

Ordinary Meeting of Council Agenda

**to be held on Tuesday 17 December 2019 at 7.00pm
Fitzroy Town Hall**

Arrangements to ensure our meetings are accessible to the public

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

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

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

1. Acknowledgment of Country

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

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

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

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

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

2. Attendance, apologies and requests for leave of absence

Anticipated attendees:

Councillors

- Cr Misha Coleman (Mayor)
- Cr Mi-Lin Chen Yi Mei (Deputy Mayor)
- Cr Danae Bosler
- Cr Jackie Fristacky
- Cr Stephen Jolly
- Cr Daniel Nguyen
- Cr Bridgid O’Brien
- Cr James Searle
- Cr Amanda Stone

Council officers

- Vijaya Vaidyanath (Chief Executive Officer)
- Ivan Gilbert (Group Manager Chief Executive’s Office)
- Lucas Gosling (Director Community Wellbeing)
- Gracie Karabinis (Group Manager People, Culture and Community)
- Chris Leivers (Director City Works and Assets)
- Diarmuid McAlary (Director Corporate, Business and Finance)
- Bruce Phillips (Director Planning and Place Making)
- Mel Nikou (Governance Officer)

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

4. Confidential business reports

Item

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

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;
 - (b) Matters prejudicial to Council and/or any person; and
 - (c) Proposed developments.
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 26 November 2019 be confirmed.

6. Petitions and joint letters

7. Public question time

Yarra City Council welcomes questions from members of the community.

Public question time procedure

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

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

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

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

When you are invited by the Mayor to ask your question, please come forward, take a seat at the microphone, state your name clearly for the record and:

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

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

8. Delegate's reports

9. General business

10. Questions without notice

11. Council business reports

Item		Page	Rec. Page	Report Presenter
11.1	Brunswick Street Oval Precinct Community Consultation Report	9	14	Graham Davis – Manager Building and Asset Management
11.2	Options for a Yarra Holistic Waste Service	15	33	Joe Agostino – Project Officer City Works
11.3	Studley Street and Yarra Street, Abbotsford - Parking Amendments	34	41	Dennis Cheng – Manager Traffic and Civil Engineering
11.4	30km/h Trial Evaluation	42	50	Dennis Cheng – Manager Traffic and Civil Engineering
11.5	Management Policy in Relation to Laneways, Passageways and Rights of Way in Yarra	51	63	Dennis Cheng – Manager Traffic and Civil Engineering
11.6	Heidelberg Road corridor - proposed interim provisions in Amendment C272 and permanent provisions in Amendment C273 - Local Area Plan and Discussion Paper	64	77	David Walmsley – Manager City Works
11.7	Brunswick and Smith Streets - Request for Interim DDOs	78	98	David Walmsley – Manager City Works
11.8	Development of the Yarra Open Space Strategy	100	111	David Walmsley – Manager City Works
11.9	Car Share Implementation Plan	113	117	Simon Exon – Unit Manager Strategic Transport
11.10	Burnley Park Cottage Review	118	123	Ivan Gilbert - Group Manager Chief Executive's Office
11.11	Report on Assemblies of Councillors	124	125	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 Mayor to make your submission, please come forward, take a seat at the microphone, state your name clearly for the record and:

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

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

12. Notices of motion

Nil

13. Urgent business

Nil

11.1 Brunswick Street Oval Precinct Community Consultation Report

Reference: D19/226437

Authoriser: Director City Works and Assets

Purpose

1. To present the Brunswick Street Oval Precinct – Community Consultation Findings report, and seek Council's endorsement of the report findings and finalised scope and concept design, and further to seek Council's authority to proceed to a tender for architectural design and other consultant services for the project.

Background

2. On 27 August 2019, Council was presented with the Brunswick Street Oval Precinct Needs Analysis and Concept Plan. Further background to the project up to that juncture is contained in the report to Council on 27 August 2019.
3. The Brunswick Street Oval Precinct is defined as the area containing the following sporting and community facilities immediately adjacent to the Brunswick Street Oval (WT Peterson Community Oval) within Edinburgh Gardens, Fitzroy North:
 - (a) Fitzroy Football Club Grandstand (including undercroft change facilities and amenities);
 - (b) Fitzroy Community Room; and
 - (c) Fitzroy Tennis Club courts and pavilion.
4. Council resolved to endorse the Needs Analysis and Concept Plan for public consultation, and to proceed to community engagement on the concept plan for a period of four weeks, with a further report to be provided to Council on the results of this consultation, together with a final scope and recommended concept design for the facilities within the precinct.
5. The project has significant funding of \$6.5 million announced by the State Government for the redevelopment of infrastructure in the precinct. In addition, Council has particular interests in the appropriate replacement of the community room (the second busiest bookable community facility in Yarra), ensuring the heritage nature of the park and buildings is maintained and that the amenity and safety of the park is enhanced for the greater community and all users.
6. The Needs Analysis and Concept Plan report aimed to create the vision to establish a contemporary shared community facility that will meet the needs of a fast growing sporting community through:
 - (a) understanding of the current and future sport and community needs of users and residents for services and programs that can be provided from the Brunswick Street Oval Precinct facilities; and
 - (b) providing a clear direction on the best and most feasible model of developing and maintaining appropriate sport and community facilities to meet those identified needs.
7. The initial concept plan that formed the basis of the recent community engagement was developed to respond to the needs analysis, including consideration of the heritage implications of the site, in particular, the grandstand and its curtilage. To ensure prudent asset management it is intended the redeveloped assets have a lifetime of at least 50 years.
8. Following the Council resolution of 27 August 2019, Lovell Chen consultants were engaged to assist officers from Yarra's Communications and Engagement, Recreation and Building Projects teams to develop plan and process for the community engagement. An extensive community engagement process was undertaken over a period of four weeks commencing on Monday 7 October 2019. Subsequently, Lovell Chen prepared the report Brunswick Street

Oval Precinct - Community Consultation Findings (November 2019), which is included as Attachment 1.

9. This report also provides a final recommended scope and concept design for the project.

External Consultation

10. The findings report details the extensive nature of the community engagement. In summary, there were a total of 2,467 web site views, 1,142 web site visits, and 178 contributions made through the web site.
11. Further contributions were made through direct engagement at the open times on site, through club representations, and personal approaches. Overall, there was a total of 229 contributions/participant interactions.
12. A total of 85% of responses were indicated as being 'Very Supportive' or 'Moderately Supportive' of the concept design overall.
13. Section 2 of the report (Attachment 1) presents a summary analysis of representative views in each of the categories 'Very Supportive', 'Moderately Supportive', 'Not Sure', 'Moderately Unsupportive' and 'Very Unsupportive'.
14. Section 3 of the report notes recommendations for 11 key issues arising from the community consultation needing further consideration and resolution (items 1 – 11), and a further four items (items 12 – 15) that elicited strong comment but are outside of the project brief.
15. Council officer responses to these items are recorded in Appendix A of the report, including the items that have been addressed in the final spatial area brief (Appendix B) and final concept plans (Appendix C), that will form an input into the next stage of design development activities.
16. Many of the unsupportive responses were about the tennis facilities. Subsequently a meeting has been held with three representatives of the tennis club to discuss their concerns. The issues are largely around the possible loss of the casual outdoor social area, access for casual hirers to the facility and a toilet, and for vision over the current court number 1 during competitions.
17. These matters were reviewed and the consultant requested to prepare a revision to the concept design layout. Council officers are mindful of the increased area already allocated to the tennis facility to ensure compliant courts, the additional two courts, as well as the new pavilion. There is 80 square metres of external shaded outdoor viewing area located symmetrically about the pavilion entrance provided in the concept design. This area could possibly be relocated at the southern end of the tennis pavilion to provide a better overview of all courts.
18. The tennis club also expressed a concern of casual hirers who would still require a secure gate entry, a toilet on site and somewhere to sit without entry to the club facilities. All of these can be accommodated within the current concept. At the conclusion of the meeting it was felt the tennis club had most of their concerns covered off and were satisfied to review the matters in detail during the next stage of design development.
19. A further key comment of the responders was that the overall facilities were perceived to be for the sports elite. Officers believe that having facilities that support the inclusion of female and junior teams, the resulting extended female participation, the consideration of casual hirers for the tennis facilities, and the improved amenity of the community room, Council is demonstrating a commitment to providing facilities for the whole community, not only the sporting clubs.
20. Council officers recommend the inclusion of a pétanque/bocce court in the project since the current court is being removed. This would represent an additional cost in the order of \$50,000. The location of the replacement court will be determined during the design development of the precinct.

21. The cost implications of the recommendations are minor, except for the pétanque/bocce court.

Internal Consultation (One Yarra)

22. Council officers from the Recreation, Building Projects, Open Space Maintenance and Communications and Engagement units, were engaged by Lovell Chen as part of the consulting process to contribute to the development of the concept design for the precinct.

Financial Implications

23. The estimated project cost is \$10.45 million, including contingencies, fees and other costs to Council (being the project cost estimated by the quantity surveyor is as per the 27 August 2019 report of \$10.4 million plus a further \$50,000 for the pétanque/bocce court).
24. The actual project cost will be subject to a degree of uncertainty until the detail design is fully developed, required heritage and planning permits are obtained, and the construction works are tendered. Nonetheless, a total project cost of \$10.45 million for the scope of works in the finalised concept plan is the best objective estimate available at this juncture.
25. A total of \$9.1 million in funding sources have been identified for the project, being \$6.5 million of State funding committed and \$2.6 million of planned Council expenditure.
26. Officers are liaising with Sport and Recreation Victoria (SRV) to negotiate a funding agreement for the State Government's \$6.5 million commitment to the project. Whilst officers propose to recommend for Council to proceed to tender for architectural and consultancy services for the project, award of the tender will be contingent on a funding agreement being completed for the State contribution.
27. Council officers will explore further potential sources of funding for the projected \$1.35 million budget shortfall.
28. Further value management during design development and tendering may yield cost savings without affecting the broad scope of the project.
29. Subject to the tender prices, the two primary options to manage any funding shortfall include a reduction in scope, or the allocation of additional funding from Council and/or other sources.

Economic Implications

30. Sporting and community facilities contribute significantly to the local economy through the annual turnover, increase in local spend and increase in individual wellbeing of the participants and volunteers of the clubs and groups.

Sustainability Implications

31. Environmental sustainability is an important factor for the ongoing operations and future investment in these facilities. With the development of modern approaches, there are great opportunities to achieve higher sustainability ratings for these facilities. Environmentally Sustainable Design (ESD) will be an integral part of the next stages of design and officers' intent is that all major facility redevelopment and investment would target improvements to energy and water use and consider any other sustainable practices that can be applied.

Social Implications

32. The Brunswick Street Oval Precinct facilities will be designed and constructed to be universally accessible and support community members to participate in all aspects of club and community activities.
33. The future development of these facilities takes into consideration the importance of community needs including wellbeing and socialisation, and these have informed the recommendations on what components are required to facilitate greater levels of participation. This includes a clear focus on female participation in sport.
34. Well designed, expanded and welcoming facilities can contribute to the health and wellbeing outcomes for the City of Yarra.

Human Rights Implications

35. There are no Human Rights Implications as a result of this report. The concept plan and detailed design will respond to and contribute to delivery of Council's Access and Inclusion Strategy 2018-24.

Communications with CALD Communities Implications

36. Any future project communications and engagement, or changes to facilities and services as a result of the project, will be communicated in a range of ways to reflect and meet the needs of our diverse community.

Council Plan, Strategy and Policy Implications

37. The Brunswick Street Oval Precinct redevelopment will contribute to the delivery of numerous Council strategies as outlined below.
38. Council Plan 2017-2021:
- (a) Strategy 1.2 – Promote a community that is inclusive, resilient, connected and enjoys strong mental and physical health and wellbeing;
 - (b) Strategy 1.6 – Promote a gender equitable, safe and respectful community;
 - (c) Strategy 1.8 – Provide opportunities for people to be involved in and connect with their community;
 - (d) Strategy 2.1 – Build resilience by providing opportunities and places for people to meet, be involved in and connect with their community; and
 - (e) Strategy 2.5 – Supports community initiatives that promote diversity and inclusion.
39. Access and Inclusion Strategy 2018-2024:
- (a) Strategy 1.1 – Promote and encourage the application of Universal Design and Universal Access within, and external to Council;
 - (b) Strategy 1.5 – Improve accessibility to City of Yarra buildings and facilities; including ensuring adequate amenities are available;
 - (c) Strategy 2.1 – Provide and/or support the community to provide a diverse range of accessible community services and arts, cultural, sport and recreational activities that are creative and fun for all abilities and ages; and
 - (d) Environmental Sustainable Design (ESD) Policy – Council Buildings.
40. The Brunswick Street Oval Precinct will respond to the ESD requirements for Major Upgrades as required in the ESD Policy.

Legal Implications

41. There are no legal implications as a result of this report.

Other Issues

42. Incidents of antisocial behaviour from people sleeping in the grandstand were expressed throughout the consultation process as a significant safety concern for facility and park users. Ongoing support is being provided to people sleeping in the grandstands, and officers are regularly monitoring the area to ensure the amenity is retained.
43. Public lighting and safety through design have been key drivers in the concept developed for these facilities.
44. The heritage constraints of the site have been at the forefront of the project being that the grandstand is listed with Heritage Victoria and the Edinburgh Gardens are located in a heritage overlay within the Council planning scheme.
45. The proposed final concept design will address the issue of the very poor interface of the current buildings with the park on north side of the building; transferring the area from a poorly presented, underutilised and undervalued area to a highly valued and engaging area.

46. The existing facilities present with poor or limited accessibility across the entire site. The proposed concept design will address this issue and the matter of the tennis courts which also have poor access, rectifying the challenges for the expansion of programs for people with mobility issues.
47. Traffic management improvements are addressed in the concept design for vehicles entering the site from Brunswick Street, to enable greater safety for visitors to the facilities.
48. The facilities are all currently in poor condition, and the final concept design will deliver fit-for-purpose facilities and ensure sport standards are met.
49. The proposed concept design will improve access to public toilets within Edinburgh Gardens and at this site; this is an issue that has been raised by all user groups and throughout the community consultation process.
50. The community responses about the basketball court in the gardens are outside the precinct and therefore deemed outside the scope of the project.
51. The high level timeframes for the project are as follows:
 - (a) Architectural and Consultancy Services tender report – April 2020;
 - (b) Apply for required permits – April 2021; and
 - (c) Construction completion – anticipated in late 2023, although this is subject to a number of factors including time taken to obtain required permits, and development of a construction schedule that will minimise disruption to sporting club operations.

Options

52. There are no options presented.
53. The finalised concept design and scope will provide:
 - (a) 8-court tennis facility with pavilion;
 - (b) new community room;
 - (c) upgraded undercroft of the grandstand to accommodate female and male player amenities;
 - (d) new sports general meeting room, kitchens and amenities interfaced to the grandstand;
 - (e) external public toilets;
 - (f) enhanced viewing and landscaping to the front of the grandstand;
 - (g) appropriately redeveloped public gardens and dedicated spaces for the tennis and community facilities to north of the grandstand;
 - (h) new utility areas for grounds maintenance works and to accommodate more efficient and effective waste management;
 - (i) planned parking and delivery areas to adequately meet the facility needs;
 - (j) enhanced grandstand and public environment; and
 - (k) replacement pétanque/bocce court as a recommended additional scope to the project, following feedback received during the community consultation process.

Conclusion

54. Capital works investment is required at the Brunswick Street Oval Precinct to ensure the facilities remain safe; provide high quality experiences; attract and retain club members, volunteers and users; support female and junior sports participation, achieve relevant code facility standards and continue to contribute to the health and wellbeing of the City of Yarra residents and visitors.

55. Council officers advise:

- (a) that the public engagement was extensive, with comprehensive opportunities for both people associated with sporting clubs and greater community input;
- (b) that the recommendations from Lovell Chen can be readily incorporated into the design, most having already been incorporated into the final spatial requirements brief (Appendix B, Attachment 1) and/or the final concept design (Appendix C, Attachment 1); and
- (c) note that the cost impact on to the project as a result of changes due to recommendations from this consultation, is relatively minor.

RECOMMENDATION

1. That Council:

- (a) endorse the Brunswick Street Oval Precinct – Community Consultation Findings report including the finalised concept plan and scope; and
- (b) authorise officers to proceed to a tender for architectural and consultant services for the project using the finalised concept plan and scope.

CONTACT OFFICER: Ann Limbrey
TITLE: Senior Building Projects Manager
TEL: 9205 5713

Attachments

1⇒ Brunswick Street Oval Precinct Community Consultation Final Nov 19

11.2 Options for a Yarra Holistic Waste Service

Executive Summary

Purpose

To update Council on the potential options for Holistic Waste Service (HWS) across the Yarra municipality based on the results of the Holistic Waste Trial (HWT) in the Abbotsford area.

To provide a response to the Council Resolution on 8th Oct 2019 on the viability and options for establishing, or advocating for, a publicly-owned recycling provider, or similar in partnership with other councils.

To provide Council with a recommendation for the timing of a HWS across Yarra.

Key Issues

The reason for the HWT was to explore an alternative kerbside recycling model that is focused on waste reduction, quality of material, diversion from landfill, maximum resource recovery, highest value of material (e.g. glass to glass), circular economy and development of local markets.

The Yarra HWT in Abbotsford has demonstrated that taking glass out of the commingled recycling bin provides a high quality source of kerbside glass that is suitable for local manufacturing into new glass and improves the quality of the commingled recycling (no glass) which is then also suitable for the local market.

The separation of glass out of the commingled recycling has yielded high quality glass with an approximate 90% recovery for new glass (compared to the current 45% recovery for new glass). The remaining 10% is suitable for sand replacement in asphalt mix. The commingled material without glass has yielded high quality paper, cardboard and plastics that are suitable for local markets.

The HWT to date has demonstrated that the introduction of a FOGO collection is viable within the Yarra environment. The FOGO has diverted approximately 45% of organics out of the landfill stream which is suitable for processing into compost.

The current Victorian kerbside recycling system is broken which has been demonstrated by the collapse of the recycling export markets and the recent collapse of SKM which had been storing kerbside recycling material in Victoria for approximately two years. Two thirds of Councils that had a recycling processing contract with SKM are still taking their kerbside recycling material to landfill.

There is mounting and urgent pressure on local government, state government, federal government, the industry and the community to collaborate for quick action. The focus needs to be to reduce waste volumes, divert material from landfill, develop local markets, a circular economy and a sustainable kerbside recycling system to keep recycling out of landfill and to recover precious resources.

The State Government is due to release a Circular Economy Policy in December 2019 that based on available information to date will be focused waste reduction, local markets, a circular economy and the reform of the kerbside recycling systems.

The MWRRG are preparing to go out to collective based tenders for kerbside recycling processing across the Victorian Metro Councils. The tenders are focused on drawing new competitors into the market and will include options for glass only processing and commingled no glass processing. The planned timelines will be to procure services by May 2020 with a starting date of 1st July 2021.

The Federal Government has announced a planned schedule to ban the export of recycling material commencing July 2020 to be finalised by June 2022. Although this presents a risk in the short term it may also be an incentive to stimulate and drive the development of local markets in a more condensed timeframe.

Given the results of the HWT, the results of the Community Survey and the state of the Victorian kerbside recycling market there is no doubt that Yarra, Victoria and Australia will need to transition to a more sustainable kerbside recycling model.

There is an opportunity to advocate for a publicly owned recycling processor, and indeed for Yarra to play a role in the establishment of a glass processing service, however a decision on this can be made independently of a decision to roll out the HWS, and officers recommend this question be considered separately and subsequent to a decision on whether to implement a 4 bin system, and a service delivery model, for a roll out of this across Yarra.

Council Officers propose to bring a report to Council in February 2020 with recommendations for a HWS model. Given that Council has a recycling processing contract with Polytrade and the need to understand the implications of the Circular Economy Policy; the most suitable time for a HWS roll out across Yarra would be September 2020. This timing would provide the necessary time required to make the necessary preparations from an operational and communications perspective.

Financial Implications

A number of options have been costed for a HWS across Yarra and there would be a requirement for additional budget ranging from \$1.1 million per annum to \$3.5 million per annum pending the option selected.

There are potential financial implications in deciding not to roll out a new waste/recycling collection service, as there are limitations within the existing market, and officers anticipate the cost to collect and process material collected from the kerbside service will only increase in future years.

The pricing assumptions in table 3 of this report are best estimates based on information available at this time. Officers have been informed by Polytrade of the intent to apply an increase in the gate fee for the processing of recycled material, commencing 16 December 2019. At the time of writing Officers were seeking to further understand the details of this proposal, and will report this back to Council as soon as practicable. Further to this unanticipated increase, the landfill industry has indicated that landfill gate fees will increase by approximately 30% every 4 years commencing around 2021. South Australia has increased landfill levies to \$140 per tonne and landfill levies in NSW have reached \$150 per tonne. The current Victorian landfill levies are \$64 per tonne and it is not yet known if State Government intends to increase landfill levies in Victoria. More detailed costing will be provided in the Council Report in February 2020.

Note, Attachments 2, 3 and 4 include redacted information, to remove any commercially sensitive information that cannot be provided publicly.

PROPOSAL

1. That:
 - (a) Council notes the report;
 - (b) Council notes that Officers propose to bring a report to Council in February 2020 with a recommendation on a proposed model, and the timing for roll out of a 4 bin model across Yarra.

11.2 Options for a Yarra Holistic Waste Service

Reference: D19/230572
 Authoriser: Director City Works and Assets

Purpose

1. To update Council on the potential options for Holistic Waste Service (HWS) across the Yarra municipality based on the results of the Holistic Waste Trial (HWT) in the Abbotsford area.
2. To provide a response to the Council Resolution on 8th Oct 2019 on the viability and options for establishing, or advocating for, a publicly-owned recycling provider, or similar in partnership with other councils.

Background

3. At the Council Meeting on 19th February 2019, Council adopted the following recommendations:
 That Council:
 - (a) Adopts Option C from Table 1 of this report to engage Four Seasons as the contractor for the collection of kerbside recycling bins and the collection of street litter bins and to engage Polytrade for processing services;
 - (b) Supports Council Officers to explore a range of options for holistic waste management services that are focused on waste avoidance, resource recovery, strong community engagement, quality materials, local markets and the circular economy; and
 - (c) Seeks a report for September 2019 providing models, costs and making recommendations for the implementation of holistic waste management services.
4. On 13th March 2019, a report was presented to the Executive regarding options for recommendation (b) above. The recommendation to the Executive was that the FOGO trial and the glass separation trial be combined in one area to create a Holistic Waste Trial (HWT). There was agreement from Executive to proceed with a HWT. This recommendation was reported to Council via a Briefing on 18th March 2019.

Holistic Waste Trial

5. The reason for the holistic waste trial was in response to the collapse of the kerbside recycling market in Victoria and Australia post the implementation of China's National Sword Policy. This was a wakeup call for Victoria and Australia and demonstrated that without the development of local markets and a circular economy for kerbside recycling material there is a risk that the only alternative would be landfill or waste to energy. This is not a long term sustainable solution. Yarra committed to explore viable alternatives for kerbside recycling.
6. The objectives of the trial included:
 - (a) change consumer behaviour to reduce the generation of waste;
 - (b) avoid having to landfill kerbside recycling material;
 - (c) diversion from landfill;
 - (d) resource recovery;
 - (e) improved quality of kerbside recycling material;
 - (f) create a model that can be replicated to other local Councils;
 - (g) develop local markets; and
 - (h) develop a circular economy.

Holistic Waste Trial - Scope

7. A summary of the trial scope is listed below and includes a number of key elements:
 - (a) The area selected for the trial is Abbotsford. This was identified by the Social Policy Unit as likely to most reflect a cross section of the Yarra demographic;
 - (b) approximately 1,300 dwellings in the Abbotsford area which includes approximately 400 units across 32 MUD sites and 900 single dwellings; and
 - (c) trial start date was 11th June 2019;
8. The holistic waste service in the trial area consists of:
 - (a) 1 x 80 litre garbage bin fortnightly;
 - (b) 1 x 60 litre crate or 47 litre glass container fortnightly;
 - (c) 1 x 120 litre recycling bin (paper, cardboard, metals, plastics) fortnightly;
 - (d) 1 x 120 litre FOGO bin weekly;
 - (e) The Glass from the trial area is transported to Polytrade and then goes to OI (Owens Illinois) for the manufacture of new glass containers;
 - (f) The recycling from the trial area is transported to APR (Australian Paper Recovery) for processing and supply to the local markets; and
 - (g) The FOGO from the trial area is transported to Veolia for processing into compost for the local markets.

HWT Results – Technical Component

9. From a technical perspective the data from the HWT has provided valuable information for presentation rates, material volumes, material quality, material containers/bins, logistics modelling and financial modelling for a HWS roll out across the Yarra municipality.

Table 1 below provides a snapshot of key data to date.

Table 1

Material	Average Kgs per week per household	Average Presentation %	Average Contamination %	Comments	Tonnes P/A for a Yarra wide service
Glass	1.38 kgs	71%	1.5%	Glass volumes represent approx. 40% by weight of the recycling stream	3,600
Recycling no glass	1.82 kgs	85%	5%	Volumes of recycling with no glass represents approx. 60% of the recycling stream	5,400
FOGO	2.41 kgs	60%	2%	FOGO volumes represent approx. 45% of the landfill stream	6,700

Holistic Waste Trial – Community Survey

10. During late September and early October 2019, a community survey was conducted in the HWT area. The purpose of the survey was to identify community sentiment towards the change in waste collection services and provide data to evaluate the effectiveness of the service models, the communications strategy and assess the appropriateness of a HWS for a potential full scale roll out cross council rollout. This has provided valuable information to gauge community acceptance and concerns including collection frequencies and bin sizes. This information will be taken into consideration to address behaviour change components of a HWS.

Community Survey – Data Summary of Key Areas

11. A significant 407 individual responses, just over one third of households responded to the survey. This high response rate enables Council to have confidence that the views and opinions gathered in the survey are representative of the community.
12. It is worth noting the survey responses showed that there was very little difference between responses from Single Unit (SUD’s) occupants and Multi Unit (MUD’s) occupant’s responses. The survey identified a high acceptance rate for the HWT model.
13. Table 2 below provides a summary of the Community Survey results.

Table 2

Category	% Satisfied	Other Comments
Fortnightly Recycling (No Glass)	73.6%	Family groups were expressed dissatisfaction with frequency, however it appears that capacity is an issue rather than frequency
Fortnightly Glass	86.2%	There does not appear to be a definitive preference for either a glass crate or the 47 Litre Wheelie Bin
Fortnightly garbage	72.8%	<ul style="list-style-type: none"> • Family groups were expressed dissatisfaction with frequency, however it appears that capacity is an issue rather than frequency • The collection frequency appears to present particular concerns from those with young children in nappies, and apprehension about the potential additional negative impact of hot weather. Their concerns however seem to be more related to the lack of capacity to cope with nappies and may be addressed with a larger bin rather than collection frequency. • <i>NOTE: There is an opportunity for Council to explore the introduction of a nappy collection service should the issue of nappies in a fortnightly garbage service become a major barrier for a HWS roll out across the municipality.</i>
Weekly FOGO	84.7%	120 FOGO bins are too large for some properties

Community Survey Key Findings

14. Overall engagement and acceptance of kerbside recycling is high in the trial area. There is limited variation between MUDS, SUDS and family segments in terms of overall support for the trial and kerbside recycling.
 - (a) 79% of respondents believe HWT model is an improvement to their service;
 - (b) 90.5% of respondents either agree or strongly agree that they understand why the trial is happening;
 - (c) 84.5% of respondents either agree or strongly agree their actions during the trial are contributing to a positive outcome;
 - (d) 79.15% of respondents either agree or strongly agree there are positive benefits for the environment;
 - (e) 83.9% of respondents either agree or strongly agree that they are more conscious about the amount of waste they create; and
 - (f) 82.2% of respondents either agree or strongly agree that they intend to reduce the amount of waste they create

For details of methodology and qualitative feedback including community concerns, please refer to Attachment 1 of this report.

Community Survey - Communications Reach

15. Direct print communications have the widest reported reach and recall with the according to responses.
16. Respondents reported the following 5 sources of most frequency:
 - (a) 86.2%: letters sent during the trial;
 - (b) 60.5%: revolution kits and calendar;
 - (c) 49.9%: bin stickers;
 - (d) 32.1%: posters about what goes in each bin (MUD's only); and
 - (e) 30.6%: email newsletter.

Holistic Waste Trial – Key Learnings

17. In general terms the trial has yielded positive results to date with good levels of community support, high quality recycled glass containers that are suitable for the local glass manufacturing markets and high quality commingled recycling suitable for local markets. There are a number of learnings to date that need to be taken into consideration for a municipal wide roll out. The learnings are based on feedback from the community in the trial area, Yarra Staff and waste collection staff.
18. Summary of Key Learnings include:
 - (a) A high acceptance rate of the HWT model according to the Community Survey of HWT participants;
 - (b) The quality of the community engagement is critical to the success of changing the kerbside recycling model;
 - (c) Community engagement should commence at least three months prior to implementation, longer if possible;
 - (d) The story behind the change is important to the community;
 - (e) Having the right level of resource for the community engagement process is critical;
 - (f) Education collateral should be condensed with short clear messages;
 - (g) The primary message must be reducing the generation of waste;
 - (h) Nappies were perceived to be an issue for the fortnightly collection by some residents;
 - (i) Compostable bags for FOGO would make fortnightly collection more acceptable (This will need careful consideration as not all processing facilities accept compostable bags and there is a risk that residents will start to use incorrect bags creating mass contamination);
 - (j) Flexibility required for bins sizes and bin options for larger families to cope with a fortnightly collection; and
 - (k) Leaving contaminated bins is critical to the quality of recycling material (Particularly at MUD sites).

Options for a HWS across Yarra

19. Table 3 below provides a summary of HWS options costed for the purposes of comparison. The table also provides a list of pros and cons for each options. The current Yarra kerbside recycling service has been included so that costings for each option can be compared to the costs of the current services. *For financial assumptions refer to Attachment 2.*

Table 3 – Options for a HWS

OPTION	DESCRIPTION	Average Cost P/A	Average \$ Increase P/A from Current	% Increase from Current	PRO's	CON's
CURRENT MODEL	<ul style="list-style-type: none"> Weekly Recycling Weekly Garbage Booked Green Waste <p>104 lifts P/A per household</p>	\$7,273,000	N/A	N/A	No additional budget required	<ul style="list-style-type: none"> Contaminated kerbside recycling material due to broken glass Not sustainable due to industry change
A	<ul style="list-style-type: none"> Fortnightly Recycling (No glass) Fortnightly Glass Fortnightly FOGO Fortnightly Garbage <p>104 lifts P/A per household</p>	\$8,423,000	\$1,150,000	16%	<ul style="list-style-type: none"> No increase in lifts per household from the current system Minimal truck movements Balanced vehicle movements over the fortnight (Impacts on pricing) Less resources required Most cost effective 	<ul style="list-style-type: none"> Fortnightly FOGO may be an issue for some residents e.g. perceived smell Perception from residents that fortnightly garbage will not be enough capacity Cost increase from current model May need compostable bags for fortnightly FOGO (Not recommended) Cost of bags if Council provides Based on industry feedback compostable bags lead to contamination issues or the use of the wrong type plastic bag Requirement to address concerns regarding disposable nappies
B	<ul style="list-style-type: none"> Fortnightly Recycling (No glass) Fortnightly Glass <u>Weekly FOGO</u> Fortnightly Garbage <p>130 lifts P/A per household CURRENT TRIAL MODEL</p>	\$9,073,000	\$1,800,000	25%	<ul style="list-style-type: none"> This is the trial model and residents have accepted this model Reduced issues with perceived smell from FOGO No need for compostable bags for FOGO 	<ul style="list-style-type: none"> Increased vehicle movements compared to Option A Increased lifts per household compared to Option A Increased costs compared to Option A Requirement to address concerns regarding disposable nappies
C	<ul style="list-style-type: none"> Fortnightly Recycling (No glass) Monthly Glass <u>Weekly FOGO</u> <u>Weekly Garbage</u> <p>143 lifts P/A per household</p>	\$9,496,000	\$2,223,000	30%	<ul style="list-style-type: none"> No social barriers regarding fortnightly garbage and fortnightly FOGO Decreased glass collections No need for compostable bags for FOGO No requirement to address concerns regarding disposable nappies 	<ul style="list-style-type: none"> Increased vehicle movements compared to Option A Increased lifts per household compared to Option A Increased costs compared to Option A Monthly glass may create issues with storage and space

OPTION	DESCRIPTION	Average Cost P/A	Average \$ Increase P/A from Current	% Increase from Current	PRO's	CON's
D	<ul style="list-style-type: none"> Fortnightly Recycling (No glass) Fortnightly Glass Weekly FOGO Weekly Garbage <p>156 lifts P/A per household</p>	\$9,846,000	\$2,570,000	35%	<ul style="list-style-type: none"> No social barriers regarding fortnightly garbage and fortnightly FOGO No need for compostable bags for FOGO No requirement to address concerns regarding disposable nappies 	<ul style="list-style-type: none"> Increased vehicle movements compared to Option A Increased lifts per household compared to Option A Increased costs compared to Option A
E	<ul style="list-style-type: none"> Weekly Recycling Weekly Glass Weekly FOGO Weekly Garbage <p>208 lifts P/A per household</p>	\$10,923,000	\$3,650,000	50%	<ul style="list-style-type: none"> No social barriers regarding fortnightly garbage and fortnightly FOGO Decreased glass collections No need for compostable bags for FOGO No requirement to address concerns regarding disposable nappies 	<ul style="list-style-type: none"> Increased vehicle movements compared to Option A Double the lifts per household compared to Option A Double the costs compared to Option A

Options – Snap Analysis

Option A: Fortnightly collections all services

Taking into consideration vehicle movements, environmental impacts, and costs this is the ideal option as it would deliver the HWS methodology with a moderately modest cost increase. The main barrier to option A for some members of the community appears to be the perceived smell from the food in the FOGO bin if collected fortnightly. Education and tips for reducing odour could overcome the smell issue. Data from the HWT has identified that there is no capacity issue for a fortnightly FOGO collection. The Community Survey also raised comments from mainly larger families about capacity for a fortnightly garbage and recycling (No glass) collection. Capacity issues for all fortnightly services can be resolved by providing larger bins.

