



GLEN EIRA CITY COUNCIL

SPECIAL COUNCIL MEETING

*under s60 of the Local Government Act 2020 and
Rule 22 of the Glen Eira City Council Governance Rules*

TUESDAY 19 SEPTEMBER 2023

AGENDA

**Meeting to be held in the Council Chambers,
Corner Hawthorn and Glen Eira Roads,
Caulfield
at 7.00pm**

*"The role of a Council is to provide good governance
in its municipal district for the benefit and
wellbeing of the municipal community."
- S8(1) Local Government Act 2020*

Councillors: The Mayor, Councillor Jim Magee
Councillor Tony Athanasopoulos
Councillor Anne-Marie Cade
Councillor Margaret Esakoff
Councillor Sam Parasol
Councillor Sue Pennicuik
Councillor Li Zhang
Councillor Simone Zmood
Councillor David Zyngier

Chief Executive Officer: Rebecca McKenzie

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1. ACKNOWLEDGEMENT

Glen Eira City Council Acknowledges the peoples of the Kulin Nation as Traditional Owners and Custodians, and pay our respect to their Elders past, present and emerging. We Acknowledge and uphold their continuing relationship to land and waterways. Council extends its respect to all Aboriginal and Torres Strait Islander peoples.

2. APOLOGIES

3. REMINDER TO DECLARE ANY CONFLICTS OF INTEREST IN ANY ITEMS ON THE AGENDA

Councillors are reminded of the requirement for disclosure of conflicts of interest in relation to items listed for consideration on the Agenda, or which are considered at this meeting, in accordance with Section 130(2) of the *Local Government Act 2020* and Rule 60(3) of the Glen Eira City Council Governance Rules. Councillors are now invited to indicate any such conflict of interest.

PROCEDURAL MOTION

That Council:

1. considers the meeting to be adjourned for 10 minutes from the commencement of any technical problem which prevents Council from livestreaming the meeting;
2. adjourns the meeting in the event livestreaming cannot be resumed within 30 minutes from the commencement of the technical problem which prevents livestreaming on Council's website with the meeting to be reconvened on Wednesday 20 September 2023 at 5.30pm via livestreaming; and
3. notes, if the Mayor is unable for any reason to attend the Council meeting or part of the Council meeting, the meeting will be chaired in accordance with Rule 13 of the Governance Rules. The Mayor will resume as Chair of the meeting upon return. If a vote is being taken at the time, the Mayor will resume as Chair after the result of the vote has been declared.

4. OFFICER REPORTS (AS LISTED)**4.1 SECTION 223 SUBMISSIONS - GENUINE TRAFFIC DIVERSION EXPERIMENT - CORNER ORRONG CRESCENT AND ALMA ROAD, CAULFIELD NORTH**

Author: *Matt Barbetta, Acting Manager, Recreation and Open Space*

Director: *Niall McDonagh, Director Sustainability, Assets and Leisure*

Trim No: *23/1205750*

Attachments: 1. *Public Notice - The Age* [↓](#)
2. *Section 223 Submissions - Traffic Diversion Experiment - Cnr Orrong Crescent & Alma Road, Caulfield North* [↓](#)

EXECUTIVE SUMMARY

This report presents written submissions regarding the proposed traffic diversion experiment on Orrong Crescent, at the Alma Road intersection, Caulfield North. Submissions were open for 31 days, from 23 June to 23 July, 2023.

The traffic diversion experiment is proposed to last for four months, from November 2023 to April 2024. The traffic diversion experiment aims to determine the impact of the closure of Orrong Crescent on traffic. If the traffic diversion experiment is not approved, then Council will be unable to evaluate the impact on a traffic closure of Orrong Crescent nor implement the proposed Pop-Up Park in Alma Village.

A total of eleven submissions were received.

Individuals who made written submissions under Section 223 of the Act will have the opportunity to address the Council in support of their submissions. This can be done either in person or through a representative mentioned in the submission.

The report recommends that Council note the submissions and a further Council Report be prepared for Council to consider this matter.

