



Agenda

Council Meeting

7.00pm, Tuesday 31 May 2022

Richmond Town Hall

Council Meetings

Council Meetings are public forums where Councillors come together to meet as a Council and make decisions about important, strategic and other matters. The Mayor presides over all Council Meetings, and they are conducted in accordance with the City of Yarra Governance Rules 2020 and the Council Meetings Operations Policy.

Council meetings are decision-making forums and only Councillors have a formal role. However, Council is committed to transparent governance and to ensuring that any person whose rights will be directly affected by a decision of Council is entitled to communicate their views and have their interests considered before the decision is made.

There are two ways you can participate in the meeting.

Public Question Time

Yarra City Council welcomes questions from members of the community.

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
- don't 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.

Public submissions

Before each item is considered, the meeting chair will ask people in attendance if they wish to make submission. If you want to make a submission, simply raise your hand and the Mayor will invite you to 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.

Once all submissions have been received, the formal debate may commence. Once the debate has commenced, no further submissions, questions or comments from submitters can be received.

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.

Order of business

1. **Acknowledgement of Country**
2. **Attendance, apologies and requests for leave of absence**
3. **Announcements**
4. **Declarations of conflict of interest**
5. **Confidential business reports**
6. **Confirmation of minutes**
7. **Public question time**
8. **Council business reports**
9. **Notices of motion**
10. **Petitions and joint letters**
11. **Questions without notice**
12. **Delegates' reports**
13. **General business**
14. **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

Attendance

Councillors

- | | |
|--------------------------|--------------|
| • Cr Sophie Wade | Mayor |
| • Cr Edward Crossland | Deputy Mayor |
| • Cr Gabrielle de Vietri | Councillor |
| • Cr Stephen Jolly | Councillor |
| • Cr Herschel Landes | Councillor |
| • Cr Anab Mohamud | Councillor |
| • Cr Claudia Nguyen | Councillor |
| • Cr Bridgid O’Brien | Councillor |
| • Cr Amanda Stone | Councillor |

Council officers

- | | |
|--------------------|--|
| • Chris Leivers | Interim Chief Executive Officer |
| • Brooke Colbert | Group Manager Advocacy and Engagement |
| • Malcolm Foard | Director Community Wellbeing |
| • Ivan Gilbert | Group Manager Chief Executive’s Office |
| • Geoff Glynn | Director City Works and Assets |
| • Gracie Karabinis | Group Manager People and Culture |
| • Diarmuid McAlary | Director Corporate, Business and Finance |
| • Bruce Phillips | Director Planning and Place Making |
| • Mel Nikou | Governance Officer |

Municipal Monitor

- | | |
|------------------|-------------------|
| • Yehudi Blacher | Municipal Monitor |
|------------------|-------------------|

3. Announcements

An opportunity is provided for the Mayor to make any necessary announcements.

4. Declarations of conflict of interest (Councillors and staff)

Any Councillor who has a conflict of interest in a matter being considered at this meeting is required to disclose that interest either by explaining the nature of the conflict of interest to those present or advising that they have disclosed the nature of the interest in writing to the Chief Executive Officer before the meeting commenced.

5. Confidential business reports

The following items were deemed by the Chief Executive Officer to be suitable for consideration in closed session in accordance with section 66(2)(a) of the Local Government Act 2020. In accordance with that Act, Council may resolve to consider these issues in open or closed session.

RECOMMENDATION

1. That the meeting be closed to members of the public, in accordance with section 66(2)(a) of the Local Government Act 2020, to allow consideration of confidential information

Item

5.1 **C1606 - Tree Maintenance Services**

This item is to be considered in closed session to allow consideration of private commercial information, being information provided by a business, commercial or financial undertaking that relates to trade secrets or if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

These grounds are applicable because the report contains information that has been submitted on a commercial in confidence basis as part of a tender process.

5.2 **Fairlea Netball Precinct, Yarra Bend**

This item is to be considered in closed session to allow consideration of council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

These grounds are applicable because the report contains information which, if released, may be contrary to Council's interests in negotiations regarding the project.

6. Confirmation of minutes

RECOMMENDATION

That the minutes of the Council Meeting held on Tuesday 10 May 2022 be confirmed.

7. Public question time

An opportunity is provided for questions from members of the public.

8. Council business reports

Item		Page	Rec. Page	Report Presenter
8.1	Brunswick Street Oval Sporting and Community Facilities Upgrade	9	19	Graham Davis – Manager Building and Asset Management
8.2	Fitzroy Adventure Playground Grant Report	20	28	Lisa Wilkins – Manager Family, Youth and Children’s Services
8.3	Yarra Moves Action Plan	29	35	Sally Jones – Manager Recreation and Leisure Services
8.4	Melbourne Airport Third Runway Proposal	36	41	Bruce Phillips - Director Planning and Place Making
8.5	Amendment C286yara - Public Open Space Contributions (Panel Report)	42	53	Bruce Phillips - Director Planning and Place Making
8.6	March 2022 Monthly Finance Report	55	57	Wei Chen – Chief Financial Officer
8.7	2021/22 Annual Plan Quarterly Progress Report - March	58	63	Julie Wyndham – Manager Corporate Planning and Performance
8.8	Governance Rules Review 2022	65	70	Rhys Thomas – Senior Governance Advisor

9. Notices of motion

Nil

10. Petitions and joint letters

An opportunity exists for any Councillor to table a petition or joint letter for Council's consideration.

11. Questions without notice

An opportunity is provided for Councillors to ask questions of the Mayor or Chief Executive Officer.

12. Delegate's reports

An opportunity is provided for Councillors to table or present a Delegate's Report.

13. General business

An opportunity is provided for Councillors to raise items of General Business for Council's consideration.

14. Urgent business

An opportunity is provided for the Chief Executive Officer to introduce items of Urgent Business.

8.1 Brunswick Street Oval Sporting and Community Facilities Upgrade

Executive Summary

Purpose

The purpose of this report is to provide Council with an overview of the status of the Brunswick Street Oval Precinct (BSOP) redevelopment project, including:

- (a) the outcomes of the public consultation process on the revised design;
- (b) the funding status of the project; and
- (c) matters relevant to planning and heritage approval processes for the project.

The report also seeks Council direction on proceeding with the project.

Key Issues

Following the report to Council on 8 March 2022, a community consultation has been undertaken on the revised design for the sporting and community facilities at Brunswick Street Oval.

The community consultation indicated the design was strongly, although not universally, supported.

A key issue arising from the consultation was the location of the proposed sports pavilion on the north-west side of the oval near Brunswick Street. Alternative locations for the sports pavilion have been considered as part of the development of the revised design and based on submissions received during the consultation; the location as proposed remains the recommended location based on consideration of the relevant factors.

Further, a briefing on the project has been provided to the Heritage Advisory Committee and an internal referrals process undertaken in preparation for a planning application, with some resulting adjustments to the design.

The project is split into two delivery stages, with Stage 1 encompassing the sports pavilion and Stage 2 the tennis courts, tennis/community pavilion and works to the heritage grandstand.

The project has received “State Project” status under clause 52.30 of the Yarra Planning Scheme.

Financial Implications

The State have recently provided Council with a proposed \$6.5 million funding agreement for Stage 1, and announced further funding of \$6.37 million for Stage 2, bringing the State’s total financial support for the project to \$12.92 million.

Council’s total contribution to the project (after reimbursement for funds already expended) will be \$2.735 million, mainly in Stage 2.

The project is now materially fully funded.

A delay to the project may cause a project cost increase due to escalations in construction labour and material costs over time and could risk the loss of State funding support for the project.

PROPOSAL

That Council endorses the revised design for the Brunswick Street Oval sports and community facilities, authorises officers to enter into funding agreements for Stage 1 and Stage 2 of the project and to submit a planning application for the project under clause 52.30 (State Projects) of the Yarra Planning Scheme and an associated heritage application for works to the heritage grandstand under the Heritage Act 2017.

8.1 Brunswick Street Oval Sporting and Community Facilities Upgrade

Reference	D22/109933
Author	Ann Limbrey - Building Projects Manager
Authoriser	Director City Works and Assets

Purpose

1. The purpose of this report is to provide Council with an overview of the status of the Brunswick Street Oval Precinct (BSOP) redevelopment project, including:
 - (a) the outcomes of the public consultation process on the revised design;
 - (b) the funding status of the project; and
 - (c) matters relevant to planning and heritage approval processes for the project.
2. The report also seeks Council direction on proceeding with the project.

Critical analysis

History and background

3. An overview of the history of this project is provided in the Council report of 8 March 2022.
4. This project commenced with Council's resolution of 18 September 2018 which endorsed the reallocation of \$50,000 of Council budget to explore the redevelopment of the sports and community facilities at the WT Peterson Oval (Brunswick St Oval).
5. The original design which proposed the integration of sporting club facilities into the upper levels of the heritage grandstand failed to gain support from Heritage Victoria, despite attempts that were made unsuccessfully to resolve that over a period of time including discussions involving the senior levels of Council management and Heritage Victoria.
6. A revised design was developed based upon a new standalone sports pavilion on the north-west side of the oval.
7. Council's resolution of 8 March 2022 endorsed a community consultation on the BSOP redevelopment revised design to obtain feedback from the general community on the revised proposal.

Discussion

8. The following relevant events have occurred since the most recent report to Council on 8 March 2022:
 - (a) A broad-based community consultation on the revised design was undertaken from late March through to early May 2022;
 - (b) Sport and Recreation Victoria provided a proposed \$6.5 million funding agreement for Stage 1 of the project on 29 April 2022;
 - (c) A further State funding contribution of \$6.37 million for Stage 2 construction was announced in the 2022 State budget on 3 May 2022;
 - (d) The 'State Project' status (as defined in section 52.30 of the Yarra Planning Scheme) of the project was confirmed on 20 March 2022; and
 - (e) An internal planning referrals process has been conducted by Yarra Statutory Planning as part of preparations for a prospective 52.30 planning application.

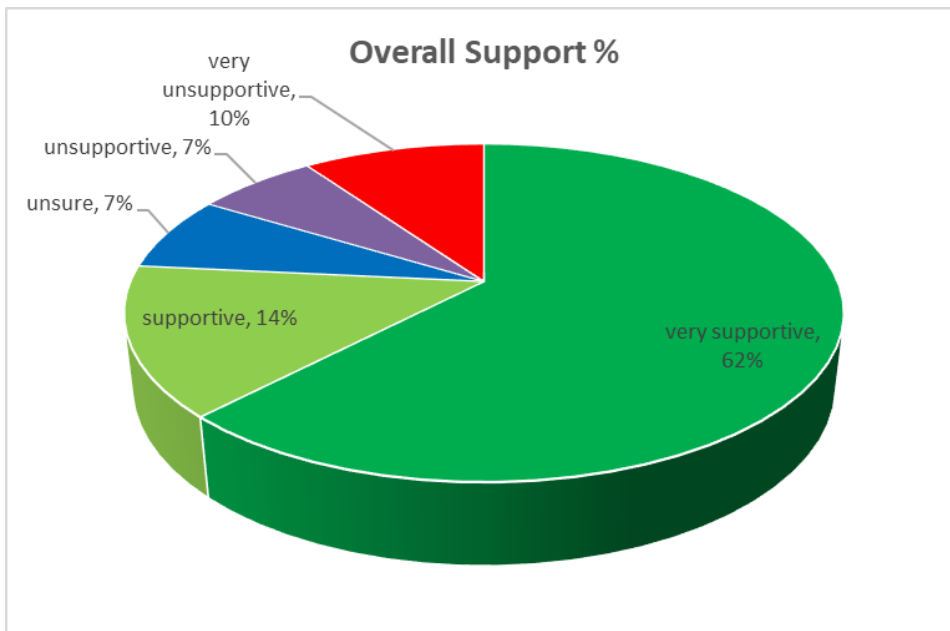
9. The project is now poised a critical juncture, and subject to Council's approval can move forward to planning and heritage approvals processes and construction. This report seeks to obtain direction from Council on proceeding with the project.
10. The revised design is shown in Attachment 1 (BSOP Revised Design).

Community engagement on the revised design

11. An overview of the community consultation undertaken on the revised design from late March through to early May 2022 covering the consultation methodology and the outcomes is presented in Attachment 2 (BSOP Revised Design Consultation Overview).
12. The Your Say Yarra project engagement page (available at <https://yoursayyarra.com.au/brunswickstoal>) was visited a total of 2,333 times, with a total of 307 submissions received from the community.
13. The engagement included seeking feedback on:
 - (a) the proposed plan for the grandstand;
 - (b) the proposed plans for the tennis court and tennis pavilion/community rooms;
 - (c) the proposed plans for the new sports pavilion;
 - (d) the proposed changes to landscaping and vehicle access
 - (e) the overall new proposed design; and
 - (f) input into the public art aspects of the project.

Overall outcomes

14. The overall support indicated for the project is shown in the graphic below, with 76% of respondents being supportive or very supportive, and 17% being unsupportive or very unsupportive.



15. A very common theme in the comments was general support for the design, asking for Council to proceed with the project and/or expressing a view that the project was overdue; a large number of comments also expressed support for the overall design solution.
16. A number of submitters (15 through Your Say Yarra and 12 Oracle customer requests) expressed concerns regarding the proposed location of the sports pavilion, the associated impact on viewing aspects of the park from Brunswick Street, and the possible impacts to amenity.

17. Further detail on the level of support expressed for each element of the design, and an analysis of key themes in comments received is in Attachment 2.
18. In summary, the outcome of the public consultation process was that the design was strongly, although not universally, supported.

