



Ordinary Meeting of Council Agenda

**to be held on Tuesday 3 December 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.

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An audio recording is made of all public Council Meetings and then published on Council's website. By participating in proceedings (including during Public Question Time or in making a submission regarding an item before Council), you agree to this publication. You should be aware that any private information volunteered by you during your participation in a meeting is subject to recording and publication.

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Order of business

- 1. Statement of recognition of Wurundjeri Woi-wurrung 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. Delegates' reports**
- 9. General business**
- 10. Questions without notice**
- 11. Council business reports**
- 12. Notices of motion**
- 13. Urgent business**

1. Acknowledgment of Country

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

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

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

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

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

2. Attendance, apologies and requests for leave of absence

Anticipated attendees:

Councillors

- Cr Misha Coleman (Mayor)
- Cr Mi-Lin Chen Yi Mei (Deputy Mayor)
- Cr Danae Bosler
- Cr Jackie Fristacky
- Cr Stephen Jolly
- Cr Daniel Nguyen
- Cr Bridgid O’Brien
- 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)
- Mel Nikou (Governance Officer)

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

4. Confidential business reports

Item		Page	Rec. Page	Report Presenter
4.1	Matters prejudicial to Council and/or any person			
4.2	Proposed developments			
4.3	Matters prejudicial to Council and/or any person			

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 prejudicial to Council and/or any person
 - (b) Proposed developments
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

None.

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

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

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

8. Delegate's reports

9. General business

10. Questions without notice

11. Council business reports

Item		Page	Rec. Page	Report Presenter
11.1	Review of Council Committee Terms of Reference	9	15	Rhys Thomas - Senior Governance Advisor
11.2	Potential for Yarra to support Environmental Upgrade Agreements	17	25	Michael Oke - Sustainability Unit Manager
11.3	Draft Consultation Climate Emergency Plan	26	29	
11.4	Brunswick Street Streetscape Masterplan	30	38	David Walmsley - Manager City Strategy
11.5	Micromobility (Bike, e-bike and e-scooter share) proposals	40	53	Simon Exon - Unit Manager Strategic Transport
11.6	Elizabeth Street Bike Lane Upgrades	55	78	Simon Exon - Unit Manager Strategic Transport
11.7	Safe Travel Strategy - 2019 Progress Report	80	84	Dennis Cheng - Manager Traffic and Civil Engineering

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 Mayor to make your submission, please come forward, take a seat at the microphone, state your name clearly for the record and:

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

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

12. Notices of motion

Item		Page	Rec. Page	Report Presenter
12.1	Notice of Rescission No. 2 of 2019 - Officers to present a report on the operation of Yarra Youth Services	86	87	Jackie Fristacky - Councillor

13. Urgent business

Nil

11.1 Review of Council Committee Terms of Reference

Trim Record Number: D19/195562

Responsible Officer: Group Manager Chief Executive's Office

Purpose

1. To confirm the Terms of Reference for the Advisory Committees to operate through the 2019/2020 Council year.

Background

2. On 16 July 2019, Council endorsed a Council Committees Policy which established consistent framework for the operation of Council Committees.
3. Since the adoption of that policy, the Terms of Reference for each Committee have been reviewed to ensure that it is simplified and is consistent with the policy. The outcomes of these reviews are as follows:

Active Ageing Advisory Group

4. The Terms of Reference of the Active Ageing Advisory Group was adopted in March 2016.
5. An administrative review of the Active Ageing Advisory Group Terms of Reference was conducted and it was determined that the Terms of Reference was substantially consistent with the Council Committee Policy. This review was conducted in consultation with the membership of the existing committee. This process retained the same purpose and objectives as the current committee (with some changes to wording to reflect contemporary language and priorities). The following specific changes are proposed:
 - (a) removal of the preamble (which can still be appended to the Terms of Reference for publication if desired, but is not proposed to form part of the adopted Terms of Reference);
 - (b) specific references to persons aged '50+' rather than 'older persons' to provide clarity;
 - (c) increase in the number of community members from six to eight;
 - (d) modification of the terms of membership so that rather than staggering the expiry dates of terms (with half being replaced every two years), all member terms expire at the sunset of the committee after each Council election; and
 - (e) removal of administrative and other provisions which are now covered by the policy.
6. It should be noted that the endorsement of this modified Terms of Reference will have the effect of altering the appointment terms of all existing members so that they all conclude on 30 June 2021. This will extend some terms, and shorten others and will remove the need to conduct an expression of interest process for new members early in 2020.
7. *The outcomes of the review of the Terms of Reference can be found at **Attachment One**.*

Arts Advisory Committee

8. The Terms of Reference of the Arts Advisory Committee was adopted in October 2014.
9. An administrative review of the Arts Advisory Group Terms of Reference was conducted and it was determined that the Terms of Reference was largely consistent with the Council Committee Policy. As a result, the only changes that were required were to alter the format and remove references to matters now provided for in the policy.
10. The effect of the changes are limited to areas where the Terms of Reference and the Policy were inconsistent. These are:
 - (a) The Senior Coordinator Arts, Culture and Venues is no longer a member of the Committee;
 - (b) The Chair will be a Councillor, alternating between the two appointed Councillors;

- (c) The appointment of members is done by Council, not the CEO (except casual vacancies);
- (d) The Terms of Reference allows for co-opted members of the two working groups (i.e. those that are not members of the Committee); and
- (e) Removal of provisions which are now covered by the policy.

11. *The outcomes of the review of the Terms of Reference can be found at **Attachment One**.*
Bicycle Advisory Committee

- 12. The Terms of Reference of the Bicycle Advisory Committee was adopted in 2011.
- 13. On 12 November 2019, Council resolved that “*Officers prepare a report on the feasibility of forming an Active Transport Advisory Committee to Council, such Committee to incorporate the Bicycle Advisory Committee; the report include a proposed Terms of Reference for this Committee; and the Bicycle Advisory Committee continue to operate in the meantime.*”
- 14. In light of this resolution, an administrative review has been conducted of the Bicycle Advisory Committee Terms of Reference with a view only to ensuring the Terms of Reference is compliant with the Council Committees Policy until such time as the report above is presented to Council. No other changes have been made at this stage.
- 15. *The outcomes of the review of the Terms of Reference can be found at **Attachment One**, noting that a report on the feasibility of forming an Active Transport Advisory Committee will be brought to Council early in 2020.*

Business Advisory Group

- 16. The Terms of Reference of the Business Advisory Group was adopted in December 2014.
- 17. An administrative review of the Business Advisory Group Terms of Reference was conducted and it was determined that the Terms of Reference was consistent with the Council Committee Policy. As a result, the only changes that were required were to alter the format and remove references to matters now provided for in the policy.
- 18. *The outcomes of the review of the Terms of Reference can be found at **Attachment One**.*

Community Awards Committee

- 19. The Community Awards Committee was established by Council resolution on in June 2018. The Committee has operated without a Terms of Reference.
- 20. In order to comply with the Council Committees Policy, the administration propose that Council adopt a Terms of Reference which sets out the existing obligations of the Committee based on previous practice and have developed a proposed Terms of Reference on this basis.
- 21. In order to comply with the Local Government Act, the proposed Terms of Reference clarifies that the role of the Committee is to ‘recommend’ the recipients of the awards, rather than make a final determination. This distinction is important because a Committee cannot be delegated a decision-making power on behalf of Council without triggering a range of other requirements (including advertising meeting details, allowing the public to attend, publishing agendas and minutes and adopting a formal Instrument of Delegation). Instead it is proposed that the Committee’s recommendations be provided to the Chief Executive Officer for endorsement. In the event that the Chief Executive officer is not prepared to endorse the Committee’s recommendation, a report would instead be presented to the full Council.
- 22. *The proposed new Terms of Reference can be found at **Attachment One**.*

Disability Advisory Committee

- 23. The Terms of Reference of the Disability Advisory Committee was adopted in October 2017.
- 24. An administrative review of the Disability Advisory Committee Terms of Reference was conducted and it was determined that the Terms of Reference was consistent with the Council Committee Policy. As a result, the only changes that were required were to alter the format and remove most references to matters now provided for in the policy.

25. The review does propose that an exception be applied to the Committee in relation to the policy requirement that the names of members and the minutes of meetings be published on Council's website. It is proposed that due to the nature of the members and the fact they often speak about their personal experiences living with a disability in the community an exception to this requirement is warranted. Instead it is proposed that meeting summaries be made available, and that the names of members only be published if requested by them.
26. *The outcomes of the review of the Terms of Reference can be found at **Attachment One**.*
Early Years Reference Group
27. The Terms of Reference of the Early Years Reference Group was adopted in September 2005.
28. An administrative review of the Early Years Reference Group Terms of Reference was conducted and it was determined that the Terms of Reference was consistent with the Council Committee Policy, although it did not include the details of the Committee membership. In discussion with the relevant officers, it was determined that the Reference Group, as it currently operates, fits better with the classification of an 'Interest group' rather than a more formal Advisory Committee. The distinction is made because the Early Years Reference Group functions more as a network of aligned professionals and organisations operating in the family and children's services sector.
29. As a result, proposed Terms of Reference alters the language slightly to reflect this situation, and proposes an 'open membership' where all representatives of organisations meeting the criteria set out in the Terms of Reference are welcomed to participate. This reflects the current practice.
30. *The outcomes of the review of the Terms of Reference can be found at **Attachment One**.*
Environment Advisory Committee
31. The Terms of Reference of the Environment Advisory Committee was adopted in September 2015. On 12 November 2019, Council resolved that *"the Yarra Environment Advisory Committee in its current form be extended for a further twelve months"*.
32. While this resolution has the effect of ensuring that the current membership of the Committee (which was otherwise due to reach the end of their term) can remain members of the Committee for the time being, it still leaves a number of matters unresolved. These are:
- (a) The compliance of the Committee Terms of Reference with the Council Committees Policy;
 - (b) The future of the Environment Advisory Committee's Waste and Recycling Working Group (established by Council resolution in February 2017 and sun-setted on 6 June 2019); and
 - (c) The role of the aligned Urban Agriculture (Community Gardens) Advisory Committee.
33. In light of this resolution and to address the outstanding matters, an administrative review has been conducted of the Environment Advisory Committee Terms of Reference. This review proposes that a modified Terms of Reference be presented for Council's consideration that:
- (a) broadens the scope of the Environment Advisory Committee and specifies a number of specific policy areas where advice is sought;
 - (b) increases the number of community members from 12 to 16;
 - (c) more clearly describes the advisory nature of the Committee and its role in Council's strategic policy development across a range of environmental portfolio areas.
 - (d) provides for a policy exemption to permit co-opted members (who are not members of the Advisory Committee) to be invited onto working groups that the Committee may form in order to provide specialised expertise and advice; and
 - (e) removes provisions which are now covered by the policy.

34. It is envisaged that the recruitment of the additional members will draw on the expertise of the members of the Waste and Recycling Working Group and the Urban Agriculture (Community Gardens) Advisory Committee.
35. It is further envisaged that the Environment Advisory Committee will establish working groups to address specific areas where advice is sought by Council, including that formerly considered by the existing Waste and Recycling Working Group and the Urban Agriculture (Community Gardens) Advisory Committee.
36. *The outcomes of the review of the Terms of Reference can be found at **Attachment One**.*
Heritage Advisory Committee
37. The Terms of Reference of the Heritage Advisory Committee was adopted in December 2017.
38. An administrative review of the Heritage Advisory Group Terms of Reference was conducted and it was determined that the Terms of Reference was largely consistent with the Council Committee Policy. As a result, the only changes that were required were to alter the format and remove references to matters now provided for in the policy.
39. The effect of the changes are limited to areas where the Terms of Reference and the Policy were inconsistent. These are:
 - (a) The presentation of a Delegate's Report after each meeting is no longer 'mandatory';
 - (b) The Chair does not have a 'casting' vote;
 - (c) There are no 'quorum' provisions unless a 'vote' is actually being taken;
 - (d) The termination of members (for example those who miss meetings) is slightly different; and
 - (e) The planned sunset of the Committee in December 2021 has been brought forward to June 2021 (in line with all Committees).
40. *The outcomes of the review of the Terms of Reference can be found at **Attachment One**.*
Multicultural Advisory Group
41. The Terms of Reference of the Multicultural Advisory Group was adopted in November 2015.
42. An administrative review was conducted in light of the endorsement of the Multicultural Partnerships Plan 2019-2023 by Council on 2 July 2019. The review maintained the provisions of the 2015 Terms of Reference of the Multicultural Advisory Group and proposes a Terms of Reference that includes:
 - (a) A change to reflect the timeframe of the updated Multicultural Partnerships Plan;
 - (b) removal of 'Council Officers' from among the list of committee members to align with the new policy;
 - (c) removal of provisions relating to the annual review and evaluation (which can still occur, but do not need to be mandated in the Terms of Reference); and
 - (d) removal of provisions which are now covered by the policy.
43. *The outcomes of the review of the Terms of Reference can be found at **Attachment One**.*
Performance Review Sub Committee
44. The Performance Review Subcommittee has operated to date without a formal Terms of Reference.
45. In order to comply with the Council Committees Policy, the administration propose that Council adopt a Terms of Reference which sets out the existing obligations of the Committee based on previous practice and have developed a proposed Terms of Reference on this basis. It is further proposed that the Terms of Reference contain the following provisions:

- (a) Re-naming the Committee to the Performance Review Committee (rather than Sub Committee) for the sake of consistency and to avoid confusion with the lesser role of 'subcommittees' as set out in the Council Committees Policy; and
- (b) Changing the membership from "The Mayor plus any number of other Councillors" to "All Councillors" to reflect the long standing practice of all Councillors making up the Committee.

46. *The proposed new Terms of Reference can be found at **Attachment One**.*

Urban Agriculture (Community Gardens) Advisory Committee

47. The Urban Agriculture (Community Gardens) Advisory Committee was established (in its former name of Community Gardens Advisory Committee) in November 2009. It operated without a Terms of Reference until August 2011, when Council adopted the current Terms of Reference of the renamed committee. That Terms of Reference included a provision that "the establishment of the Urban Agriculture (Community Gardens) Advisory Committee will be for a period of two years from the first meeting and will be subject to a review at the end of that period." Following an administrative review after the initial two years, it was determined that the Committee continue to operate for successive terms. The most recent two year term commenced on 4 July 2017, with the Committee concluding its term on 4 July 2019. Having now reached the end of its current term, the Urban Agriculture (Community Gardens) Advisory Committee has no further meetings scheduled.
48. In conducting the review of the Environment Advisory Committee described above, it is now proposed that the Urban Agriculture (Community Gardens) Advisory Committee be allowed to sunset, and its members be invited to apply for membership to the newly expanded Environment Advisory Committee, or one of its working groups (once established).

49. *Given the proposal to allow the Committee to sunset, no Terms of Reference are presented.*

Yana Ngargna Advisory Group

50. The Terms of Reference of the Yana Ngargna Advisory Group (formerly Aboriginal Advisory Group) was adopted in March 2003.
51. An administrative review was conducted in light of the endorsement of the Yana Ngargna Plan 2020-2023 by Council on 12 November 2019. The review maintained the provisions of the 2015 Terms of Reference of the Aboriginal Advisory Group and proposes a Terms of Reference that includes:
- (a) a new Committee name as set out in the Yana Ngargna Plan;
 - (b) changed terminology to reference the Wurundjeri Woi Wurrung, Aboriginal and Torres Strait Islander community throughout;
 - (c) a number of changes to the listed membership organisations to reflect the changed context since the Terms of Reference was last adopted;
 - (d) An increase in the number of appointed Councillors from one to two;
 - (e) a change to the meeting frequency from 'bimonthly' to minimum of five meetings per to reflect the Yana Ngargna plan; and
 - (f) removal the preamble (which can still be appended to the Terms of Reference for publication if desired, but is not proposed to form part of the adopted Terms of Reference).

52. *The outcomes of the review of the Terms of Reference can be found at **Attachment Two**. Given the established process of collaborative decision-making between Council and the Wurundjeri Woi Wurrung, Aboriginal and Torres Strait Islander community, it is proposed that Council endorse the Terms of Reference subject to ratification by the Committee itself and that in the event a material change is proposed, they be brought back to Council for endorsement.*

Yarra Health and Wellbeing Plan Advisory Committee

53. The outcomes of a review of the purpose, function and future of the Health and Wellbeing Plan Advisory Committee were considered by Council on 8 October 2019, with Council determining to replace the current Committee with a new Project Consultative Group to guide the development of the next Municipal Public Health and Wellbeing Plan, commencing no less than six months prior to the adoption of the next Council Plan.
54. *This Committee has now been dissolved, so no Terms of Reference are presented.*

Yarra Libraries Advisory Committee

55. The Terms of Reference of the Yarra Libraries Advisory Committee was adopted in June 2012.
56. An administrative review was conducted in conjunction with the scheduled expression of interest process for new Committee members conducted in September and October 2019. The review determined that the Terms of Reference is consistent with the Council Committee Policy and the only changes required were to alter the format and remove references to matters now provided for in the policy.
57. The review recommends that one material change be made to the existing Terms of Reference and that the number of community members appointed be increased from six to ten. This change will enable greater diversity in the group, and allow for the Committee to continue to operate in the event of multiple absences. This change has been recommended following a strong response to the recent expression of interest process and is included in the attached Terms of Reference.
58. *The outcomes of the review of the Terms of Reference can be found at **Attachment One**.*

Youth Advisory Committee

59. The outcomes of a review of the Yarra Youth Advisory Committee were considered by Council on 22 October 2019, with Council determining to dissolve the Committee in favour of a new series of “Your Say Yarra Youth” forums.
60. *This Committee has now been dissolved, so no Terms of Reference are presented.*

External Consultation

61. While no broad community consultation has taken place, discussions have been held at a number of the Council Committee subject to this review. These discussions included a presentation by the Senior Governance Advisor of Council’s recently adopted Council Committees Policy and an opportunity for discussion.

Internal Consultation (One Yarra)

62. Discussions have been held with the officers responsible for each of the Committee subject to review.

Financial Implications

63. The advice provided in this Briefing Paper does not have any financial implications.

Economic Implications

64. The advice provided in this Briefing Paper does not have any economic implications.

Sustainability Implications

65. The advice provided in this Briefing Paper does not have any sustainability implications.

Social Implications

66. The advice provided in this Briefing Paper does not have any social implications.

Human Rights Implications

67. The advice provided in this Briefing Paper does not have any human rights implications.

Communications with CALD Communities Implications

68. There has been no external communications undertaken in the development of this Briefing Paper.

Council Plan, Strategy and Policy Implications

69. There are no Council Plan, strategy or policy Implications arising from the matters addressed in this Briefing Paper.

Legal Implications

70. Aside from the need to ensure that Council Committees do not inadvertently purport to have delegated decision-making authority, no further legal implications have been identified arising from the matters addressed in this Briefing Paper.

Other Issues

71. No other issues have been identified in the development of this Briefing Paper.

Options

72. It is open to Council to vary the proposed Terms of Reference for any of these Committees by alternate resolution. Further, it is open to Council to defer the review of any of the Terms of Reference and seek a subsequent report at a later meeting.

Conclusion

73. Officers recommend endorsing the Terms of Reference for each of the Committees presented in this report.

RECOMMENDATION

1. That Council endorse the Terms of Reference found at **Attachment One** for each of the following Council Committees:
 - (a) Active Ageing Advisory Group;
 - (b) Arts Advisory Committee;
 - (c) Bicycle Advisory Committee;
 - (d) Business Advisory Group;
 - (e) Community Awards Committee;
 - (f) Disability Advisory Committee;
 - (g) Early Years Reference Group;
 - (h) Environment Advisory Committee;
 - (i) Heritage Advisory Committee;
 - (j) Multicultural Advisory Group;
 - (k) Performance Review Committee; and
 - (l) Yarra Libraries Advisory Committee.
2. That Council endorse the Terms of Reference found at **Attachment Two** for the Yana Ngargna Advisory Group, subject to ratification by the Committee at its meeting in February 2020, noting that any material changes arising from this process will be brought back to Council for further endorsement.
3. That Council note its previous resolutions seeking reports on the establishment of the following Advisory Committees and that these will be presented to Council early in 2020:
 - (a) Active Transport Advisory Committee;
 - (b) Public Transport Advocacy Committee; and

- (c) Tree Planting Advisory Committee.
- 4. That Council note the sunset of the following Advisory Committees and record its thanks to those members of the community that a made a contribution:
 - (a) Finance Committee; and
 - (b) Urban Agriculture (Community Gardens) Advisory Committee.
- 5. That Council note the previous dissolution of the following Advisory Committees:
 - (a) Yarra Health and Wellbeing Plan Advisory Committee; and
 - (b) Youth Advisory Committee.

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

Attachments

- 1** [⇒](#) Attachment 1 - Council Committee Terms of Reference
- 2** [⇒](#) Attachment 2 - Yana Ngargna Advisory Group Terms of Reference

11.2 Potential for Yarra to support Environmental Upgrade Agreements

Executive Summary

Purpose

To provide Councillors with a review of the value proposition for Council to support Environmental Upgrade Agreements (EUA) in the City of Yarra, and potential options for their delivery.

Key Issues

Environmental Upgrade Agreements enable lenders to partner with Councils to provide secured lending to local businesses for Environmental Upgrades.

Under EUA, lenders provide finance to a building owner for environmental upgrades, with the local Council then collecting the repayments through its rates system and remitting the funds to the lender. Use of the Council rates system means that loans become a statutory charge secured by the property, allowing lenders to offer more competitive loan terms.

Yarra Council is able to offer EUA under the Local Government Act, but currently does not. There are 35 Councils in Victoria who are offering EUA.

To offer EUA, Council would need to engage a Third Party Administrator, of which *Better Building Finance* is the sole provider. *Better Building Finance* is owned by the *Sustainable Australia Fund*, who is also the sole lender offering Environmental Upgrade Finance.

On the basis that Council has declared a climate emergency and is aiming to do all that it can to reduce emissions, enacting Environmental Upgrade Agreement and engaging BBF as a Third Party Administrator is recommended.

Financial Implications

There is no cost to Council to engage BBF as the Third Party Administrator.

The financial implications to offer base level services are not expected to be significant and are able to be covered by existing budgets and resourcing.

PROPOSAL

That Council:

- (a) note the officer report regarding Environmental Upgrade Agreements;
- (b) support Environmental Upgrade Agreements, and proceed to establish the program;
- (c) appoint Sustainable Australia Fund to establish, administer and support the delivery of Environmental Upgrade Agreements under the Better Building Finance brand;
- (d) delegate to the Chief Executive Officer the power to enter into an Environmental Upgrade Agreement on behalf of the Council; and
- (e) delegate to the Chief Executive Officer the power to declare and levy an environmental upgrade charge.

11.2 Potential for Yarra to support Environmental Upgrade Agreements

Reference: D19/216144

Authoriser: Director Planning and Place Making

Purpose

1. To provide Councillors with a review of the value proposition for Council to support Environmental Upgrade Agreements (EUA) in the City of Yarra, and potential options for their delivery.

