



Ordinary Meeting of Council Agenda

**to be held on Tuesday 20 March 2018 at 7.00pm
Collingwood Town Hall**

Arrangements to ensure our meetings are accessible to the public

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

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

Recording and Publication of Meetings

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

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Order of business

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

1. Statement of Recognition of Wurundjeri Land

"Welcome to the City of Yarra."

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

2. Attendance, apologies and requests for leave of absence

Anticipated attendees:

Councillors

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

Council officers

- Vijaya Vaidyanath (Chief Executive Officer)
- Andrew Day (Director - Corporate, Business and Finance)
- Ivan Gilbert (Group Manager - CEO's Office)
- Lucas Gosling (Acting Director - Community Wellbeing)
- Chris Leivers (Director – City Works and Assets)
- Bruce Phillips (Director - Planning and Place Making)
- Jane Waldock (Assistant Director - Planning and Place making)
- Mel Nikou (Governance Officer)

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

4. Confidential business reports

Item

- 4.1 Matters prejudicial to Council and/or any person

Confidential business reports

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

RECOMMENDATION

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

5. Confirmation of minutes

RECOMMENDATION

That the minutes of the Ordinary Council Meeting held on Tuesday 6 March 2018 be confirmed.

6. Petitions and joint letters

7. Public question time

Yarra City Council welcomes questions from members of the community.

Public question time procedure

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

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

- a time to make statements or engage in debate with Councillors;
- a forum to be used in relation to planning application matters which are required to be submitted and considered as part of the formal planning submission;
- a forum for initially raising operational matters, which should be directed to the administration in the first instance;

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

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

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

8. General business

9. Delegates' reports

10. Questions without notice

11. Council business reports

Item	Page	Rec. Page	Report Presenter
11.1 Yarra Environment Advisory Committee Membership	7	9	Jane Waldock – Assistant Director Planning and Place Making
11.2 Amendment C243 - 433 Smith Street Fitzroy North (former Gas and Fuel site and Fitzroy depot)	10	25	Bruce Phillips – Director Planning and Place Making
11.3 2017/18 Mid-Year Report	27	33	Ange Marshall – Chief Financial Officer
11.4 Endorsement of Motions for ALGA National General Assembly	35	36	Ivan Gilbert - Executive Manager Chief Executive's Office

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

Public submissions procedure

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

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

12. Notices of motion

Item	Page	Rec. Page	Report Presenter
12.1 Notice of Motion No 3 of 2018 - Review Fees for Community Garden Spaces.	37	44	Misha Coleman - Councillor

13. Urgent business

Nil

11.1 Yarra Environment Advisory Committee Membership

Trim Record Number: D18/39911

Responsible Officer: Assistant Director Planning and Place Making

Purpose

1. To seek Council's endorsement of new committee members for the Yarra Environment Advisory Committee 2018-2019.

Background

2. The objectives of the Yarra Environment Advisory Committee are to provide advice to Council in respect to:
 - (a) development and implementation of the Yarra Environment Strategy;
 - (b) strategic advice on key policy development, issues that affect the environment, and the design and delivery of specific environmental programs by Council;
 - (c) raising the profile of the environmental sustainability activities within the City of Yarra; and
 - (d) ensuring this key focus of work for the City of Yarra community is provided with an appropriate communication mechanism with Council.
3. Committee members are recruited for two-year terms, of which the 2016-2017 term is now complete.
4. A public expression of interest process has recently been conducted for all 12 positions on the committee for the 2018-2019 term.
5. In line with the Terms of Reference (**Attachment 1**) and the requirements of Council in advertising vacancies on community advisory committees, the expression of interest process was promoted in the following ways:
 - (a) on Council's website and social media accounts;
 - (b) placement in various Council e-bulletins;
 - (c) emails out to a comprehensive range of Council networks; and
 - (d) direct emails to members of the previous Yarra Environment Advisory Committee.
6. Nominations were advertised from 11 December 2017 to 22 January 2018.
7. Council sought applicants with:
 - (a) an ability to work collaboratively with other members and Council;
 - (b) a strong interest in the local environmental issues;
 - (c) a proven understanding of environmental issues; and
 - (d) a willingness to commit 2 hours every two months to attend Committee meetings.
8. There was a very strong response to the call for nominations, with 29 nominations to fill the 12 positions on the Committee. Seven nominations were from existing committee members, and 22 were new applicants.
9. As per the Terms of Reference, it is intended the committee have the following attributes:
 - (a) diversity of environmental interests and knowledge;
 - (b) representation of members of different local community groups;
 - (c) representation of a variety of sectors in the municipality, including community agencies, business, education, and interested citizens;
 - (d) a mix of skills and attributes to complement other members of the Committee; and

- (e) continuity within the Committee and generation of new ideas and direction, and as such a mix of new and existing members is encouraged (all existing members seeking another term needed to re-nominate).
10. Applications were specifically assessed based on:
- (a) sustainability knowledge and skills;
 - (b) diversity and what they bring to the committee;
 - (c) knowledge of the Yarra community; and
 - (d) working in groups/ strategic and systemic thinking.
11. Officers were pleased with the diversity of knowledge, skills, and community representation reflected in the applicants. Officers believe the 12 member shortlist will create a strong and active committee able to contribute to the breadth of issues encompassed by Council and to represent the diversity of Yarra's community.

External Consultation

12. The promotion of the nomination process for the Yarra Environment Advisory Committee is detailed in paragraph 5 of this report.

Internal Consultation (One Yarra)

13. The Governance Unit provided advice on the requirements of the public expression of interest process. The Communications Unit support promotion of the expression of interest.

Financial Implications

14. There are no financial implications associated with this report.

Economic Implications

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

Sustainability Implications

16. The membership has been chosen to best advise Council on environmental sustainability issues.

Social Implications

17. There are no social implications associated with this report.

Human Rights Implications

18. There are no human rights implications associated with this report.

Communications with CALD Communities Implications

19. There was broad general promotion of the expression of interest process, with an aim to seek diverse representation on the proposed committee.

Council Plan, Strategy and Policy Implications

20. The facilitation of the Yarra Environment Advisory Committee represents a specific action within the Yarra Environment Strategy 2013-2017 (Action 1.5.2).

Legal Implications

21. There are no legal implications associated with this report.

Other Issues

22. Nil

Conclusion

23. Council staff have undertaken a public expression of interest process in accordance with the Terms of Reference and Council's requirements relating to community advisory committees.

24. A strong diversity of interests and skills is apparent in the 12 nominees shortlisted for the Yarra Environment Advisory Committee membership, and it is considered that the proposed shortlist represents the best diversity of membership, and provides capacity to ensure a strong and active committee across a variety of environmental and community interests.

RECOMMENDATION

1. That Council note the officer report regarding nominations for the Yarra Environment Advisory Committee 2018 – 2019.
2. That Council, having considered the nominations received for community representative positions, appoint the following applicants to the Yarra Environment Advisory Committee:
 - (a) _____
 - (b) _____
 - (c) _____
 - (d) _____
 - (e) _____
 - (f) _____
 - (g) _____
 - (h) _____
 - (i) _____
 - (j) _____
 - (k) _____
 - (l) _____
3. That all persons who nominated be thanked for their interest and receive formal correspondence advising of the Council decision.
4. That the list of applicants be retained so that in the event of a vacancy arising, additional applicants may be invited to participate in the Yarra Environment Advisory Committee in accordance with the Appointment of Members to Council Committees Policy.

CONTACT OFFICER: Michael Oke
TITLE: Environment Coordinator
TEL: 9205 5723

Attachments

- 1 Terms of Reference - Yarra Environment Advisory Committee (YEAC) - 2018

11.2 Amendment C243 - 433 Smith Street Fitzroy North (former Gas and Fuel site and Fitzroy depot)

Trim Record Number: D18/39332

Responsible Officer: Director Planning and Place Making

Purpose

1. Development Victoria (Victorian State Government's Urban Renewal Authority) have made a formal request to the Department of Environment Land, Water and Planning (DELWP) to rezone the land at 433 Smith Street, Fitzroy North and apply a Development Plan Overlay (DPO) to the site.
2. The change in planning controls will be reviewed by the Government Land Standing Advisory Committee. Council may make a submission to this rezoning. This report outlines the basis for a submission.

Background

3. The site at 433 Smith Street, Fitzroy North (also known as the former Gas & Fuel site) is bound by Alexandra Parade, Smith Street, Queen's Parade and Gore Street and is approximately 3.9ha in area (the site). Most of this Site (3.05 ha) is the former Gas and Fuel land which is managed by the Department Treasury & Finance (DTF) and is referred to as the former Gas and Fuel land. The remainder of the site (0.85 ha) is occupied by Council's Fitzroy Depot.
4. Council operates the Fitzroy Depot from the north-west corner of this site which would need to be vacated to facilitate any development.

Context

5. Development Victoria contacted Council officers in mid-2015 to advise that the Department of Treasury and Finance (DTF) had appointed Development Victoria to assess the development potential of 433 Smith Street, Fitzroy North.
6. The gasometers were dismantled in 1978 and the Gas and Fuel land was occupied and operated by the Gas and Fuel Corporation until its disaggregation in 1997. In 1999 the 'ownership' of the land (along with other former Gas & Fuel Corporation assets) was transferred to Treasury and Finance. Since then the Gas and Fuel land, which is Crown Land, has been managed by DTF.
7. The Gas and Fuel land is significantly contaminated and must be remediated. In order to deal with the clean-up and dispose of the land, DTF engaged Development Victoria (the State Government's property developer) to undertake the remediation of the site and its redevelopment. If the Gas and Fuel land passes the due diligence and the Development Victoria Board approves the project, the site would be purchased by Development Victoria from DTF to progress its redevelopment as surplus State Government land.
8. Senior officers have been in discussion with Development Victoria since mid-August, 2015 reviewing concepts. Officers have consistently presented the view that:
 - (a) the Council adopted Fitzroy North Gasworks Precinct Urban Design Framework 2008 (UDF) must be the guiding framework for any development on the site;
 - (b) compensation for the removal of the depot has to be met by the State Government; and
 - (c) the cost of providing a six-court indoor stadium must be at no cost to the Council and the Yarra community.

