



Ordinary Meeting of Council Agenda

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

Arrangements to ensure our meetings are accessible to the public

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

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

Recording and Publication of Meetings

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

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Order of business

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

1. Statement of Recognition of Wurundjeri Land

“Welcome to the City of Yarra.”

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

2. Attendance, apologies and requests for leave of absence

Anticipated attendees:

Councillors

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

Council officers

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

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

4. Confidential business reports

Item

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

Confidential business reports

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

RECOMMENDATION

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

5. Confirmation of minutes

RECOMMENDATION

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

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

6. Petitions and joint letters

7. Public question time

Yarra City Council welcomes questions from members of the community.

Public question time procedure

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

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

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

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

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

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

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

8. General business

9. Delegates' reports

10. Questions without notice

11. Council business reports

Item		Page	Rec. Page	Report Presenter
11.1	Rushall Reserve Shared Path - Update	7	11	Bruce Phillips – Director Planning and Place Making
11.2	Panther Pavilion, Boat Storage and Precinct Planning	29	33	Kerry Irwin – Manager Recreation and Leisure Services
11.3	An update on Yarra's response to Family Violence	43	46	Kerrie Loveless – Coordinator Workforce Diversity and Inclusion
11.4	Report on Assemblies of Councillors	47	48	Ivan Gilbert - Group Manager Chief Executive's Office

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

Public submissions procedure

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

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

12. Notices of motion

Item		Page	Rec. Page	Report Presenter
12.1	Notice of Motion No 3 of 2019 - Heritage Council Permit Review P30169 for VHR H0149, Arbirlot at 11 Brunswick Street, Fitzroy	55	56	Councillor Bosler - Mayor

13. Urgent business

Nil

11.1 Rushall Reserve Shared Path - Update

Trim Record Number: D19/25372

Responsible Officer: Director Planning and Place Making

Purpose

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

Background

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

Overview

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

These aspects all present a significant number of complexities.

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

Other aspects

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

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

Note 1:

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

Note 2:

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

External Consultation

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

Internal Consultation (One Yarra)

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

Financial Implications

Shared Path

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

Other improvements to Rushall Reserve

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

Economic Implications

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

Sustainability Implications

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

Social Implications

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

Human Rights Implications

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

Communications with CALD Communities Implications

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

Council Plan, Strategy and Policy Implications

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

“Council is committed to creating a city that is accessible to all irrespective of levels of personal mobility, to support a fulfilling life without the need for a car,”

and

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

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

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

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

Legal Implications

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

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

Other Comments

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

Conclusion

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

RECOMMENDATION

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

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

Attachments

- 1 [!\[\]\(511a36c244659513b679df9c639945de_img.jpg\)](#) Rushall Reserve Shared path - Site images
- 2 [!\[\]\(2c0783baf87a2728b2fe49eb1c34c456_img.jpg\)](#) Rushall Reserve - aerial image showing existing conditions
- 3 [!\[\]\(7cfb20e3a97beaa6243bf39ce8dc849f_img.jpg\)](#) Rushall Reserve SUP - previous Council resolutions

Attachment 1 - Rushall Reserve Shared path - Site images



 IMAGE LOCATION AND ORIENTATION

aerial image

RUSHALL RESERVE, FITZROY NORTH

18 JUNE 2018
1 of 3



Attachment 1 - Rushall Reserve Shared path - Site images



IMAGE 1 - BRIDGE TO NORTHCOTE 2M WIDE



IMAGE 2 - LOOKING NORTH TOWARDS RUSHALL STATION

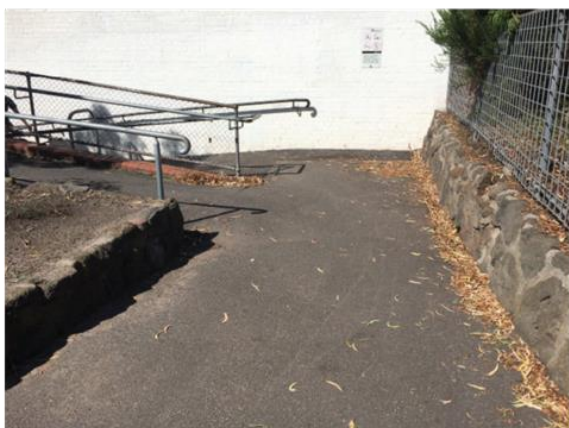


IMAGE 3 - INTERSECTION WITH PEDESTRIAN PATH



IMAGE 4 - EXISTING UNDERPASS - 2M WIDE - 2M HIGH



IMAGE 5 - ACCESS RAMP TO CITYBOUND PLATFORM



IMAGE 6 - VICTRACK LAND - PATH ENTRY

site images

RUSHALL RESERVE, FITZROY NORTH

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Attachment 1 - Rushall Reserve Shared path - Site images



IMAGE 7 - PROPOSED PATH



IMAGE 8 - PROPOSED PATH



IMAGE 9 - SIGNAL CABLE AHEAD



IMAGE 10 - EXISTING NARROW POINT



IMAGE 11 - STANCHION & SERVICE BOX



IMAGE 12 - EXISTING GEOLOGICAL FORMATION OF
STATE SIGNIFICANCE

site images

RUSHALL RESERVE, FITZROY NORTH

18 JUNE 2018
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Attachment 1 - Rushall Reserve Shared path - Site images