Background

2. Enacted in January 2016, the Local Government Legislation Amendment (Environmental Upgrade Agreements) Act 2015 enables lenders to partner with Councils to provide secured lending to local businesses for environmental upgrades (i.e. renewable energy, energy efficiency, water saving). Prior to this the scheme was initiated by and limited to City of Melbourne.
3. Environmental Upgrade Agreement (EUA) is the legislation and framework for this service, where Environmental Upgrade Finance (EUF) is the program and how this is communicated to businesses. In practice, in many ways these can be read as interchangeable.
4. The key purpose of EUF is to help businesses access funding for sustainable building works. Under EUA, lenders provide finance to a building owner for environmental upgrades, with the local Council then collecting the repayments through its rates system and remitting the funds to the lender. Use of the Council rates system means that loans become a statutory charge secured by the property, allowing lenders to offer more competitive loan terms.
5. Council currently does not support the provision of EUA locally, but 35 Councils in Victoria do.
6. Total lending since origination has been \$30.44m with an estimated saving of 21,488 tCO₂ per annum. Of the 72 loans, 67 have been provided to Owner Operators and 5 to property investors with a cost passed through to the tenant.
7. In most Councils, uptake has been in the order of zero to two EUAs signed per annum. The two most successful municipalities have been the City of Melbourne who supported 11 between 2011 and 2014 (two since), and Mornington Peninsula who have supported 12 in the 2-3 years since they joined.
8. Reviewing the current value proposition to support EUA in Yarra is important in light of Council's Climate Emergency Declaration and commitment to undertake urgent action, and changes in the EUA market and growth of this program and its delivery. This also responds to a specific action in the Yarra Environment Strategy (2013-17), and requests from the Yarra Energy Foundation Yarra to support EUA.
9. Supporting EUA in Yarra would demonstrate Council's commitment in assisting the business community in addressing the ongoing barriers to investment in energy efficiency and renewable energy outcomes.
10. Supporting the program is not expected to require significant internal investment in systems or resources. The program is supported by Better Building Finance (BBF) as a Third Party Administrator, and by the Yarra Energy Foundation as the promotion and delivery agent.
11. BBF provides the basic services to facilitate the program free of charge to Councils. They recoup an establishment fee plus an ongoing admin fee of 0.05% from the borrowers.
12. Under the Local Government Act Council is already able to offer EUA locally.
13. To establish the program Yarra must appoint BBF as a Third Party Administrator, and provide authority to the CEO to sign-off each EUA.

How is EUA different to other financing options?

14. EUA's are different from other financing options in the following ways:
 - (a) repayment is a Statutory Charge, invoiced on the Council rates notice;
 - (b) if the property is leased then (subject to tenant agreement) the Statutory Charge, or part thereof, can be passed through to the tenant as an Outgoing and recovered by the land lord from the tenant;
 - (c) the loan is secured by the property and remains attached to the property (subject to agreement with the new owner, as the benefit stays with the building); and
 - (d) no consent or approval is required from an existing financier nor is there a requirement to take out a mortgage, as the statutory charge provides equivalent rights.

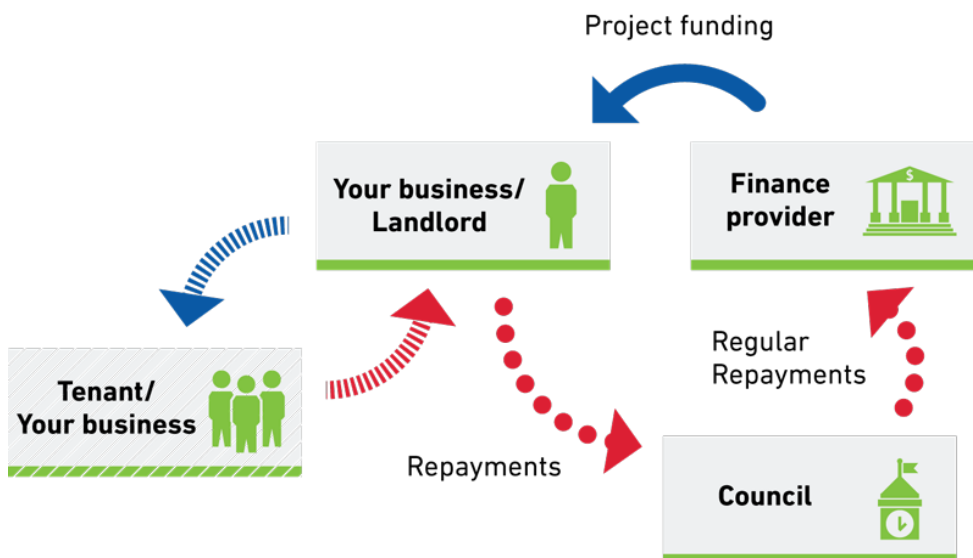


Figure 1: Flow Diagram of EUF (Source: Sustainability Victoria Website)

15. The funding structure enables some borrowers to access finance outside of their existing bank lines and in some cases the repayments and debt will sit outside a borrowers financial covenants with their existing lenders, enabling the borrower to borrow more money.
16. EUA is generally more expensive than traditional mortgage backed finance. Pricing is comparable with asset backed finance, however the available terms are longer than most asset backed finance options. This reduces the quarterly payments as it stretches the amortisation and for some businesses better suits their cash flow profile, but it also results in purchasers paying more interest over the duration (increasing the total cost). Interest rates for EUF appears to be currently around ~5.5% - ~8% depending on credit quality and term.
17. As the repayment is a statutory charge, landlords can pass it through to tenants as an outgoing, in theory helping to encourage landlords to upgrade buildings and recoup the costs from tenants. In practice take up of this element has been low.
18. As a non-bank lender SAF is regulated by ASIC rather than APRA, they are financed by a \$230m Warehouse Facility provided by Bank Australia.
19. Council hasn't seen details of the SAF lending policies and are cognisant that the terms being offered of up to 20 years are materially longer than competitors in the market. BBF have advised that these terms are only provided where equipment is warrantied to 25 years, and no loans of 20 years have been signed yet.

Council's role in the provision of EUA

20. Council's initial role is to promote EUA and refer potential applicants to BBF. Yarra Energy Foundation (YEF) is expected to provide the lead role in this.

21. Council's also have a specific role in the provision of EUA's to issue the *Environmental Upgrade Charge* (EUC) as part of the Quarterly Rates Notice, and then remit the payment onto the lender to repay the loan. It is the lender that provides the loan funds and takes the credit risk.
22. Council is not liable for any outstanding charges, and the amended Local Government Act 1989 specifically provides that Councils are not liable for the failure of a borrower to pay a EUC.
23. Council is required to follow-up any payments not received within 6 days of falling due and if arrears stretch beyond 90 days Council is responsible for calling an 'Event of Default' and initiating collection procedures. BBF and the Lender will communicate with the borrower in the interim period. Council is expected to follow the same process as if rates were not paid (section 172 of Local Government Act). So far, one borrower has defaulted over the 8 years of the program.
24. Council must consent to all new loans originating under a EUA within its rates jurisdiction and provide confirmation that the *Borrower* has a strong rates payment history.
25. Documentation and Service Level Agreements need to be reviewed by the relevant areas, but it is expected that they will be acceptable given the number of other Councils that have already signed up, and the process was originally established by Melbourne City Council.

Third Party Administrator role

26. To date all Council's in Victoria which are supporting EUA do so via a Third Party Administrator (TPA).
27. The TPA is responsible for overarching support for EUA and its documentation, and more specifically to support business through the program, receive/process applications, create contracts, monitor performance, and support creation of leads through links to the business community.
28. BBF is the sole supplier to undertake the role as a Third Party Administrator in Australia. To engage BBF in this capacity, Council would be required to sign a *Third Party Administrator Agreement* and a *Service Level Agreement* with Sustainable Australia Fund (SAF) on behalf of BBF. Should another Administrator or Lender come into the market with their own documentation, Yarra would be open to supporting them as well.
29. There is no cost to Council to engage BBF to act as a Third Party Administrator. Originally the cost of this service was \$5-20k p.a.
30. BBF is owned by the Sustainable Australia Fund (previously Sustainable Melbourne Fund). The Sustainable Melbourne Fund was initially set up by City of Melbourne as a \$5 million low interest loan facility for environmental upgrades, with all interest received growing the fund.
31. Sustainable Australia Fund (and BBF) was privatised in Feb 2019 with Melbourne City Council repaid in full. Sustainable Australia Fund (SAF) is owned by a group of impact investors and Sustainable Australia Fund senior management team.
32. Sustainable Australia Fund is currently the only providing EUF in Australia, and SAF only provide EUF loans.
33. BBF was chosen as the winner of the 2019 National Economic Development Awards for Excellence in the Partnerships category, recognising the collaboration between ARENA (Federal), State and local governments.
34. Council has investigated the potential to run the program internally (i.e. not engage a Third Party Administrator). Whilst this is possible, the costs are expected to be prohibitive as there aren't any standardised documents available in Victoria. As such new documentation would have to be drafted at Councils expense and then agreed with SAF and any future lenders.

35. Given SAF own BBF, and SAF is the only lender advertising EUA's, it is recommended that Council remove from the proposed documentation both the exclusivity clause and the requirements for Council to solely refer enquiries to BBF. If a Lending competitor emerges at a later date with their own documentation Council be open to supporting them as well.

Expected uptake in Yarra

36. Take up of EUA in Yarra is expected to be limited, based on the experience from other Councils. However, their provision provides a strong incentive for particular businesses to undertake environmental upgrades using EUF where they may not have been able to get appropriate finance elsewhere.
37. Owner occupier businesses are the most likely candidates in Yarra to take up EUA, consistent with other Councils.
38. Council has spoken with three leads provided by YEF who are interested in EUA and will look to move forward with investigations should Yarra begin accepting applications.
39. Whilst EUA can cover all sustainability upgrades, and potentially multi-million dollar projects, the expectation is that this would largely be limited to small-medium scale projects, especially solar PV. However, there are large businesses in Yarra who could potentially seek finance for much larger scale building management upgrades.
40. The program is also expected to be expanded to include residential properties, via updated State Government legislation, with current drafting of the Local Government Bill 2019 removing the requirement for the property to be a commercial property. This is not initially expected to result in significant uptake of EUA in Yarra, but could open up additional avenues, and is further reason to support it.
41. This EUF program is one of a number of finance programs for environmental works. Alternatives include, standard asset finance, energy service agreements, and behind the meter power purchase agreements. There are also State and Federal Government Grants which are available for smaller scale upgrades.
42. Whilst businesses may not ultimately choose to finance their project via EUF, the availability of EUF may engage the business in its development and lead to environmental retrofit projects occurring that otherwise may not have.

Resource implications

43. Enacting EUA will have resource implications for Council, mostly in the establishment phase, reviewing and approving all documentation, updating and aligning systems to allow the EUC to be processed.
44. Additionally for each EUA Council is required to confirm eligibility and sign off, monitoring of payments and following up late payments for each EUA signed.
45. These resource implications are not expected to be onerous, and can be incorporated into existing workloads and budgets.
46. Rather than seen in isolation, it would be preferable for Council to be able to provide business with expanded and up-to-date provisions of information about finance and other mechanisms to support business retrofits for energy efficiency and renewable energy. This fits within the consultation draft Climate Emergency Plan (and annual budget planning process) for the provision of a new Sustainable Business Officer who (subject to budget approval) would be able to undertake this role amongst others.
47. The specific implications at program establishment and roll out for EUA would include:

PROGRAM ESTABLISHMENT

Sustainability	Overall coordination, including liaison with BBF and YEF
YEF	Confirm roles and responsibilities
Governance	Review the EUA documentation and template contract.
Revenue Services	Modify Council process to be able to add this charge to Council Rates
BBF	Support program establishment into Council

Council	Pass resolution to enact EUA and allow the CEO to sign-off each EUF.
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PROGRAM ROLL OUT

Sustainability	Overall responsibility for managing program within Council. Obtain CEO's signature of approval for each EUA.
YEF	Overall responsibility for developing business programs to seek business uptake of EUF. Support local businesses to understand EUA.
BBF	Responsible for overarching support for EUA for business to support them through the program once engaged. Receive/process applications, create contract, and monitor performance. Support creation of leads through links to the business community.
Eco Dev	Participate in a project working group and communicate the program to the business community.
Property Services	If business seeks to engage EUA - confirm property exists in municipality and is used for non-residential purposes.
Revenue Services	If business seeks to engage EUA - Confirm Rates Eligibility, levy Environmental Upgrade Charge (EUC), collect rates payments, notify BBF of any late payments, charge default interest rates on late payments. Note that BBF are working on the development of an automated system to enable issuance of the notices on behalf of councils, expected July 2020.
Finance	Once business participating on EUA – Remit payments to lender
Communications	Support promotions and marketing.

External Consultation

48. Officers have consulted with:

- (a) Yarra Energy Foundation (YEF);
- (b) Better Building Finance (BBF);
- (c) Australian Energy Foundation;
- (d) Sustainable Victoria;
- (e) Other Councils including:
 - (i) Mornington;
 - (ii) Wyndham;
 - (iii) Dandenong;
 - (iv) Monash;
 - (v) Moira;
 - (vi) Darebin; and
 - (vii) Melbourne.

49. YEF has requested Council enable the offering of EUA's, and believe this will enhance their ability to assist businesses reduce their environmental footprint, as well as adding to the reputation of Yarra as a leader in this space.

50. Consultation with other Councils confirmed that there are no unforeseen resource implications to offering EUA.

Internal Consultation (One Yarra)

51. Consultation has occurred with the teams across Council that would be impacted by enacting EUF, *as detailed under Resource implications and next steps to enact EUA.*

Financial Implications

52. There is no cost to Council to engage BBF as the Third Party Administrator.
53. The financial implications to offer base level services are not expected to be significant and are able to be covered by existing budgets.
54. Council has the ability to provide a charge to businesses to participate in EUA's to cover costs. No other Councils have chosen to do this to date and it is not recommended.
55. Rather than seen in isolation, it would be preferable for Council to be able to provide business with expanded and up-to-date provision of information about finance and other mechanisms to support business retrofits for energy efficiency and renewable energy. This fits within the consultation draft Climate Emergency Plan (and annual budget planning process) for provision of a new Sustainable Business Officer who would be able to undertake this role amongst others.

Economic Implications

56. Enacting EUA would encourage and allowing some businesses to invest in sustainability retrofits, and reduce their ongoing utility costs.

Sustainability Implications

57. Enacting EUA is expected to have positive sustainability implications by encouraging and allowing some businesses to invest in sustainability retrofits, and reduce their environmental impacts.

Social Implications

58. There are no known social implications.

Human Rights Implications

59. There are no known human rights implications.

Communications with CALD Communities Implications

60. If Yarra enacts to support EUA's Council will need to ensure this is also communicated to CALD businesses.

Council Plan, Strategy and Policy Implications

61. Reviewing EUAs form part of actioning Council's Yarra Environment Strategy (2013-17), with the specific action to *investigate the potential benefits from establishing Environmental Upgrade Agreements.*

Legal Implications

62. To engage BBF as the Third Party Administrator, Council would need to sign a *Third Party Administrator Service Agreement* and a *Service Level Agreement* which details some of Councils obligations:
- (a) the SLA would lock the Council into collection of the Environmental Upgrade Charges for the duration of the loans. This could be up to 20 years and may continue beyond the life of the agreements with BBF (which can be terminated on 1 months' notice);
 - (b) Council would be responsible for collection of EUA payments via the rates notice until the repayment of all EUA arrangements, some may extend up to 20 years;
 - (c) Council would be responsible for monitoring of payments and follow up should payments be more than 6 days overdue; and

- (d) Council would be responsible for initiating collections procedures should repayments fall 90 days in arrears.

- 63. Whilst the BBF is the sole provider of the service as a Third Party Administrator, and this service is free to Council, they are a for-profit entity and access to this market has pecuniary interest to them. This is both from the administration fees they charge businesses for their service, as well as the interest charged by SAF (who own BBF). SAF is owned by a small group of investors including the Executive Manager of BBF who provides the key liaison with business. SAF is working towards a Bcorp accreditation, which is afforded to companies who make decisions to make a positive impact on their workers, customers, suppliers, community and the environment.
- 64. Officers believe that this above relationship is appropriate but recommend that, the co-ownership is disclosed to prospective borrowers and that Council or YEF marketing clearly state that EUA are not the sole finance option or the best for all business in all situations. Businesses should look at all available finance packages for Environmental Upgrades and seek independent financial advice where they are unsure. As a reference point the Sustainable Victoria website is a good starting point for other available options.

Other Issues

- 65. No other issues have been identified.

Options

- 66. The three options are:

Option 1 (recommended)

- 67. Enact Environmental Upgrade Agreement and engage BBF as a Third Party Administrator.
 - (a) There is no costs to Council to engage BBF, and limited developmental and ongoing resource implications; and
 - (b) EUA provides a preferable option for investment in energy efficiency and renewable energy for some businesses, and supports Councils environmental credentials and climate emergency declaration.

Option 2 (not recommended)

- 68. Enact Environmental Upgrade Agreement without a Third Party Administrator to support.
 - (a) This would require the Council to negotiate and agree SLA's with all lenders, have a legal team draft documentation and fresh EUA's, have the EUA's accepted by the Lenders and then retain responsibility for updating the EUA's if any legislative changes occur; and
 - (b) Whilst it may be possible, it isn't feasible as the upfront costs and logistics would be very significant given the forecast uptake.

Option 3 (not recommended)

- 69. Not enact Environmental Upgrade Agreement.
 - (a) EUA provides a preferable option for investment in energy efficiency and renewable energy for some businesses, and not providing this option is disadvantaging these businesses and reflects poorly on Councils environmental credentials.

Conclusion

- 70. On the basis that Council has declared a climate emergency and is aiming to do all that it can to reduce emissions, enacting Environmental Upgrade Agreement and engaging BBF as a Third Party Administrator is recommended.
- 71. EUA is only a small piece of the finance puzzle and while it may not be widely utilised, the costs and risks to Council are low and it is considered to provide an important avenue to facilitate some businesses accessing finance for Environmental Upgrade who can't otherwise do so. There is also the potential that this supports some large-scale retrofits in Yarra.

72. Supporting EUA's also ensures Council aligns with neighbouring Councils in doing all they can to drive adoption of a low carbon economy.

RECOMMENDATION

1. That Council:
 - (a) note the officer report regarding Environmental Upgrade Agreements;
 - (b) support Environmental Upgrade Agreements, and proceed to establish the program;
 - (c) appoint Sustainable Australia Fund to establish, administer and support the delivery of Environmental Upgrade Agreements under the Better Building Finance brand;
 - (d) delegate to the Chief Executive Officer the power to:
 - (i) enter into an Environmental Upgrade Agreement on behalf of the Council; and
 - (ii) declare and levy an environmental upgrade charge.

CONTACT OFFICER: Michael Oke
TITLE: Environment Coordinator
TEL: 9205 5723

Attachments

There are no attachments for this report.

11.3 Draft Consultation Climate Emergency Plan

Reference: D19/216140

Authoriser: Director Planning and Place Making

Purpose

1. To present the consultation draft *Climate Emergency Plan* to Council seeking authorisation to proceed to community consultation.

Background

2. On 18 December 2018 Council resolved to “*rename the Community Greenhouse Action Plan a Climate Emergency Plan in light of scientific advice that we have just 12 years to dramatically reduce greenhouse gas emissions before runaway climate change*”.
3. In April 2019 Council received an update which detailed the work to date and an update on the anticipated timeline.
4. The consultation draft Climate Emergency Plan (2020-2024) has now been developed based on significant internal, and some key external engagement, and is considered ready for broad community consultation.
5. The purpose of this consultation draft is to allow strong and targeted community engagement and feedback.
6. Responding effectively to the climate emergency requires a sustained, collective and large-scale action across all levels of government, businesses and the community. Yarra Council will need to play a strong role in bringing people together and building the community’s capacity to push for meaningful and effective change.
7. The draft plan also outlines how Council will also significantly accelerate emission reductions and ensure infrastructure, assets and community are resilient to climate impacts,
8. Yarra Council’s first Climate Emergency Plan sets longer term objectives for the response to the climate emergency and identifies strategic priorities and actions to focus work over the next four years. This will need to involve an adaptive approach to implementation, to learn as action is taken and be flexible to respond to new opportunities and changes over the period.
9. The longer term *objectives* to be realised through the climate emergency response are:
 - (a) achieve zero-net emissions across the entire Yarra community as soon as possible, and accelerate the removal of excess carbon;
 - (b) ensure our community is engaged, healthy and resilient - especially those most vulnerable to severe climate impacts;
 - (c) create a city which is adapted to a changing climate and ecologically healthy for all species; and
 - (d) lead by example with a best-practice climate emergency response, which inspires other local governments, businesses and communities to take strong climate action.
10. To prioritise actions over the next four years the document sets our five *strategic priorities*, with detailed actions provided under each of these. The strategic priorities are:
 - (a) mobilise and engage the community to respond to the climate emergency;
 - (b) accelerate renewable energy, zero carbon buildings and efficient operations;
 - (c) create a climate adapted city;
 - (d) transition to zero emissions transport; and
 - (e) move towards zero waste and conscious consumption.

External Consultation

11. Initial community consultation occurred as part of the *Greenhouse Action Plan* and *Yarra Environment Strategy* consultation in 2018, including; online and face-to-face surveys, future group workshops and engagement with key Advisory Committees.
12. Additional engagement and consultation has occurred with the following key external stakeholders, including:
 - (a) *Yarra Energy Foundation*;
 - (b) *Yarra Environment Advisory Committee*;
 - (c) *Yarra Climate Action Now*;
 - (d) *Northern Alliance for Greenhouse Action*; and
 - (e) Other Local Governments who have declared a Climate Emergency.
13. A further session was held with the *Futures Group* in November 2019 to provide feedback on an internal draft version of the Climate Emergency Plan.
14. Public exhibition of the consultation draft Climate Emergency Plan will now provide additional consultation opportunities at an optimal point of the Plan development.
15. Consultation is proposed to run for nine weeks from early December to early February, and include:
 - (a) a consultation page on *Your Say Yarra* online platform, with opportunity to provide feedback to key consultation questions;
 - (b) promotion that Council is seeking feedback on the consultation draft Climate Emergency Plan via the usual Council channels and partners, as well as direct correspondence with all who have registered interest, key stakeholder, and advisory committees;
 - (c) in-person consultation with key stakeholder groups; and
 - (d) a public workshop.

Internal Consultation (One Yarra)

16. Significant internal consultation has occurred on the development of this Consultation Draft with all areas impacted and influencing Councils' climate emergency response.

Financial Implications

17. There are no direct financial implications in considering this consultation draft Climate Emergency Plan – NB. it is likely to be updated based on community feedback.
18. New actions and resourcing requirements to implement a Climate Emergency Plan have been submitted as internal budget requests (20/21) for Council consideration. These can be modified in line with the updated Climate Emergency Plan in early 2020.
19. Current resource requirements for year one in the draft Climate Emergency plan are approximately \$2.7M in additional funding, plus three new resources. Note: a significant proportion of these costs are for actions which would provide a positive financial return to Council through reduced energy costs with a less than ten year payback, such as streetlight upgrades and expansion of solar panels on Council Buildings for energy production.

Economic Implications

20. The consultation draft Climate Emergency Plan includes actions which would have positive economic benefits, including a focus on sustainable business practices and renewable energy purchase, transition to electric vehicles in the community, and improved climate resilience.

