



# Agenda

## Council Meeting

7.00pm, Tuesday 8 March 2022

Richmond Town Hall

## Council Meetings

Council Meetings are public forums where Councillors come together to meet as a Council and make decisions about important, strategic and other matters. The Mayor presides over all Council Meetings, and they are conducted in accordance with the City of Yarra Governance Rules 2020 and the Council Meetings Operations Policy.

Council meetings are decision-making forums and only Councillors have a formal role. However, Council is committed to transparent governance and to ensuring that any person whose rights will be directly affected by a decision of Council is entitled to communicate their views and have their interests considered before the decision is made.

There are two ways you can participate in the meeting.

## Public Question Time

Yarra City Council welcomes questions from members of the community.

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

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

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

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

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

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

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

## Public submissions

Before each item is considered, the meeting chair will ask people in attendance if they wish to make submission. If you want to make a submission, simply raise your hand and the Mayor will invite you to come forward, take a seat at the microphone, state your name clearly for the record and:

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

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

Once all submissions have been received, the formal debate may commence. Once the debate has commenced, no further submissions, questions or comments from submitters can be received.

## 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.

## Order of business

1. **Acknowledgement of Country**
2. **Attendance, apologies and requests for leave of absence**
3. **Announcements**
4. **Declarations of conflict of interest**
5. **Confidential business reports**
6. **Confirmation of minutes**
7. **Public question time**
8. **Council business reports**
9. **Notices of motion**
10. **Petitions and joint letters**
11. **Questions without notice**
12. **Delegates' reports**
13. **General business**
14. **Urgent business**

## 1. Acknowledgment of Country

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

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

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

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

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

## 2. Attendance, apologies and requests for leave of absence

### Attendance

#### Councillors

- |                          |              |
|--------------------------|--------------|
| • Cr Sophie Wade         | Mayor        |
| • Cr Edward Crossland    | Deputy Mayor |
| • Cr Gabrielle de Vietri | Councillor   |
| • Cr Stephen Jolly       | Councillor   |
| • Cr Herschel Landes     | Councillor   |
| • Cr Anab Mohamud        | Councillor   |
| • Cr Claudia Nguyen      | Councillor   |
| • Cr Bridgid O’Brien     | Councillor   |
| • Cr Amanda Stone        | Councillor   |

#### Council officers

- |                    |  |
|--------------------|--|
| • Chris Leivers    | Interim Chief Executive Officer          |
| • Brooke Colbert   | Group Manager Advocacy and Engagement    |
| • Malcolm Foard    | Acting Director Community Wellbeing      |
| • Ivan Gilbert     | Group Manager Chief Executive’s Office   |
| • Lucas Gosling    | Director City Works and Assets           |
| • Gracie Karabinis | Group Manager People and Culture         |
| • Diarmuid McAlary | Director Corporate, Business and Finance |
| • Bruce Phillips   | Director Planning and Place Making       |
| • Rhys Thomas      | Senior Governance Advisor                |
| • Mel Nikou        | Governance Officer                       |

#### Municipal Monitor

- |                  |                   |
|------------------|-------------------|
| • Yehudi Blacher | Municipal Monitor |
|------------------|-------------------|

#### Leave of absence

- |                          |            |
|--------------------------|------------|
| • Cr Gabrielle de Vietri | Councillor |
|--------------------------|------------|

## 3. Announcements

An opportunity is provided for the Mayor to make any necessary announcements.

#### **4. Declarations of conflict of interest (Councillors and staff)**

Any Councillor who has a conflict of interest in a matter being considered at this meeting is required to disclose that interest either by explaining the nature of the conflict of interest to those present or advising that they have disclosed the nature of the interest in writing to the Chief Executive Officer before the meeting commenced.

#### **5. Confidential business reports**

Nil

#### **6. Confirmation of minutes**

##### **RECOMMENDATION**

That the minutes of the Council Meeting held on Tuesday 15 February 2022 be confirmed.

#### **7. Public question time**

An opportunity is provided for questions from members of the public.

## 8. Council business reports

Item	Page	Rec. Page	Report Presenter
8.1 Councillor Code of Conduct Review	9	12	Ivan Gilbert - Group Manager Chief Executive's Office
8.2 Statutory Planning - Delegations	13	20	Mary Osman – Manager Statutory Planning
8.3 433 Smith Street, North Fitzroy (former Gasworks site) Development Plan	22	53	Geoff Glynn – Executive Planner
8.4 Local Liveable Streets	56	61	Susan Stanes – Senior Coordinator Design and Place Making
8.5 Place Making Framework	62	68	Susan Stanes – Senior Coordinator Design and Place Making
8.6 Yarra Transport Strategy - Moving Forward: Exhibition Draft	69	76	Simon Exon – Unit Manager Strategic Transport
8.7 Brunswick Street Oval Precinct Redevelopment Update	77	91	Graham Davis – Manager Building and Asset Management
8.8 Proposed Discontinuance of Road at 1 Stephenson Street, Cremorne	92	95	Bill Graham – Coordinator Valuations
8.9 Motions for ALGA National General Assembly	97	98	Rhys Thomas - Senior Governance Advisor
8.10 Audit and Risk Committee Biannual Activity Report	99	101	Rhys Thomas - Senior Governance Advisor

## 9. Notices of motion

Item	Page	Rec. Page	Report Presenter
9.1 Notice of Motion No.2 of 2022 - Collingwood Children's Farm Committee of Management Pledge	102	103	Stephen Jolly – Councillor

## **10. Petitions and joint letters**

An opportunity exists for any Councillor to table a petition or joint letter for Council's consideration.

## **11. Questions without notice**

An opportunity is provided for Councillors to ask questions of the Mayor or Chief Executive Officer.

## **12. Delegate's reports**

An opportunity is provided for Councillors to table or present a Delegate's Report.

## **13. General business**

An opportunity is provided for Councillors to raise items of General Business for Council's consideration.

## **14. Urgent business**

An opportunity is provided for the Chief Executive Officer to introduce items of Urgent Business.



## 8.1 Councillor Code of Conduct Review

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<b>Reference</b>	D22/45494
<b>Author</b>	Ivan Gilbert - Group Manager Chief Executive's Office
<b>Authoriser</b>	Group Manager Chief Executive's Office

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### Purpose

1. To consider and adopt:
  - (a) a revised Councillor Code of Conduct (refer **Attachment 1** hereto); and
  - (b) a Councillor's Social Media Policy (refer **Attachment 2** hereto).

### Critical analysis

#### History and background

2. In February 2021, Council in responding to the requirements of Part 6, Division 5 of the 2020 Local Government Act, which set out the new and specific requirements for a Councillor Code of Conduct, determined to:
  - (a) adopt an interim Councillor Code of Conduct (in compliance with the 2020 legislative requirement); and then;
  - (b) under-take a comprehensive formal review of the Councillor Code of Conduct and present same back to Council for consideration/adoption.
3. Noting the prevalence of social media as a preferred mode of communication from many, and the lack of any guidance for the use of social media in the role of a Councillor, a Social Media Policy has also been drafted for consideration.

#### Discussion

##### Councillor Code of Conduct Review

4. The review of the Councillor Code of Conduct has involved a number of stages:

Benchmarking	Reviewing other Councillor Codes of Conduct and examples of best practice.
Engagement	<p>Both via extensive discussions and a number of workshops with Councillors, including discussions on and consideration of principles and guidelines on a number of elements for possible inclusion in a revised Code. These discussions and requests included Councillors seeking additional information and more specific guidelines on topics including:- interactions with staff, use of social media and disclosure of gifts.</p> <p>The information sought re:</p> <ul style="list-style-type: none"> <li>(i) interactions with staff, will be addressed via the “Councillors and Staff Interaction Policy” which will be enacted by the Chief Executive Officer in compliance with the Local Government Act 2020, as referenced in clause 7 below;</li> <li>(ii) use of social media will be addressed in the draft of a suggested “Councillors Social Media Policy” which is included as <b>Attachment 2</b>.</li> </ul>
Drafting	Compilation of all requests and contributions into draft documents and examination of such draft documents for issues of consistency and the appropriateness of clauses included. This process included the presentation of a number of draft versions of such documents to the Councillor Workshops, for feed-back.
Legal Review	Review of draft versions by Council’s solicitors – primarily to ensure compliance with the Local Government Act 2020, and to not infringe upon the Standards of Conduct (particularly the requirement that it not ‘limit, restrict or detract from robust public debate in a democracy’) and that the resolution process is consistent with the principles of procedural fairness.
Adoption	<p>The final draft of the:</p> <ul style="list-style-type: none"> <li>(i) Councillor Code of Conduct is now presented to Council for formal consideration and to also note, the legislative requirement for adoption of the Code is a two-thirds majority vote;</li> <li>(ii) Councillors Social Media Policy is now presented to Council for formal consideration and adoption.</li> </ul>

5. The revised draft of the Councillor Code of Conduct as now presented, incorporates a range of changes as identified and considered in the above referenced review process, can be found at **Attachment 1**.
6. The Code of Conduct review also provided an opportunity for Councillors and staff to collaboratively consider the protocol required to be developed by the Chief Executive Officer under section 46(3)(c) of the 2020 Local Government Act, which protocol is required to “support arrangements for interaction between members of Council staff and Councillors”. This document, namely the “Councillor and Staff Interactions Policy”, is required to be formally prepared and approved / implemented, by the Chief Executive Officer – which will occur following the adoption of the Code of Conduct.
7. The draft of the Councillors Social Media Policy as now presented, incorporates a range of issues and guidelines as identified and considered in the above referenced review processes, can be found at **Attachment 2**.

Options

8. To now consider and determine on the adoption of:
  - (a) the revised Councillor Code of Conduct as presented in **Attachment 1** hereto; and

- (b) the draft Councillors Social Media Policy as presented in **Attachment 2** hereto.

## Community and stakeholder engagement

9. While the process has been informed by benchmarking from other municipalities, community consultation is by the usual publication of the draft Code in the Council Agenda papers.
10. The development of the final draft Code of Conduct and the draft Councillor Social Media Policy is the result of an extensive, collaborative effort between staff and Councillors, with the benefit of an independent legal review.

## Policy analysis

### Alignment to Council Plan

11. As part of Objective 7: A leading Yarra, the City of Yarra Council Plan 2017-2021 contains the strategy *“Maintain a culture of transparency, governance, ethical practice and management of risks that instils a high level of community respect and confidence in Council decision-making”*.
12. The development of a Councillor Code of Conduct and its subsequent adoption by a two-thirds majority of Council is entirely consistent with this strategy, as well as enlivening the governance principles of the Local Government Act 2020 and the Standards of Conduct in the Local Government (Governance and Integrity) Regulations 2020.

### Climate emergency and sustainability implications

13. There are no climate emergency considerations identified in this report.

### Community and social implications

14. A transparent governance framework which sets out clear expectations of Councillors will enable community confidence in Council’s decision-making processes. While it can be expected that the Councillor Code of Conduct and the Councillors Social Media Policy will each set out what the community can expect by way of Councillor behaviour, it will also make clear to community members the limitations of Councillor’s individual power and contribute to moderating those sometimes-unrealistic expectations.

### Economic development implications

15. There are no economic development considerations identified in this report.

### Human rights and gender equality implications

16. A significant consideration in the development of a Councillor Code of Conduct and the Councillors Social Media Policy included establishing a framework that fosters good governance but does not stifle robust community debate. Indeed, this is one of the fundamental Standards of Conduct in the 2020 Act. The human right of a Councillor to engage in political discourse (and members of the community – to the extent that the Councillor Code of Conduct impacts them) was a primary consideration in the development of the attached draft.

## Operational analysis

### Financial and resource impacts

17. The review and development of both the Councillor Code of Conduct and the Councillors Social Media Policy were generally undertaken by Councillors and Council staff within existing resources with some guidance from an external facilitator as part of a Councillors and Executive Workshop.
18. The legal review of the Councillor Code of Conduct and the Councillor Social Media Policy were within Council’s adopted budget.
19. No additional financial implications are anticipated as a result of this report.

### Legal Implications

20. When the Councillor Code of Conduct is presented to Council for adoption, the Local Government Act 2020 is unusual in that it requires a two-thirds majority of the Council (in Yarra's case, six votes) to support the motion.
21. When the matter is put to a vote, it is recommended that a division be called under Council's Governance Rules, so that the fact it has the support of six or more Councillors can be formally recorded in the meeting minutes.

### Conclusion

22. This report is presented to enable the consideration and formal adoption of a revised Councillor Code of Conduct and the Councillor's Social Media Policy separately as:
  - (a) the Code of Conduct requires at least 6 Councillors voting "for"; and
  - (b) the Councillor's Social Media Policy requires a majority of Councillors voting "for".

### RECOMMENDATION 1.

1. That Council:
  - (a) note the report; and
  - (b) determine to adopt the revised Councillor Code of Conduct being **Attachment 1** hereto.

### RECOMMENDATION 2.

1. That Council:
  - (a) note the report; and
  - (b) determine to adopt the Councillor Social Media Policy being **Attachment 2** hereto.

### Attachments

- 1 Attachment 1 - Councillor Code of Conduct - March 2022
- 2 Attachment 2 - Councillor's Social Media Policy - March 2022

## 8.2 Statutory Planning - Delegations

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<b>Reference</b>	D22/44481
<b>Author</b>	Mary Osman - Manager Statutory Planning
<b>Authoriser</b>	Director Planning and Place Making

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### Purpose

1. The purpose of this report is for Council to consider:
  - (a) adopting a revised Instrument of Delegation by the Council to the Planning Decisions Committee; and
  - (b) a revised Protocols for the use of delegated authority (Planning Protocols).

### Critical analysis

#### History and Background

2. In late 2019, a report was presented to Council seeking variations to the 'Instrument of Delegation' regarding planning application items that are to be presented to the Planning Decisions Committee (PDC). This instrument is the formal delegation from the Yarra City Council to the members of the Planning Decisions Committee.
3. The subject of the report at that time related to:
  - (a) options to change the criteria relating to the number of objections qualifying an application to proceed to the Planning Decisions Committee (PDC);
  - (b) clarifying the processes for settlement of a compulsory conference matter at VCAT (including 'Consent Orders'); and
  - (c) an option for a new criteria for referral of an application to the Planning Decisions Committee regarding heights in design and development overlays (DDO's).
4. Changes were made to the Instrument of Delegation at that time which added the words 'from different properties' to the number of objections criteria, and also added a further trigger relating to where building height exceeds the preferred maximum height by more than one storey in a design and development overlay.
5. Further, forming part of the ongoing process improvement program in statutory planning functions, and ongoing discussion with Councillors, information was requested to facilitate a discussion regarding a further review of delegation at Yarra.
6. This report includes a comparison of delegations in statutory planning functions with other inner city and nearby Councils, and provides suggestions for amendments to the Instrument of Delegation to enable greater efficiencies in the planning process.

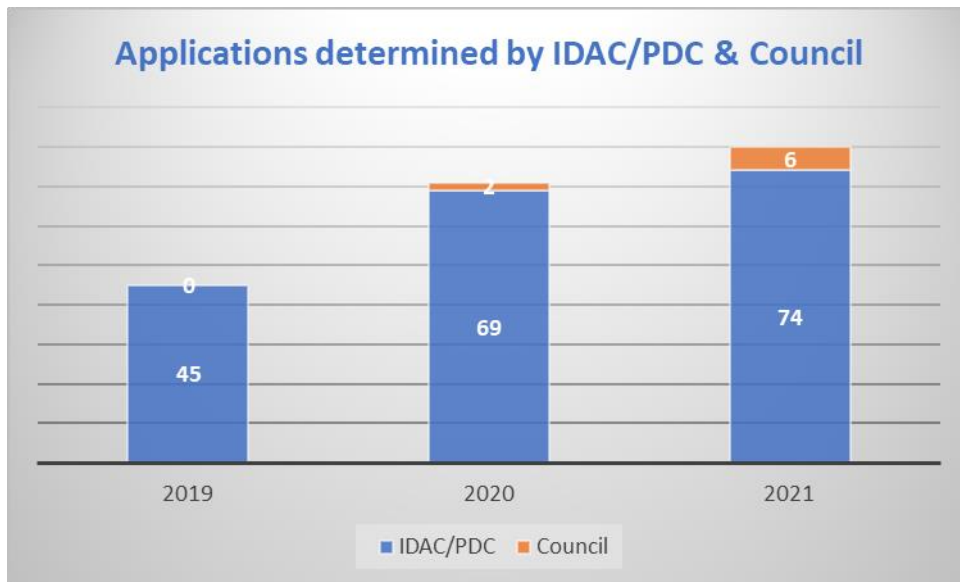
#### Discussion

7. The most triggered aspect of the current Instrument of Delegation for a referral of a planning application for determination to the Planning Decisions Committee is:
  - (a) any application with six or more objections from different properties which officers believe warrants support.
8. Other matters that result in an application proceeding to the Planning Decisions Committee includes the following planning applications:
  - (a) where building height exceeds the preferred maximum height by more than one storey (not including plant equipment and roof terraces) specified in a design and development overlay);

- (b) that are within the world heritage environ area and buffer area where they propose works that are taller than the highest point of the existing building, excluding all applications which qualify as a VicSmart application;
- (c) that require a settlement at a compulsory conference with six or more parties (in addition to Council and the applicant);
- (d) that are relevant to electronic gaming machines;
- (e) that involve street setback to a heritage building that do not meet the preferred minimum setback requirements specified in a Design and Development Overlay; or
- (f) that have been called up by a Councillor.

**Context**

- 9. The statutory planning branch has an on-going process improvement program which, more, has transformed the internal processing of applications to a fully electronic process for all statutory planning applications.
- 10. This work was, in part, facilitated by a service review program in recent years.
- 11. Additionally, information has been sought regarding the existing number of applications dealt with by the Planning Decisions Committee and a comparison of this with other Councils.
- 12. A review of the number of applications being determined by IDAC / PDC shows that over the last three years, the number of applications has increased annually.



**Figure 1**

- 13. As outlined earlier, the primary trigger for referral an application to the Planning Decisions Committee is generally based on the number of objections received in relation to an application.
- 14. When reviewing the 74 applications determined by the Planning Decisions Committee last year, and more specifically, the number of objections received for each application, the analysis shows that the largest grouping was in the range of 6 to 10 objections received; which applied to 22 applications (see chart below).

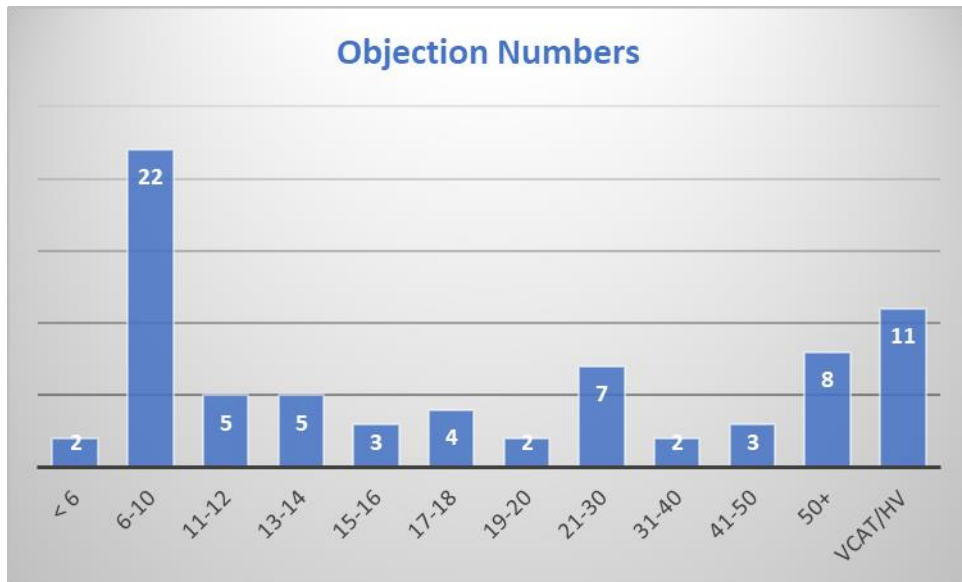


Figure 2

### Comparisons with other Councils

15. Further, analysis was also undertaken with a review of nine similar Councils specifically looking at the number of applications determined by either full Council or a delegated committee (as distinct from officer level).
16. The results (see below) clearly show that Yarra has by far the greatest number of applications determined by Councillors; being a total of 80 applications compared to the next closest being Stonnington and Melbourne at 46 and 45 application respectively.

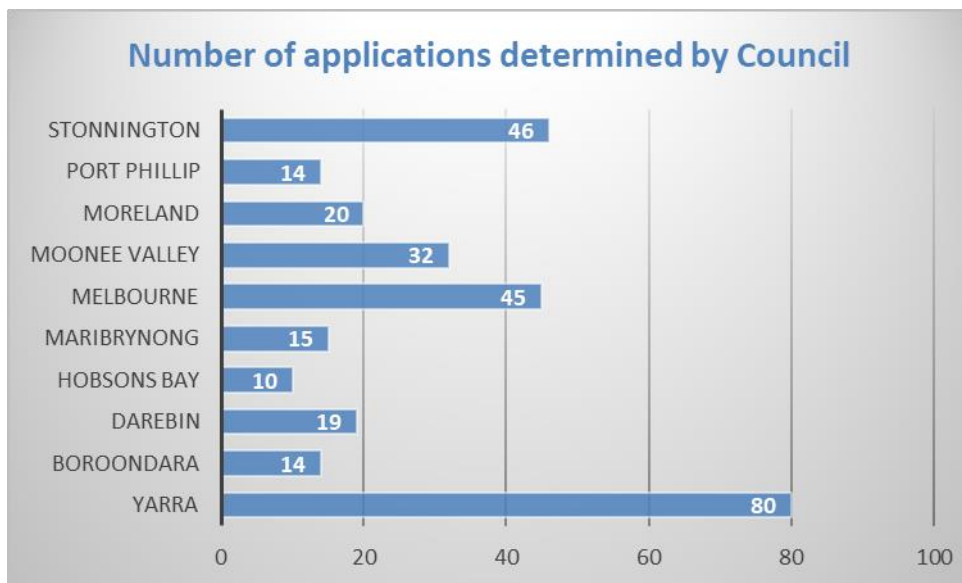


Figure 3

17. The Councils contacted for this analysis, and to obtain information regarding their delegation (for benchmarking purposes) were:
  - (a) Boroondara;
  - (b) Hobsons Bay;
  - (c) Maribyrnong;
  - (d) Melbourne;
  - (e) Mooney Valley;
  - (f) Moreland;

- (g) Port Phillip; and
- (h) Stonnington.

Summary Comment from benchmarking

18. **Attachment One** to this report provides a summary of each Councils delegation, including Yarra.
- (a) of the eight Councils (including Yarra), five of the Councils count objections from different properties, not individual objections;
  - (b) where individual objections are counted, Hobsons Bay is based on 11, Boroondara is based on 12, Melbourne and Port Phillip are based in 16 triggering a Council report process;
  - (c) multiple Councils count proforma objections or petitions as one objection;
  - (d) all have provisions for Councillor ‘call ups’ to their respective Planning Committees or Council; and
  - (e) processes vary across all Councils with respect to ‘consent order’ settlements and or compulsory conferences.

**Proposed Delegation changes**

19. After undertaking a review of the existing YCC delegations, and a comparison with neighbouring Councils, officers suggest the following changes to enable improved efficiency in the planning process whilst continuing to provide transparent and inclusive decision making.
20. It is suggested that the Council determine that the Planning Decisions Committee should consider planning applications where the suggested new delegations are triggered.
21. The table below shows the current delegation, the suggested delegation and an officer comment for consideration by Council.

Current Delegation to PDC	Suggested Delegation to PDC	Comment
<p><b>That involve planning applications which are subject to six or more objections from different properties, and where the recommendation from officers is for support</b></p>	<p><b>*AMENDED*</b></p> <p>That involve planning applications which are subject to <u>15</u> or more objections from different properties, and where the recommendation from officers is for support:</p> <p><u>except in the case of the following applications, which would be considered and determined by officers:</u></p> <ul style="list-style-type: none"> <li>• <u>extension to a dwelling and or construction of up to 3 dwellings on a lot inclusive of any permission required pursuant to the heritage overlay;</u></li> <li>• <u>buildings and works in a Commercial zone up to the value</u></li> </ul>	<p>The numeric value has been identified from a review of other Council delegations and reflective of a workload that would be more commensurate with other Council's.</p> <p>The list of applications that would be exempt from PDC is reflective of a more moderate scale that is capable of being determined under delegation.</p>



	<p><u>of \$1 Million;</u></p> <ul style="list-style-type: none"> <li>• <u>buildings and works in an Industrial zone up to the value of \$2 Million;</u></li> <li>• <u>liquor licence applications that comply with the hours of operation outlined within clause 22.09 of the Yarra Planning Scheme and do not propose more than 200 patrons;</u></li> <li>• <u>all signage applications</u></li> </ul>	
<p><b>Where building height exceeds the preferred maximum height by more than one storey (not including plant equipment and roof terraces) specified in a Design and Development Overlay)</b></p>	<p>No change</p>	
<p><b>That are within the world heritage environ area and buffer area where they propose works that are taller than the highest point of the existing building, excluding all applications which qualify as a VicSmart application</b></p>	<p>No change</p>	
<p><b>That require a settlement at a compulsory conference with six or more parties (in addition to Council and the applicant)</b></p>	<p>*Amend*</p> <p>That where a matter requires settlement at a compulsory conference or consent order with 15 or more parties in addition to Council and the Applicant, the Appeals Advocate, or Manager, emails the Ward Councillor(s) and outlines the agreement reached at the Compulsory Conference/Consent Order and seeks Councillor consent to sign off the matter within a timeframe of 48 hours.</p> <p>NB. Where there is no objection received from Councillors within this 48 hour period to the settlement of the matter on the terms suggested, then the above</p>	<p>It is noted that PDC meetings have been scheduled less frequently this calendar year with a 3 weeks timetable. This will create issues with Compulsory Conferences and consent orders with potential delays of 3 weeks in Council advising VCAT if it consents to an agreement which all other parties have signed.</p>

	officers would settle the matter.	
<b>That are relevant to electronic gaming machines</b>	No change	
<b>That involve street setback to a heritage building that do not meet the preferred minimum setback requirements specified in a Design and Development Overlay</b>	No change	
<b>That have been called to PDC by a single Councillor.</b>	*Amend*  That have been called to PDC by at least two Councillors	In consultation with Councillors

22. It is further recommended that the meeting frequency described in the Instrument of Delegation be changed from “generally convened on a fortnightly basis” to “convened as determined by Council”.
23. A revised Instrument of Delegation, reflecting the incorporation of all of these recommendations can be found at **Attachment Two**.
24. It is also recommended that there be an amendment to the *Protocols for the use of Delegated Authority (Planning Protocols)* to delete the current Heritage Victoria Referrals and Heritage Council Application Process which currently requires the following:

<b>Heritage Victoria Referrals</b>	
<u>Process</u> All Heritage Victoria referrals received are listed on the Council’s website. All Heritage Victoria referrals including Council’s responses to Heritage Victoria Referrals are published on Council’s website. All Heritage Victoria referrals are emailed to all Councillors by the Manager Statutory Planning or delegate as soon as heritage advice has been received from Council’s Heritage Advisors. Councillors have the authority to request any Heritage Referral be dealt with by the Internal Development Approvals Committee (now the Planning Decisions Committee) within three working days of receiving notification from the Manager Statutory Planning.	
Response to <i>Heritage Victoria referrals</i> where no request has been received from a Councillor within three working days of the email notification from the Manager Statutory Planning.	Manager Statutory Planning
Response to <i>Heritage Victoria referrals</i> where a request has been received from a Councillor within three working days of the email notification from the Manager Statutory Planning.	IDAC/PDC
Notification to Heritage Victoria where Council intends to make a submission within the allotted 14 day period but this will not be possible as the matter needs to be considered by the Internal Development Approvals Committee (now the Planning Decisions Committee).	Chief Executive Officer
<b>Heritage Council Applications</b>	
<u>Process</u> Where a matter is before the Heritage Council, the Manager Statutory Planning or delegate will advise Councillors of this in writing, including advice regarding the future conduct of the Heritage Council hearing. Councillors have the authority to request a Heritage Council report be deal with by the Planning Decisions Committee within three working days of receiving notification from the Manager Statutory Planning.	

