



Ordinary Meeting of Council Agenda

**to be held on Tuesday 27 August 2019 at 7.00pm
Richmond Town Hall**

Arrangements to ensure our meetings are accessible to the public

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

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

Recording and Publication of Meetings

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

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Order of business

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

1. Statement of Recognition of Wurundjeri Land

"Welcome to the City of Yarra."

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

2. Attendance, apologies and requests for leave of absence

Anticipated attendees:

Councillors

- Cr Danae Bosler (Mayor)
- Cr Misha Coleman (Deputy Mayor)
- Cr Stephen Jolly
- Cr Daniel Nguyen
- Cr Bridgid O'Brien
- Cr James Searle

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)

On leave of absence

- Cr Mi-Lin Chen Yi Mei
- Cr Jackie Fristacky
- Cr Amanda Stone

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

4. Confidential business reports

Item

- 4.1 Matters prejudicial to Council and/or any person
- 4.2 Matters prejudicial to Council and/or any person

Confidential business reports

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

RECOMMENDATION

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

5. Confirmation of minutes

RECOMMENDATION

That the minutes of the Ordinary Council Meeting held on Tuesday 13 August 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 meeting chairperson to ask your question, please come forward and take a seat at the microphone and:

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

8. Delegate's reports

9. General business

10. Questions without notice

11. Council business reports

Item		Page	Rec. Page	Report Presenter
11.1	Yarra Bend Tree Collapse and River Bank Slump - Stage 1 Interim Alluvium Report	7	13	Vijaya Vaidyanath – Chief Executive Officer
11.2	Brunswick Street Oval Precinct Plan	14	20	Graham Davis - Manager Building and Asset Manager
11.3	Management of Plane Trees	21	31	Bruce Phillips – Director Planning and Place Making
11.4	Proposed Discontinuance of Road adjacent to 25 Balmain Street, Cremorne	32	35	Bill Graham – Coordinator Valuations
11.5	Proposed Discontinuance of Road abutting 75-119 Cubitt Street, Cremorne	36	39	Bill Graham – Coordinator Valuations
11.6	Draft Heritage Strategy 2019-2030	40	45	Richa Swarup – Senior Advisor City Heritage

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

Public submissions procedure

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

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

12. Notices of motion

Nil

13. Urgent business

Nil

11.1 Yarra Bend Tree Collapse and River Bank Slump - Stage 1 Interim Alluvium Report

Reference: D19/143920
 Authoriser: Director City Works and Assets

Purpose

1. To provide Council with a progressive update to the investigations undertaken by Council's appointed independent consultant Alluvium, in regards to the causes of the slumping along the Yarra river bank abutting the Yarra Bend development site, and to identify any short term actions that should be undertaken.

Background

2. The 16 ha Yarra Bend development site (also known as the former AMCOR site) in Alphington is currently being re-developed. The site abuts Heidelberg Road and the Chandler Highway and extends to the Yarra River. There is a 30 metre strip of land along the river bank that is owned by the lead developer (Glenvill), and is highly valued by the community for the amenity it provides, and the access it provides to the river. The intent is that this strip of land will vest in a public authority in future to enable ongoing public access to the land.
3. In January of 2019, it was reported that a section of the river bank had slumped, causing a tree to fall into the river; this tree was subsequently removed.
4. In May 2019 a second section of river bank slumped with a second tree falling into the river. Subsequent to this, two other trees were identified as being at risk due to being within the affected slump zone. One of these trees (T1 in previous reports) was felled on Friday 16 August 2019, following the Council resolution of 13 August 2019 which was based on formal advice from Alluvium about the risk of it falling and further damaging the river bank, and approval of Melbourne Water. The tree was removed by contractors operating on behalf of Glenvill, retaining the root ball as a means of retaining soil integrity in the riverbank. The tree trunk will be placed in the river bank to become instream habitat.
5. The other tree (T2 in previous reports) remains stable on the river bank and is subject to regular monitoring and photo capture according to the Council resolution of 30 July 2019.
6. There has been considerable community interest in the AMCOR development, and most recently in relation to the slumping of the river bank, the loss of one mature tree and the potential loss of more mature trees in the slump area.
7. Council officers have engaged an independent consultancy Alluvium to investigate the cause of the river bank slumping and its impact on river bank trees.
8. Alluvium has convened an expert panel specialising in the fields of:
 - (a) Hydrology and fluvial geomorphology;
 - (b) Geotechnical bank stability;
 - (c) Ground water processes;
 - (d) Surface Water management and
 - (e) Riparian Ecology.
9. The investigations and subsequent reports will be staged. The purpose of the investigations is to:
 - (a) Identify the causes of the bank slump and tree collapse;
 - (b) Identify any short term actions that should be undertaken; and

- (c) Identify long term remediation measures for the site.
10. The investigations are to be undertaken in stages:
- (a) Preliminary memo dated 29 July 2019 based on site inspection and review of risks of further tree collapse;
 - (b) Subsequent memo dated 12 August that provided additional information and recommendations for the management of tree T1;
 - (c) Report 3 interim report (attached draft report) A qualitative assessment based on a field inspection and review of readily available information and
 - (d) Report 4 detailed assessment based on additional data collection and analysis.
11. The first Council report considered the stability of two trees within the bank slump zone and was presented to Council on 30 July 2019 recommending that a planning permit would be required in order to remove tree T1.
12. A second Council report was presented to Council on 13 August 2019 providing Alluvium's assessment for an alternative that would enable preservation of tree T1 and Glenvill's consideration of alternative continuous access for the community along the river front. Council resolved to:
- (a) note the advice from Glenvill that the condition of the existing track is not safe to keep the current path open to the public, as such it has been closed;
 - (b) note that Glenvill are open to reviewing this position in the future should site conditions change;
 - (c) note that following the ultimate rehabilitation of the riverfront there will be an upper path and a lower path in accordance with the approved Development Plan and Section 173 Agreement registered on the land that will provide public accessibility;
 - (d) note the assessment on Tree 1 and the options presented by Alluvium to preserve the tree;
 - (e) note that due to further slumping of the river bank, the likelihood that the tree will fall in the coming days or weeks, and the immediate risk to the property (river bank) should the tree fall, the advice from Alluvium is that Tree 1 should now be removed without the need for a planning permit;
 - (f) endorse the removal of the tree, retaining the root ball for bank protection, and in conjunction with Melbourne Water, locate the trunk in the river to act as instream habitat and in addition consider the same treatment for the already fallen tree at this location;
 - (g) instruct officers to liaise with Glenvill and Melbourne Water to inform them of this resolution and to work with them to give it effect as soon as practicable; and
 - (h) note the options provided within the report by Alluvium to stabilise the riverbank, and further note that Alluvium will provide a future report on both the cause and the options to address further river bank slumping as part of a report to the next Council Meeting.

Alluvium's interim findings in relation to river bank slumping and potential mitigation

13. Alluvium's third report (attached, dated 19 August 2019) discusses the potential mechanisms causing the river bank slumping. The Alluvium report has indicated:
- (a) River erosion – the expert panel's discussions with Melbourne Water suggest that the bank slumping is concentrated at the subject site. A review of the existing hydraulic model for the Yarra River revealed the forces on the subject bank to be not dissimilar to other sections of riverbank and below the thresholds for scour of the river bank material. However the recent slump material will be vulnerable to loss by erosion processes. Further tree collapse will result in the loss of further bank material, and further investigation will be required to confirm this assessment;

- (b) There is no evidence tree collapse is driving the bank instability;
 - (c) The expert panel is of the opinion that the bank slumping and tree collapse are most likely the result of increased soil moisture in and on the lower terrace of the riverbank;
 - (d) The site inspection and review of the available information suggests that the cause of changes to groundwater at the site is linked to the changed land and water management of the site. The panel has found no evidence that changes in groundwater and any subsequent bank slump and tree collapse were the result of any deliberate intent. There is substantive evidence to suggest that the changes to groundwater levels in the lower terrace could be the result of increased surface water infiltration at the site;
 - (e) The environmental management plan for the site provides for surface water to be delivered to the sedimentation ponds to be stored and reused and any surplus water to be managed through evaporation and infiltration;
 - (f) A car park area is located at the top of the steep embankment on the east side of the subject site. The car park was covered by a concrete hardstand area until May 2014, which was then converted to a gravel area. The expert panel noted the presence of eucalypts in the car park, and estimate that these trees have grown at a rate of approximately 1 metre per year. This rate of growth is consistent with loose, well drained soils;
 - (g) Weathered/fractured basalt exists between 3-8 metres below the land surface. Multiple paths will exist for any elevated ground water movement under the site to move through the fractured basalt, toward the Yarra River and lower terrace;
 - (h) The expert panel did not find any compelling evidence to suggest that the rise in groundwater is associated with natural processes such as increased groundwater associated with increased rainfall. Current information suggests that the issues are isolated to the subject site and have occurred over the period of recent changes at the site;
 - (i) A sewer main close to the subject site has been recently decommissioned (by Melbourne Water) and filled with grout. This sewer main, prior to decommissioning, may have intercepted local groundwater and created a local drawdown in groundwater levels. The grouting of the sewer main may have resulted in the loss of this drainage path and created an increase in groundwater levels. This potential mechanism should be investigated in Stage 2 investigations; and
 - (j) A newly constructed stormwater drainage system has been installed on the east side of the development site. While a failure of this system could lead to increased groundwater levels, this is unlikely to be the cause of the issues at hand.
14. Based on the information available, the expert panel is of the opinion that the most likely source of the elevated groundwater is a change to the rate of surface water infiltration at the subject site. Ongoing bank collapse (instability) will continue to occur at the site until groundwater issues are addressed and bank stability threatens trees on the river bank.
15. Alluvium's advice on short term risk mitigation without pre-empting the outcomes of the more detailed investigations:
- (a) Seal existing abandoned and new sediment control ponds;
 - (b) Reduce ground water infiltration from the existing gravel car park adjacent to the steep embankment and at the east side of the subject site;
 - (c) Review and implement an interim site surface water management plan, including management of surplus site stormwater runoff including approvals for any off site water disposal; and

