



Ordinary Meeting of Council Agenda

**to be held on Tuesday 4 December 2018 at 7.00pm
Fitzroy 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 Danae Bosler (Mayor)
- Cr Misha Coleman (Deputy Mayor)
- Cr Mi-Lin Chen Yi Mei
- Cr Jackie Fristacky
- Cr Stephen Jolly
- Cr Mike McEvoy
- Cr Daniel Nguyen
- Cr James Searle
- Cr Amanda Stone

Council officers

- Vijaya Vaidyanath (Chief Executive Officer)
- Margherita Barbante (Acting Director - Corporate, Business and Finance)
- Ivan Gilbert (Group Manager – Chief Executive's Office)
- Lucas Gosling (Director - Community Wellbeing)
- Gracie Karabinis (Acting Group Manager – People, Culture and Community)
- Chris Leivers (Director – City Works and Assets)
- Bruce Phillips (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 Contractual matters

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 contractual matters.
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 13 November 2018 be confirmed.

That the minutes of the Ceremonial Meeting held on Tuesday 27 November 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	WW1 Field Gun	7	20	Siu Chan – Business Unit Manager Arts, Culture and Venues
11.2	Multi Year Arts and Culture Funding Review	21	32	Siu Chan – Business Unit Manager Arts, Culture and Venues
11.3	Update of Revision of Council's Graffiti Management Framework	33	37	Aldo Malavisi – Community Partnerships Unit Manager
11.4	Queens Parade Interim DDO16 - extension of time request to Minister for Planning	38	40	David Walmsley – Manager City Strategy
11.5	Right of way between 2 and 10 Stanley Street Collingwood	41	45	Rhys Thomas - Senior Governance Advisor

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

Nil

13. Urgent business

Nil

11.1 WW1 Field Gun

Executive Summary

Purpose

To provide Council with the outcome of the community consultation on the future of the WW1 Field Gun in the City of Yarra Art & Heritage Collection and present options for its re-installation at one of two proposed sites or, alternatively, its deaccession and gifting to another organisation.

Key Issues

Council owns a WW1 German Artillery Field Gun which had been on display in Darling Gardens, Clifton Hill, since 1921. The gun was captured by Australian Troops during the war and it was subsequently installed by the former City of Collingwood as a “Trophy Gun”.

Following an incident which resulted in injury to a member of the public, the Field Gun was removed in 2013 to reduce ongoing risks. The Field Gun was then put into storage at Burnley depot where its condition deteriorated.

Up until now, restoration of the Field Gun has not been viable given budget constraints. Council’s Art and Heritage Collection includes over 900 art and heritage objects, and the entire annual budget for the maintenance of this collection was \$15,000 when the reports identified urgent repairs.

The current restoration of the Field Gun is made possible by an application by the Richmond RSL which secured \$20,000 from the Australian Government and further to this the RSL and Australian Defence Force are providing significant in-kind support to enable the Field Gun to be restored. This includes logistical transport, temporary storage and overseeing repair and restoration works to the object to a standard suitable for conservation purposes and for public display.

The Field Gun has since been transported for storage and repairs to Maygar Barracks while Council considers its options for its future home.

Following a Council resolution in June 2018 directing officers to consult with the community on the future location of the Field Gun, either in the two municipal locations (Barkly or Darling Gardens) or as part of a broader memorial setting with an external body such as an appropriate Army museum, this consultation with key interest groups, experts and the wider community has been completed and is now presented for consideration.

Financial Implications

The proposed cost for restoring the Field Gun and undertaking a basic installation is approximately \$38,000. Majority of this will be covered through in kind support via the Richmond RSL’s Defence Force networks as well as the securing of a \$20,000 Federal Government Armistice Grant. Should Council determine to re-instate the Field Gun to a park setting, Council can either redirect funds from its current annual operational budgets for maintenance of the Art and Heritage Collection and of Parks and Open spaces to develop some basic interpretive elements or defer this until other external funding is secured or a specific allocation is made in future budgets. There are further State Government Centenary of Armistice Grants opening in December which offers an opportunity for seeking some funding towards interpretive elements.

RECOMMENDATION

1. 1. That:
 - (a) Council determines for the WW1 Field Gun to be reinstated in Darling Gardens after restoration;

- (b) appropriate landscape design be developed to ensure the Field Gun is displayed in the most sympathetic and safe setting;
- (c) interpretive signage be installed alongside the Field Gun to explain its history and provenance;
- (d) prior to installation, community information is developed and distributed to explain the history and provenance of the Field Gun, and to explain the rationale for returning this memorial to public display;
- (e) Council thanks and acknowledge RSL members who have contributed to its current restoration; and
- (f) ongoing maintenance requirements of the Field Gun to be noted and referred to future budget considerations. That Council determines for the WW1 Field Gun to be reinstated in Darling Gardens after restoration.

11.1 WW1 Field Gun

Trim Record Number: D18/191642

Responsible Officer: Unit Manager Arts, Culture and Venues

Purpose

1. To provide Council with the outcome of the community consultation on the future of the WW1 Field Gun in the City of Yarra Art & Heritage Collection and present options for its re-installation at one of two proposed sites or, alternatively, its deaccession and gifting to another organisation.

Background

2. A report on the Field Gun was presented to Council in June 2018. At that time Council resolved:
 - (a) That Council supports and thanks the President and members of Richmond RSL for their work in seeking federal and state funding and assistance in the restoration of the WW1 Field Gun allocated to the City of Collingwood, and the contribution of other service personnel to this restoration project;
 - (b) That Council supports the WW1 Field Gun being restored and authorises Officers to pursue this with relevant organisations;
 - (c) That community consultation be undertaken in relation to the future location of the Field Gun, either in the two municipal locations (Barkly or Darling Gardens) or as part of a broader memorial setting with an external body, such as an appropriate Army museum. The consultation to include residents living in proximity to the two municipal locations, and within the community generally;
 - (d) That in the interim, the Field Gun be offered on loan to the Australian Defence Force for safe storage and public display, on the explicit condition that it will be recalled at Council's request, pending a decision about the future location of the Field Gun; and
 - (e) That Officers bring a further report back to Council following the community consultation.
3. Following the Council resolution, key interest groups, experts and the wider community have been consulted. The results are now presented for Council's consideration.
4. A World War 1 Krupp Howitzer (150mm) Field Gun that was captured from the German Imperial Army by Australian troops in September 1918 on the Hindenburg Line in France has been in the Yarra Art & Heritage Collection (the Collection) since the creation of the City of Yarra and the establishment of the Collection.
5. The former City of Collingwood obtained it through the official allocation via the Commonwealth Trophy Committees and it was installed in Darling Gardens, Clifton Hill from around 1921/1922 where it remained there for approximately 90 years.
6. There were three other guns gifted after World War 1 to the local city councils which make up Yarra (Fitzroy, Abbotsford and Richmond), however only this one remains.
7. Throughout the country, many Trophy Guns that have been gifted by the Australian Government have been lost through either neglect, theft or deliberate disposal due to historical perspectives as objects or relics of war.
8. At the time, the allocation of Trophy Guns required the recipients to enter into agreements and the conditions required that three trustees should be appointed by the Council and that these trustees should sign an agreement to comply with the following conditions in respect of the relic:
 - (a) arrange for it to be permanently housed in a public park, garden or building within the town, whichever may appear most suitable, and

(b) for its subsequent preservation and safe custody.

9. After almost 90 years of being in Darling Gardens, by the early 2010s the Field Gun's condition had deteriorated, public safety standards had changed, and a routine Park Safety Audit identified the Field Gun as a potential hazard. The report suggested:
"Recommend removal of hazardous item or relocation to a fenced area where it may be viewed but not accessed by children. NB: The cannon, which is situated 2 m from pathway, is almost 2 m high but lacks any impact absorbing under surface. In addition it is covered in jagged surfaces due to rust and has numerous areas of entrapment. If item not removed, repair hazardous jagged/rusted sections"
10. The discussion about the appropriateness for the Field Gun to remain on display in park or public settings is not new, nor unique to the Collingwood case. Many of these trophy guns have over the past 90 years been disposed of, in some cases buried and many others whose fate is unknown.
11. Some of the triggers for action have been in response to public safety concerns. There are reports of a child being crushed by a trophy gun, whilst in many other cases, the rusting guns have been identified as public hazards and removed from public display, or restored and reinstated.
12. Up until now, restoration of Council's Field Gun has not been a viable given budget constraints. Council's Art and Heritage Collection includes over 800 art and heritage objects, and the entire annual budget for the maintenance of this collection was \$15,000 when the reports identified urgent repairs.
13. The current restoration of the Field Gun is made possible by an application by the Richmond RSL which secured \$20,000 from the Australian Government and further to this the RSL and Australian Defence Force are providing significant in-kind support to enable the Field Gun to be restored. This includes logistical transport, temporary storage and overseeing repair and restoration works to the object to a standard suitable for conservation purposes and for public display.
14. This restoration will make it possible to return the Field Gun to a public space setting.
15. Some existing WW1 guns are installed in the public realm including similar models outside Victoria Barracks in Melbourne and the near exact same gun is installed on a hill within a garden setting at Montmorency RSL in Melbourne.
16. There are public installations of similar guns and it is evident that suitable displays can be developed with safety, aesthetics, as well as reflective and historical qualities at the forefront. There are also employable devices to discourage people from climbing the Field Gun if installed in a park.
17. Council's Risk Management Unit has outlined the requirements to be met in order to approve the Field Gun being re-installed in any proposed public space.
18. These include: that the Field Gun be elevated on a plinth; that the Field Gun be securely attached to the plinth; that signage stating to not climb or touch the Field Gun be installed; that a garden bed surrounds the plinth and that a fence be constructed around the garden bed.
19. The discussion about the appropriateness of these objects for public display remains contested.
20. The City of Collingwood had debated the display of the Field Gun as early as 1933. Cr Marshall, a veteran of the Boer War, unsuccessfully moved a motion for the Field Gun in Darling Gardens along with all such 'implements of war in parks and gardens be removed, and that it be the future policy of the council to refrain from such military displays'.
21. Another fellow councillor defended the display of guns in the community and vowed that he was 'glad to assemble children at the guns and inform them of the horrors which those implements of war inflicted, and asserted that 'the gun was symbolic of their everlasting esteem and regard for the fallen soldiers'.

22. The 1933 motion to remove the Field Gun from Darling Gardens was defeated by 10 votes to 2.
23. In order to assist Council deliberations, Officers have commissioned two expert reports, as well as consulting with Council's Heritage Advisory Panel and the Visual Arts Panel.
24. Various additional stakeholders have been consulted throughout this process, including Kevin Browning, an artillery expert who is also the Director of Collections of the Royal Australian Artillery Historical Company who provided further information into the origins of the Field Gun, its importance and advice on its preservation and significance.
25. A community consultation has been conducted to seek feedback from community members, including a particular focus on those living near the two proposed locations, but any public member has been able to contribute to the survey for the three options Council is considering:
 - (a) restore and re-install the Field Gun in Darling Gardens, Clifton Hill;
 - (b) restore and re-install the Field Gun in Barkly Gardens, Richmond; and
 - (c) restore and de-accession the Field Gun from Council's Art & Heritage Collection and gift to an appropriate organisation.