RECOMMENDATION

That Council:

1. Notes the process undertaken to seek submissions on the proposed traffic diversion experiment;
2. Receives and considers all written and verbal submissions to the proposed traffic diversion; and
3. Notes that officers will bring back a report for consideration by Council at a future meeting on the traffic diversion and pop-up park proposal.

BACKGROUND

Council endorsed a trial for the Alma Village Pop-Up Park at the Ordinary Council Meeting on 12 October, 2022. However, it did not proceed due to a procedural error during the engagement process.

This error was related to the requirements outlined in section 223 of the Local Government Act 1989, which mandates public notice, opportunities for submissions to be heard by Council, and subsequent notification requirements regarding the temporary road closure.

To rectify this issue at the Ordinary Council Meeting of 13 June 2023, Council resolved to re-engage with the community, including previous submitters and stakeholders. This engagement process included the following:

1. the statutory Section 223 consultation process in regards to the proposed traffic diversion experiment; and
2. further engagement on a revised Pop-Up Park concept plan.

This report presents the Section 223 submissions received during the consultation period.

A report will be prepared for a future Council meeting seeking a decision on both the proposed traffic diversion and feedback on a Pop-Up Park concept plan. The Alma Village Pop-Up Trial will require Council support on both items to proceed.

ISSUES AND DISCUSSION

Public Notice and promotion

A public notice was advertised in The Age newspaper on Friday 23 June 2023 (Attachment 1), in addition to a media statement on Council's website. Information on the public notice and how to lodge a submission was also provided on the 'Have Your Say' portal. These were promoted in the following ways:

- Letter to nearby residents,
- Social media posts,
- Email to previous respondents, and
- Four x A1 corflute signs at the intersection of Orrong Crescent and Alma Roads.

Feedback Overview

Eleven written submissions were received via the Recreation and Open Space email address (recservices@gleneira.vic.gov.au), with no submissions mailed or handed into Council's Customer Service Centre.

Four submissions were supportive of the traffic diversion experiment, while seven were opposed. A wide variety of reasons were used in support of submissions, along with suggestions on how the space could be improved if the trial progressed.

A summary of all submissions is provided below.

Submission 1 – received 28 June 2023, 10:47am

Submission was in support of the proposal. However, suggested the below points need to be considered:

- Adequate lighting to be installed throughout the space to create a sense of security and deter potential criminal activities;
- Installation of CCTV cameras to provide an additional layer of security; and

- No Alcohol Consumption signs to be prominently displayed throughout the space.

Submission 2 – received 4 July 2023, 2:21pm

Submission was in support of the proposal. However, suggested the below points need to be considered:

- Council to reconsider the inclusion of a bike lane through the space;
- Suggested asphalt painting be used instead of synthetic grass; and
- Ensure ramp access is made available from both ends of the space.

Supportive points on the proposal included the below:

- Improved safety for residents;
- A local space for the community;
- Increased business opportunities for local traders; and
- Creation of a sense of community and village atmosphere.

Submission 3 – received 5 July 2023, 5:40pm

Submission was against the proposal. The below reason was highlighted in support of the objection:

- Traffic will increase within the laneway off George Street with cars attempting to zip through to Orrong Road. Residents who park in this laneway will have ongoing issues with access and egress.

Submission 4 – received 5 July 2023, 6:09pm

Submission was against the proposal. The objection included the below points:

- Artificial turf and benches offer nothing to the community, when compared to traffic flow disruption and the ability to readily access the shops;
- Local traders will suffer as traffic flow and patronage may decline;
- The park 300m away in St Kilda East is sufficient to meet the needs of the community; and
- Alma Village is fine as it currently is and things that are not broken don't need fixing.

Submission 5 – received 9 July 2023, 1:12pm

Submission was against the proposal. The objection was based around the following point:

- It will cause unnecessary traffic chaos and cause major parking problems.

Submission 6 – received 10 July 2023, 3:23pm

Submission was against the proposal. The following point was provided to support the objection:

- Traffic will increase along linking streets between Orrong Crescent and Alma Road adding to the already congested streets.

