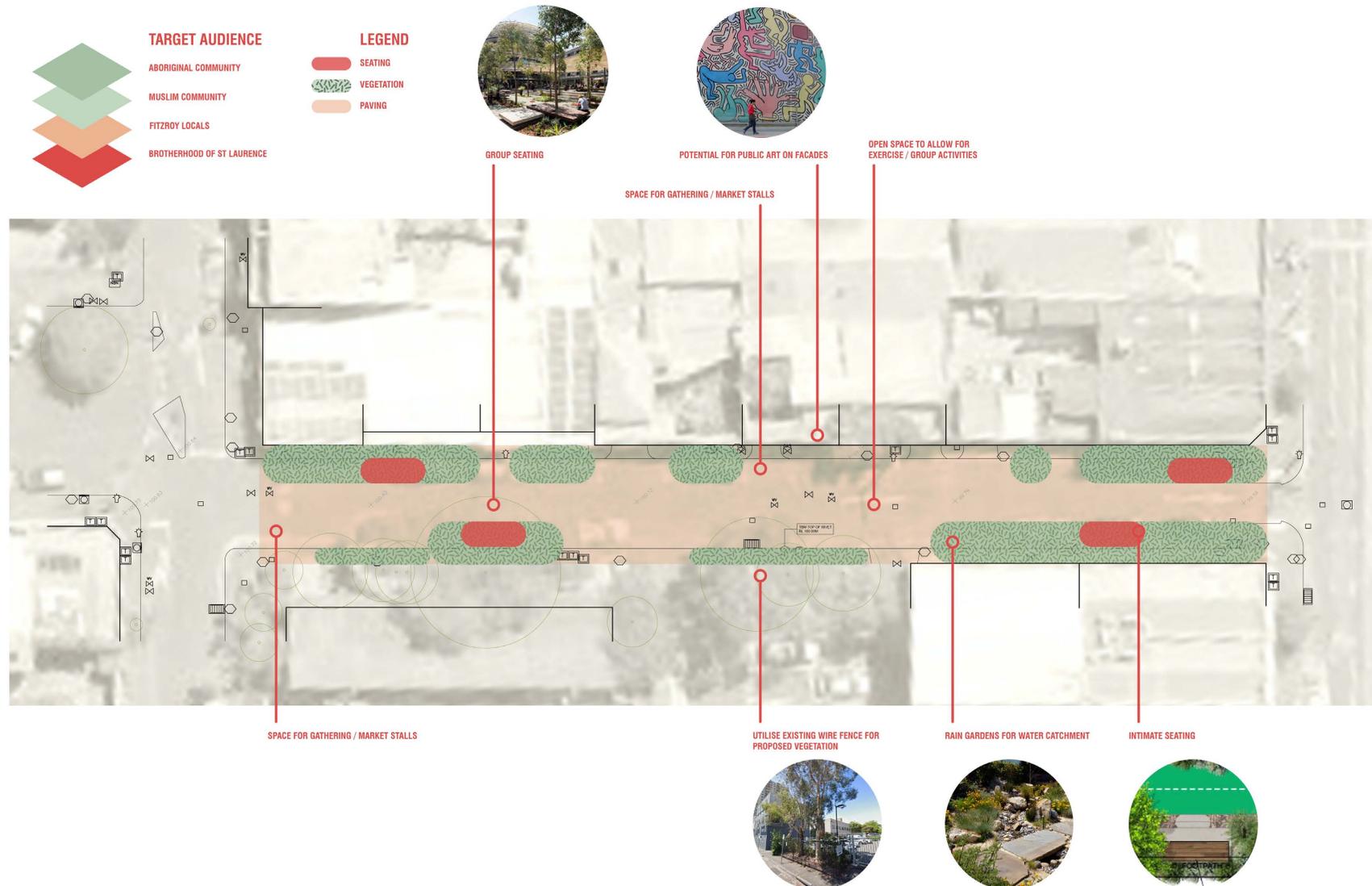


Figure 4: Stage 1 Proposal



Figure 5: View from Brunswick Street





Figure 6: View from Fitzroy Street



## Next Steps

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This document invites the City of Yarra to take a lead role in recognising an opportunity to deliver the Palmer Street 'Cultural Bridge.' This document forms the basis of a masterplan and provides a suggested design outcome that can be adopted by Council and provides a range of municipal-wide benefits.

Prior to formal delivery of the proposed works, it is suggested to create a 'soft implementation' of the project by utilising temporary measures such as planter boxes and movable furniture to introduce the concept to the community and assess use patterns to refine the project scope.

A final master plan can then be prepared and costed, for implementation by Council.



(03) 9486 0154  
info@blurarchitecture.com

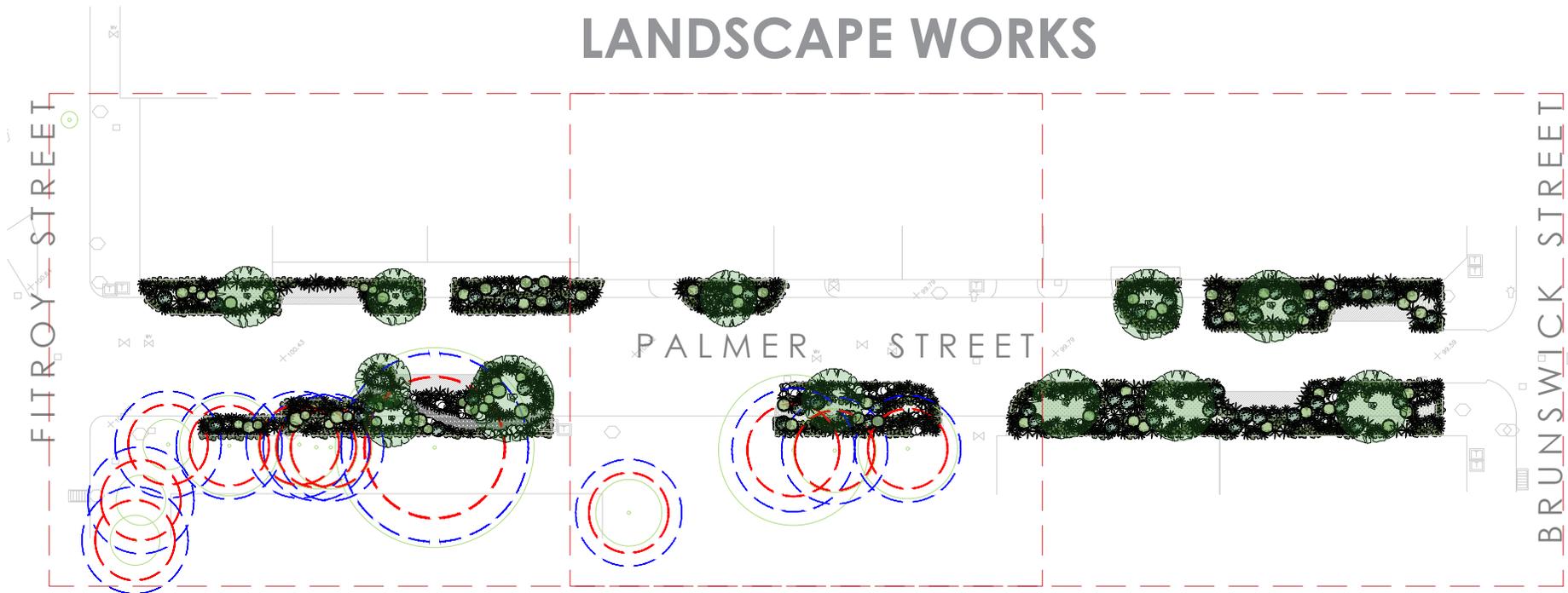
Studio 3  
64 Johnston Street  
Collingwood VIC 3066

## Attachment A

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Landscape Concept Plan  
by Longmore Landscape Architecture

# PALMER STREET UPGRADE LANDSCAPE WORKS



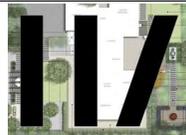
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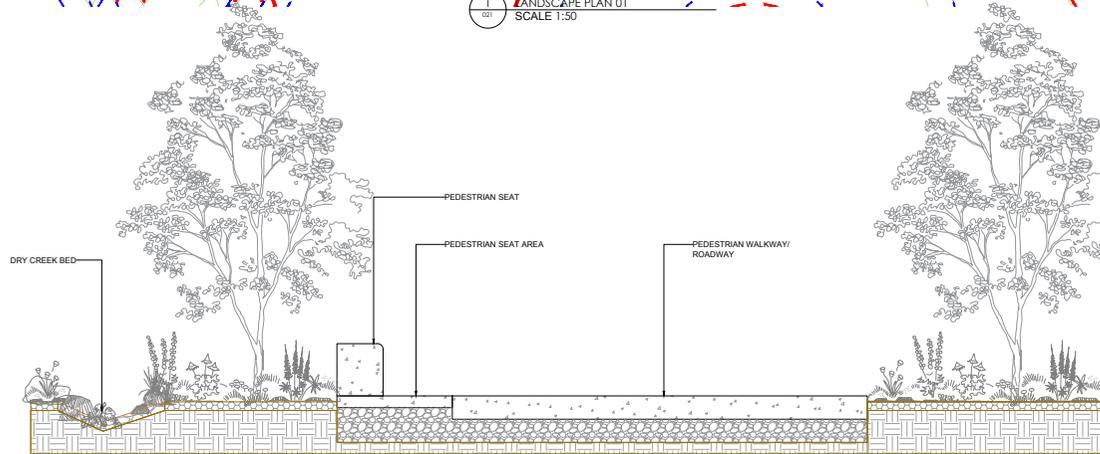
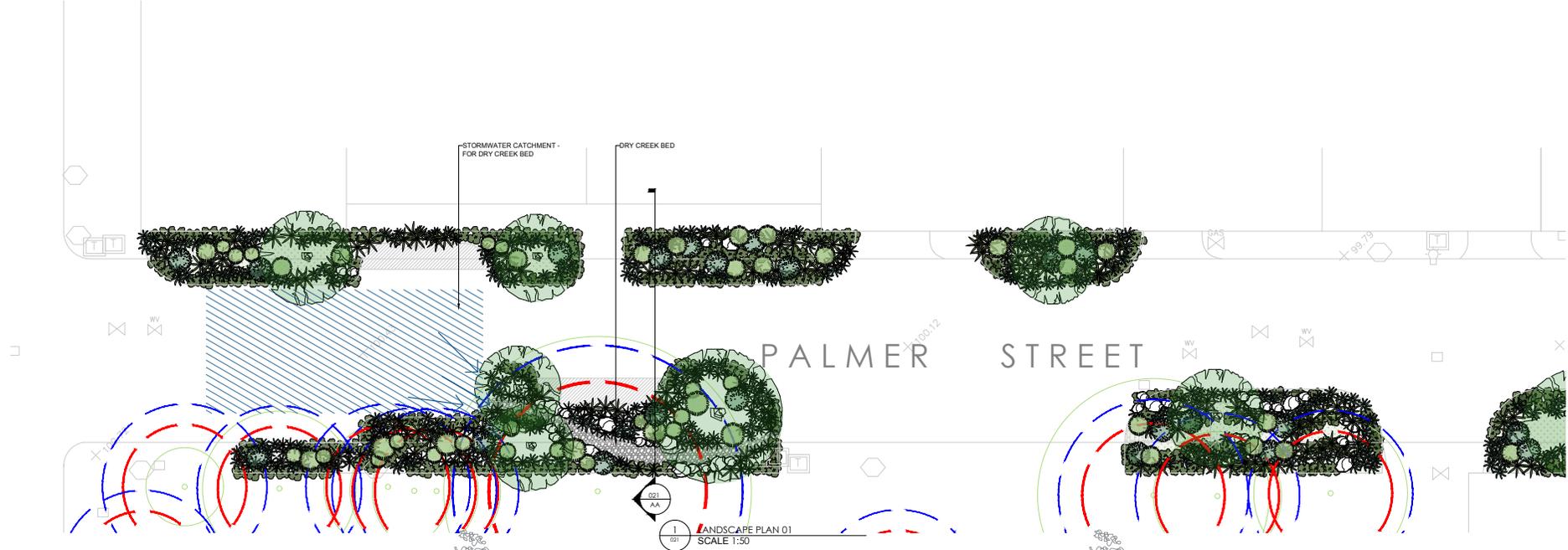
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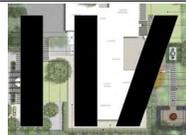
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LANDSCAPE PLAN - ZOOM 1

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## Attachment B

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Parking and Swept Path Analysis  
by Trafficworks



1<sup>st</sup> Floor 132 Upper Heidelberg Rd Ivanhoe Vic 3079  
PO Box 417 Ivanhoe Vic 3079  
ABN: 59 125 488 977  
Ph: (03) 9490 5900  
[www.trafficworks.com.au](http://www.trafficworks.com.au)

Project No. 190939

22 July 2020

Ahmed Osman  
Associate / Town Planner  
BDN Projects  
3/64 Johnston Street  
Collingwood VIC 3066

Via email: [ahmed@bdnprojects.com.au](mailto:ahmed@bdnprojects.com.au)

Dear Ahmed,

**RE: Palmer Street, Fitzroy Streetscape – Traffic Advice**

Trafficworks has been engaged by BDN Projects to provide traffic advice for the proposed streetscape works along Palmer Street, in Fitzroy.

The subject length is located approximately 1.2 km northeast of Melbourne's CBD and is bound by Nicholson Street to the west and Brunswick Street to the east. The subject length is separated into two areas:

- primary area (between Fitzroy Street and Brunswick Street):
  - one-way eastbound local road
  - approximately 85 m in length
  - very narrow and non-DDA compliant footpaths on both sides
  - narrow carriageway when cars are parked along both sides
- secondary area (between Nicholson Street and Brunswick Street):
  - two-way local road
  - no through access along Palmer Street west of Fleet Street
  - approximately 210 m in length

The subject length and surrounding road network is shown in Figure 1, with the primary and secondary areas shown in Figure 2.

The proposed streetscape works includes the following:

- provision for a pedestrian friendly environment with increased public realm such as widened footpath space, better connectivity and enhanced accessibility
- raised pedestrian crossing at the intersection Palmer Street and Fitzroy Street



- a shared zone with raised pavement within the primary area
- modified car parking space dimensions and removal of some car parking spaces

Figure 1: Location Plan (reproduced with permission from Melway Publishing Pty Ltd)

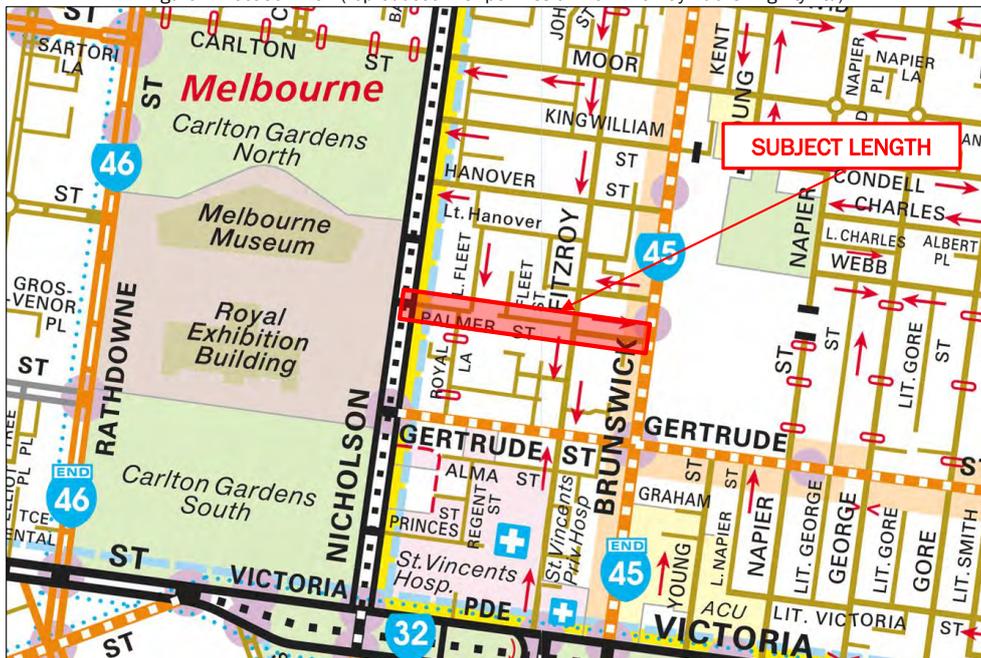


Figure 2: Primary and secondary areas of Palmer Street (Source: BDN Projects)





### **Raised Pedestrian Crossing Intersection**

A raised pedestrian crossing treatment is recommended at the intersection of Palmer Street and Fitzroy Street. A raised pedestrian crossing intersection is a traffic calming device where it encourages vehicles to reduce speeds when approaching the intersection and provides pedestrian priority over vehicles to cross the road safely. The benefits of a raised pedestrian crossing intersection include:

- a reduction in vehicle speeds in the vicinity of the device
- highlights the presence of an intersection
- designated crossing for pedestrians
- reduces vehicle / pedestrian conflicts
- can be used as a form of threshold treatment

Refer to the Attachment A for the raised pedestrian crossing intersection concept plan for Palmer Street.

### **Shared Zone**

A shared zone with a raised pavement is recommended along Palmer Street within the primary area as part of the streetscape works. A shared zone is an area utilised by both pedestrians and vehicles where the road is a low-speed environment and priority is given to pedestrians over vehicles. The benefits of a shared zone include:

- increase safety of pedestrians and cyclists
- reduction in the speed environment of the road
- drivers are more alert of the surroundings when entering a shared zone
- improved amenity without affecting access.

Shared zone (10km/h) speed limit signage should be placed at the entry of Palmer Street within the primary area. Refer to the Attachment A for the shared zone concept plan for Palmer Street.

### **Car Parking Spaces**

The proposed streetscape works along Palmer Street includes the implementation of a shared zone within the primary area and the widening of southern footpath within the secondary area. As such, the proposed works will require the removal of some car parking spaces along Palmer Street.

In addition, the northern car parking spaces within the secondary area will be modified to 90-degree car parking spaces. A comparison of the loss of car parking spaces have been made between the *Australian Standard AS2890.1-2004 Parking facilities – Off-street car parking* and Clause 52.06 of the Yarra City Council Planning Scheme.

Considering the secondary area of Palmer Street (between Nicholson Street and Brunswick Street) is truncated at its mid-point (i.e. has no through access), the car parking space dimensions as depicted in clause 52.06 of the Yarra City Council Planning Scheme, should be considered. Car parking provision in accordance with clause 52.06 will allow the maximise provision of car parking opportunities, whilst improving the streetscape and public realm.



Summaries of the net gain / loss of car parking spaces due to the proposed streetscape works for the primary and secondary area are shown in Tables 1 - 3.

Table 1: Net gain / loss of car parking spaces within the primary area

Proposed Streetscape Works	Palmer Street Car Parking Spaces		
	Existing	Proposed	Net Gain / Loss
Shared Zone	16	0	-16
<b>Total</b>	<b>16</b>	<b>0</b>	<b>-16</b>

Table 2: Net gain / loss of car parking spaces within the secondary area – Australian Standards

Proposed Streetscape Works	Palmer Street Car Parking Spaces		
	Existing	Proposed	Net Gain / Loss
Widening of footpath	22	0	-22
Modified car parking dimensions	39	47	+8
<b>Total</b>	<b>61</b>	<b>47</b>	<b>-14</b>

Table 3: Net gain / loss of car parking spaces within the secondary area – Planning Schemes

Proposed Streetscape Works	Palmer Street Car Parking Spaces		
	Existing	Proposed	Net Gain / Loss
Widening of footpath	22	18	-4
Modified car parking dimensions	39	44	+5
<b>Total</b>	<b>61</b>	<b>66</b>	<b>+1</b>

The proposed streetscape works will result in a net loss of 16 car parking spaces within the primary area of Palmer Street as shown in Table 1.

From Table 2, the proposed streetscape works along Palmer Street within the secondary area will result in a total net loss of 14 car parking spaces applying the Australian Standards dimensions and from Table 3, a total net gain of one car parking spaces applying the Planning Schemes dimensions.

The combined area will result in a loss of 15 car parking spaces for the Planning Schemes and a loss of 30 car parking spaces for the Australian Standards.

Refer to Attachment A for the proposed car parking layout concept plans for Palmer Street.



### Swept Path Assessment

An initial assessment of the accessibility of the Palmer Street and Fitzroy Street intersection using the 'Auto-turn' software has been conducted. A 10.5 m waste collection vehicle was assessed and it was concluded that the waste collection vehicle can perform right-turn and left-turn manoeuvres from Fitzroy Street onto Palmer Street and right-turn manoeuvres from Palmers Street onto Fitzroy Street satisfactorily.

In addition, a B99 (99<sup>th</sup> percentile car) was also used in the assessment and it was found that vehicles can perform a U-turn manoeuvre at the court bowls satisfactorily and that cars will be able to enter/exit the court bowls in a forward direction (i.e. without having to undertake a correction manoeuvre) with the proposed parking arrangement.

Refer to the Attachment B for the swept path analysis for Palmer Street.

### Conclusion

Based on the above assessments, it is recommended that the proposed streetscape works along Palmer Street include:

- a raised pedestrian crossing at the intersection of Palmer Street and Fitzroy Street
- a shared zone with raised pavement within the primary area
- widening of the footpath by 1.23 m – 1.34 m on the southern side of the secondary area
- modify the current car parking space dimensions

It is concluded that the proposed streetscape works along Palmer Street within the secondary area will result in a total net gain of one car parking spaces for the Planning Schemes dimensions and a total net loss of 14 car parking spaces for the Australian Standards dimensions. Furthermore, the proposed streetscape works will result in a net loss of 16 car parking spaces within the primary area of Palmer Street.

Please contact me on (03) 9490 5906 if you would like to discuss this further.

Yours sincerely,

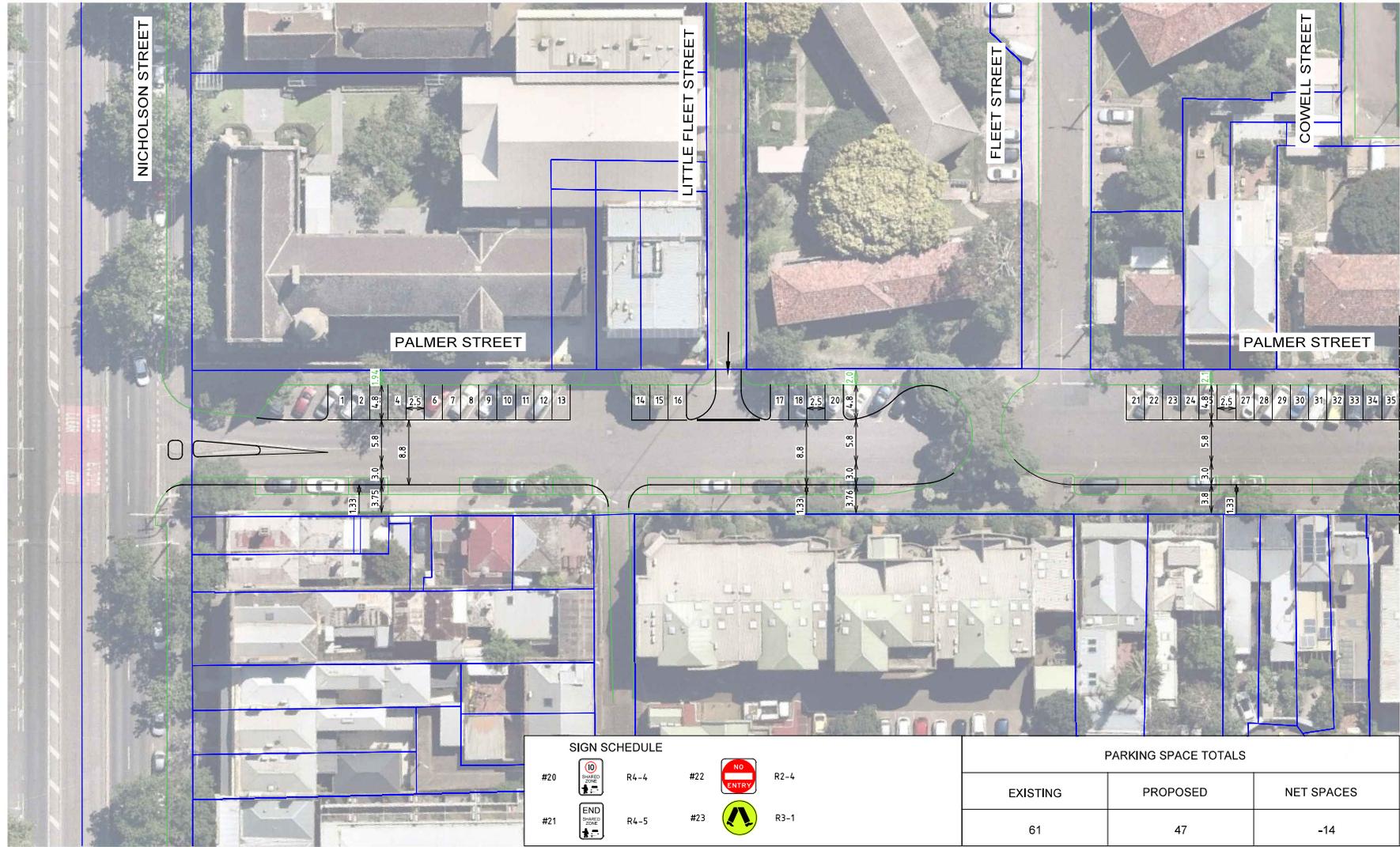
A handwritten signature in blue ink, appearing to read "Ali Abdou".

Ali Abdou  
**Director**

Encl. Attachment A and Attachment B



## ATTACHMENT A – CONCEPT PLAN



FOR CONTINUATION REFER TO SHEET No. 2

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Drawing Record				
ISSUE	DRAWN	APP'D	DATE	AMENDMENT
PT	GL	AA	20.07.20	PRELIMINARY ISSUE FOR COMMENT

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P.O. Box 4111 BUNMARBLE VIC. 3079  
Tel (03) 9490 5500 Fax (03) 9490 5910 www.trafficworks.com.au

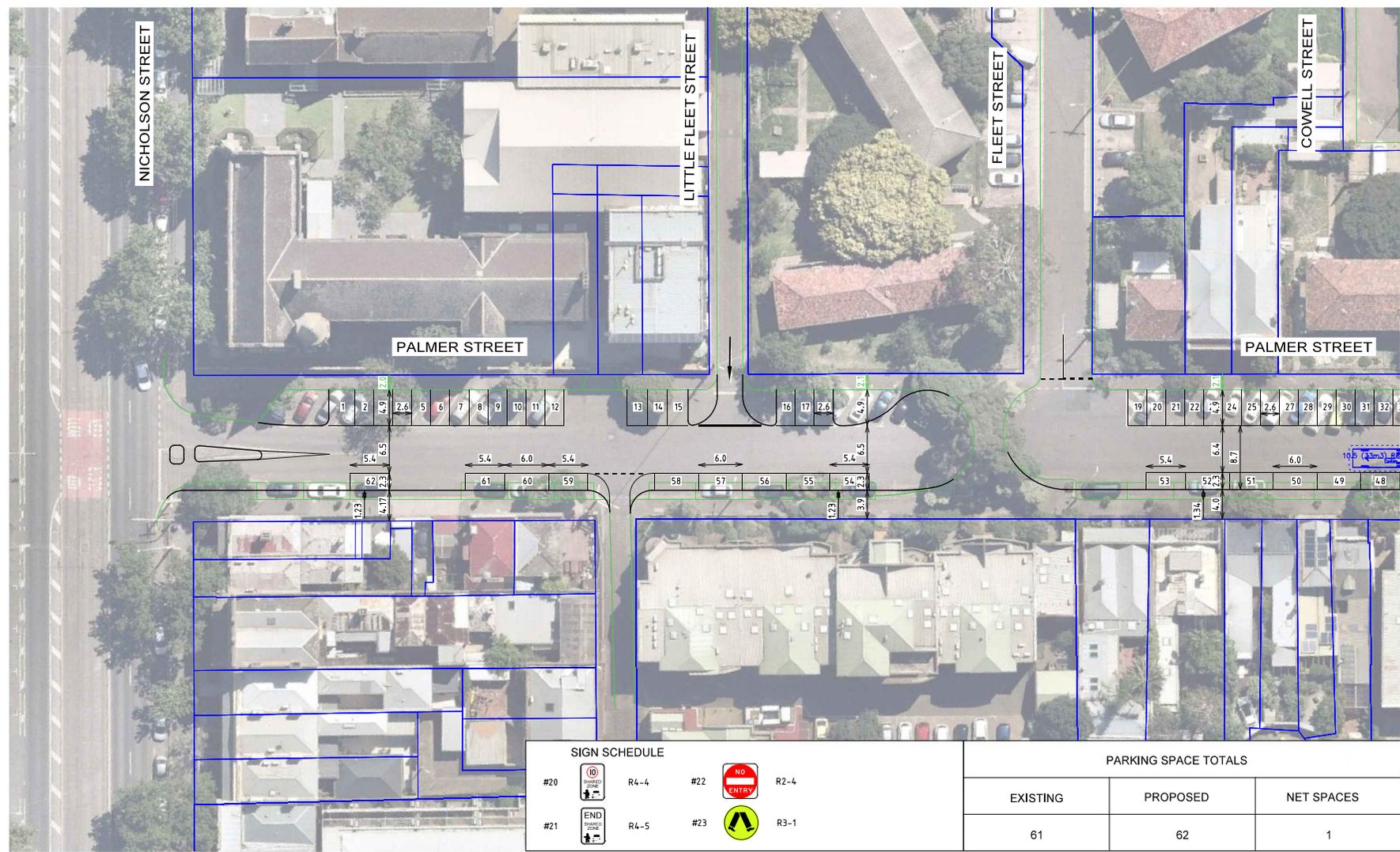
CLIENT

MELWAY MAP 43 K5  
 FITZROY  
 SCALE OF METRES  
 0 5 10

<b>Palmer Street, Fitzroy</b>			
Yarra City Council			
<b>Concept Plan - Australian Standards</b>			

SHEET NO. 1	DRAWING NO. 190939-CTP-01	ISSUE P1
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FOR CONTINUATION REFER TO SHEET No. 4

SIGN SCHEDULE				PARKING SPACE TOTALS		
#20	#21	#22	#23	EXISTING	PROPOSED	NET SPACES
				61	62	1
R4-4	R4-5	R2-4	R3-1			

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Drawing Record				
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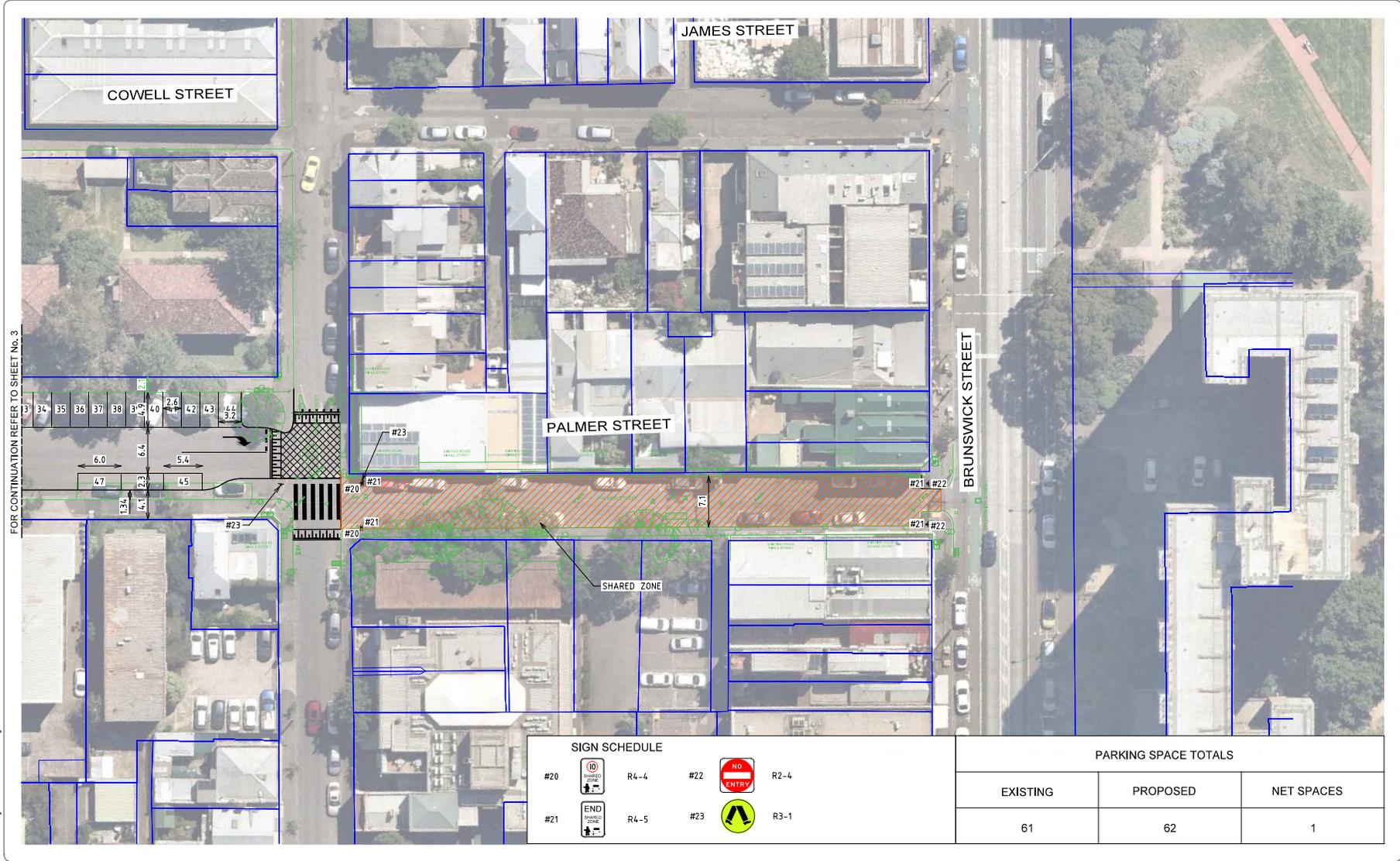
MELWAY MAP 43 K5  
FITZROY

SCALE OF METRES

**Palmer Street, Fitzroy**  
 Yarra City Council

Concept Plan - Planning Scheme Dimensions

SHEET NO.	DRAWING NO.	ISSUE
3	190939-CTP-03	P1



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MELWAY MAP 43 K5  
FITZROY

SCALE OF METRES

Palmer Street, Fitzroy

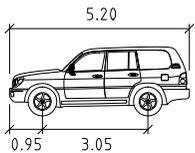
Yarra City Council

Concept Plan - Planning Scheme Dimensions

SHEET NO.	DRAWING NO.	ISSUE
4	190939-CTP-04	P1



## ATTACHMENT B – SWEPT PATH ANALYSIS



B99 meters  
 Width : 1.94  
 Track : 1.84  
 Lock to Lock Time : 6.0  
 Steering Angle : 33.5

**SIGN SCHEDULE**

#20		R4-4	#22		R2-4
#21		R4-5	#23		R3-1

**PARKING SPACE TOTALS**

EXISTING	PROPOSED	NET SPACES
61	47	-14

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Drawing Record				
ISSUE	DRAWN	APP'D	DATE	AMENDMENT
PT	GL	AA	20.07.20	PRELIMINARY ISSUE FOR COMMENT

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PRELIMINARY PLAN

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DATE OF ISSUE: 20/07/20

**Notes & Legend**

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MELWAY MAP 43 K5  
FITZROY

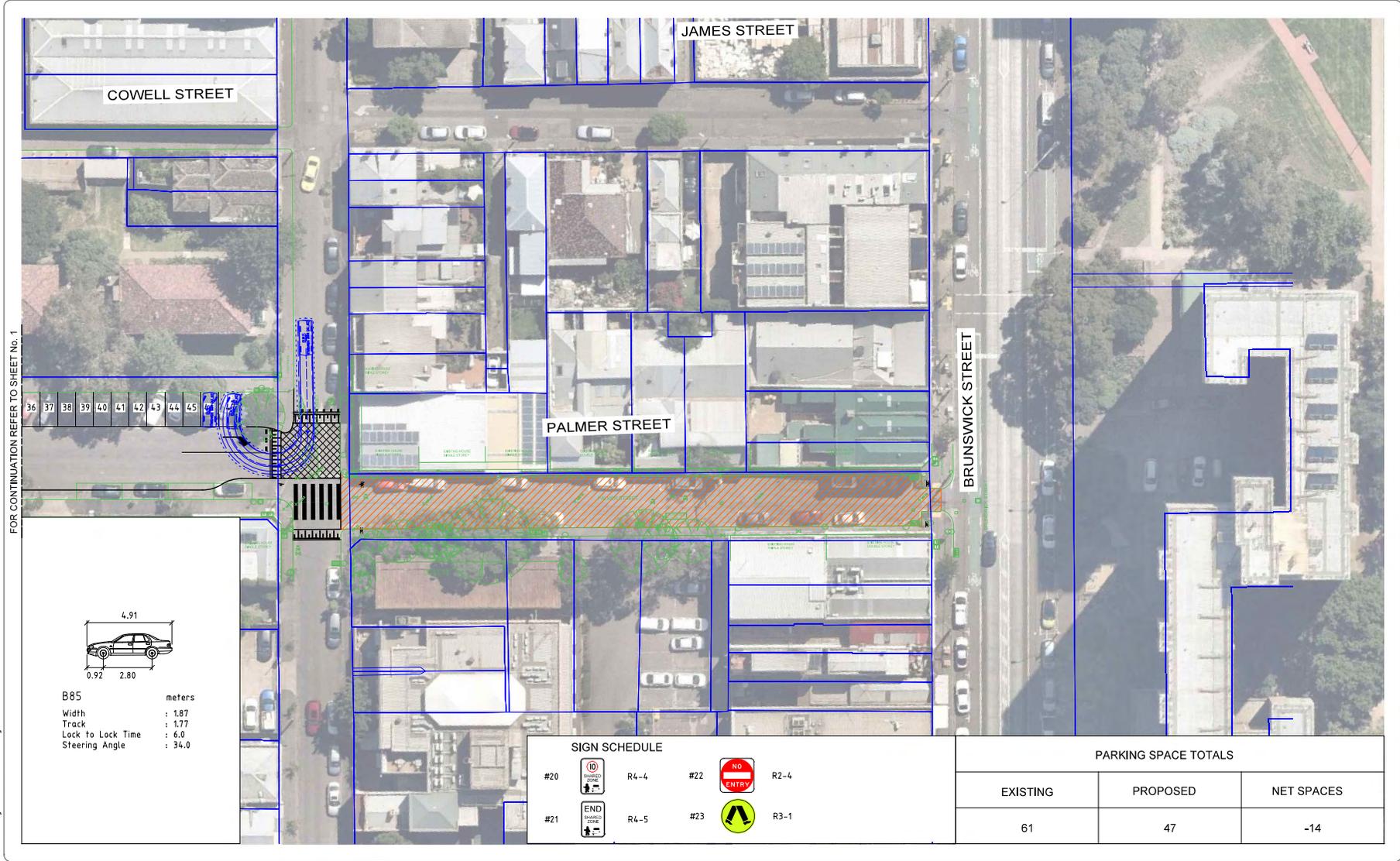
SCALE OF METRES

**Palmer Street, Fitzroy**

Yarra City Council

Swept Path Assessment Option 1

SHEET NO.	DRAWING NO.	190939-SPA-01	ISSUE
1			P1



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Drawing Record				
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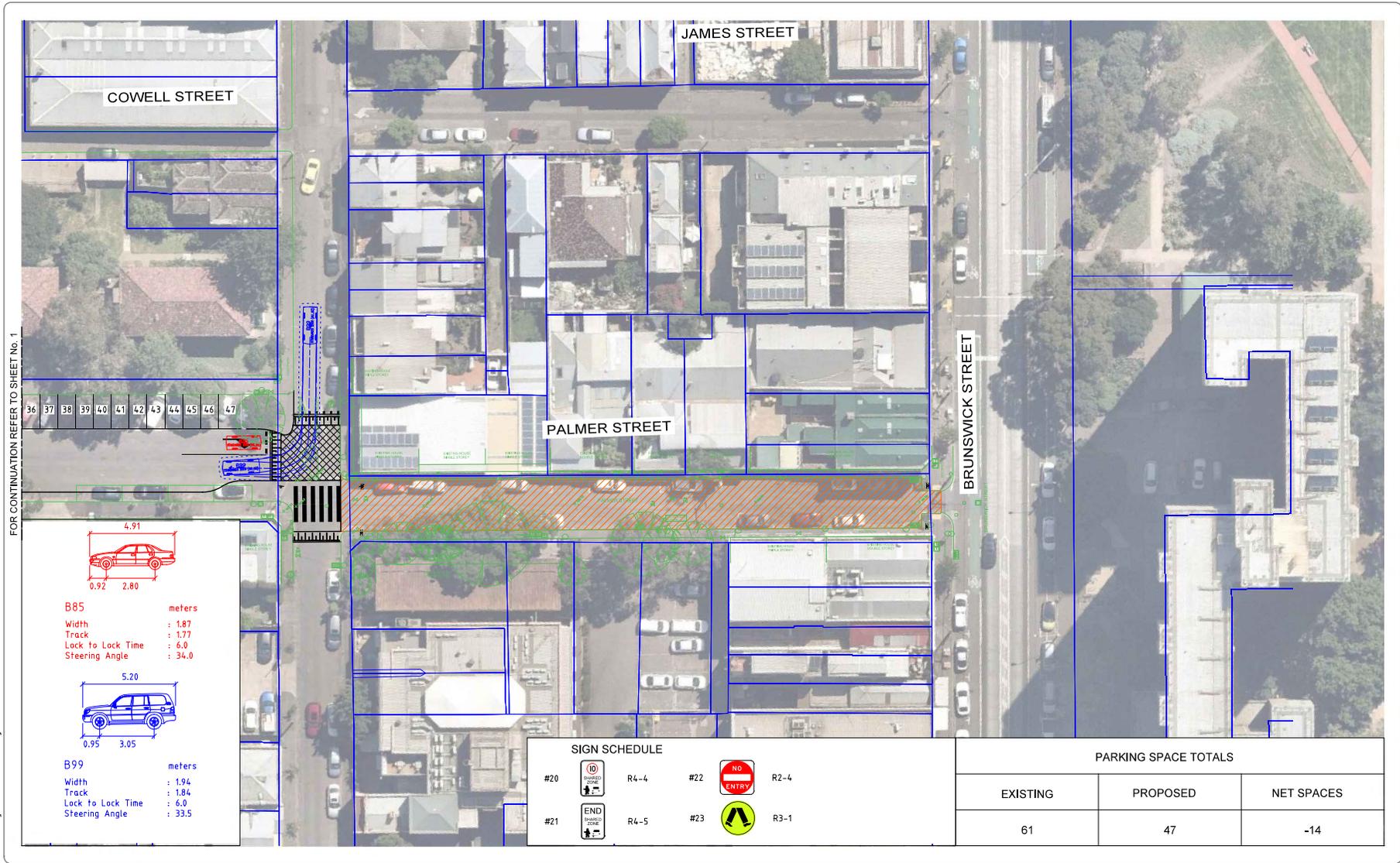
MELWAY MAP 43 K5  
 FITZROY  
 SCALE OF METRES  
 0 5 10

