

Ordinary Meeting of Council Agenda

**to be held on Tuesday 22 October 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.

www.yarracity.vic.gov.au

Order of business

- 1. Statement of recognition of Wurundjeri Woi-wurrung 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 Woi-wurrung Land

“Welcome to the City of Yarra.”

“Yarra City Council acknowledges the Wurundjeri Woi-wurrung 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 Personnel matters
- 4.2 Matters relating to legal advice and matters prejudicial to Council and/or any person
- 4.3 Personnel 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) Personnel matters;
 - (b) Matters relating to legal advice; and
 - (c) Matters prejudicial to Council and/or any person.
2. That all information contained within the Confidential Business Reports section of this agenda and reproduced as Council Minutes be treated as being and remaining strictly confidential in accordance with the provisions of sections 77 and 89 of the *Local Government Act 1989* until Council resolves otherwise.

5. Confirmation of minutes

RECOMMENDATION

That the minutes of the Ordinary Council Meeting held on Tuesday 8 October 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 Mayor to ask your question, please come forward, take a seat at the microphone, state your name clearly for the record and:

- direct your question to the Mayor;
- refrain from making statements or engaging in debate
- not raise operational matters which have not previously been raised with the Council administration;
- not ask questions about matter listed on the agenda for the current meeting.
- refrain from repeating questions that have been previously asked; and
- if asking a question on behalf of a group, explain the nature of the group and how you are able to speak on their behalf.

Once you have asked your question, please remain silent unless called upon by the Mayor to make further comment or to clarify any aspects.

8. Delegate's reports

9. General business

10. Questions without notice

11. Council business reports

Item	Page	Rec. Page	Report Presenter
11.1 Annual Grants 2020 Recommendations Report	8	14	Michael Van Vliet – Community Grants Team Leader
11.2 Q1 September 2019 Finance Report	15	17	Ange Marshall – Chief Financial Officer
11.3 Pricing Policy	18	26	Julie Wyndham – Manager Corporate Planning and Performance
11.4 Management by Council of Heritage Victoria Referrals	27	32	Ivan Gilbert - Group Manager Chief Executive's Office
11.5 Review of Statutory Planning Delegations	34	41	Mary Osman, Manager Statutory Planning
11.6 Public Availability of Planning Application Referrals on Council website	42	47	Mary Osman - Manager Statutory Planning
11.7 Yarra Youth Advisory Committee and new engagement opportunities	48	53	Malcolm Foard – Manager Family, Youth and Children’s Services
11.8 Annual Report of the Yarra City Council 2018/19	55	56	Erin Marcon - Communications, Engagement and Media Advisor
11.9 Heritage significance of the former Sherrin factory in Wellington Street Collingwood	57	61	Richa Swarup – Senior Advisor City Strategy
11.10 Report on Assemblies of Councillors	62	63	Ivan Gilbert - Group Manager - Chief Executive's Office

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

Public submissions procedure

When you are invited by the Mayor to make your submission, please come forward, take a seat at the microphone, state your name clearly for the record and:

- Speak for a maximum of five minutes;
- direct your submission to the Mayor;
- confine your submission to the subject under consideration;
- avoid repetition and restating previous submitters;
- refrain from asking questions or seeking comments from the Councillors or other submitters;
- if speaking on behalf of a group, explain the nature of the group and how you are able to speak on their behalf.

Once you have made your submission, please remain silent unless called upon by the Mayor to make further comment or to clarify any aspects.

12. Notices of motion

Nil

13. Urgent business

Nil

11.1 Annual Grants 2020 Recommendations Report

Executive Summary

Purpose

This report seeks Council endorsement of the Community Grants Panel's grant recommendations for the Annual Grants 2020 program.

Key Issues

The Annual Grants program continues to strengthen the community sector through providing a flexible and responsive source of funds to community-based not-for-profit organisations. Funding is used to support projects that deliver outcomes aligned with the Council Plan and target the areas of highest need within the community. A total of 267 applications were received across seven categories of grants. This is our largest number of applications ever; an increase from 222 last year.

Financial Implications

One hundred and fifty applications have been recommended to receive funding totalling \$868,793. Council approved the 2020 Annual Grants budget in the Community Grants Program 2020 Initiation Report on 30 April 2019.

PROPOSAL

That Council endorses the Community Grants Panel's recommendations for the Annual Grants 2020 program as presented in the attachments to this report.

11.1 Annual Grants 2020 Recommendations Report

Reference: D19/164714

Authoriser: Community Partnerships Team Leader, Social Policy

Purpose

1. This report seeks Council endorsement of the Community Grants Panel's grant recommendations for the Annual Grants 2020 program.

Background

2. Yarra City Council's Community Grants Program is a significant investment in the community. It is one of Victoria's leading local government grant programs, through which Yarra has established a reputation for its strong support for the community.
3. The Community Grants Program aims are to:
 - (a) develop partnerships between Council and community groups to achieve Council's strategic directions;
 - (b) direct resources to both the emerging and specific needs of disadvantaged groups;
 - (c) develop a positive approach to the resolution of local social issues;
 - (d) support local groups, activities and community connectedness; and
 - (e) support community organisations to develop skills and increase community participation.
4. The Annual Grants program is one of the primary avenues of support by Council to community-led projects and activities. The grants provide funding to a wide range of activities by some of Yarra's leading not-for-profit organisations and grassroots community organisations as well as to individual artists.
5. A total of 267 applications were received across seven categories of grants requesting a total of \$4.4m funding. This represents an increase of 20 per cent from last year's 222 applications. One hundred and fifty applications have been recommended to receive funding totalling \$934,760.
6. On 30 April 2019 Council approved the Annual Grants 2020 objectives, guidelines, assessment process and budget in the Community Grants 2019/20 Initiation Report (TRIM reference D19/51535). The Annual Grants were open for applications for six weeks between 10 June 2019 and 22 July 2019.
7. The Annual Grants are divided into seven funding categories: Community Development; Arts and Culture; Family, Youth & Children; Youth-Led Grants; Sport and Recreation; Community Housing; and Sustainability.
8. The Annual Grants are subject to regular review to improve the administration of the program and accessibility for applicants. Feedback provided by previous grant applicants, Council officers and other local government grant makers was incorporated into the current program.
9. Consultation and engagement activities were undertaken to support access to the grants program. Community information sessions were held in June at Bargoonga Nganjin, Collingwood Library, Richmond Town Hall, as well as separate sessions at Yarra Youth Services.
10. Applicants were advised to contact Council officers before submitting their application to discuss project ideas and gain assistance with the application process, including understanding program objectives, criteria and eligibility requirements.

External Consultation

11. The Annual Grants are a competitive grant round and the recommendations are made by external panels comprised of community representatives. The assessment process comprises the following stages as listed in the Initiation Report:
 - (a) Stage 1: An eligibility check conducted by Council officers;
 - (b) Stage 2: Internal Assessment. Council officers assessed the applications against a series of criteria such as the capacity of the applicant to deliver on project outcomes, clearly defined project aims, a complete and realistic budget and alignment with Council funding priorities;
 - (c) Stage 3: Community Panels assess the applications and decide on the final recommendations to Council. Community Panels comprise a majority of external experts and some Council officers with relevant knowledge; and
 - (d) Stage 4: Council endorsement.

Internal Consultation (One Yarra)

12. Council officers from the Sustainability team, Family, Youth & Children, Sports & Recreation, Arts & Culture, and the Community Partnerships unit are closely involved with the grants assessment process. Officers from each unit help determine the grant criteria and oversee the panels which make the grant recommendations.
13. We seek feedback on the grants process from Council Officers and have created a culture of continuous evaluation and improvement.

Financial Implications

14. A total of \$934,760 has been recommended for 150 grants. This is an increase from \$868,793 for 139 grants in 2019 and \$842,374 to 134 grants in 2018.
15. The detailed list of applications recommended for funding can be found as **Attachment 1**. A summary list of applications recommended for funding, in alphabetical order of applicants, has been included as **Attachment 2**. The table below outlines the numbers of applications received in each funding category and compares funds recommended to the previous year.

Funding Category	Number of Applications Received		Total Amount Recommended	
	AG19	AG20	AG19	AG20
Community Development	98	106	\$341,437	\$351,241
Art & Culture	59	80	\$214,000	\$264,029
Family, Children & Youth	33	36	\$160,998	\$162,700
Sport & Recreation	15	13	\$54,005	\$52,990
Sustainability	12	27	\$39,363	\$42,000
Community Housing	2	2	\$50,000	\$53,500
Youth-Led	3	3	\$9,000	\$8,300
Total	222	267	\$868,793	\$934,760

16. Applicants were asked to specify the total cost of their project, as well as the amount requested from Council. In total, more than \$4.4m was requested for projects worth more than \$11.4m.
17. Council is enabling larger projects to take place through its funding. For example, if the total cost of a project is \$10,000 and \$2,000 is requested with the remaining \$8,000 to be raised by the community or provided by in-kind donations or other grant funding, then Council's \$2,000 enables a \$10,000 community benefit. **Table 1** shows that \$934,760 of Council

funding enables projects to occur that have a dollar value of more than \$4.2m. This does not include the sizable social value also generated by these projects.

Table 1

Overall spending on Grants by Council	Overall project value that Council has enabled	Leverage potential of Granting
\$934,760	\$4,200,000	\$1 spent : \$4.50 value

Economic Implications

18. The Annual Grants continue to strengthen the community sector through providing a flexible and responsive source of funds to community-based not-for-profit organisations. Funding is used to support projects that deliver outcomes outlined within the Council Plan and target the areas of highest need within the community. The ultimate aim is to improve the long term outlook for local families and businesses through strengthening the capacity of the local not-for-profit sector and generate economic activity.
19. Annual Grants also redistribute funds to the disadvantaged in the community. The festivals and events bring economic benefits and assist with branding Yarra as a destination city. Projects that support new arrivals, young people and families through skills development or projects that support service coordination have a direct economic benefit.

Sustainability Implications

20. The Sustainability Stream grants aim to encourage and support projects that align with the Yarra Environment Strategy.
21. Applicants were advised that Council will give preference to those who consider incorporating activities that improve the sustainable outcomes of their projects. The application form asks applicants to consider the following ways of reducing and reusing resources including;
 - (a) use recycled paper/packaging and environmentally friendly printing for promotional material;
 - (b) include sustainable transport information on promotional material;
 - (c) buy locally produced and seasonal and/or organic food for meals;
 - (d) use reusable plates and cutlery when possible;
 - (e) minimize landfill with composting and recycling;
 - (f) purchase recycled products; and/or
 - (g) use Green Energy.
22. Annual Grants applications are submitted and managed through an online grants management system. The online system means that applications do not need to be printed as the assessment process is performed online. The online grants management system has resulted in a dramatic reduction in the amount of paper used in the grants process.

Social Implications

23. Annual Grants aims to address a number of social needs across such areas as: arts and culture, sustainability, community development, sport and recreation, family, children and youth. The following social objectives are addressed within the grants program as they build a sense of community through:
 - (a) cultural activities (community celebrations, observance of traditional celebration days, cultural festivals and events);

- (b) recognition of diversity (projects that strengthen Yarra's diverse community or celebrate and recognise diversity);
 - (c) social cohesion (projects which seek to bring people together and support the development of communities with shared aims and aspirations); and
 - (d) promoting and improving community health and wellbeing through:
 - (i) recreation opportunities (sports, social recreation, walking and improving access to recreational activities);
 - (ii) improving health and wellbeing (food insecurity, nutrition, skills development, health information, social engagement and support); and
 - (iii) promoting community safety through diversionary or preventive projects.
24. Ninety-four applications (35% of all applications) were for projects that take place in one of Yarra's public housing estates or primarily engage public housing residents.

Human Rights Implications

25. The Annual Grants Guidelines are in alignment with the Victorian Charter of Human Rights and Responsibilities Act 2006 and actively supports people to participate in and contribute to their community.

Communications with CALD Communities Implications

26. Personal assistance in completing grant applications was provided to 33 groups from culturally and linguistically diverse backgrounds (CALD). The grants unit assisted groups to clarify their projects, develop project plans and also provided technical assistance to submit the applications using the online grants management system. Interpreters were used as necessary.
27. A communications plan was designed and enacted in consultation with Yarra's Communications unit. Actions included notices and an article in the Yarra News, A3 posters with translations for display at libraries, maternal and child health centres and leisure centres, Brightsign for Richmond Town Hall and libraries, email newsletter to subscriber database, website update, grants webpage and Hot Topics feature, Facebook and Twitter.

Council Plan, Strategy and Policy Implications

28. The 2017 - 2021 Council Plan closely guides the Community Grants objectives. Community Grants are intended to support the delivery of the Council Plan and are a key way in which those objectives can be achieved in partnership with the community.
29. All seven strategic objectives of the Council Plan are supported through the Grants Program:
- (a) *Community health, safety and wellbeing* - The Community Grants Program provides a flexible and responsive source of funds to support projects and initiatives within the not-for-profit community sector. The program also supports community organisations within the recreational and sporting sector, to encourage greater participation and strengthen their capacity to deliver additional activities for the wellbeing of the whole Yarra community;
 - (b) *Inclusion, diversity and uniqueness* - The Community Grants Program supports Council's commitment to social justice and social inclusion principles, and provides support to communities living in Yarra's public housing estates. The program empowers community groups to offer inclusive and diverse activities, services, information and cultural celebrations, particularly in the arts and cultural and community development stream;
 - (c) *Sustainability and the natural environment* - The provision of a Sustainability Stream in the Annual Grants provides support to local community groups through community education and engagement in environmental sustainability. All applicants are asked to consider the environmental impact of their project;

- (d) *The character and heritage of the city* - The community grants contribute immeasurably to Yarra's cultural heritage. The extra support provided to local community groups, schools and artists to run their projects, adds to the diversity of activities available for residents to participate in. Many of the grants celebrate and build on the cultural heritage of Yarra;
 - (e) *Local businesses prosper and creative and knowledge industries thrive* – The Community Development grants support a stream of grants providing funding and support to social enterprise small businesses within the City of Yarra. \$30,000 was awarded to three small businesses through the social enterprise stream;
 - (f) *Connectivity and travel options are environmentally sustainable, integrated and well-designed* – The Community Strengthening stream of grants encourages projects that support community members to cycle and adopt cycling as a long term transport alternative, and help to improve perceptions of cyclists among non-cycling road users; and
 - (g) *Transparency, performance and community participation* - Yarra City Council's Community Grants Program is a recognised leader among Local Government in Victoria. As well as having one of the largest grant programs, Yarra's grants have been an innovative means of connecting with and supporting local communities and our administrative processes are highly regarded by other councils. The community participate in the deciding of the grants through the community panel making the recommendations.
30. Some of the other key strategic plans and policies which inform Annual Grants include the Aboriginal Partnerships Plan, Access and Inclusion Plan, Positive Ageing Strategy, Multicultural Partnerships Plan, Arts and Culture Strategy, Environment Strategy, Urban Agriculture Strategy and the 0-25 Years Plan.