Restrictions on the land

9. The north-west quadrant of the site is occupied by Council's depot. The depot is Crown Land and divided into two parcels. Parcel A5\PP2796E is approximately 6,106m² in area and occupies the majority of the site and is subject to a temporary reservation for Municipal Purposes. Parcel A7\PP2796E is 2,443m² and is effectively part of an extension of Gore Street through the site and contains major infrastructure including water, sewerage and gas mains. This parcel has a temporary reservation for Municipal Purposes.

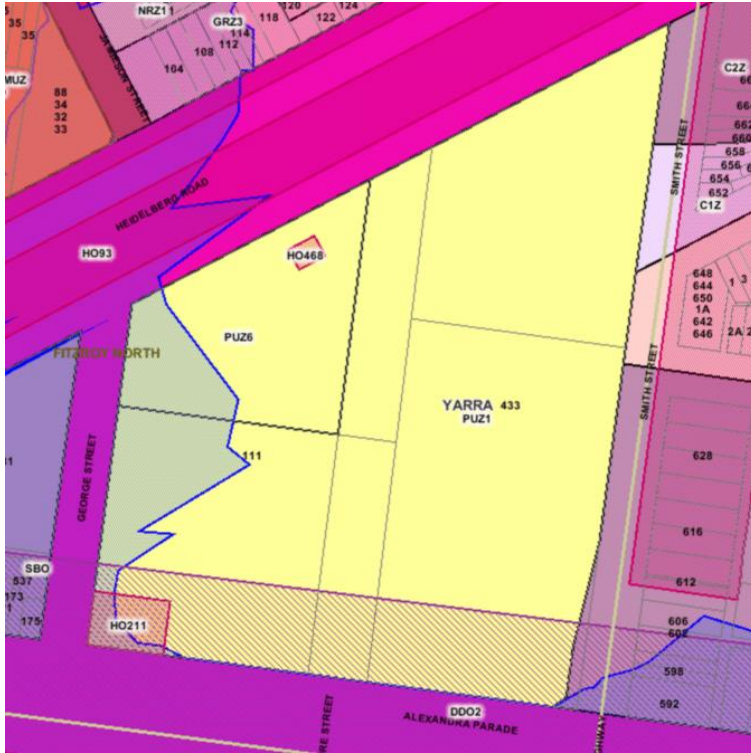


The Gas and Fuel site

10. The remainder of the Site is Crown Land except for a small triangular piece of land on the north-west corner of Smith Street and Alexandra Parade which was acquired by the City of Fitzroy for road widening. DTF have, from time to time, leased the land and facilities on the Gas and Fuel land.
11. The EPA issued a Clean-up Notice (No 90004363) for 433 Smith Street, Fitzroy North on the 25th of February, 2014. This Notice only affects the Gas and Fuel land and not the Council depot. The key contaminants identified include free tar and associated chemicals, heavy metals and inorganics. The Notice identifies that the contamination is widespread in fill material, natural clay and rock to a considerable depth.

Planning Scheme aspects

12. The entire site is identified as a strategic redevelopment site in Clause 21.08 of the Yarra Planning Scheme. The Gas and Fuel land is currently within a PUZ1 (Service and Utility) zone and the depot is in a PUZ6 (Local Government) zone. Part of the western portion of the Site is included in a Special Building Overlay (SBO). The Alexandra Parade frontage of the site, to a depth of approximately 30m, is included in a Design and Development Overlay Schedule 2 (DDO2) – Main Roads and Boulevards.
13. The south west corner of the site contains the Valve House which is in a Heritage Overlay (HO211) and within the depot the relocatable Porter Prefabricated Iron Store is contained within Heritage Overlay HO468. The Porter Shed is also listed in the Victorian Heritage Register. These controls are shown on the following map.



Urban Design Framework

14. Council adopted the Gasworks UDF in October 2008. The UDF anticipates the development of the Gas and Fuel and depot land as a single site and outlines a number of principles for the gasworks site and surrounding area, including:
 - (a) improved permeability through the site;
 - (b) preferred and maximum heights on all street frontages;
 - (c) restrictions on internal building heights based on view planes from street level;
 - (d) creating internal open space;
 - (e) focus access and egress on Queens Parade;
 - (f) accommodation of an indoor sports centre; and
 - (g) creation of a six metre setback on George Street.
15. The UDF recommended that the Site should be rezoned to a Comprehensive Development Zone (CDZ), Priority Development Zone (PDZ) or MUZ or a combination of these zones.
16. The site has two buildings which are covered by Heritage Overlays. The Valve House and the relocatable Porter Prefabricated Iron Store. Any alterations, demolition or removal of either of these buildings requires a planning approval from the Responsible Authority. Any alterations, demolition or removal of the Porter Prefabricated Iron Store also requires the approval of the Heritage Council Victoria.

Council Briefings and Reports

17. Development Victoria staff have briefed Council on 26 October 2015, 15 February, 2016, 18 July, 2016, 18 September, 2017 and 4 December, 2017.
18. Council has considered three reports on the site. A confidential report on 8 March, 2016 considered amongst other things, the signing of a Heads of Agreement.
19. On 22 March 2016 Council considered a further report on the Community Engagement and Planning Framework proposed by Development Victoria to guide the future development of the site. Council resolved the following:

That Council:

- (a) *note this report in relation to the site known as 433 Smith Street, Fitzroy North;*
- (b) *note the interest of Development Victoria on behalf of the State Government to redevelop the site including the Council Fitzroy Depot site;*
- (c) *endorse Phase 1 and Phase 1 (b) of the Development Victoria Community Engagement and Planning Framework as contained in the attachment to this report;*
- (d) *receive a further report on the outcomes of Phase 1 and Phase 1(b) and consider Phase 2 community engagement and the draft master plan in time for Development Victoria to seek approval from the State Government for the business case;*
- (e) *notes that the former Valve House building in the south-west corner of 433 Smith Street Fitzroy North is in a heritage overlay in the Yarra Planning Scheme;*
- (f) *requests Development Victoria to undertake a heritage review of the gas and fuel site and in particular the Valve House and the Porter prefabricated iron store as part of its due diligence for the possible redevelopment of the site, and provide a copy of the review to Council for consideration; and*
- (g) *requests Development Victoria to undertake an analysis of whether any of the trees have any significance under the Council's Local Law and that Council be informed of the results.*

20. On 5 April 2016 Council considered a further confidential report dealing the relocation of the Fitzroy Depot and the construction of a six court indoor sports stadium on part of the site. Council resolved the following:

That Council:

- (a) *note the officers further report in relation to 433 Smith Street, North Fitzroy;*
- (b) *note the request by Development Victoria for Council to invite the Minister for Planning to be the Responsible Authority for the re-development of this site on the basis of its potential regional community benefits and the complexity of the project;*
- (c) *note the options presented in the officer report regarding Responsible Authority status;*
- (d) *resolve in principle, to invite the Minister for Planning to be the Responsible Authority for the site subject to:*
 - (i) *the development and approval of the business case by the Department of Treasury and Finance to fully fund both the relocation of the Fitzroy Depot and the construction of a six court indoor sports stadium; and*
 - (ii) *Council being satisfied with:*
 - a. *the intent of the draft masterplan as reflecting the key principles of the Council's adopted Urban Design Framework for the site and the adequacy of the heritage study and tree study; and*
- (e) *write to Development Victoria advising of the Council resolution; and*
- (f) *make the resolution and relevant supporting information from the officer report of this item public.*

Community Engagement

21. In May and June 2016 Development Victoria carried out the first round of community and stakeholder engagement. Around 750 people were directly engaged through community information sessions, a community reference group, pop-up consultation sessions, online engagement and stakeholder meetings. More than 2,500 comments were received and analysed as part of this process.

22. In summary, feedback from the community engagement identified that community facilities and amenity aspects are the most highly valued aspects of living in the area, followed by recreation and open space resources and transport options. Looking in more detail, a large number of comments identified open space as the most valued quality of the local area, recognising Edinburgh Gardens and other local parks as being extremely important.
23. Development Victoria stated that the results from this engagement, along with other technical and commercial information, assisted with development of a concept master plan for the site.
24. In November 2017 a concept master plan was released by Development Victoria to inform a rezoning application, to be submitted to the Minister for Planning. Development Victoria argued that the concept master plan represented a whole-of-government approach, including providing for education facilities, an indoor sporting facility, a diverse range of housing (including affordable housing), and opportunities for community, commercial and retail spaces.
25. Development Victoria sought feedback from community members and stakeholders on the plan during November and December 2017.
26. The feedback from the community in November/December 2017 was that there was support for the renewal of the site but there were strong views over the height and density of the future development. Open space, community facilities, active transport and public transport were seen as priorities. The report stated that overall the concept master plan had been *“received neutrally by community members”*.

Rezoning proposal

27. The proposal is to rezone the former Gas and Fuel land from a Public Use Zone 1 (Service and Utility) to a Mixed Use Zone (MUZ) and rezone the Council depot from PUZ6 (Local Government) to PUZ2 (Education).
28. In addition the Development Plan Overlay Schedule 16 (DPO16) is proposed to be introduced over the entire site.
29. The existing DDO2 (Main Roads and Boulevards), Heritage overlays HO211 (Valve House) and HO468 (Porter Shed) and Special Building Overlay would remain in place.
30. If approved in its current form the Amendment would make the Minister for Planning the Responsible Authority for the entire site which means that the Minister would consider and decide on the Development Plan as well as any permit applications.
31. The rezoning of the land will be processed by the Government Land Standing Advisory Committee (GLSAC) and managed by DELWP. Council has no direct involvement in the rezoning, but has the opportunity to make a submission to the GLSAC. The GLSAC is an initiative of the Minister for Planning *“to deliver changes to planning provisions for land owned by the Victorian Government.”* The purpose of the Committee is to advise the Minister for Planning on the suitability of changes to planning provisions for land owned by the Victorian Government.
32. Essentially, the main difference between the amendment process that Council undertakes and the GLSAC process is that DELWP manages the process rather than Council.
33. Under the GLSAC process, the Minister effectively becomes the Planning Authority for the purpose of the Amendment which is the role normally undertaken by Council. The GLSAC Terms of Reference also outline the process the GLSAC is to undertake, which is:
 - (a) Exhibition – relevant stakeholders, Council and nearby residents affected by the rezoning are notified of the rezoning and a notice is placed in local newspapers. Interested parties have six weeks to make a submission;
 - (b) Public Hearing – the GLSAC conducts a public hearing to ensure all submitters have an opportunity to be heard;
 - (c) Outcomes – the GLSAC effectively functions as a Panel reporting on a planning scheme amendment and provides the Minister with a written report with recommendations; and

- (d) The Minister makes the decision on the recommendations (note: an Advisory Committee report does not come back to Council).
34. Once the GLSAC has reported to the Minister for Planning, the Minister makes a decision on the proposed changes to the Planning Scheme.
35. The exhibition of the rezoning commenced on 26 February 2018 and the likely timetable is outlined in the table below.

