

# Ordinary Meeting of Council Agenda

**to be held on Tuesday 19 March 2019 at 7.00pm  
Fitzroy Town Hall**

## **Arrangements to ensure our meetings are accessible to the public**

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

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

## **Recording and Publication of Meetings**

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## **Order of business**

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

## 1. Statement of Recognition of Wurundjeri Land

*"Welcome to the City of Yarra."*

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

### 1A. Presentation to Officers in Receipt of Recent Awards

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

Anticipated attendees:

### Councillors

- Cr Danae Bosler (Mayor)
- Cr Misha Coleman (Deputy Mayor)
- Cr Mi-Lin Chen Yi Mei
- Cr Jackie Fristacky
- Cr Stephen Jolly
- Cr Mike McEvoy
- Cr Daniel Nguyen
- Cr James Searle
- Cr Amanda Stone

### Council officers

- Vijaya Vaidyanath (Chief Executive Officer)
- Ivan Gilbert (Group Manager Chief Executive's Office)
- Lucas Gosling (Director Community Wellbeing)
- Gracie Karabinis (Group Manager People, Culture and Community)
- Chris Leivers (Director City Works and Assets)
- Diarmuid McAlary (Director Corporate, Business and Finance)
- Bruce Phillips (Director Planning and Place Making)
- Rhys Thomas (Senior Governance Advisor)

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

## 4. Confidential business reports

### Item

- 4.1 Matters relating to the security of Council property; AND Matters prejudicial to Council and/or any person
- 4.2 Contractual matters

## **Confidential business reports**

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

### **RECOMMENDATION**

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

## **5. Confirmation of minutes**

### **RECOMMENDATION**

That the minutes of the Ordinary Council Meeting held on Tuesday 5 March 2019 be confirmed.

That the minutes of the Special Council Meeting held on Tuesday 12 March 2019 be confirmed.

## **6. Petitions and joint letters**

## **7. Public question time**

Yarra City Council welcomes questions from members of the community.

### Public question time procedure

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

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

- a time to make statements or engage in debate with Councillors;
- a forum to be used in relation to planning application matters which are required to be submitted and considered as part of the formal planning submission;

- a forum for initially raising operational matters, which should be directed to the administration in the first instance;

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

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

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

## **8. General business**

## **9. Delegates' reports**

## **10. Questions without notice**

## 11. Council business reports

Item	Page	Rec. Page	Report Presenter
11.1 Rushall Reserve Shared Path - Update	7	11	Bruce Phillips – Director Planning and Place Making
11.2 Panther Pavilion, Boat Storage and Precinct Planning	12	16	Kerry Irwin – Manager Recreation and Leisure Services
11.3 An update on Yarra's response to Family Violence	17	20	Kerrie Loveless – Coordinator Workforce Diversity and Inclusion
11.4 Report on Assemblies of Councillors	21	22	Ivan Gilbert - Group Manager Chief Executive's Office

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

### Public submissions procedure

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

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

## 12. Notices of motion

Item	Page	Rec. Page	Report Presenter
12.1 Notice of Motion No 3 of 2019 - Heritage Council Permit Review P30169 for VHR H0149, Arbirlot at 11 Brunswick Street, Fitzroy	23	24	Councillor Bosler - Mayor

## 13. Urgent business

Nil

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**11.1 Rushall Reserve Shared Path - Update**

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Trim Record Number: D19/25372

Responsible Officer: Director Planning and Place Making

**Purpose**

1. To provide Council with a further update regarding the proposed Rushall Reserve shared path project.

**Background**

2. The Council has received both many reports and many submissions on this proposed path over the past few years. Previous Council resolutions are shown in the attachments.
3. Submissions and comments are again being received in 2019 from the local community in anticipation of the Council budget processes and pending determination processes of the planning permit application.
4. Council received an update report in November 2018. Council has also advertised the planning permit application to the community from which, at the time of writing this report, 46 objections have been lodged.
5. The planning permit application has not yet been determined but when it is ready for formal decision making, will be presented to the full Council.

**Overview**

6. In the reports to Council there has been significant (and detailed) narrative regarding a number of risks associated with the proposed project, both those that were apparent from the onset, and those that have been revealed during further investigation. In summary, these relate to:
  - (a) the location of the proposed path on VicTrack land, which is managed by Metro Trains Melbourne (MTM), aligned in the narrow strip between the railway line infrastructure and the Merri Creek cliff face; and
  - (b) safety issues concerning underground high voltage cables.

These aspects all present a significant number of complexities.

7. Further, the cost of relocating the Metro Trains signal cables is very significant due to the requirements to meet specified clearance distances to fixed MTM assets.
8. In the update to Councillors in November 2018, officers reported on findings subsequent to the April 2018 resolutions concerning the seeking of funding for the proposed project and also querying the MTM costings. No funding opportunities have been identified and PTV engineers have provided information confirming that the MTM costings are reasonable, and further that they may not be the only costs (for example, if there were disruptions to the train network as a result of the works, further costs will apply).