Palmer Street, Fitzroy

Yarra City Council

Swept Path Assessment Option 1

SHEET NO.	DRAWING NO.	190939-SPA-02	ISSUE
2			P1



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Drawing Record				
ISSUE	DRAWN	APPD	DATE	AMENDMENT
PT	GL	AA	20.07.20	PRELIMINARY ISSUE FOR COMMENT

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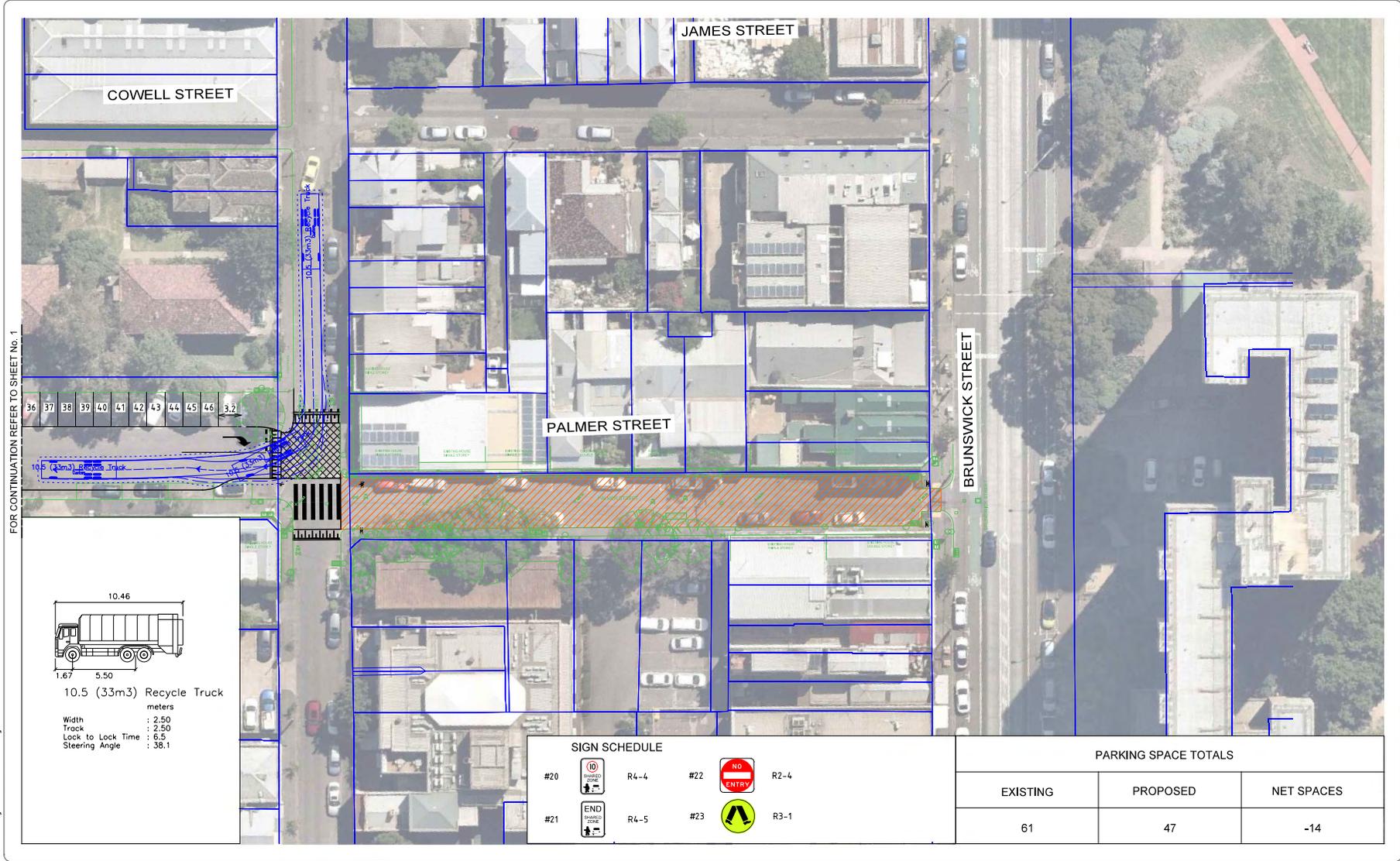
MELWAY MAP 43 K5  
FITZROY

SCALE OF METRES  
0 5 10

Palmer Street, Fitzroy  
Yarra City Council

Swept Path Assessment Option 1

SHEET NO. 3	DRAWING NO. 190939-SPA-03	ISSUE P1
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Drawing Record				
ISSUE	DRAWN	APPD	DATE	AMENDMENT
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MELWAY MAP 43 K5  
FITZROY

SCALE OF METRES

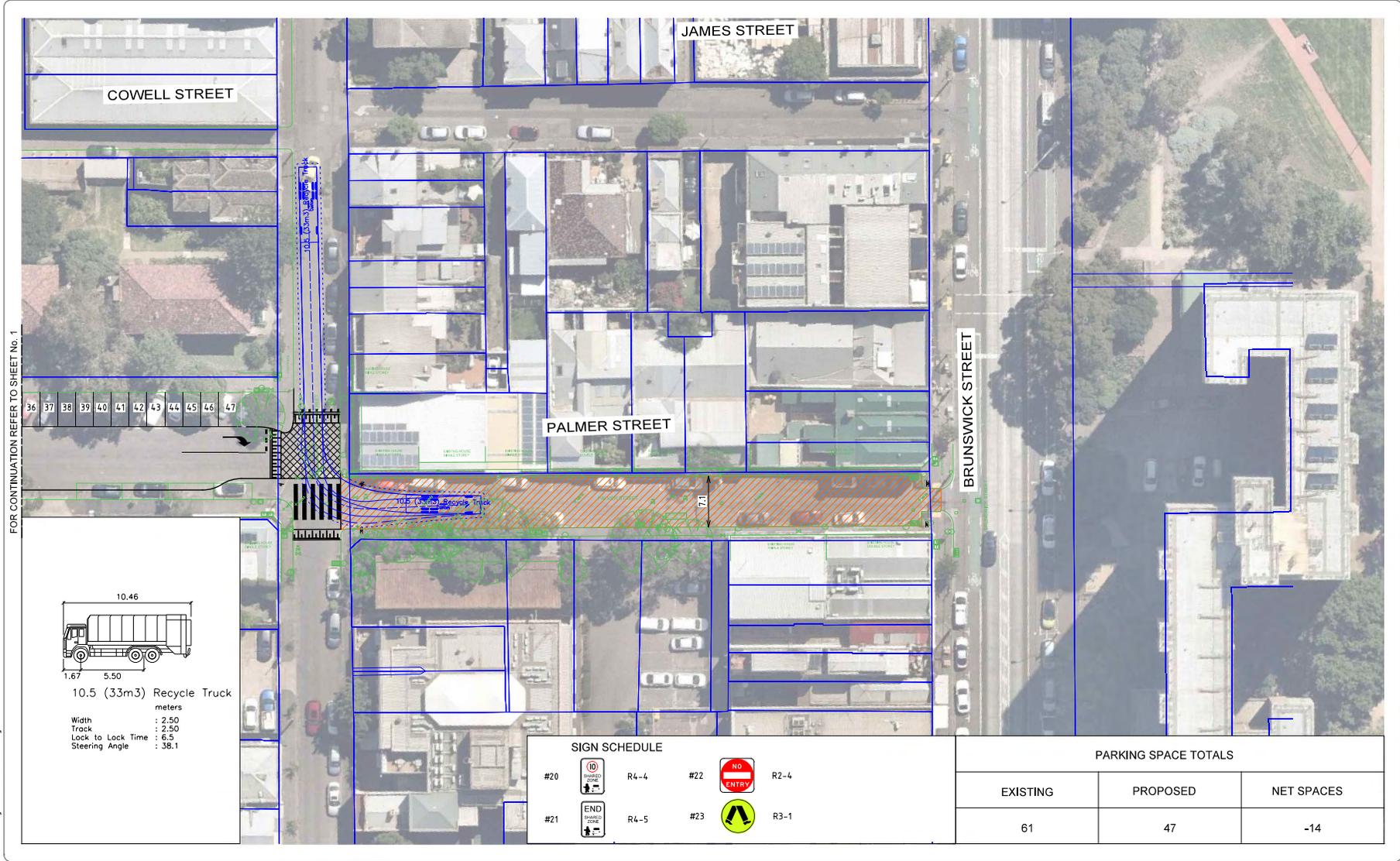
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Palmer Street, Fitzroy

Yarra City Council

Swept Path Assessment Option 1

SHEET NO.	DRAWING NO.	190939-SPA-04	ISSUE
4			P1



SIGN SCHEDULE					
#20		R4-4	#22		R2-4
#21		R4-5	#23		R3-1

PARKING SPACE TOTALS		
EXISTING	PROPOSED	NET SPACES
61	47	-14

Drawing Record				
ISSUE	DRAWN	APPD	DATE	AMENDMENT
PT	GL	AA	20.07.20	PRELIMINARY ISSUE FOR COMMENT

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MELWAY MAP 43 K5  
FITZROY

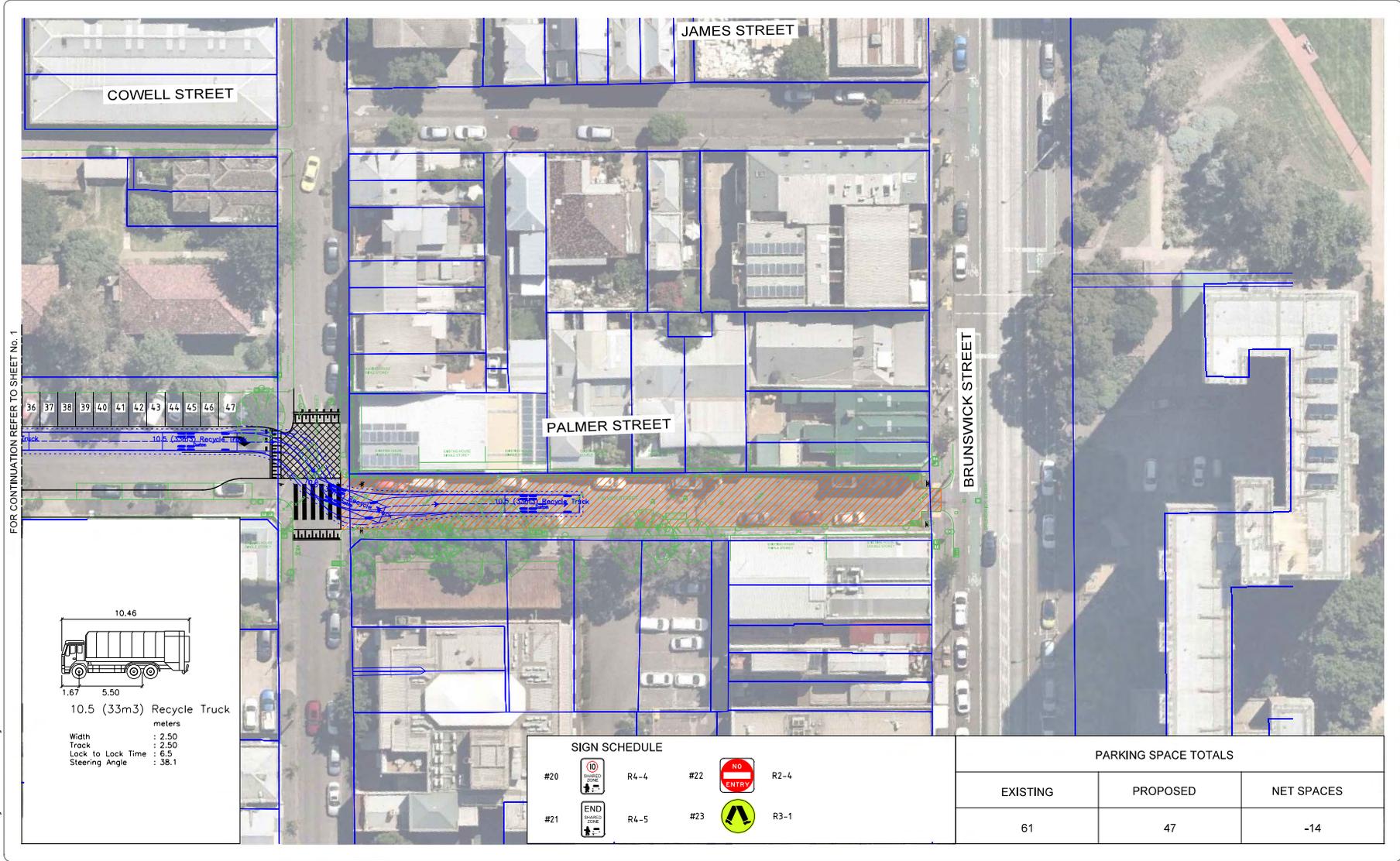
SCALE OF METRES

Palmer Street, Fitzroy

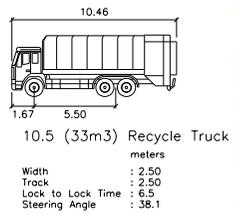
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Swept Path Assessment Option 1

SHEET NO.	DRAWING NO.	190939-SPA-05	ISSUE
5			P1



FOR CONTINUATION REFER TO SHEET No. 1



SIGN SCHEDULE					
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#21		R4-5	#23		R3-1

PARKING SPACE TOTALS		
EXISTING	PROPOSED	NET SPACES
61	47	-14

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Drawing Record				
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MELWAY MAP 43 K5  
FITZROY

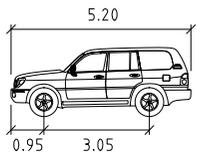
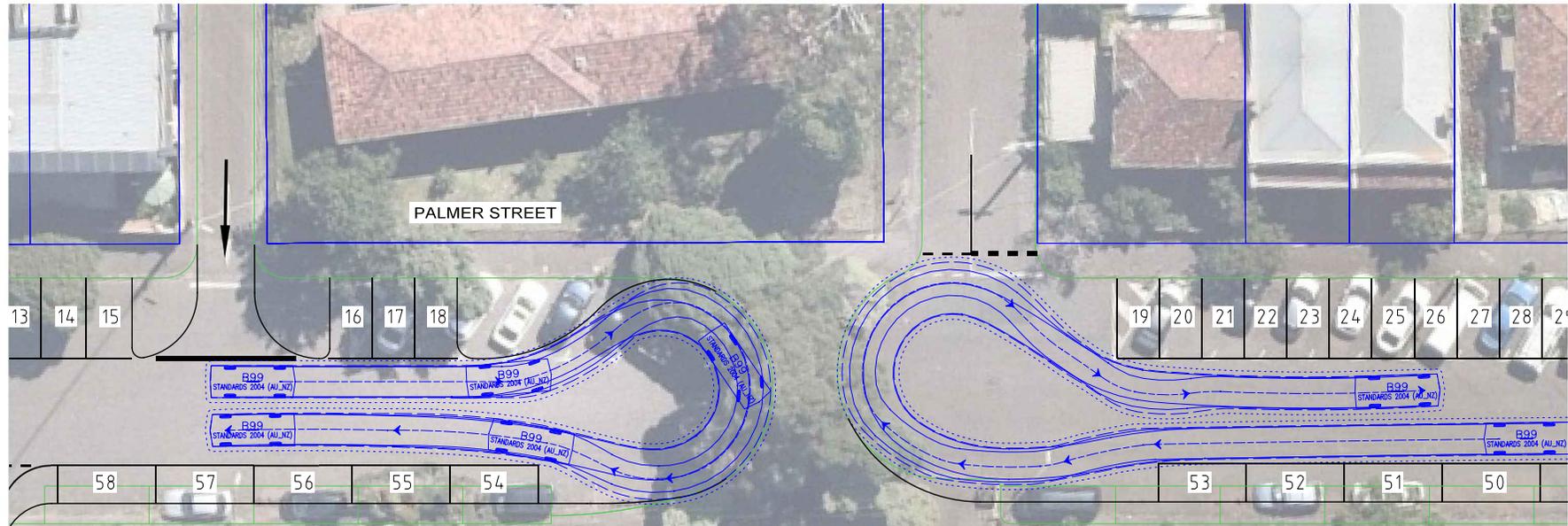
SCALE OF METRES

Palmer Street, Fitzroy

Yarra City Council

Swept Path Assessment Option 1

SHEET NO.	DRAWING NO.	190939-SPA-06	ISSUE
6			P1



B99 meters  
 Width : 1.94  
 Track : 1.84  
 Lock to Lock Time : 6.0  
 Steering Angle : 33.5

**SIGN SCHEDULE**

#20		R4-4	#22		R2-4
#21		R4-5	#23		R3-1

**PARKING SPACE TOTALS**

EXISTING	PROPOSED	NET SPACES
61	62	1

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Drawing Record				
ISSUE	DRAWN	APP'D	DATE	AMENDMENT
PT	GL	AA	20.07.20	PRELIMINARY ISSUE FOR COMMENT

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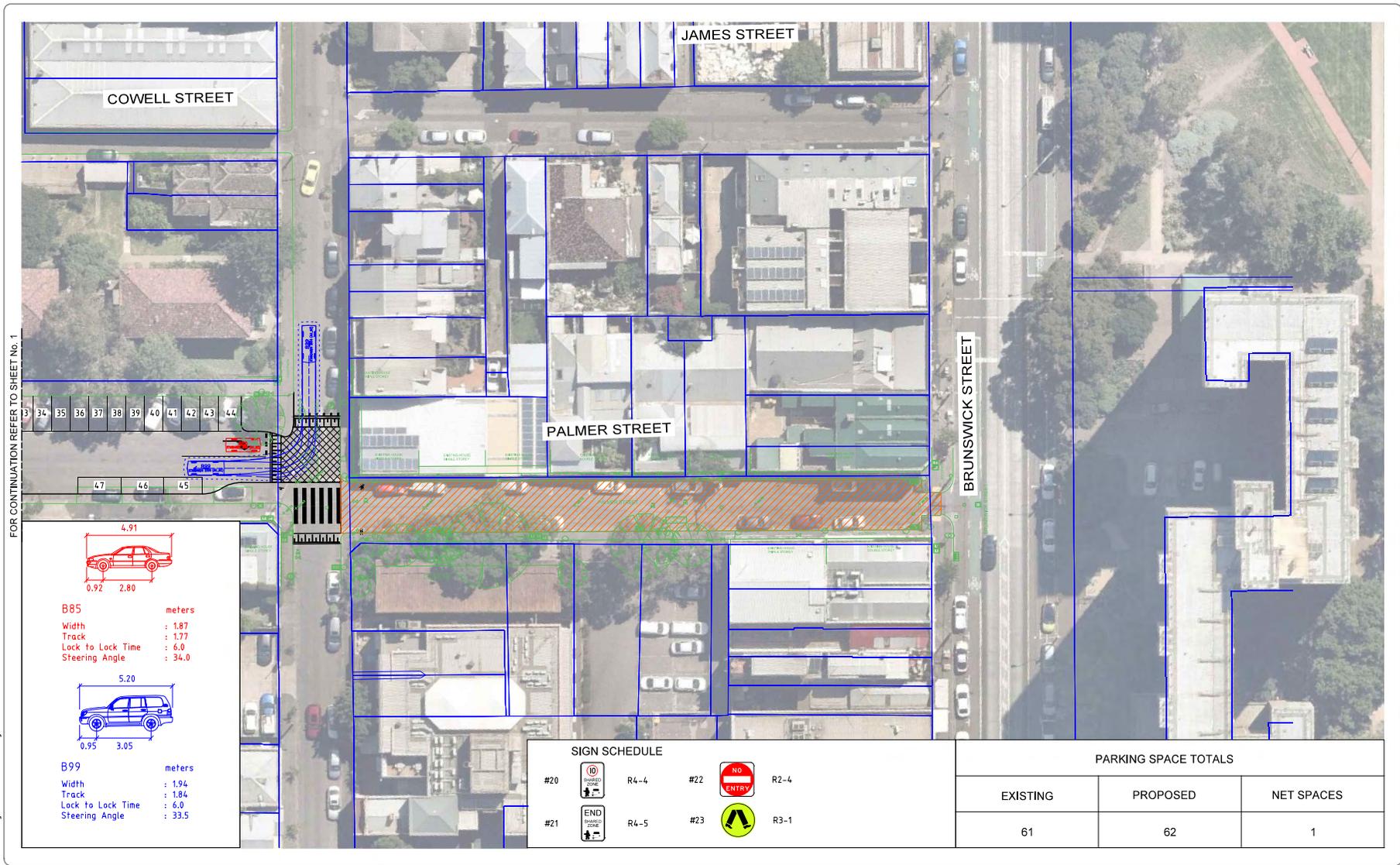
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MELWAY MAP 43 K5  
 FITZROY  
 SCALE OF METRES  
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**Palmer Street, Fitzroy**  
 Yarra City Council

Swept Path Assessment Option 2

SHEET NO. 7	DRAWING NO. 190939-SPA-07	ISSUE P1
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Drawing Record				
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PT	GL	AA	20.07.20	PRELIMINARY ISSUE FOR COMMENT

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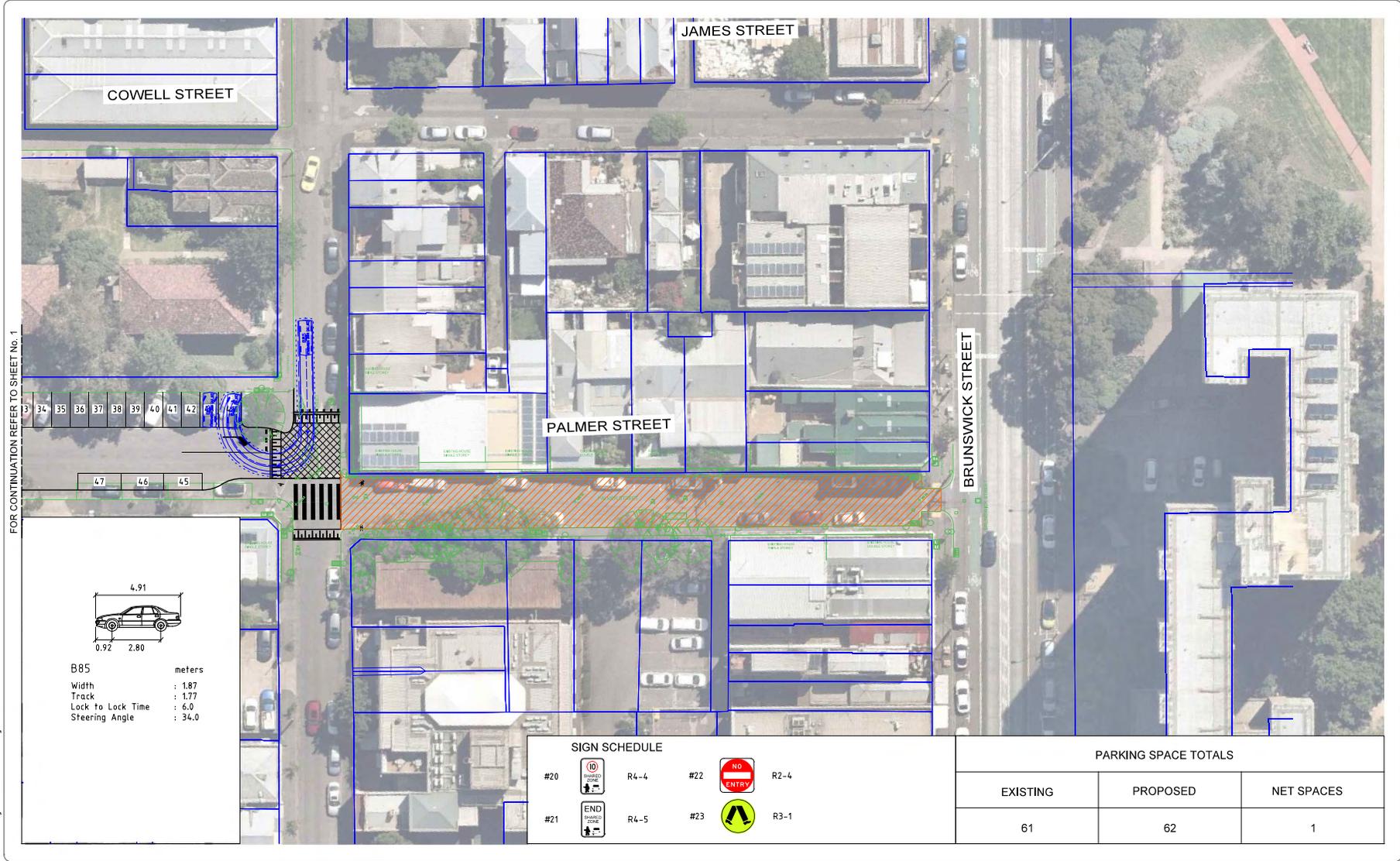
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FITZROY

SCALE OF METRES  
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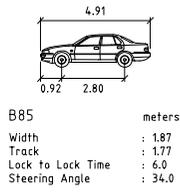
Palmer Street, Fitzroy  
Yarra City Council

Swept Path Assessment Option 2

SHEET NO. 8	DRAWING NO. 190939-SPA-08	ISSUE P1
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FOR CONTINUATION REFER TO SHEET No. 1



SIGN SCHEDULE					
#20		R4-4	#22		R2-4
#21		R4-5	#23		R3-1

PARKING SPACE TOTALS		
EXISTING	PROPOSED	NET SPACES
61	62	1

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Drawing Record				
ISSUE	DRAWN	APPD	DATE	AMENDMENT
PT	GL	AA	20.07.20	PRELIMINARY ISSUE FOR COMMENT

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MELWAY MAP 43 K5  
FITZROY

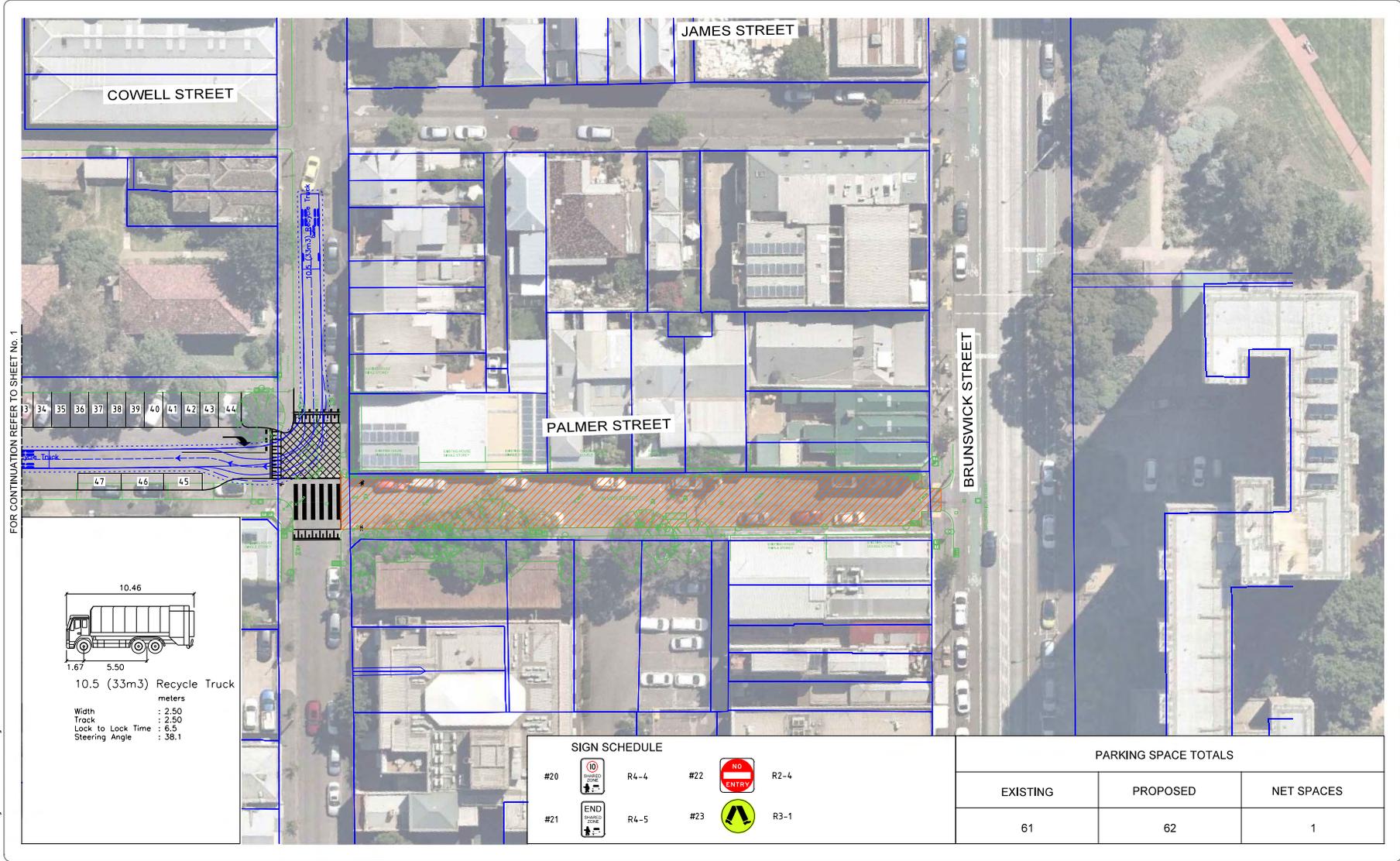
SCALE OF METRES  
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Palmer Street, Fitzroy

Yarra City Council

Swept Path Assessment Option 2

SHEET NO.	DRAWING NO.	ISSUE
9	190939-SPA-09	P1



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PT	GL	AA	20.07.20	PRELIMINARY ISSUE FOR COMMENT

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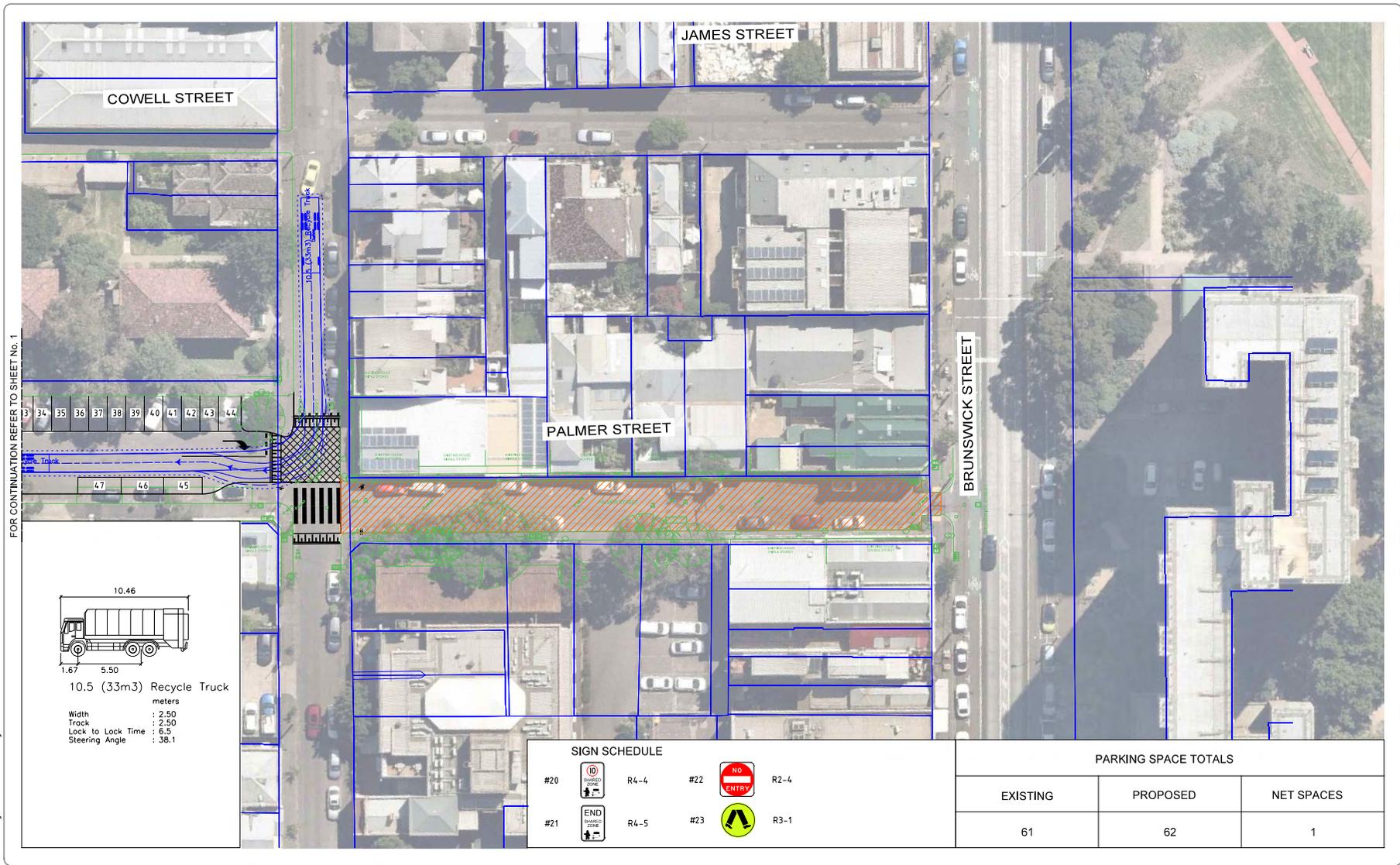
MELWAY MAP 43 K5  
 FITZROY  
 SCALE OF METRES  
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Palmer Street, Fitzroy

Yarra City Council

Swept Path Assessment Option 2

SHEET NO.	DRAWING NO.	190939-SPA-10	ISSUE
10			P1



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MELWAY MAP 43 K5  
FITZROY

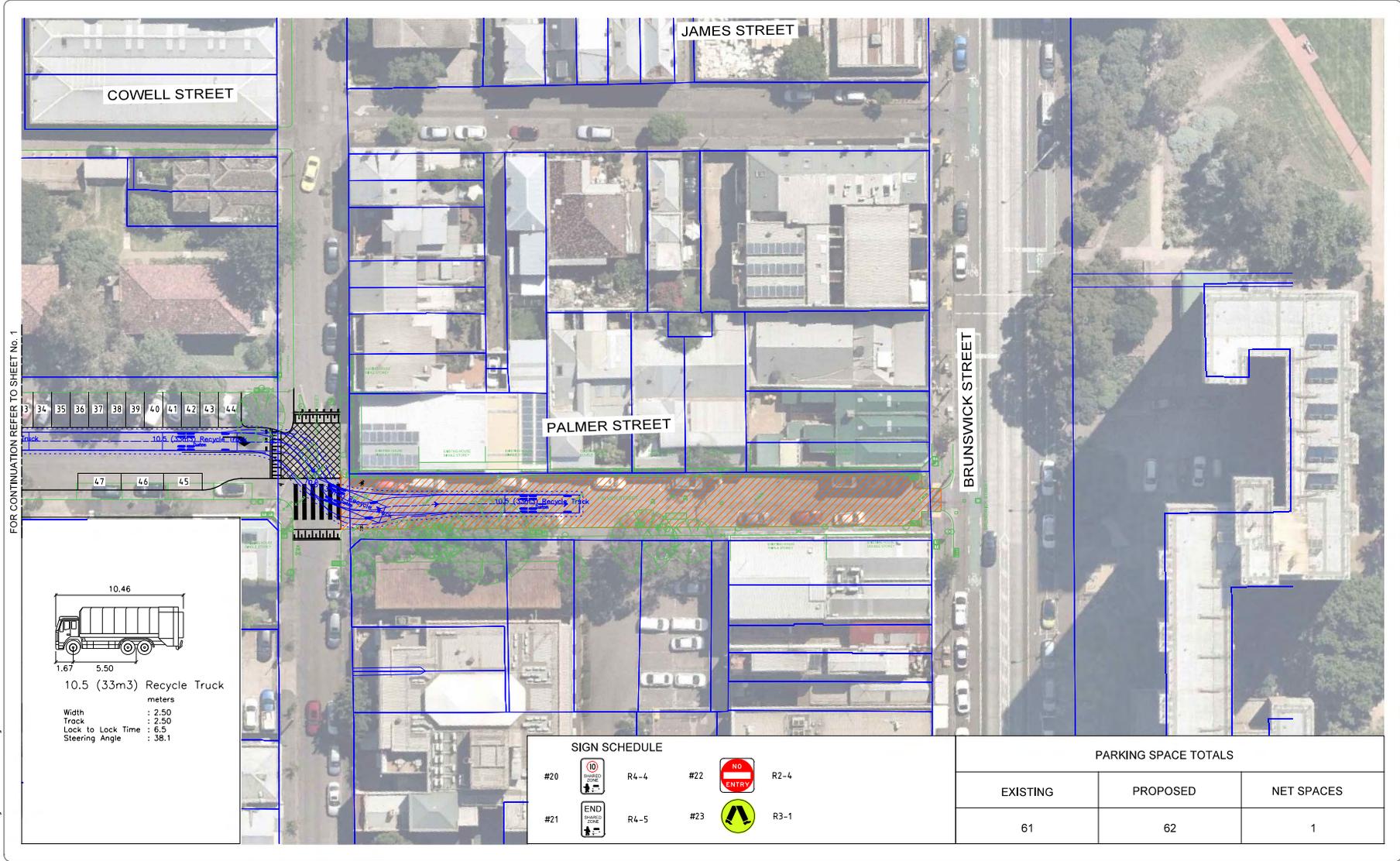
SCALE OF METRES  
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Palmer Street, Fitzroy

Yarra City Council

Swept Path Assessment Option 2

SHEET NO.	DRAWING NO.	190939-SPA-11	ISSUE
11			P1



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Drawing Record				
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PT	GL	AA	20.07.20	PRELIMINARY ISSUE FOR COMMENT

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MELWAY MAP 43 K5  
FITZROY

SCALE OF METRES

0 5 10

Palmer Street, Fitzroy

Yarra City Council

Swept Path Assessment Option 2

SHEET NO.	DRAWING NO.	190939-SPA-12	ISSUE
12			P1

## 7.8 PLN21/0984 - 492 Queens Parade, Fitzroy North

---

### Report Summary

#### Purpose

This report provides Council with an amendment to a previously refused application that sought partial demolition, the construction of a ground floor extension to the existing hotel including an outdoor partially covered courtyard, increase in patron numbers (from 443 to 645) and modifications to the red line plan (additional floor area to operate until 10pm in courtyard area and 1am in enclosed areas), increase operating hours in existing internal courtyard from 11 pm to 1 am, provision for live acoustic music, installation of a promotion sign, deletion of seven (7) car parking spaces (retention of two spaces) and a reduction in the statutory car parking and bicycle facilities rates.