- (d) Subject to work health and safety constraints, infilling of the slump tension cracks on the lower terrace with a suitable material to reduce direct water entry to cracks and slumped material.
16. Dewatering of ground water (to lower the ground water table level) may be an appropriate strategy for the site, however Alluvium is of the opinion that such pumping will require a more lengthy assessment, design approval and implementation and may not be achievable within the short term scale of the interim site surface water management plan.
 17. The panel does not support the short term use of large equipment on the lower terrace to install bank protection works for the lower terrace while the terrace has high ground water levels as the accompanying surcharge and vibration could increase the likelihood of collapse and may pose a safety risk to operators. The suitability of bank protection such as rock beaching should be the subject of more detailed Stage 2 investigations.
 18. Further tree collapse poses risks to public safety and to the existing walking track and streambank. Tree 1 has now been felled. The expert panel proposes that Tree 2 be the subject of regular (weekly minimum) monitoring.
 19. Monitoring of Trees:
 - (a) Photograph existing trees as record of current riparian vegetation for the site. This record can inform the future vision of the site and ultimate landscape plan;
 - (b) Dilapidation survey of existing bank slumps, soaks and trees on the river bank including installation of bench marks to monitor movement over time;
 - (c) Tree tilt monitoring;
 - (d) Tree health condition and assessment of all trees greater than 200 mm girth; and
 - (e) Weekly monitoring (minimum) of slump area and trees to determine if conditions change and increase the likelihood of tree collapse.
 20. The issue of tree collapse and management is confounded by the potential presence of contamination from the development site on the lower bank. It is important to note that the remainder of the development site has been decontaminated by Glenvill in accordance with EPA approved processes, but the river bank area has yet to be decontaminated. The techniques and processes to achieve a 'fit for purpose' area of land for passive parkland area, as per the approved Development Plan, are still to be finally determined.
 21. Alluvium recommend undertaking detailed investigations that will inform long term remediation measures (Stage 2 report). The investigation and accompanying report will include:
 - (a) Topographic survey of subject site;
 - (b) Survey of river cross-section (Bathymetric survey) of river adjacent to subject stream bank to determine whether stream erosion is a factor;
 - (c) Stream stability assessment;
 - (d) Identify water source and ground water profile changes;
 - (i) Gather data from remaining existing bores;
 - (ii) Install additional groundwater bores;
 - (iii) Assess age and origin of groundwater;
 - (iv) Geochemical testing of ground water;
 - (e) Check feasibility of ground water pumping. Initiate EPA approval process if and as required;
 - (f) Undertake soil permeability testing;
 - (g) Undertake slope stability analysis of embankment;

- (h) Identify mid to long term surface water management strategy reflecting outcomes of groundwater and geotechnical assessments;
- (i) Riparian vegetation assessment and management based on outcomes of groundwater and geotechnical assessments; and
- (j) Integrated solutions, mid to long term, reflecting the outcomes of geotechnical, groundwater, surface water, riparian and waterway management assessments.

External Consultation

- 22. External consultants have been engaged by Council to provide independent advice on the trees, river bank slump and remediation actions.
- 23. Melbourne Water have been engaged at all stages of these investigations. They provided advice and approval in relation to the felling of T1 and its placement in the river as instream habitat. They have also advised that they are planning to organise a crew to clear up the litter trapped by the tree that fell into the river in May 2019.
- 24. Melbourne Water's position is that remediation works to the bank of the Yarra River should only occur once the cause of the bank slump is identified and mitigated. Works to protect the bank from further erosion and slumping will be required in the future and this could involve rock armouring. This would require more detailed engineering drawings and separate approval from Melbourne Water; noting that alternative methods may be considered, and would equally require Melbourne Waters involvement and approval.
- 25. The Environment Protection Agency (EPA) has also been engaged and have been provided a copy of the two Alluvium reports, as well as other background reports and material.
- 26. Senior officers at DELWP have also been briefed on these matters.

Internal Consultation (One Yarra)

- 27. Relevant internal units have been engaged as part of these matters.

Financial Implications

- 28. There has been a cost to Council to commission independent expert advice. There may be some ability to recover costs once the cause of the river bank slumping is determined.

Economic Implications

- 29. Not applicable

Sustainability Implications

- 30. There are potentially local sustainability implications.

Social Implications

- 31. There are potentially local social implications.

Human Rights Implications

- 32. Not applicable

Communications with CALD Communities Implications

- 33. Not applicable.

Council Plan, Strategy and Policy Implications

- 34. Sustainability and bio-diversity outcomes are important to Council and the Community, and officers' efforts are to achieve the best outcomes possible.

Legal Implications

- 35. There may be legal implications should there be further river bank movement or if more trees fall. There may also be legal implications once the cause of the river bank slumping is known.

Other Issues

36. A further report will be presented to Council outlining Alluvium's detailed assessment and recommendations. This may take some months as significant investigation will be required in order to reach a definitive conclusion.
37. Where possible, the findings of these investigations will be shared with Glenvill as they become known, to enable appropriate action to mitigate further damage to the river bank and associated impacts resulting from the increase in ground water.

Options

38. This report outlines short term risk mitigation measures that can be taken without pre-empting the outcomes of the more detailed investigations to be undertaken by Alluvium.

Conclusion

39. Alluvium's assessment of slumping of the river bank is based on available reports and site inspections.
40. Short term mitigation measures as identified by Alluvium include, sealing of sedimentation ponds, reduce ground water infiltration from the existing gravel car park adjacent to the steep embankment and at the east side of the subject site, and implementation of a revised stormwater management plan.
41. Alluvium also identified that, subject to work health and safety constraints, infilling of the slump tension cracks on the lower terrace with a suitable material to reduce direct water entry to cracks and slumped material should be undertaken.
42. Long term mitigation measures are to be determined and reported by Alluvium following a detailed investigation as outlined in paragraph 21 above. The outcomes and recommendations will be reported to Council.

RECOMMENDATION

1. That Council:
 - (a) notes the attached report dated 19 August 2019 from Council's appointed consultants Alluvium;
 - (b) notes Alluvium's advice in regards to potential short term mitigation measures:
 - (i) seal existing abandoned and new sediment control ponds;
 - (ii) reduce ground water infiltration from the existing gravel car park adjacent to the steep embankment and at the east side of the subject site;
 - (iii) review and implement the surface water management plan that should form part of an updated environmental management plan, including management of surplus site stormwater runoff including approvals for any off site water disposal; and
 - (iv) subject to work health and safety constraints, infilling of the slump tension cracks on the lower terrace with a suitable material to reduce direct water entry to cracks and slumped material.
 - (c) notes Alluvium's advice in regards to further investigations to determine long term mitigation measures;
 - (d) direct Council officers to share Alluvium's report dated 19 August 2019 with Glenwill, Melbourne Water, DELWP, the Environmental Protection Agency and other relevant bodies, and to seek that Glenwill take appropriate action, in liaison with the appropriate authorities where necessary; and
 - (e) note that appointed consultant Alluvium will be undertaking a detailed investigation that will identify long term mitigation measures reflecting the outcomes of geotechnical, groundwater, surface water, riparian and waterway management assessments, and that the findings of this report will be reported back to Council as soon as practicable.

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

Attachments

- 1  Alluvium Stage 1 Interim Report 20 August 2019

11.2 Brunswick Street Oval Precinct Plan

Trim Record Number: D19/124534

Responsible Officer: Manager Building and Asset Management

Purpose

1. To present the Brunswick Street Oval Precinct – Needs Analysis and Concept Plan and the future vision, priority needs and estimated project costs based on the preferred scope, and to seek Council's endorsement of the concept plan and next steps in the project development.

Background

2. On 18 September 2018, Council supported a request by the Edinburgh Gardens Sporting Committee (EGSC) to reallocate \$50,000 from the 2018/19 budget for the Fitzroy Tennis Club facilities to a project to explore redevelopment of the sports and community facilities in the immediate precinct of the WT Peterson Oval (Brunswick Street Oval).
3. The EGSC was formed as a coalition of the clubs located at the precinct and includes:
 - (a) Edinburgh Cricket Club;
 - (b) Fitzroy Football Club;
 - (c) Fitzroy Junior Football Club; and
 - (d) Fitzroy Tennis Club.
4. EGSC had identified two key issues within the precinct:
 - (a) The high demand on shared facilities restricts the ability of the clubs to foster and grow community participation; and
 - (b) The outdated facilities limit the precinct's potential to be a leading and sustainable example of community sport in Victoria.
5. The City of Yarra manages and maintains the following facilities within the Brunswick Street Oval Precinct and these have been the focus of the plan:
 - (a) Fitzroy Cricket Ground Grandstand undercroft (change facilities and amenities);
 - (b) Community Room – social community and events venue; and
 - (c) Tennis courts (6) and pavilion.
6. The Fitzroy Cricket Ground Grandstand is a heritage listed building with undercroft facilities.
7. An extension to the grandstand accommodates the Edinburgh Gardens Community Room. It is the second busiest bookable community facility in Yarra: providing facilities for the sports clubs on weekends, for community seniors groups and diversity groups on the weekdays and hire facilities for private functions in the remaining period.
8. Through advocacy efforts by Council and EGSC, the State Government allocated \$50,000 matching funding for Brunswick Street Oval precinct planning, with a further \$50,000 allocated by the Clifroy Community Bank.
9. The EGSC commissioned the production of a feasibility study for the precinct, with precinct master plan options and an indication of probable cost of \$6.48 million.
10. Subsequently, the State Labor Government announced an election commitment of \$6.5 million for the development of infrastructure in the precinct.
11. A key component of the agreed Brunswick Street Oval precinct planning process, has been the production of a Needs Analysis and Concept Plan for the precinct.

12. Council officers commissioned Lovell Chen to develop the Needs Analysis and Concept Plan for the precinct (Attachment 1), which included a community engagement process that allowed the development of a concept plan for the precinct which was mindful of the greater community and stakeholders as well as the EGSC stakeholders.
13. The concept plan has considered the heritage grandstand, its curtilage, and with a view of the community assets resulting from the development having a lifetime of at least 50 years.
14. The Needs Analysis and Concept Plan aims to create the vision to establish a contemporary shared community facility that will meet the needs of a fast growing sporting community, through:
 - (a) Fully understanding 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.