Legal Implications

31. The grants program enables Council to achieve some of the basic tenets of the Local Government Act 1989:
- (a) Section 3C - to promote the social, economic and environmental viability and sustainability of the municipal district;
 - (b) Section 3D - fostering community cohesion and encouraging active participation in civic life; and
 - (c) Section 3E - planning for and providing services and facilities for the local community.
32. Council has not sought legal advice in relation to the grants program.

Other Issues

33. There are no other issues.

Options

34. There are no other options.

Conclusion

35. The recommendations for Yarra City Council's Annual Grant program for 2020 are provided in the attachments to this report. All applicants are to be commended for their efforts to improve local amenity through their work. The grants round is competitive and there is a significant commitment from the citizens of Yarra and local groups and organisations to be involved in this process to the benefit of all.
36. The 2020 Annual Grants is one of the major ways in which Yarra City Council demonstrates its commitment to supporting the community and highlights the diversity of community initiated projects, events and activities that take place across the municipality and making Yarra such a vibrant place to live.

RECOMMENDATION

1. That Council:
 - (a) endorse the Annual Grants 2020 Community Grants Panel's recommendations as listed in Attachment 1 to award 150 grants totalling \$934,760; and
 - (b) thank the members of the Community Grants Panels for their time, deliberation and commitment to Yarra's Community Grants program.

CONTACT OFFICER: Michael Van Vliet
TITLE: Community Grants Team Leader
TEL: 9205 5146

Attachments

- [1](#) Attachment 1 - Annual Grants 2020 - Alphabetical List of Recommended Applications
- [2](#) Attachment 2 - Annual Grants 2020 - Detailed List of Recommended Applications

11.2 Q1 September 2019 Finance Report

Executive Summary

Purpose

To provide Councillors with the September Quarterly Report.

Key Issues

Council's 2019/20 financial position as at 30 September 2019 is better than budget at this point in time.

Financial Implications

There are no financial implications.

PROPOSAL

That Council note the Quarter 1 September 2019 Finance Report.

11.2 Q1 September 2019 Finance Report

Trim Record Number: D19/178424

Responsible Officer: Director Corporate, Business and Finance

Purpose

1. To provide Councillors with the Quarter 1 September 2019 Finance Report.

Background

2. Under the Local Government Act, Council is required to report on its financial results on a quarterly basis.

Quarter 1 – September 2019 Finance Report (Attachment 1)

3. As at 30 September 2019 Council is favourable to YTD Budget by \$3.6m. This result is due mostly due to timing differences in the following areas:
 - (a) Higher YTD grants received of \$1.9m, mostly attributable to Operating grants of \$1.7m which are awaiting allocation and phasing to relevant programs;
 - (b) Higher YTD open space monetary contributions relating to developer contributions received; \$463k; and
 - (c) Lower YTD materials and services expenditure, mainly due to favourable consultancy and contract payments to budget, \$1.3m.
4. These favourable outcomes are offset by:
 - (a) Lower YTD leisure membership income of \$0.2m which is expected to pick up through the summer months; and
 - (b) Higher YTD bad and doubtful debts resulting from an increase in the doubtful debt percentage rate used, \$0.2m.

2019/20 Capital Works Program Adjustments Report – September (Attachment 2)

5. The 2019/20 Capital Works Program is subject to regular adjustments in response to variations to current projects and substitution in response to changing priorities and urgent new works being identified. The attached Capital Works Program Adjustments Report identifies changes which have taken place during the current quarter.

External Consultation

6. No external consultation was required.

Internal Consultation (One Yarra)

7. This report has been to the Executive on Wednesday 16 October 2019.

Financial Implications

8. There are no financial implications.

Economic Implications

9. There are no economic implications.

Sustainability Implications

10. There are no sustainability implications.

Social Implications

11. There are no social implications.

Human Rights Implications

12. There are no human rights implications.

Communications with CALD Communities Implications

13. There CALD Communities implications.

Council Plan, Strategy and Policy Implications

14. There are no Council Plan, Strategy and Policy implications.

Legal Implications

15. There are no legal implications.

Other Issues

16. There are no other issues.

Options

17. This report does not include any options.

Conclusion

18. The first quarter report demonstrates Council's progress toward achieving the 2019/20 Budget.

RECOMMENDATION

1. That Council:
 - (a) notes the Quarter 1 – September 2019 Finance Report.

CONTACT OFFICER: Mark Montague
TITLE: Deputy Chief Financial Officer
TEL: 9205 5503

Attachments

- 1⇒ Finance Report - September 2019 (Council)
- 2⇒ Capital Adjustments Running Table - September 2019

11.3 Pricing Policy

Executive Summary

Purpose

To seek Council adoption of the Pricing Policy which articulates the principles and methodology (assessment framework) by which user fees and charges will be evaluated by officers and then given consideration by Council in the course of making future decisions on the setting of fees and charges.

Information is provided within this report on the broader policy and statutory context and the program of work completed in development of the Pricing Policy.

Key Issues

Council resources its services and responsibilities through rates and charges, statutory fees and fines, user fees and charges, and grants and contributions. Council offsets the cost of a number of services through user fees and charges, as evidenced by the fee schedule, in which Council has established those services which are not wholly funded from the rate base. There are currently 764 fees and charges levied by Council and approximately 10 percent are statutorily prescribed.

Council's Long Term Financial Strategy 2019-20 to 2028-29 (section 6.7) proposes that Council adopt a fees and charges policy that provides guidance about how fees and charges will be set in the Schedule of Fees and Charges in each Council budget and *'it is anticipated a fees and charges policy will be developed in 2019 for implementation in 2020/21'*.

The fees and charges schedule is reviewed annually as part of the budget process. Currently, advice on the setting of fees and charges is offered by officers of the respective service areas in concert with corporate and financial services. This process is not, however, informed by either overarching principles or processes.

The Pricing Policy has been developed with the purpose of providing a considered rationale for the assessment of fees and charges across Council's transactional services. It is a means to:

- (a) Provide officers and Council with a framework that enables an integrated, consistent and systematic consideration of social, operational and financial factors;
- (b) Promote accountability to the community by ensuring fees and charges are being assessed in accordance with the stated policy objectives of Council;
- (c) Provide clarity to the service user and broader community as to the principles and methods by which user fees and charges are set;
- (d) Make fees and charges simpler to administer so as to promote the optimal use of resources; and
- (e) Comply with all statutory and legislative requirements in setting fees, including competitive neutrality.

Under the Pricing Policy, service-specific issues and objectives will continue to be considered but within an overarching framework that facilitates an integrated and systematic consideration of social, operational and financial factors for the whole-of-Council operations.

Financial Implications

Costs are incurred in undertaking the many services Council provides. These costs need to be recovered in some way to promote long-term financial sustainability - either from the users who benefit from the service, those whose actions give rise to it (for example federal funding for childcare and state grants for specific projects) or from the rate base more generally.

Fees and charges are a component of Council's revenue raising strategy in the Long term Financial Strategy and represent a significant portion of budgeted recurrent revenue.

The Pricing Policy neither sets nor make recommendations to the pricing of any of Council's fees and charges. Pricing decisions are made by Council either through the annual Council budget process (specifically the fees and charges schedule) or in response to reports presented to Council for consideration.

PROPOSAL

That Council:

- (a) Notes the report and the information provided within it on the policy and statutory context and the program of work completed in development of the Pricing Policy;
- (b) Notes that the Pricing Policy neither directly sets, nor makes recommendations to the pricing of any of Council's fees and charges and that these decisions will continue to be made by Council either through the annual budget or in response to reports presented to Council;
- (c) Adopt the Pricing Policy as shown in Attachment 1; and
- (d) Seeks further reports from officers on the application of the Pricing Policy respectively to Council's transactional service areas such as Aged and Disability Services, Children's Services, Civic Compliance, Construction Management, Health Protection, Leisure, Recreation and Venues for Hire, to inform future budget deliberations.

11.3 Pricing Policy

Trim Record Number: D19/167222

Responsible Officer: Director Community Wellbeing

Purpose

1. To seek Council adoption of the Pricing Policy which articulates the principles and methodology (assessment framework) by which user fees and charges will be evaluated by officers and then given consideration by Council in the course of making future decisions on the setting of fees and charges.
2. To provide contextual information on the broader policy and statutory context and the program of work completed in development of the Pricing Policy.

Background

3. Yarra's community is economically diverse. Many residents have the capacity to pay market-based rates for services with 60 percent of employed residents working in managerial and professional occupations and over one-third of households have high incomes (39 percent of households have weekly incomes of \$2,395) and/or are asset-rich (18 percent of households fully own their home). However, there are many residents living with economic hardship and social disadvantage with around 7,550 residents (or 9.5 percent) in social housing and 20 percent of households earning less than \$740 per week.
4. Council facilitates the economic, social and cultural development of the City, supports individuals and groups, and provides a wide range of essential and optional services for the wellbeing of the community. Council also manages statutory and regulatory obligations covering governance, asset and financial management and service delivery.
5. Council resources its services and responsibilities through rates and charges, statutory fees and fines, user fees and charges, and grants and contributions.
6. The Victorian legislation that enables councils to levy user fees and charges is *the Local Government Act 1989* (the Act). The Act gives councils the power to set user fees and charges to offset the cost of their services.
7. Council offsets the cost of a number of services through user fees and charges, as evidenced by the fee schedule, in which Council has established those services which are not wholly funded from the rate base.
8. For some services listed in the fee schedule, Council is subject to the provisions of the National Competition Policy and Victoria's Competitive Neutrality Policy (CN Policy).
9. Currently, there are 764 fees and charges levied by Council and approximately 10 percent are statutorily prescribed with the remainder being set at the discretion of Council.
10. Historically, the range of factors considered by Council when determining user fees and charges have included Council's overall financial position, the rate of inflation, consumer or community feedback, selective benchmarking and precedent.
11. Many other local governments across Victoria and Australia have adopted overarching pricing policies. As with the Pricing Policy, these other council policies address the matter of public value in determining appropriate levels of cost to be recovered from users of a service, as well as consideration of direct and indirect costs of service delivery.
12. Fees and charges are a component of Council's revenue raising strategy in the Long term Financial Strategy and represent a significant portion of budgeted recurrent revenue (\$32 million 2019/20 Budget).

13. Council's Long Term Financial Strategy 2019-20 to 2028-29 (section 6.7) proposes that Council adopt a fees and charges policy that provides guidance about how fees and charges will be set in the Schedule of Fees and Charges in each Council budget and *'it is anticipated a fees and charges policy will be developed in 2019 for implementation in 2020/21'*.
14. In developing the Pricing Policy, there has been an assessment of the full cost (direct plus indirect costs) to deliver services; which source/s of revenue (i.e. user fees and charges, the rate base, grants) are being used to fund services; and, consideration of the benefit derived by the client or customer (i.e. private value) alongside any benefits generated to the broader community (i.e. public value).
15. Fees and charges are significant for users of the service (who can be residents, businesses and visitors to the municipality) and also for ratepayers.
 - (a) For the user, fees and charges represent the value, benefit and cost of the resources used to deliver the service. A user fee and charge implies that there is a benefit derived by the user; and
 - (b) From a ratepayer's perspective (who can also be a user), fees and charges supplement Council's cost of service delivery and lessens reliance on rates to fund its delivery. Where Council does subsidise a service that has a user fee and charge, it is reasonable for the ratepayer to expect that there is a social policy objective or public value being realised through subsidisation.

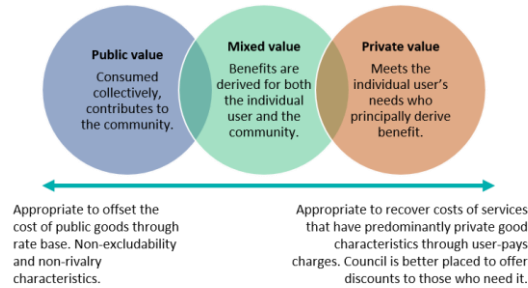
Policy development

16. The following is an overview of the steps undertaken to establish the knowledge base to produce the Pricing Policy. This program of works centred on the selection of services that already have an associated fee or charge.
17. The services considered in the development of the Policy had to be external (i.e. community-facing), transactional, non-regulatory (i.e. not a dollar fee set by statute) and not be a penalty (e.g. fines were not in-scope).
18. The work program looked at the costs and customer bases of eight transactional services. These were: Aged and Disability Services, Children's Services, Civic Compliance, Construction Management, Health Protection, Leisure, Recreation and Venues for Hire.
19. The following activities were undertaken to better understand the pricing environment of Council's transactional services:
 - (a) Classification of the 764 types of user fees into functional categories for analysis;
 - (b) A review of documents from the Victorian Government (VAGO, Local Government Victoria, et.al) and an environmental scan of local government policy and practices on price setting domestically;
 - (c) Production of service profiles that examined: the particulars of the service and associated programs; the presence or absence of alternate providers; any unique offering represented by the Council service; and, the degree of public and private value generated through the delivery of the service;
 - (d) The retrieval of customer and transactional data from customer databases to produce customer profiles to better understand the user base of the in-scope services; and
 - (e) An overhead allocation exercise, which assessed the degree to which Council service delivery costs, both direct and indirect, were being recovered through user fees and charges.