Public Art

19. Attachment 2 also includes detail on the submissions received in relation to the public art component of the project. Further analysis of the supplied comments will be undertaken in consultation with Council's Art and Culture team before a specific approach is determined in relation to the public art.
20. Considering the extensive nature of the project and the fact that it is two distinct areas of the park it is possible that it may be appropriate for the art for the project be developed in two facets:
 - (a) one associated with the new sports pavilion and could therefore reflect the sporting history of the ground in its design; and
 - (b) the other could be associated with the general park to the north of the grandstand and west of the tennis pavilion and reflect an indigenous consideration in the design development.
21. Council's Open Space Planning and Design team have indicated that their preference is not formal built form such as a statue in the park but rather more embedded design arising from the overall park landscaping plan. This could include such elements as seating details and embedded pathways. Council typically invites a number of artists to prepare concepts for consideration incorporating these design considerations presented as concepts for selection of the final art design.
22. The public art costs have not yet been estimated and are not formally part of the project cost estimate, although depending on the form(s) of public art selected, the project landscaping budget may contribute towards the delivery of appropriate public art.
23. Further, the Edinburgh Gardens Sporting Community (EGSC) have indicated that they will contribute for public art providing it is related to the sporting activities at the grounds. This is consistent with the results of the survey as this theme was the second preferred design consideration after indigenous themes in design.

Briefing to Heritage Advisory Committee

24. A briefing on the project was provided to the Heritage Advisory Committee (HAC) meeting of 26 April 2022.
25. Key concerns raised by the HAC included the design and location of the new sports pavilion and the work to the grandstand.
26. An area of contention in the grandstand design was the proposed gate and fence at the top of each entrance staircase, allowing the ability to restrict access to the seating in the grandstand. These are of a lightweight steel finish sensitively fixed to the fabric for ready removal to meet heritage requirements and able to be open and secured for match days. A similar fencing solution is proposed on the western end of the upper level grandstand to avoid intrusion over the skillion roof at the western end of the grandstand.
27. This solution has been introduced to deter occupation of the grandstand for rough sleeping, noting the structure has previously been deemed by the Municipal Building Surveyor as unsuitable and unsafe for accommodation, and due to the excessive deterioration of the heritage building fabric due to cleaning required when the site is occupied.
28. There is currently temporary fencing installed at ground level around the staircase entrances to restrict access to the grandstand seating, and also temporary hoarding on the upper level of the grandstand that will be removed as part of the works with the revised access restrictions are in place.

29. Council's Statutory Planning heritage advisor had (as part of an internal planning referral report) noted that the structure of the stairs and upper landing should be as transparent as possible and not contrast with the original building detail. It is believed that this is the best solution given the particular circumstances.
30. The discussion with the HAC also considered the design and location of the new sports pavilion and its potential to block views of the grandstand. The report of the Statutory Planning heritage advisor supports the location of the sport pavilion as being appropriate to not detract from the grandstand; the project heritage consultant also supports this view.
31. The Statutory Planning heritage advisor's report notes "*(the new pavilion) proposed position, on the corner of the oval, is however considered appropriately less dominant than the position of the heritage grandstand which is essentially square to the oval. The proposed new building will be of a similar footprint size as the heritage grandstand however it appears to be about 2 metres lower in height. This will ensure that the existing heritage building remains the more dominant of the two buildings.*"
32. A follow-up meeting was conducted on 5 May 2022 including the project heritage consultant (of Lovell Chen P/L) with selected members of the HAC. At this meeting key issues discussed included the design of the roof on the sports pavilion and other concerns including whether solar panels installed on the skillion roof of the building would be visible.
33. A HAC member suggested a gabled roof design but this is not seen as appropriate by the project heritage consultant. The Statutory Planning heritage advisor report also supported the roof design with the note "*...the flat roof also ensures that the new building is recognisable as a design of its time, not a mock heritage building*". Further, it is considered that any concerns about viewing of solar panels or other plant items on the roof of the sports pavilion can be satisfactorily resolved in the finalisation of the detailed design.

Proposed Project Staging

34. The proposed staging of the project is as follows (as depicted in Attachment 1 page 2):
 - (a) Stage 1 – is the western side of the project area and includes the new sports pavilion and surrounding landscaping and civil infrastructure – estimated cost \$6.65 million (including lead-in precinct design and planning/heritage approval activities); and
 - (b) Stage 2 – is the balance and central/eastern side of the project area and includes the new tennis/community pavilion, the tennis courts, works to the heritage grandstand and surrounding landscaping and civil infrastructure – estimated cost \$9.0 million.
35. Stage 1 construction, subject to Council and planning approval, could potentially be undertaken in the period from early 2023 through to mid-2024.
36. The Stage 2 construction period is less certain, but prospectively could be undertaken from mid-2023 through to mid-2025.

Stage 1 Funding Agreement

37. On 29 April 2022, Sport and Recreation Victoria (SRV), as the nominated State funding agency, provided Council with a proposed funding agreement of value \$6.5 million under the Local Sports Grant program for the funding of Stage 1 construction activities.
38. SRV have indicated that the agreement needs to be executed prior to end of June 2022, in time for an initial milestone payment to Council of \$3.9 million in the 2021/22 financial year on signing of the agreement.
39. Subject to Council's approval to proceed, the funding agreement for Stage 1 will be executed.

Stage 2 Funding Announcement

40. On 3 May 2022, the State government announced additional funding support of \$6.37 million for Stage 2 construction as part of the 2022 State budget.

41. This eliminates the Stage 2 funding gap as reported in the 8 March 2022 report to Council, and brings the State's total financial support for the project to \$12.92 million, inclusive of the funding for Stage 1 (proposed funding agreement provided), Stage 2 (announced) and an initial \$50,000 of funding provided in 2018/19.

Clause 52.30 State Project Status

42. Recapping from the 8 March 2022 report to Council, a planning approval approach using clause 52.30 (State Projects) of the Yarra Planning Scheme has been signalled as of interest by the State, noting that the project is a joint project of the State and Council with majority funding coming from the State.
43. This option requires several steps:
- (a) Step 1 – pre-application discussion;
 - (b) Step 2 – assessment of whether the project has “State project” status by the Department of Environment Land Water and Planning (DELWP);
 - (c) Step 3 – application by Council to DELWP for the assessment of the project for approval under clause 52.30. This involves submission and assessment of comprehensive project documentation similar to that which would accompany a normal planning application; and
 - (d) Step 4 – a decision by the Minister for Planning (or under delegation) as to the outcome of the application.
44. Step 1 pre-application discussions were held with the with the DELWP Development Facilitation team to understand the process, and on 24 February 2022 the project team submitted a request to DELWP for the step 2 “State Project” assessment.
45. On 20 March 2022, the Minister for Planning, Hon Richard Wynne MP, wrote to Council to confirm that the project is a State Project meeting the requirements of clause 52.30 of the Yarra Planning Scheme.
46. The implication of this is that, subject to Council approval, officers can proceed to step 3 to submit an application to DELWP for assessment of the project for planning approval under clause 52.30.
47. Notice and review requirements do not apply to the 52.30 process, although there is a requirement that the proponent (Council) has undertaken a consultation/engagement process, and details of this must be provided as part of the application.
48. Officers engaged with DELWP Development Facilitation regarding the design of the community consultation held from late March 2022 through to early May 2022, to confirm that it met the requirements of a prospective 52.30 planning application, as well as Council's Community Engagement Policy for Council's own purposes in considering how to proceed with the project.
49. A separate heritage approval application to Heritage Victoria is required for the elements of the project within the extent of the VHR H0751 registration, which is subject to notice and review provisions under the Heritage Act 2017.
50. Noting that Development Facilitation and Heritage Victoria are both teams within DELWP, there are advantages in having DELWP coordinate the planning and heritage approvals under this approach.

Internal Design Referrals

51. Council's Statutory Planning team has been coordinating a process to collate the standard planning application referral stakeholder reports such Traffic, Civil Engineering, Strategic Transport, Urban Design, etc., similar to the process that would be undertaken on receipt of a planning application. As the whole of the precinct is within a heritage overlay of the Yarra Planning Scheme, a report was sought on the proposed redevelopment from Council's Statutory Planning heritage advisor.

52. This process is being undertaken in preparation for a prospective 52.30 planning application, whereby Council is required to submit the relevant planning referral responses to DELWP as part of the application.
53. These are largely completed and have been reviewed. Adjustments to the design for the project in response to these reports included changes to the street interface of the sports pavilion by introduction of glazing to the west side to ensure passive surveillance and introduce transparency to lighten the impact of the building on the streetscape. Similarly, the brick work to the tennis pavilion has been lightened.
54. Reviews of other stakeholder issues for traffic and waste management on site, and for acoustic treatment of the sports pavilion have also been undertaken and adjustments, where required, have been made to the design.

Alternative locations for the sports pavilion

55. In developing the revised design, a number of alternative locations were considered for a standalone sports pavilion, with the north-west location considered to be the best of the alternatives.
56. A key issue in the recent consultation process was a number of submitters who were not supportive of the proposed location of the sports pavilion.
57. The main alternative locations that have been considered during the development of the revised design, and also as a result of the submissions, are listed below, along with the challenges associated with each alternative location.
58. West of the grandstand but closer to it – the challenges with this location are as follows:
- (a) It would require the removal of a significant parcel of mature trees in the park;
 - (b) It would interrupt and impact the path network to the south of the World War 1 Sportsman’s Memorial and timber ticket box;
 - (c) Building in this location would provide challenges to providing vehicle access for service, emergency and universal access purposes to all buildings in the precinct; and
 - (d) It would further crowd the war memorial arbour adjacent to the Fitzroy Victoria Bowling Club building, reducing its significance in the park, noting that this arbour has been built-in over time by the bowling club building to the immediate north of the structure and electricity sub-station to the immediate west of the structure.
59. East of the grandstand (Hipster Hill) – the challenges with this location are as follows:
- (a) Hipster Hill is understood to have contributory significance as an integrated part of the social cultural heritage of the sports ground as being where the general supporters traditionally watched the Fitzroy games from, is still used for watching games of football and cricket, and on that basis is not recommended for development;
 - (b) The requirement for access for vehicles (delivery, emergency, maintenance and universal access) would mean loss of more park space and/or a reduction in the number of tennis courts;
 - (c) The mound is understood to be likely to be heavily contaminated which has implications for cost and safety (the other end of the mound was contaminated when work was undertaken in 2008-09); and
 - (d) It is more expensive to extend services infrastructure to this site within the park.
60. South side of oval (Freeman Street side) – the challenges with this location are as follows:
- (a) This location is considered to be too remote from the other sporting facilities, and would produce a fragmented sports precinct and introduce operational difficulties for the sporting clubs; and
 - (b) There is no history of sporting facilities of that scale in that general vicinity within the park, so may be seen as inconsistent with the local heritage context of the park.

61. Based on consideration of all relevant factors including the submissions made during the consultation, the location as proposed remains the recommended location.

Options

62. No other options have been considered for the purposes of this report.

Community and stakeholder engagement

63. An overview of the recent community consultation process for the revised design is included in the discussion above, with details in Attachment 2.
64. Key stakeholders on the project including the Edinburgh Gardens Sporting Community (EGSC) member clubs, Sport and Recreation Victoria as the nominated State funding agency and Council internal stakeholders have been, and will continue to be, engaged through regular meetings of the Project Control Group and direct discussions with project team as required. These stakeholders are supportive of the revised design including changes arising from the recent engagement and internal referrals process.
65. A further public consultation process will occur as part of the heritage permit application process in relation to the heritage grandstand and its curtilage. Submissions are reviewed and Heritage Victoria advise that a decision on the application “usually takes about 60 days”. Under this process:
- (a) notices for the heritage application are displayed on site (likely to be at several locations around the park and near the sports precinct); and
 - (b) the public can review the heritage application online and lodge submissions online. In this context, the submissions can only be about matters related to the heritage-listed grandstand.

Policy analysis

Alignment to Community Vision and Council Plan

66. The Council Plan 2021-25 includes the following strategic objectives and strategies which apply to this project:
- (a) Strategic objective one – Climate and environment:
 - (i) Strategy 1.1 – Take urgent action to respond to the climate emergency and extend our impact through advocacy and partnerships;
 - (b) Strategic objective two – Social equity and health:
 - (i) Strategy 2.2 – Build a more resilient, inclusive, safe and connected community, which promotes social, physical and mental wellbeing; and
 - (c) Strategic objective four – Place and nature:
 - (i) Strategy 4.1 – Create safe, accessible active spaces that provide diverse physical activity opportunities for the whole community; and
 - (ii) Strategy 4.2 – Plan and manage community infrastructure that responds to growth and changing needs.
67. The following health and wellbeing themes of the Municipal Public Health and Wellbeing Plan incorporated within the Council Plan 2021-25 are supported by these strategies:
- (a) Promoting community safety (strategy 4.1);
 - (b) Promoting physical wellbeing (strategies 2.2 and 4.1); and
 - (c) Promoting mental wellbeing (strategy 2.2).
68. The Access and Inclusion Strategy 2018-2024 includes these relevant strategies:
- (a) Strategy 1.1 – Promote and encourage the application of Universal Design and Access within and external to Council;

- (b) Strategy 1.5 – Improve accessibility to City of Yarra buildings and facilities, including ensuring adequate amenities are available; and
- (c) Strategy 2.1 – Provide and/or support the community to provide a diverse range of accessible community services and arts, cultural, sports and recreational activities that are creative and fun for all abilities and ages.

Climate emergency and sustainability implications

- 69. A review of the proposed design features indicates the project will achieve industry best practice. The sustainable features in the design include increased lighting efficiencies, hot water heat pumps, R4 rated ceiling and roofing, additional 10kW solar panels and water harvesting (120,000 litres, revised upwards from 50,000 litres) to support the watering of the tennis courts and public toilets, and to reduce Council's overall environmental footprint.
- 70. The Council Climate Adaptation tool has also been considered in the design development.
- 71. Gas usage will be removed from the site.
- 72. The features and attributes of the new sports pavilion is designed with sustainability outcomes for industry best practice. The thermal massing provided by the setting of the rear ground floor of the sports pavilion into the existing mound will have a significant positive contribution to the thermal performance of the building.

Community and social implications

- 73. The project will benefit the broader community with a new and improved community room as part of the tennis pavilion, additional public toilets and upgrading of landscaping in and around the precinct.
- 74. The project will benefit sporting clubs users (including community members attending as spectators) by improving the sporting facilities and amenities.
- 75. The landscaping works will provide a more valued entry to the Sportsman's War Memorial and the revised arrangements for vehicle movements will enhance the safety of park users.

Economic development implications

- 76. There are no known specific economic development implications.