Sustainability Implications

21. The consultation draft Climate Emergency Plan provides a strong framework for how Council can respond to the Climate Emergency.
22. Climate change is an extraordinary and dangerous threat to all life on earth. It is not a problem for the future; impacts are being felt here and now.
23. Alongside the growing scientific evidence of the climate emergency, more and more people are joining numerous movements calling for significant action beyond business as usual.

Social Implications

24. The consultation draft Climate Emergency Plan includes actions which would have social benefits, including a focus on greater equitability for the whole community transitioning to energy efficiency and renewable energy, and a cooler more resilient municipality with reduced climate vulnerability.

Human Rights Implications

25. There are significant human rights implications of not taking urgent action to mitigate climate change, and respond to the effects being felt by Yarra citizens.
26. Climate change impacts are not likely to be felt by all Yarra citizens equitably, rather they are likely to be disproportionately felt by vulnerable citizens in Yarra.
27. Additionally, climate change has world-wide human rights implications.
28. Inaction, or ineffective action to reduce world-wide greenhouse emissions to below a 1.5°C temperature increase will have catastrophic impacts. This will be disproportionately felt by disadvantaged and vulnerable populations.

Communications with CALD Communities Implications

29. Consultation on the draft Climate Emergency Plan, as well as implementation of its actions, will follow Council process for communications with CALD communities.

Council Plan, Strategy and Policy Implications

30. The development of a Climate Emergency Plan responds to the following:
 - (a) Council Plan Strategy 3.3 *Leads in sustainable energy policy and deliver programs to promote carbon neutral initiatives for the municipality;*
 - (b) the 2019/20 Annual Plan *Action 3.02 Climate Emergency*, December Milestone:
 - (i) *December: Present draft Climate Emergency Plan to Council.*
 - (c) Council's commitments under the Global Compact of Mayors for Climate and Energy, to "*Develop [Municipal] Action Plans for both climate change mitigation and adaptation (climate resilience) within 3 years of becoming a signatory*" (March 2020).

Legal Implications

31. There are no legal implications of authorising a consultation draft Climate Emergency Plan for exhibition.

Other Issues

32. The draft Climate Emergency Plan seeks significant action in Yarra, and in this regard, outlines a number of actions beyond the Council's current trajectory of environmental actions.

Options

33. The Council can:
 - (a) authorise the consultation draft Climate Emergency Plan for exhibition, or
 - (b) defer consideration; or

- (c) seek further changes.

NB. Any delays in consultation would then delay consideration of a final plan by approximately 3 months.

Conclusion

- 34. This report presents a draft of Yarra's first Climate Emergency Plan. This has occurred based on significant engagement with, and feedback from internal units and stakeholders. The consultation draft is now ready for public consultation.
- 35. This consultation draft provides a strategic direction to respond effectively to the climate emergency which requires sustained, collective and large-scale action across all levels of government, businesses and the community.
- 36. Yarra Council will need to play a strong role in bringing people together and building the community's capacity to work together for meaningful and effective change
- 37. It is important that at this stage Council hears from the broad community and key stakeholders prior to developing the final draft. A nine week active engagement process is proposed from early-December to early February.
- 38. Once this feedback has been provided a further report will be provided to Council with:
 - (a) a summary of submissions, and
 - (b) a revised Climate Emergency Planfor Council consideration.
- 39. It is anticipated that this report will be able to be presented to Council in April 2020.

RECOMMENDATION

- 1. That Council:
 - (a) note the officer report regarding the draft Climate Emergency Plan;
 - (b) note the attached draft Climate Emergency Plan and the action plan;
 - (c) endorse the consultation draft Climate Emergency Plan, as attached, to proceed to broad community consultation; and
 - (d) place the consultation draft Climate Emergency Plan on exhibition from early December until early February 2020, as outlined in paragraphs 14-15 of the report.
- 2. That Officers provide a further report to Council by April 2020 on the submissions received, officer recommendations and a final draft for consideration.

CONTACT OFFICER: Michael Oke
TITLE: Environment Coordinator
TEL: 9205 5723

Attachments

- 1  Draft Climate Emergency Plan

11.4 Brunswick Street Streetscape Masterplan

Reference: D19/210906

Authoriser: Director Planning and Place Making

Purpose

1. To update Council on the development of the Brunswick Street Streetscape Masterplan, focusing on the consultation results, summary of proposals and key issues.
2. To seek Council's authorisation for the draft Brunswick Street Streetscape Masterplan to be placed on public exhibition and community consultation.

Background

3. Brunswick Street is a Major Activity Centre and is an important transport link from Melbourne's CBD to the northern suburbs. Brunswick Street forms part of a tight knit network of shopping streets in the Fitzroy/Collingwood precinct, which include Gertrude Street, Johnston Street and Smith Street.
4. Brunswick Street and its immediate surrounds are made up of a diverse range of shops, cafes, restaurants and creative businesses, a bustling night time economy and a mix of established and new residents. Numerous street art, murals and other sculptural artworks give Brunswick Street its unique and artistic charm.
5. The area has a strong heritage character evidenced by the Victorian terraced buildings along large sections of Brunswick Street and in the surrounding area. A collection of taller buildings (part of Atherton Gardens Estate) sit along a section of Brunswick Street and are surrounded by open land. The wider area is undergoing some change and development, bringing new buildings and people into the area.
6. Over the last century, Fitzroy and Collingwood established itself as an important social and political hub for Aboriginal and Torres Strait Islander people in Melbourne. There are a number of sites in the area, including Atherton Gardens and along Gertrude Street which continue to be important places for people to reunite, connect and support each other.
7. There are a number of civic and community facilities that are located along part of the street and centred around the Fitzroy Town Hall, creating a hub for different members of the community to come together.
8. In many ways Brunswick Street is a successful and distinctive shopping street, is well-loved by the local community and attracts people from around Melbourne, interstate and abroad. As the area continues to grow, it is important that the streets and public spaces continue to support the future vitality of Brunswick Street and its surrounds.
9. The aim of this project is to prepare a Streetscape Masterplan for the Brunswick Street precinct (refer to study area map at Appendix 1), to guide the design and delivery of streetscape and public realm improvements in the precinct.
10. The Streetscape Masterplan is an initiative from the Council Plan that supports Strategy 5.1: *"Maintain and strengthen the vibrancy and local identity of retail and commercial precincts"*.
11. The Streetscape Masterplan is also an action from the 'Brunswick Street / St Georges Road – Working Group outcomes' that was tabled at the 20 September 2016 Council. One of the working groups focused on the stretch of Brunswick Street (between Alexandra Parade and Victoria Parade), and identified a number of themes including building on the iconic vibrant character, supporting a safe transport network for all and recognising the needs of businesses and residents in accessing the area. It also identified larger transport themes such as significantly reducing through traffic and addressing the future of on-street car parking as an issue of space.

12. Work on the current project commenced in July 2019, this has been led by the Urban Design team involving managing the project, analysing the precinct and engagement with internal and external stakeholders. Landscape architects *Rush Wright Associates* have been appointed to prepare the draft Streetscape Masterplan document.
13. Consultation with the community took place in August and September 2019, by asking people what they love about the area and what could be improved. *Chatterbox Projects* were engaged to support the consultation activities and analyse the feedback. The community feedback has been used to inform the draft proposals.
14. Internal workshops and meetings have been held with officers across Council to discuss the issues, opportunities and draft proposals.

External Consultation

15. Yarra, with the help of external consultants *Chatterbox Projects*, engaged with the community to find out what people value about the area, what is special to them, and what they think needs changing. This involved people who live, work, study and spend time in and around Brunswick Street.
16. Community Engagement activities included:
 - (a) a page and survey on the *Your Say Yarra* website;
 - (b) three pop-up sessions in the Brunswick Street Precinct: one at the Gertrude St Projection Festival closing party at the Atherton Gardens and two along Brunswick Street;
 - (c) guided walks and activities with children from three different childcare centres and a local school;
 - (d) visiting shops and businesses along Brunswick Street to hear directly from traders; and
 - (e) other targeted engagements with specific groups, including the Aboriginal community, the Condell Street community garden volunteers, residents of the Atherton Gardens, local disability groups, and other groups who spend time in the area.
17. The community was very responsive, with around 300 attending the pop-ups, 431 completed surveys, and 273 comments on the interactive map. Many said they valued and wanted to retain Brunswick Street's diversity and unique feel, and did not want to see too much change. However, there were still many suggestions for how the area could be enhanced and improved.
18. In response to the question about *what is special about the area*, the top responses (listed in order) were:
 - (a) heritage buildings – Brunswick Street includes long sections of intact heritage buildings that include high quality materials and interesting features such as the tiled facades and entrances;
 - (b) public art – Brunswick Street is known for its mosaic chairs and also has a number of murals and other public artworks;
 - (c) variety of shops and independent traders – Brunswick Street has a good number of independent shops and low proportion of larger chain shops (compared to Smith Street for example);
 - (d) vibrant night life and music scene – The area has many pubs, bars and mosaic venues, some of which are much loved institutions (e.g. the Black Cat, the Fitz);
 - (e) diversity of people – Brunswick Street has historically attracted people from all walks of life and continues to be a place of diversity and self-expression; and
 - (f) sense of community – the area has a diverse mix of established residents and new people moving into the precinct, and there are a number of community facilities around the Fitzroy Town Hall that make Brunswick Street unique from other retail streets.

19. In response to the question about *what could be improved in the area*, the top responses (listed in order) were:
 - (a) prioritising pedestrians (e.g. enforcement of the street trading policy, widening footpaths);
 - (b) more trees and greenery;
 - (c) increasing bike lanes;
 - (d) removal of graffiti and tagging;
 - (e) more public art;
 - (f) improved safety at night;
 - (g) more bins and street cleaning; and
 - (h) more furniture and places to sit.
20. A report detailing the results of the consultation is at Attachment 1.
21. Future consultation (including targeted activities) is planned to gain more specific feedback on the draft Streetscape Masterplan document, particularly the improvements and enhancements proposed.

Internal Consultation (One Yarra)

22. Internal engagement so far has included:
 - (a) four workshops and individual meetings involving officers from over 25 teams across Council; and
 - (b) update to a Collaboration Group meeting, comprising managers from across Planning and Place Making and City Works Divisions.
23. Urban design officers have been working closely with the Economic Development team to deliver targeted engagement with traders during the previous public consultation.

Summary of the draft Streetscape Masterplan proposals

24. The Streetscape Masterplan covers the length of Brunswick Street between Alexandra Parade and Victoria Parade, focusing on the footpath space and the entries to the intersecting side streets (e.g. Kerr Street where there are already wider footpaths (referred to as 'kerb outstands')). It also includes the streets around Fitzroy Town Hall and Atherton Gardens, to cover sections of Moor, King William, Condell, Young, Napier and Gertrude Streets.
25. **The improvements included in the Streetscape Masterplan are aimed at creating high quality and welcoming public spaces that build on its strengths and established identity, and support a range of activities.** Importantly, the proposals are aimed to not homogenise the precinct but add layers to the already vibrant and eclectic character. It also seeks to ensure that other areas (such as the Brunswick Street footpaths) are not overcomplicated where they purely need a simple upgrade of standard street furniture.
26. The draft Streetscape Masterplan is at Attachment 2. The improvements in the document are focused on the following areas:
 - (a) Brunswick Street footpaths;
 - (b) key side streets that intersect with Brunswick Street (known as 'kerb outstands');
 - (c) Brunswick and Gertrude Street intersection; and
 - (d) community hub around Fitzroy Town Hall.
27. Along the Brunswick Street footpaths the proposals include the following improvements to help reduce clutter and rationalise the footpath space. These works can incrementally be taken forward as capital work projects:

- (a) introducing tree planting where there are no awnings, and enabling building owners to green their properties (e.g. creepers up awnings), to create new contributions to urban greenery in the street. This is currently being tested for one of the shops along the street (Flowers Vasette) who has requested to grow creepers up the existing awnings;
- (b) upgrade of street furniture to Yarra standard furniture, and explore opportunities to increase public seating along the street;
- (c) upgrade of street lighting to more efficient LED lighting;
- (d) clear enforcement of the footpath trading policy (providing a clear footpath), with opportunities to provide markers on the footpath to ensure easier compliance;
- (e) removal of redundant crossovers and reinstating the footpath; and
- (f) reinforcing asphalt footpaths and introducing bluestone kerb and channel where there are sections of concrete (in line with Roads Materials Policy).



Typical footpath on Brunswick Street

28. There are opportunities for some of the intersecting side streets to create improved public spaces for people to sit, relax and interact, with trees/greenery, seating, feature paving, public art and improved lighting. These new public spaces would occupy the existing footpath space that has been extended in recent years as part of Traffic Engineering work (Black Spot Programme works). Five locations are proposed (refer to list below), with one proposed to be delivered in the 2020/21 financial year.
- (a) Westgarth Street;
 - (b) Kerr Street;
 - (c) Victoria Street;
 - (d) Bell Street; and
 - (e) Hanover Street.



Kerr Street

29. The Brunswick Street and Gertrude Street intersection is a key intersection and gateway to the precinct, and is also an area that is significant for Aboriginal and Torres Strait Islander people.
30. There are opportunities to improve this area as a public space (particular the north-east corner next to Atherton Gardens) to reflect the local identity and significance of the area, provide more space for people to meet and spend time in, and improve views in and out of the Atherton Gardens. Some improved landscaping could be part of the proposals. This project could be taken forward as an individual capital works project.



Gertrude Street / Brunswick Street intersection (north-east corner)

31. The area around Fitzroy Town Hall also presents significant opportunities to create a hub that supports the rich and diverse community in the surrounding area, and improves connections between the many community facilities in the precinct. This work would be taken forward as a project for further feasibility work before any design and construction. Opportunities for exploration include:
 - (a) possible changes to the road layout on King William, Condell and Young Street to provide new public open space (over 2,000 square metres in area), including dedicated play space for Sacred Heart students (who currently use the road), a better integrated community garden, and an established east-west pedestrian link from Brunswick Street;
 - (b) wider footpaths in front of Fitzroy Library to make the entrance more prominent;
 - (c) improved paving treatment and removal of clutter in front of Fitzroy Town Hall forecourt;

- (d) improved public space in front of Florence Peel Centre;
- (e) improved accessibility and wayfinding to the Town Hall (via laneway and central courtyard) and improved amenity of the central courtyard; and
- (f) better lighting to improve the feel of the area at night and create safer connections between the various community facilities that do operate after dark (e.g. Library, Youth Centre, church).



King William Street



Condell Street

Financial Implications

- 32. There would be minor costs associated with exhibiting the draft Masterplan, including some targeted consultation meetings/events with the community.
- 33. Two capital works bids have been prepared for consideration to progress projects identified in the Streetscape Masterplan. These are:
 - (a) feasibility work to further explore the King William, Condell and Young Street community hub proposal, which looks at creating over 2,000 square metres of new public space; and
 - (b) design and delivery of public realm improvements to the south-east corner of Kerr Street.
- 34. Commitment from Council would be required for capital works funding over several years for design and construction of public domain improvement projects identified in this draft Masterplan.
- 35. The proposed improvements in the precinct would create new distinctive public spaces with places to sit, trees/greenery, public art, lighting and high quality paving. These spaces would bring many benefits to the area, however, would also require additional maintenance due to the design, diverse plantings and proposed use of bespoke materials, furniture and lighting.
- 36. The adoption of the Streetscape Masterplan may assist in consideration of planning permit conditions for development applications on abutting sites.

Economic Implications

- 37. If adopted, implementation of the streetscape improvements would provide new public spaces and improved footpaths, including places to sit, trees, public art and lighting. This would support the vitality of Brunswick Street, attract more visitors and encourage people to spend more time in the area, in turn benefiting the local economy.

Sustainability Implications

- 38. The draft Streetscape Masterplan offers the opportunity to address the following sustainability issues:
 - (a) additional tree planting to provide shade and reduce heat island effect;
 - (b) street tree surrounds that allow water to infiltrate through to the ground;

- (c) improved amenity of footpaths and public spaces to encourage people to walk in the precinct;
- (d) improved bicycle parking to encourage the cycle to the area; and
- (e) energy efficient lighting.

Social Implications

39. The project would result in the following key social benefits:
- (a) new and improved public spaces to encourage social interaction with a range of people;
 - (b) increased lighting in the new public spaces to improve the vitality of the area in the evening and improve connections between night time community uses and venues, and
 - (c) increased opportunities for public art and events to support and celebrate the diversity of people who spend time in the area.

Human Rights Implications

40. There are no identified human rights implications.

Communications with CALD Communities Implications

41. During the exhibition stage of the draft Streetscape Masterplan, Council's website and all information distributed within the community would provide contact numbers for interpreter services for the CALD community seeking information/clarification.

Council Plan, Strategy and Policy Implications

42. The Streetscape Masterplan is an initiative from the Council Plan (2017-2021) that supports the following strategies:
- (a) Strategy 5.1: *"Maintain and strengthen the vibrancy and local identity of retail and commercial precincts"*;
 - (b) Strategy 2.1 *"Build resilience by providing opportunities and places for people to meet, be involved in and connect with their community"*; and
 - (c) Strategy 2.4 *"Acknowledge and celebrate our diversity and people from all cultural backgrounds"*.
43. The draft Streetscape Masterplan is consistent with the Yarra Urban Design Strategy (2011) which advocates for a quality public realm in Yarra, universal access, social interaction and walkability.

Legal Implications

44. The Streetscape Masterplan recommends public realm improvements to the Kerr Street intersection with Brunswick Street intersection, including to explore the removal of a structure on the footpath. This structure currently privatises the footpath and detracts from the adjacent heritage building, therefore has been flagged as an opportunity for removal. Although the structure is on a public footpath, it has a planning permit (Ref: 96/666 issued in 1997). The Planning Permit includes a condition stating that *"the use shall only operate in conjunction with the Sambuca Bar/Restaurant"*. If this proposal is supported through the community consultation, legal advice would be required on the removal of the structure.

Other Issues

45. Along Brunswick Street, the scope of work is focused on the existing footpaths and does not include the road space (in between the kerbs).
46. One of the main reasons that the project does not include the road space is because strategic work has not yet been carried out to deliver accessible tram stops along the corridor.

47. The Department of Transport will be required to upgrade tram stops along Brunswick Street to accessible tram stops in the future. At this stage it is not clear when this will happen (and there is no secured funding), however, when this does come forward it will be an opportunity to consider the allocation of road space on Brunswick Street (including car parking) and to carry out strategic work to determine the role of Brunswick Street in the wider street network in Yarra.
48. It is noted that Brunswick Street is a Council managed road (not VicRoads) so presents more opportunities for how the road space is divided up.
49. Through the community consultation, many people have expressed not only the desire for wider footpaths but also increased bicycle lanes which are not within the scope of this project.
50. The Streetscape Masterplan acknowledges these important issues that have been highlighted by the community, and recommends that future strategic work (such as an integrated transport corridor study) is carried out in future to explore the *allocation of road space* and be coordinated with any potential tram stop proposals.
51. As mentioned above, it is not clear when the tram stops will happen. Council officers are in contact with officers at Department of Transport to keep up to date on both projects (tram stops and Streetscape Masterplan).
52. The Streetscape Masterplan will record the community consultation feedback in terms of what people value about the area, so that these can assist with future discussions on tram stops.
53. There are a number of proposals which relate to land which is owned by the Department of Health and Human Services (DHHS), and would require their approval.
 - (a) a section of King William Street – suggested as an improved play and community space (currently used for Sacred Heart pupils during play time);
 - (b) the north-east corner of Gertrude and Brunswick Street, a possible new public space that reflects the local identity and significance; and
 - (c) the fences around Atherton Gardens, which would ideally be removed, noting that some sections of fencing along Gertrude Street have already been removed.
54. Officers have begun initial conversations with DHHS about the project, however, further discussions would be required to seek DHHS support for the proposals that impact their land.
55. The section of King William Street (owned by DHHS) is currently closed to general traffic, with some access by Sacred Heart School, All Saints Parish and other surrounding sites. Although a Memorandum of Understanding (MoU) has been in place since 2013, which clearly states that the area must not be used by parking (this was signed by the previous Principal and Parish Priest), this is no longer being adhered to. Currently, teacher staff do park in the road closure during the week and church/wedding visitors park there at other times. Further work is needed to have the MoU resigned by the current Principal and Parish Priest.
56. The Streetscape Masterplan does suggest long term changes to King William Street which would remove car parking from this area (approximately six on-street spaces as well as the informal car parking within the road closure) to create public space and play space. This would require further exploration.
57. A possible changed traffic condition along Condell and Young Street would remove approximately 35 car parking spaces to provide a new public space on Condell Street (over 1,300 square metres) and improved pedestrian access on Young Street. The designs have tried to accommodate all of the dedicated police bays.

58. Council has capital works funding to upgrade the public toilet on Condell Street, and to deliver a new public toilet between Johnston Street and Alexandra Parade. Urban Design officers are working with the Building Projects team to coordinate works. The Streetscape Masterplan suggests an alternative location for the Condell Street toilet that is closer to the Brunswick Street corridor (on Hanover Street), and suggests that the toilet in the northern section is situated at the Kerr Street intersection.
59. Accessibility into shops has been raised as an issue and impacts a range of people, including wheelchair and pram users. The issue of providing step free access into shops is a challenging one, particularly as many properties are heritage and footpath levels are fixed. This issue has been raised in a Delegate Report tabled at the 22 October Council meeting. Changing the footpath levels in a holistic way is not practicable. The Streetscape Masterplan recommends that Council continues work to explore initiatives to improve access into shops. Initiatives such as temporary ramps (portable etc.) could be investigated and potentially be piloted on retail streets such as on Brunswick Street.
60. The consultation feedback includes concerns about graffiti and 'tagging' and seeks to have this removed. It is noted that Council has drafted a Graffiti Management Framework which outlines Council's approach to managing graffiti in Yarra. It includes strategies related to the removal of graffiti on Council sites and private land. It includes actions to conduct programmed graffiti removal in retail precincts and to explore alternative ideas (such as green walls and lighting) to help prevent graffiti.

Conclusion

61. This draft Streetscape Masterplan relates to the footpath areas of Brunswick Street (property boundary to kerb) and also proposes a number of initiatives, which would support a vibrant, welcoming and safe public realm along Brunswick Street and the streets around Fitzroy Town Hall and Atherton Gardens, for existing and future residents, traders, workers and visitors.
62. Undertaking community consultation in early 2020 would provide Council with feedback from the community which can then be considered when finalising the Streetscape Masterplan for Council's consideration.

RECOMMENDATION

1. That Council:
 - (a) note the officer report regarding progress on the Brunswick Street Streetscape Masterplan;
 - (b) note the proposals set out in the draft Streetscape Masterplan (Attachment 2);
 - (c) note the consultation feedback, summarised in this report and detailed in Attachment 1;
 - (d) note the scope of the project as the area between the building line and kerb on both sides of the road;
 - (e) note that the roadway is not in scope as future DDA compliant tram stops need to be resolved which will substantially impact on the road space allocation, and that this flags a future significant opportunity for Brunswick Street as it is not a VicRoads road; and
 - (f) authorise the draft masterplan to go to public consultation in early 2020.
2. That following the public exhibition officers provide a further report which summarises the submissions and presents a final draft Streetscape Masterplan for Brunswick Street for Council consideration.