Submission 7 – received 11 July 2023, 4:00pm

Submission was against the proposal. Objection was made based on the below rationale:

- There are already parks for the community at 200 Alma Rd and along Kooyong Rd near the Inkerman intersection;
- The proposed trial is over Summer and will therefore not consider the cooler months;

- Removal of car spaces along Orrong Crescent will affect people with limited mobility from accessing the shopping strip; and
- Side streets will experience a significant increase in traffic which are already congested.

Submission 8 – received 21 July 2023, 2:37pm

Submission was against the proposal. Individual was opposed on the following grounds.

- Unnecessary use of Council money;
- This location is already well serviced with parks and open space. Investing the funds needed for the pop-up space on existing parks, such as Caulfield Park, would have a significantly more enduring legacy;
- Will cause issues with the movement on rubbish collection vehicles endangering pedestrians and cyclists; and
- The design will push traffic onto surrounding neighbourhood streets that are less suitable for higher traffic volumes.

Submission 9 – received 21 July 2023, 2:52pm

Submission was against the proposal. The following points were highlighted in support of the objection.

- The proposal is not a genuine traffic experiment with the main principal purpose of the proposal being a park. A request was made for relevant materials in support of the claim of “a genuine traffic experiment”; and
- No indication that Council has sought, obtained and considered a report from the Head, Transport for Victoria in accordance with Clause 10 (1) (c) of the Local Government Act 1989, at schedule 11.

Submission 10 – received 22 July 2023, 7:48pm

Submission was supportive in nature with the below suggestions made:

- Bicycle facilities to be included with a signed and dedicated space for bicycles to move through the area to reduce confusion and safety hazard on where bikes will be coming from; and
- Temporary bike racks need to be considered with the needs of E-bikes, cargo bikes and other larger bikes considered.

Submission 11 – received 24 July 2023, 3:26pm (Late submission)

Submission was supportive of the proposal. The below reasons were highlighted in support of the trial traffic diversion experiment:

- It will deter “rat runners” who drive at speed and straddle the centre of the winding Crescent posing a danger to all;
- It will remove the extreme hazard at the Orrong Crescent & Alma Roads intersection where numerous people (elderly, families, children, & dogs) wander casually across the intersection (between the existing cafes) oblivious to oncoming traffic from Orrong Crescent & turning traffic from Alma Road; and
- The creation of a pop-up park should be a great success & an asset to the Alma Village precinct.

Officer comment on specific aspects of the concept can be seen in the Assembly report titled “Alma Village Pop-Up Park Proposal – Community Engagement Feedback”.

CLIMATE EMERGENCY RESPONSE STRATEGY IMPLICATIONS

This project aligns with the Climate Emergency Response Strategy and in particular Action 3.2 “Increase and diversify public green spaces across the municipality, ensuring equal access to all.”

FINANCIAL, RESOURCE, RISK AND ASSET MANAGEMENT IMPLICATIONS

These will be outlined as part of a future report to Council.

POLICY AND LEGISLATIVE IMPLICATIONS

The proposed traffic diversion experiment is in accordance with sections 207, 207A, 223 and Clause 10(1)(c) of Schedule 11 of the Local Government Act 1989.

- Give public notice of the intention to undertake a traffic diversion experiment;
- Invite submissions from affected parties;
- Invite submitters to be heard by Council; and
- The Act also requires that Council must not exercise the power to control traffic for the purpose of a traffic diversion experiment unless it has considered a report from the Head, Transport for Victoria concerning the exercise of the power.

Officers are awaiting the report from Transport for Victoria, which would form part the future report to Council to consider the proposal.

COMMUNICATION AND ENGAGEMENT

The community engagement process for the proposal was comprehensive and extensive. The process included:

- Public Notice: A clear and informative public notice was issued, outlining the proposal and providing an opportunity for community members to make submissions to Council via a section 223 submission process;
- Council website and Have Your Say page: A dedicated “Have Your Say Page” project page was created, featuring all relevant materials, including previous reports, concept plans and how to make a submission;
- Social media engagement: Posts were shared on Council’s social media platforms directing people to provide feedback at Have Your Say or via email. Social media comments are not included as part of the feedback;
- On-Site signage: Signs placed along Orrong Crescent and Alma Road which provided information on the proposal and QR links to the Have Your Say page;
- Email was sent to all previous Alma Pop-Up engagement respondents, ensuring they are aware of the recommencement of the Pop-Up Park trial and inviting them to participate in the new engagement process; and
- Letterbox drop: To surrounding property owners in the area.