Option A: Restore and re-install the Field Gun in Darling Gardens, Clifton Hill

26. Darling Gardens in Clifton Hill is the original location of the Field Gun, having resided there from around the mid-1920s until 2013.
27. In general, the guiding principle for the maintenance of historical objects and buildings is not for it to be relocated, according to the Burra Charter: the Australia International Council on Monuments and Sites as the best practice standard for managing cultural heritage places in Australia.
28. The Burra Charter states: *"The physical location of a place is part of its cultural significance. A building, work or other component of a place should remain in its historical location. Relocation is generally unacceptable unless this is the sole practical means of ensuring its survival."*
29. The current 2015 Darling Gardens Master Plan does not make reference to the Field Gun. It has not been located there since it was removed in 2013.
30. The process of developing the Darling Gardens Master Plan, Council engaged with the community on three occasions, including a letterbox drop of 1800 residences. Across the multiple rounds of consultation Council received more than 300 submissions regarding design and functions of the Gardens, one (1) of which requested that the Field Gun be returned to Darling Gardens.
31. A previous City of Collingwood commissioned document, 'Darling Gardens Cultural Significance and Conservation Policies' by Nigel Lewis Richard Aitken Pty Ltd (1993), makes reference to it as the 'cannon'. Under section 7.7 Buildings and structures, the report states 'Retain cannon in existing location'.

Option B: Restore and install the gun in Barkly Gardens, Richmond

32. The Richmond RSL has advocated for the Field Gun to be restored and relocated to Barkly Gardens so it can sit with the existing ANZAC War Memorial and where there are ongoing community commemorations for the sacrifices made at war and congregations are better accommodated.
33. The 2006-2007 Master Plan for Barkly Gardens includes a reference to retain the existing memorial.
34. The installation of the Field Gun near the existing monument in Barkly Gardens would allow for a considered layout and reflective synergy between two linked assets that provide physical and emotional insights into World War 1 and its impact and connection on local communities.

35. The Brigade that captured the Field Gun (the exact battalion within that Brigade is difficult to ascertain due to inconsistent records) were made up of Victorian Troops, and in particular soldiers from the suburbs of Richmond, Collingwood and Fitzroy.
36. Barkly Gardens also offers a favourable setting when considering its potential relationship with the existing monument as a reflective space, passive surveillance offered and also the joint custodianship arrangements that are possible with the Richmond RSL.
37. It could be argued that locating the Field Gun in another location, such as Barkly Gardens is the sole practical means for ensuring its survival. Most of the WW1 Trophy Guns in Australia have been relocated.
38. It is likely there will be more opportunity for federal or state government funding in the future if the WW Field Gun is placed within a broader memorial setting rather than being installed as a standalone object.

Option C: Do not restore the Field Gun and propose to de-accession the Field Gun from Council's Art & Heritage Collection.

39. Another option for the Field Gun is for it to be de-accessioned from Council's Collection.
40. The Collection Management Policy and Operational Guidelines call for all proposals for de-accession to be submitted to Council's advisory Visual Arts Panel (VAP) for its review and endorsement.
41. A formal de-accession proposal will be prepared for the Visual Arts Panel to consider if Council recommends this course of action. The proposal must include justification for the de-accession and the written recommendation of two experts.
42. Objects proposed for de-accession can only be proposed for de-accessioning if they meet one or more of the following criteria as outlined in section 8.3 in the Collection Management Policy:
 - (a) items that have no relevance to the Policy aims;
 - (b) certain items that are copies, duplicates or reproductions;
 - (c) certain items that are in poor condition or have suffered irreparable damage;
 - (d) items that have a legal ownership established as other than the Yarra Council; and
 - (e) irreparably damaged items with no known provenance.
43. The Field Gun status has already been canvassed with the Visual Arts Panel (VAP) and there was general support for de-accession should Council be able to secure an appropriate recipient, such as a public museum. However, VAP would only formally consider a de-accession at Council's initiation.
44. The Collection Management Policy outlines that: 'De-accessioning is the process by which the City of Yarra may legally and officially dispose of Collection items. All proposals for de-accession are to be undertaken with great caution, thoroughness and consideration. De-accession is not a method for raising revenue. Money raised from the sale of de-accessioned works will be used generally for acquisitions or for the care and development of the Collection.'
45. According to the Policy, if a decision of de-accession is made, then:
 - (a) Council will need to hold the object for 12 months as a cooling period before disposal can take place;
 - (b) Disposal could be in the form of:
 - (i) offering it to another institution;
 - (ii) sale; and
 - (iii) dispose as waste.

46. Appropriate disposal would be determined including offering it to a suitable museum, collecting institution or society. It is understood that the Army History Unit in Canberra is willing to accept Trophy Guns in order to preserve and put them back on public display where possible.
47. Another option for de-accession is to sell the Field Gun and the market would determine the likely sale price. These items are rare and tied to Australia's war history, however, and selling an object like this would most likely result in negative community and media interest.

Community Consultation

48. The community consultation was conducted from 21 September – 26 October 2018. This encompassed:
 - (a) The "Have Your Say Yarra" portal survey via Council's website;
 - (b) A leaflet drop of 2500 flyers to local households/properties around the two proposed locations;
 - (c) Multiple corflute signs about the consultation installed within the two parks;
 - (d) Postcards distributed to local schools and community facilities;
 - (e) Social media post promoting consultation on Council & Yarra City Arts accounts;
 - (f) Yarra City Arts October e-newsletter;
 - (g) Three 2 hour weekend pop up sessions on at the proposed locations in September and October;
 - (h) Direct email to RSL and Historical societies;
 - (i) Presentation to historical groups; and
 - (j) Report to Council's Visual Arts Panel and Heritage Advisory Panel.
49. The Richmond RSL and Richmond & Burnley Historical Society initiated discussions around this collection item during Council's Remembrance Day planning and have provided ongoing feedback and advocacy throughout the scoping of this report and investigation into future options for the Field Gun.
50. The East Melbourne/Combined Tramways RSL based in Fitzroy was invited to provide feedback to Council on the future of the WW1 Field Gun, however no formal response was received.
51. There were 269 responses to the consultation. Respondents were asked to state their preference amongst the three identified options, and were given the opportunity to provide additional comment. Feedback was mixed, with no single option having overwhelmingly more support than others.
52. The overall results, including Have Your Say Yarra survey & direct feedback to Council officers or via social media, are presented as follows.

Option A: Restore and re-install the Field Gun in Darling Gardens, Clifton Hill

Survey Results

53. 84 respondents (31.2%) supported the Darling Gardens option. Of those 62 (74%) live in Yarra or close by, 10 live outside Yarra, with a further 12 not stated.
54. There were 9 people who identified themselves as RSL Members or war veterans who voted for the Field Gun to be returned to Darling Gardens.
55. Respondents who were supportive of the Field Gun going back to Darling Gardens noted its intrinsic links to Collingwood, being gifted to that particular city, the tangible history it offers to park visitors when they view it in the gardens and its presence there since the end of WW1. Respondents noted:

'It sat in the Darling gardens for 90 years. It gave my parents and grandparents the opportunity to bring into conversation and teach me many historical things whilst enjoying the park as a family. I would like the chance to be able to do the same with my grandchildren.'

'The gun was located there for over 90 years; it was originally given to the City of Collingwood; Collingwood was the source of a large number of soldiers (and nurses) who participated in World War I, and around 500 of these made the final sacrifice, leaving stories of loss and distress behind them in the sorrowing suburb. Collingwood Councillor and Mayor Ruthven was awarded the Victoria Cross, as were two other men with Collingwood associations. Although both Richmond and Collingwood are now part of the City of Yarra, and Richmond organisations have been active in working towards its restoration, it seems preferable to retain the gun in the position where it was originally placed. Apart from the broader perspective, the gun has a personal resonance for me as a Clifton Hill resident for 40 years, and frequenter of the Darling Gardens. My son and his cousins used to often clamber over the gun; we felt the warmth of the metal in the summer sun, and its cool smoothness on overcast days. We thought about those poor soldiers fighting in the trenches, and great-great-uncle Samuel who attended nearby Gold St school but gave his life in the north of France. I loathe any glorification of war, but think it behoves us to recall the sacrifices and mistakes of those terrible times.'

'The field gun has a rich history of being in Darling Gardens it would be wonderful to see that history continue. I think it's important to have these historic artefacts in public places where people can see them, interact with them, ask questions and learn, not hidden away in museums where no one will see them unless they seek them out.'

'It was put in Darling Gardens for the reason identified in 1922. That reason should hold precedence nearly 100 years later as we show respect for the people who thought about and made that decision and also to the significant number of Clifton Hill residents who served and died in WW1. Barkly Gardens is too remote and is unlikely to be exposed to a smaller number of people. Should be in view of Hoddle Street for greater exposure.'

Other feedback

56. The Collingwood Historical Society have advised their formal position is for the Field Gun to be returned the Darling Gardens as the original site.
57. The Collingwood Historical Society also referred Council to the Darling Gardens Cultural Significance & Conservation Policies document (1993 by Nigel Lewis Richard Aitken Pty Ltd) which also recommended that the gun be retained in the gardens.
58. However, should Council determine to install the Field Gun in another site in Yarra, it is recommended that interpretive signage displayed alongside it, which outlines the original location and history of the Field Gun within Collingwood.
59. The Heritage Advisory Committee were consulted via email and phone calls as there was no meeting convened prior to the matter being presented to Council. Eight out of twelve HAC members responded to this issue.
60. HAC's preference is for the Field Gun to be placed in an appropriate war museum on the condition that there is a permanent description attached explaining the history of the gun including how it was brought to Australia and how it came to being placed in the Darling Gardens.
61. However should the community support for the Field Gun to be reinstated in Darling Gardens, HAC would support that on the grounds of historic precedent but their view is that the gun should not be fenced.

Option B: Restore and install the gun in Barkly Gardens, Richmond

Survey Results

62. 127 respondents (47.2%) supported the Barkly Gardens option. Of those 72 (57%) live in Yarra or close by, 53 live outside Yarra, with a further 2 not stated.

63. 49 respondents identified as an RSL Member or war veteran outside of Yarra.

64. Some respondents supporting Barkly Gardens noted:

'This significant piece of history should be at Barkly Gardens as it is regarded by us as the City of Yarra's primary ANZAC Memorial site and is also regarded as a significant space for RSL community and Veteran support.'

'As a regular visitor to this park I am aware of how busy it is. As there is already a historically significant installation it makes sense to expand this, continuing the education of our community both now and in the future.'

'Historical war items are best collated and presented together so that those with genuine interest can experience these items at the same location rather than dispersed across the City. Dispersal across the City makes these items vulnerable to vandalism, and easily 'forgotten'. Keeping the field gun within the City is preferable, however gifting it to an external organisation is my second preference. Darling Gardens doesn't appear to be the right 'fit' for such an item. The Gardens are used primarily by dog owners, families with young children, and those traversing between Queens Pde and Hoddle St. The gun is highly likely to be ignored as it does not match the Garden use.'

'To have this important WWI Gun placed at Barkly Gardens, being the City of Yarra's primary ANZAC Memorial site plus our RSL Community support will ensure the WWI Gun is suitably maintained and will ensure its due care along with this Memorial's overall upkeep. Barkly Gardens has had a long historical connection with Richmond RSL and once our clubhouse is re-opened that connection will be re-established and enhanced.'

