



Ordinary Meeting of Council Agenda

**to be held on Tuesday 2 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. General business**
- 9. Delegates' reports**
- 10. Questions without notice**
- 11. Council business reports**
- 12. Notices of motion**
- 13. Urgent business**

1. Statement of Recognition of Wurundjeri Land

“Welcome to the City of Yarra.”

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

2. Attendance, apologies and requests for leave of absence

Anticipated attendees:

Councillors

- Cr Danae Bosler (Mayor)
- Cr Misha Coleman (Deputy Mayor)
- Cr Mi-Lin Chen Yi Mei
- Cr Jackie Fristacky
- Cr Stephen Jolly
- Cr 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 Contractual matters

Confidential business reports

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

RECOMMENDATION

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

5. Confirmation of minutes

The minutes of the Ordinary Council Meeting held on Tuesday 25 June 2019 will be confirmed at the next Council Meeting on Tuesday 16 July 2019.

6. Petitions and joint letters

7. Public question time

Yarra City Council welcomes questions from members of the community.

Public question time procedure

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

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

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

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

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

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

8. General business

9. Delegates' reports

10. Questions without notice

11. Council business reports

Item	Page	Rec. Page	Report Presenter
11.1 Yarra's Christmas Decoration Program	7	14	Kim Swinson – Coordinator Economic Development
11.2 Yarra City Council going Single Use Plastic Free	15	19	Colm Connolly – Manager City Works
11.3 Endorsement of Graffiti Management Framework 2019-2022	20	23	Aldo Malavisi – Community Partnerships Unit Manager
11.4 Multicultural Partnerships Plan 2019-2023	24	28	Aldo Malavisi – Community Partnerships Unit Manager
11.5 Appointment of Authorised Officers - Planning and Environment Act 1987	30	31	Ivan Gilbert – Group Manager Chief Executive's Officer

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

Public submissions procedure

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

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

12. Notices of motion

Item	Page	Rec. Page	Report Presenter
12.1 Notice of Motion No 11 of 2019 - Processing of Heritage Victoria Referrals by Council	32	34	Stephen Jolly - Councillor

11.1 Yarra's Christmas Decoration Program

Trim Record Number: D19/92481

Responsible Officer: Director Planning and Place Making

Purpose

1. This report outlines previous Christmas decoration programs and seeks a Council decision for 2019.

Background

2. Council has over a number of years, provided a limited Christmas decoration program in areas of retail activity.
3. From 1995 to 2007, Christmas banners were temporarily installed to Citipower and Yarra Trams assets. Council discontinued the banner program following changes to technical conditions and requirements in the Electricity Safety Act that rendered the fixture locations non-compliant.
4. In 2008, following consultation with business associations and representatives from Yarra's 12 retail precincts, 130 parking "pole topper" decorations were purchased with the intention of progressively adding to the decoration stock each year.
5. From 2008 to 2010, 130 bauble, 149 star and 45 tree pole toppers were purchased. Currently, only a small portion of stars and approximately half of the trees are suitable for re-use.
6. From 2010, no additional pole toppers were purchased as they were deemed too expensive and cannot be installed in every retail precinct due to overhanging awnings and variation in parking poles.



Image: Existing pole topper decoration

7. Between 2012 and 2016, the administration has attempted to be responsive to community feedback by designing and producing a different program each year. The following concepts were trialed, and, following evaluation, were not repeated:
 - (a) Roving Santas, street performers, buskers, bands and carollers;
 - (b) Christmas themed events;
 - (c) Shop window decals;
 - (d) Bin and tree-guard corflute wraps;
 - (e) Lighting and baubles in trees, fabric wrap around trees;

- (f) Light projection on Richmond Town Hall; and
 - (g) Living trees and creative tree-themed installations.
8. Limited budget however, makes it difficult to work across all precincts.

Summary

9. After five years of officers designing and trialling various programs, a longer-term solution is sought.
10. In 2017, following internal and external consultation, Council then entered a 2 year contract (2017 and 2018 programs) with *The Festive Store* for a “full service” Christmas program. This included the hire, installation/removal and maintenance of the following:
- (a) 92 wreaths of 60cm diameter with red or gold stars and garland, and 5 wreaths of 2m diameter with red and gold stars;
 - (b) Temporarily installed from late November to early January on parking poles and boundary entrance signs across the 12 retail precincts;
 - (c) Additional wreaths installed on the front of Richmond Town Hall and Collingwood Town Hall; and
 - (d) Stored and maintained by The Festive Store, and reusable.
11. It is noted that the “pole topper wreaths” received negative feedback, mostly concerned with the lack of volume or visibility.



Queens Parade



Victoria Street

12. On review, officers’ assessment concluded the large boundary entrance sign and town hall wreaths has provided the best visual impact and value for budget.



Swan Street



Richmond Town Hall

External Consultation

13. The Business Advisory Group was consulted on the Christmas program at its meeting on 2 March, 2017. Members agreed that given budget limitations, it is not possible to adequately decorate all retail precincts.
14. Council's YAARTs committee were invited to comment on the Christmas program via email. It was suggested that local artists be approached for the opportunity to be involved in future years.

Internal Consultation (One Yarra)

15. In March 2017, internal consultation was undertaken with representatives from Arts, Culture and Venues and Communications. Both units expressed concern that there is no clear purpose or guiding mission to the Christmas program, resulting in an inconsistent and inefficient approach to the program.
16. In June 2017, an assessment was undertaken to assess capacity for storage, installation and removal of remaining decorations. Key issues surrounding viability of existing pole topper decorations include:
 - (a) Changes to parking pole signs since purchase of decorations requires parking signs to be removed and placed lower to allow room for the brace to be installed, and is very labour intensive;
 - (b) Insufficient staff capacity to repair damaged pole toppers;
 - (c) Those decorations which are suitable for re-use still require cleaning and may not withstand high pressure hose; and
 - (d) Storage space is limited and unsatisfactory for maintaining decorations.
17. In mid-2017 a meeting with Councillors was held to discuss the proposed Christmas program for 2017.
18. At this meeting there was a broad request that consideration be given to having an option that:
 - (a) Can be applied consistently across Yarra retail precincts;
 - (b) Is reusable/sustainable;
 - (c) Is festive; and
 - (d) Can be applied to poles.
19. This process resulted in the 2017/18 Christmas program of hired wreaths.

Financial Implications

20. An annual budget of \$30,000 is allocated to the provision of the Christmas Program.
21. The Christmas program demands significant officer time to develop and execute. Key points to acknowledge include:
 - (a) The 2016 program required a 0.6 EFT officer for 6 months to design and implement a new, bespoke initiative. Officer commitment to the program had a total cost of approximately \$32,000;
 - (b) In 2017/18, officer time to oversee the contract for the “full service” delivery of the program was approximately \$8,850; and
 - (c) Producing a new Christmas program each year increases the amount of officer time required to develop and execute the program and significantly limits the capacity of the Economic Development team to deliver other projects that benefit retailers and retail precincts.

