



# Ordinary Meeting of Council Agenda

**to be held on Tuesday 16 July 2019 at 7.00pm  
Richmond 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. Delegates' reports**
- 9. General business**
- 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 Daniel Nguyen
- Cr Bridgid O'Brien
- Cr James Searle
- Cr Amanda Stone

### Council officers

- Vijaya Vaidyanath (Chief Executive Officer)
- Ivan Gilbert (Group Manager Chief Executive's Office)
- Lucas Gosling (Director Community Wellbeing)
- Gracie Karabinis (Group Manager People, Culture and Community)
- Chris Leivers (Director City Works and Assets)
- Diarmuid McAlary (Director Corporate, Business and Finance)
- 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 Matters relating to security of Council Property
- 4.2 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:
  - (a) Matters relating to security of Council Property; and
  - (b) 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 25 June and Tuesday 2 July 2019 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. Delegates' reports**

## **9. General business**

## **10. Questions without notice**

## 11. Council business reports

Item		Page	Rec. Page	Report Presenter
11.1	Car Share Policy	7	20	Simon Exon - Unit Manager Strategic Transport Planning
11.2	Amendment C223 - 81-95 Burnley Street, Richmond - Re-authorisation	21	30	David Walmsley – Manager City Strategy
11.3	Local Government Bill Reform Proposal	31	35	Rhys Thomas, Senior Governance Advisor
11.4	Council Committees Policy	36	39	Rhys Thomas, Senior Governance Advisor
11.5	Place Naming Policy	40	42	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

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**11.1 Car Share Policy**

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**Executive Summary****Purpose**

For Council to adopt the new Car Share Policy (2019-2024).

**Key Issues**

Car share has a number of benefits and is encouraged in the Yarra Strategic Transport Statement which includes an action requiring that Council develop a car share policy. There are currently 152 car share bays in Yarra. Although car share is supported by Council in principle, implementing policy and actively encouraging car share by providing additional on street car share bays is sensitive in the community.

The lack of a clear and consistent framework combined with sensitivities around the installation of car share bays has meant that car share expansion has been suspended until a policy is adopted.

The car share policy has now been in development for over two years and a significant amount of technical work and consultation has been done over this time. The draft car share policy was originally put before Council on 7th August 2018 and was accompanied by a detailed background report on the development of the policy. A decision on adopting the draft policy was deferred until further consultation was undertaken specifically public consultation and advisory committee consultation. This consultation has now been completed with 323 submissions and over 30,000 words of commentary provided to Council regarding the draft policy.

As the draft policy has been developed it has become apparent that there are divergent opinions and interests amongst stakeholders regarding car share and what a successful car share policy looks like. On this basis, it will not be possible to produce and implement a car share policy that the community, car share operators, advisory groups, businesses, car share members and other stakeholders all think is perfect in all aspects.

Following the consultation exercise, a number of changes to the draft car share policy have been made which include:

- The number of new car share bays provided over the next five years increased from 79 bays to 131 bays. This increase was put forward by Councillors in the August 2018 resolution and included in the consultation draft as a growth scenario. This will take the total allocation up to 283 bays;
- That every 40th additional (over and above the existing 151 bays) car share car provided in Yarra by any single operator from August 2019 be wheelchair accessible and capable of transporting a passenger in a powered wheelchair. This measure will make Yarra a leader in terms of wheelchair accessible cars noting that other car share policies namely Port Phillip and Melbourne encourage provision of wheelchair accessible cars but do not mandate it; and
- Requirements regarding washing of cars and length of time that bays can be left empty have been amended to be more practical and cater for long weekend hire of car share cars.

The officer view is that sufficient work on the draft policy has been done to produce a policy that taken on balance is fair, deliverable and aligns with Council objectives. On this basis it is recommended that the revised draft policy is now adopted without further delay.

## **Financial Implications**

The draft Policy states that car share bays will not be located in paid parking bays.

All costs associated with the installation of a new on-street car share bay will be recovered from the Car Share Providers via an installation charge, inclusive of the value of the space to the community.

An annual permit fee would be charged for all existing on-street car share bays to cover the cost of officer time dedicated to managing the implementation of the Policy and monitoring performance and reporting. This fee would be reviewed annually as part of the Fees and Charges process.

Permits for on-street bays are proposed to be renewed bi-annually and are subject to Council approval and dependent on the provider demonstrating that the space is suitably utilised.

## **PROPOSAL**

That Council adopt the draft Car Share Policy (2019 – 2024).



## 11.1 Car Share Policy

Trim Record Number: D18/193902

Responsible Officer: Director Planning and Place Making

### Purpose

1. For Council to consider adopting the new Car Share Policy (2018-2024).

### Background

2. The Strategic Transport Statement includes Action 5.9 which requires that Council “*Develop guidelines for car share operators that address the issues of location, number of bays and signage so that operators are clear as to the process and responsibilities*”.
3. Car share is a cost effective alternative to car ownership in urban areas. Car share schemes are operated by private car share companies, who provide access to a fleet of cars distributed across an area. Local residents and businesses can become members of a car share scheme, and use the cars as needed for a predetermined fee. Currently there are three commercial car share companies operating in Yarra (GoGet, Flexicar and GreenShareCar).
4. Car share has the following benefits:
  - (a) reduced car usage and traffic: A car owner spends a significant amount of money on buying and keeping a car roadworthy and is far more likely to use a car for a given trip due to fixed sunk costs than someone who does not own a car and utilises car share on a pay as you go basis;
  - (b) increased transport choice: Car share gives people more mode choice by providing access to a car for those who only need to use a car occasionally and normally travel on foot, by bicycle or on public transport;
  - (c) reduced parking demand and car ownership: Research outlined in the “Research for the City of Port Phillip’s Car Share Policy Review” Report (Final), prepared by Phillip Boyle and Associates, dated 17 February 2016 indicates that for every car share vehicle deployed that between seven and ten cars are avoided. 40% of these vehicles are existing vehicles that new car share users decide to sell (and not replace), and 60% of these vehicles are avoided cars that would have otherwise been purchased in the future by existing residents or businesses; and
  - (d) reduced transport costs: Using car share for occasional car users is often far cheaper than owning a car. This can free up money which can then be spent on other things including goods and services provided by businesses in Yarra.
5. Car share is particularly suited to Yarra for the following reasons:
  - (a) Yarra is well served by public transport and the potential for walking and cycling to goods and services is high. The need to own a car and use it regularly to undertake every day activities is relatively low for many people; and
  - (b) Living costs in Yarra are relatively high and household income varies considerably. A significant number of residents would be receptive to making cost savings on transport by living car free or selling the second or third household car if there are opportunities to utilise car share.
6. There are currently 152 car share bays in Yarra (including 27 off-street bays) which are provided by three commercial Car Share Providers. Initially there were just a few requests from Car Share Providers for car share bays. This was managed and the bays were provided at no cost given car share aligns with Councils strategic transport objectives.

7. Car share companies are now increasingly requesting that additional spaces are provided given the growing population, the move to the shared economy and the growing demand for car share in Yarra. This means that more formalised methods of planning for car share are required. The proposed car share policy provides clear guidance in a number of areas including:
  - (a) How many car share bays will be provided in Yarra;
  - (b) Car share provider qualification criteria;
  - (c) Where bays need to be provided at a strategic level so there is a degree of coverage throughout Yarra (note some areas currently have lots of car share cars with others having none);
  - (d) Criteria for locating individual bays so there is clear and consistent rationale for why a bay needs to go where it is proposed;
  - (e) Car share bay utilisation requirements and monitoring framework; and
  - (f) Fees, charges and administration.
8. Although car share is supported by Council in principle, implementing policy and actively encouraging car share by providing additional car share bays is a sensitive in the community as it interfaces with the broader car parking topic which itself is a very sensitive and emotive subject. Car share is a complex and its benefits are not immediately apparent at street level as providing car share bays reduces the number of general car parking spaces but also lowers parking demand thereby making it easier to park.
9. As a concept this is somewhat counterintuitive and someone unfamiliar with car share or with a very firm view on parking issues (as most residents with a car in Yarra have) may struggle to understand how removing some parking spaces and installing a car share bay will make it easier to park. This is further compounded to some degree by the fact that busy, densely developed residential streets with the highest demand for on street car parking are the same locations where there is the strongest desire amongst the car share operators to install car share bays.
10. These factors mean that Council receives a significant number of complaints about car share when installing new bays. Residents often question why car share is needed and why a bay is located near their property and not 'somewhere else'. If a car share bay is constantly occupied by a car share car then questions are asked as to why the car share bay is needed as it does not appear that the car is used. This perception is generally not correct as data shows that all car share bays in Yarra have an appropriate level of use notwithstanding the data it is a perception that will continue to exist. Conversely, if a car share bay is often empty (as the car is being used heavily) then there are complaints that the car share bay is a waste of a 'valuable' in demand parking space. These scenarios mean that car share bays are commonly a source of general frustration to community members with a car.
11. The number of Yarra residents that own a car and want to park it on street in Yarra currently greatly exceeds the number of residents that are a member of car share. This ratio may change in the future but at the present time the provision of additional car share bays on any street where parking is viewed as an issue (which is most streets in Yarra) is likely to draw complaints from local residents when they become aware of a specific proposal.
12. Complaints about the reallocation of road space from sections of the community are common in Yarra, however sensitivities around car parking are particularly strong. The outcome of this is that the actual deployment of car share bays is generally challenging and labour intensive for Council officers with a significant amount of time spent trying to resolve bay by bay disputes. The lack of a policy to provide a clear and consistent framework for officers to work in has meant that car share expansion has been suspended until a policy is adopted.
13. The policy will provide a clear framework that allows Council officers to respond to concerns, and or complaints and deliver policy in a time efficient, transparent and consistent manner.