LINK TO COUNCIL PLAN

Strategic Direction 2: Well designed and maintained open spaces and places. Our public open spaces and places support a healthy and connected community and contribute to a more sustainable and vibrant city.

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any general or material conflicts of interest in this matter.

CONCLUSION

The comprehensive process undertaken to gather submissions for the proposed traffic diversion experiment at the Orrong Crescent-Alma Road intersection will enable Council to make an informed decision on the proposal.



Public Notice

Genuine Traffic Diversion Experiment along Orrong Crescent at the intersection of Alma Road, Caulfield North.

Notice is given pursuant to Sections 207A(b) and 223 of the *Local Government Act 1989 (Vic)* (Act) that, at its Ordinary Council Meeting on 13 June 2023, Glen Eira City Council (Council) resolved to give notice of its intention to commence the statutory procedures pursuant to Section 207 and Clause 10(1)(c) of Schedule 11 of the Act to erect temporary barriers in Orrong Crescent, Caulfield North, for the purpose of a genuine traffic diversion experiment commencing in November 2023 for a minimum period of four months.

The proposed genuine traffic diversion experiment will allow for a trial pop-up park to be implemented between November 2023 and April 2024. A concept plan showing the proposed genuine traffic diversion experiment together with further details of the trial pop-up park, is available on the project 'Have Your Say Page, www.haveyoursaygleneira.com.au/almapopup

As part of its community engagement process, Council invites submissions on this proposal.

Written submissions to be submitted to Council under Section 223 of the Act must be received by Council by 5 pm on Sunday, 23 July 2023. Submissions must be in writing and should be marked 'Alma Pop-Up Trial Submission' and addressed to the Manager, Recreation and Open Space, Glen Eira City Council, PO Box 42, Caulfield South 3162. Submissions in writing may also be delivered to Council's Service Centre, corner Glen Eira and Hawthorn Roads, Caulfield or by e-mail to recservices@gleneira.vic.gov.au.

Council will consider any written submission relating to the proposed genuine traffic diversion experiment in accordance with Section 223 of the Act. Any person who has made a written submission under Section 223 of the Act to Council and has requested to be heard in support of their written submission is entitled to appear in person, or to be represented by a person specified in the submission, at a meeting of Council to be held in the Council Chamber, Glen Eira Town Hall, corner Glen Eira and Hawthorn Roads, Caulfield on Tuesday 19 September 2023. All submissions will be handled as authorised or required by law, including under the *Privacy and Data Protection Act 2014*. Submitters should note that all submissions received (including any personal information contained therein) may be included within the official Council agenda and minutes which are permanent public documents available on Council's website. If you do not wish to be identified in Council's agendas and minutes, please indicate this in your submission. For further information concerning the proposed genuine traffic diversion experiment, contact Council's Service Centre on 9524 3333.
Rebecca McKenzie
Chief Executive Office

Section 223 Submissions – Traffic Diversion Experiment, Cnr Orrong Crescent and Alma Rd Caulfield North.**Submission 1: Received Wednesday 28 June, 10:47**

Dear Matthew Barbetta,

I am writing to express my concerns and make a request regarding the planned pop-up park on Orrong Crescent in Caulfield North. While I appreciate the efforts of the council to create recreational spaces for the community, I believe it is crucial to ensure the safety and well-being of local residents, especially during the evenings.

Firstly, I strongly urge the council to install adequate lighting throughout the park area. Proper illumination is essential to create a sense of security and deter potential criminal activities. Well-lit public spaces not only discourage anti-social behavior but also promote a welcoming environment for families and individuals to enjoy the park even after sunset. By illuminating the park adequately, the council can enhance visibility and ensure a safer experience for everyone.

