



Ordinary Meeting of Council Agenda

**to be held on Tuesday 19 June 2018 at 7.00pm
Richmond Town Hall**

Arrangements to ensure our meetings are accessible to the public

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

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

Recording and Publication of Meetings

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

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Order of business

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

1. Statement of Recognition of Wurundjeri Land

"Welcome to the City of Yarra."

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

2. Attendance, apologies and requests for leave of absence

Anticipated attendees:

Councillors

- Cr Daniel Nguyen (Mayor)
- Cr Misha Coleman (Deputy Mayor)
- Cr Danae Bosler
- Cr Mi-Lin Chen Yi Mei
- Cr Jackie Fristacky
- Cr Stephen Jolly
- Cr Mike McEvoy
- Cr James Searle

Council officers

- Vijaya Vaidyanath (Chief Executive Officer)
- Andrew Day (Director - Corporate, Business and Finance)
- Ivan Gilbert (Group Manager - CEO's Office)
- Lucas Gosling (Acting Director - Community Wellbeing)
- Chris Leivers (Director – City Works and Assets)
- Bruce Phillips (Director - Planning and Place Making)
- Jane Waldock (Assistant Director - Planning and Place making)
- Mel Nikou (Governance Officer)

Leave of absence

- Cr Amanda Stone

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

4. Confidential business reports

Item

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

Confidential business reports

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

RECOMMENDATION

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

5. Confirmation of minutes

RECOMMENDATION

That the minutes of the Ordinary Council Meeting held on Tuesday 5 June 2018 be confirmed.

That the minutes of the Special Council Meeting held on Wednesday 6 June 2018 be confirmed.

6. Petitions and joint letters

7. Public question time

Yarra City Council welcomes questions from members of the community.

Public question time procedure

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

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

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

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

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

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

8. General business

9. Delegates' reports

10. Questions without notice

11. Council business reports

Item		Page	Rec. Page	Report Presenter
11.1	2018/19 Budget - Consideration of Submissions	9	11	Ange Marshall – Chief Financial Officer
11.2	Trial of variable pricing for parking in Bridge Road	12	15	Andrew Day – Director Corporate Business and Finance
11.3	Collingwood Mixed Use Precinct - Request for Interim Design and Development Overlay	16	28	David Walmsley – Manager City Strategy
11.4	Bridge Road Activity Centre - Request for an Interim Design and Development Overlay	30	40	David Walmsley – Manager City Strategy
11.5	Victoria Street Activity Centre - Request for an Interim Design and Development Overlay	42	51	David Walmsley – Manager City Strategy
11.6	Route 96 Tram Stop Upgrades - Stop 23	53	64	Jane Waldock – Assistant Director Planning and Place Making
11.7	Route 96 Tram Stop Upgrades - Stops 11 to 15	67	83	Jane Waldock – Assistant Director Planning and Place Making
11.8	An Update on the Victorian Heritage Restoration Fund	87	89	Ivan Gilbert – Group Manager Chief Executive's Office
11.9	City of Yarra Heritage Advisory Committee Membership	90	93	Ivan Gilbert – Group Manager Chief Executive's Office

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

Public submissions procedure

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

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

12. Notices of motion

Nil

13. Urgent business

Nil

11.1 2018/19 Budget - Consideration of Submissions

Trim Record Number: D18/97659

Responsible Officer: Director Corporate, Business and Finance

Purpose

1. To consider the submissions received to the proposed 2018/2019 Budget in accordance with section 223 of the Local Government Act 1989 (the Act).

Background

2. Under Section 223 of (the Act), Council is required to:
 - (a) adopt a proposed Budget and Council Plan;
 - (b) give public notice outlining how the community can access a copy of the budget, timelines for submissions (at least 28 days) and the option to speak to their submission at a Council meeting;
 - (c) receive submissions;
 - (d) hear submissions at a Council meeting (where submitters have requested that opportunity); and
 - (e) write to each submitter noting Council's decision and the reasons for it.
3. The process of development of the 2018/2019 draft Budget commenced in late 2017. This initial round of community consultation assisted Council to understand a range of community suggestions and priorities for the budget. This preliminary consultation included a community information campaign, including a dedicated website, social media campaign, printed notices and three community information sessions. The process proved very successful, with 150 submissions received.
4. Following this consultation, Council then formulated a draft Budget around the general services Council is expected to provide and additional works, services, and programs Council determined were priorities for the coming year, based in part on requests presented by community members and groups.
5. A draft 2018/2019 Budget was presented to the Ordinary Council meeting on 24 April 2018 and was adopted in principle, to be presented for the formal advertising and consultation process.

External Consultation

6. The proposed 2017/2018 Budget was publicised via:
 - (a) a formal public notice in The Age and Council's website on Friday 27 April 2018;
 - (b) Yarra News double page feature (to 55,000 addresses);
 - (c) Yarra Life (to 10,000 subscribers);
 - (d) Facebook promoted post and video (to 9,000 followers and beyond);
 - (e) Twitter video (to 5,000 followers);
 - (f) Your Say Yarra direct message (to 1,000 subscribers);
 - (g) message to Advisory Committee representatives;
 - (h) Yarra Environment E-News and Yarra Business E-Bulletin;
 - (i) radio announcements in key community languages;
 - (j) updated on-hold message;
 - (k) Yarra website – news item;

- (l) Bright Signs (town halls, libraries, leisure centres); and
 - (m) Neighbourhood Houses (postcards).
7. The proposed 2018/2019 Budget has been available for public inspection for 29 days, from 27 April to 25 May 2018, with the community having a number of options for submitting feedback:
- (a) formal submissions received via email, online on Council's website, post, or in-person as stipulated under s223 of the Local Government Act; and
 - (b) open community information and feedback sessions were hosted by the Mayor at the following times and locations:
 - (i) 4.00pm, Wednesday 2 May at Yarra Youth Centre, Napier St Fitzroy;
 - (ii) 6.30pm, Thursday 17 May at Bargoonga Nganjin, St Georges Road Fitzroy North;
 - (iii) 11.00am, Saturday 19 May at Richmond Library, Church Street Richmond; and
 - (iv) 1.30pm, Saturday 19 May Collingwood Library, Stanton Street Abbotsford.
8. At the close of formal submissions on Friday 25 May 2018, Council had received 108 submissions. Of those submissions, 41 submitters have elected to be heard by Council.
9. All submissions have been reviewed and assessed. Officers will respond to all submitters in writing.
10. Councillors have been provided with full details of all submissions and officer responses.
11. Of the issues raised in the submissions, there are only 2 of significance with multiple submissions, and these are the canoe club and the youth centre at the Richmond Housing Estate. A summary of the issues raised in the submissions can be found at **Attachment 1**.
12. Community members wishing to speak to their submission were heard at a Special Council Meeting on 6 June 2018.

Internal Consultation (One Yarra)

13. The Governance branch has provided advice to ensure compliance with the legislative obligations of the Local Government Act 1989.

Financial Implications

14. The Budget process is guided by legislation and has major financial implications for Council's current and future operations and financial direction into the future.

Economic Implications

15. There are no economic impacts to be considered in this report.

Sustainability Implications

16. There are no sustainability impacts to be considered in this report.

Social Implications

17. There are no social impacts to be considered in this report.

Human Rights Implications

18. There are no human rights impacts to be considered in this report.

Communications with CALD Communities Implications

19. Select budget consultation materials (including Yarra News and promotional postcard) included translation information in key community languages. The consultation was also promoted via radio announcements on 3CR and 3ZZZ in key community languages.

Council Plan, Strategy and Policy Implications

20. Strategy 7.1 of the City of Yarra Council Plan 2017-2021 is “*ensure Council’s assets and financial resources are managed responsibly to deliver financial sustainability.*” A comprehensive and responsible budget that is informed by Council’s articulated policy objectives and informed by meaningful community consultation is essential to the achievement of this objective.

Legal Implications

21. The requirements of the Local Government Act 1989 have been applied to the proposed budget preparation process, including: giving public notice of the submission period; receiving public submissions; and hearing those submissions who specifically requested to present verbally.

Other Issues

22. There are no other issues to be considered in this report.

Options

23. There are no other options to be considered in this report.

Conclusion

24. Council has received submissions and feedback on the proposed 2018/2019 Budget. This report provides an opportunity for Council to consider those submissions in preparation for the adoption of the budget on 26 June 2018.

RECOMMENDATION

1. That Council:
- (a) consider submissions on the proposed 2018/2019 Budget in accordance with section 223 of the Local Government Act 1989;
 - (b) notifies in writing the persons who have made a submission regarding the 2018/19 Proposed Budget and LTFS of Council’s decision, in accordance with Section 223 of the Act, which will include a response to the issues raised in the submission, when the Budget has been adopted; and
 - (c) note that the draft 2018/19 Budget and LTFS will be considered by Council on 26 June 2018.

CONTACT OFFICER: Ange Marshall
TITLE: Chief Financial Officer
TEL: 9205 5544

Attachments

- 1 2018-19 Budget Submission Summary - Council Meeting

11.2 Trial of variable pricing for parking in Bridge Road

Trim Record Number: D18/71237

Responsible Officer: Director Corporate, Business and Finance

Purpose

1. The purpose of this report is to update Council on the progress of the development of a model for the trial of variable pricing for parking in Bridge Road.

Background

2. At its meeting 7 June 2016 in relation to 2016/17 budget adoption Council resolved:

That Council:

- (ii) *Undertake a trial of variable parking fees, including exploration of a one-hour free parking option, in the 2016/2017 financial year.*
3. Work on the development of the Bridge Road variable parking pricing trial commenced with a number of meetings between the Council officers and the Bridge Road Trader Group Executive and it was agreed that the trial would be limited to the kerbside bays in Bridge Road and that the first stage of the trial would be data collection.
4. In July 2017, 294 in-ground sensors were installed in each of the parking bays between Hoddle Street and Jones Place on the north side and Hoddle Street and Stawell Street on the south side of Bridge Road to provide the evidence to support the development of a variable parking trial model.
5. Analysis of the data provided by in-ground sensors revealed the following:
 - (a) arrivals by car:
 - (i) 4,000 – 5,500 people arrive by car into Bridge Road (Hoddle Street- Hawthorn Bridge) each day. Note that more people arrive by other modes and by car into side streets;
 - (ii) Bridge Road car arrivals are lowest on Sundays and highest on weekdays; and
 - (iii) Bridge Road car arrivals are highest during the control (2 hour paid) periods when around 80 – 100 people arrive every 15 minutes;
 - (b) length of stay of people who arrive by car:
 - (i) generally, people who arrive in the precinct by car and park on Bridge Road stay on average for between 15 – 30 minutes;
 - (ii) when during paid parking periods the average length of stay ranges from 14 – 21 minutes (weekdays and Sundays); and
 - (iii) in the evenings, after all controls, the average length of stay ranges from 18 – 26 minutes (weekdays and Saturdays);
 - (c) availability of empty parking bays:
 - (i) when the Clearways are in force, the supply of bays is reduced significantly – especially during the morning peak. Even when controls apply in these periods, there are a limited number of empty bays;
 - (ii) when the supply of bays increases after the AM Clearway period, the bays are underutilised (too many are empty). Utilisation then rises, and optimum utilisation is reached during the middle of the day;
 - (iii) when controls apply on Saturdays and Sundays the availability of bays is in the optimum band of 70% - 85%; and

- (iv) occupancy peaks on Saturday evenings in the optimum band at 75%. The peak on Sunday evenings is lower (63%); and
- (d) frequency of visits (by car):
 - (i) the *PayStay* data shows that (of the people who pay by phone), only 22.5% park in Bridge Road more than once per month.

Variable Pricing Trail

6. Variable pricing for parking is not common in Australia and officers are not aware of any other trail in Victoria where we could learn what worked and what didn't and understand what some of the unintended consequences of varying the price may be. Officers have therefore engaged Phillip Abbott & Associates to project manage the trial and provide the analytical expertise to measure the impacts of the trial and recommend any further adjustments to the controls. Phillip Abbott & Associates have extensive parking experience both here and overseas.
7. Phillip Abbott & Associates will also use the results of the Bridge Road trial to help Council develop an evidence based methodology that can be used across our city where paid parking applies.
8. Phillip Abbott & Associates have assisted Council with the data analysis of the Bridge Road sensors and the development of the variable pricing model.
9. This model was presented to the Bridge Road Trader Group and, following a number of discussions, the model for a variable pricing parking trial has been agreed and the trial will commence 1 July 2018, for an initial period of twelve months.
10. There will be an evaluation every three months to determine if the trial is having the desired effect of increasing visitations and, depending on the data analysis, the fee to park may change for some or the entire street.
11. The initial fee to park on Bridge Road for the first three months will be \$2.00 for the first half hour and then free for the next half hour – any time in excess of the first hour will be at the normal rate of \$4.00 per hour.
12. The objective of the trial is to make Bridge Road a more attractive place so that people will visit more often, stay longer and spend for money. Parking can play a role in this however an active trader group promoting the strip will also be critical to a more viable shopping strip.
13. It needs to be noted that this variable pricing option is only currently available to users of the pay stay mobile phone application, given the limitations of the existing ticket machines; however there will be some capacity to incorporate new ticket machines into the trial area later this year.
14. The pay stay system currently has some 400,000 registered users and Council plans to use this system to advise all users of the changes to pricing in Bridge Road and to offer some promotions to encourage increased visitations to the centre.
15. There will be some minor changes to the parking restrictions in some sections of the street to make them more consistent and from 1 July the in ground sensors will be used for enforcement of the parking bays where previously the sensors were only used for data collection.

External Consultation

16. Council officers have had regular meeting with the Bridge Road Trader Group Executive and have made all sensor data and analysis available to them for consideration. This group have unanimously supported the trial proposed for Bridge Road and have indicated that they are looking forward to working with Council on the project.
17. Officers have also written to all the Bridge Road traders advising of the trial and the data collection process and have prepared a communication detailing the trial methodology which will be distributed after this Council meeting.

Internal Consultation (One Yarra)

18. The Bridge Road Trial project team have been in regular contact with Council's Economic Development team to update on the meetings with the trader group and progress on the development of the model of the variable pricing trial.

Financial Implications

19. Currently Council receives approx. \$1.1 million p.a. from parking revenue in Bridge Road and there will likely be some reduction in this revenue resulting from the variable pricing trial however it is difficult to accurately estimate the impact of the variable pricing trial will have on the parking revenue as the average parking stay is currently less than 30 minutes and the trial charges for the first 30 minutes and offers the second 30 minutes free.
20. A reasonable estimate of the revenue loss would be around \$100,000 p.a. which can be reduced if the trial increases visitations to the street and people stay for longer.
21. The cost of the engagement of Phillip Abbott to project manage the trial will be met from existing resources.

Economic Implications

22. The objective of the trial is to make Bridge Road a more attractive place so that people will visit more often, stay longer and spend for money. Parking can play a role in this however an active trader group promoting the strip will also be critical to a more viable shopping strip.

Sustainability Implications

23. No sustainability issues.

Social Implications

24. No social issues.

Human Rights Implications

25. No human rights issues.

Communications with CALD Communities Implications

26. Any communications will follow Council's current communications policy and practice relating to the CALD community.

Council Plan, Strategy and Policy Implications

27. The 2016/17 Annual Plan action 3.08 (New parking technology) includes a number of milestones and actions for the trial of variable pricing in Bridge Road.

Legal Implications

28. Officers are not aware of any legal implications at this point, however are seeking further advice prior to the trial commencing.

Other Issues

29. No other issues are identified at this stage.

Options

30. No other options are proposed at this point.

Conclusion

31. Council officers have been working on the model for the Bridge Road variable parking pricing trial in conjunction Bridge Road Trader Group Executive. It is recognised that this trial will be a first for Yarra and will bring with it both challenges and opportunities. Officers will continue to work closely with community stakeholders to ensure the maximum amount of learning and information is gathered by this trial. It is anticipated that the learning from this trial will inform opportunities for more effective parking management models across Yarra.

RECOMMENDATION

1. That Council:
 - (a) notes the contents of this report; and
 - (b) receives an update report at the six and twelve month marks of the project and regular briefings and updates from Officers throughout the trial.

CONTACT OFFICER: Damien Patterson
TITLE: Major Projects and Analysis Officer
TEL: 9205 5462

Attachments

There are no attachments for this report.

11.3 Collingwood Mixed Use Precinct - Request for Interim Design and Development Overlay

Executive Summary

Purpose

The purpose of the report is for Council to consider:

- requesting the Minister for Planning to introduce an interim Design and Development Overlay Schedule into the Yarra Planning Scheme for the southern part of the Collingwood Mixed Use Precinct in accordance with Section 8 (1) (b) and 20 (4) of the *Planning and Environment Act 1987*.
- nominating a number of properties for inclusion on the Victorian Heritage Register that are considered to have formed part of the former Foy & Gibson Complex.

Key Issues

Collingwood is experiencing development pressure within a precinct zoned Mixed Use Zone (Collingwood Mixed Use Precinct) but the Yarra Planning Scheme provides only limited guidance about preferred built form outcomes, particularly in terms of building heights and setbacks for the area. Introducing permanent changes to the Yarra Planning Scheme to provide the required guidance could take a number of years.

Council is recommended to request the Minister for Planning to introduce changes to the Yarra Planning Scheme, in the form of an interim Design and Development Overlay (DDO) schedule for the southern part of the Collingwood Mixed Use Precinct, whilst further planning work and a full planning scheme amendment is progressed to introduce a permanent DDO schedule into the Yarra Planning Scheme.

The request is required to be made prior to the end of June 2018 to enable the necessary lead times at the Department of Environment, Land, Water and Planning (DELWP) for the Minister for Planning to consider the request prior to the State Government elections in November 2018.

The northern part of the Collingwood Mixed Use Precinct principally comprises properties associated with the former Foy & Gibson Complex. Many of these properties are included on the Victoria Heritage Register (VHR) with their future development guided by Heritage Victoria. A heritage assessment of the area has identified that there are a number of properties are considered to have also formed part of the former Foy & Gibson Complex and Council is recommended to make a nomination for their inclusion on the VHR.

Financial Implications

Other than officer time and the administration fee to the DELWP there are no financial costs for requesting the Minister for Planning to introduce an interim DDO schedule for the southern part of the Collingwood Mixed Use Precinct.

Heritage consultants will be required to assist Council officers in preparing and submitting the VHR nomination.

PROPOSAL

In summary, that Council:

- (a) endorse the draft Collingwood Built Form Framework and the supporting Collingwood Built Form Review Heritage Analysis & Recommendations as a basis for the future planning of the Collingwood Mixed Use Precinct and a request for the Minister for Planning to introduce an interim Design and Development Overlay (DDO) into the Yarra Planning Scheme for the Collingwood South Precinct;

- (b) endorse the interim Design and Development Overlay (DDO) schedule including officers recommended variations to the requirements in the draft Collingwood Built Form Framework for the Collingwood South Precinct;
 - (c) request the Minister for Planning to introduce a Design and Development Overlay Schedule into the Yarra Planning Scheme on an interim basis for the Collingwood South Precinct;
 - (d) request the Minister for Planning to introduce an interim heritage protection for the following properties proposed as new Heritage Overlays (33 to 45 Derby Street and 18 to 22 Derby Street); and
 - (e) submit a nomination for the following properties to be included in the Victorian Heritage Register (VHR) in recognition of their association with the former Foy & Gibson Complex:
 - (i) Whiteware Factory (1912), 125 Oxford Street;
 - (ii) Spinning Mills Building / Warehouse (1919-23), 120 Cambridge Street;
 - (iii) Weighbridge Building (date unknown), 111 Wellington Street; and
 - (iv) Woollen Mills Weaving Building (1912-23), 117 Wellington Street.
- (see full recommendations at the end of officer report).

11.3 Collingwood Mixed Use Precinct - Request for Interim Design and Development Overlay

Trim Record Number: D18/96088

Responsible Officer: Manager City Strategy

Purpose

1. The purpose of the report is for Council to consider:
 - (a) requesting the Minister for Planning to introduce an interim Design and Development Overlay (DDO) schedule into the Yarra Planning Scheme for the southern part of the Collingwood Mixed Use Precinct in accordance with Section 8 (1) (b) and 20 (4) of the *Planning and Environment Act 1987*; and
 - (b) nominating a number of properties for inclusion on the Victorian Heritage Register that are considered to have formed part of the former Foy & Gibson Complex.

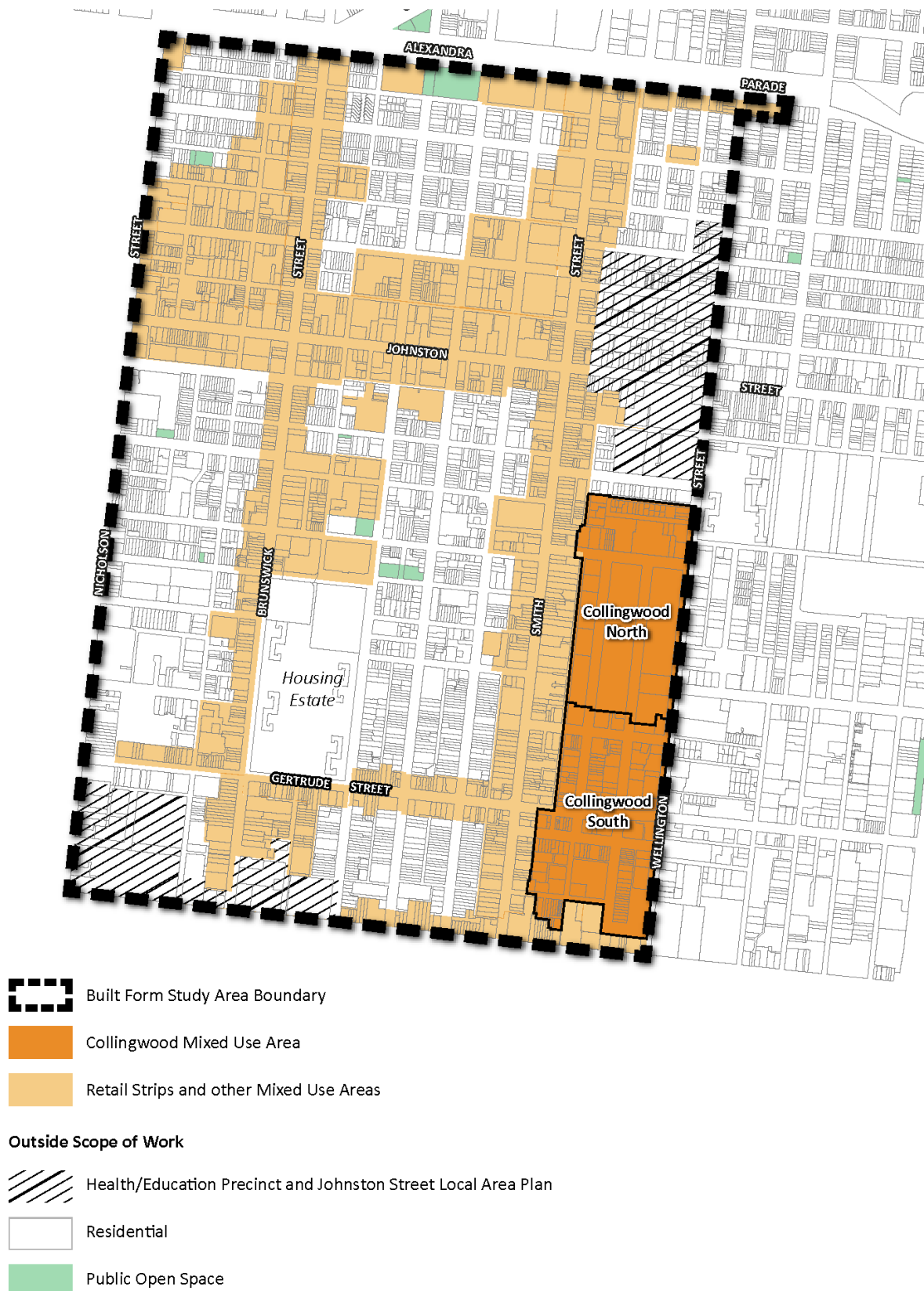
Background

2. The Yarra community place great importance on planning controls to seek to best manage change and provide clarity and as much certainty as possible about future development outcomes.
3. To improve the management of development within Yarra, Council has embarked on a comprehensive program of strategic planning work aimed at improving the planning controls in the Yarra Planning Scheme. An update on this program was reported to Council in December 2017.
4. The program includes the preparation of built form analysis covering Brunswick Street and Smith Street precinct which includes the Collingwood Mixed Use Precinct – see Map 1.
5. The output of this work is a 'Built Form Framework' covering each place including principles, guidelines and requirements that will guide future development and manage change. These 'frameworks' are needed to provide strong strategic justification and evidence for the preparation of structure plans (or equivalent strategies) and future permanent provisions in the Yarra Planning Scheme, notably Design and Development Overlays (DDOs).
6. A draft Collingwood Built Form Framework has been prepared by expert urban design consultants in collaboration with heritage experts. A supporting Built Form Review Heritage Analysis & Recommendations report has been prepared by the heritage experts.
7. Officers have used this draft framework to prepare a draft interim Design and Development Overlay Schedule 23 (DDO23) for the southern part of the Collingwood Mixed Use Precinct. The draft Built Form Framework and the draft DDO schedule should form the basis for a request to the Minister for Planning to introduce an interim DDO schedule under Section 20(4) of the *Planning and Environment Act 1987*.
8. This report summarises the content and the recommended requirements from the draft Built Form Framework and supporting heritage report. It identifies key recommended variations to these requirements that officers consider should be included in the interim DDO schedule. It also outlines the next steps to introducing permanent controls into the Yarra Planning Scheme for this precinct.

