

# Ordinary Meeting of Council Agenda

**to be held on Tuesday 5 May 2020 at 7.00pm  
via TEAMS**

## **Participating in Council meetings during the COVID-19 pandemic**

In order to ensure the health and safety of Councillors, staff and the community, IDAC meetings held during the Victorian State of Emergency are closed to the public. This is in accordance with advice provided by the State Government.

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## **Making a submission**

In order to participate in the meeting, either by asking a question during Public Question Time or making a submission in relation to an item being considered at the meeting, you can lodge a written submission, which will be read in full to the Council by a Council officer on your behalf or you can arrange for a Council officer to telephone you during the meeting, and connect you directly to the Committee so you can make your submission yourself.

To participate in the meeting, you will need to lodge your submission or register to receive a phone call by midday on the day before the meeting. Submissions can be lodged online on the relevant meeting page on Council's website.

## **Recording and Publication of Meetings**

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Meeting recordings can be viewed at <http://webcast.yarracity.vic.gov.au>.

**[www.yarracity.vic.gov.au](http://www.yarracity.vic.gov.au)**

## **Order of business**

- 1. Statement of recognition of Wurundjeri Woi-wurrung Land**
- 2. Attendance, apologies and requests for leave of absence**
- 3. Declarations of conflict of interest (Councillors and staff)**
- 4. Confidential business reports**
- 5. Confirmation of minutes**
- 6. Petitions and joint letters**
- 7. Public question time**
- 8. Delegates' reports**
- 9. General business**
- 10. Questions without notice**
- 11. Council business reports**
- 12. Notices of motion**
- 13. Urgent business**

## 1. Acknowledgment of Country

*“Yarra City Council acknowledges the Wurundjeri Woi Wurrung people as the Traditional Owners and true sovereigns of the land now known as Yarra.*

*We acknowledge their creator spirit Bunjil, their ancestors and their Elders.*

*We acknowledge the strength and resilience of the Wurundjeri Woi Wurrung, who have never ceded sovereignty and retain their strong connections to family, clan and country despite the impacts of European invasion.*

*We also acknowledge the significant contributions made by other Aboriginal and Torres Strait Islander people to life in Yarra.*

*We pay our respects to Elders from all nations here today—and to their Elders past, present and future.”*

## 2. Attendance, apologies and requests for leave of absence

Anticipated attendees:

### Councillors

- Cr Misha Coleman (Mayor)
- Cr Mi-Lin Chen Yi Mei (Deputy Mayor)
- Cr Danae Bosler
- Cr Jackie Fristacky
- Cr Stephen Jolly
- Cr Daniel Nguyen
- Cr Bridgid O’Brien
- Cr James Searle
- Cr Amanda Stone

### Council officers

- Vijaya Vaidyanath (Chief Executive Officer)
- Ivan Gilbert (Group Manager Chief Executive’s Office)
- Lucas Gosling (Director Community Wellbeing)
- Gracie Karabinis (Group Manager People and Culture)
- Chris Leivers (Director City Works and Assets)
- Diarmuid McAlary (Director Corporate, Business and Finance)
- Bruce Phillips (Director Planning and Place Making)
- Rhys Thomas (Senior Governance Advisor)

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

## 4. Confidential business reports

Nil

## **5. Confirmation of minutes**

### **RECOMMENDATION**

That the minutes of the Special Confidential Council Meeting held on Tuesday 2 April 2020 be confirmed.

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

## **7. Public question time**

Yarra City Council welcomes questions from members of the community.

### Public question time procedure

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

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

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

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

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

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

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

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

## **9. General business**

## **10. Questions without notice**

## 11. Council business reports

Item	Page	Rec. Page	Report Presenter
11.1 Yarra Bend Ground Water Report and Peer Review	7	11	Chris Leivers – Director City Works and Assets
11.2 Fitzroy Cricket Ground Grandstand	13	16	Ivan Gilbert – Group Manager - Chief Executive's Office
11.3 Proposed Discontinuance of Roads abutting 53-77 Burnley Street, Richmond	18	22	Diarmuid McAlary – Director Corporate Business and Finance
11.4 Proposed Discontinuance of Road abutting 12-20 Victoria Crescent, Abbotsford	24	26	Diarmuid McAlary – Director Corporate Business and Finance
11.5 Finance Report - March 2020	28	30	Diarmuid McAlary – Director Corporate Business and Finance
11.6 2019/20 Annual Plan Quarterly Progress Report - March	31	35	Diarmuid McAlary – Director Corporate Business and Finance
11.7 Report on Assemblies of Councillors	36	37	Ivan Gilbert – Group Manager - Chief Executive's Office
11.8 COVID-19 Business Support Grants First Round Guidelines – <b>LATE REPORT</b>	-	-	Lucas Gosling – Director Community Wellbeing

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

Public submissions procedure

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

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

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

## 12. Notices of motion

Item		Page	Rec. Page	Report Presenter
12.1	Notice of Motion No. 5 of 2020 - Advocacy for Council Job Retention Allowance	38	38	James Searle - Councillor

## 13. Urgent business

Nil

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## 11.1 Yarra Bend Ground Water Report and Peer Review

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Reference: D20/72340

Authoriser: Director City Works and Assets

### Purpose

1. To provide Council with a summary of the reports provided by Douglas Partners (on behalf of Glenvill) investigating the cause of the river bank slumping at the Yarra Bend Development, Alphington and the subsequent peer review report by Alluvium (on behalf of Council).

### Background

2. A number of reports have been presented to Council on this matter, including most recently on 30 July 2019. All previous reports are accessible on Councils website via the agenda from the relevant meeting.
3. Council Officers received a report on '*Geotechnical Investigation and Groundwater Study Yarrabend: Riverfront Area Heidelberg Road, Alphington*' from Douglas Partners (on behalf of Glenvill) on 13 March. (Attachment 1 - Douglas Partners report).
4. Council Officers referred the report drafted by Douglas Partners to an independent consultancy (Alluvium) to peer review.
5. Alluvium provided Council a peer review report of the Douglas Partners report on 27 March 2020. (Attachment 2 - Alluvium peer review report)

### The following is a summary of the Douglas Partners report:

6. The Douglas Partners report identifies the steps taken to manage surface drainage conditions. The remediation process involving the decommissioning of pipes and sub structures with the resultant excavations backfill with compacted clayey soils. Excavations temporarily exposed a fractured basalt layer (permeable material) that could have temporarily increased infiltration/recharge conditions in parts of the site. However, backfill of the remediated ground with clay fill occurred soon after exposure of the basalt rock, providing a low permeability seal and reduced infiltration of the surface.
7. As on-site works progressed, surface flows from the House and Land (region east of Latrobe Avenue) were directed along Lugton St to temporary retention basins (sedimentation ponds) at the southern end of Latrobe Avenue. Water from the basins was intermittently pumped out and used for dust suppression and earthworks conditioning.
8. Test pits have been excavated through the retention basin floors, the soil profile beneath the basin floors revealed low permeability natural clay. Soils were generally dry and were not consistent with long term water infiltration. Seepage losses through an intermittently filled basin with a low permeability clay subgrade are unlikely to significantly contribute to the conditions in the underlying fractured basalt aquifer. The basins were managed in a way that minimised stored volumes by using water for dust suppression and earthworks conditioning.
9. Douglas Partners report states, significant contribution from the basins to the slumping cause would require high permeability zones in the basin floors and these were not identified in the test pit excavations.
10. Back filling of basins has now eliminated any potential water recharge pathways.
11. The Douglas Partner report identifies the old Melbourne Water sewer as a probable contributing factor to the river slumping. The sewer was located north of the embankment ridge line and at a level lower than the river, any infiltration into the old brick sewer would have reduced groundwater levels in the fractured basalt. The suspected dewatering affect would have ceased when the sewer was back grouted as a decommissioning measure in 2015/16.