Public and private value

20. Pricing should recognise that it is more appropriate to recover the cost of services that have predominantly private value through user-pays charges and use rates and other revenue to offset the cost of services that generate public value and promote Council's social policy objectives.

21. The concept of private and public value is illustrated in the figure overleaf:



22. Council provides some services that can be unambiguously seen to be of exclusive public value such as public parks, drainage, bike paths and footpaths. There are some services which can justifiably be considered to be of principally private value, like a round of golf or a deep tissue massage at a leisure centre. Most Council services, however, can be located on a spectrum (or continuum) of public and private value. The eight transactional services assessed were for the most part of mixed value: i.e. they generate varying levels of public and private value.

Price setting

23. The overhead allocation exercise enabled a greater understanding of the use of rate and other revenue in the delivery of the eight in-scope transactional services. As to be expected, the essential differences of the services reviewed meant there was considerable variance in service delivery costs, mixes of revenue used to fund services and consequently, different subsidy and recovery levels.
24. The organisation now has an enhanced understanding of the direct and indirect costs of service delivery, its customer and clients and value generated by these services and the apparent degree of public and private value generated by the respective services.
25. The fee schedule is reviewed annually as part of the budget process. Advice on the setting of fees and charges is offered by officers from the various service areas of Council in concert with corporate and financial services. In giving this advice, those with oversight of specific services factor in operational considerations, policy, regulatory and statutory context and where substitute services are available locally.
26. This historic approach has its merits – enabling a deep consideration of the stated objectives of the respective services. However, it can result in inconsistencies, have unintended consequences and cause confusion for the user of services and for the broader community. Under the Pricing Policy, service-specific issues and objectives will continue to be considered but within an overarching framework that facilitates an integrated, consistent and systematic consideration of social, operational and financial factors for the whole-of-Council operations.
27. It should be noted that concession eligibility and application was considered another area in which processes can be improved. There are currently more than seven different card types and eight different user group types eligible for concession pricing, with differences in applications across and within services. For example, a student can receive a concessional discount on an annual leisure membership, however is ineligible for a concessional discount for a casual visit.
28. There are a number of issues that Council will get to consider in developing the 2020-21 budget and beyond, particularly in the setting of user fee and charges at the service and program level. Which services are producing the most public value? How do we apply our knowledge on the circumstances of our clients and customers, such as capacity to pay, in price setting? What is the best way to assess the accrual of private benefit? Should prices be adjusted, both up and down? Are there instances where some general fees could be higher so as to enable lower concession pricing (improving access to those with limited financial means)?

The Pricing Policy

29. The Pricing Policy (the Policy) has been developed with the purpose of providing a considered rationale for the setting of fees and charges schedule across the non-regulatory Council services listed. It is a means to:
- (a) Provide officers and Council with a framework that enables an integrated, consistent and systematic consideration of social, operational and financial factors;
 - (b) Promote accountability to the community by ensuring fees and charges are being set in accordance with the stated policy objectives of Council;
 - (c) Provide clarity to the service user and broader community as to the principles and methods by which user fees and charges are set;
 - (d) Make fees and charges simpler to administer so as to promote the optimal use of resources; and
 - (e) Comply with all statutory and legislative requirements in setting fees, including competitive neutrality.
30. The Policy (**Attachment 1**) seeks to achieve an appropriate balance between fiscal priorities and social objectives and ensuring ratepayers are not unduly subsidising services that do not generate a broader public benefit. It takes into account community benefit, the cost of running services and reflects corporate and strategic objectives. Immediately below is a list of its overarching principles.

Socially equitable	Council seeks to promote fair, just and equitable access to services
Financially sustainable	Price-setting is informed by the cost of provision
Transparent	How fees and charges are set is documented and presented in a way the community can understand
Consistent	We set our fees and charges in a consistent way across Council services and facilities
Promotes participation	Fees and charges are reflective of Council's commitment to supporting and promoting the participation of service target groups
Reflects standard and quality	Our fee schedule recognises the size, standard and/or quality of the services provided
Efficient to administer and regularly reviewed	Our fees and charges are simple to administer and review, in line with changes to the operating environments
Recognises competitive neutrality obligations	We have regard to fees and charges of private competitors, where relevant

31. The Policy sets out a list of pricing methods shown in the table immediately below that have different subsidy and/or cost-recovery levels that can be sought under each method. The intent is to show a pricing method against each individual fee schedule that is adopted with the annual Budget.

Statutory Pricing	Council sets the maximum available fee set by Statute. These prices may be below the full cost to deliver the service.
Full Council Subsidy	All cost is at Council's expense. There is no charge to the customer.
Partial Council Subsidy	Price between full subsidy and full cost pricing.
Full Cost Recovery	Price intends to cover direct and indirect costs, and in some cases there may be an allowance for profit.
Market Pricing	Price is reflective of competitive market considerations. Competitive neutrality is given due consideration.
Incentive Pricing	Price to cover full cost at a minimum and set to encourage certain behaviour.

32. In determining what pricing method (as outlined in table above) to use, the following considerations will be taken into account: the degree of private or public value of the service, competitive neutrality requirements, benchmarking of other providers, service delivery objectives and costs of delivering the service.

External Consultation

33. The Pricing Policy neither sets nor makes specific recommendations to the pricing of any of Council's existing fees and charges. The Pricing Policy is intended to act as an administrative framework which helps facilitate an integrated and systematic assessment of social, operational and financial factors. The outputs from these assessments are to be provided to Council to inform its deliberation and decision-making in the pricing of those transactional services not set by statute or regulation.
34. Whilst no specific community consultation is proposed for the Policy, consultation on pricing impacts can and will occur through other mechanisms. The Pricing Policy is a machinery of business process and is a decision for Council. This is considered consistent with previous Council practice such as the establishment of the Debt Recovery Policy in 2016.
35. Actual price setting decisions are subject to public consultation either through the annual Council budget process (specifically the fees and charges schedule) which by statute includes public consultation and exhibition at Council or will be facilitated in response to reports from specific activity areas in the future.

Internal Consultation (One Yarra)

36. Officers from across the entire organisation were engaged throughout the work program, while officers from the eight transactional services provided additional support in providing information on their services and operating environment; the collation, analysis and interpretation of customer and transactional data; reviewing financial information from the cost allocation exercise; and feedback on policy design.

Financial Implications

37. Costs are incurred in undertaking the many services Council provides. These costs need to be recovered in some way to ensure Council is financially sustainable - either from the users who benefit from the service, those whose actions give rise to it (for example federal funding for childcare and state grants for specific projects) or from the rate base more generally.
38. It is considered reasonable to recover some or all of the costs for some services where there is no benefit to the broader community.
39. Fees and charges are a component of Council's revenue raising strategy in the Long term Financial Strategy and represent a significant portion of budgeted recurrent revenue. Fees and charges are raised for a number of reasons:
 - (a) to increase revenue available to Council to support the cost of service delivery;
 - (b) to support Council's service delivery objectives; and
 - (c) to help users of Council services understand the value and benefits they obtain when accessing those services.
40. The Pricing Policy neither sets nor make recommendations to the pricing of any of Council's fees and charges.

Economic Implications

41. In areas such as childcare, health and fitness programs, aquatic programs, golf and venue hire, Council provides service in a competitive market and pricing must correspond with consumer expectations and relevant legislation, not just the cost of delivery.

Sustainability Implications

42. There were no sustainability implications identified.

Social Implications

43. Council needs to consider the costs to deliver its transactional services, the capacity of individuals and/or households to pay for services, and balance these considerations to ensure sustainable and equitable service provision now and into the future.
44. To better ensure vulnerable members of the community can access services at an affordable rate, Council could set standard pricing (i.e. non-concession) at a rate that aims to recover full costs for services (where appropriate). This would allow Council to discount pricing for concession card holders to a level where the service is accessible and encourages participation.

Human Rights Implications

45. The Pricing Policy gives serious consideration to the promotion of social equity through accessible pricing and discounting of transactional services.

Communications with CALD Communities Implications

46. The annual budget process through which user fees and charges are commonly set, employ multiple strategies to address language barriers that can impede participation.

Council Plan, Strategy and Policy Implications

47. Council's Long Term Financial Strategy 2019-20 to 2028-29 (section 6.7) states:
'It is proposed that Council adopt a fees and charges policy that provides guidance (specific to each fee/charge category and user group) about how fees and charges will be set in the Schedule of Fees and Charges in each Council budget. The Fees and Charges Policy will take account of cost of service provision and objectives for the level of subsidy, cost recovery or return on investment for each service and user group as appropriate and aligned with Council objectives. Compliance with competitive neutrality requirements will also be considered where applicable. It is anticipated a fees and charges policy will be developed in 2019 for implementation in the 2020/21 financial year.'
48. Strategy 7.4 of the Council Plan is to ensure Council services are efficient, well-planned, and accessible and meet community needs.

Legal Implications

49. The Victorian legislation that enables councils to levy fees and charges is the Local Government Act 1989 (the Act). The Act gives councils the power to set user fees and charges to offset the cost of their services. Council reviews its fee schedule each year and it is adopted with the annual budget.
50. The National Competition Policy (NCP) and Victoria's Competitive Neutrality Policy define the scope and application of competitive neutrality to government-owned business activities. The purpose of these policies promote competition within the economy where it is considered to be in the public benefit. The NCP seeks to remove any competitive advantage that government businesses may have solely as a result of public ownership, such as tax breaks, improved purchasing power or the absence of the imperative to make a profit.
51. The Pricing Policy gives due consideration to the NCP. Council understands and respects that competitive neutrality measures are designed to achieve a fair market environment i.e. government business activities, for example child care or leisure services, should not enjoy net competitive advantages over private sector competitors simply by virtue of public ownership.

Other Issues

52. Initiative 7.4.2 in the current Council Plan is 'Develop a Services Policy and establish performance standards and service levels'. Such a policy would clarify the types of services and levels of service Council provides within expected resources; articulate Council's role in service provision (i.e. when Council is a planner, provider, purchaser/commissioner,

advocate or facilitator); and establishes criteria to inform decision making relating to service provision.

53. A Services Policy should be founded on targeted community consultation, which would enable alignment with community needs and expectations with service delivery, as well as an understanding of service levels and costs.
54. On 1 August 2017, within its budget resolution Council called for a report outlining a proposed participatory/deliberative process to engage a representative sample of the community in the development of a Services Policy. Funding for a deliberative engagement activity - to inform the development of a Services Policy - was included in the discretionary project bidding processes that informed the 2018-2019 and 2019-2020 Budgets. Funding was not granted in either Budget.

Options

55. There are no options provided.

Conclusion

56. Social, economic and legal factors need to be taken into account when establishing pricing for transactional services. In setting prices, a fair determination should include a robust analysis of the costs of service delivery and critically, the consideration of whether benefits are being accrued to just the individual, household or business receiving the service (private value) or whether benefits may be simultaneously generated for the broader community (public value). In doing this, a reasoned determination can be made on the appropriateness of subsidising particular services out of the rate base or other revenue.
57. The Pricing Policy ensures accountability, provides transparency and promotes social equity in setting prices for transactional services. Essentially, the principles and methods to set user fees and charges are an expression of Council's determination of the mix of revenue sources used to cover the costs of transactional services.

RECOMMENDATION

1. That Council:
 - (a) Notes the report and the information provided within it on the policy and statutory context and the program of work completed in development of the Pricing Policy;
 - (b) Notes that the Pricing Policy neither directly sets, nor makes recommendations to the pricing of any of Council's fees and charges and that these decisions will continue to be made by Council either through the annual budget or in response to reports presented to Council;
 - (c) Adopt the Pricing Policy as shown in Attachment 1; and
 - (d) Seeks further reports from officers on the application of the Pricing Policy respectively to Council's transactional service areas such as Aged and Disability Services, Children's Services, Civic Compliance, Construction Management, Health Protection, Leisure, Recreation and Venues for Hire, to inform future budget deliberations.

CONTACT OFFICER: Emily Woodin
TITLE: Coordinator Community Infrastructure Planning
TEL: 9205 5230

Attachments

- 1⇒ Pricing Policy

11.4 Management by Council of Heritage Victoria Referrals

Reference: D19/145390
 Authoriser: Group Manager Chief Executive's Office

Purpose

1. To consider and determine on:
 - (a) the process of management by Council of heritage referrals to Council from Heritage Victoria (HV); and
 - (b) the review of Council's Planning Delegations Policy with regard to such applications.

Background

2. Council will recall its resolution of 2 July:

"That:

- (a) *Officers present to Council a report providing a review of the current process for managing Heritage Victoria referrals, including:*
 - (i) *legislative restrictions, such as deadlines, and how they can be managed effectively by Council;*
 - (ii) *opportunities for heritage and community groups, and interested Yarra residents, to submit and contribute to our referral response through a publicly listed meeting or public process; and*
 - (iii) *any other matters relevant;*
- (b) *Council acknowledge the extensive work by Ms Elliot and the community on a draft policy and refer it to officers;*
- (c) *Officers prepare a draft policy for managing Heritage Victoria referrals, and consult with Yarra's Heritage Advisory Committee (and relevant community parties) to seek their input into this policy;*
- (d) *the report is presented in the August cycle of Council meetings; and*
- (e) *Officers expedite the review of Council Planning Delegations Policy with regard to such applications, to be considered in conjunction with this policy."*

3. As background it is noted that Yarra has received the following approximate number of Heritage Referrals from HV over recent years:

- (a) 2017 – 20 referral applications;
- (b) 2018 – approximately 25 - 30 referral applications and
- (c) 2019 – 12 referral applications – to date.

4. Discussion with officials of HV have established as is summarised in **Attachment 1** hereto, the following details:

- (a) HV's statutory required processes;
- (b) HV's operational arrangements and
- (c) **An important note** as to the manner in which HV manages information submitted by a Council, within or outside of the statutory 14 day period in which the legislation prescribes that a "submission" can be received.