The Draft Collingwood Built Form Framework and the Collingwood Built Form Review Heritage Analysis & Recommendations

9. Hansen Partnership in association with GJM Heritage Consultants has prepared a draft Collingwood Built Form Framework – see Attachment 1. The draft Built Form Framework provides the detailed analysis and a thorough and strategic basis for the future planning of the Collingwood Mixed Use Precinct.

Map 1 – Brunswick Street and Smith Street Precinct Study Area



Brunswick Street - Smith Street Precinct

- The draft Built Form Framework includes a number of principles, influences and propositions for the future planning of the Collingwood Mixed Use Precinct. These are intended to be realised through recommended detailed controls and requirements relating to: building heights, street wall heights, setbacks, solar access, and building design.

11. GJM Heritage has prepared the Collingwood Built Form Review Heritage Analysis & Recommendations – see Attachment 2. This assessment has informed the recommendations for future built form in the draft Built Form Framework. In particular, it has informed the recommended requirements to achieve suitable transitions from new development to heritage buildings and the recommended controls for street wall heights and building setbacks in heritage areas.
12. The report includes a number of important built form parameters that describe the outcomes for heritage buildings in the precinct, including ensuring that alterations and additions to heritage buildings: are visually recessive, retain the primacy of the three-dimensional form of the heritage building as viewed from the public realm to avoid ‘facadism’, and retain the visual prominence of the return façades of buildings on corner sites.
13. The Collingwood Mixed Use precinct has been divided into two sub precincts:
 - (a) Collingwood South Precinct; and
 - (b) Collingwood North Precinct (Foy and Gibson).
14. This reflects the distinct established character of the two precincts with the former Foy and Gibson complex dominating the northern precinct.

Collingwood South Precinct

Draft Built Form Framework Recommendations

15. The Collingwood South Precinct comprises a complex mix of former (heritage) industrial and commercial buildings occupying large sites alongside sections of fine grain (heritage) buildings many of which are residential in character. There is also a variety in the form and width of the streets that present opportunities for different built form characters to be established.
16. A number of the larger sites have been developed, are under construction or have planning permits already approved, particularly along Wellington Street. These need to be considered in relation to directions regarding appropriate planning controls for future building heights in the precinct, particularly on larger sites.
17. The draft Built Form Framework necessarily and appropriately has regard to these in its recommendations for building heights and street wall heights. It places a strong emphasis on providing an appropriate transition in scale and form from large sites suitable for taller form to heritage buildings, whilst also recognising the fairly prominent slope.
18. The key recommendations of the draft Built Form Framework for the southern precinct are summarised in Table 1 and in Figure 1.

Table 1: Summary of Recommended Controls and Requirements in Draft Built Form Framework

Built Form	Controls and Requirements
Building heights	Preferred maximum building heights that vary from 11 metres (3 storeys) to a preferred maximum of 40 metres (12 storeys). The taller form is recommended principally along Wellington Street and Langridge Street with an appropriate transition required to heritage buildings and in response to the slope of the precinct.
Street wall heights	Retain the street wall/façade of heritage buildings. Preferred maximum street wall heights vary from 11 metres (3 storeys) to a preferred maximum of 20 metres (6 storeys). The taller form is recommended on Wellington Street and Langridge Street with an appropriate transition required to the retained one and two storey street wall heights of heritage buildings.
Upper level setbacks	A preferred minimum setback of 6 metres for development above the street wall for all streets

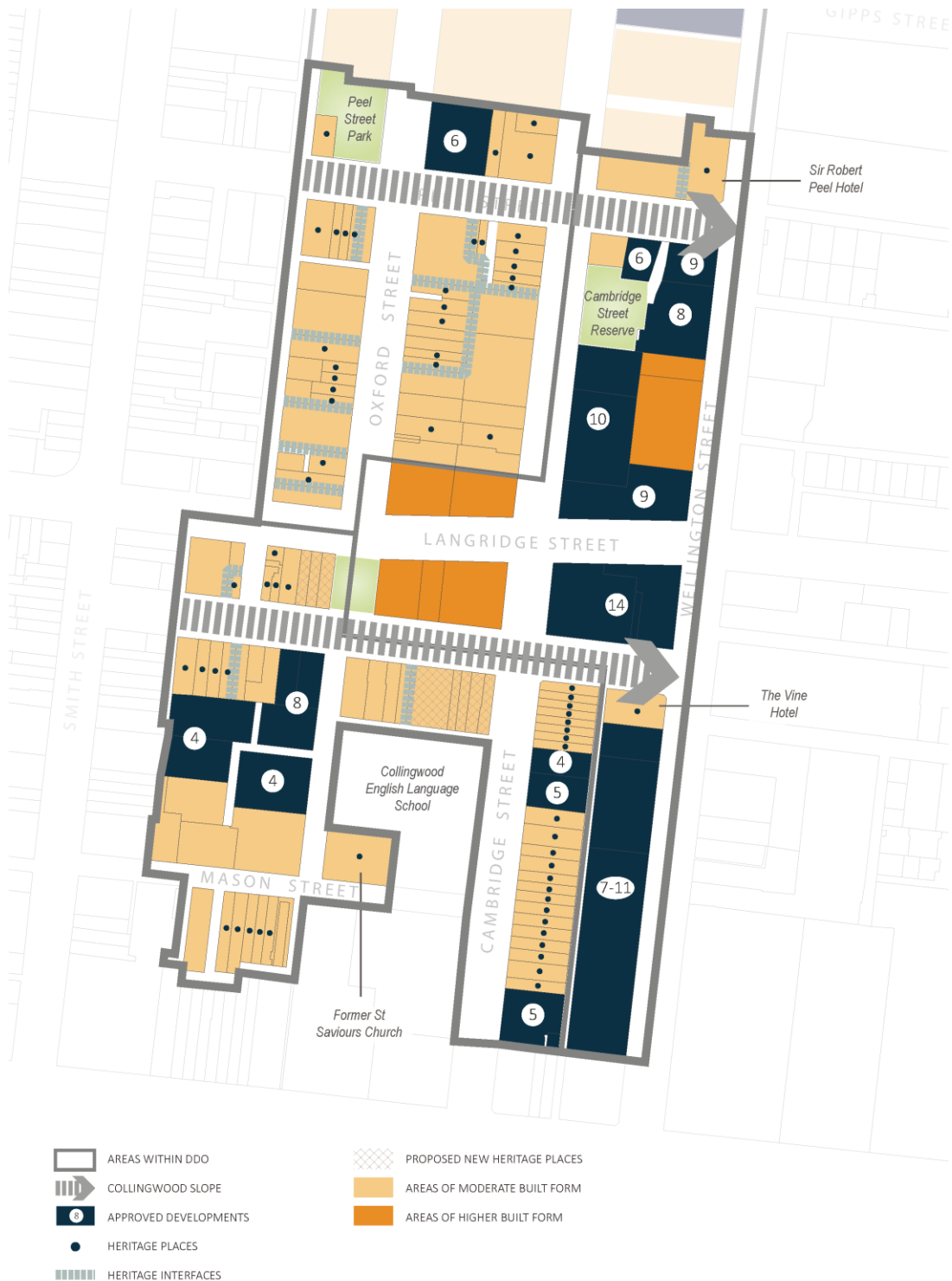
Upper level development in heritage areas	A preferred requirement for development above the parapet or roofline of a heritage building to occupy no more than one quarter of the total view of development when viewed from the opposite footpath.
Solar access and Overshadowing	<p>Should be maintained to all footpaths at the equinox as follows:</p> <ul style="list-style-type: none"> • Southern footpath between 10am and 2pm • Eastern footpath before 2pm • Western footpath after 10am. <p>Development should avoid overshadowing of existing public parks.</p>

19. The recommended controls and requirements are the result of testing of different options using modelling and sections, and a review of built and recently approved developments. This testing has necessarily sought to arrive at recommended controls and requirements that achieve an appropriate balance of heritage protection and enabling new development and recognises the juxtaposition of larger sites with the potential for taller form and fine grain heritage buildings.
20. The recommended preferred building heights and street wall heights, in particular, have been determined through close consideration to providing a suitable level of enclosure to the street. Taller form is generally recommended on the wider main roads and lower form is generally recommended on the narrower local streets. A transition in street wall height between adjoining buildings of no greater than 2 storeys is recommended to manage the transition from taller form to heritage buildings.
21. The recommended upper level setbacks and sightline tests for heritage properties have sought to ensure that new development above heritage buildings is appropriately setback and to protect the heritage qualities of the building whilst recognising the heritage buildings sit in a very diverse streetscape and are often not the defining elements of the streetscape currently. The recommended controls provide for a setback that ensures heritage buildings maintain their three dimensional form and that new development is recessive.
22. Officers consider the recommended requirements in the draft Built Form Framework for development in the heritage areas are appropriate given the mixed character of the area described above. Allowing for a level of visibility of new development in the streetscape that is greater than would be recommended in the traditional heritage residential streets of Yarra but still maintains the primacy of the heritage building is considered appropriate in this area.
23. Officers are satisfied that an appropriate level of protection for the heritage buildings can be achieved through an interim DDO schedule based on the recommendations in the draft Built Form Framework.
24. Importantly, the recommended controls and requirements demonstrate the strong strategically justified response to the various planning considerations in such precincts as required by the Department of Environment, Land, Water and Planning (DELWP). They also reflect controls and requirements that have been tested and applied through a number of panel processes. This should encourage the Minister for Planning being confident in introducing an interim DDO schedule into the Yarra Planning Scheme for the precinct that reflects the draft Built Form Framework.

Interim Design and Development Overlay Schedule

25. Officers have translated the recommendations in the draft Collingwood Built Form Framework and the Collingwood Built Form Review Heritage Analysis & Recommendations, for the Collingwood South Precinct into a draft interim DDO schedule (DDO23) – see Attachment 4.
26. A version of this draft interim DDO schedule, incorporating any final minor drafting requirements, should be included in the request to the Minister for Planning and form the basis for the interim DDO schedule that is prepared, adopted and approved by the Minister for Planning.

Figure 1 – Collingwood South Precinct



27. The draft interim DDO schedule includes the majority of the recommendations in the draft Built Form Framework and the built form parameters in the Built Form Review Heritage Analysis & Recommendations with the following minor departures outlined in Table 2.

Table 2: Officer Recommended Variations to the Draft Built Form Framework Requirements

Built Form	Variation to Draft Built Form Framework Requirements
Street wall heights	A reduction of the preferred maximum street wall height requirement along Langridge Street between Cambridge Street and Oxford Street from 20 metres (6 storeys) to 15 metres (4 storeys).
Setbacks	A reduction in the required minimum setback for development above the street wall in Area 3 (Wellington Street and Langridge Street) from 6 metres to 3 metres for non-heritage buildings.

28. Officers recommend that the interim DDO schedule include a preferred maximum street wall height requirement along Langridge Street between Cambridge Street and Oxford Street of 15 metres (4 storeys) not 20 metres (6 storeys) as recommended by the draft Built form Framework. This reduction is recommended to assist in ensuring that new development on Langridge street provides an appropriate transition to the preferred lower street wall heights in the precinct, notably along Derby Street and along Cambridge and Oxford Street. It is also considered that this street wall height better aligns with the street wall height approved in recent planning permits for Langridge Street. Importantly, it is recommended that this requirement be discretionary allowing for a taller street wall subject to an appropriate building response and design.
29. Officers recommend that the interim DDO schedule include a preferred minimum setback requirement for new development above the street wall of non-heritage buildings along Wellington Street and most of Langridge Street of 3 metres compared to the recommend 6 metres in the draft Built form Framework. This reduction is recommended based on the number of approved and constructed developments that have only a 2 metre or less setback and are considered to be appropriate in this area. Importantly, the requirement is for a minimum setback so it would still be appropriate for a greater setback than 3 metres to be provided if necessary to achieve an appropriate built form outcome.
30. No mandatory controls are recommended in this precinct in the draft Built Form Framework. It is not considered that the requirements of *Planning Practice Note 59: The Role of Mandatory Provisions in Planning Schemes* would be met due to the highly mixed nature of the area currently, and the lack of significant heritage and sensitive residential uses. In particular, it is not considered that the area demonstrates the exceptional circumstances needed to support mandatory controls or that the majority of proposals would result in an unacceptable planning outcome if they did not completely comply with the recommended requirements.
31. As with other recently prepared DDO schedules in the municipality, officers recommend that the interim DDO schedule state that a permit cannot be granted to exceed the preferred building heights unless the general objectives, the heritage requirements and the design requirements are met, and that each of the following additional criteria are met:
 - (a) greater building separation than the minimum requirement in the schedule;
 - (b) housing for diverse households types, including people with disability, older persons, and families, through the inclusion of varying dwelling sizes and configurations;
 - (c) universal access, and communal and / or private open space provision that exceeds the minimum standards in Clauses 55.07 and 58; and
 - (d) excellence for environmental sustainable design measured as a minimum BESS project score of 70%.
32. It is proposed that the interim DDO schedule have an expiry of 2 years. This would provide for the completion of the built form work for the balance of the Smith Street and Brunswick Street study area, the preparation of a structure plan (or equivalent strategy) and for the preparation, exhibition and panel consideration of the permanent DDO schedule. If additional time is required, Council may request for an extension to the expiry date.

Interim Heritage Overlay Recommendations

33. The GJM Heritage assessment (see Attachment 3) has also reviewed the suitability of the extent of the heritage overlays that apply to this precinct. This has identified that numbers 33 to 45 Derby Street should be included on the Heritage Overlay as an extension of HO336 and graded contributory.
34. Separate advice from a heritage consultant (Robyn Riddett from Anthemion Group) has identified that the three terraced buildings at 18 to 22 Derby Street should also be included in a heritage overlay schedule and graded as 'contributory'.
35. It is proposed that the amendment request to the Minister for Planning include a request for these properties to be included in interim heritage overlay schedules and included in Appendix 8 with the above recommended gradings whilst the planning scheme amendment to include these properties in heritage overlays schedules is advanced.

Collingwood North Precinct (Foy and Gibson)

36. The Collingwood North Precinct is dominated by the former Foy and Gibson complex which comprises a number of very large industrial style buildings with architecturally impressive and tall street walls of up to 5 storeys. These buildings are included in the Victorian Heritage Register (VHR) and their future development would be largely determined by Heritage Victoria though Council would be notified and asked to comment on any future planning permit.
37. A number of the buildings in the Foy and Gibson complex included in the VHR have "pop up" one or two storey additions that are setback above the heritage building and are virtually unnoticeable from the street. The draft Built Form Framework seeks to ensure that any future built form on the remaining buildings takes a similar form.
38. The most significant development opportunities in the precinct are along Wellington Street south of Stanley Street. This includes the very large police garage building at 117 Wellington Street that is included in Heritage Overlay (HO318) and graded 'Contributory' though the northern end comprises a post-Second World War addition that is not considered to be contributory.
39. The building at 117 Wellington Street is owned by State Government. It is understood that Victoria Police who currently operate from the site are reviewing their requirements for the site and that Land Use Victoria is assessing the potential future use and development of the site.

Draft Built Form Framework and Heritage Assessment Recommendations

40. The Collingwood Built Form Review Heritage Analysis & Recommendations prepared by GJM Heritage identifies that:

"While the majority of the (Foy and Gibson) complex is included on the VHR as part of three separate registrations (VHR H0755, H0896 & H0897) there are large parts of the complex that are not included within the extent of registration. The buildings that are not included on the VHR but form an integral part of the former Foy & Gibson Complex are as follows:

- *Whiteware Factory (1912), 125 Oxford Street*
- *Spinning Mills Building / Warehouse (1919-23), 120 Cambridge Street*
- *Weighbridge Building (date unknown), 111 Wellington Street*
- *Woollen Mills Weaving Building (1912-23), 117 Wellington Street (identified as 113 Wellington Street in Appendix 8)."*

There are also anomalies within the existing extent of registration with part of the complex between Little Oxford Street and Oxford Street apparently included within both VHR H0755 and H0897. Current heritage practice would be to treat the whole of the former Foy & Gibson Complex as a single heritage place, which would enable the impact of works and development to be considered more holistically against the heritage values of the whole complex rather than smaller portions of the heritage place."

41. GJM Heritage recommends that a nomination be made by Council under section 27 of the *Heritage Act 2017* to combine the existing three registrations (VHR H0755, H0896 & H0897) and include the recommended land and buildings excluding the post-Second World War addition at the northern end of 117 Wellington Street.
42. The heritage advice from GJM Heritage provides Council with an option to request that these buildings be added to the VHR. This would give the buildings the highest heritage protection as any future permit would be considered by Heritage Victoria against the following criteria:
 - (a) how the proposal would affect the significance of the place or object;
 - (b) whether rejection of the proposal would affect the reasonable and economic use of the registered place or object, or cause undue financial hardship to the owner;
 - (c) the extent to which the proposal would affect the cultural heritage significance of any adjacent or neighbouring property that is protected under a Heritage Overlay in a planning scheme, or is in the Victorian Heritage Register;
 - (d) any submissions received as a result of advertising; and
 - (e) any matter relevant to the conservation of the registered place or object.
43. Based on this recommendation from GJM Heritage, the draft Built Form Framework identifies that "Further Investigation" be undertaken for the sites at 111 Wellington Street, 117 Wellington Street and 120 Wellington Street. The site at 125 Oxford Street has already been developed so no further investigation is recommended on this site.
44. Officers recommend that Council prepare and submit a nomination as recommended before advancing the planning for this precinct as the outcome of the nomination could significantly alter the future potential development of these sites.

Next Steps

45. Subject to Council supporting the officer recommendations to submit a request for an interim DDO schedule for the Collingwood South Precinct and interim heritage overlay schedules for the properties on Derby Street, the requests will be submitted to the Minister for Planning before the end of June 2018. This timeframe is critical in order for the Minister for Planning to consider the request prior to the caretaker period for the State Government elections having particular regard to the DELWP lead times.
46. Following the submission of the request for the Collingwood South Precinct, officers will:
 - (a) liaise with the DELWP and the office for the Minister for Planning as necessary to assist in the preparation, adoption and approval of the interim DDO schedule and the interim heritage overlay schedules;
 - (b) appoint a consultant to prepare a nomination for the sites at 111 Wellington Street, 117 Wellington Street, 120 Wellington Street and 125 Oxford Street to be included on the Victorian Heritage Register;
 - (c) continue to advance the built form recommendations for the balance of the Smith Street and Brunswick Street study area and prepare a structure plan(s) covering the whole area. The structure plan (or equivalent strategy) would be prepared with input from the community in accordance with a consultation plan (see External Consultation below); and
 - (d) prepare permanent DDO(s) for the whole study area for Council consideration. The DDOs would be subject to formal community exhibition and consideration by an independent planning panel in accordance with the Planning and Environment Act before adoption by Council (see External Consultation below).

External Consultation

47. No formal external consultation has been undertaken to inform the draft interim DDO schedule and there will be no formal opportunity for the community to submit on the draft interim DDO schedule before it is submitted to the Minister for Planning under Section 8(1)b and 20(4) of the *Planning and Environment Act 1987*.

48. It is important to note that there has, however, been a range of informal consultation sessions which has helped inform the draft Built Form Framework. Community members with an interest in the future development of the area attended a workshop on 24th October 2017 where the analysis of existing conditions and the anticipated levels of change in these area, as well as the principles for the future development were presented and discussed. Similar information was presented to the Liveable Yarra Reference Group on 10th October 2017 and a presentation was also made to the Heritage Advisory Committee (HAC) on 24th July 2017 and on 16th May 2018.
49. Further, the community would be consulted as part of the preparation of the structure plan (or equivalent strategy) that is intended to be prepared for this area and the wider Smith Street and Brunswick Street area. A consultation plan would be prepared to guide that consultation.
50. The community would also have the opportunity to submit on the permanent DDO schedule covering the Collingwood South Precinct as part of the full planning scheme amendment. The *Planning and Environment Act 1987* establishes an extensive public consultation process with minimum statutory requirements. Council processes often go beyond these requirements and typically involves:
 - (a) public exhibition of the proposed amendment for 6 weeks - the *Planning and Environment Act 1987* requires a 1 month exhibition;
 - (b) notification letters detailing information about the proposed amendment and how to make a submission sent to each affected resident and property owner;
 - (c) provision of fact sheets with information about the amendment and the consideration process;
 - (d) community consultation sessions facilitated by Council officers with ward Councillors invited;
 - (e) consideration of community submissions with a report provided to Council;
 - (f) hearing community submissions and consideration of any recommended changes at a Council meeting; and
 - (g) should Council resolve to have the proposed amendment considered by a planning panel, submitters having the opportunity to present to the panel and finally to Council on the panel's report and recommendations.

Internal Consultation (One Yarra)

51. The draft Built Form Framework has been prepared by consultants Hansen Partnership with input from GJM Heritage instructed by officers from Urban Design and Strategic Planning teams. Input to the draft Built Form Framework and the draft interim DDO schedule has been provided from the Statutory Planning team.

Financial Implications

52. Other than officer time and the administration fee to the Department of Environment Land Water Planning (DELWP) there are no financial costs for requesting the Minister for Planning to introduce interim DDO for the southern part of the Collingwood Mixed Use Precinct.
53. Heritage consultants will be required to assist Council officers in preparing and submitting the VHR nomination.

Economic Implications

54. There are no economic implications of requesting the introduction of an interim DDO schedule for the southern part of the Collingwood Mixed Use Precinct.

Sustainability Implications

55. There are no sustainability implications of requesting the introduction of an interim DDO schedule for the southern part of the Collingwood Mixed Use Precinct.

Social Implications

56. There are no specific social implications of requesting the introduction of an interim DDO schedule for the southern part of the Collingwood Mixed Use Precinct beyond providing some increased certainty to the community around the future built form in the precinct.

Human Rights Implications

57. There are no known human right implications of requesting the introduction of an interim DDO schedule for the southern part of the Collingwood Mixed Use Precinct.

Communications with CALD Communities Implications

58. Any future consultation on the structure plan (or equivalent strategy) for the Brunswick Street and Smith Street area and the exhibition of the permanent DDO schedules would involve consultation in accordance with the Planning and Environment Act 1987 and also Council's consultation policies.

Council Plan, Strategy and Policy Implications

59. The request to introduce an interim DDO schedule for the southern part of the Collingwood Mixed Use Precinct supports the following strategy in the Council Plan:
- (a) *Manage change in Yarra's built form and activity centres through community engagement, land use planning and appropriate structure planning processes.*

Legal Implications

60. The approach outlined in this report is in accordance with the requirements of the *Planning and Environment Act 1987*.