14. The car share policy was originally put before Council on 7th August 2018 and was accompanied by a detailed background report on the development of the policy. This material was developed to consider inputs from various teams across Council, officers who have deployed car share policies at other Councils and car share operators. A decision on adopting the draft policy was deferred until further consultation was undertaken specifically public consultation and advisory committee consultation. This consultation has now been completed. In total 323 responses to a survey posted on the Yarra Your Say webpage were submitted which provided over 30,000 words of commentary. 93 per cent of respondents stated that car share should be supported with 74 per cent of these respondents being members of car share.
15. Following the consultation exercise, a number of changes to the draft car share policy have been made which include:
  - (a) The number of new car share bays provided over the next five years increased from 79 bays to 131 bays. This would take the total allocation up to 283 bays;
  - (b) That every 40th additional (over and above the existing 151 bays) car share car provided in Yarra by any single operator from August 2019 be wheelchair accessible and capable of transporting a passenger in a powered wheelchair. This measure will make Yarra a leader in terms of wheelchair accessible cars noting that other car share policies namely Port Phillip and Melbourne encourage provision of wheelchair accessible cars but do not mandate it; and
  - (c) Requirements regarding washing of cars and length of time that bays can be left empty have been amended to be more practical and cater for long weekend hire of car share cars.
16. The consultation exercise and policy formation process have confirmed that there are a wide range of opinions regarding car share and what a successful car share policy looks like. These have all been duly considered as part of this process, however, it is important that the car share policy is practical and deliverable so it works for Council as an organisation that is accountable to its community. For example, having no upper limit on the number of bays rolled out across Yarra maybe desirable amongst some operators but will generate significant practical and financial issues for Council and could result in community concerns that severely undermines car share going forward. Such an outcome is not in the interests of either Council or the car share operators that suggest it.
17. Given the divergent opinions and interests of stakeholders it is not be possible to produce and implement a car share policy that the community, car share operators, advisory groups, businesses, car share members and other stakeholders all think is perfect in all aspects. Work on the policy has occurred over a number of years and the amount of officer time invested up to this point has been significant and greatly exceeds that envisaged when the process for producing it commenced. The absence of a car share policy has also meant that it has not been possible to deploy additional car share bays over this time to the detriment of people who are looking to use car share. On this basis, the officer view is that sufficient work on the draft policy has been done in term of technical work and consultation to produce a policy that taken on balance is fair, deliverable and aligns with Council objectives.
18. The proposed Car Share Policy applies only to commercial Fixed Base Car Share Providers (e.g. GoGet, Flexicar, and GreenShareCar and others that may enter the market and meet the qualification criteria set out in the car share policy). Peer-to-Peer car share schemes (e.g. Car Next Door) are excluded from the Policy except for purposes of promotion. Dockless Car Share Schemes are also excluded from the Policy.
19. Peer-to-Peer car share operators allow members to rent out their personal vehicles directly to other members, typically neighbours. As the vehicles are owned by residents, they generally use resident parking permits or private parking, and Council therefore does not have an oversight role in terms of parking. In addition, Council has no regulatory role in specifying safety and environmental standards for vehicles used in Peer-to-Peer car share schemes.

20. The proposed Car Share Policy does not allow for Peer-to-Peer operators to apply for a dedicated on-street car share space given that they do not comply with all the qualifications and obligations criteria set out in the Policy, including maintaining a minimum availability of a vehicle to other users, and safety and environmental limits on type of vehicles.
21. Dockless Car Share schemes involve members registering with a commercial Car Share Provider who provide a fleet of vehicles across an area. It differs from Fixed Base Car Share Services in that vehicles can be picked up from one parking space and dropped off to a different parking space thereby facilitating one-way trips.
22. Dockless Car Share schemes are dependent on the car share vehicles being able to park in any available parking space rather than in a space designated for car share. Dockless car share services have not been introduced anywhere in Australia and there are a number of very complex regulatory and commercial matters that would need to be resolved at State level and between a number of Councils before it can be deployed. On this basis, it is not envisaged that the market will introduce dockless car share in inner Melbourne any time soon. If firm proposals for Dockless car share do emerge then it will be subject to a separate Policy in the future.
23. A copy of the draft car share policy is provided as attachment 1.

### **External Consultation**

24. A significant amount of consultation has been undertaken externally to inform the content of the policy. A Victorian Sustainable Transport Interest Group (VicSTIG) meeting was held on 8th August 2017 at the Municipal Association of Victoria offices to share information on how car share is managed by Councils in Inner Melbourne. Key points discussed at this meeting are summarised as follows:
  - (a) Melbourne City Council's (MCC) current Car Share Policy within the CBD requires Car Share Providers to provide one off-street space for every on-street space they request within the CBD; the logic behind this is that there are many more off-street car parking spaces in the CBD than there are on-street spaces. There is, however, no requirement for Car Share Providers to provide an off-street space for every on-street space requested outside of the CBD;
  - (b) City of Port Phillip (CoPP) adopted its Car Share Policy in July 2016 following the completion of a background report. The Policy includes minimum targets for the expansion of car share within the municipality. The Policy allows for the targets to be revised upwards should demand warrant the need to do so. The CoPP also actively promotes car share services through its website, YouTube and brochures; and
  - (c) City of Darebin (CoD) does not allocate specific bays to car share but rather a street section. This situation works in the CoD given there are very few parking restrictions in residential areas and the parking demand in residential areas is currently not as high as other areas in Inner Melbourne.
25. The current commercial Car Share Providers (GoGet, Flexicar and Green Share Car) were also invited to provide feedback on their current and anticipated operation within Yarra.

### **Community Consultation**

26. Community consultation on the draft Car Share Policy occurred from the 10th September to 22nd October 2018. The consultation asked people their views on car share and put forward two car share growth scenarios for consideration, these were 79 additional spaces or 131 additional spaces to be provided over the next five years in Yarra. In total 323 responses to a survey posted on the Yarra Your Say webpage were submitted with over 30,000 words of comment provided in the responses in total. Full details of the consultation responses are provided as attachment 2.
27. Ninety three per cent of respondents stated that car share should be supported. The main reasons for this support were:

- (a) Reduced need for car ownership and associated costs;
  - (b) Reduced demand for parking;
  - (c) Reduced congestion;
  - (d) It's convenient; and
  - (e) Good for people who only need occasional access to a car.
28. Those that did not support car share often believed that they took up residents parking spaces and therefore reduced parking supply for residents. These community sentiments reflect the findings of officers as they have sought to provide car share bays in the past.
29. Of all respondents, 74 per cent are members of car share with 54 per cent of all respondents living in a household with a car. Car share membership in Yarra is approximately 5,000 people with Yarra's population being approximately 90,000 people. Hence, approximately six per cent of the population are car share members. Car share member views are over represented to a significant degree in the consultation responses.
30. In total 83 per cent of respondents thought there should either be a lot more or a few more car share spaces in their local area.
31. Nearly 60 per cent of respondents believed that the number of car share spaces in Yarra should be increased to 131 spaces over the next 5 years. Nearly ten per cent voted for 79 additional spaces with the remainder unsure or putting forward an alternative number. When people were asked their thoughts on the car share number a range of responses were provided expressing a diverse set of opinions. These ranged from there shouldn't be any car share at all to Council should not set an upper limit and car bays should keep being provided so long as they met minimum utilisation rates to demonstrate need. There were also a number of other opinions expressed regarding how rates should be calculated.
32. 55% of respondents lived in a household with a car and respondents had an average ownership of 1.3 cars per household.
33. One car share operator (Go Get) has provided a separate submission which is summarised as follows:
- (a) Council should not set maximum provisions by area and should instead have minimum provisions based around the concept of demand responsive growth;
  - (b) Off Street bays should be encouraged but not mandated due to the costs and other practicality issues with off street bays;
  - (c) Requiring bays not to be empty for more than two days is not practical as people take cars for long weekends etc.;
  - (d) Prohibiting the cleaning of vehicles is impractical, car share providers have processes which allow vehicles to be cleaned on street without generating unacceptable externalities;
  - (e) Concerns over emissions targets and what net impacts these will have on actual emissions. (Note the recommended policy does not contain specific emissions targets for vehicles, only that any vans or utility vehicles are high environmental performers in their class); and
  - (f) Objections to the requirement that car share vehicles are parked legally in the event that a car share bay is occupied by a non-car share vehicle.
34. In summary, the community consultation exercise generally demonstrates that car share users want more car share bays. The vast majority of community feedback to Council officers' over the last five years is that car share cars and/or car share bays take up parking spaces on streets where they live. The outputs of the consultation exercise need to be taken in this context.

Advisory Committee Consultation

35. The following Advisory Committees were consulted as per the Council resolution in August 2018:
  - (a) Youth Advisory Committee;
  - (b) Active Aging Advisory Group;
  - (c) Disability Advisory Committee; and
  - (d) Bicycle Advisory Committee.
36. All of these committees broadly support car share. It is noted that the DAC was particularly interested in car share and multiple meetings were held with the committee to understand their views, the basis for these views and how they can be practically incorporated into policy. Specifically, DAC have requested that two or three cars within the car share fleet are wheelchair accessible and can carry a passenger in an electric wheelchair. DAC have made this request to car share operators approximately ten years ago and consideration was given to it by operators and Council at the time, however, it is understood that that were concerns about maintenance and the reliability of technology. Cost and a perceived or actual lack of demand are likely to have been other considerations hence wheelchair accessible were not deployed.
37. Having wheel chair accessible cars is beneficial and desirable in principle and there is likely to be broad agreement on this. It is important to note, however, that this is a complex and difficult request to readily accommodate.
38. It is estimated that each wheel chair accessible car will cost approximately \$30k more than a conventional car – this doubles the net cost of a vehicle. Based on three wheelchair accessible cars this is approximately \$90k in conversions over the life of the policy. Modifications to cars have an associated financial cost which needs to be met be it the user, the car share provider, Council or another party.
39. The market demand for use of wheel chair accessible cars is unknown and is very difficult to measure with any accuracy. Notwithstanding this, there are a number of factors which suggest that the demand for wheelchair accessible cars is likely to be relatively small in most cases and this presents practical challenges around delivery and commercial viability. Specifically:
  - (a) Community members with a disability are eligible to receive subsidised taxi fares via vouchers from State Government. Using a taxi is likely to be far more convenient than using car share in many cases as for many people a wheel chair accessible car is unlikely to be close to the place of residence. A lack of wheelchair accessible taxi's and longer wait times are separate ongoing issues although for many people using a taxi is still likely to be more convenient than accessing a car share car. UberAssist does provide some service in the disability mobility space, however people with powered wheelchairs are not able to access Uber services at the present time;
  - (b) Car hire companies such as Hertz are increasingly providing wheelchair accessible cars, for longer one off type trips car hire is more attractive than car share which is primarily used for shorter hires;
  - (c) DDA public transport stops are being rolled out across Melbourne and over time this is likely to reduce demand for use of wheelchair accessible car share vehicles as other more convenient options will be available. For example, the whole of tram Route 96 will be soon be accessible by wheelchair. NB. Increased provision of DDA compliant public transport does not mean that wheelchair accessible cars are not required, but it may reduce demand for the use of such cars;
  - (d) Other support services exist which respond to this particular travel need to some degree;

