



Agenda

Council Meeting

6.30pm, Tuesday 12 December 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 Edward Crossland Mayor
- Cr Anab Mohamud Deputy Mayor
- Cr Michael Glynatsis Councillor
- Cr Stephen Jolly Councillor
- Cr Herschel Landes Councillor
- Cr Claudia Nguyen 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
- Mel Nikou Governance Officer

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 14 November 2023 be confirmed.

That the minutes of the Council Meeting held on Wednesday 15 November 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	Amendment C273yara - Heidelberg Road Permanent Built Form Provisions - Consideration of Submissions	10	22	Joerg Langeloh – Project and Policy Coordinator Strategic Planning
7.2	Financial Sustainability Strategy – Final Dec 2023	80	87	Wei Chen – Chief Financial Officer
7.3	Charlotte Street Pocket Park - Final Concept Plan	135	142	Kate Yuncken – Manager City Strategy
7.4	Open Space Amendment Update	158	163	Kate Yuncken – Manager City Strategy
7.5	M9 Collaborative Tender - FOGO, Recycling (without glass) and Glass Processing Services	165	169	Brett Grambau – Manager City Works & Zoe Batchelor – Coordinator Waste Management Services
7.6	Food Organics and Garden Organics Collection Services	170	173	Brett Grambau – Manager City Works & Lisa Coffa – Senior Advisor Waste Minimisation
7.7	Electric Line Clearance Responsibilities and Regulations 2020	174	181	Brett Grambau – Manager City Works
7.8	Fitzroy Swimming Pool - Shading and Lifeguard Numbers	192	196	Adam Kavanagh – Coordinator Strategy and Business Development
7.9	Rainbow Footpath Treatment	197	200	Sam Hewett – GM Infrastructure and Environment
7.10	Response to Notice of Motion No 5 of 2023 – Developer contact and gift disclosure	201	204	Rhys Thomas - Senior Governance Advisor
7.11	Appointment of 2024 Committee Members and Delegates	214	218	Rhys Thomas - Senior Governance Advisor

8. Notices of motion

Item		Page	Rec. Page	Report Presenter
8.1	Notice of Motion No. 6 of 2023 - Families and Children Advisory Committee and Playground Equipment in Park at Cambridge Street, Collingwood	221	221	Stephen Jolly - Councillor
8.2	Notice of Motion No. 7 of 2023 - Israel Gaza Conflict	222	222	Anab Mohamud - Councillor
8.3	Notice of Motion No. 8 of 2023 - Demolition of Public Housing Towers	223	224	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

The following items were deemed by the Chief Executive Officer to be suitable for consideration in closed session in accordance with section 66(2)(a) of the Local Government Act 2020. In accordance with that Act, Council may resolve to consider these issues in open or closed session.

RECOMMENDATION

1. That the meeting be closed to members of the public, in accordance with section 66(2)(a) of the Local Government Act 2020, to allow consideration of confidential information

Item

14.1 Enterprise Resources Planning Procurement

This item is to be considered in closed session to allow consideration of council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

These grounds are applicable because the report contains information which, if released, may be contrary to Council's interests in the procurement process.

14.2 Gasworks site update

This item is to be considered in closed session to allow consideration of:

- legal privileged information, being information to which legal professional privilege or client professional privilege applies;
- private commercial information, being information provided by a business, commercial or financial undertaking that relates to trade secrets or if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;
- confidential meeting information, being the records of meetings closed to the public under section 66(2)(a); and
- information that was confidential information for the purposes of section 77 of the Local Government Act 1989.

These grounds are applicable because the report contains legal advice from Council's solicitors, commercial information provided by a third party and records from meetings closed to the public under both the Local Government Act 2020 and Local Government Act 1989.

7.1 Amendment C273yara - Heidelberg Road Permanent Built Form Provisions - Consideration of Submissions

Reference	D23/454172
Author	Adam Quintiliani - Strategic Planner
Authoriser	General Manager City Sustainability and Strategy
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

Purpose

1. The purpose of this report is for Council to consider:
 - (a) the 117 submissions received following the exhibition of draft Amendment C273yara;
 - (b) the officer's responses to the issues raised in the submissions;
 - (c) the officers' recommendation to request the Minister for Planning to refer all submissions, response to submissions and Council's preferred draft to the Yarra Activity Centre Standing Advisory Committee as set out in the Terms of Reference;
 - (d) the key officer recommendations for proposed changes to the exhibited draft Amendment C273yara documentation to form the basis of Council's position at a Yarra Activity Centre Standing Advisory Committee; and
 - (e) the next steps for advancing the amendment in accordance with the requirement of the Terms of Reference.

Critical analysis

History and background

2. Draft Amendment C273yara seeks to introduce permanent built form provisions for new development in commercial areas along Heidelberg Road, Fairfield and Alphington.
3. In summary, the draft Amendment would:
 - (a) Insert new policy on the Heidelberg Road Neighbourhood Activity Centre at Clause 11.03-1L Activity Centres to guide built form within the activity centre;
 - (b) Replace interim Design and Development Overlay Schedule 18 (interim DDO18) with permanent Design and Development Overlay Schedule 18 (DDO18) which applies to the land zoned Commercial (C1Z and C2Z) along Heidelberg Road;
 - (c) Apply new Heritage Overlays to properties at 730-734 and 760 Heidelberg Road, Alphington (It also updates the Schedule to the HO and includes new Statements of Significance for the properties Schedule to Clause 72.04 Incorporated Documents.)
 - (d) Delete Heritage Overlay HO362 from 2 Killop Street, Alphington; and
 - (e) Amend the Schedule to Clause 72.08 Background Documents to include the background documents to the amendment.

4. DDO18 applies to four precincts along Heidelberg Road (see Figures 1 and 2 below).

Figure 1 – Extent of DDO18 – Precincts 1 and 2

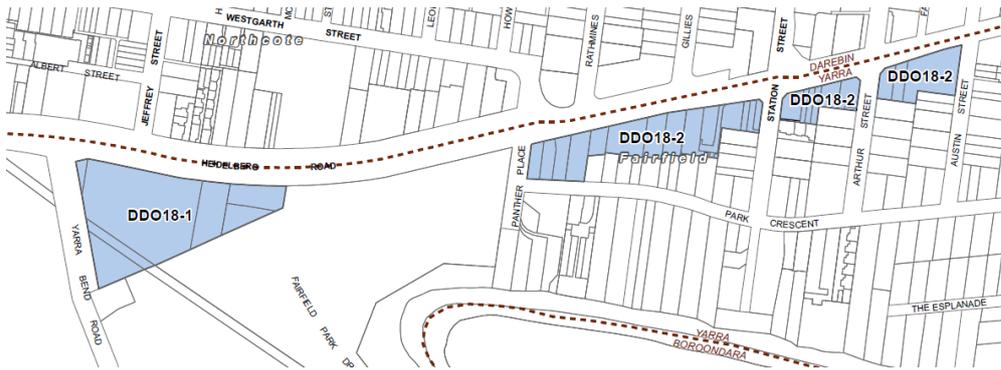
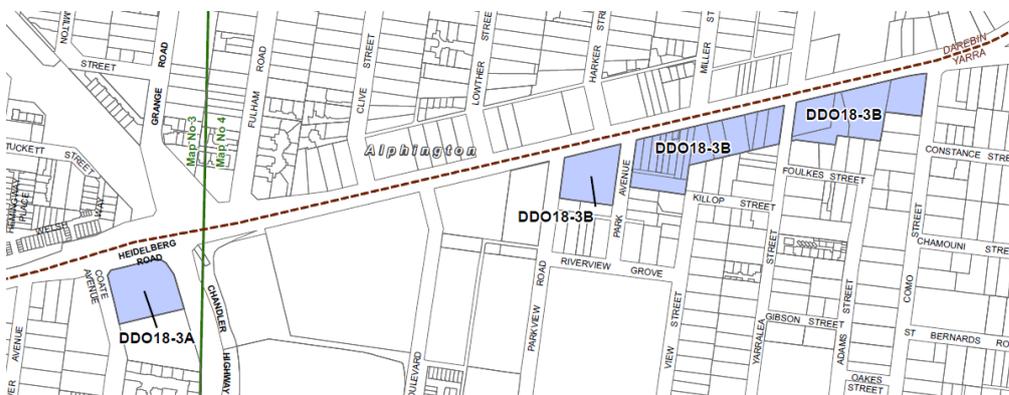


Figure 2 – Extent of DDO18 – Precincts 3A and 3B



Exhibition

5. Conditional consent to exhibit the amendment was obtained from the Department of Transport and Planning (under delegation from the Minister for Planning) on 30 June 2023.
6. The conditional consent required officers to make minor changes to the amendment before exhibition. These changes did not change the intent of the amendment.
7. The draft Amendment was exhibited between 31 July and 28 August 2023.
8. Additional time was provided for owners and occupiers adjoining Precinct 2 to make a submission as some residents raised concerns they were not notified. (See Community and stakeholder engagement for the details of exhibition.)

Discussion

Submissions received

9. A total of 117 submissions have been received:
 - (a) 112 submissions were received from residents in the surrounding area, including 70 proforma submissions;
 - (b) 3 submissions were received from landowners/developers (development interests); and
 - (c) A submission from Melbourne Water and Darebin City Council.

Issues raised and recommended responses

10. The key issues raised in submissions and responses to the submissions are summarised in Table 1 below.

11. Detailed responses to submissions are provided in two attachments:
 - (a) Attachment 1 provides a summary of the key issues raised in submissions (structured by topic), a response to the key issues and recommended changes to the draft amendment; and
 - (b) Attachment 2 provides the detailed summary of individual submissions.
12. Note: The majority of issues identified in the individual submissions are addressed in the key / centre-wide issues table in Attachment 1. Where an issue is very specific or has not been responded to in a key issue, a response and any recommended changes are provided in Attachment 2.
13. Both attachments identify potential changes to draft Amendment C273yara that would respond to the issues raised by submitters. Where changes are not recommended or considered necessary, the rationale for the approach in the amendment is provided in the attachments.
14. A marked-up version of DDO18 showing proposed changes since the public exhibition is provided at Attachment 3.

Table 1: Key issues raised in submissions and recommended changes

Issues raised in submissions	Response and recommended changes
<p>Accommodating Growth</p> <p>Submissions from residents were concerned the amendment would result in development that would change the valued neighbourhood character of Alphington/Fairfield and why they live there - its leafy, family friendly character.</p> <p>Concerns were also expressed about increase pressure on existing services and traffic.</p>	<p>No change proposed.</p> <p>Plan Melbourne, the Yarra Housing Strategy and the revised local planning policy framework direct employment and housing growth in Yarra to activity centres.</p> <p>The Heidelberg Road Neighbourhood Activity Centre (NAC) is expected to deliver a substantial number of new dwellings, primarily through the redevelopment of the former Alphington Paper Mill (APM).</p> <p>The Yarra Spatial Economic and Employment Strategy (2018) seeks to support growth in retail and other employment uses in the Neighbourhood Activity Centre (NAC) and commercial areas along Heidelberg Road.</p> <p>Land along Heidelberg Road in Fairfield and Alphington is an attractive area for new development due to its good access to Melbourne CBD, public transport, jobs and services.</p> <p>Policy in the Planning Scheme seeks to reinforce the importance of the NAC and surrounding commercial areas and to limit changes in established residential areas.</p> <p>Draft Amendment C273 aims to provide a balanced approach by guiding different levels of potential development across the Heidelberg Road precincts. It aims to ensure that new buildings will respond to heritage fabric and minimise impacts on sensitive residential interfaces such as backyards, and public spaces like footpaths, kerb outstands and parklands.</p> <p>Impacts on infrastructure are outside the scope of the amendment. The provision of public transport, schools, utility services, etc cannot be increased through a planning scheme amendment. The City of Yarra communicates potential changes to the relevant infrastructure providers when it exhibits an amendment and regularly advocates for improvements on behalf of the community.</p>
<p>Building Heights</p> <p>Building heights were a core theme raised in submissions.</p> <p>Residents generally considered the proposed building heights too tall and seek a reduction in heights.</p> <p>Concerns included the impact on the character of the area and the quality of life for residents and on</p>	<p>No change proposed.</p> <p>The proposed building heights aim to balance development opportunities, neighbourhood character and public and private amenity.</p> <p>A range of building heights and setbacks are proposed to respond to the highly varied built form and land use contexts along Heidelberg Road, including the surrounding heritage and built form context, interface conditions and site characteristics (size/depth) in each precinct.</p> <p>DDO18 allows for building heights:</p> <ul style="list-style-type: none"> • generally between 4-5 storeys in Precincts 2 and 3B where there is a

Issues raised in submissions	Response and recommended changes
<p>residential amenity through overshadowing, loss of privacy and building bulk.</p> <p>Landowners and development interests commented some of the heights are too low and do not reflect the strategic context they are situated in.</p> <p>Differing views were provided on development sites such as the 700-718 Heidelberg Road site and the Porta site – from residents and development interests.</p>	<p>fine grain street network, narrow sites with some larger sites and variations in building heights and styles.</p> <ul style="list-style-type: none"> up to 7 storeys in Precinct 1 (within the Porta site) and 8 storeys in Precinct 3A (for the section of the site at the corner of Heidelberg Road and Chandler Highway) (ensuring building heights remain subordinate to development on the former APM site). These heights apply where there are less constraints. Typically, these precincts do not directly interface with residential properties or less so. <p>DDO18 requires new development to transition down to residential and parkland interfaces, including mandatory rear ground and upper level setbacks. This will protect these areas from an unreasonable loss of amenity. See 'Impacts on residential amenity' below.</p> <p>Criteria apply to guide where a development seeks to exceed a preferred building height.</p> <p><i>Proposed DDO18 Building Height Requirements:</i></p> <ul style="list-style-type: none"> <i>Precinct 1:</i> 14.4m – 24m (Discretionary) <i>Precinct 2:</i> 16m – 20m (Discretionary) <i>Precinct 3A:</i> 11.2m – 27.2m (Mandatory) <i>Precinct 3B:</i> 14.4m – 17.6m (Discretionary)
<p>Building Setbacks and Separation</p> <p>Commercial landowners and developers opposed building separation and setbacks along Heidelberg Road and Park Crescent, as it would restrict development opportunities.</p> <p>A concern was expressed about the impacts of building separation of new development on narrow sites.</p> <p>They also expressed concerns that the 6m upper level setback towards Heidelberg Road was excessive and would limit development.</p> <p>Submissions from residents were concerned about setbacks at the rear of commercial development (See 'Impacts on residential amenity' below).</p>	<p>No change proposed.</p> <p><u>Building separation</u></p> <p>Building separation requirements have been proposed in the DDO to enhance privacy, break up building mass and allow sunlight / daylight access to buildings. DDO18 requires upper levels on side boundaries to be set back where a window or balcony is proposed. A 4.5m setback is required for a habitable room window or balcony and a 3m setback is required for a commercial or non-habitable room window.</p> <p>The requirement is preferred (discretionary). Narrow sites could develop to 4 storeys (street wall height) or in some circumstances may be able to build to the boundary.</p> <p><i>Proposed DDO18 Building Separation Requirements:</i></p> <ul style="list-style-type: none"> <i>Precinct 1, 2, 3A and 3B</i> – where development shares a common boundary, upper level development for buildings up to 14.4m (or 16m in Commercial 2 Zone) are to be setback: <ul style="list-style-type: none"> 4.5m where a habitable window or balcony is facing the common boundary (Discretionary) 3m where a commercial or non-habitable window is facing the common boundary (Discretionary) <p><u>Front setbacks</u></p> <p>The purpose of the 3 metre front setback to significantly improve pedestrian amenity along Precincts 1, 2, 3A (noting that a 4.5 metre front setback is required to Coate Avenue) and 3B (between Parkview Road and Park Avenue).</p> <p>Front setbacks along Heidelberg Road also support opportunities for street activation and significantly improved pedestrian amenity and access through landscaping, inclusion of outdoor seating and trading space.</p> <p><i>Proposed DDO18 Front Setback Requirements:</i></p> <ul style="list-style-type: none"> <i>Precinct 1:</i> 3m (Mandatory) <i>Precinct 2:</i> 3m (Mandatory) <i>Precinct 3A:</i> 3m – 4.5m (Mandatory) <i>Precinct 3B:</i> 0m – 3m (Discretionary/Mandatory)

Issues raised in submissions	Response and recommended changes
	<p><u>Upper level setbacks</u></p> <p>Upper level setbacks are crucial for clear definition between lower/podium levels and upper levels, reducing visual bulk and keeping a pedestrian-scale street edge.</p> <p>DDO18 proposes upper level setbacks of:</p> <ul style="list-style-type: none"> • 6m along Heidelberg Road, Yarra Bend Road, Chandler Highway and Park Crescent • 10m from Coate Avenue • 3m along other side streets. <p>A 6m upper level setback is applied to retain a sense of openness on wider streets such Heidelberg Road. The 6 metre setback provides a balance with street wall height to achieve well-proportioned buildings where the upper levels form a recessed, lighter element above a solid base building form.</p> <p>The 3m discretionary setback on side streets minimises overshadowing of opposite footpaths and retains a sense of openness for the side streets.</p> <p>10m mandatory upper level setbacks on Coate Avenue seek to ensure a development appropriately transitions down towards the residential character.</p> <p><i>Proposed DDO18 Upper Level Setback Requirements:</i></p> <ul style="list-style-type: none"> • <i>Precinct 1:</i> 6m (Discretionary) • <i>Precinct 2:</i> 3m – 6m (Discretionary) • <i>Precinct 3A:</i> 6m – 10m (Discretionary/Mandatory) • <i>Precinct 3B:</i> 3m – 6m (Discretionary/Mandatory)
<p>Impacts on residential amenity (including rear interfaces)</p> <p>Amenity issues and the impacts of future development on access to sunlight, privacy and visual bulk were key themes in submissions.</p> <p>Some residents commented that stronger controls were needed.</p> <p>Some submissions from commercial landowners considered the proposed provisions too onerous.</p> <p>A number of residents submitted concerns about overshadowing and reduced access to natural sunlight for indoor and outdoor spaces, with potential impacts on solar panel efficiency, energy generation and residents' well-being. Impacts on wildlife were also mentioned.</p> <p>There were several locations that attracted a greater number of submissions. These were from residents who live adjacent to Precincts 2, 3A and 3B.</p> <p>Overshadowing of open space was highlighted as an issue in Precinct 1 however submissions noted tall buildings in this area won't impact residents' views or overshadow</p>	<p>Change proposed – Increase the landscape setback between the rear of new development and residential properties from 3m to 5m in Precincts 2 and 3B.</p> <p><u>General amenity issues – overlooking, overshadowing and visual bulk</u></p> <p><i>Exhibited controls</i></p> <p>The DDO includes rear interface controls that require a transition in scale to minimise amenity impacts on surrounding areas, including overlooking, overshadowing and visual bulk. The proposed approach balances development outcomes while reducing amenity impacts to residential properties adjacent to commercial properties.</p> <p>The controls seek to locate bulk away from residential and parkland interfaces to minimise amenity impacts and visibility, mainly through the application of:</p> <ul style="list-style-type: none"> • a 3m ground floor setback where existing dwellings are within 15m or less of a rear boundary; • an 8 metre maximum boundary/rear wall; and • development to be contained within a 45-degree angle above. <p>The rear interface requirements are applied as mandatory requirements to ensure residential properties are protected from overshadowing and overlooking, and visual bulk is minimised when viewed from the residential properties to the south.</p> <p>Testing of the rear interface provisions demonstrates development that complies with the proposed controls meets the minimum sunlight access requirements for secluded private open space that apply for residential zones in Clauses 54 and 55 of the Planning Scheme (ResCode) - 'at least 75 per cent, or 40 square metres with a minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9am and</p>

Issues raised in submissions	Response and recommended changes
<p>residential areas.</p> <p>Concerns about construction noise were also raised.</p> <p>One submission highlighted potential wind impacts due to taller developments.</p>	<p><i>3pm on 22 September.</i></p> <p><i>Proposed changes</i></p> <p>In response to submissions, an increase to the 3m setback is recommended for Precincts 2 and 3B. A landscape setback of 5m (increased from 3m) would apply where development interfaces with the rear boundary of an adjacent residential lot. The trigger of 15m distance to an adjacent house from boundary would be removed. The setback would apply to all rear interfaces regardless of the distance.</p> <p>A 3m landscape setback would continue to apply where the development interfaces with a side boundary of an adjacent residential lot. (No change).</p> <p>Increased setbacks provide opportunities for further landscaping between the rear of new development and existing residences. This will enhance the treed landscape character of this area of Fairfield/Alphington. It would also simplify the control by removing the 15m trigger.</p> <p>Increased setbacks also help to reduce building bulk and will reduce overshadowing impacts to these properties.</p> <p>The proposed changes only affect Precinct 2 and 3B as tailored setbacks are proposed to apply in Precincts 1 and 3A.</p> <p>This change would affect four commercial properties in Precincts 2 and 3B. The result would be the sites may not be able to develop to the maximum preferred height provided for in DDO18 (noting two properties could not achieve this height based on the exhibited controls and one has been recently developed.)</p> <p><u>Interface to parklands</u></p> <p>Interface provisions require a maximum building height of 14.4m for development adjacent to the parkland in Precinct 1. A 45 degree angle and overshadowing controls measured between 10am and 2pm on 22 September also apply. This will ensure the parkland will not be inadequately overshadowed and visual bulk is minimised. No change proposed.</p> <p><u>Construction impacts</u></p> <p>Managing noise issues is outside the scope of this amendment and is addressed through State Government legislation and elsewhere in the Planning Scheme.</p> <p><u>Wind</u></p> <p>The exhibited DDO includes an application requirement for a desktop wind impact assessment to ensure new development does not result in adverse wind impacts. No change proposed.</p> <p><i>Proposed DDO18 Rear Boundary Setback Requirements:</i></p> <ul style="list-style-type: none"> • <i>Precinct 1: 3m (Mandatory)</i> • <i>Precinct 3A: 4.5m (Mandatory)</i> • <i>Precinct 2 & 3B (PROPOSED CHANGES):</i> <ul style="list-style-type: none"> • <i>5m when development abuts rear boundary of adjacent lot (Mandatory)</i> • <i>3m when development abuts side boundary of adjacent lot (Mandatory)</i> <p><i>Proposed DDO18 Upper Level Setback (Above Rear Interface) Requirements:</i></p> <ul style="list-style-type: none"> • <i>Precinct 1, 2, 3A and 3B: Development to be contained within a 45 degree setback envelope (Mandatory)</i> <p><i>Proposed DDO18 Rear Interface Height Requirements:</i></p> <ul style="list-style-type: none"> • <i>Precinct 1, 3A and 3B: Development to not exceed a maximum boundary/rear wall height of 8m when adjoining a residential</i>

Issues raised in submissions	Response and recommended changes
	<p>property (Mandatory)</p> <ul style="list-style-type: none"> • <i>Precinct 2: 14.4m at park interface (Mandatory)</i>
<p>Heritage</p> <p>Resident submissions identified the heritage fabric and neighbourhood character as particularly important in the residential area.</p> <p>A small number specifically commented on and supported the application of new heritage overlays to the properties at 730-734 Heidelberg Road and 760-764 Heidelberg Road, Alphington. No submissions were received from the owners of these properties.</p> <p>One submitter supported the proposed removal of the HO from 2 McKillop Street.</p> <p>A submitter felt the views to the heritage chimney from the south of Precinct 1 are not essential from a heritage perspective and suggests the deletion of the southern view lines from the DDO. Overall, the landowner considered the proposed planning controls were too prescriptive.</p>	<p>No change proposed.</p> <p>The heritage advice provided by RBA Architects has informed the built form approach and ensured that DDO18 appropriately responds to heritage places. Two additional heritage overlays were recommended by RBA and are included in the amendment.</p> <p>Officers do not agree that DDO18 is too restrictive and does not provide flexibility. The design provisions within DDO18 have been informed by heritage and urban design advice. Many of the controls are preferred and would allow for variation if sufficient justification is provided.</p> <p>Views to the chimney on the Porta site from the parkland were identified as significant in the heritage and built form background reports that informed the amendment.</p>
<p>Traffic, access to properties, public transport and parking</p> <p>Approximately a third of submitters questioned the ability of the road network in Alphington/Fairfield to accommodate the traffic future development would generate. They considered the amendment did not properly consider traffic impacts on residents.</p> <p>A number of submitters commented on the need for improvements to public transport in Alphington/Fairfield. Concerns that accommodating for growth/development will put further strain on public transport.</p> <p>Submitters are concerned that an increase in commercial and residential density would accentuate the current difficulties in finding a parking space and on-street parking.</p>	<p>No change proposed.</p> <p>Traffic Consultants reviewed current and potential traffic generation from future development as guided by the DDO. Their report found that moderate development across precincts is not expected to have a detrimental impact on the road network.</p> <p>The proposed amendment directs housing growth to areas well-served by public transport, cycle routes, services and jobs. The state government and relevant agencies are responsible for providing public transport services. Council continually advocates for improved public transport services and pursues improvements to bicycle infrastructure.</p> <p>The management of on-street parking is outside the planning scheme amendment process. Council has developed a policy for reviewing parking restrictions that outlines how changes to current restrictions would be considered.</p> <p>The <i>Draft Heidelberg Road Local Area Plan (2019)</i> includes actions to improve transport and accessibility. These actions include advocating to the Department of Transport, extend the hours of bus route 546, provide a new bus service to Kew and Burnley, provide additional pedestrian crossings.</p>
<p>Mandatory Controls</p> <p>There was a mix of views around the application of 'mandatory' and 'preferred' planning scheme provisions.</p> <p>Some submissions expressed concerns about the use of preferred provisions. Some supporting the application of 'mandatory' controls.</p> <p>Some explicitly suggested</p>	<p>No change proposed.</p> <p>The DDO contains a mix of 'mandatory' controls and 'preferred' controls. The application of mandatory controls has been carefully considered and applied selectively. They are not proposed to apply across all precincts neither to all requirements in proposed DDO18.</p> <p>Mandatory controls are applied where it is considered 'absolutely necessary' in accordance with <i>Planning Practice Note 59</i>.</p> <p>Mandatory controls are proposed to apply to:</p> <ul style="list-style-type: none"> • Building heights in Precincts 3A

Issues raised in submissions	Response and recommended changes
<p>mandatory controls for building heights and landscape setbacks.</p> <p>Some commercial landowners questioned the application of mandatory controls on their properties. They questioned the strategic justification of their application and argue that they limit the development potential.</p>	<ul style="list-style-type: none"> • Front / street setbacks in Precincts 1, 2 and 3A and parts of 3B – mainly along Heidelberg Road • Street wall heights in Precinct 2, 3A on Coate Avenue and 3B on Heidelberg Road • Upper level setbacks in Precinct 3A on Coate Avenue and in Precinct 3B between Parkview Street and Yarralea Street. • Rear interface controls in all precincts. <p>Mandatory controls are necessary to minimise impacts on sensitive residential interfaces and the public realm.</p> <p>Mandatory setback requirements have also been applied to ensure uniform street edge.</p>
<p>Drafting of the DDO</p> <p>A few submissions raised specific issues around the drafting of the DDO. Some submitters have suggested specific drafting and wording changes to the DDO.</p>	<p>Change proposed – minor changes.</p> <p>Minor edits have been made to the wording of the draft DDO18, some in response to submitters, while others were corrections by officers.</p>
<p>Other issues</p> <p><u>Land use and zoning</u></p> <p>Two submissions considered there was enough commercial development in the area and there is a greater need for residential development in the area. A further submission suggested the area is better suited for residential than commercial due to the proximity of amenities.</p> <p><u>Impacts of new development on climate change</u></p> <p>A small number of submissions commented that the proposed new development is not sustainable and conflicts with Council’s objective in addressing the climate emergency.</p> <p>The proposed amendment fails to address the reduction of emissions. Taller development would overshadow residential solar panels.</p> <p><u>Property values</u></p> <p>A small number of resident submissions commented the proposed heights and new development would reduce the property values of nearby apartments and houses.</p> <p><u>Views</u></p> <p>Submissions from residents in the ‘Home’ apartment building, corner of Heidelberg Road and Chandler Highway were concerned about the impacts on views.</p>	<p>No change proposed.</p> <p><u>Land use and zoning</u></p> <p>The area affected by Amendment C273yara consists of two planning zones, the Commercial 1 Zone (C1Z) and Commercial 2 Zone (C2Z).</p> <p>Draft Amendment C273yara does not propose to rezone land.</p> <p>Council’s adopted Spatial Economic and Employment Strategy (SEES) recommends the retention of C2Z land. The SEES highlights the role C2Z precincts provide in employment diversity across various locations in Yarra. The City of Yarra has sufficient capacity in other zones to accommodate growth in residential dwellings, as demonstrated by the Yarra Housing Strategy 2018.</p> <p>The C1Z allows for retail, office and residential uses above street level, allowing for mixed-use developments.</p> <p><u>Climate change</u></p> <p>Officers consider the amendment contributes to addressing climate emergency by supporting development in locations that are well served by shops, community facilities and public transport.</p> <p>An individual DDO is not the right tool to prescribe environmental sustainability standards that should apply equally across the municipality. Other parts of the Yarra Planning Scheme will ensure that new development is built in a more sustainable way - the Planning Policy Framework in C269, Council’s Environmentally Sustainable Design Policy at Clause 22.17 and proposed Planning Scheme Amendment C309yara – Elevating Environmental Standards.</p> <p><u>Property values</u></p> <p>Outside the scope of this amendment.</p> <p><u>Views</u></p> <p>The planning system does not protect views from private property. This planning principle has been substantiated through numerous VCAT decisions which have not given weight to a view from a private property.</p>
<p>Key development sites</p> <p><u>Porta site (224-256 Heidelberg Road - Precinct 1)</u></p>	<p>Change proposed – additional design requirements for the Porta site.</p> <p><u>Porta site (224-256 Heidelberg Road - Precinct 1)</u></p>

Issues raised in submissions	Response and recommended changes
<p>A submission on behalf of the owner suggests the need for a more facilitative approach to change and development for Significant Redevelopment Sites.</p> <p>Concerns about the potential negative impact on housing delivery, including affordable housing, due to these controls.</p> <p>Opposes the preferred maximum building height of 24m given the site's attributes and suggests an increase, especially for the northeast corner.</p> <p>Objects to the introduction of mandatory controls e.g. setbacks. Unjustified and overly restrictive.</p> <p>45-degree angle at rear should apply to residential interfaces only.</p> <p>See 'Heritage' section above regarding further comments.</p> <p><u>700-718 Heidelberg Road - Precinct 3B</u></p> <p>The approved development on this site would not comply with the mandatory controls as proposed in the DDO.</p> <p>There is inconsistency between the objective of creating a 'new low-rise character' in Precinct 3B and the existing mid to higher-rise commercial conditions along Heidelberg Road.</p> <p>C273 does not encourage redevelopment and intensification of existing urban areas.</p> <p>Supports preferred building height requirement. But notes 17.6m is significantly lower than the approved height of 26.97m. (VCAT found the site could support taller building on Heidelberg Road but needed to transition to smaller scale towards the east.)</p> <p>Mandatory built form controls are overly restrictive and will stifle growth.</p>	<p>In Precinct 1, DDO18 seeks to create a mid-rise precinct that frames Heidelberg Road and steps down towards the adjacent park to maintain the prominence of the landscape setting. The Porta heritage building is retained, views to the brick chimney are enabled through adequate guidance in the DDO and a new north-south pedestrian connection links Heidelberg Road to the park.</p> <p>The heights for Precinct 1 are proposed as preferred. Additional criteria are provided for proposals that exceed the preferred maximum height to assess additional offsite impacts, such as visual bulk as perceived from the residentially zoned properties to the south, and any additional overshadowing impacts on their secluded private open space.</p> <p>See comments above on mandatory controls. A mandatory control is necessary to protect parkland from unreasonable overshadowing and adequately reduce visual bulk when viewed from the parkland.</p> <p>Officers have reviewed the proposed requirements for the Porta site and consider the following requirements should be added to guide development:</p> <ul style="list-style-type: none"> • Preference for car parking to be located in basements • Ensure building entrances are designed to be safe and are accessible from a public thoroughfare • The north-south public laneway should be accessible 24 hours a day and is open to the sky. • Development should be located to minimise overshadowing any publicly accessible / communal space provided on the site. • The location of the heritage chimney is shown on the map. <p><u>700-718 Heidelberg Road - Precinct 3B</u></p> <p>Officers have considered the recent VCAT case. The built form parameters in the DDO align with some elements of the VCAT decision, but not all. There is no requirement that a DDO align with an approved permit, which may or may not be acted upon.</p> <p>The heights for Precinct 3B in the DDO are proposed as preferred. Additional criteria are provided for proposals that exceed the preferred maximum height (see above).</p> <p>The DDO proposed different built form outcomes for different precincts based on various factors. The preferred character in Precinct 3B is a low-rise character. A more mid-rise character is sought in Precincts 1 and 3A.</p> <p>See comments above on mandatory controls.</p>

Next steps

15. Officers have analysed the submissions and recommend changes for Council's consideration. If supported, these proposed changes would be requested to be referred to the *Yarra Activity Centres Standing Advisory Committee (SAC)*.
16. It is recommended Council request the Minister for Planning refer the amendment and all submissions to the SAC.

17. Officers also recommend Council notify any landowners and submitters affected by the more substantive recommended changes to the draft amendment. This would advise them of the position Council proposes to take to the SAC and provide them with the opportunity to make a submission or further submission.
18. A Directions Hearing is scheduled to commence in the week of 5 March 2024, with the Hearing to commence in the week of 22 April 2024.
19. The SAC would hear submitters and provide its report and recommendations to Council and the Minister for Planning for consideration.
20. Council would then receive a further report from Council officers and resolve a position about the draft amendment and provide its views to the Minister for Planning.

Options

21. Two options could be considered by Council at this stage of the process:
 - (a) request the Minister for Planning refer Draft Amendment C273yara to the *Yarra Activity Centres Standing Advisory Committee*; or
 - (b) abandon the Draft Amendment.
22. Officers recommend Option 1. A range of views were expressed in relation to built form parameters, in particular the scale and height of development and amenity. The Standing Advisory Committee process will enable these views to be further expressed by submitters and considered by an independent body.

Community and stakeholder engagement

23. Awareness of proposed built form provisions was first raised with an interim DDO request as part of C271 in 2020 and community engagement in 2021.
24. Notice of Amendment C273yara included:
 - (a) Letter notification to all owners and occupiers within DDO18 and within 200m of the area in DDO18 in the City of Yarra (approximately 1,800 letters);
 - (b) Letter notification of approximately 700 owners and occupiers in the City of Darebin (also within 200m of the proposed DDO18);
 - (c) Notice in *The Age* (31 July 2023);
 - (d) Notification of Ministers prescribed by the *Planning and Environment Act 1987* and other statutory bodies;
 - (e) Webpage on the corporate website containing:
 - (i) Formal amendment documents and background reports;
 - (ii) Information sheets to describe the proposals in non-statutory language;
 - (iii) Frequently Asked Questions;
 - (iv) Contact details and information on how to make a submission; and
 - (v) Information on the Standing Advisory Committee process;
 - (f) Your Say Yarra project page which provided the ability to make an online submission (and was linked to the corporate webpage);
 - (g) Article in *Yarra Life e-newsletter* and *Economic Development Newsletter* (approximately 13,000 subscribers);
 - (h) Posts on social media;
 - (i) Direct emails to all of Yarra's Advisory Committees (including an invitation to meet);
 - (j) Direct emails to previous submitters (49 previous submitters); and

- (k) Direct emails to the community, resident and trader groups (including an invitation to meet).

25. It was brought to officers' attention that some owners and occupiers within proximity to Precinct 2 may have not received the original letter notifying them of the exhibition of this amendment. Council records indicated that notification to residents and owners in this area were sent, but to ensure all notifications were received, officers renotified owners and occupiers around Precinct 2 and provided additional four weeks to consider the amendment.

Policy analysis

Alignment to Community Vision and Council Plan

26. The Amendment supports the following themes in the *Yarra 2036 Community Vision*:

- (a) Priority 8.1 – Growing Sustainably – Advocate for development and planning design that is shaped by and meets our community's future needs; and
- (b) Priority 8.2 – Growing Sustainably – Keep our heritage visible while we encourage innovative and sustainable growth.

27. The Amendment supports the following strategies in the Council Plan 2021-2025:

- (a) Strategic Objective 3 – Local economy – 'Manage access, safety and amenity to enhance people's experience when visiting Yarra'; and
- (b) Strategic Objective 4 – Place and nature – 'Protect, promote and maintain our unique heritage and ensure development is sustainable'.

Climate emergency and sustainability implications

28. The amendment will help facilitate sustainable development in locations with good access to employment, public transport and other amenities.

29. Policy and provisions elsewhere in the Yarra Planning Scheme respond to the climate emergency, namely the Planning Policy Framework and Council's Environmentally Sustainable Design Policy at Clause 22.17 and Clause 15.02-1L Environmentally Sustainable Development (ESD) in the adopted Local Policy in Amendment C269.

Community and social implications

30. There are no adverse community or social implications resulting from the proposed permanent built form provisions for the Neighbourhood Activity Centre and commercial areas along Heidelberg Road.

31. Improved built form provisions would help provide clarity around the anticipated future development of the centre and commercial areas.

Economic development implications

32. There are no economic development implications for the permanent built form provisions for the centre and surrounding area.

33. An amendment may aid in providing further stimulus to the retail precincts.

Human rights and gender equality implications

34. There are no known human rights implications for requesting the Minister for Planning to progress the permanent DDO and HO controls to the Standing Advisory Committee

Operational analysis

Financial and resource impacts

35. The costs associated with the exhibition of the amendment have been covered within the Strategic Planning budget.

36. Legal costs with regard to the preparation and representation before, during and after the panel or committee hearing would be subject to the Governance budget.

Legal Implications

37. The amendment would be progressed in accordance with the provisions of the *Planning and Environment Act 1987* and *Yarra Activity Centres Standing Advisory Committee Terms of Reference* issued by the Minister for Planning on 10 June 2021.
38. Council must ensure natural justice to all parties and to maintain the integrity of the Amendment process per Section 32 of the Terms of Reference.

Conclusion

39. Council exhibited draft Amendment C273 proposing permanent built form provisions, two new Heritage Overlays and updated local policy and received a total of 117 submissions.
40. Submissions are seeking a variety of changes to the amendment; these include changes in the height of future buildings and better addressing amenity concerns. Many submissions contain different perspectives and suggestions / requests.
41. In response to submissions, officers have analysed the changes sought and propose to recommend certain changes for the Standing Advisory Committee's consideration.
42. Additional notification of owners and occupiers affected by the proposed changes to the amendment is recommended to enable further consideration of C273 and the ability to make a submission to be heard during the SAC process.
43. It is important to progress permanent provisions for the commercial areas along Heidelberg Road to guide potential changes.

RECOMMENDATION

1. That Council:
 - (a) notes the officer report regarding draft Amendment C273yara in relation to the Heidelberg Road area;
 - (b) receives, notes and formally considers all submissions received in response to the public notice of draft Amendment C273yara completed in accordance with Stage 1 of the Yarra Activity Centres Standing Advisory Committee Terms of Reference dated 10/06/2021;
 - (c) notes and adopts the officer response to the issues raised by submissions as outlined in this report and Attachments 1 and 2;
 - (d) adopts the recommended changes to draft Amendment C273yara, as outlined in this report and Attachments 1, 2 and 3 for the purposes of Council's advocacy position before the Yarra Activity Centres Standing Advisory Committee;
 - (e) refers all submissions, response to those submissions and preferred draft Amendment C273yara as outlined in (d) above to the Minister for Planning with a request to refer the draft Amendment to the Standing Advisory Committee in accordance with Clause 28 of the Yarra Activity Centres Standing Advisory Committee Terms of Reference dated 10/06/2021;
 - (f) writes to all landowners and occupiers directly affected by the recommended changes depicted in paragraph (c) and (d) to the DDO schedule and to all submitters to:
 - (i) advise of Council's decision to request the Minister for Planning to refer draft Amendment C273yara to the *Yarra Activity Centres Standing Advisory Committee*;
 - (ii) advise of Council's position as stated in paragraph (c) and (d); and
 - (iii) advise that if they make a submission in relation to the recommended changes depicted in paragraph (c) and (d) prior to the Standing Advisory Committee commencing its hearing into the draft Amendment C273yara, the new or varied submission will be referred to the Minister with a request that it be referred to the Standing Advisory Committee;
 - (g) notes that officers will provide a further report to Council following the receipt of the Standing Advisory Committee Report; and
 - (h) authorise the CEO to make any minor adjustments required to meet the intent of Resolution 1 of this report.

Attachments

- 1 [↓](#) Attachment 1 - Draft Amendment C273yara - Response to Centre Wide Themes
- 2 [↓](#) Attachment 2 - Draft Amendment C273yara - Response to Individual Submissions
- 3 [↓](#) Attachment 3 - Draft Amendment C273yara - Schedule 18 To Clause 43.02 Design and Development Overlay

Draft Amendment C273yara Response to key issues raised in submissions

Attachment 1

This document provides a response to the key issues raised in submissions to Draft Amendment C273yara. It recommends changes to the amendment to respond to issues raised.

Please see Attachment 2 “**Summary of individual submissions and responses**” for summaries of the individual submissions and individual responses.

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1. Accommodating Growth

SUMMARY OF ISSUES RAISED	RESPONSE AND RECOMMENDED POSITION
<p><u>The need to accommodate for growth</u></p> <ul style="list-style-type: none"> A number of submissions acknowledged the need to develop the south side of Heidelberg Road in Alphington to reduce urban sprawl. The need for greater densities in the inner suburban areas should not come at the cost of residential amenity. <p><u>Concern that Alphington/Fairfield is not an appropriate location to accommodating growth</u></p> <ul style="list-style-type: none"> Submissions identified the following impacts as concerns: <ul style="list-style-type: none"> More high-rise developments will ruin the reasons for moving to Alphington. Will put pressure on amenities. Will negatively impact access to services. Development of 20m (in Precinct 2) would destroy the existing neighbourhood character which is quiet, low-rise residential surrounded by parks and trees. Heights are out of proportion with the 'landscape of Alphington and the eco-centric values of the community'. Quiet area to raise a family surrounded by parks and trees. There are many apartments that haven't been sold in the Yarra Bend development (former Alphington Papermill). Questions building more homes if they will be unoccupied. Other locations suggested for growth included encouraging housing near railway lines. These areas do not impact on existing streetscape and the well-being of a neighbourhood. <p><u>Neighbourhood Character</u></p> <ul style="list-style-type: none"> Many submissions commented on Alphington and Fairfield's established residential character. The area is a predominately low-rise built form and leafy neighbourhood with many heritage buildings. 	<p>Recommended position:</p> <ul style="list-style-type: none"> No change proposed. <p>Response:</p> <ul style="list-style-type: none"> Land along Heidelberg Road in Fairfield and Alphington is an attractive area for new development due to its good access to Melbourne CBD, proximity to public transport, jobs and services. <i>Plan Melbourne 2017-2050</i>, the <i>Yarra Housing Strategy (2018)</i>, <i>Yarra Spatial Economic and Employment Strategy (2018)</i> and revised local planning policy framework (Amendment C269yara) direct employment and housing growth in Yarra to activity centres. The amendment must consider the projected employment and population forecasts when applying new provisions. However, this does not mean that activity centres or key roads are locations for unlimited growth. Both <i>Plan Melbourne</i> and the Yarra Planning Scheme make it clear that accommodating growth needs to be balanced with the preservation of heritage and public and private amenity. Clause 11.03-1L Activity Centres in Amendment C269yara includes the objective 'to manage a sustainable network of activity centres that facilitate appropriate economic and housing growth and provide attractive places for social and community interaction'. <p><i>Housing Strategy</i></p> <ul style="list-style-type: none"> Council's <i>Housing Strategy (2018)</i> seeks to direct new housing to areas within or close to activity centres that have good access to public transport, open space and other services and limit housing growth in established residential areas, consistent with <i>Plan Melbourne</i>, State, and local policy. The Heidelberg Road Neighbourhood Activity Centre (NAC) is expected to deliver a substantial number of new dwellings. The <i>Housing Strategy</i> highlights the majority of these dwellings will be supplied through the redevelopment of the former Alphington Paper Mill (APM) site. The <i>Housing Strategy</i> identifies the Commercial 1 Zone (C1Z) areas within DDO18 (Precincts 1 and 3A and 3B) as 'moderate change' areas. These areas will support increased residential densities and housing diversity through mixed use, infill and shop-top apartment development. <p><i>Yarra Spatial Economic and Employment Strategy (SEES)</i></p> <ul style="list-style-type: none"> The area affected by the amendment includes land zoned Commercial 2 Zone (C2Z) which supports commercial activities and does not allow residential uses. The <i>Yarra Spatial Economic and Employment Strategy (SEES)</i> adopted in 2018 supports the retention of C2Z zoned land to support the growth in retail and other employment uses on Heidelberg Road. It notes that Yarra's C2Z land is not required to support housing. Amendment C273yara seeks to apply stronger planning provisions and provide greater certainty to the community. It seeks to balance the need for development, while retaining a sense of place and protecting adjacent residential amenity. <p><u>Neighbourhood Character</u></p> <ul style="list-style-type: none"> Comprehensive heritage and urban design analysis for the four precincts informed the amendment:

SUMMARY OF ISSUES RAISED	RESPONSE AND RECOMMENDED POSITION
<ul style="list-style-type: none"> Concerns the proposed built-form requirements would transform the character of the area and diminish the prominence of heritage buildings. Proposed heights are not in keeping with this character. <p><u>Built form requirements will stifle development</u></p> <ul style="list-style-type: none"> Some submissions were concerned the requirements are unduly restrictive (See Section 7 – Mandatory controls for further discussion.) Concerns were expressed the amendment does not encourage development in a location with good access to shops, services and public transport. They noted the presence of what they identified as mid-rise development on the former APM site and other locations. <p><u>Housing mix and diversity (including affordable housing)</u></p> <ul style="list-style-type: none"> Support low rise three-to four bedroom apartments, instead of one to two bedroom high rise to encourage families to the area. The built form requirements will constrain the delivery of housing, including affordable housing. 	<ul style="list-style-type: none"> The DDO establishes a preferred character along Heidelberg Road for each precinct that responds to the existing context. The exhibited DDO includes a range of requirements to manage future development that responds to the character of the street: Front landscape setbacks to improve pedestrian experience along Heidelberg Road Maintains the prominence of the heritage places and protection of view lines to the former ‘Porta’ chimney and factory Requires new development to transition in height and landscape setbacks to sensitive residential areas to ensure there is no unreasonable loss of amenity through visual bulk, overlooking and overshadowing. <p><u>Housing mix and diversity (including affordable housing)</u></p> <ul style="list-style-type: none"> Recently the Victorian State Government has released the <i>Victoria’s Housing Statement</i> which identifies housing affordability as a key challenge for the State. The delivery of new housing in established areas is one element in assisting housing affordability. Policy in the current MSS and as adopted in Amendment C269 encourages diverse housing types including homes for families. Amendment C269 also includes a requirement for 10 percent affordable housing in developments of 50 or more dwellings. <p>The amendment along with the APM site provides enough potential capacity to ensure that there is a diversity of housing choice and will not constrain housing affordability.</p>

2. Building Heights

SUMMARY OF ISSUES RAISED	RESPONSE AND RECOMMENDED POSITION
<ul style="list-style-type: none"> Support for permanent height requirements throughout the precincts but different views on the heights. Most submissions from residents oppose the proposed building height provisions (being too high, particularly in Precinct 2). While most commercial landowners and developers suggest greater heights and more flexibility. <p><u>Impact of building heights on residential areas in Fairfield/Alphington</u></p> <ul style="list-style-type: none"> Concerns outlined in submissions included: 	<p>Recommended position:</p> <ul style="list-style-type: none"> No changes proposed. <p>Response:</p> <ul style="list-style-type: none"> Prior to the introduction of the interim built form provisions (Amendment C272yara), there were no height requirements to manage development. The DDO has been informed by background reports on built form (Hodyl & Co), heritage (RBA Architects), traffic (Traffix) and recent planning scheme amendments and VCAT decisions. Building heights and setbacks in DDO18 respond to the highly varied built form and land use contexts along Heidelberg Road, including the surrounding heritage and built form context, interface conditions and site characteristics (size/depth) within each precinct. The preferred character of each precinct and mitigating impact of upper levels when viewed from residential streets were also considered.

<ul style="list-style-type: none"> - overshadowing of residential properties based on the orientation and topography of the sites (sloping sites) - occurrence of high-rise buildings adjacent to single storey dwellings - impacts on character - inconsistent with existing development - decrease in the quality of life for residents - impacts on wildlife and gardens. <ul style="list-style-type: none"> • Existing development at the APM site should not dictate development in the DDO precincts. • One submitter commented the methodology used in determining appropriate heights in each precinct is inconsistent. • Concerns that mandatory height requirements only apply to Precinct 3A. Other precincts have preferred heights, 'inviting unrestricted development'. • Alternative heights were suggested to apply across all precincts included (see below for Precinct-specific suggestions): <ul style="list-style-type: none"> - A maximum of 14m (3-4 storeys). - A maximum of three storeys. - Reduce the height of new buildings from Heidelberg Road to the rear. 	<ul style="list-style-type: none"> • DDO18 requires new development to transition down to residential and parkland interfaces. This will protect these areas from an unreasonable loss of amenity. See Section 4 - <i>Impacts on Amenity</i>. • The recommended heights in the DDO were reduced by Council on 4 February 2020 and subsequently approved by the Minister for Planning in considering the interim DDO request. These heights have generally been retained in Amendment C273yara. Combined with the strong requirements for rear interfaces towards residential properties, the preferred maximum heights would achieve a balanced and adequate built form outcome in the relevant context. Additional criteria for proposals that exceed the preferred maximum height apply to assess potential offsite impacts, such as overshadowing and visual bulk. • Proposals that seek to exceed a preferred height need to achieve: <ul style="list-style-type: none"> - Increased separation distances - Higher ESD standards - No additional overshadowing of sensitive interfaces - Increased private and communal open space (where the proposal includes dwellings). <p><i>Submissions requesting lower heights</i></p> <ul style="list-style-type: none"> • State and local planning policy directs growth to activity centres. In Yarra, this helps to reduce development pressure on the surrounding low scale residential areas. • Concerns about the impacts on amenity of low-rise residential interfaces and neighbourhood character were highlighted as reasons to reduce heights. Also see Section 4 – <i>Impacts on Amenity</i> for a response. • Limiting a large proportion of sites within the four precincts to the lower heights as suggested would not demonstrate a balanced and adequate approach to the development opportunities and constraints of each precinct. The proposed DDO is based on detailed analysis and the relevant built form requirements in it achieve an appropriate outcome.
<p><u>Precinct 1</u></p> <ul style="list-style-type: none"> • Mixed views: <ul style="list-style-type: none"> - A submitter opposed 'overdevelopment'. - Some specifically opposed the scale of the most recent development proposal for the Porta site. - Suggestions to limit building heights to 4-6 storeys or less instead of 6-8 storeys. - Others support/partially support the proposed heights as the precinct interfaces with parkland and will not impact on residents. • One submission stated the following: <ul style="list-style-type: none"> - Objected to mandatory building heights as unjustified and overly restrictive and should be made preferred provisions. 	<p><i>Submissions requesting increased heights</i></p> <ul style="list-style-type: none"> • Increasing proposed heights on larger sites is not recommended. The proposed building heights are generally preferred (discretionary) requirements and provide flexibility where specified criteria can be met. <p><i>Low-rise and mid-rise development</i></p> <ul style="list-style-type: none"> • DDO18 identifies low-rise and mid-rise development in the four precincts: <ul style="list-style-type: none"> - Low-rise development will occur in Precinct 2 and 3B where there is a fine grain street network, narrow sites with some larger sites and variations in building heights and styles. - Mid-rise development will be encouraged in parts of Precinct 1 and Precinct 3A where there are less constrained. Typically, these precincts that do not directly interface with residential properties. • The DDO or local planning policy does not define low-rise' or 'mid-rise'. This is because 'low-rise' or 'mid-rise' is a relative assessment of scale depending on the location of the site, its surrounds and its strategic context. The DDO provides further guidance through building heights and other built form parameters. <p><u>Precinct 1</u></p> <ul style="list-style-type: none"> • DDO18 allows for a maximum preferred building height of up to 24m (approximately 7 storeys) on a larger site. The remainder of Precinct 1 allows for heights of 14.4m to 17.6m (4-5 storeys).

<ul style="list-style-type: none"> - Suggest increasing the preferred building height to reflect the site's opportunities and capacity. - Opposes the preferred maximum building height of 24m given the site's attributes. Suggests increased height, especially for the north-east corner. - The 2.6m height limit for lift over runs and other rooftop facilities such as communal open space is insufficient. Suggest that it should be raised to 3.6m. 	<ul style="list-style-type: none"> • Building heights within this precinct seek to create a mid-rise precinct that frames Heidelberg Road and steps down towards the adjacent parks to maintain the prominence of the landscape setting. • Careful consideration is also given to maintaining the prominence and visibility of heritage buildings and limiting the impact of overshadowing on public open space.
<p><u>Precinct 2</u></p> <ul style="list-style-type: none"> • Strong opposition to proposed heights of up to 20m. Submitters question the rationale behind the 20m preferred height. • Heights up to 20m do not match the existing built form and character of this area. • Alternative heights: <ul style="list-style-type: none"> - Keep the height at 8m - A maximum of 11.2m, 12m (3 storeys) and 16m (approximately 4 storeys). • Heights at the rear of properties are an issue (see also Section 4. Impacts on Amenity). Suggestions to address this included: <ul style="list-style-type: none"> - Reducing heights toward the rear of development adjacent to residential properties to prevent a loss of privacy and lack of sunlight. (See Section 4. Impacts on Amenity) - Heights for buildings set back 3m from boundary abutting properties facing Park Crescent should only increase in height by no more than 3m for every 6m horizontally. • One submitter opposed the 20m height. It restricts development and should be increased to 27m. 	<p><u>Precinct 2</u></p> <ul style="list-style-type: none"> • DDO18 allows for maximum preferred heights of 16m to 20m (approximately 4 -5 storeys). • The building heights within this precinct seek to create a low to mid-rise commercial precinct, which does not visually dominate or unreasonably overshadow private open space in adjacent residential areas. • As Precinct 2 is in the Commercial 2 Zone which allows on retail and office uses, higher floor to floor heights (of 4m) have been provided for.
<p><u>Precinct 3A</u></p> <ul style="list-style-type: none"> • Strong opposition to proposed heights and the potential of a 7-8 storey building to be constructed on the site. 	<p><u>Precinct 3A</u></p> <ul style="list-style-type: none"> • DDO18 allows for building heights of up to 27.2m (approximately 8 storeys) for the section of the site at the corner of Heidelberg Road and Chandler Highway to ensure building heights remain subordinate to development on the former Alphington Paper Mill site. Heights transition down to 11.2m (approximately 3 storeys) towards Coate Avenue. • The building heights within this precinct seek to create a well-designed mid-rise, mixed used building that marks the prominent corner location, without competing with the high-rise development on the east side of Chandler Highway. Building heights transition down in scale to the adjacent low-rise forms to the south and west (Coate Avenue). • Mandatory maximum building heights have been proposed for this precinct to ensure that any development strikes a balance between providing a response to the very wide road corridors, the site's location in the NAC near the former APM site and the need to transition down towards the sensitive low-rise residential areas to the south and west.
	<p><u>Precinct 3B</u></p> <ul style="list-style-type: none"> • Preferred maximum building heights of 14.4m and 17.6m (4-5 storeys) apply. • The building heights seek to create a low-rise character for the existing neighbourhood centre which complements the scale and facilities in the former Alphington Paper Mills site. • Careful consideration is also given to maintaining the prominence and visibility of heritage places and providing a legible transition to the residential areas located to the south and protecting these properties from an unreasonable loss of amenity. • Officers do not agree with the submission Precinct 3B is characterised by "mid to higher rise commercial" buildings. Currently existing buildings range from 1-2 storey in height. A 'low-rise character' in Precinct 3B is not in conflict with the objectives of the amendment, which allows for a range of building heights.
	<p><u>Height of building services</u></p> <ul style="list-style-type: none"> • Building services such as lift over runs can be accommodated within 2.6m. • The proposed 2.6m height also avoids the creation of essentially another floor in terms of the height of the building and reduces the visual impacts of rooftop services. • This aligns with draft Amendments C291yara and C293yara.
	<p><u>Telecommunications Tower</u></p> <p>See Attachment 2 – individual submissions – Submission 32</p>

<ul style="list-style-type: none">• Concerns the proposed building heights do not match the neighbourhood character.• Concerns about overshadowing of dwellings to the south, and across Chandler Highway.• Suggested alternative maximum heights included three, four and five storeys.• Submitters noted the recent proposal for a six-storey building had been refused. Future development on this site should be below this height. <p><u>Precinct 3B</u></p> <ul style="list-style-type: none">• Objecting to the proposed preferred 17.6m maximum building height.• Concerns about the amenity impact of the heights - overshadowing and deprivation of sunlight and loss of privacy.• One submission suggested a lower height of 11.2m.• Other submitters suggested increased heights:<ul style="list-style-type: none">– 20m given the need for additional housing in Alphington and the area’s excellent access to transport and services.– 27m for one site to match the approval from VCAT (submission from the landowner).• Owner of 700-718 Heidelberg Road submitted:<ul style="list-style-type: none">– DDO height should be consistent with the 8-storey development approval.– Height requirements should align with evolving planning conditions and allow for greater density.– The submission stated that VCAT expressed concerns about lower height limits on the site and suggested taller building on transitioning to smaller scale to the east within this precinct. It noted that the approved development benefits the public realm and pedestrians.– Considers the objective of creating a ‘new low-rise character’ in Precinct 3B and the existing	
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<p>mid to higher-rise commercial conditions along Heidelberg Road inconsistent.</p> <p><u>Telecommunications Towers</u></p> <ul style="list-style-type: none"> • One submitter was concerned about the impacts of the DDO on a telecommunications tower on their property. • Seeking flexibility and a specific exemption in the DDO to accommodate this essential service. 	
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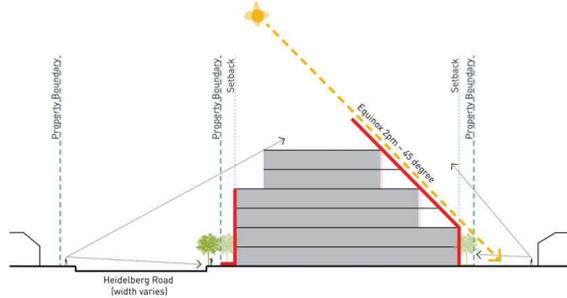
3. Building Setbacks and Separation

SUMMARY OF ISSUES RAISED	RESPONSE AND RECOMMENDED POSITION
<p><u>Building Separation</u></p> <ul style="list-style-type: none"> • One submission commented building separation provisions would limit development. • Without consolidating with neighbouring properties, many properties would not achieve the requirement. • Remove the provision from narrow properties. This would assist in retaining the fine-grain nature of Heidelberg Road. <p><u>Front / street setbacks</u></p> <ul style="list-style-type: none"> • Submissions from commercial landowners did not support setbacks along Heidelberg Road and Park Crescent. • Street setbacks would restrict development opportunities. • Provision of the setback should allow a development to exceed the proposed height. • Oppose mandatory setbacks. • A submission suggests reducing the front setback of 3m on Park Crescent to 2.4m <p><u>Upper level setbacks</u></p> <ul style="list-style-type: none"> • Submissions from landowners along Heidelberg Road considered the 6m upper-level setback excessive and would limit development. 	<p>Recommended Position</p> <ul style="list-style-type: none"> • No change is recommended to the amendment. <p>Response:</p> <p><u>Building Separation</u></p> <ul style="list-style-type: none"> • Building separation requirements have been proposed in the DDO to enhance privacy, break up building mass and allow sunlight / daylight access to buildings. DDO18 requires upper levels on side boundaries to be set back where a window or balcony is proposed. A 4.5m setback is required for a habitable room window or balcony and a 3m setback is required for a commercial or non-habitable room window. • The requirement is preferred (discretionary). Narrow sites could develop to 4 storeys (street wall height) or in some circumstances may be able to build to the boundary, depending on individual context and the design response. <p><u>Front / street setbacks</u></p> <ul style="list-style-type: none"> • A front / street setback is applied along Heidelberg Road. • The Built Form Framework identified that front setbacks are a characteristic of many of the existing building along Heidelberg Road. It comments that: <ul style="list-style-type: none"> – <i>The footpaths are too narrow considering the scale of development intensification that is anticipated on the street, and the increased pedestrian volumes that this will introduce and the poor pedestrian conditions and environment is exacerbated by the high traffic volumes; and</i> – <i>the lack of on-street parking which means pedestrians are walking immediately adjacent to fast-moving traffic.</i> • The purpose of the 3 metre front setback is to significantly improve pedestrian amenity along Precincts 1, 2, 3A (noting that a 4.5 metre front setback is required to Coate Avenue) and 3B (between Parkview Road and Park Avenue). • Front setbacks along Heidelberg Road support opportunities for street activation and significantly improved pedestrian amenity and access through landscaping, inclusion of outdoor seating and trading space. • The Built Form Framework demonstrates a 3m setback is easily accommodated and would only have a modest impact on development potential while providing the significant positive benefits for the public realm in a changing area.

SUMMARY OF ISSUES RAISED	RESPONSE AND RECOMMENDED POSITION
<ul style="list-style-type: none"> 3m upper level setbacks were proposed as more appropriate. One submitter argued that this would allow for development to be front-loaded to reduce amenity impacts on residential properties at the rear. 	<p><u>Upper level setbacks</u></p> <ul style="list-style-type: none"> Upper level setbacks play an integral role in the design of new buildings. They ensure that there is a clear definition between development at the street from the upper levels, create a comfortable building scale at street level, reduce visual bulk and help to ensure new development does not overwhelm heritage building. The Framework tested a range of built form options and explored the impact of upper-level setbacks in conjunction with overall building and street wall heights. DDO18 proposes upper level setbacks of: <ul style="list-style-type: none"> 6m along Heidelberg Road, Yarra Bend Road, Chandler Highway and Park Crescent 10m from Coate Avenue 3m along other side streets. A 6m upper level setback is applied to retain a sense of openness on wider streets such Heidelberg Road. The 6 metre setback provides a balance with the street wall height to achieve well-proportioned buildings where the upper levels form a recessed, lighter element above a solid base building form. A 6m upper level setback was also considered to provide better outcomes for heritage places and achieve consistency. A 3m setback on these wide streets was found to have a negligible impact on reducing the visual dominance of upper levels and defining the street wall. Instead, it created an uncomfortable space on the street especially when heights were increased. The 3m discretionary setback on side streets minimises overshadowing of opposite footpaths and retains a sense of openness for the side streets.