Option B: Weekly FOGO, Fortnightly collection for other services

Taking into consideration vehicle movements, environmental impacts, and costs this is the next most suitable compared to option A. Data from the HWT has identified that there is no capacity issue for a fortnightly FOGO collection. The Community Survey also raised comments from mainly larger families about capacity for a fortnightly garbage and recycling (No glass) collection. Capacity issues for all fortnightly services can be resolved by providing larger bins. Option B requires more vehicle movements than Option A and therefore has a greater cost.

Option C: Weekly FOGO, Weekly Garbage collection; weekly glass and recycling collections

This option explores the potential for a monthly glass collection, however given the space restriction in Yarra and that there will need to be a fundamental shift by the community to adjust to fortnightly collections; this option is may be something to consider in future years but not at this time.

Option D & E: Weekly FOGO and Weekly Garbage collections, with fortnightly glass and recycling; or weekly collections for all service types respectively

Given the number of vehicle movements and the cost these options do not compare well with options A & B and do not provide any added advantages or benefits. These options would present less capacity issues for the community, however the vehicle movements required and costs associated with these options outweigh this issue. Capacity issues for a fortnightly service can be resolved by providing larger bins for larger families.

Timing of a HWS across Yarra

20. Should Council decide to roll out a HWS across Yarra, the timing will be critical as a number of emerging milestones need to be taken into consideration, including:
- (a) The State Government is due to release a Circular Economy Policy in December 2019. What is not clear at this stage is the content of the State Government Circular Economy Policy and the details of the proposed kerbside recycling reforms. It is not yet known if State Government intends to offer funding packages to assist Councils to transition to a new reformed model;
 - (b) The MWRRG is due to procure collective recycling processing services by May 2020 with a proposed starting date of July 2021. The tender may introduce new competitors into the market for processing services that include glass only and commingled recycling without glass;
 - (c) The Federal government has announced its intent to ban the export of recycling materials commencing July 2020 to be completed by June 2022. At this stage no additional details are available, however this may stimulate the local markets in a shorter time period than previously anticipated;
 - (d) The processing contract with Polytrade ends on 30th Sep 2020. This should be the earliest date for a HWS roll out to avoid any legal issues;
 - (e) The Four Seasons recycling collection contract ends in September 2020;
 - (f) Four Seasons Waste have already confirmed that they have the capacity to commence logistics for a HWS in September 2020 to align with the end of the Polytrade processing contract. Four Seasons is happy to restructure the garbage collection contract to accommodate a HWS in accordance with Council's timing; and
 - (g) There are a range of complexities, and significant work involved in the planning and preparation for any municipal-wide roll out of a HWS. Officers will provide advice in the report proposed for February 2020, on the recommended timing for the roll out of a HWS across Yarra.

OTHER ISSUES

Council Buildings

21. From a reputational risk perspective it is important that if a HWS is rolled out across Yarra that Council buildings such as Town Halls, Libraries, Office Buildings, Child Care Centres and Leisure Centres have the same waste management practices in accordance with a HWS model. This will require internal bin infrastructure, external bin infrastructure and an engagement/education program. This body of work needs to be done prior to the commencement of a roll out across Yarra. The cost of this work and infrastructure has been included in the option costing estimates and more detailed costing will be provided in the Council Report in February 2020.

Community Engagement and Education

22. A successful roll out of a HWS across Yarra will require a fundamental behaviour shift for the entire Yarra Community. This will mean the necessity for additional resources, particularly in the first 12 months, but also a commitment for appropriate levels of community engagement and education on an ongoing basis. The costing for additional resources has been included in the option costing estimates, however more detailed costing will be provided in the February 2020 Council Report.

23. The focus of community engagement and education programs will include:
- (a) A strong communications design, plan, delivery;
 - (b) Quick response to social media to drive positive and educational messages;
 - (c) A focus on minimising waste generation;
 - (d) Maximum diversion from landfill;
 - (e) A focus on reuse and repair;
 - (f) A focus on minimising food waste generation;
 - (g) High quality recycling material (Zero contamination target)
 - (h) Ongoing face to face contact with community members;
 - (i) A focused community engagement program for MUD's;
 - (j) A review and update of MUD's bin infrastructure;
 - (k) A focused community engagement program for Single Dwellings;
 - (l) Regular audits to minimise contamination;
 - (m) Engagement and education for internal Yarra Staff;
 - (n) Community assistance as required to ensure correct usage of the bins; and
 - (o) Consistent and ongoing education messages via available media platforms.

Access Yarra

24. It is anticipated that the first six months of transition to a HWS would generate a high rate of calls to Access Yarra. Based on the experience with the HWT an estimate of additional resources for Access Yarra during the transition period has been included in the options, costings and assumptions.

Bags for FOGO

25. The results of the community survey have indicated that respondents from the HWT area have highlighted a request for bags to be allowed for food waste in the FOGO bin. The reasons raised were the smell associated with food waste, the 'yuck' factor and the residues of food waste left on the FOGO bins.
26. From an officer perspective, the concerns with the use of bags includes:
- (a) The cost if Council issues bags;
 - (b) The administration if bags are provided by Council;
 - (c) Mixed messages regarding the plastic-free Policy;
 - (d) Processors require very specific compostable bags; any other bag would contaminate;
 - (e) There is a danger that residents substitute the acceptable bags with a non-compostable bag;
 - (f) Processors prefer the bags are not tied/knotted; and
 - (g) Contamination is more difficult to see when material is in bags.
27. Despite these concerns, the limited evidence from the use of bags elsewhere seems to suggest they help to gain support for the FOGO model and contamination rates have been low.
28. Bendigo Council supply residents with compostable bags and according to feedback from Bendigo, the bags have not caused them any operational or contamination issues, however there is an obvious added cost for the supply of bags and administration of the process. Bendigo have managed to reduce their FOGO contamination rate from approximately 10% to 0.8% which was achieved by a consistent and ongoing community engagement and education campaign.

29. A critical part of the feedback from Bendigo is that currently the kerbside collections are based on fortnightly recycling, fortnightly FOGO and weekly garbage. Despite the fact that residents are provided with bags for food waste, residents have pushed back to Council to change to a weekly FOGO. Bendigo is considering a switch to a kerbside model which includes weekly FOGO, fortnightly recycling and fortnightly garbage.
30. The recommendation regarding compostable bags for the Yarra model is not to introduce bags as it most likely that Yarra would continue with a weekly FOGO collection for a HWS. If there is a significant push back from the community for bags this could be evaluated at a later point in time.

Bin Lid Colour Standardisation

31. It is anticipated that the Circular Economy Policy will call for the standardisation of bin lid colours across Victoria. If this is the case, depending on the standard Yarra may only need to change the bin lids on the garbage bins. This has not been costed as it has been flagged by DELWP that they may provide financial support for a standardisation program. Any obsolete bin lids can be fully recycled. Further details will be provided in the Council report in February 2020.

SV Funding

32. Yarra has received a \$400,000 infrastructure fund towards the purchase of bin infrastructure required to roll out a HWS across the municipality. *The use of the funding by Yarra will be subject to the roll out of a HWS across the municipality.*

Risk Management

33. The HWT has proven the model from a technical perspective including logistics, material quality, material volumes and diversion from landfill for the FOGO Material. The community survey highlighted that there is a high acceptance rate for the HWT model from the participants. Despite the positive results there will be factions of the community that may resist any change to the current services and look to identify reasons not to support a HWS across Yarra.

For a detailed Risk Assessment and management of a HWS refer to Attachment 3 of this report.

CONTEXT AND BACKGROUND TO INFORM A DECISION

Yarra Recycling Processing Contract

34. Currently Yarra has a processing contract with Polytrade until September 2020 with an option to extend for a further six month period. Currently Polytrade has confirmed they are still exporting kerbside paper, cardboard and plastics into China. The reason they are able to achieve this is that the owner of the business is Chinese and has facilities in China where the material is further processed for use in China. It is uncertain how long this practice will be sustainable for given China's National sword stage 2 and the possibility that the export of recycling material may be banned in the future.

Yarra Recycling & Garbage Collection Contract

35. Currently Yarra has a kerbside collection contract with Four Seasons Waste until September 2020 with an option to extend for a further six month period. Yarra also has a garbage collection contract with Four Seasons Waste until 30th June 2023 with an option to extend until 30th June 2026.
36. Four Seasons Waste have confirmed that they are willing to negotiate a restructure of the kerbside collection contracts to accommodate a HWS should Council decide to roll out across Yarra. They have provided pricing for a number of potential models and are willing to work within timeframes decided by Council. This would eliminate contract barriers to implementation of a HWS should Council decide to roll out.

Booked Green Waste Collection Contract

37. Currently Yarra has a contract with K&S Environmental for the collection of the Booked Green Waste Service until 30th June 2023. Should Council decide to roll out a HWS across Yarra that includes a kerbside FOGO collection then this service would no longer be required. If this situation arises the options would be to negotiate an early finish to the contract with K&S or to negotiate alternative work until 30th June 2023.
38. The current contract for the transport of the Recycling centre skip bins is due to expire in October 2029. This will create an opportunity to negotiate the K&S Environmental Booked Green Waste collection contract to transition across to the skip bins services.

Kerbside Recycling Processors - Victoria

39. There are currently three kerbside recycling processors in Victoria (Visy, Polytrade and Cleanaway who have taken over the SKM sites) that process commingled kerbside recycling containing glass as per the current kerbside recycling model.
40. The three recycling processors each have a glass beneficiation plant at their sites which have been primarily designed to sort the mixed glass from the commingled bins into colours and grades that can then be used to manufacture new glass containers.
41. The major problem with this system is that approximately 45% of the kerbside recycled glass is recovered for the manufacture of new glass. The remaining 55% of the glass is full of contaminants such as fragments of recycling materials, bottle tops and rubbish. A further issue is that for approximately two decades the 55% has been stored. There is at least 500,000 tonnes of these contaminated glass fragments stored around the Melbourne Metro area.
42. Although this material can now be used to replace virgin sand in asphalt mix it still requires an intense energy consuming sorting and cleaning process. Companies like Alex Fraser have noted that due to the contamination it may take another decade to integrate the stored volumes into asphalt mix. Currently this grade of material is not suitable for concrete mix due to the volumes of sugar from residual alcohol which interferes with the concrete setting process.

For further details regarding the current status of the Victorian kerbside recycling industry refer to Attachment 4 of this report.

Kerbside Recycling Processing – Yarra HWT Abbotsford

43. Australian Paper Recovery (APR) has now entered the market to process kerbside recycling without glass. The Yarra HWT material is being processed by APR. The Laverton APR site has the capacity for approximately 50,000 tonnes per annum of commingled with no glass.
44. The glass only from the Yarra HWT area is transported to the Polytrade glass beneficiation plant who then supplies Owens Illinois (OI) with glass for new container manufacturing. This is not the ideal method for the long term as the glass beneficiation plants are designed to sort glass extracted from the commingled recycling. The glass only plants are more efficient as they are designed to sort clean glass into colours, take out contamination and break the glass to a specification ready for manufacturing.

Kerbside Recycling Processing – Options for a HWS in Yarra

45. Should Council decide to roll out a HWS across Yarra the commingled recycling with no glass can be processed at the APR facility in Laverton. APR have confirmed the capacity to accept all of Yarra's commingled recycling with no glass.
46. The glass from a Yarra wide HWS could go to Polytrade in the interim to be sorted for manufacturers to make new glass. This would not be the most appropriate solution in the long term.

47. There is a requirement for glass only processing plants in Victoria that will have the capacity to process glass ready for the manufacturers. These plants exist in other States such as Queensland to process glass from the Container Deposit Scheme (CDS) and are designed specifically to sort glass only. The kerbside glass from the HWT model is equivalent to CDS glass.
48. The technology sorts into colours, takes out contamination and breaks the glass into the required specifications. The glass can then be used directly by the manufacturer to make new glass. This type of facility recovers approximately 90% of kerbside glass for new glass with the remaining 10% suitable for use as a replacement for virgin sand.
49. The MWRRG is currently in the process of preparing to go out to the market for the next round of collective recycling processing tenders. The intent is to put out tenders focused on clusters of Councils in order to draw more competitors into the market. Further details regarding the tenders is provided further below in this report.

NOTE: It is anticipated that the MWRRG tender for kerbside recycling processing will attract competition in the market for infrastructure to process kerbside only glass. The timing of the procurement is scheduled for May 2020 with a starting date of July 2021. Details are provided further into this report.

50. Should Council decide to roll out a HWS prior to the establishment of a glass only sorting facility in the Melbourne area there would be several options available for processing glass only including:
 - (a) Transport to the Polytrade glass beneficiation plant which supplies OI for new glass manufacturing;
 - (b) Transport to Alex Fraser for use in asphalt mix (This is not recommended as it is a low value use of kerbside recycled glass); and
 - (c) Establish a small glass processing plant for the Yarra kerbside glass only (Could potentially process material for a small number of Councils as a consortium).
51. Option C would require an investment of approximately \$500,000 plus ongoing running costs. The investment could be shared amongst partners, subject to agreement.

HWS FOGO Processing

52. There are three options for the processing of FOGO material including VEOLIA, Cleanaway and SYCR. Council Officers have visited these sites and have discussed processing options with the respective parties. VEOLIA and Cleanaway would be the preferred options and this would be further assessed should Council decide to roll out a HWS.

Publicly Owned Kerbside Recycling Processing Facility

53. At a Council Meeting on 8th October 2019 Council passed a Resolution which included;

That Council:

 - (g) *receives a report from officers within three months on the viability and options for establishing, or advocating for, a publicly-owned recycling provider, or similar in partnership with other councils, as a possible solution to ongoing challenges in the waste and recycling sector.*
54. With regards to this element of the Council Resolution, Council Officers have discussed the possibility of a collaborative effort between Yarra, Melbourne, Port Phillip, Macedon Ranges and Hobsons Bay to jointly facilitate the establishment of a glass only sorting facility in the Melbourne area to service a collective group of Councils. The Councils have shown a high level of interest to pursue a feasibility study which could also be used as a model for a publicly owned recycling processing facility.

55. An MOU has been drafted between the five Councils. The purpose of the MOU is to provide authority to the nominated Council representatives from the five Councils to complete a business case for a kerbside glass sorting facility. The facility would supply the local market with a clean stream of recycled glass that is ready for manufacturing new glass bottles and containers or suitable for use in asphalt mix.
56. The scope of the MOU is to provide authority to the nominated Council representatives from the five Councils to work through the MAV to:
 - (a) Engage with DELWP for preliminary discussions when this MOU has been signed;
 - (b) Engage with the Metropolitan Waste and Resource Recovery Group (MWRRG) as a potential instrument for contract management;
 - (c) Engage with SV to explore funding opportunities;
 - (d) Engage with DELWP to explore funding opportunities; and
 - (e) Engage with industry to explore funding opportunities.
57. The process will require the development of a business case to establish a number of key components including:
 - (a) Capital outlay;
 - (b) Location;
 - (c) Financial modelling;
 - (d) Material specifications;
 - (e) Infrastructure requirements;
 - (f) Relationships;
 - (g) Timelines;
 - (h) Procurement;
 - (i) Stakeholders; and
 - (j) Funding opportunities.
58. A critical part of establishing a kerbside recycling processing facility is to ensure there are adequate end markets for the materials. The markets for recycled kerbside glass are well established across Australia with local manufacturing plants. OI is currently able to absorb the entire volumes of kerbside recycled glass and so local kerbside glass processing facilities should be a priority immediate focus.
59. The local markets for paper, cardboard and plastics without glass currently exist on a smaller scale than the glass markets. Given the state of the kerbside recycling industry, the collapse of export markets and the intention of Federal Government to ban the export of these materials it is critical to ensure a rapid development of local markets.
60. From a business analysis perspective the establishment of a publicly owned kerbside recycling processing facility for comingled recycling without glass should be considered in conjunction with local market development, the Circular Economy Policy, the ban on the export of recycling and the MWRRG tenders. Additional competitors into the market through the tender process are likely to push local market development.
61. Whilst officers believe there may be an opportunity and potential role for Council to establish (either alone or in partnership) a glass processing plant, officers believe the risk of establishing a recycling provider for other materials presents too much complexity and too many risks, and on this basis is not recommended.
62. Yarra has taken the lead initiative in the Local Government sector to explore more sustainable kerbside recycling models through the HWT. This provides a strong platform for advocacy to the State Government. There is an opportunity for Council to advocate to DELWP, MWRRG, SV and MAV to consider a feasibility study for the establishment of a publicly owned recycling processing facility to align with the Circular Economy Policy and the proposed reform of the kerbside recycling systems. Yarra could also facilitate a collective

advocacy process with a group of likeminded Councils to give the process added momentum.

63. Subject to Council's interest in Yarra exploring a role in processing of glass, officers propose a further report to Council in 2020. At this point, more should be known about the State and Federal Governments respective positions and proposed/possible investments in waste and recycling, and to understand the options and interest from other stakeholders in developing a publicly-owned recycling provider, whether independent of, or in conjunction with Yarra.
64. The decision to roll out of a HWS across Yarra is not dependent on the establishment of a publicly owned recycling processing facility. A transition to a HWS is recommended because the current model of kerbside recycling is not sustainable. The implementation or the advocacy for a publicly owned recycling processing facility can be carried out in parallel to a HWS roll out.

Federal Government/COAG Action

65. The ninth meeting of Australia's Environment Ministers (8th November 2019) has put forward a proposed timetable for the phasing out of exporting problem recycling materials. This will put additional pressure for Victoria/Australia to drive the development of local markets for recycled materials.
66. The timetable for banning the export of specific recycling materials includes:
 - (a) All waste glass by July 2020;
 - (b) Mixed waste plastics by July 2021;
 - (c) All whole tyres including baled tyres by December 2021; and
 - (d) Paper and cardboard by 30th June 2022.
67. No details about the practical implementation of the ban have been released at this stage.

Circular Economy Policy – State Government

68. The State Government has announced that there is a need for sweeping reform of the kerbside recycling model across Victoria and is currently in the process of completing the Circular Economy Policy which is expected to be released by the end of 2019. Officers have made submissions and had input into this Policy through a number of mechanisms.
69. According to available information it is anticipated that the Circular Economy Policy will seek to reform the current kerbside recycling model with a strong focus on:
 - (a) Long term sustainability of the kerbside recycling industry;
 - (b) Waste Reduction;
 - (c) Diversion from landfill;
 - (d) Resource recovery;
 - (e) Separation of material at source (Potential 4 bin kerbside collection system);
 - (f) Improved quality of kerbside recycling materials;
 - (g) State wide community engagement and education programs with standardised messaging;
 - (h) Standardisation (For example standard bin colours to make recycling easy);
 - (i) The development of local markets;
 - (j) Procurement of materials with recycling content; and
 - (k) Adequate processing infrastructure for kerbside recycling material.

Emerging Milestones

70. In 2019 the Metro Waste & Resource Recovery Group (MWRRG) put out a Request for Information (RFI) to gain an understanding of potential parties interested in the Victorian kerbside recycling market and what would be required to create viability for new market entrants. The RFI has highlighted that there are a number of parties that are interested in entering the Victorian kerbside recycling market. This would have the potential to create increased competition and options to align with the State Government Circular Economy Policy.

Metro Waste & Resource Recovery Group (MWRRG) - Recycling Tender Process

71. According to the Request for Information put out by the MWRRG to the industry in 2019 there are a number of new players that are interested in entering the Victorian kerbside processing market if viable volumes are available. It is likely there will be competitors that will be interested in providing processing services for kerbside glass only and commingled recycling without glass. This would be a catalyst for driving competition and the potential stimulation of local markets for kerbside recycling material.
72. The MWRRG is currently in the process of preparing to go out to the market for the next round of collective recycling processing tenders. The intent is to put out tenders focused on clusters of Councils in order to draw more competitors into the market. The clusters are based on combined volumes of recycling materials to make it viable for a tenderer to invest in infrastructure.
73. The Australian Competition and Consumer Commission (the ACCC) has granted the MWRRG to go out to collective tendering for the procurement of recycling processing services.
74. The key focus of the tenders will include:
- (a) Attract new competition;
 - (b) Long term sustainability;
 - (c) Appropriate and adequate processing infrastructure;
 - (d) Maximum resource recovery;
 - (e) Markets (Local versus overseas);
 - (f) Circular economy;
 - (g) Material quality (Options for source separation models such as glass out);
 - (h) Innovation;
 - (i) Ethics;
 - (j) Audit trails for recovered materials; and
 - (k) Audit requirements for the processing facilities.
75. The timing of the tender process is to complete the procurement process by May 2020 with a scheduled start date of 1st July 2021. The timing of the commencement dates for the new recycling processing tenders is in close alignment with the end date of Yarra's recycling processing contract with Polytrade. This places Yarra in a position that minimises financial risks and material security risks associated with the recycling processing contract.

Next Steps

76. The next steps will require 2 key decisions from Council, should Council wish to implement a roll out in 2020:
- (a) A decision to determine the model of a HWS roll out across Yarra, and
 - (b) A decision to determine the timing of a HWS roll out across Yarra.
77. Council Officers will bring a report to Council in February 2020 for a decision on the model and timing for a HWS roll out across Yarra.

78. Officers note that advice on the recommended timing for any HWS roll out may be subject to the directions from the State Governments Circular Economy paper, if any; at this stage, irrespective of any impacts of the Circular economy Policy, Officers would note there is significant work required to plan and prepare for a roll-out, including the logistic, contractual arrangements, procurement of services and bin infrastructure and the development of appropriate communications and community engagement.

External Consultation

79. The external consultation involved engagement with a number of relevant stakeholders including Yarra Contractors, Sustainability Victoria, DELWP, Owens Illinois, APR, Alex Fraser, other Councils and RMIT.

Internal Consultation (One Yarra)

80. The internal consultation involved engagement with a number of relevant stakeholders including Yarra Staff, Executive, Communications, Access Yarra and Councillors.
81. There has been a significant external consultation process with the residents in the HWT area through a Community Survey and a range of community members outside of the HWT area who have an interest in a HWS being implemented across Yarra.

Financial Implications

82. A number of options have been costed for a HWS across Yarra and there would be a requirement for additional budget ranging from \$1.1 million per annum to \$3.5 million per annum pending the option selected.
83. There are potential financial implications in deciding not to roll out a new waste/recycling collection service, as there are limitations within the existing market, and officers anticipate the cost to collect and process material collected from the kerbside service will only increase in future years.
84. The pricing assumptions in table 3 above of this report are best estimates based on information available at this time. Officers have been informed by Polytrade of the intent to apply an increase in the gate fee for the processing of recycled material, commencing 16 December 2019. At the time of writing Officers were seeking to further understand the details of this proposal, and will report this back to Council as soon as practicable. Further to this unanticipated increase, the landfill industry has indicated that landfill gate fees will increase by approximately 30% every 4 years commencing around 2021. South Australia has increased landfill levies to \$140 per tonne and landfill levies in NSW have reached \$150 per tonne. The current Victorian landfill levies are \$64 per tonne and it is not yet known if State Government intends to increase landfill levies in Victoria. More detailed costing will be provided in the Council Report in February 2020. More detailed costing will be provided in the Council Report in February 2020.

Economic Implications

85. In the longer term the adoption of a HWS across Yarra would assist to generate local markets and Circular Economy and the generation of local employment.
86. There is potential for a publicly owned recycling processor to generate employment and economic benefits to the area in which this is located.

Sustainability Implications

87. The current Victorian kerbside recycling model has collapsed due to the collapse of export markets and the lack of local markets for the recycling material. The major issue is the poor quality of the commingled kerbside recycling material. A HWS will provide high quality kerbside recycling material and can be replicated to other Councils across Australia. This will develop a more sustainable kerbside recycling system.

88. There are a range of environmental benefits that would be generated from a HWS across Yarra including a greater volume of kerbside recycled glass that would be suitable to make new glass, a greater recovery of commingled recycling with no glass recovered for the local markets and a reduction in greenhouse emissions by diverting organics out of the landfill stream. According to initial calculations a HWS across Yarra would reduce CO2 emissions by approximately 10,600 tonnes per annum.

Social Implications

89. A HWS across Yarra will require a fundamental shift by the Yarra Community. This may create resistance from some members of the community and will need to be strongly supported by ongoing community engagement and education programs.

Human Rights Implications

90. There no known human rights implications for the purposes of this report.

Communications with CALD Communities Implications

91. Community engagement and education programs will be tailored to ensure the inclusion of CALD communities.

Council Plan, Strategy and Policy Implications

92. A HWS across Yarra aligns with the principles of the Waste Minimisation and Resource Recovery Strategy 2018 – 2022. A HWS model would also align with the principles of Yarra's Climate Emergency Strategy.

Legal Implications

93. The kerbside waste collection contracts would need to be renegotiated to accommodate a HWS if rolled out before June 2023. The collection contractor has confirmed that they are willing to negotiate a restructure of the collection contracts to accommodate any decisions made by Council.

Conclusion

94. The reason for the HWT was to explore an alternative kerbside recycling model that is focused on waste reduction, quality of material, diversion from landfill, maximum resource recovery, highest value of material (e.g. glass to glass), circular economy and development of local markets.
95. The Yarra HWT in Abbotsford has demonstrated that taking glass out of the commingled recycling bin provides a high quality source of kerbside glass that is suitable for local manufacturing into new glass and improves the quality of the commingled recycling (no glass) which is then also suitable for the local market.
96. The separation of glass out of the commingled recycling has yielded high quality glass with an approximate 90% recovery for new glass (compared to the current 45% recovery for new glass). The remaining 10% is suitable for sand replacement in asphalt mix. The commingled material without glass has yielded high quality paper, cardboard and plastics that are suitable for local markets.
97. The HWT to date has demonstrated that the introduction of a FOGO collection is viable within the Yarra environment. The FOGO has diverted approximately 45% of organics out of the landfill stream which is suitable for processing into compost.
98. The current Victorian kerbside recycling system is broken which has been demonstrated by the collapse of the recycling export markets and the recent collapse of SKM which had been storing kerbside recycling material in Victoria for approximately two years. Two thirds of Councils that had a recycling processing contract with SKM are still taking their kerbside recycling material to landfill.

99. There is mounting and urgent pressure on local government, state government, federal government, the industry and the community to collaborate for quick action. The focus needs to be to reduce waste volumes, divert material from landfill, develop local markets, a circular economy and a sustainable kerbside recycling system to keep recycling out of landfill and to recover precious resources.
100. The State Government is due to release a Circular Economy Policy in December 2019 that based on available information to date will be focused waste reduction, local markets, a circular economy and the reform of the kerbside recycling systems.
101. The MWRRG are preparing to go out to collective based tenders for kerbside recycling processing across the Victorian Metro Councils. The tenders are focused on drawing new competitors into the market and will include options for glass only processing and commingled no glass processing. The planned timelines will be to procure services by May 2020 with a starting date on 1st July 2021.
102. The Federal Government has announced a planned schedule to ban the export of recycling material commencing July 2020 to be finalised by June 2022. Although this presents a risk in the short term it may also be an incentive to stimulate and drive the development of local markets in a more condensed timeframe.
103. Given the results of the HWT, the results of the Community Survey and the state of the Victorian kerbside recycling market there is no doubt that Yarra, Victoria and Australia will need to transition to a more sustainable kerbside recycling model.
104. There is an opportunity to advocate for a publicly owned recycling processor, and indeed for Yarra to play a role in the establishment of a glass processing service, however a decision on this can be made independently of a decision to roll out the HWS, and officers recommend this question be considered separately and subsequent to a decision on whether to implement a 4 bin system, and a service delivery model, for a roll out of this across Yarra.
105. Council Officers propose to bring a report to Council in February 2020 with recommendations for a HWS model. Given that Council has a recycling processing contract with Polytrade and the need to understand the implications of the Circular Economy Policy; the most suitable time for a HWS roll out across Yarra would be September 2020. This timing would provide the necessary time required to make the necessary preparations from an operational and communications perspective.

RECOMMENDATION

1. That:
 - (a) Council notes the report; and
 - (b) Council notes that Officers propose to bring a report to Council in February 2020 with a recommendation on a proposed model, and the timing for roll out of a 4 bin model across Yarra.

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Attachments

- 1 ⇨ Attachment 1 - HWT Community Survey
- 2 ⇨ Attachment 2 - Financial Assumptions
- 3 ⇨ Attachment 3 - HWS Risk Assessment
- 4 ⇨ Attachment 4 - Status of the Victorian Recycling Industry

11.3 Studley Street and Yarra Street, Abbotsford - Parking Amendments

Executive Summary

Purpose

To inform Council of the risk and public liability issues identified following the recent Studley Street Parking Restriction Trial. Specifically, that existing parking restrictions which allow parking on both sides of Studley Street and Yarra Street, Abbotsford, prevent a direct and timely response by the Metropolitan Fire Brigade (MFB) to an emergency event, potentially putting residents at risk.

Key Issues

Vehicles are allowed to park on both sides of Studley Street (between Hoddle Street and Nicholson Street) and Yarra Street (between Hoddle Street and Nicholson St) between 4pm and 8am.

MFB has provided specific advice that the current parking arrangement prevents the direct and timely response to an emergency event in these streets.

Council's insurer have advised that if Council does not act upon the MFB advice, it would need to explain the rationale for not doing so, and that this may not be accepted in the event of any claim against Council.

The removal of approximately 60 car parking spaces on one side of the street on Studley Street and Yarra Street would address the concern raised by MFB and remove the risk.

Yarra Street, between Nicholson Street and Clarke Street, currently has marked parking bays that allow cars to park partially on the footpath from 4pm to 8am Mon-Fri, and at all times over the weekend.

Footpath parking contravenes Regulation 197 of the *Victorian Road Safety Road Rules 2017*.

Footpath parking also reduces the minimum unobstructed width of the footpath to 1.2m at a significant number of locations. 1.2m is the absolute minimum a footpath should be, and can restrict accessibility for people in wheelchairs, with other mobility issues and/or with prams.

Council has received complaints in the past from members of the public, including those with mobility impairment, expressing concern with the footpath parking arrangement due to the reduced footpath width.

Removing 19 marked footpath parking spaces on Yarra Street would ensure Council is not formalising contravention of the *Victorian Road Safety Road Rules*, and would ensure that the full width of the footpath is available for pedestrians.

Financial Implications

There will be a financial cost to Council to change existing parking signs, remove/relocate signposts and remove line marking, however these are modest and it is considered these works can be funded through existing operational budgets.

There may be financial costs incurred by Council if a claim is made against Council as a result of an MFB appliance not being able to access a property in the relevant streets. Council's Insurer has indicated that Council would need to provide a rationale for any decision not to follow the advice of MFB if seeking to make a claim, and if the rationale is not deemed satisfactory, a claim from Council would be denied.

PROPOSAL

That Council:

- (a) Note the contents of this report;

- (b) Note the specific advice provided by the MFB that the current parking arrangement prevents the direct and timely response to an emergency event in Studley Street and Yarra Street;
- (c) Endorse the removal of parking from one side of Studley Street (between Hoddle Street and Nicholson Street and Yarra Street (between Hoddle Street and Clarke Street) – Option 1 of this report;
- (d) Note the proposed changes to parking restrictions in order to support residential parking in these areas as a priority; and
- (e) Instruct officers to inform residents in the affected streets of the reason for the removal of parking in these locations prior to its removal.

11.3 Studley Street and Yarra Street, Abbotsford - Parking Amendments

Reference: D19/225091
 Authoriser: Director City Works and Assets

Purpose

1. To inform Council of the risk and public liability issues identified following the recent Studley Street Parking Restriction Trial.
2. Specifically, that existing parking restrictions which allow parking on both sides of Studley Street and Yarra Street, Abbotsford, prevent a direct and timely response by the Metropolitan Fire Brigade (MFB) to an emergency event, potentially putting residents at risk.

Background

Studley Street Parking Restriction Trial

3. Following a resident request to increase parking during the day on Studley Street, a trial was conducted whereby 'Permit Only' parking was permitted between 8am – 4pm on the northern side of Studley Street (between Park Street and Nicholson Street) in Abbotsford.
4. The trial enabled parking on both sides of this length of Studley Street (between Park Street and Nicholson Street) at all times, and provided an increase of 24 parking bays between 8am - 4pm 'Permit Only'.
5. The trial began on 19 November 2018 for a period of ten months. Residents were consulted on the trial in September 2019 – specifically on whether they supported the trial conditions being made permanent. Council's Parking Management Guidelines were utilised for this consultation.
6. Emergency Services (Ambulance Victoria and MFB) were also consulted as part of the trial.
7. Council's Parking Management Guidelines specify that for a proposed parking change to be implemented, a response rate of at least 40% is required with 80% of the responses supporting the proposal. In this case a 24% response rate was recorded, with a 66% support rate for the proposal. This response and support rate does not meet the required Parking Management Guidelines for implementation of the proposed parking change.
8. Based on the results of the consultation the parking restrictions in this length of Studley Street were changed back to pre-trial conditions i.e. No Standing between 8am – 4pm on the northern side of Studley Street (between Park Street and Nicholson Street).
9. Irrespective of the level of support from local residents, Council needs to consider the appropriate management of streets and the implications for these decisions.
10. It should be noted that Council has received complaints in the past from members of the public, both before and during the trial, alleging damage to vehicles parked on the street due to the reduced road width when cars are parked on both sides of the road (i.e. broken wing mirrors and damage to the sides of vehicles).
11. Attachment 1 contains a number of photos that were sent in by residents during the trial; these show the difficulty of larger vehicles using the street when there is parking on both sides.