Response to <i>Heritage Council applications</i> where no request has been received from a Councillor within three working days of the email notification from the Manager Statutory Planning.	Manager Statutory Planning
Response to <i>Heritage Council applications</i> where a request has been received from a Councillor within three working days of the email notification from the Manager Statutory Planning.	IDAC/PDC

25. The officer suggestion is that the above be changed to that as outlined below:

<b>Heritage Victoria Referrals</b>
<p><u>Process</u></p> <p><u>All Heritage Victoria referrals are managed under delegation with only 'significant' applications referred to Council as determined by the Manager Statutory Planning and or the Director Planning and Place Making.</u></p> <p><u>A copy of all Heritage Victoria referrals be provided to Councillors for their information.</u></p>
<b>Heritage Council Applications</b>
<p><u>Process</u></p> <p><u>All Heritage Council matters are managed under delegation with only 'significant' applications referred to Council as determined by the Manager Statutory Planning and or the Director Planning and Place Making.</u></p> <p><u>A copy of all Heritage Council applications be provided to Councillors for their information.</u></p>

26. In this regard, it is noted that Heritage Victoria has a process of providing notice of an application. The duplication of having this information on Council's website is unnecessary as Council is not the Responsible Authority for these matters.

27. The current process of responding to a *Heritage Victoria* referral has an impact on the efficient processing of a referral back to *Heritage Victoria* (who only provide 14 days for a response). Dependant on what additional reporting Council seeks, this impacts on the unit in terms of resourcing (cost implications), and also an impact on timeframes for statutory planning applications.

### Options

28. The report content above provides suggestions on possible changes to the Instrument of Delegations.

29. Council has the following options in this matter:

- (a) change the delegations and the 'triggers' for a planning application to be referred to the Planning Decisions Committee (PDC), or
- (b) make no change to the delegations or, at this point in time, and seek more information from officers' or
- (c) make no changes to the delegations or triggers.

30. Officers consider that Option A is appropriate for Council consideration; the report provides some suggestions for Council consideration.

### **Community and stakeholder engagement**

31. This is a decision for Council in terms of Delegations; no community engagement has been undertaken. This report has been informed by ongoing discussion with Councillors, CEO, Director Planning and Placemaking and Governance Office.

### **Policy analysis**

#### Alignment to Community Vision and Council Plan

32. All planning assessments have regard to the Yarra Planning Scheme and other relevant legislation.

### Climate emergency and sustainability implications

33. N/A

### Community and social implications

34. The proposed changes to delegations seek to improve efficiencies within the Statutory Planning Unit while maintaining transparent and inclusive decision making.

### Economic development implications

35. Efficiency improvements to turnaround times of Statutory Planning applications.

### Human rights and gender equality implications

36. There are no human rights or gender equality implications; delegations in statutory planning from a Council to a Committee or officers is common.

## Operational analysis

### Financial and resource impacts

37. Efficiency and effectiveness are both important in the statutory planning process for all parties the proposed changes will improve workloads for staff.

### Legal Implications

38. N/A, all planning assessments have regard to the Yarra Planning Scheme and other relevant legislation.

## Conclusion

39. This report has built on the recommendations of the service review and recommends a series of changes to further improve efficiencies within the Statutory Planning Branch and the effectiveness of the *Planning Decisions Committee*.

40. Officers recommend Option (A):

*consideration of some further changes to the Deed of Delegation and the 'triggers' for a planning application to be referred to the Planning Decisions Committee (PDC).*

41. The suggested changes are outline in the recommendation below.

## RECOMMENDATION

1. That Council:

- (a) note the Officer's report regarding existing delegations and protocols for processing of planning applications, including an analysis of the level of applications determined at the Planning Decisions Committee;
- (b) note that as part of the implementation of the Statutory Planning Service Review 2019, that the internal planning processes are now fully electronic, which are assisting in the efficiency of processing planning applications;
- (c) note that further ongoing process improvements are being pursued by the Statutory Planning office to further improve overall service delivery and customer service;
- (d) note the existing delegation and protocols, as outlined in the report and attachments, which currently guide and direct which planning applications are presented to the Planning Decisions Committee for determination; and
- (e) note the benchmarking which has recently been carried out with nearby Councils regarding the level of applications that are dealt with by the equivalent of a Planning Decision Committee at those Councils.

2. That in the context of the report, the ongoing Service Review intent of assessing further efficiency improvements and the benchmarking provided, that Council consider the current Deed of Delegation to determine if any refinements or changes to delegations to the Planning Decisions Committee are assessed to be appropriate.
3. That Council note that in the officers opinion, as outlined in the report, that some changes and refinements to the Instrument of Delegation to the Planning Decision Committee would create some further overall service improvements to the statutory planning processes, and that the recommendations in this report are presented for Council consideration.
4. That in the exercise of the power conferred by s11(1)(a) of the Local Government Act 2020 Council resolves:
  - (a) there be delegated to the members of the Planning Decisions Committee the powers, duties and functions set out in the Instrument of Delegation to Members of the Planning Decisions Committee at **Attachment Two**, subject to the conditions and limitations specified in that Instrument;
  - (b) the instrument comes into force immediately once the Instrument of Delegation is signed by the Council and remains in force until Council determines to vary or revoke it; and
  - (c) the duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.
5. That Council amend and adopt the Protocols for use of Delegated Authority (Planning Protocols) subject to:
  - (a) amendment of the clause relating to Heritage Victoria Referrals to read:

All Heritage Victoria referrals are managed under delegation with only 'significant' applications referred to Council as determined by the Manager Statutory Planning and or the Director Planning and Place Making

A copy of all Heritage Victoria referrals be provided to Councillors for their information.;

and
  - (b) amendment of the clause relating to Heritage Council Applications to read:

All Heritage Council Applications are managed under delegation with only 'significant' applications referred to Council as determined by the Manager Statutory Planning and or the Director Planning and Place Making

A copy of all Heritage Council Applications be provided to Councillors for their information.

## Attachments

- 1 Council Delegation – Summary Document
- 2 Instrument of Delegation to the Planning Decisions Committee

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## 8.3 433 Smith Street, North Fitzroy (former Gasworks site) Development Plan

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### Executive Summary

#### Purpose

The purpose of this report is to consider the 'Development Plan' (DP) for the redevelopment of 433 Smith Street, Fitzroy North, also known as the 'Gasworks site'.

#### Key Issues

There is a *Development Plan Overlay – Schedule 16 (DPO16)* in the *Yarra Planning Scheme* which controls what development occurs at the Gasworks site and there are 39 requirements in it that the DP must address.

The DP provides indicative plans / layout of the overall site / parameters, at the front end of the planning process to 'shape' the planning permit applications that are still required as part of the overall approvals process for the site as it is developed over a number of years.

Council's feedback on the Development Plan will be considered by the Department of Environment, Land, Water and Planning (DELWP) and the Minister for Planning, being the Responsible Authority.

There are a number of key issues and concerns in the Development Plan highlighted throughout the report; the report addresses these by a series of suggested changes to the Development Plan. In summary, the key issues are:

- (a) building heights and setbacks along Gore Street and Smith Street in the Development Plan differ to the DPO16 and should be altered to adhere;
- (b) improvements to the public open space provided, to ensure better functionality;
- (c) advocating for Victorian Big Housing Build (VBHB) funding to deliver the first stage of the affordable housing;
- (d) providing stronger emphasise in the Development Plan for the provision of affordable housing into the future by using a Section 173 agreement;
- (e) improvements to adjacent streets to ensure safe pedestrian and bicycle path infrastructure, including public realm improvements and undergrounding of overhead services;
- (f) improved public transport infrastructure around the site with upgrades to the bus stop in Queens Parade and tram stop in Smith Street, and
- (g) strengthening of the Environmental Sustainable Design requirements.

(see full report for analysis)

#### Financial Implications

Council is being asked to be responsible to manage and maintain the public realm under Council management. This would require further specific consideration and analysis.

Note: The indoor stadium / spaces, which Council will obtain management rights, will have operational costs and income sources, which have been previously considered by Council.

## PROPOSAL

### Summary of recommendations

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

1. That the Council note:
  - (a) the officer report and the attached 'Development Plan' submitted by Development Victoria to the Department of Environment, Land, Water and Planning for consideration;
  - (b) the concerns expressed by Council officers on a number of elements as outlined in the report and in the Attachment 8.
2. That Council write to the Department of Environment, Land, Water and Planning outlining the concerns of the Council in relation to the Development Plan lodged under the *Development Plan Overlay* provisions of the Yarra Planning Scheme.
3. That Council continue to advocate for improvements to the Development Plan being considered by the Minister for Planning.

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## 8.3 433 Smith Street, North Fitzroy (former Gasworks site) Development Plan

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<b>Reference</b>	D22/41308
<b>Author</b>	Geoff Glynn - Executive Planner
<b>Authoriser</b>	Director Planning and Place Making

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### Purpose

1. The purpose of this report is to consider the 'Development Plan' for the redevelopment of 433 Smith Street, Fitzroy North.

### Critical analysis

#### History and background

2. The site at 433 Smith Street (the site), Fitzroy North (also known as the 'Gasworks site') is bound by Alexandra Parade, Smith Street, Queen's Parade and Gore Street and is approximately 3.9ha in area. Most of this site (3.05 ha) is the former Gas and Fuel land which has been managed by the Department Treasury & Finance (DTF); the remainder of the site (0.85 ha) was previously occupied by Council's Fitzroy Depot which was relocated in May 2019.



**Figure 1. - 433 Smith Street, Fitzroy North, (Gasworks Site)**

3. *Development Victoria* is delivering the redevelopment of the site of behalf of the State Government. The stated key outcomes by the State are:
  - (a) approximately 1,200 apartments, 20 per cent of which will be Affordable Housing;
  - (b) flexible spaces at ground level, capable of accommodating Disability Accommodation (SDA), commercial, office and community uses;
  - (c) a community facility to be developed in consultation with Council;

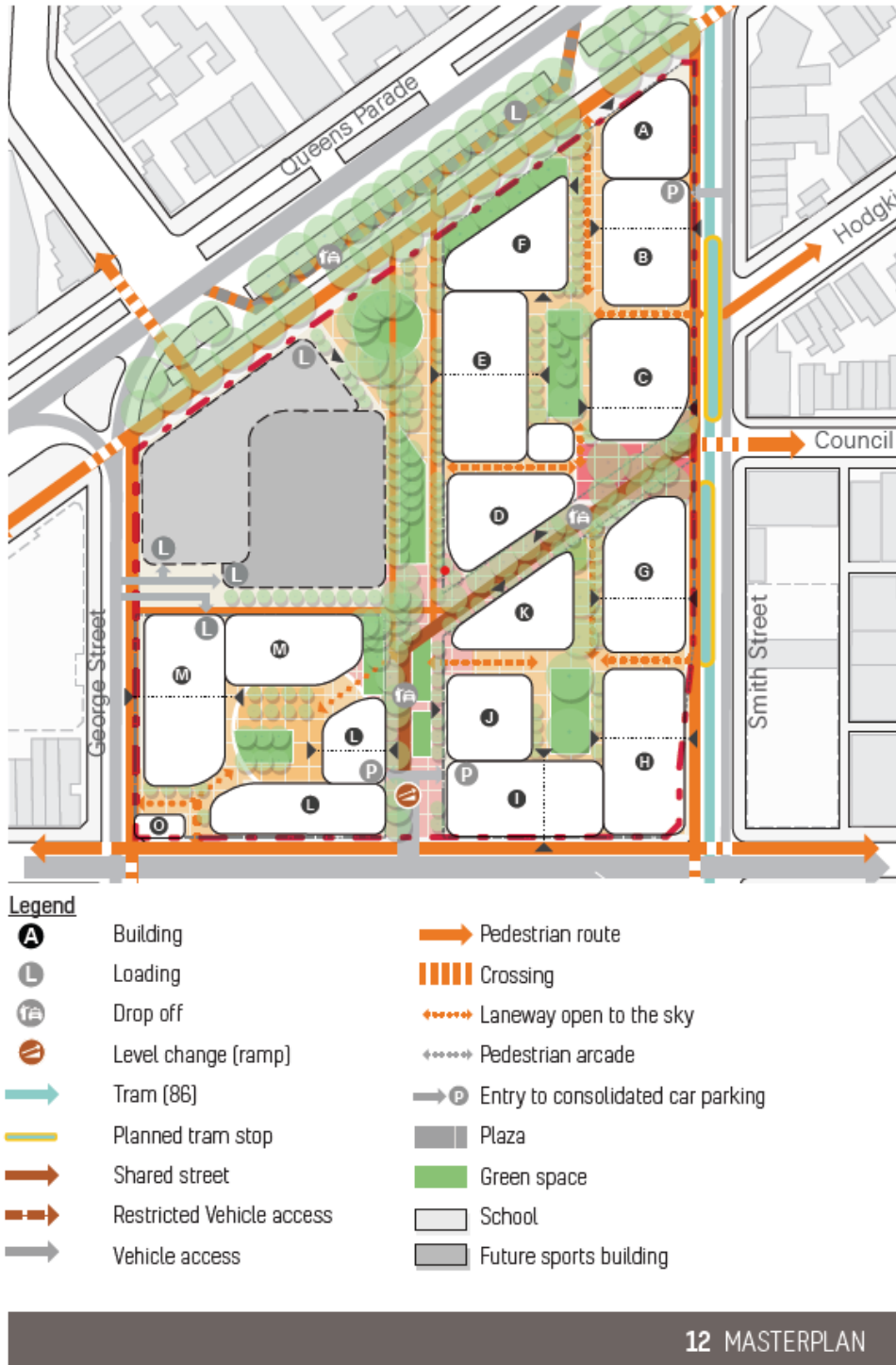


- (d) most long term parking to be located underground;
  - (e) two bicycle spaces per dwelling;
  - (f) 8% of the site to be offered as public open space with additional communal space associated with residential development;
  - (g) a comprehensive suite of sustainable development features; and
  - (h) the 'Valve House' to be retained and enhanced.
4. Further, the State say that additional elements will be implemented through separate approval processes including:
- (a) a 650-student senior high school campus for Collingwood College and Fitzroy High School (now built and operational);
  - (b) a six court sports facility integrated with the school that caters for a range of sports (in a procurement stage by the State);
  - (c) an accessible tram stop on Smith Street abutting the site;
  - (d) a new pedestrian crossing (completed) and traffic management works on Queens Parade and service land; and
  - (e) relocation and restoration of the Porter Iron Store (completed).
5. The site has been significantly contaminated and is currently in the final stages of being remediated, as required by a notice from the Environment Protection Authority (EPA). It is expected that the remediation will be completed by mid-2022.
6. The construction of the Wurun Senior Campus, the new senior school for Collingwood College and Fitzroy High School has been completed and operational for use in the first school term in January 2022.
7. Associated traffic works along Queens Parade, including traffic lights at the corner of Queens Parade and George Street, have been completed to improve safety for the school. Works in the service lane of Queens Parade are yet to be undertaken by the State – that is being programmed by the Department of Transport.
8. The multi-purpose indoor sports centre is expected to start construction in mid-2022, with completion estimated towards the end of 2023. The centre will comprise of four multipurpose courts over two levels and a multi-purpose space and gymnasium which will all integrate with the two courts provided in the school to provide a six court facility.
9. *Development Victoria* has been working on the Development Plan for the site over the past 3 years as required by the planning controls and the *Development Plan Overlay Schedule 16 (DPO16)* for the site.
10. The Development Plan provides indicative plans / layout of the overall site / parameters, at the front end of the planning process to 'shape' the planning permit applications that are still required as part of the overall approvals process for the site as it is developed over the years. NB. At the planning application stage, there is no advertising of the particular applications as there are no 'third party rights' under the DPO 16.
11. Development Victoria released the draft DP to the community on the 10 November 2021 to seek community feedback and the consultation closed on 8 December 2021.
12. The Minister for Planning is the Responsible Authority for the site and is authorised to approve the Development Plan.
13. On the 14 February 2022, the *Department of Environment, Land, Water and Planning (DELWP)* received the 'Development Plan' from *Development Victoria* – DELWP referred the Development Plan to Council for consideration on 14 February, 2022.
14. Council's feedback on the Development Plan will be considered by DELWP and the Minister for Planning, being the Responsible Authority.

[Discussion](#)

**Development Plan Overlay – Schedule 16 (DPO16)**

15. There is a *Development Plan Overlay – Schedule 16 (DPO16)* in the *Yarra Planning Scheme* which controls what development occurs at the Gasworks site. The DPO16 is attached as Attachment 2.
16. The Development Plan prepared by *Development Victoria* has been prepared as required by Schedule 16 to the Development Plan Overlay in the *Yarra Planning Scheme (DPO16)*.
17. The Development Plan is required to meet the 39 requirements listed in the DPO16 in addition to the concept plan and the building height and setback table.
18. The Development Plan responds to the 39 requirements under various sub heading throughout the document.
19. A concept plan was developed as part of the DPO16 and during the formulation of the Development Plan it has evolved into the final concept plan as indicated below.



**Figure 2. Final Concept Plan of the Development Plan (extracted from page 21 of the DP)**

**Development Plan**

20. In the creation of the DP, *Development Victoria* has used a number of design principles that underpin the development plan which will be tested at the planning permit application stage. These are stated below by *Development Victoria*:

(a) *Context:*

- (i) *Speak the local language in terms of built form, materiality and uses. A materials palette that is suited to the local character and context will be used across the precinct;*

- (ii) *Create high-quality pedestrian and tram links that stitch into the surrounding community;*
    - (iii) *Respond to the local amenity conditions, such as the noise from surrounding streets.*
  - (b) *Access:*
    - (i) *Create a pedestrian priority neighbourhood with consolidated car parking and minimal reliance on private vehicles;*
    - (ii) *Create a high-quality 'Village Street' at the heart of the precinct for bicycles, pedestrians and vehicular pick up and drop off;*
    - (iii) *Encourage permeability through fine-grain pedestrian connections and lane ways.*
  - (c) *Public Realm and Landscape:*
    - (i) *Create shared courtyards at the heart of each parcel and maximise solar access to these spaces;*
    - (ii) *Establish a central community heart linking together diverse public spaces with places to play;*
    - (iii) *Maximise urban greening by introducing trees, ground cover, vertical and roof top vegetation.*
  - (d) *Built Form and Use:*
    - (i) *Create open perimeter block forms that respond to local context and ensure permeability through the site;*
    - (ii) *Encourage variety in building heights, forms and materiality in keeping with each parcel's identity;*
    - (iii) *Curate ground floor uses that showcase a variety of activities and that emphasise interaction and the human scale.*
  - (e) *Sustainability:*
    - (i) *Maximise potential for energy generation on site, with solar panels to most rooftops;*
    - (ii) *Maximise thermal performance of buildings for lower living costs over time; and*
    - (iii) *Minimise waste produced on site, with consolidated collection points and diversion targets.*
- 21. There are 5 key themes in the DP which will be discussed in this report with suggested changes to strengthen the DP.
- 22. The themes are:
  - (a) Land Use;
  - (b) Built form;
  - (c) Affordable Housing;
  - (d) Movement; and
  - (e) Environmentally Sustainable Design.
- 23. The report below outlines:
  - (a) the Development Plan Overlay (DPO) requirements;
  - (b) provides commentary on what *Development Victoria* has inserted into the 'Development Plan; and

- (c) provides officer comments in relation to each key theme, and suggested changes where considered appropriate.

### **Land use**

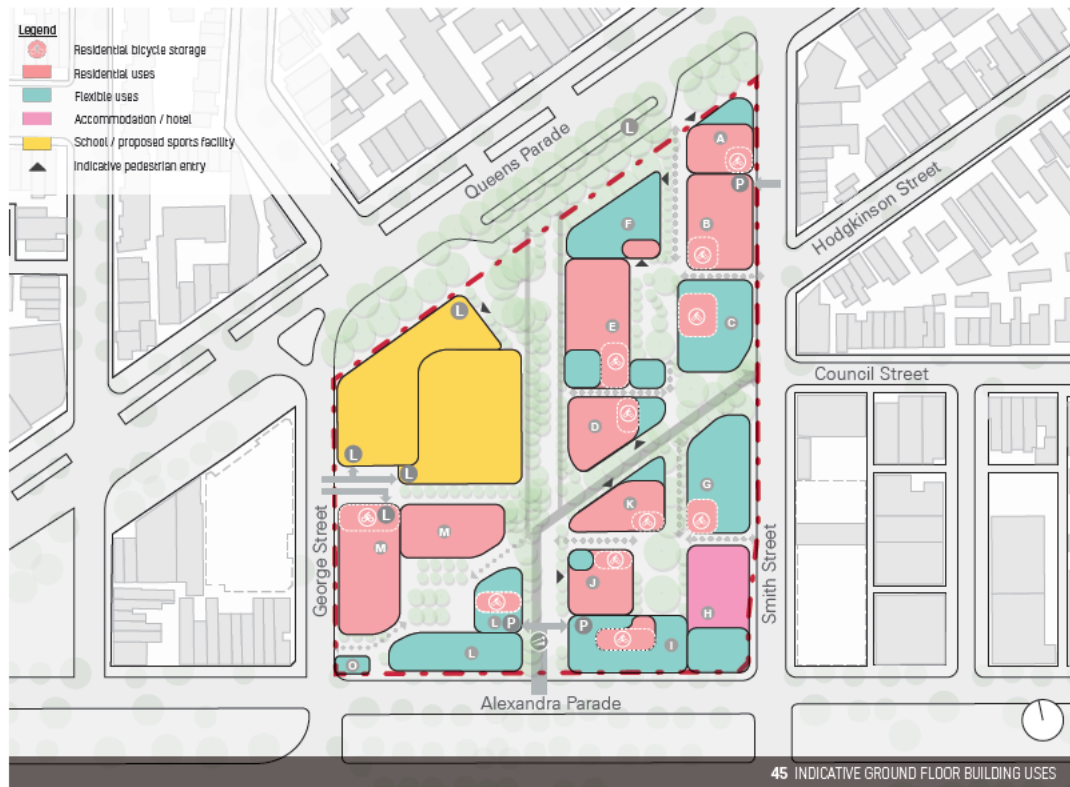
#### **The Development Plan Overlay Schedule 16 (DPO16)**

24. The DPO16 requirements in relation to Land Use are:

- (a) Develop a mixed use precinct comprising a variety of housing types, community facilities and public open space;
- (b) Address Smith Street to strongly encourage the use of tram services in connection with development of the site, and to contribute to the streetscape character and vitality of the activity strip along the length of Smith Street;
- (c) Provide community infrastructure to service the needs of the local area ensuring they complement the adjoining proposed indoor sports courts and integration of the site with the adjoining proposed education facility;
- (d) Create usable, safe and accessible public spaces to meet local needs and improve resident amenity and usability;
- (e) Develop a coherent and identifiable precinct;
- (f) Design to address and activate the public realm, without privatising its amenity;
- (g) A minimum of 8% of the site to be provided as public open space;
- (h) Position the school to front Queens Parade and centre the sports courts on the site as a key community node with ease of access to public transport;
- (i) Support retail, office and other uses at street level;
- (j) Promote urban legibility and high quality public access to and through the site including clear site lines and a choice of routes;
- (k) Minimise over shadowing effects within the site and on adjoining land;
- (l) Design public open spaces to have good solar amenity, good passive surveillance;
- (m) Avoid buildings that disproportionately overwhelm public spaces;
- (n) Provide landscaping to reduce the visual impact of development, improve liveability and mitigate impacts of the urban heat island effect;
- (o) Provision of street trees, high quality lighting and other streetscape enhancements;
- (p) Retain the visual prominence of at least the top third of the individually significant Shot Tower from primary views when viewed from or through the site;
- (q) Provide wind climate design to ameliorate wind conditions at street level, public spaces, balconies and adjoining properties; and
- (r) Provide acoustic design treatments that addresses the impact of existing and potential noise particularly from road traffic and trams.

#### **The Development Plan**

- 25. The following is the intent of the 'Development Plan' as expressed in the document.
- 26. The development is designed to create a mixed use precinct that comprises a variety of housing types, community facilities and public open space.
- 27. The document says ground floor spaces will have high floor to ceilings to allow for a variety of public-facing uses to occur and flexible spaces have been located for ease of access and in locations that have increased foot traffic; and that these spaces may include retail, hospitality, office and co-working spaces, affordable workspaces for creative industries, galleries, grocery stores and gyms.













**Figure 3. Indicative ground floor building uses (extracted from page 39 of the DP)**

28. The podium level uses of the buildings are primarily residential use. Subject to the commercial viability, Building H, on the corner of Alexandra Parade and Smith Street is identified as a potential opportunity for a hotel or short-stay accommodation with public facing facilities on the ground floor, activating this prominent corner.
29. The upper levels are of the buildings are predominantly residential uses with shared common spaces on the rooftops, with the exception of Building H which has been identified as a hotel or short-stay accommodation.
30. Section 5.4 indicates that the 'Valve House' will be retained and enhanced as part of the development and a detailed plan of the interpretation scheme will be prepared and included at the Parcel A Planning Permit stage of the development.
31. Section 5.5 of the DP outlines the community infrastructure for the development. The provision of the Indoor sports facility is stated as a key component of this infrastructure. (NB: it is noted that no dedicated off street carparking has been allocated to this facility).
32. Section 5.6 of the DP states that it will deliver 8% of the site as new public open space that will be vested in Yarra City Council; and that careful consideration will be given to ensure all public spaces are designed to be safe and accessible to meet the needs of the local area. It further states that this open space will be supplemented by:
  - (a) open space areas accessible to the community on the school site;
  - (b) pedestrian prioritised access ways throughout the site and beyond to designated public transport nodes;
  - (c) privately owned communal spaces that will be accessible to the community;
  - (d) entryways and landscape treatments, clear sightlines and wayfinding signage, and
  - (e) furniture and fixtures in the public realm that will be robust and easy to maintain.
33. The following diagram indicates where open space, both public and private is proposed to be located across the site, noting that public open space has been broken up into three sections, highlighted as dark green.