4. Impacts on Amenity

SUMMARY OF ISSUES RAISED	RESPONSE AND RECOMMENDED POSITION
<ul style="list-style-type: none"> Respondents were concerned about the impacts of development on the residential amenity and public realm. The need for greater density to accommodate growth was understood by submitters but reiterated that it should not come at a cost of residential amenity, which has been seen in Box Hill and Doncaster. Strong concerns were expressed about the potential impacts of taller development on the low scale and well-established residential areas and dwellings to the side/rear. 	<p>Recommended position:</p> <ul style="list-style-type: none"> Changes proposed to rear interface requirements. <p>Response:</p> <ul style="list-style-type: none"> The exhibited version of DDO18 includes provisions to address amenity impacts and provide protection to sensitive interfaces. A Design Objective in DDO18 seeks: <p><i>To ensure development responds to sensitive interfaces by ensuring the overall scale and form of new development provides a legible transition to low-residential areas and protects these properties from an unreasonable loss of amenity through visual bulk, overlook and overshadowing.</i></p>

SUMMARY OF ISSUES RAISED	RESPONSE AND RECOMMENDED POSITION
<ul style="list-style-type: none"> In addition, submitters who currently live in apartment buildings also raised amenity concerns. Proposed building heights will have the following impacts on the amenity of the area: <ul style="list-style-type: none"> Development of up to 20m would harm the area's streetscape Development would be visually prominent from backyards residential areas Overshadowing and reducing access to natural sunlight to indoor and outdoor spaces. Negative consequences for solar panels, wildlife, gardens, vegetation and pets Loss of privacy – overlooking of backyards and houses. Stronger provisions are needed Impact on solar access to residential properties Cause more noise and exhaust pollution from more traffic. Some submitters object to the introduction of mandatory setback controls, which they find unjustified and overly restrictive. Suggestions to remove mandatory setback requirements, with these to be shown as preferred requirements. <p><u>Overshadowing/Solar access</u></p> <ul style="list-style-type: none"> It was noted that existing buildings of 8m at the boundary cause significant overshadowing. Potential reductions in solar panel efficiency. Council needs to prioritise protection of solar access to facilitate energy generation. Overshadowing would impact residents' well-being and quality of life and a recent VCAT judgement in Brunswick that recognised sunlight as a fundamental human right. <p><u>Precinct 1</u></p> <ul style="list-style-type: none"> Various views about amenity. Concern about the impact of overshadowing. 	<ul style="list-style-type: none"> The DDO includes rear interface requirements that require a transition in scale to minimise amenity impacts on surrounding areas, including overlooking, overshadowing and visual bulk. The proposed approach balances development outcomes while reducing amenity impacts to residential properties adjacent to commercial properties. The requirements seek to locate bulk away from residential and parkland interfaces to minimise amenity impacts and visibility, mainly through the application of: <ul style="list-style-type: none"> a 3m ground floor setback where existing dwellings are within 15m or less of a rear boundary an 8 metre maximum boundary/rear wall development to be contained within a 45-degree angle above. The rear interface requirements are applied as mandatory requirements to ensure residential properties are protected from overshadowing and overlooking, and visual bulk is minimised when viewed from the residential properties to the south.  <p><u>Overshadowing</u></p> <ul style="list-style-type: none"> Testing of the rear interface provisions demonstrates development that complies with the proposed requirements meets the minimum sunlight access requirements for secluded private open space that apply for residential zones in Clauses 54 and 55 of the Planning Scheme (ResCode) - 'at least 75 per cent, or 40 square metres with a minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9am and 3pm on 22 September'. The requirements were tested in the Built Form Framework and generally are achievable with the building heights specified in the proposed DDO18. Where a development seeks to exceed maximum preferred heights, one of the criteria it is required to be met is 'no additional overshadowing impacts on secluded private open space to residentially zoned properties or adjacent parkland or reserves, beyond that which would be generated by a proposal that complies with the preferred building height'. The location of residential properties to the south of development means some solar panels may experience overshadowing, notably during the winter months. Testing in Built Form Framework showed during winter even an 8m and 12m (2-3 storey) building at the boundary would have an impact on southern properties.

SUMMARY OF ISSUES RAISED	RESPONSE AND RECOMMENDED POSITION
<ul style="list-style-type: none"> Other submitters were not concerned. Tall buildings on this site will not impact residents' views or overshadow residential areas. <p><u>Precinct 2</u></p> <ul style="list-style-type: none"> A 20m building height would overshadow the rear of the dwellings south of the precinct and the orientation and topography of the sites will exacerbate this. <p><u>Rear interface requirements</u></p> <ul style="list-style-type: none"> One submission from a landowner along Heidelberg Road did not support the 45 degree setback envelope applied to the rear of properties. Containing upper levels in a 45 degree angle should be applied to residential interfaces only. The requirements are unduly restrictive and should provide flexibility for alternate design solutions. They noted the varied size of properties within Precinct 3B and that prescriptive requirements will reduce opportunities for design solutions. One submission raises concerns about the clarity of the proposed wording regarding the 45-degree angle requirement, especially in determining the point from which the angle should be measured. <p><u>Construction Impacts</u></p> <ul style="list-style-type: none"> Development would increase construction and noise pollution to surround residents, particularly within Precinct 3A. Development in construction will impact public access to the green space along the Yarra River. <p><u>Wind</u></p> <ul style="list-style-type: none"> One submission was concerned that taller heights would create wind tunnels or increase impacts from wind. There was specific concern on the impact to the dwellings in the high rise managed by the Department of Families, Fairness and Housing. <p><u>Impacts on parkland</u></p>	<p><u>Visual bulk</u></p> <ul style="list-style-type: none"> Some visual bulk is inevitable where development is taller than the existing dwellings. Various requirements in the DDO, including the residential interface and building separation requirements will assist in managing the impact of taller buildings, minimising visual bulk and retaining views of the sky. <p><u>Overlooking / privacy</u></p> <ul style="list-style-type: none"> Overlooking/privacy is also addressed by other existing provisions in the Yarra Planning Scheme. Specifically overlooking is addressed by either Clause 54 (One dwelling on a lot), Clause 55 (two or more dwellings on a lot – ResCode) or Clause 58 (Apartment Developments), depending on how many dwellings are proposed. Clause 58.04-1 seeks to: <i>“Limit views into habitable room windows and private open space of new and existing dwellings.” Buildings should be set back from side and rear boundaries to “avoid direct views into habitable room windows and private open space of new and existing dwellings. Developments should avoid relying on screening to reduce views.”</i> Proposed local planning policy at Clauses 13.07-1L and 15.01-2L includes policy to discourage overlooking. The provisions in the draft DDO18 are also supported by policy and provisions elsewhere in the Planning Scheme including numerous state and local planning policy, the Commercial 1 Zone, Clause 58 <i>Better Apartments</i>. <p><u>Proposed changes to rear interface requirements</u></p> <ul style="list-style-type: none"> In response to submissions, an increase to the 3m setback is proposed. A landscape setback of 5m (increased from 3m) would apply where a development site interfaces with the rear boundary of an adjacent residential lot. The trigger of 15m distance to an adjacent house from boundary would be removed. The setback would apply to all rear interfaces regardless of the distance. A 3m landscape setback would continue apply where the development interfaces with a side boundary of an adjacent residential lot. (No change) Increased setbacks provide opportunities for adequate landscaping between the rear of new development and residential boundaries to the rear. This will assist to retain the treed landscape character of this area of Fairfield/Alphington. It would also simplify the requirement by removing the 15m trigger. Increased setbacks also help to reduce the impact of building bulk and will reduce overshadowing impacts. The proposed changes only affect Precincts 2 and 3B as tailored setbacks are proposed to apply in Precincts 1 and 3A. This change would affect four commercial properties in Precincts 2 and 3B. The result would be the sites may not be able to develop to the maximum preferred height provided for in DDO18 (noting two properties could not achieve this height based on the exhibited controls and one has been recently developed). <p><u>Construction Impacts – Noise</u></p> <ul style="list-style-type: none"> Managing noise issues is outside the scope of this amendment and is addressed through State Government legislation elsewhere in the Planning Scheme. Noise is also referenced elsewhere in the Yarra Planning Scheme, including:

SUMMARY OF ISSUES RAISED	RESPONSE AND RECOMMENDED POSITION
<ul style="list-style-type: none"> Interface provisions require development adjacent to the parkland in Precinct 1 to have a maximum building height of 14.4m. This will ensure the parkland will not be unduly overshadowed. Suggests the 45-degree upper level containment rule should apply to residential interfaces only, as indicated in Figure 1. 	<ul style="list-style-type: none"> Council's Interface Uses Policy at Clause 22.05 also assists in the management of noises from businesses. It ensures new non-resident uses and developments are designed to minimise noise and visual amenity impacts upon nearby, existing residential properties. Amendment C269yara, which seeks to update local policy in the Yarra Scheme, includes new noise guidelines. The guidelines address noise from road traffic, rail and tram, commercial and industrial plant and equipment, music and patrons and noise from apartment developments. This amendment is currently with Department of Transport and Planning awaiting approval. <p><u>Wind</u></p> <ul style="list-style-type: none"> DDO18 includes an application requirement: <i>A desktop wind effects assessment for proposed development over 16 metres in height to assess the impact of wind on:</i> <ul style="list-style-type: none"> <i>the safety and comfort of the pedestrian environment on footpaths and other public spaces while walking, sitting and standing; and</i> <i>the safety and effects on cyclists travelling along bicycle routes that are adjacent to the development.</i> This application requirement will ensure that planning applications for future developments are provided with sufficient wind impact information. This will ensure that the developments are designed to avoid negative wind impacts. This application requirement will also ensure that wind impacts are assessed on a case-by-case basis. Existing local policy at Clause 22.10 and proposed local policy at proposed Clause 15.01-1L (proposed as part of Planning Scheme Amendment C269yara) both encourage new development to minimise adverse wind impacts. In addition, standards addressing wind impacts are proposed for inclusion in the State-wide Better Apartments Design Standards. It is anticipated these would be included at Clause 58 of the Planning Scheme. <p><u>Impacts on parkland</u></p> <ul style="list-style-type: none"> Interface provisions require development adjacent to the parkland in Precinct 1 to have a maximum building height of 14.4m. This will ensure the parkland will not be unduly overshadowed. Upper levels above 14.4m must also meet a 45 degree envelope. This requirement is essential to reduce building bulk and ensure development does not inappropriately overshadow and visually dominate when viewed from the parkland.

5. Heritage

SUMMARY OF ISSUES RAISED	RESPONSE AND RECOMMENDED POSITION
<ul style="list-style-type: none"> Many submitters highlighted the heritage fabric of Alphington and Fairfield was a defining characteristic of the area. More specifically in the residential hinterland. 	<p>Recommended Position</p> <ul style="list-style-type: none"> No change is recommended to the amendment. Heritage matters have been carefully considered in preparing the proposed DDOs. <p>Response:</p>

SUMMARY OF ISSUES RAISED	RESPONSE AND RECOMMENDED POSITION
<ul style="list-style-type: none"> One submitter noted the finer older mansions had been replaced with multi-unit developments but many of the Victorian-era houses had been retained. A small number specifically commented on and supported the application of new heritage overlays to the properties at 700-734 Heidelberg Road and 760-764 Heidelberg Road, Alphington. No submissions were received from the owners of these properties. One submission supported removing the Heritage Overlay (HO362) from 2 Killop Street Alphington. A submission from a landowner on Heidelberg Road commented that the provisions in the DDO that relate to development adjoining heritage buildings were too prescriptive. <p><u>Porta Site</u></p> <ul style="list-style-type: none"> A submission suggests the views to the Porta Chimney from the south are not essential from a heritage perspective/should be deleted and questions the urban design and character justification for retaining southern views to the chimney. Concerns Clause 2.2.2 upper level setback requirements for heritage buildings are unclear and imprecise and have the potential to cause confusion about how they apply to future proposals. Concerns the third design requirement in Clause 2.3.1 which requires 'strong' separation from the chimney is unclear and confusing. Suggests it should be revised for better clarity regarding the intended separation. 	<ul style="list-style-type: none"> RBA Architects were engaged to provide heritage advice to inform the <i>Heidelberg Road Local Area Plan</i> and Amendment C273yara. This advice also informed the built form framework and ensures DDO18 appropriately responds to heritage places. The heritage reports recommended additional places be included in the Heritage Overlays. Amendment C273yara proposes to apply the HO to these properties: <ul style="list-style-type: none"> HO451 - 730-734 Heidelberg Road, Alphington – three shops HO455 – 760-764 Heidelberg Road, Alphington – former shops. The heritage reports also recommended the removal of the late 20th-century building at 2 Killop Street, Alphington as it is <i>not related to the significance of the precinct (HO362)</i> which is characterised by Victorian, Edwardian and Interwar houses. C273yara proposes to remove the HO from this property. The impacts on heritage places in residential areas were considered in preparing draft Amendment C273yara. Schedule 18 to the Design and Development Overlay (DDO18) includes design objectives, built-form provisions and precinct objectives that ensure new development responds to the character of the surrounding residential areas. Also see Section 1 – <i>Accommodating Growth</i>. For heritage places and adjacent sites within DDO18, mandatory and preferred provisions apply to ensure new development is designed to respect to the heritage fabric. Mandatory controls have been applied to the street wall height and upper-level setback provisions. Also see Section 7 – <i>Mandatory Controls</i>. Officers do not agree that DDO18 is too restrictive and does not provide flexibility. DDO18 has been informed by heritage and urban design advice. Many of the requirements are preferred and would allow for variation if sufficient justification is provided. <p><u>Porta Site</u></p> <ul style="list-style-type: none"> The Porta site includes a significant heritage warehouse building and a brick chimney which is an identifiable landmark in the area. These buildings are important attributes of the existing character, providing a connection to the social and economic history of the area. The park south of the site provides one of three key viewing points. This has been supported through expert evidence in heritage and urban design. Also see Section 12 – <i>Drafting of the DDO</i> regarding drafting changes.

6. Traffic, access, parking and public transport

SUMMARY OF ISSUES RAISED	RESPONSE AND RECOMMENDED POSITION
<ul style="list-style-type: none"> Submissions raised the area is experiencing issues with traffic congestion, on-street parking and public transport capacity, particularly during peak times. <p><u>Impacts on the road network</u></p>	<p>Recommended Position</p> <ul style="list-style-type: none"> A minor wording change is recommended in Clause 2.2.10 - <i>Access, parking and loading area requirements</i> to clarify the vehicle access requirements for Heidelberg Road. Requirement to be reworded as follows - <u>Where crossovers currently</u>

SUMMARY OF ISSUES RAISED	RESPONSE AND RECOMMENDED POSITION
<ul style="list-style-type: none"> Congestion on arterial roads such as Heidelberg Road and Chandler Highway was noted. Local streets are also under pressure. Streets such as Park Crescent are used as a bypass by some drivers. Changes and improvements to infrastructure are also impacting on traffic. This includes parking loss and the new bike lane along Heidelberg Road. Many felt the current road network would not be able to accommodate the impact from construction and the demand from new residents/workers. The amendment did not properly consider traffic impacts on residents. The amendment does not consider the need to improve infrastructure and parking to cater for increased resident and worker populations. Some considered no new development should occur until infrastructure is improved. <p><u>Public Transport</u></p> <ul style="list-style-type: none"> Existing public transport does not meet the needs of the existing population. Bus services are run at minimal timetables and trains aren't frequent enough to move more people. Concerns development will place further strain on public transport. One submitter commented they spoke to the Department of Transport and was advised there was no planned changes to services. The amendment does not include a plan for improving public transport. Improvements are needed if population levels are to increase. Some noted the amendment should not progress until this is addressed. <p><u>On-street parking</u></p> <ul style="list-style-type: none"> There is a lack of on-street parking. It is already difficult to find a parking space. This is an issue for both visitors and residents in the area. 	<p><i>exist or new crossovers are unavoidable along Heidelberg Road, development should consolidate multiple vehicle access points, where applicable.</i></p> <ul style="list-style-type: none"> Public transport and on-street parking are outside the scope of this amendment. Council continually advocates for improved public transport services and pursues improvements to bicycle infrastructure. <p>Response:</p> <p><u>Impacts on the road network</u></p> <ul style="list-style-type: none"> The existing state and future potential traffic generation from future development was reviewed in a report prepared by Traffix Consultants. The report acknowledges the role of Heidelberg Road and other key roads as arterial roads. It notes that currently there are transport challenges, but not out of the ordinary in an inner-city context. The report found that the moderate level of development across each precinct would not have a detrimental impact on the road network. It concludes that traffic is manageable for the following reasons: <ul style="list-style-type: none"> Many of the businesses that are there presently are likely to already generate a moderate amount of traffic. New development would not increase traffic movement too significantly in comparison. If development were to occur on the scale of the proposed DDO18, each precinct would not generate enough traffic volumes to have a considerable impact. It is likely that a modal shift in transport choice would likely occur. The development at the former Alphington Paper Mill site would provide services and shops at a local level to support active transport. While transport impacts are considered, previous conclusions from Planning Panels Victoria have determined possible future transport issues should not prevent an amendment from proceeding. This was outlined in the Planning Panel report for the Merri-bek Planning Scheme Amendment C123 (Page 2) and C134 (Page 107) that said: <p><i>"[...] future congestion should not stifle development [...]"</i> and the <i>"[...] challenge of managing the road network should not prevent the Amendment from progressing [...]"</i>.</p> <p><u>Public Transport</u></p> <ul style="list-style-type: none"> The amendment directs housing growth to an area that is well serviced by public transport, cycle routes, services and jobs. All land affected by the proposed amendment on the Principal Public Transport Network (PPTN) and included in the PPTN area. The PPTN reflects the routes where high-quality public transport services are or will be provided. The provision of public transport services is the responsibility of the state government and relevant state-level agencies. Public transport services cannot be increased through a planning scheme amendment. The City of Yarra communicates changes to the planning scheme to the Department of Transport and Planning (DTP) when it prepares an amendment. DTP consider these amendments in their future service planning. Council will continue to advocate for more frequent public transport services as part of its ongoing discussions with Public Transport Victoria. This is identified in the draft Heidelberg Road Local Area Plan as an action. Council frequently advocates State Government for improvements to infrastructure such as transport in areas where increased density is anticipated. <p><u>On-street parking</u></p>

SUMMARY OF ISSUES RAISED	RESPONSE AND RECOMMENDED POSITION
<ul style="list-style-type: none"> Increased commercial and residential density would accentuate the current problem. One submitter questioned how car parking would be accommodated if development were to occur in line with the proposed heights. <p><u>Access</u></p> <ul style="list-style-type: none"> A submitter notes that Clause 2.2.10 contains conflicting vehicle access requirements. One discourages collocating access points, while another specifically encourages it along Heidelberg Road, leading to inconsistency. 	<ul style="list-style-type: none"> The management of on-street parking is a matter for Council and is outside the planning process. Council manages on-street parking as an area changes. Council has developed a policy for reviewing parking restriction and avenues on how to propose changes to current restrictions. For example, proposing greater levels of permit parking on-streets. Council's Parking Restrictions Guidelines outlined the process to request a review of on-street parking restrictions on their streets. It is also noted that all new developments following 2003 are not entitled to on-street car parking permits. <p><u>Draft Heidelberg Road Local Area Plan</u></p> <ul style="list-style-type: none"> The <i>Draft Heidelberg Road Local Area Plan</i> (2019) includes actions to improve transport and accessibility. These actions include advocating to the Department of Transport, extend the hours of bus route 546, provide a new bus service to Key and Burnley, provide additional crossings and investigating options to limit overflow of car parking from new development into existing residential areas. <p><u>Access</u></p> <ul style="list-style-type: none"> DDO18 includes requirements at Clause 2.2.10 Access, parking and loading area requirements. In particular, it requires development: <ul style="list-style-type: none"> should not provide new vehicular access from Heidelberg Road and avoid disruptions to bicycle lanes. should consolidate multiple vehicle access points along Heidelberg Road, where applicable. Officers agree with the submitter that the two requirements when read together are confusing. The role of Heidelberg Road as an arterial road and part of the Principal Bicycle Network creates an environment which is not conducive to providing direct vehicular access to properties which could create interruptions in the flow of both vehicular and pedestrian traffic along Heidelberg Road. The DDO also provides direction that vehicle access points should be consolidated. Clarity should be provided that this should apply where crossovers currently exist or new crossovers are unavoidable along Heidelberg Road.

7. Mandatory Controls

SUMMARY OF ISSUES RAISED	RESPONSE AND RECOMMENDED POSITION
<ul style="list-style-type: none"> Lack of justification for mandatory controls. Suggested that controls for building heights, setback and ground floor setbacks should be discretionary to provide for contextual design. Overly restrictive mandatory controls can hinder development and economic viability for developers. 	<p>Recommended position:</p> <ul style="list-style-type: none"> No changes proposed. <p>Response:</p> <ul style="list-style-type: none"> Draft Amendment C273yara contains a mix of preferred and mandatory requirements. The application of mandatory controls has been carefully considered and applied selectively. They are not proposed to apply across all precincts and/or to all requirements in the proposed DDO18. Mandatory controls are proposed to apply to: <ul style="list-style-type: none"> Building heights in Precincts 3A

SUMMARY OF ISSUES RAISED	RESPONSE AND RECOMMENDED POSITION
<ul style="list-style-type: none"> Advocates for the use of a combination of performance based and discretionary planning controls. Provided an example of a more flexible approach in the City of Merri-bek. 	<ul style="list-style-type: none"> Front / street setbacks in Precincts 1, 2 and 3A and parts of 3B – mainly along Heidelberg Road Street wall heights in Precinct 2, 3A on Coate Avenue and 3B towards Heidelberg Road Upper level setbacks in Precinct 3A on Coate Avenue and in Precinct 3B between Parkview Street and Yarralea Street Rear interface controls in all precincts. <ul style="list-style-type: none"> A mandatory requirement is a requirement that must be met. There is no opportunity to vary it. The Victorian Planning system preferences the use of preferred requirements. The introduction of any mandatory requirements should be supported by thorough and comprehensive strategic analysis and is guided by Planning Practice Notes 59 and 60. Planning Practice Note 60 details that mandatory height and setback controls would only be considered in 'exceptional circumstances', where they are 'absolutely necessary' to achieve the built form objectives or outcome identified within a comprehensive built form analysis. Extensive strategic work has been undertaken and provides sufficient justification for the use of mandatory controls. Amendment C273yara has taken a similar approach to other amendments (C191, C220, C231 and C291) in its approach to the application of selective mandatory controls. The independent planning panels / Standing Advisory Committees considering those amendments supported the approach taken by Council. The application of mandatory controls in Draft Amendment C273yara has been carefully considered and applied selectively and are not proposed to apply across all precincts and/or to all requirements within the proposed DDO schedules. Mandatory controls are proposed in the draft DDO18 where it is considered 'absolutely necessary' (in accordance with PPN59) and are necessary to minimise impacts on sensitive residential interfaces and the public realm. Mandatory setback requirements have also been applied to ensure uniform street edge along with street wall height.

8. Infrastructure and Utilities

SUMMARY OF ISSUES RAISED	RESPONSE AND RECOMMENDED POSITION
<ul style="list-style-type: none"> Submissions commented there should not be any new developments without an improvement of infrastructure. One submission raised concern that new development would overload power and sewerage services. A further submission sought confirmation that the proposed DDO should not impinge on the existing telecommunication tower and any future modifications would not be impacted as a result of 	<p>Recommended Position</p> <ul style="list-style-type: none"> No change is proposed to the amendment. <p>Response:</p> <ul style="list-style-type: none"> The provision of utilities and their services is the responsibility of the utility provider and relevant state-level agencies. The provision of utility services cannot be increased through a planning scheme amendment. The City of Yarra's communicates changes to the relevant utility providers when it prepares an amendment. Planning applicants are required to contact utility providers and provide an explanation on how they can connect without disruptions to the existing infrastructure. Also see Section 1. <i>Accommodating Growth</i>.

SUMMARY OF ISSUES RAISED	RESPONSE AND RECOMMENDED POSITION
<p>the amendment. (See response to individual submission #32 in Attachment 2.)</p>	<ul style="list-style-type: none"> • Council’s provision of community facilities and services which are guided by i.e. the Council Plan, Community Infrastructure Plan, Open Space Strategy and Municipal Public Health and Wellbeing Plan. These plans identify community needs, potential partnerships, advocacy opportunities and are reviewed to keep pace with changes in the community. As Council is not directly responsible for the provision of schools, etc, it advocates to the State Government on behalf of the Yarra community.

9. Land Use and Zoning

SUMMARY OF ISSUES RAISED	RESPONSE AND RECOMMENDED POSITION
<ul style="list-style-type: none"> • Three submissions commented that the area was better suited to residential development than commercial due to the amenities the area provided. • It was highlighted that there was a need for more residential development rather than commercial. • One submission commented higher density areas should focus on residential rather than commercial spaces, though not without infrastructure improvements. • Conversely one submission commented that removing the commercial zoning would result in greater amounts of high-rise dwellings. This would negatively impact on existing infrastructure. 	<p>Recommended Position</p> <ul style="list-style-type: none"> • No change is proposed to the amendment. <p>Response and Discussion</p> <ul style="list-style-type: none"> • The area affected by the amendment is within two planning zones; the Commercial 1 Zone (C1Z) and the Commercial 2 Zone (C2Z). Precincts 1, 3A and 3B are zoned C1Z and Precinct 2 is zoned C2Z. • No changes to the existing zoning are proposed as part of the amendment. • The purpose of the C2Z is to ‘encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services’. New residential uses are prohibited within the C2Z. • Council’s adopted <i>Spatial Economic and Employment Strategy (SEES)</i> recommends the retention of C2Z land. The SEES highlights the role C2Z precincts provide in employment diversity. The City of Yarra has sufficient capacity in other zones to accommodate growth in residential dwellings. • The C1Z allows for retail, office and residential uses above street level. The market will determine whether residential or commercial development occurs in these locations. • The proposed DDO provides a framework for the design and scale of new development and include built form outcomes, such as the approach to rear interfaces, that apply irrespective of the zoning.

10. Impacts on Climate Change

SUMMARY OF ISSUES RAISED	RESPONSE AND RECOMMENDED POSITION
<ul style="list-style-type: none"> • Some submissions considered the amendment does not consider the need to reduce emissions. • Many submissions noted that taller development would overshadow solar panels on residential 	<p>Recommended Position</p> <ul style="list-style-type: none"> • No change is recommended to the amendment. <p>Response:</p>

SUMMARY OF ISSUES RAISED	RESPONSE AND RECOMMENDED POSITION
<p>properties. This would reduce the ability of residents to reduce their emissions.</p> <ul style="list-style-type: none"> A submission noted that development on the former Amcor site has damaged the Yarra riverbank. They were concerned that further development would further impact stormwater runoff. <p><u>Melbourne Water</u></p> <ul style="list-style-type: none"> A submission from Melbourne Water noted properties are not subject to flooding from the 1% annual exceedance probability (AEP) flows of the Melbourne Water Drainage System. 	<ul style="list-style-type: none"> Locating new housing and commercial space in neighbourhoods with existing transport networks, services and jobs is a key strategy in responding to the Climate Emergency. Other parts of the Yarra Planning Scheme will ensure that new development is built in a more sustainable way, namely the Planning Policy Framework and Council’s Environmentally Sustainable Design Policy at Clause 22.17. Developments are required to take account of all policy and provisions in the planning scheme. Environmentally sustainable design (ESD) requirements are addressed when a planning application is lodged. Typically, Council’s Statutory Planning Unit engages Council’s ESD advisor to be involved in medium to large scale planning applications right from the start of the project. This is to ensure developments demonstrate best practice in ESD performance. Yarra’s Climate Emergency Plan (CEP) recognises the importance of reducing greenhouse gas (net carbon) emissions from buildings and transport. Through the CEP, Council has committed to targets and actions to achieve zero carbon buildings. In addition, Yarra City Council is working with other CASBE member councils to pursue a planning scheme amendment that introduces elevated ESD standards in the Planning Scheme. The Elevating ESD Targets Planning Policy Amendment project aims to deliver revised and elevated ESD targets, including targets for zero carbon development. Planning scheme amendments consider effects at a broad scale. The DDO and other requirements in the planning scheme, including state provisions, provide guidance for the assessment of potential impacts on individual cases, including the potential overshadowing of solar panels of nearby properties. Also see <i>Impacts on amenity</i> for discussion on solar panels. <p><u>Flooding</u></p> <ul style="list-style-type: none"> The Planning Scheme includes requirements to generally consider potential flood impacts. Special Building Overlays (SBOs) affect properties nearby the amendment area but are not located within it.

11. Property Values and Views

SUMMARY OF ISSUES RAISED	RESPONSE AND RECOMMENDED POSITION
<p><u>Property Values</u></p> <ul style="list-style-type: none"> Submissions commented that the proposed heights and new development would reduce the property values of nearby apartments and houses. One submission questioned whether anyone would want to buy a property that had no privacy or sunlight. <p><u>Views from residential properties</u></p> <ul style="list-style-type: none"> Several submissions (from residents in taller apartment buildings) were concerned development in 	<p>Recommended Position</p> <ul style="list-style-type: none"> Outside the scope of this amendment. No change is recommended. <p>Response:</p> <p><u>Property Values</u></p> <ul style="list-style-type: none"> The consideration of the economic effects of the amendment focus on broad community impacts rather than on individual property values. On this issue, the Panel considering Stonnington Planning Scheme Amendment C270 found (page 24) : <i>“This Panel maintains the consistent view adopted by other panels that broader community effects, rather than private economic effects such as impacts upon land values or the individual financial circumstances of the landowner, are of particular relevance at the Amendment stage. The Melbourne C207 Panel conclusions on social</i>

SUMMARY OF ISSUES RAISED	RESPONSE AND RECOMMENDED POSITION
<p>accordance with the proposed DDO would have a negative impact on their views. New development should not obstruct current views. One submission noted that many apartments paid a premium for their view.</p>	<p><i>and economic effects maintained that these impacts relate to the broader community, rather than personal impacts. Review by the Supreme Court in Dustday Investments Pty Ltd v Minister for Planning [2015] VSC101 (Dustday) did not find that the Melbourne C207 Panel had erred."</i></p> <p><u>Views from residential properties</u></p> <ul style="list-style-type: none"> The planning system does not protect views from private property. The issue was considered by the High Court of Victoria in Victoria Park Racing & Recreation Grounds Co Ltd v Taylor [1937] HCA 45. The High Court held that a property owner does not own the views (spectacles) from his or her land. Justice Dixon stated: <p style="margin-left: 40px;"><i>"I find difficulty in attaching any precise meaning to the phrase 'property in a spectacle'. A "spectacle" cannot be "owned" in any ordinary sense of that word."</i></p> This planning principle has been substantiated through numerous VCAT decisions which have not given weight to a view from a private property.

12. Drafting of the DDO

SUMMARY OF ISSUES RAISED	RESPONSE AND RECOMMENDED POSITION
<p><u>Design Objectives</u></p> <ul style="list-style-type: none"> Delete Design Objective 1 which refers to "design requirements". <p><u>Requirements</u></p> <ul style="list-style-type: none"> Clause 2.2.5 (Overshadowing and daylight access requirements) lacks actual daylight requirements. Update to clarify if this should be "sunlight" instead of "daylight" or possibly remove altogether. Clause 2.2.8 (Front setback requirements) uses differed language compared to the rest of DDO18, where "street setback requirements" is consistently used. It is recommended that 2.2.8 should align with the same terminology. Clause 2.2.9 (Other design requirements) redundantly restates the content of the Urban Design Guidelines of Victoria and design elements of the PPF and LPPF. Clause 2.2.2 (Upper level setback requirements - Heritage buildings) are unclear and imprecise and have the potential to cause confusion about how they apply to future proposals. 	<p>Recommended position:</p> <ul style="list-style-type: none"> Minor changes are proposed to address improve drafting of the amendment: <ul style="list-style-type: none"> Design Objective 1 – Remove Design Objective 1 'To ensure development supports the character, built form and design outcomes, and precinct design requirements.' and replace with 'To ensure development responds to the existing surrounding built form and parkland character.' Clause 2.2.5 – Overshadowing and daylight access requirements - Update heading to read Clause 2.2.5 – Overshadowing and daylight access requirements. Clause 2.2.8 - Front setback design requirements – Update heading and text to refer to 'street setbacks' throughout the DDO, unless the requirement is specifically referring to a front setback. Clause 2.3.1 – Precinct 1 – Update the requirement to read 'create a sense of openness around the heritage factory building and chimney by gradually stepping down towards the factory and creating a strong clear, physical separation from the chimney'. Decision Guideline 8 – Update to read 'whether upper side and rear setbacks are sufficient to limit the impact on the amenity of existing dwellings, limit bulk of new development and retain increase a sense of openness.' Decision Guideline 10 – Update to read 'whether proposed buildings and works will minimise avoid overshadowing of footpaths and public spaces.' <p>Response:</p> <p><u>Design objectives</u></p> <ul style="list-style-type: none"> Officers agree with the submitter. The Design Objective as currently drafted refers to requirements within the DDO - 'To ensure development supports the character, built form and design outcomes, and precinct design requirements.'

SUMMARY OF ISSUES RAISED	RESPONSE AND RECOMMENDED POSITION
<ul style="list-style-type: none"> Clause 2.3.1 (Precinct 1) Concerns the third design requirement in which requires 'strong' separation from the chimney is unclear and confusing. Should be revised to provide more clarity around the intended separation. <p><u>Decision Guidelines</u></p> <ul style="list-style-type: none"> Unclear decision guidelines in Clause 6.0: <ul style="list-style-type: none"> Bullet Point 3 is irrelevant because there are no heritage buildings on corners within amendment. Bullet Point 8's goal to "increase a sense of openness" does not align with DDO18's design requirements, which anticipate more intensive development likely reducing openness. Bullet Point 10 contradicts DDO18 as it aims to "avoid overshadowing" while DDO18 allows for appropriate increase in overshadowing in both private and public areas. 	<ul style="list-style-type: none"> The objective should be updated to provide clearer and more high level design guidance. The following is proposed: <i>'To ensure development responds to the existing built form character in Precinct 2 and Precinct 3B and emerging mid-rise character in Precinct 1 and Precinct 3A.'</i> <p><u>Requirements</u></p> <ul style="list-style-type: none"> Clause 2.2.2 (Upper level setback requirements – Heritage buildings) – Officers disagree the upper level setbacks for heritage buildings are unclear. The requirements in this clause are in addition to the general upper level requirements requiring upper level setbacks of 6m on Heidelberg Road. The clause outline circumstances where greater setbacks may be required for heritage places. Clause 2.2.5 (Overshadowing and daylight access requirements) – Officers agree the requirement does not provide any daylight requirements. It is therefore proposed to remove the words 'daylight access' from the heading. Clause 2.2.8 (Front setback requirements) – Officers agree that different language has been used. Updates are recommended throughout the DDO. The term street setback will be used in most cases. Clause 2.2.9 (Other design requirements) – Officers do not agree that requirements repeat other policy. They provide more place specific and greater detail than the Urban Design Guidelines of Victoria and design elements of the PPF and LPFF. Clause 2.3.1 (Precinct 1) – Officers agree the reference to a 'strong' separation from the chimney is unclear. It is recommended this is updated to read a 'clear, physical separation'. <p><u>Decision Guidelines</u></p> <ul style="list-style-type: none"> Bullet Point 3 – Officers do not agree with the deletion of this decision guideline. is irrelevant because there are no heritage buildings on corners within amendment. Bullet Point 8 - Officers agree the term "increase a sense of openness" is unclear and unachievable. Change the word 'increase' to 'retain'. Bullet Point 10 – Officers agree the term "avoid overshadowing" is inconsistent. Change the word 'avoid' to 'minimise'.

Draft Amendment C273yara Summary of individual submissions and responses

The following table provides a summary of the individual submissions received to Amendment C273yara.

To comply with the requirements of the Planning and Environment Act 1987 and Privacy and Data Protection Act 2014 (PDP Act) Council has removed all personal information regarding a submitter (including their name) from the table below because this table will be published online as part of the Council report. Submitters can contact a strategic planning officer to find out their particular submission number if necessary.

This document corresponds to Attachment 1 “**Response to key issues raised in submissions**” as in the C273yara Council Meeting report.

Individual Responses:

SUB NO.	INTEREST	SUMMARY OF SUBMISSION	RESPONSE TO SUBMISSION Corresponds to Attachment 1)
1	Resident – Precinct 3B – Yarralea Street	<p><u>Building Heights:</u></p> <ul style="list-style-type: none"> Opposes proposed building heights in all precincts. Proposed building heights will impact the character of Fairfield and Alphington given the heights do not coincide with existing development in this area. Existing development/approved development permits within the Yarra Bend area (APM) shouldn't dictate development within the DDO precincts. Suggests reducing the heights to a maximum of 14m throughout all precincts. <p><u>Heritage:</u></p> <ul style="list-style-type: none"> Supports the inclusion of the HO451 and HO455 overlays and the deletion of the HO362 overlay. 	<p><u>Building Heights:</u></p> <ul style="list-style-type: none"> See Section 2 – <i>Building Heights</i> response. <p><u>Heritage</u></p> <ul style="list-style-type: none"> See Section 5 – <i>Heritage</i> response.
2	Resident – All Precincts – Yarralea Street	<p><u>Building Heights:</u></p> <ul style="list-style-type: none"> Opposes the proposed maximum building heights given the residential context surrounding the precincts. 	<p><u>Building Heights:</u></p> <ul style="list-style-type: none"> See Section 2 – <i>Building Heights</i> response.
3	Resident – Precinct 2 – Park Crescent	<p><u>Building Heights:</u></p> <ul style="list-style-type: none"> The proposed height will encourage residential buildings of up to nine storeys directly adjacent to existing single storey residential dwellings. The proposed building heights will impact the existing fabric/amenity of Fairfield. Concerns that the proposed height and density of new residential developments along this transport corridor will result in a decreased quality of life for residents. <p><u>Construction Impacts</u></p> <ul style="list-style-type: none"> Development and construction impacts public access to the green space along the Yarra River <p><u>Heritage</u></p> <ul style="list-style-type: none"> The heritage elements of the APM site were disregarded during construction. Concerns that this could happen as a result of this amendment. <p><u>Zoning</u></p>	<p><u>Building Heights:</u></p> <ul style="list-style-type: none"> See Section 2 – <i>Building Heights</i> response. <p><u>Construction Impacts</u></p> <ul style="list-style-type: none"> See Section 5 – <i>Impacts on residential amenity</i> response. <p><u>Heritage</u></p> <ul style="list-style-type: none"> See Section 5 – <i>Heritage</i> response. <p><u>Zoning</u></p> <ul style="list-style-type: none"> See Section 9 – <i>Land Use and Zoning</i> response.

SUB NO.	INTEREST	SUMMARY OF SUBMISSION	RESPONSE TO SUBMISSION Corresponds to Attachment 1)
		<ul style="list-style-type: none"> Concerns that removing commercial zoning within these precincts will result in high rise residential dwellings. An increase in residents will impact negatively on existing infrastructure. 	
4	Resident – Precinct 2 – Park Crescent	<p><u>Building Heights</u></p> <ul style="list-style-type: none"> The proposed building heights will encourage development impacting on gardens and wildlife. Based on the orientation and topography of the sites (sloping sites), the proposed building heights will cause overshadowing to the residential dwellings directly to the south of the precincts. Suggest a maximum of three storeys across all precincts. <p><u>Overshadowing/Solar Access</u></p> <ul style="list-style-type: none"> Based on the orientation and topography of the sites (sloping sites), the proposed building heights will cause overshadowing to the residential dwellings directly to the south of the precincts. <p><u>Stormwater</u></p> <ul style="list-style-type: none"> The development on the Amcor site has damaged the Yarra riverbanks, affecting storm runoff, with developers not accounting for residents’ actual transportation habits. Concerns this amendment will further impact stormwater runoff. <p><u>Accommodating Growth</u></p> <ul style="list-style-type: none"> Suggests building low rise three- to four bedroom apartments, instead of one-two bedroom high rise at an attempt to encourage families to the area. 	<p><u>Building Heights:</u></p> <ul style="list-style-type: none"> See Section 2 – <i>Building Heights</i> response. <p><u>Overshadowing/Solar Access</u></p> <ul style="list-style-type: none"> See Section 4 – <i>Impacts on residential amenity</i> response. <p><u>Stormwater</u></p> <ul style="list-style-type: none"> See Section 10 – <i>Impacts on Climate Change</i> response. <p><u>Accommodating Growth</u></p> <ul style="list-style-type: none"> See Section 1 – <i>Accommodating Growth</i> response.
5	Resident – Precinct 2 – Park Crescent	<p><u>Building Heights</u></p> <ul style="list-style-type: none"> Objects to building heights of up to 20 metres in Precinct 2. Concerns that the proposed heights would allow for development that would breach privacy, create noise issues and will result to the adjoining properties feeling “hemmed in”. <p><u>Overshadowing/Solar Access</u></p> <ul style="list-style-type: none"> Concerns that the preferred building heights would detriment access to natural sunlight in property backyards and will impact negatively on solar panel efficiency. Building heights will cause overshadowing which will impact the well-being of residents and restrict activities such as working in the garden, exercise, drying clothes and growing vegetables. Overshadowing caused by preferred building heights will be of detriment to wildlife. <p><u>Climate</u></p> <ul style="list-style-type: none"> Concerns that the amendment does not consider the need to reduce emissions and climate action, given the solar panels on residential properties will be impacted by preferred building heights. <p><u>Amenity</u></p> <ul style="list-style-type: none"> Development of up to 20m would harm the areas streetscape, in particular Fairfield Parkland. <p><u>Accommodating Growth</u></p> <ul style="list-style-type: none"> Suggestions to focus on growth and additional housing near railway lines and other places which do not impact on existing streetscape and the well-being of a neighbourhood. 	<p><u>Building Heights:</u></p> <ul style="list-style-type: none"> See Section 2 – <i>Building Heights</i> response. <p><u>Overshadowing/Solar Access</u></p> <ul style="list-style-type: none"> See Section 4 – <i>Impacts on residential amenity</i> response. <p><u>Climate</u></p> <ul style="list-style-type: none"> See Section 10 – <i>Impacts on Climate Change</i> response. <p><u>Amenity</u></p> <ul style="list-style-type: none"> See Section 4 – <i>Impacts on residential amenity</i> response. <p><u>Accommodating Growth</u></p> <ul style="list-style-type: none"> See Section 1 – <i>Accommodating Growth</i> response.
6	Resident – Precinct 2 – Park Crescent	<p><u>Building Heights</u></p> <ul style="list-style-type: none"> Concerns that the preferred building height of 20m in Precinct 2 do not coincide with the existing built form and character of this area (max height of 12m in Precinct 2, Grandview Hotel). There is inconsistent methods applied to methodology of determining appropriate heights in each precinct – Precinct 2 = 20m while Precinct 3B = 17.6m. 	<p><u>Building Heights:</u></p> <ul style="list-style-type: none"> See Section 2 – <i>Building Heights</i> response. <p><u>Climate</u></p> <ul style="list-style-type: none"> See Section 10 – <i>Climate Change</i> response.

SUB NO.	INTEREST	SUMMARY OF SUBMISSION	RESPONSE TO SUBMISSION Corresponds to Attachment 1)
		<p><u>Climate</u></p> <ul style="list-style-type: none"> Concerns that the amendment does not consider the need to reduce emissions. Increasing height of built form denies sunlight access to solar panels of residential properties adjacent to these sites. <p><u>Traffic</u></p> <ul style="list-style-type: none"> The amendment does not address the increase in business activity infrastructure needs such as parking and traffic access, amid ongoing issues caused by new bike lanes and parking loss. <p><u>Neighbourhood Character</u></p> <ul style="list-style-type: none"> Increasing the built form of commercial building in Precinct 2 and 3B, with some as close as 20m from heritage overlays (HO328), will profoundly transform the area's character and heritage value. Heritage and residential areas in Fairfield and Alphington should not be isolated amidst commercial development. <p><u>Amenity</u></p> <ul style="list-style-type: none"> If buffer zones are not possible due to geographic proximity, proposed development/built form provisions should be scaled down to more appropriate measures. 	<p><u>Traffic</u></p> <ul style="list-style-type: none"> See Section 6 – <i>Traffic, parking and public transport</i> response. <p><u>Character</u></p> <ul style="list-style-type: none"> See Section 1 – <i>Accommodating Growth</i> response. <p><u>Amenity</u></p> <ul style="list-style-type: none"> See Section 4 – <i>Impacts on residential amenity</i> response. The DDO requires a landscape setback of the rear of Commercial Development in Precinct 2 and 3B.
7	Resident – Precinct 2 – Park Crescent	<p><u>Building Heights</u></p> <ul style="list-style-type: none"> Concerns around the preferred maximum building heights between Panther Place and Chandler Highway (Precinct 2), emphasising its historic and leafy character. Opposes overdevelopment, specifically mentioning opposition to the more recent proposal at the Porta site. Suggestions to limiting building heights to 4-6 storeys or less instead of 6-8 storeys as proposed. <p><u>General</u></p> <ul style="list-style-type: none"> The submitter reiterates the significance of the area, in particular the housing south of Heidelberg Road, with properties along Park Crescent which are notable for its architectural diversity and connection to the Yarra River. Highlights the historical and cultural importance of the area, referencing Yarra Bend's past as a National Park and the significance to the Wurundjeri people. Submitter provides a link to a blog, which contains research about artist houses along the Yarra, suggesting the council to view and understand the history of these houses and their connections to famous artists. 	<p><u>Building Heights:</u></p> <ul style="list-style-type: none"> See Section 2 – <i>Building Heights</i> response. <p><u>General</u></p> <ul style="list-style-type: none"> See Section 1 – <i>Accommodating Growth</i> response. <p><u>Heritage</u></p> <ul style="list-style-type: none"> See Section 5 – <i>Heritage</i> response.
8	Resident – Precinct 3A – Heidelberg Road	<p><u>Building Heights</u></p> <ul style="list-style-type: none"> Opposes the built form provisions proposed for Precinct 3A, specifically preferred maximum building heights. Concerns about the impact the preferred building heights will have on properties to the south of Precinct 3A. Specifically concerned about the potential of a 7-8 storey building to be constructed to the west of the HOME building. Anticipated negative impacts of the preferred building heights include reduced sunlight, potential financial consequences, and aesthetic concerns. Suggests that a 4-storey building height limit would be more appropriate, in line with the current building located on Precinct 3A. 	<p><u>Building Heights:</u></p> <ul style="list-style-type: none"> See Section 2 – <i>Building Heights</i> response.

SUB NO.	INTEREST	SUMMARY OF SUBMISSION	RESPONSE TO SUBMISSION Corresponds to Attachment 1)
9	Resident – Precinct 3A – Heidelberg Road	<p><u>Building Heights</u></p> <ul style="list-style-type: none"> • Opposes the built form provisions proposed for Precinct 3A, specifically preferred maximum building heights. • Concerns about the impact the preferred building heights will have on properties to the south of Precinct 3A. • Specifically concerned about the potential of a 7-8 storey building to be constructed to the west of the HOME building. • Anticipated negative impacts of the preferred building heights include reduced sunlight, potential financial consequences, and aesthetic concerns. • Suggests that a 4-storey building height limit would be more appropriate, in line with the current building located on Precinct 3A. 	<p><u>Building Heights:</u></p> <ul style="list-style-type: none"> • See Section 2 – <i>Building Heights</i> response.
10	Resident – Precinct 2 – Park Crescent	<p><u>Building Heights</u></p> <ul style="list-style-type: none"> • Opposes proposed building heights in Precinct 2. • Concern with the proposed 20m heights proposed. • Suggest height remain at 8m. <p><u>Amenity</u></p> <ul style="list-style-type: none"> • Submits that increased height will have significant impact on amenity (particularly sunlight). <p><u>Overshadowing</u></p> <ul style="list-style-type: none"> • Concern regarding reduction of sunlight to indoor and outdoor spaces if heights are actualised. • Submits there will be an estimated ¼ reduction of PV production resulting from overshadowing due to 20m height. • Submits that a building of 20m height would overshadowing the rear of home 9 months of the year. • Concern that lack of sunlight would impact quality of life. • Submits that the proposed 20m height would impact on the ability to grow native seedlings for habitat restoration due to overshadowing. • Submits that overshadowing will have impact on their chickens health and wellbeing. 	<p><u>Building Heights:</u></p> <ul style="list-style-type: none"> • See Section 2 – <i>Building Heights</i> response. <p><u>Amenity</u></p> <ul style="list-style-type: none"> • See Section 4 – <i>Impacts on residential amenity</i> response. <p><u>Overshadowing</u></p> <ul style="list-style-type: none"> • See Section 4 – <i>Impacts on residential amenity</i> response.
11	Resident – Precinct 2 – Park Crescent	<p><u>Building Heights</u></p> <ul style="list-style-type: none"> • Opposes proposed building heights in Precinct 2. • Concern with the proposed 20m heights proposed. • Submits that increased height will have significant impact on amenity (particularly sunlight). • Suggest height remain at 8m. <p><u>Overshadowing</u></p> <ul style="list-style-type: none"> • Concern regarding reduction of sunlight to indoor and outdoor spaces if heights are actualised. • Submits there will be an estimated ¼ reduction of PV production resulting from overshadowing. • Submits that a building of 20m height would overshadowing the rear of home 9 months of the year. • Concern that lack of sunlight would impact quality of life. • Submits that proposed 20m height would impact on the ability to generate renewable energy – overshadow of solar power panels. • Submits that the proposed 20m height would impact on the ability to grow native seedlings for habitat restoration due to overshadowing. • Submits that overshadowing will have a negative impact on native animals and pets within the area. 	<p><u>Building Heights:</u></p> <ul style="list-style-type: none"> • See Section 2 – <i>Building Heights</i> response. <p><u>Overshadowing</u></p> <ul style="list-style-type: none"> • See Section 4 – <i>Impacts on residential amenity</i> response.

SUB NO.	INTEREST	SUMMARY OF SUBMISSION	RESPONSE TO SUBMISSION Corresponds to Attachment 1)
12	Resident – All Precincts – Alphington Street	<p><u>Heritage</u></p> <ul style="list-style-type: none"> Supports the application of heritage overlays at 700 and 734 Heidelberg Road Alphington and 760 to 764 Heidelberg Road Alphington. Does not support the proposed permanent DDO18. Does not support the proposed 20m. Deviation from the neighbourhood character. <p><u>Traffic</u></p> <ul style="list-style-type: none"> Submits that Heidelberg Road is already congested and increase in housing will impact this. Concern that there is already inadequate parking – visitors can rarely find parks during the day. <p><u>Public Transport</u></p> <ul style="list-style-type: none"> Submits the proposed plans should include improvements for public transport for higher density areas. <p><u>Overshadowing</u></p> <ul style="list-style-type: none"> Submits that overshadowing is bad for the environment and people living in it. Concern about the impact on open spaces – particularly the oval behind Porta site. Submits that overshadowing will change the environment for plants, animals and people. Submits that solar panels along Park Crescent and Station Street will lose access to sunlight. 	<p><u>Heritage</u></p> <ul style="list-style-type: none"> See Section 5 – <i>Heritage</i> response. <p><u>Traffic</u></p> <ul style="list-style-type: none"> See Section 6 – <i>Traffic, parking and public transport</i> response. <p><u>Public Transport</u></p> <ul style="list-style-type: none"> See Section 6 – <i>Traffic, parking and public transport</i> response. <p><u>Overshadowing</u></p> <ul style="list-style-type: none"> See Section 4 – <i>Impacts on residential amenity</i> response.
13	Resident – Precinct 2 – Alphington Street	<p><u>Building Heights</u></p> <ul style="list-style-type: none"> Does not support the proposed 20m on the south side of Heidelberg Road – deviation from the neighbourhood character. Concern regarding the impact of the proposed heights of buildings on existing dwelling south of the DDO area. <p><u>Public Transport</u></p> <ul style="list-style-type: none"> Submits the proposed plans should include improvements for public transport for higher density areas. <p><u>Overshadowing</u></p> <ul style="list-style-type: none"> Submits that solar panels in Alphington and Fairfield will lose access to sunlight. 	<p><u>Building Heights:</u></p> <ul style="list-style-type: none"> See Section 2 – <i>Building Heights</i> response. <p><u>Public Transport</u></p> <ul style="list-style-type: none"> See Section 6 – <i>Traffic, parking and public transport</i> response. <p><u>Overshadowing</u></p> <ul style="list-style-type: none"> See Section 4 – <i>Impacts on residential amenity</i> response.
14	Resident – Precinct 3A – Heidelberg Road	<p><u>Building Heights</u></p> <ul style="list-style-type: none"> Opposes proposed heights in Precinct 3A. <p><u>Traffic</u></p> <ul style="list-style-type: none"> Concern regarding impact of traffic noise in the area. Concern the building height will create an echo effect in the area. Submits that Chandler Highway is already very congested and is concerned with additional traffic. 	<p><u>Building Heights:</u></p> <ul style="list-style-type: none"> See Section 2 – <i>Building Heights</i> response. <p><u>Traffic</u></p> <ul style="list-style-type: none"> See Section 6 – <i>Traffic, parking and public transport</i> response.
15	Resident – Precinct 3A – Heidelberg Road	<p><u>Building Heights</u></p> <ul style="list-style-type: none"> Opposes the proposed height in Precinct 3A. Suggests that the maximum height should be 17.6m. <p><u>Views</u></p> <ul style="list-style-type: none"> Submits that future development should not obstruct the view around the corner. <p><u>Traffic</u></p> <ul style="list-style-type: none"> Concern that the local roads will not be able to accommodate increased traffic. 	<p><u>Building Heights:</u></p> <ul style="list-style-type: none"> See Section 2 – <i>Building Heights</i> response. <p><u>Views</u></p> <ul style="list-style-type: none"> See Section 11 – <i>Property Values and Views</i> response. <p><u>Traffic</u></p> <ul style="list-style-type: none"> See Section 6 – <i>Traffic, parking and public transport</i> response.

Attachment 2 Attachment 2 - Draft Amendment C273yara - Response to Individual Submissions

SUB NO.	INTEREST	SUMMARY OF SUBMISSION	RESPONSE TO SUBMISSION Corresponds to Attachment 1)
16	Resident – Precinct 2 – Alphington Street	<p><u>Building Heights</u></p> <ul style="list-style-type: none"> Opposed to building heights of 20m – not keeping with neighbourhood character. <p><u>General</u></p> <ul style="list-style-type: none"> Submits Council should be tempering the need / usefulness of housing (apartments) supply with the local environment. 	<p><u>Building Heights:</u></p> <ul style="list-style-type: none"> See Section 2 – <i>Building Heights</i> response. <p><u>General</u></p> <ul style="list-style-type: none"> See Section 1 – <i>Accommodating Growth</i> response.
17	Resident – Precinct 2 – Park Crescent	<p><u>Building Heights</u></p> <ul style="list-style-type: none"> Opposed to the proposed 20m building height in Precinct 2. Submits that height limits should be retained at 8m. <p><u>Overshadowing</u></p> <ul style="list-style-type: none"> Concern that the building heights will overshadow gardens and will impact on previously planted trees. Submits that solar panels on north facing roofs of houses will not receive sufficient sunlight – notes this will be worse for neighbours on the north side of the street. 	<p><u>Building Heights:</u></p> <ul style="list-style-type: none"> See Section 2 – <i>Building Heights</i> response. <p><u>Overshadowing</u></p> <ul style="list-style-type: none"> See Section 4 – <i>Impacts on residential amenity</i> response.
18	Resident – Precinct 2 – Park Crescent	<p><u>Building Heights</u></p> <ul style="list-style-type: none"> Opposes proposed building heights in Precinct 2. Concern with the proposed 20m heights proposed. Suggest height remain at 8m. <p><u>Amenity</u></p> <ul style="list-style-type: none"> Submits that increased height will have significant impact on amenity (particularly sunlight). <p><u>Overshadowing</u></p> <ul style="list-style-type: none"> Concern regarding reduction of sunlight to indoor and outdoor spaces if heights are actualised. Submits there will be an estimated ¼ reduction of PV production resulting from overshadowing due to 20m height. Submits that a building of 20m height would overshadowing the rear of home 6 months of the year. Concern that lack of sunlight would impact quality of life. 	<p><u>Building Heights:</u></p> <ul style="list-style-type: none"> See Section 2 – <i>Building Heights</i> response. <p><u>Amenity</u></p> <ul style="list-style-type: none"> See Section 4 – <i>Impacts on residential amenity</i> response. <p><u>Overshadowing</u></p> <ul style="list-style-type: none"> See Section 4 – <i>Impacts on residential amenity</i> response.
19	Resident – All Precincts – Heidelberg Road	<p><u>Building Heights</u></p> <ul style="list-style-type: none"> Supports the concept of regulating building heights and promoting development along southern section of Heidelberg Road. Does not object to the proposed controls in Precinct 1 – parkland area will not impact on residents. Objects to proposed controls in Precinct 2 – submits that 20m is excessive and will lead to overshadowing, loss of privacy and deprivation of sunlight. Submits that building heights in Precinct 2 should be 11.2m. Strongly objects to proposed controls in precinct 3A – submits that 27.2 metres is excessive and will lead to overshadowing of dwellings to the north and south of Heidelberg Road in addition to those across Chandler Highway. Submits that building heights in Precinct 3A will should be 11.2m. Objects to proposed controls in Precinct 3B – submits that 17.6 is excessive and will lead to overshadowing, loss of privacy and deprivation of sunlight. Submits that building heights in Precinct 3B will should be 11.2m. <p><u>Amenity</u></p>	<p><u>Building Heights:</u></p> <ul style="list-style-type: none"> See Section 2 – <i>Building Heights</i> response. <p><u>Amenity</u></p> <ul style="list-style-type: none"> See Section 4 – <i>Impacts on residential amenity</i> response. <p><u>Property Value</u></p> <ul style="list-style-type: none"> See Section 11 – <i>Property Values and Views</i> response. <p><u>Views</u></p> <ul style="list-style-type: none"> See Section 11 – <i>Property Values and Views</i> response.

SUB NO.	INTEREST	SUMMARY OF SUBMISSION	RESPONSE TO SUBMISSION Corresponds to Attachment 1)
		<ul style="list-style-type: none"> Concern that building height will lead to loss of privacy and deprivation of sunlight for houses. <p><u>Property Value</u></p> <ul style="list-style-type: none"> Submits that tall buildings next to residential areas is not appropriate and will reduce property values in the precinct. <p><u>Views</u></p> <ul style="list-style-type: none"> Submits the heights will deprive residents of views. 	
20	Resident – Precinct 3A – Heidelberg Road	<p><u>Property Values</u></p> <ul style="list-style-type: none"> Submits that the proposed heights in Precinct 3A will negatively affect apartment/home value at 626 Heidelberg Road. 	<p><u>Property Value</u></p> <ul style="list-style-type: none"> See Section 11 – <i>Property Values and Views</i> response.
21	Resident – All Precincts – Heidelberg Road	<p><u>General</u></p> <ul style="list-style-type: none"> Partially supports the proposed planning changes in draft Amendment C273yara. <p><u>Accommodating Growth</u></p> <ul style="list-style-type: none"> Significantly concerned with the current proposal. Heights are considerably out of proportion with the landscape of Alphington and the eco-centric values of the community. <p><u>Traffic</u></p> <ul style="list-style-type: none"> Opposed to additional traffic and parking once dwellings are established. <p><u>On-Street Parking</u></p> <ul style="list-style-type: none"> Currently there are difficulties in the number of allocated parking within the area. The amendment will accentuate this problem. <p><u>Public Transport</u></p> <ul style="list-style-type: none"> Current public transport system does not meet the needs of residents. Bus services run to minimal timetables. Note they have spoken with the relevant agencies and there are no proposed changes of service. <p><u>Heritage</u></p> <ul style="list-style-type: none"> Support the proposed heritage overlays. <p><u>Amenity and Overshadowing</u></p> <ul style="list-style-type: none"> Zone 1 (Precinct 1 in DDO) is surrounded by parkland and having tall buildings on the site will not impact resident’s views or overshadow residential areas. Heights in Precinct 3A will overshadow, deprived of sunlight and privacy for homes alongside and even across the Chandler Highway. This will allow people to look across the road into homes. Heights in Precinct 3A will cause sizeable loss of privacy and critical reduction in sunlight. The development of Precinct 3A would increase construction and noise pollution to surrounding residents. Heights in Precinct 3B will cause loss of privacy and sunlight to dwellings south of Heidelberg Road. Objects to a high rise corridor along Heidelberg Road similar to that of Box Hill and Doncaster. <p><u>Building Heights</u></p> <ul style="list-style-type: none"> Opposes the proposed heights in Zone 2 (Precinct 2 in DDO), 20m is too high. 	<p><u>Accommodating Growth</u></p> <ul style="list-style-type: none"> See Section 1 – <i>Accommodating Growth</i> response. <p><u>Traffic</u></p> <ul style="list-style-type: none"> See Section 6 – <i>Traffic, parking and public transport</i> response. <p><u>On Street Parking</u></p> <ul style="list-style-type: none"> See Section 6 – <i>Traffic, parking and public transport</i> response. <p><u>Heritage</u></p> <ul style="list-style-type: none"> See Section 5 – <i>Heritage</i> response. <p><u>Amenity</u></p> <ul style="list-style-type: none"> See Section 4 – <i>Impacts on residential amenity</i> response. <p><u>Overshadowing/Solar Access</u></p> <ul style="list-style-type: none"> See Section 4 – <i>Impacts on residential amenity</i> response. <p><u>Building Heights:</u></p> <ul style="list-style-type: none"> See Section 2 – <i>Building Heights</i> response. <p><u>Property Values</u></p> <ul style="list-style-type: none"> See Section 11 – <i>Property Values and Views</i> response.

