



Agenda

Council Meeting

6.30pm, Tuesday 9 April 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.

Question Time

Yarra City Council welcomes questions from members of the community.

Registration

To ask a question, you will need to register and provide your question 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.

Asking your question

During Question Time, the Mayor will invite everyone who has registered to ask their question. When your turn comes, come forward to the microphone and:

- state your name;
- direct your question to the Mayor;
- don't raise operational matters that have not been previously raised with the organisation;
- don't ask questions about matter listed on tonight's agenda;
- don't engage in debate;
- 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 ask your question, but do not need to use all of this time.

Comments not allowed

When you are addressing the meeting, don't ask a question or make comments which:

- relate to a matter that is being considered by Council at this meeting;
- relate to something outside the powers of the Council;
- are defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable;
- deal with a subject matter already answered;
- 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.

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. **Confirmation of minutes**
6. **Question time**
7. **Council business reports**
8. **Notices of motion**
9. **Petitions and joint letters**
10. **Questions without notice**
11. **Delegates' reports**
12. **General business**
13. **Urgent business**
14. **Confidential 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 Claudia Nguyen 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
- Jenny Scicluna Corporate Services and Transformation

Governance

- Phil De Losa Manager Governance and Integrity
- Rhys Thomas Senior Governance Advisor
- Mel Nikou Governance Officer

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. Confirmation of minutes

RECOMMENDATION

That the minutes of the Council Meeting held on Tuesday 12 March 2024 be confirmed.

6. Question time

An opportunity is provided for questions from members of the public.

7. Council business reports

Item		Page	Rec. Page	Report Presenter
7.1	Draft 2024/25 Budget and Long Term Financial Plan	9	14	Wei Chen - Chief Financial Officer
7.2	Deliberative engagement - Service planning and review principles	15	23	Joe Daniel – Manager Business Transformation
7.3	Climate Emergency Plan - Stage Two Community Consultation	26	29	Michael Oke – Sustainability Unit Manager
7.4	Miller Street Local Area Place Making Upgrades	30	40	Danny Milican – Senior Coordinator Traffic Engineering
7.5	Amendment C286yara - Public open space contribution final panel report	41	51	Leonie Kirkwood – Project and Policy Coordinator Strategic Planning
7.6	Arts and Culture Annual Grants	53	56	Vicky Guglielmo – Manager Libraries, Arts and Events
7.7	Yarra Community Awards	57	62	Malcolm McCall – Manager Equity and Community Development
7.8	Maintenance of Department of Transport and Planning assets	63	67	Sam Hewett – GM Infrastructure and Environment
7.9	Street Garden Guidelines	68	72	Susan Stanes – Senior Coordinator Design and Place Making
7.10	Facility name for the new Collingwood kindergarten	73	75	Malcolm Foard – Manager Family, Youth and Children’s Services
7.11	Governance report - April 2024	76	79	Phil De Losa – Manager Governance and Integrity

8. Notices of motion

Nil

9. Petitions and joint letters

An opportunity exists for any Councillor to table a petition or joint letter for Council's consideration.

10. Questions without notice

An opportunity is provided for Councillors to ask questions of the Mayor or Chief Executive Officer.

11. Delegate's reports

An opportunity is provided for Councillors to table or present a Delegate's Report.

12. General business

An opportunity is provided for Councillors to raise items of General Business for Council's consideration.

13. Urgent business

An opportunity is provided for the Chief Executive Officer to introduce items of Urgent Business.

14. 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 66(2)(a) of the Local Government Act 2020. 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 66(2)(a) of the Local Government Act 2020, to allow consideration of confidential information:
 - (a) confidential meeting information, being the records of meetings closed to the public under section 66(2)(a).

Item

14.1 Gasworks site update

This item is to be considered in closed session to allow consideration of confidential meeting information, being records of meetings closed to the public under section 66(2)(a).

These grounds are applicable because this report contains the text of resolutions made by Council at past Council meetings while the meeting was closed to the public under section 66(2)(a) of the Local Government Act 2020.

7.1 Draft 2024/25 Budget and Long Term Financial Plan

Reference	D24/111145
Author	Dennis Bastas - Manager Financial Services
Authoriser	General Manager Corporate Services and Transformation
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 present the draft Budget 2024/2025 (Attachment One) and Long-Term Financial Plan (LTFP) (Attachment Two) for adoption for the purpose of public exhibition.

Critical analysis

Background

2. Section 94 of the Local Government Act 2020 provides that Council must prepare and adopt a Budget for each financial year and the subsequent three financial years.
3. Section 91 of the Local Government Act 2020 provides that Council must prepare and adopt a Financial Plan for a period of at least the next 10 financial years.
4. The draft 2024/25 Budget has been developed over the last six months through a rigorous process of review by Councillors and Council Officers.

Financial Sustainability

5. One of Council's key responsibilities is to ensure it is financially sustainable for both current and future communities. Furthermore, it is important that decisions are future focused and have regard to the emerging and future needs of the City.
6. Council is deeply committed to serving the best interests of the community and recognises that consistent effort will be required to ensure that we remain financially sustainable and make the most effective use of public funds.
7. The whole of the Victorian local government sector continues to face significant financial pressures including rate capping and cost shifting. Constant changes to the economic landscape over the last few years have compounded these challenges with no real reduction of the general level of prices (despite declining inflation) and significant increases to the cost of materials and services and labour.
8. The reality for Yarra City Council (and the whole sector) is that increases in the price of services in real terms are significantly higher than the rate cap. This has been the case year on year since the rate cap system was introduced.
9. Financial sustainability and the ability to plan and provide for community in the years to come remains a key strategic risk for all Victorian local Councils. For Yarra the population is predicted to almost double by 2041 putting increasing pressure on services and infrastructure.
10. In December 2023, Council adopted a Financial Sustainability Strategy (FSS) as part its commitment to strengthening Council's long term financial position. A Victorian first for local government, the FSS identifies a series of reforms required to maintain a healthy long-term financial position.
11. Council has already achieved significant improvements in its financial position over the last two years, as a result of holding costs, operational efficiencies, and a strengthened approach to project management.

2024/25 draft Budget

12. Council has worked hard to prepare a balanced draft budget that aligns with Yarra's Council Plan 2021-25 and Community Vision and to deliver what our community has told us it wants, while also addressing ongoing financial challenges and prioritising financial sustainability.
13. The draft budget seeks to strike a balance between addressing financial challenges, prioritising existing services and infrastructure and delivering a range of projects that will help achieve our community's vision for Yarra.

Highlights of the draft 2024/25 Budget

14. Addressing the climate emergency and sustainability:
 - (a) Introducing the Food and Garden Organics (FOGO) service to turn food waste into compost, addressing the climate emergency and contributing to the circular economy;
 - (b) Implementing the new Climate Emergency Plan with a focus on protecting those most at risk from the impacts of climate change;
 - (c) Electrifying Council assets, including commencing works to get Collingwood Leisure Centre off gas; and
 - (d) Accelerating Yarra's Tree Planting program as a natural cooling climate emergency response by increasing annual planting of trees.
 15. Creating more open space including parks:
 - (a) Designing and delivering new open spaces through Council's Roads to Parks program in consultation with the community; and
 - (b) Upgrading sporting facilities including Yambla Pavilion and Brunswick Street Oval.
 16. Building a stronger and safer city and transport network:
 - (a) Renewing critical infrastructure like roads, footpaths and kerbs including renewal of drains and re-lining of brick drains to mitigate flood risks; and
 - (b) Improving infrastructure and safety for vulnerable road users while encouraging uptake in sustainable transport with the New Deal for Walking, New Deal for Cycling and New Deal for Schools.
 17. Investing in our future through children and young people:
 - (a) Expanding kindergartens to accommodate free 3 and 4-year-old kinder under the State Government's reforms including the refurbishment and reactivation of the new 44-place Atherton Gardens Kindergarten; and
 - (b) Providing empowering programs and activities for children and young people with a focus on members of culturally and linguistically diverse, at risk and hard-to-reach communities, including leadership training for the Yarra Youth Advocacy Group.
 18. Supporting people who are vulnerable or at risk:
 - (a) Trialling pop-up heatwave cooling relief centres for people experiencing homelessness and people from other at-risk communities within the municipality, improving safety and inclusion; and
 - (b) Supporting the Yarra Zero program, a collective and collaborative initiative addressing homelessness and rough sleeping in Yarra.
 19. Investing in new initiatives to improve Council connections with community:
 - (a) A deliberative engagement on the new Council Plan that will bring a representative panel of the Yarra community together to inform Council's plans for years to come; and
 - (b) Uplifting digital capability, improving efficiency, and providing a better customer experience that enables the community to connect with Council.
 20. Keeping our vibrant city active and connected:
-

- (a) Delivering the hugely successful Leaps and Bounds Music Festival for its 12th year to support our diverse arts community and stimulate the local economy in the winter months; and
 - (b) Partnering and supporting Yarra’s Neighbourhood Houses, which offer responsive, local programs designed to empower, connect, and educate individuals and groups.
21. The draft budget and LTFP have been developed in alignment and consideration of the following:
- (a) Council Plan 2021-25 and Community Vision;
 - (b) Financial Sustainability Strategy (2023);
 - (c) Municipal Monitor’s Report (2022);
 - (d) VAGO ratios and principles;
 - (e) Economic, employment and general market conditions, and
 - (f) Councillor feedback.
22. General rates will increase by 2.75%, in line with the 2024-25 rate cap implemented by the Victorian Government.
23. It is important to note that the cost of providing Council services in real terms are significantly higher than the rate cap set by the State government. This has been the case year on year since the rate cap system was introduced.
24. The draft 2024/25 budget proposes no new debt and no increase to staffing numbers.
25. Fees and charges have been informed by a comprehensive bench marking exercise across similar metropolitan councils, ensuring consistency (where relevant) and fairness.
26. Council will continue to support vulnerable community members through its Hardship Policy and Pensioner Rebate.
27. Council's cash and cash equivalents will decrease from \$95.7m to \$75.8m over the four years of the budget, this in part reflects the repayment of borrowings. Non-current assets of property, infrastructure, plant and equipment is expected to increase from \$1.9b to \$2.1b over the four years of the budget.
28. The Capital Works Program is a comprehensive asset renewal, upgrade and new works program of \$34.6 million.
29. A surplus for the 2024/25 Budget of \$15.7m is projected despite increasingly challenging economic circumstances. Generating sufficient levels of surpluses is critical to fund our capital works and other programs in the future.
30. Local Government Victoria (LGV) released Minister’s Good Practice Guidelines for Service Rates and Charges in late December. It is noted that the guidelines are not legally binding and together with the whole of the Victorian local government sector we are working to better understand the intent of guidelines and what, if any actions are required.
31. The program of service reviews will continue 2024/25 to ensure services are efficient, cost effective and align to community benefit.

Community and stakeholder engagement

32. The draft Budget 2024/25 consultation is planned to be undertaken from Friday, 12 April to Friday 10 May 2024.
33. The proposed engagement approach including promotion will aim to reach the diverse community and will include:
- (a) Online survey via the Your Say Yarra project page;
 - (b) Two in person ‘pop-up’ sessions with Bi-cultural Liaison Officers at relevant sessions, and hardcopy surveys available;

- (c) Your Say Yarra email newsletter;
 - (d) News item via corporate website;
 - (e) Yarra Life newsletter;
 - (f) Yarra News;
 - (g) Digital Screens in customer service centres, libraries and leisure centres;
 - (h) Postcards (for pop-up sessions and at customer service centres);
 - (i) Social media;
 - (j) Hard copy surveys and postcards distributed to key Council locations;
 - (k) FAQs on Your Say Yarra project page; and
 - (l) Email to past budget participants.
34. It is recommended that Council call an Extraordinary Council meeting on Monday, 3 June 2024 to provide an opportunity for Councillors to hear from community members wanting to speak to their feedback.

Policy analysis

Alignment to Community Vision and Council Plan

35. Council adopted its first Community Vision on 20 July 2021, in accordance with the Local Government Act 2020. The Vision – Yarra 2036 - identifies the long-term aspirations and priorities of the community and provides a future lens to guide planning and decision making.
36. The Council Plan 2021-25, formally adopted on 19 October 2021 in accordance with the Local Government Act 2020, addresses Yarra 2036 Community Vision and outlines six Strategic Objectives, representing Council's direction for the next four years.
37. The draft Budget and draft LTFP incorporate the financial resources necessary to implement the Council Plan objectives and to work towards achieving the Community Vision over the next 10 years.
38. The 2021-25 Council Plan includes commitment on financial stewardship in strategy objective 6:
'Manage our finances responsibly and improve long-term financial management planning.'

Climate emergency and sustainability implications

39. The Draft Budget and the Draft LTFP support Council's climate emergency and sustainability policies and objectives.

Community and social implications

40. The draft Budget and draft LTFP Discounts places an emphasis on the delivery of services for our community. Council will continue to support vulnerable community members through its Hardship Policy and Pensioner Rebate.

Economic development implications

41. Fees and charges have been drafted in consideration to the benefit and cost to users of services, business owners and residents and are reflective of Council's commitment to support and promote access and participation.

Human rights and gender equality implications

42. There are no human rights and gender equality implications.

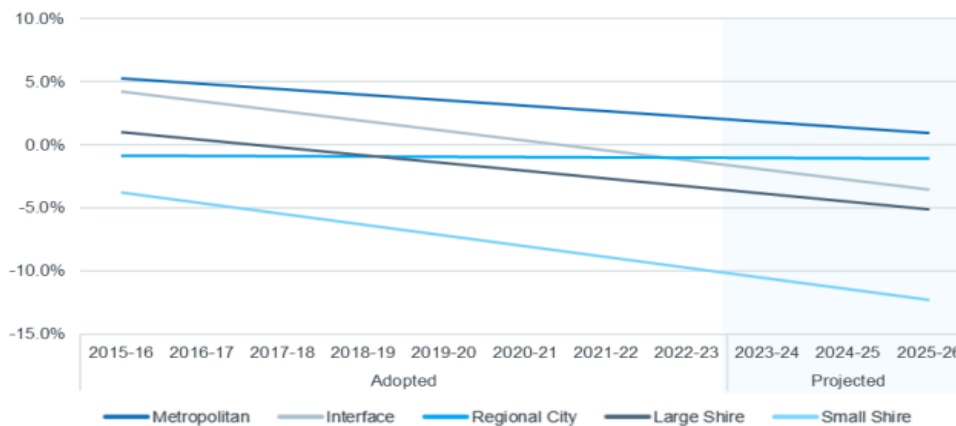
Operational analysis

Financial and resource impacts

43. The 2024/25 draft budget and LTFP documents have been prepared in accordance with Local Government Victoria (LGV) planning and reporting, the *Local Government Act 2020* (the Act) and Australian Accounting Standards.
44. 2024/25 will deliver constant changes to the economic landscape, compounding the challenges with no real reduction of the general level of prices (despite declining inflation) and significant increases to the cost of materials and services and labour.
45. A balanced draft 2024/25 budget has been achieved whilst still delivering on the Council Plan. This is despite Yarra continuing to experience external pressures from rate capping, Enterprise Agreement obligations, labour market pressures and significant increases to the costs of materials and services.
46. A balanced draft 2024/25 budget means that unrestricted cash will match borrowings by the end of 2024/25. This is consistent with goals outlined in the Financial Sustainability Strategy.
47. Ongoing efforts to ensure financial sustainability are critical. A recent Discussion Paper – Committee Inquiry into Local Government Funding and Services, outlines that Adjusted underlying results trends are deteriorating across the Local Government sector in Victoria. Refer to Table 1 below.

Table 1 Local Government Sector Performance

Adjusted Underlying Result Ratio Trendlines



48. Deteriorating adjusted underlying results result in less cash and are a direct result of the following:
 - (a) Fees and charges not reflecting the cost to deliver services and capital works programs;
 - (b) Increasing costs from population growth - this is a major concern if the population growth exceeds predications in the LTFP and where there is population growth due to social housing increases;
 - (c) Cost shifting from state and federal government, especially in many areas such as libraries', aged care and school crossings;
 - (d) Greater capital requirements to be identified through the asset plan and strategy objectives (including the high number of heritage buildings and ageing infrastructure);
 - (e) Capital works price increases, especially with supply chain challenges and inflation;
 - (f) Expenses increase at a higher rate than assumed in the LTFP (enterprise agreements, waste management, environmental sustainability, etc.);

- (g) Historical underinvestment in information technology coupled with escalating Information technology costs;
- (h) Pressure to expand service delivery, and
- (i) Rate cap unaligned with inflation.

Legal Implications

- 49. The overarching objectives of the Act are to ensure councils adhere to sound financial practices, put in place long-term planning and effective risk management frameworks to support financial sustainability and achieve the best interests of the community, including future generations.
- 50. Section 9 (2) of the Local Government Act 2020 ("the Act") states: "...overarching governance principles include "the ongoing financial viability of the Council is to be ensured".
- 51. Section 101 of the Act provides for financial management principles, including 101 (b); "financial risks must be monitored and managed prudently having regards to economic circumstances."
- 52. Section 102 (1) states a Council must prepare and adopt financial policies that give effect to the financial management principles.

Conclusion

- 53. It is recommended that Council endorse the draft 2024/25 budget and LTFP for the purpose of public exhibition.

RECOMMENDATION

- 1. That Council adopts, for the purpose of public exhibition:
 - (a) the Draft Budget 2024/2025 at **Attachment One** as a draft of the budget prepared for the purpose of section 94 of the Local Government Act 2020, and
 - (b) the Draft Long Term Financial Plan 2024/2025 to 2033/2034 at **Attachment Two**.
- 2. That in accordance with Governance Rule Chapter Two, Rule 10.1, Council call an Extraordinary Council meeting at 6.30pm on Monday 3 June 2024 to hear feedback in relation to the Draft Budget 2024/2025 and Draft Long Term Financial Plan 2024/2025 and that in accordance with Governance Rule Chapter Two, Rule 54.6 determine that persons be heard at that meeting in accordance with Governance Rule Chapter Two, Rule 54.
- 3. That Council note the intention to consider the feedback and adopt the Budget 2024/2025 and the Long-Term Financial Plan 2024/2025 at the Ordinary Council meeting on Tuesday 18 June 2024 and further note 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.

Attachments

- 1 Attachment 1 - Yarra City Council 2024/25 Draft Budget
- 2 Attachment 2 - Yarra City Council Draft Long Term Financial Plan 2024/25

7.2 Deliberative engagement - Service planning and review principles

Reference	D24/64675
Author	Joe Daniel - Manager Business Transformation
Authoriser	General Manager Corporate Services and Transformation
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. Like all Councils in Victoria, the City of Yarra is facing challenges to our financial sustainability from rising cost pressures, rate capping and cost-shifting, along with increasing pressure and demand on our services and infrastructure from a rapidly growing population.
2. As part of our commitment to strengthen Council's financial health, Council adopted its Financial Sustainability Strategy (FSS) in December 2023. The Strategy will guide Council on how to best manage our resources for the long-term in the best interests of our community.
3. Strategic Lever 4 of the FSS - *Review the Service Landscape* commits Council to establishing a (new) robust service planning and review framework to ensure all services are relevant, financially sustainable and can meet future community needs.
4. To inform this work, a deliberative engagement process was conducted to develop a draft set of community-supported service planning and review principles.
5. This report outlines the details of the deliberative engagement process and the outcomes and recommends that the principles developed in consultation with the community participants be adopted by Council.