Furthermore, I request the installation of CCTV security cameras in multiple locations within the new pop-up park. Live monitoring of these cameras will act as an effective deterrent against potential criminal activities and provide an additional layer of safety for park visitors. The presence of CCTV cameras can help in identifying and addressing any incidents promptly, ensuring a sense of security for the residents of Caulfield North. Additionally, I recommend that the council coordinates with local police to ensure timely response and action in case of any suspicious or unlawful activities observed through the CCTV system.

In addition to lighting and CCTV cameras, I request the council to prominently display "No Alcohol Consumption" signs around the park area. This measure aims to discourage any form of alcohol-related activities, which can contribute to disorderly behaviour and potential safety risks. By enforcing this policy, the council can help maintain a peaceful and family-friendly atmosphere within the pop-up park.

It is important to emphasize that these measures are not intended to discriminate against any particular demographic, including young individuals. Rather, they are intended to create a safe and secure environment for all park visitors, regardless of age or background. The inclusion of these safety measures will not only address the concerns of local residents but also encourage greater utilisation and enjoyment of the pop-up park by the wider community.

I kindly request the council to consider my suggestions and take appropriate action to ensure the safety and well-being of Caulfield North residents. By implementing adequate lighting, installing CCTV security cameras, and displaying "No Alcohol Consumption" signs, we can create a park that fosters a sense of community, encourages healthy recreational activities, and minimizes potential safety risks.

Thank you for your attention to this matter. I look forward to your response and to witnessing the positive transformation of the pop-up park on Orrong Crescent.

Submission 2: Received Tuesday, 4 July 2023, 2:21pm

Subject: Alma Pop-Up Trial Submission

Dear Andrew Barden,

██████████ is writing to express our strong support for the proposed Alma Village Pop-Up Park trial. This park would provide a much-needed community space in Caulfield North, addressing the deficiency of open space in the area and enhancing the vibrancy of the neighbourhood.

We echo concerns that others have made about the lack of bike lanes in this proposal. Orrong Crescent is a popular bike route, and we would encourage council to reconsider the inclusion of bike lanes within the pop-up.

We are also concerned about the proposed ground treatment – synthetic grass. We believe this material is unattractive, wears-quickly, is quite slippery when wet and doesn't seem to be particularly cost effective. We propose painting the existing road surface as this is a far more appealing option (visually and financially) and could include council engaging a local artist.

We would also like to note that the sketch design does not show ramp access on the south-western footpath. It is crucial to include an additional ramp on this side to ensure accessibility and safety for all pedestrians, especially those with mobility challenges.

The feedback received during the community engagement process demonstrates a balanced response, with equal support and opposition. However, supportive comments highlight several key benefits of the Pop-Up Park, such as improved safety for residents, a local space for the community, increased business opportunities for local traders, and the creation of a sense of community and village atmosphere. While many comments that did not support the proposal are misguided, for example commenting about the loss of parking, when the project proposes no net-loss of parking.

In conclusion, we wholeheartedly support the proposed Alma Village Pop-Up Park trial and urge you to endorse its commencement. This initiative aligns with Council's objectives of creating vibrant spaces, supporting local businesses, and meeting the open space needs of the community. We believe that this Pop-Up Park will have a positive impact on the neighbourhood, fostering community engagement and enhancing the overall quality of life in Glen Eira.

We trust that you will make the decision that best serves the interests of the community.

Submission 3: Received Tuesday, 4 July 5:40pm

My thoughts:

The traffic in the laneway off George Street trying to zip through to Orrong Road will be atrocious! Most traffic routinely enters the lane from Orrong Road so I can foresee many 'blockages' as the cars and trucks meet head on. Pity for those who park in their parking spaces accessible off the laneway. They leave street parking for others on a daily basis, but I envisage they will have problems with access or egress. Pity.