**Other aspects**

9. During the planning permit process, *formal* referral feedback from Ausnet services, who have high voltage cables running under the proposed path alignment, have indicated that existing ground levels over the service cannot be changed, nor can bored footings be put in place close to their asset (within 1m either side). This would mean the shared path adjacent to the train station, where cyclists and pedestrians are most concentrated, would need to remain at 1.8 metres wide. This would mean that the path level along the embankment cannot be adjusted to meet disability access requirements and also not meet the 2.5m width to meet minimum guidelines.

10. Also during the planning permit process a resident who has objected to the planning application submitted an engineering 'letter of assessment' questioning the stability of the cliff embankment beside the railway line, and consequently the safety of building a path at that point. A subsequent visual and desktop assessment (*by an external consultant engineer*), conducted on behalf of Council, has indicated that further physical investigation should be undertaken to assess the cliff for future path stability, and the design requirements needed to manage the latent conditions.

Note 1:

Carrying out further site investigation as recommended would incur a significant cost, and involve a high level of difficulty given the physical constraints of the train line, escarpment, tree locations and service locations.

Note 2:

It is important to note that the previous external consultant engineering advice had suggested minimal issues.

### **External Consultation**

11. There have been many previous consultation sessions / submissions and reports to Council with community submissions received presenting various points of view.
12. Further, formal community feedback to the project has been afforded through the planning permit process.

### **Internal Consultation (One Yarra)**

13. Internal consultation has taken place with a number of Council units over the lengthy period of these enquiries.

### **Financial Implications**

#### Shared Path

14. There is currently no funding in the Council budget for this project.
15. There are very substantial costs identified as being required in the scoped share path project – these have been reported to Council previously.
16. With further details now being received from agencies, arising from the formal planning process referrals, indicate costs are escalating; and it is likely that further unforeseen costs will also become apparent once detailed specifications are finalised for a formal construction process due to the services in the ground and overlaying/abutting part of the site (i.e power cables and train infrastructure).
17. The stability of the escarpment to cope with works and the path will also require further enquiry and testings – however, being able to do bore tests is constrained by very limited access with the existing tree locations and the train line.
18. Additional expenditure would also be required on design work following the planning permit application feedback from external asset managers, the ongoing assessment and approvals as required by MTM, and the development of construction drawings.
19. It has been confirmed, via further enquires, that Metro Trains Melbourne would not fund the cost of the cable relocation, as the works are not in their 10 year works program.

#### Other improvements to Rushall Reserve

20. The improvements regarding new furniture for Rushall Reserve (refer Council resolution of April 2018) are being funded from existing furniture renewal budgets.
21. Funds associated with the proposed native revegetation of the Merri Creek in Rushall Reserve are being sought in the 19/20 Council budget, and Council is also seeking some matching funding from external sources.

### **Economic Implications**



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

### **Sustainability Implications**

23. The recent further assessment of the embankment stability at the top of the cliff face suggests the need to include additional construction engineering measures to confirm ongoing stability. This could mean an increased impact on the existing native vegetation on the embankment.

### **Social Implications**

24. A shared path would improve the accessibility to Rushall Reserve and also improve the ongoing connectivity along the Merri Creek trail consistent with the Merri Creek Strategy Plan. However the number of constraints outlined in this report may introduce safety implications.
25. It is noted that current users of Rushall Reserve believe that the use of the park as an off lead dog area would be severely impacted with the inclusion of a shared path and bicycles in the reserve.

### **Human Rights Implications**

26. Part of the initial justification for this project was the provision of an accessible path of travel for those with disabilities. The path, however, cannot meet the accessibility standards due to the existing surface levels needing to remain unchanged over the existing infrastructure (i.e the Ausnet HV cables).

### **Communications with CALD Communities Implications**

27. No consultation with CALD communities has occurred with respect to this report.

### **Council Plan, Strategy and Policy Implications**

28. The 2017-2021 Council Plan, references cycling and walking under Objective 6 – A connected Yarra. It says:

*“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,”*

*and*

*“With our municipal population expected to grow by 33% by 2031, improving sustainable transport capacity to accommodate our growing population is a priority. To encourage using public transport, walking or cycling as the first choice of transport for all ages for short to medium trips (less than five kilometres), Council is working to provide an effective, interconnected and well maintained pedestrian and bicycle network that both inexperienced and experienced users feel safe and comfortable using.*

*We will work on major improvements to cycling and walking infrastructure to provide integrated and connected travel options...”*

29. A key focus of Council’s Strategic Transport Statement and the Yarra Bike Strategy Refresh is for Council to

*“deliver infrastructure projects and support behaviour change measures that encourage a broad cross section of the community to travel through, to, from and within Yarra by bicycle”.*

### **Legal Implications**

30. VicTrack would require that all safety issues have been addressed to the satisfaction of Metro Trains Melbourne prior to allowing the land to be leased to Council for use as a shared user path (SUP). N.B. As the proposed project has evolved and issues have been identified, any lease from Victrack may have to contain further restrictions or issues for the project.

