



Agenda

Council Meeting

7.00pm, Tuesday 5 October 2021

MS Teams

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

Council officers

- | | |
|---------------------|--|
| • Vijaya Vaidyanath | Chief Executive Officer |
| • Brooke Colbert | Group Manager Advocacy and Engagement |
| • 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 |

Leave of absence

- | | |
|-------------------|------------|
| • Cr Anab Mohamud | 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 Tuesday 7 September 2021 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 Adoption of Proposed Amendment to the General Local Law Related to the Consumption of Liquor in Yarra's Public Places – LATE REPORT	-	-	Malcolm McCall – Manager Social Strategy and Community Development
8.2 Road Safety Study Policy	8	17	Peter Moran – Manager Infrastructure, Traffic and Civil Engineering
8.3 Place Making Framework	19	24	Althena Davidson – Manager City Strategy
8.4 Parklet Policy and Design Guidelines	26	37	Bruce Phillips – Director Planning and Place Making
8.5 Old Heidelberg Road, Alphington	40	46	Ivan Gilbert – Group Manager Chief Executive's Office
8.6 Active Transport Advisory Committee Membership	47	49	Rhys Thomas - Senior Governance Advisor

9. Notices of motion

Nil

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.

8.2 Road Safety Study Policy

Executive Summary

Purpose

To present the outcome of the LAPM Policy review, and to seek endorsement of the Road Safety Study Policy.

To advise that, subject to Council approval of the Road Safety Study Policy, officers will shortly be commencing a Road Safety Study for East Clifton Hill / North Abbottsford for which funding has been allocated in the 2021/22 Council budget.

Key Issues

A review of the Local Area Place Making (LAPM) Policy has been undertaken to determine whether the approach was meeting the intended purpose and the best way for Council to improve road safety. Following internal consultation and a review of the core objectives, a Road Safety Study (RSS) Policy is proposed. Subject to Council approval, this approach would inform proposed studies in the 2021/22 financial year and beyond.

While Yarra is committed to good urban design and place making outcomes, the LAPM (or proposed RSS) process is not considered by officers to be the appropriate process to consider these. As such, the Road Safety Study approach is named and designed to better meet the intent and capacity of the Traffic Unit to address road safety issues, albeit delivering on other Council objectives where possible – such as increased greening, tree planting, passive irrigation, etc where suitable and when it forms part of a functional road safety treatment.

Broader place making is more appropriately dealt with independent of the RSS, according to the principles of the *Place Making Framework* (also being presented for Council consideration at this meeting) and draft *Liveable Local Streets Framework* (in development) and can inform a range of projects and applications across the municipality.

The primary objective of the Road Safety Study Policy is to focus on improving road safety and will be coordinated by the Traffic Unit. This approach is proposed to focus on road safety issues through evidence-based road safety data (e.g. crash statistics / traffic surveys) and community road safety concerns. This approach will enable more responsive and agile study areas that respond to a known or reported safety concern. This targeted study will involve investigation, consultation, design, and implementation of treatments that respond to identified road safety needs. Refining this scope to focus on improving road safety and accessibility will also seek to create inviting and activated local streets.

The RSS will allow for funding applications to be submitted for the majority of road safety treatments via external channels from likely road safety avenues such as Black Spot, State Government and TAC funding. There is likely to be some cost to Council to implement such treatments, however the safety elements can commonly be funded in part or in whole by accessing external grant funding for this purpose.

The prioritisation process for area/s to be studied will be predominantly informed by road safety data. It will also respond to strategic priorities (that could be identified through the proposed Place Making Framework, Transport Action Plan, major growth/development areas) and community complaints will be considered and inform the prioritisation, where these relate to safety and correlate with road safety data.

Wider input and collaboration opportunities will continue to be sought as part of the proposed RSS approach, from internal stakeholders such as Urban Design, Strategic Transport, Infrastructure, City Works, Open Space, Arts and Culture, Economic Development, Strategic and Statutory Planning, Sustainability, Parking, Asset Management and Urban Agriculture. This is proposed to help align Road Safety Studies with other Council priorities, objectives and current or future projects.

The approach to community consultation for individual studies has been formulated in conjunction with the Communication and Engagement Unit and accords with Yarra's Community Engagement Policy 2020. The purpose of the community engagement will be to identify and understand local road safety issues and needs, from the perspective of the community and represents no material change to the intended focus of consultation under the past LATM and LAPM studies and policy.

Financial Implications

Funding has been allocated to deliver two Road Safety Studies during the 2021/22 financial year. This includes one study in East Clifton Hill / North Abbotsford and one study in Richmond.

Funding to undertake any future Road Safety Studies and implement road safety treatments would be subject to discretionary funding bids each financial year. Subject to Councils discretion, there may be some value in an annual allocation to enable confirmed funding to support annual and ongoing Road Safety studies, but with any proposed treatments to be processed through the discretionary budget process.

Previously LAPMs (both studies and project delivery), have been funded via discretionary budget allocations. Officers advice is that these safety-focussed studies should not be considered discretionary and should be funded in a regular and recurring way as part of the operational budget. This would enable studies to occur as a regular part of Council business, without being subject to annual budget bids, which compete with other discretionary projects. An annual allocation of in the order of \$100k is expected to be sufficient to enable an ongoing program of Road Safety Studies. This matter can be considered as part of the budget development process for 2022/23.

Opportunities to fund road safety treatments through other mechanisms will be considered including:

- (a) Future capital road works such as road reconstruction;
- (b) Future utility service road works;
- (c) Future private development contributions or public realm improvements;
- (d) Federal Black Spot Program; and
- (e) Other Council or State Government projects.

PROPOSAL

That Council:

- (a) note the outcome of the LAPM Policy review; and
- (b) endorse the Road Safety Study Policy 2021.

8.2 Road Safety Study Policy

Reference	D21/131584
Author	Peter Moran - Manager Infrastructure, Traffic and Civil Engineering
Authoriser	Director City Works and Assets

Purpose

1. To present the outcome of the LAPM Policy review, and to seek endorsement of the Road Safety Study Policy.
2. To advise that, subject to Council approval of the Road Safety Study Policy, officers will shortly be commencing a Road Safety Study for East Clifton Hill / North Abbottsford for which funding has been allocated in the 2021/22 Council budget.

Critical analysis

History and background

3. The Traffic Unit has undertaken a review of the Local Area Place Making (LAPM) Policy has been undertaken to determine whether the approach was meeting the intended purpose and the best way for Council to improve road safety. Following internal consultation and a review of the core objectives, a Road Safety Study (RSS) Policy is proposed (see Attachment 1). This would inform the approach to proposed studies in the 2021/22 financial year and beyond.
4. The *Local Area Place Making (LAPM) Policy 2017*, can be found as Attachment 2. The *Local Area Place Making Policy Review – Discussion Paper* at Attachment 3 provides further details of the review.
5. The Road Safety Study Policy has been developed to inform the approach to improving road safety in Yarra. The RSS Policy:
 - (a) Aims to ensure a consistent, fair and comprehensive approach to the investigation, consultation, design, implementation and monitoring of road safety treatments;
 - (b) Establishes clearly defined road safety objectives to allow for a robust, focussed approach to addressing these issues within a study;
 - (c) Ensures the Council's responsibility as road manager focuses on road safety and the provision of safe and accessible streets, particularly for more vulnerable road users; and
 - (d) Recognises the contribution that Yarra has and continues to make towards road safety including the willingness to take the lead and the implementation of new and innovative ideas to address road safety challenges.
6. The Local Area Traffic Management (LATM) Policy was renamed Local Area Place Making (LAPM) Policy in 2017. Although the intent of the Policy included elements of place making through such things as tree planting, water sensitive urban design (WSUD) treatments, localised street activation and speed reduction measures, and these elements were able to be delivered as part of some LAPM projects, this change failed to meet the expectations of some members of the community in terms of the place making outcomes sought in local streets.
7. The definition of place making is broad and open to interpretation, therefore it is difficult to achieve community agreement on what a good outcome is regarding place making.

8. Council has a range of ways to deliver on place making, and this can be better achieved outside the consideration of specific road safety treatments; noting that it is the practice and intent for good amenity and place making to be delivered as part of all Council projects where it is possible.
9. Current funding streams (Federal Black Spot, Victorian State Government, Department of Transport, Transport Accident Commission (TAC)) to deliver LAPMs that focus on road safety, limits the extent of place making outcomes that can be delivered without significant additional Council funding.
10. This avenue of external funding is envisaged to continue given the draft National Road Safety Strategy (2021-30) outlines investment must be linked to road safety outcomes.
11. Yarra is committed to good urban design and place making outcomes, however the LAPMs (or proposed RSS) process is not considered by officers to be the most appropriate process to consider these. As such, the Road Safety Study approach is named and designed to better meet the intent and capacity of the Traffic Unit to address road safety issues, albeit delivering on other Council objectives where possible – such as increased greening, tree planting, passive irrigation, etc where suitable and when it forms part of a functional road safety treatment. Broader place making is more appropriately dealt with independent of the RSS, according to the principles of the *Place Making Framework* and the draft *Liveable Local Streets Framework* and can inform a range of projects and applications across the municipality.

Discussion

Road Safety Study Approach

12. The primary objective of this study approach is to focus on improving road safety and will be coordinated by the Traffic Unit. This approach is proposed to focus on road safety issues through evidence-based road safety data (e.g. crash statistics / traffic surveys) and community road safety concerns. This will enable more responsive and agile study areas that respond to a known or reported safety concern. This targeted study will involve investigation, consultation, design, and implementation of treatments that respond to identified road safety needs. Refining this scope to focus on improving road safety and accessibility will also seek to create inviting and activated local streets.
13. The focus on road safety allows Yarra to continue to be at the forefront of road safety and build upon current and past achievements.
14. Key to this has been the focus on creative solutions to common road safety issues and a willingness to take the lead – which can be resource intensive. Key road safety initiatives delivered directly from (or as an outcome of) previous LATM/LAPM studies include:
 - (a) The first municipality wide 40km/hr speed limit (on local roads) in Victoria;
 - (b) The first trial of a 30km/hr speed limit precinct in Australia;
 - (c) The first painted streets in Victoria; and
 - (d) Various trials (such as LED lights at pedestrian crossings and painted symbols) which have been nationally recognised through a Local Government Award for Road Safety in 2018.
15. A focus on road safety does not change or impact on the creation and development of internal and external partnerships.
16. Many notable road safety initiatives delivered have utilised the support and ideas of others (i.e. the community and specialist internal teams) to get the best overall outcomes. Some examples include:
 - (a) Walnut Street (Cremorne), Stewart Street (Richmond) and Rose Street (Fitzroy) painted streets have been jointly delivered with Council's Infrastructure, Arts and Urban Design teams with external engagement of local artists and consultants that specialise in public realm improvements;

- (b) Gateway treatments on Brunswick Street, Fitzroy (to improve pedestrian and cyclist safety) were individually designed with the local community to make the most of opportunities for street trading / activation and increased bicycle parking;
 - (c) The LED lights at pedestrian crossings and painted symbols trials have included delivery partners who specialise in new lighting and painting technologies;
 - (d) The 30km/hr speed trial was delivered with specialists at Monash University and the Transport Accident Commission to provide the trial credibility and external approvals; and
 - (e) Treatments that use stormwater for passive irrigation of vegetation actively involves many internal partners including capital works delivery teams and landscaping and sustainability specialists.
17. Place making outcomes will still be delivered where possible under the proposed RSS approach, through incorporating trees, vegetation, permeable surfaces, passive irrigation (WSUD) and street furniture where suitable and integrated into functional road safety traffic treatments; this might include things like kerb extensions and shared zones, which complement road safety outcomes and improve the amenity of these road safety treatments.
18. The focus of the RSS is to address road safety and accessibility issues as priorities, rather than traffic volume per se. It is understood that the volume of vehicles using local streets is an issue for some members of the community, however restrictive measures to address vehicle volumes such as road closures have not been supported by the community (as a whole) particularly where this results in restricted access to local facilities or neighbouring suburbs, increased travel times and a potential redistribution of traffic onto another street in the neighbourhood (i.e. transferring the problem elsewhere). It has also generally been found that less restrictive measures such as turning bans have proved to be ineffective as it requires policing and impacts on residents (there is no option to apply restrictions to non-residents only).
19. The RSS will allow for funding applications to be submitted for the majority of road safety treatments via external channels from likely road safety avenues such as Black Spot, State Government and TAC funding, reducing the financial burden on Council/rate payers. There is likely to be some cost to Council to implement such treatments, however the safety elements can commonly be funded in part or in whole by accessing external grant funding for this purpose.