Furthermore (to my previous e-mail), - I and a number of my neighbours do not want any barrier in the laneway to stop through traffic. We enter from the Orrong Road end and drive into our angled garages and exit at the George Street end. Firstly, we cannot do U-turns to exit via Orrong Road, and

secondly it is more dangerous to exit via Orrong Road - oncoming car visibility is poor for those exiting the laneway, and footpath pedestrians are already potentially 'hazardous' owing to them not recognising that cars can be approaching to exit onto Orrong Road and the drivers cannot see them approaching owing to walls and high fences right up to the footpath. Drivers currently entering the laneway from Orrong Road can see pedestrians who will be crossing the entrance and now stop in Orrong Road to wait for them to pass before turning in.

Submission 4: Received Wednesday, 5 July 2023, 6:09pm

Good evening

Firstly, I ask that a copy of this email be directed to the CEO as I was unable to locate a direct email address.

I am emailing in regard to the above proposal and to comment, not only on the proposal, but also on the survey feedback form.

By means of background, I have been a Caulfield North resident and ratepayer since 1975. I am very familiar with the Alma Village precinct. I have always been a strong supporter of both Caulfield Council and now City of GE, remembering well some very strong and innovative periods under Mayors such as Alain Grossbard and the late Brian Rudzki.

In my experience, the pop-up park proposal clearly ranks at the bottom of the list of innovation and worthiness of all projects in Caulfield North since I first moved to the suburb.

How will it enhance resident and visitor experience? Artificial turf and benches offer nothing, when compared to traffic flow disruption and the ability to readily access the shops. Access and parking is needed, else iconic places such as Espresso Etc., may well suffer. I know that my regular visits to that café will become limited. I will find a better atmosphere in Hawksburn or Armadale. Equally, I am sure the fish shop (One Fish Two Fish) will suffer. Even the nearby newsagent will suffer as traffic flow and thereby patronage may decline. I will have to clear my PO Box at night and shop elsewhere for the occasional lotto ticket. Small businesses will suffer and what can be gained? A pop-up park? Really? Is there not a small park 300m away in St Kilda East for young children and dog walkers?

Looking at the survey. This survey is self-serving and does not allow for comment. There are no Likert scale measures. In my opinion (and I do have survey preparation and analysis experience), it is exceptionally poorly designed and will not result in any meaningful analysis.

Surely Council can do better. There has to be other ways to improve GE. In my opinion, Alma Village is fine as it is. And please remember the old adage, if it is not broken, don't fix it.

Submission 5: Received Sunday, 9 July 2023, 1:12pm

Hi

I am objecting to the closure of both Orrong crescent and Alma road for the purposes of a trial pop up. I think it will cause unnecessary traffic chaos and also cause major parking problems - there is a shortage of parking in that area for the shoppers or people wanting to go to the restaurants.

Local residents I know that use Orrong Crescent are very unhappy about this proposal.

Submission 6: Received Monday, 10 July 2023, 3:23pm

Dear Matthew

I have read your letter of the 23 June last and whilst I can think of a number of reasons why the proposal should not go ahead, my major concern at this time is traffic control. I reside in [REDACTED] [REDACTED] which runs between Orrong Crescent and Alma Road. If Orrong Crescent is closed off the traffic flow into my street and the other streets between Orrong Crescent and Alma Road will increase considerably. Some mornings I already have difficult backing out of my garage due to the traffic flow. Closing Orrong Crescent at Alma Road will increase the problem ten fold. I presume the Council has already considered this problem and could you therefore please advise what the council is proposing to do to ensure the traffic into our streets is not increased due to the closure of Orrong Crescent.

Regards

Submission 7: Received Tuesday, 11 July 2023, 4:00pm

To the Manager, Recreation and Open Space, Glen Eira City Council,

I'm against the proposed 'genuine' traffic diversion experiment which will allow for a trial pop-up park to be implemented between November 2023 and April 2024.