External Consultation

5. As requested in the 2 July resolution, a meeting was arranged and on 31 July the HAC Councillor Delegates and Officers met with representatives of Council’s Heritage Advisory Committee (HAC) and various community parties representing heritage interests, specifically to seek their input to the subject under review.
6. The meeting procedure:
 - (a) firstly, included a detailed presentation explaining each of;
 - (i) Council’s current process for managing HV Referrals;
 - (ii) the statutory requirements on HV in processing of Heritage Referrals and the day to day management procedures HV have in place to implement same; and
 - (iii) a suggested detailed Policy process for Council’s management of HV Referrals which was presented to Council on 2 July and subsequently with-drawn; **refer Attachment 2**; and
 - (b) secondly, provided an extensive opportunity for attendees to raise questions and make suggestions re the process of Yarra Council managing HV referrals. The referenced questions raised and suggestions presented are outlined in the following table with a brief officer comment, a more comprehensive response to each question can be found in **Attachment 3**.

Item	Issue	Questions Raised and Suggestions Made	<u>Officer Response</u>
(i)	What process do other Councils use?	<ul style="list-style-type: none"> • Attendees queried what other Councils do and suggested Melbourne, Port Phillip, Moreland and Ballarat Councils as examples. 	<ul style="list-style-type: none"> • Contact has been made with those Councils and the advice can generally be summarised as managed under delegation with only ‘significant’ applications referred to Councillors. Refer Attachment 3
(ii)	How can the community be alerted about HV Applications and Referrals?	<p>Comments noted that such applications are listed on the HV web-site.</p> <p>Suggested additional options presented at the meeting included:</p> <ul style="list-style-type: none"> - Establishing a special page on Council’s website listing HV applications received; - Placement of the “Yellow” Planning application signs on the subject site; - Encouraging HV to use the website: https://www.planningalerts.org.au/ as a community notification. - Making Council’s responses to HV Referrals 	<p>The HV website lists all applications currently being advertised (see link below) https://www.heritage.vic.gov.au/permits/currently-advertised-permits</p> <p>It is unclear what benefit duplicating this information on Yarra’s website would achieve. A link to the HV website could be included on Council’s website.</p> <p>Providing notice of an application falls under the jurisdiction of HV and not the City of Yarra.</p> <p>All application material is available on HV website. Residents are encouraged to advocate to HV to use this a possible resource for the</p>

		public via the Council website.	community. This would be a manual process of putting them on the Council website and would need to sit alongside the HV application documentation which would create additional workload for the Statutory Planning Unit. Refer Attachment 3.
(iii)	Suggestion that Yarra's current process does not "tap" into heritage knowledge, held by people in the local community.	It was proposed that by Council providing some public notice of HV Referrals received, it would offer a mechanism to enable expert and historic knowledge held in the community, to be provided to Council as part of their assessment process of the HV Referral.	Through the notice period, the community can make submissions direct to HV. Council engages professional and experienced Heritage Advisors who present high quality reports to Council as required. Refer Attachment 3.
(iv)	Quality of Heritage Advice	Suggestion that potential to have access to "knowledge in community", could enhance the quality of heritage advice.	Through the HV permit process, the community have the opportunity to provide this 'community knowledge' direct to HV. Refer Attachment 3.
(v)	The Determinations made by the Heritage Council on heritage application are final.	Q. Can they be appealed to the Supreme Court?	A. This has been checked and the response is Yes, but an appeal can only be based on a point of law.
(vi)	Do we respond to all HV Referrals		All referrals from HV are responded to.
(vii)	Referrals	Do all HV Referrals get diverted to a Heritage Advisor and is the Advisor selected based upon their particular experience?	Yes, the Statutory Planning Department refer all HV applications to their Heritage Advisors. The three advisors have different experience and based on the scale of the project the Referral is directed to advisor with the relevant experience.

Internal Consultation (One Yarra)

7. Discussion has been conducted with relevant officers in statutory planning, heritage and governance Units concerning the optional processes which could be considered.

Current Process

8. Whilst the deed of delegation implies full delegation to officers to respond to all HV referrals, the agreed position is for HV referrals to be reported to a Councillor briefing, IDAC or Full Council meeting. Email updates are also provided to Councillors dependant on time constraints and for very minor referral applications.
9. The current process in some instances means a referral response to HV is not received within the 14 day period.

Proposed

10. Discussions with Councillors' as part of the ongoing process improvements review including delegation, commenced a discussion regarding formalisation of a process for managing HV referrals.
11. As part of those discussions, one option explored was for all Heritage Victoria referrals to be emailed to the scheduled IDAC Councillors as soon as heritage advice has been received from Council's Heritage Advisors.
12. The IDAC Councillors would be provided a minimum of 2 days to respond. Where concerns are raised with the officer recommendation by a majority of the scheduled Councillors (*reasons need to be included*), Officers will advise Heritage Victoria that Council objects to the application based on those reasons. Where no consensus can be reached between the scheduled Councillors the matter is to be listed for the next available IDAC.

NOTE: where no response is received from the scheduled IDAC Councillors within the specified timeframe, this will be deemed agreeance with the officer recommendation.

13. The proposed process would ensure that most referral responses back to HV are lodged within the 14 day period.

Financial Implications

14. Responding to Heritage Victoria referrals has a resourcing impact on the Unit. Dependant on what additional reporting Council seeks, this will impact further on the Unit in terms of:
 - (a) resourcing (cost implications); and
 - (b) impact on timeframes for statutory planning applications;

Economic Implications

15. Not relevant to this report.

Sustainability Implications

16. Not relevant to this report.

Social Implications

17. Not relevant to this report.

Human Rights Implications

18. Not relevant to this report.

Communications with CALD Communities Implications

19. Not relevant to this report.

Council Plan, Strategy and Policy Implications

20. All application must have regard to the Yarra Planning Scheme and other relevant legislation.

Legal Implications

21. Not particularly relevant to this report.

Other Issues

22. Nil.

Options

23. Following consideration of:

- (a) the suggestions presented by and outcomes of consultation with representatives of the HAC and other relevant community parties;
- (b) the advice provided by HV as to their statutory obligations and practical management processes; and
- (c) officer comments and any impact on Council’s resources;

it was established that there are several options which Council could consider as a process in which to manage the Heritage Referrals from Heritage Victoria, namely:

- Option 1: To continue with Council's current process (refer to details noted in part (i) of **Attachment 1**)
- Option 2: To implement that all Heritage Victoria referrals are to be emailed to the scheduled IDAC Councillors as soon as heritage advice has been received from Council’s Heritage Advisors.

The IDAC Councillors would be provided a minimum of 2 days to respond. Where concerns are raised with the Officer recommendation by a majority of the scheduled IDAC Councillors (*reasons need to be included*), Officers will advise Heritage Victoria that Council objects to the application based on those reasons. Where no consensus can be reached between the scheduled Councillors the matter is to be listed for the next available IDAC. (Refer Attachment 5 to the Report headed “Review of Statutory Planning Delegations” and titled “Protocols for the use of delegated Authority” – extract noted hereunder...)

Heritage Victoria Referrals	
All Heritage Victoria referrals will be emailed to the scheduled IDAC Councillors as soon as heritage advice has been received. These Councillors will be provided a minimum of 2 days to respond.	
NOTE: where no response is received from the scheduled Councillors within the specified timeframe, this will be deemed agreeance with the officer recommendation.	
Where no concerns are raised with the officer recommendation by the scheduled Councillors, Heritage Victoria will be notified in writing.	Group A
Where concerns are raised with the officer recommendation by a majority of the scheduled Councillors (reasons need to be included), officers will lodge a submission to the Executive Director including those reasons.	Group A
Where consensus cannot be reached between the scheduled Councillors.	IDAC

- Option 3: To adopt a formal Policy as outlined in **Attachment 2** meaning all HV heritage referrals to be presented to be presented formally on a Council Agenda.
- Option 4: All HV heritage referrals are managed under delegation with only ‘significant’ applications referred to Council as determined by the Manager Statutory Planning and or the Director Planning and Place Making, similar to the process in place at the other Councils referenced in this report.
- Option 5: To enhance Council’s current process by means of providing additional advice of HV Referrals as suggested by community representatives, and including:
 - (i) listing HV referrals on the Council’s public website Establishing a special page on Council’s website listing HV applications received as public information;
 - (ii) placement of the “Yellow” Planning application signs on the subject site;
 - (iii) encouraging HV to use the website: <https://www.planningalerts.org.au/> as a community notification; and
 - (iv) making Council’s responses to HV Referrals public via the Council website.

Conclusion

24. That Council:

- (a) note the report, including:
 - (i) comments / suggestions from community representatives meeting of 31 July and Officer comments thereon; **(Attachment 3)**;
 - (ii) advice from HV as to the statutory processes which it is required to address together with information from HV as to the process of day to day management within the statutory guidelines; **(Attachment 1)**;
 - (iii) the current process used by Yarra City to process HV Referrals; **(Attachment 1)**;
 - (iv) the draft formal Policy which was presented to the 2 July Council meeting for consideration and which if adopted would require all HV Referrals to be formally presented on a Council Agenda, **(Attachment 2)**; and
 - (v) advice from the Cities of Melbourne, Moreland, Port Phillip and Ballarat noting that their respective processes of responding to HV Referrals is principally via Delegated Officers, save in exceptional circumstances as noted; **(Attachment 3)**; and
- (b) for reasons of flexibility and seeking to meet the HV timelines, Council adopt favourably consider either of Options 2 or 4 above.

RECOMMENDATION

1. That in the matter of the management by Council of Heritage Referrals, directed to Council from Heritage Victoria (HV), Council:

- (a) note the report, including:
 - (i) comments / suggestions from community representatives at the meeting of 31 July together with Officer comments thereon; **(Attachment 3)**;
 - (ii) advice from HV as to the statutory processes which that Authority is required to address, together with information from HV as to the format of their day to day management procedures, within those statutory guidelines; (parts (ii), (iii) and (iv) of **Attachment 1**);
 - (iii) the current process used by Yarra City to process HV Heritage Referrals; (Part (i) of **Attachment 1**);
 - (iv) the draft proposed Policy which was presented to the 2 July Council meeting for consideration and which if adopted, would require all HV Heritage Referrals to be formally presented on a Council Agenda, **(Attachment 2)**; and
 - (v) advice obtained from the Cities of Melbourne, Moreland, Port Phillip and Ballarat, noting that their respective processes of responding to HV Heritage Referrals is principally via Delegated Officers, save in exceptional circumstances as noted; **(Attachment 3)**; and
- (b) for reasons of flexibility and in seeking to best meet the specified HV statutory timeline requirements, Council adopt either of Options 2 or 4 above.

CONTACT OFFICER: Ivan Gilbert
TITLE: Group Manager Chief Executive's Office
TEL: 9205 5110

Attachments

- 1⇒ Statutory Process for Heritage Victoria Referrals
- 2⇒ Suggested Policy for Heritage Victoria Referrals
- 3⇒ Suggestions and Questions raised by Heritage Representatives

11.5 Review of Statutory Planning Delegations

Reference: D19/131252

Authoriser: Director Planning and Place Making

Purpose

1. The purpose of this report is for Council to consider:
 - (a) adopting a revised *Instrument of Delegation to the Internal Development Approvals Committee (IDAC) October 2012*;
 - (b) a revised *Protocols for the use of delegated authority (Planning Protocols) Statutory Planning Branch and Strategic and Economic Planning and Development Branch November 2005*; and
 - (c) to provide an update on the process of Consultation Meetings at the City of Yarra.

Background

2. A review of the Deed of Delegation and consultation meetings were two areas identified as requiring review as outlined within the Statutory Planning Service Review 2016.

Statutory Planning Service Review - 2016

3. At the Council meeting of 16 September 2016, Council endorsed the commencement of Service Reviews which included the Statutory Planning Department.
4. A planning consultant Meredith Withers, from Fyfe Pty Ltd was engaged to undertake an audit of a sample of Council's statutory planning files to review the planning permit application process undertaken by the Statutory Planning Branch. The applications were selected randomly from the *simple*, *average* and *complex* categories of applications that had completed the process to the point of a decision by either the senior officer committee called the Development Assessment Panel (DAP), under delegation, or the Internal Development Approvals Committee (IDAC).
5. This review included compliance against the *Planning and Environment Act* and *Yarra Planning Scheme* provisions and in particular, an assessment of:
 - (a) The request for further information;
 - (b) Extent of notice and notice description;
 - (c) Re-advertising and extent of notice;
 - (d) Extent of public consultation;
 - (e) Notice to external authorities;
 - (f) Assessment of the application against all of the relevant sections of the planning scheme, including seriously entertained planning scheme amendments;
 - (g) Acknowledgement of objections and letters of support;
 - (h) Conditions or grounds of refusal;
 - (i) Issuance of decision; and
 - (j) VCAT submissions.
6. The purpose of the *permit application file audit* was to review the statutory planning process for planning permit applications within the City of Yarra and to recommend improvements that would contribute to a more time and resource efficient process.

Current Process

Delegation

7. The current process requires any application with 6 or more objections, which officers believe warrants support, must proceed to IDAC planning committee.
8. Other matters that result in an application proceeding to IDAC and/or Council include:
 - (a) A car park waiver of more than 10 spaces where a Ward Councillor has not consented to the matter being determined under delegation (IDAC);
 - (b) Development applications within the World Heritage Environs Areas or Buffer Zone which exceed the highest point of the existing building;
 - (c) Heritage Victoria referrals reported to a Councillor Briefing or IDAC or Full Council. (NB. this process is not mandated by the Deed of Delegation);
 - (d) Any matter called up to IDAC by a Councillor (NB. a call up to full Council follows a separate process), and
 - (e) Any settlement at a compulsory conference at VCAT with more than 5 parties needs to be agreed to by IDAC before Council can sign off on any agreement.
9. Prior to the matter being listed on the forward agenda, a consultation meeting in most instances has been held. Officers then list the matter for discussion at the officers Development Approvals Panel (DAP) and once consensus has been reached between officers, the matter is scheduled for a forthcoming IDAC meeting.
10. Councillors are advised of a draft agenda prior to the forthcoming IDAC (an email from a Senior Coordinator), prior to the formal agenda being released.