Feedback from Emergency Services

12. Ambulance Victoria did not raise any concerns with the trial conditions.
13. The Commander Community Resilience from Melbourne Fire Brigade (MFB) provided an email to Council on 5 September 2019 in response to the consultation on the trial. A formal letter was also requested from MFB (refer to Attachment 2). The Commander advised that both he and operational crews had investigated the area, and stated that:

- (a) With cars parked on both sides of the street, the distance left between them is under the width of an operational firefighting appliance;
 - (b) This would prevent direct and timely response to an emergency event – appliances forced to park on each corner;
 - (c) Delayed response due to fire fighters and equipment responding on foot;
 - (d) Potentially setting up firefighting operations from up to 200 metres away;
 - (e) Severe impact on operational procedures i.e. access to and relaying water;
 - (f) Firefighting operations would block each end of the street, preventing other vehicles leaving; and
 - (g) Prevent access by specialist appliances if required i.e. Aerial access appliance.
14. The Commander also stated that *“both Yarra Street and Studley Streets have presented challenges in the past with this inability to access after-hours.”*

Recommendation to remove parking in Studley Street and Yarra Street, between Hoddle Street and Nicholson Street

15. The current parking arrangement on Studley Street (between Hoddle Street and Nicholson Street) and Yarra Street (between Hoddle Street and Nicholson St) allows vehicles to park on both sides of the street between 4pm and 8am.
16. Given that MFB has provided specific advice that the current parking arrangement prevents the direct and timely response to an emergency event in these streets, it is considered that Council has a duty of care to act appropriately on this advice through the removal of parking on one side of these streets. Attachment 3 indicates the existing and proposed cross sections of Studley Street and Yarra Street, Abbotsford.
17. This would result in removal of approximately 60 car parking spaces in these streets.
18. As part of the proposal for removal of parking, and in order to support residential parking in these areas as a priority, Parking Management have advised that:
- (a) In Studley Street, between Hoddle Street and Nicholson Street, the existing 2P Monday to Friday 7am to 7pm restriction should be extended to include Permit Zone All Other Times.
 - (b) In Yarra Street, between Hoddle Street and Nicholson Street, the existing 2P 7am to 7pm Monday to Friday restriction should be extended to include Permit Zone All Other Times.
 - (c) This would provide additional parking after 7pm for residents with parking permits, and would provide consistency with the existing restrictions elsewhere in Yarra Street.
19. MFB has provided advice specifically relating to Studley Street and Yarra Street (between Hoddle Street and Nicholson Street), which is the reason that this recommendation for removal of parking is being presented to Council.
20. It should be noted that there are a number of other streets throughout the City of Yarra that have similar dimensions and parking restrictions to Studley Street and Yarra Street, and that these streets are likely to present similar risks.
21. It is proposed that a separate report addressing the issue of similar street dimensions and parking restrictions be presented to Council in early 2020, to consider whether any action is required.
22. Officers propose, as a courtesy, to report back to Emergency Services the outcome of the Council decision in relation to Studley and Yarra Streets; this may trigger the Emergency Services to provide information or requests in relation to others streets in Yarra that present similar operational issues for them. Officers would need to determine how to respond based on any feedback from the Emergency Services.

Recommendation to remove footpath parking in Yarra Street, Abbotsford between Nicholson Street and Clarke Street

23. Yarra Street, between Nicholson Street and Clarke Street, currently has marked parking bays that allow cars to park partially on the footpath from 4pm to 8am Mon-Fri, and at all times over the weekend.
24. This parking arrangement was introduced in 2011 following requests from residents to increase the available parking in this section of Yarra Street. The proposal to allow footpath parking was supported by a majority of residents.
25. The current parking arrangement increases the available parking in this section of Yarra St by 19 spaces.
26. The current parking arrangement allows sufficient road space for through traffic, including Emergency Vehicles.
27. The *Victorian Road Safety Road Rules 2017* – Regulation 197 states that:
 - (a) A driver must not stop on a bicycle path, footpath, shared path or dividing strip, or a nature strip adjacent to a length of road in a built-up area.
28. Therefore according to Regulation 197 vehicle parking on a footpath is illegal. The current parking arrangement on this section of Yarra Street is in contravention of Regulation 197.
29. The marked bays on the footpath reduce the minimum unobstructed width to 1.2m at a significant number of locations, which is the absolute minimum a footpath should be, and can restrict accessibility for people in wheelchairs and with prams.
30. Council has received complaints in the past from members of the public, including those with mobility impairment, expressing concern with the footpath parking arrangement due to the reduced footpath width.
31. It is considered that the current footpath parking arrangement sets a precedent and it is possible (and potentially quite likely) that residents on Studley Street (between Hoddle Street and Nicholson Street) and Yarra Street (between Hoddle Street and Nicholson Street), where carriageway parking is proposed to be removed, may request similar marked bays encroaching on the footpath.
32. Officers therefore propose that the footpath parking arrangement on Yarra Street, between Nicholson Street and Clarke Street, is removed to ensure compliance with Regulation 197 of the *Victorian Road Safety Road Rules 2017*, to provide consistency of parking restrictions on Yarra Street, to address the precedent situation described above and to ensure that the full width of the footpath is available for pedestrians.
33. The removal of footpath parking will result in the removal of 19 parking spaces in Yarra Street, between Nicholson Street and Clarke Street.
34. As part of the proposal for removal of parking, and in order to support residential parking in these areas as a priority, Parking Management have advised that:
 - (a) In Yarra Street, between Patterson Street to Clarke Street, the existing 2P 7am to 7pm Monday to Friday restriction should be extended to include Permit Zone All Other Times.
 - (b) This would provide additional parking after 7pm for residents with parking permits, and would provide consistency with the existing restrictions elsewhere in Yarra Street.
35. The two recommendations for parking removal will result in the removal of 79 parking bays across Studley Street and Yarra Street. Please see Attachment 4 for a map showing the areas for removal of parking bays.

External Consultation

36. Following the response received from MFB in the Studley Street parking restriction trial, Council Officers requested further information from MFB regarding the impact of the current physical limitations and parking restrictions on Studley Street and Yarra Street. MFB reinforced their position that the current arrangements will have a detrimental impact on both their firefighting operations and emergency medical response responsibilities.

Internal Consultation (One Yarra)

37. The following Council units were consulted on the proposal:
- (a) Organisational Risk;
 - (b) Parking Management; and
 - (c) City Works - Waste Management.
38. Internal feedback was provided below:
- (a) Organisational Risk noted that Council has been notified by MFB that the current parking arrangement on Studley Street and Yarra Street prevents the direct and timely response to an emergency event in these streets. They have advised that if Council were to ignore this advice then Council may be exposed to liability risks with MFB being unable to respond adequately to an emergency event;
 - (b) Parking Management noted that the current parking restrictions on Studley Street and Yarra Street, between Hoddle Street and Nicholson Street often result in vehicles being illegally parked on footpaths in contravention of the road rules and that the marked footpath parking bays on the southern side of Yarra Street between Nicholson Street and Clarke Street are illegal and set an undesirable precedent. Parking Management also advised that the existing parking restrictions in Studley Street and Yarra Street be extended to provide Permit Zone All Other Times restrictions to provide additional parking after 7pm for residents with parking permits; and
 - (c) City Works - Waste Management noted that the Waste Collection contractor has difficulty collecting refuse and recycling bins on Studley Street and Yarra Street due to the available road width when cars are parked on both sides of the streets. They often have to manually bring bins to the collection truck parked at the end of the parking bays.

Financial Implications

39. There will be a financial cost to Council to change existing parking signs, remove/relocate signposts and remove linemarking, however these are modest and it is considered these works can be funded through existing operational budgets.
40. There may be financial costs incurred by Council if a claim is made against Council as a result of an MFB appliance not being able to access a property in the relevant streets. As per paragraph 49, Councils Insurer has indicated Council would need to provide a rationale for any decision not to follow the advice of MFB if seeking to make a claim, and if the rationale is not deemed satisfactory, a claim from Council would be denied.

Economic Implications

41. There are no economic implications.

Sustainability Implications

42. There are no sustainability implications.

Social Implications

43. Some residents may be impacted by not being able to park directly outside their house.
44. There are potentially significant health and safety risks in Emergency Service vehicles not being able to travel the length of the street to respond in the event of an emergency, whether fire or health related.

45. The current arrangements that allow parking on the footpath in Yarra Street restrict access for people with accessibility needs, particularly for those with prams or in a wheelchair or mobility scooter.

Human Rights Implications

46. There are no identified human rights implications.

Communications with CALD Communities Implications

47. If the proposal is endorsed, a language advisory panel will be included in all notification material including contact details and reference number to access Council's interpreter service.

Council Plan, Strategy and Policy Implications

48. One of the objectives of the *Road Management Plan 2017 – 2021* is to: *ensure that a safe and efficient network of municipal public roads is provided primarily for travel and transport.*

Legal Implications

49. Council has an overall obligation under the *Road Management Act 2004* to manage the local road network in a manner that gives due consideration to community safety.
50. Council has been notified by MFB that the current parking arrangement on Studley Street and Yarra Street prevents the direct and timely response to an emergency event in these streets. If Council were to ignore this advice then Council may be exposed to liability risks with MFB being unable to respond adequately to an emergency event.
51. Further legal implications have been set out in a separate, confidential report in this agenda

Options

Option 1 – Removal of parking from one side of Studley Street (between Hoddle Street and Nicholson Street) and Yarra Street (between Hoddle Street and Clarke Street).

52. Remove parking on one side of Studley Street (between Hoddle Street and Nicholson Street) and Yarra Street (between Hoddle Street and Clarke Street), resulting in a net loss of 79 parking bays.
53. This includes the removal of footpath parking in Yarra Street (between Nicholson Street and Clarke Street).
54. This will address the risk and public liability to Council associated with MFB being unable to respond adequately to an emergency event.
55. The following parking restriction changes should also be implemented in order to support residential parking in these areas as a priority;
- (a) In Studley Street, between Hoddle Street and Nicholson Street, the existing 2P Monday to Friday 7am to 7pm restriction should be extended to include Permit Zone All Other Times.
- (b) In Yarra Street, between Hoddle Street and Nicholson Street, and between Patterson Street to Clarke Street, the existing 2P 7am to 7pm Monday to Friday restriction should be extended to include Permit Zone All Other Times.

Option 2 – Do not remove parking from Studley Street (between Hoddle Street and Nicholson Street) and Yarra Street (between Hoddle Street and Clarke Street).

56. Should Council resolve not to remove parking from Studley Street and Yarra Street, then Council may be exposed to liability risks with MFB being unable to respond adequately to an emergency event.
57. Officers cannot recommend Option 2, due to the risks this would expose Council and residents to.

Conclusion

58. This report informs Council of the risk and public liability issues that have been identified following the recent Studley Street Parking Restriction Trial.
59. The current arrangements with car parking allowed on both side of the Street on Studley Street, between Hoddle Street and Nicholson Street, and on Yarra Street, between Hoddle Street and Nicholson Streets presents a risk to the health and safety of the residents residing in these streets. Only the removal of parking on one side of the street will address this risk.
60. Due to the narrow nature of Yarra Street, Abbotsford, Council has permitted parking on the footpath. This is in contravention of Regulation 197 of the *Victorian Road Safety Road Rules 2017*, and has narrowed the footpath to the point that it restricts accessibility for some members of the community. These arrangements have the potential to create a precedent, and may be raised by residents of Studley and Yarra Streets as a potential strategy to address the current risk issues without the loss of car parking spaces.
61. Officers believe the best course of action is to remove parking on one side of Studley and Yarra Streets, to enable Emergency Service vehicles access at all times, and to retain the footpath at a width that supports people's access to this, irrespective of their needs.
62. If Council does not support the removal of car parking in Studley and Yarra Streets, it may be deemed to be accepting liability in the event of an emergency where MFB vehicles did not have timely access to the site of the emergency.

RECOMMENDATION

1. That Council:
 - (a) note the contents of this report;
 - (b) note the specific advice provided by the MFB that the current parking arrangement prevents the direct and timely response to an emergency event in Studley Street and Yarra Street;
 - (c) endorse the removal of parking from one side of Studley Street (between Hoddle Street and Nicholson Street and Yarra Street (between Hoddle Street and Clarke Street) – Option 1 of this report;
 - (d) note the proposed changes to parking restrictions in order to support residential parking in these areas as a priority, and
 - (e) instruct officers to inform residents in the affected streets of the reason for the removal of parking in these locations prior to its removal.

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Attachments

- 1 ⇄ Photos sent in by residents during Studley Street parking restriction trial
- 2 ⇄ Letter to City of Yarra from MFB regarding Studley Yarra Sts
- 3 ⇄ Studley St and Yarra St - Existing and Proposed
- 4 ⇄ Studley St and Yarra St Proposed Parking Removal

11.4 30km/h Trial Evaluation

Executive Summary

Purpose

To present to Council the evaluation of the 30km/h Speed Limit Trial in Fitzroy and Collingwood, and to seek endorsement to seek Department of Transport (DoT) approval to make the 30km/h speed limit permanent in the trial area.

Key Issues

The 30km/h trial has been undertaken for 12 months from October 2018 in Fitzroy and Collingwood. The area is framed by the arterial roads of Alexandra Parade, Hoddle Street, Johnston Street and Nicholson Street. The local streets are comprehensively traffic calmed through physical speed reduction measures. The speed limit in this area was previously 40 km/h. The new speed-limit is regulated through a combination of area-wide and localised signage. Brunswick Street and Smith Street remained 40km/h and the arterial roads on the boundary were not included in the trial.

The Monash University Accident Research Centre (MUARC) were commissioned to undertake the evaluation and oversee the conduct of the trial. The evaluation shows moderate speed reductions overall in the treated streets but importantly, indicate that there has been less speeding in the 30 and 40 km/h categories and especially in excessive speeding in the area. While speed reductions were noted in the untreated control region also, it was hypothesised that there may have been some carry-over effect of the trial in the adjacent control region. Importantly, speed reductions of between 1.1% and 2.7% were observed in both the treatment and non-treatment areas after the trial.

Equally important in the trial were the residents' views of many aspects of the 30 km/h trial from the before and after surveys conducted in the region. Importantly, residents affected by the trial increased their level of support by 15% during the trial and there was an equal reduction in the level of non-support. There was also an increase in residents' willingness to see the 30 km/h speed limit more widely adopted in local streets in the municipality.

Options

Option 1 – Make the 30km/h speed limit permanent in the trial area

Council Officers would need to apply to DoT to make the 30km/h speed limit permanent as this is a Major TCD.

Option 2 – Revert to 40km/h speed limit in trial area

Council Officers would need to apply to DoT to revert back to 40km/h speed limit as this is a Major TCD.

Financial Implications

To revert back to a 40km/h speed limit would involve replacing signage and amending pavement roundels. It is estimated that this would cost approximately \$10,000 and is allowed for, if needed, from existing budget allocation.

PROPOSAL

That Council:

- (a) Notes the contents of this report;
- (b) Notes that a permanent change to the speed limit in the trial area requires approval by the Department of Transport (DOT);

- (c) Endorses the proposal to make the 30km/h speed limit permanent in the trial area, subject to DOT approval;
- (d) Instructs officers to apply to the DOT to make the 30km/h speed limit permanent in the trial area.

11.4 30km/h Trial Evaluation

Reference: D19/225089

Authoriser: Director City Works and Assets

Purpose

1. To present to Council the evaluation of the 30km/h Speed Limit Trial in Fitzroy and Collingwood.

Background

2. In 2016, the Yarra City Council Safe Travel Strategy outlined a plan of action to reduce vehicle speeds in the municipality, including reducing speed-limits to levels compatible with the safe sharing of roads by all road users. The Strategy also emphasised that changes to speed-limits should be informed by a research evidence-base. Broadly, this includes evidence of the relationships between speed-limits and motor-vehicle speed, and motor vehicle speed and the risk of an injury. It also considers the impact of changes in the speed environment on people's sense of comfort and safety when using the road.
3. As the safety of residents' movements in local streets is an important and critical feature in the City of Yarra, it was decided to introduce a trial of a 30km/h speed limit in a definable area of the municipality for a 12-month period, with a full evaluation of the outcomes from the trial.
4. An area of Fitzroy and Collingwood was chosen, which is framed by the arterial roads of Alexandra Parade, Hoddle Street, Johnston Street and Nicholson Street (see Figure 1 below). The local streets are comprehensively traffic calmed through physical speed reduction measures. The speed limit in this area was previously 40 km/h. The new speed-limit is regulated through a combination of area-wide and localised signage.
5. Within the chosen treatment area, there are approximately 15.8 kilometres of local streets affected by the 30km/h treatment, and two higher order streets (Brunswick Street and Smith Street) that remained untreated (i.e. 40km/h). The arterial roads on the boundary of the treatment area were not included in the trial. The properties located within the treatment area are largely residential, although also included commercial and retail establishments. The treatment area comprised parts of two Local Area Place Making (LAPM) precincts, LAPM 9 (Rose) and LAPM 10 (Gold).

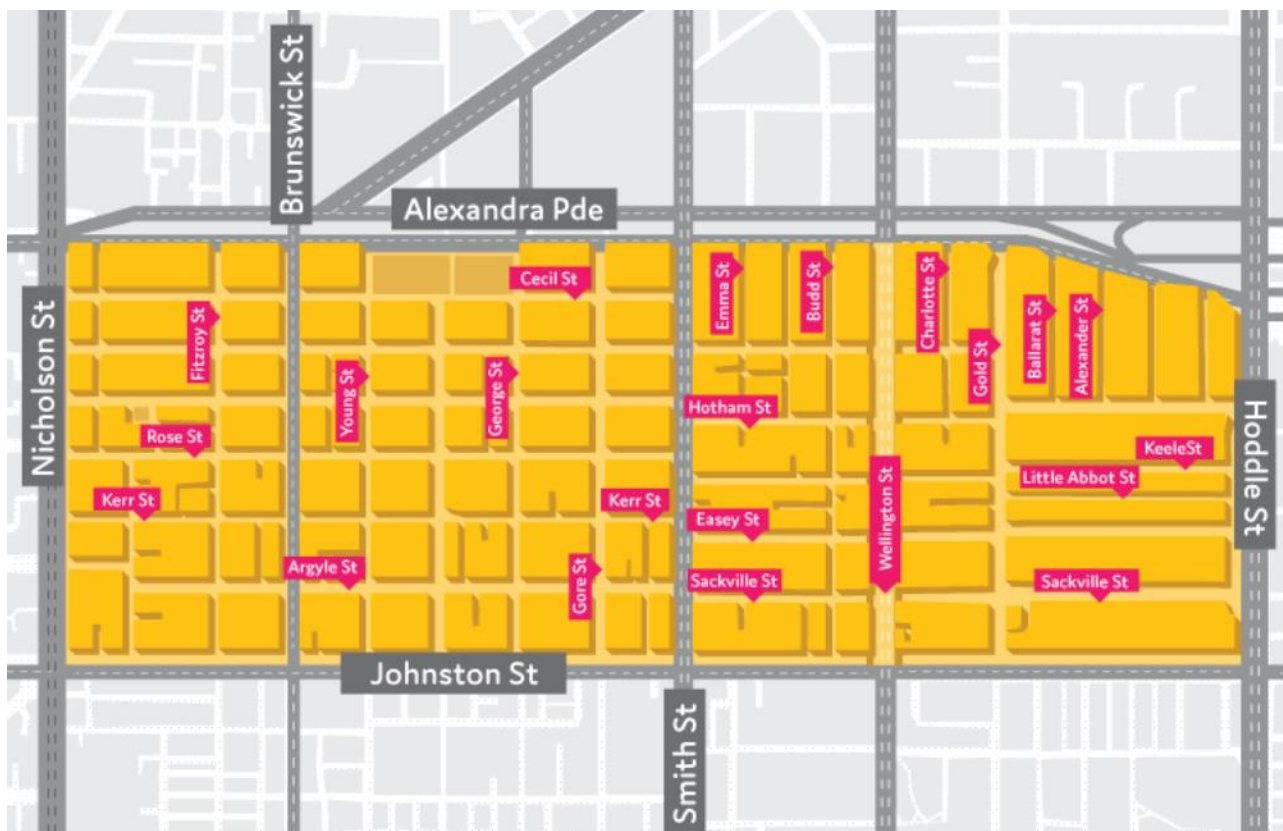


Figure 1: 30km/h trial area (affected streets shown in yellow)

6. The trial has been operational from 6 October 2018, with the official trial end date being 4 October 2019. As noted in the Memo to Councillors of 27 October 2019, the 30km/h speed limit has remained in place following the official end date of the trial while the evaluation has been undertaken. This is to provide continuity and avoid confusion within the community and to road users. Further, DoT need to approve any further change to the speed limit.
7. The Monash University Accident Research Centre (MUARC) were commissioned to undertake the evaluation and oversee the conduct of the trial. There are two parts to the evaluation. The first focuses on change in motor-vehicle speed attributed to the speed-limit reduction, and from this, the change in the risk of an injury to a road user (pedestrians in particular). The second part focuses on the attitudes of the community within the trial area, towards speed, speed limits, and the 30 km/h speed limit trial.

Speed Evaluation

8. The evaluation involved a “before” and “after” examination of travel speeds on all local roads within the trial area, and also travel speeds in an adjacent area of Fitzroy and Collingwood where the speed limit is 40 km/h (non-trial area).
9. The speed of vehicles was recorded at 91 locations in both the trial (50 sites) and non-trial area (41 sites) (see Figure 2 below) before the intervention, and at the same locations after 12 months. Speeds were measured for at least one week each time, using automated traffic detectors and data loggers to an accuracy of +/- 1 km/h.

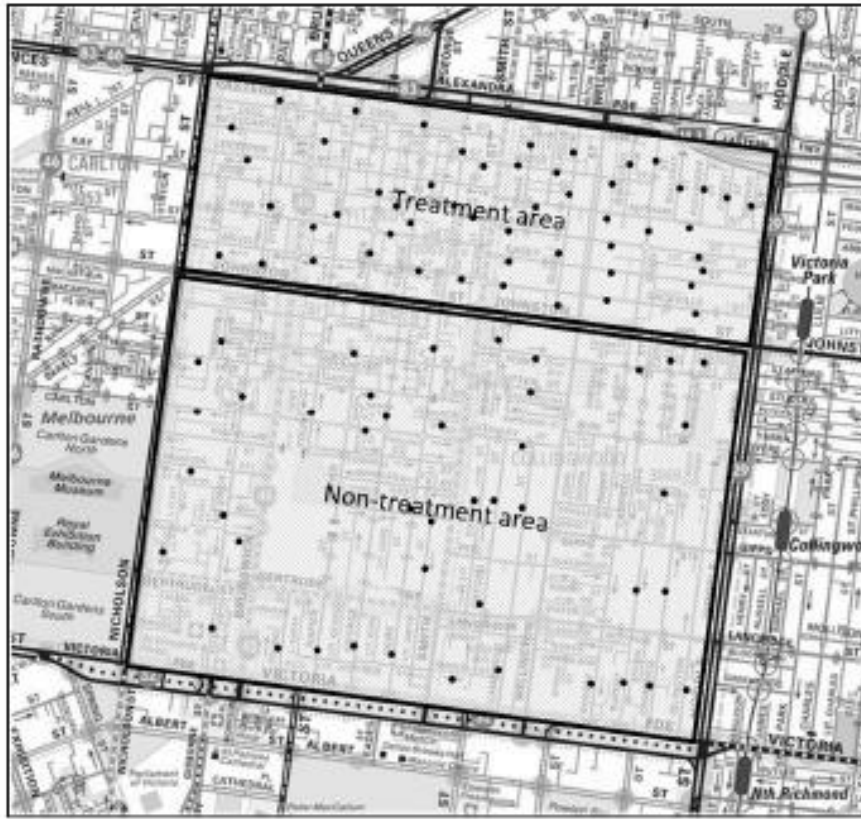


Figure 2: Traffic data collection locations in the 30km/h trial (treatment) area and 40km/h (non-treatment) area

10. An evaluation of the general distribution of speed after the trial, showed a small reduction in the mean speed from 27.6 km/h to 27.3 km/h in the trial area (down 1.1%), and also a reduction in the non-trial area from 29.4 km/h to 28.6km/h (down 2.7%).
11. Average speed statistics are a good starting point for understanding the change in speed. An alternative and preferred means of expressing the change in speed, however, is by examining the change in the percentage of vehicles that exceed various speeds before and after the intervention. This includes the percentage exceeding a nominal safe system speed of 30 km/h, and speeds at the higher end (40 km/h, and 50 km/h). The change in these percentages is illustrated in Figure 2 below.

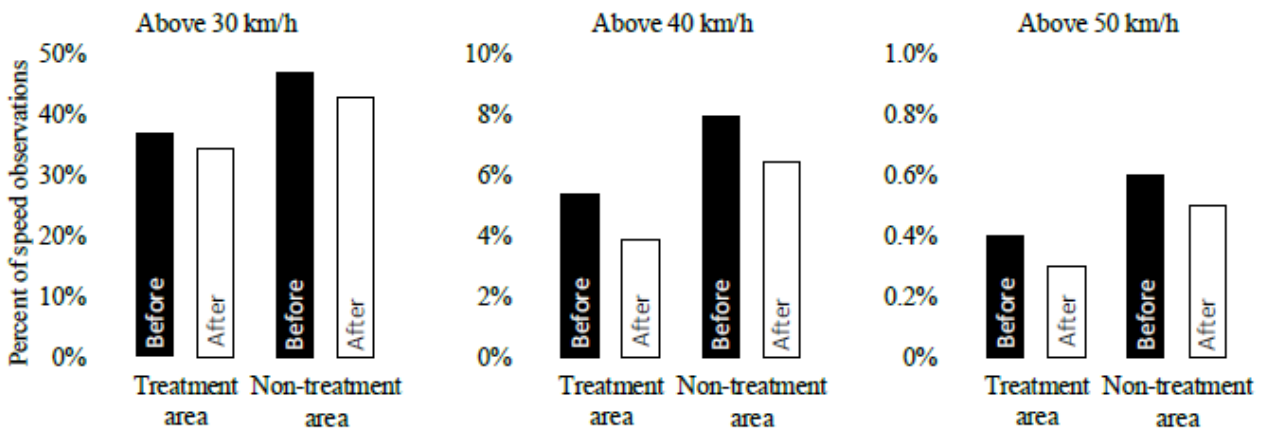


Figure 3: Percentage of vehicles exceeding 30km/h, 40km/h and 50km/h

12. These figures reveal consistent reductions in the proportions of vehicles exceeding these speed categories. Assuming that a speed of less than 30 km/h is an appropriate safe speed for residential areas, 37 percent in the trial area and 47 percent in the non-trial area were initially above this speed. The proportions above did fall in both areas after the trial, with a reduction to 34 percent in the trial area and 43 percent in the non-trial area. This reduction is of statistical significance, and more importantly, means a greater percentage of vehicles are travelling at a speed that is more consistent with the safe sharing of space with vulnerable road users.
13. Changes to excessive speeds is also of interest. Before the trial, the percentage of excessive speeds (over 50 km/h) in the treatment area was around 0.4 percent, and after the trial, this percentage also reduced to 0.3 percent. Based on the number of observations before the trial, this reduction is equivalent to over 26,000 fewer observations of excessive speed.
14. There was also a reduction in the number of extreme speeds observed after the trial, which for the purpose of this study was a speed over 66 km/h. This reduced from 0.06 percent to 0.03 percent. These trends are reassuring given the injury consequences for pedestrians at these speeds.
15. Of the locations in the trial area where speeds were measured before the intervention, 16 percent were found to have one in ten vehicles exceeding 40 km/h. These were the locations with higher speed characteristics. After the trial, the percentage of vehicles exceeding 40 km/h reduced at all of these sites, along with the average speed and spread of speeds.

Potential Injury Savings

16. The risk of a serious or fatal injury in the trial area (attributed to the 30 km/h speed limit over a 40 km/h speed limit) should a collision occur between a motor-vehicle and a pedestrian reduced by 4%.
17. This analysis does not account for any reductions in the risk of a collision on account of the reduced speed. This includes the reduced likelihood of a collision occurring, given the reduced distance required for a vehicle to stop when the driver identifies an imminent hazard. For example, there is approximately a 50 percent reduction in the distance required to stop when travelling at 30 km/h compared to 40 km/h, which is just a 25 percent reduction in speed.
18. The road safety charity Brake from the UK notes that:
“stopping distance depends on how fast the vehicle was travelling before the brakes were applied, and is proportional to the square of the initial speed. That means even small increases in speed mean significantly longer stopping distances. A vehicle travelling at 32km/h would stop in time to avoid a child running out three car-lengths in front. The same vehicle travelling at 40km/h would not be able to stop in time, and would hit the child at 29km/h. This is roughly the same impact as a child falling from an upstairs window.”
19. Towards Zero 2016-2020, Victoria’s Road Safety Strategy and Action Plan notes that “the chances of surviving a crash decrease rapidly above certain impact speeds – for cars striking pedestrians, the threshold impact speed lies in the range 20 – 30km/h”.

External Consultation

20. Various forms of community consultation were utilised as part of the trial, including a dedicated website, social media, a community event, surveys and questionnaires. These are listed below:

- (a) Thanks for 30 website <https://thanksfor30.com.au/>;
- (b) Thanks for 30 Facebook page <https://www.facebook.com/thanksfor30/>;

The website and Facebook page have predominantly been used to disseminate information to the community and other interested parties. Any comments relating to the implementation of the trial on these platforms from the community have been actioned where required;

(c) Launch Event held 20th October 2018:

The launch event was held to inform and enthuse community members of the trial. It was a family-friendly event held within the trial area on a Saturday for residents, businesses and visitors. This event aimed to involve community members and stakeholders in conversations and share information on the benefits of a 30km/h speed limit in creating livelier, healthier streets that everyone can enjoy, whether they are walking, driving or riding.

(d) Intercept Survey

An intercept survey was completed between 17th July and 24th July 2019. There were 324 survey responses, with a high number of pedestrian respondents (64.7%) and a low number of car users (17.6%), which is expected for this type of survey.

53.4% of intercept survey respondents agree or strongly agree with the 30km/h speed limit in the trial area. 47.3% would like to see the 30km/h speed limit apply only on neighbourhood streets. 40.5% disagree or strongly disagree with the 30km/h speed limit.

(e) Questionnaire

The attitudes of the community towards the 30 km/h trial were sampled using a questionnaire mailed to 2,000 property addresses in the trial area, and 2,000 in the non-trial area. This was replicated before and after the 12 month trial. The focus of the questionnaire was to ascertain the level of support for 30 km/h speed-limits on local streets. Several other themes were also addressed in the questionnaire, including 24 questions related to demographic, perceptions of safety, personal characteristics, and travel characteristics.

Interestingly, while only 47% of the responses from people in the treatment area were positive before the trial started, that rose to 54% afterwards and the percentage of negative responses also fell accordingly. The level of support in the non-treatment area also rose (from 44% to 51%).

Other resident attitudes that were more positive after the trial included

- (i) the reduced speed limit does not impact travel time;
- (ii) the likely reductions in severity of injury in the case of a crash; and
- (iii) more support for the broader introduction for a 30 km/h on local neighbourhood streets.

21. It should be noted that support for introducing a 30 km/h speed limit on major arterials in the region decreased in the survey conducted after the trial.
22. People who responded to the questionnaire were also asked, if interested, to provide their contact details (E-mail) if they agreed to be followed-up. This sample were then followed up directly to evaluate the change in level of support for 30 km/h speed limits at the level of the individual person.
23. The repeat survey was sent to 349 people that consented to being followed-up at 12-months, and responses were received from 120 people (34 percent). The majority of the people (73 percent) who responded were identified as living, working, or owning a property in the treatment area. The response to the question 'I support the 30km/h speed trial in neighbourhood streets in City of Yarra' had 44 percent agreement within the trial area before the trial and 49 percent agreement after 12-months.

Project Steering Committee

24. The Project Steering Committee for the 30km/h trial included representatives from MUARC, Transport Accident Commission (TAC), Victoria Police and the Department of Transport. This group provides strategic oversight of the trial and representatives provide input from their respective organisations.

Internal Consultation (One Yarra)

25. The following areas within Council were consulted throughout the study:
- (a) Strategic Transport - have been updated throughout the trial;
 - (b) Communications and Engagement – a representative has been a member of the project steering committee and their contribution has been crucial to this aspect of the trial;
 - (c) Social Policy and Research - a representative has been a member of the steering group and they have contributed to the methodology and content of the questionnaire and intercept survey; and
 - (d) Corporate Planning and Performance – have been kept up to date with the trial and provided advice on the trial's relationship with Council's strategic documents.

Financial Implications

26. To revert back to a 40km/h speed limit would involve replacing signage and amending pavement roundels. It is estimated that this would cost approximately \$10,000 and is allowed for, if needed, from existing budget allocation.

Economic Implications

27. There are no economic implications.

Sustainability Implications

28. The 30km/h speed limit improves pedestrian and cyclist safety, thus supporting sustainable transport options and usage.