This report outlines the changes to the original application and provides an assessment to support a change in Council's position from one of refusal to support.

#### Key Planning Considerations

Key planning considerations include:

- (a) Clause 13.05 – Noise;
- (b) Clause 13.07 – Amenity and Safety;
- (c) Clause 15 – Built Environment and Heritage;
- (d) Clause 21.05 – Built form;
- (e) Clause 22.02 – Development Guidelines for Sites Subject to the Heritage Overlay;
- (f) Clause 22.05 – Interface Uses Policy; and
- (g) Clause 22.09 – Licensed premises.

#### Key Issues

The key issues for Council in considering the proposal relate to:

- (a) The deletion of a number of key considerations that contributed to the previous refusal of this application. These include the removal of the proposed increase in patron numbers and the removal of the proposed increase in operating hours of the existing hotel.

#### VCAT Proceedings

On 16 January 2023, Council was informed that the Applicant had lodged a review of Council's decision with the Victorian Civil and Administrative Tribunal (VCAT). The application is listed for a Hearing on 10 July for 5 days. A total of 24 parties have joined these proceedings.

On 22 May 2023, Council was informed that the Applicant had submitted an amended application to VCAT. In summary, the amended application seeks the following:

- (a) Remove the increase in patron numbers;
- (b) Remove the increase in operating hours;
- (c) Remove the retrospective approval for advertising signage; and
- (d) Minor alterations to the proposed buildings and works.

The amended application will be outlined in detail below.

## Conclusion

Based on the following report, the proposal is considered to comply with the relevant planning policy and should therefore be supported subject to the following key recommendations:

- (a) An updated pre-commencement Acoustic Report be submitted and endorsed, along with a post-commencement report to ensure that all areas of compliance are met;
- (b) The Noise and Amenity Action Plan be endorsed; and,
- (c) A noise limiter be installed within the premises to ensure relevant noise levels are not exceeded.

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## 7.8 PLN21/0984 - 492 Queens Parade, Fitzroy North

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**Reference** D23/194613  
**Author** Lara Fiscalini - Principal Planner  
**Authoriser** General Manager City Sustainability and Strategy

---

**Ward:** Nicholls  
**Proposal:** Partial demolition, the construction of a ground floor extension to the existing hotel including an outdoor partially covered courtyard and modifications to the red line plan, provision for live acoustic music, deletion of seven (7) car parking spaces (retention of two spaces) and a reduction in the statutory car parking and bicycle facilities rates.  
**Existing use:** The Terminus Hotel  
**Applicant:** The Terminus Hotel (FHG) Pty Ltd.  
**Zoning / Overlays:** Neighbourhood Residential Zone  
Commercial 1 Zone  
Heritage Overlay  
Development Contributions Plan Overlay  
**Date of Application:** 16 January 2023  
**Application Number:** PLN21/0984

### Planning History

1. Planning history of the site was outlined in the original officer report. The report is provided as an attachment.

### Background

2. The original application was received on 22 December 2021 and subsequently advertised, with 21 letters of support and 43 objections received. The original application sought to undertake the following:
  - (a) *Partial demolition, the construction of a ground floor extension to the existing hotel including an outdoor partially covered courtyard, increase in patron numbers (from 443 to 645) and modifications to the red line plan (additional floor area to operate until 10pm in courtyard area and 1am in enclosed areas), increase operating hours in existing internal courtyard from 11 pm to 1 am, provision for live acoustic music, installation of a promotion sign, deletion of seven (7) car parking spaces (retention of two spaces) and a reduction in the statutory car parking and bicycle facilities rates.*
3. On 16 December 2022, Council issued a Notice of Refusal to Grant a Planning Permit, on the following grounds;
  - (a) *The proposed intensification of the use and sale and consumption of liquor lacks the strategic support of the Yarra Planning Scheme; and*
  - (b) *The proposed increase in operating hours, patron numbers, floor area (and red-line plan), as well as the provision of live music, will result in unreasonable off-site amenity impacts to the surrounding residential land.*

### VCAT Proceedings

4. On 16 January 2023, Council was informed that the Applicant had lodged a review of Council's decision with the Victorian Civil and Administrative Tribunal (VCAT). The application is listed for a Hearing on 10 July for 5 days. A total of 24 parties have joined these proceedings.
5. On 22 May 2023, Council was informed that the Applicant had submitted an amended application to VCAT. In summary, the amended application seeks the following:
  - (a) Remove the increase in patron numbers;
  - (b) Remove the increase in operating hours;
  - (c) Remove the retrospective approval for advertising signage; and
  - (d) Minor alterations to the proposed buildings and works

The amended application will be outlined in detail below.

### The Proposal

6. The amended application seeks to alter the previous application from:
  - (a) *Partial demolition, the construction of a ground floor extension to the existing hotel including an outdoor partially covered courtyard, increase in patron numbers (from 443 to 645) and modifications to the red line plan (additional floor area to operate until 10pm in courtyard area and 1am in enclosed areas), increase operating hours in existing internal courtyard from 11 pm to 1 am, provision for live acoustic music, installation of a promotion sign, deletion of seven (7) car parking spaces (retention of two spaces) and a reduction in the statutory car parking and bicycle facilities rates.*
7. To:
  - (a) *Partial demolition, the construction of a ground floor extension to the existing hotel including an outdoor partially covered courtyard and modifications to the red line plan, provision for live acoustic music, deletion of seven (7) car parking spaces (retention of two spaces) and a reduction in the statutory car parking and bicycle facilities rates.*

### Use

8. The amendment will remove the increase in patron numbers and the increase in operating hours, however it continues to seek an increase to the existing floor area of the hotel (and red line plan) and undertake buildings and works to enable this to occur. This was sought as part of the original application, with the existing and new floor areas demonstrated in Figures 1 & 2.



9. The hotel currently operates under the following General Licence (No. 31914511) which allows a maximum internal patron capacity of 443 patrons and external patron capacity of 40 patrons (footpath dining area along Queens Parade). The licence also allows the venue to sell liquor for consumption off the premises.
10. The current hours of operation are listed below.
11. Hours for the consumption of liquor on the premises are:
  - (a) Sunday – Between 10am and 11pm;
  - (b) Good Friday – Between 12 noon and 11pm;
  - (c) Anzac Day (not being Sunday) – Between 12 noon and 1am; and
  - (d) On any other day – Between 7am and 1am.
12. Hours for the sale of liquor for consumption off the premises are:
  - (a) Sunday – Between 10am and 11pm;
  - (b) Good Friday & Anzac Day – Between 12 noon and 11pm;
  - (c) Monday to Thursday – Between 7am and 11pm; and
  - (d) Friday & Saturday – Between 7am and 12 midnight.
13. A comparison of the previous and amended application is provided in the table below.

	Previous Application	Amendment
Patron numbers	645	443
Area 1 operating details	<p>Proposed operating hours:</p> <ul style="list-style-type: none"> <li>• Between 7am and 1am each day</li> </ul> <p>Music:</p> <ul style="list-style-type: none"> <li>• Live acoustic music until 1am</li> </ul>	<p>Proposed operating hours (same as existing licence):</p> <ul style="list-style-type: none"> <li>• Sunday – Between 10am and 11pm</li> <li>• Good Friday – Between 12 noon and 11pm</li> <li>• Anzac Day (not being Sunday) – Between 12 noon and 1am</li> <li>• On any other day – Between 7am and 1am</li> </ul> <p>Music:</p> <ul style="list-style-type: none"> <li>• Live acoustic music until 10pm Sundays and public holidays and until 11pm Monday to Saturday;</li> <li>• Background music until 1am all days'</li> <li>• All music to be via a calibrated noise limiter.</li> </ul>
Area 2 operating details	<p>Proposed operating hours;</p> <ul style="list-style-type: none"> <li>• Between 7am and 1am each day</li> </ul> <p>Music;</p> <ul style="list-style-type: none"> <li>• Live acoustic music until 1am</li> </ul>	<p>Proposed operating hours (same as existing licence);</p> <ul style="list-style-type: none"> <li>• Sunday – Between 10am and 11pm</li> <li>• Good Friday – Between 12 noon and 11pm</li> <li>• Anzac Day (not being Sunday) – Between 12 noon and 1am</li> </ul>

		<ul style="list-style-type: none"> <li>On any other day – Between 7am and 1am</li> </ul> <p>Music hours:</p> <ul style="list-style-type: none"> <li>Live acoustic music until 10pm Sundays and public holidays and until 11pm Monday to Saturday;</li> <li>Background music until 1am all days;</li> <li>All music to be via a calibrated noise limiter.</li> </ul>
Area 3 operating details	<p>Proposed operating hours;</p> <ul style="list-style-type: none"> <li>Between 7am and 1am each day</li> </ul>	<p>Proposed operating hours (same as existing licence);</p> <ul style="list-style-type: none"> <li>Sunday – Between 10am and 11pm</li> <li>Good Friday – Between 12 noon and 11pm</li> <li>Anzac Day (not being Sunday) – Between 12 noon and 1am</li> <li>On any other day – Between 7am and 1am</li> </ul> <p>Music hours;</p> <ul style="list-style-type: none"> <li>Live acoustic music until 10pm Sundays and public holidays and until 11pm Monday to Saturday;</li> <li>Background music until 1am all days</li> </ul>
External area operating details	<p>Proposed operating hours;</p> <ul style="list-style-type: none"> <li>7am and 10pm each day</li> </ul>	<p>Proposed operating hours (same as existing licence);</p> <ul style="list-style-type: none"> <li>Sunday – Between 10am and 10pm</li> <li>Good Friday &amp; Anzac Day – Between 12 noon and 10pm</li> <li>On any other day – Between 7am and 10pm</li> </ul> <p>No more than 30 people in this area. No music proposed.</p>

[Development](#)

[Demolition](#)

14. The original application included the following demolition works; these will not alter as part of the amendment.
- (a) Minor demolition works including the removal of two façade windows in the south-east corner of the Queens Parade frontage (retrospective), rear sections of wall, section of storage shed wall and internal demolition (no permit required for internal demolition works);

- (b) Removal of 7 paved car parking spaces; and
- (c) Removal of 5 trees along the rear boundary.

#### *Building and works*

- 15. A ground floor extension at the rear of the existing building, with part of the existing car parking area converted to indoor and semi-outdoor seating areas.
- 16. Increase in existing floor area from 937sqm (including ground, first-floor and cellar) to 1,221sqm.
- 17. The existing courtyard will be converted to an indoor space (Area 3).
- 18. Three new separate seating areas are proposed (Area 1, Area 2 & external area) along with new amenities, storage rooms, bar, cool room and separate bin enclosure.
- 19. The rear space will be enclosed by new sections of brick walls along the southern boundary and northern interface, ranging in height from 3m to 4.25m, with the existing brick wall along the rear (western) boundary and part of the southern boundary retained.
- 20. Areas of pergola open to the sky will abut the western boundary; internal sliding doors will restrict access to this space and will be closed at all times.
- 21. Areas 1 & 2 will have glass roofing (non-operable).
- 22. The area closest to the rear boundary within the external area will be non-operable; the remaining section will be operable.
- 23. Maximum height of new roof between 5.72m to 5.8m.
- 24. The northern wall of the external area will be set back 6.13m from Brennand Street.
- 25. A roller door to the bin-storage area will provide access to waste vehicles within the side setback.
- 26. New roofs are proposed over areas of the existing hotel.
- 27. Addition of a 3,800L rainwater tank.
- 28. 4 new bicycle hoops on the Queens Parade footpath, directly adjacent to existing 4 bicycle hoops.
- 29. The most significant changes to the original application include an increase in the area of non-retractable roof to the external area, increased thickness of the acoustic glazing and requirements that all sliding doors will automatically close and be acoustically sealed. A 2.4kW solar array has also been added to the roof.

#### *Advertising Sign*

- 30. The previous application sought retrospective approval for a 'business identification sign' on the eastern wall of the building (Figure 3).
- 31. The amended application removes this element, and the sign will be painted over in a colour to match the remaining hotel.



Figure 3: Advertising sign

### Existing Conditions

#### Subject Site

32. A description of the subject site was provided in the original Officer report. There have been no changes to the existing conditions.
33. The site is formally known as Lots 1 and 2 on TP659141S. There are no easements or other restrictions registered on title.

#### Surrounding Land

34. A description of the surrounding land was provided in the original Officer report. There have been no significant changes to the context surrounding the site.

### Planning Scheme Provisions

#### Zoning

35. The subject site is located within two zones; Commercial 1 Zone (C1Z) and Neighbourhood Residential Zone – Schedule 1 (NRZ1). These are shown in Figure 4. Most of the new works will occur within the NRZ at the rear of the land.

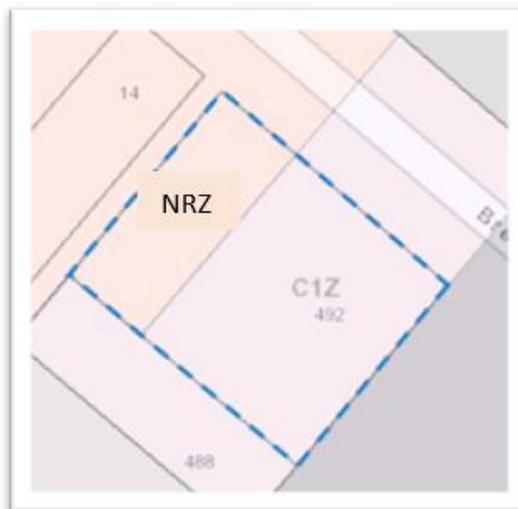


Figure 4: Zoning of land

36. The following provisions apply:

*Commercial 1 Zone*

37. Pursuant to clause 34.01-4, a planning permit is required to construct a building or construct or carry out works.
38. Pursuant to clause 34.0101, a planning permit is not required for the use of the land as a hotel.

*Neighbourhood Residential Zone*

39. Pursuant to clause 32.09-2, the use of the land as a hotel (nested under 'Food and Drink' premises at Clause 73.04-11 of the Scheme) is a 'Section 2 – Permit required use'.
40. Pursuant to clause 32.09-9, a planning permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.09-2.

Overlays

41. The subject site is affected by the Heritage Overlay and the Development Contributions Plan Overlay - Schedule 1. The following provisions apply.

*Heritage Overlay (HO330 – Queens Parade Precinct, North Fitzroy/Clifton Hill)*

42. Pursuant to clause 43.01-1, a planning permit is required for demolition, and to construct and carry out works. External paint controls apply to this heritage precinct.
43. 'City of Yarra Database of Heritage Areas, July 2020' (as saved in incorporated documents on the DELWP website Incorporated Documents (planning.vic.gov.au) identifies the site as having an 'individually significant' heritage grading.

*Development Contributions Plan Overlay - Schedule 1*

44. Pursuant to Clause 45.06-1 a permit granted in the DCPO must:
- (a) Be consistent with the provisions of the relevant development contributions plan; and
  - (b) Include any conditions required to give effect to any contributions or levies imposed, conditions or requirements set out in the relevant schedule to this overlay.
45. A planning permit is not required for works under the overlay. However, if a permit was issued in accordance with other permit triggers, conditions would be added to the permit as follows:
- (a) *Prior to the commencement of the development, the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan; or the Owner must enter into an agreement with Yarra City Council to pay the Development Infrastructure Levy within a time specified in the agreement.*

Relevant Particular Provisions

*Clause 52.06 – Car Parking*

46. Pursuant to Clause 52.06-2, before the floor area of an existing use is increased, the required car parking spaces must be provided on the land. In this instance, as the site is located within the PPTN, the rates outlined in 'Column B' apply.
47. In this instance, the floor area of the hotel would increase from 937sqm to 1,221sqm; an increase of 284sqm. The following table identifies the car parking requirement under Clause 52.06-5.

Use	Statutory (Requirement)	Requirement (based on increased floor area of 284sqm)	Proposed provision	Reduction required
Hotel	3.5 spaces to each 100sqm of leasable floor area	9 spaces	2 spaces	7 spaces being removed 9 spaces required under Clause 52.06 Total 16 space reduction

48. Pursuant to Clause 52.06-3 of the Scheme, a permit is required to reduce 16 car parking spaces.

#### Clause 53.06 – Live Music Entertainment Venues

49. The purpose of this clause is:

- (a) *To recognise that live music is an important part of the State’s culture and economy;*
- (b) *To encourage the retention of existing and the development of new live music entertainment venues;*
- (c) *To protect live music entertainment venues from the encroachment of noise sensitive residential uses;*
- (d) *To ensure that noise sensitive residential uses are satisfactorily protected from unreasonable levels of live music and entertainment noise; and*
- (e) *To ensure that the primary responsibility for noise attenuation rests with the agent of change.*

50. Pursuant to clause 53.06-1, these provisions apply to an application required under any zone of this scheme to use land for, or to construct a building or construct or carry out works associated with (where relevant):

- (a) A live music entertainment venue.

51. Pursuant to clause 53.06-3, a live music entertainment venue must be designed, constructed and managed to minimise noise emissions from the premises and provide acoustic attenuation measures that would protect a noise sensitive residential use within 50 metres of the venue.

#### Clause 53.18 – Stormwater Management in Urban Development

52. This clause applies to an application under a provision of a zone to construct a building or construct or carry out works. An application to construct a building or to construct or carry out works:

- (a) Must meet all of the objectives of *Clauses 53.18-5 and 53.18-6*; and
- (b) Should meet all of the standards of *Clauses 53.18-5 and 53.18-6*.

#### Clause 52.27 – Licensed premises

53. Pursuant to Clause 52.27, a planning permit is required to increase the floor area within which liquor can be consumed or supplied under the existing liquor license.

#### Clause 52.34 - Bicycle facilities

54. Pursuant to Clause 52.34-1 of the Scheme, the floor area of an existing use must not be increased until the required bicycle facilities and associated signage are provided on the land.

55. The following table identifies the bicycle parking requirements under Clause 52.34-3 of the Scheme, the provision of bicycle parking on site, and the subsequent reduction below the statutory requirement that is being sought:

Proposed Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
Hotel	284sqm of bar floor area	1 employee space to each 25 sqm of bar floor area available to the public, plus 1 employee space to each 100 sqm of lounge floor area available to the public	3 employee spaces	0 employee spaces 8 existing visitor spaces (off-site) 8 new visitor spaces (off-site)
	284sqm of lounge floor area		3 visitor spaces.	
<b>Bicycle Parking Spaces Total</b>			<b>3 resident / employee spaces</b>	<b>0 employee spaces</b>
			<b>3 visitor spaces</b>	<b>16 visitor spaces (off-site)</b>
<b>Showers / Change rooms</b>		1 to the first 5 employee spaces and 1 to each additional 10 employee spaces	<b>0 showers / change rooms</b>	<b>0 showers / change rooms</b>

56. The development provides a total of 3 fewer employee spaces and 13 additional visitor spaces above the requirements of the Scheme, however it is noted that all visitor spaces are proposed on the Queens Parade footpath, with no on-site spaces proposed.
57. Clause 52.34-2 of the Scheme states that a permit may be granted to reduce or waive this requirement. Clause 52.34-5 of the Scheme contains bicycle signage requirements.

### General Provisions

58. Clause 63 – Existing Uses
- (a) Clause 63.05 - Section 2 and 3 Uses.
59. Clause 65 – Decision guidelines

### Planning Policy Framework (PPF)

60. Relevant clauses are as follows:
- (a) Clause 13.05 – Noise:
- (i) Clause 13.05-1S – Noise abatement;
- (b) Clause 13.07 – Amenity and Safety:
- (i) Clause 13.07-1S – Land Use compatibility;
- (c) Clause 15 – Built Environment and Heritage:
- (i) Clause 15.01 – Built Environment;
- (ii) Clause 15.01-1S – Urban Design;
- (iii) Clause 15.01-1R – Urban Design-Metropolitan Melbourne;
- (iv) Clause 15.01-2S – Building Design;
- (v) Clause 15.01-5S – Neighbourhood Character;
- (vi) Clause 15.02 – Sustainable Development;

- (vii) Clause 15.02-1S – Energy and resource efficiency;
- (viii) Clause 15.03 – Heritage;
- (ix) Clause 15.03-1S – Heritage conservation;
- (d) Clause 17.01 – Employment;
- (e) Clause 17.02 – Commercial;
- (f) Clause 18.01 – Integrated transport; and
- (g) Clause 18.02 – Movement networks.

#### Local Planning Policy Framework (LPPF)

#### Municipal Strategic Statement (MSS)

61. Relevant clauses are as follows:

- (a) Clause 21.04-2 - Activity centres;
- (b) Clause 21.04-3 – Industry, office and commercial;
- (c) Clause 21.05 – Built form;
- (d) Clause 21.05-1 – Heritage;
- (e) Clause 21.05-2 – Urban design;
- (f) Clause 21.05-3 – Built form character;
- (g) Clause 21.06 – Transport; and
- (h) Clause 21.08 – 8 – North Fitzroy.

#### Local Policies

62. The following local policies of the Scheme are relevant:

- (a) Clause 22.02 – Development Guidelines for Sites Subject to the Heritage Overlay;
- (b) Clause 22.05 – Interface Uses Policy;
- (c) Clause 22.07 – Development Abutting laneways;
- (d) Clause 22.09 – Licensed premises;
- (e) Clause 22.16 – Stormwater Management (Water Sensitive Urban Design); and
- (f) Clause 22.17 – Environmentally Sustainable Development.

#### Advertising

63. The Applicant provided a copy of the amendment application to Council and the parties joined to this proceeding. Notice has also been provided to those originally notified of the planning permit application, in accordance with VCAT's Practice Note PNPE9.

#### Referrals

64. There are no external referrals required.

65. The original application was referred to several internal Council departments; the original referrals comments are relevant in some instances to the amended plans and will be discussed where relevant throughout this report. The original comments are provided as attachments.

## OFFICER ASSESSMENT

66. The key consideration for this report is whether the amended application has satisfactorily addressed Council's Grounds of Refusal and whether the changes introduce any additional concerns. The two refusal grounds were based on the intensification of the sale and consumption of liquor, with the combination of increased operating hours, increased patron numbers, increased floor area and the provision of live music considered to result in unreasonable off-site amenity impacts that could not be supported. The grounds are outlined below:
- (a) *The proposed intensification of the use and sale and consumption of liquor lacks the strategic support of the Yarra Planning Scheme; and*
  - (b) *The proposed increase in operating hours, patron numbers, floor area (and red-line plan), as well as the provision of live music, will result in unreasonable off-site amenity impacts to the surrounding residential land.*
67. As outlined previously, the application has been amended to remove the increase in patron numbers and operating hours, significantly reducing the potential off-site amenity impacts caused by the original application. All of the new internal seating areas would maintain the existing hours of operation, and the partially open external area would further reduce these hours so that no part of this section operates beyond 10pm on any day of the week. The amended Noise and Amenity Action Plan (NAAP) indicates that a limit of 30 patrons would be allowed in this external area at any time, with no music (live or background) to be played in this space. These aspects remain the same as under the original application.
68. The original Officer report acknowledged that the Yarra Planning Scheme (the Scheme) provides strategic support for the ongoing use of the site as a hotel, with Clause 17.02-1S - Employment seeking to encourage development that meets the community's needs for retail, entertainment, office and other commercial services. The site sits just outside the Queens Parade Neighbourhood Activity Centre (NAC), with Clause 11.03-1S aiming to encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community. Strategies aim to provide activity centres that deliver a focus for business, shopping, working, leisure and community facilities, are connected by transport and maximise choices in services, employment and social interaction. The hotel has provided a social connection to the community for many years and is located in an accessible location with good integration with existing transport networks.
69. On this basis, the benefits of the existing use and location of the hotel are acknowledged. However, the previous report highlighted how the surrounding context of the land is mixed, with a significant area to the west located within residentially zoned land. This, and the residential zoning that affects the rear of the subject site, places constraints on the intensification of the hotel use and the previous amendments sought to the sale and consumption of liquor.
70. Clause 22.05-1 identifies that there is a need to ensure that commercial uses are well managed with regard to amenity impacts and their proximity to residential uses. The policy includes various considerations for non-residential uses located near residential properties, with decision guidelines (relevantly) relating to noise, light spill, loading and unloading, rubbish removal and storage and other operational disturbances that may cause detriment to the amenity of nearby residential sites. Clause 13.05-1S of the Scheme aims to manage noise effects on sensitive land uses by ensuring that development is not prejudiced, and community amenity and human health is not adversely impacted by noise emissions, with a relevant strategy at Clause 13.07-1S to ensure that use or development of land is compatible with adjoining and nearby land uses.

71. The previous report undertook a detailed assessment of these factors and determined that the impacts generated by the increased density of the sale and consumption of liquor would not be compatible with the adjacent residential environment. This position was formed after undertaking an assessment of the decision guidelines outlined in Clause 22.09 and Clause 52.27 of the Scheme. The key objectives of Clause 22.09 are:
- (a) *To protect the amenity of nearby properties and areas by effectively managing the location, size, operation and hours of licensed premises;*
  - (b) *To encourage best practice venue design and venue operation for licensed premises;*
  - (c) *To protect residential and other commercial uses from excess noise, traffic and car parking issues; and*
  - (d) *To provide for daytime trade and active street frontages in retail strips, while providing reasonable commercial opportunities for the trading of licensed premises.*
72. Whilst the amended application no longer seeks to increase operating hours or patron numbers, it seeks to increase the floor area and red line plan of the existing hotel and thereby requires a permit under Clause 52.27 of the Scheme. The purpose of this provision is to ensure that licensed premises are situated in appropriate locations, and that the impact of the licensed premises on the amenity of the surrounding area is considered. Given the hotel is an existing use, and the operating hours and patron numbers are not changing, a detailed consideration of a number of these provisions are no longer required. This will be discussed further below.

#### *Location and Access*

73. Clause 22.09-3 of the Scheme states that licensed premises should be located where;
- (a) *The land is not zoned Residential (excluding the Mixed Use Zone);*
  - (b) *Potential amenity impacts from (but not limited to) patron noise, ingress and egress of patrons, queuing of patrons, smoking areas for patrons, and dispersal of patrons from the site can be appropriately managed or buffered;*
  - (c) *There is opportunity for a high level of public safety and surveillance of patrons as they enter and leave the premises; and*
  - (d) *The premises would not result in an unreasonable cumulative impact on the amenity of the surrounding area.*
74. The hotel is an existing use; however, the increased floor area will extend into the area of residentially zoned land at the rear of the site, with patrons located closer to residential properties to the west. It is noted that this space has been utilised by patrons throughout the COVID pandemic, albeit in temporary tent structures with open sides and no noise attenuation. Therefore, whilst an extension of the floor area and sale and consumption of liquor is being sought, it is not considered that the existing on-site operation of the hotel will alter, given the current operating conditions authorised under this COVID exemption.
75. The buildings and works proposed at the rear of the site will incorporate significant noise attenuation features into the design, with acoustic glazing integrated throughout. Acoustic panels will be incorporated into walls, and all internal swing doors will be fitted with automatic door closers and acoustic seals. Whilst a section of the 'external area' will have a retractable roof; this has been located slightly further away from the residential interface compared to the original application. On this basis, it is considered that noise impacts from the extended floor area will be better managed when compared to the existing circumstances. This will be discussed in further detail later within this report.

#### *Venue design*

76. The venue would increase in size, with new areas accommodated at the rear of the land. There will be minimal changes to the layout and interfaces of the 'existing hotel' addressing both streets.

77. This ensures that the primary entry/exits will be retained on Queens Parade, with a secondary entrance for patrons to the hotel restaurant on Brennand Street. The windows and entry points provide opportunities for informal and passive surveillance of the street environment and ensure that the areas for queuing of patrons are located away from sensitive land uses.

78. Waste management and storage is provided on-site, within separate fully enclosed areas.

#### *Hours of Operation*

79. Hours of operation is no longer proposed to increase as part of the amended application.

#### *Patron numbers*

80. Patron numbers is no longer proposed to increase as part of the amended application.

#### *Noise*

81. The objective of Clause 13.05-1S is to assist the management of noise effects on sensitive land uses by ensuring that community amenity and human health is not adversely impacted by noise emissions, with Clause 13.07-1S aiming to protect community amenity, human health and safety while facilitating appropriate commercial uses with potential adverse off-site impacts. Strategies to achieve these outcomes aim to ensure that use or development of land is compatible with adjoining and nearby land uses and to avoid or minimise adverse off-site impacts from commercial uses through land use separation, siting, building design and operational measures.

82. The previous report acknowledged that noise complaints have been received by Council's Enforcement team in the past, however investigations of the complaints determined no formal permit or noise breaches had occurred.

83. The proposal seeks to allow the provision of live acoustic and background music in the new seating areas (Areas 1 and 2). The NAAP indicates that live music would play until 10pm in Areas 1 & 2 on Sundays/public holidays, and until 11pm Monday to Saturday. Background music would then play until 1am. All music within these areas would be controlled via a calibrated noise limiter. There is no music proposed within the new external area at the rear of the site.

84. An Acoustic Report, prepared by Enfield Acoustics (Enfield), was submitted with the original application. This report provided guidance on potential noise impacts generated by live music, along with noise emissions from the increase in patron numbers. The report was reviewed on behalf of Council by SLR Consultants (SLR).

#### *Live Music*

85. The purpose of Clause 53.06 – Live Music Entertainment Venues is to ensure that noise sensitive residential uses are satisfactorily protected from unreasonable levels of live music and entertainment noise, and to ensure that the primary responsibility for noise attenuation rests with the agent of change. In this instance the hotel is the agent of change.

86. Strategies to manage the provision of live music are outlined in Clause 13.07-3S, which seeks to identify areas where live music venues are encouraged or where there are high concentrations of licensed premises or clusters of live music venues, and to implement measures to ensure live music venues can co-exist with nearby residential land uses. In this instance, the venue is not in a location where live music venues are encouraged, with the hotel being the only venue of this nature within the surrounding area. However, the determining factor in this instance is whether the provision of live music would result in unreasonable noise impacts to adjoining land.

87. In the applicant's acoustic review by Enfield, it was determined that the most affected sensitive receivers within proximity to the hotel are the upper storey windows and balconies of two apartment buildings to the northwest of the site (14 Brennand Street directly to the west and 274D McKean Street, a two-storey building located approximately 20m from the site boundary). Whilst Council's acoustic consultant (SLR) agreed with this aspect, they noted that further details in relation to the measurement position should be provided; including microphone height and distance from any reflective surfaces, preferably in the form of photographs. If the noise levels are affected by reflections or other factors, this may have flow-on effects for the assessment. If a permit was to issue, the acoustic report should be updated to provide these details.
88. The Acoustic report outlines mitigation measures that are recommended for the areas in which live music is proposed; these include the glazing construction, roof construction, absorptive panels, automatic closers for swing doors and the requirement for the sliding door to the outdoor pergola area to remain closed at all times. The report also recommends that a music noise limiter be installed and calibrated to meet the EPA Protocol noise limits. All of these noise mitigation measures have been incorporated into the amended plans, with enhanced measures also introduced. These include greater thickness for the acoustic glazing, acoustic seals fitted to all doors and half of the external area covered in a non-retractable section of roof.
89. An updated Acoustic Report was not submitted with the amendment; however, given the additional measures introduced into the amended plans, it is considered that more conservative noise outcomes would be achieved.
90. Based on predicted noise levels outlined in the original report, the live music is predicted to comply with the 47 dBA noise limit for the period until 10 pm, by a margin of 6dB. Based on the significant margin of compliance, the report states that live music is also expected to comply up until 11 pm on Monday to Saturday. For the night period, recorded music is predicted to comply with the noise limit by a minimum margin of 3dB. The acoustic report confirms that all operable roofs were assumed to be open during this assessment. Again, a more conservative outcome would be expected with external area now incorporating a fixed component to the glass roof. Should a permit be issued, a condition should request for an updated acoustic report to ensure all the additional noise mitigation measures are captured.
91. The Acoustic report concludes that for live acoustic music to comply with the Noise Protocol, the following measure would be required;
  - (a) Any live acoustic music ceases by 11pm (Monday to Saturday) and by 10pm (Sundays and Public Holidays);
  - (b) Live acoustic music occurs internally only;
  - (c) Operable doors to the outdoor area remain closed during performances;
  - (d) Swing doors to the outdoor area must be fitted with automatic door closers;
  - (e) No drums, percussions or bass is permitted during live acoustic performances; and
  - (f) Acoustic mitigation as recommended in Section 4.1 of the report is provided.
92. All of these recommendations have been incorporated into the amended design and operational procedures.
93. SLR note that their interpretation of "acoustic" performances is that it would not include any form of amplification, including for vocals or a guitar. The adopted source levels seem consistent with this restriction, however, to avoid any ambiguity it was recommended that the report provides specific guidance on whether amplified guitars or vocals are permitted for the live music. It is recommended that an updated acoustic report address this via a permit condition.

*Background music*

94. The acoustic report states that the assessment by Enfield indicates that internal background music levels is expected to comply with Noise Protocol limits by a reasonable margin. However, to mitigate any risk of adverse noise impacts and to implement correct managerial controls, they recommend that a music noise limiter is installed and calibrated to Noise Protocol noise limits prior to commencement of use. SLR support this outcome, and a permit condition should be added to enforce this.

*Patron noise*

95. With regards to patron noise, given the application is no longer seeking to increase patron numbers, it is assumed that patron noise levels as outlined in the original report will be reduced. However, it is noted that the increased floor areas allow patrons to be within closer proximity to the residential interface to the west. Based on the original calculations, SLR note that compliance within the third-storey apartments at No. 14 Brennand Street is marginal, with high reliance on room absorption. They also note that as only a single night survey was undertaken, there is the possibility that background levels could be lower at times, resulting in reduced compliance within these dwellings. The potential for non-compliance is related predominantly to the external area, with SLR noting it would be necessary for the operators to consider partially closing the operable roof if compliance isn't achieved. The amended design has incorporated this change, with the roof area closest to the residential interface fixed shut.
96. However, given the marginal compliance predicted for patron noise at the nearby dwellings, SLR recommended that compliance testing be conducted at the completion of the works. If the testing finds that the criteria are exceeded, management approaches (e.g., fully closed roof, additional absorptive treatments etc.) should be provided. Whilst it is considered that the additional measures added as part of the amendment would address these concerns. As an updated acoustic report was not provided, it is considered reasonable for a post-construction acoustic report be prepared and submitted to Council.
97. SLR also noted that noise from the bin room, glass movements in the outdoor areas and waste collections should be assessed for any night period activities.
98. An updated acoustic report should provide these details, and Council recommends placing specific time restriction conditions on any permit issued to manage noise impacts from deliveries and waste.

*Noise and Amenity Action Plan (NAAP)*

99. To ensure a venue is managed appropriately, Clause 22.09 requires the submission of a NAAP which outlines management procedures aimed at ensuring good patron management. If a permit is issued, the NAAP is endorsed so that it can be enforced if the premises operates outside of specified parameters.
100. An amended NAAP was submitted; this outlines the specific management procedures to be followed at all times, and includes details relating to staffing, responsible service of alcohol and complaint management procedures for minimising amenity impacts.
101. The measures indicated in the NAAP that have not been addressed elsewhere in this report include:
- (a) A Complaints register kept on the premises will be maintained. Staff on duty will take the complaint and pass on all information to the manager of the venue to appropriately deal with the issue;
  - (b) The management of dispersal of patrons;
  - (c) The management of smokers;
  - (d) The management of external queues; and
  - (e) The provision of food.

102. The level of detail provided in the NAAP is considered acceptable and this document should be endorsed as part of any permit issued.

### Other matters

#### *Demolition*

103. The extent of demolition proposed by this application includes the demolition and removal of the following;
- (a) Sections of the southern and western boundary fences, shade-cloths and small sections of walls to the existing rear service yard and beer garden;
  - (b) Removal of five trees in the rear car park;
  - (c) Minor internal demolition works (no permit required); and,
  - (d) Removal of two existing windows to the storage room within the Queens Parade frontage (retrospective works).
104. It is noted that the amended demolition plans do not include the demolition of the two windows within the façade. However, as these works have already been undertaken, retrospective approval is required, and the demolition plan should be updated to include this aspect. A condition should be added to any permit issued requiring this.
105. The original Officer report raised no issue with the extent of demolition proposed.
106. The majority of the works are confined to the rear of the property and will have no impact on the significant fabric of the place. The changes to the windows on the Queens Parade frontage are to a later addition that does not form part of the original fabric of the place, therefore the removal of these windows is acceptable. There are no vegetation overlays affecting the site, therefore the removal of the trees along the rear boundary does not require planning permission. Further to this, the internal works do not require a planning permit. Council's Heritage Advisor reviewed the original application, and as the proposed demolition works have not increased as part of the amendment, the extent of demolition continues to be supported.