Human rights and gender equality implications

- 77. Increasing participation and inclusion is consistent with the Charter of Human Rights and Responsibilities Act 2006. Council has a responsibility to meet its obligations through appropriate and accessible community infrastructure.
- 78. The introduction of further change rooms to the facilities specifically allows for increased female participation in sports at the oval.
- 79. Universal access to covered and elevated spectating positions of the oval will be provided at the new sports pavilion and tennis/community pavilion.
- 80. An accessible toilet to "Changing Places" standard is proposed as part of the redevelopment, which will provide universal access to safe and private toilet facilities in the precinct.

Operational analysis

Financial and resource impacts

- 81. The estimated total project cost for the revised design is \$15.65 million (project quantity surveyor's cost estimate dated 14 Dec 2021), inclusive of project activities since the commencement of budget year 2019/20.

Stage 1 Costs

82. Stage 1 estimated costs are \$6.65 million. With the \$6.5 million to be provided by the State under the Stage 1 funding agreement and prior contributions of \$50,000 each from Sport and Recreation Victoria and Clifroy Community Bank, Council's net contribution toward Stage 1 activities will be \$50,000.
83. Stage 1 costs incurred to date (July 2019 through April 2022) are \$527,006 which, excepting the prior \$100,000 of external contributions, have been borne by Council. These costs include architects, consultants, project manager, heritage advisors and other specialists.
84. The implication of this is, subject to Council approval to proceed and execution of the Stage 1 funding agreement with SRV, Council is expected to recover all but \$50,000 of project expenditure based on external funding receipts associated with Stage 1.

Stage 2 Costs

85. The Stage 2 estimated costs are \$9.0 million. With the \$6.37 million announced by the State Government for Stage 2, along with Council contributions of \$2.685 million (included in years 2023/24 and 2024/25 of the Council's Draft Long Term Financial Plan 2022/23-2031/32), Stage 2 is essentially now fully funded.

Overall funding

86. The announced Stage 2 funding implies a small nominal excess of \$55K. The detail of the public art budget and funding of that yet is to be resolved, although this matter is not of material consequence in considering the funding position of the overall project.
87. Project costs will not be known with certainty until construction tenders are undertaken for Stage 1 and Stage 2 project activities. A delay to undertaking tenders for example to further investigate other design options will likely result in higher project costs due to escalation of construction material and labour costs over time (the quantity surveyor's estimate includes forecast escalation costs through to the construction starts for Stages 1 and 2 in early-2023 and mid-2023 respectively).
88. Noting that SRV have indicated the Stage 1 agreement is to be entered into before 30 June 2022, a delay to the project could also jeopardise the proposed State funding for the project.
89. Council's contribution to the overall project will be \$2.735 million out of \$15.65 million, or a 17.5% contribution by Council, financially representing a strong outcome for Council, or viewed alternatively, allowing Council to undertake a significant upgrade to the sporting and community facilities at Brunswick Street Oval that it would be unlikely to be able to afford from its own resources within the foreseeable future.

Legal Implications

90. No specific legal implications are identified.

Conclusion

91. An extensive public consultation process has recently been undertaken on the revised design, with the design strongly, although not universally, supported.
92. A key point of contention is the proposed location of the sports pavilion near Brunswick Street, in particular with residents having properties on Brunswick Street in the immediate vicinity of the proposed sports pavilion expressing a range of concerns through the community consultation.
93. Other locations for the pavilion have been suggested during the consultation and examined during the development of the revised design; each alternative location proposed poses its own challenges and is unlikely to be viable and/or universally supported. Officers view that on the balance of considerations, to achieve the sporting and community objectives of the project, the location as proposed for the sports pavilion is the best option available.

94. The BSOP redevelopment is under tension from competing demands of the community users of the park, the sporting activities of the precinct and the heritage constraints of the grandstand and registered area. The revised design is intended to resolve this tension as far as is practicable offering a long-term solution to both sporting and community users of the park, whilst respecting its heritage context and meeting the 2019 Needs Analysis.
95. Officers have responded to concerns regarding the bulk of the proposed sports pavilion by modifying the Brunswick Street frontage to include additional glazing providing a design promoting better safety outcomes and an improved interface to the street.
96. The project is now materially fully funded and is eligible for planning approval under clause 52.30 (State Projects) of the Yarra Planning Scheme.
97. Delaying the project for further consideration of alternative locations and designs will risk the loss of the significant State funding support proposed for the project and/or project cost increases due to design rework and cost escalation over time.

RECOMMENDATION

1. That Council:
 - (a) note that a public engagement on the revised design for the Brunswick Street Oval Precinct (BSOP) Redevelopment of sporting and community facilities has recently been undertaken;
 - (b) note the support for the design by the Edinburgh Gardens Sporting Community (EGSC), Sport and Recreation Victoria (SRV) and internal project stakeholders;
 - (c) endorse the revised design based on the balance of considerations in relation to the project and the outcomes from the community consultation;
 - (d) authorise officers to enter into a \$6.5 million funding agreement with Sport and Recreation Victoria for Stage 1 construction with a view to commencing Stage 1 construction in early 2023;
 - (e) authorise officers to enter into a subsequent \$6.37 million funding agreement with the State for Stage 2 construction, with the balance of funding required for Stage 2 being \$2.685 million to be referred to Council's 2023/24 and 2024/25 budgets in line with Council's Long Term Financial Plan; and
 - (f) authorise officers to submit a 52.30 State Project planning application to the Department of Environment Land Water and Planning for the project under the Yarra Planning Scheme, and an associated heritage permit application to Heritage Victoria in relation to proposed works to the heritage grandstand under the Heritage Act 2017.

Attachments

- 1 Attachment 1 - BSOP Revised Design
- 2 Attachment 2 - BSOP Revised Design Consultation Overview

8.2 Fitzroy Adventure Playground Grant Report

Executive Summary

Purpose

To inform Council of the performance of the current provider (Save the Children Australia) of the Fitzroy Adventure Playground and to seek Council endorsement of a proposal to extend the current funding agreement for 12 months.

Key Issues

The funding agreement with Save the Children Australia for the Fitzroy Adventure Playground Program Grant ends on 30 June 2022.

A resolution by Council is necessary to support continuation of the Cubbies program in 2022/23.

A future grant initiation report has been delayed as the Fitzroy Adventure Playground has outstanding site management issues that must first be addressed. Responsiveness to maintenance and site issues was delayed to some extent by the impact of COVID-19 lockdowns and service adjustment priorities, and the complexity of the site itself.

Work to resolve the outstanding maintenance and site issues is progressing but requires more time to resolve. There are also issues relating to management of the facility and playground that must be further investigated by officers and provided in a future report to Council.

Financial Implications

This report does not propose any change to the draft 2022/23 Annual Budget that supports funding of \$150,000 plus CPI for continuation of a Fitzroy Adventure Playground Grant.

PROPOSAL

Officers are seeking Council endorsement of a proposal to extend the current funding agreement for the Fitzroy Adventure Playground for 12 months whilst officers investigate and resolve facility management and future funding options

8.2 Fitzroy Adventure Playground Grant Report

Reference	D22/108456
Author	Nona San Pedro - Coordinator Connie Benn Centre
Authoriser	Acting Director Community Wellbeing

Purpose

1. To inform Council of the performance of the current provider (Save the Children Australia) of the Fitzroy Adventure Playground funding agreement.
2. To seek Council endorsement of a proposal to extend the funding agreement for the Fitzroy Adventure Playground for 12 months whilst officers investigate and resolve facility management and future grant program options.

Critical analysis

History and background

3. Adventure playgrounds differ from regular playgrounds as they offer beneficial risk-taking during supervised play. They are open during set hours and children are supervised by qualified staff and volunteers.
4. In the 1970s, adventure playgrounds were established in five sites in the inner metropolitan area of Melbourne to support public housing communities. The adventure playground in Fitzroy is located near the Atherton Gardens public housing estate.
5. The Fitzroy Adventure Playground has always been operated by a community committee of management or a not-for-profit organisation. The Playground is often referred to as Cubbies, which is the name of the program, offered by the former Board of Management and now Save the Children Australia, on the site.
6. The former City of Fitzroy and the City of Yarra have supported the playground since its start. Following cessation of funding by the Commonwealth in 2014, Yarra Council increased its level of subsidy to support operation of the Fitzroy Adventure Playground.
7. On 16th April 2019, Council resolved to return this program to a public competitive three-year grant program for the playground. The Fitzroy Adventure Playground Program Grant was established to provide up to three years of funding subsidy to a not-for-profit organisation towards the operating of the Fitzroy Adventure Playground and management of the site.
8. The grant guidelines were informed by an evaluation of the Cubbies program undertaken by the Family, Youth and Children's Services Branch. An internal evaluation of the Cubbies program was undertaken in 2019, which found there has been a long-term association for many Atherton Gardens families with the Cubbies program and that the program fits within the goals of an adventure play program.
9. The grant program was widely promoted throughout May 2019, on council's website, social media and via community, youth, and children's networks. One application was received from Save the Children Australia.
10. The Council approved a three-year grant on 30th July 2019 to Save the Children for \$150,000 per annum (plus CPI). The funding agreement finishes on 30 June 2022.

[Discussion](#)

Performance of Contract

11. The evaluation and research officer from Family Youth and Children's services worked with Save the Children Australia in 2019 to help develop the Program Logic and Key Performance Indicators for Cubbies. A copy of the Program Logic is presented in Attachment 1.
12. The outcome of the evaluation in 2019 informed the performance targets for the adventure playground program to cover the period from 1 July 2019 to 30 June 2022.
13. The Cubbies program is managed by Save the Children Australia and specifically services school aged children and young people (5-16 years) living in the public housing estate predominantly from Atherton Gardens.
14. Save the Children Australia aims to deliver the following outcomes for Cubbies:
 - (a) Children, young people, and families have a safe space to play and actively participate in their community;
 - (b) Improved connections between children, young people and families with local community groups and service providers;
 - (c) Children and young people are supported to strengthen individual skills that encourage positive life choices and build resilience; and
 - (d) Emerging young leaders are supported to engage in education, employment and community pathways.
15. Save the Children Australia is committed to delivering 4 sessions per week during school terms with 30-40 participants per session. Sessions are conducted on Mondays, Tuesdays, Thursdays, and Saturdays.
16. In the 2019 grant application process, Save the Children Australia also committed to sourcing additional funds to increase the number of sessions delivered per week in response to community requests. As part of their contribution Save the Children Australia also allocated its own funds to operate school holiday programs from 2019 to the present when the covid restrictions allowed opening of adventure playgrounds.
17. As part of the key performance indicators of the grant, Save the Children is required to increase the utilisation of the site by facilitating access to other programs and services including the Family Learning Club sessions on Wednesdays and Fridays as well as one-off activities conducted by other service providers.
18. Annual written reports have been provided to Council officers regarding the progress of the Cubbies program.
19. Performance targets were adjusted during COVID-19 lockdowns for modified service delivery. When Cubbies was allowed to operate and deliver face to face sessions, some of the highlights include:
 - (a) Exceeding delivery targets for participation of children living in public housing;
 - (b) Exceeding delivery targets for participation of children from CALD backgrounds;
 - (c) Meaningful engagement with children through establishing Kids Committee and other child-led activities; and
 - (d) Staffing ratios were maintained during sessions.
20. All staff and volunteers working at Cubbies completed the Child Safeguarding Training, and the organisation continued to develop partnership projects and activities with key services in Fitzroy.
21. Save the Children Australia modified their service delivery model during the lockdown period in 2020-2021 and their activities included:

- (a) Provision of family care packages, 3 x week, supporting 15-20 families per week. Included in the care packs were a range of tailored activities for specific age groups. Also included were essential items such as soaps, masks, hand sanitiser and basic food items for the children and their families;
 - (b) A total of 96 referrals to 26 local organisations for the following service requests: housing, food/material support, financial/legal support, health, education, and support for children;
 - (c) Provision of 422 individual activities to 86 children;
 - (d) Engagement with parents continued via 400+ phone conversations with Save the Children's Family Support Worker; and
 - (e) Establishment of a *WhatsApp* group which provided regular communication with 40 families. This was a useful medium for sharing information with the community around COVID testing, vaccine information and updates on restrictions. The group had high levels of engagement and was critical in ensuring that Save the Children was able to continue their work with children and their families during lockdowns.
22. Since the lifting of restrictions on playgrounds, Save the Children Australia has resumed delivery of regular programs onsite. Staff have also implemented new initiatives including:
- (a) Establishment of the Kids Committee to ensure child participation in the co-design of Cubbies programs;
 - (b) Organising a community meeting in September 2021 to consult with parents and community members to improve parent participation in Cubbies;
 - (c) A monthly Community Day Program which opened the Cubbies Program to the local community during non-program hours; and
 - (d) Upgrade of the client database which will result in improved reporting of key deliverables.
23. A summary of performance against the agreed targets for Cubbies under the grant is presented in Attachment 2.

