

# Ordinary Meeting of Council Agenda

**to be held on Tuesday 24 September 2019 at 7.00pm  
Richmond Town Hall**

## **Arrangements to ensure our meetings are accessible to the public**

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

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

## **Recording and Publication of Meetings**

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

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## **Order of business**

- 1. Statement of recognition of Wurundjeri 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 Misha Coleman (Acting Mayor)
- Cr Mi-Lin Chen Yi Mei
- Cr Jackie Fristacky
- Cr Daniel Nguyen
- Cr Bridgid O’Brien
- Cr James Searle
- Cr Amanda Stone

### Council officers

- Vijaya Vaidyanath (Chief Executive Officer)
- Rhys Thomas (Acting Group Manager Chief Executive’s Office)
- Lucas Gosling (Director Community Wellbeing)
- Gracie Karabinis (Group Manager People, Culture and Community)
- Graham Davies (Acting Director City Works and Assets)
- Diarmuid McAlary (Director Corporate, Business and Finance)
- Bruce Phillips (Director Planning and Place Making)
- Mel Nikou (Governance Officer)

### Leave of absence

- Cr Danae Bosler (Mayor)
- Cr Stephen Jolly

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

## **4. Confidential business reports**

Nil

## **5. Confirmation of minutes**

### **RECOMMENDATION**

That the minutes of the Ordinary Council Meeting held on Tuesday 10 September 2019 be confirmed.

## **6. Petitions and joint letters**

## **7. Public question time**

Yarra City Council welcomes questions from members of the community.

### Public question time procedure

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

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

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

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

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

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

## **8. Delegate's reports**

## **9. General business**

## **10. Questions without notice**

## 11. Council business reports

Item		Page	Rec. Page	Report Presenter
11.1	Casual Care and Occasional Care Trial	6	22	Lisa Wilkins - Coordinator Service Planning and Development
11.2	Review of Better Apartments Design Standards	23	35	Amy Hodgen – Coordinator Statutory Planning
11.3	Proposed Discontinuance of Road abutting the rear of 88-90 Johnston Street, Collingwood	38	42	Bill Graham – Valuations Coordinator
11.4	Road Naming Proposals	43	54	Rhys Thomas - Acting Group Manager Chief Executive's Office
11.5	Audit Committee Charter Review	55	58	Rhys Thomas - Acting Group Manager Chief Executive's Office
11.6	Council Meeting Operations Policy	59	65	Rhys Thomas - Acting Group Manager Chief Executive's Office
11.7	Report on Assemblies of Councillors	66	67	Rhys Thomas - Acting 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 meeting chairperson to make your submission, please come forward and take a seat at the microphone and:

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

## 12. Notices of motion

Nil

## 13. Urgent business

Nil

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**11.1 Casual Care and Occasional Care Trial**

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**Executive Summary****Purpose**

The purpose of this report is to inform Council of the evaluation (Attachment 1) and results of the Casual Care and Occasional Care Trial and to present options and recommendations for the future of the services for consideration.

**Key Issues**

Casual Care: the option for Council to consider whether casual care continues or ceases as a care choice for families in Council managed Long Day Care facilities. On the basis of the data contained within the review, officers suggest that the continuation of casual care is a viable and cost effective option to expand flexible care within Yarra.

Occasional Care: A number of options are included in this report for consideration in order of recommendation including ceasing the service, continuing with the level of service offered during the trial (or less) and reinvestment of any savings; or returning to pre-trial service levels.

Council may also wish to consider other short term care options provided in existing education and care services in place of the existing occasional care service that may address some of the concerns of existing users.

**Financial Implications**

The total net cost of Type 1 Occasional Care services represents the subsidy provided by Council to ensure the service remains operational. The total Net Cost of the Type 1 Occasional Care service for the 2016/2017 financial year was \$380,619 per annum; and the budgeted Net Cost for the 2019/2020 period is \$285,115.

The cost of delivering Type 1 occasional care as per pre-trial conditions at the current utilisation rate of 31% during the trial conditions excluding management costs and corporate overheads was \$59.87 per child.

As costs associated with service delivery increase over time, the net cost of the Type 1 services will also increase. The trend towards declining, or no significant growth in utilisation over time despite increase marketing and promotion of the services indicates that the need for subsidisation will continue unless there is a significant change to service levels. Consequently, Council will continue to be exposed to considerable financial risks that are likely to increase over time in step with increasing operational costs.

**PROPOSAL**

Officers have presented a range of future service options for Council's consideration, and are recommending the continuation and investment of the Casual Care model in Council's Long Day Care Centres and cessation of Type 1 Occasional Care at all Leisure Centres effective from 20th December 2019, noting a number of transitional arrangements to support this decision.

## 11.1 Casual Care and Occasional Care Trial

Trim Record Number: D19/159349

Responsible Officer: Director Community Wellbeing

### Purpose

1. To inform Council of the evaluation (**Attachment 1**) and results of the Casual Care and Occasional Care Trial and to present options for the future of the services for consideration.

### Background

2. In 2017/18, Yarra Council undertook a service review to consider the provision of Type 1 Occasional Care and to recommend options for the future of the service. The type 1 services were provided in all three of Yarra's Leisure Centres and the service review found that utilisation was low and the service was highly subsidised by Council.
3. On 2 July 2018 the Commonwealth funding for Education and Care services changes to Child Care Subsidy. As part of this change child care providers were able to offer more flexibility in the sessions they were able to offer.
4. On 2 October 2018 Council adopted the recommendations of the Occasional Care Review including:
  - (a) ceasing operation of Type 1 Occasional care at two of the leisure centres during the trial; and
  - (b) Introducing 5 hour and full day casual care progressively in Council's Long Day Care services.
5. On 18 December 2019, following a request by community submitters, Council resolved to modify the trial conditions as per the Council Resolution below:
  - (a) That in the matter of Council's determination to trial the closure of the occasional child-care services at City of Yarra's Fitzroy and Collingwood Leisure Centres and, having regard to concerns raised by a number of users of the Occasional Care Centres in Fitzroy and Collingwood about this trial:
    - (i) Agree to modify the trial to enable the continuation of occasional child-care services at the City of Yarra's Fitzroy Pool for the duration of the trial period, thereby running the trial at Collingwood only;
    - (ii) Request that the services at Fitzroy and Richmond be more actively promoted by COY through Yarra's network of maternal and child health centres and through maternal and child health nurses;
    - (iii) Request that the services at Fitzroy and Richmond also be actively promoted by COY through electronic and print-based materials that are produced/sent out by those centres, including Yarra's Facebook, twitter accounts and Yarra News; and
    - (iv) Officers report back to Council following the 6 month trial on the level of use of the two remaining Occasional Care Services, and proposals of accommodating the needs of users given the operation and compliance issues with the current services.
6. Occasional Care is also provided at the Connie Benn Centre but is offered as a substantially different service model to Occasional Care provided in the Leisure centres. The service offers longer sessions (4 hours per day) and is known as a Type 2 service. Whilst Connie Benn Centre Occasional Care expanded the service offering during the trial period, type 2 Occasional Care has not been considered as part of this review and will continue to operate as part of the service offering at the centre. This is due to both the relatively high utilisation and the high proportion of vulnerable families accessing the service.

7. A summary of the findings of the trial are detailed from section 55 (below) with more detail located in attachment 1.

### **External Consultation**

8. Officers have undertaken preparatory work and ongoing external consultation with QK Technologies regarding a software launch, to enable the delivery of casual care.
9. Officers have conducted a soft launch of the software to work with families on feedback and troubleshooting the enrolment and booking process.
10. The casual care trial also included increased activity in a range of communication and engagement activities across six main areas as listed below. A focus, however, was on communication and promotion of the occasional care and casual care services through the Maternal Child Health service. This is outlined in greater depth in the Evaluation Report (attachment 1). This included:
  - (a) Maternal and Child Health Service:
    - (i) Flyer and discussion and key stage appointments;
    - (ii) Communication and First Time Parents Group;
  - (b) Yarra Leisure members and visitors to leisure centres:
    - (i) Webpage updated with relevant information;
    - (ii) Marketing in the monthly e-newsletter;
    - (iii) Have Your Say Consultation promoted in the Yarra news;
    - (iv) Social Media promotion;
    - (v) Flyers and information at sites and in members information;
  - (c) Occasional care clients (90 minute sessions, leisure centres):
    - (i) Regular letters and emails about the trials at key stages;
    - (ii) Invitation to participate in the evaluation process including reminder emails to non-responders;
  - (d) All Yarra residents:
    - (i) Updated Council website with information about the trial;
    - (ii) Flyer distributions at town hall, libraries, children's centres and leisure centres;
    - (iii) Yarra Life article introducing the trial and summary of available services;
    - (iv) Yarra News article introducing the trial and summary of available services;
    - (v) Have your Say community consultation, Council website from 5 July to 28 July promotion on social media and Yarra E News;
  - (e) All Yarra residents who have 1 or more children under 5 years:
    - (i) Social media – introduction to trial and summary of available services;
    - (ii) Playgroups in Yarra - Introduction to trial and summary of services – playgroups newsletter via email (February and May) and promotion by playgroup facilitators (ongoing);
    - (iii) Family support clients and services – distribution of the flyer about the trial;
    - (iv) Email to all families on the central registration system (waitlist) for education and care services;
  - (f) Families with a permanent long day care place in one of Yarra Council's Children's Centres:
    - (i) Email introducing the trial;



- (ii) Notification reminder to update availability on the app;
    - (iii) Bright sign reminder about the trial and to update the app at the Connie Benn Centre;
  - (g) General community consultation and Yarra Leisure Centre members feedback:
    - (i) A community consultation survey was promoted on the Council's Your Say webpage from 2 July to 29 July 2019;
    - (ii) An invitation to provide feedback via the survey was included in the Yarra Leisure newsletter on 5 July;
    - (iii) In addition, in the same period, leisure centre members and guests were approached in person and invited to complete the survey;
11. Evaluation Consultation included:
- (a) Surveys including:
    - (i) parents/carers who had used the new casual care service;
    - (ii) parents/carers who had enrolled but had not yet used the casual care service;
    - (iii) long day care parents/carers who had not used the casual care service;
    - (iv) children who had used the casual care service (> 2 years of age);
    - (v) parents/carers of the Occasional care services at Fitzroy Swimming Pool and Richmond Leisure Centres; and
    - (vi) parents/carers who had used the Occasional care service at Collingwood in the last three months of 2018; and
  - (b) Survey promoted on the Council's Your Say webpage from 2 July to 29 July 2019;
  - (c) In addition, in the same period, leisure centre members and guests were approached in person and invited to complete the survey;
  - (d) Interviews with 18 randomly selected parents/carers including:
    - (i) 9 with parents/carers who had either used or at least enrolled in the new casual care service;
    - (ii) 6 with parents/carers who had used the Occasional care service, and
    - (iii) 3 with long day care parents/carers who had not used the casual care service; and
  - (e) Focus Groups:
    - (i) Two focus groups were held separately with childcare centre coordinators and the staff that had participated in the casual care trial;
  - (f) Ad Hoc Feedback Register:
    - (i) During the period of the trial we also kept a register of ad hoc feedback received by any of the children's services staff or to Yarra Council; and
  - (g) Consultation with Children:
    - (i) Educators consulted with 9 children to understand how happy they were with the service.

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

- 12. Consultation with staff in Long Day Care and Occasional Care to pre-empt challenges.
- 13. Reflective practice with the occasional care team, the Pedagogical Leader and Occasional Care Team to improve educator practice and environments in the occasional care space.
- 14. Planning with HR to re-allocate the occasional care staff.

15. Consultations with Communications unit to market the casual care and occasional care programs.
16. Consultations with the Maternal and Child Health team and Supported Playgroups to market the casual care and occasional care programs to families.
17. Liaising with Leisure Services to communication changes via our Leisure Centres.
18. Leisure services staff have indicated that the space currently being utilised could be used to offer additional leisure programming, as an expansion of the service model. Specific programming would be varied at each site, due to variances in demand and the room dimensions.
19. Evaluation Consultation included:
  - (a) Focus Groups:
    - (i) Two focus groups were held separately with childcare centre coordinators and the staff that had participated in the casual care trial; and
  - (b) Data Analysis of:
    - (i) Utilisation figures; and
    - (ii) Demographic data.

### **Financial Implications**

20. The total cost of approximately \$5,000 for offering 5 hour and 10.5 hour sessions of Casual Care in the Long Day Care services during the trial included expenses for QkEnrol and My Family Lounge software, which was additional to Council's current Child Care Software Management System. Currently, all staffing expenses are absorbed within currently staffing EFT. The total income produced from Casual Care during the 6 month trial equalled \$106,284.
21. The total net cost of Type 1 Occasional Care services represents the subsidy provided by Council to ensure the service remains operational. The total Net Cost of the Type 1 Occasional Care service for the 2016/2017 financial year was \$380,619 per annum; and the budgeted Net Cost for the 2019/2020 period is \$285,115.
22. The cost of delivering Type 1 occasional care as per pre-trial conditions at the current utilisation rate of 31% during the trial conditions excluding management costs and corporate overheads was \$59.87 per child.
23. Council currently charges customers between \$4.40 and \$11.55 per visit. The significant financial subsidy provided by Council has in effect a limited reach for a small proportion of families.
24. The fees associated with full cost recovery are likely to be unaffordable for many families, particularly for families where there may be more than one child using the service.
25. As costs associated with service delivery increase over time, the net cost of the Type 1 services will also increase. The trend towards declining, or no significant growth in utilisation over time despite increase marketing and promotion of the services indicates that the need for subsidisation will continue unless there is a significant change to service levels. Consequently, Council will continue to be exposed to considerable financial risks that are likely to increase over time in step with increasing operational costs.
26. Budget savings made through cessation or reduction of Type 1 occasional care could enable a range of other innovative solutions to be explored.
27. Competitive Neutrality Policy (CNP) seeks to ensure that the significant business activities of publicly owned entities such as Local Government compete fairly in the market. CNP requires transparent cost identification and pricing in a way that removes advantages arising from public ownership.

28. Council's Type 1 Occasional Care services meet the criteria for CNP, as it is considered a significant business activity. Consequently Council must ensure that Occasional Care services do not enjoy a competitive advantage over other competitors in the market and set comparative cost standards.
29. Compliance with CNP requires Council to budget for a range of overheads and costs that are likely to not apply to smaller organisations that deliver Type 1 Occasional Care services.

### **Economic Implications**

30. Total utilisation of the casual care service increased over the period of the trial. The rollout of the casual care service commenced on the 7<sup>th</sup> of January 2019 with half-day sessions at 3 children's centres and further on, at another 2 centres. On the 23<sup>rd</sup> of April 2019, full-day sessions commenced at all 5 centres. An average of 163 bookings per month was achieved after the initial settling-in period of the first 2 months, representing an average of 40 bookings per week across all of the casual care trial sites.
31. For families whose children normally attend Long Day Care but don't attend on a particular day, the casual care trial has enabled those families to receive refunds on days they would normally be charged for non-attendance.
32. For the period of the casual care trial, Council provided a total of 38 places of Occasional care per day at the Fitzroy Swimming Pool and Richmond Recreation Centre. The overall average rate of utilisation over the 6-month trial period was 31% with the lowest rate being 25% for the month of May. In effect, there has been a small reduction (15%) in utilisation as compared to that found in the Service Review of Occasional Care for the 2016/17 year (average 36%).

### **Sustainability Implications**

33. There are no environmental sustainability implications to this report. It is challenging for Type 1 occasional care services to offer environment or sustainability education when there is no access to outdoor play, nature play or connectedness to the environment. In contrast, fit-for-purpose education and care facilities are able to provide such educational opportunities.
34. As Children's Services progresses with their Sustainability Working Group, it will be challenging for the Type 1 occasional care services to implement many of the actions due to limited access to storage, facility changes and laundry facilities.

### **Social Implications**

35. As discussed in the Evaluation Report (**attachment 1**), the casual care service was used by a total of 178 families during the 6-month period of the trial. Demographic data demonstrates that:
  - (a) 93% of the 'enrolling parent' were female;
  - (b) 17% had a language other than English as their first language;
  - (c) 12% were single parents;
  - (d) 11% had a special health care need;
  - (e) None reported as being ATSI;
  - (f) Parents/carers with children older than 18 months were more likely to use the casual care service; and
  - (g) 10% had a total annual household income of <\$67,000<sup>1</sup> attracting the highest level of Child Care Subsidy (85%).
36. During the interviews and surveys with parents/carers that used the Casual Care service, the three main reasons respondents reported using casual care were work, appointments and respite.