Economic Implications

22. The four weeks leading up to Christmas is widely acknowledged as being a key trading period for retailers. For this reason, many Councils, shopping centres and trader associations invest in Christmas decorations as a way to attract customers.
23. Very few individual retailers in Yarra invest in decorating their own shopfronts. In 2018, no traders contacted Council to provide feedback on Christmas decorations.
24. There is no particular basis to suggest that Yarra traders consider Christmas decorations to be a high priority for their business.

Sustainability Implications

25. Decorations like bin and tree wraps have proven to last no more than 2 years, even when stored carefully. Repair isn't always an easy or cost-effective option.
26. Decoration hire companies like *The Festive Store* have appropriate storage for decorations, resulting in longer lifespan than decorations stored at Council's depot.
27. A Sustainability Assessment was undertaken in June 2017, which supported the option of hiring decorations for the 2017 and 2018 programs.

Social Implications

28. All feedback on the 2018 Christmas program was from residents, suggesting this program has greater social than economic implications for Yarra's community.
29. Of those providing feedback who identified their suburb of residence, all were located in Richmond.

Human Rights Implications

30. There are no known human rights implications regarding the implementation of the Christmas program.

Communications with CALD Communities Implications

31. It is noted that different communities may have different views and opinions regarding the 25th of December.

Council Plan, Strategy and Policy Implications

32. Councils Economic Development Strategy 2015 – 2020 has provided the strategic context for Yarra's Christmas decorations to date. The purpose of the program relates to the theme Vibrant and Thriving Precincts, in particular the objective: *Working with local traders to strengthen the viability of precincts by enhancing the customer experience, improving the business mix, and offering an authentic and continually evolving experience.*

Legal Implications

33. There are no known legal implications regarding the implementation of the Christmas decorations.

Other Issues

34. Yarra has 12 key retail precincts which vary in length from 1km to 2.8km. With 6-10 wreaths allocated per precinct, there is little visual impact that can realistically be achieved by decorating the streets from end to end.
35. It is noted that traders associations are responsible for producing and funding Christmas decorations in many other municipalities. In 2017, Bridge Road Main Street contributed \$5,000 to increase the volume of hired wreaths within their precinct and funded a projection on to Richmond Town Hall but produced no program for 2018. In 2017 and 2018, Victoria Street traders installed a small amount of fabric pole wraps.
36. Yarra's Christmas decoration budget of \$30,000 is significantly less than neighbouring municipalities – a comparison is outlined below:
- (a) Darebin - \$82,000;
 - (b) Boroondara - \$103,000;
 - (c) Moreland - \$227,000;
 - (d) Stonnington - \$287,000; and
 - (e) Melbourne - \$1.25million.
37. It is important to note that Council also recognises and celebrates Christmas through community-based initiatives including Carols by Candlelight, community lunches and Christmas-themed library events.
38. Sunset is approximately 8.45pm in December. Fairy lights and projections have minimal impact on retail activity, given that retail traders operate predominantly during daytime.

Options

39. Council officers are seeking a decision from Council on any Christmas program for 2019.
40. A proposal of four options has been prepared for Council's consideration.

Option 1: Continue to hire street decorations

41. This would entail:
- (a) pole topper wreaths and garlands installed across all key retail precincts (as budget allows);
 - (b) large wreaths at Yarra's boundary entrance signs; and
 - (c) large wreaths on Richmond Town Hall and Collingwood Town Hall.

Advantages of Option 1

42. The advantages of this option include:
- (a) some decorations spread across all key retail precincts, most suburbs and all wards;
 - (b) may have perceived positive impact for traders;
 - (c) supplier is responsible for storage, maintenance, installation and removal of decorations; and
 - (d) minimal amount of officer time required to implement.

Disadvantages of Option 1

43. The disadvantages of this option include:

- (a) modest quality of individual decorations, in order to maximise coverage, resulting in poor street impact; and
- (b) parking poles are the only available and suitable Council infrastructure for installation, and can detract from the festive look of decorations, particularly in relation to visual clutter of signage.

Option 2: Decorate three key sites

44. This would entail:

- (a) high quality outdoor decorations including wreaths, garlands, baubles and lights;
- (b) located at 3 prominent council sites, spread across all Wards. The proposed sites are:
 - (i) Richmond Town Hall;
 - (ii) Collingwood Town Hall; and
 - (iii) Bargoonga Nganjin Library.
- (c) Following the feedback from Yarra Arts, officers would work with local artists from 2020 onwards.

Advantages of Option 2

45. The advantages of this option include:

- (a) significant visual impact on prominent sites demonstrating Yarra's celebration of the festive season;
- (b) narrow scope means higher quality of decorations;
- (c) easy to monitor for damage and vandalism;
- (d) supplier is responsible for storage, maintenance, installation and removal of decorations; and
- (e) minimal amount of officer time required to implement.



Images supplied by The Festive Store: Brunswick Town Hall, approx. \$8,000; Acland Street, St Kilda, 6m tree with smaller trees approx. \$12,000.

Disadvantages of Option 2

46. The disadvantages of this option include:

- (a) no coverage of retail precincts; and
- (b) locations not particularly linked to areas of Christmas retail activity.

Option 3: Allocate funds to a selected charity

47. This would entail:

- (a) Council to select one or more non-profit organisation(s) to allocate funds of \$30,000; and
- (b) this may be directed toward communities especially vulnerable around Christmas, e.g. families experiencing homelessness.

Advantages of Option 3

48. The advantages of this option include:

- (a) direct benefit to Yarra's vulnerable citizens;
- (b) opportunity to align with Council Plan objective 'A Healthy Yarra', in particular Strategy 1.2 *Promote a community that is inclusive, resilient, connected and enjoys strong mental and physical health and wellbeing*; and
- (c) no purchase or hire of decorations, which, in part, may be manufactured overseas from plastic and other materials.

Disadvantages of Option 3

49. The disadvantages of this option include:

- (a) no visible Christmas decoration program; and
- (b) may attract increased negative feedback from traders and residents.

Option 4: Not proceed with a Christmas decoration program

50. Discontinue Council's Christmas decoration program.

Advantages of Option 4

51. The advantages of this option include:

- (a) Organisational cost saving; and
- (b) No purchase or hire of decorations.

Disadvantages of Option 4

52. The disadvantages of this option include:

- (a) No visible Christmas decoration program; and
- (b) May attract increased negative feedback from traders, residents and media.