Maintenance, facility, and site issues

24. Responsibility for maintenance of the facility and the playground is shared between Council and the Save the Children Australia.
- (a) Applicants for the Fitzroy Adventure Playground grant were required to submit a site management plan and this forms part of the funding agreement;
 - (b) The grant also included provision of a lease for the Fitzroy Adventure Playground; and
 - (c) The lease provides a condition report and maintenance schedule that specifies responsibilities of Council and of the tenant (Save the Children Australia).
25. COVID-19 restrictions had an impact on the maintenance of the facility and site.
26. In April 2021, the Parks and Open Space Team conducted their annual tree maintenance inspection and identified hazards that needed to be rectified. These included:
- (a) Various locations with visible/torn geo-fabric;
 - (b) Various areas with exposed soil;
 - (c) Many loose bolts in the slides, garden beds and cubbies;
 - (d) Lack of sofffall in the fall zones of play equipment;
 - (e) Solid objects placed in fall zones of climbing apparatus;
 - (f) Severely overgrown lawns and gardens with many trip hazards and depressions/holes; and
 - (g) Accumulation of hard rubbish and other debris.
-

27. Save the Children Australia was contacted and was asked to rectify the issues identified. A site visit was organised with representatives from Save the Children Australia as well as Council's Parks and Open Space, Open Space Planning and Design and Family Youth and Children's Services. Council's Property Services was also asked to provide advice on the roles and responsibilities of Council and Save the Children regarding the maintenance of Cubbies.
28. After the site visit, there was an agreement to rectify the hazards that were identified. The following actions were undertaken:
 - (a) Save the Children Australia organised topping up of softfall in particular areas, mowing of lawn, fixing the play equipment, garden beds and cubbies, and clearing out of debris and hard rubbish; and
 - (b) City of Yarra undertook repairs of the electricity pole, resolved the overflowing water tank, prune overgrown trees and shrubs and fix the drain to the rainwater pond.
29. Save the Children Australia was also asked to seek independent advice to support their role in site management. Council staff provided contact details for Play DMC to conduct an independent inspection of the site and to seek advice on the maintenance standards that needed to be maintained. Save the Children Australia was also referred to Play Australia for resources and advice regarding ongoing management of play spaces and programming. The Manager from Save the Children Australia has confirmed that they have since contacted these agencies.
30. Save the Children Australia acknowledged their difficulties in undertaking regular maintenance of Cubbies in the last two years. They lost all their corporate volunteers during covid lockdowns, whom they had relied on to provide critical support for site maintenance. Since the lifting of restrictions, Save the Children Australia has been able to re-establish a regular maintenance schedule with their previous corporate partners and volunteers.
31. Save the Children Australia approached Council officers and raised concerns about the condition of the main building and recurring maintenance issues related to this including: recurring flooding of the kitchen and office spaces after heavy rain, toilet blockages, partial collapse of the ceiling, overflowing water tanks, and the poor condition of the perimeter fence and gate.
32. Save the Children Australia also informed Council that the current grant does not adequately cover their costs to run the program as well as the maintenance requirement for the facility. They highlighted that the costs associated with ongoing maintenance is putting a strain on the overall budget to run the adventure playground program. They have requested that Council takes into consideration the amount allocated to the grant to reflect the maintenance requirements for the site.
33. Council's grant and the provision of a lease is a significant contribution to continuing provision of an adventure playground program in Fitzroy. The Fitzroy Adventure Playground grant is considered a partnership grant and the intention was never for Council to bear most of the costs of providing the program.
34. There are outstanding maintenance issues with the site that must be resolved, which may involve further cost to Council. Further investigation is necessary to consider how this issue could be addressed and this will include reviewing responsibilities under the lease to best meet the program aims for a well-maintained adventure playground.
35. Resolution of the site and maintenance issues was delayed to some extent by the impact of COVID-19 lockdowns and service adjustment priorities and the complexity of the site itself. Work to resolve the outstanding issues is progressing but cannot be at once resolved.

End of Contract Notice

36. Save the Children Australia have requested that Council give them confirmation in writing preferably 4 weeks before the end of the current contract (30 June 2022) if the funding will cease or be extended. Save the Children have advised that unless they receive confirmation in time, it may impact their ability to keep operating the Cubbies program after June 2022.

Options

37. Three options are presented to inform Council's decision on this matter with Option A being the recommended course of action.
38. Option A proposes:
- (a) An extension of the current funding agreement including the program KPIs for Save the Children Australia from 1 July 2022 until 30 June 2023 to provide funding certainty for continuation of their Cubbies program;
 - (b) Officers to continue monitoring the performance of the funding agreement and working with Save the Children Australia to resolve outstanding issues for maintenance of the site;
 - (c) Officers undertake further work and report back to Council in February 2023 on future funding considerations for the Fitzroy Adventure Playground that addresses:
 - (i) The value of the Fitzroy Adventure Playground to local children and the community;
 - (ii) Afterschool and holiday programs currently offered through the Fitzroy Adventure Playground are well utilised;
 - (iii) Participation of children to the adventure playground and utilisation of the site at other times;
 - (iv) Potential future opportunities through the Fitzroy precinct plan;
 - (v) The intended use and design for the site as an adventure playground;
 - (vi) Facility management options for the site; and
 - (vii) Resolution of maintenance requirements for the site and grant management.
39. This option gives funding certainty to support continuation of Cubbies within the proposed draft budget for 2022/23. The extension period provides opportunity to address outstanding maintenance issues and enhance the amenity for the children attending the site, and time to consider facility management in alignment with future funding options to be canvassed as a separate report .
40. The risks associated of Option A is that it delays opportunity for other providers to apply for the Fitzroy Adventure Playground Grant, if that was to continue beyond June 2022. Some community groups / individuals have contacted officers to express interest in this grant. Their eligibility would need to be assessed should this progress to a competitive grant round.

Option B

41. Option B proposes:
- (a) An extension of the current funding agreement with Save the Children from 1 July 2022 to 31 December 2022 to provide funding certainty for continuation of their Cubbies program;
 - (b) Officers to continue monitoring the performance of the funding agreement and working with Save the Children Australia to resolve outstanding issues on the site; and
 - (c) Officers to prepare a grant initiation process and to report back to Council for endorsement of the grant guidelines by September 2022.

42. The benefit of Option B is that it gives funding certainty to support continuation of Cubbies within the proposed draft budget for 2022/23. The extension period allows time to address immediate concerns including program continuity for Save the Children Australia and to address many outstanding maintenance issues. The option provides a community grant process in 2022 and responds to expressed interest in the playground by a few community groups.
43. The main risks associated with Option B is that it does not provide sufficient time to investigate long standing site management issues or facility management model in alignment with future funding considerations.

Option C

44. Option C proposes ceasing Council funding for the Fitzroy Adventure Playground from 30 June 2022.
45. The benefit of Option C is that Council could consider redirecting the allocated grant money to a different program or use the allocation to invest in the playground site.
46. The risk associated with this option is that consideration will need to be made about the potential impact to the children and the community. This option is not recommended by officers.

Community and stakeholder engagement

47. Council officers have been liaising with Save the Children Australia representatives and other branches including Social Strategy and Community Development, Parks and Open Space, Property Services, Sustainability and Building and Maintenance throughout 2021-22.

Policy analysis

Alignment to Community Vision and Council Plan

48. The Fitzroy Adventure Playground grant supports two of the strategic objectives of the Council Plan: strategic objective two - social equity and health, and strategic objective four: place and nature.
49. The provision of adventure play is premised on being the 'backyard' for families living in high-rise and the programs provided have evolved from being unstructured to having structured activity based on local identified need. This is directly aligned with principles of social equity and health and place and nature.
50. The Fitzroy Adventure Playground grant aligns with the Yarra 0-25 Plan priority areas including:
 - (a) Improve the health and wellbeing of children, young people and families; and
 - (b) Support children, young people and their families to be strong, resilient and resourceful.

Climate emergency and sustainability implications

51. Applicants to the Fitzroy Adventure Playground Grant were encouraged to consider the environmental impact of their program and opportunities to minimise their footprint. They were required to demonstrate strategies to reduce and/or re-using resources.

Community and social implications

52. The original policy basis of the adventure playground model was based on the Commonwealth Government's decision to provide opportunities for social support and engagement to families living in public housing. This was based on the relative level of disadvantage of public housing residents and that high-rise housing of this type was relatively unusual.

53. Adventure playgrounds were established in five sites in the inner metropolitan area of Melbourne to support children living in high rise public housing estates. The playgrounds differ from regular playgrounds as they offer beneficial risk-taking during supervised play. They are open during set hours and children are supervised by qualified staff and volunteers.
54. The Fitzroy Adventure Playground provides a safe, creative, and fun play environment with targeted activities to help support participants to help increase their participation in the community and their sense of self and identity.

Economic development implications

55. Community grants strengthen the community sector through providing a flexible and responsive source of funds to community based not-for-profit organisations.

Human rights and gender equality implications

56. The Fitzroy Adventure Playground program is in alignment with the Victorian Charter of Human Rights and Responsibilities Act 2006 insofar that it supports children and young people to participate in and contribute to their community through the adventure playground and related activities.

Operational analysis

Financial and resource impacts

57. The 2022-23 budget has allocated \$150,00 (plus CPI of 1.8%) to the Cubbies program.
58. The Fitzroy Adventure Playground grant program will require Council allocation of at least \$150,000 per annum (plus CPI) unless otherwise directed.
59. There are still outstanding maintenance issues for Cubbies that Council will need to be addressed that may require allocation or re-direction of funds.

Legal Implications

60. The Fitzroy Adventure Playground is located on Crown Land and is part of the Atherton Gardens Reserve. Council must obtain approval from the relevant Minister to offer a new lease for the site.
61. Extension of the funding agreement as proposed in this report would not impact on the lease with Save the Children Australia as the lease could continue in overholding.

Conclusion

62. The Fitzroy Adventure Playground is valued by the local community, especially the children who attend the Save the Children Australia Cubbies' program.
63. Save the Children Australia's funding agreement from Council for the Fitzroy Adventure Playground Program Grant ends on 30 June 2022. The organisation is meeting their KPIs under the funding agreement for the delivery of the Cubbies program.
64. During COVID-19 lockdowns, reasonable service adjustments were made to provide a program for children. The pandemic impacted on opportunities to increase utilisation during school hours and to seek other grants for the Cubbies' program.
65. An important component of the performance of the grant funding is also delivery of a site management plan. Resolution of the site and maintenance issues was delayed to some extent by the impact of COVID-19 lockdowns, service adjustment priorities and the complexity of the site itself. Work to resolve the outstanding issues is progressing but cannot be at once resolved. There also remains outstanding issues relating to the facility management that must be addressed by Council.

66. Officers are seeking Council endorsement of a proposal to extend the funding agreement for the Fitzroy Adventure Playground for 12 months whilst officers investigate facility management and future funding arrangements. The extension of the program will allow the ongoing investigation to address outstanding maintenance issues for the site, and the costs and responsibilities associated with it, to ensure safety and enhance the amenity for the children and the community.

RECOMMENDATION

1. That Council:
 - (a) note the site and workforce issues outlined in this report and that officers continue seek a suitable resolution for the management of the Fitzroy Adventure Playground site;
 - (b) endorse a 12-month extension (\$150,000 p.a. plus CPI) of the current funding agreement to Save the Children Australia, from 01 July 2022 until 30 June 2023, to continue delivery of the Cubbies program following the current funding agreement and subject to the following conditions:
 - (i) officers continue to monitor compliance of the agreed service agreement with Save the Children Australia including KPIs to seek external funding to increase programming hours and increase utilisation of the site; and
 - (ii) that Save the Children Australia actively seek to explore and report on partnerships with providers that can support and complement the delivery of the Cubbies program;
 - (c) request officers to report back to Council in February 2023 on future funding considerations for the Fitzroy Adventure Playground that addresses:
 - (i) the value of the Fitzroy Adventure Playground to local children and the community;
 - (ii) afterschool and holiday programs currently offered through the Fitzroy Adventure Playground are well utilised;
 - (iii) participation of children to the adventure playground and utilisation of the site at other times;
 - (iv) future opportunities though the Fitzroy precinct plan;
 - (v) the intended use and design for the site as an adventure playground;
 - (vi) facility management options for the site; and
 - (vii) resolution of maintenance requirements for the site and the community grant; and
 - (d) advocates to the Victorian and Commonwealth Governments to financially support the provision of adventure play spaces for children living in high rise public and social housing estates in Yarra.

Attachments

- 1 Attachment 1 - Save the Children Australia - Cubbies Program Logic
- 2 Attachment 2 - Summary of Performance Against Agreed Targets for Cubbies

8.3 Yarra Moves Action Plan

Reference	D22/109901
Author	Grace van der Merwe - Participation Officer
Authoriser	Director City Works and Assets

Purpose

1. The purposes of this Council report are:
 - (a) To provide Councillors with an overview of the outcomes of the recent public consultation process; and
 - (b) To seek endorsement of the *Draft Yarra Moves Physical Activity Action Plan 2022-2024*.

Critical analysis

History and background

2. It is widely acknowledged that physical activity plays a primary and important role in the prevention of chronic disease and supports lifelong physical and mental wellbeing.
3. The provision of health promoting environments that encourage active living is a key focus of the strategic objectives within the Council Plan (2021-2025). Further, the 2020/21 Yarra Council Annual Plan contained an action to develop a Physical Activity Strategy.
4. In Yarra, just 50% of adults and less than 20% of young teenagers meet the recommended physical activity guidelines. Further, over 40% of Yarra's population are susceptible to sedentary behaviours in the workplace and at school.