Activity	Dates
Exhibition period (6 weeks)	26/02/2018 to 08/04/2018
Information Session	15/03/2018
Public hearings (1 week)	23/04/2018 to 27/04/2018
GLSAC deliberations and report writing (4 weeks)	27/04/2018 to 25/05/2018
Assessment of GLSAC report (5 weeks)	25/05/2018 to 2 July 2018
Decision/Announcement (3 weeks)	Late July or August 2018

36. Development Victoria have prepared all the documentation associated with the rezoning and DELWP manage the Amendment. Council has no role in the preparation or management of the rezoning other than as one of the parties that must be notified of the amendment and potentially as a submitter.
37. The proposed redevelopment of the site is outlined in the indicative master plan. This master plan has no statutory weight and at this stage is only an indication of the potential development of the site.
38. The development of the site will be informed by an approved Development Plan. The Development Plan Overlay Schedule 16 establishes the framework for the Development Plan. Development Victoria have indicated that it expects the Development Plan to be submitted to the Responsible Authority for approval in July or August. If the Amendment is approved in its current form the Minister for Planning would become the Responsible Authority for the development of the site.
39. The proposed DPO16 also extinguishes third party notification and appeal rights. This means that, once approved and provided what is submitted is *generally in accordance with* the requirements of the DPO16, there would be no requirement on the Responsible Authority to undertake any notification of the Development Plan or any subsequent permit applications. Also there would be no ability for anyone to appeal the decision of the Responsible Authority.
40. In summary, Development Victoria states that the master plan for the site proposes:
- (a) 1,100 apartments (1 bed, 2 bed, 3 bed, and duplex);
 - (b) 4,300m² retail, shops & small businesses;
 - (c) Childcare;
 - (d) Sports Courts;
 - (e) Vertical secondary school;
 - (f) Live/work units;
 - (g) 14% public realm (exc. streets);
 - (h) 8% active open space; and

- (i) 700 car spaces in basement.
41. A number of background reports have been exhibited with the Amendment. These reports include:
- (a) Arborist report;
 - (b) City of Yarra Urban Design Framework;
 - (c) Community Needs Analysis;
 - (d) Heritage Report;
 - (e) Master Plan Design Report;
 - (f) Phase 1 Engagement Report;
 - (g) Phase 2 Consultation Report; and
 - (h) Traffic Report.
42. The following headings provide a brief discussion and assessment of these reports.
- Tree assessment
43. Development Victoria engaged Tree Logic Pty Ltd to determine the type, condition and retention value of trees within the site and to provide advice on appropriate tree protection measures (Attachment 2).
44. A total of 201 trees were identified comprising 157 individual trees, 25 shrubs and 2 tree groups comprising 20 trees. A total of 113 of these trees were located on the former Gas & Fuel site or Council's Fitzroy depot and the remainder are located on the surrounding streets, mainly in Queens Parade and Alexandra Parade. The report considers the health of all 201 trees, however, given a number of these trees are on Council land and not part of this development proposal, they have not been included in this report.
45. All trees were given an arboricultural rating which reflects the retention value of the trees. Of the assessed vegetation within the tree study area:
- (a) Two (2) tree features attained an arboricultural rating of 'High';
 - (b) Sixty (60) tree features were attributed an arboricultural rating of 'Moderate';
 - (c) One hundred and thirty-seven (137) tree features were attributed a 'Low' arboricultural rating, due to health and or structural deficiencies or being of small size; and
 - (d) Three (3) tree features were attributed an arboricultural rating of none, due to very poor health and or structural condition.
46. In total, 47 trees on the site are of a size that would trigger a permit requirement under Council's Environment Local Law, No. 3 of 2012 for any works or removal.
47. The report concluded:
- (a) The majority of trees were located along the site's perimeters and as such could potentially be incorporated into a future design proposal; and
 - (b) On the basis of tree quality, safety and potential amenity, preference should be given to retaining trees of High and Moderate arboricultural value in areas of built form or areas of increased target potential.
48. However, officers have been advised that in order to comply with the clean-up notice the EPA requires the removal of all soil on the site to bedrock. On the basis that the EPA continues to require this method of remediation of the site, it is highly likely that the vast majority of trees on the site will need to be removed. Further, consideration on this would occur once detailed decontamination aspects are known.

Gasworks Urban Design Framework

49. Development Victoria states that the site offers a significant urban renewal opportunity for Melbourne's inner suburbs, with a focus on mixed use development including housing, recreation, education and commercial uses.

50. In response to the discussions with Council officers and to respond to the UDF Development Victoria have developed a master plan for the site and have provided the following overview of the master plan.

The Master Plan represents an indicative development outcome for the site.

Development Victoria argues that the Master Plan incorporates and responds to community and stakeholder feedback identified throughout the two phase engagement process. Input throughout the Master Plan process was also sought from the Office of the Victorian Government Architect (OVGA) with presentations made in June and September 2017.

The Master Plan is generally consistent with identified heights and density, ensuring the proposal responds to Queens and Alexandra Parade.

The Master Plan focuses on integrating the existing neighbourhood to provide a shared experience between what the gasworks site offers to the local neighbourhood and what the neighbourhood offers future residents. This approach mitigates the site becoming an island site, but focuses on complimenting the community and strengthening the '20-minute' neighbourhood with the school, sports courts, open space, retail and pedestrian and cycle connections.

The design builds on four key themes identified throughout the community engagement process.

1. *Recreation and Open Space – open space and indoor sports facility.*
2. *Built form, housing and land use mix – architecture and design, height and density, affordable and social housing, sustainable design and mixed use.*
3. *Community facilities and amenity – galleries, studio and other artistic spaces.*
4. *Transport and permeability – car parking, site access and egress and public transport.*

51. It is important to note that the UDF is not part of the Yarra Planning Scheme., However, it has consistently been the reference point in officer discussions with Development Victoria.
52. The UDF nominates maximum street wall heights In Smith Street, Alexandra Parade, George Street and Queens Parade subject to the following qualification:

Decision guidelines should ONLY allow for absolute maxima subject to design excellence

53. The UDF does not refer to a maximum height for the site, other than the street wall. The document:

Heights may increase away from street frontages using upper-level setbacks that are not visible from the adjoining street above parapets at the nominated maximum frontage heights.

54. In other words the UDF uses a sight line from the opposite side of the street frontage to the height of the street wall on the site to establish maximum building heights. That is buildings should not protrude above that line. In addition the UDF states:

Maximum building heights must ensure:

- *No overshadowing at mid-winter of the southern footpath of Alexandra Parade.*
- *Mid-winter solar access to southern edges of public open spaces 1 and 3.*

Community needs assessment

55. The report provided by Development Victoria refers to a projected long-term need for aged care facilities in the area and this initiative should be supported by Council as a way of ensuring long-term housing and population diversity in North Fitzroy.

56. The report also raises the need for social and affordable housing. The Community Engagement Report also gave this issue a high priority as did participants in that process. Any discussions concerning developing social and affordable housing on the site should involve discussions with community housing providers as early in the process as possible to involve them in location, size and such.

Heritage

57. Development Victoria engaged Lovell Chen to provide a heritage review of the former Fitzroy Gas Works at 433 Smith Street, North Fitzroy (Attachment 3). The report provided the following advice:
- (a) inform Heritage Victoria and City of Yarra of any change of ownership;
 - (b) find a suitable ongoing use for the Porter Prefabricated Iron Store on its current site or prepare relocation methodology including a condition audit, future site and use;
 - (c) engage with Heritage Victoria to establish a suitable approach to archaeological surveying of the site;
 - (d) engage with City of Yarra to establish their views in relation to the statutory control applying to the Gas Store. Council’s position may affect future design outcomes;
 - (e) undertake community consultation to determine the preferred outcome for the Mural;
 - (f) retain and conserve the Valve House. Future works to the Valve House should accord with Council’s heritage policies;
 - (g) develop an interpretation strategy in conjunction with the design of new works; and
 - (h) new works across the broader site should have regard to abuttal provisions of the Planning Scheme at Clause 22.10 of the Yarra Planning Scheme.
58. The report refers to the 2010 Assessment of Significance also undertaken by Lovell Chen that produced the following summary of significant features.

Element	2010 Assessment of significance
Gas Valve House	Local historical and architectural significance as a surviving example of an extant nineteenth century gasworks building associated with the former Fitzroy Gas Works site
Porter prefabricated iron store	Although the structure has been located on the site since the first half of the twentieth century, its significance does not arise from an association with the gasworks site. As the VHR extent of registration includes only the structure there is the potential of relocation to another site if necessary.
Gas Store building	Although several structures have been constructed alongside the Gas Store, which have impacted on the appearance and presentation of the building, it is still considered to be of local historical and architectural significance as a surviving example of an extant nineteenth century gasworks building associated with the former Fitzroy Gas Works site
1920s iron shed	No documentation was identified which could provide an indication of original or early use; of historical interest as an early twentieth century element within the site. It is noted that the 1920s iron shed, assessed as being of local historic interest as part of this report, was demolished or removed between January and March 2014. [This element has been demolished since the 2010 assessment]

Brick wall	Associated with the former gas works, with some fabric dating to the 1870s; of heritage interest as an early element associated with the use of the site as a gasworks, also marking the original southern boundary of the site
Queens Parade buildings	No heritage significance
1960s-70s brick buildings	No heritage significance
Mural	Assessed as being of historical and social significance. It is of historical significance as a surviving and largely intact example of a community mural project in the inner city area, at a time when murals were executed in a collaborative manner, involving other artists and volunteers. It is of social significance as a highly visible and well-regarded community mural. The mural's subject matter - women taking action - is one which continues to resonate with the surrounding community.