**Legend**

- |  |   |
|--|---|
|  Site Boundary  |  Private Development       |
|  Proposed Public Open Space Vested in Council: 3,180sqm. - 8%     |  Mandated Thoroughfare     |
|  VSBA Open Space: 565 sqm. - 1.4%                                 |  Night Access Control Line |
|  New Council Road: 3,647 sqm. - 9.2%                              |  Carpark Entry             |
|  Communal Open Space with Access to Deep Soils: 1,697 sqm. - 4.3% |  Building Entry            |

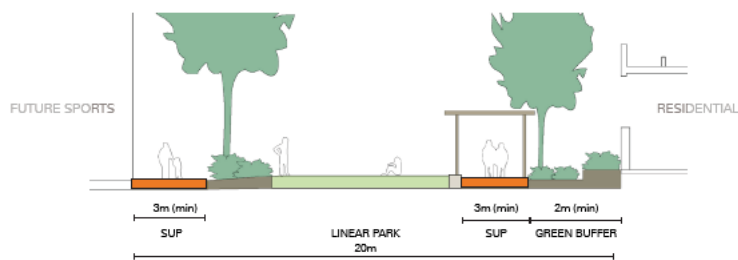
**Figure 4 - Public Realm Plan – (Extract form page 43 of DP)**

34. The Landscape Master Plan describes a series of key public and private spaces that together form the proposed open space network for the Fitzroy Gasworks site as outlined in the following diagram.



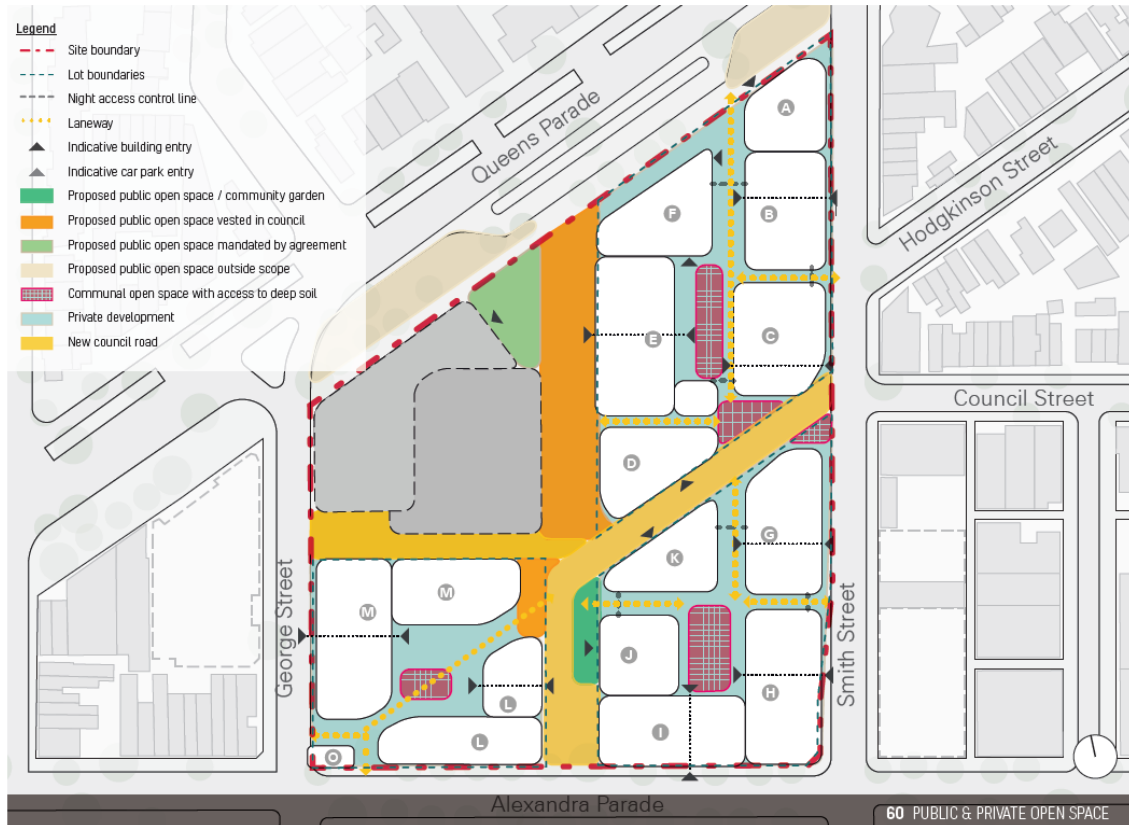
**Figure 5 Landscape Master Plan (Extract from page 44 of DP)**

35. *Development Victoria* say that, throughout the open space network, the Development Plan refers to a series of generous paths and limited vehicular access that will help reinforce walking as the dominant mode of travel through the site, creating a pedestrian priority neighbourhood.
36. Pedestrian movements are said to be facilitated through a permeable network of shared streets, shared use footpaths and laneways. The following diagram shows a cross section of the 'Village green' (the main open space areas) showing two 3m wide shared user pathways and landscape buffer adjacent to the development on the east side.



**Figure 6 - Cross section through the village green open space, south of Queens Parade (Extract from page 45 of DP)**





**Figure 7- Public and Private open space plan showing building entrances (extract pg. 46 of DP)**

37. Section 5.8.3 states how urban greening has many benefits including reducing urban heat island effect, increasing biodiversity and improving the health and well-being of residents. Minimum standards for urban greening have been targeted, with each parcel achieving a Green Factor rating.

YCC Officer comment

38. The following are YCC officers comments in relation to the proposed 'Development Plan' lodged by *Development Victoria*.
39. Smith Street ground level use in buildings A and B should be modified to include some commercial retail uses which would complement the existing commercial use of Smith Street. In this regard, Diagram 45 on page 39 should be modified to show some commercial uses in Building A and B.
40. Section 5.5 of the DP outlines the community infrastructure for the development and that the provision of the Indoor sports facility is a key component of this infrastructure; however it is noted that no dedicated off street carparking has been allocated to this facility. There should be an addition to this section to add that appropriate parking is provided on the overall estate to cater for this facility.
41. Section 5.5 also notes that a dedicated community space will also be provided for use by Yarra City Council. The details and location of this space is still being worked through with *Development Victoria*.
42. Section 5.6 should be modified and strengthened to say that:

*"The Development Plan will deliver 8% of the site as new public open space that will be vested in Yarra City Council. Careful consideration will be given to ensure all public spaces are designed to be safe and accessible to meet the needs of the local area."*

43. The 8% of public open space has been spread over three areas in the development; and the main portion is a 20 metre wide portion in the 'Village Green' area. It is noted that this portion of land has a number of major underground services on the east side (former road space) which places encumbrances on this land as to what can be placed on it or within it.
44. Council has resolved previously on the 21 August 2021, that while the site is being developed, the services on the adjacent streets to the site should be undergrounded to improve the *public realm of the area*. Attachments 4,5 and 6 has the letters sent to the various ministers on a range of issues including this issue. This can be added to Section 5.6 to incorporate a dot point:
- “undergrounding of services in the adjacent streets to the site.”*
45. Section 5.7 describes the 'Landscape Master plan' at a very high level. This section needs to be strengthened by adding a new paragraph:
- “The detailed landscape plan needs to clearly address how the open space and public realm design responds to the projected demographics of the new community, how it considers other facilities currently provided with the catchment of existing open space and how it aligns with Yarra Open Space Strategy 2020.”*
46. The functionality of the 'Village Green' appears to be very limited and does not reflect precedent images and description. It seems that the primary focus of the 'Village Green' is the provision of the site's access requirements to adjacent uses. The current spatial typology proposed is akin to a streetscape with a large median of 12 metres in width. (Note: Pigdon Street has a similar 12+m wide median)
47. The cross section of the 'Village Green', graphic 54 (p45), also shows two 3m minimum width Shared User Paths (SUP) running through this 20m wide Linear Park. Two paths is unnecessary,, and this cross section should be modified to show one shared use path and consider the alignment in relation to the underground services.
48. The proposed functional layout plans must be approved by the Responsible Road Authority prior to any commencement of works on works within the site. This should also include a staging plan for the proposed works and sitewide Construction Management Plan.
49. The cross section of the 'Village Green', graphic 54 (p45), shows a two m (min) wide 'green buffer' in the public open space adjacent to the building on the east side to provide privacy and screening for the adjacent building. This reduces the quality and provision of facilities offered within Open Space. Section 5.7 should therefore, at minimum, be strengthen by adding a new paragraph:
- “Any required screening to built form (landscape buffer) should be delivered through built form setbacks rather than intrusions into Public Open Space.”*
50. Vehicle access is also being proposed within the Public Open Space. Access requirements compromise / reduce the quantum and type of open space facilities and should be removed or rationalised where possible. Section 5.7 should be strengthen with the addition of:
- “With exception to Emergency Vehicle and Maintenance access (Service Authorities and Council's Open Space maintenance) all vehicles are prohibited from entering Public Open Space.”*
51. The Public Realm Plan on page 43 of the Development Plan shows a building entry off the 'Village Green' public open space. Primary building entries should not be directly located adjacent to Public Open Space as these access ways reduces the opportunity for permeable surfaces / soft landscaping and useable open space. The Public Realm Plan should be modified to remove this accessway, or alternatively access pathways to main building entries should not be considered as Public Open Space.
52. Section 5.8.3 outlines the many benefits of urban greening in the development. To ensure mature tree canopy cover is achieved, it is essential however, that suitable growing volumes of soil are provided for individual trees based on their mature size and growing requirements.

With the public open space having limited widths there may be a limitation on tree planting in regard to tree numbers, canopy size and spacings without impacting on adjacent structures.

53. The viability of all green infrastructure as a long term greening solution, and the tree canopy cover conceptually shown, is required – which needs to include suitable growing volumes of soil and consider all required offsets from infrastructure and building structures.
54. Section 5.8.3 should be strengthened by the inclusion of:
- “All garden beds need to be suitably sized and located to ensure that they are sustainable for optimum plant growth and high use grassed areas in open space require irrigation to achieve a high quality and durable outcome“.*
55. Section 5.8.4 outlines the provision of a community garden of 220m<sup>2</sup> of agricultural space in the development which is a good initiative. The garden should, however, not be located on public open space as it has a different function to open space and should not be included in the 8% public open space provision. This section should be amended to articulate this as follows:
- A community precinct.*
- This Community Garden should be located within Communal Open Space rather than Public Open Space as this facility is specifically catering to the needs of the development’s occupants. (not to be part of the 8% public open space provision).*
- The community garden will be accessible to the residential community, have access to sunlight throughout the year as well as appropriate drainage.*
- The introduction of 220m<sup>2</sup> of accessible agricultural space satisfies ‘Credit 14.2 Local Food Production’ as part of the ‘Green Star Communities’ rating.*
56. Section 5.10.1 of the Development Plan provides the shadowing description and the diagrams 66 to 73 illustrate shadows cast by proposed building envelopes at both the equinox and winter solstice. There are no diagrams of the 9-00am, 10-00 am and 3-00 pm equinox shadows provided and the Development Plan should be updated to provide them.
57. Section 5.10.1 should include a clear commitment that future development will be designed to have little to no shadow on the footpaths on the opposite side of each street.
58. Section 5.10.2 should have a firm commitment to ensuring that each application stage is compliant with the most up-to-date acoustic criteria as these apply at the time of each planning permit application submission to Council.

### **Built Form**

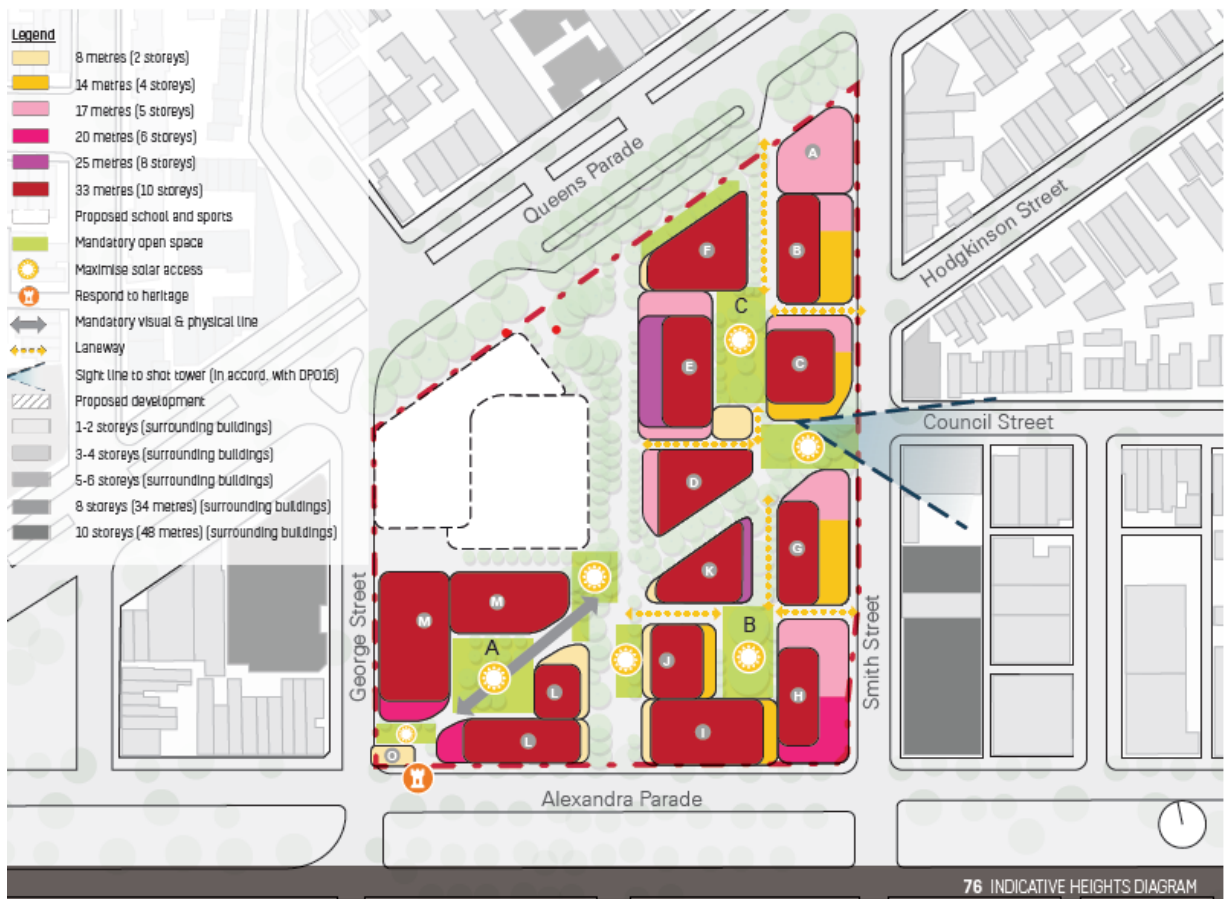
#### **The Development Plan Overlay Schedule 16 (DPO16)**

59. The DPO16 requirement in relation to built form is:
- (a) respond to the significance of Queens Parade and Alexandra Parade with built form that considers the design, height and visual bulk of the development in relation to surrounding land uses and developments and contributes to their significance as formal boulevards;
  - (b) provide a transition in buildings by reducing heights and increasing setbacks along sensitive interfaces with increased heights at the centre of the site;
  - (c) create high quality architectural frontages with a sense of articulation, streetscape scale and rhythm;
  - (d) articulate buildings to provide variety, visual breaks and promote a human scale to existing and new streets;
  - (e) activate street frontages with windows at upper levels, building entries from main lobbies and ground floor apartments to contribute to street life and safety through passive surveillance;

- (f) avoid visually dominant buildings through use of discontinuous forms, well-articulated facades and high quality materials that weather well and are environmentally sustainable;
- (g) a habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views and provide maximum sunlight to these spaces;
- (h) avoid buildings taller than six storeys creating a ‘canyon’ effect to streets by distributing height and providing breaks in built form;
- (i) provide internal courtyards, supported by communal roof terraces and balconies facing out to the street in mixed use developments;
- (j) design all development parcels as perimeter blocks. Perimeter blocks should be defined by groups of buildings, with a range of building heights, to create a fine grain and articulated streetscape; and
- (k) avoid podium and tower typologies.

The Development Plan

60. The Development Plan includes an ‘indicative heights’ diagram and ‘preferred heights’ and ‘set back’ table as detailed below.



**Figure 8 Indicative heights diagram (Extract from DP on page 53)**

61. The Figure 9 below - **Preferred heights and setback controls (extract from pg. 56 and 57 of DP)** is the table that Development Victoria has inserted into the ‘Development Plan’ with the comment on compliance or otherwise of the ‘Development Plan’ to the *Development Plan Overlay* requirements.

Table 1 - Preferred Height and Setback Controls

Street Interface	Distance from Boundary	Maximum Height within Setback	DP Response
Queens Parade	0-8 metres	20 metres (6 storeys)	Compliant
	Greater than 8 metres	33 metres (10 storeys)	Compliant
Smith Street between Queens Parade and Council Street	0-3 metres	0m	Compliant
	3-8 metres	17 Metres (5 storeys)	Compliant
	Greater than 8 metres	33 metres (10 storeys)	Compliant
Smith Street between Council Street and Alexandra Parade	0-3 metres	0m	Compliant
	3-11.5 metres	33 metres (10 storeys)	Average of 17 metres (5 storeys), with a mix of 14 metres (4 storeys), 17 metres (5 storeys) and 20 metres (6 storeys) on the corner of Smith Street and Alexandra Parade
	Greater than 11.5 metres	33 metres (10 storeys)	Compliant
Alexandra Parade between Smith Street and Village Street	0-22 metres	33 metres (10 storeys)	Compliant
	Greater than 22 metres	33 metres (10 storeys)	Compliant
Alexandra Parade between Village Street and George Street	0-1 metres	0m	Compliant
	1-22 metres	33 metres (10 storeys)	Compliant
	Greater than 22 metres	33 metres (10 storeys)	Compliant
George Street	0-2 metres	0m	Compliant
	Greater than 2 metres	33 metres (10 storeys)	Compliant
Gore Street easement	0-3 metres	Average of 8 metres (2 storeys), with a mix of 5 metres (1 storeys), 8 metres (2 storeys) and 11 metres (3 storeys)	Compliant
	Greater than 3 metres	33 metres (10 storeys)	Compliant
Northern facade of valve house	0-10 metres	0m	Compliant
	10-18 metres	20 metres (6 storeys)	Compliant
Eastern facade of valve house	0-9 metres	0m	Compliant
	9-20 metres	20 metres (6 storeys)	Compliant

Figure 9 - Preferred heights and setback controls (extract form pg. 56 and 57 of DP)

Officer comment

62. The building heights and setbacks are 'generally in accordance with' the DPO16, with one significant change in George Street, and one minor change in Smith Street as shown in the table below.

	DPO16 provisions		Proposed Development Plan	
Street Interface	Distance from Boundary	Maximum height within setback	Distance from Boundary	Maximum height within setback
George Street	0 -12.5 metres	20 metres (6 storeys)	0 -2 metres	0 m
	Greater than 12.5 metres	33 metres (10 storeys)	Greater than 2 metres	33 metres (10 storeys)
Smith Street between Council Street and Alexandra Parade	0-11.5m	17 metres (5 storeys)	0 -3 metres	0 m
	Greater than 11.5 metres	33 Metres (10 storeys)	3 – 11.5 metres	33 metres (10 storeys)
			Greater than 11.5 metres	33 metres (10 storeys)

**Figure 10 – changes between the DPO16 and the Development Plan**

63. In the DPO16, the George Street frontage had a designated distance from boundary between 0 and 12.5 m of 20 metres (6 storeys) height. This has been changed in the Development Plan to having zero height between 0-2 metres and greater than 2 metres of 33 metres (10 storeys).
64. In the DPO16, the Smith Street, between Council Street and Alexandra Parade had a designated distance from the boundary of 0 -11.5m of 17 metres (5 storeys). This has been changed in the Development Plan to 20 metres (6 storeys).
65. There also appears to be a mistake in Table 1 *Preferred Heights and Setback Controls for Smith Street, between Council Street and Alexandra Parade*, where the 3 metres to 11.5 metres height of 33 metres (10 Storeys) should be 17 metres (5 storeys) to match the 'Indicative Heights' Diagram on page 53.
66. It is noted that the Wurun Senior Campus that has been built in the north west corner of the site is approximately 33 metres in height (10 storeys) with no setback from the property line. (shown below). This has created a poor interface with the existing narrow footpath in a high pedestrian area and is inconsistent with the requirements of the *Transport Integration Act* (see photo below).



**Figure 11 - George Street looking South adjacent to the Wurun Senior Campus**

- 67. The Development Plan is proposing that this height continue down George Street with a 2 metre setback from the boundary line. This 2 metre setback from the boundary would provide for a better pedestrian environment than what exists presently.
- 68. The recommended changes to the Development Plan 'Preferred Height' and 'Setback' provisions to Smith St and George Street as reflected in the table below; and adjust figure the Figure 76 – 'Indicative Heights' Diagram on page 53 of the Development Plan to reflect the changed heights.

<b>Street Interface</b>	<b>Proposed Distance from Boundary</b>	<b>Officer recommended maximum height within setback</b>
Smith Street between Council Street and Alexandra Parade	0 -3 metres	0 m
	3 – 11.5 metres	<del>33 metres (10 storeys)</del> <u>17 Metres (5 storeys)</u>
	Greater than 11.5 metres	33 metres (10 storeys)
George Street	0 -2 metres	0 m
	<u>2 -12.5 metres</u>	<del>33 metres (10 storeys)</del> 20 metres (6 storeys)
	<u>Greater than 12.5 metres</u>	<u>33 metres (10 storeys)</u>

**Figure 12 - Officer recommended changes to the preferred heights and setback controls**

## **Affordable housing**

### **The Development Plan Overlay Schedule 16 (DPO16)**

69. The DPO16 requirement in relation to affordable housing is:

- (a) *Provide a range of dwelling types to cater for a variety of housing needs including the provision of 20% of dwellings as Affordable Housing (as defined at section 3AA of the Planning and Environment Act 1987).*

### **The Development Plan**

70. The DPO16 requirement in relation to affordable housing is:

- (a) Provide a range of dwelling types to cater for a variety of housing needs including the provision of up to 20% of dwellings as Affordable Housing (as defined at section 3AA of the Planning and Environment Act 1987).

71. The Development Plan states that the Affordable Housing Strategy for this site targets delivery of 20% of dwellings as 'Affordable Housing'. It states that the strategy comprises two primary delivery models:

- (a) *Social Housing*, that is, subject to State funding, will be either owned by the State and operated by a Registered Housing Agency, or owned and operated by a Registered Housing Agency; and
- (b) *Market Affordable Housing* comprising market products such as affordable rental and affordable purchase products with flexibility for a range of delivery models and tenures.

72. The Development Plan states that to ensure Affordable Housing appropriately responds to estimates of current and forecast demand, the following dwelling mix is suggested for the Affordable Housing components of the development (noting that the final mix may vary from building to building or between delivery models):

- (a) up to 60% 1-bedroom and studio apartments with no more than 25% of the total being studio apartments;
- (b) up to 60% 2-bedroom apartments, and
- (c) up to 10% 3-bedroom (or larger) apartments.

73. Given the significant need for housing diversity within the City of Yarra, and specifically in response to the agreed statistic that 1 in 4 rental households are in housing stress, *Development Victoria* has committed to ensuring that 75% of all 'Affordable Housing' dwellings will be affordable rental, all of which will be delivered by *Development Victoria* in the early stages of the project (see Parcel A shown below).

74. The allocation of these dwellings is said to be as follows:

- (a) 120 dwellings as *Social Housing*. These dwellings will be under the control of the Director of Housing, and provided in perpetuity for Victorians on the Victorian Housing Register; and
- (b) 60 dwellings as *Affordable Housing* (rental). Delivered through Development Victoria's Affordable Build to Rent (ABTR) pilot. The DP says the Affordability of these rental dwellings is committed for a period of 10 years, at which point a financial review will determine future use and possible divestment strategy.

75. The remaining 25% Affordable Housing dwellings is said will be delivered by the market, prior to the final planning permit, and it is expected that these housing types will include a range of affordable rental and purchase products (to be delivered in Parcel B and C).

76. *Development Victoria* say that they are confident that the delivery of the ABTR pilot will offer significant public benefit to the communities of the City of Yarra and the State.



77. *Development Victoria* further say that, successful delivery of the ABTR pilot will validate the use of the 'Build to Rent' asset class with an inclusion of 30% of contained dwellings as affordable rental. The 'Development Victoria Board' is said to be committed to supporting the ABTR pilot for an operating period of 10 years, which it says, would guarantee:
- (a) long term supply of 60 Affordable Housing (rental) outcomes available to Affordable Income households;
  - (b) delivery of targeted financial outcomes;
  - (c) scheduled reporting and validation of the Affordable Housing outcomes to the Responsible Authority; and
  - (d) investment in a wider market acceptance of our model (BTR including 30% affordable dwellings).
78. *Development Victoria* say that the 'divestment strategy' for the Affordable Build to Rent (ABTR) pilot will be resolved by *Development Victoria* on or near the tenth operating year, with the final recommendation agreed by the Board.
79. *Development Victoria* says that resolution of the divestment strategy will ensure consideration will be given to financial performance, ongoing viability of Affordable Housing outcomes, future investment, and market forces.

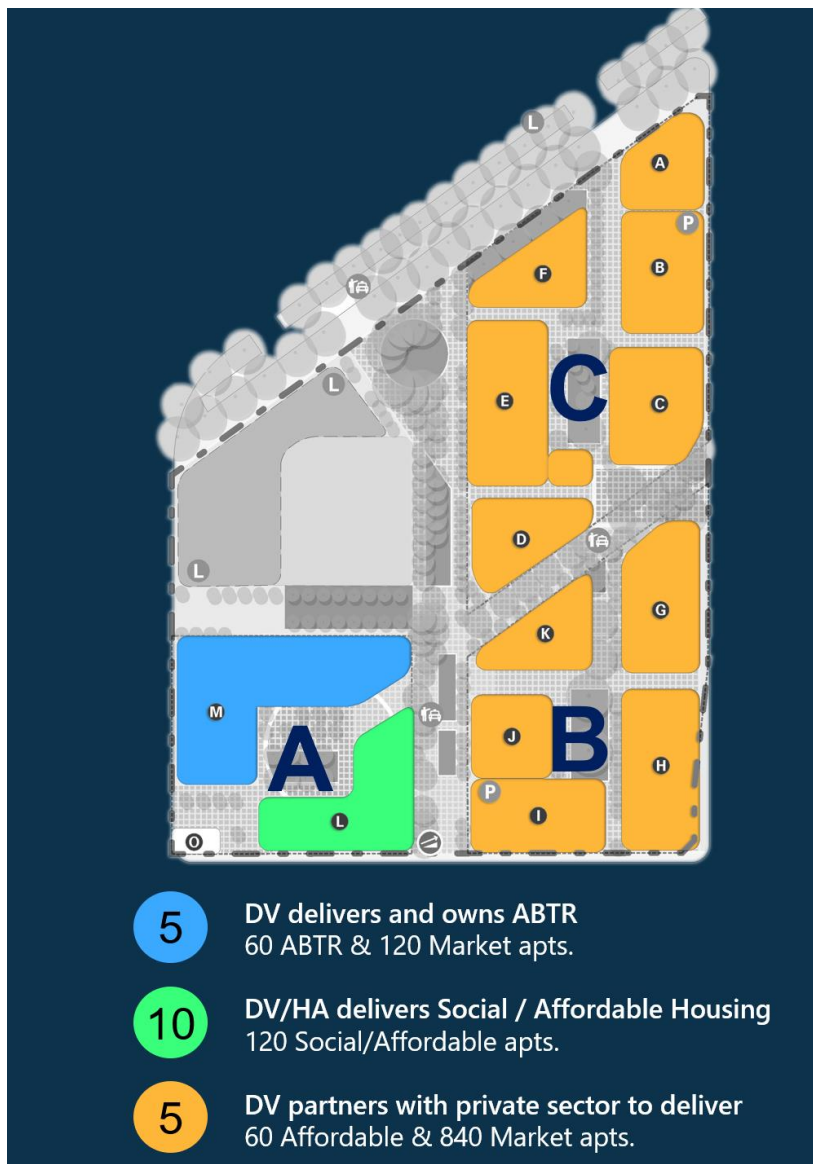


Figure 13 Proposal from Development Victoria on the spread of affordable housing across the site.

