

In reply please quote reference

Reference: XXXX

Contact: Bruce Phillips, Director, Planning and Place Making

XX January 2022

Vince Punaro
Executive Director Metropolitan South East Region
VicRoads
12 Lakeside Drive
BURWOOD EAST VIC 3151

Dear Vince Punaro

Subject: Alphington Cycle and Pedestrian Link

Thank you for your letter dated 8 December 2021 and the opportunity to provide Yarra City Council's views on the proposed Alphington cycling and pedestrian link (Project), Planning Scheme Amendment C300yara and the planning approval process.

On 25 January 2022 Ordinary Council Meeting, Yarra City Council passed a resolution to submit to the Department of Transport (DoT) on the proposal.

While the Project's detailed designs have not been made public, Council understands that the proposed Project involves:

- (a) constructing an approximately 125m long and 4m wide shared path and bridge, from the south-eastern end of Farm Road, over land to be compulsorily acquired from the Latrobe Golf Club (Club) to the Darebin Creek Trail;
- (b) realignment of the existing golf course access track between the Club driving range and the clubhouse and car park; and
- (c) Removal of four trees (three indigenous and one native).

Yarra City Council also understands that Ministerial Amendment 300yara proposes to facilitate and fast track the project by:

- (a) applying the Public Acquisition Overlay (PAO5) to allow for the reservation and future acquisition of the land;
- (b) applying the Specific Controls Overlay (SCO17) to allow for the use and development of the land in accordance with the *Alphington Link Incorporated Document, November 2021* (Incorporated Document); and
- (c) introducing the Incorporated Document into the Yarra Planning Scheme.

Yarra City Council provides in principle support for the proposed Project, Amendment C300yara and the planning approval process, given the likely public benefits of the proposal. However, Yarra City Council's support is contingent on DoT noting and considering the below recommendations. It is considered that these recommendations would provide a stronger basis for the assessment of future use and development of the

land for the Project, thereby providing greater certainty and consistency for all participants in the process.

The proposed Alphington cycling and pedestrian link

Yarra City Council considers that the Project would deliver the Alphington community a required link to Darebin Creek Trail and improve connections to more than 600 kilometres of off-road trails including the Main Yarra Trail, Anniversary Trail and Capital City Trail.

While Yarra City Council provides in principle strategic support for the Project and its preferred location, all efforts should be made by DoT to retain and protect the four indigenous and native trees proposed for removal, where safe to do so.

Furthermore, Yarra City Council believes that DoT should be responsible for the ongoing management and maintenance of the Alphington public shared path and bridge once the works are finished.

The proposed ministerial amendment process

Yarra City Council understands that following the conclusion of the consultation period on 31 January 2022, DoT intends to request that the Minister for Planning, under s. 20(4) of the *Planning and Environment Act 1987*, approve Amendment C300yara.

Yarra City Council considers that the Amendment would generally meet the criteria set out in the *Ministerial Powers of Intervention in Planning and Heritage Matters - November 2004* (PPN29), including that compliance with any of the usual Amendment notification requirements is not warranted because:

- (a) DoT has initiated an extensive public consultation process in respect of the proposed Project and Amendment C300yara; and
- (b) upon the conclusion of the consultation period, the views of those individuals and stakeholders who participated in the public process will be understood by DoT and the Minister for Planning.

Furthermore, the interests of the community make such an exemption appropriate because the prompt approval of the Amendment would:

- (a) immediately reserve land for a public purpose and ensure that any changes to the use or development of the land by the Club do not prejudice the purpose for which the land is to be acquired; and
- (b) facilitate the delivery of a public project in an area of demonstrated need. The timely delivery of this project will result in a range of benefits to the local community and will also result in improved pedestrian and cycling infrastructure.

However, Yarra City Council's support for the proposed ministerial amendment process is contingent on DoT considering all submissions received in the preparation of the Project and Amendment C300yara and for all these submissions to be forwarded (in accordance with the *Privacy and Data Protection Act 2014*) to the Minister for Planning as part of the Amendment request.

The proposed Alphington Link Incorporated Document, November 2021

The Incorporated Document specifies that the land affected by the Project may be used and developed in accordance with the specific control.

Yarra City Council understands that the purpose of the specific control in the Incorporated Document is to facilitate the Project efficiently and effectively by:

- (a) exempting the Project from planning provisions that may prohibit, restrict, or regulate the use or development of land; and

- (b) providing conditions that must be met (unless specified otherwise) before undertaking the use and development of the land for the Project.

Yarra City Council largely supports the conditions listed in the Incorporated Document. However, insufficient information has been provided for Yarra City Council to undertake a full assessment of the design of the proposed Project.

As such, in lieu of information regarding the design of the Project, Yarra City Council submits that the following information be included in the Incorporated Document:

- (a) a Detailed Civil and Drainage Design Plan prepared to the satisfaction of the Yarra City Council;
- (b) existing traffic data and post construction traffic data to be collected and provided to the Yarra City Council;
- (c) an Urban Design Landscape Plan prepared to the satisfaction of the Minister for Planning and in consultation with the Yarra City Council and the relevant floodplain management authority;
- (d) a detailed Structural Design and Geotechnical Report prepared to the satisfaction of the Minister for Planning, having regard to the views of the Yarra City Council and the relevant floodplain management authority;
- (e) a Public Lighting Plan, prepared to the satisfaction of the Minister for Planning, having regard to the views of the Yarra City Council; and
- (f) a Construction Management Plan prepared to the satisfaction of the Yarra City Council.

For clarification purposes and project transparency, Yarra City Council also recommends that the Incorporated Document is amended:

- (a) to require that the approved plans are available on a clearly identifiable project website from the date of approval and must remain available on such website for at least two years after the commencement of operation of the Project;
- (b) to include a figure or map showing the Incorporated Document boundary; and
- (c) to correct errors, spelling, and grammar.

Please refer to the enclosed tracked changed version of the Incorporated Document for details.

Conclusion

I trust that you will appropriately consider and respond to Yarra's submission.

If you have any further questions, please do not hesitate to contact Bruce Phillips, Director Planning and Place Making, at Bruce.Phillips@yarracity.vic.gov.au.

Yours faithfully

Cr Sophie Wade
Mayor
Yarra City Council

Encl:

1. Draft Incorporated Document – City of Yarra recommended changes