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<sup>1</sup> City of Yarra = 30% of all households with this level of household income.

37. During the interviews and surveys with parents/carers that used the Occasional Care service, the three main reasons respondents reported using Occasional Care were Gym/swim, Exercise class and to have some 'me time'.
38. Occasional care service users reported that they did not use Casual Care as:
  - (a) they did not want a 5 hour session as it doesn't suit their needs;
  - (b) 5 hours is too much time to just exercise or run some errands; and
  - (c) they didn't want to be away from their child for that amount of time.

### **Human Rights Implications**

39. The covenants and legislation outlined in the United Nations Declaration on the Rights of the child and the Victorian Charter for Human Rights and Responsibilities provide guidance for responding to the rights of children to participate and be heard. Development of options and recommendations for this report has involved listening to families, children and service providers' ideas and aspirations.

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

40. A community consultation survey was promoted on the Council's Your Say webpage from 2 July to 29 July 2019.
41. An invitation to provide feedback via the survey was also included in the Yarra Leisure newsletter on 5 July. In addition, in the same period, leisure centre members and guests were approached in person and invited to complete the survey.

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

42. The consultation, analysis and advice included in the Service Review aligns with the Yarra Council Plan 2017-2021 and in particular with Objective 1 – A Healthy Yarra and Objective 2 – An Inclusive Yarra.

### **Legal Implications**

43. Services that are licenced as an Education and Care service operate under the Education and Care Services National Law Act (2010) and Education and Care National Regulations.
44. Under the Family Assistance Act, Council is an approved provider of the Child Care Subsidy.
45. The Children's Services Act 1996 authorises the Children's Services Regulations 2009 which govern and regulate the licencing and operation of children's services including Council's Type 1 Occasional Care services.
46. As an approved licensee, the Act specifies particular legal requirements and responsibilities that Council must fulfil to ensure that all children are cared for or educated in an environment that is safe, meets the developmental needs of children and supports their health and wellbeing. Currently, the operating environment for Occasional Care exposes Council to considerable risks as detailed in the October 2018 Service Review.
47. Sanctions may be applied by the Department of Education and Training in response to non-compliance with the Children's Services Regulations 2009.
48. Sanctions can range from amendments, cancellation or suspension of provider or service approval, in addition to the imposition of significant financial penalties.
49. Administrative sanctions can include a notice of caution that can be applied to the approved provider or depending on the circumstances, to a staff member or educator. The Department uses administrative sanctions where:
  - (a) there is moderate to significant impact on the safety, health and wellbeing of children, or;
  - (b) there is systematic and ongoing low to moderate non-compliance, and
  - (c) the service has taken action to address the non-compliance.

50. Any sanction placed upon a service applies to the provider as a whole, meaning that if breaches were substantiated within Occasional Care, the sanctions would also apply to Council operated Long Day Care, Kindergarten and Outside School Hours Care, regardless of performance.
51. Challenges exist in ensuring Councils leisure facilities remain compliant with legislation.
52. There is heightened risk in the Type 1 occasional care services due to the proximity of pool decks.
53. There is heightened risk at the Collingwood Leisure Centre Occasional Care Service, in particular:
  - (a) Lack of co-located toilets;
  - (b) Maintaining staff ratios during toileting;
  - (c) OH&S risk with lack of appropriate nappy change facilities; and
  - (d) Complaints by staff regarding the air quality and general comfort of the environment due to ventilation challenges.
54. Non-compliance with Competitive Neutrality Policy also presents a significant risk to the continued operation of the service. A possible future consequence of continued non-compliance may include a direction from the National Competition Council requiring Council to immediately apply full cost recovery fees or cease delivery of services.

#### Other Issues

55. Casual Care Key Findings Summary (**attachment1**):
  - (a) Feedback suggest that the Casual Care service is highly valued. The evaluation found very high levels of both satisfaction and acceptability of the new casual care service from those families that have both used the service and those who had enrolled but not yet had a successful booking. Thirty-eight (95%) families that completed the survey rated the casual care service as either "Very good" or "Good";
  - (b) Families that had used the Casual care service reported having 'choice' and another child care option available to them was important, particularly, for many, during the period of their return to work;
  - (c) Families who had never used long day care were accessing casual care;
  - (d) The Types of families that use casual care and occasional care are similar:
    - (i) The demographics and many of the responses to the survey questions were similar between those who had used casual care and those who had used Occasional care;
  - (e) Reasons for accessing Casual Care and Occasional Care are different:
    - (i) Families that used the casual care service did so for a range of reasons whereas families that used the occasional care service did so predominantly to exercise and use the facilities at the leisure centres. Casual care families used the service to do work (including applying for work), attend doctor/medical appointments and to have some 'me time';
  - (f) Utilisation trends are different for casual care and occasional care:
    - (i) The casual care service was used by a total of 178 families during the 6-month period of the trial. In the same period 71 families used the Occasional care services at the leisure centres although it was used frequently (more than 10 times) by 17 families;
    - (ii) Total utilisation of the casual care serviced increased over the period of the trial. An average of 163 bookings per month was achieved after the initial settling-in period of the first 2 months, representing an average of 40 bookings per week across all of the casual care trial sites;

(g) Areas for Improvement:

- (i) The casual care trial involved the use of a new App for booking many of Yarra Council's childcare services, including the new casual care service. In spite of some initial issues with the App, most families involved in the casual care trial were able to use the App to see and book places as they needed; and
- (ii) The two most common requests for improvements were for more availability and more time options with the casual care service, specifically to be able to book for the afternoon.

56. Occasional Care Key findings Summary (**attachment1**):

- (a) The demographic profile of the parents/carers accessing the Occasional Care Service is similar to that reported in the 2018 Service Review. For the period of the trial demographic data demonstrated that 18% of all Type 1 Occasional care places that were utilised by families paid fees at the concession rate, and the predominant age of the child was between 0 and 18 months as compared 24 months during the 2016/17 year;
- (b) Families that used the Occasional care services predominantly did so to attend the gym/swim, do an exercise class and to have some 'me time'; 22% left the leisure centre to do other activities;
- (c) In addition to being enrolled for the Occasional care service, 16 (64%) survey respondents reported that they also used other types of childcare with the most common being long day care. Nine (36%) respondents reported that they "haven't used any other formal childcare services"; and
- (d) In the 3 individual interviews with the parents/carers who had used the Occasional Care Service in the last three months of 2018, we specifically asked what type of care they were using now. One interviewee said they were using the Fitzroy Leisure Occasional care service but found it logistically more difficult. All 3 respondents reported that their situation had changed and they have been able to find more regular care and two reported that they have family that can look after their child.

- 57. The Occasional Care Service is delivered in spaces that are not purpose built, provide poor amenity, are stand-alone (are not co-located or integrated with any other family or children's services) and do not provide an appropriate environment for children's education, health and wellbeing.
- 58. As a limited hour's service provided in 1.5 hour sessions, the service has a limited capacity to meet the developmental needs of children and to support their health and wellbeing. Additionally, a number of risks are clearly evident in the service's proximity to the pool decks and the internal amenity of the rooms allocated for the Occasional Care service is very poor.
- 59. Benchmarking shows that Local Government is no longer an active provider of Occasional Care services. The challenge of delivering a service that complies with Competitive Neutrality Policy whilst meeting the needs of families is challenging. The constraints associated with providing a Type 1 limited hour's service where the Child Care Subsidy does not apply may present challenges in delivering a service that is affordable and relevant for families over the longer term.
- 60. The Leisure Services review highlights the demand for program space and the broader community benefits that could be achieved through enhancing Leisure's capacity to deliver more programs or extend programs that are oversubscribed.
- 61. Visitation data collated as part of the review of Leisure Services indicates there was 1 Occasional care visit for every 260 visits to the Leisure centre.
- 62. Utilisation trends are different for casual care and occasional care. Utilisation of Occasional care decreased of the period of the trial. There were a total of 38 places available per day across the two Leisure centres of which on average 12 places were taken up. This represents an overall utilisation rate of 31%. In effect, and in spite of increased marketing

and promotion there has been no change in utilisation as compared to that found in the Service Review of Occasional Care for the 2016/17 year (average for Richmond and Fitzroy Leisure Centres being 30%).

63. Analysis of the findings of the trial indicates that Occasional Care continues to be a valuable service for a small proportion of the community. Extensive marketing and promotion, along with combining Fitzroy and Collingwood has not arrested the decline in utilisation of the program. The profile of users indicates that the majority of families who initially access Occasional Care continue to only use the service a few times, in line with the historical trend. It is expected that the utilisation of the service will continue to decline over time.
64. Should Council support the on-going provision of the service and the trend of declining utilisation continues into the future, officers suggest that Council should consider a minimum utilisation target after which the service could be discontinued. It is expected that this target could be measured at each individual service that continues to operate over a 6 month period. The level could be set to any target that Council considers reasonable, but based on the current levels, officers suggest it could be set at 25%.
65. Councillors could also direct officers to table a further report prior to a final decision.

### Options

66. Casual Care: the option for Council to consider is whether casual care continues or ceases as a care choice for families in Council managed Long Day Care facilities. On the basis of the data contained within the review, officers suggest that the continuation of casual care if is a viable and cost effective option, to expand flexible care within Yarra.
67. Occasional Care: three options are included in this report for consideration in order of recommendation including ceasing the service, continuing with the level of service offered during the trial (or less) and reinvestment of any savings; or returning to pre-trial service levels.
68. Council may also wish to consider other short term care options provided in existing education and care services in place of the existing occasional care service that may address some of the concerns of existing users. These are detailed below.
69. The options are presented detailing the Pros and Cons of each options, as well as the estimated cost.

### Casual Care Options

Option	Description	Pros	Cons	Cost
1.	<p>Casual Care to continue to operate at Long Day Care (LDC) services for 5 hour and Full day options.</p> <p>Including:</p> <ul style="list-style-type: none"> <li>Continued licensing of the enrolment and booking software.</li> <li>2 half day casual 8am to 1pm and 1pm to 6pm.</li> </ul>	<ul style="list-style-type: none"> <li>Longer hours increases flexibility of respite time usage.</li> <li>Enables families with vulnerable needs to manage their child care usage to suit their care requirements.</li> <li>Enables a soft gradual entry into childcare when a child has additional needs. The team is also better able to attend to the specific needs of children with additional needs.</li> <li>As the service utilisation increases, more families</li> </ul>	<ul style="list-style-type: none"> <li>As utilisation in the LDC rises, this will decrease the availability of casual care places.</li> <li>There have been challenges with the user friendliness of the app. The software company is rolling out improvements.</li> <li>There is an additional administrative burden with the additional casual enrolments.</li> </ul>	<p>Approx income \$150,000</p> <p>Offset by need for additional administration support 0.5 EFT</p>

	<ul style="list-style-type: none"> <li>Additional administrative 0.5 EFT funded by the additional revenue to assist in managing enrolment and bookings</li> </ul>	<p>will financially benefit from “selling” their place.</p> <ul style="list-style-type: none"> <li>Casual care usage decreases the need for orientation sessions when transitioning to Long Day Care. This enables families to transition quicker and to understand if the service is a good fit for the family.</li> <li>The app enables families to manage their bookings and cancellations in advance.</li> <li>Utilisation and revenue increases by making unused places available for use.</li> <li>Service viability is not dependent on high casual care usage.</li> <li>Responsive to the needs of casual workers, parents working from home, job seekers and business owners.</li> <li>Families are able to be referred to support agencies where needed as there is more scope and resourcing in place in the LDC.</li> <li>The environment and programming is high quality.</li> <li>Access to outdoor space</li> <li>Food is provided and ensures a safer environment for children with medical conditions or diagnosed and undiagnosed allergies.</li> <li>Responsive to community feedback</li> </ul>	<ul style="list-style-type: none"> <li>There may be a higher session fee than occasional care dependent on Child Care Subsidy entitlement.</li> <li>Programming requirements are higher increasing educator documentation workload.</li> </ul>	
2.	<p>Cease operation</p> <p>Continued licensing of the enrolment and booking software for the enrolment functionality</p>	<ul style="list-style-type: none"> <li>Reduction in administration for management and educators</li> <li>Lower risk of an administrative error creating a non-compliance</li> </ul>	<ul style="list-style-type: none"> <li>Reduction in flexible childcare options</li> <li>The “soft” benefits of casual care will be lost.</li> </ul>	<p>Approx expenditure \$5,000 (one off for the software licence for 12 months)</p>



**Occasional Care Options:**

Option	Description	Pros	Cons	Cost
1.	Cease operation of Occasional Care Type 1 at leisure centres	<ul style="list-style-type: none"> <li>• Early Years childcare is only operated in fit for purpose environments</li> <li>• Removal of the risks particularly associated with Collingwood Leisure Centre</li> <li>• Reinvestment opportunities of savings to provide occasional care in early childhood settings</li> <li>• Reduced operational risk</li> <li>• Leisure services would be able to re-purpose the facilities for administration or leisure programs.</li> <li>• Financial savings</li> <li>• Council contribution redirected to meet needs of broader range of families</li> </ul>	<ul style="list-style-type: none"> <li>• Removal of the option for families to access short session care</li> <li>• Impacting families who would like to use the leisure facility and have are onsite. This many decrease exercise and its benefits to parents,</li> <li>• In many cases, type 1 occasional care is cheaper to use than casual care.</li> <li>• The long hours offered by Type 2 occasional care and casual care are too long to suit the needs of some the families.</li> </ul>	\$0
<p><b>2. On-going Service Options:</b></p> <p>Should continuation of the current service option(s) be considered, officers would further recommend to council:</p> <p>In the event that Type 1 services continue to operate, that they continue under trial conditions for a further 6 months, and if utilisation does not meet a minimum target of 25% at any individual venue during this period (or beyond), that officers are authorised to provide 1 months' notice to existing patrons and cease operations from that location. Budget allocated from any closure could be used to expand type 2 service offerings.</p> <p>It should be noted that this provision could be included regardless of the number of OCS services Council chose to offer.</p>				
A)	<p>Richmond Recreation Centre and Fitzroy Pool only:</p> <p>3 days per week (rotating locations)</p> <p>1 session</p> <p>2 hours in length</p>	<ul style="list-style-type: none"> <li>• The longer session allows for greater flexibility for parents to leave the centre to attend appointments etc.</li> <li>• Enables a soft entry point for childcare, especially for families with children 6 weeks to 18 months who may not yet be confident to use childcare.</li> <li>• Lower operation cost to council that could still allow for some aspects of reinvestment into type 2 occasional care</li> </ul>	<ul style="list-style-type: none"> <li>• Low utilisation likely to be continue</li> <li>• Most leisure members do not want to access the service</li> <li>• The programming times are limiting in what families can do with their respite time.</li> <li>• Food is brought into the environment from outside the service. This could</li> </ul>	<p>Service cost excluding management and organisational costs:</p> <p>@ 35% utilisation</p> <p>-\$65,778.13</p>

