

Rushall Reserve Shared Path - Previous Council reports

21ST JULY 2015 – REPORT TO COUNCIL – To feedback to Council on the initial consultation outcomes – majority feedback opposed to the proposal.

Officer Recommendation –

That Council :

- a) notes the feedback received during the consultation process;
- b) defers the proposed shared pathway improvement through Rushall Reserve;
- c) authorises officers to carry out further investigations into the design, cost and benefits of underpass improvements at Rushall Station to meet strategic objectives, utilising the \$65,000 allocated for project in 2015/16 Rushall Station bypass for this purpose;
- d) requests that officers provide an update to Council prior to the end of 2015 on the outcomes of this further investigation; and
- e) notes that the proposal – or an appropriate alternative – remains as a strategic priority for consideration at a later date.

COUNCIL RESOLUTION

Moved: Councillor Gaylard

Seconded: Councillor Fristacky

1. That Council:

- (a) notes the extensive feedback received during the consultation process regarding the proposed shared path through Rushall Reserve;
- (b) notes the officer report and recommendation responding to community input on the need for improvements to the underpass at Rushall Station and requests that the officers:
 - (i) advise VicTrack, PTV and other responsible authorities of the extensive community representations (with copies subject to appropriate privacy protections) on the need to improve and upgrade this underpass and seeks their commitment to such upgrade and to also accommodate secure bicycle parking at the station, with a timeframe for implementation; and
 - (ii) report to Council on the above;
- (c) recognises and supports the current uses of Rushall Reserve by the community as valued green open space, the diversity of users, including walkers, joggers, children, dog walkers and bike riders, who would benefit from improved access to the Merri Creek environs;
- (d) notes the importance of health outcomes from dog walking and seeks to enhance amenity by inclusion of a drinking tap for Reserve users and their dogs, including a handwashing facility;
- (e) notes the strategic importance of the shared pathway network as described in the Yarra Bicycle Strategy 2010-2015 allocating a high priority rating to the path (meeting

- 5/5 criteria), and the Merri Creek Trail Review supporting a pathway through the Reserve;
- (f) notes the range of views on the proposed Rushall Reserve shared path received through community feedback including:
 - (i) opposition to any path through Rushall Reserve;
 - (ii) opposition to a path through the middle of the Reserve;
 - (iii) in principle support for a pathway through the Reserve;
 - (iv) support for a perimeter path following and extending the existing goat track along the railway line and embankment.
 - (g) notes the risks associated with use of an informal and unsafe access track at the top of a cliff and along an unfenced railway line and the need for a path to provide safe legal access to the Reserve.
 - (h) supports improved access for the community to the rail and bus services at Rushall Station;
 - (i) authorises officers to report back to Council on the design of a shared path on the perimeter of Rushall Reserve on the basis that:
 - (i) the path alignment follows, as close as is practical, the railway embankment on the west side of Rushall Reserve and limits encroachment onto green open space;
 - (ii) the path location, as far as is practical, ensures retention of significant native trees;
 - (iii) the design includes treatments to encourage slower cyclist speeds and reduce potential conflict between park users and dogs (e.g. through fencing, planting or other creative solutions);
 - (iv) the design considers improvements to visibility, signage, access and revegetation, and to drainage including beneath the Holden Street railway bridge;
 - (v) the design ensures appropriate path gradients for walkers, pushers, and bike riders to assist south-bound users; and
 - (vi) current park users be consulted on whether the existing asphalt path through the Reserve be (a) retained with signage to show this is a no through path, (b) improved and extended to the Creek, or (c) replaced with turf in order to minimise the loss of green space; and
 - (j) requests officers to consider community feedback on the revised designs prior to the report back to Council.

CARRIED

DIVISION

FOR: Councillors Gaylard, Fristacky, Coleman, Stone and Jolly

AGAINST: Councillors Vlahogiannis, Colanzi and Barbour

CARRIED

2ND AUGUST 2016 – REPORT TO COUNCIL – To review the broader community feedback on the concept design, and seek direction on Councils preferred option.