Critical analysis

History and background

Financial Sustainability Strategy

6. One of Council's primary obligations is to be financially sustainable and to make effective use of the public funds entrusted to us and ensure the responsible management and planning of community assets, so that future ratepayers are not burdened unnecessarily.
7. Long-term financial sustainability is essential to ensuring that Council can continue providing the services and programs our community relies on. Towards this, it is crucial that decisions made today are forward-thinking and consider the evolving needs of our current and future community.
8. Now more than ever with rising cost pressures, a tightening fiscal environment and a growing population, Council has recognised that it must establish a robust and forward-thinking financial strategy that extends beyond short-term budgeting cycles.
9. At Yarra, it is acknowledged that addressing these challenges requires continuous effort and the journey has already begun.
10. Over the past 2 years, Council has taken a number of steps to strengthen its financial position. This has had significant benefits – including addressing known future financial risks, reducing borrowings and improving Council's overall cash position.
11. In addition, Council adopted its Financial Sustainability Strategy (FSS) in December 2023. A sector first, the FSS guides Council on how to best manage our resources for the long-term in the best interests of our community.

12. The Financial Sustainability Strategy identifies seven levers for change: strategic measures for evidence based investment decisions and systemic changes for efficient cost controls and resource management.
13. The strategic levers include plans to build reserve funds, responsible borrowing, optimisation of revenue, a focus on well-planned assets, ongoing reviews of the service landscape, digital transformation, robust financial management and a strengthening of advocacy and strategic partnerships.

Service Planning and Review

14. Over the next decade the Yarra community will grow substantially and change, meaning that Council's service mix and delivery levels may also need to change and adapt to address the current and future needs of Yarra community.
15. Strategic Lever 4 of the Financial Sustainability Strategy - *Review the Service Landscape* commits Council to establishing a (new) robust service planning and review framework to ensure all services are relevant, financially sustainable and can meet future community needs.
16. To inform this work, a deliberative engagement process was conducted to develop a draft set of community-supported service planning and review principles.
17. The engagement approach to develop Council's service planning and review principles was undertaken in two stages.
18. Stage one of the engagement included a social research component and general community consultation.
19. This stage of engagement sought broad feedback from the community through an online survey and in-person opportunities to understand community sentiment on Council's service offering. The social research conducted provided a baseline of community sentiment on service provisioning from a representative sample of the community. This approach ensured that missing voices from the community were captured. These groups include young people, culturally and linguistically diverse communities, Aboriginal and Torres Strait Islander peoples and community members who are renting.
20. Feedback received from stage one of the engagement was provided as inputs in the deliberative engagement process.
21. Council engaged Capire Consulting, community engagement specialists, to facilitate the recruitment of the participants and deliver a deliberative engagement process, which was Stage Two.
22. This engagement process was designed to align with the 'Involve' level of the International Association of Public Participation (IAP2) framework. At the 'Involve' level the promise is that 'Council will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how the input influenced the decision.'
23. This level was considered appropriate given the complexity of how this work relates to the Financial Sustainability Strategy (FSS) and the technical nature of service planning and review processes and aligns with Council's Community Engagement Policy engagement principles.
24. Engaging a representative sample of the Yarra community is a critical element of deliberative practice. The aim was to recruit a working group of 44 people. The size of the group was recommended based on the deliberative recruitment objectives of having a large enough group to ensure diverse participation, but also acknowledging the level of influence and the need to match resources with influence.
25. The recruitment process was managed by Capire, with support from Council, and promoted through a public Expression of Interest (EOI) process.

26. Across the public EOI and social research, 237 people expressed interest in the process with 50 community members selected to participate who were considered to be a representative sample of the Yarra community.
27. A range of demographic criteria and diversity characteristics informed the recruitment of 50 community members who reflected the attitudinal, social and demographic diversity of the community.
28. The selected participants formed a Community Working Group (CWG) that met over four sessions (a total of 15 hours) in February 2024.
29. Information from the broader stage one engagement was provided to the CWG, along with further service data, various aspects of a service and diverse examples of how councils deliver services.
30. In developing the draft principles, Council asked the CWG to consider Council's financial pressures, Yarra's increasing population and changing community need, all with the following dilemma in mind;
How can Council deliver value for rates and make sure its services meet the needs of our growing and diverse community?
31. Overall, the engagement aimed to:
 - (a) Design a process where participants are given time and space to digest information, share and listen to different perspectives and deliberate ideas;
 - (b) Design a process that is transparent and clear on the level of influence the process entails;
 - (c) Design and deliver a process where participants clearly understand the remit, their role, tasks and the expected outcomes;
 - (d) Provide participants with objective plain English information that will be presented from a mixture of internal and external sources, including results of stage 1 broad engagement and social research;
 - (e) Deliver an independently facilitated process and provide a safe space for dialogue; and
 - (f) Develop a draft set of community-supported service planning and review principles.

Discussion

32. Across the four sessions the following overarching themes emerged:
Financial sustainability and appropriate resource allocation:
33. This was strongly considered by the CWG. They accepted that this was a key driver and that change to service delivery is inevitable to achieve financial sustainability. They understood that these principles would help guide how change happens. A key intent from the CWG is that decisions around improving financial sustainability need to demonstrate community benefit.
Social justice and community benefit:
34. This is the overarching intent of the CWG. They want to ensure that community members experiencing vulnerability are being cared for, and that when making decisions around subsidising services and charging fees that social impact and equity are accounted for. They want Council to consider in its review of services how it can strengthen community through incorporating First Nations' voice and values, place-making and environmental sustainability.
35. The CWG also wants Council to ensure that when assessing the adequacy of the market to deliver services that these same values are considered.

Governance and evidence-based decisions:

36. The CWG wants to see Council continue to be connected to what the community needs and how it is changing to ensure they have access to the services they need (no matter who delivers them).
37. They want Council to make evidenced-based decisions and to ensure that input from those impacted by service changes are part of that evidence base.

Maintaining influence of quality and social benefit:

38. The CWG accepts the reality that various models of service delivery will continue to be part of change (such as inhouse, partnerships, outsourced etc.), however there is concern around how various models are able to guarantee quality and social benefit.
39. The CWG wants to ensure that in any future changes to service delivery models Council seeks ways to maintain influence over quality and social benefit.

Get creative and think holistically:

40. The CWG wants council to be proactive and innovative in adapting to community need and when finding solutions to challenges e.g. partnering with other Councils facing the same challenges.
41. The CWG also wants Council to consider the overall benefit of service reviews and planning; how a change in one service can provide opportunity and benefit to other services and the community elsewhere.
42. The final draft set of service planning and review principles from the CWG are outlined below in no particular order.

When planning and reviewing services, Council will:

1. *Actively include a range of local Indigenous voices and values in all decision-making and placemaking to ensure ongoing community resilience.*
2. *Be proactive in supporting communities and service providers to dramatically reduce waste and greenhouse emissions and prioritise regenerative systems to improve wellbeing and biodiversity and sustainable outcomes.*
3. *Ensure Yarra's artistic and cultural identity is valued and supported given their contribution to community resilience.*
4. *Select service providers that are in line with Council sustainability policies and goals.*
5. *Be adaptable and proactive by identifying, planning for, and implementing solutions that respond to dynamic factors and community need (such as means, levels of advantage and disadvantage, life stages and changing demographics).*
6. *Deliver qualitative and quantitative, evidenced-based outcomes that include community input, which will be shared and communicated in an accessible way to the community.*
7. *Use comparative benefit analysis to measure value for money and the positive impact of service reform on the community.*
8. *Actively engage the community, prioritising those most directly impacted and in line with the Community Engagement Policy.*
9. *Prioritise financial sustainability and appropriate resource allocation to enable us to respond to changing community needs, now and into the future.*
10. *Prioritise service delivery models where it can maintain control of quality and influence the community benefits and outcomes.*
11. *Prioritise social benefits, especially those that address the needs of vulnerable and diverse people.*

12. *Seek creative and innovative ways to continually improve and address challenges, including collaborating and partnering with others facing the same challenges (e.g. working with councils, not-for-profits, government, businesses, volunteers).*
 13. *Ensure social impact and equity are accounted for when pricing a user-pays, market-comparable service.*
 14. *Make decisions based on the analysis of the impact of a change in one service on all other services.*
 15. *Evaluate the alignment of market services against Council's Social Justice Charter (the values of Access, Equity, Rights, and Participation).*
 16. *Ensure services are accessible within a user's ability and means, including geographically (prioritising active and public transport access) and digitally accessible.*
43. The expectation of the CWG is that Council will consider the dialogue and intent of the draft principles and work to refine the principles for adoption.
44. Officers assessed the draft principles prepared by the CWG for their practical application to a service review with the following measures of success considered:
- (a) Do the principles provide Council with the ability to change?
 - (b) Do the principles provide clarity on how Council could change?
 - (c) Are the principles relevant to service planning and reviews?
 - (d) Are the principles implementable/usable during service planning and reviews?
45. As a result, Officers consider that almost 90 per cent (88%) of the Working Group's draft principles can be adopted in their original form or with minor wording changes.
46. Nine out of 16 of the draft community-supported service planning principles are recommended for adoption with no changes or minimal change and are outlined below in no particular order (corresponding to principle number shown at point 22).
1. *Actively include a range of First Nations' voices and values in all decision making and placemaking to ensure ongoing community resilience.*
 2. *Be proactive in supporting communities and service providers to dramatically reduce waste and greenhouse emissions and prioritise regenerative systems to improve wellbeing and biodiversity and sustainable outcomes.*
 3. *Ensure Yarra's artistic and cultural identity is valued and supported given their contribution to community resilience.*
 4. *Select service providers that are in line with Council's sustainability policies and goals.*
 6. *Deliver qualitative and quantitative evidence-based outcomes that include community input, which will be shared and communicated in an accessible way with the community.*
 7. *Use a comparative benefit analysis to measure value for money and the positive impact of service reform for the community.*
 9. *Prioritise financial sustainability and appropriate resource allocation to enable us to respond to changing community needs, now and into the future.*
 10. *Prioritise service delivery models where it can maintain control of quality and influence the community benefits and outcomes.*
 13. *Ensure social impact and equity are accounted for when pricing a user-pays, market-comparable service.*

47. Of the remaining 7 principles, Officers propose that 5 can be adopted with minor wording changes. The remaining 2 principles have been reworded to improve usability, whilst keeping true to the dialogue and intent heard during the deliberative engagement process as shown in the table below (Corresponding to Principle number above):

#	Community Working Group final draft principle	Final Version proposed for adoption	Rationale for change
5.	Be adaptable and proactive by identifying, planning for, and implementing solutions that respond to dynamic factors and community needs (such as, means, levels of advantage and disadvantage, life stages and changing demographics).	Be adaptable and proactive by identifying, planning for, and implementing solutions that respond to dynamic factors and the current and future community needs.	<ul style="list-style-type: none"> • Minor wording change. • Minor adjustments for simplicity and readability as the words following “such as” are implied within community needs. • Added present and future community needs to address the 50% population growth
8.	Actively engage the community, prioritizing those most directly impacted and in line with the Community Engagement Policy.	Actively engage the community, prioritising those most directly impacted and in line with Council’s Community Engagement Policy, where appropriate.	<ul style="list-style-type: none"> • Minor wording change. • Added a qualifier, which was discussed by the CWG in this context, for some internal services that may not need to consult with community. Similar for services with little community usage or where there are only minor service operational changes with little or no community impact.
11.	Prioritise social benefits, especially those that address the needs of vulnerable and diverse people.	Prioritise social benefits, especially those that address the needs of vulnerable and diverse people, within financial means.	<ul style="list-style-type: none"> • Minor wording change. • Added a qualifier, which was discussed by the CWG in this context and throughout the session about Council operating within its financial means.
12.	Seek creative and innovative ways to continually improve and address challenges, including collaborating and partnering with others facing the same challenges (e.g., working with councils, not-for-profits, government, businesses, volunteers)	Seek creative and innovative ways to continually improve and address challenges, including collaborating and partnering with other councils, other levels of government, not-for-profits, businesses, and volunteers.	<ul style="list-style-type: none"> • Minor wording change. • Minor adjustments for simplicity and readability
14.	Make decisions based on the analysis of the impact of change in one service on all other services	When making decisions, be considerate and evaluate the impact a change to one service will have on all other services	<ul style="list-style-type: none"> • Minor wording change. • Minor wording changes to improve usability

#	Community Working Group final draft principle	Final Version proposed for adoption	Rationale for change
15.	Evaluate the alignment of market services against Council's Social Justice Charter (the values of Access, Equity, Rights, and Participation)	When considering a change to service that is also provided by an external market, evaluate the external market against Council's Social Justice Charter principles, of Access, Equity, Rights and Participation.	<ul style="list-style-type: none"> • Reworded to improve the usability of the principle, whilst keeping true to the dialogue and intent heard
16.	Ensure services are accessible within a user's ability and means, including geographically (prioritizing using active and public transport) and digitally accessible.	Assess and consider the accessibility of services within a user's ability and means, both geographically and digitally, when proposing changes to service locations.	<ul style="list-style-type: none"> • Reworded to improve the usability of the principle, whilst keeping true to the dialogue and intent heard

48. A secondary output of the deliberative engagement process was to develop a mechanism that would support Council to prioritise which services it reviews and when.

49. The CWG members were sent a survey following the final session to complete this activity. As part of the survey, Council also shared two non-negotiable triggers:

- (a) Changes to the legislative requirements; and
- (b) Changes to funding arrangements or cost of delivering service.

It was also reiterated that the triggers would not determine the output of the service review, they just signal to Council that a review may be needed.

50. Eight potential triggers were shared with the CWG for prioritisation and feedback. A total of 25 participants completed the trigger survey. The results of the ranking of the triggers are shown below with number 1 being the highest ranked trigger and number 8 the lowest.

51. Non-negotiable triggers:

- (a) Changes to the legislative requirements; and
- (b) Changes to funding arrangements or cost of delivering service.

52. Community prioritised triggers:

1. Service has a low social benefit (e.g. not responding to community need).
2. Service has poor community satisfaction.
3. Service has a negative impact(s) on the environment.
4. Service is not well utilised by the community (e.g. low demand).
5. Service is unable to maintain the quality expected by the community.
6. A gap or new community need has emerged (e.g. we need to consider reallocation of resources to meet an identified need).
7. Service is not directly delivering on the Council Plan / Community Vision.
8. A comparable service of same quality and price has become available by external provider(s) (external market maturity and availability).

53. Capire Consulting used the following indicators to evaluate the process from the perspective of the participants. All indicators received high levels of agreement:

- (a) The recruitment process was clear;
- (b) Members understood what was expected of them;

- (c) Members had many opportunities to express their opinions and views;
 - (d) Members felt their views were respected by other CWG members;
 - (e) The quality of information provided allowed members to form an opinion;
 - (f) The presentations were valuable to members;
 - (g) Desire to take part in similar engagement activities;
 - (h) Members would recommend this type of process to friends or family; and
 - (i) Members felt their participation was worthwhile.
54. Through a pre- and post-process survey, Capire Consulting measured the impact of the process on CWG members' relationship with Council, trust in Council, individual skills to contribute to Council decision making and community connection.
55. Overall, CWG members reported an increase in these measures at the completion of the process. The survey data showed that:
- (a) 79% of CWG members reported that they have a positive relationship with Council (compared to 67% in pre-survey);
 - (b) 59% reported that they trust that Council supports community involvement in making decisions (compared to 48% in the pre-survey);
 - (c) 59% reported that they understand how Council plans and delivers services (compared to 21% in the pre-survey);
 - (d) 84% reported that they have the skills to contribute to Council decision-making (compared to 79% in the pre-survey); and
 - (e) 84% reported that they feel connected to the Yarra community (compared to 82% in the pre-survey).

Community and stakeholder engagement

56. The process undertaken for the development of the draft community-supported service planning and review principles reflected the principles of deliberative engagement.
57. The importance of community and stakeholder engagement to the CWG is demonstrated by principle 8 that is concerned with actively engaging the community in service reviews and principle 1 that is concerned with including First Nations' voice and values and decision-making processes.
58. Attachment 1 - Caprie deliberative engagement process and evaluation report, prepared by Capire the community engagement specialist who facilitated the process, further outlines the details of the deliberative engagement process and the evaluation of the process by the participants.

Policy analysis

Alignment to Community Vision and Council Plan

59. The development of the service planning and review principles is action 4.1 of the Financial Sustainability Strategy. The Financial Sustainability Strategy delivers on the Council Plan (Objective 6 – Democracy and Governance) by being future-focused, managing our finances responsibly and innovatively responding to challenges.
60. The community-supported service planning and review principles, align with the goals of the Council Plan 2021-2025, which was also developed in partnership with the community.

Climate emergency and sustainability implications

61. The principles provide overarching ability to be financially sustainable and there are positive climate emergency and sustainability implications as identified in principles 2, 4, and 5.

Community and social implications

62. The principles provide positive Community and Social implications as identified in principles 7, 8, 9, 11, 13, 15 and 16.

Economic development implications

63. The principles that provide positive Economic development implications as identified in principles 4.

Human rights and gender equality implications

64. The principles provide positive Human rights implications as identified in principle 15.
65. Additionally, a Gender Impact Assessment will typically be undertaken as part of a service review process.

Operational analysis

Financial and resource impacts

66. The principles will be used in conducting service planning and service reviews, resulting in changes to operational outcomes and therefore will have a positive financial implication.

Legal Implications

67. Not applicable

Conclusion

68. The community supported service planning and review principles, and the service review prioritisation triggers will inform and guide Council's future planning and review of services.
69. Further communication will occur to close the loop with the CWG by explaining the way Council has considered the dialogue and intent of the draft principles as they worked to refine them for adoption as well as the rationale for any changes made.

RECOMMENDATION

1. That Council:
- (a) notes the details of the deliberative engagement process and the outcomes achieved, and thanks the Community Working Group for their involvement; and
 - (b) adopts the service planning and review principles and the potential service review prioritisation triggers as outlined below:

When planning and reviewing services, Council will:

1. *Actively include a range of First Nations' voices and values in all decision making and placemaking to ensure ongoing community resilience.*
2. *Be proactive in supporting communities and service providers to dramatically reduce waste and greenhouse emissions and prioritise regenerative systems to improve wellbeing and biodiversity and sustainable outcomes.*
3. *Ensure Yarra's artistic and cultural identity is valued and supported given their contribution to community resilience.*
4. *Select service providers that are in line with Council's sustainability policies and goals.*
5. *Be adaptable and proactive by identifying, planning for, and implementing solutions that respond to dynamic factors and the current and future community needs.*

6. *Deliver qualitative and quantitative evidence-based outcomes that include community input, which will be shared and communicated in an accessible way with the community.*
7. *Use a comparative benefit analysis to measure value for money and the positive impact of service reform for the community.*
8. *Actively engage the community, prioritising those most directly impacted and in line with Council's Community Engagement Policy, where appropriate.*
9. *Prioritise financial sustainability and appropriate resource allocation to enable us to respond to changing community needs, now and into the future.*
10. *Prioritise service delivery models where it can maintain control of quality and influence the community benefits and outcomes.*
11. *Prioritise social benefits, especially those that address the needs of vulnerable and diverse people, within financial means.*
12. *Seek creative and innovative ways to continually improve and address challenges, including collaborating and partnering with other councils, other levels of government, not-for-profits, businesses, and volunteers.*
13. *Ensure social impact and equity are accounted for when pricing a user-pays, market-comparable service.*
14. *When making decisions, be considerate and evaluate the impact a change to one service will have on all other services.*
15. *When considering a change to service that is also provided by an external market, evaluate the external market against Council's Social Justice Charter principles, of Access, Equity, Rights and Participation.*
16. *Assess and consider the accessibility of services within a user's ability and means, both geographically and digitally, when proposing changes to service locations.*

The service principles are outlined in no particular order.