SUB NO.	INTEREST	SUMMARY OF SUBMISSION	RESPONSE TO SUBMISSION Corresponds to Attachment 1)
		<ul style="list-style-type: none"> Precinct 2 heights will result in a loss of privacy, lack of sunlight, and properties along Heidelberg Road will be severely affected. Vigorously objects to the heights in Zone 3a (Precinct 3A in DDO), height of 27.2m is very excessive. Proposes a height of 11.2m for Precinct 3a. Objects to the height of 17.6m for Precinct 3b as the height is excessive and will have amenity impacts. Strongly objects to heights in Precinct 3B, 17.6m is unwarranted. <p><u>Property Values</u></p> <ul style="list-style-type: none"> Heights proposed in Precinct 3b will result in reduced property values in the precinct. No one in the neighbourhood will want to buy a property with no privacy or sunlight. 	
22	Resident – Precinct 3A – Heidelberg Road	<p><u>Building Heights</u></p> <ul style="list-style-type: none"> Opposed to the proposed maximum building height of 27.2m. Notes that a recent proposal for a 6 storey building had been denied – submits future development would need to be below this height. Concern with the proposal given the large number of apartments at 626 Heidelberg Road. <p><u>Overshadowing & Views</u></p> <ul style="list-style-type: none"> Submits that the building height (27.2m) would negatively impact on view and access to sunlight and green spaces. 	<p><u>Building Heights:</u></p> <ul style="list-style-type: none"> See Section 2 – <i>Building Heights</i> response. <p><u>Overshadowing/Solar Access</u></p> <ul style="list-style-type: none"> See Section 4 – <i>Impacts on residential amenity</i> response. <p><u>Views</u></p> <ul style="list-style-type: none"> See Section 11 – <i>Property Values and Views</i> response.
23	Resident – Precinct 3A – Heidelberg Road	<p><u>Building Heights</u></p> <ul style="list-style-type: none"> Opposed to the proposed maximum building height of 27.2m. Notes that a recent proposal for a 6 storey building had been denied – submits future development would need to be below this height. <p><u>Overshadowing & Views</u></p> <ul style="list-style-type: none"> Submits that the building height (27.2m) would negatively impact on view and access to sunlight. 	<p><u>Building Heights:</u></p> <ul style="list-style-type: none"> See Section 2 – <i>Building Heights</i> response. <p><u>Overshadowing/Solar Access</u></p> <ul style="list-style-type: none"> See Section 4 – <i>Impacts on residential amenity</i> response. <p><u>Views</u></p> <ul style="list-style-type: none"> See Section 11 – <i>Property Values and Views</i> response.
24	Resident – All Precincts – Heidelberg Road	<p><u>General</u></p> <ul style="list-style-type: none"> Submits that the area is already impacted by previous approvals yet to be completed. Submits that people need to be put before profit. Submits that there needs to be better understanding of the negative impacts of change. <p><u>Traffic</u></p> <ul style="list-style-type: none"> Concern that roads and local streets cannot accept more density challenges. 	<p><u>General:</u></p> <ul style="list-style-type: none"> See Section 1 – <i>Accommodating Growth</i> response. <p><u>Traffic</u></p> <ul style="list-style-type: none"> See Section 6 – <i>Traffic, parking and public transport</i> response.
25	Resident – All Precincts – Heidelberg Road	<p><u>General</u></p> <ul style="list-style-type: none"> Moved to Alphington as it was a quaint, leafy, family-friendly suburb. <p><u>Accommodating Growth</u></p> <ul style="list-style-type: none"> More high rises will ruin the reasons for moving to Alphington. There are many apartments that haven’t been sold in the Yarra Bend development (Alphington Papermills). Questions building more homes if they will be unoccupied. <p><u>Public Transport</u></p>	<p><u>Accommodating Growth</u></p> <ul style="list-style-type: none"> See Section 1 – <i>Accommodating Growth</i> response. <p><u>Public Transport</u></p> <ul style="list-style-type: none"> See Section 6 – <i>Traffic, parking and public transport</i> response. <p><u>Traffic</u></p> <ul style="list-style-type: none"> See Section 6 – <i>Traffic, parking and public transport</i> response.

SUB NO.	INTEREST	SUMMARY OF SUBMISSION	RESPONSE TO SUBMISSION Corresponds to Attachment 1)
		<ul style="list-style-type: none"> Trains aren't frequent enough from Alphington station to hold any more residents. Trains that do stop are full. More high risers will exacerbate the problems with trains. <p><u>Traffic</u></p> <ul style="list-style-type: none"> Roads are packing during peak times, more "high risers" will exacerbate the problems. Not all residents want to ride a bike or can ride a bike. Bike lanes have made driving a huge issue. 	
26	Resident – All Precincts – Heidelberg Road	<p><u>Accommodating Growth</u></p> <ul style="list-style-type: none"> Understands a need to develop the southern section of Heidelberg Road in Alphington, to reduce urban sprawl, though has objections to parts of the amendment. <p><u>Heritage</u></p> <ul style="list-style-type: none"> Supports the proposed heritage overlays. <p><u>Amenity and Overshadowing</u></p> <ul style="list-style-type: none"> Zone 1 (Precinct 1 in DDO) is surrounded by parkland and having tall buildings on the site will not impact resident's views or overshadow residential areas. Heights in Precinct 3A will overshadow, deprived of sunlight and privacy for homes alongside and even across the Chandler Highway. This will allow people to look across the road into homes. Heights in Precinct 3B will overshadow, deprived of sunlight and privacy for homes to the south of Heidelberg Road. <p><u>Building Heights</u></p> <ul style="list-style-type: none"> Opposes the proposed heights in Zone 2 (Precinct 2 in DDO), 20m is too high. Precinct 2 heights will result in a loss of privacy, lack of sunlight, and properties along Heidelberg Road will be severely affected. Main objection is to the heights in Zone 3a (Precinct 3A in DDO), height of 27.2m is very excessive. Proposes a height of 11.2m for Precinct 3a. Objects to the height of 17.6m for Precinct 3b as the height is excessive and will have amenity impacts. <p><u>Views</u></p> <ul style="list-style-type: none"> The Precinct 3A heights will deprive residents of views that they paid a premium for. <p><u>Property Values</u></p> <ul style="list-style-type: none"> Heights proposed in Precinct 3b will result in reduced property values. 	<p><u>Accommodating Growth</u></p> <ul style="list-style-type: none"> See Section 1 – <i>Accommodating Growth</i> response. <p><u>Public Transport</u></p> <ul style="list-style-type: none"> See Section 6 – <i>Traffic, parking and public transport</i> response. <p><u>Views</u></p> <ul style="list-style-type: none"> See Section 11 – <i>Property Values and Views</i> response. <p><u>Property Values</u></p> <ul style="list-style-type: none"> See Section 11 – <i>Property Values and Views</i> response.
27	Resident – Precinct 2 – Park Crescent	<p><u>General</u></p> <ul style="list-style-type: none"> Opposes the Draft Amendment C273yara Precinct 2. <p><u>Overshadowing</u></p> <ul style="list-style-type: none"> Their northern boundary of their property is shared with the commercial properties on the south side of Heidelberg Road. Notes that there is a 8m brick wall on the north boundary. Notes that they do not get any sunlight on the rear until mid-September. Building height of 20 metres on this stretch of Heidelberg Road would have a deleterious effect on their own and neighbours' homes. Their small garden and living quarters would be permanently deprived of sunlight. Overshadowing would impact trees they are currently trying to grow. Solar panels on their home would be overshadowed and useless. 	<p><u>Overshadowing & Amenity</u></p> <ul style="list-style-type: none"> See Section 4 – <i>Impacts on residential amenity</i> response. <p><u>Traffic</u></p> <ul style="list-style-type: none"> See Section 6 – <i>Traffic, parking and public transport</i> response. <p><u>On-Street Parking</u></p> <ul style="list-style-type: none"> See Section 6 – <i>Traffic, parking and public transport</i> response. <p><u>Building Heights</u></p> <ul style="list-style-type: none"> See Section 2 – <i>Building Heights</i> response.

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		<p><u>Traffic</u></p> <ul style="list-style-type: none"> Increased density will result in the approval of higher rise apartments/office blocks/commercial establishments which will increase traffic along Park Crescent. Park Crescent is a relatively narrow thoroughfare and currently dealing with regular usage by commuters and commercial traffic. <p><u>On-Street Parking</u></p> <ul style="list-style-type: none"> Increased density will result in the approval of higher rise apartments/office blocks/commercial establishments which will increase parking problems along Park Crescent. <p><u>Building Heights</u></p> <ul style="list-style-type: none"> Proposes an 8-metre height limit. 	
28	Resident – All Precincts – Heidelberg Road	<p><u>General</u></p> <ul style="list-style-type: none"> The amendment will impact the residents of their building and residential homes in the area. <p><u>Accommodating Growth</u></p> <ul style="list-style-type: none"> Understands a need to development the southern section of Heidelberg Road in Alphington, to reduce urban sprawl. <p><u>Heritage</u></p> <ul style="list-style-type: none"> Supports the proposed heritage overlays. <p><u>Overshadowing & Amenity</u></p> <ul style="list-style-type: none"> Zone 1 (Precinct 1 in DDO) is surrounded by parkland and having tall buildings on the site will not impact resident’s views or overshadow residential areas. Heights in Precinct 3A will overshadow, deprived of sunlight and privacy for homes alongside and even across the Chandler Highway. This will allow people to look across the road into homes. Heights in Precinct 3B will overshadow, deprived of sunlight and privacy for homes to the south of Heidelberg Road. <p><u>Building heights</u></p> <ul style="list-style-type: none"> Opposes the proposed heights in Zone 2 (Precinct 2 in DDO), 20m is too high. Precinct 2 heights will result a loss of privacy, lack of sunlight, and properties along Heidelberg Road will be severely affected. Main objection is to the heights in Zone 3A (Precinct 3A in DDO), height of 27.2m is very excessive. Proposes a height of 11.2m for Precinct 3A. Objects to the height of 17.6m for Precinct 3b as the height is excessive and will have amenity impacts. <p><u>Views</u></p> <ul style="list-style-type: none"> The Precinct 3A heights will deprive residents of views which they paid a premium for. <p><u>Property Values</u></p> <ul style="list-style-type: none"> Heights proposed in Precinct 3B will result in reduced property values. 	<p><u>Accommodating Growth</u></p> <ul style="list-style-type: none"> See Section 1 – <i>Accommodating Growth</i> response. <p><u>Heritage</u></p> <ul style="list-style-type: none"> See Section 5 – <i>Heritage</i> response. <p><u>Overshadowing & Amenity</u></p> <ul style="list-style-type: none"> See Section 4 – <i>Impacts on residential amenity</i> response. <p><u>Building Heights</u></p> <ul style="list-style-type: none"> See Section 2 – <i>Building Heights</i> response. <p><u>Views</u></p> <ul style="list-style-type: none"> See Section 11 – <i>Property Values and Views</i> response. <p><u>Property Values</u></p> <ul style="list-style-type: none"> See Section 11 – <i>Property Values and Views</i> response.
29	Resident – Precinct 3A – Heidelberg Road	<p><u>General</u></p> <ul style="list-style-type: none"> Opposes the amendment, in particular to site in Precinct 3A. <p><u>Overshadowing</u></p> <ul style="list-style-type: none"> A large, tall building at Precinct 3A will introduce significant shadowing over all surrounding properties. 	<p><u>Overshadowing</u></p> <ul style="list-style-type: none"> See Section 4 – <i>Impacts on residential amenity</i> response. <p><u>Traffic</u></p> <ul style="list-style-type: none"> See Section 6 – <i>Traffic, parking and public transport</i>

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		<p><u>Traffic</u></p> <ul style="list-style-type: none"> A large, tall building at Precinct 3A will cause traffic congestion as workers vehicles enter and leave an already congested, difficult intersection at Chandler Highway & Heidelberg road. It will make traffic congestion and delays even worse. <p><u>Amenity</u></p> <ul style="list-style-type: none"> More traffic will add to exhaust and noise emissions which are terrible at the intersection of Chandler Highway and Heidelberg Road. 	<p><u>Amenity</u></p> <ul style="list-style-type: none"> See Section 4 – <i>Impacts on residential amenity</i> response.
30	On behalf of a land owner in Precinct 1 – Heidelberg Road	<p><u>Access</u></p> <ul style="list-style-type: none"> Section 2.2.10 contains conflicting vehicle access requirements. One discourages collocating access points, while another specifically encourages it along Heidelberg Road, leading to inconsistency. <p><u>Accommodating Growth</u></p> <ul style="list-style-type: none"> Expresses concerns about the potential negative impact on housing delivery, including affordable housing, due to these controls. <p><u>Building Separation</u></p> <ul style="list-style-type: none"> Concerns that the third design requirement in Section 2.3.1 which calls for a “strong” separation from the chimney is unclear and confusing. Suggests it should be revised for better clarity regarding the intended separation. <p><u>Drafting of Planning Controls</u></p> <ul style="list-style-type: none"> Suggests that the amendment lacks a sound justification for the use of mandatory controls. Concerns around the use of mandatory controls for building heights, setbacks and ground floor setbacks, suggesting that these controls should be discretionary to allow for contextual design. Suggests deleting the first objective of DDO18 since it wrongly mentions “design requirements” as an objective. Design requirements are meant to support objectives, not be objectives themselves. Suggest Section 2.2.8 (Front setback requirements) uses differed language compared to the rest of DDO18, where “street setback requirements” is consistently used. It is recommended that 2.2.8 should align with the same terminology. Suggests Section 2.2.9 (Other design requirements) redundantly restates the content of the Urban Design Guidelines of Victoria and design elements of the PPF and LPPF. Concerns that the decision guidelines in Section 6.0 are unclear and may not be very helpful for decision-makers. <ul style="list-style-type: none"> Point 3 is irrelevant because there are no heritage buildings on corners within amendment. Point 8’s goal to “increase a sense of openness” doesn’t align with DDO18’s design requirements, which anticipate more intensive development likely reducing openness. Point 10 contradicts DDO18 as it aims to “avoid overshadowing” while DDO18 allows for appropriate increase in overshadowing in both private and public areas. <p><u>Building Heights</u></p> <ul style="list-style-type: none"> Objects to the introduction of mandatory building height, which the submitter finds unjustified and overly restrictive and should be made preferred controls. Opposes the preferred maximum building height of 24m given the site’s attributes and suggests an increase, especially for the northeast corner. Suggests increasing the preferred building height for the site in Precinct 1 to reflect the site’s opportunities and capacity. 	<p><u>Access</u></p> <ul style="list-style-type: none"> See Section 6 – <i>Traffic, parking and public transport</i> <p><u>Accommodating Growth</u></p> <ul style="list-style-type: none"> See Section 1 – <i>Accommodating Growth</i> response. <p><u>Building Separation</u></p> <ul style="list-style-type: none"> See Section 3 – <i>Building Setbacks and Separation</i> response and Section 12 – <i>Drafting of the DDO.</i> <p><u>Drafting of Planning Controls</u></p> <ul style="list-style-type: none"> See Section 12 – <i>Drafting of the DDO</i> response. <p><u>Building Heights</u></p> <ul style="list-style-type: none"> See Section 2 – <i>Building Heights</i> response. <p><u>Strategic Justification</u></p> <ul style="list-style-type: none"> The amendment was informed by a background reports in built form and heritage, traffic and recent planning scheme amendments and VCAT decisions. This work underpins Amendment C273 and DDO18 and provides the strategic justification for the amendment. The application of a permanent DDO will provide greater certainty for all stakeholders regarding the scale and form of new development within the Precincts. Officers understand while the Porta site is currently identified as a Strategic Redevelopment Site (SRS) in the Scheme, Amendment C269yara no longer uses the term SRS. <p><u>Amenity</u></p> <ul style="list-style-type: none"> See Section 4 – <i>Impacts on the residential amenity</i> response. <p><u>Setback Controls</u></p> <ul style="list-style-type: none"> See Section 3 – <i>Building Setbacks and Separation</i> response. <p><u>Heritage</u></p> <ul style="list-style-type: none"> See Section 5 – <i>Heritage</i> response.

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		<ul style="list-style-type: none"> Concerns that the 2.6m height limit in Section 2.2.3 of DDO18 is insufficient for accommodating a lift to a rooftop communal open space with equitable access. Suggest that it should be raised to 3.6m. <p><u>Strategic Justification</u></p> <ul style="list-style-type: none"> They point out that the Amendment lacks an assessment of its broader implication on strategic planning policy outcomes. Concerns that the built form controls have been implemented in a piecemeal manner without proper analysis of their impact on accommodating growth. The amendments focus on built form, heritage and landscape considerations does not consider strategic planning costs, especially in areas identified as Strategic Redevelopment Sites (SRS). Suggests the need for a more facilitative approach to change and development on SRS sites. <p><u>Amenity</u></p> <ul style="list-style-type: none"> Section 2.2.5 of DDO18 lacks actual daylight requirements and may need to be updated to specify “sunlight” or “daylight” or possibly removed altogether. <p><u>Setback Controls</u></p> <ul style="list-style-type: none"> Objects to the introduction of mandatory setback controls, which the submitter finds unjustified and overly restrictive. Suggests removing mandatory setback requirements, with these to be shown as preferred requirements. Suggests the 45-degree upper level containment rule should apply to residential interfaces only, as indicated in Figure 1. <p><u>Heritage</u></p> <ul style="list-style-type: none"> Suggests the views to the Porta Chimney from the south are not essential from a heritage perspective and questions the urban design and character justification for retaining southern views to the chimney. Suggests that the southern view lines to the chimney should be deleted from the DDO. Concerns that Section 2.2.2 upper level setback requirements for heritage buildings are unclear and imprecise, potential causing confusion about how they apply to future proposals. 	
31	On behalf of a land owner in Precinct 3B – Heidelberg Road	<p><u>General</u></p> <ul style="list-style-type: none"> Highlights that the approved development on this site does not comply with these mandatory controls and significantly deviates from them. <p><u>Drafting of Planning Controls</u></p> <ul style="list-style-type: none"> Supports the design requirements outlined in Clause 2.2.9. Points out an inconsistency between the objective of creating a ‘new low-rise character’ in Precinct 3B and the existing mid to higher-rise commercial conditions along Heidelberg Road. Cites planning policies such as Clause 11 of Yarra Planning Scheme and Plan Melbourne 2050 encourage consolidation, redevelopment and intensification of existing urban areas. Combined effect of ‘fine grain’ and ‘low rise’ requirements in areas with larger sites will hinder urban densification and the growth of the activity centre. <p><u>Mandatory Controls</u></p> <ul style="list-style-type: none"> The mandatory built form controls are overly restrictive and will stifle growth. 	<p><u>General & VCAT Decision</u></p> <ul style="list-style-type: none"> Strategic background work and DDO18 did consider approved permits for context and guide expert views. It does not use them as an absolute basis to draft controls. Officers and expert advice have considered the recent VCAT cases in the preparation of C273yara, including the one mentioned in the submission. The heights for Precinct 3B in the DDO are proposed as preferred. Additional criteria are provided for proposals that exceed the preferred maximum height – See Section 2 – <i>Building Heights</i> response. The DDO proposed different built form outcomes for different precincts based on comprehensive expert evidence which has taken a corridor approach. The preferred character in Precinct 3B is a low-rise character. It is common for development to be approved in the absence of built form

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		<ul style="list-style-type: none"> • They are inflexible planning tools that hinder the delivery of design solutions and may affect economic viability for developers. • Submits that given the current housing crisis and limited undeveloped land within the urban growth boundary, making efficient use of strategically located infill land is crucial. • Suggests a combination of performance based and discretionary planning tools to be used instead of mandatory controls. • Provides an example of the use of performance-based assessment tools in the City of Merri-bek which prioritises street amenity, solar access, view lines and spatial separation in a discretionary context. • Supports the discretionary controls set out in the DDO for building separation, amenity and solar access. <p><u>Rear Interface Controls</u></p> <ul style="list-style-type: none"> • Raises concerns about the clarity of the proposed wording regarding the 45-degree angle requirement, especially in determining the point from which the angle should be measured. <p><u>Building Heights</u></p> <ul style="list-style-type: none"> • While welcoming the discretionary nature for the building height on this site, it is noted that 17.6m is significantly lower than the approved developments height of 26.97m. • Questions why a site with an existing 8-storey approval is proposed to be reduced to 5 storeys, expressing concerns about this inconsistency • Advocates for height controls to align with evolving planning conditions and allow for greater density. <p><u>VCAT Decision</u></p> <ul style="list-style-type: none"> • VCAT’s decision during the draft amendment process expressed concerns about the proposed lower and mandatory height limits in the interim controls (Amendment C272yara) • VCAT found the subject site could support taller building form on Heidelberg Road but needed to transition to smaller scale towards the east. • The decision of this development will contribute positively to the public realm, prioritise pedestrians and had a modulated building form which wouldn’t be possible under interim/permanent controls. 	<p>controls. Decisions are made based on the scheme requirements as they apply on the day. Planning controls prepared after may vary from some approved permits as a result of the availability of information.</p> <p><u>Drafting of Planning Controls</u></p> <ul style="list-style-type: none"> • See Section 12 – <i>Drafting of the DDO</i> response. <p><u>Mandatory Controls</u></p> <ul style="list-style-type: none"> • See Section 7 – <i>Mandatory Controls</i> response. <p><u>Rear Interface Controls</u></p> <ul style="list-style-type: none"> • See Section 4 – <i>Impacts on the residential amenity</i> response. <p><u>Building Heights</u></p> <ul style="list-style-type: none"> • See Section 2 – <i>Building Heights</i> response.
32	On behalf of land owner in Precinct 3B – Heidelberg Road	<p><u>General</u></p> <ul style="list-style-type: none"> • Describes the land impacted by the amendment as currently developed with single storey commercial building on Heidelberg Road, telecommunications tower at the rear and a vehicle crossover. • The land is proposed to be included in Precinct 3B. • Supports the concept of introducing a DDO to provide guidance on the built form for the land. • Concerned that the proposed DDO is unduly restrictive and is an underdevelopment of the site. <p><u>Utilities</u></p> <ul style="list-style-type: none"> • Seeks confirmation that the DDO will not unduly impinge upon the existing telecommunications tower or any future necessary upgrades to that tower. • Notes that the tenant maintaining the tower want to ensure they are given direct notice of applications for development on adjoining properties. They would be happy to discuss this further with Council including the possibility of amending Schedule to Clause 66.06 as appropriate. <p><u>Building Heights</u></p> <ul style="list-style-type: none"> • Recommends an increase in the preferred maximum building height within Precinct 3B. • There is an urgent need for additional housing in Alphington and the area has excellent access to transport and services. • Recommends a preferred maximum height of 20m to be consistent with the Hodyl Report. 	<p><u>Building Heights and Utilities</u></p> <ul style="list-style-type: none"> • Clause 62.02-1 identifies buildings and works that are exempt from any requirement. This includes buildings and works for a telecommunications facility exempt from a permit under clause 52.19-1. Clause 52.19-1 outlines a list of telecommunication buildings and works that do not requirement a permit. • As long as any proposal falls under that list the requirements set out under Schedule 18 to the Design and Development Overlay would not apply. • It is understood that telecommunication tower located in Precinct 3B is classified as a low impact facility under Telecommunications (Low-impact Facilities) Determination 2018 (Cth), which is included on that list. <p><u>Strategic Justification</u></p> <ul style="list-style-type: none"> • Council does not consider the background documents that informed the amendment outdated.

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		<ul style="list-style-type: none"> Flexibility should be provided to building height in relation to telecommunication towers. The DDO allows for exceedances of building height requirements for service equipment and structures. The existing telecommunication tower is of a significant height. Notes the essential service the tower provides to the surrounding community. Recommends that the DDO include a specific exemption for telecommunication towers within the height limits and allow such facilities to be appropriately managed under clause 52.19 of the Planning Scheme. <p><u>Strategic Justification</u></p> <ul style="list-style-type: none"> Many of the strategies that form the basis of the DDO are significantly outdated. In particular the Yarra Housing Strategy 2018 and the Urban Design Strategy 2011. The Hodyl Report considered these when it was prepared in 2019. Does not support the objective the area should be a moderate growth as per the Yarra Housing Strategy. <p><u>Upper-Level Setback</u></p> <ul style="list-style-type: none"> Does not support a 6m upper level setback and there is no proper basis for 6m. Recommends a 3m upper level setback. The Hodyl Report acknowledges there are challenges in designing developments on the narrow, long blocks on Heidelberg Road. More appropriate for sites to be front loaded where possible in response to the sensitive interface of the Neighbourhood Residential Zones to the rear and the robust nature of the Heidelberg Road. A 3m setback will better achieve this balance while still ensuring the upper storey is appropriately recessed from Heidelberg Road. <p><u>Rear Interface</u></p> <ul style="list-style-type: none"> Does not support the 45 degree setback envelope. This is unduly restrictive and does not provide sufficient flexibility for alternate design solutions. The varied size of properties within Precinct 3B calls for a flexible approach. Prescriptive requirements will reduce opportunities for design solutions. <p><u>Building Separation</u></p> <ul style="list-style-type: none"> Nature of properties in Precinct 3B will not be able to meet building separation requirements without consolidation of lots. If fine grain nature of Heidelberg Road is to be retained, building separation requirements should be removed from narrow lots. <p><u>Heritage</u></p> <ul style="list-style-type: none"> Recommends deleting the provision for infill development adjoining a heritage building to match the parapet height for 6m. Does not support heritage buildings dictating the height of adjoining development. This is a prescriptive requirement without a clear heritage basis. A preferred outcome to flexibility of design in relation to the height of a building adjacent to a heritage is recommended. <p><u>Public Acquisition Overlay</u></p> <ul style="list-style-type: none"> The amendment should test and consider the impact of the PAO on properties. The PAO is acknowledged in the Amendment. 	<ul style="list-style-type: none"> It is reasonable to plan for growth as per Council's adopted Housing Strategy and Spatial Economic and Employment Strategy. Given the current policy direction remains unchanged, the background documents and that land use and development needs to be undertaken with a long-term view, it is not considered the directions of draft Amendment C273yara needs to be changed. <p><u>Upper-Level Setback</u></p> <ul style="list-style-type: none"> See Section 3 – <i>Building Setbacks and Separation</i> response. <p><u>Rear Interface</u></p> <ul style="list-style-type: none"> See Section 4 – <i>Impacts on residential amenity</i> response. <p><u>Building Separation</u></p> <ul style="list-style-type: none"> See Section 3 – <i>Building Setbacks and Separation</i> response. <p><u>Heritage</u></p> <ul style="list-style-type: none"> See Section 5 – <i>Heritage</i> response. <p><u>Public Acquisition Overlay</u></p> <ul style="list-style-type: none"> The Public Acquisition Overlay was applied for long-term transport planning reasons in case any road widening is required in the future. The Department of Planning and Transport have not provided more specific comments what the PAO would be used for or when.

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		<ul style="list-style-type: none"> The PAO may influence redevelopment of affected properties. It has the potential to dramatically affect the future redevelopment of properties and for the Precinct to achieve many of its desired outcome in terms of amenity. Requests that Council liaise with the Department of Transport and Planning to confirm its intentions in respect of the PAO and how applications for development within it will be managed. 	
33	Darebin City Council – All Precincts – Gower Street	<p><u>General</u></p> <ul style="list-style-type: none"> Notes the preparation of Planning Scheme Amendment C373yara. Notes that the City of Darebin will not be making a submission. <p><u>Drafting of Planning Controls</u></p> <ul style="list-style-type: none"> Notes the proposed policy is generally consistent with the draft Heidelberg Road Local Area Plan. 	No response required.
34	Resident – Precinct 2 – Station Street	<p><u>General</u></p> <ul style="list-style-type: none"> Park Crescent in Fairfield is the finest residential street in Fairfield and arguably the finest in the City of Yarra <p><u>Heritage</u></p> <ul style="list-style-type: none"> While the finest mansions were demolished and replaced with multiunit developments, it retains many of the houses from the late Victorian era, some over 130 years old. <p><u>Recent Developments</u></p> <ul style="list-style-type: none"> There have been several inappropriate and unsympathetic commercial buildings constructed on the north side of Heidelberg Road between Station Street and Panther Place. <p><u>Amenity</u></p> <ul style="list-style-type: none"> Number of developments have been built to the north boundary of homes resulting in overshadowing of backyards and a considerable loss of amenity. <p><u>Overshadowing</u></p> <ul style="list-style-type: none"> If proposed buildings proceed it will cause a catastrophic loss of natural light. Some properties will be totally overshadowed which will have impacts on plant growth, rooms will be perpetually dark and cold, paving will be mouldy and laundry will not dry. Solar panels will cease to function from overshadowing. <p><u>Property Values</u></p> <ul style="list-style-type: none"> Properties will be significantly devalued by this proposed development. <p><u>Building Heights</u></p> <ul style="list-style-type: none"> Recommends that new buildings be staggered in height back towards Heidelberg Road. Recommends that building setback 3m from boundary with Park Crescent properties should only increase in height by no more than 3 metres for every 6 metres horizontally. <p><u>Building Setbacks</u></p> <ul style="list-style-type: none"> Proposes no buildings allowed within 3 metres of north boundary on the rear of Park Crescent properties. 	<p><u>Heritage</u></p> <ul style="list-style-type: none"> See Section 5 – <i>Heritage</i> response. <p><u>Amenity</u></p> <ul style="list-style-type: none"> See Section 4 – <i>Impacts on residential amenity</i> response. <p><u>Overshadowing</u></p> <ul style="list-style-type: none"> See Section 4 – <i>Impacts on residential amenity</i> response. <p><u>Property Values</u></p> <ul style="list-style-type: none"> See Section 11 – <i>Property Values and Views</i> response. <p><u>Building Heights</u></p> <ul style="list-style-type: none"> See Section 2 – <i>Building Heights</i> response. <p><u>Building Setbacks</u></p> <ul style="list-style-type: none"> See Section 3 – <i>Building Setbacks and Separation</i> response.
35	Resident – Precinct 2 – Park Crescent	<p><u>Building Heights</u></p> <ul style="list-style-type: none"> The building heights of 20m on the south side of Heidelberg Road represents a significant deviation from the built form and neighbourhood character of the area. 	<p><u>Building Heights</u></p> <ul style="list-style-type: none"> See Section 2 – <i>Building Heights</i> response.

SUB NO.	INTEREST	SUMMARY OF SUBMISSION	RESPONSE TO SUBMISSION Corresponds to Attachment 1)
		<ul style="list-style-type: none"> It is not appropriate to replace low buildings with buildings of 20m. <p><u>Traffic</u></p> <ul style="list-style-type: none"> Heidelberg Road is already very congested and will not deal with a large increase in housing or industrial properties. <p><u>Public Transport</u></p> <ul style="list-style-type: none"> The amendment does not contain plans for improving public transport. Increased public transport is paramount if the population is to increase further. On-street parking There is inadequate parking in the area. Visitors to Alphington Street can rarely find a car park. <p><u>Overshadowing</u></p> <ul style="list-style-type: none"> Overshadowing is bad for the environment and those who live in it. Concerned on the impact on open space, in particular behind the Porta site. Overshadowing will impact on plants, animals and people. Many properties on Park Crescent, Station Street and Arthur Street will have their solar panels shaded. 	<p><u>Traffic</u></p> <ul style="list-style-type: none"> See Section 6 – <i>Traffic, access, parking and public transport</i> response. <p><u>Public Transport</u></p> <ul style="list-style-type: none"> See Section 6 – <i>Traffic, access, parking and public transport</i> response. <p><u>Overshadowing</u></p> <ul style="list-style-type: none"> See Section 4 – <i>Impacts on residential amenity</i> response.
36	Resident – Precinct 2 – Alphington Street	<p><u>General</u></p> <ul style="list-style-type: none"> Suggests this is another attempt by developers to build apartments for a huge profit. <p><u>Building Heights</u></p> <ul style="list-style-type: none"> Does not support the building height of 20 metres. Suggests Council has previously encouraged other to build similar monoliths. Refers to the development on the corner of Heidelberg Road and Chandler Highway. <p><u>Neighbourhood Character</u></p> <ul style="list-style-type: none"> To allow development of the south side of Heidelberg Road is out of character for the area. The area is predominately residential with some development. <p><u>On-Street Parking</u></p> <ul style="list-style-type: none"> There is a lack of parking in the area and Council cannot accommodate further parking. <p><u>Traffic</u></p> <ul style="list-style-type: none"> Car parking has been removed from Heidelberg Road for a bike which will cause more vehicles to use side streets. <p><u>Utilities</u></p> <ul style="list-style-type: none"> Pressure on services such as power and sewerage will be overloaded. <p><u>Open Space</u></p> <ul style="list-style-type: none"> Capacity on parks and gardens will be stretched. 	<p><u>General</u></p> <ul style="list-style-type: none"> See Section 1 – <i>Accommodating Growth</i> response. <p><u>Building Heights</u></p> <ul style="list-style-type: none"> See Section 2 – <i>Building Heights</i> response. <p><u>Neighbourhood Character</u></p> <ul style="list-style-type: none"> See Section 1 – <i>Accommodating Growth</i> response. <p><u>On-Street Parking</u></p> <ul style="list-style-type: none"> See Section 6 – <i>Traffic, access, parking and public transport</i> response. <p><u>Traffic</u></p> <ul style="list-style-type: none"> See Section 6 – <i>Traffic, access, parking and public transport</i> response. <p><u>Utilities</u></p> <ul style="list-style-type: none"> See Section 8 – <i>Infrastructure and Utilities</i> response. <p><u>Open Space</u></p> <ul style="list-style-type: none"> See Section 1 – <i>Accommodating Growth</i> response.
37	Resident – Precinct 2 – Alphington Street	<p><u>Accommodating Growth and Amenity</u></p> <ul style="list-style-type: none"> The need for greater density of development in the inner suburban areas, but this should not come at the cost of resident amenity. <p><u>Building Heights</u></p>	<p><u>Accommodating Growth and Amenity</u></p> <ul style="list-style-type: none"> See Section 1 – <i>Accommodating Growth</i> response. See Section 4 – <i>Impacts on residential amenity</i> response. <p><u>Building Heights</u></p>

SUB NO.	INTEREST	SUMMARY OF SUBMISSION	RESPONSE TO SUBMISSION Corresponds to Attachment 1)
		<ul style="list-style-type: none"> The building heights of 20m on the south side of Heidelberg Road represents a significant deviation from the built form and neighbourhood character of the area. It is not appropriate to replace low buildings with buildings of 20m. <p><u>Infrastructure</u></p> <ul style="list-style-type: none"> There should not be a continuation of new developments without an improvement of infrastructure. <p><u>Traffic</u></p> <ul style="list-style-type: none"> There needs to be a radical improvement to infrastructure in the region, traffic on Heidelberg Road and Station Street is a serious level of gridlock. Heidelberg Road is already very congested and will not deal with a large increase in housing or industrial properties. <p><u>Public Transport</u></p> <ul style="list-style-type: none"> The amendment does not contain plans for improving public transport. Increased public transport is paramount if the population is to increase further. <p><u>On-Street Parking</u></p> <ul style="list-style-type: none"> There is inadequate parking in the area. Visitors to Alphington Street can rarely find a car park. <p><u>Overshadowing</u></p> <ul style="list-style-type: none"> Overshadowing is bad for the environment and those who live in it. Concerned on the impact on open space, in particular behind the Porta site. Overshadowing will impact on plants, animals and people. Many properties on Park Crescent, Station Street and Arthur Street will have their solar panels shaded. 	<ul style="list-style-type: none"> See Section 2 – <i>Building Heights</i> response. <p><u>Infrastructure</u></p> <ul style="list-style-type: none"> See Section 8 – <i>Infrastructure and Utilities</i> response. <p><u>Traffic</u></p> <ul style="list-style-type: none"> See Section 6 – <i>Traffic, access, parking and public transport</i> response. <p><u>Public Transport</u></p> <ul style="list-style-type: none"> See Section 6 – <i>Traffic, access, parking and public transport</i> response. <p><u>On-Street Parking</u></p> <ul style="list-style-type: none"> See Section 6 – <i>Traffic, access, parking and public transport</i> response. <p><u>Overshadowing</u></p> <ul style="list-style-type: none"> See Section 4 – <i>Impacts on residential amenity</i> response.
38	Resident – Precinct 2 – Rex Avenue	<p><u>Building Heights</u></p> <ul style="list-style-type: none"> Building heights of 20m significantly deviates from the built form and character of the area. The heights will destroy the amenity of residents and owners living adjacent to apartments. <p><u>Overshadowing</u></p> <ul style="list-style-type: none"> Overshadowing is bad for the environment and those who live in it. Concerned on the impact on open space, in particular behind the Porta site. Overshadowing will impact on plants, animals and people. Many properties on Park Crescent, Station Street and Arthur Street will have their solar panels shaded. <p><u>Wind</u></p> <ul style="list-style-type: none"> Concerned that wind tunnels or wind impacts from increased height will have. The Housing Commission high rise on the other side of Heidelberg Road will have particular negative impact. <p><u>Public Transport</u></p> <ul style="list-style-type: none"> The amendment does not contain plans for improving public transport. 	<p><u>Building Heights</u></p> <ul style="list-style-type: none"> See Section 2 – <i>Building Heights</i> response. <p><u>Overshadowing</u></p> <ul style="list-style-type: none"> See Section 4 – <i>Impacts on residential amenity</i> response. <p><u>Wind</u></p> <ul style="list-style-type: none"> See Section 4 – <i>Impacts on residential amenity</i> response. <p><u>Public Transport</u></p> <ul style="list-style-type: none"> See Section 6 – <i>Traffic, access, parking and public transport</i> response. <p><u>Traffic</u></p> <ul style="list-style-type: none"> See Section 6 – <i>Traffic, access, parking and public transport</i> response.

SUB NO.	INTEREST	SUMMARY OF SUBMISSION	RESPONSE TO SUBMISSION Corresponds to Attachment 1)
		<ul style="list-style-type: none"> Increased public transport is paramount if the population is to increase further. <p><u>Traffic</u></p> <ul style="list-style-type: none"> Heidelberg Road is already very congested and will not deal with a large increase in housing or industrial properties. 	
39	Resident – Precinct 2 – Park Crescent	<p><u>General</u></p> <ul style="list-style-type: none"> Formally objects to the proposed changes in the planning scheme in C273yara Precinct 2. <p><u>Building Height</u></p> <ul style="list-style-type: none"> Objects to the preferred maximum height of 20 metres. Notes a 20m height translates to a 5 storey apartment complex. Trebling the height in Precinct 2 will impact all residents and tenants that connect with Precinct 2. Questions what the proposed allowable building envelope/volume and setbacks for lots facing Heidelberg Road? Questions the rationale for varying 20m vs 16m height limit on the plan? <p><u>Property Values</u></p> <ul style="list-style-type: none"> Trebling the maximum height with Precinct 2 will lower the property values. <p><u>Overshadowing</u></p> <ul style="list-style-type: none"> An increase in height from 8m to 20m will eliminate access to natural light in the rear of adjacent properties. An increase in height from 8m to 20m will reduce or obliterate the effectiveness of solar panels. 	<p><u>Building Heights</u></p> <ul style="list-style-type: none"> See Section 2 – <i>Building Heights</i> response. <p><u>Property Values</u></p> <ul style="list-style-type: none"> See Section 11 – <i>Property Values and Views</i> response. <p><u>Overshadowing</u></p> <ul style="list-style-type: none"> See Section 4 – <i>Impacts on residential amenity</i> response.
40	Resident – Precinct 2 – The Esplanade	<p><u>General</u></p> <ul style="list-style-type: none"> Objects to Amendment in particular Precinct 2. <p><u>Building Heights</u></p> <ul style="list-style-type: none"> Building heights of 20m will impact unreasonably on immediate dwellings. <p><u>Overshadowing</u></p> <ul style="list-style-type: none"> Buildings of 20m will decrease sunlight hours throughout the year. <p><u>Traffic</u></p> <ul style="list-style-type: none"> Extreme increase in traffic should be avoided. Traffic congestion impacts on residents should be considered. <p><u>Porta Development</u></p> <ul style="list-style-type: none"> The proposed Porta development should not proceed given its impact on the adjacent oval and its surrounds. 	<p><u>Building Heights</u></p> <ul style="list-style-type: none"> See Section 2 – <i>Building Heights</i> response. <p><u>Overshadowing</u></p> <ul style="list-style-type: none"> See Section 4 – <i>Impacts on residential amenity</i> response. <p><u>Traffic</u></p> <ul style="list-style-type: none"> See Section 6 – <i>Traffic, access, parking and public transport</i> response. <p><u>Porta Development</u></p> <ul style="list-style-type: none"> The previous application was refused by both Council and VCAT. There are currently no live applications for this site. The impact on surrounding areas is discussed within Section 2 – <i>Building Heights</i>, Section 3 – <i>Building Setbacks and Separation</i> and Section 6 – <i>Traffic, access, parking and public transport</i>.
41	Resident – Precinct 2 – Park Crescent	<p><u>General</u></p> <ul style="list-style-type: none"> Supportive of higher density development in close proximity to the city, amenities and transport but suggest changes. 	<p><u>Land Use</u></p> <ul style="list-style-type: none"> See Section 9 – <i>Land Use and Zoning</i> response. <p><u>Building Heights</u></p>

Attachment 2 Attachment 2 - Draft Amendment C273yara - Response to Individual Submissions

SUB NO.	INTEREST	SUMMARY OF SUBMISSION	RESPONSE TO SUBMISSION Corresponds to Attachment 1)
		<p><u>Land Use</u></p> <ul style="list-style-type: none"> The area provides great amenity for residential development. Residential development is in more need than commercial. High density areas should focus on housing rather than commercial space. <p><u>Building Heights</u></p> <ul style="list-style-type: none"> 16m height more appropriate for Precinct 2 to protect amenity of dwellings to the south. Heights in Precinct 2 will have a lot of over shadowing issues. <p><u>Darebin City Council</u></p> <ul style="list-style-type: none"> It's important that this plan considers Darebin Council zoning what is happening on the northern side. Questions if Yarra knows what the Darebin City Council is planning. 	<ul style="list-style-type: none"> See Section 2 – <i>Building Heights</i> response. <p><u>Darebin City Council</u></p> <ul style="list-style-type: none"> The draft Heidelberg Road Local Area Plan and the Built Form Framework (Hodyl & Co) have formed the strategic basis for the amendment and considered the broader strategic context of the area. This included the land use and zoning patterns on both sides of the street. Darebin City Council have been informed of proposed amendment and have been notified. It was noted that the amendment was generally consistent with the draft LAP. The Darebin City Council have progressed amendment C203dare which applies heritage controls along Heidelberg Road. The findings from the draft Heidelberg Road Corridor Local Area Plan and Built Form Framework community engagement were reported to Darebin Council at its Planning Committee meeting on April 11, 2022. Darebin Council resolved to note the findings and for officers to continue to undertake further strategic work on the broader project before moving into a scheme amendment phase.
42	Resident – Precinct 2 – Park Crescent	<p><u>Building Heights</u></p> <ul style="list-style-type: none"> Opposed to the proposed 20m building height in Precinct 2. Questions the rationale for the proposal varying from 20m vs 16m. Questions what the proposed allowable building envelope/volume and setbacks are for lots facing Heidelberg Road. <p><u>Overshadowing</u></p> <ul style="list-style-type: none"> Suggests that the existing height of 8m already casts significant shadows on houses. Submits that the increased height will limit / eliminate access to natural light in the rear of houses. Reduce the effectiveness of solar panels on houses. <p><u>Car Parking</u></p> <ul style="list-style-type: none"> Questions the plan for car parking if development occurs in line with the proposed heights. 	<p><u>Building Heights</u></p> <ul style="list-style-type: none"> See Section 2 – <i>Building Heights</i> response. <p><u>Overshadowing</u></p> <ul style="list-style-type: none"> See Section 4 – <i>Impacts on residential amenity</i> response. <p><u>Car Parking</u></p> <ul style="list-style-type: none"> See Section 6 – <i>Traffic, access, parking and public transport</i> response.
43	Resident – Precinct 2 – Arthur Street	<ul style="list-style-type: none"> See Submission 42 for Summary. 	See Response 42.
44	Resident – Precinct 2 – Arthur Street	<ul style="list-style-type: none"> See Submission 42 for Summary. 	See Response 42.
45	Resident – Precinct 2 – Arthur Street	<ul style="list-style-type: none"> See Submission 42 for Summary. 	See Response 42.
46	Resident – Precinct 2 – Arthur Street	<ul style="list-style-type: none"> See Submission 42 for Summary. 	See Response 42.
47	Resident – Precinct 2 – Arthur Street	<ul style="list-style-type: none"> See Submission 42 for Summary. 	See Response 42.
48	Resident – Precinct 2 – Station Street	<ul style="list-style-type: none"> See Submission 42 for Summary. <p><u>Building Heights</u></p>	<p>See Response 42.</p> <p><u>Building Heights:</u></p>

Attachment 2 Attachment 2 - Draft Amendment C273yara - Response to Individual Submissions

SUB NO.	INTEREST	SUMMARY OF SUBMISSION	RESPONSE TO SUBMISSION Corresponds to Attachment 1)
		<ul style="list-style-type: none"> Proposed building heights will negatively impact privacy, block sunlight, and negatively impact amenity. 	<ul style="list-style-type: none"> See Section 2 – <i>Building Heights</i> response.
49	Resident – Precinct 2 – Station Street	<ul style="list-style-type: none"> See Submission 42 for Summary. 	See Response 42.
50	Resident – Precinct 2 – Station Street	<ul style="list-style-type: none"> See Submission 42 for Summary. 	See Response 42.
51	Resident – Precinct 2 – Station Street	<ul style="list-style-type: none"> See Submission 42 for Summary. 	See Response 42.
52	Resident – Precinct 2 – Station Street	<ul style="list-style-type: none"> See Submission 42 for Summary. <p><u>Access</u></p> <ul style="list-style-type: none"> Will negatively impact access to services. <p><u>Neighbourhood Character</u></p> <ul style="list-style-type: none"> Concerns that the amendment will negatively impact the wellbeing of existing neighbourhood and community. 	<p>See Response 42.</p> <p><u>Access</u></p> <ul style="list-style-type: none"> See Section 6 – <i>Traffic, access, parking and public transport</i> response. <p><u>Neighbourhood Character</u></p> <ul style="list-style-type: none"> See Section 1 – <i>Accommodating Growth</i> response.
53	Resident – Precinct 2 – Station Street	<ul style="list-style-type: none"> See Submission 42 for Summary. <p><u>Solar Access</u></p> <ul style="list-style-type: none"> Will detriment properties access to natural light. <p><u>Accommodating Growth</u></p> <ul style="list-style-type: none"> Will put pressure on amenities. <p><u>Traffic and On-Street Parking</u></p> <ul style="list-style-type: none"> Will impact traffic/parking. 	<p>See Response 42.</p> <p><u>Solar Access</u></p> <ul style="list-style-type: none"> See Section 4 – <i>Impacts on residential amenity</i> response. <p><u>Accommodating Growth</u></p> <ul style="list-style-type: none"> See Section 1 – <i>Accommodating Growth</i> response. <p><u>Traffic and On-Street Parking</u></p> <ul style="list-style-type: none"> See Section 6 – <i>Traffic, access, parking and public transport</i> response.
54	Resident – Precinct 2 – Station Street	<ul style="list-style-type: none"> See Submission 42 for Summary. <p><u>Amenity</u></p> <p>Will create an oppressive atmosphere. Submits that it will create privacy issues, loss of views and access to sunlight.</p>	<p>See Response 42.</p> <p><u>Amenity</u></p> <ul style="list-style-type: none"> See Section 4 – <i>Impacts on residential amenity</i> response.
55	Resident – Precinct 2 – Clarke Street	<ul style="list-style-type: none"> See Submission 42 for Summary. 	See Response 42.
56	Resident – Precinct 2 – Slater Street	<ul style="list-style-type: none"> See Submission 42 for Summary. 	See Response 42.
57	Resident – Precinct 2 – Murphy Grove	<ul style="list-style-type: none"> See Submission 42 for Summary. 	See Response 42.
58	Resident – Precinct 2 – Heidelberg Road	<ul style="list-style-type: none"> See Submission 42 for Summary. 	See Response 42.
59	Resident – Precinct 2 – Heidelberg Road	<ul style="list-style-type: none"> See Submission 42 for Summary. 	See Response 42.
60	Resident – Precinct 2 – Heidelberg Road	<ul style="list-style-type: none"> See Submission 42 for Summary. 	See Response 42.

Attachment 2 Attachment 2 - Draft Amendment C273yara - Response to Individual Submissions

SUB NO.	INTEREST	SUMMARY OF SUBMISSION	RESPONSE TO SUBMISSION Corresponds to Attachment 1)
61	Resident – Precinct 2 – Heidelberg Road	<ul style="list-style-type: none"> See Submission 42 for Summary. 	See Response 42.
62	Resident – Precinct 2 – Yarraford Avenue	<ul style="list-style-type: none"> See Submission 42 for Summary. 	See Response 42.
63	Resident – Precinct 2 – Yarraford Avenue	<ul style="list-style-type: none"> See Submission 42 for Summary. 	See Response 42.
64	Resident – Precinct 2 – Yarraford Avenue	<ul style="list-style-type: none"> See Submission 42 for Summary. 	See Response 42.
65	Resident – Precinct 2 – Station Street	<ul style="list-style-type: none"> See Submission 42 for Summary. <p><u>Building Heights</u></p> <ul style="list-style-type: none"> Concerns that only Precinct 3A has a mandatory height requirements, other areas are preferred heights, inviting unrestricted development. 	<p>See Response 42.</p> <p><u>Building Heights:</u></p> <ul style="list-style-type: none"> See Section 2 – <i>Building Heights</i> response.
66	Resident – Precinct 2 – Station Street	<ul style="list-style-type: none"> See Submission 42 for Summary. <p><u>Building Heights</u></p> <ul style="list-style-type: none"> The current development at Heidelberg Road and Chandler Highway dominates the landscape and is setting a risky example for future developers. Suggests a maximum building height of 12m for this PSA. <p><u>Overshadowing</u></p> <ul style="list-style-type: none"> Yarra Council needs to prioritise protection of solar access to facilitate energy generation. Overshadowing is a concern, tied to preserving sunlight and amenity for residents. 	<p>See Response 42.</p> <p><u>Building Heights</u></p> <ul style="list-style-type: none"> See Section 2 – <i>Building Heights</i> response. <p><u>Overshadowing/Solar Access</u></p> <ul style="list-style-type: none"> See Section 4 – <i>Impacts on residential amenity</i> response.
67	Resident – Precinct 2 – Austin Street	<ul style="list-style-type: none"> See Submission 42 for Summary. 	See Response 42.
68	Resident – Precinct 2 – Austin Street	<ul style="list-style-type: none"> See Submission 42 for Summary. 	See Response 42.
69	Resident – Precinct 2 – Austin Street	<ul style="list-style-type: none"> See Submission 42 for Summary. 	See Response 42.
70	Resident – Precinct 2 – Park Crescent	<ul style="list-style-type: none"> See Submission 42 for Summary. 	See Response 42.
71	Resident – Precinct 2 – Park Crescent	<ul style="list-style-type: none"> See Submission 42 for Summary. 	See Response 42.
72	Resident – Precinct 2 – Park Crescent	<ul style="list-style-type: none"> See Submission 42 for Summary. 	See Response 42.
73	Resident – Precinct 2 – Park Crescent	<ul style="list-style-type: none"> See Submission 42 for Summary. 	See Response 42.
74	Resident – Precinct 2 – Park Crescent	<ul style="list-style-type: none"> See Submission 42 for Summary. 	See Response 42.
75	Resident – Precinct 2 – Park Crescent	<ul style="list-style-type: none"> See Submission 42 for Summary. <p><u>Building Heights</u></p> <ul style="list-style-type: none"> Further questions the rational for 20m preferred heights instead of the 8m current height. Questions not only what the proposed allowable building envelope/volume and setbacks are for lots facing Heidelberg Road, but also what are the present requirements? 	<p>See Response 42.</p> <p><u>Building Heights:</u></p> <ul style="list-style-type: none"> See Section 2 – <i>Building Heights</i> response.

SUB NO.	INTEREST	SUMMARY OF SUBMISSION	RESPONSE TO SUBMISSION Corresponds to Attachment 1)
76	Resident – Precinct 2 – Park Crescent	• See Submission 42 for Summary.	See Response 42.
77	Resident – Precinct 2 – Park Crescent	• See Submission 42 for Summary.	See Response 42.
78	Resident – Precinct 2 – Park Crescent	• See Submission 42 for Summary.	See Response 42.
79	Resident – Precinct 2 – Park Crescent	• See Submission 42 for Summary.	See Response 42.
80	Resident – Precinct 2 – Park Crescent	• See Submission 42 for Summary.	See Response 42.
81	Resident – Precinct 2 – Park Crescent	• See Submission 42 for Summary.	See Response 42.
82	Resident – Precinct 2 – Park Crescent	• See Submission 42 for Summary.	See Response 42.
83	Resident – Precinct 2 – Park Crescent	• See Submission 42 for Summary.	See Response 42.
84	Resident – Precinct 2 – Park Crescent	• See Submission 42 for Summary.	See Response 42.
85	Resident – Precinct 2 – Park Crescent	• See Submission 42 for Summary.	See Response 42.
86	Resident – Precinct 2 – Park Crescent	• See Submission 42 for Summary.	See Response 42.
87	Resident – Precinct 2 – Park Crescent	• See Submission 42 for Summary.	See Response 42.
88	Resident – Precinct 2 – Park Crescent	• See Submission 42 for Summary.	See Response 42.
89	Resident – Precinct 2 – Park Crescent	• See Submission 42 for Summary.	See Response 42.
90	Resident – Precinct 2 – Park Crescent	• See Submission 42 for Summary.	See Response 42.
91	Resident – Precinct 2 – Park Crescent	• See Submission 42 for Summary.	See Response 42.
92	Resident – Precinct 2 – Park Crescent	• See Submission 42 for Summary.	See Response 42.
93	Resident – Precinct 2 – Park Crescent	• See Submission 42 for Summary.	See Response 42.
94	Resident – Precinct 2 – Park Crescent	• See Submission 42 for Summary.	See Response 42.
95	Resident – Precinct 2 – Park Crescent	• See Submission 42 for Summary.	See Response 42.
96	Resident – Precinct 2 – Park Crescent	• See Submission 42 for Summary.	See Response 42.
97	Resident – Precinct 2 – Park Crescent	• See Submission 42 for Summary.	See Response 42.
98	Resident – Precinct 2 – Park Crescent	• See Submission 42 for Summary.	See Response 42.

SUB NO.	INTEREST	SUMMARY OF SUBMISSION	RESPONSE TO SUBMISSION Corresponds to Attachment 1)
99	Resident – Precinct 2 – Park Crescent	<ul style="list-style-type: none"> See Submission 42 for Summary. 	See Response 42.
100	Resident – Precinct 2 – Park Crescent	<ul style="list-style-type: none"> See Submission 42 for Summary. 	See Response 42.
101	Resident – Precinct 2 – Park Crescent	<ul style="list-style-type: none"> See Submission 42 for Summary. 	See Response 42.
102	Resident – Precinct 2 – Park Crescent	<ul style="list-style-type: none"> See Submission 42 for Summary. 	See Response 42.
103	Resident – Precinct 2 – Park Crescent	<ul style="list-style-type: none"> See Submission 42 for Summary. 	See Response 42.
104	Resident – Precinct 2 – Park Crescent	<ul style="list-style-type: none"> See Submission 42 for Summary. 	See Response 42.
105	Resident – Precinct 2 – Park Crescent	<ul style="list-style-type: none"> See Submission 42 for Summary. 	See Response 42.
106	Resident – Precinct 2 – Park Crescent	<ul style="list-style-type: none"> See Submission 42 for Summary. 	See Response 42.
107	Resident – Precinct 2 – Park Crescent	<ul style="list-style-type: none"> See Submission 42 for Summary. 	See Response 42.
108	Resident – Precinct 2 – Park Crescent	<ul style="list-style-type: none"> See Submission 42 for Summary. 	See Response 42.
109	Resident – Precinct 2 – Park Crescent	<ul style="list-style-type: none"> See Submission 42 for Summary. 	See Response 42.
110	Resident – Precinct 2 – Park Crescent	<ul style="list-style-type: none"> See Submission 42 for Summary. 	See Response 42.
111	Resident – Precinct 2 – Park Crescent	<ul style="list-style-type: none"> See Submission 42 for Summary. 	See Response 42.
112	Resident – Precinct 2 and Precinct 3B – Rathmines Street	<p><u>Building Heights</u></p> <ul style="list-style-type: none"> Opposed to the proposed 20m building height in Precinct 2 and Precinct 3B. Questions the rationale for the proposal varying from 20m vs 16m. Questions what the proposed allowable building envelope/volume and setbacks are for lots facing Heidelberg Road. <p><u>Overshadowing</u></p> <ul style="list-style-type: none"> Submits that the increased height will limit / eliminate access to natural light in the rear of houses. Reduce the effectiveness of solar panels on houses. Notes recent VCAT judgment in Brunswick that determined sunlight as a fundamental human right. <p><u>Car Parking</u></p> <ul style="list-style-type: none"> Questions the plan for car parking if development occurs in line with the proposed heights. 	<p><u>Building Heights</u></p> <ul style="list-style-type: none"> See Section 2 – <i>Building Heights</i> response. <p><u>Overshadowing</u></p> <ul style="list-style-type: none"> See Section 4 – <i>Impacts on residential amenity</i> response. <p><u>Car Parking</u></p> <ul style="list-style-type: none"> See Section 6 – <i>Traffic, access, parking and public transport</i> response.
113	Melbourne Water – All Precincts – La Trobe Street	<p><u>Climate</u></p> <ul style="list-style-type: none"> Submits that the properties are not subject to flowing from the 1%AEP flows of the Melbourne Water Drainage System. Notes that these properties may be subject to flooding from Council Drainage System. Submits that Council should seek flood level information from the Council Drainage Team. 	<p><u>Climate</u></p> <ul style="list-style-type: none"> See Section 10 – <i>Impacts on Climate Change</i> response.

SUB NO.	INTEREST	SUMMARY OF SUBMISSION	RESPONSE TO SUBMISSION Corresponds to Attachment 1)
114	Commercial Landowner – Precinct 2	<p><u>Setbacks</u></p> <ul style="list-style-type: none"> Opposed to the 3m mandatory setback on Heidelberg Road and Park Crescent. Submits that where their property located is the widest part of Heidelberg Road. Submits that a 3m setback would restrict future development. Submits that if there is a setback then the property should be allowed to have a higher building height to accommodate its potential. <p><u>Building Heights</u></p> <ul style="list-style-type: none"> Opposed to the proposed building height of 20m. Submits that the building height should be 27m. <p><u>Overshadowing</u></p> <ul style="list-style-type: none"> Notes the impact of overshadowing at Park Crescent is potentially more of a concern than building heights to those living in Park Crescent and reducing the setback may impact on these properties. However, suggest that the setback of 2.4m should be the minimum. <p><u>Property Value</u></p> <ul style="list-style-type: none"> Concern that proposed controls will detrimentally impact on the financial value of their property. 	<p><u>Setbacks</u></p> <ul style="list-style-type: none"> See Section 3 – <i>Building Setbacks and Separation</i> response. <p><u>Building Heights</u></p> <ul style="list-style-type: none"> See Section 2 – <i>Building Heights</i> response. <p><u>Overshadowing</u></p> <ul style="list-style-type: none"> See Section 4 – <i>Impacts on residential amenity</i> response. <p><u>Property Value</u></p> <ul style="list-style-type: none"> See Section 11 – <i>Property Values and Views</i> response.
115	Resident – Precinct 2 – Arthus Street	<p><u>General</u></p> <ul style="list-style-type: none"> Their house is a couple of blocks from Heidelberg Road where the amendment applies. <p><u>Building Heights</u></p> <ul style="list-style-type: none"> Concerned about the impact on the change of heights. Recommends height limits of 16m. <p><u>Amenity</u></p> <ul style="list-style-type: none"> Concerned the impact the heights will have on their amenity and enjoyment of their house and garden. Increased height will further limit or eliminate sunlight to their house, garden or street. Concerned about the impact on increased commercial activity on the neighbourhood. <p><u>Overshadowing</u></p> <ul style="list-style-type: none"> Concerned height will impact their solar panels. <p><u>On street parking</u></p> <ul style="list-style-type: none"> Concerned the impact from increased commercial activity on parking. 	<p><u>Building Heights</u></p> <ul style="list-style-type: none"> See Section 2 – <i>Building Heights</i> response. <p><u>Amenity</u></p> <ul style="list-style-type: none"> See Section 4 – <i>Impacts on residential amenity</i> response. <p><u>Overshadowing</u></p> <ul style="list-style-type: none"> See Section 4 – <i>Impacts on residential amenity</i> response. <p><u>On street parking</u></p> <ul style="list-style-type: none"> See Section 6 – <i>Traffic, access, parking and public transport</i> response.
116	Resident – Precinct 2 – Park Crescent	<p><u>Accommodating Growth</u></p> <ul style="list-style-type: none"> The area bound by Panther Place to Alphington Street is a unique cul-del-sac along the river; it’s a quiet neighbourhood where few houses get sold and remain in families for generations. They have lived in the area for the past 17 years and chose to raise a family because it was quiet and you were not living on top of neighbours, surrounded by parks and trees. Development of 20m would destroy this type of living. <p><u>Building Heights</u></p> <ul style="list-style-type: none"> Opposes any heights taller than 16m along Precinct 2. Is not supportive of heights of 20m. <p><u>Amenity</u></p> <ul style="list-style-type: none"> Buildings would overshadow and overlook their private space. 	<p><u>Accommodating Growth</u></p> <ul style="list-style-type: none"> See Section 1 – <i>Accommodating Growth</i> response. <p><u>Building Heights</u></p> <ul style="list-style-type: none"> See Section 2 – <i>Building Heights</i> response. <p><u>Amenity</u></p> <ul style="list-style-type: none"> See Section 4 – <i>Impacts on residential amenity</i> response.

SUB NO.	INTEREST	SUMMARY OF SUBMISSION	RESPONSE TO SUBMISSION (Corresponds to Attachment 1)
117	Resident – Precinct 2 – Park Crescent	<p><u>General</u></p> <ul style="list-style-type: none"> • Live behind properties in Precinct 2. <p><u>Amenity</u></p> <ul style="list-style-type: none"> • Concerned about current provisions for overlooking and staggering of the building. • Recommends stronger boundaries around overlooking regarding balconies and windows. <p><u>Building Heights</u></p> <ul style="list-style-type: none"> • Recommend building height be reduced towards the back of development. 	<p><u>Amenity</u></p> <ul style="list-style-type: none"> • See Section 4 – <i>Impacts on residential amenity</i> response. <p><u>Building Heights</u></p> <ul style="list-style-type: none"> • See Section 2 – <i>Building Heights</i> response.