- (e) The instances where a wheelchair accessible car could be used are more limited by the nature of the provision. For example, a person who uses a wheelchair may be unable to drive the vehicle. In such cases the person using a wheelchair will require a driver, this adds further complexity to the process further limiting its practical use;
  - (f) A wheelchair accessible car is available in Yarra via Car Next Door. It is understood that this is used on average less than once per week to transport passengers who use wheelchairs. A lack of advertising and awareness of this car may explain its low utilisation, however, the extent to which this is the case is difficult to quantify; and
  - (g) The market (car share operators) has not provided wheelchair accessible cars to date in a general street environment. If this was a commercially viable way of growing car share use due to sufficient levels of demand then it is likely that the market would have responded and made advances in this space. NB. A trial of wheelchair accessible cars at hospitals with sponsorship from the hospitals to cover extra costs in Sydney has occurred and this provides an example of where wheelchair accessible cars can be deployed and have an appropriate level of usage.
40. Cost and questions over demand are significant practical obstacles. There are three potential avenues for generating the funds required to provide wheelchair accessible cars:
- (a) Option 1: The car share companies absorb these costs and provide the cars;
  - (b) Option 2: Council provides a subsidy to provide these cars; or
  - (c) Option 3: A third party provides a subsidy to provide these cars through sponsorship or a grant.
41. **Option 1:** The car share companies have stated that they are unable to fund wheelchair accessible cars as their margins are thin, or at break even, and the business model cannot sustain extra costs of this scale. The cost of hiring wheelchair accessible cars could possibly be increased to consider the extra costs, however, this will further reduce demand for these vehicles which they already believe will be very low. A levy fee could be placed on all car share cars across Yarra to raise funds to cover the costs of wheelchair accessible cars; however, this is likely to reduce demand for car share and would impact business viability. Other methods of increasing revenue on these cars such as advertising would not come close to covering the costs of installing equipment.
42. **Option 2:** There is no money allocated in the Council budget for subsidy of car share operators to provide wheelchair accessible cars. In such a scenario, public money would be used to fund a private company to provide a public benefit that cannot/would not be realised through the private sector alone. This could be complex to implement from a process/legal, asset and liability point of view. From a first principles perspective, the officer view is that a better use of available Council time and money would be to deliver improved DDA compliant road crossings, and wider pavements as well as continued advocacy for DDA public transport stops and other community services which assist people with a disability.
43. A suggestion has been that Council provide wheelchair accessible car share cars and run a car share scheme. The costs of doing this in terms of equipment and officer resources would be significant. Council does not have an allocation in its budget to do this and does not currently have the expertise to be a car share operator. Council has a large number of existing roles and responsibilities and the officer view is that adding a car share scheme to this list at this time is not a priority and generally not advisable.
44. **Option 3:** This would be a sponsorship arrangement where a facility that would benefit from wheelchair accessible cars and has demand for its use pays a contribution to the car share company to provide the service. An example of this would be a hospital or a care home where there is a critical mass of potential service users in the immediate vicinity. If wheelchair accessible cars are to be provided in Yarra these types of locations appear the most viable. Opportunities to secure a grant with an external party through an application process have been discussed; to date a grant has not been identified that could be used as a funding mechanism.

45. It is understood that the DAC do not have a preference for how the two or three wheelchair accessible cars are provided over the life of the policy.
46. Following extensive consultation on the wheelchair accessible aspect the attached policy has been amended to ultimately deliver the outcome that DAC have requested. In this regard, the draft policy places an onus on the car share operators to deliver a wheelchair accessible car solution by using advertising revenue, negotiating with their vehicle suppliers to maximise value or entering into an agreement with hospitals to generate sponsorship revenue.
47. Set up and annual fees for bays containing wheelchair accessible cars would be waived by Council under the draft policy provision to assist in solution finding. Officers believe that workable solutions that improve mobility options for people who use wheelchairs can and will be found by the operators if the Council policy encourages them to do so. Regardless of the above, the operators are likely to oppose any mandatory requirement to provide wheelchair accessible cars.
48. The policy provides the framework where wheelchair accessible cars would be provided over the life of the policy. Some consultation feedback has been that wheelchair accessible cars should be provided immediately and that the provisions mean that wheelchair accessible cars are unlikely to be provided early in the life of the policy. Providing cars immediately is obviously desirable but is not particularly practical. It is important to note that no wheelchair accessible cars have been provided to date and this has been a subject for discussion for approximately ten years. The outcome proposed in the policy is a major step forward in this area and would make Yarra a leading Council in terms of facilitating an inclusive car share network.

#### **Internal Consultation (One Yarra)**

49. The development of the proposed Car Share Policy included consultation with the following Council Units: Compliance and Parking, Traffic and Engineering, Aged & Disability Services, City Works, and Statutory Planning.

#### **Financial Implications**

50. The draft Policy states that car share bays will not be located in paid parking bays.
51. All costs associated with the installation of a new on-street car share bay would be recovered from the Car Share Providers via an installation charge.
52. An annual permit fee would be charged for all existing on-street car share bays to cover the cost of officer time dedicated to managing the implementation of the Policy and monitoring performance and reporting. This fee would be reviewed annually as part of the Fees and Charges process. Under the proposed policy the provision of car share spaces and associated charges is not a revenue raising aspect. Rather, car share in Yarra, at this point in time, is recommended to be revenue neutral as a means of promotion. Charges levied at car share operators would be to cover the costs of setting up and then administering car share bays.
53. Permits for on-street bays are proposed to be renewed bi-annually and are subject to Council approval and dependent on the provider demonstrating that the space is suitably utilised.

#### **Economic Implications**

54. The proposed Car Share Policy would make it possible for businesses to use a car share vehicle without the expense of owning a vehicle.
55. Car sharing can also support the local economy by reducing household expenditure on transport and increasing a household's disposable income. People with low motor vehicle use are less likely to drive to where they spend their money and are more likely to shop locally.



### **Sustainability Implications**

56. Research outlined in the “Research for the City of Port Phillip’s Car Share Policy Review” Report (Final), prepared by Phillip Boyle and Associates, dated 17 February 2016 indicates that car share users are likely to increase their use of other sustainable transport modes (walking / cycling / public transport) after they join a car sharing service, this shift towards more sustainable travel patterns also leads to less vehicle emissions and pollution.
57. Furthermore, car share is viewed as an efficient use of parking space, allowing a single vehicle to be used by a large number of people. This reduces congestion and the competition for parking spaces, which ultimately benefits all road users.

### **Social Implications**

58. A well distributed car share network increases social inclusion by enabling households that cannot afford to own a car access to a motor vehicle when needed.
59. Furthermore, the draft Policy notes that Council is supportive of Car Share Providers who can demonstrate the provision of accessible and affordable access to car share to people on low incomes.
60. Council Officers will work with Car Share Providers to facilitate the provision of car share vehicles near public housing estates and support the promotion of car share services to people on low incomes.

### **Human Rights Implications**

61. There are a number of implications relating specifically to wheelchair accessible cars in the context of car share.
62. The UN Conventions on the rights of persons with disabilities (ratified by Australia in 2008) explicitly requires that State Parties shall take appropriate measures to ensure to persons with disabilities access, on equal basis with others, to the physical environment, to transportation, to information and communications ...; and To ensure that private entities that offer facilities and services which are open or provided to the public take into account all aspects of accessibility for persons with disabilities (Article 9 Accessibility), items 1 and 2 (b), p.9.
63. The Disability Discrimination Act 1992 (Cth) (DDA) makes it against the law to discriminate against a person because of disability when providing goods, services or facilities, or access to public premises.
64. Provisions in the Section 24 of this Act make it against the law to discriminate against a persons because of their disability either: by refusing to provide them with goods or services or make facilities available; or because of the terms or conditions on which, or the manner in which, the goods, services or facilities are provided.
65. The Victorian Disability Act 2006 aims to provide a stronger whole-of government, whole of community response to the rights and needs of people with a disability (based on premise that people with disability have the same rights as other members of the community). Among other provisions, it requires to reduce the barriers to goods, services and facilities for people with disability. Council is committed to the provisions of the Disability Act 2006 through its Access and Inclusion Strategy 2018 – 2014.
66. The Charter of Human Rights and Responsibilities 2006 protects the freedoms and rights of everyone in Victoria. It outlines 20 rights including the right to enjoy their human rights without discrimination in the political, economic, social, cultural, civil or any other field.

### **Communications with CALD Communities Implications**

67. The consultation process followed Yarra’s standard practices relating to CALD elements.

## **Council Plan, Strategy and Policy Implications**

### Council Plan 2017-2021

68. Objective 7, City of Yarra, a place where connectivity and travel options are environmentally sustainable, integrated and well-designed, of the Council Plan 2017-2021 notes that *“Council is committed to creating a city that is accessible to all irrespective of levels of personal mobility, to support a fulfilling life without the need for a car”*.
69. Car sharing aligns directly with Objective 7 of the Plan as it enables people who need a car from time to time to rent a car rather than own a vehicle. A growing number of people are finding that using a car share service is cheaper and more convenient than car ownership; particularly in inner urban area where parking options are limited and travel by sustainable transport modes is more convenient and less costly than that of private vehicle travel.
70. A number of objectives relate to wheelchair accessible car aspects. Objective Two - An Inclusive Yarra Strategy 2.2 Remain a highly inclusive municipality, proactive in advancing and advocating for the rights and interests of specific groups in the community and community issues.
71. Initiative 2.2.1 under this Strategy focuses on ‘...challenging discrimination and address disadvantage ...’, p. 36. Transport is one of the most prohibiting barriers for people with disability as many cannot afford or are unable to drive their own vehicle. Often their only option is to rely on community or public transport or their family, friends or carers to access community. Too few low-floor buses, not enough accessible tram stops, and frequently delayed wheelchair accessible taxis, contribute to isolation of some people with disability from their community.
72. Provision of accessible vehicles by car share fleets would contribute to reducing barriers to point to point transportation for people with disability; and simultaneously eliminate possibility of unintentional discrimination in the context of provision of accessible services.

### Strategic Transport Statement 2012

73. The Strategic Transport Statement 2012 notes Council is supportive of car share schemes as they can reduce the need for numerous car parking spaces and unnecessary car ownership.
74. The Statement includes Action 5.9 which notes that Council is to *“Develop guidelines for car share operators that address the issues of location, number of bays and signage so that operators are clear as to the process and responsibilities”*.

### Parking Management Strategy (2013-2017)

75. The Parking Management Strategy (2013-2017) directly supports car share and includes Principle 14: Support and encourage households to use ‘share car schemes’ relates directly to car sharing and is aimed at reducing parking demand within the municipality.

### Yarra Environment Strategy 2013-2017

76. Pathway 3 of the Yarra Environment Strategy 2013-2017 relates to sustainable city infrastructure, and Objective 3.1: Sustainable Transport is aimed at supporting community infrastructure and programs to increase safe, efficient, affordable and low-carbon mobility in Yarra.
77. Car share schemes provide a low-cost alternative to private vehicle ownership. In addition car share fleets generally comprise of fuel efficient cars.