IMAGE 13 - ENTERING RUSHALL RESERVE



IMAGE 14 - MW ACCESS PATH



IMAGE 15 - RUSHALL RESERVE LOOKING SOUTH



IMAGE 16 - RUSHALL RESERVE LOOKING NORTH



IMAGE 17 - HOLDEN STREET END - LINK WITH EXISTING KOODA LAT PATH

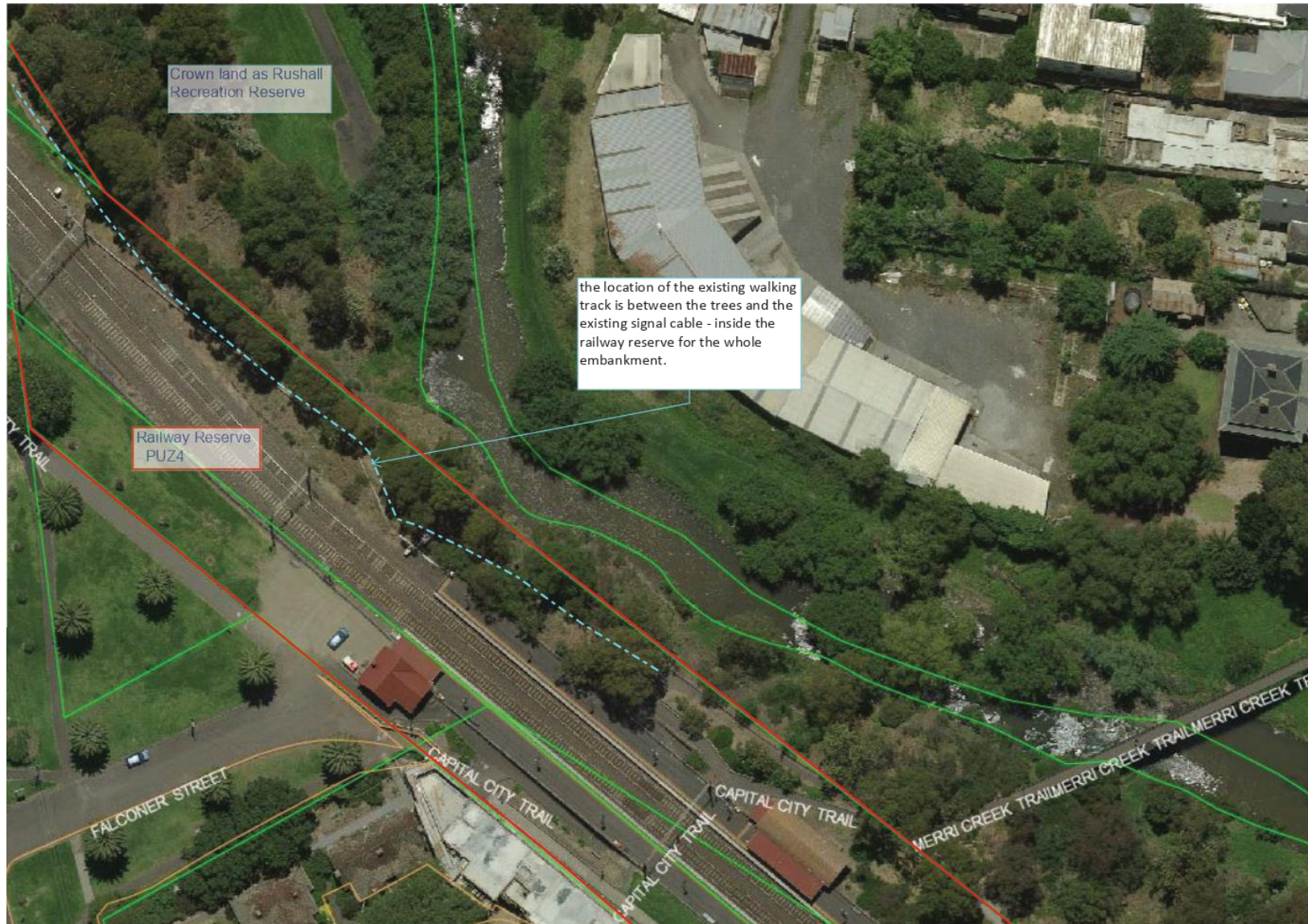
site images

RUSHALL RESERVE, FITZROY NORTH

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Attachment 2 - Rushall Reserve - aerial image showing existing conditions



Attachment 3 - Rushall Reserve SUP - previous Council resolutions

Rushall Reserve Shared Path - Previous Council reports

21ST JULY 2015 – REPORT TO COUNCIL – To feedback to Council on the initial consultation outcomes – majority feedback opposed to the proposal.

Officer Recommendation –

That Council :

- a) notes the feedback received during the consultation process;
- b) defers the proposed shared pathway improvement through Rushall Reserve;
- c) authorises officers to carry out further investigations into the design, cost and benefits of underpass improvements at Rushall Station to meet strategic objectives, utilising the \$65,000 allocated for project in 2015/16 Rushall Station bypass for this purpose;
- d) requests that officers provide an update to Council prior to the end of 2015 on the outcomes of this further investigation; and
- e) notes that the proposal – or an appropriate alternative – remains as a strategic priority for consideration at a later date.

COUNCIL RESOLUTION

Moved: Councillor Gaylard

Seconded: Councillor Fristacky

1. That Council:

- (a) notes the extensive feedback received during the consultation process regarding the proposed shared path through Rushall Reserve;
- (b) notes the officer report and recommendation responding to community input on the need for improvements to the underpass at Rushall Station and requests that the officers:
 - (i) advise VicTrack, PTV and other responsible authorities of the extensive community representations (with copies subject to appropriate privacy protections) on the need to improve and upgrade this underpass and seeks their commitment to such upgrade and to also accommodate secure bicycle parking at the station, with a timeframe for implementation; and
 - (ii) report to Council on the above;
- (c) recognises and supports the current uses of Rushall Reserve by the community as valued green open space, the diversity of users, including walkers, joggers, children, dog walkers and bike riders, who would benefit from improved access to the Merri Creek environs;
- (d) notes the importance of health outcomes from dog walking and seeks to enhance amenity by inclusion of a drinking tap for Reserve users and their dogs, including a handwashing facility;
- (e) notes the strategic importance of the shared pathway network as described in the Yarra Bicycle Strategy 2010-2015 allocating a high priority rating to the path (meeting

Attachment 3 - Rushall Reserve SUP - previous Council resolutions

5/5 criteria), and the Merri Creek Trail Review supporting a pathway through the Reserve;

- (f) notes the range of views on the proposed Rushall Reserve shared path received through community feedback including:
 - (i) opposition to any path through Rushall Reserve;
 - (ii) opposition to a path through the middle of the Reserve;
 - (iii) in principle support for a pathway through the Reserve;
 - (iv) support for a perimeter path following and extending the existing goat track along the railway line and embankment.
- (g) notes the risks associated with use of an informal and unsafe access track at the top of a cliff and along an unfenced railway line and the need for a path to provide safe legal access to the Reserve.
- (h) supports improved access for the community to the rail and bus services at Rushall Station;
- (i) authorises officers to report back to Council on the design of a shared path on the perimeter of Rushall Reserve on the basis that:
 - (i) the path alignment follows, as close as is practical, the railway embankment on the west side of Rushall Reserve and limits encroachment onto green open space;
 - (ii) the path location, as far as is practical, ensures retention of significant native trees;
 - (iii) the design includes treatments to encourage slower cyclist speeds and reduce potential conflict between park users and dogs (e.g. through fencing, planting or other creative solutions);
 - (iv) the design considers improvements to visibility, signage, access and revegetation, and to drainage including beneath the Holden Street railway bridge;
 - (v) the design ensures appropriate path gradients for walkers, pushers, and bike riders to assist south-bound users; and
 - (vi) current park users be consulted on whether the existing asphalt path through the Reserve be (a) retained with signage to show this is a no through path, (b) improved and extended to the Creek, or (c) replaced with turf in order to minimise the loss of green space; and
- (j) requests officers to consider community feedback on the revised designs prior to the report back to Council.

