



# Ordinary Meeting of Council Agenda

**to be held on Tuesday 18 August 2020 at 7.00pm  
via TEAMS**

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In order to ensure the health and safety of Councillors, staff and the community, Council meetings held during the Victorian State of Emergency are closed to the public. This is in accordance with advice provided by the State Government.

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## **Making a submission**

If you have participated in consultation about a matter before this meeting, you do not need to submit your feedback again. However, if you would like to ask a question about something that is not on the agenda, or make a brief submission about something that is listed, you can join the meeting online using the Microsoft Teams platform.

To register for the meeting and receive instructions on how to participate, please register by following the link to this meeting from [www.yarracity.vic.gov.au/meetings](http://www.yarracity.vic.gov.au/meetings). Your registration must be lodged by 10.00am on the day of the meeting.

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

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

## 4. Confidential business reports

### Item

#### 4.1 Collingwood Town Hall Precinct Development

*This item is to be considered in closed session to allow consideration of private commercial information, being information provided by a business, commercial or financial undertaking that relates to trade secrets or if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.*

*These grounds are applicable because the report contains information about commercial land values and development yields provided on a commercial in confidence basis.*

#### 4.2 Contract C1530 – Contract for Legal Services

*This item is to be considered in closed session to allow consideration of private commercial information, being information provided by a business, commercial or financial undertaking that relates to trade secrets or if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.*

*These grounds are applicable because the report contains information submitted on a commercial in confidence basis by private businesses as part of a competitive procurement process.*

## **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 66(2)(a) of the Local Government Act 2020. 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 66(2)(a) of the Local Government Act 2020, to allow consideration of confidential information.

## **5. Confirmation of minutes**

### **RECOMMENDATION**

That the minutes of the Ordinary Council Meeting held on Tuesday 4 August 2020 be confirmed.

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

## **7. Public question time**

Yarra City Council welcomes questions from members of the community.

### Public question time procedure

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

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

### Public submissions procedure

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.

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

## **8. Delegate's reports**

## **9. General business**

## **10. Questions without notice**

## 11. Council business reports

Item		Page	Rec. Page	Report Presenter
11.1	Trenerry Crescent – Consultation Results	7	25	Bruce Phillips – Director Planning and Place Making
11.2	Yarra Homelessness Strategy	26	30	Malcolm McCall – Manager Social Strategy and Community Development
11.3	Yarra Black Lives Matters Movement - Public Art Civic Signage Opportunities	31	36	Andrea Travers – Manager Organisational Culture, Capability and Diversity
11.4	Supplementary Report for PLN19/0570 - 81-89 Rupert Street Collingwood	37	40	Mary Osman – Manager Statutory Planning John Theodosakis – Principal Planner
11.5	Planning Scheme Amendment C377melb – Ikon Park Redevelopment	53	61	Fiona van der Hoven – Assistant Manager City Strategy
11.6	Governance Rules	62	65	Rhys Thomas - Senior Governance Advisor
11.7	Instruments of Delegation	67	71	Rhys Thomas, Senior Governance Advisor
11.8	Transparency and Good Governance Policies	74	78	Rhys Thomas, Senior Governance Advisor

## 12. Notices of motion

Item		Page	Rec. Page	Report Presenter
12.1	Notice of Motion No.9 of 2020 - Push Notification System for Yarra	79	80	Bridgid O'Brien – Councillor
12.2	Notice of Motion No.10 of 2020 - Keep the Rate	81	82	James Searle – Councillor
12.3	Notice of Motion No.11 of 2020 - Richmond Estate Car Park Safety	83	83	James Searle – Councillor

## 13. Urgent business

Nil

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**11.1 Treerry Crescent – Consultation Results**

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**Executive Summary****Purpose**

For Council to consider a report which provides a summary of the community submissions received in relation to the community consultation phase of possible trial road closures (3 months) regarding Treerry Crescent under the Eastern Freeway.

This report is to enable the Council to make a determination on the 3 options presented to the community.

**Key Issues**

The report provides an outline of the request by Council for officer proposals for possible improvements to pedestrian and cycling areas across the municipality, in response to some changed 'access and movement' needs of the broad community due to the COVID situation both currently and in the near future.

One of the options presented to Council for consideration on 23 June related to Treerry Crescent and a possible 3 month trial closure (in full or part) in order to create further space for cyclists and pedestrians under the freeway bridge.

The report outlines the Council resolutions in May and June this year requiring the officer report and provides the community responses to the possible 3 month trial closure options of Treerry Crescent following the consultation period.

An Information Sheet to the local communities of Clifton Hill and most of Abbotsford was distributed to 4,700 premises inviting people to access the Council survey on *Your Say Yarra* website. Information signs were also installed at various locations along Treerry Crescent near Dight's Falls and at the junctions of the Main Yarra Trail.

A very large number of community members accessed the Council survey (some 2,805) and also submitted many hundreds of on line and email contributions. The full submissions are provided in the attachments to the report, as well as a summary of what are considered the key themes of the submissions made by the community.

The vast majority of persons who completed the survey, or wrote to Council, do not wish to have Treerry Crescent closed in any way. Some persons do express support for the closure trials and an evaluation, and some others seek traffic management measures to improve community safety and amenity.

Officers now provide a report (post the consultation phase) to enable Council to make a decision regarding the 3 options presented to the community.

**Financial Implications**

There would be some expenses for temporary arrangements of any road closures (3 month period) if they were to occur. The cost of delivering a full closure is estimated to be \$18,000. A partial closure would be slightly more costly (in the range of \$ 35 K to \$ 40 K). This higher cost reflects the additional traffic management infrastructure that would be required to deliver a partial road closure (further materials required whilst north bound traffic could still use the road).

**PROPOSAL**

That Council now determine the appropriate course after considering the report and submissions.

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## 11.1 Trenerry Crescent – Consultation Results

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Reference: D20/131064

Authoriser: Director Planning and Place Making

### Purpose

1. On 23 June 2020, Council resolved to undertake public consultation on a proposal to fully, or partially, close Trenerry Crescent (to vehicle movements) on a *3 month trial basis* to improve cycling and pedestrian movement under the freeway.
2. This report provides a summary of the background to these possible trial options, and the submissions received through the public consultation for consideration by Council.

### Background

#### Relevant Council resolutions

3. There are three relevant Council resolutions as context to this matter – these can be found at **Attachment One**.
4. Of particular relevance to this report is the following Council minutes:
  - (a) On 5 May 2020 Council resolved as follows:
 

*That officers bring a report to the June cycle of Council meetings outlining:*

    - (a) *identified locations in Yarra’s public spaces where physical distancing will be hard to achieve once current restrictions are lifted;*
    - (b) *measures which can be taken to increase the opportunities for physical distancing at these locations;*
    - (c) *other opportunities to simultaneously achieve Council objectives such as improving pedestrian facilities, improving bike lanes, increased street greening, increased opportunities for connectivity, increased opportunities for passive recreation whilst maintaining physical distancing; and*
    - (d) *a selection of such projects which could be implemented quickly and cost effectively by Council and a further selection of such projects proposed for any future state or federal funding opportunities as part of an economic stimulus programme.*
  - (b) On 2 June 2020 Council then resolved, in part, to request officers to:
 

*“... advocate for permissions and approvals by DoT for certain interim treatments on the strategic bike network in Yarra, for COVID-19 Emergency reasons, to protect the rapidly escalating numbers of new and young bike riders, ...”*
  - (c) On 23 June 2020 Council, amongst other subject matters in the report, resolved to consult the community on the possible *trial* options of a closure of Trenerry Crescent under the freeway. In this regard, the Council resolution, in part, says:
    - (iv) *the removal of the closure at Trenerry Crescent at this point in time until such time as consultation with the local community occurs and a report back to Council outlining submissions received;*

See **Attachment One** for the full text of the three Council resolutions.



### Context

5. These Council resolutions set the framework for the officer report to 23 June Council meeting.
6. These resolutions specifically relate to the changes that are currently occurring, and necessary, regarding community movement through the municipality due to the COVID restrictions and also anticipating that people will need to commute and travel to destinations differently than before for some time.
7. The resolutions in part, reflect that the Government restrictions, and the anxiety of the community in safe travels, is likely to continue for some time.
8. In a transport and access context, the COVID restrictions present the following key challenges to Yarra including:
  - (a) how to accommodate the physical distancing requirements for people walking in Yarra given the limited space (in certain locations) and the competing demands for road space in Yarra's historic streets;
  - (b) how to accommodate the movement of persons who would normally use public transport for commuting or access to facilities but disinclined to do so due to physical distancing and community health concerns. That is, there is currently a redistribution of people on transport modes;
  - (c) how to plan for post COVID-19 transport and road safety challenges, or opportunities, depending on whether more people opt to walk, cycle or drive to destinations. That is, will fewer people opt to use public transport for commuting to work or other reasons due to anxiety about crowded spaces; and
  - (d) how to deliver any required (or adjusted) infrastructure in a short timeframe that meets any change in travel demand within the resources available to Council at this time.
9. In this regard, the Council resolutions also provide a context for the following matters:
  - (a) there is a need to respond to the transport, movement and access needs of the community through the provision of a range of safe transport options;
  - (b) there is an opportunity to re-examine how people view and use public spaces, especially road space, given the reduced levels of traffic currently using roads in Yarra; and
  - (c) there is also an opportunity to respond to the current emergency situation by fast tracking projects particularly through the use of temporary infrastructure and a mindset of acting now and adapting over time.
10. Following these Council directives, officers then developed 8 possible demonstration trials across Yarra for the consideration of the Council where some safer cycling and further pedestrian space could be allocated.
11. The timeframes specified by Council for identifying the demonstration trials were extremely tight with the COVID situation placing a number of other practical challenges in terms of staff working remotely, and restrictions on gatherings of people amongst others.

### The basis of the officer report on 23 June

12. The 8 possible **trials** (including the Trenerry Crescent matter) put forward by officers are outlined in the officer report to 23 June, Council meeting.
13. They were put forward on the basis to seek to:
  - (a) address localised issues regarding physical distancing of persons (pedestrians and cyclists);
  - (b) make a significant contribution to longer journeys by non-car modes by addressing missing links in the bicycle and walking networks;

- (c) present an approach whereby the trial identifies outcomes, and impacts that can be measured, and worked through with the community; this approach notes that a trial, using temporary infrastructure, can be easily modified and/or removed after a certain timeframe if it is not meeting its intended goals as identified and community feedback;
- (d) present a delivery approach that can deliver infrastructure within required timeframes (in this case quite quickly) – noting that traditional methods of delivery (i.e. detailed traffic studies and extensive public consultation), result in significant cost and lengthy timescales (often years), and often still results in the need to make difficult or unpopular decisions (such as restricting traffic or removing parking) at the end of the process;

*Note: pilot and trial approaches are becoming reasonably common place in many major international cities to test propositions and also to determine if the trial provides the outcomes sought. That is, a trial can be easily adjusted and modified, or removed.*

- (e) present infrastructure options that are deliverable in a short period of time, and within current Council resources (which could provide equally effective alternatives to costly permanent measures);
- (f) present infrastructure options to *reallocate* road space that reflect the current lower levels of traffic using Yarra's local streets and main roads in COVID times and to then enable evaluation;
- (g) draw on the approach being adopted by some other international cities for the reuse of road space to create better and more inclusive transport networks based on the principles of:
  - (i) responding to community health requirements such as physical distancing;
  - (ii) providing safe travel options for persons who don't own a car and rely on cycling in a COVID restricted time;
  - (iii) acting now and adapting over time as need be, and
  - (iv) helping the local economy.

These advocate a mindset of *giving things a go*, and if it doesn't work out, learn and move on from any actual or perceived setback.

(NB. these are advocated in national and international COVID-19 street planning guidelines ([Tactical Urbanism Response to COVID-19, AustRoads, July 2020](#) and [Streets for Pandemic Recovery, National Association of City Transportation Officials, May 2020](#)); and

- (h) present infrastructure options that strongly align with Council strategies and policies particularly in the area of transport, road safety and community wellbeing.
14. It is recognised that any changes to road space does create consequential impacts / changes. The roadways (kerb to kerb) are limited in width and footpaths are also defined by the kerb and property boundaries. Any changes to the allocation of the road space often removes other aspects of road usage (such as carparking or a vehicle carriageway, or limits other opportunities in the road way).
  15. The 2 possible closure options presented regarding Trenerry Crescent also fall into this situation – a full road closure would stop vehicle travel during the duration of the trial and a partial closure would be reallocating that space for a different form of movement (such as cycling or walking).
  16. It was made clear in the officer report on 23 June that any trials requiring road closure (even if temporary), would require Department of Transport (DoT) approval, and possibly Ministerial approval.
  17. Council officers worked closely with counterparts at Department of Transport (DoT) in the lead up to the 23 June 2020 Council meeting to discuss the type of projects that were being considered and the level of additional work that may be required to obtain approvals (subject to Council endorsement of the trials).

18. The suggested approach put forward by officers on 23 June, was to engage and work with the community *during operational trials*, - which is consistent with a trial based engagement methodology (being used in many leading cities around the world).
19. This approach is also consistent with directions in Council's recently adopted Climate Emergency Plan which highlights some new approaches to delivering transport projects, such as *pilots and trials*, to enable more innovative and time and cost-effective ways of implementing projects.

Council resolution on 23 June

20. In summary, Council at that 23 June meeting, resolved to proceed with modifications to some road spaces, in various parts of the municipality, to improve the cycling options for community members in this COVID environment.
21. That is, to provide safer cycling as an alternative to say public transport for commuting or movement through Yarra, as well as creating improved spaces for physical distancing for walking.
22. These modifications related to the following items, seeking to provide some safer cycling spaces from the north eastern part of the municipality towards the city:
  - (a) install a trial to reallocate road space at the intersection of Johnston Street and Wellington Street, Abbotsford, to provide more space for pedestrian and cyclists;
  - (b) install a centre median on Nicholson Street to prevent vehicle movements crossing Nicholson Street between Mollison Street and Langridge Street, Abbotsford, to provide safer pedestrian and cycling movements;
  - (c) install a contraflow bicycle lane on Park Street, North Fitzroy (east of Nicholson Street), to provide additional cycling capacity to the nearby busy Capital City Trail;
  - (d) install a bike lane on Park Street, North Carlton (west of Nicholson Street), to also provide additional cycling capacity next to the Capital City Trail;
  - (e) continue to install the trial separated bicycles lanes on Elizabeth Street, Richmond as previously determined in December 2019; and
  - (f) install a trial to replace the left turn traffic lanes at the intersections of Gipps Street and Hoddle Street, Abbotsford, with cycle only lanes.
23. Further, Council also resolved to not proceed with some officer suggestions of suggested trials to close Wellington Street (between Alexandra Parade and Johnston Street) and Coppin Street at the intersection with Bridge Road on a trial basis, and replace that with the trialing of replacing left turn traffic lanes with cycle only lanes at the intersections.
24. **Council also resolved at that meeting to undertake community consultation on a proposal to possibly close Trenerry Crescent, on a 3 month trial basis.**  
*(Note: bold added for emphasis for the subject matter of this report).*
25. Collectively, the above possible changes have some regional linkage advantages for the safety of cyclists from the area north of the Freeway underpass toward the central city.
26. It is further noted that had Council approved the proposed 3 month trial closures of Trenerry Crescent, Wellington Street and Coppin Street at the meeting of the 23 June 2020, the next steps would have been:
  - (a) to seek formal approval from DoT and the relevant Minister for road closure (and prepare any additional work required to obtain approval, or abandon the proposal if approval was not forthcoming);
  - (b) then undertake the trial (using temporary infrastructure), and work concurrently with the community to obtain feedback and assess the trial as set out in the 23 June 2020 Council report, and

- (c) monitor the trial outcomes to inform whether the trial was meeting the intent, needing any adjustments, or remove the trial.

27. In relation to Trenerry Crescent, following the Council resolution, the community consultation phase was then set up - information about the possible trial (3 options) was placed on the Council website and notifications to the local community then prepared - see Council website link <https://yoursayyarra.com.au/makingspace>

Why the options presented regarding Trenerry Crescent ?

28. As part of responding to the Council directive for an officers report, an assessment undertaken by officers had identified Trenerry Crescent under the Eastern Freeway as a recommended location for possible modification as a trial – this basis of this was as follows:
- (a) cycle facilities on Trenerry Crescent under the freeway are tight with minimal passing distance between vehicles and cyclists (very narrow in places);
  - (b) it has been regularly reported to Council that this situation is a deterrent for some cyclists to use this route. It is acknowledged that some cyclists consider the existing arrangement to be satisfactory – however, officers consider that it is the less able cyclists that need to be catered for to improve safety and encourage a growth in cycling for both local and longer journeys;
  - (c) the footpath on Trenerry Crescent has an effective width of under 1.4 metres, meaning that it is not possible for pedestrians to physically distance on this key connecting footpath (noting that this may also be an issue for persons with a wheelchair or pram);
  - (d) It is also noted that it has the rear of the metal crash barriers facing the footpath area which present as a hazard for cyclists that do use the footpath;
  - (e) Trenerry Crescent forms part of an overall strategic bicycle link (a 'desire line') between Heidelberg Road and Richmond / CBD. The section of Trenerry Crescent under the freeway is considered by officers, and some community members, to be a missing link as it is below standard in terms of perceived safety and amenity to act as a functional strategic cycling corridor suitable for all types of cyclists - this is likely to result in suppressed cycling demand in this area than if it were much safer);
  - (f) the overpass footbridge over the Eastern Freeway is steep and is not DDA compliant. While the footbridge is used by some pedestrians and cyclists, officers, and some members of the community, consider it to be a poor and inadequate option as a shared pedestrian and cyclist facility;
  - (g) the footpaths on both sides of the creek under the Eastern Freeway form part of the Capital City and Merri Creek Trails. These are popular and well used trails every day of the week; and
  - (h) the Capital City Trail shared footpath / cycle path on the east side of the creek is also narrow.

*Note: Information on the website <https://yoursayyarra.com.au/makingspace/trenerry>*

Why a possible road closure as a trial ?

29. Over many years there has been some concerns in the community regarding the traffic volumes through the neighbourhoods via Trenerry Crescent. Officers have also explored options to provide safer non-car options both within and between Clifton Hill and Abbotsford.
30. The previous work has included a detailed Local Area Traffic Management (LATM) Study undertaken in Clifton Hill and Abbotsford (to the north of Johnston Street) in 2012/13, and a more recent Local Area Place Making (LAPM) Study in Abbotsford (to the south of Johnston Street) in 2018/19.
31. Officers have also explored traffic calming as a deterrent to high vehicle use on the local streets; (traffic calming has been shown to slow vehicles but not the extent that it deters vehicles passing through the neighbourhood), and regulatory turn bans are also ineffective as they require ongoing police enforcement.

The limited space available for active transport under the Freeway

32. As said, the footpath is quite narrow alongside the crash barrier on the eastern side of Trenerry Crescent.
33. Cyclists often use the footpath to navigate the area under the Freeway due to the lack of separation on the road from cars.
34. This creates a difficulty, at times, for both pedestrians and cyclists in their safe movement in this space.
35. It is not possible to readably widen the footpath as it forms part of the bridge structure and the road reserve (that is, the carriageway and footpaths).
36. In this regard, the space is too narrow to accommodate wider areas for pedestrians and cyclists without the loss of a traffic lane.
37. One option that has been identified by officers is therefore to consider how the current road space could be reallocated – and a trial is one way of testing that approach with minimal resources required. In this way, a temporary arrangement can be trialled and ‘adapted and adjusted’ as need be to see what might work, or what is the better approach in how to solve the issue.

Rationale for the south bound lane closure in the partial trial option

38. The rationale for the closure of the south bound carriageway side of the road is so that it could be used for safer cycling between the connections to the bike trails at the Merri Creek entrance and the Dight Falls entrance (those entrances being on the eastern side of Trenerry Crescent abutting the south bound lane).
39. The diagram below illustrates this.



