

Late Agenda

for the

Ordinary Meeting of Council

To be held at the Council Chambers, Civic Centre,
Boxshall Street Brighton

on

**Tuesday, 20 February, 2018
at 7:00pm**

Cr: Cr Laurence Evans (Mayor)

Councillors: Cr Rob Grinter
Cr Alex del Porto
Cr James Long BM JP
Cr Michael Heffernan
Cr Clarke Martin
Cr Sonia Castelli

Late Items

- 10. Reports by the Organisation
 - 10.24 Cheltenham Activity Centre - Kingston Structure Plan Review - implications and considerations for Bayside..... 3

10. Reports by the Organisation

10.24 CHELTENHAM ACTIVITY CENTRE - KINGSTON STRUCTURE PLAN REVIEW - IMPLICATIONS AND CONSIDERATIONS FOR BAYSIDE

City Planning & Community Services - Urban Strategy
File No: PSF/18/109 – Doc No: DOC/18/33198

Executive summary

Purpose and background

In early 2017 Kingston City Council resolved to undertake a review of the Cheltenham Structure Plan to influence the design outcomes associated with the State Government's Level Crossing Removal Project.

The investment in this area through the Level Crossing Removal Authority (LXRA) works pose a once in a lifetime opportunity to ensure the development responds to the aspirations for Cheltenham Activity Centre to become a prime example of a transit oriented development.

The Cheltenham Structure Plan boundary sits outside the Bayside Municipal boundary. The centre of the railway corridor defines the municipal boundary between the City of Kingston and the City of Bayside in this location.

Bayside Council officers have been engaged in the review of the structure plan through a reference group established by Kingston for this project. The strategic objectives and strategies presented in the Cheltenham Structure Plan align with Bayside Council's objectives and strategies and aspirations for the area and include:

- Increasing the availability of commuter parking;
- Enhancing pedestrian and cyclist access and movements, with a pedestrian underpass provided for Park Road;
- An appropriate interface for the railway land with Cheltenham Park and Cheltenham Cemetery; and
- Retention of heritage station buildings as utilised components in the redeveloped station.

In December 2017, Kingston adopted the Cheltenham Structure Plan Review which outline the following key objectives:

- An expansive new open space connection providing a green link between the Charman Road Shopping Precinct and Cheltenham Park.
- The provision of up to an additional 150 car parking spaces for users of the centre within a consolidated decked and underground car park providing convenient access into the activity centre and the railway precinct.
- Future development opportunities above the rail corridor for a mix of uses (with possible supermarket) with a scale and form responsive to sensitive interfaces including Cheltenham Park, residential zoned land to the north-west and lower scale retail forms fronting Charman Road.
- An integrated bus interchange on Charman Road above the rail corridor providing seamless connectivity with the proposed new station entrance.
- A mixed use development opportunity (including a possible supermarket) on Council and privately owned land generally located between Station Road and Railway Road.

- A centrally located and activated green public open space link between Station Road and Railway Road within a new higher density mixed use precinct.

Key issues

Updates to Kingston planning controls associated with the Cheltenham SP review

In order to implement the vision of the Cheltenham Structure Plan review an expansion of Precinct 5, Railway Precinct to include all the railway corridor land is proposed. This change includes land within the City of Bayside between Charman Road and Park Road. The Cheltenham station redevelopment will produce development opportunities above the railway trench to the south of Park Road.

The revised Structure Plan envisages the use of the airspace above the rail corridor to achieve a transit orientated development whilst providing guidance on potential built form outcomes as a result of the LXRA project.

The Structure Plan Review built form recommendations for the airspace above the railway corridor overlooking Cheltenham Park and Pioneer Cemetery, along the activity centre's western edge, is of 14m (4 storey) podium height that is well set back from the park boundary to accommodate required access and egress. Upper level development behind the podium level is proposed to be of a scale of up to 26m (8 storey).

Bayside officers have expressed concerns in relation to the built form transition provided between the proposed podium height and Cheltenham Park. It is considered that an approach, that emphasises the transition and minimises visual and amenity impact to the park needs to be considered whilst ensuring the economic viability of the proposed outcome is not compromised.

Municipal boundary alignment

The application of a Structure Plan across municipal boundaries is not uncommon, however in its current form any development must respect, (and not straddle) the municipal boundaries.

This has implications in achieving a cohesive design response for the area and the potential to influence design outcomes as part of this once in a lifetime infrastructure investment opportunity. A shift in the municipal boundary at this site may therefore be very valuable in achieving an optimal urban design outcome.

Legal advice has been sought on this matter and indicates that a change in municipal boundaries can occur relatively simply, if both Council's agree to the change; or to the disadvantage of one council and without that council's agreement if the other council successfully requests the Minister for Local Government to convene a Local Government Panel.

Whilst Bayside agrees with the opportunities presented by the LXRA project in achieving a best practice integrated land use planning outcome, an understanding of the economic feasibility of the built form proposed on top of the railway corridor will provide certainty that the proposed structure plan controls will be delivered and respond to Bayside and Kingston's aspirations for the area.

It is important to note that the boundary also dictates electoral entitlements and liability for rates and development contributions.

The impact on Cheltenham Park as a result of the proposed future built form and the Centre's growing population and reliance on Cheltenham Park for open space provision are key considerations for Council.

Cheltenham Park sits outside the Kingston municipal boundary and the Cheltenham Structure Plan boundary. Cheltenham Park is of regional significance for its remnant vegetation. The park is highly valued and respected for:

- Its informal, natural and wild character and ecological significance in terms of the abundance and diversity of its native flora and fauna;
- Recreation for formal sporting activities such as cricket and football, dog training, bushwalking and other passive pursuits; and
- Its historical heritage importance.