CARRIED

DIVISION

FOR: Councillors Gaylard, Fristacky, Coleman, Stone and Jolly

AGAINST: Councillors Vlahogiannis, Colanzi and Barbour

CARRIED

2ND AUGUST 2016 – REPORT TO COUNCIL – To review the broader community feedback on the concept design, and seek direction on Councils preferred option.

Attachment 3 - Rushall Reserve SUP - previous Council resolutions

Officer Recommendation –

1. That Council:
 - (a) note the officer report in respect to the community consultation process in relation to the shared path proposal within Rushall Reserve as directed by Council in July 2015;
 - (b) note the extensive feedback received during the community consultation process in April and May, 2016;
 - (c) note the feedback received via the online survey and associated written submissions from members of the community within Yarra and those received from outside the municipality;
 - (d) note the contribution of the community at the Information Day on 7 May, 2016; and
 - (e) note the priorities relating to Council's shared pathway network contained in the 2013- 17 Council Plan, the Yarra Bicycle Strategy and the Merri Creek Trail Review 2008.
2. That Council note that it could:
 - (a) determine to advance the proposal for a shared path in Rushall Reserve which would include resolving to proceed with seeking planning approval for the necessary tree removal and other approvals by external agencies including VicTrack, or
 - (b) determine to not proceed further with the project.
3. That Council, having regard to 1 and 2 above, provide direction to officers in relation to the shared path proposal in Rushall Reserve.
4. That Council consider the following options and resolve to provide direction to the organisation in relation to the proposal for a shared path in Rushall Reserve:

Options for Council consideration

Option 1(a) – shared path with fence

1. That Council:
 - (a) endorses the construction of a shared pathway in Rushall Reserve linking the existing Merri Creek Trail between Rushall Station and Koonda Lat generally consistent with the plan placed on exhibition but with required adjustment for the necessary clearance of the City West Water pipe and the inclusion of suitable fencing along the eastern side of the shared path (with some gates as deemed appropriate in the final design);
 - (b) note that a planning permit application would be required to be lodged for consideration for the removal of vegetation associated with the works – this would be advertised to the local community and be processed accordingly;

Attachment 3 - Rushall Reserve SUP - previous Council resolutions

- (c) having regards to (b) above;
 - (i) authorises officers to prepare the necessary information to submit a planning permit application as required under the Yarra Planning Scheme;
 - (ii) authorises officers to defer the documentation for the construction of a shared path consistent with Option 1(a) until such time as the planning permit process has been concluded;
 - (iii) that the final design include the following items:
 - a. additional seating in the reserve and the installation of a drinking fountain with a dog bowl;
 - b. tree planting in the reserve and ground covers underneath the railway to offset any trees and vegetation removals;
 - c. utilise decking (where necessary) over tree protection zones within Rushall Reserve to minimise disturbance to mature trees;
 - d. have a minimum shared path width of 2.5m and a maximum width of 3m;
 - e. offset the path (in a particular location) to provide the required separation from the City West Water pipe; and
 - f. have regard to VicTrack Risk Assessment requirements; and
 - (iv) authorises officers to communicate the resolution of Council to those people who made submissions as part of the consultation process.

Option 1(b) – shared path with no fence

- 1. That Council:
 - (a) endorses the construction of a shared pathway in Rushall Reserve linking the existing Merri Creek Trail between Rushall Station and Koonda Lat generally consistent with the plan placed on exhibition but with required adjustment for the necessary clearance of the City West Water pipe and incorporating low vegetation and occasional seating on the eastern edge of the shared path (as deemed appropriate in the final design) to act as a barrier;
 - (b) note that the provisions of the Council Order made under S10A and 26 of the *Domestic Animals Act 1994*, that dogs must be kept on-lead on shared pathways and five metres either side, even if pathways run through off-lead areas, would need to be applied;
 - (c) note that a planning permit application would be required to be lodged for consideration for the removal of vegetation associated with the works – this would be advertised to the local community and be processed accordingly;
 - (d) having regards to (b) above;

Attachment 3 - Rushall Reserve SUP - previous Council resolutions

- (i) authorises officers to prepare the necessary information to submit a planning permit application as required under the Yarra Planning Scheme;
- (ii) authorises officers to defer the documentation for the construction of a shared path consistent with Option 1(b) until such time as the planning permit process has been concluded; and
- (iii) that the final design include the following items:
 - a. additional seating in the reserve and the installation of a drinking fountain with a dog bowl;
 - b. tree planting in the reserve and ground covers underneath the railway to offset any trees and vegetation removals;
 - c. utilise decking (where necessary) over tree protection zones within Rushall Reserve to minimise disturbance to mature trees;
 - d. have a minimum shared path width of 2.5m and a maximum width of 3m;
 - e. offset the path (in a particular location) to provide the required separation from the City West Water pipe; and
 - f. have regard to VicTrack Risk Assessment requirements; and
- (iv) authorises officers to communicate the resolution of Council to those people who made submissions as part of the consultation process.

Option 2 – do not proceed with the shared path

- 1. That Council:
 - (a) determine not to proceed with the construction of a shared path in Rushall Reserve linking the existing Merri Creek Trail at Rushall Station with the trail at Koonda Lat; and
 - (b) authorises officers to communicate the resolution of Council to those people who made submissions as part of the consultation process.