Officer Recommendation –

1. That Council:
 - (a) note the officer report in respect to the community consultation process in relation to the shared path proposal within Rushall Reserve as directed by Council in July 2015;
 - (b) note the extensive feedback received during the community consultation process in April and May, 2016;
 - (c) note the feedback received via the online survey and associated written submissions from members of the community within Yarra and those received from outside the municipality;
 - (d) note the contribution of the community at the Information Day on 7 May, 2016; and
 - (e) note the priorities relating to Council's shared pathway network contained in the 2013- 17 Council Plan, the Yarra Bicycle Strategy and the Merri Creek Trail Review 2008.
2. That Council note that it could:
 - (a) determine to advance the proposal for a shared path in Rushall Reserve which would include resolving to proceed with seeking planning approval for the necessary tree removal and other approvals by external agencies including VicTrack, or
 - (b) determine to not proceed further with the project.
3. That Council, having regard to 1 and 2 above, provide direction to officers in relation to the shared path proposal in Rushall Reserve.
4. That Council consider the following options and resolve to provide direction to the organisation in relation to the proposal for a shared path in Rushall Reserve:

Options for Council consideration

Option 1(a) – shared path with fence

1. That Council:
 - (a) endorses the construction of a shared pathway in Rushall Reserve linking the existing Merri Creek Trail between Rushall Station and Koonda Lat generally consistent with the plan placed on exhibition but with required adjustment for the necessary clearance of the City West Water pipe and the inclusion of suitable fencing along the eastern side of the shared path (with some gates as deemed appropriate in the final design);
 - (b) note that a planning permit application would be required to be lodged for consideration for the removal of vegetation associated with the works – this would be advertised to the local community and be processed accordingly;

- (c) having regards to (b) above;
 - (i) authorises officers to prepare the necessary information to submit a planning permit application as required under the Yarra Planning Scheme;
 - (ii) authorises officers to defer the documentation for the construction of a shared path consistent with Option 1(a) until such time as the planning permit process has been concluded;
 - (iii) that the final design include the following items:
 - a. additional seating in the reserve and the installation of a drinking fountain with a dog bowl;
 - b. tree planting in the reserve and ground covers underneath the railway to offset any trees and vegetation removals;
 - c. utilise decking (where necessary) over tree protection zones within Rushall Reserve to minimise disturbance to mature trees;
 - d. have a minimum shared path width of 2.5m and a maximum width of 3m;
 - e. offset the path (in a particular location) to provide the required separation from the City West Water pipe; and
 - f. have regard to VicTrack Risk Assessment requirements; and
 - (iv) authorises officers to communicate the resolution of Council to those people who made submissions as part of the consultation process.

Option 1(b) – shared path with no fence

1. That Council:
 - (a) endorses the construction of a shared pathway in Rushall Reserve linking the existing Merri Creek Trail between Rushall Station and Koonda Lat generally consistent with the plan placed on exhibition but with required adjustment for the necessary clearance of the City West Water pipe and incorporating low vegetation and occasional seating on the eastern edge of the shared path (as deemed appropriate in the final design) to act as a barrier;
 - (b) note that the provisions of the Council Order made under S10A and 26 of the *Domestic Animals Act 1994*, that dogs must be kept on-lead on shared pathways and five metres either side, even if pathways run through off-lead areas, would need to be applied;
 - (c) note that a planning permit application would be required to be lodged for consideration for the removal of vegetation associated with the works – this would be advertised to the local community and be processed accordingly;
 - (d) having regards to (b) above;

- (i) authorises officers to prepare the necessary information to submit a planning permit application as required under the Yarra Planning Scheme;
- (ii) authorises officers to defer the documentation for the construction of a shared path consistent with Option 1(b) until such time as the planning permit process has been concluded; and
- (iii) that the final design include the following items:
 - a. additional seating in the reserve and the installation of a drinking fountain with a dog bowl;
 - b. tree planting in the reserve and ground covers underneath the railway to offset any trees and vegetation removals;
 - c. utilise decking (where necessary) over tree protection zones within Rushall Reserve to minimise disturbance to mature trees;
 - d. have a minimum shared path width of 2.5m and a maximum width of 3m;
 - e. offset the path (in a particular location) to provide the required separation from the City West Water pipe; and
 - f. have regard to VicTrack Risk Assessment requirements; and
- (iv) authorises officers to communicate the resolution of Council to those people who made submissions as part of the consultation process.