		<ul style="list-style-type: none"> <li>• Eliminates the challenging session cross between parents collecting and dropping off children</li> <li>• Condenses families interested in using the session into one group maximising available spaces.</li> </ul> <p>Elimination of the Collingwood Leisure Centre Specific Risks:</p> <ul style="list-style-type: none"> <li>• The ventilation of the occasional care room is an ongoing challenge as it creates an unpleasant working environment that has led to 4 staff complaints.</li> <li>• The pram storage is an ongoing hazard on the pool deck.</li> <li>• Staff are unable to maintain regulatory supervision ratios as there are not toilets in the room. Toileting is via the use of the toilets on the pool deck and requires removing children from the licensed space to toilet, increasing risk and proximity to the pool deck.</li> <li>• The toilets located close to the occasional care room are often in use, requiring the staff to walk children to the toilets on the other side of the pool deck. At times the staff need to wait with the child to access the toilet.</li> <li>• The change tables located in the pool deck toilets are pull down tables that are not equipped with stairs for older toddlers to position themselves on the table, requiring staff to lift heavy children onto the change table. (Note that the</li> </ul>	<p>heighten risk for children with diagnosed or undiagnosed allergies.</p> <ul style="list-style-type: none"> <li>• At RRC and CCL the proximity of the care space to the pool deck is a risk.</li> <li>• Booking agency staff when needed for such a short shift commencing early is difficult and makes the service unreliable.</li> <li>• The administration time processing a family who only attends once as well as meeting ongoing compliance (immunisation updates, medical plans etc.) for all enrolments is cumbersome. This impacts on the time of both children's service and Leisure Customer Service Officers.</li> <li>• Low cost recovery</li> <li>• Reduction of service delivery impacts choice for families</li> <li>• Reopening Collingwood Leisure occasional care may create licensing challenges due to the facility limitations.</li> <li>• Families find the sleep requirements inconvenient (i.e. unable to be left in prams when sleeping due to safe sleeping guidelines)</li> </ul> <p>Collingwood Leisure Centre Occasional</p>	
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		room is too small to accommodate an additional change table and would decreased an already small licensed capacity of 8).	Care re-opening: <ul style="list-style-type: none"> <li>The risks associated with the venue may not enable the service to be re-licensed.</li> <li>Funds may be required to support building works to meet minimum operating standards.</li> <li>Minimal feedback received from the community to re-instate this service.</li> </ul>	
B)	<p>Reduce service hours:</p> <p>Richmond Recreation Centre and Fitzroy Pool only:</p> <p>3 days per week (rotating locations) 2 sessions 1.5 hours in length</p>	<ul style="list-style-type: none"> <li>Elimination of the Collingwood Leisure Centre Specific Risks as detailed in option 2</li> <li>Enables a soft entry point for childcare, especially for families with children 6 weeks to 18 months who may not yet be confident to use childcare.</li> <li>Lower operation cost to council that could still allow for some aspects of reinvestment into type 2 occasional care</li> <li>Low cost</li> </ul>		<p>Service cost excluding management and organisational costs:</p> <p>@ 35% utilisation -\$104,699.98</p>
C)	<p>Continue service as per trial conditions:</p> <p>Richmond Recreation Centre and Fitzroy Pool only:</p> <p>5 days per week (rotating locations) 2 sessions 1.5 hours in length</p>	<ul style="list-style-type: none"> <li>Elimination of the Collingwood Leisure Centre Specific Risks as detailed in option 2</li> <li>Enables a soft entry point for childcare, especially for families with children 6 weeks to 18 months who may not yet be confident to use childcare.</li> <li>Lower operation cost to council that could still allow for some aspects of reinvestment into type 2 occasional care</li> <li>Low cost</li> <li>Greater range of choice</li> </ul>		<p>Service cost excluding management and organisational costs:</p> <p>@ 35% utilisation -\$218,000.02</p>
D)	<p>Increase service levels to pre-trial conditions:</p> <p>Richmond Recreation Centre, Fitzroy Pool and Collingwood Leisure Centre:</p> <p>5 days per week (rotating locations)</p>	<ul style="list-style-type: none"> <li>Enables a soft entry point for childcare, especially for families with children 6 weeks to 18 months who may not yet be confident to use childcare.</li> <li>Lower operation cost to council that could still allow for some aspects of reinvestment into type 2 occasional care</li> <li>Low cost</li> <li>Greater range of choice at a higher number of</li> </ul>		<p>Service cost excluding management and organisational costs:</p> <p>@ 35% utilisation -\$282,903.75</p>

	2 sessions 1.5 hours in length	locations		
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### Other Short Term Care Options in existing Education and Care facilities.

Option	Description	Pros	Cons	Cost
1 A)	Occasional Care Type 1 license explored for the Front Room at Gold Street Children's Centre. Sessions could be offer daily, or expanded if service need grows. (Collingwood)	<p>The location and session length enables the implementation of innovative programs that go beyond that provided by the current OCS type 1 care.</p> <p>The team environment offers a safer and supportive structure for the occasional care to operate.</p>	<p>The sessions will have to be no more than 2 hours in length as there is not outdoor play.</p> <p>No toilet directly joins with the room. There is an accessible toilet across the hallway.</p> <p>A "pool fence" would need to be installed.</p> <p>Would need to go through the licensing process</p>	<p>Service cost excluding management and organisational costs:</p> <p>@ 50% utilisation \$21 250</p>
B)	Additional Shorter session care added at Connie Benn (Fitzroy)	Service is already licenced and equipped. Shorter session care could commence quickly.		<p>Service cost excluding management and organisational costs:</p> <p>@ 50% utilisation \$21 250</p>
C)	Yarraberg Children's Centre – convert 2 places on Monday, Wednesday and Friday into 2 hour block casual care. (Richmond)	<p>This creates a potential 30 places across the week for families to utilise.</p> <p>The offers flexibility in times.</p> <p>The service is currently at 80% utilisation, so may increase utilisation of the service.</p>	<p>The removes 6 full time places across the week available for Long Day Care.</p> <p>This may require a 're-think' of how the rooms are structured.</p>	\$0

### Conclusion

70. Casual Care has provided families with increased access to flexible options to meet their needs. This has enabled families to participate more in work/study based and recreational activities. Casual Care has also provided smoother transitions for children into regular care and has proven to be financially viable.

71. A review of Type 1 Occasional Care services has shown a pattern of low utilisation has persisted over time with an average rate of 36% across the 2016/2017 financial year, which has reduced to 31% during the trial period. The Occasional Care Trial with increased marketing to families with children under 5 has not resulted in higher utilisation of the service.
72. That 44% of families that used Occasional Care only used the service 1-2 times, and only 24% of families used Occasional Care more than 10 times. This illustrates that the services type is not broadly meeting the needs of many families.
73. The Leisure Services review highlights the demand for program space and the broader community benefits that could be achieved through enhancing Leisure's capacity to deliver more programs or extend programs that are oversubscribed.
74. Officers recognise that there is a proportion of families that currently use this service who are passionate advocates and supporters of Occasional Care within Council's leisure facilities.
75. Whilst officers have not recommended continuing with the service on the basis of the evidence, there is also a recognition that some in the community feel the service is essential to their participation and supports their mental and physical health.
76. Should Council therefore wish to continue to support the continuation of Occasional Care, there are a significant number of options (detailed above) to consider. As an alternative to the below recommendation officers would suggest that Council instead adopt a continuation of the trial conditions as the level of service moving forward. That is, that Council considers continuing to operate 1.5 hour sessions at both Richmond and Fitzroy, but not at Collingwood, noting the significant risk, logistical and potential licencing issues at that site.
77. Officers further suggest that a minimum utilisation target be included, such as an average of 25% over six months. Should this be adopted, Council could provide officers with authorisation to discontinue the service if the target is not reached over 6 months.

## RECOMMENDATION

1. That Council:

- (a) note the Evaluation Report of the Casual and Type 1 Occasional Care Service and key findings including:
  - (i) that casual care is proving to offer the most flexible, effective and 'fit for purpose' service model and has the potential to expand with appropriate investment;
  - (ii) that utilisation of Occasional Care has decreased during the trial period, with an average rate of utilisation of 31% despite increased marketing and programmatic improvements; and
  - (iii) that the occasional care repeat customer data illustrates that 44% of families do not use the service more than 1-2 times, though 24% of families do use the service regularly; and
- (b) note the analysis and range of future service options presented in this report;
- (c) endorse the continuation and investment of the Casual Care model in Council's Long Day Care Centres including provision for EFT for administrative support;
- (d) endorse the cessation of Type 1 Occasional Care at all Leisure Centres effective from 20th December 2019, noting the following transitional arrangements to support this decision including:
  - (i) that Officers immediately make contact with all current Type 1 OCS users to:
    - Inform them of this decision;
    - Discuss alternative child care options;
    - Assist with any orientation or transitions into other services;
- (e) officers notify DET to request a cancellation of license for the Richmond Leisure Centre Occasional Care and Fitzroy Swimming Pool Occasional Care;
- (f) officers immediately explore the feasibility of offering alternative and complimentary health and fitness services from within the vacated OCS sites. Current alternatives include:
  - (i) Fitzroy Swimming Pool space converted to a group fitness and dedicate yoga room;
  - (ii) Richmond Recreation Space would be converted back into a fitness room as it is equipped with a sprung floor; and
  - (iii) Collingwood Leisure convert the room into a dedicated Learn to Swim meeting, training and service area.
- (g) note that officers will undertake further work to determine options to offer shorter term (up to 2 hours) and additional sessions of Type 2 Occasional Care for families from within existing education and care sites and for those who are unable to access child care subsidies.

**CONTACT OFFICER:** Deanne Halpin  
**TITLE:** Coordinator Children's Services  
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## Attachments

- 1 ➡ Evaluation of the Yarra Casual Care Trial July 2019

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## 11.2 Review of Better Apartments Design Standards

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### Executive Summary

#### Purpose

The purpose of this report is to:

- (a) provide Council with a summary of the *Better Apartments in Neighbourhoods Discussion Paper 2019* released by Department of Land, Water and Planning (DELWP);
- (b) outline Council officers' position on the draft standards; and
- (c) recommend feedback on the discussion paper to be submitted to DELWP.

#### Key Issues

The key issue for Council in considering the *Better Apartments in Neighbourhoods Discussion Paper 2019* is whether the draft standards are appropriate for a Yarra context and any suggested improvements limited to the items for discussion only.

#### Financial Implications

None anticipated.

#### PROPOSAL

The Department of Environment, Land, Water and Planning has released a discussion paper that explores five policy elements to form part of a revised Better Apartment Design Standards, these are:

- (a) Green space;
- (b) High quality building facades;
- (c) Protection from wind impacts;
- (d) Attractive engage streets; and
- (e) Better managed construction impacts.

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## 11.2 Review of Better Apartments Design Standards

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Reference: D19/154388  
 Authoriser: Manager Statutory Planning

### Purpose

1. The purpose of this report is to:
  - (a) provide Council with a summary of the *Better Apartments in Neighbourhoods Discussion Paper 2019* released by Department of Land, Water and Planning (DELWP);
  - (b) outline Council officers' position on the draft standards; and
  - (c) recommend feedback on the discussion paper to be submitted to DELWP.

### Background

2. In 2017, the Minister for Planning (the Minister) introduced the *Better Apartments Design Standards* in the Victorian Planning Provisions. The intent for these new controls was to improve the internal design of new apartments and make them more liveable and sustainable. This was in response to concerns that apartment developments were not providing safe, liveable and healthy environments.
3. These controls were introduced into the Yarra Planning Scheme (the Scheme) on 13 April 2017 via Amendment VC136 at clauses 55.07 (apartment developments up to 4 storeys) and clause 58 (apartment developments of five or more storeys)
4. Amendment VC136 also introduced the following definition for an 'Apartment' at clause 73.01 (general terms) of the Scheme:
  - (a) *A dwelling located above the ceiling level or below the floor level of another dwelling and is part of a building containing two or more dwellings.*
5. Amendment VC139, gazetted on 29 August 2017, introduced new guidelines for apartment developments: *Urban Design Guidelines for Victoria* (DELWP 2017) and subsequently deleted redundant references to the Design Guidelines for Higher Density Residential Development (DSE 2004)
6. DELWP has released the subject discussion paper on the next phase of the apartment standards for feedback, with all submissions required prior to Friday, 27 September 2019.
7. The Discussion Paper states that DELWP will be considering all submissions where making recommendations to the Minister. A consultation report will also be prepared by DELWP summarising the submissions and any further proposed changes in light of the submission feedback.
8. The Discussion Paper also states that DELWP will propose further changes to the *Better Apartment Design Guidelines* later in 2019 in relation to building setbacks, to improve the amenity impacts of apartment developments. Consultation regarding these will occur at a later date.

### External Consultation

9. Informal discussions with MEL Consulting Wind Consultants.

### Internal Consultation (One Yarra)

10. The following internal departments have been consulted in preparing this report:
  - (a) Strategic Planning;
  - (b) Urban Design;



- (c) Open Space Planning and Design; and
- (d) Construction Management.

**Financial Implications**

11. None anticipated.

**Economic Implications**

12. Additional standards may impact upon development costs to the private sector.

**Sustainability Implications**

13. The proposed standards seek to have positive sustainability implications through increased landscaping and tree planting opportunities.

**Social Implications**

14. The proposed standards seek to improve the amenity for persons living in apartments.

**Human Rights Implications**

15. Nil

**Communications with CALD Communities Implications**

16. N/A

**Council Plan, Strategy and Policy Implications**

17. The proposed amendments to the apartment standards support a number of broad Council intents regarding amenity and liveability, and specifically the greening of apartments. In this respect, the proposals also support the intent of Council's *Urban Forest Strategy 2017*.

**Legal Implications**

18. Nil

**Draft Apartment Standards**

19. The follow sections provide detail and assessment on the five topics contained within the discussion paper, which are as follows:
- (a) Green Space;
  - (b) High quality building facades;
  - (c) Protection from wind impacts;
  - (d) Attractive, engaging streets; and
  - (e) Better managed construction impacts.

**Green Space**

Background

20. The apartment guidelines currently contain objectives and standards for landscaping (Clauses 55.07-4 and 58.03-5). The guidelines for apartment developments of 5 storeys or more also contain objectives and standards for communal open space (Clause 58.03-2).
21. The Discussion Paper outlines three issues with the current controls:
- (a) landscaping is often an afterthought in developments with canopy trees either too small or not provided;
  - (b) developments of less than 40 dwellings are not required to provide communal open space and therefore will often not have access to a garden; and
  - (c) apartment buildings at street level do not contribute to green streetscapes.
22. The proposed controls seek to respond to these issues by:

- (a) prioritising canopy trees and clearly define the space needed for healthy trees;
- (b) require all apartment development to include landscaped communal open space;
- (c) encourage landscaping within front setbacks; and
- (d) support landscaping, even in areas without a landscape character.

Proposed changes

23. The key changes in the proposed amended Landscape Standard D10 are summarised as follows:

- (a) The canopy tree requirements in Table D2 are amended as follows:
  - (i) deep soil requirements to apply for all site areas (currently only applicable to sites greater than 750sqm);
  - (ii) tree provision now includes the canopy spread (current only the height); and
  - (iii) minimum planter soil volumes introduced;
- (b) In the event that canopy trees cannot not be provided, the proposed standard removes reference to an 'equivalent canopy cover' in relation to the provision of other alternative responses such as vegetated planters, climbers over pergolas, green roof or green walls;
- (c) Encourage landscaping to be provided within building frontages to reduce the visual impact of buildings;
- (d) Encourage communal open space to have canopy trees;
- (e) The following existing standards are proposed to be removed:
  - (i) protect any predominant landscape features of the area;
  - (ii) take into account the soil type and drainage patterns of the site and integrate planting and water management;
  - (iii) allow for intended vegetation growth and structural protection of buildings;
  - (iv) in locations of habitat importance, maintain existing habitat and provide for new habitat for plant and animals; and
  - (v) provide a safe, attractive and functional environment for residents.

24. The change to the communal open space Standard D7 is summarised as follows:

- (a) Communal open space is to be provided for all apartment development (currently only applicable to developments with 40 or more dwellings). For apartment developments with less than 10 dwellings, the minimum area requirement is capped at 25sqm (rather than 2.5sqm per dwelling).

Officer Assessment

- 25. The provision for a greater guidance on canopy spread and soil volumes is supported.
- 26. The deep soil requirement for sites less than 1000sqm is 5%, with the minimum tree provision of 1 small tree per 30sqm. As a result, applying the deep soil area for sites less than 600sqm is likely to be of limited benefit given that the deep soil area would not meet the threshold for a canopy tree (i.e. 5% of site area would be less than 30sqm). Deep soil areas on smaller sites would also likely become a 'litter trap' and ongoing maintenance issue.
- 27. Apartment development within Yarra is largely occurring within Commercial 1 and Mixed Use Zones. In these areas, provision for deep soil is often not feasible or appropriate. Characteristically these are more robust areas where boundary to boundary construction is a contributory character of the area and as such it would not be appropriate to provide deep soil areas within setbacks. There are also very few sites that would be sufficient in area to accommodate deep soil areas central to the site and that would also achieve a reasonable level of solar access.

28. Furthermore, due to Yarra's past industrial activity, land contamination of some sites would prevent deep soil planting opportunities. It is recommended that this is added as a decision guideline as to when deep soil planting may not be feasible or appropriate.
29. Landscaped front setbacks are not characteristic in the areas typically experiencing growth in Yarra, however landscape opportunities, such as planter boxes and climbers should be encouraged on building facades to soften buildings.
30. Where the threshold for a canopy tree is triggered, the existing standard currently enables applicants to easily provide climbers and green walls in lieu of canopy trees. This issue has not been readily addressed by the proposed standard. Climbers and green walls are not considered an acceptable substitute to canopy trees and therefore it is recommended that this flexibility is removed. In sites where deep soil planting cannot be provided, canopy tree requirements should still be met within adequately sized planters.
31. Council Officers do not support the deletion of the standards as identified as they continue to be relevant considerations and useful for the assessment of a landscape plan.
32. Council officers support the intent of communal open space requirements for all apartment developments, however communal open space areas also contribute to building upkeep costs. Shared between a number of residents, the upkeep costs are not unreasonable, however for a small number of dwellings, it is likely to be significant and impact the dwelling affordability.
33. Council officers support communal open space for apartment developments with less than 40 dwellings, however for the reasons discussed, a threshold is still considered appropriate. Given that it requires 10 dwellings (at a rate of 2.5sqm per dwelling) to achieve a 25sqm area, it is considered reasonable that the minimum threshold be increased to apartments developments with 10 dwellings.