**Figure 1**

*High level concept plan of a partial closure option of Trenerry Crescent between entrance to Dights Falls and Gray Street (Image sourced from Nearmap - City of Yarra licence).*

40. A road closure using temporary road infrastructure could be delivered in a quick timeframe through the use of paint, bollards and plastic separators for instance, and modified, or removed easily if the trial identified any safety issues, or did not deliver on the intended outcomes.
41. Further, the development of a possible road closure proposal also identified that the road closure could potentially also address other localised safety issues reported by the local community. These include:
  - (a) the high number of conflicting vehicle turning movements at the intersection of Trenerry / Gray / Noone Streets – this is a reported issue for pedestrian and vehicle safety. This would be resolved through a road closure through the removal of one arm of the intersection (i.e. Trenerry Crescent);
  - (b) the high number of conflicting vehicle movements at Gray Street / Roseneath Street and Trenerry Crescent / Johnston Street. The number of conflicting vehicle movements would also be reduced with a road closure in place;

- (c) the tight bend on Trenergy Crescent where there is limited space to cater for all users including cars, pedestrians and cyclists, and
  - (d) the narrowness of the footpath.
42. It is noted that these issues would be attended through the full closure approach of Trenergy Crescent – with the redistribution of the space for cyclists and pedestrians in a temporary arrangement.
43. A partial closure addresses some, but not all of those issues, as the intention of any partial closure would be to provide some additional space for pedestrian and cyclists between the trails.
44. In summary, a partial closure, with the south bound lane closed to vehicles, would enable:
- (a) the eastern side of the roadway to be used for cyclists to cycle in both directions on that part of the road pavement, and hence, leave the footpath for pedestrians only, and / or
  - (b) provide further space for pedestrians (depending on the temporary designs).

Note: The actual configuration, via a trial, could be tested in some different ways to determine what works best for the objective of making cycling safer and also the physical distancing of pedestrians – this is the benefit of an *adapt and adjust* aspect of a trial.

#### Impacts of any road closure trial

45. It was acknowledged in the officer report to Council on 23 June 2020 that:
- (a) a 3 month trial closure would create some impact on community members as it would result in longer trips by cars particularly for short journeys, and that some members of the community may be less comfortable (or not wanting to) drive on main roads (with a longer journey time);
  - (b) that these impacts would result in expressed concerns by some community members; and
  - (c) there would also likely to be local opposition from some members of the community to the trial. NB: it is noted that this normally does occur for many types of traffic and transport initiatives that require changes to pre-existing conditions, not just road closures.
46. In the report, officers acknowledged the impacts on the local community, but considered the *3 month trial* worthy of consideration by Council (in the context of the Council resolutions) on the basis that:
- (a) the trial would directly respond to the broad community health concerns (i.e. enabling increased physical distancing) and provide improved walking area for the less mobile members of the community and safer cycling access;
  - (b) the partial trial option would not prevent car use – that is, people would still be able to drive in a northerly direction; noting that it would, however, require people to plan their journeys differently when travelling to the south from Clifton Hill;
  - (c) the trial options do not result in a loss of parking (which is often a key obstacle to improving pedestrian and cycling facilities);
  - (d) it was also acknowledged that vehicle use during COVID-19 is between 35-60% lower on local streets, and 50% lower on Johnston Street, in comparison to pre COVID-19 traffic conditions; and
  - (e) no one knows the full extent, or benefits, or issues, of a trial outcome unless it is undertaken. If it works well then that would be a useful outcome – if it doesn't work, then the pre-trial conditions can easily be reinstalled.



## External Consultation

47. Following the Council resolution on Tuesday 23 June 2020, community engagement on a possible trial closure of Trenerry Crescent in Clifton Hill was undertaken between Friday 17 July and Sunday 2 August 2020.
48. The engagement included an online survey (hosted on the *Your Say Yarra* website) that aimed to gauge community sentiment on the 3 options.
49. It is noted that in order to deliver a quick response to Council's resolution from the 23 June meeting, the consultation period was simplified to run for two weeks, compared to Yarra's usual timeframes of at least four weeks. This also ensured that reporting deadlines could be met for the final Council Meetings before Yarra Council enters the required caretaker period for the 2020 elections.

### Circulation of Information Sheet

50. To inform the community of the opportunity to participate in this consultation, an *Information Sheet* was delivered to 4,700 residents and businesses in the areas surrounding Trenerry Crescent on Friday 17 July 2020 inviting people to access the Council website and to participate in the survey.
51. The flyer was distributed to all properties in the area bound by Hoddle Street, Heidelberg Road, Yarra Bend Park and Mollison and Langridge Streets.
52. Information signs were also installed at various locations along Trenerry Crescent, near Dights Falls and at junctions of the Main Yarra Trail to encourage participation in the consultation.
53. The engagement was also promoted via direct emails to key stakeholders (including relevant community groups, nearby schools and businesses), social media (Facebook, Twitter and Instagram) and the Yarra Life e-newsletter.

### Your Say Yarra Survey

54. Survey participants were asked to consider the following options in order of preference:
  - (a) *Option A – No closure of Trenerry Crescent;*
  - (b) *Option B – **Three-month trial** of a full road closure (both northbound and southbound) of Trenerry Crescent, between the entrance to Dights Falls and Gray Street; and*
  - (c) *Option C – **Three-month trial** of a half-road closure of Trenerry Crescent, between the entrance to Dights Falls and Grey Street. Only the southbound lane would be closed to vehicle traffic (see Figure 2 below for a high level concept plan of this trial).*
55. Survey participants were also invited to provide additional comments on the *Your Say Yarra* website to elaborate on their responses. Many were received – see below.
56. Survey participants were required to provide their postcode so that officers could assess the survey results by location. It is noted that the *Your Say Yarra* survey was open to everyone, as both locals and other people use the street on a regular basis.
57. The survey was intended as a quick and easy preliminary check of community sentiment. The drag and drop preference ranking tool was chosen as a simple and accessible method to gauge the general level of support or otherwise for this project.
58. In the case of this survey, the stated first preferences (and accompanying comments) provided a clear picture of the community's opinion on the three options (see below).

### Survey Results

59. The engagement attracted a significant amount of interest, with 2,805 responses received to the online survey.
60. Between Friday 17 July and Sunday 2 August 2020, the Trenerry Crescent *Your Say Yarra* page received 6,854 visits, with 5,271 unique visitors.



61. While responses were received from residents from across Yarra, the majority – 76.7% (2,151 respondents) – came from both Abbotsford (postcode 3067) and Clifton Hill (postcode 3068). This demonstrates a high level of local interest in the proposal.
62. 350 responses came from other postcodes in Yarra, and 304 responses from outside of Yarra.
63. The full results of the online survey are presented in Table 1. The results indicate the number and percentage of the first preference responses of survey participants (i.e. Option A, B, C).

**Table 1: Your Say Yarra Results (full dataset) – 1<sup>st</sup> preference**

	No.	Option A Keep Open		Option B Full Closure		Option C Partial Closure	
		No.	%	No.	%	No.	%
Total	2805	1865	66.5%	702	25.0%	238	8.5%
Clifton Hill and Abbotsford Postcodes	2151	1557	72.4%	428	19.9%	166	7.7%
Other Yarra Postcodes	350	166	47.4%	151	43.2%	33	9.4%
Outside Yarra Postcodes	304	142	47%	123	40%	39	13%

64. The following observations are made from Table 1:
  - (a) approximately two thirds (or 66%) of respondents want Trenerry Crescent to remain open;
  - (b) for Clifton Hill and Abbotsford respondents the number is higher with approximately 72% wanting Trenerry Crescent to remain open;
  - (c) 25% of all respondents stated their first preference is a full closure of Trenerry Crescent; and
  - (d) for Clifton Hill and Abbotsford respondents the number is lower with approximately 20% wanting Trenerry Crescent to be fully closed.
65. The preference for a partial closure is below 10% both overall and for Clifton Hill and Abbotsford residents.  
*Note: the level and pattern of support (or non-support) for the Trenerry Crescent road closure, as identified by this survey, is similar to other surveys undertaken by Council on proposed road closures elsewhere.*
66. Some written submissions raised concerns that some respondents would try to provide multiple online submissions to the Council survey.
67. To reassure Council and survey respondents that this is unlikely to impact on the results, or the message provided to Council, further analysis has been undertaken.

Analysis accounting for duplicate IP addresses

68. Analysis of the IP addresses showed a number were used more than once to submit preferences, this accounted for approximately 600 out of a total 2,805.
69. The project team understands there could be legitimate reasons for this. These reasons could include only one computer being available in a household used by numerous members of the household.
70. The project team cleansed the results to remove additional or duplicate contributions where an IP address has been used more than once.
71. The cleansed results made no difference to the outcome of the survey and only changed the “keep open” result by less than 4% and “full closure” result by less than 3%.
72. The results including the multiple IP address contributions showed:

- (a) 1,865 (66.5%) in favour of keeping Trenerry Crescent open;
- (b) 702 (25%) in favour of full closure; and
- (c) 238 (8.5%) in favour of partial closure.

73. The cleansed results are shown in the following table:

**Table 2 - Your Say Yarra Results (duplicate IP Addresses removed) – 1<sup>st</sup> preference**

	Option A Keep Open			Option B Full Closure		Option C Partial Closure	
	No.	No.	%	No.	%	No.	%
Total	2212	1384	62.6%	618	27.9%	210	9.5%
3067 and 3068 Postcodes	1601	1109	69.3%	353	22.0%	139	8.7%
Other Yarra Postcodes	329	153	46.5%	145	44.1%	31	9.4%

Written submissions from the community

74. Of the total survey responses received, 1,752 (62.4%) also provided qualitative comments. The comments are provided in **Attachment Two**.
75. Further, some 200 individual emails have also been received by Council and recorded in a register – these are shown verbatim in **Attachment Three** (no name or address shown for privacy reasons).
76. In essence, comments from community members in support of the street remaining open generally are as follows:
- (a) the street is used on a regular basis, closing it would result in much longer travel times (by car), particularly as the main roads (i.e. Hoddle Street and Johnston Street) are congested, or it is less safe to access to and from these main roads;
  - (b) pedestrian and cyclist improvements are supported, but not at the expense of driving between Clifton Hill and Abbotsford;
  - (c) the street provides an important local connection for driving between Clifton Hill and Abbotsford and to maintain connections between the communities and local facilities;
  - (d) it is not clear why Council is proposing a full or partial closure, and it is not clear why it is needed at this location; and
  - (e) walking and cycling on Trenerry Crescent is considered acceptable as it is.
77. Comments in support of a full or partial road closure generally fall into the following categories:
- (a) Trenerry Crescent is unsafe, or can be further improved for pedestrians and cyclists, particularly cyclists of lower abilities;
  - (b) road spaces needs to be modified / reallocated given current traffic and transport conditions; and
  - (c) traffic volumes are too high.
78. Councillors are referred to **Attachments Two and Three** for the full written submissions.
79. To further assist Councillors, **Attachment Four and Five** have also been provided - which is an officer summary of what are considered to be the key themes that are expressed in the numerous submissions by the local community.

80. Further, in response to a request, a listening session was held on Friday 31 July with 8 community members and the Yarra Council CEO and senior YCC staff so that some various opinions of the local community could be heard. The comments received reaffirmed the comments that have been received in the written material provided to Council.

Option analysis - overview

81. Option 1 is no closure and therefore a status quo situation.
82. It could be said that Option 2 and 3 have some pro's and con's. Some high level summaries of the disadvantages and benefits of the closure options could be said to be:

**Full closure 3 month trial**

Key Disadvantages	Key Benefits
<ul style="list-style-type: none"> <li>• Removes all local motorised vehicles movement travelling between Clifton Hill and Abbotsford</li> <li>• Local community members would need to access main roads to travel out of the neighbourhood to the abutting neighbourhood (inconvenience and also adding to traffic at those intersections)</li> <li>• Further travel for those who rely on car movement to visit facilities or family / friends in the other neighbourhood (Clifton Hill or Abbotsford)</li> </ul>	<ul style="list-style-type: none"> <li>• Provides full space for redistributing the current road pavement for cyclists and pedestrians - in both directions (to trial and adapt and adjust as need be)</li> <li>• Enables safer cycling under the Eastern Freeway separated from cars</li> <li>• Would likely free up narrow footpath from bike passage – making it safer for pedestrians (i.e. less conflict with bikes on the footpath)</li> <li>• Removes the rat running of traffic between north and south and consequential traffic volumes</li> <li>• Modifies the intersection at Gray / Noone and Trenerry Crescent by removing one leg of the intersection for improved safety reasons</li> </ul>

NB. This list is not intended to be exhaustive – but a high level overview.

**Partial closure 3 month trial**

Key Disadvantages	Key Benefits
<ul style="list-style-type: none"> <li>• Removes local motorised vehicles movement travelling between Clifton Hill and Abbotsford (i.e. south bound)</li> <li>• Clifton Hill community members would need to access main roads to travel out of the neighbourhood to Abbotsford (inconvenience and also adding to traffic at those intersections)</li> <li>• Further travel for Clifton Hill community members who rely on car movement to visit facilities or family / friends in Abbotsford</li> </ul>	<ul style="list-style-type: none"> <li>• Provides one carriageway width of space for cyclists and pedestrians - in both directions (to trial and adapt and adjust as need be)</li> <li>• Enables safer cycling under the Eastern Freeway separated from cars (both directions)</li> <li>• Would likely free up the narrow footpath from bike passage – making it safer for pedestrians (i.e. less conflict with bikes on the footpath)</li> <li>• Would reduce some traffic flow through the Clifton Hill and Abbotsford neighbourhoods and consequential traffic volumes. That is, less traffic on Trenerry Crescent travelling south from the freeway underpass</li> </ul>

	<ul style="list-style-type: none"> <li>• Modifies the intersection at Gray / Noone and Trenerry Crescent by removing one leg of the intersection for improved safety reasons</li> </ul>
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NB. This list is not intended to be exhaustive – but a high level overview of the pro’s and con’s of a partial 3 month closure with the southern lane closed.

**Internal Consultation (One Yarra)**

83. The public consultation preparation, delivery and review has involved Council’s City Works, Community and Engagement, Strategic Transport and Infrastructure, Traffic and Civil Engineering teams and the Communication team.

**Financial Implications**

84. Should Council resolve to proceed with a 3-month trial closure of Trenerry Crescent:

- (a) the cost of delivering a *full closure* is estimated to be \$18,000; and
- (b) the cost of delivering a *partial road closure* is estimated to be in the range of \$ 35 K to \$ 40 K. This higher cost reflects the additional traffic management infrastructure that would be required to deliver a partial road closure.

**Economic Implications**

85. There are no known community economic implications should Council resolve to proceed with any of the trial closures, or keep the street open.

**Sustainability Implications**

86. Any trial closure of Trenerry Crescent has the potential to make a contribution towards providing safer non-car travel options, both at a local and a strategic / area wide context, having regard to the desire line for many cyclists to travel from the north east of the area towards inner city areas and towards other bike lanes (some separated lanes).

**Climate Emergency Implications**

87. The delivery of sustainable transport options aligns closely with Climate Emergency objectives for Council.

88. Council’s *Climate Emergency Plan* contains the following messages:

- (a) *Due to COVID-19 related changes to community transport needs, Council will implement short term measures to provide additional bike lanes and improve cycling safety through creating increased spaces for cyclists in roadways; and then evaluate if they are effective, with a view to making them more permanent;*
- (b) *Highlight new approaches to delivering transport projects, such as pilots and trials, to enable more innovative and time and cost-effective ways of implementing projects; and*
- (c) *Council will work with partners to deliver further separated bike lane projects, applying an iterative trial approach.*

89. Yarra’s *Climate Emergency Plan* also includes a target to achieve zero-net emissions across the entire Yarra community by 2030, through improving safety of bicycle infrastructure and in turn increasing the uptake of active transport.

**Social Implications**

90. The community has expressed strong views on the closure of Trenerry Crescent - see attachments with comments and the *Your Say Yarra* survey.

91. The majority of comments oppose a full closure and most also oppose a partial closure. There are some comments that support the closure (either in full or part as a trial).

92. Council needs to have particular regard to these views, but also consider the sustainability and COVID related movement issues that have arisen, and likely to continue for some months, through community anxiety about using public transport for commuting or moving between localities.
93. Some community members have also raised safety matters regarding access for emergency vehicles and any issues arising due to limited access under the freeway to maintain connections between the Clifton Hill and the Abbottsford communities.

### **Human Rights Implications**

94. There are no known specific human rights implications associated with the consideration of this report.

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

95. Should Council resolve to proceed with a trial closure, any future correspondence and communication would be undertaken in line with Council's CALD communications protocols.

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

96. Council has many strategies and policies relating to a broad range of subject matters. Council often must seek a balance between a number of strategy intents and that is also the case in this matter.
97. Any trial closure of Trenerry Crescent for 3 months would broadly align with many Council strategies and policies particularly in the area of transport and road safety.
98. The wellbeing of the community, and their perceived safety, are also matters that the Council need to have regard to in its assessment and judgment on any trial closures of Trenerry Crescent. The community comments are part of that information for the judgement of Council.

### **Other Issues**

99. It is useful to outline what the steps would be if the Council determined to pursue one of the trial closure options.

#### **Steps should Council resolve to proceed with a trial closure**

100. The delivery of a trial closure (in any decided form) would require the following steps:
  - (a) seek Department of Transport (DoT) and Ministerial approval. If this is not provided, then the proposed trial cannot go ahead;
  - (b) if approval is provided by DoT, then inform the community in advance of the trial (via various communication techniques), and how the community can work with Council officers on the trial (regarding adjustments and the like), including regular updates on the progress of the trial;
  - (c) implement the trial using temporary infrastructure;
  - (d) officers to immediately review the trial if there is a reported safety issue;
  - (e) officers to monitor the trial on regular basis, adjust as necessary, and collect relevant data and community feedback to inform any future decisions; and
  - (f) officers to report to Council at the end of any 3 month trial providing details of:
    - (i) community feedback;
    - (ii) data collection; and
    - (iii) other officer observations.

### **Legal Implications**

101. There are not considered to be any particular legal implications associated with any trial closure of Trenerry Crescent, other than the further decision of the Minister for Roads as a prerequisite of any trial closure.

102. Council does has a legal right to propose to close local roads under its control on a temporary or full time basis, subject to various approvals from the State Government.
103. It is important to note that should Council resolve to implement a trial closure, Council would still require the formal approval from DoT and at a Ministerial level. That is, without that explicit approval from DoT, no trial could take place even if that was the Council considered decision.
104. Council has consulted the community broadly in the abutting neighbourhoods on the possible trials, and this would also form an important part of the State's consideration regarding the formal decision.
105. The DoT would consider the sentiments of the community as obtained from the Council survey and submissions received. The State would also consider the matter of emergency vehicles accessing the areas as need be.
106. As part of further liaison with DoT, the design would be evaluated to ensure that the needs of emergency vehicles are met, noting that this is a key concern reported as part of the community engagement.
107. It is noted from conversations with emergency services, that the preference of emergency services is to use arterial roads over local roads. Any trial closure would use temporary infrastructure that can be designed to accommodate emergency vehicles, in line with any considerations put forward by each emergency service.

### Options

108. There has been a great deal of engagement in this matter by the community.
109. The officer report provides some information for the Council to consider as well as the community comments received.
110. The intent of the recent Council resolutions was seeking to find means of providing safer cycling spaces in the municipality due to the changed movement needs of the broader community in the current restrictions, and also to enhance spaces for physical distancing for walkers.
111. The provision of further space for cyclists and walkers under the Freeway is one option that was provided for consideration.
112. In that regard, there is a basis for Council to consider it further as a trial should it wish to do so. It is nevertheless, a matter for the Council to determine having regard to the very strong community expression of opposition.
113. As said, any trial would be monitored, adjusted as appropriate and also evaluated and reported back to the Council.

#### Option A – Keep Trenerry Crescent Open (i.e. do no changes to the current arrangement)

114. Under Option A, there would be no trial at all and Trenerry Crescent would remain as it is in the existing conditions.
115. It is noted that 66% of all survey respondents, and 72% of Clifton Hill and Abbotsford residents who responded to the survey, stated that this is their preferred option.
116. As noted in the report, there would remain limited options to facilitate improved arrangements for active transport modes (walking and cycling) between Clifton Hill and Abbotsford via Trenerry Crescent or the Eastern Freeway overpass. This would also see pedestrians and some cyclists continuing to comingle on the narrow footpath.
117. There is also no alternative *short-term* solution to improve cycling connections between Clifton Hill and Abbotsford under the freeway within Council resources.
118. Under Option A, those people who want to walk and cycle between Clifton Hill and Abbotsford, and are concerned about safety or physical distancing, would need to explore alternative options or not proceed with that movement.

119. Officers would need to respond to reported safety issues and determine whether there are any short term fixes. However, any larger scale responses would need to be deferred and explored through the Local Traffic Management process and / or via externally funded programs where applicable.

