



# Agenda

## Council Meeting

7.00pm, Tuesday 12 July 2022

Richmond Town Hall

## Council Meetings

Council Meetings are public forums where Councillors come together to meet as a Council and make decisions about important, strategic and other matters. The Mayor presides over all Council Meetings, and they are conducted in accordance with the City of Yarra Governance Rules 2020 and the Council Meetings Operations Policy.

Council meetings are decision-making forums and only Councillors have a formal role. However, Council is committed to transparent governance and to ensuring that any person whose rights will be directly affected by a decision of Council is entitled to communicate their views and have their interests considered before the decision is made.

There are two ways you can participate in the meeting.

## Public Question Time

Yarra City Council welcomes questions from members of the community.

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

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

- a time to make statements or engage in debate with Councillors;
- a forum to be used in relation to planning application matters which are required to be submitted and considered as part of the formal planning submission;
- a forum for initially raising operational matters, which should be directed to the administration in the first instance;

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

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

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

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

## Public submissions

Before each item is considered, the meeting chair will ask people in attendance if they wish to make submission. If you want to make a submission, simply raise your hand and the Mayor will invite you to come forward, take a seat at the microphone, state your name clearly for the record and:

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

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

Once all submissions have been received, the formal debate may commence. Once the debate has commenced, no further submissions, questions or comments from submitters can be received.

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

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

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

## Recording and Publication of Meetings

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

## Order of business

1. **Acknowledgement of Country**
2. **Attendance, apologies and requests for leave of absence**
3. **Announcements**
4. **Declarations of conflict of interest**
5. **Confidential business reports**
6. **Confirmation of minutes**
7. **Public question time**
8. **Council business reports**
9. **Notices of motion**
10. **Petitions and joint letters**
11. **Questions without notice**
12. **Delegates' reports**
13. **General business**
14. **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

### Attendance

#### Councillors

- |                          |              |
|--------------------------|--------------|
| • Cr Sophie Wade         | Mayor        |
| • Cr Edward Crossland    | Deputy Mayor |
| • Cr Gabrielle de Vietri | Councillor   |
| • Cr Stephen Jolly       | Councillor   |
| • Cr Herschel Landes     | Councillor   |
| • Cr Anab Mohamud        | Councillor   |
| • Cr Claudia Nguyen      | Councillor   |
| • Cr Bridgid O’Brien     | Councillor   |
| • Cr Amanda Stone        | Councillor   |

#### Council officers

- |                    |  |
|--------------------|--|
| • Sue Wilkinson    | Chief Executive Officer                  |
| • Brooke Colbert   | Group Manager Advocacy and Engagement    |
| • Malcolm Foard    | Director Community Wellbeing             |
| • Ivan Gilbert     | Group Manager Chief Executive’s Office   |
| • 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 Officer                |
| • Mel Nikou        | Governance Officer                       |

#### Municipal Monitor

- |                  |                   |
|------------------|-------------------|
| • Yehudi Blacher | Municipal Monitor |
|------------------|-------------------|

#### Leave of absence

- |                     |            |
|---------------------|------------|
| • Cr Claudia Nguyen | Councillor |
|---------------------|------------|

## 3. Announcements

An opportunity is provided for the Mayor to make any necessary announcements.

#### **4. Declarations of conflict of interest (Councillors and staff)**

Any Councillor who has a conflict of interest in a matter being considered at this meeting is required to disclose that interest either by explaining the nature of the conflict of interest to those present or advising that they have disclosed the nature of the interest in writing to the Chief Executive Officer before the meeting commenced.

#### **5. Confidential business reports**

Nil

#### **6. Confirmation of minutes**

##### **RECOMMENDATION**

That the minutes of the Council Meeting held on Thursday 23 June 2022 be confirmed.

#### **7. Public question time**

An opportunity is provided for questions from members of the public.

## 8. Council business reports

Item		Page	Rec. Page	Report Presenter
8.1	Moving Forward>> Yarra Transport Strategy 2022-2032	9	20	Simon Exon - Unit Manager Strategic Transport
8.2	Public Open Space - Contribution Expenditure Policy	22	24	Althena Davidson - Manager City Strategy
8.3	Environment Advisory Committee Membership	25	28	Michael Oke - Sustainability Unit Manager
8.4	Proposed Discontinuance of Road at 9-11 Brighton Street, Richmond.	29	32	Bill Graham - Coordinator Valuations
8.5	Amendments to the Civic Flag Policy	33	36	Rhys Thomas - Senior Governance Advisor
8.6	Appointment of Authorised Officers under the Planning and Environment Act 1987	37	38	Rhys Thomas - Senior Governance Advisor

## 9. Notices of motion

Item		Page	Rec. Page	Report Presenter
9.1	Notice of Motion No. 7 of 2022 - ICLEI World Congress Edinburgh Declaration	39	39	Cr Amanda Stone

## **10. Petitions and joint letters**

An opportunity exists for any Councillor to table a petition or joint letter for Council's consideration.

## **11. Questions without notice**

An opportunity is provided for Councillors to ask questions of the Mayor or Chief Executive Officer.

## **12. Delegate's reports**

An opportunity is provided for Councillors to table or present a Delegate's Report.

## **13. General business**

An opportunity is provided for Councillors to raise items of General Business for Council's consideration.

## **14. Urgent business**

An opportunity is provided for the Chief Executive Officer to introduce items of Urgent Business.

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## 8.1 Moving Forward>> Yarra Transport Strategy 2022-2032

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### Executive Summary

#### Purpose

To seek Council endorsement of the Yarra Transport Strategy 2022-2032.

#### Key Issues

In recent times, *Council has adopted a Community Vision, Council Plan, Annual Plan, Climate Emergency Plan, Road Safety Plan, Place Making Framework and Local Liveable Streets document* and which set certain directions and aspirations. As a consequence, Council also needs to update its strategies relating to transport in order to align with these new strategies.

The draft Yarra Transport Strategy (the Strategy) provided at **Attachment One** provides for a 10 year multi modal strategy.

It sets out a recommended transport vision, objectives, policies and other supporting activities to meet the aspirations of the local community as outlined in the *Yarra 2036 Community Vision*. In particular, it outlines 5 key outcomes, 5 Strategic Directions and 15 Policies.

The attached document is a revised version of the Exhibition Draft that was subject to community and stakeholder feedback received over a 6 week exhibition period that commenced in mid-March 2022. Engagement with the Strategy was significant with over 800 responses and feedback received via Your Say Yarra, emails and letters. These are provided and also summarised in **Attachment Two**.

Analysis of the feedback shows that the level of satisfaction with the strategy varies largely depending on the age of the community member and situational relationship with Yarra. On every topic there were widely different views ranging from strong support for the content of the strategy and for it to implemented quickly, to total disagreement and for Council to abandon it.

Satisfaction levels with the strategy were rather mixed, although there is support for it to a greater or lesser extent overall in the community. Satisfaction levels amongst particular stakeholders such as public transport operators and interest groups in the transport topic, were very high.

Changes have been made to the Exhibition Draft of the strategy in response to the feedback. These include adding further commentary on topics of particular interest to the community (such as Climate Emergency), clarification of key messages, further references to the State policy context and refinements to maps, diagrams, and photos. More information on the changes is provided in **Attachment Three**.

A significant amount of work has been undertaken on the draft Strategy over many months in terms of considering its key themes, objectives and policies, undertaking research and considering feedback received from the community and others.

Council endorsement of the Strategy is now sought so it can start to actively guide decision making on the large number of internal and external capital projects that have a transport component. It would also add value to other work that Council undertakes including State Government advocacy, community engagement, budgeting, study work and policy development.

#### Financial Implications

There are no direct financial implications associated with adopting the Strategy.

Delivering the strategy would, however, require substantial ongoing financial allocation by Council over a decade to make the vision a reality.

It is noted that some external funding opportunities via Government grants may be possible where the project also aligns with Government objectives.

Some other capital Council projects would also be able to assist in the delivery of some aspects of the strategic transport projects (such as when road resheetings are to be undertaken, other features can, with supplementary funding, be made a part of the project).

It is also essential that the State Government invests significantly in Yarra as part of the mobility plans for Melburnians and visitors. The Strategy supports this outcome by clearly articulating to external funding agencies the types of projects that Council will support and wants to see delivered.