Issues

11. As outlined in the service review report and audit reports – the IDAC process adds months to the processing time of an application (generally requires a consultation meeting to be held prior, which adds to timing and cost of processing / assessing / determining the application). It does therefore have a significant impact on the statutory planning unit in its ability to issue a decision on an application within statutory timeframes as outlined within the *Planning and Environment Act 1987* (the **Act**).
12. The current wording of the Deed of Delegation (*'Protocols for the use of delegated Authority 2005*) has not been updated since 2005 and does not recognise current practices in the Statutory Planning Processes including:
 - (a) the introduction of the VicSmart process by the State Government and the ongoing changes to this process relevant to City of Yarra;
 - (b) Compulsory Conferences at VCAT; and
 - (c) Heritage Victoria deadlines (addressed via a separate report).

Consultation Meetings

13. The current process involves any application with six or more objections, (which officers believe warrants some form of support) must, as a precursor to IDAC, have a consultation meeting scheduled.
14. Prior to a consultation meeting being organised, officers list the matter for discussion at the Development Approvals Panel (DAP) and once consensus has been reached between officers, the meeting is scheduled for the next forthcoming night of consultation meetings (held once a fortnight) with the applicant, objectors (Councillors informed).

15. Councillors are advised that a consultation meeting is scheduled but are not required to attend. However, the possibility of a Councillor attending a consultation meeting has an impact on when consultation meetings are scheduled (in that no two planning applications in the same ward can be held at the same time – which determines the time of the consultation meeting and can add to logistic aspects including the overall time and cost of the process.

Purpose of holding a consultation meeting

16. The principle purpose of a consultation meeting is for all parties in attendance to gain a better understanding / clarification of the submitted proposal; and for the issues and concerns raised by objectors to be aired through constructive, round-table discussions.
17. While many consultation meetings run smoothly and provide an opportunity for all parties to discuss issues, resolution of significant issues are rarely the outcome.

Issues

18. More recently, behaviour at Consultation Meetings by some participants has increasingly raised OH&S issues. Unacceptable behaviour has included:
 - (a) unacceptable verbal comments directed to staff and permit applicant and in some cases their client;
 - (b) bullying behaviour directed towards staff; and
 - (c) the intimidation of staff.

All of these behaviours are unacceptable and raise clear OH&S issues.

External Consultation

Delegation

19. A comparison of similar Councils and their Deeds of Delegation were reviewed, including the following Councils:
 - (a) Stonnington;
 - (b) Boroondara;
 - (c) Moreland;
 - (d) Port Phillip;
 - (e) Maribryong;
 - (f) Darebin, and
 - (g) Moonee Valley.
20. Attachment 1 to this report provides a summary of each Council's Deed of Delegation including Yarra's.
21. Of the 8 Councils (including Yarra), 3 of the Councils count the number of objections from different properties, not individual objections.
22. Where individual objections are counted, Darebin base their delegation on five objections, Yarra and Boroondara is based on six, Moonee Valley is based on 10 objections and Port Phillip is based on 16 objections triggering a Council reporting process.

Notes:

- (a) All have provisions for Councillor 'call ups';
- (b) Yarra is the only Council with a trigger for parking reductions/waiver;
- (c) Moonee Valley has specific exclusions when counting objections;
- (d) All other Councils have a 'built form' trigger for a report going to a Council meeting; and
- (e) Processes vary across all Councils with respect to Compulsory Conferences.

Consultation Meetings

23. Consultation Meetings are a non-statutory process but is one currently mandated by Council to occur prior to a matter proceeding to IDAC.
- NB. Relevantly, a review of the Deed of Delegation and '*Protocols for the use of delegated authority (Planning Protocols – November 2005)*' outlines no information regarding the holding of a 'consultation meeting'.
24. A comparison of similar Councils and their consultation processes were reviewed including the following Councils:
- (a) Stonnington;
 - (b) Boroondara;
 - (c) Moreland; and
 - (d) Manningham.
25. At Stonnington, Councillors chair the meeting with the planners present to take notes and answer any technical questions. The purpose of the meeting is to provide Councillors an opportunity to hear resident concerns and also to provide the applicant the opportunity to explain their application.
26. At Boroondara, consultation meetings do not form part of the normal process and they are only held at the request of the applicant. If one is requested, planning officers run them.
27. Moreland have a similar Statutory Planning process to the current one at Yarra.
28. At Manningham, Coordinators chair the meeting with the relevant planning officer taking notes. Objectors have to RSVP to the invitation letter so that numbers are known and the correct size room and seating can be arranged. The Director attends and so do all of the Ward Councillors.
29. The purpose of the meeting at Manningham is to explore objector issues and at the end of each meeting enable Councillors to decide whether to call up the application to their IDAC equivalent. Consultation meetings are infrequent and do not necessarily lead to an IDAC meeting equivalent. Only major and controversial applications go to their equivalent of an IDAC meeting and this is typically where 10 or more objection have been received, however, it is on a case by case basis decided by the Director and Manager of Statutory Planning.

Findings of external planning auditor (Fyfe report)

30. As part of the review, the independent auditor recommended:
- (a) *"The auditor considers the six (6) objector threshold to trigger a referral to IDAC is too low. This number should be increased and combined with qualitative criteria to provide a more reasonable basis for referral to IDAC and in line with other Council's. IDAC extends the decision-making process and generates significant resource demands on the unit. The auditor notes that Councillors can call in applications at any time, should they choose to do so."*
31. Another recommendation also relevant to delegation included:
- (a) *The auditor recommends that responsibility for assessing Heritage Permit applications is reviewed.... In the auditors experience with applications under the Heritage Act, many changes requiring a permit are likely to be minor and of a scale and impact that can be reasonably assessed by planners with advice from Council's heritage advisors.*
32. Relevant to consultation meetings:
- (a) *"The auditor supports a more targeted approach to public consultation meetings and recommends they are only arranged if the permit applicant is prepared to negotiate changes direct with objectors in this environment. This strategy would support a more efficient use of resources directed towards those applications with a genuine prospect*

of some satisfactory resolution between the permit applicant and the objectors being achieved.”

33. Forming part of the review process, Councillors (at that time) were engaged to explore improvement opportunities around 2 key themes, Delegation and the Consultation Meeting process. Six Councillors provided feedback.

Delegation – Councillor Comments

34. In relation to delegation, there was no clear view with most Councillors suggesting the current 6 or more objections going to IDAC should be maintained. Some Councillors expressed a view that some applications presented to IDAC were not considered necessary.
35. Additionally, one specific aspect of delegation that was specifically discussed was car parking reductions greater than 10 spaces, which can only be determined under delegation with Ward Councillor consent. Some Councillors suggested that this process is redundant and applications with 6 or more objections are a good measure of community interest, regardless of the car parking reduction being sought. One Councillor suggested the current process should be maintained.

Consultation Meetings – Councillor Comment

36. In relation to the Consultation Meeting process some Councillors suggested they are not essential and applications with 6 or more objections should go straight to IDAC. Some Councillors suggested they should not be compulsory but only occur if an applicant agrees to modify plans afterwards, and one Councillor suggested the current process should be maintained.

Way Forward

Delegation

37. As outlined above, the current wording of the deed of delegation (*‘Protocols for the use of delegated Authority 2005’*) has not been updated and does not recognise current practices in the Statutory Planning Processes and is in need of review and update.
38. After having regard to the Service Review findings, and undertaking a comparison from neighbouring Councils, officers suggest the following changes to the Current Delegation Schedule:

Current Delegation	Proposed Delegation	Comment
5 or more objections	*AMENDED* 9 or more objections from different properties.	The numeric value has been taken as a median point between what the reviewed Councils are using.
Implied delegation, any settlement at a compulsory conference with 6 or more parties needs to be agreed to by IDAC before Council officers can sign off on any agreement.	*NEW* Any settlement at a compulsory conference with more than 9 parties needs to be agreed to by IDAC before Council officers can sign off on any agreement.	
A car park waiver of more than 10 spaces where a ward Councillor has not consented to the matter being determined under delegation.	*DELETE*	This provision is redundant, an application to waiver parking of less than 10 spaces is deemed a VicSmart application. It makes little sense that 10 or more spaces triggers a potential IDAC process. This call up provision has rarely been used by Councillors over the last 2 - 3 years.

Current Delegation	Proposed Delegation	Comment
Development applications within the World Heritage Environs Area or Buffer Zone which exceed the highest point of the existing building	No change – inserted to accord with a previous Council resolution.	
Any matter called up by a Councillor.	No change	
	NEW Building height exceeds a preferred maximum height by more than 1 storey (not including plant equipment and roof terraces).	Council has now undertaken key strategic work regarding built form controls (Design & Development Overlays). In recognition of this, the delegation should require reporting to IDAC where applicants seek to go above the preferred heights.
Implied delegation (agreed position) Heritage Victoria referrals to be reported to Councillor briefing or IDAC or Full Council.	*NEW* To be addressed via a separate report	See separate report

Consultation Meetings

39. As outlined above, the process of a consultation meeting is intended to be a collaborative approach and one to inform and add value to the application process. While the Statutory Planning Branch acknowledges the value of these meetings, it also clearly recognises changes that need to occur to meet the purpose of the meeting, eliminate or significantly reduce risk to staff and the organisation and to ensure a sharp focus on the purpose of the meeting.
40. From mid-2018, the process was changed due to some significant Occupational Health and Safety matters arising at a particular session. The revised process is that the Manager Statutory Planning, with Coordinators, review all requests for a consultation meeting and determine if one should be held. The criteria for not holding a consultation meeting include if:
 - (a) the number of objections received are high; with no real chance of the matter resolving via some consensus;
 - (b) objectors have been aggressive on the phone / in their communication / at other meetings with officers; and
 - (c) if it is foreseen that no possible constructive outcome can be achieved from having a consultation meeting.
41. The above considerations are documented and requires the officer to obtain approval from the Development Approvals Panel (DAP) to have/not have a Consultation Meeting. The Manager Statutory Planning emails Councillors to confirm that a consultation has not been had for a particular application, so that they are aware of this prior to IDAC.
42. Further training in running consultation meetings has also occurred for officers regarding facilitating a consultation meeting and an internal fact sheet has been prepared. More detailed workshops are planned and ongoing training will be provided to make sure staff feel confident in preparing for and chairing / facilitating a consultation meeting.

43. A further review is currently underway regarding the number of consultation meetings held for 'average' type applications and what value the consultation meeting has added to the process. This is the subject of a number of process currently being reviewed as part of continuous process improvements.

Internal Consultation (One Yarra)

44. Ongoing discussion with the CEO, Director and Governance Office.
45. Following consultation with the Governance office, proposed minor wording, structural and formatting changes have been discussed regarding both the Instrument of Delegation to IDAC and the Protocols for use of delegated authority.
46. While the marked up changes are presented for ease of consideration in the current format, the documents presented for Council adoption at Attachments Four and Five are in the proposed new format. There are some changes to terminology and document structure, but there is no material difference between the two.

Financial Implications

47. Efficiency and effectiveness are both important in the statutory planning process for all parties.

Economic Implications

48. N/A

Sustainability Implications

49. N/A

Social Implications

50. It is considered the proposed delegations provide a reasonable balance between timeliness of assessments, and recognising participation in the planning process and also the very significant application lists of the Council.

Human Rights Implications

51. Respect of all participants to one another and safety of staff are key considerations.

Communications with CALD Communities Implications

52. N/A

Council Plan, Strategy and Policy Implications

53. All planning assessments have regard to the Yarra Planning Scheme and other relevant legislation.

Legal Implications

54. Compliance aspects and Occupational Health and Safety risk aspects are important considerations.

Conclusion

55. The service review and changes to Victorian Planning Systems have been considered. The report recommends making a number of changes to the Deed of Delegations suite of documents and recommends a continual review of the process for consultation meetings.

RECOMMENDATION

1. That Council note the report of officers regarding the Deed of Delegation of Statutory Planning and protocols for processing planning applications including the benchmarking with other nearby Councils;
2. That, in the context of the Service Review, conversations with Councillors, and noting the benchmarking with nearby Councils, Council resolve to amend:
 - (a) the Instrument of Delegation to the Internal Development Approvals Committee (IDAC) November 2016 in accordance with the tracked changes shown at **Attachment Two**; and
 - (b) the revised Protocols for the use of delegated authority (Planning Protocols) Statutory Planning Branch and Strategic and Economic Planning and Development Branch November 2005 in accordance with the tracked changes shown at **Attachment Three**.
3. That having resolved to incorporate the amendments described above, Council:
 - (a) adopt under the seal of the Council, the *Instrument of Delegation to the Internal Development Approval Committee* attached to this report as **Attachment Four**; and
 - (b) adopt the *Protocols for the Use of Delegated Authority (Planning Protocols) Statutory Planning Branch* attached to this report as **Attachment Five**.

CONTACT OFFICER: Mary Osman
TITLE: Manager Statutory Planning
TEL: 9205 5300

Attachments

- 1 [⇒](#) Deed of Delegation - Benchmarking Summary
- 2 [⇒](#) Track Changes - Instrument of Delegation to the Internal Development Approvals Committee
- 3 [⇒](#) Track Changes - Protocols for the use of delegated authority (Planning Protocols)
- 4 [⇒](#) Instrument of Delegation to the Internal Development Approvals Committee
- 5 [⇒](#) Protocols for the use of delegated authority (Planning Protocols)

11.6 Public Availability of Planning Application Referrals on Council website

Reference: D19/145700

Authoriser: Director Planning and Place Making

Purpose

1. The purpose of this report is to provide a response to the resolution of Council to review the current way in which Planning Application Referral comments are made available and provided to the public.