Social Implications

29. The 30km/h speed limit contributes to a safer environment and improved amenity, improving liveability and facilitating improved social interaction in the community.

Human Rights Implications

30. There are no identified human rights implications.

Communications with CALD Communities Implications

31. A language advisory panel is included in all consultation material including contact details and reference number to access Council's interpreter service.

Council Plan, Strategy and Policy Implications

32. Objective Six of the *Council Plan 2017-2021* refers to *A Connected Yarra, a place where connectivity and travel options are environmentally sustainable, integrated and well designed*. The Plan includes *Strategy 6.1 Manage traffic movement and promote road safety within local roads*, which specifically identifies *continuing to provide low speed environments* (Initiative 6.1.3).
33. Action 4.3.1 of the *Safe Travel Strategy 2016* states *Reduce vehicle speed limits in Yarra to speeds compatible with the design speed and safe sharing of roads by all road users*. A sub-action of this is that *based on the results of a trial, advocate to DoT to progressively reduce 40km/h speed limits in local roads across the municipality to 30km/h, based on needs, precinct by precinct*.

Legal Implications

34. Council has an overall obligation under the Road Management Act 2004 to manage the local road network in a manner that gives due consideration to community safety.
35. Speed limits are deemed to be Major Traffic Control Devices (TCDs) under the Road Safety Act 1986 (RSA). The use of Major TCDs is prescribed by Regulations 6 to 24 of the RSA.
36. Approval for Major TCDs is required from DoT – this approval has not been delegated to Councils.

Options

Option 1 – Make the 30km/h speed limit permanent in the trial area.

37. Council Officers would need to apply to DoT to make the 30km/h speed limit permanent as this is a Major TCD.

Option 2 – Revert to 40km/h speed limit in trial area

38. Council Officers would need to apply to DoT to revert back to 40km/h speed limit as this is a Major TCD.
39. 30km/h signage and pavement roundels would need to be replaced with 40km/h signage and roundels. It is estimated that this would cost approximately \$10,000.

Conclusion

40. The evaluation shows moderate speed reductions overall in the treated streets but importantly, indicate that there has been less speeding in the 30 and 40 km/h categories and especially in excessive speeding in the area. While speed reductions were noted in the untreated control region also, it was hypothesised that there may have been some carry-over effect of the trial in the adjacent control region. Importantly, speed reductions of between 1.1% and 2.7% were observed in both the treatment and non-treatment areas after the trial.
41. Equally important in the trial were the residents' views of many aspects of the 30 km/h trial from the before and after surveys conducted in the region. Importantly, residents affected by the trial increased their level of support by 15% during the trial and there was an equal reduction in the level of non-support. There was also an increase in residents' willingness to see the 30 km/h speed limit more widely adopted in local streets in the municipality.
42. Officers recommend that Council endorse Option 1 – Make the 30km/h speed limit permanent in the trial area.
43. Should Council endorse Option 1, Officers will need to apply to the Department of Transport (DoT) to make the 30km/h speed limit permanent in the trial area.
44. Should DoT approve the 30km/h speed limit change in the trial area, Officers will be in a position to present a further report to Council on the future implications for 30km/h speed limits in the municipality.

RECOMMENDATION

1. That Council:
- (a) notes the contents of this report;
 - (b) notes that a permanent change to the speed limit in the trial area requires approval by the Department of Transport (DOT);
 - (c) endorses the proposal to make the 30km/h speed limit permanent in the trial area, subject to DOT approval; and
 - (d) instructs officers to apply to the DOT to make the 30km/h speed limit permanent in the trial area.

CONTACT OFFICER: Dennis Cheng
TITLE: Manager Traffic and Civil Engineering
TEL: 9205 5712

Attachments

There are no attachments for this report.

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

Executive Summary

Purpose

To present the draft Management Policy in Relation to laneways, passageways and Rights of Way (draft Policy) in Yarra to Council for consideration.

Key Issues

There are a number of key issues and implications faced by Council regarding the management of laneways and passageways and Rights of Way (ROW) in Yarra.

The draft Policy has been developed to help minimise Council's exposure to legal and financial risk by providing a framework for consistent decision making regarding the management of laneways and passageways (and ROW) in line with statutory requirements, and ensure that public access is retained for roads genuinely required for public use.

The draft Policy is based on the legal requirements of Council. The draft Policy does not propose any actions or a Council position that impacts or changes the private rights of landowners or individuals or indeed change the use of the laneway, passageway or ROW.

The key issues addressed by the draft Policy are summarised below.

Management of Council's Road of Public Roads (Register)

Council is required to maintain a register of 'public roads' under its control. For a 'road' to be a 'public road', Council is required to make a decision in writing that an individual road is *'generally required for public use'*.

It is recognised that there are laneways and passageways in Yarra that will be 'public roads' and laneways and passageways in Yarra that will not be 'public roads' (referred to in the draft Policy as 'non-public roads'). It is important for Council to adequately identify 'public roads' and 'non-public roads' as Council's responsibilities; exposure to risk is different for 'public roads' and 'non-public roads'.

The draft Policy sets out the criteria to determine whether a laneway or passageway is *'generally required for public use'* and therefore either a 'public road' or 'non-public road'. The draft Policy also sets out the process for officers to follow when reviewing the status of a laneway or passageway, to determine whether it is or should be a 'public road'.

Officers will be required to undertake a review of the Register, which officers expect will take approximately 3-6 months to complete. Officers recommend that an adopted Policy is incorporated into Council's Road Management Plan (RMP) and that the wording of the RMP is updated as the current plan does not differentiate between 'public roads' and 'non-public roads'.

Management of laneways, passageways and Rights of Way which are 'public roads' and 'non-public roads'

Council's responsibilities and exposure to risk is different for 'public roads' and 'non-public roads'. The draft Policy sets out how Council will manage 'public roads' and 'non-public roads' to manage financial and legal risks in line with the requirements of legislation. This has been done in the form of a policy to conform to the requirements of legislation.

Rights of road users

The public has the legal right to access or pass along any laneway or passageway in Yarra that is a road, until the road is discontinued. It is recognised that in the order of 25% of laneways and passageways in Yarra are obstructed, most without a permit or any formal agreement with Council to do so. The draft Policy sets out how obstructions to 'public roads' and 'non-public roads' will be addressed by Council.

Roads that are no longer required

There are laneways and passageways in Yarra that are no longer genuinely required for public use, and therefore are not required to be roads. The draft Policy sets out that when a laneway or passageway is determined by Council to be no longer be required, that Council will proceed with the statutory discontinuance process. This process allows for community consultation and ensures procedural fairness. In situations where the discontinuance of the laneway or passageway does not result in the transfer of land to a third party, the draft Policy sets out a proposed leasing arrangement and the proposed Council/tenant responsibilities under such arrangement.

Financial Implications

The inspection, maintenance and repair of 'public roads', and the management of known 'non-public roads' as set out in the draft Policy will continue to be undertaken within existing budgets and resources.

There is potential for additional and currently unbudgeted costs should Council decide to reinstate and subsequently maintain specific 'non-public roads' to a Council standard.

PROPOSAL

That:

- (a) Council adopts the Management Policy in relation to laneways, passageways and Rights of Way (ROWs) in Yarra;
- (b) Officers proceed with the assessment of Council's Register of Public Roads based on the directions set out in the adopted Policy;
- (c) Council instructs officers to prepare a draft amendment to Council's Road Management Plan (2017-2021) that incorporates the adopted Policy; and
- (d) Council instructs officers to prepare a report to Council on the draft amendment to Council's Road Management Plan (2017-2021) in early 2020 prior to public exhibition.

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

Reference: D19/225741

Authoriser: Director City Works and Assets

Purpose

1. To present the draft Management Policy in relation to laneways, passageways and Rights of Way (ROWs) in Yarra (draft Policy) to Council for consideration.
2. To inform Council of the processes set out in the Policy to manage laneways, passageways and ROWs (referred to hereafter just as laneways and passageways) in Yarra in line with statutory requirements.
3. To inform Council about the potential short term and ongoing resource requirements to ensure that Council's Road Management Plan (RMP) and Register of Public Roads (Register) is compliant with the Road Management Act, 2004 (RM Act).
4. To note opportunities regarding the future management of laneways and passageways not covered within the policy.

Background

Context

5. Council is both the 'responsible road authority' and 'coordinating road authority' for laneways and passageways in Yarra; that is, Council is responsible for the operation and coordination of road management functions for laneways and passageways in Yarra.
6. There is in the order of 2,500 known laneways and passageways in Yarra.
7. The known laneways and passageways in Yarra fall under at least one of the following legislative classifications:
 - (a) Laneways or passageways that are 'public roads' under the RM Act;
 - (b) Laneways or passageways that are 'roads' but not 'public roads' under the RM Act (referred to in the draft Policy and this report as 'non-public roads', as laneways that are 'public roads' also fall under the definition of a 'road' under various legislation); or
 - (c) Laneways or passageways that are not 'roads' under the RM Act, simply meaning that the laneway or passageway would be parcel(s) of land.
8. In addition to the above classifications, there will also be laneways and passageways in Yarra that are no longer required to be 'roads', but would retain the legal status of a 'road' until the 'road' is discontinued.
9. A 'public road' is a road (or laneway or passageway) that Council considers to be 'reasonably required for general public use'.
10. For a laneway or passageway to be formally declared a 'public road' under the RM Act, it must:
 - (a) have either been declared as a public highway by Council under s204(1) of the Local Government Act 1989 (LG Act); or
 - (b) been declared as a 'public road' where Council actively makes, and records in writing, a decision that the laneway or passageway is 'reasonably required for general public use'.
11. Given that the majority of laneways and passageways have been in place since the early establishment of Yarra's suburbs, Council is unlikely to have declared many, if any, laneways or passageways in Yarra as public highways under the LG Act for the purpose of establishing 'public roads'.

12. Since the establishment of the Register in 2004, Council has not formally made the decision that roads, (including laneways and passageways) on the Register are 'reasonably required for general public use'.
13. A key objective of the draft Policy is to set out the decision making criteria to be used to identify 'public roads' in Yarra, and therefore bring Council's Register into compliance with the RM Act.
14. A proposed high level implementation plan to bring the Register into compliance with the RM Act is discussed later in this report.
15. Council has different responsibilities and exposure to risk in relation to laneways and passageways that are 'public roads', 'non-public roads' or 'land'.
16. This is summarised in Appendix A of the draft Policy (Attachment 1 of this report).
17. Under the RM Act, Council has the statutory duty to:
 - (a) Register all 'public roads' on Council's Register of Public Roads (Register); and
 - (b) Inspect, maintain and repair 'public roads'.
18. As such, if Council does not inspect, maintain and repair a 'public road' to the standards specified in Council's RMP or other related policy, Council can be open to claims for damages for negligence and non-performance of its road management functions.
19. 'Non-public roads' would be best described as laneways or passageways that fall under the legislative or common law definition of a 'road', but are not considered by Council to be 'reasonably required for general public use'.
20. An example of a 'non-public road' would be a historic right of way that has fallen into disuse but still retains the legal status of being a 'road' (refer to images in Attachment 2).
21. Under the LG Act, Council has the care and management of all roads including laneway and passageways that are 'non-public roads'.
22. However, Council has no duty to inspect, maintain and repair 'non-public roads' under either the RM Act or the LG Act.
23. For 'non-public roads', Council will be at risk of liability for negligence only if it chooses to engage in such inspection, maintenance and repair, or undertakes activities that could be interpreted as imposing a duty on Council to inspect, maintain or repair the 'non-public road'.
24. In order to minimise this exposure to liability, the draft Policy sets out the processes regarding the management of 'non-public roads' in Yarra.
25. The RM Act sets out the following legally enforceable rights on members of the public using 'roads', whether they are 'public roads' or 'non-public roads':
 - (a) all members of the general public have the right of passage, that is, to pass along a road; and
 - (b) the owners and occupiers of land adjoining a road have the right to access the road from that land.
26. In the order of 600 (or roughly 25%) of the total known laneways and passageways in Yarra are obstructed, either by a gate or some other structure (refer to images in Attachment 2).
27. In many cases it is likely that the obstructions have been privately installed without a currently applicable permit or agreement with Council (i.e. Yarra or its predecessors - Richmond, Collingwood, Fitzroy and Northcote and Melbourne.)
28. It is also likely that in many cases, that the obstructions are denying the right of passage for the general public as required by the RM Act.
29. It is recognised that some (and potentially many) of the laneways and passageways that are currently obstructed, may no longer be required to be 'roads'.
30. The draft Policy sets out the proposed Council policy position regarding:

- (a) The management of obstructions where the laneway or passageway is retained as a 'road';
 - (b) The situations when a discontinued laneway or passageway would likely be transferred to private ownership or retained as public land; and
 - (c) Alternative management arrangements for discontinued laneways or passageways retained as public land.
31. The preparation of the draft Policy has also identified the need to update the wording in Council's RMP to distinguish the difference between 'public roads' and 'non-public roads'.
32. The standards set out in Council's RMP are currently capable of applying to both 'public roads' and 'non-public roads', even though the standards are intended to only apply to 'public roads'.
33. The update to Council's RMP is important, as the RMP standards will take precedence over other policies (such as this draft Policy), when it comes to establishing defences to liability.
34. A proposed high level implementation plan to update the Council RMP is discussed later in this report, noting that an amendment to the Council RMP is required to be subject to community consultation.

Focus of the draft Policy

35. There are some cases, including those involving Yarra, where the contested ownership of 'roads' and/or the management practices of road authorities has resulted in action in the Courts.
36. This draft Policy has been developed to help minimise Council's exposure to legal and financial risks by providing a framework for consistent decision making in line with statutory requirements.
37. This draft Policy also seeks to protect and retain laneways and passageways genuinely required for public use.
38. There is a substantive range of work that needs to be undertaken to ensure that Council's road management policy and practices regarding laneways and passageways comply with statutory requirements.
39. Officers recommend that this draft Policy is adopted and implemented separately to any initiatives that explore the future use of laneways and passageways such as conversion of laneways to community gardens or promoting localised cycling/pedestrian thoroughfares (where this is currently not the case). These initiatives would be best explored after Council has fully complied with its obligations under the RM Act.

Summary of draft Policy processes

40. The draft Policy sets out a range of processes aimed at meeting the purpose and objectives of the Policy. This includes:
- (a) *Identifying laneways and passageways that are 'public roads'*
 - (i) It is a requirement for Council to identify and declare laneways and passageways that are 'public roads' and list the 'public roads' on Council's Register;
 - (ii) The draft Policy sets out criteria or factors for consideration to help determine whether a laneway or passageway is:
 - A 'road' (Figure 1 on page 6 in the draft Policy); and
 - 'Reasonably required for general public use', and therefore a 'public road' (Figure 2 on page 7 in the draft Policy).
 - (iii) The criteria to determine whether a laneway or passageway is a 'public road' is based on clear demonstrable facts, including but not limited to:

- is the laneway or passageway used by the general public on a regular basis? or
 - does it form a connection to the wider road network?
 - (iv) Conversely, if the laneway or passageway has fallen into disuse or there are no other factors to indicate usefulness to the public, then Council would be in a reasonable position to formally decide, if necessary, that the laneway or passageway is not or is no longer required as a 'public road';
 - (v) The process to determine a 'public road' (or not) and subsequent inclusion, retention or removal from Council's Register is set out in Figure 3 on page 9 of the draft Policy;
- (b) *Management of laneways or passageways that are 'public roads'*
- (i) The process for the management of 'public roads' is set out in Figure 4 on page 10 of the draft Policy;
 - (ii) It is a requirement of the RM Act that 'public roads' will be inspected, maintained and repaired as per the standards set out in Council policy i.e. Council's RMP;
 - (iii) 'Public roads' have a public function and must remain unobstructed and available for public use. The draft Policy sets out that any obstructions will be actively identified and removed;
 - (iv) Obstructions on 'public roads' (if any) will be identified as part of the initially required review of Council's Register (to determine whether the road is a 'public road'), with any subsequent obstructions on 'public roads' identified as part of the ongoing inspection process for 'public roads';
 - (v) Identified obstructions will be subject to the current compliance process which allows a grace period for corresponding with Council officers and private removal of any obstruction before enforcement action is taken;
 - (vi) The process also sets out the position that defects and hazards will be addressed in line with RMP standards, with the permanent repair or upgrade of a laneway and passageway referred to the long term capital works program;
- (c) *Management of laneways and passageways that are 'non-public roads':*
- (i) The process for the management of 'non-public roads' is set out in Figure 5 on page 13 of the Policy;
 - (ii) To minimise Council's exposure to liability claims, Council will not undertake regular programmed inspections of 'non-public roads', but will reactively respond to requests from the community regarding safety issues or hazards on 'non-public roads';
 - (iii) To ensure that community need is prioritised in the allocation of road funding, Council will only undertake the required minimum level of maintenance and repair to address hazards and extend lifecycle of the 'non-public road';
 - (iv) The draft Policy sets out that Council will not permit obstructions that restrict public access on 'non-public roads', and at its discretion, will remove obstructions that restrict previously provided access. This will occur until the laneway or passageway is discontinued as a 'road';
- (d) *Management of laneways no longer required as 'roads':*
- (i) The draft Policy recognises that some laneways and passageways in Yarra may no longer be required as roads, although it is proposed that Council will not routinely undertake a program of determining whether a 'road' should be discontinued or not;
 - (ii) The draft Policy sets out a process regarding the review of the ownership and management of a laneway and passageway on a case by case basis (Figure 6

- on page 17 of the draft Policy), which is likely to mainly occur when Council is approached by a landowner or group of landowners requesting discontinuance;
- (iii) The draft Policy position is that when the 'road' is brought to the attention of Council and determined to be no longer required, Council will proceed with the discontinuance process, subject to consultation requirements of the LG Act;
 - (iv) The discontinuance of the 'road' would remove Council's exposure to liability under the RM Act, and would transfer any liability to the occupier of the land. The rights of access for the public would also be removed with the discontinuance of the road;
 - (v) In cases where there is no strategic value of the land resulting from discontinuance, the draft Policy sets out that it is Council's preference to discontinue and sell the land. This would be subject to Council approval and subject to the consultation requirements set out in legalisation; and
 - (vi) Where an option to sell the land is not desirable or available, and the land is to be retained by Council, the draft Policy sets out a proposed leasing arrangement and the Council/tenant management responsibilities under such arrangement.

Policy implementation – short term actions and timelines

- 41. The Policy is viewed as an operational document to guide decision making and ensure compliance with statutory requirements.
- 42. Legal advice obtained by officers has advised that it would be appropriate to incorporate an adopted Policy into Council's RMP as per Section 53 of the RM Act.
- 43. As community consultation is required with any amendment to the RMP; officers do not propose to undertake community consultation prior to the adoption of a final Policy.
- 44. Subject to Council adoption of a Policy, the key short term actions will be for:
 - (a) Officers to amend the wording within Council's RMP and incorporate the final Policy into Council's RMP. The amendments will be presented in a report to Council;
 - (b) Officers to undertake an assessment of Council's Register to determine which laneways and passageways are 'public roads' (and to be kept on the Register) and 'non-public roads' (which will be removed from the Register);
 - (c) Council to give public notice of the RMP amendments and allow for public submissions following a 28 day period as per Section 54 of the RM Act;
 - (d) Council (or delegate) to formally declare 'public roads' in writing at a meeting of Council; and
 - (e) Officers to finalise the lease/permit arrangement for any discontinued road that is to be retained as Council land and leased to the occupier.
- 45. Council's current RMP was adopted by Council on 4 July 2017. The next formal review of the RMP is in 2021.
- 46. The formal review of the RMP is an extensive and resource intensive process. On this basis, officers recommend that the RMP is only updated at this stage to amend the wording and incorporate the final Policy into Council's RMP, with the next formal review to occur in 2021 as planned.
- 47. The amendment of the RMP will not include a review of the current road management standards adopted by Council in 2017 as this will occur during the next formal review in 2021.
- 48. Officers will commence the review of the Register following adoption of the Policy. It is anticipated it will take approximately 3-6 months to complete the assessment.
- 49. The review of the Register will be undertaken within existing budget and resources.

50. Council can formally declare ‘public roads’ in batches (i.e. ‘public roads’ by suburb or type) over multiple Council meetings or make one formal declaration once the assessment is complete. Officers propose to start the assessment of ‘public roads’ and make a recommendation on the best approach regarding formal declaration once the workload and time required is clearer.
51. The proposed timelines for implementation of the short term actions are shown in Table 1.

Table 1: Timelines for short term actions

Action	Timeline
Present policy to Council for adoption	17 December 2019
Present Amended RMP to Council for approval to undertake community consultation	February 2020
Undertake statutory consultation on amended RMP	Feb 2020 to March 2020
Undertake assessment of Register	Jan 2020 to June 2020
Declaration of ‘public roads’ for inclusion on Register	Feb 2020 to June 2020

Policy implementation – ongoing

52. Following the initial substantive exercise to update the Register, there will be an ongoing requirement to keep the Register up to date and for Council, or a delegate, to make declarations on whether a laneway or passageway is a ‘public road’ or not.
53. Based on past updates of the Register, it is anticipated that there will only be an occasional requirement for Council, or a delegate, to make declarations on whether a laneway or passageway is a ‘public road’ or not.
54. Likewise, there is likely to be minimal officer resource requirements regarding the maintenance and update of the Register, and this work will be undertaken within existing budgets and resource allocation.
55. Inspection, maintenance and repair of ‘public roads’, and the management of known ‘non-public roads’ as set out in the draft Policy will continue to be undertaken within existing budgets and resources.
56. There is potential for additional and unbudgeted costs should Council decide to reinstate and subsequently maintain specific ‘non-public roads’ to a Council standard. Additional costs would also apply in cases where Council takes on the care and management of currently unknown ‘non-public roads’ i.e. roads that may vest in Council in the future via a deceased estate.
57. It is anticipated that Council will continue to receive community complaints regarding access issues. This will continue to be managed within existing resources, although to be informed by the directions of an adopted policy going forward.
58. There will be no change or impact to the current discontinuance of roads process.
59. Leasing of land will continue as per current processes. There may be an increase in demand in the lease of land, although currently it is anticipated that this will be done within current budgets and resources.
60. Where there is no commercial value of the land to be leased, Council officers will seek to reimburse any legal and administration costs associated with the preparation and ongoing management of the lease arrangement.
61. Where there is commercial value of the land to be leased, Council officers will negotiate any further reasonable lease costs of the land as per the current leasing process for Council land.

Future opportunities regarding the management of laneways

62. While the draft Policy is focused on providing the management framework to help minimise Council's exposure to legal and financial risks, it is noted that some laneways and passageways in Yarra currently do (or have the potential to) contribute towards other Council strategies, policies and best practice objectives.
63. This includes, but is not necessarily limited to:
 - (a) Additional open space;
 - (b) Additional community uses such as urban agriculture;
 - (c) Increase in urban forest and reduction of heat island effect;
 - (d) Traffic management or transport planning objectives such as localised provision of safe and accessible pedestrian and cycling connections;
 - (e) Embedding green infrastructure (i.e. increased permeable surfaces and water sensitive urban design);
 - (f) Activation of laneways to assist with safety or to assist with economic development;
 - (g) Reinstatement of heritage infrastructure in heritage areas;
 - (h) Other forms of laneway beautification;
 - (i) Facilitating urban development, whether this is infill development or providing alternative access arrangements to a street where this results in the best overall public outcome (i.e. fewer crossovers and improved public realm on the street); and
 - (j) Or a combination of the above.
64. The ability of laneways to perform specific functions will be based on, but not necessarily limited to:
 - (a) Constraints such as width and layout;
 - (b) Infrastructure functions such as stormwater drainage or housing third party infrastructure;
 - (c) Conflicts such as current or potential future access requirements;
 - (d) Contamination from historic uses;
 - (e) Maintenance and liability requirements and practicalities; and
 - (f) Community acceptance noting that there can be strong, and sometimes conflicting, community opinion on the use of laneways, and that this is likely to vary based on location.
65. The future management of laneways and passageways in Yarra is covered, either directly or indirectly, by a range of existing Council strategies and programs including:
 - (a) Road Management Plan;
 - (b) Open Space strategy;
 - (c) Urban Forestry strategy;
 - (d) Heritage strategy;
 - (e) Local Area Place Making program;
 - (f) Urban Agriculture program;
 - (g) Structure Plans, Local Area Plans, Built Form strategies and other strategic and urban planning documents; and

- (h) Other operational programs not necessarily covered by a strategy or policy i.e. graffiti removal, cleansing, weeding etc.
66. It is also noted that Council has a range of powers set out in legislation and local laws to implement changes to the use of laneways such as the power to:
- (a) Prohibit and restrict traffic (LG Act);
 - (b) Close roads seasonally (LG Act);
 - (c) Permanently obstruct or place barriers on roads (LG Act);
 - (d) Discontinue roads (RM Act and LG Act);
 - (e) Lease land (LG Act); and
 - (f) Provide permits for others to allow other uses (Local Laws).
67. Given the range of potential uses and often different set of circumstances for each individual laneway, it is unlikely to be practical to have a single strategic or local approach regarding the future use of laneways.
68. It is therefore recommended that changes in uses to laneways are considered under existing Council strategies and programs, on case by case basis, including deciding upon the most appropriate legislative tool that can be applied to implement the project.

External Consultation

69. Officers have sought independent legal advice during the development of the policy, including a legal review of a draft version of the policy.
70. It is noted that the legal context of various legislation relating to roads is complex, and has only been subject of limited decisions and interpretations by the Courts.
71. As such, the legal advice has been provided on the qualification of being the best interpretation of the provisions set out in the Policy as the law currently stands, and is by no means clear cut.
72. No specific consultation has been undertaken in the preparation of the draft Policy. The Policy is viewed as an operational document to guide decision making and ensure compliance with statutory requirements and provide access to laneways and passageways genuinely required for public use.
73. Should Council proceed with the recommendation to amend Council's RMP, there will be a requirement to undertake the formal advertisement of the amended document and allow for public submissions following a 28 day period as per Section 54 of the RM Act.

Internal Consultation (One Yarra)

74. The management of laneways and passageways involves many internal branches who have contributed to the preparation and review of the policy. This includes Asset Management, City Works, Compliance, Governance, Property Services, Strategic Transport and Traffic and Civil Engineering.
75. There is an internal officer recognition that a policy setting out a framework to guide decision making and ensure compliance with statutory requirements would be beneficial.
76. Further discussions have occurred with other teams to understand any strategies and programs relating to the future management of laneways and passageways including Open Space, Urban Design and Strategic Planning.

Financial Implications

77. The review of the Register will be undertaken within existing budget and resources.
78. Inspection, maintenance and repair of 'public roads', and the management of known 'non-public roads' as set out in the draft Policy will continue to be undertaken within existing budgets and resources.

79. There is potential for additional and unbudgeted costs should Council decide to reinstate and subsequently maintain specific 'non-public roads' to a Council standard. Additional costs would also apply to in cases where Council takes on the care and management of currently unknown 'non-public roads' i.e. roads that may vest in Council in the future via a deceased estate.
80. There is potential for reduced exposure to liability and other legal risks by adhering to the processes set out in the draft Policy.
81. Should Council proceeds with the recommendation to amend Council's RMP, there will be a requirement to seek feedback on the amendments in accordance with Section 54 of the RM Act. This consultation is estimated to cost in the order of \$5,000 and will be funded from existing budget allocations.

Economic Implications

82. N/A

Sustainability Implications

83. N/A

Social Implications

84. There is strong community interest in the current and future management of laneways and passageways in Yarra.
85. It has been noted that there has been requests for Council to consider other uses of laneways such as community gardens.
86. It is noted that there is often a different set of circumstances for each individual laneway, and it is not necessarily the case that community members share the same view on the future use of laneways.
87. Officers recommend that this draft Policy is adopted and implemented separately to any initiatives that explore the future use of laneways and passageways. These initiatives would be best explored after Council has fully complied with its obligations under the RM Act.

Human Rights Implications

88. N/A

Communications with CALD Communities Implications

89. Should Council proceed with the recommendation to amend Council's RMP, community consultation will be done as per CALD Community consultation requirements.

Council Plan, Strategy and Policy Implications

90. The draft Policy sets out a range of processes to help ensure that Council's RMP (Council's key policy relating to its road management functions) aligns with statutory requirements. This will provide clear guidance to officers in how to manage laneways and passageways.
91. The draft Policy does not impact on any other existing or proposed Council strategy or policy.

Legal Implications

92. The draft Policy sets out a range of processes to help ensure that decisions on road management align with the requirements of the RM Act relating to:
 - (a) Council's Register of Public Roads; and
 - (b) Public rights of access to roads (including laneways and passageways).
93. The preparation of the draft Policy has also identified the need to update the wording in Council's RMP to distinguish the difference between 'public roads' and 'non-public roads'.

94. The update to Council's RMP is important as the RMP standards will take precedence over other policies (such as this draft Policy), when it comes to establishing defences to liability.

Other Issues

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

Options

Option 1: Adopt the Policy

96. The draft Policy has been developed to help minimise Council's exposure to legal and financial risk by providing a framework for consistent decision making regarding the management of laneways and passageways in line with statutory requirements, and ensure that public access is retained for roads genuinely required for public use. In particular:
- (a) The draft Policy sets out the criteria to be used in identifying 'public roads', that is, roads (or laneways or passageways) that Council considers are 'reasonably required for general public use';
 - (b) This criteria would be used going forward to identify 'public roads' and 'non-public roads' in a fair and consistent manner;
 - (c) The draft Policy sets out management processes relating to 'public roads' or 'non-public roads' to guide Council operations and assist with establishing defences to liability; and
 - (d) The draft Policy sets out the policy position relating to the management of obstructions on 'roads' to ensure that decisions are consistent and align with public access rights set out in legislation.
97. The draft Policy provides guidance for officers in the day-to-day management of laneways and passageways. This is considered important as the day-to-day management of laneways and passageways is performed across many branches in Council.
98. The draft Policy also provides guidance to the community as to the reasons behind decision making and potential options regarding current and future ownership/management of laneways and passageways in Yarra.
99. Officers recommend that the proposed Policy is adopted.
100. Officers recommend that an adopted Policy is incorporated into an amended Council Road Management Plan, which in turn would need to be put on public exhibition.

Option 2: Do not proceed with a Policy

101. Council is required to comply with the requirements of the RM Act (relating to Council as the 'responsible road authority' and 'coordinating road authority') irrespective of whether a Policy is in place.
102. Council is exposed to financial and legal risk if it does not perform its road management functions in line with legislation.
103. The draft Policy has been prepared to provide guidance and processes to minimise such risk. Council may be exposed to greater risk if Council and its officers undertake actions or make decisions (even unintentionally) that are contrary to statutory requirements.

Conclusion

104. The draft Policy has been developed to help minimise Council's exposure to legal and financial risk by providing a framework for consistent decision making regarding the management of laneways and passageways (and ROWs) in line with statutory requirements, and ensure that public access is retained for roads genuinely required for public use.
105. Officers recommend that the proposed Policy is adopted.
106. Officers recommend that an adopted Policy is incorporated into an amended Council Road Management Plan, which in turn would need to be put on public exhibition.

107. Officers will be required to undertake an assessment of Council's Register which is expected to take 3-6 months. The review of the Register will be undertaken within existing budget and resources.
108. Officers recommend that this draft Policy is adopted and implemented separately to any initiatives that explore the future use of laneways and passageways such as conversion of laneways to community gardens or promoting localised cycling/pedestrian thoroughfares (where this is currently not the case). These initiatives would be best explored after Council has fully complied with its obligations under the RM Act.

RECOMMENDATION

1. That:
 - (a) Council adopts the Management Policy in relation to laneways, passageways and Rights of Way (ROWs) in Yarra;
 - (b) Officers proceed with the assessment of Council's Register of Public Roads based on the directions set out in the adopted Policy;
 - (c) Council instructs officers to prepare a draft amendment to Council's Road Management Plan (2017-2021) that incorporates the adopted Policy; and
 - (d) Council instructs officers to prepare a report to Council on the draft amendment to Council's Road Management Plan (2017-2021) in early 2020 prior to public exhibition.

CONTACT OFFICER: Danny Millican
TITLE: Coordinator Civil Engineering
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Attachments

- 1⇒ Draft Management Policy Laneways Passageways and ROWs
- 2⇒ Examples of Laneways and Passageways

11.6 Heidelberg Road corridor - proposed interim provisions in Amendment C272 and permanent provisions in Amendment C273 - Local Area Plan and Discussion Paper

Executive Summary

Purpose

This report outlines the strategic planning work undertaken between Darebin and Yarra Councils that aims to set a common vision and key land use and planning directions for the Heidelberg Road Corridor between the Merri and Darebin Creeks in form of a local area plan.

Based on this work the report recommends that Council submit a request to the Minister for Planning to introduce interim Heritage Overlays to several properties and an interim Design and Development Overlay Schedule for the commercially zoned land along Heidelberg Road (within the City of Yarra).

Key Issues

Yarra's activity centres are identified as key locations for employment and residential growth in both State and Local Policy.

Land along Heidelberg Road in Fairfield and Alphington is experiencing development pressure due to its good access to Melbourne CBD, proximity to public transport and other employment and activity centres.

The communities in Fairfield and Alphington have expressed concerns about the scale and amount of development and have sought stronger planning provisions that achieving greater certainty and a balance between allowing some development, retaining a sense of place and protecting adjacent residential areas.

In response, officers have prepared a draft Local Area Plan and draft interim planning provisions for the Heidelberg Road corridor in conjunction with officers from Darebin Council. The Plan includes a strategic framework for the corridor and proposes the introduction of an interim Design and Development Overlay (DDO) for the Commercial 1 and Commercial 2 Zone areas and some Heritage Overlays along Heidelberg Road.