31. The land on which the shared path is proposed to be built has a number of critical service authority assets on it, each of which have restrictions on activities that can take place on and in the proximity of, such assets.
32. All conditions stipulated by the service authorities (Metro Trains Melbourne, VicTrack, Ausnet, Citipower, City West Water) are required to be met. The planning application feedback, and subsequent engineering enquiries, indicate that further investigation and design works are required to meet the Service Authority requirements.
33. The existing informal pedestrian route from Rushall Reserve to Rushall Station, along the top of the embankment, is exposed to both the railway tracks and the cliff edge. This informal track is actually on land owned by VicTrack and managed by MTM. Whilst access to the track is discouraged with a low fence at Rushall Station, there is no barrier at the Rushall Reserve end.

#### **Other Comments**

34. If the proposed shared path were to be implemented, the existing Rushall Station underpass would still receive traffic from commuter cyclists heading to and from Darebin.
35. The conflict of use at the underpass could be potentially moderated by the provision of an alternative route, however would not be resolved without significant modifications to the underpass itself. Of note is that the underpass is an MTM managed asset.

#### **Conclusion**




36. Improvements to Rushall Reserve, as directed by the April 2018 Council resolution, are underway – this includes further seating, a drinking fountain, and remediation of the vegetation along the Merri Creek bank. This work can occur both prior and separate to any path works.
37. The ability to construct a shared path located between the South Morang railway line and Merri Creek cliff face is now identified as highly complex due to the very substantial existing railway and power company infrastructure and the existing vegetation and significant geological formation at the Merri Creek embankment.
38. The complexity of the railway infrastructure is such that both the cost and the length of time required to complete the proposed task have increased and the delivery has become increasingly more complex as each stage of the proposed project has progressed.
39. As outlined there is significant potential for further increased risk and increased cost of the project.
40. Senior officers consider the current escalated costs and complexity of the shared path project is now too significant. In this regard, it is recommended that the proposal not proceed further in the context of these existing constraints and issues.
41. Council will need to determine the benefit of any shared path against the ongoing cost, financial aspects and significant risks of continuing with the project.
42. Council is now asked to provide direction to the Executive on the course of this proposed project by the Council.

## RECOMMENDATION

1. That Council, note the extensive history of the proposed shared path project at Rushall Reserve, North Fitzroy, including:
  - (a) officer reports, recommendations and Council determinations;
  - (b) the very substantial and disparate interests expressed by local and regional communities through the various consultation phases; and
  - (c) the substantial cost escalations and the significant risks presented to date, in particular on land not owned by the Council,
2. That Council, in the context of the report, the remaining uncertainties, the probability of further cost escalations and the inherent difficulties of delivery on other agencies' land, resolve to:
  - (a) not proceed with the project and determine to withdraw the current planning permit application; and
  - (b) direct Officers to advise relevant parties accordingly.

**CONTACT OFFICER:** Bruce Phillips  
**TITLE:** Director Planning and Place Making  
**TEL:** 9205 5300

### Attachments

- 1  Rushall Reserve Shared path - Site images
- 2  Rushall Reserve - aerial image showing existing conditions
- 3  Rushall Reserve SUP - previous Council resolutions

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## 11.2 Panther Pavilion, Boat Storage and Precinct Planning

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Trim Record Number: D19/39855

Responsible Officer: Kerry Irwin

### Purpose

1. To provide Councillors with an update on the project funded in 2018/19 to provide canoe storage, and to outline a number of significant barriers to its construction as originally proposed.
2. To discuss the current condition and viability of the pavilion and possible options to address issues and demand, including Officers proposal to undertake investigation and design work in 2018/19 and 2019/20 in order to design and cost a redevelopment of the facilities in this precinct.
3. To discuss the Ivanhoe Northcote Canoe Clubs proposal for the redevelopment of the Panther Pavilion.

### Background

4. The Panther Pavilion located at Fairfield Park is home to the Ivanhoe Northcote Canoe Club (INCC) - the largest canoe club in Victoria. The Panther Pavilion was built early in the 20<sup>th</sup> century and the INCC was established in 1956 and has been at this site since the 1970s.
5. In December, 2018 Council received a proposal from the Ivanhoe Northcote Canoe Club (INCC) and the Yarra City District Girl Guides for a new approach to the redevelopment of the Panther Pavilion in Fairfield Park titled *The Yarra River Community Recreation Hub* submitted via the 'have your say' page. The proposal aims to 'Create a home for recreation, sport and youth development in the City of Yarra through the redevelopment of the Panther Pavilion in Fairfield Park' which includes works to the existing pavilion and some pathway access works. The proposal sought Councils support to attract State and Federal Government funding, estimated the project to be valued at up to \$750,000, advised of peak body support and possible investment by the club in exchange of a longer term tenancy arrangement. The proposal costs have been estimated by the Club. (Refer to attachment 1).
6. Also on 18 December, 2018 officers presented a Report titled 'Status of Council owned sporting facilities and pavilions' which identified the Panther Pavilion as the most urgent of the 25 sports pavilions in the City of Yarra (without funding nominally allocated toward it in the forward CAPEX program) for investment based on a combination of condition and viability. This report also identified that the Amphitheatre Boat Storage and Change Rooms Pavilion (adjacent to the Panther Pavilion) is in urgent need of attention (refer to attachment 2).
7. The City of Yarra in the 2018/19 budget allocated \$50,000 for the design and construction of a canoe storage facility, which will enable the canoes currently stored inside the club house (227 boats) to move into the new store.
8. The canoe storage facility project was proposed in a location that is inconsistent with the Fairfield Park Master Plan 2010 and is presenting real issues in solving the storage and access issues within the allocated budget, and within the constraints posed by the masterplan and heritage requirements.
9. The Fairfield Park Master Plan (FPMP) dated June 2010 was adopted by Council.
10. The FPMP says the following in relation to the Panther Pavilion and Amphitheatre Boat Storage and Change Rooms:
  - (a) Upgrade top level of concrete storage/change room building to provide new picnic and BBQ facilities, shelter and lookout;