53. In summary, the four options are:

- (a) Option 1: Continue to hire street decorations;
- (b) Option 2: Decorate three key sites;
- (c) Option 3: Allocate funds to a selected charity; and
- (d) Option 4: Not proceed with a Christmas decoration program.

Conclusion

- 54. Different communities in Yarra may consider the 25 December in different ways.
- 55. Council does celebrate Christmas with its broader programs such as the Carols by Candlelight, Community Lunch and Christmas themed library events.
- 56. A consistent annual Christmas decoration program that is underpinned by an articulated objective or vision would be useful to enable programming.
- 57. Many decoration options have been trialled but have been criticised by residents, traders and Councillors either on quality, quantity or both.

58. This report provides the background and context of the approaches taken by the organisation previously in delivering Yarra's Christmas decoration program to the retail areas.
59. It is recommended that the installation of Christmas decorations at three key sites is the best option.
60. A position from Council is now sought to inform the future delivery of the program.

RECOMMENDATION

1. That Council:
 - (a) note the officer report regarding the Christmas decorations program;
 - (b) support the installation of Christmas decorations at three sites as outlined in Option 2 in this report for 2019; being the Richmond Town Hall, Collingwood Town Hall, Bargoonga Nganjin Library; and
 - (c) create a more customised Christmas program for these sites for subsequent years.

CONTACT OFFICER: Kim Swinson
TITLE: Coordinator Economic Development
TEL: 9205 5303

Attachments

There are no attachments for this report.

11.2 Yarra City Council going Single Use Plastic Free

Trim Record Number: D19/39819

Responsible Officer: Director City Works and Assets

Purpose

1. To report to Council on the proposed approach, timing and sequencing of Yarra Council's facilities becoming single use plastic free, as per resolution on 16 October 2018.

Background

2. Yarra's vision to be a sustainable city with a long term ambition to move towards zero waste to landfill is articulated in the Waste Minimisation and Resource Recovery Strategy and Action Plan 2018-22. The Action Plan was developed in consultation with the community and approved by Council in 4 September 2018.
3. Yarra has committed to delivering two actions under this strategy to reduce single use plastic.
 - (a) Year 1 Action 5.10 *In partnership with the community develop a Proudly Plastic Free Campaign to encourage food outlets to reduce the use of disposable plastics; and*
 - (b) Year 2 Action 5.12 *In the absence of any legislative change to ban or reduce the use of single use plastics, explore opportunities to take local action.*
4. The Proudly Plastic Free Campaign is currently being developed and has been launched in North Fitzroy as a trial in July 2019 with the intent to then roll this out across the broader municipality throughout 2019-2022.
5. At the 16 October 2018 Council meeting, Council received a Delegate's Report from the delegate to the Yarra Environment Advisory Committee which included the following recommendation for Council:

The Yarra Environment Advisory Committee called on Yarra Council to:

- (a) *phase out the sale of bottled water from its Leisure Centres and all Council premises, as soon as practicable;*
 - (b) *phase out the sale of all drinks packaged in plastic from its Leisure Centres and all Council premises, as soon as practicable;*
 - (c) *phase out any other single use plastic (e.g. Straws);*
 - (d) *integrate and promote the use of reusable water bottles and availability to refill at onsite water fountains. Incorporate educational messages e.g. 'Over 50% of plastic bottles end up as landfill or litter', or 'It can take up to 3 litres of water to produce 1 litre of bottled water'. YEAC is aware that as an interim a report may be required which describes the impacts, options, available alternatives, and costs of phasing these out as soon as possible; and*
 - (e) *YEAC also recommend that Council ban all one-use plastic on council property as has been enacted by other Councils.*
6. Council resolved to note the Delegates' Report; and refer the recommendations to officers and request a report back to Council on how these might be progressed, either within existing strategies or through new initiatives.
 7. Although the YEAC resolution links to the Proudly Plastic Free Campaign, phasing out single use plastic from Yarra facilities is a standalone project. It was not originally captured in the Waste Minimisation and Resource Recovery Action Plan until year 2 (2019-2020) and as a result, additional budget and staff resourcing have not been allocated for the current financial year to deliver this.

8. In November 2019 the Victorian Government will implement a state wide ban on lightweight plastic shopping bags.
9. There will be a cost to phase out single use plastic from Yarra Council. Further work needs to be completed in scoping and analysing the feasibility of this. The resourcing and budget to complete the feasibility study is captured in the Waste Minimisation Strategy New Initiative Bid currently being considered (currently above the line) as part of the budget process for 2019/20.

Timelines

Timeline	Action
June-August 2019	Deliver Action 5.10 of the Waste Minimisation Action Plan, launching a Proudly Plastic Free Campaign with food vendors.
July 2019	Establish a working group with Yarra Leisure to reduce single use plastic packaging at the Leisure Centres. Which includes; <ul style="list-style-type: none"> - The installation of new water fountains at Leisure Centres. - An education campaign around re-usable bottles with leisure facility users. - Removing single use plastic bottles and straws (by December 2019 when current supply contracts end).
January 2020	Establish a working group to scope phasing out plastics across Yarra. <ul style="list-style-type: none"> - Their role will be to deliver a report to Council on the feasibility and action plan by September-2020 on Yarra operations going plastic free. - Consultants will help develop the feasibility study in conjunction with the working group. This has been budgeted for in 2019/20.
September 2020	Feasibility report and action plan for Yarra going plastic free will come back to Council for approval.
October 2020- June 2022	The Yarra Plastic Free Action Plan will be implemented.

External Consultation

10. External consultation with key stakeholders will be completed as part of this project. Key external stakeholders include; other local councils e.g. Darebin, local sporting clubs, packaging suppliers, festivals, event and catering suppliers and contractors.

Internal Consultation (One Yarra)

11. The Environment team, the Waste Minimisation Team and Leisure have been exploring the options around eliminating the use of single use plastics in Leisure Centres.
12. The Waste Minimisation Team have had an initial conversation with the venue and events team who provided advice on the full scope of the meeting, events and festival program supported by Yarra and run at Yarra sites. (More information Appendix 1).
13. Eliminating single use plastic from Yarra operations will require extensive internal consultation. The role of the Working Group focused on phasing out plastic from Yarra is to facilitate this consultation process.

Financial Implications

14. At this time we don't know have an accurate sense of how much the project will cost. An educated guess would be that it is going to quite costly. The role of the feasibility study will be to outline this in more detail.

15. Once the feasibility report has been completed we'll have a much clearer idea of the budget needed to remove single use plastic from Yarra facilities. This will feed into budget bids over the course of the implementation period from 2020-22.
16. Current profit margins from the sale of products in plastic packaging at the Leisure Centres are captured in the table below. Total profit from products sold in plastic packaging sales is \$109,307.