The provisions would be sought on an interim basis until such time as strategic planning work is completed by Darebin City Council so that Local Area Plan can be finalised and permanent planning scheme amendments can be prepared and exhibited for both Yarra and Darebin. This would involve consultation with the local community.

Financial Implications

The costs associated with obtaining expert advice assessing building form, heritage and traffic / access issues is within the 2019/20 Strategic Planning budget.

PROPOSAL

That Council request the Minister for Planning to introduce interim planning provisions, including a DDO and Heritage Overlay for the Heidelberg Road corridor through Yarra Planning Scheme Amendment C272.

11.6 Heidelberg Road corridor - proposed interim provisions in Amendment C272 and permanent provisions in Amendment C273 - Local Area Plan and Discussion Paper

Reference: D19/203099

Authoriser: Manager City Strategy

Purpose

1. The purpose of this report is to outline:
 - (a) the Background Issues and *Discussion Paper* and the *draft Local Area Plan* for the Heidelberg Road Corridor;
 - (b) the content of the draft interim heritage and built form provisions for the Commercial 1 and Commercial 2 Zone areas along the Heidelberg Road corridor (within City of Yarra);
 - (c) the process for requesting interim provisions (i.e. a request for a Ministerial amendment to the Yarra Planning Scheme through under Section 20(4) of the *Planning and Environment Act 1987*); and
 - (d) how permanent provisions would be progressed in collaboration with Darebin City Council.

Background

Managing Growth in Yarra's activity centres

2. Demand for housing within the City of Yarra is high due to its proximity to employment and public transport and Yarra's heritage character, amenity and cultural offerings. State and Local policy support directing employment opportunities and higher density housing to activity centres. Council's adopted *Housing Strategy 2018* sets out Council's approach for managing population and housing growth across the municipality.
3. Yarra's communities acknowledge a need for a degree of change to accommodate growth. However, the community place great importance on planning provisions that better manage change and provide as much certainty as possible about future development outcomes. This includes ensuring a balance between maintaining heritage fabric in the shopping centres and protecting sensitive residential interfaces whilst guiding new development.
4. In response, Council has been progressively introducing interim planning provisions across activity centres to improve guidance for the development occurring in activity centres.

The Heidelberg Road Corridor Local Area Plan (HRCLAP)

5. The former Alphington Paper Mill site (APM) is a significant redevelopment site referenced in *Plan Melbourne* and marked as a high change area. Redevelopment is guided by a site specific Development Plan Overlay and an approved Development Plan. Redevelopment of this site will see a very significant increase in the local population and housing and an expanded economic role of the Heidelberg Road *Neighbourhood Activity Centre*. The APM site is a strategic site where the major growth and change will occur along the corridor. The site will accommodate the tallest forms of buildings along the corridor and it is intended that the other development areas will be lower in height and subservient in their proposed height and scale.

Discussion

6. The local community and representatives on the Council Community Reference Group (CRG) for the former Amcor site, raised concerns about the developments being proposed outside the APM site along Heidelberg Road and requested Darebin and Yarra Councils undertake strategic planning work to prepare new planning provisions to better guide development and provide greater certainty to the community.
7. Darebin and Yarra City Council CEO's agreed to commence a joint strategic planning study for the Heidelberg Road corridor to provide a common strategic basis for a Local Area Plan and new planning provisions. A collaborative approach has assisted achieving coordinated outcomes between Councils.
8. To overcome the differences in resource commitments and timing between Darebin and Yarra City Council, the approach has been to prepare a common strategic framework, (the Local Area Plan), for the Heidelberg Road Corridor and for Yarra to commence detailed work on built form and heritage provisions for those areas within the Yarra municipality.

Approach

9. The projects outlined in this report consist of two components:
 - (a) a Background Issues and Discussion (the Paper); and
 - (b) the Heidelberg Road Corridor Local Area Plan (HRC LAP), both undertaken in conjunction with officers from the City of Darebin.
10. Detailed built form and heritage assessments undertaken by the City of Yarra, with City of Darebin input includes:
 - (a) urban context analysis;
 - (b) heritage report;
 - (c) transport report;
 - (d) Built Form Framework, Design Strategy and Recommendations; and
 - (e) preparation of interim Heritage Overlays and an interim Design and Development Overlay.
11. Yarra's detailed built form, heritage and transport work is focused on the commercial zones in the three precincts identified in the Local Area Plan along the south side of Heidelberg Road.
12. All the work considers but does not propose changes to the approved Development Plan for the APM site.
13. The overall project and the draft Paper was discussed with the Alphington Paper Mill Community Reference Group (APM CRG). Subsequently, the Alphington-Fairfield Appropriate Development Association (AFADA) has responded to the Paper and provided comments in a written submissions.
14. The key points made by the community included:
 - (a) support urgent introduction of interim planning provisions;
 - (b) mandatory heights, generally 4 storeys and 5 storeys on larger sites (+1,000 sqm);
 - (c) transitional rear setbacks, based on 2 storey podium height, dependent on rear interface/overshadowing impact);
 - (d) change designation in Yarra Housing Strategy from moderate to incremental;
 - (e) see higher ESD standards;
 - (f) no roof tops terraces;
 - (g) no on-street parking permits for new residents;

- (h) change some rear lots associated to Heidelberg Rd frontages from C1Z to NRZ;
- (i) heritage protection for some sites (all within residential land, not within C1Z), and
- (j) upgrades to bike paths, street furniture, some intersections and public transport.

Scope and study area

- 15. The Heidelberg Road Corridor between the Merri and Darebin Creeks marks the municipal boundary between the cities of Darebin and Yarra.
- 16. The Local Area Plan has considered a wider study area including residential land along the Heidelberg Road Corridor generally between the Merri and Darebin Creek and the Hurstbridge Railway Line and Yarra River.
- 17. The primary focus of the Discussion Paper and HRC LAP has been the commercial and industrial zone land adjoining Heidelberg Road in both Darebin and Yarra. The context plan below (see Figure 1) shows the study area, the three precincts identified and some of the key features along the corridor.

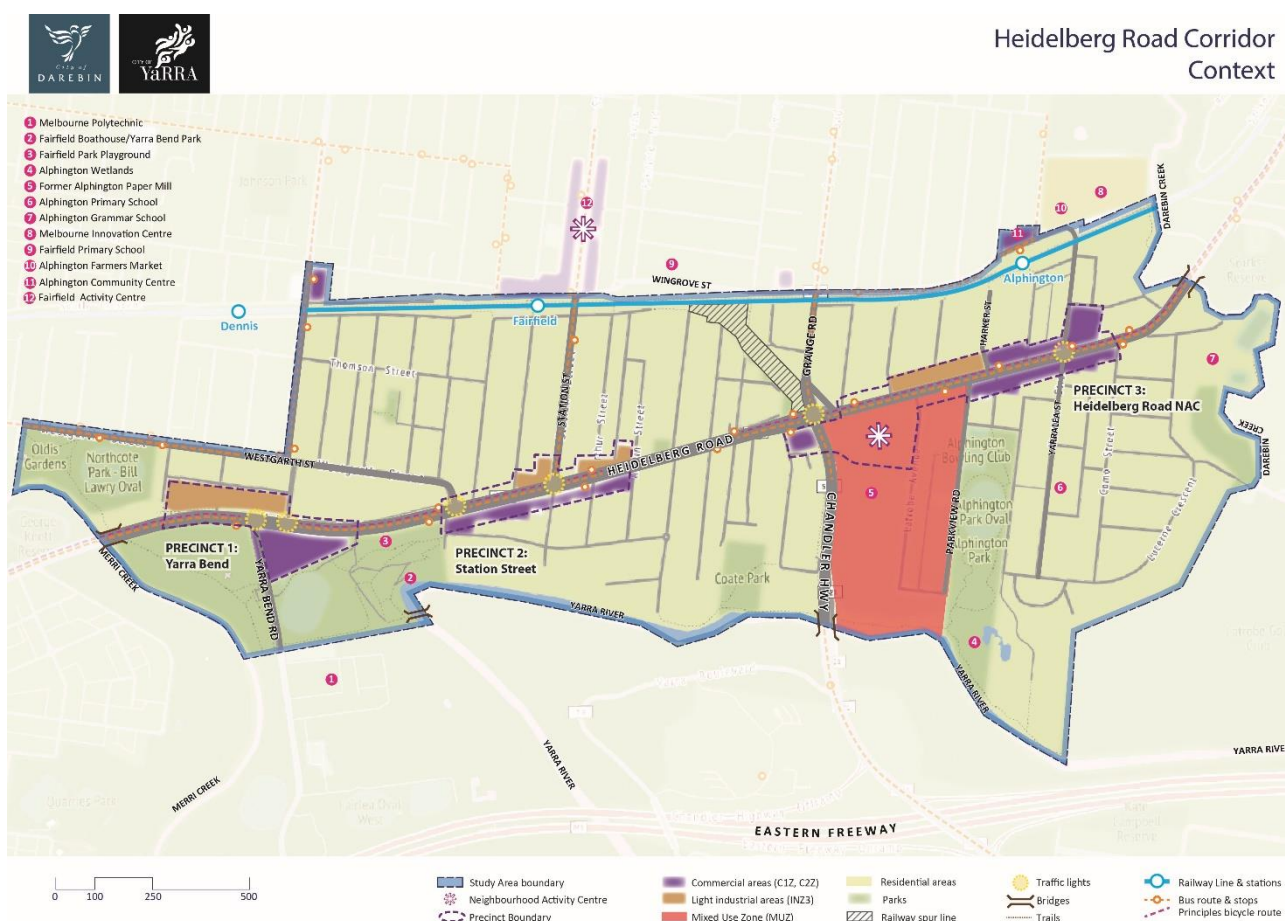


Figure 1: Heidelberg Road Corridor Context

Heidelberg Road Background and Discussion Paper

- 18. The Paper provides an understanding of the existing context and main issues along the Heidelberg Road Corridor based on information from existing policies, strategies, and workshop discussions between Darebin and Yarra officers and verbal and written submissions from the APM CRG and AFADA.
- 19. The Paper identifies three precincts along Heidelberg Road (see Figure 1 and Attachment 1):
 - (a) Precinct 1 – Yarra Bend;

- (b) Precinct 2 – Station Street; and
- (c) Precinct 3 – Heidelberg Road Neighbourhood Activity Centre (not including the APM land).

20. Table 1 below provides a summary of the matters considered in the Paper:

Table 1: Heidelberg Road Background Issues and Discussion Paper - Key Findings

Issues	Key Findings
Economic	<ul style="list-style-type: none"> • Investigate the options for the future development and zoning of industrial land in City of Darebin. • Consider applying the C1Z to the Alphington Village (the retail core of APM) to replace the existing Mixed Use zone with no change to the existing DPO approved Development Plan (not part of this proposal).
Population, Community Facilities and Housing	<ul style="list-style-type: none"> • Housing affordability is an issue, common to Melbourne. The APM redevelopment would contribute approximately 2,500 dwellings with a mix of apartments and town houses to the local area. • As part of the APM redevelopment new community facilities will be provided and located within the APM site.
Transport and Movement	<ul style="list-style-type: none"> • High vehicle traffic volumes and the width of Heidelberg Road exacerbates the disconnection and barriers between the north and south side of Heidelberg Road. • Limited bus operation hours and poor services make use of bus public transport unattractive. • The corridor has good access to the rail network. • The APM redevelopment, in conjunction with Darebin Council will contribute to improvements in pedestrian and cycling connections. • Bicycle lanes on Heidelberg Road are unsafe. • Walking environment along Heidelberg Road can feel unsafe and has poor amenity due to limited pedestrian crossings, short duration of pedestrian light cycles, fast moving traffic, and the lack of separation from traffic. • A Public Acquisition Overlay (PAO) affects the corridor and if implemented for vehicle traffic would further exacerbate the issues.
Public Realm and Built Form	<ul style="list-style-type: none"> • There is a lack of landscaping along Heidelberg Road creating a harsh environment that can make walking and cycling uncomfortable. • No built form planning provisions are in place to guide development which can lead to poor development outcomes and uncertainty in planning decisions. • Some development proponents use the APM as a benchmark, leading to out of scale proposals being lodged for consideration. • Each precinct lacks a strong urban design identity.
Open Space and Environment	<ul style="list-style-type: none"> • Improved connectivity across Heidelberg Road would make open space to the south more accessible. • Lack of canopy trees along Heidelberg Road exacerbates the heat island effect along the corridor.

Heidelberg Road Corridor Local Area Plan

21. The LAP proposes a vision for the Heidelberg Road Corridor and its three precincts. It outlines a set of overarching directions, outcomes and objectives to achieve the vision. Strategic actions guide the realisation of the vision.
22. The proposed Vision for the LAP is '*A better connected community, more diverse business activity and greener, quality streetscapes in Heidelberg Road's precincts.*' It aims to provide a guide for how future development and changes within the three precincts along the corridor can achieve the vision.
23. The framework directions are:
 - (a) allow a greater land use diversity across the corridor;
 - (b) advocate for better public transport services;
 - (c) increase cycling and walking connections and route safety;
 - (d) improve housing diversity and affordability;
 - (e) improve the public realm in each precinct;
 - (f) create a stronger place identity in each precinct; and
 - (g) allow moderate levels of change, sensitive to the adjacent residential areas and heritage fabric.
24. The key outcomes and objectives in the LAP are summarised in Table 2 below:

Table 2: Heidelberg Road Corridor Local Area Plan – Key Outcomes and Objectives

Diverse economic activity	Community well-being	Improved active transport services and accessibility	Individual precinct identity
Attract a wide range of businesses now and into the future.	Support locating community services closer to the area of need.	Improve public transport services to and along Heidelberg Road.	Create a more pedestrian-oriented, attractive and safe public realm.
Ensure employment-generating land uses are attracted to and retained within the corridor.	Increasing housing diversity and affordability.	Improve access to existing public transport	Ensure public realm and built form achieve a stronger place identity for each precinct.
	Pursue new green space opportunities north of Heidelberg Road.	Increase connections and safety for bike riders.	Ensure new development is sensitive to adjacent residential areas.
		Increase number of pedestrian crossing points along Heidelberg Road.	
		Increase safety for pedestrians.	

Minimise pressure for parking in residential areas adjoining Heidelberg Road.

Reduce or limit vehicle crossovers onto Heidelberg Road to minimise conflicts with pedestrians / vehicles.

25. Key strategic actions from the LAP include:
- (a) each Council to prepare built form frameworks and planning scheme provisions;
 - (b) advocate for improved transport and traffic conditions along the corridor including walking and cycling infrastructure and public transport service and facility improvements;
 - (c) support a range of housing forms and affordable housing in new development;
 - (d) investigate streetscape improvements in key precincts; and
 - (e) investigate zone changes in some locations on the northern (Darebin) side of the corridor.
26. An overview of the issues, framework, opportunities and improvements maps strategic actions (and the interim DDO control maps) is provided in **Attachment 1**.
27. The full Background Paper is in **Attachment 2** and the Local Area Plan is in **Attachment 3**.
28. Alongside the overarching strategic work, Yarra investigated heritage, transport and built form matters to inform the draft built form provisions.
- Heritage Report
29. Yarra commissioned a heritage report which investigated potential gaps in local heritage significance and planning scheme protection. This work was in two stages:
- (a) the *Heidelberg Road Heritage Review (Stage 1) 2019 RBA Architects* (see **Attachment 4**) made a preliminary assessment of heritage places and a built form review which provided input into the Built Form Framework.
 - (b) the *Heidelberg Road Heritage Review (Stage 2) 2019 - Stage 2 Report (recommendations & citations for proposed heritage overlays)* RBA Architects finalised the recommended additions to the Heritage Overlay and provided the citations for each of the proposed Heritage Overlays (see **Attachment 5**).
30. The Heidelberg Road corridor has relatively little heritage building stock. The heritage reports recommend five additional properties in three new Heritage Overlays and provides heritage related recommendations and built form guidance for these places and two existing Heritage Overlays:
- (a) New **HO510** – 358 Heidelberg Road, Fairfield – Garage – car repairs and dwelling;
 - (b) New **HO511** - 730-734 Heidelberg Road, Alphington – three shops;
 - (c) New **HO512** - 760 Heidelberg Road, Alphington – former shops;
 - (d) Existing **HO71** – Former Butcher Shop, 756-758 Heidelberg Road, Alphington (HO71); and
 - (e) Existing **HO421** – Porta Factory, 224 Heidelberg Road, Fairfield.

31. The built form guidance for these proposed and existing heritage places has been used in the proposed built form framework. These included the visibility of the brick chimney at the Porta site and setbacks above the heritage street walls of 6 metres to create a sufficient separation between upper level development and heritage fabric below.
32. Other properties fronting Heidelberg Road that were considered, but did not meet the threshold for local heritage protection, is given at Section 4.3 and 4.4 of the Stage 1 report.
33. The property at 2 Killop Street, Alphington is proposed to be removed from the existing Heritage Overlay (Alphington East Precinct HO362). The dwelling which occupies 2 Killop Street is a late 20th Century structure which does not contribute to the Alphington East Precinct which is 'largely characterised by Victorian, Edwardian and Interwar houses with pitched, gabled or hipped roofs.' The Stage 1 Heritage Report concludes at page 13:

"The building is not related to the significance of the precinct (HO362) and should be omitted."

Transport Report

34. The transport report (see **Attachment 6**) analyses the existing and future movement and access conditions within the three precincts. Based on the analysis, it makes recommendations on the location of preferred vehicle access and provides advice on the content of the proposed built form control,
35. Key recommendations are to:
 - (a) avoid vehicle access from Heidelberg Road;
 - (b) support pedestrian friendly development;
 - (c) provide the required car parking amounts on development sites;
 - (d) utilise side streets and laneways where possible; and
 - (e) support the improvement of key intersections for pedestrians and cyclists.

Built Form Framework

36. The built form analysis for the three commercial precincts on the south side of Heidelberg Road consists of two reports.
37. The *Heidelberg Road Built Form Framework Part 1 Urban Context Analysis - Hodyl & Co, July 2019* (see **Attachment 7**), provides an in-depth analysis of the urban context, recognising the parklands, sensitive residential properties, urban design conditions and heritage advice.
38. The *Heidelberg Road Built Form Framework – Design Strategy & Recommendations - Hodyl & Co, September 2019* (see **Attachment 8**), formulates a design strategy and outlines the approach used for preparing built form recommendations for each precinct. This was used to guide proposed built form planning scheme provisions and respond to the relevant issues and actions in the Discussion Paper and LAP. The heritage advice discussed above has informed the built form framework.
39. The proposed provisions aim to balance heritage values, rear residential interface impacts and development opportunities. Key factors to determine the potential built form envelope were:
 - (a) a street wall height that provides a sense of enclosure to the road without being overwhelming;
 - (b) overshadowing of rear residential properties to comply with ResCode;
 - (c) visibility of building bulk from the front and rear;
 - (d) existing and proposed heritage fabric;
 - (e) VCAT decisions; and
 - (f) property lot depths and size.

40. The Built Form Framework uses the same precincts as those in the LAP but splits Precinct 3 into two parts:
 - (a) Precinct 3A deals with a single large site between Chandler Highway and Coate Avenue (572 Heidelberg Road) which has been the subject of a recent VCAT decision; and
 - (b) Precinct 3B deals with land east of the APM land from Parkview Road to Como Street.
41. The recommended building height provisions generally range between 4 to 8 storeys, depending on lot depth, rear interface context, existing recent developments and heritage fabric.
42. The tallest forms of up to 8 storeys are proposed at the Porta site in Precinct 1 and in Precinct 3B. Heights ranging between 4 to 6 storeys are proposed in other precincts. Street wall heights range between 2 to 4 storeys. Requirements for ground floor rear setbacks are recommended where the adjoining dwelling is located within 15m of the lot boundary.
43. The Porta site is large and relatively unconstrained, with two road frontages and very limited residential interfaces. It is identified as a strategic development site in the Yarra Planning Scheme (Porta Pty Ltd at the SE corner of Yarra Bend Road). The main sensitivity for this site is the adjoining Yarra Bend parkland and the heritage fabric of the factory and brick chimney. Requirements and guidelines are proposed to include ground floor and upper level setbacks towards Heidelberg and Yarra Bend Road, a mix of building heights and forms, the parkland and retaining key views to the chimney from Jeffrey Street, Yarra Bend Road and the rear parklands. Street wall heights are recommended to be 4 storeys but discretionary, which allows a more nuanced transition down towards the heritage factory.
44. Precinct 2 is a non-residential precinct and recommended maximum heights range between 5 and 6 storeys.
45. The Precinct 3A land adjoins residential areas and has been the subject of a recent VCAT which refused a development proposal of 13 storeys. Evidence prepared on behalf of the City of Yarra at the VCAT hearing recommended a height of 8 storeys with the height and bulk of a development transitioning down towards Coate Avenue and adjoining residential interfaces, including ground floor setbacks. This approach has been tested further in the built form framework.
46. The site at 700-718 Heidelberg Road between Parkview Road and Park Avenue was also subject to a recent VCAT decision. The proposed 8 storey development was reduced to 5 storeys by VCAT, with the decision noting that design flaws resulted in a height reduction. The decision indicated that the large site could accommodate a higher form, subject to better design.
47. 700-718 Heidelberg Road is a larger site in comparison to others in the precinct, but it is not listed as a strategic site in the Planning Scheme like the Porta site in Precinct 1 is. It is recommended to make a distinction based on the lack of Planning Scheme designation and the former APM site being able to accommodate sufficient housing growth in Precinct 3B. A maximum of 6 storeys is recommended for the site.
48. Lower heights and more constrained built form of up to 5 storeys is recommended between Park Avenue and Yarralea Street, Alphington (in the centre of Precinct 3B), partially due to the location of a number of existing and proposed heritage places and a finer grain lot pattern. A lower street wall of 2 storeys is proposed to assist retaining a more intimate character for the centre.
49. East of Yarralea Street, allotments are larger. A 12 metres wide Public Acquisition Overlay (administered by VicRoads) reduces the potential for development. Due to the sensitive residential interfaces directly abutting these sites, a maximum height of 5 storeys is recommended. The street wall height is recommended to increase to 4 storeys to provide for a stronger sense of enclosure as occurs with the development on the corner of Como Street.

Proposed Built Form Provisions – Interim Design and Development Overlay 18

50. The Draft Interim DDO18 (see **Attachment 9**) proposes a mix of mandatory and discretionary height limits, upper level setbacks and street wall requirements which are designed to achieve these objectives. The provisions are summarised in **Table 3** and the proposed interim provision maps are in **Attachment 1**:

Table 3: Summary of proposed building form requirements in the proposed interim DDO

D = Discretionary

M = Mandatory

Requirement	Precinct 1 – Yarra Bend	Precinct 2 – Station Street	Precinct 3A – Coate Avenue 572 Heidelberg Road.	Precinct 3B – Heidelberg Road NAC
Ground floor setbacks - front	3m – M to Heidelberg Road and Yarra Bend Road	3m – D to Heidelberg Road and Park Crescent	3m - M to Heidelberg Road 4.5m - M to Coate Ave	3m – D Parkview to Park Ave; 0m – D Park to Yarralea Street PAO of 12m between Yarralea to Como Avenue (M)
Street Wall Heights	4-6 storeys – D to Heidelberg Rd	Front 4 storeys M	4-8 storeys – M to Chandler Hwy & Heidelberg Rd 3 storeys Coate Ave (M)	2 storey – M between Park Avenue to Yarralea Street 4 storey – M east of Yarralea Street
Upper level setbacks	6m – M	6m from frontage streetwall (Heidelberg Rd and Park Crescent) and 3m from side street – M	6m from Heidelberg Road streetwall and 3m from side street – D 10 metres from Coate Ave streetwall, further 10 metres above secondary street wall – M	6m from frontage streetwall – M 3m from side street – D
Overall Heights	8 storeys (Porta) - M	5-6 Storeys – M	8 storeys – M Note: at corner of Heidelberg Rd & Chandler Hwy	6 storeys Parkview Rd to Park Ave – M 5 storeys east of Park Ave – M

Rear Interface	3m setback from parklands – M 4 storeys height at park interface – M Envelope to be contained within 45 degree angle above – M	8m boundary wall height – D Envelope to be contained within 45 degree angle above – M	8m boundary wall height – D Envelope to be contained within 45 degree angle above – M	8m boundary wall height – D Envelope to be contained within 45 degree angle above – M
Design Requirements	View lines and setbacks from heritage place	No setback for heritage place at Panther Place	Setbacks vary from Coate Ave and rear interface	Setbacks and building form are influenced by the related PAO and VicRoads requirements for the areas covered by the PAO.

51. See Attachment 2 for a map of recommended street wall heights and overall building heights.

Next Steps

52. The Paper and draft Local Area Plan (LAP) have been prepared by officers from the City of Darebin and Yarra. It is proposed that the draft LAP would be used as an interim position until Darebin City Council has prepared its economic analysis and detailed built form work. After such time, the intention is to update the LAP and jointly consult/exhibit planning scheme amendments proposing permanent planning provisions.
53. The LAP would be implemented collaboratively between the two Councils and/or with state agencies, for example advocating for improved bus services. Other projects, such as preparing built form provisions or streetscape upgrades, would be undertaken individually with Councils keeping each other informed.

Request interim amendment – C272

54. Consultant reports and other formal planning scheme amendment documentation has been finalised.
55. Should Council chose to adopt the amendment, the necessary documentation (see **Attachment 10**) would be sent to the Minister for Planning.

Future permanent planning provisions

56. Once Darebin City Council has conducted necessary background work, it is envisaged to undertake a joined consultation effort to finalise the HRC LAP and for Yarra City Council to pursue permanent built form provisions.

External consultation

57. Council officers have consulted with Darebin City Council including:
- (a) Strategic Planning;
 - (b) City Design;
 - (c) Economic Development;
 - (d) Sustainable Transport;
 - (e) Traffic Engineering; and
 - (f) Community Wellbeing.

58. Council officers also sought input from the Department of Transport to understand the status of the Public Acquisition Overlay. It was advised that the likely intention is to retain the PAO.
59. Council has also briefed the APM CRG (which includes local groups WARI, SAFCA, APMAG).
60. Representation from the Alphington Fairfield Appropriate Development Association (AFADA) was also present at the APM CRG meeting. Written submissions were received from AFADA and residents following the Community Reference Group briefing.
61. The submissions were considered in preparing the Paper, HRC LAP and built form provisions.

Internal Consultation (One Yarra)

62. Internal consultation has included:
 - (a) Urban Design;
 - (b) Economic Development;
 - (c) Strategic Transport;
 - (d) Senior Heritage Advisor
 - (e) Traffic Engineering;
 - (f) Open Space; and
 - (g) Community Infrastructure Planning.

Financial Implications

63. The cost of work involved in preparing the current proposals is within the Strategic Planning budget.

Economic Implications

64. The proposals support Council's *Spatial Economic and Employment Strategy 2018* by providing moderate scale redevelopment on commercial zone land which could provide additional floor-space for offices and retail activities. The C2Z land between Panther Place, Station Street and Austin Street (Precinct 2) is retained and provides scope for increased office space and other commercial activity, but excludes apartment redevelopment.
65. There are no economic implications for requesting the Minister for Planning to introduce interim DDOs.

Sustainability Implications

66. The Paper and draft LAP include directions, desired outcomes, objectives and actions which would improve sustainability through improved access to services and open space, potential public realm improvements, the protection of access to sunlight and improved access to public transport.
67. There are no sustainability implications for requesting the Minister for Planning to introduce interim DDOs.

Social Implications

68. The building form proposals aim to improve conditions for pedestrians along Heidelberg Road.
69. There are no specific social implications for requesting the Minister for Planning to introduce interim DDOs, however, they would provide increased certainty to the community around the future built form in the area.

Human Rights Implications

70. There are no known human rights implications.

Communications with CALD Communities Implications

71. CALD communities would be considered as part of the future proposed consultation.

Council Plan, Strategy and Policy Implications

72. The proposals are both consistent with and help to implement the Council Plan 2017 – 2021. Strategy 4.2 is to '*Actively plan for Yarra's projected growth and development and advocate for an increase in social and affordable housing*' and through Initiative 4.2.9 '*Develop planning controls for Heidelberg Road, Alphington in conjunction with Darebin Council.*'
73. The proposals are also consistent with the objectives and policy in the *Yarra Housing Strategy 2018* and the *Spatial Employment and Economic Strategy 2018* because they direct moderate scale growth to the commercial zones in the corridor and seek to strike a reasonable balance between growth and protecting heritage buildings, character and the amenity of the adjoining residential zones.

Legal Implications

74. There are no particular legal implications from the proposals. The proposed interim Amendment C272 would be sought from the Minister for Planning under S 20(4) of the Planning and Environment Act 1987 (the Act).

Other Issues

75. The proposals are unusual because they involve a corridor which is split by the Yarra / Darebin municipal boundary. The current proposals aim to address this by preparing a Local Area Plan (LAP) and Discussion Paper which apply to both the Darebin and Yarra parts of the corridor. Adopting them as an interim position would allow their formal utilisation to inform the built form framework. The proposed interim provisions in Amendment C272 would apply to the Yarra Planning Scheme.
76. It is anticipated that once Darebin City Council has completed the preparation of land use and built form investigations, both Council could coordinate a joined consultation effort to finalise the LAP and align permanent built form provisions for the Heidelberg Road Corridor, as needed.

Conclusion

77. The *Heidelberg Road Background and Discussion Paper 2019* and the draft *Heidelberg Road Corridor Local Area Plan* have been developed in a collaborative process between Darebin and Yarra Council officers. They assist communicating existing issues and propose common directions and outcomes for future improvements. They provide a strategic justification for the proposed interim built form provisions for the City of Yarra areas of the corridor.
78. Amendment C272 seeks to introduce interim provisions which provide balanced guidance for the City of Yarra areas along the Corridor while permanent provisions would be prepared, exhibited and reviewed in the future. In particular, the provisions include a mix of mandatory and discretionary requirements which would reduce the risk of amenity impacts at the interface between the commercial and residential zones and provide greater planning certainty.
79. Seeking the introduction of the proposed Heritage Overlay and Design and Development Overlay schedules as interim provisions by the Minister for Planning under Section 8(1) b and Section 20(4) of the *Planning and Environment Act 1987* would be the quickest way of introducing necessary planning provisions while additional strategic studies are undertaken.

RECOMMENDATION

1. That Council:
 - (a) note the officer report regarding recent planning studies in relation to Heidelberg Rd;
 - (b) note the strategic planning work and preliminary consultation undertaken while preparing the proposals, together with the supporting building form, heritage and transport documents in the attachments to this report;
 - (c) endorse, for the purpose of informing Amendment C272 and for future public consultation, the **Heidelberg Road Corridor Local Area Plan October 2019 (Attachment 3)** and the associated **Heidelberg Road Corridor – Background Issues and Discussion Paper October 2019 (Attachment 2)**; and
 - (d) endorse for the purpose of Amendment C272 the **Heidelberg Road Heritage Review (Stage 1) 2019 (Attachment 4)**, the **Heidelberg Road Heritage Review (Stage 2) 2019 - Stage 2 Report (Attachment 5)**, the **Heidelberg Road Built Form Framework Part 1 Urban Context Analysis, July 2019 (Attachment 7)** and the **Heidelberg Road Built Form Framework – Design Strategy & Recommendations, September 2019 (Attachment 8)**.
2. That Council
 - (a) write to the Minister for Planning requesting Interim provisions be approved for the Yarra Planning Scheme through the Amendment C272 introducing a new Design and Development Overlay (DDO18) and additional Heritage Overlays (HO) (**Attachment 10**) under S 20(4) of the Planning and Environment Act 1987; and
 - (b) note that a further report will be provided to Council regarding public consulting and finalising the Heidelberg Road Corridor Local Area Plan, and exhibiting permanent built form provisions, Darebin City Council has finalised similar proposals.

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Attachments

- 1 ⇨ Attachment 1 - Heidelberg Road Corridor Overview
- 2 ⇨ Attachment 2 - Draft Background Issues and Discussion Paper
- 3 ⇨ Attachment 3 - Heidelberg Road Local Area Plan Draft
- 4 ⇨ Attachment 4 - Heidelberg Road Heritage Review Stage 1
- 5 ⇨ Attachment 5 - Heidelberg Road Heritage Review Stage 2
- 6 ⇨ Attachment 6 - Heidelberg Road Transport Engineering Advice
- 7 ⇨ Attachment 7 - Heidelberg Road Urban Context Analysis
- 8 ⇨ Attachment 8 - Heidelberg Road Built Form Framework
- 9 ⇨ Attachment 9 - Heidelberg Road DDO 18
- 10 ⇨ Attachment 10 - Yarra C272 Amendment Documentation

11.7 Brunswick and Smith Streets - Request for Interim DDOs

Executive Summary

Purpose

The purpose of the report is to outline:

- (a) the proposed content of interim built form provisions for parts of Fitzroy and Collingwood;
- (b) how the proposed interim built form provisions have been developed;
- (c) the process to request interim provisions (i.e. a request for a Ministerial amendment to the Yarra Planning Scheme under Section 20(4) of the *Planning and Environment Act 1987*, and
- (d) how permanent provisions are to be progressed.

Key Issues

To respond to increasing development pressure in the Fitzroy and Collingwood Activity Centres of Brunswick, Smith, Gertrude and Johnston Streets and the mixed use zone areas in Fitzroy East, officers have prepared draft interim Design and Development Overlays with advice of expert consultants to better guide development.