The following prioritised triggers could initiate a Service Review in order of priority:

Non-negotiable triggers:

1. *Changes to the legislative requirements*
2. *Changes to funding arrangements or cost of delivering service.*

Community prioritised triggers:

1. *Service has a low social benefit (e.g. not responding to community need).*
2. *Service has poor community satisfaction.*
3. *Service has a negative impact(s) on the environment.*
4. *Service is not well utilised by the community (e.g. low demand).*
5. *Service is unable to maintain the quality expected by the community.*
6. *A gap or new community need has emerged (e.g. we need to consider reallocation of resources to meet an identified need).*
7. *Service is not directly delivering on the Council Plan / Community Vision.*
8. *A comparable service of same quality and price has become available by external provider(s) (external market maturity and availability).*

Attachments

- 1 Attachment 1 - Capire deliberative engagement process and evaluation report

7.3 Climate Emergency Plan - Stage Two Community Consultation

Reference	D24/101378
Author	Samantha Green - Climate Emergency Coordinator
Authoriser	General Manager City Sustainability and Strategy
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 seek Council endorsement of the draft Climate Emergency Plan 2024-2030 to enable public exhibition and stage 2 community consultation, scheduled to run between April- May.

Critical analysis

History and background

2. In June 2020, Council adopted its first Climate Emergency Plan. This Plan outlined Council's climate emergency response for the period 2020-2024 including strategic objectives, priorities, targets and key actions.
3. The Plan adopted in June 2020 expires in June 2024.
4. The new draft Climate Emergency Plan 2024-2030 has been developed to ensure a continued climate emergency response and builds upon Council's existing Plan (see Attachments One and Two).
5. The new draft Climate Emergency Plan 2024-2030 also supersedes the expiring Nature Strategy and Circular Economy Strategy. Council's work in relation to nature and circular economy are represented in the new draft Climate Emergency Plan 2024-2030.
6. The new draft Climate Emergency Plan 2024-2030 includes a 6-year strategic plan and a 3-year action plan. (A second 3-year action plan will be developed for 2027-2030, ensuring that the actions undertaken are appropriate to the climate emergency context at that time).
7. The year 2030 is important from a climate science and action perspective being an important benchmark year locally, nationally and globally. Additionally, given climate science and action is a fast evolving space, a six year strategy will provide a longer-term visionary direction for Council with the inclusion of three-year Action Plans allowing Council to also be responsive to changing need and opportunity.
8. The new draft Climate Emergency Plan 2024-2030 has been developed based on extensive consultation with our community and across the organisation (refer to detail provided in Community and stakeholder engagement).
9. Five key perspectives have been integrated into the new draft Climate Emergency Plan 2024-2030 in order to broaden our climate emergency response and act on current and emerging challenges across our community, natural environment and economy. These are:
 - (a) Centring Aboriginal and Torres Strait Islander experiences and knowledges;
 - (b) Fostering social justice and equity;
 - (c) The rights of young people and future generations;
 - (d) The rights of nature; and
 - (e) A commensurate climate emergency response.

10. The new draft Climate Emergency Plan 2024-2030 recognises the scale of ambition required to appropriately respond to the climate emergency and outlines seven transformations across society which will bring forth our vision of a climate-safe, sustainable and just society. These are:
 - (a) In Yarra every choice we make and every action we take responds to the climate emergency;
 - (b) In Yarra, community members at greater risk from climate impacts are connected, supported, and empowered to build resilience;
 - (c) Yarra is active, empowered and raising our voice together for a stronger climate emergency response;
 - (d) Yarra is a leading and prosperous zero-emissions city;
 - (e) Yarra is Caring for Country. Our landscapes and waterways are healthier, greener and more biodiverse, and our communities feel at one with nature;
 - (f) In Yarra, everyone lives and works in comfortable and climate-safe homes and buildings, supported by climate resilient public spaces and infrastructure; and
 - (g) In Yarra, we are transitioning to a circular economy by consuming less, reusing, repairing, sharing and recycling more and sending less waste to landfill.
11. Objectives, indicators and targets have been developed for each transformation so that Council can transparently monitor and report on our progress towards these.

Discussion

12. Officers are seeking Councillor approval to proceed to enable public exhibition and stage 2 community consultation, scheduled to run between April- May.
13. Stage 2 community consultation will include the following activities:
 - (a) Your Say Yarra online survey;
 - (b) Community pop-up events (including Talking Yarra events);
 - (c) Targeted consultations with communities most at-risk of climate impacts including young people;
 - (d) Meetings with select advisory groups;
 - (e) Consultations with key stakeholders; and
 - (f) Consultation with the Wurundjeri Council (details still to be confirmed).
14. Feedback provided as part of stage 2 community consultation will be used to finalise the draft Climate Emergency Plan 2024-2030 so that the final Climate Emergency Plan 2024-2030 may be adopted mid-year.

Options

Option One - Recommended

15. Councillors endorse the draft Climate Emergency Plan 2024-2030 for stage 2 community consultation scheduled to begin in mid-April. Undertaking stage 2 community consultation in mid-April allows for scheduled adoption of the Climate Emergency Plan 2024-2030 in July 2024.

Option Two – Not recommended

16. Councillors do not endorse the draft Climate Emergency Plan 2024-2030 for stage 2 community consultation.

*Note that this delay in exhibition and consultation could mean the Climate Emergency Plan 2024-2030 may **not** be able to be endorsed during 2024.*

Community and stakeholder engagement

17. The draft Climate Emergency Plan 2024-2030 has been developed based on extensive consultation with the community and across the organisation. Activities included:
 - (a) Your Say Yarra (198 contributions: 93 survey responses and 105 ideas for action);
 - (b) Community pop-up events (3 events);
 - (c) Targeted consultations with communities most at-risk of climate impacts including young people (20 events);
 - (d) Meetings with advisory groups (youth, business, active aging, disability, multicultural, environment);
 - (e) Consultations with key stakeholders via the Yarra Climate Summit, the Nature Focus Group and the Climate x Health community event; and
 - (f) Consultation with First Nations peoples and representatives from the Wurundjeri Council.
18. As noted above (point 12), stage 2 community consultation will seek community feedback on the Plan's transformations and objectives and provide opportunity for feedback on indicators and targets, as well as any other more general feedback community members wish to provide.

Policy analysis

Alignment to Community Vision and Council Plan

19. The development of the draft Climate Emergency Plan 2024-2030 connects strongly to:
 - (a) Yarra 2036 Community Vision, Theme 4: Environmental Sustainability: '*We are all custodians of the City of Yarra. While our skyline is growing, so are our green spaces. We are smarter in how we manage growth and use our resources and energy. We celebrate, enable and promote a circular economy*'; and
 - (b) Council Plan 2021-2025, Strategic Objective 1: Climate and Environment: '*Yarra urgently mitigates climate change while also adapting to its impacts and developing resilience in everything we do. The community, business and industry are supported and encouraged to do the same*'.

Climate emergency and sustainability implications

20. The development of a new Climate Emergency Plan 2024-2030 will direct Council's comprehensive response to the climate emergency over the next 6 years.

Community and social implications

21. This new draft Climate Emergency Plan 2024-2030 recognises that while the climate emergency affects everyone in our community, it is having a disproportionate impact on some. This includes those in our community who have been do not have access to adequate housing or income, have accessibility needs or chronic health conditions, work in unsafe conditions or are marginalised due to culture, language or gender identity.
22. This new draft Climate Emergency Plan 2024-2030 delivers a climate emergency response which centres justice and equity, ensuring that our entire community – particularly those at greatest risk of climate impacts – are resilient, connected and share in the benefits of our investments.

Economic development implications

23. Climate Emergency action supports strong current and future economic development in Yarra.

Human rights and gender equality implications

24. The climate emergency is one of great inequity, with those least responsible for the crisis, facing the greatest impacts and having the least resources to respond to the crisis. This includes people who do not have access to adequate housing or income, have accessibility needs or chronic health conditions, work in unsafe conditions or are marginalised due to culture, language or gender identity.

Operational analysis

Financial and resource impacts

25. Costings for each action included in the draft action plan will be finalised following the stage 2 consultation prior to adoption of the Climate Emergency Plan.

Legal Implications

26. Nil.

Conclusion

27. The draft Climate Emergency Plan 2024-2030, including a 6-year strategic plan and a 3-year action plan (2024-2027) have been developed based on extensive consultation with our community and organisation.
28. The year 2030 is important from a climate science and action perspective being an important benchmark year locally, nationally and globally. Additionally, given climate science and action is a fast evolving space, a six year strategy will provide a longer-term visionary direction for Council with the inclusion of three-year Action Plans allowing Council to also be responsive to changing need and opportunity.

RECOMMENDATION

1. That Council:
- (a) Endorse the draft Climate Emergency Plan 2024-2030 for stage 2 community consultation scheduled to begin in mid-April.

Attachments

- 1 Attachment 1 - Draft Climate Emergency Plan 2024-2030 - Strategic Document for Stage 2 Consultation
- 2 Attachment 2 - Climate Emergency Plan - Draft Action Plan for Stage 2 Consultation
- 3 Attachment 3 - Climate Emergency Plan - Community Engagement Overview for Stage 2 Consultation

7.4 Miller Street Local Area Place Making Upgrades

Reference	D24/111100
Author	Danny Millican - Coordinator Civil Engineering
Authoriser	Manager Infrastructure, Traffic and Civil Engineering
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 update on the proposed upgrade to existing traffic management treatments on Miller Street, Fitzroy North, following a Local Area Place Making Study in 2018/19.
2. To advise on issues identified during the design process and how this has both limited and determined the scope of the upgrade to treatments that can feasibly be delivered.
3. To present two designs options to upgrade the existing traffic treatments on Miller Street.

Critical analysis

History and background

Miller Street features and people movement

4. Miller Street is a residential street with mostly single detached lots with limited off-street parking, a local primary school, a couple of local retail businesses and an area of open space with a playground.
5. The street layout includes the following features:
 - (a) Ten off-set slow points with a road narrowing to one lane managed by give way restrictions with a narrow bicycle priority bypass lane supported by a plastic bollard;
 - (b) Alternating sections of parallel and angled parking with landscaped kerb build outs which creates a meandering path of travel along the street;
 - (c) Bus stops located in straight sections between the slow points; and
 - (d) A range of mature and more recently planted trees located within the slow points, in kerb build outs and on road between parking spaces.
6. As shown by the below photos, the historic layout, design, and type of street features continually change along the length of the street. This restricts the extent of feasible change to street infrastructure options without full reconstruction, including the removal of existing trees and vegetation along the length of the street.



7. Traffic volumes along Miller Street have been reasonably stable since 2011 at around 3,000-3,500 vehicles per day (vpd).
8. This level of traffic is higher than neighbouring streets in this pocket of Fitzroy North. However, it is not necessarily high for an inner-city residential street with similar functions in Fitzroy North or similar locations:
 - (a) Other east-west streets in Fitzroy North connecting St Georges Road and Nicholson Street: Reid Street (5,200vpd) and Scotchmer Street (5,900-6,200vpd); and
 - (b) Residential streets in neighbouring suburbs: Fenwick Street, Clifton Hill (3,500vpd) and Roseneath Street, Clifton Hill (5,800vpd).
9. Vehicle speeds along Miller Street have been reasonably stable since 2011 with 85%tile speeds between 38km/hr-40km/hr, indicating that the historic traffic calming is overall relatively effective.
10. A review of the latest available crash data shows that nine crashes have occurred on Miller Street over the past 15 years.
11. Two of the crashes resulted in a serious injury to cyclists who collided with vehicles entering/exiting angled parking bays, with two other crashes resulting in non-serious injuries also involved parked cars. A further crash involving a serious injury to a cyclist occurred from a collision with a vehicle exiting a laneway/driveway.
12. Two non-serious crashes have occurred at the intersection of Miller Street and Rae Street, noting that over recent years Council has made modifications to line marking at this intersection to provide improved visibility for road users at this location. The other accidents that occurred also involved non-serious injuries with no notable causation associated with the street layout.
13. As per Yarra's Transport Strategy 2022-32 (YTS), Miller Street is identified as a non-compliant route on Council's New Deal for Cycling (NDC) network as:
 - (a) There are currently no existing on-street cycling facilities outside of the narrow bicycle priority cut-through lanes at the slow points; and

- (b) The street accommodates a high number of angled parking spaces, which present a higher risk to the safety of cyclists. As per the direction set out in the YTS, dangerous angled parking would be phased out over time, and replaced with parallel parking and bicycle lanes.
- 14. Based on vehicle volumes and speeds, the NDC assessment framework identifies that the appropriate treatment for Miller Street would be painted on-street bicycle lanes. However, there is insufficient road space to install painted bicycle lanes given the limited road carriageway widths provided within the historic street layout.
- 15. As per the direction of Council's Transport Action Plan 2022-32 (TAP), the upgrade of cycling routes on the NDC network will be informed by corridor studies.
- 16. There is no current timeline for a corridor study on Miller Street, noting that Yarra's major cycle routes (such as Wellington Street) have been prioritised for study work under the TAP.
- 17. The proposed upgrade of existing traffic management would not impact on any future upgrade of bicycle facilities, under the two designs presented later in this report.

Local Area Place Making (LAPM) Study Fitzroy North / Scotchmer Precinct

- 18. Council undertook a LAPM study in 2018/19 in which some Miller Street residents expressed concerns regarding the volume and speed of vehicles using the street.
- 19. While most vehicles using Miller Street travel within the speed limit, the study identified a need to upgrade the slow points noting:
 - (a) The existing speed cushions do not slow down most vehicles when travelling through the slow points, thereby potentially encouraging riskier driver behaviour, with this also contributing to the perception of a high level of speeding vehicles on the street;
 - (b) The 'give-way' restrictions and 'right-of-way' could be clearer for road users, who would benefit from a consistent and simple design of traffic management along the length of the street to reduce the potential for road user error;
 - (c) Cyclists would benefit from redesigned bicycle priority bypasses given the minimal separation from moving, waiting and parked vehicles as cyclists enter, pass through and exit the slow points; and
 - (d) Ongoing maintenance issues with vehicles damaging the plastic bollards separating the traffic lane and bicycle priority bypasses.
- 20. The LAPM plan endorsed by Council in March 2019 included the following treatments for Miller Street:
 - (a) The upgrade of existing slow points on Miller Street with full width road humps and bike cut throughs, and the expansion of garden beds where possible;
 - (b) A median closure on Miller Street to restrict traffic movements between White Street and Rae Street, while continuing to accommodate bicycle and pedestrian crossing movements; and
 - (c) A right turn ban from Miller Street into St Georges Road during the PM peak.
- 21. Following an independent traffic modelling assessment, the Department of Transport & Planning (DTP) advised that it did not support the proposed median closure on Miller Street (at White Street and Rae Street) as the likely redistribution of traffic would impact the operation of the nearby arterial roads (i.e. St Georges Road and Nicholson Street).
- 22. The proposed treatment at this location has therefore been redesigned as a raised median that, while retaining all existing vehicle movements, will slow and better manage driver behaviour for vehicles crossing Miller Street and turning right into White Street or Rae Street.
- 23. DTP supported the proposed PM peak right turn ban from Miller Street into St Georges Road and which was implemented in 2021.

Design process of endorsed upgrades to Miller Street slow points

- 24. Council allocated budget to prepare functional and detailed designs of the proposed Miller Street upgrades during the 2022/23 financial year, that could be subsequently costed and considered for delivery in future year budgets.
- 25. An initial draft functional design that included full width road humps, bike priority cut throughs, and the expansion of garden beds was prepared in line with the endorsed LAPM treatment, for internal review (refer to Figure 1).

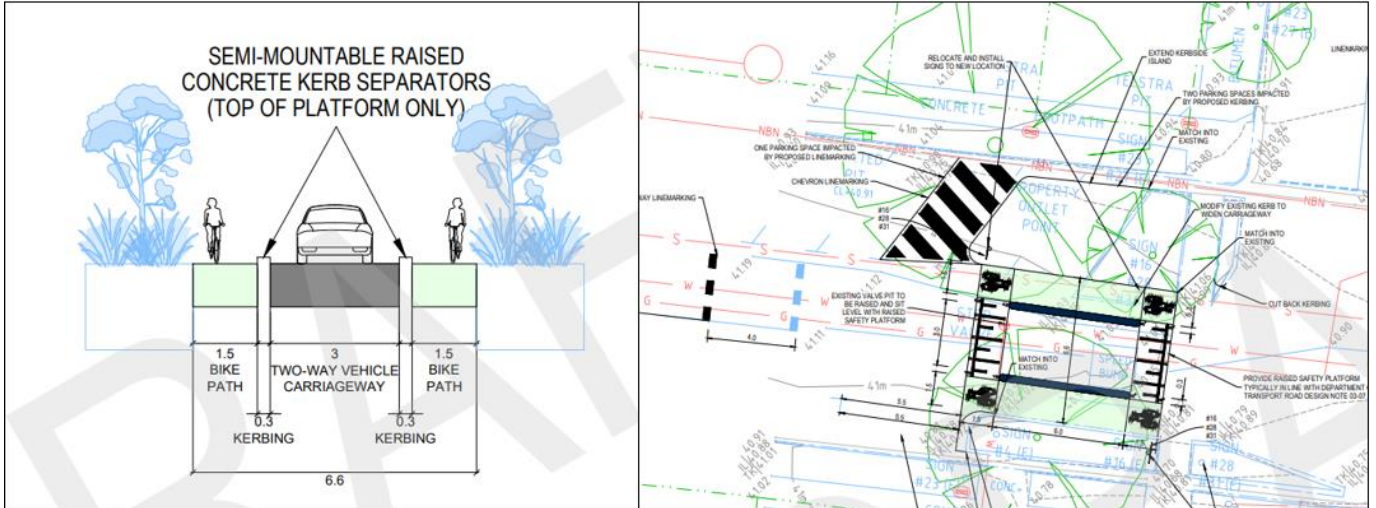


Figure 1: Typical cross section and functional treatment design of endorsed treatment

- 26. The design and internal review process identified a range of potential issues regarding the implementation of the endorsed treatment including:
 - (a) How to best manage overland stormwater;
 - (b) The widening of the slow points to accommodate the protected bicycle priority cut throughs would have significant impact on a number of street trees and likely require the removal of a significant number of trees; and
 - (c) The required improvements to address the current access, safety and separation issues with the existing bicycle priority cut throughs requires a longer treatment with additional space each side of the slow point for cyclists to be able to safely negotiate and dismount the platforms. This in turn also requires the removal of approximately 23 on-street parking spaces, which was considered unlikely to be supported given the high-utilisation of on-street parking.
- 27. Given the extent of the issues identified through this process, officers undertook an extensive design review.
- 28. The design review found no alternative solution to accommodate bicycle priority cut throughs, without impacting mature trees, multiple on-street parking spaces and other streetscape features.
- 29. The review identified one feasible design option for Miller Street that, in comparison to all other options reviewed:
 - (a) best met the intended outcomes of the endorsed treatment (without the bicycle cut throughs);
 - (b) fully met other key road safety, infrastructure design, and access requirements including:
 - (i) a consistent and simple design approach along the length of the street to reduce the potential for road user error;
 - (ii) effective speed management while accommodating the movement requirements of vehicles that use the street (including cyclists); and

- (iii) retaining access to off-street driveways and on-street parking spaces; and
- (c) had little-to-no impact on existing trees and vegetation and includes measures to increase vegetation and introduce passive irrigation.