External Consultation

15. There has been an extensive external consultation process undertaken to inform the plan.
16. A Project Control Group (PCG) was established and has met monthly to oversee and guide the project. The PCG includes representatives from each of the sporting clubs that make up EGSC, Council officers including an officer from the Venues and Events team as an advocate for the Community Room, a Clifroy Community Bank representative and the Consultant Project Manager from Lovell Chen.
17. Individual meetings have been held with each of the EGSC member club committees, the Fitzroy Bowling Club and the Italian Fitzroy Senior Citizens group.
18. Members of key user groups of the sports facilities and the community room were invited to attend the public meeting.
19. The Hon. Richard Wynne MP has also been briefed on the progress of this project.
20. In summary the broader community consultation included the following:
 - (a) Consultation promotion summary:
 - (i) Postcard to 1,500 local North Fitzroy residents delivered 3 May;
 - (ii) Social media posts on 5 May and 19 May;
 - (iii) Yarra Life e-newsletter to 13,000 subscribers on 6 May and 20 May; and
 - (iv) News item on Council website.
 - (b) Level of engagement summary:
 - (i) 99 engaged in the project online via survey;
 - (ii) 179 informed about the project (people who clicked on something on the page);
 - (iii) 540 aware about the project (people who saw the page); and
 - (c) Community drop in session held on 13 May with approximately 15 attendees.
21. The proposed next stage of consultation will be undertaken over a four week period, starting around 21 September 2019 and will provide residents and park users with multiple options to comment. The consultation will include a letter box drop, on-site drop in sessions to enable residents to have face-to-face engagement, further meetings with club representatives, signage in the park and on-line engagement through Yarra's "Your Say Yarra" portal. Respondents to the initial consultation will also be contacted and given the opportunity to provide further feedback to the current concept plan.

Internal Consultation (One Yarra)

- 22. Key City of Yarra staff were engaged initially and had an opportunity to discuss challenges, issues and ideas with the consultants. This supported the development of the priority facilities component needs.
- 23. A follow up meeting with staff from relevant internal areas presented the key findings of the project and proposed design solutions and all staff involved provided encouragement and full support for the concept plan.

Financial Implications

- 24. The City of Yarra, State Government and Clifroy Community Bank each provided \$50,000 for the precinct planning (\$150,000 in total).
- 25. Once the concept plan was prepared, a quantity surveyor’s cost estimate report was sought to review the costs associated with the project, considering the more global requirements of the concept plan proposal as well as those of the EGSC.
- 26. The estimate of the project cost by the quantity surveyor is \$10.4 million.
- 27. This estimate includes:
 - (a) the scope of works as described in the recommended concept plan (including 8 tennis courts) and precinct landscaping plan;
 - (b) fees for supporting professional services including architect, quantity surveyor, DDA consultant, ESD consultant, etc.;
 - (c) Council project management labour;
 - (d) price cost escalations for a forecast construction tender circa August-October 2020; and
 - (e) a prudent contingency amount.
- 28. The actual project cost will be subject to a degree of uncertainty until all public consultation is complete, the required heritage and planning permits are obtained, detailed design is complete and a construction tender is undertaken. Nonetheless, a total project cost of \$10.4 million for the scope of works in the concept plan is the best objective estimate available at this juncture.
- 29. A total of \$9.1 million in funding sources are identified for the project as shown in the table below. The budget years relate to the version of the long-term capital works plan associated with Council’s current long-term financial strategy (LTFS) 2019/20 through 2028/29; there is the ability to realign budget years for future capital works during the update of the forward capital works plan as part of the annual planning process for the 2020/21 budget year. All decisions about Councils contributions toward this project will be subject to Council approval as part of each year’s budget development and adoption.

Budget Years	Source	Amount \$
2019/20 through 2021/22	State Government funding (committed)	6,500,000
2021/22	Planned Council capital expenditure - tennis courts and pavilion (listed in DCP overlay as part of larger allocation for Edinburgh Gardens, aggregated for DCP purposes)	2,000,000
2022/23	Planned Council capital expenditure – grandstand undercroft upgrade	500,000
2023/24	Planned Council capital expenditure – commercial kitchen (listed in DCP overlay)	100,000
Total		9,100,000

30. Other potential sources of funds identified and considered are as follows:
 - (a) Female Participation in Sport program – Sport and Recreation Victoria have advised that no further funds would be available for this project under this program;
 - (b) Tennis Australia court upgrade funding – this is ad hoc and the criteria are not clear. Usual funding is in the order of \$20k–\$50k, with larger amounts occasionally awarded;
 - (c) Heritage Victoria offers funding up to \$200k – the funding application round for the 2019/20 budget year has closed. Council has applied for the maximum amount of \$200k for restoration works at Collingwood Library. It is not clear whether award of funding for this project in 2019/20 might impact the likelihood of success for a subsequent application in 2021/21 associated with the Brunswick Oval precinct. The heritage consultant advises that the Fitzroy Cricket Grandstand would be considered a premier site; and
 - (d) A contribution from the clubs may be possible.
31. Council officers will further explore these funding sources and any others that may be identified.
32. Further value management during detailed design and tendering may yield cost savings without affecting the broad scope of the project.
33. There may be some ability for other Council planned capital works programs e.g. open space renewal works, to support the landscaping aspects of the project budget, although these amounts are likely to be relatively minor.
34. Subject to the final scope and tender prices, the two primary options to manage any funding shortfall include a reduction in scope, or the allocation of additional funding from Council or other sources.

Economic Implications

35. 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

36. 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

37. 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.
38. 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.
39. Well designed and welcoming facilities can contribute to the health and wellbeing outcomes for the City of Yarra.

Human Rights Implications

40. 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

41. Any future engagement or changes to facilities and services will be communicated in a range of ways to reflect and meet the needs of our diverse community.

Council Plan, Strategy and Policy Implications

42. The Brunswick Street Oval Precinct plan and development will contribute to the delivery of numerous Council strategies as outlined below.
- (a) Council Plan 2017-2021:
 - (i) Strategy 1.2 – Promote a community that is inclusive, resilient, connected and enjoys strong mental and physical health and wellbeing;
 - (ii) Strategy 1.6 – Promote a gender equitable, safe and respectful community;
 - (iii) Strategy 1.8 – Provide opportunities for people to be involved in and connect with their community;
 - (iv) Strategy 2.1 – Build resilience by providing opportunities and places for people to meet, be involved in and connect with their community; and
 - (v) Strategy 2.5 – Supports community initiatives that promote diversity and inclusion.
 - (b) Access and Inclusion Strategy 2018-2024:
 - (i) Strategy 1.1 – Promote and encourage the application of Universal Design and Universal Access within, and external to Council;
 - (ii) Strategy 1.5 – Improve accessibility to City of Yarra buildings and facilities; including ensuring adequate amenities are available; and
 - (iii) 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
 - (c) Environmental Sustainable Design Policy – Council Buildings:
 - (i) The Brunswick Street Oval Precinct will response to the ESD requirements of Major Upgrades as required in the ESD Policy.

Legal Implications

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

Other Issues

44. 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.
45. Public lighting and safety through design have been key drivers in the concept developed for these facilities.
46. 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.
47. The number of tennis courts within the City of Yarra has been identified as low and the demand for additional courts at Edinburgh Gardens as high. It was an imperative of the concept to identify ways to address this gap in service provision especially considering that a successful tennis club and program is in place.
48. There is currently a very poor interface of the building with the park on north side of the building resulting in a poorly presented, underutilised and undervalued area.

49. The existing facilities presents with poor accessibility across the entire site. The tennis courts also have poor access, presenting challenges for the expansion of programs for people with mobility issues.
50. Traffic management improvements are required on the site for vehicles entering from Brunswick Street, to enable greater safety for visitors to the facilities.
51. The facilities are all in poor condition with investment required to improve condition and to meet modern facility and sport standards.
52. Access to public toilets within Edinburgh Gardens and at this specific site has been raised by all user groups and throughout the community consultation process.
53. It should be noted that design work has been undertaken for additional public toilets near the Junior's Pavilion (Alfred Crescent) at Edinburgh Gardens in an attempt to address this matter. Officers propose seeking confirmation of funding for the delivery of this project through the 2020/21 budget process.

Options

54. The Brunswick Street Oval Precinct Needs Analysis and Concept Plan (Attachment 1) has identified a preferred plan considering all the identified needs and the issues raised above. The plan will deliver:
 - (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 incorporated within 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; and
 - (j) Enhanced grandstand and public environment.
55. An alternative concept plan offering a 7-court tennis facility has been developed as a precaution, should the preferred option fails to achieve planning and heritage approvals.
56. There is an option to either:
 - (a) undertake public consultation on the Brunswick Street Oval precinct concept plan prior to detailed design; or
 - (b) Undertake detailed design next, with any consultation being part of formal planning approval process.
57. Officers recommend that public consultation on Brunswick Street Oval precinct concept plan occur prior to detailed design.
58. Noting the estimated cost of the project based on the recommended scope and concept plan, it is open to Council to either:
 - (a) endorse the recommended scope of the Needs Analysis and Concept Plan as is, with officers to explore additional funding opportunities, value management opportunities and firm up the project cost through detailed design and construction tender; or

- (b) Direct officers to further explore opportunities to reduce project costs through scope reduction (including consideration of scope elements that could be deferred to a future phase of delivery), noting the nexus of the State funding of \$6.5 million with the scope of the original EGSC feasibility study.

Conclusion

- 59. 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; achieve code facility standards and continue to contribute to the health and wellbeing of the City of Yarra residents and visitors.
- 60. The State Government has made a significant commitment of \$6.5M towards this project; however the estimated cost to deliver this project, based on the current preferred scope, is in excess of \$10M.
- 61. There is an opportunity through this project to improve the amenity of the precinct and to increase participation and inclusion.
- 62. The Brunswick Street Oval Precinct Needs Analysis and Concept Plan provides a proposed way forward to guide Council's decision making and the design required to provide for the future demands and community expectations of Yarra's fast growing population.

RECOMMENDATION

- 1. That Council:
 - (a) endorse the Brunswick Street Oval Precinct Needs Analysis and Concept Plan for public consultation;
 - (b) proceed to community engagement on the concept plan for a period of 4 weeks; and
 - (c) provide a report back to Council on the results of this consultation, and with a final scope and recommended concept design for the facilities within the Brunswick Street Oval precinct, prior to proceeding to tender for architectural services.