12. The report presents general causes of river bank slumping such as:
  - (a) stream (river) bed lowering or infill;
  - (b) rise and rapid drop in river levels;
  - (c) moisture increases or saturation of materials from off stream sources;
  - (d) redirection and acceleration of flow around obstructions, debris or vegetation within the stream channel;
  - (e) removal of vegetation from stream banks;
  - (f) bank soil characteristics such as localised higher permeability zones or poor drainage in materials prone to softening within the bank profile;
  - (g) wave action generated by wind or boat wash; and
  - (h) intense rainfall/surface events that affect bank materials.
13. There is discussion about the possible slump causes but no conclusive evidence to support any cause. The Douglas Partners report goes on to say that the present high ground water levels in the eastern site of Latrobe Avenue are probable contributing factors. Further collection of groundwater data is needed to support this view.

**The Douglas Partners report recommends the following further action:**

14. Further groundwater monitoring is required to define conditions. Water level loggers for six targeted boreholes, with ongoing manual measurements required in the other four standpipes.
15. Area west of Latrobe Avenue, does not appear to be a bank stability issue but suggest ongoing ground water monitoring.
16. Central area end of Latrobe Ave: ongoing ground water monitoring with possible temporary or long term subsurface drainage.
17. Slump area east of Latrobe Ave, it is recommended that monitoring be undertaken at this location, including groundwater levels, survey and visual inspections. Temporary subsurface drainage has been installed and this has shown significant improvement in the area. Long term subsurface drainage is likely to be required depending on the outcomes of the investigations.

**The following is a summary of the peer review report by Alluvium:**

18. The decommissioning of the Melbourne Water sewer may have influenced the groundwater levels but does not appear to have been a dominant factor in groundwater levels.
19. The increase in ground water levels is consistent with increased local infiltration. However, there is insufficient data to identify infiltration as the dominant cause.
20. Concur with Douglas Partners that the steep river bank and the rise and fall of river water level may be contributing factors to the bank slumps. However, these factors have been present for many hundred years and do not explain the recent increase in occurrence and rate of slumps and tree collapse.
21. The comments by Douglas Partners that the water logging on the lower terrace and bank slumps are consistent with this reach of river are not supported by community observations and that of the Alluvium team.
22. Alluvium remain of the opinion that the water logging of the lower terrace is most likely as a result of changes in groundwater levels within the Yarrabend site. The most likely cause of this change is a change to the site infiltration. However, the decommissioning of the sewer main cannot be completely dismissed.



23. The analysis and reporting by Douglas Partners is qualitative and not conclusive. The monitoring and investigations proposed by Douglas Partners are unlikely to significantly advance the understanding of the cause of the elevated groundwater at the site within an acceptable timeframe.

**The Alluvium peer review report recommends the following actions:**

24. An additional up-gradient groundwater monitoring bore be installed to replace GW15 and GW24. This bore would be used to identify whether there is any mounding of groundwater.
25. Undertake groundwater modelling and analysis to estimate groundwater flux (flow rate) to the riverbank slumps in order to assess how long groundwater discharge may persist.
26. Groundwater recharge and mounding calculation to determine the relative influence of the decommissioned sewer and site sourced recharge to the development of the elevated groundwater levels.
27. Modelling of how effective draining of the subsurface will be in reducing soil moisture and drawing down the groundwater mound.
28. Data collection to inform and calibrate the groundwater modelling:
  - (a) monitoring data from existing bores and the replacement monitoring bore for GW15 / GW24;
  - (b) slug test on bores; and
  - (c) flow rate monitoring from the temporary agricultural (ag) drain.
29. Undertake simple groundwater chemistry analysis to identify the age and origin of the elevated groundwater at the site. The analysis would assist to identify whether the elevated groundwater at the site is consistent with the composition of regional groundwater or more recent rainfall. If the elevated groundwater has a similar composition to the regional groundwater it would be less likely to have originated from local rainfall and infiltration
30. A further 10 months of detailed investigations, following processes outlined above, will seek to determine the likely causes of the river bank slumping, and options for the ultimate river bank landscape, and will address river bank and upper embankment stability. This information will be publicly reported back to Council once a full report on the investigations has been received and reviewed by Council and Alluvium and is anticipated to be approximately February 2021.
31. If the investigations identify anything significant in the meantime in relation to the cause, impacts or potential mitigation measures, these will be acted upon, and Council will be informed.

**Further onsite updates**

32. The 'agi' drain in the riverbank (lower terrace) has been constructed by Glenvill and is reducing groundwater in the previously saturated areas. This completes all mitigation measures identified in the Stormwater Management Plan (SWMP).
33. Glenvill has established baseline survey and data of ground water levels, land survey and vegetation as detailed in the attached Groundwater Management Plan (Attachment 3). Monitoring reports will be provided against the baseline established on a periodic basis. The first report will be completed in mid-April 2020.

**External Consultation**

34. External specialist consultants Alluvium have been engaged by Council to provide independent advice on the ground water conditions on site, and its association to the river bank slumping.
35. Council have consulted with Melbourne Water, DELWP and the EPA on a regular basis, seeking their advice and engagement when appropriate and relevant to do so.

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

36. Relevant internal units have been engaged as part of these matters, as appropriate.

### **Financial Implications**

37. There has been a cost to Council to commission independent expert advice. Officers believe these costs incurred to date are reasonable and necessary in order to effectively monitor this significant site, and to protect the river bank.
38. There may be some ability to recover costs once the cause of the river bank slumping is determined, however this will be determined by the whether the ultimate findings are definitive.

### **Economic Implications**

39. Not applicable.

### **Sustainability Implications**

40. There are potentially local sustainability implications. Temporary and permanent mitigation measures have been implemented and are proposed to manage these impacts.

### **Climate Emergency Implications**

41. Not applicable.

### **Social Implications**

42. The protection of the river bank is important to the local and broader community.
43. The work being undertaken is to ensure that the river bank is managed in line with DPO requirements and best practice.

### **Human Rights Implications**

44. Not applicable

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

45. Not applicable

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

46. Environment, sustainability and bio-diversity outcomes are important to Council and the Community, and Officers' efforts are undertaken in order to achieve the best outcomes possible.

### **Legal Implications**

47. Council is responsible to monitor the development site to ensure that works comply with planning requirements, relevant local laws, environmental requirements (EPA guidelines) and Melbourne Water (MW) requirements. MW is responsible for the river bank (noting that the land in question is private land). The Development Plan Overlay (DPO) sets out the expectations for the ultimate treatment and design of riverbank at the completion of the development, and Glenwill need to comply with these conditions.
48. There may also be legal implications, pending the investigations into the cause of the river bank slumping.

### **Other Issues**

49. Not applicable

### **Options**

50. Not applicable

## Conclusion

51. Mitigation works have been completed to manage surface water flows within the site. Further investigations are required to confirm the causes of the groundwater and associated riverbank slumping, and works to protect the river bank are ongoing.
52. Council Officers continue to liaise with Glenvill and all relevant authorities to monitor and understand the impacts of the development and to ensure the site is being managed appropriately, and will take actions as necessary to ensure the riverbank is maintained and protected to enable community access in future.
53. Alluvium state in the peer review of the Douglas Partners report:
  - (a) the increase in ground water levels is consistent with increased local infiltration. However, there is insufficient data to identify infiltration as the dominant cause; and
  - (b) the analysis and reporting by Douglas Partners is qualitative and not conclusive. The monitoring and investigations proposed by Douglas Partners are unlikely to significantly advance the understanding of the cause of the elevated groundwater at the site within an acceptable timeframe.
54. Alluvium has made recommendations for the next steps of the investigation. These recommendations have been provided to Glenvill to incorporate in the ongoing investigations and data collection.
55. The Glenvill report and Alluvium's peer review report have been submitted to Melbourne Water to review and provide comment.
56. Ongoing formal monitoring and reporting will measure the performance and effectiveness of surface water management on site, and will inform any future measures and works.
57. Council will continue to engage geotechnical consultants Alluvium, to peer review reports and findings that relate to the riverbank as required.
58. A further report on the cause and potential permanent mitigation options to address the groundwater and river bank slumping is proposed to be progressed and presented to Council in February 2021. This will allow further monitoring of the site and enable comprehensive data to be obtained and reviewed.