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~~Proposed C273yara~~ SCHEDULE 18 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO18.

HEIDELBERG ROAD PRECINCTS

1.0 Design objectives

~~Proposed C273yara~~

- ~~To ensure development supports the character, built form and design outcomes, and precinct design requirements. To ensure development responds to the existing surrounding built form and parkland character.~~
- To ensure development delivers a high quality landscaped interface that incorporates canopy trees (where appropriate), openness and a significantly improved pedestrian amenity along Heidelberg Road providing passive surveillance and activated, pedestrian-oriented façades.
- To ensure development responds to heritage fabric through recessive upper level development, a legible transition in scale from taller building forms towards the interface with heritage buildings, and retains the prominence of and key view lines to the former 'Porta' chimney and heritage factory at 224-256 Heidelberg Road, Fairfield.
- To ensure development responds to sensitive interfaces by ensuring the overall scale and form of new development provides a legible transition to low-rise residential areas and protects these properties from an unreasonable loss of amenity through visual bulk, overlooking and overshadowing.

Commented [YCC1]: In response to Submission 30 regarding the reference to "design requirements" in the "design objectives"

2.0 Buildings and works

~~Proposed C273yara~~

A permit is not required to:

- extend a ground floor at the rear provided:
 - the maximum building height is not more than 4 metres above ground level.
- alter an existing building façade provided:
 - the alteration does not include the installation of an external roller shutter;
 - in a C1Z, at least 80 per cent of the building façade at ground floor level is maintained as an entry or window with clear glazing.
- construct an awning to an existing building that projects over a road, if it is authorised by the relevant public land manager.

2.1 Definitions

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

Laneway means a road reserve of a public road 9 metres or less wide.

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

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

Street wall means the facade of a building at the street boundary or if a front ~~or street~~ setback is required in this DDO, the front of the building.

Commented [YCC2]: In response to Submission 30 regarding clarity of wording.

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

Upper level means development above the height of the street wall.

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Upper level setback means the minimum distance between the development above the height of the street wall (including projections such as balconies, building services and architectural features) and the street wall.

Street boundary means the boundary between the public street and the private property.

Rear interface is the rear wall of any proposed building or structure whether on the property boundary or set back from the property boundary.

2.2 General Requirements

The requirements below (including both the General Requirements and Precinct Design Requirements) apply to an application to construct a building or construct or carry out works. A permit cannot be granted to vary a requirement expressed with the term 'must'.

2.2.1 Street wall height requirements

Development must not exceed the mandatory maximum street wall heights as shown on Maps 2, 3A, 3B.

Development should not exceed the preferred maximum street wall heights as shown on Maps 1, 2, 3A and 3B unless all the following requirements are met, to the satisfaction of the Responsible Authority:

- the proposed street wall height provides an appropriate transition, scaling down to the interface with a heritage building;
- the proposed street wall height does not visually overwhelm the adjoining heritage building; and
- the proposed street wall height provides an appropriate transition, scaling down to the interface with low rise residential areas.

Infill development adjoining a heritage building should match the parapet height of the adjoining building for a minimum of 6 metres in length.

The street wall on corner buildings should continue the main frontage street wall height for a minimum of 8 metres to the side street, but then transition down in height to match the rear or side interface as required.

Development of non-heritage buildings on street corners should provide a corner splay at minimum of 1 x 1 metre at the site's corner boundaries.

Development should retain the visual prominence of:

- the heritage street wall in the vistas along the street;
- heritage fabric of the return facades of heritage buildings on corner sites.

2.2.2 Upper level front and side setback requirements

Upper levels above the Heidelberg Road, Yarra Bend Road, Park Crescent, Chandler Highway and Coate Avenue street walls:

- must be setback by a minimum of 6 metres in Precinct 3B from Heidelberg Road between Parkview Road and Yarralea Street;
- must be setback by a minimum of 10 metres from Coate Avenue in Precinct 3A and must be set back an additional minimum of 10 metres above the secondary step;
- should be set back by a minimum of 6 metres in:
 - Precinct 1
 - Precinct 2

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- Precinct 3A from Heidelberg Road and Chandler Highway
- Precinct 3B from Heidelberg Road between Yarralea Street and Como Street

Development should be setback at upper levels a minimum of 3 metres above a side street wall.

Upper levels should:

- be visually recessive when viewed from the public realm to ensure development does not overwhelm the streetscape and minimises upper level bulk;
- contain upper level setbacks above the street wall within a maximum of two steps (including the setback above the street wall below as one step) to avoid repetitive steps in the built form.

Heritage Buildings:

Should be setback in excess of the minimum upper level setback requirements where:

- it would facilitate the retention of a roof form and/or chimneys that are visible from the public realm, or a roof or any feature that the relevant statement of significance identifies as contributing to the significance of the heritage building or streetscape;
- it would maintain the perception of the three-dimensional form and depth of the building;
- a lesser setback would detract from the character of the streetscape when viewed directly or obliquely along the street.

2.2.3 Building height requirements

Development must not exceed the mandatory maximum building heights shown on Map 3A.

Development should not exceed the preferred maximum building heights shown on Maps 1, 2, and 3B.

A permit should only be granted to construct a building or construct or carry out works which exceeds the preferred maximum building height shown on Maps 1, 2 and 3B where, in addition to other requirements of this DDO, all the following requirements are met to the satisfaction of the responsible authority:

- the built form outcome satisfies the Overshadowing **and Daylight Access** Requirements in Clause 2.2.5;
- the proposal will achieve each of the following:
 - greater building separation than the minimum requirements in this schedule; and
 - no additional overshadowing impacts on secluded private open space to residentially zoned properties or adjacent parkland or reserves, beyond that which would be generated by a proposal that complies with the preferred building height.

Architectural features (except service equipment or structures) may exceed the mandatory or preferred maximum building height.

Service equipment and/or structures including balustrades, unenclosed pergolas for communal areas, roof terraces, shading devices, plant rooms, lifts, stair wells, structures associated with pedestrian access, green roof areas and other such equipment may exceed the mandatory or preferred maximum height provided that:

- the equipment/structures do not cause additional overshadowing of secluded private open space to residential land, opposite footpaths, kerb outstands or planting areas in the public realm; and
- the equipment/structures are no higher than 2.6 metres above the mandatory or preferred maximum height; and
- the equipment/structures (other than solar panels, green roofs and roof terraces) occupy less than 50 per cent of the roof area.

Commented [YCC3]: In response to Submission 30 given there are no daylight access requirements within the DDO.

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2.2.4 Interface and rear setback requirements

Development adjoining a residential property outside this overlay must not exceed a maximum ~~boundary rear~~ wall height of 8 metres.

Commented [YCC4]: Officer clarification.

Development along the parkland interface in Precinct 1 must not exceed a maximum building height of 14.4 metres (as shown on Map 1).

Upper levels above a rear boundary wall must be set back from the rear boundary and be contained within a 45 degree setback envelope. The envelope's angle is to be measured perpendicular to the ~~applicable development site's boundary or setback~~, taken from the centre of the boundary.

Commented [YCC5]: In response to Submission 31 regarding wording clarification.

Upper level setbacks above the rear boundary wall should be contained within a maximum of two steps (including the setback above the boundary wall below as one step) or be contained within a sloped façade to avoid repetitive stepping of individual levels.

Development should respond to existing secluded private open spaces by setting back at upper levels to create a sense of separation, minimise overshadowing and reduce building bulk.

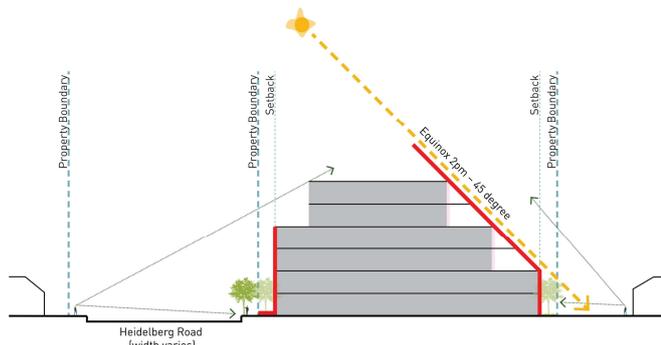
Development should not visually dominate adjoining residential sites outside this overlay.

Development must provide minimum ~~landscape ground floor~~ setbacks to the rear boundary as follows:

- Precinct 1: ~~a minimum of~~ 3 metres (as shown on Map 1);
- Precinct 3A: ~~a minimum of~~ 4.5 metres;
- Precinct 2 and Precinct 3B; All other areas: a minimum of 3 metres if the dwelling on the adjacent residential property is located less than 15 metres from the property boundary.
 - 5 metres where a development site directly abuts a rear boundary of an adjacent residential lot.
 - 3 metres where a development site directly abuts a side boundary of an adjacent residential lot.

Commented [YCC6]: In response to Submission 5, 34, 54 and 117 regarding improving the rear interface controls.

Figure 1: Indicative Cross Section and Measurements



2.2.5 Overshadowing and daylight access requirements

Development should meet the objective of Clause 55.04-5 Overshadowing for adjoining land within a residential zone, including where separated by a laneway.

Commented [YCC7]: In response to Submission 30 given there are no daylight access requirements within the DDO.

Development should not overshadow:

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- the opposite footpath of a side street, from property boundary to kerb between 10 am and 2 pm on 22nd September; and
- any opposite kerb outstands, seating and/or planting areas (as applicable), between 10am and 2pm on 22 September.

Development should not increase the amount of overshadowing to Yarra Bend Park, TH Westfield Reserve and surrounding open space, as caused by existing conditions, measured between 10am and 2pm on 22 September.

2.2.6 Building separation, and amenity requirements

Where development shares a common boundary within the overlay, upper level development should:

- for buildings up to 14.4 metres (or 16 metres in the Commercial 2 Zone), be setback 4.5m from the common boundary, where a habitable window or balcony facing the common boundary is proposed on the subject site and/or exists on the adjoining property; and
- for buildings up to 14.4 metres (or 16 metres in the Commercial 2 Zone), be setback 3.0m from the common side boundary where a commercial or non-habitable window facing the common boundary is proposed on the subject site and/or exists on the adjoining property.

Where the common boundary is a laneway, the setback is measured from the centre of the laneway.

Where development consists of multiple buildings and/or separate upper levels, upper level development should:

- be setback a minimum of 9m from each other, where a habitable window or balcony is proposed; and
- be setback a minimum of 6m from each other where a commercial or non-habitable window is proposed.

2.2.7 Building layout requirements

Lower levels of development should:

- Be designed to accommodate commercial activity at the ground floor, incorporating a commercial floor height of approximately 4 metres floor to floor height;
- Incorporate adaptable commercial and residential floor layouts, demonstrating how each could be combined or divided so as to allow for a variety of uses over time.

2.2.8 Front Street setback design requirements

Front Street setbacks (as identified for each precinct in Clause 2.3 Precinct Design Requirements under the heading 'front-street setback requirements') should be designed to create a sense of openness and clear line of sight at pedestrian level between the public footpath and street wall.

Front setback design should provide a high quality landscaped interface that significantly enhances the pedestrian experience along Heidelberg Road.

2.2.9 Other design requirements

Development should achieve good urban design outcomes and architectural excellence by including, but not being limited to:

- achieving active frontage design at ground level to create a pedestrian-oriented environment and passive surveillance towards the public realm;
- achieving fine-grain commercial façade design at ground floor for development in the Commercial 1 Zone;
- creating an appropriate ratio of solid and void elements;

Commented [YCC8]: In response to Submission 30 regarding clarity of wording.

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- creating visual interest through the arrangement of fenestration, balconies and the application of architectural features including external shading devices, windowsills;
- maintaining an appropriate level of design simplicity by avoiding overly busy facades that rely on a multitude of materials and colours;
- maintaining existing openings and the inter-floor height of a heritage building and avoid new floor plates and walls cutting through historic openings;
- avoiding highly reflective glazing in openings of heritage buildings;
- encouraging the retention of solid built form behind retained heritage facades and avoid balconies behind openings so as to avoid facadism;
- not competing with the more elaborate detailing of the heritage building(s) on the subject site or adjoining land;
- avoiding large expanses of glazing with a horizontal emphasis; and
- ensuring projections such as balconies, building services, architectural features (other than shading devices, mouldings etc.) do not intrude into a setback and do not visually dominate the façade.

Lower levels of development should:

- avoid large expanses of facades with floor to ceiling glazing and limited entries at the ground floor;
- allow unobstructed views through openings into the ground floor of buildings;
- on sites where no street setback requirement is identified and where abutting narrow footpaths of less than 1.8 metres, provide for ~~front-street~~ setbacks and/or generous, recessed building entrances to provide space for pedestrian circulation and include space for landscaping, outdoor trading, seating and/or visitor bicycle parking;
- locate building service entries/access doors and cabinets away from the primary street frontage, or where not practically possible, they should be sensitively designed to integrate into the façade of the building and complement the street frontage and character.

The design of upper levels of development should:

- distinguish between the lower and upper levels through materials and articulation, with visually lightweight materials and colours applied above the street wall;
- be designed so that side walls are articulated and read as part of the overall building design and not detract from the streetscape when viewed from direct and oblique views along the streetscape.

Development should avoid blank walls visible to the public realm, including from side streets.

Side walls in a mid-block location which are visible permanently or temporarily from adjoining residential sites and/or the public realm should be designed to provide visual interest to passing pedestrians through colour, texture, materials and/or finishes.

Projections such as building services and architectural features (other than shading devices, mouldings etc.), balconies and balustrades should not protrude into a street ~~wall setback~~ and an upper level setback, except for terraces directly above a podium, as applicable.

Development interfacing with areas of public open space should:

- provide a suitable transition in scale to the interface with the public open space;
- ensure that development does not visually dominate the public open space;
- provide passive surveillance from lower and upper levels of the building.

Commented [YCC9]: In response to Submission 30 regarding clarity of wording.

Commented [YCC10]: Officer clarification.

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2.2.10 Access, parking and loading area requirements

Pedestrian access to buildings should be achieved via streets and avoid primary access from laneways. Where pedestrian access from a laneway is appropriate, the building setback should include a pedestrian refuge or landing.

Ensure pedestrian entrances are clearly visible, secure, well lit and have an identifiable sense of address.

Residential and commercial pedestrian entrances should be distinguishable from each other.

The common pedestrian areas of new buildings should be designed with legible and convenient access, with hallway and lobby areas of a size that reflects the quantity of apartments serviced and which can be naturally lit and naturally ventilated.

Car parking should be located within a basement or concealed from the public realm.

Bicycle parking should be provided to the rates and design guidelines recommended in the Built Environment Sustainability Scorecard (BESS) tool.

Bicycle ingress/egress should be provided directly from adjacent bicycle lanes and paths.

Resident and staff bicycle parking should be located, preferably at ground floor, and designed to be secure and conveniently accessible from the street and associated uses.

Vehicle ingress and egress into development, including loading facilities and building servicing, should be designed to ensure a high standard of pedestrian amenity and limit potential conflict between vehicle movements and pedestrian activity and avoid adversely impacting the continuity of the public realm.

Vehicle ingress/egress points should be spaced apart from other existing and/or proposed ingress/egress points to avoid wide crossover points.

Development should not provide new vehicular access from Heidelberg Road and avoid disruptions to bicycle lanes.

Where crossovers currently exist or new crossovers are unavoidable along Heidelberg Road, development should consolidate multiple vehicle access points along Heidelberg Road, where applicable.

Development with redundant vehicle access points should reinstate the kerb, line-marked parking bays, and relocate any parking signs.

Where a ground level setback is provided to achieve practicable vehicle access to a laneway, a minimum headroom clearance of 3.6 metres should be provided to any overhang of the first floor and careful consideration given to create a safe pedestrian environment.

Properties on the inside corner of bends in laneways or at intersections between two laneways should provide a minimum 3m x 3m splay to facilitate vehicle access.

2.3 Precinct Design Requirements

2.3.1 Precinct 1

Precinct objective

A new mid-rise contemporary character with buildings providing a street wall to frame Heidelberg Road, retaining the prominence of the former Porta chimney and factory and creating a transition in building scale down towards each of the adjacent parklands in Precinct 1.

Commented [YCC11]: In response to Submission 30 regarding wording contradiction.

Commented [YCC12]: Officer clarification to provide more clarity around development outcomes for Precinct 1.

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Design requirements

Development should:

- be separated into multiple buildings and provide a fine grain subdivision pattern.
- achieve a character that resembles a mix of old industrial and new commercial towards Heidelberg Road and fine-grain residential development that is sensitive to the surrounding parklands including Yarra Bend Park, TH Westfield Reserve and surrounding open space.
- create a sense of openness around the heritage factory building and chimney by gradually stepping down towards the factory and creating a strong clear, physical separation from the chimney.
- achieve open view lines to the chimney from the TH Westfield Reserve to the south, opposite footpath on Yarra Bend Road and the corner of Jeffrey Street and Heidelberg Road, as shown on Map 1.
- consider the adaptive re-use of the heritage buildings and/or integrate them with any new buildings on the site.
- provide a physical and visual connection from Heidelberg Road through to TH Westfield Reserve to the south, on land to the east of the building affected by Heritage Overlay 421 ensuring the connection is publicly accessible 24 hours a day and is open to the sky.
- provide for a communal space next to the building affected by Heritage Overlay 421 that is located to minimise overshadowing.
- provide a positive interface (visual interest and passive overlooking) to Yarra Bend Park, TH Westfield Reserve and surrounding open space that does not visually dominate the landscape setting.
- provide for canopy trees throughout the site to create a stronger connection with the surrounding parklands, provide for shade and to help reduce the heat island effect.
- utilise natural materials and colours to minimise the dominance of its bulk and blend in with the surrounding parklands, including vertical greening.
- locate car parking in basements, where possible.
- ensure building entrances are designed to be safe and are accessible from a public thoroughfare.

Street setback requirements

Development in Precinct 1 must be set back by a minimum of 3 metres to Heidelberg Road (except for heritage buildings) and must be set back by a minimum of 3 metres to Yarra Bend Road to provide better separation with Heidelberg Road and space for circulation and canopy landscaping.

Commented [YCC13]: In response to Submission 30 regarding wording clarification.

Commented [YCC14]: Officer additions to provide more clarity around development outcomes for Precinct 1.

Commented [YCC15]: Officer additions to provide more clarity around development outcomes for Precinct 1.

Commented [YCC16]: Officer additions to provide more clarity around development outcomes for Precinct 1.

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Map 1: Building and Street Wall Heights for Precinct 1



Commented [YCC17]: Officer additions to provide more clarity around the location of the chimney which has been added onto Map 1.

2.1.1 Precinct 2

Precinct objective

An emerging low-rise commercial character which comprises development set behind a landscape strip, with a consistent street wall, and recessive upper levels along Heidelberg Road in Precinct 2.

Design requirements

Development along Heidelberg Road should:

- achieve an active commercial façade.
- create a pedestrian-oriented environment at lower levels to improve pedestrian amenity, safety and the vibrancy of the area.

Development with dual frontages to Heidelberg Road and Park Crescent should create a street wall behind a front-street setback towards Park Crescent to not dominate the low, residential character of Park Crescent.

Commented [YCC18]: In response to Submission 30 regarding clarity of wording.

Street setback requirements

Development in Precinct 2 must be set back by a minimum of 3 metres to Heidelberg Road and must be set back by a minimum of 3 metres to Park Crescent to provide better separation with Heidelberg Road and space for circulation and landscaping.

Map 2: Building and Street Wall Heights for Precinct 2



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2.3.3 Precinct 3A

Precinct objective

A new contemporary mid-rise development in Precinct 3A that addresses the prominent corner location, without competing with the adjacent high-rise development on the east side of Chandler Highway, and which provides perimeter landscape setbacks as well as street wall and building heights that transition down in scale to the adjacent low rise forms in Coate Avenue.

Design requirements

Development along Heidelberg Road and Chandler Highway should:

- achieve a fine grain, activated commercial building façade at the street wall levels.
- create a pedestrian-oriented environment at lower levels to improve pedestrian amenity, safety and the vibrancy of the area.

Along Coate Avenue, development should achieve a fine-grain, lower residential character to blend in with the character of the street.

Development should achieve a sense of openness by providing strong separation of upper levels from Coate Avenue and residential properties to the rear.

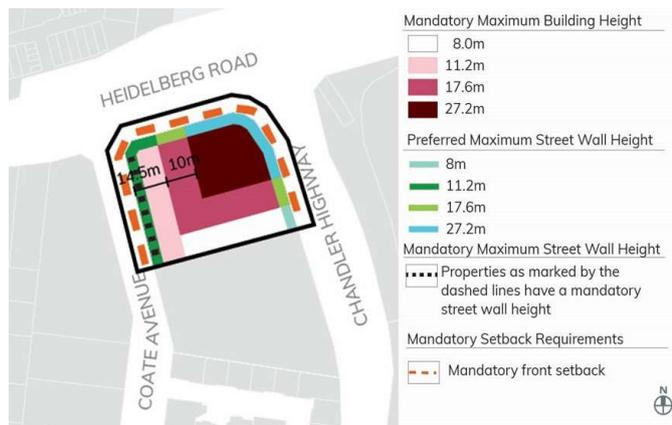
Front **or street** setbacks should be designed and landscaped to include canopy trees and blend in with the residential character of the street.

Commented [YCC19]: In response to Submission 30 regarding clarity of wording.

Street setback requirements

Development in Precinct 3A must be set back by a minimum of 3 metres to Heidelberg Road and Chandler Highway and must be set back by a minimum of 4.5 metres to Coate Avenue to provide better separation with Heidelberg Road and space for circulation and canopy landscaping.

Map 3A: Building and Street Wall Heights for Precinct 3A



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2.1.1 Precinct 3B

Precinct objective

A new low-rise character with a mix of retained heritage and complementary street wall heights along Heidelberg Road, and a landscape setback between Yarralea Street and Como Street in Precinct 3B.

Design requirements

Buildings should achieve a fine-grain, retail character along Heidelberg Road that includes a stall riser, pilasters, a verandah or canopy (where applicable) and clerestory window above the verandah or canopy.

Development along Heidelberg Road should provide active frontages to improve pedestrian amenity, safety and the vibrancy of the area.

Front ~~or street~~ setbacks east of Yarralea Street should be designed to include canopy trees and soft landscaping to create a more pedestrian-friendly environment and avoid the dominance of car parking areas.

Commented [YCC20]: In response to Submission 30 regarding clarity of wording.

Street setback requirements

Development in Precinct 3B must be set back by a minimum of 3 metres to Heidelberg Road between Parkview Road and Park Avenue and between Yarralea Street and Como Street to provide better separation with Heidelberg Road and space for circulation and canopy landscaping.

No front setback to Heidelberg Road should be provided between Park Avenue and Yarralea Street.



Map 3B: Building and Street Wall Heights for Precinct 3B

YARRA PLANNING SCHEME

3.0 Subdivision
Proposed C273yara None specified.

4.0 Signs
Proposed C273yara None specified.

5.0 Application requirements
Proposed C273yara The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and should accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A site analysis and urban design context report which demonstrates how the proposal achieves the Design Objectives and requirements of this schedule;
- A desktop wind effects assessment for proposed development over 16 metres in height to assess the impact of wind on:
 - the safety and comfort of the pedestrian environment on footpaths and other public spaces while walking, sitting and standing; and
 - the safety and effects on cyclists travelling along bicycle routes that are adjacent to the development.
- A Traffic Engineering Report prepared by a suitably qualified traffic engineer that demonstrates how the development:
 - minimises impacts on the level of service, safety and amenity of the arterial road network (including bicycle lanes);
 - reduces car dependence and promotes sustainable transport modes, and
 - assesses the impacts of traffic and parking in the Precincts including an assessment of the ongoing functionality of laneway/s, where applicable.
- A landscaping plan.

6.0 Decision guidelines
Proposed C273yara The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- whether the proposal provides a high-quality public realm interface that either activates the street edge or provides an engaging and well-designed street interface, and contributes positively to the pedestrian environment and other areas of the public realm;
- whether the development retains the prominence of the heritage street wall in the vistas along the primary street frontage;
- whether heritage buildings on street corners retain their prominence, including their three-dimensional form, when viewed from the opposite side of the primary and secondary street;
- whether upper level development above the heritage street wall is visually recessive and does not visually overwhelm the heritage buildings;
- whether a strong sense of separation between upper levels and street walls is achieved when viewed from the opposite side of the street;

YARRA PLANNING SCHEME

- whether the proposal responds to the presence of heritage buildings either on, or in close proximity to the site through a suitable transition in scale of street-wall, upper level setbacks and building height;
- whether the development delivers design excellence, including but not limited to building siting, scale, massing, articulation and materials;
- whether upper side and rear setbacks are sufficient to limit the impact on the amenity of existing dwellings, limit bulk of new development and ~~increase-retain~~ a sense of openness;
- does the design respond to the interface with existing low-scale residential properties, including avoiding additional overshadowing of secluded private open space;
- whether proposed buildings and works will ~~avoid-minimise~~ overshadowing of footpaths and public spaces;
- whether the proposed built form mitigates negative wind effects created by the development;
- the impact of development on traffic and parking in the nearby area, including on the functionality of laneways and bicycle lanes;
- whether the layout and appearance of areas set aside for vehicular access, loading, unloading and the location of any proposed car parking is practicable, safe and supports a pedestrian-oriented design outcome.

Commented [YCC21]: In response to Submission 30 regarding wording clarification.

Commented [YCC22]: In response to Submission 30 regarding wording clarification.

7.2 Financial Sustainability Strategy – Final Dec 2023

Reference	D23/462304
Author	Aoife Mulligan - Strategic Project Manager
Authoriser	General Manager Corporate Services and Transformation
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

Purpose

1. Council is committed to ensuring its long-term financial sustainability for our community, both now and into the future.
2. The Yarra Financial Sustainability Strategy provides an assessment of macro-economic trends, outlines current financial challenges, sets long-term financial goals, and importantly, outlines a roadmap to achieve financial sustainability objectives.
3. The Yarra Financial Sustainability Strategy will guide future decision-making so Council can transparently, proactively and prudently plan to be financially sustainable, to maximise our community impact, deliver efficient and effective services and infrastructure, and meet our financial obligations both today and in the future.
4. The Financial Sustainability Strategy is underpinned by strategic reforms to ensure that future investment decisions are based on need, underpinned by evidence and informed by strategy.
5. This report outlines the outcomes of the community engagement for the Financial Sustainability Strategy and recommends that the final Financial Sustainability Strategy be adopted by Council.

Critical analysis

History and background

6. The overarching objectives of the Local Government Act 2020 (the Act) are to ensure councils adhere to sound financial practices, put in place long-term planning and effective risk management frameworks to support the financial sustainability of Council and act in the best interests of the community, including future generations.
7. In today's complex and rapidly changing economic landscape, local governments face unique challenges and responsibilities in effective financial management.
8. The financial sustainability of local governments across Australia continues to be challenging, driven by population growth, increasing community demand for services and rising costs associated with service delivery and the renewal of ageing infrastructure.
9. Since its inception in 2016, the 'Fair Go Rates System' has challenged all Victorian Councils' financial sustainability. In recent years, the Essential Services Commission (ESC) has recommended that the rate cap be set equal to the CPI forecast. However, the CPI does not accurately reflect increases in costs faced by Councils, because they have a significantly different composition of expenditure compared to households. Key Council expenditures (wages, construction, utilities, etc.) required to provide services and deliver infrastructure projects, have been increasing faster than the CPI.

10. The situation was further impacted by the COVID-19 pandemic, an unforeseen shock, which ultimately had an estimated \$50m impact to Yarra's financial position. This was as a result of substantial revenue losses, fee waivers and the introduction of programs and services to support Yarra's local businesses and community members.
11. More recently, Council's position has been impacted by escalating contract prices for infrastructure projects driven by factors such as inflation, supply pressures and competition from state infrastructure initiatives, and increasing cost-of-services above the rate of the Consumer Price Index (CPI).
12. Cost shifting has also been a major financial issue for many years and poses a risk on the ability for Council to deliver services and our financial sustainability. Over time Yarra has been required to take on additional responsibilities, delivered within the prescribed fees and revenue envelope and the rate cap, which have had a detrimental impact on our financial position. Over time, the funds received by local government have not increased in line with real cost escalation. Council has relied on rate revenue to bridge funding gaps, meet growing service demands, comply with new government policies, tackle rising costs, and fulfill community expectations.

Discussion

13. Council has already commenced implementing measures to strengthen its financial sustainability. Over the past twelve months, measures to improve our financial position have included:
 - (a) Improved capital works performance;
 - (b) Prudent financial management such as reducing fleet costs and holding staff costs;
 - (c) The introduction of a separate waste charge.
14. As a result of this effort, Council's financial position has significantly improved from 2022/23. However, it is noted that this is only the beginning what will require sustained and constant effort and attention over many years. Taking a holistic approach is essential, as there is no single solution to address the complex risks to our future financial sustainability.
15. As is best practice, the Financial Sustainability Strategy has been developed to implement the mandated financial management principles in section 101 Financial Management Principles of Local Government Act 2020:
 - (a) revenue, expenses, assets, liabilities, investments and financial transactions must be managed in accordance with a Council's financial policies and strategic plans;
 - (b) financial risks must be monitored and managed prudently having regard to economic circumstances;
 - (c) financial policies and strategic plans, including the Revenue and Rating Plan, must seek to provide stability and predictability in the financial impact on the municipal community; and
 - (d) accounts and records that explain the financial operations and financial position of the Council must be kept.

What is Financial Sustainability?

16. Financial sustainability is Council's ability to manage its financial resources in a responsible and efficient manner over the long term.
17. It involves achieving a significantly improved financial position, ensuring that revenue sources are sufficient to cover operating expenses, fund essential services and liabilities, and ensure adequate surplus to effectively manage and invest in assets.

18. Financial sustainability also includes planning and budgeting for future needs, such as new, upgrade and maintenance of infrastructure to respond to community need and growth, while considering the potential impacts of economic fluctuations and changing demographics. It encompasses prudent financial management practices, responsible borrowing management, revenue diversification, effective cost control measures, and transparency in financial reporting.
19. By achieving financial sustainability, Council can meet the needs of current and future generations.
20. The Financial Sustainability Strategy aims for Council to:
 - (a) 0-2 years:

Maintain a net positive position by delivering a surplus, ensure our operating activities no longer relies on borrowings, hold costs and start to build cash reserves for specified purposes;
 - (b) 3-5 years:

Achieve a financial position where Council has sufficient cash reserves to repay borrowings, generate new revenue, can cover all known operating expenses without borrowing, deliver a long-term financial plan that more reliably reflects future financial requirements ('unknown risks'), and have approximately \$20m available in cash reserves for risk and strategic growth; and
 - (c) Within 10 years:

Ensure that Council has sufficient cash reserves (approximately \$30m) to meet unforeseen or emergency expenses and support population growth without relying on borrowing or compromising essential services.
21. For Yarra, having adequate cash reserves is essential for managing and accommodating the predicted 57,594 new residents or a 63% population growth expected by 2041.
22. Over the next 10 years, cash reserves will be required to allow Council to respond conservatively and flexibly to the financial risks and assumptions whilst limiting borrowing, including potential unknown events that are outside the control of Council.
23. To support these goals, the establishment of two new reserves is recommended;
 - (a) Risk Mitigation Reserve: to tackle unexpected events, including climate events, with significant financial impacts, safeguarding our long-term stability; and
 - (b) Strategic Growth Reserve: to fund major community projects that arise due to population growth, benefiting our community directly.
24. In addition, Council will responsibly manage our loan obligations, ensuring repayment without burdening our financial sustainability.
25. After Council has grown cash reserve balances to the necessary levels, the Financial Sustainability Strategy is designed to progress towards the industry benchmark and Victorian Auditor General's Office (VAGO) 'low-risk' rating; unless we can demonstrate it is more responsible not to (for example, one-off abnormal transactions that do not have an enduring impact).

Strategic Levers

26. The Financial Sustainability Strategy identifies seven strategic levers for change which Council can immediately pursue to uplift Council's financial position to 2031-32 and beyond;
 - (a) **Sustainable cash reserves:** Build cash reserves for strategic purposes, enabling community infrastructure for a growing population and to respond to unforeseen events. Council will also decrease our reliance on borrowings, ensuring a stable financial foundation;

- (b) **Optimise revenue:** To optimise our revenue-generating assets and services, reflecting the true cost of services provided;
 - (c) **Well planned assets:** To maintain our community's assets at a level that caters to current and future needs;
 - (d) **Review the service landscape:** Council will establish a new service planning and review framework to ensure all services are relevant, financially sustainable and can meet future community needs;
 - (e) **Invest in transformation:** Through technology, process improvements and careful planning, Council enhance the customer experience, service delivery and operational efficiency;
 - (f) **Robust financial management:** Council make fiscally responsible decisions and put in place effective financial planning and responsible budgeting processes; and
 - (g) **Prioritise advocacy and partnerships:** Council will strengthen partnerships and advocacy efforts to secure resources and navigate financial challenges.
27. The Financial Sustainability Strategy does not make decisions about the level or quality of service. Rather, it identifies a roadmap for reform to improve financial sustainability over the next decade.
28. Most initiatives are interdependent and related. Specifically, most will need to be completed in parallel with the strategic review of the service landscape, community infrastructure planning and transformation program, rather than as stand-alone reforms.
29. The roadmap ensures that the strategy is translated into practical actions and outcomes and articulates where a Council decision will be required.

Options

30. There are no options presented in this report. Councillors do have the option to vary wording of the recommendation presented to them.

Community and stakeholder engagement

31. On 12 September 2023, Council provided in principle endorsement of the draft Financial Sustainability Strategy, subject to community engagement.
32. The draft Financial Sustainability Strategy engagement was promoted through the following communication activities:
- (a) Your Say Yarra (YSY) project page;
 - (b) News item on Yarra City Council corporate website;
 - (c) Social media posts – Facebook and Instagram;
 - (d) Post cards and posters with trackable QR codes at all libraries, Richmond Town Hall, and Connie Benn centre;
 - (e) Cantonese, Mandarin and Vietnamese language support at the pop-up session held on 7 October 2023 at Gleadell Street Market;
 - (f) Project launch email to community interested in the topic via Your Say Yarra; and
 - (g) Council's email newsletters – Your Say Yarra and Yarra Life.
33. The Your Say Yarra site received a total of 500 views from 269 visitors during the consultation period from 15 September 2023 to 16 October 2023.
34. A total of 51 individual responses were received during the consultation via online and hardcopies of the survey.
35. Approximately 82 community members in total were engaged at the two pop-up sessions and one person registered to the online community information session where a one-on-one session was organised with them.

36. Out of the 51 total individual responses received, demographic data was collected from 47 participants.
37. A large majority of participants live in Yarra (90%) and approximately about a third are mortgage homeowners or own their home.
38. Feedback was sought on whether the draft Strategy sets the right direction, matches community priorities regarding the seven strategic levers, and sought feedback on the cash reserves approach. The community was also asked whether there was anything additional that should be considered in the Strategy or to achieve the financial sustainability goals outlined.
39. The majority of participants (60%) either agreed or strongly agreed with the statement 'The proposed strategic levers in the draft Strategy are effective approaches for Council's long-term financial sustainability'.
40. More than three quarters of participants (79%) either agreed or strongly agreed with the statement 'It is important for Council to have enough funds set aside for emergency needs and unexpected events.'
41. Through the engagement, we understood the community's expectations on the levers. The levers will all be actioned simultaneously.
42. The below table represents the feedback and the changes that have been made to the Financial Sustainability Strategy document (final version is provided at Attachment One).

Feedback	Changes Made Document / Commitment to Strategy	Location of Changes on final Document
<p>Statement of commitment</p> <p>The community has suggested we need to commit to our promises in relation to financial sustainability.</p>	<p>Councillors and Officers to be accountable to and own the strategy in its form to give reassurance to the community that we are committed to becoming financially sustainable.</p>	<p>Page 44 – Paragraph 6.2</p>
<p>Community value and vision</p> <p>The community suggested there was a lack of community value evident in the document.</p>	<p>The changes made provide clarity and assurance that we value the community, their feedback and its vision.</p> <p>The document is currently being updated by the graphic designer and now provides visual links to both the Community Vision and Council Plan.</p>	<p>Page 6 – Paragraph 2.2 Page 7 - Table</p>
<p>Community Engagement</p> <p>To demonstrate a meaningful engagement process, it is recommended we include actions and additional information to respond to the feedback received from the community.</p>	<p>Overarching information has been added in 2.3 Community engagement section to outline what we have heard and how it has guided the document.</p> <p>The service planning principles will be developed by deliberately engaging with the community members, giving them a direct influence on how we will plan and review our services moving forward.</p>	<p>Page 8 – Paragraph 2.3</p>
<p>Prioritisation of strategic levers</p>	<p>This question was asked to confirm the Financial Sustainability Strategy includes the correct levers</p>	<p>Page 30</p>

<p>We asked the community to rank the levers in terms of their importance and perspective.</p>	<p>and understand the community’s perspectives. All levers are being pursued simultaneously.</p>	
<p>Our position on borrowing The community suggested that Council should view borrowing in a different manner.</p>	<p>We have expanded on our position on borrowing to provide further clarity.</p>	<p>Page 22</p>
<p>Cash reserves A high percentage of the community agreed to the importance of the reserves.</p>	<p>As part of action 5.1 Strategic lever 1: Sustainable cash reserves and responsible borrowing, we have actions including:</p> <ul style="list-style-type: none"> • Develop a new Reserves Policy and establish new cash reserves to optimise cash availability for specified purposes, including Risk Mitigation Reserve and Strategic Growth Reserve. • Annual review of the strategy will be completed through the Annual Report process. 	<p>Page 32</p>

Deliberative Engagement - Service Review Principles

43. The Financial Sustainability Strategy commits Council to undertake a comprehensive engagement approach to define the principles governing the service planning and review framework through a deliberative engagement process. The aim is to develop community supported service planning principles to inform and guide Council’s future service review program.
44. The engagement approach to develop these principles will be undertaken in two parts as follows:
 - (a) Stage 1: Social research and general community engagement. This is currently underway; and
 - (b) Stage 2: Deliberative engagement. This will be reflective of best practice deliberative engagement, representative of Yarra’s diverse population and independently facilitated by a specialised engagement consultant. This work will commence in early 2024.

Policy analysis

Alignment to Community Vision and Council Plan

45. The Financial Sustainability Strategy will deliver on the Council Plan (Objective 6) by being future-focused, managing our finances responsibly and innovatively responding to challenges.

Climate emergency and sustainability implications

46. The Financial Sustainability Strategy identifies natural disasters and mitigating climate change as a financial risk.

Community and social implications

47. The City of Yarra’s population, household, and age structure forecasts, help us understand what is driving population change in the community and inform Council about future community infrastructure and service priorities.

Economic development implications

48. There are no economic development implications presented in this report.

Human rights and gender equality implications

49. The Financial Sustainability Strategy's purpose is to ensure that Yarra continues to meet the needs of its diverse community, now and into the future. It will take account of the Victorian Charter of Human Rights and responsibilities Act 2006, Yarra's Social Justice Charter and Gender Equality Legislation.

Operational analysis

Financial and resource impacts

50. The Financial Sustainability Strategy is based on existing assumptions available at the time of its development. Considering the dynamic nature of the external policy and economic landscape, it is reasonable for Council to periodically assess and revise its strategic financial outlook, as new information evolves.
51. Most initiatives are interdependent and related and will need to be completed in parallel with the strategic review of the service landscape and the community infrastructure planning and transformation program, rather than as stand-alone reforms.
52. Any new strategy, program or systems will require detailed implementation costings, however most initiatives identified in the Financial Sustainability Strategy are foreshadowed in current and future operational budgets.
53. The actions clearly articulate where a Council decision will be required, including successive Council's.
54. The roadmap ensures that the strategy is translated into practical actions and outcomes. Quality assurances over Council's financial performance include a rigorous internal review process by management, endorsement by Council's Audit and Risk Committee and approval by Council.
55. On 31 August 2023, Council's Audit and Risk Committee endorsed the overarching principles and strategic levers as detailed in the Draft Financial Sustainability Strategy.

Legal Implications

56. The strategic levers in the Financial Sustainability Strategy are important measures to mitigate and reduce Council's risk exposure.

Conclusion

57. This Financial Sustainability Strategy will guide future decision-making so Council can transparently, proactively and prudently plan to be financially sustainable, to maximise our community impact, deliver efficient and effective services and infrastructure, and meet our financial obligations both today and in the future.

RECOMMENDATION

1. That Council:
 - (a) notes the feedback received in relation to the draft Financial Sustainability Strategy and thanks the community for their involvement;
 - (b) adopts the final Financial Sustainability Strategy provided at **Attachment One**;
 - (c) endorses the creation the following reserves as recommended by the Financial Sustainability Strategy;
 - (i) Risk Mitigation Reserve; and
 - (ii) Strategic Growth Reserve; and
 - (d) notes the upcoming deliberative engagement process to inform Council's service review principles.

Attachments

- 1 [↓](#) Attachment 1 - Financial Sustainability Strategy – Clean Version

Financial Sustainability Strategy

2023-33



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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1. Executive Summary

Yarra City Council puts our community's aspirations at the heart of everything we do.

Yarra's long-term Community Vision was developed in partnership with our community and is used as a formal planning tool to guide Council services, priorities and projects for the next 15-20 years. We are committed to achieving our community's goals for Yarra – a strong, safe and vibrant community, a thriving local economy with shared, accessible spaces, social equity and shared governance, a healthy environment and financial sustainability.

One of Council's primary obligations is to be financial sustainable and make effective use of the public funds entrusted to us and ensure the responsible management and planning of community assets, so that future ratepayers are not burdened unnecessarily.

Long-term financial sustainability is essential to ensuring that Council can continue providing the services and programs our community relies on. Towards this, it is crucial that decisions made today are forward-thinking and consider the evolving needs of our current and future community.

Now more than ever with rising cost pressures, a tightening fiscal environment and a growing population, Council has recognised that it must establish a robust and forward-thinking financial strategy that extends beyond short-term budgeting cycles.

At Yarra, we acknowledge that addressing these challenges requires continuous effort.

This journey has already begun. Over the past 12 months, Council has taken a number of steps to improve our financial position. This has had significant benefits – including addressing known future financial risks, reducing borrowings and improving Council's overall cash position.

These outcomes have been made possible through a unified focus throughout the entire organisation and a fundamental shift in culture. We acknowledged that a holistic approach is essential, as there is no single solution to these complex issues. Embracing this holistic perspective has been pivotal in driving positive change and progress. However, there is still more to achieve.

For Yarra, having adequate cash reserves is essential if we are to be well positioned to respond to the unprecedented population growth that is projected for Yarra over the next 20 years. It is forecast that our city will grow by more than 50,000 people by 2041. As our population grows, the demand for more infrastructure and services also grows, for example parks, pathways, waste collection, libraries and playgrounds.

Overall, our core goal is to build and sustain Council's cash reserves so that we are able to invest in the new infrastructure needed to support a growing and changing community as well as respond to unexpected or urgent events.

This document provides an assessment of macro-economic trends, outlines current financial challenges, sets long-term financial goals and importantly, outlines a roadmap to achieve long term financial sustainability.

The Financial Sustainability Strategy identifies seven levers for change: strategic measures for evidence-based investment decisions and systemic changes for efficient cost controls and resource management.

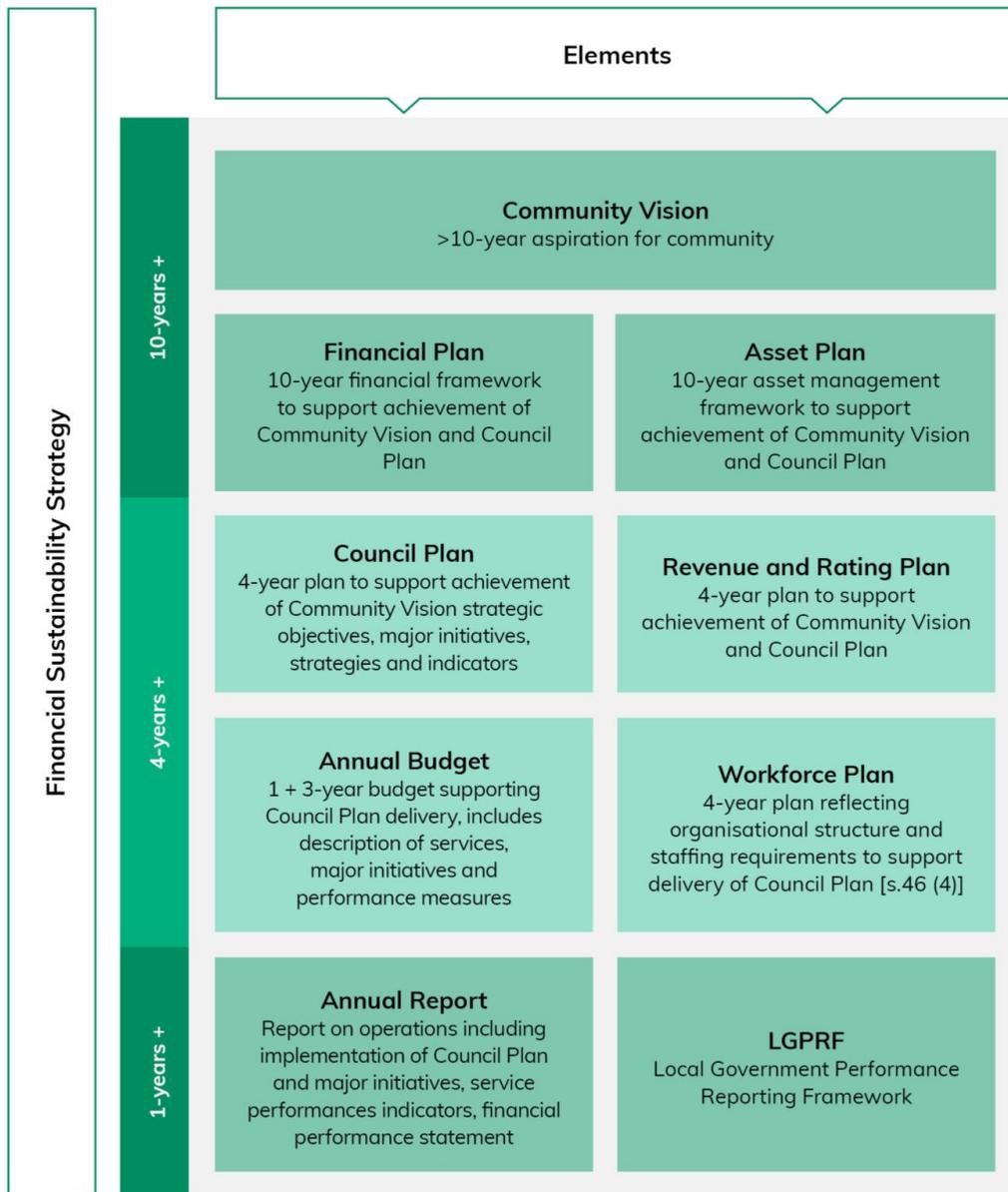
The strategic levers include plans to build reserve funds, responsible borrowing, optimisation of revenue, a focus on well-planned assets, ongoing reviews of the service landscape, digital transformation, robust financial management and a strengthening of advocacy and strategic partnerships.

The Financial Sustainability Strategy (FSS) does not make decisions about the level or quality of service but rather identifies a roadmap for significant reform to achieve financial sustainability within the decade.

This FSS will guide future decision-making so Council can transparently, proactively and prudently plan to be financially sustainable, to maximise our community impact, deliver efficient and effective services and infrastructure, and meet our financial obligations both today and in the future.

2. Strategic framework

Council has an integrated approach to planning, monitoring and performance reporting. The following diagram provides an overview of the core legislated elements of an integrated strategic planning and reporting framework and outcomes. The Financial Sustainability Strategy underpins all elements within the framework.



2.1 Local Government Act 2020

The overarching objectives of the *Local Government Act 2020* (the Act) are to ensure councils adhere to sound financial practices, put in place long-term planning and effective risk management frameworks to support financial sustainability and achieve the best interests of the community, including future generations.

This FSS outlines measures to strengthen Councils financial position in the short and long term. The measures will inform the priorities of subsidiary strategic plans and programs such as the Long-Term Financial Plan, Asset Plan, Workforce Plan, digital transformation program, advocacy programs and the service planning and review program.

The Long-Term Financial Plan (LTFP) articulates how Council will use its financial assets to achieve the goals set out in the FSS. Council's Budget always seeks to balance demand for services and infrastructure within revenue constraints. This is challenging as compromises and choices need to be made about 'what to do when', and to 'what standard'.

The FSS is not a legislative or statutory requirement of the Act or associated regulations. As best practice, the FSS has been developed to implement the mandated financial management principles in section 101 financial management principles of the Act:

- revenue, expenses, assets, liabilities, investments and financial transactions must be managed in accordance with a council's financial policies and strategic plans.
- financial risks must be monitored and managed prudently having regard to economic circumstances.
- financial policies and strategic plans, including the Revenue and Rating Plan, must seek to provide stability and predictability in the financial impact on the municipal community.
- accounts and records that explain the financial operations and financial position of the council must be kept.

For the purposes of the financial management principles, "financial risk" includes any risk relating to the financial viability of the council, the management of current and future liabilities of the council, and the beneficial enterprises of the council.

2.2 Community Vision and Council Plan

Yarra 2036 Community Vision (Vision) is our first-ever community vision. It sets out the community's hopes, aspirations and priorities for the next 15 years. It is an important, long-term strategic document that guides all planning and decision making for Council and the community.

Vision statement Yarra is a vibrant, safe and inclusive environment. We celebrate and embrace our diversity and connection to each other and the land. Our community is empowered to work together and support one another with respect and trust.

In all we do, Council works to meet the goals of the Council Plan 2021-2025, which was also developed in partnership with the community. The Council Plan 2021-25 includes six Strategic Objectives that describe Council's Strategic Direction for the next four years. They are:

0. Climate and environment
1. Social equity and health
2. Local economy
3. Place and nature
4. Transport and movement
5. Democracy and governance

The Yarra community will always be our priority when making decisions. The table below represents the connection between both our Community Vision and our Council Plan

Community Vision Themes		Council Plan Strategic Objectives
Environmental sustainability	We are all custodians of the City of Yarra. While our skyline is growing, so are our green spaces. We are smarter in how we manage growth and use our resources and energy. We celebrate, enable and promote a circular economy.	<p>Climate and environment</p> <p>Transport and movement</p>
Thriving local economy	Yarra is a thriving hub of accessible, people-centred commercial activity, offering unique goods and services to locals and visitors. Yarra is known as a place where small businesses thrive.	Local economy
Growing sustainably	Planning and growth prioritises the needs of our community. Growth is managed in a way that has a positive impact on our open spaces and community services. Unique and special aspects of our culture and heritage are protected.	Place and nature
Shared spaces	Our shared spaces connect communities, businesses and cultures together. They reflect our community's diverse voices. These spaces are green, encourage nature and are accessible for all.	
Strong and vibrant community	Yarra is a place of accessible opportunities for participation in community life. We share our skills, abilities and knowledge, cultivating a diverse community where everyone can belong.	Social equity and health
Community safety	Our community is safe for all. We have peace of mind at all times of the day and night, alone or with others, at home and in public spaces. Our streets and public spaces are clean, maintained and free from hazards. We educate and advocate for respect, awareness and inclusivity.	
Social equity	Our community advocates for access to equitable services including education, housing, employment and health. Yarra leads the way in transitioning people experiencing homelessness to secure housing and employment. We respect and acknowledge the Traditional Owners of Yarra. Their voices are involved in council decision making. Their stories and values are visible in the community.	
Shared governance	Our community is informed and empowered to contribute to the shared governance of Yarra. Decision-making is through access, inclusion, consultations and advocacy. We continuously monitor our progress, improve our processes and share our achievements.	Democracy and governance

2.3 Community engagement

The *Local Government Act 2020* requires all Victorian councils to develop and adopt a community vision. The Vision informs all planning and decision making for Council including the Council Plan (2021-2025), 10-year financial plan, asset management plans and this Financial Sustainability Strategy.

Council is deeply committed to serving the community's best interests and recognises that a targeted and coordinated effort is required to ensure we are financially sustainable.

A summary of broad community sentiment we have heard over the past 2 years can be found below:

Transparency and accountability: for Council to be transparent and accountable for financial decisions, budget allocations, expenditure priorities, and long-term financial planning.

Priority services: For parks, reserves and open spaces, cleaning and maintaining public spaces, environment and sustainability, recycling and waste, roads, traffic and parking to be Council priorities.

Balancing service delivery and affordability: For Council to strike a balance between providing essential services and managing costs responsibly.

Involvement in decision-making: For the community to participate in and contribute to the budget process, and other decisions that impact on the community and the liveability of Yarra.

The FSS has been developed in consultation with the Yarra community. In September/October 2023, a draft was released for feedback which showed there was strong support in our community for the long term, responsible approach being proposed by Council in this Financial Sustainability Strategy.

Specific actions directed by the FSS may require more detailed and targeted community engagement. Any substantial or significant change to a community-facing service, policy, strategy or price point may require a decision of Council and will be subject to a project-specific community engagement program in accordance with Yarra's Community Engagement Policy.

Operational, service and technology transformation efficiencies are the responsibility of the Chief Executive Officer and while is not subject to community engagement, outcomes will be reported in Council's Annual Report.

3. Context

3.1 Yarra's journey

In today's complex and rapidly changing economic landscape, the financial sustainability of local governments across Australia presents a significant challenge, driven by population growth, increasing community demand for services, and rising costs associated with service delivery and the renewal of ageing infrastructure.

Local government income structures are different to other levels government. Nationally, local government derives nearly 90% of its revenue from its own sources (including rates) and only 10% from State and Federal government grants. In comparison, the State Government receives 47% of its revenue through transfers from the Federal Government (including all GST revenue) and 39% from uncapped taxation revenue (largest tax lines: payroll tax, land tax, land transfer duty and new COVID debt levy tax). Rates are the most significant revenue source for Yarra and make up approximately 60% of our annual income.

Since its inception in 2016, the 'Fair Go Rates System' has challenged all Victorian councils' financial sustainability.

In recent years, the Essential Services Commission (ESC) has recommended that the rate cap be set equal to the CPI forecast. However, the CPI does not accurately reflect increases in costs faced by councils because they have a significantly different composition of expenditure compared to households. Key council expenditures (wages, construction, utilities, etc.) required to provide services and deliver infrastructure projects have been increasing faster than the CPI. For example, the 2023/24 rate cap was set at 0.5% below the CPI forecast. Over the past seven years the rate cap set below CPI has cost Council \$8.4m.

The present Council is facing the implications of decisions made by its predecessors. In a very different economic climate, Council financed the construction of the North Fitzroy Library/Community Hub, the acquisition of the 345 Bridge Road and an industry-wide defined-benefit superannuation call through borrowings. These historic borrowings with 'interest only' payments have created a significant financial issue for this Council that requires response.

The situation was further impacted by the Covid-19 pandemic - an unforeseen shock which ultimately, had an estimated \$50m impact to Council's financial position as a result of substantial revenue losses, fee waivers and the introduction of programs and services to support our struggling local businesses and community members.

More recently, Council's position has been threatened by escalating contract prices for infrastructure projects driven by factors such as inflation, supply pressures and competition from state government infrastructure initiatives, and the increasing cost-of-services above the rate of the Consumer Price Index (CPI). The changes to the current economic landscape have compounded these issues with high levels of inflation and significant increases to cost of services, labour, energy and construction materials.

The Municipal Monitor's *Report on the Governance of the City of Yarra* outlined the need for Council make significant changes to the service mix, restructuring of the organisation both in terms of accountability and culture, major investments in technology to improve the quality and efficiency of internal business processes, the implementation of a contemporary asset management system and improved processes for community interactions with Council. In short, significant reform is needed to create a modern service-orientated organisation. A particular emphasis was placed on Council's financial sustainability, a legacy of previous Council decisions over many years in a very different operating environment.¹

As a result, Council entered the 2022/23 budget period with significant challenges and in 2023 embarked on a journey to financial sustainability.

Council's financial position has significantly improved in 2022/23 due to diligent financial management, and while the current indicators are lower than desired, Council returned a \$23.3m surplus (a \$22m increase on last year) and marginally improved our VAGO risk rating.

1. Local Government Victoria (2022), *Municipal Monitor's Report on the Governance of the City of Yarra*. [Municipal-Monitor-Report-Yarra-City-Council-September-2022-Final.pdf \(localgovernment.vic.gov.au\)](https://www.localgovernment.vic.gov.au/municipal-monitor-report-yarra-city-council-september-2022-final.pdf)

Council implemented a number of measures to significantly improve our financial position demonstrated in the adopted Budget 2023/24 and LTFP 2023/24- 2032/33 where two key outcomes were achieved:

- Council did not require additional borrowings, despite a \$20m borrowing capacity in the Budget 2022/23
- Creation of capacity to repay borrowings 6 years earlier (from 2030/2031 to 2024/25) than planned.

Reaching this achievement was made possible by an entire organisation refocus and embracing a cultural shift. We realised that there is no one-size-fits-all solution and a holistic approach is necessary. Several actions and decisions have played a crucial role in contributing to this substantial improvement, including:

Budget 2022/23 monitoring

In preparation for the 2023/24 budget, a whole of organisation, forensic mid-year review of the 2022/23 financials was conducted. The mid-year review examined all aspects of the budget including operating, capital and project budgets and the progress of projects against timeframes.

The mid-year review identified significant savings and a revised surplus of \$14.4m, compared to a surplus of \$12.3m in the adopted budget. A similar process was undertaken for the quarter 3 review, which identified further savings and a revised operating surplus of \$16.1m, \$3.9m favourable to the adopted budget. The final 2022/23 year-end accounts delivered an operating surplus of \$23.3m, \$11m favourable to the adopted budget. However, the favourable net result to budget didn't fully translate to an improvement in the unrestricted cash balance as at 30 June 2023, due to a lower than anticipated cash collection from rates.

Improved capital works performance

The VAGO *2021-22 Audits: Local Government report* notes "over the last five years, councils have consistently underspent and carried forward their capital budgets by \$3.789 billion. While inflation and COVID-19 has compounded this problem, this consistent underspend also reflects issues with the project delivery, budget and forecasting process."

Unfortunately, Yarra is no exception with significant capital works (monies) historically carried forward year-on-year. In 2022/23 the carried forward from 2021/22 was \$17.3m. Over the last 12 months Council worked hard to achieve our goal of reducing the impact and value of unplanned capital works carryover. As a result of careful oversight and a strengthened approach to project management, the adopted 2023/24 Budget includes a more achievable capital works program which meets asset renewal requirements and a significantly reduced carried forward (\$7.2 million) from the 2022/23 financial year.

Our aim is to deliver the capital works program so that there is no, or limited, planned carryover and no, or negligible, unplanned carryover.

Prudent financial management

Council adopted its 2023/24 Budget on 19 June 2023. The budget shows improved results driven by stringent cost control and prudent financial management (cost-saving measures such as holding staffing costs, cutting expenditure and greater oversight of capital works delivery). The budget delivers a projected surplus of \$15.2m which is a 24% increase on 2022/23 budget. The surplus will fund our capital works program and avoid incurring more borrowings.

Whilst the unrestricted cash remains less than borrowings in 2023/24, our focus on financial sustainability will enable us to have unrestricted cash levels that are adequate to repay all borrowings by the end of 2024/25, providing council the option to do so, should it wish to. This has been brought forward from 2030/31.

Separating Waste Charges

It is the responsibility of Council to take action to limit the impacts of known future financial risks wherever possible.

This is the case with waste services, as the rising cost of providing waste services is a known risk to council's future financial sustainability. The costs of waste and recycling is continually outpacing the rate cap. Separating the waste charge from general rates has been critical to addressing this risk to ensure Council's financial sustainability is not eroded further.

Whilst the State's efforts to address systemic issues with the waste and recycling system and encourage a transition to a circular economy are strongly supported, the reality is that the cost of these reforms will have a direct and significant impact on all Victorian local governments.

The State Government's support to deliver kerbside reform is welcomed, but the contribution provided to Yarra is far short of covering the costs associated with delivering the mandated 4-stream service. In addition, increases to the landfill levy have created significant cost pressures for Yarra.

The landfill levy has risen over 90% in the last 3 years, from \$65.90 per tonne in 2020/21 to \$125.90 per tonne in 2022/23. This was a total cost of \$4,242,225 (2020/21 - \$939,075, 2021/22 - \$1,509,075, 2022/23 - \$1,794,075). This increase is well above the amount councils can raise through rates alone, with the Victorian Government rate cap averaging 1.75% over the same period. Overall, for Yarra, waste costs increased from \$17,843,044 in 2021/22 to \$19,263,544 2022/23, an increase of \$1,420,500. This reflects an increase of 8% in one year. Given the rate cap shortfall the gap between the amount recovered via rates under the rate cap and the actual increased cost to Council for these services was \$1,108,245.

As part of the 2023/24 Budget, Council has separated waste and recycling costs from general rates and implemented a separate rate for public and kerbside waste services. This is achieved by reducing general rates by the equivalent value. Yarra was one of the last councils in Victoria to make this structural change.

3.2 Our changing community profile

The City of Yarra's population, household and age structure forecasts help us understand what is driving population change in the community and helps inform Council about future community infrastructure and service priorities.