#### *New works*

107. The extent of new works proposed by this application includes a single-storey extension to the rear of the existing hotel, with the additional works to abut the western and southern boundaries and set back 6.133 m from the Brennand Street interface. These elements have not altered in the amended application. The location and design of the new works were assessed by Council's Heritage Advisor, who noted:
- (a) *'The proposed new rear dining area is appropriately sited to the rear of the heritage building. It will have some visibility from Brennand Street, however this is a secondary frontage and the new development is appropriately separated from the main form of the heritage building. The design and form of the addition, where it is visible is acceptable.'*
108. Given the location of the works at the rear of the building and the single-storey scale proposed, the addition achieves an appropriate outcome that respects the existing building and the surrounding neighbourhood character. This aspect of the application is supported.
109. Further to this, the proposed development of the site will result in no unreasonable off-site amenity impacts attributed to visual bulk or overshadowing. The addition is limited in scale to single storey, which will limit visual impacts within adjacent sites. Whilst a minimal area of additional overshadowing will affect the site to the south between 9am and midday; this site is a commercial building located within commercially zoned land. There will be no shadows cast within the NRZ to the west. These outcomes are acceptable.
110. Clause 63.05 notes that a use in Section 2 of a zone for which an existing use right is established may continue provided:

- (a) No building or works are constructed or carried out without a permit. A permit must not be granted unless the building or works complies with any other building or works requirement in this scheme;
- (b) Any condition or restriction to which the use was subject continues to be met. This includes any implied restriction on the extent of the land subject to the existing use right or the extent of activities within the use; and
- (c) The amenity of the area is not damaged or further damaged by a change in the activities beyond the limited purpose of the use preserved by the existing use right.

111. The hotel operates under existing use rights within the NRZ; the proposed works require a permit under the provisions outlined above. As noted, it is not anticipated that the new works will result in any additional amenity impacts to the surrounding area.

#### *Removal of advertising sign*

112. The Applicant seeks to remove the retrospective permission for approval of a 'business identification sign' on the eastern frontage of the building and paint over this sign in a colour consistent with the remainder of the hotel. The material schedule and existing conditions indicates that the existing brickwork is painted white, however the new finish is not clarified on the proposed east elevation. If a permit was issued, confirmation of this would be required.

#### *ESD*

113. A Sustainable Design Assessment (SDA) prepared by GIW Environmental Solutions (GIW) and dated 31 March 2022, was submitted with the original application. The SDA indicated that the following principal ESD features will be incorporated into the extension of the existing hotel:

- (a) The development will achieve an overall BESS score of 50%, with water efficient fixtures and fittings used throughout;
- (b) A STORM score of 100% will be achieved, with the installation of a 3,800L rainwater tank to be connected to all new toilets;
- (c) The indoor areas are targeting a 2% Daylight Factor to 60% of the nominated area;
- (d) 4 new bicycle hoops are proposed within the Queens Parade footpath; and
- (e) General, recycling, composting/green waste and hard waste & e-waste facilities will be provided within the new bin room.

114. In addition to the above, the amended application has incorporated a 2.4kW solar array on the roof.

115. Notwithstanding the above ESD commitments, Council's ESD advisor was not satisfied that the proposed development (in their review of the original application) would adequately meet Council's ESD Standards. Specific concerns and recommendations were made as follows;

- (a) The SDA specifies that there are no new landscaping features, however, there appears to be a degree of new vegetation shown on the plans. Clarification of this is required and given the removal of 5 existing trees for the extension, the landscaping strategy should be revised. A Landscape Plan should be provided to support these changes;
- (b) Daylight modelling (computer or hand drawn) is required to support daylight access claims, taking into account the proposed window tinting;
- (c) The design and operability of the tinted laminated glass is required, to support natural ventilation claims;
- (d) The BESS report should be amended to include provision of bicycle parking spaces;
- (e) A Section J assessment should be provided that details how the development will meet (and consider exceeding) the NCC 2019 requirements and reduce energy and GHG emissions against a reference case;

- (f) Demolition and construction waste target should be clarified (e.g. minimum 80%);
- (g) Clarify evidence underpinning the assumptions that FOGO will only make up 10% of the waste generated on site. Given the land use as a food and beverage outlet, this is expected to be much higher. For example, NSW EPA estimates this at approximately 60%;
- (h) Clarify external colour of new roof areas, with a recommendation to specify a high SRI (>50) finish to assist with urban cooling;
- (i) Include details of the green wall within the Landscape Plan – noting that while the BESS credit has been claimed, a green wall system in BESS is a vertical system for growing vegetation on a wall; and,
- (j) Provide a statement as to how the design has responded to and mitigates the urban heat island effect.

116. These issues remain outstanding in the amended application, and the above recommendations should be incorporated into any permit issued via conditions, with the SDA updated accordingly.

#### *Car parking/bicycle parking*

117. The original officer report undertook a full assessment of the proposed reduction in car parking and car parking layout. Given the number of required car parking spaces on the land is associated with an increase in floor area of the hotel, a permit is still required for the car parking reduction under the amended application. Council Engineers raised no concerns with the reduction sought, being limited to 16 spaces, or the layout of the amended car parking area.

118. There are currently no on-site bicycle parking spaces provided, with 4 bicycle hoops located directly adjacent to the site on the Queens Parade footpath. The proposal seeks to install an additional 4 hoops, which would equate to a total of 16 off-site bicycle spaces. Council's Strategic Transport Officer is supportive of the overall number of off-site spaces proposed, noting that there is limited space available for any on-site spaces. He also noted that the provision of the off-site hoops can be used by both employees and visitors to the site.

119. However, the advice noted that the existing location of the bicycle hoops is not ideal, being located directly adjacent to electricity poles and planter boxes. If additional bicycle hoops were installed in the future, it is Council's preference that the existing and new bicycle hoops be relocated to a more suitable location that satisfies the siting requirements of Clause 52.34 and AS2890.3. The cost of this would be borne by the permit holder. A condition should be added to any permit issued accordingly.

#### *Waste/Loading*

120. A Waste Management Plan (WMP) was prepared by Sustainable Development Consultants (dated July 2022). The WMP outlines the management procedures to be undertaken for all waste collection from the site. Provision for separate waste streams (food organics, commingled recyclables, glass and paper/cardboard) will be provided, with separate private collection vehicles for each stream. All waste will be stored in a ventilated purpose-built waste room with direct access to the bin collection point, where waste vehicles can reverse into the site, prop to collect the bins and drive out in a forward direction.

121. The WMP was referred to Council's City Works branch, who confirmed that all procedures were satisfactory. The WMP should be endorsed as part of any permit issued.

122. The proposal will retain the use of the car park to undertake deliveries and loading, with Small Rigid Vehicles proposed to carry out these activities. The size of these trucks will ensure that they do not encroach on the footpath which loading/unloading is occurring. Alternatively, if a larger vehicle is required, the Applicant noted that on-street parking along the Brennand Street frontage can be used if available, which is how loading has occurred during the current operations, given the temporary outdoor seating within the existing car park. This outcome was supported by Council Engineers.

## Conclusion

123. Based on the above report, it is considered that the amendments made to the application, including the removal of any increase to operating hours or patron numbers, result in an application that now substantially complies with the relevant planning policy. The previous refusal of the application is no longer considered applicable and therefore should be supported, subject to conditions.

## RECOMMENDATION

That having considered the relevant planning policies, Council resolves to advise the Victorian Civil and Administrative Tribunal that it has amended its position of refusal to a position of support for the following:

*Partial demolition, the construction of a ground floor extension to the existing hotel including an outdoor covered courtyard and modifications to the red line plan, provision for live acoustic music, deletion of seven (7) car parking spaces (retention of two spaces) and a reduction in the statutory car parking and bicycle facilities rates at 492 Queens Parade, Fitzroy North, subject to the following;*

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and must be generally in accordance with the decision plans prepared by Burton & Carter Pty Ltd, TP00 to TP14, dated 1 August 2022 and 18 May 2023, but modified to show:
  - (a) The demolition plan updated to include the demolition of the two windows within the Queens Parade façade;
  - (b) The proposed east elevation updated to include the proposed colour of the new wall;
  - (c) Any changes required by the amended Sustainable Design Assessment at Condition 3 of this permit;
  - (d) Any changes required by the amended Acoustic Report at Condition 5 of this permit.
2. The development and sale and consumption of liquor as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

### **Sustainable Management Plan**

3. Before the development commences, an amended Sustainable Design Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Design Assessment will be endorsed and will form part of this permit. The amended Sustainable Design Assessment must be generally in accordance with the Sustainable Design Assessment prepared by GIW Environmental Solutions and dated 31 May 2022, but modified to include or show:
  - (a) All details updated to reflect the amended application;
  - (b) Clarification of any landscaping proposed on-site. If landscaping is proposed, a Landscape Plan should be provided;
  - (c) The provision of daylight modelling (computer or hand drawn) to support daylight access claims, taking into account the proposed window tinting;
  - (d) The design and operability of the tinted laminated glass, to support natural ventilation claims;
  - (e) The BESS report amended to include provision of bicycle parking spaces;

- (f) A Section J assessment that details how the development will meet (and consider exceeding) the NCC 2019 requirements and reduce energy and GHG emissions against a reference case;
  - (g) Demolition and construction waste target clarified (e.g. minimum 80%);
  - (h) Clarify evidence underpinning the assumptions that FOGO will only make up 10% of the waste generated on site. Given the land use as a food and beverage outlet, this is expected to be much higher. For example, NSW EPA estimates this at approximately 60%;
  - (i) Clarify external colour of new roof areas, with a recommendation to specify a high SRI (>50) finish to assist with urban cooling;
  - (j) Include details of the green wall within the Landscape Plan – noting that while the BESS credit has been claimed, a green wall system in BESS is a vertical system for growing vegetation on a wall; and,
  - (k) Provide a statement as to how the design has responded to and mitigates the urban heat island effect.
4. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

#### **Acoustic Report**

5. Before the development commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Enfield Acoustic Consultants and dated 1 August 2022, but modified to include (or show, or address):
- (a) Clarification on whether 'acoustic' music includes any form of amplification;
  - (b) Additional details of the measurement position; including microphone height and distance from any reflective surfaces, preferably in the form of photographs; and
  - (c) Noise from the bin room, glass movements in the outdoor areas and waste collections assessed for any night period activities.
6. Within 3 months of the commencement of the increased area of the sale and consumption of liquor an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:
- (a) The compliance of the use and music levels and, where necessary, make recommendations to limit the noise impacts in accordance with Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) or any other requirement to the satisfaction of the Responsible Authority, as may be amended from time to time.
7. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

#### **Noise and Amenity Action Plan**

8. The provisions recommendation and requirements of the endorsed Noise and Amenity Action Plan (dated May 2023) must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Waste Management Plan**

9. Before the development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Sustainable Development Consultants and dated 22 July 2022 but modified to include:
  - (a) All details updated to reflect the amended application.
10. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Sale and Consumption of liquor**

11. No more than 443 patrons are permitted on the land at any time liquor is being sold or consumed, with no more than 30 patrons permitted in the external area.
12. Except with the prior written consent of the Responsible Authority, the sale and consumption of liquor within Areas 1, 2 and 3 may only occur between the following hours:
  - (a) Sunday – Between 10am and 11pm;
  - (b) Good Friday – Between 12 noon and 11pm;
  - (c) Anzac Day (not being Sunday) – Between 12 noon and 1am;
  - (d) On any other day – Between 7am and 1am.
13. Except with the prior written consent of the Responsible Authority, the sale and consumption of liquor within the external area may only occur between the following hours:
  - (a) Sunday – Between 10am and 10pm;
  - (b) Good Friday & Anzac Day– Between 12 noon and 10pm;
  - (c) On any other day – Between 7am and 10pm.
14. Except with the prior written consent of the Responsible Authority, live music must only be played in Areas 1, 2 and 3 between the following hours:
  - (a) 10pm Sundays and public holidays;
  - (b) 11pm Monday to Saturday.
15. Except with the prior written consent of the Responsible Authority, background music must only be played in Areas 1, 2 & 3 between until 1am all days.
16. No music (live or background) is to be played in the external area at any time.

### **Noise Limiter**

17. Prior to the increased sale and consumption of liquor authorised by this permit, a Noise Limiter must be installed on the land. The Noise Limiter must:
  - (a) be set at a level specified by a qualified acoustic engineer;
  - (b) ensure the emission of noise from amplified music does not exceed the levels specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) or any other requirement; and
  - (c) be maintained and operated at all times.to the satisfaction of the Responsible Authority.
18. The amenity of the area must not be detrimentally affected by the use, including through:
  - (a) the transport of materials, goods or commodities to or from land;

- (b) the appearance of any buildings, works or materials;
  - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
  - (d) the presence of vermin,
- to the satisfaction of the Responsible Authority.
19. Speakers external to the building must not be erected or used.
  20. Emptying of bottles and cans into bins may only occur between 7am and 10pm on any day.
  21. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
  22. Delivery and collection of goods to and from the land may only occur between 7am and 10pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.
  23. Within 2 months of the completion of works, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
    - (a) at the permit holder's cost; and
    - (b) to the satisfaction of the Responsible Authority.
  24. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
  25. The existing and proposed bicycle hoops must be relocated to a more suitable location that satisfies the siting requirements of Clause 52.34 and AS2890.3;
    - (a) at the permit holder's cost; and
    - (b) to the satisfaction of the Responsible Authority.
  26. Before the new areas of the building are occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes and associated works must be:
    - (a) constructed and available for use in accordance with the endorsed plans;
    - (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
    - (c) treated with an all-weather seal or some other durable surface;
    - (d) line-marked or provided with some adequate means of showing the car parking spaces; and
    - (e) to the satisfaction of the Responsible Authority.
  27. Prior to the commencement of the development the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan; or the Owner must enter into an agreement with Yarra City Council to pay the Development Infrastructure Levy within a time specified in the agreement.
  28. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
    - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
    - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
    - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

29. This permit will expire if:

- (a) the development is not commenced within two years of the date of this permit;
- (b) the development is not completed within four years of the date of this permit;
- (c) the sale and consumption of liquor within the extended floor area is not commenced within two years from the date of this permit;
- (d) the sale and consumption of liquor is discontinued for a period of two years.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards for commencement or within twelve months afterwards for completion.

Notes:

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

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5555 to confirm.

A local law permit may be required for tree removal. Please contact Council's Compliance Branch on 9205 5555.

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5555 for further information.

All future employees working within the development approved under this permit will not be permitted to obtain employee or visitor parking permits.

A local law permit (e.g. Asset Protection Permit, Road Occupation Permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5555 to confirm.

These premises will be required to comply with the *Food Act* 1984. The use must not commence until registration, or other approval, has been granted by Council's Health Protection Unit.

## Attachments

- 1** [↓](#) Attachment 1 - PLN21/0984 - 492 Queens Parade Fitzroy North - VCAT (P1667/2022) - VCAT Amended Plans - Amended Architecture Drawings - Terminus Hotel
- 2** [↓](#) Attachment 2 - PLN21/0984 - 492 Queens Parade Fitzroy North - VCAT (P1667/2022) - VCAT Amended Plans - NAAP (Final)
- 3** [↓](#) Attachment 3 - PLN21/0984 - 492 Queens Parade Fitzroy North - Original Officer Report
- 4** [↓](#) Attachment 4 - PLN21/0984 - 492 Queens Parade, Fitzroy North - Original ESD referral comments
- 5** [↓](#) Attachment 5 - PLN21/0984 - 492 Queens Parade, Fitzroy North - Original Heritage comments
- 6** [↓](#) Attachment 6 - PLN21/0984 - 492 Queens Parade Clifton Hill - Original Engineering comments
- 7** [↓](#) Attachment 7 - PLN21/0984 - 492 Queens Parade, Fitzroy North - Original waste referral comments

**Attachment 1** Attachment 1 - PLN21/0984 - 492 Queens Parade Fitzroy North - VCAT (P1667/2022) - VCAT Amended Plans - Amended Architecture Drawings - Terminus Hotel



CLIENT: KICKON GROUP  
 PROJECT: TERMINUS HOTEL  
 490-492 QUEENS PARADE  
 FITZROY NORTH VIC 3068

NO.	DRAWING NAME	SCALE
TP01	SITE ANALYSIS	
TP02	DESIGN RESPONSE	
TP02A	LAND SURVEYOR DRAWING	
TP03	EXISTING GROUND FLOOR PLAN	1:100
TP04	EXISTING FIRST FLOOR PLAN	1:100
TP05	EXISTING ELEVATION	1:100
TP05A	EXISTING RED LINE DRAWING	1:100
TP05B	GROUND FLOOR DEMOLITION PLAN	1:100
TP06	PROPOSED GROUND FLOOR PLAN	1:100
TP07	PROPOSED ROOF PLAN	1:100
TP08	PROPOSED ELEVATIONS	1:100
TP08A	PROPOSED ELEVATIONS	1:50
TP08B	PROPOSED ELEVATIONS	1:100
TP09	PROPOSED SECTION	1:100
TP10	PROPOSED PERSPECTIVE	
TP11	MATERIAL SCHEDULE	
TP12	SHADOW DIAGRAM	1:200
TP13	SHADOW DIAGRAM	1:200
TP14	REDLINE PLAN	1:100

DATE	REVISION	APPROVALS	BY
2021/04/01	A	TP - SITE ANALYSIS	JV
2021/04/01	B	TP - PROPOSED GROUND FLOOR PLAN	JV
2021/04/01	C	TP - PROPOSED ELEVATIONS	JV
2021/04/01	D	TP - PROPOSED ELEVATIONS	JV

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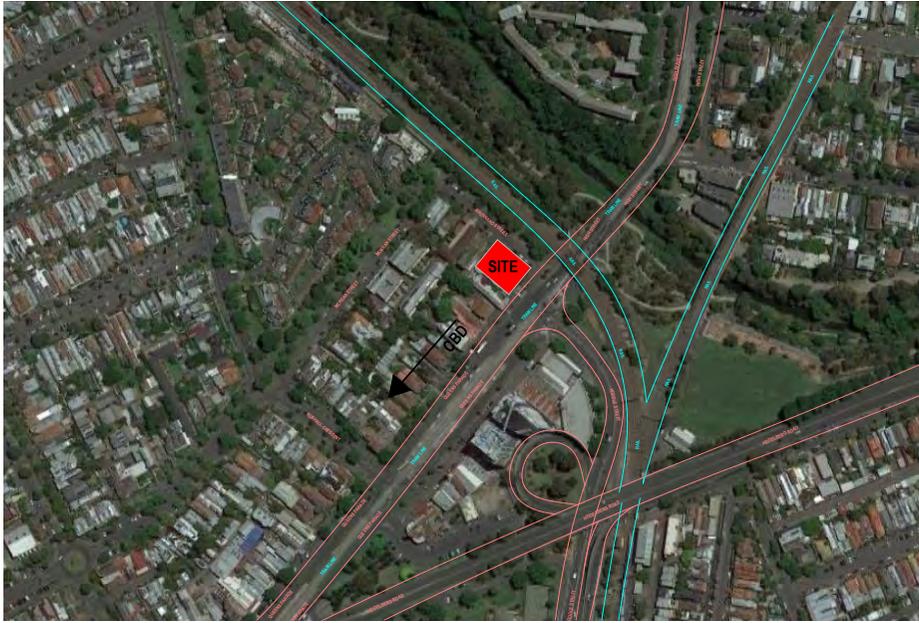
Project Manager:  
 J.V.  
 Interior Designer:  
 Building Designer:  
 Building Inspector:

CLIENT	KICKON GROUP
PROJECT	TERMINUS HOTEL 490-492 QUEENS PARADE FITZROY NORTH VIC 3068

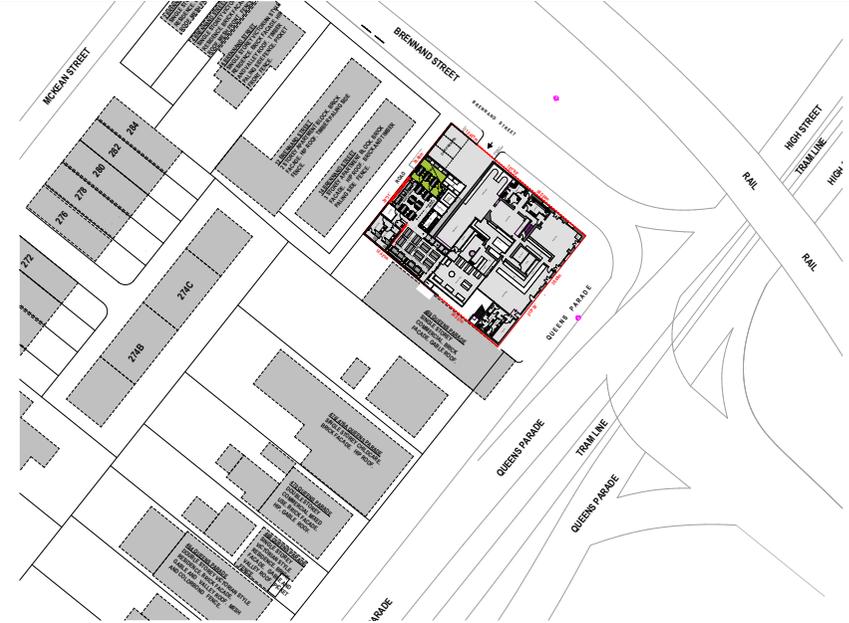
DATE	APRIL 2021	SCALE	
DRAWN	J.V.	CHECKED	G.C.
ZONE	21002		



**Attachment 1** Attachment 1 - PLN21/0984 - 492 Queens Parade Fitzroy North - VCAT (P1667/2022) - VCAT Amended Plans - Amended Architecture Drawings - Terminus Hotel **SIDE PLANS**



NEIGHBOURHOOD PLAN 1:2000



SITE PLAN 1:500

**QUEENS PARADE STREETSCAPE**



- 450 QUEENS PARADE DOUBLE STOREY VICTORIAN STYLE RESIDENCE. BRICK FACADE, HP ROOF, PICKET AND CONCRETE BENCH. RIBBON FENCE.
- 451 QUEENS PARADE DOUBLE STOREY VICTORIAN STYLE RESIDENCE. BRICK FACADE, HP ROOF, PICKET AND CONCRETE BENCH. RIBBON FENCE.
- 456 QUEENS PARADE SINGLE STOREY VICTORIAN STYLE RESIDENCE. BRICK FACADE, GABLE AND VALLEY ROOF, PICKET FENCE.
- 458 QUEENS PARADE DOUBLE STOREY VICTORIAN STYLE RESIDENCE. BRICK FACADE, GABLE AND VALLEY ROOF. STEEL AND PICKET FENCE.
- 459 QUEENS PARADE DOUBLE STOREY VICTORIAN STYLE RESIDENCE. BRICK FACADE, GABLE AND VALLEY ROOF. STEEL AND PICKET FENCE.
- 464 QUEENS PARADE DOUBLE STOREY VICTORIAN STYLE RESIDENCE. BRICK FACADE, GABLE AND VALLEY ROOF. MESH AND COLORBOND FENCE.
- 465 QUEENS PARADE SINGLE STOREY VICTORIAN STYLE RESIDENCE. BRICK FACADE, GABLE AND VALLEY ROOF. PICKET FENCE.
- 474 QUEENS PARADE DOUBLE STOREY COMMERCIAL MIXED USE. BRICK FACADE, HP, GABLE ROOF.
- 474/476A QUEENS PARADE SINGLE STOREY CHALCOTRE. BRICK FACADE, HP ROOF.
- 488 QUEENS PARADE SINGLE STOREY COMMERCIAL. BRICK FACADE, GABLE ROOF.

**BRENNAND STREET STREETSCAPE**



- 14 BRENNAND STREET 1.5 STOREY APARTMENT BLOCK. BRICK FACADE, HP ROOF, BRICK AND TIMBER PALING SIDE FENCE.
- 15 BRENNAND STREET 2 STOREY APARTMENT BLOCK. BRICK FACADE, HP ROOF, TIMBER PALING SIDE FENCE.
- 18 BRENNAND STREET SINGLE STOREY VICTORIAN STYLE RESIDENCE. BRICK FACADE, HP AND VALLEY ROOF, TIMBER PALING SIDE FENCE, PICKET FRONT FENCE.
- 18 BRENNAND STREET SINGLE STOREY VICTORIAN STYLE RESIDENCE. BRICK FACADE, HP ROOF, MESH FRONT FENCE.
- 18 BRENNAND STREET SINGLE STOREY VICTORIAN STYLE RESIDENCE. BRICK FACADE, HP ROOF, MESH FRONT FENCE.

DATE	REVISION	APPROVALS	BY
2021/04/01	A	HP - APPROVED	JV
2021/04/01	B	HP - APPROVED	JV
2021/04/01	C	HP - APPROVED	JV

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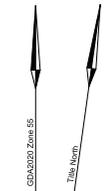
**Burton & Carter Pty Ltd**  
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 FITZROY NORTH VIC 3068  
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 E: info@burtonandcarter.com.au

**CLIENT** KICK GROUP  
**PROJECT** TERMINUS HOTEL  
 490-492 QUEENS PARADE  
 FITZROY NORTH VIC 3068

<b>DATE</b> APRIL 2021	<b>SCALE</b> 1:5000 1:800		
<b>DRAWN</b> J.V.	<b>CHECKED</b> G.C.		
<b>DATE</b> 21/002			

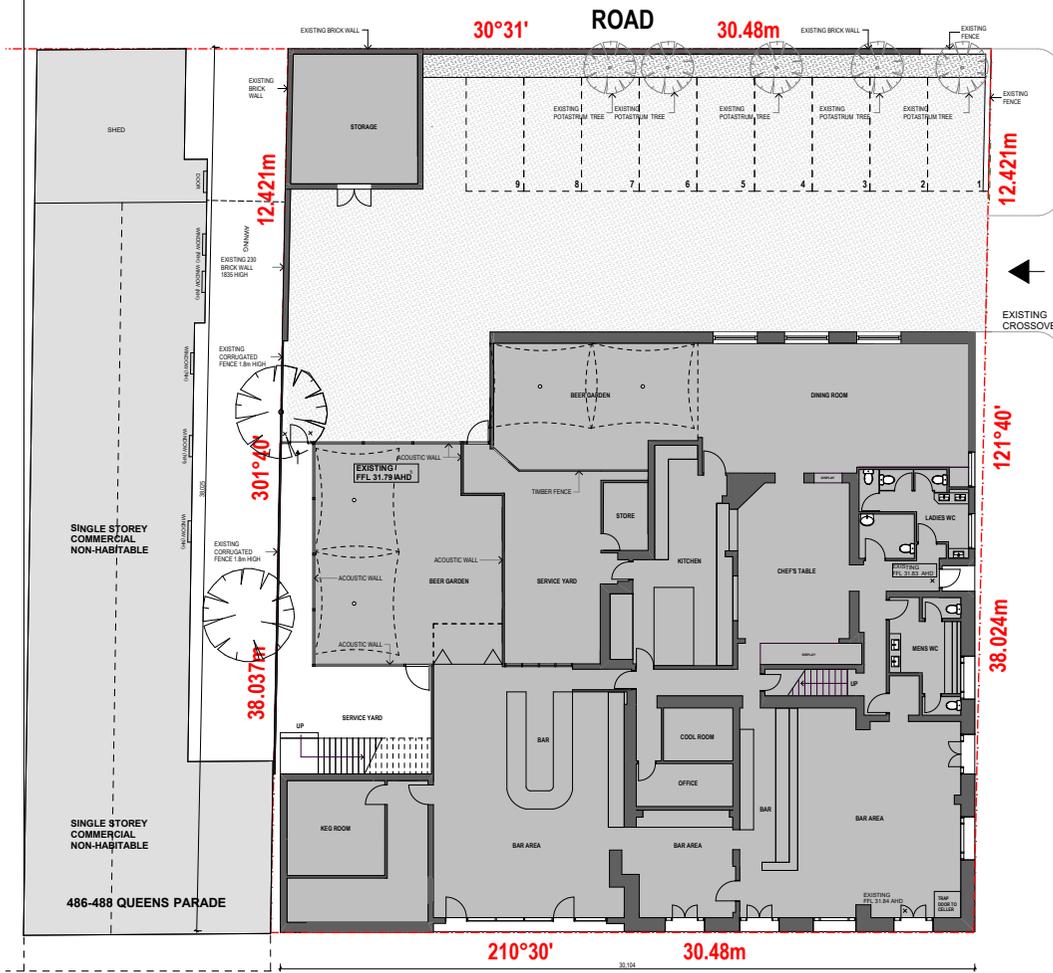
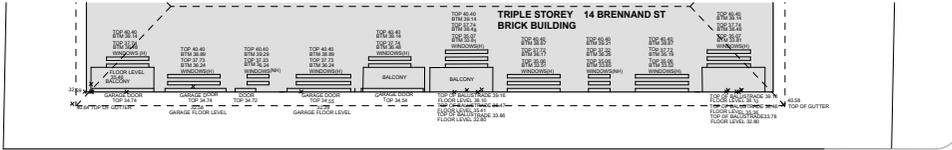


**Attachment 1 Attachment 1 - PLN21/0984 - 492 Queens Parade Fitzroy North - VCAT (P1667/2022) - VCAT Amended Plans - Amended Architecture Drawings - Termin**



<p>Licensed Land Surveyors &amp; Development Consultants                  Level 1 424 Bridge Road                  Richmond 3121                  03 9423 3833                  office@goodisonsurveying.com.au</p>	<p><b>Legend</b></p> <p>▲ - SURVEY CONTROL POINT                  BEK - BACK OF CONCRETE KERB                  EOB - EDGE OF BITUMEN                  FBK - FACE OF BLUESTONE KERB                  INV - INVERT OF CONCRETE CHANNEL</p> <p>WIN - WINDOW                  INH - HABITABLE WINDOW                  NH - NON HABITABLE WINDOW                  TOP - TOP OF WINDOW                  BTM - BOTTOM OF WINDOW</p> <p>GV - GAS VALVE                  JP - JUNCTION PIT                  SEP - SIDE ENTRY PIT                  PHOTO POINT</p>	<p><b>Notations</b></p> <p>Levels are to AHD (Australian Height Datum).                  This is not a 3D-representation survey.                  Only visible services have been located by this survey. Other hidden underground services may exist. 'Old before you Dig' or other underground location services should be investigated.</p>	<p><b>Notations</b></p>	<p><b>Feature and Level Survey</b>  <b>TERMINUS HOTEL</b>                  492 Queens Parade, Fitzroy North</p>	<p>Job Ref: 17455                  Scale: 1:100 A1                  Date of plan: 16/02/22                  Updated:</p>
---	--	--	-------------------------	---	--

Attachment 1 Attachment 1 - PLN21/0984 - 492 Queens Parade Fitzroy North - VCAT (P1667/2022) - VCAT Amended Plans - Amended Architecture Drawings - Ter



BRENNAND STREET



CELLAR PLAN  
1:100  
EXISTING CELLAR FLOOR AREA : 40m<sup>2</sup> (APPROX)

(NH) - ADJOINING SITE NON-HABITABLE WINDOWS  
(H) - ADJOINING SITE HABITABLE WINDOWS

EXISTING GROUND FLOOR PLAN  
1:100  
EXISTING GF BUILDING AREA : 669m<sup>2</sup> (APPROX)  
INCLUDES EXTERNAL STORAGE

QUEENS PARADE

DATE	REVISION	APPROVALS	BY
2021/04/01	A	ARCHITECT	J.V.
2021/04/01	B	ENGINEER	J.V.
2021/04/01	C	ENGINEER	J.V.

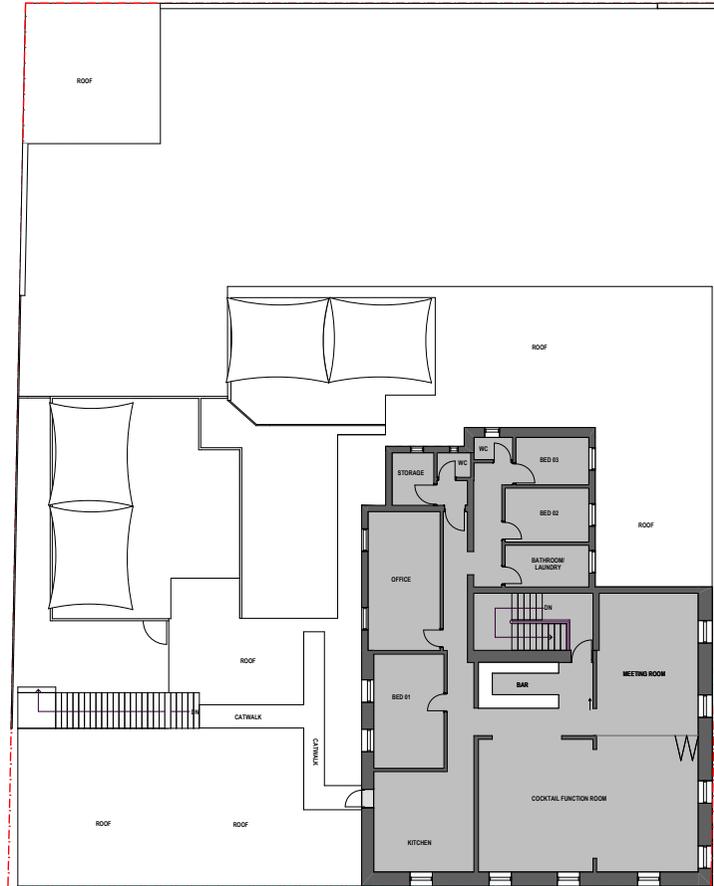
EXISTING 4 NO. BIKE HOOPS

Client: KICKON GROUP  
Project: TERMINUS HOTEL  
490-492 QUEENS PARADE  
FITZROY NORTH VIC 3068

Date: APRIL 2021  
Scale: 1:100  
Drawn: J.V.  
Checked: G.C.  
21002

Sheet: 1 of 2  
Revision: C

**Attachment 1** Attachment 1 - PLN21/0984 - 492 Queens Parade Fitzroy North - VCAT (P1667/2022) - VCAT Amended Plans - Amended Architecture Drawings - Terminus Hotel



EXISTING FIRST FLOOR AREA : 228m<sup>2</sup> (APPROX)  
 EXISTING FIRST FLOOR PLAN  
 1:100

DATE	REVISION	APPROVAL	BY
15/03/2021	A	SP - ARCHITECTURE	JV
15/03/2021	B	SP - ARCHITECTURE	JV
15/03/2021	C	SP - ARCHITECTURE	JV

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Chris De Groot  
 Director  
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 J.V. 15/03/2021 10:57:43 AM  
 J.V. 15/03/2021 10:57:43 AM

Project Manager  
 Designer  
 Interior Designer  
 Building Surveyor  
 Building Inspector

CLIENT	KICKON GROUP
PROJECT	TERMINUS HOTEL 490-492 QUEENS PARADE FITZROY NORTH VIC 3068

DATE	APRIL 2021
DRAWN	J.V.
CHECKED	G.C.
ZONE	21002

SCALE	1:100
-------	-------

DATE	DATE
STATE	STATE
REVISION	REVISION
C	C

**Attachment 1** Attachment 1 - PLN21/0984 - 492 Queens Parade Fitzroy North - VCAT (P1667/2022) - VCAT Amended Plans - Amended Architecture Drawings - **Terminus Hotel**



EXISTING NORTH ELEVATION (BRENNAND STREET)  
1:100



EXISTING EAST ELEVATION (QUEENS PARADE)  
1:100

DATE	REVISION	APPROVED BY	BY
15/03/2021	A	JP	JP
15/03/2021	B	JP	JP
15/03/2021	C	JP	JP

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Project manager  
architect  
interior designers  
building engineers  
building inspectors

CLIENT	KICKON GROUP
PROJECT	TERMINUS HOTEL 490-492 QUEENS PARADE FITZROY NORTH VIC 3068

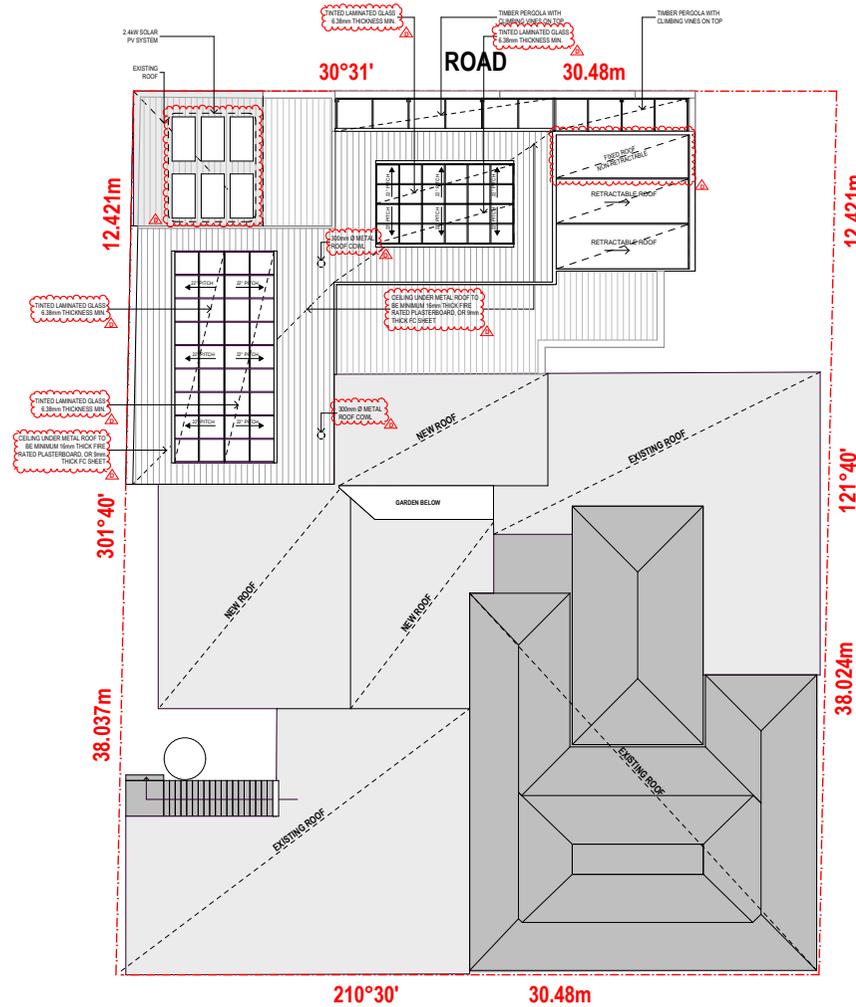
DATE	APRIL 2021	SCALE	1:100
DRAWN	J.V.	CHECKED	G.C.
ZDATE	21002		

DATE	15/03/2021
BY	J.V.
REVISION	C









PROPOSED ROOF PLAN  
1:100

QUEENS PARADE

NOTES FIRST SECTION OF RETRACTABLE ROOF TO THE BBQ AREA (CLOSEST TO THE RESIDENTIAL APARTMENTS) TO BE FIXED (NON-OPERABLE), AND CONSTRUCTED OF A MATERIAL WITH A SURFACE MASS OF 12kg/ sqm

DATE	REVISION	APPROVALS	BY
15/03/2021	A	BP - ARCHITECTURE	JV
15/03/2021	B	BP - ARCHITECTURE	JV
15/03/2021	C	BP - ARCHITECTURE	JV
15/03/2021	D	VCAT AMENDMENT APPLICATION	JV

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Client manager  
architect  
interior designers  
building engineers  
building inspectors