## PROPOSAL

1. That Council:
  - (a) note the officer report regarding the draft Yarra Transport Strategy 2022-2032;
  - (b) note the feedback and submissions received from the exhibition period which are provided in **Attachment Two** and which have previously been provided to Councillors for noting and consideration;
  - (c) note the revised version of the draft Yarra Transport Strategy 2022-2032 prepared by officers following consideration of:
    - (i) the feedback and submissions provided to Council through the exhibition period,
    - (ii) the Yarra 2036 Community Vision, and
    - (iii) Objective 5 'Transport and Movement' as expressed in the Council Plan 2021-2025;
  - (d) note the 5 Outcomes, 5 Strategic Directions and 15 Policies as stated in the attached recommended strategy to advance the transport vision and objectives of Council over the 10 year period to 2032; and
  - (e) having considered the feedback and submissions from the community and other stakeholders and interested parties and the officer report and commentary, determine to adopt the Yarra Transport Strategy 2022-2032 as shown in **Attachment One**.
2. That the adopted strategy be titled Moving Forward>> Yarra Transport Strategy 2022-2032.
3. That the adopted contents of the document be published for presentation purposes and for it to be made available on the Council website.

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## 8.1 Moving Forward>> Yarra Transport Strategy 2022-2032

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<b>Reference</b>	D22/161636
<b>Author</b>	Simon Exon - Unit Manager Strategic Transport
<b>Authoriser</b>	Director Planning and Place Making

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### Purpose

1. To seek Council endorsement of the Yarra Transport Strategy.

### Critical analysis

#### Context

2. In recent times, Council has adopted a Community Vision, Council Plan, Annual Plan, Climate Emergency Plan, Road Safety Plan, Place Making Framework and Local Liveable Streets document and which set certain directions and aspirations. As a consequence, Council also needs to update its strategies relating to transport in order to align with these new strategies.
3. Council also has legislative and legal obligations under several pieces of State legislation. These include the Transport Integration Act 2010, Road Management Act 2004 and the Planning and Environment Act 1987.
4. There are also other more recent and key State Government strategies and policies that guide decision-making by Council and provide direction for Yarra objectives. These include the Victorian Cycling Strategy, Plan Melbourne and the Victorian Road Safety Strategy.
5. The policies and strategies of other entities such as neighbouring councils and the Municipal Association of Victoria are another consideration – for example, Melbourne City Council updated its Strategic Transport Plan in 2019 and this requires consideration regarding good connectivity between municipal boundaries.
6. The draft Yarra Transport Strategy for Adoption (the Strategy) provided at **Attachment One** provides for a ten-year multi modal strategy. It provides a recommended transport vision, objectives, policies and other supporting activities to meet the aspirations of the local community as outlined in the Yarra 2036 Community Vision and other recent community consultation processes.

#### The recommended Strategy

7. The draft strategy has a number of components (see **Attachment One**).
8. In summary, it has the following:
  - (a) a 'Yarra 2050 Transport Vision';
  - (b) an outline of relevant data;
  - (c) an outline of the transport issues in Yarra;
  - (d) an outline of how the Vision will be achieved – through pursuing 5 Outcomes, 5 Strategic Directions and progressive implementation of 15 Policies;
  - (e) The five Outcomes being:
    - (i) Increased use of space-efficient forms of transport in Yarra;
    - (ii) Enhanced places for people on Yarra's streets;
    - (iii) Increased independent mobility for vulnerable road users in Yarra;
    - (iv) Reduced car use for trips within, to, from and through Yarra;

- (v) Increased use of environmentally sustainable forms of transport in response to the climate emergency;
- (f) The five Strategic Directions being:
  - (i) Allocate road space to preferred transport modes and other activities;
  - (ii) Reduce traffic speeds and volumes on Yarra’s streets;
  - (iii) Eliminate and reduce barriers to movement for all members of the community;
  - (iv) Be agile in responding to transport needs;
  - (v) Embrace partnerships; and
- (g) The 15 policies being:
  - (i) Prioritise walking, cycling and using public transport over car use;
  - (ii) Implement a New Deal for Schools – support active travel by children and families;
  - (iii) Implement a New Deal for Walking – make the network suitable for all ages and abilities;
  - (iv) Implement a New Deal for Cycling – make the network useable for bike riders and scooter users of all ages and abilities;
  - (v) Use innovative approaches to deliver projects;
  - (vi) Use good urban design principles in transport projects;
  - (vii) Manage car parking in a way that supports the use of active and public transport and the role of cars in an urban environment;
  - (viii) Reduce, delay or remove vehicle turning movements where these create safety issues for other road and path users;
  - (ix) Reduce traffic volumes, particularly where they are excessive relative to road function;
  - (x) Lower traffic speeds;
  - (xi) Encourage the use of shared transport;
  - (xii) Support opening of streets for community use;
  - (xiii) Encourage investment in new public transport services and improvements to existing services;
  - (xiv) Encourage transition to zero-emission road vehicles; and
  - (xv) Deliver transport projects as per Yarra’s Community Engagement Policy.

### [History and background](#)

#### The consultation process

9. The Adoption Draft of the Strategy is a revised version of the Exhibition Draft and considers feedback that has been received over a six week period. This commenced on the 10 March and received extensive feedback from Councillors, stakeholders, other internal departments and the community. The period was extended from four weeks to six weeks to allow for targeted engagement with some of Council’s advisory committees and due to school holidays.
10. More than 2,500 people visited the YourSayYarra engagement page. In total, 771 responses were submitted for the Draft Strategy using the YourSayYarra online feedback form. Another 30 submissions were provided by email and letter (in total over 800 responses). This is a higher response rate than for most council engagement processes for strategic documents.

11. The Yarra Transport Strategy Consultation Report at **Attachment Two** contains further information on process, questions asked of respondents and respondent feedback including all written responses in their original raw form.
12. Every reasonable effort was made to raise awareness of the strategy and encourage engagement across a wide section of the community as possible. The consultation involved, notification and promotion through a diverse and extensive range of online and offline communication channels and platforms to ensure the broadest possible audience and stakeholder reach. Promotion included:
  - (a) Council's bicultural liaison officers shared content in language through digital channels including WhatsApp;
  - (b) a digital animation was created to promote the purpose and intent of the draft Strategy and how people could have their say. This was promoted via Council social media channels and a version was also provided for dissemination by the bi-cultural liaison officers;
  - (c) a translation function was added to the Your Say Yarra engagement platform to provide additional in-language support;
  - (d) the engagement was promoted in the Yarra Life E newsletter during the consultation period as well as through the economic development and libraries etc;
  - (e) social media weekly posts were disseminated through Council's corporate channels – for example, Facebook, Instagram;
  - (f) news items / Media releases were disseminated through Yarra City Council's corporate website;
  - (g) postcards promoting the consultation were on display and available at Council's customer service centres;
  - (h) targeted social media promotions;
  - (i) posters on key cycling and pedestrian routes;
  - (j) posters at public housing estates; and
  - (k) key Neighbourhood House networks, email campaign and postcards.
13. Various groups with an interest in transport in Yarra were directly notified to raise awareness of the Strategy. These included Council's advisory committees, local schools, relevant state government agencies, public transport operators, local government counterparts, emergency services, and other relevant community groups.
14. Council staff also met with the Active Transport Advisory Committee, the Disability Advisory Committee, and the Active Ageing Advisory Committee.
15. The online feedback form included a combination of multiple choice and open comment questions. Participants were asked to provide feedback to questions regarding the draft Transport Strategy vision, objectives and policies and how these respond to and align with the adopted 2036 Community Vision and Council Plan 2021-2025 as these provide the strategic framework for new policy documents in Yarra.
16. The questions were:
  - (a) How satisfied are you that these outcomes support achieving the community's vision for transport in Yarra?
  - (b) How satisfied are you that these policies will deliver on the community's vision for transport and movement in Yarra? and
  - (c) How supportive are you personally of these policy directions?