Options

61. The Yarra Planning Scheme provides only limited guidance for the Collingwood Mixed Use Precinct about preferred built form outcomes, particularly in terms of building heights and setbacks. The introduction of an interim DDO schedule for the southern precinct offers the optimal mechanism to address this and no alternatives are recommended to this approach.
62. In order for the Minister for Planning to consider and approve the request for an interim DDO schedule for the southern precinct before the State Government election, it is critical that Council submit the request prior to the end of June 2018. Any delay to the submission could significantly impact on the timely introduction of an interim DDO schedule.
63. Officers have identified a small number of changes to the requirements outlined in the draft Built Form Framework be included in the interim DDO schedule. This is to better reflect the preferred and emerging future character and help to achieve greater consistency across the various DDOs in Yarra. Officers recommend that these changes be reflected in the request to the Minister for Planning through their inclusion in the version of the interim DDO schedule that is submitted with the request.
64. Alternatively, Council could submit a request based entirely on the recommendations in the draft Built Form Framework.

Conclusion

65. A draft Collingwood Built Form Framework has been prepared which provides built form recommendations for the future development in the Collingwood Mixed Use Precinct. It deliberately and necessarily seeks to balance the need to accommodate growth and development in the activity centre with careful consideration of how to manage the impact in heritage buildings. Council officers have reflected these recommendations with some variations in a draft interim DDO schedule for the Collingwood South Precinct.
66. The Collingwood Built Form Review Heritage Analysis & Recommendations prepared by GJM Heritage identifies that a number of properties should be nominated for inclusion on the VHR in recognition of their association with the former Foy & Gibson Complex. Based on this advice, further investigation is recommended for these properties before detailed planning is advanced.

67. Council is recommended to submit a request to the Minister for Planning by the end of June for the introduction of an interim DDO schedule into the Yarra Planning Scheme for the Collingwood South Precinct under Section 8(1) b and Section 20(4) of the *Planning and Environment Act 1987*. Failure to submit the request prior to the end of June may mean that the request is not considered and an interim DDO schedule is not introduced before the State Government election and potentially not until well into 2019.
68. Whilst no formal community consultation has been undertaken on the draft interim DDO schedule, the preparation of a structure plans (or equivalent strategy) for the Smith Street and Brunswick Street study area will provide an opportunity for the community to inform the permanent DDO schedule that applies to the Collingwood South Precinct. The community would also have an opportunity to submit on the formal exhibition process to introduce the permanent DDO schedule(s). This opportunity would occur following the completion of the structure plans (or equivalent strategy).

RECOMMENDATION

1. That Council:
 - (a) note the officer report on the planning for the Collingwood Mixed Use Precinct and request to the Minister for Planning for an interim Design and Development Overlay Schedule for the Collingwood South Precinct;
 - (b) note the preparation of the draft Collingwood Built Form Framework, prepared by Hansen Partnerships and the supporting Collingwood Built Form Review Heritage Analysis & Recommendations prepared by GJM Heritage;
 - (c) endorse the draft Collingwood Built Form Framework and the supporting Collingwood Built Form Review Heritage Analysis & Recommendations as a basis for the future planning of the Collingwood Mixed Use Precinct and a request for the Minister for Planning to introduce an interim Design and Development Overlay (DDO) schedule into the Yarra Planning Scheme for the Collingwood South Precinct;
 - (d) endorse the interim Design and Development Overlay (DDO) schedule including the officers recommended variations to the requirements in the draft Collingwood Built Form Framework for the Collingwood South Precinct outlined in Table 2 of this report;
 - (e) request the Minister for Planning in accordance with Section 8 (1) (b) and 20 (4) of the Planning and Environment Act 1987 to introduce a Design and Development Overlay (DDO) schedule on an interim basis for the Collingwood South Precinct;
 - (f) request the Minister for Planning in accordance with Section 8 (1) (b) and 20 (4) of the Planning and Environment Act 1987, to introduce an interim heritage protection for the following properties proposed as new Heritage Overlays (33 to 45 Derby Street and 18 to 22 Derby Street):
 - (g) submit a nomination for the following properties to be included in the Victorian Heritage Register (VHR) in recognition of their association with the former Foy & Gibson Complex:
 - (i) Whiteware Factory (1912), 125 Oxford Street;
 - (ii) Spinning Mills Building / Warehouse (1919-23), 120 Cambridge Street;
 - (iii) Weighbridge Building (date unknown), 111 Wellington Street; and
 - (iv) Woollen Mills Weaving Building (1912-23), 117 Wellington Street; and
 - (h) authorise the CEO to make any minor adjustments required to meet the intent of the above resolutions.

CONTACT OFFICER: Andrew Johnson
TITLE: Coordinator Strategic Planning
TEL: 9205 5311

Attachments

- 1 Hansen - Collingwood Built Form Framework Report
- 2 GJM Heritage - Collingwood Built Form Review Heritage Report
- 3 GJM Heritage - 33-45 Derby Street, Collingwood - Extension to HO336
- 4 Draft Interim DDO23

11.4 Bridge Road Activity Centre - Request for an Interim Design and Development Overlay

Executive Summary

Purpose

The purpose of the report is for Council to consider requesting the Minister for Planning to introduce an interim Design and Development Overlay (DDO) Schedule into the Yarra Planning Scheme for the Bridge Road Activity Centre in accordance with Section 8 (1) (b) and 20 (4) of the *Planning and Environment Act 1987*.

Key Issues

The Bridge Road Activity Centre is experiencing development pressure but the Yarra Planning Scheme currently provides only limited guidance about preferred built form outcomes, particularly in terms of building heights and setbacks. Introducing permanent changes to the Yarra Planning Scheme to provide the required guidance could take a number of years.

Council is recommended to request the Minister for Planning to introduce changes to the Yarra Planning Scheme, in the form of an interim Design and Development Overlay (DDO) schedule for the Bridge Road Activity Centre, whilst further planning work and a full planning scheme amendment is progressed to introduce a permanent DDO schedule into the Yarra Planning Scheme.

The request is required to be made prior to the end of June 2018 to enable the necessary lead times at the Department of Environment, Land, Water and Planning (DELWP) for the Minister for Planning to consider the request prior to the State Government elections in November 2018.

Financial Implications

Other than officer time and the administration fee to the DELWP there are no financial costs for requesting the Minister for Planning to introduce an interim DDO schedule for the Bridge Road Activity Centre.

PROPOSAL

In summary, that Council:

- endorse the draft Victoria Street and Bridge Road Built Form Framework, the supporting Victoria Street and Bridge Road Built Form Review Heritage Analysis & Recommendations as the basis for the Minister for Planning to introduce an interim Design and Development Overlay (DDO) into the Yarra Planning Scheme for the Bridge Road Activity Centre;
- endorse an interim Design and Development Overlay (DDO) schedule for the Bridge Road Activity Centre including officers recommended variations to the requirements in the draft Built Form Framework for the Bridge Road Activity Centre;
- request the Minister for Planning to introduce an interim Design and Development Overlay Schedule into the Yarra Planning Scheme for the Bridge Road Activity Centre; and
- request the Minister for Planning to introduce an interim heritage protection for the following properties proposed as new Heritage Overlays (The Halls Building at 202 - 206 Church Street and no.'s 32 and 34 Thomas Street).

(see full recommendations at the end of officer report).

11.4 Bridge Road Activity Centre - Request for an Interim Design and Development Overlay

Trim Record Number: D18/92833

Responsible Officer: Manager City Strategy

Purpose

- 1 The purpose of the report is for Council to consider requesting the Minister for Planning to introduce an interim Design and Development Overlay (DDO) schedule into the Yarra Planning Scheme for the Bridge Road Activity Centre in accordance with Section 8 (1) (b) and 20 (4) of the *Planning and Environment Act 1987*.

Background

1. The Yarra community place great importance on planning controls to seek to best manage change and provide clarity and as much certainty as possible about future development outcomes.
2. To improve the management of development within Yarra, Council has embarked on a comprehensive program of strategic planning work aimed at improving the planning controls in the Yarra Planning Scheme. An update on this program was reported to Council in December 2017.
3. The program includes the preparation of built form analysis covering the Bridge Road Activity Centre as well as the Victoria Street Activity Centre, and the Brunswick Street and Smith Street precinct (which includes parts of Gertrude Street, Johnston Street and a pocket of Collingwood west side of Wellington Street).
4. The output of this work is a series of 'Built Form Frameworks' covering each place including principles, guidelines and requirements that will guide future development and manage change. These 'frameworks' are needed to provide strong strategic justification and evidence for the preparation of structure plans (or equivalent strategies) and future permanent provisions in the Yarra Planning Scheme, notably Design and Development Overlays (DDOs).
5. A draft Bridge Road and Victoria Street Built Form Framework has been prepared by expert urban design consultants in collaboration with heritage and traffic experts. The document includes recommendations for the Bridge Road Activity Centre.
6. Officers have used this draft framework to prepare a draft interim Design and Development Overlay Schedule 21 (DDO21) for the Bridge Road Activity Centre. The draft Built Form Framework and the draft DDO schedule should form the basis for a request to the Minister for Planning to introduce an interim DDO schedule under Section 20(4) of the *Planning and Environment Act 1987*.
7. This report summarises the content and the recommended requirements from the draft Built Form Framework. It identifies key recommended variations to these requirements that officers consider should be included in the interim DDO schedule. It also outlines the next steps to introducing permanent controls into the Yarra Planning Scheme.

Discussion

The Draft Bridge Road and Victoria Street Built Form Framework

8. David Lock Associates, in association with GJM Heritage Consultants and with input from Traffix Group, has prepared a Draft Bridge Road and Victoria Street Built Form Framework – see Attachment 1. The draft Built Form Framework provides the detailed analysis and a thorough and strategic basis for the future planning of the Bridge Road Activity Centre.

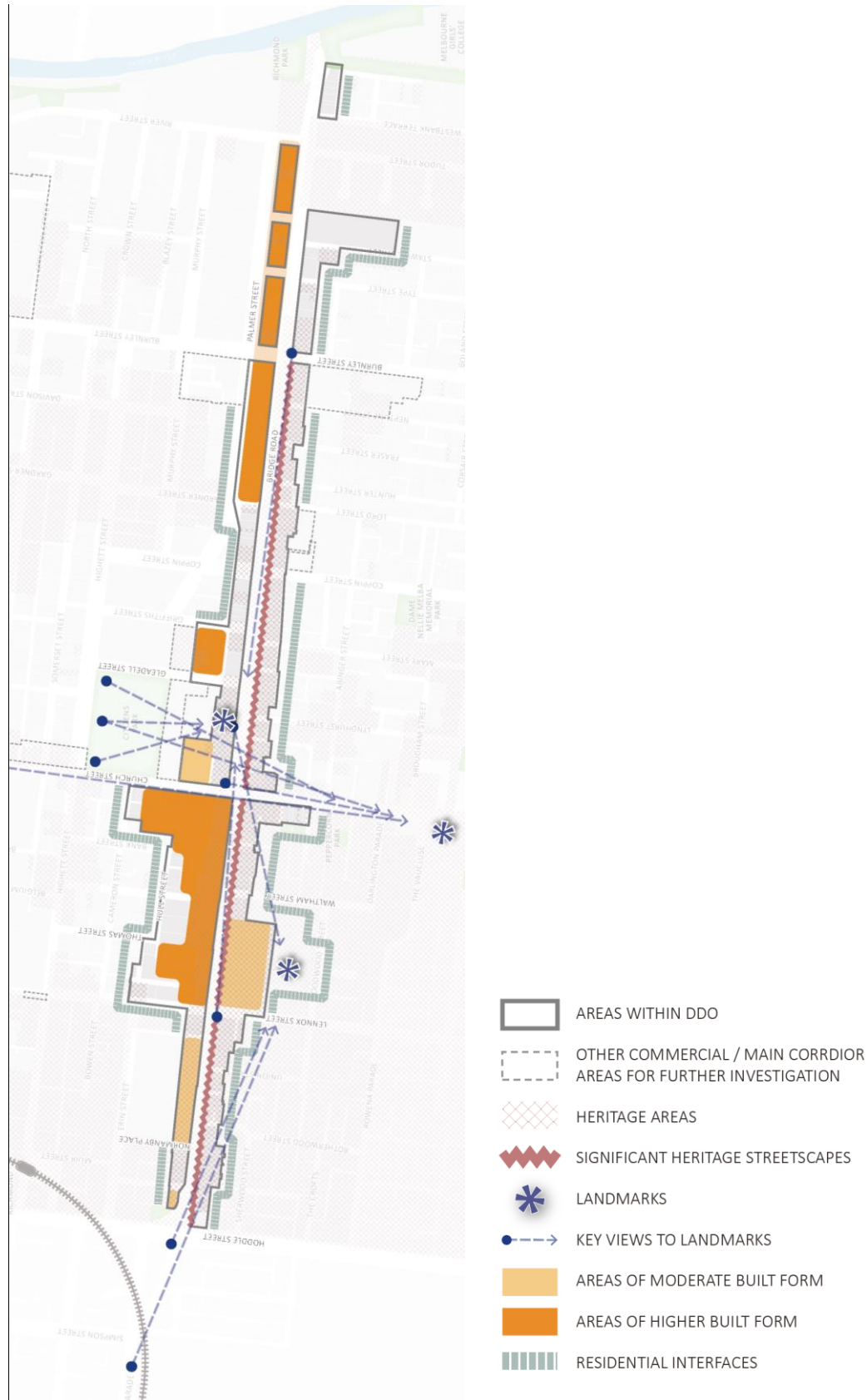
9. It provides the strategic justification and evidence needed to enable the Minister for Planning to consider a request to prepare, adopt and approve an interim DDO schedule for the Bridge Road Activity Centre. It will also provide the basis for the preparation of a future structure plan (or equivalent strategy) for the activity centre and would be relied upon at a future Planning Panel considering the permanent DDO schedule.
10. The draft Built Form Framework includes a number of principles for the future planning of the activity centre. These are intended to be realised through recommended detailed controls and requirements for different 'precincts' relating to: building heights, street wall heights, setbacks, views to landmarks, solar access, building separation, and building design. The key elements are summarised in Table 1 and in Figure 1.

Table 1 - Summary of Recommendations for Bridge Road Activity Centre

Built Form	Controls and Requirements
Building heights	<p>Preferred maximum building heights that vary from 14.5 metres (4 storeys) to 24 metres (7 storeys) on the south side of Bridge Road and from 14.5 metres (4 storeys) to 27.5 metres (8 storeys) on the north side of Bridge Road.</p> <p>The majority of the development is recommended at the lower end of this scale with taller form located on the larger sites where impacts can better be managed and are generally around Epworth Hospital and east of Gardner Street on the northern side of Bridge Road.</p>
Street wall heights	A mix of mandatory and preferred maximum street wall heights with a maximum height of 11 metres (3 storeys) in heritage overlay areas and a maximum of 15 metres (4 storeys) outside of heritage overlay area.
Upper level setbacks	A mix of mandatory and preferred setbacks with a minimum setback of 6 metres or a minimum setback of 13 metres in heritage areas, and a minimum setback of 3 metres or 5 metres elsewhere.
Upper level development in heritage areas	Development should occupy no more than one quarter of the total view of development when viewed from the opposite footpath west of Church Street and one third of the total view of development when viewed from the opposite footpath east of Church Street.
Residential interface	Development should be setback at a 45 degree angle to a maximum setback of 10 metres.
Views to landmarks	Views should be maintained to the Pelacco sign, to the Richmond Town Hall, and to the spire and belfry of Ignatius Cathedral on Church Street.
Solar access	Solar access should be maintained to the southern footpath of Bridge Road at the equinox and the opposite side of Church Street, Burnley Street and Lennox Street.
Building separation	<p>A preferred minimum of setback of 4.5 metres from the boundary where a part of a building contains a balcony or living room window whose primary orientation is to that boundary.</p> <p>A preferred setback equivalent to at least one sixth of the width of the lot for a building above 21 metres to enable separation between taller forms.</p>

The recommended controls and requirements are the result of substantial testing of different options using modelling and sections, and a review of built and recently approved developments. Particular regard has been given to ensuring that the upper levels of new development does not overwhelm the heritage buildings and that the heritage streetscape and views to landmarks remain the prominent and defining elements of the Bridge Road Activity Centre (where relevant to a precinct).

11. Figure 1 – Summary of Recommendations for Bridge Road Activity Centre



12. Mandatory controls are recommended to retain the street wall heights of heritage buildings and to require a minimum setback for new development above the heritage street wall for individually significant heritage buildings and in the precincts identified to have a significant heritage streetscape. Discretionary sightline tests and other supporting guidance is also recommended to ensure that new development above the street wall (including the heritage streetscape) is visually recessive and does not detract from the heritage buildings.
13. The recommended controls vary across the precincts reflective of the different existing conditions, particularly heritage conditions, and the identified preferred future character for the activity centre. Of particular note is the recommendation that mandatory controls for the street wall and upper level setbacks be applied along the majority of the length of the southern side of Bridge Road covered by a heritage overlay. This reflects the advice from GJM Heritage that the heritage areas on the southern side of Bridge Road between Hoddle Street and Burnley Street forms a “heritage significant streetscape” due to the high degree of intactness and consistency of the streetscape, and the high level of architectural significance and quality of the heritage buildings.
14. In developing the recommended controls and requirements, a range of options for the street wall height, setback and sightline controls in heritage overlay areas have been tested. This testing has necessarily sought to arrive at recommended controls and requirements that achieve the optimal balance of heritage protection and enabling new development, recognising that parts of Bridge Road have heritage streetscape qualities that are important to the local and broader metropolitan community. Officers consider that the recommended setback and sight line controls in combination provide a very high level of protection to the individually significant heritage buildings and to the most significant sections of the heritage streetscapes, and strike the right balance.
15. Importantly, the recommended controls and requirements demonstrate the strong strategically justified response to the various planning considerations in major activity centres required by the Department of Environment Land Water Planning (DELWP). They also reflect controls and requirements that have been tested and applied through a number of panel processes. This should encourage the Minister for Planning being confident in introducing an interim DDO schedule into the Yarra Planning Scheme for the Bridge Road Activity Centre that reflects the draft Built Form Framework.

Heritage Assessment

16. GJM Heritage has prepared the Victoria Street and Bridge Road Built Form Review Heritage Analysis & Recommendations – see Attachment 2. This assessment has heavily informed the recommendations for future built form in the draft Built Form Framework, in particular the recommended requirements for street wall heights, building setbacks and sightline tests in heritage areas.
17. The GJM Heritage assessment has also reviewed the suitability of the extent of the heritage overlays that apply to Bridge Road Activity Centre. This has identified the need for the following properties to be included within a heritage overlay schedule:
 - (a) The Halls Building at 202 - 206 Church Street; and
 - (b) No. 32 and 34 Thomas Street.
18. It is proposed that the amendment request to the Minister for Planning include a request for these properties to be included in interim heritage overlay schedules and included in Appendix 8 as individually significant places whilst the amendment to introduce permanent heritage overlay schedules to these properties is advanced.
19. The GJM Heritage assessment also includes a number of other recommendations that should be advanced as part of the amendment to the Yarra Planning Scheme to introduce a permanent DDO schedule for the Bridge Road Activity Centre or as part of an amendment to address minor errors to the Yarra Planning Scheme.

Traffic and Access Assessment

20. Traffix Group has prepared a Traffic Engineering Assessment (see Attachment 3) to inform the draft Built Form Framework. This assessment has focussed on identifying changes required to achieve safe and efficient vehicular and pedestrian access as the area is developed in accordance with the built form requirements.
21. It identifies that suitably designed and controlled vehicle access is a key component in achieving the objectives of maximising the efficiency of Bridge Road for trams and vehicles and providing a high quality pedestrian environment.
22. The assessment strongly recommends that access be provided from a laneway or side street and not from Bridge Road. It identified a number of locations where laneways should be widened and recommends that controls be included in the draft interim DDO to provide for this.

Interim Design and Development Overlay Schedule

23. Officers have translated the recommendations in the draft Built Form Framework, the Victoria Street and Bridge Road Built Form Review Heritage Analysis & Recommendations, and the Traffic Engineering Assessment into a draft interim DDO schedule (DDO21) – see Attachment 4.
24. A version of this draft interim DDO schedule, incorporating any final minor drafting requirements, should be included in the request to the Minister for Planning and form the basis for the interim DDO schedule that is introduced.
25. The draft interim DDO schedule includes the majority of the recommendations in the draft Built Form Framework and supporting assessments. A small number of key recommendations are not supported and variations are recommended by officers. These are outlined in Table 2.

Table 2: Officer Variations to the Recommendations in draft Built Form Framework for the Bridge Road Activity Centre

Built Form	Variation to Recommendation in draft Built Form Framework
Building heights	<p>Amend preferred maximum building height requirements to mandatory maximum building height requirements for properties:</p> <ul style="list-style-type: none"> • in the heritage significant streetscape area identified by GJM Heritage • with a sensitive residential interface. <p>A reduction of the preferred maximum building height requirement for properties west of Moorhouse Street from 24 metres (7 storeys) to 21 metres (6 storeys).</p>
Views to landmarks	<p>Remove the requirement to maintain views to the Pelacco sign from the Richmond Town Hall Forecourt.</p> <p>Amend requirements to maintain views to the Pelacco sign, to the Richmond Town Hall, and to the spire and belfry of Ignatius Cathedral on Church Street from preferred requirements to mandatory requirements.</p>
Solar access	Amend the requirement to maintain solar access to the southern footpath of Bridge Road at the equinox from a preferred requirement to a mandatory requirement.
Building separation	Introduction of a minimum setback of 3 metres from the boundary where a part of a building contains a non-habitable room window or a commercial window whose primary orientation is to that boundary.

Building Heights

26. Officers recommend that the interim DDO schedule include mandatory maximum building height requirements for properties in the heritage significant streetscape area identified by GJM Heritage and to properties with a sensitive residential interface. This is the most significant variation alteration and is recommended to:
 - (a) ensure that new development does not set a precedent for inappropriate tall form in these highly sensitive locations whilst the structure plan (or equivalent strategy) and the permanent DDO schedule for the Bridge Road Activity Centre is prepared and progressed; and
 - (b) accord with the approach taken for the requests for interim DDO schedules for the Johnston Street Activity Centre (gazetted by the Minister for Planning in March 2018) and for the Swan Street and Queens Parade activity centres (currently being considered by the Minister for Planning).
27. Officers consider that this approach is in accordance with the Planning Practice Notes 59 and 60 which guide the application of mandatory controls. In particular, it is considered that mandatory controls are strategically justified in these locations by the importance of the heritage streetscape and the sensitive residential interface, and are necessary to avoid unacceptable development outcomes.
28. It is important to note, however, that the application of mandatory maximum building height controls remains a contentious approach and it may not be supported by the Minister for Planning.
29. Importantly, officers do not recommend that mandatory maximum building height controls be sought for the entire activity centre as this would not comply with the guidance in Planning Practice Notes 59 and 60.
30. For properties where only preferred building heights are included, officers recommend the draft interim DDO schedule states that a permit cannot be granted to exceed the preferred building heights unless key heritage and design requirements are met, and that the following additional criteria are met:
 - (a) greater building separation than the minimum requirement in the schedule;
 - (b) housing for diverse households types, including people with disability, older persons, and families, through the inclusion of varying dwelling sizes and configurations;
 - (c) universal access, and communal and / or private open space provision that exceeds the minimum standards in Clauses 55.07 and 58;
 - (d) excellence for environmental sustainable design measured as a minimum BESS project score of 70%; and
 - (e) no additional amenity impacts to residentially zoned properties, beyond that which would be generated by a proposal that complies with the preferred building height.
31. Officers recommend the interim DDO schedule include a preferred maximum building height requirement for properties on Bridge Road west of Moorhouse Street of 21 metres (6 storeys). David Lock Associates recommend the taller height of 24 metres (7 storeys) in the draft Built Form Framework to mark the gateway into the Bridge Road Activity Centre. Reducing the height is a minor but an important change that officers consider is appropriate for the following reasons:
 - (a) the need to achieve a more respectful response to the heritage buildings in these locations; and
 - (b) traditionally buildings in high street retail centres like Bridge Road have favoured more elaborate façade treatments over significant variation in building scale to distinguish or mark the entry.