Option 2 – do not proceed with the shared path

- 1. That Council:
 - (a) determine not to proceed with the construction of a shared path in Rushall Reserve linking the existing Merri Creek Trail at Rushall Station with the trail at Koonda Lat; and
 - (b) authorises officers to communicate the resolution of Council to those people who made submissions as part of the consultation process.

COUNCIL RESOLUTION – Rushall Reserve - 2 August 2016

- 1. That Council notes:
 - (a) the proposals for “*a safer, more environmentally sympathetic and user friendly trail*” at Rushall Reserve as proposed in the 2008 Merri Creek Trail Review;
 - (b) the extensive consultation process on path design and Reserve amenity during April – May 2016, as determined by Council resolution at its meeting on 21 July 2015, following an earlier consultation process March – May 2015;
 - (c) quantitative data identified that:

- (i) 127 of 205 local Yarra respondents generally supported the draft design, while 76 Yarra respondents did not support the path or had concern with the draft design;
- (ii) 62 of 97 local non-Yarra respondents supported the draft design with or without modification, while 34 did not support the path or had concern with the draft design;
- (d) a Cultural Heritage Management Plan (CHMP) found that no Aboriginal cultural heritage material was located and was unlikely to be located within the activity area given the high levels of disturbance across the high activity area;
- (e) feedback from the Disability Advisory Committee seeking an asphalt surface rather than concrete;

2. That Council:

- (a) resolves to proceed with the construction of a 2.0 metre asphalt path on the edge of Rushall Reserve linking the existing Merri Creek Trail between Rushall Station and Koonda Lat Bridge generally consistent with the design consulted on with the community during April-May 2016, with adjustments as per (d) below;
- (b) authorises officers to prepare the necessary information to submit a planning permit application as required under the Yarra Planning Scheme;
- (c) endorses a re-design of the path, with the objective of retaining the significant tree shown as Number 5 on Attachment 1 on the basis that the final design is assessed against the AustRoads Guidelines, in the event that the above is not able to be achieved, authorises officers to commence the planning permit application for the removal of the significant tree as required under the Yarra Planning Scheme;
- (d) endorses the final design to include the following items:
 - (i) except where decking is required, that the path be constructed in asphalt;
 - (ii) offset the path (in a particular location) to provide the required separation from the City West Water pipe;
 - (iii) measures to slow the speed of bicycles and other mobility aids using the path;
 - (iv) planting of intermittent low vegetation along the edge of the path with appropriate segments of fencing with gates for pedestrian access;
 - (v) 1.4 metre high fencing along the embankment as a safety measure;

- (vi) additional seating in the reserve, the installation of a drinking fountain with a dog bowl, and improved signage;
 - (vii) tree planting in the reserve and ground covers, to offset any tree and vegetation removal;
 - (viii) utilise decking (where necessary) over tree protection zones within the Reserve to minimise disturbance to mature trees; and
 - (ix) have regard to VicTrack risk assessment requirements; and
2. endorses removal of the existing no-through asphalt path in the Reserve given strong support for its replacement with turf to increase green open space in the Reserve;
 3. That Council continues advocacy to transport agencies including Transport for Victoria to upgrade the sub-standard rail underpass and toilet facilities at Rushall Station, to accommodate secure bicycle parking at the station, and to seek commitment to such with a timeframe for implementation as part of State transport planning.
 4. That Council authorises officers to communicate this resolution to people who made submissions as part of the consultation process and thank them for their input
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19TH SEPTEMBER 2017 – REPORT TO COUNCIL - To consider modifying the path width from 2m to 2.5m, and to consider the path alignment.