Prioritisation

20. The prioritisation process for area/s to be studied will be predominantly informed by road safety data. It will also respond to strategic priorities (that could be identified through the proposed Place Making Framework, Transport Action Plan, major growth/development areas) and community complaints will be considered and inform the prioritisation, where these relate to safety and correlate with road safety data.
21. Strategic priority areas will be determined by stakeholders within the organisation. Road Safety Studies would form part of Councils approach to effectively managing these priority areas. The new policy has been designed to provide agility to be able to respond to strategic priorities, such as new/upgraded schools, transport action plans, structure plans or major redevelopment/change areas like Cremorne, the former Amcor or C.U.B. site (in future), and be part of a whole of council approach in these areas.

Study boundaries

22. The intent of the RSS is to provide more flexibility and allow a responsive approach to addressing road safety. The study approach departs from the requirement of solely studying predefined precincts, allowing the flexibility to address strategic precincts, corridors or sites, depending on the area of influence required to effectively address the road safety needs. This will be informed by road safety data and strategic priorities.

23. An example of a precinct could be Cremorne (addressing strategic need - Place Implementation Plan), a corridor - Park Street, Carlton North (potential cycling corridor) or a site, the intersection of Rathdowne Street/Richardson Street (cross traffic crashes).
24. One of the limitations of the previous LAPM approach, which was based on 21 LAPM precincts, was that the LAPM study area boundaries were somewhat artificial and made a holistic analysis of the area affected by the traffic/safety issues difficult to analyse and address within a single LAPM study. Council arterial roads and neighbourhood activity centres (such as Lygon Street and Smith Street) are bisected by precinct boundaries for example, resulting in effective interventions being limited. The road safety study approach has been designed to address this by studying an area that is not limited by such artificial boundaries. An RSS could be undertaken for Smith Street activity centre or studying the Lygon Street corridor for example.

Coordination opportunities

25. Wider input and collaboration opportunities will continue to be sought as part of the proposed RSS approach, from internal stakeholders such as Urban Design, Strategic Transport, Infrastructure, City Works, Open Space, Arts and Culture, Economic Development, Strategic and Statutory Planning, Sustainability, Parking, Asset Management and Urban Agriculture. This is proposed to help align Road Safety Studies with other Council priorities, objectives and current or future projects.

Community consultation

26. The approach to community consultation for individual studies has been formulated in conjunction with the Communication and Engagement Unit and accords with Yarra's Community Engagement Policy 2020.
27. The purpose of the community engagement will be to identify and understand local road safety issues and needs, from the perspective of the community.
28. The community will also be consulted on the treatments proposed to address the road safety issues prior to the recommendation of a final road safety treatment plan.
29. The proposed overall approach to community engagement is well established and represents no material change to the intended focus of consultation under the past LATM and LAPM studies and policy.

Yarra Place Making Framework (PMF) and Road Safety Studies (RSS)

30. Councils Planning and Placemaking Division are leading the development of a Place Making Framework (PMF) which will provide a collaborative approach to creating public realm spaces where people want to live, work, play and learn. The PMF is proposed to be presented to Council at the same meeting as this report. The Traffic Unit will work in conjunction with the Urban Design Unit to implement road safety outcomes that align with the PMF. The PMF aims to focus Council's place making activities in priority areas, with significant input from the Urban Design Unit.
31. The PMF establishes clear definitions of what place making is and imparts a long-term vision for the delivery of Council's public realm improvements and priorities. This framework considers many Council objectives and provides a framework to promote internal coordination, which fosters a culture of collaboration around place and the delivery of projects and public realm outcomes.
32. Early in 2019 an internal Collaborative Working Group was established, drawing from the leadership across the main divisions involved in strategic planning and capital works; this group meets regularly to ensure a One Yarra approach to planning, design and implementation of projects.
33. This group will perform a cross-divisional leadership role with a key purpose of coordinating design and civil work programs and priorities across teams. The priority locations will be consistent with those in the PMF.

34. The RSS will correspondingly be undertaken in these priority areas when required and address road safety outcomes that align with the PMF for integrated design outcomes. RSS can be considered as one project stream amongst several that sits under the umbrella of public realm place making.
35. A *Liveable Local Streets Framework* is also being developed that will seek to address requests by the community for streetscape improvements in local streets. Examples could include tree planting, landscaping, street furniture, WSUD etc. Requests would likely be assessed by an internal Council Working Group against Council Plan objectives and adopted Policies and Strategies, with a formal process to receive community requests.

Yarra Transport Action Plan (TAP) and Road Safety Studies (RSS)

36. Councils Strategic Transport Unit are leading the development of a Transport Action Plan (TAP) which will provide strategic direction on Council's transport objectives as well as actions and projects to deliver the TAP vision.
37. The RSS approach generally aligns with Council's key transport objectives such as:
 - (a) Allocating more road space and improving safety for non-car transport modes;
 - (b) Reducing barriers to people movement; and
 - (c) Reducing vehicle speeds on local roads.
38. Given the road safety focus, project timescales and likely funding opportunities, the RSS approach would be geared towards the investigation and possible resolution of isolated (or a combination of isolated) safety or accessibility issues along a strategic walking or cycling corridor i.e. improving key intersections where there are safety or accessibility issues for vulnerable road users – rather than delivery strategic infrastructure such as separated bicycle lanes; this would be done in line with the strategic vision so not to preclude any future infrastructure upgrades.
39. Officers from the Strategic Transport Unit will be actively involved in the RSS process and will be a key member of the internal working group.

East Clifton Hill / North Abbotsford and Richmond RSS

40. Funding has been allocated in the 2021/22 Council budget to undertake the following studies this financial year:
 - (a) Areas within Clifton Hill / North Abbotsford; and
 - (b) In Richmond with the study type (precinct, corridor or site) and location to be determined prior to commencement of the study.
41. Officers plan to commence public consultation for the East Clifton Hill / North Abbotsford Road Safety Study as soon as possible following the adoption of the Policy, so that officers can meet Council's commitment to deliver two Road Safety Studies during the 2021/22 financial year.
42. The study would follow the direction of the RSS Policy. The project scope, processes and consultation requirements would be clearly communicated at the outset of the study.
43. The study would be viewed and promoted as a pilot study for the RSS Policy.

Options

44. Options regarding the relationship between road safety and place making have been considered in relation to this report. The *Local Area Place Making Policy Review – Discussion Paper* at Attachment 3 provides further details.
45. Attachment 4 outlines the inter-relationship between the RSS Policy and the PMF while also considering other community touchpoints in relation to Council's plans, strategies and policies.

46. As noted previously, broader place making is addressed by the proposed Place Making Framework and can inform a range of projects. The proposed *Liveable Local Streets Framework* is also intended to allow for consideration of treatments proposed by community member.
47. It is proposed that Council formally adopt the RSS Policy without the need for community consultation. In making this recommendation it is noted that Council did not consult the community to incorporate place making when the LATM policy was renamed as the LAPM policy.
48. Under the proposed approach, consultation would be undertaken with the local community as part of any specific Road Safety Study.
49. The RSS approach to process, prioritisation of studies, community engagement and evidenced based resolution of safety issues is well established and represents no material change from past LATM studies and policy.
50. The key change is the renewed focus on road safety given the issues (primarily relating to expectations) of including the wider concept of place making within recent studies.
51. The wider concept of place making is still a focus of Council, although it is more appropriately delivered according to a specific place making framework and incorporated into road safety studies where appropriate, rather than via a study that focusses primarily on the safe movement of people to allow Council to fulfil its road management duties.

Community and stakeholder engagement

52. External consultation has been undertaken with Darebin City Council and internal consultation with: Advocacy and Engagement; Strategic Transport; Urban Design; Parking; Sustainability; and Infrastructure. The *Local Area Place Making Policy Review – Discussion Paper* at Attachment 3 provides further details.
53. It is proposed that Council formally adopt the RSS Policy without any dedicated community consultation in advance; noting, as with all public reports, there is an opportunity for community members to make public submissions in relation to the report and the proposed Policy when it is presented to Council.

Policy analysis

Alignment to Council Plan

54. Objective Six of the Council Plan 2021-2025 refers to *A Connected Yarra, a place where connectivity and travel options are environmentally sustainable, integrated and well-designed*. Strategy 6.1 Manage traffic movement and promote road safety within local roads specifically identifies the Local Area Place Making program (Initiative 6.1.1).
55. The strategic context is guided by the City of Yarra's; Council Plan 2021-2025, Bicycle Strategy 2016, Encouraging and Increasing Walking Strategy 2005, Safe Travel Strategy 2016 – 2026, the Strategic Transport Statement (Actions updated 2012), Transport Action Plan 2021, Streetscape Master Plans and the Yarra Climate Emergency Plan 2020 – 2024.
56. There is alignment with other Council strategies and policies such as the proposed Yarra Place Making Framework 2021, Integrated Water Management Plan 2020, Urban Forestry Strategy 2017 and Parking Management Strategy 2015, where practical will add value or support any targets and initiatives.
57. The road materials used will be in line with Council's Infrastructure - Road Materials Policy 2015.
58. Individual studies and proposed treatments will be guided by Council's Embedding Green Infrastructure framework.
59. Council's Strategic Transport Statement 2012 actions 1.2, 1.5, 1.8 and 1.21 commit to improving pedestrian crossings, facilities and priority projects.

60. Introducing new permeable surfaces and greening improves liveability and helps mitigate the impacts of the Urban Heat Island effect as per Council's *Green Infrastructure Guidelines and Urban Forest Strategy 2017*.

Climate emergency and sustainability implications

61. Priorities of the Climate Emergency Plan will be actioned when possible and within scope, with regard to creating natural and built environments that are healthy and resilient in a climate impacted world. In creating safer streets for Yarra there is the opportunity to mitigate climate change and help people cope with the impacts of a changing climate, by considering the potential for blue/green infrastructure such as increased permeability, passive irrigation (WSUD) and additional street tree planting and vegetation for increased canopy cover.
62. The Yarra Climate Adaptation Guidance Tool has been applied to this review to guide sustainability and climate emergency actions. The events of heatwave, intense rainfall and drought/decreased rainfall have been considered within the Road Safety Study Policy scope. Actions to mitigate the impacts of these events such as road hardening and deterioration, localised flooding, vegetation stress and death, and the heat island effect have been considered with the following adaptation actions of importance:
- (a) Allowing for passive watering of plants in the design of treatments;
 - (b) Planting street trees and plants that can tolerate heat stress conditions with low water requirements;
 - (c) Planting trees along median strips, particularly at rest points/intersections; and
 - (d) Constructing road (particularly surface) with materials designed for higher temperatures (e.g. bitumen and line-markings with high durability).
63. Improvements in cycling and pedestrian connectivity and safety, support the usage of sustainable transport options.
64. Individual studies and proposed treatments will be guided by Council's Embedding Green Infrastructure framework.