Views to Landmarks

32. The draft Built Form Framework and the heritage assessment identify the importance of protecting primary views to the important landmarks. Officers recommend that the interim DDO schedule include mandatory controls to provide the maximum protection for these important views.
33. A recent VCAT decision for development at 54 - 56 Bridge Road concluded that the proposed development was too tall as it inappropriately impacted on views to the Pelacco Sign from the intersection of Hoddle Street and Wellington Parade. This decision demonstrates both the importance of the identified views to landmarks and the potential for important views to be lost through inappropriate development without clear controls.
34. Another VCAT decision for development at 242 Bridge Road concluded that the view to the Pelacco Sign from the Richmond Town Hall Forecourt was not a "principal or heroic" view and that "the loss of view from the town hall was a minor loss of prominence of the sign" that was "acceptable". Based on this decision, officers do not recommend that the interim DDO schedule include a requirement to maintain views from the Richmond Town Hall Forecourt to the Pelacco Sign.
35. Officers consider that applying mandatory controls in this instance is in accordance with the Planning Practice Notes 59 and 60 which guide the application of mandatory controls.

Solar access

36. The draft Built Form Framework recommends that solar access be maintained to the southern footpath of Bridge Road along with other footpaths. Officers recommend that the interim DDO schedule include a mandatory control to achieve solar access to the southern footpath of Bridge Road at the equinox given the importance of the footpath to the community's enjoyment of the activity centre, and to the appeal and success of outdoor dining along Bridge Road.
37. Officers consider that applying mandatory controls in this instance is in accordance with the Planning Practice Notes 59 and 60 which guide the application of mandatory controls.

Building separation

38. The draft Built Form Framework recommends a requirement be included in the draft interim DDO schedule for a minimum 4.5 metre setback from the boundary where a living room window or balcony is orientated to that boundary. This is to reduce the need for screening to maintain appropriate privacy. Officers recommend that the interim DDO schedule include this requirement but also include a requirement for a minimum 3 metre setback where a non-habitable room or a commercial window is proposed that is orientated to that boundary. This provides greater clarity for the setback requirement in these circumstances and is consistent with the gazetted interim DDO schedule for the Johnston Street Activity Centre and the recommended interim DDO schedule for Swan Street.
39. It is proposed that the interim DDO has an expiry of 2 years. This would provide for the preparation of a structure plan (or equivalent strategy) and for the preparation, exhibition and panel consideration of the permanent DDO schedule. If additional time is required, Council may request for an extension to the expiry date.

Next Steps

40. Subject to Council supporting the officer recommendations to submit a request for an interim DDO for the Bridge Road Activity Centre and interim heritage overlay schedules for 202 - 206 Church Street and 32 and 34 Thomas Street, the requests will be submitted to the Minister for Planning before the end of June 2018. This timeframe is critical in order for the Minister for Planning to consider the request prior to the caretaker period for the State Government elections having regard to the DELWP lead times.
41. Following the submission of the request, officers will:
 - (a) liaise with the DELWP and the office for the Minister for Planning as necessary to assist in the preparation, adoption and approval of the interim DDO schedule and the interim heritage overlay schedules;

- (b) commence the preparation of structure plan (or equivalent strategy) for the Bridge Road Activity Centre that would utilise the recommendations within the draft Built Form Framework and also incorporate more detailed guidance and requirements for the public realm and access and movement. The structure plan (or equivalent strategy) would be prepared, with input from the community in accordance with a consultation plan (see below); and
- (c) prepare the permanent DDO for Council consideration. The permanent DDO schedule would be subject to formal community exhibition and consideration by an independent planning panel in accordance with the *Planning and Environment Act* before adoption by Council (see External Consultation below).

External Consultation

- 42. No formal external consultation has been undertaken to inform the draft Built Form Framework or the draft interim DDO schedule. There will be no formal opportunity for the community to submit on either of these before they are submitted to the Minister for Planning under Section 20(4) of the *Planning and Environment Act 1987*.
- 43. There has, however, been a range of informal targeted consultation sessions which has helped inform the draft Built Form Framework. A presentation on the principles for future built form, analysis of existing conditions and potential levels of change was made to the Liveable Yarra Reference Group on 10th October 2017. A presentation was also made to the Heritage Advisory Committee (HAC) on 24th July 2017 and on 16th May 2018.
- 44. Beyond this immediate interim amendment process, the community would be consulted as part of the preparation of the structure plan (or equivalent strategy) to be prepared for the Bridge Road Activity Centre. A consultation plan would be prepared to guide this.
- 45. The community would also have the opportunity to submit on the permanent DDO schedule as part of the full planning scheme amendment. The *Planning and Environment Act 1987* establishes an extensive public consultation process with minimum statutory requirements. Council processes often go beyond these requirements and typically involves:
 - (a) public exhibition of the proposed amendment for 6 weeks - the *Planning and Environment Act 1987* requires a 1 month exhibition;
 - (b) notification letters detailing information about the proposed amendment and how to make a submission sent to each affected resident and property owner;
 - (c) provision of fact sheets with information about the amendment and the consideration process;
 - (d) community consultation sessions facilitated by Council officers with ward Councillors invited;
 - (e) consideration of community submissions with a report provided to Council;
 - (f) hearing community submissions and consideration of any recommended changes at a Council meeting; and
 - (g) should Council resolve to have the proposed amendment considered by a planning panel, submitters having the opportunity to present to the panel and finally to Council on the panel's report and recommendations.

Internal Consultation (One Yarra)

- 46. The draft Built Form Framework has been prepared by consultants David Lock Associates and GJM Heritage instructed by officers from Urban Design and Strategic Planning. Input to the draft Built Form Framework and the draft interim DDO schedule has been provided from the Statutory Planning team.

Financial Implications

47. Other than officer time and the administration fee to the DELWP there are no financial costs for requesting the Minister for Planning to introduce an interim DDO schedule for the Bridge Road Activity Centre.

Economic Implications

48. There are no economic implications of requesting the Minister for Planning to introduce an interim DDO schedule for the Bridge Road Activity Centre.

Sustainability Implications

49. There are no sustainability implications of requesting the Minister for Planning to introduce an interim DDO schedule for the Bridge Road Activity Centre.

Social Implications

50. There are no specific social implications of requesting the Minister for Planning to introduce an interim DDO schedule for the Bridge Road Activity Centre beyond providing some increased certainty to the community around the future built form in the activity centre.

Human Rights Implications

51. There are no known human rights implications of requesting the Minister for Planning to introduce an interim DDO schedule for the Bridge Road Activity Centre.

Communications with CALD Communities Implications

52. Any future consultation on the structure plans (or equivalent strategies) and the exhibition of the permanent DDO schedule would involve consultation in accordance with the *Planning and Environment Act 1987* and also Council's consultation policies.

Council Plan, Strategy and Policy Implications

53. The request for an interim DDO schedule for the Bridge Road Activity Centre supports the following strategy in the Council Plan:
- (a) *Manage change in Yarra's built form and activity centres through community engagement, land use planning and appropriate structure planning processes.*

Legal Implications

54. The approach outlined in this report is in accordance with the requirements of the *Planning and Environment Act 1987*.

Options

55. The Yarra Planning Scheme currently provides only limited guidance for the Bridge Road Activity Centre about preferred built form outcomes, particularly in terms of building heights and setbacks. The introduction of an interim DDO schedule offers the optimal mechanism to address this and no alternatives are recommended to this approach.
56. In order for the Minister for Planning to consider and approve the request for an interim DDO schedule for the Bridge Road Activity Centre before the State Government election, it is critical that Council submit the request prior to the end of June 2018. Any delay to the submission could significantly impact on the timely introduction of an interim DDO schedule.
57. Officers have recommended that the interim DDO schedule include a number of variations to the requirements outlined in the draft Built Form Framework prepared by David Lock Associates, including increased application of mandatory controls. These changes are recommended to ensure that new development does not set a trend for inappropriate development whilst the structure plan (or equivalent strategy) and the permanent DDO schedule for the Bridge Road Activity Centre is prepared and progressed. They are also recommended to provide a high degree of consistency with the approach adopted for the interim DDO schedules for the Johnston Street, Queens Parade and Swan Street activity centres.

58. Officers recommend that these changes be reflected in the request to the Minister for Planning through their inclusion in the version of the interim DDO schedule that is submitted.
59. Alternatively, Council could submit a request based entirely on the recommendations in the draft Built Form Framework.

Conclusion

60. A draft Bridge Road and Victoria Street Built Form Framework has been prepared which provides built form recommendations for the future development in the Bridge Road Activity Centre.
61. The draft Built Form Framework deliberately and necessarily seeks to balance the need to accommodate growth and development in the activity centre with the protection of the important heritage streetscape qualities of the activity centre and surrounding areas and with careful consideration of how to minimise amenity impacts on adjoining residential properties.
62. Council officers have reflected these recommendations with a small number of variations in a draft interim DDO schedule for the activity centre that includes a tailored mix of preferred and mandatory controls to guide built form outcomes for a period of 2 years whilst permanent controls are advanced.
63. Council is recommended to submit a request to the Minister for Planning by the end of June for the introduction of an interim DDO schedule into the Yarra Planning Scheme for the Bridge Road Activity Centre under Section 20(4) of the *Planning and Environment Act 1987*. Failure to submit the request prior to the end of June may mean that the interim DDO schedule is not considered and introduced before the State Government election and potentially not until well into 2019.
64. Whilst no formal community consultation has been undertaken on the draft interim DDO schedule, the preparation of a structure plan (or equivalent strategy) for the Bridge Road Activity Centre would provide an opportunity for the community to inform the permanent DDO schedule. The community would also have an opportunity to submit on the formal exhibition process to introduce the permanent DDO schedule. This opportunity would occur following the completion of the structure plan (or equivalent strategy).

RECOMMENDATION

1. That Council:
 - (a) note the officer report on the request to the Minister for Planning for an interim Design and Development Overlay Schedule for the Bridge Road Activity Centre;
 - (b) note the preparation of the draft Victoria Street and Bridge Road Built Form Framework, prepared by David Lock Associates, the supporting Victoria Street and Bridge Road Built Form Review Heritage Analysis & Recommendations prepared by GJM Heritage and the supporting Traffic Engineering Report prepared by Traffix Group;
 - (c) endorse the draft Victoria Street and Bridge Road Built Form Framework, the supporting Victoria Street and Bridge Road Built Form Review Heritage Analysis & Recommendations prepared by GJM Heritage and the supporting Traffic Engineering Report prepared by Traffix Group as the basis for the Minister for Planning to introduce an interim Design and Development Overlay (DDO) schedule into the Yarra Planning Scheme for the Bridge Road Activity Centre;
 - (d) endorse the interim Design and Development Overlay (DDO) schedule for the Bridge Road Activity Centre including officers recommended variations to the requirements in the draft Victoria Street and Bridge Road Built Form Framework for the Bridge Road Activity Centre outlined in Table 2 of this report;
 - (e) request the Minister for Planning in accordance with Section 8 (1) (b) and 20 (4) of the Planning and Environment Act 1987 to introduce a Design and Development Overlay (DDO) schedule on an interim basis for the Bridge Road Activity Centre;

- (f) request the Minister for Planning in accordance with Section 8 (1) (b) and 20 (4) of the Planning and Environment Act 1987, to introduce an interim heritage protection for the following properties proposed as new Heritage Overlays (The Halls Building at 202 - 206 Church Street and no.'s 32 and 34 Thomas Street); and
- (g) authorise the CEO to make any minor adjustments to necessitate the required documentation to meet the intent of the above resolutions.

CONTACT OFFICER: **Andrew Johnson**
TITLE: **Coordinator Strategic Planning**
TEL: **9205 5311**

Attachments

- 1** Draft Bridge Road and Victoria Street Built Form Framework Part 1 LR
- 2** Draft Bridge Road and Victoria Street Built Form Framework Part 2 LR
- 3** Bridge and Victoria Built Form Review Heritage Analysis and Recommendations
- 4** Traffic Engineering Assessment Part 1
- 5** Traffic Engineering Assessment Part 2
- 6** Traffic Engineering Assessment Part 3
- 7** Draft Interim DDO21

11.5 Victoria Street Activity Centre - Request for an Interim Design and Development Overlay

Executive Summary

Purpose

The purpose of the report is for Council to consider requesting the Minister for Planning to introduce an interim Design and Development Overlay (DDO) schedule into the Yarra Planning Scheme for the Victoria Street Activity Centre in accordance with Section 8 (1) (b) and 20 (4) of the *Planning and Environment Act 1987*.

Key Issues

The Victoria Street Activity Centre is experiencing development pressure but the Yarra Planning Scheme currently provides only limited guidance about preferred built form outcomes, particularly in terms of building heights and setbacks. Introducing permanent changes to the Yarra Planning Scheme to provide the required guidance could take a number of years.

Council is recommended to request the Minister for Planning to introduce changes to the Yarra Planning Scheme, in the form of an interim Design and Development Overlay (DDO) schedule for the Victoria Street Activity Centre, whilst further planning work and a full planning scheme amendment is progressed to introduce a permanent DDO schedule into the Yarra Planning Scheme.

The request is required to be made prior to the end of June 2018 to enable necessary lead times at the Department of Environment, Land, Water and Planning (DELWP) for the Minister for Planning to consider the request prior to the State Government elections in November 2018.

Financial Implications

Other than officer time and the administration fee to the DELWP there are no financial costs for requesting the Minister for Planning to introduce an interim DDO schedule for the Victoria Street Activity Centre.

PROPOSAL

In summary, that Council:

- endorse the draft Victoria Street and Bridge Road Built Form Framework, the supporting Victoria Street and Bridge Road Built Form Review Heritage Analysis & Recommendations as the basis for the Minister for Planning to introduce an interim Design and Development Overlay (DDO) into the Yarra Planning Scheme for the Victoria Street Activity Centre;
- endorse the interim Design and Development Overlay (DDO) schedule for the Victoria Street Activity Centre including officers recommended variations to the requirements in the draft Built Form Framework for the Victoria Street Activity Centre; and
- request the Minister for Planning to introduce an interim Design and Development Overlay schedule into the Yarra Planning Scheme for the Victoria Street Activity Centre.

11.5 Victoria Street Activity Centre - Request for an Interim Design and Development Overlay

Trim Record Number: D18/95594

Responsible Officer: Manager City Strategy

Purpose

1. The purpose of the report is for Council to consider requesting the Minister for Planning to introduce an interim Design and Development Overlay (DDO) schedule into the Yarra Planning Scheme for the Victoria Street Activity Centre in accordance with Section 8 (1) (b) and 20 (4) of the *Planning and Environment Act 1987*.

Background

2. The Yarra community place great importance on planning controls to seek to best manage change and provide clarity and as much certainty as possible about future development outcomes.
3. To improve the management of development within Yarra, Council has embarked on a comprehensive program of strategic planning work aimed at improving the planning controls in the Yarra Planning Scheme. An update on this program was reported to Council in December 2017.
4. The program includes the preparation of built form analysis covering the Bridge Road Activity Centre as well as the Victoria Street Activity Centre, and the Brunswick Street and Smith Street precinct (which includes parts of Gertrude Street, Johnston Street and a pocket of Collingwood west side of Wellington Street).
5. The output of this work is a series of 'Built Form Frameworks' covering each place including principles, guidelines and requirements that will guide future development and manage change. These 'frameworks' are needed to provide strong strategic justification and evidence for the preparation of structure plans (or equivalent strategies) and future permanent provisions in the Yarra Planning Scheme, notably Design and Development Overlays (DDOs).
6. A draft Bridge Road and Victoria Street Built Form Framework has been prepared by expert urban design consultants in collaboration with heritage and traffic experts. The document includes recommendations for the Victoria Street Activity Centre.
7. Officers have used this draft framework to prepare a draft interim Design and Development Overlay Schedule 22 (DDO22) for the Victoria Street Activity Centre. The draft Built Form Framework and the draft DDO schedule should form the basis for a request to the Minister for Planning to introduce an interim DDO schedule under Section 20(4) of the *Planning and Environment Act 1987*.
8. This report summarises the content and the recommended requirements from the draft Built Form Framework. It identifies key recommended variations to these requirements that officers consider should be included in the interim DDO schedule. It also outlines the next steps to introducing permanent controls into the Yarra Planning Scheme.

Discussion

The Draft Bridge Road and Victoria Street Built Form Framework

9. David Lock Associates, in association with GJM Heritage Consultants and with input from Traffix Group, has prepared a Draft Bridge Road and Victoria Street Built Form Framework – see Attachment 1. The draft Built Form Framework provides the detailed analysis and a thorough and strategic basis for the future planning of the Victoria Street Activity Centre.

10. It provides the strategic justification and evidence needed to enable the Minister for Planning to consider a request to prepare, adopt and approve an interim DDO schedule for the Victoria Street Activity Centre. It will also provide the basis for the preparation of a future structure plan (or equivalent strategy) for the activity centre and would be relied upon at a future Planning Panel considering the permanent DDO schedule.
11. The draft Built Form Framework includes a number of principles for the future planning of the activity centre. These are intended to be realised through recommended detailed controls and requirements for different 'precincts' relating to: building heights, street wall heights, setbacks, views to landmarks, solar access, building separation, and building design. The key elements are summarised in Table 1 and in Figure 1.

Table 1 – Summary of Built Form Recommendations for Victoria Street Activity Centre

Built Form	Recommended Controls and Requirements
Building heights	Preferred maximum building heights that vary from 18 metres (5 storeys) to 24 metres (7 storeys) along Victoria Street with some taller form up to 34 metres (10 storeys) on larger sites generally located adjoining the Victoria Street train station along the rail line and Hoddle Street. A lower preferred maximum building height of generally 11 metres (3 storeys) to 16 metres (4 storeys) in locations behind Victoria Street that interface with existing low scale residential properties.
Street wall heights	A mix of mandatory and preferred maximum street wall heights that respond to the heritage streetscape of 11 metres (3 storeys) in heritage overlay areas and 15 metres (4 storeys) outside of heritage overlay area.
Upper level setbacks	A mix of mandatory and preferred minimum setbacks with a minimum setback of 6 metres in heritage areas, and a minimum setback of 3 metres or 5 metres elsewhere.
Upper level development in heritage areas	Development should occupy no more than one quarter of the total view of development when viewed from the opposite footpath.
Residential interface	Development should be setback at a 45 degree angle to a maximum setback of 10 metres.
Views to landmarks	Primary views should be maintained to the Skipping Girl Sign.
Solar access	Solar access should be maintained to the southern footpath of Victoria Street and the opposite side of Church Street, Nicholson Street / Lennox Street and Burnley Street at the equinox.
Building separation	A preferred minimum of setback of 4.5 metres from the boundary where a part of a building contains a balcony or living room window whose primary orientation is to that boundary. A preferred setback equivalent to at least one sixth of the width of the lot for a building above 21 metres to enable separation between taller forms.

12. The recommended controls and requirements are the result of substantial testing of different options using modelling and sections, and a review of built and recently approved developments. Particular regard has been given to ensuring that the upper levels of new development does not overwhelm the heritage buildings and that the heritage streetscape remain a prominent and defining element of the Victoria Street Activity Centre (where relevant to a precinct).

13. Mandatory controls are recommended to retain the street wall heights of individually significant heritage buildings and to require a minimum setback for new development above the heritage street wall for individually significant heritage buildings. Discretionary sightline tests and other supporting guidance is also recommended to ensure that new development above the street wall is visually recessive and does not detract from the heritage buildings.
14. Figure 1 – Summary of Built Form Recommendations for Victoria Street Activity Centre



15. The recommended controls vary across the precincts reflective of the different existing conditions, particularly heritage conditions, and the identified preferred future character for the activity centre.
16. In developing the recommended controls and requirements, a range of options for the street wall height, setback and sightline controls in heritage overlay areas have been tested. This testing has necessarily sought to arrive at recommended controls and requirements that achieve the optimal balance of heritage protection and enabling new development, recognising that parts of Victoria Street have heritage streetscape qualities that are important to the local community. Officers consider that the recommended setback and sight line controls in combination provide a very high level of protection to the individually significant heritage buildings and strike the right balance.
17. Importantly, the recommended controls and requirements demonstrate the strong strategically justified response to the various planning considerations in major activity centres required by the Department of Environment, Land, Water and Planning (DELWP). They also reflect controls and requirements that have been tested and applied through a number of panel processes. This should encourage the Minister for Planning being confident in introducing an interim DDO schedule into the Yarra Planning Scheme for the Victoria Street Activity Centre that reflects the draft Built Form Framework.

Heritage Assessment

18. GJM Heritage has prepared the Victoria Street and Bridge Road Built Form Review Heritage Analysis & Recommendations – see Attachment 2. This assessment has heavily informed the recommendations for future built form in the draft Built Form Framework, in particular the recommended requirements for street wall heights, building setbacks and sightline tests in heritage areas.
19. The GJM Heritage assessment has also reviewed the suitability of the extent of the heritage overlays that apply to the Victoria Street Activity Centre area. This has identified that the extent of the heritage overlay is appropriate.
20. The GJM Heritage assessment also includes a number of other recommendations that should be advanced as part of the amendment to the Yarra Planning Scheme to introduce a permanent DDO schedule for the Victoria Street Activity Centre or as part of an amendment to address minor errors to the Yarra Planning Scheme.

Traffic and Access Assessment

21. Traffix Group has prepared a Traffic Engineering Assessment (see Attachment 3) to inform the draft Built Form Framework. This assessment has focussed on identifying changes required to achieve safe and efficient vehicular and pedestrian access as the area is developed in accordance with the built form requirements.
22. It identifies that suitably designed and controlled vehicle access is a key component in achieving the objectives of maximising the efficiency of Victoria Street for trams and vehicles and providing a high quality pedestrian environment.
23. The assessment strongly recommends that access be provided from a laneway or side street and not from Victoria Street. It identified a number of locations where laneways should be widened and recommends that controls be included in the draft interim DDO schedule to provide for this.

Interim Design and Development Overlay Schedule

24. Officers have translated the recommendations in the draft Built Form Framework, the Victoria Street and Bridge Road Built Form Review Heritage Analysis & Recommendations, and the Traffic Engineering Assessment into a draft interim DDO schedule (DDO22) – see Attachment 4.
25. A version of this draft interim DDO schedule, incorporating any final minor drafting requirements, should be included in the request to the Minister for Planning and form the basis for the interim DDO schedule that is introduced.

26. The draft interim DDO schedule includes the majority of the recommendations in the draft Built Form Framework and supporting assessments. A small number of key recommendations are not supported and variations are recommended. These are outlined in Table 2.
27. Table 2: Officer Variations to the Recommendations in draft Built Form Framework for the Victoria Street Activity Centre

Built Form	Variation to Recommendation in draft Built Form Framework
Building heights	Amend preferred maximum building height requirements to mandatory maximum building height requirements for properties with a sensitive residential interface. A reduction of the preferred maximum building height requirement for properties along Victoria Street west of Ferguson Street from 24 metres (7 storeys) to 18 metres (5 storeys).
Solar access	Amend the requirement to maintain solar access to the southern footpath of Victoria Street at the equinox from a preferred requirement to a mandatory requirement.
Building separation	Introduction of a minimum setback of 3 metres from the boundary where a part of a building contains a non-habitable room window or a commercial window whose primary orientation is to that boundary.