Officer comment

80. Section 7.1 of the Development Plan reads as an aspirational statement rather than a solid commitment to the 20% of dwellings as affordable Housing. This should be strengthened to say:

*Section 7.1 – first line - The Affordable Housing Strategy for this site will deliver targets delivery of 20% of dwellings as Affordable Housing. The strategy comprises two primary delivery models.*

81. Section 7.1 of the Development Plan also states that the 'social housing' component of the development is subject to Victorian State Government funding. This should be removed to ensure the longevity of social and affordable housing on the site, and a requirement be added that:

*before granting any permit in accordance with an approved Development Plan, the owner/s of the land must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987.*

82. Section 7.2.7 of the Development Plan states that dwellings will be of 'high design quality'. This should be strengthened to say:

*Section 7.2.7 – first line - Affordable Housing dwellings will be of high design quality (accessible, access to adequate daylight and private open space, and energy efficient' as a minimum) and tenure-blind, and integrated within the site either:*

83. Section 7.2.7 of the Development Plan should be strengthened to include a new clause:

*(a) Section 7.2.7 New clause - Provision of either adaptable or fully accessible wheelchair housing in accordance with Australian Standards (AS) representing 5% of the total number of apartment dwellings to be developed (including within the affordable housing component) to the satisfaction of the Responsible Authority.*

84. *Development Victoria* has indicated that they will retain ownership of the ABTR apartments in Parcel A for the first 10 years, after which time it is unclear as to the ownership, management and retention of the dwellings as ABTR.

85. It is recommended that Section 7.2.3 'Longevity of Benefit' state that for Market Affordable Housing, a binding Development Agreement will require the selected developers to deliver a minimum proportion of Affordable Housing on their site in a form that is consistent with the Planning and Environment Act 1987, and that satisfies the Responsible Authority.

86. Section 7.2.3 of the Development Plan should be changed to ensure the binding Development Agreement addresses and provides assurances that the ABTR dwellings will be provided in perpetuity for the exclusive use of eligible households earning within the Victorian Government-defined income bands, updated annually by the Governor in Council Order. In this regard Section 7.2.3 second paragraph should be changed to read as follows:

*For Market Affordable Housing a binding Development Agreement will require the selected developers to deliver a minimum proportion of Affordable Housing, in perpetuity for the exclusive use of eligible households earning within the Victorian Government-defined income bands, updated annually by the Governor in Council Order, on their site in a form that is consistent with the Planning and Environment Act 1987, and that satisfies the Responsible Authority.*

87. It is said that to ensure the longevity of social and affordable housing on the site, before granting any permit in accordance with an approved Development Plan, the owner/s of the land must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987. This should be strengthened to include a new clause:

Section 7.2.3 new section - before granting any permit in accordance with an approved development plan, the owner/s of the land must enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987 which must provide, to the satisfaction of the responsible authority that the owners will:

- (i) Provide within Parcel A, a minimum of 5% of the total number of dwellings in the development for the purpose of social housing, developed in association with the Department of Families, Fairness and Housing and a minimum of 10% of the total number of dwellings in the development for the purpose of affordable housing, developed in association with an accredited housing association; and
- (ii) Provide within Parcels B & C a minimum of 5% of the total number of dwellings in the development for the purpose of affordable housing developed in association with an accredited housing association.

88. In addition to the Development Plan changes, it is important that Council continues to advocate to the State Government to secure 'Victorian Big Housing Build' (VBHB) funding to deliver the first stage of the affordable housing (15% of the total) within Development Victoria's nominated time frame of conclusion at the end of 2024.

### **Movement**

#### **The Development Plan Overlay Schedule 16 (DPO16)**

89. The DPO16 requirement in relation to Movement is:

- (a) create pedestrian and bicycle access into and through the precinct to support its development and integrate activity in the area with surrounding neighbourhoods;
- (b) design effective traffic management and car parking to service the whole site;
- (c) Innovative approaches to car parking provision will be considered;
- (d) provide for safe and convenient pedestrian, cyclist and vehicular access;
- (e) minimise vehicle entries to reduce impact on footpaths;
- (f) provide a new tram stop on Smith Street which is compliant with the requirements of the Disability Discrimination Act 1992 (DDA);
- (g) provide two bicycle spaces per dwelling; and
- (h) design vehicle access and egress to and from the site to avoid tram delays along Smith Street.

#### **The Development Plan**

90. The Development Plan highlights that careful consideration will be given to the design of pedestrian, cycling and vehicular connections throughout the site to create safe and convenient access, support development and integrate activity between the site and surrounding neighbourhood.

91. It is said that the site will make the most of its location close to major bicycle paths on Queens Parade, Napier Street and Wellington Road, and the high provision of bicycle parking on the site to make cycling a preferred transport method for residents within the precinct.

92. Two bicycle parking spaces are provided per dwelling.

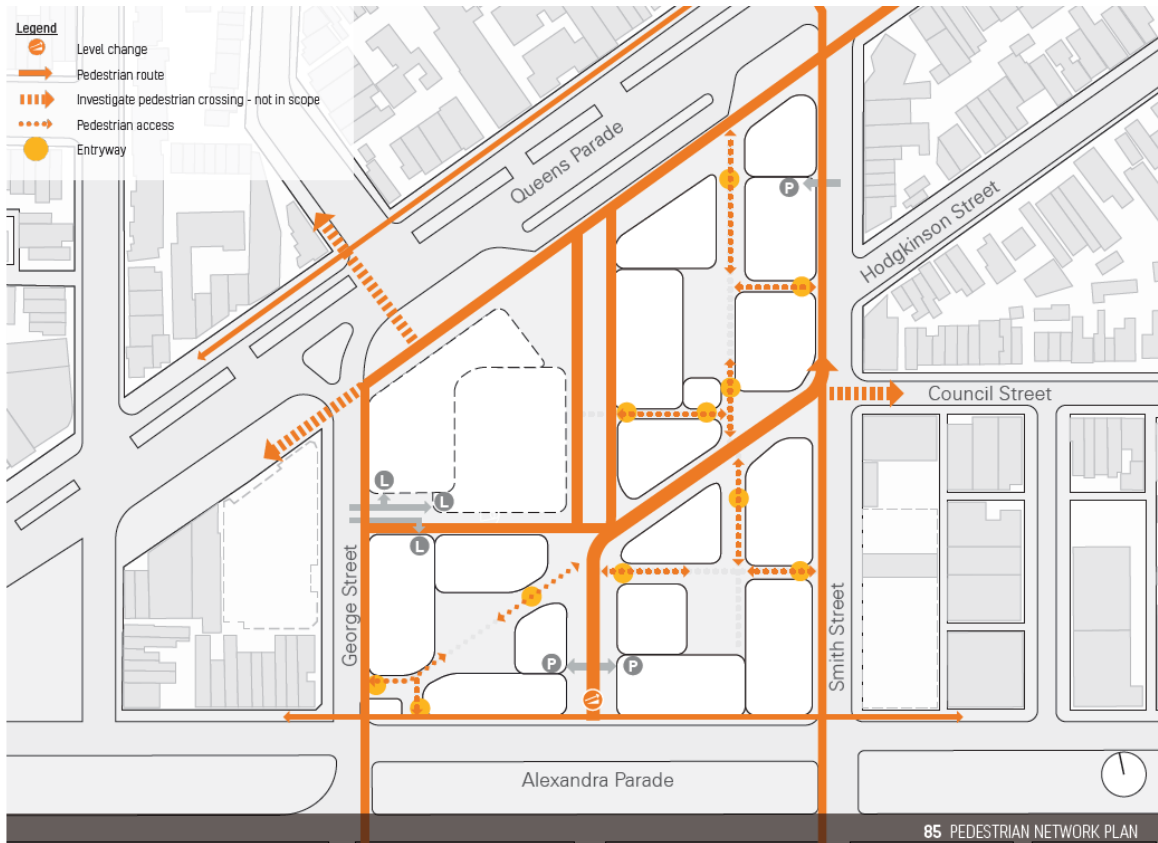


Figure 14 – Pedestrian Network Plan (extract from diagram 856 on pg. 67 of the DP)

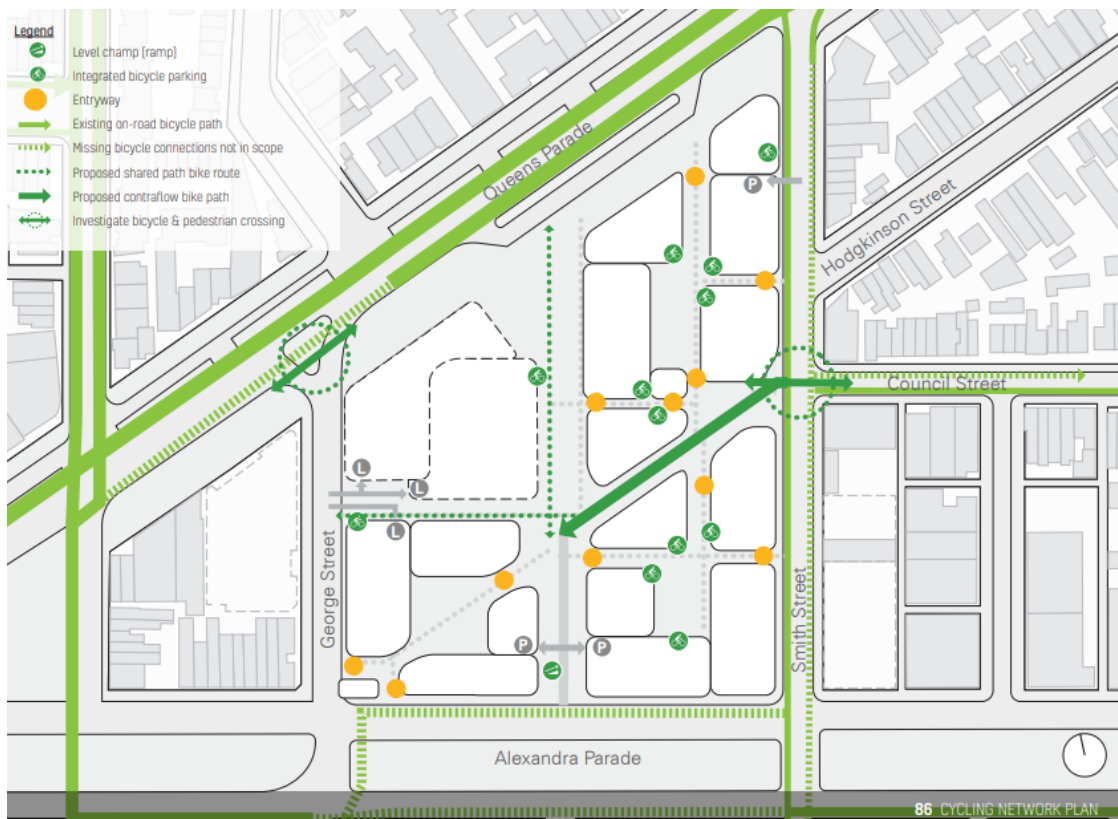


Figure 14 - Cycling network plan (extract from diagram 86 on pg. 68 of the DP)

93. The Development Plan states that the site is served by the 'Route 86' Bundoora RMIT - Waterfront Docklands tram along Smith Street and while development will be designed to support a planned new tram stop located on Smith Street, the planned tram stop works fall outside of the scope of this Development Plan.
94. Underground car park entrances have been limited to three across the site, with pick-up and drop-off along 'Village Street' and one-way access along 'Village Street', thereby it is said to reduce impacts on pedestrian footpaths and avoiding delays to Smith Street trams. There will be approximately 790 car spaces provided.
95. Waste collection, loading and utility access is said to be preferred to occur in basements and is subject to further design detail and assessment at the time of lodgement of individual planning applications or alternatively, secure refuse locations can be provided at ground floor within private developments.
96. Service access for the school and future sports will be provided via a two-way lane immediately south of the school. Restricted access will be provided on paved paths that are engineered to take the weight of vehicles in the 'Gore Street easement', controlled via bollards. This will allow intermittent access for loading, maintenance, setting up events and emergency access and provides effective management of traffic and parking across the whole site.

Officer comment

**Pedestrian and Bicycle access**

97. Prioritising pedestrian and bicycle access to the precinct can only be achieved with the provision of infrastructure to support safe access and movement.
98. Based on the information provided within the Development Plan, there is significant doubt whether safe pedestrian and cyclist access and amenity can be achieved from the current proposals put forward. This includes:
  - (a) there is no cycling infrastructure provided for the southern end of the site, despite the 'Integrated Transport Plan' included in the Development Plan, noting that most travel will be towards the CBD (see below plan);
  - (b) there appears to be no continuous cyclist connection along the full length of 'Village Street'. The current arrangement of stopping the contra-flow bicycle lane abruptly is considered unsafe and a poor access outcome;
  - (c) access through laneways and access ways may be restricted to certain hours;
  - (d) there is limited recognition of the space requirements for streetscape infrastructure required for a street (drainage, street trees, street lighting, kerbs/channels etc). This is often overlooked when setting boundaries and results in compromised access for people movement;
  - (e) footpath widths appear to be narrow (within the proposed road reserves, the footpaths would be some of the narrowest in Yarra) – whilst additional space may be provided privately, this may be encumbered by activity uses and underground basements;
  - (f) there has been no assessment to determine whether the widths of footpaths and cycle facilities are sufficient to cater likely demand and whether there is adequate space to provide this publicly within the road reserve;
  - (g) there is no information on how possible pedestrian and cyclist conflicts can be managed within the space available within the road reserve, and
  - (h) there is a need for a shared path that provides safe pedestrian and cyclist connections to the northern area of the site
99. The Development Plan requirement is to promote urban legibility and high quality public access throughout the site and to do this there needs to be:

- (a) safe, continuous and unobstructed infrastructure for pedestrians and cyclists within the site along 'Village Street';
  - (b) safe, continuous and unobstructed infrastructure for pedestrians and cyclists along the site boundaries;
  - (c) safe crossing facilities on boundary roads, and
  - (d) universally accessible public transport infrastructure including tram stops on Smith Street and bus access on Queens Parade.
100. The new signals at the Queens Parade / George Street intersection provide the potential for a possible safe route between Napier Street and the northwest side of the site via the Queens Parade service road to the west of the site. However, there is no current safe or legal cycle facility along Queens Parade connecting Napier Street and the site. The Development Plan also considers this to be outside of scope even though the new infrastructure is currently encouraging / facilitating this movement.
101. This route is considered to only be an option for a limited area of the site. The most direct route to low traffic and safe bicycle streets the south of Alexandra Parade will be via Queens Parade and George Street signalised intersection.
102. The new school building has been constructed to the boundary of the site on George Street. There has been limited consideration of the impact of doing this and the required infrastructure requirements for a street (i.e. street lighting). This is considered unsafe and not accessible for many pedestrians in this hostile high vehicle environment and is inconsistent with the requirements of the *Transport Integration Act*. It is critically important that this is avoided for the remaining site boundaries.
103. The missing cyclist link on Alexandra Parade is not within scope.
104. The Development Plan is indicating that the buildings will be constructed up to the boundary of the existing footpath on Alexandra Parade and there will be a requirement to install a deceleration lane on Alexandra Parade to cater for site vehicle access. This will further reduce the existing footpath width on Alexandra Parade.
105. There has been no consideration of infrastructure requirements such as street lighting which, will further reduce pedestrian and cyclist accessibility.
106. The existing footpath on Alexandra Parade is insufficient for safe access for both pedestrians and cyclists. Given the importance of this route, pedestrians and cyclists should be separated into a footpath and bi-directional bicycle path. It is important that this facility is an unobstructed space and any required set back into the site is provided in line with current standards and best practice.
107. The current signalised crossing at Smith Street and Queens Parade is substandard for pedestrians and provides no crossing for cyclists. A commitment to upgrade this crossing to provide safe pedestrian and cyclist access to the site along the priority cycle corridor is required.
108. A commitment to safe pedestrian and cyclist crossing on Smith Street is also required at or near the location of the proposed tram stops. This is required for tram stop access, safe access to Wellington Street bicycle corridor and provide a safe linkage between the school campuses – noting that this development will increase significantly traffic on Smith Street and the surrounding streets.
109. The indicative cross sections for 'Village Street' indicate that narrow footpaths are provided within the road reserve.
110. It appears that additional space may be provided within private titles that may be publicly accessible, however, the cross sections indicate that basement car parks will be located directly underneath this extended space.

111. In practice, the provision of basements at these locations restrict what can delivered above ground, meaning that infrastructure (street lighting, drainage, strata cells), loading and vegetation is pushed into the public areas which in turn reduces space for people movement.
112. The required space for people movement and streetscapes should not be restricted by privatised space below ground. The required space for people movement and streetscapes needs to be determined by demand for movement and activity above ground.

### **Public Transport**

113. The Bus stop on Queens Parade and the tram stop on Smith Street are key transport interchanges for the site and will be critical to achieving safe access and reduced need for travel by car. Having a statement in the Development Plan saying they are outside the scope is inadequate.
  114. The Development Plan should include requirement for an accessible bus stop upgrade on the Queens Parade service road and given the development of this size, and further a review of the bus services to increase the use of public transport to the site.
  115. There is limited detail provided outside of indicative cross sections and examples of accessible tram stops. The success of accessible tram stops has been varied usually because of inadequate space provided for pedestrians and cyclists at existing stops resulting in poor access and safety outcomes.
  116. This will likely be the case at Smith Street particularly as space requirements within the existing road reserve are constrained and don't consider the range of infrastructure required to deliver the infrastructure for trams, vehicles, vulnerable road users and streetscapes. There is likely to be congested footpaths, conflicting movements and there is no commitment to safe crossings, noting that existing conditions for pedestrians and cyclists are currently more limited than described in the 'Integrated Transport Plan' and will not safely cater for increased demand generated by the site.
  117. Further, it is noted that in regards to the Smith Street Tram, Council at its meeting 21 August 2021, resolved to wrote to the relevant Ministers ( attached as Attachments 4,5,6 and 7) stating that:
    - (a) *[there should be] the provision of a single central island tram stop on Smith St (as previously resolved by Council on 17 July 2018 (a "super tram stop");*
    - (b) *that the tram tracks in Smith Street should be the realigned to the west (through a reallocation of the Smith Street road space), in order to facilitate this centre island tram stop, and to also facilitate the provision of a wider footpath on the east side of Smith St; and*
    - (c) *that from the new street frontage in Smith St (due to (b) above), the setback of buildings on the eastern side of the former gas and fuel site be setback a minimum of 2.0 m to facilitate an improved pedestrian interface to Smith Street.*
  118. It is noted that the current setback for the site along Smith Street is 3 metres for the entire length.
  119. The Development Plan needs to determine the required width of the Smith Street road reserve for the safe movement of all transport modes, the required supporting infrastructure and include the required set back(s) within the site – or alternatively, make allowances for updates to boundaries as subsequent stages when concept and detailed design is being developed.
  120. The Development Plan needs to include the requirement for signalised crossings for pedestrians and cyclists to be incorporated within the new tram stops, noting that the location proposed within the Development Plan also has been identified as the key cyclist connection between local schools using the new school facility.
  121. The Development Plan needs to recognise that the design of the street should be carried out to the satisfaction of the Responsible Road Authority.
-

122. These changes need to be made in section 8.3.2 and at all locations within the Development Plan where there is reference to streetscape, movement and interfaces with current and proposed uses on Smith Street.

### **Private Vehicle parking and access**

123. The general concept of shared zones or shared streets is supported in principle. There will be a need to provide traffic calming and a streetscape environment to achieve this vision. This will need to be done to the satisfaction of the 'Responsible Road Authority'.
124. Restricting on-street parking within the development to disabled parking and short-term loading is supported in principle.
125. The requirements of loading vehicles need to be considered as part of the required road reserve widths for Village Street. Based on the limited information available at this stage, there is concern that loading vehicles could block safe pedestrian, cyclist and vehicle access through the site based on current widths of the road reserve.
126. The introduction of tram stops on Smith Street, bus stop and shared path improvements on Queens Parade and deceleration lane and required pedestrian/cyclists upgrades on Alexandra Parade would most probably result in the removal of large numbers of existing on-street parking on roads around the site.
127. It is important that none of the proposed future uses relies on existing on-street parking for its parking demand and that any parking needs of the development are catered for off-street within the development.
128. There needs to be a coordinated site-wide approach to the provision of parking to ensure that there is no parking overspill into neighbouring residential areas or activity centres.
129. Street infrastructure such as trees, high quality lighting and other streetscape enhancements are essential to the safe movement of people, amenity and street activation. The space requirements to incorporate this infrastructure within available road reserves is often not considered in enough detail during the Development Plan stage. In practice, this means that this infrastructure is compromised by location of buildings, underground basements and underground services. This results in streetlights within pedestrian or cycling movement space, insufficient space to provide supporting infrastructure such as strata cells to achieve adequate tree growth etc.
130. In this regard, Section 8.4 of the Development Plan needs to change to address:
- (a) *the required width of the internal road reserves for the safe movement of all transport modes, the required supporting infrastructure and include the required set back(s) within the site – or alternatively make allowances for updates to boundaries as subsequent stages when concept and detailed design is being developed;*
  - (b) *recognise that the design of the internal streets should be done to the satisfaction of the Responsible Road Authority; and*
  - (c) *include requirement for a site-wide parking management plan.*

### **Environmentally Sustainable Design**

#### **The Development Plan Overlay Schedule 16 (DPO16)**

131. The DPO16 requirement is that the development will  
*"Incorporate sustainable design features to address water management, solar access and innovative energy saving initiatives".*

#### **The Development Plan**

132. The Development Plan has outlined a suite of sustainable design features that are proposed to address energy conservation, water conservation, water sensitive urban design, waste management, and demolition and construction practices.



133. In addition the building layout has been generally designed to allow sunlight access to open spaces, which are generally laid out in a north-south orientation.

Officer comment

134. Section 1.3.7 in the Overview of the Development Plan provides an overview of the sustainable design and commitment to the 6 Star Green Star Communities rating. This section can be made clearer by inserting more detail on how it will be achieved. Section 1.3.7 should be changed to delete the last line and add the following three sentences, as follows:

~~*These features will allow for any future development to achieve a fully certified 6 Star Green Star Communities rating."*~~

*Green Star Communities 6 Star rating has been achieved for the masterplan. Development Victoria will now manage delivery of commitments made through to recertification at 5 years, including any pass-through obligation to development partners via development agreements.*

*The whole site will achieve a fully certified 6 Star Green Communities Rating. Development Victoria will manage implementation of Green Star Communities rating commitments across the precinct.*

*Buildings delivered by Development Victoria will achieve a minimum 5 Star Green Star Buildings certified rating. Green Star will not be mandated as a rating tool for private developments, however certification to a 5 Star Green Star equivalent will be required, with the selection of final rating tools to be adopted for each building to be locked into development agreements.*

135. Section 9.1.1 of the Development Plan has a range of dot points that can be strengthened to improve clarity of what is being proposed. The changes are as follows:

- (a) *Installation of solar photovoltaic (PV) arrays for energy generation via roof mounted systems to most buildings onsite. As part of the project's Green Star submission, the project is providing a modelled 30% of total energy use for the precinct to be from onsite solar generation. This will be from at least 850 kW of solar PV across the site. The specific arrangement for each building will be subject to refinement during detailed design. Implementation strategy for solar PV to private development parcels to be proposed by development partners, and evaluated by Development Victoria during competitive process prior to being locked into development agreements which Development Victoria will then manage;*
- (b) *Non-residential Buildings to exceed the minimum standards set in the NCC 2019 for insulation and glazing. A specific % improvement has not yet been agreed due to the limited industry application of the 2019 requirements on the type of retail and commercial tenancies likely to be built on this site. Hence the site has, at least initially, opted for the high amount of renewable energy from solar PV (as outlined above) as this commitment can be well understood;*
- (c) *Apartment buildings to be provided with openable windows ~~where technically possible, particularly for~~ to all habitable spaces e.g. bedroom and living rooms of apartments. This allows occupants to utilise natural ventilation to cool passively when conditions are suitable, reducing reliance on HVAC energy use. Office and other non-residential spaces will also have effective natural ventilation via operation windows; and*
- (d) *Development Victoria will achieve zero carbon operations for buildings delivered by Development Victoria, consistent with corporate strategy. Development Victoria will leverage the competitive market engagement process to also deliver zero carbon operations for private developments and will lock commitments into development agreements.*

136. Section 9.1.2 of the Development Plan on water conservation should be strengthened to remove the vague statements "where technically possible". It should read as follows:

*Rainwater tank(s) are to be mandated for each apartment building to harvest rainwater for onsite non-potable water use e.g. toilet flushing and irrigation ~~where technically possible~~. This will not only reduce potable water use but also reduce and attenuate the stormwater flows from roof areas to the local stormwater system. The specific sizing of rainwater tanks is beyond the scope of this master planning stage.*

*Native and drought tolerant plants (e.g. xeriscaping) to be introduced ~~where technically possible~~ for the planter boxes and landscaped areas on-site.*

137. WSUD infrastructure required to achieve the development's sustainability requirements should not be positioned within the public areas. The proposed sustainability measures should be located within private property boundaries and managed and maintained by the relevant property owners i.e. through Owner's Committee agreements.
138. The storm water management plan and legal points of discharge are to be approved by the responsible authority as part of the planning permit process and prior to any beginning on site. All stormwater design (pipe network and any overland flow) need to be consistent with Melbourne Water design and modelling requirements.
139. Section 9.1.4 of the Development Plan on waste management conservation should be strengthened to include glass recycling and provision of appropriate recycling points in common areas of buildings – it should read as follows:
- (a) *The project will be including the following operational waste initiatives in addition to standard landfill waste collection:*
    - (i) *Public place recycling scheme;*
    - (ii) *A residential recycling scheme;*
    - (iii) *Residential composting or Green Waste scheme, which is likely to take the form of a FOGO (Food Organics and Garden Organics) system;*
    - (iv) *Glass recycling; and*
    - (v) *All waste disposal points within the common areas of buildings are to include both recycling and general waste, FOGO and glass recycling.*
140. Section 9.1.6 of the Development Plan on landscape should be strengthened to remove the vague statements and exclusions.
- (a) *Provision of habitat, green spaces and climate control will be ~~considered~~ delivered throughout the development as appropriate. Strategies to achieve this are:*
  - (b) *Mitigating urban heat island effect through providing green space in public areas, plus rooftops of buildings to comprise one or more of the following (~~excluding services areas and where not practical~~). The preferred option, or mix of options, will include one or more of the following:*
141. Section 9.1.7 of the Development Plan on transport should be strengthened on the provision of bicycle parking and the inclusion of electric vehicle capacity into buildings as follows:
- The proposed development ~~intends to~~ will provide two bicycle parking spaces per residential unit which exceeds the minimum requirement and is a generous provision within the residential developments.*
- Electric Vehicle (EV) electrical capacity will be included as part of electrical headworks to each lot. Development Victoria will leverage the competitive market engagement process to seek EV, car share and other sustainable transport proposals from development partners to be locked into development agreements.*
142. Section 9.1.8 of the Development Plan on innovation should be strengthened on the commitment to the 6 star communities by insertion of an additional dot point as follows:
-

*Development Victoria is committed to sustainability outcomes as a core policy object and has already achieved the first certified 6 star Communities rated precinct in Yarra. Development Victoria will leverage the competitive market engagement process to seek sustainability innovation proposals, and evaluation of these proposals will be assessed and weighted as part of evaluation.*

### Options

143. The Council has the following options:

- (a) Option 1 – provide comments to the Department of Environment, Land, Water and Planning on what points Council seeks to make regarding the Development Plan; and
- (b) Option 2 – not provide comments to the Department of Environment, Land, Water and Planning.