Venue	Product	QTY	Profit
Burnley Golf Course	Consumable/Merch	19,210	\$23,887
Collingwood Leisure	Consumable	14550	\$18,190
Collingwood Leisure	Merchandise	1065	\$14,576
Fitzroy Leisure	Consumable	12308	\$16,273
Fitzroy Leisure	Merchandise	1545	\$11,641
Richmond Leisure	Consumable	2058	\$6,508
Richmond Leisure	Merchandise	1274	\$18,232
Totals		52010	\$109,307

17. Based on initial conversations with Yarra Leisure, we have a good sense of the financial implications for eliminating single use plastic at Yarra Leisure. These include;
- (a) Loss of revenue associated with the sale of consumable and merchandise goods in plastic:
- (i) The exact revenue loss is hard to calculate as it will depend on whether Yarra Leisure can negotiate with current suppliers to replace plastic packaging and/or find new suppliers, and/or whether customers continue to purchase alternative products that may be provided.
- (b) Costs associated with building new water drinking fountains across the Yarra Leisure venues to replace single use plastic water bottles:
- (i) Officers are satisfied that 10 new water drinking fountains would need to be installed to replace the sale of bottled water and meet OH&S requirements for fitness centres. The break down includes 2 at each the Leisure Centres (total of 6) and 4 at the Burnley Golf Course;
- (ii) Each water fountain costs \$1800 to purchase and install; and
- (iii) Yarra Leisure has budgeted for 3 new water fountains in the 2019/20 budget. Given the fountains are defined as a building asset, the expectation is that the Building and Assets Management would manage the cost and install and would be delivered in 2019/20.

Economic Implications

18. There are no significant economic implications.

Sustainability Implications

19. Single-use plastic has many negative environmental impacts. It is estimated that annually Australians use four to six billion single-use plastic bags alone, with only 3% of these being recycled and 80 million of these ending up as litter. Australia recycles only 36% of PET plastic drink bottles, so around 373 million plastic water bottles end up as waste each year. As the City of Yarra continues to position itself as a 'sustainable city' and push the agenda of waste minimisation it is critical that our own Council procurement and waste practices support our sustainability credentials.
20. In November 2019 the Victorian Government will implement a state wide ban on lightweight plastic shopping bags. The ban will apply to all lightweight plastic shopping bags which have thickness below 36 microns, including degradable, biodegradable and compostable bags. It will apply to all retailers – including supermarkets, greengrocers, bakeries, pharmacies,

clothes stores, restaurants, cafes, markets, food outlets etc. Yarra Council will be promoting the ban to the community later in the year.

21. The City of Yarra going single-use plastic free aligns to a growing movement of local councils across Australia making this shift, including our neighbours at Moreland and Darebin Councils. It also supports the Victorian Government's state wide ban on plastic bags which will come into effect in November 2019.

Social Implications

22. The Yarra community are highly engaged on environmental and sustainability issues and lobbied for this initiative to be put on Council's agenda. The community therefore expects Council to embed sustainability principles and practices into our operations.

Human Rights Implications

23. There are no significant human rights implications of this report.

Communications with CALD Communities Implications

24. There are no significant implications for communications with CALD Communities.

Council Plan, Strategy and Policy Implications

25. The eliminating single-use plastic across Yarra Council supports delivery of 3 key objectives within the Council Plan.
 - (a) Objective 3 in The Plan is a Sustainable Yarra: Council leads on sustainability and protects and enhances its natural environment.

Legal Implications

26. There are no significant legal implications.

Other Issues

27. Removing single use plastics from Yarra operations is a positive step and consistent with our commitment to be a sustainable Council. However the real gains will be in the community and industry reducing their single use plastic consumption. This will require significant changes such as product stewardship and changes in design and supply chains.

Options

28. Not proceed with the project to remove single use plastic from Yarra Council immediately, but to achieve this via a staged approach.
29. Proceed with the work to remove single use plastic from Yarra and fast track the delivery of the feasibility study to June 2020. This would require redeploying resources from the Waste Minimisation Team and deprioritising delivery of current projects including Proudly Plastic Free and Waste Minimisation Behaviour Change activities.
30. Proceed with the work to remove single use plastic from Yarra and fast track the delivery of the feasibility study to June 2020, by allocating additional resources (\$50k in 2019/20) to achieve this.
31. Proceed with the work and stagger the project into two distinct part with the feasibility study coming back to Council in September 2020 and implementation period October 2020-2022. This is the option recommended by Officers.

Conclusion

32. The approach recommended by the Waste Minimisation team is Option 4. To proceed with the work to remove single use plastic from Yarra and stagger the project over the next two years.
 - (a) Part One – next 6 months:
Phase out plastic bottles/straws and install water fountains at Yarra Leisure Centres. This will be delivered with existing resources;

- (b) Part Two – January – September 2020:
Convene a cross organisational Working Group to deliver a feasibility study and action plan with detailed costings, timeframes and resourcing for removing single use plastic from Council venues. This will be presented to Council in September 2020; and
- (c) Part Three – October 2020-2022:
Implementation of action plan to remove single use plastics from Yarra Council. Officers intend to present a formal report to Council outlining these options and the recommendation in July 2019.

RECOMMENDATON

1. That Council:
 - (a) note the 'Yarra City Council going Single Use Plastic Free' report;
 - (b) note that the adopted Waste Minimisation and Resource Recovery Strategy and Action Plan 2018-22 contains actions in year 1 and 2 of the plan to address single use plastics; and
 - (c) proceed with the work to remove single plastic from Yarra operations and stagger the project over the next two years as outlined in the report as per Option 4.

CONTACT OFFICER: Lisa Coffa
TITLE: Waste Minimisation and Agriculture Coordinator
TEL: 9205 5793

Attachments

There are no attachments for this report.

11.3 Endorsement of Graffiti Management Framework 2019-2022

Trim Record Number: D19/74475

Responsible Officer: Group Manager People, Culture and Community

Purpose

1. Seek adoption of the Graffiti Management Framework 2019-2022.

Background

2. There is no definitive best practice approach towards graffiti management, with success meaning different things to different Councils.
3. 'Success' of a graffiti management approach depends on a Council's position towards graffiti (zero-tolerance or a more tolerant approach), and what it hopes to achieve through the implementation of the strategy (for example a total reduction in graffiti incidents or more opportunities for public art).
4. In the development of the Graffiti Management Framework 2015-2019, a number of key changes were made to how Council manages graffiti.
5. These included recognising and setting clear boundaries around removal of graffiti from private property, and clarifying the difference between a treatment (which is using graffiti solely as a preventative measure) and curated public art.
6. Due to the extensive work done around updating and clarifying Council's policy position for the 2015-2019 Framework, the 2019-2022 Framework only contains some minor policy revisions and additional strategies.