Building Heights

28. Officers recommend that the interim DDO schedule include mandatory maximum building height requirements for properties with a sensitive residential interface. This is the most significant variation to the requirements in the draft Built Form Framework and is recommended to:
- (a) ensure that new development does not set a precedent for inappropriate tall form in these highly sensitive locations whilst the structure plan (or equivalent strategy) and the permanent DDO schedule for the Victoria Street Activity Centre is prepared and progressed; and
 - (b) accord with the approach taken for the requests for interim DDO schedules for the Johnston Street Activity Centre (gazetted by the Minister for Planning in March 2018) and for the Swan Street and Queens Parade activity centres (currently being considered by the Minister for Planning).
29. Officers consider that this approach is in accordance with the Planning Practice Notes 59 and 60 which guide the application of mandatory controls. In particular, it is considered that mandatory controls are strategically justified in these locations by the sensitivity of the residential interface, and are necessary to avoid unacceptable development outcomes.
30. It is important to note, however, that the application of mandatory maximum building height controls remains a contentious approach and it may not be supported by the Minister for Planning.
31. Importantly, officers do not recommend that mandatory maximum building height controls be sought in other locations in the activity centre as this would not comply with the guidance in Planning Practice Notes 59 and 60.
32. For properties where only preferred building heights are included, officers recommend the draft interim DDO schedule states that a permit cannot be granted to exceed the preferred building heights unless key heritage and design requirements are met, and that the following additional criteria are met:
- (a) greater building separation than the minimum requirement in the schedule;
 - (b) housing for diverse households types, including people with disability, older persons, and families, through the inclusion of varying dwelling sizes and configurations;

- (c) universal access, and communal and / or private open space provision that exceeds the minimum standards in Clauses 55.07 and 58;
 - (d) excellence for environmental sustainable design measured as a minimum BESS project score of 70%; and
 - (e) no additional amenity impacts to residentially zoned properties, beyond that which would be generated by a proposal that complies with the preferred building height.
33. Officers recommend the draft interim DDO schedule include a preferred maximum building height requirement for properties on Victoria Street west of Ferguson Street of 18 metres (5 storeys). David Lock Associates recommend the taller height of 24 metres (7 storeys) in the Draft Built Form Framework to mark the gateway into the Victoria Street Activity Centre. Reducing the height is a minor but an important change that officers consider is appropriate for the following reasons:
- (a) the need to achieve a more respectful response to the heritage buildings;
 - (b) traditionally buildings in high street retail centres like Victoria Street have favoured more elaborate façade treatments over significant variation in building scale to distinguish or mark the entry; and
 - (c) the presence of existing significant street art that already marks the entry to the activity centre.

Solar access

34. The draft Built Form Framework recommends that solar access be maintained to the southern footpath of Victoria Street along with selected other footpaths. Officers recommend that the draft interim DDO schedule include a mandatory control to achieve solar access to the southern footpath of Victoria Street at the equinox given the importance of the footpath to the community's enjoyment of the activity centre, and to the appeal and success of outdoor dining along Victoria Street.
35. Officers consider that applying mandatory controls in this instance is in accordance with the Planning Practice Notes 59 and 60 which guide the application of mandatory controls.

Building separation

36. The draft Built Form Framework recommends a requirement be included in the draft interim DDO schedule for a minimum 4.5 metre setback from the boundary where a living room window or balcony is orientated to that boundary. This is to reduce the need for screening to maintain appropriate privacy. Officers recommend that the draft interim DDO include this requirement but also include a requirement for a minimum 3 metre setback where a non-habitable room or a commercial window is proposed that is orientated to that boundary. This provides greater clarity for the setback requirement in these circumstances and is consistent with the gazetted interim DDO schedule for the Johnston Street Activity Centre and the recommended interim DDO schedule for Swan Street.
37. It is proposed that the interim DDO schedule has an expiry of 2 years. This would provide for the preparation of a structure plan (or equivalent strategy) and for the preparation, exhibition and panel consideration of the permanent DDO schedule. If additional time is required, Council may request for an extension to the expiry date.

Next Steps

38. Subject to Council supporting the officer recommendations to submit a request for an interim DDO schedule for the Victoria Street Activity Centre, the request will be submitted to the Minister for Planning before the end of June 2018. This timeframe is critical in order for the Minister for Planning to be able to consider the request prior to the caretaker period for the State Government elections having particular regard to the DELWP lead times.
39. Following the submission of the requests, officers will:
- (a) liaise with the DELWP and the office for the Minister for Planning as necessary to assist in the preparation, adoption and approval of the interim DDO schedule;

- (b) commence the preparation of structure plan (or equivalent strategy) for the Victoria Street Activity Centre that would utilise the recommendations within the draft Built Form Frameworks and also incorporate more detailed guidance and requirements for the public realm and access and movement. The structure plan (or equivalent strategy) would be prepared, with input from the community in accordance with a consultation plan (see below); and
- (c) officers would prepare the permanent DDO for Council consideration. The permanent DDO schedule would be subject to formal community exhibition and consideration by an independent planning panel in accordance with the *Planning and Environment Act* before adoption by Council (see External Consultation below).

External Consultation

- 40. No formal external consultation has been undertaken to inform the draft Built Form Framework or the draft interim DDO schedule. There will be no formal opportunity for the community to submit on either of these before they are submitted to the Minister for Planning under Section 20(4) of the *Planning and Environment Act 1987*.
- 41. There has, however, been a range of informal targeted consultation sessions which has helped inform the draft Built Form Framework. A presentation on the principles for future built form, analysis of existing conditions and potential levels of change was made to the Liveable Yarra Reference Group on 10th October 2017. A presentation was also made to the Heritage Advisory Committee (HAC) on 24th July 2017 and on 16th May 2018.
- 42. Beyond this immediate interim amendment process, the community would be consulted as part of the preparation of the structure plan (or equivalent strategy) that would be prepared for the Victoria Street Activity Centre. A consultation plan would be prepared to guide this.
- 43. The community would also have the opportunity to submit on the permanent DDO schedule as part of the full planning scheme amendment. The *Planning and Environment Act 1987* establishes an extensive public consultation process with minimum statutory requirements. Council processes often go beyond these requirements and typically involves:
 - (a) public exhibition of the proposed amendment for 6 weeks - the *Planning and Environment Act 1987* requires a 1 month exhibition;
 - (b) notification letters detailing information about the proposed amendment and how to make a submission sent to each affected resident and property owner;
 - (c) provision of fact sheets with information about the amendment and the consideration process;
 - (d) community consultation sessions facilitated by Council officers with ward Councillors invited;
 - (e) consideration of community submissions with a report provided to Council;
 - (f) hearing community submissions and consideration of any recommended changes at a Council meeting; and
 - (g) should Council resolve to have the proposed amendment considered by a planning panel, submitters having the opportunity to present to the panel and finally to Council on the panel's report and recommendations.

Internal Consultation (One Yarra)

- 44. The draft Built Form Framework has been prepared by consultants David Lock Associates and GJM Heritage instructed by officers from Urban Design and Strategic Planning. Input to the draft Built Form Framework and the draft interim DDO schedule has been provided from the Statutory Planning team.

Financial Implications

- 45. Other than officer time and the administration fee to the DELWP there are no financial costs for requesting the Minister for Planning to introduce an interim DDO schedule for the Victoria Street Activity Centre.

Economic Implications

46. There are no economic implications of requesting the Minister for Planning to introduce an interim DDO schedule for the Victoria Street Activity Centre.

Sustainability Implications

47. There are no sustainability implications of requesting the Minister for Planning to introduce an interim DDO schedule for the Victoria Street Activity Centre.

Social Implications

48. There are no specific social implications of requesting the Minister for Planning to introduce an interim DDO schedule for the Victoria Street Activity Centre beyond providing some increased certainty to the community around the future built form in the activity centre.

Human Rights Implications

49. There are no known human rights implications of requesting the Minister for Planning to introduce an interim DDO schedule for the Victoria Street Activity Centre.

Communications with CALD Communities Implications

50. Any future consultation on the structure plans (or equivalent strategies) and the exhibition of the permanent DDO schedule would involve consultation in accordance with the *Planning and Environment Act 1987* and also Council's consultation policies.

Council Plan, Strategy and Policy Implications

51. The request of an interim DDO schedule for the Victoria Street Activity Centre supports the following strategy in the Council Plan:
- (a) *Manage change in Yarra's built form and activity centres through community engagement, land use planning and appropriate structure planning processes*

Legal Implications

52. The approach outlined in this report is in accordance with the requirements of the *Planning and Environment Act 1987*.

Options

53. The Yarra Planning Scheme provides only limited guidance for the Victoria Street Activity Centre about preferred built form outcomes, particularly in terms of building heights and setbacks. The introduction of an interim DDO schedule offers the optimal mechanism to address this and no alternatives are recommended to this approach.
54. In order for the Minister for Planning to consider and approve the request for an interim DDO schedule for the Victoria Street Activity Centre before the State Government election, it is critical that Council submit the request prior to the end of June 2018. Any delay to the submission could significantly impact on the timely introduction of an interim DDO schedule.
55. Officers have recommended the interim DDO schedule include a small number of variations to the requirements outlined in the draft Built Form Framework prepared by David Lock Associates, including increased application of mandatory controls. These changes are recommended to ensure that new development does not set a trend for inappropriate development whilst the structure plan (or equivalent strategy) and the permanent DDO schedule for the Victoria Street Activity Centre is prepared and progressed. They are also recommended to provide a high degree of consistency with the approach adopted for the interim DDO schedules for the Johnston Street, Queens Parade and Swan Street activity centres.
56. Officers recommend that these changes be reflected in the request to the Minister for Planning through their inclusion in the version of the DDO schedule that is submitted with the request.
57. Alternatively, Council could submit a request based entirely on the recommendations in the draft Built Form Framework.

Conclusion

58. A draft Bridge Road and Victoria Street Built Form Framework has been prepared which provides built form recommendations for the future development in the Victoria Street Activity Centre. The draft Built Form Framework deliberately and necessarily seeks to balance the need to accommodate growth and development in the activity centre with the protection of the important heritage streetscape qualities of the activity centre and surrounding areas and with careful consideration of how to minimise amenity impacts on adjoining residential properties.
59. Council officers have reflected these recommendations with a small number of variations in a draft interim DDO schedule for the activity centre that includes a tailored mix of preferred and mandatory controls to guide built form outcomes for a period of 2 years whilst permanent controls are advanced.
60. Council is recommended to submit a request to the Minister for Planning by the end of June for the introduction of an interim DDO schedule into the Yarra Planning Scheme for the Victoria Street Activity Centre under Section 20(4) of the *Planning and Environment Act 1987*. Failure to submit the request prior to the end of June may mean that the interim DDO schedule is not considered and introduced before the State Government election and potentially not until well into 2019.
61. Whilst no formal community consultation has been undertaken on the draft interim DDO schedule, the preparation of a structure plan (or equivalent strategy) for the Victoria Street Activity Centre would provide an opportunity for the community to inform the permanent DDO schedule. The community would also have an opportunity to submit on the formal exhibition process to introduce the permanent DDO schedule. This opportunity would occur following the completion of the structure plan (or equivalent strategy).

Refer attachments 1 – 6 from Bridge Road report 11.4

RECOMMENDATION

1. That Council:
 - (a) note the officer report on the request to the Minister for Planning for an interim Design and Development Overlay Schedule for the Victoria Street Activity Centre;
 - (b) note the preparation of the draft Victoria Street and Bridge Road Built Form Framework, prepared by David Lock Associates, the supporting Victoria Street and Bridge Road Built Form Review Heritage Analysis & Recommendations prepared by GJM Heritage and the supporting Traffic Engineering Report prepared by Traffix Group;
 - (c) endorse the draft Victoria Street and Bridge Road Built Form Framework, the supporting Victoria Street and Bridge Road Built Form Review Heritage Analysis & Recommendations prepared by GJM Heritage and the supporting Traffic Engineering Report prepared by Traffix Group as the basis for the Minister for Planning to introduce an interim Design and Development Overlay (DDO) into the Yarra Planning Scheme for the Victoria Street Activity Centre;
 - (d) endorse the interim Design and Development Overlay (DDO) schedule for the Victoria Street Activity Centre including officers recommended variations to the requirements in the draft Victoria Street and Bridge Road Built Form Framework for the Victoria Street Activity Centre outlined in Table 2 of this report;
 - (e) request the Minister for Planning in accordance with Section 8 (1) (b) and 20 (4) of the Planning and Environment Act 1987 to introduce a Design and Development Overlay Schedule on an interim basis for the Victoria Street Activity Centre; and
 - (f) authorise the CEO to make any minor adjustments to necessitate the required documentation to meet the intent of the above resolutions.

CONTACT OFFICER: Andrew Johnson
TITLE: Coordinator Strategic Planning
TEL: 9205 5311

Attachments

1 Draft Interim DDO22

11.6 Route 96 Tram Stop Upgrades - Stop 23

Executive Summary

Purpose

For Council to consider, and approve as the Responsible Planning Authority, the latest design drawings and other material regarding the installation of *Disability Discrimination Act 1992 (DDA)* compliant tram stop on Nicholson Street at the Miller Street intersection (stop 23).

Background

Victoria has a legal obligation under the relevant DDA and Disability Standards for Accessible Public Transport 2002 (DSAPT) legislation to significantly increase the number DDA compliant tram stops over time and make all tram stops DDA compliant by 2032.

It is proposed that Route 96 be upgraded to be Melbourne's first fully accessible route. The project is part of a \$1.1 billion investment in Melbourne's tram network; and is being delivered by PTV in partnership with Yarra Trams, VicRoads, and in consultation with local councils.

As part of the Route 96 project PTV proposes to replace the existing tram stops on Nicholson Street, either side of the Miller Street intersection; with a parallel DDA compliant, easy-access stop (Appendix 1).

The following key considerations are detailed:

- (a) the legal requirement to deliver DDA stops;
- (b) previous Council resolutions regarding this project;
- (c) tram service accessibility;
- (d) tram service reliability and speed;
- (e) safety at and around tram stops;
- (f) on street car parking impacts;
- (g) traffic impacts;
- (h) opportunities for place making works; and
- (i) heritage impacts.

Proposed tram stop improvements

PTV is seeking to improve service reliability and travel times for tram passengers along this section of the route by:

- (a) installing new DDA compliant platform stops; and
- (b) prioritising trams near the tram stops.

The stop is proposed to be an 'Easy Access Stop' (EAS) design (see Appendix 1), similar to those constructed on Victoria Street between Hoddle Street and William Street, and on Bridge Road between Hoddle Street and Waltham Street. Due to the narrow road-width, an island platform stop is not appropriate at the location of stop 23. Additional EAS stops are also proposed further north within City of Moreland where the road is similarly narrow. The benefits of the proposed EAS tram stops over the existing tram stops are:

- (a) full DDA compliance and faster boarding and alighting;
- (b) increased passenger amenity as shelters will be installed for both north and southbound stops; and
- (c) improved accessibility with pedestrian crossings adjacent the stop.

Implications and considerations

The tram stop upgrades, however, require some changes to road space allocation and provide some opportunities for the design of the road to better reflect local and State transport and place making policies by:

- (a) increasing the priority, speed and reliability of public transport services; and
- (b) improving pedestrian environments and safety in and around tram stops.

Works required to complete the project by PTV, however, include:

- (a) removal of some on-street car parking spaces;
- (b) removal of bluestone within the roadbed and repaving with asphalt in some areas; and
- (c) relocation of a small amount of fixtures near the kerb including electrical poles.

Previous Council Decisions Regarding DDA Tram Stops on Nicholson Street

The upgrade of stop 23 has not been considered by Council previously. Council has previously considered concept designs for the upgrades of stops 11 through 22, at Council Meetings 12 November 2013, 2 September 2014 and 16 September 2014.

Planning Scheme Amendment

Planning Scheme Amendment CG68 has since been gazetted (03 September 2017) into the Yarra Planning Scheme by the State Government. The amendment was introduced by the State Government to streamline the delivery of accessible tram stops along Route 96 and at other locations within the planning process.

The amendment introduced a new Incorporated Document into the Yarra Planning Scheme (Appendix 3) which exempts 'the use and development of the land for a Tramway' from normal planning requirements along the length of Route 96 provided certain conditions are met. One of the conditions which must be is that Scale Plans must be prepared for approval by the responsible authority.

PTV has consulted with all relevant parties as part of a collaborative approach, and is seeking Council support.

Financial Implications

There is no expected loss of revenue associated with the construction of Stop 23.

PTV has agreed to grant Council \$400,000 for capital works along the length of Nicholson Street, to improve the pedestrian environment for safety and urban amenity.

PROPOSAL

That Council, as the Responsible Planning Authority, approve, subject to conditions, the detailed the design work undertaken by PTV for tram stop 23 on Route 96, so PTV may proceed with delivering the project.

11.6 Route 96 Tram Stop Upgrades - Stop 23

Trim Record Number: D18/90776

Responsible Officer: Acting Director Planning and Place Making

Purpose

1. For Council to consider, and approve as the Responsible Planning Authority, the latest design drawings and other material regarding the installation of Disability Discrimination Act 1992 (DDA) compliant tram stop on Nicholson Street at the Miller Street intersection (stop 23).

Background

2. Victoria has a legal obligation under the relevant DDA and Disability Standards for Accessible Public Transport 2002 (DSAPT) legislation to significantly increase the number DDA compliant tram stops over time and make all tram stops DDA compliant by 2032.
3. PTV proposes to replace tram stop 23 on Nicholson Street in the vicinity of the Miller Street intersection with new dual DDA compliant, drive over 'easy-access-stops'; as part of the Route 96 project (Appendix 1).
4. Route 96 is Melbourne's busiest tram route. It is 14 km in length and operates from Blyth Street, Moreland to Acland St, Port Phillip via the CBD. New E-Class trams, operate along the route and have a low floor DDA compliant design. However only 47% of tram-stops along Route 96 are DDA compliant, with the remaining 53% of stops requiring passengers to step-up or step down to board trams or alight trams.
5. It is proposed by PTV that Route 96 is upgraded to be Melbourne's first fully accessible route. The project is part of a \$1.1 billion investment in Melbourne's tram network; and is being delivered by PTV in partnership with Yarra Trams, VicRoads, and in consultation with local councils. The Route 96 project extends the length of Route 96, and includes works in the cities of Melbourne, Moreland and Port Phillip. The project has been underway since 2013, and to date has included the introduction of DDA compliant E-Class trams, and upgrades to provide DDA compliant stops within City of Melbourne, City of Port Phillip and City of Moreland.
6. When paired with the new E-Class trams, construction of new accessible platform stops would significantly increase the accessibility of Route 96 services for people with disabilities, the elderly and people travelling with young children or luggage. The new platforms would also allow for faster boarding and alighting by all passengers, which, along with some stop consolidation, would speed trams up making services more attractive to the community in general. Increased tram speeds allow a higher number of services to run without incurring the significant costs of buying extra trams.
7. The following matters are considered in this report:
 - (a) previous Council resolutions regarding this project;
 - (b) tram service accessibility;
 - (c) tram service reliability and speed;
 - (d) safety at and around tram stops;
 - (e) on street car parking impacts;
 - (f) opportunities for place making works; and
 - (g) heritage impacts.

Route 96 and Nicholson Street Existing Conditions

Route 96

8. In the vicinity of stop 23 trams operate in a mixed traffic environment.
9. Stop 23 (Appendix 2) is currently configured as two separate stops either side of the Miller Street intersection. The northbound stop is located within City of Moreland; the southbound Stop is located within City of Yarra. Both the northbound and southbound stops require passengers to wait on the footpath and cross into the road when trams approach. Under this arrangement passengers are required to step up/down from the kerb and step up/down from the tram. Cars are required to give way to pedestrians when the tram doors are open. The southbound stop includes a tram shelter within the footpath.
10. The following issues have been identified with these stops:
 - (a) people must step up and down from the kerb and tram which:
 - (i) reduces accessibility of these stops to people with limited mobility, or prams, luggage, etc.; and
 - (ii) increases the time it takes to board or alight trams, slowing tram services down; and
 - (b) the northbound stop lacks weather protection and has no seating.

Nicholson Street as a transport corridor

11. Nicholson Street is an arterial road. The section being considered has a 40km/h speed limit during school hours and a 60km/h speed at other times.
12. Within Yarra, Nicholson Street carries:
 - (a) over 12,000 tram passengers each weekday; and
 - (b) approximately 21,000 cars on an average day, in the streets busiest sections.
13. The northern section of Nicholson Street, from Park Street to Albion Street did form part of the Principal Bike Network but is not identified as a Strategic Cycling Corridor.
14. Nicholson Street includes extensive on-street car parking along most of its length. There are approximately 370 parking bays along Nicholson Street within Yarra boundaries, including 50 metered parking bays. There is also additional on-street parking on the City of Melbourne and City of Moreland sections of Nicholson Street, and along most adjacent streets.

Nicholson Street as a place

15. In the vicinity of stop 23, Nicholson Street is predominately developed with a mix of residential, educational, commercial and open space uses. The following are key sites in the vicinity:
 - (a) Langdon Reserve. This reserve is a medium sized local park, located at the south-east corner of the Nicholson Street and Miller Street intersection; and
 - (b) Our Lady Help of Christians School, a primary school located at the south-west corner of the intersection, serving approximately 310 students.

Impact of Development

16. The northern section of Nicholson Street is currently undergoing significant change, predominately in the form of high-density apartment developments occurring north of Miller Street within City of Moreland. This places significant additional pressure on the surrounding transport network, and in particular along Nicholson Street.
17. Further prioritising trams over motor vehicle traffic is necessary to mitigate traffic and congestion impacts whilst accommodating the expected growth along the north of the corridor.

Proposed improvements

18. An EAS, similar to those constructed on Victoria Street between Hoddle Street and William Street is proposed at Stop 23.
19. EAS's consist of a raised platform on the kerbside lane to provide level access for passengers waiting on the footpath to access the tram. Vehicles using the kerbside lane are able to drive over a hump through the tram stop but need to obey existing laws in regard to vehicles yielding to passengers alighting and boarding trams. The proposed stops provide level boarding/alighting and are compliant with State Government's public transport obligations under the Commonwealth DDA. The stops generally help people with disabilities and also able bodied passengers with prams or trolleys to board and alight trams more quickly, thus reducing tram travel times and improving reliability.
20. An EAS design has been selected for this location given the narrower road-width at this section of Nicholson Street. The lack of adequate width means it is not possible to provide platform island stops at this location.
21. EAS stops need to be located adjacent to each other for buildability/construction and traffic management reasons. This will result in the southbound stop being relocated from the north of Miller Street to the south of Miller Street. The provision of parallel stops would concentrate waiting passengers in the same location thereby increasing levels of natural observation and feelings of safety.
22. The stop design includes the introduction of a full time tram lane through the stop. This would increase tram priority in an area where trams are regularly delayed by general traffic.

Implications and considerations

23. The tram stop upgrade would require some changes to the road space allocation and provide an opportunity for the design of the road to better reflect local and State transport and place making policies by:
 - (a) increasing priority, speed and reliability of public transport services;
 - (b) improving pedestrian environments and safety in and around the tram stop; and
 - (c) providing new opportunities for place-making and street beautification.
24. Ancillary works that are required to complete the project include:
 - (a) removal of some on-street car parking spaces;
 - (b) removal of some bluestone within the roadbed and repaving with asphalt in some areas;
 - (c) shifting a small amount of street furniture and fixtures that are close to the kerb edge including electrical poles; and
 - (d) slight relocation of the pedestrian crossing.
25. These works are described in further detail under the relevant subheadings later within this report.

Previous Council Resolutions Regarding Route 96 Upgrades

26. The upgrade of stop 23 has not been considered by Council previously. Council has previously considered concept designs for the upgrades of stops 11 through 22, as per the table below:

Meeting Date	Stops / Section	Expected parking change in Yarra
12 November 2013	Between Victoria Parade and Brookes Crescent: Stop 11 & 12 (consolidated), Stop 13 & 14 (consolidated), Stop 15, Stop 16, Stop 17, and Stop 18 & 19 (consolidated)	Net removal of 23 spaces in total, including 11 metered spaces.
2 September 2014	Near Scotchmer/Pigdon Street and Brunswick Road/Holden Street. Stop 21, and Stop 22.	Net removal of 20 unmetered spaces.
16 September 2014	Immediately south of Reid/Richardson Streets. Stop 20.	Net removal of 19 unmetered spaces.