30. A plan showing the design of the treatment proposed and an existing example of the type of outcome this treatment is aiming to achieve is shown in Figure 2.



Figure 2: Proposed treatment design and example of similar type treatment on Noone Street, Clifton Hill

- 31. Prior to advising the residents of the proposed upgrades to Miller Street, the designs were sent to DTP for comment.
- 32. Following feedback from DTP, some minor modifications were made to the design to help buses enter the modified slow points at a straight angle. DTP or the bus operators had no further influence over the design.
- 33. Miller Street residents were sent a copy of the proposed treatments in November 2023 and were advised that we plan to advance to detailed design and costing so the delivery of the treatments could be considered as part of the 2024/25 budget process.

Miller Street community feedback post-engagement

- 34. Since November 2023 there has been ongoing correspondence, including onsite meetings, with some residents, officers and councillors.
- 35. The feedback provided by those residents representing some members of the Miller Street community noted the willingness to retain the bicycle priority cut-throughs, at the expense of trees, with the safety of cyclists noted as the key priority (the loss of parking was not universally supported by all residents).
- 36. Bicycle priority cut throughs can be accommodated within the endorsed upgrade to slow points on Miller Street (resulting in the loss of trees and car parking spaces) with the option to proceed with treatments incorporating the cut throughs discussed later in this report.
- 37. The residents representing some of the Miller Street community also provided a range of feedback and requests to further investigate the proposed upgrades including:
 - (a) Higher and more aggressive road humps to slow vehicles, with references to bus routes elsewhere in Yarra where this has occurred;
 - (b) Shorter length road humps to reduce loss of on-street parking;
 - (c) Retention of slow point to the west of Taylor Street;
 - (d) New wombat crossings on Miller Street at White Street/Rae Street and near Ida Street;
 - (e) Speed reduction treatments on Miller Street between St Georges Road and Ida Street;
 - (f) North/south bicycle improvements between White Street/Rae Street;
 - (g) Possible closure of Miller Street; and
 - (h) Additional treatments in close proximity to the school.

38. The constrained width, configuration and layout of the existing street networks means:
- (a) Options to feasibly upgrade the street are limited and there is not a range of options for the Miller Street community to choose from; and
 - (b) It is not possible to deliver every outcome that the community is asking for.
39. A detailed response has been provided separately to those residents representing the Miller Street community, with a summary of officer’s position on each topic provided in Table 1.

Table 1: Summary response to feedback provided

Feedback	Officer response
Higher and aggressive road humps to slow vehicles	Higher profile road humps will increase the complexity of negotiating the slow points along the length of the street, with a higher risk of driver error, with no notable benefit in speed reduction. The road humps have also been designed to best manage overland stormwater with increasing frequency and intensity of heavy rain events.
Shorter length road humps	The length of road humps is influenced by the required improvements to the bicycle priority cut throughs to address the issues with the current treatments.
Retention of slow point to the west of Taylor Street	There is sufficient width for two vehicles to pass at this location at slower speeds with the narrowing of the road. The removal of the slow point will result in safer overall access to and from Taylor Street.
New wombat crossings at White Street/Rae Street	It is not possible to install a wombat crossing due to the location of bus stops and private driveways located at crossing points at this intersection.
New wombat crossings near Ida Street	It is not possible to install a wombat crossing within the vicinity of Ida Street, but improvements to the existing school crossing can be considered as a separate exercise, subject to meeting DTP approval requirements.
Further speed reduction measures on Miller Street	The existing rubber road humps between St Georges Road and Ida Street are at the end of the treatments lifecycle and will be reviewed through future maintenance programs. Additional treatments could be considered as a separate project in a future year.
North/South cycle improvements between White Street/Rae Street	The proposed median closure to improve north/south cycle movements was not supported by DTP. This can be reviewed as part of any future NDC corridor study.
Miller Street road closure	A road closure on Miller Street will not be supported by DTP at this stage due to impacts the closure will be on St Georges Road and Nicholson Street.

Discussion

40. The extensive design process has identified only two design options to deliver the endorsed LAPM project for Miller Street. These being:
- (a) Design A – inclusion of bicycle cut throughs within the upgraded slow points as per the endorsed LAPM proposal; and

- (b) Design B – removal of the bicycle cut throughs as per the design circulated to the community in November 2023. **This is the recommended option.**

Design A

41. Design A is the initial draft functional design prepared at the start of the design process (refer to **Attachment A** for design drawings).
42. The upgrade of traffic management of Miller Street requires an integrated approach, that slows vehicles and allows all road users to safely negotiate multiple conflicting movements along the length of the street.
43. This is reflected in the profile of the road humps, within the narrowed carriageway, which have been designed to manage the complexity of the road layout, to reduce the potential for road user error.
44. The design of the bicycle priority cut throughs follows this integrated approach with the length and width of this infrastructure designed to best address existing issues experienced by cyclists due to moving, waiting and parked cars. Shortening road humps and the cut throughs will reduce the improved outcomes for cyclists, without any notable benefits in reducing vehicle speeds in comparison to the proposed design.
45. The design process identified that accommodating bicycle priority cut throughs will result in:
- (a) significant impact on many (up to 17) street trees which will likely result in the loss of mature street trees; and
 - (b) a reduction in approximately 23 on-street parking spaces on Miller Street.
46. Council's Open Space Services team has advised:
- (a) It is not supportive of the removal of the mature trees;
 - (b) If the existing trees had to be removed, they would be replaced with *Zelkova Serrata* which can be found elsewhere on Miller Street;
 - (c) Replacing the existing trees will result in a loss of shade and potential habitat due to the size of the canopy produced by the mature trees;
 - (d) The presence of electric lines in the street provides some restrictions;
 - (e) It would take 20-30 years for these new trees to fully mature and provide the same level of canopy as per existing; and
 - (f) The removal of (up to 17) trees would be supported if there is an opportunity to plant larger canopy trees elsewhere, however, this would likely result in a reduction of 10 angled on-street parking spaces (in addition to the 23 parking spaces required to accommodate the bicycle cut throughs).
47. The bicycle cut throughs are treatments that provide bicycle priority (as cyclists can bypass the give way restrictions) rather than a safety treatment.
48. While retaining and increasing the number of priority measures for cycling is an important aspect of transport planning in Yarra, the benefits of providing this type of feature on Miller Street is currently limited, given the insufficient space to provide bicycle facilities elsewhere on the street, the existing configuration of on-street parking, and the limited road carriageway widths provided within the historic street layout.

Design B – Recommended option

49. The design plans circulated to the Miller Street community in November 2023 are provided in **Attachment B**.
50. If bicycle cut throughs are not provided, the safest option for cyclists (and all other road users) is to narrow the slow point (i.e. reduce the road carriageway width) and install a road hump in between the narrowed slow point.

51. This effectively provides a full width road hump, although the narrowing of the road carriageway is likely to increase the effectiveness of the treatment as a speed deterrent.
52. The profile of road hump within the design presented to the community in November 2023, has been determined with consideration to:
 - (a) The needs of buses and specifically cyclists (particularly with the removal of the cut throughs), with the road humps designed as per recommendations for buses and cyclists as set out in design standards; and
 - (b) The best way to manage overland stormwater with increasing frequency and intensity of heavy storms.
53. While cyclists will be required to travel through give way restrictions, officers do not consider this situation to be less safe, noting the improvements to slow and better manage access for all road users through the slow points.

Summary

54. Both design options would be equally effective in managing vehicle speeds and provide a consistent and simple design of traffic management along the length of the street that is clearer for all road users.
55. The respective design options would also:
 - (a) remove the ongoing maintenance issues with infrastructure;
 - (b) include additional plantings with opportunities for passive irrigation; and
 - (c) include the road hump profiles specified by Council to manage risk as the road and infrastructure manager.
56. However, both designs are constrained by what can feasibly be delivered with the street, and the preferred outcome ultimately comes down to a decision on:
 - (a) Design A: the removal of a number of street trees (as many as 17) and the removal of approximately 23 on-street parking spaces; or
 - (b) Design B: the removal of the bicycle priority cut throughs.
57. Officers consider that, on balance, design option B provides a better overall option for Miller Street, particularly considering the currently limited opportunities to upgrade bicycle facilities elsewhere on the street, and the impact on shading and habitat with the removal of mature street trees.

Future proofing

58. The upgrade of Miller Street in line with NDC network objectives will be informed by a future corridor study.
59. This may include further adjustments to the street layout or possible measures to reduce the level of traffic using the street, noting that DTP does not currently support road closures or other restrictions to traffic movements.
60. There is no timeline for a corridor study on Miller Street, noting that Miller Street is a lower priority cycling corridor, compared to other cycling corridors in Yarra.
61. Either of the presented design options will not impact on the ability to upgrade cycling infrastructure in the future or can be modified to meet future needs as required.

Options

Option A – Proceed with Design A (upgrade of slow points with bicycle priority cut-throughs)

62. A design for this option has not been presented to Miller Street residents, and it is unclear the extent to which the Miller Street community would be open to the significant impact to street trees and reduced on-street parking.

63. This does present risks to the delivery of the project in 2024/25 (subject to funding), should others within the Miller Street community subsequently object to the impact on street trees and loss of on-street parking. Council's draft 24/25 capital works program includes provision for a project at Miller St.

Option B – Proceed with Design B (upgrade of slow points with removal of bicycle priority cut-throughs)

Recommended

64. Design B has been previously presented to the Miller Street community, and there would likely be a lower subsequent risk to delivering the project in 2024/25, subject to funding.
65. As above, Council's draft 24/25 capital works program includes provision for a project at Miller St.

Option C – Defer the project and undertake further community consultation

66. Officers will write to all Miller Street properties and ask the community to indicate the preferred upgrade to traffic treatments. This outcome of this localised consultation would be presented at a future meeting of Council to inform a decision.
67. This option would allow the community to consider both designs, noting that design A has not been presented to the community.
68. Should Council prefer to undertake community consultation, it is unlikely that the project can be constructed in 24/25.

Option D – Not proceed with any option

69. Council can decide not to proceed with the upgrade of traffic management on Miller Street at this stage, should this project not be considered a priority.

Officer recommendation

70. Officers recommend that Council proceeds with Option B, noting that on balance design B represents to best overall option to upgrade existing traffic treatments, and the existing community awareness of the proposal from previous engagement in November 2023.

Community and stakeholder engagement

71. Since the completion of the LAPM study, Council has received numerous and continual requests from some Miller Street residents for the endorsed project to be delivered.
72. Officers have provided updates to Miller Street residents regarding the status and progress of the project.
73. Miller Street residents were sent a copy of the Plan B alternative design proposal in November 2023, using an inform approach to engagement, in line with Council's Communications and Engagement protocols.
74. Officers have met residents representing the Miller Street community, with the last meeting held on 4 March 2024.
75. A letter has been sent to all Miller Street properties informing the community of the options to be considered at the 9 April 2024 Council meeting.

Policy analysis

Alignment to Community Vision and Council Plan

76. The proposed upgrades to Miller Street were endorsed by Council as part of a Local Area Place Making Study in 2018/19.
77. Undertaking Road Safety Studies (which replaced LAPM) is a stated initiative under Strategic Objective Five: Transport and Movement in the Council Plan (2021-25).

Climate emergency and sustainability implications

78. Climate emergency and sustainability implications have informed the design process, particularly with regards to managing the impacts of heavy storm events and increasing vegetation and permeable surfaces.

Community and social implications

79. There are no community and social implications associated with the proposal to upgrade existing traffic management treatments on Miller Street.

Economic development implications

80. There are no economic development implications associated with the proposal to upgrade existing traffic management treatments on Miller Street.

Human rights and gender equality implications

81. There are no human rights and gender equality implications associated with the proposal to upgrade existing traffic management treatments on Miller Street.

Operational analysis

Financial and resource impacts

82. The cost of implementing the proposed upgrades on Miller Street has yet to be accurately determined, although it is currently estimated to be in excess of \$500k.
83. Should Council decide to proceed with either of the design options presented, officers will finalise the design and have the treatments costed.
84. Provision for a project at Miller St has been included in Council's 2024/25 draft capital works program. It has yet to be determined whether this funding allocation will fully cover the costs of delivery, or whether infrastructure upgrades will need to be delivered over a staged multi-year approach.
85. There may be a limited opportunity to seek external funding to help part fund project delivery. To meet timelines to potentially obtain this external funding, there is a requirement to make an immediate decision on the design option to upgrade the traffic management treatments.

Legal Implications

86. There are no legal implications associated with the proposal to upgrade existing traffic management treatments on Miller Street.

Conclusion

87. The upgrade of existing traffic management on Miller Street is an endorsed Council project.
88. The design process identified a range of complexities that has:
- (a) identified significant issues with the delivery of the endorsed project;
 - (b) identified that alternative options and design modifications are limited; and
 - (c) identified that any design put forward will not meet the wide range of expectations of some Miller Street residents.
89. Two design options that meet the overall road safety and access requirements of the street have been identified, each of which has its strengths and limitations.
90. Officers consider, that on balance, a design which removes the bicycle priority cut throughs provides a better overall option for Miller Street, particularly considering the currently limited opportunities to upgrade bicycle facilities elsewhere in the street, the loss of a significant amount of on-street parking, and the impact on shading and habitat with the removal of up to 17 street trees.
91. Officers recommend Council proceed with design B option and progresses with finalising the design and costings, for construction in 24/25 (and potentially 25/26 – subject to cost).

RECOMMENDATION

1. That Council:
 - (a) notes the feedback received from some residents of Miller St Fitzroy North and the required trade-offs to deliver upgrades to existing traffic management on Miller Street and as endorsed by Council following the Local Area Place Making study in 2018/19;
 - (b) proceeds with option B (upgrade of slow points with removal of bicycle priority cut-throughs) to upgrade traffic management treatments generally as presented to the Miller Street community in November 2023; and
 - (c) finalises the design and costing of the recommended design for consideration for funding as part of the 2024/25 budget process.

Attachments

- 1 Attachment 1 - Design A Upgrade of slow points with bicycle priority cut throughs
- 2 Attachment 2 - Design B Upgrade of slow points as presented to Miller Street community in November 2023

7.5 Amendment C286yara - Public open space contribution final panel report

Reference	D24/116371
Author	Leonie Kirkwood - Project and Planning Coordinator
Authoriser	General Manager City Sustainability and Strategy
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. The purpose of this report is for Council to consider:
 - (a) the report of the independent Planning Panel in relation to Amendment C286 ('the Amendment');
 - (b) the officers' responses to the recommendations of the independent Planning Panel;
 - (c) the officers' recommendations in regard to changes and adoption of Amendment C286yara; and
 - (d) the next steps for advancing Amendment C286yara in accordance with the requirements of the Planning and Environment Act 1987 (the Act).

Critical analysis

History and background

What does the amendment do?

2. The Yarra Open Space Strategy 2020 (YOSS) and the associated Technical Report 2020 identified the public open space needs of existing and future residents and workers of Yarra, gaps in the provision of public open space and opportunities to address those gaps.
3. The YOSS, adopted in September 2020, informed Amendment C286yara.
4. Amendment C286yara proposes to:
 - (a) increase public open space contributions from developments that subdivide land in Yarra from 4.5 per cent (applied residential subdivisions only) to 10.1 per cent (noting this was the exhibited rate. This report recommends a rate of 8.65 per cent);
 - (b) apply the rate to all eligible residential, commercial and industrial subdivisions;
 - (c) update local planning policy; and
 - (d) include the YOSS and Technical Report as background documents to the Planning Scheme.

The amendment process

5. Amendment C286yara was publicly exhibited between 7 September to 5 October 2021. 72 submissions were received.
6. Council considered the submissions and referred the amendment and submissions to an independent planning panel on 19 October 2021.
7. The first of two Panel hearings was conducted over 11 hearing days between December 2021 and February 2022.
8. The Panel released an Interim Panel Report on 14 April 2022 (A corrections report was released on 16 May 2022).

9. Council considered the Interim Panel Report on 31 May 2022 and determined to progress a peer review of the apportionment of costs for the projects identified by the YOSS Technical Report and request Amendment C306yara. Amendment C306yara, recommended by the Panel, requested a Ministerial amendment to apply a public open space rate of 7.4 per cent while C286yara was finalised.
10. On 12 September 2023, Council resolved to request the panel hearing be reconvened and refer the completed peer review to the panel.
11. The reconvened panel hearing (the second hearing) was held between 5 and 9 February 2024 (for three hearing days).
12. The Panel's Final Report (at **Attachment One**) was received on 4 March 2024 and was publicly released on 19 March 2024. (In accordance with section 26 of the Planning and Environment Act 1987, Panel reports become public 10 business days after their receipt by Council.)
13. The C286yara webpage was updated and submitters to the amendment advised of the release of the report.
14. **Attachment Two** provides further details around the key steps in the amendment process.

Interim panel report (April 2022)

15. The Interim Panel Report specifically considered the YOSS, the background to the Amendment and the need for open space in Yarra.
16. The Panel, in the Interim Report, concluded:
 - (a) The Yarra Open Space Strategy, 2020, is strategically justified and is a sound and appropriate strategy;
 - (b) There is a clearly established need for the existing open space contribution rate to be increased as a matter of some urgency;
 - (c) The open space projects proposed to meet identified needs are, with a minor exception, supported. (The Panel did not support the inclusion of an action in Fairfield);
 - (d) The proposal by Council to add 30 per cent (adjusted down to 20 per cent during the Hearing) to the Capital Improved Value (CIV) of land to be acquired for new open space is not supported by the Panel. The Panel regarded 10 per cent as appropriate;
 - (e) The amount of the total costs apportioned to new residents and workers has not been adequately justified and should be subject to peer review before Amendment C286 can be finalised; and
 - (f) The hearing for Amendment C286yara be adjourned pending the completion of this further work.
17. Amongst its recommendations were:
 - (a) A new planning scheme amendment be prepared seeking an open space contribution rate of 7.4 per cent; and
 - (b) A peer review of the apportionment of costs of open space projects between existing and new populations be commissioned.
18. Council implemented the Panel's recommendations:
 - (a) On 2 June 2022, it requested a Ministerial amendment to apply a public open space contribution rate of 7.4 per cent; and
 - (b) Council commissioned a peer review on the methodology of the apportionment of costs in Amendment C286yara. On 12 September 2023, it resolved to request Planning Panels Victoria reconvene the Amendment C286yara Planning Panel hearing and refer the peer review to the Panel for consideration. Council also resolved to adopt use of the 10 per cent margin above CIV as recommended in the Interim Panel Report.