## RECOMMENDATION

That Council notes this report and directs Council Officers to undertake the following:

- (a) Council Officers continue to liaise with Glenvill and request further investigations to incorporate Alluvium's recommendations as per their peer review report;
- (b) Council Officers continue to monitor and take any necessary action to ensure appropriate management of the site, including the river bank, by Glenvill and their agents;
- (c) Melbourne Water (MW), Environmental Protection Agency (EPA), Department of Environment, Land, Water and Planning (DELWP) and any other authorities/agencies as appropriate, be informed of current and ongoing investigations and findings; and
- (d) A Final report on the cause and potential permanent mitigation options to address the groundwater and river bank slumping be presented to Council in Feb 2021, with earlier reports to be provided if warranted.

**CONTACT OFFICER:** Peter Moran  
**TITLE:** Manager Infrastructure, Traffic and Civil Engineering  
**TEL:** 0417113724

**Attachments**

- 1⇒ Douglas Partners Report
- 2⇒ Alluvium Peer review
- 3⇒ Yarra Bend Ground Water Management Plan

## 11.2 Fitzroy Cricket Ground Grandstand

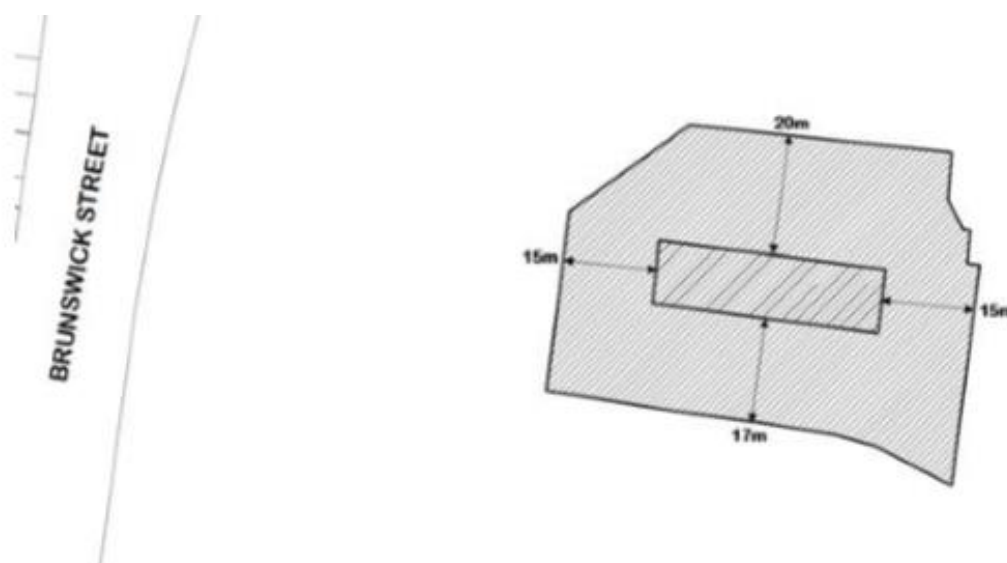
Reference: D20/69736  
 Authoriser: Group Manager Chief Executive's Office

### Purpose

1. To update Council about the opportunity for making a submission to Heritage Council of Victoria in relation to the proposed amendment to the registration of the Fitzroy Cricket Ground Grandstand (VHR H0751) and seek their authorisation to not making a formal submission but to write a letter of support to the Heritage Council of Victoria.

### Background

2. Council refers to the grandstand adjacent to the WT Peterson Oval in Edinburgh Gardens as the Fitzroy Football Club Grandstand. This same structure is known to Heritage Victoria as the Fitzroy Cricket Ground Grandstand, and this latter name will be used in this report.
3. In June 1990, Fitzroy Cricket Ground Grandstand was included in the Victorian Heritage Register of Historic Buildings (VHR H0751) due to its State-level historical and architectural cultural heritage significance.
4. The Executive Director Heritage Victoria (ED Heritage Victoria) is systematically reviewing early registrations and amending as required to ensure that they are consistent with current practices under the Heritage Act 2017.
5. This also includes converting the existing statement of significance to the current format.
6. The current registration includes Fitzroy Cricket Ground Grandstand, to the extent of the Grandstand building which is located on land permanently reserved as a site for a public park and garden.
7. There are no permit exemptions, currently.
8. On 11 March 2020, the ED Heritage Victoria made and accepted an application to amend the registration of the Fitzroy Cricket Ground Grandstand (VHR H0751) by including additional land and permit exemptions.
9. The revised extent of the Registration includes all of the place shown hatched on the diagram below encompassing part of Allotment 6 Section 34 at North Fitzroy, Parish of Jika.



10. The revised extent of registration of the Fitzroy Cricket Ground Grandstand in the Victorian Heritage Register will affect the whole place shown on the diagram including the land, buildings (including the exteriors and interiors), building features and fixtures, grassed areas, trees, paved areas, landscape elements and other features.
11. ED Heritage Victoria recommends that the Heritage Council of Victoria amend this registration in accordance with section 62 of the Heritage Act 2017 because under section 32 (1) of the Act as he considers that:
  - (a) the State-level cultural heritage significance of the place would be substantially less if the land or any part of the proposed land for inclusion in the Register was developed; and
  - (b) the proposed land for inclusion in the Register is important to the protection or conservation of the place or contributes to the understanding of the place.
12. If this amendment to the registration is approved it would mean that if a person wishes to undertake works or activities in relation to a registered place or registered object, they must apply to the Executive Director, Heritage Victoria for a permit.
13. The purpose of a permit is to enable appropriate change to a place and to effectively manage adverse impacts on the cultural heritage significance of a place as a consequence of change.
14. If an owner is uncertain whether a heritage permit is required, it is recommended that Heritage Victoria be contacted.
15. ED Heritage Victoria recommendations also include a number of permit exemptions.
16. Permit exemptions usually cover routine maintenance and upkeep issues faced by owners as well as minor works or works to the elements of the place or object that are not significant.
17. For details of the proposed permit exemptions refer Attachment 1 (pages 6-9).

### **External Consultation**

18. In March 2020, Heritage Victoria had notified Yarra City Council on the recommendation of ED Heritage Victoria proposing amendment to its current registration (heritage listing).
19. Notice of the recommendation was published online and in The Age of 20 March 2020, and on the Heritage Council of Victoria's website.
20. This is a part of the State's statutory process related to heritage registrations or amendments.
21. Council has been advised that a written submission regarding ED Heritage Victoria's recommendation can be made to the Heritage Council of Victoria, within 60 days of the recommendation notice being published.
22. The submission period closes on 5pm, 18 May 2020.
23. Since this process of the amendment in the registration of the Victorian Heritage Register is being managed by Heritage Victoria and Heritage Council of Victoria, Yarra City Council does not have a direct consultation responsibility.
24. Council officers have provided this information to the relevant local sporting clubs due to their interest and to the local MP's office.

### **Financial Implications**

25. There are no immediate financial implications to the Council related to the amendment of the registration.

### **Economic Implications**

26. There are no significant adverse economic impacts to the Council.

### **Sustainability Implications**

27. There are no adverse sustainability impacts.

### **Climate Emergency Implications**

28. There are no known climate emergency impacts to the Council.

### **Social Implications**

29. There are no adverse social impacts to the Council.

30. Sporting clubs have been informed about the proposal.

### **Human Rights Implications**

31. There are no adverse human rights implications to the Council.

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

32. This is part of an external agencies' work Council does not have any direct responsibilities.

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

33. Not Applicable.

### **Legal Implications**

34. Sections 42 and 43 of the Victorian Heritage Act 2017 ensure that places and objects that are subject of an ED Heritage Victoria's recommendation maintain their cultural heritage values until Heritage Council of Victoria decides whether to include them in the Victorian Heritage Register.