Planning scheme amendment

27. Planning Scheme Amendment CG68 was gazetted into the Yarra Planning Scheme by the State Government in September 2017. The amendment was introduced by the State Government to streamline the delivery of accessible tram stops along Route 96 and at other locations within the planning process.
28. The amendment introduced a new Incorporated Document into the Yarra Planning Scheme (Appendix 3) which exempts *'the use and development of the land for a Tramway'* from normal planning requirements along the length of Route 96 provided certain conditions are met. The *'use and development of the land for a Tramway'* includes (but is not limited to):
 - (a) new level access stops, including tram platforms and associated facilities, tram track and tram overhead infrastructure;
 - (b) segregation treatments to better separate trams from general traffic;
 - (c) roadway alterations including bluestone kerbing, building awnings and associated traffic and street furniture;
 - (d) vegetation pruning and removal;
 - (e) infrastructure to support improved priority for trams at traffic signals;
 - (f) pedestrian operated signals and real-time passenger information; and
 - (g) ancillary infrastructure including sub-stations and driver facilities.
29. The following summarises conditions which must be met for works associated with development of a tramway to not require a planning permit:
 - (a) scale plans must be prepared for approval by the responsible authority;
 - (b) in areas prone to flooding (as identified by relevant planning overlays), consent from the relevant floodplain authority must be provided; and
 - (c) in heritage areas (as identified by the Heritage Overlay in the planning scheme) a statement of heritage impacts must be provided.

30. Given the above, the proposed works are only planning permit exempt provided the Responsible Authority consents to the works. If the Responsible Authority does not consent to the works, a planning permit would be required. The implication of this change is that whilst the Responsible Authority must still consent to the works, the application is now exempt from the regular planning process, including third party objections and appeal rights.
31. PTV has consulted with all relevant parties as part of a collaborative approach, and seeks Council's support. However, given the project is of state significance, PTV has indicated that if Council does not approve the works, or if Council imposes conditions which PTV believe would unduly delay or compromise the project, they will seek Ministerial intervention.
32. If PTV requests Ministerial Intervention, they have indicated they will ask the Minister for Roads issue a Ministerial Direction under section 22 of the Road Management Act 2004 directing Council to consent to the works.

Car parking

33. Approximately 22 unmarked car parking spaces would need to be removed in the vicinity of tram stop 23. 11 of these would be on the Yarra side of Nicholson Street, with the remaining 11 spaces removed from the Moreland side of Nicholson Street. These spaces are required to be removed in order to:
 - (a) ensure parked vehicles do not block pedestrian access to trams at the stop; and
 - (b) allow the vehicle traffic lane to be shifted towards the kerb (over the easy-access ramp), and prevent cars from blocking the tram stop.
34. Officers have worked closely with PTV to minimise the amount of parking that needs to be removed to deliver the required project outcomes. Changes to parking restrictions in the vicinity are being considered by Council's IPARC committee to mitigate impacts resulting from the removal of parking spaces within both municipalities.

Off-peak parking

35. Council officers requested PTV and VicRoads to install off-peak parking in some locations to offset total parking removals as part of the overall project. VicRoads refused this request on the basis that off-peak parking reduces road capacity, and Nicholson Street is a preferred traffic route which diverts traffic away from neighbouring streets including Brunswick Street.

Traffic Speed on Nicholson Street

36. Council officers also requested PTV and VicRoads to reduce traffic speeds along Nicholson Street from 60km/h to 40km/h at all hours.
37. At this stage VicRoads have not consented to full time 40km/h speed limits on Nicholson Street, in the vicinity of the Miller Street Stop. Council officers will continue to ask for speed reductions following delivery of the project.

Trees

38. No trees will be removed or impacted as a result of the works to Stop 23.

Cycling and Pedestrian Facilities

39. The construction of Stop 23 would not result in significant impacts on either north-south cyclist movements along Nicholson Street; or east-west cyclist movements along Miller Street.
40. To allow for the construction of stop 23 the existing pedestrian crossing just north of Clausen Street would be shifted slightly north, closer to Miller Street. This would not significantly alter pedestrian safety or amenity.
41. The relocation of the southbound tram stop to south of Miller Street would reduce the number of roads that children have to cross to access the school.

Heritage Impacts

42. Council has previously considered heritage impacts related to the change of appearance of the roadway, and removal of guttering in the vicinity of tram stop between Victoria Parade and Holden Street (stops 11-22).
43. The construction of the easy access stop would change the appearance of the roadway and would require the removal of some bluestone guttering. These impacts are the same (or less) than those considered and accepted further south along Nicholson Street as part of the trams stop concept design approval.
44. Given previous Council approvals regarding tram stop upgrades along Nicholson Street, and around the construction of other Easy Access Stops on Victoria Parade and Bridge Road; the heritage impacts are considered acceptable.

External Consultation and Community Engagement

45. Significant community consultation was undertaken in 2014 by the PTV project team during the concept design stage, prior to Council offering *in principle* support for stops 11-22.
46. More recently, the project team has undertaken two community engagement sessions related to the construction of stops 11-15 and 23-26, on 16th May 2018 at Melbourne Museum and 19th May at Velo Cycles; as well as online engagement. Approximately 55 people attended the two sessions. Most people were supportive of the project. A summary of the key matters raised is as follows:
 - (a) car parking impacts;
 - (b) perceptions of increased traffic congestion due to larger stops;
 - (c) possible impacts to east-west bicycle movements; and
 - (d) increased distances to stops.
47. A final copy of PTV's Communications Report is provided at Appendix 4.

Internal Consultation (One Yarra)

48. Consultation has been undertaken to understand project considerations with the following Yarra teams:
 - (a) Traffic Engineering;
 - (b) City Works and Assets;
 - (c) Parking and compliance (IPARC specifically);
 - (d) Recreation and Open Space; and
 - (e) Statutory Planning.

Financial Implications

Revenue implications

49. There is no expected loss of revenue associated with the construction of Stop 23.

Capital works

50. PTV has agreed to grant Council \$400,000 for capital works along the length of Nicholson Street, to improve the pedestrian environment for safety and urban amenity.

Economic Implications

51. PTV has estimated that travel time benefits associated with the Route 96 project equate to \$670,000 per annum (using a public transport passenger value of time of \$13.41 per hour). This conservative estimate does not allow for improvements due to faster boarding and alighting.

Sustainability Implications

52. The Strategic Transport Statement calls for the advocacy for improved public transport. Decreasing the travel time and increasing the reliability of Route 96 would deliver on Council's advocacy efforts.

Social Implications

53. The Yarra Access and Inclusion Plan 2014 – 2017 states that Yarra should be advocating on issues of independently accessible public transport.
54. Faster and more reliable public transport travel services along Nicholson Street would provide a benefit to Yarra residents along this route.

Human Rights Implications

55. Construction of the DDA stops would increase the accessibility of the Route 96 tram service to people with disabilities, the elderly, and people travelling with young children.

Communications with CALD Communities Implications

56. There are no known specific CALD community implications.

Council Plan, Strategy and Policy Implications

57. The upgrade of the tram stops on Route 96 is consistent with Council's policies on supporting sustainable transport. The proposed works are also consistent with the Transport Integration Act 2010.

Legal Implications

58. There are no known legal implications for Council.

Other Issues

59. There are no other known issues for Council.

Options

Option A: Council, as the Responsible Planning Authority, approves, subject to conditions, the detailed designs provided by PTV for tram stop 23 along Route 96:

60. Under Option A, Council's approval of the project would be subject to the following conditions being met:

Conditions of Approval

1. Before the tram stop civil works commence, amended and additional plans to the satisfaction of the Responsible Authority must be submitted to for approval by the Responsible Authority. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the most recent plans received by Council on 29 May 2018 and 04 June 2018 but modified to show:
 - (a) evidence that a Heavy Rigid Vehicle (HRV) will be able to turn into and out of Miller Street and Clauscen Street from and onto Nicholson Street. This should include:
 - (i) swept paths diagrams for a 12.5 metre long heavy-rigid-vehicle (HRV), including wheel tracks, for all relevant movements; and
 - (ii) section diagrams showing the profile of the splitter islands between the traffic lanes and tram tracks, where these intersect the swept paths required at Condition 1. (a) i. to demonstrate the splitter islands will be semi-mountable to the affected vehicles.
2. The civil works as shown on the plans approved by the Responsible Authority must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

3. Any connections made to Council's drainage infrastructure must be approved by the Responsible Authority and undertaken to Council Standards.
4. Where existing bluestone is being removed from within Council's municipal boundaries, bluestone must be removed, stored and transported with as much care as is reasonably practical, in order for bluestone to be returned to Council.
5. Prior to the completion of the civil works, subject to the relevant authority's consent, the relocation of any Council or privately owned assets within the road carriageway or footpath necessary to facilitate the civil works must be undertaken:
 - (a) in accordance with any requirements or conditions imposed by the relevant authority;
 - (b) at Public Transport Victoria's cost; and
 - (c) to the satisfaction of the Responsible Authority.
6. Within 2 months of the completion of the tram stop, or by such later date as approved in writing by the Responsible Authority, any new pram crossing(s) must be constructed:
 - (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
7. Within 2 months of the completion of the tram stop, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the works must be reinstated:
 - (a) at Public Transport Victoria's cost; and
 - (b) to the satisfaction of the Responsible Authority.
8. Within 2 months of the completion of the tram stop, or by such later date as approved in writing by the Responsible Authority, any redundant pram crossing must be demolished and re-instated as standard footpath and kerb and channel:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
9. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
10. Before the civil works commence, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
 - (a) a pre-conditions survey (dilapidation report) of the works areas and all adjacent Council roads frontages and nearby road infrastructure;
 - (b) works necessary to protect road and other infrastructure;
 - (c) remediation of any damage to road and other infrastructure;
 - (d) containment of dust, dirt and mud within the works areas and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the works areas;
 - (e) facilities for vehicle washing, which must be located to the satisfaction of the responsible authority;

- (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
- (g) site security;
- (h) management of any environmental hazards including, but not limited to,:
 - (i) contaminated soil;
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;
 - (v) sediment from excavations within the road reserve;
 - (vi) washing of concrete trucks and other vehicles and machinery; and
 - (vii) spillage from refuelling cranes and other vehicles and machinery;
- (i) the construction program;
- (j) preferred arrangements for trucks delivering to the works areas, including delivery and unloading points and expected duration and frequency;
- (k) parking facilities for construction workers;
- (l) measures to ensure that all work at the site will be carried out in accordance with the Construction Management Plan;
- (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced; and
- (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads.

61. In order to meet the conditions above, PTV will need to alter designs to meet Condition (1).

62. PTV would then proceed to carry out works associated with stop 23, along the route between Brunswick Road and Miller Street. Works along this section would be expected to be completed by 16 September 2018.

63. It is also noted that the proposal would see the removal of 11 car parking spaces within Yarra boundaries.

Option B: Council does not approve the detailed designs provided by PTV for tram stop 23 along Route 96.

64. In this scenario, Council notes that PTV may request that the Roads Minister issue a Ministerial direction under section 22 of the Road Management Act 2004 (Road Management Act) and direct Council to give consent to the works based on this being a significant project in the public interest.

65. Council understands that dependent on the Minister's response, the Minister may then issue a ministerial direction under section 22 of the Road Management Act, and Council would be required to consent to the works.

Conclusion

66. Victoria has a legal obligation under the relevant DDA and Disability Standards for Accessible Public Transport 2002 (DSAPT) legislation to significantly increase the number DDA compliant tram stops over time, and make all tram stops DDA compliant by 2032. Route 96 is Melbourne's busiest tram route and only 47% of its tram-stops are DDA compliant.

67. PTV in partnership with VicRoads seeks Council approval for detailed design drawings for the upgrade of Stop 23 in the vicinity of the Miller Street intersection. PTV have worked closely with Council officers to minimise the impacts of the proposal on parking and street trees.
68. PTV seeks that Council, as the Responsible Planning Authority, approves the stop design. If approval is not given, then PTV may exercise its right to request Ministerial Intervention under section 22 of the Road Management Act 2004 directing Council to consent to the works.

RECOMMENDATION

1. That Council note the officer report relating to the proposed tram stop upgrade at Stop 23 on Route 96 at Nicholson Street.
2. That Council, as the Responsible Planning Authority, approve the detailed designs provided by PTV for tram stop 23 on Route 96, subject to the following conditions:
 1. Before the tram stop civil works commence, amended and additional plans to the satisfaction of the Responsible Authority must be submitted to for approval by the Responsible Authority. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the most recent plans received by Council on 29 May 2018 and 04 June 2018 but modified to show:
 - (a) evidence that a Heavy Rigid Vehicle (HRV) will be able to turn into and out of Miller Street and Clausen Street from and onto Nicholson Street. This should include:
 - (i) swept paths diagrams for a 12.5 metre long heavy-rigid-vehicle (HRV), including wheel tracks, for all relevant movements; and
 - (ii) section diagrams showing the profile of the splitter islands between the traffic lanes and tram tracks, where these intersect the swept paths required at Condition 1. (a) i. to demonstrate the splitter islands will be semi-mountable to the affected vehicles.
 2. The civil works as shown on the plans approved by the Responsible Authority must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
 3. Any connections made to Council's drainage infrastructure must be approved by the Responsible Authority and undertaken to Council Standards.
 4. Where existing bluestone is being removed from within Council's municipal boundaries, bluestone must be removed, stored and transported with as much care as is reasonably practical, in order for bluestone to be returned to Council.
 5. Prior to the completion of the civil works, subject to the relevant authority's consent, the relocation of any Council or privately owned assets within the road carriageway or footpath necessary to facilitate the civil works must be undertaken:
 - (a) in accordance with any requirements or conditions imposed by the relevant authority;
 - (b) at Public Transport Victoria's cost; and
 - (c) to the satisfaction of the Responsible Authority.
 6. Within 2 months of the completion of the tram stop, or by such later date as approved in writing by the Responsible Authority, any new tram crossing(s) must be constructed:
 - (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the permit holder's cost; and

- (c) to the satisfaction of the Responsible Authority.
- 7. Within 2 months of the completion of the tram stop, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the works must be reinstated:
 - (a) at Public Transport Victoria's cost; and
 - (b) to the satisfaction of the Responsible Authority.
- 8. Within 2 months of the completion of the tram stop, or by such later date as approved in writing by the Responsible Authority, any redundant pram crossing must be demolished and re-instated as standard footpath and kerb and channel:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
- 9. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
- 10. Before the civil works commence, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
 - (a) a pre-conditions survey (dilapidation report) of the works areas and all adjacent Council roads frontages and nearby road infrastructure;
 - (b) works necessary to protect road and other infrastructure;
 - (c) remediation of any damage to road and other infrastructure;
 - (d) containment of dust, dirt and mud within the works areas and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the works areas,
 - (e) facilities for vehicle washing, which must be located to the satisfaction of the responsible authority;
 - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
 - (g) site security;
 - (h) management of any environmental hazards including, but not limited to,:
 - (i) contaminated soil;
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;
 - (v) sediment from excavations within the road reserve;
 - (vi) washing of concrete trucks and other vehicles and machinery; and
 - (vii) spillage from refuelling cranes and other vehicles and machinery;
 - (i) the construction program;
 - (j) preferred arrangements for trucks delivering to the works areas, including delivery and unloading points and expected duration and frequency;

- (k) parking facilities for construction workers;
 - (l) measures to ensure that all work at the sites will be carried out in accordance with the Construction Management Plan;
 - (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
 - (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced; and
 - (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads.
3. That Council notes the consequent removal of 11 parking spaces in the City of Yarra.
4. That Council provide a formal response to Public Transport Victoria regarding the proposed upgrade of Stop 23.

CONTACT OFFICER: Simon Exon
TITLE: Strategic Transport Coordinator
TEL: 9205 5781

Attachments

- 1 PTV Info - Graphic Plans
- 2 Existing Conditions
- 3 Planning Scheme Incorporated Document
- 4 PTV Consultation Report

11.7 Route 96 Tram Stop Upgrades - Stops 11 to 15

Executive Summary

Purpose

For Council to consider, and approve as the Responsible Planning Authority, the latest design drawings and other material regarding the installation of *Disability Discrimination Act 1992 (DDA)* compliant tram stops along Nicholson Street, between Victoria Parade and Johnston Street (stops 11 – 15).

Background

Victoria has a legal obligation under the relevant DDA and Disability Standards for Accessible Public Transport 2002 (DSAPT) legislation to significantly increase the number DDA compliant tram stops over time, and make all tram stops DDA compliant by 2032.

As part of the Route 96 project PTV proposes to replace five existing tram stops on Nicholson Street, between the Victoria Parade and Johnston Street intersections; with three DDA compliant, platform island stops (Appendix 1).

When paired with the new E-Class trams, construction of new accessible platform stops would significantly increase the accessibility of Route 96 services for people with disabilities, the elderly and people travelling with young children or luggage. The new platforms would also allow for faster boarding and alighting by all passengers which along with some stop consolidation would speed trams up making services more attractive to the community in general. Increased tram speeds allow a higher number of services to run without incurring the significant costs of buying extra trams.

The following key considerations are detailed:

- (a) the legal requirement to deliver DDA stops;
- (b) previous Council resolutions regarding this project;
- (c) tram service accessibility;
- (d) tram service reliability and speed;
- (e) safety at and around tram stops;
- (f) on street car parking impacts;
- (g) traffic impacts;
- (h) street tree impacts;
- (i) opportunities for place making works; and
- (j) heritage impacts.

Proposed tram stop improvements

PTV is seeking to improve service reliability and travel times for tram passengers along this route by:

- (a) installing new DDA compliant platform stops; and
- (b) rationalising the number of tram stops.

The road section between Victoria Parade and Johnston Street has been identified by PTV as being appropriate for the installation of central island platform tram stop facilities. The benefits of the proposed tram stops over the existing tram stops are:

- (a) full DDA compliance;

- (b) increased safety and comfort as waiting areas would be wider and better separated from passing traffic;
- (c) increased passenger amenity as shelters would be provided at the actual stops where people are waiting; and
- (d) improved accessibility with all stops accompanied by pedestrian crossing facilities.

Implications and considerations

The proposed tram stop upgrades require some changes to road space allocation and provide some opportunities for the design of the road to better reflect local and State transport and place making policies by:

- (a) increasing the priority, speed and reliability of public transport services;
- (b) improving pedestrian environments and safety in and around tram stops;
- (c) providing new opportunities for place-making, street beautification and tree planting; and
- (d) improving facilities for cyclists making east-west movements across Nicholson Street.

Works required to complete the project by PTV include:

- (a) removal of some on-street car parking spaces (previously agreed at concept design stage);
- (b) removal and pruning of some large street trees (noting that PTV propose replacement plantings that would increase the net number of trees along the corridor);
- (c) removal of bluestone within the roadbed and repaving with asphalt in some areas (previously agreed at concept design stage); and
- (d) relocation of a small amount of street furniture and fixtures near the kerb including electrical poles.

Previous Council Decisions Regarding DDA Tram Stops on Nicholson St

PTV has been carrying out consultation and design work for the upgrades to Stops 11-22 over a number of years. Council has previously considered and offered qualified *in principle support* for concept designs for the upgrade of stops 11-22, at Council meetings on 12 November 2013, 2 September 2014 and 16 September 2014.

Since 2014, PTV has undertaken additional consultation and detailed design work for stops 11 – 22. PTV originally intended to deliver stops 11-22 as a single package, however City West Water has since declared the need to relocate an existing water main which is currently beneath Nicholson Street in the vicinity of Rose Street to Holden Street (including Nicholson Village). The proposed works relating to the water main mean that the delivery of stops 11-22 is now divided into two discreet packages. Stops 11-15 will be delivered by PTV first and are the subject of this report.

Delivery of stops 16-22 has been deferred by PTV for now, given the proposed City West Water works. It is anticipated that Council will receive a report specifically for stops 16-22 in 2019.

The detailed design work for Stops 11 – 15 has resulted in further refinement of the concept design approved in principle by Council. Tree impacts have now been looked at in detail as matters relating to trees were not previously considered by Council. The outputs of the refinement process are summarised as follows:

- (a) net on street parking removals have been reduced overall by eight spaces from those originally proposed:
 - (i) one additional paid space is required to be removed from Nicholson Street since the concept stage;
 - (ii) additional parking will be provided on King William Street by converting parallel bays to angled bays to provide a parking supply gain in the area overall from that proposed at the concept design stage;

- (b) eight large street trees will need to be removed; however:
 - (i) 17 replacement trees will be planted at PTV's expense;
 - (ii) there is an expected short-term loss, but a long term gain in tree canopy; and
 - (iii) the replacement trees (Box Elder Maple Sensation - *Acer Negundo Sensation*) would require less maintenance and cause less damage to Council assets and private property than existing trees.

Planning Scheme Amendment

In 2013 and 2014, Council noted that PTV would seek planning permission to carry out the works at previous meetings. Since this time Planning Scheme Amendment CG68 has been gazetted (September 2017) into the Yarra Planning Scheme by the State Government. The amendment was introduced by the State Government to streamline the delivery of accessible tram stops along Route 96 and at other locations.

The amendment introduced a new Incorporated Document into the Yarra Planning Scheme (Appendix 3) which exempts 'the use and development of the land for a Tramway' from normal planning requirements along the length of Route 96 provided certain conditions are met. One of the conditions which must be satisfied is that Scale Plans must be prepared for approval by the responsible authority.

PTV has consulted with all relevant parties as part of a collaborative approach, and is seeking Council support.

Financial Implications

Council has already considered and offered in principle support for the removal of 11 metered spaces, associated with Stops 11-12 and 12-13. In addition to these 11 spaces, 1 additional paid parking space is to be removed, associated with the detailed design of Stop 13-14. The revenue loss associated with this space will be of the order of \$4,000 per annum.

PTV has agreed to grant Council \$400,000 for capital works along the length of Nicholson Street, to improve the pedestrian environment for safety and urban amenity.

PROPOSAL

That Council, as the Responsible Planning Authority, approve, subject to conditions, the detailed design work undertaken by PTV for DDA tram stops to be constructed on Nicholson Street between Victoria Parade and Johnston Street, so PTV may proceed with delivering the Route 96 DDA tram stop project.

11.7 Route 96 Tram Stop Upgrades - Stops 11 to 15

Trim Record Number: D18/90778

Responsible Officer: Assistant Director Planning and Place Making

Purpose

1. For Council to consider, and approve as the Responsible Planning Authority, the latest design drawings and other material regarding the installation of Disability Discrimination Act 1992 (DDA) compliant tram stops along Nicholson Street, between Victoria Parade and Johnston Street (stops 11 – 15).

Background

2. Victoria has a legal obligation under the relevant DDA and Disability Standards for Accessible Public Transport 2002 (DSAPT) legislation to significantly increase the number DDA compliant tram stops over time, and make all tram stops DDA compliant by 2032.
3. As part of the Route 96 project PTV proposes to replace five existing tram stops on Nicholson Street, between the Victoria Parade and Johnston Street intersections with three DDA compliant, platform island stops (Appendix 1).
4. Route 96 is Melbourne's busiest tram route. It is 14 km in length and operates from Blyth Street, Moreland to Acland St, Port Phillip via the CBD. New E-Class trams, operate along the route and have a low floor DDA compliant design. However only 47% of tram-stops along Route 96 are DDA compliant, with the remaining 53% of stops requiring passengers to step-up or step down to board trams or alight trams.
5. It is proposed that Route 96 is upgraded to be Melbourne's first fully accessible route. The project is part of a \$1.1 billion investment in Melbourne's tram network; and is being delivered by PTV in partnership with Yarra Trams, VicRoads, and in consultation with local councils. The Route 96 project extends the length of Route 96, and includes works in the cities of Melbourne, Moreland and Port Phillip. The project has been underway since 2013, and to date has included the introduction of DDA compliant E-Class trams, and upgrades to provide DDA compliant stops within City of Melbourne, City of Port Phillip and City of Moreland.
6. When paired with the new E-Class trams, construction of new accessible platform stops would significantly increase the accessibility of Route 96 services for people with disabilities, the elderly and people travelling with young children or luggage. PTV advise that the new platforms would also allow for faster boarding and alighting by all passengers which along with some stop consolidation would speed trams up, making services more attractive to the community in general. Increased tram speeds allow a higher number of services to run without incurring the significant costs of buying extra trams.
7. The following key considerations are detailed:
 - (a) the legal requirement to deliver DDA stops;
 - (b) previous Council resolutions regarding this project;
 - (c) tram service accessibility;
 - (d) tram service reliability and speed;
 - (e) safety at and around tram stops;
 - (f) on street car parking impacts;
 - (g) traffic impacts;
 - (h) street tree impacts;
 - (i) opportunities for place making works; and
 - (j) heritage impacts.