59. The Gas Valve House and Porter prefabricated iron shed are covered by the Heritage Overlay (HO) and the Porter Shed also is listed in the Victorian Heritage Register. The Gas Store building does not have any heritage controls.
60. The report notes the Gas Store is not included in the current HO mapping and the building is a largely externally intact example of a gasworks building. The citation for the Valve House, which reference 'multiple buildings', also refers to the Gas Store but it is not included in the HO map. The report recommends that Council should clarify its position on the Gas Store building and whether it is part of the HO. The report also acknowledges that the ability to retain the Gas Store may be substantially compromised by the contamination on the site and the requirement to remove contaminated soil.
61. In response to Council's request to undertake a heritage review of the entire site, Development Victoria engaged heritage consultants Purcel to review the gasworks site.
62. This report concluded:

The Gas Store is historically important as one of only two structures remaining to illustrate what was an important industrial site, the Former Fitzroy Gasworks. However, our research has concluded that the building is technically not included in the Heritage Overlay. The mapping for HO211 only includes the Valve House, yet the Schedule to the Heritage Overlay at Clause 43.01 describes HO211 as the Former Fitzroy Gas Works Valve House and Store. The reference to the 'Store' is believed to relate to the Gas Store. While the Store was identified in the Northern Suburbs Factory Study, it was not specifically identified, assessed or recommended for inclusion in the Heritage Overlay through Amendment L78 documentation.

Despite this, the Gas Store is a surviving remnant of the nineteenth century gasworks complex and would normally warrant inclusion in the Heritage Overlay. However, it has been heavily altered externally and lacks the intactness and integrity of the Valve House. The Gas Store is minimally visible from the public realm and has undergone considerable alteration, including the construction of additions on three sides, that have impacted its heritage significance. The Valve House, by contrast remains highly intact and with its remnant equipment, readily communicates its role as part of a nineteenth century gasworks.

While it would be desirable to retain the Gas Store as one of few remaining structures from the former Fitzroy Gasworks, the issue of site remediation is acknowledged. If site remediation meant that this was not possible, its demolition could be supported due to its lack of integrity and intactness comparative to the Valve House. Support for demolition would be subject to retention and conservation of the Valve House, and the development of high quality interpretation of the Gasworks site as a whole.

63. Development Victoria has stated that it intends to retain the Valve House as part of the redevelopment of the site and has commenced the process of making an application to Heritage Victoria to relocate the Porter Shed to another location.

Masterplan Design

64. The Master plan design outlines the principles upon which the proposed redevelopment has been developed. These principles should be included in the text of the DPO16.
65. Officers have reviewed the master plan and DPO16 and have identified the following changes to the DPO16 to ensure consistency with the master plan principles as well as Council's UDF.
66. The section detailing the Design Response should include a discussion about:
- (a) 'Character and Amenity':
 - (i) high quality built form outcomes that complements the valued built form character or, where appropriate, establish a cohesive new character; and
 - (ii) high standard of internal amenity including access, privacy, sunlight, daylight and outlook within the development and for future development of neighbouring properties.
 - (b) 'Public Realm and Streetscape':
 - (i) streetscape enhancements along all existing streets through footpath widening, additional tree planting, lighting and such;
 - (ii) street level interface treatments to provide high levels of pedestrian amenity and safety; and
 - (iii) inclusion of landscaping within and around the development.
67. An active street frontage providing accessible drop off points, visitor parking and day to day use does not contribute to making a street active as it is very car based principle/objective.
68. The ground floor and public space objectives should:
- (a) maintain the boulevard character of Alexandra Parade and Queens Parade;
 - (b) consider high quality architectural frontages with a sense of articulation, streetscape scale and rhythm that contributes to the significance of all street frontages, particularly Queens Parade and Alexandra Parade;
 - (c) provide opportunities for streetscape enhancement along all existing streets through footpath widening, additional tree planting, lighting and such; and
 - (d) maximise direct pedestrian entrance (including residential uses) from all street frontages.
69. Shadows:
- (a) ensure public open space has good solar amenity;
 - (b) open space with minimum land area of 0.1 ha should receive at least 5 hours of sunlight between 9am and 2pm on September 22 as per Open Space Strategy; and
 - (c) it appears that all residential gardens will be in shadow for winter.
70. The Council submission should advocate for these inclusions.
71. Overall, the discussion of character is too generic in the DPO16 and should give consideration to and reference the UDF guidelines which is Council's adopted strategy for this precinct.

Traffic

72. The Transport Review undertaken by GTA Consultants (27 November 2017) is considered by officers to provide a high level overview rather than a detailed assessment of the access and infrastructure requirements to support the development. The document largely focuses on the changes to parking provision associated with the updated masterplan. There is a high level description of the proposed access arrangements and existing pedestrian and bicycle infrastructure in the area. The estimated traffic generated by the site is provided, although any potential impacts and mitigation works are not investigated in detail. Reference is made to a Traffic Impact Assessment and further traffic modelling to be undertaken at a later stage.
73. The principle of capitalising on the site location and access to trams, cycle routes and opportunities to walk to key destinations as a means to reducing the need to travel by car is supported. The key initiative put forward to achieve this is the proposed significant reduction in on-site parking. The 649 proposed on-site parking spaces for residential, retail and child care uses represents a shortfall of 1,315 spaces in comparison to the statutory requirement. It is noted that the 120 parking spaces to be provided for the sports court is considered by the consultant to meet the demand for parking.
74. The justification for the reduction in parking appears, on face value, to be reasonable, albeit speculative in nature. The provision of no visitor parking for the retail component of the development is likely to be a concern to the community and needs to be supported by a retail offering that supports sustainable transport options (i.e. not a supermarket). In addition, there would measures would be needed to ensure that there is no overspill of parking demand into neighbouring residential areas.
75. On face value, it would appear that there is likely to be a strong case that the proposed level of development can be accommodated from a traffic generation perspective, subject to possible mitigation works. However, this needs to be confirmed through rigorous analysis which has not been provided to date.
76. Whilst a reduction in on-site parking is supported by officers in principle, there is a requirement to provide infrastructure to safely connect the site to public transport and cycle routes and neighbouring residential areas and activity centres. This has only been partly addressed through the assessment and proposals put forward to date.
77. The recommendation to provide a DDA tram stop on the site frontage on Smith Street is supported, although there is a requirement that the tram upgrade is provided in conjunction with the development given the anticipated increase in demand for tram access particularly by school children. Measures such as car share, ride / taxi share and coach parking are also supported in principle, although these measures are unlikely to provide any significant contribution towards the vision of reduced reliance of car travel.

Access from Smith Street

78. The proposed signalised access intersection on Smith Street allowing all movements is considered unnecessary and is not supported. An all movements intersection (whether signalised or not) will delay trams on Smith Street and will have a potentially high impact on tram reliability and the ability to further improve and upgrade this tram route in the future. Delaying trams is contrary to good network planning principles and does not align with any transport or planning policy including Clause 18 of the Yarra Planning Scheme which seeks that new development avoids detriment to, and where possible enhances, public transport routes both in the short and long term.
79. Furthermore, the potential delay to road vehicles on Smith Street also has the potential to increase through-traffic / rat running on neighbouring residential streets which is already an known issue in this area.
80. An all movements intersection also introduces a number of conflicting vehicle movements which is not considered to be a good safety outcome particularly as Smith Street will be the key pedestrian / public transport interface for the development.

81. Given that the Smith Street access largely only serves residential parking, it is considered that the access should be left-in / left-out only, particularly given that all the other access points are left in / left out and that there is a new internal through road between Alexandra Parade and Smith Street providing additional access opportunities.
82. Safe crossings to allow for all movements by pedestrians, cyclists and public transport users also should be provided.

Smith Street layout

83. The report contains some high level ideas for the new infrastructure on Smith Street, including potential widening at locations and provision of a dedicated tram reserve. The layout of Smith Street requires further consideration and an integrated approach to cater for all modes.
84. Proposals for Smith Street should be developed with the City of Yarra at the outset of the next stage of assessment. The street cross section should be designed to the satisfaction of the relevant authority.

Pedestrian and Bicycle Access

85. There is high level recognition in the report that there is an existing pedestrian and cycle network in the vicinity of the site and beyond, although the report is incorrect in places (i.e. there are no on-road bicycle lanes on Smith Street adjacent to the site and some other locations mentioned in the report).
86. There is no assessment of the required upgrades to pedestrian and cyclist infrastructure to connect the site to the broader transport network and key active transport routes such as Napier Street and Wellington Street. The site is surrounded by three arterial roads with evident safety issues which need to be resolved to ensure that pedestrians and cyclists can safely access the broader network.
87. Further assessment is required as part of the Development Plan process to identify the required pedestrian and cyclist infrastructure to support the site. Any safety related assessment needs to look beyond injury crash related data to identify barriers to pedestrian and cyclist movements and how this is to be mitigated.

Bicycle Parking

88. The report recommends that the statutory bicycle parking rates should be adopted at a minimum. The report does recognise that Council often desires higher provision of bicycle parking and expects that Council would seek in the order of 1 bicycle parking spaces per dwelling.
89. Given the significant reduction in parking and heavy reliance on non-car modes to cater for development related travel, the development should include 1 bicycle parking space per dwelling as a minimum and an assessment of bicycle ownership, mode share or using some other indicator to determine whether an even higher level of provision is required.
90. A similar assessment should be required for the other land uses, particularly where there is a reduction in parking supply in relation to statutory rates.