### Community and stakeholder engagement

- 144. *Development Victoria* has undertaken various community engagement processes since 2016.
- 145. *Development Victoria* established a 'Community Reference Group' which continues to meet to provide community feedback on proposals.
- 146. The draft 'Development Plan' was released for community consultation on the 10 November and closed on the 8 December 2021.
- 147. *Development Victoria* has finalised the 'Development Plan' on 14 February 2022 and submitted it to DELWP for assessment and the Minister for Planning to assess.
- 148. The Minister for Planning is the 'Responsible Authority' for this site.
- 149. Council has informally been provided a copy of the 'Development Plan' by DELWP on 14 February, 2022.

### Policy analysis

#### Alignment to Community Vision and Council Plan

- 150. Due to the scale and components of the site redevelopment there are many Council strategies and policies that are relevant to the development.
- 151. The Council Plan supports advocacy for a six court indoor sports stadium on this site and the earlier Urban Design Framework for the site supports the redevelopment of the site and the provision of a six court indoor stadium.

#### Climate emergency and sustainability implications

- 152. The overall site has been contaminated and is now close to being fully decontaminated.
- 153. Redevelopment of the site should conform to best practice in terms of building sustainability and sustainable transport.
- 154. The planning controls implemented for the site require the inclusion of sustainability principles in the preparation of the 'Development Plan'.
- 155. The Development Plan has outlined a suite of sustainable design features that are proposed to address energy conservation, water conservation, water sensitive urban design, waste management, and demolition and construction practices.

#### Community and social implications

- 156. Redevelopment of the site will result in additional demand on Council's services.
- 157. The redevelopment of the site will include a 20% affordable housing component and 8 % open space provision.

### Economic development implications

158. The redevelopment of the overall site will create a number of employment opportunities during construction with different employment opportunities arising once the development is completed.

### Human rights and gender equality implications

159. There are no known human rights or gender equality implications.

## Operational analysis

### Financial and resource impacts

160. Council is being asked to be responsible to manage and maintain public realm under council management which will have ongoing operational costs. This requires some further specific consideration.
161. Council will be offered to operate the indoor stadium and associated spaces which will have operational costs and income sources.
162. Planning applications that are ultimately lodged with the Department of Environment, Land, Water and Planning will possibly be referred to Council for comment – this will require statutory planning officer time.
163. The civil engineering aspects regarding public roads and any public realm areas that Council are being asked to manage into the future will require considerable officer time to assess and manage.

### Legal Implications

164. *Development Victoria* has indicated that a 'Memorandum of Understanding' for the continued development of the site may be required which will require legal involvement.

## Conclusion

165. The Development Plan does not need all the final detailing of the development as that will come when planning permits are applied for. Rather the Development Plan must be at a 'higher level'; in order to set the broad directions but leave the detailing to later.
166. *Development Victoria* have concluded the community consultation on the 'Development Plan' for the site and has finalised the 'Development Plan' for the site and submitted it to DELWP for assessment and approval by the Minister for Planning.
167. DELWP has forwarded the Development Plan to Council for comment prior to the Minister for Planning authorising it.
168. There are a number of amendments suggested to the Development Plan as outlined in report and summarised in Attachment 8 that should be forwarded to DELWP for consideration as part of the assessment of the Development Plan for this site.
169. It is also recommended that the Mayor write to the Minister for Planning advising of the concerns regarding the provisions of the Development Plan as it is currently provided, and further that Council also advocate to the Treasurer and the Minister for Housing to seek to secure Victorian Big Housing Build (VBHB) funding to deliver the affordable housing.

## RECOMMENDATION

1. That Council:
  - (a) notes the officer report in relation to the site known as 433 Smith Street, North Fitzroy, commonly referred to as the former 'Gasworks site';
  - (b) notes that a 'Development Plan Overlay' exists in the *Yarra Planning Scheme* for this site requiring the approval of a 'Development Plan';
  - (c) note that the Minister for Planning is the Responsible Authority for this site under the Yarra Planning Scheme provisions and has the authority to approve the required 'Development Plan' for the site;
  - (d) note that *Development Victoria* has prepared and lodged the attached 'Development Plan' in relation to this site to the Department of Environment, Land, Water and Planning on 14 February, 2022 for assessment and endorsement by the Minister for Planning; and
  - (e) note that the Department of Environment, Land, Water and Planning on 14 February, 2022 has provided a copy of the lodged 'Development Plan' to Council for comment prior to the Minister for Planning making a determination to approve the 'Development Plan'.
2. That Council further notes:
  - (a) that Development Victoria has held consultations with the local community over a number of years including a Community Reference Group and a reporting of those consultation results;
  - (b) that it has previously received update reports from Council officers at various times in relation to certain aspects of this site (such as the stadium), and that officers have been engaged with Development Victoria over this period holding dialogue on various elements;
  - (c) that Council officers have over this period expressed concerns to Development Victoria with some of the concepts being developed up for the purpose of the Development Plan; in particular the open space provision in both dimensions and suitability for a redevelopment site producing a vast number of dwellings, and the various setbacks and interfaces of buildings from existing roads surrounding the site, and in the proposed internal street network; and
  - (d) that the Mayor, on behalf of Council resolutions from August 2021, has formally written to various Ministers regarding specific matters regarding the interfaces with abutting roads including the Smith Street interface with the tram stop, the need for a DDA tram stop in Smith Street, undergrounding of overhead services on abutting streets and other pedestrian and bicycle matters as outlined in the Attachments 4,5,6 and 7.
3. That Council note the officer commentary in the report providing comparisons of the lodged 'Development Plan' against the provisions of the 'Development Plan Overlay' in the Yarra Planning Scheme.
4. That Council note the sections in the officer comments of the report, under the various key themes of the lodged 'Development Plan', which have been assembled through discussions with officers of relevant disciplines within Council.
5. That Council note that the key issues identified by officers are related to the following matters:
  - (a) Land Use and Open Space:
    - (i) the quality and proposed layout of the public open space for the site in both dimensions and suitability for a redevelopment site producing a vast number of dwellings is not considered adequate;

- (ii) the provision of the indoor sports facility is a key component of the site and dedicated off street carparking to the facility has not been clearly identified as yet;
    - (iii) the undergrounding of services in the adjacent streets to the site has been ignored in the Development Plan;
  - (b) Built Form:
    - (i) the indicative heights and setbacks of buildings in the Development Plan differ to the approved DPO16 requirements in George Street and Smith Street, and
    - (ii) concerns of the height and setback of buildings along the George Street frontage and the poor pedestrian interface in that location.
  - (c) Affordable Housing:
    - (i) the *Affordable Build to Rent* (ABTR) part of the affordable housing offer is under Development Victoria management for the first 10 years, after which time it is unclear as to the ownership, management and retention of the dwellings as affordable housing;
    - (ii) the State Government funding commitment to the deliver the social housing has not been fully committed.
  - (d) Movement:
    - (i) there are a number of improvements to the pedestrian and cycling provision across the site, and in adjacent streets, that should be committed to in the Development Plan to ensure a safe and accessible infrastructure is catered for and provided;
    - (ii) public transport infrastructure adjacent to the site is said to be 'out of scope' of the Development Plan, but should be considered in the design of the development to ensure a good design outcome (e.g. Smith Street Tram stop design and functionality);
    - (iii) the internal road network functional design has not been developed sufficiently at this stage to ensure that the proposed functions can adequately be provided in the width of streets identified;
  - (e) Environment Sustainable Development:
    - (i) there are a number of improvements that should occur to the Development Plan to remove ambiguous or vague language that would improve the sustainability outcomes.
6. That Council resolve to write to the Department Environment, Land, Water and Planning advising of the expressed Council concerns and the requested changes as outlined in the table in Attachment 8, and also provide a copy to Development Victoria.
  7. That the Mayor write to the Minister for Planning advising of the following particular concerns regarding the provisions of the Development Plan as outlined in this recommendation.
  8. That Council advocate to the Treasurer and the Minister for Housing to seek to secure Victorian Big Housing Build (VBHB) funding to deliver the affordable housing for the development.

## Attachments

- 1 Fitzroy Gasworks Development Plan – 433 Smith Street, North Fitzroy.
- 2 Development Plan Overlay Schedule 16 for 433 Smith Street, North Fitzroy
- 3 Indicative program for the redevelopment provided by Development Victoria on 14 February 2022
- 4 Letter to the Minister for Planning from City of Yarra - 10 Sept. 2021
- 5 Letter to the Minister for Transport Infrastructure from City of Yarra - 10 Sept. 2021
- 6 Letter to the Minister for Roads and Road Safety from the City of Yarra - 10 Sept. 2021
- 7 Letter to the Minister for Planning re Multi-purpose sports stadium from City of Yarra - 10 Sept. 2021
- 8 Officer recommended changes to the Development Plan

## 8.4 Local Liveable Streets

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<b>Reference</b>	D22/39503
<b>Author</b>	Hayley McNicol - Senior Urban Designer
<b>Authoriser</b>	Director Planning and Place Making

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### Purpose

1. To present the *Local Liveable Streets* document and recommend its adoption by Council.

### Critical analysis

#### History and background

2. The *Road Safety Study Policy* and the *Place Making Framework* were presented at a Council meeting on 5 October 2021.
3. At that Council meeting, the *Road Safety Study Policy* was adopted which focusses principally on addressing traffic safety issues on local streets. Council also decided to defer consideration of the *Place Making Framework* to another Council meeting pending the preparation of a document regarding 'Local Liveable Streets'.
4. The *Local Liveable Streets* document has been developed and is now provided for Council consideration alongside the *Place Making Framework*.
5. The *Local Liveable Streets* document outlines the various qualities and attributes of the different types of local streets in the municipality. It is also intended to enable community members to better understand the different roles, opportunities and constraints of local streets; and also provides a process how community members can seek to influence possible changes in local streets.
6. The *Place Making Framework* (see other agenda item) sets out a 'place making approach' for 'key spatial areas' of the municipality that need a specific, integrated and coordinated planning and delivery approach.
7. Importantly, it is noted that any proposed projects in streets need to be well designed and coordinated, and in this regard, it is highlighted that there are a suite of Council policies, standards and procedures that are also relevant to projects in streets. Those are, and would continue to be considered carefully in any projects.

#### Context - Local Liveable Streets preparation

8. It is useful to provide the basis of the work undertaken on the *Local Liveable Streets* document.
9. Council at the October 2021 meeting resolved that officers prepare:  
"a broader Framework for Local Liveable Streets which clearly articulates:
  - (i) Yarra's aspiration for local streets;
  - (ii) the elements which contribute to a sense of place in local streets;
  - (iii) the different functions that local streets perform;
  - (iv) the council strategies and plans which impact on local streets;
  - (v) how implementation of these strategies and plans in Yarra's local streets will be coordinated within the organisation;
  - (vi) how Yarra's residents and businesses can have a say about the future of their streets and can initiate positive change in their street; and



(vii) *how new developments can contribute to improving movement and place in local streets.”*

10. Following this resolution, the Urban Design team, in discussion with other relevant Council staff, has led the preparation of a *Local Liveable Streets* document, which responds to each point in the Council resolution.
11. A specific purpose of this document is to provide greater clarity for how improved outcomes can be achieved on local streets in Yarra.
12. It is a high-level document that sets the expectations for achieving coordinated and quality street environments in Yarra. It builds on, (rather than replaces), other Council policies and strategies that apply to local streets.
13. It sets out the ‘principles’ and provides examples of good design in local streets and also explains the various (and often competing) functions of local streets, which sometimes will influence what is possible.
14. This document also clarifies how the community can submit ideas and suggestions, and contribute to improved outcomes in their local street.
15. It is important to note that this document is focused on local streets - this excludes the arterial roads (including main roads, boulevards and major retail streets), which are generally covered by other strategic work, Department of Transport policies and have a range of other factors to consider. However, the ‘principles’ set out in this document are universal and are broadly relevant for all streets and public spaces in Yarra.

#### Discussion

16. The *Local Liveable Streets* document is structured under the following chapters:
  - (a) Introduction: sets out the purpose of the document and clarifies what are local streets;
  - (b) What are Local Liveable Streets?: explains the various functions and responsibilities of local streets, as well as a definition of ‘Local Liveable Streets’;
  - (c) Relevant policies and strategies: provides a comprehensive list of the many Council adopted policies/strategies that impact local streets;
  - (d) Aspiration for local streets: builds on the Community Vision and sets out Council’s aim for local streets;
  - (e) Local street typologies: sets out the broad types of streets that exist in Yarra (which are based on the physical width of the street), and provides examples of these types of streets;
  - (f) Good design and sense of place: describes the elements that contribute to a sense of place, and provides examples of these. It also sets out principles and examples of good design and explains how the Council coordinates on projects in local streets;
  - (g) How private land and developments can contribute to improved local streets: sets out the various design outcomes and benefits that can be negotiated through development applications (informed by the Planning Scheme). It also explains how owners and occupiers can positively contribute to the street environment (e.g. well maintained front gardens, activation of building frontages); and
  - (h) How the community can influence and initiate changes in local streets: sets out the range of different initiatives that the community can explore for their street. It clarifies that some are covered by existing programmes and funding streams, while others do not have any dedicated funds and would require budget consideration.
17. Expanding on the last point, the *Local Liveable Streets* document provides information on the range of ways that the community may seek to initiate ideas in their street. This includes:
  - (a) community offerings (e.g. shared produce, street libraries);
  - (b) activation and events (e.g. community street event, artwork);

- (c) education and research (e.g. Citizen Science, education projects);
  - (d) food growing (e.g. planter boxes, temporary laneway gardens);
  - (e) minor parking changes (e.g. new accessible bay, changes to parking restrictions);
  - (f) minor changes and upgrades (e.g. new tree, seat, maintenance of Council assets);
  - (g) medium scale changes in the street (e.g. kerb outstand, garden beds in the road space, median tree planting); and
  - (h) larger scale changes in the street (e.g. new pocket park in the road space, new crossing, whole street redesign).
18. This section of the *Local Liveable Streets* document provides direct links to how the community can find out more, or contact officers in relation to each of the above initiatives. From the list above:
- (a) items (a) to (f) above are (in most cases) potentially covered by existing budgets and programmes, or can be covered by 'business as usual' activities;
  - (b) medium scale changes (item (g) above) would normally not be covered by existing budgets and programmes, and so Appendix A of the *Local Liveable Streets* document provides a broad flowchart for how these types of ideas could be considered by officers; and
  - (c) larger scale changes (item (h) above) relate to major works that would require significant budget, resources, and design/feasibility work and would ordinarily take a few years (or more) to deliver. Community members would be able to write to the relevant teams at Council about these ideas, however, they would need to be assessed against other strategic work, budgets and priorities.
19. The document outlines a process for how officers would consider proposals for medium and larger scale changes in the street (e.g. kerb outstands, new garden beds, median tree planting for instance). This is to provide transparency for the community on how their ideas would be assessed and timeframes that Council would work towards.
20. The *Local Liveable Streets* document would also be supported by a webpage to assist people in learning more about the processes for community led ideas. This would be updated and refined as required.
21. It is not proposed to set aside any dedicated funds to deliver medium or large scale proposals. These more ambitious changes to the street (e.g. reallocation of road space, road discontinuous) would require thorough investigation and also need to be considered as part of the Council budget processes and project priorities.
22. In this regard, this document aims to provide an incremental approach to achieving improved outcomes on local streets. The document is high level and sets the scene to allow for more detailed work to be carried out as possible projects are identified, and if considered feasible, then taken forward in the future.
23. At this stage Council does not have a policy in place to deal with planted nature strips and verges. Council may want to pursue this at a later stage, and once a policy is in place, this could be added to the above list. In the meantime, the *Local Liveable Streets* document does clarify under this section that prior permission is required for any planted verges/nature strips in front of properties. It also clarifies that 'planting out' of Council managed assets by the community (e.g. the area around trees or in Council maintained garden beds) is not permitted.

#### Options

24. Council has the following options:
- (a) it could endorse the document, with or without changes, or
  - (b) not pursue the matter further and leave it up to existing and future strategies, procedures and budget initiatives for any improvements to specific local streets.

## Community and stakeholder engagement

25. The following teams have been involved during the preparation of the document:
  - (a) City Works;
  - (b) Infrastructure, Traffic and Civil Engineering;
  - (c) Strategic Transport;
  - (d) Open Space Services;
  - (e) Urban Agriculture;
  - (f) Community Grants;
  - (g) Statutory Planning;
  - (h) Parking; and
  - (i) Communications.
26. The wording of the October 2021 Council resolution, and the required timescales, have defined the scope of work and the level of consultation.
27. This document is high level and provides a reference point for achieving good design in local streets.
28. Any detailed work that comes from the *Local Liveable Streets* document, or capital works in local streets, would utilise processes consistent with the Council's Community Engagement Policy.
29. The *Local Liveable Streets* document includes a section on how the community can have a say and seek to initiate improvements in their local street. This provides a useful one-stop shop of how the community can get involved and subscribe to Council's future consultations, and the range of different initiatives they can explore in their street.

## Policy analysis

### Alignment to Community Vision and Council Plan

30. The aspiration for *Local Liveable Streets* directly aligns with the Community Vision. This includes creating high quality places that people feel safe and comfortable in and enable people to make connections with their community and their local area.
31. The principles and practices of the *Local Liveable Streets* document align with the Council Plan 2021-25. This includes:
  - (a) promoting tree planting, greenery and improved water management in streets (Strategic Objective one: *Climate and Environment*);
  - (b) providing information on community led ideas for streets to enable people to contribute to and make connections with their community (Strategic Objective two: *Social equity and Health*);
  - (c) setting out principles for well designed, safe and welcoming streets that contribute to a sense of place (Strategic Objective four: *Place and Nature*);
  - (d) providing principles for well-designed streets to encourage sustainable transport and prioritise more vulnerable road users such as people walking, wheeling and cycling, people with a disability, children, and older people (Strategic Objective five: *Transport and Movement*); and
  - (e) providing information on community-led ideas and setting out a process for how Council would consider medium scale ideas in local streets (Strategic Objective six: *Democracy and Governance*).

### Climate emergency and sustainability implications

32. The *Local Liveable Streets* document promotes maximising opportunities for tree planting, greenery and improved water management, and improved amenity and safety to encourage people to travel by more sustainable modes of transport.

### Community and social implications

33. The document sets out how the community can contribute ideas regarding improved outcomes on local streets, and provides the 'principles' for good design and sense of place in local streets, to encourage people to spend time in and make connections with their community.

### Economic development implications

34. The document applies to local streets, some of which contain businesses and local shops.
35. The 'principles' set out in this document promote high amenity street environments. This will encourage people to spend more time in their neighbourhood and use their local shops and businesses, supporting the local economy.

### Human rights and gender equality implications

36. There are no known human rights implications from the report.
37. The document promotes safe, welcoming and inclusive local streets and places. These 'principles' also seek to make local streets feel safer for more vulnerable members of the community, by creating high quality and accessible environments that encourage more people to use them and result in more passive surveillance.
38. Any projects taken forward through the Council budget process, procurement, design and delivery phases, would consider accessibility, gender equality and child safety requirements.

## Operational analysis

### Financial and resource impacts

39. Any community led ideas for medium and larger scale projects would be considered under the annual capital works budget.
40. Depending on the size and costs of these ideas, they may compete with other important projects or budget bids that Council need to consider.

### Legal Implications

41. There are no identified legal implications from the report.

## Conclusion

42. The *Local Liveable Streets* document provides high-level principles and information to help achieve good outcomes in local streets.
43. The document provides a comprehensive section on how the community can initiate suggestions and contribute to improvements in their street.
44. It is recommended that Council adopt the *Local Liveable Streets* document to help guide and support future improvements and projects to local streets.

## RECOMMENDATION

1. That Council:
  - (a) note the officer report regarding the proposed *Local Liveable Streets* document;
  - (b) note the *Local Liveable Streets* document and its content as shown in Attachment 1;
  - (c) note that the *Local Liveable Streets* document is high level and allows for further work consistent with other Council strategies and policies to be undertaken as projects are identified and taken forward for more detailed design work;
  - (d) note that the *Local Liveable Streets* document sets out a range of possible community led ideas, some of which are covered by existing programmes and budgets, and
  - (e) note the process for assessing medium and larger scale ideas from the community, and that any of those eligible projects would need to run through the annual budget process for consideration and determination regarding budget allocation.
2. That Council adopt the attached *Local Liveable Streets* document as shown in Attachment 1, to help guide and support future improvements and projects to local streets.

## Attachments

- 1 Local Liveable Streets document

## 8.5 Place Making Framework

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<b>Reference</b>	D22/39520
<b>Author</b>	Susan Stanes - Senior Coordinator Design and Place Making
<b>Authoriser</b>	Director Planning and Place Making

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### Purpose

1. To provide an update on the *Place Making Framework* and to recommend its adoption by Council.

### Critical analysis

#### History and background

#### Key Associated Documents

2. The *Road Safety Study Policy* and the *Making Framework* were presented at a Council meeting on 5 October 2021 where the *Road Safety Study Policy* was adopted.
3. At the meeting on 5 October 2021, the endorsement of the *Place Making Framework* was deferred and a resolution adopted by Council that it be presented back to Council in conjunction with a *Local Liveable Streets* document.
4. The *Local Liveable Streets* document outlines how improved outcomes can be achieved on local streets in Yarra.
5. It is a high-level document that sets the expectations for achieving coordinated and quality street environments. It also clarifies how the community can initiate and submit ideas and suggestions, and contribute to possible improved outcomes in their local street.
6. The *Place Making Framework* sets out a place making approach for Yarra, and outlines the key spatial areas of the municipality that would benefit from specific, coordinated planning and delivery.

#### Context

7. Council is responsible for Yarra's public realm including its streets, parks and public spaces.
8. Many aspects of Council's work, across various teams, are involved with creating 'places' through various activities such as planning, designing, constructing, activating and maintaining the public realm as places for people to use and enjoy.
9. In recent times, the term '*place making*' has been broadly used to encompass all these aspects of creating places that attract people.
10. This has led to various specialist design and engagement practitioners promoting *place making*; and now the term is commonly used by the community when referring to the design of the public realm.
11. 'Place making' can be described as a collaborative and integrated design approach to creating quality public places where people want to live, work, play and learn.
12. The key defining elements of 'place making' are:
  - (a) adopting a people-based approach with a focus on providing places for people;
  - (b) understanding and thinking of places holistically and collaborating across multiple technical disciplines; and
  - (c) incorporating community engagement and involvement in 'place making' that may include community initiated design ideas.

13. The benefits of ‘place making’ include improved social, economic, sustainable and health and wellbeing outcomes of communities. Ultimately, it is about creating well designed, safe and comfortable places.
14. A way of thinking about ‘place making’ is the creation of vibrant places for people comprising:
  - (a) the ‘hard’ physical infrastructure; forming the ‘*stage*’, and
  - (b) the ‘soft’ infrastructure (e.g. programming of spaces); forming the ‘*use and activation*’ of places.

### Discussion

15. While Council has expressed significant support for ‘place making’, and a number of projects have been either delivered or in progress, there is currently no overall organisational guide to its approach.
16. The *Place Making Framework* provides an approach for Yarra, and in particular, outlines the key spatial areas of the municipality that would benefit from specific and coordinated planning and delivery approaches to enhance the public realm, due to their particular importance to the ambience and vitality of the municipality.
17. It is important to note that a dedicated ‘place making’ approach cannot be provided to each and every street in the municipality, due to limited capacity and resources of the organisation to do so.
18. In this regard, the *Place Making Framework* needs to be targeted (in its full approach), to pursue key public realm improvements in specific areas of the municipality.
19. Improvements to various local streets in the municipality is, however, important through other programs of Council such as *Liveable Local Streets*, *Road Safety Study*, traffic calming processes, landscaping and street tree planting for instance; and these improvements need to have particular regard to good integrated urban design outcomes, and where possible, some further greening and the like.

### **Place Making Framework**

20. The *Place Making Framework* (PMF) sets out to define what ‘place making’ is, Council’s role and identify its priorities. In this regard, the aims include:
  - (a) provide a consistent approach and application to place making strategies, projects and initiatives;
  - (b) be forward thinking and plan proactively;
  - (c) provide a shared understanding of priorities to inform budgeting, community engagement, project planning and coordinated implementation;
  - (d) provide a long term vision for the public realm;
  - (e) inform decision making in relation to priorities and resources;
  - (f) provide efficiencies and ensuring consistency by working in unison; and
  - (g) collate and coordinate existing work across multi-disciplinary Council teams.
21. An internal review identified opportunities for improving the way in which ‘place making’ occurs at Yarra by building on existing practices, knowledge and processes. It identified the successful ‘place making’ that has occurred and the officer capabilities and capacity to undertake this work.
22. The *Place Making Framework* (refer **Attachment 1**) identifies processes and opportunities to improve ‘place making’ planning and outcomes.
23. A Place Making Continuum has been used to understand the breadth of Council’s projects and activities and their relationship to ‘place making’. This shows the range of projects from strategic place-based work and local designs through to activation and place management.

24. The elements of the *place making continuum* helps to understand how the various work across Council fits together and contributes to the overall 'place making'.
25. In response to the need for clearer priorities, the *Place Making Framework* (PMF) sets out sixteen strategic 'Priority Project Locations' based on existing projects, adopted urban design strategies and upcoming work. This demonstrates the wide distribution and extent of place making projects and activities across Yarra.