#### Summary points

34. In summary, the following amendments are recommended:
  - (a) Deep soil site areas should only be triggered for sites greater than 600sqm;
  - (b) Include a decision guideline to allow for consideration of contaminated land when determining whether deep soil planting can be achieved;
  - (c) Encourage landscaping to be provided within building *facades* to reduce the visual impact of buildings where front setbacks are not a character of the area;
  - (d) Encourage alternative responses to tree planting *in addition to* rather than *in lieu of* the canopy tree requirements;
  - (e) Retain existing standards that have been deleted; and
  - (f) Communal open space to be required for 10 or more dwellings.

### **High quality building facades**

#### Background

35. The current apartment guidelines do not provide any clear guidance on assessing the appearance, quality and durability of materials. The issues identified in the discussion paper are as follows:
  - (a) Some apartments do not age well;
  - (b) There are few provisions outside Central Melbourne to ensure high-quality design of building facades;
  - (c) The design of building facades may not adequately allow for maintenance; and
  - (d) The 'as constructed' quality of building facades and materials does not always match that of the original planning approval.

36. In assessing apartment developments, Yarra's planning officers rely on local urban design and built form policies within Scheme, specifically clause 21.05 and clause 22.10 (although not applicable in a Heritage Overlay). However, the guidance is vague and does not adequately address the issues above as identified in the discussion paper.

Proposed changes

37. The proposed new standard is to include/encourage:
- (a) External walls of buildings to provide articulation through variation in depth, form and fixtures;
  - (b) External materials to provide visual interest through variation in material, colour and texture and be durable for the life of the building; and
  - (c) Safe and convenient access should be provided for maintenance.
38. It is proposed to include a new requirement for a design rational for external walls and selection of materials.
39. It is also proposed to update the Apartment Design Guidelines to suggest permit conditions for section details at a scale of 1:20 to illustrate the buildings external.

Officer Assessment

40. Council Officers support greater guidance regarding the design of building facades, however suggest additional standards to address the following:
- (a) Discourage sheer unarticulated walls e.g. pre cast concrete unless abutting existing walls to the same or greater height. Due to the narrowness of sites, walls often abut side boundaries and are highly visible. If left untreated, these walls can poorly impact upon the presentation of the development;
  - (b) Articulation details should have regard to the distance that the building will be viewed. Articulation to a street level façade can be much more intricate compared to an upper level wall. Articulation to an upper level wall that is too subtle will have little benefit in improving its appearance; and
  - (c) Building design and material selection should also have regard to:
    - (i) Protection from weathering (e.g. overhangs to prevent leaching, edges to prevent drip lines); and
    - (ii) Material selection which reduces ongoing maintenance costs (e.g. graffiti resistant, materials that weather well).
41. To ensure the 'as built' conditions of major developments reflect the quality depicted on the architectural drawings, Council officers at Yarra commonly add a permit condition that requires the ongoing involvement of the architects (or an alternative architectural firm to the satisfaction of the Responsible Authority) to oversee the design and construction of the development and ensure the design quality and appearance of the development as shown on the endorsed plans is realised. Council officers encourage this to be included as a recommended condition for developments of 5 or more storeys.
42. For greater certainty and assurance on building façade quality, Council Officers also suggest that a Façade Strategy is included as a recommend permit condition for more complex developments. The Façade Strategy should cover/include:
- (a) elevation drawings at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities and typical mid-level and tower facade details;
  - (b) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
  - (c) information about how the façade will be maintained, including any vegetation; and
  - (d) a sample board and coloured drawings outlining colours, materials and finishes.

### Summary points

43. In summary, the following amendments are recommended:
- (a) Discourage sheer unarticulated walls unless abutting existing walls to the same or greater height;
  - (b) Articulation details should have regard to the distance that the building will be viewed
  - (c) Building design and material selection should also have regard to protection from weathering and reducing ongoing maintenance costs; and
  - (d) Include a recommended condition for apartment developments of 5 or more storeys for ongoing involvement of the architects (or an alternative architectural firm to the satisfaction of the Responsible Authority) to oversee the design and construction of the development and ensure the design quality and appearance of the development as shown on the endorsed plans is realised.
  - (e) Include a recommended permit condition for a Façade Strategy on complex developments, to cover/include:
    - (i) elevation drawings at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities and typical mid-level and tower facade details;
    - (ii) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
    - (iii) information about how the façade will be maintained, including any vegetation; and
    - (iv) a sample board and coloured drawings outlining colours, materials and finishes.

### **Protection from wind impacts**

#### Background

44. There are presently no standards relating to wind impacts. Tall buildings can exacerbate wind gusts that can affect pedestrian environments including the amenity and usability of open space areas.
45. It is proposed to introduce a new standard for apartment buildings of 5 or more storeys. While some inner city Councils (Melbourne, Port Phillip & Stonnington) have policy guidance on wind conditions and when a wind report is required, the Yarra Planning Scheme presently does not provide any specific guidance.
46. Current practice of Yarra's planning officers is to request a wind report for major developments of 7 or more storeys where wind impacts are a potential concern. This would usually be requested prior to public notification of an application. The wind report will typically be a 'desk top' assessment from a qualified wind consultant who will provide an opinion on the likely wind impacts from a development based on their experience. This is then peer reviewed by another qualified wind consultant. In cases where there is uncertainty as to whether wind comfort levels will be met, a wind tunnel test will be requested, typically by way of permit condition.

#### Proposed changes

47. A new objective and standard is proposed. The objective would be: *To ensure the design and layout of development does not generate unacceptable wind impacts within the site or on surrounding land.* The standard introduces wind criteria relating to unsafe and comfort wind conditions within Table W. This is to be met having regard to the following:
- (a) Development should not cause unsafe wind conditions for public land, publically assessable areas, private open space and communal open space;
  - (b) Development should achieve comfortable wind conditions for public land and publically accessible areas;

- (c) Trees and landscaping should not be relied upon as the primary means for achieving wind mitigation or to meet the minimum wind requirements;
- (d) Any wind mitigation measures (e.g. canopies and screens) to be located within the subject site, unless consistent with the existing or proposed urban context; and
- (e) Assessment distance is calculated as half the total height of the building or half the longest width of the building, whichever the greater. The distance is to be measured from all facades.

48. Table W is as follows:

**Table W**

Wind conditions	Requirement
<b>Unsafe</b>	The hourly maximum 3 second gust which exceeds 20 metres per second from any wind direction considering at least 16 wind directions with the corresponding probability of exceedance percentage.
<b>Comfortable</b>	<p>A mean wind speed from any wind direction with probability of exceedance less than 20% of the time, equal to or less than:</p> <ul style="list-style-type: none"> <li>• 3 metres per second for sitting areas,</li> <li>• 4 metres per second for standing areas,</li> <li>• 5 metres per second for walking areas.</li> </ul> <p>Hourly mean wind speed is the maximum of the:</p> <ul style="list-style-type: none"> <li>• Hourly mean wind speed, or</li> <li>• Gust equivalent mean speed (3 second gust wind speed divided by 1.85).</li> </ul>

49. The decision guidelines make reference to a wind report submitted by a suitably qualified specialist.

#### Officer Assessment

- 50. Council Officers support the inclusion of a wind impact assessment standard for developments of 5 storeys or greater.
- 51. The wording of the standard suggests that there may be situations where unsafe wind conditions caused by a development would be allowed. This is not supported by Council's planning officers. The standard also only directs public land and publically accessible areas to achieve the comfort criteria. To ensure all outdoor areas are usable, it is considered that a reasonable comfort criteria should also be achieved for communal and private open space areas.
- 52. The comfort criteria within Table W refers to a "mean speed" rather than a specific direction criteria. Melbourne's wind climate experiences strong northern and westerly wind gusts, however other wind directions are typically milder. Using an average speed across all directions is likely to mask more severe wind impacts from northerly and westerly winds.
- 53. Greater guidance is required to establish where sitting, standing and walking criteria is to be met. Informed by advice from various Wind Consultants, it is standard practice to apply:
  - (a) Walking comfort for footpaths and other pedestrian thoroughfares;
  - (b) Standing comfort for building entrances, communal terraces and open space; and
  - (c) Sitting comfort for outdoor café seating.
- 54. The above criteria has been accepted for many developments within the City of Yarra as achieving an appropriate level of wind comfort.

55. The standard suggests that trees and landscaping could be used, in conjunction with other measures, to achieve the minimum wind requirements. It is not clear whether this is in relation to safety or comfort criteria. However, in either instance, Council officers do not support any reliance on vegetation to achieve minimum wind requirements. While vegetation can ameliorate wind conditions, it is too variable to be relied upon i.e. trees may fail or vegetation may otherwise not grow with the density of foliage required.
56. Wind mitigation measures are often an afterthought in the design of a building. It is recommended that a standard is required to also ensure that wind mitigation measures are appropriately integrated into the design of the building.
57. The assessment distance is unclear and may result in excessive study areas, particularly within built up areas where wind impacts from developments are more immediate to the site. It is suggested that wind assessments beyond the site boundaries could be limited to the publicly accessible areas between the nearest adjacent buildings, including publically accessible areas on private land; or the proposed assessment distance, whichever the lesser.
58. The proposed decision guidelines do not require consideration of existing conditions. There may be situations where existing conditions already exceed comfort levels and therefore it may not be possible for a proposed development to achieve the comfort criteria in these cases. This should be included as a decision guideline to consider this circumstance.
59. Reference to a wind report should be contained within the standard rather than the decision guidelines. Based on current practice, Council officers would support a desktop report initially with a wind tunnel assessment to be provided in situation where further analysis is warranted to determine that the wind comfort criteria is met.

#### Summary points

60. Strengthen the standard by removing reference to '*should not cause*' in relation to unsafe wind conditions.
61. Nominated comfort criteria to also be met within private open space and communal open space areas.
62. Comfortable wind criteria to be based upon specific direction criteria rather than mean wind speeds from any direction.
63. Identify which comfort criteria should be used, suggest:
  - (a) Walking comfort for footpaths and other pedestrian thoroughfares;
  - (b) Standing comfort for building entrances, communal and private open space area; and
  - (c) Sitting comfort for outdoor café seating.
64. Remove reference to 'primary' in regard to the relation to trees and landscaping for wind mitigation and include reference to minimum comfort criteria.
65. Include within the standard that wind mitigation measures to be appropriately integrated into the design of the building.
66. Limit wind assessment areas beyond the site boundaries to publicly accessible areas between the nearest adjacent buildings, including publically accessible areas on private land; or the proposed assessment distance, whichever the lesser.
67. Include the consideration of existing wind conditions in the decision guidelines.
68. Include reference to a desktop wind report prepared by a suitably qualified specialist within the standard, with wind tunnel testing to be undertaken in situations where further wind analysis is required to ascertain whether wind comfort criteria will be met.

## Attractive, engaging streets

### Background

69. The current apartment guidelines include an objective and standards for integration with the street (Clause 58.02-5), however they provided limited detail in support of active and engaging streetscapes. There are also objectives and standards for vehicle access and site services (Clauses 58.03-6 and 58.06-2), however, these provide little guidance on the visual impact that these services can have on the presentation of a building.
70. The Discussion Paper suggests that there are issues with windowless and blank walls, prominent vehicle entrances, and visible car parking and building services that dominate the street frontage. The proposed changes seek to address this issue.

### Proposed changes

71. In regard to the integration with the street, it is proposed to add a second objective to encourage active street fronts. The existing standards are proposed to be amended, with new standards added as summarised below:
- (a) Reference to cycle links has been added with developments to now provide adequate vehicle, pedestrian and cycle links;
  - (b) Reference to 'in front of dwellings' has been deleted from the standard requiring high fencing to be avoided where practical;
  - (c) A new standard requests that buildings provide for residential, commercial, retail or other active uses at street fronts;
  - (d) A new standard requires that car parking and internal waste collection area of a building should be located behind residential, commercial, retail or other active uses along street fronts; and
  - (e) A new standard seeks to avoid blank walls along street fronts.
72. In regard to vehicle access, it is proposed to make reference to 'access points' in the objective, which seeks to minimise the impacts of vehicle crossovers on the streetscape.
73. A new standard is proposed that car parking entries should be consolidated, minimised in size and integrated within the façade and where practicable located at the side or rear of the building.
74. In regard to site services, it is proposed to amend the second objective to include reference to site services i.e. to ensure that site services and facilities are accessible, adequate and attractive. It is also proposed to add a new standard that: *metres, utility services and service cupboards should be designed as an integrated component of the façade.*
75. The Discussion Paper also indicates that principles for well located, designed and integrated services will be added to the Apartment Design Guidelines for Victoria.

### Officer Assessment

76. Council Officers support the expansion of the Integration with the Street objectives and standards, however advocate additional detail within the standards as follows:
- (a) Delete reference to 'where practical' from the standard discouraging high fencing. The standard is not mandatory so in situations where high fencing is appropriate, this could be permitted. Reference to 'where practical' potentially indicates a greater acceptable on high fencing in certain situations;
  - (b) Greater guidance in relation to what is desirable for active streets such as high levels of glazing at street level. Reference should also be made to activation of upper levels through windows or balconies, which contribute to active streetscapes and security through passive surveillance; and



- (c) Residential uses at ground level do not necessarily support an active streetscape and can result in a poor internal amenity from occupants seeking privacy through perpetually closed blinds. Layout and design should have regard to the protection of privacy whilst maximising opportunities for active frontages and integrated streetscapes.
- 77. Council officers support the inclusion of design principles within the Apartment Design Guidelines to provide guidance on how activation and street integration is to be achieved.
- 78. The first standard within 'Integration with the Street' requires adequate vehicle, pedestrian and cycle links. It is considered that this would be more suited to 'access' considerations under Clause 58.03-6 given that it relates to vehicle access/integration more so than street activation.
- 79. Council officers also encourage additional standards within Access, including:
  - (a) Separation of pedestrian and bicycle access points from vehicle access points; and
  - (b) Ensure the design and location of car parking entries minimises conflicts with pedestrians, cyclists and vehicles.
- 80. Council officers support the new standard for site services, however believe that the standard should be strengthened by discouraging services facing the street or where required by the service provider, their size and prominence be reduced as much as practicable. While utility and emergency providers require some services to be accessible from the public realm, in cases where services do not be positioned along the frontage or can be reduced in size, greater policy support for this outcome is requested i.e. substations in basements.

#### Summary points

- 81. Delete reference to 'where practical' from the standard discouraging high fencing.
- 82. Clarify within the Standards how active streets are to be achieved e.g. high levels of glazing at street level and glazing and balconies to upper levels.
- 83. Include a standard that requires consideration of privacy for dwellings when designing for active frontages.
- 84. Include reference to the Apartment Design Guidelines in the decision guidelines and update these to provide examples on how activation and street integration can be achieved.
- 85. Relocate the standard on adequate vehicle, pedestrian and cycling links to the Access Standard.
- 86. Include additional standards for Access requiring a separation of pedestrian and bicycle access points from vehicle access points and minimise potential conflicts with pedestrians, cyclists and vehicles.
- 87. Include an additional standard for site services that discourages services facing the street or where unavoidable, reduce their size and prominence as much as practicable.

### **Better managed construction impacts**

#### Background

- 88. At Yarra City Council, a Construction Management Plan is a standard planning permit condition requirement for all large and hard to access developments prior to the commencement of the development. The Construction Management Unit reviews and authorises construction management plans, this includes input from Council's traffic engineers, civil engineers and in some cases input from other authorities such as CitiPower and VicRoads. However, many other Victorian municipalities do not have these measures in place and as such, the construction phase can cause excessive impacts on the surrounding area.

89. Presently, there are no specific standards within the Scheme that require Construction Management Plans to be prepared. The Discussion Paper proposes to create a new standard to require details of how a site will be managed prior to and during the construction period to ensure that apartment building construction is consistently managed with less disturbance on existing neighbourhoods.