Route 96 and Nicholson Street Existing Conditions

Route 96

8. Along the section of the route being considered, trams operate in a limited *right-of-way* environment. That is, traffic is excluded from the tram tracks except at intersections and designated U-turn crossings. This report considers 5 of the existing 12 tram stops on Route 96 fully or partially within the City of Yarra. All existing stops require boarding and alighting from the road level. The existing stops are shown in Appendix 2 and described in the table below:

Stop No.	Location	Configuration	Relevant Councils
Stop 11	Either side of Victoria Parade	Separate centre of road stops either side of the intersection.	City of Melbourne & City of Yarra
Stop 12	Just south of Gertrude Street	Parallel centre of road stops.	City of Melbourne & City of Yarra
Stop 13	Just south of Hanover Street	Parallel centre of road stops.	City of Melbourne & City of Yarra
Stop 14	Between Bell Street and Moor Street	Parallel centre of road stops.	City of Melbourne & City of Yarra
Stop 15	Either side of Johnston Street	Separate centre of road stops either side of the intersection.	City of Melbourne & City of Yarra

9. The following issues have been identified with the existing stops:
- (a) people must step up or down to board or alight trams which:
 - (i) reduces accessibility of these stops to people with limited mobility, or prams, luggage, etc.; and
 - (ii) Increases the time it takes to board or alight trams, slowing tram services down.
 - (b) some stops are very narrow with passengers squeezed between trams and passing traffic on a road with a 40kph/60kph speed limit;
 - (c) most stops lack weather protection and generally have poor levels of amenity:
 - (i) in some locations weather protection is provided on footpath via shelters but are infrequently used as they are not convenient, the shelters also obstruct the footpath.
 - (d) stop spacing is inconsistent:
 - (i) stops which are too close slow down tram services whilst providing only a limited accessibility benefit; and
 - (ii) stops which are spaced too far apart require people to walk excessive distances to access tram services.

Nicholson Street as a transport corridor

10. Nicholson Street is an arterial road and preferred traffic route, with a 40kph speed limit between Victoria Parade and Moor Street and a 60kph speed north of Moor Street.
11. Within Yarra, Nicholson Street carries:
- (a) over 12,000 tram passengers each weekday; and
 - (b) approximately 21,000 cars on an average day (in its busiest sections).
12. Nicholson Street is not a major cycling route and is unlikely to become one in the future due to alternate routes located nearby (e.g. Canning Street), which are far quieter and have better riding facilities.

13. Nicholson Street has on-street car parking along most of its length, including paid parking bays in the Exhibition Gardens precinct between Victoria Street and Moor Street. There are approximately 370 parking bays along Nicholson Street within the Yarra boundaries, including 50 metered parking bays. Additional on-street parking exists on the City of Melbourne and City of Moreland sections of Nicholson Street, and along most adjacent streets.
14. The following key transport corridors cross Nicholson Street between Victoria Parade and Johnston Street:
 - (a) Victoria Parade - a major east-west arterial road, bus route and tram route;
 - (b) Gertrude Street - a key strategic cycling route and tram route;
 - (c) Moor Street/Carlton Street - a key cycling route;
 - (d) Bell Street/Murchison Street - a local cycling route; and
 - (e) Johnston Street - a major east-west arterial road and bus route.

Nicholson Street as a place

15. Between Victoria Parade and Johnston Street, Nicholson Street is predominately developed with a mixed residential and commercial uses. The key precincts in this section are:
 - (a) Carlton Gardens and the Royal Exhibition Centre precinct, which forms part of the UNESCO World Heritage Precinct;
 - (b) St Vincent's Hospital precinct;
 - (c) Gertrude Street, which forms a neighbourhood activity centre; and
 - (d) Johnston Street which forms a neighbourhood activity centre.

Proposed tram stop improvements

16. PTV is seeking to improve service reliability and travel times for tram passengers along this route by:
 - (a) installing new DDA compliant platform stops; and
 - (b) rationalising the number of tram stops;
 - (i) stops 11-12 will be consolidated into one stop just south of the Gertrude Street intersection; and
 - (ii) stops 13-14 will be consolidated into one stop just south of the Moor Street intersection.
17. The road section between Victoria Parade and Johnston Street has been identified by PTV as being appropriate for the installation of central island platform tram stop facilities. The benefits of the proposed tram stops over the existing tram stops are:
 - (a) full DDA compliance;
 - (b) increased safety and comfort as waiting areas would be wider and better separated from passing traffic;
 - (c) increased passenger amenity as shelters would be provided at the actual stops where people are waiting; and
 - (d) improved accessibility with all stops accompanied by pedestrian crossing facilities.

Implications and considerations

18. The tram stop upgrades, however, require some changes to road space allocation and provide some opportunities for the design of the road to better reflect local and State transport and place making policies by:
 - (a) increasing the priority, speed and reliability of public transport services;
 - (b) improving pedestrian environments and safety in and around tram stops;

- (c) providing new opportunities for place-making, street beautification and tree planting; and
 - (d) improving facilities for cyclists making east-west movements across Nicholson Street.
19. Works required to complete the project by PTV, however, include:
- (a) removal of some on-street car parking spaces (as previously agreed by Council at concept design stage);
 - (b) removal and pruning of some large street trees (noting that PTV propose replacement planting that would increase the net number of trees along the corridor);
 - (c) removal of bluestone within the roadbed and repaving with asphalt in some areas (previously agreed at concept design stage); and
 - (d) relocation of a small amount of street furniture and fixtures near the kerb including electrical poles.
20. These works are described in further detail under the relevant subheadings later within this report.

Previous Council Resolutions Regarding Route 96 Tram Stop Upgrades

21. PTV has been carrying out consultation and design work for the upgrades to Stops 11-22 over a number of years. Council has previously considered and offered qualified *in principle support* for concept designs for the upgrade of stops 11-22, as outlined below:

Meeting Date	Stops / Section	Expected parking change in Yarra
12 November 2013	Between Victoria Parade and Brookes Crescent: Stop 11 & 12 (consolidated), Stop 13 & 14 (consolidated), Stop 15, Stop 16, Stop 17, and Stop 18 & 19 (consolidated)	Net removal of 23 spaces in total, including 11 metered spaces. Of the 23 spaces in total, 19 were associated with stops 11 – 15. All metered spaces were associated with these stops.
2 September 2014	Near Scotchmer/Pigdon Street and Brunswick Road/Holden Street. Stop 21, and Stop 22.	Net removal of 20 unmetered spaces.
16 September 2014	Immediately south of Reid/Richardson Streets. Stop 20.	Net removal of 19 unmetered spaces.

22. Since 2014 PTV has undertaken additional consultation and detailed design work for stops 11 – 22. PTV originally intended to deliver stops 11-22 as a single package, however City West Water has since declared the need to relocate an existing water main which is currently beneath Nicholson Street in the vicinity of Rose Street to Holden Street (including Nicholson Village). The proposed works relating to the water main mean that the delivery of stops 11-22 is now divided into two discreet packages. Stops 11-15 will be delivered by PTV first and are the subject of this report.
23. Delivery of stops 16-22 has been deferred by PTV for now, given the proposed City West Water works. It is anticipated that Council will receive a report specifically for stops 16-22 in the 2019.

24. The detailed design work for Stops 11 – 15 has resulted in further refinement of the concept design *approved in principle* by Council. Tree impacts have now been looked at in detail as matters relating to trees were not previously considered by Council. As part of the refinement process officers have worked closely with PTV and VicRoads to minimise tree removal, is required and minimise the amount of parking that needs to be removed in order to deliver the required project outcomes.
25. Net on street parking removals have been reduced overall by eight spaces from those originally proposed:
 - (a) one additional paid space is required to be removed from Nicholson Street since the concept stage; and
 - (b) additional parking will be provided on King William Street by converting parallel bays to angled bays to provide a parking supply gain overall in the area from that proposed at the concept design stage.
26. The outputs of the refinement process are summarised as follows:
 - (a) in the vicinity of stop 13 and 14 net on street parking removals have been reduced from nine spaces to one space; however, one additional paid parking space is required to be removed;
 - (b) eight large street trees will still need to be removed:
 - (i) 17 replacement trees will be planted at PTV's expense;
 - (ii) there is an expected short-term loss, but a long term gain in tree canopy; and
 - (iii) the replacement trees (Box Elder Maple Sensation - *Acer Negundo Sensation*) would require less maintenance and cause less damage to Council assets and private property than existing trees.

Planning scheme amendment

27. In 2013 and 2014, Council noted that PTV would seek planning permission to carry out the works. Since this time Planning Scheme Amendment CG68 has been gazetted (03 September 2017) into the Yarra Planning Scheme by the State Government. The amendment was introduced by the State Government to streamline the delivery of accessible tram stops along Route 96 and at other locations within the planning process.
28. The amendment introduced a new Incorporated Document into the Yarra Planning Scheme (Appendix 3) which exempts *'the use and development of the land for a Tramway'* from normal planning requirements along the length of Route 96, provided certain conditions are met. The *'use and development of the land for a Tramway'* includes (but is not limited to):
 - (a) new level access stops, including tram platforms and associated facilities, tram track and tram overhead infrastructure;
 - (b) segregation treatments to better separate trams from general traffic;
 - (c) roadway alterations including bluestone kerbing, building awnings and associated traffic and street furniture;
 - (d) vegetation pruning and removal;
 - (e) infrastructure to support improved priority for trams at traffic signals;
 - (f) pedestrian operated signals and real-time passenger information; and
 - (g) ancillary infrastructure including sub-stations and driver facilities.
29. The following summarises the conditions which must be met for works associated with the development of a tramway to not require a planning permit:
 - (a) scale plans must be prepared for approval by the responsible authority;
 - (b) in areas prone to flooding (as identified by relevant planning overlays), consent from the relevant floodplain authority must be provided; and

- (c) in heritage areas (as identified by the Heritage Overlay in the planning scheme) a statement of heritage impacts must be provided.
30. Given the above, the proposed works are only planning permit exempt provided the Responsible Authority consents to the works. The implication of this change is that whilst the Responsible Authority must still consent to the works, the proposal by PTV is now exempt from the regular planning process, including third party objections and appeal rights.
31. PTV has consulted with all relevant parties as part of a collaborative approach, and would like Council support. However, given the project is of state significance, PTV has indicated that if Council does not approve the works, or if Council imposes conditions which PTV believe would unduly delay or compromise the project, they may seek Ministerial intervention.
32. If PTV requests Ministerial Intervention, they have indicated they may ask the Minister for Roads to issue a Ministerial Direction under section 22 of the Road Management Act 2004 directing Council to consent to the works.

Car parking

33. PTV has progressed to detailed designs following Council's previous *in principle* approval for the concept designs. This has identified opportunities to off-set the removal of eight spaces on Nicholson Street in the vicinity of Stop 13 & 14 (*just south of Moor Street*) by providing additional parking on King William Street.
34. The detailed proposal requires the removal of ten paid parking bays on Nicholson Street, between King William Street and Moor Street. This is one more space than agreed at the concept stage.
35. The following table summarises the car parking changes.

Stop Number	Concept Design previously considered by Council in 2013		Detailed Design	
	Total	Metered	Yarra	Metered
Stop 11-12	-10	-7	-10	-7
Stop 13-14	-9	-4	-1	-5
Stop 15	0	0	0	0
Total	-19	-11	-11	-12

Off-peak parking

36. Council officers have requested PTV and VicRoads to install off-peak parking in some locations to offset total parking removals as part of the overall project. VicRoads has refused this request on the basis that off-peak parking reduces road capacity and Nicholson Street is a preferred traffic route which diverts traffic away from neighbouring streets including Brunswick Street.

Traffic Speed on Nicholson Street

37. Council officers have asked PTV and VicRoads to reduce traffic speeds along Nicholson Street from 60km/h to 40km/h. During the course of the project development a 40km/h speed limit was introduced between Moor Street and Victoria Parade.
38. At this stage VicRoads has not consented to further reductions in the speed limit along Nicholson Street. Council officers will continue to ask for further speed reductions following delivery of the project.

Implications for U-Turns and traffic access

39. There are currently 6 places drivers can legally perform U-turns on Nicholson Street between Victoria Parade and Johnston Street, including at the intersections of Victoria Parade and Johnston Street themselves. Of the six locations where U-Turns are allowed, only one location will be affected by the proposed tram-stop works.
40. There is a current opening of the tram-median between the intersections of King William Street and Moor Street. This opening will need to be relocated given the proposed tram stop will be constructed over the existing opening. A replacement opening where U-Turns will be allowed is proposed to be constructed just south of the proposed tram stop, approximately 50m south of its current location and 5m south of the King William Street opening. This will provide a closer U-Turn location for vehicles exiting King William Street and will have a negligible impact on other south-bound vehicles. As King William Street is one-way, no vehicles travelling North-bound will be affected by the change.

Trees

41. PTV has contracted Ryder Consulting and VicRoads to undertake a thorough assessment of the trees along Nicholson Street (Appendix 4). They have concluded that a total of four trees must be removed as part of the proposed works, and other trees must be pruned so they are not overhanging traffic lanes where parking has been removed (to avoid trucks hitting overhanging branches).
42. Council's arborist has completed a peer review of this assessment and has agreed that the four trees identified need to be removed. Officers have tried to keep tree removal down to an absolute minimum but consider that in some cases it is better to remove a tree rather than have it pruned to the extent that it is not viable or could create a potential safety and maintenance issue. On this basis, Council's arborist has also recommended that a further four trees be removed given that the extensive pruning required to retain them (so they are clear of power lines and passing traffic) would result in ongoing issues for Council and a poor outcome overall.
43. PTV has agreed to pay for the removal of these trees (including those identified by Council's arborist), and importantly, the planting of replacement trees and their maintenance for the next two years. Tree removals are summarised below, a plan showing tree locations is provided at Appendix 5:

Stop Number	Required tree removals	Yarra City Council arborist recommended removals	Total Removals	Tree Types
Stop 11-12	0	3	3	London Plane (3).
Stop 13-14	4	1	5	London Plane (2); Queensland Brush Box (1); Claret Ash (2).
Stop 15	0	0	0	
Total	4	4	8	London Plane (5); Queensland Brush Box (1); Claret Ash (2).

44. As part of consent to the project, Council officers recommend requiring a qualified Zoologist inspect all trees which are to be removed before their removal, and to attend the tree removals on the day.
45. Council's arborist has recommended that trees be removed this winter (when they have dropped all leaves) to minimise the visual impact of their removal.
46. Council's arborist has indicated that for the eight trees lost on Nicholson Street, between Victoria Parade and Rose Street (north of the Johnston Street stop), 17 trees would be planted between Victoria Street and Kerr Street. The proposed replacement species is a Box Elder Maple Sensation (Acer Negundo Sensation).

47. The Box Elder Maple would have a minimum 100ltr size at the time of planting and is considered a suitable replacement to the lost trees, especially the London Plane. The Box Elder Maple would result in reduced maintenance requirements and reduced damage to nearby buildings and infrastructure; whilst providing adequate canopy and more vibrant autumn colours.
48. Regarding the 17 new trees, Council's arborist has recently planted three trees between Johnson Street and Kerr Street to give new trees time to grow before any existing trees will be removed. The remaining 14 trees will be planted during winter 2019 (following completion of the tram stop works).
49. The following comments can be made regarding the affected street trees and subsequent replanting:
 - (a) many of the existing trees on Nicholson Street represent an ongoing risk due to their extensive root structures, and the narrow footpaths and minimal or zero front-setbacks present along much of Nicholson Street. Given this, many of the existing species are, in effect, inappropriate to the context (in particular the London Plane). The Box Elder Maple is considered more appropriate to the street, and replacing the existing trees with this species will significantly diminish the ongoing risk, and reduce potential costs associated with damage which may be caused by the existing trees;
 - (b) London Plane trees represent 12% of Yarra's street trees. Best practice suggests to reduce risk caused by pest or disease incursions, no single species should represent more than 5-10% of the population;
 - (c) 24% of Yarra's tree population will be approaching the end of their useful life expectancy between 2027-2037 and will need replacing. This is more than double the recommended proportion of the tree population expected to reach end of life in one decade. By commencing replacing trees along Nicholson Street now, this impact will be reduced as the street is rejuvenated over a period of time; and
 - (d) Yarra's tree population has less than half the recommended proportion of 'young' trees. Given the proposed replanting schedule, this would start to increase the proportion of young trees within the municipality.

Cycling and Pedestrian Facilities

50. Each stop would include signalised pedestrian crossings facilitating access to the stop, and from one side of the street to the other.
51. East-west bicycle and pram and scooter movements between Moor Street and Carlton Street; and between Bell Street and Murchison Street would be facilitated through 1.2m wide breaks in the splitter islands between the traffic and tram lanes.
52. Council officers have identified a modification to the existing detailed design to further improve conditions for cyclist movements between Moor Street and Carlton Street. This would be achieved by including 'Keep Clear' markings across the south-bound lanes of Nicholson Street to keep it clear for cyclists. PTV has agreed to amend the plans accordingly as explained in further detail at Appendix 6.
53. In accordance with a previous commitment, PTV will grant Council \$400,000 for capital works related to place making and pedestrian improvements along the length of Nicholson Street.

Impacts to street furniture and infrastructure near the kerb

54. PTV has indicated that a number of objects (such as street poles and electricity poles) located in close proximity to the existing kerb would also be impacted and need slight relocation. These works are considered minor and of no heritage significance.

Heritage Impacts

55. Council previously considered heritage impacts related to the change of appearance of the roadway, and removal of guttering and some blue stone in the vicinity of the tram stops. The detailed design works are not considered to have created any new significant heritage matters that have not been identified previously. A copy of the Heritage Impact Assessment previously considered by Council (for stops 11-22) is provided at Appendix 7.

External Consultation and Community Engagement

56. Community consultation was undertaken in 2014 by the PTV project team during the concept design stage, prior to Council offering in principle support for stops 11-22.
57. More recently, the PTV project team has undertaken two community engagement sessions related to the construction of stops 11-15 and 23-26, on 16th May 2018 at Melbourne Museum and 19th May at Velo Cycles; as well as online engagement. Approximately 55 people attended the two sessions. Most people were supportive of the project. A summary of the key matters raised is as follows:
- (a) car parking impacts;
 - (b) perceptions of increased traffic congestion due to larger stops;
 - (c) possible impacts to east-west bicycle movements; and
 - (d) increased distances to stops.
58. A final copy of PTV's Communications Report is provided at Appendix 8.

Internal Consultation (One Yarra)

59. Consultation was undertaken internally as part of the concept design phases in 2014. At this more detailed stage further consultation has been undertaken to understand project considerations with the following Yarra teams:
- (a) Traffic Engineering;
 - (b) City Works and Assets;
 - (c) Parking and compliance (IPARC specifically);
 - (d) Recreation and Open Space (including arborists); and
 - (e) Statutory Planning.

Construction Implications

60. All proposed works are expected to be undertaken in a 15 day window between 1st September 2018 and 15th September 2018.
61. Nicholson Street is scheduled to be closed to all vehicle traffic between Victoria Parade and Johnston Street. This will include all east-west intersections along the route.
62. During the construction window Route 86 and Route 96 will not operate within Yarra boundaries, and replacement bus services would operate. A Traffic Management Plan would be supplied to Council officers in due course for approval which would outline how these arrangements would be managed in detail.

Financial Implications

63. Six parking ticket machines operate between Princes Street (at St Vincent's Hospital) and Moor Street. The annual revenue for these machines is \$214,000. There are 56 parking spaces associated with these machines.
64. Council has already considered and offered in principle support for the removal of 11 metered spaces, associated with Stops 11-12 and 12-13. In addition to these 11 spaces, 1 additional paid parking space is to be removed, associated with the detailed design of Stop 13-14. The revenue associated with this space will be of the order of \$4,000 per annum.
65. There may also be some revenue loss associated with ticketing infringements.

Capital works

66. PTV has agreed to grant Council \$400,000 for capital works along the length of Nicholson Street, to improve the pedestrian environment for safety and urban amenity.

Waste Management

67. Council's Fleet team has indicated the new tram stops may limit the turning movements of some waste service vehicles at the Moor Street, King William Street and Princes Street intersections. This concern has been discussed with PTV officers, who have indicated that Council waste service vehicles will be able to make all relevant movements at this intersection, as the splitter islands at the intersections will be semi-mountable to allow emergency service vehicles to make the same movements. It is recommended conditions be placed on Council's approval of the project requiring demonstration that Heavy Rigid Vehicles will be able to make the relevant turning movements at these intersections to ensure Council's waste service vehicles will be unimpeded.
68. Providing the recommended conditions referred to above can be met, there will be no impact to waste service vehicles as a result of the project, after completion of the works.

Economic Implications

69. PTV has estimated that travel time benefits associated with this project equate to \$670,000 per annum (using a public transport passenger value of time of \$13.41 per hour). This is a conservative estimate as it does not allow for time savings due to faster boarding and alighting. Improved DDA stops may also increase economic activity in shops along the route.

Sustainability Implications

70. The Strategic Transport Statement calls for the advocacy for improved public transport. Decreasing the travel time and increasing the reliability of Route 96 would deliver on Council's advocacy efforts.

Social Implications

71. The Yarra Access and Inclusion Plan 2014 – 2017 states that Yarra should be advocating on issues of independently accessible public transport.
72. Faster and more reliable public transport travel services along Nicholson Street would provide a benefit to Yarra residents along this route.

Human Rights Implications

73. Construction of the platform stops would increase the accessibility of the Route 96 tram service to people with disabilities, the elderly, and people travelling with young children. This is consistent with Council Strategies.

Communications with CALD Communities Implications

74. There are no specific CALD community implications.

Council Plan, Strategy and Policy Implications

75. The upgrade of the tram stops on Route 96 is consistent with Council's policies on supporting sustainable transport.
76. The proposed tree removal and tree replacement is unfortunate but negotiations have reduced the number of trees that need to be removed and also achieved increased replacement plantings of more sustainable species paid for by PTV.

Legal Implications

77. There are no known legal implications for Council.

Other Issues

78. There are no other known issues for Council.

Options

Option A: Council, as the Responsible Planning Authority, approves, subject to conditions the detailed designs provided by PTV for tram stops 11 through 15 along Route 96:

79. Under Option A, Council's approval of the project would be subject to the following conditions being met:

Conditions for approval

1. Before the tram stop civil works commence, amended and additional plans to the satisfaction of the Responsible Authority must be submitted to for approval by the Responsible Authority. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the most recent plans received by Council on 29 May 2018 and 04 June 2018 but modified to show:
 - (a) 'Keep Clear' road markings on the south-bound traffic lanes on Nicholson Street at the intersection of Nicholson Street and Moor Street; to facilitate east-west bicycle movements through the intersection;
 - (b) road markings between the tram tracks at the Nicholson Street and Moor Street intersection, to indicate where bicycles can safely wait during staged crossings of the intersection;
 - (c) evidence that a Heavy Rigid Vehicle (HRV) will be able to turn into and out of streets that intersect with Nicholson Street between Victoria Parade and Argyle Street. This should include:
 - (i) swept paths diagrams for a 12.5 metre long heavy-rigid-vehicle (HRV), including wheel tracks, for all relevant intersections; and
 - (ii) section diagrams showing the profile of the splitter islands between the traffic lanes and tram tracks, where these intersect the swept paths required at Condition 1. (c) i. to demonstrate the splitter islands will be semi-mountable to the affected vehicles.
2. The civil works as shown on the plans approved by the Responsible Authority must not be altered (unless the Yarra Planning Scheme specifies that a planning permit is not required) without the prior written consent of the Responsible Authority.
3. Any connections made to Council's drainage infrastructure must be approved by the Responsible Authority and undertaken to Council Standards.
4. All tree removals are to be at the expense of Public Transport Victoria. Without the prior written consent of Council, no more than eight (8) street trees may be removed and only trees identified previously may be removed. Trees which have been identified for removal are identified as: 5, 6, 9, 10, 12, 13, 14 and 15; within the Arborist's Report produced by Ryder titled 'Construction Impact Assessment' dated 15 March 2017.
5. Before the removal of any tree approved at Condition 4, a qualified zoologist must inspect the trees to determine if there are any fauna present, and if so, a Wildlife Management Report must be submitted to and approved by the Responsible Authority, detailing the type of fauna found and measures to be taken to manage these. This report must also outline any particular specifications on how and when the trees should be removed to best protect any wildlife present in the trees to be removed and the tree removal will then occur in accordance with the recommendations of the zoologist.
6. Replacement tree planting of 17 trees between Victoria Parade and Kerr Street, and ongoing maintenance of these trees for a period of two years is to be at the expense of Public Transport Victoria.
7. Where existing bluestone is being removed from within Council's municipal boundaries, it must be stored and transported with as much care as is reasonably practical, in order for bluestone to be returned to Council.