35. These sections of the Act also require that owners must notify the Executive Director of Victoria of current and proposed works, any permit applications, and/or intentions to sell the place or object (refer Attachment 2).

36. The revised registration (once approved) would mean that under the Victorian Heritage Act 2017, if a person wishes to undertake works or activities in relation to a registered place or a registered object, they must apply to the Executive Director, Heritage Victoria for a permit.

37. Under section 152 of the Act, the owner of a registered place or registered object must not allow that place or object to fall into disrepair.

38. Under section 153 of the Act, the owner of a registered place or registered object must not fail to maintain that place or object to the extent that its conservation is threatened.

39. If works are proposed which have the potential to disturb or have an impact on Aboriginal cultural heritage it is necessary to contact Aboriginal Victoria to ascertain any requirements under the Aboriginal Heritage Act 2006.

40. If any Aboriginal cultural heritage is discovered or exposed at any time it is necessary to immediately contact Aboriginal Victoria to ascertain requirements under the Aboriginal Heritage Act 2006.

41. Yarra City Council would need to comply with the above provisions of the Victoria Heritage Act.

### **Other Issues**

42. Council is currently working on a project for the redevelopment of the sporting facilities in Brunswick Street Oval Precinct, which will include proposed works to the Fitzroy Cricket Ground Grandstand.

43. Council engaged Lovell Chen to prepare a concept plan for the Brunswick Street Oval Precinct redevelopment, which following a period of community consultation was endorsed by Council on 17 December 2019.

44. Council have also separately engaged Lovell Chen to prepare a conservation management plan (CMP) for Edinburgh Gardens (currently in draft), which includes the site.

45. Council officers working on the redevelopment of the Fitzroy Cricket Ground Grandstand have advised that Lovell Chen have been engaging with Heritage Victoria on the extent of land being included on the Victorian Heritage Register, Council's proposal for redevelopment and permit exemptions that are a part of the revised registration; and as such Heritage Victoria is aware of Council's intention to redevelop the area around the Grandstand.
46. The revised spatial extent of the heritage listing for the Grandstand will affect those elements of the redevelopment that fall within the extent of the heritage listing and would be subject to a Heritage Victoria permit.
47. Lovell Chen's view is that given that the redevelopment project is still at an early stage, the change to registration extent at this juncture will not have an adverse impact on the redevelopment project, and that heritage aspects must be appropriately managed as part of permit applications for the project under either the current or the proposed revised extent.
48. The anticipated timeframe for the lodgement of the planning permit applications to Heritage Victoria and Yarra City Council, is July-August 2020.
49. Sports clubs have not indicated their interest to City of Yarra, so far, about making a submission to Heritage Council Victoria relating the proposed amendment by ED Heritage Victoria to the registration of Fitzroy Cricket Ground Grandstand.

### **Options**

50. Considering that the amendment to the VHR registration for the Grandstand is a procedural response to correcting the anomaly and Lovell Chen's advice is that impacts to redevelopment can be managed as a part of the heritage and planning permits process, Council does not have a compelling argument against the proposed amendment.
51. Accordingly, Council can consider following options for providing a response to the Heritage Council of Victoria:
  1. Council writes a letter of support as a part of the submissions process.
  2. Council writes a letter of support outside the submission process.
  3. Council does not make any formal submission.

### **Conclusion**

52. As there is no significant impact to Council, all of the above options 1, 2, and 3 are suitable. Option 2 would be preferable as it would carry equal weight in terms of Council's support and would not interfere with the decision making process as well as not have immediate time constraints.

### **RECOMMENDATION**

1. That:
  - (a) Council note that there is no significant impact to Council due to the recommendations of ED Heritage Victoria to revise the extent of registration to Fitzroy Cricket Ground Grandstand; and
  - (b) Council authorises council officers to send a letter to support to Heritage Council of Victoria, after the submission period is over.



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

**Attachments**

- 1⇒ ED HERITAGE VICTORIA-RECOMMENDATION TO AMEND FITZROY CRICKET-  
GROUND GRANDSTAND
- 2⇒ OBLIGATIONS OF OWNERS OF HERITAGE PLACES RELATED TO ED HERITAGE VIC  
RECOMMENDATIONS

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## 11.3 Proposed Discontinuance of Roads abutting 53-77 Burnley Street, Richmond

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Reference: D20/73183  
 Authoriser: Director Corporate, Business and Finance

### Purpose

1. For Council to re-consider its resolution of the 17 March 2020. A copy of the original report is provided below for information. The reasons for the re-consideration are listed in paragraphs 42-48 of the report.

### **Beginning of Report from 17 March Meeting**

2. *This report seeks Council's authority to remove the roads abutting 53-77 Burnley Street, Richmond (Roads) from Council's Register of Public Roads pursuant to section 17(4) of the Road Management Act 2004 (RMA) and commence statutory procedures pursuant to the Local Government Act 1989 (Act), to consider discontinuing the Roads.*

### **Background**

3. *The Roads are comprised of the whole of the land contained in Conveyance Book 227 No. 672 and shown as lot 1 on the title plan attached as **Attachment One** to this report (Burnley Street Road) and shown as the area highlighted purple on the plan attached as **Attachment Two** to this report (Site Plan) and part of the land contained in certificate of title volume 9214 folio 439 and shown as lot 1 on the title plan attached as **Attachment Three** to this report (Doonside Street Road) and shown as the area highlighted red on the Site Plan.*
4. *Vicinity Manager Pty Ltd (Owner) is the registered proprietor of all the properties which abut the Roads, shown delineated blue on the Site Plan, and being, 620 Victoria Street, 53 Burnley Street, 61 Burnley Street, 65 Burnley Street, 67 Burnley Street, 77-79 Burnley Street, and 1-9 Doonside Street, together the (Owner's Properties).*
5. *The ownership structure of the Owner is as follows:*
  - (a) *the Owner is the trustee of the Victoria Gardens Retail Trust;*
  - (b) *the unit holders (in equal shares) are the Victoria Gardens Trust No. 1 and the Victoria Gardens Trust No. 2;*
  - (c) *both the Victoria Gardens Trust No.1 and the Victoria Gardens Trust No. 2 are held equally by Vicinity Centres Trust and the Victoria Gardens Property Trust;*
  - (d) *Vicinity Centres Trust is part of the publicly listed Vicinity limited; and*
  - (e) *the sole beneficiary of the Victoria Gardens Property Trust is Taras Nomines Pty Ltd, which is ultimately owned by Salvatore (Sam) John Tarascio.*
6. *The Owner has requested that Council discontinue the Roads and sell the Roads to the Owner (Proposal).*
7. *The Owner has agreed to pay Council's costs and disbursements associated with proposed discontinuance of the Roads, together with the market value of the roads, as determined by the Act, for the transfer of the discontinued Roads to the Owner.*

### Road Status

8. *The Burnley Street Road is:*
  - (a) *known to title as a 'road' and is registered in the name of John Cornish dated 14 March 1873;*
  - (b) *constructed of concrete;*
  - (c) *partially obstructed by a chain; and*

- (d) *listed on Council's register of Public Roads.*
9. *The Doonside Street Road is:*
- (a) *known to title as a 'road' and is registered in the name of Finklands Nominees Pty Ltd dated 31 March 1981;*
- (b) *constructed in bitumen and gravel;*
- (c) *partially obstructed by a gate approximately 35 metres from its entrance at Doonside Street; and*
- (d) *listed on Council's register of Public Roads.*
10. *The Roads are 'roads' for the purposes of the Act. Council has the power to consider discontinuing the Roads. If discontinued the Roads will vest in Council.*
11. *A copy of the original subdivision showing the Roads is attached as **Attachment Four** to this report.*
12. *Site Inspections of the Roads were conducted by Veris Australia Pty Ltd on 10 December 2019.*