Proposed changes

90. New objectives and standards are proposed. The objectives seek to protect the site and surrounding area from environmental degradation or nuisance prior to and during construction. They also seek to protect the drainage infrastructure and receiving waters from sedimentation and contamination.
91. The new standard would require applications to describe how the site will be managed prior to and during construction. A list of potential items to be managed would also be included.
92. The Discussion Paper also outlines that it proposes to amend the apartment design guidelines to include a construction management plan before the development commences, including demolition.

Officer Assessment

93. Council officers do not support the inclusion of a construction impacts standard for apartment developments. Construction management is a vital component of development in the City of Yarra due to its built up, inner city context, however providing this information at the planning application stage is of little benefit to construction management or the assessment of apartment developments.
94. Construction Management Plans are a document prepared by the appointed builder to outline their construction methodology based on the current conditions. Preparing this information at the planning application stage would require input from a builder potentially years before the commencement of the development. This would lead to uncertainty in respect to the consideration of other developments and potential street upgrade works and service installations that may occur in the time between the planning application stage and commencement of the development.
95. The construction methodology is unrelated to the assessment of an application insofar as the construction methodology does not inform the ultimate design and quality of the proposed apartment development. It is therefore not considered a necessary ingredient for planning officers to assess the application before them, however it is likely to unnecessarily delay the assessment of plans as matters relating to construction are negotiated.
96. Furthermore, the objective as proposed is likely to unreasonably increase community expectations. It is not feasible to protect surrounding areas from any nuisance during construction, as construction does inherently cause some disruption. Furthermore, introducing a requirement to consider construction methodology for apartment developments would also create inconsistency in the assessment process for other non-residential developments, which would not be required to provide up-front construction methodology statements.
97. Council's planning officers, however, do support the recommendation for a Construction Management Plan to be included as a permit condition prior to commencement of works, including demolition, bulk excavation and site preparation works. Presently, Council officers have difficulty requiring construction management plans for demolition and site preparation works where no planning permit is required for those works i.e. on sites not protected by a heritage overlay. The requirement for a Construction Management Plan prior to demolition for all sites would be beneficial.
98. The listed items to be covered by a construction management plan is largely supported, however should also include asset protection and civil works.

### Summary points

99. Do not support the inclusion of objectives and standards relating to construction impacts at the planning application stage.
100. Support the inclusion of construction management plans as a condition of permit prior to the commencement of demolition.
101. Request that Construction management plans required as a condition of permit also include details on asset protection and civil works.

### **Conclusion**

102. Council Officers support and encourage greater guidance for apartment developments to ensure the impact on neighbourhoods and that adverse impacts are assessed and managed. However, as outlined in this report, particular changes are recommended on the proposed standards to ensure that they are relevant and useful for future developments within the City of Yarra. A summary of this feedback is contained within the recommendation below.

### **RECOMMENDATION**

1. That:
  - (a) Council receive the report on the Review of Better Apartments Design Standards.
  - (b) Council submit the following feedback to the Department of Environment, Land, Water and Planning in response to the Discussion Paper 2019:

#### **Green Space**

- (i) Deep soil site areas should only be triggered for sites greater than 600sqm;
- (ii) Include a decision guideline to allow for consideration of contaminated land when determining whether deep soil planting can be achieved;
- (iii) Encourage landscaping to be provided within building facades to reduce the visual impact of buildings where front setbacks are not a character of the area;
- (iv) Encourage alternative responses to tree planting in addition to, rather than in lieu of, the canopy tree requirements;
- (v) Retain existing standards that have been deleted;
- (vi) Communal open space to be required for 10 or more dwellings;

#### **High quality building facades**

- (vii) Discourage sheer unarticulated walls unless abutting existing walls to the same or greater height;
- (viii) Articulation details should have regard to the distance that the building will be viewed;
- (ix) Building design and material selection should also have regard to protection from weathering and reducing ongoing maintenance costs;
- (x) Include a recommended condition for apartment developments of 5 or more storeys for ongoing involvement of the architects (or an alternative architectural firm to the satisfaction of the Responsible Authority) to oversee the design and construction of the development and ensure the design quality and appearance of the development as shown on the endorsed plans is realised;
- (xi) Include a recommended permit condition for a Façade Strategy on complex developments, to cover/include:

- elevation drawings at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities and typical mid-level and tower facade details;
- section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
- information about how the façade will be maintained, including any vegetation; and
- a sample board and coloured drawings outlining colours, materials and finishes.

### **Protection from Wind Impacts**

- (xii) Strengthen the standard by removing reference to '*should not cause*' in relation to unsafe wind conditions;
- (xiii) Nominated comfort criteria to also be met within private open space and communal open space areas;
- (xiv) Comfortable wind criteria to be based upon specific direction criteria rather than mean wind speeds from any direction;
- (xv) Identify which comfort criteria should be used, suggest:
  - Walking comfort for footpaths and other pedestrian thoroughfares;
  - Standing comfort for building entrances, communal and private open space area;
  - Sitting comfort for outdoor café seating;
- (xvi) Remove reference to 'primary' in regard to the relation to trees and landscaping for wind mitigation and include reference to minimum comfort criteria;
- (xvii) Include within the standard that wind mitigation measures to be appropriately integrated into the design of the building;
- (xviii) Limit wind assessment areas beyond the site boundaries to publicly accessible areas between the nearest adjacent buildings, including publically accessible areas on private land; or the proposed assessment distance, whichever the lesser;
- (xix) Include the consideration of existing wind conditions in the decision guidelines;
- (xx) Include reference to a desktop wind report prepared by a suitably qualified specialist within the standard, with wind tunnel testing to be undertaken in situations where further wind analysis is required to ascertain whether wind comfort criteria will be met;

### **Active engaging streets**

- (xxi) Delete reference to 'where practical' from the standard discouraging high fencing;
- (xxii) Clarify within the Standards how active streets are to be achieved e.g. high levels of glazing at street level and glazing and balconies to upper levels;
- (xxiii) Include a standard that requires consideration of privacy for dwellings when designing for active frontages;
- (xxiv) Include reference to the Apartment Design Guidelines in the decision guidelines and update these to provide examples on how activation and street integration can be achieved;


- (xxv) Relocate the standard on adequate vehicle, pedestrian and cycling links to the Access Standard;
- (xxvi) Include additional standards for Access requiring a separation of pedestrian and bicycle access points from vehicle access points and minimise potential conflicts with pedestrians, cyclists and vehicles;
- (xxvii) Include an additional standard for site services that discourages services facing the street or where unavoidable, reduce their size and prominence as much as practicable;

**Better Managed Construction Impacts**

- (xxviii) Do not support the inclusion of objectives and standards relating to construction impacts at the planning application stage;
- (xxix) Support the inclusion of construction management plans as a condition of permit prior to the commencement of demolition; and
- (xxx) Request that Construction management plans required as a condition of permit also include details on asset protection and civil works.

**CONTACT OFFICER:** Amy Hodgen  
**TITLE:** Coordinator Statutory Planning  
**TEL:** 9205 5330

**Attachments**

1  Better Apartments Discussion Paper 2019

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### 11.3 Proposed Discontinuance of Road abutting the rear of 88-90 Johnston Street, Collingwood

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Reference: D19/141951

Authoriser: Director Corporate, Business and Finance

#### Purpose

1. For Council to consider whether the road shown as lot 1 on the title plan attached as Attachment 1 (**Title Plan**) to this report, being:
  - (a) the whole of the land contained in certificate of title volume 11849 folio 976; and
  - (b) part of the land contained in Memorial Book O no. 870.together, the (**Road**), should be discontinued pursuant to the *Local Government Act 1989 (Act)* and sold to the owner of 88-90 Johnston Street, Collingwood.

#### Background

2. The Road is comprised of, the whole of the land contained in certificate of title volume 11849 folio 976, being lot 1 on title plan PS962046U, shown as the area outlined **Blue** on the plan attached as Attachment 2 to this report (**Site Plan**), and part of the land contained in Memorial Book O No. 870, shown as the area outlined yellow on the Site Plan. (**Yellow Road**).
3. Copies of the title searches of the Road are attached as Attachment 3 to this report.
4. 88 Johnston Street Pty Ltd (**Applicant**) is the owner of the properties adjoining the Road shown outlined red on the Site Plan, being, 80-90 Johnston Street, Collingwood and 59-63 Sackville Street, Collingwood.
5. The Road is adjacent to, 72, 74, 76 and 78 Johnston Street, Collingwood. Together the (**Adjoining Properties**), and shown green on the Site Plan.
6. The Applicant has requested that Council discontinue the Road and sell the former Road to the Applicant (**Proposal**). The Applicant is redeveloping the site and the discontinued road will be incorporated into the new development.
7. Council has recently made a decision to remove the Road from its register of public roads.
8. The Blue Road is:
  - (a) registered in the name of the Applicant as a result of an application made by the Applicant to the Registrar of titles to bring the land under the operation of the *Transfer of Land Act 1958*;
  - (b) not shown as a road on title, however as the land was recently listed on Council's register of public roads, it is a 'road' for the purposes of the Act which council has the power to consider discontinuing. If discontinued, the Blue Road will vest in Council;
  - (c) is not accessible to the public, as part of the building constructed on 88 Johnston and 90 Johnston is also constructed over the whole of the Blue Road since at least the 1930's; and
  - (d) does not provide access to 59 Sackville Street, Collingwood.
9. The Yellow Road:
  - (a) is registered in the name of Thomas Greenwood, Frederick Clews and Charles Woodward;
  - (b) is constructed of bitumen;

- (c) is known to title as a 'road' and was recently listed on Council's register of public roads. The Yellow Road is therefore a 'road' for the purposes of the Act which Council has the power to consider discontinuing. If discontinued the Yellow Road will vest in Council;
  - (d) is not required for access to the rear of the Adjoining Properties;
  - (e) is used primarily for rear access to 88 Johnston Street; and
  - (f) does not provide access to 90 Johnston Street and 59 Sackville Street.
10. At its meeting on 18 September 2018, Council resolved to commence the statutory procedures and give notice pursuant to section 207A and 223 of the Act of its intention to discontinue and sell the Roads to the Owner.

#### **Public Notice**

- 11. The required public notice was placed in the Age Newspaper on December 12 2018, together with Council's Website and Facebook Page.
- 12. A copy of the public notice was given to the Owners and Occupiers of the adjoining properties.
- 13. Following the publication of the public notice Council received 2 formal submissions and 6 responses on Council's Facebook page.
- 14. A copy of the public Notice is attached as Attachment 4 to this report.
- 15. A copy of all submissions received by Council are attached as Attachment 5 to this report.

#### **Objections to Proposal**

16. The written submissions to the Proposal are summarised as follows:

##### Submission/Objection by Owner of 76 Johnston Street, Collingwood:

- (a) The Owner of 76 Johnston Street objected to Council discontinuing and selling that part of the Road shown marked 'A' on the plan attached to the Owner's letter at Attachment 5 to this report, on the basis that:
  - (i) Council's public notice was misleading;
  - (ii) if part of the Road was to be constructed over, access to the parking spaces used by 76 Johnston Street, would be impeded;
  - (iii) the Owner of 76 Johnston Street, requires the Road to enter and exit its parking spaces adjacent to the Road;
  - (iv) the amenity of the Adjoining Properties would be affected by delivery vehicles utilising the Road; and
  - (v) the Applicant has no right to acquire the Road;
- (b) The Owner of 76 Johnston Street, does not object to the proposed discontinuance of the part of the Road marked B on the plan attached to the Owner's letter.

##### Submission/Objection by Owner of 78 Johnston Street, Collingwood

- (c) The Owner of 78 Johnston Street, Collingwood objected to Council discontinuing and selling that part of the Road shown marked A on the plan attached to the Owner's letter at Attachment 5 to this report, on the basis that:
  - (i) the Owner of 78 Johnston Street, required the Road to enable clients to access the car parking on its land;
  - (ii) the Owners of 76 Johnston Street require the Road to access their car parking;
  - (iii) access to the car parking located at 72 and 74 Johnston Street, Collingwood would be indirectly affected; and
  - (iv) any development over the Road would inhibit the use of the rear of 78 Johnston Street and the Owner's business operation; and

- (d) The Owner of 78 Johnston Street, does not object to the proposed discontinuance of that part of the Road marked B on the plan attached to the Owner's letter.

- 17. The Owners of 76 and 78 Johnston Street, provided several photographs in support of their submissions. Copies of which are attached to this report at Attachment 5.

Submission/Objections received on Council's Facebook page.

- 18. The objections received on Council's Facebook page may be summarised as follows:
  - (a) that any potential development of the area would affect the local amenity;
  - (b) that Council should better direct its resources to build a homeless shelter or upgrade the local police station; and
  - (c) that Council has approved too many developments within the area.

Additional Information provided by Applicant's Representative.

- 19. The Senior Development Manager of the Applicant has provided the following information:
  - (a) a substation designed to CitiPower specifications has to be constructed adjacent to the laneway;
  - (b) CitiPower require access to the substation in perpetuity, this means that ground level access has to be maintained; and
  - (c) the Road will remain open at ground level but will be developed below and above as per the approved planning permit.
- 20. A copy of the ground floor development plan is attached to this report as Attachment 6.

Officer comments on objections to Proposal.

- 21. The following comments are offered by officers in respect of the submissions made in objection to the proposal:
  - (a) Council's public notice accurately describes the Road;
  - (b) Council considers that access to the Adjoining Properties will not be impacted by Council discontinuing and selling the Road;
  - (c) Council considers that the amenity of the Adjoining Properties and the local area will not be adversely impacted by Council discontinuing and selling the Road;
  - (d) the Applicant has the right to apply to Council to request that Council discontinue and sell the Road to it;
  - (e) the Road is a 'road' which Council has the power to consider discontinuing and Council is entitled to consider discontinuing and selling roads pursuant to clause 3 of Schedule 10 of the Act; and
  - (f) The former road will still be available to use as access at ground level.

**Road**

- 22. It is established that the Road is a 'road' which Council has the power to consider discontinuing pursuant to the Act. If the road is discontinued, the Road will vest in council.

**Statutory/Public Authorities**

- 23. The following statutory/public authorities have been advised of the Proposal and have been asked to respond to the question of whether they have any existing assets in the Road that should be saved under section 207C of the Act: City West Water, Yarra Valley Water, Melbourne Water, CitiPower, United Energy, Multinet Gas, Telstra, Optus, APA Group and Yarra City Council.
- 24. Yarra Valley Water, Melbourne Water, CitiPower, United Energy, Multinet Gas, Telstra, Optus, APA Group and Yarra City Council advised that they have no known assets in or above the Road and have no objection to the Proposal.



25. City West Water (**CWW**) advised that it did not object to the Proposal, subject to the following conditions:
- (a) a certified title plan approved by CWW must show a 2.0m wide centrally located sewerage easement to be in favour of CWW;
  - (b) any proposed fences must be located a minimum distance of 800mm clear of the centreline of existing CWW sewer mains;
  - (c) any proposed fence lines must be located a minimum distance of 1.0m from sewer manholes and/or sewer inspections shafts ; and
  - (d) any proposal to build over a sewer asset will require CWW's written consent (i.e. build-over application approval).
26. A copy of correspondence from CWW is contained in Attachment 7 to this report.
27. The future development of the site will be required to meet CWW's conditions.

#### **External Consultation**

28. Public notice of the proposal was given according to Council's resolution of 18 September 2018.

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

29. No Internal consultation is required for this report.

#### **Financial Implications**

30. There are no financial implications arising from this report.

#### **Economic Implications**

31. The Applicant has agreed to acquire the Road, for its market value (plus GST) as determined by the Act.
32. In addition to the market value (plus GST), the Applicant has agreed to pay Council's costs and disbursements associated with the proposal.

#### **Sustainability Implications**

33. There are no sustainability implications arising from this report.

#### **Social Implications**

34. There are no social implications arising from this report.

#### **Human Rights Implications**

35. There are no human rights implications arising from this report.

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

36. All notices and correspondence issued in respect of this proposal will contain a reference to Yarralink Interpreter Services.

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

37. There are no Council Plan, Strategy, or Policy Implications.

#### **Legal Implications**

38. There are no legal implications for this report.

#### **Other Issues**

39. There are no other issues.

#### **Options**

40. There are no options associated with this report.

## Proposal








41. Council must consider the submissions lodged in respect of the proposal, then determine whether the Road is reasonably required for public use in order to decide whether the Road should be discontinued and sold pursuant to clause 3 of schedule 10 of the Local Government Act 1989 Act).