1. Many years ago a small park was established in a vacant block at the Alma Rd end, of Orrong Crescent. This ended up being a junkyard, with syringes strewn about. It made our area unsafe, unsightly and unable to be used by us locals. If the pop up park goes ahead it is likely that especially at night, this area will just be another hangout and /or springboard for increased crime in the area. Who will be responsible for maintaining cleanliness and safety?
 - 1a. There is already a park at the back of 200 Alma Rd, just over Orrong rd. that people can use. There is also a park in Kooyong Rd near Orrong Crescent and Inkerman.
2. The trial is over the summer months and will not therefore take into account the 7 wet cooler months, when people won't use this pop up park. Trial is in the wrong months. Can you ensure that the trial will end by date stated? What is council's long-term goal?
3. I frequent the shops at the end of Orrong Crescent. Without parking I would not be able to attend anymore. I'm unable to walk far. This will also effect others with limited mobility.
4. Blocking emergency and other vehicles from entering from the Alma Rd end will increase Alma Rd and Inkerman Rd traffic. It will also increase traffic in the side streets off Orrong Crescent, as well as Orrong Crescent which are already congested. Have traffic surveys been conducted? How are they testing the effect of the traffic diversion on the surrounding streets needing to access Orrong Crescent?

It appears that the traffic 'experts' aren't familiar with the area nor the population cohort.

This was proposed a year ago and no one wanted it, so the proposal was removed. Why is it now back in the pipeline? Why is the terminology 'genuine' included in the header now? Why has this proposal not been sent out to all residents that could be affected, for community consultation and only to those that objected last time? Concerned resident.

Submission 8: Received Friday, 21 July 2023, 2:37pm

I am disappointed to see this proposed "experiment" return and remain opposed on the following grounds:

- Unnecessary use of council money - this should not be considered an asset. Further, when I called the council to report the condition of our street [REDACTED] I was advised that council didn't have the budget to address the surface quality.
- We are aware of the open space statistics across Glen Eira but the same is not true for this location with a neighbourhood park being located within 250m (City of Port Phillip) and Caulfield Park located within 1.5km. Also, I see no value in poor quality open space. A \$100,000 investment in the existing infrastructure (Caulfield Park) would have a significantly more enduring legacy than some instant turf and a few planters. The environmental benefits stated within the October 2022 report are also questionable given the cost benefit equation in this comparison.
- The design establishes a dangerous traffic movement for rubbish collection vehicles in Orrong Crescent that could endanger pedestrians and cyclists
- The design will push traffic onto surrounding neighbourhood streets that are less suitable for higher traffic volumes
- The information on the council website is not substantive and I do believe it establishes the purpose of the Genuine Diversion Experiment
- The information on the council website does not include any information on the proposed traffic engineering solution.

Please do not proceed with this "experiment".

Submission 9: Received Friday, 21 July 2023, 2:52pm

Dear Ms McKenzie

Proposed Orrong Crescent pop-up park: Attempt No. 2

We refer to the above matter, and our correspondence in November 2022 regarding these issues, and advise that we continue to act for our clients, who once again take objection to the Proposed Orrong Crescent Pop Up Park.

Reference is made to an email issued and received at 4:14 PM on Friday 23 June 2023 to the Director [REDACTED], of our clients as a person who previously "gave feedback" on the proposed Alma village Pop-up park ("the pop-up park") during the 2022 engagement period being, the first attempt to create this park.

The subject matter notation is "Alma Village Trial Pop-Up Park community engagement on updated concept".

The following is in the body of the email.

Genuine Traffic Diversion Experiment — Public Notice

Notice is also given pursuant to Sections 207A(b) and 223 of the Local Government Act 1989 (Vic) (Act) that, at its Ordinary Council Meeting on 13 June 2023, Glen Eira City Council (Council) resolved to give notice of its intention to commence the statutory procedures pursuant to Section 207 and Clause 10(1)(c) of Schedule 11 of the Act to erect temporary barriers in Orrong Crescent, Caulfield

North, for the purpose of a genuine traffic diversion experiment commencing in November 2023 for a minimum period of four months.

The proposed genuine traffic diversion experiment will allow for a trial pop-up park to be implemented between November 2023 and April 2024. A concept plan showing the proposed genuine traffic diversion experiment together with further details of the trial pop-up park, is available on the project 'Have Your Say Page, www.haveyoursaygleneira.com.au/almapopup. As part of its community engagement process, Council invites submissions on this proposal.