65. The Heritage Advisory Committee does not support moving the Gun to Barkly Gardens.

Option C: Do not restore the Field Gun and propose to de-accession the Field Gun from Council's Art & Heritage Collection.

66. 58 respondents (21.5%) supported the de-accession option. Of those 47 (81%) live in Yarra or close by, with a further 11 not stated.

67. Some respondents noted:

'It has always disturbed me that we have a machine used to gun down life in a peaceful park like Darling Gardens. My family has sadly been involved in WW1, WW2 and the Vietnam war and it is important to remember these times so we learn from the past but I don't think the gun should be here in an urban garden. There are also a large number of people who are refugees who have fled war living in Yarra and surely they don't enjoy the sight of the gun either. I would prefer to see it given away or destroyed and not displayed in the city of Yarra.'

'Weapons of war are best housed in a purpose-built facility such as a museum or historical society. Displaying such items in public only serves as a reminder of the social ills, loss of life and dislocation caused by war.'

'As a qualified WW1 historian, I am concerned that it may not be appreciated by nearby residents of Darling & Barkly Gardens. Australian participation in WW1 is largely unknown by the community other than the Gallipoli campaign. Therefore if it is gifted to an external organisation with other WW1 relics people who are actually interested in WW1 history will be able to see it. It may be vandalised if displayed alone in gardens.'

68. Four respondents that supported de-accession also raised concerns about the Field Gun being positioned in Darling Gardens due to the Hoddle Street Massacre incident in 1987 which happened at this location.
69. Four respondents supported the Gun being gifted to the 'Collingwood RSL' with one referring to the Soldiers & Sailors building on Hoddle Street, Abbotsford.
70. The Visual Arts Panel (VAP) considered the Field Gun in April 2018 and the overall feedback was that the rightful home for such an object is a military/ war museum where it can be viewed by those who wish to see it, in a context that takes into account its history, value and significance, as well as more opportunities for scholarship and exhibition/education.
71. The VAP questioned whether a contemporary recreation space such as a park is the right setting for an object like a gun; this question is open for debate as parks continue to be a place of War Memorials and other monuments or art installations, as well as active and passive activity for the public.

Other Community Feedback

72. Most community members who supported the Field Gun to be re-installed in either or both parks did not provide feedback around its presentation, however there were a few comments on preference for display including not having a fence or a raised pedestal installation:

'From a heritage perspective the gun best remain in its original location. However part of its heritage is some 90 years of having local children playing on it, so I am not in favour of having a fence around it to prevent this. Having the gun set [on] a large base is also not part of its heritage. If it has to be fenced and on a large base it may be better placed elsewhere. Its heritage in the Darling Gardens has not been as a focus of memorial activities.'

'So glad to see it has been restored. If it's placed outside, please put a roof over it to preserve it for longer. This can be done aesthetically and respectfully.'

Expert Heritage Advice

73. A Statement of Significance & Heritage Impact was prepared for Council by Michele Summerton from Historical Cultural Heritage Projects (see attachment).
74. The report takes the approach that it is important to understand the heritage significance of a place/object before making a decision that could impact on its meanings and values. The report explores the questions:
 - (a) Why and how is the WWI German Artillery Field Gun of cultural heritage significance?
 - (b) How can it be understood in its historical context and broader themes?
75. Using the Heritage Council of Victoria's Criteria in making this assessment, the report recommends Option A, for the Field Gun to be returned to Darling Gardens.
76. Noting that only an estimated 20% of WW1 guns that formed part of the Australian War Trophy Collection (AWTC) have survived, most are no longer in their original locations or historical context, the Field Gun now is a rare example of an object that has remained in situ and of relatively good condition.
77. Dr Bart Ziino is a leading expert on 20th Century History, including Australia in the two World Wars and memory and commemoration of war in Australia and abroad. Dr Ziino prepared a report for Council considering the two proposed locations and the context that could support the installation of the Field Gun.
78. Dr Ziino's report (see attachment) outlines the interpretive possibilities of this object if Council were to re-install the Gun within a public setting; he emphasises the opportunity of addressing its contentious status through time which will enable further engagement and people to ask themselves to consider its meaning and what the Field Gun represents.

79. Should Council determine to re-install the Field Gun in a public location in Yarra, it is proposed to develop community information for distribution that explains the history and provenance of the Field Gun, and explains the rationale for returning this memorial to public display.
80. As Dr Bart Ziino notes, Council has a *'unique opportunity to provide the public with an interpretation of this object that reflects its complex and multifaceted relationship to its community.'*

Internal Consultation

81. Arts & Cultural Services have consulted with relevant teams within the organisation including Open Space and Risk Management.
82. Open Space has given formal advice which in summary outlines that they do not approve of the Field Gun being installed in Barkly Gardens or any other park due to the safety risks and also the visual and spatial impact such an installation may have.
83. The formal response from Open Space is included as an attachment to this report.

Financial Implications

84. The preliminary budget estimated for the restoration and re-installation of the Field Gun is approximately \$38,000 for the sandblasting, historical reproduction paint, replica wheels (to replace lost wooden ones), structural drawings, re-installation including raised pedestal and fence, as well as design and implementation of interpretive elements.
85. A secured Federal Government Grant covers \$20,000 of this and the balance is covered mainly by in kind support via the RSL and Australian Defence Force.
86. The cost break down for just the full restoration of the Field Gun is approximately \$23,500 (with \$10,000 of that covered in kind through the RSL's networks and the rest covered through the Federal grant).
87. It is noted that the \$38,000 is a quoted estimate and if further landscaping and interpretive signage was proposed, such as a reflective garden bed around the elevated Field Gun, then that would add to the total project budget in the order of \$10,000 - \$18,000.
88. Recently Council was unsuccessful in securing a State Government Victoria Remembers Major Grant towards the landscaping and interpretive part of this project.
89. Following feedback through this process however, there may a more suitable Grant opportunity up to the value of \$30,000 through the Restoring Community War Memorials and Avenues of Honour grants program which has another round opening in mid-December 2018 – early Feb 2019.
90. Following the recent grant process and feedback received, it seems likely that future funding will be easier to secure if the Field Gun is installed as part of a more established memorial setting offered by Barkly Gardens.
91. If de-accession is proposed, then the current Collection Management Policy guides that items should be offered to a suitable museum or institution or sold to a willing buyer. The Collection Management Policy specifies that any profits from a sale of an object from Council's collection, goes back into Collection expenditure for maintenance of other items.
92. There would also be ongoing maintenance costs if Council keeps the Field Gun in its Collection which can be adequately funded through the annual maintenance budget.

Economic Implications

93. There are no economic implications to this report.

Sustainability Implications

94. If the Field Gun is installed once again in one of Council's open spaces on permanent public display, there will be an impact on the landscape and it will reduce open space to a very small extent.

Social Implications

95. The object has clear connections to the civic, cultural historical life of Collingwood and its community, as well as previous serving veterans, their families and descendants. The local RSL and Historical Societies have highlighted its physical, historical and spiritual importance, particularly in light of the Centenary milestone of WW1.
96. The Field Gun, if restored and re-installed in one of Yarra's open spaces, will be visible and accessible to the wider community and public. It will provide an opportunity for the object and its harrowing history to be democratically accessed, and as a result there are implications for local history and education for younger people (and broader sections of society) to learn about the First World War and its aftermath.
97. There will be members of the community and the public who do not want to see guns in the park as objects of war. There is a long tradition of displaying silenced weapons in public spaces in Australia and across the world and it is acknowledged that there can be differing views on this.

Human Rights Implications

98. There are no human right implications to this report

Communications with CALD Communities Implications

99. There have been no specific additional communications with CALD communities with respect to this report.

Council Plan, Strategy and Policy Implications

100. The preservation of the gun should be guided by Council's existing Collection Management Policy which outlines the responsibility to maintain and preserve objects in the Art & Heritage Collection.
101. Any proposed de-accession or disposal of the Field Gun should also be guided by Council's Collection Management Policy.

Legal Implications

102. The Field Gun was removed in 2013 due to an incident with a member of the public being injured while climbing on it.
103. The Field Gun would need to meet stringent conditions to be considered safely installed in the future as outlined by Council's Risk Management team to minimize the risk of future incidents.
104. Both Darling Gardens and Barkly Gardens are Crown Land and managed by Council through a Committee of Management. Should Council decide to re-install the Field Gun in either of these locations, then the State Government will be notified through the Department of Water, Environment, Land & Planning (DWELP).
105. The State Government retains liability for any incident which occurs on Crown Land. There are no obstacles anticipated from DWELP.

Other Issues

106. Council has no storage capacity particularly for objects like this.
107. The Field Gun is currently on temporary loan for safe storage and restoration to the Australian Defence Force and is stored at a Barracks until a determination is made on its future.
108. There might be strong community interest in this issue and also potential media interest and coverage.

Options

109. Council is considering the following options:
 - (a) re-install the Field Gun in Darling Gardens, Clifton Hill;
 - (b) re-install the Field Gun in Barkly Gardens, Richmond; and

- (c) do not restore the Field Gun and propose to de-accession the object from Council's Art & Heritage Collection.

110. In addition to the options explored throughout the consultation, Council could also find another suitable display or storage site for the Field Gun, but none have been identified to date.

Conclusion

- 111. The Field Gun is a rare and important part of Australia's history. Its allocation to the former City of Collingwood was one of civic pride.
- 112. The removal of the Field Gun following a significant public safety incident is not unique, and many similar Trophy Guns had been removed from public display due to public safety concerns or incidents.
- 113. Officers believe the current restoration and a purpose designed display will be able to mitigate the public safety risks associated with the gun should it be placed in a park again.
- 114. The public display of war guns has always been controversial and this is bound to continue into the future. Some members of the community argue that it provocatively glorifies war, others maintain it is a solemn and unique memorial to those who fought in the war.
- 115. Council acknowledges the sacrifices made by veterans through ceremony each year and actively preserves a number of war memorials, including the WW1 Sportsman's Memorial in Edinburgh Gardens.
- 116. The current level of funding allocated to the maintenance of Council's collection makes it very difficult to effectively manage larger monuments and objects such as the Field Gun to ensure it is conserved and made safe.
- 117. Whilst external funding and in-kind support are key to restoring the Field Gun, maintaining these items to contemporary standards will remain an ongoing issue for Council.
- 118. The Richmond RSL have expressed their interest to be the overseer and caretaker of the Field Gun in partnership with Council if it is installed in Barkly Gardens; however, they have strongly expressed their primary desire which is to have the Field Gun returned to public display.
- 119. Mr Browning has noted about the Field Gun (full report attached): *'Whilst no doubt the importance of the gun to Veterans goes without saying... if the history of the gun and what it really represents was known by the citizens then that importance would be held right across the whole community. It was the forebears of the citizens that put themselves in harm's way and no doubt the families of those veterans sacrificed a great deal and underwent much fear for their loved ones. Council needs to...understand that the gun is not a symbol of war. It is a symbol of the sacrifices our forebears gave for the freedoms we so love and enjoy today.'*
- 120. There is a consistent sentiment between local RSLs and historical societies to have this item restored, made accessible to the community and greatly prefer to have the Field Gun installed in the public realm for its accessibility and historical/civic significance.
- 121. Both Darling Gardens and Barkly Gardens are viable locations for the Field Gun, with each proposal having advantages.
- 122. Darling Gardens offers the historical connections for the Field Gun is recommended by the Heritage Consultant, Collingwood Historical Society and conditionally by the Heritage Advisory Panel.
- 123. Barkly Gardens is more popular location with surveyed respondents, and there are many precedents of such trophy guns being relocated. It has the advantage of being a site of an existing war memorial and a place of active commemoration ceremonies and public events.