External Consultation

7. Council endorsed the Graffiti Management Framework to go out for community engagement at the Council meeting on 4 December 2018.
8. Over the course of February – early March 2019, a range of communication and engagement activities were undertaken to inform, consult and involve stakeholders across the community in relation to graffiti management.
9. Broad promotion of the public engagement opportunity was through a range of corporate communication channels and community networks.
10. Over 500 stakeholders were engaged with across a range of methods – predominantly online through Your Say Yarra and in person via listening posts and one on one meetings – as outlined in the consultation report (attachment 1) and summarised in Table 1 below. Almost 1500 comments from the consultation were collated and analysed by key theme.

	Method	How we engaged	Who we engaged
Online	Your Say Yarra Online portal	http://www.yoursayyarra.com.au/managing-graffiti-in-yarra - Share your feedback - 1-28 February 2019	- 499 engaged participants - >1300 comments - 2200 page visits
	Written Submissions	Open at any time during the public engagement period	- 9 submissions via email - 66 ideas
In Person	Listening Posts	Two posts held in key locations in North Fitzroy & Collingwood - Bargoonga Nganjin, North Fitzroy Library - Thursday 14 February - 3.30pm to 5.30pm	- 23 conversations - 59 ideas

		- Bunnings Collingwood - Saturday 16 February - 10am to 2pm	
	Key internal stakeholders	Meetings with relevant internal stakeholders - Ongoing	- 11 participants
	Key external Stakeholders	One on one meetings were held with key stakeholders - 21-27 February 2019	- 19 participants - 40 ideas

Table 1: Engagement Summary

Internal Consultation (One Yarra)

- Once engagement was completed and the resulting data collated and analysed, Council's internal working group comprising Community Partnerships, City Works, Arts & Cultural Services, Youth Services, Statutory Planning, Urban Design and Economic Development reviewed Council's policy positions (attachment 2) and the final Framework (attachment 3).

Financial Implications

- The graffiti budget is currently \$750,000 per annum which covers graffiti and poster removal, in accordance with the Graffiti Management Framework 2015-2019. The funds are used for in-house labour, plant/equipment, paint, chemicals and contractor payments.

Economic Implications

- There are no economic implications.

Sustainability Implications

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

Social Implications

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

Human Rights Implications

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

Communications with CALD Communities Implications

- Officers consulted with Council's Community Partnership's unit about the best way to engage with CALD communities.
- The Framework and the survey on Your Say Yarra contained multilingual access information. Translated materials were available, upon request. Interpreters were available for CALD community members attending consultations, upon request.

Council Plan, Strategy and Policy Implications

- The Framework supports Objective 1 'A Healthy Yarra' in the Council Plan 2017-2021.

Legal Implications

- There are no legal implications.

Other Issues

23. There are a number of new strategies in the revised Framework, predominantly under key result area 'graffiti removal':
 - (a) Utilise the Department of Justice Graffiti Removal Services where applicable;
 - (b) Implement and evaluate a process to assess the criteria for removing graffiti from private property;
 - (c) Establish relevant Memoranda of Understanding with other authorities and asset owners where required, to facilitate ongoing removal of graffiti;
 - (d) Establish workflows that focus on proactive removal and prevention rather than reactive removal; and
 - (e) Carry out collaborative quick removal trials with the community to identify the most effective methods of minimising graffiti.
24. Council's tiered approach to graffiti removal previously prioritised support to private property owners through community education and urban design advice that avoided and reduced incidents of graffiti.
25. Now Council is prioritising support to private property owners to self-remove graffiti from their properties through provision of graffiti removal kits, discount paint vouchers and advice on graffiti removal, along with advising residents on lighting, greening of space and maintenance of space as preventative measures.
26. Due to interest from the community, Council will investigate the use of initiatives such as green walls and lighting to manage graffiti.
27. Under key result area 'planning & enforcement', the Framework includes a proposal to investigate the use of local laws as a tool to manage graffiti on abandoned buildings.
28. The current framework suggests that a planning permit is required to externally paint an unpainted surface in a heritage area, although an exemption applies when art work is carried out by, or on behalf of Council.
29. However, Heritage Advisors have noted that painting over any originally unpainted masonry surface on a heritage building will not usually be supported – irrespective of who carries out the work. In fact, the Planning Scheme encourages the removal of paint from originally unpainted masonry surfaces. This section has been rewritten to reflect this.
30. The updated Framework proposes a strong focus on engaging and supporting the community to assist in the rapid removal of graffiti.
31. The consultation process revealed a large number of respondents support the use of alternative treatment such as murals to manage graffiti. Noting that murals have proven to be more effective in some locations than others, and the tagging of murals has increased in recent years, the use of murals will still be supported subject to the location and other relevant factors.

Options

32. There are no options.

Conclusion




33. Due to the extensive work done clarifying Council's position around graffiti management for the 2015-2019 Framework, the 2019-2022 Framework only contains minor revisions and additions.
34. The majority of these sit under key result area 'graffiti removal'. Additionally, Council will investigate the use of initiatives such as green walls and lighting, and will continue to use alternative treatments such as murals, to manage graffiti.
35. It is anticipated that the Graffiti Management Framework 2019-2022 will be adopted by Council on 2 July 2019.

RECOMMENDATION

1. That:
 - (a) Council adopt the Graffiti Management Framework 2019-2022.

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

Attachments

- 1  Consultation Report_Graffiti Management Framework 2019-2022
- 2  Response Summary_Graffiti Management Framework 2019-2022
- 3  Graffiti Management Framework 2019-2022_Final

11.4 Multicultural Partnerships Plan 2019-2023

Executive Summary

Purpose

The adoption of the Multicultural Partnerships Plan 2019-2023.

Key Issues

The development of the Multicultural Partnerships Plan (MPP) 2019-2023 spanned most of 2018, involving social research, policy analysis, and consultations with Council staff, Yarra residents, community groups, organisations and other stakeholders.

The Draft Multicultural Partnerships Plan (MPP) 2019-2023 was released for public exhibition after endorsement from Council in February this year.

Feedback from the public exhibition phase was used by the Reference Group to further hone the Action Plan for the first year of the MPP (2019-2020).

Financial Implications

All actions for the first year have been chosen according to what is achievable with the existing budget.

PROPOSAL

That Council adopts the Multicultural Partnerships Plan 2019-2023.