Option B – Undertake 3-month full closure trial of Trenerry Crescent

120. Under Option B the trial for 3 months would proceed (subject to DoT and Ministerial approvals) and if granted approval, Trenerry Crescent would be closed for all vehicles for a 3-month period as a trial and monitored and evaluated.
121. It is noted that only 20-25% of respondents support a full closure of Trenerry Crescent.
122. It is clear from the community consultation that people value the convenience of using Trenerry Crescent to drive between Clifton Hill and Abbotsford and other locations, which is a reasonable and understandable point of view.
123. Under Option B, Council officers would:
- (a) close out any formal approvals required from DoT and advise Council and the community if the trial is not subsequently supported by DoT;
  - (b) if approval is provided by DOT, then inform the community of the upcoming trial and advise why Council is taking this approach and how the community can provide feedback into the trial process;
  - (c) deliver the trial using temporary infrastructure and monitor closely on an ongoing basis;
  - (d) undertake to review the trial:
    - (i) immediately, if there is an identified safety issue;
    - (ii) during the trial as need be, and
    - (iii) after the 3 month trial period; and
  - (e) then, report back to Council on the outcomes of the trial following the 3-month trial period.

Option C – undertake 3-month partial closure trial of Trenerry Crescent (south bound lane closed to vehicles)

124. Under Option C (subject to DoT and ministerial approvals) the trial would proceed and Trenerry Crescent would be *closed to southbound vehicles* for a 3 month period (the closure of the southbound lane because it abuts the bike trail openings to Merri Creek Trail leading to Ramsden Oval and also to the entrance to Dight Falls and access trails).
125. It is noted that under 10% of respondents support a partial closure of Trenerry Crescent of this nature. In this regard, it is clear from the community consultation that people value the convenience of using Trenerry Crescent to drive between Clifton Hill and Abbotsford and other locations.
126. The trial of a partial road closure would help address physical distancing issues on the footpath on Trenerry Crescent and would improve cycle connectivity at a local and strategic level through improved space for cycling by using the road space of the southern carriageway lane.
127. Under Option C, Council officers would:
- (a) close out any formal approvals required from DoT and advise Council and the community if the trial is not subsequently supported by DoT;
  - (b) if approval is provided by DOT, then inform the community of the upcoming trial and advise why Council is taking this approach and how the community can provide feedback into the trial process;
  - (c) deliver the trial using temporary infrastructure and monitor closely on an ongoing basis;
  - (d) undertake to review the trial:

- (i) immediately if there is an identified safety issue;
  - (ii) during the trial as need be, and
  - (iii) after the 3 month trial period; and
- (e) then, report back to Council on the outcomes of the trial following the 3-month trial period.

## Conclusion

128. Council on 5 May this year, sought officers input into consideration of possible changes in some roadway spaces around the municipality where safer cycling facilities could be provided as trials and also enable safer physical distancing of pedestrians, due to the COVID situation.
129. A further Council resolution on 2 June directed staff to progress possible actions *'with expediency at this critical time'* to rapidly roll out temporary cycling lanes as part of the COVID-19 situation in order to deliver additional safe cycling infrastructure.
130. The Council resolutions also sought projects that could be implemented *quickly and cost effectively*. This is what officers then undertook for a report to Council on 23 June.
131. Council officers, as part of these directives, provided Council with possible opportunities for the Council consideration where this could, if implemented, *simultaneously achieve Council objectives such as improving pedestrian facilities, improving bike lanes* (amongst other items) - see 2 June Council resolution.
132. On 23 June, Council, as part of its resolution, resolved to undertake public consultation on a proposal to fully, or partially, close Trenerry Crescent (to vehicle movements) on a 3-month trial basis.
133. The report provides the consultation input from the community via the *Your Say Yarra* website, and also written comments that are shown in **Attachments Three and Four** for Council consideration.
134. The community have expressed strong opinions in relation to these possible options and that is outlined in the report.
135. The report notes that the vast majority of people surveyed during the public consultation exercise would strongly prefer Trenerry Crescent road to stay fully open under the freeway.
136. Some persons expressed support for a trial closure to evaluate the situation and other persons suggested traffic calming measures as well as measures for improved cycling safety.
137. As outlined above, it is noted that officers consider that the trial could address a number of traffic issues in the immediate area, as well promote the further uptake of cycling at a local and strategic level by providing the required improved infrastructure to facilitate this.
138. It is now appropriate, with the information provided, that Council consider all options and then determine the position it wishes to take. Broadly, Council can:
- (a) resolve in principle to trial a road closure in full or part, and then to seek the Minister for Roads final approval; or
  - (b) resolve not to seek a trial closure in full or in part in the current circumstances.
139. Council could also decide simply not to proceed further with the consideration of the Trenerry Crescent matter. In this regard, it could resolve simply to note the report and the process to date and make no formal determination. That, however, may be considered by community members to leave the matter in limbo and not finalise the matter adequately.
140. In a determination mode, the Council has the following decision options – it could decide any of the following:
- (a) **Option A:** determine to keep Trenerry Crescent open as it currently is (i.e. do nothing);



- (b) **Option B:** determine to undertake a 3-month full closure of Trenerry Crescent, and seek the Minister for Roads consent for it to be implemented, or
- (c) **Option C:** determine to undertake a 3-month partial closure of Trenerry Crescent (closure of the south bound lane and retain the north bound lane for vehicles), and seek the Minister for Roads consent for it to be implemented.

141. Once a determination is made the administration will inform the broader community through its communication channels.

## RECOMMENDATION

1. That Council note:
  - (a) the previous Council resolutions dated 5 May and 2 June 2020 which sought an officer report on possible changes to provide improved physical separations during COVID times in walking spaces, and also for improved cycling routes to assist in community access and movement in the municipality;
  - (b) the 23 June 2020 resolution requiring a consultation process regarding a possible full, or part closure of Trenerry Crescent as a 3 month trial, for the purposes of safer cycling and improved pedestrian space under the Eastern Freeway;
  - (c) the survey results and feedback received in relation to the 3 options presented to the community;
  - (d) the vast community views received through the *Your Say Yarra* Website and the correspondence received that is outlined in the attachments; and
  - (e) that approval from the Minister for Roads would be required for any full or partial closure of Trenerry Crescent even as a trial.
2. That Council now determine a position in respect to the options regarding Trenerry Crescent which are:
  - (a) Option 1: no closure of Trenerry Crescent under the Eastern Freeway; or
  - (b) Option 2: a 3 month full closure trial to enable increased space for cyclists and pedestrians in this location, or
  - (c) Option 3: a 3 month partial closure trial with the northern lane remaining open to vehicles and the southern lane being closed to vehicles between the Merri Creek trail entrance to the Dight Falls carpark entrance, to enable some further space for safer cycling and pedestrian space.
3. That Council direct officers accordingly.
4. That officers advise the community, via direct contact where contact details are provided and via Councils website and social media, of its decision.

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

## Attachments

- 1⇒ Previous Council resolutions
- 2⇒ Online survey comments
- 3⇒ Email submissions
- 4⇒ Officer summary of key points from email submissions
- 5⇒ Officer summary of key points from online survey comments

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## 11.2 Yarra Homelessness Strategy

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Reference: D20/120798

Authoriser: Manager, Social Strategy and Community Development

### Purpose

1. To present the final draft Homelessness Strategy to Council for adoption.

### Background

2. This is Yarra's first Homelessness Strategy. It has been developed in response to the increasing numbers and complexity of rough sleeping sites and other types of homelessness in the municipality, and in support of the human right to housing. The strategy collates and coordinates the many touch-points with homelessness across the organisation, enabling a human, holistic, effective and evidence-based approach to homelessness in Yarra.
3. Homelessness has increased markedly in Victoria in the last decade. The Australian Bureau of Statistics (ABS) 2016 Census noted that there was a 43 percent increase in the number of Victorians experiencing homelessness between 2006 and 2016.
4. Homelessness is often higher in the inner city, and Yarra has the fourth highest rate of homelessness of all municipalities in Victoria, more than double the state average. At the last Census, it was estimated that there were 838 homeless people in Yarra, including 64 people experiencing primary homelessness (i.e. living in tents, improvised dwellings, or sleeping out).
5. Last year, the number of referrals that Yarra received to assist people who are sleeping rough on our streets and in our parks doubled, increasing from 66 in 2018 to 122 in 2019.
6. Homelessness is a complex and diverse experience. Some people may have become suddenly homeless and require crisis accommodation, while others may be sleeping rough in public places over a long period of time or 'couch surfing' between friends, family and acquaintances. While the stereotype of the homeless person is often a person sleeping rough on the streets, this accounts for only 7 percent of Australia's homeless population overall.
7. As a lived experience, homelessness is shaped by multiple social factors (such as alcohol or drug dependency, mental health concerns, intergenerational trauma, family violence), as well as structural and economic factors (such as poverty, disconnection from the labour market, a lack of housing for low income households). When people are homeless, they often become distanced from family, friends and the community and lose social connection and control over their environment and other aspects of life.
8. The full strategy can be found in attachment 1. Working within a human rights framework and guided by Council's identified roles and responsibilities, the following strategic directions have been established:
  - (a) SD1: Deliver a coordinated and compassionate **crisis response** to people who are sleeping rough and those who are homeless;
  - (b) SD2: Focus on **early intervention** for people who are vulnerable or at risk to avoid homelessness and other crises; and
  - (c) SD3: Work toward the ultimate goal of **prevention** by supporting an increase of affordable housing and appropriate support services.

9. Each direction is intended to respond to, improve and ultimately prevent homelessness in Yarra. The first strategic direction is where Council has the greatest role to play, so more strategies have been included here than in the other directions, although each direction has an important role to play in working towards our overarching strategy to improve homelessness outcomes in Yarra.

### **External Consultation**

10. This strategy has had a staged and considered consultation over a period of two years including thorough engagement with a wide range of external stakeholders. Overall, there were three distinct stages of consultation:
  - (a) Preliminary discussions and background research;
  - (b) External and internal consultations around the publicly released first draft; and
  - (c) Deep engagement with service providers, including peer review of the final draft.
11. Consultation began in mid-2018 through conversations with Council to Homeless Persons, to guide the desktop research for a background and discussion paper, which informed the first draft of the strategy with an understanding of lived experience of homelessness.
12. The first draft went out for broad public consultation in December 2019 through to January 2020, drawing a range of responses from people with experience of homelessness, people who work professionally in the sector, and members of Yarra's broader community.
13. Since the beginning of 2020, officers have undertaken deeper engagement and intelligence gathering with stakeholders from key homelessness services in a series of meetings and conversations. This has often been an iterative process and has been occurring throughout the COVID-19 pandemic, which has in some ways 'stress-tested' the relevance and robustness of the strategy and its strategic directions.
14. The development of this strategy has been formulated over an extended period in order to ensure that the many diverse voices have been captured at each stage of the project. It has also been a priority to remain flexible and responsive to the ever-shifting nature of homelessness sector, particularly over the last four months. This is reflected in the way that we structured and carried out engagement activities and enabled people to engage in different formats and at various times, as best suited their interests in the strategy and capacity for input. Particularly during the pandemic, officers have sought to be respectful and consult with the sector in a productive, targeted and relevant way which is mindful of the impacts of this critical situation and which equally facilitates connections with and between stakeholders.
15. A range of service providers read the first draft of the strategy and contributed relevant case studies to illustrate the nature of the complexities encountered by people who are homeless, at risk and marginally housed. This input was invaluable in enabling officers to accurately and clearly explain the diversity and complexity of homelessness.

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

16. Internal stakeholders from across the organisation were consulted at each stage of the Strategy's development. Case workers from Yarra's Family, Youth and Children's Services and Aged and Disability Services also provided several of the cases studies presented throughout the strategy.
17. Branches across the whole organisation are undertaking responses to homelessness in our community, and working to address rough sleeping and other vulnerabilities. The input of these colleagues into the strategy has been valuable and the final document is intended to provide a focus for coordinating these efforts.
18. The result of this combined input is a well-informed and practical strategy that will provide a robust platform to further Council's operational and strategic work to address homelessness in Yarra.

### **Financial Implications**

19. The Homelessness Strategy will be delivered within existing budgets.

### **Economic Implications**

20. Numerous studies evidence the economic benefits that come from housing homeless people. Cost savings are found across the justice, health and welfare system. Having a stable home is also known to improve people's capacity to engage with education and employment.
21. As a result of the COVID-19 pandemic, and certainly in the short-term, it is noted that substantial social welfare-related funding has been committed by both the State and Federal Governments and this has presented a valuable opportunity to redress fundamental inequities in our society and enact long-term, positive systemic change including through utilising the lens of sensible economics.

### **Sustainability Implications**

22. There are no sustainability implications.

### **Climate Emergency Implications**

23. Both globally and locally, the climate emergency will disproportionately impact the most vulnerable people in our communities who often have far less capacity to respond and cope with the impacts, including people experiencing homelessness.
24. As a highly-urbanised, high to medium density municipality, Yarra experiences elevated urban heat, which will further increase as the planet heats up. People who are most vulnerable during extreme heat (especially if coupled with power outages) are those living in intense urban heat islands such as Yarra and may disproportionately affect a number of different cohorts of the population, including those experiencing homelessness.
25. Yarra's Social Strategy and Community Development team works closely with other Community Wellbeing branches and other Divisions in order to provide appropriate emergency responses (e.g. through food security and public health and safety actions such as the hot shower program with Yarra Leisure). This strategy supports these actions and will help realise other opportunities to respond to support our most vulnerable citizens through the detrimental extremes of the Climate Emergency.

### **Social Implications**

26. Homelessness is a complex social problem intersecting with a variety of factors such as lack of affordable housing, poverty, mental health, alcohol and other drug use, and community and family breakdown.
27. Homelessness is recognised by the Australian Institute of Health and Welfare and the Royal Australian College of General Practitioners as being a key social determinant of health. Council's operational response to rough sleeping and community partnerships across the health and homelessness sectors both support improved community wellbeing and public health outcomes.

### **Human Rights Implications**

28. Access to housing is a human right under the Universal Declaration of Human Rights Article 25.1:
  - (a) 'Everyone has the right to a standard of living adequate for the health and well-being of [themselves] and of [their] family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond [their] control.'
29. While housing is not explicitly referred to in the Victorian Charter of Human Rights and Responsibilities, the rights in several of the sections are directly impacted by an individual's housing status:

- (a) Section 13: The right to privacy and reputation – this right can only be upheld when a person has access to their own private space, in which they are free from interference and have full control over any social interactions;
- (b) Section 20: The right to property – keeping personal possessions safe from interference or confiscation by other people is very difficult without a private space in which to keep property secure; and
- (c) Section 21: The right to liberty and security of person – everyone has the right to be free and safe, but this cannot be enforced if a person does not have a home to give them control over a private space that is theirs for the long term.

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

- 30. The consultation for the Homelessness Strategy was promoted to Yarra's diverse communities through the Yarra Multicultural Advisory Group and the Community Grants List. Additionally, Yarra's CALD translation processes were followed in all communications materials.
- 31. Cultural Diversity amongst homelessness cohorts is recognised by the Strategy, reflective of engagement with service providers across a number of specialist services who particularly focus on the needs of people who are refugees, asylum seekers, or recent migrants. Homelessness is particularly high amongst asylum seekers and those with visa limitations that prevent work or access to government support. This has become particularly apparent during the COVID-19 pandemic.

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

- 32. The development of Yarra's first Homelessness Strategy builds on Strategy 1.7 in the Council Plan 2017–21:
  - (a) Promote an effective and compassionate approach to rough sleeping and advocate for affordable, appropriate housing.
- 33. The Homelessness Strategy aligns with the Social and Affordable Housing Strategy (2019) through *Strategic Direction 3: Work toward the ultimate goal of prevention by supporting an increase of social and affordable housing and appropriate support services.*
- 34. While there is a reiterated commitment in the Homelessness Strategy to work towards this goal of the Social and Affordable Housing Strategy, the Homelessness Strategy also directly addresses Council's response to rough sleeping, as well as articulating and supporting the services and programs that Council provides to homeless and 'at risk' people and families.
- 35. The Homelessness Strategy also embodies the values of Yarra's *Social Justice Charter*.

### **Legal Implications**

- 36. This Strategy and Yarra's *How to Respond to Rough Sleeping in Yarra* protocol both support the right of individuals to occupy public space.
- 37. The Strategy recognises and articulates the need to balance Council's duty of care to people who are homeless with the obligation to maintain statutory obligations to public health and safety in the municipality.

### **Other Issues**

- 38. The coronavirus (COVID-19) pandemic and associated restrictions have impacted considerably on people who are homeless. The situation has brought the urgent need for social and affordable housing into sharp focus, along with the impacts of economic vulnerability and the strong link between homelessness and health.
- 39. In response to concerns for vulnerable communities, and in particular those sleeping rough, the Victorian government has funded homelessness services to house homeless people in emergency accommodation over the past months, a program that has now been extended through to April 2021, with the declared intent to find long-term housing for the almost 2000 people who have been placed temporarily in hotels.

40. Given the rapidly evolving situation and high relevance, the Homelessness Strategy contains a specific section on the impact of Covid-19 on homelessness in Melbourne. The Covid-19 section offers an up-to-date (point-in-time) analysis and has been designed to account for the time in which the Strategy was written and adopted. It is noted that this section can be removed or included as an addendum if and when it is considered to be outdated.
41. The Strategy will be reviewed annually and updated as needed. At the point of any major changes to Council's policy positions or the broader policy environment, a new Strategy can be developed. When there is a change in policy or legislation at other levels of government that has a substantial material impact on the Strategy, it can also be revisited accordingly. Annual updates will be provided to Council on the policy environment and on Council's own actions and initiatives arising from this Strategy.

### **Options**

42. There are no options presented as part of this report.

### **Conclusion**

43. This Homelessness Strategy is an essential component in addressing homelessness in Yarra. It enables Council to articulate the issues, consolidate and build on the excellent work being done across the organisation.
44. The Strategy will support Council to continue being an inclusive and compassionate city and leading the way in responsive, relevant and practical outcome-focussed social policy.

### **RECOMMENDATION**

1. That Council:
  - (a) notes this report, and
  - (b) adopts Yarra's first Homelessness Strategy.

**CONTACT OFFICER:** Sarah Ernst  
**TITLE:** Policy Advisor  
**TEL:** 9205 5043

### **Attachments**

- 1 [⇒](#) Homelessness Strategy - for Endorsement - August 2020

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## 11.3 Yarra Black Lives Matters Movement - Public Art Civic Signage Opportunities

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Reference: D20/124084

Authoriser: Group Manager People and Culture

### Purpose

1. To present Council with public art and civic signage opportunities to promote Council's support for the Black Lives Matter movement and stopping Aboriginal deaths in custody.

### Background

2. Council resolved to support and engage the community on a range of issues connected to systemic racism and injustice for the Aboriginal and Torres Strait Islander people in Australia.
3. It committed to ongoing consultation with the Wurundjeri Woi Wurrung, Aboriginal and Torres Strait Islander community in Yarra, through Council's Yana Ngargna Advisory Group, on how Yarra Council should acknowledge this ongoing and long term struggle against racism and injustice and the connection to the Black Lives Matter movement and Aboriginal deaths in custody.
4. Council recognised the opportunities to achieve change to historic and enduring injustices during this moment of global activism and mainstream support for Black Lives Matter, and that public art and civic signage could help maintain mainstream momentum and community engagement with the Black Lives Matters movement as connected to Aboriginal deaths in custody.
5. Following Council's resolution, a Black Lives Matter/Stopping Deaths in Custody Working Group has been convened to assist officers to implement any actions arising from the Council resolution and as a consultative body to inform reports back to Council related to this matter specifically. The proposals detailed in this report have been developed with the group.
6. The group is open to Aboriginal and Torres Strait Islander people with a connection to Yarra and includes Council Officers. It is anticipated the group will meet fortnightly until the actions identified in the Council resolution has been completed.
7. In developing the proposals for public art and civic signage, officers prepared:
  - (a) A site analysis public art and civic signage opportunities across Yarra;
  - (b) An environmental scan of upcoming and longer term projects that could be related to this matter; and
  - (c) A survey of public art and civic signage works that are currently being created across the world.
8. The two public art and civic signage projects supported by the community for immediate consideration are a poster project to promote the message and a cultural precinct to create a public space for the community.
9. The criteria used to choose the priority projects for action include:
  - (a) Connection to Yarra and its local community;
  - (b) Ease of implementation;
  - (c) The impact it would have in the immediate and long term; and
  - (d) The funding that is available.