124. The Richmond RSL members are active and have offered to become custodians of the Field Gun in partnership with Council should it be placed with the War Memorial in Barkly Gardens that the RSL has been actively managing. This would help Council with the ongoing management and preservation of the Field Gun and this has been demonstrated in this current phase where the RSL has negotiated to be removed and restored and secured the in-kind support of the Australian Defence Force.
125. Each option provides benefits to the community, and officers believe that no one option is significantly better than others. However, the heritage considerations and expert advice along with the long history of the Field Gun's location suggests that reinstatement of the Field Gun to Darling Gardens may be the most appropriate action.

RECOMMENDATION

1. That:
 - (a) Council determines for the WW1 Field Gun to be reinstated in Darling Gardens after restoration;
 - (b) appropriate landscape design be developed to ensure the Field Gun is displayed in the most sympathetic and safe setting;
 - (c) interpretive signage be installed alongside the Field Gun to explain its history and provenance;
 - (d) prior to installation, community information is developed and distributed to explain the history and provenance of the Field Gun, and to explain the rationale for returning this memorial to public display;
 - (e) Council thanks and acknowledge RSL members who have contributed to its current restoration; and
 - (f) ongoing maintenance requirements of the Field Gun to be noted and referred to future budget considerations.

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Attachments

- 1 [⇒](#) Collingwood Gun Restoration
- 2 [⇒](#) Report - Dr Bart Ziino
- 3 [⇒](#) Report - Field gun
- 4 [⇒](#) Collingwood Gun Background by Kevin Browning
- 5 [⇒](#) Attachment for Report - Other WW1 Guns on public display
- 6 [⇒](#) Darling Gardens Maps 1930 & 1957 showing Cannon location
- 7 [⇒](#) Proposed new location of the field gun at Barkly Gardens

11.2 Multi Year Arts and Culture Funding Review

Executive Summary

Purpose

To seek Council endorsement for proposed changes to the multi-year arts and culture funding program, and to refer budget implications to the mid-year review for further consideration.

Key Issues

Yarra City Council's multi-year arts and culture funding program is a part of the Community Partnership Grants (CPG), offering a total of \$230,000 per year in cash support for arts and culture programs within the City of Yarra.

These grants three years of fixed funding and was designed to provide security and reduce administration costs to enable creative activity to be developed over a three year period as well as to support creative organisations to build greater capacity and deliver the best outcomes in Yarra. Key Yarra events Victoria Street Lunar Festival and Johnston Street Fiesta are funded through this program.

The scheme was implemented in 2012 after a major program review. The current agreements will expire at the end of 2019 and a funding application process should be initiated by February 2019 to enable Council to make a determination for grants starting from January 2020.

A number of submissions for increased funding were received by Council from existing grant recipients during the 2018/19 budget process. At the time Council resolved to note these submissions and refer them to an imminent review of the program, which is this process.

The program has been fixed since 2012 and has not grown with the Consumer Price Index, had this been applied, as it is with the Annual Community Grants, the program should have grown to \$259,000.

Council has a number of options in relation to the future of the program and these include:

- (a) Closing the funding program;
- (b) Leaving the program unchanged; and
- (c) Changing elements of the program.

The review included consultation, benchmarking against other local, state and federal funding programs and considering the changes in the creative sector in Yarra. The consultation indicated that levels of funding in the program has put a number of key projects under financial stress and not enabling these activities to be undertaken.

Financial Implications

The program is currently budgeted at \$230,000 in cash each year and \$200,000 in contracts and services procured by Council. The officer recommendation is for the cash grants to be increased to \$300,000 from 2020-2021.

Recommendation

1. That Council replace the current three year arts and culture funding program, with a two year arts and culture funding program, to apply to projects funded from 2020 onwards;
2. That Council endorse the draft Arts and Cultural Biennial 2020-2021 Grant Guidelines, including the creation of a new funding stream called Engage Yarra;
3. That Council refer this report to the 2018/2019 mid-year budget review in relation to the proposal to increase the total funding pool from \$230,000 per annum to \$300,000 for the 2019/2020 budget year; and, subject to such approval, invite applications for:

- (a) The Creative Yarra funding stream, with a maximum funding ceiling of \$30,000 from a funding pool of \$130,000;
 - (b) The Engage Yarra funding stream, with a maximum funding ceiling of \$30,000 from a funding pool of \$100,000; and
 - (c) Celebrate Yarra funding of \$35,000 for Johnston Street Fiesta and Victoria Street Lunar Festival respectively with \$5,000 of this be tied to event management personnel, from a total funding pool of \$70,000.
4. Note that a further report will be brought to Council in 2019 to determine the recipients of the Biennial Funding for 2020-2021.

11.2 Multi Year Arts and Culture Funding Review

Trim Record Number: D18/171969

Responsible Officer: Director Community Wellbeing

Purpose

1. To seek Council endorsement for proposed changes to the multi-year arts and culture funding program, and to refer budget implications to the mid-year review for further consideration.

Background

2. Yarra City Council's multi-year arts and culture funding program is a part of the Community Partnership Grants (CPG), offering a total of \$230,000 per year in cash support for arts and culture programs within the City of Yarra.
3. The current scheme was implemented in 2012 after a major program review. In that review Council endorsed the establishment of two, three year funding schemes:
 - (a) Creative Yarra – maximum grant is \$20,000 in a total pool of \$170,000 and open to all applicants; and
 - (b) Celebrate Yarra – maximum grant is \$30,000 in a total pool of \$60,000 and open to by invitation applicants only.
4. The funding pool did not include provisions for consumer price index adjustments and as such has been fixed at \$230,000 since 2012.
5. The current agreements will expire at the end of 2019 and a funding application process should be initiated by February 2019 to enable Council to make a determination for grants starting from January 2020.
6. A review of both funding schemes is warranted given the time the program has been in place and the changes in the community. A number of submissions for increased funding were received by Council from existing grant recipients during the 2018/19 budget process. At the time Council resolved to note these submissions and refer them to a further review of the program. Officers have since conducted a review and this report details the findings and provides recommendations for Council's consideration.
7. The review included:
 - (a) A benchmarking review of the multi-year grants available with other comparable Councils and State and Federal Government bodies;
 - (b) Community consultation through an online survey;
 - (c) Interviews with the two current Celebrate Yarra recipients; and
 - (d) Consideration of the submissions made to Council by several current CPG recipients during the budget consultation process.

Creative Yarra – current program

8. Creative Yarra offers three years of fixed funding for individual creative practitioners and organisations to deliver arts and cultural activities within the City of Yarra. It was designed to provide security and reduce administration costs to enable creative activity to be developed over a three year period as well as to support creative organisations to build greater capacity and deliver the best outcomes in Yarra.
9. The grant round is extremely competitive. Recipients received grants from \$5,000 to \$20,000 per year.

10. In the Creative Yarra 2017-19 round, 34 applicants requested a total of \$571,000 per annum. The 12 successful applicants shared the \$170,000 grant pool.
11. The funded projects are wide ranging: from supporting including young people and filmmaking, marginalised young people and the arts, circus arts, projection arts, craft and design, visual arts, music, dance, and performance.
12. The program favours a partnership model of funding where Council's contribution is only a part of the funds required: Council's contribution to the funded projects in the current round varies from 9% to 64% of the total project budgets.
13. The 12 recipients 2017-2019 round are included in attachment 3 to this report and demonstrate the range of activities and organisations funded, as well as the financial contribution from Council against the total project costs projected for year one of the grant.
14. All recipients report to Council annually on the progress of their grant.
Benchmarking against other local governments, State and Federal arts agencies.
15. Multiyear funding is offered by many local, state and federal governments. Of the grants reviewed, Yarra's multi-year funding ceiling amount is at the lower end, the total pool is in the median range, as tabled below (data accurate as of September 2018), however it is the only Council offering multi-year funding for individual practitioners.

Council	Years of funding	Amount	Total Funding Pool
City of Darebin	No multiyear funding offered	\$0	NA
City of Moreland	2 years (up to)	\$5,000 to \$8,000 ceiling amounts	\$50,000
City of Stonnington	3 year	\$20,000-\$60,000 for organisations	\$130,000
City of Yarra	3 years	Up to \$20,000 for organisations Up to \$10,000 for individuals	\$170,000
City of Port Phillip	3 years	Up to \$30,000 for organisations	\$180,000
City of Melbourne	3 years	\$30,000-\$300,000 for organisations	\$2.7m

16. External bodies also provide a pool of funding support for community groups across Victoria to access including:

Funding Body	Years of funding	Amount	Total Funding Pool
Creative Victoria	4 years	Up to \$25m (over 4 years)	\$113m (over 4 years)
Australia Council	4 years	\$75,000-\$300,000 for small to medium sized organisations	\$13m

Celebrate Yarra – current program

17. Celebrate Yarra supports two of Yarra's community produced large scale street based festivals, namely Fiesta and Lunar.

18. Celebrate Yarra is a non-competitive application process, on a by invitation only three-year partnership program for the community organisers who deliver Johnston Street Fiesta and Victoria Street Lunar Festival. It recognises these two major street based events are unique to Yarra and stimulate local economic activity while also making a significant contribution to cultural tourism in Yarra.
19. Whilst the cash grant awarded to the two community organisations is relatively low for events of this scale, Council makes significant contributions in-kind that are valued over three times the value of cash grant.

NAME OF PROJECT	DESCRIPTION	AMOUNT REQUESTED	AMOUNT GRANTED	TOTAL PROJECT BUDGET (excluding in-kind)	ADDITIONAL COUNCIL IN-KIND
Victoria Street Lunar Festival	Victoria Street Lunar Festival as one of the most popular and recognised Lunar New Year celebrations in Victoria, drawing people from all over City of Yarra and City of Melbourne.	\$30,000	\$30,000	\$144,000	\$99,907
Johnston Street Fiesta	To celebrate the discoveries of the Americas, and unite Latin American and Hispanics to showcase our culture, colours, and different kinds of food to the Non-Hispanic speaking people and join us in our celebrations.	\$30,000	\$30,000	\$189,000	\$101,975

20. The State Government made a number of commitments to the community in November, amongst these were a commitment of an additional \$50,000 per year for three years for the Victoria Street Lunar Festival and an additional \$100,000 for Johnston Street Fiesta.
21. The details and the implications of this funding is still to be confirmed.
Benchmarking against other local governments for their local Lunar celebrations support
22. Comparing cash and in-kind support by other local governments for lunar festivals indicates Yarra's support is at the high end of the range.