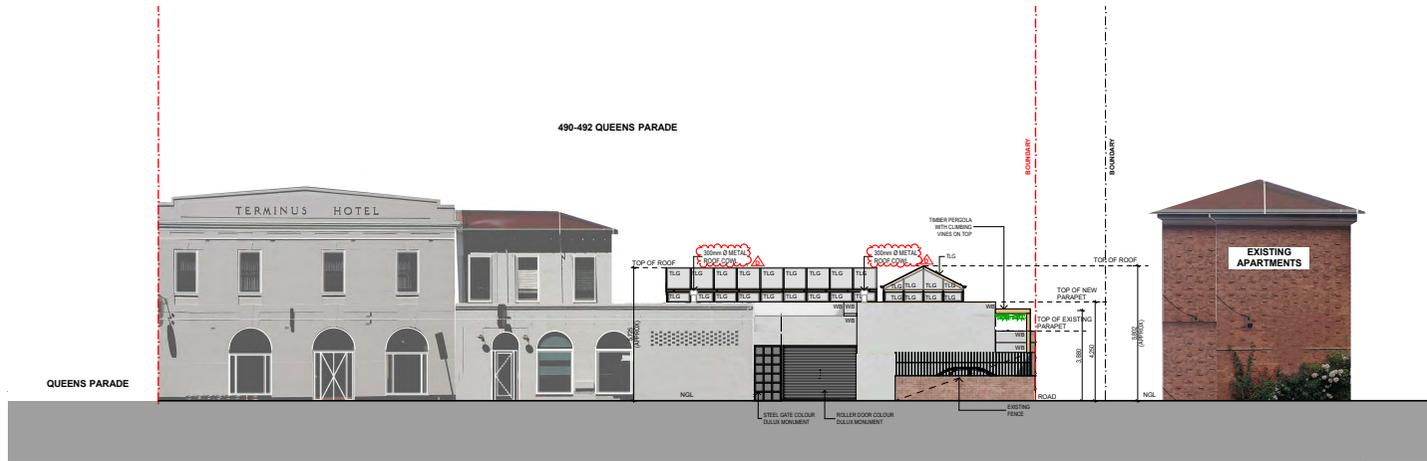
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CLIENT	KICKON GROUP
PROJECT	TERMINUS HOTEL 490-492 QUEENS PARADE FITZROY NORTH VIC 3068

DATE	APRIL 2021	SCALE	1:100
DRAWN	J.V.	CHECKED	G.C.
ZONE	21002		

DATE	01/04/2021
BY	J.V.
REVISION	D

**Attachment 1** Attachment 1 - PLN21/0984 - 492 Queens Parade Fitzroy North - VCAT (P1667/2022) - VCAT Amended Plans - Amended Architecture Drawings - Terminus Hotel



PROPOSED NORTH ELEVATION - BRENNARD STREET  
1:100



PROPOSED EAST ELEVATION - QUEENS PARADE  
1:100

NOTE: SIGN IS NOT TO BE EXTERNALLY ILLUMINATED

material legend

TLG	Tinted laminated glass & 35mm thick msp
WB	White painted brickwork to match existing
RB	Red pressed brick to match existing
GL	Glass louver
PB	Paint finish colour black
T	Timber

DATE	REVISION	APPROVAL	BY
20210401	A	SP APPROVAL	JV
20210401	B	SP APPROVAL	JV
20210401	C	SP APPROVAL	JV
20210401	D	VCAT AMENDMENT APPLICATION	JV

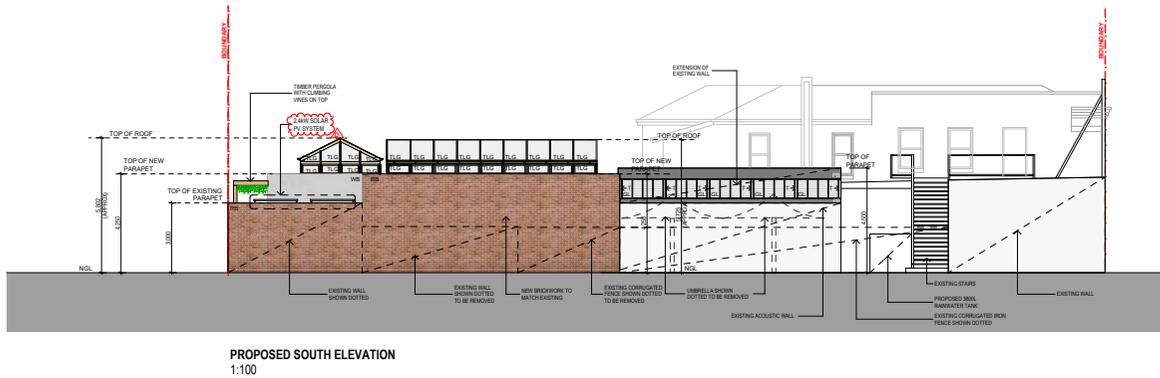
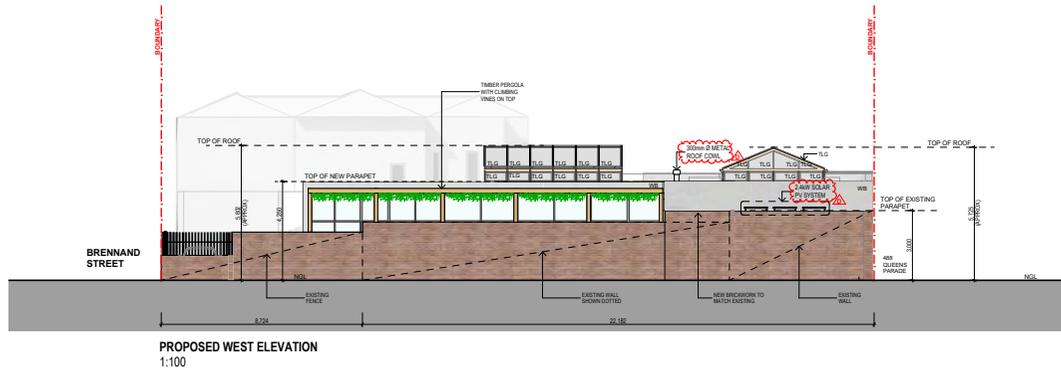
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CLIENT	KICK GROUP	DATE	APRIL 2021	SCALE	1:50	
PROJECT	TERMINUS HOTEL 490-492 QUEENS PARADE FITZROY NORTH VIC 3068	DRAWN	J.V.	CHECKED	G.C.	
ZONE	21002	DATE		SCALE		

**Attachment 1** Attachment 1 - PLN21/0984 - 492 Queens Parade Fitzroy North - VCAT (P1667/2022) - VCAT Amended Plans - Amended Architecture Drawings - Terminus Hotel



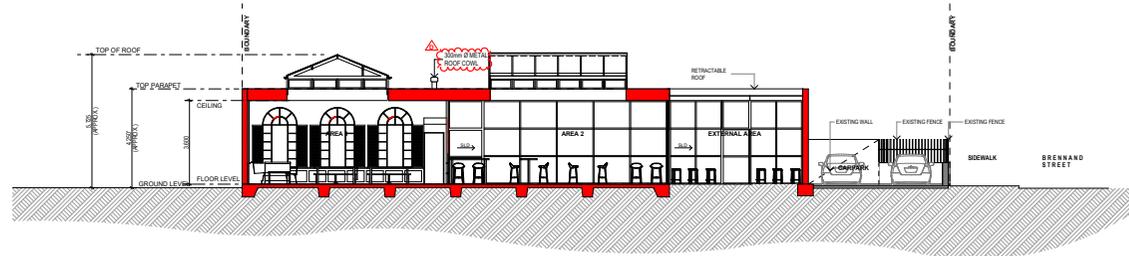
material legend	
TLG	Tinted laminated glass 6.38mm thick min
WB	White painted brickwork to match existing
RB	Red pressed brick to match existing
CL	Glass louvre
PB	Paint finish colour black
T	Timber

DATE	REVISION	DESCRIPTION	BY
20210401	A	IF-1 APPROVAL	JV
20210302	A	IF-2 APPROVAL	JV
20210202	B	IF-3 APPROVAL	JV
20210102	C	IF-4 APPROVAL	JV
20201201	D	VCAT AMENDMENT APPLICATION	JV

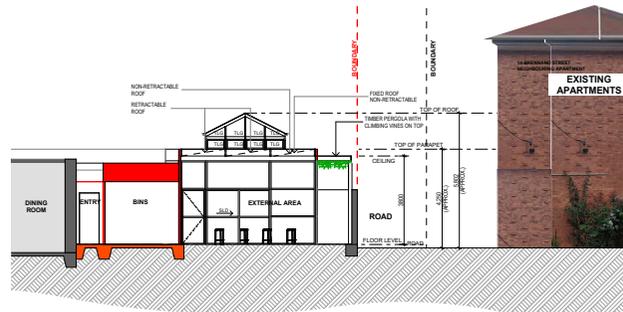

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 ARCHITECTS  
 100/101 QUEENS PARADE, FITZROY NORTH, VIC 3068  
 PH: (03) 9489 4444  
 WWW.BURTONANDCARTER.COM.AU

CLIENT	KICK GROUP	DATE	APRIL 2021	SCALE	1:100	
PROJECT	TERMINUS HOTEL 490-492 QUEENS PARADE FITZROY NORTH VIC 3068	DRAWN	J.V.	CHECKED	G.C.	
		DATE	21002			

**Attachment 1** Attachment 1 - PLN21/0984 - 492 Queens Parade Fitzroy North - VCAT (P1667/2022) - VCAT Amended Plans - Amended Architecture Drawings - Terminus Hotel



SECTION A:A  
1:100



SECTION B:B  
1:100

DATE	REVISION	APPROVALS	BY
15/01/2021	A	BP - ARCHITECTURE	BP
15/01/2021	B	BP - ARCHITECTURE	BP
15/01/2021	C	BP - ARCHITECTURE	BP
15/01/2021	D	VCAT ASSIGNMENT APPLICATION	BP

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Chris De Groot  
Managing Director  
0438 20 7000  
0438 20 7000  
0438 20 7000

Project Manager  
Architect  
Interior Designer  
Building Surveyor  
Building Inspector

CLIENT	KICKON GROUP	DATE	APRIL 2021	SCALE	1:100		
PROJECT	TERMINUS HOTEL 490-492 QUEENS PARADE FITZROY NORTH VIC 3068	DRAWN	J.V.	CHECKED	G.C.		
		ZONE	21002				

**Attachment 1** Attachment 1 - PLN21/0984 - 492 Queens Parade Fitzroy North - VCAT (P1667/2022) - VCAT Amended Plans - Amended Architecture Drawings - Terminus Hotel



PERSPECTIVE FROM BRENNAND STREET



INTERNAL PERSPECTIVE 1



INTERNAL PERSPECTIVE 2

DATE	REVISION	APPROVAL	BY
2021/04/01	A	JP BURTON	JP
2021/04/01	B	JP BURTON	JP
2021/04/01	C	JP BURTON	JP

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--	--

CLIENT	KICKON GROUP	DATE	APRIL 2021	SCALE	
PROJECT	TERMINUS HOTEL 490-492 QUEENS PARADE FITZROY NORTH VIC 3068	DRAWN	J.V.	CHECKED	G.C.
ZONE		DATE	21/002		

DATE
DRAWN
CHECKED
REVISION
C

**material legend**

TLG Tinted laminated glass 6.38mm min.



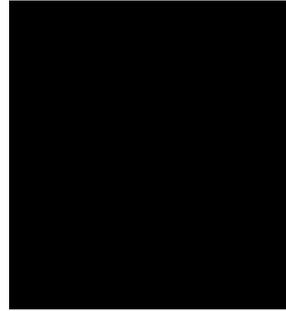
WR White painted brickwork to match existing



RB Red pressed brick to match existing



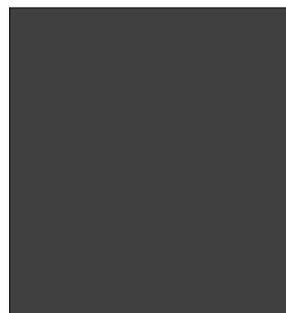
PB PAINT FINISH COLOUR BLACK



T TIMBER



EXTERNAL GATE AND ROLLER DOORS  
DULUX MONUMENT



DATE	REVISION	APPROVAL	BY
15/03/2021	A	SP - APPROVAL	JV
15/03/2021	B	SP - APPROVAL	JV
15/03/2021	C	SP - APPROVAL	JV
15/03/2021	D	SP - APPROVAL	JV
15/03/2021	E	SP - APPROVAL	JV
15/03/2021	F	SP - APPROVAL	JV
15/03/2021	G	SP - APPROVAL	JV
15/03/2021	H	SP - APPROVAL	JV
15/03/2021	I	SP - APPROVAL	JV
15/03/2021	J	SP - APPROVAL	JV
15/03/2021	K	SP - APPROVAL	JV
15/03/2021	L	SP - APPROVAL	JV
15/03/2021	M	SP - APPROVAL	JV
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15/03/2021	S	SP - APPROVAL	JV
15/03/2021	T	SP - APPROVAL	JV
15/03/2021	U	SP - APPROVAL	JV
15/03/2021	V	SP - APPROVAL	JV
15/03/2021	W	SP - APPROVAL	JV
15/03/2021	X	SP - APPROVAL	JV
15/03/2021	Y	SP - APPROVAL	JV
15/03/2021	Z	SP - APPROVAL	JV

Small text block containing project details and contact information.



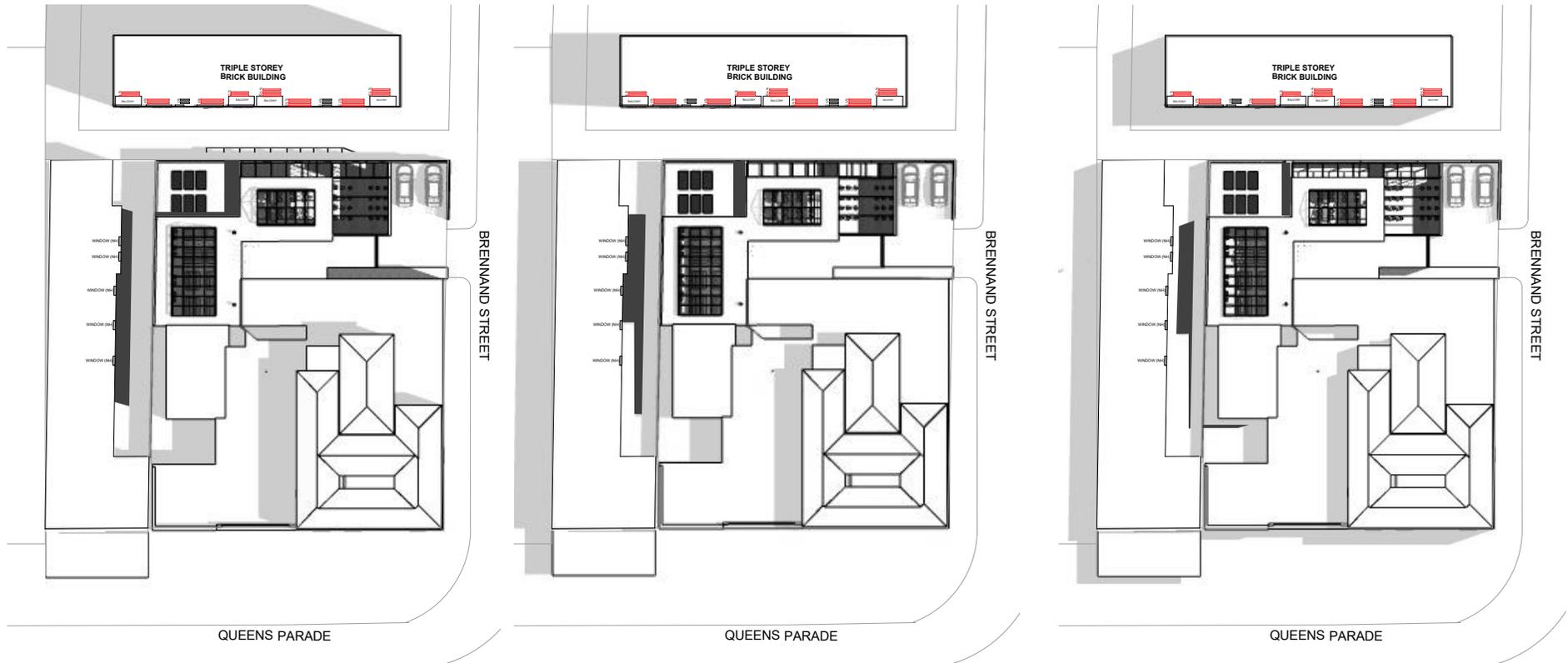
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 Email: info@burtonandcarter.com.au

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 PROJECT: TERMINUS HOTEL  
 490-492 QUEENS PARADE  
 FITZROY NORTH VIC 3068

DATE: APRIL 2021  
 SCALE: G.C.  
 21002



**Attachment 1** Attachment 1 - PLN21/0984 - 492 Queens Parade Fitzroy North - VCAT (P1667/2022) - VCAT Amended Plans - Amended Architecture Drawings - Terminus Hotel



**SHADOW DIAGRAM 9AM**  
1:200

**SHADOW DIAGRAM 10AM**  
1:200

**SHADOW DIAGRAM 11AM**  
1:200

- ADJOINING SITE NON- HABITAL WINDOWS
- ADJOINING SITE HABITAL WINDOWS
- PROPOSED SHADOWS
- EXISTING SHADOWS

DATE	REVISION	APPROVALS	BY
2021/04/01	A	SP - RESPONSE	SP
2021/04/01	B	SP - RESPONSE	SP
2021/04/01	C	SP - RESPONSE	SP

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A/CN 508 503 278

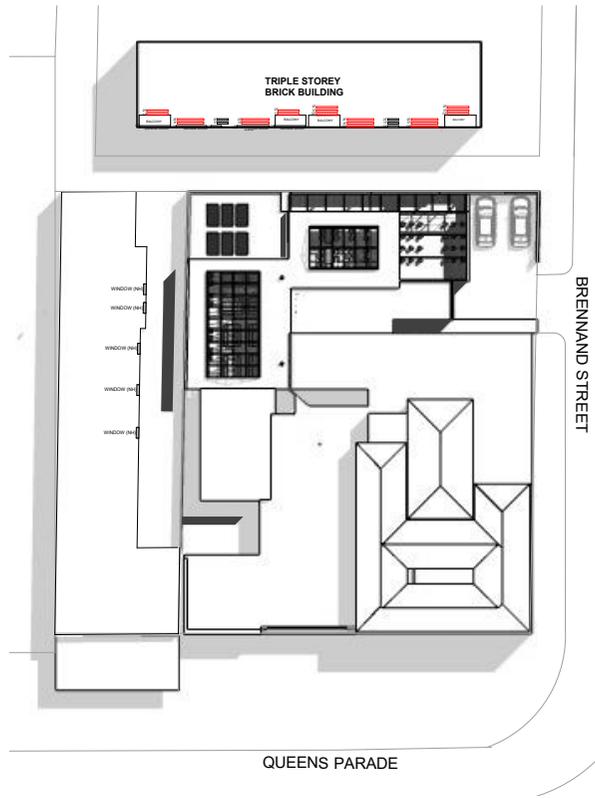
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Charlene M. Jones  
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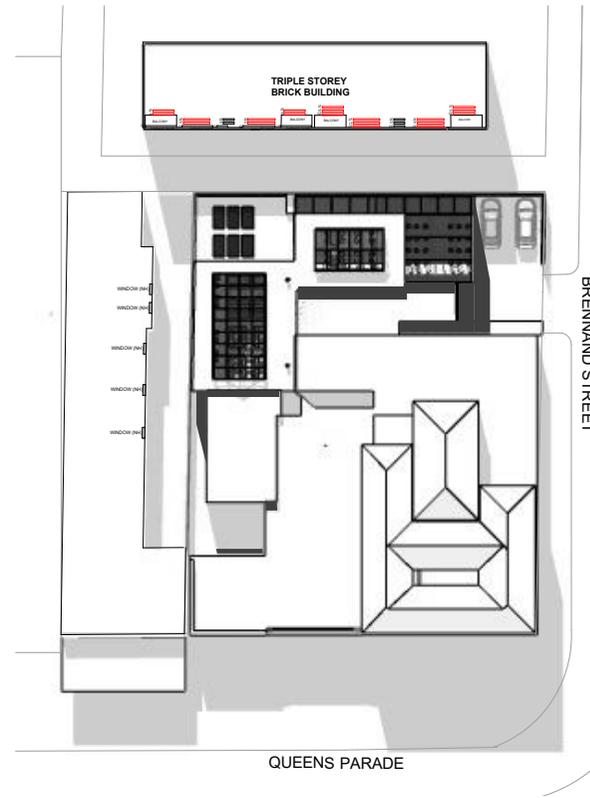
Project Manager  
and  
Interior Designer  
Building Practitioner  
Building Inspector

<b>CLIENT</b>	KICK GROUP	<b>DATE</b>	APRIL 2021	<b>SCALE</b>	1:500		
<b>PROJECT</b>	TERMINUS HOTEL 490-492 QUEENS PARADE FITZROY NORTH VIC 3068	<b>DRAWN</b>	J.V.	<b>CHECKED</b>	G.C.		
		<b>DATE</b>		<b>REVISION</b>	C		

**Attachment 1** Attachment 1 - PLN21/0984 - 492 Queens Parade Fitzroy North - VCAT (P1667/2022) - VCAT Amended Plans - Amended Architecture Drawings - Terminus Hotel



**SHADOW DIAGRAM 12PM**  
1:200



**SHADOW DIAGRAM 3PM**  
1:200

- ADJOINING SITE NON- HABITAL WINDOWS
- ADJOINING SITE HABITAL WINDOWS
- PROPOSED SHADOWS
- EXISTING SHADOWS

DATE	REVISION	APPROVALS	BY
15/03/2021	A	BP - APPROVED	BP
15/03/2021	B	BP - APPROVED	BP
15/03/2021	C	BP - APPROVED	BP

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PROJECT: TERMINUS HOTEL  
490-492 QUEENS PARADE  
FITZROY NORTH VIC 3068

CLIENT	KICKON GROUP	DATE	APRIL 2021	SCALE	1:500
DRAWN	J.V.	CHECKED	G.C.		
ZONE	21002				



## **Noise and Amenity Action Plan**

**Terminus Hotel  
492 Queens Parade  
FITZROY NORTH**

May 2023

PSHE926\_215653\_074

**INDEX**

- A. Introduction and application of the Noise and Amenity Action Plan
- B. Hotel description and details of the use
- C. Operational considerations
  - i. Complaints
  - ii. Management and dispersal of patrons
  - iii. Smoking
  - iv. Queuing
  - v. Movement and exit of patrons
  - vi. Music
  - vii. Waste
  - viii. Other measures

## **A. INTRODUCTION**

1. The purpose of this Noise and Amenity Action Plan (**NAAP**) is to ensure the appropriate management and operation of the Terminus Hotel (**the Hotel**), and to ensure that the Hotel does not unreasonably affect the amenity of the surrounding area.
2. This NAAP relates to the area of land which incorporates the subject land at 492 Queens Parade, Fitzroy North and the areas immediately surrounding the Hotel.
3. This NAAP applies to all employees, patrons and contractors in relation to the Hotel, and is operationalised through induction and monthly staff meetings. This NAAP is to be reviewed regularly, including after any incident and not less than annually with any changes to the operator's obligations under applicable legislation.
4. The matters and objectives set out in this NAAP will work and should be read in conjunction with the existing, or any future conditions or requirements set out planning permits or liquor licence for the Hotel.
5. A copy of the plan for the Hotel is found at **Attachment 1 (Operational Plan)**. The Operational Plan and Operational Table in section B clearly outlines all relevant operations matters and must be referred to by staff, as necessary, each day. A copy of the Operational Plan, and the Operational Table in section B will be displayed behind all bar and staff areas for easy reference by staff.

**B. HOTEL DESCRIPTION AND DETAILS OF USE**

1. The Hotel is located at 492 Queens Parade, Fitzroy North on the north-western corner of Queens Parade and Brennand Street with pedestrian access from Queens Parade and Brennand Street.
2. The Hotel is a two-storey building with internal dining areas, footpath trading and an outdoor area at the rear of the Hotel.
3. The surrounding uses on Queens Parade consist of commercial and food and drink premises to the south-west west, and residents to the north-west. An elevated train line (Mernda line) and Merri Creek parklands sit to the north of the Hotel.
4. The below Operational Table is a summary of conditions applicable to each area of the Hotel, and should be read in conjunction with the Operational Plan.

**Operational Table**

Area (*each area colour corresponds with the same colour area on the Operational Plan)	Hours	Music	Operational requirements	Patron capacity
Area 1	Sunday – 10am and 11pm Good Friday – 12noon and 11pm Anzac Day (not being Sunday) – 12noon and 1am On any other day – 7am and 1am	Live acoustic music to cease 11pm Monday to Saturday, and 10pm Sundays and Public Holidays  Background music to 1am  All music to be via a calibrated noise limiter		443 patrons overall (with no more than 30 patrons in the external area)
Area 2	Sunday – 10am and 11pm	Live acoustic music to	The automatic sliding	

	<p>Good Friday – 12noon and 11pm                  Anzac Day (not being Sunday) – 12noon and 1am                  On any other day – 7am and 1am</p>	<p>cease 11pm Monday to Saturday, and 10pm Sundays and Public Holidays</p> <p>Background music to 1am</p> <p>All music to be via a calibrated noise limiter</p>	<p>door between Area 2 and the external area must remain closed at all times (except for patron ingress and egress).</p> <p>The sliding doors to the pergola area must be closed at all times (not to be used by patrons).</p>	
Area 3	<p>Sunday – 10am and 11pm                  Good Friday – 12noon and 11pm                  Anzac Day (not being Sunday) – 12noon and 1am                  On any other day – 7am and 1am</p>	<p>Live acoustic music to cease 11pm Monday to Saturday, and 10pm Sundays and Public Holidays</p> <p>Background music to 1am</p>	<p>All louvres to be closed by 10pm</p>	
External area	<p>Sunday – 10am and 10pm                  Good Friday &amp; Anzac Day – 12noon and 10pm                  On any other day – 7am and 10pm</p>	<p>No music at any time</p>	<p>All operable doors must be closed after 10pm on all days, and when live acoustic music occurs.</p> <p>The automatic sliding door between Area 2 and the external area must remain closed at all times (except for patron ingress and egress).</p> <p>The sliding doors to the pergola area must be closed at all times (not to be used by patrons).</p>	
Remainder of the Hotel	<p>Sunday – 10am and 11pm                  Good Friday – 12noon and 11pm</p>			

	Anzac Day (not being Sunday) – 12noon and 1am On any other day – 7am and 1am			
Consumption off the Hotel	Sunday – 10am and 11pm Good Friday & Anzac Day – 12noon and 11pm Monday to Thursday – 7am and 11pm Friday & Saturday – 7am and 12 midnight		N/A	N/A

### **C. OPERATIONAL CONSIDERATIONS**

#### **i. Complaints**

- a. Management will take all complaints by neighbours seriously and will endeavour to respond to any concerns in a timely and positive manner.
- b. Any complaints from members of the public, Victoria Police, authorised officers of the City of Yarra or officers of the liquor licensing authority in relation to the Hotel's operations that cannot be resolved immediately are to be referred to Management for appropriate attention.
- c. Management shall ensure that any nearby resident is, on reasonable request, given the Manager's phone number.
- d. Any complaints must be recorded in an incident reporting system and all details logged including any action taken or to be taken. A daily review of the incident reporting system will be conducted by the nominee or Manager.
- e. Management of the Hotel must be available to assist any officer from the City of Yarra investigating a disturbance in an effort to rectify any problems arising from the use of the Hotel.

#### **ii. Management and dispersal of patrons**

- a. When the Hotel closes patrons will be required to leave the Hotel via the Queens Parade exit.
- b. Staff will take reasonable measures to ensure patrons disperse the Hotel in a quiet and orderly fashion.
- c. Staff shall monitor patron entry and egress to ensure the street is free from congestion.
- d. Staff will be familiar with transport options and will assist patrons where appropriate.

#### **iii. Smoking**

- a. In accordance with the *Tobacco Act 1987 (Vic)* smoking is not allowed in any outdoor area where food is available for consumption.
- b. Appropriate 'No Smoking' signage will be provided in all external areas at all times where food is available for consumption.
- c. Appropriate signage will be provided for designated smoking areas at all times in locations where food is not available for consumption.

**iv. Queuing**

- a. Management of the Hotel will maintain satisfactory and orderly queuing arrangements at the Queens Parade entrance to the Hotel, if required.
- b. Any queuing arrangement should utilise a defined section of the footpath along the building line and will maintain pedestrian access along the street frontage.

**v. Movement and exit of patrons**

- a. At 10pm patrons in the external area must leave this area. Given the internal patron capacity is consistent with the overall patron capacity of the Hotel, there will be no exceedance of the maximum patron capacity when patrons from this area re-enter the balance of the Hotel.
- b. When the Hotel closes patrons will be required to leave the Hotel via the Queens Parade exit.
- c. Staff shall monitor patron behaviour and patron capacities in both the internal and external areas to ensure that the area and the amenity of the neighbourhood is not disturbed.
- d. Appropriate signage as required by the *Liquor Control Reform Act 1998* and the liquor licence will be displayed at all times.
- e. Management will display signage at exits with words to the affect of "*Please respect our neighbours and leave the area quietly*".
- f. CCTV surveillance is installed both within the Hotel, including external areas and cover the access points to the Hotel.

- g. Security lighting is in place on the exterior frontages of the Hotel and is timed to turn off half an hour after the end of trade in addition to a street lights in the area operated by Council which remain on all night.

**vi. Music**

- a. Live acoustic music is authorised in Areas 1, 2 & 3, and must cease 11pm Monday to Saturday, and 10pm Sundays and Public Holidays.
- b. Background music is allowed in Areas, 1, 2 & 3 to 1am through a calibrated noise limiter.
- c. There is no music allowed in the external area.
- d. The sliding doors to the pergola area must be closed at all times and are not to be used by patrons.
- e. The doors separating Area 2 and the external area must remain closed at all times (except for patron entry and egress). This door must be closed with no access to the external area from 10pm.
- f. All louvres in Area 3 must be closed by 10pm.
- g. Music generated from the operation of the Hotel shall at all times comply with the standards set out in the *Environmental Protection Regulations* that apply to commercial premises, as amended from time to time.

**vii. Waste**

- a. Waste will be disposed of in appropriate recyclable bins.
- b. Waste will be deposited quietly in the appropriate bin/waste areas so not to cause effects to the amenity of the area.
- c. All efforts will be made to ensure that rubbish collection does not interrupt the amenity of the area.
- d. Emptying of bottles and cans into bins may only occur between 7am and 10pm on Monday to Saturday or after 9am on Sunday or a public holiday.

**viii. Other measures**

- a. Management, and staff where applicable, will ensure that:
  - i. The Hotel will at all times have regard to its neighbours in the surrounding area and use best practice to ensure that minimal disturbance is caused to those residents by the operation of the Hotel.
  - ii. If any disturbance arising as a result of the operation of the Hotel cannot be promptly controlled, the licensee shall call the police for assistance where appropriate.
  - iii. All staff at the Hotel engaged in the service of alcohol must have completed Responsible Service of Alcohol training prior to commencement of their first shift.
  - iv. Copies of RSA certificates, and completed RSA refresher courses, for all staff engaged in the serving of alcohol will be maintained on premises.
  - v. The Hotel acknowledges the importance of a food offering as a measure to reduce alcohol intake and to reduce the risks of harm associated with excessive consumption of alcohol. Food service will be available at all times the Hotel operates, and a food menu that advertises the availability of food will be available to patrons at all times alcohol may be consumed.
  - vi. All staff will have continual regard to the Operational Plan and Operational Table.

**ATTACHMENT 1 – OPERATIONAL PLAN**



# Planning Application

DAP Report



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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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Application Information			
Council Reference	PLN21/0984		
Application Received	22/12/2021		
Officer	Lara Fiscalini		
Delegate	Ally Huynh		
Address	492 Queens Pde, Fitzroy North VIC 3068		
Proposal	<p>Partial demolition, the construction of a ground floor extension to the existing hotel including an outdoor partially covered courtyard, increase in patron numbers (from 443 to 645) and modifications to the red line plan (additional floor area to operate until 10pm in courtyard area and 1am in enclosed areas), increase operating hours in existing internal courtyard from 11pm to 1am, provision for live acoustic music, installation of a promotion sign, deletion of seven (7) car parking spaces (retention of two spaces) and a reduction in the statutory car parking and bicycle facilities rates.</p>		
Ward	Nicholls		
Zone	NRZ1 - Neighbourhood Residential Zone - Schedule 1 C1Z - Commercial 1 Zone		
Overlay(s)	DCPO1 - Development Contributions Plan Overlay - Schedule 1 (Development Contributions Plan) HO330 - Heritage Overlay (HO330) Heritage Grade: Individually Significant		
Current Land Use	The Terminus Hotel		
Aboriginal Cultural Heritage Significance	Yes		
Submissions - Support	21	Submissions - Objections	43
Statutory Days	78 as of 22 November 2022		

Officer Recommendation	Refusal to Grant a Planning Permit
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## Planning Scheme Amendments

### Amendment C269

Amendment C269 proposes to update the local policies in the Yarra Planning Scheme by replacing the Municipal Strategic Statement (MSS) at Clause 21 and Local Planning Policies at Clause 22 with a Municipal Strategic Strategy and Local Policies within the Planning Policy Framework (PPF), consistent with the structure recently introduced by the State Government.

Amendment C269 was on public exhibition between 20 August 2020 and 4 December 2020 and proceeded to a panel hearing in October 2021. The Panel report was released on 18 January 2022. Council resolved on 19 April 2022 that having considered the Panel report, to submit the adopted Amendment to the Minister for Planning for approval.

The new clauses are largely reflected in current planning policy, which is generally not contradictory to the proposed re-write of Clauses 21 and 22. However, as this amendment is now a 'seriously entertained' planning proposal, a summary and brief assessment of the relevant policies to the proposal is provided in the table below.

Proposed C269 Local Policy reference	Brief Assessment
Clause 13.07-1L – Interfaces and Amenity & Licensed Premises	<p>The policy aspirations of this clause are addressed in detail under the Clause 22.09 assessment within this report. The updated policy requires consideration of the following;</p> <ul style="list-style-type: none"> <li>• Location and access;</li> <li>• Venue design;</li> <li>• Hours of operation;</li> <li>• Venue operations;</li> <li>• Patron numbers;</li> <li>• Noise</li> </ul> <p>These provisions are included within the current Clause 22.09.</p>
Clause 15.01-1L – Signs in a Heritage Overlay	<p>A full assessment of the proposed sign will be undertaken – the provisions within the updated policy are consistent with the existing provisions.</p>
Clause 15.01-2L – Building Design & Clause 15.03-1L - Heritage	<p>Built form and design is discussed extensively in the officer assessment below and concludes that the proposal exhibits acceptable building design and heritage outcomes, in accordance with the updated provisions.</p>
Clause 17.01-1L – Employment	<p>These provisions will be addressed within the 'use' section of the assessment.</p>
Clause 18.02-1L – Sustainable Transport	<p>The provision of bicycle facilities and reduction of car parking proposed will ensure this policy is met.</p>

Clause 18.02-4L – Car Parking	The proposal seeks a reduction of the car parking requirements to reduce reliance on private vehicle usage.
Clause 19.03-5L – Waste	Waste management is discussed in the assessment section.

## Aboriginal Cultural Heritage Significance

The site is within an area of Aboriginal Cultural Heritage sensitivity. The proposed activity is exempt from the requirement to prepare a Cultural Heritage Management Plan (CHMP) as works are proposed to an existing hard-stand and developed area of the site/existing hotel where significance ground disturbance has already occurred.

## Background

The following are matters of process that are relevant to this application:

### Planning History

The site has the following planning history

- Permit No. 2093 – issued 8 December 1992 to *erect an advertising sign (Floodlit major promotional sky sign, display area 43.52sqm);*
- PL03/0156 – issued 12 May 2003 for *painting of façade;*
- PL06/0813 – issued 27 December 2007 for *demolition of the rear outbuilding, construction of alterations and additions to the rear of the building to form an outdoor patron dining area and the reduction in the car parking requirement;*
- PL08/1011 – issued 16 December 2008 for *part demolition and minor buildings and works for the construction of new windows on the building façade and works to the south elevation;*
- PL08/0814 – issued 29 December 2008 to *develop the land for partial demolition works and to construct and carry out buildings and works to the existing building and to construct and carry out [buildings and works] for the installation of permanent umbrella structures on the footpath;*
- PL10/0201 – issued 28 January 2011 to *develop the land by carrying out works to create an additional beer garden, enclose the existing drive-thru to create a bar area, and other minor works, including partial demolition and the removal of the crossover at the Queens Parade frontage;*
  - An amendment to this permit was issued on 20 February 2012 to *remove the existing roller door to Queens Parade and replace with a new tilt door and pedestrian door;*
  - A further amendment was issued on 14 December 2012 to *amend the existing drive-thru to create a bar area, and other minor works, including partial demolition and the removal of the crossover at the Queens Parade frontage;*
- PL10/0484 – issued 3 September 2010 to *develop the land for the construction of a roof over the beer garden, an extension to the kitchen including partial demolition;*



dining areas (including one semi-enclosed outdoor beer garden), three bars, a kitchen and amenities on the ground floor and two function rooms, a kitchen, an office and three bedrooms on the first floor. There is also a submerged wine cellar and keg room. Entrances are provided from both the Queens Parade and Brennand Street interfaces.

The rear portion of the site, including the majority of the car parking spaces, has been used informally for outdoor dining during COVID. Temporary tent structures have been erected in this space; these are visible in Figure 3. The number of patrons and operating hours have not altered due to these operations; with the sale of alcohol continuing to be undertaken from within the existing red-line area. This use is authorised under Clause 52.18 of the Yarra Planning Scheme which provides exemptions from requirements applying to buildings and works and car parking due to COVID. These exemptions apply until 12 October 2023.

A major promotional electronic sign sits on the hotel roof, with a second, smaller business identification sign to the rear.

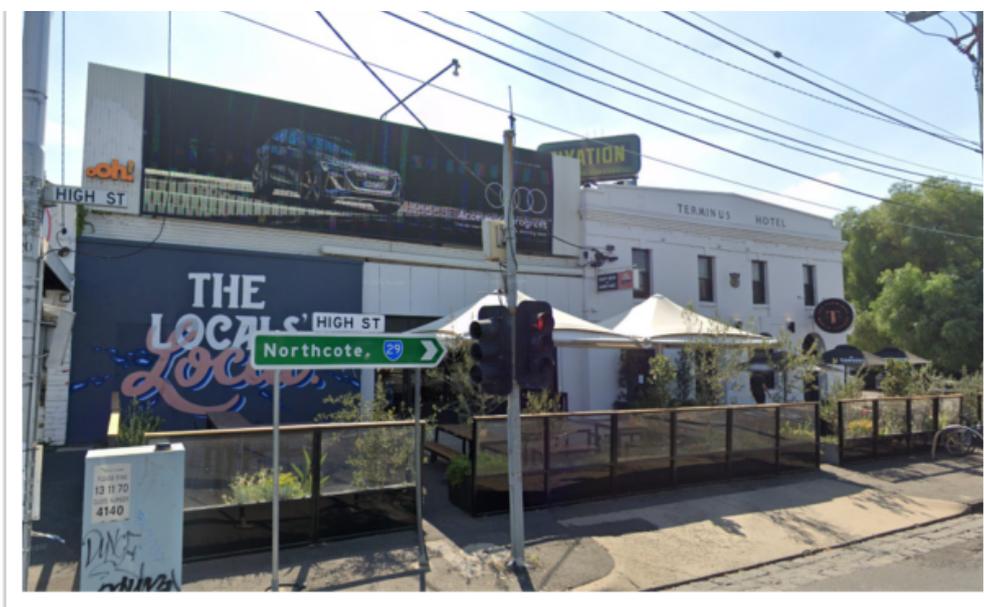


Figure 2: Building façade addressing Queens Parade



Figure 3: View from Brennand Street

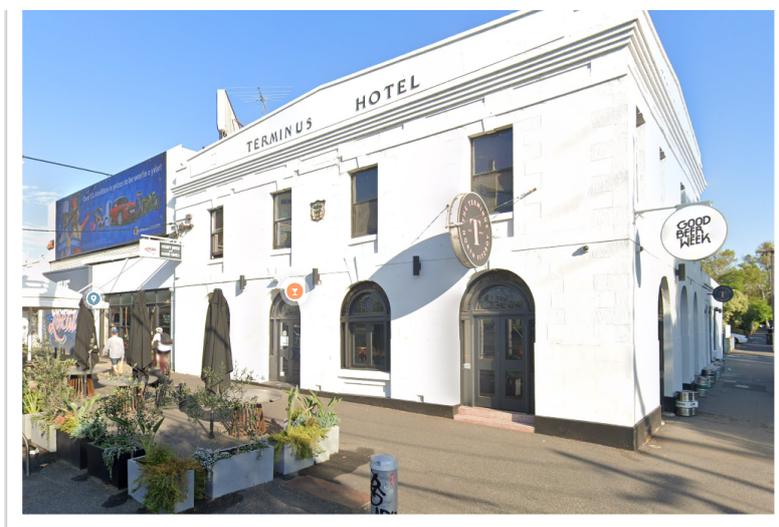


Figure 4: View from NE intersection

The premise has an existing General Licence (No. 31914511) which allows a maximum internal patron capacity of 443 patrons and external patron capacity of 40 patrons (footpath dining area along Queens Parade). The licence also allows the venue to sell liquor for consumption off the premises.