This section provides a summary of key demographic drivers and change within the Yarra community between 2021-2041.²

Key demographic profile

- Yarra's population is predicted to increase by 49,580 people between 2023 and 2041 (62.92% growth)
- Yarra has a population density of 4,717 persons per square km, the second highest in Victoria.
- 87.6 per cent of Yarra's population live in medium and high-density dwellings compared to 34.4 per cent in Greater Melbourne.
- The number of dwellings is also forecast to grow from 49,961 in 2021 to 77,416 in 2041.
- Yarra has a significant portion of private rentals that traditionally attract young people, particularly those aged 18-24 years.
- Between 2021 and 2041, the age structure forecasts indicate:
 - a 34.4% increase in population under working age
 - a 35.2% increase in population of retirement age
 - a 17.1% increase in population of working age
- Single person households are predicted to continue to be the dominant household in 2041 and increase by 11,952 households (38.9% of all households).
- Yarra will retain a higher proportion of share houses and fewer families compared to greater Melbourne.
- 10% of Yarra residents currently live in public housing.
- A significant proportion of Yarra households do not own a car at double the Victorian average.
- Approximately 20.4% of households in Yarra live at the lowest end of the socio-economic scale, experiencing hardship and social disadvantage. In contrast, 25.8% of households earn an income of \$2,000 or more per week.
- Yarra has 25.3m² of open space per person, expected to reduce to 20m² per person with population growth.
- 57,172 people are employed in Yarra across diverse sectors, including hospitality, professional services, the industrial sector and creative industries.
- Over one quarter of the community was born overseas. In 2021, there were 18,025 non- English speakers living in the City of Yarra. Approximately 20% of residents speak a language other than English at home. Vietnamese, Greek, Mandarin, Italian and Cantonese are the top languages spoken at home, other than English.

2. [Home | City of Yarra | Population forecast \(id.com.au\)](#)

Strategic analysis

The City of Yarra has been affected by the impact of COVID-19 and over the past 2 years, Yarra experienced an unusual population decline due to a reduction in overseas tertiary student migration.

Migration patterns and population growth are projected to revert to pre-pandemic levels. This migration will see a return to increased demand for high-density residential housing (and development). However, the distribution of dwelling type, household structure and wealth are not uniform across the city. The accessibility of Yarra, along with lifestyle and job opportunities and the availability of both government and private rental housing means that the city gains migrants and other diverse population groups.

Specific to the FSS, several strategic considerations emerge:

- Yarra's diverse community identity is a strength. It also means Council's decision-making remit becomes more challenging as Council responds to diverse, and at times, competing community interests.
- Affordability is a key influence on the City of Yarra's role and function, specifically service delivery, community infrastructure and amenity. The City of Yarra is an economically polarised community. Many residents have the capacity to pay market-based rates for services (82% are ineligible for Commonwealth Concession Cards), while 18% of the community experience hardship and are eligible for Commonwealth Concession Cards.
- Demographic information such as age structures, household composition, and cultural and sociodemographic diversity will inform future community service profiles. Single households continue to be dominant and have very different service needs than households with dependents. Services will need regular reviews to make sure they are purpose-fit to meet the needs of a changing community, especially those most vulnerable.
- Community infrastructure demands associated with a growing population will increase, so too will the need to renew and upgrade existing assets during a period of escalating construction costs.
- Both renters and ratepayers benefit from, and have equal right to, services and amenities provided by Council. This distinction sometimes leads to community tension from the two groups' different financial obligations and contribution to Council operations.
- The planning scheme will need to balance respectful housing growth with well-designed community infrastructure policy. This means levying a fair and reasonable contribution from land developers to fund local infrastructure projects that benefit Yarra's changing suburbs.
- Many of the areas that are forecast to change the most are former industrial and manufacturing areas which historically did not have public open space. Enhanced public spaces, parks, and recreational facilities will be more important as inner-city land becomes scarce and the demand for high-quality amenity increases. Preserving the unique heritage and cultural assets of Yarra, such as historical sites and significant locations for the Aboriginal community is important. Most of Yarra's well-loved open spaces and natural and cultural assets do not generate revenue and the cost is fully borne by ratepayers.
- Council's approach to sustainable and climate-resilient practices becomes more important to minimise the negative impacts of increased housing and population on climate change.
- Council's customer experience needs to continually evolve to make it easier for customers to connect with us, access services and complete their business. A contemporary program will require a significant technology uplift and investment.

3.3 External influences

Macroeconomic conditions

Macroeconomic conditions have worsened since 2021 and the Australian Treasury forecasts for key domestic macroeconomic parameters have been revised downwards for 2023 onwards³. The global economic landscape is characterised by a widespread and more pronounced slowdown than initially anticipated, accompanied by elevated inflation reaching levels not witnessed in decades. Various factors contribute to this challenging environment, including a persistent cost of living crisis, tightened financial conditions across most regions, disruptions in supply chains and the enduring impact of the COVID-19 pandemic. While there is a consensus that Australian economic growth is poised for recovery post 2024,

3. Parliament of Australia (2022), *Budget Statement 2: Economic Outlook*. parlinfo.aph.gov.au

experts anticipate ongoing economic deceleration for at least another 18 months (post December 2023) before a full-fledged rebound takes place.

Sector-led *Research for Submission to Local Government Productivity Inquiry*⁴ and *Sustainability Gap Report*⁵ identify several financial challenges and impacts to local government, mostly due to poor State and Federal policy settings. Most relevant to Yarra are:

Grants not indexed to meet the true cost

Commonwealth Federal Assistance Grants are distributed to local governments based on a formula that considers population size, socio-economic indicators and relative expenditure needs and relative capacity to raise revenue. This funding is “untied”, and councils can use the grants at their discretion. Yarra's Financial Assistance Grants (general purpose grants) are the second lowest in Victoria.⁶ As a proportion of the Commonwealth's revenue, grants declined 1.2% (in 1992-1994) to 0.53% in 2021/2022. In 2014 to 2015, indexation of the grant was frozen. Although the freeze has been removed, the impact of the reduced proportion is still felt on the base level of grants.

Cost-shifting

Cost shifting has been a major financial issue for many years and poses a risk on the ability for Council to deliver services and our financial sustainability.

Cost-shifting occurs where local government provides a service to the community on behalf of the State and Federal Government. Over time the funds received by local government do not increase in line with real cost increases.

Cost shifting happens when other levels of government:

- reduce, in real terms, payments to local government but maintain a requirement for the same level of service delivery, or
- require councils to perform new functions without supplying adequate resources.

Some sector estimates herald a cumulative burden of cost-shifting in the order of \$6.2b in a 10-year period (preceding 2021). Council ‘top-ups’ funding for services that it provides on behalf of the State and Federal Government to the local community (such as school crossing supervision, aged care services and library services).

Legislative and policy changes imposed by the State Government have had a significant financial impact on Yarra, such as early years reform, pool fence compliance, psychological safety legislation, cladding, gender equality legislation, child safe legislation, revised childcare regulations, accreditation requirements for Family Day Care, new immunisation programs, fire services levy collection and waste reforms. In all these services, the level of payment Council receives (or the absence of payment) from government does not reflect the real cost of providing the service to the community – leaving a financial burden that is borne by ratepayers.

Local government's capacity to respond to cost shifting is limited and all options available have potential detrimental consequences for the local community. Options available may include:

- reduce investment in other services to provide cost-shifted services within the same overall budget envelope.
- increase operating budget to fund cost-shifted services ‘on top’ of the current overall budget envelope, and therefore reducing the overall operating surplus which would normally be allocated to fund capital works to develop and enhance community assets.
- increase operating budget and seek an exemption to the rate cap to increase rates at amount higher than the rate cap (which may ultimately not be supported by the State Government).

4. Australian Local Government Association (2022), *Australian Local Government Association. Research for Submission to Local Government Productivity Inquiry*. alga.com.au
5. Municipal Association of Victoria (2022), *Sustainability Gap Report*. finpro.org.au
6. Victorian Local Government Grants Commission (2023), *Financial Assistance Grants* (localgovernment.vic.gov.au)

- exit the service.
- advocate for additional State and Federal Government funding to help offset the expense of cost shifted services.

Rate capping

Rates are the most significant revenue source for Council and make up approximately 60% of our annual income. Supplementary valuations (due to changes in land and building value) provide additional revenue (historically variable between \$700k to \$1.8m per annum). Importantly, supplementary rates recognises that new residents require services on the day they move into the municipality. Supplementary rates become part of the general rates in the following year.

The Victorian Government established the Fair Go Rates system (2015) to limit the amount Victorian councils can increase rates in a year without seeking additional approval. Each year the Minister for Local Government sets the average rate cap for the following rating year based on the forecast change in the consumer price index (CPI). The annual cap cannot be increased without the permission of the Essential Services Commission.

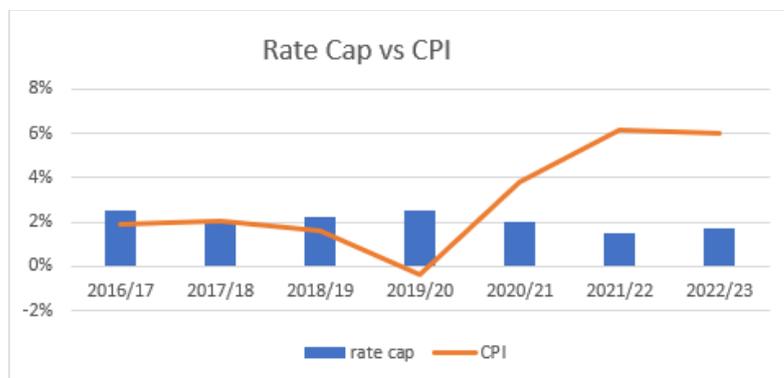
Since its inception, the 'Fair Go Rates System' has challenged Council's long-term financial sustainability, and it continues to restrict Council's ability to raise revenue to maintain service delivery levels and invest in community assets.

The CPI does not accurately reflect increases in costs faced by councils because they have a significantly different composition of expenditure compared to households. Key council expenditures (wages, construction, utilities, etc.) required to provide council services and deliver infrastructure projects have been increasing faster than the CPI.

The Australia Institute (2021) estimates that rate caps have reduced employment in Victoria by up to 7,425 jobs in 2021-22, with an estimated GDP reduction of up to \$890m in 2021-22⁷. The Municipal Association of Victoria (MAV) estimates rate capping has eroded council rate bases in the order of \$100m since its introduction.

Furthermore, the rate cap issue presents a significant concern for Yarra in 2023 and the near future. In 2022/23 the rate cap was set at 1.75% and CPI for the same period was 7%. For 2023/24, the rate cap is set at 0.5% below the CPI forecast, -- a substantial disparity between policy and actuality.

Since its inception, the rate cap set below the actual CPI has resulted in a \$8.4m impact to Council.



The Victorian Auditor General's Office (VAGO) reported in their Results of 2021–22 Audits: Local Government report that 'the growth in council expenses outpaced the increase in their own source revenue'.

7. The Australia Institute (2021), *Putting a Cap on Community*. [Public Service in Challenging Times \(australiainstitute.org.au\)](https://www.australiainstitute.org.au)

⁸ Basically, rate revenue is not keeping pace with inflation or the true cost of service delivery. The report notes:

“The COVID-19 pandemic continued to affect the sector in 2021–22. The sector’s financial performance only improved because government funding increased. It would have declined without this financial assistance. The growth in council expenses outpaced the increase in their own source revenue. Councils’ balance sheets remain relatively strong. Councils face challenges ahead due to the:

- a. council rate cap, which constrains their ability to increase rate revenue*
- b. variability in government funding*
- c. rising cost of materials and services, which they need to actively manage.*

The sector’s financial performance would have declined had the Australian Government not advanced (early payment) 75 per cent of the 2022–23 financial assistance grant in 2021–22, up from 50 per cent in 2020–21”.

Yarra is closely following the ‘rate pegging’ impact in NSW local government. NSW introduced rate pegging in 2009. The Independent Pricing and Regulatory Tribunal (IPART) acknowledges the NSW rate peg methodology can be improved to better reflect changes in council costs to maintain services. IPART’s draft report (review of the rate peg methodology) found NSW councils’ financial positions deteriorated from 2016-17 to 2020-21 and more than half of NSW councils do not meet the infrastructure backlog ratio with the current rate peg methodology compromising councils’ financial sustainability.⁹ In 2023, 17 NSW councils applied for a variation to the rate cap.

Under the current model, and like NSW, the effects of the Victorian rate cap will continue to diminish Council’s ability to deliver services and infrastructure renewal needs into the future.

Waste services

The Circular Economy (Waste Reduction and Recycling) Act 2021 mandates that all Victorian Councils roll out new standard waste systems, most notably the introduction of a four-stream kerbside waste and recycling service, comprising rubbish, recycling, glass and food organics and green organics (FOGO). The new system also includes the standardisation of bin lid colours, bin material acceptance lists and education campaigns.

In addition to the mandated service changes, all Victorian Councils have been impacted by significant increases to state landfill levy costs. The levy is the charge to dispose waste to landfill and the pricing model set by the State is, at least in part, aimed at encouraging reduction in waste generation and volumes sent to landfill. For Yarra City Council, the landfill levy has increased 90% over the last 3 years to an annual cost in the order of \$1.8 million in 2022/23 and further rises are expected in the future.

The rising costs to provide existing and mandated waste services to the community are also due to several factors, including:

- Market volatility due to limited providers in processing and remanufacturing as well as end markets for the recycle product
- yearly % increase of logistic contracts due to increase fuel and supply chain costs;
- increase landfill levy (90% over the last 3 years)
- any increase in service levels, additional services and/or innovation in embedding circular principles.

Council has a legislative obligation to continue to provide waste and recycling services. It is also required to take measures to ensure Council’s budget is financially sustainable.

8. Victorian Auditor General’s Office (2022), *Results of 2021–22 Audits: Local Government*. [Victorian Auditor-General’s Office](#)

9. Independent Pricing and Regulatory Tribunal (2023), *Draft Report - Review of the rate peg methodology - June 2023*. [IPART \(nsw.gov.au\)](#)

Whilst the State's efforts to address systemic issues with the waste and recycling system and lead the transition to a circular economy are strongly supported, the reality is that the cost of these reforms will have a direct and significant impact on all Victorian local governments. The State Government has, and will, financially support councils to deliver kerbside reform, however the contribution provided to Yarra is far short of covering the costs associated with delivering the 4-stream service mandated by the Government.

Every council in Victoria shares these challenges. All other councils in Victoria have taken this into consideration of their financial future and have either separated or made the decision to separate waste services charges.

Yarra is the last Council in Victoria to make the decision to separate waste charges from general rates. Failing to do so would have impacted Council's ability to implement State Government mandated legislative requirements as well as the ability to continue to provide other essential services that are highly valued by residents.

By implementing this separate charge, we can progress towards financial sustainability and ensure quality services and infrastructure for the community.

New infrastructure pressures

According to a recent survey conducted by the MAV on infrastructure delivery challenges, over 80% of Victorian councils reported a decline in the responsiveness of industry tenders compared to the preceding 12 months. This impact is particularly pronounced in the construction sector, where 42% of councils indicated encountering a minimum cost escalation of 25% for construction projects ranging from \$5m to \$15m. This can mean delays or reductions in scope of infrastructure programs, as well as needing to cut other services to fund the increased costs. Key findings included:¹⁰

- the cost of delivering infrastructure, particularly construction costs has increased rapidly over 2021-22
- services, materials, and skill shortages are leading challenges
- infrastructure pipelines in Victoria and Australia are exceeding the capacity of industry to deliver local government's asset to revenue ratio is substantially different to other levels of government.
- Councils have large assets to manage, yet significant constraints on revenue (including imposed limits on own-sourced revenue such as the rate-cap and statutory fees)
- flexibility around how grant funding can be used and increases to untied grants are seen by councils as the most promising response to these challenges.

Over the next five years, the demand on Yarra's capital works program is expected to rise due to increased population and community demand, while government grants are likely to diminish. Yarra has already witnessed escalated expenses in its capital works program due to challenges such as limited contractor availability, disruptions in material supply chains, and labor shortages.

Relying primarily on government grants to fund infrastructure projects presents a significant risk for Council. With uncertainties surrounding State and Federal budgets and changes in policies and political priorities, there is a potential for limited availability of funds. Despite this risk, the Council will continue to strategically source State and Federal Government grants to support new infrastructure projects.

Maintaining existing assets

Council manages \$2b of essential municipal and community assets. According to the Institute of Public Works Engineering Australia (IPWEA), 1 in 10 of all local government assets across the nation needs significant attention, and 3 in every 100 assets may need to be replaced. IPWEA also estimates that replacing poor quality infrastructure will cost \$51b and replacing infrastructure that is assessed as in fair

10. Municipal Association of Victoria (2022), *Infrastructure pressures affecting Victorian councils*. [MAV infrastructure pressures survey - summary report - Oct 2022.docx](#)

condition will cost between \$106b and \$138b. ¹¹This evidence highlights if assets deteriorate it will cost our community more to repair them.

The major threat to Council's financial sustainability is the long-term ability to maintain assets to an adequate level. Yarra's current Asset Plan delivery program is restricted by financial affordability. This merely enables us to 'scrape by' and fails to account for the true financial obligations necessary to sustain current service levels of our infrastructure over the next decade and beyond.

Our asset management challenge becomes more pronounced when taking into account the surging costs of infrastructure delivery and construction.

Council as a 'last resort' provider

Councils, including Yarra, tend to 'step in' as a provider of 'last resort' when other levels of government or the market exits a service to the community. This occurs when the service is essential or perceived to be important to the community. Typically, councils do not receive sufficient funding to deliver these services and often struggle to maintain continuity. At Yarra, if Council didn't step in our community would miss out on vital services including school crossing supervisors, early years education, aged care services and maintenance of state government big-build assets. Going forward, Council alongside our community, will need to make difficult decisions about the role of local government in delivering some services.

Community expectations

As our community continues to evolve, the demands of our residents will naturally evolve as well.

Public awareness and understanding of local government varies. Some may argue councils should simply deliver basic services – often expressed as "roads, rates and rubbish". In recent times, there has been a noticeable upswing in community expectations, specifically on Council's involvement in promoting social equity and implementing climate reforms. These expectations extend beyond traditional services and infrastructure. Our community now looks to Yarra for innovative solutions that drive positive changes, advance social equity, ensure environmental sustainability, and address climate change challenges.

In response to these changing dynamics, it is important for our Council to proactively adapt and engage with stakeholders to meet these increasing expectations while fulfilling our core roles in service and infrastructure delivery.

Digital transformation

COVID-19 accelerated the need for digital services and remote working capabilities as Council and its community rapidly adapted to lockdowns and restrictions. Our community reasonably expects to be able to access council services online to pay rates or fines, apply for permits, book waste collection and access other council services.

Yarra has a series of legacy ICT systems that require upgrading to improve system integration, efficiency and service responsiveness, data analytics capabilities for evidence-based decision-making, and the protection of Council data. Yarra is committed to a significant investment program to uplift its digital capabilities over the next 5 years.

Cyber security risks pose a significant threat, compromising data security, disrupting services and public trust. The Australian Cyber Security Centre (ACSC) received over 76,000 reports of cyber security incidents in 2021-22, an increase of nearly 13 percent from the previous year.¹² Investing in robust cybersecurity and expert collaboration is crucial to safeguarding critical systems and personal data.

Local government holds significant amounts of sensitive and valuable data about their community and staff that must be held securely.

11. Institute of Public Works Engineering Australia (2021). *2021 National State of the Assets Technical Report – Our Assets, Our Opportunity*. (alga.com.au)

12. Australian Cyber Security Centre (2022), *ACSC Annual Cyber Threat Report, July 2021 to June 2022*. (Cyber.gov.au)

Responding to climate change

As the intensity and frequency of extreme weather events increase, the sense of urgency for significant strategic investment in climate change adaptation and mitigation is increasing within the sector.

The role of local government in helping the community adapt to climate change and reduce emissions is recognised in Victorian legislation. Changes to the *Local Government Act 2020* have strengthened the need to consider climate change risk in council decision-making processes.

Climate change affects all areas of Council operations – from planning to parks and recreation - to maintaining assets - to delivering community services. Yarra has committed to the transition to net zero and to strengthen community resilience, with investment to reduce and manage community climate risks exceeding \$4.4m per annum. In its first year, Council 'scaled up' rapid emissions reductions to ensure savings for the decade ahead.

The bushfires of 2019, and the flooding of the Australian east coast in 2022 is a stark reminder of major disruptions to communities, key infrastructure and services from extreme events. According to the research of the Australian Insurance Council (AIC), direct costs from extreme weather events are estimated to grow by 5.13 per cent each year (before inflation) and reach \$35.24 billion (in 2022 dollars) by 2050.¹³

While Council may not be able to fully anticipate all financial contingencies for events of such magnitude, it is vital to have provisions in place for immediate responses to natural emergencies.

Attracting skilled workforce

According to analysis of the 2022-23 adopted budgets of Victorian councils by the Department of Jobs Precincts and Regions:¹⁴

"Employee costs remain the single largest operating expense for most councils and are budgeted to rise 4.46% in total. However staff turnover is occurring at heightened levels across the sector compared to historical trends. This reflects the relative strength of the current employment market and remains a challenge for councils seeking to attract and retain appropriately qualified and experienced staff."

The City of Yarra proximity to the CBD along with its liveability and accessible public transport positively contributes to Council's employee value proposition. However, the MAV Current and Future Skills Needs Report 2018 and Council's own Workforce Plan identifies occupational shortages in engineers, urban and town planners, building surveyors, environmental health officers and IT/ICT technicians.^{15 16} At Yarra, the 900+ workforce constitutes 55% of the operating expenses in terms of employee costs. From an employee cost perspective, Council is outpriced in a competitive remuneration market (compared to the State Government and private sector). Employee provisions within the Enterprise Bargaining Agreement are typically informed by external market pressures beyond the imposed rate cap.

Reducing the number of employees might lead to cost savings, but it will also have an effect on the services provided, requiring a delicate balance. Considering the addition of 50,000 new residents to our municipality, staff numbers will need to be responsive and agile to service demands as they are anticipated to rise.

Therefore, Council's workforce planning needs to be an active, informed and continuous process that must be responsive to external and internal change.

Summary: the MAV and ALGA^(11,22) reports identified the following risks to the financial sustainability of Victorian councils, including Yarra:

1. Cost-shifting, where responsibilities are passed on to local councils from other levels of government without adequate funding.
2. Declining grants from higher levels of government as these governments themselves are grappling with budget deficits.
3. The compounding effect of a rate cap that has been consistently set below the level of cost increases experienced by local government.

13. Australian Insurance Council (2022), *Insurance Catastrophe Resilience Report*. (insurancecouncil.com.au)

14. Local Government Victoria (2022), *Analysis of the 2022-23 adopted budgets of Victorian councils*. (localgovernment.vic.gov.au)

15. Municipal Association of Victoria (2018), *Local Government Workforce and Future Skills Report*. (mav.asn.au)

16. City of Yarra (2022), *Workforce Development Strategy 2022-2026*. (www.yarracity.vic.gov.au)

4. Managing an increasing number of depreciating assets, also known as an 'asset renewal gap'.
5. Deteriorating underlying surplus.
6. A deteriorating unrestricted cash position across most councils.

This Financial Sustainability Strategy seeks to address these challenges through strategic and systemic financial reform over the next decade.

3.4 Current financial position

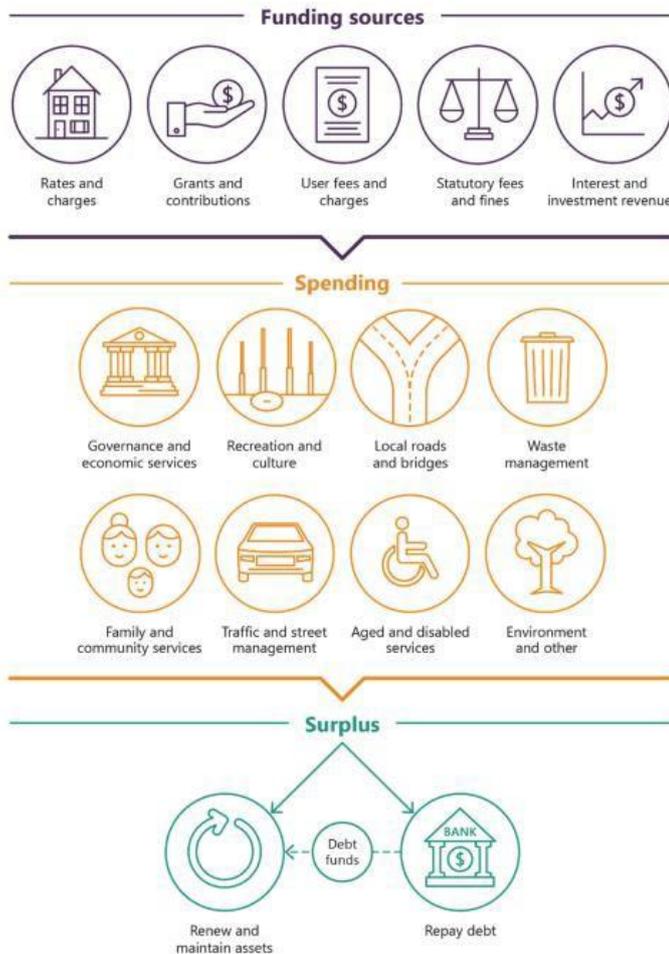
Yarra's detailed financial information and financial statements can be found at [Annual Report | Yarra City Council](#). This section is intended to provide a contextual snapshot of the key structural components of Council's finances: income, adjusted underlying operating surplus, working capital, borrowing, expenses and capital works.

Key points:

<p>Income is relatively stable, with a higher-than-average reliance on user fees, statutory fees and fines, and government grants.</p>	<p>Stability in rate income provides a predictable revenue stream. However, we have experienced lower rates collection rates since Covid-19.</p> <p>Variability in user fees, statutory fees, and fines may lead to fluctuations in revenue, requiring careful budgeting to manage cash flow effectively.</p> <p>Dependence on government grants can expose Council to potential funding uncertainties if government policies or priorities change.</p> <p>A stable income does not allow Council to expand services or infrastructure programs to accommodate population growth.</p>
<p>Low adjusted underlying result.</p>	<p>A low underlying result indicates a lack of surplus from Council's ordinary course of business (excluding capital receipts) to fund capital spending. Based on assumptions in the LTFP 2023/24- 2032/33, Council forecasts an adjusted underlying result that is below the Victorian Auditor General Office (VAGO) target ratio of 5%</p>
<p>Working capital.</p>	<p>Adequate working capital is essential to meet short-term obligations and fund day-to-day operations. Even though Council's working capital ratio is in the low risk range, its cash level is heavily subsidised by borrowings and largely in restricted reserves.</p>
<p>Indebtedness</p>	<p>Council's indebtedness ratio is a low-risk level for Council, which stands at 16.9% well below the 40% threshold set by VAGO. All of council's borrowing is based on principal and interest repayment, indicating that Council is now managing its borrowings more responsibly.</p>
<p>Operating expenditure predominantly related to direct service delivery.</p>	<p>Focusing operating expenditure on direct service delivery can be seen as a positive sign, as it indicates Council is prioritising the Council Plan and core business activities.</p> <p>Controlling and managing expenses are crucial for maintaining financial health.</p> <p>Understanding the composition of expenses and identifying areas where costs can be reduced or optimised is essential for improving financial performance.</p>
<p>Stable capital works program</p>	<p>A stable capital works program can provide predictability for budgeting and planning long-term projects, and to ensure the maintenance and renewal programs of existing assets are met.</p> <p>However, a static capital works program will not meet the needs of a growing population (for example new community infrastructure).</p>

Source of income

Council operations are funded through rates and charges, government grants, developer contributions and user fees and charges. Most of the local government assets are property, infrastructure and the plant and equipment that councils need to deliver community services. Below illustrates the services that councils spend most of their funding on and what they apply their operating surpluses to.



Source: VAGO.

Rates and charges, and user fees and statutory fees and fines are Council's largest revenue source, accounting for 83% of total revenue between 2018–19 and 2021–22.¹⁷ Compared with the inner-city council average, Yarra has a lower reliance on revenues from rates and a comparatively higher reliance on revenue from statutory fees and fines and user fees and charges.

17. VAGO <https://www.audit.vic.gov.au/report/results-2021-22-audits-local-government>

In order to reduce risk from unexpected shocks, it is important that Council creates a more sustainable and diversified revenue base to reduce its reliance on specific sources.

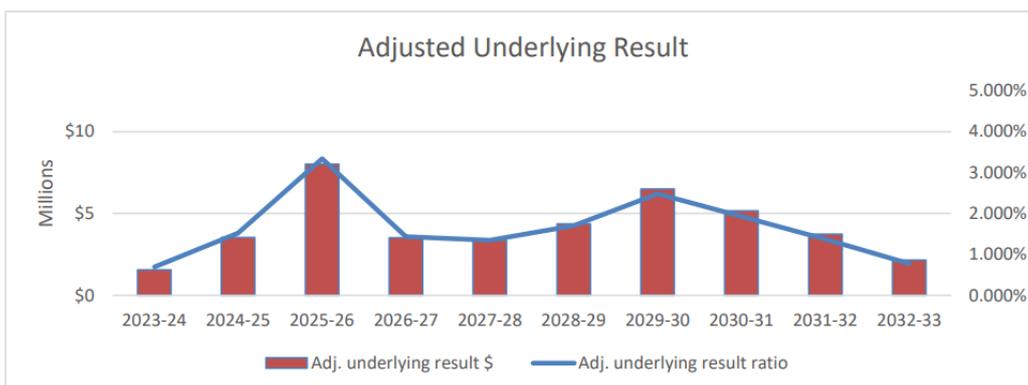


Adjusted Underlying Result

The adjusted underlying ratio is a key indicator of financial sustainability. The adjusted underlying result indicator measures a council's ability to generate a surplus from its ordinary course of business (excluding capital receipts) to fund its capital spending. A longer-term negative trend in this indicator could force Council to reduce the services they offer the community.

In local government, a surplus should not be equated with a "profit," as commonly understood in business terms. Unlike business profits, which reflect financial gains after deducting expenses, a surplus in local government are funds derived from income sources which are put to strategically deliver community services and infrastructure. However, Council needs to strike a balance between investment now and investment into the future. A "lazy" balance sheet is a metaphor, where an entity (such as a local government) holds excessive funds without actively utilizing or investing them. It is Council's plan to strategically invest in cash reserves and, at the right time, use this investment for specified purposes.

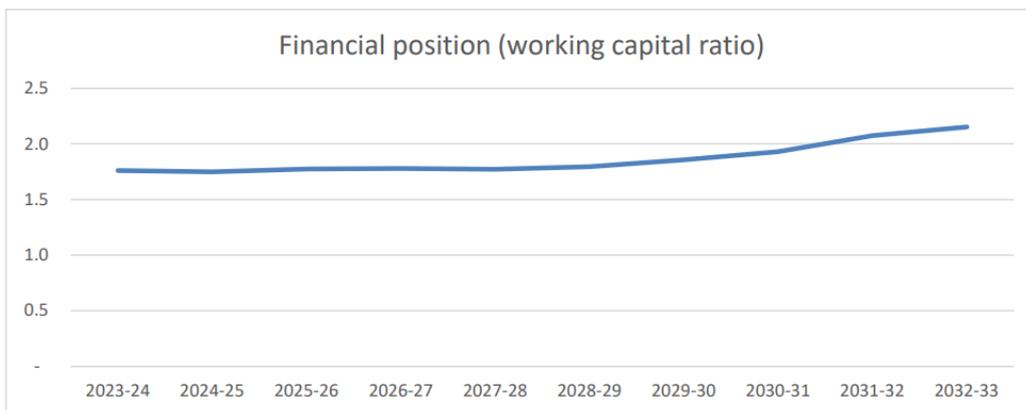
Based on assumptions in the LTFP 2023/24- 2032/33, Council forecasts an adjusted underlying result that is below the Victorian Auditor General Office (VAGO) target ratio of 5%.



Working capital ratio

Sufficient working capital is required to meet Council's obligations as and when they fall due. A high or increasing level of working capital suggests an improvement in liquidity.

The chart below illustrates Council's working capital ratio as per the LTFP 2023/24- 2032/33. Despite the increase to the working capital position in the LTFP, Council is still at risk of not generating sufficient funds to maintain existing (and plan for future) levels of service, maintain and improve Council facilities and infrastructure and re-pay borrowings.



Borrowings

Council borrowed \$32.5m in 2013/2014 to settle the Vision Super unfunded defined benefit liability and fund major capital projects, including the acquisition of 345 Bridge Road, Richmond. This borrowing was an interest only loan and repaid in full in November 2021.

In February 2022, Council re-borrowed \$32.5m through Treasury Corporation Victoria (a principal and interest facility) for a term of 10 years.

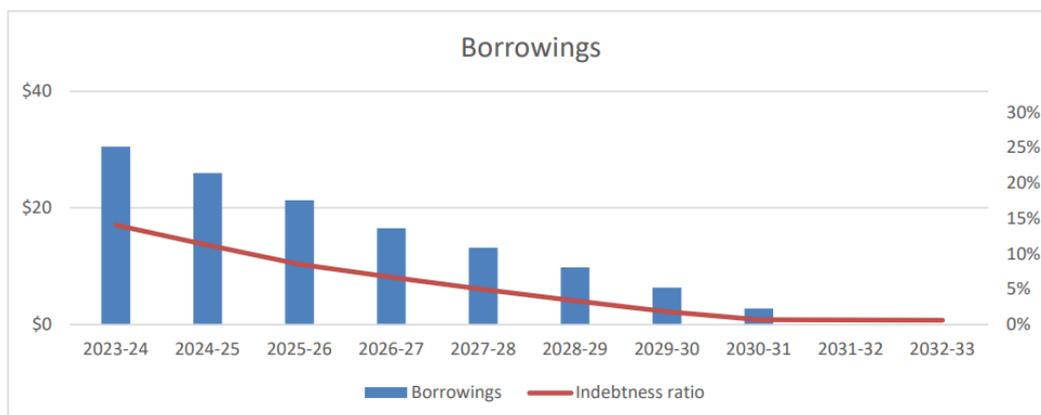
An additional loan of \$13.5 million was drawn down in 2016/17 to fund the construction of Bargoonga Nganjin, North Fitzroy Library. This loan is funded on a principal and interest basis and will be repaid in 2027.

The 2022/23 budget allowed capacity for Council to borrow an additional \$20m. However, prudent financial management has resulted in no additional borrowings. The borrowing balance at 30 June 2023 was \$34.9m.

This FSS prioritises reducing borrowings to build capacity for future years. Considering the significant investment that will be required for infrastructure to support our growing community, it is critical for Council to maintain sufficient borrowing capacity for future needs.

The use of borrowings must ensure intergenerational equity by aligning asset consumption with the future generations benefiting from those assets.

The chart below illustrates Council's loan balance and indebtedness ratio as per LTFP 2023/24- 2032/33.



Expenses

Every time a person leaves their house, they are using services provided by their local council.

Victorian councils deliver more than 100 different services to their local communities. Councils also provide local infrastructure and community facilities valued at over \$110 billion across Victoria.

Most of Yarra's operating expenditure relates to delivering more than 100 services to our rapidly growing community.

Major expenditure categories include staffing, materials and services, doubtful debts, depreciation, amortisation right of use assets and borrowing costs. The following table details the allocation of Council's \$207.2 million total operating expenditure for 2022/23.

As a part of the 2023/24 budget process, following a careful and considered assessment, Council adopted a range of cost-saving measures that saw no increase in staffing costs, expenditure cuts and improved capital works delivery.

Expenditure by category 2022/23	\$'000s	%
Employee costs	99,037	47.8%
Materials and services	76,357	36.9%
Depreciation	24,231	11.7%
Amortisation – right use of assets	1,192	0.6%
Bad and doubtful debts	4,525	2.2%
Borrowing costs	1,050	0.5%
Finance – costs leases	74	0.0%
Other expenses (e.g., auditor's fees, councillors' allowances)	723	0.3%
Total expenditure	201,449	100%

Capital works

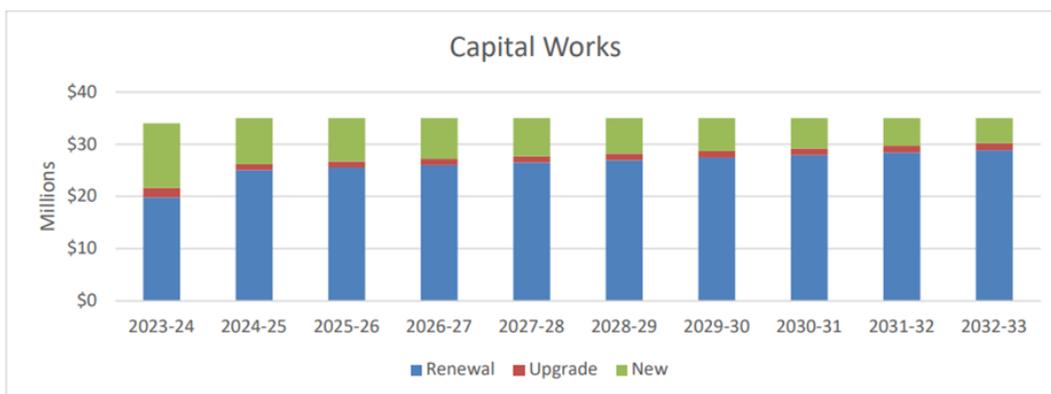
Based on current condition data, Council has invested in its existing infrastructure at a rate higher than depreciation. In 2023/24, Council bought the ratio back to 1 in an effort to address sustainability. Yarra's spending on asset renewal trended upwards in real terms between 2018–19 and 2021–22.

Asset renewal accounted for the highest share of capital expenditure over this period (81%). Council's spending on new assets increased in real terms between 2018–19 and 2021–22, while spending on asset upgrades declined.

The current capital works outlook is based on financial affordability and capacity to deliver. Council intends to spend \$349m (\$35m per annum) to renew, improve and create new community facilities and infrastructure over the next 10 years. This will be funded by a mix of rates, reserves and external funding sources including grants, contributions and other sources of income.

The need for additional capital works investment in the form of new community infrastructure to meet the needs of a rapidly growing community is expected to increase over the decade. To ensure evidence-based investment decisions are made, Council is currently preparing a new Community Infrastructure Plan and detailed Asset Plans for all classes of assets which will inform investment priorities.

The capital works outlook is expected to evolve in response to the development of new Community Infrastructure and Asset Plans.



3.5 Assumptions

Validated (Known) Assumptions

Current (2023/24) assumptions are based on Council's LTFP, which is updated annually as part of budget process. They are existing and conservative assumptions available at the time of its development.

¹⁸Considering the dynamic nature of the policy and economic landscape, it is reasonable for Council to periodically assess and revise its strategic financial outlook as new material information evolves.

Materiality is a fundamental concept in Australian accounting standards that refers to the significance or relevance of financial information (qualitative and quantitative) in influencing the economic decisions or could reasonably impact the assessment of Council's financial performance.

Key baseline financial assumptions are:

Escalation Factors % movement	2023/ 24	2024/ 25	2025/ 26	2026/ 27	2027/ 28	2028/ 29	2029/ 30	2030/ 31	2031/ 32	2032/ 33

18. City of Yarra (2023), *Long Term Financial Plan*.

Rates and charges	3.50%	2.00%	2.00%	1.75%	1.75%	1.75%	1.75%	1.75%	1.75%	1.75%
Statutory fees, fines and user fees	1.75%	1.75%	1.75%	1.75%	1.75%	1.75%	1.75%	1.75%	1.75%	1.75%
User fees	4.00%	2.75%	2.50%	1.75%	1.75%	1.75%	1.75%	1.75%	1.75%	1.75%
Operating grants	2.75%	2.75%	2.75%	2.75%	2.75%	2.75%	2.75%	2.75%	2.75%	2.75%
Employee costs	1.85%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Materials, services and other	7.05%	6.35%	3.70%	3.70%	3.70%	3.70%	3.70%	3.70%	3.70%	3.70%
Depreciation & amortisation	0.5m									

Other baseline assumptions are:

- maintaining an asset renewal ratio at 1.0
- Council prioritises the renewal and upgrade of existing infrastructure over the creation of new assets.
- capital works expenditure - baseline of \$35m annually comprising:
 - renewal to average \$25 - \$28m
 - discretionary capital funding to average \$6 - 10m for new, upgrade and expansion.
- Council will repay principal and interest on all borrowings on an annual basis with a long-term reduction in borrowings across the next ten years (or sooner if financially advantageous).
- Local Authorities Superannuation Fund (LASF) Defined Benefit Plan to remain above the shortfall threshold of 97% Vested Benefits Index (VBI).
- no new borrowings
- no growth in employee numbers (full time equivalent), unless it is directly linked to service enhancement in response to population growth.
- no new services (excluding growth in services responding to population change).
- Requirements for significant investment in digital services.

Unknown risks

Unknown risks are assumptions that cannot be validated. The following assumptions can be validated at some point in the future (by implementing the actions), but not now, and/or because we can't control them:

- further cost shifting from the other levels of government
- the extent and period of the cost-of-living crisis, and subsequent impact on State and Federal Government budgetary funding cuts impacting on local government
- rate of development within Yarra City Council given current financial climate and cost of living pressures, and the extent of financial impact on Council's Developer Contribution Plan and Open Space Reserves
- community infrastructure demands set out in the new Community Infrastructure Plan
- infrastructure renewal, upgrade and new infrastructure requirements based on improved condition assessment data and new Asset Plan
- future Enterprise Agreement provisions
- evolution of IT solutions and costs, however, we expect costs to rise as technology advances
- outcome of new property strategy
- outcome of new parking strategy
- user pay principles to be adopted
- the optimum service mix, service level, service delivery options and operation models, and any associated operational savings or expenditure
- the timing or extent of an emergency event

- the timing and amount of any Local Authorities Superannuation Fund (LASF) Defined Benefit Plan call. The Long-Term Financial Plan outlook will evolve over time as actions within the strategy are completed and their impact quantified

3.6 Strategic financial risk

Yarra City Council uses International Risk Management Standard (AS/NZS ISO 31000:2018) as the best practice framework for managing risks. These policies include identification and analysis of the risk exposure to Council and appropriate procedures, controls and risk minimisation.

The City of Yarra *Risk Management Framework* (internal document) outlines Council’s risk appetite (the type and amount of risk which Council is prepared to accept or avoid). Council typically seeks to be risk averse and the financial risk appetite rating is low.

This section summarises Council’s inherent strategic risk profile (for financial sustainability) without mitigation, controls and measures. Prevention and mitigation are the most effective and appropriate approach for control of risks which are within ‘its’ sphere of control and where genuine mitigation efforts are feasible. The strategic levers in this FSS are important measures to mitigate and reduce Council’s risk exposure.

It is noted Council has no to low exposure to:

- liquidity risk
- market risk (primarily through interest rate risk) with only insignificant exposure to other price risks
- foreign currency risk
- cash flow interest rate risk
- fair value interest rate risk
- credit risk

Overarching strategic risk (Strategic Risk Review July 2023):

Strategic Risk	Likelihood	Consequence	Risk	Current controls
Inability to maintain financial sustainability leading to an adverse impact on the delivery of strategic objectives.	Possible	Major	High	<ul style="list-style-type: none"> • Financial Sustainability Strategy • Long Term Financial Plan • Procurement Policy and processes • Financial Policies • Grant funding/scheme • VAGO financial and performance audits • Internal audit program • Annual budget and LTFP process to facilitate critical discussions on key financial decisions • Capital works planning and monitoring • Quarterly financial reporting • Education/awareness processes on financial decision-making • Early identification of cost-shifting

Detailed risk mapping:

Risk cause	Likelihood	Consequence	Risk	Mitigation Strategy	Strategic Lever
Cyber security	Likely	Catastrophic	Very High	Digital transformation program, including cyber security plan	5
Funding call on the Local Authorities Superannuation Fund Defined Benefits Plan	Possible	Major	High	Review reserve funding strategies	1

Cost of service above CPI and rate cap	Almost Certain	Major	High	Diversify revenue sources, review cash reserves, review service delivery, explore cost-control measures, advocacy	1, 2, 4, 6, 7
Inadequate asset management to meet community infrastructure demand	Possible	Major	High	Develop community infrastructure plan, implement robust asset management program including condition, modelling and lifecycle assessments	3, 4, 5
Inadequate technology to meet customer or business needs	Almost Certain	Minor	High	Implement and invest in digital transformation program	5
Ongoing cost-shifting	Likely	Major	High	Build relationships with state/federal representatives, review services, monitor financial impact	4, 7
Natural disasters and climate change	Unlikely	Catastrophic	High	Develop emergency response plans, review insurance coverage, review contingency reserves	1, 6
Revenue fluctuation	Likely	Major	Medium	Diversify revenue sources, review cash reserves, explore cost-control measures	1, 2, 6
Economic downturn	Unlikely	Major	Medium	Establish contingency reserves, monitor economic indicators, implement financial control measures	1, 4, 6
Changing community demand for services and service demand exceeds funding capacity	Likely	Minor	Medium	Regular assessment and review of services	4, 3, 5
Loss and/or reduction of State or Federal funding	Likely	Minor	Medium	Diversify funding sources, build relationships with State/Federal representatives, explore grants and partnerships	7, 2
Inefficient borrowing management	Possible	Moderate	Medium	Establish borrowing management policies, monitor borrowing-to-revenue ratios	1, 6
Inadequate budget planning	Rare	Minor	Low	Improve budget forecasting methods, implement long-term financial planning, regular budget reviews	6

4. Defining financial sustainability

4.1 Objective

Council is committed to ensuring its long-term financial sustainability while renewing and maintaining its assets appropriately and providing balanced community services without imposing a significant burden on our residents and community, today and tomorrow.

4.2 Defining financial sustainability

Financial sustainability is Council's ability to manage its financial resources in a responsible and efficient manner over the long term.

It involves achieving a significantly improved financial position, ensuring that revenue sources are sufficient to cover operating expenses, fund essential services and liabilities, and to have adequate surplus to effectively manage and invest in assets. Financial sustainability also includes planning and budgeting for future needs, such as new, upgrade and maintenance of infrastructure to respond to community need and growth, while considering the potential impacts of economic fluctuations and changing demographics. It encompasses prudent financial management practices, responsible borrowing management, revenue diversification, effective cost control measures, and transparency in financial reporting. By achieving financial sustainability, Council can meet the needs of current and future generations.

It is our aim for Council to:

1. 0-2 years: Maintain a net positive position by delivering a surplus, ensure our operating activities no longer rely on borrowings, hold costs and start to build cash reserves for specified purposes.
2. 3-5 years: Achieve a financial position where we have sufficient cash reserves to repay borrowings, generate new revenue, can cover all known operating expenses without borrowing, deliver a long-term financial plan that more reliably reflects future financial requirements ('unknown risks'), and have approximately \$20m available in fund reserves for risk and strategic growth.
3. Within 10 years: Ensure that we have sufficient cash reserves (approximately \$30m) to meet unforeseen or emergency expenses and support population growth without relying on borrowing or compromising essential services.

Over the next 10 years, cash reserves will be required to allow Council to respond conservatively and flexibly to the financial risks and assumptions without borrowing, including potential unknown events that are outside the control of Council.

Reserve	Purpose	\$ value (goal)
Loan reserve	To repay \$32.5m principal and interest loan and a \$13.5m principal and interest	\$34.9 (current balance as at 30 June 2023) down to \$0 by 2031/32
Risk mitigation reserve	Reserve available to fund emergency or unplanned events that have significant financial impacts that if not addressed appropriately could have significant and long lasting financial sustainability issues. For example: future defined benefit superannuation shortfall calls, or significant projects related to climate change impacts or any emergency event(s) deemed as unavoidable (such as flooding, pandemic, cyber security breaches) or as working capital, which are one-off and material in nature	\$20m
Strategic growth reserve	To fund future new major community infrastructure projects that provide direct benefit to the Yarra community as a result of population growth	\$10m

All Councils use the Victorian Auditor General's (VAGO) financial sustainability indicators to monitor their financial sustainability.

After Council has grown cash reserve balances to the desired levels, the FSS is designed to progress towards the industry benchmark and VAGO 'low-risk' rating; unless we can demonstrate it is more responsible not to (for example, one-off abnormal transactions that do not have an enduring impact).

Measure	General Description	As at June 2023	Target	Comment
*Adjusted underlying result ratio (%)	Ability to generate surplus in the ordinary course of business, excluding non- recurrent capital	7.87%	>5%	A positive result indicates a surplus. The larger the percentage, the stronger the result.

	grants, non- monetary asset contributions and other contributions, to fund capital expenditure from its net result.			
Working capital ratio	Ability to pay existing liabilities in the next 12 months.	1.86	>1.4	A ratio higher than 1:1 means there is more cash and liquid assets than short-term liabilities.
Indebtedness ratio	Ability to pay the principal and interest on its borrowings when they are due from the funds it generates.	16.94%	<40%	The higher the percentage, the less able to cover non-current liabilities from the revenues the entity generates itself.
Renewal gap (ratio)	The rate of spending on renewing, restoring and replacing existing assets with depreciation.	1.32	1	Ratios higher than 1:1 indicate that spending on existing assets is greater than the depreciation rate.

**The VAGO target 'ratio of underlying revenue' is the key indicator of financial sustainability. It is an accepted measure of financial sustainability as it is not impacted by non-recurring or one-off items of revenue and expenses that can often mask the operating result.*

4.3 Outcomes

In summary, the FSS seeks to:

1. reduce borrowings to ensure capacity for future years
2. establish and invest in new cash reserves for to enable future investment in community infrastructure and to address risk for unforeseen events
3. maintain Yarra's asset base at a standard that can service the needs of our community now and into the future
4. ensure new community infrastructure investment is informed by evidence of need and is undertaken in a financially sustainable manner with the right blend of renewals and new infrastructure
5. ensure the right level of services are provided to the community and effectively plan for future and changing community needs
6. optimise revenue generating assets (including property) and services
7. ensure user fees and charges reflect the true cost of service (that is, rates funding is not unreasonably subsidising services that provide private benefit)
8. improve operational efficiencies through technology, process, procurement, and project planning and delivery improvements
9. take a careful and fiscally responsible approach towards the use of reserves for strategic property acquisitions and major projects that will provide intergenerational community benefit
10. strengthen Yarra's advocacy and partnerships to achieve a better share of, and weather the storm of declining, government grants and subsidies
11. achieve an overall 'low-risk' rating on all Victorian Auditor General's (VAGO) financial sustainability indicators.

5. Strategic Levers

The FSS outlines initiatives to uplift Council's financial position to 2031-32 and beyond. Most initiatives are interdependent and related.

Many will need to be completed in parallel with strategic reviews of the service landscape, community infrastructure planning and digital transformation, rather than as stand-alone reforms.

The initiatives consider:

- ability to address risks and challenges
- likely scale of the net financial contribution to address the financial gap
- ability to be delivered within 3-5 years
- low to moderate operational challenge
- rectifying legacy policy, systems and processes

- least impact on community.

There are two primary types of levers for change to drive long term financial sustainability at Yarra:

- **Strategic levers** to ensure that future investment decisions are based on need, underpinned by evidence and guided by informed strategies including detailed asset management plans, contemporary property management and community infrastructure planning and an ongoing program of service reviews.
- **Systemic levers** to invest in new way-of-working to manage expenditure/cost controls, responsible borrowing management, operational efficiencies and capital works delivery management, among others.

5.1 Strategic Lever 1: Sustainable cash reserves & responsible borrowing



Council can hold funds in:

- trust, restricted reserves (tied to a specific purpose) and intended allocations, such as developer contributions, statutory reserves, capital works projects or grant allocations which are set aside for specific purposes or obligations
- discretionary cash reserves segregated from general revenue, based on Council direction, to finance future expenditures or to provide for a specific purpose or projects.

Restricted cash reserves –as at 30 June 2023

Restricted Reserve	Purpose	Reserve balance as at 30 June 2023
Public Open Space Reserve	For contributions received as public open space levies pursuant to s18 of the Subdivisions Act 1988. The reserve is used to fund eligible open space capital works projects.	\$25.5m
Parking Reserve	For contributions received in lieu of the provision of parking spaces required for property development. The reserve is used for the provision of car parking spaces as required.	\$79,000
Developer Contribution Plan (DCP) Reserve	The DCP became part of the Yarra Planning Scheme via Amendment C238 on 1 February 2021. This levy applies to all residential, retail, commercial and industrial developments and helps to fund community infrastructure projects.	This reserve is generally acquitted each year

Discretionary (unrestricted) cash reserves

One of the key indicators of assessing Council's financial sustainability is the ability to generate sufficient cash flows and the level of unrestricted cash held.

Council must maintain a reasonable amount of cash to meet the requirements of Council business and ensure timely payment of all liabilities. Maintaining a healthy cash balance is important for financial sustainability. It can provide Council 'a financial cushion' to meet unforeseen or emergency expenses or to strategically fund priority projects and/or invest in infrastructure improvements without the need to borrow or disrupt essential services.

For example, Council has an ongoing obligation to fund any investment shortfalls in the Defined Benefits Scheme (superannuation scheme), which has been closed to new members since 1993. The last call on Local Government was in the 2012-2013 financial year where Council was required to pay \$11.3m to top up its share of the Defined Benefits Scheme. At that time Council borrowed to pay this top up and this borrowing is now directly impacting councils' financial sustainability.

The amount and timing of any liability is dependent on the global investment market. As at December 2023, the actuarial ratios are at a level that additional calls from local government are not expected in the next 12 months. It is therefore responsible to commence a risk reserve to fund any potential future calls and to minimise borrowings.

As at December 2023, Council has very limited cash reserves as a result of the COVID pandemic, inherited commitments on superannuation and interest repayments on borrowings. Council's limited cash levels have been subsidised by borrowings.

For Yarra, having adequate reserves is essential for managing and accommodating 57,594 new residents or a 63% population growth to 2041.

The FFS commits to the establishment of two (2) new cash reserves for specified purposes to allow Council to respond flexibly to financial risks, any potential unknown events outside the control of Council and to support our growing population (reference Section 3.6 and 4.2, respectively).

The reserves will be established as part of the 2024/25 budget program and are as follows;

New Risk Mitigation Reserve

Risk: Examples include funding call on the Local Authorities Superannuation Fund Defined Benefits Plan (high), Cyber security and/or inadequate technology to meet customer or business needs (very high), Natural disasters and climate change (high)

Value: \$20m

Purpose: To fund emergency or unplanned events that have significant financial impacts that if not addressed appropriately could have significant and long lasting financial sustainability issues. For example, future defined benefit superannuation shortfall calls or significant projects related to climate change impacts or emergency events deemed as unavoidable or working capital which are one-off and material in nature.

New Strategic Growth Reserve

Risk: Inadequate asset management to meet community infrastructure demand (high)

Value: \$10m

Purpose: To fund future land acquisition and new major community infrastructure projects that provide direct benefit to the Yarra community informed by the Community Infrastructure plan and 10 year capital works plan.

Council acknowledges that \$10m is unlikely to be sufficient for Strategic Growth Reserve and will review/reassess the amount upon the completion of Community Infrastructure plan and 10 year capital works plan.

Council responsibly manages its limited cash resources through an Investment Policy. The objectives of the policy are to:

- invest Council funds not immediately required for financial commitments.
- maximise earnings from authorised investments of surplus cash after assessing counterparty, market, and liquidity risks.
- ensure that appropriate records are kept and that adequate internal controls are in place to safeguard public monies.

Borrowings

Council typically views loan funding as a last resort. The use of borrowings must ensure intergenerational equity by aligning asset consumption with the future generations benefiting from those assets.

Yarra's current borrowings consists of a \$32.5m principal and interest loan scheduled for repayment by 2031/32, as well as a \$13.5m principal and interest loan due by 2027. The Council's indebtedness ratio is a low-risk level for Council, which stands at 21.2% well below the 40% threshold set by VAGO.

Considering the significant investment required in infrastructure and assets beyond the current strategy's lifespan, it becomes critical for the Council to maintain sufficient borrowing capacity. It is important to note that the comparison of borrowing levels does not fully assess Council's ability to generate sufficient cash flow for current and future service delivery. The introduction of rate capping, coupled with the need to repay borrowings within a limited timeframe and rising interest rates has significantly impacted Council's financial position and borrowing capacity. However, due to Council's current financial vulnerability (limited cash reserves) to withstand future financial shocks, no new borrowings are projected in this FSS.

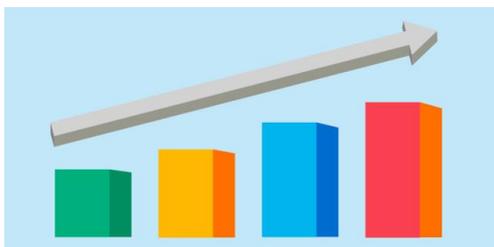
Council's approach is now to make annual principal and interest repayments on all borrowed funds, resulting in the reduced borrowings over the next ten years.

This robust borrowing reduction plan creates room for future borrowings if required to meet the infrastructure demands of a growing city beyond the current strategy's lifespan.

Ideally, rather than borrow Council would invest in infrastructure reserves and self-fund projects wherever possible. Should Council deem borrowings absolutely necessary, Council will comply with the Local Government Prudential Guidelines, adopt a cautious and judicial approach to borrowing and only pursue new borrowings for capital works if they demonstrate clear long-term benefits for future generations, hold no other borrowings and demonstrate a clear ability to repay borrowing levels without compromising infrastructure or services.

Ref	Action	Timeframe	Enabler	Authorising Environment	Lever type	Interdependency
1.1	Develop a new Cash Reserves Policy	Year 1	Finance	Council decision	Systemic	Nil
1.2	Establish two cash reserves for specified purposes: <ul style="list-style-type: none"> • Risk Mitigation Reserve • Strategic Growth Reserve 	As part of 2024/25 budget program	Finance	Council decision	Systemic	Nil
1.3	Ongoing annual investment in identified cash reserves	Per Annum	Executive	Council decision	Strategic	All
1.4	Prepare a Borrowing Policy based on sound, long-term financial management principles. Including: <ul style="list-style-type: none"> • Establish objectives and principles that outline when it is appropriate for Council to undertake borrowings within a sound financial management framework; • Ensure Council maintains a sustainable and prudent level of borrowings, within agreed thresholds; and • Set out the manner in which Council may establish and manage a debt portfolio 	Year 1	Finance	Council decision	Systemic	Nil
1.5	Prioritise the 'paying down' of existing borrowing and adopt a judicious approach to new borrowings in accordance with adopted Borrowing Policy.	Per Annum	Executive	Council decision	Systemic	1.1, 3.2, 3.6

5.2 Strategic Lever 2: Optimise Revenue



As populations grow, local governments face increasing pressure from community and business to improve service delivery performance. Yarra revenue is highly constrained threatening service delivery and quality to meet a growing community.

Rates and charges, and user fees and statutory fees and fines are Council's largest revenue source, accounting for 84% of total revenue in 2022/23.

Compared with the inner-city council average, Yarra

has a lower reliance on revenues from rates and a comparatively higher reliance on revenue from user fees and charges.

As our population grows, more properties mean more infrastructure and services are needed (parks, pathways, waste collection, libraries, playgrounds etc). Inflation and the cost of living continues to rise, so too will the challenge to minimise rate increases over the coming years. As a part of our overall financial strategy, Council will need to consider other opportunities to generate income and to reduce the reliance on these traditional revenue sources.

Generating new revenue or increasing current fees and charges to properly reflect the cost of service beyond statutory limits and the affordability of our community is extremely challenging.

The user pay principle, in the context of local government, is a guiding concept that advocates for individuals or entities benefiting directly from specific services or facilities to bear the associated costs. Under this principle, users are charged fees corresponding to the level of services they use or the extent of benefits they receive. The user pay principle promotes fairness by ensuring that those who directly benefit from particular amenities, such as recreational facilities or waste collection services, contribute proportionately to the cost of maintaining and providing these services, relieving the financial burden on the broader community. Those who directly benefit from, or cause expenditure, should make an appropriate contribution to the service, balanced by the capacity of people to pay while ensuring compliance with National Competition Policy.

Realistic options to uplift revenue include leveraging strategic partnerships to attract more funding, reviewing our pricing policy, ensuring developers fairly share the burden to contribute to new infrastructure and open space, and reviewing Council's strategic property portfolio and leasing arrangements.

For example, Council in 2023 increased metered parking and permit fees for the first time in 6 years. The cost of Yarra's resident parking permits will remain among the lowest in inner-city Melbourne, and we are also maintaining our significant concession discounts (including retaining a free first permit for concession holders). Parking restrictions have a primary goal of sharing a resource rather than generating revenue, however a pricing model is effective in supporting more efficient, fairer use. We are moving towards a more demand driven parking model that considers demand for parking spaces in price setting. This increase in parking revenue will help Council's financial position without major community impost.

Council may also consider revisiting subsidies to businesses using public spaces for profit-based activities like outdoor dining. By striking the right user-pay balance, public spaces can support local businesses, while also safeguarding the interests of the community and Council.

A Development Contributions Plan (DCP) is also another means of enabling the fair funding and delivery of infrastructure for a growing population. It is a planning and legal instrument that ensures developers contribute towards infrastructure that is required to service a growing population. Each contribution is spent within the area that the new development is built, to benefit existing and future local residents. A review of the Council's Community Infrastructure Plan is underway, which in turn may necessitate a review of the DCP planning provisions.

In 2022, Amendment C286yara to the Yarra Planning Scheme sought to increase the public open space contribution rate from 4.5% to 10.1%. The independent Planning Panel acknowledged that the current rate of 4.5% in the Yarra Planning Scheme is inadequate and recommended an open space contribution rate of 7.4%. Council is currently pursuing all available options to secure a higher than recommended rate to meet the needs of a growing community from the State Government. Delays in planning amendment approvals are costing millions.

A strategic review of properties, leases and licenses will likely identify opportunities to optimise potential revenue, and/or identify surplus property and assets for Council-owned assets (taking into consideration private, commercial and community benefit).

Ref	Action	Timeframe	Enabler	Authorising Environment	Lever type	Interdependency
2.1	Implement the Pricing Policy for fees and charges, including applying user pays principles where it is appropriate to do so.	Year 3	Finance	Council decision	Strategic	4.2
2.2	Develop a new Strategic Property Plan, including review existing revenue generated by each property, current financial performance and potential for growth for each property, and underperforming properties.	Year 1	Property & Leisure Services	Council decision	Strategic	3.2, 3.6,4.2
2.3	Review Council's parking strategy, including financial modelling.	Year 1	Sustainable Transport	Council decision	Strategic	Nil
2.4	Review Council's Developer Contribution Plan and Open Space contributions.	Year 3	City Strategy	Council decision	Strategic	3.6
2.5	Investigate new and/or alternative revenue streams.	Annual	Executive	Council decision	Strategic	Nil
2.6	Assess the risk of variability for current income sources and its impact to Council.	Every three years	Finance	Audit & Risk Committee	Strategic	Nil
2.7	Benchmark high volume fees with other councils and establish comparable rates.	Year 1	Finance	Council	Strategic	Nil
2.8	Advocacy for Minister for Planning approval of Amendment C286yara to the Yarra Planning Scheme	Year 1	City Strategy	Operational	Strategic	Nil

5.3 Strategic Lever 3: Well planned assets



Council manages \$2b in assets from land and buildings to roads, drains, footpaths, parks and open space and our asset base is largely the product of investment by prior generations of residents. As custodians, Council has the responsibility to ensure these assets are available to future generations.