### Comments on the feedback and submissions

17. Responses to questions one and two were varied and sometimes inconsistent with the responses to other questions in the same online feedback form. This suggests that the respondents may not have fully understood the question, were not aware of the Community Vision or did not agree with the Community Vision. As such, the responses to the first two questions have not been analysed in detail.
18. The third question relates to the respondents' personal satisfaction with the content of the strategy. This is considered more representative of the attitudes toward the policies of the draft Strategy itself. Feedback in response to this question has been considered in detail and reflected a broad range of views.
19. Analysis of the data shows that the level of satisfaction with the strategy varies depending on the age of the community member and situational relationship with Yarra.
20. A general observation is that younger people, visitors, workers, older people and renters are more supportive of the strategy. People in their 50s and 60's who own property in Yarra are typically less supportive. Responses to this question reflect the diversity of opinion regarding transport that exists in Yarra which itself reflects the diversity of personal circumstances for each individual submitter, what they value and the different definitions of success that they have regarding the transport system.
21. On every topic there were widely different views ranging from strong support for the content of the strategy and for it to implemented quickly, to total disagreement and for Council to abandon it.
22. Written comments were provided in response to the following strategy questions on the YourSayYarra web page.
  - (a) Do you want to share any feedback on the outcomes that guide the strategy?
  - (b) Are there any comments you would like to make on the policy directions as a whole or any individual policy areas? and
  - (c) Anything we've missed? Are there any comments or suggestions you'd like to make on the strategy as a whole?

### Key themes of feedback and submissions

23. A wide variety of points were made in response to these questions which ranged from broad strategic concepts to very detailed local matters. Key themes from the public exhibition have been identified and are summarised below alongside officer commentary (not in any specific order).

#### Theme 1 – The Challenges of Contested Space

24. There was a strong desire for Council to do more to encourage walking, cycling and public transport. There was also a strong desire for Council to maintain traffic capacity and car parking. A general theme from some respondents was that measures to encourage non-car modes of transport are supported so long as this does not in any way impact traffic movement or ease of parking; which is consistent with previous feedback on this topic over many years.
25. [officer response] As acknowledged in the Strategy, there is limited space available in Yarra. Unfortunately, it is not possible to prioritise space efficient modes like walking, cycling and public transport while also maintaining the status quo that largely subsidises and prioritises private car use above all other modes. For the city to function efficiently, and support the outcomes identified by the community as important, the objectives documented in the Strategy need to be implemented.

#### Theme 2 – The YTS has Anti Car Sentiments

26. Some viewed the strategy as being anti-car or looking to excessively inconvenience or penalise people travelling by car and/or looking to park a car. Another view was that most people own cars, need a car, use it regularly and this will always will and should be the case.

In many instances respondents stated their own personal circumstances in detail which required them to use a car. It was then observed that the Strategy does not account for this specifically so does not consider the needs of the community and the community is not being listened to.

27. There was some concern that the strategy would result in large amounts of on-street parking being removed and that a large number of streets would be closed to traffic. In contrast, another common theme was that there is too much traffic and a lack of traffic management which undermines Yarra as a place to live and visit.
28. [officer response] Traffic management (including some road closures) has occurred in Yarra for decades. The success of the Strategy does not rely on large numbers of roads or streets being closed or large numbers of Yarra's 48,000 on-street parking spaces being removed. Data shows that large numbers of car trips each day in Yarra are over short distances (over 20% of all journeys to work under 2.5 kilometres are done by car), and there are significant opportunities for some of these trips to be substituted through the use of ride share services, public transport use, subscription-based transport, cycling or walking if policy settings and investment in transport encourage this.
29. There was a perception that prioritising walking, cycling and public transport are new policy positions.
30. [officer response] This is not the case, the broad policy settings as set out in the strategy have now been in place for many years and are stated in the 2006 Yarra Strategic Transport Statement and even previous strategic documents from the Cities of Richmond, Collingwood and Fitzroy.

#### Theme 3 – The Strategy is Excessively Pro Cyclist

31. A common view was that the strategy is concerned with getting more people cycling at the expense of everything else and that 'not everyone can ride a bike'. Various instances were then listed where respondents claimed riding is not practical.
32. [officer response] Currently ABS data shows that 7% of trips are made by bicycle; Yarra has had a 15% mode share target for cycling since 2010. The existing 7% bike mode share and 15% target is a relatively high number in the context of Metropolitan Melbourne but is low compared to similar cities globally which typically have cycling rates of well over 20%. It is known from the 2020 Monash University and Vic Health Research Study that a large percentage of Yarra residents are interested in riding, but do not ride as they are very concerned about safety.
33. The Strategy is focused on creating an environment where the large number of people who are potentially interested in cycling, actually do take up the opportunity to cycle, by providing a safe, direct and connected network to use, just as people who drive cars are provided.
34. The success of the strategy is not dependant on those members of the community who either do not want to, or are unable to ride. It is also noted that getting more people on bikes who are looking to ride can still benefit people who use other forms of transport to get around. For example, more people on bicycles can reduce traffic congestion and parking demand; it can help free up space on busy public transport services and make it easier to access car share or e scooter share.

#### Theme 4 – The Strategy is supported but there are concerns that Council will not implement the policies

35. Some respondents stated that transitioning policy into action on the ground is an issue. This is something mentioned more frequently by respondents in the context of walking, cycling and public transport use. Many of these community members are highly engaged advocates for these methods of transport, are aware they are a priority in policy, have been a priority for some time, and are frustrated that conditions when travelling by these modes are not better than they currently are.

36. [officer response] This is a general theme and is not limited to Yarra or Local Government. It is common in many developed countries where various policy settings are now mature but change on the ground does not appear to reflect this, with any change perceived to be too slow. The Strategy seeks to employ a number of methods to help overcome this situation, including the New Deal for Cycling and a targeted series of advocacy priorities to improve public transport and get better outcomes for pedestrians.

Theme 5 – There is not enough reference to Zero Emission Vehicles and chargers

37. Some submitters say that Council should play a lead role in facilitating a shift to electric vehicles and more needs to be said about this. There was concern from some respondents that not enough of the Strategy focussed on actions related to zero emission vehicles, particularly electric cars.
38. [officer response] Work is progressing to improve access to car vehicles and supporting infrastructure in Yarra. Two fast electric car chargers for public use have been installed at the Collingwood Library carpark with a further four chargers planned to be installed by the end of 2022. While Council is committed to facilitating a transition to electric vehicles, this needs to be consistent with applying the road user hierarchy that preferences active and public transport and a desire to reduce congestion, discourage non-essential car ownership, both of which are continuing to rise. Opportunities for encouraging the use of other, more space-efficient electric vehicles, such as electric bicycles, are also included in the Strategy.

Theme 6 – A need for a stronger focus on emissions reduction and the climate emergency

39. There were some views expressed that the draft Transport Strategy does not sufficiently recognise responding to the climate emergency as an overarching priority for transport.
40. [officer response] Based on the most recent 'Snapshot' emissions modelling, greenhouse gas emissions from transport make up 11% of the Yarra community's emissions, with the majority being a result of car travel (7%). The Strategy focuses on providing alternative travel options choices to move away from car use and car ownership wherever possible. This in turn would reduce emissions, reduce congestion and improve safety.

Theme 7 – Conflicts between people using bikes, riding e scooters and walking on footpaths

41. Some submissions said that footpaths are trying to do 'too much' given their width and this is causing conflict. Off road trails, shared paths and footpaths in Activity Centres were identified more commonly in this context. There was significant concern from pedestrians about the volume of bikes (and to a lesser extent scooters) on the trails and their speed. In Activity Centres the topic of parked scooters and bikes obstructing footpaths was a common topic.
42. [officer response] The new deal for cycling will provide better on road options for cyclists and e scooter users as an alternative to using Yarra's busy trail network and other shared paths where there are conflicts with pedestrians. Parked e-scooters and bikes blocking footpaths is an issue and one that can be addressed via a range of measures which are supported in the strategy. These include matters such as decluttering footpaths, ensuring traders comply with outdoor dining permits, widening footpaths where necessary, and providing bicycle parking on kerb outstands / bike corrals.

Theme 8 – Existing parking policies are unfair

43. There was a significant amount of commentary on the parking topic. Opinions varied based on individual circumstances be it a regular car user / occasional car user / owner or non-owner of a car. Parking management approaches were viewed as 'unfair' specifically:
- (a) there is not enough car parking in Yarra, more is required - finding a space is frustrating and difficult;
  - (b) households have access to too many parking permits, which maximises demand and makes it difficult for other residents and their visitors to park;
  - (c) households with off-street car parking still park on the street making it more difficult for households without off street parking to park;

- (d) commuters regularly park in Yarra all day for free;
  - (e) paid parking in strip shopping centres is expensive and appears to discourage visitation which contradicts other Council objectives;
  - (f) resident parking permits are cheap and do not reflect their true value. Council subsidising resident parking is unfair on residents who do not own a car; and
  - (g) new development increases parking demand which is unfair on existing residents.
44. [officer response] Parking is a very sensitive topic in the community with a diversity of views on what success looks like and how easy it is to achieve. The scope of the Strategy is to set a broad direction which is consistent with objectives relating to transport, liveability, environmental sustainability, and the economy which, on balance, are better for the community collectively. In this regard, the Strategy provides terms of reference for consideration of an updated Yarra Parking Strategy which is a separate and significant document which will need look at the specifics of the parking topic in more detail.