### Poster Campaign

10. The poster campaign was very well received by the working group members. The group highlighted the importance of wearing t-shirts with artwork and slogans to the community, even more so in times of physical isolation to be able to wear t-shirts, caps and jumpers to online meetings to show their support for a particular cause. It can be adapted and disseminated through a variety of channels and reaching a variety of audiences. Major thoroughfares such as Hoddle Street and high profile buildings were prioritised for displaying the message. The project can be adapted to:
  - (a) Digital platforms;
  - (b) Street posters and indoor posters;
  - (c) Banners;
  - (d) Largescale projections;
  - (e) Decals; and
  - (f) Merchandise.
11. If it is designed by an Aboriginal artist, it would also anchor the message to the local community, making it unique and distinct in the context of a global movement, provide employment to local Aboriginal community members.
12. It also encourages the broader community who support this movement to get behind the campaign by wearing the merchandise, displaying the posters, sharing the message on digital platforms etc.
13. Officers have reallocated \$5,000 of existing resources to begin the work on the poster project, this would kick-start some of the channels where it could be displayed and further funding would enable the message to be disseminated more widely.

### Cultural Precinct

14. Creating more murals and new public artworks was a strong feature of the discussion by the working group. Many sites were discussed as potential future locations for new murals by Aboriginal artists or paste up installations that celebrated the local community.
15. It was determined that a new mural for the Council owned building on 12 Peel Street Collingwood be recommended given what currently happens on this site now and the upcoming opportunities in the redevelopment of adjacent Cambridge Street Reserve. It is anticipated that painting a mural on this site will pave the way for the creation of a cultural precinct; this type of impact could not be achieved elsewhere at the moment.
16. It is envisaged that an Aboriginal artist would be commissioned to make a new work that could be inspired by Reko Rennie's whole of building murals in Redfern and Oxford Street Sydney and by the recent mural of Adam Goodes also in Sydney.
17. The eastern wall of 12 Peel Street has been a site for murals for the past years; these have been changed over as new mural opportunities arise.
18. The northern wall of Peel Street Park is a site of Council's curated winter projection series. Artists are chosen each year to present a projection work each month on the site, with works by Aboriginal and Torres Strait Islander artists strongly represented in the program.
19. The redevelopment of Cambridge Street Reserve is currently open for community feedback and officers have already received submissions for Aboriginal naming and artworks to be included in the redevelopment already.
20. This project is funded by the Victorian Government and there is scope within the project to included integrated public artworks in the redevelopment.
21. Creating this cultural precinct would showcase the strong Aboriginal community identity and culture in our buildings and open spaces. It has the potential to create a safe and welcoming visible space for the community to meet, play and socialise.



### **External Consultation**

22. Members of the Yana Ngargna Group and members of the Stopping Deaths in Custody Working Group have been consulted.
23. Bakehouse Studios have offered their support for the poster campaign on their walls on Hoddle Street Richmond.
24. The Northern Metropolitan Regional Aboriginal Justice Advisory Committee have been approached for possible external funding towards the poster project.

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

25. Officers from Arts and Cultural Services, Aboriginal Partnerships, Open Space Planning and Design, Communications Advocacy and Engagement and Road Services have been consulted in the preparation of this report.

### **Financial Implications**

26. The poster campaign can be scaled according to the budget available.
27. An initial \$5,000 has been reallocated from existing resources to initiate the campaign and facilitate the following outcomes:
  - (a) Artist Fee
  - (b) Various merchandise
  - (c) A3 posters and large scale poster paste up sites
28. Preliminary costs for other platforms for the Poster Project have been sourced to provide a guide about future options. They include but are not limited to:
  - (a) FlagTrax banners for Richmond Town Hall;
  - (b) Street Posters; and
  - (c) Various other merchandise.
29. A budget of \$30,000 is required for a new largescale mural for 12 Peel Street Collingwood. This is based on similar sized works for the Charcoal Lane Mural and the mural on the Richmond Station wall near the Molly Meldrum statue. Council has made an allocation in the 2020/21 budget to enable this commission to be undertaken.
30. The integrated art can be incorporated into the Cambridge Street Reserve redevelopment, this project is already funded.

### **Economic Implications**

31. The projects are developed to inspire social action and to create awareness and change in relation to the issues arising from the Black Lives Matter movement. In doing so it supports the development and growth of the creative and cultural communities through:
  - (a) the commissioning of contemporary artworks that reflect local culture;
  - (b) supporting and providing employment to Aboriginal artists, industry and community members;
  - (c) development of contemporary art practice; and
  - (d) contributing to the economic development of Yarra's creative industry.
32. Yarra is recognised as a home for the arts and of diverse communities and people are drawn here to live, work and visit because of its creative culture. Continued support of our creatives and communities reflects and contributes to the culture of the municipality and provides further opportunities for people to experience art and as part of everyday life.
33. Development of a cultural precinct creates a unique place that will provide further reason for people to visit Yarra and spend time engaging in local economies whilst they are here.

34. The quotes for the merchandise in the poster campaign contained in this report is Currency Communications who are now a fully Kinaway, Supply Nation, social enterprise and 100% Aboriginal owned. They specialise in Australian labour and materials, as well as being Aboriginal owned and operated.

### **Sustainability Implications**

35. Engage sustainable manufacturers who adopt eco-friendly practices and responsibly-sourced materials in the production of merchandise for the poster campaign.

### **Climate Emergency Implications**

36. Not relevant to this report.

### **Social Implications**

37. Yarra's community is proudly diverse. Arts and cultural activities offer important opportunities for self-expression and for cross-cultural understanding. They contribute to an open, engaged, and connected community. Arts and cultural activities enable people to connect with each other around common interests and to come to a better understanding of each other by navigating and exploring differences.
38. The poster project invites the wider community to acknowledge a range of issues connected to systemic racism and injustice for the Aboriginal and Torres Strait Islander people in Australia. It creates the conditions for society to shift, giving the wider community an opportunity to better understand one's place in it, examine it, and invite change.
39. The cultural precinct creates opportunities for visibility and sharing of Aboriginal and Torres Strait Islander history and creativity. This presence and recognition creates pride for the community, being able to tell and see their own stories and opportunities for the broader community to engage with and experience this living culture. It also creates a place for community members to sit, meet and celebrate events in.
40. It is through arts and culture that we tell our own stories and to hear the stories of others. These are the stories of our history, culture and collective values.
41. The projects recognise that the City of Yarra is a home to artists and is enriched by their creativity, and to engage with local artists and local communities.
42. Engaging with the community via projection, posters, murals and various other art forms enables participation with the cultural life of the Indigenous community, to value the contribution Aboriginal and Torres Strait Islander peoples have made and continue to make in the area, to enjoy the arts and the opportunities this brings for social connectedness.
43. Enhancing indoor and outdoor public spaces throughout Yarra facilitates public and participatory arts as an everyday experience, contributing to a sense of belonging and custodianship and the stimulation of creativity.

### **Human Rights Implications**

44. Participation in the cultural life of the community and enjoyment of the arts is a fundamental human right under article 27 of the United Nations' Declaration of Human Rights. Creativity and culture is central to our identity, to the liveability of our communities, to our social cohesion and to our productivity. Council is committed to upholding the proud Aboriginal history of Yarra and to promoting its rich cultural heritage and contemporary arts practices.

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

45. Not considered in this report.

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

46. Yarra is on the traditional land of the Wurundjeri Woi Wurrung people and respect for Traditional Owners and for all Aboriginal and Torres Strait Islander peoples is a Council priority.

47. The two projects addresses many of Council's social, cultural and planning frameworks as well as the following strategic objectives of the Council Plan (2017-2021):
48. A Healthy Yarra: 1.8 Provide opportunities for people to be involved in and connect with their community.
49. An Inclusive Yarra: 2.3 Continue to be a local government leader and innovator in acknowledging and celebrating Aboriginal history and culture in partnership with Traditional Owners
50. An Inclusive Yarra: 2.4 Acknowledge and celebrate our diversity and people from all cultural backgrounds.
51. A prosperous Yarra: 5.5 Facilitate and promote creative endeavour and opportunities for the community to participate in a broad range of arts and cultural activities.

### **Legal Implications**

52. Agreements will be entered into for the commissioning of artists, adopting industry best practice guidelines.

### **Other Issues**

53. There are more public art and place-making opportunities identified in existing projects and privately owned sites that have been offered for artists to create more works. These will be considered and incorporated into the planning after the audit of the public monuments, plaques, place and building names have been completed, or as the opportunities arise.

### **Options**

54. To demonstrate Council's support for the Black Lives Matter movement there are a number of opportunities that can be realised over the coming months. The following have been developed with the Yana Ngargna Group and members of the Stopping Deaths in Custody Working Group:
  - (a) the creation of a Yarra specific Poster Project to promote the local voices of the community in the context of a global movement; and
  - (b) the creation of an Aboriginal and Torres Strait Island cultural precinct that is both practical and symbolic and have an enduring impact for the community. This includes:
    - (i) commissioning of a new mural by an Aboriginal and Torres Strait Islander artist for building on 12 Peel Street Collingwood;
    - (ii) continuing to showcase Aboriginal and Torres Strait Islander artists' works on the projection wall within Peel Street Park;
    - (iii) commissioning Aboriginal and Torres Strait Islander artists to create integrated public art in the redevelopment of the Cambridge Street Reserve; and
    - (iv) acknowledging the Aboriginal and Torres Strait Islander community in any new naming of the Cambridge Street Reserve in redevelopment.

### **Conclusion**

55. Yarra is an important place in Australia as the Aboriginal and Torres Strait Islander community; the suburbs of Fitzroy and Collingwood as the cradle of Aboriginal affairs in Victoria, the birthplace of important Aboriginal organisations, the centre of political activism and a meeting place for Aboriginal people to link-in with family, community and services.
56. In this moment of global activism and mainstream support for Black Lives Matter, there is an opportunity for Council to work with the community to localise and amplify this movement.
57. The opportunities for public art and civic signage presented in this report could help maintain mainstream momentum and community engagement with the Black Lives Matters movement as connected to Aboriginal deaths in custody. It presents a considered approach that has been supported by the community members Council has consulted and can be scaled according to Council's determination.

## RECOMMENDATION

1. That Council:
  - (a) endorses the commencement of the Poster Project to promote the local voices of the community in the context of a global movement;
  - (b) authorises officers to find new avenues and partnerships to promote and expand the reach of the Poster Project as an ongoing campaign; and
  - (c) notes further reports are scheduled to be presented to Council arising from the resolution on the Black Lives Matter, stop deaths in custody issue.

**CONTACT OFFICER:** Siu Chan  
**TITLE:** Unit Manager Arts, Culture and Venues  
**TEL:** 9205 5045

### Attachments

- 1 [⇒](#) July 2020 BLM Public Art and Civic Signage Opportunities
- 2 [⇒](#) Black Lives Matter Public Art Civic Signage Image Gallery
- 3 [⇒](#) Black Lives Matter Public Art + Ideas

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**11.4 Supplementary Report for PLN19/0570 - 81-89 Rupert Street Collingwood**

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## **Executive Summary**

### **Purpose**

This report provides Council with supplementary information in respect of planning permit application PLN19/0570 which affects land at 81-89 Rupert Street, Collingwood, in regard to the following:

- (a) Proposed Planning Scheme Amendment C283yara and request for Council's view dated 27 July 2020.

All information and assessment provided within the original officer report presented to the IDAC of 15 July 2020 remains current including the minutes of that IDAC meeting and are pertinent to the consideration of this amendment.

**CONTACT OFFICER:** John Theodosakis  
**TITLE:** Principal Planner  
**TEL:** 9205-5307

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**11.4 Supplementary Report for PLN19/0570 - 81-89 Rupert Street Collingwood**


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Reference: D20/130979  
 Authoriser: Manager Statutory Planning

**Ward:** Langridge  
**Proposal:** Part demolition and construction of a thirteen-storey, mixed use (containing a residential hotel, offices, retail premises, cinema, restaurants, restricted recreation facilities, artist studios, and art gallery) building (inclusive of mezzanine levels) and a reduction in the car parking requirement.  
**Existing use:** Office space  
**Applicant:** Grace Brown – Senior Consultant - Urbis  
**Zoning / Overlays:** Commercial 2 / Heritage Overlay / Design and Development Overlay – Schedule 11  
**Date of Application:** 30<sup>th</sup> August 2019  
**Application Number:** PLN19/0570

### Background

1. This report provides Council with supplementary information in respect of planning permit application PLN19/0570 which affects land at 81-89 Rupert Street, Collingwood.
2. The agenda and associated minutes of Council's Internal Development Approvals Committee (IDAC) of 15 July 2020, remains current and pertinent to the consideration of this amendment.
3. The application is subject to a Section 79 'failure to determine within the prescribed time' appeal with the Victorian Civil and Administrative Tribunal (VCAT). A compulsory conference (CC) was held on 29 July 2020. Pending the process of this consideration for a 'call in' by the Minister for Planning, the application has been scheduled for a second CC at the VCAT on 24 August 2020. If consent cannot be reached between the parties at that CC, the matter is scheduled to proceed to a full merits hearing over four days, commencing 28 September 2020.

*Proposed Yarra Planning Scheme Amendment C283yara*

4. On 27 July 2020, Council received notification that the Minister for Planning (the Minister) is considering preparing an amendment to the Yarra Planning Scheme under section 20(4) of the Planning and Environment Act 1987 (the 'Act') to amend the Schedule to Clause 45.12 'Specific Controls Overlay' to apply a Specific Controls Overlay SCO14 to the site, insert the incorporated document 'Walk Up Village, 81-89 Rupert Street, Collingwood – August 2020', and make other associated changes. The amendment would facilitate the development generally as proposed in Yarra planning permit application PLN19/0570 (VCAT reference no. P520/2020). A copy of the notice and the draft amendment is attached to this report, namely Attachment 1.
5. The Minister is seeking council's views under section 20(5) of the *Planning and Environment Act 1987* (the Act) about the proposed development of the site and the drafting of the proposed amendment that has been based on the draft conditions outlined in IDAC agenda of 15 July 2020 and the application information provided by the Building Victoria's Recovery Taskforce – an advisory group to the Minister for Planning.

6. Before deciding on whether to prepare, adopt and approve the proposed amendment, the Department of Environment, Land, Water and Planning (the 'DELWP') is seeking Council's view pursuant to section 20(5) of the Act. Council's written response is required to be provided within 10 business days from the date of the 27 July 2020 letter with a subsequent 1 week extension to the 21 August 2020.
7. The purpose of this report is to formalise Council's position on the proposed amendment to the Yarra Planning Scheme (the 'Scheme') to provide to DELWP and the Minister for their consideration.
8. The recommendation included within this supplementary report is to supersede the previous recommendation and is updated to be in a format compatible with the proposed Incorporated Document to be introduced by Planning Scheme Amendment C283yara.

*Summary*

9. This supplementary report will assess the proposed planning scheme amendment, recommending Council's position to accord with the minutes of the IDAC of the 15<sup>th</sup> July and modify conditions to suit the Scheme amendment process.
10. As Council is not the determining authority for the application, it is recommended Council advise DELWP and the Minister of their position on the proposed Scheme amendment.

**Key Issues**

11. In considering the proposal, Council must turn its mind to:
  - (a) Planning Scheme Amendment C283yara.

Planning Scheme Amendment C283yara
12. The proposed Planning Scheme Amendment C282yara, would result in the following:
  - (a) amends Planning Scheme Map 6SCO and applies it to the land at 81-89 Rupert Street, Collingwood;
  - (b) amends the Schedule to Clause 45.12 (Specific Controls Overlay), applies SCO14 to the land at 81-89 Rupert Street, Collingwood and inserts the incorporated document titled 'Walk Up Village, 81-89 Rupert Street, Collingwood – August 2020'; and
  - (c) amends the Schedule to Clause 72.04 (Documents Incorporated in this Planning Scheme) of the scheme by inserting the incorporated document titled 'Walk Up Village, 81-89 Rupert Street, Collingwood – August 2020'.
13. The proposed Incorporated Document is based on the Officer's recommendation included within the IDAC Agenda dated 15 July 2020 and not the minutes which reflect the Council position on the application, in this regard it is recommended that Council advise the DELWP of this matter and attach the minutes of that meeting to Council's response and request that the Incorporated Document be further redrafted to align with these.
14. It is acknowledged that the language has been modified to suit the proposed Overlay format rather than a planning permit format (e.g. reference to conditions modified to reference clauses, reference to the permit holder has been modified to reference the developer and reference to the permit document have been modified to refer to the Incorporated Document).
15. Additionally, the currently drafted provisions formalise the sketch plans dated 22 May 2020 and delete condition 1(a) (i – vii) as outlined in the minutes. These changes are determined to be drafting changes and are considered acceptable.

## Conclusion

16. Proposed Planning Scheme Amendment C283yara is required to be updated to reflect the minutes of the 15 July 2020 IDAC, before Council can be satisfied that it provides an acceptable planning outcome. The facilitation of the development through Planning Scheme Amendment C283yara subject to the conditions detailed within the Minutes of the 15 July IDAC meeting, will provide greater certainty regarding the delivery of the project and as such, this approach is supported.
17. It is recommended that Council advise the Minister for Planning and the Department of Environment, Land, Water and Planning that the proposed amendment is supported, subject to the clauses updated to reflect all conditions of the Minutes of the 15 July IDAC meeting as identified in the recommendation below.

## RECOMMENDATION

1. That the Council resolves to advise the Minister for Planning that it supports the Proposed Planning Scheme Amendment C283yara for part demolition and construction of a thirteen-storey, mixed use (containing a residential hotel, offices, retail premises, cinema, restaurants, restricted recreation facilities, artist studios, and art gallery) building (inclusive of mezzanine levels) and a reduction in the car parking requirement at 81 – 89 Rupert Street, Collingwood generally in accordance with the plans noted previously as the “decision plans” and subject to the following modifications to clause 6.0 (changes shown in **bold** and underlined, and where wording associated with the minutes have changed, **bold**, underlined and coloured **red**):

Clause 6.0

### Amended Plans

- 6.1 Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the plans prepared by 6a Architects, dated 22 May 2020, but modified as follows:

#### General

- (a) Correction of north point on floor plans;
- (b) Plans correctly to label each floor level;
- (c) All retail premises to be shown as ‘shop’ on the floor plans;

#### Design

- (d) Deletion of the tenth and eleventh levels and consequent reduction in overall building height;
- (e) The setback of the new portion of building (i.e. the northern tower) behind the heritage façade of the former *Davis’ Pickle and Sauce Factory* building, increased to 5m from the eastern (front) boundary and the existing roof behind the parapet, of equal depth, maintained with corresponding deletion or redesign of the terrace area;
- (f) Retention of existing facade windows (with the exception of that to the immediate north of the central door) of former *Davis’ Pickle and Sauce Factory* building;



Bicycle and Car parking

- (g)** The 'stair' between the ground floor and mezzanine level bike parking facility deleted and replaced with a ramp or lift compliant with AS2890.3 requirements. It is acceptable if the **total number of bike parking spaces is reduced to achieve this;**
- (h)** A minimum of 28 visitor spaces in a location easily accessible to visitors of the site with at least half **(50% of the total)** the visitor spaces horizontal at grade space (e.g. bike hoop) **provided on the ground floor, with at least four cargo bicycle spaces;**
- (i)** A minimum of 61 employee bike parking spaces in a secure location only accessible to employees of the site or residential hotel guests;
- (j) Provision of e-bike charging locations for at least 5% of the total of bicycle spaces;**
- (k)** The headroom clearance of the ramped access-way dimensioned;
- (l)** Plan notation from an accredited access consultant confirming that the accessible parking spaces are satisfactory from an accessibility perspective and satisfy the intent of the DDA;
- (m)** All column depths, setbacks and locations clearly annotated and dimensioned and positioned to ensure that they do not encroach into the parking space clearance envelopes;
- (n)** All ramp grade and transition grade lengths dimensioned;
- (o)** The deletion of any directional arrows and hold lines;
- (p)** The surface material of the setback area adjacent to the laneway different to that of the laneway to clearly demarcate the difference in surface treatment;

Reports

- (q)** Any requirement of the endorsed Façade Strategy and Materials and Finishes Plan (condition 3) (where relevant to show on plans);
  - (r)** Any requirement of the endorsed Landscape Plan (condition 7) (where relevant to show on plans);
  - (s)** Any requirement of the endorsed Sustainable Management Plan (condition 9) (where relevant to show on plans);
  - (t)** Any requirement of the endorsed Green Travel Plan (condition 13) (where relevant to show on plans);
  - (u)** Any requirement of the endorsed Waste Management Plan (condition 15) (where relevant to show on plans);
  - (v)** Any requirement of the endorsed Acoustic Report (condition 18) (where relevant to show on plans including notations of key commitments); and
  - (w)** Any requirement of the endorsed Wind Assessment Report (condition 24) (where relevant to show on plans).
- 6.2. Before demolition commences, a detailed and annotated photographic record of the former *Davis' Pickle and Sauce Factory* building context must be submitted to and approved by the Responsible Authority as a record of the building. The photographs must:
- (a) Include the interior and each external elevation of the building;
  - (b) Be submitted in black and white format; and
  - (c) Be taken by a suitably qualified heritage photographer.