Council	Cash Grant Value	In-kind Support
City of Greater Dandenong	\$33,000	\$5,000
City of Maribyrnong	\$60,000	\$7,500
City of Monash	\$60,000	\$20,000
City of Yarra	\$30,000	\$99,907
City of Whitehorse	\$23,500	\$110,000
City of Melbourne	Confidential information available to Council on request	Confidential information available to Council on request

External Consultation

23. The consultation conducted for the review of these grants included feedback from current recipients and the broader community.
24. An online survey reviewing the Creative Yarra grant was open to the community from 22 August – 9 September 2018. Questions covered the grant experience from application through to acquittal and impact, for current and former applicants and recipients. Respondents were also asked to comment on the current funding model and suggest possible changes to the value and length of the grant.
25. There were a total of 48 respondents to the survey. The majority of respondents (80%) had been through Council's grant application process. Fifteen of those respondents had previously applied for Creative Yarra funding. Respondents were broadly positive about the multi-year funding program as it provided security, enabled planning and a longer term vision, and the improved ability to leverage external funding. In some cases it also enabled the employment of part time staff.
26. The survey results highlighted opportunities for improvement such as better promotion of existing Council services, such as, grant writing workshops and in-kind support. Some respondents drew attention to the timing of the Creative Yarra grant round and the need for applicants to apply for an annual grant as a fall-back option before knowing if they have been unsuccessful in the Creative Yarra funding round.
27. There was a strong response to questions regarding changes to the funding model with the majority of respondents seeking at minimum a CPI increase over the length of the partnership and just under 50% suggesting the annual funding cap be raised by at least \$10,000 for groups. There was roughly equal support for multi-year funding terms of two, three and four years.
28. There was strong request for an increase in the ceiling, and the majority requested for the ceiling to be increased to \$30,000 per organisation. Some requested for this to be more significantly increased to \$50,000.
29. Council officers met with representatives from the Victoria Street Lunar Festival and the Johnston Street Fiesta. Both organisations sought greater level of cash funding and Fiesta have sought a longer term of funding.

Internal Consultation (One Yarra)

30. City Works, Community Partnerships, Economic Development and Finance were consulted for this report.

Financial Implications

31. The program is currently budgeted at \$230,000 in cash each year and \$200,000 in contracts and services procured by Council.

32. The program has been fixed since 2012 and no consumer price index (CPI) increases have been included each year since 2012; Council's annual grants is aligned to CPI increases each year.
33. Allowing for CPI increases to \$230,000 from 2012-2018 would have brought the program to \$259,000 by 2018.
34. The officer recommendation is for this budget to be increased by \$70,000 per annum to a total of \$300,000 from 2020-2021, balancing the demand from the community, allowing for the CPI increases that had not been factored in over the previous 6 years, and considering all the other demands on Council's budget.
35. It is anticipated that a total pool of \$230,000 for the two open streams will enable the Council to support a similar number of community organisations at the increased ceiling amount. In a scenario where Council determines to offer the full amount to all organisations, about 8 organisations will be able to be funded.

Economic Implications

36. Council's combined in-kind and cash investment of \$430,000 generated \$1,272,664 worth of activity within the funded projects (year 1 data). Major events such as Lunar Festival and Fiesta are a major tourism drawcard and generate flow on benefits for the local communities where these events are hosted.
37. Creative Victoria research in 2018 reveal that Victorian festivals collectively attract approximately nine million people each year, around 35% of attendees are tourists (intrastate, interstate and international). Victorian festivals provide employ 12,000 people, engage 31,000 volunteers and provide opportunities for 80,000 creative practitioners.
38. 2010-11 the total contribution of the arts and culture sector was: \$11.4 billion of annual Victorian GSP and 110,000 Victorian full time equivalent jobs.
39. In Yarra alone, a recent live music report indicates music generates almost \$130 million in income for 2017.

Sustainability Implications

40. All supported projects are encouraged to adopt sustainable practices including but not limited to sustainable travel and sustainable waste management.

Social Implications

41. Council's Annual Customer Service Survey indicate the Yarra community values arts and cultural services, scoring 8.30. Comparing with other valued services - less important to our residents than green waste collection and more important than the Fitzroy Swimming Pool.
42. Our residents have reported that the arts and cultural services in Yarra are "excellent" rating it below their satisfaction with pet registration and above green waste collection services.

Human Rights Implications

43. The UN Declaration of Human Rights recognises the right to freedom of artistic expression and creation, which includes the right of all persons to freely experience and contribute to artistic expressions and creations, through individual or joint practice, to have access to and enjoy the arts, and to disseminate their expressions and creations.

Communications with CALD Communities Implications

44. Council's CALD communications guidelines have been adopted in the preparation of this report.

Council Plan, Strategy and Policy Implications

45. This report relates to Council Plan objectives:
 - (a) A healthy Yarra: Community health, safety and wellbeing are a focus in everything we do;

- (b) An inclusive Yarra: Inclusion, diversity and uniqueness are welcomed, respected and celebrated; and
 - (c) A prosperous Yarra: Local businesses prosper and creative and knowledge industries thrive.
46. Economic Development Strategy objectives:
- (a) Promote the City of Yarra as an outstanding visitor destination incorporating its unique precincts and cultural assets and experiences; and
 - (b) Provide targeted and relevant services and assistance to facilitate business growth, especially for SMEs, and entrepreneurs, with a greater focus on quality digital services and information.
47. Arts and Culture Strategy priorities:
- (a) Support artists working across all art forms and at all stages of their careers. Yarra is a creative city of artists with numerous creative assets and many artists as residents. Yarra is home to an expansive number of galleries, peak cultural organisations, live music venues, studios and creative hubs and Council plays a key role in nurturing creativity; and
 - (b) Foster and promote the distinctive strengths of Yarra's creative community to build capacity of the sector and to capitalise on opportunities such as tourism. Council will recognise and celebrate diversity in the arts and respond creatively to the needs of different communities, localities and cultures.

Legal Implications

48. Funded organisations and individuals enter into formal funding agreements with Council.

Other Issues

49. On 26 June 2018, Council held a Special Meeting for the purpose of considering submissions previously presented to the Council, and to make a decision in relation to the Annual Budget for 2018/2019.
50. Five funding recipients from Creative and Celebrate Yarra (the Village Festival, Victoria Street Lunar Festival, Gertrude Street Projection Festival and the Fringe Festival) made submissions to Council requesting increased grant funding. These submissions were noted and referred to a future review, which is this process.
51. In its submission to Council on 26 June 2018, the Village Festival raised the issue that for many years it has only been able to provide artists with a guarantee of \$50.00 compared to the casual rate as set by Fair Work Pay Guide - Live Performance Award 2010 at \$190.74.
52. The rate arts organisations are able to afford to pay in most cases do not reflect the artists' contribution of creative and intellectual capital or hours invested in preparation and performance. Whilst many artists have agreed to accept low or no pay for their work, increasing the funding available would better enable arts organisations to appropriately reimburse artists.
53. Over the past years the community grants assessment panel has consistently highlighted the need for artists to be paid appropriately for their work, and for their in-kind donations of their time to be properly accounted so that the public is aware of the quantum of the contributions artists make to Yarra.
54. Financial stress in the arts is well known though not necessarily well documented, particularly as it relates to appropriate remuneration. This can be understood in the broader context of an underinvestment in the industry, but also due to the implications of being transparent about not being able to comply with the Standards.

55. Officers understand that for many organisations, the funding provided through Creative and Celebrate Yarra only partially covers the costs associated with these events. Council has been alerted to the financial stress that a number of organisations funded through this program are going through.
56. Further to this, a significant number of new arts organisations are expected to move into the Collingwood Arts Precinct shortly and this will most likely mean more demand for Council funding support.
57. There is a strong connection between the Annual Community Grants and the multi-year grants, as organisations will seek funding for their projects from these pools, so closing one stream or changing the funding available will have an impact on the other.

Options

58. Council has the following options available in relation to the Creative Yarra funding program.

Option 1 - Close the multi-year funding program

59. Closing the multi-year funding program would result in some savings for Council.
60. Should Council determine to close the multi-year program, it would be reasonable to expect an increased demand on the annual program.
61. Alternatively, Council could re-invest savings into increasing the amounts available through the annual grants program
62. There is a strong community expectation that Council will continue to build on the multi-year funding program. Yarra residents and Yarra artists value creativity in our community. This is evidenced by annual customer feedback and by the high regard for Council's arts and cultural services.

Option 2 - Leave the multi-year funding program unchanged

63. Whilst the funding level of Council's Creative Yarra program sits in the middle in comparison to neighbouring Councils, fixing the ceiling funding amounts to \$20,000 has put significant viability stress on some of the projects that have been funded in the past few years.
64. The majority of the feedback from the community have sought an increase in the level of funding provided.
65. Whilst there has been some election commitments to supporting both Lunar and Fiesta, these are yet to be realised and there is no corresponding commitment to supporting the type of work currently funded by Creative Yarra.

Option 3 - Modifying the multi-year funding program elements

66. Council has the challenging task of:
 - (a) Balancing its budgets;
 - (b) Providing a level of funding to community organisations that will assist with financial viability;
 - (c) Providing security to funded organisations that enables longer term planning and development; and
 - (d) Enabling new applicants to have an opportunity to apply.
67. Given all these challenges, Council could consider maintaining a multi-year funding program and changing all three elements to achieve a balance of competing challenges by:

3 a) Changing the ceiling amounts applicants can seek

68. Increasing the funding ceiling for the program from \$20,000 to \$30,000 for the Creative Yarra would bring Yarra's streams up to greater parity with comparable local governments and also respond to the feedback received in this review.

69. However, increasing the funding ceiling without an increase in the total pool would most likely reduce the number of projects Council will be able to support.
70. Celebrate Yarra funding, when combined with the in-kind contributions, compared to other local government festivals of this nature appears to be at the higher end. However, both community festivals have requested more funding. Given that both these community organised festivals are face higher expectations with respect to public safety and risk management. Council officers spend considerable time helping organisers meet these commitments. To better manage expectations and manage risk, Council could consider allocating a specific increase tied to funding event management personnel.

3b) Increasing the total funding pool of the program

71. Increasing the pool would enable Council to respond the increasing cost pressures faced by artists. The total funding pool has not increased with CPI for the previous 6 years and applying a CPI compounded adjustment alone would bring the pool to \$259,000.
72. To increase the ceiling amount without an increase in the total pool would most likely reduce the number of projects Council is able to support.

3c) Changing the duration of the funding

73. Council could consider extending the length of the funding term from three years to four years to be in alignment with State and Federal funding bodies, or it could reduce the term to two years as a minimum.
74. Reducing the length to two years has the distinct advantage of enabling the cycles to changeover more frequently and offer new opportunities for more applicants.
75. Extending the length would provide even greater security to the funded organisations. However, as the two Celebrate Yarra grants are non-competitive it is not expected the duration of the funding will significantly affect the two festivals. There would be little value in changing the non-competitive nature of these agreements as the festivals are so closely tied to the community organisations that have created the events.

3d) Create a new category within the creative Yarra funding program

76. Council could consider a new category to ensure that arts development and engagement arts are distinctly recognised. Creating two distinct categories, such as Creative Yarra, and Engage Yarra, would mirror the annual grants program, and articulate Council's two priorities: creative innovation and community engagement in the arts.
77. Feedback from Council's arts advisory panel members have recommended creating sub-categories in funding to clearly identify Council's priorities and enable the panel members to compare projects against similar objectives in the highly competitive funding rounds.
78. For example, it is difficult to compare an artist working alone in a creative development project with a community festival where hundreds of non-artists are engaged in arts and cultural activities.
79. A summary of the proposed funding changes can be found in the below table.