*Site Inspection*

13. *The site inspection report for the Burnley Street Road notes that:*
- (a) *the Burnley Street Road is constructed in concrete;*
- (b) *access to the Burnley Street Road from Burnley Street is obstructed by a metal chain across the entrance to the Burnley Street Road; and*
- (c) *the Burnley Street Road only provides access to the Owner's Property at 53 Burnley Street.*
14. *The site inspection report for the Doonside Street Road notes that:*
- (a) *the Doonside Street Road is constructed in bitumen and gravel;*
- (b) *access to the Doonside Street, Road from Doonside Street is obstructed by a gate approximately 35 metres from the entrance to the Doonside Street road.*
- (c) *the Doonside Street, Road only provides access to 53, 61, 65, 67 and 77-79 Burnley Street; and*
- (d) *the Doonside Street, Road is not required for public use on the basis that the Owner owns all adjoining properties.*
15. *Copies of the site inspection reports are attached as **Attachments Five and Six** to this report.*

*Removal of Roads from Council's Register of Public Roads*

16. *It is considered that the Burnley Street, Road is no longer reasonably required for general public use pursuant to section 17(4) of the RMA as the Burnley Street, Road:*
- (a) *only provides access to the rear of the Owner's Property at 53 Burnley Street;*
- (b) *is not available for vehicular access by the public due to a chain obstructing its entrance from Burnley Street; and*
- (c) *is a dead end and does not provide any public access to any other public road as a thoroughfare.*
17. *It is considered that the Doonside Street, Road is no longer reasonably required for general public use pursuant to section 17(4) of the RMA as the Doonside Street, Road:*
- (a) *only provides access to the Owner's Properties at 1-9 Doonside Street and 53, 61, 65, 67 and 77-79 Burnley Street; and*

- (b) *does not provide public access to any other public road as a thoroughfare as the Doonside Street, Road is obstructed by a gate approximately 35 metres from its entrance.*

Adjoining Owners

18. *There are no Adjoining Owners as the Owner is the owner of all properties abutting the Roads.*

Statutory/Public Authorities

19. *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 Roads which should be saved under section 207C of the Act: City West Water, Melbourne Water, CitiPower, United Energy, Multinet Gas, Telstra, Optus, APA Gas, AusNet Services; and Yarra City Council.*
20. *Council, Ausnet Services, Melbourne Water, CitiPower, United Energy, Multinet Gas and Optus have advised that they have no assets in or above the Roads and no objection to the Proposal.*
21. *APA Gas responded on three occasions, firstly they advised that it objected to the discontinuance and sale of the Doonside Street, Road only, on the basis that it has gas main infrastructure located within the Road, APA Gas then advised that it no longer objected to the proposal provided that an easement was created in its favour on the title plan for the Doonside Street Road. Finally, APA Gas advised that the gas infrastructure located within the Doonside Street, Road had been abandoned and that it no longer requires an easement.*
22. *City West Water advised that it has sewer assets in both Roads. However, did not object to the Proposal subject to the following conditions:*
- (a) *a 2 metre wide sewerage easement is created over the sewer main located in the Roads in favour of City West Water;*
  - (b) *any proposed fences must be located a minimum distance of 800mm clear of the centreline of the existing sewer mains;*
  - (c) *any proposed fence lines must be located a minimum of 1 metre from sewer manholes and/or inspection shafts; and*
  - (d) *any proposal to build over City West Water assets requires City West Water's prior written consent.*
23. *Telstra advised that it has assets located in the vicinity of the Roads, and no objection to the Proposal, provided that the Owner, calls Dial-Before-You-Dig for a detailed site plan to establish the exact location of Telstra assets and pays Telstra's costs for any relocation of Telstra's assets.*

Public Notice

24. *Before proceeding with the discontinuance, Council must give public notice of the Proposal in accordance with section 223 of the Act. The Act provides that a person may, within 28 days of the date of publication of the public notice, lodge a written submission regarding the Proposal.*
25. *Where a person has made a written submission to Council requesting that he or she be heard in support of the written submission, Council must permit that person to be heard before a meeting of Council and give a reasonable notice of the day, time and place of the meeting.*
26. *After hearing any submissions made, Council must determine whether the Roads are not reasonably required as roads for public use, in order to decide whether the Roads should be discontinued.*

**External Consultation**

27. *No external consultation is required for this report.*

**Internal Consultation (One Yarra)**

28. *No internal consultation is required for this report.*

**Financial Implications**

29. *The Owner/Applicant has agreed to acquire the Roads for their market value (plus GST) as determined by the Act.*

30. *In addition to the market value (plus GST) the Owner/Applicant has agreed to pay Council's costs and disbursements associated with the Proposal.*

**Economic Implications**

31. *There are no economic implications arising from this report.*

**Sustainability Implications**

32. *There are no sustainability implications arising from this report.*

**Climate Emergency Implications**

33. *There are no climate emergency 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 issues 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 National Relay Service.*

**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*

**Conclusion**

41. *It is proposed that Council, pursuant to sect 17(4) of the RMA, commences the process necessary to remove the Roads from Council's Register of Public Roads and also commences the statutory procedures pursuant to clause 3 of Schedule 10 of the Act to discontinue the Roads and transfer the discontinued Roads to the Owner/Applicant.*

**End of Report from 17 March Meeting**

**Reasons**

42. *Road discontinuances are procedural and must fulfil the requirements of the Road Management Act 2004 and the Local Government Act 1989.*

43. *Council's Lawyers Maddocks have advised that the amendment to the original resolution does not meet the procedural requirements.*

44. *Part 1 of the original resolution was as follows:*

*That Council, acting under section 17(4) of the Road Management Act 2004, resolves that the roads abutting 53-77 Burnley Street, Richmond (**Roads**), being:*

- (a) *The whole of the land contained in Conveyance Book 227 No.672 (shown as the area highlighted purple on the plan attached as Attachment 2 to this report (**Site Plan**)); and*
- (b) *Part of the land contained in certificate of title volume 9214 folio 439 shown as area highlighted red on the Site Plan,*

*be removed from Council's Register of Public Roads on the basis that the Roads are no longer required for general public use for the reasons set out in the body of the report.*

- 45. The last paragraph was amended by Councillors and states as follows:  
*are no longer required for general public use for the reasons set out in the body of the report and it intends that they be removed from Council's Register of Public Roads.*
- 46. The 2017 judgment in Pulitano Pastoral Pty Ltd v Mansfield Shire Council set out the procedural requirements for road discontinuances. The case provides that Councils can only consider the discontinuance of roads once they are no longer public roads, (that is, once they have been removed from Council's register of public roads). If Council resolves that the roads are no longer reasonably required for public use, it must now remove the roads from its register in accordance with section 17(4) of the Road Management Act 2004, and cannot defer this action until after considering public notice submissions.
- 47. Council cannot "intend" to remove the road, it "must" remove the Road.
- 48. If Council after considering submissions lodged pursuant to section 223 (Public Notice) of The Local Government Act 1989 determines that the Roads should not be discontinued, Council must then re-add the Roads to its Register of Public Roads.
- 49. It is proposed that Council resolve in accordance with the recommendation set out below, which has the effect of replacing the previous resolution in this matter. As Council's advice is that the previous motion could not be lawfully acted upon, it has been set aside and its formal rescission is not required.

## **RECOMMENDATION**

- 1. That Council, acting under section 17(4) of the Road Management Act 2004, resolves that the roads abutting 53-77 Burnley Street, Richmond (**Roads**), being:
  - (a) the whole of the land contained in Conveyance Book 227 No. 672 (shown as the area highlighted purple on the plan attached as Attachment 2 to this report (**Site Plan**)); and
  - (b) part of the land contained in certificate of title volume 9214 folio 439 shown as the area highlighted red on the Site plan.

be removed from Council's Register of Public Roads on the basis that the Roads are no longer required for general public use for the reasons set out in the body of the report.
- 2. That Council, acting under clause 3 of Schedule 10 of the Local Government Act 1989.
  - (a) resolves that the required statutory procedures be commenced to discontinue the Roads;
  - (b) directs that under sections 207A and 223 of the Act, Public Notice of the proposed discontinuance be given in the Age, the Weekly Review Melbourne Times Newspapers, Council's social media and displayed onsite;
  - (c) resolves that the public notice required to be given under sections 207A and 223 of the Local Government act 1989 should state that if the Roads are discontinued, Council proposes to sell the Roads to the adjoining owner for market value plus (GST) as determined by the Act; and
  - (d) authorises the Valuations Co-ordinator to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Local Government Act 1989 in relation to this matter.