## RECOMMENDATION

1. That Council, having considered all submissions received in response to the public notice regarding Council's proposal to discontinue the road shown marked Lot 1 on the title plan attached as Attachment 1 to this report (**Road**), being the whole of the land contained in certificate of title volume 11849 folio 976 and part of the land contained in Memorial Book O No 870:
  - (a) Resolves that having followed all the required statutory procedures pursuant to section 189, 207A and 223 of the Act pursuant to its power under Schedule 10, clause 3 of the Act, and being of the opinion that the road abutting 88-90 Johnston Street, Collingwood, is not reasonably required for public use, Council discontinues the Road;
  - (b) Directs that a notice pursuant to the provisions of Clause 3(a) of schedule 10 of the Act is to be published in the *Victoria Government Gazette*;
  - (c) Directs that, once discontinued the Road be transferred to the Applicant for the current market value plus (GST), with the market value to be determined in accordance with the Act;
  - (d) Directs that any easements, rights or interests required to be created or saved over the Road by any authority be done so; and
  - (e) Authorises Council's CEO to sign any transfer or transfers of the Road or any other documents required to be signed in connection with the discontinuance of the Road and its subsequent transfer to the Applicant.

**CONTACT OFFICER:** Bill Graham  
**TITLE:** Coordinator Valuations  
**TEL:** 9205 5270

## Attachments

- 1  Title Plan
- 2  Site Plan
- 3  Title Searches
- 4  Public Notice
- 5  Submissions
- 6  Applicant Development Plan
- 7  CWW Response

## 11.4 Road Naming Proposals

Trim Record Number: D19/149108

Responsible Officer: Group Manager Chief Executive's Office

### Purpose

1. For Council to consider public submissions and make a formal decision relating to four separate road naming proposals.

### Background

1. Under the provisions of the *Geographic Place Names Act 1998* and the *Naming rules for places in Victoria, Statutory requirements for naming roads, features and localities – 2016* (the *Naming Rules*), Council is the 'naming authority' in respect of most roads within the municipality. This role is supported by Council's *Place Naming Policy*, adopted in July 2019.
2. In summary, this process is set out as follows:

Process	Responsibility	Next step
1 Naming Request	Anyone may submit a request for a place to be named.	Go to 2
2 Assessment	A Council officer determines whether the place warrants naming using the criteria set out below.	<b>Yes</b> , go to 3 <b>No</b> , process ends
3 Woi wurrung naming	A Council officer contacts the Wurundjeri Tribe to see if they can suggest a suitable Woi wurrung name.	<b>Yes</b> , go to 6 <b>No</b> , go to 4
4 Community naming	A Council officer commences community consultation to see if the community can suggest a suitable name.	Go to 5
5 Proposed name	A Council officer consults with Councillors on community, Councillor and officer suggestions and selects a proposed name (or alternative names) for formal exhibition.	Go to 6
6 Exhibition	A Council officer undertakes targeted consultation with affected owners and occupiers and with street naming stakeholders on the proposed name(s).	Go to 7
7 Submissions	A Council officer receives submissions from the public on the proposed name, prepares a Council report and invites all submitters to the relevant meeting.	Go to 8
8 Decision	Council receives public submissions, considers the report and makes a final decision about the street name.	Council process ends

3. For each of the four naming proposals presented in this report, Steps 1 to 7 have been completed, and this report represents the final Step 8.
4. In order to undertake naming processes more efficiently, where the proposals are not time critical, they are considered in batches, with the steps above undertaken for multiple proposals concurrently.
5. This process has now been completed for the four naming proposals set out in this report.

Proposal 1 – Road behind numbers 61 to 73 Reid Street Fitzroy North

6. The development of an additional dwelling at 61 Reid Street Fitzroy North requires that the road shown in Council's Road Register as Right of Way 2074 be assigned a name in order to provide a unique property address.
7. A plan of the road to be named is provided below.



8. In accordance with Council's Naming of Roads, Features and Localities Policy, officers sought a naming suggestion from the Wurundjeri Tribe. The Wurundjeri Tribe declined to submit a name for consideration.
9. In addition to making contact with the Wurundjeri Tribe, Council officers contacted the Fitzroy History Society, wrote to 24 owners and occupiers of adjoining properties, placed a notice on Council's website and alerted the public to the proposal through Facebook, Twitter and Council's Yarra Life eNewsletter. All correspondence invited people to suggest names for Council's consideration, and provided 28 days to enable a response.
10. Following the consultation process, the following submissions were received and satisfy the requirements of the *Naming Rules*:

Submissions	Officer Response
<p>VLAJNIC</p> <p>This submission was lodged by the naming proponent and owner of an adjoining property in Reid Street:</p> <p><i>"Mirko Vljajnic was the founder of the Serbia Pension Club some 20 years ago at the old community house in Edinburgh Gardens. For many many years he was the President at the club and just before his death in 2011 he was the Secretary."</i></p>	<p>This submission describes a local resident with a long standing connection to the site, and a significant contribution to the local Serbian community over many decades. A descendant of Mr Vljajnic still owns a property in Reid Street.</p> <p>The name "Vljajnic" would be compliant with the <i>Naming Rules</i>.</p>

<p>VLAJNIC</p> <p>This submission was lodged by the Fitzroy City Soccer Club:</p> <p><i>"The late Mirko Vlainic was the founder of our club Fitzroy Serbia Soccer Club back in 1963. For the next 5 decade Mirko was a very active member in our club and amongst the Serbian community in Fitzroy where he resided since coming to Australia as an immigrant in the late 50s. Mirko was for many decades both the President and Secretary of our club as well as the manager of our team, and spent many endless hours working in the club or working for the club."</i></p>	<p>See officer's response above.</p>
<p>PAROLIN</p> <p>This submission was lodged by the owner of two adjoining property in Reid Street:</p> <p><i>"My grandparents, Placido and Emma Parolin, bought the house when it was being built back in 1959. My other grandparents, Giovanni and Maria Cenzato were the owners of 61 Reid Street and sold the property in 1963. My parents were next door neighbours when they were seven. It is the long history that my families, the Parolin's and Cenzato's have had with the street and surrounding neighbourhood, that I nominate the names for the lane."</i></p>	<p>This submission describes a couple with a long held connection to the site. The descendants of the couple still own two properties in Reid Street.</p> <p>The name "Parolin" would be compliant with the Naming Rules.</p>

11. In addition to the submissions above, non-compliant suggestions were made for the names *Placido* and *Emma* (both are non-compliant because they are first names of a person whose surname would be compliant). A further submission was made for the name *Yerrin Barring* which is believed to be a Woi wurrung word for 'bush path' (non-compliant because it was not submitted by the Wurundjeri Tribe).
12. Following consideration of all public submissions and feedback from Councillors, officers determined to advertise Council's intention to assign the name "Vlainic Lane" to the road.
13. On 18 July 2019, letters were sent to all adjoining landowners and occupiers, inviting them to lodge an objection in relation to the proposed street name. At the closing date, no objections had been received.
14. **Officers recommend that the name 'Vlainic Lane' be assigned to right of way 2074.**  
Proposal 2 - Roads off Gibdon Street in Burnley
15. The residential development of the site at 60A Gibdon Street Burnley requires that the roads shown in Council's Road Register as Rights of Way 1188, 1189 and 1190 be assigned names in order to provide a unique property address. Rights of Way 1189 and 1190 can be named together as a single road.
16. A plan of the roads to be named is provided below, with 1188 shown in green and 1189 and 1190 shown in red.



17. In accordance with Council's Naming of Roads, Features and Localities Policy, officers sought a naming suggestion from the Wurundjeri Tribe. The Wurundjeri Tribe submitted two names for consideration.
18. In addition to making contact with the Wurundjeri Tribe, Council officers contacted the Richmond and Burnley Historical Society, wrote to 47 owners and occupiers of adjoining properties, placed a notice on Council's website and alerted the public to the proposal through Facebook, Twitter and Council's Yarra Life eNewsletter. All correspondence invited people to suggest names for Council's consideration, and provided 28 days to enable a response.
19. Following the consultation process, the following submissions were received and satisfy the requirements of the *Naming Rules*:

Submissions	Officer Response
<b>WADAMBUK and NGAWE</b> These names were suggested by the Wurundjeri Tribe. The meaning of the words are 'renew' and 'rest' respectively.	Council's policy commitment is to use Woi wurrung words where they are suggested by the Wurundjeri Tribe and compliant with the <i>Naming Rules</i> . The names 'Wadambuk' and 'Ngawe' would be compliant with the <i>Naming Rules</i> .
<b>MORA</b> This name was suggested in recognition of Mirka Mora, the prominent Melbourne artist who died in August 2018.	The submission seeks to highlight the significant contribution of Ms Mora to the Melbourne art industry. Naming a road in recognition of Ms Mora would redress the lack of roads named in recognition of women, and would be consistent with Council's Gender Equity Strategy which seeks to acknowledge women through road naming. Officers are not aware of any evidence that Ms Mora had any direct connection with the site in question or the suburb of Burnley. Subject to approval from Ms Mora's descendants, The name 'Mora' would be compliant with the <i>Naming Rules</i> .
<b>RANCH</b> This name has been suggested to acknowledge the history of a past property known as "Burnley Ranch", which has been demolished to make way for future development.	The suggested name has a connection with the site in question. Officers have confirmed that the dwelling formerly located at 60a Gibdon Street was constructed in the early 1970s and was known as 'Burnley Ranch' until its recent demolition. The name 'Ranch' would be compliant with the <i>Naming Rules</i> .

Submissions	Officer Response
<p><b>BREAM</b></p> <p>This name has been suggested to recognise the species of fish found in the nearby Yarra River.</p>	<p>The suggested name has a connection with the site in question, due to its proximity to the Yarra River.</p> <p>The name 'Bream' would be compliant with the <i>Naming Rules</i>.</p>

20. In addition to the submissions above, non-compliant suggestions were made for the names *Burnley*, *Barkley*, and *Twickenham* (non-compliant due to the duplication of existing road names) and *Cooper* (non-compliant as it relates to a person who is still alive). Further submissions were made for the names *Baluth*, *Marnang*, *Karooma* and *Tuggan Tuggan*, believed to be Woi worrung words for 'elbow', 'hand', 'bream' and the tree species 'Grevillea Robusta (Silky Oak)' respectively (non-compliant because they were not submitted by the Wurundjeri Tribe).
21. Following consideration of all public submissions and feedback from Councillors, officers determined to advertise Council's intention to assign the names "Ngawe Lane" and "Wadambuk Retreat" to the roads.
22. On 30 July 2019, letters were sent to all adjoining landowners and occupiers, inviting them to lodge an objection in relation to the proposed street name. At the closing date, two objections had been received, which reads as follows:
  - (a) *"We don't consider the proposed names of the 2 lanes off Gibdon Street in Burnley to be very favourable. Both are very hard to pronounce and require spelling out for every occasion. The pronunciation and spelling of NGawe is likely to present an inconvenience, however, it won't be a major problem and is quite short. WADAMBUK is quite long and uncommon, but will also mainly be an inconvenience. However, the naming of it as 'Retreat' will present problems when filling out any type of online form where this street type doesn't exist in the drop-down menu. I'm also not sure how navigation systems will respond to this street type. Our development with 9 apartments will have this address, and we believe there will be a major problem with this name. We therefore would like you to consider naming it WADAMBUK LANE instead to avoid inconvenience and difficulties for the adjoining residents.";* and
  - (b) *"I wish to object for the following reasons: 1. The resources, time and money could be better directed to core council responsibilities – roads, rubbish, recycling and building issues. 2. 60 A Gibdon St has served as an address for the property for many years. 3. The lane between 60 and 62 Gibdon St does not need a name as the properties on each side can be split into "A" and "B" or "1" or "2". 4. As noted there will "relatively low traffic use", the process and cost to make these changes will benefit or give value to very few if any people at all. 5. The tribal names selected are not easily pronounced. 6. If a name is needed for the lane running alongside 66 Gibdon St and then northwards perhaps Gibdon Way, Retreat, Close or Lane could be considered as it relates to and is well known to people in the area and beyond."*
23. In assessing the pronunciation issue raised in both objections, officers have had regard to Principle J of the Naming Rules, which reads in part: *"Geographic names should be easy to pronounce, spell and write, and preferably not exceed three words (including feature or road type) and/or 25 characters. An exception to this is in the use of Aboriginal languages, when it is accepted that Aboriginal names that initially appear complex will, over time, become familiar and easy to use."* and *"roads and features must use approved road and feature types which are located in Appendix A and Appendix B."*
24. In addressing the other issues raised in the second objection, officers advise that the expenditure in naming a road is relatively minor (less than \$1,000), the property at 60A Gibdon Street is now being subdivided into multiple properties and the use of 'Gibdon' in a new street name would not be permitted as it would duplicate Gibdon Street.
25. While acknowledging the pronunciation and spelling challenges, officers remain satisfied that the street names are suitable for the location. As to the street type, officers advise that "Retreat" is a permissible street type that is supported by all major mapping systems.



However, as the submitter requesting a different street type is the primary stakeholder in the road naming proposal, officer's support a change to the proposed street type as requested.

26. **Officers recommend that the name "Ngawe Lane" be assigned to right of way 1188 and "Wadambuk Lane" be assigned to rights of way 1189 and 1190.**

Proposal 3 - Roads alongside Garryowen Park in Fitzroy

27. The dwellings at the rear of the apartment development at 25 to 33 Rose Street Fitzroy have no direct access to Rose Street, and are accessed via the right of way at the rear. Residents have reported difficulties receiving visitors and deliveries, and would likely experience delays in the arrival of emergency services. The installation of a directional signage on Rose Street has not made a noticeable difference. This, together with the development of a property at the rear of 35 Rose Street requires that the roads shown in Council's Road Register as Rights of Way 1863, 1864 and 1865 be assigned names in order to provide a unique property address. Rights of Way 1863 and 1865 can be named together as a single road.
28. A plan of the roads to be named is provided below, with 1863 and 1865 shown in green and 1864 shown in red.



29. In accordance with Council's Naming of Roads, Features and Localities Policy, officers sought a naming suggestion from the Wurundjeri Tribe. The Wurundjeri Tribe declined to submit names for consideration.
30. In addition to making contact with the Wurundjeri Tribe, Council officers contacted the Fitzroy History Society, wrote to 108 owners and occupiers of adjoining properties, placed a notice on Council's website and alerted the public to the proposal through Facebook, Twitter and Council's Yarra Life eNewsletter. All correspondence invited people to suggest names for Council's consideration, and provided 28 days to enable a response.
31. Following the consultation process, the following submissions were received and satisfy the requirements of the *Naming Rules*:



Submissions	Officer Response
<p>GARRYOWEN</p> <p>Suggested for the east-west road by a resident whose address would change</p>	<p>Garryowen Park acknowledges Edmund 'Garryowen' Finn (1819-1898), an early Melbourne journalist and author. Following the publication of a number of articles under the pen name "Garryowen" in the Port Phillip Herald in the 1870s, Finn's seminal work <i>The Garryowen Sketches ... 'by an old Colonist'</i> were printed in 1880 and <i>The Chronicles of Early Melbourne 1835 to 1852</i> was printed in 1882.</p> <p>From 1860 Edmund Finn lived in a bluestone cottage at 20 Leicester Street, Fitzroy which was demolished in the early 1970s and became Garryowen Park.</p> <p>Officers have confirmed that the use of 'Garryowen' as road name would not be considered a duplicate, despite the existence of Garryowen Park and as a result the name 'Garryowen' would be compliant with the <i>Naming Rules</i>.</p>
<p>GARRYOWEN</p> <p>Suggested for the east-west road by a resident whose address would change</p>	<p>See officer's response above.</p>
<p>GARRYOWEN</p> <p>Suggested for the east-west road by a resident of Leicester Street</p>	<p>See officer's response above.</p>
<p>FINN</p> <p>The Fitzroy Historic Society made two suggestion for road names - 'Edmund' (which is non-compliant as it is a duplicate) and 'Finn'.</p>	<p>The use of the suggested name would reinforce the connection between Edmund Finn and the site in question.</p> <p>The name 'Finn' would be compliant with the <i>Naming Rules</i>.</p>
<p>MECHANIC'S</p> <p>Suggested by a resident of Leicester Street in recognition of a motor repair shop which dominated this section of the lane for many decades.</p>	<p>This suggestion demonstrates a good connection to the local area, and is a nod to the industrial history of this part of Fitzroy.</p> <p>The name 'Mechanics' (without an apostrophe) would be compliant with the <i>Naming Rules</i>.</p>
<p>RUBY</p> <p>Suggested in recognition of Ruby Charlotte Margaret Hunter (1955 – 2010), and an Australian singer, songwriter and guitarist and member of the Ngarrindjeri Tribe.</p>	<p>The existence of Hunter St Abbotsford means that a first name may be used to recognise Ms Hunter.</p> <p>This suggestion acknowledges the significant contribution to Australian music by Ms Hunter, and would be consistent with Council's Gender Equity Strategy which seeks to acknowledge women through road naming.</p> <p>Officers are not aware of any direct connection between Ms Hunter and the site in question.</p> <p>Subject to approval from her descendants, the name 'Ruby' would be compliant with the <i>Naming Rules</i>.</p>

32. In addition to the submissions above, non-compliant suggestions were made for the names *Edmund, Hunter, Mission, Ola Cohn, Park, Rose, Rosella, Warwick* and *Wills* (non-compliant due to the duplication of existing road names) and *Little Rose Cooper* (non-compliant as it includes the word 'Little'). A further request was made to name a road in recognition of Jennifer Wills – a former Councillor of the City of Fitzroy (non-compliant as she is still alive).
33. One submitter requested that the roads remain unnamed on the basis that naming the roads is likely to increase traffic.
34. Following consideration of all public submissions and feedback from Councillors, officers determined to advertise Council's intention to assign the names "Garryowen Lane" and "Mechanics Lane" to the roads.