CONTACT OFFICER: Hayley McNicol
TITLE: Senior Urban Designer
TEL: 03 9205 5031

Attachments

- 1 [↔](#) Brunswick Street Streetscape Masterplan Community Engagement Report 191022
- 2 [↔](#) Brunswick Street Streetscape Masterplan DRAFT 191120

11.5 Micromobility (Bike, e-bike and e-scooter share) proposals

Executive Summary

Purpose

This report responds to the resolution below and provides Council with:

- (a) background information on the current state of the emerging micromobility industry in Victoria, with a particular focus on bikes, e-bikes and e-scooters;
- (b) information regarding the specific proposal from *Jump*; and
- (c) options for responding to the *Jump* proposal, and other micromobility proposals.

On 22 October, Council resolved:

That given receipt of a proposal to commence operations in late November/December 2019 for a launch of a dockless E-bike share scheme in January/February 2020, together with other potential options, Council respond by:

- (a) Consideration of the proposal seeking Council's support for same; and*
- (b) An officer report on the proposal or any other future options be presented to Council by early December 2019 for Council to determine its position on the proposal.*

Key Issues

- (a) micromobility operators and proposals;
- (b) community sentiment towards micromobility services;
- (c) the legal and regulatory status of bike-share, e-bike share and e-scooter share;
- (d) how micromobility aligns with Council's commitments to sustainability and transport choices and the Council plan; and
- (e) other Council's responses to micromobility operators.

Background

Bikes and E-bikes

Jump has approached Council (and City of Melbourne and City of Port Phillip) with a proposal to launch an e-bike share scheme in Melbourne.

City of Melbourne (CoM) is currently running an Expression of Interest (EOI) process seeking to identify preferred shared e-bike providers, to operate under a Memorandum of Understanding (MOU) on a 12 month trial basis. The EOI process would be conducted in co-operation with other Councils and enable other Councils to join the MOU after preferred operators have been identified. CoM officers are working with CoPP and CoY officers to draft the MOU.

An MOU with preferred operator(s) would enable the parties to agree to terms of operation, enforcement and data sharing of e-bikes.

e-Scooters

Since 2017, there has been a rapid growth in e-Scooter share systems across the globe. E-Scooters are stand up "foot scooters" equipped with batteries and electric motors (they are not 'Vespa-style' scooters). In Victoria, e-Scooters are not legally allowed to be ridden on public roads or footpaths, unless they are not capable of traveling more than 10km/h; and their engines are limited to 200 watts. Scooters that do not meet these requirements can only be legally ridden on private land. In addition to State laws, Council's General Local Law includes provision 14.5 which states: 'A person must not, without a *permit*, use, or permit a person to use, a wheeled recreational vehicle [including e-scooters] on *Council Land, a road, or footway*'.

11.5 Micromobility (Bike, e-bike and e-scooter share) proposals

Reference: D19/212500

Authoriser: Director Planning and Place Making

Purpose

1. This report responds to the resolution below and provides Council with:
 - (a) background information on the current state of the emerging micromobility industry in Victoria, with a particular focus on bikes, e-bikes and e-scooters;
 - (b) information regarding the specific proposal from *Jump*; and
 - (c) options for responding to the *Jump* proposal, and other micromobility proposals.
2. On 22 October, Council resolved:

That given receipt of a proposal to commence operations in late November/December 2019 for a launch of a dockless E-bike share scheme in January/February 2020, together with other potential options, Council respond by:

 - (a) *Consideration of the proposal seeking Council's support for same; and*
 - (b) *An officer report on the proposal or any other future options be presented to Council by early December 2019 for Council to determine its position on the proposal.*

Background

3. Micromobility refers to categories of transport modes that are provided by very light vehicles such as electric scooters, electric skateboards, shared bicycles and electric pedal assisted, pedelec, bicycles; on a hire or shared basis.
4. Micromobility is considered to complement public transport by providing "last mile" options for people to get to and from stops and stations and their destinations. Micromobility is a viable alternative to car use, and in particular there is strong evidence it frequently displaces ride-share (*Uber*, *Lyft*, etc.) and taxi trips. Micromobility can also be an alternative to owning bicycles for people with limited space or that cycle occasionally.

Melbourne Bike Share
5. The *Melbourne Bike Share* scheme commenced in 2010 by the Victorian State Government, in partnership with RACV. Like similar schemes in other parts of the world at the time – the scheme relied on permanent docking stations where all trips needed to start and end. The State Government subsidised the scheme on the basis that it would:
 - (a) promote sustainable transport;
 - (b) reduce motor vehicle dependency; and
 - (c) reduce pressure on public transport.
6. A not-for-profit social enterprise called *Good Cycles* who engage disenfranchised people in ongoing employment was contracted to run the day-to-day operations of the scheme.
7. Yarra advocated strongly for *Melbourne Bike Share* to be significantly expanded into Yarra boundaries, however, for various reasons only four docks were ever placed across the municipality.
8. *Melbourne Bike Share* never achieved satisfactory ridership levels and relied heavily on subsidy for a number of reasons including:
 - (a) it was geographically small and predominately located within the CBD limiting usefulness;

- (b) the bikes were heavy which made riding up any hills difficult;
 - (c) the free-tram zone was implemented reversing the slow-growth in ridership;
 - (d) hiring and pricing was complicated;
 - (e) mandatory helmet laws and difficulty accessing helmets limited the accessibility and usefulness of the scheme;
 - (f) there was a lack of station density, meaning many people still had significant distances to walk to their final destinations; and
 - (g) other options such as *Uber* came on line offering more mobility competition.
9. Following nearly a decade of low-ridership and the ongoing cost to government, the State Government ended its involvement in the *Melbourne Bike Share* scheme and a decision made to shut it down at the end of November 2019. *RACV* have begun the removal of docking stations.

oBike

10. In 2017 *oBike*, a corporately owned and financed bike share company, launched in Melbourne. *oBike* was a 'dockless' system, where bikes could be locked and unlocked anywhere via a smartphone app. Specifically, against the advice of Council officers, *oBike* launched bikes in Yarra without any warning or any agreement with Council which generated a number of issues.
11. Officers from City of Yarra (CoY), City of Port Phillip (CoPP) and City of Melbourne (CoM) worked closely to explore potential responses to *oBike*'s launch. *oBike* was not in direct breach of any Local Law (except in cases where bikes were causing obstructions – however, obstruction laws could only be enforced on a case by case basis and not broadly against the company). Additionally, some Councils received legal advice that the Local Government Act gave Councils only limited avenues to regulate bike share, and indicated that the State Government was in a significantly stronger position to regulate the industry.
12. In response a high number of complaints from the community and no timely response from the State Government; officers from the CoY, CoPP and CoM negotiated a Memorandum of Understanding (MOU) with *oBike*. Whilst *oBike* did not meet its obligations under the MOU, the document did empower the three Council's with some enforcement capabilities they did not have without the MOU.
13. Approximately eight months after *oBike* launched the Environmental Protection Authority (EPA) announced it had issued *oBike* with Litter Abatement Notices. This response by the EPA gave Councils the ability to issue fines where *oBike* had not complied with requests to remove or relocate bikes within the timeframes outlined in the terms of the MOU. Importantly, the EPA indicated the Litter Abatement Notices applied specifically to *oBike*; and only because CoM had demonstrated that *oBike* had systematically failed to remove damaged or dumped bikes; i.e. if a new micromobility operator launches, Councils will not immediately have the same powers to issue fines. A Council will first need to demonstrate to the EPA, that the operator is systematically failing to "clean up after itself".
14. After approximately 12-months of operations and very poor ridership figures, *oBike* announced it was withdrawing Melbourne operations. Yarra officers have collected over 100 bikes and had them recycled for scrap metal after *oBike* left Melbourne. *oBike* has since shut down all global operations and gone into liquidation.

Other bike share proposals

15. Since *oBike* initially launched, Council officers have been approached by a handful of different bike share operators, looking to launch dockless bike-schemes. Most of these proposals never progressed past preliminary discussions, and many of the operators have since exited Australia or the industry entirely. This reflects the highly volatile state of the micromobility industry.

16. Council officers are not aware of any active proposals to launch a bike share scheme in Melbourne using traditional bikes (i.e. not using e-Bikes).

The experience in Sydney

17. Contrary to the experience in Melbourne, private bike share operations fared far better in Sydney. At its peak, Sydney had six bike share operators competing with each other. Of the six providers, two remain in operation: *Mobike* and *Lime*. *Mobike* uses traditional pedal powered bikes, whilst *Lime* operates e-bikes. City of Sydney officers indicate both *Mobike* and *Lime* operate well managed operations and ridership is relatively high.
18. *Ofo* was the first bike share scheme to launch in Sydney, who by most accounts were a significantly better operator than *oBike* as bikes were of higher quality and operations were better managed. *oBike* launched in Sydney shortly afterwards and many of the same problems that were experienced in Melbourne were also experienced.
19. Local Council's and the community viewed the *oBike* launch in Sydney in the context of a poorly run operation; rather than a failure of the industry entirely. This led to Sydney Councils taking a more accommodating approach to some future bike share proposals. Conversely, in Melbourne, almost all potential new bike share operators have faced strong opposition from Councils during preliminary negotiations.

e-Scooters

20. Since 2017, there has been a rapid growth in e-Scooter share systems across the globe. E-Scooters are stand up "foot scooters" equipped with batteries and electric motors (they are not 'Vespa-style' scooters).
21. E-Scooter providers promote their devices as "green" and low-carbon, however, evidence to support this claim is mixed. Recent studies from the US indicate lifetime emissions are better than private motor vehicles, but worse than walking, cycling or using public transport (including diesel powered buses). The main contributor of emissions is the requirement for e-scooters to be collected nightly for charging – which is typically done by 'gig-economy' employees using private vehicles. Whilst there is evidence that e-scooters displace some car trips, they also displace trips from more sustainable transport modes – so the overall impacts and benefits are unclear.
22. **E-Scooters are illegal across Australia under various State road rules; however, the Queensland and South Australian governments have both introduced exemptions to their relevant road rules, to allow shared e-Scooter trials specifically in Brisbane and Adelaide.**
23. In Victoria e-Scooters are not legally allowed to be ridden on public roads or footpaths, unless they are not capable of traveling more than 10km/h; and their engines are limited to 200Watts. Scooters that do not meet these requirements can only be legally ridden on private land. In addition to State laws, Council's General Local Law includes provision 14.5 which states:

'A person must not, without a *permit*, use, or permit a person to use, a wheeled recreational vehicle [including e-scooters] on *Council Land, a road, or footway*'.
24. Council officers have been approached by approximately 14 companies looking to launch e-Scooters in Melbourne. None of these companies have had scooters that comply with existing regulations, hence Council officers have not progressed discussions past the preliminary stages. Since these initial discussions, many of these operators appear to have abandoned plans to launch in Melbourne.
25. City of Port Phillip recently resolved to support a trial of dockless e-scooters within their municipality. The motion is subject to 'the introduction of State Government regulations authorising the use of electric scooters on roads'.
26. Department of Transport (DOT) officers have indicated they are considering options to regulate the use of e-Scooters on a trial basis.

27. CoY officers have advocated to DOT that any e-scooter trial should be geographically limited to the LGA of interested Councils.
28. There are currently no clear timelines for exemptions to be introduced into the road rules, or for the Port Phillip trial to commence. On this basis the e scooter topic is generally in a holding pattern.

Jump

29. *Jump* is an American based micromobility company that operates both e-Bikes and e-Scooters in various cities across North America, Europe and in Wellington. *Jump* was bought by *Uber* in April 2018. *Uber* has indicated that it purchased *Jump* because it wants to integrate the service into its “mobility as a service” app. There is also evidence that the number of short *Uber* trips declines significantly in markets where e-bike share is introduced; therefore *Uber* appears to be protecting its overall market share by acquiring the company.
30. *Jump* has approached Council with a proposal to launch an e-bike share scheme in Melbourne. As was the case with *oBike*, *Jump* is aware that there are no State or Local Government laws that would prohibit them from launching operations without Council’s agreement. *Jump* have indicated that their proposal is more likely to be successful if it is launched with Council’s agreement and cooperation. In particular, *Jump* appear to believe that Council’s agreement would help provide a “social licence” to operate.
31. *Jump* have partnered with *Good Cycles* to run day-to-day operations. *Good Cycles* previously ran Melbourne Bike Share day-to-day operations and is a not-for-profit social enterprise dedicated to engage disenfranchised people in employment. Unlike *Uber* drivers, *Good Cycles* utilises a ‘direct employment’ model.
32. Whilst the *Jump* proposal shares some basic similarities with the previous *oBike* operations, there are also significant differences which are likely to result in:
 - (a) a better managed scheme,
 - (b) a more attractive service to the public; and
 - (c) less problems for Council to manage or respond to.
33. The following table highlights some of the differences between the *oBike* operations and the *Jump* proposal:

Feature	<i>oBike</i>	<i>Jump</i>
System Type	Dockless	Initially dockless; with option to move to a semi-docked “hybrid” system. A hybrid system can involve physical or app based ‘preferred parking’ locations in areas with significant demand, or conflict with other uses – with dockless parking in other areas.
Cost & Quality of bikes	Estimated <\$80 per bike. Very poor quality bikes that were highly susceptible to vandalism.	Reported >\$1,000 per bike. High-quality, durable and robust
Locking System	Rear wheel lock – not fixed to any object. This resulting in bikes being left in the middle of footpaths, tipping over and being thrown into waterways, put in trees, etc.	Rear wheel and integrated cable lock which can be locked to bike hoops or other objects.

Feature	<i>oBike</i>	<i>Jump</i>
Bike power	Pedal power, single-gear.	<u>Electric-assist</u> , three-gears.
GPS	No onboard GPS. <i>oBike</i> relied on the location data reported by users' phones. Once a bike was locked it was no longer being tracked.	Active GPS equipped. Location data is reported in real time until the on-board battery runs out.
On-board Computer	Basic on-board computer communicates with user's phone via Bluetooth to lock and unlock bikes.	Sophisticated on-board computers communicate directly with <i>Uber</i> servers. The following information is reported: <ul style="list-style-type: none"> • battery levels; • if bikes are being moved; • if bikes have tipped over; • if bikes have been knocked or vandalised.
Operational Approach	Bikes were deployed by small operations team and contractors. Operations team responded to <u>most</u> Council complaints, but there was little evidence of operations team responding complaints from the public. Very limited pro-active sweeps.	e-Bike batteries must be swapped approximately every 48-hours. This means operational staff will attend each bike at least once every few days. Battery swapping will be performed by people on cargo e-bikes and in motor vehicles. Bikes will be inspected for damage and relocated if inappropriately parked or in a low demand location.
Helmets	Helmets were initially deployed to about half the bikes. Helmets were frequently stolen and rarely replaced.	Helmets will be deployed with each bike. Users will be encouraged to lock them to the bike using the cable lock. Missing helmets will be replaced when batteries are swapped.
Geo-fencing	<i>oBike</i> claimed to have geo-fencing capabilities, but in reality this system did not function as described.	<i>Jump</i> can apply "no parking zones" where users cannot end their trips. If users do end trips in these areas they will be issued a fine. <i>Jump</i> can introduce "preferred parking zones" where users will be given discounts if trips are ended in a preferred zone.
Business Model	<i>oBikes</i> primary income was generated by using customer 'deposits' as a hedge fund.	<i>Jump</i> does not collect deposits. Income is generated through ridership and selling data.

34. Based on the information provided by *Jump*, Council officers believe the proposal is significantly more likely to succeed as a micromobility scheme and to provide a benefit to the community than *oBike* operations.

Memorandum of Understanding

35. To formalise an agreement between Council and *Jump*, *Jump* propose an MOU which would cover the following:
- (a) customer safety and conduct;
 - (b) safe bike placement;
 - (c) distribution of bikes;
 - (d) processes and communication channels for complaints handling;
 - (e) processes for managing faulty, damaged and inappropriately parked bikes;
 - (f) timelines for retrieving or relocating bikes;
 - (g) insurance and liability;
 - (h) data sharing;
 - (i) cessation of operations; and
 - (j) review of the MOU.

Fees

36. The *oBike* MOU required *oBike* to pay Council a fee for the bikes within its municipality. This fee clause was inserted to cover the costs to Council for dealing with *oBike* related issues and managing complaints. The fee did not generate significant income for Council and also did not cover the cost of administering the fee given the large amount of work involved.
37. *Jump* has indicated it will not enter into any MOU or other agreement that requires a payment to Councils. *Jump* believe that fees have proven to undermine the sustainability of similar schemes in other cities and create a disincentive to providing enough bikes for the schemes to operate successfully.
38. Whilst *Jump* and similar proposals are likely to place demand on Council resources – these must be viewed in context of the service being provided (noting that historically bike share has been subsidised by State Government) to the community and how these services align with Council’s policies around sustainable transport.

External Consultation

39. Council officers have consulted with staff from the following organisations in relation to micromobility:
- (a) City of Melbourne (CoM);
 - (b) City of Port Phillip (CoPP);
 - (c) Department of Transport (DoT; and
 - (d) Micromobility Operators, including recent discussions with:
 - (i) *Jump*; and
 - (ii) *Lime*.
40. In particular, Council officers have worked closely with officers from CoM and CoPP and the topic has been discussed at the CEO level between the three Councils.

City of Melbourne

41. CoM is currently running an Expression of Interest (EOI) process seeking to identify preferred shared e-bike providers, to operate under an MOU on a 12 month trial basis. The EOI process would be conducted in co-operation with other Councils and enable other Councils to join the MOU after preferred operators have been identified. CoM officers are working with CoPP and CoY officers to draft the MOU.
42. An MOU with preferred operator(s) would enable the parties to agree to terms of operation, enforcement and data sharing of e-bikes. An MOU would not empower the Council(s) to exclude other bike or e-bike operators from entering the market, and additional operators

could choose to commence operations at any time. However, in officer's opinion, if operators chose to launch outside of this process without Council endorsement, then the Council(s) are likely to respond in a less accommodating manner and operators may attract criticism from the media and public.

43. CoM's *Transport Strategy 2030* identifies that CoM will advocate for regulatory or legislative changes to ensure new transport technology benefits the city and will support and facilitate technology trials which align with the strategy. On this basis, subject to regulatory reform led by the Victorian Government to manage associated issues, the City of Melbourne may support a trial of e-scooters in the future. Associated issues include parking, amenity, safety, vehicles, insurance, liability, competition between companies and consumer protection.

City of Port Phillip

44. CoPP voted on 6 November 2019 to trial an e-bike share scheme, and have delegated authority to the CEO to enter into an MOU and manage this agreement.
45. At the time of writing, CoPP officers have indicated they will recommend CoPP joins the CoM agreements, after CoM have selected their preferred operators. This approach would ensure that both Councils have identical MOUs with the same operators. This approach would also provide more consistent outcomes across the two LGAs, increase the usefulness and usability of the schemes for the community and increase the chance of the operators running successful and sustainable schemes.
46. CoPP will continue to work with DoT to support an e-scooter trial in their LGA.

Department of Transport

47. The Department of Transport has indicated it considers managing micromobility operations a Local Government responsibility.
48. Port Phillip Council has publically called on the State Government to regulate the industry on numerous occasions. Officers from the three Councils have advocated that developing a regulatory framework should be a State priority and responsibility – however the position of DoT has not changed to date.
49. DoT has indicated that they are considering options to regulate the use of e-Scooters on a trial basis. This relates only to the road rule exemptions, and not the general management of operators. Matters being considered by DoT include:
 - (a) where scooters should be allowed to be ridden (roadways, footpaths, bike facilities, etc.);
 - (b) maximum allowable speeds and engine wattage;
 - (c) helmet laws; and
 - (d) age limits.

Internal Consultation (One Yarra)

50. The following teams have been consulted internally about micromobility and current proposals:
 - (a) Compliance & Parking Services;
 - (b) Traffic & Civil Engineering; and
 - (c) City Works.

Compliance and Parking Services

51. The Compliance team does not believe the Jump Bike proposal (or similar proposals from bike share operators) directly violates any existing local law or require a permit to operate in Yarra.
52. Concerns have been raised that new micromobility operators would result in a significant increase in enquiries, complaints and impacts to staff resourcing. Without an MOU in place,

this impact is likely to be worse as there would be no agreed process or timeframes for resolving complaints from Council.

53. Compliance has indicated if any e-scooter share operators launch in Yarra without a permit, then Council's existing local law can currently be used to impound scooters. At this stage it is unclear whether Council's Local Law would remain enforceable if the State Government introduces legislation to allow scooters to be ridden in Yarra.

Traffic & Engineering

54. The traffic and engineering team has no objection in principal to micromobility schemes within the municipality, providing operators are able to manage parking impacts on the footpath.
55. The traffic team does not support e-scooter share operating on the footpath, given this would cause significant conflict between scooter users and pedestrians.

City Works

56. City Works has no objections to entering into agreements with suitable micromobility operators that are able to manage their operations. However, City Works has indicated that it would be highly undesirable for officers to be required to impound bikes or scooters, given limited space available for bike storage and significant demands on finite staff resourcing. To encourage operators to resolve issues before impounding is required, it is suggested that there is a high impound fee.

Financial Implications

57. If one or more micromobility operators launches within Yarra's LGA, there would be some additional burden on staff resourcing and demand for Council infrastructure (especially bike parking). If micromobility operators are not willing to pay a fee to operate, this demand would not be offset by new income.
58. An appropriate impound fee would cover costs of impounding bikes or scooters if required, although if it is too high then it would encourage abandonment of impounded equipment.

Economic Implications

59. Micromobility services are likely to improve access and transport choices across the municipality and into adjoining municipalities. This is expected to have a net economic benefit.

Sustainability Implications

60. There is strong evidence that bikeshare is a low-carbon transport mode that results in a significant mode-shift away from private motor-vehicle trips (in particular ride-share trips).
61. Evidence regarding the sustainability of e-bike share and e-scooter share is less conclusive due to the requirements for bikes and scooters (or batteries) to be collected for recharging.
62. *Jump* argue that their swappable battery technology allows operations teams to use a mix of cargo-bikes and motor vehicles to carry out charging operations to lower environmental footprint compared to systems without swappable batteries.

Social Implications

63. Micromobility services provide additional transport choices and can increase access for a significant portion of the community. However, there are concerns that micromobility services (particularly scooters) can clog and clutter footpaths when parked, impacting pedestrians and in particular people with disabilities.
64. There is strong evidence that shared bike and e-bike schemes are relatively safe compared to cycling more generally (this is typically attributed to the upright 'Dutch' style bikes used, slower cycling speeds and the types of roads that bike share users choose to ride on).

65. Evidence regarding the safety of e-scooters is less conclusive – there have been a number of high-profile reports of deaths and injuries as a result of using scooters, however, it is unclear if injuries and/or fatalities are statistically high compared to the number of trips taken.

Human Rights Implications

66. There are no apparent human rights implications under the Charter of Human Rights and Responsibilities Act 2006.

Communications with CALD Communities Implications

67. Council's interpreter service would be available to CALD community members that have enquiries relating to micromobility.