Other feedback themes and officer responses to those comments are as follows:

45. More detail is required on specific projects on specific streets such as ‘widen the footpath on street x’ or ‘provide a pedestrian crossing on street Y’.
46. [officer response] Every transport topic and potential project cannot be covered and resolved in detail as part of a high-level strategic document. Future work including a transport project action plan and strategies for parking and electric vehicles will cover specifics.
47. More detail is required on the cost of implementing the strategy.
48. [officer response] It is not possible for strategic policies to be costed at this time. Costs will be calculated later as and when specific projects are developed and taken through the approval process. Details on how projects will be funded are to be resolved later as part of other annual Council budgetary and operational processes.
49. The strategy is too general and applies blanket policies for the whole of Yarra. It does not consider the nuances of different areas. For example, Alphington is very different to Richmond in terms of public transport accessibility.
50. [officer response] It is acknowledged that there is diversity amongst the suburbs of Yarra in terms of issues and opportunities, socio-economic factors, build form and infrastructure,. The strategy focuses on broad principles to provide coherence and consistency across Yarra and does not prevent nuanced approaches being taken to address specific circumstances. There are also other, more detailed, sub-regional studies that focus on smaller geographical areas. These include Road Safety Strategies and Master Plans. They are informed by many strategic documents covering all of Yarra, including transport, urban design, urban forest, open space and other policies.
51. Members of the community who strongly object to the strategy did not put forward clear alternative approaches, other than in some cases, to leave things as they are.
52. [officer response] that approach does not align with the Community Vision 2036 or the Council Plan, nor would it respond effectively to existing and emerging transport issues in Yarra.
53. Various external stakeholders were also invited to comment on the strategy. These Stakeholders included the transport planning area of State Government, neighbouring Councils, public transport operators, emergency services, various interest groups and forums, the Department of Families, Fairness and Housing and Parks Victoria. Those stakeholders that did provide feedback were very supportive of the strategy.

Discussion

54. Changes have been made to the Exhibition Draft of the strategy in response to feedback. These are:

- (a) providing more detail on topics of particular interest to the community where this will add value, and is within the scope of a strategic document e.g. climate emergency, electric vehicles, walking and cycling;
  - (b) clarifying key messages in some areas;
  - (c) strengthening linkages between the Strategy and other Council and State documents including the Climate Emergency Plan, the Transport Integration Act;
  - (d) improving the consistency of language;
  - (e) addressing various gaps in the document (e.g. the importance of managing car parking via enforcement);
  - (f) various improvements to maps, diagrams, and photos; and
  - (g) provision of additional statistics and data to support the transport story.
55. The strategy has been informed by existing documents (including the *Community Vision*) and many years of previous feedback from community members and long-established best practice transport planning.
56. Many of the key themes and policy positions of the strategy have been enhanced by feedback from the public exhibition process.
57. It is fully acknowledged that some members of the community do not agree with these policy positions. However, Council needs to consider what is the overall best approach to progress matters that align with its vision and those expressed in the *Community Vision*.
58. In some areas, more clarity has been provided where perceptions in the community exist regarding what certain policy positions involve and the scale at which they would be deployed.

### Options

59. There are three options for Council at this time:
- (a) Option 1 - adopt the draft strategy as shown in **Attachment One**;
  - (b) Option 2 - adopt the attached draft strategy subject to changes; or
  - (c) Option 3 - Councillor defer endorsement, request changes are made to the draft strategy and for it to be brought back to Council for endorsement at a later date.

### Community and stakeholder engagement

60. There has been extensive community engagement as outlined in the report with some 800 responses that have been considered by officers.
61. The specific feedback received is shown in the attachments which have been previously provided to Councillors for noting and consideration on formal briefing papers.
62. The officer report draws out the themes of the submissions for Council consideration.

### Policy analysis

#### Alignment to Community Vision and Council Plan

63. The draft Strategy strongly aligns with a suite of Council policy documents, including the:
- (a) 2036 Community Vision;
  - (b) 2021-25 Council Plan;
  - (c) Climate Emergency Plan;
  - (d) Place Making Framework;
  - (e) Physical Activity Strategy, and
  - (f) Access and Inclusion Strategy.

### Climate emergency and sustainability implications

64. The Strategy seeks to respond to climate emergency challenges in the transport context.
65. It is noted that transport is the fastest-growing source of emissions in Victoria and Australia with the vast majority resulting from private vehicle use.
66. Providing people with real transport choices will play a vital part in both climate change mitigation and adaptation.

### Community and social implications

67. The strategy seeks to make Yarra's transport network more inclusive and accessible.
68. There are actions that Council can take directly as well as advocating to other levels of Government for items that fall outside of Council's jurisdiction, such as delivery of accessible tram stops or increased heavy rail capacity.
69. There are also social elements for Council to consider in the implementation of transport projects, such as household income and cultural diversity. These are considered in the Strategy both from a strategic and delivery perspective; that is, through the provision of alternate means of movement around the municipality.

### Economic development implications

70. The strategy seeks to provide Yarra with a transport network that supports economic activity in the short, medium, and longer term.
71. There are no economic implications directly associated with adopting the Strategy. There may be economic development implications associated with implementing actions derived from the strategy and specific projects. These will be considered as part of specific project assessment processes.

### Human rights and gender equality implications

72. The Strategy has been drafted with a human rights and gender equity lens.
73. This includes under the Victorian Charter of Human Rights and the Gender Equity Act 2020.
74. Having access to safe, reliable and appropriate transport options for all is essential to enabling many rights and responsibilities.
75. Decreasing transport disadvantage, improving actual and perceived safety and recognising the role of gender in transport project delivery and research are a key aims of the Strategy.

## **Operational analysis**

### Financial and resource impacts

76. There are no direct financial implications associated with adopting the Strategy.
77. Delivering the strategy would require substantial ongoing financial allocation by Council over a decade to make the vision a reality.
78. It is noted that some external funding opportunities via Government grants may be possible where the project also aligns with Government objectives.
79. Some other capital Council projects would also be able to assist in the delivery of some aspects of the strategic transport projects (such as, when road resheetings are to be undertaken, other features can, with supplementary funding, be made a part of the project).
80. It is also essential that the State Government invests significantly in Yarra as part of the mobility plans for Melburnians and visitors. The Strategy supports this outcome by clearly articulating to external funding agencies the types of projects that Council will support and wants to see delivered.

### Legal Implications

81. There are no known legal implications associated with adopting the Transport Strategy.

## Conclusion

82. The draft Yarra Transport Strategy for Adoption (the Strategy) provided at **Attachment One** provides for a ten year multi modal strategy. It provides a recommended transport vision, objectives, policies and other supporting activities to meet the aspirations of the local community as outlined in the Yarra 2036 Community Vision and other recent community consultation processes.
83. The Adoption Draft of the Strategy is a revised version of the Exhibition Draft and considers the vast feedback that has been received over a six week consultation period.
84. In total, over 800 responses were received which is a higher response rate than for most Council engagement processes for documents. The levels of support shown in feedback was mixed, although there is general support for the document.
85. Officers have analysed this feedback in detail and made changes to the document. The document responds to various transport issues, and also considers a range of previous community feedback and is aligned with other internal and external policy documents. The changes made focus on providing further details and clarity where this will add value.
86. A significant amount of work has now been done on the Strategy over many months in terms of considering its key themes, objectives and policies, undertaking research and engaging with stakeholders and the broader community.
87. Council endorsement of the Strategy is now sought so it can start to actively inform decision making on the large number of internal and external capital projects that have a transport component. It will also add value to other work that Council undertakes including State Government advocacy, community engagement, budgeting, and policy development.