19. In October 2023, the reconvened panel was requested.
20. Prior to the reconvened Hearing, the Panel wrote to all parties noting it 'would only consider the approach to the apportionment of costs of proposed open space projects between existing and new residents and workers, as the basis for the revised open space contribution rate of 8.67 per cent. No other issues considered in the Interim Report will be re-prosecuted and no new issues will be considered by the Panel.'

Discussion

Final Panel Report (March 2024)

21. Based on the reasons set out in the interim and final Panel reports, the Panel recommends C286yara be adopted as exhibited subject to the following changes:
 - (a) Recommendation 1 - Amend the Schedule to Clause 53.01 – Public Open Space Contribution and Subdivision to apply an open space contribution rate of 8.65 per cent and include location-specific alternative contribution rates for three sites - the Gasworks site, AMCOR site and Channel 9 site;
 - (b) Recommendation 2 - Amend the Schedule to Clause 72.08 Background Documents to insert the following documents:
 - (i) Yarra Open Space Strategy 2020; and
 - (ii) Yarra Open Space Strategy 2020 Technical Report;
 - (c) Recommendation 3 - Delete Action 7.5B-4 in Fairfield from the Yarra Open Space Strategy 2020 and other documents; and
 - (d) Recommendation 4 - Update the policy in Clause 19.02-6L-01 Public open space contribution.
 22. The Panel noted:
 - (a) The strategy and its strategic underpinnings were not significantly challenged;
 - (b) The apportionment of project costs between existing and new users could not be replicated by the peer review. The Panel noted Council provided an alternative approach to justify the proposed apportionment of costs. This was found to be acceptable to the Panel;
 - (c) The context for the amendment has changed significantly in the almost two years between the Interim Report and the reconvened Hearing;
 - (d) An open space contribution rate of 8.65 per cent compares acceptably with recent outcomes in other municipalities;
 - (e) The urban form and open space context in Yarra contribute to the justification for the proposed open space contribution rate; and
 - (f) A rate of **8.65** per cent is therefore justified.
 23. It is noted that the Panel's final recommended public open space contribution rate of 8.65 per cent is the rate that results from:
 - (a) the Panel's recommendation to adopt a 10 per cent allowance to CIV in calculating the cost of land to be acquired for new open space, and
 - (b) the removal of Action 7.5B-4 in Fairfield from the Preliminary Opinion of Probable Costs.
 24. Council must now consider the Panel Report and decide whether or not to adopt the Amendment (with or without changes).
 25. If Council decides not to accept one or more of the Panel's recommendations, it must give its reasons for this when it submits the adopted Amendment to the Minister under section 31 of the Act.
-

Panel recommendations and officer responses

Recommendation 1 - Public open space contribution rate

26. The Panel in its final report recommended a public open space contribution rate of 8.65 per cent.
27. Council exhibited a public open space contribution rate of 10.1 per cent. This rate included the addition of a 30 per cent margin above the CIV of land to be acquired for new open space.
28. The 30 per cent rate (or a reduced 20 per cent rate as submitted by Council at the hearing in 2021/2022) was not supported by the Panel in its interim report. It considered 10 per cent as appropriate.
29. At its meeting on 12 September 2023 Council adopted the use of the 10 per cent margin above CIV, as recommended in the Interim Panel Report, and a consequential public open space contribution rate of 8.67 per cent.
30. In the calculation of this rate, officers had not factored in the removal of a project the Panel recommended for deletion in its interim report (see discussion on Action 7.5B-4 Fairfield below).
31. At the reconvened hearing, Council provided the Panel with an updated figure (calculated by Council's expert, Esther Kay of Environment & Land Management Pty Ltd) that took into account the removal of the Fairfield project. This results in a rate of 8.65 per cent. This figure was used throughout the Panel hearing.
32. The Panel noted (at Page 19) 'there is no prescribed approach to determining an appropriate open space contribution rate.'
33. In terms of the peer review recommended in the Panel's Interim Report, the Panel noted the apportionment of costs between existing and new populations using the approach in the exhibited Amendment was not able to be replicated by the peer reviewer. It noted at Page 17 'If the cost apportionment that underpins the proposed rate is to be strategically justified, that justification must be found elsewhere.'
34. The Panel considered a range of factors in determining a rate of 8.65 per cent is strategically justified, including the alternative approach presented by Council for the cost apportionment outcome and outcomes in other municipalities.
35. Council provided evidence (from Alex Hrelja of Hill PDA) at the hearing regarding the apportionment of open space contribution costs. Mr Hrelja's evidence undertook a quantitative assessment, based on the ratio of new population as a proportion of total population and the project cost apportioned to those populations, as a comparator to the apportionment used by other municipalities in their amendments and the resulting rate.
36. Mr Hrelja's evidence concluded that the outcome of the apportionment process used by the authors of the YOSS is consistent with the apportionment outcomes of other approved schemes that use a similar methodology.
37. The Panel found a 'The cost apportionment outcome that underpins the Amendment is not out of line with what has been accepted as strategically justified in other municipalities' and 'The proposed rate of 8.65 per cent is not unreasonable or out of line with what has been approved in other municipalities'. (Page 26 of the Final Panel Report.)
38. Recent outcomes in other municipalities and rates that apply in other inner city municipalities, include:
 - (a) Monash - 7.61 per cent (approved July 2023);
 - (b) Glen Eira - 8.3 per cent (approved March 2023);
 - (c) Stonnington - 8 per cent (any subdivision in Armadale, Prahran, Windsor, South Yarra, and identified sites), 5 per cent (any subdivision in Glen Iris, Malvern, Malvern East, Toorak, Kooyong);

- (d) Melbourne - 8 per cent (Fishermans Bend Urban Renewal Area), 7.06 per cent (identified area, typically, within the CCZ and urban renewal/growth areas), 5 per cent (identified areas, typically established residential or commercial/industrial areas);
- (e) Greater Dandenong (residential rate) – 6.3% (approved 2023); and
- (f) Maribyrnong - 5.7 per cent.

39. The Panel also found:

- (a) The growth, high proportion of medium and high-density dwellings, urban context and need which exists in Yarra justifies a higher open space contribution rate than those approved in metropolitan Melbourne to date (excluding Melbourne and Maribyrnong for the reasons discussed in the report);
- (b) The proposed rate is consistent with the objectives of planning and meets the requirements of section 4 of the Act including:
 - (i) providing for the 'fair, orderly, economic and sustainable use, and development of land'(section 4(1)(a));
 - (ii) assisting to secure 'a pleasant, efficient and safe working, living and recreational environment for all Victorians' (section 4(1)(c)); and
 - (iii) facilitating development in accordance with these objectives (section 4(1)(f)).

40. It commented on Page 28 of its Final Report:

While none of the factors discussed above, considered in isolation, is considered by the Panel to provide adequate justification for an open space contribution rate of 8.65 per cent, the Panel is of the view that in combination they provide adequate justification for the higher rate.

In this context, and in light of the Panel's previous findings that the YOSS is strategically justified, a high population growth is forecast for Yarra and the YOSS demonstrates a very significant need for open space, the Panel considers that the combination of factors is sufficient to establish that an open space contribution rate of 8.65 per cent is strategically justified.

41. Officers therefore accept the Panel's recommendation to amend the public open space contribution rate in the Schedule to Clause 53.01 to 8.65 per cent (see **Attachment Three** for the proposed Schedule to Clause 53.01 which is marked up to show changes since exhibition).

Recommendation 1 – Inclusion of specific sites with different contribution rates

42. The Panel (in its Interim and Final Panel Reports) recommends Council includes specific public open space rates in the Schedule to Clause 53.01 for three sites that already have agreed public open space contributions negotiated through other amendment processes.

43. This affects three sites:

- (a) Channel Nine Site, Bendigo Street, East Richmond (Land in Development Plan Overlay Schedule 5, DPO5) - 4.5 per cent comprising land and/or cash contribution in accordance with an approved development plan and planning permits, as amended from time to time;
- (b) Amcor Site, Heidelberg Road, Alphington (Land in Development Plan Overlay Schedule 11, DPO11) - 4.58 per cent for the whole of the land in DPO11, as amended from time to time, but excluding the 30 metre setback from the Yarra River (agreed via section 173 agreement); and
- (c) 111 Queens Parade and 433 Smith Street, Fitzroy North (Former Fitzroy Gasworks) (Land in Development Plan Overlay Schedule 16, DPO16) - A minimum of 8 per cent comprising land and/or cash contribution in accordance with an approved development plan, as amended from time to time.

44. Officers accept this recommendation. This position was advocated for by Council at the Panel hearing in 2021/2022. The public open space contributions for these sites were negotiated through separate planning amendment processes and they are largely constructed / under construction (see **Attachment Three** for the proposed Schedule to Clause 53.01).

Recommendation 3 - Deletion of Action 7.5B-4 in Fairfield

45. The Panel, in its interim and final reports, recommended deletion of Action 7.5B-4 in Fairfield from the Yarra Open Space Strategy 2020, the Yarra Open Space Strategy Technical Report 2020, and from the Preliminary Opinion of Probable Costs (POPC).
46. Action 7.5B-4 is to 'continue to implement the [Fairfield] masterplan including a major upgrade to the playground and picnic facilities at the park. Future upgrades are for both the existing and forecast populations'.
47. The Panel considered all specific Actions identified in the YOSS, except Action 7.5B-4 in Fairfield, are strategically justified.
48. The project was questioned by Porta (a submitter to the amendment) and the Panel.
49. Issues identified in the Interim Panel Report included:
- (a) The YOSS Technical Report identifies the need to continue to implement the existing masterplan for Fairfield Park but does not provide any identifiable reason for the proposed major upgrade to the playground and picnic facilities at the park;
 - (b) The increase in residential population in Fairfield is forecast to be only 57 people and the number of children in this forecast population would be considerably less;
 - (c) No need for further improvement to the existing open space network for the existing population in Fairfield was identified in the YOSS survey results;
 - (d) Cross examination of Ms Thompson (one of the authors of the YOSS) did not provide any real justification for the major upgrade; and
 - (e) The Fairfield Park Master Plan 2010 and the Fairfield Park Masterplan Summary Report 2010 does not shed any further light on why the upgrade is said to be needed.
50. The Panel considered there was no strategic justification for Action 7.5B-4 in Fairfield and this item should be removed from the YOSS POPC.
51. The POPC costed the individual open space projects which arise from the YOSS. The POPC also informed the calculation of the public open space contribution rate however it is not proposed as a background document to the Yarra Planning Scheme.
52. In the POPC, the approximate total project cost for Action 7.5B-4 was \$2.5 million. \$750,000 (the portion attributed to the new population) was included in the calculation of the rate.
53. Based on the Panel's recommendation, officers consider there are three options:
- (a) Option 1 - Accept the Panel's recommendation - delete the project from the YOSS and the POPC, including the proposed project cost. The resulting public open space contribution Council would then adopt is 8.65 per cent; or
 - (b) Option 2 - Partially accept the Panel's recommendation - Leave the reference to the project in the main Yarra Open Space Strategy and the Technical Report. However, text would be added to the Technical Report noting the action/project has not been included in the calculation of the public open space contribution rate. The resulting rate for adoption would be 8.65 per cent as recommended by the Panel; or
 - (c) Option 3 - Not accept the Panel's recommendation - retain the project in the YOSS and as a project cost and adopt the rate of 8.67 per cent.
54. Officers recommend Option 2 i.e. Council partially accept the Panel's recommendation.
55. The reasons for this position are:
-

- (a) Officers do not support the Panel's findings around the need for the project. Fairfield Park is identified as a regional open space / city-wide destination in the YOSS. The project is needed to upgrade the playground to replace aged equipment and ensure it caters for all abilities. The upgraded playground will cater for both the local and wider Yarra community. It is therefore important to retain the project in the YOSS and in the project list in the Technical Report; and
- (b) The upgrades could be funded through other sources e.g. general revenue, grants noting that the YOSS is a municipal-wide public open space strategy which seeks to improve open space for both the existing and future community.
56. Noting the minimal change that would be required to the YOSS and Technical Report to add the additional text about this project, this approach would also be an efficient way to finalise the documentation and expedite the Minister's consideration of the amendment.
57. To implement this, a note would be added to the inside cover of the YOSS Technical Report that reads:
- 'NOTE FROM YARRA CITY COUNCIL (9 APRIL 2024) - Following consideration of the Final Panel Report on Amendment C286yara which implements the public open space contribution rate, Action 7.5B-4 - Fairfield Park has been retained as an action/ project for Fairfield on Page 295 of this document but has not included in the calculation of the final public open space contribution rate.'

Recommendation 4 - Updated Planning Policy

58. The exhibited version of Amendment C286yara included updated policy at Clause 22.12 - Public Open Space Contribution.
59. The purpose of the updated policy is to guide public open space contributions within the City of Yarra. It will apply to all applications for development or subdivision of land and it identifies the locations where land as opposed to cash contributions are preferred and sets out criteria for that land e.g. access, free of encumbrances and contamination.
60. The Interim Panel Report included some edits to the policy at Appendix 1.
61. Clause 22.12 was deleted when Amendment C269yara – Local Policy Rewrite was approved on 21 December 2023. The content from Clause 22.12 has been translated into Clause 19.02-6L-01 Public open space contribution.
62. At the reconvened panel hearing, an updated version of Clause 19.02-6L-01 Public open space contribution was circulated which reflected the Panel's recommendations for Clause 22.12.
63. The Panel recommended one additional change to that policy in the Final Report to correct unclear wording proposed as part of the Interim Panel Report.
64. It recommended replacing the first policy guideline's first sub dot point with the following (changes recommended by the Panel are underlined):
- Should be of a shape and size that will be adequate for the proposed use and its position in the public open space hierarchy, having regard to the nature of the public open space in an inner-city environment, or be able to meaningfully contribute to the assembly of a parcel of land with these attributes.
65. The Panel at Page 29 of the Final Panel Report noted 'The Panel's initial recommendation with respect to Clause 22.12 is now redundant because of the approval of Yarra Planning Scheme Amendment C269yarra which incorporated much of the previous Clause 22.12 into a new Clause 19.02.'
66. Officers accept the Panel's recommendations in Interim and Final Panel Report in relation to the planning policy (see **Attachment Four** for a track version of Clause 19.02-6L-01 Public open space contribution).

Recommendation 2 - Background documents

67. Background documents are reference documents which inform policy or a provision. They not part of the planning scheme.
68. The exhibited amendment proposes to amend the Schedule to Clause 72.08 – Background Documents to insert the:
 - (a) Yarra Open Space Strategy (2020); and
 - (b) Yarra Open Space Strategy Technical Report (2020).
69. These two reports will replace the 2006 version of the YOSS in the planning scheme. The amendment will need to delete the reference to the YOSS 2006.
70. The Panel (at Recommendation 3) recommends Council amend the Schedule to Clause 72.08 Background Documents to insert references to these two background documents in the Yarra Planning Scheme.
71. Officers accept this recommendation, noting an edit is proposed to the YOSS Technical Report on Page 296 in relation to Fairfield Park (see **Attachment Five** for the two background documents).

Updated amendment documents

72. An updated explanatory report and instruction sheet is at **Attachment Six**.

Amendment C306yara

73. Council prepared Yarra Planning Scheme Amendment C306yara in 2022 to introduce a public open space contribution rate of 7.4 per cent – a recommendation of the Interim Panel Report. This was refused by the Minister on 27 November 2023.
74. The refusal of Amendment C306yara was reported to Council on 18 December 2023. At that meeting, Council resolved to request the Minister for Planning (amongst others) provide reasons for her decision.
75. Reasons for refusal were provided by the Minister for Planning on 28 February 2024.
76. The reasons stated were:
 - (a) 'The status and timing of Amendment C286yara (permanent public open space contribution);
 - (b) The potential uncertainty of the final rate pending consideration by a panel and Council's decision on whether to adopt the amendment as exhibited, adopt the amendment with or without changes or abandon the amendment;
 - (c) Matters of procedural fairness arising from the introduction an interim rate that has not been subject to specific notice; and
 - (d) Live planning permits that may be affected by the proposed interim rate.'

Next steps

77. The process for Council's consideration of a Planning Scheme amendment is prescribed in the Act.
78. Under Sections 27, 28 and 29 of the Act, Council must:
 - (a) consider the Panel's report before deciding whether to adopt the Amendment or not; and then;
 - (b) either abandon all or part of the Amendment; or
 - (c) adopt all or part of the Amendment with or without changes.
79. Section 9 of the Planning and Environment Regulations 2015 (the Regulations) sets out the information to be submitted to the Minister for Planning under Section 31 of the Act with an adopted amendment.

80. Amongst other matters, Council must provide the following:
- (a) the reasons why any recommendations of a Panel were not adopted; and
 - (b) a description of and the reasons for any changes made to the Amendment before adoption.
81. This report sets out what the Panel recommended and explains why the recommendations are supported by officers, or not supported by officers. This report, together with the attachments to this report, illustrate the changes to the exhibited Amendment in mark up.

Options

82. Council has the opportunity to form a final position on the amendment which would then be considered by the Minister for Planning.
83. Council has the option to:
- (a) Option 1 - Adopt the exhibited amendment; or
 - (b) Option 2 - Adopt the amendment with changes; or
 - (c) Option 3 – Abandon all or part of the amendment.
84. Option 1 is not recommended. The exhibited rate of 10.1 per cent was not supported by the Panel. In September 2023, after considering a recommendation of the Interim Panel Report (to reduce the addition of the Capital Improvement Value from 30 per cent to 10 per cent), Council subsequently adopted a lower rate to take to the reconvened panel.
85. Option 3 is not recommended as abandoning the amendment would forgo the opportunity to increase the public open space contribution rate and address the need for a significant amount of new and upgraded open space in the City of Yarra.
86. The Panel supported the amendment, with changes largely as advocated for by Council in response to the interim panel report. Officers recommend adopting the amendment with the minor changes outlined in this report and reflected in the attachments to this report.

Community and stakeholder engagement

87. The wider community and submitters were notified during the exhibition of the amendment and the two hearing processes. (See **Attachment Seven** for details of the exhibition process).
88. Submitters have also been notified of the release of the Final Panel Report and have been advised of this report.
89. Given the length of time between the close of submissions and reconvening of the Panel hearing, some submitter details had changed. Officers at Council and at Planning Panels Victoria endeavoured to contact all submitters or their representatives through multiple emails and phone calls.

Policy analysis

Alignment to Community Vision and Council Plan

90. Amendment C286yara supports the following themes in the Yarra 2036 Community Vision – Shared Spaces and Growing Sustainably:
- (a) Priority 7.1 - All our shared spaces are made physically accessible and welcoming to people of all abilities, linguistic, cultural backgrounds and age groups;
 - (b) Priority 7.3 - Create and innovate solutions to maximise the use of under or unused streets and spaces;
 - (c) Priority 7.4 - Increase availability and diversify use of open spaces to address existing shortages and respond to population growth; and

- (d) Priority 8.4 - Ensure that as we grow, community services and public spaces are adapted and created so that our unique lifestyle is maintained and continues to improve.

