



Agenda

Extraordinary Council Meeting

6.30pm, Tuesday 6 August 2024

Richmond Town Hall
Wurundjeri Country

Council Meetings

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

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

Addressing the Council

An opportunity exists to make your views known about a matter that is listed on the agenda for this meeting by addressing the Council directly before a decision is made.

Registration

To ask address Council, you will need to register by 6.30pm on the day before the meeting. Late registrations cannot be accepted, and you will be unable to address the meeting without registration.

Addressing the Council

Before each item is considered by the Council, the Mayor will invite everyone who has registered in relation to that item to address the Council. When your turn comes, come forward to the microphone and:

- state your name;
- direct your statement to the Mayor;
- confine your submission to the subject being considered;
- avoid repeating previous submitters;
- don't ask questions or seek comments from Councillors or others; and
- if speaking on behalf of a group, explain the nature of the group and how you are able to speak on their behalf.

You will be provided a maximum of three minutes to speak, but do not need to use all of this time.

Comments not allowed

When you are addressing the meeting, don't make any comments which:

- relate to something other than the matter being considered by the Council;
- are defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable;
- are aimed at embarrassing a Councillor or a member of Council staff;
- include or relate to confidential information; or
- relate to something that is subject to legal proceedings.

Arrangements to ensure our meetings are accessible to the public

Council meetings are held on the first floor at Richmond Town Hall. Access to the building is available either by the stairs, or via a ramp and lift. Seating is provided to watch the meeting, and the room is wheelchair accessible. Accessible toilet facilities are available. Speakers at the meeting are invited to stand at a lectern to address the Council, and all participants are amplified via an audio system. Meetings are conducted in English.

If you are unable to participate in this environment, we can make arrangements to accommodate you if sufficient notice is given. Some examples of adjustments are:

- a translator in your language
- the presence of an Auslan interpreter
- loan of a portable hearing loop
- reconfiguring the room to facilitate access
- modification of meeting rules to allow you to participate more easily

Recording and Publication of Meetings

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

Order of business

1. **Acknowledgement of Country**
2. **Attendance, apologies and requests for leave of absence**
3. **Announcements**
4. **Declarations of conflict of interest**
5. **Council business reports**

1. Acknowledgment of Country

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

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

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

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

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

2. Attendance, apologies and requests for leave of absence

Attendance

Councillors

- Cr Edward Crossland Mayor
- Cr Anab Mohamud Deputy Mayor
- Cr Michael Glynatsis Councillor
- Cr Stephen Jolly Councillor
- Cr Herschel Landes Councillor
- Cr Bridgid O’Brien Councillor
- Cr Amanda Stone Councillor
- Cr Sophie Wade Councillor

Council staff

Chief Executive Officer

- Sue Wilkinson Chief Executive Officer

General Managers

- Brooke Colbert Governance, Communications and Customer Experience
- Sam Hewett Infrastructure and Environment
- Kerry McGrath Community Strengthening
- Mary Osman City Sustainability and Strategy
- Sandra Sanderson Corporate Services (Acting)

Governance

- Phil De Losa Manager Governance and Integrity
- Patrick O’Gorman Senior Governance Coordinator
- Mel Nikou Governance Officer

Apologies

- Cr Claudia Nguyen Councillor

3. Announcements

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

4. Declarations of conflict of interest

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

5. Council business reports

Item		Page	Rec. Page	Report Presenter
5.1	Proposed Road Discontinuance on Charlotte Street, Richmond	7	11	Fadi Fakhoury – Manager Property and Leisure

5.1 Proposed Road Discontinuance on Charlotte Street, Richmond

Reference	D24/279484
Author	Fadi Fakhoury - Manager Property and Leisure
Authoriser	General Manager Infrastructure and Environment
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

Purpose

1. To provide an opportunity for individuals to be heard in support of their written submissions made in response to the public notice regarding Council's proposal to discontinue part of Charlotte Street, Richmond, in accordance with Section 223 and Schedule 10 of the Local Government Act 1989 (the Act), and Council's resolution on 18 June 2024 to commence the statutory process under the Act.