## RECOMMENDATION

1. That Council:
  - (a) note the officer report regarding the draft Yarra Transport Strategy 2022-2032;
  - (b) note the feedback and submissions received from the exhibition period which are provided in **Attachment Two** and which have previously been provided to Councillors for noting and consideration;
  - (c) note the revised version of the draft Yarra Transport Strategy 2022-2032 prepared by officers following consideration of:
    - (i) the feedback and submissions provided to Council through the exhibition period;
    - (ii) the Yarra 2036 Community Vision; and
    - (iii) Objective 5 'Transport and Movement' as expressed in the Council Plan 2021-2025;
  - (d) note the five Outcomes, five Strategic Directions and 15 Policies as stated in the attached recommended strategy to advance the transport vision and objectives of Council over the 10 year period to 2032; and
  - (e) having considered the feedback and submissions from the community and other stakeholders and interested parties and the officer report and commentary, determine to adopt the Yarra Transport Strategy 2022- 2032 as shown in **Attachment One**.
2. That the adopted strategy be titled Moving Forward>> Yarra Transport Strategy 2022-2032.
3. That the adopted contents of the document be published for presentation purposes and for it to be made available on the Council website.

## Attachments

- 1 Attachment 1 - Yarra's Transport Strategy 2022-2032 - DRAFT for Adoption
- 2 Attachment 2 - Consultation Report
- 3 Attachment 3 - List of changes in response to exhibition feedback

## 8.2 Public Open Space - Contribution Expenditure Policy

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<b>Reference</b>	D22/164308
<b>Author</b>	Althena Davidson - Manager City Strategy
<b>Authoriser</b>	Director Planning and Place Making

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### Purpose

1. To present the *Public Open Space - Contribution Expenditure Policy* for adoption.

### Critical analysis

#### History and background

2. The current *Allocation of Moneys Received via the Public Open Space Requirement Policy* was endorsed by Council in 2016 and is due for review.
3. The policy has been reviewed and renamed to *Public Open Space - Contribution Expenditure Policy* to better reflect the policy's function (see Attachment).
4. This policy is part of the key aspects required to implement the *Yarra Open Space Strategy 2020*; these include:
  - (a) planning scheme amendments C286yara and C306yara which are seeking to increase the contribution rate in the *Yarra Planning Scheme*; and
  - (b) a *Public Open Space - Contribution Expenditure Policy* (subject to this item).

#### Discussion

5. The *Public Open Space - Contribution Expenditure Policy* outlines 'how' the allocation of monetary contributions received from the *Yarra Planning Scheme* Public Open Space Contribution clause is to occur.
6. The intent and function of the updated policy are largely the same as the existing policy.
7. Changes from the old to the proposed new policy are:
  - (a) to update the template;
  - (b) to align with the *Yarra Open Space Strategy 2020* including:
    - (i) referencing the 2020 strategy;
    - (ii) referencing how projects can be apportioned funding;
  - (c) updated references to the *Yarra Planning Scheme* to:
    - (i) remove the clause numbering;
    - (ii) remove the reference to the current public open space contribution rate as that is provided in the *Yarra Planning Scheme*;
  - (d) to update the financial references to:
    - (i) remove specific accounting terms and process that are not required;
    - (ii) provide clarity regarding the ability to accrue funding for larger projects;
  - (e) to update the definitions table to add new terms, better define terms and clarify what the Open Space Reserve can be spent on; and
  - (f) to remove out of date references from the documents list.

### Options

8. Option 1 – approve the *Public Open Space - Contribution Expenditure Policy*.  
The policy aligns with the *Yarra Open Space Strategy 2020* and *Yarra Planning Scheme* (recommended).
9. Option 2 – not update the *Allocation of Moneys Received* via the proposed *Public Open Space - Contribution Expenditure Policy*, noting it is due for a scheduled review.  
This option would not reflect updated terminology and references to the *Yarra Open Space Strategy 2020* or the *Yarra Planning Scheme* (not recommended).

### Community and stakeholder engagement

10. Internal stakeholders in all Divisions have been consulted and their feedback addressed.

### Policy analysis

#### Alignment to Community Vision and Council Plan

##### Community Vision

11. Under the Community Vision (7.4), it refers to “*Increase availability and diversify use of open spaces to address existing shortages and respond to population growth*”.

##### Council Plan

12. In the Council Plan, under Strategic Objective four: *Place and Nature* it refers to Yarra’s public places, streets and green open spaces bring our community together. They are planned to manage growth, protect our unique character and focus on people and nature.
13. In the Initiatives it states - *Plan, design, deliver and maintain high quality open spaces, parks and reserves including the creation of seven new or expanded parks*.

#### Climate emergency and sustainability implications

14. Increased permanent open space will positively respond to the climate emergency by providing more green space and increase the liveability of Yarra.

#### Community and social implications

15. The *Public Open Space - Contribution Expenditure Policy* aligns with the *Yarra Open Space Strategy 2020* and provides clarity how the collected contributions can be spent.

#### Economic development implications

16. Not applicable.

#### Human rights and gender equality implications

17. New and improved open space is beneficial to the community in many ways.

### Operational analysis

#### Financial and resource impacts

18. The *Public Open Space - Contribution Expenditure Policy* outlines how the allocation of monetary contributions received from the Public Open Space Contribution clause in the *Yarra Planning Scheme* is to occur.
19. This includes the matter of the *apportionment* of money from the open space reserve to fund a project, based on the anticipated level of new population to the area, which is the basis of receiving the open space contributions under the *Subdivision Act 1988*. The allocation of funds from the Reserve is to be consistent with the *Yarra Open Space Strategy 2020* and its calculations.

### Legal Implications

20. The *Public Open Space - Contribution Expenditure Policy* was reviewed to ensure legislative compliance, and alignment with the *Yarra Open Space Strategy 2020* and *Yarra Planning Scheme*.

### Conclusion

21. The existing *Allocation of Moneys Received via the Public Open Space Requirement Policy* was endorsed by Council in 2016 and is due for review.
22. The new policy has been renamed to *Public Open Space - Contribution Expenditure Policy* to better reflect the policy's function.
23. The proposed changes streamline and clarify aspects of the policy and to align it with the *Yarra Open Space Strategy 2020* including the apportionment of money to projects.

### RECOMMENDATION

1. That Council:
  - (a) note the officer report and the Attachment regarding the *Public Open Space - Contribution Expenditure Policy*; and
  - (b) adopt the *Public Open Space - Contribution Expenditure Policy* as shown in the Attachment.

### Attachments

- 1 Attachment 1 - Public Open Space - Contributions Expenditure Policy

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## 8.3 Environment Advisory Committee Membership

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<b>Reference</b>	D22/152694
<b>Author</b>	Michael Oke - Unit Manager Sustainability
<b>Authoriser</b>	Director Planning and Place Making

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### Purpose

1. To inform Council that a public Expression of Interest (EOI) process has been completed, as required, to recruit new members to the Environment Advisory Committee ("EAC").
2. To seek Council's endorsement of the proposed new members.

### Critical analysis

#### History and background

3. The Terms of Reference (Attachment 2) state that the purpose of EAC is to *represent interests pertaining to all aspects of urban environmental sustainability including (but not limited to) climate change; resource efficiency across water, waste and energy; urban greening and natural capital; local food systems; and the built environment, by providing advice to Council on policy, strategy and other strategic opportunities to progress the organisation's response to these issues.*
4. The objectives of EAC are to *capitalise on the knowledge, experience and skills available in the Yarra community to provide advice to Council in respect to:*
  - (a) *Emerging and evolving environmental sustainability issues, challenges and opportunities relevant to the City of Yarra;*
  - (b) *The delivery of its Council Plan in relation to environmental sustainability issues;*
  - (c) *Development and strategic implementation of environment-related council strategies, including (but not limited to) the Yarra Environment Strategy, Climate Emergency Plan, Waste Minimisation and Resource Recovery Strategy, Urban Agriculture Strategy, Urban Forest Strategy, Nature Strategy and Integrated Water Strategy (as updated from time-to-time);*
  - (d) *Key policy development on relevant issues;*
  - (e) *Design and delivery of specific environment sustainability programs and projects by Council;*
  - (f) *Engagement with the wider City of Yarra community to build awareness of environmental sustainability issues and activities; and*
  - (g) *Identifying strategic opportunities to collaborate with other organisations and groups to progress initiatives related to environmental sustainability issues.*
5. The term of the appointment to EAC is for two (2) years, unless a member resigns from their position prior.
6. The membership consists of two (2) Councillors (appointed annually), plus sixteen (16) community members made up of a minimum of two members from each the following specific subject areas:
  - (a) Climate emergency;
  - (b) Waste management;
  - (c) Local food systems;
  - (d) Biodiversity and nature; and

- (e) Water.