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Attachments

- 1 [⇒](#) Brunswick Street Oval Precinct - Needs Analysis and Concept Plan

11.3 Management of Plane Trees

Reference: D19/135809

Authoriser: Director Planning and Place Making

Purpose

1. To respond to the Council resolution from the 12 December 2018 regarding the management of plane trees across Yarra.

Background

2. Council requested that a report be prepared to address a number of issues.
3. The resolution stated:

“That in noting the City of Yarra Street Tree Policy and the Urban Forest Strategy, Council:

- (a) also notes that plane trees constitute 16.2% of Yarra’s current tree stock (12% of which are London Plane Trees);*
- (b) seek a report to the late March/April 2019 meeting cycle on the management of London and other species of plane trees within the City of Yarra; and*
- (c) request that the report include:*
 - (i) a desired percentage target for all plane tree species across the tree stock within Yarra;*
 - (ii) a recommendation on how the desired target will be achieved and the timelines therein; and*
 - (iii) The latest evidence which demonstrates whether the Platanus species of Plane trees is less irritating in terms of public health, and any other environmental advantages or other advantages, than the London Plane tree species.*
- (d) that having regard to the high present and future costs of maintaining existing plantings of Plane trees in residential streets that the report additionally include:*
 - (i) an assessment of the timeframe for progressively replacing existing Plane trees in locations where their exceptional height and extensive root systems require constant ongoing maintenance in order to limit the damage to Council infrastructure (footpaths and kerbs), lopping and pruning around power lines, and the cracking and subsidence caused to nearby properties as the soil dries out; and*
 - (ii) recommendations of appropriate alternative species that may be more suited than Plane trees to residential streets and historic heritage areas, which could progressively replace Plane trees to reduce maintenance costs and limit public liability claims as well as creating a suitably shady canopy.”*

4. The Urban Forest Strategy was adopted in 2017 and is the overarching document to provide a clear charter for the future custodianship of Yarra’s street and park tree population.
5. Trees provide a range of benefits, to name a few:
 - (a) Reduce the impacts of heat through their canopy cover and contribute to improved liveability;
 - (b) Connect biodiversity locations and provide localised biodiversity habitat;
 - (c) Sequester carbon, particulate matter and other air pollutants;

- (d) Reduce the severity of localised flooding by intercepting stormwater;
 - (e) Encourage pedestrian and cycling activity, which can contribute to more sustainable transport use; and
 - (f) Reduce energy in buildings: a 10% increase in deciduous tree cover can reduce heating and cooling costs by 5-10% (UFS).
6. In order to respond to the Council resolution, an external arboricultural expert was engaged to prepare a Plane Tree Review (see Attachment) to address the issues raised and these findings form the basis of this report.

Characteristics of Plane Trees

7. The arborist consultant indicated the following characteristics of Plane trees.
8. There are between 8-10 Plane tree species around the world. The London Plane tree is the most widely used species, as is the case in Yarra where there are currently approximately 2,500 London Plane trees.
9. The London Plane Tree typically grows as a single trunk tree to 20-30 metres tall with horizontal branching and a rounded habit.
10. The Plane tree (*Platanus spp.*) has been used extensively across Australia as a large amenity and ornamental tree with the advantages of being a tree of great size and longevity.
11. The Plane tree has a range of other advantages including:
- (a) Moderate shade to allow grass or other plants to grow underneath;
 - (b) Tolerance of pollution;
 - (c) Tolerance of difficult soil conditions; and
 - (d) Tolerance of pruning.
12. Plane trees contribute significantly to the mitigation of heat island effect due to their large canopy size and subsequent shading. Due to their size and root system all plane trees do, at times, cause damage to property and road assets (see paragraph 27 below).
13. In general, all of the species of Plane tree are known to cause bronchial problems, similar to hay fever for some people, primarily due to the hairs and down shed from the young leaves and fruit more so than allergic reaction to the pollen.
14. There is no definitive documented evidence to indicate that different species of Plane trees have less allergenic effects than each other.
15. The high concentrations of these tend to be a problem to some people particularly during August - October.
16. It affects most seriously any people working with or disturbing the foliage, such as people pruning or carrying out other work on trees.
17. Studies indicate that allergenic effects of Plane trees are not generally present at times of the year outside of August to October.
18. It should be noted that many other species of trees and grasses (primarily wind pollinated species) can cause allergenic reactions.
19. The worst allergenic offenders from the plant kingdom are the grasses and weed species which are particularly problematic species in Melbourne due to the location of extensive open grasslands in the north coupled with the north prevailing winds.(see attachment from Tree Logic)

Plane Trees in Yarra



20. There are 20,854 public street trees in the City of Yarra and many more in parks. London Planes account for 12% (approximately 2,500) of the total street tree population. Combining other Plane tree species gives a total of 16.2% of the total street tree population in Yarra.
21. Plane trees are the most common street tree in Yarra second to the English Elm at 5%.
22. Yarra does not have any specific programme for the removal of Plane tree species, however, they are removed as required based on the criteria outlined below.
23. The City of Yarra's Street Tree Policy states the criteria for the consideration of the removal of any tree regardless of species. The policy reasons for possible removal include, but are not limited to:
 - (a) Trees that are dead, dying or unsafe;
 - (b) Minimisation or elimination of risk to the public;
 - (c) Trees that are the subject of public liability claims;
 - (d) Trees that are in inappropriate locations due to tree size, structure or root network;
 - (e) Trees that are adversely impacting on vehicle and/or pedestrian safety;
 - (f) Trees that are causing damage to public or private infrastructure;
 - (g) Trees that are identified for removal following consultation as part of a street tree planting program;
 - (h) Trees that are identified as weed species; and
 - (i) Trees that are causing excessive renewal and maintenance costs to surrounding infrastructure.

NB. Removal of any tree requires careful consideration of all of these criteria, and any other matters raised. Removal is not necessarily the outcome as other remedial action may be possible, and appropriate.
24. The Street Tree Policy also states that Council will not support individual requests to have trees removed, or subjected to additional pruning, in order to:

- (a) Reduce or eliminate leaf litter or tree debris;
- (b) Improve private amenity;
- (c) Increase car park numbers;
- (d) Reduce overshadowing and/or preservation of solar access; and
- (e) Preserve lines of sight to advertising boards.

25. The relevant section of the Street Tree Policy states:

Objective 4 – Recognise and contribute to Natural and Built Heritage

4. Actions

4.1 Develop replacement plans for senescent heritage trees.

4.2 Develop a Street Tree Strategy to reflect precinct character and areas of environmental and built heritage.

Expected Outcomes:

Existing 19th and 20th Century heritage trees are protected or replaced via appropriate species selection.

A variety of both native and exotic species will be maintained and planted.

Native and indigenous species will be planted near waterways and ecological corridors.

An increase in avenue-style planting where appropriate with species that complement the built heritage of the streetscape.

26. Yarra statistics over the past 5 years for street tree damage claims to property (Table 1), indicate that the number of Plane tree claims (9) are equal to other claims for all other trees (9). The claim cost for all Plane trees equates to 38% of the total claims paid.

27. Table 1. Yarra's Property Damage from Trees

Year	Plane tree property damage incidents	Other species property damage incidents	Totals
2014/15	18	28	46
2015/16	19	16	35
2016/17	31	30	61
2017/18	21	34	55
2018/19	33	25	58
Total Incidents	122	133	255
Percentage of Incidents	48%	52%	100%
Claims	9	9	18
Claim Cost	\$63K	\$166K	\$229
% of claim costs	38%	62%	100%

- 28. All species of trees, regardless of size, incur some ongoing costs for maintenance (e.g. pruning) and at times, damage to infrastructure. Generally the larger the tree the greater the costs, so any tree of a substantial size that could replace a Plane tree would still incur the same level of cost.
- 29. For any municipality to provide and maintain a canopied green tree environment, costs need to be factored into budgets to cover the ongoing maintenance and infrastructure expenses inherent in the existence of such a setting.
- 30. These costs need to be considered along with the various benefits that trees provide to the municipality and beyond.

31. Yarra's Urban Forest Strategy has a target for the canopy cover to increase by 25% by 2040 which represents an increase from 17% to 21.25%.
32. Yarra has a number of mature Plane tree lined streets that showcase the statuesque and grandiose form of the species. These streets exhibit canopies that interlock together and form shady, green avenues and provide high amenity and assist in heat island mitigation.
33. Any reduction in the population of Plane trees and their replacement with alternate species would result in a lesser level of canopy coverage than Plane trees and not desirable.
34. This would impact on Council's ability to meet the Urban Forest Strategy target of an increase of 25% canopy coverage.
35. Any proposed removal of mature Planes within Yarra would elicit a range of responses, but generally it is considered that there would be resistance unless strong justification and evidence could be proven.
36. It is also noted that during the design phase for the Lennox St/Victoria St intersection in 2017, options were presented to Council for the management of the existing mature Plane tree at this site. Council voted to retain this tree rather than removing and replacing it with a smaller, alternative species.
37. Further the current proposed Plane tree removals along Nicholson Street, due to the Route 96 tram stop works, are generating a number of concerns and negative responses in relation to these removals. N.B. Replacement trees are occurring with 3-4 different species trees being replanted to every one Plane tree removed.
38. It is also noted that Plane trees currently provide a large scale of tree and tolerance to urban conditions that cannot be readily replicated with any other species within Yarra.
39. It is noted that the implementation of the Urban Forest Strategy has regard to the various aspects of tree plantings and also plan for the replacement of trees and avenues with limited life expectancy.

Plane Trees as a Proportion of the Tree Network

40. The *Urban Forest Strategy* is the overarching policy document which provides the strategic direction for Councils street tree planting programme.
41. The Strategy vision includes "*A more liveable City supported by a healthy and growing urban forest*".
42. This strategy proposes, as a guide, that no one tree species should represent more than 5-10% of the population in order to minimise the risk of pest and disease incursions.
43. The implementation will seek that the Plane tree population target of 10% of the total tree population is worked towards over the next 5 years.
44. It is noted that the 10% target is notional only, and is a broad target only based on seeking a diverse base of species for ecological reasons (see the Tree Logic report).

Managing Plane Trees

45. An estimation of the time that would be required for a target of 10% Plane tree population has been calculated in Table 2. These figures are based on projections using current practice and are not actuals.