11.4 Multicultural Partnerships Plan 2019-2023

Trim Record Number: D19/73823

Responsible Officer: Group Manager People, Culture and Community

Purpose

1. The purpose of this report is to seek Council's adoption of the Multicultural Partnerships Plan 2019-2023.

Background

2. The development of the Multicultural Partnerships Plan (2019-2023) (henceforth referred to as MPP or the Plan) has been conducted throughout 2018, involving social research, policy analysis, and consultations with Council staff, Yarra residents, community groups, organisations and other stakeholders.
3. The MPP outlines Priorities, Strategic Goals, and a Year One Action Plan to enact the MPP's priorities.
4. The Draft MPP was endorsed by Council on 19 February 2019, and was released for public exhibition and secondary consultation.
5. The second round of consultations provided further feedback which informed the MPP and helped to consolidate the first year actions. A summary of the feedback received during the public exhibition phase can be seen at **Attachment 1**.
6. A meeting with the Reference Group was held to discuss the feedback, which was then incorporated into the final Plan, and is now presented for adoption. See **Attachment 2** for the final version of the MPP.

External Consultation

7. Initial development of the MPP involved several stages including:
 - (a) an internal review of the outgoing policy, and analysis of current multicultural socio-political climate and historical context;
 - (b) establishment of a Reference Group to inform and guide the development of the Plan;
 - (c) analysis of recent Council consultations results and feedback with reference to multicultural communities and issues; and
 - (d) engagement and consultation with Yarra stakeholders not engaged in the above consultations to ensure many diverse voices were included.
8. A Consultation Report (**Attachment 3**) outlines a summary of the methods and participants involved in these consultations.
9. A summary of all major related consultations was also prepared and used to inform the development of the Draft MPP, in order to maximise efficiency and avoid "consultation burn-out". The report can be found at **Attachment 4**.
10. The secondary consultation began after the Draft MPP was endorsed, and involved public exhibition of the Draft on the Yarra website.
11. The Draft MPP 2019-2023 was released for public exhibition from 8th March to 8th April via the Yarra Council public website "Your say Yarra", and also distributed via email to various networks, as well as internal Council branches. The webpage consultation was promoted extensively via network distribution, and social media.
12. A Summary version of the Draft was developed specifically for translation, and Arabic, Chinese (Simplified) and Vietnamese translations were sought. The Summary (English) and translated copies were all also uploaded on the website.

13. The Your Say Yarra page comprised a brief survey, along with the full Draft Multicultural Partnerships Plan, a Summary version of the Draft, and Arabic, Chinese and Vietnamese translations of the Summary version, all available for downloading.
14. A total of 267 visits to the webpage, with 22 engaged visitors to the page was recorded over this period with a total of 81% of respondents agreeing with the priorities, and 86% agreeing with the goals. A summary of results can be found at **Attachment 5**.
15. Email distribution of the Draft MPP to stakeholder networks (both internal and external) yielded minimal feedback. Translated copies of the Draft MPP were sent to ethno-specific groups and organisations, urging workers with direct client services to share with their clients and community groups.
16. Targeted discussions were also held with groups (Yarra Multicultural Advisory Group, Yarra Settlement Forum, Carringbush Classes, Cohealth Community Liaison and Participation Committee) to discuss the Draft Plan, utilising on-site interpreters and translated copies of the Plan.
17. As mentioned earlier, a summary of the feedback from the secondary consultations can be found at **Attachment 1**.
18. Overall, the secondary consultation mostly confirmed the priority issues were accurately reflected, with work undertaken by the Reference Group to tweak Actions in the first year Action Plan.

Internal Consultation (One Yarra)

19. The Draft MPP was distributed internally to all relevant stakeholders (Family and Children's Services, Aged and Disability Services, Libraries, Community Partnerships) requesting feedback.
20. The webpage and associated Draft documents (Summary Draft, translated copies and full Draft MPP) were promoted and distributed internally for sharing with stakeholder's networks, clients and community groups, encouraging re-sharing.

Financial Implications

21. All actions in Year One of the MPP are being resourced through the existing budget.
22. All actions for the first year have been chosen according to what is achievable with the existing budget. Action Plans for subsequent years will be determined by the community consultation and budgetary considerations. If the case arises whereby further funding is required for a new initiative, a new initiative bid will be lodged during the budgeting process.

Economic Implications

23. Council recognises a range of ongoing advantages of migration to Victoria and in particular to Yarra's economy. Multiculturalism boosts our economic advantage by providing the municipality with a competitive edge through a diverse, innovative, highly skilled and internationally connected workforce, in areas such as tourism, small business and industry, research and development, employment and education.
24. Strategies in the Plan which focus on opportunities, capacity building and employment diversity at Council will all contribute to positive economic contributions for Yarra.

Sustainability Implications

25. An engaged and informed multicultural community that participates in sustainability projects such as community education and awareness, community gardens and urban agriculture, (e.g. Community garden at Collingwood Housing Estate developed in conjunction with Urban Agriculture staff at Council) delivers positive sustainability outcomes for the municipality. Opportunities for linking in staff from Sustainability and Urban Agriculture with multicultural communities will be increased via the continuation of the YMAG, and other relationships, as well as the formation of new ones.

Social Implications

26. The MPP plays a key role in the development of the multicultural community through: building relationships; developing skills; increasing awareness; and resilience within the community.
27. The MPP (2019-2023) has been designed to continue to build on the work undertaken in the previous Plan; strengthening partnerships and service delivery to Yarra's multicultural residents, groups, organisations and ethno-specific agencies.
28. The principles (and many actions) behind the Plan (2019-2023) are aligned with social inclusion principles by respecting diversity and promoting a welcoming community.

Human Rights Implications

29. The Multicultural Partnerships Plan is driven by a human rights perspective and sits within a context of policies and legislation protecting human rights.
30. The Plan is aligned with the Charter of Human Rights and Responsibilities Act 2006, and other pieces of international, national and state human rights legislation, declarations and conventions. The Plan derives from (and affirms) a human rights framework.
31. The Charter protects important rights endemic to multiculturalism. In particular, freedom from discrimination, freedom of expression, the right to participate in public life and freedom of religion and cultural rights. It provides protection to people who may be marginalised or disadvantaged because of their cultural, religious or language background, and assists with these groups' sense of belonging. The Plan is a practical way of actively promoting and protecting people's human rights.

Communications with CALD Communities Implications

32. The whole process of developing the draft MPP has maintained as a central tenet, communicating with culturally and linguistically diverse communities, and more importantly, the most efficient and accessible ways of doing so. It is vital to tailor communication methods to the diversity of language and information needs in the community. Therefore, interpreters and translation services were used widely throughout any interaction with CALD communities.
33. Effective cross cultural communication and use of language services is important, however, the focus in this Plan on nurturing ongoing relationships with communities is a far more effective tool when communicating, than solely the use of language services in sporadic consultations.
34. In the development of the Plan, it was imperative to continue conversations via these relationships with CALD communities to shape each Action Plan, ensuring its relevance to community.
35. The Plan's Priorities of (a) Participation and Inclusion, and (b) Engagement and Communication in particular focus on communications with CALD communities and associated actions to reflect this.