Critical analysis

History and background

2. On 12 December 2023, Council endorsed the final concept plan for the Charlotte Street Park and agreed to commence the road discontinuance process. Council resolved (unanimously):
That Council:
 - (a) *endorses the final concept plan for Charlotte Street pocket park;*
 - (b) *approves the commencement of road discontinuance process;*
 - (c) *approves the concept design to proceed into the design development and documentation phase;*
 - (d) *notes the commencement of the temporary road closure in late January 2024, while the formal road discontinuance process is initiated;*
 - (e) *notes that further traffic and parking studies will be undertaken to determine the transport movement impacts of a road discontinuance in the local neighbourhood; and*
 - (f) *thanks the community for their involvement in the engagement process.*
 3. The December 2023 report (para 27) noted:
The Stage 1 consultation for the Charlotte Street project held in late 2022 indicated that 68% of respondents were in favour of the new park, while there was a petition opposing the proposal. ...
 4. At the 14 May 2024 Council meeting, a petition containing 206 signatures objecting to the closure of Charlotte Street was tabled and formally referred to the CEO by resolution as follows:
"A petition containing 206 signatures from residents are objecting to the closure of Charlotte Street for a pocket park as drivers are using Charlotte Street and Elm Grove to avoid Swan and Church Street during peak hours, which is causing an increase in traffic congestion, side-swiping incidents, aggressive driving and frequent traffic jams on Elm Grove."
 5. The May 2024 petition is appended at **Confidential Attachment 2**. This petition will be presented to Council again (as a confidential attachment) as part of the 13 August 2024 report on Charlotte St to assist Council with its decision making.
 6. On 18 June 2024, Council considered three reports relevant to this matter as follows.
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7. In relation to the proposed road closure Council resolved:
- (a) *That Council, acting under clause 3 of schedule 10 of the Local Government Act 1989 (Act):*
 - (i) *resolves that the required statutory procedures be commenced to discontinue the Road; and*
 - (ii) *directs that, pursuant to sections 207A and 223 of the Act public notice of the proposed discontinuation be given in 'The Age' newspaper and published on the Council's website;*
 - (b) *That in accordance with Governance Rule Chapter Two, Rule 10.1, Council calls an Extraordinary Council meeting at 6.30pm on Tuesday 6 August 2024 to hear feedback in relation to the proposed road discontinuance and that in accordance with Governance Rule Chapter Two, Rule 54.6 determines that persons be heard in support of their written submissions at that meeting in accordance with Governance Rule Chapter Two, Rule 54;*
 - (c) *That Council notes the intention to consider the feedback and determine the outcome of the road discontinuance process at the Ordinary Council meeting on Tuesday 13 August 2024 and further notes that under Governance Rule Chapter Two, Rule 54.1.2 there will not be an opportunity for members of the public to address Council in relation to that item; and*
 - (d) *That in the event that no submissions are received, delegates the Chief Executive Officer to cancel the Extraordinary Council Meeting scheduled.*
8. Acting on Council's resolution of 18 June 2024, officers published a public notice in accordance with Section 223 of the Act. The notice advertised the road discountenance details, invited submissions from the public and outlined the available channels to make a submission.
9. The notice was published on 20 June 2024:
- (a) In The Age newspaper;
 - (b) On Council's website;
 - (c) On the Charlotte Street Pocket Park's Your Say Yarra Page; and
 - (d) On site signage including a QR code and instructions on how to participate.
10. Council directly notified the following people via email:
- (a) 244 people who participated in previous Charlotte Street Pocket Park consultations and have consented to being contacted with updates on the project; and
 - (b) The adjoining owners abutting the part of Charlotte Street proposed to be discontinued, being the owners of 401 Church Street, Richmond (the RSL), the developer appointed to redevelop the RSL site, being Avium Pty Ltd.
11. In relation to the Traffic Analysis update reported to Council in June 2024 (to respond to part 1(e) of the Council resolution 12 December 2023). Council resolved;
- That Council:*
- (a) *notes that the findings of the additional traffic and parking studies, including that the increased congestion in Swan Street, motorists ignoring statutory turning restrictions, and live traffic mapping apps advising motorists to detour via the local streets is resulting in an increase of traffic on local streets; and*
 - (b) *requests officers to write to:*
 - (i) *Victorian Police and request enforcement of peak period turn bans;*

- (ii) *Department of Transport and Planning and request that it investigates what changes can be made to its network to discourage vehicles undertaking short cuts at this location; and*
- (iii) *Google Maps to request that its navigation tools avoid redirecting vehicles on local streets.*

*All of the items contained in this resolution have been actioned.

12. On 18 June 2024, Council also resolved to adopt the 2024/25 Budget and Long-Term Financial Plan which included budget allocation for the Charlotte Street Roads to Parks project.
13. At the Council meeting held on 9 July 2024 Cr O'Brien enquired about a petition prepared before 15 November 2022 containing 53 signatures from people opposed to the closure of the road and construction of a park in Charlotte Street. It has been established that the petition was referred to the City Strategy Department as part of the consultation process regarding the Charlotte Street Pocket Park Final proposal which Council considered in December 2023. However, the petition was not formally received by Council or responded to.
14. Council is provided with the November 2022 petition at **Confidential Attachment 3** for its consideration. Council will be provided with this petition again as part of the report on Charlotte Street at its meeting of 13 August 2024 (to inform its decision making). The petition will also be formally presented to Council on 13 August 2024 (as a confidential attachment).

