
11.1 Outcomes of Consultation on Rushall Reserve Shared Path

Trim Record Number: D16/96943

Responsible Officer: Director Planning and Place Making

[Help](#)

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;
 - (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;
 - (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;
 - (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
- (v) 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.

Additional Attachment below tabled at the Council Meeting



Wurundjeri
Tribe

Land & Compensation
Cultural Heritage Council
Incorporated

04 July 2016

File No. WT0667 CHMP No. 14152

Kevin Ayrey City
of Yarra
31 Gleadell Street
Richmond VIC 3121

Dear Mr Ayrey,

Cultural Heritage Management Plan 14152: Rushall Reserve, North Fitzroy

I refer to your application to the Wurundjeri Tribe Land & Compensation Cultural Heritage Council dated 18 May 2016 seeking approval of the Cultural Heritage Management Plan 14152: Rushall Reserve, North Fitzroy, cover date of 04 July 2016.

With reference to s.53 and s.62(a)-(e) of the *Aboriginal Heritage Act 2006* (the Act), the Wurundjeri Tribe Land & Compensation Cultural Heritage Council have considered and have approved this plan.

If you require any additional information about this advice, please contact me on the number below.

Yours sincerely,

A handwritten signature in blue ink that reads "Alex Parmington". The signature is fluid and cursive, with the first name being the most prominent.

Alex Parmington
Manager, Cultural Heritage Unit

Cc. Edward East, Urban Colours

Street & Mailing Address: 1st floor, Providence Building, Abbotsford Convent, 1 St. Heliers Street, Abbotsford VIC 3067
Telephone: 03 9673 0901 Fax: 03 9673 0900 Email: rccp@wurundjeri.com.au
Registration No. A0005530A A.B.J. 542 7499G8

Public Submissions

The following people addressed Council on the matter:

Ms Zoe Metherell;

Ms Fiona Bell;

Mr Marcus Coghlan;

Mr Peter Cope;

Ms Mei Lim;

Mr Brian Dixon;

Ms Anne Horrigan-Dixon;

Mr Greg Spark;

Mr Clinton Kitt;

Ms Tiffany Alp;

Mr Ken Gomez;

Ms Diane Woodward;

Mr Peter Dunn;

Mr Andrew Selby Smith;

Mr Herschel Landes;

Mr Rowan White;

Mr Thomas Marshall;

Ms Chris Star;

Ms Louise Baxter;

Ms Susan Zeitz;

Ms Robyn Zalcman;

Ms Elizabeth Johnson;

Mr Philip Francis;

Ms Kerry Echberg;

Ms Erin Farley, Bicycle Network;

Ms Glennys Jones;

Ms Alison Clarke; and

Mr Andrew Kelly.

Councillor Gaylard left the meeting at 9.12 pm

Councillor Gaylard returned to the meeting at 9.15pm

Councillor Jolly left the meeting at 9.12pm

Councillor Jolly returned to the meeting at 9.21pm

Councillor Vlahogiannis left the meeting at 9.57pm

Councillor Vlahogiannis returned to the meeting at 10.01pm

COUNCIL RESOLUTION (PROCEDURAL)

Moved: Councillor Stone

Seconded: Councillor Fristacky

That the meeting be extended to 11.30pm.

CARRIED

COUNCIL RESOLUTION (PROCEDURAL)

Moved: Councillor Fristacky

Seconded: Councillor Barbour

That the meeting be extended to 12.00am.

CARRIED

COUNCIL RESOLUTION (PROCEDURAL)

Moved: Councillor Jolly

Seconded: Councillor Stone

That the meeting be extended to 12.30am.

CARRIED

COUNCIL RESOLUTION (PROCEDURAL)

Moved: Councillor Fristacky

Seconded: Councillor Colanzi

That the meeting be extended to 12.45am.

CARRIED

COUNCIL RESOLUTION

Moved: Councillor Fristacky

Seconded: Councillor Gaylard

Option 1(c) – 2m asphalt path

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:
 - (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, but 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;
 - (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
- (e) 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.

CARRIED

CALL FOR A DIVISION

For: Councillor Coleman, Fristacky, Gaylard, Jolly and Stone

Against: Councillors Barbour, Colanzi, Huggins and Vlahogiannis