RECOMMENDATION

1. That Council:
 - (a) notes the further officer report regarding the proposed shared path in Rushall Reserve;
 - (b) notes the feedback received at the roundtable meeting on 18 April 2017;
 - (c) notes the judge's findings in *Monty v Bayside City Council & Ors.* (2010) relating to an incident on a shared path and the advice from Council's insurers on potential liabilities arising from constructing a path that does not comply with the minimum standards as recommended in the Austroads guidelines;
 - (d) notes the benefits associated with amending the path alignment through Rushall Reserve as described in Attachment 4 as B2;
 - (e) endorses construction of a 2.5m wide path with appropriate run-offs;
 - (f) endorses an amended alignment consistent with A + B2 as described in Attachment 4;
 - (g) authorises officers to prepare the necessary information to submit a planning permit application as required under the Yarra Planning Scheme, having regard to VicTrack risk assessment requirements, for construction of a 2.5m wide path with appropriate run-offs in the area generally shown as section A in Attachment 4;
 - (h) authorises officers to include the relevant elements from 2(d) of the resolution of Council on 2 August 2016 (Attachment 2), those being:
 - (i) except where decking is required, that the path be constructed in asphalt;
 - (ii) measures to slow the speed of bicycles and other mobility aids using the path;
 - (iii) planting of intermittent low vegetation along the edge of the path with appropriate segments of fencing with gates for pedestrian access;
 - (iv) 1.4 metre high fencing along the embankment as a safety measure;
 - (v) additional seating in the reserve, the installation of a drinking fountain with a dog bowl, and improved signage; and
 - (vi) tree planting in the reserve and ground covers, to offset any tree and vegetation removal; and
 - (i) authorises officers to communicate this resolution to park users through the installation of signage in the Reserve.

COUNCIL RESOLUTION

Moved: Councillor Coleman **Seconded:** Councillor McEvoy

1. That Council:
 - (a) notes the further officer report regarding the proposed shared path in Rushall Reserve;

- (b) notes the feedback received at the roundtable meeting on 18 April 2017;
 - (c) notes the judge's findings in *Monty v Bayside City Council & Ors.* (2010) relating to an incident on a shared path and the advice from Council's insurers on potential liabilities arising from constructing a path that does not comply with the minimum standards as recommended in the Austroads guidelines;
 - (d) notes the previous Council resolution supporting an alignment described as B1 in Attachment 4;
 - (e) endorses construction of a 2.5m wide path with suitable run-offs;
 - (f) endorses an amended alignment consistent the resolution of Council on 2 August 2016, represented by A + B1 as described in Attachment 4; and
 - (g) authorises officers to prepare the necessary information to submit a planning permit application as required under the Yarra Planning Scheme, having regard to VicTrack risk assessment requirements, for construction of a 2.5m wide path with appropriate run-offs in the area generally shown as section A in Attachment 4.
2. That, in this regard,:
- (a) Council further note that a planning permit application is required to be lodged for consideration of any proposed works in the Railway Reservation land and also any tree removal proposal in the Environmental Significance Overlay (referred to as Section A in Attachment 4); and
 - (b) that any such planning application would be advertised to enable the community to formally participate in that planning process.
3. That Council authorises officers to include in the plans for the proposal the relevant elements from 2(d) of the resolution of Council on 2 August 2016 (Attachment 2), those being:
- (a) except where decking is required, that the path be constructed in asphalt;
 - (b) measures to slow the speed of bicycles and other mobility aids using the path;
 - (c) planting of intermittent low vegetation along the edge of the path with appropriate segments of fencing with gates for pedestrian access;
 - (d) 1.4 metre high fencing along the embankment as a safety measure;
 - (e) additional seating in the reserve, the installation of a drinking fountain with a dog bowl, and improved signage; and
 - (f) tree planting in the reserve and ground covers, to offset any tree and vegetation removal.
4. That Council authorises officers to communicate this resolution to park users through the installation of signage in the Reserve and other notifications on the Council web page.