The work provides a strategically sound basis and a balance between being sensitive and/or protecting heritage character, sensitive residential interfaces and allowing development in less constrained areas. A balance has been struck to protect selected areas of the highest heritage consistency and allowing change in less restricted parts of the activity centres to ensure future housing capacity requirements are being met. The work builds on and supports the *Yarra Housing Strategy 2018* and the *Spatial Economic and Employment Strategy 2018*.

Financial Implications

The administrative fee to DELWP for requesting the Minister for Planning to introduce interim DDOs would be met within the existing budget.

PROPOSAL

In summary, that Council:

- (a) note the officer report on the planning for the Fitzroy/Collingwood Activity centres and request for the Minister for Planning for an interim DDO schedules;
- (b) note the preparation of the draft *Brunswick and Smith Street Built Form Review – Background Analysis Report*, individual Precinct Review reports and supporting heritage Analysis and recommendations prepared by Hansen Partnerships and GJM Heritage;
- (c) endorse the interim Design and Development Overlay Schedules as in Attachment 11;
- (d) request the Minister for Planning to introduce DDO schedules on an interim basis for the Fitzroy/Collingwood Activity centres, in accordance with the amendment documentation as outlined in the attachments;
- (e) authorise the CEO to make any minor adjustments required to meet the intent of the above resolutions; and
- (f) note a further report will be presented to Council in 2020 to request interim built form provisions for the stage 2 remaining precincts following further strategic work.

11.7 Brunswick and Smith Streets - Request for Interim DDOs

Reference: D19/184808

Authoriser: Director Planning and Place Making

Purpose

1. The purpose of the report is to outline:
 - (a) the proposed content of interim built form provisions for parts of Fitzroy and Collingwood;
 - (b) how the proposed interim built form provisions have been developed;
 - (c) the process to request interim provisions (i.e. a request for a Ministerial amendment to the Yarra Planning Scheme under Section 20(4) of the *Planning and Environment Act 1987*, and
 - (d) how permanent provisions are to be progressed.

Background

Managing Growth in Yarra's activity centres

2. Demand for housing within the City of Yarra is high due to its proximity to employment opportunities, existing infrastructure, heritage character and cultural offerings. This has led to increased levels of planning applications for multi-dwelling and commercial developments. This trend is supported by State and Local policy that directs employment and higher density of housing opportunities towards activity centres.
3. *Plan Melbourne* and the *Yarra Planning Scheme* generally direct job and housing growth towards major activity centres and to a lesser degree towards neighbourhood activity centres. The planning system in Victoria generally expects that major activity centres accommodate a higher rate of change than other areas.
4. Yarra's communities place great importance on planning provisions to better manage change and provide as much certainty as possible about future development outcomes. This includes ensuring a balance between maintaining heritage fabric in Yarra's activity centres and protecting sensitive residential interfaces whilst guiding new development and providing greater planning certainty.
5. To address these issues, Council is undertaking a program of preparing built form frameworks for its activity centres to enable the introduction of the interim Design and Development Overlays in the *Yarra Planning Scheme*, while permanent built form provisions are progressed. This work is well progressed in:
 - (a) Johnston Street (interim provisions in place, amendment for permanent provisions currently being considered by the Minister for Planning);
 - (b) Queens Parade (interim provisions in place, panel report received);
 - (c) Swan Street (interim provisions in place, amendment for permanent provisions have been referred to a planning panel);
 - (d) Bridge Road and Victoria Street (interim provisions in place, structure planning to inform permanent provisions underway); and
 - (e) Collingwood South (interim provisions in place, structure planning to inform permanent provisions expected to commence in 2020).

Fitzroy and Collingwood Activity Centres

6. Within Fitzroy and Collingwood, there are several overlapping activity centres and mixed use areas. They include the Brunswick Street and Smith Street *Major* Activity Centres, the Johnston Street and Gertrude Street *Neighbourhood* Activity Centres and Mixed Use Zone areas adjacent to them. Built form provisions are being proposed for all these areas.
7. The Fitzroy and Collingwood activity centres are important for Yarra and the inner Melbourne area. They host a variety of employment, cultural and housing opportunities and they are known for their heritage retail strips and former industrial history. The area has transitioned from its industrial past to an area characterised by its vibrant retail, hospitality and arts and culture scene, with greater levels of residential and some office developments.
8. These activity centres are experiencing increased development pressure, however, the *Yarra Planning Scheme* currently provides limited guidance about the preferred built form outcomes, including building heights and setbacks.
9. The introduction of interim DDOs into the *Yarra Planning Scheme* would fill the gap in policy for these areas and provide strong guidance for new developments.

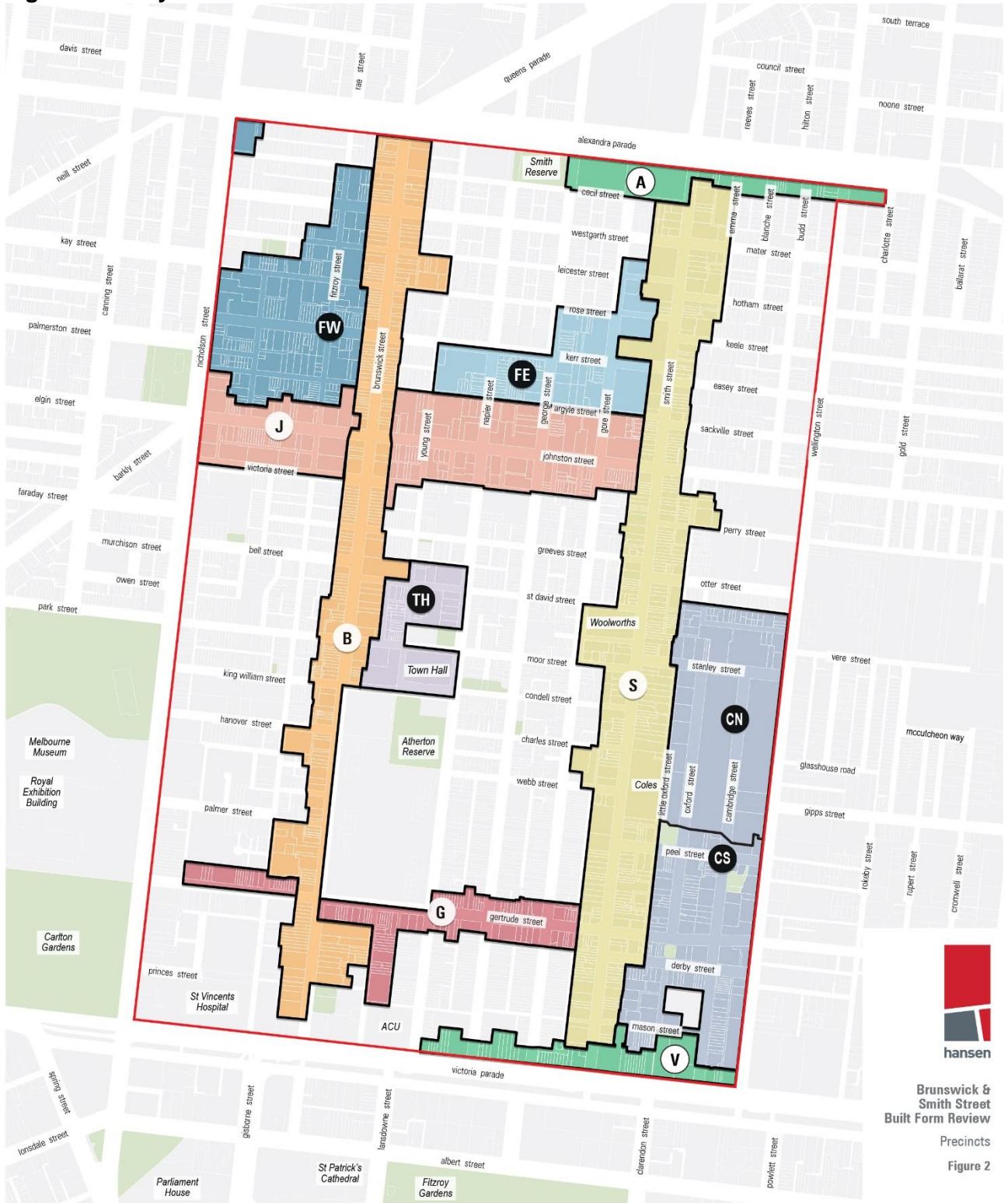
Discussion

10. Council has commissioned Hansen Partnership in association with GJM Heritage Consultants and Traffix Group to prepare a range of strategic work to underpin the introduction of interim DDO schedules for parts of Fitzroy and Collingwood into the Yarra Planning Scheme.

Study Area

11. The study area encompasses the suburb of Fitzroy and the western portion of Collingwood. It is bound by Victoria Parade, Nicolson Street, Alexandra Parade and Wellington Street.
12. It is a diverse area consisting of the major retail spines of Brunswick and Smith Streets, the neighbourhood centre strips of Johnston and Gertrude Streets, with mixed use areas and low scale residential pockets sitting behind.
13. The built form review included land within a Mixed Use Zone and Commercial 1 Zone (see Figure 1).
14. The study area does not include the area to the east of Wellington Street (broadly known as the Gipps Street precinct).

Figure 1: Study Area and Precincts



**Brunswick & Smith Street
Built Form Review**
Precincts
Figure 2

Legend	Activity Spines	Mixed Use Precincts	Boulevard Precincts
study area	brunswick street	fitzroy west	alexandra parade
precinct boundary	smith street	fitzroy east	victoria parade
	gertrude street	collingwood	
	johnston street	town hall	

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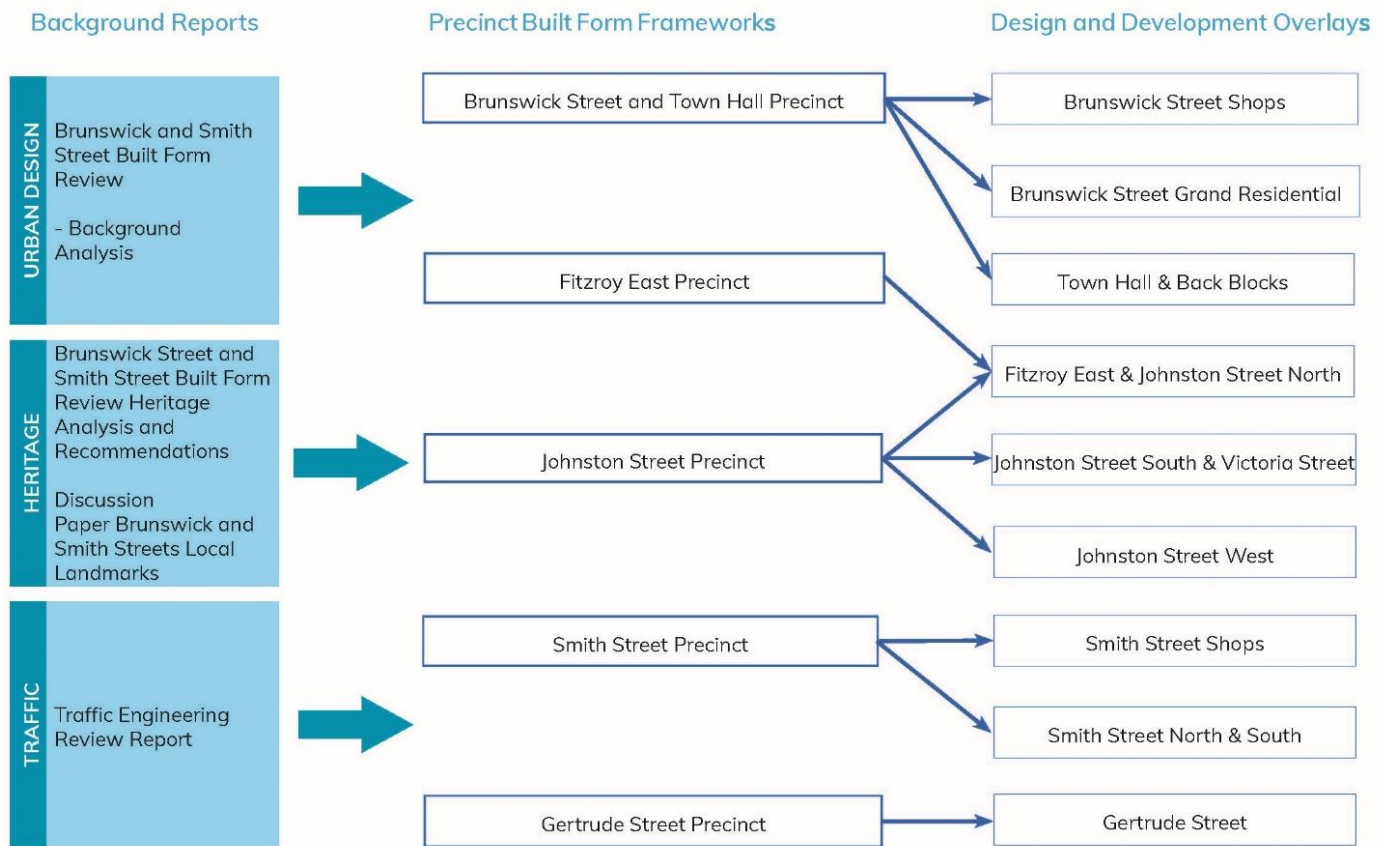
Approach

15. The interconnected nature of the Fitzroy/Collingwood activity centres means they are unique when compared to other retail strips within inner Melbourne. A more holistic approach was taken to respond to the inter-relationship across the centres. This allowed the recognition of commonalities and the differences across the precinct areas.
16. Council officers have considered recent planning applications, panel recommendations and VCAT decisions in the development of built form provisions for the area.
17. The most recent Panel Report for Amendment C231 Queens Parade recommends that future development can be restricted depending on certain urban conditions and, importantly, if growth can be accommodated nearby to offset the restriction. In summary these conditions include:
 - (a) highly intact and consistent heritage streetscape;
 - (b) fine grain subdivision patterns / narrow allotments;
 - (c) urban context leading to high visibility of potential upper level development; and that
 - (d) higher levels of growth can be accommodated within the precinct or centre nearby.
18. The learnings have been applied to this work and resulted in a nuanced outcome, as outlined in this report.
19. The proposed built form provisions have been informed by comprehensive strategic work (see Figure 2 for an overview), which generally included:
 - (a) overarching background documents were prepared analysing existing conditions, current built form, heritage fabric and traffic matters;
 - (b) detailed 'Built Form Frameworks' and recommended provisions for specific precincts within the study area were prepared to provide specific context analysis, framework plans and built form control recommendations; and
 - (c) officers then translated the recommendations from the five (5) individual Built Form Frameworks, heritage and traffic reports into nine schedules to the DDO. The schedules draw on character distinctions found in the Built Form Frameworks.

Brunswick and Smith Street Built Form Review – Background Analysis Report

20. Hansen Partnership prepared the *Brunswick and Smith Street Built Form Review – Background Analysis Report* (see Attachment 1).
21. The *Background Analysis Report* provides a strong information basis on existing conditions across the entire study area. It reviews existing conditions and identifies the general direction of a preferred future built form character for each Built Form Framework Precinct.
22. The document considered a range of policy documents (planning zones, heritage, local/state policy), physical attributes (lot depths, road width, street wall heights, etc.), recent development trends and areas that have either experienced development pressure or that are subject to future change.
23. The *Background Analysis Report* assists Council in identifying appropriate ways to accommodate growth and change within the retail corridors and mixed use areas. A set of overarching principles was developed that generally guided the preparation of the subsequent Precinct Built Form Frameworks.

Figure 2: Fitzroy/Collingwood Activity Centres Built Form Work Overview



24. Based on the analysed conditions, the report identified ten (10) precincts within the study area. Developing built form provisions for these ten (10) precincts will be addressed in two stages:

Table 1: Built Form Provisions - Development Stages

Stage	Precinct
Stage 1 Precincts – completed, subject to prepared interim DDOs.	Brunswick Street Precinct (B) Town Hall Precinct (TH) Fitzroy East Precinct (FE) Gertrude Street Precinct (G) Johnston Street - west of Smith Street (J) Smith Street (S)
Stage 2 Precincts – subject to further work.	Alexandra Parade (A) – partially completed Victoria Parade (V) Collingwood Mixed Use (North) (C) Fitzroy West (FW) – Further investigation into the zoning is required before progressing.

25. Further detailed built form analysis and DDOs have been progressed for the Stage 1 precincts. For the remainder of the precincts, further strategic work is required. These precincts are discussed later in the report.

Heritage Advice

26. GJM Heritage were engaged to provide heritage advice to inform the Built Form Reviews and has prepared the following reports to assist officers in preparing built form provisions for the area:
 - (a) *Brunswick Street and Smith Street Built Form Review – Heritage Assessments* (see Attachment 2);
 - (b) *Brunswick Street and Smith Street Built Form Review – Heritage Analysis and Recommendations* (see Attachment 3); and
 - (c) *Gertrude Street Built Form Review – Heritage Analysis and Recommendations* (see Attachment 4).
27. The *Brunswick Street and Smith Street Built Form Review – Heritage Assessments* analysed errors, omissions and inconsistencies in the heritage overlays of the study area, including grading and mapping errors. It provides a basis for the detailed precinct reviews.
28. The report includes a number of other recommendations (such as changes to grading and zones) that should be advanced as part of a broader amendment implementing the permanent provisions for the area.
29. The above reports have informed the recommendations for future built form in the *Brunswick Street and Smith Street Built Form Review – Heritage Analysis and Recommendations* and in the *Gertrude Street Built Form Review – Heritage Analysis and Recommendations* and Hansen’s subsequent Built Form Frameworks for each precinct in the study area. This combined work has had a strong influence on the proposed street wall heights, building setbacks and building heights in the proposed DDOs.

Traffic Advice

30. Traffix Group has prepared a *Traffic Engineering Assessment* (see Attachment 5) to inform the development of the DDOs. 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.

Precinct Built Form Frameworks

31. Hansen Partnership, in association GJM Heritage Consultants, subsequently prepared five (5) Precinct Built Form Frameworks for the Stage 1 precincts (see Table 1).
32. The *Built Form Framework* for each precinct provides a detailed analysis and a thorough strategic basis for the recommended built form provisions. These reports provide the strategic justification and evidence (alongside other reports) needed to enable the Minister for Planning to consider a request to prepare and approve interim DDO schedules. They will provide the basis for the preparation of future structure plans for the activity centres and would be relied upon at any future Planning Panels considering a planning scheme amendment proposing permanent DDO schedules.
33. Namely, these reports are:
 - (a) *Brunswick Street and Town Hall Built Form Framework 2019* (see Attachment 6);
 - (b) *Smith Street Built Form Framework 2019* (see Attachment 7);
 - (c) *Johnston Street Built Form Framework 2019* (see Attachment 8);
 - (d) *Fitzroy East Built Form Framework 2019* (see Attachment 9); and
 - (e) *Gertrude Street Built Form Framework 2019* (see Attachment 10).

Precincts and Interim Design and Development Overlay Schedules

34. The recommended interim provisions (see Attachment 11 for all proposed interim DDOs) provide a balance between heritage/place character, sensitive residential interfaces and guiding change across the activity centres. Heritage matters have been considered in preparing the proposed interim DDO provisions. Built form provisions are proposed along the major activity centres of Smith and Brunswick Streets to protect their heritage character and that the majority of change is concentrated in a few areas only, spread between major and neighbourhood activity centres.
35. Most common are heights between 4 to 5 storeys along the Major activity centres of Brunswick and Smith Streets. In the Gertrude Street *Neighbourhood Activity Centre* heights are mostly 3 storeys, with some 4 storey areas. The north side of Johnston Street, the Fitzroy East mixed use area and the northern end of Smith Street are areas that would carry mid-rise development due to the larger allotments and/or lower consistency in heritage fabric.
36. Officers have translated the recommendations from the five (5) individual *Built Form Frameworks*, heritage and traffic reports into nine DDO schedules (see Figure 2).
37. Each DDO schedule has been tailored to address the unique built form typologies, heritage and character of that area.
38. The nine (9) DDO Precincts are outlined below in Table 2 and Figure 3:

Table 2: Proposed DDO Precinct Summary

<i>DDO Name (Schedule)</i>	<i>Comment</i>
<i>Brunswick Street Shops (DDO29)</i>	<ul style="list-style-type: none"> • The DDO precinct covers the Victorian retail shop fronts in the Commercial 1 Zone (C1Z) along Brunswick Street, between Gertrude Street and Alexandra Parade. • The area has a consistent heritage streetscape of high quality. There are some variations in street wall heights south of Johnston Street due to taller heritage buildings. • The lot sizes are generally narrow and relatively shallow (i.e. 30 metres or less) and have a fine grain subdivision and development pattern, with some larger lots south of Johnston Street west of the Artherton Gardens. • Recommended building heights are mostly between 4-5 storeys, with heights above 5 storeys being less common and on a few larger sites. The area with the highest level of heritage consistency and smaller lots is recommended low rise of up to 3 storeys.
<i>Smith Street Shops (DDO30)</i>	<ul style="list-style-type: none"> • The DDO precinct covers the Victorian retail shop fronts in the C1Z along Smith Street, between Derby Street and Kerr/Keele Streets. • The area has a consistent heritage streetscape of high quality. There are some variations in street wall heights south of Johnston Street due to taller heritage buildings (former department stores). • The lot sizes are generally narrow and relatively shallow (i.e. 30 metres or less) and have a fine grain subdivision and development pattern, with some large lots south of Johnston Street around the former department stores. • Recommended building heights are mostly of lower mid-rise between 4-5 storeys, with heights above 5 storeys being less

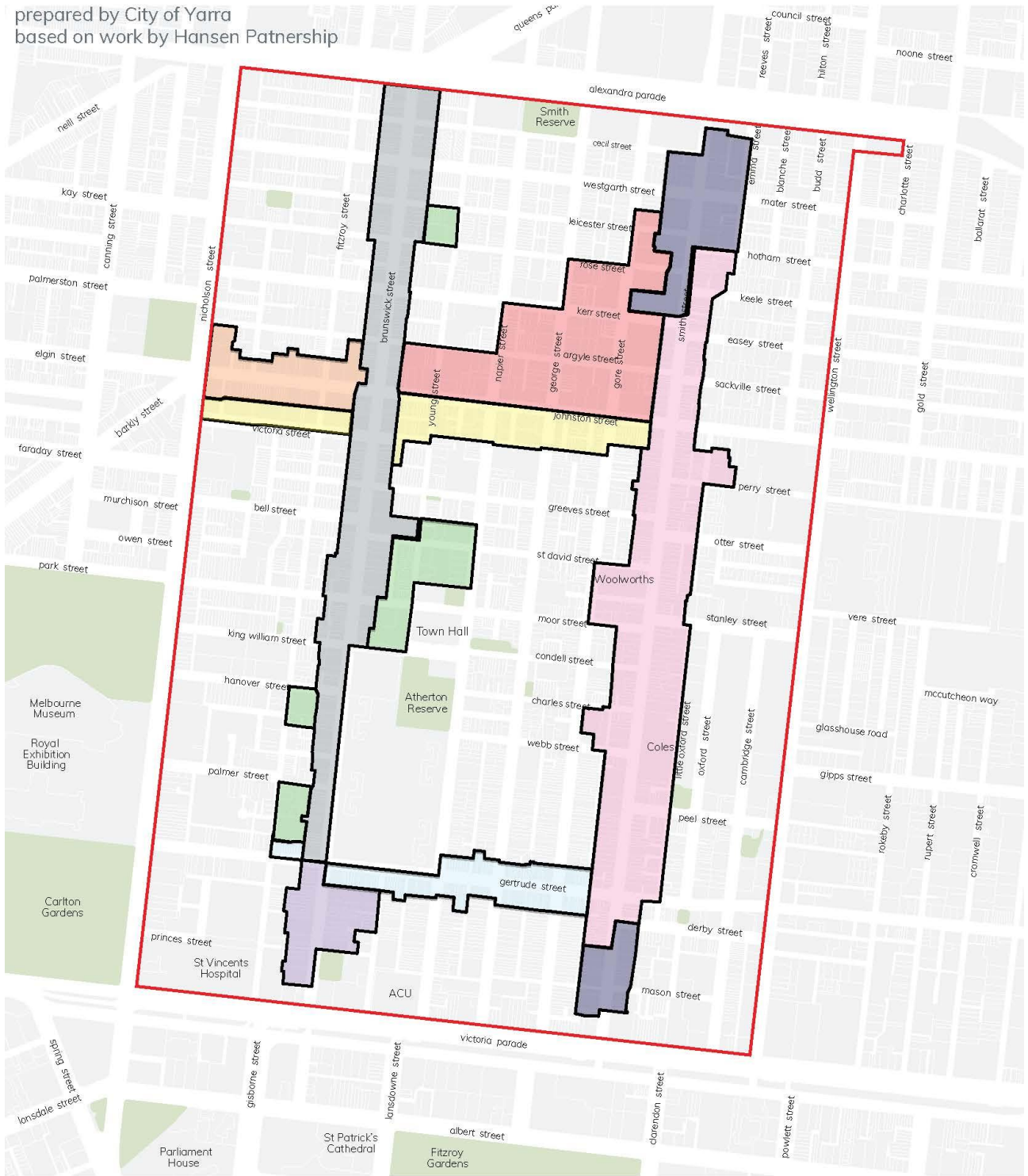
	<p>common and on larger sites.</p> <ul style="list-style-type: none"> • Very few sites within this precinct are above 6 storeys and generally on large sites (i.e. Woolworths).
<p>Gertrude Street (DDO31)</p>	<ul style="list-style-type: none"> • The DDO precinct covers the Victorian retail shop fronts in the C1Z between Brunswick Street and Smith Street. • It excludes land currently affected by DDO8 (subject to review of the World Heritage Site Environs of the Royal Exhibition Building). • The area has a consistent heritage streetscape of high quality, with few taller forms east of Napier Street (south side of Gertrude Street). • The lot sizes are generally narrow and vary considerably in depth. • Recommended building heights are mostly low rise of 3, partially 4 storeys where visibility can be minimised due to the deep allotments and higher heritage street walls.
<p>Johnston Street West (DDO32)</p>	<ul style="list-style-type: none"> • The DDO precinct covers the C1Z land west of Brunswick Street up to Nicholson Street and includes some land fronting Nicholson Street. • The C1Z land fronting Johnston Street has a varied heritage streetscape, which is more consistent and lower on the south side than the north. • Lot sizes vary quite considerably within this smaller precinct, with some being narrow and others with wide frontages. • Recommended building heights on the south side are between 5-6 storeys, with heights on the north side reaching a maximum of 8 storeys due to larger lots and less heritage context.
<p>Brunswick Street – Grand Residential (DDO33)</p>	<ul style="list-style-type: none"> • The DDO precinct covers the Victorian residential terraces in the Mixed Use Zone (MUZ) towards Brunswick Street, between Gertrude Street and Victoria Parade and the varied streetscape and built form on the east side of Brunswick Street. • There are several Victorian buildings listed in the Victorian Heritage Register. • The area has a very consistent, high quality residential heritage streetscape on the west side and is varied on the east, made up of residential terraces, shop fronts and modern institutional buildings. • The lot sizes vary greatly in frontage and depth. • Recommended building heights are mostly low rise of 4 storeys to limit visibility above the significant heritage context that is more open due to front setbacks.
<p>Town Hall and Back Blocks (DDO34)</p>	<ul style="list-style-type: none"> • The area between Napier and Brunswick Streets is comprised of a mix of industrial warehouse, residential and institutional character and buildings. • The heritage consistency across the precinct varies. Lot sizes

	<p>are inconsistent also.</p> <ul style="list-style-type: none"> • Important are views to the clock tower of the Fitzroy Town Hall building from the intersection of Young Street and Moor Street. • Recommended building heights are generally low rise of 4 storeys.
<p><i>Johnston Street South and Victoria Street (DDO35)</i></p>	<ul style="list-style-type: none"> • The south side of Johnston Street between Brunswick and Smith Street and the north side of Victoria Street is generally comprised of a mixed heritage industrial warehouse and residential character. • Lot sizes vary greatly due to the street network and mix of historic properties which also creates a varied heritage streetscape. • Recommended building heights are generally of lower mid-rise and relatively evenly spread between 3, 4, 5 and 6 storeys, location depending on lot sizes and heritage context.
<p><i>Johnston Street North and Fitzroy East (DDO36)</i></p>	<ul style="list-style-type: none"> • The north side of Johnston Street between Brunswick and Smith Streets mainly consists of modern commercial buildings with a higher street wall and limited heritage fabric. The mixed industrial heritage warehouse and Victorian residential character in the Fitzroy East Mixed Use Zone provides for a varied streetscape. The area has experienced recent development. • Sites in this precinct are generally larger and often have more than one street frontage in a fine grain street network. • Recommended building heights along the north side of Johnston Street are generally of mid-rise and between 7 to 9 storeys in the C1Z. • Recommended building heights in the Fitzroy East MUZ area range relatively evenly between 3, 4, 6 and 8 storeys. Recommended building heights generally transition down towards existing residential areas.
<p><i>Smith Street North and South (DDO37)</i></p>	<ul style="list-style-type: none"> • North of Kerr and Keele Streets and south of Mason Street, Smith Street generally consists of industrial heritage warehouses and modern commercial buildings on larger lots with some Victorian heritage shopfronts on smaller lots. • The precinct also include the mixed use zone properties fronting Emma Street. • Recent development of 7, 8 and 10 storeys has occurred in this precinct. • North of Westgarth and Hotham Streets there are fewer significant heritage buildings influencing the future built form outcomes. • Recommended building heights for properties towards Smith Street are generally of mid-rise character and between 7 to 8 storeys. • Recommended building heights for properties towards Emma Street are generally of lower mid-rise character and 5 storeys.

Figure 3: Interim Design and Development Overlay Area Map

Fitzroy & Collingwood - Design and Development Overlays

prepared by City of Yarra
based on work by Hansen Partnership



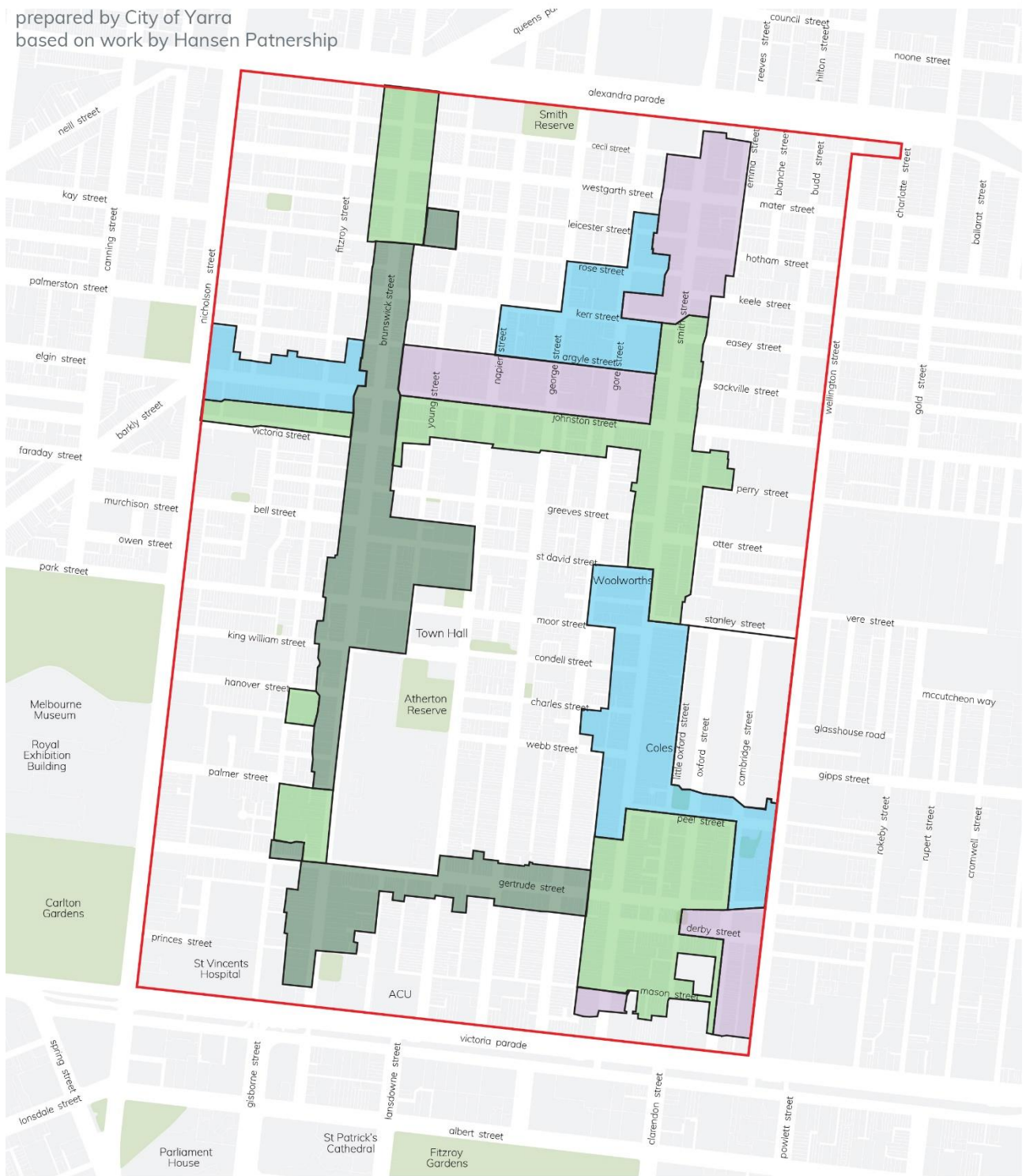
Legend

DDO boundaries		DDO29		DDO32		DDO35	
		DDO30		DDO33		DDO36	
		DDO31		DDO34		DDO37	






Figure 4: General Heights Map

Fitzroy & Collingwood General Heights Map

prepared by City of Yarra
based on work by Hansen Patnership



Legend

Boundaries		low form (generally up to 4 storeys)	
		lower-mid form (generally 4-6 storeys)	
		mid form (generally 6-8 storeys)	
		taller form (generally 8-10 storeys)	



39. The recommended provisions and requirements are the result of substantial testing of different options using 3D-modelling and cross sections, and a review of built and recently approved developments.
40. The content of the schedules to the DDO have considered and been guided by the key directions from Amendments C220 (Johnston Street East) and C231 (Queens Parade).