46. Table 2. Future % of Plane trees compared to the total street tree population in Yarra

	Total net tree gain	Total number of street trees	Decrease in Plane tree numbers – (future estimate only) (= new plantings minus removals)	Total number of Plane trees	(%) of Plane trees
2017/18		20,854		3,378	16.2
2018/19	1008	21,862	19-51 = -32	3,346	15.3
2019/20 *	1350	23,212	Approx. -35	3,311	14.3
2020/21 *	1410	24,622	Approx. -37	3,274	13.3
2021/22 *	1370	25,992	Approx. -40	3,234	12.4
2022/23 *	1420	27,412	Approx. -38	3,196	11.7
2023/24 *	1380	28,792	Approx. -45	3,151	10.9
2024/25 *	1420	30,212	Approx. -40	3,111	10.3
TOTAL	9,358	30,212	-267	3,111	10.3

*Increase in Budget for 19/20 of an additional \$200k assumed to continue for the future years

47. The key points to note from Table 2 include:

- (a) by increasing the number of the total tree population with alternate species to Planes, then the percentage of Planes will reduce over a period of time;
- (b) if the current level of funding continues into the future and the street tree planting programme maintains the current rate as per Table 2, then the timeframe required to achieve the target of 10% of Plane tree species in streets across Yarra will be achieved in 2024/25;
- (c) this target of 10% will be achieved through the planting of an additional 9,358 trees, almost exclusively of alternate species to Planes over the next 6 years commencing this financial year; and
- (d) during the past year (2018/19), 51 Plane trees were removed and only 19 were planted out of a total of 1,008 new trees plantings.

48. Minimal numbers of new plantings of Plane tree species are proposed into the future. These plantings will only occur where there is sufficient space to grow to their full potential without causing infrastructure damage and where only minimal maintenance is required.

49. The priority for these new Plane tree plantings will be where there is an existing significant streetscape of Planes particularly in high profile/prominent streets such as arterial roads and existing established avenues.

Recent Examples of Removal and Replacement Plantings in Plane Tree Lined Streets

Scotchmer to Reid section of Rae Street, Fitzroy North (PPM capital project) (2019).

50. The extensive Plane tree avenue in Rae St runs from Park Street to Alexandra Parade (approximately 1.3km). There is angle parking on one side of the street and parallel parking on the other.

51. In the Scotchmer to Reid section the tree stock consisted of 25 Plane trees and 1 Elm. The arborists identified that 8 trees (7 Planes and 1 Elm) required replacement.

52. The replacement strategy was to plant Planes (*Platanus orientalis* var. *insularis* x 4) on the angle parking side where they could be positioned as far away from the channel as possible and maples (*Acer* 'Autumn Blaze' x 6) on the parallel parking side.

53. This approach reduced the Plane tree numbers from 25 to 21 in this short section.
Wellington Street (centre of road section Alexander Parade to Johnston Street) (2018).
54. Twelve Plane trees (*Platanus orientalis* 'Digitata') were planted in the centre road to infill gaps in an existing avenue of 13 Plane trees.
55. The rationale behind this planting was that Wellington Street is considered to have a significant character and canopy cover due to the existing Plane tree avenue with the majority of stock in good condition with a long life span into the future. Therefore the retention of the Plane tree avenue was considered important by the office.
56. Wellington Street is identified as a significant avenue and the scale and grandeur of Plane trees was considered appropriate.
Wellington Street, Clifton Hill (Hodgkinson Street to Alexandra Parade)
57. In June 2019 the upgrade of the centre median planting included removal of 11 x Plane trees in poor condition and replacement with a native tree species: 14 x *Melia azedarach* (White Cedar).
58. The five remaining Plane trees were retained because they were assessed to be healthy and with a broad canopy cover. This section of Wellington St has a different character to the section south of Alexandra Parade, consisting of small residential properties, and a school and church.
59. The planted centre median is also unique to this section. The new native low planting and introduction of native trees in the centre median reinforces the unique character of this section.
Birkenhead Street Fitzroy North (2016)
60. This upgrade involved removal of 15 x Planes and 1 x Ash in poor condition and in undesirable locations.
61. The replacement strategy was to replace with 9 x Plane trees (*Platanus insularis*) within the angle parking where trees could be positioned as far away from the channel as possible. Maples (*Acer* 'Autumn Blaze') x 12 were planted within the parallel parking sections and kerb extensions
William Street, Abbotsford (2014)
62. This upgrade involved removal of 20 x Plane trees which were in poor condition and positioned poorly in relation to services lighting and parking. The replacement strategy was to replace all of these trees with an alternative species: 15 x Maples (*Acer* 'Autumn Blaze').
Bendigo Street, Richmond (2013)
63. Five London Plane trees were removed from the footpath where they were causing property damage. They were replaced with 11 x *Platanus x acerifolia* 'Liberty' on the roadway. There is a very strong avenue of Plane trees in Bendigo Street, and even though property damage was starting to occur, residents were very sensitive about removal of any trees.
Alternative Tree Selection to Plane Trees
64. Ultimately the principles that are applied to all tree planting in Yarra is to plant *the right tree for the right location*.
65. An alternate species selection to replace Plane trees when they are removed has been developed. Consideration has been given to various tree sizes to assist in selecting trees for the various street typologies and constraints across the City.
66. The list overleaf is not exhaustive and other species may be appropriate. The recommended tree selections take into consideration:
- (a) Pending climate change predictions;

- (b) Existing rainfall averages;
- (c) General soil types; and
- (d) Species/cultivars or their propagules that are currently available in Australia.

City of Yarra Plane Tree Replacement Palette					
Size	H x S (m)	Botanical name	Common name	Type	Notes
Small	8 x 5	Acer platanoides 'Crimson	Crimson Sentry Norway Maple	exotic	deciduous
	8 x 6	Pyrus betulaefolia 'Southworth' Dancer	Ornamental Pear	exotic	deciduous
	8 x 8	Acer monspessulanum	Montpelier Maple	exotic	deciduous
Medium	10 x 6	*Acer x freemanii 'Autumn Blaze'	Sentry	exotic	deciduous
	10 x 6	*Fraxinus pennsylvanica 'Urbdell'	Urbdell Ash	exotic	deciduous
	10 x 6	*Hymenosporum flavum	Native Frangipani	native	evergreen
	10 x 6	*Tristaniopsis laurina 'Luscious'	Water Gum	native	evergreen
	10 x 7	*Corymbia eximia	Yellow bloodwood	native	evergreen
	10 x 8	Acer campestre 'Elsrijk'	Elsrijk Hedge Maple	exotic	deciduous
	10 x 8	*Pistacia chinensis	Pistacio	exotic	deciduous
	10 x 8	*Quercus acutissima	Saw Tooth Oak	exotic	deciduous
Large	10 x 10	Celtis australis	European Nettle Tree	exotic	deciduous
	11 x 6	*Cupaniopsis anarcardioides	Tuckeroo	native	deciduous
	11 x 6	*Zelkova serrata 'Green Vase'	Green Vase Japanese Zelkova	exotic	deciduous
	12 x 5	*Magnolia grandiflora 'Exmouth'	Bullbay Magnolia	exotic	evergreen
	12 x 8	*Jacaranda mimosifolia	Jacaranda	exotic	deciduous
	12 x 8	Ulmus minor x parvifolia 'Frontier')	Frontier Elm	exotic	evergreen
	12 x 8	*Ulmus parvifolia	Chinese Elm	exotic	deciduous
	12 x 8	*Waterhousea floribunda	Weeping Lilly Pilly	native	evergreen
	12 x 9	*Quercus phellos	Willow Leafed Oak	exotic	deciduous
	12 x 10	*Melia azedarach 'Elite'	White Cedar	native	deciduous
	13 x 10	Ulmus parvifolia 'Emer II' Allee)	Allee Chinese Elm	exotic	evergreen
	15 x 8	*Eucalyptus melliodora	Yellow box	native	evergreen
	15 x 8	*Eucalyptus mannifera	Red Spotted Gum	native	evergreen
	15 x 9	Acer platanoides 'Emerald Queen')	Emerald Queen Norway Maple	exotic	evergreen
	15 x 10	Fraxinus pennsylvanica 'Cimmzam' Cimmaron	Cimmaron Green Ash	exotic	evergreen
	15 x 10	*Angophera costata	Smooth-barked Apple	native	evergreen
	15 x 10	*Zelkova serrata	Japanese Zelkova	exotic	deciduous

* Tree species currently planted in Yarra as replacements for Plane trees

External Consultation

- 67. An external arborist consultant prepared a report to address the issue raised in regards to the management of Plane trees. The consultant, Stephen Frank, BAppSci (Hort.), from Tree Logic Pty Ltd is a highly experience arborist and his clients include local councils, schools, universities, golf clubs and commercial projects.
- 68. He has expertise in the art and science of tree assessment with a focus on policy development and strategic approaches to urban forest management. He is regularly used as consultant on such diverse projects as Avenues of Honour, Urban Forest Strategies, tree assessments, expert witness and a regular speaker at conferences.

Internal Consultation (One Yarra)

69. Internal consultation was conducted with key internal stakeholders. These included:
- (a) Urban Design;
 - (b) Street Tree Planner;
 - (c) Manager City Strategy;
 - (d) Coordinator Streetscape and Natural Values;
 - (e) Arborist;
 - (f) Open Space; and
 - (g) Coordinator Open Space and Design.
70. Further, the Urban Forest Strategy provides a context to the management of the City's tree population.

Financial Implications

71. Future plantings and tree management are currently funded through existing Council budgets in both the Planning and Place Making and City Works Directorates for both new street plantings and infill plantings.

Economic Implications

72. Tree lined streets add to improved character, amenity and brand of the municipality which encourages more people into the area to work, live and visit.

Sustainability Implications

73. The target, as outlined in the *Urban Forest Strategy*, to achieve no more than 10% of any one species will ensure that the Plane tree population reduces in percentage over time as new species are planted through the tree planting programme of an additional 1,300-1,400 trees per year. NB This is a notional target only based on ecological aspects of seeking a diverse species basis in case of any particular disease that occurs (see attachment).

Social Implications

74. A flourishing and well managed urban forest provides a variety of social and liveability benefits. These include:
- (a) positive impacts on health and well-being;
 - (b) encourages pedestrian and cycling activity; and
 - (c) contributes to amenity thereby encouraging people to spend more time outside.
75. There are some human health impacts on some segments of local communities through allergies from Plane trees. This is the case across all municipalities with Plane trees. (see Attachment)

Human Rights Implications

76. There are no known human rights implications.

Communications with CALD Communities Implications

77. NA

Council Plan, Strategy and Policy Implications

78. There are various relevant strategies, being:
- (a) Council Plan 2017-2021: incorporates the Municipal Public Health and Wellbeing Plan;
 - (b) The Urban Forest Strategy 2017;
 - (c) City of Yarra Street Tree Policy;

- (d) Living Melbourne: our metropolitan urban forest (endorsed by Council 2019);
- (e) Asset Management Strategy;
- (f) Open Space Strategy, and
- (g) Strategic and Operational Risk aspects.