CARRIED

CALL FOR A DIVISION

For: Councillors Coleman, Fristacky, Stone, McEvoy and Searle

Against: Councillors Chen Yi Mei, Bosler and Nguyen

24TH APRIL 2018 – REPORT TO COUNCIL – To inform Council of the cost increase and risks associated with relocating MTM assets in order to build the path.

Officer Recommendation –

That Council :

- a) notes the update officer report on the proposed Shared Path at Rushall Reserve;
- b) notes the current cost escalation to an estimated minimum of \$906,245 due to costs associated with relocating Metro Trains Melbourne infrastructure;
- c) on this basis, authorises officers not to proceed with a planning permit application to construct a path at this location; and
- d) authorises officers to notify residents that, for financial reasons, the project (with current costings) is no longer justifiable and will not be progressed.

Councillor Resolution –

Moved: Councillor McEvoy

Seconder: Councillor Fristacky

1. That Council:
 - (a) notes the updated officer report on the proposed Shared Path at Rushall Reserve;
 - (b) notes the current cost escalation to an estimated minimum of \$906,245 due to costs associated with relocating Metro Trains Melbourne infrastructure; constituting a shortfall from the budgeted amount;
 - (c) reaffirms its commitment to complete this long planned and vital shared path, connecting the Merri Creek Trail to the Capital City Trail and improving access to Rushall Reserve for local residents and recreational visitors in a growing city;
 - (d) authorise officers to proceed with a planning permit application to construct a path at this location;
 - (e) seeks advice from officers as to how to achieve this project given the revised costings, whether a staged approach, other external sources of funding, or any other means can be explored, and that this be presented to Council;
 - (f) requests a report on the progress towards Rushall Reserve amenity improvements endorsed by Council on 2 August 2016 regarding fencing along the embankment, additional seating, drinking fountain/bowl, improved signage and tree planting;
 - (g) authorises the Mayor and CEO to urgently seek a meeting with the Victorian Minister for Public Transport,

- (i) requesting the Minister's commitment for the State to cover the costs of the rail infrastructure changes to ensure that the project can continue as per the current design and associated costings and budgetary allocations made by Yarra; and
 - (ii) objecting to the quantum of the costs being sought by Metro Trains Melbourne;
- (h) authorises the Mayor and CEO to urgently seek meetings with the Mayor and CEO of Darebin and the relevant State Members of Parliament (Brunswick, Northcote and Richmond) to seek support; and
- (i) requests a briefing from the Mayor and CEO following receipt of advice from the Minister for Public Transport.

CARRIED

CALL FOR A DIVISION

For: Councillors Coleman, Fristacky, Jolly, Stone, McEvoy and Searle

Against: Councillors Chen Yi Mei, Bosler and Nguyen

13TH NOVEMBER 2018 – REPORT TO COUNCIL – To provide an update on the project as required by the previous resolution.

Officer Recommendation –

1. That Council note:

- (a) the officer update report in relation to the Rushall Reserve shared path as sought by Council in its resolution dated 24 April, 2018;
- (b) the advocacy and meetings held as resolved by Council; and
- (c) that no external funds have been identified at this point in time that can be allocated to this possible project.

2. That officers be authorised to continue progression of the amenity improvements in the Reserve as outlined in this report.

Council Resolution –

Moved: Councillor Fristacky

Seconded: Councillor Coleman

1. That Council note:

- (a) the officer update report in relation to the Rushall Reserve shared path as sought by Council in its resolution dated 24 April, 2018;
 - (b) the advocacy and meetings held as resolved by Council; and
 - (c) that no external funds have been identified at this point in time that can be allocated to this possible project.
2. That officers be authorised to continue progression of the amenity improvements in the Reserve as outlined in this report.

CARRIED UNANIMOUSLY