COUNCIL RESOLUTION – Rushall Reserve - 2 August 2016

- 1. That Council notes:
 - (a) the proposals for “a safer, more environmentally sympathetic and user friendly trail” at Rushall Reserve as proposed in the 2008 Merri Creek Trail Review;
 - (b) the extensive consultation process on path design and Reserve amenity during April – May 2016, as determined by Council resolution at its meeting on 21 July 2015, following an earlier consultation process March – May 2015;
 - (c) quantitative data identified that:

Attachment 3 - Rushall Reserve SUP - previous Council resolutions

- (i) 127 of 205 local Yarra respondents generally supported the draft design, while 76 Yarra respondents did not support the path or had concern with the draft design;
 - (ii) 62 of 97 local non-Yarra respondents supported the draft design with or without modification, while 34 did not support the path or had concern with the draft design;
 - (d) a Cultural Heritage Management Plan (CHMP) found that no Aboriginal cultural heritage material was located and was unlikely to be located within the activity area given the high levels of disturbance across the high activity area;
 - (e) feedback from the Disability Advisory Committee seeking an asphalt surface rather than concrete;
2. That Council:
- (a) resolves to proceed with the construction of a 2.0 metre asphalt path on the edge of Rushall Reserve linking the existing Merri Creek Trail between Rushall Station and Koonda Lat Bridge generally consistent with the design consulted on with the community during April-May 2016, with adjustments as per (d) below;
 - (b) authorises officers to prepare the necessary information to submit a planning permit application as required under the Yarra Planning Scheme;
 - (c) endorses a re-design of the path, with the objective of retaining the significant tree shown as Number 5 on Attachment 1 on the basis that the final design is assessed against the AustRoads Guidelines, in the event that the above is not able to be achieved, authorises officers to commence the planning permit application for the removal of the significant tree as required under the Yarra Planning Scheme;
 - (d) endorses the final design to include the following items:
 - (i) except where decking is required, that the path be constructed in asphalt;
 - (ii) offset the path (in a particular location) to provide the required separation from the City West Water pipe;
 - (iii) measures to slow the speed of bicycles and other mobility aids using the path;
 - (iv) planting of intermittent low vegetation along the edge of the path with appropriate segments of fencing with gates for pedestrian access;
 - (v) 1.4 metre high fencing along the embankment as a safety measure;

Attachment 3 - Rushall Reserve SUP - previous Council resolutions

- (vi) additional seating in the reserve, the installation of a drinking fountain with a dog bowl, and improved signage;
 - (vii) tree planting in the reserve and ground covers, to offset any tree and vegetation removal;
 - (viii) utilise decking (where necessary) over tree protection zones within the Reserve to minimise disturbance to mature trees; and
 - (ix) have regard to VicTrack risk assessment requirements; and
2. endorses removal of the existing no-through asphalt path in the Reserve given strong support for its replacement with turf to increase green open space in the Reserve;
 3. That Council continues advocacy to transport agencies including Transport for Victoria to upgrade the sub-standard rail underpass and toilet facilities at Rushall Station, to accommodate secure bicycle parking at the station, and to seek commitment to such with a timeframe for implementation as part of State transport planning.
 4. That Council authorises officers to communicate this resolution to people who made submissions as part of the consultation process and thank them for their input
-

Attachment 3 - Rushall Reserve SUP - previous Council resolutions

19TH SEPTEMBER 2017 – REPORT TO COUNCIL - To consider modifying the path width from 2m to 2.5m, and to consider the path alignment.

RECOMMENDATION

1. That Council:
 - (a) notes the further officer report regarding the proposed shared path in Rushall Reserve;
 - (b) notes the feedback received at the roundtable meeting on 18 April 2017;
 - (c) notes the judge's findings in *Monty v Bayside City Council & Ors.* (2010) relating to an incident on a shared path and the advice from Council's insurers on potential liabilities arising from constructing a path that does not comply with the minimum standards as recommended in the Austroads guidelines;
 - (d) notes the benefits associated with amending the path alignment through Rushall Reserve as described in Attachment 4 as B2;
 - (e) endorses construction of a 2.5m wide path with appropriate run-offs;
 - (f) endorses an amended alignment consistent with A + B2 as described in Attachment 4;
 - (g) authorises officers to prepare the necessary information to submit a planning permit application as required under the Yarra Planning Scheme, having regard to VicTrack risk assessment requirements, for construction of a 2.5m wide path with appropriate run-offs in the area generally shown as section A in Attachment 4;
 - (h) authorises officers to include the relevant elements from 2(d) of the resolution of Council on 2 August 2016 (Attachment 2), those being:
 - (i) except where decking is required, that the path be constructed in asphalt;
 - (ii) measures to slow the speed of bicycles and other mobility aids using the path;
 - (iii) planting of intermittent low vegetation along the edge of the path with appropriate segments of fencing with gates for pedestrian access;
 - (iv) 1.4 metre high fencing along the embankment as a safety measure;
 - (v) additional seating in the reserve, the installation of a drinking fountain with a dog bowl, and improved signage; and
 - (vi) tree planting in the reserve and ground covers, to offset any tree and vegetation removal; and
 - (i) authorises officers to communicate this resolution to park users through the installation of signage in the Reserve.

COUNCIL RESOLUTION

Moved: Councillor Coleman **Seconded:** Councillor McEvoy

1. That Council:
 - (a) notes the further officer report regarding the proposed shared path in Rushall Reserve;

Attachment 3 - Rushall Reserve SUP - previous Council resolutions

- (b) notes the feedback received at the roundtable meeting on 18 April 2017;
 - (c) notes the judge's findings in *Monty v Bayside City Council & Ors.* (2010) relating to an incident on a shared path and the advice from Council's insurers on potential liabilities arising from constructing a path that does not comply with the minimum standards as recommended in the Austroads guidelines;
 - (d) notes the previous Council resolution supporting an alignment described as B1 in Attachment 4;
 - (e) endorses construction of a 2.5m wide path with suitable run-offs;
 - (f) endorses an amended alignment consistent the resolution of Council on 2 August 2016, represented by A + B1 as described in Attachment 4;
and
 - (g) authorises officers to prepare the necessary information to submit a planning permit application as required under the Yarra Planning Scheme, having regard to VicTrack risk assessment requirements, for construction of a 2.5m wide path with appropriate run-offs in the area generally shown as section A in Attachment 4.
2. That, in this regard,:
- (a) Council further note that a planning permit application is required to be lodged for consideration of any proposed works in the Railway Reservation land and also any tree removal proposal in the Environmental Significance Overlay (referred to as Section A in Attachment 4); and
 - (b) that any such planning application would be advertised to enable the community to formally participate in that planning process.
3. That Council authorises officers to include in the plans for the proposal the relevant elements from 2(d) of the resolution of Council on 2 August 2016 (Attachment 2), those being:
- (a) except where decking is required, that the path be constructed in asphalt;
 - (b) measures to slow the speed of bicycles and other mobility aids using the path;
 - (c) planting of intermittent low vegetation along the edge of the path with appropriate segments of fencing with gates for pedestrian access;
 - (d) 1.4 metre high fencing along the embankment as a safety measure;
 - (e) additional seating in the reserve, the installation of a drinking fountain with a dog bowl, and improved signage; and
 - (f) tree planting in the reserve and ground covers, to offset any tree and vegetation removal.
4. That Council authorises officers to communicate this resolution to park users through the installation of signage in the Reserve and other notifications on the Council web page.