## **Access and Inclusion Strategy 2018 - 2024**

78. Through the Access and Inclusion Strategy 2018 - 2024 Council affirmed commitment to the rights of all people with disability to equality, dignity, and full and equal access to participating in public, economic and cultural life. These are to be considered in all Council’s decision when making laws, developing policy and providing services. Under the Access and Inclusion Strategy (and consistent with the Disability Act 2006 (Vic)), Council aims at:

- (a) Reducing barriers for persons with disabilities accessing information, goods, services and facilities;
  - (b) Reducing barriers to persons with disabilities obtaining or maintaining employment;
  - (c) Promoting inclusion and participation in the community; and
  - (d) Achieving tangible changes in attitudes and practices that discriminate against persons with disabilities, p.6.
79. Of note is Goal 1: *Improve accessibility to infrastructure, facilities and amenities*, p.17, and its Strategy 1.2 *Advocate to create an accessible, well-networked public transport system in the City of Yarra*, p. 18, supports the need for Council policy to require provision of accessible vehicles by car share operators.

### **Legal Implications**

80. The DDA Act sets out legal responsibilities for providing equal access for people with disability.

### **Other Issues**

81. No known other issues.

### **Options**

82. As with most documents such as policies or submissions there are three options available to Councillors. These are:
- (a) Adopt the draft policy as it is; or
  - (b) Adopt the draft policy subject to changes; or
  - (c) Defer adoption of the draft policy.
83. A significant amount of work has been undertaken to produce the draft policy over a number of years. Extensive consultation has been undertaken and the views of stakeholders have been duly considered and taken on balance noting that the fundamental divergence of views make it very difficult to achieve consensus on all aspects of the policy.
84. The officer recommendation is for Council to adopt the draft policy as it is (or subject to minor changes). Another deferment of the policy pending further technical work and, or consultation is not advised as this is unlikely to add significant value to the process given the large amount of work that has already been undertaken. It will also further delay adoption of the policy and divert more finite officer resources away from other transport projects which require officer attention.

### **Conclusion**

85. Car share is supported by Council's *Strategic Transport Statement 2012* and the *Parking Management Strategy (2013-2017)*.
86. The community benefits of car sharing include the potential for households to reduce expenditure as a result of vehicle ownership no longer being a necessity. It also encourages residents to "live locally" and support local businesses for their everyday needs.
87. Car share is a complex subject which interfaces with the very sensitive community topic of car parking. The consultation exercise and policy formation process has confirmed that there are a wide range of opinions regarding car share and what a successful car share policy looks like. These have all been considered as part of this process, however it is important that the car share policy is practical and deliverable.
88. Work on the policy has occurred over a number of years and the amount of officer resource invested up to this point has been significant and greatly exceeds that envisaged when the process for producing it commenced.
89. The absence of a car share policy has also meant that it has not been possible to deploy additional car share bays over this time.

90. The officer view is that sufficient work has been done and that the draft policy is now ready for adoption.
91. Given the range of views and differences of view it will not be possible to produce a policy that all stakeholders think is perfect in all aspects. The draft policy on balance is considered fair, deliverable and aligns with Council objectives. On this basis, the officer recommendation is that the policy is adopted without further delay.

## **RECOMMENDATION**

1. That:
  - (a) Council note the report of officers on a proposed Car Share Policy;
  - (b) Council note the responses to the exhibition of a draft policy as outlined in Attachment 2;
  - (c) Council note the revised draft Car Share Policy as shown in Attachment 1;
  - (d) Council, having noted the submissions and the officer report, adopt the Car Share Policy (2019 – 2024) as outlined in Attachment 1;
  - (e) officers commence implementation of the Car Share Policy; and
  - (f) submitters be informed of the Council decision.

**CONTACT OFFICER:** Simon Exon  
**TITLE:** Unit Manager Strategic Transport Planning  
**TEL:** 9205 5781

## **Attachments**

- [1⇒](#) Draft Car Share Policy 2019-24
- [2⇒](#) Survey Responses Summary

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## 11.2 Amendment C223 - 81-95 Burnley Street, Richmond - Re-authorisation

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### Executive Summary

#### Purpose

The purpose of this report is for Council to consider seeking re-authorisation to exhibit a revised Amendment C223 in accordance with the *Planning and Environment Act 1987*.

Amendment C223 allows for the land to be used and developed for a mix-use of residences and employment opportunities – retail and commercial. It continues to seek to rezone land at 81-95 Burnley and 26 Doonside Streets, Richmond from Industrial 3 to Mixed Use Zone and apply a Development Plan Overlay, Schedule 15 (DPO15) and an Environmental Audit Overlay.

#### Key Issues

Council resolved to seek authorisation for Amendment C223 on 19 December 2017. The amendment received conditional authorisation from the Minister for Planning on 19 February 2018. The condition required that prior to exhibition a Housing Diversity Report is prepared to justify the 10% affordable housing contribution. The report was prepared in May 2018.

Prior to exhibition, the proponent requested changes to the amendment to accommodate additional commercial space for Harry the Hirer, to expand the office / retail activities of the existing operation. The officers have been working through the changes with the proponent. This report includes the revised Development Plan Overlay 15 with the following changes:

- Increase the minimum gross floor area provided for employment generating uses from 7,000m<sup>2</sup> to 9,000m<sup>2</sup>;
- Amend the *Indicative Framework Plan* to enable flexibility to accommodate additional employment generating uses;
- Includes new clauses relating to infrastructure, and
- Amends the Housing affordability clause to allow for other mechanisms to deliver affordable housing to be considered by Council.

Some other changes have been made to DPO15 to improve the wording.

As the amendment makes changes to the composition of land uses and buildings, DELWP has advised that Council must seek re-authorisation from the Minister for Planning. It is appropriate that changes occur prior to public exhibition.

#### Financial Implications

The costs associated with the exhibition of the amendment, statutory fees, and panel fees would be met by the proponent. Other aspects would be met by the strategic planning budget.

#### PROPOSAL

That Council resolves to:

- (a) note the officer report on Amendment C223 which seeks to rezone land at 81-95 Burnley and 26 Doonside Streets, Richmond from Industrial 3 to Mixed Use Zone and apply a Development Plan Overlay and an Environmental Audit Overlay;
- (b) note the revised Development Plan Overlay – Schedule 15 for re-authorisation;
- (c) seek re-authorisation from the Minister for Planning to prepare Amendment C223 to the Yarra Planning Scheme in accordance with section 8A of the *Planning and Environment Act 1987*.

If re-authorisation is granted officers arrange for the exhibition of Amendment C223 in accordance with Section 19 the requirements of the *Planning and Environment Act 1987*.

## 11.2 Amendment C223 - 81-95 Burnley Street, Richmond - Re-authorisation

Trim Record Number: D19/99986

Responsible Officer: Director Planning and Place Making

### Purpose

1. The purpose of this report is for Council to consider seeking re-authorisation to exhibit a revised Amendment C223 in accordance with the *Planning and Environment Act 1987*.
2. Amendment C223 allows for the land to be used and developed for a mix-use of residences and employment opportunities – retail and commercial. It continues to seek to rezone land at 81-95 Burnley and 26 Doonside Streets, Richmond from Industrial 3 to Mixed Use Zone and apply a Development Plan Overlay, Schedule 15 (DPO15) and an Environmental Audit Overlay.

### Background

3. Amendment C223 received conditional authorisation on 19 February 2018, to proceed to exhibition. Prior to exhibition, the proponent requested that the amendment not be exhibited and proposed further revisions. The revised DPO15 was considered by Council officers and various changes have been made by both Council officers and the proponent.
4. The revised DPO15 includes the following changes:
  - (a) increase the minimum gross floor area provided for employment generating uses from 7,000sqm to 9,000 sqm;
  - (b) amend the *Indicative Framework Plan (IFP)* to enable flexibility to accommodate additional employment generating uses;
  - (c) inserts new clauses into DPO15 that clarifies the mechanisms for the delivery of traffic infrastructure;
  - (d) inserts a new requirement for any future Development Plan to include a Public Realm Plan;
  - (e) Amends the Housing affordability clause to allow for other mechanisms to deliver affordable housing to be considered by Council; and
  - (f) various wording edits.
5. The revised DPO15 (with highlighted changes) is in **Attachment 1**.
6. The revised IFP locates the pedestrian link further east, allowing for more floor space west of the link to allow for the expansion of Harry the Hirer. This results in a change in the composition of the taller buildings.
7. The authorised IFP allowed for buildings up to 5 and 8 storeys, along the eastern edge of the laneway. The revised plan includes 2-3 storey buildings along the eastern edge, with taller form located on the western side of the pedestrian link. The reduction in heights in this location results in a separation between the taller buildings west of the pedestrian link and the neighbouring development to the east (8 storeys). Refer to **Figures 1 and 2**.
8. The number of building envelopes that allow for taller buildings east of the pedestrian link is reduced from two to one. The building envelope that allows for a taller building east of pedestrian link is adjacent to Doonside Street.
9. The building envelopes that allow for taller buildings west of the pedestrian link has increased from four to five, with an additional building envelope along Doonside Street.

10. Importantly, the change to the building composition does not change the overall heights and setbacks of the authorised amendment.
11. The retention of heights and setbacks continues a transition of taller buildings along Doonside and Burnley Streets to the existing low scale residential development along Appleton Street. The upper levels along Appleton Street continue to be set back at least 13 metres which is consistent with the approved development on the adjoining lot. It also mitigates overshadowing impacts and reduces its visibility from residential properties on Appleton Street.
12. The revised IFP retains the 9m wide link and 576m<sup>2</sup> of public open space on Doonside Street. The shape of the open space has varied, however, it continues to meet the criteria for a small local park set out in the Yarra Open Space Strategy (2006). This link and open space arrangement continues to allow for the existing mature sugar gum tree on Doonside Street to be retained.
13. DPO15 has been revised to require a *Public Realm Plan* to be included as part of any future Development Plan. This requirement in the DPO15 will ensure that any future Development Plan will properly consider improvements to the public realm surrounding the site.
14. Below is the *Indicative Framework Plan* in the authorised amendment and in Figure 2 below the revised IFP.