Community and social implications

65. It is considered that there will be positive community and social implications through improved road safety and accessibility.

Economic development implications

66. There are no identified economic development implications.

Human rights and gender equity implications

67. There are no known human rights and gender equity implications.

Operational analysis

Financial and resource impacts

68. Funding has been allocated to deliver two Road Safety Studies during the 2021/22 financial year. This includes one study in East Clifton Hill / North Abbotsford and one study in Richmond.
69. Funding to undertake any future Road Safety Studies and implement road safety treatments would be subject to discretionary funding bids each financial year. Subject to Councils discretion, there may be some value in an annual allocation to enable confirmed funding to support annual and ongoing Road Safety studies, but with any proposed treatments to be processed through the discretionary budget process. Previously LAPMs (both studies and project delivery), have been funded via discretionary budget allocations. Officers advice is that these safety-focussed studies should not be considered discretionary and should be funded in a regular and recurring way as part of the operational budget. This would enable studies to occur as a regular part of Council business, without being subject to annual budget bids, which compete with other discretionary projects. An annual allocation of in the order of

\$100k is expected to be sufficient to enable an ongoing program of Road Safety Studies. This matter can be considered as part of the budget development process for 2022/23.

70. Opportunities to fund road safety treatments through other mechanisms will be considered including:
- (a) Future capital road works such as road reconstruction;
 - (b) Future utility service road works;
 - (c) Future private development contributions or public realm improvements;
 - (d) Federal Black Spot Program; and
 - (e) Other Council or State Government projects.
71. Historically the costs for delivering LATM/LAPM studies and implementing treatments was approximately \$300k per precinct, however in recent years this has been in excess of \$1M, with the delivery of the plans being carried out over multiple years through a staged funding approach. This model of funding has not been guaranteed which has led to delays with the delivery of LAPM plans, as well as resourcing issues as projects accumulate. Some LAPMs have taken more than 5 years to deliver, and this has been a source of criticism from some members of the community.
72. The issues described above, in relation to the time it has taken to implement LAPM treatments by way of Council discretionary funding bids and external funding, would be less likely due to fewer treatments in each Road Safety Study because of the targeted, data led road safety approach.

Legal Implications

73. Council has an overall obligation under the Road Management Act 2004 to manage the local road network in a manner that gives due consideration to community safety.

Conclusion

74. A proposed Road Safety Study Policy 2021 has been developed following internal Council consultation.
75. Whilst Road Safety Studies are proposed to focus primarily on road safety, treatments would be designed to deliver on broader Council objectives and introduce greening and WSUD where possible. Broader Place Making would be delivered according to the *Place Making Framework* and the draft *Liveable Local Streets Framework*, independent of the Road Safety Study process.
76. Funding has been allocated to deliver two Road Safety Studies during the 2021/22 financial year.
77. Subject to Council approval, Officers plan to commence the Road Safety Study for East Clifton Hill / North Abbotsford shortly.
78. A second Road Safety Study is planned to be undertaken in Richmond later this financial year.
79. These studies are proposed to be viewed and promoted as pilot studies for the RSS Policy.

RECOMMENDATION

1. That Council:
- (a) note the outcome of the LAPM Policy review; and
 - (b) endorse the Road Safety Study Policy 2021.

Attachments

- 1 Draft Road Safety Study Policy 2021
- 2 Local Area Place Making (LAPM) Policy 2017
- 3 LAPM Policy Review - Discussion Paper
- 4 Inter-relationship between RSS PMF and Community Touchpoints Sept 2021

8.3 Place Making Framework

Executive Summary

Purpose

To present the Place Making Framework (PMF) for adoption.

Key Issues

The Place Making Framework has been prepared as an internal working document for the organisation, to guide the planning, design and management of place making in Yarra.

The Framework is focused on the design and creation of Yarra's public realm and place activation to shape improvements to the public realm. Approaches and requirements in order to achieve successful place making outcomes are outlined in the document.

Place making requires a coordinated approach in order to provide for improvements to the public realm that create increased vitality and the creation of places for people.

In this regard, whilst providing the overall approach for various projects, it provides a focus on key spatial areas in the municipality where the major benefit to the community can occur.

Financial Implications

There are no particular financial or resource implications resulting from adopting a Place Making Framework.

However, there are ongoing budget aspects for the successful delivery of place making projects and place management of these spaces.

PROPOSAL

To adopt the Place Making Framework as the guiding document for the organisation to plan, develop, implement and manage significant place making projects into the future.

8.3 Place Making Framework

Reference	D21/131799
Author	Susan Stanes - Senior Coordinator Design and Place Making
Authoriser	Manager City Strategy

Purpose

1. To present the Place Making Framework for adoption as the guiding document for the organisation to plan, design and manage significant place making projects into the future.

Critical analysis

History and background

2. Council is responsible for Yarra's public realm including its streets, parks and public spaces.
3. Many aspects of Council's work, across various teams, are involved with creating 'places' through various activities such as planning, designing, constructing, activating and maintaining the public realm as places for people to use and enjoy.
4. In recent times, the term '*place making*' has been broadly used to encompass all these aspects of creating places that attract people.
5. This has led to various specialist design and engagement practitioners promoting place making; and now the term is commonly used by the community when referring to the design of the public realm.
6. Place making can be described as a collaborative and integrated design approach to creating quality public places where people want to live, work, play and learn.
7. The key defining elements of place making are:
 - (a) adopting a people-based approach with a focus on providing places for people;
 - (b) understanding and thinking of places holistically and collaborating across multiple technical disciplines; and
 - (c) incorporating community engagement and involvement in place making that may include community initiated design ideas.
8. The benefits of place making include improved social, economic, sustainable and health and wellbeing outcomes of communities. Ultimately, it is about creating well designed, safe and comfortable places.
9. A way of thinking about place making is the creation of vibrant places for people comprising:
 - (a) the 'hard' physical infrastructure forming the '*stage*', and
 - (b) the 'soft' infrastructure forming the '*use and activation*' of places.

Discussion

10. While Council has expressed support for place making, and a number of projects have been either delivered or in progress, there is currently no overall organisational guide to its approach.
11. The Place Making Framework provides an approach for Yarra, and in particular, outlines the key spatial areas of the municipality that would benefit from a coordinated planning and delivery approach to enhance the public realm, due to their particular importance to the ambience and vitality of the municipality.

12. It is important to note that a dedicated place making approach cannot be provided to each and every street in the municipality, due to limited capacity and resources of the organisation to do so.
13. In this regard, the Place Making Framework needs to be targeted (in its full approach), to pursue key public realm improvements in specific areas of the municipality.
14. Improvements to various local streets in the municipality is, however, important through other programs of Council such as traffic calming and street tree planting for instance; and these improvements need to have regard to good integrated urban design outcomes, and where possible, some further greening and the like.

Place Making Framework

15. The Place Making Framework (PMF) sets out to define what 'place making' is, Council's role and identify its priorities. In this regard, the aims include:
 - (a) provide a consistent approach and application to place making strategies, projects and initiatives;
 - (b) be forward thinking and plan proactively;
 - (c) provide a shared understanding of priorities to inform budgeting, community engagement, project planning and coordinated implementation;
 - (d) provide a long term vision for the public realm;
 - (e) inform decision making in relation to priorities and resources;
 - (f) provide efficiencies and ensuring consistency by working in unison; and
 - (g) collate and coordinate existing work across multi-disciplinary Council teams.
16. An internal review identified opportunities for improving the way in which place making occurs at Yarra by building on existing practices, knowledge and processes. It identified the successful place making that has occurred and the officer capabilities and capacity to undertake this work.
17. The Place Making Framework (refer **Attachment 1**) identifies processes and opportunities to improve place making planning and outcomes.
18. A *Place Making Continuum* has been used to understand the breadth of Council's projects and activities and their relationship to place making. This shows the range of projects from strategic place-based work and local designs through to activation and place management.
19. The elements of the *place making continuum* help to understand how the various work across Council fits together and contributes to place making.
20. In response to the need for clearer priorities, the PMF sets out sixteen strategic *Priority Project Locations* based on existing projects, adopted urban design strategies and upcoming work. This demonstrates the wide distribution and extent of place making projects and activities across Yarra.

Key priorities areas for Place Making

21. The key areas for a focus on significant place making are:
 - (a) the Yarra's activity centres;
 - (b) the civic precincts;
 - (c) the areas that attract people;
 - (d) the precincts experiencing significant development and change; and
 - (e) the employment/economic precincts of Cremorne and Gipps Street.
22. In the future, as opportunities or needs are identified these precincts may alter.

23. The range of projects include precinct-wide strategic directions and also more specific localised designs. In the case of Cremorne, Victoria Street and North Richmond significant State Government projects are also underway which requires a coordinated approach.
24. As part of the *place making continuum*, there are other more operational programs, such as street tree planting, urban agriculture initiatives, playground renewals and community street parties that all contribute to Council's efforts in place making through design and activation.

Community Involvement

25. The involvement of the community is also a key element of good place making and place management practice.
26. The community's interest can often, however, be less about strategic projects and more about localised projects for improving the design of the public realm.
27. The Yarra community has shown a strong interest of place making and, increasingly, have suggested proposals for Council's consideration, and in some instances sought involvement in the design process through 'co-design' and community-led place making practices.
28. Most council projects already include some form of community engagement. The PMF proposes the use of Council's Community Engagement Policy (based on the IAP2) to guide the appropriate practices to suit individual projects.
29. The intention is to continue to support the community's involvement in projects and activities, but with an understanding that, in many situations, Council will need to lead the design process given the range of technical design issues and potential implications for future asset management and budget impacts.
30. Council often receives ideas from the community for improving the design of the public realm and, in particular, for increasing greenery and achieving more sustainable design outcomes. The community's ideas can come through representations to Councillors, petitions and submissions as well as via customer requests to the organisation.
31. Ideas can range from simple requests, such as additional tree planting, through to (at times), more complex suggestions and ideas to the design of local areas.
32. The simpler requests often can be accommodated through existing resources and programs, such as the annual tree planting program and maintenance programs, while other proposals can be complex and possibly have wider implications for Council, in particular, asset management and resourcing.
33. The assessment and delivery of the more complex community initiated ideas is a matter that requires an approach by Council where these are evaluated for their feasibility, practicality, suitability and against Council Plan objectives. Some processes in this regard are currently being developed by the Executive.

Implementing Place Making in Yarra

34. The challenge for Council is to develop a place making approach which is:
 - (a) responsive to the great diversity of places in Yarra;
 - (b) achievable within the current capacity and resources;
 - (c) can adapt to changing priorities as specified by Council;
 - (d) involves the community; and
 - (e) provides a longer term capital works program for projects.
35. A key challenge is the resourcing of public realm improvements, particularly where some projects can take a number of years to come to fruition.
36. Ongoing collaboration and coordination across Council teams is a focus – and needs to continue to enable projects to be seen through a number of perspectives that are required to deliver integrated outcomes.