CARRIED

CALL FOR A DIVISION

For: Councillors Coleman, Fristacky, Stone, McEvoy and Searle

Against: Councillors Chen Yi Mei, Bosler and Nguyen

Attachment 3 - Rushall Reserve SUP - previous Council resolutions

24TH APRIL 2018 – REPORT TO COUNCIL – To inform Council of the cost increase and risks associated with relocating MTM assets in order to build the path.

Officer Recommendation –

That Council :

- a) notes the update officer report on the proposed Shared Path at Rushall Reserve;
- b) notes the current cost escalation to an estimated minimum of \$906,245 due to costs associated with relocating Metro Trains Melbourne infrastructure;
- c) on this basis, authorises officers not to proceed with a planning permit application to construct a path at this location; and
- d) authorises officers to notify residents that, for financial reasons, the project (with current costings) is no longer justifiable and will not be progressed.

Councillor Resolution –

Moved: Councillor McEvoy

Seconder: Councillor Fristacky

1. That Council:

- (a) notes the updated officer report on the proposed Shared Path at Rushall Reserve;
- (b) notes the current cost escalation to an estimated minimum of \$906,245 due to costs associated with relocating Metro Trains Melbourne infrastructure; constituting a shortfall from the budgeted amount;
- (c) reaffirms its commitment to complete this long planned and vital shared path, connecting the Merri Creek Trail to the Capital City Trail and improving access to Rushall Reserve for local residents and recreational visitors in a growing city;
- (d) authorise officers to proceed with a planning permit application to construct a path at this location;
- (e) seeks advice from officers as to how to achieve this project given the revised costings, whether a staged approach, other external sources of funding, or any other means can be explored, and that this be presented to Council;
- (f) requests a report on the progress towards Rushall Reserve amenity improvements endorsed by Council on 2 August 2016 regarding fencing along the embankment, additional seating, drinking fountain/bowl, improved signage and tree planting;
- (g) authorises the Mayor and CEO to urgently seek a meeting with the Victorian Minister for Public Transport,

Attachment 3 - Rushall Reserve SUP - previous Council resolutions

- (i) requesting the Minister's commitment for the State to cover the costs of the rail infrastructure changes to ensure that the project can continue as per the current design and associated costings and budgetary allocations made by Yarra; and
- (ii) objecting to the quantum of the costs being sought by Metro Trains Melbourne;
- (h) authorises the Mayor and CEO to urgently seek meetings with the Mayor and CEO of Darebin and the relevant State Members of Parliament (Brunswick, Northcote and Richmond) to seek support; and
- (i) requests a briefing from the Mayor and CEO following receipt of advice from the Minister for Public Transport.

CARRIED

CALL FOR A DIVISION

For: Councillors Coleman, Fristacky, Jolly, Stone, McEvoy and Searle

Against: Councillors Chen Yi Mei, Bosler and Nguyen

13TH NOVEMBER 2018 – REPORT TO COUNCIL – To provide an update on the project as required by the previous resolution.

Officer Recommendation –

1. That Council note:

- (a) the officer update report in relation to the Rushall Reserve shared path as sought by Council in its resolution dated 24 April, 2018;
- (b) the advocacy and meetings held as resolved by Council; and
- (c) that no external funds have been identified at this point in time that can be allocated to this possible project.

2. That officers be authorised to continue progression of the amenity improvements in the Reserve as outlined in this report.

Council Resolution –

Moved: Councillor Fristacky

Seconded: Councillor Coleman

1. That Council note:

Attachment 3 - Rushall Reserve SUP - previous Council resolutions

- (a) the officer update report in relation to the Rushall Reserve shared path as sought by Council in its resolution dated 24 April, 2018;
 - (b) the advocacy and meetings held as resolved by Council; and
 - (c) that no external funds have been identified at this point in time that can be allocated to this possible project.
- 2. That officers be authorised to continue progression of the amenity improvements in the Reserve as outlined in this report.

CARRIED UNANIMOUSLY

11.2 Panther Pavilion, Boat Storage and Precinct Planning

Trim Record Number: D19/39855

Responsible Officer: Kerry Irwin

Purpose

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

Background

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

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

External Consultation

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

Internal Consultation (One Yarra)

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

Financial Implications

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

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

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

Economic Implications

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

Sustainability Implications

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

Social Implications

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

Human Rights Implications

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

Communications with CALD Communities Implications

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

Council Plan, Strategy and Policy Implications

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

Council Plan 2017-2021:

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

Access and Inclusion Strategy 2018-2024:

- (a) Strategy 1.1 – Promote and encourage the application of Universal Design and Universal Access within, and external to Council.
- (b) Strategy 1.5 – Improve accessibility to City of Yarra buildings and facilities, including ensuring adequate amenities are available.
- (c) Strategy 2.1 – Provide and/or support the community to provide a diverse range of accessible community services and arts, cultural, sport and recreational activities that are creative and fun for all abilities and ages.

Gender Equity Strategy 2016-2021:

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

Legal Implications

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

Other Issues

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

Options

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

Conclusion

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

RECOMMENDATION

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

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

Attachments

- 1 [↓](#) Yarra River Community Recreation Hub Proposal December 2018
- 2 [↓](#) Sporting Facility Condition Viability Overall Rating

Attachment 1 - Yarra River Community Recreation Hub Proposal December 2018



Attachment 1 - Yarra River Community Recreation Hub Proposal December 2018



- there is unmet need for more community spaces in one of inner Melbourne's fastest-growing communities
- Yarra City District Girl Guides need an affordable space to establish a new Girl Guides unit for the new Yarra Bend suburb, and open space where girls can interact with the natural world
- public schools, Guides, Scouts and other youth-focused programs in the area do not have the resources to offer outdoor recreation experiences such as kayaking to their participants
- access to natural environment and involvement in outdoor activities are important to the health & well-being of our young residents

Attachment 1 - Yarra River Community Recreation Hub Proposal December 2018



the proposal is for Yarra City Council to create a community space & recreation hub at Fairfield Park on the banks of the Yarra