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

**Attachments**

- 1 ⇨ Burnley Street Road
- 2 ⇨ Site Plan
- 3 ⇨ Doonside Street Road
- 4 ⇨ Original Subdivision Plan
- 5 ⇨ Burnley Street Site Inspection Report
- 6 ⇨ Doonside Street Site Inspection Report

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## 11.4 Proposed Discontinuance of Road abutting 12-20 Victoria Crescent, Abbotsford

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Reference: D20/70051

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 part of the land contained in certificate of title volume 6260 folio 907 (**Road**), should be discontinued pursuant to the *Local Government Act 1989 (Act)* and sold to the Owners of 12-20 Victoria Crescent, Abbotsford.

### Background

2. The Road is shown as the area coloured red on the plan attached as Attachment 2 to this report (**Site Plan**). A copy of the title search of the Road is attached as Attachment 3 to this report.
3. CPG Office 1 Pty Ltd (**Owner**) is the registered proprietor of all of the Land which abuts the Road, being part of the property known as 12-20 Victoria Crescent, Abbotsford (**12-20 Victoria Crescent**) and shown delineated blue on the site plan, being the land contained in certificates of title: volume 5320 folio 892, volume 6152 folio 305 and volume 6176 folio 042, (together the **Owner's Properties**).
4. The Owner originally requested that Council discontinue and sell to it the whole of the land contained in certificate of title volume 6290 folio 907 (**Land**) being the land shown highlighted red and purple on the Site Plan (**Original Proposal**).
5. The land also abuts 32-68 Mollison Street, Abbotsford (**32-68 Mollison Street**), being the land contained in certificate of title volume 9022 folio 073, and shown delineated green on the Site Plan.
6. On 8 October 2019, council resolved to commence statutory procedures pursuant to the Act to consider discontinuing the Land.
7. The Owner subsequently revised the Original Proposal in response to submissions received from adjoining owners, and has requested that Council discontinue only that part of the land comprising the Road, (land coloured red), and sell the Road to the Owner (**Revised Proposal**).
8. The Owner has agreed to pay Council's costs and disbursements associated with the proposed discontinuance of the Road, together with the market value for the transfer of the discontinued Road to the Owner.
9. The Road is, registered in the name of the Owner, known to titles as lot 1 on title plan no. TP383523N, is encumbered by a carriageway easement and constructed of bitumen and encroached over in its entirety by a brick building and galvanised iron warehouse.
10. A carriageway easement is a right of way, which is a 'road' for the purposes of the Act, Council has statutory power to consider discontinuing the Road. If the Road is discontinued, the Road will vest in Council.
11. At its meeting on 4 February 2020, 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 Road to the Applicant.

### Discussion

#### Public Notice

12. The required Public Notice was placed in the Age and the Domain Melbourne Times on 19 February 2020, Council's Facebook page and Council's website.



13. Two copies of the public notice (large yellow notices) were placed on the buildings at 12-20 Victoria Crescent, one notice facing Victoria Crescent and the other facing the rear laneway.

#### **Adjoining Owners**

14. Adjoining owners were notified of the revised proposal by posting them a copy of the public notice on the 19 February 2020.
15. No submissions were received by Council from either the Public or the Adjoining Owners in response to the public notice – the closing date for submissions being 20 March 2020.
16. Access from the road to both 32-68 Mollison Street and 10A Victoria Street Abbotsford (**Adjoining Properties**) is not affected by the Revised Proposal.

#### **Public/Statutory Authorities**

17. The following Public/Statutory Authorities have been advised of the Proposal and have been asked to respond to the question of whether they have any exiting assets in the Road that should be saved under section 207C of the Act. City West Water, Melbourne Water, CitiPower, United Energy, Multinet Gas, Telstra, Optus, APA Gas Ausnet and Yarra City Council.
18. Yarra Council, Ausnet Services, Melbourne Water, CitiPower, United Energy, Multinet Gas, APA Gas have advised that they have no assets in or above the Road and no objection to the proposal.
19. Optus advised that it has no assets in or above the Land.
20. Telstra advised that it has no assets located within or above the land and no objection to the Original/Revised Proposal, provided the Owner calls dial before you dig prior to any construction activities in the vicinity of Telstra's communication plant and upon receipt of plans, obtains a Telstra accredited Asset Plant Locator to confirm the location of the plant.
21. The Revised Proposal does not require an easement in favour of City West Water.

#### **External Consultation**

22. Public Notice of the Revised Proposal was given according to Council's resolution of 4 February 2020.

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

23. No internal consultation is required for this report.

#### **Financial Implications**

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

#### **Economic Implications**

26. There are no economic implications arising from this report.

#### **Sustainability Implications**

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

#### **Climate Emergency Implications**

28. There are no climate emergency implications arising from this report.

#### **Social Implications**

29. There are no social implications arising from this report

#### **Human Rights Implications**

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

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

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

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

32. There are no Council Plan, Strategy or policy implications.

### **Legal Implications**

33. There are no legal implications for this report.

### **Other Issues**

34. There are no other issues.

### **Options**

35. There are no options associated with this report

### **Conclusion**




36. Council must now 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 Act.
37. If the Road is discontinued and sold to the Owner, Council will require the Owner to consolidate the title to the former Road with the title to Owner's adjoining property within 6 months of the date of transfer of the Road to the Owner at the Owner's expense or include the former road in the plan of consolidation/subdivision to be lodged for 12-20 Victoria Crescent.

## **RECOMMENDATION**

1. That Council, acting under clause 3 of schedule 10 of the *Local Government Act 1989 (Act)*:
- (a) resolves, having followed all the required statutory procedures pursuant to sections 207A and 223 of the Act pursuant to its power under clause 3 of Schedule 10 of the Act, and being of the opinion that the road abutting 12-20 Victoria Crescent, Abbotsford (shown marked lot 1 on the title plan attached Attachment 1 to this report (**Road**)) is not reasonably required for public use, to discontinue 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 Victoria Government Gazette;
  - (c) directs that, once discontinued, the Road be transferred to the adjoining owner of 12-20 Victoria Crescent, Abbotsford (Owner), for no less than the market value (plus GST) as determined by the Act;
  - (d) directs that the CEO sign any transfer or transfers of the Road and any other documents required to be signed in connection with the discontinuance of the Road and its subsequent transfer to the Owner;
  - (e) any easements, rights or interests required to be created or saved over the Road by any authority be done so and not be affected by the discontinuance and sale of the Road; and
  - (f) directs that the Owner be required to consolidate the title to the Road with the title to that part of the land located at 12-20 Victoria Crescent, Abbotsford and contained in certificate of title volume 6176 folio 402, by no later than 6 months after the date of transfer of the discontinued Road to the Owner or include the former Road in the plan of consolidation/subdivision to be lodged for 12-20 Victoria Crescent.

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

**Attachments**

- 1  Title Plan
- 2  Site Plan
- 3  Copy of Title

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## 11.5 Finance Report - March 2020

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Trim Record Number: D20/73334

Responsible Officer: Director Corporate, Business and Finance

### Purpose

1. To provide Councillors with the March 2020 Finance Report (including quarter 3 forecast review).
2. To provide Councillors with the end-of-year forecast position for the 2019/20 Budget.

### Background

3. Under the Local Government Act, Council is required to report on its financial results on a quarterly basis.
4. The March 2020 Finance report (including quarter 3 forecast review) is provided at **Attachment 1** for noting and discussion.
5. The March 2020 Capital Adjustments Running Table is provided at **Attachment 2** for noting.