The Cheltenham Park master plan seeks to maintain, protect and enhance this valued future through a work program that guides upgrades and maintenance works recognising the distinct role of the flora and fauna reserve and the recreation area which are distinctly identified and coexist within the park.

If the boundary realignment was to be supported in principle, there is an opportunity to negotiate contributions from Kingston to Bayside to fund improvements and maintenance works on Cheltenham Park.

Heritage

The retention of the existing heritage controls in the area and the retention of the existing heritage station buildings within the station precinct will continue to be part of the advocacy as part of the redevelopment of the railway station and the LXRA project.

Access and movement

The prioritisation of walking and cycling as modes of transport to access the train station and minimising user conflict by separating walking and cycling infrastructure from vehicular access ways has been identified as a key priority through Bayside's advocacy work with LXRA and is reflected in the Cheltenham Structure Plan review.

Recommendation

That Council:

1. Authorises the CEO in consultation with the Mayor to undertake negotiations with Kingston City Council and the State Government to facilitate a process under the Local Government Act to move the municipal boundary west to align with the Activity Centre boundary shown in the Cheltenham Structure Plan review as shown in Attachment 1, subject to:
 - a. An analysis of the economic feasibility of the built form proposed on parts of the railway bridge;
 - b. A detailed impact assessment of the built form response at the interface of the Cheltenham Park to ensure that any amenity and visual impacts on the park are minimised;
 - c. An agreement between Kingston and Bayside that ensures that an appropriate percentage of funds collected from new developments for the purpose of open space provision are transferred to Bayside for maintenance and improvement works on Cheltenham Park; and
 - d. A report on the outcomes or progress on negotiations be presented to Council at the Ordinary Meeting of Council of March 2018

2. In relation to the LXRA seeks the following:
 - a. Ensure that, wherever possible existing vegetation is retained along the edge of the trench and where this is not possible, replacement vegetation is provided to offset vegetation loss;
 - b. Upon the LXRA appointment of a construction alliance partner, commence immediate engagement in relation to proposed construction and traffic management to minimise disruption to existing residents, users of the park and visitors to the area and minimise any impacts on Cheltenham Park;
 - c. Seek further community consultation to be undertaken by the LXRA on the detailed design elements of the station including any proposed developments on top of the railway bridge; and
 - d. Continue to work with LXRA to ensure that guidelines developed through the Urban Design Advisory Panel Process are considered as part of the detailed design response.
3. Support Kingston's proposal to advocate to the Minister for Planning to ensure that the Kingston Heritage Overlay and associated Planning Scheme maps are modified to show the final location of the heritage station buildings in Cheltenham.

Support Attachments

1. Cheltenham Structure Plan Review -Proposed municipal boundary change ↓

Considerations and implications of recommendation

Liveable community

Social

The Cheltenham Structure Plan review contains objectives and strategies in relation to land use, built, from access and movement, and the public realm that will guide development in the activity centre and are intended to influence the outcomes of the LXRA project. The provision of a transit oriented development will provide improvements to walking and cycling infrastructure and better connected open spaces.

Natural Environment

The Cheltenham Structure Plan Review considers how to protect and enhance biodiversity, how to respond to climate change and how to ensure new development is environmentally sustainable and incorporates vegetation and trees. The impact on Cheltenham Park as a result of the proposed future built form and the Centre's growing population and reliance on Cheltenham Park for open space provision are key considerations for Council.

Built Environment

Activity Centres are identified as locations for future housing growth in both State and local planning policies. The Cheltenham Structure Plan review provides a framework to manage growth in the area and provide the planning controls to guide land use and built form outcomes through integrated land use planning.

Customer Service and Community Engagement

Kingston City Council has notified Bayside residents and properties which are located within close proximity to the Cheltenham Structure Plan Review Study Area. Participation of Bayside residents through the consultation and engagement process has been recorded and concerns have been responded through the process.

The LXRA has undertaken a range of community engagement initiatives as it progresses the level crossing removal project.

Human Rights

The implications of this paper have been assessed and are not considered likely to breach or infringe upon the human rights contained in the *Victorian Charter of Human Rights and Responsibilities Act 2006*. The outcomes sought by Council through the LXRA project seek to ensure that an integrated land use planning outcome is achieved and incorporates universal access.

Legal

The fact that the municipal boundaries of Kingston and Bayside bisect the developable areas above the railway corridor, means that, unless there is a boundary change, development over the railway corridor to achieve the vision of a transit city will be compromised.

A voluntary boundary change, in the sense of a boundary change with the agreement of both affected councils, is straight forward if it is minor in nature. *S220T* of the *Local Government Act* concedes powers to the Minister to enact the change if she or he can certify to the Governor in Council that the proposed change is minor in nature and that any Council whose municipal district is affected by the proposed change has approved the changes.

Finance

The boundary realignment could result in a loss of future revenue to Council through rates and contributions as a result of future development on the land within the rail corridor that is currently within the Bayside municipal boundary.

Links to Council policy and strategy

Bayside Housing Strategy 2012

Bayside's Residential Strategic Framework Plan identifies the area around the train station as a moderate residential growth area. The zoning of residential land located between Charman Road, Wetherall Road, Cheltenham Park and the primary school reflects this designation through the General Residential Zone.

Bayside Integrated Transport Strategy 2013

The *Bayside Integrated Transport Strategy 2013* commits council to improving local accessibility, creating better public transport connections, creating user friendly streets, integrating transport and land use and improving perceptions of and enabling sustainable travel. The Southland and Pennydale Structure Plan provides an opportunity to improve walking and cycling in the area and to encourage more sustainable transport use.