Traffic Impact Assessment

91. The report provides only a high level traffic impact assessment. The report recognises that there is a need for more rigorous analysis and modelling to determine impacts and required mitigation. This needs to be a requirement of the Development Plan process.
92. The traffic generation rates for the proposed residential and sport centre uses are supported. The traffic generation rates for the other uses requires further consideration and agreement with relevant authorities at the outset of the next stage of assessment. For example, the child care traffic generation rate appears to be only based on staff movements. However, pick-up and drop off bays for the childcare centre are recommended, and the traffic generated by this pick/drop off facility does not appear within the traffic generation predictions.

93. Furthermore, it needs to be demonstrated what measures are in place to facilitate the reduction in traffic generation for each land use outside of the non-provision of parking, as in-lieu of meaningful alternatives, there is a likelihood that the development visitors will park in nearby streets, which will be a concern to the community.
94. Given the heavy reliance on non-car travel, there also needs to be a people generation assessment to provide anticipated peak movement of all modes of transport to advise on required pedestrian and cyclist infrastructure. This assessment should be based on range of surveys of similar (or a collection of similar) developments in the area.

External Consultation

95. Development Victoria undertook a community engagement program Phase 1 in May/June 2016 and also in November 2017, which was Phase 2. Council considered the Phase 1 consultation at its meeting on 22 March 2016. Phases 1 and 2 are now complete.

Internal Consultation (One Yarra)

96. An internal project steering committee of senior officers has been established and meeting over the past three years.

Financial Implications

97. The community engagement strategy has been undertaken and managed by Development Victoria. However Council staff and Council resources have provided support as required. The redevelopment of the site would have financial implications for Council that will become clearer once the form of the development has been finalised.
98. Council will require external representation at the Advisory Committee hearing.

Economic Implications

99. The redevelopment of the site has the potential to create a number of employment opportunities.

Sustainability Implications

100. Any redevelopment of the site would need to conform to best practice in terms of building sustainability and sustainable transport.

Social Implications

101. Any redevelopment of the site would result in additional demand on Council's services. The development would need to make provision for this. The requirement to make provision for facilities (via a community needs analysis) should be built into the planning controls as part of a Planning Scheme amendment process once a preferred master-plan has been finalised (similar to the provisions of the AMCOR site). Transport, traffic, affordable housing and other amenity impacts should also be addressed at that stage.

Human Rights Implications

102. There are no known human rights implications.

Communications with CALD Communities Implications

103. Development Victoria have consulted with Council's Advocacy and Engagement staff to ensure culturally and linguistically diverse communities are engaged as part of the community engagement processes.

Council Plan, Strategy and Policy Implications

104. The Council Plan supports advocacy for a six court indoor sports stadium.

Legal Implications

105. A Heads of Agreement was signed and provided to Council on 22 March 2016. The matter of Responsible Authority status was addressed by the meeting on 5 April, 2016. See paragraph 21.
106. The proposed planning controls in Amendment C243 will be reviewed by Council's lawyers.

Conclusion

107. If the Amendment proceeds as exhibited and the Minister becomes the Responsible Authority, the GLASC process will be the only opportunity for Council to influence the planning controls for the site. Once the DPO16 and MUZ are approved Council will have no direct role in approving the Development Plan or issuing permits.
108. From the discussion above, there are a number of changes to the exhibited DPO16 required to ensure the development of the site meets Council's expectations.
109. In summary, the recommended changes to the DPO16 are:
 - (a) a requirement in the Development Plan to detail the infrastructure to safely connect the site to public transport and cycle routes, neighbouring residential areas and activity centres;
 - (b) ensuring access and egress to Smith Street is only left turn in and left turn out;
 - (c) a requirement that any proposals for Smith Street should be developed in consultation with the City of Yarra;
 - (d) identification in the Development Plan of the required pedestrian and cycling infrastructure to support the users of the site;
 - (e) a requirement for the provision of one bicycle space per dwelling;
 - (f) a requirement for a detailed traffic impact analysis and associated modelling and traffic reduction measures;
 - (g) detailed changes to the text in the DPO16 as contained in Attachment 1 which includes:
 - (i) additions to the general requirements for the Development Plan;
 - (ii) alterations to the Construction Management Plan requirements;
 - (iii) objectives for the design guidelines;
 - (iv) alterations to the Heritage Assessment and Landscape and Public Realm Concept Plan provisions;
 - (v) alterations to the Traffic Management Plan including detailed requirements for a Traffic Management Plan; and
 - (vi) detailed requirements for Environmentally Sustainable Design.
110. Council on 5 April 2016 resolved to support, in principle, the Minister for Planning becoming the Responsible Authority for the site subject to the full funding of the depot relocation and the six court indoor stadium (refer to paragraph 20 above). In addition Council wished to be satisfied with the master plan and the heritage and tree studies.
111. Council was briefed on the heritage and tree studies on 19 December 2016 and 14 August 2017.
112. Development Victoria briefed Council on the masterplan on 4 December 2017.
113. The funding of the indoor sports stadium remains unresolved. However, officers are in discussions with Development Victoria and other agencies such as Sport and Recreation Victoria on this matter.
114. The funding of the depot relocation and the construction of a fully functioning replacement depot has been the subject of ongoing conversations with Development Victoria. The agreed costings of a functional layout and development of a relocated depot on a Council site is now finalised in discussions with Development Victoria. However, the actual funding is subject to State Government approval which is not expected until at least July 2018.
115. The proposed Mixed Use Zone (MUZ) is one of the zones referenced in the Council adopted UDF as appropriate for the site and would appear to be appropriate to facilitate the redevelopment of the site.

116. Officers require a Council resolution to prepare and advocate the submission to the Advisory Committee Hearing in April. The recommendations for that advocacy are the points made in this report.

RECOMMENDATION

1. That Council:
 - (a) note this report on 433 Smith Street, Fitzroy North regarding Amendment C243 currently on exhibition;
 - (b) resolve to make a submission to the Government Land Standing Advisory Committee on Amendment C243; and
 - (c) supports the proposed Development Plan Overlay Schedule 16 for the site subject to addressing the following matters as contained in Attachment 1:
 - (i) provision of infrastructure to safely connect the site to public transport and cycle routes, neighbouring residential areas and activity centres;
 - (ii) provision of only left turn in and left turn out on Smith Street;
 - (iii) any proposals for Smith Street should be developed in consultation with the City of Yarra and other relevant agencies;
 - (iv) identification of the required pedestrian and cycling infrastructure to support the users of the site;
 - (v) the provision of one bicycle space per dwelling;
 - (vi) provision of a detailed traffic impact analysis and associated modelling and traffic reduction measures;
 - (vii) detailed changes to the text in the DPO16 as contained in Attachment 1 which includes:
 - a. additions to the General Requirements for the Development Plan;
 - b. alterations to the Construction Management Plan requirements;
 - c. objectives for the Design Guidelines;
 - d. alterations to the Heritage Assessment and Landscape and Public Realm Concept Plan provisions;
 - e. alterations to the Traffic Management Plan provisions to include detailed requirements for a Traffic Management Plan; and
 - f. detailed requirements for Environmentally Sustainable Design.
2. Further that Council:
 - (a) support the application of the Mixed Use Zone to the former Gas and Fuel land and the Public Use Zone Schedule 2 (Education) to the depot site and the Environmental Audit Overlay to the entire site; and
 - (b) authorise the Chief Executive Officer to instruct Council's legal team to advocate the necessary changes to the Draft Development Plan Overlay Schedule 16 and any other minor changes as appropriate.
3. That Council:
 - (a) note that the Planning Scheme Amendment on exhibition also proposes the Minister for Planning to be the Responsible Authority for the overall site;
 - (b) note its previous resolution of 5 April, 2016 stating that Council:

resolve in principle, to invite the Minister for Planning to be the Responsible Authority for the site subject to:

- (i) the development and approval of the business case by the Department of Treasury and Finance to fully fund both the relocation of the Fitzroy Depot and the construction of a six court indoor sports stadium;*
- (ii) Council being satisfied with:*
 - a. the intent of the draft masterplan as reflecting the key principles of the Council's adopted Urban Design Framework for the site and the adequacy of the heritage study and tree study.*
- (c) note that it has not yet received the business case for the construction of the six court indoor sports stadium, and at present, has some concerns with the proposed planning scheme provisions; and
- (d) that in this regard, maintains its position at the present time that Yarra City Council should remain the Responsible Authority until such time as it is satisfied with the Planning Scheme provisions inserted into the Yarra Planning Scheme and also has increased certainty regarding the full compliance of the proposal against the objectives and provisions of the Council adopted Fitzroy North Gasworks Precinct Urban Design Framework 2008.

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Attachments

There are no attachments for this report.

11.3 2017/18 Mid-Year Report

Executive Summary

Purpose

To provide Councillors with the 2017/18 Mid-Year Report incorporating the December Financial Report, December Annual Plan Quarterly Progress Report and progress on 2017/18 Budget Resolution implementation.

Key Issues

Council's 2017/18 financial position as at 31 December 2017 is on track.

2017/18 Annual Plan action progress at the end of December 2017 is 78% (53 of 68) actions that were due to commence either On Track or Complete.

Financial Implications

There are no financial implications.

PROPOSAL

Officers are proposing to formally change the timelines for four actions in the 2017/18 Annual Plan.

Officers are proposing the date for achievement of the liquidity ratio and other financial measures in the 2017/18 Budget Resolution be amended to 30 June 2021 (from 30 June 2020) in line with the Council Plan 2017-21 and the intent of the resolution to achieve this over 4 years.