37. Amongst Council officers there is a sound general awareness of the concept of place making and the range of Council work that contributes towards the design and use of public spaces in Yarra. This can be further enhanced through training and application of the principles outlined in the attachment and also be promoted across the organisation.
38. It is noted that a Collaborative Group, comprising senior officers across the Planning and Place Making and City Works and Assets Divisions, was established a few years ago to promote a “One Yarra” approach - and has proved successful in supporting greater project collaboration and more coordinated integrated outcomes.
39. The Place Making Framework also provides some key principles for the application of the proposed Road Safety Plans including particular attention to urban design aspects and including elements of greening where possible.
40. Council’s capital works program and processes will focus on a coordinated approach to implement projects within the priority precincts with this place making lens.

Community and stakeholder engagement

41. The *Place Making Framework* has been prepared as an internal working document and has not involved external community engagement. Consultation has occurred internally across an extensive range of teams including:
 - (a) Traffic Engineering;
 - (b) Sustainable Transport;
 - (c) Arts and Culture;
 - (d) Social Policy;
 - (e) Community Grants;
 - (f) Sustainability;
 - (g) Libraries;
 - (h) Urban Agriculture;
 - (i) Heritage;
 - (j) Recreation and Leisure;
 - (k) City Works;
 - (l) Open Space Planning and Design;
 - (m) Urban Design;
 - (n) Strategic Planning;
 - (o) Economic Development;
 - (p) Buildings;
 - (q) City Lab; and
 - (r) Strategic Planning.

Policy analysis

Alignment to Community Vision and Council Plan

42. A Place Making Framework would support various directions and actions within the Council Plan and help consolidate a ‘One Yarra’ approach to public realm design.
43. It is noted that at times, some matters need to be reconciled amongst various Council strategy intents. In these instances, the best fit approach amongst all strategy intents is what is required.

Climate emergency and sustainability implications

44. A coordinated approach, and integrated thinking to the design of the public realm, supports Council's response to the climate emergency through such things as green infrastructure and use of recycled and sustainable materials.

Community and social implications

45. Council's place making approaches will continue to engage the community in various ways through particular projects.
46. A holistic approach to thinking about places and clear priorities support Council's efforts to address the community needs.

Economic development implications

47. The priority locations set out in the Place Making Framework largely refers to several of Yarra's activity centres and two of the major employment and economic precincts.
48. It is noted that place making can contribute to improved economic and business activity through increased amenity and vitality of spaces and better identity of centres; and also through place activation (the place management aspect) and establishing collaborations with the business communities.

Human rights and gender equality implications

49. There are no identified human right implications from this report. The intention of place making is to provide places for people to enjoy.

Operational analysis

Financial and resource impacts

50. There are no financial or resource impacts from adopting the Place Making Framework.
51. There are, however, ongoing budget aspects for the successful delivery of place making projects and their place management.

Legal Implications

52. There are no legal implications from this report.

Conclusion

53. Addressing place making priorities, resourcing and continuing to improve project coordination and collaboration will help achieve more integrated and holistic approaches to Yarra's public space design and use.
54. The Place Making Framework provides guidance to staff and also will inform the community as to the 'One Yarra' approach for public realm projects, particularly in the key priority areas.

RECOMMENDATION

1. That Council:
 - (a) note the officer report regarding place making and the proposed Place Making Framework as shown in the attachment; and
 - (b) adopt the Place Making Framework as outlined in Attachment 1 to serve as the guiding document for the organisation to plan, develop, implement and manage place making projects.
2. That the Place Making Framework document be publicly available on Yarra's website.

Attachments

- 1 Draft Place Making Framework

8.4 Parklet Policy and Design Guidelines

Executive Summary

Purpose

To provide background information on the success of the temporary parklet program to date, and to introduce the draft Parklet Policy and Design Guidelines for a permanent program to be adopted within Yarra.

Key Issues

Yarra's extended outdoor dining program has widely been seen as a success, as it has allowed almost half of Yarra's 1,100 hospitality businesses the opportunity to utilise public space free of charge throughout the pandemic, offsetting some of the government enforced COVID-19 restrictions, enabling retention of many employees and generation of income to businesses to assist them remain viable.

The Parklet Policy and Design Guidelines have been developed following significant feedback from numerous internal and external stakeholders including relevant Council advisory groups. The design guidelines outline the minimum design and compliance standards required for each operator depending on the street, and what existing infrastructure is already in place (e.g. kerb outstand, street trees etc).

Officers have engaged numerous Councils both local as well as interstate who have run similar programs, have looked at international best practice models, as well as engaging local authorities and agencies including Victoria Police, Melbourne Fire Rescue, Department of Transport and Yarra Trams.

It is proposed that there will be two permits that can be applied for:

- (a) a 6 month permit that aligns with the summer months and daylight saving; and
- (b) a year round 12 month permit.

Financial Implications

Footpath trading fees have been waived since October 2020 to assist traders; and remain waived until end December 2021.

On 1 June, the Council resolved on proposed interim annual fees for the intended parklet program up to end October 2021 (referred to in this report as the 'Covid recovery fee'). This was based on a 3 tiered approach, of Primary Streets of \$5,000, Secondary Streets of \$3,000 and Neighbourhood Streets of \$ 2,250 per carspace; but this was not applied due to a further COVID-19 lockdown then occurring in Melbourne.

Since then, it has been determined to waive any parklet fees to the end of December 2021 which lines up with the waiver of fees for footpath trading.

For the proposed permanent parklet program, it is recommended by officers that a discounted fee be applied for year 1 (commencing on 1 November 2021), in recognition of the current ongoing pandemic period which will continue to impact on hospitality trade.

Further, it is also recommended that the payment schedule should not commence for year 1 until April 2022 to further assist traders in this period. (NB. the intended payment period is up until end September to align with footpath trading).

In this regard, officers recommend the annual fees for parklets (per carspace) should be what Council determined on 1 June this year but with a 25 % discount in year 1 fees, as well as a 6 month waiver of the fees until end March 2022.

Based on the above, the fees per carspace for year 1 would be as follows:

1. Primary Streets \$ 1,875
2. Secondary Streets \$ 1,125
3. Neighbourhood Streets \$ 844

This would then see a full annual year fee per carspace apply from 1 October 2022 to end September 2023; and the ability for Council to then revisit the rates for the 23/24 budget year (due to the land being used as being public land).

It is also proposed that Council discontinue the funding of safety bollards from 1 November 2021 meaning that traders would need to take on the leasing of them for their parklets.

PROPOSAL

To adopt the Parklet Policy and Design Guidelines and commence a permanent program with fees (see report).

8.4 Parklet Policy and Design Guidelines

Reference	D21/131747
Author	Bruce Phillips – Director Planning and Place Making & Simon Osborne - Senior Project Officer - Retail, Tourism and Marketing
Authoriser	Director Planning and Place Making

Purpose

1. The purpose of this report is to provide background information on the success of the temporary parklet program to date, and to introduce the draft Parklet Policy and Design Guidelines for a permanent program to be adopted within Yarra.

Critical analysis

History and background

2. In October 2020, Yarra announced a temporary outdoor dining program to support the COVID-19 response and recovery.
3. This program also involved waiving of fees for all *footpath trading* and no fees being applicable for *parklets* for the temporary period.
4. Since inception, the program delivered an additional 485 outdoor trading spaces to hospitality traders within Yarra.
5. This included the following (either):
 - (a) taking out footpath trading for the first time (150);
 - (b) extending existing footpath trading (200);
 - (c) expanding dining into the roadway forming **parklets** (130), or
 - (d) using portions of laneways or roads (8).
6. Applications for new temporary parklet permits closed in January 2021 while applications for new, or extensions to existing footpath trading remained open.
7. A community and business survey of over 3,200 residents, traders and visitors to Yarra found widespread support for the outdoor dining program (this was extensively outlined in the Council report in March 2021).
8. Council then extended the temporary program through to the end of October 2021 following strong community and business support, and in recognition that the program was a key catalyst to economic recovery.
9. All local law permits related to the temporary program are set to expire on 31 October 2021.
10. Council in June 2021 resolved to work towards a permanent program with guidelines and fees.

The proposal

11. This report presents the proposed permanent policy and guidelines (**Attachment 1**) and also a recommended fee structure for Council consideration.
12. The draft policy and design guidelines have been developed following significant involvement from numerous internal and also external stakeholders including relevant Council advisory groups.

Discussion

13. Yarra's extended outdoor dining program has widely been seen as a success, as it has allowed almost half of Yarra's 1,100 hospitality businesses the opportunity to utilise public space free of charge throughout the pandemic, offsetting some of the government enforced COVID-19 restrictions, enabling retention of many employees and generation of income to seek to keep businesses viable.
14. Due to strong community support, the additional vitality and economic stimulus that parklet spaces provide to retail precincts, the adoption of a new permanent parklet program is recommended.
15. Independent research by URBIS consultancy into the temporary program's success was carried out to better understand the economic impact and community sentiment that these new spaces provided. Key findings from this report include:
 - (a) for every \$1 spent on the program there is an estimated \$2.68 benefit to the broader economy;
 - (b) 20 new jobs were estimated to be created through the extended outdoor dining program, of which 13 are in the food and beverage industry. (Note: this is expected to be much higher post COVID-19 restrictions when trade improves).
 - (c) when asked '*Does extended outdoor dining create a positive vibe/atmosphere?*' over 94% of the 3,500 respondents agreed or strongly agreed;
 - (d) 75% of community members would like parklets on a permanent basis (opposed with 3% who would like it discontinued); and
 - (e) 77% thought removing car parking or parklets had a positive or very positive impact.
16. The policy and guidelines cover all aspects of parklets, with some of the key policy positions and design elements highlighted below.

Allow existing parklets a transition period

17. The first significant policy position proposed, is to allow existing parklet permit holders until March 2022 to transition their existing parklet (established under the temporary policy) over to the permanent policy and guidelines. The rationale revolves around providing existing parklet operators enough time to comply with the new policy and guidelines. That is:
 - (a) if adopted, the permanent policy and guidelines will only become publicly available from early October with the permanent program starting less than 4 weeks, on 1 November;
 - (b) for many materials and infrastructure (planter boxes, timber, skilled labour) there are currently extended lead times and limited availability – allowing a transition time is important to enable logistical arrangements to be made;
 - (c) it would provide traders adequate time to plan and budget for the retrofit/rebuild;
 - (d) in some cases, it would reduce the waste of existing building materials, leading to better sustainable outcomes; and
 - (e) it would keep costs down initially as many traders do not currently have sufficient capital to invest in a retrofit.
18. Businesses who hold a temporary parklet permit will, however, be required to comply to any new permit conditions including:
 - (a) pay all associated parklet fees (except the waiver period - see below);
 - (b) pay for existing vehicle mitigation bollards currently being used within their parklet;
 - (c) the requirement of having a permanent fence, enclosing all vehicle mitigation bollards;
 - (d) the need to ensure any exposed bollards have a Council supplied cover, or are of high contrast, as well ensuring reflective tape is placed on them;

- (e) provide evidence that the parklet is completely graffiti free at the time of submitting for a parklet extension, and
- (f) agree to retrofit/rebuild their parklet to comply with the Parklet Policy and Design Guidelines or have the parklet removed by 1 April 2022.