Background

2. A report on the potential for the publication of Planning Application Referral comments on Council's website has been requested by Council (see below).
 - (a) *note that information on all planning applications is posted on Councils' website at the following link: <https://www.yarracity.vic.gov.au/planning-application-search>*
 - (b) *note that Officers, as required in the planning application assessment process, seek Referral Reports from a number of sources on (e.g. Heritage, Environmentally Sustainable Design, Urban Design, Strategic Traffic, etc. issues) in instances where the nature of the proposed development or the zoning of the property demands "third party" Referral Report data;*
 - (c) *note that such Referral Reports are publically accessible and:*
 - (i) *are Attachments to reports on planning applications which are presented to IDAC or Council via public Agendas and can thus be accessed from the website; and*
 - (ii) *may otherwise be provided as copy documents, upon request; and*
 - (d) *request an Officer's report on the capacity to make copies of Referral Reports on those planning applications which are not required to be presented to IDAC or Council for determination, also accessible on the Council website.*

Current Process

3. Referrals are a requirement of most planning permit applications and are an integral part of the application process, assessment and ultimately any decision made on an application.
4. As part of an application process, Referrals are required from internal departments, external consultants and formal Referral Authorities such as VicRoads, or all.
5. Referral comments are used to inform the assessment and ultimately the decision of an application. Referral comments can support an application in its submitted form, they can support an application subject to some recommended design changes (and permit conditions), or they can recommend the refusal of an application.
6. Internal Referral comments are generally used to guide and inform the planning officer and the application process and are used to enable a discussion with the applicant on a suitable way forward which may potentially result in a modified design response. External consultant referrals can be used to provide advice to officers (initially) for an improved outcome and one that complies with policy / legislation. External Referrals also include "statutory referrals" required under the Yarra Planning Scheme. Comments from these Referrals are usually in the form of recommendations and conditions to be placed on any planning permit issued.
7. Who a planning application is referred to, is dependent on the zone and overlay provision of the Planning Scheme. Following is a list of typical Referrals for an application:
 - (a) Internal – Traffic Engineering, Heritage, Environmental Sustainable Design, Urban Design, Social Planning, Strategic Planning, Building, Open Space and Landscaping, Health, Waste Services;

- (b) External – heritage consultant, acoustic consultant, arborist, wind consultant, urban design, traffic; and
 - (c) Scheme referrals – Vic Roads, Trans Urban, City Link Project Overlay, Melbourne Water, Vic Track, EPA, PTV.
8. All Referral comments received are in the public domain prior to a decision on an application being made. They are all available on request. Once a decision has been made on an application, the application file is technically ‘closed’ and Referral comments are no longer available to the public. They must then be sought through a Freedom of Information Request to Council.
 9. Notwithstanding, for Internal Development Approval Committee (IDAC) reports, the referral comments are attached (in full) to the report, and for all other reports (delegate and Development Approvals Panel (DAP) reports, (a delegated panel of internal staff including the Manager Statutory Planning and Coordinators) referral comments are summarised in the report (in the ‘referrals’ section).
 10. Requests for Referral comments are generally made by an Applicant at a key stage of the application process. For example, prior to a consultation meeting (to assist them prepare for the meeting), or post-advertising (so that they can use the Referral advice and recommendations to inform a modified design response which is later submitted to Council in an attempt to address issues raised by Referrals, Objectors and Planning Officers).
 11. Requests for Referral comments are also made by Objectors from time to time, generally prior to a Consultation Meeting or an IDAC meeting (so that they are better informed of the application and the Planning Officer’s recommendation).
 12. Referrals have different timeframes to provide a response to Council. This means that the receipt of Referral comments to the Statutory Planning Department can be sporadic and over several weeks or months.
 13. For internal referrals, comments are requested within 2 weeks (however, based on current practice a referral response is likely to take well in excess of this, with referrals from some units taking up to 8-10 weeks due to workload).
 14. External consultant referrals can take a few weeks to be received, depending on the workload of the particular consultant.
 15. For external referrals required under the Scheme, these are referred under Section 55 the *Planning & Environment Act 1987* (the Act), or notice given under Section 52(1) (c) of the Act. Clause 66 of the Scheme lists application types that must be referred, or notice of an application made, to a referral authority.
 16. Referral comments are received in the Statutory Planning Department by different staff and at different times. For example, they can be received by either the Planning Officer or the Administration Team, by email or by post (the latter scanned by the person who receives it and saved in the Council record management system).
 17. Referral comments form an integral part of the assessment of an application.
 18. All Delegate and DAP reports provide either a summary of the Referral comments or the comments in full. For all IDAC and Council reports, Referral comments are provided (in full) as an Attachment to the report. If an application has required multiple Referrals and / or the proposal has been modified during the application process, and therefore been re-referred to some or all of the Referrals, this can add several pages to an IDAC report. NB. It can at times, be somewhat confusing (on face value) to a reader as a result.
 19. Particular consideration is given to Referral comments in the assessment of any application and reference is made throughout the assessment to Referral comments. In the event that a Planning Officer’s recommendation is not supportive of all or part of the comments or recommendations of an internal Referral, full discussion and justification as to why the recommendations are not being taken into account, will form part of the assessment.

20. In terms of the Referral information currently available for applications on Council's website, this is limited to application material for applications that require advertising and reports listed for an IDAC meeting with all attachments.
21. The advertising material for all applications being advertised is manually uploaded onto Council's website by the Statutory Planning Departments administration team and manually taken off the website by them when advertising is complete.
22. IDAC reports are made available on Council's website (the week before the IDAC meeting).
23. Delegate and DAP reports are not made available on Council's website.

Issues with Current Process

24. The Statutory Planning Department is currently largely paper based due to inadequate IS products on the market with a seamless process for statutory planning. While some elements of the application process are online (including advertising documents and the ability to lodge an objection/submission) the Statutory Planning Department operates with a combination of hard copy application files and the internal IT systems of Property & Rating, Oracle and TRIM. It is therefore not a 100% online environment. As such, Referral comments are received by the Planning Officer or administration team, by email or by post and due to the different type of Referrals, the receipt of Referral comments can be sporadic and over several weeks or months.
25. In light of the above, the current process requires very careful monitoring and management which takes considerable effort.
26. For formal heritage referrals and urban design referrals for example, this is a manual spreadsheet managed by a Coordinator. And when a request for Referral comments is made, the Planning Officer or administrative officer must check one Council system (HP Content Manager) and the hard copy file to see if the Referral comments have been received before putting it into a format requested by the customer and providing it to the customer. This takes time and adds time to the application process.
27. For IDAC reports, where Referral comments are an attachment, this can add several pages to the document making it large and difficult to work with. Some issues can occur in the report writing system of Council due to the size of planning documents (multiple plans, other documents etc.). At times, the electronic size of the documents causes the system to crash.

Acknowledgment that the current system requires improvement

28. A review of the current way in which Referral comments are made available to the public has the 'in principle' support of the Statutory Planning office and management.
29. Based on the key objectives of 'transparency', 'cost saving' and 'time saving' making Referral comments directly accessible to the public (on Council's website) would help to alleviate any perceptions/concerns relating to a 'non-transparent' process. That is, it would be ideal that the customer could access the information that they want, when they want it, and the monitoring of whether Referral comments have been received by Council can be done by the customer by checking Council's website directly. The benefits to the Statutory Planning Department would also be many.

Comments

30. However, where the Referral comments sit on Council's website and the supporting text that explains what they are, and how they are managed and monitored requires careful consideration. The manual process of putting them on the website and when they are taken off the website, and by whom, are all workload issues and would be an additional task that cannot be accommodated within the existing EFT of the unit.
31. Further, Referral comments form a part of the application process and are a 'snap shot' in any application process. Without a full explanation of why they are on Council's website and isolating them from the remainder of the application material could cause confusion and hence be counter-productive, with an increase in phone calls / emails seeking clarification.

32. Progressively making information available online is consistent with the intent of many Councils across Victoria at present and is an expectation of some customers who question why this does not occur at Yarra. The IS solutions are, however, needed from the industry and incomplete systems only create more work effort through work-arounds which create inefficiencies in the office.
33. If Referral comments are put on Council's website some customers may actually question why only this information is available online (and not all correspondence from the hard copy file). Customer expectations may therefore increase without Council being able to adequately respond to meet enhanced expectations.
34. Once a decision is made on an application and the file is technically 'closed' the Referral comments would need to be manually taken off the website. This requires close monitoring and management across some 1,600 applications per year.

External Consultation

35. None

Internal Consultation (One Yarra)

36. Discussion with Statutory Planning Staff; Corporate Performance.

Financial Implications

37. Efficiency and effectiveness are both important in the statutory planning process. Development of modules/purchase of IS products requires resources.

Economic Implications

38. N/A

Sustainability Implications

39. An electronic system fully operational would save some paper usage.

Social Implications

40. Added value to the public.

Human Rights Implications

41. N/A

Communications with CALD Communities Implications

42. N/A

Council Plan, Strategy and Policy Implications

43. The planning assessments all have regard to the Yarra Planning Scheme.

Legal Implications

44. N/A

Options

45. The statutory planning department are seeking to become fully electronic and introduce an end to end electronic system.
46. While several Councils across the State have already achieved *some* electronic processes, the end result and the success for those Councils varies.
47. A dedicated Officer within the statutory planning department is due to commence a full assessment of current processes and procedures so that some process improvements can be made prior to seeking to replicate them electronically.
48. Advancement has already started and internal discussions have recently commenced between the statutory planning department and other relevant units within Council. The options below must be read in this context.

Option 1

49. Manually upload Referral comments for all applications on Council's website. This would require website improvements and monitoring, additional staff and resources. This is not recommended.

Option 2

50. Manually upload Referral comments for all applications on Council's website and manually upload scanned (signed) copies of all planning application reports (delegate, DAP and IDAC) on Council's website. This would require website improvements and monitoring, significant additional staff and resources. This is not recommended.

Option 3 - Preferred

51. An end-to-end on line planning process is what needs to be pursued. This would, however, require significant commitment from the Organisation, for website improvements, significant IT system upgrades and substantial resources through additional business support staff.

Comments

52. The benefit of implementing an end-to-end system is acknowledged by the office and senior management, and is the preferred option, as it would provide the greatest level of accessibility and transparency in the planning process for all customers including applicants and objectors.
53. Council officers have commenced discussions with other Councils regarding implementation of a process to commence and support a similar *pathway* for the City of Yarra to look towards improved electronic processes.
54. Officers over the next few months will assess the current processes within the statutory planning unit with the view to improve the customer experience (including staff) and ultimately via an electronic processes to increase transparency and improve efficiency.
55. Officers will also commence a process for determining an end to end process which will include engagement with various internal department including Council's IS team and Records Management team to ensure a customer focus result is developed. The requirements and resources to deliver this process can then be clearly determined, as such an initiative would be a significant effort organisationally to bring to fruition.

Conclusion

56. In summary, while supported in principle, if done in isolation the uploading of Referrals comments onto Council's website for all applications could be counter-productive if considering against the objectives of 'transparency', 'time saving' and 'cost saving'.
57. The *pathway* to develop an overall form of an online electronic system that provides an end to end online planning process, and would benefit both the customer and the office, is supported. However, a complete end-to-end IS system is the recommended approach and this requires significant effort and resources.
58. The statutory planning department will seek to start a way forward through the review of internal processes and the development of new process with existing IT packages and the possibility of additional programs to achieve an end to end on line process. A substantial and dedicated process would be required to be commenced to achieve an efficient and end-to-end system for Statutory Planning and all the steps along the way. The intent is consistent with many Councils across the State but would require significant investment via resources as well as buy in and participation/commitment from the wider organisation and Council.

RECOMMENDATION

1. That Council note:
 - (a) the officer report regarding the accessibility of referral comments on Council's website;
 - (b) the current situation of managing the major volume of paperwork in the statutory planning system and the desirability of a pathway to an end-to-end electronic system;
 - (c) that the Information System industry has still not provided suitable IS modules for an end-to-end electronic statutory planning system; and
 - (d) the Statutory Planning office enthusiasm for an effective end-to-end electronic planning system.
2. That Council further note that the manual loading and management of all referrals on Council's website for all Statutory Planning applications is not manageable with the current resources provided.
3. That in this context, Council note the intention to progress further improvements in the Statutory Planning office but that until such time as referrals can be managed efficiently and effectively online that the current practices remain.
4. That Council receive a further report in 6 months with an update regarding:
 - (a) the further investigation into the practicality and products available that may be able to be purchased for working towards an end-to-end electronic processing of Statutory Planning applications;
 - (b) resources required to achieve an end-to-end electronic processing, and
 - (c) the estimated cost of an implementation plan.

CONTACT OFFICER:	Sarah Griffiths	Mary Osman
TITLE:	Senior Coordinator	& Manager Statutory Planning
TEL:	9205 5363	9205 5334

Attachments

There are no attachments for this report.

11.7 Yarra Youth Advisory Committee and new engagement opportunities

Executive Summary

Purpose

The purpose of this report is to seek Council endorsement to introduce new contemporary youth engagement strategies which will enable young people to continue to be heard and engaged with Council and to lapse the current Yarra Youth Advisory Committee (YYAC).

Key Issues

The term for the Yarra Youth Advisory Committee finished in February 2019, meaning that there is currently no active formal structure for young people to advise Council. A review of the YYAC pointed to a need to rethink how Council engages with young people to ensure they contribute to and participate in Council planning and decision making processes in line with the Council Plan.

Financial Implications

There are no financial implications for establishing the alternative youth engagement strategies to the current YYAC. However, further consideration may need to be given as to how Council seeks to incentivise and/or reward young people for their time during formal consultations. It is not yet known what the cost of this change would be.