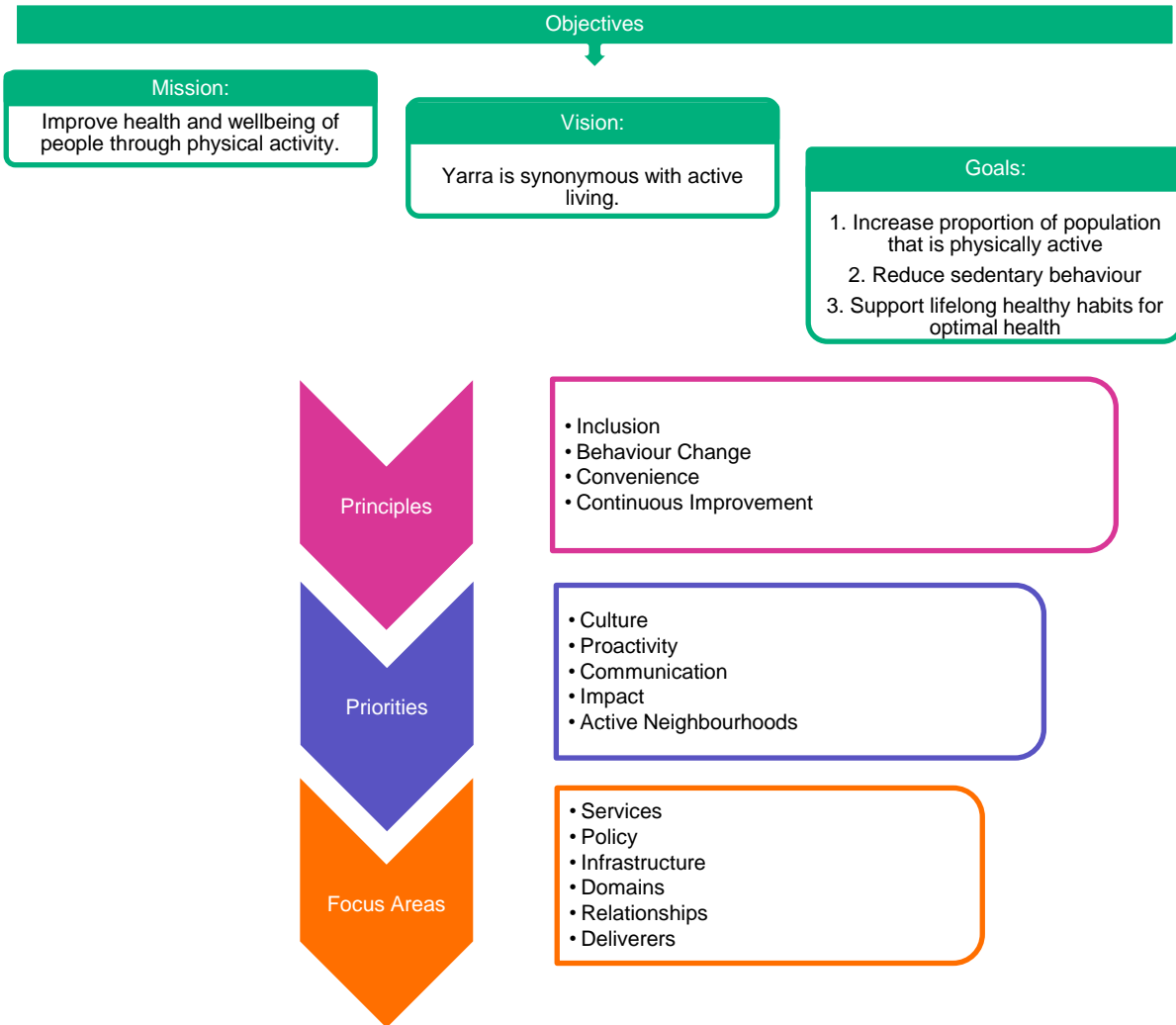
Table 1 – Proportion of population meeting physical activity guidelines

Physical Activity Levels	Yarra	Vic
Sedentary*	2.7%	2.5%
Insufficient	41.4%	44.1%
Active	54.9%	50.9%
*Sitting 7+ hours per weekday	40.8%	26.6%
*Sitting 7+ hours per weekend day	11.3%	14.1%

Source: Victorian Population Health Survey, Department of Health and Human Services (2017).

5. The health benefits of physical activity are numerous and can include:
 - (a) Reduces risk of health conditions like heart disease, type 2 diabetes and cancer;
 - (b) Management of blood pressure, weight gain and muscle development for improved bodily function;
 - (c) Improves wellbeing by alleviating feelings of stress, anxiety and depression;
 - (d) Reduces social isolation and strengthens social connection;
 - (e) Improves and maintains cognitive function;
 - (f) Improves academic performance and workplace productivity; and
 - (g) Supports active transport and limits the negative impact of climate change.
6. The Yarra Moves Physical Activity Strategy 2021-2031 (Yarra Moves Strategy) presents an evidence based and balanced approach to supporting the lifelong health of all people who live, work, learn and play in Yarra.

7. To inform the development of the Yarra Moves Strategy, Recreation and Leisure Services undertook an in-depth and intensive review of literature from leading health authorities, sport and recreation bodies, and government within Australia and internationally, which lead to the development of the strategy structure as follows:
- (a) Objectives (vision, mission and goals);
 - (b) Principles;
 - (c) Priorities; and
 - (d) Focus areas.



- 8. Council endorsed the Yarra Moves Strategy on Tuesday 7 September 2021.
- 9. Yarra plays a key role in the management and delivery of many facilities and services related to physical activity, including but not limited to leisure centres, community centres, youth services, maternal child health, parks and sportsgrounds. As the closest level of government to the community, Council, therefore, plays a significant role in providing leadership to the community and stakeholders when advocating for physical activity.
- 10. To achieve the Strategy's vision of Yarra being synonymous with active living, the *Draft Yarra Moves Physical Activity Action Plan 2022-2024* (Attachment 1) outlines short to mid-term actions that will deliver the Yarra Moves Strategy's goals.
- 11. The proposed Draft Action Plan has been structured so that is adaptive, flexible and has been designed to ensure delivery evolves with the community demands.

Discussion

12. The first two years of the *Draft Yarra Moves Physical Activity Action Plan 2022-2024* establish the framework to progress the Yarra Moves Strategy for the long term. This undertaking is necessary to ensure that future actions are evidence based, targeted and evolve. The effect of the global pandemic supports this notion that action development must be agile, flexible and meet emerging trends and demands.
13. Achieving the objectives of the Yarra Moves Strategy requires input across many Yarra business units. Accordingly, the Draft Action Plan sees 17 business units responsible for achieving a range of specific deliverables over the next two years related to physical activity and active living, which highlights the diverse role Council has in supporting people to be physically active.
14. The first proposed Action Plan is based on the immediate need to establish support structures and embed a culture of active living in all Council operations.
15. The Draft Action Plan focuses on:
 - (a) Creating a campaign to support the ongoing promotion of the Yarra Moves Strategy, as well as physical activity opportunities at Yarra; and
 - (b) Establishing a culture of active living at Yarra.
16. The feedback provided through the consultation drove the development of the Draft Action Plan's three themes - Impact and Promotion, Inclusion and Active Neighbourhoods - as well as the objectives and actions.
17. The objectives of the first theme, Impact and Promotion, aim to:
 - (a) Identify and promote the opportunities to be physically active in Yarra;
 - (b) Promote opportunities for people to connect and participate in the community while improving physical wellbeing;
 - (c) Provide opportunities for the community to engage and connect with the natural environment to enhance their physical wellbeing;
 - (d) Improving the health and wellbeing of all employees by implementing initiatives that make active living part of the workplace culture and reduce sedentary behaviour; and
 - (e) Use evidence to guide and drive decisions about how to increase participation in physical activity and improve the health of our community.
18. The objectives of second Draft Action Plan theme of Inclusion aims to:
 - (a) Support and facilitate opportunities for the community to be physically active through Council's services;
 - (b) Support active recreation and sport organisations to continue to provide diverse physical activity opportunities for the whole community; and
 - (c) Build partnerships with key partners to provide sustainable and inclusive local options to be physically active.
19. The third theme of the action plan is Active Neighbourhoods, and its objectives aim to:
 - (a) Encourage and support greater walkability and cycling throughout Yarra; and
 - (b) Plan and develop neighbourhoods to support active lifestyles.
20. The Draft Action Plan contains measurable outcomes, which will be reported on each year as part of the Plan's review. In addition to these measures, success will also be measured on improvements over time using industry benchmarking data.

21. Officers propose that the Draft Action Plan be reviewed after the first year to inform the planning of the next two-year action plan (2024-2026). Each subsequent Action Plan is proposed to be two years in length, which is necessary as the objectives of the 10-year Yarra Moves Strategy requires long-term change that cannot be achieved via fixed perspectives, methods or systems.

Options

22. There is currently no Council plan that focuses directly on physical activity, active living, and reducing sedentary behaviour in Yarra, despite the clear and overwhelming evidence that increases in physical activity and decreases in sedentary behaviours are a known contributor to many positive health and wellbeing outcomes. Therefore, Officers have developed both the Yarra Moves Strategy the *Draft Yarra Moves Physical Activity Action Plan 2022-2024*.

Community and stakeholder engagement

External Community Engagement – Stage 1 Action Plan

23. Per Council's resolution, Officers undertook a community consultation process to inform the development of the *Draft Yarra Moves Physical Activity Action Plan 2022-2024*. In November and December 2021, Officers heard from over 350 people through the Your Say Yarra site. This broad consultation process included running separate consultation sessions with children and young people, engaging directly with community groups for older people and those from different language backgrounds.
24. As noted in Attachment 2 - *Community Engagement Report Yarra Moves Physical Activity Action Plan*, Officers asked the community their motivations, and challenges to being active, as well as the ways Council could support them to be more active. Some key pieces of feedback Officers heard from the community were:
- (a) The most popular motivation to be active is for physical and mental health;
 - (b) Physical activity decreased during COVID-19;
 - (c) Yarra could help by improving issues faced in active travel, such as space on footpaths;
 - (d) Different approaches are needed for different areas of the community based on their needs;
 - (e) Activities need to fit into people's everyday lives and/or be flexible in terms of time commitment;
 - (f) Many respondents said they want to try activities outside of community sport; and
 - (g) A high number of respondents told us they want to find opportunities to be active with their friends or family.
25. The information from this community consultation was used to develop the Draft Action Plan.

External Community Engagement – Stage 2 Action Plan

26. The *Draft Yarra Moves Physical Activity Action Plan 2022-2024* was shared with the community through Your Say Yarra from 24 March 2022 until 14 April 2022, which provided the community with an opportunity to provide further feedback.
27. As outlined in Attachment 2, Officers received 39 responses from the community during the exhibition/second stage of the consultation.
28. The majority of responses supported the Draft Action Plan. The themes and its associated objectives and actions were as follows:
- (a) 59.46% of respondents are supportive or very supportive of Theme 1: Impact and Promotion and its associated objectives and actions;
 - (b) 64.86% of respondents are supportive or very supportive of Theme 2: Inclusion and its associated objectives and actions; and

- (c) 64.87% of respondents are supportive or very supportive of Theme 3: Active Neighbourhoods and its associated objectives and actions.

29. Some of the key themes rising from the exhibition of the Draft Action Plan were:
- (a) A large portion of the feedback related to road safety, bike riding, accessibility for pedestrians and footpath safety, highlighting the importance of the theme – Active Neighbourhoods and the actions associated with the Yarra Transport Strategy; and
 - (b) Much feedback related to specific actions (e.g., “Get lights”). However, as this is the first action plan at Yarra focused directly on physical activity and is the first two years of a 10-year Strategy, subsequent Action plans will continue to evolve and develop, along with targeted, costed actions over the life of the Yarra Moves Strategy.

External Community Engagement – Physical Activity Strategy

30. The Council resolution on 7 September 2021, directed Officers to consult the community in November and December 2021 on the Yarra Moves Physical Activity Strategy 2021-2031. 11 responses were received, with majority of the responses being supportive of the Strategy.
31. There was a broad level of feedback received that isn't related to the context of the strategy but is a 'wish list' of infrastructure, which is outside of the scope of this consultation (e.g., basketball courts, exercise stations etc.). However, it demonstrates there is a high level of interest from the community to be physically active. Through the actions in the Draft Action Plan, Officers aim to identify and promote opportunities to be physically active, to improve the health and wellbeing of all people who live, work, learn and play in Yarra.
32. Based on the community feedback received, Officers do not believe any modifications to the Yarra Moves Physical Activity Strategy 2021-2031 (endorsed by Council on Tuesday 7 September 2021) are required.

Policy analysis

Alignment to Community Vision and Council Plan

33. The follow strategic objectives of the Council Plan 2021-2025 apply to the Draft Action Plan: Strategic Objective two: Social equity and health; Strategic Objective four: Place and nature; and Strategic Objective five: Transport and movement.

Climate emergency and sustainability implications

34. With more than 320,000 trips within Yarra on any given weekday (Victorian Integrated Survey of Travel and Activity – LGA Profiler, Department of Transport, 2018), active transport has a significant role in improving the overall health and wellbeing of Yarra's community. Exchanging sedentary modes of transport for active travel not only provides an opportunity for daily physical activity, but also reduces the amount of carbon emissions that contribute negatively to climate change.

Community and social implications

35. The *Draft Yarra Moves Physical Activity Action Plan 2022-2024* recognises some people and communities are more at risk of experiencing negative health related to inactivity than others, due to participation barriers. The Yarra Moves Strategy highlights the broad influence Council has on the opportunities, environments and people that can support the equitable provision and inclusive access to physical activity in Yarra. Further, the community consultation process targeted direct feedback from at risk communities to ensure relevance and effectiveness of the Draft Action Plan.

Economic development implications

36. The value of the health benefits supported by community sport and active recreation infrastructure in Victoria has been estimated at \$2.3 billion annually (The Value of Community Sport and Active Recreation Infrastructure, Sport and Recreation Victoria, 2020).

37. Further, the report by Sport and Recreation Victoria (The Value of Community Sport and Active Recreation Infrastructure, 2020), found that being physically active led to increased productivity (i.e., lower number of sick days and increases in personal skills and ability), as well as enhanced cognitive performance. The value of increased productivity associated with physical activity supported by community sport and active recreation infrastructure in Victoria is estimated at \$270 million annually.
38. Research by Victoria Walks (Walking and transport in Melbourne suburbs, 2019) found that there is an economic benefit to 'Active Neighbourhoods', because people who walk to shops spend more and go to the shops more often than those who drive. It was found that walking, cycling and public realm improvements increase retail sales by up to 30% and people who walk to retail areas spend up to 40% more over a month than those who drive (Identifying and valuing the economic benefits of 20-minute neighbourhoods, DELWP, 2019).

Human rights and gender equality implications

39. A key element of the *Draft Yarra Moves Physical Activity Action Plan 2022-2024* is ensuring opportunities for participation in physical activity is inclusive and accessible for all.
40. Inclusion is the fundamental right of all people to partake in physical activity regardless of individual circumstances. In line with *Yarra Social Justice Charter* (2020), inclusion means that all people can, "Participate in community and access services and information regardless of age, gender, sex, sexuality, income, education, cultural background, language skills, religion or disability". Yarra Moves puts in place a strategy to provide inclusive, adapted and safe opportunities to participate in physical activity and sport.

Operational analysis

Financial and resource impacts

41. The delivery of the proposed *Draft Yarra Moves Physical Activity Action Plan 2022-2024* will be conducted within existing resourcing and budget allocations.
42. Additional budget to support the campaign design, collateral, and advertising for the 2023/24 financial year would be required of up to \$25,000 and be subject to the budget bid process.