Council Plan, Strategy and Policy Implications

36. Both Plans relate to several key objectives of the Council Plan 2017-2021, namely:
 - (a) Inclusion, diversity and uniqueness are welcomed, respected and celebrated;
 - (b) Community health, safety and wellbeing are a focus in everything we do; and
 - (c) Transparency, performance and community participation drive the way we operate.
37. All four Priorities (and associated Strategic Goals) in the MPP are closely aligned with the Council Plan objectives. They include:
 - (a) Welcoming Diversity;
 - (b) Participation and Inclusion;

- (c) Safe and Liveable Spaces; and
- (d) Engagement and Communication.

Legal Implications

38. There are a number of international, national and state pieces of legislation that underpin both the outgoing and the revised Plans. These include:
- (a) Commonwealth policy context:
 - (i) Australian Human Rights Commission Act 1986;
 - (ii) The Racial Discrimination Act 1975; and
 - (iii) The People of Australia statement by Australian Multicultural Advisory Council; and
 - (b) State Policy context:
 - (i) Equal Opportunity Act 1995;
 - (ii) Racial and Religious Tolerance Act 2001;
 - (iii) Multicultural Victoria Act 2004;
 - (iv) Charter of Human Rights and Responsibilities Act 2006; and
 - (v) Local Government Act 1989.
39. The context of these pieces of legislation ensures Council has a legal responsibility to protect the rights of individuals, which is reflected in Council's Multicultural and many other Policies.

Other Issues

40. There are no other issues.

Options

41. There are no other options.

Conclusion

42. The development of the Multicultural Partnerships Plan 2019-2023 was conducted throughout 2018 via extensive consultation and analysis.
43. The Draft Plan was endorsed by Council in February 2019, and was released for public exhibition and secondary consultation thereafter.
44. The information and feedback gleaned from the second consultation was used to further hone the MPP and Action Plan, and outlines priorities, strategic goals and actions for the next four years in relation to multicultural communities in Yarra.

RECOMMENDATION

1. That:
- (a) Council adopts the Multicultural Partnerships Plan 2019-2023.

CONTACT OFFICER: Cristina Del Frate
TITLE: Community Partnerships Team Leader, Social Policy
TEL: 9205 5174

Attachments

- 1 ⇨ Response Summary Public Exhibition of Multicultural Partnerships Plan
- 2 ⇨ Multicultural Partnerships Plan 2019-2023
- 3 ⇨ Consultation Report MPP 2019-2023
- 4 ⇨ CPU Policies Community Consultation Report
- 5 ⇨ Your Say Yarra Multicultural Plan Webpage Survey 2019

11.5 Appointment of Authorised Officers - Planning and Environment Act 1987

Trim Record Number: D19/106760

Responsible Officer: Group Manager Chief Executive's Office

Purpose

1. To provide for the formal appointment of Council Officers as Authorised Officers pursuant to Section 147(4) of the *Planning and Environment Act 1987* and Section 232 of the *Local Government Act 1989*.

Background

2. As a result of a review of duties within Council's Civic Compliance team, an opportunity has been identified to broaden the scope of works within the team. This will enable Council to provide a more flexible response to customer complaints – particularly to matters involving potential breaches of Council's local laws and legislation including the Local Government Act, Road Management Act and Planning and Environment Act.
3. In order to implement these changes, it is necessary to broaden the authorisation of a number of existing staff and appoint them as Authorised Officers under the Planning and Environment Act.
4. This authorisation cannot be made by the Chief Executive Officer under delegation, and must be made by resolution of Council.

Consultation

5. Not applicable.

Financial Implications

6. There are no direct financial implications arising from the appointment of an authorised officer.

Economic Implications

7. This report has no economic implications.

Sustainability Implications

8. This report has no sustainability implications.

Social Implications

9. This report has no direct social implications.

Human Rights Implications

10. This report has no Human Rights implications.

Communications with CALD Communities Implications

11. Not applicable.

Council Plan, Strategy and Policy Implications

12. This report is an example of this Council's positive action, in demonstrating its commitment to its legislative obligations.

Legal Implications

13. Appointment of Authorised Officers under the *Planning and Environment Act 1987* requires a formal resolution of Council. Where such authorisation is proposed to be granted, provision is also made to allow the respective officer to also initiate proceedings on behalf of Council (as provided in Section 232 of the *Local Government Act 1989*).

Other Issues

14. Not applicable.

Options

15. Not applicable.

Conclusion

16. That Council formally appoint the officers listed below as Authorised Officers pursuant to Section 147 (4) of the *Planning and Environment Act 1987* and Section 232 of the *Local Government Act 1989*. The Instruments of Appointment and Authorisation document will be signed accordingly by the Chief Executive Officer.

RECOMMENDATION

1. That Council formally appoints:

- (a) Irene Christopoulos;
- (b) Barry Dempsey;
- (c) Angela Eastwood;
- (d) Christopher Gaal;
- (e) Matthew Gillespie;
- (f) Jennifer Guo;
- (g) Sarkis Haladjian;
- (h) Kaela Isley;
- (i) Linden Jesensek;
- (j) Sharni Kearney;
- (k) Aoife Mulligan;
- (l) John Sanchez;
- (m) Evette Shomali;
- (n) Sanja Stojakovic;
- (o) Damian Visentini; and
- (p) Susan Yousif

as Authorised Officers pursuant to Section 147(4) of the *Planning and Environment Act 1987* and Section 232 of the *Local Government Act 1989*.

2. That Council directs that the Instruments of Appointment and Authorisation be signed accordingly by the Chief Executive Officer.

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

Attachments

There are no attachments for this report.