Figure 1: Indicative Framework Plan in the authorised amendment

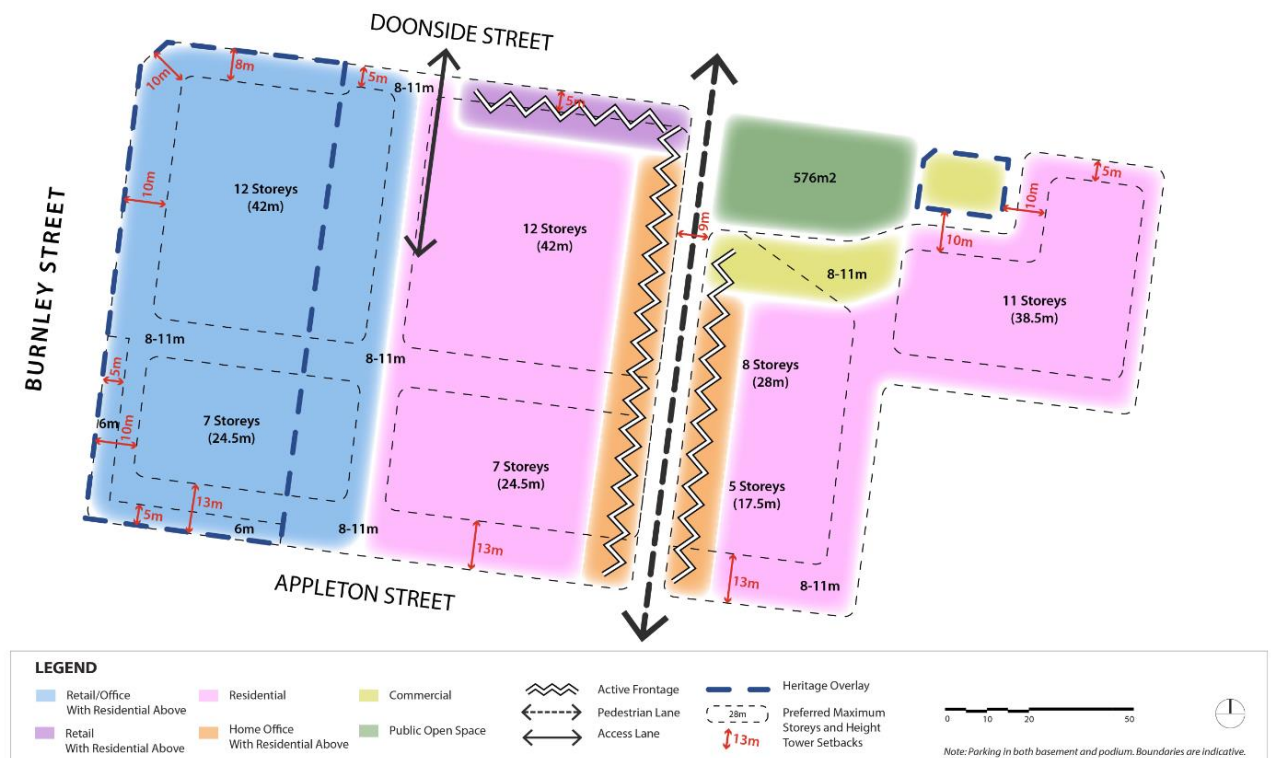
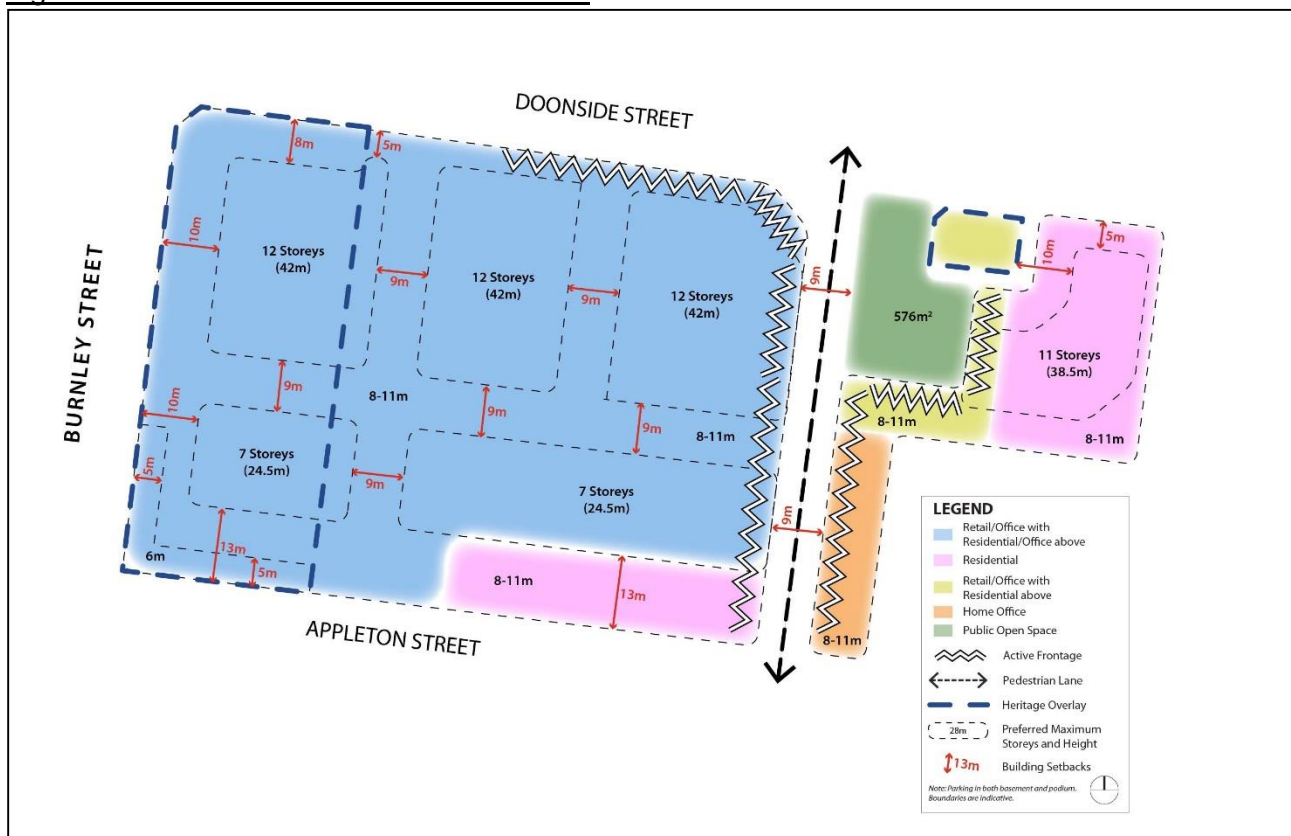




Figure 2: Revised Indicative Framework Plan



15. Below is a comparison between the authorised amendment and the current revision in terms of potential land use:
  - (a) Residential:
    - (i) Authorised amendment - approximately 506 dwellings;
    - (ii) Current (2019) - approximately 557 dwellings;
  - (b) Commercial:
    - (i) Authorised amendment - 6,585sqm (NFA – measured at 85% of GFA);
    - (ii) Current (2019) - 15,410sqm (NFA – measured at 85% of GFA);
  - (c) Retail:
    - (i) Authorised amendment - 701sqm (NFA – measured at 85% of GFA); and
    - (ii) Current (2019) - 519sqm (NFA – measured at 85% of GFA).
16. The 'commercial' component at ground and podium levels have increased to enable Harry the Hirer to occupy approximately 9,649m² and employ at least 150 staff over time. It would retain residential use along part of Appleton Street.
17. The revised scheme would also allow for the taller buildings west of the pedestrian link to be used for office as well as residential. The authorised amendment proposed only residential uses in the towers.
18. The additional number of dwellings has resulted from an increase in ground floor area, which allows for an additional taller building west of the pedestrian link; and the relocation of car parking from podium level into the basement.

### Heritage Considerations

19. Part of the site (land adjacent to Burnley Street) is covered by HO 375 (81-95 Burnley Street). This was the Russell Manufacturing Company Pty Ltd, and later Repco. HO252 covers 26 Doonside Street Richmond (Former Repco offices).
20. The revised DPO15 continues to retain the following in the authorised amendment:
  - (a) retention of the heritage facade (former Repco headquarters) on Burnley Street and the heritage building in its entirety at 26 Doonside Street;
  - (b) requirement for a Heritage Impact Statement and built form guidelines; and
  - (c) building setbacks and heights in proximity to the heritage buildings.

### Traffic

21. Primary access to the site remains from Doonside Street. Two secondary access points are proposed from Appleton Street. The first being located near Burnley Street and the second adjacent to the pedestrian link (to be determined), to serve the area close to Appleton Street. This access point is important to allow convenient vehicle access to this part of the site, noting that it is somewhat removed from Doonside Street and that the pedestrian link cannot be used for vehicle access (other than emergency vehicles). The DPO schedule is very clear that any Appleton Street access must be secondary only, with Doonside Street the primary access.
22. Independent traffic advice sought by Council officers on the revised DPO15 indicated that the critical traffic impacts of development in the nearby area remains the intersections of Doonside Street and Buckingham Street with Burnley Street. DPO 15 retains the traffic provisions of the authorised amendment to address this issue, in particular it requires the development plan to assess whether a two way or a four way signalised intersection between Burnley Street/Doonside Street/Buckingham Street is required and the trigger for providing the signalised intersection.
23. The revised DPO15 includes a new clause “*Section 173 Agreement for Traffic Impact Assessment Report works*”, which outlines the mechanisms for the delivery of improvements to the Burnley, Doonside and Buckingham Streets intersection. The clause requires the owner to enter an agreement with VicRoads and Council before a permit can be granted. The purpose of any future agreement would outline the owner’s obligations to the delivery of works for the intersection.

### Strategic justification of the amendment

24. The revised amendment remains consistent with policy within the Municipal Strategic Statement of the Yarra Planning Scheme:
  - (a) in Clause 21.03 the site is identified as a strategic redevelopment site;
  - (b) figure 21, Neighbourhood Map: North Richmond specifically identifies the site to be rezoned to mixed use zone, and
  - (c) The proposed amendment rezones the ‘missing part’ of the Doonside Precinct that was rezoned in 2009.
25. It also remains consistent with the Victoria Street Structure Plan, in which the land is included in Precinct 11a *Doonside Precinct – potential housing mixed with retail and business*.