- (b) Modify existing roof to improve light to undercover area and replace concrete wall panels to allow views to the river – subject to detailed design;
  - (c) Remove green-painted steel canoe storage shed; and
  - (d) Improve and turf area to the south of Ivanhoe-Northcote Canoe Club Building, and install new picnic tables.
11. The proposal for canoe storage (with a \$50k budget allocation in 2018/19) was to use the top level of concrete storage/change room building to house the boat storage.
  12. Officers have recognised the inconsistency, and noted some other practical challenges which makes the delivery of this project in this location, with a budget allocation of \$50k inadvisable and impractical to achieve.
  13. Officers' advice at this stage is that even with a significant increase in budget, a storage facility in this location is problematic and inconsistent with the heritage overlay for the site.
  14. Amphitheatre Boat Storage and Change Rooms Pavilion includes the storage of 60 canoes owned by local schools, which is at capacity.

### **External Consultation**

15. Discussions have taken place with the INCC in regards to the canoe storage facility project and *The Yarra River Community Recreation Hub* proposal. The primary concern expressed related to the level of frustration of committee members due to lack of progress on key infrastructure. In response, Council officers have committed to conveying and discussing any new directions by Council directly to the committee.
16. Officers have not formally responded to the submission received in December 2018, and understand this will be considered as part of the 2019/20 budget deliberations.
17. Heritage advice gained on the pavilion concluded that – 'The Canoe Club building is of contributory significance as one of the few older structures in the Park and also as a structure whose *raison d'être* is directly associated with the original catalyst (boating) for the establishment of the Park. The building has historical and social significance. It adds some visible history to the Park and tangible links with the past, along with the boathouse, and reinforces its historical origins which distinguish it from being just *another* park. Unless there is a strong case that it is dysfunctional and in poor condition (which does not appear to be the case) then it should be retained.'

### **Internal Consultation (One Yarra)**

18. Internal consultation has taken place with the Building and Asset Management, Open Space and Urban Design Teams on all aspects of this report.

### **Financial Implications**

19. The adopted 2018/19 budget includes \$50,000 for the development of a new canoe storage facility of which \$45,000 remains.
20. The Status of Council owned sporting facilities and pavilions report to council on the 18<sup>th</sup> Dec 2018 proposed a three year financial plan for investment in council's pavilions. In 2020/21 an allocation of \$300,000 was identified for the Panther Pavilion and Amphitheatre Boat Storage and Change Rooms Pavilion concept plan and design.
21. An amount of \$315,000 (reflecting appropriate indexation) has been included in the draft 2019/20 budget for Council consideration, for this project. This amount includes investigation, needs analysis, site assessments and compliance (structure, heritage, culture and environment) concept plan, preliminary design and full design.
22. The draft long term Capital Works program nominally reflects funding for construction in subsequent years.
23. The Ivanhoe Northcote Canoe Club (INCC) and the Yarra City District Girl Guides proposal for the redevelopment of Panther Pavilion estimated works valued at up to \$750,000. The INCC have the means to invest in the proposed works with \$154,727 recorded as cash in the

bank as at 30 June 2018, noting this would be subject to agreement by the club to make such an allocation. The proposal submitted to Council for a refurbishment of this facility includes their intent to invest in exchange for a longer term tenancy arrangement with Council.

24. Council officers have estimated a redevelopment of the Panther Pavilion, Amphitheatre Boat Storage and Change Rooms Pavilion and associated site works at around \$3.5M and have included this for consideration in the long term financial plan in the years 2021/22 and 2022/23. These allocations are subject to confirmation by Council as part of the annual budget process.

### **Economic Implications**

25. Clubs contribute significantly to the economy of communities. The INCC is the largest canoe club in the State and contributes through an annual turnover of \$75,000, the abundance of volunteer hours and the extensive program of activities and events that service the 300 members and broader community.
26. Investment in planning and construction will have a positive economic impact through permanent and temporary job generation, purchasing of goods and services and the increase in the capacity of the club to service more members and activities.

### **Sustainability Implications**

27. The principles of Environmental Sustainable Design will be embedded in the planning and design element of this project including the conservation of the river, riverbanks and surrounding areas.