Council will not place a limit on the number of parklets per street/block

- 19. It is proposed that Council not place a limit on the number of parklets per street/block.
- 20. Data shows at its peak, parking only ever reaches approx. 78% capacity of all available parking and for less than 1 hour a day. Currently parklets do not accommodate any more than 15% of any street's available carparking.
- 21. Once fees are required to be paid, the number of parklet applications is likely to be smaller than that of the temporary program which was free.
- 22. All applications would be assessed on a case by case basis, and consideration for surrounds (other parklets, infrastructure, accessways, safety and known amenity aspects) would be made.

Parklet eligibility and service of alcohol

- 23. Only hospitality businesses would be eligible to apply for a parklet, no other business types or industries would be able to apply.
- 24. There are, however, many other eligibility criteria related to the physical location of the parklet that may see a hospitality business ineligible (for instance, located on a DoT road or being located within a significant flood zone).

Permit types

- 25. It is proposed that there will be two permits that can be applied for:
 - (a) a 6 month permit that aligns with the summer months and daylight saving; and
 - (b) a year round 12 month permit.
- 26. The introduction of a 6 month permit (running October 1 – March 31) would provide additional dining space over the warmer months, with anticipated high usage, but would then return to a parking space.
- 27. Businesses could apply, and be approved part way through either permit type, and would only be required to pay a pro rata amount; however the annual end dates on both permits are fixed.
- 28. For this year, both programs would have a formal start date from 1 November 2021.
- 29. The second option for a business is a 12-month permit. This permit could be renewed annually (1 October to 30 September) following an inspection to ensure safety and compliance. Any breaches of the permit or its conditions on the previous 12 months would be taken into account prior to a renewal.
- 30. Should a business decide to cancel their permit at any time, refunds would be paid at a pro-rata rate.

Parklet program costs

- 31. Yarra currently has 95 parklets (down from a peak of 130), which occupy over 200 carpark bays, many of which are on streets with paid parking.
- 32. Since the temporary program's inception (October 2020), the estimated amount of uncollected or forgone revenue (paid parking or enforcement) from these carparks being occupied by parklets is \$606,776.
- 33. The safety infrastructure that is being used within the parklets (concrete bollards) is currently being leased by Council for traders from an external supplier at a substantial cost.

34. The administration, management and inspection costs across this same time period is approximately \$60,000.

Parklet Fee structure

35. The fee structure proposed has two distinct components:
- (a) a 3 tiered pricing structure, which is reflective of the location of the parklet and some of the value of the public space being occupied.

Three categories of Street	Streets
Primary Street	Smith, Gertrude and Brunswick Streets
Secondary Streets	Examples include: Peel Street and Langridge Street
Neighbourhood Streets	Example: Groom Street and Highett Street

36. It is noted that the introduction of fees is seen by those traders who are not able to have a parklet, as a more equitable and fairer arrangement, as the operator who has increased their dining capacity would now be required to pay for this added benefit.
37. It is also important to note that items that are placed into the parklet such as chairs and tables would not be charged on top of the parklet fees, whereas they are for footpath trading.

Infrastructure and safety

38. The design of parklets within Yarra must address all safety aspects as a top priority.
39. Officers have engaged numerous councils both local as well as interstate who have run similar programs, have looked at international best practice models, as well as engaging local authorities and agencies including Victoria Police, Melbourne Fire Rescue, Department of Transport and Yarra Trams.
40. Officers have developed a set of design guidelines which outlines the minimum design and compliance standards required for each operator depending on the street, and what existing infrastructure is already in place (e.g. kerb outstand, street tree).
41. There are also examples of what ‘edge treatment’ or perimeter infrastructure could be applied. These examples have been independently assessed by two Road Safety Auditors as infrastructure that is sufficient for the majority of Yarra locations, keeping in mind that each location has unique aspects that need to be taken into account during the officer’s case-by-case assessments, and additional infrastructure may be required.
42. During the temporary period, Council leased concrete blocks for traders to create a safety barrier for the parklets. It is proposed that the hiring of the blocks by Council now cease on 1 November 2021, and that the traders will need to pay for the blocks.

Structures

43. A significant component to many of Yarra’s existing temporary parklets and those that will be built, are the platforms that are placed in the roadway to allow for a more even surface, and in most cases to negate the step down from the kerb.
44. Significant consultation with Yarra’s Engineering, City Works and Building departments has occurred, and all matters related to the types of materials used, rainfall and flooding, as well as litter and silt build up (in the gutter) have been taken into account, and which are highlighted within the design guidelines.
45. A new aspect for the permanent program is to accept overhead structures which would permit the business to construct a roof like structure (only) above the parklet space, but would not permit any walls (plastic or otherwise) or windows on any of the sides (to avoid outdoor rooms being set up).

46. Yarra's Traffic Engineers, Heritage Advisors and Building departments have all provided guidance and advice as to the nature of these overhead structures. Key considerations related to the design, look and feel of overhead structures include:
- (a) must be designed and constructed by a registered builder;
 - (b) must meet building code and design criteria;
 - (c) must be open above 1 metre and lightweight in appearance;
 - (d) designed so that any roof structure manages water run-off;
 - (e) retains views to heritage buildings and businesses;
 - (f) does not impede site lines for traffic and minimal obstruction to neighbouring premises;
 - (g) provide a welcoming space;
 - (h) be recessive in the streetscape;
 - (i) easy to maintain; and
 - (j) retain the functionality of footpaths.

Accessibility

47. Yarra's different site conditions mean that a one size fits all parklet is not possible. A number of factors need to influence the design of the parklet, including drainage and contours, camber of the road, footpath width and crossfall, on-street furniture and fixtures.
48. Businesses would be required to demonstrate that they have also considered and implemented the highest level of accessibility within their design, that is practical for the space.
49. Guidance from Yarra Disability Officers, and initial discussions with the Disability Advisory Committee have resulted in the design guidelines having an approach to making these spaces accessible for all.

Road and laneway closures

50. There are 5 road / laneway closures that were also approved under the temporary extended Outdoor Dining Program.
51. Council required approval from the Department of Transport (DoT) to allow these spaces to be initially set up.
52. At Council's request, DoT have provided approval for these 5 existing spaces to remain in place through to December 31, 2021.
53. Officers are continuing discussions with DoT to understand if any further extension to the December cut off time is possible. If an extension is possible, targeted community engagement will need to be carried out to better understand the impact these spaces have on nearby and abutting properties and access and movement of the public. Judgements will then need to be made by officers if these should be extended further or not.

Options

54. In the June 2021 resolution, Council specifically requested advice as to whether the outdoor dining program should be made permanent. Officers have had regard to the experience from the temporary period, research undertaken, community surveys and positions of neighbouring Councils.
55. Council has the following 2 options. It could either:
- (a) extend the existing temporary program past October 31, to a nominated finish date - on the basis that it was for a limited period only to assist traders with public health directives and to support the COVID-19 recovery period; or

- (b) introduce a permanent parklet program with an associated policy and design guidelines from November 1, 2021 - in order to provide long term support to the hospitality industry who are recovering from the economic impacts of COVID-19, while allowing private businesses to provide the community with additional COVID-19 friendly meeting spaces and fostering a positive community atmosphere.

Community and stakeholder engagement

- 56. Council's Economic Development team conducted targeted engagement regarding the draft Parklet Policy and Guidelines to seek feedback from both business and community.
- 57. Those that were invited to comment included:
 - (a) All current parklet operators (95);
 - (b) 100 businesses neighbouring existing parklets;
 - (c) Yarra's Business, Heritage and Aged and Disability committees, which also included two online Q&A sessions, and
 - (d) Key community members and interested groups (including Traders Associations and community representatives).
- 58. In total 22 completed responses (**Attachment 2**) were received, with the overall general feedback being very supportive of the program, while there were a few concerns related to the proposed fees and the added regulation requirements.

Alignment to Council Plan

- 59. Assisting traders and seeking to add to the vitality of the streets is consistent with the Council Plan and broad strategies including the *Economic Development Strategy 2020 – 2025*.

Climate emergency and sustainability implications

- 60. Drainage considerations have been considered in regard to ensuring a clear path for water to flow around the kerb and channel.
- 61. The requirement to have full access to the extent of the kerb abutting the parklet for cleaning has been considered, and in cases where locations have been identified as having a significant flood risk, businesses within these areas will not be eligible to apply for a parklet.

Community and social implications

- 62. The vitality of the local streets is important for the local community and visitation to Yarra.

Economic development implications

- 63. Assisting traders return to profitable businesses is important and reflected in Council strategies and policies including the *Economic Development Strategy 2020 – 2025*.

Human rights and gender equality implications

- 64. Community wellbeing and minimisation of disturbance to neighbours are matters for consideration as part of any future permanent program.

Operational analysis

Financial and resource impacts

- 65. The outdoor dining program has been very important to support to the hospitality sector, and positive effects have been felt by other businesses and industry surrounding these new spaces.
- 66. The program, in a broad sense, has been very well received and a number of positive comments have been received from many sources. Some concerns have also been expressed which have been outlined in the March and June officer reports.

67. It has been very resource intensive both in officer time and costs of materials (hiring of concrete blocks) and also a heavy impact on Council's parking revenues (NB. some grant monies have previously been received from the State Government, but that has not significantly offset the Council's expenses).
68. The introduction of a fee for parklets is proposed to balance what is fair and reasonable, between those who have parklets (and use the public space), and those who do not, as well as ensuring the program returns some revenue and not an ongoing burden on Council financially.
69. The fee structure, however, needs to have particular regard to the ongoing current COVID-19 pandemic period impacting on trade and also to enable traders to afford to take up the parklet opportunity in the present circumstances.

Fees

70. The recommended fee for an annual permit is the same as what was proposed and endorsed for the temporary program (Council on 1 June 2021), but with some modifications for year 1 in recognition of the difficulties of traders due to the pandemic which will continue for a number of months yet (see below for an outline).
71. The recommended fee for a summer permit (being for 6 months) would be half of the annual fee.
72. These fees are outlined below for illustration and shows some cost per day breakdown for ease of comparison.
73. The first table is the proposed fee for 1 carspace occupied for a parklet, and the second table shows the fee for a parklet occupying 2 carspaces.

Street Type	Number of carparks	Per bay fee	Flat rate App & Inspection	6 Month 'Summer' Permit	12 Month Permit	Total cost per day
Primary	1	\$5,000	\$275	\$2,775.00	\$5,275.00	\$14.45
Secondary	1	\$3,000	\$275	\$1,775.00	\$3,275.00	\$8.97
Neighbourhood	1	\$2,250	\$275	\$1,400.00	\$2,525.00	\$6.92

Street Type	Number of carparks	Per bay fee	Flat rate App & Inspection fee	6 Month 'Summer' Permit	12 Month Permit	Total cost per day
Primary	2	\$5,000	\$275	\$5,275.00	\$10,275.00	\$28.15
Secondary	2	\$3,000	\$275	\$3,275.00	\$6,275.00	\$17.19
Neighbourhood	2	\$2,250	\$275	\$2,525.00	\$4,775.00	\$13.08

Notes:

It is also important to note that items that are placed into the parklet such as chairs and tables would not be charged on top of the parklet fees, whereas they are for footpath trading.

74. It is considered that due to the ongoing nature of the pandemic, the fees should be discounted in the first year by 25 % to recognise the ongoing difficult trading period for the foreseeable future.
75. Further, it is recommended that the parklet fees should not commence until 1 April 2022 to provide some further capacity for traders to re-establish themselves. This would, in essence, then be a 6 month payment period for an annual fee until end September 2022 which is the end of the proposed billing period (to align with footpath trading invoicing).
76. In this arrangement, the summer permit would be free for this coming summer.