Gertrude Street DDO Boundary

41. The DDO boundary for the proposed *Gertrude Street (DDO31)* has been amended to not include the western end of Gertrude Street and Young Street south of Gertrude Street.
42. While included in the analysis the properties along Young Street, south of Gertrude Street, are predominantly residential terraces covered by the heritage overlay. Considering this the analysis has questioned the suitability of the current zone and whether the Neighbourhood Residential Zone would be more appropriate. This will be considered in a future zoning investigation.
43. Properties at the southern end of Young Street are part of the Australian Catholic University and are already covered by a Development Plan Overlay.
44. The western end of Gertrude Street is already affected by DDO8 which seeks to manages development in the Royal Exhibition Building Environs area and protect views to the building. It is not recommended to apply the DDO to this area as the current Planning Scheme provisions are being reviewed by Heritage Victoria. The built form work that has been undertaken by Council should be forwarded to Heritage Victoria to assist them in their review.

General Built Form Design Provisions

45. The DDO schedules provide guidance on building heights, street wall heights, upper level setbacks, front setbacks, rear setbacks, the setbacks between buildings and access and movement.
46. The key elements of all DDO Schedules for the Fitzroy/Collingwood Activity centres are summarised below in Table 3. More precinct-specific differences are mentioned in Table 4.

Table 3: Proposed General Built Form Requirements

Built Form Requirements	Description of proposed elements
Street wall	<ul style="list-style-type: none"> • Retain the existing heritage street walls along streets. • Infill development must match the height of abutting heritage buildings to achieve a consistent heritage street wall, which is generally 2-3 storeys or 8-11 metres, depending on the heritage parapet height. • New development would “turn a corner” and apply the same street wall height for a minimum of 8 metres to the side street. • Mandatory controls have been applied to areas with consistent heritage streetscapes to ensure this significant element of the street is retained. These are proposed for all areas excluding <i>Smith Street North and South (DDO37)</i> and <i>Johnston Street and Fitzroy East (DDO36)</i>. • Areas where there is limited heritage consistency, a new street wall would be created. This is occurs in <i>Smith Street North and South (DDO37)</i> and <i>Johnston Street and Fitzroy East (DDO36)</i>.

Built Form Requirements	Description of proposed elements
Upper Level Setbacks	<ul style="list-style-type: none"> • The recommended upper level setbacks to ensure that the heritage streetscape remains a prominent and defining element of the Fitzroy/Collingwood retail areas. • Upper levels would be recessive and should avoid a stepped form. Certain heritage forms may require a greater setback, depending on the individual heritage building and proposed development. • In areas with consistent heritage character a mandatory 8m setback is proposed. The areas include: <ul style="list-style-type: none"> – The DDOs affecting the retail streets of Gertrude Street, Brunswick Street and Smith Street. – Buildings within the HO in <i>Smith Street North and South (DDO37)</i>. Buildings not in the HO have discretionary (preferred) height provisions. • Along Johnston Street a 6m upper level setback is proposed to align with the setbacks set out in Johnston Street East (Amendment C220). <ul style="list-style-type: none"> – Mandatory controls are proposed for <i>Johnston Street West (DDO32)</i> and <i>Johnston Street South and Victoria Street (DDO35)</i>. – Discretionary provisions are proposed for <i>Johnston Street North and Fitzroy East (DDO36)</i>. • Discretionary upper level setbacks of 6m apply towards all side streets.
Overall Building Heights	<ul style="list-style-type: none"> • The heights have been determined through an analysis of heritage values, lot depths, rear interface conditions and other built form elements (see Figure 4 and Attachments 1 to 9). • Mandatory controls are proposed in all DDO schedules excluding <i>Smith Street North and South (DDO37)</i> and <i>Johnston Street and Fitzroy East (DDO36)</i>. • Mandatory controls are applied where there are consistent heritage streetscapes and to reduce the visual impact of new development and better respect the heritage significance of the building. • For areas with less heritage significance and consistency there is an opportunity for a new mid-rise form with discretionary height provisions. • <i>Smith Street North and South (DDO37)</i> and <i>Johnston Street and Fitzroy East (DDO36)</i> Schedules include a set of criteria that a development would need to comply with to exceed the preferred height limit. New development would need to achieve: <ul style="list-style-type: none"> – increased separation distances; – higher ESD standards; – increased private and communal open space; – housing diversity; and – no additional amenity impacts to residentially zoned properties.

Built Form Requirements	Description of proposed elements
Rear Interface Heights and Setbacks	<ul style="list-style-type: none"> • DDOs address residential interfaces through boundary wall heights and building setbacks at the rear. • Rear interface heights are determined by the adjacent zone and whether a laneway separates the properties from the proposed DDO area. These heights are discretionary to accommodate the variety of conditions on adjacent and development sites. • A maximum 8m height is proposed for sites abutting properties in the Neighbourhood Residential Zone (NRZ) and General Residential Zone (GRZ) where there is no lane with 11m (3 storeys) proposed to abut land with a laneway or in the MUZ. • The assessment of visual bulk and potential overshadowing would also assist in determining the appropriate boundary wall height. • A mandatory 45 degree setback envelope for upper levels above the rear interface height is proposed. This is to ensure that development provides an appropriate transition to the lower scaled development in adjacent residential zones.
Overshadowing and daylight	<ul style="list-style-type: none"> • The DDO schedules have a range of provisions that would manage overshadowing and daylight access to public land and sensitive residential land. • Mandatory overshadowing controls for the opposite footpaths and kerb outstands between 10am and 2pm at the equinox are proposed for main streets and wider side streets (over 14m). • The protection of sunlight to these locations is considered important to retain quality public spaces and a sense of openness as change occurs. • Discretionary overshadowing and daylight access provisions are proposed to: <ul style="list-style-type: none"> – meet overshadowing provisions of Clause 55.4-5 for residential land outside of the overlay; – limit overshadowing as per Clause 55.4-5 for residential land within the overlay; – ensure adequate daylight access to habitable room windows. <p>In these locations more flexibility is considered appropriate to account for either different heights in the heritage fabric, topography changes and differing conditions on adjacent land.</p>
Building Layout	<ul style="list-style-type: none"> • The retention of commercial activity is integral to the vibrancy of these centres. • The schedules require new development in C1Z areas to design the first two floors to allow for commercial uses. • In MUZ areas it is required to design the ground floor to be suitable for commercial uses and it is encouraged to design the first floor to be suitable for commercial activity.

Built Form Requirements	Description of proposed elements
Common boundary and side setbacks at upper levels	<ul style="list-style-type: none"> • To reduce the need for screening, allow for daylight access and create views to blue sky between taller buildings when viewed from the street, minimum setbacks are proposed at upper levels between buildings: <ul style="list-style-type: none"> – 4.5m to a balcony or living room window; – 3m to a commercial or non-habitable window.
Heritage	<ul style="list-style-type: none"> • The schedules include heritage design requirements which address upper level setbacks, design of upper levels and façade design. • The proposed design requirements ensure that infill and upper level development respect the surrounding heritage and streetscape character. • They are included to guide decision-making for commercial and industrial buildings, at least until such time as the heritage policy in Clause 22.02 is amended to more comprehensively address industrial, commercial and retail places. • The heritage significance of precincts has been a key consideration in determining the proposed requirements to reduce the visibility of new development and retain the heritage character of streetscapes. • The proposed interim provisions support improved heritage outcomes. • Lower building heights are proposed for areas with high levels of heritage streetscape consistency, greater potential visibility of upper level development and shallower allotments. Activity centres must still demonstrate a capacity to accommodate future residential and commercial growth.

Precinct Specific

47. Table 4 below summarises more precinct specific provisions for each proposed DDO area. See Attachment 11 for all proposed interim DDOs.

Table 4: Proposed provisions - Summary Precinct Specific

<u>DDO Schedule</u>	<u>Street Wall</u>	<u>Upper Level Setback</u>	<u>Building Heights</u>	<u>Rear Boundary Wall Height</u>
1. Brunswick Street Shops	Mandatory Match adjoining heritage parapet height (generally 8-11m). See control map - Attachment 1.	Mandatory 8m above Brunswick Street street wall. Discretionary 6m to side street.	Mandatory Generally 4-5 storeys. Highly consistent heritage streetscape north of Johnston Street generally 3 storeys up to Rose Street. Areas towards Alexandra Parade and south of Johnston a mixture of mostly 4, some areas at 5 or 6 storeys. See control map - Attachment 1.	Discretionary See Table 3.
2. Smith Street Shops	Mandatory Match adjoining heritage parapet height (generally 8-11m). See control map - Attachment 2.	Mandatory 8m above Smith street wall. Discretionary 6m to side street.	Mandatory Generally 4-5 storeys with some exceptions. See control map - Attachment 2.	Discretionary See Table 3.
3. Gertrude Street	Mandatory Match adjoining heritage parapet height (generally 8-11m). See control map - Attachment 3.	Mandatory 8m above Gertrude street wall. Discretionary 6m to side street.	Mandatory Generally 3 storeys with minor exceptions where visibility is strongly limited. See control map - Attachment 3.	Discretionary See Table 3.
4. Johnston Street West	Mandatory Match adjoining heritage parapet height (generally 8-11m) on south side, new 4 storey street wall on north side (13.6m). See control map - Attachment 4.	Mandatory 6m above Johnston street wall. Discretionary 6m to side street.	Mandatory Generally 5-6 storeys on south side, 6-8 storeys on north side. See control map - Attachment 4.	Discretionary See Table 3.
5. Grand Residential – Brunswick Street South	Mandatory Match adjoining heritage parapet height (generally 8-11m). See control map - Attachment 5.	Mandatory West: Upper levels to be set behind heritage buildings. East: 8m Brunswick above Street Wall Side Streets: 8m to Gertrude St	Mandatory Generally 4 storeys. See control map - Attachment 5.	Discretionary See Table 3.

<u>DDO Schedule</u>	<u>Street Wall</u>	<u>Upper Level Setback</u>	<u>Building Heights</u>	<u>Rear Boundary Wall Height</u>
6.Fitzroy Town Hall and Back Blocks	Mandatory Mix of heritage and new 3 storey street wall (generally 8-11m). See control map - Attachment 6.	Discretionary 6m above main street wall frontage Upper levels to retain views to Fitzroy Town Hall.	Mandatory Generally 4 storeys with some exceptions. See control map - Attachment 6.	Discretionary See Table 3.
7.Johnston Street South and Victoria Street	Mandatory Match adjoining heritage parapet height (generally 8-11m). See control map - Attachment 7.	Mandatory 6m above Johnston and Victoria Streets street wall Discretionary 6m to side street.	Mandatory Generally 4-6 storeys with some exceptions. See control map - Attachment 7.	Discretionary See Table 3.
8.Johnston Street North and Fitzroy East	Discretionary Mix of heritage and new 4 storey street wall (generally 8-15m). See control map - Attachment 8.	Discretionary 6m above main frontage street wall. 6m above side street.	Discretionary Maximum of 9 storeys along Johnston Street and an even mix of 3, 4, 6 and 8 storeys within Fitzroy East. See control map - Attachment 8.	Discretionary See Table 3.
9.Smith Street North and South	Discretionary Mix of heritage and new 3 storey street wall (generally 8-11m). See control map - Attachment 9.	Mandatory 8m above Smith Street street wall to heritage building. Discretionary 8m above Smith street wall for infill building. 6m to side street	Discretionary Mix of 7 to 9 storeys. See control map - Attachment 9.	Discretionary See Table 3.

Mandatory Controls

48. A number of DDO schedules include mandatory controls which address building heights, setback and street wall height.
49. Guidance of the application of mandatory controls is provided in the State Government *Planning Practice Note 59 and 60*. Planning Practice Note 60 details that mandatory height and setback controls will only be considered in 'exceptional circumstances', where they are absolutely necessary to achieve the built form objectives or outcomes identified within a comprehensive built form analysis.
50. Council officers have considered the Planning Practice Notes in the application of mandatory controls. Specifically the Practice Note requires that mandatory controls be underpinned by comprehensive strategic work, are consistent with state policy, take into consideration recent development activity and provide capacity to accommodate growth. The extensive strategic work undertaken in the reports attached to this report provide sufficient justification for the use of mandatory controls in the interim.
51. It is important to note that the application of mandatory controls has been carefully considered and applied selectively and are not proposed to apply across all precincts and/or to all requirements within a DDO.

Next Steps

Stage 1 - Request for Interim DDO Schedules

52. Subject to Council supporting the officer recommendations, the request will be submitted to the Minister for Planning.
53. It is proposed that the interim DDO schedules have 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.

Stage 2 - Remaining Precincts within the Study Area

54. The *Brunswick and Smith Street Built Form Review – Background Analysis Report* has identified ten (10) precincts within the Commercial 1 Zone/Mixed Use Zone areas that require built form guidance. It is proposed that these precincts be addressed in two stages. The stage 2 precincts have not been included as part of the suite of DDO schedules being proposed for the following reasons:
 - (a) Fitzroy West: Further analysis of the precinct has identified that the Mixed Use Zone which applies to some of the land may not be entirely appropriate. Further investigation into the zoning is required before a built form framework plan is prepared;
 - (b) Collingwood North: There is currently an application to include additional buildings within this precinct in the Victoria Heritage Register which is yet to be assessed by Heritage Victoria. Given the delay in this assessment, the urban design reports for Collingwood North will be updated and work completed to consider interim provisions;
 - (c) Victoria Parade: Recent, high profile developments in both Alexandra Parade and Victoria Parade will have a substantial effect on the built form on each precinct (the St Vincent Hospital/ACU sites). Further work is required to determine a preferred future character built form provisions; and
 - (d) Alexandra Parade: Further work is required to determine a preferred future character built form provisions for the area between Brunswick Street and Hoddle Street.
55. Council would progress individual Built Form Framework for each of these four areas in 2020.

Structure Planning and Permanent Provisions

56. A condition for the application of interim provisions through an amendment under Section 8(1) b and 20(4) of the *Planning and Environment Act 1987* is that Council is required to undertake further strategic planning work to support the introduction of permanent provisions into the Yarra Planning Scheme.
57. In this regard, Council will be undertaking comprehensive strategic work and community consultation over 2020-2021 period.

External Consultation

58. Council's Heritage Advisory Committee has been briefed on the preparation of the interim DDOs and their general intent.
59. No formal external consultation has been undertaken to inform the draft interim DDO schedules and there would be no formal statutory opportunity for the community to submit on the draft interim DDO schedules before it is submitted to the Minister for Planning.
60. The community would be consulted as part of the preparation of the structure plan (or equivalent strategy) that is prepared for this area. A consultation plan would be prepared to guide that consultation.
61. In addition, the community would also have the opportunity to submit on the permanent DDO schedules as part of the full planning scheme amendment.

Internal Consultation (One Yarra)

62. The *Brunswick and Smith Street Built Form Review – Background Analysis Report*, various Precinct Built Form Frameworks and heritage reports have been prepared by consultants with input from Council's Urban Design, Strategic Planning and Statutory Planning teams.
63. Council's Senior Heritage Advisor had input into the urban design and heritage reports.

Financial Implications

64. The administrative fee to DELWP for requesting the Minister for Planning to introduce interim DDOs will be met within the existing budget.

Economic Implications

65. There are no economic implications for requesting the Minister for Planning to introduce interim DDOs to the areas outlined in this report.

Sustainability Implications

66. There are no sustainability implications for requesting the Minister for Planning to introduce interim DDOs to the areas outlined in this report.

Social Implications

67. There are no specific social implications for requesting the Minister for Planning to introduce interim DDOs to the areas outlined in this report beyond providing some increased certainty to the community around the future built form in the area outlined in this report.

Human Rights Implications

68. There are no known human rights implications for requesting the Minister for Planning to introduce interim DDOs to the areas outlined in this report.

Communications with CALD Communities Implications

69. Any future consultation on the structure plan (or equivalent strategy) for the Fitzroy/Collingwood activity centres 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

70. The request to introduce interim DDO schedules for the Fitzroy/Collingwood activity centres supports the following strategies in the Council Plan:
 - (a) *4.2 Actively plan for Yarra's projected growth and development and advocate for an increase in social and affordable housing; and*
 - (b) *4.3 Plan, promote and provide built form and open space that is accessible to all ages and abilities.*

Legal Implications

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

Options

72. Officers are recommending that Council seek approval of interim planning provisions by the Minister for Planning as outlined in the report and attachments as the most expeditious approach to provide improved planning provisions and certainty whilst further strategic planning work is undertaken.

Conclusion

73. The *Brunswick and Smith Street Built Form Review and Detailed Precinct Review and Built Form Frameworks* has been prepared which provides built form recommendations for the future development in the Fitzroy/Collingwood Activity centres. The reports' recommendations balance the need to accommodate growth and development in activity centres with the strong heritage values that are present throughout, while also considering the impacts to the sensitive residential areas behind.
74. The introduction of interim provisions as detailed in the nine DDO schedules into the Yarra Planning Scheme under Section 8(1) b and Section 20(4) of the *Planning and Environment Act 1987* would improve planning provisions across centres and provide greater planning certainty.
75. Whilst no formal community consultation has been undertaken on the draft interim DDO schedules, the preparation of a structure plan (or equivalent strategy) for the Fitzroy/Collingwood study area would provide an opportunity for the community to inform the content of future permanent DDO schedules. The community would also have an opportunity to submit on the formal exhibition process to introduce the permanent DDO schedules into the planning scheme. 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 planning for the Fitzroy/Collingwood Activity centres and request for the Minister for Planning for interim DDO schedules;
 - (b) note the preparation of the draft Brunswick and Smith Street Built Form Review – Background Analysis Report, individual Precinct Review reports and supporting heritage analysis and recommendations prepared by Hansen Partnerships and GJM Heritage as in Attachments 1 to 10;
 - (c) note the background analysis, built form frameworks and supporting heritage and transport reports as outlined in Attachments 1 to 10 and endorse them as a basis of seeking interim Planning Scheme provisions, and
 - (d) endorse the interim Design and Development Overlay Schedules as outlined in Attachment 11.
2. That Council request the Minister for Planning in accordance with Section 8 (1) (b) and 20 (4) of the Planning and Environment Act to introduce DDO schedules on an interim basis for the Fitzroy/Collingwood Activity centres, with required amendment documentation as in Attachment 12.
3. That Council authorise the CEO to make any minor adjustments required to meet the intent of the above resolutions.
4. That Council note a further report will be presented to Council in 2020 to request interim built form provisions for the stage 2 remaining precincts following further strategic work.

CONTACT OFFICER: Kyle Everett
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Attachments

- 1 ⇨ Attachment 1 - Background Analysis Report
- 2 ⇨ Attachment 2 - Heritage Assessments
- 3 ⇨ Attachment 3 - Brunswick-Smith St Heritage Built Form Review
- 4 ⇨ Attachment 4 - Gertrude St Heritage Built Form Review
- 5 ⇨ Attachment 5 - Brunswick Street Built Form Framework
- 6 ⇨ Attachment 6 - Traffic Engineering Assessment Fitzroy Activity Centres
- 7 ⇨ Attachment 7 - Smith Street Built Form Framework
- 8 ⇨ Attachment 8 - Johnston Street Built Form Framework
- 9 ⇨ Attachment 9 - Fitzroy East Built Form Framework
- 10 ⇨ Attachment 10 - Gertrude Street Built Form Framework
- 11 ⇨ Attachment 11 - Fitzroy Design and Development Overlays
- 12 ⇨ Attachment 12 - Amendment Documents

11.8 Development of the Yarra Open Space Strategy

Executive Summary

Purpose

To seek Council's consent for the Draft *Yarra Open Space Strategy Technical Report* and *Yarra Open Space Strategy Summary Report* to be placed on public exhibition seeking community consultation.

The consultation is scheduled for 20 January to 15 March 2020 in accordance with the *Community Engagement Overview*.

Key Issues

The draft Yarra Open Space Strategy is an important document that will help shape the future open space network in Yarra. It has been developed based on growth projections, environmental considerations and best practice standards. It will replace the existing *Yarra Open Space Strategy* adopted in 2006 and guide Council's development and management of the Yarra open space network over the next 10-15 years.

Consultation is now appropriate on the draft strategy to receive feedback from the community.

Financial Implications

The draft Strategy would provide the strategic basis for Council to also propose an increase in the Public Open Space Contribution rate included in the Yarra Planning Scheme. A potential rate will be considered and determined by Council when the strategy is finalised after community consultation has occurred and Council has considered submissions.

The contribution rate can only be changed through a planning scheme amendment process separate to the endorsement of any final open space strategy.

The draft Strategy would help guide Council in determining the use of the contributions to support the future open space network in Yarra, through new open space projects, land acquisition and improvements to existing parks.

PROPOSAL

The draft Yarra Open Space Strategy would provide a new updated strategy that provides the framework for public open space management and growth over the next 10-15 years.

Community consultation on the draft *Yarra Open Space Strategy Technical Report* and *Yarra Open Space Strategy Summary Report* is now recommended – this is scheduled for early 2020 subject to Council endorsement.

11.8 Development of the Yarra Open Space Strategy

Reference: D19/190410

Authoriser: Director Planning and Place Making

Purpose

1. To seek Council's consent for the *Draft Yarra Open Space Strategy Technical Report (Draft Technical Report)* **Attachment 1** and, **Attachment 2** *Draft Yarra Open Space Strategy Summary Report (Summary Report)* to be placed on public exhibition as outlined in the *Community Engagement Overview* **Attachment 3**.

Background

2. Council's existing Open Space Strategy was adopted in 2006 and a new strategy is needed that considers current issues affecting Yarra's open space network such as up-to-date population growth projections (including employment growth), as well as climate change mitigation measures.
3. Currently Council has a public open space contribution rate of 4.5% for new residential subdivision (mandatory) specified in the Yarra Planning Scheme. This rate needs to be increased given the growth that is occurring in Yarra and the increased demands on the open space network. A new Strategy would provide the strategic basis for increasing the open space contribution rate through a future planning scheme amendment.
4. The current average municipal public open space contribution rate for high growth/development areas such as Fisherman's Bend and in Stonnington is 8%. This is becoming an accepted standard and most Council's reviewing their rates are aiming for 8% or higher.
5. Since the adoption of the previous Strategy, Yarra has delivered six new parks and received land contributions for new parks at the former Amcor site (in Alphington) and at Reid Street, North Fitzroy. In addition, Victoria Park was opened to the public and two existing parks at Condell Street, Fitzroy and Barkly Gardens were expanded.
6. While achieving 'pocket parks' through road closures have been successful in developing small local parks, the draft strategy considers the potential development of larger parcels of open space over 1,000m² in size, or potentially even as large as 5,000m², to provide larger open spaces that would allow greater functional capacity and a diversity of activities which is not being achieved in smaller sites.
7. This would likely involve considering opportunities for land acquisitions over the life of the strategy. There may also be opportunities to negotiate obtaining open space on State Government land in Yarra.
8. Overall since 2006, \$52M has been invested in open space infrastructure and 82% of the recommendations from the 2006 Strategy have been realised.
9. Open space in the draft Strategy is defined as:

all publicly owned land that is set aside primarily for outdoor recreation, passive outdoor enjoyment and nature conservation that is open to the sky. It includes parks, gardens, reserves, waterways and squares. Access may be restricted at certain times or at all times on a fee paying basis. It is generally zoned for public park, recreation or conservation purposes when held in public ownership.
10. Publicly accessible private open space such as Collingwood Children's Farm or the Yarra Bend Public Golf Course are counted in the overall quantum of open space available in Yarra, but future recommendations on these sites are not made as these spaces are managed by external agencies and are not always accessible to the wider community. Their use and accessibility cannot be relied upon for an indefinite period of time.

11. Streets, footpaths and laneways are also important parts of the public realm and key *connectors* across Yarra, including to open space sites. In the draft Strategy, they are, however, not considered as ‘public open space’ as they do not meet the minimum criteria for size, character and function unless they are converted to dedicated open space sites. These spaces, and opportunities, will be managed through other studies and projects such as the place making work and greening projects.

Discussion

Overview of the *Draft Technical Report*

12. The *Draft Technical Report* is a comprehensive document based on international best practice standards, background research, forecast growth projections, an analysis of Yarra’s existing open space network and the results of the community survey undertaken during the first round of consultation. It also makes detailed recommendations in each of the 10 Yarra precincts and 31 sub-precincts within them.
13. The *Draft Summary Strategy* is a companion report that provides an overview summary of the Technical Report that can be easily referenced by the community to understand Council’s strategic intent, as well as the specific recommendations across the different Yarra precincts.
14. The draft Strategy includes an ambitious program to meet the open space requirements of the future community with 26 new open spaces being proposed (over the period), as well as a number of open space improvement projects related to existing open space sites.
15. The draft strategy provides the broader strategic framework and justification to address key challenges for the future planning and management of Yarra’s open space network. It would also support the everyday work of several Council teams in open space related areas.
16. The recommendations in the draft Strategy were guided by the analysis and trends derived from the Community Survey undertaken in 2018, as well as other key determinants in open space planning including:
 - (a) forecast population growth figures;
 - (b) development trends;
 - (c) employment trends;
 - (d) existing location, function, quality and condition of the open space network;
 - (e) best practice standards;
 - (f) sustainable initiatives and climate emergency mitigation mechanisms including innovative water reduction methods and urban heat mitigation measures;
 - (g) recommendations from health and well-being studies;
 - (h) relevant Council policies, strategies and plans;
 - (i) relevant State level policies and strategies; and
 - (j) a gap analysis of Yarra’s existing open space network.
17. The draft strategy has considered the opportunities for increasing open spaces through:
 - (a) conversion of Council owned land to open space;
 - (b) road closures;
 - (c) potential opportunities on State Government owned land; and
 - (d) contributions (land and or \$’s contribution in lieu) that would occur through subdivision of large developments.
18. In summary, the *Draft Technical Report* is divided into nine sections which present:
 - (a) **Section 1 – Introduction:**
 - (i) Project intention, purpose of the Strategy and overall direction;

- (ii) An acknowledgement of the Wurrundjeri Woi Wurrung people as custodians of the land; and
- (iii) Definition used for open space;
- (b) **Section 2 – Policy Context:**
 - (i) Objectives and Principles of the Strategy, which are strongly tied to the 2017-2021 Council Plan;
 - (ii) Background studies and research findings:
 - importance and benefits of open space;
 - best practice frameworks;
 - sets up the key guiding principle that all residents and workers to be within 150m easy walk to open space.
 - (iii) Policy framework of the Strategy:
 - how the Strategy relates to relevant Victorian government strategies and directions; and
 - how the Strategy relates to complementary strategies and the suite of Council documents in Yarra.
- (c) **Section 3 – Existing Open Space Network:**
 - (i) The analysis and classification of existing open space sites via:
 - hierarchy;
 - function;
 - character classification;
 - infrastructure provisions; and
 - catchment provision.
- (d) **Section 4 – Forecast Change and Implications on Open Space Planning:**
 - (i) How the open space network in Yarra should adapt to meet growth;
 - (ii) The implications of residential and employment growth on open space provision;
 - (iii) The impacts of high density development; and
 - (iv) The influence of the climate emergency.
- (e) **Section 5 – Open Space Framework Recommendations:**
 - (i) Criteria to plan for and assess the suitability of open space proposals; and
 - (ii) Overall plan to address Yarra's future open space provision requirements.
- (f) **Section 6 – Open Space Design and Management Guidelines**, related to:
 - (i) Climate emergency;
 - (ii) Biodiversity;
 - (iii) Sustainability;
 - (iv) Design;
 - (v) Unstructured recreation;
 - (vi) Structured recreation;
 - (vii) Festivals and events;

- (viii) Trees and planting;
 - (ix) Urban Agriculture;
 - (x) Maintenance; and
 - (xi) Relationships with other agencies.
- (g) **Section 7 – Precinct Analysis and Recommendations:**
- (i) Detailed recommendations across each of the ten Yarra precincts;
 - (ii) A detailed analysis of the open space network in each precinct;
 - (iii) A division of precincts into relevant sub-precincts related to the diversity of land use and growth projections within each precinct;
 - (iv) A summary of the consultation outcomes and growth projections;
 - (v) Prioritised recommendations for existing open space sites; and
 - (vi) Identification of areas where new open space is required.
- (h) **Section 8 – Funding and Open Space Contributions:**
- (i) An explanation of the contribution mechanism and its application; and
 - (ii) Methodology behind the rate calculation.
- (i) **Section 9 – Implementation:**
- (i) A high level allocation of responsibilities across relevant Council teams.

Principles in the Strategy

19. The high level Principles to guide the development of the open space network are listed in Table 1 below. They are of equal priority and are listed in alphabetical order. They are consistent with the 2006 Strategy but have been updated to address contemporary issues related to climate emergency.

Principle	Aim
Accessible	Provide open space that is easily accessible and appeals to people of all ages and abilities and is well serviced by a range of sustainable transport options.
Adaptable	Design and manage open space to accommodate changing community needs and other influences including climate change.
Cultural	Recognise, protect and support diverse Indigenous and non-Indigenous historical and contemporary cultural values of open space.
Diverse	Reflect the natural, social, urban and cultural diversity of Yarra and meet the diverse range of organised and informal recreational needs in open space.
Ecological	Enhance and link ecologically viable remnants and established urban bushland to improve biodiversity values.
Sustainable	Design and manage open space to support sustainable water use; contribute to urban greening; mitigate urban heat island effect; support large canopy trees; promote sustainable transport options; and contribute to the liveability of higher density precincts in the city.

Table 1: Open Space Strategy Draft Principles

20. The principles to implement the Strategy are as per Table 2 below:

Principles	Description
Inclusive	Involve the community and stakeholders in the decision making process for the design of existing and new open space.
Advocate	Protect and expand Yarra’s open space network by advocating to all levels of government and the broader community.
Demonstrate	Demonstrate best practice management approach to meet the principles in the Strategy

Table 2: Open Space Strategy Draft Principles for Implementation

Design & Management Guidelines

21. A summary of how the principles then translate into overarching guidelines in open space development is provided below:
- (a) all residents and employees are within a 150m easy walk to open space;
 - (b) new open space sites are a minimum of 300m²;
 - (c) there is adequate winter sunlight provided between 10am to 3pm on 21 June and it is unlikely that additional overshadowing beyond a 9m building form height will occur;
 - (d) no nett loss of open space - no existing open space sites will be sold or disposed of unless there is an immediate plan for an alternate site that will be acquired to supplement the open space network;
 - (e) urban heat island mitigation is achieved by providing more green and permeable spaces and the potential for tree planting is maximised;
 - (f) spaces are multifunctional and provide for a variety of uses and users. This is more easily achieved in larger open space sites which can comfortably accommodate increased functions. Consequently, the provision of larger open space sites must be considered;
 - (g) connectivity to open space sites via the local street network is important and streets are a combination of vibrant activity centres and quiet local connectors which are safe and provide high amenity values;
 - (h) sustainable choices are made in the development of open spaces through design, siting, material choices, ongoing maintenance methods and other possible initiatives. Any innovations which create positive environmental outcomes such as low energy lighting, passive water use or stormwater harvesting should also be considered;
 - (i) community health and wellbeing is improved;
 - (j) where possible, the targets of other relevant strategies such as the *Urban Forest Strategy*, the *Nature Strategy* or the *Embedding Green Infrastructure Toolkit* are achieved in open space sites; and
 - (k) a higher public open space contribution rate is required to address future community demand and need given the growth expected in Yarra.
22. The draft Strategy makes recommendations for some further studies and analysis for issues that require more detailed examination, for example, the development of a ‘Play Strategy’ as well as a ‘Dog Off Leash Strategy’.

Public open space contributions and funding

23. Council’s current open space contribution rate (\$s in lieu of land) collects an average annual contribution level of some \$4M. In the last 4 years it has been approx. \$4.8M per annum.

24. Currently, the public open space contributions are used, in part, to fund capital improvements to open space, consistent with the requirements of the *Subdivision Act*. In 2019/20 \$1.1m of the contributions are being used, but in previous years this has been higher (see below).
25. The public open space contribution rate is levied on any persons who propose to subdivide land for residential, industrial or commercial purposes as set out in the *Subdivision Act 1988*. This can range from developers on multi-level large scale projects to lesser developments. It is taken as a percentage of the site value, not actual market rates or the value of the development
26. Public open space contributions are a legislative requirement linked to the subdivision of land (*Subdivision Act 1988*). The calculation of the proposed Yarra public open space contribution rate is strategically justified based on the value of proposed open space projects measured against the needs of the future population.
27. Council can only expend the public open space contributions received for the purposes provided under the *Subdivision Act 1988* and the *Planning and Environment Act 1987* in the following way:
 - (a) the creation of new open space and related recreational facilities;
 - (b) the upgrading of open space and associated recreational facilities, only to the extent which such works would result in existing open space being more intensively used after than before the subdivision; and
 - (c) The renewal or improving of open space and associated recreational facilities, only to the extent which such works would result in the existing open space/recreation facility, being more intensively used after than before the subdivision.
28. The YCC open space reserve account, at present, is accumulating funds, which is beginning to present an opportunity for land purchase in the future.
29. The draft Strategy is proposing an increase in the public open space contribution rate from the current 4.5% to a rate up to 10% across the municipality. Any proposed increase can only occur through a planning scheme amendment process which includes the public exhibition of any proposed changes, consideration of submissions, referral to a Panel hearing and then only with the approval of the Minister of Planning.