Council Plan, Strategy and Policy Implications

68. Supporting shared e-bike schemes aligns with the Council Plan, and the Strategic Transport Statement; in that shared bike schemes improve connectivity, and are safe and sustainable travel options.
69. E-scooter schemes also provide transport choices, but evidence about the sustainability and safety of such schemes is inconclusive at this stage.

Legal Implications

70. A key objective of any MOU with micromobility operators would be to address Council's liability concerns.
71. Council may need to consider legal liability concerns specific to e-scooter share if the State Government allows e-scooter share trials to commence.

Other Issues

Reputational risk

72. *oBike's* operations were derided by the community (albeit supported by BAC and some other cycling groups). There may be some community and media concerns if Council enters into an agreement for a similar scheme.
73. If the scheme is well managed and successful it is expected that any concerns would be minimal. NB. There is very rarely community consensus regarding transport projects or proposals, so some community and media attention is expected and inevitable.
74. The EOI process being undertaken by City of Melbourne and a collaborative approach between Councils and the selected operators may increase the likelihood of bike or e-bike share schemes being successful.
75. Scooter share has proven to be controversial in almost all cities it has operated. It is expected that Yarra can minimise reputational risk in this space by allowing a trial to run in Port Phillip before deciding to run a similar trial.

Options

76. Given the differences between bike share (including e-bike share) and e-scooter share, there are different options that respond to each of these modes.

Bike and e-bike share

77. There are four options for Council in response to bike and e-bike share.

Option 1:

Support bike share and e-bike share in principle. Delegate authority to the CEO to enter into MOUs with preferred bike and e-bike share operators.

78. Under this option Council would:

(a) resolve to support in principal a trial of dockless electric bicycles on Council land;

- (b) authorise the Chief Executive Officer to work in partnership with other Councils and organisations to manage and respond to bike and e-bike share service providers including entering into a Memorandum of Understanding (MOU) with other Councils and service providers; and
- (c) note that City of Melbourne is currently running an Expression of Interest process to select up to two (2) preferred e-Bike share operators, and that the CEO will likely be in a position to join MOUs with City of Melbourne, other Councils, and the operators selected by City of Melbourne.

79. This is the **preferred option**, as it would:

- (a) allow Council to join the City of Melbourne EOI process for e-bike share operators,
- (b) allow Council officers to work collaboratively with City of Melbourne, City of Port Phillip and other interested Councils on any potential future MOUs with bike share operators;
- (c) reduce duplicating work across multiple Council's for limited benefits; and
- (d) provide the best outcome for relevant Councils, operators and users, as there will be consistent rules across different municipalities.

80. This option is likely to demand the least amount of officer time, whilst achieving the best outcome. It should be noted that Yarra has a relatively small officer team when compared to other Councils. If there is an expectation that Council will take a lead in this space, then additional resources would be required and/or it would need to be acknowledged that work on a number of other important transport projects would be delayed.

Options 2a and 2b:

Support bike share and e-bike share in principle and run a Yarra specific EOI process to enter into MOUs with bike and e-bike share operators.

81. This option could be pursued under delegation of the CEO (Option 2a), or the EOI process could be brought to Council to be considered in more detail (Option 2b).

82. Under Option 2a, Council would:

- (a) resolve to support in principal a trial of dockless bike-share or e-bike share on Council land; and
- (b) authorise the Chief Executive Officer to run a Yarra specific EOI process to identify preferred operators and enter into MOUs with the preferred operators.

83. Alternatively, under Option 2b, the Council would:

- (a) resolve to support in principal a trial of dockless bike-share or e-bike share on Council land;
- (b) note that Officers would present detail on a Yarra specific EOI process to identify preferred operators to Council at a meeting in the first half of 2020; and
- (c) note that Council would have the opportunity select preferred operators as part of the EOI process.

84. These options are not recommended, as:

- (a) this would duplicate work being undertaken by CoM and expend significant officer time, for very little benefit (given both Councils have broadly consistent transport priorities and safety and amenity concerns);
- (b) this may result in different rules or operators across the adjoining municipalities, causing inefficiencies for users and operators, and enforcement problems for both relevant Councils; and
- (c) bike or e-bike share operators are likely to launch in Yarra before officers have had a chance to start the EOI process.

Option 3:

Support bike share and e-bike share in principle and negotiate MOUs with each operator on an individual basis as and when operator proposals are presented.

85. Under this option individual proposals would be brought to Council to be considered in more detail.
86. Under this option Council would:
- (a) resolve to support in principal a trial of dockless bike-share or e-bike share on Council land; and
 - (b) note that specific proposals will be presented to Council to consider, as they are received.
87. This option is not recommended as it would generate significant work negotiating with each operator, for no significant benefit over Option 1 or 2. Further, this option would require a separate Council report for each proposal, which would place a significant burden on Council.

Option 4:

Do not enter into any agreements with bike share or e-bike share operators at this time, or in the near future.

88. Under this option Council would:
- (a) resolve to not support private bike-share or e-bike share companies launching in Yarra at this time, or in the future;
 - (b) note that Council's position to not support bike-share or e-bike share operators operating in Yarra is not directly enforceable under any State or Local Law; and
 - (c) note that bike-share or e-bikeshare operators may *launch* in Yarra, without agreements in place to manage their operations or resolve complaints or disputes.
89. This option is not recommended, as:
- (a) it does not align with Council's commitments to sustainable transport and providing transport options; and
 - (b) operators may *launch* without agreements with Council in place. This would generate additional work for Council officers and would leave Council without agreed timelines for resolving issues, or dispute resolution agreements in place.

Scooter Share

90. Given e-scooters are currently illegal in Victoria, there are three options for Council when responding to current proposals.

Option 1:

Support an e-scooter trial, subject to State Government legislation allowing such a proposal to take place.

91. Under this option Council would:
- (a) resolve to authorise the Chief Executive Officer or her delegates to support a trial of dockless electric scooters on Council land dependent on managing insurance and other safety risks to Council, and the introduction of State Government regulations authorising the use of scooters on roads;
 - (b) note an open and competitive Expression of Interest process would be conducted to enter into a contractual agreement with up to two electric scooter operators to participate in the electric scooter trial within the municipality and if possible this would be performed in conjunction with other abutting municipalities; and

- (c) note that running an EOI process, and monitoring and evaluating an e-scooter trial within Yarra would put a significant drain on Council resourcing, and that this would impact other strategic transport and enforcement work currently being undertaken.

92. This option is not recommended as it would put a significant burden on Council resources, and there are a significant number of unknowns including:

- (a) speed limits on e-scooters;
- (b) age limits for using e-scooters;
- (c) where e-scooters would be allowed to be ridden (i.e. footpaths, roads or bike lanes); and
- (d) how the community would respond to e-scooter share.

Option 2:

Defer any decision on e-scooter share until the State Government releases the detail of what (if any) legislative changes will be introduced to allow a trial to commence.

93. Under this option Council would:

- (a) resolve to note that Council officers are in discussions with Department of Transport staff with regards to introducing exemptions into State road rules to allow an e-scooter trial to take place; and
- (b) defer any decision on e-scooter share until the State Government releases the detail of regulatory changes it plans on introducing to allow an e-scooter trial to take place.

94. This option is not recommended for the following reasons:

- (a) E-scooters have proven highly controversial in most cities globally, Council could suffer a significant reputational risk for running a trial before community sentiment to such a scheme has been tested in the Melbourne context;
- (b) Council would not have had opportunity to evaluate the outcomes of the Port Phillip trial; and
- (c) running an e-scooter trial and monitoring the outcomes would require significant officer resources, and Council is not currently resourced to manage such a trial. There is also no allowance in the budget for this.

Option 3:

Defer any decision on e-scooter share until the City of Port Phillip releases the outcomes of its proposed e-scooter share trial.

95. Under this option, Council would:

- (a) resolve to note that Council officers are in discussions with Department of Transport staff with regards to introducing exemptions into State road rules to allow an e-scooter trial to take place;
- (b) note that Council officers are in close contact with officers at City of Port Phillip with regards to their proposed e-scooter trial, and would be monitoring the outcomes of the trial if and when it takes place; and
- (c) defer any decision on e-scooter share until the City of Port Phillip releases the outcomes of its proposed e-scooter share trial.

96. This is the **preferred option**, as it would:

- (a) give Council the best opportunity to consider the details of the legislative changes that have enabled the e-scooter share trial;
- (b) provide Council with an opportunity to review the outcomes of the trial within the Port Phillip LGA; and
- (c) best respond to the existing and ongoing Council officer resource situation.

Conclusion

97. Council has received a proposal from *Jump* to launch an e-bike share scheme across Melbourne, Port Phillip and Yarra LGAs. There are currently no State or Local Laws which would prohibit e-bike share schemes from being launched in the LGAs without any agreement in place.
98. CoM is in the process of running an EOI process, to assess the *Jump* proposal against other potential e-bike share operators. CoM is expected to select up to two operators to run an e-bike share trial on a 12-month basis. Yarra would have the opportunity to join an MOU with CoM and its preferred operator(s) once CoM has finished this EOI process.
99. E-scooter share is currently illegal in Victoria under State road rules. City of Port Phillip has resolved to trial e-scooters within its LGA dependant on legislative changes from the State Government to allow the trial to operate. The Port Phillip trial would enable valuable data on the potential value of e-scooters to Yarra. NB. City of Melbourne has not determined whether it will support an e-scooter trial at this point in time.
100. There are no current (non-electric) bike share schemes proposed, however, Council may receive a proposal in the future. The considerations relating to bike share are very similar to e-bike share.
101. In the context of the above it is recommended that Council:
 - (a) support bike share and e-bike share 'in principal' and delegate authority to the CEO to enter into MOUs with preferred bike and e-bike share operators; and
 - (b) defer any decision on e-scooter share until the City of Port Phillip releases the outcomes of its proposed e-scooter share trial.

RECOMMENDATION

1. That Council note the officer report in relation to micromobility options and in particular e-bike and e-scooter proposals from private companies.
2. That, in regard to bike share and e-bike share, Council:
 - (a) support in principal a trial of dockless electric bicycles on Council land;
 - (b) authorise the Chief Executive Officer to work in partnership with other Councils and organisations to manage and respond to bike and e-bike share service providers including entering into a Memorandum of Understanding (MOU) with other Councils and service providers; and
 - (c) note that City of Melbourne is currently running an Expression of Interest process to select up to two (2) preferred e-Bike share operators, and that Council may be able to join MOUs with City of Melbourne, other Councils and the operators selected by City of Melbourne, as a means of managing the approach within the municipality.
3. That, in regards to e-scooter share proposals, Council:
 - (a) note that Council officers are in discussions with Department of Transport staff regarding exemptions into State road rules to allow an e-scooter trial to take place;
 - (b) note that Council officers are in close contact with officers at City of Port Phillip with regards to their proposed e-scooter trial, and monitoring the trial if and when it takes place; and
 - (c) defer any decision on e-scooter share until the City of Port Phillip releases the outcomes of its proposed e-scooter share trial.

CONTACT OFFICER: Julian Wearne
TITLE: Sustainable Transport Officer
TEL: 9205 5737

Attachments

There are no attachments for this report.

11.6 Elizabeth Street Bike Lane Upgrades

Executive Summary

Purpose

To seek endorsement for a 12 month 'iterative trial' to deliver protected bike lanes on Elizabeth Street.

Key Issues

Travel demand in Yarra is rising rapidly as a result of population growth and there is a pressing need to deliver transport projects that respond to this as efficiently and effectively as possible.

Cycling has a high level of priority in City of Yarra policy documents with Elizabeth Street being an important local east/west road and also a key cycle route. However, it currently provides a hostile and intimidating environment for cyclists due to narrow bike lanes that place cyclists between parked car doors and large volumes of moving traffic.

There is a long standing commitment to delivering a protected bike lane facility on Elizabeth Street in the *Bike Strategy Refresh 2016*. In the 2019/2020 budget resolution, Council committed \$400,000 for the delivery of protected bike lanes on Elizabeth Street in 2019/20.

The *Urban Forest Strategy (UFS)* also identifies Elizabeth Street as a high-priority location for tree planting as it is a thermal hotspot, with limited existing tree canopy, significant volumes of pedestrian activity and a large vulnerable population.

Taken together, these documents outline a clear long-term vision for this street which includes protected bike lanes and a significant increase in trees and canopy.

Delivering transport projects of significance that align with adopted policy is very challenging as it requires the reallocation of busy, highly contested street space which is a sensitive topic in the community.

The Wellington Street protected bike lane project cost \$4.5m and took Council nearly ten years to deliver with 11 separate supporting reports tabled for decision makers as part of this process. Contention around possible impacts, and a general divergence of views on various aspects of the project, contributed to the significant amount of time it took to plan for the project before any works could be delivered.

In response to the lessons learnt from Wellington Street, the broader challenges around project delivery and the constrained budget situation, officers propose that an 'iterative trial' approach is used to deliver protected bike lanes on Elizabeth Street. This would allow the delivery methodology and the design treatment to be tested before further longer term decisions are made by Council that consider the outputs of the trial. It will also mean that upgraded bike facilities can be installed in the requested 2019/20 financial year timeframe.

Financial Implications

Stage 1 (the trial) would be delivered using 2019-2020 budget resources. Stage 2 (the permanent solution) would require funding in the 2020-2021 or 2021-2022 budget.

PROPOSAL

In summary, the proposal is that Council:

- (a) endorses the use of a 12 month 'iterative trial' (commencing in the first half of 2020) to deliver protected bike lanes on Elizabeth Street; and
- (b) requests a report detailing the performance of the trial, to determine the future state of the bike lanes, within 6 months of the conclusion of the 12 month period.

11.6 Elizabeth Street Bike Lane Upgrades

Reference: D19/205485

Authoriser: Director Planning and Place Making

Purpose

1. Council has a number of strategies and policies that promote cycling, traffic calming, placemaking, the use of sustainable and active transport and tree planting.
2. Cycling has a high level of priority in City of Yarra policy documents given it is space efficient, practical, environmentally friendly, convenient, healthy, and cheap form of transportation that aligns with placemaking objectives.
3. Elizabeth Street is an important local east/west road and also a key cycle route but currently it provides a hostile and intimidating environment for cyclists due to narrow bike lanes that place cyclists between parked car doors and large volumes of moving traffic.
4. There is a long standing commitment to delivering a protected bike lane facility on Elizabeth Street in the Bike Strategy Refresh 2016. This project would complement the protected facilities installed by Melbourne City Council west of Hoddle Street on Albert Street some time ago.
5. Alternative east-west options for cyclists in the local area are limited with Bridge Road, Victoria Street and Swan Street all classified as strategic cycling routes but all are busy traffic routes, with trams, narrow bike lanes or non-existent bike and significant car dooring hazards.
6. In the 2019/2020 budget resolution, Council committed \$400,000 for the delivery of protected bike lanes on Elizabeth Street in 2019/20.
7. This report details:
 - (a) the delivery approach proposed to deliver this project to meet the desired timeframe;
 - (b) how the proposed delivery approach will benefit the Elizabeth Street project;
 - (c) the capital works recommended by officers from the road design options identified; and
 - (d) the long term vision for Elizabeth Street and the method of working towards it.

Background

8. Population growth is putting ever increasing pressure on the municipality's transport network. Simultaneously there is an urgent need to reduce transport related emissions and get infrastructure delivered which gives people genuinely attractive sustainable transport options.
9. Yarra has long had acknowledged these challenges in its Strategic Transport Statement 2006 and more recently in declaring a Climate Emergency. A further challenge is the pressure on Council budgets which means there is a pressing need for Council to look at ways of 'doing more with less' wherever possible in an environment where community expectations are higher than ever.
10. Project delivery processes and funding allowances for sustainable transport projects have not kept pace with development and population growth resulting in increased congestion, increased conflict between transport modes and a reduction in the attractiveness of traveling by active transport modes and sustainable transport. These trends will continue to worsen unless Council adopts processes and practices that better match the policy intent, so that key transport projects can be delivered more quickly and more cheaply.
11. New innovative and responsive delivery approaches are required to deliver major bike projects to date. The following paragraphs provide some context around existing delivery

challenges for bike projects, lessons learnt and the proposed way forward for this particular project.

Challenges in delivering cycling projects

12. Wellington Street was the first protected bike lane project to be delivered in the City of Yarra. It has been received generally favourably and is in some respects a signature project for Council with the second phase recently officially opened by the Mayor and the Local Member of Parliament. It is recognised that more facilities such as this need to be provided if Yarra is to improve on its existing seven per cent mode share by bike for work trips to the 15% mode share target by 2015 as stipulated in the 2010 Bike Strategy.
13. A 'traditional' project planning and design delivery approach was used on Wellington Street which featured 'up front' extensive consultation, multiple design iterations and a heavily design engineered capital works program. It took Council nearly ten years to deliver this project with 11 separate supporting Council or Confidential Council reports tabled for decision makers, equating to one Council report for every 100 metres of bike lane. Staff resource requirements to produce this volume of supporting material were very significant.
14. Capital costs were approximately \$4.5 million with the majority of funding provided by State Government across the 2 stages. Without external funding it may not have been possible for Council to deliver this project given the financial capacity of the Council.
15. There are no State Government proposals to fund Elizabeth Street at this time and if a traditional planning, delivery and design approach is taken to project delivery it will not be remotely possible for anything to be delivered within the desired timeframe and allocated budget. If the traditional approach is used it would take at least three years to deliver this project.
16. A view has been expressed amongst some community members and groups that Council should *'just get on with it'* when it comes to delivering bicycle infrastructure upgrades, as encouraging cycling is a consistent Council policy position having a long established urban cycling culture (compared to most other metropolitan Council areas) and seeing itself as a leader in the sustainable transport space. The reality is that 'traditional' delivery approaches take a great deal of time, particularly for significant cycling projects that require **road space reallocation**, which is often a sensitive topic amongst some sections of the community. Some members of the community who really want change, believe Council is not doing enough to implement its policies.
17. Council officers have looked at alternative approaches to the planning and delivery in response to these challenges that have emerged elsewhere. These are a departure from the 'standard way of doing things' but are more flexible and can produce often better final outcomes with the initial start-up of the project achieved more quickly and at a reduced cost.
18. 'Iterative trials' are a new, innovative way of working that are steadily gaining traction around the world as Governments look to deliver new projects and new types of project to get desired outcomes in busy urban areas where:
 - (a) space is often limited and highly contested;
 - (b) wider project impacts and benefits are difficult to quantify and cannot be really understood in advance; and/or;
 - (c) community and decision maker opinion is divided to some degree on:
 - (i) the potential impacts of a project (be they deemed good or bad on an individual basis);
 - (ii) whether a project should go ahead; and
 - (iii) what should it look like and what it should do.
19. All of these aspects were present on Wellington Street which was a complex and a somewhat contentious project for Council to deliver at the time given that protected bike lanes are very rare in Melbourne (albeit common on some other cities). This contention

around possible impacts contributed to the significant amount of time it took to plan for the project before any works could be delivered.

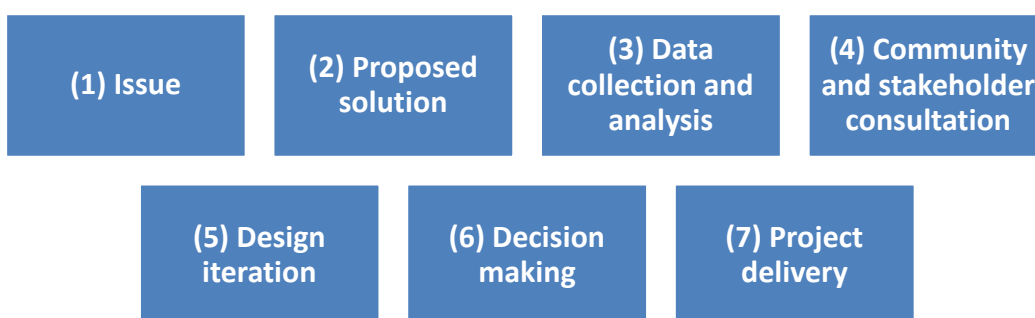
20. It is therefore proposed that an *'iterative trial'* approach is used for delivering the separated bike lane project in Elizabeth Street. If this approach is successful then it may be rolled out for other Council bike projects in order to progress them.
21. An *'iterative trial'* approach (sometimes called *'pilots and trials'*, *'low-cost rollouts'*, and *'rapid-rollout'*) offers a method of delivering transport and urban design projects using a *'low-cost, light-touch,– high-impact'* approach where trial designs can be rolled out quickly and be tested in real world environments before more permanent and costly upgrades are undertaken.
22. There is already a commitment to providing separated bike lanes on this street in the adopted Bike Strategy Refresh. The trial is about testing the delivery methodology to see how it performs.

A new way of delivering projects

23. The delivery and transport challenges facing Yarra as a busy inner city Council are not unique and governments and other agencies across Australia and internationally are looking at alternative ways of tackling them. Although *'iterative trial'* approaches are relatively new to Australia, there are many examples of this type of approach being used overseas with great success.
24. The most famous example of the iterative trial approach was undertaken at Times Square (in New York) where large areas were converted into a pedestrian plaza using little more than Astroturf, low-cost paint and cheap folding chairs. The results proved highly successful, so it was followed with a second pilot, which involved a mix of permanent paving and a temporary plaza design. A third pilot continued the process installing more permanent fixtures and temporary upgrades, before the final and current infrastructure was installed seven years after the initial pilot. In many cases multiple rounds of iteration are not required but this example is provided to highlight the responsive nature of this approach.
25. State Government (Dept. of Transport) is now actively considering iterative trial approaches and has been in discussions with Council officers.

Core components to successful infrastructure delivery

26. There are seven basic components when delivering infrastructure:



27. Both the traditional approach and an *iterative trial* approach incorporate these elements. There are, however, significant differences between when and how these elements (including consultation) are undertaken.

The traditional approach vs. an iterative trial approach

28. An *iterative trial* approach is multi-staged and linked to a long-term vision for how something should look or operate. The early stages focus on delivery of a *'low-cost, light-touch, high-impact'* design to evaluate how it works in a real life setting for a specified period of time (e.g. 12 months). If the trial design is proven to work well following an evaluation process then higher cost, more durable, permanent infrastructure can be installed. In some cases the

initial low-cost solution is modified in response to onsite evaluation in the permanent design as part of lessons learnt.

29. The table below provides a summary of how the *iterative trial* approach would differ from the traditional approach in the context of delivering protected bike lanes on Elizabeth Street.