79. The management of trees requires a number of considerations amongst these strategies.

Legal Implications

- 80. The risk team was consulted on the development of the *Urban Forest Strategy*.
- 81. The focus of the strategy of the *right tree in the right location* is a multipronged approach, including a risk management focus. This is a key factor for new plantings having particular regard to the UFS principles, and also in the consideration of any removal requests and assessments. Trees that are causing significant damage are considered for removals and decisions are made on removal or other mitigating actions such as root barriers.

Option

- 82. Yarra's current practices for street tree planting will ensure that the targets as proposed in the *Urban Forest Strategy* will be met over the medium term.
- 83. Widespread removal of Plane trees is not considered necessary, or appropriate, having regard to the diverse suite of Council policies, whilst acknowledging some health aspects for some community members over a few months of the year.

Conclusion

- 84. The percentage of Plane tree population throughout the streets of Yarra will decrease into the future with the planting program of alternate tree species and the removal of some existing Plane trees, where necessary due, for instance, to them causing particular damage.
- 85. Minimal new plantings of Planes is occurring and this will continue, with a net reduction in Plane tree numbers each year due to a greater number of removals than new plantings.
- 86. The target of 10% of Plane trees across street trees in Yarra is consistent with the Urban Forest Strategy and the Street Tree review document and will be achieved by 2024/25. The implementation of the UFS from precinct planning will work through necessary aspects.
- 87. In this context, with the current rate and variety of new street tree plantings for the next 6 years, this will produce a 10% target of Plane tree species across street tree plantings in Yarra.
- 88. Further it is noted that there will be minimal numbers of Plane tree species planted in the future, mainly only in key locations for particular effect.
- 89. The attached consultant arborist report outlines the aspects of allergens from Plane Trees, but also highlights allergies also occurs with some other species including grasses; and in Victoria due to location and climatic reasons, causes hay fever in certain seasons.
- 90. The organisation will continue to implement the vision and principles of the Urban Forest Strategy and are using other species in plantings, consistent with the *right tree in the right location* key criteria.

RECOMMENDATION

1. That Council:
 - (a) note the Officer report and the Tree Logic attachment regarding Plane trees;
 - (b) note that the target percentage in the Urban Forest Strategy of no species being more than 5-10% of total tree stock is largely for ecological reasons in case of the incursion of any disease;
 - (c) note that Plane trees in the municipality do provide a very significant positive impact to canopy cover but that the Plane tree species does at times cause property damage and does cause some health issues to some persons in the months of August to October;
 - (d) notes that the target of 10% Plane tree population in Yarra is likely to be achieved by 2024/25 through the increase in tree plantings largely with other species;
 - (e) notes that new plantings of Plane trees will only occur in key locations, with a net reduction in Plane tree numbers each year due to a greater number of removals than new plantings; and
 - (f) notes the alternate tree species to Plane trees for street planting, but not limited to those listed in the Tree Replacement Palette, will be planted throughout the streets of Yarra in new locations and also where existing Plane trees have been removed and it is not considered desirable to be replaced with a Plane tree.

CONTACT OFFICER: Susan Stanes
TITLE: Senior Coordinator Design and Place Making
TEL: 9205 5589

Attachments

- 1  Plane Tree Review - Tree Logic 2019

11.4 Proposed Discontinuance of Road adjacent to 25 Balmain Street, Cremorne

Reference: D19/133975
 Authoriser: Director Corporate, Business and Finance

Purpose

1. This report seeks Council's authority to commence statutory procedures pursuant to the *Local Government Act 1989 (Act)* to consider discontinuing the road abutting the property known as 25 Balmain Street, Cremorne, being the whole of the land contained in certificate of title volume 2422 folio 238 (**Road**).

Background

2. The Road is shown as lot 1 on the title plan attached as Attachment 1 to this report (**Title Plan**). And is shown as the area outlined red on the plan attached as Attachment 2 to this report (**Site Plan**). Also known on Council's Road Register as Road number 1087.
3. Tank Ventures Pty Ltd (**Owner**) is the registered proprietor of the properties known as; 25 Balmain Street, Cremorne shown outlined blue on the Site Plan, being the land contained in certificate of title volume 10536 folio 255, and 128 Cubitt Street, Cremorne, shown outlined green on the Site Plan, being the land contained in certificate of title volume 8727 folio 553. Together the (**Adjoining Properties**).
4. The Road abuts, and forms part of the Vacant Land at 25 Balmain Street, Cremorne. Building permit BA15/00494 for the demolition of the dwelling and front fence was issued in September 2015.
5. The Owner has requested that Council discontinue the Road and sell the Road to the Owner (**Proposal**).
6. The Owner has agreed to pay Council's costs and disbursements associated with the proposed discontinuance of the Road, together with the market value as determined by the Act for the transfer of the discontinued Road to the Owner.

Discussion

Road

7. The Road is known to title as a 'road'. The Road is therefore a 'road' for the purposes of the Act which Council has the power to consider discontinuing.
8. Upon being discontinued, the road will vest in Council.
9. The Road is listed on Council's register of Public Roads as Council Road No. 1087. It is considered that the Road is no longer reasonably required for general public use pursuant to section 17(4) of the *Road Management Act 2004* as:
 - (a) the road was fenced (gated) for security purposes along the southern boundary for many years, public access to the road was restricted;
 - (b) the road is fenced into the property at 25 Balmain Street, Cremorne and now forms part of the vacant land parcel;
 - (c) the Adjoining Properties do not require the Road for access to the public road network; and
 - (d) no properties other than the Adjoining Properties abut the Road.

Adjoining Owners

10. As the Owner is the registered proprietor of all of the Adjoining properties, consent was not required.

Site Inspection

11. A site inspection of the Road was conducted by DML Land Survey Pty Ltd on the 30 July 2018. The site inspection report notes that;
 - (a) the Road is constructed of gravel;
 - (b) the Road is enclosed within the property at 25 Balmain Street, which is a vacant parcel;
 - (c) there is no evidence of any vehicular or pedestrian traffic on the Road;
 - (d) the Road provides access to a door at the rear of the property at 128 Cubitt Street, Cremorne;
 - (e) the property at 128 Cubitt Street, Cremorne has carriageway rights over the Road;
 - (f) there is some encroachment into the eastern boundary of the Road by the brick wall at the western boundary of 128 Cubitt Street, Cremorne;
 - (g) there is a large drainage pit within the Road, and downpipes running down the eastern wall of 128 Cubitt Street, Cremorne.
 - (h) the Road is not required for public access.
12. A copy of the site inspection report is attached as Attachment 3 to this report.

Public/Statutory Authorities

13. The following statutory authorities have been advised of the proposal and have been asked to respond to the question of whether they have any existing assets in the Road which should be saved under section 207C of the Act: City West Water, Melbourne Water, CitiPower, United Energy, Multinet Gas, Telstra, Optus, APA Gas, AusNet and Yarra City Council.
14. City West Water, Melbourne Water, CitiPower, United Energy, Multinet Gas, Optus, APA Gas and AusNet Services have advised that they have no assets in or above the Road and no objection to the Proposal.
15. In an email dated 20 May 2018, Telstra advised that they have assets within the area of the Road but have no objection to the Proposal, provided that a detailed site plan is obtained from Dial-Before-You-Dig to determine the exact location of any Telstra assets.
16. On the 14 August 2018, a copy of the site plan was obtained from Dial-Before-You-Dig, showing no Telstra assets contained in the Road.
17. Copies of the correspondence from Telstra and the site plan are contained in Attachment 4 to this report.
18. In an email dated 31 May 2018, Council advised that easements may be required in respect of the downpipes discharging stormwater runoff into Balmain Street, to ;
 - (a) maintain the function of any existing property drains discharging into the Road;
 - (b) to facilitate future development of abutting properties; and
 - (c) maintain the function of existing underground third party utility services (if present).
19. In an email dated 20 December 2018, Council confirmed that as the Road will be fully encompassed by a development and therefore repurposed, it no longer requires an easement over the Road.
20. Copies of the correspondence from council are contained in Attachment 5 to this report.

Public Notice

21. Before proceeding with the discontinuance, Council must give public notice of the Proposal in accordance with section 223 of the Act. The Act provides that a person a person may, within 28 days of the date of publication of the public notice, lodge a written submission regarding the Proposal.

22. Where a person has made a written submission to Council requesting that he or she be heard in support of the written submission, Council must permit that person to be heard before a meeting of Council, giving reasonable notice of the day, time, and place of the meeting.
23. After hearing any submissions made, Council must determine whether the Road is not reasonably required as a road for public use, in order to decide whether the Road should be discontinued.

Internal Consultation (One Yarra)

24. No internal consultation is required for this report.

Financial Implications

25. There are no financial implications arising from this report.

Economic Implications

26. The Owner has agreed to acquire the Road for its market value (plus GST) as determined by the Act.
27. In addition to the market value of the Road (plus GST), the Owner has agreed to pay Council's costs and disbursements associated with the Proposal.

Sustainability Implications

28. There are no sustainability implications arising from this report.

Social Implications

29. There are no social implications arising from this report.

Human Rights Implications

30. There are no human rights implications arising from this report.

Communications with CALD Communities Implications

31. All notices and correspondence issued in respect of this proposal will contain a reference to Yarralink Interpreter Services.

Council Plan, Strategy and Policy Implications

32. There are no Council plan, Strategy or Policy Implications.

Legal Implications

33. If the Road is discontinued and sold to the Owner, Council will require the Owner to consolidate the title to the former road with the title to the Owners' property at 25 Balmain Street, Cremorne, within 6 months of the date of transfer of the Road to the owners, at the Owners' expense.

Other Issues

34. There are no other issues.

Options

35. There are no options associated with this report.

Proposal

36. It is proposed that Council should:
 - (a) commence the statutory procedures pursuant to clause 3 of Schedule 10 of the Act to discontinue the Road adjacent to 25 Balmain Street, Cremorne, and transfer to the Owner the discontinued Road; and
 - (b) Consider removing the Road from Council's register of Public Roads as it is no longer reasonably required for public use for the reasons set out in this Report.