77. It is also considered that the fees should also be revisited in the future (say 18 months time), to better reflect the use of public land by individual traders. In this regard, it is recommended that the fee adopted by Council be reviewed in its 23/24 budget.

Legal Implications

78. The use of kerbside areas for outdoor dining parklets does carry some risk for the Council as it means that persons are occupying part of the road reservation, and hence the risk that some motor vehicle could impact into the outdoor dining area.
79. Public safety and public liability are matters that Council does need to have particular regard to in the consideration of this report and any determination.
80. Officers have undertaken some independent review processes with two Road Safety Auditors (independently) in coming up with the proposed approach as outlined in the guidelines. This includes having a substantial weight bearing planter box at the lead end of the parklet to mitigate against a vehicle accidentally clipping the parklet.

Other

81. The current period for parklets has only been authorised by Council through to the end of October 2021.
82. The expectation is that by 31 October 2021 (unless the program is extended or made permanent by Council), that all parklet structures as part of the temporary outdoor dining program would be removed.
83. It is also noted that due to COVID-19 restrictions, both the footpath trading fees and the parklet fees have been waived to the end of December 2021.
84. The waiver for footpath trading also needs to be extended to end March 2022 in recognition of the recent extended impact on traders. This will be dealt with administratively by the office as that is a separate topic to the subject matter of this report (parklets).

Summary points

85. The outdoor dining program was agreed to by Council in late 2020 to assist local businesses to comply with health directives and to support the economic recovery.
86. The proactive approach from Yarra City Council has come at considerable cost with setting up and running the program but has added a great deal of vitality to the locations in the streets that have parklets.
87. The use of the road space as parklets has also been at no charge to the traders during this temporary outdoor dining program. Footpath trading also has been at no charge in this period. Council parking revenue has been significantly impacted as a result of this program.
88. Further, major cost has also occurred to Council in hiring the concrete blocks in order to mitigate against risk of a vehicle clipping the parklet area.
89. Research that was commissioned shows that the program delivers significant economic and social benefits for Yarra. The outdoor dining has assisted the local economy from the pandemic impact and has also created increased vitality into many local streets. It does, however, need to be very carefully considered regarding any more permanent ongoing programs from a number of perspectives including risk perspectives and also streetscape aspects.
90. Officers do recommended a permanent parklet program to add to the vitality of the streets and opportunities for community members to meet and enjoy the local commercial areas of Yarra.
91. Council is now requested to consider the officer report and decide whether a permanent parklet program should be adopted and also what fees should apply to both the annual fee and the summer fee.

92. The guidelines have been devised through extensive internal collaborations amongst many units of Council and also key agencies. They are designed to best manage the various aspects of the use of carparking spaces for trading areas and this has included various aspects of risk, drainage, accessibility, streetscape and also ambience to the streets.
93. As the parklet areas use public land, like footpath trading, it is proposed to introduce a fee determined for the use of the space taken up by the parklet. This fee structure recommended is based on a per carspace taken up, so that it is easily calculated.
94. The recommended fees for parklets are those determined by Council in June this year when it considered what would be appropriate for interim fees to end October this year (but did not occur due to further COVID-19 lockdowns). These are \$5,000, \$3,000 and \$ 2,250 on a three tiered basis for a 12 month permit.
95. It is proposed, however, that a discounted fee (a 25 % discount) should apply in the first year of the program due to current circumstances.
96. It is also recommended that the fee that is applied be waived until the start of April 2022 due to the significant COVID -19 restrictions likely to continue to impact on hospitality traders for some time.
97. In this manner, a staged approach can occur towards a 'Covid recovery fee' that would then be payable in full on 1 October in 2022.
98. In this context, the calculation for the recommended annual parklet permit fee for the next 12 months is shown below:

Street category	Covid recovery period fee	Fee with 25% discount for Yr 1	Fee for 1 Nov 2021 to 31 March 2022	Fee for 1 April 2022 to end Sept 2022 period (that is, 6 mths fee per carspace) from the 25 % discounted fee	Fee for 1 October 2022 to 30 September 2023 period
	Fee per carspace	Fee per carspace	Fee per carspace	Fee per carspace	Fee per carspace
Primary Streets (Smith St, Brunswick St and Gertrude St)	\$5,000	\$3,750	No fee	\$ 1,875	\$ 5,000
Secondary Streets (examples include Peel St and Langridge St)	\$3,000	\$2,250	No fee	\$ 1,125	\$ 3,000
Neighbourhood Streets (example Groom St and Highett St)	\$2,250	\$1,688	No fee	\$ 844	\$ 2,250

99. A summer parklet permit fee would be no charge for this coming 21/22 summer, but then half of the base fee for year 2.
100. An application and inspection fee of \$ 275 per parklet is also recommended for both the annual and summer parklet permit applications.

101. As said earlier, it is also considered that the fees for parklets (per carspace) should be reviewed by Council at a later stage to ensure the fees reflect a reasonable fee by traders for the privilege of using public land for trade. This could occur in the 23 / 24 Council budget process.

Conclusion

102. The guidelines for parklets is now ready for Council consideration – they have been devised having been considered by many professional areas of Council and also with external agencies. They provide a managed way of enabling parklets to occur with specific regard to risks, streetscape and accessibility and amenity of the local streets and neighbours.
103. The current Council approval for parklets is until end October 2021.
104. The parklet areas have been facilitated by Council to enable trade to occur in the streets due to the COVID-19 pandemic – they have also contributed to the vitality of the local shopping areas of the municipality and been (broadly) well received.
105. It is recommended that the temporary program now been made permanent, but with increased performance standards and criteria applying to their design and appearance. The attached guidelines provide these criteria.
106. It is recommended that the proposed guidelines be adopted with a transition period allowed until end March 2022 to enable logistics by traders to be resolved (that is, materials, trades and construction to be enabled).
107. Annual fees should also now be determined, but with a discount (25 %) for year 1 due to the current circumstances of the ongoing pandemic.
108. It is also recommended that the applied annual fees should also be waived until April 2022, to enable traders to re-establish themselves, be a reasonable fee in the current circumstances, and then align to the full year 'covid recovery fee' in the following year.
109. The summer parklet permit fee for 21/22 summer period would be free of charge.
110. It is also considered that Council should flag a review of the fees for the 23/24 budget, so that the fees are then reflective of the economic circumstances at that time, and also having particular regard to the opportunity of a business using public land to trade on.
111. Parklet operators will need to cover the costs of the concrete blocks from 1 November 2021.

RECOMMENDATION

1. That Council notes:
 - (a) the current Council permission for the temporary parklets expires on 31 October 2021;
 - (b) that on 1 June 2021, Council requested officers to prepare a further report providing analysis of the temporary program and bring forward a recommended policy position for a more permanent outdoor dining program, and
 - (c) that the current waiver of any parklet fees is until end December 2020, as well as the current waiver of footpath trading fees for the same period in order to assist hospitality traders.
2. That Council notes:
 - (a) the officers report recommending a Parklet Policy and Design Guidelines for a permanent program for parklets;
 - (b) the proposed Parklet Policy and Guidelines as shown in Attachment 1; and
 - (c) that the Parklet Policy and Guidelines have had due regard to safety aspects and streetscape and amenity aspects in their formulation, and in this regard, note that officers have considered the opinions of two Road Safety Auditors for the design of a typical parklet layout.

3. That Council adopt the Parklet Policy and Design Guidelines as outlined in Attachment 1.
4. That in relation to fees for parklets, Council notes the following recommendations from officers:
 - (a) that the fees be structured in a three tier arrangement, on a per carspace used basis, regarding 'Primary Streets' (being Smith Street, Brunswick Street and Gertrude Street), 'Secondary Streets' (being Langridge Street and Peel Street and similar streets) and 'Neighbourhood' Streets (such as Highett Street and similar streets);
 - (b) that an '*annual covid recovery fee*' for a parklet (per carspace) be set against these street categories, reflecting some worth of the public land to be occupied by a local business in these streets, and then reviewed in the 23/24 budget;
 - (c) that the '*annual covid recovery fee*', per carspace taken up by a parklet, be as follows:
 - (i) Primary Streets; \$ 5,000;
 - (ii) Secondary Streets; \$ 3,000; and
 - (iii) Neighbourhood Streets; \$ 2,250; and
 - (d) that fees for annual parklets in year 1 provide a discounted fee of 25 % from the *covid recovery fee* in recognition of the difficulty that hospitality traders are experiencing during the current pandemic;
 - (e) that the determined fee be also waived until 1 April 2022, due to the ongoing pandemic period for some months which will continue to impact on hospitality traders;
 - (f) that the *summer period* parklet permit behalf of an annual parklet fee; and
 - (g) that an 'application and inspection fee' of \$ 275 be applied for a parklet application processing and monitoring payable for both an annual parklet permit fee and a summer parklet permit from 1 November 2021.
5. That Council now determine that the fee for *annual parklet permits*, on a per carspace basis, be as follows:

Street category	1 Nov 2021 to 31 March 2022	1 April 2022 to end Sept 2022 period (that is, 6 mths fee per carspace) at a 25 % discounted rate from the 'covid recovery fee'	1 October 2022 to 30 September 2023 period (the 'covid recovery fee')	For the 1 October 2023 to 30 Sept 2024 period
	Fee per carspace	Fee per carspace	Fee per carspace	Fee per carspace
Primary Streets (Smith St, Brunswick St and Gertrude St only)	No fee	\$ 1,875	\$ 5,000	To be determined by the Council 23/24 budget process
Secondary Streets (examples include Peel St and Langridge St)	No fee	\$ 1,125	\$ 3,000	To be determined by the Council 23/24 budget process

Neighbourhood Streets (example Groom St and Highett St)	No fee	\$ 844	\$ 2,250	To be determined by the Council 23/24 budget process
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6. That the *summer parklet permit* fee be one half of the annual parklet permit fee, but fully waived for the 21 / 22 summer period.
7. That Council apply an application and inspection fee of \$ 275 per parklet application, and that it be payable from 1 November 2021 to cover the costs of administering the permissions and inspections.
8. That officers write to all existing parklet operators advising of the new Parklet Policy and Guidelines, and also of the Council determination regarding fees.
9. That Council discontinue the funding of safety bollards by Council from 1 November 2021 and require the traders to continue to pay for the leasing of the blocks.
10. That the CEO be authorised to operationalise these determinations of Council.

Attachments

- 1 Attachment 1 - Parklet Policy and Design Guidelines FINAL
- 2 Attachment 2 - Parklet Policy and Design Guidelines Engagement Results

8.5 Old Heidelberg Road, Alphington

Reference	D21/111629
Author	Ivan Gilbert - Group Manager Chief Executive's Office
Authoriser	Group Manager Chief Executive's Office

Purpose

1. For Council to, in the matter of the eastern portion of the Old Heidelberg Road Reservation:
 - (a) receive the report on the outcome of the community consultation and processes as referenced in its resolution of August 2020;
 - (b) note a number of options available to Council in relation to determining on the specific question of public access to the eastern portion of Old Heidelberg Road, Alphington; and
 - (c) to then determine a preferred way forward concerning the future treatment / management, of the eastern portion of Old Heidelberg Road Reservation.