### **Social Implications**

28. Community sport organisations can greatly impact the community in which they are embedded. Clubs can produce positive social benefits and increase social capital by bringing communities together, provide opportunities for physical activity and promote health and wellness in our communities.
29. Well-designed sporting facilities can provide space that can be used for a range of community activities in addition to traditional sports use and the INCC is proposing a partnership with Guides.
30. This site offers the opportunity to be designed as hub that can benefit additional and diverse user groups.
31. Investment will assist to ensure these facilities are designed to provide appropriate amenity and a positive social environment for all members of the current and future users and user groups.
32. Investing to improve the capacity of our facilities to provide a female friendly and genuinely accessible environment will encourage broader participation in canoeing and other sporting and recreational activities that could be offered from this site.
33. Universal access to the facilities will be delivered to maximise access and participation by all.

### **Human Rights Implications**

34. There are no human rights implications as a result of this report.

### **Communications with CALD Communities Implications**

35. All works proposed in this report will incorporate CALD community considerations, including participation in the activities provided at the site and provision of information in languages other than English in any public communications.

### **Council Plan, Strategy and Policy Implications**

36. Investing in the planning and redevelopment of the Panther Pavilion and Amphitheatre Boat Storage and Change Rooms Pavilion in an integrated way contributes to the delivery of Council strategies as outlined below.

Council Plan 2017-2021:

- (a) Strategy 1.2 – Promote a community that is inclusive, resilient, connected and enjoys strong mental and physical health and wellbeing.
- (b) Strategy 1.6 – Promote a gender equitable, safe and respectful community.
- (c) Strategy 1.8 – Provide opportunities for people to be involved in and connect with their community.
- (d) Strategy 2.1 – Build resilience by providing opportunities and places for people to meet, be involved in and connect with their community.
- (e) Strategy 2.5 – Support community initiatives that promote diversity and inclusion.
- (f) Strategy 4.4 – Protect Council assets through effective proactive construction management.

Access and Inclusion Strategy 2018-2024:

- (a) Strategy 1.1 – Promote and encourage the application of Universal Design and Universal 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.
- (c) Strategy 2.1 – Provide and/or support the community to provide a diverse range of accessible community services and arts, cultural, sport and recreational activities that are creative and fun for all abilities and ages.

Gender Equity Strategy 2016-2021:

- (a) Action Plan 12 – Gender issues are considered in all policy, planning and service delivery.

**Legal Implications**

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

**Other Issues**

38. The identified location for the canoe storage facility has been clearly identified in the Fairfield Park Master Plan (FPMP) adopted by Council as a picnic, BBQ and lookout area and makes recommendations for investment and development. Additionally the access to this site presents challenges due to an existing bluestone lined pathway, the slope and the timber materials that line the rooftop and the need to be altered. The site is located within Yarra's Heritage Overlay thus requiring a planning permit. A large shed on this site is likely to draw community attention through the planning permit process as it will impact on existing and proposed usage and views.
39. Cultural heritage considerations will require further investigation and will be a key part of the integrated planning approach.
40. The Yarra (River) Strategic Plan by Melbourne Water, is due for endorsement in 2019 and will require any works in that area to demonstrate compliance. This will be a consideration in the design works.

**Options**

41. Determination of allocated funding towards the Panther Pavilion and Amphitheatre Boat Storage and Change Rooms design will occur as part of the annual budget process inclusive of canoe storage facility options.

**Conclusion**

42. Proceeding with the proposed canoe storage facility project presents multiple challenges and is not possible to achieve the intended outcomes of relocating 227 boats from the pavilion to the shed.
43. A site for the proposed canoe storage facility that is consistent with the Fairfield Park Master Plan, meets heritage requirements and is within (or near) the budget allocation is yet to be identified.
44. Investing in an integrated precinct concept plan and design for the site will maximise the outcomes for the current and existing users and the amenity of the overall precinct.
45. Staging the planning/design and construction works could maximise the councils and clubs opportunities to seek external investment in this regional facility.
46. On the basis of the above, Officers present the recommendation below for Council's consideration.

## RECOMMENDATION

1. That:
  - (a) Council support an integrated approach to the future planning, development and management of the Panther Pavilion and Amphitheatre Storage and Change Room Pavilion area including canoe storage facility options;
  - (b) Officers advise the Ivanhoe Northcote Canoe Club that the proposal they submitted in relation to the redevelopment of the Panther Pavilion was received and noted;
  - (c) The canoe storage facility project with a 2018/19 council budget allocation of \$50,000 does not proceed in favour of an integrated approach to the sites planning and development. The remaining \$45,000 be redirected to commence work to better investigate the needs and options for an integrated site approach to inform the concepts and design work proposed in 2019/20;
  - (d) Officers advise the Ivanhoe Northcote Canoe Club officers that the canoe storage facility project will not proceed in 2018/19;
  - (e) Council considers a budget allocation in 2019/20 for \$315,000 to commence the integrated precinct concept plan and design for a refurbishment of the Panther Pavilion and Amphitheatre Storage and Change Room Pavilion area including canoe storage; and
  - (f) With Council support, officers establish a Project Control group to commence the planning and design process for this project.