	<i>Traditional approach</i>	<i>Iterative trial approach</i>
(1) Issue	<ul style="list-style-type: none"> • Cycling is encouraged by Council but facilities on the key radial route on Elizabeth Street are not safe and attractive for people to use. • Tree planting is an urgent priority, but cannot occur within the roadway until the revised road-layout is finalised. 	<ul style="list-style-type: none"> • Cycling is encouraged by Council but facilities on the key radial route on Elizabeth Street are not safe and attractive for people to use. • Tree planting is an urgent priority, but cannot occur within the roadway until the revised road-layout is finalised.
(2) Proposed solution	<ul style="list-style-type: none"> • Provide a protected bike lane on Elizabeth Street as per the Bike Strategy Refresh. • Plant trees within the footpath and redesigned roadway (as per the Urban Forest Strategy). 	<ul style="list-style-type: none"> • Trial a protected bike lane as per the Bike Strategy Refresh. • Commence initial tree planting as part of the 'permanent' upgrades following the completion of the bike lane trial.
(3) Data Collection and Analysis	<p>'Before project' data</p> <ul style="list-style-type: none"> • Collected to understand how Elizabeth Street currently looks and operates as an input to project design. • Before data is compared to post-delivery data to see if the project was a success e.g. are more cyclists using Elizabeth Street? 	<p>'Before trial' data</p> <ul style="list-style-type: none"> • Collected to understand how Elizabeth Street currently looks and operates as an input to project design. • Before data is compared to data collected live during the trial e.g. are more cyclists using Elizabeth Street. If so can the design be tweaked to further increase this number? If not should the original road design be reinstalled?
	<p>Forecasting</p> <ul style="list-style-type: none"> • Models can be used to predict the impacts e.g. will traffic queuing increase? • In other cases assumptions or 'best guesses' can be used to try and predict an impact e.g. hopefully more women, children and the elderly will use the new protected cycling facility. • Either of the above are better than nothing but predictions in this space often have very limited scope and large margins for error. 	<p>'Live Trial' data</p> <ul style="list-style-type: none"> • Substantial real-world data is collected during the actual trial to assess performance. This is used to: <ul style="list-style-type: none"> ➢ evaluate the road layout and bike lanes; ➢ inform community consultation during the trial; ➢ guide any trial design iteration; and ➢ inform the long-term permanent design solution.
	<p>Post-delivery data</p> <ul style="list-style-type: none"> • Can be useful for guiding decisions on future projects but of little value to this project given any changes are often difficult (and costly) to make to permanent designs. An example of this would be widening bike lanes if they are more heavily used than anticipated. 	<p>Post-trial data</p> <ul style="list-style-type: none"> • Often not required or relevant due to the collection of 'live' trial data
(4) Community & stakeholder consultation	<p>Preliminary Consultation</p> <ul style="list-style-type: none"> • Preliminary consultation with directly affected stakeholders often focusing on perceived/actual issues and impacts. 	<p>Preliminary Consultation</p> <ul style="list-style-type: none"> • Early consultation addresses any immediate operational stakeholder concerns.

	Traditional approach	Iterative trial approach
	<p>Main Consultation</p> <ul style="list-style-type: none"> • Occurs before any infrastructure can be delivered. Can require multiple rounds, significant time and resources delaying delivery timeframes • Can be dominated by people concerned about any change and/or who are most impacted. • Concerns are often based on a perceived unknown future and can centre on unlikely but potential worst case scenarios that guide decision making. • Can focus primarily on (often minor) potential “new problems” rather than resolving major existing known problems. • Once the project is delivered it is unlikely to change or be removed in response to further feedback. This heightens any sensitivities or opposition to this project. 	<p>Main consultation</p> <ul style="list-style-type: none"> • Occurs after the trial design is delivered and being used. • Undertaken in a live environment where it can be seen and used to guide any design modifications and the long term vision • The process is more empowering as people know that the project can change in response to feedback. This promotes a ‘give it a try’ environment rather than what can be framed by opponents as a ‘this project must be stopped at all costs’ environment.
(5) Design iteration	<ul style="list-style-type: none"> • Design iteration and evaluation is ‘on-paper’ only. The design is not tested in the real world first. 	<ul style="list-style-type: none"> • Multiple designs can be tested in a real world setting (if needed). • Any design problems are far more obvious and can be resolved during the trial period. • New materials and new ideas can be tested in real world settings.
(6) Decision making	<ul style="list-style-type: none"> • Decisions are ‘permanent’. • Decision makers are not encouraged to ‘think outside the box’ or try innovative methods. • Based on ‘tried and true’ solutions, (even if these are known not to be very effective) • If opinions following consultation are divided, outcomes can be: <ul style="list-style-type: none"> ➢ deferred decisions, and requests for more consultation and/or more information stalling project delivery; ➢ the ‘path of least resistance’ is taken by selecting options that maintain the existing status quo as much as possible which can result in sub-par outcomes. 	<ul style="list-style-type: none"> • Decisions are made on a ‘try before you buy’ basis and decision makers are more empowered in the design/iteration process. • If the trial does not result in the desired outcomes, or results in unexpected outcomes then decisions can be altered or reversed. • ‘Innovative’ solutions are far more palatable and may become ‘standard designs’ if they work well.
(7) Final project delivery	<ul style="list-style-type: none"> • The ‘final’ design is the first and only design implemented. • Infrastructure only delivered at the end of the project often years after planning work has commenced. • Post-construction problems often 	<ul style="list-style-type: none"> • The final design can be refined and improved through the trial process, and is informed by extensive ‘live trial’ data collection and stakeholder engagement. • Pre-trial conditions can be reinstated at a reasonable cost if the project is

	<i>Traditional approach</i>	<i>Iterative trial approach</i>
	expensive to rectify.	unsuccessful.

30. For a trial to be viable, the infrastructure needs to be:
 - (a) easily altered or removed;
 - (b) low-cost;
 - (c) fit-for-purpose; and
 - (d) able to last the length of the trial without unreasonable maintenance requirements.
31. Materials fitting this criteria are commonly in use for temporary construction and traffic works. Examples include:
 - (a) paint;
 - (b) temporary removable line marking (line marking tape);
 - (c) planter boxes;
 - (d) flexible plastic bollards; and
 - (e) 'bolt-in' kerbs, road humps and lane splitters.
32. These types of materials are suitable for Elizabeth Street.
33. It is noted that an *iterative trial* approach is not appropriate for all projects e.g. where:
 - (a) major works would be required to deliver 'fit-for-purpose' infrastructure (e.g. bike lanes over cobbled lanes/channels, off-road paths, most rail infrastructure);
 - (b) full project funding is already in place (e.g. VicRoads funding) to deliver a 'best-practice' final design and/or there is consensus between stakeholders on all project aspects (which is rare in transport projects); or
 - (c) projects are small, not contentious and where extensive consultation would not ordinarily be required (e.g. installing signage, raised threshold treatments, kerb outstands).

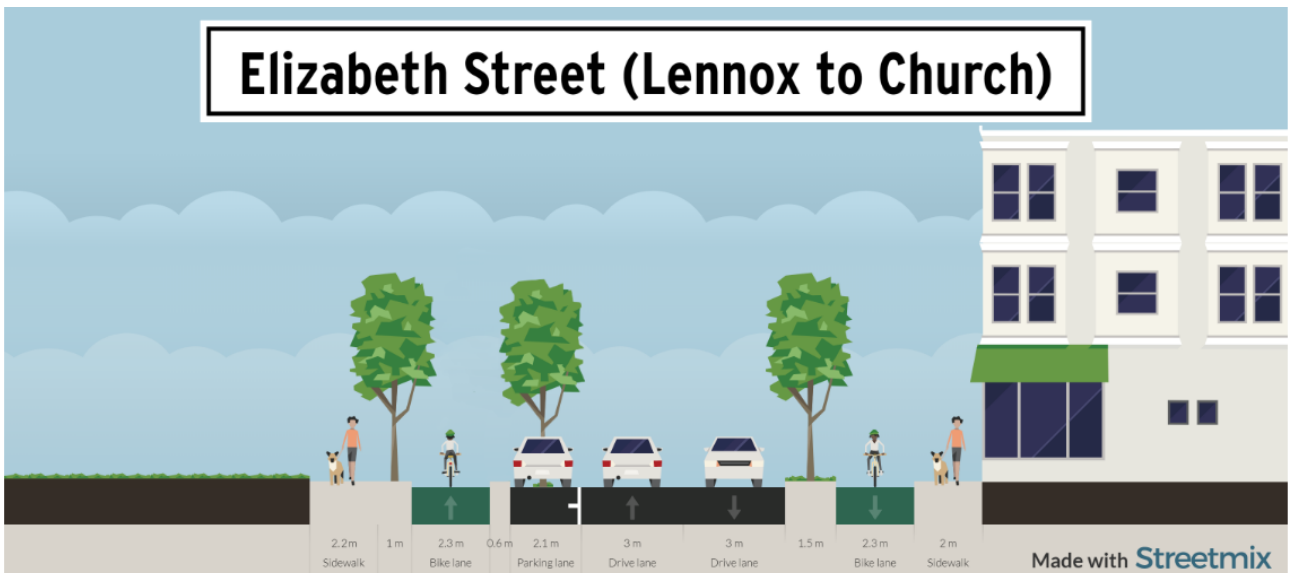
Elizabeth Street: Background

34. Elizabeth Street, Richmond is a 40kph local road carrying 10,000 vehicles a day and 1,000 cyclists per day that runs east-west between Hoddle Street and Church Street. The route is designated a Strategic Cycling Corridor by the State Government.
35. To the west of Hoddle Street Albert Street (Melbourne) has protected bike lanes. To the east of Church Street, the route continues along Baker Street and Johnson Street to connect to Victoria Street. Although this is a key cycling corridor it presents a hostile, intimidating environment for cyclists; which discourages cycling outside of 'the fit and the fearless'.
36. Kerbside car parking is provided on the north and south, with painted bike lanes between parked cars and a single traffic lane in each direction. It is predominately a residential street with some commercial and mixed-use developments towards the Hoddle Street end. At its western end, a large off-street multi storey (250 space) privately owned undercover car park is provided on Butler Street approximately with parking costs starting from \$13 per day. Apartment blocks also exist at this end of Elizabeth Street which contain large amounts of dedicated off street car parking.
37. The section between Lennox Street and Church Street is flanked by public housing estates on its northern and southern side. These estates contain significant amounts of off-street parking for exclusive use by residents and visitors. The housing estates on the southern side contain approximately 1,000 off street car parking space for residents and 48 spaces for visitors. The housing estates on the northern side contain 138 car spaces for residents and 14 spaces for visitors, DHS staff, emergency vehicles and loading.

38. Street trees are planted within the footpath between Lennox Street and Church Street. Smaller trees are planted within the footpath between Hoddle Street and Lennox Street with some larger trees (within kerb outstands), along with some small trees within the roadway between car parking bays. Some trees within the roadway have been in place for a few years, but have stunted growth; other trees are young and not well established. Some photos of Elizabeth Street are provided at Appendix 1 to provide further context.
39. The VicRoads Crashstats database details all injury crashes on road throughout Victoria. The records show that 12 crashes have occurred on Elizabeth Street over a recent five year period. Eight of these crashes involved a cyclist. Cyclists are over represented in the crash statistics as they make up approximately 10% of the daily trip volume but are involved in approximately 35% of the crashes. It is noted that a large proportion of incidents involving cyclists go unreported so do not show up in official numbers. Near misses are also likely to be common and are also not recorded.
40. Data from the City of Melbourne suggests that bike riders feel 83 per cent safer in protected cycling lanes. Delivery of protected bike lanes on Elizabeth Street would address safety issues and complement the existing protected bike lanes on Albert Street which have been further upgraded to include better separation at intersections. N.B. council officers are also working on separate plans to the east to improve cycling conditions on Baker Street and Johnson Street.

The Long-Term Vision for Elizabeth Street

41. It is important to visualise the long term vision for Elizabeth Street.
42. The *Bike Strategy Refresh 2016* identifies the need to provide protected bike lanes along Elizabeth Street, and specifically recognises that car parking will need to be removed on one side of the street to achieve this. Cycling levels in Richmond, and in the south-eastern area of the City of Yarra, generally are significantly lower than those in northern areas of the municipality. Differences in the quality of the cycle network between these areas are a key determinant of respective cycling rates.
43. There is a perception amongst some members of the community that Council is not delivering cycling infrastructure in the south-eastern areas and is more concerned with improving cycling facilities in the north where cycling rates are higher and it is easier to provide better facilities due to the layout of the road network. Regardless of the accuracy of these perceptions, it is clear that cycling facilities in Richmond need to be significantly upgraded if cycling rates are to substantially increase in line with adopted targets originally intended to be reached by 2015.
44. The *Urban Forest Strategy (UFS)* also identifies Elizabeth Street as a high-priority location for tree planting as it is a thermal hotspot, with limited existing tree canopy, significant volumes of pedestrian activity and a large vulnerable population. Taken together, these documents outline a long-term vision for this street which includes protected bike lanes and a significant increase in trees and canopy. A concept plan showing the long-term vision for Elizabeth Street is provided in Attachment 1, a cross section provided below.



45. The long-term vision features:

- (a) eastbound and westbound protected bike lanes – with car dooring buffer zones, concrete separators with sufficient width to provide general comfort and allow safe overtaking during periods of heavy use;
- (b) single eastbound and westbound traffic lanes which are narrowed slightly to reduce vehicle speeds;
- (c) significant new tree planting within the footpath, within the bike lane buffer zone and between parking bays (48 new trees in the roadway and 31 new footpath trees); and
- (d) green surface treatment at intersections and other conflict points.

46. Road space reallocation would be required to achieve this vision, specifically:

- (a) car parking bays on the north side of the street would need to be removed; and
- (b) existing (juvenile) street trees within the roadway, and in the path of the proposed protected bike lanes, would need to be removed and relocated.

47. Council officers have thoroughly considered retaining as many on-street car spaces as possible whilst delivering the long-term vision as set out in the adopted policies. It is noted that all existing mature trees are retained.
48. The traffic lanes in the proposed design have been narrowed to reduce speed and accommodate bike lanes, however, these lanes still have sufficient width for cars and trucks as per road standards
49. No changes are currently proposed to the Hoddle Street and Church Street intersections. Both are Department of Transport managed roads and any changes to these intersections would require State Government approval which is likely to be both difficult to obtain without large amounts of supporting justification work and would be very expensive due to engineering works required to change the intersection layout. It should be noted that the cycle lanes in the immediate vicinity of Hoddle Street were upgraded in 2016.

Achieving the long-term vision on Elizabeth Street

50. Delivering the long-term vision using traditional project processes would mean that the project would not be delivered in the timeframe desired for the following reasons:
 - (a) the requirement to reallocate street space and remove some car parking bays would mean a long multi-stage consultation process in an attempt to reach consensus. There may be also some concerns about tree relocation although it is important to note that mature trees providing good canopy cover would not be impacted by this project;
 - (b) the potential for 'decision making inertia' is relatively high as attempts are made to resolve conflicting positions between providing genuinely safe and attractive cycling facilities vs. retaining car parking. Multiple rounds of consultation and Council reports around these topics would be required which take significant amounts of time to produce; and
 - (c) the long-term vision involves significant up-front capital funding necessitating the diversion of budget from other areas, or 'banking funds' over multiple years. Delivering a permanent solution now would be a significant capital investment which is not budgeted.
51. If a traditional approach is used, it would be a number of years before protected bike lanes or new trees in the roadway are actually delivered.

Short-Term Iterative Trial - Options for Elizabeth Street

52. Three design options for providing protected bike lanes have been identified for the trial at the western end of Elizabeth Street between Hoddle Street and Lennox Street. These options factor in impacts to car parking and trees, and it is proposed that one option is delivered and evaluated on a trial basis.
53. At the western end each design option aligns with the long term vision and takes a low-cost, light-touch approach so that works can be relatively easily altered or reversed at a reasonable cost if needed. It should be noted that a road re-sheet is scheduled for 2021. This provides an excellent opportunity to either deliver a permanent design if the trial is successful; or remove the trial infrastructure and return the street to its existing layout, following an assessment of the trial.
54. Each of the three design options (western end) delivers a protected bike lane facility eastbound and westbound and maintain one traffic lane in each direction. The design options differ in terms of their impact on existing car parking bays, straightness of bike lane and trees:
 - (a) design option A provides the upgraded bike lanes without impacting any existing trees planted in the roadway. This results in bike lanes that weave in and out between kerbside trees located in the roadway and parking bays which is far from ideal from a street legibility and safety perspective as traffic lanes would have kinks and bends in them. Retaining all the trees would also mean that more parking has to be removed

and more space within the street is made redundant and not useable due to lane angles and geometry;

- (b) design option B removes or relocates these juvenile trees from the southern side of the road, but retains trees to the north. This means the same safety and legibility concerns noted above apply to the east-bound bike lane; but the west-bound bike lane is straight and significantly more car parking can be retained; and
 - (c) design option C straightens both bike lanes out to provide safer and more attractive bike lanes. This means that more juvenile trees need to be removed or relocated, however, parking removals are minimised and the street legibility would be improved.
55. Council's arborist has indicated that if the juvenile trees within the roadway need to be removed for the trial, many of them would be able to be relocated to other locations across the municipality. Any stunted trees are not likely to be able to be relocated as they are in poor health.
 56. Typically tree removal or relocation would not form part of a trial as these are at the more permanent end of the works spectrum. However, the trees located in the road pavement that would be relocated as part of the trial are not mature, have a marginal visual presence (see photo's) and do not contribute significantly to the look and feel of the street at this time. The relocation of these trees would also be required to deliver the long-term vision. On this basis, assuming the long-term vision is delivered at some point, it is more a question of when these trees are relocated rather than if. Following on from this logic, if trees need to be relocated it makes more sense to do this now as part of the long term vision before the trees grow and establish themselves making it either more difficult or not possible to relocate them.
 57. The visual impact and sensitivity around these trees would also be increased if they are left as is but removed/relocated later. A number of other trees are provided in the footpath: these would not be impacted in any way by the trial.
 58. Further, tree planting would occur in the footpath as part of this project, meaning the number of trees located in Elizabeth Street would increase under all trial options. Trees would be relocated further away from power lines which means they have more space to grow vertically and less pruning is required which reduces maintenance costs. These are a significant benefit of the project and far better align the street with the outcomes sought in policy.
 59. A single design option has been presented at the eastern end as there are no trees located in the road, hence multiple design options are not required.
 60. Concept plans showing each of the trial design options are provided at Attachment 1. By reference to the photographs in this attachment it should be noted that:
 - (a) a significant number of street trees within the roadway are very small;
 - (b) overhead power lines are a constraining factor on tree planting and types of tree to be planted;
 - (c) the existing on-road bike lanes are narrow and put cyclists close to car dooring hazards and between moving traffic and parked cars;
 - (d) the northern footpaths between Lennox and Church are too narrow for footpath tree planting (having regard to pedestrian and disability requirements);
 - (e) large mature trees would not be impacted in any way by this project;
 - (f) existing trees in the roadway get bumped by cars as they are parked; and
 - (g) the eastern section of Elizabeth Street is relatively bare and in need of additional tree planting.
 61. Under each design option road widths would be maintained to allow the passage of cars and trucks to include emergency vehicles such as fire engines along with refuse trucks.

62. A summary of each design option for protected bike lanes is provided below:

	Hoddle St to Lennox St				Lennox St to Church St	
	Existing	Option A	Option B	Option C	Existing	Option A
Total trees	55	55 (0)	50 (-5)	44 (-11)	0	46
Small trees in <i>footpath</i>	35	35	35	35	0	0
Small trees in <i>roadway</i>	13	13 (0)	8 (-5)	2(-11)	0	0
Mature trees in <i>kerb outstands</i>	7	7	7	7	0	0
New trees in <i>footpath</i>	n/a	0	0	0	n/a	46 (+46)
New trees in <i>roadway</i>	n/a	0	0	0	n/a	0
Total Car parking bays	73	29 (-44)	39 (-34)	39 (-34)	77	44 (-33)
Total Car parking bays with buffer	0	21	26	38	0	44
Total Car parking bays without buffer	73	8	13	1	77	0

Trial <u>Design Option</u> Assessment - Overall Summary						
Quality of Bike Lanes	Very Poor	Poor	Good	Very Good	Very Poor	Very Good
Tree canopy	Poor	Poor	Poor	Poor	Poor	Good
Straightness of traffic lane	Straight	Very bendy	Bendy	Straight	Straight	Straight
Width of traffic lane	Satisfactory	Satisfactory but variable	Satisfactory but variable	Satisfactory	Satisfactory	Satisfactory
Alignment with long term vision	Low	Average	High	Very High	Low	Very High

Existing Arrangement v Permanent Vision Arrangement				
	Hoddle St to Lennox St		Lennox St to Church St	
	Existing Arrangement	Permanent Vision	Existing Arrangement	Permanent Vision
Quality of Bike Lanes	Very Poor	Very good	Very Poor	Very Good
Tree canopy	Poor	Good	Poor	Good
Straightness of traffic lane	Straight	Straight	Straight	Straight
Width of traffic lane	Satisfactory	Satisfactory	Satisfactory	Satisfactory

Officer Comments on Design Options

63. By reference to the design options table the following should be noted. A straight bike lane is generally preferable to a bike lane that bends around trees located in the road from a safety and useability perspective (trees would inhibit sightlines between cyclists and pedestrians crossing near the trees). Under design option A the bike lane bends in and out in order to minimise tree relocation. These bends mean that more parking has to be removed and there is a lot of undefined/redundant road space. In summary, the design is most compromised in terms of useability and safety and parking impacts maximised to maintain existing on-road trees.
64. The on-road trees are small and currently have a very low presence in the street environment. On this basis, the cost of maintaining a relatively small number of underdeveloped trees in their existing location appears excessive in the context of this project, particularly given that these trees can be relocated and the project would result in a net increase in trees during the trial scenario. Of the 11 on road trees removed in design option C, only 4 or 5 cannot be replanted elsewhere as they are stunted not healthy. Council is also likely to receive a significant amount of criticism from cyclists and probably other users of the street for providing a bike lane that is 'bendy' without a genuinely good reason (it is unlikely that cyclists will think that retention of small trees should take precedence over cyclist's safety).
65. All trial design options would provide at least 35 new trees as any reduction in trees in the western section is more than off-set by additional trees in the eastern section. In the permanent design additional trees would be added in both sections
66. Under design option A (and a lesser extent option B) Council is also likely to be criticised by motorists for providing 'bendy' traffic lanes. The net number of trees would be increased further should the trial be successful and the long-term vision is delivered (how this is achieved is explained in the section discussing the permanent street design proposal).
67. The table shows the number of existing parking bays and the number of parking bays provided under each option. Under design options A and B, there are a number of locations where parking bays can be provided without a buffer between the car door and the bike lane. These are optional spaces that have been squeezed into the space available to reduce parking removals. Installing these spaces would reduce the safety and comfort for cyclists and people getting in and out of cars given car doors from these spaces would intrude onto the bike lane.
68. The absence of a buffer is relatively common in the City of Yarra albeit not on routes where bikes are located between parked cars and the kerb. In this situation (without a buffer) *passengers* in a car are not used to checking for approaching bikes as typically these doors open onto the footpath. To use these 'unbuffered' car spaces, vehicles would need to park very close to the bollards to stop vehicles from parking across the bike lane. These bollards are more likely to be hit and require maintenance than bollards located within the buffer zone.
69. The officer recommendation is that car parking bays without buffers should not be provided as the quality of the route would be significantly undermined simply to retain a relatively small number of parking bays and trees in the roadway.
70. The cost of delivering the trial would be approximately \$400k; this cost consists of capital works, data collection, maintenance and evaluation and is broadly consistent across all of the design options. These costs include capital works and supporting work activity to include:
 - (a) tree removal and relocation (juvenile and stunted trees only);
 - (b) linemarking;
 - (c) removal of existing linemarking;
 - (d) installation of kerb separators and flexible bollards;
 - (e) maintenance of trial related materials (bollards etc.);

- (f) new signage and sign posts;
- (g) traffic management;
- (h) data collection;
- (i) communications and publicity materials; and
- (j) reinstatement of the existing road design if the trial is deemed to have failed.