91. The amendment supports the following strategies in the Council Plan 2021-2025:

- (a) Strategic Objective 1: Climate and Environment – Yarra urgently mitigates climate change while also adapting to its impacts and developing resilience in everything we do. The community, business and industry are supported and encouraged to do the same; and
- (b) Strategic Objective 4 – Place and nature – ‘Yarra’s public places, streets and green open spaces bring our community together. They are planned to manage growth, protect our unique character and focus on people and nature.

Climate emergency and sustainability implications

92. An expanded open space network would help achieve a number of sustainability actions in Council strategies:

- (a) Developing biodiversity corridors;
- (b) Creating opportunities for sustainable water management (e.g. through passive irrigation and stormwater harvesting); and
- (c) Reducing the urban heat island effect by creating more permeable surfaces.

Community and social implications

93. The Panel recognised the importance of the public open space contribution rate in meeting community needs resulting from increased development in the municipality.

94. Progressing Amendment C286yara would facilitate the delivery of more open space for the community, providing space to exercise and socialise.

Economic development implications

95. Progressing Amendment C286yara would ensure Yarra remains an attractive place to live and work by supporting the creation of new public open space and improvement of existing public open space.

96. The application of the public open space contribution rate to residential, commercial and industrial subdivisions would enable Council to provide for public open space demands in residential and employment areas, that would serve both the resident and worker populations.

Human rights and gender equality implications

97. The upgrade and improvement of the public open space network through the application of a new public open space contribution rate would support the Yarra community and enhance their quality of life and liveability of Yarra.

Operational analysis

Financial and resource impacts

98. An increase of the public open space contribution rate from 4.5 per cent and the inclusion of non-residential subdivisions in the rate is an important matter for Council, to assist in funding both the new and improved public open space provision in the municipality over the next 15 years. (Noting the projects in the Yarra Open Space Strategy would need to be funded from a mix of general rates revenue, grants and the public open space contribution rate).

99. The costs associated with the 2022 Panel process, including Panel fees, representation and other experts who provided evidence on behalf of Council were met by the 2022/23 budget. The majority of the costs associated with the preparation of the peer review were also paid in 2022/23.

100. Costs for this financial year will include further Panel, legal and statutory costs and are budgeted for in the 2023/24 Strategic Planning budget.
101. A statutory fee of \$516.80 is required for consideration by the Minister of a request to approve the amendment in accordance with section 35 of the Act.

Legal Implications

102. There are no known legal implications. The amendment is being progressed in accordance with the Planning and Environment Act 1987.
103. The amendment process has included two Independent Planning Panel hearings that have enabled submitters to be heard. Submitters have also been notified of Council meetings.

Conclusion

104. Council has received the Final Panel Report in relation to Amendment C286yara.
105. This is a significant step in finalising the amendment which has been underway since 2020 (with the request for authorisation to exhibit the amendment) and prior to that through the development of the Yarra Open Space Strategy 2020.
106. The Panel broadly supported the Amendment. It found that Amendment C286yara is well founded and strategically justified.
107. It supported a proposed rate of 8.65 per cent (for all subdivisions), considerably higher than Yarra's existing rate of 4.5 per cent for residential subdivisions.
108. Officers support all but one of the Panel's four recommendations, specifically around the deletion of Action 7.5B-4 - Fairfield Park from the YOSS.
109. The next step in the process, should Council resolve to adopt a final version of the amendment (with or without changes), is to request the Minister for Planning approve it.

RECOMMENDATION

1. That Council:
 - (a) notes the officer report regarding Amendment C286yara, officer recommendations and **Attachment One to Attachment Seven**;
 - (b) notes the public release of the Final Panel Report for Amendment C286yara under Section 26 of the Planning and Environment Act 1987;
 - (c) having considered the Interim and Final Panel Reports, under section 27 of the Planning and Environment Act 1987, adopts Amendment C286yara in accordance with section 29(1) of the Act with the changes set out in this report and at **Attachment Three, Attachment Four, Attachment Five and Attachment Six** to this report;
 - (d) delegates to the Chief Executive Officer authority to finalise Amendment C286yara in accordance with Council's resolution (1)(c), and to make any administrative or formatting changes to the Amendment C286yara documentation and maps required to give effect to Council's resolution;
 - (e) submits Amendment C286yara to the Minister for Planning and requests she approves the amendment adopted under resolution (1)(c) of the Planning and Environment Act 1987; and
 - (f) notifies all submitters of this Council resolution.

Attachments

- 1 Attachment 1 - C286yara - Final Panel Report (Includes Interim Report)
- 2 Attachment 2 - C286yara - Summary of key steps and dates
- 3 Attachment 3 - C286yara - Schedule to Clause 53.01 Public Open Space Contribution and Subdivision
- 4 Attachment 4 - C286yara - Clause 19.02-6L-01 Open Space Contribution
- 5 Attachment 5 - C286yara - Background documents (Schedule to Clause 72.08, YOSS 2020 & Technical Report)
- 6 Attachment 6 - C286yara - Amendment Documents (Explanatory Report and Instruction Sheet)
- 7 Attachment 7 - C286yara - Summary of exhibition

7.6 Arts and Culture Annual Grants

Reference	D24/96511
Author	Brona Keenan - Coordinator Arts and Culture
Authoriser	General Manager Community Strengthening
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. This report seeks Council endorsement of the recommendations from the Yarra Arts Advisory Committee for the Round 2 Arts and Culture 2024 Annual Grants, part of Council's Community Grants Program.

Critical analysis

History and background

2. Yarra City Council's Community Grants Program is a significant investment in the community. It is one of Victoria's leading local government grant programs, through which Yarra has established a reputation for its strong support for the community.
3. The Community Grants Program aims to:
 - (a) develop partnerships between Council and community groups to achieve Council's strategic directions;
 - (b) direct resources to both the emerging and specific needs of disadvantaged groups;
 - (c) develop a positive approach to the resolution of local social issues;
 - (d) support local groups, activities and community connectedness; and
 - (e) support community organisations to develop skills and increase community participation.
4. On 18 April 2023, Council endorsed the Annual Grants 2024 objectives, guidelines, assessment process and budget in the Community Grants Initiation Report.
5. In the 2024 cycle, a second round of the Arts and Culture Annual Grants program was initiated. This change was in response to stakeholder feedback to promote responsiveness, making it easier for community organisations to plan their projects.
6. The second round has required additional resourcing across Arts and Culture, Festivals and Events and Event Permits and Community Grants teams through administration of the round, particularly outside the regular annual cycle. The resourcing impacts of the additional annual round will be reviewed.
7. A total of 57 applications were received. Eighteen applications have been recommended for \$205,000 in funding. Applicant's requests for this round totalled \$674,949.
8. The first round of Arts and Culture Annual Grants already endorsed by Council, recommended 22 of the 61 applications for \$258,000. Applicant requests for this round totalled over \$1 million.
9. Consultation and engagement activities were undertaken to support access to the grants program. Applicants were advised to contact Council officers before submitting their application to discuss project ideas and gain assistance with the application process, including understanding program objectives, criteria, and eligibility requirements.

Discussion

10. The panel recognised the competitive nature of the grant round and high quality of applications. There was recognition that two-thirds of applications would not receive support. This reflects the demand of previous Arts and Culture grant rounds with requests for funding outweighing the available funding pool.
11. For Council's \$205,000 investment, the recommended projects will deliver \$717,460 of investment for the creative sector and community.

Options

12. There are no options detailed in this report.

Community and stakeholder engagement

13. The Annual Grants are a competitive grant round and follow the Yarra Grants Administration Guide and assessment processes including:
 - (a) Stage 1: Eligibility check conducted by Council officers to confirm applicant and project eligibility. Ineligible applications are not advanced;
 - (b) Stage 2: Application review by Council officers to assess applications against the advertised criteria. This also includes evaluating the capacity of the applicant to deliver project outcomes, the clarity of project aims, the completeness and realism of the budget, and alignment with Council funding priorities;
 - (c) Stage 3: Assessment and recommendation by community panels, consisting of external assessors and some Council officers with relevant expertise. The panels review all eligible applications and determine the final recommendations for funding. Deliberations are documented, including panel members' names and relevant experience; and
 - (d) Stage 4: Decision-making and Council endorsement, where Council officers record the outcomes of panel assessments within the grants administration system and prepare a report for Council's approval of the recommended applications.
14. Council officers from Arts and Culture are closely involved in the grant assessment process. Officers assist with reviewing the grant criteria and support the Yarra Arts Advisory Committee, which is responsible for making grant recommendations.

Policy analysis

Alignment to Community Vision and Council Plan

15. The Yarra 2036 Community Vision and the 2021 - 2025 Council Plan shape the objectives of the Community Grants Program. The grants are designed to support the delivery of the Council Plan and Community Vision and how those objectives can be achieved in partnership with the community.
 - (a) The community participate in the deciding of the grants through the community panel making the recommendations.
16. The Arts and Culture Strategy 2022-2026 is a key strategic plan, which informs the Arts and Culture Annual Grant program, specifically aligning with Council's strategy priorities.

Climate emergency and sustainability implications

17. All grant applicants were advised that Council will give preference to those who consider incorporating activities that improve the environmental impacts of their projects. The application form requires applicants to consider ways of reducing and reusing resources.

Community and social implications

18. Yarra's Annual Grants program aims to address numerous social needs across a range of areas, with the Arts and Culture stream seeking to build community through the following social objectives:

- (a) cultural activities - community celebrations, cultural festivals and events;
- (b) recognition of diversity - projects that strengthen Yarra's diverse community or celebrate and recognise diversity;
- (c) social cohesion - projects which bring people together and support the development of communities with shared aims and aspirations; and
- (d) the promotion of community health and wellbeing through social engagement and skills development.

Economic development implications

- 19. The Annual Grants program strengthens the community sector through providing a flexible and responsive funding to community-based not-for-profit organisations. Funding is used to support projects that deliver outcomes outlined within the Council Plan and target the areas of highest need within the community. The aim is to improve the long-term outlook for families and businesses and strengthen the capacity of the local not-for-profit sector and generate economic activity.
- 20. The festivals and events bring economic benefits and assist with branding Yarra as a destination city. These events draw people into the municipality and create economic uplift through increase spend and contribute to Yarra's cultural capital.

Human rights and gender equality implications

- 21. The Annual Grants Guidelines aligned with the Victorian Charter of Human Rights and Responsibilities Act 2006 and actively support people to participate and contribute to their community.

Operational analysis

Financial and resource impacts

- 22. A total of \$205,000 has been recommended for 18 applications supporting creative and cultural projects and initiatives in Yarra in Round 2 of the program.
- 23. Applicants were asked to specify the total cost of their project, as well as the amount requested from Council. Council's investment of \$205,000 will leverage \$717,460 of activity locally.
- 24. Of these recommendations, seven are individual artists and eleven are groups/organisations, who will be delivering a range of outcomes including festivals, exhibition programs, performances, publications, cinema screenings, panel discussions, talks, an album launch and podcasts.

Legal Implications

- 25. There are no legal implications regarding this report.

Conclusion

- 26. Council's Annual Grants Program demonstrates Yarra Council's commitment to supporting the community and highlights the diversity of community-initiated projects, events and activities that take place across the municipality, and which make Yarra such a vibrant place to live.
- 27. The recommendations for Round 2 Arts and Culture 2024 Annual Grants program are outlined in Attachment One.

RECOMMENDATION

1. That Council:
 - (a) endorses the Round 2 Arts and Culture 2024 Annual Grants program community panel's recommendations, as listed in Attachment 1 to award 18 grants totalling \$205,000; and
 - (b) acknowledges and thanks the members of the Yarra Arts Advisory Committee for their time, deliberation and commitment to Yarra's Community Grants Program.

Attachments

- 1 Attachment 1 - FINAL Round Two Arts and Culture 2024 Annual Grants Recommended
- 2 Attachment 2 - CONFIDENTIAL - FINAL Round Two Arts and Culture 2024 Annual Grants Not Recommended - *Confidential*

7.7 Yarra Community Awards

Reference	D24/108573
Author	Cristina Del Frate - Senior Coordinator Equity and Inclusion
Authoriser	General Manager Community Strengthening
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 seek Council's endorsement of the proposed changes for Yarra's community awards program for 2024 and beyond.

Critical analysis

History and background

2. The community awards program recognises and celebrates outstanding contributions of individuals and local community groups to life in the City of Yarra. The nomination and assessment period is a six to eight month process, which culminates in an award ceremony, where the Yarra community is recognised and celebrated.
3. The awards ceremony promotes community connection and is a special night for nominees, winners and their families. As one 2023 nominee noted: *'It was an amazing event to see the initiatives being conducted in the Yarra community. The talent, energy and enthusiasm are an indication of the collaboration, engagement and connections across the Yarra community.'*
4. The community awards have been held annually since 2018, except for 2020 due to COVID, superseding the previously held 'Australia Day Awards', after the 2017 Council decision regarding 26 January.
5. Following the awards in 2023, officers identified the lessons learned during the nomination and assessment process and undertook a short review to seek future improvements.
6. The methodologies used for the review included:
 - (a) analysis of the promotional and marketing activities for the 2023 awards;
 - (b) analysis of trends in nomination numbers (both overall and in each category) over the past six years; and
 - (c) a comparative desktop review to benchmark against other awards processes at 20 other councils (detailed in the discussion below).

Discussion

Current process

7. The current assessment process for the community awards is that nominations are initially assessed and shortlisted by officers. The review found that there was a need for a more objective scoring system. Currently, a summary of the shortlisted nominations is provided to the Community Awards Committee, which comprises three Councillors and the winners for each category are recommended by this committee. In 2023, it became apparent that there was room for improvement to clarify the role of officers and the committee.
8. The review identified the following improvements for consideration:

- (a) Opportunity to improve transparency in the process of shortlisting, as this is undertaken by officers and relies on interpretation of the judging criteria instead of an objective scoring system; and
 - (b) Clearer decision making and governance of process, including the role of officers and the panel.
9. Additionally, feedback received from previous award recipients and community is that they feel a great deal of pride in the awards and would value the opportunity to contribute to the awards process.
10. Officers undertook comparative benchmarking with other councils to identify areas for improvement, learn about alternative awards processes and identify best practice.

Benchmarking

- 11. Benchmarking was conducted with 20 councils to assess the protocols regarding community awards and community acknowledgment in a broader context.
- 12. In addition to the M9 group of councils, officers reviewed award-making and community recognition practices at: Banyule, Bayside, Boroondara, Brimbank, Cardinia, Casey, Greater Dandenong, Frankston, Glen Eira, Knox, Monash, and Yarra Ranges.
- 13. Key areas of review comprised the delineation of award categories, eligibility requirements, award incentives, nomination criteria, and the judging processes including the composition of judging panels, the selection of panellists, and decision-making.
- 14. Broadly, the majority of councils feature categories such as Citizen and Young Citizen of the Year, with some councils extending their categorisation to include areas such as sustainability, literary arts, sports, urban design, and small business.
- 15. The allocation of monetary prizes varied among councils, with some opting to offer cash incentives while others do not.
- 16. Some councils leverage these award ceremonies as an opportunity to coincide with volunteer appreciation events or other significant dates, such as 26 January and citizenship ceremonies.
- 17. The award criteria demonstrated a substantial degree of uniformity across surveyed councils, with most requiring the nominees to be residing in the municipality, and recognition of outstanding contribution to the community.
- 18. The management of nomination assessment processes highlighted considerable diversity, ranging from panels comprised of councillors and community representatives, to community panels with no officer or councillor involvement. Panels also include past award recipients as the community representatives.
- 19. While a range of variations on assessment processes are used across municipalities, the model that was assessed to best promote transparency and community involvement is where an awards program makes use of a selection panel comprised of community members and past award recipients. This model provides clear line of sight between the community and the final decision, minimising risks around perceived inequities and conflict of interest.
- 20. Community involvement in the selection panel also ensures that the awards reflect the values and priorities of the community as a whole.
- 21. A review of nomination criteria across other councils also assisted officers to identify the need for clearer and simpler language and more comprehensive information to be available to everyone involved in the awards process. To this end, draft nomination guidelines have been prepared together with a frequently asked question section.
- 22. A draft additional assessment criterion has been developed for consideration of the nominee's contribution to community connectedness, encouraging connections between and across diverse communities.

23. Reviewing nomination categories across municipalities provided a basis for reviewing Council's existing award categories.
24. Finally, the number and types of promotional activities and engagement with media posts were analysed, to extend communications to communities that are hard to reach, or who have not previously engaged in the awards process.

Proposed changes

25. Based on the benchmarking and additional considerations outlined above, officers are proposing the following changes to promote transparency and community engagement, and to manage risks regarding conflicts of interest.
 - (a) Draft revised nomination guidelines (see **Attachment One**), including the eligibility criteria and terms and conditions. These have been revised to promote clarity, transparency, and accessibility. The proposed guidelines are in accessible language, including a frequently asked questions section and an awards webpage;
 - (b) The establishment of a community awards selection panel, comprised of community representatives to conduct assessments, replacing councillors and council officers, who have traditionally assessed the nominations. This, along with the introduction of a clearer assessment process using a scoring matrix, will promote efficiency and transparency and assist in managing risks regarding conflict of interest;
 - (c) The proposed selection panel would comprise five Yarra community members, representative of a diverse range of backgrounds, with strong links to Yarra and relevant experience and knowledge of the Yarra community. Previous award winners could be encouraged to join the panel. Panel tenure would be for two years with the option to renominate;
 - (d) It is proposed that the Mayor be the chair of the selection panel meeting, at which the winners for each category are decided;
 - (e) The panel's recommendations would be presented to the CEO for consideration and final approval;
 - (f) An expression of interest process would be undertaken to appoint selection panel members. The proposed terms of reference for the panel (see **Attachment Two**) have been reviewed by Council's Governance and Integrity unit;
 - (g) In previous years, only the winners of each category received a certificate of appreciation. From 2024, it is proposed all individuals and community groups shortlisted for an award will be recognised for their contributions with a certificate;
 - (h) It is proposed to continue the practice of awarding a cash prize to each category winner. Consistent with previous years, \$500 would be awarded to each winner in the categories of Citizen of the Year, Young Citizen of the Year, and Community Initiative of the Year, while \$250 would be awarded to the winners in each of the other categories;
 - (i) The following awards categories are proposed, which includes one proposed change from the current categories, namely the merging of the current categories of 'Arts' and 'Heritage' into one category, called 'Contribution to Arts and Culture', due to the low number of nominations received in the two separate categories previously:
 - (i) Citizen of the Year;
 - (ii) Young Citizen of the Year;
 - (iii) Community Initiative of the Year;
 - (iv) Contributions to Sustainability;
 - (v) Contributions to Sport;
 - (vi) Contributions to Arts and Culture (new merged category as noted above); and

(vii) Contributions to Diversity and Inclusion;

- (j) Relevant officers were consulted on how the awards could contribute to more inclusive community connectedness. As a result, it is proposed to include an additional assessment criterion to demonstrate how the nominee has made a positive impact to the lives of others through their demonstration of community values, including community connection with diverse communities;
- (k) The selection panel would be required to assess each nomination using a scoring matrix to address the following selection criteria:
 - (i) Nominee has made an outstanding contribution to the Yarra community over the past year;
 - (ii) Nominee shows leadership and is a positive role model for others; and,
 - (iii) Nominee supports Council's values to make a positive impact to the lives of others in the Yarra community.