35. Of note, while the name “Mechanics” comes from a community suggestion and was intended to recognise the presence of a former motor repair shop in the location, it is planned to be used to recognise the working class history of Fitzroy, rather than one particular individual. It is part of a theme that recently saw the naming of Workers Lane in Richmond and Shoemaker Lane in Fitzroy North.
36. On 30 July 2019, letters were sent to all adjoining landowners and occupiers, inviting them to lodge an objection in relation to the proposed street name. At the closing date, no objections had been received.
37. **Officers recommend that the name ‘Garryowen Lane’ be assigned to right of way 1863 and 1865 and ‘Mechanics Lane’ be assigned to right of way 1864.**

Proposal 4 – Renaming of part of Perry Street Alphington

38. In recent years, a number of properties in Perry Street Alphington have been subdivided, meaning that new properties have been assigned an address in Perry Street Alphington. Street numbering has been problematic – something that has been further complicated by the fact that only part of the street falls within the City of Yarra.
39. Over time, the street numbering has been inconsistent, meaning that (for example), the numbering increases as you head south, except for number 8, 10, 12, 14 and 16, where the numbering runs the other way. Insufficient numbers have been reserved for future subdivisions in a number of places, and there is some duplication in addresses between Perry Street Alphington and Perry Street Fairfield (which have the same postcode).
40. It is important to eliminate this confusion, as it is likely that emergency services vehicles called to properties in Perry Street could be delayed as the driver locates the address. Difficulties are also likely to be experienced in receiving mail, deliveries and directing visitors to properties.
41. Council explored the renaming of the entirety of Perry Street Alphington in 2018, but abandoned the proposal due to the objection of a number of residents that would be required to change their address.
42. Earlier in 2019, the process recommenced – this time with the proposal that only that section of the road south of Margaret Grove would be renamed. There are only two directly affected property owners and they are both strongly supportive of this renaming proposal.
43. A plan of the section of road to be renamed is provided below, with the affected section shown in yellow.



44. Among the community suggestions for the two streets in Burnley described above was the name “Yerrin Barring”, meaning ‘bush path’ in Woi wurrung. As this name suitably describes the nature of the southern portion of Perry Street Alphington, officers consulted with the Wurundjeri Tribe and received their support for the application of a simplified version of the name – Yerrin to the street in Alphington. In considering the most suitable street type, officers drew on the Australian Standard street types and felt that “Chase”, which is defined as ‘a roadway leading down to a valley’ accurately describes the nature of the road.
45. Following consideration of public submissions in relation to the previous naming proposal, the suggestion from the Wurundjeri Tribe and feedback from Councillors, officers determined to advertise Council’s intention to assign the name “Yerrin Chase” to the road.
46. On 22 July 2019, letters were sent to all adjoining landowners and occupiers, inviting them to lodge an objection in relation to the proposed street name. At the closing date, no objections had been received.
47. **Officers recommend that the name “Yerrin Chase” be assigned to the portion of Perry Street Alphington south of Margaret Grove.**

#### External Consultation

48. The details of the consultation for each proposal are set out in the previous section. Each process is slightly different in order to take into account the individual circumstances of the naming proposal. The processes were guided by Council’s *Place Naming Policy* and the *Naming Rules*.
49. In summary, the consultation involved:
  - (a) Direct email to the Wurundjeri Tribe;
  - (b) Email contact to the relevant local historical society;
  - (c) Direct mail to the owners and occupiers of all adjoining properties;
  - (d) Placement of a notice on Council’s website;
  - (e) Highlighting the proposals on Council’s social media channels, Facebook and Twitter;and

- (f) Publication of a notice and link in Council's fortnightly eNewsletter, *Yarra Life*.

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

50. Officers from a number of different Council departments assisted in the development of this report, including the Statutory Planning Unit in relation to development and subdivision matters and the Valuations Services Unit in relation to property numbering issues.
51. Council's communications team facilitated the public communications of the road naming proposals.

### **Financial Implications**

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

### **Economic Implications**

53. There are no economic implications associated with the preparation of this report.

### **Sustainability Implications**

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

### **Social Implications**

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

### **Human Rights Implications**

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

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

57. Direct contact was made with the Wurundjeri Tribe at the beginning of the process, and they have made suggestions for two of the rights of way as set out in this report.
58. Although there was no other targeted communications for our culturally and linguistically diverse communities, there was a strong focus on the use of visual aids in the form of maps, in presenting information on the respective sites on Council's website and in direct mail to adjoining property owners and occupiers.

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

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

### **Legal Implications**

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

### **Other Issues**

61. In addition to the process set out in the Place Naming Policy, officers have had regard to the following Council policies in progressing the naming proposals set out in this report:
- (a) The *City of Yarra Aboriginal Partnership Plan 2015-2018* (noting specific preference to using Woiwurrung words in selecting names);
  - (b) The *City of Yarra Gender Equity Strategy 2016-2021* which contained an action to "investigate opportunities for naming new streets and other places in Yarra after prominent Yarra female leaders"; and
  - (c) The *Council Plan 2018-2022* (which contains references to the need to "acknowledge and celebrate our diversity and people from all cultural backgrounds", to "acknowledging and celebrating Aboriginal history and culture in partnership with

*Traditional Owners” and the need to find ways to “pay tribute to the lived history and heritage, connecting with the stories and experiences of those who came before us and shaped the character of Yarra”.*

62. Further, officers have endeavoured to identify names that have a connection to the right of way to be named, by drawing on the history of the site and surrounding area and by consulting with surrounding residents and property owners.

### **Options**

63. Following consideration of any verbal submissions, Council is able to:
- (a) Accept the officer recommendation for the street names;
  - (b) Propose an alternative street name, and recommence the public submission process on this basis; or
  - (c) Determine to abandon the street naming process.

### **Conclusion**

64. This report presents the results of the officer’s assessment of the suggested names and presents a recommendation in relation to each naming proposal.
65. The officer’s recommendation is that Council:
- (a) assign the name “Vlajnic Lane” to right of way 2074 (behind 61-73 Reid Street Fitzroy North);
  - (b) assign the name “Ngawe Lane” to right of way 1188 (between 60 and 62 Gibdon Street Burnley);
  - (c) assign the name “Wadambuk Lane” to rights of way 1189 and 1190 (behind 56 to 66 Gibdon Street and alongside 66 Gibdon Street Burnley);
  - (d) assign the name “Garryowen Lane” to right of way 1863 and 1865 (behind 21 to 71 Rose Street Fitzroy);
  - (e) assign the name “Mechanics Lane” to right of way 1864 (between 35 and 45 Rose Street and alongside 36 Leicester Street); and
  - (f) re-name the portion of Perry Street Alphington south of Margaret Grove to “Yerrin Chase”.
66. Further, it is recommended that Council direct the Chief Executive Officer to lodge the adopted names with the Registrar of the Office of Geographic Names and to notify all objectors of Council’s decision, informing them of their capacity to lodge a formal objection with the Registrar.

## RECOMMENDATION

1. That having noted objections in relation to the relevant street naming proposals, Council:
  - (a) assign the name “Vlajnic Lane” to right of way 2074 (behind 61-73 Reid Street Fitzroy North);
  - (b) assign the name “Ngawe Lane” to right of way 1188 (between 60 and 62 Gibdon Street Burnley);
  - (c) assign the name “Wadambuk Lane” to rights of way 1189 and 1190 (behind 56 to 66 Gibdon Street and alongside 66 Gibdon Street Burnley);
  - (d) assign the name “Garryowen Lane” to right of way 1863 and 1865 (behind 21 to 71 Rose Street Fitzroy).
  - (e) assign the name “Mechanics Lane” to right of way 1864 (between 35 and 45 Rose Street and alongside 36 Leicester Street); and
  - (f) re-name the portion of Perry Street Alphington south of Margaret Grove to “Yerrin Chase”.
2. That the Chief Executive Officer lodge the adopted names with the Registrar of the Office of Geographic Names and advise all submitters of Council's decision.

**CONTACT OFFICER:** Rhys Thomas  
**TITLE:** Group Manager Chief Executive's Office  
**TEL:** 9205 5302

## Attachments

There are no attachments for this report.

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## 11.5 Audit Committee Charter Review

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Reference: D19/147530

Authoriser: Director Corporate, Business and Finance

### Purpose

1. To present the outcomes of a review of the Charter of the Yarra City Council Audit Committee and seek a Council resolution to update the Charter in accordance with the audit Committee's advice.
2. To make minor adjustments to the terms of appointment for existing external committee members in order to align with the rotational arrangements set out in the draft Charter.

### Background

#### Audit Committee Charter Review

3. The current Charter of the Yarra City Council Audit Committee was adopted by Council in September 2015. While the Charter envisaged that the document be reviewed and assessed every two years, no formal review has subsequently taken place. In view of recent organisational changes and shifts in responsibility for audit matters, a review of the Charter is now timely.
4. The Audit Committee called for the commencement of this review at its meeting on 4 April 2019, with a view to presenting a new Charter for Council's consideration before the end of 2019. A preliminary review of the Charter was considered at the meeting of the Audit Committee on 9 May 2019.
5. At the May meeting, the Committee considered a desktop assessment of the current Charter undertaken by Committee member Vince Philpott. Mr Philpott is a Qualified Audit Assessor of the Institute of Internal Auditors Australia (IIA) and conducted a review using the IIA Audit Committee Charter Checklist. The Committee examined a number of suggested changes arising from Mr Philpott's work, feedback from the Audit Committee Chairperson and advice from Council officers.
6. The Committee made a number of further suggestions to be incorporated in the Charter review.
7. Following the May meeting, the Senior Governance Advisor conducted a further review of the Charter, seeking to incorporate all of the matters raised to date, as well as identify any omissions or duplications.
8. A key part of this process, was a review of the responsibilities set out in the Charter on a line by line basis, and the documentation of precisely how those responsibilities are met by either the Committee or its members. This process resulted in the merger of a number of existing obligations (to remove duplication) and the division of others (to provide greater clarity for what were different tasks).
9. The outcome of this process ensures that there are no 'orphaned' obligations, and it is now possible to much more readily prepare a rolling twelve month work plan for each meeting, as well as an annual review of whether or not the Committee has met its obligations under the Charter. This direct one to one relationship between the Committee Charter, the annual work plan and the agendas of each meeting now exists for the first time.
10. A further outcome of the process was a restructuring of the responsibilities section to differentiate between those responsibilities of the *Committee*, and those responsibilities of its *members*. This distinction becomes important when conducting the annual self-assessment process and reporting to Council on the work of the committee, and when assessing the performance of a member upon consideration of reappointment.

11. The outcomes of this review were presented to the Audit Committee at its meeting on 20 August 2019.
12. The Committee made a number of further suggestions and then resolved *“the Audit Committee endorse the draft Audit Committee Charter ... and refer it to Council with the recommendation that it be adopted.”*
13. Following this meeting, further changes were made to clause 3.6 in relation to the manner and period of appointment of external Committee members, to provide Council with greater flexibility in determining the precise end date of terms of appointment and to enable terms of different lengths to be set to account for existing members and casual vacancies. These changes were circulated and supported by external committee members ahead of their inclusion in the attached draft.
14. While the full extent of the proposed changes can be found in the marked up version of the current Charter found at **Attachment 1**, the material changes are summarised below.

Where	What	Why
1.2	Addition to the statement of purpose to include supporting Council to meet its corporate governance obligations.	A recognition that the role of the Committee in Council's governance framework extends beyond just those specific roles and responsibilities identified.
2.3.6	Addition to provide authority to request a report be tabled by the CEO at a Council meeting.	This is necessary to enable the committee to fulfil its responsibility at 4.7.3.
3.2	Change to quorum provisions.	An alteration to ensure that the number of Councillors at a meeting cannot be greater than the number of external members.
3.6 3.8	Clarity regarding how terms of appointment of external members are managed.	Current processes for appointment are not transparent, and it is not clear when member terms will conclude.
4.2.1	Inclusion of a new provision regarding Business Continuity Planning.	Responsibility is included to account for the Committee's expanding role in monitoring this area.
4.3.3	Introduction of flexibility in arrangements for the review of internal audit scopes.	The need for formal review of scopes at a Committee meeting before an audit can commence has the potential to significantly delay the internal audit program. This change retains the role of the Committee in reviewing scopes, but provides a mechanism for feedback to be provided out of session rather than formally at meetings.
5.2.1	Alteration of provision relating to Delegate's Reports.	Greater transparency by providing that Delegate's Reports be provided in open Council meetings, rather than confidentially, unless this is specifically required.

15. A clean copy of the proposed Audit Committee Charter can be found at **Attachment 2**.

#### Audit Committee Appointments

16. Among the proposed changes to the Audit Committee Charter, is a clearer explanation of the manner and term of appointment for external members. The proposal is that external committee members be appointed for terms of three years, with expiry of one member's term ideally occurring each year.



17. In anticipation of this Charter Review, two of the existing members whose terms have already come to an end have been invited to continue to participate until such time as the arrangements have been resolved.
18. With the finalisation of the new arrangements, it is now necessary to make adjustments to the terms of appointment of the existing external members.
19. The current Chair of the committee, Helen Lanyon, was appointed at the Council meeting on 19 September 2017 for the period 1 October 2017 to 30 September 2020. It is recommended to make no changes to this term of appointment.
20. Vince Philpott was appointed at the Council meeting on 7 July 2015, with the term to commence immediately and expire on 6 July 2018. Mr Philpott has continued to participate in the Committee since this date. It is recommended to appoint Mr Philpott to a second term, with an expiry date of 6 July 2021.
21. David Ashmore was also appointed at the Council meeting on 7 July 2015, but with the term to commence in September 2015 and expiring on 21 September 2018. Mr Ashmore has continued to participate in the Committee since this date. It is recommended to appoint Mr Ashmore to a second term, with an expiry date of 21 September 2021.
22. While the proposed appointments above will not immediately implement the rostering arrangement preferred in the Committee Charter, it is recommended that three year terms be offered to the existing members, with the rotational arrangements to be implemented at the time of any casual vacancy or upon the appointment of a new member.

#### **External Consultation**

23. Aside from discussions at Audit Committee meetings as detailed above, no further consultation has been undertaken.
24. External Committee members have confirmed their willingness to continue to serve the committee for the extended terms set out in the recommendation.

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

25. This review has been led by Council's Governance team, in consultation with the Director Corporate, Business and Finance, Group Manager People, Culture and Communities and the Chief Financial Officer.

#### **Financial Implications**

26. The arrangements for the establishment and payment of fees to external members of the Audit Committee are unchanged, and as a result there are no financial implications arising from this review.

#### **Economic Implications**

27. There are no economic implications arising from this review.

#### **Sustainability Implications**

28. There are no sustainability implications arising from this review.

#### **Social Implications**

29. There are no social implications arising from this review.

#### **Human Rights Implications**

30. There are no human rights implications arising from this review.

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

31. No external communications were undertaken in the conduct of this review.

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

32. The review of the Audit Committee's Charter assists Council to achieve its commitment to 'A leading Yarra' as set out in the Council Plan 2017-2012.