12.1 Notice of Motion No 11 of 2019 - Processing of Heritage Victoria Referrals by Council

Trim Record Number: D19/109630

Responsible Officer: Group Manager Chief Executive's Office

I, Councillor Stephen Jolly, hereby give notice that it is my intention to move the following motion at the Ordinary Meeting of Council to be held on 2 July 2019:

1. *“That in relation to Heritage Victoria referrals of permit applications and Heritage Council permit determination reviews it is the policy of the City of Yarra that:*
 - (a) *Copies of Heritage Victoria permit applications referred to Council as the responsible authority in accordance with Section 100(1) of the Heritage Act 2017 are sent to the Chief Executive Officer to ensure that all applications for places of state significance in Yarra are part of a public process;*
 - (b) *All Heritage Victoria permit application referrals will be placed on a Council meeting agenda so that Council in accordance with section 100(2) of the Heritage Act 2017 may make a written submission having considered the officer report and recommendation, together with any additional information provided by the community;*
 - (c) *The level of detail in the referral reports listed on Council agendas will depend on whether the application is for a major permit application which requires a detailed heritage assessment as specified in sections 101(2) and 101(3) of the Act or minor works not visible from the public domain;*
 - (d) *Minor permit applications where the proposed works are not visible outside the heritage place will be listed as a brief report on Council agendas, so that Council has sufficient information included in the in-house heritage advice to determine whether it requires a formal response to the referral;*
 - (e) *If the proposal is visible from the public domain then a full report will be provided on the Council agenda including a detailed heritage assessment of the application and its effect on the cultural heritage significance of the place, as well as the considerations in section 101(3) of the Heritage Act;*
 - (f) *Major heritage applications on Council agendas will have a full report that includes a heritage assessment from an independent expert with extensive experience with similar high-level heritage applications, together with PDFs of the application plans and documentation and the Heritage Victoria referral letter provided as attachments to the report;*
 - (g) *Council’s resolutions in response to major permit applications will be sent to Heritage Victoria as the responsible authority’s submission, as will any response to minor application assessments in those instances when Council determines a written reply to the referral is required;*
 - (h) *When additional time is required for a major application, Heritage Victoria will be advised that Council is preparing a submission that will be sent no later than four to five weeks after the referral is received, and similarly if Council determines a reply will be sent in relation to a minor application then Heritage Victoria will be advised it will be sent for the Executive Director to consider as “any other relevant matter” in accordance with Section 101(3) (b); and*

- (i) *When the Heritage Council notifies the responsible authority about permit determination reviews in accordance with Section 106(5) (b) of the Heritage Act 2017, this will be placed on the next Council agenda together with the reasons for the appeal so that Council can consider what procedure it wishes to adopt in relation to the specified timetable for each submission deadline.”*

Officer notes:

For context purposes, the sections of the *Heritage Act 2017* as referenced in the above Notice of Motion, are as follows:

Act Section	Legislative Requirement
100 100 (1)	<i>Submissions by responsible authorities and municipal councils in relation to permit applications</i> The Executive Director, within 14 days after receiving a permit application, must give a copy of the application— (a) to the responsible authority (Council).....
100 (2)	The responsible Authority (Council) may make a written submission to the Executive Director.
100(3)	A submission must be lodged within: (a) 14 days after notice given by the Executive Director, or (b) an extended period of time under section 94(3).
94 94 (3)	<i>Public display of permit applications in certain circumstances</i> The Executive Director may extend the specified period of display under subsection (2) with the agreement of the applicant and the owner (i.e. <i>beyond the 14 days</i>)
101 101 (2)	<i>Determination of permit applications</i> In determining whether to approve an application for a permit, the Executive Director must consider the issues stated in sub-sections (a) to (f) (Refer detailed extract below)
101 (3) (a) (b)	In determining whether to approve an application for a permit, the Executive Director may consider— (a) the extent to which the application, if approved, would affect the cultural heritage significance of any adjacent or neighbouring property that is— (i) included in the Heritage Register; or (ii) subject to a heritage requirement or control in the relevant planning scheme; or (b) any other relevant matter.
106 106(5)(b).	<i>Review of the Executive Director's determinations relating to permits</i> (5) On receiving a request for a review, the Heritage Council must notify— (b) the responsible authority for the area in which the registered place or registered object is situated and, if the responsible authority is not a municipal council, the relevant municipal council;

(Extract) -Section 101 (2) - Determination of permit applications

- (2) *In determining whether to approve an application for a permit, the Executive Director must consider the following: -*
- (a) *the extent to which the application, if approved, would affect the cultural heritage significance of the registered place or registered object;*
 - (b) *the extent to which the application, if refused, would affect the reasonable or economic use of the registered place or registered object;*
 - (c) *any submissions made under section 95 or 100;*

- (d) *if the applicant is a public authority, the extent to which the application, if refused, would unreasonably detrimentally affect the ability of the public authority to perform a statutory duty specified in the application;*
- (e) *if the application relates to a listed place or to a registered place or registered object in a World Heritage Environs Area, the extent to which the application, if approved, would affect: -*
 - (i) *the world heritage values of the listed place; or*
 - (ii) *(ii) any relevant Approved World Heritage Strategy Plan;*
- (f) *any matters relating to the protection and conservation of the registered place or registered object that the Executive Director considers relevant.*

RECOMMENDATION

1. That in relation to Heritage Victoria referrals of permit applications and Heritage Council permit determination reviews, it is the policy of the City of Yarra that:
 - (a) Copies of Heritage Victoria permit applications referred to Council as the responsible authority in accordance with Section 100(1) of the *Heritage Act 2017* are sent to the Chief Executive Officer to ensure that all applications for places of state significance in Yarra are part of a public process;
 - (b) All Heritage Victoria permit application referrals will be placed on a Council meeting agenda so that Council in accordance with section 100(2) of the *Heritage Act 2017* may make a written submission having considered the officer report and recommendation, together with any additional information provided by the community;
 - (c) The level of detail in the referral reports listed on Council agendas will depend on whether the application is for a major permit application which requires a detailed heritage assessment as specified in sections 101(2) and 101(3) of the Act or minor works not visible from the public domain;
 - (d) Minor permit applications where the proposed works are not visible outside the heritage place will be listed as a brief report on Council agendas, so that Council has sufficient information included in the in-house heritage advice to determine whether it requires a formal response to the referral;
 - (e) If the proposal is visible from the public domain then a full report will be provided on the Council agenda including a detailed heritage assessment of the application and its effect on the cultural heritage significance of the place, as well as the considerations in section 101(3) of the *Heritage Act*;
 - (f) Major heritage applications on Council agendas will have a full report that includes a heritage assessment from an independent expert with extensive experience with similar high-level heritage applications, together with PDFs of the application plans and documentation and the Heritage Victoria referral letter provided as attachments to the report;
 - (g) Council's resolutions in response to major permit applications will be sent to Heritage Victoria as the responsible authority's submission, as will any response to minor application assessments in those instances when Council determines a written reply to the referral is required;
 - (h) When additional time is required for a major application, Heritage Victoria will be advised that Council is preparing a submission that will be sent no later than four to five weeks after the referral is received, and similarly if Council determines a reply will be sent in relation to a minor application then Heritage Victoria will be advised it will be sent for the Executive Director to consider as "any other relevant matter" in accordance with Section 101(3) (b); and

- (i) When the Heritage Council notifies the responsible authority about permit determination reviews in accordance with Section 106(5) (b) of the *Heritage Act 2017*, this will be placed on the next Council agenda together with the reasons for the appeal so that Council can consider what procedure it wishes to adopt in relation to the specified timetable for each submission deadline.

Attachments

There are no attachments for this report.