Legal Implications

43. There are no known direct legal implications of this report.

Conclusion

44. Yarra City Council is committed to a healthy and inclusive Yarra, and physical activity is a known contributor to several positive health and wellbeing outcomes.
45. At the time of developing the Yarra Moves Strategy, half the adult population, and five out of six young teens in Yarra did not meet the recommended guidelines for physical activity. The risks associated with inactivity are heightened in Yarra where levels of sedentary behaviour are of specific concern. Two in five adults spend more than seven hours sedentary each weekday and half of the year eight students in Yarra do not meet the recommendation for avoiding sedentary behaviour.
46. The Yarra Moves Strategy presents an evidence based and balanced approach to supporting the lifelong health of all people who live, work, learn and play in Yarra.
47. Following extensive community consultation and exhibition, Officers have created the proposed *Draft Yarra Moves Physical Activity Action Plan 2022-2024*, which establishes the foundation framework to progress the Yarra Moves Strategy.
48. The Draft Action Plan focuses on strengthening existing physical activity opportunities in Yarra; creating a campaign to support the ongoing promotion of the Yarra Moves Physical Activity Strategy 2021-2031, as well as physical activity opportunities at Yarra; and establishing a culture of active living at Yarra.

49. Should the Draft Action Plan be endorsed, in the first year, its implementation would be conducted within existing resources and budget allocations.

RECOMMENDATION

1. That Council:
 - (a) Endorse the *Draft Yarra Moves Physical Activity Action Plan 2022-2024*.

Attachments

- 1 Attachment 1 - Draft Yarra Moves Physical Activity Action Plan 2022-2024
- 2 Attachment 2 - Community Engagement Report Yarra Moves Physical Activity Action Plan

8.4 Melbourne Airport Third Runway Proposal

Reference	D22/118401
Author	Bruce Phillips - Director Planning and Place Making
Authoriser	Director Planning and Place Making

Purpose

1. This report provides an outline of the proposed Third Runway Plan at Melbourne Airport as part of the *2022 Draft Preliminary Melbourne Airport Master Plan*.

Critical analysis

History and background

2. Melbourne Airport is Australia's second-busiest passenger airport, largest domestic freight operation, and the main aviation hub for the southern part of Australia. The airport is approximately 23 kilometres from the centre of Melbourne and a number of kilometres from the City of Yarra.
3. In line with the Airports Act 1996, Melbourne Airport has prepared a *2022 Preliminary Draft Master Plan* that outlines its objectives and strategic intent for the next 20 years, and provides detailed plans for the continued development of the airport over the next five years.

The 3rd Runway proposal

4. Key features of the plan include the development of a third runway and parallel runway operating system by 2027 – which is said to support the overall aviation and economic growth in Victoria.
5. Formal public exhibition on its preliminary Draft Third Runway Major Development Plan has occurred – Council can lodge a submission by 1 June 2022.

Policy Context - Federal legislation

6. The *Airports Act* 1996 requires all federally leased airports to prepare a master plan every 5 years to guide the future growth and development of the airport over the next 20 years.
7. The current Melbourne Airport Master Plan was prepared in 2018 and forms the base direction for the *2022 Preliminary Draft Master Plan*.

State and local legislation

8. The Planning Policy Framework includes an objective which requires the role of Victoria's airports to be strengthened within the State's economic and transport infrastructure, facilitate their siting and expansion and to protect their ongoing operation.
9. Specific to the Melbourne Airport, strategies to achieve the objective are as follows:
 - (a) ensure the effective and competitive operation of Melbourne Airport at both national and international levels;
 - (b) protect the curfew-free status of Melbourne Airport and ensure any new use or development does not prejudice its operation; and
 - (c) ensure any new use or development does not prejudice the optimum usage of Melbourne Airport.

Evolution of the Melbourne Airport Master Plan - The long term runway configuration

10. The following information is based on material from the Melbourne Airport website. This provides some context to the proposal for additional runways at the airport.

11. Since the 1960s, a four-runway design was the long-term plan for Melbourne Airport to cater for increases in air traffic movements.
12. The 1990 strategy identified a parallel east-west and north-south runway system as the preferred layout, with the 2013 and 2018 Master Plan outlining the preferred orientation for the third runway as east–west.
13. In 2018/2019, Melbourne Airport began a review on the design of the third runway. Evidence supported a change in the direction of the third runway to north-south with a parallel operating system (rather than the current intersecting system).
14. Runway availability, capacity, long term investment and overall community impacts are said to be the key drivers for the design change within the *2022 Preliminary Draft Master Plan*.
15. The *2022 Preliminary Draft Master Plan* retains the long-term vision of Melbourne Airport of a four-runway configuration with two parallel runways running north-south and east-west.
16. Melbourne Airport say that a four-runway parallel system would be able to operate at all possible times to provide flexibility for air traffic movements. It is said that this configuration is focused on supporting the capacity of Melbourne Airport beyond 2050.
17. Since the first strategy there have been five updates building upon the strategic direction from the first.
18. The *2022 Preliminary Draft Master Plan* continues building on the long-term solutions within the 2018 Master Plan. It also says that the latest data and forecasting inform this update to respond to issues with airport capacity and operations, and to reflect modern aviation practices.

Managing growth through 2022 Draft Master Plan

19. Melbourne Airport has experienced long term growth in passenger numbers and aircraft movements.
20. Melbourne Airport is forecasting that this growth will continue over the next 20 years, predicting:
 - (a) passenger numbers will grow from 37 million to 77 million;
 - (b) aircraft movements will grow from 246,000 to 429,000;
 - (c) freight volumes will grow from 448,000 tonnes to 980,000 tonnes; and
 - (d) the number of vehicles arriving at or departing from Melbourne Airport will reach 270,000 on a typical busy day.
21. These forecasts provide the basis for the future vision of the airport included in the *2022 Preliminary Draft Master Plan*, and is set out in three Development Concept Plans:

Plans: Development Concept Plans	Key Focus
2027 Development Concept Plan - Five year plan	<ul style="list-style-type: none"> • Completion of the third runway involving the construction and operation of a new parallel north-south runway • Extensions and improvements to the internal road and main forecourt to increase capacity, safety and security • Investments in and around existing terminals to maximise their use and capacity • Initial works in developing a western sub-precinct to house aviation and non-aviation uses and activity

<p>2042 Development Concept Plan - 20 year plan</p>	<ul style="list-style-type: none"> • Expansion of the existing terminals, including maximising aircraft parking positions and new Terminal 5 • Deepening of the international forecourt and extension to pier facilities • Internal road network and main forecourt expanded to support growth of terminals and management of the Melbourne Airport Rail (predicted to be operational) • Establishment of western sub-precinct to house aviation and non-aviation uses and activity
<p>Long – term Development Concept Plan</p>	<ul style="list-style-type: none"> • Work towards the development of the airport towards four runways design planned since 1990

The Third Runway Development Plan

22. Tullamarine airport currently operates with two intersecting runways. Melbourne Airport say that this two-runway system is expected to exceed its capacity by 2026, and that this run-way system is also not resilient in coping with Melbourne’s wind patterns, often with severe crosswind negatively affecting flights.
23. Resolving these issues is a key focus of the *2022 Preliminary Draft Master Plan*. The Draft Third Runway Plan has been prepared by Melbourne Airport to help realise the re-design and expansion to a three runway parallel system by 2026 through:
 - (a) re-orientation of the planned third runway to function as a new parallel north-south runway system;
 - (b) shortening of the existing east-west runway; and
 - (c) modifications to taxiways and supporting infrastructure to support the above changes.

Discussion

24. The main consideration for Yarra is any effect from new flight paths due to the new configuration of runways and any consequential detrimental impact of noise to the local community.
25. The proposed new 3rd runway would run parallel to the existing north-south runway and be located to the west of the existing runway.
26. It is said that it would increase the airport’s capacity by allowing for simultaneous arrivals and departures in conjunction with the other runways. The construction of the new runway would necessitate the shortening of the east-west runway, and this would also require changes to flight paths.
27. Aircraft, via jet arrivals and departures, do currently travel over Yarra municipality most often at a high altitude. For arrivals, this depends in part due to the direction of the wind and the need to navigate to the runway. In departures, it depends on which runway is used and where the aircraft is heading.
28. The proposed parallel runway system is said to focus take-off and landing from the north or south of the airport. The significant noise impacts are then concentrated in the north and south of the airport. Yarra municipality is some distance to the east of the airport; but that is within certain flight paths.
29. The airport has prepared an interactive noise tool that has allowed the community to explore future aircraft tracks, different operating modes and time of day comparisons.

Options

30. Council can either:
 - (a) lodge a submission, or

(b) not lodge a submission.

31. It is recommended Council does lodge a submission to maintain involvement in the formal process as it unfolds.

Community and stakeholder engagement

Melbourne Airport Consultation on the 2022 Preliminary Draft Master Plan

32. As required by the *Airport Act 1996*, Melbourne Airport placed the *2022 Preliminary Draft Master Plan* on public exhibition for a period of 60 days. This included:

- (a) one million households notified directly;
- (b) online platform that allows community to contact the project team, access information and provide feedback, translated information into a number of languages and access to a flight path and noise tool to search property impacts;
- (c) digital engagement, media, editorial and social media; and
- (d) community drop-in events, information sessions and listening posts.

33. There has been no specific community engagement by Yarra.

Policy analysis

Alignment to Community Vision and Council Plan

34. The relevant Community Vision and Council Plan themes in relation to the airport development relate to the matters of:

- (a) environmental sustainability;
- (b) climate and environment;
- (c) transport and movement; and
- (d) social equity and health.

Climate emergency and sustainability implications

35. There is a very significant additional number of flights predicted over the 20 year period.

36. Whilst this provides for the movement of people both domestically and internationally, the emission of carbon to the atmosphere will be considerable.

37. Council, via its Climate Emergency Plan, seeks to reduce the impact on environmental and climate related matters.

Environmental Sustainability

38. It is noted that Melbourne Airport has developed an Environmental Management Framework to manage and adapt to environmental risks and ensure an environmental lens has been applied across the various functions of the airport.

39. To support the Environmental Management Framework, an Environment Strategy has been prepared and is the Airports key mechanism for ensuring the Airport's environmental commitments are met.

Community and social implications

40. The key matter for Yarra is the possible impact of further aircraft noise due to the change in flight paths due to the proposed configuration of the runway system.

Economic development implications

41. The future development and operations of the Melbourne Airport outlined in the *2022 Preliminary Draft Master Plan* envisage that the third runway will provide significant benefits to Victoria by:

- (a) generating 3,200 jobs during construction and a further 37,000 jobs state-wide; and

- (b) injecting \$4.6 billion into the economy.

Human rights and gender equality implications

42. The airport is an important facility for Melbourne, both residents and visitors. Movement between destinations is a human right.
43. Maintaining community amenity and minimal disturbance are important matters that Council seeks to achieve on behalf of the community.
44. Noise from aircraft is a matter that Council needs to have regard to.
45. There are no known gender equity implications.

Operational analysis

Financial and resource impacts

46. There have been no significant resource implications associated with Council officers preparing this report or in providing a submission to the *2022 Preliminary Draft Master Plan* and Draft Third Runway Plan.

Legal Implications

47. There are no known legal implications.

Conclusion

48. Melbourne Airport are required to plan for the future by Federal legislation and develop a plan each 5 years.
49. In this regard, Melbourne Airport has had a long standing vision for further runways to cater for the expected increase in demand, and has in recent times, determined that the next iteration of runways should be a new north / south runway, to the west of the current north south runway.
50. The introduction of a new runway would change the pattern of aircraft approaches and take off flight paths – however, these will vary depending on weather conditions.
51. The location of Yarra is a considerable distance from Melbourne Airport and the impact on Yarra is far less than municipalities in the close vicinity to the airport.
52. Melbourne Airport has no curfews which is one of its strategic advantages – however, further aircraft movement during evening hours may effect communities in proximity to the airport from planes in low altitudes taking off or preparing to land.
53. The main consideration for Yarra is that of possible noise disturbance to the local community, and also the broad sustainability aspects of the anticipated substantial increase in plane movement as predicted by Melbourne Airport.
54. Some other municipalities have lodged a submission with Melbourne Airport, and it is prudent that Yarra also provides a submission in order to maintain involvement in the matter so that it receives further information and considerations as necessary as the proposal further unfolds.

RECOMMENDATION

1. That Council note the officer report in relation to the third runway development plan proposal by Melbourne Airport.
2. That Council note the anticipated increase in activity at the airport as part of its 20 year plans, both insofar as aircraft movement and also on ground facilities.
3. That Council provide a submission to the 2022 Preliminary Draft Master Plan and Draft Third Runway Plan outlining:
 - (a) its interest in the proposal as it relates to the movement of aircraft over the Yarra municipality and expresses its views that due to the changed flight paths as a result of the configuration of the runways, that it may cause detrimental noise issues to the local Yarra community, and in this regard seeks further engagement and information;
 - (b) that Council has a Climate Emergency Plan that seeks to substantially reduce the use of fossil fuels in its own operations and in community emissions, and it notes the anticipated vast increase in plane movement which would only cause further use of fossil fuels and further emissions with environmental impact; and
 - (c) that it urges Melbourne Airport to actively plan for effective public transport to the airport from key access points in central Melbourne that persons can readily access in order to travel to and from the airport in sustainable ways.
4. That the Director, Planning Place Making provide a letter to this effect and for it to be submitted to Melbourne Airport on 1 June.

Attachments

There are no attachments for this report.

8.5 Amendment C286yara - Public Open Space Contributions (Panel Report)

Executive Summary

Purpose

The purpose of this report is for Council to consider the *Interim Report* of the Planning Panel regarding Amendment C286yara to the *Yarra Planning Scheme* which has sought to increase the open space contribution from developments.

The Panel's Interim Report was received on 14 April, 2022 and became a public document on 3 May, 2022.

Key Issues

Amendment (C286yara) has sought to increase the public open space contribution rate in the schedule to clause 53.01 of the *Yarra Planning Scheme* from 4.5% to 10.1%.

This requested change, as proposed in Amendment C286, was underpinned and supported by the adopted *Yarra Open Space Strategy 2020*.

During the exhibition period of the Amendment, seventy two (72) submissions were received and Council resolved that the matter be referred to an independent Planning Panel to consider the submissions.

The Panel Hearings took place in December 2021 and February 2022 and the Panel provided an Interim Report on 14 April 2022.