Integration with the Asset Plan is a key principle of Council's strategic financial planning principles. The Asset Plan is designed to inform the 10-year Long-Term Financial Plan by identifying the amount of capital

renewal, backlog and maintenance funding that is required over the life of each asset category. The level of funding incorporates knowledge of asset condition, risk assessment, as well as setting intervention and service levels for each asset class.

Consistent with the trend across the local government sector, Yarra faces escalating costs to operate, maintain and renew our ageing asset base. Climate change is putting additional pressure on asset capacity, utilisation and condition. Insufficient investment in asset renewal will result in assets deteriorating much faster than necessary, adding cost in the long run and potentially compromising levels of service.

Yarra must continue to reinvest in renewing and upgrading existing assets to an acceptable condition and to be sustainable we must also review the assets we already have to ensure we are maximising public value. It should be noted that Yarra's current Asset Plan (and investment in assets) is limited by financial affordability and does not reflect the actual financial requirements to develop new and maintain current service levels over the next ten years and beyond.

It is also important for Council to understand the current condition of our assets. Asset data helps Council better manage all aspects of the asset lifecycle and better allocate funding to ensure that assets are available to the community at an appropriate level of service. This becomes more important when new assets are created (for example new community infrastructure and open space delivered under the Open Space Reserve and Developer Contributions Plan). A resilient future may require an upfront investment in new innovative technology, automation and remote monitoring to help with evidence-base predictive analysis, modelling, and investment planning.

The availability of assets and the related service level can change over time as population demographics change. Asset management is also interdependent with service planning; the current and future demand for services, the service delivery approach, the service level to be provided and/or major changes to services.

While we are working on a new Community Infrastructure Plan and 10-year capital works program (including the investment required), previous plans foreshadow the need for new integrated community hubs, sporting facility upgrades, upgrades to outdated existing community spaces and quality connected open spaces. The foundational actions in this FSS, including establishing a new cash reserve for future community infrastructure demands which will place Council in a better position to respond to the investment requirements set out in the next iteration of the Community Infrastructure Plan and Asset Plan.

A major focus is continued improvements and resourcing to Yarra's asset planning and management capability to plan and manage investment (in response to growth) and risks associated with our assets.

Ref	Action	Timeframe	Enabler	Authorising Environment	Lever type	Interdependency
3.1	Detailed asset plans (condition, quantity) across Council's asset portfolio (buildings, roads/footpaths/cycleways, stormwater and open space).	Year 1 and ongoing	Asset Management	Operational	Systemic	Nil
3.2	Use strategic asset management data and modelling to inform appropriate renewal funding and to prioritise renewal projects.	Year 1 and ongoing	Asset Management	Operational	Systemic	3.1
3.3	Independently assess Council's unit rates and 'useful lives' for all asset classes to ensure appropriate asset value and depreciation calculations.	Year 1 and ongoing	Asset Management	Operational	Systemic	3.2
3.4	Implement a new asset management framework to ensure whole of lifecycle asset management.	Year 2 and ongoing	Asset Management & Transformation	Operational	Systemic	5.1, 5.2, 5.4
3.5	Develop a new Asset Plan to inform the Long-Term Financial Plan.	Year 3	Asset Management	Council decision	Strategic	3.2, 3.4, 3.6, 4.2
3.6	Finalise a new Community Infrastructure Plan aligned with service planning and Developer Contribution Plans.	Year 2	City Strategy	Council decision	Strategic	3.2, 3.5, 2.5, 4.2
3.7	Build new integrated ten-year capital works plan including: <ul style="list-style-type: none"> review and re-prioritise the program scale the program to organisational capacity to deliver make projects more stageable increase budget contingencies 	Year 1 and ongoing	Assets Management	Council decision	Systemic	3.5, 3.6, 3.2

5.4 Strategic Lever 4: Review the service landscape



For every dollar Council receives in rates, Council spends \$1.70 on providing services. VAGO developed a framework to categorise the range of Council services. The exact scope and method of service delivery differs greatly across Victorian councils, with the greatest variation in service delivery within the ‘community expectation’ and ‘Council discretion’ categories. Categorising between ‘community expectation’ and ‘Council discretion’ will vary depending on the communities’ expectations and

hence careful assessment will need to be undertaken to understand community expectation. Shown below are examples as listed on VAGO website, however the precise mix of service between ‘community expectation’ and ‘Council discretion’ will need to be determined at Yarra through various sources including community engagement and service demand.

Rational for service	Explanation	Examples
Statutory obligation	Council is legally required to provide the service	Rates, roads, animal management, food safety, maternal and child health, noise, building and planning, waste collection.
Statutory discretion	Legislation that gives Council the option to deliver the service, but it is not mandatory for Council.	Economic development, community grants.
Community expectation	Due to market failure and community demand, Council is expected to provide the service and it would be extremely difficult for Council to exit the service.	Library services, sportsgrounds and pavilions.
Council discretion	Although it is not legally required to do so, Council provides the service to meet an identified community need that other organisations may be able to provide.	Markets, arts and cultural activities, events, sister-city relations, childcare, aged services, environmental education, youth programs.

Over time, the needs and expectations of the Yarra community will change, meaning Council's service mix, service levels and operating models will also need to respond and change.

Council lacks the financial capacity to undertake ('take-on') any new services and may even need to reduce services. Redefining the service mix, service level and service delivery options through a comprehensive service planning and review program will be central to Council's financial sustainability over the next 10 years. Council will need to establish a (new) robust service planning and review framework to ensure all services are relevant, financially sustainable and can meet future community needs.

Planning for services will help Council identify and understand:

- the value of the service to the community
- new services and when to reduce or remove services
- the cost of services
- what level of service to the community we can afford
- the revenue needed to generate to make the service(s) financially sustainable (if appropriate)
- adjusting service levels to manage costs
- managing and maintaining key infrastructure assets
- the right level of resources to deliver services
- the role of alternative service providers
- compliance with National Competition Policy.

The process will ensure Council makes service-delivery decisions based on community need with a full understanding of the role of Council and the full cost of each service.

Due to the program’s crucial role in ensuring financial sustainability, it is anticipated that the Council will adopt a deliberative engagement approach to define the principles governing the service planning and review framework. Through targeted engagement, Council aims to examine the changing community demographics, service landscape, key Council services (both essential and non-essential, legislated and non-legislated), financial limitations, community awareness and attitudes towards service delivery, potential alternative options available in the market, and the alignment of service provision with other obligations such as asset maintenance and capital works.

To support this initiative, Council has established a new business transformation department to lead the service review processes and identify service and operational efficiencies and improvements, and to contribute to service cost control and prudent financial management of internal operations.

Four (4) strategic service reviews are proposed per annum. The types of reviews will be:

Strategic Reviews: To evaluate service efficiency, effectiveness, and value, considering internal and external factors to decide on continuity, enhancement, or changes. Council endorsement will be required when decisions exceed the Chief Executive Officer's delegation or when significant changes impact community-facing services. These reviews will follow project-specific community engagement in accordance with policy.

Management Reviews: Reviews conducted within the Chief Executive Officer's delegation, with minimal impact on community services. These reviews assess efficiency, effectiveness, and value, informing decisions on continuity, enhancements, or changes.

Council is committed to creating a culture of continuous improvement in all its operations. This involves two main components: workforce planning and continuous improvement programs.

Regular and proactive workforce planning allows Council to develop operating models that respond strategically to service needs, changes and market challenges.

Continuous improvement goes beyond periodic service reviews; it involves consistently assessing and streamlining operating models and internal processes to boost efficiency and save resources. By embracing this commitment, the Council can make regular and gradual improvements without solely relying on formal service reviews, remaining responsive to the community's needs.

The service review program is expected to improve financial capacity within 3 years.

Ref	Action	Timeframe	Enabler	Authorising Environment	Lever type	Interdependency
4.1	Deliberative engagement to establish the principles of the service planning and review framework	Year 1	Business Transformation	Council decision	Strategic	Nil
4.2	Implement a new service planning and review program	Year 1 and ongoing	Business Transformation	Council decision	Strategic	3.6, 4.1
4.3	Develop a new Workforce Plan	Year 2	People & Culture	Operational	Strategic	Nil

5.5 Strategic Lever 5: Invest in transformation



Yarra has embarked on a comprehensive digital transformation program to modernise its operations and enhance service delivery to the community. This program encompasses initiatives and strategies designed to leverage technology and digital solutions to integrate systems, streamline processes, improve efficiency and service innovation, and provide better accessibility and convenience for residents and staff.

The digital transformation program will also focus on leveraging data and enhancing analytics capabilities to

ensure evidence-based service and asset planning and decision-making. Over the next 3 years, Council will develop an advanced data management and analytics program, enabling data-driven insights into community needs and preferences. This data-driven approach will help Council use resources more effectively, identify areas for improvement, and tailor services to meet the evolving demands of the community.

An uplift in our cybersecurity is important as we rely on digital systems and technology to provide essential services and manage sensitive data. Protecting the integrity, confidentiality, and availability of information is crucial to safeguarding customer privacy, maintaining public trust, protecting critical infrastructure and ensuring uninterrupted service delivery.

Embracing technological advancements and fostering innovation can significantly improve financial sustainability in the long term. However, for Yarra, the realistic outlook is a high upfront investment to uplift digital technology capabilities alongside a comprehensive program to streamline processes.

Efficiencies gains will normally be evidenced in Council's financial position after 5+ years.

Council's adopted risk appetite for corporate systems is high and is willing to pursue a greater level of risk with innovation, new technology and systems which can enhance efficiency, service delivery results, customer experience or safety enhancements.

It is expected the digital transformation program will operate within following financial sustainability parameters:

- evaluate the risks associated with the program and develop contingency plans to address potential challenges or unexpected costs. Conduct regular risk assessments throughout the project's lifecycle and adjust financial planning accordingly.
- be certain about lifecycle costs (ie ongoing operational costs, maintenance expenses, and any future upgrades or enhancements)
- build internal capabilities to lead to cost savings and improved efficiencies over time
- deliver a well-managed digital transformation program that prioritises responsible resource allocation, transparent financial reporting to ensure long-term viability and public trust.

Ref	Action	Timeframe	Enabler	Authorising Environment	Lever type	Interdependency
5.1	Implement Council's digital transformation program.	Ongoing	Transformation	Operational	Strategic	Nil
5.2	Procure and implement an Enterprise Resource Planning (ERP) suite.	Year 3-5	Transformation	Operational	Systemic	5.1
5.3	Develop and implement a new cyber security strategy.	Year 1	Information Systems	Operational	Strategic	5.1
5.4	Develop and launch a new Data Hub to enhance and support effective data driven decision-making.	Year 3	Transformation	Operational	Strategic	5.1
5.5	Consolidate and or upgrade/replace systems that sit outside of the Enterprise Resource Planning suite.	Year 3-5	Transformation	Operational	Systemic	5.2
5.6	Implement a new Digital Blueprint Strategy.	Year 5	Transformation	Operational	Strategic	5.1

5.6 Strategic Lever 6: Robust financial management



Over the past 3 years, Council's operations and its financial results were significantly impacted by the prolonged impacts of COVID-19. At the time, Council made a deliberate and considered decision to step up and assist our community and businesses during the pandemic, at the expense of our bottom-line. Our financial position was impacted by \$50m in lost revenue and increased expenditure.

The COVID-19 pandemic taught essential financial lessons, emphasising the importance of regularly

reviewing cost control measures, fostering a resilient workforce during uncertainty, and staying flexible to adapt to changing conditions.

Mitigating financial risks, effective financial planning and responsible budgeting are essential for long-term sustainability. Management undertakes a rigorous and robust budget setting process each year, including a line-by-line review of operating budgets and proposed projects to ensure alignment with strategic priorities and value. Performance is monitored closely throughout the year with forecasts updated monthly and reported to Council quarterly. Through this process, Council delivered:

- 2022/23 Actual: An operating surplus of \$23.3m, \$11m favourable to the adopted Budget.
- 2023/24 Budget: An improved \$15.2m operating surplus, up \$4m or an equivalent 40% improvement from 2022/23 budget).

Increases to the landfill levy have created significant cost pressures for Yarra. The levy has risen over 90% in the last 3 years, from \$65.90 per tonne in 2020/21 to \$125.90 per tonne in 2022/23. For Yarra, waste costs increased from \$17,843,044 in 2021/22 to \$19,263,544 2022/23, an increase of \$1,420,500. This reflects an increase of 8% in one year. This increase is well above the amount councils can raise through rates alone. As a structural change to our annual budget, Council recently resolved to separate waste and recycling costs from general rates and to implement separate rates for public and kerbside waste services. This is achieved by reducing general rates by the equivalent value.

Other important levers are:

Capital works management

Yarra historically has had significant unplanned capital works/monies carried forward year on year. In 2022/23 the carry forward from 2021/22 was \$17.3m. Over the last 12 months, Council limited the impact and value of unplanned carry over by strengthening project management and building a more achievable capital works program within the capacity of the organisation. Ongoing, our aim is to deliver the capital works program so that there is no/limited planned carryover and no/negligible unplanned carryover.

Procurement & contract management

Improved and innovative procurement practises will also be important for long term financial sustainability. By implementing prudent procurement practices, Council can achieve cost efficiencies and optimal allocation of resources. Through competitive bidding, strategic sourcing, and supplier evaluation, procurement aims to secure goods and services at the best value, while maintaining quality and compliance. Sustainable procurement practices involve considering environmental and social factors, fostering responsible supplier relationships, and promoting long-term cost savings. Overall, a well-managed procurement process contributes significantly to financial performance.

Effective contract management is instrumental in ensuring financial sustainability. Overseeing contracts throughout their lifecycle, Council can control costs, risks and operational efficiencies. Proactive contract monitoring and adherence to terms and conditions helps prevent costly variations and ensure that both parties meet their obligations. Contract planning helps deliver the best value for money and can drive financial value by:

- leading continuous improvement
- value preservation and additional value creation
- performance management
- risk mitigation, role clarity, and the value of supplier relationship
- quality assurance.

Ref	Action	Timeframe	Enabler	Authorising Environment	Lever type	Interdependency
6.1	Adopt a year-on-year operational savings program across the business to grow cash balances.	Year 1 for 5 years	Finance and Executive	Operational	Systemic	Nil
6.2	Review Council's procurement and contract management processes to ensure better value and hold costs.	Year 2	Strategic Procurement & Project	Operational	Systemic	5.2
6.3	Continue rigorous internal monthly and quarterly financial monitoring processes.	Ongoing	Finance and Executive	Operational	Systemic	Nil
6.4	Articulate the implementation cost(s) of all new and updated strategies and plans in the Council decision making process.	Ongoing	Executive	Operational	Systemic	Nil
6.5	Develop a new Enterprise Project Management Office (EPMO) to manage capital and transformation project delivery (and costs).	2 years	Project Management Office	Operational	Systemic	5.2
6.6	Carefully manage employee costs through rigorous and ongoing workforce planning balancing the impacts of increased service demands as a result of unprecedented growth.	Ongoing	Executive	Operational	Systemic	Nil
6.7	Ongoing review of operating costs with the goal of identifying permanent savings	Ongoing	Executive	Operational	Systemic	Nil

5.7 Strategic Lever 7: Prioritise advocacy & partnerships



Communities face uncertainty and financial pressures due to their reliance on other levels of government for funding support. This dependence leads to various challenges for Council, including:

Cost-shifting: The Victorian and Federal Governments often transfer responsibilities to local governments, such as libraries and kindergartens, without providing sufficient funding. This results in councils having to cover the costs associated with these services.

Declining government grants: Funding from other levels of government may be reduced, stopped altogether, or fail to keep up with the increasing costs incurred by councils in delivering community services.

Cost-shifting has traditionally affected services like libraries and school crossing supervision programs. However, it has expanded to non-traditional sectors like social housing, maternal and child health, building enforcement, early years infrastructure, urban planning, landfill levy and waste services, state infrastructure projects, urban stormwater, electrical line clearance, environment protections, climate change response and mitigations, road network projects, state road amenity maintenance, disaster response and recovery, pool fencing and cladding compliance, and other indirect costs.

Policy changes made by government are often important steps towards reform, but they come at a cost to Council. In 2022, the State Government proposed a rates exemption on social housing which was quantified at \$30+m in reduced council rates over 10 years.

Since 2009, planning fees have not kept pace with the cost of delivering the service and importantly representing the community at VCAT. Council, or more accurately ratepayers, subsidise the administration of 1,091 planning applications.

Most recently, the cost to implement waste reforms is modelled at an additional \$3m year-on-year. Council was required to make structural changes in our rates and charges policy to allow cost recovery and an equitable 'user-pays' approach to waste services charges.

Yarra has taken on all these additional responsibilities, operated within the prescribed fees and revenue envelope, the rate cap and fixed staffing resources – all to the detriment of our financial position. We have relied on rate revenue to bridge funding gaps, meet growing service demands, comply with new government policies, tackle rising costs, and fulfill community expectations.

As the Victorian and Australian Government are grappling with budget deficits there is a real risk grant funding will also reduce over the next 10 years. In a declining funding environment, Yarra needs to establish stronger strategic partnerships, leverage regional networks, and proactively advocate for policy changes and investment in Yarra. To enhance the effectiveness of grants Council should adopt a more strategic approach. Instead of pursuing grants opportunistically, Council should proactively identify and target high-value funding opportunities that directly support the Council Plan.

By strategically aligning grant applications, Council can allocate resources more efficiently and ensure that the grants received have a meaningful impact on the community.

Ref	Action	Timeframe	Enabler	Authorising Environment	Lever type	Interdependency
7.1	Adopt new City of Yarra Advocacy Strategy	Year 1	Advocacy	Council decision	Strategic	Nil
7.1	Refresh Council's strategic advocacy approach to specifically address cost-shifting policy and identify community projects to leverage partnership funding with government and strategic partners.	Year 1 and ongoing	Advocacy	Council decision	Strategic	Nil
7.2	Quantify the financial impact of cost-shifting to Council.	Year 1	Advocacy & Finance	Operational	Strategic	6.2
7.3	Seek funding (including provision for administration overhead) for a greater Government contribution towards the upgrade, renewal and maintenance of community assets and programs.	Ongoing	Advocacy (and grant seekers)	Operational	Strategic	3.6, 4.2
7.4	Investigate opportunities to "hand back" responsibilities to the State and Federal	Ongoing	Advocacy	Operational	Strategic	7.1

Government (ie land management)						
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6. Implementation

The implementation of a financial strategy carries inherent risks:

- Council changes strategic direction and commitment to financial sustainability (2024 elections)
- resistance to change will hinder the successful execution of the strategy
- a lack of clear accountability and governance mechanisms might hinder the effective monitoring and evaluation of the strategy's progress.
- potential for misalignment between the strategy and changing economic conditions or unforeseen shifts in local priorities. This could lead to a mismatch between revenue projections and actual funding needs, causing budgetary constraints, overspending or misallocation.

6.1 Governance

The Executive Leadership Team is responsible for overseeing the strategic direction, driving a change culture, and prioritisation of actions and resources.

- A Project Control Group is formed under the Executive Leadership Team and is responsible for practical implementation of the strategy. The General Manager of Corporate Services and Transformation serves as the chair of the Project Control Group. The Project Control Group reports to the Executive Leadership Team and is accountable for oversight, strategy, project management, reporting, and communications related to the project.
- Cross-functional teams are formed to support the Project Control Group. These teams work collaboratively and contribute their expertise to deliver actions.

6.2 Monitoring & review

The success of this strategy will be measured against our progress towards the financial targets.

Councillors are accountable through various council decisions. Each year as part of the annual budget development process consideration will be given to the impact of the 7 strategic levers, and assumptions made in the formation of this strategy including population growth, community preferences, economic conditions, and other legislative requirements. The reserve amounts will also be reviewed each time we develop the budget.

Yarra's Annual Report will report on Council's financial and service performance, including actions undertaken as part of the Financial Sustainability Strategy and progress towards financial sustainability. It is reasonable for this strategy to be reviewed in response to any material change.

6.3 Road Map

Year 1	<ul style="list-style-type: none"> • Cash reserve structures • Pricing Policy • Asset Data improvements • Service Planning & Review Program • Cyber Security Strategy • Uplift financial budgeting and financial monitoring • Strategic Advocacy Plan
Year 2	<ul style="list-style-type: none"> • Strategic Property Plan • Parking Strategy • Community Infrastructure Plan • Enterprise Project Management Office
Year 3	<ul style="list-style-type: none"> • Developer Contribution Plan & Open Space Plans • Asset Plan • Data Hub • Enterprise Resource Planning (business management software)
Ongoing	<ul style="list-style-type: none"> • Asset Management • Digital and Business Transformation • Advocacy • Financial monitoring

6.4 Service Planning Principles: Deliberative Engagement

The FSS commits Council to undertake a comprehensive engagement approach to define the principles governing the service planning and review framework through a deliberative engagement process. The overall outcome is to develop community-supported service planning principles that will inform and guide Council's future service planning and review program.

Through the engagement process, Council aims to examine the changing community demographics, service landscape, key Council services (both essential and non-essential), financial limitations, community awareness and attitudes toward service delivery, potential alternative options available in the market, and the alignment of service provision with other obligations such as asset maintenance and capital works.

The *Local Government Act 2020* sets out the following service performance principles will be incorporated into Council's deliberative engagement process and outcomes:

- services should be provided in an equitable manner and be responsive to the diverse needs of the municipal community
- services should be accessible to the members of the municipal community for whom the services are intended
- quality and costs standards for services set by the Council should provide good value to the municipal community

- a Council should seek to continuously improve service delivery to the municipal community in response to performance monitoring
- service delivery must include a fair and effective process for considering and responding to complaints about service provision.

The engagement approach to develop Council's service planning and review principles will be undertaken in two parts.

Stage 1: Market Research and general community engagement

Stage 2: Deliberative engagement

The adoption of the Service Planning and Review Principles will be subject to a Council decision

7. Key financial terms

Term	Calculation	Explanation
Adjusted underlying result		Surplus/deficit for the year adjusted for capital grants and contributions.
Adjusted underlying result (ratio)	Adjusted underlying surplus (or deficit)/adjusted underlying revenue	This measures Councils' ability to generate surplus in the ordinary course of business, excluding non-recurrent capital grants, non-monetary asset contributions and other contributions, to fund capital expenditure from its net result. A surplus or increasing surplus suggests an improvement in the operating position.
Annual Report		Details Council's financial and operational performance for each year including audited financial and performance statements, progress updates for Council Plan strategies, indicators and major initiatives, and performance indicator results.
Asset		Council assets include roads, bridges, footpaths, drains, libraries, town halls, parks, recreational centres, and other community facilities.
Annual Budget		A rolling 4-year budget is prepared annually to outline how resources will be allocated across services, initiatives and capital works projects and the income that will be generated.
Capital replacement (ratio)		Cash outflows for the addition of new property, infrastructure, plant and equipment/depreciation This compares the rate of spending on new infrastructure, property, plant and equipment with its depreciation. Ratios higher than 1 indicate that spending is faster than the depreciating rate. This is a long-term indicator because capital expenditure can be deferred in the short term if there are insufficient funds available from operations and borrowing is not an option.
Indebtedness (ratio)	Non-current liabilities/own-sourced revenue	This assesses an entity's ability to pay the principal and interest on its borrowings when they are due from the funds it generates. The lower the ratio, the less revenue the entity is required to use to repay its total borrowings. Own-sourced revenue is used, rather than total revenue, because it does not include grants or contributions.

Liquidity (ratio)	Current assets/current liabilities	This measures Council's ability to pay existing liabilities in the next 12 months. A ratio of 1 or more means that an entity has more cash and liquid assets than short-term liabilities.
Restricted Cash Reserve, including developer contributions plan and open space reserve		Cash levies paid to Council and is to be used to cover the cost of any open space and infrastructure assets that are to be purchased or constructed by Council. These funds are restricted to prescribed projects.
Surplus		Net surplus is Council's revenue and income from transactions minus expenses from transactions. Council surplus is be used to fund the capital works program each year, as well as the information technology program. Put simply, without a budget surplus – there would be a significantly reduced capital works programs at all Councils.
Unrestricted Cash		Cash that is free of restrictions and is available to pay bills for any purpose as and when they fall due.

7.3 Charlotte Street Pocket Park - Final Concept Plan

Reference	D23/456329
Author	Christian Lundh - Landscape and Urban Designer
Authoriser	General Manager City Sustainability and Strategy
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

Purpose

1. The purpose of this report is to:
 - (a) approve the concept design that responds to the Stage 2 community consultation and the feedback received from community;
 - (b) further develop the design feasibility study see Attachment 1- Final Concept Plan and to proceed to the design development and documentation phase;
 - (c) approve the commencement of the road discontinuance process; and
 - (d) note the commencement of the temporary road closure while Council initiates the formal road discontinuance process.

Critical analysis

History and background

2. The Yarra Open Space Strategy 2020 identified the need for more green open space in Richmond.
3. The Swan Street Streetscape Masterplan was endorsed by Council in early 2022. The Masterplan included a proposal to create a pocket park in Charlotte Street which received high levels of support from the community. It was identified at the time that the park would be a place to sit, relax and socialise and due to its size would not be able to accommodate a playground.
4. A first round of consultation was completed in late 2022. Of those surveyed, 68% were in favour of the new pocket park and the creation of more green open space in Richmond.
5. A second round of consultation was undertaken in August – September 2023 to seek community feedback on the draft concept plan for the pocket park. Of those surveyed, the large majority, approximately 88% responded positively to the design and were in support of the pocket park.
6. The Consultation Findings Report (refer Attachment 2 - Stage 2 Consultation Summary Report), will be published on Council's website on Your Say Yarra, along with the final concept plan.
7. Funding for detail design and tender documentation is approved as part of this year's capital works budget, with the intention of having a 'shovel ready' project by end of June 2024.

Discussion

Feasibility Work and Technical advice

8. Feasibility work and technical advice commissioned last financial year have been completed to support and inform the design including:
 - (a) A Safer by Design Review of Charlotte Street and surrounds, including a nighttime audit;

- (b) A heritage assessment to identify any potential design requirements associated with the HO315 Heritage Overlay, which covers the northern half of Charlotte Street;
 - (c) Civil engineering feasibility studies, which covers items such as extending the Church Street footpath across Charlotte Street and potential locations for new DDA parking;
 - (d) Assessment of storm water harvesting opportunities; and
 - (e) A public lighting assessment of Charlotte Street and the library car park.
9. Internal landscape design work is underway and external consultants have been engaged, or are in the process of being engaged, to support the landscape design and documentation work moving forward including:
- (a) Accessibility consultant;
 - (b) Lighting designer;
 - (c) Civil engineering consultant;
 - (d) Structural engineer;
 - (e) Irrigation designer;
 - (f) Quantity surveyor; and
 - (g) Building surveyor.
10. Council commissioned Traffix Group to undertake a Traffic Impact Assessment for the area in early 2022, conducted over different days and times to provide comprehensive and independent analysis of the expected impacts of the proposed closure on the surrounding area. This survey is published on Council's website on Your Say Yarra.
11. A brief summary of the key points concluded by Traffix in their Traffic Impact Assessment document include;
- (a) The proposed closure of Charlotte Street will redistribute traffic accessing Charlotte Street at Church Street to now access Charlotte Street via Elm Grove and Charles Street or via Swan Street and Charles Street;
 - (b) There will be an expected increase in traffic along Elm Grove and Charles Street across the day as a result of the closure on Charlotte Street, however the increase in traffic volumes is unlikely to significantly degrade the amenity of either road or exceed their respective environmental capacities; and
 - (c) The proposal will provide a benefit for pedestrians and cyclists in the area.

Final concept plan for Charlotte Street Pocket Park

12. A final concept plan (Attachment 1- Final Concept Plan) has been prepared in response to the Stage 2 community feedback, internal Council workshops, Council's financial sustainability needs and further feasibility work.
13. Figure 1 Final Concept Plan and Figure 2 Final Concept Elevation can be viewed below.



Figure 1: Final concept plan - in-house design and graphics. NB. Not to scale with north facing down the page to correlate with elevation view.



Figure 2: Final Concept Elevation View- in-house design and graphics. Not to scale.

14. The final concept plan proposes to create approximately 550sqm of new public open space including footpath connections to improve amenity and access to open space for the local community and users of the library.
15. The park will cater for local residents, users of the library and respite from busy Swan Street.
16. The main feature will be a gently sloping lawn with large native evergreen canopy trees for shade, framed by low edges and seating areas nestled in between deciduous trees and garden beds with low planting.
17. The community feedback received has been Approved. Will require an extension until 29/02/2024, I anticipate this will be corrected. supportive of a new park and the proposed design elements being seating, bicycle parking, plantings, large ever green trees and lawn. The majority of the respondents welcomed the change from a road to a park and indicated an understanding of the broader benefits of creating a new park for the broader community to enjoy and the environmental improvements. An analysis of the qualitative feedback on the draft Concept Plan revealed five main themes. A response to how the final concept plan addresses this is as follows:

Table 1: Community Feedback and Design Responses

Stage 2 Community feedback – Main themes	How will this be addressed in the final design
Fencing or a barrier to reduce likelihood of little children running on to Church Street	<p>Raised edges, garden beds and seating elements will create a visual and physical buffer to deter children from running onto Church Street.</p> <p>The park itself will be set back approximately 3 metres from Church Street, and the seating elements will be set back an additional 3 metres from Church Street. As the footpaths along Charlotte Street will be retained, parents and carers of young children would still need to be vigilant, as they would in any other open space close to traffic.</p>
Furniture or park design to engage a child's interest	<p>While the proposed park would not be large enough to include a conventional playground, we are looking at designing furniture and other elements to have details that create interest and opportunities to engage children.</p>
Shelter from the rain and sun	<p>As the park is directly adjacent to the Richmond Library there are already good alternative places to take shelter from the rain.</p> <p>There are times of the day during summer when the space is somewhat protected from the sun from the adjacent RSL building and as new trees in the park mature, these will provide further shade and protection. Furthermore, there will be a mix of evergreen and deciduous trees maximising summer shade and winter sun.</p>
Water bubbler / fountain and bins	<p>There is a water fountain at the Church Street entrance to the Richmond Library. Council will investigate a second location in the park.</p>
Safety and lighting	<p>Specialist lighting designer will be engaged to develop a suitable lighting proposal for the park.</p> <p>Vegetation will be low to ensure sight lines are not obscured and that you feel safe traversing the park at all times of the day.</p> <p>The number of proposed trees in the park have been reviewed to balance out the need for trees and shade while creating a light filled and welcoming space for all.</p>

18. The concept plan has also been modified in response to further feasibility and design studies, as well as ensuring it can be delivered within Council’s projected budget as follows;
- (a) The bike hoops have been moved from the main access path to Church Street;
 - (b) Review of proposed seating types to ensure bench seats in key locations will have back and arm rests and some seats will have integrated small cafe style tables;
 - (c) Bins will be located on either end of the park, final locations to be confirmed;
 - (d) Sawn basalt edges and feature boulders elements have been introduced to create informal playful moments and also to further integrate the fall of the site; and
 - (e) Design investigations are underway to select a light-coloured material palette that compliments the existing setting and heritage bluestone kerbs. Paving will include concrete pavers with some bluestone highlights reflective of the findings in the Heritage Study.

19. Main library entrance from Charlotte Street:
- (a) The existing library entrance is non-compliant;
 - (i) Clear width of the walkway/ramp is undersized, currently 980mm between handrails, minimum recommended width is 1500mm;
 - (ii) The bottom landing of the stairway is not on a level surface; and
 - (iii) The handrails are at an inconsistent height; and
 - (b) It is proposed to make the following improvements to create an entrance threshold that is DDA compliant, reflect the civic nature of the building and the materiality and design features from the park (refer Attachment 1- Final Concept Plan);
 - (i) Widening the east-west access path to a minimum 1800mm clear width and to have a max surface grade of 1 in 21; and
 - (ii) Removing the existing concrete 'edge' balustrades and replace with low edges that reflect design features in the park and a visually transparent balustrade facing Church Street to create a more welcoming and civic entrance threshold.

Road Discontinuance Process Summary

20. A formal road discontinuance process is proposed to begin early in 2024 and will include public consultation. The overall process usually takes between 4-6 months, and relevant Council staff will undertake the necessary due diligence as part of this process.

Temporary Road Closure

21. In order to test and simulate future traffic conditions, a temporary road closure in the form of a temporary pop-up park will occur in early 2024.
22. During this time further traffic and parking studies will be undertaken to determine the transport movement impacts in the local neighbourhood.
23. The temporary road closure is planned to be undertaken between 29 January – 15 April 2024.
24. Notification letters will be to be sent to surrounding residents and businesses prior to the temporary closure and all required permits and traffic management plans will be in place.
25. Figure 3: 'Kit of Parts' Charlotte Street, provides a sketch of the type of arrangement and seating and landscape components that will temporarily be installed in order to activate the space.



Figure 3: 'Kit of Parts' Charlotte Street

Community and stakeholder engagement

External consultation

26. The initial proposal for a pocket park in Charlotte Street as per the adopted Swan Street Streetscape Masterplan (2022) received high levels of support from the community. The Masterplan includes an artist's impression of a new civil library garden with notations including 'open lawn area to provide informal play, meeting, and small events'.
27. The Stage 1 consultation for the Charlotte Street project held in late 2022 indicated that 68% of respondents were in favour of the new park, while there was a petition opposing the proposal. The five key themes from the community in order of prevalence are green space, library integration, traffic, parking & accessibility and children & community.
28. The Stage 2 consultation on the draft concept plan generated over 239 responses to the survey, again there was a majority of support for the creation of a pocket park and the proposed design was well received by approximately 88% of survey respondents.

Internal consultation

29. Targeted technical discussions with internal stakeholders such as civil engineering, traffic and arborists have been undertaken. Three internal workshops have also been held where the proposed final concept plan was presented, focusing on three different themes;
 - (a) Materials / furniture, drainage, lighting, waste and maintenance;
 - (b) Parking / access, traffic; and
 - (c) Landscape design features, library entrance integration and heritage.
30. Officer recommendations where possible have been integrated into the final concept plan and technical aspects such as drainage and lighting will be further developed and refined as the tender / construction documentation is finalised.

Policy analysis

Alignment to Community Vision and Council Plan

31. The Open Space Strategy 2021 has identified the need for more green open space in Richmond.
32. The proposal also aligns with the overarching Council Plan (2012-25) that supports the following strategies and initiatives:
 - (a) Build a more resilient, inclusive, safe and connected community, which promotes social, physical and mental wellbeing;
 - (b) Manage access, safety and amenity to enhance people's experience when visiting Yarra;
 - (c) Improve our streetscapes, accessibility, safety, and amenity, including embedding outdoor dining, increase greenery and active transport infrastructure, to attract more people to visit, spend time and shop across our precincts; and
 - (d) Reduce urban heat island effect through the planting of trees and vegetation and an increase of green open space.
33. The proposal supports the Urban Forest Strategy (2017), to increase tree canopy cover to mitigate the urban heat island effect and help to further enhance Yarra's liveability; and consistent with the draft Climate Emergency Plan.
34. The final design will incorporate green infrastructure elements where possible, in line with the Embedding Green Infrastructure Best Practice Toolkit. This would assist in mitigating climate change and also strive to be a flagship project within Yarra.

Climate emergency and sustainability implications

35. Increased tree canopy cover would assist in the mitigation of the urban heat island effect resulting in cooler streets and contribution to mitigating climate change and create a more pleasant local environment.
36. Flood mitigation and permeable surfaces would contribute to reduce the effect of localised flooding to adjacent buildings and increase moisture in the ground.
37. Wind mitigation, additional trees would reduce wind corridor effects along the streets.

Community and social implications

38. New and improved public spaces is important with a rapidly growing city, new high-density residential developments, and this site, between the Richmond Library building at the RSL offers the opportunity to further develop a civic space.

Economic development implications

39. A more attractive and welcoming urban environment would enhance people's experience when visiting Yarra and spending more time in the municipality.

Human rights and gender equality implications

40. There are no identified human rights implications from the proposed project.
41. Universal design principles would be underpinning the future design of the park to ensure best practice design is implemented for persons of all movement abilities.
42. CPTED (Crime Prevention Through Environmental Design), gender equity and providing spaces for all abilities principles would inform the design to create a safe and equitable space for all users.

Operational analysis

Financial and resource impacts

43. The project has been funded this financial year for \$185k to ensure a 'shovel ready' project by the end of June 2024, including budget for the road discontinuance.
44. The estimated construction and associated costs for this project is \$1.9M.
45. Due to the location of the project, 50% of the costs can be funded through the Open Space Reserve consistent with the endorsed Open Space Strategy.

Legal Implications

46. The legal process to discontinue the road is lengthy and complex and will run in parallel with the detail design phase.
47. Once Council formally adopts the final concept plan, then the road discontinuance process will commence.
48. The adjacent approved development at the RSL site may choose to proceed in the future with construction on their land adjacent to the proposed Charlotte Street park. If they request Council to grant permanent access through this small piece of land in order to provide vehicle access to their proposed basement parking, then this is future proofed into the concept design of the park with furniture and landscaping that can easily be removed, while still addressing all safety and access requirements.

Conclusion

49. A new park at Charlotte Street will provide long term benefits to the local and wider area for generations to come and help address the existing shortfall in open space.
50. Approximately 88% of respondents from the Stage 2 consultation were positive to the proposed design and supportive to the proposal to build a park.

51. Although the project has received high levels of support so far, there are a few issues around traffic impacts, loss of parking and DDA parking provision, which are being managed as the project progresses.
52. A temporary road closure and pop-up park is planned for early 2024, during which further traffic studies can be undertaken, to show if traffic impacts are at a level that may need intervention.
53. A formal road discontinuance process is required as part of the intended delivery of the park, and this cannot commence until Council endorses the concept plan.
54. A formal statutory planning process needs to be undertaken due to the heritage overlay requirement.

RECOMMENDATION

1. That Council:
 - (a) endorses the final concept plan for Charlotte Street pocket park;
 - (b) approves the commencement of road discontinuance process;
 - (c) approves the concept design to proceed into the design development and documentation phase;
 - (d) notes the commencement of the temporary road closure in late January 2024, while the formal road discontinuance process is initiated;
 - (e) notes that further traffic and parking studies will be undertaken to determine the transport movement impacts of a road discontinuance in the local neighbourhood; and
 - (f) thanks the community for their involvement in the engagement process.

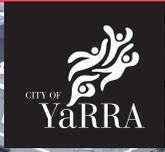
Attachments

- 1 [↓](#) Attachment 1 - Final Concept Plan
- 2 [↓](#) Attachment 2 - Stage 2 Consultation Summary Report



Attachment 1 Final Concept Plan Charlotte Street Pocket Park

November 2023



Final concept plan + elevations + view

The feedback from the community on the draft concept plan was overwhelmingly positive and supportive and we have modified the design in response to your feedback and comments.

The design for the pocket park aims to maximise greenery and tree planting while creating a space that reflects the setting next to the library building and respects the heritage nature of the adjacent buildings.

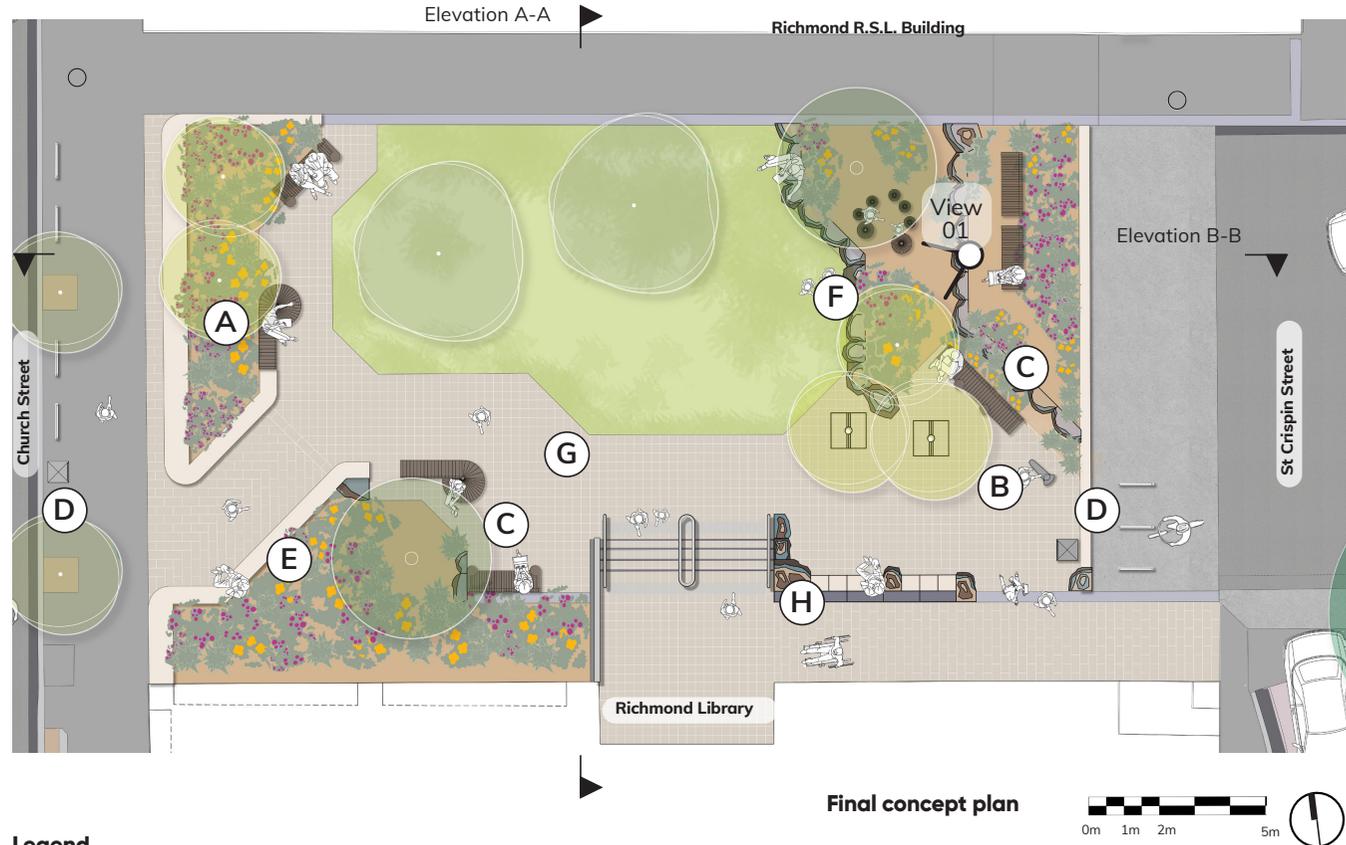
Main changes from draft concept plan to final concept

Final concept plan response to the Stage 2 community consultation feedback:

- A. Widened landscape buffer along Church Street to further separate the park from the street, noting that sight-lines and visual connection between the street and the park are not obstructed.
- B. A drinking fountain with a dog bowl will be located in the park.
- C. Bench seats in key locations will have back and armrests and will also integrate small cafe style tables.
- D. Bins will be located on either end of the park.
- E. Bike hoops are relocated from the main access path into the park, to be along Church Street for improved accessibility.

Other design modifications include;

- F. Sawn basalt edges have been introduced, to create informal moments and also to address the fall of the land creating informal steps and edges.
- G. Further material investigations are underway to select a light coloured material palette that compliments the existing setting and bluestone kerbs.
- H. A design has been developed for library entrance threshold, to create a better accessible and more open and welcoming entrance that also reflect the design and materiality of the park.



Legend

- Existing Pin Oak trees retained
- Proposed tree
- Lawn
- Garden bed with low flowering plants
- Paving, precast concrete unit pavers

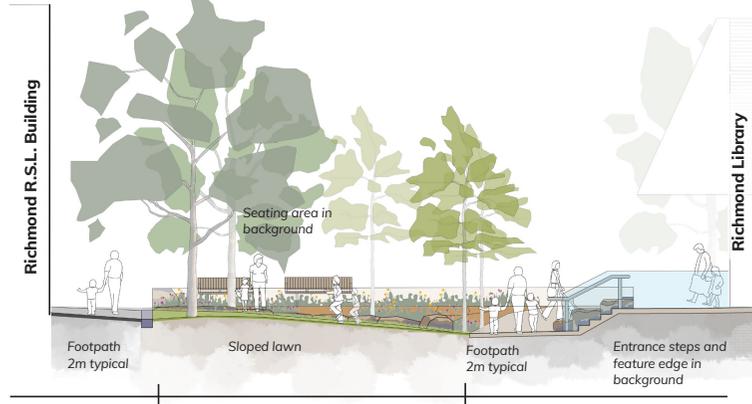
- Raised edges along Church Street
- Flush bluestone edge
- Raised bluestone edge, sculptural boulders and integrated seating
- Bench seats with back, armrest and integrated small cafe style table

- Grouping of circular seats by the existing oak tree
- Cut basalt boulders creating edges informal steps
- Feature cut basalt boulders
- Bin, indicative locations
- Drinking fountain with dog bowl

- Bike parking including space for cargo bike

Whilst every effort is made to represent the proposed design as accurately as possible, individual design elements are subject to change due to material availability, budget constraints, and latent on-site conditions.

Elevation A-A

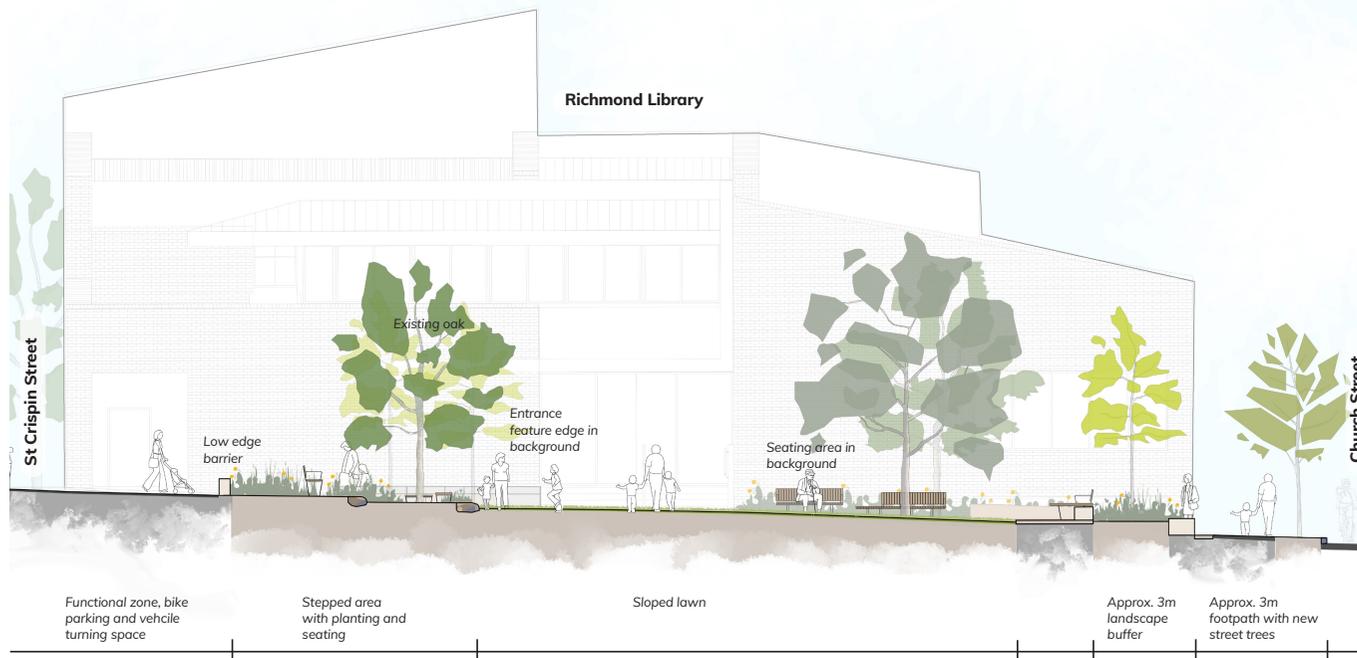


View 01



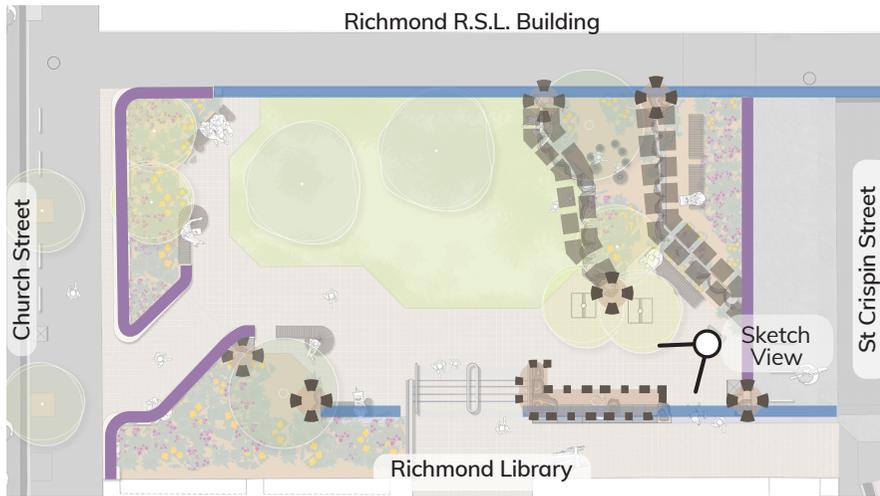
Graphics by Fooks Landscape Architecture & Urban Design, April 2023

Elevation B-B



Whilst every effort is made to represent the proposed design as accurately as possible, individual design elements are subject to change due to material availability, budget constraints, and latent on-site conditions.

Homage to heritage bluestone



Plan diagram showing location for different stone and edge typologies
Plan not to scale

Legend

-  Sawn kerb stone following the existing alignment, re-use existing bluestone kerb stones where possible
-  Sawn boulders, creating informal steps and edges
-  Feature boulders with sawn, split and natural faces
-  In situ and/or precast concrete edges with basalt aggregate
-  Library entrance threshold feature edge, combination of above listed stone and concrete elements
-  Precast concrete paving with basalt aggregate



01 Feature Basalt boulders, sawn, cut and natural faces, The University of Melbourne Student Precinct



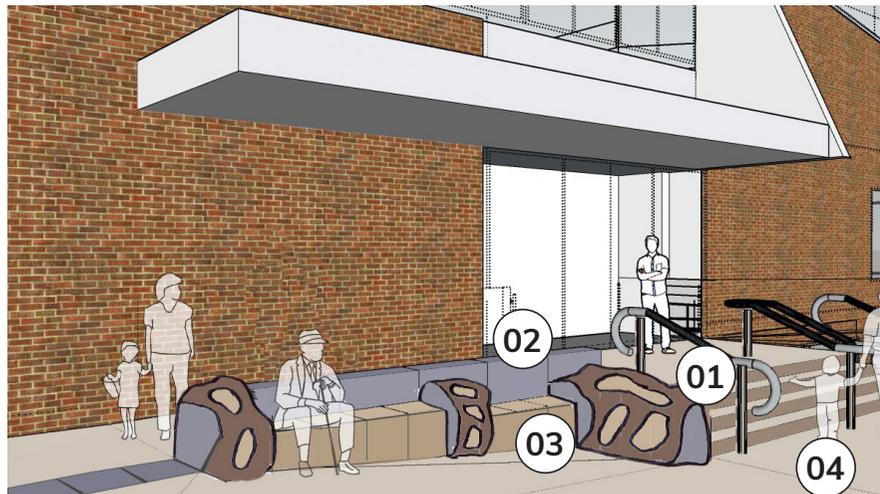
02 Edge, sawn dressed bluestone blocks



03 Seat blocks, precast concrete, with bluestone / basalt aggregate
Image credit: Landezine.com Shor photo Paul-McMillan



04 Precast concrete paving with basalt aggregate

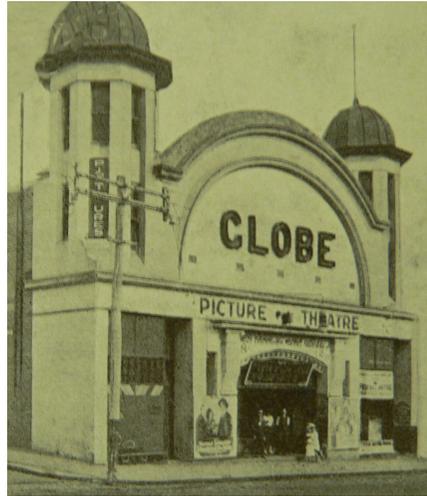


Sketch view, library entrance threshold feature seating edge

Furniture design inspiration + typology



Aerial of Richmond c 1940, provided by Richmond Historical Society. Charlotte Street and the Globe Theatre where the library now is located.
Image credit; Richmond Historical Society



Globe Theatre, original facade
Image credit; Richmond Historical Society



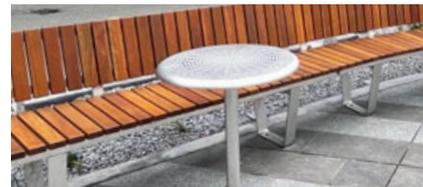
Icon of Swan Street



Feature of Swan Street



Circular feature platform seating element of different sizes
Image credit; Landezine.com



Small cafe style tables, integrated with seat or freestanding
Image credit; Draffin.com.au



Seats back and armrest
Image credit; Draffin.com.au

Trees + low planting



Trees

1. *Quercus palustris*
Pin Oak - (Exotic, Deciduous)



2. *Acer x freemanii*
'Autumn Blaze' - (Exotic, Deciduous)



3. *Eucalyptus sideroxylon*
Red Ironbark - (Native, Evergreen)



4. *Gleditsia triacanthos*
Honey Locust - (Exotic, Deciduous)



Feature

5. *Chrysocephalum apiculatum*
Common Everlasting



6. *Craspedia paludicola*
Swamp Billybuttons



7. *Calocephalus citreus*
Lemon Beauty Heads



8. *Coronidium scorpioides*
Button Everlasting



9. *Pycnosorus globosus*
Billy Buttons



Feature

10. *Hardenbergia violacea*
Native Sarsaparilla



11. *Wahlenbergia stricta*
Tall Bluebell



12. *Brachyscome multifida*
Cut-leafed Daisy



13. *Scaevola aemula*
Fairy Fan-flower



14. *Pelargonium rodneyanum*
Magenta Storksbill



15. *Carpobrotus* spp.
Pigface



Structure + backdrop

16. *Dianella* spp.
Flax-lily varieties



17. *Orthrosanthus multiflorus*
Morning Flag



18. *Austrostipa* spp.
Spear grass



19. *Correa* spp.
Correa



20. *Grevillea lanigera*
Woolly Grevillea

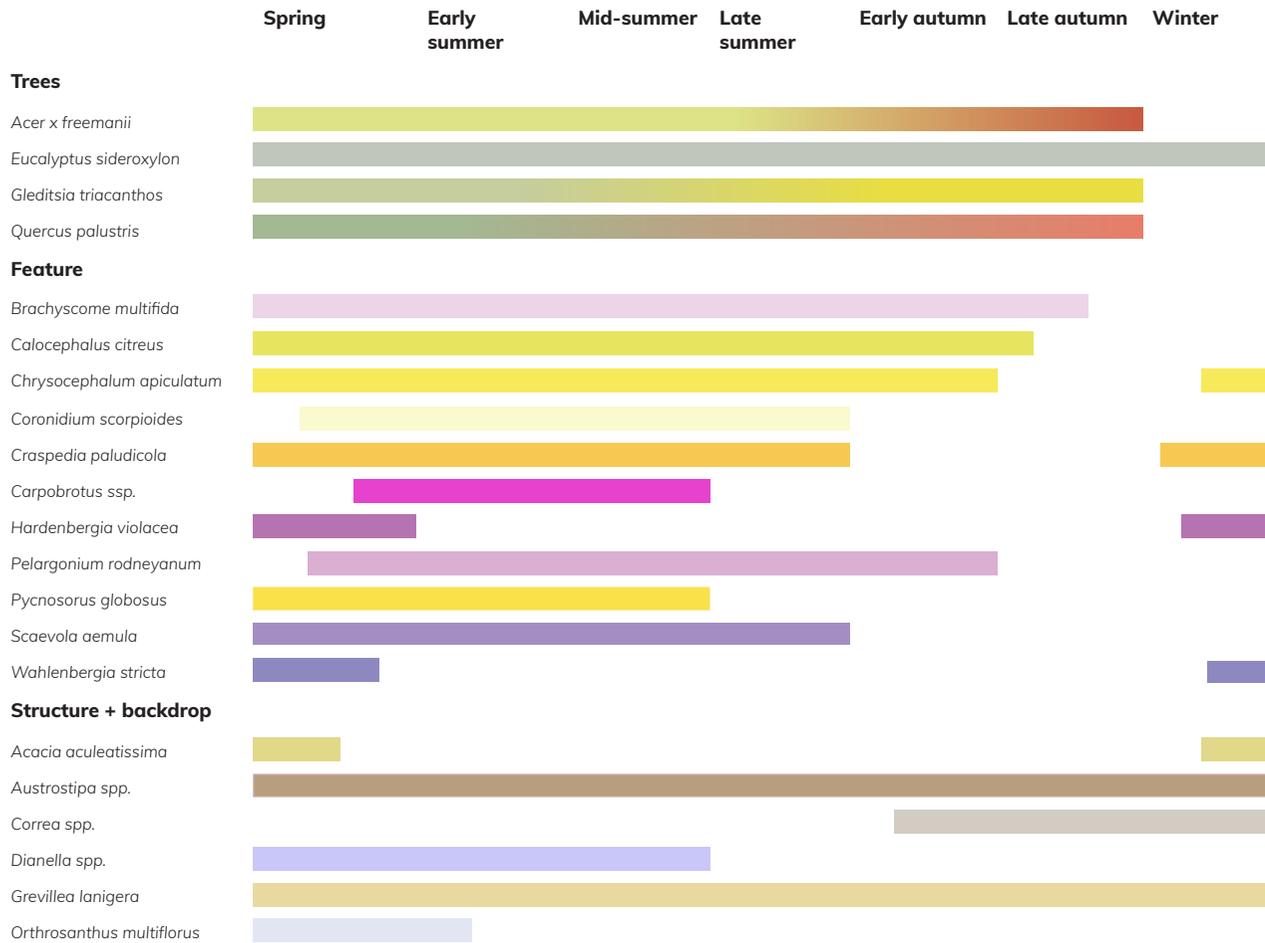


21. *Acacia aculeatissima*
Snake Wattle

Image Credits

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Seasonal change + flowers



The Charlotte Street Pocket Park is envisioned as a moment of relief in heavily urbanised area. As such, the planting palette has been selected to offer an ever-changing display across the seasons.

Red Ironbarks and Honey Locusts will feature in the site, but also speak to the existing Pin Oaks and Maples. In combination, these trees will create a spectacular foliage display and provide shade over spring and summer, whilst allowing light and sun to penetrate the space during the winter months.

A predominantly native planting palette has been adopted for the Pocket Park to compliment the existing exotic tree species within the site.

The proposed exotic tree species will connect the park design and existing trees with the streetscape, and are suitable complimenting the functionality of the space such as outdoor seating during summer and winter.

The native flowering plants will provide habitat for bees, other pollinators and maximise biodiversity while using native plants in a ornamental way.

Species shown are indicative only and subject to availability. Whilst every effort is made to represent the proposed design as accurately as possible, individual design elements are subject to change due to material availability, budget constraints, and latent on-site conditions.



1 Charlotte Street Pocket Park – Stage 2 Consultation Analysis and Outcomes – October 2023

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.

Introduction

Charlotte Street Pocket Park Stage 2 Consultation

Following the Stage 1 Consultation in November 2022, and the subsequent Council decision to proceed with developing a draft Concept Plan for the proposed Pocket Park, the Stage 2 consultation was rolled out in August 2023 seeking feedback on the draft Concept Plan.

Community engagement overview

In November 2022, we invited the community to share their ideas and shape the development of a proposed pocket park in the western end of Charlotte Street in Richmond.

Based on this, and other feedback, a draft Concept Plan was developed and presented to the community in August 2023 for comment.

Consultation on the Concept Plan ran from Friday 28 July to Monday 28 August 2023, through the Your Say Yarra project page and a series of in person pop up sessions.

The objectives for consulting on the draft Concept Plan were as follows:

1. To consult with the community and get their feedback on a concept plan for a new pocket park on Charlotte Street outside the Richmond library.
2. To determine whether the draft Concept Plan reflected the needs of the community and the suggestions provided in the first round of consultation.
3. To seek feedback from the community and the Concept Plan could be improved within the constraints of the proposed site.

Flyers were sent to 370 local residents and stakeholders including business owners, which provided information about the consultation and the in-person pop up sessions. A link was also provided to the Your Say Yarra online survey to provide feedback. Corflute signs were placed on-site and in the neighbouring Richmond Library informing visitors about the project and how to get involved.

Three decals with QR codes were placed on the footpath in the proposed park area which directed people to the online survey and to a photo matched view of what the park could look like to further generate interest.

Stakeholders and participants who contributed in the stage 1 consultation and opted to keep up to date about the project, were contacted directly and made aware of the community engagement activities.

In-person pop-up information sessions were held on:

- Monday 31 July, between 11am to 1pm
- Wednesday 9 August, between 5pm to 7pm
- Friday 18 August, between 11am to 1pm
- Saturday 26 August, between 10am to 12pm

Sessions were attended by Council bicultural liaison officers who spoke a range of languages other than English in areas where a need for language support was identified.

In addition, Council officers attended sessions at Carringbush Adult Education located in the Richmond Library Building and Melbourne Indigenous Transition School on 371 Church Street to explain the project and the consultation process.

The consultation was also promoted via:

- Yarra Life e-newsletter;
- Yarra Libraries e-newsletter;
- Your Say Yarra e-newsletter; and
- Six social media posts on Facebook and Instagram.