Critical analysis

History and background

2. Council on 4 August 2020 resolved:

“That Council resolves to:

 - (a) *authorise the Chief Executive Officer or Group Manager CEO’s Office to execute documents for the vesting of title to the land underlying Old Heidelberg Road in Council;*
 - (b) *advise the community, authorities and the Greek Orthodox Community of Melbourne and Victoria (GOCMV) that Council intends to commence a formal public consultation process in early 2021 to consider all views in relation to the need for public access to the eastern portion of Old Heidelberg Road Alphington; and*
 - (c) *advise the GOCMV as owner of the Alphington Grammar land that the licence entered into between the former City of Heidelberg and the Christian Brothers in 1953 (with the GOCMV now in overholding) will formally end following the consultation process and a further resolution of Council in 2021 in relation to a preferred option.”*
3. The referenced community consultation had been delayed some months in part due to the impositions of COVID restrictions limiting effective community consultation and in part due to capacity limits on the Communications Unit with other consultation obligations.
4. A brief re-cap of the background to this site is:
 - (a) Following a number of community inquiries about access to the eastern section of Old Heidelberg Road Reservation not being available to pedestrian traffic, an investigation was initiated into the section of Old Heidelberg Road Reservation which in recent years, has been partially closed off by a fence and gates, erected by the adjacent school;
 - (b) Alphington Grammar School had some time ago constructed a brick and wrought-iron fence and gates across Old Heidelberg Road, Alphington near the entrance to the school, without approval from Yarra City Council, replacing an old previously existing school fence structure (*previous structure*) in this location (**refer to Attachment 10 – Photos and Locality Plans**);

- (c) It is understood that whilst the main gates (*across the roadway portion*) have generally been closed, the pedestrian gates (*across the footpaths*) were on occasions, opened to pedestrian traffic, generally during school hours. At a point in time it appears that all gates were closed outside of school hours and this has contributed to community concerns about the restriction of pedestrian access, to the Darebin Creek Reservation; and
 - (d) Following research of Title Office information and assistance from Council's lawyers, the following was established:
 - (i) In 1953, the locality was contained within the then City of Heidelberg. That Council in 1953, entered into a formal Licence Agreement with the then Christian Brothers which enabled occupation by the Christian Brothers, of the eastern portion of Old Heidelberg Road Reservation, as gazetted in 1953;
 - (ii) Around 1962, the locality was transferred to the then City of Northcote; and
 - (iii) In 1993 following the major restructure of local government in Victoria, the locality became part of the City of Yarra.
5. As reported to Council in August 2020, a detailed review of titles, old Council records and published news articles confirmed the existence of a school fence and gates in this location since 1952 when the old "Flowerdale" property (*now a large part of Alphington Grammar*), was purchased by the Christian Brothers to establish a preparatory school for the Christian Brothers College.
6. Council had received a number of enquiries and complaints from local residents, largely about the installation of new gates along the northern and southern footpaths which replaced had the original fence and gates as were installed in 1953. The new gates now regularly inhibit pedestrian access to the Darebin Creek, especially outside of school hours, when the gates are often closed.
7. According to Council records, Alphington Grammar removed the previous northern and southern pedestrian gates forming part of the earlier fence structure in 2017 following discussions with Council Officers at that time.
8. The Alphington Grammar land is owned by the Greek Orthodox Community of Melbourne and Victoria (GOCMV) who purchased the school site from the Christian Brothers in 1989. Council's records confirm that discussions between Council Officers and the GOCMV took place in 2005 following a request about the possibility of Council investigating the potential discontinuance and sale of the eastern portion of Old Heidelberg Road. Records note that the matter was never progressed.
9. A review was undertaken in 2020 to understand each of:
- (a) Council's and the GOCMV's rights and obligations under the fifteen (15) year licence agreement as entered into between then City of Heidelberg and the Christian Brothers in 1953;
 - (b) the nature and ownership of the underlying land of Old Heidelberg Road and the Council's position as a road authority;
 - (c) the reliance (if any) on the eastern portion of Old Heidelberg Road by Parade Preparatory College and later by Alphington Grammar;
 - (d) the need to maintain access to the eastern end of Old Heidelberg Road for relevant authorities and the public; and
 - (e) the consultation process that Council may elect to consider, to receive responses from Alphington residents and the broader community, the GOCMV and other authorities to assist Council in determining the most appropriate manner to progress the matter.
10. The outcome of the recent consultation process is intended to assist the Council to consider options available in progressing the matter. Possible options include:
-

- (a) reinstating public access to the eastern portion of Old Heidelberg Road to any degree that Council believes is appropriate; **OR**
 - (b) commencing the statutory process to enter into a new licence with the GOCMV for the occupation of the eastern portion of Old Heidelberg Road; **OR**
 - (c) commencing the statutory process to consider discontinuance of portion of the Old Heidelberg Road Reservation.
11. Arising from the several hundred community submissions now received, the very strong response is to reinstate public access to the eastern portion of Old Heidelberg Road and thus to the Darebin Creek Reserve.
12. Many of the community submissions have also urged Council to consider in addition, making representations for:
- (a) an access point being constructed from the Old Heidelberg Road Reservation to the Darebin Creek Trail at or adjacent to the juncture of the two parcels (i.e. the Road Reservation and the Trail); and
 - (b) a possible new footbridge being constructed over Darebin Creek at the Old Heidelberg Road Reservation.
13. In noting that the Darebin Creek Trail was constructed by the State Authorities, it is appropriate the community aspirations noted in 12.(a) and (b) above, be referred to State Authorities for consideration.

Possible Access to the Darebin Creek Trail:

14. In relation to the community submissions urging for a possible access point, from the Old Heidelberg Road Reservation to the Darebin Creek Trail, as noted above, the Trail was planned, constructed and paid for by the Department of Transport (DoT).
15. We are advised that VicRoads (DoT) has recently assessed options for an Alphington link to the Darebin Creek Trail (DCT) and are in the process of proposing a link connecting from Farm Road to the Darebin Creek Trail:
- (a) This action is assumed to have arisen from previous strong community concerns being expressed about there being no direct access points to the Trail from Alphington or Fairfield; and
 - (b) It is also noted that previous City of Yarra Councillors had advocated to the State Government for the provision of a link from Alphington to the Darebin Creek Trail.
16. It is understood the DoT review of an access point to the Darebin Creek Trail included issues that:
- (a) The Darebin Creek Trail Shared Path is fully fenced where it borders Alphington Grammar School and the La Trobe Golf Club, such fencing being installed as part of the original DoT project, and also part of an agreement to prevent people from accessing these properties and to protect path users from errant golf balls; and
 - (b) The proposed access to the Darebin Creek Trail from Alphington which is to be funded by the State Government via the Department of Transport (DoT), would be by an elevated track off Farm Road, connecting before the La Trobe Golf front gate. Such a connection would involve negotiation between the State Department and the Golf Club re acquisition of some required land.
17. To assist in an understanding of the issues as referenced above, the following Attachments are noted:
- (a) **Attachment 1** - Darebin Creek Trail Map;
 - (b) **Attachment 2** – Map pdf -Over-view plan showing the Old Heidelberg Road Reservation, the Darebin Creek Trail, the Darebin Creek and **property ownerships in the locality**;

- (c) **Attachment 3** - Copy 2013 letter from former Mayor Fristacky to Minister for Planning re a local connection to the Darebin Creek Trail for local residents;
- (d) **Attachment 4** – Copy 2017 Media Release by Minister for Roads and Road Safety re Connecting Alphington to the Darebin Trail;
- (e) **Attachment 5** – Showing the proposed Farm Road link to the Darebin Creek Trail via LaTrobe Golf Club; and
- (f) **Attachment 6** – Map Overlay *plan showing the proximity of the Old Heidelberg Road Reservation to the trees along Darebin Creek which Melbourne Water are requesting be retained.*

Discussion

18. The **Attachments 7, 8 and 9**, detail the range community submissions and their preferences as to the possible future treatment and use of the Old Heidelberg Road Reservation as presented in the over 370 submissions received from the consultation process.

- (a) **Attachment 7**: comprising the submissions **strongly favouring the continued restriction of public access** to the Old Heidelberg Road Reservation, including those received from:
 - (i) School Officials;
 - (ii) The Parents and Friends Association; and
 - (iii) Some community members.

A summary of key reasons presented to support a continued restriction of access include:

- (i) public access to the area will present security risks to students and staff of the school;
- (ii) public access to such an area is inconsistent with mandatory child safety standards;
- (iii) the experience in recent years of intruders accessing school facilities such as bathrooms;

- (b) **Attachment 8**: comprising over 300 submissions **strongly favouring the opening of the Old Heidelberg Road Reservation** to enable community access (*at least pedestrian*) to the Darebin Creek, received from:

- (i) Streets Alive Yarra Inc;
- (ii) A Petition with some 32 signatures;
- (iii) The Darebin Creek Management Committee; and
- (iv) Some 270 general community submissions.

A summary of key proposals from these submissions include to enable:

- (i) community access to Darebin Creek;
- (ii) a potential access to the Darebin Creek Trail and Main Yarra Trail for both cycling and walking, (*noting - reference to “safety”, by having multiple access / egress points to the Darebin Creek Trail*);
- (iii) a potential access to open space and nearby parklands (*e.g. Sparkes Reserve in Heidelberg*);
- (iv) connection to a possible new bridge over Darebin Creek and to the Darebin Creek Trail, as a valuable transport link;
- (v) an alternate access route to the Alphington Grammar School which would also benefit students of the school being able to cycle / walk to school, thus enabling them to avoid the busy Heidelberg Road route; and

- (c) **Attachment 9:** comprising some 20 submissions suggesting a more “limited” public access to the Old Heidelberg Road Reservation together with other suggested adjustments.

A summary of these suggestions, include:

- (i) a restricted pathway (*being **part only**, of the Old Heidelberg Road Reservation*);
- (ii) public access being available “outside of school hours”; and
- (iii) restoration of the previous footbridge across Darebin Creek.

Options

19. Based upon the current status of the land known as Old Heidelberg Road Reservation and the issues as raised in the many submissions now received from:- the Alphington Grammar School affiliates, Streets Alive Yarra Inc; The Darebin Creek Management Committee, a community petition and a very large number of community members, there are a number of options which the Council is now requested to consider. These include:
- (a) **Option 1:** reinstating public access to the eastern portion of the Old Heidelberg Road Reservation and thus to the Darebin Creek; **OR**
 - (b) **Option 2:** commencing a process to enter into a new Licence Agreement (with or without conditions) with the GOCMV for the occupation of the eastern portion of the Old Heidelberg Road Reservation; **OR**
 - (c) **Option 3:** consideration of a variation to Option 1, whereby public access to Darebin Creek would be enabled via using a **portion only** of the Old Heidelberg Road Reservation (*e.g. a pathway only*) with the balance of the Road Reservation potentially able to be:
 - (i) Licenced to the school; **OR**
 - (ii) discontinued and sold to the school;to thus form part of the school open space. Both subject to formal statutory processes.

Community and stakeholder engagement

20. As noted above community consultation to seek input was opened on 5 May 2021 and formally closed on 13 June 2021.

Policy analysis

Alignment to Council Plan

21. A formal consultation process was undertaken with internal stakeholders and details received comprise the above-referenced information concerning the Darebin Trail and role of DoT and VicRoads in its creation.