Key priorities areas for Place Making

26. The key areas for a focus on significant place making are:
  - (a) the Yarra's activity centres;
  - (b) the civic precincts;
  - (c) the areas that attract people;
  - (d) the precincts experiencing significant development and change; and
  - (e) the employment/economic precincts of Cremorne and Gipps Street.
27. In the future, as opportunities or needs are identified, these precincts may alter.
28. The range of projects include precinct-wide strategic directions and also more specific localised designs. In the case of Cremorne, Victoria Street and North Richmond significant State Government projects are also underway which requires a coordinated approach.
29. As part of the 'place making continuum', there are other more operational programs, such as street tree planting, urban agriculture initiatives, playground renewals and community street parties that all contribute to Council's efforts in place making through design and activation.

**Community Involvement**

30. The involvement of the community is also a key element of good *place making* and *place management* practice.
31. The community's interest can often, however, be less about strategic projects and more about localised projects for improving the design of the public realm.
32. The Yarra community has shown a strong interest of 'place making' and, increasingly, have suggested proposals for Council's consideration, and in some instances sought involvement in the design process through 'co-design' and community-led place making practices.
33. Most council projects already include some form of community engagement. The *Place Making Framework* proposes the use of Council's *Community Engagement Policy* (based on the IAP2) to guide the appropriate practices to suit individual projects.
34. The intention is to continue to support the community's involvement in projects and activities, but with an understanding that, in many situations, Council will need to lead the design process given the range of technical design issues and potential implications for future asset management and budget impacts.
35. Further, Council often receives ideas from the community for improving the design of the public realm and, in particular, for increasing greenery and achieving more sustainable design outcomes. The community's ideas can come through representations to Councillors, petitions and submissions as well as via customer requests to the organisation.
36. Ideas can range from simple requests, such as additional tree planting, through to (at times), more complex suggestions and ideas to the design of local areas.
37. The simpler requests often can be accommodated through existing resources and programs, such as the annual tree planting program and maintenance programs, while other proposals can be complex and possibly have wider implications for Council, in particular, asset management and resourcing.



38. The *Local Liveable Streets* document (see other Agenda item) outlines how the community can influence and seek to initiate changes in local streets and also sets out the range of different initiatives that the community can explore for their street.
39. The *Local Liveable Streets* document also provides direct links to how the community can find out more, or contact officers to a range of initiatives including:
  - (a) community offerings (e.g. shared produce, street libraries);
  - (b) activation and events (e.g. community street event, artwork);
  - (c) education and research (e.g. Citizen Science, education projects);
  - (d) food growing (e.g. planter boxes, temporary laneway gardens);
  - (e) minor parking changes (e.g. new accessible bay, changes to parking restrictions);
  - (f) minor changes and upgrades (e.g. new tree, seat, maintenance of Council assets);
  - (g) medium scale changes in the street (e.g. kerb outstand, garden beds in the road space, median tree planting), and
  - (h) large scale changes in the street (e.g. new pocket park in the road space, new crossing, whole street redesign).
40. The assessment and delivery of the more complex community initiated ideas is a matter that requires an approach by Council where these are evaluated for their feasibility, practicality, suitability against Council Plan objectives and also budget considerations.

#### **Implementing Place Making in Yarra**

41. The challenge for Council is to develop a 'place making approach' which is:
  - (a) responsive to the great diversity of places in Yarra;
  - (b) achievable within the current capacity and resources;
  - (c) can adapt to changing priorities as specified by Council;
  - (d) involves the community; and
  - (e) provides a longer term capital works program for projects.
42. A key challenge is the resourcing of public realm improvements, particularly where some projects can take a number of years to come to fruition.
43. Ongoing collaboration and coordination across Council teams is a focus – and needs to continue to enable projects to be seen through a number of perspectives that are required to deliver integrated outcomes.
44. Amongst Council officers there is a sound general awareness of the concept of 'place making' and the range of Council work that contributes towards the design and use of public spaces in Yarra. This can be further enhanced through training and application of the principles outlined in the attachment and also be promoted across the organisation.
45. It is noted that a 'Collaborative Group', comprising senior officers across the Planning and Place Making and City Works and Assets Divisions, was established a few years ago to promote a "One Yarra" approach - and has proved successful in supporting greater project collaboration and more coordinated integrated outcomes.
46. The *Place Making Framework* also provides some key principles for the application of the '*Road Safety Plan Policy*', including particular attention to urban design aspects and including elements of greening where possible.
47. The *Local Liveable Streets* document sets out principles and examples of good design and explains how the Council coordinates on projects in local streets.
48. Council's capital works program and processes focuses on a coordinated approach to implement projects within the priority precincts with this 'place making' lens.

## Options

49. Council can either:
- (a) adopt the *Place Making Framework*, with or without changes;
  - or
  - (b) not adopt a *Place Making Framework*, and rely on other strategies and practices to coordinate works in the key areas identified.

## Community and stakeholder engagement

50. The *Place Making Framework* has been prepared as an internal working document and has not involved external community engagement. Consultation has occurred internally across an extensive range of teams including:
- (a) Traffic Engineering;
  - (b) Sustainable Transport;
  - (c) Arts and Culture;
  - (d) Social Policy;
  - (e) Community Grants;
  - (f) Sustainability;
  - (g) Libraries;
  - (h) Urban Agriculture;
  - (i) Heritage;
  - (j) Recreation and Leisure;
  - (k) City Works;
  - (l) Open Space Planning and Design;
  - (m) Urban Design;
  - (n) Strategic Planning;
  - (o) Economic Development;
  - (p) Buildings;
  - (q) City Lab; and
  - (r) Strategic Planning.

## Policy analysis

### Alignment to Community Vision and Council Plan

51. A *Place Making Framework* would support various directions and actions within the 'Council Plan' and help consolidate a 'One Yarra' approach to public realm design.
52. It is noted that at times, some matters need to be reconciled amongst various Council strategy intents. In these instances, the *best fit* approach amongst all strategy intents is what is required.

### Climate emergency and sustainability implications

53. A coordinated approach, and integrated thinking to the design of the public realm supports Council's response to the climate emergency through such things as green infrastructure and use of recycled and sustainable materials.

### Community and social implications

54. Council's place making approaches will continue to engage the community in various ways through particular projects.
55. A holistic approach to thinking about places and clear priorities support Council's efforts to address the community needs.

### Economic development implications

56. The priority locations set out in the *Place Making Framework* largely refers to several of Yarra's activity centres and two of the major employment and economic precincts.
57. It is noted that 'place making' can contribute to improved economic and business activity through increased amenity and vitality of spaces and better identity of centres; and also through place activation (the place management aspect) and establishing collaborations with the business communities.

### Human rights and gender equality implications

58. There are no identified human right implications from this report.
59. The intention of 'place making' is to provide places for people to enjoy.

## Operational analysis

### Financial and resource impacts

60. There are no financial or resource impacts from adopting the *Place Making Framework*.
61. There are, however, ongoing budget aspects for the successful delivery of place making projects and their place management. These possible projects would be considered by the Council via budget preparation, consideration of new initiative bids and formal Council consideration of key projects.

### Legal Implications

62. There are no legal implications from this report.

## Conclusion

63. Addressing place making priorities, resourcing and continuing to improve project coordination and collaboration would help achieve more integrated and holistic approaches to Yarra's public space design and use.
64. The *Place Making Framework* provides guidance to staff and will also inform the community as to the 'One Yarra' approach for public realm projects, particularly in the key priority areas.
65. The *Place Making Framework* sits alongside the *Local Liveable Streets* document to ensure quality design outcomes in Yarra's public spaces including local neighbourhood streets.
66. It is recommended that Council adopt the *Place Making Framework* as the guiding document for the organisation to plan, develop, implement and manage significant place making projects into the future.

## RECOMMENDATION

1. That Council:
  - (a) note the officer report regarding the proposed final *Place Making Framework* document;
  - (b) note the *Place Making Framework* document and content as shown in Attachment 1.
  - (c) note that the *Place Making Framework* sits alongside the *Local Liveable Streets* document to ensure quality design outcomes in Yarra's public spaces including local neighbourhood streets;
  - (d) note that the *Place Making Framework* (PMF) sets out to define what 'place making' is, the Council's role and identify its priorities; and
  - (e) note that the *Place Making Framework* sets out a place making approach for Yarra, and outlines the key spatial areas of the municipality that would benefit from specific coordinated planning and delivery.
2. That Council adopt the final *Place Making Framework* document as shown in Attachment 1 to serve as the guiding document for the organisation to plan, develop, implement and manage place making projects.

## Attachments

- 1 Draft Place Making Framework February 2022

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## 8.6 Yarra Transport Strategy - Moving Forward: Exhibition Draft

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### Executive Summary

#### Purpose

To provide to Council the draft *Yarra Transport Strategy - Moving Forward* and seek permission to place it on public exhibition to seek community comment.

#### Key Issues

In recent times, Council has adopted a Community Vision, Council Plan, Annual Plan, Road Safety Plan, and Climate Emergency Plan which set certain directions. As a consequence, Council also needs to update its strategies relating to transport in order to align with these new strategies.

The draft *Yarra Transport Strategy* (the Strategy) provided at Attachment 1 provides for a 10 year multi modal strategy. It provides a recommended transport vision, objectives, policies and other supporting activities to meet the aspirations of the local community as outlined in the *Yarra 2036 Community Vision* and other recent community consultation processes.

It is intended that the draft Strategy be placed on public exhibition for four weeks. Officers would then bring a revised final draft back to Council which considers the submissions from the consultation process. The further report from officers would be accompanied by 'consultation feedback paper' detailing comments from the community and other key stakeholders.

A range of inclusive approaches is proposed to be used to publicise the draft strategy and encourage a broad range of people to provide feedback. Channels for communication would include the Councils *Your Say Yarra* website, email contact lists, newsletters, radio, social media and posters.

Targeted information is also proposed to encourage people to submit from linguistically diverse backgrounds and other groups such as people with a disability and youth.

#### Financial Implications

There are no financial implications directly associated with placing the draft strategy on exhibition other than 'material' to engage the public.

If the strategy is adopted there would need to be substantial financial allocation by Council over a decade to make the vision a reality.

Advocacy to the State and Federal Government (and funding requests) would also occur as part of an implementation plan.

### PROPOSAL

That Council:

- (a) notes the officer report regarding the draft *Yarra Transport Strategy* as shown in the attachment which includes a vision, objectives, policies and other supporting activities to advance improvements to the transport network;
- (b) notes that the draft strategy aligns with the key aspects of the *Yarra 2036 Community Vision and Strategic Objective 5 of the Council Plan 2021-2025*;
- (c) note that the draft strategy would provide specific policy direction for the progression of future actions to progress transport outcomes in the municipality;
- (d) note the recommended consultation approach as outlined in the report to engage with the community and seek comments for Council consideration;
- (e) authorises the Interim CEO to place the attached draft *Yarra Transport Strategy* on public exhibition for a period of 4 weeks;

- (f) require officers to bring back a further report after the exhibition period outlining the submissions, officers comments and a revised *Yarra Transport Strategy* for further Council consideration; and
- (g) note that following the adoption of a *Yarra Transport Strategy* that officers will prepare an action plan for Council consideration.

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## 8.6 Yarra Transport Strategy - Moving Forward: Exhibition Draft

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<b>Reference</b>	D22/39487
<b>Author</b>	Simon Exon - Unit Manager Strategic Transport
<b>Authoriser</b>	Director Planning and Place Making

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### Purpose

1. To provide to Council the draft *Yarra Transport Strategy - Moving Forward* and seek permission to place it on public exhibition to seek community comment.

### Critical analysis

2. Transport topics are very important to the local Yarra community for many reasons. This relates to traffic management, strategic transport initiatives, public transport, forms of active transport, new mobility devices and also amenity and safety.
3. With Yarra's location in Melbourne there is very significant through vehicle traffic – Yarra seeks to manage the impacts of this traffic via road safety plans, active transport actions and also advocacy to State Government for actions.
4. Whilst there is a number of fixed rail routes (train and tram routes); the capacity of public transport has been of concern in pre pandemic times and this is likely to occur again once travel trends return more akin to previous situations. The growth of Melbourne and also development pressure in Yarra adds to this situation.
5. Over the past 2 decades, Yarra has had various strategies relating to both broad and specific transport aspects. These need updating to align with current Council directions.
6. The draft *Yarra Transport Strategy* is designed as a new way forward to align with the direction of the Council as expressed in its corporate statements (see below).

### Community Vision and Council Plan

7. The draft *Yarra Transport Strategy Exhibition* is provided at Attachment 1 and responds to the both the *Yarra 2036 Community Vision* and Strategic Objective 5 of the *Council Plan 2021-2025*.
8. In this regard, the recently adopted **Community Vision** (developed through a deliberative process with the community) states that Yarra needs to have:

*“A transport system that is innovative, efficient, sustainable and accessible”.*
9. Further, a *Strategic Objective* of the **Council Plan** (‘Strategic Objective Five: *Transport and Movement*’) states:

*“Yarra’s transport network is sustainable and recognises that streets are important shared public spaces. Transport and movement is accessible, safe and well connected”*

*Yarra prioritises sustainable and active transport, to help people move safely and sustainably through and within our municipality. Council is committed to creating a city that is accessible to all, irrespective of levels of personal mobility, to support a fulfilling life without the need for a car. It is an integral part of our climate emergency response to reduce transport emissions towards net-zero emissions by 2030”.*
10. In this regard, the draft Strategy recommends a transport *vision, objectives, policies* and other supporting activities to meet the aspirations of the Yarra community as outlined in both the *Yarra 2036 Community Vision and the Council Plan 2021-2025*.

Context

11. Yarra and Metropolitan Melbourne is now changing rapidly, possibly more rapidly than ever due to various factors including sustained high levels of population growth, underlying economic trends, technology, lifestyle trends and most recently a global pandemic.
12. This dynamic is challenging, but there are also many opportunities for Council through its transport related strategies, policies and processes to consistently strive for better transport and liveability outcomes (on balance) for the wider community.
13. In some cases there are opportunities for Council to deliver projects more quickly, with more flexibility, and cheaply using increasingly established new delivery approaches and having clearly defined definitions of success. These are better aligned with the various challenges Council faces when it comes to projects, implementing change and effective engagement with the community.
14. The broad banner of the draft Strategy is 'Moving Forward'. This relates to both moving the conversation on transport forward with the community and having a forward-looking transport network that is aligned with the needs of a modern inner-city area. The Strategy recognises that the transport topic is often very difficult to navigate on multiple levels and this does create a degree of complexity, but there is still a need to find a way of moving forward.
15. On this basis, 'moving forward' is about Council taking proactive steps using a new, fit-for-purpose transport strategy to maintain and enhance its position as a successful and liveable inner-city area over the next ten years.
16. The 'moving forward' banner is also intended to highlight the key role that each project delivered, or decision made in Yarra can play in the wider strategic picture. This is important as no single decision or project is going to respond to every transport issue in Yarra or satisfy all demands. Instead, issues will need to be addressed by lots of coordinated decision making from the micro to large scale across all modes of transport. There are many examples from cities throughout the world where high-quality outcomes have been achieved using this approach. There are also a number of effective outcomes in Yarra that have already been obtained that the Strategy would build upon.
17. Once formally adopted, the Strategy would supersede the following documents:
  - (a) Strategic Transport Statement 2006 and Strategic Transport Statement Status Report and Recommended Changes and Actions 2012–2016;
  - (b) Bicycle Strategy 2010–2015 and Bike Strategy 2016 Refresh; and
  - (c) Encouraging and Increasing Walking 2005.
18. In summary, the Strategy sets out:
  - (a) the purpose of the document and its relationship with other Yarra documents;
  - (b) the role of Council and other organisations when it comes to transport planning;
  - (c) the 2050 vision for Yarra and its transport 'story' using available data;
  - (d) existing and emerging issues and opportunities;
  - (e) what the community tell us regarding the transport topic;
  - (f) strategic directions and objectives; and
  - (g) transport polices covering all modes.
19. The key objectives of the Strategy are to:
  - (a) raise community awareness of strategic transport challenges and move discussions forward on Council responses to these. This would be achieved through both the content of the document itself and the engagement of the community through a public exhibition process;



- (b) ensure that Council's strategic objectives regarding transport are widely understood. This includes acknowledging the trade-offs that need to be considered when delivering change;
  - (c) provide Council with a recently endorsed strategic transport document that is aligned with other more recent Council documents including the Community Vision, Council Plan, Climate Emergency Plan, Road Safety Strategy and the draft Placemaking Framework and draft Local Liveable Streets documents. It would also be a key input during decision making on projects, processes, resourcing and budgets;
  - (d) guide decision making on the scope and content of new Council documents and strategies that are adopted over the next ten years; and
  - (e) encourage other levels of government and other third parties to invest in Yarra's transport network by clearly setting out what Council will support and what it wants to achieve.
20. The structure and tone of the draft Strategy has been informed by similar transport strategies produced by neighbouring councils and other cities across Australia, all of whom are facing similar transport challenges to Yarra.
21. The fifteen policies set out would deliver the vision and other outcomes that many community members (as expressed in the *Community Vision*) have been asking Council for – other consultation processes have also flagged many transport related matters that the Council is being asked to address.
22. The fifteen policies recommended in the draft document are:
- P1. Prioritise walking, cycling and using public transport over car use;
  - P2. Implement a New Deal for Schools – support active travel by children and families;
  - P3. Implement a New Deal for Walking – make the network suitable for all;
  - P4. Implement a New Deal for Cycling – make the network useable for bike riders of all ages and abilities;
  - P5. Use innovative approaches to deliver projects;
  - P6. Use good urban design principles in transport projects;
  - P7. Manage car parking in a way that supports the use of active and public transport and the role of cars in an urban environment;
  - P8. Reduce, delay or remove vehicle turning movements where these create safety issues for other road and path users;
  - P9. Reduce traffic volumes, particularly where they are excessive;
  - P10. Lower traffic speeds;
  - P11. Encourage the use of shared transport;
  - P12. Support use of streets for community development activities;
  - P13. Encourage investment in new public transport services and improvements to existing services;
  - P14. Encourage transition to zero emission road vehicles; and
  - P15. Deliver transport projects as per the Yarra's Community Engagement Policy
23. The draft strategy is ambitious and focuses on what Council and the community can do and influence most. This is important as transport has been a high-profile subject at all levels of government for many years. A focused approach as set out in the strategy is needed to make best use of available resources and identify priorities to strive for and achieve.

24. As a strategic document, it is not possible or desirable for the Strategy to consider and seek to resolve every transport issue throughout Yarra in detail. Instead, it provides a 'strategic framework' to inform decisions as and when they are required on a site-specific project by project basis.
25. The draft Strategy identifies where further, more detailed policy and study work is required for larger and more complex topics.
26. Strategic terms of reference and guiding principles for further work are included where appropriate to ensure alignment with strategic transport objectives.
27. An exhibition period of the draft strategy is recommended to run for four weeks. Further detail on the consultation activity planned is provided under the Community and Stakeholder Engagement heading of this report. Following the exhibition period, a draft final Strategy would be presented to Council for consideration and adoption – this is anticipated in May 2022.

### Options

28. There are two options for Council at this point in time:
  - (a) Option 1 – the attached draft is 'endorsed' by Council for exhibition to seek community comment
  - or
  - (b) Option 2 - Councillors request changes to the exhibition draft and for it to be brought back to Council for consideration with a view to it than being place on exhibition.

### Community and stakeholder engagement

29. The following Council teams have been involved during the preparation of the Strategy:
  - (a) City Works;
  - (b) Infrastructure, Traffic and Civil Engineering;
  - (c) Strategic Transport;
  - (d) Open Space Services;
  - (e) Urban Design
  - (f) Economic Development
  - (g) Strategic Planning;
  - (h) Environment
  - (i) Parking; and
  - (j) Communications.
30. There has been no external consultation on this draft Strategy to date.
31. The contents of the draft, however, have been heavily informed by considerable community engagement undertaken by Council on a range of projects over several years where many responses have been received. These responses collectively provide insights into community desires and expectations regarding transport. For example, most recently in late 2021, approximately 700 community members responded to a survey as part of engagement for the development of the *Yarra 2036 Community Vision*.
32. A four week public exhibition process for this draft Strategy is recommended. This would focus on the community generally, plus subsets and groups within that including CALD communities, advisory groups and other community groups.
33. Other key external Stakeholders would also be included such State Government, public transport operators, neighbouring Councils, sub regional entities and other interest groups.

34. Specific efforts would also be made to engage sections of the community who are typically underrepresented in consultation processes, including renters, commuters and young people.
35. A range of media tools would be used to promote engagement with the strategy including the Yarra website, QR codes, email lists, radio, news outlets, and social media. The Yarra communications team have scoped a process for the engagement activity with support from key Council teams.

## Policy analysis

### Alignment to Community Vision and Council Plan

36. The draft Strategy aligns with a suite of Council policy documents.
37. Should the strategy be adopted (post submission stage), an action plan would also be developed for Council consideration.

### Climate emergency and sustainability implications

38. No implications in putting out the exhibition draft of the Strategy.
39. More broadly, the Strategy seeks to respond to climate emergency challenges in the transport context.

### Community and social implications

40. The strategy seeks to make Yarra's transport network more inclusive.
41. Exhibition of the draft strategy to enable community comment is recommended as further input to the Council.

### Economic development implications

42. There are no economic implications directly associated with putting out the exhibition draft of the Strategy.
43. The strategy seeks to provide Yarra with a transport network that supports economic activity in the short, medium and longer term.

### Human rights and gender equality implications

44. The Strategy has been drafted with a human rights and gender equity lens.
45. This includes under the Victorian Charter of Human Rights and the *Gender Equity Act 2020*.
46. Having access to safe, reliable and appropriate transport options is essential to enabling many rights and responsibilities. Decreasing transport disadvantage is a key aim of the Strategy.

## Operational analysis

### Financial and resource impacts

47. There are no particular financial implications with putting out the exhibition draft of the Strategy, other than 'materials' for the exhibition.
48. It is important to note however, that if adopted (post the submission stage), that delivering the Strategy would require very substantial ongoing financial allocation by Council over a decade to make the vision a reality.
49. It would be hoped that the State Government would also invest significantly in Yarra as part of the mobility plans for Melbournians and visitors.

### Legal Implications

50. None directly associated with putting out the exhibition draft of the Strategy.

51. The *Road Management Act 2004*, *Transport Integration Act 2010* and *Local Government Act 2021* outline Council's powers and responsibilities to manage its road network.
52. In particular, the *Road Management Act 2004* and *Transport Integration Act 2010* require that governments prioritise active and public transport and ensure the safety of road users.
53. Council has the authority to make changes to its road and path network. However, some interventions require approval from the Department of Transport or other authorities.

## Conclusion

54. The draft *Yarra Transport Strategy* responds directly to the **Yarra 2016 Community Vision** and also key objectives of the **Council Plan 2021-2025** which states that Yarra prioritises sustainable and active transport, to help people move safely and sustainably through and within our municipality.
55. A public exhibition period would provide an opportunity for the community and other stakeholders to read and comment on the exhibition draft as further input to the Council.
56. This would provide useful community feedback for Council as it considers its approaches to responding to the transport issues impacting the community. It would also promote engagement with the Strategy with the intention of also building ownership of its content and policies following any adoption by the Council.
57. A final draft Strategy which considers community feedback would then be brought back before Council for consideration in mid-year.

## RECOMMENDATION

1. That Council:
  - (a) notes the officer report regarding the draft *Yarra Transport Strategy* as shown in the attachment which includes a vision, objectives, policies and other supporting activities to advance improvements to the transport network;
  - (b) notes that the draft strategy aligns with the key aspects of the *Yarra 2036 Community Vision* and Strategic Objective 5 of the *Council Plan 2021-2025*;
  - (c) note that the draft strategy would provide specific policy direction for the progression of future actions to progress transport outcomes in the municipality;
  - (d) note the recommended consultation approach as outlined in the report to engage with the community and seek comments for Council consideration;
  - (e) authorises the Interim CEO to place the attached draft *Yarra Transport Strategy* on public exhibition for a period of 4 weeks;
  - (f) require officers to bring back a further report after the exhibition period outlining the submissions, officers comments and a revised *Yarra Transport Strategy* for further Council consideration; and
  - (g) note that following the adoption of a *Yarra Transport Strategy* that officers will prepare an action plan for Council consideration.

## Attachments

- 1 YTS Draft For Exhibition Final

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## 8.7 Brunswick Street Oval Precinct Redevelopment Update

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### Executive Summary

#### Purpose

The purpose of this report is to provide Council with an update on the revised design and proposed staging of the Brunswick Street Oval Precinct Redevelopment project, and proposed next steps including community consultation on the revised design.

#### Key Issues

The design for the redevelopment has been revised to address heritage concerns with the original design, and now features a proposed new sports pavilion to the north-west side of the oval, and a far lighter touch on the heritage grandstand.

A staged approach to project construction is proposed, with the announced State funding of \$6.5 million applied to the Stage 1 development of the sports pavilion, and further State funding support sought to enable Stage 2 construction, which will include the tennis/community pavilion, tennis courts and grandstand works.

The revised design is supported by project stakeholders and a broad-based community consultation on the revised design is recommended as the next step.

A planning approval approach based on clause 52.30 (State projects) of the Yarra Planning Scheme is recommended, subject to the further approval of Council.

#### Financial Implications

The estimated total project cost for the revised design is \$15.65 million.

Stage 1 costs are \$6.65 million, and will be fully externally funded excepting for a modest \$50,000 contribution from Council.

Stage 2 costs are \$9.0 million. Council has an allocation of \$2.685 million able to be applied to Stage 2, meaning a further State contribution of \$6.315m is needed to enable Stage 2 to proceed.

### PROPOSAL

That Council:

- (a) note the revised design for the Brunswick Street Oval Precinct (BSOP) Redevelopment and support for the design by the Edinburgh Gardens Sporting Community (EGSC), Sport and Recreation Victoria (SRV) and internal project stakeholders;
- (b) note that a two stage approach to project delivery is proposed as being necessary to allow the Stage 1 (Sports Pavilion) construction to proceed in the near term, subject to the further approval of Council and planning approval;
- (c) note the proposal of the State to apply the announced \$6.5 million of funding towards the construction of Stage 1, which (subject to further Council approval and planning approval) could commence construction in early 2023, and that officers have applied to SRV for a funding agreement for Stage 1 activities;
- (d) note that Stage 2 is currently not fully funded and requires a further contribution from the State of \$6.315 million (along with Council's allocated contribution of \$2.685m) to be viable;
- (e) note EGSC's reservations about the staging and in particular the concerns of Fitzroy Tennis Club that Stage 2 (Tennis/Community Pavilion, Tennis Courts and Grandstand works) is currently not fully funded;
- (f) endorse the undertaking of community consultation on the BSOP Redevelopment revised design and staging to obtain feedback from the general community on the revised proposal;

- (g) note that officers will provide a further report to Council (anticipated in late May 2022) that will provide an overview of the outcomes of the consultation and seek further direction from Council on proceeding with a planning application for the project;
- (h) note the officer recommendation supporting a Yarra Planning Scheme clause 52.30 (State Project) planning approval approach, subject to Council's support for the project as project proponent and the planning approach; and
- (i) note that officers have applied to Department of Environment Land Water and Planning (DELWP) to confirm whether the project has "State Project" status and are liaising on the requirements to ensure that the proposed further community consultation by Council on the revised design will meet the consultation requirements of the prospective clause 52.30 planning process.