## Façade Strategy and Materials and Finishes Plan

- 6.3 In conjunction with the submission of development plans under Condition 1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:
- (a) Elevations at a scale of 1:20 or 1:50 illustrating typical podium and tower details, entries and doors;
  - (b) Elevations at a scale of 1:20 or 1:50 detailing all reconstruction works of the northern and southern boundary returns of the former Davis Pickle sauce Factory including notations to say use of recycled bricks and details of all façade works including all restoration works and 'make good works' associated with works to the entries to be prepared by suitably qualified heritage architect;
  - (c) Section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
  - (d) Information about how the heritage façade **and portion of roof as required at Clause 6.1(e)** will be maintained, including any vegetation and informal seating; and
  - (e) A materials schedule and coloured drawings and renders outlining colours, materials and finishes and graffiti proofing of walls, **including doors, perforations and upper levels (where necessary).**
- 6.4 The use and development as shown on the incorporated plans must not be altered without the prior written consent of the Responsible Authority.
- 6.5 Before the endorsement of plans, written confirmation must be provided from the relevant water authority that the sewer vent in the laneway can either be retained in the existing location or is no longer required and can be removed. If neither of these options can occur, the sewer vent is to be relocated to the satisfaction of the relevant water authority.
- 6.6 As part of the ongoing progress and development of the site, 6a Architects or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
- (a) Oversee design and construction of the development; and
  - (b) Ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

## Landscape Plan

- 6.7 Concurrent with the plans requested at clause 6.1, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of the incorporated plans for this document. The plan must show:
- (a) Reference to design changes as required by clause 6.1 and include additional landscaping as required by the amended Wind Assessment Report at clause 6.25;
  - (b) The landscaping on any of the upper levels and how this is going to be maintained, including information on waterproofing, growing media, irrigation and mulch;
  - (c) Details of how any mulch specified on the higher levels will not be at risk of blowing away during high wind events must be provided;
  - (d) Details of custom furniture proposed, ensuring safety and compliance standards are met; and
  - (e) All plants proposed confirmed to not be listed within DELWP *Advisory List of Environmental Weeds in Victoria*.

- 6.8 Before the buildings is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
- (a) Implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
  - (b) Not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
  - (c) Replacing any dead, diseased, dying or damaged plants, to the satisfaction of the Responsible Authority.

### **Sustainable Management Plan**

- 6.9 Concurrent with the plans requested by clause 6.1, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this incorporated plans for this document.

The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Atelier Ten dated June 2019 but modified to make reference to design changes as required by clause 6.1 and include the following details:

- (a) Clarify provision of operable windows throughout office areas to reduce reliance on mechanical systems;
  - (b) The report and the proposed energy modelling to be consistent in its detailing (i.e. there are inconsistencies between the model input of VLT (0.55) for Glazing and the stated minimum (0.4);
  - (c) The type of glazing with regard to energy modelling and clarification of daylight modelling;
  - (d) Preliminary modelling or glazing calculations to support evidence for energy savings (i.e. note that a target over the 2016 reference case is required);
  - (e) Clarification regarding the consistency with zero carbon goal (i.e. this may not be feasible);
  - (f) Specify proportions as % of total, or GHG reduced and remove vague language from materials section;
  - (g) Provision of an EMP;
  - (h) Update architectural drawings to match details provided in any updated Waste Management Plan; **and**
  - (i) **The rainwater tank connected to the toilets for flushing whilst maintaining a 100% STORM score.**
- 6.10 The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
- 6.11 Before the development is occupied, a report from the author of the Sustainability Management Plan, approved under this document, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm all measures specified in the Sustainability Management Plan have been implemented.

## Car Park Management Plan

- 6.12 Before the development commences, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of the incorporated plans for this document. The plan must address, but not be limited to, the following:
- (a) The number and location of car parking spaces allocated to each tenancy;
  - (b) Any tandem parking spaces allocated to a single tenancy;
  - (c) The number and location of car spaces for shared use, including time of shared use;
  - (d) The management of visitor car parking spaces and security arrangements for occupants of the development, including details on how residential visitors are to access car parking;
  - (e) Details of way-finding, cleaning and security of end of trip bicycle facilities;
  - (f) Policing arrangements and formal agreements;
  - (g) A schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc.; and
  - (h) Details regarding the management of loading and unloading of goods and materials.
- 6.13 The requirements of the endorsed Car Park Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

## Green Travel Plan

- 6.14 Concurrent with the plans requested at clause 6.1, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of the incorporated plans for this document.

The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by One Mile Grid Traffic Engineering dated 3 July 2019 but modified to make reference to the plans as endorsed at clause 6.1.

- 6.15 The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

## Waste Management Plan

- 6.16 Concurrent with the plans required by clause 6.1, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of the incorporated plans for this document. **The Waste Management Plan must include details of all waste procedures and on the provision of separate bins for glass, recycling and organics.**
- 6.17 The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
- 6.18 The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

## Acoustic Report

- 6.19 Concurrent with plans required by clause 6.1, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the report will be endorsed and will form part of the incorporated plans for this document. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Wood and Grieve Engineers and dated 20 November 2019, but modified to include / make reference to:
- (a) The plans requested at Clause 6.1; and
  - (b) Confirmation and evidence to show consideration and all amelioration measures required to address the location of any music venues including 'Rupert on Rupert'.
- 6.20 Within 6 months of the commencement of the residential hotel use, a supplementary Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer that confirms that all measures endorsed as part of the Acoustic Report required at clause 6.19 have been implemented. The supplementary report must be submitted to and approved by the Responsible Authority. When approved, the supplementary report will be endorsed and will form part of the incorporated plans for this document.
- 6.21 All uses must comply at all times with the State Environment Protection Policy — Control of Noise from Commerce, Industry and Trade (SEPP N-1).
- 6.22 All uses must comply at all times with the State Environment Protection Policy — Control of Music Noise from Public Premises (SEPP N-2).
- 6.23 The provision of music on the land must be at a background noise level at all times.
- 6.24 The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

## Wind Assessment Report

- 6.25 Concurrent with the plans requested at clause 6.1, an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended report will be endorsed and will form part of the incorporated plans for this document. The amended Wind Assessment Report must be generally in accordance with the findings of the report titled '*Environmental Wind Speed Measurements on a Wind Tunnel Model of the 81-89 Rupert Street Development, Collingwood*' prepared and authored by MEL Consultants and dated 22 November 2019 (Revision No. 2) but modified to include (or show):
- (a) Assessment of the development as amended pursuant to clause 6.1 with:
    - (i) Further assessment of the open air terraces on Levels 01 and 03;
    - (ii) Planting of established trees on Level 03 with a maintenance regime that ensures their survival; and
    - (ii) Application of stricter wind comfort criteria of '*stationary short exposure*' to the lift lobbies and tenancy entrance areas.
- 6.26 The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

## **Community Benefit Assessment Report**

6.27 The Community Benefit Assessment Report prepared by SGS Economics and Planning dated 19 November 2019, must be updated to the satisfaction of the Responsible Authority to reflect the plans as required by clause 6.1 and their requirements. The updated report must also provide details in relation to the methods applied to ensure ongoing public access to all uses within the hours of operation detailed within this document (including the roof top garden). The updated report must be submitted to and approved by the Responsible Authority. When approved, the updated report will be endorsed and will then form part of the incorporated plans for this document.

Within 12 months of the uses commencing, confirmation from the developer must be submitted to the Responsible Authority that all community benefit measures outlined in the endorsed Community Benefit Assessment are operational.

## **Structural Report Requirement**

**6.28 Before the demolition commences, a structural report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the structural report will be endorsed and will form part of this permit the incorporated plans for this document. The structural report must be prepared by a suitably qualified structural engineer, or equivalent, and demonstrate the means by which the retained portions of building will be supported during demolition and construction works to ensure their retention.**

**6.29 The provisions, recommendations and requirements of the endorsed structural report must be implemented and complied with to the satisfaction of the Responsible Authority.**

## **Residential Hotel Use / Management Plan**

**6.30** Concurrent with the plans required by clause 6.1, a Residential Hotel Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the incorporated plans for this document. The plan must detail the following:

- (a) Procedures, and standards for guests to minimise amenity and parking problems in the Neighbourhood;
- (b) Ongoing measures to be taken to ensure residential hotel guests and visitors do not cause any unreasonable amenity impact to persons beyond the land;
- (c) Establishment of a line of communication with adjoining owners and occupiers aimed at identifying and addressing amenity concerns; and
- (d) An outline of all house rules intended to be used to manage residents and guests including:
  - (i) Guest behaviour;
  - (ii) Noise; and
  - (iii) Methods of eviction if house rules are broken;
- (e) Details of eviction process in the event house rules are broken;
- (f) Standards for property maintenance, health and cleanliness; and
- (g) Security against thefts and break-ins, including security of guests' belongings.

**6.31** The residential hotel use must be managed in accordance with the endorsed Residential Hotel Management Plan.

### **Retail (Shops)**

**6.32** Except with the prior written consent of the Responsible Authority, the retail (shops) use authorised by this document may only operate between the following hours:

- (a) Monday to Sunday: 7.00am – 10pm.

### **Cinema**

**6.33** Except with the prior written consent of the Responsible Authority, the cinema authorised by this document may only operate between the following hours with up to 46 patrons:

- (a) Monday to Sunday: 10.00am – 12 midnight.

### **Restaurant / food and drink premises / Restaurant Management Plan**

**6.34** Except with the prior written consent of the Responsible Authority, the restaurant(s) / food and drink premises authorised by this document may only operate between the following hours:

- (a) Monday to Sunday: 7.00am – 12 midnight.

**6.35** Except with the prior written consent of the Responsible Authority, the restaurant use authorised by this document may only operate with the following patron numbers:

- (a) Unit B (Second floor): 350 patrons; and
- (b) Unit B (Mezzanine): 110 patrons.

**6.36** Concurrent with the plans required by Condition 4 by clause 6.1, a Restaurant Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit the incorporated plans for this document. The plan must detail the following:

- (a) Procedures, and standards for managing patrons and any parking issues to minimise amenity impacts to the surrounding neighbourhood; and
- (b) Ongoing measures to be taken to ensure patrons do not cause any unreasonable amenity impact to persons beyond the land.

**6.37** The restaurant use must be managed in accordance with the endorsed Restaurant Management Plan.

### Restricted Recreation

**6.38** Except with the prior written consent of the Responsible Authority, the restricted recreation areas authorised by this document may only operate between the following hours:

- (a) Monday to Sunday: 5.00am – 10pm.

**6.39** Except with the prior written consent of the Responsible Authority, the restricted recreation areas authorised by this document may only operate with the following patron numbers:

- (a) Unit C - Wellness Suite: 150 Patrons; and
- (b) Gymnasium: 150 patrons.

## **Developer contribution**

**6.40** Prior to the commencement of the development, this developer of the site must pay the Responsible Authority a ~~\$5,000~~ **\$10,000** contribution for the installation of a contra-flow bicycle lane **with supporting signage both on-road** on Rupert Street between Gipps Street and Langridge Street **and at vehicle entry points** – or similar bicycle access improvements to the subject site as agreed in writing **to the satisfaction of the Responsible Authority**.

**6.41** The Responsible Authority must use the funds on the agreed project within 12 months of the practical completion of the development. After 12 months of the expiry of this document, the document holder may request a refund for the full amount if the agreed project has not been commenced **or is not proposed to proceed**.

## **Road Infrastructure**

**6.42** Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:

- (a) At the permit holder's cost; and
- (b) To the satisfaction of the Responsible Authority.

**6.43** Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all building works and connections for underground utility services outside the building's frontage must be constructed:

- (a) At the permit holder's cost; and
- (b) To the satisfaction of the Responsible Authority.

**6.44** Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all public infrastructure, including re-sheeting of the footpath for the entire width of the property must be pursued:

- (a) At the permit holder's cost; and
- (b) To the satisfaction of the Responsible Authority.

**6.45** Before the building is occupied, or by such later date as approved in writing by the Responsible Authority the relocation of any service poles, structures or pits necessary to facilitate the development must be undertaken:

- (a) At the permit holder's cost; and
- (b) To the satisfaction of the Responsible Authority.

## **Car parking**

**6.46** Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:

- (a) Constructed and available for use in accordance with the endorsed plans;
- (b) Formed to such levels and drained so that they can be used in accordance with the endorsed plans;
- (c) Treated with an all-weather seal or some other durable surface; and
- (d) Line-marked or provided with some adequate means of showing the car parking spaces,

to the satisfaction of the Responsible Authority.



**6.47** Except with the prior written consent of the Responsible Authority, no less than 40 car spaces must be provided on the site at all times.

### **Loading on Site**

**6.48** The loading and unloading of vehicles and the delivery of goods to and from the land must be conducted entirely within the land to the satisfaction of the Responsible Authority.

### **Lighting**

**6.49** Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the pedestrian and vehicular entrances and internal laneway must be provided on the subject site. Lighting must be:

- (a) Located;
- (b) Directed;
- (c) Shielded; and
- (d) Of limited intensity

to the satisfaction of the Responsible Authority.

### **General**

**6.50** Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.

**6.51** Speakers external to the building (inclusive of the balcony / terraces and rooftop areas) must not be erected or used.

**6.52** As part of the ongoing progress and development of the site, 6a Architects (being the architect who designed the building), or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:

- (a) Oversee design and construction of the development; and
- (b) Ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

**6.53** Before the building is occupied, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.

**6.54** Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.

**6.55** All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.

**6.56** All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

**6.57** Delivery and collection of goods to and from the land may only occur between 7am and 10pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.

## Construction Management

**6.58** Before the use and development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of the incorporated plans for this document. The plan must provide for:

- (a) A pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
  - (b) Works necessary to protect road and other infrastructure;
  - (c) Remediation of any damage to road and other infrastructure;
  - (d) Containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land,
  - (e) Facilities for vehicle washing, which must be located on the land;
  - (f) The location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
  - (g) Site security;
  - (h) Management of any environmental hazards including, but not limited to,:
    - (i) Contaminated soil;
    - (ii) Materials and waste;
    - (iii) Dust;
    - (iv) Stormwater contamination from run-off and wash-waters;
    - (v) Sediment from the land on roads;
    - (vi) Washing of concrete trucks and other vehicles and machinery; and
    - (vii) Spillage from refuelling cranes and other vehicles and machinery;
  - (i) The construction program;
  - (j) Preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
  - (k) Parking facilities for construction workers;
  - (l) Measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
  - (m) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
  - (n) An emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
  - (o) The provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
  - (p) A Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority.
- In preparing the Noise and Vibration Management Plan, consideration must be given to:
- (i) Using lower noise work practice and equipment;

- (ii) The suitability of the land for the use of an electric crane;
  - (iii) Silencing all mechanical plant by the best practical means using current technology;
  - (iv) Fitting pneumatic tools with an effective silencer;
  - (v) other relevant considerations; and
- (q) Any site-specific requirements.

*During the construction:*

- (r) Any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
- (s) Stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system;
- (t) Vehicle borne material must not accumulate on the roads abutting the land;
- (u) The cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
- (v) All litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

### **Construction Times**

**6.59** Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:

- (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
- (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
- (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

### **7.0 EXPIRY OF INCORPORATED DOCUMENT**

7.1 Notwithstanding other provisions of this document, this Incorporated Document will expire if one of the following circumstances applies:

- (a) The development is not started within one year of the date of the gazettal of Amendment C283yara; and
- (b) If a new development proposal is applied for.

### **End of Document**

**CONTACT OFFICER:** John Theodosakis  
**TITLE:** Principal Planner  
**TEL:** 9205 5307

### **Attachments**

- 1⇒ PLN19/0570 - 81-89 Rupert Street, Collingwood - Officer Report as extracted from IDAC Agenda 15 July
- 2⇒ PLN19/0570 - 81-89 Rupert Street, Collingwood - IDAC Minutes - 15 July 2020
- 3⇒ PLN19/0570 - 81-89 Rupert Street, Collingwood - Section 20(5) of the PE Act, 1987 letter to Council
- 4⇒ PLN19/0570 - 81- 89 Rupert Street - C283yara Draft Amendment Document



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**11.5 Planning Scheme Amendment C377melb – Ikon Park Redevelopment**

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**Executive Summary**

**Purpose**

The purpose of this report is to inform Council of Amendment C377melb and to outline proposed key matters to include in a submission to the Minister for Planning.

Council has two options:

- (a) Option 1: Make a submission to the Minister for Planning, that:
  - (i) sets out additional matters that should be addressed in considering the Planning Scheme Amendment C377melb documentation (i.e. regarding the impact of higher lighting towers, urban design, traffic); and
  - (ii) further public consultation occur prior to determining Amendment C377melb; and
- (b) Option 2: Do not make a submission to the Minister for Planning.

**Key Issues**

Amendment to the Melbourne Planning Scheme was requested by the Carlton Football Club to the Minister for Planning to facilitate an upgrade of Princes Park training, parking and stand facilities and to install permanent TV broadcasting lighting towers for AFLW games.

On 30 June 2020 Council received a letter from the Minister for Planning (Attachment A) informing Council that Amendment C377melb was requested by the proponent under Section 20(4) (where the Minister for Planning formally prepares and decides the amendment without public exhibition), and that Council’s views are sought under Section 20(5).

Council has until the 19 August 2020 to make a submission, if it chooses to do so.

The proposed amendment (see Attachment C) contains an *Incorporated Document* which includes guidelines and conditions as a basis for potential future plans. It is important to highlight that under the proposed arrangement, if a plan adheres to these conditions, a planning permit and associated advertising would not be required. This is because of the way the provisions of an *Incorporated Document* works.

The applicant advises that community consultation included a letter drop that briefly outlined the project, and an invitation to the community consultation sessions.

NB. Planned consultation sessions were, however, cancelled due to COVID 19.

The area coverage of the letter drop is not specifically known although an indication of the area was suggested at a pre application type meeting – from submissions received from Yarra residents it appears that some nearby residents have not received the information.

**Financial Implications**

Yarra City Council has no financial implications apart from officer time involved in assessing the Planning Scheme Amendment documentations.

**PROPOSAL**

The purpose of the formal Planning Scheme Amendment is to move the approval process for *use and development* at the land occupied by Carlton Football Club (known as the Carlton Recreation Ground) into the Melbourne Planning Scheme (MPS) by introducing a Specific Controls Overlay (Schedule 23), and an *Incorporated Document* (Carlton Recreation Ground) into the planning scheme (see Attachment B and C).

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## 11.5 Planning Scheme Amendment C377melb – Ikon Park Redevelopment

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Reference: D20/129515

Authoriser: Director Planning and Place Making

### Purpose

1. The purpose of this report is to outline the '*Planning Scheme Amendment C377melb – IKON Park Redevelopment*' and the key matters that should be included in a submission to the Minister for Planning.

### Background

2. In September 2019 Council officers were approached by the consultant acting on behalf of the Carlton Football Club. Discussions included officers from the City of Melbourne and staff from the Department of Environment, Land, Water and Planning (DELWP). Officers were informed of the intention by the applicant (via their consultant) to prepare a planning scheme amendment to:
  - (a) shift the assessment mechanism for proposals at the ground from the current lease arrangement to the planning scheme to formally acknowledge the use of the land; and
  - (b) facilitate redevelopment of the Ikon Park stadium to upgrade training and stand facilities and install lighting towers to support TV-broadcasting of AFLW games.
3. Staff from DELWP, Melbourne City Council, Moreland City Council and Yarra City Council met with the proponent on the 12 February 2020. The following was discussed in relation to potential impacts for areas within the City of Yarra:
  - (a) public consultation to be undertaken via letter drop (Yarra City Council defined the boundary) and suggested information sessions, led by the proponent; and
  - (b) initial concerns were raised by Yarra City Council officers regarding the potential for light spill from the new light towers (possible impact on Yarra residents to the east of the development) and the traffic impact.