The current hours of operation are as follows;

Hours for the consumption of liquor on the premises are:

- Sunday – Between 10am and 11pm
- Good Friday – Between 12 noon and 11pm
- Anzac Day (not being Sunday) – Between 12 noon and 1am
- On any other day – Between 7am and 1am

Hours for the sale of liquor for consumption off the premises are:

- Sunday – Between 10am and 11pm
- Good Friday & Anzac Day – Between 12 noon and 11pm
- Monday to Thursday – Between 7am and 11pm

- Friday & Saturday – Between 7am and 12 midnight

#### Title

The site is formally known as Lots 1 and 2 on TP659141S. There are no easements or other restrictions registered on title.

#### Surrounding Land

The subject site is located just outside the north-eastern edge of the Queens Parade Neighbourhood Activity Centre (NAC) which extends south from the site along Queens Parade to Smith Street. Land use and built form along Queens Parade within the NAC is varied and includes the following;

- Detached dwellings, multi-storey residential developments, offices and commercial uses generally single to double-store in scale, public, educational and institutional buildings and VicTrack land with an elevated train line to the north.

Queens Parade is in a Transport Zone – Schedule 2 (TRZ2) and forms part of the Principal Public Transport Network (PPTN). A substantial area of parkland is within proximity to the site, with Merri Creek to the north.



**Figure 5: Site and surrounds**

The land is surrounded by a mixture of planning zones, as demonstrated in Figure 6.

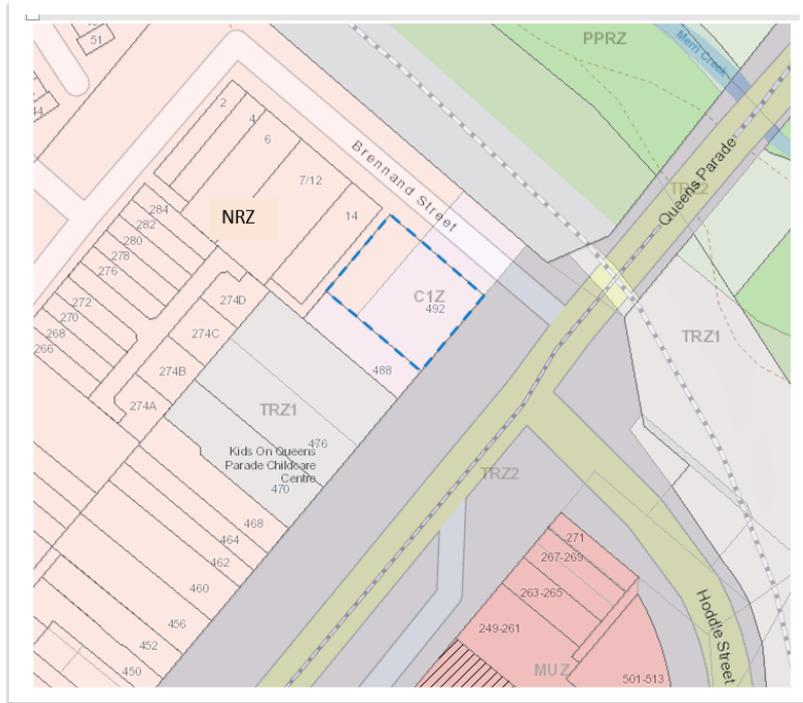


Figure 6: Surrounding zones

The immediate interfaces are outlined in detail;

*North*

Brennard Street extends along the northern boundary of the site, with an elevated train line (Mernda line) and Merri Creek parklands further north. Brennard Street is a two-way street which features parallel on-street car parking on each side. Additional car parking spaces are located directly opposite the hotel, on the northern side of Brennard Street.

*East*

Queens Parade extends along the eastern boundary. This is a major thoroughfare. Directly opposite the site on Queens Parade is Stop No. 25 (Clifton Hill Interchange) on tram route 86 (Waterfront City Docklands to Bundoora RMIT). Beyond the tram stop is the intersection of Queens Parade and Hoddle Street.

Land on the opposite side of Queens Parade is located within the Mixed Use Zone and contains a mixture of built form, including a multi-level residential development (Figure 7).



Figure 7: Land to the south-east

### *South*

The property to the south of the site at No. 486-488 Queens Parade contains a single storey commercial building, currently tenanted by a café and a florist. The building has a large canopy which projects over the Queens Parade footpath and is located within the Commercial 1 Zone. Further to the south is a childcare centre.

### *West*

A Council owned, unnamed laneway with a width of approximately 3m is located to the west of the site. The laneway acts as a buffer between the subject land and No. 14 Brennand Street, which contains a three-storey residential building comprising 10 dwellings on land located within the Neighbourhood Residential Zone - Schedule 1 (Figure 8). A number of balconies and windows address the subject site within all levels of this building. Residential uses extend further to the west along Brennand Street.

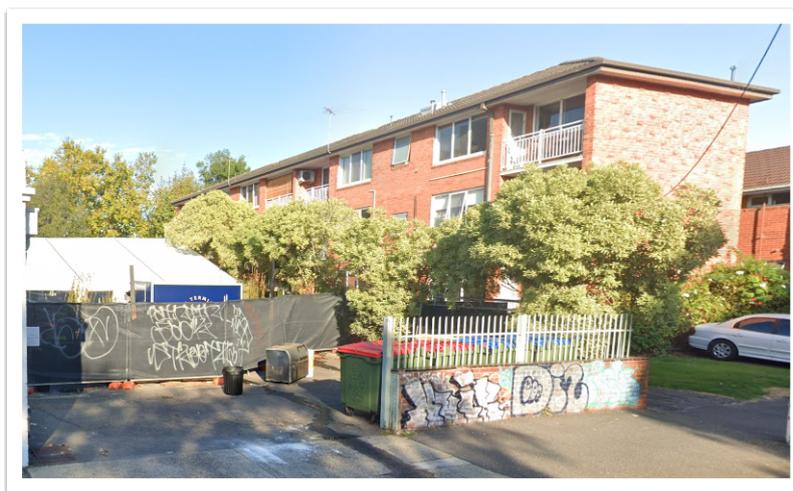


Figure 8: No. 14 Brennand Street



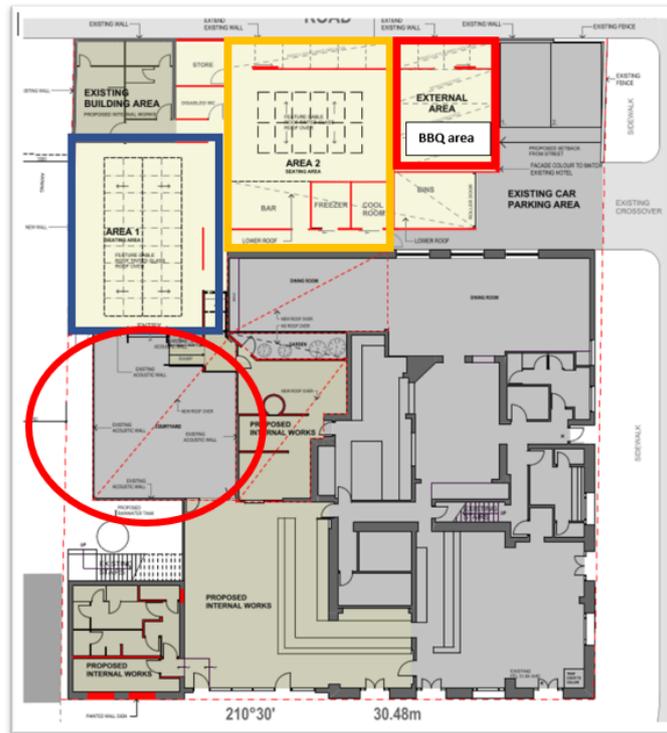


Figure 10: Proposed ground floor layout

Details of the three new areas are outlined below and demonstrated in Figure 10.

*Areas 1 & 2 (outlined in blue and yellow)*

- Both of these areas are fully enclosed with glass roof features;
- Operating hours until 1:00am, 7 days a week;
- Ancillary background music and/or entertainment, including live acoustic music with no drums or amplified music;

*BBQ area (outlined in red)*

- The BBQ area has a retractable roof and is separated from Area 2 by an automatic closing door.
- Operating hours until 10pm, 7 days a week.

*Existing 'beer garden' (circled in red)*

- The existing 'beer garden' is seeking to increase operating hours from 10pm until 1am.
- A new roof is proposed over this area.

**Development**

*Demolition*

- Minor demolition works including the removal of two façade windows in the south-east corner of the Queens Parade frontage (retrospective), rear sections of wall,

section of storage shed wall and internal demolition (no permit required for internal demolition works).

- Removal of 7 paved car parking spaces;
- Removal of 5 trees along the rear boundary;

*Building and works*

- A ground floor extension at the rear of the existing building, with part of the existing car parking area converted to indoor and outdoor seating areas;
- Increase in existing floor area from 937sqm (including ground, first-floor and cellar) to 1,221sqm;
- Three separate seating areas are proposed (Area 1, Area 2 & BBQ area) along with new amenities, storage rooms, bar, cool room and separate bin enclosure;
- The rear space will be enclosed by new sections of brick walls along the southern boundary and northern interface, ranging in height from 3m to 4.25m, with the existing brick wall along the rear (western) boundary and part of the southern boundary retained;
- Areas of pergola open to the sky will abut the western boundary; internal sliding doors will restrict access to this space when required;
- Areas 1 & 2 will have glass roofing, with a retractable roof above the BBQ space;
- Maximum height of new roof between 5.72m to 5.8m;
- The northern wall of the BBQ area will be set back 6.13m from Brennan Street;
- A roller door to the bin-storage area will provide access to waste vehicles within the side setback;
- New roofs are proposed over areas of the existing hotel;
- Addition of a 3,800L rainwater tank;
- 4 new bicycle hoops on the Queens Parade footpath, directly adjacent to existing 4 bicycle hoops.

*Advertising Sign (retrospective)*

- The application seeks retrospective approval for a 'business identification sign' on the eastern wall of the building (Figure 11).
- The sign is 11.25sqm in size and painted directly onto the ground floor wall.



Figure 11: Retrospective sign

## Yarra Planning Scheme Provisions

### Zoning

The subject site is located within two zones; Commercial 1 Zone (C1Z) and Neighbourhood Residential Zone – Schedule 1 (NRZ1). These are shown in Figure 12. The majority of the new works will occur within the NRZ at the rear of the land.

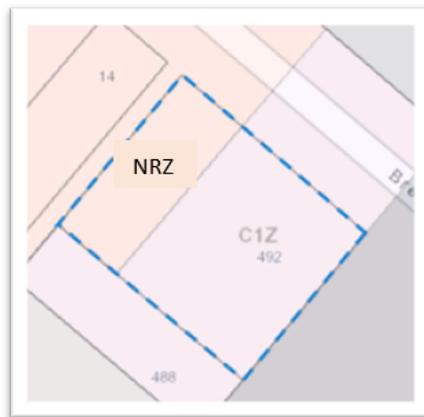


Figure 12: Zoning of land

The following provisions apply:

#### *Commercial 1 Zone*

- Pursuant to clause 34.01-4, a planning permit is required to construct a building or construct or carry out works;
- Pursuant to clause 34.0101, a planning permit is not required for the use of the land as a hotel;
- Pursuant to clause 34.01-9, advertising sign requirements are at Clause 52.05. This zone is in Category 1.

#### *Neighbourhood Residential Zone*

- Pursuant to clause 32.09-2, the use of the land as a hotel (nested under 'Food and Drink' premises at Clause 73.04-11 of the Scheme) is a 'Section 2 – Permit required use';
- Pursuant to clause 32.09-9, a planning permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.09-2.

### Overlays

The subject site is affected by the Heritage Overlay and the Development Contributions Plan Overlay - Schedule 1. The following provisions apply:

*Heritage Overlay (HO330 – Queens Parade Precinct, North Fitzroy/Clifton Hill)*

- Pursuant to clause 43.01-1, a planning permit is required for demolition, and to construct and carry out works. A permit is also required to construct and display a sign. External paint controls apply to this heritage precinct.

'City of Yarra Database of Heritage Areas, July 2020' (as saved in incorporated documents on the DELWP website Incorporated Documents (planning.vic.gov.au) identifies the site as having an 'individually significant' heritage grading.

*Development Contributions Plan Overlay - Schedule 1*

- Pursuant to Clause 45.06-1 a permit granted in the DCPO must;
  - Be consistent with the provisions of the relevant development contributions plan.
  - Include any conditions required to give effect to any contributions or levies imposed, conditions or requirements set out in the relevant schedule to this overlay.

A planning permit is not required for works under the overlay. However, if a permit was issued in accordance with other permit triggers, conditions would be added to the permit as follows;

- *Prior to the commencement of the development, the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan; or the Owner must enter into an agreement with Yarra City Council to pay the Development Infrastructure Levy within a time specified in the agreement.*

## Relevant Particular Provisions

### Clause 52.05 – Signs

Pursuant to clause 73.02, a business identification sign is 'a sign that provides business identification information about a business or industry on the land where it is displayed. The information may include the name of the business or building, the street number of the business premises, the nature of the business, a business logo or other business identification information'. The sign contains information about the business, with 'the locals' local' an identifying factor for the hotel.

Pursuant to clause 52.05-11, the sign is within 'Category 1 – Commercial areas', where a planning permit is required for the business identification sign as the overall sign area exceeds 8sqm.

### Clause 52.06 – Car Parking

Pursuant to Clause 52.06-2, before the floor area of an existing use is increased, the required car parking spaces must be provided on the land. In this instance, as the site is located within the PPTN, the rates outlined in 'Column B' apply.

In this instance, the floor area of the hotel would increase from 937sqm to 1,221sqm; an increase of 284sqm. The following table identifies the car parking requirement under Clause 52.06-5.

Use	Statutory (Requirement)	Requirement (based on increased floor area of 284sqm)	Proposed provision	Reduction required
Hotel	3.5 spaces to each 100sqm of leasable floor area	9 spaces	2 spaces	7 spaces being removed 9 spaces required under Clause 52.06 Total 16 space reduction

Pursuant to Clause 52.06-3 of the Scheme, a permit is required to reduce 16 car parking spaces.

#### Clause 52.27 – Licensed premises

Pursuant to Clause 52.27, a planning permit is required to increase the number of patrons and the floor area within which liquor can be consumed or supplied under the existing liquor license.

#### Clause 52.34 - Bicycle facilities

Pursuant to Clause 52.34-1 of the Scheme, the floor area of an existing use must not be increased until the required bicycle facilities and associated signage are provided on the land.

The following table identifies the bicycle parking requirements under Clause 52.34-3 of the Scheme, the provision of bicycle parking on site, and the subsequent reduction below the statutory requirement that is being sought:

Proposed Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
Hotel	284sqm of bar floor area	1 employee space to each 25 sqm of bar floor area available to the public, plus 1 employee space to each 100 sqm of lounge floor area available to the public	3 employee spaces	0 employee 8 existing visitor spaces (off-site) 8 new visitor spaces (off-site)
	284sqm of lounge floor area		3 visitor spaces.	

<b>Bicycle Parking Spaces Total</b>		<b>3 resident / employee spaces</b>	<b>0 employee spaces</b>
		<b>3 visitor spaces</b>	<b>16 visitor spaces (off-site)</b>
<b>Showers / Change rooms</b>	1 to the first 5 employee spaces and 1 to each additional 10 employee spaces	<b>0 showers / change rooms</b>	<b>0 showers / change rooms</b>

The development provides a total of 3 fewer employee spaces and 13 additional visitor spaces above the requirements of the Scheme, however it is noted that all visitor spaces are proposed on the Queens Parade footpath, with no on-site spaces proposed.

Clause 52.34-2 of the Scheme states that a permit may be granted to reduce or waive this requirement. Clause 52.34-5 of the Scheme contains bicycle signage requirements.

### Clause 53.06 – Live Music Entertainment Venues

The purpose of this clause is;

- *To recognise that live music is an important part of the State’s culture and economy.*
- *To encourage the retention of existing and the development of new live music entertainment venues.*
- *To protect live music entertainment venues from the encroachment of noise sensitive residential uses.*
- *To ensure that noise sensitive residential uses are satisfactorily protected from unreasonable levels of live music and entertainment noise.*
- *To ensure that the primary responsibility for noise attenuation rests with the agent of change.*

Pursuant to clause 53.06-1, these provisions apply to an application required under any zone of this scheme to use land for, or to construct a building or construct or carry out works associated with (where relevant):

- A live music entertainment venue.

Pursuant to clause 53.06-3, a live music entertainment venue must be designed, constructed and managed to minimise noise emissions from the premises and provide acoustic attenuation measures that would protect a noise sensitive residential use within 50 metres of the venue.

### Clause 53.18 – Stormwater Management in Urban Development

This clause applies to an application under a provision of a zone to construct a building or construct or carry out works. An application to construct a building or to construct or carry out works:

- (a) Must meet all of the objectives of *Clauses 53.18-5 and 53.18-6.*
- (b) Should meet all of the standards of *Clauses 53.18-5 and 53.18-6.*

### General Provisions

Clause 65 – Decision guidelines

## Planning Policy Framework (PPF)

Relevant clauses are as follows:

- Clause 13.05 – Noise
  - Clause 13.05-1S – Noise abatement
- Clause 13.07 – Amenity and Safety
  - Clause 13.07-1S – Land Use compatibility
- Clause 15 – Built Environment and Heritage:
  - Clause 15.01 – Built Environment
  - Clause 15.01-1S – Urban Design
  - Clause 15.01-1R – Urban Design-Metropolitan Melbourne
  - Clause 15.01-2S – Building Design
  - Clause 15.01-5S – Neighbourhood Character
  - Clause 15.02 – Sustainable Development
  - Clause 15.02-1S – Energy and resource efficiency
  - Clause 15.03 – Heritage
  - Clause 15.03-1S – Heritage conservation
- Clause 17.01 – Employment
- Clause 17.02 – Commercial
- Clause 18.01 – Integrated transport
- Clause 18.02 – Movement networks

## Local Planning Policy Framework (LPPF)

### Municipal Strategic Statement (MSS)

Relevant clauses are as follows:

- Clause 21.04-2 - Activity centres
- Clause 21.04-3 – Industry, office and commercial
- Clause 21.05 – Built form
  - Clause 21.05-1 – Heritage
  - Clause 21.05-2 – Urban design
  - Clause 21.05-3 – Built form character
- Clause 21.06 – Transport
- Clause 21.08 – 8 – North Fitzroy

### Local Policies

The following local policies of the Scheme are relevant:

- Clause 22.02 – Development Guidelines for Sites Subject to the Heritage Overlay
- Clause 22.05 – Interface Uses Policy
- Clause 22.07 – Development Abutting laneways
- Clause 22.09 – Licensed premises
- Clause 22.16 – Stormwater Management (Water Sensitive Urban Design)
- Clause 22.17 – Environmentally Sustainable Development

## Advertising

The application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by letters sent to surrounding owners and occupiers and by three signs displayed on site.

Council received 43 objections, with the following grounds raised;

- Increased off-site amenity impacts, with particular regard to noise, on surrounding residential sites;
- Increased pressure on car parking resources within the immediate area.

Council received 21 letters of support, with these letters noting that the hotel provides excellent support to the community, with particular reference to community sporting clubs.

## Referrals

### Internal Referrals

The application was referred to the following internal departments and external consultants, with recommendations contained below:

#### Traffic Engineering

[D22/257050 - PLN21/0984 - 492 Queens Parade, Fitzroy North - Development Engineering](#)

#### Social Planning

[D22/289895 - IREF22 01351 - Internal Referral Response - Social Planning](#)

#### Community Amenity/Compliance

[D22/251123 - PLN21/0984 - 492 Queens Parade, Fitzroy North - Compliance referral comments](#)

#### City Works

[D22/272436 - PLN21/0984 - 492 Queens Parade, Fitzroy North - Waste referral comments](#)

#### ESD

[D22/255790 - PLN21/0984 - 492 Queens Parade, Fitzroy North - ESD referral comments](#)

#### Heritage

[D22/262009 - PLN21/0984 - 492 Queens Parade, Fitzroy North - Heritage](#)

#### Strategic Transport

[D22/260486 - PLN21/0984 - 492 Queens Parade, Fitzroy North - Strategic Transport](#)  
[D22/260944 - PLN21/0984 - 492 Queens Parade, Fitzroy North - Bicycle hoop costs from ST](#)

#### External Consultants

##### Acoustic Consultant (SLR Consultants)

[D22/273581 - PLN21/0984 - 492 Queens Parade, Fitzroy North - peer review of acoustic report](#)

## External Referrals

The application was not required to be referred to any external authorities under the provisions of the Scheme.

## Assessment

The considerations for this application are as follows:

- Use;
- Sale and Consumption of Liquor;
- Building and works;
- Advertising Sign;
- ESD;
- Car parking, bicycle parking, traffic, loading and waste; and
- Objector concerns.

### Use

The Yarra Planning Scheme (the Scheme) provides strategic support for the ongoing use of the site as a hotel, with Clause 17.02-1S - Employment seeking to encourage development that meets the community's needs for retail, entertainment, office and other commercial services. The site sits just outside the Queens Parade Neighbourhood Activity Centre (NAC), with Clause 11.03-1S aiming to encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community. Strategies aim to provide activity centres that deliver a focus for business, shopping, working, leisure and community facilities, are connected by transport and maximise choices in services, employment and social interaction. The hotel has provided a social connection to the community for many years and is located in an accessible location that has good integration with existing transport networks.

On this basis, the benefits of the existing use and location of the hotel are acknowledged. However, the expanded scale of the use being sought, which incorporates increased hours of operation, increased floor area and a significant increase in patron numbers, must be balanced to ensure that off-site amenity impacts are adequately managed. The surrounding context of the land is mixed, with a significant area to the west located within residentially zoned land. This, and the residential zoning that affects the rear of the subject site, places constraints on the intensification of this use. Further to this, the intensified use of the hotel is intrinsically linked to the sale and consumption of liquor. These factors cannot be considered in isolation.

Clause 22.05-1 of the Scheme identifies that there is a need to support commercial uses and ensure they are well managed with regard to amenity impacts and their proximity to residential uses. The policy includes various considerations for non-residential uses located near residential properties, with decision guidelines (relevantly) relating to noise, light spill, loading and unloading, rubbish removal and storage and other operational disturbances that may cause detriment to the amenity of nearby residential sites. Clause 13.05-1S of the Scheme aims to manage noise effects on sensitive land uses by ensuring that development is not prejudiced, and community amenity and human health is not adversely impacted by noise emissions, with a relevant strategy at Clause 13.07-1S to ensure that use or development of land is compatible with adjoining and nearby land uses.

The majority of the new section of hotel would be located within the NRZ. Clause 22.01 provides guidance on discretionary uses in the residential zone, with the objective at Clause 22.01-2 to ensure that residential amenity is not adversely affected by non-residential uses. This is achieved via the following policy;

- *Existing buildings constructed for non-residential purposes are the preferred location for non-residential uses;*
- *Food and drink premises, places of assembly, places of worship and plant nurseries should have access to and adjoin a road in a Road Zone;*
- *Except on land adjoining and gaining direct access from a road in a Road Zone:*
  - *all required car parking should be on-site.*
  - *the scale of the proposed use should be compatible with providing service to the local residential community.*
- *Hours of operation should be limited to 8am to 8pm except for convenience shop.*
- *New buildings and works should be consistent with the scale, bulk and character of the area.*
- *Noise emissions should be compatible with a residential environment*

Whilst a number of the above provisions are met, the proposed hours, which range from 10pm to 1am, do not meet the expectations outlined above. It is also not clear whether the noise emissions generated by the increased density of the use would be compatible with the adjacent residential environment. This aspect will be explored in depth later within this report.

Given the length of time the hotel has continuously operated on the site, the hotel benefits from 'existing use rights', with these rights extending to the area seeking expansion within the residentially zoned land. Clause 63.05 notes that a use in Section 2 or 3 of a zone for which an existing use right is established may continue provided:

- *No building or works are constructed or carried out without a permit. A permit must not be granted unless the building or works complies with any other building or works requirement in this scheme.*
- *Any condition or restriction to which the use was subject continues to be met. This includes any implied restriction on the extent of the land subject to the existing use right or the extent of activities within the use.*
- *The amenity of the area is not damaged or further damaged by a change in the activities beyond the limited purpose of the use preserved by the existing use right.*

The demolition of two façade windows and the construction of the sign on the hotel façade have been undertaken without planning permission. The extent of activities within the existing hotel would increase under the proposal, and the increased hours and patron numbers have the potential to further damage the amenity of the area by a change in the activities beyond the limited purpose of the use preserved by the existing use right.

Given the primary use of the hotel is associated with the sale and consumption of liquor, it is essential for this aspect to be fully considered prior to ascertaining whether the expanded use of the premises results in a reasonable outcome. However, based on the discussion above, it is considered likely that the intensification of the current use will result in increased off-site amenity impacts, particularly within the adjacent residential land.

### Sale and Consumption of Liquor

Clause 22.09 guides the assessment of licensed premises within the City of Yarra and by extension, the decision guidelines of Clause 52.27. The key objectives of Clause 22.09 are:

- *To protect the amenity of nearby properties and areas by effectively managing the location, size, operation and hours of licensed premises.*
- *To encourage best practice venue design and venue operation for licensed premises.*
- *To protect residential and other commercial uses from excess noise, traffic and car parking issues.*
- *To provide for daytime trade and active street frontages in retail strips, while providing reasonable commercial opportunities for the trading of licensed premises*

The proposed application seeks to increase the density of scale of the existing licensed premise, and thereby requires a permit under Clause 52.27 of the Scheme based on a proposed increase in patron numbers, floor area and hours of operation. The purpose of this provision is to ensure that licensed premises are situated in appropriate locations, and that the impact of the licensed premises on the amenity of the surrounding area is considered.

The above considerations are contained in Council's local licensed premises policy at Cause 22.09, which will be discussed in turn. In addition to this, it is necessary to give consideration to potential cumulative impacts associated with the new liquor licence. The "Corner Hotel" decision (*Swancom Pty Ltd T/as Corner Hotel v Yarra City Council & Ors*) provides a potential assessment methodology for considering applications that may result in a cumulative impact. The decision also acknowledges that depending on the nature of the use, the required level of assessment will vary.

Applying the matrix of risk below, a reasonable consideration would suggest that a score of 1-3 would be no risk, but that a score higher than 3 would be a potential risk and require a cumulative impact assessment.

Type of Premise	Risk Factor
Café / Restaurant	0
Bar / Restaurant / Café	1
Bar	3
<b>Hotel / Tavern</b>	<b>3</b>
Night Club	3
Place of Assembly	2
Size of Premise	Risk Factor
0 – 49 patrons	0
50 – 99 patrons	1
100 – 199 patrons	2
<b>200+</b>	<b>3</b>
Closing hours	Risk factor
11pm	0
12am	1
<b>1am</b>	<b>2</b>

2am	3
3am	3
After 3am	4

The proposed extension to the existing hotel achieves a score of 8 and therefore would require a cumulative impact assessment. It is noted that such an assessment was not provided with the application material. An assessment against the provisions of Clause 22.09 is provided below.

*Location and Access*

Clause 22.09-3 of the Scheme states that licensed premises should be located where;

- *The land is not zoned Residential (excluding the Mixed Use Zone).*
- *Potential amenity impacts from (but not limited to) patron noise, ingress and egress of patrons, queuing of patrons, smoking areas for patrons, and dispersal of patrons from the site can be appropriately managed or buffered.*
- *There is opportunity for a high level of public safety and surveillance of patrons as they enter and leave the premises.*
- *The premises would not result in an unreasonable cumulative impact on the amenity of the surrounding area.*

Further to the above, this provision notes that licensed premises with a capacity of more than 200 patrons should locate in the following Core Entertainment Precincts (defined by the Commercial 1 Zone (C1Z) and limited to properties fronting (and with pedestrian access) from the listed main streets.):

- Swan Street west of Church Street;
- Bridge Road west of Burnley Street;
- Victoria Street west of Burnley Street;
- Smith Street between Gertrude Street and Alexandra Parade;
- Brunswick Street between Gertrude Street and Alexandra Parade.

The Core Entertainment Precincts (CEP) are defined by their existing character and their capacity to accommodate future large, licensed venues with supporting infrastructure and services in the activity centres. Whilst the site is located within proximity to a NAC and is partly within the C1Z, it is not within a CEP. The land in which the hotel seeks to expand is within a residential zone, with residential uses directly to the west of the site.

As noted in Council’s Social Planning comments; *‘typically, according to clause 22.09, any licensed premises within 30 metres of a residential area should not provide for the consumption and sale of liquor beyond 11pm, and any licenced premises in a residential zone should not provide for the sale and consumption of liquor beyond 8pm. The existing permit and liquor licence is beyond both points’.*

In addition to currently operating beyond the hours recommended by local policy, the venue already operates with a capacity greater than 200 patrons, with a licence allowing a maximum of 443 patrons within the premises. The amendment seeks to increase this number by almost 50%, or 202 patrons. This would result in an overall patronage three times greater (645 patrons) than venues recommended within CEPs.

Given the current exceedances of operating hours and patron numbers, it is necessary to consider whether it is appropriate to further exceed these parameters. This outcome is dictated by the location of the venue, and the potential for additional impacts from these

changes to cause detriment to surrounding sites. As noted, the direct interface to the west contains a triple-storey apartment building, with balconies and windows addressing the subject site. The 3m laneway between the sites provides limited separation between the uses.

It is acknowledged that whilst noise complaints have been received by Council's Enforcement team in the past, investigations of the complaints determined no formal permit or noise breaches had occurred. However, given the sensitive interface with the site, it is not considered that a further increase in operating hours, floor area and patron numbers would result in an orderly planning outcome. There is limited, if any, local or state-wide policy to support these factors, with the location of the hotel considered to place a level of constraint on the proposal that deems it unsupportable. It is considered that the proposed extension to the liquor licence and the associated intensification of the use has the potential to result in unreasonable amenity impacts. This will be discussed in further detail throughout this report, however on this ground alone, the amendment is not supported.

#### *Venue design*

The venue would increase substantially in size, with new areas accommodated at the rear of the land. Whilst part of the new floor area would be roofed, an external area with a retractable roof is proposed directly adjacent to the rear boundary. This section is proposed to operate until 10pm each day. There will be minimal changes to the layout and interfaces of the existing hotel addressing both streets.

This ensures that the primary entry/exits will be retained on Queens Parade, with a secondary entrance on Brennand Street. The windows and entry points provide opportunities for informal and passive surveillance of the street environment and ensure that the areas for queuing of patrons are located away from sensitive land uses.

Waste management and storage is provided on-site, within separate fully enclosed areas.

#### *Hours of Operation*

The venue currently operates until 1am throughout the week, and 11pm on Sundays. The existing 'beer garden' also closes at 11pm, with this amendment seeking to increase the hours of this area until 1am.

Clause 22.09-3 states that an assessment of the impact of the hours of operation on the amenity of nearby properties and the surrounding area must consider the following aspects:

- *The proposed use and licence type.*
- *The zoning of surrounding land.*
- *The location of the premises, location of car parking and availability of public transport, taxi ranks and ride sharing.*
- *The nature of surrounding uses and hours of operation.*
- *Potential noise emissions from the premises.*
- *The impact of patrons arriving and leaving the premises, including:*
  - *for venues operating after 10pm, whether access from the licensed premises to public transport is likely to be through a residential area; and*
  - *any cumulative impact on the amenity of the area.*

The venue seeks to extend its existing ‘General licence’ to encompass the new floor areas, with the majority of the new section of venue located within residentially zoned land. Clause 22.09-3 provides the following relevant guidance with particular regard to operating hours;

- *Licensed premises in a Residential zone (other than a Mixed Use Zone) should not provide for the sale and consumption of liquor beyond 8pm, unless the responsible authority is satisfied that it will not adversely affect the amenity of the area.*
- *For outdoor areas, including smoking areas, rooftops and open courtyards, the sale and consumption of liquor should not occur after 10pm, unless the responsible authority is satisfied that it will not adversely affect the amenity of the area.*
- *Licensed premises within 30 metres of a residential zone should not provide for the sale and consumption of liquor beyond 11pm, unless the responsible authority is satisfied that it will not adversely affect the amenity of the area.*

Whilst the proposed 10pm close of the outdoor BBQ area is in line with part of this policy, the decision guidelines specify an 8pm close for all land within a residential zone. This includes the remaining section of proposed floor area (within Areas 1 & 2). Whilst there is potential for amenity impacts within the roofed areas to be managed appropriately to allow operation beyond this time, it is not considered that a 1am close for any parts of the venue within such proximity to sensitive uses is an appropriate outcome. This view is shared by Council’s Social Planner, who noted, ‘it is not supported that the BBQ area be open until 10pm at night’ and ‘it is not supported for the new areas (1 & 2), to be open until 1am the following day’.

The hotel has good access to public transport options, however the route to access the closest train station is via residential land. The dispersal of patrons will be discussed later within this report.

*Patron numbers*

The patron numbers are proposed to be a maximum of 645 patrons internally, including the outdoor BBQ area. In accordance with Clause 22.09, an assessment of the maximum number of patrons that can be physically accommodated within a venue should be based on the VCGLR *Maximum Patron Capacity*. The maximum number of patrons that may be accommodated on the premises could be based on a ratio of 0.75 square metres per person, as per the *Victorian Commission for Gambling and Liquor Regulation (2018) Liquor Licensing Fact Sheet - Maximum Patron Capacity*. Based on this guideline the following table sets out a maximum number of patrons per tenancy:

Area	Floor area	Proposed no. of patrons	Allowable max. no. of patrons
Ground Floor (including outdoor BBQ area with 30 patrons)	937m2	645	937/0.75 = 1249
TOTAL			1249

Whilst the expanded floor area of the hotel may be able to comfortably accommodate the increased number of patrons, this does not mean that it is appropriate to do so. This provision also notes that the number of patrons should reflect the strategic and physical

context of the site and will not adversely affect the amenity of nearby properties and the surrounding area, including by any unreasonable cumulative impacts.

As previously outlined, the site is not located within an area that has strategic support for the provision of large-scale entertainment venues. The existing hotel already operates with a significant patronage; given the sensitive interfaces with the site, it is not considered reasonable to further increase this number.

### *Noise*

The objective of Clause 13.05-1S is to assist the management of noise effects on sensitive land uses by ensuring that community amenity and human health is not adversely impacted by noise emissions, with Clause 13.07-1S aiming to protect community amenity, human health and safety while facilitating appropriate commercial uses with potential adverse off-site impacts. Strategies to achieve these outcomes aim to ensure that use or development of land is compatible with adjoining and nearby land uses and to avoid or minimise adverse off-site impacts from commercial uses through land use separation, siting, building design and operational measures.

The proposal seeks to allow the provision of live acoustic and recorded background music in the new indoor areas and the existing 'beer garden'. An Acoustic Report, prepared by Enfield Acoustics (Enfield), was submitted with the application. This report provided guidance on potential noise impacts generated by live music, along with noise emissions from the increase in patron numbers. The report was reviewed on behalf of Council by SLR Consultants (SLR), with these aspects discussed in detail below.

With regards to the type of live music proposed, the Enfield report states that "no drums, percussions or bass is permitted during live acoustic performances". SLR interpret 'acoustic' performances to not include any form of amplification – including for vocals or a guitar, however this is not explicitly outlined in the acoustic report. This aspect would require clarification if any future permit was issued for the site.

### *Live Music*

The purpose of Clause 53.06 – Live Music Entertainment Venues is to ensure that noise sensitive residential uses are satisfactorily protected from unreasonable levels of live music and entertainment noise, and to ensure that the primary responsibility for noise attenuation rests with the agent of change. In this instance the hotel would be the agent of change.

Strategies to manage the provision of live music are outlined in Clause 13.07-3S, which seeks to identify areas where live music venues are encouraged or where there are high concentrations of licensed premises or clusters of live music venues, and to implement measures to ensure live music venues can co-exist with nearby residential and other noise sensitive land uses. In this instance, the venue is not in a location where live music venues are encouraged, with the hotel being the only venue of this nature within the surrounding area.

In their review, Enfield determined that the most affected sensitive receivers within proximity to the hotel are the upper storey windows and balconies of two apartment buildings to the northwest of the site (14 Brennand Street directly to the west and 274D McKean Street, a two-storey building located approximately 20m from the site boundary).

Whilst SLR agreed with this aspect, they noted that further details in relation to the measurement position should be provided; including microphone height and distance from any reflective surfaces, preferably in the form of photographs. If the noise levels are affected by reflections or other factors, this may have flow-on effects for the assessment (particularly the patron noise assessment).

The Acoustic report outlines mitigation measures that are recommended for the areas in which live music is proposed; these include the glazing construction, roof construction, absorptive panels, an automatic closer for the swing door and the requirement for the sliding door to the outdoor pergola area to remain closed at all times. The report also recommends that a music noise limiter be installed and calibrated to meet the EPA Protocol noise limits.

Based on predicted noise levels outlined in the report, the live music is predicted to comply with the 47 dBA noise limit for the period until 10 pm, by a margin of 6dB. Based on the significant margin of compliance, the report states that live music is also expected to comply up until 11 pm on Monday to Saturday. For the night period, recorded music is predicted to comply with the noise limit by a minimum margin of 3dB.

Whilst compliance appears to be achieved, SLR note that it is not clear whether the levels were based on the operable roof of the BBQ area being open or closed. To ensure these measurements are correct, it would be necessary to confirm this detail, and if the measurements are based on the roof being closed, then this would have to occur whenever music is played in this area. It is therefore not clear whether full compliance is achieved under the circumstances in which the venue seeks to operate.

#### *Patron noise*

With regards to patron noise, SLR note that compliance within the third-storey apartments at No. 14 Brennan Street is marginal, with high reliance on room absorption. They also note that as only a single night survey was undertaken, there is the possibility that background levels could be lower at times, resulting in reduced compliance within these dwellings. The potential for non-compliance is related predominantly to the outdoor BBQ area, with SLR noting it would be necessary for the operators to consider partially closing the operable roof if compliance isn't achieved.

SLR also noted that noise from the bin room, glass movements in the outdoor areas and waste collections should be assessed for any night period activities.