**CONTACT OFFICER:** Kerry Irwin  
**TITLE:** Manager Recreation and Leisure Services  
**TEL:** 92055371

## Attachments

- 1⇒ Yarra River Community Recreation Hub Proposal December 2018
- 2⇒ Sporting Facility Condition Viability Overall Rating



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### **11.3 An update on Yarra's response to Family Violence**

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Trim Record Number: D19/22652

Responsible Officer: Group Manager People, Culture and Community

#### **Purpose**

1. To update Council on work being undertaken in the family violence and gender equity space.

#### **Background**

2. In 2017 a Council resolution was passed requesting officers to examine the possibility of establishing a family violence hub in Yarra.
3. The report responding to this resolution provided a detailed overview of the family violence sector in Victoria and Yarra at the time, including the work being undertaken by Council.
4. The report also outlined the broader content of change in the wake of the Royal Commission and the role of State Government in shaping and leading this change.
5. The following recommendations result from the research and consultation undertaken in preparing this report:
  - (a) when recommendation 94 of the Royal Commission is enacted, Council work with other Councils, State Government and the MAV to develop appropriate measures;
  - (b) Officers continue to work in partnership to monitor and respond to changes in the family violence space, and report to Council when further information on the proposed Hubs is available or any other significant updates;
  - (c) Explore a range of funding opportunities available after the State Government announcement in March and provide further direction in relation to the budget implications and proposed actions for 2017/18;
  - (d) Council advocates to and works in partnership with State Government and housing associations to support additional social housing options for families experiencing family violence; and
  - (e) Council participate in the regional family violence summit, and hold a local forum afterwards if appropriate, to enable a strategic approach to addressing and preventing family violence, that is clearly aligned with the State Government's Ten Year Plan.
6. Council noted the report but deferred consideration of the recommendations pending further updates from State Government.
7. State Government announcements were delayed but eventually revealed a plan for locations and funding for a range of initiatives. The family violence hub for Yarra's region was announced for Heidelberg due to both geography and incidence rates. Funding rounds were announced for primary prevention. Yarra applied but was unsuccessful.

#### **External Consultation**

8. Officers participate in multiple networks including Northern Prevention of Violence Against Women and Yarra Family Violence Networks. Furthermore many teams work closely with external organisations in delivering programs and services, such as our Family Support team who are part of the northern alliance. These relationships ensure officers have current understanding of the sector; increasing knowledge and reducing duplication of services.

### **Internal Consultation (One Yarra)**

9. The Diversity and Inclusion team work collaboratively across council, and much of the externally facing work in the gender equity and family violence space is carried out by divergent teams including Children Youth and Family Services, Recreation and Leisure, and Yarra Libraries.
10. A gender equity committee has been reformed to drive the internally facing work. A new Action Plan is currently being developed for our existing Gender Equity Strategy and this has included consultations with executive, senior leaders and the wider staff team.

### **Financial Implications**

11. If Yarra decides to increase its efforts in the family violence and gender equity space there may be financial implications, such as new programs, or changes to systems for better data capture.

### **Economic Implications**

12. There are significant economic implications if violence against women is not urgently addressed in our community. Family violence is estimated to cost the Australian economy \$21.7 billion each year. From an individual perspective, family violence has significant economic implications in terms of the impact on a women's capacity to work, to earn money and access secure and ongoing employment.

### **Sustainability Implications**

13. There are no sustainability implications.

### **Social Implications**

14. The impact of family violence on community health and wellbeing is devastating and enduring. Research has shown the family violence has significant and ongoing impacts on women's physical and mental health, and is more damaging to Victorian women aged 15–44 years than any other well-known risk factors, including high blood pressure, obesity and smoking.

### **Human Rights Implications**

15. Council acknowledges that family violence does breach a wide range of human rights and that the impact on our community is significant. Human rights impeded include:
  - (a) freedom from violence, including sexual, mental, emotional, physical or financial;
  - (b) right to life for all members of the community;
  - (c) to reside safely and without fear of persecution or threats of violence;
  - (d) to move freely within the community;
  - (e) optimum physical and mental health of an individual;
  - (f) right to decent work;
  - (g) freedom of expression and the right to hold opinions without interference;
  - (h) a child or young person's right to leisure and play; and
  - (i) right to education.

### **Communications with CALD Communities Implications**

16. There are specific challenges in supporting people from CALD communities experiencing family violence or gender inequity. Any work in this field needs to carefully consider how to engage diverse communities, utilising the expertise of CALD specific services. In doing so Yarra can draw on existing networks and service providers.

### **Council Plan, Strategy and Policy Implications**

17. The recommendations outlined in the report are aligned with Council's Plan, Strategic Objective 1: *A Healthy Yarra*, specifically 1.6 *Promote a gender equitable, safe and respectful community*
18. Yarra's *Gender Equity Strategy 2016 -2021* includes a commitment to engage with local services around prevention of violence against women and gender equality issues, and to support, endorse and work collaboratively with the Northern Region PVAW Network on local and regional prevention of violence against women initiatives.