#### Letter from Minister for Planning advising of proposed Amendment C377melb

4. Under Section 20(5), Council received a letter (Attachment A) from the Minister of Planning, advising that:
  - (a) the Minister has received a request to prepare, adopt and approve Amendment C377melb to the Melbourne Planning Scheme (MPS) under section 20(4) of the Planning and Environment Act 1987 in regards to land at the Carlton Recreation Ground, known as Ikon Park, located in Princes Park, Carlton North;
  - (b) the proposed amendment (Attachment B) seeks to amend the current *Specific Controls Overlay* and the *Incorporated Document* (Attachment C) (Carlton Recreation Ground *Incorporated Document*, May 2020) of the Melbourne Planning Scheme to facilitate the redevelopment of the land; and
  - (c) under section 20(5) of the Act, the Minister is seeking the views of Yarra City Council regarding the amendment as it borders the Council area.
5. Council has until the 19 August 2020 to make a submission to the Minister for Planning.

#### Amendment C377melb

6. The purpose of the amendment is to move the approval process for *use* and *development* matters at the land occupied by Carlton Football Club (known as the Carlton Recreation Ground) into the Melbourne Planning Scheme (MPS) by introducing *Specific Controls Overlay (Schedule 23)* and an *Incorporated Document* (Carlton Recreation Ground) into the planning scheme (see Attachment B and C).

7. Previously, much of the approval process occurred under the lease which dates back to 1995 and reflects the way the land was used for men's football at that time.
8. The proposed amendment is said to improve the management of the *use and development* under the planning scheme, rather than reliance on the interpretation of lease provisions, and in turn facilitate development and use of the land for major sport and recreation including a home for AFLW.
9. Currently, (the applicant says) that live broadcasts rely on temporary crane lighting as the light levels used for training purposes are not sufficient to support broadcasting.
10. The applicant states that the timing of the amendment is intended to support consideration by the City of Melbourne of a development proposal partly funded by State and Federal Government and to ensure that broadcast lighting is provided.
11. The explanatory report states that the key features include the redevelopment of the area currently covered by the Pratt Stand and administration building to allow for integrated high performance training facilities for AFLW and AFL players, upgraded match day facilities and new administration facilities.
12. The process that would be implemented through Amendment C377melb would allow for use and development of the site without the need for a planning permit process, as long as the proposed use and/or 'buildings and works' are in accordance with the conditions and the concept plan in the *Incorporated Document*. Where proposals go beyond the conditions of the *Incorporated Document*, a planning permit would be needed.
13. The Melbourne City Council would be Responsible Authority under the Amendment.

*Specific Controls Overlay – Schedule 23*

14. The schedule to the *Specific Controls Overlay* (SCO) is a table that identifies specific areas or sites as part of the overlay. It correlates with Planning Scheme Maps and does not contain other provisions or controls.

*Incorporated Document*

15. The proposed *Incorporated Document* (see Attachment C) would become part of the Melbourne Planning Scheme (MPS) via clause 72.04, and contain objectives, general controls for use and development and more site-specific guidelines and conditions to assess proposals.
16. The proposed *Incorporated Document* controls would prevail over any contrary or inconsistent provision in the MPS. No planning permit would be required, and further it would state that no provision in the MPS can operate to prohibit or restrict, the ongoing use and development of the land in accordance with this *Incorporated Document*, except as provided for in this Document.
17. Under the proposed *Incorporated Document* plans must be prepared to meet 'Conditions' contained within the provisions. When considering whether or not to approve plans, the Responsible Authority shall consider built form guidelines relating to the following topics:
  - (a) building materials, park values and public safety;
  - (b) pedestrian and bicycle access and circulation;
  - (c) car parking;
  - (d) wayfinding;
  - (e) overshadowing;
  - (f) lighting; and
  - (g) signage.

18. The proposed guidelines for each topic would be discretionary in nature and aim to consider the park setting; encourage pedestrian and bicycle connectivity and bicycle parking; creating efficient car parking; update wayfinding signage and lighting; ensuring that overshadowing that reaches beyond what would be allowable under the concept plan within the *Incorporated Document* is not detrimental to the amenity of the area; minimising light spill beyond the stadium and ensuring that signage considers the character of the areas fits within the architectural forms of the building.

**Conditions**

19. A section with 'Conditions' states that 'buildings and works' must not commence until plans have been approved by the Responsible Authority. The Conditions lists the plans, the information required within the plans and general conditions. The Plans include:
- (a) buildings and works plans that includes:
    - (i) Construction Management Plan;
    - (ii) Waste Management Plan;
    - (iii) Heritage Impact Statement;
    - (iv) Landscape Plan;
    - (v) Environmentally Sustainable Design (ESD) and Water Sensitive Urban Design (WSUD) Statement; and
    - (vi) Traffic and Car Parking Assessment.

**Broadcast Lighting Management Plan:**

- (b) The documents state that prior to an operation of broadcast lighting a BLM must be prepared.

It also states that except with the written consent of the Responsible Authority, the BLMP may not authorise broadcast lighting to be operated on the land on more than 12 occasions in any one calendar year or operate later than 11pm; and

**Event Management Plan:**

- (c) The controls require an 'Event Management Plan' to be approved by the Responsible Authority prior to any non-football event occurring on the land.

For the purposes of this control, a non-football event is considered an event with over 7,500 people in attendance.
20. The 'Concept plan' in the *Incorporated Document* shows the boundary of the: specific controls; proposed built form area; and the height of lighting towers.



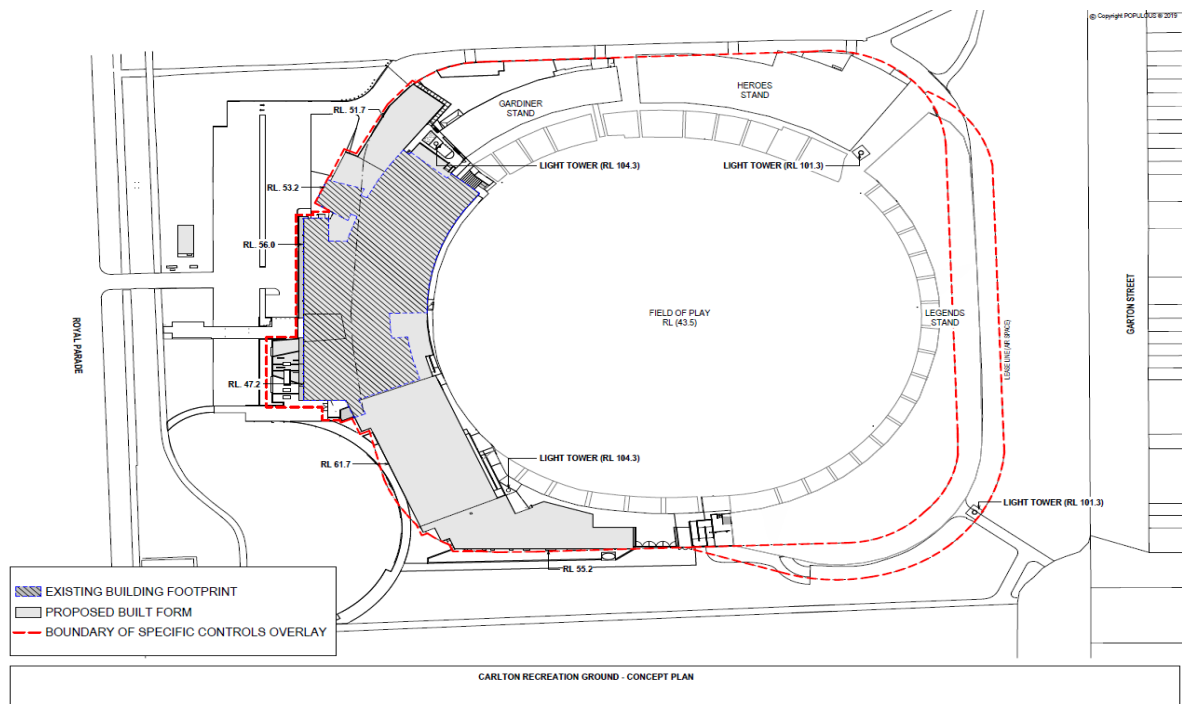


Figure 1: Carlton Recreation Ground – concept plan

21. No supporting technical reports (e.g. urban design analysis, traffic and parking or lighting assessment) were provided with the amendment material, neither are any such assessment reports referenced in the amendment material.

Key Matters for a future Submission

22. Having analysed the amendment documentation for C377melb, Council officers consider that the proposed use of the *Specific Controls Overlay* and clause 72. 04 as planning tools are appropriate to:
  - (a) bring the approvals process into the MPS;
  - (b) provide a transparent and enforceable planning controls; and
  - (c) provide built form guidelines for future development.
23. There are a number of issues, however, that should be addressed in considering the amendment, and therefore should form the basis of a Council submission to the Minister for Planning:
  - (a) Technical assessments: no technical background reports have been provided to support the request or provide justification for the provisions included in the proposed *Incorporated Document*. This is set out in the following points, b - d. While it is recognised that the *Incorporated Document* requires the preparation of technical assessments, the purpose of preliminary assessments set out below would be to inform the crafting of the planning controls so that they are nuanced to the place – not generic;
  - (b) Lighting:
    - (i) The proposed controls (7.2 in the *Incorporated Document*):
      - require a Broadcast Lighting Management Plan (BLMP) to be prepared and *for the purposes of the control, broadcast lighting is lighting displayed at sufficient lux to support television broadcast*; and
      - include a maximum number of occasions (12) that the broadcast lights could occur.

- (ii) The built form guidelines call for lighting that “is baffled to minimise light spill beyond the stadium, is energy efficient, and is managed in accordance with the BLMP”.

It is pointed out that the proposed clause 7.2, does not consider the impact on nearby residences and the Responsible Authority shall only consider the proposed built form guidelines as appropriate.

A lighting assessment should investigate the impact of the broadcast lighting on neighbouring residences and provide mitigation measures to minimise any impact. The findings would inform the wording and requirements of the *Incorporated Document*. Alternatively tighter controls to mitigate potential impact on residents should be included in the *Incorporated Document*;

- (c) Urban design analysis: No urban design assessment has been provided to support the controls in the proposed *Incorporated Document*. This work is required to ensure that the controls properly outline quality site specific urban design outcomes that respond to the park setting. The findings of these investigations should inform the wording and requirements of the *Incorporated Document*;

- (d) Traffic and car parking: The proposed controls require the preparation of a traffic and car parking assessment, however, it does not consider the impact on existing residential streets. No access is proposed as part of the amendment, however, there could be on street parking and traffic management issues with a future redevelopment.

An assessment should investigate the potential impact and provide mitigation measures to minimise any impact. Alternatively, the control (7.1(p) in the *Incorporated Document* could be tightened to make explicit reference to assessing and mitigating the impacts on surrounding residential streets; and

- (e) Community consultation: the planning scheme tool and amendment process chosen by the proponent **raises the importance of public consultation as part of considering the amendment given that ‘buildings and works’ would not require a planning permit.**

The Consultation report provided with the Amendment asserts that: *once the Amendment is approved, the Carlton Football Club will be required to lodge plans (and associated consultant reports) for approval with the City of Melbourne. Any further liaison and consultation could occur in the context of these applications after consideration by the City of Melbourne, which is both Responsible Authority and committee of management.*

It is noted that this, however, is not a statutory requirement. An alternate, would be to include a condition that requires the Responsible Authority to make available for public inspection ‘plans for approval’ for a suitable period of time prior to its consideration by the Responsible Authority. Any submissions must then be considered by the Responsible Authority in its decision.

## External Consultation

24. The consultation report (Attachment D) prepared by the proponent advises that:
- a letter drop was undertaken on the 12 March 2020, which included a brief outline of the amendment and future project, an invitation to RSVP to a community consultation session and an email to ask questions;
  - 12 RSVPs were received by the proponent’s consultant; and
  - the information sessions had to be cancelled due to the pandemic.
25. Officers are not aware of any other consultation efforts.

26. According to the proponent's consultants, the letter drop was undertaken by the Carlton FC in the notification area map suggested previously provided by Yarra. The letter drop included just the letter as mentioned in the 'Consultation Report', no other materials. Information sessions were cancelled but no emails were received by the Carlton FC on their email ([ikonparkredevelopment@carltonfc.com.au](mailto:ikonparkredevelopment@carltonfc.com.au)).
27. Recent correspondence sent from the local community in Princes Hill indicates that some residents who consider themselves possibly impacted, did not receive a letter.
28. Council has received several emails from members of the local community in Princes Hill and Carlton North (outside of the suggested notification area). Key issues expressed are summarised below:
  - (a) light spill from the proposed broadcasting light towers:
    - (i) submits that there is need for a strict and enforceable *Broadcast Lighting Plan* which will be the key to preserving local amenity; and
    - (ii) submits that these lights will affect the residents living within the vicinity;
  - (b) traffic generating from the use:
    - (i) submits that there will be noisy patrons, increased traffic, pollution, and inconvenience;
  - (c) design outcome:
    - (i) suggests to involve an architect to do further work on design outcome of the development;
  - (d) car parking, signage and access:
    - (i) raised concerns about signage outside the stadium, buildings and works, and underground car parking;
  - (e) events other than AFLW games:
    - (i) submits that even in Drummond Street, the noise that is generated from the grounds is loud, but the amplified noise of the twelve extra events the Club plans would be deafening; and
    - (ii) concerned about other events that will occur in the stadium;
  - (f) lack of community engagement:
    - (i) informs that the resident didn't receive any notification for the Amendment from the Proponent; and
    - (ii) informs that the resident did receive notification for the Amendment from the Proponent. However, received 'letter box drop' on the 14 March 2020 for 5 April 2020 consultation which was cancelled due to COVID;
  - (g) impact on the environment and the park:
    - (i) suggests to integrate the park into the design. These drawings show no real development of the surrounding carpark or parkland beyond nominal pathways to new building entrances;
    - (ii) submits that no thought has been given to the bird life and the native animals that live in Princes Park and how their lives will be impacted by these huge lights;
    - (iii) mentions that the development would involve considerable intrusions into park use if work should proceed;
    - (iv) submits that the development would cause alienation of parkland and reduced residential amenity; and
    - (v) mentions that there should be no car parking on existing parkland and no building encroachment onto the park.

29. Officer's contacted peers in the City of Melbourne who advised that they had not received any enquires from residents (as at 22.07.2020). YCC officers have provided the emails received to the relevant Melbourne City Council staff and also to the DELWP staff.

**Internal Consultation (One Yarra)**

30. Officers have sought internal comments from urban design, engineering, traffic, sustainable transport, open space and statutory planning.

**Financial Implications**

31. There are no financial implications apart from officer time involved in assessing the Planning Scheme Amendment documentations.

**Economic Implications**

32. The development could create some job opportunities for Yarra residents.

**Sustainability Implications**

33. Environmentally Sustainable Design (ESD) and Water Sensitive Urban Design (WSUD) Statement would be prepared as required in the *Incorporated Plan*.

**Climate Emergency Implications**

34. Refer to sustainability comments above.

**Social Implications**

35. This amendment supports the development to enhance the land as a home for AFLW including live broadcasting of AFLW games and elite training facilities.

**Human Rights Implications**

36. There are no anticipated human rights implications. NB. Possible amenity aspects to Yarra residents are noted in this report.

**Communications with CALD Communities Implications**

37. There has been no communications with the CLAD community.

**Council Plan, Strategy and Policy Implications**

38. The site is not in the city of Yarra. However, it abuts Yarra and some local community members raise some concerns for the consideration of the Yarra Council in making a submission to the Minister for Planning.

**Legal Implications**

39. The amendment would be progressed in accordance with the provisions of the *Planning and Environment Act 1987*.

**Other Issues**

40. Officers recommend that a submission be made to the Minister for Planning.

**Options**

41. There are two options:

- (a) Option 1: Make a submission to the Minister for Planning, that is based on the matters outlined in this report; or
- (b) Option 2: Do not make a submission to the Minister for Planning.

**Conclusion**

42. Amendment C377melb is required to allow assessments of land *use and development* through a planning scheme mechanism, with the aim to facilitate upgrades to the stadium, including, but not limited to, training facilities and TV broadcasting light towers.

43. Council received a letter by the Minister for Planning, advising Council that the proponent has requested the Minister to prepare and approve Amendment C377melb under Section 20(4) of the Planning and Environment Act, and that Council is being notified under Section 20(5) with the opportunity to make a submission to the Minister for Planning.
44. Officers have considered the documentation provided and consider that a submission should be made based on the matters outlined in this report.

## RECOMMENDATION

1. That Council:
  - (a) notes the officer report regarding *Planning Scheme Amendment C377 – IKON Park Redevelopment* to the Melbourne Planning Scheme which has been notified to the Council by the Minister for Planning;
  - (b) notes the opportunity for the Yarra City Council to provide comments to the Minister for Planning in relation to the proposed provisions of the planning scheme amendment; and
  - (c) notes the issues raised by members of the local community in Princes Hill and Carlton North as summarised in the officer report.
2. That Council makes a submission to the Minister for Planning which is based on the matters set out in section 20 and 21 of this report, relating to:
  - (a) the appropriateness of the proposed planning tools;
  - (b) the need for a lighting assessment to be prepared to mitigate negative impacts upon residential properties within Yarra;
  - (c) the need for traffic and car parking assessment to mitigate impacts on surrounding residential streets;
  - (d) the need for an urban design assessment to demonstrate the amendment documentation achieves good urban design outcomes; and
  - (e) the need for broader community consultation to occur to inform the Planning Scheme Amendment process having regard to the Incorporated Document approach that would allow for use and development of the site in accordance with provisions of the scheme without the need for a planning permit process.

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## Attachments

- 1⇒ Attachment A - Letter from the Minister for Planning
- 2⇒ Attachment B - Technical Amendment Documents
- 3⇒ Attachment C - Incorporated Document
- 4⇒ Attachment D - Consultation Report by Proponent

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## 11.6 Governance Rules

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Reference: D20/129744  
 Authoriser: Group Manager Chief Executive's Office

### Purpose

1. To establish an effective meeting procedure and respond to the enactment of the Local Government Act 2020 ("2020 Act") and the repeal of sections of the Local Government Act 1989 ("1989 Act") by:
  - (a) adopting and implementing the Governance Rules as required under section 60 of the 2020 Act; and
  - (b) Updating and adopting the Council Meetings Operations Policy to support the implementation of the Governance Rules.

### Background

2. On 24 March 2020, the *Local Government Act 2020* received Royal Assent, marking the end of a reform process that has taken place over the past three years.
3. One feature of the Act is that implementation will take place progressively, with a number of milestones triggering specific provisions of the 2020 Act, while simultaneously rescinding the equivalent provisions of the 1989 Act.
4. On 6 April 2020, Stage 1 took effect, which included:
  - (a) new definitions of 'confidential information' for Council reports (narrower definitions);
  - (b) new provisions for the closure of meetings to the public (can be closed where people are disrupting the meeting); and
  - (c) completely restructured electoral provisions (requiring postal votes, compulsory voting for over 70s and the eventual move to single member wards).
5. On 1 May 2020, Stage 2 took effect, and requires the delivery of a number of specific matters on or before 1 September 2020:
  - (a) Governance Rules;
  - (b) Expenses Policy;
  - (c) Delegated Committees;
  - (d) Asset Committees;
  - (e) Audit and Risk Committee Charter; and
  - (f) Public Transparency Policy.
6. This report responds to point (a) above and presents a draft set of Governance Rules and accompanying Council Meetings Operations Policy that have already been subject to consultation and period of public exhibition and recommends that Council adopt these documents subject to a number of further changes set out in this report.

### Governance Rules

7. The Draft Governance Rules presented to Council on 21 July 2020 were developed based on a template provided by Council's solicitors. Following adoption, the proposed Governance Rules were placed on public exhibition as well as being subject to further internal review.

8. No public submissions in relation to the Proposed Governance Rules had been received when submissions closed on 7 August 2020, so the changes proposed in this report are those arising from the internal review. These changes are shown in the marked up version of the Governance Rules that can be found at **Attachment One**.
9. The changes arising from the further internal review that are recommended for inclusion are the following clauses of Chapter Two (Council Meetings):
  - (a) Clause 31.2 - make it clear that any number of meeting extensions are permitted, provided each one is no longer than 30 minutes;
  - (b) Clause 14.1 – include a requirement that the CEO must consult the Mayor before cancelling a meeting (where practicable);
  - (c) Clause 22.1 – rewording to simplify the structure of the clause and remove the requirement for the Chair to use specific wording;
  - (d) Clause 23.2 and 27.2 – rewording to match the current local law provisions that a right of reply is not permitted for an amendment of where a motion has been formally amended;
  - (e) Clause 28 – simplification of wording regarding foreshadowing of motions;
  - (f) Clause 35.3 – removal of a provision from the Solicitor’s template which was erroneously included as it is only applicable when the rules are in the form of a Local Law with enforceable penalties;
  - (g) Clause 38.1 & 23.2 – clarification that questions can be asked at any time, except after the mover has exercised a right of reply;
  - (h) Clause 40.1 – simplification of wording;
  - (i) Clause 44 – removal of clause (which does not appear in the current local law) as it reduces the flexibility for Council to determine the way to address policy change by resolution;
  - (j) Clause 57.1 – replacement with new wording modelled on the current practice and removal of the provisions which imposed different procedures for a vote to endorse the minutes and an unnecessarily prescriptive process; and
  - (k) Removal of a number of gender specific terms throughout the rules.