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## 8.7 Brunswick Street Oval Precinct Redevelopment Update

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<b>Reference</b>	D22/39582
<b>Author</b>	Ann Limbrey - Building Projects Manager
<b>Authoriser</b>	Acting Director City Works and Assets

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### Purpose

1. The purpose of this report is to provide Council with an update on:
  - (a) the revised design for the Brunswick Street Oval Precinct Redevelopment project;
  - (b) the estimated costs for the revised design and funding implications;
  - (c) a proposed two stage approach and rationale for staging;
  - (d) options for the planning approval of the project; and
  - (e) proposed next steps including broad-based community consultation on the revised design.

### Critical analysis

#### History and background

##### General

2. The Brunswick Street Oval Precinct within Edinburgh Gardens, North Fitzroy provides some of the premium sporting facilities in the City of Yarra, and was home to the historical Fitzroy Football Club, playing in the VFA and VFL, at this location from the 1880's to the 1960's.
3. The Brunswick Street Oval Grandstand is listed as a significant object/place in the Victorian Heritage Register (VHR, registration number H0751). This building is also known to Council as the Fitzroy Football Club Grandstand.
4. The Yarra Planning Scheme includes relevant heritage overlays HO215 (grandstand and surrounds) which reflects the VHR H0751 listing, and HO213 (Edinburgh Gardens) which applies to the balance of the project area that is outside the extent of the VHR registration.

##### 2019 Concept Plan

5. The Brunswick Street Oval Precinct is defined as the area containing the following sporting and community facilities immediately adjacent to the WT Peterson Community Oval (also known as Brunswick Street Oval) within Edinburgh Gardens, Fitzroy North:
  - (a) Brunswick Street Oval Grandstand (including undercroft building);
  - (b) Fitzroy Community Room; and
  - (c) Fitzroy Tennis Club courts and clubhouse.
6. The community room is the second busiest bookable community facility in Yarra.
7. The Edinburgh Gardens Sporting Community (EGSC) is a coalition of sporting clubs utilising sporting facilities in the precinct; the member clubs are:
  - (a) Edinburgh Cricket Club;
  - (b) Fitzroy Football Club;
  - (c) Fitzroy Junior Football Club; and
  - (d) Fitzroy Tennis Club.

8. On 18 September 2018, Council supported a request by the EGSC to reallocate \$50,000 from the 2018/19 Council budget to a project to explore redevelopment of the sports and community facilities in this precinct.
9. The State Government allocated \$50,000 matching funding for Brunswick Street Oval precinct planning, with a further \$50,000 contributed by the Clifroy Community Bank.
10. EGSC commissioned a feasibility study for the precinct, which proposed a precinct master plan for the site, with an indicated probable cost of \$6.5 million. Following advocacy by the EGSC, on 5 October 2018 the Hon. Richard Wynne MP (Member for Richmond) announced a \$6.5 million of State Government funding for the re-development of sporting facilities in the precinct as a 2018 State election commitment.
11. The EGSC feasibility study was undertaken without the involvement of Council officers at that stage, and did not consider in detail Council requirements, sporting association standards, universal access requirements, nor the implications of the heritage registration of the grandstand. The feasibility study undertaken by EGSC, whilst including the community room, excluded works to the heritage grandstand, civil infrastructure improvements to the precinct and major landscaping.
12. Following the State Government funding approval, a Project Control Group (PCG) was established that includes representation from:
  - (a) each of the EGSC member clubs;
  - (b) Sport and Recreation Victoria (SRV); and
  - (c) Council officers from the Recreation, Buildings, Open Space and Venues and Events teams.
13. A Needs Analysis and Concept Plan was developed which included engagement with EGSC clubs, internal stakeholders, as well as the public, with the concept plan being mindful of the needs of the greater community as well as the EGSC stakeholders and also the heritage planning requirements.
14. Council received a report on the Needs Analysis and Concept Plan on 27 August 2019 and resolved to proceed to a community engagement on the concept plan.
15. Following a broad-based community engagement on the concept plan undertaken in October 2019, a report on the engagement outcomes and a final proposed concept plan were presented to Council on 17 December 2019.
16. The 2019 concept plan included a new building incorporating the community room located to the rear of the grandstand interfaced with the grandstand containing redeveloped change rooms and a club room integrated into the upper area of the grandstand, having views over WT Peterson Oval.
17. A quantity surveyor's cost estimate based on the 2019 concept plan indicated a total project cost of \$10.45 million. The funding sources identified were \$6.5 million of announced State funding, \$2.6 million of Council funding (being planned amounts previously included within Council's long-term capital works plan and adopted Long Term Financial Strategy for the renewal of assets within the precinct), with the source of funding for the balance of \$1.35 million still to be confirmed.
18. Council resolved on 17 December 2019 to endorse the finalised concept plan and authorise officers to proceed to the next stage of design development, subject to inclusion of provisions for best practice in Environmentally Sustainable Design and Performance.  
Rough Sleeping in the Grandstand
19. Historically, the grandstand has been a well-known rough sleeping site, with a number of tents set up on the upper-level platform of the grandstand behind the top tier of seating.
20. Some of the concerns relating to historic use of the site for rough sleeping included:



- (a) regular heavy cleaning of the upper level due to occupation by rough sleepers, and the likely deterioration of the heritage building fabric as a result of this;
  - (b) modifications by rough sleepers to affix shade cloth, and illegal and dangerous electrical modifications to tap into electrical power wiring in the grandstand;
  - (c) the fire risk potential posed by occupation, being a risk to people and the grandstand itself, noting the timber construction of the grandstand, and the destruction of the adjacent 1905 timber grandstand by fire in 1977; and
  - (d) safety concerns related to rough sleeping in the grandstand were also expressed by users of the park during the community consultation.
21. In April 2020, due to the on-going safety concerns, Yarra’s Municipal Building Surveyor issued an Emergency Order prohibiting the occupation of the grandstand, and the Homelessness and Rough Sleeping team worked with Council’s outreach partner to find safer accommodation for the people occupying the grandstand at that time, with a number of people accepting an offer of alternative accommodation.
22. Temporary fencing was erected around staircase entrances to the grandstand, and temporary hoarding was erected on the top platform of the grandstand to prevent its occupation (a heritage permit exemption was applied for and granted for this).
23. These controls remain in place; the temporary fencing is opened during the course of organised sporting events at the oval to allow use of the grandstand during the event.

Original Design Development

24. Officers applied to SRV in early 2020 for a funding agreement to give effect to the State Government’s announced \$6.5 million funding for the project.
25. SRV did not seek ministerial approval for the funding agreement, citing concerns with the identified funding shortfall and the possible impact of the then-emerging coronavirus (COVID-19) pandemic on Council’s budget position.
26. SRV indicated a preference to finalise the funding agreement based on a confirmed scope and construction tender prices.
27. To enable the project to proceed, the design development phase under this contract has been fully funded to date by Council utilising funding allocated in Council’s adopted 2020/21 and 2021/22 budgets with a view to progressing the project through to a construction tender. Council’s total net project expenditure through to December 2021 is approximately \$452K, after accounting for the \$100K in external contributions already received.
28. Following a competitive tender process, CO.OP Studio Pty Ltd was awarded a contract in August 2020 for the BSOP Major Redevelopment Consultancy Services, to provide architectural and engineering sub-consultancy services for:
- (a) design development;
  - (b) progressing the project through planning and heritage permit processes;
  - (c) preparation of detailed documentation for a construction tender; and
  - (d) on-going architectural and engineering services support during construction.
29. Lovell Chen have been retained by Council as part of the project team to continue provide advice and services on specialist heritage architectural matters.
30. The BSOP redevelopment is subject to two distinct approval processes:
- (a) A statutory planning approval process under the Yarra Planning Scheme and Planning and Environment Act 1987 – this applies to all elements of the development outside the extent of the VHR H0751 registration and includes consideration of relevant heritage overlays in the Yarra Planning Scheme; and

- (b) A heritage approval process under the Heritage Act 2017, with the application being determined by the Executive Director, Heritage Victoria – this applies to elements of the development within the extent of the VHR H0751 registration.

- 31. From August through to December 2020 the original design was developed to prepare for the planning and heritage application processes. Whilst the design detail was necessarily refined and fleshed out as part of this design development, in broad terms the original proposed design was consistent with the endorsed concept plan.

#### Heritage Victoria Issues

- 32. As is normal practice for complex permit applications, pre-application meetings were sought and held with both Yarra Statutory Planning (for the planning application) and Heritage Victoria (HV, for the heritage application).
- 33. At the Yarra planning permit pre-application meeting held in December 2020, in which the entire development proposal was presented inclusive of the grandstand, Yarra Statutory Planning officers, and the consultant advising on local planning scheme heritage aspects, raised no concerns with the original design proposal.
- 34. At the heritage permit pre-application meeting also held around the same time, which focussed on the development as it pertains to the grandstand and within the extent of the heritage registration, HV officers expressed a number of concerns regarding the design, which in summary chiefly related to the activation of the heritage grandstand with a clubroom having views of the oval and the proximity of the proposed new building to the rear of the grandstand (which would have contained the community room and provided universal access to the proposed redeveloped grandstand and the sporting clubroom within).
- 35. Some amendments to the heritage grandstand treatment were proposed with a view to ameliorating the concerns raised by HV, and the matter discussed between Heritage Victoria officers (including the Executive Director) and senior officers of Council in the period leading up to early April 2021.
- 36. Council officers also engaged a third-party heritage and architectural consultant to undertake an independent peer review of the proposed design. This peer review was broadly supportive of the proposed design as being a “design solution that is both sensitive to the cultural heritage significance of the place and to the changing community needs”.
- 37. Notwithstanding this and whilst HV acknowledged some positive changes in the amended plans, HV provided following further written feedback from the Executive Director on 8 April 2021 which in essence advised that the heritage application associated with original design (even with amendment) would not be supported by HV.
- 38. Based on the feedback from HV, officers regarded that the original design in accordance with the concept plan as not being feasible, since it would be highly unlikely to receive heritage approval. On this basis officers commenced the investigation of alternative locations for the clubroom that included views of the oval, a primary requirement of the oval sporting users being the football and cricket clubs.
- 39. One of the options that HV encouraged Council to investigate was a freestanding clubroom building to the immediate west of the heritage grandstand, noting that there was a precedent for this in the 1905 grandstand (as noted destroyed by fire in 1977) that stood to the west of the existing grandstand.

#### Discussion

##### Revised Design

- 40. After consideration of various design alternatives, the best alternative option identified by the project team (in consultation with PCG stakeholders) was based upon a new sports pavilion located to the north-west of the oval.

41. The key reasons for the proposed location of the sports pavilion in the revised design are:
  - (a) Least impact on established trees and path networks as compared to other possible locations; and
  - (b) Least impact on heritage aspects of the park including the Sportsman's War Memorial and oval spectator mound.
42. The revised design is consistent with the requirements established in the original needs analysis undertaken.
43. The revised design has been further developed by the project team including the lead design consultant CO.OP and supporting consultants, and is shown in Attachment 1.
44. Page 2 of Attachment 1 provides the overview of the revised design, which features:
  - (a) A new sports pavilion to the north-west of the oval including club room, commercial kitchen and amenities on the first floor, a kiosk, four change rooms and amenities on the ground floor [10];
  - (b) A tennis/community pavilion with the tennis club and associated amenities on the ground floor, and a new community room and amenities on the first floor [11];
  - (c) A modest and lighter-touch upgrade of the heritage grandstand, including public toilets to the eastern end of the building, replacement compliant and secure stairs at the front of the building replacing the existing non-original stairs, and retention of the tiered grandstand seating in its current form [9];
  - (d) Eight tennis courts [7]; and
  - (e) An extensive program of landscaping is proposed as well as civil works to facilitate better paths and DDA access throughout the site [1, 2, 3, 5, 6, 8].
45. Overall the design will greatly improve the amenity of the area around the grandstand, with the removal of the existing community room allowing the heritage grandstand to be appreciated in the round, and with improved park views now gained from multiple aspects.

#### Revised Project Costs

46. The revised design project cost has been estimated by the project quantity surveyor (in December 2021) as \$15.65 million, based upon a two-stage project delivery with contract award of stage 1 works in early 2023.
47. The rise in project costs from the \$10.45 million cost estimate (December 2019) for the original design is due primarily to the following factors:
  - (a) The proposed new standalone sport pavilion and associated landscaping and civil works, incorporating many of the elements previously proposed to be included within the redeveloped heritage grandstand, in a location within the park without existing building utility connections;
  - (b) The need to rework the design due to the absence of Heritage Victoria support for the original design, including additional design and project management costs as well as the rise in construction prices in the intervening period, which has been more than the recent usual rate of price escalation with construction material and labour prices rising sharply during the coronavirus (COVID-19) pandemic; and
  - (c) The proposed staging of the project over two stages, which is explained further below.

#### Proposed Project Staging

48. Based on revised project design and the estimated cost for that design, and allowing for the \$6.5 million announced contribution from the State and a total of \$2.735 million of Council funding allocated in the Long Term Financial Plan, the funding gap is now \$6.315m.
49. The State representatives on the Project Control Group have suggested staging the project construction over two stages (as depicted in Attachment 1 page 3):

- (a) Stage 1 – is the western side of the project area and includes the new sports pavilion and surrounding landscaping and civil infrastructure – estimated cost \$6.65 million (and also includes lead-in precinct design and planning/heritage approval activities); and
  - (b) Stage 2 – is the balance and central/eastern side of the project area and includes the new tennis/community pavilion, the tennis courts, works to the heritage grandstand and surrounding landscaping and civil infrastructure – estimated cost \$9.0 million.
50. The State have further indicated that they are willing to apply the full \$6.5 million of announced funded to Stage 1, to allow this stage to commence construction (subject to Council approval and required planning approval), and seek opportunities to provide further funding to enable Stage 2 to proceed, possibly through the 2022 State Budget.
51. On this basis, Council officers were asked to submit project documentation to SRV to support an application for a funding agreement for Stage 1, and this documentation was submitted on 8 February 2022, and officers are waiting for confirmation from SRV of the funding agreement.
52. Stage 1 construction, subject to Council and planning approval, could potentially be undertaken in the period from early 2023 through to mid-2024.
53. The Stage 2 construction period is less certain, but with favourable and timely further funding support from the State, could potentially be undertaken from mid-2023 through to mid-2025.

#### Engagement on Revised Design

54. The key project stakeholders including SRV and the EGSC member clubs have been closely consulted in the development of the revised design and proposed project staging.
55. The EGSC has endorsed the revised design (Attachment 2), reflecting the comments of the representatives of each member clubs.
56. The EGSC has indicated their preference for the project not to be staged. Officers note that a staged approach is necessary if the project is to proceed at this juncture given the current funding shortfall for Stage 2. In particular, the Fitzroy Tennis Club have understandably expressed their disappointment that the elements of the project that will benefit their club are not fully funded at this stage and therefore not yet able to proceed.
57. It is noted that the general community has not yet been consulted on the elements of the revised design that were amended from the original concept plan, in particular the newly proposed sports pavilion. On this basis, officers recommend that a community engagement is undertaken on the revised design and to subsequently bring back a further report to Council on the outcomes from that engagement and to obtain Council direction on proceeding with planning and heritage approvals for the project.

#### Planning Approval

58. Amendment VC194 was gazetted on 25 March 2021 into the Yarra Planning Scheme (and other Victorian planning schemes), which introduced clauses 52.30 (State Projects) and 52.31 (Local Government Projects).
59. Three distinct options for the planning approval under the Yarra Planning Scheme and the Planning and Environment Act 1987 have been identified, and are presented in the options section below.

#### Heritage Approval and Considerations

60. Regardless of the planning approach and option chosen, a heritage approval is required for the project elements within the VHR H0751 registration (the grandstand and curtilage surrounding) by application to Heritage Victoria (HV) as the Responsible Authority for these elements.

61. The heritage approval process will involve extensive review of the plans and a Heritage Impact Statement prepared by Lovell Chen on behalf of Council as the applicant. It includes a public consultation process run by HV with public advertising in the newspaper and local signage inviting comments within a 60-day period. The focus of the comments are heritage considerations only, and these are reviewed and considered by HV in its determination. The process also allows for a referral to Yarra City Council as a referral authority. Council planners and heritage advisory officers will prepare a response based on the heritage impact for consideration by HV. This process is governed by the Heritage Act 2017.
62. The works to the grandstand (which are within the VHR extent) are far more modest than originally proposed. By removing the current community room, Council will reinstate the pre-eminence of the heritage grandstand within the landscape. Lovell Chen heritage advisors feel confident that heritage approval can be obtained for the revised design, including removal of the existing community rooms, repainting of the facility, refreshing of the forecourt and improvement of the rear landscaping.
63. A design area still the subject of some discussion with Heritage Victoria is the proposed securing of the access to the seating in the grandstand. This is a proposed lightweight steel finish fixed to replacement stairs and with limited impact to the original building, which can be opened for use during sporting events. A similar solution is proposed on the western end of the upper level to avoid intrusion over the skillion roof at the western end of the grandstand.
64. The security solution has been proposed to facilitate the reactivation of the tiered seating for its intended use to view sporting activities, noting that the grandstand stairs at the present time still have temporary fencing around them based on the order of the Municipal Building Surveyor proscribing rough-sleeping accommodation as an activity that poses a hazard to persons and to the asset itself.
65. The applicable heritage overlays in the Yarra Planning Scheme (which are considered as part of the planning approval) have been addressed in the design consideration. Retention of part of the berm in the west and the enhancement of significant trees and heritage paths to the precinct add to the design response. Moreover, the brick finish of the tennis and sports pavilion and the fit with the ticket box to the south promote the heritage context of the overall sports precinct.

### Options

66. There are three distinct options identified for planning approval of this project under the Yarra Planning Scheme, which are described in the sub-sections below.
67. For each option, the planning approval(s) apply to the majority of the project area being that which is outside the extent of the VHR H0751 registration.

#### Option 1 – approval under Clause 52.30 (State Projects)

68. This option has been signalled as of interest by the State, noting that the project is a joint project of the State and Council with majority funding coming from the State.
  69. This option requires several steps:
    - (a) Step 1 – pre-application discussion;
    - (b) Step 2 – assessment of whether the project has “State project” status by the Department of Environment Land Water and Planning (DELWP);
    - (c) Step 3 – application by Council to DELWP for the assessment of the project for approval under clause 52.30. This involves submission and assessment of comprehensive project documentation similar to that which would accompany a normal planning application; and
    - (d) Step 4 – a decision by the Minister for Planning (or under delegation) as to the outcome of the application.
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70. Officers have held step 1 pre-application discussions with the DELWP Major Projects Facilitation team to understand the process, and to confirm that the project is potentially able to be considered under this clause.
71. To validate whether this approach is possible, on 24 February 2022 the project team submitted a request to DELWP for the step 2 “State project” assessment, noting that this status assessment does not commit Council to proceeding with an application under clause 52.30.
72. Notice and review requirements do not apply to the 52.30 process, although there is a requirement that the proponent (Council) has undertaken a consultation/engagement process, and details of this must be provided as part of the application.
73. A separate heritage approval application to Heritage Victoria is required for the elements of the project within the extent of the VHR H0751 registration, which is subject to notice and review provisions under the Heritage Act 2017.
74. Noting that Major Projects Facilitation and Heritage Victoria are both teams within DELWP, there would be some advantages in having DELWP coordinate the planning and heritage approvals under this approach.

Option 2 – approval for Stage 1 under Clause 52.31 (Local Government Projects)

75. This option will apply if an initial application was made to Yarra Statutory Planning (as the Responsible Authority for the Yarra Planning Scheme) for Stage 1 only, should that be the only stage to proceed.
76. In this case, as the value of Stage 1 is less than \$10 million and the project is being carried out by or on behalf of a municipal councils, then it is expected that Yarra Statutory Planning would determine that clause 52.31 applies.
77. Notice and review requirements do not apply to the 52.31 process.
78. As the Stage 1 construction is entirely outside the extent of the VHR H0751 registration, no heritage approval by Heritage Victoria is required to accompany a planning approval for Stage 1 only.
79. In this option, Stage 2 could be the subject of a subsequent separate planning application, noting that Yarra Statutory Planning would not support artificial splitting of the project planning application.
80. A separate heritage approval application to Heritage Victoria will be required for Stage 2, for the elements of the Stage 2 within the extent of the VHR H0751 registration, including notice and review under the Heritage Act 2017.

Option 3 – standard approval under the Yarra Planning Scheme

81. This option will apply if an application was made to Yarra Statutory Planning (as the Responsible Authority for the Yarra Planning Scheme) for the entire project.
82. In this case, the value of the project is in excess of \$10 million and on that basis clause 52.31 would not apply, and the project will be assessed according to the standard provisions of the Yarra Planning Scheme, including the application notice and review requirements under provisions under the Planning and Environment Act 1987.
83. A separate heritage approval application to Heritage Victoria is required for the elements of the project within the extent of the VHR H0751 registration, including notice and review under the Heritage Act 2017.

Analysis and Preferred Option

84. It is noted that regardless of planning approval approach a broad-based community engagement on the revised design is recommended by officers to Council to obtain broad-based community views on the revised design, and to obtain community feedback that might influence the final design proposal.

85. The ability to commence the Stage 1 construction utilising the State announced funding of \$6.5 million is predicated on planning approval being obtained for the project. Option 1 (52.30 approval), subject to Council's receipt of the community engagement information and approval to proceed, will provide the most certainty that Council will be able to access that funding.
86. Furthermore, the planning approval process under clause 52.30 (and associated heritage approval) gives the most certainty of obtaining approvals for the entire project in a timely fashion, and will maximise the likelihood that Council can receive the required further State funding of \$6.315 million that would allow Stage 2 to proceed.
87. Whilst Council has allocated a total of \$2.735 million towards this project in its Long Term Financial Plan (based on standalone renewals for individual assets within the project area) – if either the \$6.5 million of announced State funding for Stage 1 and/or the opportunity to attract further State funding for Stage 2 is lost, then Council could in time expect to face greatly higher costs for the basic renewal of assets within the project area, and still not be in a position to deliver the level of value to the sporting clubs and general community offered by the proposed redevelopment.
88. On this basis, the Option 1 approach – subject to Council approval based on the outcomes from the community engagement on the revised design – is expected to maximise the likelihood of a highly positive outcome for both the sporting clubs, the general community, and financially for Council.

### Community and stakeholder engagement

89. Key stakeholders including the EGSC member clubs have continued to be engaged through regular meetings of the PCG and direct discussions with project team as required.
90. The EGSC have affirmed the current plans for the buildings and landscape and are keen to move forward on the project. The principal issue remaining is the detail of the tennis court surfaces. This matter continues to be the subject of discussion and value management once the total budget is understood. There are no implications on the project timeframes, at this stage.
91. Other internal stakeholders that represent the regular users of the community room and community users such as the Venues and Events team, and the Aged and Disability services team have been engaged in the finalisation of the design to ensure that the project meets the requirements of this extensive range of users of the site facilities. Considerations include the DDA access, appropriate storage, suitable commercial kitchen, public lighting and safety in design of public amenities.
92. An upgraded vehicle entry off Brunswick Street in the west will also service the Fitzroy Victoria Bowling & Sports Club, with the driveway at the back of the bowling club integrated to form an entry and exit driveway which will be safer for all vehicles and deliveries, particularly tray trucks delivering to the bowls club that currently need to reverse blindly into the apex of the Brunswick Street/St Georges Road junction. On this basis these changes are anticipated to be positive for the bowls club, and further direct engagement with the bowls club will be undertaken.
93. It is proposed that the community engagement for the revised design is conducted in a manner similar to the 2019 consultation on the concept plan, utilising:
  - (a) postcard drops;
  - (b) social media;
  - (c) email to previous submitters;
  - (d) "Your Say Yarra" on-line engagement; and
  - (e) on-site drop-in sessions at project site.

94. The 52.30 planning approval process requires that community consultation has occurred in a way that meets DELWP's requirements (or otherwise is separately undertaken by DELWP). Officers will ensure that that consultation will at least meet (and likely exceed) the DELWP consultation requirements, which will avoid the need for a subsequent consultation by DELWP Major Projects Facilitation.
95. The consultation is proposed to run for a five week period from 28 March 2022 through to 1 May 2022, to allow for a thorough engagement with the local community. Following the consultation, officers will provide further report to Council (anticipated in late May 2022) that will provide an overview of the outcomes of the consultation and seek further direction from Council on proceeding with a planning application for the project.
96. Subject to Council's approval to proceed, a further public consultation process will occur as part of the heritage permit application process. Submissions are reviewed and HV advise that a decision on the application "usually takes about 60 days". Under this process:
  - (a) notices for the heritage application are displayed on site (likely to be at several locations around the park and near the sports precinct); and
  - (b) the public can review the heritage application online and lodge submissions online. In this context, the submissions can only be about heritage matters.

## Policy analysis

### Alignment to Community Vision and Council Plan

97. The Council Plan 2021-25 includes the following strategic objectives and strategies which apply to this project:
  - (a) Strategic objective one – Climate and environment:
    - (i) Strategy 1.1 – Take urgent action to respond to the climate emergency and extend our impact through advocacy and partnerships;
  - (b) Strategic objective two – Social equity and health:
    - (i) Strategy 2.2 – Build a more resilient, inclusive, safe and connected community, which promotes social, physical and mental wellbeing;
  - (c) Strategic objective four – Place and nature:
    - (i) Strategy 4.1 – Create safe, accessible active spaces that provide diverse physical activity opportunities for the whole community; and
    - (ii) Strategy 4.2 – Plan and manage community infrastructure that responds to growth and changing needs.
98. The following health and wellbeing themes of the Municipal Public Health and Wellbeing Plan incorporated within the Council Plan 2021-25 are supported by these strategies:
  - (a) Promoting community safety (strategy 4.1);
  - (b) Promoting physical wellbeing (strategies 2.2 and 4.1); and
  - (c) Promoting mental wellbeing (strategy 2.2).
99. The Access and Inclusion Strategy 2018-2024 includes these relevant strategies:
  - (a) Strategy 1.1 – Promote and encourage the application of Universal Design and Access within and external to Council;
  - (b) Strategy 1.5 – Improve accessibility to City of Yarra buildings and facilities, including ensuring adequate amenities are available; and
  - (c) Strategy 2.1 – Provide and/or support the community to provide a diverse range of accessible community services and arts, cultural, sports and recreational activities that are creative and fun for all abilities and ages.



### Climate emergency and sustainability implications

100. A review of the proposed design features indicates the project will achieve a 6-star green star equivalent. The sustainable features in the design include increased lighting efficiencies, hot water heat pumps, R4-rated ceiling and roofing, additional 10kW solar panels and water harvesting (50,000 litres) to support the watering of the tennis courts and public toilets, and to reduce Council's overall environmental footprint.
101. Council's Climate Adaptation tool has been utilised in the design development.
102. Gas usage will be removed from the site.
103. The features and attributes of the new sports pavilion is designed with sustainability outcomes for 6-star green star rating. The thermal massing provided by the setting of the rear ground floor of the sports pavilion into the existing mound will have a significant positive contribution to the thermal performance of the building.