- the space can be used by community groups on a regular basis or for one-off events
- the the park is surrounded by schools, social housing and large-scale urban renewal housing developments
- upstream from Dights Falls, the Yarra River is safe for paddling and water sports, as it not affected by tides and river traffic
- the existing infrastructure includes pedestrian access to the river, vehicle access roads within the park, picnic & BBQ areas, playing field
- the space will complement other social and cultural activities conducted at the amphitheatre and boathouse cafe

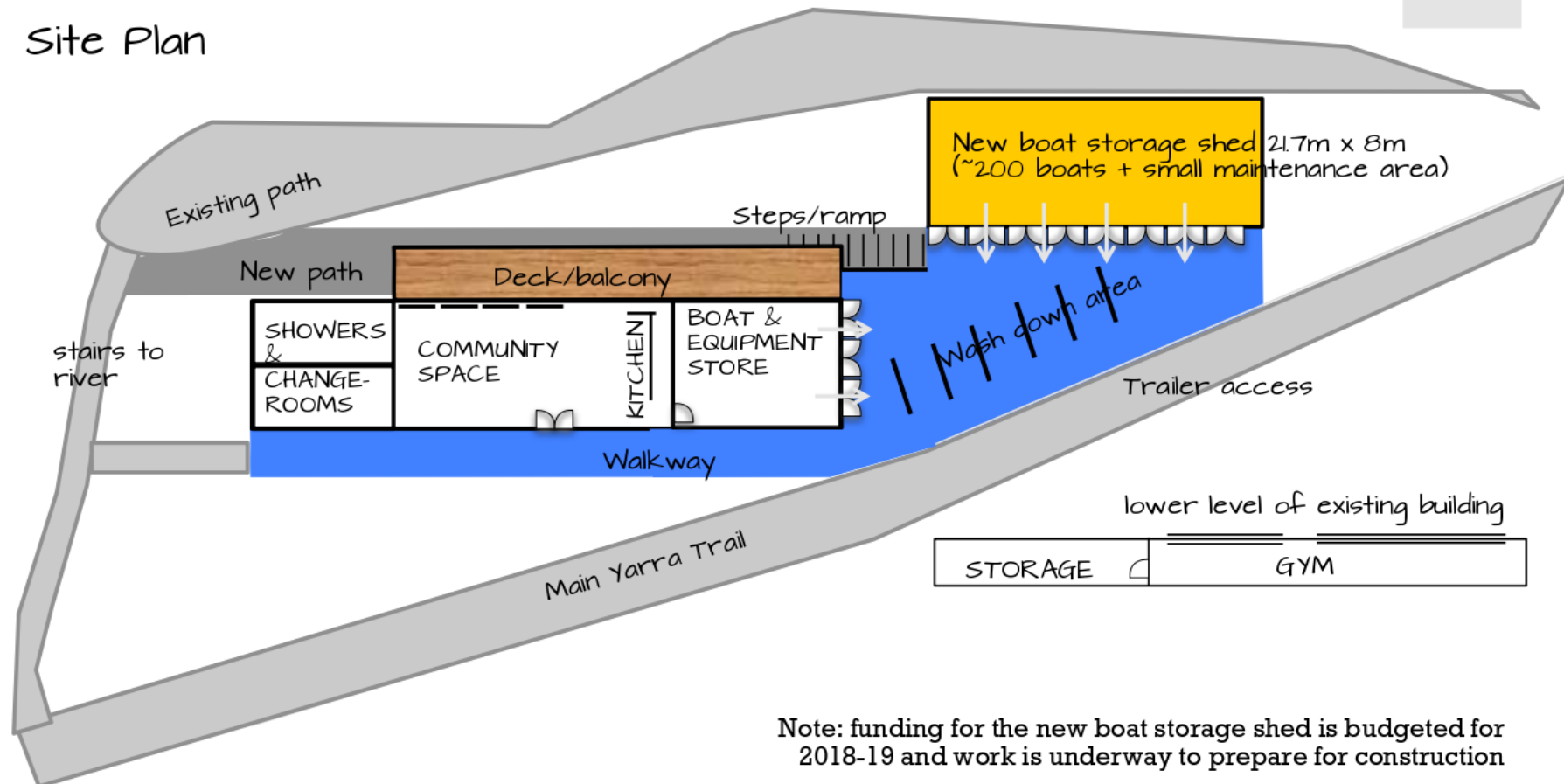
Attachment 1 - Yarra River Community Recreation Hub Proposal December 2018




Attachment 1 - Yarra River Community Recreation Hub Proposal December 2018

once new boat storage facilities are available, the existing pavilion can be redeveloped as a multi-use community venue with INCC and Yarra City District of Girl Guides Victoria as tenants

Site Plan



Attachment 1 - Yarra River Community Recreation Hub Proposal December 2018



the building can be transformed to create a valuable asset for the local community, encouraging recreational use and appreciation of the Yarra River environment

- upper level
 - large indoor community space
 - new decking on eastern side overlooking the river & amphitheatre
 - kitchen facilities
 - accessible showers and change rooms for men & women
 - capacity for boats and equipment at southern end
- lower level
 - gym room with windows looking towards the river
 - storage space
- external
 - boat washdown area between south end and new boat storage shed adjacent to the pavilion
 - walkway to ensure safe movement of boats to the river

Attachment 1 - Yarra River Community Recreation Hub Proposal December 2018

the community partners have deep roots in the City of Yarra

Girl Guides Victoria - Yarra City District

- world's largest organisation for women and girls
- Australia is a foundation member of the World Association of Girl Guides and Girl Scouts - Australia's first unit registered in Hawthorn in 1911
- there have been Girl Guides in the City of Yarra since at least 1928
- run by volunteers with a learner-led program, catering for a diverse range of interests, learning styles and cultural backgrounds
- girls and women are supported in leadership development and teamwork, pushing their personal envelopes in a safe, supportive environment

Ivanhoe Northcote Canoe Club

- established at Alphington in 1956 and now the largest canoe club in Victoria
- 364 members in 2017-18 - 49% women, 37% under 24
- beginner and junior programs welcome local residents
- continuous representation at Olympics & world championships

* other recreation, environment or community groups seeking permanent access would be welcome

Attachment 1 - Yarra River Community Recreation Hub Proposal December 2018

investment & support

- Yarra City Council is encouraged to work with the canoe club and Guides to secure financial support for the project from state and federal governments
- the project is supported by peak bodies, Paddle Victoria & Paddle Australia
- potential for INCC contribution if long-term tenancy available
- estimated investment required \$650,000 to \$750,000