71. The officer recommendation would be to trial design option C in the western section on the basis that:

- (a) it provides the straightest, safest and most user-friendly protected bike lanes in line with its designation as a strategic cycling corridor;
- (b) the treatment for motorists is the most standard;
- (c) it best aligns with the long-term vision for the street;
- (d) fewer parking spaces need to be removed than other options which maintain existing tree locations;
- (e) the potential number of parking spaces with a dooring buffer is maximised;
- (f) existing juvenile trees can be relocated, hence the net tree impacts of delivering the best design outcome are minimal; and
- (g) it is the most standard proven design of the options put forward ('bending' cycle lanes around trees in the manner shown in design options A and B is a relatively unique and sub-optimal design).

72. For the eastern section, the officer recommendation is that only one option be trialled on the basis that:

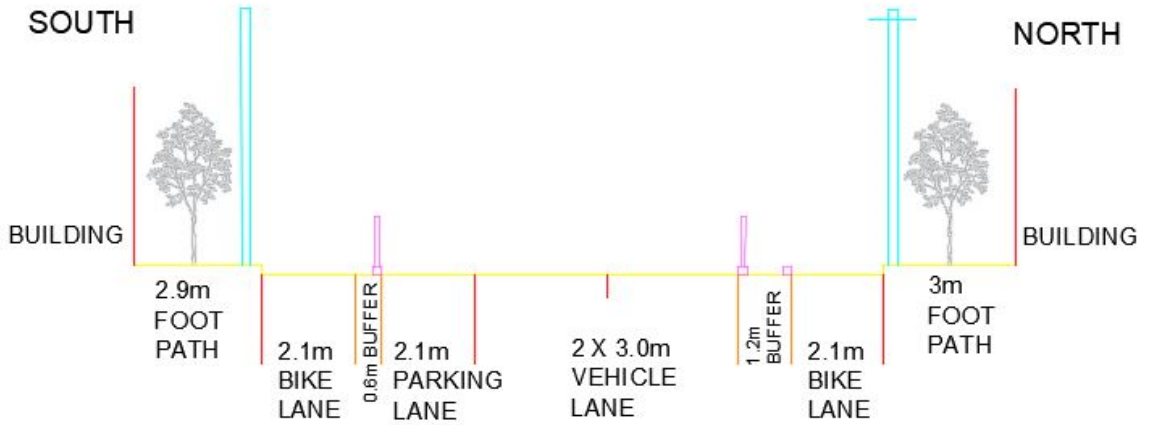
- (a) it is the only option available in this section; and
- (b) the design reflects the policy relating to Elizabeth Street in the Bicycle Strategy Refresh and the Urban Forestry Strategy; and
- (c) the traffic lane widths for cars and trucks are acceptable.

Officer Recommendation: Hoddle Street to Lennox Street

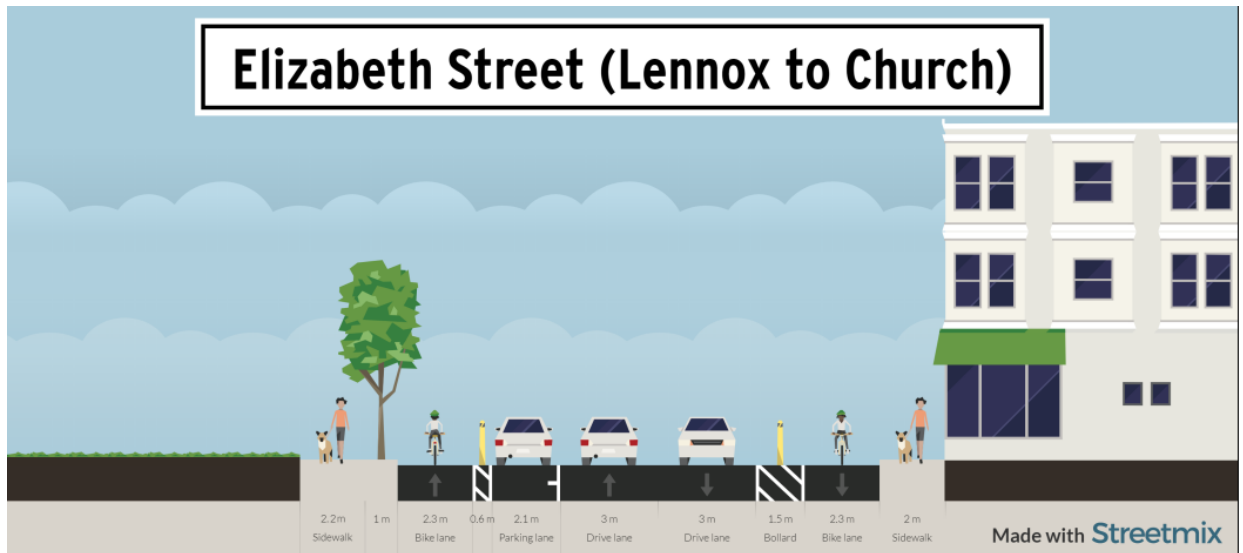
73. A cross section of the preferred trial option is shown below:



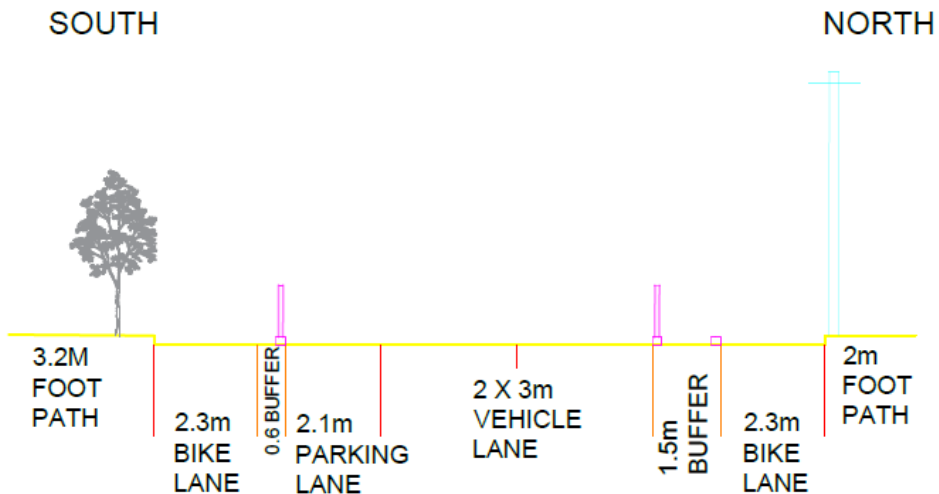
CROSS SECTION - ELIZABETH STREET (LT HODDLE TO LENNOX)



Officer Recommendation: Lennox Street to Church Street – pilot and trial design



CROSS SECTION - ELIZABETH STREET (LENNOX TO CHURCH)



74. Officers (including landscape architects and arborists) have looked to ‘green’ the trial as much as possible. The location of planter boxes in the 1.5 meter buffer zone has been considered, however, it was decided that planter boxes are not appropriate for the following reasons:
- (a) the boxes would require a significant amount of maintenance (watering, removing rubbish etc.);
 - (b) if the boxes are damaged in any way then this generates a lot of work in terms of clean up and realignment of the planter boxes. Larger boxes themselves are also very heavy and require heavy equipment (mechanical handling) to move a displacement of heavy planter boxes in that instance, road closure and traffic management would also be required which are high impact high cost activities; and
 - (c) smaller planter boxes would not survive in high heat and are more likely to be hit by cars.
75. Importantly, in the suggested permanent design, street trees are proposed to be planted in this buffer; hence the lack of greenery in the buffer is only a temporary outcome.
76. A safe systems audit has been undertaken by an independent consultant on the trial design options and the results of this are shown below. A low score is desirable from a safety perspective and the table shows that design option C at the western end, and the proposal for the eastern end, would significantly improve safety.

Section	Option	Safety Score
Western End (Hoddle St to Lennox St)	Existing	126.25
	Option A	119.63
	Option B	105.63
	Option C	80.75
Eastern End (Lennox St to Church St)	Existing	120.38
	Proposed	76.875

Proposed Parking Modifications

77. Some changes to parking management is also proposed in response to reductions in parking on this street and to support the trial. These changes are mostly to unrestricted parking to minimise impacts to residential permit holders, and also bring parking management approaches more in line with the adopted Council parking management strategy. A summary of proposed changes to car parking are provided below.

	Little Hoddle St to Lennox St				Lennox St to Church St	
	Existing	Option A	Option B	Option C	Existing	Option A
Total car parking bays	73	29	39	39	77	45
2P 10am-7pm	45	0	0	0	34	45
2P 10am-7pm (Permit only all other times)	28	29	39	39	0	0
¼ 7am-10am & 3pm-6pm Mon-Fri (2P 10am-3pm Mon-Fri/10am-7pm Sat-Sun)	0	0	0	0	4	0
Authorised Vehicles Only	0	0	0	0	2	0
Unrestricted	0	0	0	0	37	0

Disabled parking bays	0	0	0	0	0	0
Car share bays	0	0	0	0	0	0
Loading bays	0	0	0	0	0	0
Taxi bays	0	0	0	0	0	0
Bus stops	0	0	0	0	0	0

Notes: One authorised vehicle space is used by Yarra Trams for staff change over. These bays would be relocated to Church Street. The other authorised vehicle space is for use by a school bus program. This program is no longer running and officers have been advised that a specific space for this activity is no longer required.

Summary Comments Regarding Car Parking

- 78. There is a significant amount of off street parking on Elizabeth Street, relative to other streets in Yarra. The majority of this parking is free dedicated parking for residents in private apartment blocks or DHHS properties. As with all streets in Yarra, there is parking demand on the street itself. NB. International research shows that people generally prefer to park on street if it is available as this is often the most convenient option even when large amounts of off street parking is provided.
- 79. Parking is a contentious issue in Yarra and there are various views which range from *'there is nowhere near enough car parking and no parking should ever be removed'* to *'far too much public space is given over to car parking which undermines placemaking and creates traffic'*. Transport data is being assessed as part of an Inner Melbourne Action Plan transport study that has recently commenced. One early finding of this work is that Richmond has the highest number of internal car trips for work per day of any ward in inner Melbourne at approximately 800 trips.
- 80. It should be noted that Richmond is one of the largest wards, however, the volume of short internal work related car trips it generates per day is equal to 1 hour of net traffic flow on Swan Street which has a capacity of approximately 400 cars per direction per hour.
- 81. The large number and short distance of car trips in Richmond suggests that parking is (a) generally available (be it off street or on street) and (b) that parking is cheap to use. NB. these statistics for Richmond are provided for information and strategic context and are not a commentary on who uses parking on Elizabeth Street and for what purpose specifically.

Measuring the Performance of the Trial

- 82. Clear project *objectives* and *measurable definitions of success* are required to assess the trial and inform decisions on next steps. The objectives of the trial are to:
 - (a) increase the number of cyclists using the corridor;
 - (b) increase the percentage of riders that are women or children (a higher than average percentage of women or children is typically associated with routes that are safer);
 - (c) reduce the volume and speed of motorised traffic on the street;
 - (d) traffic lanes are manageable for cars, trucks and service vehicles;
 - (e) maintain access for residents and businesses as much as possible;
 - (f) improve amenity for pedestrians;
 - (g) increase enjoyment, comfort and safety for cyclists;
 - (h) provide robust, value-for-money infrastructure, and
 - (i) plant more trees as part of the full implementation.
- 83. The following data analysis and survey work would be collected during the trial to assess performance against objectives:

- (a) traffic volumes, speeds and manoeuvrability;
- (b) cyclist volumes and demographics;
- (c) pedestrian volumes;
- (d) any reported crashes and near misses involving vulnerable road users;
- (e) parking occupancy rates;
- (f) comments regarding access by residents and businesses;
- (g) infrastructure costs (delivery and maintenance); and
- (h) cyclist intercept surveys.

Running a successful trial on Elizabeth Street

- 84. The trial process is a significant departure from long established, existing Council processes, especially with regards to consultation approaches. This departure is necessary to gain the benefits of the trial – however, some community members may object to a change in the process itself particularly if they are not supportive of the project being trialled or the long term vision. For example, in the past some community members who have not wanted pocket parks near their home.
- 85. Some community members may complain that they are not being consulted with or given an opportunity to voice their opinions as part of the trial process. It will be important for Council to emphasise that consultation would take place during the trial, and community feedback would be taken into consideration and inform whether the project is permanently delivered or the road is reverted back to original state.
- 86. Careful communications and engagement would be required to explain why a trial process has been adopted and to create community support for both the change in process and the project itself. When using the trial approach the steps associated with the traditional approach are mostly the same; however, the *order and purpose* does change particularly regarding consultation. Instead of large amounts of consultation being undertaken on a prospective basis before a permanent design can be delivered, the endeavour is to get a trial design installed relatively quickly and then to undertake consultation in a live environment where everyone can see what has been delivered and how it is being used.
- 87. For the trial to be effective – it must have an appropriate budget and level of resourcing. In particular, there must be budget and resourcing for:
 - (a) design and surveys;
 - (b) appropriate monitoring and evaluation;
 - (c) communication activities; and
 - (d) maintenance and repair work.
- 88. Using the *iterative trial* approach it is anticipated that protected bike lanes would be able to be provided at approximately 20% of the cost and in 10% of the time (to have it installed) that it took to deliver protected bike lanes on Wellington Street. Such an outcome would be very positive and raise the national and international profile of the City of Yarra in the cycling space as a progressive Council that is taking innovative approaches to project delivery to get more done, more quickly, and cheaper (initially), but also to a good operational quality.

Planning, delivering and managing the trial on Elizabeth Street

- 89. It is recommended that a trial run for 12 months and be managed, monitored and evaluated using the *iterative trial* process.

Stage 1 - Preliminary notification - Initial stakeholder consultation

- 90. Preliminary *notification* would focus on directly affected stakeholders including properties directly fronting Elizabeth Street between Hoddle Street and Church Street. The purpose of this would be to:

- (a) notify affected residents, property owners and businesses of the trial informing them that:
 - (i) the design of the street will need to change;
 - (ii) there is a commitment to delivering an improved protected bike lane facility on Elizabeth Street in the Bike Strategy Refresh 2016; and
 - (iii) this will impact on-street parking availability at certain times in certain locations.
 - (b) identify priority issues that need to be managed during the trial – including:
 - (i) loading requirements for businesses;
 - (ii) emergency and disability access; and
 - (iii) waste collection arrangements.
 - (c) identify potential concerns which should be noted and monitored throughout the trial.
91. The purpose of this stage is specifically to disseminate information about what a trial involves, the capital works proposed and to undertake fact finding. At this particular stage of the process Council should not actively be seeking feedback on the following matters:
- (a) the *iterative trial* as a delivery model or concept;
 - (b) the road design to be trialled and what this means for people looking to park on the street;
 - (c) priorities on Elizabeth Street be it traffic, bikes, parking trees etc.;
 - (d) the merits of this project versus a similar alternative project on another road in the area; or
 - (e) broader strategic transport priorities.
92. If practical matters of significance emerge from this process that will impact the trial then these will need to be considered and responded to before rollout. For example, if Council is informed that a specific unique truck type needs to be able to make a right turn into a property then changes to the trial will need to be made to accommodate this.
- NB. This specific scenario is highly unlikely as officers have undertaken extensive site inspections to understand how the street is used.
93. At this stage the trial process requires that the project process should not be held up by endeavours to resolve all potential minor or 'convenience issues' and other comments raised. For example, residents may complain that unrestricted parking has been changed to 2P or permit only.
94. These types of concerns will be noted and monitored once the trial has commenced. In the case of this particular example, further changes to parking restrictions can be made relatively easily during the trial, or as part of the permanent solution if the new 2P parking was not used, and resident parking demand was deemed to be high.
95. It is anticipated that the trial would take approximately four weeks to deliver on the ground. However, it is noted that demands on contractors are currently very high due to the large amount of work that is going on across Melbourne. Should Council approval be provided for this project then the City Works team will progress the procurement process as a matter of urgency.
96. At this stage officers are unable to guarantee that the works will be delivered this financial year as ultimately this is dependent on a third party that meets Councils tendering process having the capacity to deliver the works. If the works are unable to be delivered this financial year then the trial would be delivered as soon as possible in the next financial, year most probably within eight to ten weeks. Updates on progress with tendering the works and the delivery timeframe would be communicated to Councillors via E-Bulletin.

Stage 2 - Trial commencement

97. It is anticipated that the trial would take approximately four weeks to deliver (for context Wellington Street took over three months to deliver). The trial design would be refined to address any identified priority issues from the preliminary consultation stage. The trial infrastructure would then be installed by Council staff / contractors.

Stage 3 - Engagement and data collection during the trial

98. Data collection to assess performance and wider-scale consultation would begin once the trial commences. Data collection would focus on the metrics identified earlier. This stage would again engage with parties recently consulted during the preliminary notification stage, and be expanded further to also target:
- (a) cyclists using the route (using online surveys and intercept surveys);
 - (b) other affected users (e.g. pedestrians and vehicles on Elizabeth Street); and
 - (c) any other stakeholders identified during the preliminary consultation stage.
99. The purpose of Stage 3 is to:
- (a) understand how the trial is going and what people think in terms of what is working, what is not working, what (if anything) should be changed and how it should be changed;
 - (b) collect data to assess performance;
 - (c) monitor and evaluate any concerns identified in the preliminary stage; and
 - (d) maintain an open dialogue with stakeholders.
100. Councillors would be kept up-to-date with how the trial is going via bulletins which detail community sentiment towards the project and the outputs of initial survey work undertaken after three months. It is proposed that count data be collected every three months to understand how many people are cycling along Elizabeth Street in all weather conditions and seasons.

Stage 4 – Evaluation and Next Steps

101. An evaluation report would be presented to Council to consider options for the next stage of the process at the completion of the 12-month trial period. It is expected the trial infrastructure would remain in place a further six additional months while:
- (a) the evaluation report is prepared,
 - (b) Council makes a decision on the next steps; and
 - (c) Council staff or contractors are programmed to carry out the next stage of works.
102. The evaluation report would consider:
- (a) whether the trial design has successfully delivered the desired outcomes;
 - (b) whether other impacts associated with the trial justify changes to the design or long-term vision for Elizabeth Street; and
 - (c) recommendations for next steps. These are likely to include:
 - (i) extend the length of the trial as is (to collect further information or to delay capital investment in a more permanent solution);
 - (ii) extend the length of the trial with some tweaks (to see if these tweaks are worth including in a potential permanent design);
 - (iii) trial a different road layout (if it is thought an alternative trial will work better);
 - (iv) deliver the permanent solution (if the trial has been a success and budget to deliver capital works is allocated); or

- (v) cease the trial and return the road to its original layout (if the trial is deemed to have failed).

103. The scheduled road re-sheet of Elizabeth Street in 2021-22 provides an ideal opportunity to deliver the recommendations regarding next steps to a high finish (including returning the road design to existing if the trial is deemed unsuccessful).

The Permanent Solution

104. The proposed permanent solution is based on design trial option C, specifically provision of:
- (a) straight bike lane (due to the relocation of existing trees on the roadway);
 - (b) green surface treatment in the bike lane at conflict points;
 - (c) bike symbols in the bike lane;
 - (d) three metre traffic lanes;
 - (e) concrete separators (to replace the temporary bollards used for the trial);
 - (f) planting of 27 new trees in the road (in the buffer between the traffic lane and parked cars (these would be canopy type trees as there are no power lines in this location); and
 - (g) planting of approximately 15 new trees by removing four car parking spaces (these would also be canopy trees).
105. A plan showing the proposed permanent design solution is provided at Attachment 1. This may change at a later date to consider any modifications required in response to the findings of the trial.
106. Council would make decisions on the permanent design solution at the conclusion of the trial - this is not something that needs to be discussed at length or resolved at this stage.

External Consultation

107. VicRoads have been informed about the trial as this project is occurring on a local road and does not involve 'major traffic control items' it does require VicRoads approval. Yarra Trams have also been contacted as Elizabeth Street is close to a tram terminus where there are tram driver crew changes and associated facilities.
108. The Department of Housing and Human Services have been contacted to understand matters regarding car parking provision and third party open space. Other checks and consultation are being undertaken with service providers to understand the location of services and access requirements.
109. A safe systems audit, undertaken by an independent external consultant was also commissioned for all project options.

Internal Consultation (One Yarra)

110. Extensive discussions regarding the trials approach and design options have been undertaken with the following teams via a project working group:
- (a) Sustainability and Strategic Transport;
 - (b) Communications and Engagement;
 - (c) Traffic and Civil Engineering;
 - (d) Urban Design (including landscape architects);
 - (e) Parking;
 - (f) Open Space; and
 - (g) City Works (including arborists).

Financial Implications

111. Stage 1 (the trial) would be delivered using 2019-2020 budget resources. Stage 2 (the permanent solution) would require funding in the 2020-2021 or 2021-2022 budget.
112. The parking team have stated that reductions in parking would result in approximately \$60K per year less revenue from parking infringement notices.

Economic Implications

113. No known direct economic implications.

Sustainability Implications

114. The use of the *iterative trial* approach to deliver protected bike lanes on Elizabeth Street would help facilitate more sustainable transport outcomes for the street in a faster, more cost-effective manner.
115. The project would encourage more people to use sustainable transport modes, and also involve significant tree planting which aligns with the *Urban Forest Strategy* and the emerging *Climate Emergency Plan*.

Social Implications

116. The use of the *iterative trial* approach would help facilitate safe bicycle accessibility along this strategic cycling corridor. Protected bike lanes are shown to be attractive to wider demographics of cyclists than painted bike lanes adjacent traffic lanes.
117. Making cycling a viable travel option for community members increases social inclusion by giving people more options regarding how and where they travel.
118. Cycling is a very cheap mode of transport especially in comparison to buying and running a car so is more inclusive from this perspective.

Human Rights Implications

119. There are no Human Rights Implications related to the use of the *iterative trial* approach to the Elizabeth Street project.

Communications with CALD Communities Implications

120. Council officers would liaise with the communication and engagement teams to consider CALD community consultation requirements throughout the project.

Council Plan, Strategy and Policy Implications

121. Using the *iterative trial* approach to the Elizabeth Street protected bike lane project aligns with multiple adopted policies contained within the following documents:
 - (a) the Strategic Transport Statement;
 - (b) the Bicycle Strategy 2010-2015;
 - (c) the Bicycle Strategy Refresh;
 - (d) the Urban Forest Strategy;
 - (e) Yarra Road Safety Strategy 2016;
 - (f) the Yarra Car Parking Management Plan, and
 - (g) the Council Plan.
122. The approach to this project also aligns with Council's commitment to responding to the climate emergency.

Legal Implications

123. There are no known legal implications for Council.

Other Issues

124. No known other issues.

Options

125. The options for Council are:

Option 1 - Deliver an *iterative trial* under design options (including either A, B or C for the western section). Under this option works would be delivered in mid-2020;

Option 2 - Deliver the Elizabeth Street upgrade using the traditional approach. Under this option works are likely to be delivered between 2023 and 2026;

Option 3 - Defer a decision, or

Option 4 - Decide not to deliver a protected bike lane on Elizabeth Street.