### **Finance Report – March 2020 (Attachment 1)**

6. As at 31 March 2020 Council is favourable to YTD Budget by \$5.3m. This result is mostly due to timing differences in the following areas:
  - (a) higher YTD grants received of \$0.3m, mostly attributable to Operating grants of \$0.7m;
  - (b) higher YTD open space monetary contributions relating to developer contributions received; \$2.7m;
  - (c) higher YTD other income, mostly attributable to unbudgeted income from road discontinuances; \$2.4m; and
  - (d) lower YTD materials and services expenditure, mainly due to favourable legal, consultancy and contract payments to budget, \$2.2m.
7. These favourable outcomes are offset by unfavourable variances of:
  - (a) higher YTD employee costs attributable to higher than budgeted casual labour costs in recreation and leisure, and family, youth and children's services ; \$1.6m; and
  - (b) higher YTD bad and doubtful debts resulting from an increase in the doubtful debt percentage rate used, \$0.5m.

*It is important to note that not all of these favourable results translate to additional cash as most are restricted for future use.*

### **2019/20 Full year forecast – March 2020 (Attachment 1)**

8. The impact of COVID-19 on Council operations and financial performance has been assessed as part of the March 2020 full year forecast review. There has been a significant impact on Councils full year forecast when compared to the Mid-year budget review that was approved by Council in February.
9. As at 31 March 2020, from a forecast year-end position, Council is anticipating a full year operating result of \$10.4m, unfavourable to Adjusted Budget by \$0.3m. This result is due to:
  - (a) higher than budgeted grant income, attributable to higher than anticipated income in both aged services and children's services, as well capital grant income, \$2.1m;
  - (b) higher than budgeted open space monetary developer contributions; \$2.2m;
  - (c) higher than budgeted other income, mostly attributable to unbudgeted income from road discontinuances; \$1.8m; and

- (d) lower than budgeted materials and services costs of \$4.6m, mostly attributable to savings in legal costs, consultancy costs, and other contract payments as a result of the impact of COVID-19 on Councils services and operations.

10. These favourable outcomes are offset by:

- (a) lower than budgeted parking meter income and parking infringements issued as a result reduced parking traffic and relaxed parking restrictions stemming from the impact of COVID-19, \$3.7m;
- (b) lower than budgeted user fees received, attributable to the impact of COVID-19 on Council services including leisure, venues and events and childcare, \$5.6m; and
- (c) higher than budgeted bad and doubtful debts resulting from an increase in the doubtful debt percentage rate used, \$1.0m.

### **External Consultation**

11. No external consultation was required.

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

12. This report was circulated to the Executive team on Thursday 16 April 2020.

### **Financial Implications**

13. The financial implications are outlined in the background section.

### **Economic Implications**

14. There are no economic implications.

### **Sustainability Implications**

15. There are no sustainability implications.

### **Social Implications**

16. There are no social implications.

### **Human Rights Implications**

17. There are no human rights implications.

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

18. There CALD Communities implications.

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

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

### **Legal Implications**

20. There are no legal implications.

### **Other Issues**

21. There are no other issues.

### **Options**

22. This report does not include any options.

### **Conclusion**

- 23. The financial impacts of the COVID-19 pandemic have been included in the quarter 3 forecast review and are expected to be realised in the final 3 months of the financial year.
- 24. The March 2020 Finance report (including quarter 3 forecast review) highlights that whilst favourable at the end of March, Council's full year financial result is expected to come in slightly unfavourable to budget.

## RECOMMENDATION

1. That Council:
  - (a) note the March 2020 Finance Report (including quarter 3 forecast review).

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

## Attachments

- 1⇒ Finance Report - March 20 (Council)
- 2⇒ Capital Adjustments Running Table - as at end Q3 2019-20

**11.6 2019/20 Annual Plan Quarterly Progress Report - March**

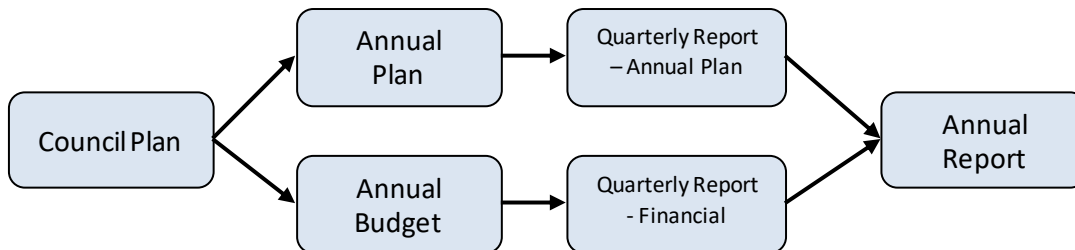
Reference: D20/73071  
 Authoriser: Director Corporate, Business and Finance

**Purpose**

1. To present the 2019/20 Annual Plan Quarterly Progress Report for the March period to Council for noting.
2. To inform Councillors that the March result of 81% does not reflect the significant impact the COVID-19 pandemic will have on overall deliverability of the 2019/20 Annual Plan by the end of June.

**Background**

3. This year, 2019/20, represents the third year of the 4-year *Council Plan 2017-21*, adopted by Council on 1 August 2017.
4. The 2019/20 Annual Plan was endorsed by Council on 25 June 2019 and details the organisation’s annual response to Initiatives contained in the 4-year Council Plan.
5. The Annual Plan and Annual Plan Quarterly Progress Reports are two of Council’s key accountability documents to the community.

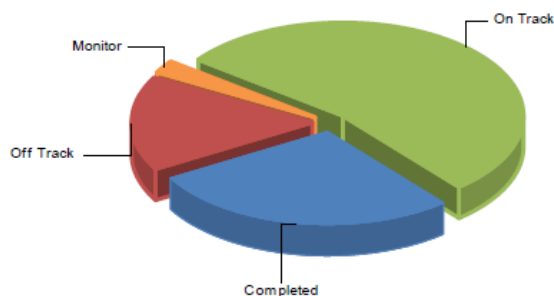


6. The Annual Plan Quarterly Progress Report notes the year-to-date progress of the Annual Plan Actions and Milestones providing a performance rating and supporting commentary.
7. The 2019/20 Annual Plan contains 43 actions spread across the Council Plan’s Strategic Objectives. It delivers on Council’s priorities and reflects the organisation’s focus on delivering the Council Plan’s Initiatives in 2019/20.

Strategic Objective	Number of Actions
	2019/20 Annual Plan
A healthy Yarra: a place where Community health, safety and wellbeing are a focus in everything we do	6
An inclusive Yarra: a place where Inclusion, diversity and uniqueness are welcomed, respected and celebrated	4
A sustainable Yarra: a place where Council leads on sustainability and protects and enhances its natural environment	9
A liveable Yarra: a place where Development and growth are managed to maintain and enhance the character and heritage of the city	11
A prosperous Yarra: a place where Local businesses prosper and creative and knowledge industries thrive	4

Strategic Objective	Number of Actions
	2019/20 Annual Plan
A connected Yarra: a place where Connectivity and travel options are environmentally sustainable, integrated and well-designed	6
A leading Yarra: a place where Transparency, performance and community participation drive the way we operate	3
<b>Total</b>	<b>43</b>

8. The *Council Plan 2017-21* has 49 Strategies with 99 associated Initiatives. Not all of these have a corresponding Action in the 2019/20 Annual Plan. The Council Plan is a four-year document and Initiatives will commence across a range of years.
9. To ensure the integrity and transparency of the Annual Plan, which is endorsed by Council, Actions including their descriptions and milestones can only be changed by resolution of Council.
10. Officers or Councillors may propose changes to the Annual Plan.
11. The progress of an Action is measured by the status of its individual milestones which are weighted to represent the relative time and effort they contribute to achievement of the overall Action.
12. The following thresholds are used to determine the status of an Action:
  - (a) On track  $\geq 90\%$
  - (b) Monitor 75-89%
  - (c) Off track  $< 75\%$
13. Annual Plan Action progress summary as at 31 March 2020:



Strategic Objective	No. of Actions Reported	Complete	On track ( $\geq 90\%$ )	Monitor (75-90%)	Off track ( $< 75\%$ )	Not Started
A healthy Yarra	6	0	5	0	1	0
An inclusive Yarra	4	1	1	0	2	0
A sustainable Yarra	9	1	6	0	2	0
A liveable Yarra	11	5	3	1	2	0
A prosperous Yarra	4	0	4	0	0	0
A connected Yarra	6	3	3	0	0	0
A leading Yarra	3	2	1	0	0	0
	43 (100%)	12 (27.91%)	23 (53.49%)	1 (2.33%)	7 (16.28%)	0 (0.00%)

14. All 43 Actions in the Annual Plan have commenced. Council achieved a result of 81% or 35 actions in progress assessed as On Track or Complete.