## External Consultation

26. As part of assessing the authorised Amendment, officers sought the view of Vic Roads in relation to traffic.
27. As part of assessing the current proposed changes to the Amendment, officers consulted DELWP on the need to seek re-authorisation from the Minister for Planning. Officers also sought advice from the EPA in accordance with Ministerial Direction 19 (MD19), which came into effect on 10 October 2018. MD19 requires that a planning authority must seek the written views of the EPA about the potential impacts of the proposed amendment and include a statement of how the proposed amendment addresses the views of the EPA in the explanatory report.
28. If Council resolves to seek 're-authorisation' for the amendment and it is re-authorised by the Minister for formal exhibition, the amendment documentation would be exhibited for a period of one month in accordance with the requirements of the Planning and Environment Act 1987. Exhibition is proposed to be consistent with Council resolution made 19 December 2017 as follows:

*...the community consultation during the exhibition and consideration of the proposed amendment will include:*

- a) *public exhibition of the proposed amendment for one calendar month, in accordance with the requirements of the Planning and Environmental Act 1987;*
  - b) *notification letters detailing information about the proposed amendment and how to make a submission sent to each affected owner and occupier;*
  - c) *provision of fact sheets with information about the amendment and the consideration process;*
  - d) *a targeted consultation process with residents immediately adjoining the site, conducted by the proponent;*
  - e) *consideration of community submissions with a report provided to Council;*
  - f) *hearing community submissions and consideration of any recommended changes at a Council meeting; and*
  - g) *should Council resolve to have the proposed amendment considered by a planning panel, submitters having the opportunity to present to the panel and finally to Council on the panel's report and recommendations.*
29. If the amendment is approved, a Development Plan needs to be approved by the Responsible Authority. The proposed DPO includes a provision that: *The Development Plan shall be available for public inspection and submission for 28 days prior to its consideration by the responsible authority. Any submissions must be considered by the responsible authority in its decision.* NB. Once the Development Plan is approved, a planning permit process is not subject to third party notification and appeal.

## Internal Consultation (One Yarra)

30. Officers have sought internal comments from urban design, engineering – drainage and traffic, sustainable transport (cycling) and statutory planning. These comments have informed the requirements of the proposed Development Plan Overlay.

## Financial Implications

31. The costs associated with the exhibition of the amendment, statutory fees, and panel fees would be met by the proponent. Other aspects would be met by the strategic planning budget.

## Economic Implications

32. The proposed Development Plan Overlay mandates approximately 9,000m<sup>2</sup> of gross floor area would be for employment generating uses. This is an increase from the minimum 7,000m<sup>2</sup> included in the authorised amendment.

### **Sustainability Implications**

33. The revised DPO continues to provide for:
- (a) a mix of additional housing and open space in proximity to employment generating uses on site and public transport;
  - (b) an environmentally sustainable design assessment which sets out how the future development would achieve WSUD and ESD objectives in the planning scheme, and
  - (c) the need to prepare a Green Travel Plan that demonstrates how the development supports sustainable transport alternatives.

### **Social Implications**

34. There are no anticipated social implications resulting from changes to DPO15. The amendment continues to include a provision that facilitates the provision of 10% affordable housing.

### **Human Rights Implications**

35. There are no anticipated human rights implications.

### **Communications with CALD Communities Implications**

36. If Council agrees to request the Minister for Planning to re-authorise the revised amendment, notification and consultation about the amendment would include advice about the use of the interpreter service by residents. This would be available to help affected parties to understand the proposal and associated processes. The Amendment process also involved steps outlined in the Council engagement strategy to assist CALD communities.

### **Council Plan, Strategy and Policy Implications**

37. The amendment remains consistent with the Council Plan objective 3: *Making Yarra More Liveable*.

#### Spatial Economic and Employment Strategy SEES

38. Since consideration of the original amendment, Council has adopted the SEES. Strategy 6 in the SEES seeks to retain Yarra's existing industrial precincts for manufacturing and urban services.
39. Strategy 6 recognises that these precincts may transition, however continued employment outcomes would be expected. The revised amendment increases the minimum gross floor area to be provided for employment generating uses from 7,000sqm to 9,000 sqm.
40. The SEES will inform future planning policy. The current Municipal Strategic Statement (MSS) at Clause 21 of the planning scheme clearly states that this land should be rezoned to Mixed Use.

#### Victoria Street Structure Plan, adopted 2010

41. The proposed amendment is consistent with the Victoria Street Structure Plan, in which the land is included in Precinct 11a *Doonside Precinct – potential housing mixed with retail and business*.

### **Legal Implications**

42. The amendment would be processed and considered in accordance with the provisions of the *Planning and Environment Act 1987*.

### **Other Issues**

43. There are no other issues.

### **Options**

44. There are 2 options for deciding on this proposed amendment:

- (a) Option 1: seek re-authorisation from Minister for Planning for the amendment to go on exhibition; or
  - (b) Option 2: not support the revised amendment and hence, not exhibit the authorised amendment.
45. Option 1 is recommended as it continues to facilitate the delivery of a mixed use redevelopment that provides the following benefits:
- (a) commercial floor space to maintain employment generating uses on site;
  - (b) open space, improvements to public infrastructure and a pedestrian link;
  - (c) intersection upgrades (Doonside Burnley Streets and potentially Buckingham Street);
  - (d) retention of the former Repco heritage façade on Burnley Street and the heritage building at 26 Doonside Street; and
  - (e) provision of 10% affordable housing.
46. The revised amendment differs from the amendment that the Minister has authorised and as such re-authorisation is required to facilitate proper planning process and allow the Amendment to be exhibited.
47. The revised amendment is consistent planning policy which identifies this site for a mix of uses: housing mixed with retail and business.

## **Conclusion**

48. Amendment C223 seeks to rezone the land at 81-95 Burnley and 26 Doonside Streets from Industrial 3 to Mixed Use, apply Development Plan Overlay 15 and an Environmental Audit Overlay. It received conditional authorisation from the Minister for Planning on 19 February 2018.
49. Prior to exhibition the proponent requested revisions to the amendment to allow the existing business (Harry the Hirer) to expand its headquarters operations (commercial and retail).
50. After considering the revised amendment, Council officers have made revisions to enable public realm and traffic improvements to be secured through the development of the site.
51. The proposed revisions change the composition of land uses and taller buildings and as such require re-authorisation from the Minister for Planning to proceed to exhibition. The changes, continue to facilitate a redevelopment that provides the benefits outlined in the authorised amendment.
52. This is a proponent led amendment that facilitates the redevelopment of an industrial site to a mid-rise, mixed use development that provides the following benefits:
- (a) commercial floor space to maintain employment generating uses on site;
  - (b) open space with a pedestrian link;
  - (c) intersection upgrades (Doonside and Burnley Streets and potentially Buckingham Street);
  - (d) retain the former Repco heritage façade on Burnley Street and retain the heritage building at 26 Doonside Street; and
  - (e) provision of 10% affordable housing.
53. There is strong strategic support in the planning scheme to see this land rezoned from Industrial 3 to Mixed Use Zone.

## RECOMMENDATION

1. That Council resolve to:
  - (a) note the officer report on Amendment C223 which seeks to rezone land at 81-95 Burnley and 26 Doonside Streets, Richmond from Industrial 3 to Mixed Use Zone and apply a Development Plan Overlay and an Environmental Audit Overlay;
  - (b) note the revised Development Plan Overlay – Schedule 15 for seeking re-authorisation from the Minister for Planning; and
  - (c) seek re-authorisation from the Minister for Planning to prepare Amendment C223 to the Yarra Planning Scheme in accordance with section 8A of the *Planning and Environment Act 1987*.
2. If re-authorisation is granted officers arrange for the exhibition of Amendment C223 in accordance with Section 19 the requirements of the *Planning and Environment Act 1987*.
3. That the community consultation during the exhibition and consideration of the proposed amendment include:
  - (a) public exhibition of the proposed amendment for one calendar month, in accordance with the requirements of the Planning and Environmental Act 1987;
  - (b) notification letters detailing information about the proposed amendment and how to make a submission sent to each affected owner and occupier;
  - (c) provision of fact sheets with information about the amendment and the consideration process;
  - (d) a targeted consultation process with residents immediately adjoining the site, conducted by the proponent;
  - (e) consideration of community submissions with a report provided to Council;
  - (f) hearing community submissions and consideration of any recommended changes at a Council meeting; and
  - (g) should Council resolve to have the proposed amendment considered by a planning panel, submitters having the opportunity to present to the panel and finally to Council on the panel's report and recommendations.

**CONTACT OFFICER:** Fiona van der Hoeven  
**TITLE:** Senior Coordinator Strategic Planning  
**TEL:** 9205 5156

### Attachments

- 1 ➡ Amendment C223 - 81-95 Burnley Street - Draft DPO15 with highlighted changes - June 2019

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## 11.3 Local Government Bill Reform Proposal

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Trim Record Number: D19/117274

Responsible Officer: Group Manager Chief Executive's Office

### Purpose

1. To determine the feedback to provide to the Minister for Local Government in response to reforms proposed for inclusion in the Local Government Bill 2019.

### Background

2. In 2015, the Victorian Government commenced a comprehensive review of the *Local Government Act* 1989, with a view to streamlining the legislation and removing a number of anomalies and inconsistencies that had crept into the Act over the more than 100 amending Acts since its inception.
3. The review to date has included a number of distinct stages:
  - (a) **Stage 1** started with identifying issues, commissioning research papers and forming an advisory committee;
  - (b) **Stage 2** involved exploring reform ideas. Six technical working groups explored a range of options at community forums across the State. These ideas informed the publication of a discussion paper, which was published in September 2015. Yarra City Council considered this discussion paper and endorsed a submission at its meeting on 15 December 2015. On its submission, it became one of 348 submissions received by the Government;
  - (c) **Stage 3** saw a detailed examination of specific policy directions. A Directions Paper was released in June 2016 which outlined 157 potential reform directions. Yarra City Council considered this directions paper and endorsed a submission at its meeting on 6 September 2016. It was one of 333 submissions received by the Government;
  - (d) **Stage 4** was the release of an Exposure Draft of the proposed Bill in December 2017. Council considered this draft at its meeting on 6 March 2018 and lodged one of 190 submissions made to the Parliament;
  - (e) **Stage 5** was the introduction of the 2018 Local Government Bill into the Victorian Parliament. The Bill lapsed when Parliament lapsed ahead of the 2018 election; and
  - (f) **Stage 6** is the release on 17 June 2019 of *Local Government Bill – A reform proposal* by the Minister for Local Government. This document endeavours to progress the work overseen by the two previous Local Government Ministers, and move toward the presentation of a 2019 Local Government Bill to the Parliament. This document can be found at [www.localgovernment.vic.gov.au](http://www.localgovernment.vic.gov.au).
4. The proposed reform proposals where the 2019 Bill will differ from the 2018 Bill are set out below.

#### Reform 1 – Voter Franchise

5. Reform 1 is described as simplifying the electoral franchise, yet in reality it does not alter the voting entitlement of any of the current franchise. What it does do however, is remove the 'automatic' inclusion of non-resident property owners from the electoral roll, and requires that they first apply for enrolment in the same way that business owners and some property lessees currently do.