### Discussion

7. Nominations were open from Tuesday 26 April through to Sunday 15 May 2022.
8. Council sought applicants with an ability to work collaboratively with other members and Council, and a strong interest and proven understanding of local environmental sustainability issues.
9. Applicants were reviewed on the basis of their capacity to form a committee with the following attributes:
  - (a) *Diversity of environmental interests and knowledge including climate change; waste; transport; community development; engagement and behaviour change; urban agriculture; biodiversity; water; and built environment, or*
  - (b) *Technical knowledge and experience in one of the following subject areas:*
    - (i) *Climate emergency;*
    - (ii) *Energy;*
    - (iii) *Waste management;*
    - (iv) *Local food systems;*
    - (v) *Biodiversity and nature; and*
    - (vi) *Water;*
  - (c) *Representation of members of different local community groups;*
  - (d) *Representation of a variety of sectors in the municipality, including community agencies, business, education, and interested citizens; and*
  - (e) *A mix of skills and attributes to complement other members of the Committee.*
10. Council received 45 applications for the sixteen positions available. Four existing EAC members reapplied to continue for another term.
11. The Selection Panel ("the Panel") comprised of two Officers: Sustainability Unit Manager, and Senior Biodiversity Officer. Note that the Sustainability Unit Manager had a conflict of interest regarding one of the applicants, and for this applicant the rating was completed by Senior Biodiversity Officer alone and confirmed via discussion with the Climate Emergency Coordinator.
12. The Panel was extremely impressed with the diversity of interest and knowledge, experience, and community representation reflected in the applications.
13. Applications were assessed individually against the above criteria (point 9) and the Panel then reviewed the overall mix and potential membership.
14. Based on this above process 16 community members have been recommended to be appointed to EAC for a two year term (refer to Confidential Attachment 1).
15. Officers believe the 16 community members recommended to be selected for EAC membership presents a strong and balanced committee with diversity of experience, focus, demographics, past members, and links to key areas of the community.

### Options

16. Forty-five applications were received for the sixteen vacant positions.
17. Officers recommend Council support the appointment of sixteen nominees (see confidential Attachment 1).

## Community and stakeholder engagement

18. In line with the *Appointment of Members to Council Committees Procedure*, Council Officers advertised an EOI to join EAC on the Yarra Council website and promoted this via Council Social Media (e.g. Facebook) and via the Yarra Environment News.
19. This advertising included:
  - (a) the purpose of the EAC;
  - (b) desired attributes or skills of interested community or other non-Councillor representatives;
  - (c) inviting expressions of interest from suitably qualified or experienced persons seeking to be considered; and
  - (d) noting that Council will, following consideration of EOI's received, formally resolve to appoint the selected members.
20. The Governance Unit provided advice and support on the requirements of the public EOI process.

## Policy analysis

### Alignment to Community Vision and Council Plan

21. The *Council Vision 2036* includes the Theme ‘*Environmental Sustainability*’ which states: *We are all custodians of the City of Yarra. While our skyline is growing, so are our green spaces. We are smarter in how we manage growth and use our resources and energy. We celebrate, enable and promote a circular economy.*
22. Council Plan 2021-2025 includes the Theme *Climate and Environment* and states *Yarra urgently mitigates climate change while also adapting to its impacts and developing resilience in everything we do. The community, business and industry are supported and encouraged to do the same.*

### Climate emergency and sustainability implications

23. The Environment Advisory Committee is focused solely on advising Council on issues pertaining to Climate emergency and sustainability, and a recruitment of new members will strengthen the advisory group by providing fresh ideas, different points of view and invaluable feedback.

### Community and social implications

24. The membership has sought to include diversity of representation on the Committee.

### Economic development implications

25. There are no economic development implications associated with the report.

### Human rights and gender equality implications

26. The appointment of proposed members ensures a balance of gender representation on the EAC.

## Operational analysis

### Financial and resource impacts

27. There are no financial or resource impacts associated with this report.

### Legal Implications

28. There are no legal implications associated with this report.

## Conclusion

29. The Selection Panel have undertaken a public EOI process to recruit new members to the EAC in accordance with the *Terms of Reference and Council's requirements relating to community advisory committees*.
30. The community responded with 45 applications for the sixteen vacant positions.
31. Officers have reviewed all applications and have recommended 16 to be appointed onto the EAC.
32. Officers believe the 16 community members recommended to be selected for EAC membership presents a strong and balanced committee with diversity of experience, focus, demographics, past members, and links to key areas of the community.

## RECOMMENDATION

1. That Council appoint the following persons to the sixteen vacant positions on the Environment Advisory Committee:
  - (a) \_\_\_\_\_;
  - (b) \_\_\_\_\_;
  - (c) \_\_\_\_\_;
  - (d) \_\_\_\_\_;
  - (e) \_\_\_\_\_;
  - (f) \_\_\_\_\_;
  - (g) \_\_\_\_\_;
  - (h) \_\_\_\_\_;
  - (i) \_\_\_\_\_;
  - (j) \_\_\_\_\_;
  - (k) \_\_\_\_\_;
  - (l) \_\_\_\_\_;
  - (m) \_\_\_\_\_;
  - (n) \_\_\_\_\_;
  - (o) \_\_\_\_\_; and
  - (p) \_\_\_\_\_.
2. That officers write to all members of the community who expressed interest, advising of this decision and thank them for applying to be members of the Environment Advisory Committee.

## Attachments

- 1 Attachment 1 - CONFIDENTIAL EAC 2022 Recommendations - *Confidential*
- 2 Attachment 2 - Environment Advisory Committee (EAC) TOR 2020

## 8.4 Proposed Discontinuance of Road at 9-11 Brighton Street, Richmond.

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<b>Reference</b>	D22/155630
<b>Author</b>	Bill Graham - Coordinator Valuations
<b>Authoriser</b>	Director Corporate, Business and Finance

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### Purpose

1. For Council to consider whether the road shown as Lot 1 on the title plan attached as Attachment 1 to this report (**Road**), being the land remaining in Conveyance Book P No. 731, should be discontinued pursuant to the *Local Government Act 1989 (Act)* and sold to LPC Brighton Pty Ltd ACN 652 201 655 (**Applicant**).

### Critical analysis

#### History and background

2. The Road is shown as the area-coloured red on the plan attached as Attachment 2 to this report (**Site Plan**). A copy of the title search of the Road is attached as Attachment 3 to this report.
3. Geoff Bade (Aust) Pty Ltd ACN 005 735 151 (**Owner**) is the registered proprietor of all the land abutting the Road, shown delineated blue on the Site Plan, comprising the land contained in the following certificates of title, volume 8317 folio 878 known as 9 Brighton Street, Richmond, and volume 10441 and folio 818 known as 11 Brighton Street, Richmond (together, the **Adjoining Properties**).
4. On the 28 July 2021, the Owner entered contracts to sell each of the Adjoining Properties, and the property at 13-15 Brighton Street, to the Applicant. Settlement of the contracts is to occur on 28 November 2022, or earlier by agreement between the parties. The Applicant has provided copies of the contracts to Council.
5. The Applicant has requested that Council discontinue and sell the Road to it (**Proposal**), in anticipation of it becoming the registered proprietor of the Adjoining Properties. If Council resolves to discontinue the and sell the Road to the Applicant, the transfer of the Road to the Applicant is subject to the Applicant (or a related party of the applicant, in which case the transfer of the Road would be made to that related party) first becoming the registered proprietor of the Adjoining Properties.
6. The Applicant has agreed to pay Council's costs and disbursements associated with the proposed discontinuance of the Road, together with the market value as determined by the Act for the transfer of the discontinued Road to the Applicant.

#### Discussion

##### **Road Status**

7. The Road is:
  - (a) known to title as a 'road', and its last registered owner is Joseph Clark as at 9 June 1852; and
  - (b) constructed of concrete and artificial grass.
8. It is considered that the Road is not reasonably required for public use as the Road:
  - (a) is not currently being used or accessed by the general public as a road, (the Road is only being used by the adjoining properties); and

- (b) is a dead end, and therefore does not connect as a throughfare to any other public roads.
9. The Road is a 'road for the purposes of the Act, and Council has statutory power to consider discontinuing the Road. If it is discontinued, it will vest in Council.
10. At its meeting on 29 March 2022, Council resolved to:
- (a) remove the Road from Council's register of public roads pursuant to section 17(4) of the *Road Management Act 2004*; and
  - (b) commence the statutory procedures and give notice pursuant to section 207A and 223 of the Act of its intention to discontinue and sell the Road to the Applicant.