Council Meetings Operations Policy

10. The Draft Council Meetings Operations Policy at **Attachment Two** has been developed following a review of the existing policy adopted by Council in September 2019 which set out, for the first time, the processes for public question time, public submissions, live streaming and publication of certain matters on Council’s website.
11. The review was limited to making only those changes necessary to ensure compliance with the Local Government Act 2020 and the Draft Governance Rules. The proposed changes were limited to:
  - (a) adjusting references to section 223 of the Local Government Act 1989 to also include references to consultations conducted under our soon to be adopted Community Engagement Policy;
  - (b) incorporating processes for the receipt of petitions in the policy, rather than a standalone procedure;
  - (c) removing references to “Special Meetings” (which have not been carried over to the 2020 Act);
  - (d) removing provisions for the conclusion of meetings at 11.00pm which are intended to be included in the Governance Rules; and
  - (e) updating references to the 1989 Act to the equivalent provisions in the 2020 Act throughout.

12. No further changes are recommended as a result of the public exhibition period and the policy is now presented for adoption.

### **External Consultation**

13. Council's solicitors have provided significant advice in the development of the original draft Governance Rules and provided a template upon which our (and much of the Victorian Local Government sector's) rules are based. Further advice was provided in respect of the changes proposed in this report.
14. Following Council's endorsement of the proposed rules on 21 July 2020, they were placed on exhibition via the YourSayYarra page from 22 July to 9 August 2020. During the exhibition period, the community were alerted to the opportunity to provide feedback via Council's website, the YourSayYarra portal and Council's social media channels.
15. During the period of public exhibition, there were 226 visits to the YourSayYarra page. No submissions were received when the page closed on Monday 10 August 2020.

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

16. Internal consultation has taken place primarily at the Executive level, including a discussion at the Executive Team Meeting on 15 June and 13 July 2020 and the facilitation of a Governance Workshop with Councillors on 13 July 2020.
17. A number of specific consultations have taken place internally with subject matter experts.

### **Financial Implications**

18. There are no financial implications arising from this report.

### **Economic Implications**

19. There are no economic implications arising from this report.

### **Sustainability Implications**

20. There are no sustainability implications arising from this report.

### **Climate Emergency Implications**

21. There are no climate emergency implications arising from this report.

### **Social Implications**

22. There are no social implications arising from this report.

### **Human Rights Implications**

23. The Governance Rules contain a specific provision at Chapter 1, Clause 6 which encapsulates the principles of procedural fairness in decision-making.
24. In the development of the meeting procedure, care has been taken to ensure the rights of persons (including Councillors) to participate in civic life are not infringed. Particular care has been taken in those areas where some limitations are proposed, vis:
  - (a) Chapter 2, Clause 20.1 and 66.1.1 – power to refuse to accept certain motions;
  - (b) Chapter 2, Clause 35.2 – power to direct that a Councillor may not speak further;
  - (c) Chapter 2, Clause 48.4 – power to limit question time or public submissions;
  - (d) Chapter 2, Clause 63.1 – power to close a meeting to the public;
  - (e) Chapter 2, Clause 64.1 – power adjourn a disorderly meeting;
  - (f) Chapter 2, Clause 65.1 – power to direct that a person be removed from a meeting;
  - (g) Chapter 2, Clause 66.1.2 – power to call a person to order;
  - (h) Chapter 4, Clause 2.3, 3.3 and 4.1.2 – obligation to leave a meeting while a matter in which a person has a conflict of interest is dealt with;



- (i) Chapter 6, Clause 5.2 – limitation on the ability to participate in certain political activity; and
- (j) Chapter 6, Clause 11.1 – limitation on conduct at Council meetings during the election period.

In all cases, these limitations have been assessed as necessary and proportionate and on this basis it has been determined that the proposed Governance Rules do not unreasonably interfere with a person's human rights.

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

- 25. No targeted communication with CALD communities was conducted in the consideration of the Governance Rules, although the YourSayYarra page contains relevant multilingual messaging and access to translation services.

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

- 26. As part of *Objective 7: A leading Yarra*, the City of Yarra Council Plan 2017-2021 contains the strategy "*Maintain a culture of transparency, governance, ethical practice and management of risks that instils a high level of community respect and confidence in Council decision-making*". The review of the policies set out in this report has given effect to this strategy by seeking to enliven the governance principles (and in particular the public transparency principles) set out in the 2020 Act.

### **Legal Implications**

- 27. With the change from the 1989 Act to the 2020 Act, it is necessary for Council to comply with a number of legislative requirements in accordance with a progressive program of implementation timeframes. Council officer have established an inter-departmental working group to continue to monitor the progress of the implementation program to ensure that Council meets its legislative responsibilities in this regard.
- 28. The adoption of the Governance Rules (and other measures presented to this same meeting) brings Council up to date with its legislative obligations, with the next matters to be presented to Council being the Audit and Risk Committee Charter on 1 September 2020 and the Councillor Gift Policy on 15 September 2020.

### **Other Issues**

- 29. There are no other issues identified in the development of this report.

### **Options**

- 30. There are no alternative options presented in this report.
- 31. It is open to Council to alter any of the attached policies by alternative resolution.

### **Conclusion**

- 32. It is recommended that Council adopt the Governance Rules and the Council Meetings Operations Policy presented as attachments to this report.

## **RECOMMENDATION**

- 1. That Council:
  - (a) adopt the Governance Rules at **Attachment One** (following incorporation of the mark-ups as proposed); and
  - (b) adopt the Council Meetings Operations Policy at **Attachment Two**.

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**Attachments**

- 1 [⇒](#) Governance Rules (including Election Period Policy)
- 2 [⇒](#) Council Meetings Operations Policy

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## 11.7 Instruments of Delegation

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Reference: D20/127472

Authoriser: Group Manager Chief Executive's Office

### Purpose

1. To respond to the enactment of the Local Government Act 2020 ("2020 Act") and the repeal of sections of the Local Government Act 1989 ("1989 Act") by:
  - (a) revoking the Instruments of Delegation made under section 86(3) and 98(1) of the 1989 Act and reviewing and remaking the instruments under section 11(1) of the 2020 Act; and
  - (b) dissolving the special committees made under section 89 of the 1989 Act and re-establishing them as delegated committees under sections 63 and 64 of the 2020 Act, together with the necessary changes to their instruments of delegation.

### Background

2. Council derives its powers from a wide range of legislative instruments primarily, but not exclusively, the Local Government Act 1989. In order to effectively and efficiently use these powers, Council delegates its powers to various staff and committees. This delegation is done by way of Instruments of Delegation – documents which are authorised by Council and set out what powers are delegated, to whom, and what conditions or limitations on the use of these powers apply.
3. Council currently has four instruments of delegation:
  - (a) Instrument of Delegation from the Council to the Chief Executive Officer;
  - (b) Instrument of Delegation from the Council to Council staff;
  - (c) Instrument of Delegation from the Council to the Internal Development Approvals Committee; and
  - (d) Instrument of Delegation from the Council to the Inner Melbourne Action Plan Implementation Committee.
4. With the repeal of sections of the 1989 Act and the making of the 2020 Act, the legislation that governs these instruments of delegation have changed, as has the actual powers themselves (where they now derive from the 2020 Act). Further, the legislative provisions that relate to the establishment of formal committees to which powers can be delegated in this way have also changed.
5. As a result of these changes, it is necessary to re-make all instruments of delegation, as well as re-establish any committees to which power is to be delegated.
6. The outcomes of the review of each instrument of delegation is set out below.

#### Chief Executive Officer

7. The review of the current Instrument of Delegation to the Chief Executive Officer (which was endorsed in April 2020) identified two opportunities for improvement.
8. Firstly, the instrument contains a financial delegation limit of \$750,000 – a level which has been in place for many years. Benchmarking with neighbouring and other inner Melbourne Councils shows that this level is relatively low. Further, a review of recent procurement matters presented to Council has identified an issue with the establishment of 'supplier panels', where the total budget available is used as the trigger to determine whether the decisions exceeds the CEO's delegation, despite all the individual contracts being well within the delegation levels.

9. Secondly, the instrument contains emergency provisions which were added in April 2020 as a result of the COVID-19 pandemic, which became necessary because, at the time, Council was unable to meet in a virtual setting. With this issue since having been resolved, these emergency provisions are no longer required.
10. In response to these identified issues and the need to update the instrument to reflect the 2020 Act, the proposed instrument of delegation differs from the current instrument in the following ways:
  - (a) The level of financial delegation has been increased from \$750,000 to an amount of \$1 Million for a single transaction contract, or \$750,000 per annum for a multi-year contract (to a maximum of five years), whichever is the greater;
  - (b) The emergency provisions introduced in April 2020 in response to the COVID-19 pandemic have been removed;
  - (c) A number of changes have been made to reflect the differences between section 98(1) of the 1989 Act and section 11(2) of the 2020 Act, which both set out those things which cannot be lawfully delegated; and
  - (d) The legislative references in the instrument refer to the 2020 Act rather than the 1989 Act.
11. The officer's recommendation sets out the necessary steps to re-make the instrument of delegation to the CEO with the changes identified above. They can be found at Clause 1 of the recommendation.

Members of Council staff

12. The review of the instrument of delegation to members of Council staff identified a number of updates that have become necessary since the last review of this instrument in October 2017. Aside from these updates or legislative amendments, there have been no changes to the extent of delegation or limiting conditions.
13. The proposed instrument of delegation differs from the current instrument in the following ways:
  - (a) The reference to the Heritage Act 1995 has been updated to reflect the Heritage Act 2017;
  - (b) The Local Government Act 1989 has been included to include two specific provisions under the Local Government Act 1989 which require specific delegation to the CEO as they relate to Council's rating powers – provisions for environmental upgrade agreements and a cladding rectification charge;
  - (c) Additional delegations in the Planning and Environment Act have been included, to reflect the passage of the Planning and Environment Amendment (Distinctive Areas and Landscapes) Bill 2017;
  - (d) The position of Assistant Manager City Strategy has been included, with the same delegations as the Manager City Strategy to reflect a recent realignment in the organisation; and
  - (e) The legislative references in the instrument refer to the 2020 Act rather than the 1989 Act.
14. The officer's recommendation sets out the necessary steps to re-make the instrument of delegation to members of Council Staff with the changes identified above. They can be found at Clause 2 of the recommendation.

Internal Development Approvals Committee / Planning Decisions Committee

15. The review of the current Instrument of Delegation to the Internal Development Approvals Committee (which was endorsed in October 2019) identified one opportunity for improvement.

16. The Internal Development Approvals Committee was established by Yarra's Commissioners in 1994, and was named 'internal' because, unlike other committees at the time which included members of the community, it was made up of solely of the Commissioners and members of Council staff. While the format and structure of IDAC has been reviewed on an ongoing basis (most recently in October 2019), the name still reflects its original structure – there is nothing "Internal" about the way IDAC is currently comprised, as staff do not form part of the committee. Further, the use of the word "Approvals" seems out of place, as it implies that the approval of applications should be the default position of the committee. After consulting with Councillors, an alternative name for the committee has been proposed.
17. In response to the identified issue and the need to update the instrument to reflect the 2020 Act, the proposed instrument of delegation differs from the current instrument in the following ways:
  - (a) The instrument reflects the proposed new name of the committee - "Planning Decisions Committee";
  - (b) The delegation applies to the "members of the committee" rather than the committee itself, with the caveat that the delegation only applies to the members when they are acting together as a committee. This is a legal distinction arising from changed language in the 2020 Act which recognises that a delegated committee is not a stand-alone legal entity to which power can be delegated; and
  - (c) The legislative references in the instrument refer to the 2020 Act rather than the 1989 Act.
18. In addition to the new instrument of delegation, it is necessary to reconstitute the committee itself under section 63 of the 2020 Act and appoint its members. This report proposes no change to the composition or powers of the committee.
19. The officer's recommendation sets out the necessary steps to dissolve the existing committee, establish a new committee (including membership and meeting dates) and assign powers to the new committee by means of an instrument of delegation to members of the Planning Decisions Committee with the changes identified above. They can be found at Clauses 3, 4 and 5 of the recommendation.

Inner Melbourne Action Plan Implementation Committee

20. The Inner Melbourne Action Plan Implementation Committee is a committee jointly constituted by five inner Melbourne Councils – Maribyrnong, Melbourne, Port Phillip, Stonnington and Yarra. The committee has been undergoing a governance review since mid-2019, with the outcomes recently presented to the committee. The final determination on the review and the most appropriate structure cannot be determined ahead of the 1 September 2020 deadline. As a result, it is intended that Council re-constitute the committee as a 'Joint Delegated Committee' on identical terms to the four other member Councils to ensure continuity until such time as its long term governance structure can be determined by all member Councils.
21. The wording of the instrument of delegation (including its incorporated Terms of Reference) and the necessary supporting resolution have been provided by the Inner Melbourne Action Plan Implementation Committee secretariat, and it is necessary that they be endorsed on identical terms by all member Councils.
22. The proposed instrument of delegation differs from the current instrument in the following ways:
  - (a) The delegation describes the committee as a "Joint Delegated Committee" - a new provision at section 64 of the 2020 Act which enables Council to jointly constitute committees of this type;

- (b) The delegation applies to the “members of the committee” rather than the committee itself, with the caveat that the delegation only applies to the members when they are acting together as a committee. This is a legal distinction arising from changed language in the 2020 Act which recognises that a delegated committee is not a stand-alone legal entity to which power can be delegated; and
  - (c) The legislative references in the instrument refer to the 2020 Act rather than the 1989 Act.
23. In addition to the new instrument of delegation, it is necessary to reconstitute the committee itself under section 64 of the 2020 Act and appoint its members. This report proposes no change to the composition or powers of the committee.
24. The officer’s recommendation sets out the necessary steps to dissolve the existing committee, establish a new committee (including meeting dates and membership) and assign powers to the new committee by means of an instrument of delegation to members of the Planning Decisions Committee with the changes identified above. They can be found at Clauses 6, 7 and 8 of the recommendation.

### **External Consultation**

25. The wording of the resolution and the content and structure of the four instruments of delegation has been provided by Council’s solicitors.
26. External consultation has taken place in relation to the necessary changes to the Inner Melbourne Action Plan Implementation Committee, with the proposed instrument of delegation having been agreed between the participating Councils.

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

27. Internal consultation has taken place with the Strategic Planning department in relation to the new delegations introduced into the Planning and Environment Act 1989.
28. The draft instruments of delegation have been presented for discussion and feedback to Council’s Executive Team and to Councillors at an internal Governance Workshop.

### **Financial Implications**

29. There are no financial implications of this report.

### **Economic Implications**

30. There are no economic implications of this report.

### **Sustainability Implications**

31. There are no sustainability implications of this report.

### **Climate Emergency Implications**

32. There are no climate emergency implications of this report.

### **Social Implications**

33. There are no social implications of this report.

### **Human Rights Implications**

34. There are no human rights implications of this report.

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

35. No communications with CALD communities has taken place in the development of this report.

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

36. All instruments of delegation presented here contain the limitation that the delegate cannot act in a way that is contrary to Council policy. In this way, while various powers have been delegated to staff for administrative convenience, all such delegations are limited to the extent that they do comply with Council policy including, but not limited to, the Council Plan.

## **Legal Implications**

37. With the change from the 1989 Act to the 2020 Act, it is necessary for Council to re-make its instruments of delegation in order to ensure continuity of operation. Without such a resolution, Council officers will be unable to make even every day routine decisions and the organisation will essentially come to a halt. Similarly, if the delegated committees are not reconstituted, then all matters previously referred to those Committees will need to be brought to Council.
38. With the change from the 1989 Act to the 2020 Act, it is necessary for Council to comply with a number of legislative requirements in accordance with a progressive program of implementation timeframes. Council officer have established an inter-departmental working group to continue to monitor the progress of the implementation program to ensure that Council meets its legislative responsibilities in this regard.
39. The adoption of these instruments of delegation (and other measures presented to this same meeting) brings Council up to date with its legislative obligations, with the next matters to be presented to Council being the Audit and Risk Committee Charter on 1 September 2020 and the Councillor Gift Policy on 15 September 2020.

## **Other Issues**

40. There are no other issues identified in this report.

## **Options**

41. There are no alternative options presented in this report.
42. It is open to Council to alter any of the instruments of delegation by alternative resolution.

## **Conclusion**

43. It is recommended that Council take the necessary steps as set out in this report to re-make the four instruments of delegation as attached and dissolve and reconstitute its two delegated committees.

## **RECOMMENDATION**

### Delegation to the Chief Executive Officer

1. That in the exercise of the power conferred by s11(1)(b) of the Local Government Act 2020 Council resolves:
- (a) there be delegated to the person holding the position, or acting in or performing the duties, of Chief Executive Officer the powers, duties and functions set out in the Instrument of Delegation to the Chief Executive Officer at **Attachment One**, subject to the conditions and limitations specified in that Instrument;
  - (b) the instrument comes into force immediately the common seal of Council is affixed to the instrument;
  - (c) on the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked; and
  - (d) the duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

Delegation to Members of Council Staff

2. That in the exercise of the powers conferred by the legislation referred to in the attached instrument of delegation, Council resolves:
  - (a) there be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the Instrument of Delegation to members of Council staff at **Attachment Two**, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument;
  - (b) the instrument comes into force immediately the common seal of Council is affixed to the instrument;
  - (c) on the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked; and
  - (d) the duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

Planning Decisions Committee

3. That Council dissolve the Internal Development Approvals Committee, effective 31 August 2020.
4. That in the exercise of the power conferred by s63 of the Local Government Act 2020, Council establish a Delegated Committee called the Planning Decisions Committee and further declare that:
  - (a) the membership comprises Cr Danae Bosler, Cr Mi-Lin Chen Yi Mei, Cr Misha Coleman, Cr Jackie Fristacky, Cr Stephen Jolly, Cr Daniel Nguyen, Cr Brigid O'Brien, Cr James Searle and Cr Amanda Stone;
  - (b) the Chief Executive Officer, in consultation with Councillors, be authorised to determine a quarterly attendance roster allocating three Councillors to each meeting, with the Planning Decisions Committee membership for each meeting comprising those Councillors rostered to attend or their agreed substitute; and
  - (c) the Planning Decisions Committee meet from 6.30pm on 9 September, 23 September, 14 October, 18 November, 2 December and 16 December 2020 and that the Chief Executive Officer be authorised to determine the location of meetings.
5. That in the exercise of the power conferred by s11(1)(a) of the Local Government Act 2020 Council resolves:
  - (a) there be delegated to the members of the Planning Decisions Committee the powers, duties and functions set out in the Instrument of Delegation to Members of the Planning Decisions Committee at **Attachment Three**, subject to the conditions and limitations specified in that Instrument;
  - (b) the instrument comes into force on 1 September 2020 once the Instrument of Delegation is signed by the Council and remains in force until Council determines to vary or revoke it; and
  - (c) the duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

Inner Melbourne Action Plan Implementation Committee

6. That Council dissolve the Inner Melbourne Action Plan Implementation Committee, effective 31 August 2020.



7. That in the exercise of the power conferred by s64 of the Local Government Act 2020, Council establish a Joint Delegated Committee called the Inner Melbourne Action Plan Implementation Committee jointly with the City of Melbourne, the City of Port Phillip, the City of Stonnington and the Maribyrnong City Council and appoints as voting members the persons from time to time holding the positions of:
- (a) Mayor, Maribyrnong City Council;
  - (b) Chair, Future Melbourne (Planning) Committee, City of Melbourne;
  - (c) Mayor, City of Port Phillip;
  - (d) Mayor, City of Stonnington;
  - (e) Mayor, City of Yarra;
  - (f) Chief Executive Officer, Maribyrnong City Council;
  - (g) Chief Executive Officer, City of Melbourne;
  - (h) Chief Executive Officer, City of Port Phillip;
  - (i) Chief Executive Officer, City of Stonnington; and
  - (j) Chief Executive Officer, City of Yarra.
8. That in the exercise of the power conferred by s11(1)(a) of the Local Government Act 2020 Council resolves:
- (a) there be delegated to the members of the Inner Melbourne Action Plan Implementation Committee the powers, duties and functions relevant to the Committee's governance arrangements in accordance with the Instrument of Delegation, Schedule and Terms of Reference in **Attachment Four**, subject to the conditions and limitations specified in that Instrument; and
  - (b) the instrument comes into force on 1 September 2020 once the Instrument of Delegation is signed by the Council and remains in force until Council determines to vary or revoke it.