6. Yarra City Council supported this approach in our 2016 submission, where we said the approach *“ensures that ratepayers are not disenfranchised and can continue to exercise a voting entitlement if they choose to do so. Requiring such voters to actively enrol, at which point voting is compulsory, ensures that all voters on the roll are on equal footing on election day and aids in communication and non-voting enforcement.”*
7. It is proposed that this reform be implemented only in part at the 2020 election, with non-resident owners who were enrolled in 2016 being automatically enrolled again. Non-resident owners who have purchased since 2016 will be required to register to vote. This splits non-resident voters into two classes for 2020, with voting being optional for one group (owners prior to 2016) and mandatory for the other (owners post 2016). This anomaly would be corrected with the full implementation of the reform from 2024.
8. It is not clear how ward boundaries will be calculated, and whether the calculations will include non-resident property owners who have registered, but it would appear that calculation will not include non-resident owners who have not registered. This is likely to have an impact in Yarra, with areas of low rates of owner occupation likely requiring boundary adjustments that result in ‘smaller’ wards.

#### Reform 2 – Electoral Structures

9. Reform 2 proposes that most Council elections be undertaken on the basis of single member wards, elected by preferential voting (some small rural Councils would be able to be un-subdivided). This is a significant change, and would require re-drawing ward boundaries in the City of Yarra.
10. It is argued that single member wards enable electors to receive direct local representation and matches the system used for electing members to Parliament. This approach was not recommended in any of the previous stages of this review, nor in the Local Government Electoral Review led by Petro Georgiou in 2013.

#### Reform 3A – Candidate Training

11. **Reform 3 (Part A)** proposes mandatory training for election candidates before the election. While this approach has been canvassed in the past, it did not form the basis of any of the previous recommendations in this review. This was, at least in part, due to the reluctance to introduce a limitation on the human rights of persons on the electoral roll by placing a restriction or condition on their eligibility to stand for office. One cited advantage that this approach would have is that it would be likely to reduce the prevalence of ‘dummy’ or ‘feeder’ candidates on ballot papers. Previous suggestions about what would constitute suitable training have been fraught, as they essentially need to try to anticipate what qualities or skills the electors would want in a Councillor.

12. Reform 3B – Councillor Training

13. **Reform 3 (Part B)** proposes mandatory induction training for successful Councillors within six months of the election. The post-election ‘induction’ training proposal is consistent with what is undertaken at Yarra and, aside from mandating participation, does not amount to a change. The reform proposes that Councillors who fail to complete the training within six months of election would have their Councillor allowance withheld until the training is completed.

#### Reform 4 – Donation Reform

14. **Reform 4** proposes reforming the receipt of donations and gifts, and lowering the relevant thresholds. Limiting donations to any one candidate (or group of candidates) from a single donor to \$1,000 may have an impact on Yarra’s candidates, as past elections have seen donations in excess of this amount. Further, the reform proposes that electoral campaign donors must be either Australian citizens, permanent residents or organisations with an Australian Business Number.



15. The lowering of the gift reporting threshold is also likely to have an administrative impact, as it could be expected that Councillors might receive gifts in excess of \$250 in a private capacity which (aside from gifts received from immediate family) would now need to be reported.

#### Reform 5 – Improved Conduct

16. **Reform 5** proposes to prescribe behavioural and conduct standards in a different way to that used currently. As things currently stand, these standards are included in the 1989 Act, and are required to be included in the Councillor Code of Conduct. It is proposed that new standards will instead be included in regulation – meaning they can be amended more readily over time. More significantly, this reform proposes doing away with each Council's internal resolution process in favour of a centralised arbitration process that is applied consistently across the sector. The arbiters in this process will also have the authority to make a direct finding of 'misconduct', rather than having to refer the matter to the Council itself (as is currently the case).

#### Reform 6 – Community Accountability

17. **Reform 6** proposes that the Minister not be given the power to remove an individual Councillor from office (after a prescribed process had been completed). Instead, it proposes that individual Councillors automatically be removed after two findings of 'serious misconduct', or after a new process called a 'community initiated Commission of Enquiry'. This process requires 25% of persons on a voters roll to sign a petition within a 60 day window calling for an enquiry into a Council. It is to be expected that this process would only ever be successfully completed in the most grievous of circumstances. While it would not remove the Minister's authority to call an enquiry, it would remove the Minister's power to dismiss an individual Councillor as a result of that enquiry.

### **External Consultation**

18. Council officers have received briefings from both the Municipal Association of Victoria and the Victorian Local Governance Association, as well as participated in workshops with the Local Governance professionals Governance Network.
19. There has been no community consultation in the development of this paper.

### **Internal Consultation (One Yarra)**

20. Preliminary discussions have been held between the Senior Governance Advisor and the Senior Advisor – Strategic Advocacy in the development of this paper.
21. The reform proposals were presented to the Councillor briefings on 24 June 2019 and 1<sup>st</sup> July 2019.

### **Financial Implications**

22. The reforms proposals are lacking in sufficient detail to conduct an analysis of their likely financial implications. It is clear that a number of the suggested reforms will have a cost impact (conduct of electoral boundary reviews, delivery of additional training, administering increased gift declarations, funding internal arbitration processes, assessing a petition for a community initiated commission of enquiry), but it is not clear to what degree they will be borne by the relevant State Government agency.

### **Economic Implications**

23. There are no economic implications of this paper.

### **Sustainability Implications**

24. There are no sustainability implications of this paper.

### **Social Implications**

25. There are no social implications of this paper.

## Human Rights Implications

26. Aside from the matter discussed under Reform 2 relating to the proposal to place a qualification requirement on candidates for Council, no other human rights implications have been identified in preparing this paper.

## Communications with CALD Communities Implications

27. As there has not been a need to undertake external consultation, there are no CALD communications implications arising from this stage of the review.

## Council Plan, Strategy and Policy Implications

28. There are no direct policy implications arising from this stage of the review.

## Legal Implications

29. While the wholesale review of the Local Government Act will likely have significant legal implications for Council, there are no specific legal issues arising at this stage of the review.

## Other Issues

30. No other issues have been identified in the development of this paper.

## Options

31. Providing feedback in relation to the proposed reforms requires Council to determine from a number of options set out in at **Attachment 1**. The following options are presented:
- (a) Reform 1 – Voter Franchise:
    - (i) **Option A**, support the reform;
    - (ii) **Option B**, support the reform, without the transitional arrangements for 2020, and with the reform taking effect in full from 2024;
    - (iii) **Option C**, oppose the reform;
  - (b) Reform 2 – Electoral Structures:
    - (i) **Option A**, support the reform;
    - (ii) **Option B**, oppose the reform;
  - (c) Reform 3A – Candidate Training:
    - (i) **Option A**, support the reform;
    - (ii) **Option B**, support the reform, conditional on the training program being flexibly delivered either online or at a range of locations and times; requiring a time commitment by candidates of no greater than four hours; and being delivered in a way that meets the needs of people with disabilities and those from non-English speaking backgrounds;
    - (iii) **Option C**, oppose the reform;
  - (d) Reform 3B – Councillor Training:
    - (i) **Option A**, support the reform;
    - (ii) **Option B**, conditional on the Chief Executive Officer having responsibility for designing the program;
    - (iii) **Option C**, oppose the reform;
  - (e) Reform 4 – Donation Reform:
    - (i) **Option A**, support the reform.
    - (ii) **Option B**, oppose the reform.
  - (f) Reform 5 – Improved Conduct:

- (i) **Option A**, support the reform;
- (ii) **Option B**, support the reform;
- (iii) **Option C**, oppose the reform;
- (g) Reform 6 – Community Accountability:
  - (i) **Option A**, support the reform; and
  - (ii) **Option B**, oppose the reform.

### **Conclusion**

32. Following Council's determination on its position in relation to each of the reforms, the Chief Executive officer will finalise Council's feedback for submission on 17 July 2019.

### **RECOMMENDATION**

1. That Council:
- (a) note this report on the Local Government Bill reform proposal;
  - (b) record its disappointment that additional time was not available to enable a more meaningful engagement process to be undertaken with the local government sector;
  - (c) determines that it supports the following position in relation to each of the proposed reforms:
    - (i) Reform 1 – Voter Franchise, Option \_\_\_\_\_(A, B or C);
    - (ii) Reform 2 – Electoral Structures, Option \_\_\_\_\_(A or B);
    - (iii) Reform 3A – Candidate Training, Option \_\_\_\_\_(A, B or C);
    - (iv) Reform 3B – Councillor Training, Option \_\_\_\_\_(A, B or C);
    - (v) Reform 4 – Donation Reform, Option \_\_\_\_\_(A or B);
    - (vi) Reform 5 – Improved Conduct, Option \_\_\_\_\_(A, B or C); and
    - (vii) Reform 6 – Community Accountability, Option \_\_\_\_\_(A, B or C); and
  - (d) authorise the Chief Executive Officer to finalise Council's feedback and submit it on Council's behalf by 17 July 2019.

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

### **Attachments**

- 1 ➡ Local Government Bill Reform Proposal Analysis

## 11.4 Council Committees Policy

Trim Record Number: D19/114841

Responsible Officer: Group Manager Chief Executive's Office

### Purpose

1. To present Council with a draft Council Committees Policy for adoption.

### Background

2. Council currently has a number of committees that serve various purposes. These include:
  - (a) 2 x 'Section 86' committees with formal delegated authority (IDAC and IMAP);
  - (b) 16 x 'Advisory Committees' with Councillor and community members;
  - (c) 1 x 'Advisory Committees comprised solely of Councillors (CEO Performance); and
  - (d) 1 Audit Committee.
3. There are also a number of other consultative committees and working groups.
4. These committees are primarily supported by Council officers with relevant portfolio responsibility, supported by advice and resources provided by the Governance Unit.
5. The operation of each of these committees differs, with no articulated basis for the differences between them. This has made it difficult to provide advice to officers and made it impossible to develop standard resources, such as guidelines for Council officers or for committee members.
6. In the current term of Council, there have been a number of small initiatives which have improved the operation of committees:
  - (a) The adoption of an Appointment of Members to Council Committees Policy;
  - (b) A 'Committees' page on Council's website; and
  - (c) A new form and FAQs document to assist in recording Assemblies of Councillors.
7. A number of identified issues are still to be resolved:
  - (a) There is no understood process for the establishment of a new committee;
  - (b) Committee Terms of Reference are inconsistent in what they include, the purpose of the committee, its structure and obligations and the level of detail provided. For those committees with a brief Terms of Reference, there is little documented procedure about the operation of the committee;
  - (c) Not all committees have a presence on Council's website and those that are listed have inconsistency in what is published;
  - (d) Committee business papers are not consistently being distributed in a timely fashion and are inconsistent in their level of detail; and
  - (e) There is no process for the sunset or regular review of committees.
8. In order to address these outstanding issues, a draft Council Committees policy is presented for adoption. The draft policy seeks to:
  - (a) Define the different types of committees;
  - (b) Set out what should be contained in a Terms of Reference;
  - (c) Explain the different types of representatives on committees;
  - (d) Set out how committees make recommendations;
  - (e) Set out expectations for Committee Members about behaviour, attendance, public statements, confidentiality, conflict of interest and other matters;