8. Prior to the completion of the civil works, subject to the relevant authority's consent, the relocation of any Council or privately owned assets within the road carriageway or footpath necessary to facilitate the civil works must be undertaken:
 - (a) in accordance with any requirements or conditions imposed by the relevant authority;
 - (b) at Public Transport Victoria's cost; and
 - (c) to the satisfaction of the Responsible Authority.
9. Within 2 months of the completion of the tram stops, or by such later date as approved in writing by the Responsible Authority, any new tram crossing(s) must be constructed:
 - (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the Public Transport Victoria's cost; and
 - (c) to the satisfaction of the Responsible Authority.
10. Within 2 months of the completion of the tram stops, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the works must be reinstated:
 - (a) at Public Transport Victoria's cost; and
 - (b) to the satisfaction of the Responsible Authority.
11. Within 2 months of the completion of the tram stops, or by such later date as approved in writing by the Responsible Authority, any redundant tram crossing must be demolished and re-instated as standard footpath and kerb and channel:
 - (a) at the Public Transport Victoria's cost; and
 - (b) to the satisfaction of the Responsible Authority.
12. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
13. Before the civil works commence, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this approval. The plan must provide for:
 - (a) a pre-conditions survey (dilapidation report) of the works areas and all adjacent Council roads frontages and nearby road infrastructure;
 - (b) works necessary to protect road and other infrastructure;
 - (c) remediation of any damage to road and other infrastructure;
 - (d) containment of dust, dirt and mud within the works areas and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the works areas,
 - (e) facilities for vehicle washing, which must be located to the satisfaction of the responsible authority;
 - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
 - (g) site security;
 - (h) management of any environmental hazards including, but not limited to,:

- (i) contaminated soil;
- (ii) materials and waste;
- (iii) dust;
- (iv) stormwater contamination from run-off and wash-waters;
- (v) sediment from excavations within the road reserve;
- (vi) washing of concrete trucks and other vehicles and machinery; and
- (vii) spillage from refuelling cranes and other vehicles and machinery;
- (i) the construction program;
- (j) preferred arrangements for trucks delivering to the works areas, including delivery and unloading points and expected duration and frequency;
- (k) parking facilities for construction workers;
- (l) measures to ensure that all work at the sites will be carried out in accordance with the Construction Management Plan;
- (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced; and
- (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads.

80. In order to meet the conditions above, PTV will alter designs to meet Condition (1).

81. PTV will carry out works associated with stops 11 through 15, along the route between just south of Victoria Parade and just north of Johnston Street. Works along this section are expected to be completed by 16 September 2018.

82. Following the completion of the works, Council's arborist would commence replacement tree planting in the work zones in and around October 2018; and in autumn of 2019.

83. Council notes two pairs of tram stops would be consolidated resulting in the net removal of two stops (as noted at the Council meeting 12 November 2013).

84. Council notes a net removal of 12 paid car parking spaces on Nicholson Street, and the net removal of 11 car parking spaces in total within Yarra boundaries (at the Council meeting 12 November 2013, a net removal of 19 spaces and 11 paid parking spaces was noted).

85. PTV has agreed to grant Council \$400,000 for streetscape and pedestrian improvement works along the length of Nicholson Street.

Option B: Council does not approve the detailed designs provided by PTV for tram stops 11 through 15 along Route 96.

86. In this scenario, PTV may request that the Roads Minister issue a Ministerial direction under section 22 of the Road Management Act 2004 (Road Management Act) and direct Council to give consent to the works based on this being a significant project in the public interest.

87. Dependent on the Minister's response, the Minister may then issue a ministerial direction under section 22 of the Road Management Act, and Council would be required to consent to the works

Conclusion

88. Victoria has a legal obligation under the relevant DDA and Disability Standards for Accessible Public Transport 2002 (DSAPT) legislation to significantly increase the number DDA compliant tram stops over time, and make all tram stops DDA compliant by 2032. Route 96 is Melbourne's busiest tram route and only 47% of its tram-stops are DDA compliant.
89. In principle approval for DDA compliant tram stops designs was given by Council in 2014 and Council noted that PTV would seek planning permission to carry out the works. Planning Scheme Amendment CG68 has since been gazetted (03 September 2017) into the Yarra Planning Scheme to streamline the delivery of accessible tram stops along Route 96 and at other locations within the planning process.
90. PTV has worked collaboratively with officers on the detailed designs and has modified the designs where possible to minimise tree removal. PTV has also agreed to provide a \$400k grant for complementary works as well as other costs associated with planting and maintaining new trees. PTV has requested that Council as the Responsible Planning Authority approves the latest design drawings.
91. If approval is not given then PTV have indicated it reserves the right to request Ministerial Intervention under section 22 of the Road Management Act 2004 directing Council to consent to the works.

RECOMMENDATION

1. That Council note the report of officers regarding the proposed Tram Stop changes in Route 96 along Nicholson Street (Stops 11 to 15).
2. That Council, as the Responsible Planning Authority, approves the detailed designs provided by PTV for tram stops 11 through 15 along Route 96, subject to the following conditions:
 - 1 Before the tram stop civil works commence, amended and additional plans to the satisfaction of the Responsible Authority must be submitted for approval by the Responsible Authority. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the most recent plans received by Council on 29 May 2018 and 04 June 2018 but modified to show:
 - (a) 'Keep Clear' road markings on the south-bound traffic lanes on Nicholson Street at the intersection of Nicholson Street and Moor Street; to facilitate east-west bicycle movements through the intersection;
 - (b) road markings between the tram tracks at the Nicholson Street and Moor Street intersection, to indicate where bicycles can safely wait during staged crossings of the intersection;
 - (c) evidence that a Heavy Rigid Vehicle (HRV) will be able to turn into and out of streets that intersect with Nicholson Street between Victoria Parade and Argyle Street. This should include:
 - (i) swept paths diagrams for a 12.5 metre long heavy-rigid-vehicle (HRV), including wheel tracks, for all relevant intersections; and
 - (ii) section diagrams showing the profile of the splitter islands between the traffic lanes and tram tracks, where these intersect the swept paths required at Condition 1. (c) i. to demonstrate the splitter islands will be semi-mountable to the affected vehicles.
 - 2 The civil works as shown on the plans approved by the Responsible Authority must not be altered (unless the Yarra Planning Scheme specifies that a planning permit is not required) without the prior written consent of the Responsible Authority.
 - 3 Any connections made to Council's drainage infrastructure must be approved by the Responsible Authority and undertaken to Council Standards.

- 4 All tree removals are to be at the expense of Public Transport Victoria. Without the prior written consent of Council, no more than eight (8) street trees may be removed and only trees identified previously may be removed. Trees which have been identified for removal are identified as: 5, 6, 9, 10, 12, 13, 14 and 15; within the Arborists Report produced by Ryder, titled 'Construction Impact Assessment' dated 15 March 2017.
- 5 Before the removal of any tree approved at Condition 4, a qualified zoologist must inspect the trees to determine if there are any fauna present, and if so, a Wildlife Management Report must be submitted to and approved by the Responsible Authority, detailing the type of fauna found and measures to be taken to manage these. This report must also outline any particular specifications on how and when the trees should be removed to best protect any wildlife present in the trees to be removed and the tree removal will then occur in accordance with the recommendations of the zoologist.
- 6 Replacement tree planting of 17 trees between Victoria Parade and Kerr Street, and ongoing maintenance of these trees for a period of 2 years is to be at the expense of Public Transport Victoria.
- 7 Where existing bluestone is being removed from within Council's municipal boundaries, it must be stored and transported with as much care as is reasonably practical, in order for bluestone to be returned to Council.
- 8 Prior to the completion of the civil works, subject to the relevant authority's consent, the relocation of any Council or privately owned assets within the road carriageway or footpath necessary to facilitate the civil works must be undertaken:
 - (a) in accordance with any requirements or conditions imposed by the relevant authority;
 - (b) at Public Transport Victoria's cost; and
 - (c) to the satisfaction of the Responsible Authority.
- 9 Within 2 months of the completion of the tram stops, or by such later date as approved in writing by the Responsible Authority, any new pram crossing(s) must be constructed:
 - (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the Public Transport Victoria's cost; and
 - (c) to the satisfaction of the Responsible Authority.
- 10 Within 2 months of the completion of the tram stops, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the works must be reinstated:
 - (a) at Public Transport Victoria's cost; and
 - (b) to the satisfaction of the Responsible Authority.
- 11 Within 2 months of the completion of the tram stops, or by such later date as approved in writing by the Responsible Authority, any redundant pram crossing must be demolished and re-instated as standard footpath and kerb and channel:
 - (a) at the Public Transport Victoria's cost; and
 - (b) to the satisfaction of the Responsible Authority.
- 12 Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

- 13 Before the civil works commence, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be form part of Council's approval. The plan must provide for:
 - (a) a pre-conditions survey (dilapidation report) of the works areas and all adjacent Council roads frontages and nearby road infrastructure;
 - (b) works necessary to protect road and other infrastructure;
 - (c) remediation of any damage to road and other infrastructure;
 - (d) containment of dust, dirt and mud within the works areas and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the works areas,
 - (e) facilities for vehicle washing, which must be located to the satisfaction of the responsible authority;
 - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
 - (g) site security;
 - (h) management of any environmental hazards including, but not limited to,:
 - (i) contaminated soil;
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;
 - (v) sediment from excavations within the road reserve;
 - (vi) washing of concrete trucks and other vehicles and machinery; and
 - (vii) spillage from refuelling cranes and other vehicles and machinery;
 - (i) the construction program;
 - (j) preferred arrangements for trucks delivering to the works areas, including delivery and unloading points and expected duration and frequency;
 - (k) parking facilities for construction workers;
 - (l) measures to ensure that all work at the sites will be carried out in accordance with the Construction Management Plan;
 - (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
 - (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced; and
 - (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads.
3. That Council notes the removal of 12 parking spaces would occur as part of the works by Public Transport Victoria.
4. That Council notes that PTV has agreed to provide a \$400,000 grant for streetscape and pedestrian improvement works along Nicholson Street to the Yarra City Council.
5. That Council provide its formal response to Public Transport Victoria.

CONTACT OFFICER: Simon Exon
TITLE: Strategic Transport Coordinator
TEL: 9205 5781

Attachments

- 1** Route 96 Upgrade 2018 - PTV Info
- 2** Route 96 Upgrade 2018 - Existing Conditions (Tram Stops 11-15)
- 3** Route 96 Upgrade 2018 - Planning Scheme Incorporated Document
- 4** Arborist Report
- 5** Council Recommended Tree Removals
- 6** Proposed Moor Street Cyclist Improvements
- 7** PTV Heritage Assessment
- 8** PTV Consultation Report

11.8 An Update on the Victorian Heritage Restoration Fund

Trim Record Number: D18/96006

Responsible Officer: Group Manager Chief Executive's Office

Purpose

1. To seek Council's endorsement to the proposed changes to Victorian Heritage Restoration Fund from year 2018/2019.

Background

2. The Melbourne Heritage Restoration Fund (MHRF) was established in 1988 to provide grants and loans to City of Melbourne land owners to conserve and restore their heritage buildings for the enjoyment of the wider community.
3. The City of Yarra became a partner to MHRF in 2010 and offered to contribute \$50,000 to the MHRF so that funding is also available for restoration of properties within Yarra. This partnership has continued since then.
4. In 2013, the name of the Melbourne Heritage Restoration fund was changed to the Victorian Heritage Restoration Fund.
5. The VHRF incorporates:
 - (a) Melbourne Heritage Restoration Fund (MHRF);
 - (b) Yarra Heritage Restoration Fund (YHRF); and
 - (c) Ballarat Heritage Restoration Fund (BHRF).
6. The National Trust of Australia (Vic) has offered administration of VHRF since 2010. Their services include secretariat support to VHRF, financial administration of all funds under control, expert assessment and advice on all grant applications and grant administration services.
7. The VHRF operations and funds are overseen by a Committee of Management comprising representatives of the City of Melbourne, City of Yarra, the Department of Environment, Land, Water and Planning (Heritage Victoria), the Heritage Council of Victoria, the Municipal Association of Victoria, the National Trust of Australia (Victoria) and the National Trust Board.
8. Over the years a number of properties in the City of Yarra have been benefitted through this fund. Following are the details of the grants provided to City of Yarra applicants in the last five years:
 - (a) Year 2013/2014 - \$99,000;
 - (b) Year 2014/2015 - \$101,400;
 - (c) Year 2015/2016 - \$59,016;
 - (d) Year 2016/2017 - \$109,000; and
 - (e) Year 2017/2018 (to date) \$18,000.
9. The administrative costs for management of VHRF so far also have been managed through seed funding originally provided by the State Government and the City of Melbourne. These funds have depleted substantially over the years.
10. Although initially application to YHRF has been supported by an additional grant from VHRF and including payment of the administrative costs, there has been no commitment to do so regularly by the VHRF.
11. Due to funding constraints, no matching grant to YHRF has been provided by VHRF in the 2017/2018 financial year.

12. A financial review of the VHRF undertaken by the Committee of Management, this year, has indicated that there are not enough funds to cover the administrative costs to continue VHRF next year (2018-19).
13. The Committee has proposed the following model if the VHRF is to continue next year (financial year 2018-2019):
 - (a) each partnering Council will have to provide \$10,000 towards the administrative costs. The balance of the administrative costs will have to come from the VHRF;
 - (b) there should be a commitment from at least three Councils to partner the VHRF; and
 - (c) there will be no matching component of the funding to the Council's funds from the VHRF.

External Consultation

14. The VHRF is being promoted through Councils' and the National Trust's websites as well as through various heritage forums. Recently a presentation was made in the Local Government Heritage Forum.
15. The National Trust is also sending letters to interested Councils and conducting meetings about various aspects of functioning, administration and management of funds.
16. An update on the VHRF and the proposed new model was provided to Yarra's Heritage Advisory Committee in its meeting in March 2018.

Internal Consultation (One Yarra)

17. Council's Strategic and Statutory Planning units are provided an update on VHRF from time to time.

Financial Implications

18. The proposal to use \$10,000 towards the administrative cost would mean that \$40,000 would be available towards the restoration grant.
19. Keeping the grant amount to \$50,000 would need additional funding commitment of \$10,000 every year to meet the administrative costs under the new model.

Economic Implications

20. The proposed model of VHRF would still be economical to the Council as the cost of managing the funds in house would require substantial officer time and expert advice.
21. It would also help the heritage property owners wanting to restore their properties.

Sustainability Implications

22. Restoration of heritage buildings improves sustainability of existing buildings.

Social Implications

23. Heritage is one of the most valued characteristics of the built environment which is enjoyed by the community. Restoring heritage buildings would be viewed positively by the local community.

Human Rights Implications

24. There are no known human right implications of proposed changes to the fund.

Communications with CALD Communities Implications

25. A link to the VHRF is advertised through the Council website. The assistance to information is also available to CALD communities when required.

Council Plan, Strategy and Policy Implications

26. Council's participation in VHRF aligns with the Yarra Council Plan (2017-2021) objective on *"A liveable Yarra"* which includes that *"Development and growth are managed to maintain and enhance the character and heritage of the city"*.

Legal Implications

27. There are no direct legal implications related to the changes to the funding model.

Options

28. Following options can be considered for Yarra City Council's participation in the VHRF based on the proposed model:
- (a) Option A- Continue providing \$50,000 each year and accept the administrative cost component of \$10,000 to come out of that; and
 - (b) Option B- Increase Council's contribution to \$60,000 where the grant amount to the community remains to be \$50,000 as originally approved.

Conclusion

29. As heritage is one of the most valued characteristics by the Yarra community; there is a value in continuing funding support for restoration of heritage properties within Yarra through the VHRF. Allocation of additional \$10,000 would be preferred so that the amount of grant funding for heritage restoration by Yarra still remains to be \$50,000 each year.

RECOMMENDATION

1. That Council:
- (a) endorse increasing the annual contribution to VHRF to be \$60,000 (to include the administrative cost component of \$10,000) as stated in Option B above; and
 - (b) endorse incorporation of \$60,000 towards VHRF instead of \$50,000 in the Council budget for year 2018-19.

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Attachments

There are no attachments for this report.

11.9 City of Yarra Heritage Advisory Committee Membership

Trim Record Number: D18/101117

Responsible Officer: Group Manager Chief Executive's Office

Purpose

1. To seek Council's endorsement of membership of Yarra Heritage Advisory Committee 2018-2022.

Background

2. On 19 December 2017, Council adopted the revised Terms of Reference of the City of Yarra Heritage Advisory Committee (Attachment 1).
3. In this meeting Council also resolved to appoint a new HAC for a four year term and call for nominations in early in 2018.
4. The objective of the City of Yarra Heritage Advisory Committee (the HAC) is to provide advice to Council on heritage matters including Yarra's natural, built and cultural heritage.
5. Their responsibilities include:
 - (a) the monitoring and implementation of the *Yarra Heritage Strategy*;
 - (b) the ongoing review of Yarra's heritage policies, plans and strategies;
 - (c) any further work required to document and protect Yarra's natural, built and cultural heritage;
 - (d) issues affecting heritage across the municipality (e. g. trends in development, sustainability or neglect of heritage places);
 - (e) policy and strategic objectives concerning City of Yarra's responsibilities for the World Heritage Environs Area within Yarra's boundary;
 - (f) the effective promotion of Yarra's heritage including raising public awareness of heritage matters and services; and
 - (g) nominations of state, national and world heritage significance.
6. The Terms of Reference (ToR) of the HAC also require that the committee will comprise of
 - (a) three Councillors (one from each ward), appointed on an annual basis, to take it in turns to Chair the HAC meetings and also present the Delegate Report to Council.
 - (b) twelve community representatives from across the City of Yarra whom shall be drawn from:
 - (i) local heritage and community groups;
 - (ii) at least one third of the twelve members to have specific expertise from a range of sectors including but not limited to conservation architecture, landscape architecture, aboriginal heritage, history and cultural planning; and
 - (iii) a representative from the National Trust; and
 - (c) a membership which includes a representation mix of gender and at least two members who are no more than 30 years of age at the time of nomination, to encourage a balance reflecting Yarra's community.
7. A public expression of interest process has recently been conducted for all 12 positions on the HAC for the 2018-2022 term including a nomination from the National Trust.
8. The expression of interest process was promoted in the following ways:
 - (a) on Council's website and social media accounts;
 - (b) emails to a comprehensive range of Council networks;

- (c) direct emails to members of the previous Yarra Heritage Advisory Committee; and
 - (d) emails to professional networks (such as Heritage Chat Network), universities, professional bodies such as the National Trust, Heritage Victoria, ICOMOS Australia, Australian Institute of Architects etc.
9. The call for *Expressions of Interest* was advertised from 19 February 2018 to 6 April 2018.
10. Council sought applicants with:
- (a) a demonstrated interest or expertise in heritage;
 - (b) an understanding of community needs, concerns and issues relating to heritage in the City of Yarra;
 - (c) an understanding of the role that Local Government has in heritage matters;
 - (d) ideas on how the promotion of heritage services could be undertaken;
 - (e) an ability and commitment to consider and value a wide cross section of community views;
 - (f) a commitment to participate in meetings on a bimonthly basis, or at other times as determined necessary by the HAC;
 - (g) relevant skills and experience working collaboratively in a group at a strategic level; and
 - (h) their confirmation that they have the approval of their respective local heritage /community group to be their representative.
11. There was a very strong response to the call for nominations, with 22 applicants to fill the 12 positions on the HAC. Six nominations were from existing committee members, and 16 were new applicants.
12. Officers were pleased with the diversity of knowledge, skills, experience, gender, age and community representation reflected in the applicants.
13. Upon assessing the applications officers together with the Councillor Member of the HAC created a shortlist for interview to select new members.
14. The members of the existing HAC (2013) who had re-applied were not interviewed.
15. Officers believe that the proposed 12 member shortlist will create a strong and active committee able to contribute to the breadth of issues encompassed by Council and to represent the diversity of Yarra's community.

External Consultation

16. The promotion of the nomination process for the Yarra Heritage Advisory Committee is detailed in paragraph 8 of this report.

Internal Consultation (One Yarra)

17. The Communications Unit provided advice and support on the requirements of the public expression of interest process.
18. Other units of the Council such as the Youth Services, Arts and Cultural Services were involved in promoting the EoI process.

Financial Implications

19. There are no financial implications associated with this report.

Economic Implications

20. There are no economic implications associated with this report.

Sustainability Implications

21. The membership has been chosen to best advice Council on sustainability of built, natural and cultural heritage of Yarra.

Social Implications

22. Heritage is one of the key aspects valued by the Yarra community. The new Heritage Advisory Committee would provide advice on all aspects including social and cultural aspects.

Human Rights Implications

23. There are no human rights implications associated with this report.

Communications with CALD Communities Implications

24. There was broad general promotion of the expression of interest process, with an aim to seek diverse representation on the proposed committee.

Council Plan, Strategy and Policy Implications

25. The facilitation of the HAC is consistent with the objective of Yarra's Council Plan and Heritage Strategy.

Legal Implications

26. There are no legal implications associated with this report.

Other Issues

27. Nil

Options

28. Officers together with the Councillor Members of the HAC have shortlisted 12 members (8 new members and 4 existing members) from 22 applications based on their skills, knowledge, experience and ability to represent and assist Council to engage with Yarra's diverse community and to have diversity in age and gender.
29. The following can be considered by the Council
 - (a) support the 12 recommended Committee Members to sit on the City of Yarra Heritage Advisory Committee 2018-2022; and
 - (b) amend the membership in the proposed shortlist.

Conclusion

30. Council staff has undertaken a public expression of interest process in accordance with the Terms of Reference and Council's requirements relating to community advisory committees.
31. A strong diversity of interests, skills and experience is apparent in the 12 nominees shortlisted for the Heritage Advisory Committee membership which also includes two members below the age of 30 years.
32. It is considered that the proposed shortlist represents an excellent diversity of membership, and provides capacity to ensure a strong and active committee across a variety of heritage and community interests.

RECOMMENDATION

1. That Council note the report regarding nominations for the City of Yarra Heritage Advisory Committee 2018 – 2022.
2. That Council, having considered the nominations received for community representative positions, appoint the following applicants to the City of Yarra Heritage Advisory Committee:
 - (a) _____
 - (b) _____
 - (c) _____
 - (d) _____
 - (e) _____
 - (f) _____
 - (g) _____
 - (h) _____
 - (i) _____
 - (j) _____
 - (k) _____
 - (l) _____
3. That officers thank all persons who nominated their interest for the HAC through a formal correspondence advising of the Council decision.
4. That the list of applicants be retained so that in the event of a vacancy arising, additional applicants may be invited to participate in the City of Yarra Heritage Advisory Committee in accordance with the Appointment of Members to Council Committees Policy.

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Attachments

- 1 Terms of Reference of the HAC