11.3 2017/18 Mid-Year Report

Trim Record Number: D18/43688

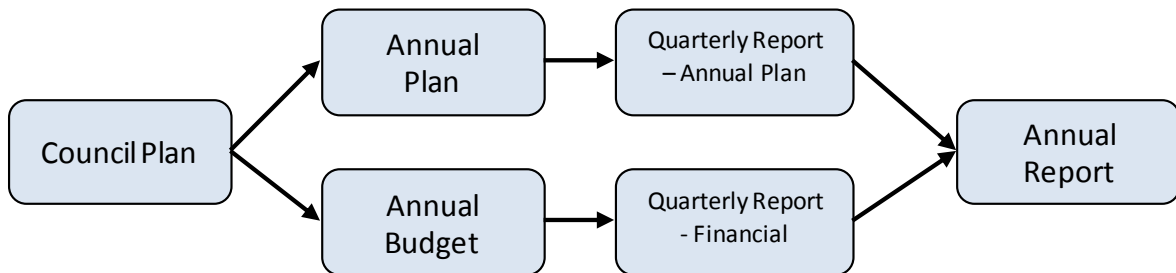
Responsible Officer: Director Corporate, Business and Finance

Purpose

1. To provide Councillors with the 2017/18 Mid-Year Report incorporating the December Financial Report, December Annual Plan Quarterly Progress Report and progress on 2017/18 Budget Resolution implementation.

Background

2. In adopting the 2017/18 Budget, Council resolved to receive a Mid Term Review Report of the 2017/18 Budget incorporating a number of elements as identified in the resolution. The Council resolution is provided as Attachment 1.
3. The Mid-Year Report incorporates December quarterly updates and reviews of the 2017/18 Budget, Budget Resolution and Annual Plan.
4. This year, 2017/18, represents the first year of the 4-year *Council Plan 2017-21*, adopted by Council on 1 August 2017.
5. The 2017/18 Annual Plan was endorsed by Council on 19 September 2017 and details the organisation’s annual response to Initiatives contained in the 4-year Council Plan.
6. The 2017/18 Budget was adopted by Council on 1 August 2017.
7. The Budget and Annual Plan (including quarterly progress reports) are Council’s key accountability documents to the community.



2017/18 Financial Report (Attachment 2)

8. As at 31 December 2017 Council is favourable to YTD Budget by \$6.7m. This result is due to:
 - (a) Higher YTD parking infringements issued (offset by lower parking meter revenue) - \$1.3m;
 - (b) Higher YTD user fees received, which is mostly in planning fees - \$2m;
 - (c) Higher YTD operating grants received, mainly for Aged & Disability Services - \$670k;
 - (d) Higher YTD monetary contributions, which is for developer contributions received early on in the financial year - \$831k;
 - (e) Higher YTD other income of \$596k, which is mostly due to the sale of a right of way;
 - (f) Lower YTD employee expenditure, mainly due to Enterprise Agreement discussions continuing and therefore no increase to salaries and wages have been applied during 2017/18 - \$180k;
 - (g) Lower YTD materials and services, mostly attributable to savings in Council’s insurance premiums, as well as YTD savings in utilities - \$2m.

9. These favourable outcomes are offset by:
 - (a) Higher YTD bad debts, which is due to the increased parking infringements issued - \$454k; and
 - (b) Higher YTD depreciation, due to higher than anticipated capitalisation of assets from 2016/17 - \$353k.
10. As at 31 December 2017, from a forecast year end position, Council is anticipating to be favourable to Budget by just over \$500k. This result is due to:
 - (a) user fees are expected to be higher than budget by \$1.9m;
 - (b) reimbursements are anticipated to be higher than budget by \$150k;
 - (c) monetary contributions are expected to be higher than budget by \$260k; and
 - (d) other income is expected to be higher than budget by \$576k.
11. These favourable outcomes are anticipated to be offset by:
 - (a) parking fees and fines forecast to be lower than budget by \$450k due to lower than expected parking meter fees;
 - (b) operating grants are forecast to be lower by \$957k due to the Victorian Grants Commission grant which was received early in 2016/17;
 - (c) employee costs are forecast to be higher by approximately \$200k due to staff exit strategy;
 - (d) materials and services are expected to be just under \$400k higher than budget due to legal fees; and
 - (e) Depreciation is anticipated to be higher than budget by approximately \$400k (this is a non-cash item).
12. As at 31 December 2017 Council's capital works program is favourable to YTD Budget by \$6.3m. This result is mainly due to the timing of payment of invoices. Some small savings are expected to result from the Buildings and Roads programs, with a forecast year end result of approximately \$500k.
13. Council's cash position is anticipated to meet budget.

2017/18 Annual Plan Quarterly Progress Report – December (Attachment 3)

14. The 2017/18 Annual Plan contains 70 actions spread across the Council Plan's Strategic Objectives. It is achievable, delivers on Council's priorities and reflects the organisation's focus on delivering the Council Plan's Initiatives in 2017/18.
15. There are 49 Strategies in the *Council Plan 2017-21*, with 99 associated Initiatives. Not all of these have a corresponding action in the *2017/18 Annual Plan*. The Council Plan is a four-year document and Initiatives will commence across a range of years. A number of Initiatives are predominantly operational in nature and will be reported on through the 'Other Council Plan Initiatives' section of the Annual Plan Quarterly Progress Report six monthly in the December and June reports.
16. To ensure the integrity and transparency of the Annual Plan, which is endorsed by Council, actions including their descriptions and milestones can only be changed by resolution of Council.
17. Officers or Councillors may propose changes to the Annual Plan.
18. Officers are proposing changes to four actions as a result of the mid-year review. These are detailed below in Paragraph 26.

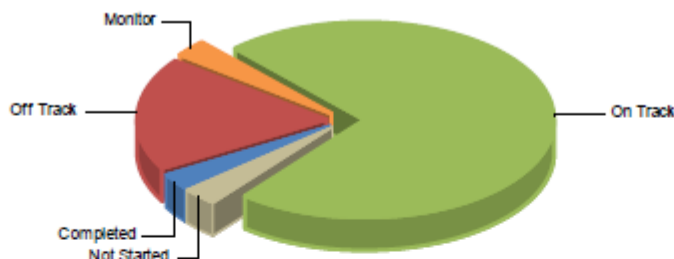
Quarterly performance

19. The progress of an action is measured by the status of its individual milestones which are weighted to represent the relative time and effort they contribute to achievement of the overall action.

20. The following thresholds are used to determine the status of an action:

- (a) On track $\geq 90\%$
- (b) Monitor 75-89%
- (c) Off track $< 75\%$

21. Annual Plan Action progress summary as at 31 December 2017:



Strategic Objective	No. of Actions Reported	Complete	On track (>=90%)	Monitor (75-90%)	Off track (<75%)	Not Started
A healthy Yarra	10	0	5	1	3	1
An inclusive Yarra	9	0	5	0	4	0
A sustainable Yarra	6	0	5	0	1	0
A liveable Yarra	13	0	8	1	3	1
A prosperous Yarra	11	0	10	0	1	0
A connected Yarra	12	1	10	0	1	0
A leading Yarra	9	1	8	0	0	0
	70 (100%)	2 (2.86%)	51 (72.86%)	2 (2.86%)	13 (18.57%)	2 (2.86%)

- 22. Annual targets set a requirement for 75% of Annual Plan actions to be Complete or On Track (>90%) by 30 June each year.
- 23. At the end of December 78% or 53 of 68 actions that were due to commence, On Track or Complete.
- 24. The following actions are recorded as Not Started, Off Track or Monitor at the end of December. These actions have experienced delays to one or more of their milestones. More detail is contained in the attached report.

Not Started

- 1.07 Develop Leisure Centres Master Plan
- 4.05 Review Heritage Strategy

Monitor

- 1.03 Deliver Public Realm safety improvements to the Lennox and Victoria Street intersections.
- 4.08 Re-write Yarra Planning Scheme

Off track

- 1.04 Work with the community to address alcohol-related harm for young people
- 1.06 Develop new Open Space Strategy
- 1.08 Develop Yarra Homelessness Strategy
- 2.01 Develop a Volunteer Strategy
- 2.02 Develop Human Rights Charter

- 2.03 Stolen Generations Marker project
- 2.06 Develop LGBTIQ Strategy
- 3.01 Develop Biodiversity Strategy
- 4.03 Negotiate Joint Use Agreements with Richmond High School
- 4.04 Implement Heritage Strategy 2015-18
- 4.13 Understanding Planning in Yarra
- 5.07 Address shop vacancies
- 6.07 Advocate for electric bus trial

2017/18 Annual Plan Actions proposed changes

25. Following a review of the *2017/18 Annual Plan*, officers are proposing to change the timelines of the following four actions.
- (a) 1.08 Develop Yarra Homelessness Strategy:
 - (i) Milestone *Discuss and investigate other local government Homelessness Strategies* move start date from September 2017 to June 2018;
 - (ii) Milestones *Commence consultation with stakeholders, Complete consultation with stakeholders, and Complete Draft Homelessness Strategy* will be referred to development of the 2018/19 Annual Plan;
 - (b) 2.01 Develop a Volunteer Strategy:
 - (i) Milestone *Investigate other local government Volunteer Strategies* move start date from September 2017 to June 2018;
 - (ii) Milestones *Commence consultation with stakeholders, Complete consultation with stakeholders and Complete Draft Volunteer Strategy* will be referred to development of the 2018/19 Annual Plan;
 - (c) 2.02 Develop Human Rights Charter:
 - (i) Milestone *Discuss and investigate other local government Human Rights Charters* move start date from September 2017 to December 2017;
 - (ii) Milestone *Commence consultation with stakeholders* move start date from December 2017 to June 2018;
 - (iii) Milestones *Complete consultation with stakeholders and Complete Draft Human Rights Charter* will be referred to development of the 2018/19 Annual Plan;
 - (d) 2.06 Develop LGBTIQ Strategy:
 - (i) Milestone *Discuss and investigate other local government LGBTIQ Strategies* move start date from September 2017 to December 2017;
 - (ii) Milestone *Commence consultation with stakeholders* move start date from December 2017 to June 2018; and
 - (iii) Milestones *Complete consultation with stakeholders and Complete Draft LGBTIQ Strategy* will be referred to development of the 2018/19 Annual Plan.
26. The *2017/18 Annual Plan* will be amended to reflect any changes endorsed by Council.

2017/18 Budget Resolution Progress Report (Attachment 4)

27. Councillors are referred to Attachment 4 for an update of 2017/18 Budget Resolution items including presentation of the Mid-Year Report to Councillors at this meeting on 20 March 2018.
28. Officers have identified an inconsistency with the nominated target date by which financial parameters are to be achieved. The resolution states "*that Council resolves to articulate the following financial parameters for the 2017/18 budget and term of its new 4-year Council Plan to be achieved by 30 June 2020...*" However, the new Council Plan concludes on 30 June 2021. Officers are proposing that the target date for achievement of financial targets be amended in the resolution in line with the term of the Council Plan 2017-21.