RECOMMENDATION

1. That Council, acting under section 17(4) of the *Road Management Act 2004*, resolves that the road abutting 25 Balmain Street, Cremorne, which is shown as lot 1 on the plan contained in Attachment 1 to this Report, being the whole of the land contained in certificate of title volume 2422 folio 238 (**Road**), be removed from Council's register of Public Roads on the basis that the Road is no longer reasonably required for general public use for the following reasons:
 - (a) the Road was fenced (gated) for security purposes along the southern boundary for many years, public access to the road was restricted;
 - (b) the road is fenced into the property at 25 Balmain Street, Cremorne and now forms part of the vacant land parcel;
 - (c) the Adjoining Properties do not require the Road for access to the public road network; and
 - (d) no properties other than the Adjoining properties abut the Road.
2. That Council, acting under clause 3 of schedule 10 of the *Local Government Act 1989 (Act)*:
 - (a) resolves that the required statutory procedures be commenced to discontinue the road adjacent to 25 Balmain Street, Cremorne, which is shown marked lot 1 on the title plan attached as Attachment 1 to this report (**Road**);
 - (b) directs that, under sections 207A and 223 of the Act, public notice of the proposed discontinuance be given in 'The Age Newspaper' The Local Newspaper, Council's Social Media and displayed on site;
 - (c) resolves that the public notice required to be given under sections 207A and 223 of the Act should state that if the Road is discontinued, Council proposes to sell the Road to the adjoining owner for market value (plus GST) as determined by the Act; and
 - (d) authorises Bill Graham, Council's Coordinator Valuations to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act in relation to this matter.

CONTACT OFFICER: Bill Graham
TITLE: Coordinator Valuations
TEL: 9205 5270

Attachments

- 1 ⇨ Title Plan
- 2 ⇨ Site Plan
- 3 ⇨ Site Inspection Report
- 4 ⇨ Telstra Correspondence
- 5 ⇨ YCC Correspondence

11.5 Proposed Discontinuance of Road abutting 75-119 Cubitt Street, Cremorne

Reference: D19/135562

Authoriser: Director Corporate, Business and Finance

Purpose

1. This report seeks Council's authority to commence statutory procedures pursuant to the *Local Government Act 1989 (Act)*, to consider discontinuing the road abutting the properties known as 75-119 Cubitt Street, Cremorne, being part of the land contained in Conveyance Book 3 No. 358 (**Road**).

Background

2. The Road is shown as lot 1 on the title plan attached as Attachment 1 to this report (**Title Plan**), and is shown delineated red on the plan attached as Attachment 2 to this report (**Site Plan**).
3. Cremorne Co. Pty Ltd (Owner) is the title plan registered proprietor of the properties which abut the Road, known as 75-119 Cubitt Street, Cremorne, shown delineated blue on the Site Plan, and being the land contained in certificate of title:
 - (a) volume 8598 folio 294;
 - (b) volume 6281 folio 162;
 - (c) volume 5009 folio 633;
 - (d) volume 11475 folio 493;
 - (e) volume 9358 folio 742;
 - (f) volume 1615 folio 959;
 - (g) volume 6372 folio 209; and
 - (h) volume 11256 folio 574.
4. Together, the (**Owner's Properties**).
5. The Owner has requested that Council discontinue the Road and sell the Road to the Owner (**Proposal**).
6. The Owner has agreed to pay Council's costs and disbursements associated with the proposed discontinuance of the Road, together with the market value for the transfer of the discontinued Road to the Owner, as determined by the Act.

Road

7. The Road is known to title as a 'right of way' in Conveyance Book 3 No. 358, registered in the name of William Ryan and dated 31 October 1853 and is therefore a 'road' for the purposes of the Act, which Council has the power to consider discontinuing.
8. Upon being discontinued, the Road will vest in Council.
9. The Road is not listed on Council's Register of Public Roads.

Adjoining Owners

10. The Owner was required to seek consent to the proposal from G & H Lazarotto Pty Ltd. The owners of 33-41 Balmain Street, Cremorne (**33-41 Balmain Street**), being the registered proprietor of the land contained in certificate of title volume 9022 folio 073, shown delineated green on the Site Plan.
11. On 12 November 2018, the owner of 33-41 Balmain Street (**Adjoining Owner**) confirmed in writing that it does not object to the Proposal.

12. A copy of the correspondence from the Adjoining Owner is attached as Attachment 3 to this report.

Site Inspection

13. A site inspection of the Road was conducted by DML Land Surveys Pty Ltd on 8 February 2019. The site inspection report notes that:
 - (a) the Road is constructed of bitumen;
 - (b) the Road is currently exclusively used as a private car park located at 75-119 Cubitt Street, Cremorne;
 - (c) the properties at 75-119 Cubitt Street, Cremorne have access and frontage to Cubitt Street and Gwynne Street; and
 - (d) the Road is not required for public access.
14. A copy of the site inspection report is attached as Attachment 4 to this report.

Public/Statutory Authorities

15. The following public/statutory have been advised of the Proposal and have been asked to respond to the question of whether they have any existing assets in the Road which should be saved under section 207C of the Act: City West Water, Melbourne Water, CitiPower, United Energy, Multinet Gas, Telstra, Optus, APA Gas, AusNet Services, and Yarra City Council.
16. Council, Ausnet Services, Melbourne Water, CitiPower, United Energy, Multinet Gas, APA Gas, and Optus have advised that they have no assets in or above the Road and no objection to the Proposal.
17. On 19 November 2018, Telstra advised that it has no assets located within or above the Road, and no objection to the proposal, provided that the owner:
 - (a) calls Dial Before you Dig prior to any construction activities in the vicinity of Telstra's communication plant; and
 - (b) upon receipt of plans, obtains a Telstra accredited Asset Plant Locator to confirm the location of the plant.
18. A copy of the correspondence received from Telstra is attached as Attachment 5 to this report.
19. On 20 November 2018, City West Water advised that it had sewer assets in the Road. City West water has requested the following:
 - (a) a 2 metre wide sewerage easement is created over the Road in favour of City West Water;
 - (b) any proposed fence must be located a minimum of 1 metre from sewer manholes and/or inspection shafts; and
 - (c) any proposal to build over City West Water assets requires City West Water's prior written consent.
20. On 21 February 2019, City West Water withdrew its objection to the proposal on the basis that the Title Plan included an easement of sufficient size in favour of City West water over the Road.
21. Copies of the correspondence received from City West Water are attached as Attachment 6 to this report.

Public Notice

22. Before proceeding with the discontinuance Council must give public notice of the Proposal in accordance with section 223 of the Act. The Act provides that a person may, within 28 days of the date of publication of the public notice, lodge a written submission regarding the Proposal.

23. Where a person has made a written submission to Council requesting that he or she be heard in support of the written submission, Council must permit that person to be heard before a meeting of Council, giving reasonable notice of the day, time and place of the meeting.
24. After hearing any submissions made, Council must determine whether the Road is not reasonably required as a road for public use, in order to decide whether the Road should be discontinued.

External Consultation

25. A copy of the public notice will be given to the Adjoining Owner.

Internal Consultation (One Yarra)

26. No internal consultation is required for this report.

Financial Implications

27. There are no financial implications arising from this report.

Economic Implications

28. The Owner has agreed to acquire the Road for its market value (plus GST) as determined by the Act.
29. In addition to the market value of the road (plus GST), the Owner has agreed to pay Council's costs and disbursements associated with the Proposal.

Sustainability Implications

30. There are no sustainability implications arising from this report.

Social Implications

31. There are no social implications arising from this report.

Human Rights Implications

32. There are no human rights implications arising from this report.

Communications with CALD Communities Implications

33. All notices and correspondence issued in respect of this proposal will contain a reference to Yarralink Interpreter Services.

Council Plan, Strategy and Policy Implications

34. There are no Council plan, strategy or Policy Implications.

Legal Implications

35. If the Road is discontinued and sold to the Owner, council will require the Owner to consolidate the title to the former road with the title to the land in certificate of title volume 8598 folio 294, within 6 months of the date of transfer of the Road to the Owner, at the Owner's expense.

Other Issues

36. There are no other issues.

Options

37. There are no options associated with this report.

Proposal

38. It is proposed that: Council should commence the statutory procedures pursuant to clause 3 of Schedule 10 of the Act to discontinue the Road and transfer the discontinued road to the Owner.

RECOMMENDATION

1. That Council, Acting under clause 3 of schedule 10 of the *Local Government Act 1989 (Act)*:
 - (a) resolves that the required statutory procedures be commenced to discontinue the road abutting the properties known as 75-119 Cubitt Street, Cremorne, being part of the land contained in Conveyance Book 3 No. 358 (**Road**);
 - (b) directs that, under sections 207A and 223 of the act, public notice of the proposed discontinuance be given in 'The Age Newspaper,' the Local Newspaper, Council's Social Media, displayed on site and any adjoining owners.
 - (c) resolves that the public notice required to be given under sections 207A and 223 of the Act should state that if the Road is discontinued, Council proposes to sell the Road to the adjoining owner for market value (plus GST) as determined by the Act; and
 - (d) authorises Bill Graham, Council's Coordinator Valuations to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act in relation to this matter.

CONTACT OFFICER: Bill Graham
TITLE: Coordinator Valuations
TEL: 9205 5270

Attachments

- 1 [⇒](#) Title Plan
- 2 [⇒](#) Site Plan
- 3 [⇒](#) Adjoining Owner Correspondence
- 4 [⇒](#) Site Inspection Report
- 5 [⇒](#) Telstra Correspondence
- 6 [⇒](#) CWW Response

11.6 Draft Heritage Strategy 2019-2030

Reference: D19/142787

Authoriser: Group Manager Chief Executive's Office

Purpose

1. To present a draft Heritage Strategy 2019-2030 (**Attachment 1**) for Council's consideration and approval for its public exhibition and community consultation.

Background

2. City of Yarra's existing Heritage Strategy ended in 2018.
3. In September 2018, Council appointed Extent Heritage Pty Ltd. to review the existing strategy and prepare a new heritage strategy for Yarra.