15. Annual targets set a requirement for 75% of Annual Plan Actions to be Complete or On Track (>90%) by 30 June each year.
16. The following actions are recorded as Monitor or Off Track at the end of March. These actions have experienced delays to one or more of their milestones. More detail is contained in the attached report.
17. Currently there are 7 Actions that are Off-Track and 1 Monitor, this number is anticipated to increase between now and the end of June.

Monitor

4.08 Review and develop a framework for management of Council's own heritage assets

Off track

- 1.04 Provision of boat storage and clubhouse facility design - Panther Pavilion
  - 2.03 Social Justice Charter
  - 2.04 LGBTIQ Strategy
  - 3.01 Yarra Environment Strategy
  - 3.04 Review and update Council's Urban Agriculture guidelines
  - 4.06 Structure planning for Major Activity Centres in Yarra
  - 4.07 Negotiate Joint Use Agreement with Richmond High School
18. While the March result is strong against our performance target of 75%, it is not indicative of the end-of-year result due to the significant impact COVID-19 has since had on our operations and our subsequent response to the pandemic resulting a considerable diversion of resources to support the business and community support package.
  19. Some of the impacts on our ability to deliver commitments in the Annual Plan include restrictions on planned community consultations, public meetings, community events and programs, service closures and the conduct of Council meetings.
  20. Council has an established process to transparently consider revisions to the Annual Plan. We are considering the impact of COVID-19 on all actions in the Annual Plan and will report to Council on proposed changes at a future date.

**External Consultation**

21. Significant community engagement and consultation was undertaken during the development of the *Council Plan 2017-21*. The 2019/20 Annual Plan reflects the community priorities identified during this process, included in the *Council Plan 2017-21* initiatives.
22. Members of the community will have the opportunity to comment on the progress report when it is presented to Council on 18 February 2020.
23. Projects contained in the 2019/20 Annual Plan are subject to external consultation and engagement on a case-by-case basis.

**Internal Consultation (One Yarra)**

24. Managers and Directors were consulted during development of the 2019/20 Annual Plan Actions, and are responsible for providing quarterly updates on their progress against delivery of these Actions.

**Financial Implications**

25. Actions in the 2019/20 Annual Plan are resourced within the 2019/20 Budget.

**Economic Implications**

26. The *Council Plan 2017-21* includes the Strategic Objective *A prosperous Yarra: a place where Local businesses prosper and creative and knowledge industries thrive*. The 2019/20 Annual Plan includes 4 actions that respond to initiatives under this Strategic Objective.

### **Sustainability Implications**

27. The *Council Plan 2017-21* includes the Strategic Objective *A sustainable Yarra: a place where Council leads on sustainability and protects and enhances its natural environment*. The 2019/20 Annual Plan includes 9 actions that respond to initiatives under this Strategic Objective.

### **Social Implications**

28. The *Council Plan 2017-21* includes the Strategic Objective *A healthy Yarra: a place where community health, safety and wellbeing are a focus in everything we do*. The 2019/20 Annual Plan includes 6 actions that respond to initiatives under this Strategic Objective.

### **Human Rights Implications**

29. The *Council Plan 2017-21* includes the Strategic Objective *An inclusive Yarra: a place where inclusion, diversity and uniqueness are welcomed, respected and celebrated*. The 2019/20 Annual Plan includes 4 actions that respond to initiatives under this Strategic Objective.

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

30. CALD groups were specifically targeted as part of the engagement plan for the *Council Plan 2017-21* and were represented in a group workshop which included Council's advisory groups.
31. Translation service assistance is available via Council's website for members of the CALD community and this service extended to the Council Plan engagement process.

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

32. The 2019/20 Annual Plan represents Year 3 of the *Council Plan 2017-21* adopted on 1 August 2017.

### **Legal Implications**

33. There are no legal implications.

### **Other Issues**

34. There are no other issues.

### **Options**

35. The report does not include any options.

### **Conclusion**

36. The 2019/20 Annual Plan Quarterly Progress Report March 2020 is presented to Council for noting.
37. While the March result of 81% demonstrates significant progress of the 2019/20 Annual Plan, this result is not achievable at 30 June 2020 and will be impacted on by the COVID-19 pandemic and the organisation's response to it.
38. A further report will be presented to Council on the impact of COVID-19 on deliverability of the 2019/20 Annual Plan.

## **RECOMMENDATION**

1. That Council:
  - (a) note the result as reported in the 2019/20 Annual Plan Quarterly Progress Report – March;
  - (b) acknowledge the significant impact the COVID-19 pandemic will have on the deliverability of 2019/20 Annual Plan actions by the end of June 2020; and
  - (c) receive a further Report on the impact of COVID-19 on the delivery of actions in the 2019/20 Annual Plan.

**CONTACT OFFICER:** Shane Looney  
**TITLE:** Corporate Planner  
**TEL:** 9205 5397

### **Attachments**

- 1 [⇒](#) 2019-20 Annual Plan Quarterly Progress Report - March

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

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Trim Record Number: D20/37757

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.

### **Climate Emergency Implications**

8. Not applicable.

### **Social Implications**

9. Not applicable.

### **Human Rights Implications**

10. Not applicable.

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

11. Not applicable.

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

12. Not applicable.

### **Legal Implications**

13. 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**

14. Not applicable.

### **Options**

15. Nil.

## **Conclusion**

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

## **RECOMMENDATION**

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

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

## **Attachments**

- 1 [⇒](#) Assembly of Councillors Report - May 2020

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**12.1 Notice of Motion No. 5 of 2020 - Advocacy for Council Job Retention Allowance**

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Reference: D20/74174  
Authoriser: Group Manager Chief Executive's Office

I, Councillor James Searle, hereby give notice that it is my intention to move the following motion at the Ordinary Meeting of Council to be held on 5 May 2020:

*“That Council:*

- (a) notes the over 1,000 workers employed by the City of Yarra, many of whom are Yarra residents;*
- (b) notes the dramatic impact the COVID-19 crisis has had and will continue to have on Yarra’s financial sustainability;*
- (c) notes that the Federal Government’s JobKeeper scheme eligibility specifically excludes local government workers; and*
- (d) notes that the NSW State Government has introduced a \$112.5 million Council Job Retention Allowance of \$1,500 per fortnight per employee to fill the gap in the JobKeeper scheme and support job retention in local government.*

*That Council advocates to the Victorian Premier, Treasurer, Local Government Minister and any other relevant ministers to urgently introduce a Victorian Council Job Retention Allowance (or similar scheme), with eligibility for the scheme including casual workers.”*

## **RECOMMENDATION**

1. That Council:
  - (a) notes the over 1,000 workers employed by the City of Yarra, many of whom are Yarra residents;
  - (b) notes the dramatic impact the COVID-19 crisis has had and will continue to have on Yarra’s financial sustainability;
  - (c) notes that the Federal Government’s JobKeeper scheme eligibility specifically excludes local government workers; and
  - (d) notes that the NSW State Government has introduced a \$112.5 million Council Job Retention Allowance of \$1,500 per fortnight per employee to fill the gap in the JobKeeper scheme and support job retention in local government.
2. That Council advocates to the Victorian Premier, Treasurer, Local Government Minister and any other relevant ministers to urgently introduce a Victorian Council Job Retention Allowance (or similar scheme), with eligibility for the scheme including casual workers.

## **Attachments**

There are no attachments for this report.