PROPOSAL

That Council:

- (a) Note the outcomes of the review to offer alternative youth advisory and engagement opportunities for young people in Yarra;
- (b) Endorse the lapsing of the Yarra Youth Advisory Committee and introduction of new contemporary youth engagement programs including:
 - (i) Establishing “Your Say Yarra Youth” discussion groups for young people aged 12 – 25 years to meet with Councillors on a bi-monthly basis to raise and advocate on key issues affecting young people in Yarra, and input into key Council strategies as appropriate;
 - (ii) Providing periodic opportunities for Youth Services staff and young people to update Councillors on youth issues at Councillor Briefing sessions and Council Meetings;
 - (iii) Creating opportunities for Councillors to attend youth leadership programs, activities and events in Yarra throughout the year, as appropriate; and
 - (iv) Exploring the feasibility of other innovative youth engagement strategies to engage with young people on issues of importance to them;
- (c) Seek the appointment of two Councillor representatives to the “Your Say Yarra Youth” forum through the appointment of Councillor Delegates to Internal and External Bodies, at the annual Ceremonial meeting of Council; and
- (d) Formally acknowledge and thank existing Yarra Youth Advisory Committee members for their contribution to the committee.

11.7 Yarra Youth Advisory Committee and new engagement opportunities

Trim Record Number: D19/180919

Responsible Officer: Director Community Wellbeing

Purpose

1. The purpose of this report is to seek Council endorsement to introduce new contemporary youth engagement strategies which will enable young people to continue to be heard and engaged with Council and to lapse the current Yarra Youth Advisory Committee (YYAC).

Background

2. Following a Council resolution in 2012, the first Yarra Youth Advisory Committee was established in 2013, with the inaugural meeting held in May 2013. The first committee was made up of Councillors, council officers, managers from local youth-focused organisations and two young people recruited through Yarra Youth Services programs.
3. The YYAC successfully supported and provided significant input and advice to the development of the current *Yarra Youth Policy 2013 – 2016*, and continued to meet quarterly, providing regular updates to Councillors on issues affecting young people and local responses.
4. Historically, some committee members had expressed concerns over the purpose and model of the YYAC, and in particular the lack of youth engagement and participation.
5. In response, in July 2016, a Council Report was presented recommending changes to the structure of the Yarra Youth Advisory Committee that focused on greater direct youth representation. This was endorsed by Council, and a new committee was formed in February 2017 for a two-year term. The updated YYAC comprised of two Councillors, Coordinator, Youth & Middle Years, and 15 young people recruited through an open Expression of Interest process.
6. In February 2019, at the end of the two-year term, an internal review of the YYAC was conducted by the Coordinator, Youth & Middle Years. A brief summary of findings is provided below:
 - (a) Over the two year term of the committee, eight formal meetings were held, with a further four sessions (without Councillors) working on specific activities, including the preparation of a submission to the Council Plan 2017 – 2021; planning a 2018 National Youth Week event; and providing input into key Council strategies, including the Environment Strategy and 0 – 25 Years Plan;
 - (b) Consistent attendance of young people at meetings has proved a challenge, with two young people failing to attend any meetings, and one young person resigning in early-2018. Overall attendance dropped significantly towards the end of the two-year term of the committee;
 - (c) Young people's capacity to fit into traditional forms of static meetings and consultation is often compromised by their individual circumstances and competing commitments with young people citing conflicting work and study priorities, as well as lack of flexibility around meeting times as the main reasons for inconsistent attendance. This is in contrast to the Youth Ambassadors Program, which enjoys regular attendance and engagement from 10 – 12 young people. The location (at the Yarra Youth Centre), staffing support, having an action focus and young people playing a more active role in setting the agenda of weekly meetings are the main reasons why engagement continues to be strong at this group as opposed to the more formal Youth Advisory Committee; and

- (d) Officers sought young people’s views on how this could be improved. As opposed to a formal committee structure, young people have suggested that Council needs to meet young people “where they are”, and not expect them to come to formal meetings at Town Halls. Ideas included holding quarterly “Meet the Councillors” sessions; inviting Councillors to Youth Ambassadors, and programs run by other organisations such as the drum’s Richmond Young Women’s Group; and

External Consultation

- 7. Following the review, further consultation was held in March 2019 with the two representative Councillors, the Manager, Family, Youth & Children’s Services, Coordinator, Youth & Middle Years, and a group of young leaders representing Yarra Youth Services, the drum youth services, REACH, and the former YYAC. Alternative models of youth engagement were proposed, including a more flexible, action-oriented youth action group, and the merging of existing youth leadership programs (and bringing together of local young leaders).
- 8. In September 2019, a workshop for young people was co-facilitated by staff from the Youth Services and Advocacy & Engagement units. Eleven young people from diverse demographic backgrounds attended. Following a basic overview of Council, they were asked to rank their perceived level of influence (in decision-making); provide feedback on what structures/methods of engagement they were aware of; and finally, how Council could make those methods more accessible and empowering for young people – to support increased influence. The workshop highlighted that while young people are motivated to engage with Council, the majority of them did not know *how* to engage. There was also overwhelming feedback that young people are time-poor, and often unable to commit to regular, formal structures such as advisory committees. There was however, a keen interest to participate in online engagement (e.g. through Your Say Yarra and social media accounts), as well as attending and presenting at Council Meetings to have their voices heard in a more “legit” setting. However, to make each of these methods more accessible, young people made the following recommendations:
 - (a) Accessible information about how Council works, and how young people can engage is shared online, through Youth Services, and at schools;
 - (b) Youth Services staff host regular discussions/forums for young people to raise key issues, and prepare submissions/presentations to Council or via online tools (Your Say Yarra, social media). These would be actively promoted and open to all young people to participate;
 - (c) Youth Services staff support young people to attend and present at Council Meetings, where their voices will be heard in a more formal, accountable setting;
 - (d) Council Meetings made more accessible (e.g. periodic meetings held at 4PM, with focused agendas to better engage young people and families); and
 - (e) A better “communications and action loop” created to ensure young people can see that their efforts are affecting change.
- 9. The Coordinator, Youth & Middle Years also consulted with other inner Melbourne LGAs on current youth engagement strategies and models for young people to interact with their local Council. This highlighted a sector based move away from more structured, formal youth advisory structures, to more bottom-up youth engagement processes, such as Young Citizen’s Juries (Darebin, Brimbank), and youth-led public forums (Maribyrnong). These enabled young people to raise issues affecting them in a more time efficient and topical way, and provided platforms for them to engage with, and advocate to, Council. They have also led directly to positive outcomes for young people and Council, including the development of the Northland Youth Hub in Darebin for example.

Internal Consultation (One Yarra)

10. At its 28th May 2019 meeting, Council noted a report detailing a process to refresh its new Community Engagement Strategy. As part of the proposed new Community Engagement Strategy, Council is seeking to better identify priorities for young people; facilitate a greater understanding of the different roles and levels of government; and affect change through consultation and advocacy by amplifying the voice of young people.
11. In addition to the Community Engagement Strategy, there continues to be a strong demand from across Council departments to seek input, advice and feedback from young people on Council plans and strategies. This work still needs to be supported, but as a more reciprocal process for young people, where they can provide input to Council on matters that interest them, as well as responding to Council-led consultation. By providing a deeper sense of engagement, consultation with young people can be seen as a more authentic process and less tokenistic.
12. The Youth Services and Advocacy & Engagement units collaborated to design and deliver a workshop for young people in September 2019 to inform this report. Information gathered will also be used in the development of the wider Community Engagement Strategy.

Financial Implications

13. Officers are currently considering how Council seeks to incentivise and/or reward young people for their time during formal consultations. Current practice enables young people to receive gift vouchers on occasions where they have contributed their time and effort providing input into relevant initiatives. Officers would support the introduction of a more formalised incentive scheme. It is not yet known what the cost of this potential change would be.

Economic Implications

14. Creating more regular and meaningful opportunities for young people to participate will require Council to support the development of new skills, knowledge and confidence. This will positively impact young people's employability and future contributions to a thriving Yarra.

Sustainability Implications

15. Recent student protests in the CBD around climate action highlight the fact that young people are highly engaged sustainability issues. Supporting young people to raise issues that affect them, and to develop their own projects, activities and advocacy initiatives can potentially deliver positive sustainability outcomes to Yarra's community.

Social Implications

16. Greater, more meaningful youth participation, including supporting young people to better understand governance and "how council works", will enable young people to have a stronger, more informed voice on matters affecting them – and ensure Council decision-making is more inclusive of young people's voices. Council's engagement with young people needs to be two-way, ensuring young people have the opportunity to provide input to Council on matters that interest them, as well as responding to Council-led consultation.

Human Rights Implications

17. One of the four Guiding Principles of the Convention on the Rights of the Child (CRC) is "the right of all children to express their views freely on all matters affecting them".

Communications with CALD Communities Implications

18. Yarra Youth Services already has strong relationships with young people and families from CALD communities, and a number of the previous YYAC were young people from diverse cultural backgrounds. Any future youth engagement and participation activities would ensure appropriate cross-cultural communication and inclusivity to enable all young people to actively participate and have their voices heard.

Council Plan, Strategy and Policy Implications

19. Strategic Priority Seven in the Council Plan 2017 – 2021 is “A Leading Yarra”, stating that *“transparency, performance and community participation drive the way we operate”*. Strategy 7.5 has a particular focus on engaging young people – *“provide the community with meaningful and genuine opportunities to contribute to and participate in Council planning and decision making processes with a focus on young people, hard to reach and traditionally underrepresented communities”*.
20. Council’s 0 – 25 Year’s Plan 2018 – 2022 guides our priorities and actions over the next 4 years relating to children, young people and their families. The 0 – 25 Years Plan is aligned to The Nest Framework’s vision that: *“All children and youth are loved and safe, have material basics, are healthy, are learning and are participating and have a positive sense of culture and identity”*, and outlines seven strategic priorities. Strategic Priority Six aims to *“strengthen inclusive and engaged communities through promoting participation of children, young people and their families”*, and several actions are included in the 0 – 25 Years Action Plan 2018/19 relating to increasing youth engagement and participation.

Legal Implications

21. There are no legal implications contained within this report.

Other Issues

22. Despite having a diverse mix of young people on the YYAC, the committee still only represents a small number of youth voices.
23. Within Yarra, there are a number of youth development and leadership programs, including Yarra Youth Services’ Youth Ambassadors and FreeZA programs, as well as leadership programs and committees across schools and other youth organisations (such as the drum youth services’ and REACH). Council’s ongoing engagement with young people, and promotion of their civic participation, needs to acknowledge and support these existing young leaders in the community.
24. The recent adoption of the Council Committees Policy (16 July) seeks to standardise the process of establishing and operating the various types of Council committees. ‘Interest Groups’ and ‘Project Consultative Groups’ have been included as alternatives to ‘Advisory Committees’, accounting for committees that are designed for networking or consulting on specific projects, rather than only providing advice to Council. The Policy specifies that all Council Committees will sunset on 30 June following each Council election.

Options

25. In lieu of the Yarra Youth Advisory Committee, there are a number of youth engagement options proposed that will support young people engaging with Council on issues of key importance to them in the community. These include:
 - (a) Establishing *“Your Say Yarra Youth”* – discussion groups for young people to meet with 2 nominated Councillors to hear about what’s happening across Council, as well as a platform for them to raise and advocate on key issues affecting young people in Yarra. These bi-monthly sessions would be facilitated by Youth Services staff, and operate similar to an ‘Interest Group’, with membership open to young people aged 12 – 25 who have a connection to Yarra and want to engage with Council and Councillors. Yarra Youth Services staff would also support young people engaged through *Your Say Yarra Youth* to attend and present at Council Meetings if they want to make more formal submissions to Council, and influence Council decision-making through *Your Say Yarra*, social media, or other survey tools. *Your Say Yarra Youth* will also provide a formal opportunity for young people to consult on the delivery of the 0 – 25 Years Plan 2018 – 2022 and other youth initiatives being developed by Council;
 - (b) Providing periodic opportunities through existing Councillor Briefing sessions and Council meetings for Youth Services staff and local young leaders to update Council on youth issues, programs and activities happening in Yarra;

- (c) Creating opportunities for Councillors to attend youth leadership programs, activities and events in Yarra throughout the year – for example Yarra Youth Ambassadors, the drum youth services programs – by invitation from young people participating in each group; and
- (d) Exploring the feasibility of other innovative approaches to support young people engaging with Council on issues of key importance to them in the community (aligned to the Community Engagement Policy refresh and as per recommendations from young people).

Conclusion

- 26. The term for the most recent Yarra Youth Advisory Committee members finished in February 2019.
- 27. The review of the YYAC highlighted many positive outcomes for young people and Council, but also pointed to a need to rethink how Council engages with young people to ensure they contribute to and participate in Council planning and decision making processes in line with the Council Plan.
- 28. Feedback from young people, and research into practice across other inner Melbourne LGAs, provides some insights into how Council can adopt a more modern, flexible approach to youth participation – providing resources to support young people to engage with Council on issues of key importance to them in the community, rather than simply consulting with them on Council priorities through traditional committee structures.
- 29. In lieu of the Yarra Youth Advisory Committee, a number of new youth engagement options are presented for consideration.

RECOMMENDATION

- 1. That Council:
 - (a) Note the outcomes of the review to offer alternative youth advisory and engagement opportunities for young people in Yarra;
 - (b) Endorse the lapsing of the Yarra Youth Advisory Committee and introduction of new contemporary youth engagement programs including:
 - (i) Establishing “Your Say Yarra Youth” discussion groups for young people aged 12 – 25 years to meet with Councillors on a bi-monthly basis to raise and advocate on key issues affecting young people in Yarra, and input into key Council strategies as appropriate;
 - (ii) Providing periodic opportunities for Youth Services staff and young people to update Councillors on youth issues at appropriate Councillor Briefing sessions and Council Meetings;
 - (iii) Creating opportunities for Councillors to attend youth leadership programs, activities and events in Yarra throughout the year; and
 - (iv) Exploring the feasibility of other innovative youth engagement strategies to engage with young people on issues of importance to them;
 - (c) Seek the appointment of two Councillor representatives to the “Your Say Yarra Youth” forum through the appointment of Councillor Delegates to Internal and External Bodies, at the annual Ceremonial meeting of Council; and
 - (d) Formally acknowledge and thank existing Yarra Youth Advisory Committee members for their contribution to the committee.