External Consultation

4. Preparation of the draft Heritage Strategy (the Strategy) has involved two stages of community consultations:
 - (a) Stage 1 - An online community survey in October- November 2018. Findings of the survey is provided in **Attachment 2**. This was promoted via social media, Yarra life eNews, through advisory groups and in person library sessions. Key community organisations were directly emailed and hard copy postcards provided at all neighbourhood houses and libraries; and
 - (b) Stage 2 - A workshop where representatives of local community groups, professional bodies such as Royal Historical Society and local heritage practitioners such as architects, developers and building professionals were advised of broad community feedback and invited to participate in a deeper discussion on the priority areas. Summary of the workshop is provided in **Attachment 3**.
5. Key community concerns have included:
 - (a) More control is needed around building heights and intensity of new development;
 - (b) More focus needs to be placed on social/cultural/arts - stories and creative sharing;
 - (c) There is concern around the trend towards facadism – the retention of only the fronts of buildings, with the corresponding loss of other built heritage fabric;
 - (d) Graffiti/vandalism is a problem in the municipality that effects its cultural heritage. There are also too many advertising signs in the built environment and impact on the heritage qualities;
 - (e) There is a need for more heritage related information and interpretative signage;
 - (f) The quality and consistency of information on the heritage of the municipality needs to be improved, as does the community's access to it;
 - (g) Greater provision of heritage advisory services to the community is necessary;
 - (h) Aboriginal heritage should be better recognised in the municipality;
 - (i) Natural heritage should be better recognised in the municipality; and
 - (j) There is a need for Yarra City Council (YCC) to strengthen its existing provisions and management framework to improve the overall response to heritage.
6. The workshop attended by representatives of key community organisations, developers and heritage practitioners identified the concept of a dedicated heritage department/unit a key desirable outcome to increased capacity to manage council's response to heritage. (Refer **Attachment 2**).

7. YCC officers managing different committees of the Council were advised about this workshop to seek participation from other committees.
8. Representatives of the Disability Advisory Committee had shown interest in attending the community group workshop, however they could not make it on that day.
9. Sustainability Advisory Committee through their committee meeting raised the issue about the need for guidelines for installation of solar panels in heritage areas and buildings.
10. A meeting was held with the representatives of Heritage Victoria and Department of Environment Land, Water and Planning who encouraged preparation of the heritage strategy based on the state guidelines.

Internal Consultation (One Yarra)

11. Individual and group meetings were held with various departments of the Council, involved in managing different aspects of heritage throughout different stages of the development of the draft Strategy.
12. Those departments have also provided their feedback on the initial list of implementation actions and associated time lines for their implementation.
13. Executives consent was sought on the draft priority list of actions.
14. A draft strategy was circulated to different departments and HAC members for their feedback before finalising this draft.

Financial Implications

15. Whilst there are no financial implications in exhibiting the draft strategy, the implementation of this Heritage Strategy upon its adoption would require regular budget commitment over coming years.
16. Understanding the process, responsibility and resource constraints faced in the implementation of the previous strategy, this draft Strategy proposes an overall implementation time frame of 10 years, so that based on the priority the resources can also be spread over a longer timeframe.
17. Council's budget for the year 2019-20 provides:
 - (a) \$ 60,000 towards heritage information, promotion and the cost for completion and printing of the new heritage strategy;
 - (b) \$80,000 contribution towards Victorian Heritage Restoration Fund. This funding is to help the owners of the heritage properties to restore the heritage elements of their building following the Victorian Heritage Restoration Fund criteria; and
 - (c) In addition to above, two new initiative bids have been approved - \$80,000 to prepare a framework for management of Yarra's own heritage assets. And \$60,000 to initiate a shared value heritage project.
18. The above provisions will implement some of the short term actions of this Strategy.
19. It is expected that implementation of this strategy in year two (financial year 2020-21) would also require similar budget of \$200,000-\$250,000 plus an ongoing contribution to the Victorian Heritage Restoration fund.
20. The implementation of the strategy also relies on additional staffing support in the area of heritage; which will be subject to new initiatives requests.
21. The implementation of actions relating to other departments would be managed through their regular services and the relevant departments would seek their own budgets as usual.

Economic Implications

22. The Strategy promotes conservation of heritage which would result in direct and indirect economic benefits for the community.

Sustainability Implications

23. Conservation of built, cultural and natural heritage aligns with the sustainability principles.

Social Implications

24. A number of implementation actions of the Strategy focus on improving the knowledge of local history and heritage within the local community and society.
25. Better management of YCC owned heritage assets would provide better places for community use.

Human Rights Implications

26. There are no known human rights implications of the draft strategy at this stage.

Communications with CALD Communities Implications

27. Public exhibition and consultation process would involve Yarra's standard practices relating to CALD elements.

Council Plan, Strategy and Policy Implications

28. The Strategy is consistent with the Council Plan 2017-2021 which includes:
- (a) Acknowledging and celebrating Aboriginal history (as a part of Strategy 2.3);
 - (b) Supporting empowering a more sustainable Council and Community (Strategy 3.2); and
 - (c) Protecting Yarra's heritage and neighbourhood character (Strategy 4.1) under which a main initiative (4.1.1) is to strengthen the protection of Yarra's heritage through the planning scheme, education, and resource provision.
29. The Strategy also links with many other strategies of the Council such as the Housing Strategy 2018, Property Strategy 2018, Economic Development Strategy 2015-2020, Yarra Libraries Strategic Plan 2017-2020, Multicultural Partnership Plan 2015-2018, Graffiti Management Framework 2015-2019, Yarra Open Space Strategy 2006, Arts and Culture Strategy 2016-2020, Access and Inclusion Plan 2018-2024 and Volunteers Strategy 2019-2023.
30. The vision and directions of this Strategy would also influence Yarra Planning Scheme policies and provisions and need to be considered while revising the existing provisions or preparing new policies and development controls.
31. The strategy is consistent with the Plan Melbourne and State Planning Policy Framework.

Legal Implications

32. The Strategy is consistent with the following legislations:

Commonwealth

- (a) Aboriginal and Torres Strait Islander Protection Act 1984;
- (b) Environment Protection and Biodiversity Conservation Act 1999;

State

- (c) Planning and Environment Act 1987;
- (d) Heritage Act 2017;
- (e) Aboriginal Heritage Act 2006 & Aboriginal Heritage Regulations 2018; and
- (f) Yarra River Protection (*Wilip-gin Birrarung murrn*) Act 2017.

33. Implementation actions may also have other influences in specific cases such as *The Disability Discrimination Act 1992* for universal access of heritage buildings.

Overview of the Strategy

- 34. The Strategy recognises the strong presence of heritage in the City of Yarra.
- 35. The Strategy identifies key priorities that are important for developing and promoting a greater understanding of heritage within the community and recommends key actions and measures intended to achieve better protection and management of the City’s heritage places and assets.
- 36. The scope of the Strategy has been broadened to include the natural heritage of the municipality, mirroring the holistic approach to heritage adopted nationally and internationally.
- 37. Understanding the processes, timeframes and resource implications to implement proposed actions this strategy has been prepared with a 10 year time frame.
- 38. The heritage vision of the municipality for this strategy is:

The City of Yarra is known as a place where our rich natural, Aboriginal, built and other cultural heritage is nurtured, protected and celebrated: It helps to define the city’s identity, support its diverse living culture and is valued by current and future generations.

- 39. To achieve this vision the strategy suggests following key directions.

Knowing our Heritage

- 40. To improve our understanding of cultural heritage of Yarra by identifying places that are important to us and ensuring that information about them is comprehensive and publicly accessible.

Protecting and Managing our Heritage

- 41. To develop and promote a robust policy and management framework that makes heritage a primary consideration in all elements of planning and place-making. The Council will also lead by example and demonstrate best-practice heritage management of its own properties and assets.

Supporting our Heritage

- 42. To support our heritage through a proactive involvement of YCC and the community in the management, care and conservation of our heritage.

Promoting and celebrating our Heritage

- 43. To celebrate heritage as a community, enhancing its value for all.
- 44. Against four strategic directions eight ‘Priority Areas’ have been identified that together provide scope to address what are considered the most pressing heritage issues for the municipality. These are listed in the table below:

Strategic Direction	Priority Area
Knowing our heritage	1. Improved Statements of Significance and Precinct Citations 2. Natural Heritage
Protecting and managing our heritage	3. Strengthening existing provisions and management framework 4. Managing YCC's Own Heritage Assets
Supporting our heritage	5. Heritage Advice 6. World Heritage
Promoting and	7. Aboriginal Heritage

Celebrating our heritage	8. Heritage Promotion and Community Access to Information
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45. The Strategy also includes an implementation plan which includes priority actions under each priority area.
46. Each of these actions has been assigned a timeframe of short term (0-5) years or long term (0-10) years, or it will be ongoing from now until the end of the Strategy's 10 year implementation time frame.

Other Issues

47. Preparation of this strategy indicates that many actions need to be delivered outside the existing service areas of the council. Those actions have been listed under the responsibility of Senior Advisor City Heritage.
48. The HAC have suggested that implementation of heritage strategy actions should be included in the KPI's of the relevant branch managers.

Options

49. Option 1: Councillors consider the Strategy and implementation actions and time frames and provide any feedback.
50. Option 2: Councillors adopt the draft Strategy for public exhibition and community consultation.

Conclusion




51. More than 70% of Yarra's properties are affected by Heritage Overlays which is the largest coverage of heritage by any municipality in Victoria.
52. Heritage has been a highly valued characteristics by the Yarra community and the community is looking for a best practice approach in the management of heritage in Yarra.
53. This draft strategy identifies priority areas and actions that are important for effective management of heritage in coming years.
54. It would be appropriate that Council considers the Strategy and adopts it for public exhibition and feedback.
55. The process of public exhibition of the Strategy should involve following steps:
 - (a) Information on Your Say Yarra web page;
 - (b) Information through Yarra Life E News-letter and social media;
 - (c) Email to HAC members, stakeholder groups, key community groups, historical societies, participants of the previous workshop and survey who have provided their email contacts;
 - (d) Information to the officers managing other communities of the Council;
 - (e) Information postcards will be placed in Yarra Libraries, and town halls; and
 - (f) A hard copy of the Strategy will be available to view at the information counters of Richmond and Collingwood Town Halls.
56. Upon completion of the public exhibition period, officers are likely present a return report to Council in October/November 2019; informing about the outcome of the public exhibition and a way forward.

RECOMMENDATION

1. That Council:
 - (a) note the report;
 - (b) approve the draft Heritage Strategy 2019-2030 (Attachment 1) for purposes of public exhibition;
 - (c) note the public exhibition process as outlined in para 55 above; and
 - (d) note that following the public exhibition period, officers will present a further report together with advice on any public submissions received, for Council consideration and final determination on the Heritage Strategy in October/November 2019.

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Attachments

- 1  Draft Heritage Strategy Aug 2019
- 2  Summary of On-line Community Survey
- 3  Summary of CoY Heritage Stakeholder Forum October- November 2018