Based on the above, Council officers are not convinced that the associated noise impacts with the expanded use will be appropriately managed, and that there will be no increased detriment upon the amenity of the adjacent sensitive uses.

#### *Noise and Amenity Action Plan (NAAP)*

To ensure a venue is managed appropriately, Clause 22.09 requires the submission of a Noise and Amenity Action Plan (NAAP) which outlines management procedures aimed at ensuring good patron management. If a permit is issued, the NAAP is endorsed so that it can be enforced if the premises operates outside of specified parameters.

The NAAP submitted to Council outlines the specific management procedures to be followed at all times, and includes details relating to staffing, responsible service of alcohol and

complaint management procedures for minimising amenity impacts. The measures indicated in the NAAP that have not been addressed elsewhere in this report include:

- A complaints register kept on the premises will be maintained. Staff on duty will take the complaint and pass on all information to the manager of the venue to appropriately deal with the issue;
- The management of dispersal of patrons;
- The management of smokers;
- The management of external queues;
- The provision of food.

The level of detail provided in the NAAP is considered acceptable

#### *Application to amend an existing permit*

An assessment of an application to vary or extend an existing permit for a licensed premises, must consider:

- *Any relevant information about the previous and current operation of the premises including, but not limited to complaints received by relevant authorities such as the Yarra City Council, Victoria Police, and the Victorian Commission for Gambling and Liquor Regulation.*
- *Any contravention of a permit condition or liquor licence.*
- *Whether the conditions on the existing permit regulating the venue design, hours of operation, patron numbers, and noise and amenity impacts are adequate.*

As already noted, a number of complaints have been received by Council's Enforcement team over the years, however these were investigated and found to not be in breach of current permissions over the land. It is acknowledged that 43 objections to the application were received by community members; all of these objections related to current off-site amenity concerns, predominantly related to noise.

#### *Cumulative Impact*

As previously outlined, the expanded licensed premise achieves a risk score of 8 and therefore would require a cumulative impact assessment. A detailed assessment against the cumulative impact of the amended liquor licence was not provided with the application.

In the absence of any benchmarks within the Scheme to measure cumulative impact, Council relies on the assessment methodology for cumulative impact in the VCAT decision [Swancom Pty Ltd v Yarra CC \(Red Dot\) \[2009\] VCAT 923](#) as an appropriate methodology for the assessment of this proposal.

A number of factors such as policy context and land mix of the surrounding area have been discussed previously in the report, with anticipated amenity impacts also considered in detail. An assessment including the mix of licensed premises and potential impact mitigation will need to be undertaken.

There are 15 licensed premises within 500 metres of the subject site. As per Practice Note 61 (Licensed Premises), 15 or more licenced premises within a 100m radius of the site constitutes a cluster of licenced premises. This site is therefore technically not located within a cluster, with the hotel being one of the only licensed premises within this section of Queens Parade. The majority of other venues within proximity have restaurant and café

licences. This is largely based on the predominantly residential zoning surrounding the site.

This proposal includes a significant increase to patron numbers (202 additional), and an increase in hours of operation associated with an extended red line plan. As noted in the Social Planning comments; *'Given the site's proximity to sensitive uses, it is considered that this is a proposal with a higher risk of negative impact on the amenity of the area. The proposed number of patrons (645) may pose a greater risk of alcohol-related harm and result in a negative cumulative impact'*. The lack of similar such licensed premises within proximity to the site is not considered to reduce the possibility of these impacts occurring.

#### *Transport and dispersal*

Practice Note 61 requests consideration of the dispersal routes of patrons from the premises, noting that how patrons leave the licensed premises at closing time can have a significant impact on the amenity of an area.

As the main entry/exit for patrons is to Queens Parade, people are likely to disperse along the main thoroughfare to access public transport and taxis or other licensed venues within the area. However, Rushall Station is located 250m to the west of the site; with patrons passing residential uses if they wish to access this station. Whilst the dispersal of patrons from the venue is likely to be staggered, it is considered likely that the increase in patron numbers may result in additional foot traffic, and additional noise impacts, along Brennan Street to the west.

#### *Impact mitigation*

To ensure a venue is managed appropriately, Council's local policy at clause 22.09 requires submission of a NAAP which outlines management procedures aimed at ensuring good patron management. The NAAP has been discussed earlier within this assessment. This document outlines the specific management procedures that would be followed at all times, and includes details relating to staffing and incident registers, patron and noise management.

Council's Local Law No.8 prohibits the consumption of liquor in public places and Council's Community Amenity Unit and Victoria Police are charged with ensuring these venues operate in an appropriate manner. Victoria Police generally focus on patron behaviour on the street and Council's Community Amenity Unit generally deals with issues of noise from within premises.

As specified previously within the report, Planning Scheme Amendment C269 is currently seriously entertained. The proposed new Licensed Premises policy (13.07-1L) remains largely unchanged as a result of the amendment, with the Planning Panel noting *"The Panel accepts the policy is a neutral translation of existing policy. The Panel acknowledges the challenge of translating existing policy into the new PPF format, and notes extensive application requirements have been recast as strategies and policy guidelines. Any further or additional protections would need to be strategically justified and introduced through a separate process."*

The amendment is subsequently of no consequence to the above assessment against current policy.

Based on the combination of factors outlined throughout the assessment and the potential that the extended use of the hotel will result in some level of increased detriment within the surrounding environment, on balance it is considered that the proximity of the land to residential uses, when combined with the proposed increase in hours, size and patronage, and provision of live music, will result in unreasonable off-site amenity impacts which cannot be supported in its current form. It is therefore the position of Council officers that the application to increase the density of the hotel be refused based on increased off-site amenity concerns.

#### Building and works

The extent of demolition proposed by this application includes the demolition and removal of the following;

- Sections of the southern and western boundary fences, shade-cloths and small sections of walls to the existing rear service yard and beer garden;
- Removal of five trees in the rear car park;
- Minor internal demolition works (no permit required); and,
- Removal of two existing windows to the storage room within the Queens Parade frontage (retrospective works).

The key consideration for assessing this aspect of the works is whether the proposed demolition will adversely affect the significance of the heritage building or the broader heritage precinct.

Policy at Clause 22.02-5.1 of the Scheme generally discourages the demolition of part of an individually significant building or removal of contributory elements unless:

- *that part of the heritage place has been changed beyond recognition of its original or subsequent contributory character; and,*

*For individually significant building or works:*

- *it can be demonstrated that the removal of part of the building or works does not negatively affect the significance of the place.*

In this instance, the proposed extent of demolition is acceptable. The majority of the works are confined to the rear of the property and will have no impact on the significant fabric of the place. The changes to the windows on the Queens Parade frontage are to a later addition that does not form part of the original fabric of the place, therefore the removal of these windows is acceptable. There are no vegetation overlays affecting the site, therefore the removal of the trees along the rear boundary does not require planning permission. Further to this, the internal works do not require a planning permit. Council's Heritage Advisor has reviewed the extent of demolition works proposed and has raised no issue with this element of the application.

The extent of new works proposed by this application includes a single-storey extension to the rear of the existing hotel, with the additional works to abut the western and southern boundaries and set back 6.133 m from the Brennand Street interface. The location and design of the new works were assessed by Council's Heritage Advisor, who noted;

*'The proposed new rear dining area is appropriately sited to the rear of the heritage building. It will have some visibility from Brennand Street, however this is a secondary frontage and the new development is appropriately separated from the main form of the heritage building. The design and form of the addition, where it is visible is acceptable'.*

Relevant objectives at Clause 15.01-2S aim to ‘*achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development*’ and to ‘*recognise, support and protect neighbourhood character, cultural identity, and sense of place*’.

Given the location of the works at the rear of the building and the single-storey scale proposed, the addition achieves an appropriate outcome that respects the existing building and the surrounding neighbourhood character. This aspect of the application is supported.

Further to this, the proposed development of the site will result in no unreasonable off-site amenity impacts attributed to visual bulk or overshadowing. The addition is limited in scale to single-storey, which will limit visual impacts within adjacent sites. Whilst a minimal area of additional overshadowing will affect the site to the south between 9am and midday; this site is a commercial building located within commercially zoned land. There will be no shadows cast within the NRZ to the west. These outcomes are acceptable.

#### Advertising Sign

The painted advertising sign, which is currently in situ, is located on the Queens Parade façade. An image of the sign is provided in Figure 13;



Figure 13: Advertising sign

Council’s local advertising sign policy at Clause 22.04 seeks to ensure that signs contribute to and do not detract from the visual amenity of commercial precincts, activity centres and residential areas, by minimising visual clutter, protecting the character of heritage places and maintaining vehicular and pedestrian safety. In particular, Clause 22.04-3.8 seeks to protect heritage areas by limiting the number of signs on buildings and ensuring that signs do not obscure the heritage features of the building.

In this instance, the most significant section of the hotel is the double-storey component on the corner of Queens Parade. The sign does not impact this area of the façade, with the content and design of the sign relatively simple. The scale and form of the sign is in proportion with the overall envelope of the hotel, with the ground level location providing an acceptable visual relationship with the original hotel building. Whilst an existing

electronic sign sits directly above this section of wall; when viewed in combination the visual outcome is not overwhelming, with the lower wall sign appearing more as a painted mural that does not present as a traditional advertising sign. This limits the overall impact of the signs and is not considered to be an unreasonable outcome given the commercial context of this portion of the site.

Council's Heritage Advisor raised no concerns with the design or location of the sign with respect to its presentation on the heritage building. Given the fact that this application is not supported based on amenity grounds, and that the sign (and associated demolition works of two windows within the hotel façade) have already occurred, it will be necessary for the applicant to apply for these works in a separate application to ensure they achieve the appropriate planning permissions.

## ESD

A Sustainable Management Plan (SMP), prepared by GIW Environmental Solutions (GIW) and dated 31 March 2022, was submitted with the application. The SMP indicated that the following principal ESD features will be incorporated into the extension of the existing hotel;

- The development will achieve an overall BESS score of 50%, with water efficient fixtures and fittings used throughout;
- A STORM score of 100% will be achieved, with the installation of a 3,800L rainwater tank to be connected to all new toilets;
- The indoor areas are targeting a 2% Daylight Factor to 60% of the nominated area;
- 4 new bicycle hoops are proposed within the Queens Parade footpath; and,
- General, recycling, composting/green waste and hard waste & e-waste facilities will be provided within the new bin room.

Notwithstanding the above ESD commitments, Council's ESD advisor was not satisfied that the proposed development would adequately meet Council's ESD Standards. Specific concerns and recommendations were made as follows;

- The SMP specifies that there are no new landscaping features, however, there appears to be a degree of new vegetation shown on the plans. Clarification of this is required and given the removal of 5 existing trees for the extension, the landscaping strategy should be revised. A Landscape Plan should be provided to support these changes;
- A small rooftop PV system should be installed to offset the daytime energy demand;
- Daylight modelling (computer or hand drawn) is required to support daylight access claims, taking into account the proposed window tinting;
- The design and operability of the tinted laminated glass is required, to support natural ventilation claims;
- The BESS report should be amended to include provision of bicycle parking spaces;
- A Section J assessment should be provided that details how the development will meet (and consider exceeding) the NCC 2019 requirements and reduce energy and GHG emissions against a reference case;
- Demolition and construction waste target should be clarified (e.g. minimum 80%);
- Clarify evidence underpinning the assumptions that FOGO will only make up 10% of the waste generated on site. Given the land use as a food and beverage outlet, this is expected to be much higher. For example, NSW EPA estimates this at approximately 60%;
- Clarify external colour of new roof areas, with a recommendation to specify a high SRI (>50) finish to assist with urban cooling;

- Include details of the green wall within the Landscape Plan – noting that while the BESS credit has been claimed, a green wall system in BESS is a vertical system for growing vegetation on a wall; and,
- Provide a statement as to how the design has responded to and mitigates the urban heat island effect.

If the planning permit had been supported, all of the above recommendations would have been incorporated into the permit via conditions.

### Car parking, bicycle parking, traffic, loading and waste

Under the provisions of Clause 52.06-5 of the Yarra Planning Scheme, the development's parking requirements are as follows:

Use	Statutory (Scheme) Requirement	Requirement (based on increased floor area of 284sqm)	Proposed provision	Reduction required
Hotel	3.5 spaces to each 100sqm of leasable floor area	9 spaces	2 spaces 7 existing spaces removed	16 spaces

Pursuant to clause 52.06-3, a planning permit is required to reduce 16 car parking spaces, with 2 car parking spaces retained at the rear of the site.

Before a requirement for car parking is reduced, the applicant must satisfy the Responsible Authority that the provision of car parking is justified having regard to the assessment requirements of Clause 52.06-6.

#### *Availability of Car Parking*

The on-street parking demand in this part of Fitzroy North is low to moderate during business hours; however, Brennan Street contains unrestricted parking and anecdotal evidence indicates that the parking demand in the street can be moderate to high, particularly during the evenings. The streets surrounding the site contain unrestricted and short-stay parking restrictions which provide regular parking turnover throughout the day until early in the evening, as well as long-stay parking.

#### *Parking Demand*

To ascertain existing parking demand generated by the hotel, TTM Consulting undertook mode of travel surveys for hotel patrons on Friday 10 December and Saturday 11 December 2021, between the hours of 6pm and 9pm. For the Friday night, approximately 10% of patrons arrived at the hotel via car, with a combination of public transport, taxis and walking comprising more than 70% of the arrival mode. Similarly, the Saturday evening results indicated that approximately 15% of patrons drove to the hotel, with the combination of public transport, taxis and walking comprising almost 60% of the arrival mode.

The mode of travel survey data collected indicated parking demand is generated at a rate of 0.10 and 0.15 spaces per person in attendance, inclusive of staff. Based on these rates, the proposal (with maximum of 645 patrons) is anticipated to generate a peak parking demand in the order of 66 to 99 spaces, if the venue is at capacity.

The site's patronage, and therefore parking demand, is expected to be highest during the evenings, with attendance during the day and afternoon anticipated to be lower with an increased likelihood of attracting a higher proportion of people who live, shop or work within the area.

#### *Car parking reduction*

Clause 52.18 contains several exemptions from the requirements of the Planning Scheme in order to support Victoria's social and economic recovery from COVID 19. These exemptions enable outdoor dining and facilitate the reopening and safe operation of hospitality and other businesses.

The existing use is currently utilising the entire on-site car park as temporary outdoor seating for customers, with waste also appearing to be stored in this space. As a result, all parking demand generated currently by the site is being accommodated within the on-street provision surrounding the site. The above mode of travel survey data was obtained whilst no on-site car parking spaces were provided, which indicates that sufficient on-street car parking was provided to those using a private motor vehicle to arrive to the site.

There is clear support for changes to private motor vehicle reliance demonstrated in a Red Dot VCAT decision (*Ronge v Moreland CC [2017] VCAT 550*). In this decision, the Member advocated for a reduction in the statutory car parking provision in inner-city sites such as this.

Whilst this decision pertains to a site in Brunswick, the context is similar, being located in an inner-city suburb within proximity to public transport opportunities. Relevant statements within the summary of this decision are applicable to this application, as follows;

- *State and local planning policies are already acknowledging the change that is required in the way in which people travel with Plan Melbourne 2017-2050 and State policies referring to 20-minute neighbourhoods and greater reliance on walking and cycling.*
- *Our roads are already congested and will be unimaginably so if a 'business-as-usual' approach is accepted through until 2050. The stark reality is that the way people move around Melbourne will have to radically change, particularly in suburbs so well served by different modes of public transport and where cycling and walking are practical alternatives to car-based travel.*
- *A car parking demand assessment is called for by Clause 52.06-6 when there is an intention to provide less car parking than that required by Clause 52.06-5.*
- *However, discussion around existing patterns of car parking is considered to be of marginal value given the strong policy imperatives about relying less on motor vehicles and more on public transport, walking and cycling. Census data from 2011 or 2016 is simply a snapshot in time, a base point, but such data should not be*

*given much weight in determining what number of car spaces should be provided in future, for dwellings with different bedroom numbers.*

- *Policy tells us the future must be different.*
- *Oversupplying parking, whether or not to comply with Clause 52.06, has the real potential to undermine the encouragement being given to reduce car based travel in favour of public transport, walking and cycling.*
- *One of the significant benefits of providing less car parking is a lower volume of vehicle movements and hence a reduced increase in traffic movements on the road network.*

The reduction of on-site car parking for this proposal is further supported by the following;

- The constrained parking environment would discourage employees and guests from driving or attempting to park on-street;
- The site is ideally located with regard to sustainable transport alternatives and the lack of on-site car parking would discourage private motor vehicle use;
- The following public transport services can be accessed to and from the site by foot:
  - Queens Parade trams – 30m
  - Queens Parade buses – 70m
  - Clifton Hill railway station – 340m
  - Rushall railway station – 360m
  - Hoddle Street buses – 360m
  - Heidelberg Road buses – 400m.
- Public transport is considered a viable option for both staff and customers to access the site and is a practical alternative to private motor vehicle use, especially in metropolitan areas;
- The proposal includes secure bicycle parking spaces in excess of rates specified within the Scheme. Employees and patrons would be able to take advantage of the nearby bicycle infrastructure, with on-road and informal bicycle lanes surrounding the site;
- Employee or visitor parking permits will not be issued for the development, which will discourage people from driving to the site given the high utilisation of existing on-street car parking, and;
- The lack of on-site car parking will limit traffic impacts within the surrounding street networks.

*Relevant Local Policy or Incorporated Document.*

In addition to the above, the proposed reduction in car parking aligns with objectives contained in Council's Strategic Transport Statement (2006) and relevant policy within the Scheme. The following excerpts from the Strategic Transport Statement highlight the future vision for transport within the municipality;

- *Yarra's Council Plan, its Municipal Strategic Statement and Municipal Public Health Plan strongly reinforce the need to reduce car dependence in the City of Yarra by promoting walking, cycling and public transport use as viable and preferable alternatives. This is also a key message of the State Government's plan for Metropolitan Melbourne - Melbourne 2030.*

- *To improve our community's way of life, we must increase the range of personal transport options. The more sustainable transport choices people make, the better the environment will be for everyone's health and well-being. Sustainable transport, by definition, puts the emphasis on walking, cycling and public transport.*

Practice Note 22 - Using the Car Parking Provisions (June 2015) indicates that car parking should be considered on a centre-basis rather than on a site/individual basis. This is applicable to activity centres, where spare on-street car parking capacity would be shared amongst sites within the activity centre.

From a traffic engineering perspective, the reduction in parking associated with the site is considered appropriate in the context of the development and the surrounding area. The Engineering team has no objection to the reduction in the car parking requirement for this site.

#### *Car parking layout*

An assessment of the carpark/loading bay was undertaken by Council Engineers, who noted that the dimensions of the car parking spaces and the loading bay were acceptable. Whilst a designated loading bay is not provided; it is assumed the open area directly adjacent to the two retained car parking spaces can be used for loading. The swept path diagrams demonstrate adequate entry and exit movements to and from the site via Brennand Street

The proposal will retain the use of the car park to undertake deliveries and loading, with Small Rigid Vehicles proposed to carry out these activities. The size of these trucks will ensure that they do not encroach on the footpath which loading/unloading is occurring.

Alternatively, if a larger vehicle is required, the Applicant noted that on-street parking along the Brennand Street frontage can be used if available, which is how loading/waste collection has occurred during the current operations, with temporary outdoor seating accommodating the entire car park.

#### *Bicycle parking*

There are currently no on-site bicycle parking spaces provided, with 4 bicycle hoops located directly adjacent to the site on the Queens Parade footpath. The proposal seeks to install an additional 4 hoops, which would equate to a total of 16 off-site bicycle spaces. Council's Strategic Transport Officer is supportive of the overall number of off-site spaces proposed, noting that there is limited space available for any on-site spaces. He also noted that the provision of the off-site hoops can be used by both employees and visitors to the site.

However, the advice noted that the existing location of the bicycle hoops is not ideal, being located directly adjacent to electricity poles and planter boxes. If additional bicycle hoops were installed in the future, it is Council's preference that the existing and new bicycle hoops be relocated to a more suitable location that satisfies the siting requirements of Clause 52.34 and AS2890.3. The cost of this would be borne by the permit holder. Had the application been supported, this could have been facilitated via a permit condition.

#### *Waste management*

A Waste Management Plan (WMP) was prepared by Sustainable Development Consultants (dated July 2022). The WMP outlines the management procedures to be undertaken for all waste collection from the site. Provision for separate waste streams (food organics, commingled recyclables, glass and paper/cardboard) will be provided, with separate private collection vehicles for each stream. All waste will be stored in a ventilated purpose built waste room with direct access to the bin collection point, where waste vehicles can reverse into the site, prop to collect the bins and drive out in a forward direction.

The WMP was referred to Council's City Works branch, who confirmed that all procedures were satisfactory.

### Objector concerns

The two main areas of concern raised in objections to the application relate to off-site amenity impacts, with particular regard to noise, and the reduction in on-site car parking spaces. Off-site amenity impacts have been discussed in detail throughout this assessment, with the reduction in car parking also addressed.

## Conclusion

The application includes a number of elements to consider, ranging from use, increased density in the sale and consumption of liquor, building and works and a reduction in car parking, amongst others. There are components of the application that are considered acceptable. These include the development of the hotel, with no concerns raised regarding the proposed built form outcome, from either an urban design or heritage perspective. The advertising sign on the Queens Parade frontage is supported, as is the reduction in on-site bicycle parking. Whilst it is acknowledged that car parking is at a premium in the immediate area; the actual reduction in car parking is limited to 7 spaces when assessed against the statutory requirements of the Scheme. Given the location and nature of the use, this reduction is considered appropriate.

It is however the principal component of the application that is not supportable; that being the increased density of the sale and consumption of alcohol within the premises, and the associated increase in hours, floor area and patronage, along with the provision of live music. Fundamentally it is considered that the location of the hotel limits the potential for an intensification of the scale being sought. Whilst it is acknowledged that a different combination of these factors, perhaps resulting in earlier closing times or less patrons, may provide an acceptable outcome, it is not Council's role to dictate what this combination may be. Based on the balance of the increases being sought, it is considered that the combined factors would result in unreasonable off-site amenity impacts, which are at odds with relevant planning policy within the Scheme.

On this basis, the proposal is not considered to comply with the relevant planning policies and therefore should be refused.

## Recommendation

That a Notice of Refusal PLN21/0984 be issued for partial demolition, the construction of a ground floor extension to the existing hotel including an outdoor partially covered courtyard, increase in patron numbers (from 443 to 645) and modifications to the red line plan

(additional floor area to operate until 10pm in courtyard area and 1am in enclosed areas), increase operating hours in existing internal courtyard from 11pm to 1am, provision for live acoustic music, installation of a promotion sign, deletion of seven (7) car parking spaces (retention of two spaces) and a reduction in the statutory car parking and bicycle facilities rates at 492 Queens Pde, Fitzroy North, on the following grounds:

1. The proposed intensification of the use and sale and consumption of liquor lacks the strategic support of the Yarra Planning Scheme.
2. The proposed increase in operating hours, patron numbers, floor area (and red-line plan), as well as the provision of live music, will result in unreasonable off-site amenity impacts to the surrounding residential land.

## Declaration of conflict of interest

No officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.

- No conflict declared by Planner: Lara Fiscalini
- No conflict declared by Delegate: Ally Huynh

Planner: **Lara Fiscalini** Signature:

Date: 15/12/2022

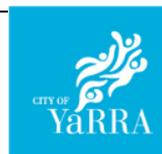


Delegate: **Ally Huynh** Signature:

Date: 15/12/2022



## ESD Formal Referral Response



Application Information	
Referral Officer	Lara Fiscalini
Officer	Gavin Ashley
Council Reference	PLN21/0984
Address	492 Queens Pde, Fitzroy North, VIC 3068
Proposal	Partial demolition, external alterations ground floor extension to the existing hotel including outdoor partially covered courtyard, increase in patron numbers (from 443 to 645) and modifications to the red line plan (additional floor area to operate until 10pm in courtyard area and 1am in enclosed areas), provision for live acoustic music, installation of a major promotion sign, deletion of seven (7) car parking spaces (retention of two spaces) and a reduction in the statutory car parking and bicycle facilities rates.
Comments Sought	Click here to view the link to the Statutory Planning Referral memo: <b>D22/240034</b>

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Council's ESD Officer provides the following information which is based on the information provided in the Statutory Planning referral request memo referenced above.

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ESD comments were requested on the following:

- The SDA and associated energy efficiency measures proposed as part of the redevelopment of the hotel

In assessing this application, the following documents were reviewed:

- Architectural Plans prepared by Burton & Carter (Rev C – 01.08.2022)
- Sustainable Design Assessment prepared by GIW Environmental (Rev B – 31.03.2022)
- Waste Management Plan prepared by SDC (V1 – 20.12.2021)

## Comments

The standard of the submitted ESD does not meet Council's Environmentally Sustainable Design (ESD) standards.

Furthermore, it is recommended that all ESD commitments (1), deficiencies (2) and the outstanding information (3) are addressed in an updated SMP report and are clearly shown on Condition 1 drawings. ESD improvement opportunities (4) have been summarised as a recommendation to the applicant.

Should a permit be issued, the following ESD commitments (1) and deficiencies (2) should be conditioned as part of a planning permit to ensure Council's ESD standards are fully met:

### (1) Applicant ESD Commitments

- The development achieves an overall BESS report score of 50% (SDA, p. 10).
- A Building User's Guide will be provided to the residents explaining the correct use of installed fittings and fixtures, equipment and building systems (SDA, p. 3).
- Water efficient fixtures and fittings (SDA, p. 3).
- A STORM report with a score of 100% has been submitted that relies on 305 sqm of root catchment area diverted to a 3,800-litre rainwater tank to be connected to all new toilets for flushing (SDA, p. 3).
- The commercial areas are targeting a 2% DF to 60% of the nominated area (SDA, p. 4).
- Specifications around low VOC and formaldehyde products and materials (SDA, p. 4).
- 4 new bicycle hoops provided at the front of the venue (TP06).
- General, recycling, composting / green waste and hard waste & e-waste facilities will be provided at the new bin room (SDA, p. 4).

### (2) Application ESD Deficiencies

- The SMP specifies that there are no new landscaping features (SMP, p. 4). Clarify vegetation indicated on plans (and in BESS report) and update documentation accordingly. Given the removal of 5 existing trees for the extension, the landscaping strategy should be revised and communicated accordingly. Provide a Landscape Plan to support.
- No rooftop solar PV included within the proposal. Install a small system on the new roof areas to offset the daytime energy demand.

### (3) Outstanding Information

- Provide daylight modelling (computer or hand drawn) to support daylight access claims, taking account of window tinting.
- Confirm design and operability of tinted laminated glass to support natural ventilation claims.
- Amend BESS report to include provision of bicycle parking spaces as per the SDA.
- Provide a Section J assessment that details how the development will meet (and consider exceeding) the NCC 2019 requirements and reduce energy and GHG emissions against a reference case.
- Clarify demolition and construction waste target (e.g. minimum 80%).

- Clarify evidence underpinning the assumptions that FOGO will only make up 10% of the waste generated on site. Given the land use as a food and beverage outlet, this is expected to be much higher. For example, NSW EPA estimates this at approximately 60%.
- Clarify external colour of new roof areas, with a recommendation to specify a high SRI (>50) finish to assist with urban cooling.
- Include details of the green wall within the Landscape Plan – noting that while the BESS credit has been claimed, a green wall system in BESS is a vertical system for growing vegetation on a wall.
- Provide a statement as to how the design has responded to and mitigates the urban heat island effect.

#### (4) ESD Improvement Opportunities

- Consider the removal of gas infrastructure for the existing building and installing all-electric services (e.g. heat pumps).
- Consider provision of (or pre-wiring) an EV charging point to assist the business transition towards sustainable transport options.
- Consider specifying a strategy to reduce the embodied impacts from concrete and steel (e.g. portland cement reduction by 30% for SCMs).
- Consider a green roof or climbing vegetation on site to improve the ecological and urban cooling outcomes.
- Consider designing for disassembly through materials and construction methods to assist with adaptive re-use of building elements at the end of their life.
- Consider specifying a range of recycled materials (e.g. bricks) or products (e.g. insulation) to reduce the environmental impacts of construction.

## Recommendations

The applicant is required to address the items listed above as ESD deficiencies (2) and outstanding information (3), and strongly encouraged to consider the items highlighted as ESD improvement opportunities (4).

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ESD Officer: ASHLEYG

Signature: Gavin Ashley

Date: 03.10.2022

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# Heritage Formal Referral Response



Application Information	
Referral Officer	USERID
Referral Reference	IREF22/01352
Officer	Michelle Bashta
Council Reference	PLN21/0984
Address	492 Queens Pde, Fitzroy North VIC 3068
Proposal	Partial demolition, external alterations ground floor extension to the existing hotel including outdoor partially covered courtyard, increase in patron numbers (from 443 to 645) and modifications to the red line plan (additional floor area to operate until 10pm in courtyard area and 1am in enclosed areas), provision for live acoustic music, installation of a promotion sign, deletion of seven (7) car parking spaces (retention of two spaces) and a reduction in the statutory car parking and bicycle facilities rates.
Relevant Overlay(s)	DCPO1 - Development Contributions Plan Overlay - Schedule 1 (Development Contributions Plan) HO330 - Heritage Overlay (HO330) Individually Significant
Yarra Planning Scheme References	<ul style="list-style-type: none"> <li>• Clause 15.03 Heritage</li> <li>• Clause 21.05-1 Built Form (Heritage)</li> <li>• Clause 22.02 Development Guidelines for sites subject to the Heritage Overlay</li> <li>• Clause 43.01 Heritage Overlay</li> <li>• Clause 59.07 Applications Under a Heritage Overlay</li> </ul> <p>As per the Schedule to the Heritage Overlay, external paint controls apply within the precinct. There are no internal, fence or tree controls.</p>
Click here to view the Planner's Memo that this referral advice is based on: D22/240078 IREF22/01352	
The Memo requests the referral to look at the following: <ul style="list-style-type: none"> <li>• Is the location/extent of works acceptable? The works are relatively minor and largely located to the rear of the building. Given the 'individually significant'</li> </ul>	

grading of the hotel, please provide brief comments on whether the location/extent of works are acceptable.

Context Images

Street Frontage

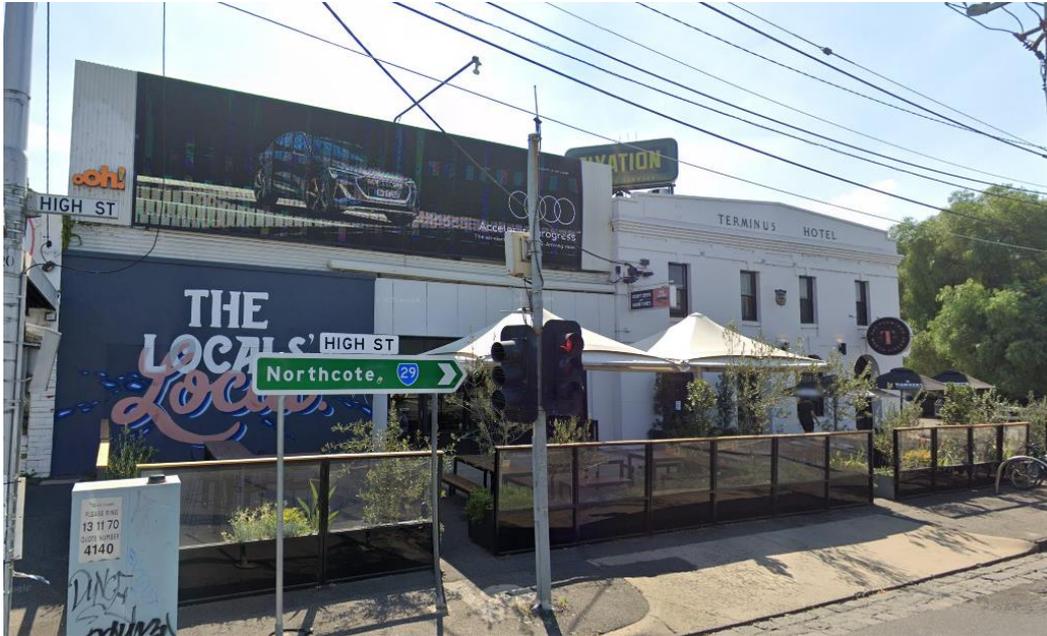


Figure 1: View of the Terminus Hotel, and existing painted sign, from Queens Parade (source: Google StreetView)



Figure 2: View of Brennard Street frontage and approximate location of new rear addition red arrow (source: Google StreetView)

## Aerial



Figure 3 Aerial photograph of the subject site as indicated by red line (source: Nearmap)

## Assessment of Proposed Works

### Proposed demolition shown on plans

The extent of demolition proposed by this application includes the demolition / removal of:

- Fences, shade cloths, store rooms and small sections of walls to the existing rear service yard and beer garden
- Removal of five trees in the rear car park
- Removal of two existing windows to storage room to south of the original hotel building, to the Queens Parade frontage

The key consideration for assessing this aspect of the works is whether the proposed demolition will adversely affect the significance of the heritage building or the broader heritage precinct.

### Full Demolition or Removal of a Building

Policy at Clause 22.02-5.1 of the Yarra Planning Scheme:

Generally discourages the demolition of part of an individually significant or contributory building or removal of contributory elements unless:

- that part of the heritage place has been changed beyond recognition of its original or subsequent contributory character(s).

For **individually significant** building or works:

- it can be demonstrated that the removal of part of the building or works does not negatively affect the significance of the place.

The proposed extent of demolition is acceptable. The majority of the works are confined to the rear of the property and will have no impact on the significant fabric of the place. The changes to the windows to the on Queens Parade are to a later addition that does not form part of the original fabric of the place. The changes to these windows are acceptable.

#### Comments regarding new development, alterations and additions

The extent of new works proposed by this application includes the following:

- Development of a rear dining area with a part retractable roof, including a new masonry wall to the Brennand Street interface, set back 6.133 m from the street boundary
- New painted wall sign to the single storey addition on Queens Parade

#### Regarding the new development

The key consideration for assessing this aspect of the works is whether the proposed new development will:

- be in keeping with the character or appearance of nearby heritage building of contributory significance; and
- not adversely affect the significance of the broader heritage precinct.

The proposed new rear dining area is appropriately sited to the rear of the heritage building. It will have some visibility from Brennand Street, however this is a secondary frontage and the new development is appropriately separated from the main form of the heritage building. The design and form of the addition, where it is visible is acceptable.

The proposed painted advertising sign, which is currently in situ, is visible from Queens Parade. The content and design of the sign is relatively simple and this ensures that it does not adversely impact the presentation of the original hotel building. The sign is acceptable in its current form, however a condition should be placed on any permit requiring any changes to the existing sign to be submitted to council for review and approval.

## Recommendation

On heritage grounds, the works proposed in this application are supported, subject to the following permit conditions:

	Suggested Condition	Explanation
1.	Require any changes to the proposed painted sign to be submitted to council for review and approval.	In its current form, the sign is acceptable, however if the design were to change, there could be an adverse impact on the broader

	heritage precinct and therefore requires review.
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Heritage Officer: Michelle Bashta (BASHTAM)

Signature: 

Date: 10 October 2022

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# Development Engineering Formal Referral Response



Application Information	
Referral Officer	Lara Fiscalini
Officer	Artemis Bacani
Address	492 Queens Pde, Fitzroy North
Application No.	PLN21/0984
Proposal	Partial demolition, external alterations ground floor extension to the existing hotel, increase in patron numbers (from 443 to 645) and modifications to the red line plan (additional floor area to operate until 10pm in BBQ area and 1am in enclosed areas), installation of a major promotion sign and a reduction in the statutory car parking rate.
Comments Sought	<ul style="list-style-type: none"> <li>Reduction in car parking</li> <li>Layout of car parking areas/spaces</li> </ul>

Council's Engineering Referral team provides the following information which is based on the information provided by Statutory Planning referenced above.

## Comments and Recommendations

### Drawings and Documents Reviewed

	Drawing No. or Document	Revision	Dated
TTM Consulting	<i>Traffic Impact Assessment</i>	4	29 July 2022
Burton & Carter Pty Ltd	TB05B <i>Ground Floor Demolition Plan</i>	C	1 August 2022
	TP06 <i>Proposed Ground Floor Plan</i>	C	1 August 2022

## CAR PARKING PROVISION

### Amended Development

Under the provisions of Clause 52.06-5 of the Yarra Planning Scheme, the development's parking requirements are as follows:

Item	Existing Development	Proposed Development	Change
Leasable Floor Area	937 m <sup>2</sup>	1,221 m <sup>2</sup>	<b>+284 m<sup>2</sup></b>
No. of Car Spaces Allocated	9	2	<b>-7 Spaces</b>
Shortfall of Car Spaces	23.79	40.73	<b>+16 Spaces</b>

\* Since the site is located within the Principal Public Transport Network Area, the parking rates in Column B of Clause 52.06-5 now apply.

The amendment to the existing Planning Permit PLN10/0484 would increase the leasable floor area by 284 square metres and remove 7 on-site car spaces.

To reduce the number of car parking spaces required under Clause 52.06-5 (including to reduce to zero spaces), the application for the car parking reduction must be accompanied by a Car Parking Demand Assessment.

### Car Parking Demand Assessment

In reducing the number of parking spaces required for the proposed development, the Car Parking Demand Assessment would assess the following:

Parking Demand Consideration	Details
<i>Parking Demand for the Hotel Use</i>	<p>TTM Consulting had undertaken mode of travel surveys for the site on Friday 10 December 2021 and Saturday 11 December 2021 between 6pm and 9pm. The survey results indicates a parking generation rate of 0.10 to 0.15 spaces per person in attendance.</p> <p>By adopting the upper rate of 0.15 spaces per person, the parking demand for the subject site would be 99 spaces if the venue was operating at full capacity.</p> <p>The catchment area surrounding the site consists of residences and some businesses. It would be expected that a portion of patrons to the site would be generated from foot traffic. The streets surrounding the site contain unrestricted and short-stay parking restrictions which provide regular parking turnover throughout the day until early in the evening, as well as long-stay parking.</p> <p>Patrons and staff to the hotel would be fully aware of the parking demands in the Fitzroy North area and choose to commute to the venue by sustainable transportation modes, including catching public transport, riding a bicycle, or walking, or by a private driver service such as a taxi or Uber.</p>

<i>Availability of Public Transport in the Locality of the Land</i>	The following public transport services can be accessed to and from the site by foot: <ul style="list-style-type: none"> <li>▪ Queens Parade trams – 30 metre walk</li> <li>▪ Queens Parade buses – 70 metre walk</li> <li>▪ Clifton Hill railway station - 340 metre walk</li> <li>▪ Rushall railway station – 360 metre walk</li> <li>▪ Hoddle Street buses – 360 metre walk</li> <li>▪ Heidelberg Road buses – 400 metre walk</li> </ul>
<i>Multi-purpose Trips within the Area</i>	Patrons to the site could combine their visit by engaging in other activities of business whilst in the area.
<i>Convenience of Pedestrian and Cyclist Access</i>	The site is very well positioned in terms of pedestrian access to public transport nodes and other nearby businesses. The site has good access to the on-road bicycle network.

**Appropriateness of Providing Fewer Spaces than the Likely Parking Demand**

Clause 52.06 lists a number of considerations for deciding whether the required number of spaces should be reduced. For the subject site, the following considerations are as follows:

Consideration	Details
<i>Availability of Car Parking</i>	The on-street parking demand in this part of Fitzroy North is low to moderate during business hours; however, Brennand Street contains unrestricted parking and anecdotal evidence indicates that the parking demand in the street can be moderate to high, especially during the evenings. The area surrounding the subject site is blanketed in unrestricted and time-based parking restrictions. Patrons to the site would consider catching-public transport or utilising a private driver service such as a taxi or Uber.
<i>Relevant Local Policy or Incorporated Document</i>	The proposed development is considered to be in line with the objectives contained in Council’s <i>Strategic Transport Statement</i> . The site is ideally located with regard to sustainable transport alternatives and the reduced provision of on-site car parking would potentially discourage private motor vehicle ownership and use.