Attachment 2 - Sporting Facility Condition Viability Overall Rating

Sporting Facility Condition, Viability & Overall Rating

Venue	Overall rating*	Condition rating	Viability	Female friendly
Panther Pavilion - Fairfield Park	3.98	2.90	4.70	No
Amphitheatre Change Rooms & Boat Storage - Fairfield Park	3.75	3.31	4.05	No
Yambla Pavilion & Public Toilets - Quarries Park	3.60	2.91	4.05	No
Air Raid / Jack Dyer Pavilion - Citizens Park	3.54	2.55	4.20	No
Malcolm Graham Pavilion - Kevin Bartlett Reserve	3.46	2.79	3.90	No
Sherrin Stand - Victoria Park	3.45	3.14	3.65	No
Alphington Bowling Club - Alphington Park	3.44	2.91	3.80	No
Tennis Courts & Pavilion - Edinburgh Gardens	3.43	2.87	3.80	No
Ryan's Reserve Netball & Tennis Centre	3.28	2.49	3.80	No
Coulson Pavilion - Coulson Reserve	3.25	2.72	3.60	No
Bob Rose Pavilion / Social Club - Victoria Park	3.11	2.76	3.35	Yes
Gillon Pavilion - Kevin Bartlett Reserve	3.09	2.39	3.55	No
Ryder Stand - Victoria Park	2.95	2.57	3.20	No
Grandstand - Edinburgh Gardens	2.90	2.29	3.30	Yes
Alan Bain Pavilion & Public Toilets - Barkly Gardens	2.79	2.41	3.05	Yes
Johnson Pavilion - Kevin Bartlett Reserve	2.69	2.59	2.75	Yes
Ray Coverdale Pavilion - George Knott Reserve	2.62	2.34	2.80	No
Burnley Pavilion - Burnley Park	2.54	2.08	2.85	Yes
Dog Obedience Pavilion - Alphington Park	2.37	2.34	2.40	Yes
Stanton Street Hall	2.32	2.81	2.00	Yes
Alphington Pavilion & Grandstand - Alphington Park	2.31	2.47	2.20	Yes
Ramsden Pavilion & Public Toilets - Ramsden Reserve	2.16	1.94	2.30	Yes
Mayors Park Netball & Tennis Centre - Mayors Park	2.15	2.15	2.15	Yes
Alfred Crescent Pavilion - Edinburgh Gardens	2.08	2.04	2.10	Yes
Fairfield Pavilion - Fairfield Park	1.89	2.04	1.80	Yes

*Overall rating = 0.4 x Condition + 0.6 x Viability

■ Allocated funding 2018/19
(further funding may be required)

■ Proposed funding 2019/20 – 2020/21
(subject to Council approval)

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11.3 An update on Yarra's response to Family Violence

Trim Record Number: D19/22652

Responsible Officer: Group Manager People, Culture and Community

Purpose

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

Background

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

External Consultation

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

Internal Consultation (One Yarra)

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

Financial Implications

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

Economic Implications

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

Sustainability Implications

13. There are no sustainability implications.

Social Implications

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

Human Rights Implications

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

Communications with CALD Communities Implications

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

Council Plan, Strategy and Policy Implications

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

Legal Implications

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

Other Issues

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

Options

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

Conclusion

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

RECOMMENDATION

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

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

Attachments

There are no attachments for this report.

11.4 Report on Assemblies of Councillors

Trim Record Number: D19/18236

Responsible Officer: Group Manager Chief Executive's Office

Purpose

1. To provide a report on Assemblies of Councillors.

Background

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

Consultation

4. Not applicable.

Financial Implications

5. Not applicable.

Economic Implications

6. Not applicable.

Sustainability Implications

7. Not applicable.

Social Implications

8. Not applicable.

Human Rights Implications

9. Not applicable.

Communications with CALD Communities Implications

10. Not applicable.

Council Plan, Strategy and Policy Implications

11. Not applicable.

Legal Implications

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

Other Issues

13. Not applicable.

Options

14. Nil.

Conclusion

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

RECOMMENDATION

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

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

Attachments

- 1 [!\[\]\(4c660a3c4ce1da3313488b7854f55083_img.jpg\)](#) Assemblies of Council Report - 19 March 2019

Attachment 1 - Assemblies of Council Report - 19 March 2019

Record of Assemblies of Councillors

Report cut-off	12 March 2019
Council Meeting	19 March 2019

This report includes all Assemblies reported to the Governance Department at the cut-off date that have not already been reported to Council. Assemblies held prior to the cut-off date that are not included here will be included in the next report to Council.

Assembly	Attendance	Matters considered	Disclosures
Disability Advisory Committee 12/02/2019 4.30pm	Councillors <ul style="list-style-type: none"> Cr Danae Bosler Cr Stephen Jolly Officers <ul style="list-style-type: none"> Adrian Murphy Cheryle Gray Laurice Younge Marta Rokicki 	1. Community Transport Proposal 2. National Reforms (MAC) – Future Directions for Council 3. Car Share Policy 4. Safety of residents in Richmond	Nil
Early Years Reference Group 12/02/2019 11.00am	Councillors <ul style="list-style-type: none"> Cr Amanda Stone Officers <ul style="list-style-type: none"> Deanne Halpin Robert Stevens Hannah Castles Malcolm Foard Camile Lee-Hill Jessika Wardlaw Nichola Marriott 	1. Innovative Solutions 2. Introducing Malcolm Foard 3. Preschool Field Officer Program 4. COY 0-25 Strategy 5. Child Safe Reporting 6. NDIS 7. Priority of Access Update	Nil

Attachment 1 - Assemblies of Council Report - 19 March 2019

Assembly	Attendance	Matters considered	Disclosures
Active Ageing Advisory Group 13/02/2019 1.00pm	Councillors <ul style="list-style-type: none"> Cr Amanda Stone Officers <ul style="list-style-type: none"> Adrian Murphy Cheryle Gray Michele Watson Julie Bird Fran Moloney 	<ol style="list-style-type: none"> AHA Strategy and Action Plan – Opportunities for priorities in 2019 Community Transport Options Aged Care Reforms Update and Potential Services Models Members actions and reflections 	Nil
Councillors Briefing 18/02/2019 6.30pm	Councillors <ul style="list-style-type: none"> Cr Danae Bosler Cr Chen Yi Mei Cr Misha Coleman Cr Jackie Fristacky Cr Mike McEvoy Cr Daniel Nguyen Cr James Searle Cr Amanda Stone Officers <ul style="list-style-type: none"> Ivan Gilbert Bruce Phillips Diarmuid McAlary Chris Leivers Lucas Gosling Siu Chan Michael Ballock Dennis Cheng Kerry Irwin David Walmsley 	<ol style="list-style-type: none"> Redevelopment of 433 Smith Street, Collingwood Medically Safe Injecting Facility - 6 month report Yarra's Live Music Initiatives Draft Expression of Interest for the Soldiers and Sailors Memorial Hall - 152 Hoddle Street Abbotsford Local Area Place Making Study - Scotchmer-North Fitzroy Precinct 3 Trial Mid-Block Road Closure on Gleadell Street Watch Around Water Program Planning Scheme Amendment C231 - Queens Parade - Summary of submissions and next steps Air Bridge proposal to connect 12-18 Albert Street and 511-521 Church Street, Richmond Outline of Place and Movement Project Interim Recycling Services – verbal Review Forward Report Schedule Agenda Review 	Nil