CONTACT OFFICER: Rupert North
TITLE: Coordinator Youth and Middle Years
TEL: 9426 1503

Attachments

There are no attachments for this report.

11.8 Annual Report of the Yarra City Council 2018/19

Trim Record Number: D19/181565

Responsible Officer: Group Manager Chief Executive's Office

Purpose

1. To formally receive Yarra City Council's 2018/19 Annual Report, provided here as **Attachment 1**.

Background

2. Council's Annual Report is prepared in accordance with the *Local Government Act 1989* ('the Act') and *Local Government (Planning and Reporting) Regulations 2014* ('the Regulations').
3. At its Ordinary Meeting of Tuesday 10 September 2018 Council adopted 'in principle' the following components of the Annual Report 2018/19:
 - (a) 2018/19 Annual Financial Statements; and
 - (b) 2018/19 Local Government Performance Reporting Framework (including Performance Statement, Service Performance Indicators, and Governance and Management Checklist).
4. A text version of the Annual Report was submitted to the Minister for Local Government prior to the Monday 30 September 2019 deadline.
5. A professionally designed version is currently in production. It is anticipated that this will be published online and in hard copy form by the end of November.

Consultation

6. In accordance with the Act, Council has provided 14 days' public notice of its intention to receive the Annual Report at this meeting. Public notices appeared on Council's website on Tuesday 1 October and in *The Age* on Thursday 3 October 2019. The document has been available for inspection at the Richmond Town Hall since Tuesday 1 October.

Publication

7. The final printed version will be made available at Council's customer service centres and libraries.
8. A translations panel will be included in the document for residents from Yarra's CALD communities.
9. Large print versions of the report can be made available on request.
10. Copies will be sent to all local members of parliament and the office of the Victorian Local Government Minister.
11. The availability of the Annual Report will be promoted via our print and online communications channels.

Financial Implications

12. Preparation and publication of the Annual Report will be funded within existing resources.

Economic Implications

13. Not applicable.

Sustainability Implications

14. As in previous years, the designed version of the Annual Report will be printed on recycled paper.

Social Implications

15. Not applicable.

Human Rights Implications

16. Not applicable.

Council Plan, Strategy and Policy Implications

17. The Annual Report details Council's progress towards the achievement of the Strategic Objectives outlined in its previous Council Plan (2017–21).

Legal Implications

18. Pursuant to the Act and Regulations, Council must prepare an Annual Report, submit it to the Minister for Local Government within three months of the end of the financial year, and receive the Annual Report at a Meeting of Council within one month of submission to the Minister. These requirements have been met.

RECOMMENDATION

1. That Council
 - (a) receive and note the Annual Report of the Yarra City Council 2018/19, provided here as Attachment 1; and
 - (b) note that it was submitted to the Minister for Local Government prior to the Monday 30 September 2019 deadline.

CONTACT OFFICER: Erin Marcon
TITLE: Communications, Engagement and Media Advisor
TEL: 9205 5144

Attachments

- 1 [↔](#) Annual Report 2018-19 - Final Text for Council Meeting

11.9 Heritage significance of the former Sherrin factory in Wellington Street Collingwood

Reference: D19/184462
 Authoriser: Group Manager Chief Executive's Office

Purpose

1. For Council to consider the research on heritage significance of former Sherrin factory at 32-34 Wellington Street, Collingwood; and determine to adopt it for providing a Heritage Overlay protection to the property.

Background

2. On 14 May 2019, Council resolved that officers present a report to Council:
 - (a) advising research on the heritage significance of the former Sherrin factory at 32–34 Wellington Street, Collingwood; and
 - (b) the potential of including the property within a heritage overlay as the site currently is not in a heritage overlay and can potentially be demolished.
3. Following Council’s resolution, Trethowan Architecture were appointed to undertake a research on the property.
4. Trethowan Architecture’s research **Attachment 1** has also been informed by a peer review of their initial work by David Helms Heritage Planning **Attachment 2**.
5. The consultant has assessed the property against various criterion of the Planning Practice Note 1 – **Attachment 3**.
6. The details of the assessment against various criteria can be found at **Attachment 1**.

Research Findings

7. The historical research and assessment have concluded that the Former T.W. Sherrin Factory (the Place) is of historic and associative significance for its association with the Sherrin Family, three generations of whom were influential figures in the social, economic, and cultural life of Collingwood.
8. The existing factory displays characteristics of late Edwardian industrial design, such as the combination of rendered parapet, brickwork with recessed panels and is understood as a small-scale workshop of the period.
9. The research report i.e. **Attachment 1** also includes a statement of significance at the end.
10. The report recommends
 - (a) inclusion of the Place in the schedule to the Heritage Overlay (HO) of the City of Yarra Planning Scheme; as an individually significant place; and
 - (b) inclusion of the following in the Schedule to Heritage Overlay (Clause 43.01) of the Yarra Planning Scheme:

External Paint Colours <i>Is a permit required to paint an already painted surface?</i>	Yes – parapet.
Internal Alteration Controls <i>Is a permit required for internal alterations?</i>	No
Tree Controls <i>Is a permit required to remove a tree?</i>	No

Victorian Heritage Register <i>Is the place included on the Victorian Heritage Register?</i>	No
Incorporated Plan <i>Does an Incorporated Plan apply to the site?</i>	No
Outbuildings and fences exemptions <i>Are there outbuildings and fences which are not exempt from notice and review?</i>	No
Prohibited uses may be permitted <i>Can a permit be granted to use the place for a use which would otherwise be prohibited?</i>	No
Aboriginal Heritage Place <i>Is the place an Aboriginal heritage place which is subject to the requirements of the Aboriginal Heritage Act 2006?</i>	No

External Consultation

11. No external consultation was required at this stage.

Internal Consultation (One Yarra)

12. The officers of Strategic Planning, Statutory Planning and Building departments were consulted to understand the process for inclusion in the HO, current status of the building and whether there is any development application or demolition request for the site.

Financial Implications

13. Inclusion of the place on Yarra’s HO would require funding for processing a Planning Scheme Amendment.

Economic Implications

14. Placement of HO would provide a unique identity to the place. Whilst it would protect significant heritage elements it will also allow development of the site. There may be some economic impacts but it is difficult to assess what it would be. Various studies have shown that placement of HO over properties have resulted in positive economic gains.

Sustainability Implications

15. Protecting the heritage significance of the place would be consistent with sustainability principles.

Social Implications

16. Heritage protection to the place would enhance the social significance of the site as it would provide an opportunity to the existing and future community of Yarra to remember this place as a former T.W. Sherrin football factory as well as its association with the Sherrin Family, three generations of whom were influential figures in the social, economic, and cultural life of Collingwood.

Human Rights Implications

17. There are no known human rights implications if the site was to be included in the heritage overlay.

Communications with CALD Communities Implications

18. This report does not require communications with CALD communities.

Council Plan, Strategy and Policy Implications

19. Inclusion of the property on a heritage overlay will be consistent with the Council Plan 2017-2021 which includes protecting Yarra's heritage and neighbourhood character (Strategy 4.1) under which a main initiative (4.1.1) is to strengthen the protection of Yarra's heritage through the planning scheme, education, and resource provision.

Legal Implications

20. Inclusion of the Place on a Heritage Overlay would mean that provisions of Planning and Environment Act 1987 and the statutory requirements for undertaking a Planning Scheme Amendment process will have to be followed.

Other Issues

21. Last year there was a nomination for inclusion of the Place on the Victorian Heritage Register.
22. In January 2019, Executive Director Heritage Victoria recommended that the place not be included in the Victoria Heritage Register.
23. There was a review of the Executive Director Heritage Victoria's decision by the Heritage Council Victoria -Registration and Reviews committee.
24. Whilst the committee, after reviewing all the evidence presented to it, determined that the factory, office and residence of TW Sherrin is not of cultural heritage significance to the State of Victoria, the Committee also determined to refer Executive Director's recommendation to Yarra City Council for consideration, pursuant to Section 49 (1) (c) (i) of the Heritage Act 2017.
25. A copy of the Committee's decision can be viewed in the appendix to David Helm's report- **Attachment 2**.
26. Section 2 of David Helm's report in relation to the Heritage Council Victoria's decision states that - *"Of note is Paragraph 027 where the Committee qualifies that the decision not to include the former Sherrin Factory on the VHR was made 'based on the evidence before it'. Specifically, the Committee found it was 'not convinced' by the recommendations and findings of the Executive Director in relation to Criteria A, G & H and the discussion indicates that the former Sherrin Factory may have been worthy of inclusion on the Register under one or more of these criterion if more extensive investigation had been carried out."*
27. Applying a local heritage overlay protection to the Place would either require approval of an interim heritage overlay control by the Minister for Planning or a permanent heritage control, following a full Planning Scheme Amendment process.
28. Interim heritage controls can be requested in the following instances:
 - (a) Council receives a planning permit application for demolition or redevelopment of a building of potential heritage significance;
 - (b) Council receives a request for a report and consent to demolish a building of potential heritage significance under sections 29a and 29B of *the Building Act 1993*; and
 - (c) Council may resolve to request the Minister for Planning to apply interim heritage controls at the same time it resolves to seek authorisation to prepare and exhibit an amendment to the Planning Scheme applying permanent controls.
29. In order to justify the application of interim heritage controls, Council must also be able to provide DELWP with:
 - (a) Strong evidence based arguments explaining how the request meets the tests of *section 20(4) of the Planning and Environment Act 1987*;
 - (b) Evidence to show the area is experiencing development pressure; and
 - (c) A request for an equivalent permanent Heritage Overlay and detailed proposal of timing.

30. Interim heritage controls are not to be requested in the following instances:
- (a) Where a planning permit has already been issued for demolition or redevelopment of the Place and this planning permit has not expired; or
 - (b) Where consent for demolition under the *Building Act 1993* has already been granted within the past 12 months; or
 - (c) Where a property is graded not-contributory.

Options

- 31. There are two options for including the property into a HO.
- 32. Option 1: To undertake a site specific amendment to apply the HO to 32-34 Wellington Street only.
- 33. Option 2: To apply the HO to 32-34 Wellington Street as part of a broader future amendment.
- 34. The planning scheme amendment process can be long and costly as it includes 6 steps:



- 35. Staff resource requirements and costs of managing individual amendments where heritage significance has been identified are significant. Especially where opposing submissions are received, requiring the appointment of an independent Planning Panel.
- 36. Officers consider that it is more efficient to include 32 Wellington Street, Collingwood as part of a broader amendment. Council can achieve greater economies of scale when bundling multiple heritage investigations with one consultant and progressing them together as part of a broader heritage amendment.
- 37. If Council were to receive either a section 29A/29B request under *the Building Act 1993* or a planning permit application for the site, Council has sufficient evidence and justification to request an interim heritage overlay to be applied.

Conclusion

- 38. Research by Trethowan Architecture and the peer review by David Helms Heritage Planning have established that 32-34 Wellington Street, Collingwood is of individual heritage significance to the City of Yarra and it would be appropriate to include an individual heritage overlay to the site.
- 39. Para 28–30 and 35-37 above indicate that consideration of Interim Protection is not feasible at this stage as there is no demolition request or a planning application for the site currently.
- 40. In view of the research findings and issues cited above it would be appropriate that:
 - (a) Council adopts the research - **Attachment 1** and also the Statement of Significance contained therein;




- (b) Council considers requesting an Amendment to place an HO to 32-34 Wellington Street as part of a broader future amendment; and
- (c) Officers of Statutory Planning and Building departments are informed about the research and heritage significance of this place and Council's interest in providing a heritage protection to the place.

RECOMMENDATION

1. That Council:
 - (a) adopts the research - **Attachment 1** and also the Statement of Significance contained therein; and
 - (b) considers requesting an Amendment to place an HO to 32-34 Wellington Street as part of a broader future amendment.
2. That Officers of Statutory Planning and Building departments are informed about the research and heritage significance of this place and Council's interest in providing a heritage protection to the place.

CONTACT OFFICER: Richa Swarup
TITLE: Senior Advisor City Heritage
TEL: 9205 5149

Attachments

- 1  32- 34 Wellington Street, Collingwood- Sherrin Factory Research Citation (Final) 2019 09 06
- 2  32-34 Wellington Street Collingwood Peer by David Helms final 300819 (2)
- 3  PPN01-Applying-the-Heritage-Overlay

11.10 Report on Assemblies of Councillors

Trim Record Number: D19/169504

Responsible Officer: Group Manager Chief Executive's Office

Purpose

1. To provide a report on Assemblies of Councillors.

Background

2. The *Local Government Act 1989* (The Act) requires that ... "The Chief Executive Officer must ensure that the written record of an Assembly of Councillors is, as soon as practicable:
 - (a) reported at an ordinary meeting of the Council; and
 - (b) incorporated in the minutes of that Council meeting.....".
3. This report includes all Assemblies of Councillors reported to the Governance Department at the cut-off date that have not already been reported to Council. Assemblies held prior to the cut-off date that are not included here will be included in the next report to Council.

Consultation

4. Not applicable.

Financial Implications

5. Not applicable.

Economic Implications

6. Not applicable.

Sustainability Implications

7. Not applicable.

Social Implications

8. Not applicable.

Human Rights Implications

9. Not applicable.

Communications with CALD Communities Implications

10. Not applicable.

Council Plan, Strategy and Policy Implications

11. Not applicable.

Legal Implications

12. The Act requires the above information be reported to a formal Council Meeting and also be recorded into the Minutes of the Council.

Other Issues

13. Not applicable.

Options

14. Nil.

Conclusion

15. That Council formally note and record the Assemblies of Councillors report as detailed in **Attachment 1** hereto.

RECOMMENDATION

1. That Council formally note and record the Assemblies of Councillors report as detailed in ***Attachment 1*** hereto.

CONTACT OFFICER: Mel Nikou
TITLE: Administration Officer - Governance Support
TEL: 9205 5158

Attachments

- 1 [⇒](#) Report on Assemblies of Councillors - October 2019