### **Legal Implications**

19. Recommendation 94 of the Royal Commission into family violence requires all local governments to include family violence measures in their Municipal Health and Well Being Plans. Yarra's Council Plan 2017-2021, which includes our wellbeing plan, already includes specific reference to family violence initiatives. At this stage the government has not amended the relevant legislation, and no standardised measures have been identified. The Local Government Reporting Framework has highlighted researching and determining an appropriate data set as a priority in its recent *Strategic Directions Paper 2018-21*.
20. A Gender Equity Bill is likely to come before Parliament this year that will require local governments to report on gender equity including staff and operations. Yarra officers participated in consultations around this bill, and await further information about the specific measures that will be introduced.

### **Other Issues**

21. The initial action plan for Yarra's Gender Equity Strategy 2016 - 2021 has ended and a new action plan is due for launch in March 2019. The strategy continues to be largely internally focused but does help build conversation and capacity across the organisation around gender equity and family violence.
22. Relevant activities in recent months include but are not limited to:
  - development and publication of a family violence statement of commitment;
  - ongoing active participation in networks addressing family violence and violence against women;
  - ongoing support to staff experiencing family violence;
  - gender equity training for children's services staff;
  - programs focusing on gender equity in areas including Children, Youth & Family Services, Libraries, Leisure and Recreation; and
  - Family Services continue to support local families experiencing family violence.
23. Yarra staff have been supported with a leading family violence leave policy provision within our Enterprise Agreement. This allows anyone who is experiencing family violence up to 20 days of leave per year. Those supporting someone experiencing family violence can access 5 days of leave. Providing this support allows staff to attend court, move house, access support services, to name a few, without the impact on their employment. Staff who have utilised this leave have advised that they feel much supported by the organisation during a complex time.
24. A gender equity committee has recently been reformed and will help to drive the implementation of the action plan. The committee and responsible officers are keen to include a range of progressive and innovative approaches to support the business.
25. While targeted family violence services are the remit of specialist providers, local government has a role to play in primary prevention through shaping community conversations around the issue and the underlying causes. No formal strategy exists to support externally facing gender equity or family violence work. Further resources would be required to achieve this.

### **Options**

26. Council can continue to partner with and support local tertiary service providers and existing gender equity work. Any expansion, such as a greater focus on primary prevention within the community would require further resources.

### **Conclusion**

27. The family violence and gender equity space continues to evolve. While Yarra are not best placed to provide specialist family violence services, we are well connected to the local family violence service sector, and many of our community services are working to highlight issues around gender equity and support vulnerable families. Local government is well placed to help drive primary prevention.

### **RECOMMENDATION**

1. That:
  - (a) Council note the report and support ongoing work in this space.

**CONTACT OFFICER:** Kerrie Loveless  
**TITLE:** Coordinator Workforce Diversity and Inclusion  
**TEL:** 9205 5135

### **Attachments**

There are no attachments for this report.

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## **11.4 Report on Assemblies of Councillors**

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Trim Record Number: D19/18236

Responsible Officer: Group Manager Chief Executive's Office

### **Purpose**

1. To provide a report on Assemblies of Councillors.

### **Background**

2. The *Local Government Act 1989* (The Act) requires that ... "The Chief Executive Officer must ensure that the written record of an Assembly of Councillors is, as soon as practicable:
  - (a) reported at an ordinary meeting of the Council; and
  - (b) incorporated in the minutes of that Council meeting.....".
3. This report includes all Assemblies of Councillors reported to the Governance Department at the cut-off date that have not already been reported to Council. Assemblies held prior to the cut-off date that are not included here will be included in the next report to Council.

### **Consultation**

4. Not applicable.

### **Financial Implications**

5. Not applicable.

### **Economic Implications**

6. Not applicable.

### **Sustainability Implications**

7. Not applicable.

### **Social Implications**

8. Not applicable.

### **Human Rights Implications**

9. Not applicable.

### **Communications with CALD Communities Implications**

10. Not applicable.

### **Council Plan, Strategy and Policy Implications**

11. Not applicable.

### **Legal Implications**

12. The Act requires the above information be reported to a formal Council Meeting and also be recorded into the Minutes of the Council.

### **Other Issues**

13. Not applicable.

### **Options**

14. Nil.

### **Conclusion**

15. That Council formally note and record the Assemblies of Councillors report as detailed in **Attachment 1** hereto.

## RECOMMENDATION

1. That Council formally note and record the Assemblies of Councillors report as detailed in ***Attachment 1*** hereto.

**CONTACT OFFICER:** Rhys Thomas  
**TITLE:** Senior Governance Advisor  
**TEL:** 9205 5302

## Attachments

- 1 [⇒](#) Assemblies of Council Report - 19 March 2019

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**12.1 Notice of Motion No 3 of 2019 - Heritage Council Permit Review P30169 for VHR H0149, Arbirlot at 11 Brunswick Street, Fitzroy**

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Trim Record Number: D19/39810

Responsible Officer: Group Manager Chief Executive's Office

I, Councillor Danae Bosler, hereby give notice that it is my intention to move the following motion at the Ordinary Meeting of Council to be held on 19 March 2019:

- “1. That in the matter of the Heritage Council hearing on 1 May being held for Permit Review P30169 of the refusal by the Executive Director of Heritage Victoria of permit application P26809 for VHR H0149, Arbirlot at 11 Brunswick Street Fitzroy and, having regard to:
- \* further representation from local residents; and
  - \* acknowledging the prescribed statutory responsibility of the Executive Director - Heritage Victoria in matters regarding heritage buildings listed on the Victorian State Register:
- (a) Yarra City Council write to Heritage Victoria to indicate its support for the Executive Director’s refusal of the permit application P26809 for partial demolition, alterations, and additions including construction of a seven storey addition at the rear of the existing building at 11 Brunswick Street Fitzroy; and
- (b) notes that Council’s support is based on the following heritage grounds:
- (i) the applicant’s proposal is not appropriate within the setting of the place;
  - (ii) the loss of significant built fabric is not justifiable in the circumstances, and:
  - (iii) no circumstances have been identified by the applicant that support approving this proposal;
2. That Council notifies Heritage Victoria of this resolution together with the details to the grounds of support to the Director’s refusal as listed in (d) (i), (ii), (iii) in the background below by Wednesday 3 April and, that Council does not wish to make a verbal submission at the hearing.”

**Background:**

- (a) The Executive Director’s determination of P26809 dated 12.10.2018 stated that the reason for the refusal was that *“the loss of significant built fabric and the impact on the setting of the place are not considered justifiable when considered against the criteria which the Executive Director must consider when determining a permit application.”*
- (b) The considerations of the *Heritage Act 2017* at s. 101(2) which submissions should address are:
- (i) *the extent to which the application, if approved, would affect the cultural heritage significance of the registered place or registered object;*
  - (ii) *the extent to which the application, if refused, would affect the reasonable or economic use of the registered place or registered object.*
- (c) The Applicant has stated the following reasons for the review request:
- (i) *the proposal is appropriate within the setting of the place;*
  - (ii) *the loss of significant built fabric is justifiable in the circumstances; and*
  - (iii) *in all the circumstances the proposal is worthy of approval.*

- (d) However, Council should consider that the refusal of Heritage Victoria should be supported on the following grounds:
- (i) the applicant's proposal is not appropriate within the setting of the place as:
    - \* the statement of significance for H0149 Victorian Heritage Register identifies Arbirlot as "*an integral element of the Brunswick Street/Gertrude Street precinct*" which on the western side of Brunswick Street has no building higher than 3 storeys, with almost all the Victorian-era buildings being two storeys;
    - \* the cultural heritage significance of the neighbouring properties included in the VHR will also be detrimentally affected by this proposal, as this major intrusion into a largely intact local precinct will change its appearance and character;
  - (ii) the loss of significant built fabric is not justifiable in the circumstances as:
    - \* the Victorian Heritage Register statement of significance for H0149 recognises Arbirlot as being "*of historical significance as an example of the character of inner Melbourne development in the late 19th century.*";
    - \* its historical significance is not confined to its façade or front rooms but includes the entire building as its design exemplifies the cultural significance of how the houses of the wealthy provided more constrained accommodation at the rear, for the household staff to live above their work areas; and
    - \* demolishing the evidence of 19th social stratification within the elaborate houses built for the wealthy, diminishes the building's cultural heritage significance and cannot be justified;
  - (iii) no circumstances have been identified by the applicant that support approving this proposal as:
    - \* whilst the proposed building's height is now reduced to 7 storeys, it is still almost twice as tall as Arbirlot and taller than the hospital car park built further back across the ROW, will detrimentally affect its cultural heritage significance even though the applicant has provided no evidence that a refusal would affect the reasonable or economic use of the registered place.

## RECOMMENDATION

1. That in the matter of the Heritage Council hearing on 1 May being held for Permit Review P30169 of the refusal by the Executive Director of Heritage Victoria of permit application P26809 for VHR H0149, Arbirlot at 11 Brunswick Street Fitzroy and, having regard to:
  - \* further representation from local residents; and
  - \* acknowledging the prescribed statutory responsibility of the Executive Director - Heritage Victoria in matters regarding heritage buildings listed on the Victorian State Register:
- (a) Yarra City Council write to Heritage Victoria to indicate its support for the Executive Director's refusal of the permit application P26809 for partial demolition, alterations, and additions including construction of a seven storey addition at the rear of the existing building at 11 Brunswick Street Fitzroy; and



(b) notes that Council's support is based on the following heritage grounds:

- (i) the applicant's proposal is not appropriate within the setting of the place;
- (ii) the loss of significant built fabric is not justifiable in the circumstances, and:
- (iii) no circumstances have been identified by the applicant that support approving this proposal;

2. That Council notifies Heritage Victoria of this resolution together with the details to the grounds of support to the Director's refusal as listed in (d) (i), (ii), (iii) in the background below by Wednesday 3 April and, that Council does not wish to make a verbal submission at the hearing.

### **Attachments**

There are no attachments for this report.