### Options

11. Council can decide to discontinue the Road or not to discontinue the Road.

## Community and stakeholder engagement

### Public Notice

12. The public notice required to be given was placed in the Age Newspaper on 26 April 2022, Council's website and displayed on-site.
13. The Applicant has entered into a contract to purchase the Adjoining Properties which are the only properties which abut the Road; therefore, the Applicant was not required to seek the consent of any other adjoining owners to the Proposal.
14. No submissions were received by Council in response to the public notice by the closing date, being 26 May 2022.
15. A copy of the public notice is attached as Attachment 4 to this report

### Public/Statutory Authorities

16. The following public/statutory authorities have been advised of the Proposal and have been asked to respond to the question of whether they have any existing assets in the Road that should be saved under section 207C of the Act: Greater Western Water, Melbourne Water, CitiPower, United Energy, Multinet Gas, Telstra, Optus, APA Gas, AusNet Services and Yarra City Council.
17. Council, Ausnet Services, Melbourne Water, CitiPower, United Energy, Multinet Gas and APA Gas have advised that they have no assets in or above the Road and no objection to the Proposal.
18. Optus has advised that it has no assets in or above the Road.
19. Telstra advised that it has no assets located within or above the Road, and no objection to the Proposal, provided that the Applicant:
- (a) calls Dial Before You Dig prior to any construction activities in the vicinity of Telstra's communication plant; and
  - (b) upon receipt of plans, obtains a Telstra accredited Asset Plant Locator to confirm the location of the plant.
20. Greater Western Water (**GWW**) advised that it has sewer assets in the Road. GWW advised that it did not object to the Proposal, subject to the following conditions:
- (a) a 2-metre-wide sewerage easement is created over the Road in favour of GWW;
  - (b) any proposed fences must be located a minimum distance of 800mm clear of the centreline of the existing sewer mains;
  - (c) any proposed fence lines must be located a minimum 1 metre from sewer manholes and/or inspection shafts; and
  - (d) any proposal to build over GWW assets requires GWW's prior written consent.

21. The discontinuance title plan was prepared to include the easement in favour of GWW as requested by GWW.

## Policy analysis

### Alignment to Community Vision and Council Plan

22. The City of Yarra Council Plan 2021-2025 contains relevant strategies under two strategic objectives of “Place and Nature” and “Democracy and Governance”.
23. These strategies are:
- (a) Plan and manage community infrastructure that responds to growth and changing needs; and
  - (b) Manage our finances responsibly and improve long-term financial management planning.

### Climate emergency and sustainability implications

24. Not applicable to this report.

### Community and social implications

25. There are no community and social implications associated with this report.

### Economic development implications

26. The Applicant has agreed to acquire the Road for its market value as determined by the Act (plus GST).
27. In addition to the market value of the Road (plus GST), the Applicant has agreed to pay Council’s costs and disbursements associated with the Proposal.

## Operational analysis

### Human rights and gender equality implications

28. Not applicable to this report.

### Financial and resource impacts

29. If the Road is discontinued and sold to the Applicant, the proceeds will flow to Council’s financial statements.

### Legal Implications

30. The Applicant will be required to consolidate the title to the discontinued Road with the land contained in the certificates of title to the surrounding land, being 9 and 11 Brighton Street, Richmond, by no later than 6 months after the date of transfer of the discontinued Road.

## Conclusion

31. Council must now determine whether the Road is reasonably required for public use in order to decide whether the Road should be discontinued and sold pursuant to clause 3 of schedule 10 of the Act.

## RECOMMENDATION

1. That Council, acting under clause 3 of schedule 10 of the *Local Government Act 1989 (Act)*:
  - (a) resolves, having followed all the required statutory procedures pursuant to sections 207A and 223 of the Act pursuant to its power under clause 3 of schedule 10 of the Act, and being of the opinion that the road abutting 9-11 Brighton Street, Richmond, the land remaining in Conveyance Book P no. 731 (shown marked as lot 1 on the title plan attached as Attachment 1 to this report (**Road**)) is not reasonably required for public use for the reasons set out in this report, to discontinue the Road;
  - (b) directs that a notice pursuant to the provisions of clause 3(a) of Schedule 10 of the Act is to be published in the *Victoria Government Gazette*;
  - (c) directs that, once discontinued, and subject to LPC Brighton Pty Ltd (or its related party) (**Applicant**) first becoming the registered proprietor of the properties which abut the Road a 9-11 Brighton Street, Richmond (**Adjoining Properties**), the Road be transferred to the Applicant for no less than the market value as determined by the Act (plus GST);
  - (d) directs the CEO sign any transfer or transfers of the Road or any other documents required to be signed in connection with the discontinuance of the Road and its subsequent transfer to the Applicant;
  - (e) directs that any easements, rights or interests required to be created or saved over the Road by any authority be done so and not be affected by the discontinuance and sale of the Road; and
  - (f) directs that the Applicant be required to consolidate the title to the discontinued Road with the land contained in the certificates of title to the surrounding land, by no later than 6 months after the date of the discontinued Road.

## Attachments

- 1 Attachment 1 - Title Plan
- 2 Attachment 2 - Site Plan
- 3 Attachment 3 - Title Search
- 4 Attachment 4 - Public Notice

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## 8.5 Amendments to the Civic Flag Policy

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<b>Reference</b>	D22/141058
<b>Author</b>	Rhys Thomas - Senior Governance Advisor
<b>Authoriser</b>	Group Manager Chief Executive's Office

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### Purpose

1. To make amendments to the Civic Flag Policy and Community Flag Schedule.

### Critical analysis

#### History and background

2. The City of Yarra Civic Flag Policy governs the flying of flags at Council's Town Halls, Community Flagpoles and other facilities and establishes a mechanism to consider requests for flying of flags of significance to the Yarra community.
3. The flags flown on Council's Civic Flagpoles are set out in a Community Flag Schedule to that policy – an approach that enables the list of flags to be updated without necessitating a formal review of the policy itself.

#### Discussion

4. At the meeting of the Rainbow Advisory Committee on 6 June 2022, a discussion was held following the recent successful flying of the Rainbow Flag in recognition of the International Day Against Homophobia, Biphobia and Transphobia on 17 May. It was noted that while Yarra City Council flew the Rainbow Flag, a number of other organisations (including Councils) recognised the day by flying one of the Philadelphia Pride Flag, the Pride Progress Flag or the Intersex-Inclusive Pride Flag.
5. In 2017, under the leadership of American civil rights activist Amber Hikes, Philadelphia's Office of LGBT Affairs designed the Philadelphia Pride Flag, incorporating black and brown stripes to include black, brown, and people of colour.
6. Building on that in 2018, Daniel Quasar redesigned the flag to include trans people, creating the Pride Progress flag.
7. In 2021, Valentino Vecchiotti of Intersex Equality Rights UK adapted the Pride Progress Flag design to incorporate the intersex flag, creating this Intersex-Inclusive Pride flag 2021.



Rainbow  
Flag



Philadelphia  
Pride Flag



Pride Progress  
Flag



Intersex-Inclusive  
Pride Flag

8. The consensus view of the Rainbow Advisory Committee was that Council should cease flying the Rainbow Flag, and move instead to the use of the Intersex-Inclusive Pride Flag for those occasions where Council seeks to acknowledge the complete diversity of Yarra's community (currently Midsumma and IDAHOBIT).
9. Further, the view was that Council should cease the use of the Rainbow Flag to recognise the bisexual community on Bi Visibility Day and the Intersex community on Intersex Awareness Day, and should instead fly the Bisexual Flag and the Intersex Flag respectively.