26. Further, the selection panel is expected to give consideration as to how the nominee and their efforts have addressed intersectionality, that is an understanding how different parts of someone's identity overlap, impact and compound life experiences, in evaluating how they have supported Yarra's values of promoting diversity and inclusion for our diverse community. This includes Aboriginal and Torres Strait Islander peoples, LGBTIQ+ individuals, people from various cultural and linguistic backgrounds, people with disabilities, and people of all genders and ages.

27. For this year, the proposed project timeframe has been scheduled taking account of the upcoming council election, with nominations proposed to open on 20 May 2024 and close 30 June 2024, and the assessments concluding in mid-August. The awards event will occur post Council elections.

Options

28. There are no options to consider with this report.

Community and stakeholder engagement

29. External consultation has been undertaken with neighbouring M9 councils to gain insight into community awards processes and benchmark best practice awards programs.

30. Internal consultation was undertaken to consider the award categories, community reach and best practice. Relevant work areas across Council contributing to this process included Sustainability, Governance, Communications, Aboriginal Partnerships, LGBTIQ+ Partnerships, Arts and Culture, and Sports and Recreation.

Policy analysis

Alignment to Community Vision and Council Plan

31. The community awards is strongly aligned with the Council Plan (2021–25), including in relation to the strategic objective of:

- (a) Under Strategic Objective Two, Social Equity and Health, in the Council Plan, initiatives are included to:
 - (i) deliver campaigns and strategies that remove barriers and promote access and inclusion;
 - (ii) support and provide opportunities to celebrate culturally significant days and events, bringing together diverse cultures, and increasing intercultural understanding; and to
 - (iii) build and leverage partnerships with stakeholders to create inclusive and welcoming places for the whole community and support the promotion of positive social connections in the community (MPHWP).

32. Yarra's Community Vision celebrates and embraces diversity, focusing on respect and working with the community, which are central to the community awards.

Climate emergency and sustainability implications

33. The awards align with Council's Climate Emergency Plan and related initiatives by recognising and celebrating champions in the Yarra community who advocate for, work towards and volunteer their time to climate action and sustainability initiatives.
34. In 2023, a Sustainability category was added to the awards. This category recognises contributions made by a group or an individual initiating a project, program or activity that delivers genuine and measurable action in direct response to the climate emergency or an environmental issue relevant to Yarra.
35. The criteria for this category encourage an engaged and inclusive community that participates in sustainability projects such as community education and awareness, community gardens and urban agriculture delivers positive sustainability outcomes for the municipality.

Community and social implications

36. Volunteer involvement contributes to civil society and active participation in building strong, inclusive, and resilient communities. The community awards is Council's key event to recognise the significant contributions volunteers make to people's lives in our community.
37. The awards play an important role in development of the community through building relationships, developing skills, and increasing awareness and resilience within the community.
38. Inclusiveness, diversity, equity and community connectedness are significant aspects embedded into the selection criteria questions for nominators. This ensures that groups experiencing marginalisation in the community are considered and prioritised in the nomination process.

Economic development implications

39. The economic value of volunteering in the City of Yarra is estimated at \$54.9 million, according to the last census report in 2016.
40. The community awards celebrate and recognise individuals who are primarily volunteers, and initiatives which are predominantly volunteer-led, and contribute economically to the Yarra community.

Human rights and gender equality implications

41. The community awards recognises and aligns with the Charter of Human Rights and Responsibilities Act 2006 by actively supporting and celebrating our diverse community and promoting community cohesion and participation.
42. The proposed changes outlined in this report would strengthen inclusion and equity throughout the awards process.

Operational analysis

Financial and resource impacts

43. There are no other financial impacts beyond the existing allocated budget for the community awards.

Legal Implications

44. There are no legal implications.

Conclusion

45. Creating a community-based selection panel for the Yarra Community Awards will encourage community involvement at all levels of the awards process, promote transparency, and manage risk regarding perceived inequity and conflicts of interest. It would also strengthen the connection with community values and priorities and provide opportunities for participation and collaboration between community members.
46. The combining of the Arts and Heritage categories into a single Arts and Culture category responds to the low numbers of nominations received throughout the past six years.
47. The proposed nomination guidelines provide clearer information and transparency with all aspects of the awards nomination and assessment processes.
48. The introduction of an objective scoring matrix will assist with consistency in the application of the assessment criteria. The inclusion of additional assessment factors to consider community connectedness and the requirement to consider intersectionality will advance Yarra's commitment to promoting diversity and inclusion.
49. Upon Council endorsement of the recommended approach, officers will commence the process for the 2024 Community Awards.

RECOMMENDATION

1. That Council endorses the proposed changes to Yarra's Community Awards Program as outlined in this report for 2024 and beyond.

Attachments

- 1 Attachment 1 - Draft - Yarra Council Community Awards Nomination Guidelines - March 2024
- 2 Attachment 2 - Terms of Reference - Community Awards Selection Panel - DRAFT

7.8 Maintenance of Department of Transport and Planning assets

Reference	D24/103347
Author	Sam Hewett - General Manager Infrastructure and Environment
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. When considering significant cost-shifting from the State Government to Yarra, Council recently resolved to re-negotiate the Municipal Maintenance Agreement (MMA) with the Department of Transport and Planning (DTP) for Council's maintenance of State Government-owned roads.
2. The MMA articulates maintenance obligations of Council for these roads which includes activities such as street sweeping, tree and weed management, grass cutting and litter management.
3. Council's resolution in November 2023 called for a fairer financial agreement for Yarra's ratepayers.
4. For the past 5 months officers have been attempting to negotiate a better deal with DTP but with modest success. DTP has advised on several occasions that there will be no additional funding available for Yarra's service delivery.
5. This report outlines the progress of the negotiations and recommends aligning maintenance efforts to the reimbursement Council receives for the services provided.

Critical analysis

History and background

6. Council has been maintaining State Government-owned roads at a cost of over \$1m and is being reimbursed by the State to approximately \$90,000 annually. The net cost of this service is being borne by Yarra ratepayers.
7. The DTP roads that Council maintains are listed below. Various service levels are delivered (daily/weekly/monthly) depending on the road and the service required.

Road	Road
Alexandra Pde	Johnston St
Burnley St	Nicholson St
Bridge Rd	Punt Rd
Barkly St	Princes St
Brunswick St	Queens Pde
Chandler Hwy	Swan St
Church St	St Georges Rd
George St	Victoria St
Hoddle St	Victoria Rd
Heidelberg Rd	Yarra Blvd

8. At its meeting of 14 November 2023, Council resolved:
- That Council:*
- (a) *reiterates its concern with cost shifting arrangements that unfairly transfers the responsibility and cost for maintaining the State Government's assets to the Yarra community;*
 - (b) *endorses the proposed renegotiation of arrangements for the ongoing maintenance of the Department of Transport and Planning's assets throughout the City of Yarra; and*
 - (c) *receives an update from officers once a new agreement with the Department of Transport and Planning has been negotiated and executed.*
9. In the November 2023 report, Council considered the financial implications of maintaining assets that it does not own.
10. It noted that its recently adopted Financial Sustainability Strategy (FSS) included 7 strategic levers which, when implemented, will help to assure Council's long term financial viability. A feature of the FSS is to arrest the cost shifting from other levels of government as stated:
- *"Cost shifting occurs where local government provides a service to the community on behalf of the State and Federal Government. Over time the funds received by local government do not increase in line with the real cost increases."*
11. It also noted its recently adopted advocacy action plan which also references the cost shifting from other levels of government.

Negotiations

12. Council has had many discussions with counterparts at DTP in an attempt to strike a more favourable arrangement for the maintenance efforts carried out on DTP roads.
13. In December 2023, DTP stated that Council should simply provide services in line with the MMA. Officers advised DTP that the annual reimbursement of approximately \$90,000 doesn't nearly cover the cost of the services expected by the MMA. As a result, and to allow negotiations to continue, officers agreed to:
- (a) Street sweeping monthly from January – June 2024 (the MMA calls for street sweeping as required); and
 - (b) Open space management (grass cutting, weed, litter and tree management) 3 times between January – June 2024 (the MMA calls for open space maintenance 6 times annually).
14. In February 2024, DTP wrote to Council and advised that from July 2024:
- (a) Council should sweep roads just twice a year (it will respond to service demands beyond 2 services per year);
 - (b) Council should cease any pit and drainage cleaning (DTP will assume this service);
 - (c) Hazard response work should cease (DTP will assume this service); and
 - (d) Frequency of open space maintenance (grass cutting, weed, litter and tree management) could be reviewed.
15. Officers priced up bi-annual street sweeping and open space maintenance 6 times per year. These costs are included at **Confidential Attachment A**. Councillors are advised that the prices are included in a confidential attachment as Council is currently tendering its own open space management contract and to alert tenderers to competitor pricing would be inappropriate. Negotiations are also still underway with the street sweeping contractor about the cost for servicing for DTP assets.

16. But to summarise:
- (a) DTP will not increase the annual funding for Council to undertake the maintenance of its roads;
 - (b) Open space maintenance will remain unfunded.
17. Officers have advised DTP of this outcome. DTP has advised that should Council stop open space maintenance efforts, it will deliver this service itself, offer a reduced maintenance service and *“will focus on ensuring hazard identification and rectification will occur across the arterial roads to ensure the network remains safe for the community”*.

Discussion

18. Council has undertaken the work on DTP roads through an MoU for many years now and over time the cost to Council has significantly increased with no significant increase in the sum reimbursed to Council.
19. Officers have proposed a series of options to DTP for its consideration:
- (a) A significant increase in the funding available to maintain DTP’s roads:
DTP has repeatedly rejected this option. No further funding will be provided;
 - (b) Reducing the services delivered to match the sum paid (i.e. approximately \$90k):
DTP has suggested this is the most viable option;
 - (c) Ceasing the open space maintenance component of the MMA (grass cutting, weed management, tree management, litter pick up etc) or ceasing the street sweeping component of the MMA:
DTP has indicated biannual street sweeping would be acceptable and suggested open space maintenance could be reviewed but offered no additional funding;
 - (d) Terminating the MMA altogether and agreeing that DTP will engage its own contractors to deliver the services:
DTP has indicated it will assume open space maintenance as required; and
 - (e) Terminating the MMA altogether and DTP engages Council’s existing contractors directly (at its cost) to provide the services:
DTP has rejected this option.
20. Officers are aware of many other Councils looking to renegotiate their MMAs or cease maintenance efforts on DTP roads altogether. These Councils argue that in a rate capped environment, maintaining assets not belonging to local communities is unsustainable. Councils continue to work together as required to advocate to other levels of government on mutually beneficial topics.
21. Some Councils believe that reducing or cancelling service provision is the only way to encourage the State Government to review funding arrangements in MMAs.

Options

22. Council has a number of options available to it including:
- Option 1 – Recommended**
- (a) Council delivers a biannual street sweeping service on DTP roads and which would be delivered on a cost neutral basis and (almost) reimbursed fully by the MMA;
 - (b) Council ceases open space maintenance, hazard response and drainage maintenance on DTP assets – these will be delivered by the assets’ owners, DTP;
 - (c) Council develops a communications program which ensures Yarra’s residents, businesses and visitors are aware of the obligations on DTP to maintain its assets and which provides advice on how people can report service requests for these assets from DTP; and

- (d) Council continues its advocacy efforts with DTP and the relevant State Government Minister to seek increased direct service provision by DTP on its assets within Yarra's municipal boundary.

Option 2 – Not recommended

23. Council delivers a biannual street sweeping service and 6 open space maintenance services annually. This would come at significant cost to ratepayers and ignores Council's previous decisions to arrest cost shifting from other levels of government. It also makes Council's pathway towards financial sustainability more difficult.

Community and stakeholder engagement

24. The Minister for Roads & Road Safety wrote to Council in late 2023 in relation to this matter and said "I encourage an ongoing, collaborative relationship between Yarra City Council, DTP and myself. It is my hope that the City of Yarra will seek to work in true partnership with the Victorian Government on this matter and all others going forward".
25. In January 2024, the Chief Executive Officer wrote to the Minister to express commitment to working with the State. In March 2024, Council Officers advised the Minister's Office that negotiations with her Department have not resulted in a fairer financial arrangement for Yarra's ratepayers and that Council would consider future options at its meeting in April including cessation of open space maintenance, hazard response and drainage maintenance on DTP assets.
26. Subject to Council's decision on this matter, the transition of service provision will occur after 1 July 2024. Officers will ensure residents are aware that open space maintenance on DTP land is entirely an obligation of DTP. Officers have developed effective internal processes to be able to respond promptly to customer requests for service on DTP assets.
27. Should the State Government allocate additional funding in the future towards maintenance of DTP's roads officers will report this to Councillors.

Policy analysis

Alignment to Community Vision and Council Plan

28. Council Plan 3.4 - Council actively maintains, educates, and implements infrastructure to ensure our streets and public spaces are free of hazards.

Climate emergency and sustainability implications

29. There are no known climate emergency and sustainability implications within the report.

Community and social implications

30. A shift in reporting maintenance issues on DTP assets will be required by the Yarra community. This may create resistance from some members of the community and will need to be strongly supported by Council officers to advise our community of those assets that Council is responsible for maintaining and those that are not Council's responsibility.

Economic development implications

31. Delivering outcomes for the community requires an agile and responsive organisation. We are proud of our strong advocacy on issues of community importance. We are committed to good governance, financial stewardship, authentic community engagement and enhancing our culture of continuous improvement.

Human rights and gender equality implications

32. Residents, visitors, and traders are entitled to a clean and pleasant amenity and obligations for ongoing maintenance of the public realm is critical to healthy living. Council will continue to prioritise maintenance efforts on its assets.

Operational analysis

Financial and resource impacts

33. There are currently significant costs associated with maintaining DTP owned assets. Up until December 2023, Council was spending in excess of \$1m annually to undertake maintenance activities on State Government roads and being reimbursed \$85,540 (ex GST) in 2023/24. The net cost is being borne by ratepayers.

Legal Implications

34. Council's MoU with DTP makes provision for terminating the agreement – by mutual consent immediately or by absolute discretion with six months' notice. DTP has indicated that cancelling or re-writing the MMA will not be a barrier.
35. DTP has indicated that it will manage risks on assets it owns. Officers remain willing to work with DTP should urgent and emergency maintenance be required.

Conclusion

36. Councillors are asked to note the significant cost to Council for maintaining DTP assets. Officers have spent considerable time attempting to renegotiate the MMA to strike a more favourable deal for Yarra's ratepayers. DTP has indicated that it cannot provide additional funding for Council's efforts.
37. Officers believe that reducing and/or ceasing service provision on State Government-owned roads is the only effective option available to encourage the State Government to seriously review its MMA with Yarra.
38. Officers recommend that services provided by Council on State Government-owned roads match the funding provided by the State for these efforts.

RECOMMENDATION

1. That Council:
- (a) advises the Department of Transport and Planning that from 1 July 2024 it will agree to the Department's request to deliver a biannual street sweeping service of State Government-owned roads in Yarra;
 - (b) ceases open space maintenance, drain cleaning and hazard response service delivery on State Government-owned roads from 1 July 2024 and notes that these services will be provided directly by the Department of Transport and Planning itself;
 - (c) develops a communications program which ensures Yarra's residents, businesses and visitors are aware of the obligations of the Department of Transport and Planning to maintain its assets and which provides advice on how people can report service requests for these assets to the Department of Transport and Planning;
 - (d) continues its advocacy efforts to encourage the State Government to increase funding for direct service provision for maintenance on assets it owns within Yarra's municipal boundary; and
 - (e) receives an update from officers should the above advocacy efforts prove successful.

Attachments

- 1 Confidential Attachment A - Maintenance of DTP roads - *Confidential*

7.9 Street Garden Guidelines

Reference	D24/98697
Author	Susan Stanes - Senior Coordinator Design and Place Making
Authoriser	General Manager City Sustainability and Strategy
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. The purpose of this report is to:
 - (a) provide an update on the Street Garden Guidelines project, focusing on the community consultation carried out in late 2023 resulting in subsequent changes to the draft Street Garden Guidelines document;
 - (b) present a summary of the engagement results in relation to the draft Street Garden Guidelines; and
 - (c) seek endorsement of the final Street Garden Guidelines and associated documents, which have been amended in response to community feedback.

Critical analysis

History and background

2. This project was initiated through a General Business Motion at the Council meeting on 14 February 2023. At this meeting, Council resolved:

“That officers bring forward a report to the May cycle of Council on the process for developing Street Garden Guidelines for Community members who wish to contribute to gardening with non-edible plants in public places.”
3. The purpose of the Street Garden Guidelines is:
 - (a) to provide guidance on how the community can plan, plant and maintain the gardens within Yarra’s streetscapes.
4. The guidelines are intended to educate community regarding the various considerations for gardening in streetscapes across Yarra. The guidelines include safety, accessibility and tree protection requirements and makes recommendations around preferred species selections to increase biodiversity.
5. The draft Street Garden Guidelines were prepared and presented at the Council meeting on 14 November 2023, seeking endorsement to carry out community consultation on the draft document.
6. Following this meeting, the consultation on the draft Street Garden Guidelines was launched on Council’s Your Say Yarra page, seeking feedback on the draft Guidelines. The consultation ran between 20 November and 18 December 2023, and 63 responses were received from the community.
7. Officers have reviewed the consultation responses and have prepared an Engagement Report summarising the feedback received (refer *Attachment 1: Street Garden Guidelines – Engagement Report*).
8. The final Street Garden Guidelines have been prepared in response to the feedback received. The Guidelines are divided into three components:

- (a) A pamphlet summarising the key requirements and considerations for people wishing to carry out gardening in streets (refer *Attachment 2: Street Garden Guidelines - Pamphlet*);
- (b) A pamphlet showing a list of 'recommended' and 'do not plant' species (refer *Attachment 3: Street Garden Guidelines – Planting Lists – Pamphlet*); and
- (c) An online questionnaire providing a step-by-step process for interested community members to follow to understand Council's requirements. The online questionnaire will be published on Council's webpage once the final Guidelines have been endorsed.