### Community and social implications

104. The project will benefit the broader community with a new and improved community room as part of the tennis pavilion, additional public toilets and upgrading of landscaping in and around the precinct.
105. The project will benefit sporting clubs users (including community members attending as spectators) by improving the sporting facilities and amenities.
106. The landscaping works will provide a more valued entry to the Sportsman's War Memorial and the revised arrangements for vehicle movements will enhance the safety of park users.

### Economic development implications

107. There are no known specific economic development implications.

### Human rights and gender equality implications

108. Increasing participation and inclusion is consistent with the Charter of Human Rights and Responsibilities Act 2006. Council has a responsibility to meet its obligations through appropriate and accessible community infrastructure.
109. The introduction of further change rooms to the facilities specifically allows for increased female participation in sports at the oval.
110. Universal access to covered and elevated spectating positions of the oval will be provided at the new sports pavilion and tennis/community pavilion.
111. An accessible toilet to "Changing Places" standard is proposed as part of the redevelopment, which will provide universal access to safe and private toilet facilities in the precinct.

## **Operational analysis**

### Financial and resource impacts

112. The estimated total project cost for the revised design is \$15.65 million.
113. The estimated total project costs are inclusive of project activities since the commencement of budget year 2019/20.
114. The Stage 1 estimated costs are \$6.65 million, and include both the construction of the western side of the project area (new sports pavilion and associated civil infrastructure and landscaping) and the overall design precinct design and planning/heritage approval activities, commencing at the beginning of budget year 2019/20.
115. The Project Quantity Surveyor's assessment (dated 14 Dec 2021) of Stage 1 estimated costs is \$6.65 million. Based on this, and accounting for prior contributions of \$50,000 each from Sport & Recreation Victoria and Clifroy Community Bank, and the further \$6.5 million to be provided by the State, Council's net contribution toward Stage 1 activities will be \$50,000.

116. Stage 1 costs incurred to date (July 2019 through December 2021) are \$488,920 which, excepting the prior \$100,000 of external contributions, have been borne by Council. These costs include architects, consultants, project manager, heritage advisors and other specialists.
117. The implication of this is, subject to confirmation of the Stage 1 funding agreement from SRV, Council approval to proceed, and planning approval, that Council is expected to recover all but \$50,000 of project expenditure based on external funding receipts associated with Stage 1.
118. The December 2019 report identified \$2.6 million of funding in Council's long-term financial plan that was able to be allocated to the project (based on the renewal of individual assets within the project area). A further relevant project to the value of \$135K has been identified in the long-term plan since then, bringing the available Council funds (without further allocation by Council) to \$2.735 million. \$50,000 of this will be applied to the Stage 1 expenditure, with the remaining \$2.685 million available for Stage 2.
119. The Project Quantity Surveyor's assessment of Stage 2 estimated costs is \$9.0 million. Accounting for the Council funds available for Stage 2, a further \$6.315 million is required from the State to enable Stage 2 to proceed, and the calculation of this amount has been provided to the State.
120. In addition, Council expended a further \$62,811 (funded in Council's 2018/19 budget) on needs analysis, concept planning and associated reports for the precinct in 2018/19, which is outside the scope of the Quantity Surveyor's estimated \$16.65m cost.

#### Legal Implications

121. No specific legal implications are identified.

#### **Conclusion**

122. This project has been delayed by the issue encountered with Heritage Victoria indicating that it fundamentally objected to key elements of the originally proposed treatment of the heritage grandstand, and the need to substantially revise the project design to avoid this issue.
123. The estimated project costs have substantially increased as a result of the re-design including the proposed new sports pavilion and due the passage of time, including higher than usual building industry price escalations during the pandemic.
124. The revised design is supported by the key project stakeholders, and a two stage approach has been developed that will allow the Stage 1 process to commence (subject to Council and planning approvals) funded by the announced State funding of \$6.5 million, and there is the prospect of further State funding being provided for Stage 2.

## RECOMMENDATION

1. That Council:
  - (a) note the revised design for the Brunswick Street Oval Precinct (BSOP) Redevelopment and support for the design by the Edinburgh Gardens Sporting Community (EGSC), Sport and Recreation Victoria (SRV) and internal project stakeholders;
  - (b) note that a two stage approach to project delivery is proposed as being necessary to allow the Stage 1 (Sports Pavilion) construction to proceed in the near term, subject to the further approval of Council and planning approval;
  - (c) note the proposal of the State to apply the announced \$6.5 million of funding towards the construction of Stage 1, which (subject to further Council approval and planning approval) could commence construction in early 2023, and that officers have applied to SRV for a funding agreement for Stage 1 activities;
  - (d) note that Stage 2 is currently not fully funded and requires a further contribution from the State of \$6.315 million (along with Council's allocated contribution of \$2.685m) to be viable;
  - (e) note EGSC's reservations about the staging and in particular the concerns of Fitzroy Tennis Club that Stage 2 (Tennis/Community Pavilion, Tennis Courts and Grandstand works) is currently not fully funded;
  - (f) endorse the undertaking of community consultation on the BSOP Redevelopment revised design and staging to obtain feedback from the general community on the revised proposal;
  - (g) note that officers will provide a further report to Council (anticipated in late May 2022) that will provide an overview of the outcomes of the consultation and seek further direction from Council on proceeding with a planning application for the project;
  - (h) note the officer recommendation supporting a Yarra Planning Scheme clause 52.30 (State Project) planning approval approach, subject to Council's support for the project as project proponent and the planning approach; and
  - (i) note that officers have applied to Department of Environment Land Water and Planning (DELWP) to confirm whether the project has "State Project" status and are liaising on the requirements to ensure that the proposed further community consultation by Council on the revised design will meet the consultation requirements of the prospective clause 52.30 planning process.

## Attachments

- 1 BSOP revised design and staging
- 2 EGSC support for revised BSOP design

## 8.8 Proposed Discontinuance of Road at 1 Stephenson Street, Cremorne

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<b>Reference</b>	D22/33171
<b>Author</b>	Bill Graham - Coordinator Valuations
<b>Authoriser</b>	Director Corporate, Business and Finance

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### Purpose

1. For Council to consider whether the road shown as the 56m<sup>2</sup> parcel on the title plan attached as Attachment 1 to this report (**Road**), being part of the land contained in certificate of title volume 3193 folio 521, should be discontinued pursuant to the Local Government Act 1989 (**Act**) and sold to Victorian Rail Track (**VicTrack**).

### Critical analysis

#### History and background

2. The Road is shown as the area coloured red on the plan attached as Attachment 2 to this report (**Site Plan**). A copy of the title search of the Road is attached as Attachment 3 to this report.
3. VicTrack has requested that Council discontinue the Road and sell the Road to it (**Proposal**). Council has the power to discontinue and sell roads provided it follows the discontinuance requirements set out in the Act.
4. 1 Stephenson Street, Cremorne is a triangular land parcel owned by VicTrack and used for public carparking. Council (Former City of Richmond) leased the land from the Railways/VicTrack (since the early 1960's) and provided public carparking. The parking spaces were created by Council when the land was surfaced. The subject road has not been used as a road since that time.
5. Council has been in various negotiations with VicTrack about numerous parcels of land in the precinct including others with road status. These negotiations will continue, are complex and there remains potential in future for land swaps and other consideration within the precinct.
6. Council (CEO under delegation) and VicTrack entered into a deed of agreement dated 14 September 2021 (**Deed**), under which Council agreed that if it resolves to discontinue and sell the Road to VicTrack, it will sell the road for an agreed market value of \$600,000 plus GST. This was in accordance with the valuation provided by the Valuer-General Victoria, as required by the Victorian Government Land Monitor (**VGLM**).
7. As a Statutory Body VicTrack were required to agree a valuation before applying for the discontinuance. The Deed provided some certainty around the time frame of the discontinuance, which was required by VicTrack to confirm their funding of the proposal. The Deed was compiled by Council's Lawyers and VicTrack Lawyers (working in conjunction).
8. VicTrack is the registered proprietor of all of the parcels of land which abut the Road shown delineated blue on the site plan, and being the land contained in certificates of title: volume 3656 folio 146; volume 6144 folio 729; volume 3578 folio 961; and volume 3295 folio 961. The current boundary of the Stephenson Street road reservation is shown hatched on the site plan.
9. Council has agreed to bear its own costs and disbursements associated with the proposed discontinuance of the Road.
10. VicTrack have lodged a plan of consolidation, which will fulfil council's requirements for the transfer and sale of the Road. VicTrack has sold the Land by public tender.

**Road Status**

11. The Road is:
  - (a) known to title as a 'R of W' (right of way) and is registered in the name of National Trustee Executors and Agency Company of Australasia Ltd, personal representatives of Denis Wadick (deceased) dated 15 April 1907;
  - (b) currently constructed as part of an open-air carpark;
  - (c) constructed of asphalt and concrete including concrete kerbing; and
  - (d) is not listed on Council's register of public roads.
12. It is considered that the Road is not reasonably required for public use as the road is not currently being used or accessed by the general public as a road and is being used as part of an open-air car park only.
13. On the 19 October 2021, the proposal was inspected by Cardno TGM Surveying. They were required to answer the question; is the road open and available/required for use by the public?
14. Cardno advised that the road is not open or required for use. Their report is attached to this report as Attachment 4.
15. The Road is a 'right of way' and is therefore a 'road' for the purposes of the Act, and Council has the statutory power to consider discontinuing the Road. If the Road is discontinued it will vest in Council.
16. On 30 November 2021, Council's Chief Executive Officer decided under delegated authority to commence the statutory procedures and give notice pursuant to section 207A and 223 of the Act of its intention to discontinue and sell the Road to VicTrack.

**Public Notice**

17. The public notice of the proposal as required by the Act was placed in the Age Newspaper on 6 December 2021. The notice was also displayed on-site by the Applicant. The notice requested that interested parties should lodge a submission regarding the proposal by the 7 January 2022. The public notice stated that if the Road is discontinued, Council proposes to sell the road to VicTrack for the price of \$600,000 plus GST, which is the market value determined by the Valuer-General under VGLM guidelines. A copy of the public notice is attached as Attachment 5 to this report.
18. One submission was received by Council in response to the public notice.
19. The submission raised the following general issues:
  - (a) Council undervalued the sale of the road;
  - (b) VicTrack sold the land prior to Council considering the discontinuance;
  - (c) insufficient public notice was given; and
  - (d) that Council's former CEO "stood down" from council in October 2021 and the notice was displayed in December.
20. Officer Response to the submission is as follows:
  - (a) the valuation of the Road was determined by the Valuer-General pursuant to VGLM requirements, both VicTrack and Council must follow these requirements;
  - (b) the sale of the land is entirely up to VicTrack. The Road is notated on the title documents;
  - (c) the public notice was advertised in the Age Newspaper on the 6 December 2021, the notice advised perspective submitters that the submission period closed on the 7 January 2022, the time frame fully complies with the 28-day public notice period required in the Act; and

- (d) Council's former CEO did not leave Council until the 14 January 2022 and was the CEO at the time of the placement of the Public Notice.

21. A copy of the submission received by Council is attached as Attachment 6 to this report.

#### **Adjoining Owners**

22. There are no adjoining Owners as VicTrack is the owner of all properties adjoining the Road.

#### **Statutory/Public Authorities**

23. The following statutory/public 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: General Western Water; Melbourne Water; CitiPower; United Energy; Multinet Gas; Telstra; Optus; APA Gas; AusNet Services; and Yarra City Council.

24. Melbourne Water, CitiPower, United Energy, Multinet Gas, Optus, Ausnet Services and Council have advised that they have no assets in or above the Road and no objection to the Proposal.

25. On 4 September 2021, Telstra advised that it has no assets within the near vicinity of the Road, and would not object to the proposal provided that the landowner, prior to carrying out any works in the vicinity of the Road:

- (a) requests the normal location of Telstra plant via 'Dial Before You Dig; and
- (b) obtains a Telstra-accredited Asset Plant Locator to confirm the actual location of the plant.

26. On 13 October 2021, APA Gas advised that it has no distribution gas mains within the Road, and no objection to the Proposal provided that:

- (a) no property service lines for adjacent allotments are located within the Road; and
- (b) if any property service lines are located within the Road and require relocation as a result of the proposal, VicTrack liaises with APA Gas to arrange relocation at VicTrack's expense.

27. On 19 October 2021, Greater Western Water advised that it has sewer assets in the Road. Greater Western Water advised that it did not object to the Proposal, subject to the following conditions:

- (a) a 2-metre-wide sewerage easement is created on the title plan over the sewer main located in the Road in favour of Greater Western Water, and the title plan must be referred to Greater Western Water for approval;
- (b) any proposed fences must be located a minimum distance of 800mm clear of the centreline of the existing sewer mains;
- (c) any proposed fence lines must be located a minimum of 1 metre from sewer manholes and/or inspection shafts; and
- (d) any proposal to build over Greater Western Water assets requires Greater Western Water's prior written consent.

28. The title plan for the Road was prepared to include the easement in favour of Greater Western Water as requested by Greater Western Water.

29. On 8 November 2021, Greater Western Water approved the title plan.

#### **Community and stakeholder engagement**

30. Public Notice of the proposal was given on the 6 December 2021.

#### **Economic development implications**

31. VicTrack have agreed to purchase the discontinued Road for \$600,000 plus GST.

### Financial and resource impacts

32. Council has agreed to bear its own costs and disbursements associated with the Proposal.

### Legal Implications

33. The road discontinuance process requires a new title to be created for the discontinued road. The new title is then transferred to the applicant.
34. Both Council and VicTrack are bound by the Deed of Agreement.
35. VicTrack have a statutory obligation to pay the amount set by the Valuer-General as required by the VGLM.
36. VicTrack has sold 1 Stephenson Street, Cremorne by public tender. The purchaser is aware of the status of the road and that the discontinuance is a decision of Council.
37. Council can decide to or not to discontinue the road. Council must consider the relevant facts available to it (including any submissions received in response to the public notice).

### Conclusion

38. Council must now determine whether the Road is reasonably required for public use in order to decide whether the Road should be discontinued and sold pursuant to clause 3 of schedule 10 of the Act.

## RECOMMENDATION

1. That Council, acting under clause 3 of schedule 10 Of the *Local Government Act 1989 (Act)*:
- (a) resolves, having followed all the required statutory procedures pursuant to sections 207A and 223 of the Act pursuant to its power under clause 3 of Schedule 10 of the Act, and being of the opinion that the road at 1 Stephenson Street, Cremorne, and being part of the land contained in certificate of title volume 3193 folio 521 (shown marked as the 56m<sup>2</sup> parcel on the title plan attached a schedule 1 to this report) (**Road**) is not reasonably required for public use for the reasons set out in this report;
  - (b) directs that a notice pursuant to the provisions of clause 3(a) of Schedule 10 of the Act is to be published in the *Victoria Government Gazette*;
  - (c) directs that once discontinued, the Road be transferred to Victorian Rail Track (**VicTrack**) for an agreed market value of \$600,000 plus GST;
  - (d) directs that the Interim CEO sign any transfer or transfers of the Road and any other documents required to be signed in connection with the discontinuance of the Road and its subsequent transfer to VicTrack;
  - (e) directs that any easements, rights or interests required to be created or saved over the Road by any authority be done so and not be affected by the discontinuance and sale of the Road; and
  - (f) directs that VicTrack be required to consolidate the title to the discontinued Road with the land contained in the certificates of title to the surrounding land, by no later than 6 months after the date of transfer of the discontinued Road.

## Attachments

- 1 Title Plan
- 2 Site Plan
- 3 Title Search
- 4 Surveyor's Report
- 5 Public Notice
- 6 Submission



## 8.9 Motions for ALGA National General Assembly

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<b>Reference</b>	D21/21705
<b>Author</b>	Rhys Thomas - Senior Governance Advisor
<b>Authoriser</b>	Group Manager Chief Executive's Office

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### Purpose

1. To provide an opportunity for Council to consider submitting motions to the Australian Local Government Association (ALGA) National General Assembly to be held in Canberra on 19-22 June 2022.

### Critical analysis

#### History and background

2. The ALGA National General Assembly is an opportunity to further Council's policy positions at a national and state level, particularly in relation to advocacy matters. Once submitted, the motions are taken to National General Assembly, and debated by the members. If adopted, they become the formal position of the ALGA.

#### Discussion

3. Council has an opportunity to submit motions for consideration by the ALGA National General Assembly. To be eligible for inclusion in the National General Assembly Business Papers, and subsequent debate on the floor, motions must meet the following criteria:
  - (a) Be relevant to the work of Local Government nationally;
  - (b) Not be focussed on a specific location or region – unless the project has national implications;
  - (c) Be consistent with the themes of the National General Assembly;
  - (d) Complement or build on the policy objectives of your state and territory local government association;
  - (e) Be submitted by a council which is a financial member of their state or territory local government association;
  - (f) Propose a clear action and outcome i.e. call on the Australian Government to do something; and
  - (g) Not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members, or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.
4. Motions must be submitted to the ALGA Secretariat by 25 March 2022.

#### Options

5. Council has the option of determining whether or not to submit a motion (or motions) to the National General Assembly in 2022.

### Community and stakeholder engagement

6. There has been no external consultation in the preparation of this report.
7. Invitations have been extended to all Councillors to consider preparation of motions for consideration by Council for submission to the National General Assembly.

## Policy analysis

### Alignment to Council Plan

8. Any submitted proposed motion should be consistent with Council's established policy position on the relevant subject, including the Council Plan.

### Climate emergency and sustainability implications

9. There are no sustainability implications associated with this report.

### Community and social implications

10. There are no community or social implications associated with this report.

### Economic development implications

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

### Human rights and gender equality implications

12. There are no human rights or gender equality implications associated with this report.

## Operational analysis

### Financial and resource impacts

13. As the National General Assembly is interstate, the attendance of Councillors requires approval by Council and will be the subject of a future report. There are no financial implications of submitting motions to the National General Assembly.

### Legal Implications

14. There are no legal issues associated with this report.

## Conclusion

15. This report provides Councillors an opportunity for Council endorsement of motions for submission to the Australian Local Government Association (ALGA) National General Assembly.

## RECOMMENDATION

1. That Council endorse the following motions for submission to the Australian Local Government Association (ALGA) National General Assembly to be held on 19-22 June 2022, as tabled:
  - (a) \_\_\_\_\_
  - (b) \_\_\_\_\_

## Attachments

There are no attachments for this report.

## 8.10 Audit and Risk Committee Biannual Activity Report

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<b>Reference</b>	D22/41938
<b>Author</b>	Rhys Thomas - Senior Governance Advisor
<b>Authoriser</b>	Group Manager Chief Executive's Office

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### Purpose

1. To provide Council with the Audit and Risk Committee Biannual Activity Report as required by section 54(5) of the Local Government Act 2020.

### Critical analysis

#### History and background

2. Section 54(5) of the Local Government Act 2020 provides that an Audit and Risk Committee: *“prepare a biannual audit and risk report that describes the activities of the Audit and Risk Committee and includes its findings and recommendations; and provide a copy of the biannual audit and risk report to the Chief Executive Officer for tabling at the next Council meeting.”*
3. The previous Biannual Activity Report covered the period 1 July 2021 to 31 December 2021 and was presented to Council on 7 September 2021.

#### Discussion

4. Tabling of the attached Biannual Activity Report at a public meeting of Council provides transparency to the community on the operation of the committee, as well as highlighting the high level considerations of the committee.
5. The nature of the matters considered by the Audit and Risk Committee is such that the attached report can provide a summary of the matters considered, but cannot set out the detailed findings or recommendations in relation to Council’s control framework, as to do so would expose Council to undue risk.
6. In addition to the attached activity report, all Councillors are provided with the full agendas and minutes of Audit and Risk Committee meetings, and are invited to attend any meeting in an observer capacity.
7. In addition to the attached report, the Audit and Risk Committee’s oversight role is primarily discharged by providing advice and direction to Council’s Chief Executive Officer and senior management, particularly those within the finance, risk management and governance portfolios. That said, it is recognised that there may be circumstances where the Committee may wish to provide advice direct to the Council.
8. There are three mechanisms for the committee to provide this advice:
  - (a) Firstly, the Council has authorised the Audit and Risk Committee through its Charter to request that the Chief Executive Officer table a report from the Committee at a meeting of the Council;
  - (b) Secondly, the Local Government Act 2020 provides that the Chief Executive Officer must table a report of the Committee at a meeting of the Council where requested by the Committee Chair; and
  - (c) Thirdly, the Local Government Act 2020 provides that a Committee may make formal recommendations to Council in this biannual activity report.
9. In the period 1 January to 30 June 2020, neither the Committee nor the Committee Chair requested that the Chief Executive Officer table a report at a Council meeting.

10. At its meeting on 24 February 2022, the Audit and Risk Committee requested that the Chief Executive Officer present the following recommendation to Council along with this biannual activity report:
1. *That Council note the position of the Audit and Risk Committee that:*
    - (a) *Council is currently in a tight financial position arising from the impact of the COVID-19 pandemic and existing debt levels;*
    - (b) *given the difficult situation, Council is encouraged to give careful consideration to ongoing financial viability when structuring the 2022/2023 Budget and the associated update of the Long Term Financial Plan.*
11. This recommendation is presented separately for Council's consideration.

#### Options

12. There are no options presented in this report.

### Community and stakeholder engagement

13. The Audit and Risk Committee Biannual Activity Report was endorsed by the Audit and Risk Committee at its meeting on 24 February 2022.

### Policy analysis

#### Alignment to Council Plan

14. The City of Yarra Council Plan 2017-2021 contains a strategic objective that Council “*maintain a culture of transparency, governance, ethical practice and management of risks that instils a high level of community respect and confidence in Council decision-making.*”
15. The presentation of Audit and Risk Committee Biannual Activity Reports to a public Council meeting supports a culture of transparency and good governance.

#### Climate emergency and sustainability implications

16. No climate emergency or sustainability implications are considered in this report.

#### Community and social implications

17. No community or social implications are considered in this report.

#### Economic development implications

18. No economic development implications are considered in this report.

#### Human rights and gender equality implications

19. No human rights or gender equality implications are considered in this report.

### Operational analysis

#### Financial and resource impacts

20. No finance or report impacts are considered in this report.

#### Legal Implications

21. The tabling of this Biannual Activity Report by the Chief Executive Officer is required by section 54(5)(b) of the Local Government Act 2020.

### Conclusion

22. The Audit and Risk Committee Biannual Activity Report was endorsed by the Audit and Risk Committee at its meeting on 24 February 2022 and has been tabled by the Chief Executive Officer to provide Council with the Audit and Risk Committee Biannual Activity Report as required by section 54(5) of the Local Government Act 2020.

## OFFICER RECOMMENDATION

1. That Council:
  - (a) receive the Audit and Risk Committee Biannual Activity Report for the period 1 July to 31 December 2021 at **Attachment One**;
  - (b) note that in the period 1 July to 31 December 2021, neither the Committee nor the Committee Chair requested that the Chief Executive Officer table a report at a Council meeting; and
  - (c) note that at its meeting on 24 February 2022, the Audit and Risk Committee made a recommendation to Council.

## AUDIT AND RISK COMMITTEE RECOMMENDATION

1. That Council note the position of the Audit and Risk Committee that:
  - (a) Council is currently in a tight financial position arising from the impact of the COVID-19 pandemic and existing debt levels; and
  - (b) given the difficult situation, Council is encouraged to give careful consideration to ongoing financial viability when structuring the 2022/2023 Budget and the associated update of the Long Term Financial Plan.

## Attachments

- 1 Audit and Risk Committee biannual activity report - July to December 2022

## 9.1 Notice of Motion No.2 of 2022 - Collingwood Children's Farm Committee of Management Pledge

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<b>Reference</b>	D22/41904
<b>Author</b>	Ivan Gilbert - Group Manager Chief Executive's Office
<b>Authoriser</b>	Group Manager Chief Executive's Office

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I, Councillor Stephen Jolly, hereby give notice that it is my intention to move the following motion at the Ordinary Meeting of Council to be held on 8 March 2022:

“1. *That Council:*

- (a) *is alarmed by a requirement requested by the Committee of Management of the Collingwood Children’s Farm for Council’s elected representative to sign a Loyalty Pledge (refer copy – **Attachment 1** hereto) as a precondition for attendance at meetings;*
- (b) *believes these unprecedented requirements would, if accepted, force a Councillor to ignore their responsibilities under the Local Government Act and is counter-posed to the most basic understanding of the principles of transparency, accountability and democracy;*
- (c) *supports any Councillor refusing to sign this loyalty pledge and believes that signing this pledge should not be a precondition for attendance at Committee of Management meetings; and*
- (d) *asks for its Governance officers to meet with the Collingwood Children’s Farm Committee of Management to seek changes to the Loyalty Pledge so as to allow further participation of Councillors on this Committee without such participation breaching the most minimum standards of good governance and the Local Government Act.”*

### **Background**

Yarra Council values its participation in various external bodies via the election of Councillors to their Committees for annual terms, such as the Municipal Association of Victoria, Yarra Energy Foundation, Merri Creek Management Committee and Collingwood Children’s Farm.

This participation allows Council to have its voice heard on important local or Statewide organisations, as well as Council to be kept up to date on issues pertaining to these Committees.

Our participation in the MAV, for example, allows for Council to advocate for important policy issues that otherwise may not be raised at this level.

Therefore, Council should be alarmed by a requirement requested by the Committee of Management (CofM) of the Collingwood Children’s Farm for Council’s elected representative to sign a Loyalty Pledge (refer copy – **Attachment 1** hereto) as a precondition for attendance at meetings. This requirement is more in line with a dictatorship rather than the democratic norms we enjoy in Australia.

Point 9 of the Loyalty Pledge calls on its Committee of Management members, including Councillors elected by the public: “...to support ALL actions taken by the Committee of Management even when I am in a minority position on such actions.”

Point 7 of the Loyalty Pledge calls for Committee of Management members to “refrain from intruding on administrative issues that are the responsibility of management”, despite the fact that the Farm Manager is constitutionally bound to report to the Committee of Management.

These unprecedented requirements would, if accepted, force a Councillor to ignore their responsibilities under the Local Government Act. It also is counter-posed to the most basic understanding of the principles of transparency, accountability and democracy.

On this basis, Council should support any Councillor refusing to sign this loyalty pledge and signing this pledge should not be a precondition for attendance at CofM meetings.

Council's Governance officers should meet with the CCF CofM to seek changes to the Loyalty Pledge so as to allow further participation of Councillors on this Committee without such participation breaching the most minimum standards of good governance and the Local Government Act.

## RECOMMENDATION

1. That Council:
  - (a) is alarmed by a requirement requested by the Committee of Management of the Collingwood Children's Farm for Council's elected representative to sign a Loyalty Pledge as a precondition for attendance at meetings;
  - (b) believes these unprecedented requirements would, if accepted, force a Councillor to ignore their responsibilities under the Local Government Act and is counter-posed to the most basic understanding of the principles of transparency, accountability and democracy;
  - (c) supports any Councillor refusing to sign this loyalty pledge and believes that signing this pledge should not be a precondition for attendance at Committee of Management meetings; and
  - (d) asks for its Governance officers to meet with the Collingwood Children's Farm Committee of Management to seek changes to the Loyalty Pledge so as to allow further participation of Councillors on this Committee without such participation breaching the most minimum standards of good governance and the Local Government Act.

## Attachments

- 1 Attachment 1 - Pledge