Funding Stream	Current Maximum amount per recipient	Current total pool per stream	Proposed Maximum amount per recipient	Proposed Total Pool per stream
Creative Yarra	\$20,000 – organisations \$10,000 - Individuals	\$170,000	\$30,000 – Organisations \$15,000 - Individuals	\$130,000
New Stream - Engage Yarra	\$0	\$0	\$30,000	\$100,000

Celebrate Yarra	\$30,000	\$60,000	\$35,000*	\$70,000
Total combined Pool		\$230,000		\$300,000

*\$5,000 to be tied to event management

Conclusion

80. Yarra residents and Yarra artists value creativity in our community. This is evidenced by annual customer feedback and by the high regard for Council's arts and cultural services.
81. Yarra is a leader in arts and culture and the envy of many local government authorities for the many economic, social and cultural benefits it delivers.
82. The multi-year funding program supports creative activity in Yarra, across multi-disciplines, engaging with diverse makers and audience members.
83. The multi-year funding program generates high level of economic return for Council – every dollar Council invests in our community organisations returns three fold to our city within these projects alone, and not considering the flow on economic, cultural and social returns.
84. However, consultation with the Yarra community has indicated that levels of funding in the program has put a number of key projects under financial stress and not enabling these activities to be undertaken.
85. A majority of those consulted request for Council to increase the funding stream to a \$30,000 ceiling.
86. Further to this, Yarra is in the unusual position of being an inner Melbourne council, despite gentrification pressures, of welcoming a new cohort of creative organisations with the development of the Collingwood Arts Precinct; many who depend on private and public funding for their operations.
87. Other reports indicate Yarra remains the home of a large number of musicians and artists.
88. Victoria Street Lunar Festival and Johnston Street Fiesta are important community cultural celebrations for Yarra. Both events have gone through significant changes as the level of risk and safety management has changed for large scale public events.
89. Council's support for the two major street based events through Celebrate Yarra demonstrate the high level of collaboration and support Council provides to these two community driven festivals.
90. A targeted new allocation for staffing costs would support the two community led large-scale street festivals to employ suitably qualified staff to assist with festival management, that may result in better engagement with the existing businesses on the street for Johnston Street Fiesta and with more capacity to seek sponsorship and other streams of funding as in the case for Lunar Festival.
91. Given the reviews of these programs are infrequent - the funding levels have been fixed over the last 6 years (in effect a decrease in real terms over the last period), the strong request from the community for an increase, a modest increase and a change to the length of funding is recommended.
92. Growing the open streams to \$230,000 will enable the Council to support a similar number of community organisations at the increased ceiling amount. In a scenario where Council determines to offer the full amount to all organisations, about 8 organisations will be able to be funded. In the last two rounds between 12 and 9 grants were awarded.

RECOMMENDATION

1. That Council replace the current three year arts and culture funding program, with a two year arts and culture funding program, to apply to projects funded from 2020 onwards.
2. That Council endorse the draft Arts and Cultural Biennial 2020-2021 Grant Guidelines, which includes the creation of a new funding stream called Engage Yarra;
3. That Council refer this report to the 2018/2019 mid-year budget review in relation to the proposal to increase the total funding pool from \$230,000 per annum to \$300,000 from the 2019/2020 budget year; and, subject to such approval, invite applications for:
 - (a) The Creative Yarra funding stream, with a maximum funding ceiling of \$30,000 from a funding pool of \$130,000;
 - (b) The Engage Yarra funding stream, with a maximum funding ceiling of \$30,000 from a funding pool of \$100,000; and
 - (c) Celebrate Yarra funding of \$35,000 for Johnston Street Fiesta and Victoria Street Lunar Festival respectively with \$5,000 of this be tied to event management personnel, from a total funding pool of \$70,000.
4. Note that a further report will be brought to Council in 2019 to determine the recipients of the Biennial Funding for 2020-2021.

CONTACT OFFICER: Siu Chan
TITLE: Unit Manager Arts, Culture and Venues
TEL: 9205 5045

Attachments

- 1 [⇒](#) Creative Yarra Grant Review SURVEY RESULTS - 2018
- 2 [⇒](#) Arts & Cultural Biennial 2020-21 Grant Guidelines DRAFT
- 3 [⇒](#) 2017-2019 Creative Yarra Grant Recipients

11.3 Update of Revision of Council's Graffiti Management Framework

Executive Summary

Purpose

To update Council on the revision of Council's Graffiti Management Framework (Framework) and seek endorsement of the Framework for public exhibition.

Key Issues

Due to the extensive work done around updating and clarifying Council's policy position for the current Framework, the new Framework only contains some minor revisions.

Additional strategies

There are a number of new strategies in the revised Framework, predominantly around removal.

Additionally, under key result area Planning & Enforcement, the draft Framework includes a proposal to investigate the use of local laws as a tool to manage graffiti on building sites, abandoned buildings and private property, if appropriate.

Change to tiered approach to graffiti removal

Council is prioritising support to private property owners to self-remove graffiti from their properties through provision of graffiti removal kits, discount paint vouchers and advice on graffiti removal, along with advising residents on lighting, greening of space and maintenance of space as preventative measures.

Heritage overlays

The current Framework suggests that a planning permit is required to externally paint an unpainted surface in a heritage area, although an exemption applies when art work is carried out by, or on behalf of Council.

However, Heritage Advisors have noted that painting over any originally unpainted masonry surface on a heritage building will not usually be supported – irrespective of who carries out the work. In fact, the Planning Scheme encourages the removal of paint from originally unpainted masonry surfaces.

The Framework has been updated to reflect this.

Treatments

There is an increased focus on engaging and supporting the community to assist in the rapid removal of graffiti, and a reduced emphasis on the use of alternative treatments such as murals to manage graffiti. This is due to increased tagging of murals in recent years which makes them difficult and expensive to maintain and less effective as a tool to manage graffiti.

Financial Implications

The annual budget for graffiti management is \$760,000 per annum. The cost of delivering the actions within the Framework are covered within the annual budget.

PROPOSAL

That Councillors note the updates to the draft Graffiti Management Framework 2019-2022, and endorse the Framework for public exhibition and consultation.

11.3 Update of Revision of Council's Graffiti Management Framework

Trim Record Number: D18/191607

Responsible Officer: Community Partnerships Unit Manager

Purpose

1. To update Council on the revision of Council's Graffiti Management Framework and seek endorsement of the Framework for public exhibition.

Background

2. There is no definitive best practice approach towards graffiti management, with success meaning different things to different Councils.
3. 'Success' of a graffiti management approach depends on a Council's position towards graffiti (zero-tolerance or a more tolerant approach), and what it hopes to achieve through the implementation of the strategy (for example a total reduction in graffiti incidents or more opportunities for public art).
4. When Council updated the previous 2004 Policy & Strategy (Attachment 1), a number of key changes were made to how Council manages graffiti. These are reflected in the current Graffiti Management Framework 2015-2019 (Attachment 2).
5. A major change included recognising and setting clear boundaries around removal of graffiti from private property, and clarifying the difference between a treatment (which is using graffiti solely as a preventative measure) and curated public art.
6. The previous policy didn't promote the removal of graffiti from private property by Council, but rather promoted the idea of property owners to undertaking this task themselves.
7. However, in practice Council removed graffiti from private property when requested. This left open the problem of managing increasing resident expectations (and escalating costs) for removal.
8. The current Framework prioritises support to private property owners through community education and urban design advice that avoid and reduce incidents of graffiti. However, Council works with the community to remove graffiti from private premises where it has a significant impact on public amenity (for example, where it is deemed offensive), and/or is a shopping centre, a gateway or an area of high prominence.
9. Council is in the process of revising the Graffiti Management Framework 2015-2019, with the draft Graffiti Management Framework 2019-2022 (Attachment 3) set to be completed by mid-2019.

External Consultation

10. It is proposed to put the draft Framework out on public exhibition for consultation from the week beginning 14 January 2019 to the week ending 24 February 2019, although this may be subject to change depending on stakeholder availability. In the event that any change to these dates is necessary, officers will ensure the duration of the consultation will remain the same.
11. Extensive external consultation will be undertaken during the period of public exhibition including (but not limited to) Victoria Police, Department of Justice, Department of Health and Human Services – Office of Housing, Neighbourhood Justice Centre, Business & Trader Associations, and Residents & Resident Associations, and street artists.
12. Consultation will occur via a variety of methods including online (for example, Your Say Yarra) and face to face (for example, listening posts at graffiti workshops and one on one meetings), encouraging input from a range of community members and stakeholders.

Internal Consultation (One Yarra)

13. An internal working group comprising Community Partnerships, City Works, Youth Services, Economic Development, Arts & Culture, and Open Space Maintenance provide strategic direction and leadership.
14. Internal stakeholders will be consulted with over the period of public exhibition.

Financial Implications

15. The annual budget for graffiti management is \$760,000 per annum. The cost of delivering the actions within the Graffiti Management Framework are covered within the annual budget.

Economic Implications

16. There are no obvious immediate economic implications, however a reduction in graffiti may be considered to improve the amenity and attractiveness of some areas.

Sustainability Implications

17. Council employs and encourages the use of environmentally sensitive techniques and materials in the removal of graffiti.

Social Implications

18. Research suggests that graffiti can have a negative impact on community perceptions of safety and public amenity. However, Annual Customer Satisfaction Survey results show that there is no obvious association between perceptions of safety and areas of heightened graffiti levels within the City of Yarra.

Human Rights Implications

19. Council recognises the aspirations of property owners to have their properties free from defacement, and broader community desire for well-maintained local streets and neighbourhoods.
20. At the same time Council supports the right to, and importance of freedom of political and artistic expression, including the rights of street artists to undertake legal artwork.
21. Yarra City Council respects both of these sets of values, and seeks to balance them in the context of a philosophy valuing inclusion and diversity.

Communications with CALD Communities Implications

22. Officers consulted with Council's Community Partnerships Unit about the best way to engage with CALD communities. The consultation period will be publicised through local multicultural services and Neighbourhood Houses, and through key Council networks such as the Yarra Multicultural Advisory Group.
23. The draft Framework and consultation material will be provided in multilingual accessible formats and available upon request.
24. Interpreters will be available for CALD community members attending consultations, upon request.

Council Plan, Strategy and Policy Implications

25. The draft Graffiti Management Framework 2019-2022 supports Objective 1 'A Healthy Yarra' in the Council Plan 2017-2021.

Legal Implications

26. There are no legal implications.

Other Issues

27. Due to the extensive work done around updating and clarifying Council's policy position for the current Framework, the new Framework only contains some minor revisions. These are outlined below.