33. More specifically, this work supports articulated strategy 7.3, which commits Council to *“maintain a culture of transparency, governance, ethical practice and management of risks that instils a high level of community respect and confidence in Council decision-making”*.

### Legal Implications

34. Council is required under section 139 of the local Government Act 1989 to constitute an Audit Committee in accordance with the requirements of that section. The Audit Committee Charter has been reviewed with a view to ensuring continued compliance with the Act, as well as drawing on the outcomes of the assessment of the Charter against the Institute of Internal Auditors Australia Audit Committee Charter Checklist.

### Other Issues

35. While it is to be expected that the passage of a Local Government Bill 2019 will require a further review of the Audit Committee Charter (likely to reflect an expanded legislative role of what will be called an “Audit and Risk Committee”), it is unknown when this Bill will be presented to Parliament, or when those provisions would take effect. Officers do not recommend placing the Charter review on hold in anticipation of the passage of the Bill.

### Options

36. The draft Charter presented in this report has been reviewed by the Audit Committee and has been endorsed for Council’s consideration. While this endorsement demonstrates the Committee’s support for the outcomes of the review, it is not binding on Council.
37. The composition of the Audit Committee charter is a matter for Council, and Council has the discretion to make any changes to the Charter as presented by alternate resolution.

### Conclusion

38. This report recommends the adoption of the revised Audit Committee Charter and a number of minor adjustments to the terms of the existing external committee members.

## RECOMMENDATION

1. That Council:
  - (a) note the resolution of the Audit Committee to *“endorse the draft Audit Committee Charter ... and refer it to Council with the recommendation that it be adopted.”*; and
  - (b) adopt the revised Yarra City Council Audit Committee Charter found at **Attachment 2**.
2. That Council:
  - (a) appoint Vince Philpott to a second term, expiring on 6 July 2021; and
  - (b) appoint David Ashmore to a second term, expiring on 21 September 2021.

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### Attachments

- 1 ➡ Draft Audit Committee Charter (marked up)  
2 ➡ Draft Audit Committee Charter (clean)

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## 11.6 Council Meeting Operations Policy

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Reference: D19/158919

Authoriser: Group Manager Chief Executive's Office

### Purpose

1. The need to update Council's policy for the recording of council meetings to enable the commencement of live streaming from November provides an opportunity to streamline council's policy relating to the operation of Council meetings.
2. This report presents a draft Council Meetings Operations Policy (**Attachment One**) for consideration by Council.

### Background

3. In the 2019/2020 Budget, Council approved funding for the introduction of live streaming at council meetings held at Richmond and Fitzroy Town Halls. In order to facilitate the introduction of these live streams and publication of recordings on Council's website, it is necessary to update the Recording of Meeting Proceedings Policy.
4. The operation of council meetings is governed primarily by the Yarra City Council Meeting Procedures Local Law, which is supplemented in turn by a range of supporting policies. These policies have been developed progressively over time as council meetings have evolved and changes have been required to take account of legislative change and operational requirements.
5. The policy framework governing council meetings currently comprises:
  - (a) Conclusion of Meetings Policy (**Attachment Two**);
  - (b) Confidentiality of Information Policy (**Attachment Three**);
  - (c) Petition and Joint Letters Policy (**Attachment Four**);
  - (d) Presentation of Reports By Officers Policy (**Attachment Five**);
  - (e) Processing Committee Recommendations In Block Policy (**Attachment Six**);
  - (f) Public Access to Agendas Policy (**Attachment Seven**);
  - (g) Public Participation At Council and Committee Meetings Policy (**Attachment Eight**);
  - (h) Recording of Meeting Proceedings Policy (**Attachment Nine**);
  - (i) Special Committees Information To The Public and Media Policy (**Attachment Ten**); and
  - (j) Urgent Business Policy (**Attachment Eleven**).
6. The need to update the Recording of Council Meeting Proceedings Policy provides an opportunity to review and streamline this policy framework and adopt a single, overarching policy to combine these policy provisions in one place. This report presents a draft Operation of Council Meetings Policy (the draft policy), which contains the provisions of the policies listed above. These provisions have been translated into the draft policy as set out below.

#### Conclusion of Meetings Policy

7. This policy provides that meetings shall conclude at 11.00pm or shortly thereafter.
8. This policy was adopted in 1996, and last reviewed in 2014.
9. It is submitted that this policy remains relevant, and it has been translated into the draft policy without change.

Confidentiality of Information Policy

10. This policy provides that the provisions of the Local Government Act 1989 be observed insofar as confidential matters are presented to Council. The policy also contains a number of procedural elements to guide staff in the management of confidential information.
11. This policy was adopted in 1997, and last reviewed in 2014.
12. It is submitted that this policy provides no policy guidance over and above what is already set out in the Local Government Act 1989, and that the procedural elements are a matter for management. It is recommended these policy provisions not be translated to the draft policy.

Petition and Joint Letters Policy

13. This policy sets Council's approach to receiving and responding to petitions and joint letters.
14. This policy was adopted in 2002, and last reviewed in 2015.
15. It is submitted that this policy remains relevant, and it has been translated into the draft policy without change.

Presentation of Reports by Officers Policy

16. This policy sets out the role and responsibility of officers in presenting reports to council meetings.
17. This policy was adopted in 1997, and last reviewed in 2014.
18. It is submitted that this policy remains relevant, and it has been translated into the draft policy without change.

Processing Committee Recommendations in Block Policy

19. This policy sets out the treatment of recommendations to Council by formally constituted committees that do not have delegated authority. Upon the dissolution of the Finance and Human Services Committee and the Planning, Environment and Infrastructure Committee in late 2011, Yarra no longer has any committees that make recommendations in this way.
20. This policy was adopted in 1996, and last reviewed in 2014.
21. It is submitted that this policy is no longer applicable due to Council no longer having any committees with the authority to make formal recommendations to Council. It is recommended these policy provisions not be translated to the draft policy

Public Access to Agendas Policy

22. This policy provides that hard copies of Council business papers be available at Richmond Town Hall, Collingwood Town Hall and Yarra's libraries and a copy is available for download from Council's website. Due to low interest in the hard copies, these documents have been made available on request since 2015. Officers are aware of only one request having been made in this time.
23. This policy was adopted in 1996, and last reviewed in 2014.
24. It is submitted that the focus on hard copy availability is outdated, but the need for publication on Council's website remains. The existing policy provisions regarding internet publication have been inserted into the draft policy, in addition to new provisions that provide that hard copies will be made available to meeting attendees on request. This is intended to replace the current informal practice of printing a limited number of hard copies and making them available at meetings – something which results in the overwhelming majority of papers being unused and thrown out after each meeting.

Public Participation at Council and Committee Meetings Policy

25. This policy sets out the arrangements to enable members of the public to make submissions in relation to any matter presented to a Council meeting. The policy includes general provisions, plus additional provisions which relate only to Council Meetings, IDAC meetings or submissions made under section 223 of the Local Government Act 1989.

26. This policy was adopted in 1996, and last reviewed in 2014.
27. In order to address the current cumbersome list of provisions, the existing provisions have been translated into the draft policy, with separate provisions for Council Meetings, IDAC meetings and section 223 submissions. A small number of changes have been proposed to capture the current practice. These are:
  - (a) Clarity that IDAC submitters are requested to explain their preferred decision in relation to a permit application (refusing, granting or granting with conditions) and set out any requested permit conditions; and
  - (b) Explanation of the order of hearing submissions made under the section 223 process.

#### Recording of Meeting Proceedings Policy

28. This policy regulates the use of recording devices in accordance with the Yarra City Council Meeting Procedures Local Law, and provides for the publication of audio recordings of Council meetings on Council's website.
29. This policy was adopted in 1997, and last reviewed in 2017.
30. It is submitted that this policy remains relevant, and it has been translated into the draft policy with the necessary changes to account for the move to live streaming, and the inclusion of video in the recordings.

#### Special Committees Information to the Public and Media Policy

31. This policy sets out how to communicate the deliberations of formally constituted Council committees that do not have delegated authority. Upon the dissolution of the Finance and Human Services Committee and the Planning, Environment and Infrastructure Committee in late 2011, Yarra no longer has any such committees.
32. This policy was adopted in 1996, and last reviewed in 2012.
33. It is submitted that this policy is no longer applicable due to Council no longer having any relevant committees. It is recommended these policy provisions not be translated to the draft policy.

#### Urgent Business Policy

34. This policy sets out the mechanism for the acceptance of urgent business to a Council meeting.
35. This policy was adopted in 1996, and last reviewed in 2015.
36. It is submitted that this policy remains relevant, and it has been translated into the draft policy without change.

#### Additional provisions

37. In addition to the provisions carried over from the current policy framework, the draft policy includes specific guidance in relation to a number of matters not currently provided for in the local law or supporting policies.
38. The draft provides that in addition to the provisions set out in the local law, the following provisions apply for questions asked during public question time:
  - (a) In determining the order of questions, the Mayor shall first invite persons who have previously submitted their question the Council and then any other interested persons;
  - (b) Participants in Public Question Time are requested to:
    - (i) direct questions to the Mayor;
    - (ii) refrain from making statements or engaging in debate;
    - (iii) not raise operational matters which have not previously been raised with the Council administration;
    - (iv) not ask questions about matter listed on the agenda for the current meeting.

- (v) refrain from repeating questions that have been previously asked;
- (vi) If asking a question on behalf of a group, explain the nature of the group and how the submitter is able to speak on their behalf; and
- (vii) Speak for a maximum of five minutes;
- (c) Guidance is provided for how questions taken on notice are treated; and
- (d) Guidance is provided for the treatment of questions submitted in writing by persons not in attendance.

### **External Consultation**

39. There has been no external consultation undertaken in the development of this report.

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

40. There has been limited internal consultation undertaken in drafting the new policy, focussed on staff with operational responsibility for Council meetings and IDAC meetings.

### **Financial Implications**

41. The additional costs associated with the live streaming of Council meetings were approved Council in the 2019/2020 Annual Budget.
42. Minor administrative cost savings will be achieved by ceasing the practice of printing hard copies of Council business papers in anticipation of attendance by members of the public interested in that item (most of which are subsequently disposed of). To some degree, these savings will be offset by the need to have resources available to print copies of agenda papers on request. It is not expected that these savings or costs will be material to the budget.

### **Economic Implications**

43. No economic implications arising from the matters set out in this report have been identified.

### **Sustainability Implications**

44. It is anticipated that the paper consumption will reduce significantly, as approximately three quarters of the business papers produced for members of the public are disposed of at the conclusion of the meeting. In addition, encouraging members of the public to download copies Council's website is likely to reduce the number of people relying on hard copies, and instead bringing electronic versions with them on a mobile device.
45. There is arguably a potential reduction in transport related greenhouse gas emissions brought about by enabling interested persons to watch Council meetings from home and not being required to travel to the meeting venue. These savings are largely theoretical and are unable to be quantified at this stage.
46. No other sustainability implications arising from the matters set out in this report have been identified.

### **Social Implications**

47. Increasing access to Council meetings through live streaming has the potential to open up Council decision-making processes to members of the public who have not ever attended a Council meeting in person. This potentially includes persons who do not speak English as a first language, those with disabilities, those without access to transport, those with carer or family responsibilities, those with employment commitments and those from marginalised communities.
48. No other social implications arising from the matters set out in this report have been identified.

### **Human Rights Implications**

49. The draft policy has been assessed and found to be compatible with the Victorian Charter of Human Rights of Responsibilities. The rights that were identified as being engaged by the draft policy are:
- (a) Right to privacy and reputation;
  - (b) Right to freedom of expression;
  - (c) Right to peaceful assembly and freedom of association;
  - (d) Right to taking part in public life; and
  - (e) Right to a fair hearing.
50. In all cases, the degree of engagement or restriction on each human right was found to be warranted in the circumstances, having regard to
- (a) the nature of the right;
  - (b) the importance of the purpose of the limitation;
  - (c) the nature and extent of the limitation;
  - (d) the relationship between the limitation and its purpose; and
  - (e) any less restrictive means reasonably available to achieve the purpose that the limitation seeks to achieve.
51. The development of the draft policy was undertaken on the premise that limitations to human rights should be minor, rare and unavoidable.

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

52. No external communication has been undertaken in the development of this draft policy.

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

53. The review and ongoing evolution of Council's meeting procedures and supporting policies assists Council to achieve its commitment to 'A leading Yarra' as set out in the Council Plan 2017-2012.
54. More specifically, this work supports articulated strategy 7.3, which commits Council to *"maintain a culture of transparency, governance, ethical practice and management of risks that instils a high level of community respect and confidence in Council decision-making"* and 7.6 which commits to *"enable greater transparency and access to the conduct of Council Meetings."*

### **Legal Implications**

55. In developing his draft policy, care has been taken to ensure that the proposed measures do not conflict with those set out in the Local Government Act 1989, the Yarra City Council Meeting Procedure Local Law or obligations of Council to make its decisions in accordance with the provisions of procedural fairness.
56. The move to live streaming of Council meetings exposes Council and meeting participants individually to a risk of a breach of legislation including, but not limited to the Copyright Act 1968 (Cth), Defamation Act 2005 (Vic), Local Government Act 1989 (Vic) and the Privacy and Data Protection Act 2014 (Vic). While the draft policy includes provisions to minimise this risk in relation to recorded proceedings, this risk cannot be eliminated from live streaming.
57. Over the past twelve months, there have been only three instances where audio redactions have been authorised.
58. While this risk cannot be eliminated completely, it is intended to provide guidance and advice to Councillors in advance of the first live stream, and to provide signage at Council meetings to remind members of the public of their obligations.

### **Other Issues**

59. Aside from the changes identified above, the development of this policy has been predicated on a 'business as usual' basis, either by carrying over identical provisions to the existing policy, or reflecting current practice in the drafting of policy positions.
60. Consideration was given to conducting a more thorough review of any of the current processes, with a view to determining further opportunities for improvement. While this review is worthy of consideration, the expected passage of the Local Government Bill 2019 later this year will trigger a requirement to repeal Council's Local Law and prepare new Governance Rules in its place. On this basis, officers will not be recommending a thorough review of the meeting procedures at this time.

### **Options**

61. Given the limited scope of this review and the 'business as usual' approach recommend, no alternative options are presented at this time.
62. Council has the option of endorsing the draft as presented, endorsing it with amendments, or returning the draft for further analysis and drafting.

### **Conclusion**

63. Officers recommend that Council adopt the attached draft Council Meetings Operations Policy and revoke the policies found attached to this report at Attachments Two through Eleven be repealed.



## RECOMMENDATION

1. That Council:
  - (a) adopt the Council Meetings Operations Policy (**Attachment One**); and
  - (b) repeal the:
    - (i) Conclusion of Meetings Policy (**Attachment Two**);
    - (ii) Confidentiality of Information Policy (**Attachment Three**);
    - (iii) Petition and Joint Letters Policy (**Attachment Four**);
    - (iv) Presentation of Reports By Officers Policy (**Attachment Five**);
    - (v) Processing Committee Recommendations In Block Policy (**Attachment Six**);
    - (vi) Public Access to Agendas Policy (**Attachment Seven**);
    - (vii) Public Participation At Council and Committee Meetings Policy (**Attachment Eight**);
    - (viii) Recording of Meeting Proceedings Policy (**Attachment Nine**);
    - (ix) Special Committees Information To The Public and Media Policy (**Attachment Ten**); and
    - (x) Urgent Business Policy (**Attachment Eleven**).

**CONTACT OFFICER:** Rhys Thomas  
**TITLE:** Group Manager Chief Executive's Office  
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### Attachments

- [1](#) Council Meetings Operations Policy (draft)
- [2](#) Conclusion Of Meetings Policy
- [3](#) Confidentiality of Information Policy
- [4](#) Petition and Joint Letters Policy
- [5](#) Presentation of Reports By Officers Policy
- [6](#) Processing Committee Recommendations In Block Policy
- [7](#) Public Access to Agendas Policy
- [8](#) Public Participation At Council and Committee Meetings Policy
- [9](#) Recording of Meeting Proceedings Policy
- [10](#) Special Committees Information To The Public and Media Policy
- [11](#) Urgent Business Policy

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## **11.7 Report on Assemblies of Councillors**

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Trim Record Number: D19/149060

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.

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## Attachments

- 1  Assemblies of Councillors Report - September 2019