External Consultation

29. Significant community engagement and consultation was undertaken during the development of the *2017/18 Budget* and *Council Plan 2017-21*. The *2017/18 Annual Plan* reflects the community priorities identified during this process, included in the *Council Plan 2017-21* initiatives.
30. Members of the community will have the opportunity to comment on the Mid-Year Report when it is presented to Council on 20 March 2018.
31. Projects contained in the *2017/18 Annual Plan* are subject to external consultation and engagement on a case-by-case basis.

Internal Consultation (One Yarra)

32. Managers and Directors were consulted during development of the *2017/18 Budget* and *2017/18 Annual Plan*, and are responsible for providing quarterly updates on their progress against delivery of these actions and actions they are responsible for in the *2017/18 Budget Resolution*.

Financial Implications

33. Actions in the *2017/18 Annual Plan* are resourced within the *2017/18 Budget*.
34. The objective of the implementation of specific actions in the *2017/18 Budget Resolution* is to achieve financial savings this year and into the future. These will be detailed in progress reports and/or separate reports to Council as required.

Economic Implications

35. The *Council Plan 2017-21* includes the Strategic Objective *A prosperous Yarra: a place where Local businesses prosper and creative and knowledge industries thrive*. The *2017/18 Annual Plan* includes 11 actions that respond to initiatives under this Strategic Objective.

Sustainability Implications

36. The *Council Plan 2017-21* includes the Strategic Objective *A sustainable Yarra: a place where Council leads on sustainability and protects and enhances its natural environment*. The *2017/18 Annual Plan* includes 6 actions that respond to initiatives under this Strategic Objective.

Social Implications

37. The *Council Plan 2017-21* includes the Strategic Objective *A healthy Yarra: a place where Community health, safety and wellbeing are a focus in everything we do*. The *2017/18 Annual Plan* includes 10 actions that respond to initiatives under this Strategic Objective.

Human Rights Implications

38. The *Council Plan 2017-21* includes the Strategic Objective *An inclusive Yarra: a place where inclusion, diversity and uniqueness are welcomed, respected and celebrated*. The *2017/18 Annual Plan* includes 9 actions that respond to initiatives under this Strategic Objective.

Communications with CALD Communities Implications

39. CALD groups were specifically targeted as part of the engagement plan for the *2017/18 Budget and Council Plan 2017-21* and were represented in a group workshop which included Council's advisory groups.
40. Translation service assistance is available via Council's website for members of the CALD community and this service extended to the Council Plan engagement process.

Council Plan, Strategy and Policy Implications

41. The *2017/18 Annual Plan* represents Year 1 of the *Council Plan 2017-21* adopted on 1 August 2017.
42. There are no Council Plan, Strategy or Policy implications of this report, however, implementation of specific actions in the *2017/18 Budget Resolution* may result in plan, strategy or policy changes. These will be detailed in separate reports to Council as required.

Legal Implications

43. There are no legal implications.

Other Issues

44. There are no other issues.

Options

45. This report does not include any options.

Conclusion

46. The Mid-Year Report demonstrates Council's progress toward achieving the *2017/18 Budget, 2017/18 Annual Plan* and *2017/18 Budget Resolution*.

RECOMMENDATION

1. That Council note the 2017/18 Mid-Year Report.
2. That the achievement date of financial targets identified in the 2017/18 Budget Resolution be amended from 30 June 2020 to 30 June 2021, in line with the term of the *Council Plan 2017-21*.
3. That Council endorse the following changes to the 2018/19 Annual Plan:
 - (a) 1.08 Develop Yarra Homelessness Strategy:
 - (i) Milestone *Discuss and investigate other local government Homelessness Strategies* move start date from September 2017 to June 2018;
 - (ii) Milestones *Commence consultation with stakeholders, Complete consultation with stakeholders, and Complete Draft Homelessness Strategy* refer to development of the 2018/19 Annual Plan;
 - (b) 2.01 Develop a Volunteer Strategy:
 - (i) Milestone *Investigate other local government Volunteer Strategies* move start date from September 2017 to June 2018;
 - (ii) Milestones *Commence consultation with stakeholders, Complete consultation with stakeholders* and *Complete Draft Volunteer Strategy* refer to development of the 2018/19 Annual Plan;
 - (c) 2.02 Develop Human Rights Charter:
 - (i) Milestone *Discuss and investigate other local government Human Rights Charters* move start date from September 2017 to December 2017;
 - (ii) Milestone *Commence consultation with stakeholders* move start date from December 2017 to June 2018;

- (iii) Milestones *Complete consultation with stakeholders* and *Complete Draft Human Rights Charter* refer to development of the 2018/19 Annual Plan;
- (d) 2.06 Develop LGBTIQ Strategy:
 - (i) Milestone *Discuss and investigate other local government LGBTIQ Strategies* move start date from September 2017 to December 2017;
 - (ii) Milestone *Commence consultation with stakeholders* move start date from December 2017 to June 2018; and
 - (iii) Milestones *Complete consultation with stakeholders* and *Complete Draft LGBTIQ Strategy* refer to development of the 2018/19 Annual Plan.

CONTACT OFFICER: Julie Wyndham
TITLE: Manager Corporate Performance
TEL: 9205 5090

Attachments

- 1 Council Resolution 1 August 2017
- 2 December 2017 Council Finance Report
- 3 December 2017 Annual Plan Progress Report
- 4 2017/18 Budget Resolution Implementation - February Progress Report

11.4 Endorsement of Motions for ALGA National General Assembly

Trim Record Number: D18/48698

Responsible Officer: Group Manager Chief Executive's Office

Purpose

1. To provide an opportunity for Council to consider submitting motions to the Australian Local Government Association (ALGA) National General Assembly to be held in Canberra on 17 - 20 June 2018.

Background

2. Council has in some prior years submitted motions to the ALGA National General Assembly.
3. Council has an opportunity to submit motions for consideration by the National General Assembly. To be eligible for inclusion in the National General Assembly, motions must follow the principles set out by the ALGA Board, in that they must:
 - (a) be relevant to the work of local government nationally;
 - (b) be consistent with the theme of the NGA, which in 2018 is "*Australia's Future: Make it Local*";
 - (c) complement or build on the policy objectives of the Municipal Association of Victoria;
 - (d) propose a clear action and outcome; and
 - (e) not be advanced on behalf of external third parties which may seek to use the NGA to apply pressure to Board members, to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.
4. Motions must be submitted to the ALGA Secretariat by 30 April 2018.

External Consultation

5. There has been no external consultation in the preparation of this report.

Internal Consultation (One Yarra)

6. Invitations have been extended to all Councillors to consider preparation of motions for consideration by Council for submission to the Assembly.

Financial Implications

7. The attendance of Councillors at the ALGA National General Assembly requires approval by Council and will be the subject of a future report. There are no financial implications of submitting motions to the National General Assembly.

Economic Implications

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

Sustainability Implications

9. There are no sustainability implications associated with this report.

Social Implications

10. There are no social implications associated with this report.

Human Rights Implications

11. There are no Human Rights implications associated with this report.

Communications with CALD Communities Implications

12. There are no CALD communities implications associated with this report.

Council Plan, Strategy and Policy Implications

13. Any submitted proposed motion should be consistent with Council’s established policy position on the relevant subject.

Legal Implications

14. There are no legal issues associated with this report.

Other Issues

15. None applicable.

Options

16. Council has the option of determining whether or not to submit a motion (or motions) to the National General Assembly in 2018.

Conclusion

17. This report provides Councillors an opportunity for Council endorsement of motions for submission to the Australian Local Government Association (ALGA) National General Assembly to be held on 17-20 June 2018.
18. Councillors are invited to table motions for consideration by Council.

RECOMMENDATION

1. That Council endorse the following motions for submission to the Australian Local Government Association (ALGA) National General Assembly to be held on 17 - 20 June 2018:
 - (a) _____
 - (b) _____

OR

1. That Council determine not to submit a motion to the Australian Local Government Association (ALGA) National General Assembly to be held on 17 - 20 June 2018.

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

Attachments

There are no attachments for this report.

12.1 Notice of Motion No 3 of 2018 - Review Fees for Community Garden Spaces.

Trim Record Number: D18/48684

Responsible Officer: Group Manager Chief Executive's Office

I, Councillor Misha Coleman, hereby give notice that it is my intention to move the following motion at the Ordinary Meeting of Council to be held on 20 March 2018:

“That Council:

- (a) note the agreement that was the basis for current planter box owner’s in Yarra (**refer Attachment 1**);
- (b) note that there are currently no applications pending (*because there have not been any community information programs on the subject, pending a determination on the fees*);
- (c) proceed immediately with the introduction of the proposed fee of \$55.00 per annum per agreement for new planter boxes and introduce a concession rate of \$27.50 per annum per agreement; and
- (d) waive the new fee for those with existing agreements, as per the documentation previously provided by Council to residents.”

Background:

1. To encourage and support urban agriculture and community planting, which is a low-cost, high value activity that is consistent with the City of Yarra’s sustainability agenda and is embedded in a number of strategic plans and strategies across our operations.
2. In 2017 Council introduced an annual fee of \$55 for community growing spaces (planter boxes, nature strips and fruit trees). The purpose of the fee was to:
 - (a) discourage uncommitted or uncertain residents from applying for the program; and
 - (b) raise revenue to offset some of the rising costs of running the program.
3. It was clear from the documentation provided by the City of Yarra to the residents who adopted the planter boxes, that no fees would be incurred to residents. Furthermore, there was no indication that fees would be introduced in the future.
4. Additionally, it was not made clear to Councillors in the 2017/2018 budget documents that this new fee was being introduced.
5. Therefore, following petitions received and feedback from many of these early adopter residents, a temporary hold on applying the fee was implemented in November 2017. Applications and renewals for 2017/18 are thus not being processed pending a decision on whether or not a fee should be charged and if yes, the level of fee that is appropriate.
6. In 2012, Council introduced urban agriculture guidelines under the “Community Growing Spaces” program to manage ‘guerrilla’ gardening that has occurred on Council-managed land. The program provides an opportunity for the community to work together, building more resilient and liveable neighbourhoods through growing, producing and sharing fresh and healthy food. The program creates small gardens located on public land, supported by Council, tended and cared for by the community. These are an effective means of inspiring and enabling food growing in the city and building social and economic wellbeing in communities. For further information on the program can be found at:
<https://www.yarracity.vic.gov.au/services/living-sustainably/grow-your-own-food/how-do-i-get-a-planter-box-or-a-laneway-garden#tab-planter-boxes>
7. The ‘growing spaces’ covered by this program include nature strip gardens and planter boxes. Planter boxes provide the vast majority of the growing spaces.