Additional strategies

28. There are a number of new strategies in the revised draft Framework, predominantly around removal. These include:
- (a) Utilise the Department of Justice Graffiti Removal Services where applicable;
 - (b) Implement and evaluate a process to assess the criteria for removing graffiti from private property;
 - (c) Establish relevant Memoranda of Understanding with other authorities and asset owners where required, to facilitate ongoing removal of graffiti;
 - (d) Establish workflows that focus on proactive removal and prevention rather than reactive removal; and
 - (e) Carry out collaborative quick removal trials with the community to identify the most effective methods of minimising graffiti.
29. Additionally, under key result area Planning & Enforcement, the draft Framework includes a proposal to investigate the use of local laws as a tool to manage graffiti on building sites, abandoned buildings and private property, if appropriate.
30. This proposal is to explore the options open to Council. No changes to local laws will be implemented without Council's express direction.

Change to tiered approach to graffiti removal

31. Council's tiered approach to graffiti removal previously prioritised support to private property owners through community education and urban design advice that avoided and reduced incidents of graffiti.
32. Now Council is prioritising support to private property owners to self-remove graffiti from their properties through provision of graffiti removal kits, discount paint vouchers and advice on graffiti removal, along with advising residents on lighting, greening of space and maintenance of space as preventative measures.

Heritage overlays

33. The current framework suggests that a planning permit is required to externally paint an unpainted surface in a heritage area, although an exemption applies when art work is carried out by, or on behalf of Council.
34. However, Heritage Advisors have noted that painting over any originally unpainted masonry surface on a heritage building will not usually be supported – irrespective of who carries out the work. In fact, the Planning Scheme encourages the removal of paint from originally unpainted masonry surfaces.
35. This section has been updated to reflect this.

Treatments

36. There is an increased focus on engaging and supporting the community to assist in the rapid removal of graffiti, and a reduced emphasis on the use of alternative treatments such as murals to manage graffiti. This is due to increased tagging of murals in recent years which makes them difficult and expensive to maintain and less effective as a tool to manage graffiti.
37. An example of the change in culture around murals is the large mural recently installed opposite Wangaratta Park in Stewart Street Richmond, which was badly tagged two days after the formal commissioning. This is a huge shift in the respect of an art piece by graffiti offenders.
38. The section on commissioned public art (comprising treatments and curated street art) has been rewritten to reflect this shift.

39. Treatments are now referred to as an example of Crime Prevention Through Environmental Design (CPTED), and the definitions of minor treatments and major treatments (and approval processes) have been removed.
40. Curated street art now sits separately as its own definition with reference to the Public Art Policy 2015-2020.

Options

41. There are no other options explored in this report.

Conclusion

42. The revised draft Graffiti Management Framework 2019-2022 has been drafted to improve Council's response to graffiti management.
43. To improve Council's response to graffiti management, Officers would like to lead engagement with the community in reaching an agreed position and practice, with a view to finalising the updated draft Graffiti Management Framework 2019-2022.
44. It is anticipated that Officers will bring the final version of the draft Framework to Council in May 2019 for consideration.

RECOMMENDATION

1. That:
 - (a) Council notes the draft Graffiti Management Framework 2019-2022; and
 - (b) Council endorse the draft Graffiti Management Framework 2019-2022 for public exhibition and consultation from 14 January 2019 to 24 February 2019.

CONTACT OFFICER: Sarah Jaggard
TITLE: Community Advocacy Team Leader
TEL: 9205 5160

Attachments

- 1⇒ Graffiti Management Policy 2004
- 2⇒ COY Graffiti Management Framework 2015-2019
- 3⇒ Graffiti Management Framework 2019-2022

11.4 Queens Parade Interim DDO16 - extension of time request to Minister for Planning

Trim Record Number: D18/196512

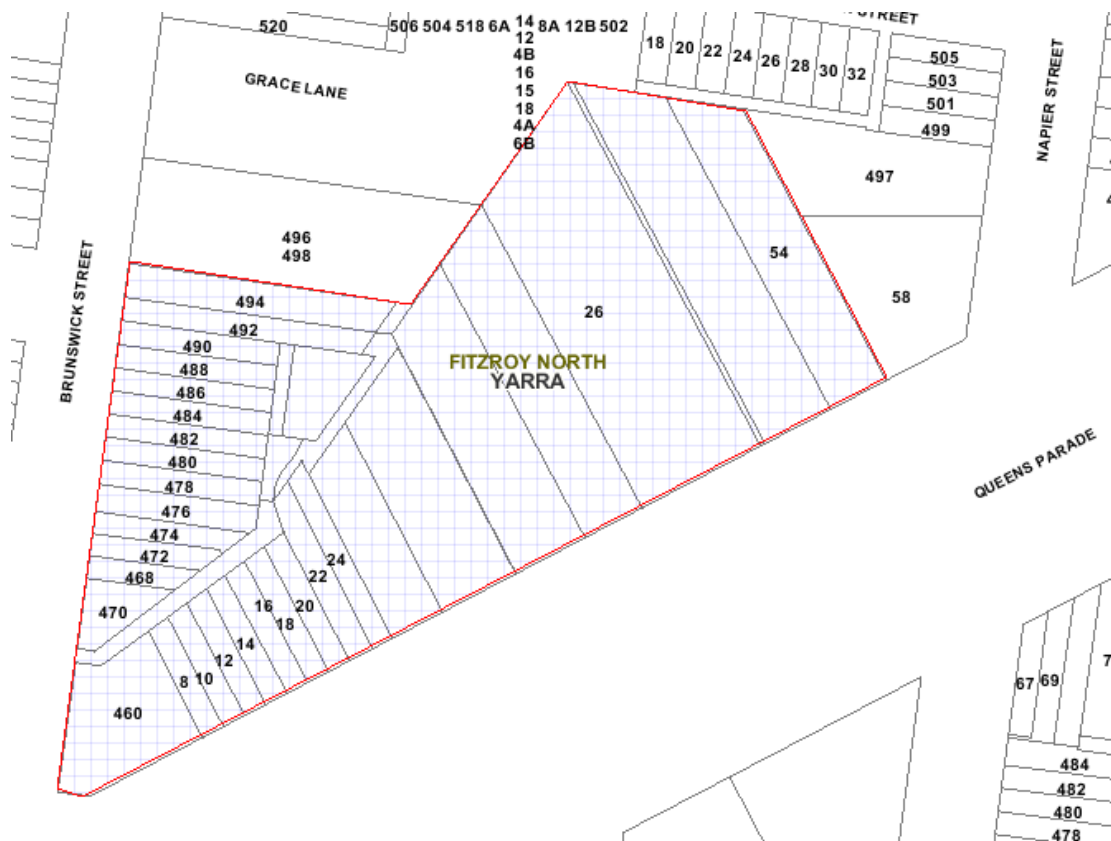
Responsible Officer: Director Planning and Place Making

Purpose

1. To request that Council seeks an extension of time from the Minister for Planning for interim planning provisions on Queens Parade.

Background

2. DDO16 was introduced into the Yarra Planning Scheme via Amendment C229 on 28 March 2017. It expires on 30 March 2019.
3. DDO16 covers land at the western end of Queens Parade and includes land at 8 to 56 Queens Parade and 460 to 494 Brunswick Street, North Fitzroy as shown in the Figure 1 below.



6. There are now two interim provisions on Queens Parade – DDO16 and DDO20. DDO16 covers land described above. DDO20 was recently introduced into the planning scheme and covers the remainder of Queens Parade. It was introduced into the planning scheme via Amendment C241 on 23 August 2018. It expires on 12 January 2020.
7. It is proposed that Council asks the Minister to extend the time limit on DDO16 to match that of DDO20, that is, until 12 January 2020.
8. In order to request the extension of time, Council must request that Minister for Planning approve an amendment to the Yarra Planning Scheme, under section 20(a) of the Planning and Environment Act 1987.

External Consultation

9. Amendment C231 which proposes the permanent Planning Scheme provisions is underway. The amendment was on exhibition until 30 November 2018 (extended from 16 November).
10. In accordance with Council's resolution of 19 December 2017, officers have
 - (a) sent letters and a fact sheet to almost 2,500 property owners and occupiers;
 - (b) facilitated two information sessions (evening and afternoon) at Bargoonga Nganjin; and
 - (c) fielded calls from residents enquiring about the amendment.
11. Officers have been aware of the expiry date of the interim DDO16, and it was also raised as an issue of concern by some of the residents who attended the information sessions. They requested Council to pursue the extension of time as a matter of urgency.

Internal Consultation (One Yarra)

12. Internal consultation for an extension of time on an interim DDO is not warranted.

Financial Implications

13. An extension of time is a relatively minor administrative matter which attracts an administrative fee.

Economic Implications

14. There are no known economic implications associated with the request.

Sustainability Implications

15. There are no known sustainability implications associated with the request.

Social Implications

16. An extension of the interim provisions would continue to provide certainty for the community, applicants and Council while the permanent built form provisions are finalised.

Human Rights Implications

17. There are no known human rights implications associated with the request.

Communications with CALD Communities Implications

18. There are no known implications associated with communications with CALD communities.

Council Plan, Strategy and Policy Implications

19. Continued operation of the interim built form provisions for the Precinct would contribute to Council Plan objective 4 - Development and growth are managed to maintain and enhance the character and heritage of the city.

Legal Implications

20. Extending the date of operation of the interim provisions for DDO16 would mitigate the risk of the permanent provisions not being finalised before the interim ones lapse, leaving the heights and setbacks of future development of Queens Parade largely unrestricted.

Other Issues

21. There are no other issues to note.

Options

22. Council can either:
- (a) ask the Minister for Planning for an extension of time on the interim DDO; or
 - (b) allow it to expire.
23. Option B is recommended as it will provide certainty for the community, applicants and Council while the permanent built form provisions are finalised.

Conclusion

24. Seeking an extension of time to interim DDO16 provides certainty for permit applicants and community members alike.
25. Council is pursuing permanent provisions which is a lengthy process. This extension of time allows the interim provisions to remain in place while the statutory process for permanent ones runs its course.
26. The extension would align the expiry date of the other interim provisions (DDO20).

RECOMMENDATION

1. That Council:
- (a) note the officer report in relation to the current Interim Yarra Planning Scheme provisions regarding the Queens Parade precinct;
 - (b) requests that the Minister for Planning approves an amendment to the Yarra Planning Scheme, under section 20(a) of the Planning and Environment Act 1987 to extend the expiry date of Schedule 16 to the Design and Development Overlay (DDO16) from 30 March 2019 to 12 January 2020;
 - (c) authorises officers to prepare the relevant amendment documentation for submission; and
 - (d) advise the owners of the land affected of Council's decision.

CONTACT OFFICER: Amanda Haycox
TITLE: Strategic Planner
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Attachments

There are no attachments for this report.

11.5 Right of way between 2 and 10 Stanley Street Collingwood

Trim Record Number: D18/203120

Responsible Officer: Group Manager Chief Executive's Office

Purpose

1. For Council to receive and consider public submissions in relation to a street naming proposal and consider the Council officers' recommendation to assign a name to the right of way between 2 and 10 Stanley Street Collingwood following notification from the Registrar for Geographic Names, that Council's previously selected name has been refused.