This is a second attempt at creating the pop-up park. It is based on a claim that this project is now a "genuine traffic control experiment", an authorization condition that is required at law, pursuant to clause 10 (1) (c) in Schedule 11 of the Local Government Act 1989 ('the Act').

The word 'genuine' is a description that gives force to a requirement of the intention of the Council where it seeks to rely on this subsection as authorization to undertake a genuine traffic control experiment. This is not the case here at all. The first attempt by Council to create the pop-up park failed, and was in effect acknowledged as unlawful in a letter from Kornel Stewart, Manager corporate counsel

City of Glen Eira, dated the 23 November 2022 (copy enclosed). In essence, Council's first attempt to lawfully do so was ultra vires.

In a second attempt to proceed with the pop-up park, the council seeks to apply a specific clause of the Act, 10 (1) (c), merely by nominally naming it as a genuine traffic diversion experiment. Clearly, this is factually untrue, ill-founded and regrettably, constitutes an abuse of power.

Seeking to utilize this sub-section to create a pop up park is a misuse of power as the creation of a pop-up park is not considered a genuine traffic diversion experiment. The primary purpose of the project is and has always been the establishment of a pop-up park. Its purpose is to seek to create an amenity for the community, and not for a genuine traffic control experiment as required under the Act.

Consequently, the Council is seeking to apply the provisions of 10(1) (c) of the Act for an excluded and unlawful primary purpose, the creation of a pop-up park. Given the history of this matter, we request that you formally withdraw and cancel this unlawful attempt to create the pop-up park and as a result, consequential street closure' We are addressing the issue at the earliest opportunity as inter alia; we understand that this project was to cost \$80,000 plus. The earlier the Council formally abandons this project the greater the saving on Council's financial resources and savings for all ratepayers.

In summary, we state for clarity and certainty that it is our clients' view that there has been no evidence produced by Council that supports the claim that genuine traffic diversion is needed. Without such evidence, the purpose of the Council's exercise is clearly an ulterior purpose.

Please provide your response within 14 days of the date of this letter. Should you fail to provide a response or decline to cancel the project, our clients reserve their rights and remedies including seeking injunctive relief pending a full hearing before the Supreme Court of Victoria.

This letter will be produced on the question of costs.

Yours faithfully,

Submission 10: Received Saturday, 22 July 2023, 7:48pm

Hello,

I urge you to implement bicycle facilities into the Alma Road pop up start. This should be done by providing a signed and dedicated space for bicycles to move through the area, otherwise they will go everywhere and people will not be expecting bicycles, causing confusion, anger and potential safety issues. The first concept for the Alma road pop up park provided this, but it was subsequently removed and I think this was a big mistake. Please reinstate this

Further, bicycle parking facilities are essential for the success of pop up parks like this and reducing car dependence. It wouldn't be hard to include some temporary/permanent bicycle racks, even if it requires a car parking space to be converted into bicycle parking. That being said, I think there is ample room to provide bicycle parking without affecting car parking spaces. Furthermore, any bicycle parking must consider the needs of E-bikes, cargo bikes and other larger bicycle vehicles

Thanks for your time and consideration.

Submission 11: Received Monday, 24 July 2023, 3:26pm (Late submission)

To whom it may concern,

As a resident in the immediate vicinity of the increasingly popular Alma Village, I hereby express my approval for the experimental closure of Orrong Crescent for the following substantive reasons. Firstly, it will deter the 'rat-runners' who drive at speed & straddle the centre of the winding Crescent. A danger to all. Orrong Crescent is uniquely seen as a short-cut between Inkerman & Alma Roads.

Secondly, it will remove the extreme hazard at the Orrong Crescent & Alma Roads intersection where numerous people...elderly, families, many with children, & dogs, wander casually across the intersection (between the existing cafes) oblivious to oncoming traffic from Orrong Crescent, & turning traffic from Alma Road.

Thirdly, the creation of a pop-up park should be a great success & an asset to the Alma Village precinct.

5. URGENT BUSINESS

6. CLOSURE OF MEETING