126. The officer recommendation is for Option 1 an '*iterative trial*' to be pursued; Within this:

- (a) Trial design option C should be pursued for the western section (Little Hoddle Street to Lennox Street), and
- (b) Trial design option A should be pursued for the eastern section (Lennox Street to Church Street).

Conclusion

127. Elizabeth Street is an important east west road; it is also a key cycle route but provides a hostile environment for cyclists due to narrow bike lanes which place cyclists in close proximity to parked car dooring issues and large volumes of passing traffic.

128. There is a Council commitment to delivering an improved protected bike lane facility on Elizabeth Street in the *Bike Strategy Refresh 2016* and a budget allocation of \$400K was committed in the 2019/20 budget.

129. This project was originally scheduled for delivery by 2015 in the 2010-2015 *Bike Strategy*; there is now a desire for this project to be delivered this financial year. The Wellington Street protected bike lane project is similar to this, it cost \$4.5m and took Council nearly ten years to deliver with 11 separate supporting reports tabled for decision makers as part of this process.

130. Council officers have looked at alternative approaches to the planning and delivery that have emerged elsewhere. These are a departure from the 'standard way of doing things' but are more flexible and allow often better outcomes to be achieved more quickly and at a reduced cost.

131. Officers propose that an '*iterative trial*' approach is used to deliver this project. This would allow the delivery methodology and the actual design treatment to be tested for a 12 month period before further longer term decisions are made by Council that consider the outputs of the trial. A report on the future of the project, or long term permanent design, would then be presented to Council within six months of the conclusion of the trial.

132. This approach is a new way of seeing progression on separated bike lanes and would put Council in an innovative delivery space. Very careful communication would be required with the community to manage this process as it is different; the Communications team are already involved in this process.

133. Use of this methodology would also provide Yarra with some valuable insights into how this approach performs and how it aligns with broader challenges of limited capital funding, finite officer resources, a divergence of views on proposed projects and the need to press ahead with implementing policy.

134. Decisions by Council would signal the start of a process of using the trial method to get the project delivered this financial year as desired by the Council budget allocation.

RECOMMENDATION

1. That Council:
 - (a) note the officer report regarding the proposed Elizabeth Street protected bike lane project;
 - (b) note the alignment of this project with the Council adopted Bike Strategy Refresh and the Urban Forest Strategy;
 - (c) note that improved cycling lanes on Elizabeth Street also enhances safety on a regional cycling route;
 - (d) note that in order to provide this protected lane, some kerbside carparking is required to enable the reallocation of road space;
 - (e) note the Council budget (19/20) allocates \$400K for the implementation of protected bike lanes in Elizabeth Street from Hoddle to Church Streets; and
 - (f) note that the preferred design option for the protected bike lanes are ones that are of sufficient width to provide the safety and comfort of cycling.
2. That in the context of the above, Council:
 - (a) endorse a 12 month '*iterative trial*' to deliver protected bike lanes on Elizabeth Street as part of a regional cycling route in a timely manner;
 - (b) endorse the installation of:
 - (i) Trial design option C for the western section (Little Hoddle Street to Lennox Street); and
 - (ii) Trial design option A for the eastern section (Lennox Street to Church Street) as outlined in the cross sections of those trial designs in the report;
 - (c) require all car parking spaces to have a car dooring buffer zone for safety of cyclists;
 - (d) instruct officers to now commence with the production of detailed design drawings and other procurement related work in order to initiate the trial;
 - (e) note that works would commence as soon as possible to deliver the trial;
 - (f) note the construction timeframe of approximately four weeks to deliver the trial once commenced;
 - (g) note that officers will provide further details of expected timeframes for the installation of the trial as information to Councillors;
 - (h) authorise officers to commence notification to abutting property owners and occupiers as part of the development of the detailed design outlining the purpose of the 12 month trial and the key components for community understanding; and
 - (i) note the installed trial design option would remain in situ between the conclusion of the trial at 12 months and the production of a report to Council detailing the performance of the trial as soon as is practicable following the 12 months trial, but within 6 months.
3. That officers arrange for data collection during the 12 month trial in order to enable evaluation of the trial.
4. That Council authorise the Director, Planning and Place Making to instruct staff to make any necessary adjustments to the trial layout during the period of the trial and until Council forms an opinion on its future.
5. That Council further note that if the 12 month trial is deemed to be successful by Council, following a report by officers, that progression will then occur by officers for a permanent solution (with or without changes as determined by the full Council).

CONTACT OFFICER: Simon Exon
TITLE: Unit Manager Strategic Transport Planning
TEL: 9205 5781

Attachments

1 [↔](#) Attachment 1 - Elizabeth Street trial and bicycle lane

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11.7 Safe Travel Strategy - 2019 Progress Report

Executive Summary

Purpose

This report provides Council with a progress update on the Safe Travel Strategy 2016-26, with respect to road safety statistics for Yarra for the five year period up to December 2018 and Strategy Actions delivered to date.

Key Issues

Yarra has seen lower fatalities and a significant reduction in serious injury accidents in 2018 in comparison to the yearly averages for the five year period from January 2014 and December 2018. This can be attributed, at least in part, to the delivery of a wide range of safe travel initiatives and programs through the Safe Travel Strategy.

Financial Implications

Delivery of future Safe Travel Actions will be delivered within existing budgets and resources.

PROPOSAL

Officers to continue proactive delivery of Strategy Actions.

11.7 Safe Travel Strategy - 2019 Progress Report

Reference: D19/182190
 Authoriser: Director City Works and Assets

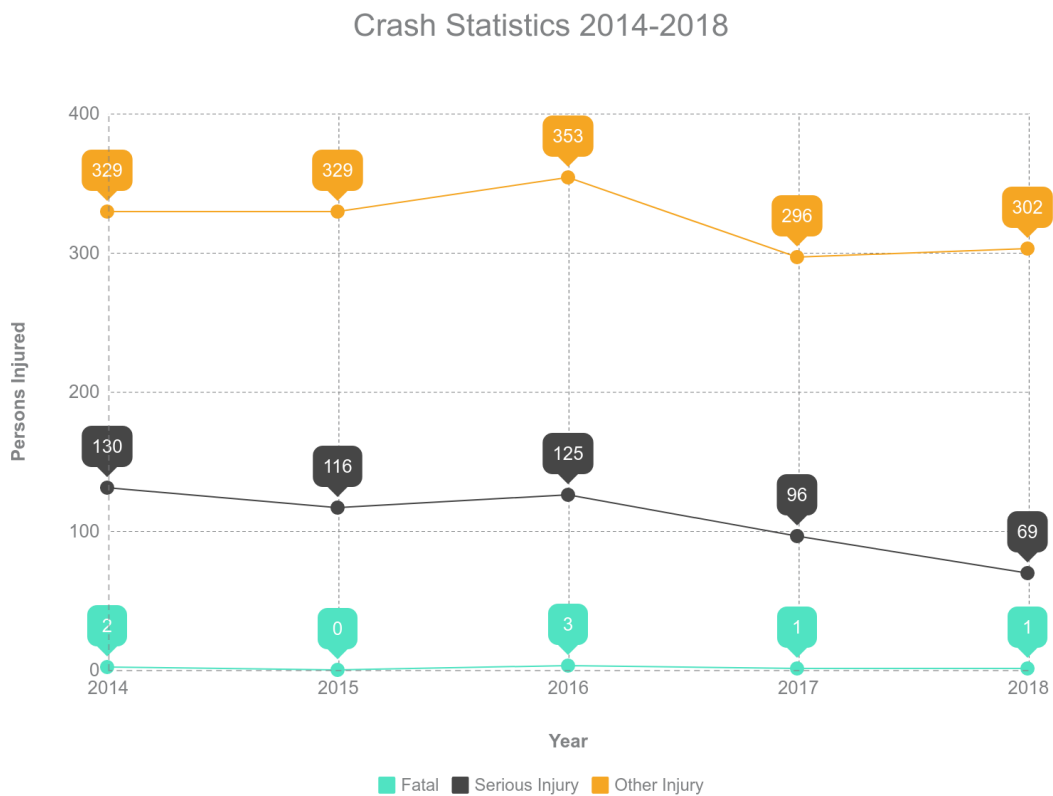
Purpose

1. This report provides Council with a progress update on the City of Yarra Safe Travel Strategy 2016-26, with respect to road safety statistics for Yarra for the five year period up to December 2018 and Strategy Actions delivered to date.

Background

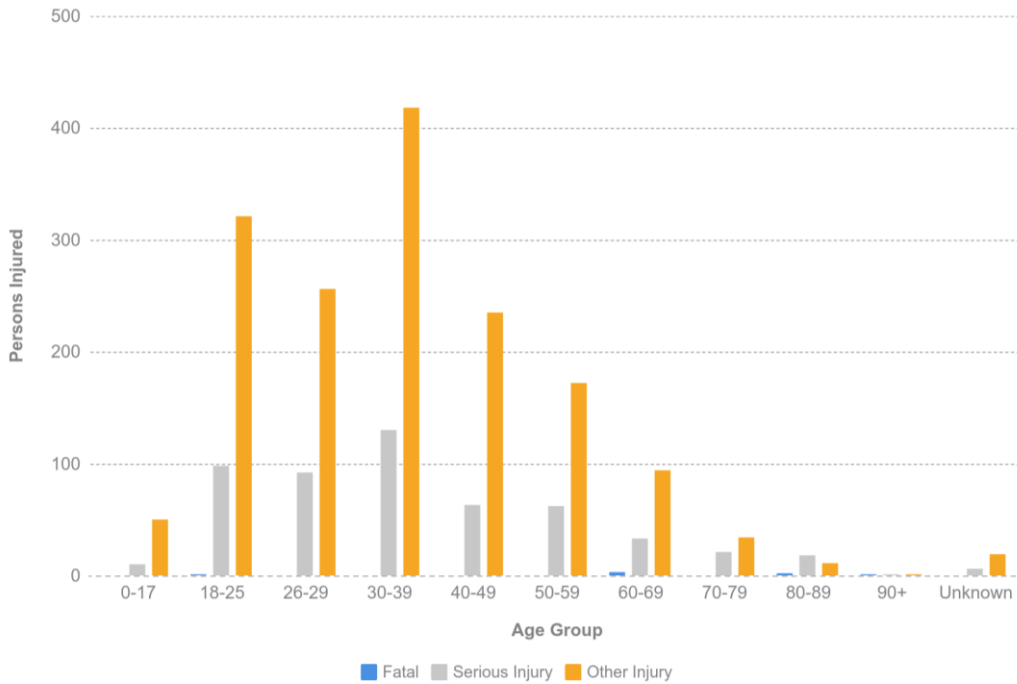
2. The Safe Travel Strategy was adopted in August 2016 with the long term aim of eliminating fatal and serious injury incidents in the City of Yarra by 2026.
3. Between 2014 and 2018 serious injuries have reduced by approximately 47% (see Figure 1). This reflects the work undertaken by Council, the State Government and community organisations over this time. However, despite a reduction in serious injuries, fatalities and other injuries remain reasonably stable.

Figure 1 - Yearly casualties between January 2014 and December 2018



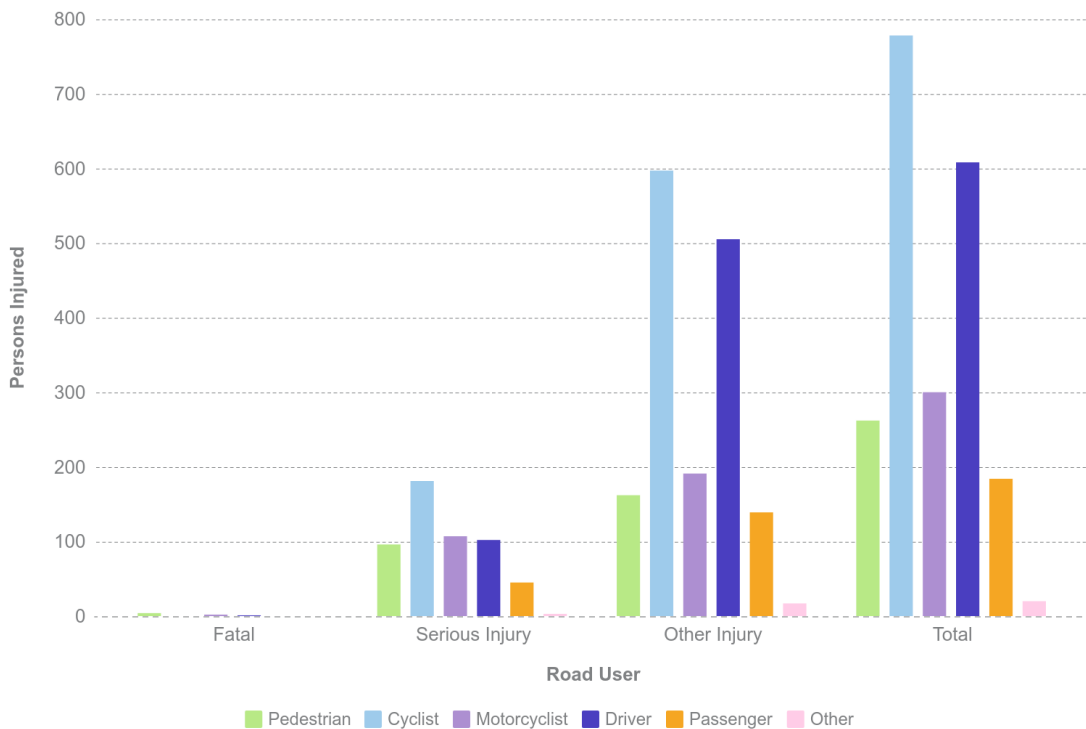
4. In 2018 there were a total of 372 injuries and fatalities due to road incidents within the City of Yarra. This includes one (1) fatality, 69 people who were seriously injured and 302 people who sustained minor injuries. As a comparison, five year averages between January 2014 and December 2018 show that there were 1.4 fatalities per year, 107.2 serious injuries per year and 321.8 minor injuries per year.
5. A summary of the trends in road injuries and fatalities in the City of Yarra for the five year period between January 2014 and December 2018 is shown in Figures 2 and 3.

Figure 2 - Number of casualties by age between January 2014 and December 2018



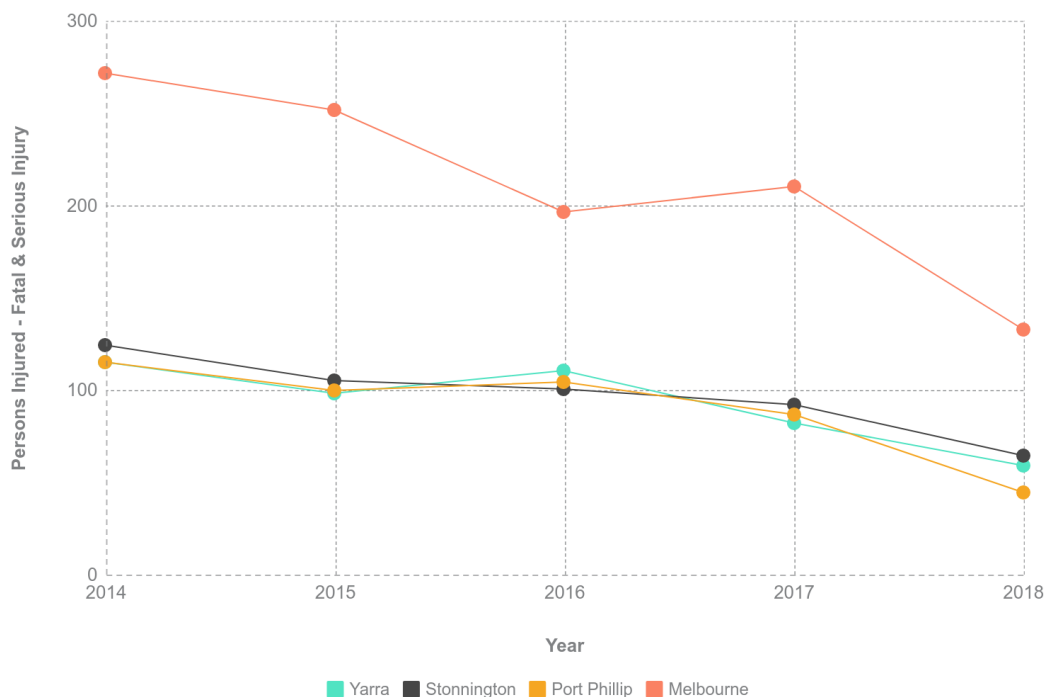
6. Figure 2 indicates that people between the ages of 30 to 39 years were involved in the highest proportion of injury crashes, with 25% of all injury crashes occurring in this age group.
7. To put this in perspective, the 2016 Census of Population and Housing shows that Yarra is a relatively young municipality, with 23.6% of the population between the ages of 30 to 39 years.

Figure 3 - Number of casualties by road user between January 2014 and December 2018



8. Figure 3 shows that vulnerable road users (pedestrians, cyclists and motorcyclists) are over-represented in incidents that result in fatalities and serious injuries. The data shows that while pedestrians are involved in 12.2% of all road incidents, they make up 57.2% of fatalities and 18% of all serious injuries. Cyclists were involved in 36.2% of all road incidents, while making up 33.9% of all serious injuries.

Figure 4 - Number of fatalities and serious injuries by Council area between January 2014 and December 2018



9. Figure 4 shows that in terms of fatalities and serious injuries over the five year period (January 2014 – December 2018), Yarra’s rate of decline is comparable to Stonnington and Port Phillip, with Melbourne dropping more rapidly but coming from a considerably higher base.
10. Since the adoption of the Safe Travel Strategy, Council has delivered a wide range of safe travel initiatives and programs, both within the Traffic Engineering Unit and across various Branches in the organisation. The progress for each action in the Strategy is provided in Attachment 1.

External Consultation

11. Council officers regularly consult with the community, neighbouring municipalities, Victoria Police and various state government bodies (such as VicRoads and TAC) in the development, implementation and evaluation of safe travel programs and projects. A number of Strategy Actions relate directly to working with State-wide, local and community partners.

Internal Consultation (One Yarra)

12. Many of the actions identified in the Strategy involve collaboration between various Council teams. The Traffic team continues to liaise with all relevant teams within Council to ensure successful and timely delivery of Strategy Actions.

Financial Implications

13. Resources for all Safe Travel Actions delivered to date have been covered within existing operating and on-going capital works budgets. In 2019/20, funding allocated to projects that will improve road safety includes specific budget allocations for Spot Safety, Pedestrian Provisions and Safety Around Schools.
14. Delivery of future Safe Travel Actions will be delivered within existing budgets and resources.

15. External funding sources will also be explored to assist in the delivery of priorities within the Safe Travel Strategy.
16. In addition to the above funding, delivery of public realm improvement projects including LAPMs, street signage, line marking, street furniture, footpath and road renewal programs and DDA projects also contribute to improving safe travel.

Economic Implications

17. There are no economic implications associated with the Yarra Safe Travel Strategy 2016 – 2026.

Sustainability Implications

18. The proposed actions in the Yarra Safe Travel Strategy 2016-2026 aim to improve safety for all people travelling in Yarra, particularly the most vulnerable road users which include pedestrians and cyclists.

Social Implications

19. There are no social issues arising from the recommendations contained in this report.

Human Rights Implications

20. There are no apparent human rights implications under the *Charter of Human Rights and Responsibilities Act 2006*.

Communications with CALD Communities Implications

21. A language advisory panel is included in all consultation material including contact details and reference numbers to access Council's interpreter service.

Council Plan, Strategy and Policy Implications

22. Safe travel activities are directly linked to various key planning documents, including the Council Plan 2017-21. A full list of these documents is provided under Action 1.1 of Attachment 1.

Legal Implications

23. There are no apparent legal issues arising from the recommendations contained in this report.

Conclusion

24. The City of Yarra Safe Travel Strategy 2016-26 was established with the long term objective of zero fatalities and serious injuries by 2026.
25. For the five year period between January 2014 and December 2018, fatal crashes are averaging 1.4 per year and serious injury incidents averaging 107.2 per year.
26. Yarra has seen lower fatalities and a significant reduction in serious injury accidents in 2018 in comparison to the yearly averages for the five year period from January 2014 and December 2018. This can be attributed, at least in part, to the delivery of a wide range of safe travel initiatives and programs through the Safe Travel Strategy.

RECOMMENDATION

That Council notes the Safe Travel Strategy 2019 Update.

CONTACT OFFICER: Matthew Veale
TITLE: Coordinator Traffic
TEL: 0438 553 394

Attachments

- 1  Attachment 1 - Safe Travel Strategy Actions Report - 2019

12.1 Notice of Rescission No. 2 of 2019 - Officers to present a report on the operation of Yarra Youth Services

Reference: D19/219141
Authoriser: Group Manager Chief Executive's Office

I, Councillor Jackie Fristacky, hereby give notice that it is my intention to move the following motion at the Ordinary Meeting of Council to be held on 3 December 2019:

“That the motion of Council as carried 26 November 2019 and stating:

‘That Council requests Officers to present a report by the first meeting cycle in May 2020, providing a comprehensive and detailed review of the operations of the Yarra Youth Services and which will include but not limited to the following:

- (a) the analysis of all existing programming currently managed by the Service;*
 - (b) a detailed statistical profile breakdown of young people engaged with the Service’s programming;*
 - (c) the capacity of operational staff with particular emphasis on their ability to engage with diverse communities;*
 - (d) a review of the Service’s senior management and organisational structure;*
 - (e) the interaction of the Service with other Council funded youth programming;*
 - (f) to highlight of any significant gaps in service delivery to key co-horts;*
 - (g) an outline of how the Service plans to interact with the new Youth Hub being established in Richmond;*
 - (h) an understanding of any opportunities which might exist to further expand programming and operations; and*
 - (i) details of interviews and consultation with young people engaged with the Service’;*
- be rescinded.”*

Rationale

1. While a General Business Motion is for the purposes of seeking a report, the motion far exceeds seeking a report, in requiring a comprehensive and detailed review of the operations of Yarra Youth Services, including on operational matters such as review of staffing, management and organisational structure and directing interviews with young people; and
2. Such a review involves the allocation of significant resources including expenditure without prior discussion with the CEO, responsible Director or Council processes, thus bypassing assessment of priorities through a budget or Council Plan process.

RECOMMENDATION

That the motion of Council as carried 26 November 2019 and stating:

1. *That Council requests Officers to present a report by the first meeting cycle in May 2020, providing a comprehensive and detailed review of the operations of the Yarra Youth Services and which will include but not limited to the following:*
 - (a) *the analysis of all existing programming currently managed by the Service;*
 - (b) *a detailed statistical profile breakdown of young people engaged with the Service's programming;*
 - (c) *the capacity of operational staff with particular emphasis on their ability to engage with diverse communities;*
 - (d) *a review of the Service's senior management and organisational structure;*
 - (e) *the interaction of the Service with other Council funded youth programming;*
 - (f) *to highlight of any significant gaps in service delivery to key co-horts;*
 - (g) *an outline of how the Service plans to interact with the new Youth Hub being established in Richmond;*
 - (h) *an understanding of any opportunities which might exist to further expand programming and operations; and*
 - (i) *details of interviews and consultation with young people engaged with the Service',*
- be rescinded.