External Consultation

30. The proposed second round of consultation (now on the proposed draft strategy) is planned for 20 January to 15 March 2020.
31. The purpose of the consultation is to engage the community on the proposed direction and recommendations in the Strategy and the management of the open space network measured against future population growth.
32. The community engagement approach proposed is outlined in **Attachment 3** – Community Engagement Overview.
33. The main mechanism for feedback is a community survey providing an overview of the Strategy and asking a short series of multiple choice questions, related to the importance of the Strategy to the participant, and how the Strategy does, or does not, provide an appropriate management framework for growth in relation to the open space network in Yarra.
34. The Technical Report and the Summary Report will be provided on Council's *Your Say Yarra* platform. There would also be a page dedicated to the Open Space Strategy.
35. It is intended to engage with a broad and diverse representation of Yarra's community, including the more marginalised groups such as the homeless, CALD community and youth.
36. The program would include three pop-up sessions, one in each ward as per the initial round of engagement to provide the opportunity for residents to provide face to face feedback. This would also include seeking opinions of passers-by and provide participation opportunities from those who otherwise may not have been aware of the process.

37. All Council's Advisory Groups would be notified of the process.
38. The survey would also be promoted via:
 - (a) articles in *Yarra Life*;
 - (b) business newsletter;
 - (c) recreation newsletter;
 - (d) school newsletters;
 - (e) direct emails to those who expressed interest in keeping up to date of the process;
 - (f) social media alerts;
 - (g) emails to electronic databases, childcare groups, resident advocacy groups and friends groups; and
 - (h) postcards at front counters of Yarra services providing information around the process, as well as hard copy surveys at those counters.
39. The proposed engagement methodology has been guided by Council's Community Engagement Team.

Internal Consultation (One Yarra)

40. The Draft Technical Report has been provided to the Internal Project Working Group. This includes members from:
 - (a) Finance;
 - (b) Statutory Planning;
 - (c) City Strategy;
 - (d) Recreation and Leisure;
 - (e) City Works;
 - (f) Property;
 - (g) Urban Design;
 - (h) Strategic Planning;
 - (i) Communications and Engagement; and
 - (j) Open Space Planning and Design.

It has also been distributed to relevant Council Teams including:

- (k) Streetscapes and Natural Values;
 - (l) Sustainability;
 - (m) Waste Management;
 - (n) Urban Agriculture; and
 - (o) Engineering Services.
41. There was extensive input from Council's Valuations Team to test the financial implications and feasibility of the proposed recommendations for new open space.

Financial Implications

42. The proposed new Strategy would provide the strategic justification to pursue the setting of a new open space contribution rate in the Yarra Planning Scheme through a separate planning scheme amendment process. The draft Strategy proposes a rate of up to 10% increasing from the current rate of 4.5%. The specific contribution rate would be considered by Council (under a separate reporting process) after the consultation on the draft strategy has occurred.

43. The draft Strategy includes a series of recommendations, for the improvement of existing parks as well as the development of new parks to meet the needs of Yarra's growing community. There is an expectation these would be implemented over the life of the Strategy, the next 10-15 years. These would be funded from a mix of general rates revenue, Council grants and the public open space contribution rate, when the works are for the benefit of the new community.
44. The draft Strategy also recommends that Council acquire land to meet growing community needs for open space. In order to do that, Council would need to have an adequate level of funds, or arrange financing, to support any program of land acquisition. As a general principle, in order to do this, there needs to be a greater accumulation of public open space contributions rather than utilising a significant level of contributions for open space capital works projects.

Economic Implications

45. A new public open space contribution rate in the Yarra Planning Scheme would mainly affect general residential development and would provide greater funding in order to meet the community's open space needs.

Sustainability Implications

46. Many Council strategies will achieve their sustainability actions through the open space network. This includes:
 - (a) developing biodiversity corridors,
 - (b) creating opportunities for sustainable water management, (for example through passive irrigation or storm water harvesting), and
 - (c) reducing the urban heat island effect by creating more permeable surfaces in parks which also provides the opportunity to plant larger canopy trees that cannot always be achieved through the streetscape network.

Social Implications

47. Yarra's open space network provides a setting where the diverse community can converge and socialise if they choose in a free, safe and welcoming environment, in a number of different ways.
48. The open space network provides varied opportunities for childhood development and growth. That is, being outdoors is an important part of early years learning.
49. Measures to manage perceptions of safety and equity across the open space network needs to be managed through the ongoing implementation of the Strategy and aligned to the directions of other relevant Council strategies.

Human Rights Implications

50. Recommendations related to accessibility and equity have been included in the design and management guidelines in the *Draft Technical Report*.

Communications with CALD Communities Implications

51. The CALD community are considered key stakeholders in the process. The proposed consultation program has dedicated sessions in neighbourhood houses within Yarra to engage with these communities.
52. Consultation materials would be provided in multiple languages as per Council's guidelines.

Council Plan, Strategy and Policy Implications

53. The draft Strategy is linked to the seven priority areas of the Council Plan as detailed in Table 3 below:

Council Plan Objective	How the Strategy will meet the objective
<p>A healthy Yarra</p> <p>1.1 Maintain and enhance Yarra’s open space network to meet the diverse range of community uses.</p> <p>1.1.1 Increase the amount and quality of green open space through the strategic acquisition of land, the conversion of urban land to open space and/or the creation of pocket parks in high density areas.</p> <p>1.1.2 Develop an open space strategy to ensure Yarra’s public open space is managed as a functional network that encourages shared use and active living.</p> <p>1.1.3 Undertake community education to promote understanding and greater acceptance of multiple use infrastructure including open space.</p>	<p>Upgrade existing open spaces to encourage the community outdoors to exercise and socialise in them.</p> <p>Provide additional public open space so that everyone lives and works within a safe and easy walk to open space.</p> <p>Encourage greening of open space so open space contributes to urban cooling.</p> <p>Protect and improve habitat and biodiversity values of open space including along the waterway corridors and across the network where appropriate.</p>
<p>An inclusive Yarra</p> <p>2.1 Build resilience by providing opportunities and places for people to meet, be involved in and connect with their community</p>	<p>Open space is for everyone in Yarra’s diverse community, including all ages, abilities and cultures.</p> <p>Open space is accessible to everyone and requires no membership of an organisation or payment to use it.</p> <p>Everyone lives and works within a safe and easy walk of open space.</p>
<p>A sustainable Yarra</p> <p>3.1 Investigate strategies and initiatives to better manage the long term effects of climate change.</p> <p>3.5 Promote responsible water usage and practices.</p> <p>3.7 Investigate strategies and initiatives to improve biodiversity.</p>	<p>Encourage use of sustainable materials in open space.</p> <p>Maximise urban greening.</p> <p>Protect and improve habitat and biodiversity values of open space including along the waterway corridors and across the network where appropriate.</p>

Council Plan Objective	How the Strategy will meet the objective
<p>A liveable Yarra</p> <p>4.3 Plan, promote and provide built form and open space that is accessible to all ages and abilities.</p>	<p>Identify the need for and areas where new open space is required in response to the <i>Yarra Housing Strategy 2018</i> and the <i>Yarra Spatial Economic and Employment Strategy 2018</i>.</p> <p>The design guidelines require the inclusion of sustainable water re-use and urban greening including additional large canopy trees to promote the role of open space in mitigating urban heat island effect.</p>
<p>A prosperous Yarra</p> <p>5.2 Strengthen and monitor land use change and economic growth including new and emerging economic clusters.</p> <p>5.4 Develop Innovative Smart City solutions in collaboration with government, industry and community that use technology to embrace a connected, informed and sustainable future.</p>	<p>Open space is able to attract employees and visitors to Yarra, increasing visitation and economic activities.</p> <p>The actions in the proposed Strategy are costed and form the basis of the open space contribution rate that is included in the Strategy.</p> <p>Growth projections will be monitored over the life of the Strategy. Recommendations may shift as required depending on changes in projected growth.</p> <p>The Strategy provides certainty for Council, the community and developers regarding the location and type of new open space that is required over the 10 year timeframe of the Strategy.</p> <p>Smart City solutions (use of technology) will be considered and applied to the development of new open space and linear trails where applicable.</p>
<p>A connected Yarra</p> <p>6.5 Develop and promote pedestrian and bicycle infrastructure that encourages alternate modes of transport, improves safety and connectedness.</p>	<p>Strengthen the linear connections and sustainable transport options to open space sites.</p> <p>Shared trails are safe and able to be used by a range of community members.</p> <p>Open space sites will be easy to walk to through a safe and amenable street network.</p> <p>Provide bike parking facilities at key open space sites.</p>

Council Plan Objective	How the Strategy will meet the objective
<p>A leading Yarra</p> <p>7.4 Ensure Council services are efficient, well-planned, accessible, and meet community needs.</p> <p>7.5 Provide the community with meaningful and genuine opportunities to contribute and participate in Council planning and decision making processes with a focus on young people, hard to reach and traditionally underrepresented communities.</p> <p>7.8 Continue a 'customer centric' approach to all service planning and delivery.</p> <p>7.9 Advocate for the best interests of our community.</p>	<p>The proposed Strategy is based on community engagement feedback and best practice provision of open space and facilities in established areas and high density precincts.</p> <p>The community will be engaged on a project basis during the implementation of the Strategy and their responses and experiences will form the base of future planning and design work.</p> <p>Community satisfaction standards will be measured through the <i>Annual Customer Satisfaction Survey</i>.</p>

Table 3: Vision for Open Space and Relationship to Council Plan

Legal Implications

54. Independent legal advice has been sought to ensure the development of the Strategy follows a methodology that would support increasing the public open space contribution rate in the Yarra Planning Scheme, through a separate planning scheme amendment process once a final version of the Strategy is adopted by Council.

Conclusion

55. The proposed strategy has been formulated out of early consultations with the community, research and methodology that has previously been used in Panel hearings relating to Planning Scheme Amendments elsewhere in Melbourne.
56. The *Draft Yarra Open Space Strategy Technical Report* provides a comprehensive framework by which to manage the open space network in Yarra over the next 10-15 years. It is a document based on background research and the analysis of complex data sources relevant to Yarra.
57. Community engagement and consultation is now recommended to provide Council with feedback that can inform the finalisation of the draft Strategy during 2020.

RECOMMENDATION

1. That Council:
 - (a) note the report of officers regarding the development of a new Open Space Strategy; and
 - (b) note the attached technical report and other documents underpinning this proposed strategy.
2. That Council authorise the *Draft Yarra Open Space Strategy Technical Report* and *Draft Summary Strategy* being exhibited for the purpose of community consultation.
3. That Council authorise this consultation for January 20, 2020 to March 15, 2020 in accordance with the *Community Engagement Overview* as shown in Attachment 3.

CONTACT OFFICER: David Walmsley / Julia Mardjuki

Attachments

- 1  Attachment 1 - Draft Technical Report - Yarra Open Space Strategy
- 2  Attachment 2 - Draft Yarra Open Space Strategy Summary Report
- 3  Attachment 3 - Yarra Open Space Strategy - Community Engagement Overview

11.9 Car Share Implementation Plan

Reference: D19/160495

Authoriser: Director Planning and Place Making

Purpose

1. For Council to consider adopting the Car Share Implementation Plan (Attachment 1).

Background

2. Car Share has a number of benefits and is encouraged in the *Yarra Strategic Transport Statement*, which includes an action requiring that Council develop a car share policy.
3. In 2016 there were nearly 33,000 car share bookings in Yarra. There are currently 152 car share bays in Yarra (including 27 off-street bays) which are provided by three Car Share Providers (CSPs).
4. The Car Share Policy (the policy) was adopted as part of a Council Resolution made on 16 July 2019.
 1. *That:*
 - (a) Council note the report of officers on a proposed Car Share Policy;
 - (b) Council note the responses to the exhibition of a draft policy as outlined in Attachment 2;
 - (c) Council note the revised draft Car Share Policy as shown in Attachment 1;
 - (d) Council, having noted the submissions and the officer report, adopt the Car Share Policy (2019 – 2024) as outlined in Attachment 1, with the following additions:
 - (i) A new 7.3 (and subsequent re-numbering), “7.3 - The figures in Table 1 are targets. The targets for on-street spaces will be reviewed if they are reached before the expiration of this policy. The maximum number of off-street car share spaces is not controlled by Council and is wholly within the control of car share providers”;
 - (ii) A new 7.7 in the policy: “A mid-policy review shall be commenced should the number of bays reach 85% of the number of target spaces”;
 - (iii) throughout section 10, replace wheelchair accessible with “electric-wheelchair accessible”; and
 - (iv) Amend 1.1.5 to read: “Average emissions for passenger vehicle fleets of 175 grams of carbon dioxide equivalent emissions per kilometre in 2019, reducing by 5 grams per kilometre annually until 2021.”
 - (e) officers commence implementation of the Car Share Policy;
 - (f) submitters be informed of the Council decision;
 - (g) Officers report back to Council with a proposed implementation plan prior to the designation of any proposed car share sites for 2019/20, and that the implementation plan include a plan for the provision of the electric wheelchair accessible vehicles; and
 - (h) Councillors to receive an annual report on the quantity and location of car share bays, data on their usage, the future pipeline of bays and any other relevant information.

5. Adoption of the policy followed extensive work on the car share policy question and public consultation on a draft policy over a 24 month period. Over 300 responses and over 15,000 words of comment on all aspects of car share were provided to Council as a result of the public consultation.
6. The Policy proposes to manage the further introduction of more car share bays in the municipality. This comprises 131 additional car share bays to be deployed in Yarra over the next five years to encourage people to use car share. This includes up to 85 on-street car share bays and a minimum of 46 off-street car share bays.
7. For context there are approximately 48,000 on street car parks in Yarra and tens of thousands of off street parking bays, with the number of off street bays increasing year on year as a result of new development. On this basis, over 99.9% of existing on street car parking spaces would not be impacted in anyway by the deployment of up to 85 additional on street car share spaces.
8. Global research has shown that car share reduces parking demand as it encourages people to live car free, this would make it easier for those members of the community that do wish to own a car to find a parking space. The policy also contains a requirement for operators to provide a wheelchair accessible car after a single operator has deployed 40 additional car share cars in Yarra.
9. The Council Resolution requires Council Officers report back to Council with a proposed implementation plan prior to the deployment of any new car share bays. A copy of the Draft Car Share Policy Implementation Plan is provided as Attachment 1.
10. The proposed Implementation Plan is an addendum to the Car Share Policy. It is 14 pages in length and should always be read in conjunction with the main policy which provides 11 pages of guidance and context regarding car share.
11. The draft Implementation Plan does not seek to repeat content in the main text so it is as concise and user friendly as possible. The two documents would be presented on the Council website as a single PDF document to ensure it is read as one consistent policy.
12. The Yarra Car Share Policy has been developed to consider the approaches set out in Car Share Policies produced and actively being implemented by other neighbouring Councils in Melbourne.
13. The draft Implementation Plan provides a clear framework to deliver the policy in a time efficient, transparent and consistent manner.
14. Both the Car Share Policy and the Implementation Plan are operational documents providing a detailed implementation framework to be strictly followed by officers. It sets out the procedures and responsibilities for bay deployment, permit renewal and other processes.
15. Specifically, the draft Implementation Plan covers:
 - (a) bay siting and location criteria;
 - (b) application process;
 - (c) CSP qualification process;
 - (d) consultation processes;
 - (e) permit and installation fees;
 - (f) provision of disability access parking bays for electric wheelchair accessible vehicles;
 - (g) conversion of informal spaces;
 - (h) permit renewal process; and
 - (i) CSP reporting requirements.
16. A key objective of the draft Implementation Plan is that it is clear, consistent, workable and practical for Council officers and car share operators.

17. During discussions on the policy two key areas were of particular interest to Councillors. These were:
 - (a) the criteria used to locate car share bays; and
 - (b) the consultation process to be used.
18. It is important to note that it is not appropriate or practical for Council to plan and predetermine where each specific car share bay will potentially be located across thousands of streets in Yarra. Car share operators have highly developed methodologies, dedicated staff and business specific skill sets regarding judgements on where car share bays should be proposed. The role of Council therefore is to provide strategic guidance to inform car share operator judgements, and to check that bays as nominated by the car share operators are aligned with Council guidelines.
19. In this regard, the onus is to minimise the impact of car share bays on the community as much as possible. This approach is consistent with other established Council Car Share policies across Melbourne.
20. It is not interests of Council officers, Councillors, car share users or the CSPs to place bays needlessly in locations which are more likely to draw complaints from residents. An example of this would be placing a car share bay directly outside someone's front door on a busy street where parking is a highly contest commodity.
21. In many cases there will be opportunities to provide bays in less contentious locations nearby in any given suburb and the bay location criteria in the draft implementation plan provides a clear framework for guiding decision making in this area. Following the Council resolution, further detail has been added to this criteria to make the bay location process as clear as possible.
22. The consultation process, and the role of consultation in bay deployment, is explained in more detail in the draft Implementation Plan.
23. A concern flagged was to avoid residents not being notified of any new car share bay provision in their area until the car is deployed in the street. This is not the intention and, hence the draft Implementation Plan provides a clear notification process to avoid such a scenario as much as possible.
24. Some concerns have also been raised that the adopted car share policy would have significant impacts on on-street parking availability in Yarra. Global studies have consistently shown that car share reduces car ownership and therefore reduces car parking demand.
25. The Implementation Plan would form part of the Car Share Policy as an Addendum. In this regard, it should always be read in conjunction with the main policy which is comprehensive and provides 11 pages of guidance and context regarding car share. On this basis, the draft Implementation Plan does not seek to repeat content in the main text so it is as concise and user friendly as possible.

External Consultation

26. External consultation on an addendum to a detailed operational policy document was not required and was not undertaken. A significant public consultation process was undertaken for the car share policy itself.

Internal Consultation (One Yarra)

27. The development of the proposed Implementation Plan included consultation with the following Council Units: Compliance and Parking, Traffic, IS, Aged and Disability Services and City Works.
28. A number of discussions have been required across Council to produce an Implementation Plan that is workable and aligns with standard Council procedures where appropriate.

Financial Implications

29. The Implementation Plan outlines the permit and installation fees for car share bay applications. Deployment of car share bays would be cost neutral.

Economic Implications

30. None specifically associated with the Implementation Plan.

Sustainability Implications

31. An ongoing roll out of car share bays (in a managed way) is consistent with a number of sustainable transport objectives and also likely actions in the emerging Climate Emergency Plan.

Social Implications

32. Convenient access to car share bays, for persons without a car, enables mobility for longer trips as required.

Human Rights Implications

33. The Implementation Plan refers to a managed approach to the supply of car share spaces for specific cars to service persons with a disability.

Communications with CALD Communities Implications

34. None specifically associated with the Implementation Plan.

Council Plan, Strategy and Policy Implications

35. An Implementation Plan is required to operationalise the adopted Car Share policy.

Legal Implications

36. None specifically associated with the Implementation Plan.

Other Issues

37. No known other issues.

Options

38. The options available to Councillors are:
- (a) adopt the draft Implementation Plan as it is;
 - (b) adopt the draft Implementation Plan subject to minor changes agreed in principle in the Council Chamber; or
 - (c) defer adoption of the draft Implementation Plan pending further work or more significant revisions.
39. The officer recommendation is for Council to pursue option A, and adopt the draft Implementation Plan as it is in Attachment 1.
40. Option C, deferment of the Implementation Plan is not advised as it would further delay implementation of the Car Share Policy which has been in development for three years and been subject to extensive internal and external consultation.

Conclusion

41. The Car Share Policy was adopted as part of a Council Resolution on 16 July 2019. The Resolution requires Council Officers to report back to Council with a proposed Implementation Plan prior to the further rollout of additional car share bays in the municipality.
42. The proposed Implementation Plan is an addendum to the Car Share Policy and provides a clear framework to deliver the adopted Car Share Policy in a time efficient, transparent and consistent manner. It sets out the procedures and responsibilities for implementation and supports other technical and operational detail provided within Car Share Policy.

RECOMMENDATION

1. That Council:
 - (a) note the officer report on the Car Share Implementation Plan;
 - (b) note that car share is encouraged in the Yarra Strategic Transport Statement, which includes an action requiring that Council develop a car share policy;
 - (c) note that rollout of car share has been suspended pending the introduction of a car share policy and that the further car share bays cannot occur until an Implementation Plan is adopted by the Council so that officers can process applications lodged by car share providers;
 - (d) adopt the Implementation Plan as attached; and
 - (e) authorise officers to implement the Car Share Policy.

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Attachments

- 1 [↔](#) Final Draft Addendum A - Car Share Implementation Plan

11.10 Burnley Park Cottage Review

Reference: D19/203875
 Authoriser: Group Manager Chief Executive's Office

Purpose

1. To consider and determine on the future role and use of the premises known as - Burnley Park Cottage, more particularly identified as 150 Yarra Boulevard, Richmond.

Background

2. Council will recall its resolution:

"That in relation to the building in Burnley Park, known as Burnley Cottage:

(a) Council note:

- (i) the building's status on the Victorian Heritage Register as part of the "Richmond Park" precinct and its history as one of the oldest park-keeper residences remaining in Victoria and dating back to the 1860s;*
- (ii) the poor state of repair of the building and the \$45,000 allocated in the 2019/2020 budget for works to the building;*
- (iii) that the cost of bringing the building up to appropriate standards for a community or other use, is significantly more than \$45,000;*
- (iv) the high level of local community interest in both the state of repair and in the future role of the historic building; and*
- (v) that there has been no formal consideration of the future of the building since 2017;*

(b) Council receive a report in the October meeting cycle which includes:

- (i) a recommended process to involve park users, community members, Councillors and officers to co-develop an expression of interest process for possible future use of the building;*
- (ii) an update on the 2019/2020 budgeted capital works;*
- (iii) an estimate of the cost of works required to the building to both:*
 - a. restrict further deterioration of the structure; and*
 - b. bring it up to the minimum standard required for use;*
- (iv) funding sources which could be used to support the necessary works to the building; and*
- (v) any options (other than an expression of interest process) for Council use of the building which officers consider worthy of Council consideration."*

3. Several years ago there was an expression of interest lodged with Council proposing to establish a restaurant in the Cottage facility. During the formal advertising period, the proposal met with strong opposition from sectors of the community and the proposal was subsequently not proceeded with.
4. From time to time, the Office receives a community inquiry about the future intentions for the Cottage facility, including such comments as the deteriorating condition of the building, reference to vandalism issues, suggestions as to why cannot it be used to establish a restaurant or similar function for the benefit of park users, cyclists, etc.

5. The purpose of Council's resolution is to move to undertake a comprehensive community consultation to subsequently provide Council with a range of community views as to a preferred future purpose of the Cottage.
6. In response to the resolution above, the following key points are now addressed:

A. Heritage Considerations:

- (a) Heritage status under the Yarra Planning Scheme:

Heritage Overlay No. & Precinct:	<i>HO299 - Former Park Keeper's Cottage, The Boulevard Richmond, The Boulevard Parklands.</i>
Level of significance:	<i>Individually significant (within HO299) constructed 1838-1930s (Appendix 8, City of Yarra Review of Heritage Overlay Areas 2007- updated Sep 2015)</i>

7. The most recent Heritage advice provided to Council included the following extracts: (refer **Attachment 1** for full copy of the referenced Heritage Advice).

- (a) *Former Park Keepers Cottage.*

- *One of few elements of hard landscape located within Richmond Park is the former Caretaker's Residence, built in the 1870s, although the exact date of construction has not been finally established.*
- *A Ranger, Caretaker, Park keeper, Bailiff or Curator, as the incumbent was variously known, of the Survey Paddock, and later Richmond Park, was first appointed in 1852. This was considered necessary for the security of the Surveyor's horses, as Melbourne was virtually deserted of males, following the discovery of gold in 1851, and protection of government land and property by police was considered essential.*
- *The former caretaker's cottage is of historical significance as one of the earliest designed elements to be incorporated into Richmond Park and one of the oldest extant buildings in Burnley. It contributes to an understanding of the history of the park and its development from Survey Paddock to park in the middle decades of the nineteenth century; and more broadly to an understanding of caretakers' residences in parks and gardens.*
- *The former caretaker's cottage is of aesthetic/architectural interest. While it is an important historic building within the park, alterations and additions have impacted on the architectural form and legibility of the original 1862 building. Within the context of caretaker's residences across the State, the subject building is also a modest and rudimentary example. It does however make an aesthetic contribution when combined with stands of early trees and other early elements, to reinforce the early character of the park.*

- (b) *Context Description:*

- *The former Caretaker's Cottage is a four roomed structure which was clearly built in three stages, which according to the CMP were c.1862, c.1890 and c.1986. The south-eastern portion (constructed c.1862) has a hipped roof, masonry walls and quoining around windows that is evident under unsympathetic paint. To the south-west of the original cottage is a weatherboard structure with a brick chimney, located under a gabled roof (constructed c. 1890). The gabled roof has been extended to the north of both these sections, creating an L form under a separate hipped roof (constructed c.1986).*

- (c) Of particular note, if Demolition was proposed, Council's Planning Office advise that the process would be:

- (i) Council required to formally apply for a Planning Permit to demolish the structure;
- (ii) Planning Application would be publicly advertised as per usual process;
- (iii) Council as the Planning Authority would be required to consider the planning application together with any submissions received thereon;
- (iv) Council as the Planning Authority would have to determine on the planning application; and
- (v) Submitters would have the usual recourse to a VCAT appeal should they not concur with the Council's planning determination.

B. Consultation Process: the Communication's Unit proposes the following:

- (a) "...a recommended process to involve park users, community members, Councillors and officers to co-develop an expression of interest process for possible future use of the building." Importantly, prior to formulating the engagement process there would need to be a clear understanding of:
 - (i) what is possible/negotiable (*i.e. on the table*) in order that the community/park users can provide feedback on (e.g. types of use, access etc.) and what is non-negotiable/not possible (*i.e. off the table*) and community feedback will not assist, (e.g. demolishing the cottage if this is in fact not supported under the planning scheme/heritage guidelines); and
 - (ii) any limitations governed by availability of funding;
- (b) having established what is on/off the table, Communications could then craft questions to commence the community engagement;
- (c) Communications would then promote the engagement widely to ensure input/comment from a diverse cross-section of the community. This would include:
 - (i) through social media, website, Yarra Life (and depending on when the engagement is planned Yarra News);
 - (ii) tapping into existing stakeholder groups / advisory groups;
 - (iii) building a Your Say Yarra page that would be the primary point of engagement – something similar to this: <https://yoursayyarra.com.au/chas-farquhar>;
 - (iv) a best practice approach by holding some engagement pop-ups at the site;

IMPORTANT NOTE:

- (d) Having regard to point B (b) above: "having determined what is on/off the table, Communications could then craft questions to commence the community engagement"...it is therefore suggested that Council may wish to first determine if indeed the question of demolition should be on/off the table in terms of the proposed community consultation.
- (e) Council as the Planning Authority is charged with determining on planning applications which seek demolition of "heritage structures". Such applications frequently attract significant opposition and Council has in general, strongly supported the retention of heritage properties. Council may therefore wish to consider its position on potential demolition of the Burnley Cottage, a property under its direct control, prior to pursuing a community consultation which may lead to that suggestion.

C. Financial/Budget Implications:

- (a) an update on budget impositions:
- Q.** (a) (i) the 2019/2020 budgeted capital works;

A. (a) (i) As referenced to the Mayor and Melba Ward Councillors on 16 September, Officers advised of the recent works provided for in the current budget and to removal of the temporary fence from around the Cottage and to the boarding and painting of the windows as a measure against vandalism and to thus ensure the property is visually presentable. (*Refer **Attachments 2 and 3** for photos of the completed works*).

Q. (a) (ii) cost estimates of works required to the building to both:

- restrict further deterioration of the structure; and
- bring it up to the minimum standard required for use;

A. (a)(ii) Officers commissioned a quantity surveyor's report in August 2017 for the remediation and refit of the entire building (*comprising the original masonry cottage (circa 1862) and later weatherboard additions*) to a standard that was safe, compliant with regulations and that would allow occupation for an unspecified usage.

The project cost, allowing for escalations through to a construction finish in June 2021 and allowances for items excluded from the cost plan, was approximately \$960k.

This was a preliminary cost estimate. Determination of the intended usage of the building, the building features and area required, would allow for a more refined estimate. The project cost would be significantly lower if:

- Only a portion of the building was retained, for example just the original 1862 masonry cottage; and/or
- The building retained was as a heritage object in the park, with no internal activation or occupation.

Q. (a) (iii) funding sources which could be used to support the necessary works to the building;

A. (a) (iii) Potential funding sources would include:

- * Council budget allocation;
- * Potential leasee contributions toward any capital improvements required for use of the Cottage should it be leased.

D. Other Options:

Q. any options (other than an expression of interest process) for Council use of the building which officers consider worthy of Council consideration.”

A. There have been no identified Council uses of the Cottage.

External Consultation

8. The resolution requests:- a recommended process to involve park users, community members, Councillors and officers to co-develop an expression of interest process for possible future use of the building. In this regard it is proposed that Council:

(a) Consider and adopt the process outlined in **Section B. Consultation Process** referenced above.

Internal Consultation (One Yarra)

9. Communication has occurred with Statutory Planning Unit re the heritage status of the property, with Engineering re the budget estimates for repair/maintenance of the premises and communications re the manner of arranging for a comprehensive consultation with interested parties and the wider community.

Financial Implications

10. The financial implications will be determined on the preferred option for future use/role of the cottage and will include consideration of such as:
 - (a) the 2019/2020 budgeted capital works;
 - (b) the estimate of the cost of works required to the building to both:
 - (i) restrict further deterioration of the structure; and
 - (ii) bring it up to the minimum standard required for use; and
 - (c) funding sources which could be used to support the necessary works to the building.

Economic Implications

11. There are budget implications relative to the security, maintenance and/or modifications to the structure.

Sustainability Implications

12. Having regard to the heritage status of the Cottage premises, there are budgetary implications re sustainability of the structure. Also there are formal processes required of Council under the Planning Scheme, prior to any determinations on modification to the structure, removal of the structure and potentially, some maintenance aspects.

Social Implications

13. There is community interest in the Cottage structure and its potential for possible future use for “community interest” projects.

Human Rights Implications

14. There are no human rights implications relating to this report.

Communications with CALD Communities Implications

15. The above proposed consultation process with park users and the community will also include communication with CALD communities.

Council Plan, Strategy and Policy Implications

16. The Council’s adopted Property Strategy seeks that Council progressively review its property holdings as to the most appropriate future use and management of those properties.

Legal Implications

17. The undertaking of the proposed consultation does not have any legal implications. In the event that Council determined to pursue a formal Expression of Interest or Occupancy arrangement, it will be necessary to follow prescribed statutory procedures.

Other Issues

18. None apparent.

Options

19. To consider the above report and assess/determine if Council wishes to:
 - (a) include **all** potential options in the Community review/assessment of the property; or
 - (b) exclude elements such as “demolition” of the property.

Conclusion




20. To enable discussion on the above items.

RECOMMENDATION

1. That Council:
 - (a) note the report;
 - (b) approve the undertaking of a community consultation process to involve park users, community members, Councillors and officers to co-develop an expression of interest process for possible future use of the building; and
 - (c) having regard to the heritage status of the premises, determine that demolition of the structure is non-negotiable / not possible and therefore is not to be included as an option for community consultation.
2. That Officers report back to Council on the outcome of the community consultation process, including recommendations for Council consideration.

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Attachments

- 1  PLN16 0755 - 150 Yarra Boulevard Richmond - Heritage advice
- 2  Burnley Cottage Renovation Image 1
- 3  Burnley Cottage Renovation Image 2

11.11 Report on Assemblies of Councillors

Trim Record Number: D19/217634

Responsible Officer: Group Manager Chief Executive's Office

Purpose

1. To provide a report on Assemblies of Councillors.

Background

2. The *Local Government Act 1989* (The Act) requires that ... "The Chief Executive Officer must ensure that the written record of an Assembly of Councillors is, as soon as practicable:
 - (a) reported at an ordinary meeting of the Council; and
 - (b) incorporated in the minutes of that Council meeting.....".
3. This report includes all Assemblies of Councillors reported to the Governance Department at the cut-off date that have not already been reported to Council. Assemblies held prior to the cut-off date that are not included here will be included in the next report to Council.

Consultation

4. Not applicable.

Financial Implications

5. Not applicable.

Economic Implications

6. Not applicable.

Sustainability Implications

7. Not applicable.

Social Implications

8. Not applicable.

Human Rights Implications

9. Not applicable.

Communications with CALD Communities Implications

10. Not applicable.

Council Plan, Strategy and Policy Implications

11. Not applicable.

Legal Implications

12. The Act requires the above information be reported to a formal Council Meeting and also be recorded into the Minutes of the Council.

Other Issues

13. Not applicable.

Options

14. Nil.

Conclusion

15. That Council formally note and record the Assemblies of Councillors report as detailed in **Attachment 1** hereto.

RECOMMENDATION

1. That Council formally note and record the Assemblies of Councillors report as detailed in ***Attachment 1*** hereto.

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Attachments

- 1 [⇒](#) Assemblies of Councillors Report - December 2019