The Panel provided solid support for the Amendment on many fronts; however, it made specific comment on 2 matters and also recommended the deletion of one provision (see the officer report that summarises these points from the Panel Report).

The officer report outlines the key Panel findings of support, the matters raised by the Panel, its recommendations and outlines the options for Council consideration.

The Panel recommends (in part) that:

- (a) a new open space contribution rate, via a separate planning scheme Amendment (that is, a new Amendment number), be pursued for a rate of 7.4 % for all subdivisions at this point in time; and that Council seek Ministerial approval under Section 20 (4) of this new Amendment; and
- (b) if Council wishes to ultimately pursue a higher rate than 7.4 %, that it undertakes a 'peer review' of the 'apportionment of cost methodology' used by the Council consultant (see Panel Report and officer summary in this report).

Financial Implications

There were substantial costs associated with the Amendment C286 Panel process, including panel fees, senior legal representation and other experts who provided evidence on behalf of Council.

A new planning scheme amendment for Council consideration, has been prepared by officers (as recommended by the Panel), in order to seek an interim rate of 7.4 % from the Minister for Planning. This is presented in the Attachments to this report and is known as Amendment C306.

NB. An increase of the open space contribution rate from 4.5%, and also the inclusion of non-residential subdivisions in the rate, is a very important matter for Council in order to assist in funding both the new and improved open space provision in the municipality over the next 15 years.

PROPOSAL

In summary, it is recommended that Council resolve to prepare a new amendment to the *Yarra Planning Scheme* (to be known as Amendment C306yara), to amend the schedule to Clause 53.01 to include a rate of 7.4 % for open space contributions as recommended in the Interim Panel Report on Amendment C286yara; and request the Minister to approve that Amendment under section 20(4) of the Planning and Environment Act 1987.

It is also recommended that Council, as a separate exercise, authorise officers to:

- (a) seek out and engage a suitable consultant to undertake a 'peer review' of the apportionment of the costs between the existing and new populations in the *Yarra Open Space Strategy 2020* based on the parameters outlined in the Interim Panel Report on Amendment C286yara, and that
- (b) the outcome of the 'peer review' then be reported to Council with its analysis of the impact on the open space contribution rate to enable Council to decide whether to request that the hearing to Amendment C286yara be reconvened or closed.

See formal Recommendation at the end of this report.

8.5 Amendment C286yara - Public Open Space Contributions (Panel Report)

Reference	D22/101236
Author	Michael Ballock - Executive Planner Strategic Projects
Authoriser	Director Planning and Place Making

Purpose

1. The purpose of this report is for Council to consider the Interim Report of the Planning Panel regarding Amendment C286yara to the *Yarra Planning Scheme*, which has sought to increase the open space contribution from developments when subdivided.
2. The Panel's Interim Report was received on 14 April, 2022 and became a public document on 3 May, 2022 (see attached Planning Panel report).

Critical analysis

History and background

The Planning Scheme Amendment – intent and background

3. Open Space Contributions are charged on new subdivision on the basis of the rate specified in Clause 53.01 of the *Yarra Planning Scheme*.
4. Currently this rate is set at 4.5% in the *Yarra Planning Scheme* for residential subdivision.
5. Amendment C286 has sought to change Clause 53.01 to specify a rate of 10.1% that would apply to all subdivision (that is, residential, retail, commercial and industrial).
6. The Amendment was placed on exhibition and submissions were received by Council by the officer report, and then were referred to the Planning Panel for consideration and a report back to the Council.
7. The Interim Planning Panel has now been received.
8. Council now needs to consider the Interim Panel report, its findings and recommendations.

Relevant background to the Amendment

9. There are key documents and approaches that underpinned the Amendment – these are briefly outlined below.

The adopted Yarra Open Space Strategy (2020) – YOSS

10. The strategic justification for the new rate sought came from the *Yarra Open Space Strategy 2020 (YOSS)* which was adopted by Council at its Meeting on 1 September 2020.
11. The costed implementation program (by Council consultants) that underpins the adopted Strategy is focussed on Council owned and / or managed open space, and includes projects that are appropriate to be funded by Public Open Space Contributions (which includes land purchase for open space as well as improvements to existing open space).

Key principles

12. The *Planning and Environment Act* considers 'fairness' a fundamental objective of the Victorian Planning System, and the principles of *need, nexus, equity and accountability* are considered when preparing a Public Open Space Contribution (POSC) rate to ensure it is derived from an appropriate basis.
13. There are long standing legislative principles with respect to a POSC rate, and the YOSS is based on these principles. The YOSS:

- (a) provides a strategic assessment of open space needs for the future population of Yarra and recommendations for expenditure of contribution funds to meet the needs of the population on whose behalf the contributions are collected;
- (b) supports a contribution rate that is strategically justified based on the value of open space projects;
- (c) ensures that contributions are used for land acquisition and capital works (not maintenance);
- (d) is based on the premise that contributions should not be used to make up historical deficiencies in open space provision; and
- (e) expects contribution funding in established urban areas will generally need to be co-funded at some level with income from grants, rates or fees.

Implementation of the POSC rate

- 14. Once a subdivision rate is set in the planning scheme, the rate is applied to the 'site value' of the subject site when a subdivision is sought via a planning permit application.
- 15. Council determines the form of the contribution that is required from each subdivision, whether land, cash or a combination of both.

Methodology used to derive the POSC rate in the YOSS

- 16. The adopted YOSS establishes the need for more open space, or open space improvements, in response to the anticipated population growth and change in the municipality.
- 17. The open space projects recommended in the Yarra Open Space Strategy are determined via the *open space needs assessment* process. This includes:
 - (a) determining the open space needs of the existing residential and employment populations;
 - (b) an *analysis* of the existing Yarra open space network; and
 - (c) mapping the extent and spatial distribution of the forecast change through:
 - (i) the population and dwelling data provided by id. Consulting for the time period, between 2016-2031, and
 - (ii) the employment and floor space data provided in the adopted *Spatial Economic and Employment Strategy 2018 (SEES)* developed by SGS Consultants.
- 18. The recommendations derived from this analysis include:
 - (a) upgrades to the existing open space network, and
 - (b) the provision of new open space,based on the research described above.
- 19. The costs for each project was then 'apportioned' between the existing and forecast population, based on the anticipated need and benefit derived from each project.
- 20. Where a recommendation has been made to develop new open space, and a land acquisition is required, the cost of purchasing land has been included in the costings (noting that Council would need to pay market value for these sites).
- 21. The Capital Improved Value (CIV) was used (instead of the undeveloped land value or 'site value') to establish the value of the land to be purchased.

Notes:

- (i) It is noted that in the calculations by the consultant, a 30% margin had been added on top of the Capital Improved Value, in order to accommodate for the 'actual cost' to Council in purchasing new land for public open space (such as legal fees, conveyancing and other related land purchase components); which is meant to reflect the difference between CIV and the market value of the property (see Planning Panel comments on this point).*
 - (ii) It is also noted that the cost of purchasing new land for open space is the highest cost item when establishing the costings for the Strategy.*
22. A spatial demographer, Dr Serryn Eagleson was then engaged to assist in this work, to map the 'footprint of the population growth', and determine the land area requirements for the growth projections in Yarra.
23. In the methodology outlined, this suggested a 10.1% rate – this is what Amendment C286 proposed in order to serve the YCC public open space improvement program into the next decade and beyond.

Discussion

The Planning Panel hearing

24. A considerable number of issues were raised by submitters in opposition to Amendment C286 at the Panel Hearing. These are outlined and commented upon in the Interim Panel Report.
25. The Planning Panel, having considered and analysed these matters, has broadly supported the Council's position, except where it made particular comments on 2 matters. These relate to the following:
- (a) the percentage 'oncost' related to the purchase of land for open space - where Council outlined that a 30 % on cost should be applied. The Panel disagreed and determined a 10 % figure was reasonable and should be applied, and
 - (b) some queries on the *apportionment methodology* used for calculating the ratio of demand between the existing population and the new population.

The Planning Panel Report

26. In summary, the Panel's *Interim Report* makes a number of recommendations; being, that Council:
1. *Prepare and seek Ministerial approval under the Planning and Environment Act 1987, for a new Planning Scheme Amendment which:*
 - a. *includes an open space contribution rate of 7.4 per cent in the Schedule to Clause 53.01.*
 - b. *includes exemptions in the Schedule to Clause 53.01 as set out in the version of the Schedule at Appendix D.*
 - c. *amends the Schedule to Clause 72.08 to insert the following documents into the table at Clause 1.0:*
 - *Yarra Open Space Strategy 2020 Thompson Berrill Landscape Design Pty Ltd in association with Environment & Land Management Pty Ltd*
 - *Yarra Open Space Strategy 2020 Technical Report Thompson Berrill Landscape Design Pty Ltd in association with Environment & Land Management Pty Ltd (Technical Report).*
 - d. *deletes Action 7.5B-4 in Fairfield from the Yarra Open Space Strategy 2020, the Yarra Open Space Strategy Technical Report 2020, and from Preliminary Opinion of Probable Costs.*

- e. *replaces the exhibited Clause 22.12 with the version at Appendix E.*
2. *Commission a peer review of the apportionment of total open space action costs between existing and new resident and worker users of open space.*
3. *Replace the 30 per cent allowance added to Capital Improved Value of land with 10 per cent, in calculating the cost of land to be acquired for future open space, in the calculation of the open space contribution rate.*

Key Planning Panel Findings and Conclusions

27. In making its recommendations the Panel made a number of conclusions which included the following:
- (a) The *Yarra Open Space Strategy, 2020*, is strategically justified and is a sound and appropriate strategy and it was appropriate to view the YOSS and the income and expenditure from contributions in the context of a rolling set of strategies rather than a specific time frame (i.e. 2016 to 2031);
 - (b) There is a clearly established need for the existing open space contribution rate to be increased as a matter of some urgency, and in this context the Panel accepted that the projections of new resident and future worker populations are appropriate;
 - (c) The Panel supported the list of open space projects and their costing which were proposed to meet identified needs of the future populations with the exception of Action 7.5B - which has the following action:
Fairfield Park
Continue to implement the masterplan including a major upgrade to the playground and picnic facilities at the park. Future upgrades are for both the existing and forecast population.
 - (d) The Panel agreed with Council that the open space needs of new residents and workers are the same for open space provision and it agreed with the methodology used to calculate the needs of residents and workers;
 - (e) The Panel agreed that Capital Improved Value (CIV) is an appropriate measure of the market value of the land to be acquired for open space. However, it did not accept Council's position that 30% should be added to the CIV to take account of the difference between market value and CIV. Instead, the Panel recommended for a 10% increase in the CIV to take account of administrative and conveyancing costs;
 - (f) The Panel concluded that the qualitative approach used by Council's experts was appropriate, but it could not confidently conclude that the apportionment of project costs to new and existing residents/workers was justified. As a consequence, it has recommended that a 'peer review' of the apportionment costs should be undertaken before the current Amendment (Am C286) can be finalised and that the Hearing be adjourned pending the completion of this further work;
 - (g) The Panel accepted that a single contribution rate for residents and workers covering the whole municipality was appropriate and that a differential rate in Yarra would not work;
 - (h) The Panel accepted that a 30% uplift in project costs was appropriate as part of the *Preliminary Opinion of Probable Costs* in the calculations (note this is applied to project costs and is not the 30% added to the value of land); and
 - (i) While this further work recommended by the Panel is being undertaken, Council should seek approval from the Minister for Planning for an interim increase in the open space contribution rate to 7.4 per cent. This would occur via the preparation of a new Planning Scheme Amendment.

The Planning Panel finding regarding the Land Valuation Methodology

28. The new rate percentage sought by Amendment C286yara was based on the calculation by dividing the 'cost of the actions' proposed in the Open Space Strategy by the 'value of land to be developed'.
29. Consequently, the methodology used in the *Open Space Strategy 2020* to value the land, is a key determinant of the contribution rate.
30. Council's position was the CIV is the appropriate basis for calculating the value of land.
31. Council also argued that 30% margin should be added on top of this to accommodate the actual cost to Council in purchasing new land for public open space (which is meant to reflect the difference between Capital Improve Value (CIV) and the market value).
32. The Panel accepted that CIV is an appropriate, but imperfect measure of land value. However, it did not accept that the 30% allowance was justified or defensible.
33. During the hearing, Council's team proposed a reduced allowance of 20% which the Panel also rejected.
34. The Panel concluded that the 'best' and most transparent way to determine the cost of acquiring land for this purpose is to use CIV (averaged), and not to attempt to reflect what is purported to be 'market value' by adding on a selected allowance which was not justified.
35. However, the Panel did agree that there are administrative, conveyancing and other costs which will add to the cost of purchasing land and that these costs will vary depending on the method used. Consequently, the Panel recommended an allowance of 10% be added to cost of purchasing land.

Note: It is highlighted that given the way the POSC rate is calculated, this would have the effect of reducing the rate of contribution on subdivision to somewhere around 8.7% (rather than 10.1% as originally sought by the Council Amendment in Am C286).

The Planning Panel finding regarding Preliminary Opinion of Probable Costs

36. The *Preliminary Opinion of Probable Costs* (POPC) is an approach used by open space planners and landscape architects to make a provisional estimate of the likely future cost of providing open space without a quantity surveyor.
37. The YOSS *Preliminary Opinion of Probable Costs* (POPC) only includes 'Proposed Actions' that would be fully or partially funded by an open space contribution under Clause 53.01 of the *Yarra Planning Scheme*. These 'Actions' include the provision and establishment or upgrade of neighbourhood, small neighbourhood, local and small local open space.
Note: The YOSS Preliminary Opinion of Probable Costs (POPC) also includes the costs of providing facilities for the local community in higher order open space including the Regional and City-wide open space.
38. To calculate the total cost of the 'Actions' of the *Yarra Open Space Strategy* (YOSS) allocated to new and existing residents and workers, Council's consultants *apportioned* the percentage costs of each 'Action' to new and existing populations in the various precincts. That is, for example, for some 'Actions', the split might be 50 new/50 existing and for others 30 new/70 existing or 80 new/20 existing etc.
39. The Panel did not question the qualitative approach applied to this task, and it acknowledged the experience and expertise of Council's consultants.
40. The Panel also accepted the 'eight factors' identified by Council's consultants and the basis for apportioning costs between new and existing.
41. However, the Panel noted that the *apportionment methodology* appeared to rest on the consultant's professional judgement alone. In addition, it concluded that it could not be confident about how these factors were applied and what weight was given to them for individual 'Actions'. As a result, the Panel could not conclude that the apportionments were justified as proposed in the Amendment c286yara.