Community and stakeholder engagement

9. The consultation ran from 20 November to 18 December 2023 and the following activities were carried out:
 - (a) Council's Your Say Yarra page was set up with information about the project, FAQs and with a link to an online survey;
 - (b) Social media posts were scheduled throughout the consultation period;
 - (c) Information was published in Your Say Yarra and Yarra Life email newsletters and as a news item on Council's website;
 - (d) Postcards were delivered at key Council venues including libraries and customer service centres; and
 - (e) Information was displayed on the digital screens within our customer service centres.
 10. The consultation received 63 online copies of the survey from the community, providing useful feedback on the draft Guidelines.
 11. The following questions were asked and received mostly positive feedback:
 - (a) The draft Guidelines clearly explain the steps required to begin planning a street garden; 22% of respondents strongly agreed and 51% agreed;
 - (b) The draft Guidelines clearly explain what cannot be included in your street garden; 30% of respondents strongly agreed and 51% agreed;
 - (c) The draft Guidelines clearly explain your role as a community member and the role of Council in the upkeep of street gardens; 25% of respondents strongly agreed and 52% agreed;
 - (d) The draft Guidelines clearly explain why some plants are prohibited; 30% of respondents strongly agreed and 33% agreed; and
 - (e) The draft Guidelines clearly explain how to prevent street gardens from becoming hazardous and causing accessibility issues; 30% of respondents strongly agreed and 41% agreed.
 12. 59% of respondents answered, 'yes' when asked 'Is there any information that is missing to guide you on installing a garden?' and provided feedback to the following open ended questions:
 - (a) Please outline the information you think is missing; and
 - (b) Are there any other considerations that should be included in these draft Guidelines for planting community street gardens?
 13. The survey respondents were highly engaged and informed members of the community who have a genuine interest in street gardens. Most responses provided detailed and in-depth suggestions on how the guidelines could be improved.
 14. These responses were analysed and broken down into the following key themes:
 - (a) Need for Guidelines; discouraging of community input and enthusiasm;
 - (b) Document Structure; too detailed, process unclear;
-

- (c) Existing street gardens; concerned about garden removal and lack of notification;
 - (d) Maintenance; request for further detail around expectations;
 - (e) Neighbourhood consent and ownership; request for further detail of requirements and the level of Council support queried;
 - (f) Council support; general level of advice and financial or material incentives queried;
 - (g) Additional resources; request for the inclusion of additional interactive links as well as graphic examples of Council supported street gardens;
 - (h) Street garden locations; request for further clarification; and
 - (i) Biodiversity; differing opinions on plant species selection suitability and garden typologies.
15. Some of the themes raised by respondents were already addressed in the draft Guidelines. During community engagement the 'Online Yarra Street Garden Questionnaire' was not made available. It was raised by respondents that a step-by-step process to seek support for a street garden had not been clearly outlined. This issue will be resolved when the online questionnaire available, which will happen after the Guidelines are endorsed.

Potential issues and considerations

16. The following matters are worth noting for consideration:
- (a) Risk and Safety:
 - (i) The development of the Street Garden Guidelines has been informed by a risk-based approach with the health and safety of our community and the protection of our community assets at the forefront of our decision making; and
 - (ii) This risk-based approach provides assurance that plausible risks have been identified and that controls have been put in place to mitigate against these risks materialising and aligns with Council's Risk Management Framework;
 - (b) Legacy gardens:
 - (i) There are many thousands of existing examples of valued, biodiverse and beautiful street gardens across Yarra. Some of these street gardens may not be fully compliant with the new guidelines. The intent of these guidelines is not to remove existing non-compliant gardens but rather to educate community on the various issues that need to be considered when planting in streetscapes; and
 - (ii) Council is sometimes requested to investigate existing street gardens where a safety, accessibility or tree health concern has been raised. In these instances, Council may be required to modify or remove gardens;
 - (c) Maintenance:
 - (i) When a new street garden is established, the following could occur:
 - It is not well maintained; street amenity, safety, accessibility and tree protection measures may become compromised;
 - The resident responsible for the street garden moves out and the garden is left unmaintained;
 - It becomes a dumping ground for waste, litter and dog poo;
 - (d) Council support:
 - (i) Residents' expectations of the level of Council input (i.e. material and or financial) and support (i.e. community mediation and or customer service queries) could be misguided; and

- (ii) The Online Yarra Street Garden Questionnaire directs survey users to ‘speak to Council before proceeding’, in instances where there are extra considerations to be taken into account. It is worth noting that this could increase community engagement time with a project appointed Council Officer.

Policy analysis

Alignment to Community Vision and Council Plan

- 17. The aspirations of the Street Garden Guidelines directly align with the Community Vision. This includes creating high quality places that people feel safe and comfortable in and enabling people to make connections with their community and their local area.
- 18. The principles and practices of the Street Garden Guidelines document align with the Council Plan 2021-25. This includes:
 - (a) Promoting tree planting, greenery and improved water management in streets (Strategic Objective one: Climate and Environment);
 - (b) Providing information on community led ideas for streets to enable people to contribute to and make connections with their community (Strategic Objective two: Social equity and Health);
 - (c) Setting out principles for well designed, safe and welcoming streets that contribute to a sense of place (Strategic Objective four: Place and Nature); and
 - (d) Providing principles for well-designed streets to encourage sustainable transport and prioritise more vulnerable road users such as people walking, wheeling and cycling, people with a disability, children, and older people (Strategic Objective five: Transport and Movement).

Climate emergency and sustainability implications

- 19. The Street Garden Guidelines document encourages community to contribute to the planting and maintenance of vegetation that cools streetscapes, increases urban biodiversity, and improves amenity and safety to encourage people to travel by more sustainable modes of transport.

Community and social implications

- 20. The Guidelines will set out how the community can contribute to improved planting outcomes in Yarra’s streetscapes.
- 21. The Guidelines will encourage people to spend more time in Yarra’s streetscapes and make connections with their community.

Economic development implications

- 22. The principles set out in this document promote high amenity street environments. This will encourage people to spend more time in their neighbourhood and use their local shops and businesses, supporting the local economy.

Human rights and gender equality implications

- 23. A person with a disability has a right to have access to places including public footpaths. The Disability Discrimination Act 1992 (DDA) makes it unlawful for public places to be inaccessible to people with a disability. Street gardens can sometimes inadvertently impact the accessibility of streetscapes and footpaths. The Street Garden Guidelines provide guidance on how streets can remain accessible to users of all abilities.
- 24. The document promotes safe, welcoming and inclusive local streetscapes. These principles also seek to make local streets feel safer for more vulnerable members of the community, by ensuring that streetscapes remain accessible environments that encourage more people to use them and result in more passive surveillance.

Operational analysis

Financial and resource impacts

25. In order to minimise ongoing financial costs to Council, a formal permit process has not been adopted, with a guideline approach preferred. This is in line with the approach taken by other M9 (inner Melbourne) Councils.
26. There is a cost associated with the removal and rectification of street gardens that are neglected, are impacting tree health or present a safety risk to the public. Encouraging community to undertake street gardening will likely increase this cost over time and will need to be monitored.

Legal Implications

27. There are no legal implications that have been identified following enquiries and advice through Council's insurer.

Conclusion

28. The Street Garden Guidelines provide guidance on how the community can plan, plant and maintain the gardens within Yarra's streetscapes. The guidelines are intended to educate community regarding the various considerations for gardening in streetscapes across the municipality. The guidelines include safety, accessibility and tree protection requirements and makes recommendations around preferred species selections to increase biodiversity.
29. Consultation on the draft Street Garden Guidelines occurred in November - December 2023 and received 63 responses.
30. The final Street Garden Guidelines have been prepared in response to community feedback.

RECOMMENDATION

1. That Council:
 - (a) endorses the final Street Garden Guidelines;
 - (b) notes that the online questionnaire will be published on Council's webpage following endorsement of the Street Garden Guidelines; and
 - (c) thanks the community for their involvement in the engagement process.

Attachments

- 1 Attachment 1 - Street Garden Guidelines - Engagement Report
- 2 Attachment 2 - Street Garden Guidelines - Pamphlet
- 3 Attachment 3 - Street Garden Guidelines - Planting Lists - Pamphlet

7.10 Facility name for the new Collingwood kindergarten

Reference	D24/108428
Author	Malcolm Foard - Manager Youth, Family and Children's Services
Authoriser	General Manager Community Strengthening
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 seek Council's endorsement to use the Woi -Wurrung name for Collingwood, 'Yallabirrang', in the naming of the Collingwood Kindergarten, located on the site of Collingwood College.

Critical analysis

History and background

2. Yarra City Council delivers kindergarten services in Yarra, including through direct service delivery of four sessional kindergarten programs and three integrated kindergarten programs within the long day care programs.
3. The Victorian Government has committed significant funding to support its reform policy to deliver increased universal kindergarten across the state. This year, free kinder has been made available for all Victorian three- and four-year-old children at participating services in both standalone (sessional) services and long day care (childcare) settings. Over the next decade, four-year-old kindergarten will transition to 'Pre-Prep' – increasing to a universal 30-hour a week program.
4. Council has been heavily involved in preparing for these changes, including through leading the development of our Kindergarten Infrastructure and Service Plan (KISP) with the Department of Education. This plan is currently under review and aims to document kindergarten supply and demand in the City of Yarra and by providing a 'roadmap' for positioning Council and other providers to secure funding for kindergarten expansion and redevelopment.
5. Based on the outcomes of Council's inaugural KISP, Council applied to the State Government Building Blocks Grant program in 2021 for funding for a new 66 place kindergarten to be built on the grounds of Collingwood College. The application was successful, and a funding agreement was signed in February 2022.
6. The building project was delivered in partnership with the Victorian School Building Authority and Collingwood College. Works to deliver the building commenced in 2023 and the service was opened for use in February 2024.
7. In October 2023, officers engaged with the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation to seek permission to name the Collingwood Kindergarten Yallabirrang Kindergarten. Permission was granted on 5 February 2024 (**Attachment One**).
8. The building does not sit under the Council's Place Naming Policy, as kindergartens do not fall under the definition as outlined in the Geographic Place Names Act 1998. Therefore, no formal procedure is required for this renaming process.

Discussion

9. In acknowledgement of the Wurundjeri Woi Wurrung as the Traditional Owners of the land and Council's commitments under the Yana Ngargna Plan, the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation has approved the Woi Wurrung name for Collingwood - *Yallabirrang* Kindergarten.
10. The name Yallabirrang was ascertained by Deakin University following a research project with Melbourne Museum. This research uncovered several local place names, including for Collingwood, found in notes which '*appear to be records of conversations Howitt had with ngurungaeta (leader) of the Wurundjeri William Barak, and his fellow Kulin countryman, Dick Richards, sometime between 1897 and 1901*'.

Community and stakeholder engagement

11. Officers engaged with the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation through the Corporation's established naming protocols. Approval for the name has been provided by the assigned Wurundjeri elder. Approval was sought for the name Yallabirrang Kindergarten and also for room names Biik, meaning land/country and Wiin, meaning fire (See **Attachments Two** and **Three**).
12. Representatives of the building owner, Department of Education and Collingwood College, have been consulted through the project control group. The stakeholder group has agreed with the proposed name and rationale for the name.
13. Kindergarten aged children and their families at the Keele Street Children's Centre and Gold Street Children's Centre in Collingwood were further engaged in a child-friendly consultation regarding the kindergarten name and room names.

Policy analysis

Alignment to Community Vision and Council Plan

14. Naming the new kindergarten with connection to the language and place names of the Traditional Owners of the land aligns to the community vision of inclusive environment, embracing diversity and connections to each other and the land.
15. This aligns with Strategic Objective two: Social Equity and Health by celebrating, respecting, and embracing Wurundjeri Woi Wurrung heritage and with Strategic Objective four: Place and Nature through encouraging children and families to connect with Yarra's natural and cultural heritage.

Climate emergency and sustainability implications

16. Through the room names, encouraging children to connect to the land diversity of their local environment, particularly the natural feature observed by the children during their bush kindergarten adventures at Dights Falls.

Community and social implications

17. Increased usage of Woi Wurrung language in the early years supports educators to embed respect for and understanding of First Nations culture and connectedness to place and environment.
18. Woi Wurrung language strengthens the existing commitment of the Collingwood College school community in acknowledging the traditional custodians of the land on which the kindergarten is situated, as evidenced by the Yallabirrang learning story fence, situated along the Hoddle Street fence line of the school.

Economic development implications

19. No economic development implications were identified for this report.

Human rights and gender equality implications

20. The restoration of First Nations place names respects and acknowledges the true custodians of this land, namely the Wurundjeri Woi Wurrung people.

Operational analysis

Financial and resource impacts

21. The cost for the ongoing use of the Woi Wurrung name for the kindergarten is \$3,500 and \$550 for the room naming translation.

Legal Implications

22. No legal implications were identified for this report.

Conclusion

23. This report seeks endorsement from Council to adopt the Woi -Wurrung name for Collingwood, 'Yallabirrang', in the naming of the Collingwood Kindergarten.

RECOMMENDATION

1. That Council:
 - (a) notes that officers have consulted and engaged with the Wurundjeri Woi-Wurrung Cultural Heritage Aboriginal Corporation to seek permission to use Woi-Wurrung language in the naming of the new kindergarten at Collingwood College;
 - (b) notes that permission has been provided to Council by the Wurundjeri Woi-Wurrung Cultural Heritage Aboriginal Corporation to use Woi-Wurrung language in the naming of the new kindergarten at Collingwood College;
 - (c) endorses the Woi -Wurrung name of Collingwood, 'Yallabirrang', in the naming of the Collingwood Kindergarten; and
 - (d) notes that officers, in consultation with Collingwood College representatives, will update its signage and service material to reflect the naming of the Yallabirrang Kindergarten.

Attachments

- 1 Attachment 1 - Collingwood Kindergarten Language Certificate- Yallabirrang
- 2 Attachment 2 - Collingwood Kindergarten Language Certificate-biik
- 3 Attachment 3 - Collingwood Kindergarten Language Certificate-wiin

7.11 Governance report - April 2024

Reference	D24/75020
Author	Rhys Thomas - Senior Governance Advisor
Authoriser	General Manager Governance, Communications and Customer Experience
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. The Governance Report is prepared as a periodic report to Council which provides a single reporting platform for a range of statutory compliance, transparency and governance related matters.

Critical analysis

History and background

2. To ensure compliance with the Local Government Act 2020 and in accordance with best practice and good governance principles, transparency and accountability, this standing report consolidates a range of governance and administrative matters.
3. Matters covered in this report are:
 - (a) Upcoming Victorian Independent Remuneration Tribunal determination;
 - (b) Biannual Personal Interests Returns; and
 - (c) Councillor attendance at ALGA National General Assembly.

Discussion

Upcoming Victorian Independent Remuneration Tribunal determination

4. On 27 March 2024, the Victorian Independent Remuneration Tribunal published notice of its intention to make a Determination providing for an annual adjustment to the values of allowances payable to Mayors, Deputy Mayors and Councillors, and called for submissions from interested persons or bodies.
5. The current annual allowances for Yarra's Councillors are \$39,390 (Councillors), \$65,195 (Deputy Mayor) and \$130,390 (Mayor).
6. The Tribunal proposes to make the Determination in June 2024, ahead of an effective date of 1 July 2024.
7. In accordance with section 24(1) of the Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019, the Tribunal makes a determination annually, and provides an opportunity for interested parties to be heard before making a decision.
8. It has not been practice for Council itself to make a submission in this annual process, but Councillors and members of the public are alerted to this opportunity to make a contribution.
9. Those wishing to make an oral submission must advise the Tribunal Secretariat by 5pm on Friday 12 April 2024, and written submissions can be sent to the Tribunal Secretariat by 5pm on Wednesday 24 April 2024.
10. Details of how to participate in the process can be found at <https://www.vic.gov.au/allowances-mayors-deputy-mayors-and-councillors-annual-adjustment>

Biannual Personal Interests Returns

11. Part 6, Division 30 of the Local Government Act 2020 sets out requirements for the lodgement of biannual personal interests returns by:
 - (a) Councillors;
 - (b) Members of delegated committees (who are not Councillors);
 - (c) The Chief Executive Officer; and
 - (d) Nominated Council staff (specified persons).
12. In summary, all of the persons in the four categories above are required to submit a Biannual Interests Return in March and September of each year.
13. The status of biannual returns required in March 2024 is shown in the table below.

	Persons eligible	Timely returns	Late returns	Missing returns
Councillors	9	8	-	1
Committee Members	-	-	-	-
CEO	1	1	-	-
Nominated staff	23	22	-	1*

* One member of staff was on leave at the deadline for submission of returns (2 April 2024). The outstanding return will be submitted upon their return.

14. In accordance with section 135(3) of the Local Government Act 2020, a summary of the content of all submitted returns can be found on Council’s website at <https://www.yarracity.vic.gov.au/about-us/governance/public-transparency>.

Councillor attendance at the ALGA National General Assembly

15. The Australian Local Government Association National General Assembly is being held this year in Canberra from 2 to 4 July 2024 and all Councillors across Australia are invited to attend. Council has, in recent years, sent a delegation of Councillors to represent the City of Yarra at the assembly.
16. At the Council meeting on 12 March 2024, Council endorsed the following three motions for submission to the National General Assembly:
 - (a) “National anti-vilification laws”;
 - (b) “Material product and packaging standards”; and
 - (c) “CHAMP for Climate Action”.
17. Council’s Councillor Support Policy provides that: *“subject to the availability of funds, Council shall meet the cost of registration fees, accommodation, travelling expenses, meals and other incidental expenses associated with authorised attendance at conferences and seminars” and that “events interstate or overseas may be attended following approval by the Council. Councillors are encouraged to nominate themselves as early as possible to enable the preparation of a report to a subsequent Council meeting. Where approval is granted, Council shall meet associated expenses, subject to any conditions or limitations determined by the Council.”*
18. The costs associated with Councillor attendance are estimated at \$2,500 per Councillor, made up of \$950 for the conference fee, \$800 for flights and \$750 for accommodation. The final actual costs are publicly reported in the Quarterly Councillor Expense Report.

Options

19. There are no options presented in this report.

Community and stakeholder engagement

20. No community or stakeholder engagement has been undertaken in the development of this report, save the engagement with internal stakeholders necessary to compile the report content.

Policy analysis

Alignment to Community Vision and Council Plan

21. In its Yarra 2036 Community Vision, Council articulated an objective for a community that is *“informed and empowered to contribute to the shared governance of Yarra, (where) decision-making is through access, inclusion, consultations and advocacy.”*
22. City of Yarra Council Plan 2021-2025 includes Strategic Objective six: ‘Democracy and governance’, which states that good governance is at the heart of our processes and decision-making. The plan commits Council to *“practice good governance, transparency and accountable planning and decision-making.”*
23. The presentation of a Governance Report provides an opportunity to provide updates on key organisational matters both to the Council and the community.

Climate emergency and sustainability implications

24. There are no climate emergency or sustainability implications considered in this report.

Community and social implications

25. There are no community or social implications considered in this report.

Economic development implications

26. There are no economic development implications considered in this report.

Human rights and gender equality implications

27. There are no human rights or gender equality implications considered in this report.

Operational analysis

Financial and resource impacts

28. The financial impact of approving Councillor attendance at the Australian Local Government Association National General Assembly is set out above. There are no other no financial or resource impacts considered in this report.

Legal Implications

29. There are no legal implications considered in this report.

Conclusion

30. This report presents an officer recommendation on:
- (a) Biannual Personal Interests Returns;
 - (b) Upcoming Victorian Independent Remuneration Tribunal determination; and
 - (c) Councillor attendance at ALGA National General Assembly.

RECOMMENDATION

1. That Council note the report on:
 - (a) Upcoming Victorian Independent Remuneration Tribunal determination; and
 - (b) Biannual Personal Interests Returns.
2. That in order to facilitate Yarra's representation at the Australian Local Government Association National General Assembly in Canberra from 2 to 4 July 2024, Council authorise the attendance of the following Councillor(s) in accordance with the Councillor Support Policy:
 - (a) Cr Edward Crossland, Mayor; and
 - (b) Cr Anab Mohamud, Deputy Mayor.

Attachments

There are no attachments for this report.

.