- (f) Set out role of Council officers;
  - (g) Explain the mechanisms for reporting back to Council;
  - (h) Set out arrangements for transparency of Committee operations;
  - (i) Explain the administrative arrangements for the operation of the committee; and
  - (j) Provide arrangements for sunset of Committees.
9. It is expected that an easy to read *Guide to Council Committees* will be developed and provided to each member of a Council Committee when complete, and, going forward, when a new member is appointed.
10. The key elements of the draft policy now presented for Councillor feedback are:
- (a) Standardisation and simplification of each Terms of Reference, with a provision for it to specify any areas where the operation of a specific committee departs from the standard policy;
  - (b) Inclusion of a definition of an 'Interest Group' as an alternative to an Advisory Committee – to account for committees that are designed for networking rather than providing advice to Council;
  - (c) Improved transparency measures – including the publication of committee minutes on Council's website;
  - (d) Clarification on the role of committees in directly making submissions to Council or other levels of government;
  - (e) A requirement that where Committee members make a personal submission to Council or someone else and wish to describe themselves as a member of the committee, that they make it clear they are not speaking on behalf of that Committee;
  - (f) Sunset of all committees on 30 June after each Council election (or earlier where required); and
  - (g) Modifications to the associated Appointment of Members to Council Committees Policy to reflect its new status as a procedure.
11. The draft policy can be found at **Attachment One**, with the associated procedure found at **Attachment Two**.

### External Consultation

12. No external consultation has been conducted.

### Internal Consultation (One Yarra)

13. A draft of this policy was first brought to the Executive in August 2018, and feedback on a range of issues was incorporated into the policy. Following that presentation, a draft was sent to all Council officers with Committee responsibilities, as well as a number of key stakeholders with an invitation to provide feedback.
14. A workshop with these staff was held on 11 September 2018, where the issues outlined in the draft policy were canvassed and a number of other relevant matters were raised by officers. This resulted in a number of changes from the earlier version. Following this review, the draft policy was again sent to key stakeholders with an invitation to provide feedback. No negative feedback was received.
15. A draft was discussed at an Executive Meeting on 21 November 2018 where it was agreed to present it to Councillors for their feedback.
16. A draft policy presented to the Councillor Briefing on 2 December 2018, with initial feedback received, and the discussion deferred until a later time. Informal feedback has been received from a number of Councillors since the presentation to that Councillor Briefing.
17. A second presentation was made to the Executive Team on 26 June 2019, and a further discussion was held among Councillors at the Councillor briefing on 2 July 2019 with feedback incorporated in the attached draft.

### **Financial Implications**

18. There are no financial implications arising from this policy, aside from minor costs which may arise from the potential reimbursement of Committee member expenses.

### **Economic Implications**

19. There are no economic implications arising from this policy.

### **Sustainability Implications**

20. There are no sustainability implications arising from this policy.

### **Social Implications**

21. The adoption of this policy would formalise Council's commitment to involving the community in its governance structure through the operation of a meaningful committee structure. The policy also provides for improved transparency and public reporting of committee operations.

### **Human Rights Implications**

22. The proposed policy inclusion to ensure assistance is provided to potential committee members who may not otherwise be in a position to participate (such as those with disabilities, language barriers or carer responsibilities) is designed in part to support the human right to 'take part in public life'.

### **Communications with CALD Communities Implications**

23. No external communication has been conducted.

### **Council Plan, Strategy and Policy Implications**

24. The operation of advisory committees will support Council's processes, in providing advice and assistance in the development of the Council Plan, Strategies and Policies.

### **Legal Implications**

25. The adoption of this draft policy would resolve an anomaly in the Local Government Act where Councils are required to publish a record of assembly of Councillors for each meeting of an 'Advisory Committee', yet the Act does not define what an 'Advisory Committee' is. This policy would provide that definition for the first time.
26. No other legal implications have been identified.

### **Other Issues**

27. There are no other issues arising from this policy.

### **Options**

28. The following options are available to Council:
- (a) Adopt the draft policy and updated procedure;
  - (b) Alter the draft policy and/or procedure by alternative resolution; or
  - (c) Abandon the policy development in favour of the status quo.

### **Conclusion**

29. A draft Council Committees Policy and updated Appointment of Members to Council Committees procedure are presented for Council endorsement.

## RECOMMENDATION

1. That Council:
  - (a) adopt the Council Committees Policy found at **Attachment 1**; and
  - (b) incorporate the changes to the Appointment of Members to Council Committees Policy set out at **Attachment 2**, and endorse its change in status to a Procedure.

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

## Attachments

- 1  Council Committees Policy (draft)
- 2  Appointment of Members  
to Council Committees Procedure (draft)

## 11.5 Place Naming Policy

Trim Record Number: D19/114796

Responsible Officer: Group Manager Chief Executive's Office

### Purpose

1. To present Council with a draft Place Naming Policy for adoption.

### Background

2. Place naming in the City of Yarra is currently governed by the *Naming of Roads, Features and Localities Policy*. That policy was last updated in September 2014 and is due for review. Council officers have undertaken a review which, combined with recent experience in street naming, has identified a number of opportunities for improvement. These are:
  - (a) The current policy is essentially procedural in nature and provides no policy context about Council's approach to place naming;
  - (b) The current policy provides no guidance about which naming proposals Council officers should support. Officers have essentially been operating by following past practice, rather than any clear direction from Council;
  - (c) The current policy does not provide for circumstances where Council is seeking to identify a place to name after a particular person (such as the Dyer Street example);
  - (d) The current policy does not provide any direction about the level of community support required before re-naming an existing street;
  - (e) The current policy draws heavily on the *Victorian Guidelines for Geographic Names 2010 Version 2* - a state government document which has since been superseded;
  - (f) The current policy expresses a desire to use Woi wurrung language where possible, but the process still requires calling for suggestions even after a suitable Woi wurrung word has been identified;
  - (g) The current policy provides delegation to enable Council officers to assign street names without a Council resolution in some (albeit limited) circumstances. This authority has not been exercised to date as officers have been of the view that a Council resolution is more appropriate;
  - (h) The current policy does not allow for proactive naming proposals to address a desire to introduce place names with a particular theme (such as street names honouring prominent women); and
  - (i) Large parts of the current policy essentially duplicate the procedural elements set out in the legislation and the accompanying statutory requirements.
3. The draft Place Naming Policy found at **Attachment 1** incorporates all of these elements, as well as fine tuning the existing procedure to improve the timeliness of the process (current naming processes take more than six months).
4. In addition, the draft policy proposes to replace the existing *Street Sign Names Policy* with identical provisions, plus:
  - (a) a provision for the inclusion of a simple translation of Woi wurrung language where used in street naming;
  - (b) a provision for the inclusion of brief biographical information for signs named in recognition of an individual; and
  - (c) a provision to enable members of the community to seek the replacement of an existing sign with a new one that includes biographical information, provided they meet the changeover cost.



5. The attached draft policy addresses all of the matters set out above. Importantly, the policy provides that while operational matters are largely delegated to Council officers, no decision to assign a name can be made without a resolution of Council.

### **External Consultation**

6. Following the inclusion of the draft policy in the 5 February 2019 Council meeting agenda and its subsequent withdrawal from consideration, a written submission was received from one resident which raised a number of specific issues with the policy as drafted. This submission has been considered, and a number of amendments have been made to the draft policy as a result. These amendments do not materially affect the policy as it had been previously presented.
7. Aside from this unsolicited response, no external consultation has been conducted.

### **Internal Consultation (One Yarra)**

8. Internal consultation has been conducted with a focus on the operational aspects of the policy regarding external communication, processes, the website and signage.
9. The draft policy was presented at a Councillor Briefing on 1 July 2019.

### **Financial Implications**

10. There are no financial implications arising from this policy, aside from minor costs which may arise from the installation of street signs containing additional information.

### **Economic Implications**

11. There are no economic implications arising from this policy.

### **Sustainability Implications**

12. There are no sustainability implications arising from this policy.

### **Social Implications**

13. The adoption of this policy continues Council's commitment to involving the community in place naming proposals, and to reflecting the nature and history of the community in the names it selects.

### **Human Rights Implications**

14. There are no human rights implications arising from this policy.

### **Communications with CALD Communities Implications**

15. No external communication has been conducted.

### **Council Plan, Strategy and Policy Implications**

16. The operation of advisory committees will support Council's processes, in providing advice and assistance in the development of the Council Plan, Strategies and Policies.

### **Legal Implications**

17. The draft policy has been developed to ensure compliance with the *Geographic Place Names Act 1998* and the *Naming Rules for Places in Victoria*.
18. No other legal implications have been identified.

### **Other Issues**

19. Council's Gender Equity Strategy 2016-2021 sets out a vision *"for an organisation which positively and proactively demonstrates a gender-inclusive culture that encourages leadership, participation and contribution from a diverse workforce."*
20. Previous street naming processes have identified the disparity in streets being named in recognition of the contribution of women to Yarra's history, with the overwhelming majority of Yarra's eponymous street names recognising men.

21. The introduction of the proactive naming program outlined in the draft Place Naming Policy provides a mechanism to acknowledge this shortcoming. It is recommended that following the adoption of this policy, Council officers develop a proactive program to compile community suggestions for street names that recognise women with a view to identifying street naming proposals for Council's consideration.

### **Options**

22. The following options are available to Council:
  - (a) Adopt the draft policy;
  - (b) Alter the draft policy by alternative resolution; or
  - (c) Abandon the policy development in favour of the status quo.

### **Conclusion**

23. A draft Place Naming Policy is presented for Council endorsement.

### **RECOMMENDATION**

1. That Council:
  - (a) revoke the existing Naming of Roads, Features and Localities Policy;
  - (b) revoke the existing Street Sign Names Policy; and
  - (c) adopt the Place Naming Policy found at **Attachment 1**.
2. That Council officers develop a proactive program to compile community suggestions for street names that recognise the contribution of women to Yarra's history in accordance with the vision of Council's Gender Equity Strategy 2016-2021.

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

### **Attachments**

- 1  Place Naming Policy (Draft)