Background

2. Under the provisions of the *Geographic Place Names Act 1998* and the *Naming rules for places in Victoria, Statutory requirements for naming roads, features and localities – 2016* (the *Naming Rules*), Council is the 'naming authority' in respect of most roads within the municipality. This role is supported by Council's *Naming of Roads, Features and Localities* Policy, adopted in 2014.
3. In summary, this process sets out a five step process for the naming of roads in Yarra:
 - (a) **Firstly**, formally acknowledge the receipt of a proposal and advise the proposer of Council's procedure for the naming of roads;
 - (b) **Secondly**, initiate a written communication with the Wurundjeri Tribe, inviting them to submit an appropriate name for Council's consideration;
 - (c) **Thirdly**, initiate written communication with the relevant local Historical Society, inviting them to submit an appropriate name for Council's consideration;
 - (d) **Fourthly**, write to adjoining property owners and occupiers and place a public notice both on Council's public website, inviting the community to submit an appropriate name for Council's consideration (including a proposed name where one has been suggested by the Wurundjeri Tribe, Historical Society or Council officers); and
 - (e) **Fifthly**, prepare a formal report for consideration.
4. Earlier this year, this process was completed for the unnamed right of way between 2 Stanley St and 10 Stanley St Collingwood and Council determined to assign the name "Rendle Place".
5. On 27 November 2018, Council received notification from the Registrar for Geographic Names that the naming proposal had been refused, on the basis that the name is too similar to "Randall Place" in North Melbourne. The Registrar advised that in reaching this decision he had consulted with relevant emergency services and their preference is for a unique name.
6. To that end, it is now proposed that Council reconsider the names previously submitted to Council, as well as the submission made at the meeting on 17 July 2018 from a member of the Montalto family in support of that name, and determine an alternative name.
7. The unnamed right of way between 2 Stanley St and 10 Stanley St provides rear vehicular access to properties at 2 Stanley St and 248 Smith St and pedestrian access to the apartment block at 10 Stanley St. In particular, the road provides the sole access to a retail property at the rear of 244-246 Smith Street Collingwood. A request from the tenant of that property highlighting the difficulties with addressing their shop for customers and deliveries has prompted the naming of this right of way. A plan is provided at **Attachment One**.
8. In accordance with Council's Naming of Roads, Features and Localities Policy, officers undertook a consultation process to identify possible names. In addition to the "Rendle" name, the following submissions are worthy of consideration and satisfy the requirements of the *Naming Rules*:

Submissions	Officer Response
<p><u>Billibellary</u></p> <p>Billebary was Ngurungaeta or clan headman for one of the three sections that comprised the Wurundjeri-willam patriline of the Wurundjeri-balluk clan. Billibellary lived in an area that includes the now City of Yarra. He held this position when the Europeans began arriving in this area, and led his people for the next ten years through a difficult period of change. As Ngurungaeta, he was highly respected among the Wurundjeri, and at the time of European settlements, 'he was considered the pre-eminent Kulin clan-head, whose voice carried extra weight'.</p>	<p>The Wurundjeri Tribe have declined to suggest a name for this street, and this suggestion has come from a member of the public. If Council wishes to pursue this suggestion, Council officers will contact the Wurundjeri Tribe again to seek their views as to the use of Billibellary's name.</p>
<p><u>Drop Kick</u></p> <p>No rationale provided by the submitter</p>	<p>This suggestion is presumed to refer to a style of kick formerly used in Australian Rules Football, and still used in other codes, including rugby and gridiron. Due to its alternative pejorative meaning, officers do not consider it appropriate for this site.</p>
<p><u>Magpie</u></p> <p>No supporting information is provided, but is presumed this name has been suggested to recognise the Collingwood Football Club.</p>	<p>The street to be named is a low profile street with no direct association to the football club. Aside from being located in Collingwood, there does not seem to be any connection between the club and the site.</p>
<p><u>Montalto</u></p> <p>The property that abuts the entire eastern boundary of the lane was purchased by Joe and John Montalto in the early 1960s. Joe and John built and ran a service station and mechanical repair workshop from the site until 2003.</p> <p>Following the closure of the service station, Joe's children developed the property into an apartment building, and many of them still own properties within the residential block. There are now grandchildren of Joe Montalto living on the site.</p> <p>It is submitted that the street be named in recognition of Joe and John Montalto.</p>	<p>The naming of the street in recognition of Joe and John Montalto would not be permitted, as John Montalto is still alive, so this proposal would not satisfy the requirements of the <i>Naming Rules</i>. However, it would be possible to name the street in recognition of Joe Montalto only.</p> <p>The immediate connection to the site is significant, and strong representations have been made by a number of family members.</p>
<p><u>Perrin</u></p> <p>It is submitted by a descendant that Henry and Mark Perrin owned the land that the Collingwood Town Hall was later built on. They both emigrated from England in the 1850s and lived at that location (which is believed to have been called Liverpool St). Between them, the Perrin brothers had six children - all born in Collingwood. Henry Perrin died in 1861, and Mark Perrin, unable to pay the rates, abandoned the property in 1862 and moved to Deniliquin NSW. Mark died in 1863.</p>	<p>Council records are unable to confirm the Perrin family story, but if true, it provides an interesting insight into the history of the Collingwood Town Hall (opened in 1887).</p> <p>It is noted that the Perrin family's contribution was later acknowledged with the naming of Perrin Park in Deniliquin NSW.</p> <p>Aside from being Collingwood residents, Henry and Mark Perrin do not appear to have any direct connection with the site.</p>
<p><u>Pinnacle</u></p> <p>It is submitted that Pinnacle Engineering was a business based in Napoleon St Collingwood for many years and that the proximity of the site warrants naming after the former business.</p>	<p>Pinnacle Engineering was a business based at 24-28 Napoleon St Collingwood from 1964-1974 (and potentially occupied the Site up until 1989). It was 150m away from the site.</p> <p>Ordinarily, the use of a commercial or business name does not satisfy the requirements of the <i>Naming Rules</i>, but in this case, the business is no longer operating. In order to use this name, Council would need to be satisfied that the business "had an association with the area over a substantial period of time and is held in high regard by the community" (from the <i>Naming Rules</i>). Officers are of the view that this standard is not borne out in this case.</p>

<p><u>Power without Glory</u></p> <p>The submitter presents a series of names which reference Frank Hardy's novel "Power Without Glory" which was set in a fictional city based on Collingwood and surrounds. The suggested names are: "John West", "John Wren", "Totaliser" "TwoUp", "Carringbush" and "Frank Hardy"</p>	<p>The following names do not satisfy the requirements of the <i>Naming Rules</i> for the reason shown:</p> <ul style="list-style-type: none"> • "John West" includes both first and surname • "John" is a duplicate of John St Collingwood • "West" is a cardinal direction • "John Wren" includes both first and surname • "TwoUp" is not correctly spelled in English • "Two Up" includes a number • "Frank Hardy" includes both first and surname • "Frank" is a first name • "Hardy" is within 5km of Hardy St Brunswick <p>The suggested names "Totaliser", "Carringbush" and "Wren" all satisfy the requirements of the <i>Naming Rules</i>.</p>
<p><u>Woi wurrung name</u></p> <p>It is submitted that the site is close to an Aboriginal gathering place and there are so few Aboriginal street names in Yarra, a name in the Woi wurrung language would be appropriate.</p>	<p>The Wurundjeri Tribe have declined to suggest a name for this street. If Council wishes to apply a Woi wurrung name, Council officers will contact the Wurundjeri Tribe again to provide a further opportunity to suggest a name.</p>

9. It is now recommended that Council assign the name **"Montalto Place"** to the unnamed right of way between 2 Stanley St and 10 Stanley St Collingwood.

External Consultation

10. In the original naming process, officers made contact with the Wurundjeri Tribe and Collingwood Historical Society, sent direct mail to 57 owners and occupiers of adjoining properties and placed a notice on Council's website. In addition, the Yarra community received notification via the Council website and social media feeds on Twitter and Facebook. Cr Nguyen appeared on ABC Melbourne Radio to discuss the proposal on Thursday 1 March 2018.
11. In making this alternative recommendation, officers have now re-contacted all of the people who had previously been identified as stakeholders, as well as those who made suggestions and those that expressed interest in the process. They have all been informed that this report is coming before Council with a recommendation that the name "Montalto Place" be assigned and invited to make a further submission if they wish.

Internal Consultation (One Yarra)

12. No further internal consultation has been conducted since the receipt of the Registrar's refusal.

Financial Implications

13. There are no financial implications directly associated with the preparation of this report. The installation of signage in due course will be a small cost to Council, within existing budget allocation.

Economic Implications

14. The assignment of a name to the right of way will assist a local small business who relies on the street for access to their retail store. Providing a meaningful address will enable customers and deliveries to find the store more easily.

Sustainability Implications

15. There are no sustainability implications associated with the preparation of this report.

Social Implications

16. The assignment of a name to the respective right of way will play a positive role in further strengthening community identification by City of Yarra residents with historical references within their community.

Human Rights Implications

17. There are no Human Rights implications associated with the preparation of this report.

Communications with CALD Communities Implications

18. Direct contact was made with the Wurundjeri Tribe at the beginning of the process, and they declined to suggest a name for this street.
19. Although there was no other targeted communications for our culturally and linguistically diverse communities, there was good use of visual aids in the form of maps, in presenting information on the respective sites on Council's website and in direct mail to adjoining property owners and occupiers.

Council Plan, Strategy and Policy Implications

20. The above outlined process complies with Council's Naming of Roads, Features and Localities Policy. The unique features of this Policy include its compliance with the *Naming Rules* and its strong emphasis on communication with key stakeholders, including the Wurundjeri community (via the Wurundjeri Tribe), local historical societies and the wider Yarra community.

Legal Implications

21. There are no legal implications associated with the preparation of this report.

Other Issues

22. In addition to the process set out in the Naming of Roads, Features and Localities Policy, officers have had regard to the following Council policies in progressing the naming proposal set out in this report:
 - (a) The *Aboriginal Partnership Plan 2015-2018* (noting specific preference to using Woiwurrung words in selecting names); and
 - (b) The *Council Plan 2018-2022* (which contains references to the need to "*acknowledge and celebrate our diversity and people from all cultural backgrounds*", to "*acknowledging and celebrating Aboriginal history and culture in partnership with Traditional Owners*" and the need to find ways to "*pay tribute to the lived history and heritage, connecting with the stories and experiences of those who came before us and shaped the character of Yarra*").
23. Further, officers have endeavoured to identify a name that has a connection to the right of way to be named, by drawing on the history of the site and surrounding area and by consulting with surrounding residents and property owners.

Options

24. Council can resolve to assign an alternate name for the right of way, or assign one of their own choosing. The selection of an alternate name would require a further round of consultation with affected landowners and occupiers.

Conclusion

25. This report presents the results of the officer's assessment of the suggested names recommends that Council assign the name "Montalto Place" to the right of way between 2 Stanley St and 10 Stanley St Collingwood;
26. Further, it is recommended that Council direct the Chief Executive Officer to lodge the adopted name with the Registrar of the Office of Geographic Names and to notify all submitters of Council's decision, informing them of their capacity to lodge a formal objection with the Registrar.

RECOMMENDATION

1. That having noted naming submissions in relation to the relevant street naming proposals, Council assign the name "Montalto Place" to the right of way between 2 Stanley St and 10 Stanley St Collingwood;
2. That the Chief Executive Officer lodge the adopted name with the Registrar of the Office of Geographic Names and advise all submitters of Council's decision.

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Attachments

- 1  Right of way between 2 and 10 Stanley St Collingwood (notice of intended name)