Climate emergency and sustainability implications

22. Taking into account that the Old Heidelberg Road Reservation extends to Darebin Creek and at that point, abuts the “fenced-in” Darebin Creek Trail, the establishment of such a connection at or adjacent to that location would align with the Council’s sustainable transport strategies.
23. Similar to the above point, increased access to and use of the referenced Darebin Creek Trail, would be a positive contributory factor to Council’s climate emergency strategy.

Community and social implications

24. Following the consultation process with the community and interested stakeholders, it is evident that there are a notable range of views concerning the possible future treatment of the eastern section of the Old Heidelberg Road Reservation, including improved access to Open Space and walking/cycling infrastructure, healthy exercise options, etc.

Economic development implications

25. There are no considered economic implications relating to this report.

Human rights and gender equality implications

26. There are no considered human rights implications associated with this report.

Operational analysis

Financial and resource impacts

27. The question of financial implications will be determined by the particular direction which Council determines to adopt, following consideration of the possible options and the proposals as presented via community submissions. As noted, a number of possible options available to Council include:

- (a) To require the current Old Heidelberg Road Reservation to be opened to enable general public access by pedestrians to the Darebin Creek which would be considered a minimal cost;
- (b) To enter into a new Licence Agreement with the Alphington Grammar School to enable occupancy of part of the Old Heidelberg Road reservation (either with or without conditions) which would incur legal and advertising costs;
- (c) To consider a process of discontinuation of the portion of Road Reservation would incur legal and advertising costs. If the Road was to be discontinued and then sold (in full or part), there would potentially be an income item; and
- (d) To require the current Old Heidelberg Road Reservation to be opened (whether as the whole of the Road Reservation or part thereof as a “pathway”) to enable general public access by pedestrians **AND then, creation of** a possible linkage to the Darebin Creek Trail would require a range of determinations by State Authorities.

Legal Implications

28. Legal implications (including costs and processes) will directly relate to the preferred Option which the Council determines to take in the matter.

Conclusion

29. Having regard to the matters as outlined above, being the question of public access via the Old Heidelberg Road Reservation to the Darebin Creek Reservation and consideration of additional proposals submitted by the community that Council lobby for a potential connection from the Old Heidelberg Road Reservation to the Darebin Creek Trail and a new bridge over the Darebin Creek, it is recommended that Council:

- (a) **firstly**, to determine its preferred course on whether to keep the Old Heidelberg Road Reservation open and public access thereby being available to the Darebin Creek reservation; and
- (b) **secondly**, request The Mayor write to The Minister for Roads, The Hon. Ben Carrol MP, advising of the community proposals and requesting the Department consider same.

RECOMMENDATION

1. That in the matter of the eastern portion of the Old Heidelberg Road Reservation, Council:
 - (a) receive and note the report on the outcome of the community consultation and processes as referenced in its resolution of August 2020;
 - (b) note the range of community aspirations referenced in the many submissions received;
 - (c) further note the verbal community submissions as presented at this meeting;
 - (d) now determine that the current Old Heidelberg Road Reservation is required to be opened to enable general public access by pedestrians to the Darebin Creek Reserve and authorise Officers to take necessary steps to implement that outcome; and
 - (e) in regard to the community submissions proposing a possible connecting link from the Old Heidelberg Road Reservation to the Darebin Creek Trail, resolve that The Mayor write to The Minister for Roads, The Hon. Ben Carrol MP advising of the various community proposals (i.e. a connection from Old Heidelberg Road reservation to the Darebin Creek Trail and a new Bridge crossing of Darebin Creek) and requesting the Department consider same.

Attachments

- 1 Attachment 1 - Darebin Creek Trail Map
- 2 Attachment 2 - Map Overview Plan
- 3 Attachment 3 - CoY letter to Minister for Planning
- 4 Attachment 4 - 2017 Media Release by Minister for Roads and Road Safety
- 5 Attachment 5 - Showing the proposed Farm Road link to the Darebin Creek Trail via LaTrobe Golf Club – under consideration by DoT
- 6 Attachment 6 - Map Overlay showing Old Heidelberg Road Reservation, proximity to Darebin Creek and trees referenced by Melbourne Water as required to be retained
- 7 Attachment 7 - Listing of submissions requesting continued restriction of access to O.H. Rd
- 8 Attachment 8 - Listing of submissions requesting opening of the O. H. Rd
- 9 Attachment 9 - Listing of submissions suggesting more limited access to O.H. Rd
- 10 Attachment 10 - Old Heidelberg Road - Photographs & location plans

8.6 Active Transport Advisory Committee Membership

Reference	D21/126586
Author	Rhys Thomas - Senior Governance Advisor
Authoriser	Group Manager Chief Executive's Office

Purpose

1. To appoint community members to the Active Transport Advisory Committee.

Critical analysis

History and background

2. In June 2021, Council established an Active Transport Advisory Committee as a successor to the Bicycle Advisory Committee which was dissolved at the same time.
3. The intention of this new advisory committee was to broaden the role of the former Bicycle Advisory Committee to provide similar advice in relation to other means of 'active transport' (i.e. beyond bicycles) – reflecting the interconnectedness of transport planning in the municipality and align closely with the nature of organisational expertise and decision-making. While Council had historically considered cycling as a stand-alone transport mode, this is no longer the case, with Council now conducting its transport planning in a more integrated way than ever.
4. Further, Council is addressing challenges presented by the fast changing nature of personal transport, with developments such as ride sharing, car share schemes, dockless bicycle hire, power-assisted bicycles and the growth in what were traditionally regarded as toy vehicles (like scooters and skateboards) all making their presence felt within the past decade. It was felt that a broadening of the role of the Bicycle Advisory Committee would enable Council officers and the Council itself to better respond to these developments.
5. On this basis, Council resolved to establish an Active Transport Advisory Committee with the following objectives:
 - (a) To provide advice and recommendations to Council in matters of relevance to travel throughout the municipality by means of self-powered active transport, such as:
 - (i) Bicycles;
 - (ii) Kick scooters;
 - (iii) Skateboards; and
 - (iv) Walking/running; and
 - (b) To provide advice and recommendations to Council in relation to the established and emerging role of power-assisted transport as part of the community transport mix, including the role of:
 - (i) Electric assisted bicycles;
 - (ii) Electric scooters; and
 - (iii) Powered 'rideables' (e.g. hover boards, segways, electric skateboards).
6. The committee was determined to comprise eight community members, in addition to two Councillors.

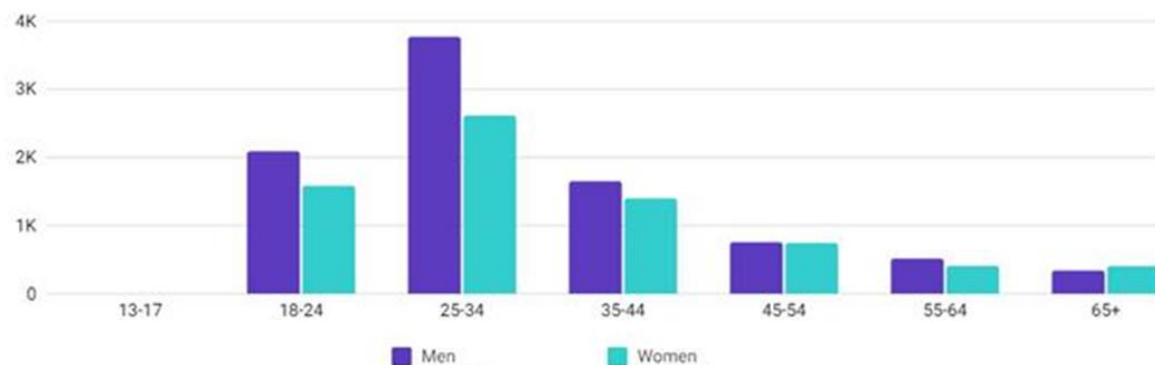
Discussion

7. Following the 24 June 2021 resolution, a public expression of interest process was undertaken to identify potential candidates for appointment to the committee.
8. The expression of interest resulted in the receipt of 23 applications, which are provided to Councillors in **Attachment One** (confidential due to the inclusion of personally identifying information).
9. Following the receipt of these applications, an assessment was conducted by the Senior Governance Advisor with a view to recommending appointments that meet the published selection criteria, being:
 - (a) a capacity to consult and represent a wide range of views;
 - (b) an understanding of the needs of a range of different transport users; and
 - (c) a capacity to analyse information and advice on issues affecting transport users.
10. In addition, care was taken to recommend a membership comprising:
 - (a) members from different locations across the municipality;
 - (b) members with expertise and experience with different forms of active transport; and
 - (c) a diverse gender and other demographic mix.
11. Following this process, eight recommendations have been made and are presented in **Attachment One**.

Options

Community and stakeholder engagement

12. The social media campaign involved the placement of an advertisement on both Facebook and Instagram. The advertisement reached 16,781 users in total (almost 10,000 on Facebook and approximately 7,000 on Instagram).
13. The number of unique users reached during this campaign by age and gender is shown below:



14. Throughout the process, internal discussions have been held with officers in Council's Strategic Transport Unit. While these discussions assisted in applying the selection criteria to the process, the final appointment recommendations in **Attachment One** have been made by the Senior Governance Advisor - independently of the Strategic Transport Unit.

Policy analysis

Alignment to Community Vision and Council Plan

15. The City of Yarra Council Plan 2017-2021 commits Council to *“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”*.

16. The establishment of Advisory Committees and a public process to appoint members provides an opportunity to demonstrate this commitment to transparent governance.

Climate emergency and sustainability implications

17. The broadening of the role of the Bicycle Advisory Committee to support the move away from the use of motor vehicles provides a chance to make a difference in what is a significant carbon emitter in Yarra. Fostering a community that seeks sustainable transport alternatives would be a meaningful and long-lasting response to the climate emergency.

Community and social implications

18. Council's advisory and other committees provide a connection between members of the community and Councillors and staff and provide an opportunity for direct involvement in the decision-making process. Community involvement in committees also provides connections between like-minded community members and a degree of community development and strengthening.

Economic development implications

19. The advice provided in this report does not have any economic development implications.

Human rights and gender equality implications

20. The advice provided in this report does not have any human rights implications.
21. Among the selection criteria for membership in both terms of reference is a desire for the membership to include "a diverse gender and other demographic mix". While this is not a binding target, the application process attracted sufficient interest to ensure that a gender balanced committee can be achieved.

Operational analysis

Financial and resource impacts

22. The precise cost to Council of an Advisory Committee is difficult to quantify.
23. Minor costs are associated with meeting logistics, such as catering, transport reimbursements, room hire (where relevant) and printing and mailing. The most significant costs are associated with officer time for meeting preparation, communication with members, attendance at meetings (including overtime) and preparation of meeting minutes. Further costs are incurred for officer time associated with committee administration, such as maintenance of Council's website, communication with membership, public advertising and committee selection processes.

Legal Implications

24. There are no legal implications arising from the matters addressed in this report.

Conclusion

25. It is recommended that Council appoint eight community members to the Active Transport Advisory Committee as set out in **Attachment One** to this report.

RECOMMENDATION

1. That Council appoint:
 - (a) _____, _____, _____ and _____ to a four year term; and
 - (b) _____, _____, _____ and _____ to a two year termon the Active Transport Advisory Committee, with the terms concluding on 30 June 2025 and 30 June 2023 respectively.
2. That Council thank all applicants who put themselves forward for consideration as member of the Active Transport Advisory Committee.

Attachments

- 1 Active Transport Advisory Committee expressions of interest evaluation - *Confidential*