The online survey asked participants to respond to three main questions about the draft Concept Plan for Charlotte Street proposed pocket park. The three key questions included:

Q1: Let us know your thoughts on these parts of the design:

- Lawn for relaxing or meeting a friend.
- Large evergreen native trees providing shade and all year greenery.
- Plantings, with low growing flowering plants.
- Bike parking located at each end of the pocket park.
- Bench seats with back and arm rests in a couple of locations for reading a book or eating lunch.
- Bespoke grouped seating providing opportunity to socialise or just lounge.

Answers to the each of the above dot points required participants to select from of the following answers: Really don't like / Don't like / Not sure/neutral / Like / Really like

Q2: Is there anything missing from the design or something we haven't considered?

Q3: Do you have any other comments or feedback about the design?

Both questions Q2 and Q3 allowed for open-ended text answers.

Responses

Council received **239** total responses to the survey (including paper surveys).

In addition to this Council received four emails from residents expressing their views, and Officers spoke directly to around 100 members of the public about the draft Concept Plan.

Many people volunteered suggestions in the open text questions and these have been reviewed by the team, and captured in the main themes in the next section.

Engagement findings

Overall feedback

The feedback received was overwhelmingly supportive of the design proposal. The majority of the respondents welcomed the change from a road to a park. The feedback indicated an understanding of the broader benefits in creating a park for the broader community to enjoy and the environmental improvements. Many respondents were also able to see past their own needs and inconvenience to support a design proposal that would provide long term benefits to the area.

The feedback was overwhelmingly positive and supportive of the Concept Plan. Approximately **88%** of respondents to Q1 either 'liked' or 'really liked' most or all the elements of the proposed design. Refer *Figure 1*.

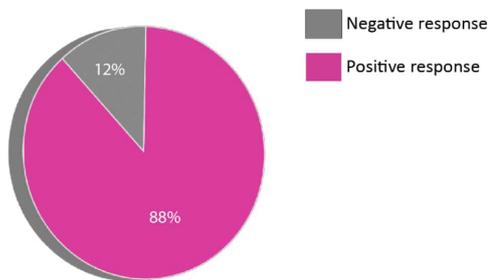


Figure 1 – Overall feedback: Most respondents either 'liked' or 'really liked' the Concept Plan design elements.

Responses to Q1: Let us know your thoughts on these parts of the design.

Answered by 235 (98.3% of respondents)

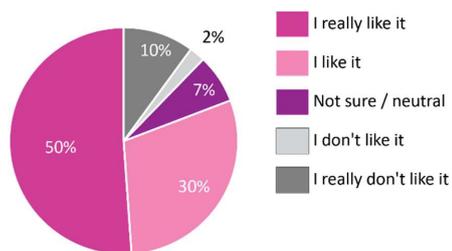


Figure 2 – Bespoke grouped seating providing opportunity to socialise

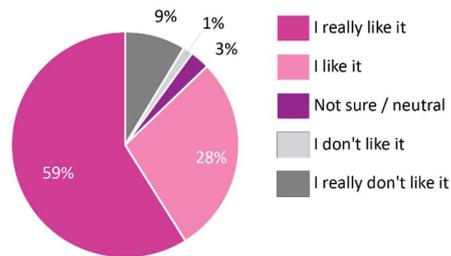


Figure 3 - Bench seats with back and arm rests in a couple of locations

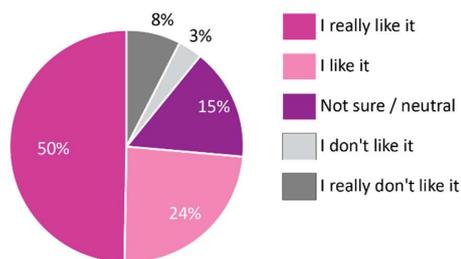


Figure 4 – Bike parking located at each end of the pocket park

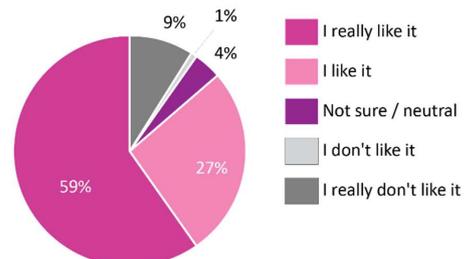


Figure 5 – Plantings, with low-growing flowering plants

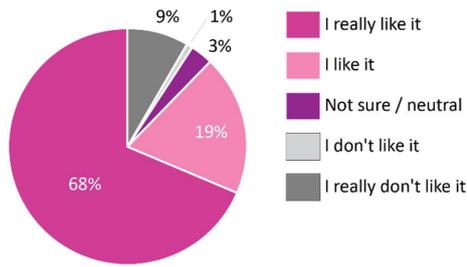


Figure 6 – Large evergreen native trees providing shade and all year greenery

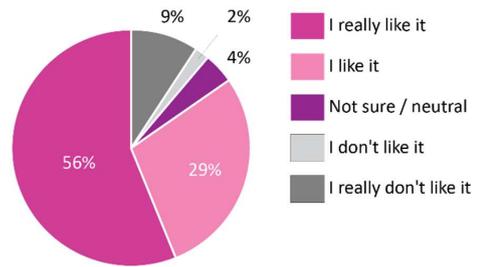


Figure 7 – Lawn for relaxing or meeting a friend

Every category received the highest proportion of 'I really like it' from at least almost half of all respondents, with 'large evergreen native trees' receiving the highest proportion.

Responses to Q2: Is there anything missing from the design or something we haven't considered and Q3: Do you have any other comments or feedback about the design?

The two open-ended questions the responses have been amalgamated and presented in the charts below. Q2 was answered by 165 (69% of respondents) and Q3 was answered 105 (43.9% of respondents).

Analysis of the qualitative feedback on the draft Concept Plan noted in Q2 and Q3 from the survey revealed five main themes:

Main themes	How this will be addressed in the final design
Fencing or a barrier to reduce likelihood of little children running on to Church Street	Raised edges, garden beds and seating elements will create a visual and physical buffer to deter children from running onto Church Street. The park itself will be set back approximately 3 metres from Church Street, and the seating elements will be set back an additional 3 metres from Church Street. As the footpaths along Charlotte Street will be retained, parents and carers of young children would still need to be vigilant, as they would in any other open space close to traffic.
Furniture or park design to engage a child's interest	While the proposed park would not be large enough to include a conventional playground, we are looking at designing furniture and other elements to have details that create interest and opportunities to engage children.

Shelter from the rain and sun	<p>As the park is directly adjacent to the Richmond Library there are already good alternative places to take shelter from the rain.</p> <p>There are times of the day during summer when the space is somewhat protected from the sun from the adjacent RSL building and as new trees in the park mature trees these will provide further shade and protection. Furthermore, there will be a mix of evergreen and deciduous trees maximising summer shade and winter sun.</p>
Water bubbler / fountain and bins	<p>There is a water fountain at the Church Street entrance to the Richmond Library. Council will investigate a second location in the park.</p>
Safety and lighting	<p>Specialist lighting designer will be engaged to develop a suitable lighting proposal for the park.</p> <p>Vegetation will be low to ensure sight lines are not obscured and that you feel safe traversing the park at all times of the day.</p> <p>The number of proposed trees in the park have been reduced to balance out the need for trees and shade while creating a light filled and welcoming space for all.</p>

There were also other comments in the open-ended questions that were not limited to the Concept Plan. These included:

- Praise for Council in suggesting the park and creating a green calming space outside the library.
- Integration with future tram stop.

Council received responses from **29** people who in Q1 marked every element as negative or neutral and in the open-ended questions Q2 and Q3, some of them voiced their objection to the proposed park, mainly through raising concerns associated with traffic redistribution but also regarding parking around the library.

Concerns	How this will be addressed
Concern about impact on volume and speed of traffic in neighbouring streets	If required, further traffic data can be gathered, and where there is an evidence base, appropriate traffic control adjustments to surrounding streets will be investigated.
Impact on parking and need to consider adjustments to parking conditions	Once the park is constructed there may be an opportunity for Council to review parking restrictions in and around the area.

Q5. What is your connection to the area?

Most survey participants lived in the area (184), followed by those that owned a property in the area (62) and *I work in Yarra* (56).

Q6. What suburb do you live in?

Most survey participants lived in Richmond (144).

Next steps

What are we doing with the ideas from the community?

Council officers are reviewing every response to the survey, and in light of the feedback received will make modifications to the Concept Plan where appropriate.

What are the next steps?

1. The final Concept Plan will be presented to Council for endorsement at the end of 2023.
2. Following Council endorsement of the concept plan the road discontinuance process will commence.
3. The road discontinuance process will begin in early 2024 with the formal process requiring notification to local residents, businesses, service authorities and government agencies etc. and submissions sought. Council will then be informed of the way forward.
4. If the design and road discontinuance are approved, construction on the new park is anticipated to commence in the second half of 2024.
5. It is anticipated construction will take around 6 months depending on variables on site.
6. Once the park is constructed, Council will continue to monitor traffic and parking conditions.

7.4 Open Space Amendment Update

Reference	D23/478651
Author	Mary Osman - General Manager City Sustainability and Strategy
Authoriser	Chief Executive Officer
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

Purpose

1. The purpose of this report is to provide an update on Amendment C306yara which proposed to introduce an interim 7.4 per cent public open space contribution that would apply to residential, commercial and industrial subdivisions in Yarra.
2. On 27 November 2023, Council received a letter from the Department of Planning and Transport advising that the Minister for Planning has determined not to approve Amendment C306yara (Attachment 1).

Critical analysis

History and background

3. The Yarra Open Space Strategy 2020 (YOSS) and the associated Technical Report 2020 identified the public open space needs of existing and future residents and workers of Yarra, gaps in the provision of public open space and opportunities to address those gaps.
4. The two YOSS reports informed Amendment C286yara, which proposes to increase public open space contributions from developments that subdivide land in Yarra from 4.5 per cent (residential subdivisions only) to 10.1 per cent (all eligible residential, commercial and industrial subdivisions).
5. The amendment was exhibited between 7 September to 5 October 2021. 72 submissions were received.
6. The Panel hearing was conducted over 11 hearing days between December 2021 and February 2022.
7. The Panel released an interim report on 14 April 2022. The report concluded:
 - (a) the YOSS, is strategically justified and is a sound and appropriate strategy;
 - (b) there is a clearly established need for the existing open space contribution rate to be increased as a matter of some urgency;
 - (c) the open space projects proposed to meet identified needs are, with a minor exception, supported;
 - (d) the proposal by Council to add 30 per cent (adjusted down to 20 per cent during the Panel hearing) to Capital Improved Value of land to be acquired for new open space is not supported by the Panel which regarded 10 per cent as appropriate;
 - (e) the amount of the total costs apportioned to new residents and workers has not been adequately justified and should be subject to peer review before the Amendment can be finalised;
 - (f) the Panel hearing be adjourned pending the completion of this further work; and

- (g) while this further work recommended by the Panel is being undertaken, Council should seek approval from the Minister for Planning for an interim increase in the public open space contribution rate to 7.4 per cent. This would occur via the preparation of a new Planning Scheme Amendment.
8. Flowing from these conclusions, the Panel made three key recommendations; that Council should:
- (a) request an interim public open space contribution rate of 7.4 per cent through a separate amendment process until Amendment C286yara is finalised;
 - (b) conduct a peer review of the apportionment of costs between the existing and new population; and
 - (c) replace the 30 per cent margin added to the Capital Improved Value (CIV) of land with 10 per cent margin in the calculation of the public open space contribution rate.
9. At the 31 May 2022 Council meeting Council resolved to pursue Amendment C306yara (interim open space amendment) and to undertake a peer review based on the Panel's recommendations. The full resolution is outlined below:
- (a) Council resolved:
 - (i) to prepare a new amendment to the Yarra Planning Scheme (to be known as Amendment C306yara), to amend the schedule to Clause 53.01 to include a rate of 7.4 % for open space contributions as recommended in the Interim Panel Report on Amendment C286yara; and
 - (ii) request the Minister to approve that Amendment under section 20(4) of the *Planning and Environment Act 1987*; and
 - (b) As separate exercise, Council authorises officers to:
 - (i) engage a suitable consultant to undertake a 'peer review' of the apportionment of the costs between the existing and new populations in the Yarra Open Space Strategy 2020 based on the parameters outlined in the Interim Panel Report on Amendment C286yara; and
 - (ii) The outcome of the 'peer review' would then be reported to Council with its analysis of the impact on the open space contribution rate to enable Council to decide whether to request that the hearing to Amendment C286yara be reconvened or closed.
10. On 2 June 2022, a letter was sent to the then Minister for Planning seeking approval of Amendment C306yara.
11. The request asked the Minister to approve Amendment C306yara using 20(4) of *Planning and Environment Act 1987* (i.e. an amendment that is approved without exhibition).
12. Since then, Council has been working with the DTP on progressing the request for interim controls while simultaneously pursuing permanent controls through Amendment C286yara.
13. In September 2022, Yarra officers advised DTP the peer review process had commenced, demonstrating Yarra's commitment to the Panel's recommendations.
14. Council Officers have had many formal and informal discussions with Senior Executives at DTP over the last 16 months to try to achieve State support for the interim amendment.
15. Despite constant effort and advocacy, it has been extremely challenging to get clear advice or clarity about what has caused the delay.
16. Most recently, as part of Council's ongoing advocacy efforts, the then Deputy Mayor (on behalf of the Mayor who was on leave), CEO and General Manager City Sustainability and Strategy met with the Minister for Planning and her staff on 12 October 2023 to request a decision from the Minister.

17. At this meeting the importance of the interim amendment to the Yarra community was strongly articulated.
18. Council at its meeting of 12 September 2023 resolved to:
 - (a) request Planning Panels Victoria reconvene the Amendment C286yara Planning Panel hearing;
 - (b) refer the peer review to the reconvened Amendment C286yara Planning Panel for consideration; and
 - (c) adopt the use of the 10 per cent margin above CIV as recommended in the Interim Panel Report, and a consequential public open space contribution rate of 8.67 per cent.
19. A directions hearing was held on 7 December 2023. The reconvened panel hearing is scheduled to commence on 5 February 2024.

Discussion

20. Council received correspondence on 27 November 2023 from DTP advising that the Minister for Planning had determined to refuse to support Amendment C306yara (see Attachment 1).
21. No reasons for the refusal are provided in this correspondence.
22. The letter encourages Council to continue progressing Amendment C286yara *“as this will provide a more appropriate mechanism for the application of a revised public open space contribution rate in the City of Yarra.”*
23. The DTP correspondence does not address the fact that the decision appears to be contrary to the advice of the Independent Panel which recommended seeking an interim 7.4 per cent public open space contribution.
24. It is also unclear why a decision on the amendment took 16 months from the date of lodgement.
25. A meeting with the Director State Planning Services and other DTP staff was held on Tuesday, 5 December 2023 to seek information about the reasons behind the Ministers decision. The meeting was initiated by Council Officers to seek an explanation of why the amendment had been refused. No explanation was provided.
26. It is noted that in the last 12 months, increases to public open space contributions have been approved for at least two other Melbourne municipalities:
 - (a) C218 Glen Eira was adopted by Council after a Panel Hearing on 19 July 2022 and approved on the 2 June 2023 with a rate of 8.3%; and
 - (b) C169 Monash was adopted by Council after a Panel Hearing on 31 January 2023 and approved on 18 October 2023 with a rate of 7.61%.
27. The slow timeframes in considering Amendment C306yara is also reflected in the delays with four of Yarra’s other planning scheme amendments:
 - (a) C269yara – new planning policy framework, submitted for consideration of approval in May 2022;
 - (b) C293yara – permanent built form provisions for Collingwood South MUZ precinct, submitted for consideration of approval in June 2022;
 - (c) C291yara – permanent built form provisions for Bridge Road and Victoria Street, submitted for consideration of approval in August 2022; and
 - (d) C271yara - C291yara – permanent built form provisions for Fitzroy and Collingwood activity centres, submitted for request to exhibit in December 2022.
28. More than 85% of Yarra’s population lives in medium and high-density housing, compared with 33% in Greater Melbourne. This means the community relies on public open spaces like parks and gardens for health and wellbeing, and recreational and social needs.

29. Yarra is also experiencing substantial growth in its employment precincts such as Cremorne and Collingwood.
30. Yarra is responsible for 10.2% per cent (2,212 dwellings in total) of dwelling growth in the Greater Melbourne area. Future projections show the population of Yarra will increase by 37,930 people by 2036 (updated *Victoria in the Future* data).
31. Access to high quality public open space is essential to ensure the amenity, quality of life and the liveability of Yarra.
32. With Yarra expected to accommodate a significant portion of Melbourne's housing growth, funding for new and upgraded parks is critical. The community has continuously expressed that more and upgraded open space is needed, particularly as increased development continues to occur.
33. Yarra's ability to create new open space is particularly challenging given high land prices, competition with development interests and other costs such as addressing the potential contamination of land.
34. An increased public open space contribution is therefore considered both justifiable and critical for Yarra in order to maintain liveability and public amenity standards commensurate with the level of growth it is experiencing and will continue to experience in the future.

Options

35. There is no avenue of review.
36. The Minister is the final decision maker in the matter.
37. Council has two options:
 - (a) Do nothing further in relation to Amendment C306yara; or
 - (b) Request the reasons for the decision from the Minister.
38. It is recommended that Council writes to the:
 - (a) Premier of Victoria;
 - (b) Ministers for Planning, Health, Environment;
 - (c) Local Members;
 - (d) Deputy Secretary Department of Transport and Planning; and
 - (e) Executive Director Statutory Planning Services,

to express disappointment in the outcome and request a meeting seeking clarification regarding why the Panel's recommendation for an interim rate was not supported.

Community and stakeholder engagement

39. The broader community and submitters were notified during the exhibition and hearing process of Amendment C286yara. Submitters have been notified of the reconvened panel hearing occurring in February and will have the opportunity to address the Panel on the matter of apportionment.

Policy analysis

Alignment to Community Vision and Council Plan

40. Amendment C306yara supports the following themes in the Yarra 2036 Community Vision – Shared Spaces and Growing Sustainably:
 - (a) Priority 7.1 - All our shared spaces are made physically accessible and welcoming to people of all abilities, linguistic, cultural backgrounds and age groups;
 - (b) Priority 7.3 - Create and innovate solutions to maximise the use of under or unused streets and spaces;

- (c) Priority 7.4 - Increase availability and diversify use of open spaces to address existing shortages and respond to population growth; and
- (d) Priority 8.4 - Ensure that as we grow, community services and public spaces are adapted and created so that our unique lifestyle is maintained and continues to improve.

41. The amendment supports the following strategies in the Council Plan 2021-2025:

- (a) Strategic Objective 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.'; and
- (b) 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

42. An expanded open space network would help achieve a number of sustainability actions in Council strategies:

- (a) Developing biodiversity corridors;
- (b) Creating opportunities for sustainable water management (e.g. through passive irrigation and stormwater harvesting); and
- (c) Reducing the urban heat island effect by creating more permeable surfaces.

Community and social implications

43. The Panel has recognised the importance of the public open space contribution rate in meeting community needs resulting from increased development in the municipality.

Economic development implications

44. The application of the public open space contribution rate to residential, commercial and industrial subdivisions would enable Council to provide for public open space demands in both residential and employment areas, that would serve both the resident and worker populations.

Human rights and gender equality implications

45. The upgrade and improvement of the public open space network through the application of a new public open space contribution rate would support the Yarra community and enhance their quality of life and liveability of Yarra.

Operational analysis

Financial and resource impacts

46. An increase of the public open space contribution rate from 4.5 per cent and the inclusion of non-residential subdivisions in the rate is an important matter for Council, to assist in funding both the new and improved public open space provision in the municipality over the next 15 years, (noting the projects in the *Yarra Open Space Strategy* would need to be funded from a mix of general rates revenue, grants and the public open space contribution rate).

Legal Implications

47. There are no known legal implications.

Conclusion

48. The Panel recommended a pathway to Council of seeking a new planning scheme amendment seeking an interim 7.4 per cent public open space contribution rate for the immediate future.

49. Council lodged Amendment C306yara in June 2022 following Council's consideration of the interim Panel Report. The amendment has now been refused by the Minister for Planning.
50. Officers recommend Council write to the Minister for Planning and senior Department officers requesting the reasons why the amendment was not approved.
51. Officers will continue to pursue a permanent public open space contribution through Amendment C286yara.

RECOMMENDATION

1. That Council request a meeting with the:
 - (a) Premier of Victoria;
 - (b) Ministers for Planning, Health, Environment;
 - (c) Local Members;
 - (d) Deputy Secretary Department of Transport and Planning; and
 - (e) Executive Director Statutory Planning Services,outlining Councils disappointment in the outcome and requests an urgent meeting seeking a clear explanation on why the interim rates was refused by the Minister for Planning.

Attachments

- 1 [↓](#) Attachment 1 - Letter from Department of Transport & Planning - Yarra C306yara



Department of Transport
and Planning

GPO Box 2392
Melbourne, VIC 3001 Australia
www.dtp.vic.gov.au

Ms Sue Wilkinson
Chief Executive Officer
Yarra City Council
PO Box 168
RICHMOND VIC 3121

Email: leonie.kirkwood@yarracity.vic.gov.au

Dear Ms Wilkinson

**YARRA PLANNING SCHEME AMENDMENT C306YARA - REQUEST FOR INTERIM
PUBLIC OPEN SPACE CONTRIBUTION RATE**

I refer to your council's request to the Minister for Planning to prepare, adopt and approve Amendment C306yara to the Yarra Planning Scheme under section 20(4) of the *Planning and Environment Act 1987* (the Act).

I am writing to advise that on 20 November 2023, the Minister for Planning determined not to approve the council's request to amend the schedule to Clause 53.01 of the Yarra Planning Scheme to increase the public open space contribution rate to 7.4 percent for all subdivisions across Yarra on an interim basis.

I encourage your council to continue to work on progressing Amendment C286yara as this will provide a more appropriate mechanism for the application of a revised public open space contribution rate in the City of Yarra.

If you would like further information, please contact Jason Close, Manager State Planning Services, Department of Transport and Planning, on or email jason.close@delwp.vic.gov.au.

Yours sincerely

Stuart Menzies
Director, State Planning Services

27/11/2023

Any personal information about you or a third party in your correspondence will be protected under the provisions of the Privacy and Data Protection Act 2014. It will only be used or disclosed to appropriate Ministerial, Statutory Authority, or departmental staff in regard to the purpose for which it was provided, unless required or authorised by law. Enquiries about access to information about you held by the Department should be directed to foi.unit@delwp.vic.gov.au or FOI Unit, Department of Transport and Planning, GPO Box 3292, East Melbourne, Victoria 3001.



OFFICIAL

7.5 M9 Collaborative Tender - FOGO, Recycling (without glass) and Glass Processing Services

Reference	D23/472810
Author	Lisa Coffa - Senior Advisor Waste Minimisation
Authoriser	General Manager Infrastructure and Environment
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

Purpose

1. This report recommends that Council enter a contract with a separate receiving contractor for each of the FOGO service, the recycling (without glass) service and for the glass service following a joint procurement process with the M9 Councils.

Background

2. The current contracts for FOGO, recycling and glass processing all expire on 31 March 2024 with no extension options possible.
3. Procurement was undertaken as a collaborative approach across the M9 group of Councils with similar contract term dates. The City of Melbourne led the procurement and probity process. The new contracts will each be for 5 years with 3 x 1 year extension options.
4. Tenders were received from contractors for each of the service contracts and these are outlined in Confidential Attachment A circulated under separate cover.

Tender Process

Pre-Tender Panel Review Meeting

5. A pre-tender review panel meeting was held to discuss process milestones, review of the tender documentation and assignment of evaluation criteria and weightings. This was led by City of Melbourne.
6. An invitation to tender for contractors interested in undertaking these works was publicly advertised by City of Melbourne in The Age newspaper on 2 September 2023.

Tender Process

7. Tenders closed on Friday, 12 October 2023 and tenders were received from a number of contractors for each of the 3 service contracts being advertised. Details of the tenderers, the tender evaluation panel (TEP) membership and process undertaken are included at Confidential Attachment A circulated under separate cover.

Tender Evaluation Criteria

8. The following evaluation criteria were used by the M9 tender evaluation panel to assess tender submissions.

Non-Scoring Criteria

- (a) Compliance – Risk management, quality assurance;

Scoring Criteria

- (a) Price;
- (b) Experience, capacity, and past performance;
- (c) Plan for proposed works;

- (d) Local economic benefits; and
- (e) Sustainability.

Assessment

9. The TEP members provided individual qualitative scores, which were consolidated to provide the average qualitative scores for each tenderer. The qualitative scores unanimously aligned across all TEP members. The financial scores were added to the consolidated qualitative score for each tenderer to provide a total score.
10. For the purposes of this report, the evaluation results are based on Yarra City Council's needs and outcomes. However, as this was a collaborative procurement and the recommendation of the TEP needs to consider a number of key factors including:
 - (a) Best outcomes for other M9 Councils with current contracts that expire in 2024;
 - (b) Best outcomes for other M9 Councils with contracts that expire beyond 2024;
 - (c) Best outcomes for recycling with glass;
 - (d) Best outcomes for recycling with no glass;
 - (e) Best outcomes for glass only recycling; and
 - (f) Flexibility as Councils transition to a four-bin system, or alternative systems to achieve separation in accordance with the Circular Economy Bill.

Final evaluation scores and cost

11. Details of tender scoring and tender pricing are included at Confidential Attachment A circulated under separate cover.

Conflict of Interest

12. No member of Council staff, or other person engaged under a contract, involved in advising on or preparing this report has declared a material or general conflict of interest in relation to the matter of the report.

Probity

13. All probity was managed by City of Melbourne as lead Council in this collaborative procurement. It was determined that a probity plan or advisor was not required as the separate contracts will not exceed \$10M. No probity issues were discovered as part of this procurement.

Occupational Health and Safety requirements

14. The contract includes the requirement for occupational health and safety responsibilities and community health and safety including:
 - (a) Ensuring the providers employees, subcontractors, and agents, satisfy and comply with all legislative requirements;
 - (b) Acknowledgment by the provider of its obligations to ensure that the health and safety of any person is not put at risk as a result of the provision of the services;
 - (c) Acknowledgment by the provider it will inform itself of, and comply with all OH&S issues, procedures or measures implemented or adopted by Council and/or any occupiers of any premises at or within which the service provider will carry out its obligations under the contract/agreement; and
 - (d) Acknowledgment by the provider it must at all times provide and maintain a safe working environment, and must ensure that the systems, procedures, and practices necessary for the protection of the health and safety of all persons in or near the area where the services are being carried out are implemented.

Financial Implications

15. Officers recommend a separate service provider for each of the 3 services. The prices tendered are competitive and are a demonstration of the power of joint procurement and larger volumes.
16. Further detail of the cost of each of the 3 services can be found at Confidential Attachment A circulated under separate cover.

Stakeholder Consultation

17. The service has evolved over the previous 3 years to provide a service which is in line with the Victorian Government's Circular Economy Bill which has mandated the rollout of a 4-stream kerbside waste and recycling service, comprising of glass (by 2027), comingled recycling, FOGO (by 2030) and general rubbish. This will be the last step to complying with this mandate.

Sustainability Implications

18. Tenderers were asked to provide details on any specific measures undertaken to address sustainability practices they can implement during the course of providing the services.
19. The recommended tenderers each have environmental management systems that have been assessed and registered as complying with the requirements of the relevant standards and has been implemented throughout their organisations.

Social Procurement Implications

20. The recommended tenderers provided information indicating they have diverse workforces. They also provided positive social sustainability responses in their tender submissions.

Council Plan, Strategy and Policy Implications

21. The Council Plan 2021-25 includes the following strategic objectives which apply to this project:
 - (a) climate and environment;
 - (b) social equity and health; and
 - (c) place and nature.

Legal Implications

22. Pursuant to section 109(1) of the *Local Government Act 2020*, a Council must comply with its Procurement Policy before entering into a contract for the purchase of goods or the carrying out of works.
23. The Chief Executive Officer must ensure that any report to Council that recommends entering into a procurement agreement includes information in relation to any opportunities for collaboration with other Councils or public bodies which may be available.
24. This procurement activity complies with that obligation.

Communities with CALD Communities Implications

25. Any public communications that are necessary to give effect to any decision Council makes in relation to this report will meet CALD policy principles in that the information will be translated and accessible.
26. Each of the 3 contractors recommended for contracts as part of this report have demonstrated a customer centric approach to service delivery.

Ethical Practices

27. The successful tenderers have identified that they comply with ethical standards.
28. Council can be confident that each of the contractors recommended for contracts as part of this report will work closely with Council to deliver services that are ethical, community centric and to the highest environmental standards.

Options

29. Council has a number of options available to it:
- (a) Award contracts to the 3 service providers recommended for the 3 separate services as outlined in this report. This aligns to Council's obligations under the waste services reform mandated by the State Government and aligns with the Council Plan (*This is recommended*);
 - (b) Council could award contracts to some but not all tenderers and return to the market for one or more services. This is unnecessary given the quality of submissions received and prices tendered (*This is not recommended*); and
 - (c) Council could award contracts to one of the contractors not recommended by the TEP for each service type. This action would be inconsistent with Council's procurement policy and the high probity standards observed by this process (*This is not recommended*).

Conclusion

30. Council has collaborated with the M9 group of Councils in a joint procurement process to engage contractors to process FOGO, recycling (without glass) and glass.
31. The details of contractors recommended and the value they add to Yarra and its work are included at Confidential Attachment A circulated under separate cover.
32. Council, and the Yarra community, can have confidence that the contractors recommended to process 3 streams of recycling materials will deliver service excellence at value for money and for the length of the contracts being offered.

RECOMMENDATION

1. That Council:
 - (a) Awards Contract C1670 for the provision of FOGO Processing Services to _____ for a term of five years commencing 1 April 2024 with options to extend the contract term by up to a further three years in accordance with the schedule of rates and otherwise in accordance with the negotiated terms and conditions of contract;
 - (b) Awards Contract C1671 for the provision of Recycling Processing Services to _____ for a term of five years commencing 1 April 2024 with options to extend the contract term by up to a further three years in accordance with the tendered schedule of rates and otherwise in accordance with the negotiated terms and conditions of contract;
 - (c) Awards Contract C1672 for the provision of Glass Processing Services to _____ for a term of five years commencing 1 April 2024 with options to extend the contract term by up to a further three years in accordance with the tendered schedule of rates and otherwise in accordance with the negotiated terms and conditions of contract;
 - (d) Notes the contract will be subject to rise and fall based on the consumer price indexation for costs in labour, transportation and materials in Melbourne; and
 - (e) Authorises that the officer in the position of CEO, or General Manager Infrastructure and Environment sign on behalf of Council all necessary documentation including any contract variations relating to these contracts.

Attachments

- 1 Confidential Attachment A - FOGO Recycling and Glass Processing Service - M9 collaborative tender - *Confidential*

7.6 Food Organics and Garden Organics Collection Services

Reference	D23/472907
Author	Zoe Batchelor - Coordinator Waste Management Services
Authoriser	General Manager Infrastructure and Environment
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

Purpose

1. To consider and award Contract C1657 Food Organic and Garden Organics Collection services.

Background

2. The Victorian Government's Circular Economy Bill has mandated the rollout of a 4-stream kerbside waste and recycling service, comprising of glass (by 2027), comingled recycling, FOGO (by 2030) and general waste.
3. Currently, Council provides a 3-bin kerbside service for general waste, comingled recycling and glass for most of the municipality. The exception is 1400 households in the Abbotsford trial area, which currently have a 4-bin service which has been in place since 2019.
4. On 12 September 2023, Council endorsed the rollout of a universal FOGO service across Yarra commencing July 2024 and authorised the necessary procurement of bins and a kerbside bin collection service.
5. The contract was advertised as a 7-year contract with 3 x 1-year options to extend. A contract length of this type is standard given the need to amortise the truck purchase cost over the life of the contract.
6. There were 3 parts of the tender that were advertised:
 - Separable Portion A – Food Organic and Garden Organics (FOGO) Collection Services
 - Separable Portion B – Procurement and Distribution of FOGO bins; and
 - Separable Portion C – Sticker Changeover and RFID installation on existing bins
7. Tenderers were asked to demonstrate flexibility in the number of bins that were to be procured to allow Council to ensure flexible service choices were available for residents with smaller properties. Communal FOGO options are being considered by officers and would complement the kerbside FOGO service.

Tender Process

Pre-Tender Panel Review Meeting

8. A pre-tender review panel meeting was held to discuss process milestones, review of the tender documentation and assignment of evaluation criteria and weightings.
9. In accordance with Council's Procurement Policy, an invitation to tender for contractors interested in these services was advertised in The Age on Saturday, 7 October 2023 and on Council's e-Procure tendering portal. The tender closed at 2pm on Friday, 3 November 2023,

Probity

10. In accordance with Council's Procurement Policy, a probity plan was required as the expected total expenditure was due to exceed \$10 million. Baron Consulting Pty Ltd was appointed as probity advisors and all relevant tender process documentation was forwarded to it for probity advice purposes. The probity advisor was also present at the pre-tender meeting and all evaluation meetings. No probity irregularities were reported during this procurement activity.

Tender Evaluation Process

11. The tender evaluation panel, the tender responses received, the detail of the evaluation process undertaken and reference checks are included at Confidential Attachment A.

Tender Evaluation Criteria

The following key evaluation criteria were used to assess tender submissions.

Non-Scoring Criteria

- (a) Financial Viability;
- (b) Occupational Health & Safety;
- (c) Insurances;
- (d) Statutory Declaration;
- (e) Child Safe Standards;
- (f) Conflict of Interest Form;
- (g) Tender Form & Pricing Schedule;

Scoring Criteria

- (h) Experience & Capability;
- (i) Capacity and Resources;
- (j) Provision of Services;
- (k) Industrial Relations;
- (l) Quality Management Systems;
- (m) Environmental Management Systems;
- (n) Social Sustainability;
- (o) Corporate Social Responsibility; and
- (p) Equal Opportunity.

Financial Assessment

12. The Corporate Scorecard Pty Ltd was commissioned to perform an independent standard financial and performance assessment of the preferred contractor. The detail of this assessment is included at Confidential Attachment A.

Occupational Health and Safety requirements

13. The recommended contractor has an occupational health and safety management system that complies with the requirements of the *Occupational Health and Safety Act 2004*, and this has been implemented throughout the organisation.
14. The tender document contained occupational health and safety conditions which require the following prior to commencement:
- (a) a Risk Assessment (includes requirement for a Job Safety Analysis (JSA));

- (b) a Health and Safety Plan (includes induction and safety training, safe work practices and procedures, occupational health and safety consultation, emergency procedures, incident reporting and investigation and occupational health and safety performance monitoring; and
- (c) compliance with all Victorian occupational health and safety legislation (includes acts, regulations and codes of practice).

Financial Implications

- 15. The 2024/2025 forecast budget that was to be proposed for the food organic & garden organics collection is \$3,200,000 (excluding GST). The sum tendered for the works in 2024/25 is within this budget envelope.
- 16. The cost of the FOGO collection service will be incorporated as part of the kerbside waste charge.
- 17. The FOGO bin purchase is to be funded by Council's 2023/24 capital works program and will not form part of the waste charge.
- 18. A bank guarantee of 5% of the initial term of the contract price will be required from the successful tenderer before the contract commencement date.

Stakeholder Consultation

- 19. The Yarra community has been overwhelmingly supportive of a universal FOGO service, as communicated to Council through various budget pop ups, email communications, at the Operations Centre open day and consultation during the Abbotsford trial site implementation.

Sustainability Implications

- 20. Tenderers were asked to provide details on any specific measures undertaken to address Sustainability practices they can implement while providing the services.
- 21. Details of specific sustainability initiatives proposed by the recommended contractor are included at Confidential Attachment A.

Social Procurement Implications

- 22. The recommended tenderer provided information indicating it has a diverse workforce. It also provided positive social sustainability responses in its tender submission.

Council Plan, Strategy and Policy Implications

- 23. The Council Plan 2013-17 includes the following strategic objectives which apply to this project:
 - (a) supporting Yarra's community;
 - (b) ensuring a sustainable Yarra; and
 - (c) making Yarra more liveable.

Legal Implications

- 24. In accordance with Council's Procurement Policy, a probity plan was required as the expected total expenditure was expected to exceed \$10 million.
- 25. A probity auditor was engaged through Baron Consulting Pty Ltd, and all relevant tender process documentation was forwarded to it for auditing purposes.
- 26. The probity auditor has approved Council's process to recommend this tenderer to Council in December.
- 27. The Chief Executive Officer must ensure that any report to Council that recommends entering into a procurement agreement includes information in relation to any opportunities for collaboration with other Councils or public bodies which may be available. Collaborative procurement for this service was not considered feasible.

Ethical Practices

28. The successful tenderer has identified that it complies with Council's ethical standards.

Options

29. Council has a number of options available to it in relation to this report:

- (a) Award a contract to the preferred contractor at the price tendered so that a transition to universal FOGO can proceed with the aim of beginning the service from July 2024 (*This is recommended*); and
- (b) Re-tender the service in the hope that further market interest is elicited. This is not recommended as there is a chance the contractor(s) that tendered this time may not tender again.

Conclusion

30. The tender evaluation panel considers that the recommended tenderer represents good value for money against industry standard for the needs of Yarra City Council. Officers are confident in the ability of the tenderer to roll out the service to our residents in a timely and seamless manner.

RECOMMENDATION

1. That Council:

- (a) awards Contract C1657 to _____ for the Food Organic and Garden Organics Collection Service (Separable Portion A & B) for an initial term of seven (7) years commencing on 1 July 2024, with an option to extend at Council's discretion for an additional three years;
- (b) awards the Contract noting that the cost for Separable Portion A (collection services) is estimated to be approximately _____ (Ex GST) in year 1 and Separable Portion B (bin purchase and distribution) is _____ (Ex GST) as a one-off cost;
- (c) notes the contract will be subject to rise and fall based on the consumer price indexation for costs in labour, transportation and materials in Melbourne;
- (d) authorises that the officer either Acting in the position of, or General Manager Infrastructure and Environment to sign on behalf of Council all necessary documentation including any contract variations relating to contract C1657;
- (e) authorises the General Manager Infrastructure & Environment to exercise options as they are due and subject to satisfactory performance of the service; and
- (f) authorises Council officers to communicate this information to the extent necessary to give effect to the recommendation.

Attachments

- 1 Confidential Attachment A - Food Organic Garden Organics (FOGO) Collection Services Tender - *Confidential*

7.7 Electric Line Clearance Responsibilities and Regulations 2020

Reference	D23/461578
Author	Glen Williames - Coordinator Open Space Services
Authoriser	General Manager Infrastructure and Environment
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

Purpose

1. The purpose of this report is to provide information and context in relation to Councils obligations under the Electricity Safety Act 1998 and the current Electrical Line Clearance Regulations 2020 as they relate to trees owned and managed by Council.
2. This paper responds to a Council resolution from the September 2023 meeting.
3. Key matters for discussion include:
 - (a) Council's obligations under the Electricity Safety Act 1998 and Council's obligation under the Electric Line Clearance Regulations 2020;
 - (b) Current tree management and outstanding non-compliance with the regulations;
 - (c) Options for and estimated costs of 'bundling or undergrounding' of power lines; and
 - (d) Comments on what other states are doing regarding 'undergrounding' of power lines.

Critical analysis

History and background

4. At its Ordinary Meeting in September 2023, Council resolved:
That Council:
 - (a) notes the Council's obligations under the Electricity Safety Act 1998 and the current Electrical Line Clearance Regulations 2020, as they relate to trees owned and managed by Council;
 - (b) defers the removal of 15 trees identified in this report until other options have been explored and brought to Council by December 2023 for consideration. The report should, at a minimum, include:
 - (i) Options and estimated costs for the bundling and/or undergrounding of overhead powerlines to retain the 15 trees currently earmarked for removal;
 - (ii) Analysis of the financial and amenity value these trees have and a cost benefit analysis for their retention;
 - (iii) Advice about the value (human health, energy efficiency and extended life of assets) tree canopy brings to Yarra, and the increased tree canopy and reduced tree maintenance costs that could be achieved by bundling and/or undergrounding overhead powerlines;
 - (iv) Officers' advice on the potential for incremental bundling and/or undergrounding of overhead powerlines more broadly across the municipality based on solutions implemented elsewhere in Australia. This advice should explore options to bundle or underground powerlines as part of streetscape improvements works, possible permit conditions on new developments, funding solutions and advocacy avenues;

- (c) Advocates to Energy Safe Victoria, State Government Ministers, local Members of Parliament and the Municipal Association Victoria (including through a motion for the next possible MAV State Council Meeting) regarding the importance of retaining street trees and increasing tree canopy in a climate emergency:
 - (i) to achieve Infrastructure Victoria and other leading agency tree canopy thresholds; and
 - (ii) for their support to amend the electric line clearance regulations as part of the 2025 review, including funding for and application of solutions implemented elsewhere in Australia for the bundling and/or undergrounding of overhead powerlines, and relaxing requirements for low bushfire areas such as Yarra.
- 5. **The Electrical Safety Act 1998** was assented in 1998 and the purpose of this Act is to make further provision relating to—
 - (a) the safety of electricity supply and use;
 - (b) the reliability and security of electricity supply; and
 - (c) the efficiency of electrical equipment.
- 6. The Act outlines responsibilities for maintenance of vegetation around Electric Lines:

84C Requirement to keep trees clear of electric lines— Councils. A Council responsible for the management of public land in an area of land declared under section 81 is responsible for the keeping of the whole or any part of a tree situated on that land clear of an electric line that is not a private electric line.
- 7. **Electric Line Clearance Regulations 2020.** The objectives of these Regulations are—
 - (a) to prescribe the Code of Practice for Electric Line Clearance;
 - (b) to prescribe:
 - (i) standards and practices to be adopted and observed in tree cutting or removal in the vicinity of electric lines and the keeping of the whole or any part of a tree clear of electric lines;
 - (ii) a standard and practices to protect the health of trees that require cutting in accordance with the Code;
 - (iii) a requirement that certain responsible persons prepare management procedures to minimise the danger of trees contacting electric lines and causing fire or electrocution; and
 - (iv) other matters for or with respect to the maintenance of electric lines; and
 - (c) to provide for management plans relating to compliance with the Code;
 - (d) to provide for other matters authorised under the Electricity Safety Act 1998 relating to electric line clearance; and
 - (e) to make consequential amendment of the Electricity Safety (Bushfire Mitigation) Regulations 2013.
- 8. **Energy Safe Victoria** - Energy Safe Victoria (ESV) is Victoria's independent safety regulator for electricity, gas and pipelines. Its role is to ensure Victorian gas and electricity industries are safe and meet community expectations. Among its responsibilities are the administration of the Electricity Safety Act 1998 and the Electricity Safety (Electric Line Clearance) Regulations 2020.

Discussion

- 9. Council currently has approximately 30,000 street and park trees across the municipality which are inspected by Council arborist & arboriculture contractors on a minimum 2-year cycle consistent with other metropolitan Councils with a biennial tree maintenance program.

10. This inspection and maintenance program is driven by the need to maintain clearance space from trees around powerlines, but to also inspect the trees health, structure, and useful life expectancy at the same time.
11. Streets within Yarra that contain High Voltage powerlines are inspected and maintained on an annual basis as clearance requirements are greater between these powerlines and trees.
12. This cyclical maintenance program was introduced in the early 2000s to address the requirements under the Act and to comply with the regulations. Councils first arborist was also appointed during this time and a specification was introduced for tree clearance around the roadway, footpaths and from buildings/dwellings.
13. Many street trees within Yarra (*Platanus* spp – London Plane & *Melaleuca* spp – Paperbark) were planted several decades earlier and allowed to grow in such a way that they are non-compliant against the regulations and challenge Council's compliance to Road Management Plan obligations (e.g. trip hazards).
14. While these types of trees still have a place in the environment, modern arboriculture practice would not see these trees planted in a footpath environment or near buildings due to now known issues of tree root damage to private property, public infrastructure and the trees' overall mature size which often results in access issues for people with disabilities, parents with young children and other footpath users.

The Regulations

15. The Electrical Line Clearance Regulations are reviewed and updated every five (5) years with the next iteration due in 2025. Council arborists across the state will provide feedback to Energy Safe Victoria on the Regulations and prescribed clearances as part of this review.
16. In November 2023, when considering the 2023 Advocacy Action Plan, Council resolved (in part):
(That) Council endorses the 2023 Advocacy Action Plan, subject to the following changes:
 - (i) *Add under the heading 'Climate Emergency': 1.10 The State Government to review and amend the electrical line clearance regulations in metropolitan areas to save canopy trees.*

Council Advocacy Towards the Regulations

17. The 2015 Regulations set out a minimum clearance space of 1000mm between Tree branches/foliage to bare Low voltage conductors (pole to pole) and 300mm between tree branches/foliage to insulated power service lines (pole to property). This clearance was to be maintained at all times.
 18. Due to many Councils facing the same inherited issues of tree non-compliance, strong advocacy from arborists in the Local Government sector, particularly from within in the inner metro Melbourne area, led this clearance requirement to be reviewed and reduced within the current 2020 Regulations.
 19. Under this current criteria, structural tree limbs are now allowed to exist from 500mm to 1000mm from bare low voltage conductors and 150mm to 300mm from insulated power service lines. These trees are to have their locations recorded and are to be inspected annually by a suitably qualified person.
 20. This reduced clearance space allowed the retention of over a one hundred trees across Yarra that would have otherwise required substantial pruning or tree removal under the previous regulations.
 21. The City of Boroondara has recently developed an alternate compliance mechanism (ACM) which would seek an even further reduction in the clearance space between powerlines and vegetation in low bush fire risk Councils. This does not currently have ESV approval but could form part of the Council advocacy for the revised 2025 Regulations.
 22. Yarra Council arborists support this proposed ACM and will continue to provide advocacy and support towards each review of the regulations.
-

Current Situation – Energy Safe Victoria (ESV)

23. Historically ESV has not had the staff to perform compliance audits on Councils or issue infringement for non-compliances against the regulations.
24. The 2020 regulations included a provision for infringement notices to be served on Councils for breaches of electric line clearances. This provision took effect from 27 June 2022.
25. ESV now has a compliance team who are regularly auditing Victorian Councils for compliance against the regulations.
26. The initial infringement penalty for each non-compliance (each tree) of the Code is \$4,500. Failure to comply with a notice issued is an offence and the maximum penalties are \$181,740

Current Situation - Council

27. Of the approximate 30,000 trees that Council maintains, there are currently 157 known sites that would be considered noncompliant under the regulations.
28. Of these 157 sites, 123 of these have been assessed and are considered compliant under an 'exception' to the 2020 Regulations, these trees have had their locations recorded and are inspected annually by Council arborists, consistent with the regulations.
29. Of the remaining 34 noncompliant trees:
 - (a) 5 of these are due to new power service connections to properties by CitiPower making Council owned trees non compliant. These sites are currently under review by ESV with CitiPower to 'make compliant';
 - (b) 11 trees can achieve compliance through pruning (currently underway);
 - (c) 15* remain non-compliant but officers are working with ESV on possible solutions this may include undergrounding or bundling. Urgent attention is not required at this stage (except for 1 which can be made compliant using existing resources);
 - (d) The remaining 3* trees were inspected by ESV with a notice served on Council under section 86(1) to 'make compliant' by 6 September 2023 with heavy penalties for non-action:
 - (i) Council officers sought an extension to this deadline from ESV, which was granted to allow Council to consider these 3 trees as part of this report; and
 - (ii) ESV has stated it will not allow a further extension and direction has again been given to Council to make these 3 trees compliant no later than 28 days beyond the December Council meeting; and
 - (e) Failure to comply with this direction may result in a breach of the Act for which Yarra may be prosecuted by ESV and face penalties of \$181,740. Further to this, should Council fail to comply with the notice, ESV may direct the distribution company, CitiPower to clear the noncompliant vegetation. Section 86(7) of the Act also allows CitiPower to recover its costs from Council.

*In September 2023 officers referred to 15 trees that were non-compliant. This number is now 18 (referenced in Attachment A) with recommendations on potential courses of action included.

30. Council's leadership in ceasing all removals, seeking a further analysis and review and calling for another report is to be applauded.

Retain trees via bundling power cables or undergrounding the power

31. Some trees could be retained via these methods. When considering either of these options, officers consider:
 - (a) Useful life expectancy of the tree;
 - (b) Compliance for clearances over the footpath or roadway;
 - (c) Tree root likelihood to cause property or infrastructure damage;

- (d) Is it the right tree in the right location;
 - (e) Is this species of tree currently being phased out within this street; and
 - (f) Is the tree susceptible to any pathogens within Australia.
32. The cost to bundle cables vary depending on their context.
33. As previously advised, in 2019 Council removed 2 x mature London Plane trees from within the footpath of Rathdowne Street, Carlton North because of an audit by ESV. Both trees had major structural limbs in hard contact with bare Low voltage wires (an inherited issue) pruning was not an option as this required half the tree to be removed for compliance, so Council arborists sought a quote from CitiPower to bundle the bare Low voltage lines in this location. Both trees had a combined value of \$61,931 - City of Melbourne Amenity Value Calculator. The indicative quotation from CitiPower to achieve compliance was for between \$92,000 - \$131,000
34. A cost/benefit analysis for 'bundling or undergrounding' of the power cables for each of the 18 trees currently requiring works for compliance has been attached to this report (Attachment 1).
35. In relation to more significant and widespread undergrounding of powerlines throughout the city to save trees, Council is advised that this approach is incredibly expensive, prohibitive in most cases and is dependent on individual street context. Council can expect costs of multiple \$millions per street and is dependent on:
- (a) Length of street;
 - (b) Community consultation;
 - (c) On street conflicts (parking, access requirements, dependencies, other construction and development underway etc.);
 - (d) Above ground and below ground services; and
 - (e) A willingness of power authorities to undertake the work (the asset relocation relies of owner consent).
36. This option is not recommended for a built environment like the one in Yarra.

Western Australia's Experience

Targeted Underground Power Program (TUPP)

37. In other states such as Western Australia, the state government has been supporting installation of underground power since 1996 and has converted more than 100,000 properties to date. Western Power currently manages 4 programs which are currently converting the overhead network to underground power.
38. Western Power selects areas based on a network driven approach in accordance with the network renewal undergrounding program. It makes offers to Local Government Authorities to complete undergrounding in parts of their LGAs.
39. The cost of undergrounding is shared between the State Government, Western Power, LGA and property owners, with the State Government's funding tiered based on socio-economic indicators. The first TUPP project is scheduled for delivery in 2025.

Network Renewal Undergrounding Program Pilot (NRUPP)

40. A program driven by Western Power targeting areas with a high density of ageing overhead distribution assets. The cost of undergrounding is shared between Western Power, the LGA and property owners. It is a pilot program that has been replaced with the TUPP.

Retrospective Undergrounding Projects (RUP)

41. This is a program that allows LGA who would like to have underground power installed in an area that is not on the Western Power network driven priority list to apply for undergrounding.

42. These projects are primarily funded directly by the LGA and property owners, with a contribution from Western Power.

State Underground Power Program (SUPP)

43. The cost of undergrounding power is shared between the State Government, Western Power, LGA and property owners. This program is expected to be completed in 2024.
44. Western Power state that through these underground power programs, and together with mandatory underground power requirements for new developments, more than 65% of the Perth metropolitan area now benefits from underground power.
45. After discussing this with CitiPower representatives, there are currently no initiatives or partnerships like this in Victoria.

Yarra's context

46. Council arborists have a role in both managing the existing tree assets as well as ensuring that Council is protected against litigation from property damage caused by historically planted trees now being considered inappropriate for their locations.
47. Over the last 10 years, Council arborists have been 'phasing out' London Plane trees in areas that are considered inappropriate to support trees of this size. This includes Swan Street, Richmond (where ESV have recently identified non-compliant trees). Arborists have been successfully staging removals over time and replacing them with a more suitable tree species.
48. Council records indicate that in the last 10 years, 21 London Plane trees have been removed from Swan Street for varying reasons including powerline clearance non-compliances, disability discrimination act (DDA) compliance, road management plan compliance and also due to property damage claims made against Council.
49. Council records also indicate that over the same period, these 21 trees have been replaced with 79 trees that are more suitable to the environment in which they are planted.
50. Officers have implemented a new internal process where the Manager City Works must approve a tree slated for removal and councillors (and residents as normal) will be informed prior to removal.

Community and stakeholder engagement

51. Council currently notifies residents of electric line clearance responsibilities via the Council website using a map which outlines when and where tree pruning will take place each year. There is also a link to council current Electric Line Clearance Management Plan which is updated annually.

Policy analysis

Alignment to Community Vision and Council Plan

52. Tree removal does not align with the Community Vision or Council Plan, but trees are a living breathing organism that sometimes need removal. As we move towards the future and consistently apply the principle of 'right tree right location' there should not be any need to remove trees due to legacy issues.

Climate emergency and sustainability implications

53. While the removal of inappropriately planted and unsustainable trees will slightly reduce canopy cover in the short term, Council plants over triple the number of trees back that are removed annually, also ensuring all new trees will grow to their potential in the future with minimal maintenance required.

Community and social implications

54. All public communications will meet CALD policy principles and Council's ethical standards.

Operational analysis

Financial and resource impacts

55. General powerline clearance activities are performed under the street tree pruning contract which has ongoing funding commitments as part of the Council operational budget.
56. Bundling of cables would require a significant budget increase to the operational or capital budget.
57. These costs could be up to approximately \$100,000 per site but it is site context specific and would need to be tested with the power authority on a case by case basis. This also includes assessment about whether power poles need relocation.
58. Cheaper options (e.g. cross arms) might also be supported by the power authority and might be suitable in some contexts. This might cost as low as \$20,000 but again would need to be tested with the power authority.
59. The cost to underground is significantly more expensive and, again, is site and context specific. Other than cost, considerations include street context, underground services, access, on street services etc.
60. The process to bundle or underground cables includes the following steps:
 - (a) Make application to power authority;
 - (b) Power authority must accept the application and open a case;
 - (c) It must assess the application and make an initial determination of success;
 - (d) Design phase – costs can be up to \$12,000;
 - (e) Assessment of cost; and
 - (f) Construction.
61. Council is advised that while the power authorities are private, profit-generating entities, there is no guarantee that it would support an application for bundling or undergrounding of overhead cables. This is considered on a case-by-case basis.

Options

62. There are a number of options available to Council in relation to the 18 trees that are the subject of this report:
 - (a) Approve the 3 trees to be removed (recommended) and consider retention of the remaining 15 trees noting costs associated with their retention;
 - (b) Advocate to ESV and State Government MPs for an immediate amnesty for all alleged non-compliant trees and to advocate for a review of the electric line clearance regulations as part of the 2025 review to save metropolitan canopy trees. This is recommended;
 - (c) Attachment A identifies residual value of the tree and estimated costs to bundle or underground the powerlines at these locations. Council could make provision for bundling and undergrounding of powerlines in its capital works program (annually) to retain some of these trees or future trees at risk of non-compliance. Should this be Council's preference an annual sum of \$200k might be appropriate; and
 - (d) Council could heavily prune some of the trees in question which may save them in the short term. The risk here is that severe pruning will almost certainly kill a tree eventually and may place the community at risk if pruning inappropriately shifts weight of the tree.

Legal Implications

63. Under the Electricity Safety Act 1998 Councils are required to maintain vegetation around powerlines where they are the responsible person. Failure to comply is a breach of the Act. Heavy penalties apply to these offences.

Conclusion

64. Of the approximate 30,000 trees that Council maintains, there are currently only 18 trees that will require removal or substantial budget to allow for retention as a result of non-compliance against the regulations.
65. Council arborists have been working hard over the last 10 years to ensure Council is as compliant as it can be with the regulations and also balancing the needs and expectations of the community regarding tree management and retention.

RECOMMENDATION

1. That Council:
- (a) notes the Council's obligations under the Electricity Safety Act 1998 and the current Electrical Line Clearance Regulations 2020, as they relate to trees owned and managed by Council;
 - (b) notes the heavy penalties Council is currently facing for non-compliance to these regulations;
 - (c) seeks Municipal Association Victoria support in advocating to Energy Safe Victoria and State Government MPs:
 - (i) for an immediate amnesty to save any alleged non-compliant trees in Yarra; and
 - (ii) to amend the electric line clearance regulations, as part of the 2025 review, in order to retain trees and tree canopy and acknowledging Yarra as a low bush fire area (note – officers will support Boroondara's alternate compliance mechanism as part of the 2025 review);
 - (d) authorises officers to remove and replace the 3 trees identified below as high risk non-compliant with the Electrical Line Clearance Regulations 2020:
 - (i) 91 Swan Street Richmond – Remove and replace tree;
 - (ii) 103 Swan Street Richmond – Remove and replace tree;
 - (iii) 201 Swan Street Richmond – Remove and replace tree;
 - (e) considers funding for bundling or undergrounding of powerlines and cross arm solutions when it plans for its 24/25 capital works program in early 2024; and
 - (f) notes that officers will re-commence normal operational tree removals and replacement of all dead, dying and dangerous trees across the municipality acknowledging that all trees approved for removal by the Manager City Works will be communicated to Councillors and (as per normal practice) local residents prior to removal.

Attachments

- 1 [↓](#) Attachment 1 - ESV tree table

ESV tree table

#	Location	Tree Value	Estimated cost for compliance	Council Arborist Recommendation & Comments	Image
1	92 Gertrude St Fitzroy Tree - White Cedar	\$41,483	\$32,000	Retain tree. Consider future funding to support retention. Tree currently has a 20+ year life expectancy. CITIPOWER COSTS Offset or standard pole top structure - \$10,000 each x 2 + Design fee \$12,000	
2	187 Gertrude St Fitzroy Tree - White Cedar	\$36,136	\$72,000	Retain Tree. Consider future funding to support retention. Tree currently has a 20+ year life expectancy. CITIPOWER COSTS Convert low voltage (LV) conductors to aerial bundled cable - \$20,000 Allow LV Pole 11/12kN upgrade either end - \$20,000 each x 2 Design fee \$12,000	

#	Location	Tree Value	Estimated cost for compliance	Council Arborist Recommendation & Comments	Image
3&4	438 Park St & 1044 Drummond St Carlton North Trees – QLD Box	\$24,360	\$471,500	<p>NON URGENT - Remove and replace both trees with more suitable species for location. Both trees will require substantial pruning and will be left with poor structure post pruning. Undergrounding of power far outweighs the cost of the tree in the landscape.</p> <p>CITIPOWER COSTS</p> <p>Relocate power lines underground, \$4500 per metre; x 97 metres - \$436,500.</p> <p>New pit installation (exclude joints) \$15,000 each</p> <p>Underground Design 0-100m \$20,000 (ex. GST)</p>	

#	Location	Tree Value	Estimated cost for compliance	Council Arborist Recommendation & Comments	Image
5	163 Scotchmer St Fitzroy North Tree – Honey locust	\$8,859	\$62,500	<p>NON URGENT- Remove and replace tree at location. Tree will require substantial pruning and will be left with poor structure post pruning. Undergrounding of power far outweighs the value of the tree in the landscape.</p> <p>CITIPower COSTS</p> <p>New Pole to Pit installation (less than 30mtrs) - \$20,000</p> <p>New pit installation (exclude joints) \$15,000 each.</p> <p>Underground Design 0-100m \$20,000 (ex. GST)</p> <p>Private electrician to connect to house - estimated \$7,500</p>	

#	Location	Tree Value	Estimated cost for compliance	Council Arborist Recommendation & Comments	Image
6	259 Holden St Fitzroy North Tree – London Plane	\$27,910	\$62,500	<p>Retain tree.</p> <p>Consider future funding to support retention.</p> <p>Tree currently has a 20+ year life expectancy.</p> <p>CITIPOWER COSTS</p> <p>New Pole to Pit installation (less than 30mtrs) - \$20,000 New pit installation (exclude joints) \$15,000 each.</p> <p>Underground Design 0-100m \$20,000 (ex. GST) Private electrician to connect to house - estimated \$7,500</p>	
7	162 Coppin St Richmond Tree – Oriental Plane	\$14,976	\$62,500	<p>Retain Tree.</p> <p>Consider future funding to support retention</p> <p>Tree currently has a 20+ year life expectancy</p> <p>CITIPOWER COSTS</p> <p>New Pole to Pit installation (less than 30mtrs) - \$20,000</p> <p>New pit installation (exclude joints) \$15,000 each.</p> <p>Underground Design 0-100m \$20,000 (ex. GST)</p> <p>Private electrician to connect to house - estimated \$7,500</p>	

#	Location	Tree Value	Estimated cost for compliance	Council Arborist Recommendation & Comments	Image
8	32 Westbank Tce Richmond Tree – QLD Box	\$21,240	\$62,500	<p>Retain Tree.</p> <p>Consider future funding to support retention</p> <p>Tree currently has a 20+ year life expectancy.</p> <p>CITIPOWER COSTS</p> <p>New Pole to Pit installation (less than 30mtrs) - \$20,000</p> <p>New pit installation (exclude joints) \$15,000 each.</p> <p>Underground Design 0-100m \$20,000 (ex. GST)</p> <p>Private electrician to connect to house - estimated \$7,500</p>	

#	Location	Tree Value	Estimated cost for compliance	Council Arborist Recommendation & Comments	Image
9&10	<p>ESV 91 & 103 Swan St Richmond</p> <p>Trees – London Plane</p>	\$37,443	\$42,000	<p>ESV require immediate compliance. Remove and replace both trees with more suitable species for location. London Plane trees are not suitable in this location and have been phased out and replaced with a more suitable tree for 10+ years along Swan Street.</p> <p>CITIPOWER COSTS</p> <p>Convert low voltage (LV) conductors to aerial bundled cable - \$20,000 for the first span & \$10,000 thereafter. Total 30k</p> <p>Overhead Design - \$12,000</p>	

#	Location	Tree Value	Estimated cost for compliance	Council Arborist Recommendation & Comments	Image
11	ESV 201 Swan Street Richmond Tree – London Plane	\$13,275	\$32,000	<p>ESV require immediate compliance. Remove and replace tree with more suitable species for location. London Plane trees are not suitable in this location and have been phased out and replaced with a more suitable tree for 10+ years along Swan Street.</p> <p>CITIPOWER COSTS</p> <p>Offset or standard pole top structure - \$10,000 each x 2 + Design fee \$12,000</p> <p>Unknown is Yarra trams asset. Additional cost + time expected.</p>	
12	163 Nicholson St Abbotsford Tree – London Plane	\$119,470	\$62,500	<p>Retain Tree.</p> <p>Consider future funding to support retention.</p> <p>Tree currently has a 20+ year life expectancy.</p> <p>CITIPOWER COSTS</p> <p>New Pole to Pit installation (less than 30mtrs) - \$20,000</p> <p>New pit installation (exclude joints) \$15,000 each.</p> <p>Underground Design 0-100m \$20,000 (ex. GST)</p> <p>Private electrician to connect to house estimated - \$7,500</p>	

#	Location	Tree Value	Estimated cost for compliance	Council Arborist Recommendation & Comments	Image
13	13 Eastham St (Tait St) Fitzroy North Tree – Eucalyptus Black Peppermint	\$32,121	\$32,000	<p>Retain tree. ESV requires immediate compliance. Costs to make compliant will be found from within existing operational budgets.</p> <p>Tree is a large healthy native specimen with a 20+ year life expectancy. While this tree is not DDA compliant for footpath space, Tait Street residents extremely attached to the tree.</p> <p>CITIPOWER COSTS</p> <p>Convert low voltage (LV) conductors to aerial bundled cable - \$20,000 for the first span</p> <p>Design fee \$12,000</p>	
14	216 Nicholson St, Fitzroy Tree – London Plane	\$25,098	\$32,000	<p>NON URGENT - Remove and replace tree with more suitable species for location.</p> <p>Tree has a shorter life expectancy of 10-20 years and has been phased out and replaced with more suitable species along Nicholson Street for several years now.</p> <p>CITIPOWER COSTS</p> <p>Convert low voltage (LV) conductors to aerial bundled cable - \$20,000</p> <p>Design fee \$12,000</p>	

#	Location	Tree Value	Estimated cost for compliance	Council Arborist Recommendation & Comments	Image
15	35 Wall St, Richmond Tree – Silky Oak	\$14,915	\$32,000	Retain Tree. Consider future funding to support retention Tree currently has a 20+ year life expectancy. CITIPOWER COSTS Convert low voltage (LV) conductors to aerial bundled cable - \$20,000 Design fee \$12,000	
16	298 Napier St, Fitzroy Tree - Elm	\$11,947	\$22,000	Retain Tree. Consider future funding to support retention. Tree currently has a 20+ year life expectancy. CITIPOWER COSTS Offset or standard pole top structure - \$10,000 Design fee \$12,000	

#	Location	Tree Value	Estimated cost for compliance	Council Arborist Recommendation & Comments	Image
17	107 Hotham St, Collingwood Tree – London Plane	\$44,212	\$62,500	<p>Retain Tree.</p> <p>Consider future funding to support retention</p> <p>Tree currently has a 20+ year life expectancy</p> <p>CITIPOWER COSTS</p> <p>New Pole to Pit installation (less than 30mtrs) - \$20,000</p> <p>New pit installation (exclude joints) \$15,000 each.</p> <p>Underground Design 0-100m \$20,000 (ex. GST)</p> <p>Private electrician to connect to house estimated - \$7,500</p>	
18	450 Gore St, Fitzroy Tree – London Plane	\$32,929	\$32,000	<p>Retain Tree.</p> <p>Consider future funding to support retention</p> <p>Tree currently has a 20+ year life expectancy</p> <p>CITIPOWER COSTS</p> <p>Convert low voltage (LV) conductors to aerial bundled cable - \$20,000</p> <p>Design fee \$12,000</p>	

7.8 Fitzroy Swimming Pool - Shading and Lifeguard Numbers

Reference	D23/460504
Author	Adam Kavanagh - Coordinator Operations
Authoriser	General Manager Infrastructure and Environment
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

Purpose

1. To respond to a general business item raised at the Ordinary Meeting of Council on 14 November 2023 in relation to the Fitzroy swimming pool.