8. The number of planter box applications has risen over the last few years going from 7 in 2012 to 58 in 2017. There are now 120 agreements with 161 planter boxes, which average out to:
 - (a) 24 agreements/year since the commencement of the program of 2012, or;
 - (b) an average of 32 planter boxes/year since the commencement of the program of 2012;
 - (c) most of the growing spaces are well-cared for, however, there are some ongoing issues which require attention;
 - (d) this care and attention is largely provided by the residents in the streets where they are positioned, noting that to date this has been a free program;
 - (e) for the minority that are not actively cared for by residents, it's considered that any care required is a highly worthwhile use of Council funds and that this expenditure is entirely consistent with our Urban Agriculture agenda; and
 - (f) the current annual cost of the material for the boxes is estimated to be \$8500. This cost is likely to grow due to increasing numbers of applications and rising delivery costs.
9. As a result of the temporary hold on the application of a fee, current community growing space users have not yet been invoiced for the 2017/18 year.

Consultation

10. In May 2015, a nominal fee of \$55 for community growing spaces was presented to the Yarra Urban Agriculture Advisory Committee. The Committee did not oppose the then proposed fee.
11. An annual fee of \$55 for community growing spaces was included in the 2017/2018 budget and subsequently adopted.
12. After the approval of the 2017/2018 budget, letters were sent to all participants of the community growing spaces program (120 people). Council received 17 responses to this letter, objecting to the new fee. A petition opposing the fee was tabled at the Council meeting on 6th December 2017. The petition was signed by 32 people, 4 of whom had also written a submission opposing to the fee and 18, who did not own a planter box.

Financial Implications

13. The available budget for materials is \$8500 per annum.
14. A summary of costs is provided below:
 - (a) Planter box construction \$135/box
 - (b) Delivery from depot to site \$50/box
 - (c) Robust plaque \$18.50/box
 - (d) Planter box removal \$70/box
 - (e) TOTAL MATERIAL COSTS: \$273.50/box
15. Without a fee, a maximum of 31 new boxes per year could be installed (based upon current material costs). The program popularity (based on attendance numbers at workshops) indicates that demand may exceed this capacity, which would be a desirable outcome in terms of urban agriculture objectives.
16. The projected demand should be considered in terms of budget allocation for 2018/2019 (i.e. consideration as to whether the available budget of \$8500 should be increased or not).

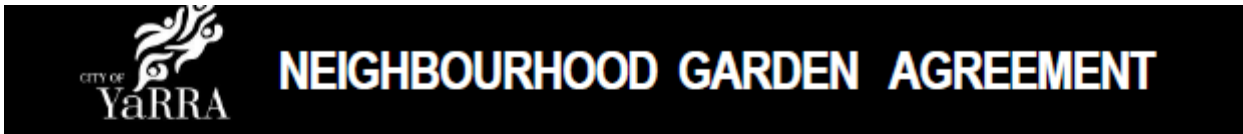
Legal Implications

17. As the community garden spaces are located on public land, the Council is responsible/accountable for ensuring any community safety and public risk management issues are addressed. This will require that the garden spaces are monitored and managed according to the Council's adopted Guidelines and will include that periodic inspections be undertaken by the responsible officer.

Options

18. In a recent briefing paper three options have been presented for consideration:
 - (a) retain the fee at the current budgeted rate of \$55 per year;
 - (b) remove the approved budgeted fee; and
 - (c) retain the \$55 fee and introduce a concession rate of \$27.50 per annum per agreement.
19. For the minority of planter boxes that are not actively cared for residents, it's considered that any care required is a highly worthwhile use of Council funds and that this expenditure is entirely consistent with our Urban Agriculture agenda, as is the provision of a small number of new boxes (31).

ATTACHMENT 1



Office use only
Register number: YCG
TRIM ref: D

The 'Neighbourhood Gardener', represented by and incorporating:
NOMINATED PRIMARY CONTACT

Surname: _____ Given Name/s: _____
 Postal Address: _____

 Postcode: _____
 Telephone: _____ Mobile: _____
 Email address: _____

- Have you consulted Council's Community Gardens Facilitator? Yes No
- Have you secured a suitable and safe site for your Garden? Yes No
- Have you secured neighbourhood support for your Garden? Yes No
- Do you agree to adopt Council's Urban Agriculture Guidelines and associated conditions as appropriate, including following all applicable health and safety precautions? Yes No
- Do you agree to implement and maintain the conditions, required and unique, that are attached to this agreement (if applicable)? Yes No N/A
- Have you obtained written permission from the occupier of the property in front of which your Garden is to be located (if applicable)? Yes No N/A

TYPE OF NEIGHBOURHOOD GARDEN:

Item	No of items	Location (street address)
Planter box		
Productive trees		
Nature strip		
Garden bed		

Please complete the attached Neighbourhood Garden plan detailing where the garden will be located, specific measurements of the garden, and any council infrastructure such as trees, bins or signage.

Please describe the types of items to be used (types of material used in construction):
 (Please note: photographs can be provided.)

The personal information on this form is being collected by Council for the purpose of administration of the Neighbourhood Gardens program and will be kept for record keeping and audit purposes. The Neighbourhood Gardener is asked to report any change of primary contact or significant changes in the operation of the Neighbourhood Garden to Council ASAP. The Neighbourhood Gardener must ensure the safe removal of the Neighbourhood Garden when it is no longer in use. If a Garden is clearly left unattended for an extended period of time, Council may remove it following consultation with the primary contact person or nearby residents.

City of Yarra – Open Space and Recreation
 P.O Box 168 Richmond VIC 3121
 Phone: 9205 5782 Fax : 8417 6666
 Web: <http://www.yarracity.vic.gov.au> Email: peter.huff@yarracity.vic.gov.au

PUBLIC LIABILITY INSURANCE

Council has secured public liability insurance to cover the construction and permanent placement of Neighbourhood Gardens on Council roads (and other agreed Council property) at no cost to Neighbourhood Gardeners who comply with the Guidelines for neighbourhood gardens. As a condition of this public liability insurance cover, the Neighbourhood Gardener agrees to:

- Not do anything to prejudice the insurer's position including not admitting to liability should an incident occur which results in damage or injury;
- Notify Council's Risk Management Insurance Co-ordinator (on telephone 9205 5112) or Council's Community Gardens Facilitator (on telephone 9205 5555) immediately, or at the very least within 24 hours of becoming aware of such an incident;
- In the event of a claim being made against the policy, pay the applicable excess (currently \$250 for each and every claim) as detailed in the attached insurance schedule; and
- Disclose any matter which may affect the insurance coverage or be relevant to the insurer's decision to provide the insurance.

INDEMNITY

The Neighbourhood Gardener indemnifies and holds harmless Council against all suits, actions, proceedings, judgements, claims, demands, costs, expenses, losses or damages for which Council becomes or may become liable in relation to the death or injury to any person or the damage to any property in connection with the Neighbourhood Garden items or activities as controlled by the Neighbourhood Gardener howsoever arising, except to the extent that Council is negligent.

DECLARATION

I/we apply for a right to construct and maintain a Neighbourhood Garden at locations as nominated in this Agreement. I/we have read and fully understand and agree to comply with the terms and conditions of this Agreement. I/we understand that my/our Agreement may be revoked by Council for any breach of these conditions.

I/we have attached a plan of the Neighbourhood Garden, indicating the location of my/our items and the location of any Council infrastructure (If applicable).

(If signing on behalf of an association indicate position/authority).

Name (please print):

Association (if applicable):

Signature:

Position / authority:

Date: / /

OFFICE USE ONLY	
Commencement Date: / /	Approved by:
Signature:	
Comments / Unique Conditions to be applied to Agreement:	
Agreement Reference Number:	
Processed by:	Date: / /

This Community Garden plan forms part of the Community Garden agreement and must be completed. On this form provide a detailed plan of the garden indicating the exact measurements of the walkway and kerbside zones. The type of dimensions of furniture, council signage and street fixtures must also be shown

COMMUNITY GARDEN

Property



Limit of Liability:	The amount specified in the Certificate as Limit of Liability (Note: Products Liability coverage does not apply to Permit Holders covered under Section C)
Amendments to Wording:	As per endorsements attached.
Wording Specified:	QBE Broadform Liability Policy, QM2367 - 1109
Claims Deductible:	\$250 each and every claim or series of claims arising out of any one occurrence, or as specified in the Certificate
Premium:	As specified in the Certificate
Policy Number:	AS A085017 PLB
Certificate:	Means the Tax Invoice/Certificate of Insurance issued by JLT Risk Services Division, to various Insured's via Councils participating in the Master Policy

For and on behalf of:

QBE INSURANCE (AUSTRALIA) LIMITED

ABN 78 003 191 035

AFS Licence No. 239545

Authorised Representative

RECOMMENDATION

1. That Council:
 - (a) note the agreement that was the basis for current planter box owner's' in Yarra (**refer Attachment 1**);
 - (b) note that there are currently no applications pending (*because there have not been any community information programs on the subject pending a determination on the fees*);
 - (c) proceed immediately with the introduction of the proposed fee of \$55.00 per annum per agreement for new planter boxes and introduce a concession rate of \$27.50 per annum per agreement; and
 - (d) waive the new fee for those with existing agreements, as per the documentation previously provided by Council to residents.