10. In addition, the Committee recognised that a number of additional flags could be flown that were not referenced in the LGBTIQ+ Strategy adopted in 2020 and were therefore not included in the schedule at that time.
11. These proposed additions are:
  - (a) the Lesbian Pride Flag on 26 April (Lesbian Visibility Day) and 8 October (International Lesbian Day);
  - (b) the Pansexual Pride flag on 24 May (Pansexual Pride Day);
  - (c) the Non Binary Pride Flag on 14 July (International Non-Binary People’s Day);
  - (d) the Intersex-Inclusive Pride Flag on 26 August (Wear it Purple Day); and
  - (e) the Intersex Flag on 8 November (Intersex Day of Remembrance).
12. Officers have considered the Rainbow Advisory Committee’s position and agree with the recommendations.
13. In addition to the changes recommended by the Rainbow Advisory Committee, officers recommend that Council take the opportunity to also make the following changes to the Community Flag Schedule:
  - (a) Correct the anomaly that saw the flag of the International Campaign to Abolish Nuclear Weapons flown only at Richmond (unlike all other flags which are flown at Collingwood, Fitzroy and Richmond); and
  - (b) Clarify that if a football club flag is to be flown due to the club’s appearance in the AFL or AFLW grand final clashes with another flag on the schedule, that the football club flag will be flown in one location, and the other flag will be flown in the other locations.
14. Lastly, this process of review has identified a need for greater flexibility when it comes to flying various flags and making changes to the Community Flag Schedule. While the existing policy provides a mechanism for decisions to be made under delegation without the need for a Council resolution, it has not proven to be sufficiently flexible to make the changes set out in this report. This is because the CEO’s current authority extends only to the ability to make temporary or ‘one off’ changes on the basis of a limited number of circumstances.
15. On this basis, it is recommended to vary the approval authority of the existing policy from Council to the Chief Executive Officer. This would enable the Chief Executive Officer to make future alterations to the policy without the need for a formal Council resolution in each case. Making this change would not alter the ability of Council to add or remove flags from the schedule by resolution, as the Chief Executive Officer’s delegation is limited in that they cannot make a decision that is contrary to Council policy or a previous resolution of Council.

### Options

16. There are no options set out in this report, although it is open to Council to make adjustments to the Civic Flag Policy and/or Community Flag Schedule by alternative resolution.

### Community and stakeholder engagement

17. Public engagement on this subject was limited to discussions with the Rainbow Advisory Committee. Officers advise that widespread community consultation is not required due to the narrow scope of the recommendations.
18. Following updates to the schedule, Council’s website will be updated to reflect the new arrangements, and Council will make appropriate social media and other communications at the time of flying of the new flags. This is consistent with the ‘Inform’ approach set out in Council’s Community Engagement Policy.

## Policy analysis

### Alignment to Community Vision and Council Plan

19. The community's vision for Yarra, as set out in the Community Vision 2036 is for *“a vibrant, safe and inclusive environment (where) we celebrate and embrace our diversity and connection to each other and the land (and) our community is empowered to work together and support one another with respect and trust.”*
20. The flying of flags that symbolise and celebrate the diverse community of the City of Yarra and have special meaning to all or part of Yarra's community is one way that Council publicly represents the community's vision for the city.

### Climate emergency and sustainability implications

21. There are no climate emergency and sustainability implications considered in this report.

### Community and social implications

22. The Rainbow Advisory Committee plays a key role in breaking barriers to access, participation and inclusion for the LGBTIQ+ community. The Committee provides a direct voice to Council on matters affecting Yarra's LGBTIQ+ community.
23. The flying of flags on Council's Civic Flagpoles in accordance with the Civic Flags Policy is one way Council is able to recognise and celebrate Yarra's diversity and acknowledge its positive contribution to the city.

### Economic development implications

24. There are no economic development implications considered in this report.

### Human rights and gender equality implications

25. Council's Social Justice Charter acknowledges that the City of Yarra is a vibrant and diverse municipality. It is the traditional lands of the Wurundjeri Woi Wurrung, and a place of special significance for the broader Aboriginal and Torres Strait Islander community. The City of Yarra is also home to diverse communities, something that Council is proud of and recognises as an asset.
26. Further, Council is bound by the Charter of Human Rights and Responsibilities Act 2006 (Vic) to act compatibly with human rights, and to consider human rights when developing policies, making laws, delivering services and making decisions.
27. Council has an important role to play in upholding and protecting its diverse population's human rights. Council will actively work to reduce barriers so that the LGBTIQ+ community can participate in community life and access services and information.

## Operational analysis

### Financial and resource impacts

28. The financial and resource impacts of this report are limited to the cost of purchasing flags and the staff time associated with raising and lowering them. These costs have no material impact and are met within Council's operational budget.

### Legal Implications

29. There are no legal implications of the recommendations of this report. The flying of flags on Council's Civic Flagpoles is a matter for Council, and provided a national flag is not flown, is not impacted by the Flags Act 1953 (Cth).

## Conclusion

30. This report recommends that Council adopt the advice of its Rainbow Advisory Committee and update the Community Flag Schedule accordingly. The report also recommends two other changes to the flag schedule and the authorisation of the Chief Executive Officer as the approval authority for the policy.

## RECOMMENDATION

1. That Council update the Civic Flag Policy and Community Flag Schedule by incorporating the markups set out in the draft Civic Flag Policy at **Attachment One**.

## Attachments

- 1 Attachment 1 - Draft Civic Flag Policy

## 8.6 Appointment of Authorised Officers under the Planning and Environment Act 1987

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<b>Reference</b>	D22/161785
<b>Author</b>	Rhys Thomas - Senior Governance Advisor
<b>Authoriser</b>	Group Manager Chief Executive's Office

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### Purpose

1. To provide for the formal appointment of Council Officers as Authorised Officers pursuant to Section 147(4) of the Planning and Environment Act 1987 and Section 313 of the Local Government Act 2020.

### Critical analysis

#### History and background

2. In order to conduct inspection, enforcement and prosecution activities on Council's behalf, officers require specific authorisation under the relevant legislation. While authorisation for most legislation is provided by the Chief Executive Officer acting under delegation, specific provisions of the Planning and Environment Act 1987 require that the authorisation be made directly by Council resolution.

#### Discussion

3. In order to undertake the duties of office, staff members listed in the recommendation require authorisation under the Planning and Environment Act 1987.
4. In addition, authorisation must also be provided under section 313 of the Local Government Act 2020 in order to enable these officers to commence enforcement action where necessary.

#### Options

5. No options are presented in this report.

### Community and stakeholder engagement

6. No community engagement has been undertaken.

### Policy analysis

#### Alignment to Council Plan

7. As part of Strategic Objective 6: Democracy and Governance, the City of Yarra Council Plan 2021-2025 contains the strategy "*Practice good governance, transparency and accountable planning and decision-making*".
8. The transparent appointment of authorised officer ensures compliance with the law and Council's commitment to good governance.

#### Climate emergency and sustainability implications

9. This report has no climate emergency or sustainability implications.

#### Community and social implications

10. This report has no community or social implications.

#### Economic development implications

11. This report has no economic development implications.

### [Human rights and gender equality implications](#)

12. This report has no human rights or gender equality implications.

### Operational analysis

#### [Financial and resource impacts](#)

13. There are no financial or resource impacts of this report.

#### [Legal Implications](#)

14. Appointment of Authorised Officers under the Planning and Environment Act 1987 requires a formal resolution of Council. Where such authorisation is proposed to be granted, provision is also made to allow the respective officer to also initiate proceedings on behalf of Council (as provided in Section 313 of the Local Government Act 2020).

### Conclusion

15. That Council formally appoint the officers listed below as Authorised Officers pursuant to Section 147 (4) of the Planning and Environment Act 1987 and Section 313 of the Local Government Act 2020. The Instruments of Appointment and Authorisation document will be signed accordingly by the Chief Executive Officer.

### RECOMMENDATION

1. In the exercise of the powers conferred by s 147(4) of the Planning and Environment Act 1987, Council resolves that:
- (a) Eugenio TORCASIO,
- be appointed and authorised as set out in the instrument at **Attachment One**; and each instrument comes into force immediately it is signed by Council's Chief Executive Officer, and remains in force until Council determines to vary or revoke it.

### Attachments

- 1 Attachment 1 - Instrument of Appointment and Authorisation template - Planning Enforcement Officer

## 9.1 Notice of Motion No. 7 of 2022 - ICLEI World Congress Edinburgh Declaration

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<b>Reference</b>	D22/163396
<b>Author</b>	Rhys Thomas - Senior Governance Advisor
<b>Authoriser</b>	Group Manager Chief Executive's Office

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I, Councillor Amanda Stone, hereby give notice that it is my intention to move the following motion at the Ordinary Meeting of Council to be held on 12 July 2022:

1. *That Council:*
  - (a) *note the Delegate's Report from the 2022 ICLEI World Congress; and*
  - (b) *commit to signing the Edinburgh Declaration to support the forthcoming Post-2020 Global Biodiversity Framework.*

### RECOMMENDATION

1. That Council:
  - (a) note the Delegate's Report from the 2022 ICLEI World Congress; and
  - (b) commit to signing the Edinburgh Declaration to support the forthcoming Post-2020 Global Biodiversity Framework.

### Attachments

- 1 Attachment 1 - Delegate's Report ICLEI World Congress
- 2 Attachment 2 - The Malmo Commitment
- 3 Attachment 3 - Edinburgh Declaration