Critical analysis

History and background

2. On 14 November 2023, Council resolved:
That a report be prepared for the next Council meeting:
 - (a) to consider possible action to provide shading to people waiting in the queues at Fitzroy Pool; and
 - (b) detailing the number of lifeguards on duty at any one time.

Yarra Leisure

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 venues with aquatic areas consistently achieves Platinum Pool status, joining an exclusive club of 40 facilities within Victoria that complete rigorous safety assessments to recognise the facilities with the highest safety standards.

Fitzroy Swimming Pool

5. Fitzroy Swimming Pool (FSP) is a family-friendly outdoor aquatic facility. It has a heated 50m pool, toddler pool, spa pool, sauna, and steam facilities. It also consists of gym and group fitness programming. FSP facilitates 316,000 visits per annum, noting peak season is October to April each year.
6. Yarra Leisure operates the venue based on the Royal Life Saving Australia's Guidelines for Safe Pool Operations. This guideline provides practical guidance for owners or operators of aquatic facilities on the type, quantity and location of supervision needed within an aquatic environment. It includes information on planning for supervision and the specific application of supervision within various aspects of an aquatic facility.

Discussion

Venue occupancy

7. Currently there are temperature thresholds which govern when additional staff are rostered on for duty at FSP. In the warmer months, at specific temperature thresholds, extra lifeguards (in addition to the two baseline guards) are rostered which increases the capacity of the venue. This approach is typically followed by other municipal aquatic centres.
 - (a) At 22 degrees one extra lifeguard is rostered – capacity 240 patrons (3 lifeguards in total);

- (b) At 24 degrees an additional lifeguard is rostered – capacity 320 patrons (4 lifeguards in total);
 - (c) At 26 degrees an additional lifeguard is rostered – capacity 400 patrons (5 lifeguards in total);
 - (d) At 28 degrees an additional lifeguard is rostered – occupancy reached 480 patrons (6 lifeguards in total);
 - (e) At 30 degrees an additional two lifeguards are rostered. This provides additional support to lifeguards and greater aquatic supervision to patrons as the weather warms and as at times behavioural issues can emerge and to ensure health outcomes are not compromised;
 - (f) From 26 degrees, an extra ‘support’ lifeguard is rostered when possible, to assist the duty manager covering lifeguard breaks and initiating lifeguard rotations; and
 - (g) From 30 degrees, two extra ‘support’ lifeguards are rostered when possible to assist with covering extra lifeguard breaks and ensure staff welfare, such as filling up water bottles and providing ‘Hydralite’. This is detailed in our working in excessive weather policy.
8. The roster at FSP is agile and flexible. On days that are expected to be hot the rostering staff can ensure that enough lifeguard staff are proactively rostered earlier in the day to accommodate patrons wanting to enter. This does not mean that queueing won’t be a feature of the FSP as it simply means that occupancy levels are reached sooner resulting in inevitable queueing once the FSP is full.
9. Officers are currently recruiting additional lifeguards in preparation for the busy summer months. This recruitment will continue while ever there is a vacancy to fill. The aim is that additional lifeguards are always on standby in the event that casual staff are unavailable.
10. For FSP, venue occupancy is currently listed at 480, as it is for Richmond Recreation Centre (this figure is currently being reviewed by Council’s building surveyor).
11. That figure is based on area measurements, paths of travel, essential safety measures (ESM), fire services, mechanical systems, sanitary facilities and emergency exits (taking into account items such as clear opening widths and distance to exits).
12. During peak season and during hot weather queues can form at FSP. These queues are due to venue capacity being reached and the venue subsequently operating on a one patron in, one patron out basis, so capacity is not exceeded.
13. In early November 2023 capacity was reached at FSP.
14. This also occurred at a number of other suburban aquatic facilities including North Melbourne Recreation Centre, Oak Park Sports and Aquatic Centre, Splash Aqua Park and Leisure Centre and Brunswick City Baths where entry was restricted at those centres due to occupancy numbers reached.
15. Control measures are numerous, but two key measures include:
- (a) Duty managers ensure facilities do not exceed venue capacity and maintain lifeguard-to-patron ratios; and
 - (b) The aquatic capacity is based on a ratio of 1 lifeguard per 80 people in the entire aquatic area, including in and around the 50m pool & toddlers pool.
16. Failure to observe occupancy levels can expose Council to significant risk in the event of an accident or serious incident.
17. When maximum occupancy is reached at FSP, signage is placed on display at the front entrance to inform individuals arriving that we are currently operating a “one in, one out” system.
18. During the summer of 2022/23, a one in, one out scenario occurred 19 times at FSP given the popularity of the facility.
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19. A review of the occupancy levels is currently underway by Council's Municipal Building Surveyor to consider whether there is opportunity to increase capacity at the pool.
20. In addition, officers have already implemented a range of operational interventions to improve the customer experience of patrons on particularly hot days. These include ushering vulnerable patrons to the front of the queue or into the FSP immediately, or inside with air conditioning to wait their turn, permitting access to the kiosk for drinks and ice-creams while queuing and access to the water fountain while queuing.
21. Improved early communications on warm days are also important. This includes real time updates on the Yarra Leisure website, depending upon the expected length of time that the centre will be operating the "one in, one out" system.
22. Cross promotion of Council's other aquatic centres in Collingwood and Richmond during forecast warmer days so that patrons are aware of alternative places to swim also already occurs. Promotion may also extend to other nearby aquatic facilities for those seeking relief – for example in Melbourne, Merri-bek and Darebin.
23. If the occupancy of the facility can be increased, additional staffing to support this will be made available.

Shading

24. Whilst issues regarding shade for queued patrons have not been raised as a particular issue by patrons to staff, it is an important consideration.
25. Shade coverage from adjacent trees is beneficial (see image below), but this does not provide full coverage for all patrons queuing at all locations along the street.



26. Whilst the trees provide adequate shading from approximately 1pm onwards during the warmer months, those queuing prior to 1pm and those closest to the front door have less coverage.

27. When queueing is required as a result of the one in one out protocol, a Customer Service Officer is stationed at the entry to the centre controlling door access and to ensure that patrons are lined up to the left-hand side (down the stairs) to ensure adequate shade as available.
28. In addition, temporary, low-cost shade structures (i.e. umbrellas) which do not impede footpath traffic and can be easily handled by aquatic staff each day will be trialed this summer to enhance shading of patrons.
29. The erection of a temporary marquee to provide some shade around the entrance to the FSP is a reasonably low-cost alternative option but there are some risks associated with this option including manual handling for staff, the impediment to footpath users, risks on windy days etc. and it is not recommended.
30. The erection of a permanent shade structure affixed to the building is another option.
31. This solution would require design services, structural assessments, possible building and planning permits and could be delivered (should budget be made available) by summer 24/25 (not 23/24).
32. It is estimated that a budget of approximately \$100,000 would be required – subject to design and market testing. This is not recommended before trailing other low-cost options above.

Community and stakeholder engagement

33. As a much-loved venue within Yarra, the community provide consistent feedback regarding FSP in the form of oracles, feedback to staff onsite, and via our social media channels. On the back of the feedback, initiatives such as customer service officer stationed at the entry to manage queues, communications being notified when venue is at capacity and a statement regarding capacity at FSP on hot days has been published on the Yarra Leisure website and FSP location page.
34. It is acknowledged that on particularly busy (warm) days visitors generally want to be let into the facility immediately and would prefer not to queue.
35. Officers have no significant feedback on the requirement for shade at the front of the building. Patrons generally come with a hat and water and will generally patiently wait if the line is moving.

Policy analysis

[Alignment to Community Vision and Council Plan](#)

36. 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](#)

37. As the planet warms, cool places like aquatic facilities become essential places of respite for locals.
38. Fitzroy Swimming Pool has a loyal customer base who will continue to patronise the facility regardless of weather. On warmer days, the facility attracts greater numbers of patrons seeking relief from the heat.
39. The streets trees at the front of the facility provide shelter from the sun and cool the immediate surroundings. These trees provide the first defence against the sun on these hot days.

Community and social implications

40. 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.

Human rights and gender equality implications

41. 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

42. To provide additional shade, umbrellas will be deployed this summer and managed within operating budgets.
43. A permanent structure attached to the building is estimated to cost \$100,000 depending on the solution designed and constructed. Whilst not recommended, Council could consider this as part of the 2024/25 budget program.

Legal Implications

44. The most significant risk attached to the matters canvassed in this report exist if Council exceeds its occupancy and a serious incident occurs. Breaches of OHS, workplace laws and building regulations are the most obvious risks to Council.

Conclusion

45. Officers have implemented a range of operational initiatives to improve the customer experience of patrons on hot days including increased shading, improved and early communications, customer support for queuing patrons, access to water, drinks and ice creams and the cooler foyer for vulnerable patrons.
46. Councillors will be briefed on the outcomes of the occupancy review once completed.

RECOMMENDATION

1. That Council:
 - (a) notes the operational initiatives that have already been introduced to improve the customer experience of patrons at Fitzroy pool on hot days including support for queueing patrons, prioritising vulnerable patrons and improved access to water; and
 - (b) notes the planned introduction of temporary shade (i.e. umbrellas) to provide improved shading for patrons - particularly those queueing prior to 1pm and those closest to the front door of the facility.

Attachments

There are no attachments for this report.

7.9 Rainbow Footpath Treatment

Reference	D23/466888
Author	Sam Hewett - General Manager Infrastructure and Environment
Authoriser	General Manager Infrastructure and Environment
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

Purpose

1. This report responds to a general business item from the Ordinary Council Meeting in October 2023 calling for options to renew the rainbow footpath in Collingwood and Fitzroy.
2. Officers have consulted with Council's Rainbow Advisory Committee and have sought quotes from contractors to repaint the existing rainbow footpath treatments and apply a new flag – known as the Intersex Inclusive Pride Flag (Image #1 in this report).
3. Subject to Council's decision tonight, this new flag can be painted in time for the Midsumma Pride Festival and march in early February 2024.

Critical analysis

History and background

4. The rainbow footpaths were painted in Peel/Smith and Gertrude/Smith prior to the 20th International AIDS 2014 Conference. While they were originally conceived as being temporary (according to advice at the time) the public support has been overwhelming and so they have become a permanent feature.
5. At that time, other locations in Richmond, Clifton Hill, Fitzroy North and other areas of Collingwood and Fitzroy were explored but the then Council but did not proceed.
6. Officers have regularly cleaned and renewed the painted flags over that time and had planned to do so again prior to the Midsumma Pride Festival and Pride March in early February 2024.
7. In October 2023 as a General Business motion Council resolved unanimously that:
"Officers report to Council this calendar year regarding the repainting of the rainbow footpath treatments on Gertrude, Smith and Peel Streets in Fitzroy and Collingwood, including options for an updated design (noting the Intersex-Inclusive Pride Flag and opportunity for greater inclusivity) and/or expanding the application of the treatment at the current locations and/or elsewhere."

Discussion

8. Officers have considered the resolution in three parts:
 - (a) Introducing the new inclusive rainbow flag design into the 2 locations (Peel/Smith and Gertrude/Smith). This could include the additional triangular piece being added at both ends of a new longer rainbow flag application;
 - (b) Joining up the missing piece of rainbow flag at the corner of Gertrude and Smith Street; and
 - (c) The possibility of a new rainbow application or treatment on the privately-owned land on the corner of Gertrude and Smith Streets Fitzroy.

9. Officers have sought and received quotes from a contractor for items (a) and (b) above. The cost to undertake these works will be approximately \$25,000. Subject to Council's decision, these works could occur before the Midsumma Pride Festival in early 2024.
10. Council is advised that in order to accommodate the new flag design at the corner of Peel and Smith Streets, the footpath treatment will run straight along Smith St (at Peel) but will no longer wrap slightly around the corner into Peel St. This is due to the tight space and some infrastructure constraints at this corner including the public toilet. This is indicated at *Image #2* in this report.
11. In relation to (c) above, officers have had a series of discussions with the owner of the privately-owned parcel at the corner of Gertrude and Smith Streets and met him onsite to discuss options. While he was unable to provide consent to paint or otherwise apply an inclusive rainbow flag on his property he would welcome a future discussion about a temporary or removable installation of seating, benches, other furniture and garden beds on this property.
12. Officers also consulted Council's Rainbow Advisory Committee (RAC) who are supportive of a new flag design - the Intersex Inclusive Pride Flag - being introduced at both Smith St locations.
13. Council is further advised that Greater Western Water (GWW) is planning water supply upgrade works in the road reserve at the corner of Gertrude St and Smith St Fitzroy.
14. Officers have negotiated with GWW to begin its work after the 2024 Midsumma Pride Festival and have applied a condition to its permit to state that any damage to the rainbow flag footpath treatment that it causes will need to be rectified at its cost.
15. Given the short time frame to consult the RAC, consult the private land owner, prepare a brief and seek quotes from suitable painting contractors, negotiate with Greater Western Water and prepare this report for the December Ordinary Council Meeting, other locations have not been explored at this time for additional rainbow treatments.

Image #1 - Intersex Inclusive Pride Flag



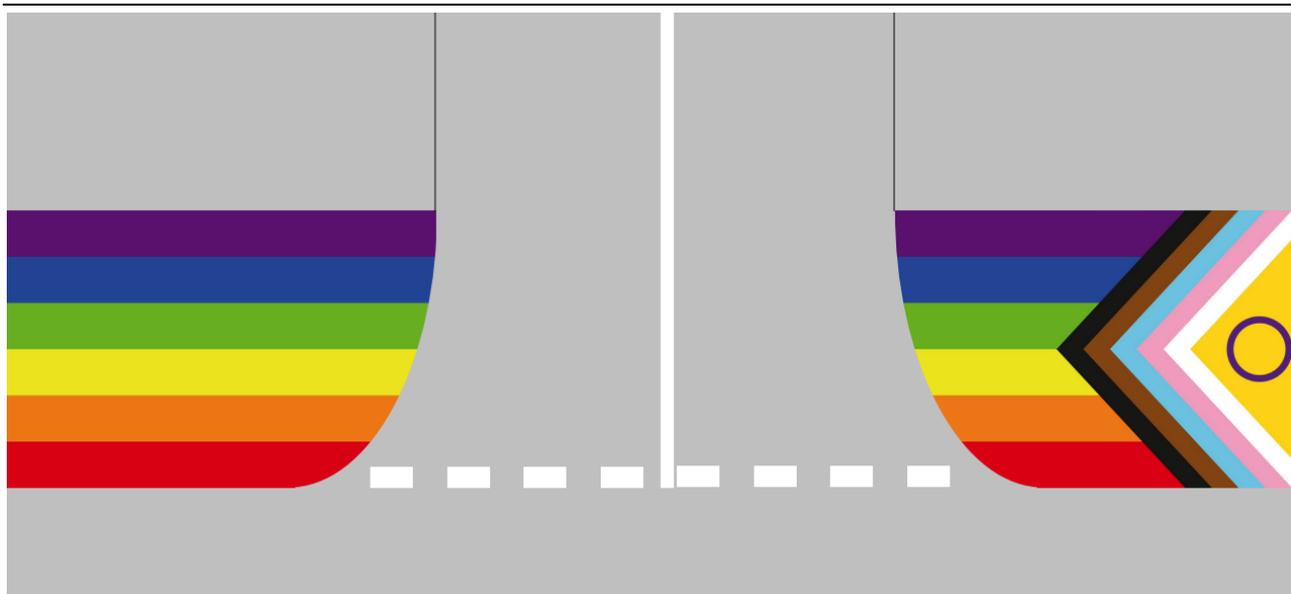


Image #2 – proposed treatment at Peel/Smith

Options

16. Options available include;
 - (a) Apply a new flag design (the Intersex Inclusive Pride Flag) at Peel/Smith and Gertrude/Smith and join up the missing piece of footpath treatment at Gertrude/Smith and apply the new treatment prior to the Midsumma Pride Festival in February 2024. This option is recommended.
 - (b) Repaint the existing rainbow footpath without the inclusion of the new inclusive design; and
 - (c) Simply clean the existing rainbow treatments at the 2 locations.

Community and stakeholder engagement

17. Public support for the rainbow flag footpath treatment is strong. There is evidence dating back to its introduction of support for the rainbow flag on the footpaths at these locations. It can reasonably be expected that the general community would support the renewal of the flag treatment again this year.
18. Officers have consulted with other key stakeholders including the RAC who support a new flag treatment at the 2 locations. While the owner of the private land at the corner of Gertrude and Peels Streets was unable to consent to another rainbow application on his land, he was very supportive of renewing the rainbow footpath on Council's land.

Policy analysis

Alignment to Community Vision and Council Plan

19. Strategic objective 2 – Social Equity & Health. Celebrate and respect culturally vibrant and socially diverse communities (support LGBTQIA+ community and culture).
20. Strategic objective 3 – Local Economy. Improve our streetscapes, safety and amenity including embedding outdoor dining, increase greenery and active transport infrastructure to attract more people to visit, spend time and shop across our precincts.

Community and social implications

21. The local LGBTQIA+ community has strongly supported the rainbow flag treatment on the footpaths in Collingwood and Fitzroy since their inception almost 10 years ago. The renewal of these treatments can be expected to receive generous support.

Economic development implications

22. Renewing footpaths in business activity areas makes for a more pleasant experience for those looking to spend at local businesses. Applying a new inclusive flag design into what is already a popular, well-known and inclusive precinct will only add to the experience of those travelling along Smith St Collingwood.

Human rights and gender equality implications

23. Applying a new inclusive flag design adds to Council's reputation as a leader in this space. This application will continue to enhance Council's reputation as an inclusion leader and supporter of the entire LGBTQIA+ community.

Operational analysis

Financial and resource impacts

24. Subject to Council's decision, officers are ready to engage a contractor to apply the new rainbow flag treatments at the 2 locations. The cost is estimated to be approximately \$25,000 and the works can be completed prior to the Midsumma Pride Festival in February 2024.
25. The budget to undertake these works will be found from savings realised from completed projects in Council's 23/24 capital works program.

Conclusion

26. Officers have sought advice from Council's Rainbow Advisory Committee on a new Intersex Inclusive Pride Flag being painted on the footpaths at the corner of Gertrude/Smith and Smith/Peel. It has expressed strong support from the initiative.
27. Officers have sought quotes to apply the new flag treatment at these locations (including joining up the missing treatment piece at Gertrude/Smith). The cost to renew the footpath treatments is approximately \$25,000 and will be undertaken prior to the Midsumma Pride festival in February 2024.

RECOMMENDATION

1. That Council endorse the new 'Intersex Inclusive Pride Flag' treatments being applied to replace the existing footpath treatments at the corners of Gertrude/Smith Street, Fitzroy and Smith/Peel Street, Collingwood prior to the Midsumma Pride Festival in February 2024 at a cost of approximately \$25,000.

Attachments

There are no attachments for this report.

7.10 Response to Notice of Motion No 5 of 2023 – Developer contact and gift disclosure

Reference	D23/468677
Author	Phil De Losa - Manager Governance and Integrity
Authoriser	General Manager Governance, Communications and Customer Experience
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

Purpose

1. This report responds to a Council resolution in regard to Notice of Motion No 5 of 2023 – Developer contact and gift disclosure.
2. The report presents two draft policies for consideration:
 - (a) Developer Interactions Policy (refer to attached policy); and
 - (b) Councillor Gifts and Hospitality Policy (refer to attached policy).

Critical analysis

History and background

3. Council, at its meeting on 12 September 2023, resolved:
 - (a) *That a draft policy governing Councillor contact with property developers, lobbyists, and other stakeholders in land use planning decision making processes be presented to Council for consideration no later than the December Council Meeting; and*
 - (b) *That a revised policy on gift disclosure be presented to Council for consideration no later than the December Council Meeting.*
4. The Notice of Motion was prepared in the context of the release of the Independent Broad-based Anti-corruption Commission (IBAC) Operation Sandon special report highlighting the need for greater transparency in relation to developers' interactions with Councillors and Council officers.
5. Council is required to have a Gift Policy (s138 of the Local Government Act 2020) which must include procedures for the maintenance of a gift register and any other prescribed matters.
6. The requirement for a developer interactions policy is not required by legislation, however, this activity is being reviewed by the State Government in light of the Operation Sandon report completed by IBAC.
7. Officers have reviewed the policies of other Councils relating to developer interactions. The Cities of Kingston, Greater Dandenong, Whitehorse and Merri-bek had adopted such a policy at time of review.
8. Officers have reviewed the policies of 21 other councils (including the M9 councils) relating to gifts.

Discussion

Developer Interactions Policy

9. The draft policy presented to Council aims to establish transparency of interactions with developers and their agents/consultants. Key points of the policy are:
 - (a) Councillors are required to advise of interactions under the Policy;
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- (b) Only developments with the potential to come to Council or Planning Development Committee (PDC) are included;
 - (c) The policy applies to both statutory and strategic planning considerations;
 - (d) It is a transparency measure only – it does not prevent or restrict Councillors meeting developers or lobbyists;
 - (e) Conflict of interest considerations are heightened in any interactions with developers or lobbyists;
 - (f) It does not apply to objectors/submitters;
 - (g) There are exceptions for incidental or social contact;
 - (h) The formal submission happens every six months with the submission of the biannual interests return, but Councillors will be able to submit every meeting straight from their devices at the time it happens – Governance will keep records and provide Councillors a pre-filled form every six months; and
 - (i) A summary of the interactions will be published online with the Personal Interests Return Summary.
10. The other Councils have similar approaches requiring Councillors to inform their Governance departments of any interactions.
11. However, Kingston’s approach requires an interaction to be diarised by the relevant officer organising the meeting and is preferable that a senior planning officer is present. This approach is considered to be resource intensive, and the attached draft policy aligns to the approaches of other Councils. Kingston’s policy requires a Councillor to complete a record of the meeting if an officer is not present.
12. Greater Dandenong’s policy separates interactions between:
- (a) where no proposal is currently before Council;
 - (b) after a development application has been lodged with Council; and
 - (c) where a development application is subject to legal proceedings.
13. Yarra’s approach is for the Policy to apply to developments with the potential to be considered by Council and/or the PDC as Councillors are responsible for decisions at these forums. The attached draft policy contains a process for any interactions reported to be included in a Councillor’s personal interest return which is considered to provide greater transparency.

Councillor Gifts and Hospitality Policy

14. The draft policy presented to Council provides an amended policy to the one previously adopted by Council.
15. Key points of the policy are:
- (a) All gifts to be declined with the exception of token gifts, reasonable hospitality and gifts on behalf of Council;
 - (b) A threshold of \$50 has been included for token gifts;
 - (c) Gifts register to be made public; and
 - (d) Outlines further obligations required by Councillors (see section 5 of the attached policy).
16. Officers have reviewed the policies of 21 other councils (including the M9 councils) relating to gifts;
- (a) 15 councils have a \$50 threshold for token gifts;
 - (b) Two councils have a \$20 threshold for token gifts;

- (c) Two councils have no dollar figure on the threshold (it's a judgement based on criteria); and
- (d) Two councils do not have token gifts.

17. The draft policy has therefore been aligned to the sector standard.

Options

18. There are no options presented in this report.

Community and stakeholder engagement

19. Officers have researched the policies of other Councils in the drafting of the attached policies.

Policy analysis

Alignment to Community Vision and Council Plan

20. The attached policies align to Council's Strategic Objective Six – Democracy and Governance by delivering outcomes of greater transparency, good governance and responding to the recent Operation Sandon report.

Climate emergency and sustainability implications

21. Not applicable

Community and social implications

22. The attached policies aim to provide the community greater transparency through public disclosure of registers and disclosures.

Economic development implications

23. Not applicable

Human rights and gender equality implications

24. The attached policies have been assessed in terms of compatibility with the Victorian Charter of Human Rights and responsibilities.

Operational analysis

Financial and resource impacts

25. There are no financial or resource implications.

Legal Implications

26. Council is required to have a Gift Policy (s.138 of the Local Government Act 2020) which must include procedures for the maintenance of a gift register and any other prescribed matters.

27. The requirement for a Developer Interaction Policy is not a legislative requirement but aims to achieve good governance.

Conclusion

28. The attached policies have been developed in response to a Council resolution following a Notice of Motion. The policies will improve transparency and meet good governance standards for Council.

RECOMMENDATION

1. That Council:
 - (a) adopt the Developer Interactions Policy as attached (refer to Attachment 1); and
 - (b) adopt the Councillor Gifts and Hospitality Policy as attached (refer to Attachment 2).

Attachments

- 1 [↓](#) Attachment 1 - Developer Interactions Policy (draft)
- 2 [↓](#) Attachment 2 - Councillor Gifts and Hospitality Policy (draft)



Developer Interactions Policy

Title	Developer Interactions Policy
Description	A policy to provide a mechanism for Councillors to record and make public their interactions with property developers
Category	Governance
Type	Policy
Approval authority	Council
Responsible officer	Senior Governance Advisor
Approval date	
Review cycle	Every four years
Review date	
Document Reference	<i>added once adopted</i>
Human Rights compatibility	This policy has been assessed and is compatible with the Victorian Charter of Human Rights and Responsibilities

1. Purpose

- 1.1 This policy provides a mechanism for Councillors to record and make public their *interactions* with *developers*.
- 1.2 This process is a measure to provide transparency and public accountability in relation to Councillor dealings with *developers* and the consideration of officer reports in Council and Planning Decisions Committee meetings.
- 1.3 The process does not seek to limit the access to Councillors by those with property interests in the municipality, nor to limit the ability of Councillors to inform themselves about matters which may be coming to a Council or Planning Decisions Committee meeting for a decision.
- 1.4 This policy provides clarity on which *interactions* should be disclosed, and what details should be made public.

2. Application

- 2.1 In the interests of fostering public confidence in the assessment of planning matters by Council and its Planning Decisions Committee, Councillors are encouraged to disclose *interactions* with *developers*.
- 2.2 The role of the Councillor in the decision-making process is to consider all the information presented by Council officers and information presented by all parties during the debate to make a balanced and informed decision.

3. Definitions

- 3.1 In this policy:

the Act	means the Local Government Act 2020
developer	means a person, business or organisation that a Councillor knows, or reasonably should know, has an interest in a <i>development</i> in the City of Yarra. It also extends to a lobbyist, consultant, advocate, advisor, representative, agent or other related party when they are acting on behalf or in the interests of a <i>developer</i> .



Developer Interactions Policy

development	means a property or land development proposal that is underway, planned or contemplated that, in order to proceed, may require a decision to be made by resolution of the Yarra City Council or its Planning Decisions Committee. These decisions may include, but are not limited to, a change to the Yarra Planning Scheme, the issuance of a planning permit, the sale of Council property and the discontinuance of a Council road.
interaction	means any form of contact between a <i>developer</i> and a Councillor, including but not limited to, a meeting (in person or online), telephone call, email, text message, letter or social media exchange.
conflict of interest	means a conflict of interest as defined in section 126(2) of the Act.
Regulations	means the Local Government (Governance and Integrity) Regulations 2020.

4. Interactions with property developers

- 4.1 Council recognises that every person, organisation and interest group has a right to put a case forward to elected officials as part of the decision-making process (see s60(2)(b) of the *Act*).
- 4.2 Further, Council recognises that Councillors have an obligation to become informed about matters which are subject to Council decisions (see Schedule 1.2(b) of the *Regulations*).
- 4.3 In fulfilling their obligation to make informed decisions, Councillors may *interact* with *developers* in relation to matters likely to come before them for a decision.
- 4.4 Council also recognises the significant risks involved in the exercising of its powers in relation to property development matters, given the potentially significant impact such decisions can have on property values. This, in the absence of robust and transparent integrity measures, can create a perception of improper conduct on the part of decision-makers.
- 4.5 In order to maintain community confidence in Council's *interactions* with *developers*:
 - 4.5.1 Councillors will declare conflicts of interest in accordance with the *Act* and Council's Governance Rules. *Conflicts of interest* declared by Councillors are included in a register and published on Council's website.
 - 4.5.2 Councillors will, by reporting under this policy, disclose *interactions* with *developers*. *Interactions* with *developers* disclosed by Councillors are included in the personal interests return summary and published on Council's website.

5. Disclosure

Interactions requiring disclosure

- 5.1 Councillors are required to disclose all *interactions* with *developers* other than those set out at section 5.2 of this policy.

Interactions where disclosure is not required

- 5.2 Councillors are not required to disclose:
 - 5.2.1 Incidental contact with a *developer*, meaning brief contact between a Councillor and *developer* that either does not reference a *development* or where any such reference is immediately curtailed. Examples of incidental contact include, but are not limited to:
 - (a) a chance encounter in the street where pleasantries are exchanged.



Developer Interactions Policy

- (b) the receipt by a Councillor of an email invitation to inspect a site, and an email reply declining the offer.
 - (c) an unsolicited post on a Councillor's facebook page with a comment by the Councillor directing the commenter to contact the planning office.
 - (d) the attendance by both a Councillor and a *developer* at a large community event where the *developer* asks the Councillor a question about a *development*, and the Councillor immediately states that they do not wish to discuss the matter and ends the topic of conversation.
- 5.2.2 Social contact with a *developer*, meaning contact between a Councillor and *developer* in a social setting that either does not reference a *development* or where any such reference is immediately curtailed. Examples of social contact include, but are not limited to:
- (a) a Councillor and *developer* whose children play for the same sporting team, and they regularly see each other at training sessions.
 - (b) a Councillor and *developer* who are in a romantic relationship and have taken care not to discuss work matters at home.
- 5.2.3 Formal contact with a *developer* at a Council meeting or meeting of the Planning Decisions Committee, such as where a *developer* addressed the meeting in relation to a matter listed on the agenda.
- 5.2.4 Contact with a *developer* in relation to matter with which the Councillor has a *conflict of interest* which has previously been disclosed in a personal interests return. Examples of exempt contact include, but are not limited to:
- (a) ongoing contact with a business colleague who is conducting property development activity in the municipality;
 - (b) a Councillor who has a family member who is an architect with many projects in the municipality.
 - (c) where a Councillor themselves is a developer
- 5.3 Where a Councillor finds themselves having repeated incidental or social contact with a *developer*, they are advised to consider whether it warrants disclosure in the personal interests return in accordance with regulation 9(l) of the *Regulations*.

Manner of disclosure

- 5.4 Councillors are able to submit contemporaneous reports of *interactions* with *developers* to the Governance Branch for recording.
- 5.5 In March and September each year, Councillors will receive a pre-filled declaration form which lists all *developer interactions* reported to the Governance Branch (or a blank form if none have been reported).
- 5.6 Councillors will confirm that the record of *developer interactions* is true and correct, and submit it to the Governance Branch at the same time as submitting the biannual interests return required under section 134 of the *Act*.

6. Public Register

- 6.1 The Chief Executive Officer is required to prepare and make public a summary of personal interests returns under section 135 of the *Act*.
- 6.2 For Councillors, this summary is expanded to include a summary of *developer interactions*, in addition to those items required by regulation 10(1) of the *Regulations*.



Developer Interactions Policy

- 6.3 Data provided in the public summary includes:
- 6.3.1 the date of each *interaction*;
 - 6.3.2 the parties present or involved in each *interaction*;
 - 6.3.3 the address of any property or properties each *interaction* relates to;
 - 6.3.4 the nature of each *interaction*;
 - 6.3.5 any comments provided by a Councillor for inclusion in relation to an *interaction*; and
 - 6.3.6 any declaration that a Councillor has not had any *interactions*.
- 6.4 In order to comply with the Privacy and Data Protection Act 2014, the names of the parties to an *interaction* (other than Councillors) will not be released, and will instead be substituted with a descriptor to enable the reader to understand the relationship of the third party to Council. For example, the parties may be described as “the landowner of 123 Main Street and a Director of ABC Planning Consultants” rather than using the individual’s names. Names of businesses or organisations will be provided.
- 6.5 Where a Councillor does not make a declaration in accordance with this policy in relation to their *developer interactions*, the summary for that Councillor shall instead record that the Councillor has failed to make a declaration for the relevant period.

7. Related Documents

- City of Yarra Governance Rules
- Local Government Act 2020
- Local Government (Governance and Integrity) Regulations 2020.



Councillor Gifts and Hospitality Policy

Title	Councillor Gifts and Hospitality Policy
Description	A policy to provide guidance and direction to Councillors in relation to the treatment of offers of gifts, benefits and hospitality.
Category	Council
Type	Policy
Approval authority	Council
Responsible officer	Manager Governance and Integrity
Approval date	
Review cycle	Every four years
Review date	
Document Reference	D09/51567
Human Rights compatibility	This policy has been assessed and is compatible with the Victorian Charter of Human Rights and Responsibilities

1. Purpose

1.1. The purpose of the Councillor Gifts and Hospitality Policy is to:

- 1.1.1. provide guidance and direction to Councillors in relation to the treatment of offers of gifts, benefits and hospitality;
- 1.1.2. ensure integrity and transparency in the treatment of gifts and hospitality provided to or offered to Councillors;
- 1.1.3. provide procedures for the maintenance of a Councillor gift register;
- 1.1.4. satisfy Council's obligation under section 138 of the Local Government Act 2020 to adopt a Councillor gift policy.

2. Scope

2.1. This policy applies to:

- 2.1.1. offers of gifts, benefits or hospitality made to Councillors in their capacity as a Councillor of the City of Yarra.

2.2. This policy does not apply to:

- 2.2.1. offers of gifts or hospitality made to Councillors where the offer is not related to their role at Council. For example, a gift given to a Councillor by a family member or personal friend is not covered by this policy, unless it relates to Council business¹.
- 2.2.2. offers of gifts or hospitality made to Councillors from other Councillors or from Council itself.

3. Definitions

In this policy:

¹ Note that a gift received in a personal capacity may still trigger other disclosure obligations, such as the declaration of a conflict of interest, its inclusion on a personal interests return and/or the requirement to disclose certain election campaign donations.



Councillor Gifts and Hospitality Policy

Act	means the Local Government Act 2020.
Councillor	means a Councillor of the Yarra City Council.
Chief Executive Officer	means the Chief Executive Officer (or Acting Chief Executive Officer) of the City of Yarra or an officer delegated by them to fulfil the obligations of this policy.
Gift	has the same meaning as defined in the <i>Act</i> , and means any disposition of property otherwise than by will made by a person to another person without consideration in money or money's worth or with inadequate consideration, including the provision of a service (other than volunteer labour), the payment of an amount in respect of a guarantee, and the making of a payment or contribution at a fundraising function.
Gift Disclosure Threshold	has the same meaning as defined in the <i>Act</i> , and means \$500 or a higher amount or value prescribed by the regulations.
Token Gift Threshold	is calculated at an amount of one tenth of the <i>Gift Disclosure Threshold</i> which, at the time of writing this report, results in a threshold of \$50.

4. Policy

4.1. Legislative context

4.1.1. Section 138 of the *Act* provides that Council must adopt a Councillor gift policy, and that the adopted policy must include:

- procedures for the maintenance of a gift register; and
- any other matters prescribed by the regulations.

4.1.2. At the time of adopting this policy, no further matters have been prescribed.

4.2. Gifts to be declined

4.2.1. With the exception of gifts described in section 4.4 (token gifts), 4.5 (reasonable hospitality) and 4.6 (gifts on behalf of Council), *Councillors* cannot accept any gifts offered to them in their capacity as a councillor of the City of Yarra.

4.2.2. Wherever possible, gifts offered to *Councillors* should be refused at first instance.

4.2.3. Where gifts cannot be refused at first instance (such as gifts received by mail, or gifts thought at first to be of token value), they must be surrendered as soon as practicable to the *Chief Executive Officer*.

4.2.4. *Councillors* must disclose the offer of any gift refused or surrendered under this section to the *Chief Executive Officer*.

4.2.5. The *Chief Executive Officer* must ensure that all disclosures made by *Councillors* under this section are recorded in the Councillor Gift Register.

4.3. Gifts cannot be solicited

4.3.1. *Councillors* cannot solicit, demand or request gifts or any personal benefit for themselves or another person by virtue of their position, regardless of value.

4.4. Acceptance of token gifts

4.4.1. Token gifts with a value of up to the *Token Gift Threshold* (\$50) may be accepted by *Councillors* provided:



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- acceptance of the gift does not create a real or perceived sense of obligation that may lead to a perception of preferential service as a result;
- the gift is not offered on a regular basis (leading to the total value of gifts accepted from the same giver exceeding the *Token Gift Threshold* in value in any calendar year);
- acceptance would not cause any perceived or actual compromise or conflict of interest;
- refusal of the gift would be discourteous or cause embarrassment; and
- the gift is not of cash or cash equivalent (gift cards, gambling chips or similar).

4.4.2. There is no requirement to record token gifts in the Councillor Gift Register.

4.5. Reasonable hospitality

4.5.1. *Councillors* will from time to time receive invitations of hospitality to attend various functions and events in an official capacity. Such events provide an opportunity to network or undertake business of a common purpose, professional development, or to act as a representative of the City of Yarra.

4.5.2. It is permissible for *Councillors* to accept offers of hospitality where:

- the hospitality is proportionate in the circumstances, given the nature of the event (for example, acceptance of a three-course dinner at a city hotel may be reasonable as part of a large-scale event attended by the Premier, but would not be reasonable following a five minute product launch by a Council contractor);
- acceptance of the hospitality does not create a real or perceived sense of obligation that may lead to a perception of preferential service as a result;
- the refusal of the hospitality would be discourteous or cause embarrassment; or
- where the hospitality cannot be practicably separated from attendance or participation in an event in a councillor's official capacity.

4.5.3. *Councillors* must disclose the acceptance or offer of any hospitality (regardless of whether or not it has been accepted) with a value greater than the *Token Gift Threshold* to the *Chief Executive Officer*.

4.5.4. The *Chief Executive Officer* must ensure that all disclosures made by *Councillors* under this section are recorded in the Councillor Gift Register.

4.6. Acceptance of gifts on behalf of Council

4.6.1. *Councillors* may be involved in conferences, social, cultural, community or industry events where official gifts are at times presented or exchanged. Such gifts may range in value from token gifts to gifts of significant value.

4.6.2. It is permissible for *Councillors* to accept an official gift on behalf of the Council where:

- the refusal of the gift would be discourteous or cause embarrassment; and
- after acceptance, the gift is surrendered as soon as practicable to the *Chief Executive Officer*.

4.6.3. *Councillors* must disclose the acceptance of any gift on behalf of Council to the *Chief Executive Officer*.

4.6.4. The *Chief Executive Officer* must ensure that all disclosures made by *Councillors* under this section are recorded in the Councillor Gift Register.



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4.6.5. The *Chief Executive Officer* will determine the appropriate treatment of all gifts received by Council, which may include, but is not limited to, return to the gift giver, consideration for inclusion in the City of Yarra Art and Heritage Collection, storage, sale, donation or disposal.

4.7. Gift register

- 4.7.1. A Councillor Gift Register will be maintained by the Governance Branch and a summary will be published on Council's website.
- 4.7.2. Data provided in the public summary will include the name of the gift recipient (or intended recipient), the date the gift was offered, the nature of the gift, the estimated value of the gift and the details of the gift giver.
- 4.7.3. In order to comply with the Privacy and Data Protection Act 2014, the gift giver's personal information will not be released, and will instead be substituted with a descriptor to enable the reader to understand the relationship of the giver to Council and the recipient (or intended recipient). For example, a gift may be shown as being from "aged care client", "Richmond library user" or "resident of Main Street" rather than using their name. Names of businesses or organisations will be provided.

5. Further obligations

In addition to the obligations set out in this policy, *Councillors* should be aware of additional obligations potentially arising from the offer or acceptance of gifts. This policy does not seek to set out those specific obligations, but they are included here to enable *Councillors* to seek further advice in relation to their specific circumstances.

5.1. Material conflict of interest

- 5.1.1. Section 128 of the *Act* provides that a *Councillor* has a material conflict of interest if a person from whom the Councillor has received a disclosable gift would gain a benefit or suffer a loss depending on the outcome of the matter.
- 5.1.2. A disclosable gift is defined at section 128(4) of the *Act*.
- 5.1.3. The receipt of a disclosable gift is not, of itself, a breach of the *Act*, but a failure to declare a conflict of interest that arises in accordance with the process set out in Council's Governance Rules would be.
- 5.1.4. The disclosure of a gift under this policy does not substitute for the disclosure of a material conflict of conflict of interest under Council's Governance Rules.

5.2. Personal interests returns

- 5.2.1. Section 124 of the *Act* provides that a *Councillor* must include in a biannual personal interests return the details of any gift received by them with a value greater than the *Gift Disclosure Threshold*, including gifts in the form of goods or services and multiple gifts that together equal or exceed the *Gift Disclosure Threshold*, which was received at any time since the lodgement of the previous initial or biannual personal interests return.
- 5.2.2. There are some exemptions to this requirement, including for gifts received from a family member, gifts disclosed in an election campaign donation return and reasonable hospitality received in the *Councillor's* official capacity.
- 5.2.3. The disclosure of a gift under this policy does not substitute for the disclosure of a gift on a personal interests return.

5.3. Election campaign donations

- 5.3.1. Section 306 provides that *Councillors* must submit an election campaign donation return within 40 days of election day which contains prescribed details in respect of any gifts received during the donation period by or on behalf of the *Councillor*, to be used for or in connection



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with the election campaign, the amount or value of which is equal to or exceeds the gift disclosure threshold.

5.3.2. The donation period and the gift disclosure threshold is defined at section 3 of the *Act*.

5.3.3. The disclosure of a gift under this policy does not substitute for the disclosure of an election campaign donation return.

5.4. Bribery and corruption

5.4.1. An offer of a gift or any personal benefit to a *Councillor* or another person may constitute an attempt to bribe that *Councillor* or otherwise engage in corrupt behaviour.

5.4.2. *Councillors* should remain alert to efforts to bribe or otherwise engage in corrupt activity, or to undertake grooming activity that may lead to such behaviour.

5.4.3. If a *Councillor* believes they have been offered a bribe or otherwise been approached inappropriately, it is important that they immediately act in accordance with the City of Yarra Fraud and Corruption Policy and Control Plan. This includes prompt reporting to:

- Council's Fraud and Corruption Response Team;
- Independent Broad-based Anti-corruption Commission;
- Victorian Ombudsman; and/or
- Council's "Your Call" external reporting service.

5.4.4. The disclosure of a gift under this policy does not substitute for the disclosure of corrupt behaviour under Council's Fraud and Corruption Policy and Control Plan.

6. Related Documents

- Local Government Act 2020
- Privacy and Data Protection Act 2014
- Yarra City Council Councillor Code of Conduct
- Yarra City Council Governance Rules
- Yarra City Council Fraud and Corruption Control Plan

7.11 Appointment of 2024 Committee Members and Delegates

Reference	D23/456205
Author	Rhys Thomas - Senior Governance Advisor
Authoriser	General Manager Governance, Communications and Customer Experience

Purpose

- To appoint Councillors as delegates to the Planning Decisions Committee, Audit and Risk Committee, Advisory Committees and external bodies for 2024.

Critical analysis

History and background

- In order to assist the Council to undertake its extensive range of functions, Council has:
 - constituted the Planning Decisions Committee with delegated powers and responsibilities;
 - constituted the Audit and Risk Committee under section 53 of the Local Government Act 2020;
 - established Advisory Committees, to which it appoints both Councillors and community representatives; and
 - appointed delegates to represent it on a range of external organisations.

Discussion

- Details of each body requiring an appointment are set out below.

Planning Decisions Committee

- Council's Planning Decisions Committee is a delegated committee which is formally constituted under Part 3, Division 2 of the Local Government Act 2020. The Committee has specific delegated powers set out in an Instrument of Delegation adopted by Council.
- Council does not appoint a Chairperson to the Planning Decisions Committee, as the membership is rotated throughout the year, and the Chairperson is appointed by the Committee itself.
- The details of the committee are:

Delegated Committee	Purpose	Nominees required
Planning Decisions Committee	<p>The Planning Decisions Committee has the power to:</p> <ul style="list-style-type: none"> consider planning applications; and consider Heritage Victoria Referrals <p>in accordance with the Instrument of Delegation from Council dated 18 August 2020.</p>	<p>All Councillors, subject to the Chief Executive Officer, in consultation with Councillors, determining a quarterly attendance roster allocating three Councillors to each meeting, with the Committee membership for each meeting comprising those Councillors rostered to attend or their agreed substitute.</p>

Audit and Risk Committee

7. Council’s Audit and Risk Committee is formally constituted under section 53 of the Local Government Act 2020. This committee has specific duties set out in an Audit and Risk Committee Charter adopted by Council.
8. Council appoints a Chairperson to the Audit and Risk Committee at its first meeting in each calendar year. The Chairperson must be one of the three external members.
9. The details of the committee are:

Committee	Purpose	Nominees required
Audit and Risk Committee	The role of the Audit and Risk Committee is to provide independent and objective assurance and assistance to the Yarra City Council and its Chief Executive Officer on Council’s risk management, control and compliance framework, and its external financial and performance accountability and responsibilities.	Two Councillors (the Mayor has the option of taking up one of the two Councillor places at their sole discretion)

Advisory Committees

10. Advisory Committees typically comprise one or more Councillors and a number of community representatives. The community representatives can be local residents or stakeholders appointed in their own right, or representatives of service authorities, support agencies or community organisations.
11. The progress, advice and recommendations of Advisory Committees is reported to Council through Delegate’s Reports by Councillors and progress reports from Council officers. The details of the committees are:

Advisory Committee	Purpose	Nominees required
Active Ageing Advisory Committee	To provide information, support and advice to Council on the needs, interests and well-being of people aged 50+.	One Councillor
Active Transport Advisory Committee	In recognition of the climate emergency, to provide Council with advice to support its objective of reducing car dependency in the community and increasing the use of active transport throughout the municipality.	Two Councillors
Arts Advisory Committee	To provide a formal mechanism for Council to consult with key stakeholders, seek specialist advice and enable community participation in arts and cultural planning and development.	Two Councillors
Business Advisory Group	Create and maintain a forum for business representatives to provide Council with feedback and practical advice regarding ways in which Council can engage with and further assist key sectors within the business community.	One or more Councillors
Chief Executive Officer Employment and Remuneration Committee	To support the Council in the performance management process for the Chief Executive Officer and, where required, the employment of a new Chief Executive Officer.	All Councillors

Advisory Committee	Purpose	Nominees required
Disability Advisory Committee	To provide information, advice and guidance to Council at both a strategic and operational level on universal access and mainstream participation of people with disability and ongoing support to Council in ensuring that disability rights are integrated into the core business of Council.	Two Councillors
Environment Advisory Committee	To represent interests pertaining to all aspects of urban environmental sustainability including (but not limited to) climate change; resource efficiency across water, waste and energy; urban greening and natural capital; local food systems; and the built environment, by providing advice to Council on policy, strategy and other strategic opportunities to progress the organisation's response to these issues.	Two Councillors
Heritage Advisory Committee	To provide advice to Council on heritage matters including Yarra's natural, built and cultural heritage.	Three Councillors (one from each ward)
Multicultural Advisory Group	To provide a structure for on-going communication and consultation between multicultural communities and Yarra City Council across a broad range of issues impacting on those communities.	One Councillor
Rainbow Advisory Committee	To provide information, support and advice, and a mechanism for communication and consultation between LGBTIQ+ communities and Council, on issues affecting the LGBTIQ+ community.	Two Councillors
Yana Ngargna Advisory Group	A partnership between Yarra City Council and the Wurundjeri Woi Wurrung, Aboriginal and Torres Strait Islander community.	One Councillor
Yarra Libraries Advisory Committee	To provide advice on issues relating to public library services across the City of Yarra.	Two Councillors

12. Arrangements for the 2024 Yarra Community Awards have not yet been finalised, as it will be necessary to alter the timing due to the 2024 Council election. If it is necessary to appoint an Advisory Committee to make recommendations, a further report will be presented to Council in early 2024.

External Bodies

13. As a member of, or stakeholder in a range of external bodies and organisations, Council has the opportunity to appoint a delegate to represent its interests on the Committee, Board of Management or similar. The appointment of the delegate is made in accordance with the rules or procedures of the external organisation.
14. The details of the external bodies are:

Special Committee	Purpose	Nominees required
Australian Local Government Women's Association	To promote participation and representation by women in Local Government	One Councillor

Special Committee	Purpose	Nominees required
Collingwood Children’s Farm Management Committee	To oversee management of the Collingwood Children’s Farm.	One Councillor
Friends of Baucau	To promote governance and friendship to the city of Baucau in East Timor.	One Councillor plus one substitute Councillor
Mayors for Peace	An international organisation of cities dedicated to the promotion of peace.	One Councillor
Merri Creek Management Committee	A not-for-profit organisation, established to ensure the preservation of natural and cultural heritage, and the ecologically sensitive restoration, development and maintenance of the Merri Creek and tributaries, their corridors and associated ecological communities.	One Councillor
Metropolitan Transport Forum	To develop recommendations pertaining to transport in Melbourne, with particular emphasis on advocating for improved public transport.	One Councillor plus one substitute Councillor
Municipal Association of Victoria	A peak representative and lobbying body for Victorian Councils which provides leadership to Councils by supporting them to achieve the highest levels of respect and recognition through improved performance.	One Councillor plus one substitute Councillor
Northern Alliance for Greenhouse Action	To promote community understanding and support for Greenhouse actions.	One Councillor
Victorian Local Governance Association	A peak local government body which aims to promote good governance and sustainability by supporting local governments through programs of advocacy, training, information provision and support.	One Councillor plus one substitute Councillor

Process

15. The recommendation in this report does not include names of Councillors to be appointed, as this is a matter for the Council. The Councillor moving the motion is required to present appointments for Council’s consideration.
16. The appointment of Council representatives, like all Council resolutions, is made by the majority of Councillors present at the meeting at which the resolution is carried.
17. Given the large number of positions to be filled, it is recommended that the appointments be made by a single resolution. In the event that a particular position (or positions) is contested, it may be necessary for the Mayor to put the motion to the vote in several parts, in accordance with Chapter Two, Rules 35.1 and 36.1 of Council’s Governance Rules.

Options

18. In the case of Delegated Committees and External Bodies, the number of appointments must match the number of vacancies. In the case of Advisory Committees (which are constituted by Council), it is open to Council to appoint a different number of representatives than the number of vacancies.

Community and stakeholder engagement

19. No community engagement has been undertaken in the development of this report.

Policy analysis

Alignment to Community Vision and Council Plan

20. 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.”*
21. The City of Yarra Council Plan 2021-2025 commits Council to *“provide opportunities for meaningful, informed and representative community engagement to inform Council’s decision-making”* and to *“practice good governance, transparency and accountable planning and decision-making.”*
22. The ongoing operation of community advisory committees and the appointment of Councillors to all committees in an open and transparent process underpins both the Yarra 2036 Community Vision and the City of Yarra Council Plan 2021-2025 and demonstrates Council’s ongoing commitment to good governance.

Climate emergency and sustainability implications

23. No climate emergency implications are presented in this report.

Community and social implications

24. No community or social implications are presented in this report.

Economic development implications

25. No economic development implications are presented in this report.

Human rights and gender equity implications

26. No human rights or gender equity implications are presented in this report.

Operational analysis

Financial and resource impacts

27. The financial and resource impacts of operating the committee set out in this report are minimal and included in the operational budgets of the relevant Council programs.

Legal Implications

28. The recommendations of this report have been structured to ensure that where necessary, committee members to Delegated Committees, the Audit and Risk Committee and external organisations are lawfully appointed in accordance with the relevant provisions of the body.
29. In the case of Advisory Committees, Council is free to appoint any number of members, regardless of the number specified in its Terms of Reference.

Conclusion

30. This report recommends the appointment of delegates to the Delegated Committee, the Audit and Risk Committee, Advisory Committees and a range of external bodies.

RECOMMENDATION

1. That Council ratify the following Delegated Committee appointments for 2024:

Delegated Committee	Appointments for 2024
Planning Decisions Committee	All Councillors, subject to the Chief Executive Officer, in consultation with Councillors, determining a quarterly attendance roster allocating three Councillors to each meeting, with the Committee membership for each meeting comprising those Councillors rostered to attend or their agreed substitute.

2. That Council appoint the following Councillors to the Audit and Risk Committee for 2024:

Committee	Appointments for 2024
Audit and Risk Committee	Cr _____ Cr _____

3. That Council appoint the following Councillors to the Advisory Committees listed below for 2024:

Advisory Committee	Appointments for 2024
Active Ageing Advisory Committee	Cr _____
Active Transport Advisory Committee	Cr _____
Arts Advisory Committee	Cr _____ Cr _____
Business Advisory Group	Cr _____ ...
Chief Executive Officer Employment and Remuneration Committee	All Councillors
Disability Advisory Committee	Cr _____ Cr _____
Environment Advisory Committee	Cr _____ ...
Heritage Advisory Committee	Cr _____ Cr _____ Cr _____
Multicultural Advisory Group	Cr _____
Rainbow Advisory Group	Cr _____ Cr _____
Yana Ngargna Advisory Group	Cr _____ Cr _____
Yarra Libraries Advisory Committee	Cr _____ Cr _____

4. That Council appoint the following Councillors to the external bodies listed below for 2024:

Organisation or body	Appointments for 2024
Australian Local Government Women's Association	Cr _____
Collingwood Children's Farm Management Committee	Cr _____
Friends of Baucau	Cr _____ Cr _____ (substitute)
Mayors for Peace	Cr _____
Merri Creek Management Committee	Cr _____
Metropolitan Transport Forum	Cr _____ Cr _____ (substitute)
Municipal Association of Victoria	Cr _____ Cr _____ (substitute)
Northern Alliance for Greenhouse Action	Cr _____
Victorian Local Governance Association	Cr _____ Cr _____ (substitute)

Attachments

There are no attachments for this report.

8.1 Notice of Motion No. 6 of 2023 - Families and Children Advisory Committee and Playground Equipment in Park at Cambridge Street, Collingwood

Reference	D23/463629
Author	Stephen Jolly
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

I, Councillor Stephen Jolly, hereby give notice that it is my intention to move the following motion at the Ordinary Meeting of Council to be held on 12 December 2023:

That individual reports be presented to the February 2024 Council meeting:

- (a) to consider the establishment of a Families and Children Advisory Committee; and*
- (b) outline options for the installation of the children's playground equipment at the newly expanded park in Cambridge Street, Collingwood.*

RECOMMENDATION

1. That individual reports be presented to the February 2024 Council meeting:
 - (a) to consider the establishment of a Families and Children Advisory Committee; and
 - (b) outline options for the installation of the children's playground equipment at the newly expanded park in Cambridge Street, Collingwood.

Attachments

There are no attachments for this report.

8.2 Notice of Motion No. 7 of 2023 - Israel Gaza Conflict

Reference	D23/479581
Author	Anab Mohamud
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

I, Councillor Anab Mohamud, hereby give notice that it is my intention to move the following motion at the Ordinary Meeting of Council to be held on 12 December 2023:

1. *That Council:*
 - (a) *mourns the tragic and horrific loss of children and civilian lives in the current Israel Gaza conflict and all attacks that target civilians;*
 - (b) *expresses our solidarity with the displacement of millions of Palestinians from their homelands as a result and recognises that the bombing and the siege of Gaza is traumatising for so many residents from war torn countries;*
 - (c) *notes that many global organisations and institutions, including the UN's Independent International Commission of Inquiry on occupied Palestinians Territory, United Nations Special Rapporteurs, have alleged documented systematic evidence of war crimes; and*
 - (d) *writes to the Australian Government to request that they call for a permanent ceasefire among all parties in the Israel Gaza conflict.*

RECOMMENDATION

1. That Council:
 - (a) mourns the tragic and horrific loss of children and civilian lives in the current Israel Gaza conflict and all attacks that target civilians;
 - (b) expresses our solidarity with the displacement of millions of Palestinians from their homelands as a result and recognises that the bombing and the siege of Gaza is traumatising for so many residents from war torn countries;
 - (c) notes that many global organisations and institutions, including the UN's Independent International Commission of Inquiry on occupied Palestinians Territory, United Nations Special Rapporteurs, have alleged documented systematic evidence of war crimes; and
 - (d) writes to the Australian Government to request that they call for a permanent ceasefire among all parties in the Israel Gaza conflict.

Attachments

There are no attachments for this report.

8.3 Notice of Motion No. 8 of 2023 - Demolition of Public Housing Towers

Reference	D23/479567
Author	Sophie Wade
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

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 12 December 2023:

1. *That Council:*
 - (a) *Strongly opposes the Victorian Government's plans to demolish 44 public housing towers across the state, including 12 towers in the City of Yarra, in Fitzroy, Collingwood and Richmond;*
 - (b) *Calls on the Victorian Government to substantially increase public and social housing dwellings to address the housing affordability crisis, and notes Yarra's previous and ongoing support for the use of various state-owned sites in Yarra for this purpose, including the Fitzroy Gasworks site;*
 - (c) *In response to the announcement to demolish and redevelop all 44 metropolitan high-rise public housing towers, requests the Mayor write to the Premier and the Minister for Housing to:*
 - (i) *outline Council's opposition to the demolition of the public housing towers; and*
 - (ii) *urge the government to consider a program to renovate the existing high-rise public housing in Yarra, instead of proceeding with demolition; and*
 - (d) *Calls for a further report to Council that includes:*
 - (i) *a review the impacts of the Victorian Government's announcements, including any further information released by the Victorian Government;*
 - (ii) *recommendations for revised or amended policy and advocacy positions that could be adopted by Council to address the risks and impacts of Victorian Government initiatives, including Council's opposition to the demolition and privatisation of public housing in Yarra and across metropolitan Melbourne; and*
 - (iii) *recommendations on any potential initiatives that could be adopted by Council to mitigate any risks and impacts for residents of the public housing estates in Yarra.*

RECOMMENDATION

1. That Council:
 - (a) Strongly opposes the Victorian Government's plans to demolish 44 public housing towers across the state, including 12 towers in the City of Yarra, in Fitzroy, Collingwood and Richmond;
 - (b) Calls on the Victorian Government to substantially increase public and social housing dwellings to address the housing affordability crisis, and notes Yarra's previous and ongoing support for the use of various state-owned sites in Yarra for this purpose, including the Fitzroy Gasworks site;
 - (c) In response to the announcement to demolish and redevelop all 44 metropolitan high-rise public housing towers, requests the Mayor write to the Premier and the Minister for Housing to:
 - (i) outline Council's opposition to the demolition of the public housing towers; and
 - (ii) urge the government to consider a program to renovate the existing high-rise public housing in Yarra, instead of proceeding with demolition; and
 - (d) Calls for a further report to Council that includes:
 - (i) a review the impacts of the Victorian Government's announcements, including any further information released by the Victorian Government;
 - (ii) recommendations for revised or amended policy and advocacy positions that could be adopted by Council to address the risks and impacts of Victorian Government initiatives, including Council's opposition to the demolition and privatisation of public housing in Yarra and across metropolitan Melbourne; and
 - (iii) recommendations on any potential initiatives that could be adopted by Council to mitigate any risks and impacts for residents of the public housing estates in Yarra.

Attachments

There are no attachments for this report.