Discussion

15. During the public notice period, 233 submissions were received through the different methods listed on Council's public notice. Four (4) submissions were hand delivered at the Richmond Town Hall, 227 submissions were submitted through Your Say Yarra and 2 submissions were submitted by email. All submissions can be found at **Confidential Attachment 1**.
16. The below table provides a breakdown of the received submissions

Support	86
Against	129
Duplicate or blank responses	13
Other – Request for additional information and coordination	5
Total	233

17. A total of 49 submitters have requested to speak at the extraordinary meeting regarding their submissions. Of these, 10 speakers are in favour of the proposed park, 36 are against it, and 3 have expressed concerns and are requesting additional information or coordination.
18. In relation to speakers at the meeting, Council is advised that Section 223 of the Local Government Act states that:

“a person making a submission is entitled to request in the submission that the person wishes to appear in person, or to be represented by a person specified in the submission, at a meeting to be heard in support of the submission.”
19. A total of 2 people have stated in their submission that their submission will be read out by another person at the meeting. Council is advised of these through **Confidential Attachment 1**.
20. Acknowledgement emails were sent to all submitters, thanking them for their time and participation, outlining the next steps, and confirming to those who requested to speak to Council that their request was received and they are registered to speak.

Options

21. The meeting provides an opportunity for individuals who requested an opportunity to address Council in support of their written submission.
22. Council will have the option to decide whether to discontinue the road or not during its meeting on 13 August 2024.

Community and stakeholder engagement

23. All community and stakeholder engagement activities related to the public notice process are listed above.

Policy analysis

Alignment to Community Vision and Council Plan

24. Discontinuing part of Charlotte Street and constructing a pocket park aligns with the overarching Council Plan (2021-25) that supports the following strategies and initiatives:
 - (a) Build a more resilient, inclusive, safe and connected community, which promotes social, physical and mental wellbeing;
 - (b) Manage access, safety and amenity to enhance people's experience when visiting Yarra;
 - (c) Improve our streetscapes, accessibility, safety, and amenity, including embedding outdoor dining, increase greenery and active transport infrastructure, to attract more people to visit, spend time and shop across our precincts; and
 - (d) Reduce urban heat island effect through the planting of trees and vegetation and an increase of green open space.
25. The proposal also supports the Urban Forest Strategy (2017), to increase tree canopy cover to mitigate the urban heat island effect and help to further enhance Yarra's liveability, and consistent with the draft Climate Emergency Plan.
26. Moreover, the proposal also strongly aligns with the first strategic direction in the Yarra's Transport Strategy 2022-32 – Allocate road space to preferred transport modes and other activities.

Climate emergency and sustainability implications

27. The proposed pocket park will increase tree canopy cover, assisting in mitigating the urban heat island effect. This will result in cooler streets, contribute to climate change mitigation, and create a more pleasant local environment.

Community and social implications

28. New and improved public spaces are crucial in a rapidly growing city. The proposed pocket park offers an opportunity to expand the open space available to the community.

Economic development implications

29. There are no economic development implications associated with this report.

Human rights and gender equality implications

30. No specific human rights and gender equality implications have been identified for the proposed park.
31. The statutory road discontinuance process ensures that all voices and perspectives are heard and considered, aligning with human rights and gender equality principles.

Operational analysis

Financial and resource impacts

32. There are no significant financial or resource impacts associated with the road discontinuance process at Charlotte Street.
33. At its meeting of 13 August 2024, Council may determine to proceed with the road discontinuance at Charlotte St and then proceed to construct the park. If this is the case, Council has made a \$1.9m provision in its 24/25 capital works program to undertake the works.

Legal Implications

34. Clause 3 of schedule 10 of the Act - Powers of Councils over Roads – gives Council the power to discontinue roads and sell, transfer or retain the former road.
35. Section 207A of the Act requires Council to receive and consider submissions made under section 223 of the Act prior to making any decision on the road discontinuance proposal under clause 3 of schedule 10 of the Act.
36. Council has completed the required statutory process under the Act and must now make a decision on the proposal having regard to the submissions received from the public.
37. Council's legal advisors have had oversight of the entire proposal and process to discontinue the road.

Conclusion

38. The public notice period for the proposal to discontinue part of Charlotte Street is now closed.
39. Council is providing an opportunity for submitters to be heard in person prior to the Council meeting on 13 August 2024 where Council will determine the outcome of the road discontinuance process.
40. It is noted that under Governance Rule Chapter Two, Rule 54.1.2 there will not be an opportunity for members of the public to address Council again on 13 August 2024 in relation to this matter.

RECOMMENDATION

1. That Council:
 - (a) notes all written submissions made during the public notice period;
 - (b) acknowledges all speakers who have spoken in support of their written submissions; and,
 - (c) thanks the community for their submissions and active participation in the road discontinuance process.

Attachments

- 1 Confidential Attachment 1 - Charlotte Street, Richmond - Received Submissions - *Confidential*
- 2 Confidential Attachment 2 - May 2024 Petition - *Confidential*
- 3 Confidential Attachment 3 - November 2022 Petition - *Confidential*