**Adequacy of Car Parking**

From a traffic engineering perspective, the reduction of car spaces in the car parking provision for the site is considered appropriate in the context of the development and the surrounding area. Staff and patrons would make other travel arrangements to commute to and from the site, such as take public transport or ride a bicycle.

The Engineering Referral team has no objection to the reduction in the car parking requirement for this site.

## DEVELOPMENT LAYOUT DESIGN

### Layout Design Assessment

Item	Assessment
<b>Access Arrangements</b>	
Vehicle Crossing	The existing vehicle crossing will be retained to provide vehicle access for the site.
Vehicle Turning Movements	The swept path diagrams for the B85 design vehicle demonstrates adequate entry and exit movements to and from the site via Brennand Street.
<b>Car Parking Modules</b>	
Car Spaces	The dimensions of the car spaces of 2.9 metres by 4.9 metres satisfy <i>AS/NZS 2890.1:2004</i> .
Vehicle Turning Movements	The swept path diagrams for the B85 design vehicle demonstrates adequate turning movements into and out of the car spaces.

## ENGINEERING CONDITIONS

### Road Asset Protection

- Any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed to Council's satisfaction and at the developer's expense.

### Impact of Assets on Proposed Development

- Any services poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the owner's expense after seeking approval from the relevant authority.
- Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, valves or meters on Council property will be accepted.

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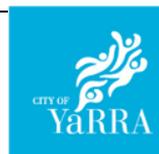
Engineer: Artemis Bacani

Signature: 

Date: 4 October 2022

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## City Works Formal Referral Response



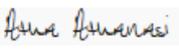
Application Information	
Referral Officer	Lara Fiscalini
Officer	Atha Athanasi
Council Reference	PLN21/0984
Address	492 Queens Pde, Fitzroy North VIC 3068
Proposal	Partial demolition, external alterations ground floor extension to the existing hotel including outdoor partially covered courtyard, increase in patron numbers (from 443 to 645) and modifications to the red line plan (additional floor area to operate until 10pm in courtyard area and 1am in enclosed areas), increased operating hours in existing internal courtyard from 11pm to 1am, provision for live acoustic music, installation of a promotion sign, deletion of seven (7) car parking spaces (retention of two spaces) and a reduction in the statutory car parking and bicycle facilities rates.
Comments Sought	Statutory Planning Referral memo: D22/267025

Council's City Works Branch provides the following information which is based on the information provided in the Statutory Planning referral request memo referenced above.

### Comments:

The waste management plan for 490-492 Queens Parade, Fitzroy North authored by Sustainable Development Consultants and dated 27/7/22 is satisfactory from a City Works Branch's perspective.

Officer: Atha Athanasi

Signature: 

Date: 18/10/2022

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## 7.9 Governance Report - June 2023

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<b>Reference</b>	D23/182966
<b>Author</b>	Rhys Thomas - Senior Governance Advisor
<b>Authoriser</b>	Manager Governance and Integrity

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### Purpose

1. The Governance Report is prepared as a periodic report to Council which provides a single reporting platform for a range of statutory compliance, transparency and governance related matters.

### Critical analysis

#### History and background

2. To ensure compliance with the Act and in accordance with best practice and good governance principles, transparency and accountability, this standing report consolidates a range of governance and administrative matters.
3. Matters covered in this report are:
  - (a) Municipal Association of Victoria State Council – 19 May 2023;
  - (b) Appointment of authorised officers under the Planning and Environment Act 1987; and
  - (c) Update to the City of Yarra Collection Policy.

#### Discussion

##### Municipal Association of Victoria State Council – 19 May 2023

4. The Municipal Association of Victoria held its biannual State Council meeting on 16 May 2023. State Council is an opportunity for all Victorian Councils to come together to determine the policy directions of the Municipal Association of Victoria and provides an opportunity for the furtherance of Council's interests at the state level.
5. Yarra City Council submitted three motions to the State Council for consideration. The outcome of the vote on these matters was:
  - (a) Create environmentally sustainable forms of transport (carried);
  - (b) Empowering Electoral Representation Review Panels (carried); and
  - (c) Removal of prayer from council meetings (lost).
6. The next Municipal Association of Victoria State Council will be held in October 2023.

##### Appointment of authorised officers under the Planning and Environment Act 1987

7. In order to conduct inspection, enforcement and prosecution activities on Council's behalf, officers require specific authorisation under the relevant legislation. While authorisation for most legislation is provided by the Chief Executive Officer acting under delegation, specific provisions of the Planning and Environment Act 1987 require that the authorisation be made directly by Council resolution.
8. In order to undertake the duties of office, staff members listed in the recommendation require authorisation under the Planning and Environment Act 1987.
9. In addition, authorisation must also be provided under section 313 of the Local Government Act 2020 in order to enable these officers to commence enforcement action where necessary.

### Update to the City of Yarra Collection Policy

10. The City of Yarra Collection Policy sets out the principles and practices that guide decision-making about the City of Yarra Art and Heritage Collection, including how it is developed, documented, conserved, interpreted and made accessible.
11. One element of the policy provides that acquisitions to the collection may be made by a donation or bequest and that where applicable, donations may be submitted via the Commonwealth Government's Cultural Gift Program - a process that enables the donor to receive a tax incentive for the value of the donation.
12. In reviewing Council's policy, the Office for the Arts (the department with responsibility for the Cultural Gift Program) have identified a provision which impacts this tax deductibility and have asked that Council alter the policy in order to satisfy the necessary program requirements.
13. Currently, according to Council's policy, if a work is deaccessioned (removed) from the Collection, it can be disposed of in the following ways:
  - (a) The item is returned to the artist, estate or donor, is offered to a more appropriate institution, arranged for sale, or dismantled and/or destroyed as a last resort; and
  - (b) If a gift or donated item is sold, funds raised by the sale must be redirected towards new acquisitions which, with consent, may be attributed to the original donor.
14. The potential return of a work to a donor who has already received a tax incentive for the donation is problematic, as it effectively enables a tax claim to be made without the permanent transfer of ownership of the work.
15. In consultation with the Office for the Arts, officers have developed an additional clause to be inserted into the Collection Policy to ensure that this cannot happen, and that eligibility for the Cultural Gift Program is not put at risk.
16. It is proposed that an additional clause be added to the Collection Policy under heading "3.11.1 Disposal" reading:
  - (a) Items donated under the Commonwealth Government Cultural Gift Program will not be returned to the donor if de-accessioned, having already received the benefit of tax deduction for the donation.

### Options

17. There are no options presented in this report.

### Community and stakeholder engagement

18. No community or stakeholder engagement has been undertaken in the development of this report, save the engagement with internal stakeholders necessary to compile the report content.

### Policy analysis

#### Alignment to Community Vision and Council Plan

19. In its Yarra 2036 Community Vision, Council articulated an objective for a community that is *"informed and empowered to contribute to the shared governance of Yarra, (where) decision-making is through access, inclusion, consultations and advocacy."*
20. City of Yarra Council Plan 2021-2025 includes Strategic Objective six: 'Democracy and governance', which states that good governance is at the heart of our processes and decision-making. The plan commits Council to *"practice good governance, transparency and accountable planning and decision-making."*
21. The presentation of a Governance Report provides an opportunity to provide updates on key organisational matters both to the Council and the community.

#### [Climate emergency and sustainability implications](#)

22. There are no climate emergency or sustainability implications considered in this report.

#### [Community and social implications](#)

23. There are no community or social implications considered in this report.

#### [Economic development implications](#)

24. There are no economic development implications considered in this report.

#### [Human rights and gender equality implications](#)

25. There are no human rights or gender equality implications considered in this report.

### Operational analysis

#### [Financial and resource impacts](#)

26. There are no financial and resource impacts considered in this report.

#### [Legal Implications](#)

27. There are no legal implications considered in this report.

### Conclusion

28. This report presents an officer recommendation on:

- (a) the Municipal Association of Victoria State Council – 19 May 2023;
- (b) the appointment of authorised officers under the Planning and Environment Act 1987; and
- (c) an update to the City of Yarra Collection Policy.

### RECOMMENDATION

1. That Council note this Governance Report on:
  - (a) the Municipal Association of Victoria State Council – 19 May 2023.
2. That in the exercise of the powers conferred by s 147(4) of the Planning and Environment Act 1987, Council resolves that:
  - (a) Zac SUTTON; and
  - (b) Wayne BULLOCK;be appointed and authorised as set out in the instrument at **Attachment One**, with each instrument coming into force immediately it is signed by Council's Chief Executive Officer, and remaining in force until Council determines to vary or revoke it.
3. That the City of Yarra Collection Policy at **Attachment Two** be updated by including an additional dot point under heading "3.11.1 Disposal" reading "Items donated under the Commonwealth Government Cultural Gift Program will not be returned to the donor if de-accessioned, having already received the benefit of tax deduction for the donation."

### Attachments

- 1 [↓](#) Attachment 1 - TEMPLATE - Planning Enforcement Officer
- 2 [↓](#) Attachment 2 - City of Yarra Collection Policy 2020

Instrument of Appointment and Authorisation  
Planning Enforcement Officer



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In this instrument "officer" means -

**[INSERT OFFICER NAME]**

By this instrument of appointment and authorisation, Yarra City Council –

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1. under section 147(4) of the Planning and Environment Act 1987 - appoints the officer to be an authorised officer for the purposes of the Planning and Environment Act 1987 and the regulations made under that Act; and
  2. under section 313 of the Local Government Act 2020 - authorises the officer either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.
- 

**It is declared that** this Instrument -

- (a) comes into force immediately upon its execution; and
- (b) remains in force until varied or revoked.

This instrument is authorised by a resolution of the Yarra City Council on [insert date].

**Sue Wilkinson**  
**Chief Executive Officer**  
**Yarra City Council**

[insert date]

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## CITY OF YARRA COLLECTION POLICY

<b>Title</b>	<b>City of Yarra Collection Policy</b>
<b>Description</b>	The City of Yarra Collection Policy sets out the principles and practices that guide decision-making about the City of Yarra Art and Heritage Collection (the Collection): how it is to be developed, documented, conserved, interpreted and made accessible.
<b>Category</b>	Arts and Culture
<b>Type</b>	Policy
<b>Approval authority</b>	Council
<b>Responsible officer</b>	Louisa Marks
<b>Approval date</b>	July 2020
<b>Review cycle</b>	
<b>Review date</b>	July 2024 or earlier
<b>Document Reference (Trim)</b>	
<b>Human Rights compatibility</b>	This policy has been assessed and is compatible with the Victorian Charter of Human Rights and Responsibilities

The area now known as the City of Yarra stands on the lands of the Wurundjeri Woi Wurrung people, the Traditional Owners of this country. Yarra City Council pays tribute to all Aboriginal and Torres Strait Islander people in Yarra, and gives respect to the Elders past and present.

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## CITY OF YARRA COLLECTION POLICY

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## CITY OF YARRA COLLECTION POLICY

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### 1. Introduction

#### 1.1. Purpose

The City of Yarra was formed in 1994 through the amalgamation of the cities of Collingwood, Fitzroy and Richmond.

Yarra City Council (Council) strives to make arts and culture an everyday experience in the municipality, and the City of Yarra Art and Heritage Collection (the Collection) is an integral part of this commitment.

The City of Yarra Collection Policy (Collection Policy) sets out the principles and practices that guide decision-making about the collection: how it is to be developed, documented, conserved, interpreted and made accessible.

The Collection Policy is for councillors, council staff and community committees whose roles and/or portfolios interact with the collection, for the arts and heritage communities in the municipality and all residents interested in Council programs.

#### 1.2. Context

The Collection Policy sits within Council's social, cultural and planning frameworks.

##### Related Council documents may include:

- Aboriginal Partnerships Plan
- Arts and Cultural Strategy
- Council Plan
- Economic Development Strategy
- Heritage Strategy
- Inclusion Strategy
- Multicultural Partnerships Plan
- Occupational Health and Safety Strategy
- Procurement Policy
- Risk Management/Minimisation Strategy
- Strategic Advocacy Framework
- Yarra City Council Public Art Policy 2015-2020 and Guidelines for Public Art in Private Development in Yarra

#### 1.3. Policy Development

This Collection Policy is the product of a review of two earlier policies: The City of Yarra Collection Management Policy (2011) and The City of Yarra Collection Management Policy Operational Guidelines (2012).

The Collection Policy is informed by broad community consultation via a *Your Say* Yarra City Council online survey; a benchmarking survey conducted with local government authorities;



## CITY OF YARRA COLLECTION POLICY

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discussions with staff from Council's Arts & Cultural Services Unit and with its Visual Arts Panel (VAP); and a review of national and international standards for museum collection management.

### 1.4. Glossary of Terms

**Acquisition** – a process by which Council may legally and formally accept items into its collection.

**Collection Care** – methods of storage and handling and display of collections items as well as basic approaches to condition reporting, environmental monitoring and pest control.

**Cultural Gifts Program** – an Australian Federal Government program allowing approved organisations to receive gifts of money or property for which the donor may claim a tax deduction.

**De-accessioning** – a process by which Council may legally and formally remove items from its collection.

**Exhibitions** – a curated display of the City of Yarra Art and Heritage Collection items and may include items on loan from an external organisation or individual.

**Loans** – processes by which items in a collection may be temporarily exchanged between approved institutions or organisations. Outward loans refer to works **lent from** a collection; inward loans refer to works **brought into** an institution or organisation.

**Preventive conservation** – part of collection care and is undertaken to slow deterioration of or prevent damage to cultural material.

**Restorative conservation** – part of collection care and undertaken to modify the existing material and structure of an object to represent a known earlier state. All restoration treatment applied to an object must be easily detectable and if possible, removable.

**Visual Arts Panel** - an expert panel of volunteer community members appointed on fixed term and guided by Terms of Reference.

## 2. City of Yarra Art and Heritage Collection

### 2.1. Vision

The artistic, cultural, social, environmental and political life of the City of Yarra – its vibrancy and evolution, its past and its present – is reflected in the City of Yarra Art and Heritage Collection.

The collection:

- Invites the community to access, appreciate and identify with the municipality's history;
- Recognises that the City of Yarra is a home to artists and is enriched by their creativity; and
- Engages with local artists and local communities.

### 2.2. Strategy

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**Document Name:** Arts and Culture – City of Yarra Collection Policy  
**Responsible Officer:** Louisa Marks

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## CITY OF YARRA COLLECTION POLICY

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Council achieves this vision for its collection by:

- Adopting clear and accountable collection management processes;
- Applying storage standards that ensure the stability of the Collection;
- Commissioning conservation assessments and treatments as needed;
- Developing guidelines for exhibiting, displaying and interpreting the Collection in Council's public spaces and buildings;
- Promoting co-operation between Council departments to cohesively document, preserve and interpret the heritage of the City;
- Providing opportunities for the public to access and engage with the Collection and to understand the social, historical, artistic, cultural and environmental development of Yarra.

### 2.3. Scope

The City of Yarra has a rich cultural heritage. It was the site of seminal Australian artist collectives and cultural institutions and continues to be the home of established and emerging artists. Yarra Council recognises the importance of documenting our local cultural heritage and the city's unique history and people as an inherent responsibility, and is committed to the ongoing preservation, development, management and accessibility of the city's Art and Heritage Collection.

The Collection was founded in 1994, based on the range of artworks and cultural artefacts that the City of Yarra inherited when the municipalities of Collingwood, Richmond and Fitzroy amalgamated. Consisting of over 900 items, the Collection is a unique document of the history and people of Yarra, comprising a diverse range of historical and contemporary indoor and outdoor works of art, objects, sculptures, murals, memorials, monuments and multimedia installations.

Some items, including original fittings and furniture housed in the Richmond, Fitzroy and Collingwood Town Halls date from the middle of the 19th century, while contemporary works demonstrate a focused and considered approach, with emphasis on local subjects, local practitioners and a consistently high level of quality by professional Australian artists. The representation of Indigenous artists also continues to be actively developed.

Inheriting a range of public artworks at amalgamation, Council continues to commission a number of fixed works as part of major redevelopment projects and in high profile, well-utilised and publicly accessible open spaces within the municipality. The Percentage for Art directive within the Yarra City Council's *Public Art Policy 2015-2020* is one of the ways this part of the Collection continues to grow.

### 2.4. Collection Categories

The City of Yarra Art and Heritage Collection consists of indoor and outdoor items divided into three main categories; Civic, Public Art and Art.

#### 2.4.1. Civic Collection

The civic collection comprises items from town halls and those with a provenance in council business. This includes:



## CITY OF YARRA COLLECTION POLICY

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- Original fittings and furniture from and/or in use in the Collingwood, Fitzroy and Richmond town halls in the conduct of council business;
- Decorative and ceremonial objects including illuminations, mayoral robes and chains, stained and etched glass and sculptures, mayoral and councillor portraits;
- Archival material such as maps and plans, documents and ephemera;
- Monuments, memorials, fountains and plaques deemed unique and relating to civic, ceremonial and commemorative events and people in the municipality's history.

### 2.4.2. Public Art Collection

Public art consists of fixed or semi-permanent contemporary artworks in any medium, planned and executed outside a gallery context and intended specifically for exhibition within public spaces. They are designed to stimulate the community and enhance a sense of place. Public spaces are generally open and accessible to all. They can be indoors – such as foyers – or outdoors such as forecourts, parks, squares or plazas.

Public artworks may include illustrations, paintings, photographs, and portraits, digital art, site-specific artworks, installations or art performances, artistic concepts integrated into the design of urban or public spaces, the fabrication of unique features for public spaces, mosaics, murals, and sculptures. Council's *Public Art Policy 2015-2020* provides a framework for the acquisition of public art through commission, purchase, donation or transfer.

### 2.4.3. Art Collection

The art collection comprises artworks that best illustrate historical and contemporary aspects of the physical, social, cultural and artistic development of the municipality and beyond. Works are intended for display and exhibition within publicly accessible spaces in Council buildings. Works are specifically acquired, donated or commissioned by Council through curatorial and formal art acquisition processes. Included in this category are works on paper, paintings, photographs, textiles, sculptures, installations and digital media.

## 3. Collection Development

Collection development refers to the reviewing and refining of the collection through acquisition and deaccession.

### 3.1. Acquisitions

Council acquires items for the collection by purchase, donation, bequest, commission or transfer. If applicable, donations may be submitted to the Australian Federal Government's Cultural Gift Program. Public art works commissioned for a specific and limited time may be administered as part of the public art collection for the nominated period. Details regarding the commissioning of these works are found in Yarra City Council's *Public Art Policy 2015-2020*.

Items can be proposed for acquisition by members of the community, the Visual Arts Panel, Councillors or Council officers. The management of acquisitions will be managed by Council in consultation with the Visual Arts Panel.



## CITY OF YARRA COLLECTION POLICY

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### 3.2. Visual Arts Panel

The Visual Arts Panel (VAP) is a voluntary group of artists and industry professionals providing a formal mechanism for Council to seek specialist advice regarding the acquisition of items, objects and artworks into the collection. Their role is advisory only in accordance with its Terms of Reference.

The VAP offer recommendations and advice on:

- The allocation of funds towards the purchase of one or more works for the collection.
- The acceptance of donations, gifts and bequest into the collection.
- The de-accessing of artworks in the collection.
- The strategic direction of the collection.

### 3.3. Acquisition Funds

Funding for acquisitions may come from:

- Council's operational or capital works budgets;
- External funding such as grants from other government departments, agencies or philanthropic trusts and foundations;
- Partnerships and sponsorship with industry and the private sector;
- Partnerships with the local community;
- Donations, bequests and gifts of money for the collection or for specific commissions and;
- Funds generated from the sale of de-accessioned works from the collection.

### 3.4. Acquisition Proposals

Proposals for acquisition by the general public must be submitted with the following information and where appropriate, made available for a studio or gallery visit.

- Image of work;
- Title of the work, name of artist and date of production (if known);
- Description of the item;
- History and provenance of the item;
- Significance of the work and relevance to the Collection;
- Associated costs such as storage or display requirements;
- Expert recommendations and valuations;
- Conservation report (where necessary);
- Market value cost;
- Date acquisition commitment required; and
- Attachments as required.

A report of the item's suitability in meeting the vision of this policy and acquisition criteria will then be developed for VAP consideration.

### 3.5. Acquisition criteria



## CITY OF YARRA COLLECTION POLICY

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Items considered for acquisition must meet the *Vision* of the Collection Policy and **all** the *General* criteria below. This applies to all three categories of the collection: Civic, Art and Public Art.

### 3.5.1. General Criteria

- Fill a gap or build upon the strength of items and/or areas in the collection;
- Be in sound and stable condition and not require extraordinary conservation, restoration or storage. Rare items in poor condition may be acquired if they are assessed as significant to the collection;
- Have display or exhibition and interpretive capacity;
- Have clearly established provenance;
- Be offered unconditionally and without restrictions, including the right to deaccession.

Items must also meet at least **one** of the *category* criteria below:

### 3.5.2. Category Criteria

- Increase the representation of works in the collection by Aboriginal and Torres Strait Islander artists;
- Be innovative, relevant and high quality by a respected emerging, mid-career or established artist/s who live, work or have a significant connection to the City of Yarra;
- Contributes to contemporary art practice and theory;
- Is relevant and appropriate to the context of the proposed site for installation and consistent with planning, heritage and environmental policies of the City of Yarra; including other artworks in the vicinity;
- Is significant to the social and cultural history of the City of Yarra and/or Yarra City Council;
- Commemorates a group or individual that has contributed significantly to the artistic, cultural, economic, political or social aspects of Yarra's development, or commemorates a significant anniversary of an event unique to Yarra's history and development.

### 3.6. Acquisition Report

Acquisition reports will be developed for VAP consideration that addresses the acquisition criteria. Reports should include an item description, provenance, a statement of significance and current market value for insurance purposes. Valuations on donations that go through the Cultural Gifts Program (CGP) are the donor's responsibility; however, Council may choose to cover these valuation costs.

### 3.7. Acquisition Recommendation Report

New acquisitions for the Collection will be discussed with the VAP at scheduled meetings for the purposes to making recommendations for Council. Where proposals are a unique opportunity or one which requires an immediate response, VAP may be informed retrospectively.

All members of the VAP must declare any real or perceived conflict of interest prior to consideration of proposed acquisitions. This declaration will be documented in the minutes and members will abstain from participating in the assessment process of that item.



## CITY OF YARRA COLLECTION POLICY

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The VAP must reach a consensus to recommend an acquisition. This will be noted in the meeting minutes.

### 3.8. Acquisition Formalisation

Recommendations for acquisition by the VAP are to be authorised in accordance with Council's procurement policy and delegated authority.

Donated works recommended by the VAP for accession are subject to approval by the Business Unit Manager of Arts, Culture and Venues.

All new works accessioned into the Collection will include permission from the artist/owner to reproduce an image of the item in print and online for collection management, educational and promotional purposes.

### 3.9. De-accessioning

De-accessioning is the process by which the Council may formally remove items from its Collection as part of responsible collection management.

De-accessioning is not a method for raising revenue and any money raised from the sale of de-accessioned works will be used for the care and development of the Collection. The ICOM Code of Ethics is referred to as the guiding document.

### 3.10. De-accessioning criteria

Items proposed for de-accessioning must have no relevance or fall outside the scope of this Collection Policy and meet one or more of the following criteria:

- Poor condition or have suffered irreparable damage;
- No known provenance, or have a legal ownership other than that of Yarra City Council;
- Pose a risk to public safety, which cannot be mitigated;
- Lost or stolen without possibility of recovery; or
- Copies, duplicate or reproductions of items already in the collection.

Items cannot be proposed for de-accessioning:

- On purely aesthetic grounds;
- If they have been in the collection for less than five years;
- If they have a legal encumbrance that prohibit them being de-accessioned; or
- If they have a contested provenance.

### 3.11. De-accessioning procedures

- A report will be developed for the VAP for consideration. A majority of members in the VAP must vote on or resolve a motion to recommend the de-accessioning.
- The report is then approved by the appropriate Council officer.



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- The item is to be held within the Collection for a twelve month 'cooling off' period. This 'cooling off' period allows Council time to contact the creator, donor, or the creator's estate and discuss options for *disposal*.
- If de-accessioned, the item must be de-registered. A record of the object's provenance and de-accession documentation must be retained, and the electronic record marked 'de-accessioned' but not deleted.

### 3.11.1. Disposal

- The item is returned to the artist, estate or donor, is offered to a more appropriate institution, arranged for sale, or dismantled and/or destroyed as a last resort.
- If a gift or donated item is sold, funds raised by the sale must be redirected towards new acquisitions which, with consent, may be attributed to the original donor.

## 4. Collection Management

Council's Arts and Cultural Services Unit is responsible for the day to day management of the collection and is provided an annual operational budget by Council ensuring it is documented, handled, stored, preserved and shared in accordance with this Collection Policy.

### 4.1. Record keeping and documentation

Records required for best practice collection management include:

- Acquisition proposal template (for all methods of acquisition);
- Art and Heritage Collection Asset Register (including loans);
- Acquisition acknowledgment form (including copyright permission);
- Commissioning form/contract;
- Deaccessioning proposal template;
- Loan template (inward and outward).

### 4.2. Registration and Cataloguing

All items are formally processed and registered into an asset register to ensure their status as the property of the City of Yarra is legally substantiated. Council should expand on these basic registration records by:

- Researching and documenting the significance of relevant items;
- Recording detailed exhibition and access history for each;
- Maintaining up to date movement and storage records for each item;
- Ensuring appropriate copyright agreements are in place and any restrictions or conditions relating to the item or to the moral rights of the artist are fully documented in the register.

### 4.3. Accessioning



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Accession numbers will be allocated in chronological order to each item in the collection. Where an item consists of more than one integral part, those parts will be allocated a letter which will follow the sequential number.

Each item will be identified with a Yarra City Council label or tag attached to the back of the item (if applicable), which states artist name, title of work, date, medium, dimensions and accession number.

### 4.4. The Asset Register

The Asset Register serves as the Collection Catalogue located in Tech One and is maintained by the Arts and Cultural Services Unit. It is the primary collection management tool and records detailed information for all items including provenance, date of acquisition, conservation status, valuation and object storage location. The record also includes visual documentation and reference images.

#### 4.4.1. Content Manager

Records and documents relating to items in the collection are also filed in Council's record management system Content Manager. These files are administered by the Arts and Cultural Services Unit and managed by the Records Unit. Prior to 2020, hard copy files were produced to contain hard copy documents relating to the acquired work and artist. In line with Council's move to paperless processing, hard copy files have now ceased with documents to be scanned and attached to the file relevant to the item recorded in the Asset Register and Content Manager whenever possible.

### 4.5. Image Library

Each item within the Collection will be digitally photographed for security, promotional and educational purposes and recorded in the asset register with its file name corresponding to the item's accession number.

### 4.6. Moral Rights and Copyright

Copyright shall be reserved by the artist (or their estate) for the item housed in the Collection. An agreement for the usage of images of the item for collection management, educational and promotional purposes in print and online will be entered into with the artist (or their estate). In doing so the use shall not contravene any laws including those governing copyright, intellectual property or moral rights or conflict with any commitments made by the Council in agreements with artists or donors. The artist/maker/creator and title of item will be attributed wherever and whenever an image or the item is displayed.

### 4.7. Aboriginal Material

Council acknowledges that it has a mandatory obligation under the *Aboriginal Heritage Act 2006* to register Victorian Aboriginal collection items in its possession with Aboriginal Affairs Victoria (AAV).

In instances where the provenance of certain Aboriginal artefacts is unknown, Council will seek advice from AAV.



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Council acknowledges that it is illegal to buy, sell or harm traditional Aboriginal objects without a cultural heritage permit.

Council acknowledges that it is illegal to remove Aboriginal objects from Victoria without a cultural heritage permit, excluding loans between interstate museums.

Council acknowledges that while in most cases Aboriginal artefacts will remain the property of Council, under the *Aboriginal Heritage Act 2006* human remains, and secret and sacred material legally belong to the traditional owners and should be repatriated.

In accordance with Australian Museums and Galleries Association (AMaGA) guidelines and other international guideline requests from Aboriginal and Torres Strait Islander communities for the return to them of cultural items held by Council will be given serious consideration.

### 4.8. Collection Valuation and Insurance

Council's Risk Unit manages insurance for the collection with the value of new acquisitions forwarded to the Risk unit when acquired and before the end of each financial year. It is optimum that the collection is revalued by qualified and accredited art professionals on the recommendation of Council's Risk manager and advisor.

### 4.9. Winding Up

The Collection is recognised as an asset of Yarra City Council. In the event of a local government restructure, the treatment of any assets would be in accordance with the Local Government Act.

### 4.10. Collection Care

In order to identify deterioration and reduce potential hazards and risk, an annual audit of the Collection is the responsibility of the Arts and Cultural Services Unit.

#### 4.10.1. Preventative Conservation

Council is committed to the preventive conservation of the Collection according to recognised museum standards. Council only engages qualified and accredited conservators and approved contractors to advise and work on the care, repair, maintenance, display and exhibition of the collection.

The Arts and Cultural Services Unit is responsible for day to day preventive conservation by:

- Ensuring the physical safety and security of collection items in storage and on display;
- Providing and managing secure and environmentally controlled collection storage within resource and budget constraints;
- Maintaining a secure list of storage locations, their access arrangements and a floorplan of each collection store noting numbered or labelled storage units;
- Minimising risk to the collection by monitoring storage conditions and addressing risks as required;
- Inspecting incoming material to ensure it is pest-free and arranging appropriate treatments;
- Establishing an annual object inspection and condition schedule for each item in the



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collection;

- Developing an annual collection maintenance schedule and budget in consultation with approved conservators;
- Coordinating and managing all movement, handling, relocation and installation of collection items according to industry handling practises.

### 4.10.2. Restorative Conservation

The Arts and Cultural Services Unit is responsible for commissioning and documenting all restorative conservation work on the Collection. Treatments and priorities are determined by curatorial staff in consultation with the relevant artist and/or approved conservators. Conservation work will be undertaken within the levels of priority and budget parameters.

### 4.10.3. Damage Reporting

If an object belonging to the Collection is damaged or appears to be at risk the following damage reporting procedures must be carried out:

- Damage should be reported immediately to the Arts and Cultural Services Unit.
- Where possible, the damaged item should be left in situ together with all broken parts and cordoned off until it can be assessed by a member of the Arts and Cultural Services Unit or an approved conservator. In such circumstances, consideration must be given to the safety of the work as well as public safety and access issues.
- A photograph is to be taken of the item as soon as possible in the state it was found to provide a record of the event and to document the condition of the item; and
- Damage is to be documented on the Collection database. The altered condition of the object is to be clearly documented as well as a description of the conservation treatment applied.

### 4.11. Storage

Collection items not on display will be housed in appropriate storage facilities. Collection items that require special care will be suitably framed if applicable and protectively stored according to the item's needs. Identification labels will be placed on storage boxes and shelves and linked to the Collection records to further reduce handling.

### 4.12. Occupational Health and Safety

Council has a commitment to ongoing OH&S training for current and new collection staff and to observing Council's OH&S procedures in every aspect of managing a mixed collection including exhibition and display installation, as well as object movement and handling. This includes:

- Wearing gloves to avoid touching objects where applicable.
- Using transport aids such as trollies to minimise risks and assist with awkward and heavy items.
- Organising workstations for safe handling to minimise the potential for falls and breakages.
- Hiring specialists for the transportation and installation of artworks where required.



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### 5. Collection Access

Council is committed to making arts and culture an everyday experience in the municipality and to enriching the community's understanding of Yarra's social and cultural history. Exhibiting and interpreting the collection and developing an online catalogue, accessible through Council's website, are some of the ways Council does this.

#### 5.1 Display

Display and allocation of artworks is the responsibility of the Arts and Cultural Services Unit.

Priority areas for display within Council premises is given to areas with high levels of public and staff access, such as Council foyers and meeting rooms. Artworks will be displayed in community meeting rooms and Council offices where suitable hanging arrangements exist. For artworks currently not on display or online, members of the public can contact the Arts and Cultural Services Unit to view items by appointment if permissible.

Rotation of artworks within Council premises is based on incoming staff, office changes and refurbishments, best art conservation practice and resources. The monitoring and review of the location, an item's condition and its' interpretation will be undertaken on a regular basis.

#### 5.2. Exhibitions

Works from the Collection and other projects of cultural and social interest will be involved in a regular exhibition program within Council's key civic buildings and dedicated arts spaces. Exhibitions from the Collection are to be developed in accordance with the *vision* of this Policy.

#### 5.3. Lighting

Council acknowledges the limitations of displaying artworks with limited resources and within a non-museum environment and will, where possible meet best industry practice in displaying items appropriately lit for optimal viewing and within conservation standard guidelines.

#### 5.4. Interpretation

All works on display must be acknowledged with a label and shown in the best possible display conditions. Wall labels will include the following:

- Artist name
- Accession details
- Title of work
- Medium
- Dimensions
- Acquisition/donation details
- Collection acknowledgement

#### 5.5. Loans

From time to time Council lends items from its Collection on a temporary basis to other institutions or organisations for exhibition and community engagement (outward). It also may borrow items from other



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institutions, organisations and individuals for similar purposes (inward). Council does not lend works from its Collection to individuals.

All loan requests will be reviewed and approved by the Coordinator, Arts and Cultural Services Unit. Loan requests will be treated on a case by case basis.

All loans (inward or outward) will be subject to the terms and conditions set out in the Loan Agreement form and agreed between Council and the lending/borrowing organisation. Council reserves the right to forfeit this agreement if terms and conditions are in breach.

### 6. References

This Collection Policy should be read in conjunction with the following documents generated by the City of Yarra:

- Significance Assessment, City of Yarra Art and Heritage Collection, 2012
- Visual Arts Panel Terms of Reference
- Yarra Arts Advisory Committee Terms of Reference
- Yarra City Council Public Art Policy 2015-2020

And by the following documents guiding best practice in the museum and collection sector (accessed in late June and early July 2019).

- Australian Centre for Contemporary Art, <https://acca.melbourne/education/resources/public-art/what-is-public-art/>
- The Australian Institute for the Conservation of Cultural Material, <https://www.aiccm.org.au>
- International Council of Museums (ICOM) Code of Ethics for Museums 2017 <https://icom.museum/wp-content/uploads/2018/07/ICOM-code-En-web.pdf>
- International Council on Monuments and Sites (ICOMOS) <https://australia.icomos.org/about-us/australia-icomos/>
- National Standards for Australian Museums and Galleries Version 1.5 September 2016 [https://amagavic.org.au/assets/National\\_Standards\\_1\\_5.pdf](https://amagavic.org.au/assets/National_Standards_1_5.pdf)
- The Burra Charter, 2013 <https://australia.icomos.org/wp-content/uploads/The-Burra-Charter-2013-Adopted-31.10.2013.pdf>
- Significance 2.0 <https://www.arts.gov.au/sites/g/files/net1761/f/significance-2.0.pdf>



## 8.1 Notice of Motion No. 3 of 2023 - Department of Transport Delays

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<b>Reference</b>	D23/212528
<b>Author</b>	Sophie Wade - Councillor
<b>Authoriser</b>	Chief Executive Officer

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I, Councillor Sophie Wade, hereby give notice that it is my intention to move the following motion at the Ordinary Meeting of Council to be held on 20 June 2023:

1. *That Council advocate to the state government to give councils an alternative approval pathway for certain types of pedestrian works in line with recent changes to transport delegations in NSW, including for:*
  - (a) *works to enable alfresco dining on a road (where there is no change to the number of continuous travel lanes);*
  - (b) *continuous footpaths;*
  - (c) *converting existing pedestrian ('zebra') crossings to raised pedestrian ('wombat') crossings;*
  - (d) *mid-block treatments to manage vehicle speed including road humps, road cushions, chicanes and slow points;*
  - (e) *pedestrian crossings;*
  - (f) *pedestrian refuges;*
  - (g) *'No Stopping' controls at intersections;*
  - (h) *kerb buildouts to reduce intersection crossing distance or manage vehicle speed (where there is no change to the number of continuous travel lanes);*
  - (i) *kerb modifications for footpath improvements or tree planting (where there is no change to the number of continuous travel lanes); and*
  - (j) *associated changes to kerbside parking necessary to implement the proposal and to offset any parking impacts.*
2. *That the Mayor write to the Minister for Roads and Road Safety with respect to the above, and that officers otherwise advocate for this position in regular meetings with the Department of Transport and Planning.*

### Background

On 24 February 2023, Transport for NSW (TfNSW) issued a temporary delegation of its powers under the *Roads Act 1993*, and an authorisation under the *Road Transport Act 2013*, to give councils an alternative approval pathway for certain types of pedestrian works.

Subject to the conditions set out in the new delegation, councils will be able to design and implement the following:

- (a) works to enable alfresco dining on a road (where there is no change to the number of continuous travel lanes);
- (b) continuous footpaths;
- (c) converting existing pedestrian (zebra) crossings to raised pedestrian ('wombat') crossings;
- (d) mid-block treatments to manage vehicle speed including road humps, road cushions, chicanes and slow points;
- (e) pedestrian crossings;

- (f) pedestrian refuges;
- (g) 'No Stopping' controls at intersections;
- (h) kerb buildouts to reduce intersection crossing distance or manage vehicle speed (where there is no change to the number of continuous travel lanes);
- (i) kerb modifications for footpath improvements or tree planting (where there is no change to the number of continuous travel lanes); and
- (j) associated changes to kerbside parking necessary to implement the proposal and to offset any parking impacts.

When exercising the temporary delegation, council must provide TfNSW and NSW Police with a description of the pedestrian work, a copy of the as-built design plans and a copy of the road safety audit if establishing a new pedestrian crossing.

In Victoria, the Department of Planning and Transport requires councils to obtain sign off on many pedestrian works, including those listed in this notice of motion. This causes significant delays in the implementation of much needed pedestrian infrastructure, including on projects that have already been through rigorous design and consultation at the council level, and that are funded by local residents and ratepayers through the council budget.

Projects in the City of Yarra, and other councils, have been delayed by months, and are often delayed by up to a year.

The current approval process prevents councils from taking timely action to make their streets safer and more walkable.

More information: <https://www.transport.nsw.gov.au/operations/roads-and-waterways/committees-communities-and-groups/committees-and-groups-0>

## RECOMMENDATION

1. That Council advocate to the state government to give councils an alternative approval pathway for certain types of pedestrian works in line with recent changes to transport delegations in NSW, including for:
  - (a) works to enable alfresco dining on a road (where there is no change to the number of continuous travel lanes);
  - (b) continuous footpaths;
  - (c) converting existing pedestrian ('zebra') crossings to raised pedestrian ('wombat') crossings;
  - (d) mid-block treatments to manage vehicle speed including road humps, road cushions, chicanes and slow points;
  - (e) pedestrian crossings;
  - (f) pedestrian refuges;
  - (g) 'No Stopping' controls at intersections;
  - (h) kerb buildouts to reduce intersection crossing distance or manage vehicle speed (where there is no change to the number of continuous travel lanes);
  - (i) kerb modifications for footpath improvements or tree planting (where there is no change to the number of continuous travel lanes); and
  - (j) associated changes to kerbside parking necessary to implement the proposal and to offset any parking impacts.
2. That the Mayor write to the Minister for Roads and Road Safety with respect to the above, and that officers otherwise advocate for this position in regular meetings with the Department of Transport and Planning.

## Attachments

There are no attachments for this report.

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