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

#### **Attachments**

- 1** ⇨ Instrument of Delegation to the Chief Executive Officer
- 2** ⇨ Instrument of Delegation to Members of Council staff
- 3** ⇨ Instrument of Delegation to the Planning Decisions Committee
- 4** ⇨ Instrument of Delegation to the Inner Melbourne Action Plan Implementation Committee

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## 11.8 Transparency and Good Governance Policies

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Reference: D20/129745

Authoriser: Group Manager Chief Executive's Office

### Purpose

1. To strengthen Council's commitment to transparent governance and respond to the enactment of the Local Government Act 2020 ("2020 Act") and the repeal of sections of the Local Government Act 1989 ("1989 Act") by:
  - (a) giving effect to the public transparency principles through the adoption and implementation of a Public Transparency Policy as required under section 57 of the 2020 Act;
  - (b) continuing the ongoing public, transparent and timely reporting of Councillor expenses and introducing a new report to Council's independent Audit and Risk Committee through the adoption of a Councillor Expenses Policy as required under section 41 of the 2020 Act; and
  - (c) continuing the transparent and effective operation of Council's committees, including endorsement of membership at public Council meetings, publication of meeting minutes and notes on Council's website and ongoing operation of conflict of interest provisions while complying with the changed provisions of the 2020 Act by updating the Council Committees Policy.

### Background

2. The repeal of sections of the 1989 progressively throughout 2020 creates a requirement to adopt a number of specific policies as set out in the 2020 Act and make changes to existing policies to ensure they comply with and appropriately reference the new legislative provisions. This report presents three policies for Council's endorsement.

#### Public Transparency Policy

3. The requirement for a Public Transparency Policy is a new one, introduced by section 57 of the 2020 Act, but the need for public transparency itself is not new. Already, there are a number of specific measures in place in relation to transparency, in the 1989 Act, the Privacy and Data Protection Act, the Freedom of Information Act and both the staff and Councillor codes of conduct. In general terms, all information is publicly available, except where otherwise exempt. The provisions in the 2020 Act do not change this, but they express it more clearly, and require that Council takes steps to ensure this principle underpins its operations.
4. A copy of the draft Public Transparency Policy can be found at **Attachment One**.
5. In summary, the draft policy presented for Council's consideration includes the following:
  - (a) It is proposed to establish a '**Public Transparency Website**' – essentially a page on Council's website where all of the information that is made readily and proactively available can be found. This is all information that is required to be available under the Act (or other Acts), as well as guidance and assistance for how other information may be requested;
  - (b) Specific guidance for staff on the **administrative release** of documents to assist them to release information without requiring a person to submit a Freedom of Information request and with a view to making the bulk of information available to the public in that way (i.e., it is provided either proactively or on request under the basic principle that information should be available unless it is exempt, not because there is a specific legislative requirement that obliges us to release it);

- (c) Clarification of the importance of **Freedom of Information** as an enabling framework that allows Council to release documents that might otherwise be prohibited from release under the Privacy and Data Protection Act or some other Act and setting out the provisions to describe how the Freedom of Information Act can be used to facilitate the release of documents in accordance with the transparency principles in the 2020 Act; and
  - (d) A definition of **confidential information** that can be clearly understood by staff and members of the public that is designed to limit the amount of information that is confidential and noting specifically that such information is still able to be requested and assessed under the Freedom of Information Act.
6. It is recommended that Council adopt the draft Public Transparency Policy as attached to ensure compliance with the 2020 Act. The necessary resolution is set out at clause 1 of the report recommendation.

Councillor Support Policy

7. The 2020 Act requires Council have a policy only as far as it relates to the reimbursement of expenses for Councillors. In reality, these reimbursements are very minor at Yarra, with a very small number of such reimbursement requests being lodged each year. Best practice (and the practice currently in place at Yarra) is to have a policy that more broadly covers the provisions of support to Councillors, especially as the 2020 Act no longer includes any such provisions (beyond a section about allowances). Council currently has a Councillor Support and Reimbursement of Expenses Policy, but it has not been reviewed since 2014.
8. A copy of the draft Public Transparency Policy can be found at **Attachment Two**.
9. In summary, the draft policy presented for Council's consideration includes the following:
- (a) The current policy does not contain a definition for **reasonable private use**, nor does it describe where reasonable private use is permissible. The draft policy includes a definition of reasonable private use, being "use for purposes other than Council business that does not result in additional costs to Council and is reasonable in the circumstances. Reasonable private use must be consistent with Council policy including, but not limited to, the Councillor Code of Conduct, Governance Rules and Council's IT policies";
  - (b) It is proposed to **permit the reasonable private use** of the Council provided smartphone, computer equipment, bicycle or electric bicycle, subject to a specific exclusion about election-related uses. It is also proposed to include provisions to allow Councillor to extend a Council trip for personal purposes (at their own cost). None of these provisions come at any cost to Council;
  - (c) The previous policy had a large number of provisions scattered throughout that set out certain **resources provided to Councillors**. The new policy sets them all out in one list. In doing this, a number of updates were made, including the ability to user an Uber account or a car share scheme, the ability for the CEO to approve other reasonable requests, such as safety apparel, office furniture or other items not listed and provision for reasonable accommodations for a Councillor with a disability or other special needs;
  - (d) The draft policy includes a provision to ensure that Councillors **cannot seek reimbursements for things like donations, raffle tickets, charity auction items** and the like. This is because the 2020 Act includes a prohibition on the establishment of policies that enable a Councillor to commit Council funds to community groups and the like (Councillor Discretionary Funds). To ensure our policy cannot be seen as breaching this provision, it contains these proposed provisions. The provisions do not prevent Council from purchasing tickets for Councillors to attend fundraising events in their official capacity;

- (e) Council has an established practice of supporting Councillors in their representative roles by **providing meeting facilities** for them to host community meetings, ward meetings, public meetings and the like. This support is not currently included in the existing expenses policy. In setting out what support is to be provided, care has been taken to ensure that such meetings are supported only when they are Councillor initiated and hosted, and to ensure that Councillors cannot be accused of committing Council funds to support community groups (as to do so would run afoul of the Councillor Discretionary Funds prohibition in the Act);
  - (f) It is proposed continue the practice of publishing **quarterly expense reports** on Council's website and to adjust the reporting categories of expenditure slightly, by creating new categories of 'community representation' and 'professional development' and removing the distinction between 'local' and 'interstate and overseas' costs;
  - (g) The draft policy includes a requirement that a quarterly report of Councillor reimbursements be provided to the **Audit and Risk Committee**;
  - (h) The draft policy provides that **Councillor allowances** continue to be paid monthly (at the start of the month), how pro-rata payments are calculated and that additional payments cannot be made in advance; and
  - (i) The draft policy contains provisions to address the **early departure of Councillors**.
10. It is recommended that Council adopt the draft Councillor Support Policy as attached to ensure compliance with the 2020 Act. The necessary resolution is set out at clause 2 of the report recommendation.

#### Council Committees Policy

11. Council's existing Council Committees Policy was adopted by Council in July 2019 and provided a framework for the establishment of Council Committees (primarily advisory committees). With the removal of "Special Committees" and the creation of "Delegated Committees" in the 2020 Act, it is necessary to make some adjustments to the policy.
12. A copy of the draft Council Committees Policy can be found at **Attachment Three**.
13. The proposed changes to the policy are limited in scope to those matters directly arising from the need to align with the 2020 Act. The changes are:
- (a) Updating the current references to Special Committees (from the 1989 Act) to Delegated Committees and Joint Delegated Committees (from the 2020 Act);
  - (b) Removal of all references to Assemblies of Councillors (from the 1989 Act) from the policy as this measure has now been repealed but retention of provisions requiring presentation of Delegate's Reports and the publication of meeting minutes or notes on Council's website; and
  - (c) The narrower definition of confidential information in the Act requires that it alone cannot be relied on to ensure that confidential matters discussed at Committee meetings (like early drafts of policies or contemplated Council decisions) are protected from release. The draft policy proposes a broadening of the definition to include matters as described in the Public Transparency Policy and placement of the same obligations on Committee Members as exists for staff and Councillors.
14. It is recommended that Council adopt the draft Council Committees Policy as attached to ensure alignment with the 2020 Act. The necessary resolution is set out at clause 3 of the report recommendation.

#### **External Consultation**

15. No external consultation has been undertaken in the development of this report.

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

16. The draft policies presented in this report have been presented for discussion and feedback to Council's Executive Team and to Councillors at an internal Governance Workshop.

### **Financial Implications**

17. There are no financial implications of this report.

### **Economic Implications**

18. There are no economic implications of this report.

### **Sustainability Implications**

19. There are no sustainability implications of this report.

### **Climate Emergency Implications**

20. There are no climate emergency implications of this report.

### **Social Implications**

21. There are no social implications of this report.

### **Human Rights Implications**

22. There are no human rights implications of this report.

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

23. No communications with CALD communities has taken place in the development of this report.

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

24. As part of *Objective 7: A leading Yarra*, the City of Yarra Council Plan 2017-2021 contains the strategy “*Maintain a culture of transparency, governance, ethical practice and management of risks that instils a high level of community respect and confidence in Council decision-making*”. The review of the policies set out in this report has given effect to this strategy by seeking to enliven the governance principles (and in particular the public transparency principles) set out in the 2020 Act.

### **Legal Implications**

25. With the change from the 1989 Act to the 2020 Act, it is necessary for Council to comply with a number of legislative requirements in accordance with a progressive program of implementation timeframes. Council officer have established an inter-departmental working group to continue to monitor the progress of the implementation program to ensure that Council meets its legislative responsibilities in this regard.

26. The adoption of these policies (and other measures presented to this same meeting) brings Council up to date with its legislative obligations, with the next matters to be presented to Council being the Audit and Risk Committee Charter on 1 September 2020 and the Councillor Gift Policy on 15 September 2020.

### **Other Issues**

27. There are no other issues identified in this report.

### **Options**

28. There are no alternative options presented in this report.

29. It is open to Council to alter any of the attached policies by alternative resolution.

### **Conclusion**

30. It is recommended that Council adopt the three policies presented as attachments to this report.

## RECOMMENDATION

1. That Council adopt:
  - (a) the Public Transparency Policy at **Attachment One** as the public transparency policy required under section 57 of the Local Government Act 2020;
  - (b) the Councillor Support Policy at **Attachment Two** as the expenses policy as required under section 41 of the Local Government Act 2020; and
  - (c) the Council Committees Policy at **Attachment Three**.

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

### Attachments

- 1⇒ Public Transparency Policy
- 2⇒ Councillor Support Policy
- 3⇒ Council Committees Policy

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## 12.1 Notice of Motion No.9 of 2020 - Push Notification System for Yarra

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Reference: D20/132129

Authoriser: Group Manager Chief Executive's Office

I, Councillor Bridgid O'Brien, hereby give notice that it is my intention to move the following motion at the Ordinary Meeting of Council to be held on 18 August 2020:

1. *That Council:*

- (a) *request appropriate Officers provide a brief Report on a Yarra Push Notification System that includes:*
  - (i) *the viability of such a system and what it could include in terms of filters and links, etc.;*
  - (ii) *the potential implementation timeline; and*
  - (iii) *the plan to inform our community of the system; and*
- (b) *request a recommendation for consideration before the election period if possible.*

### Background

Push Notification for Yarra:

- (a) All properties in Yarra are, because of their location, associated with one of the 'Grid areas' that are the basis on which planning overlays are presented as indicated at <https://planning-schemes.delwp.vic.gov.au/schemes/yarra/maps#>
- (b) The push notification system could be developed so that once people register their interest in a 'Grid area' then they would be advised of any planning applications arising therein. Some level of user selected filtering could be included, choosing one or more of, say 'small', 'medium', or 'large' as preferred, filters to exclude specific notifications such as liquor licenses, to include only notifications pertaining to heritage, other filters to avoid unwanted 'flooding'.
- (c) The planning information pushed to those who register would be the same as what is on the property signage at the moment and people could further search on the Council website as they wish and this would make it easier to access the specific information of interest.
- (d) People could register for one or more 'Grid areas' where they live near a border or similar.
- (e) The notification system could extend to advising of Council strategy reports, structural planning studies, local traffic management plans, service updates and anything else affecting the 'Grid area' based on an opt in, opt out model. Once developed it could be expanded to include things like local events, etc.

This proposed system once implemented could be completely automated.

Community appetite for something immediately regarding Planning matters has been expressed. It is intended not to place great burden on Council Officers and until automated may only require looking up the 'Grid area' in which a planning application is located to initiate the push notification system.

Something similar already exists but a more specific Yarra Planning Alert system with links to our website is proposed with the potential to be expanded to other areas of Council. See:

[https://www.planningalerts.org.au/authorities/yarra\\_city](https://www.planningalerts.org.au/authorities/yarra_city)

The above model provides email alerts of new planning applications near the subscriber.

Initially, a Yarra notification system could provide a link to the advertised planning application/s, possibly planning permit application decisions and appeals, as well as information about pre-application planning meetings.

A Push Notifications System would contribute to the Annual Plan objective to: *“Collaborate with the local community and relevant stakeholders to ensure Yarra becomes a Smart City which delivers a connected, informed and sustainable future.”* Further, the 2020 satisfaction survey ACSS found *“Community concern around planning issues... in Yarra do appear to exert a somewhat negative influence on satisfaction with Council’s overall performance...”* The ACSS indicates that respondents consider planning issues as one of the top three issues to address in the municipality. A system such as a Push Notification System proposed here could work to improve community satisfaction in this area.

## **RECOMMENDATION**

1. That Council:
  - (a) request appropriate Officers provide a brief Report on a Yarra Push Notification System that includes:
    - (i) the viability of such a system and what it could include in terms of filters and links, etc.;
    - (ii) the potential implementation timeline; and
    - (iii) the plan to inform our community of the system; and
  - (b) request a recommendation for consideration before the election period if possible.

## **Attachments**

There are no attachments for this report.



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**12.2 Notice of Motion No.10 of 2020 - Keep the Rate**

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Reference: D20/132181

Authoriser: Group Manager Chief Executive's Office

I, Councillor James Searle, hereby give notice that it is my intention to move the following motion at the Ordinary Meeting of Council to be held on 18 August 2020:

1. *That Council notes:*
  - (a) *the many Yarra residents that rely on Federal Government income support payments and the inadequacy of the Newstart and Youth Allowance payment rates prior to their increase March 2020 (having not been raised in real terms since 1994);*
  - (b) *the impact that COVID-19 has had on Yarra workers with many more now relying on income support payments (more than doubling since March 2020, increasing from 2,884 to 6,574 people);*
  - (c) *that the current rate of JobSeeker and Youth Allowance has ensured 1.85 million people are not living in poverty, including pulling nearly 900,000 people out of poverty who were receiving income support payments before COVID-19;*
  - (d) *that the Federal Government has an obligation to ensure these payments are adequate by permanently raising the rate, which will keep millions of unwaged, underemployed, insecure workers and students above the poverty line;*
  - (e) *that the Disability Support Pension and Carers Payment were excluded from financial support extended to job seekers during COVID-19 which has put significant financial strain on recipients of these payments, who remain below the poverty line and many of whom have higher costs than people who are not living with a disability; and*
  - (f) *that any cut to the JobSeeker or Youth Allowance payments – currently planned for 24 September, which the Australian Unemployed Workers' Union has dubbed #PovertyDay – will plunge many people reliant on income support payments into deep poverty, including thousands of people living in Yarra.*
2. *That Council calls on the Federal Government to retain the current payment rate for JobSeeker and Youth Allowance, to permanently increase the Disability Support Pension and Carers Payment by the same amount of \$550 per fortnight, and to extend the suspension of mutual obligations at least until 31 December 2020.*
3. *That Council supports the Australian Unemployed Workers' Union #KeepTheRate campaign and will work with the AUWU, Raise the Rate affiliates and other community groups to retain the current level of JobSeeker and Youth Allowance payments.*
4. *That Council writes to the Prime Minister, Federal Opposition Leader, relevant Ministers and Shadow Ministers, the Australian Council of Trade Unions and the Australian Council of Social Services to communicate the points contained in this motion.*

## RECOMMENDATION

1. That Council notes:
  - (a) the many Yarra residents that rely on Federal Government income support payments and the inadequacy of the Newstart and Youth Allowance payment rates prior to their increase March 2020 (having not been raised in real terms since 1994);
  - (b) the impact that COVID-19 has had on Yarra workers with many more now relying on income support payments (more than doubling since March 2020, increasing from 2,884 to 6,574 people);
  - (c) that the current rate of JobSeeker and Youth Allowance has ensured 1.85 million people are not living in poverty, including pulling nearly 900,000 people out of poverty who were receiving income support payments before COVID-19;
  - (d) that the Federal Government has an obligation to ensure these payments are adequate by permanently raising the rate, which will keep millions of unwaged, underemployed, insecure workers and students above the poverty line;
  - (e) that the Disability Support Pension and Carers Payment were excluded from financial support extended to job seekers during COVID-19 which has put significant financial strain on recipients of these payments, who remain below the poverty line and many of whom have higher costs than people who are not living with a disability; and
  - (f) that any cut to the JobSeeker or Youth Allowance payments – currently planned for 24 September, which the Australian Unemployed Workers' Union has dubbed #PovertyDay – will plunge many people reliant on income support payments into deep poverty, including thousands of people living in Yarra.
2. That Council calls on the Federal Government to retain the current payment rate for JobSeeker and Youth Allowance, to permanently increase the Disability Support Pension and Carers Payment by the same amount of \$550 per fortnight, and to extend the suspension of mutual obligations at least until 31 December 2020.
3. That Council supports the Australian Unemployed Workers' Union #KeepTheRate campaign and will work with the AUWU, Raise the Rate affiliates and other community groups to retain the current level of JobSeeker and Youth Allowance payments.
4. That Council writes to the Prime Minister, Federal Opposition Leader, relevant Ministers and Shadow Ministers, the Australian Council of Trade Unions and the Australian Council of Social Services to communicate the points contained in this motion.

### Attachments

There are no attachments for this report.

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**12.3 Notice of Motion No.11 of 2020 - Richmond Estate Car Park Safety**

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Reference: D20/132185

Authoriser: Group Manager Chief Executive's Office

I, Councillor James Searle, hereby give notice that it is my intention to move the following motion at the Ordinary Meeting of Council to be held on 18 August 2020:

1. *That Council acknowledge:*
  - (a) *the increasing on street parking pressures in and around Elizabeth St Richmond, reflective of increasing car parking pressures across inner Melbourne;*
  - (b) *the long term safety concerns expressed by residents of the public housing towers in North Richmond and their preference for using on street parking rather than the onsite car parking provided;*
  - (c) *Council's policy that parking provided onsite should be used to alleviate on street car parking pressures; and*
  - (d) *the lack of action on safety concerns about the North Richmond towers car parking despite this being raised with DHHS over many years.*
2. *That the Mayor write to the Member for Richmond, Richard Wynne and the secretary of the DHHS Ben Rimmer requesting urgent action on improving safety and amenity on the onsite car parking at the North Richmond towers to support residents and their visitors using the car park to free up on street car parking for visitors and residents without access to off street parking.*

### **RECOMMENDATION**

1. That Council acknowledge:
  - (a) the increasing on street parking pressures in and around Elizabeth St Richmond, reflective of increasing car parking pressures across inner Melbourne;
  - (b) the long term safety concerns expressed by residents of the public housing towers in North Richmond and their preference for using on street parking rather than the onsite car parking provided;
  - (c) Council's policy that parking provided onsite should be used to alleviate on street car parking pressures; and
  - (d) the lack of action on safety concerns about the North Richmond towers car parking despite this being raised with DHHS over many years.
2. That the Mayor write to the Member for Richmond, Richard Wynne and the secretary of the DHHS Ben Rimmer requesting urgent action on improving safety and amenity on the onsite car parking at the North Richmond towers to support residents and their visitors using the car park to free up on street car parking for visitors and residents without access to off street parking.

### **Attachments**

There are no attachments for this report.