Attachment 1 - Assemblies of Council Report - 19 March 2019

Assembly	Attendance	Matters considered	Disclosures
Yarra Multicultural Advisory Group 19/02/2019 9.30am	Councillors <ul style="list-style-type: none"> Cr Mi-Lin Chen Yi Mei Officers <ul style="list-style-type: none"> Cristina Del Frate 	<ol style="list-style-type: none"> Multicultural Partnerships Plan 2019-2022 Draft Council Budget Process Refugee Advocacy Statement Library Updates 	Nil
Bicycle Advisory Committee 20/02/2019 6.30pm	Councillors <ul style="list-style-type: none"> Cr Jackie Fristacky Officers <ul style="list-style-type: none"> Simon Exon Peter Eckersley 	<ol style="list-style-type: none"> Wellington Street Stage 2 Bennett Street Priority Crossing Fitzroy North LAPM Gipps/Hoddle West Intersection Rushall Reserve Council Budget Mandatory Helmet Laws Canning /Princes Intersection 	Nil
Aboriginal Advisory Group 21/02/2019 11.00am	Councillors <ul style="list-style-type: none"> Cr Danae Bosler Cr Amanda Stone Officers <ul style="list-style-type: none"> Aldo Malavisi Daniel Ducrou Colin Hunter Karra Rees 	<ol style="list-style-type: none"> Acknowledgement of Country Actions from previous minutes Yarra's Draft Aboriginal Partnerships Plan 2019-22 The process from here Sorry Day 2019 Butler Park BBQ update Community updates 	Nil
Heritage Advisory Committee 21/02/2019 6.00pm	Councillors <ul style="list-style-type: none"> Cr Danae Bosler Cr Jackie Fristacky Cr James Searle Officers <ul style="list-style-type: none"> Ivan Gilbert Richa Swarup 	<ol style="list-style-type: none"> Smith and Brunswick Street Activity Centres Heritage Walks 3D and virtual reality modelling of heritage buildings – presentation by Phoria. Heritage Budget Heritage Strategy – initial list of action and priorities Updates – sign on 63 Johnston Street and 35th Anniversary of Keith Haring mural 	Nil

Attachment 1 - Assemblies of Council Report - 19 March 2019

Assembly	Attendance	Matters considered	Disclosures
Special Councillors Briefing 25/02/2019 6.00pm	Councillors <ul style="list-style-type: none"> • Cr Danae Bosler • Cr Chen Yi Mei • Cr Misha Coleman • Cr Jackie Fristacky • Cr Stephen Jolly • Cr Daniel Nguyen • Cr Amanda Stone Officers <ul style="list-style-type: none"> • Vijaya Vaidyanath • Ivan Gilbert • Bruce Phillips • Diarmuid McAlary • Chris Leivers • Gracie Karabinis 	1. Draft 2019/20 Budget: <ul style="list-style-type: none"> - Long Term Financial Strategy - Operating Budget - Fees and Charges - Renewal Works Program - Discretionary Projects 	Nil

Attachment 1 - Assemblies of Council Report - 19 March 2019

Assembly	Attendance	Matters considered	Disclosures
Councillors Briefing 04/03/2019 6.30pm	Councillors <ul style="list-style-type: none"> • Cr Danae Bosler • Cr Chen Yi Mei • Cr Misha Coleman • Cr Jackie Fristacky • Cr Mike McEvoy • Cr Daniel Nguyen • Cr James Searle • Cr Amanda Stone Officers <ul style="list-style-type: none"> • Vijaya Vaidyanath • Ivan Gilbert • Bruce Phillips • Diarmuid McAlary • Chris Leivers • Gracie Karabinis • Felicity Macchion • Kerry Irwin • David <u>Walmsley</u> • Fiona van der Hoeven • Simon Exon • Julie Wyndham • Ange Marshall • Mark Montague 	1. Acknowledgement of Country 2. Panther Pavilion (Canoe Club) 3. Rushall Reserve Shared Path 4. Wellington Street Bike Path 5. Napier Street, Fitzroy Linemarking for Bikes 6. 2019/20 Planning Process – Workshop 4 7. Mid-Year and 2019/20 Budget Review 8. Richmond Recreation Centre Dry Side Change Rooms Tender 9. Review Forward Report Schedule 10. Agenda Review	Nil

Attachment 1 - Assemblies of Council Report - 19 March 2019

Assembly	Attendance	Matters considered	Disclosures
Meeting to discuss Community Garden Bocce Courts North Carlton 07/03/2019 4.00pm	Councillors <ul style="list-style-type: none"> • Cr Danae Bosler • Cr Misha Coleman • Cr Jackie Fristacky • Cr Mike McEvoy • Cr Amanda Stone Officers <ul style="list-style-type: none"> • Chris Leivers • Eloise Lobsey 	1. Design and layout of Community Garden Project North Carlton	Nil

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

Trim Record Number: D19/39810

Responsible Officer: Group Manager Chief Executive's Office

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

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

Background:

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

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

RECOMMENDATION

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

- (b) notes that Council's support is based on the following heritage grounds:
- (i) the applicant's proposal is not appropriate within the setting of the place;
 - (ii) the loss of significant built fabric is not justifiable in the circumstances, and:
 - (iii) no circumstances have been identified by the applicant that support approving this proposal;
2. That Council notifies Heritage Victoria of this resolution together with the details to the grounds of support to the Director's refusal as listed in (d) (i), (ii), (iii) in the background below by Wednesday 3 April and, that Council does not wish to make a verbal submission at the hearing.

Attachments

There are no attachments for this report.