42. Given the sums of money involved the Panel's conclusion was that a separate 'peer review' process should validate the outcomes reached for the subject Amendment (that is, Amendment C286yara), which would then provide transparency of the process.

The Planning Panel finding regarding Action 7.5B-4 - Fairfield

43. The Panel noted that a key driver of the YOSS was to provide open space to all within the municipality and that it should be easily accessible to people of all ages and abilities. It agreed that the amount and distribution of proposed open space is appropriate to the needs of existing and new populations and to the open space hierarchy proposed.
44. It also acknowledged that appropriate weight had been given to the open space in adjoining municipalities.
45. Where individual actions were challenged at the Hearing, the Panel accepted Council's position that the Actions were strategically justified, except for Action 7.5b-4 in Fairfield which involved implementing the existing masterplan for Fairfield Park, including a major upgrade to the playground and picnic facilities at the park.
46. In this instance, the Panel accepted the argument of *Porta Investments Pty Ltd* that the projected increase of 57 residents in Fairfield was insufficient justification for including of a major upgrade to the playground and picnic facilities at the park.
47. As a result, the Panel recommended removal of Action 7.5B-4 in Fairfield from the YOSS and the POPC.

The Planning Panel comments about an Interim Rate

48. The Panel observed that the Yarra Open Space Strategy (YOSS) was not seriously contested at the hearings, and that it is a sound open space strategy for Yarra.
49. The Panel acknowledged that the current rate of 4.5% in the *Yarra Planning Scheme* which applies to 'residential' properties is inadequate, and there was broad agreement with this view. It concluded it had two options which were:
- (a) adjourn the Hearing on Amendment C286 indefinitely while further work recommended by it is undertaken, and leave the existing open space contribution rate of 4.5 per cent in place; or
 - (b) accept the majority of the proposed Amendment, require some further work and recommend an interim open space contribution rate.
50. The Panel opted for the second approach because it would generate some of the required revenue for Council while the additional work is considered.
51. In this regard, it is important to note that the Panel suggests that, via a separate planning scheme amendment, a rate of 7.4% be sought from the Minister for Planning whilst any peer review was undertaken on the subject Amendment (being Amendment C286).
52. In this regard, it says on page 81 under Interim open space contribution rate: Conclusions, the following:

"Council should prepare a new Planning Scheme Amendment which adopts the exhibited Amendment C286yara except for:

- o *The application of an interim open space contribution rate of 7.4 %*
- o *The minor changes as set out in Appendixes D and E*

Council should use an appropriate mechanism to submit this new Planning Scheme Amendment to the Minister for Planning for approval

If the Council wishes to achieve a higher final contribution rate, Council should commission a peer review of the apportionment of costs between existing and new populations and subsequently request the Panel to reconvene the Hearing for Amendment C286 to allow the Amendment to be finalised.

Council should use an appropriate mechanism to submit this interim position as a separate planning scheme amendment to the Minister for Planning for approval”.

(NB. underlines added for emphasis)

53. Further, in its **Recommendation** at Section 8.5 on page 82, the Panel states:

“The Panel recommends to:

Prepare and seek Ministerial approval under the Planning and Environment Act 1987 for a new Planning Scheme Amendment which:

- (a) Includes an open space contribution rate of 7.4 % in the Schedule to Clause 53-01.*
- (b) Includes exemptions in the Schedule to Clause 53-01 as set out in the version of the Schedule at Appendix D*

Commission a peer review of the apportionment of open space Action costs between existing and new resident and worker users of open space for the purpose of justifying a higher contribution rate than the interim rate recommended by the Panel”.

54. In calculating a recommended open space contribution rate in any separate planning scheme amendment, the Panel:

- (a) took Council’s proposed overall split of the total cost of all ‘Actions’ of 62/38 (new/existing population proportions);
- (b) reduced it by 10% to 52/48 (new/existing); and
- (c) then applied that to the total *Preliminary Opinion of Probable Costs* (POPC) of all ‘Actions’ revised

to calculate the suggested rate of 7.4%.

The Planning Panel comments about a Peer Review on the apportionment methodology

55. Further, the Panel did not provide any specific guidelines for the ‘peer review’, but recommended the following *parameters*:

- (a) the review should be undertaken by at least one suitably qualified person with open space planning experience;
- (b) the review should be restricted to the apportionment of project-by-project costs between existing and new populations. Population forecasts and project costs should not be the subject of review;
- (c) the qualitative methodology used in the apportionment of costs is acceptable and should not be the subject of review;
- (d) the Panel concludes that the ‘*eight factors*’ influencing the apportionment of costs listed in paragraphs 3.3.3 and 3.3.4 of Council’s expert witness statement are acceptable and should not be the subject of review, although commentary on them and their relative importance could be considered;
- (e) the extensive field work undertaken by Council’s consultant need not be repeated provided relevant records can be provided to the reviewer; and
- (f) where the reviewer finds that the apportionment of costs is different to that proposed by Council’s consultant, the reviewer’s recommended apportionment should be provided together with a clear rationale for the recommended change.

Options

56. Council has the following 3 options – shown below as a), b) or c):

- (a) adopt the Panel’s recommendations as outlined in full (as shown in the Amendment C286 Panel report), including:

- (i) seeking approval by the Minister for Planning (via new planning scheme amendment), under Section 20(4) of the Planning and Environment Act, for a 7.4 % rate to be included in the *Yarra Planning Scheme* for all subdivisions, and also, as a separate exercise:
- (ii) undertake a 'peer review' of the *Preliminary Opinion of Probable Costs (POPC)* apportionment of the YOSS Actions and then consider its position on whether or not to seek the Amendment C286 Panel to be reconvened for a 'Final Report' to consider any rate higher than 7.4 %.

OR

- (b) reject the Panel's recommendations and write to the Panel requesting that Amendment C286 be brought to a conclusion and submit the final report to Council for consideration, and then Council determine on whether or not to support the recommendations.

OR

- (c) abandon the amendment.

Officer Comment on Options

- 57. The Amendment should not be abandoned. The *Open Space Strategy 2020* is a very major plank of the Council Plan, its strategy work and ongoing work program. The increase in open space contributions is critical to the roll out of the program and delivery of new and improved open space in the areas where it is required.
- 58. The Panel has recommended (based on its deliberations following the rigour of the Panel hearings) that a rate of 7.4 % should, in the interim, be pursued by Council with the Minister for Planning via a new Planning Scheme Amendment. Officers consider this is a prudent way forward; and that is recommended. In this regard, officers have prepared a new Amendment (known as AMC306) for Council consideration; and this is presented in the attachments to this report.
- 59. In this regard, reference is made to Chapter 8 of the Planning Panel report where it says:
"This Chapter sets out the rationale for an interim open space contribution rate proposed by the Panel, the process to be followed from here and the broad parameters for a peer review of the open space contribution calculations".
- 60. It is also recommended that, as a separate matter, Council does authorise officers to commission the work required for a 'peer review' regarding the apportionment of costs, and then report back to Council once finalised for consideration.
- 61. Option (a) (i) and (ii) as above in paragraph 63 is therefore recommended by officers.

Community and stakeholder engagement

- 62. The exhibition period of the Amendment occurred and many submissions were received and provided to Councillors in a previous report with summary tables of submissions and officers comments.
- 63. The Council then determined that all submissions be referred to an Independent Planning Panel which occurred.
- 64. The Interim Panel Report is subject to this officer report and is attached.

Policy analysis

Alignment to Community Vision and Council Plan

- 65. The alignment of a new open space contribution rate to the Community Vision and Council Plan is set out in detail in **Attachment Two**.

[Climate emergency and sustainability implications](#)

66. The climate emergency and sustainability implications are set out in detail in **Attachment Two**.

[Community and social implications](#)

67. The community and social implications are set out in detail in **Attachment Two**.

[Economic development implications](#)

68. The economic development implications are set out in detail in **Attachment Two**.

[Human rights and gender equality implications](#)

69. The human rights and gender equity implications are set out in detail in **Attachment Two**.

Operational analysis

[Financial and resource impacts](#)

70. A new POSC rate incorporated into the *Yarra Planning Scheme*, would provide an increased revenue stream for Council to deliver the projects listed in the Strategy in order to meet the needs of the population on whose behalf they are collected.
71. Importantly, the Amendment would also allow the levy to be applied to residential and non-residential developments, instead of restricting it to only residential developments.
72. It is also important to note that the projects in the adopted *Yarra Open Space Strategy 2020* would need to be funded from a mix of general rates revenue, grants and the public open space contribution rate. This is due to the 'apportionment' of the contribution being applied for the new population.

[Legal Implications](#)

73. The Amendment process has included a Planning Panel process and that has enabled submitters to be thoroughly heard by an independent body. The Council needs to now consider the Planning Panel Interim Report (see officer report below on the key points).

Conclusion

74. The Panel has recommended a pathway to Council of:
- a new planning scheme amendment seeking a 7.4 % open space contribution rate for the immediate future (and has provided a basis for that), and
 - an option for Council to (separately) undertake a peer review of the apportionment matter, and seek the reconvening of the Panel under Amendment C286yara, if it chooses to do so, seeking a higher rate than 7.4 %.
75. It is noted that an amended open space contribution rate of 7.4 % rate, via a separate planning scheme amendment, and applying to all subdivision, would still result in a significant increase in open space contributions to Council; but considerably less than the 10.1% originally sought.
76. It is also noted given the Panel's Interim Report recommendations regarding a lower on cost for acquisition (being 10 % as distinct from 30 % as originally proposed by Council), that the maximum contribution rate that Council could now seek to achieve under Amendment C286yara, (*subject to a supporting peer review*), is between 8.4% and 9.0%.
77. In this regard, if following a 'peer review', the Council believes that a higher rate could possibly be achieved via the support of the Panel and the Minister for Planning, then it would be worth seeking the reconvening of the Panel, under Amendment C286yara, to seek the Panels final deliberations and recommendations on that Amendment. Note: That approach could only be determined after a 'peer review' has concluded.

78. This officer report concludes that the Council should now pursue a new planning scheme Amendment (being Amendment C306), and resolve to request the Minister for Planning to approve this under the Section 20(4) of the *Planning and Environment Act* based on the Planning Panel findings and recommendations applying a rate of 7.4 % in that new amendment.
79. Officers also recommend, as a separate exercise, that Council authorise officers to commission a peer review on the methodology of the *apportionment* of the costs to both existing and new population, and report back to Council once that is finalised for further instructions.

RECOMMENDATION

1. That Council:
 - (a) receive and note the Planning Panel's Interim report on Amendment C286yara, and its findings and recommendations to Council for consideration; and
 - (b) note the officer report discussing these matters and the recommended way forward for Council.
2. That Council note Chapter 8 of the Panel Report entitled *Interim open space contribution rate*, and specifically note the Panel's Conclusion on page 81 of the Report that says:

“Council should prepare a new Planning Scheme Amendment which adopts the exhibited Amendment C286yara except for:

 - *The application of an interim open space contribution rate of 7.4 %*
 - *The minor changes as set out in Appendixes D and E*

Council should use an appropriate mechanism to submit this new Planning Scheme Amendment to the Minister for Planning for approval

If the Council wishes to achieve a higher final contribution rate, Council should commission a peer review of the apportionment of costs between existing and new populations and subsequently request the Panel to reconvene the Hearing for Amendment C286 to allow the Amendment to be finalised”.
3. That Council also note the Recommendation of the Panel Report on page 82 that says:

“The Panel recommends to:

Prepare and seek Ministerial approval under the Planning and Environment Act 1987 for a new Planning Scheme Amendment which:

 - (a) *Includes an open space contribution rate of 7.4 % in the Schedule to Clause 53-01.*
 - (b) *Includes exemptions in the Schedule to Clause 53-01 as set out in the version of the Schedule at Appendix D*

Commission a peer review of the apportionment of open space Action costs between existing and new resident and worker users of open space for the purpose of justifying a higher contribution rate than the interim rate recommended by the Panel”.
4. That in the context of the above, Council now resolve to:
 - (a) pursue a new planning scheme amendment proposing the open space contribution percentage of 7.4 % for all subdivisions, and seek the approval of the Minister for Planning via a Section 20(4) provision under the Planning and Environment Act, and
 - (b) as a separate exercise, undertake a peer review of the apportionment methodology used in Amendment C 286yara, and then Council determine if it wishes to have the Planning Panel reconvened to finally determine that Amendment, with a view of possibly seeking a higher rate than 7.4 % for all subdivisions.

5. That Council note the prepared Amendment C306, as shown in the attachments to this report, to achieve recommendation 4 (a) above, and resolve to request the Minister for Planning to approve Amendment C306yara, under section 20(4) of the Planning and Environment Act 1987 as recommended by the Planning Panel.
6. That the Interim Chief Executive Officer be authorised to make any refinements required to the Attachments of Planning Scheme Amendment C306yara papers, as need be, in order to settle the documents for submission to the Minister for Planning seeking approval.
7. Further, and as a separate process, Council authorise officers to engage a suitable consultant to undertake a 'peer review' of the apportionment of the *Preliminary Opinion of Probable Costs* (POPC) of the Yarra Open Space Strategy (YOSS) Actions, based on the parameters outlined in the Interim Panel report, and that officers then provide further advice to Council on any further steps recommended.
8. That officers confirm with the Department of Environment, Land, Water and Planning whether an extension of time is required to consider the Panel's Interim Report, and if so, authorise officers to apply to the Minister for Planning for an appropriate extension of time.

Attachments

- 1 Attachment 1 - Previous Council Resolutions and Milestones
- 2 Attachment 2 - Policy Analysis
- 3 Attachment 3 - Yarra C306yara - Schedule to Clause 72.08 Authorisation
- 4 Attachment 4 - Yarra C306yara - Schedule to Clause 53.01 Public Open Space Contribution and Subdivision
- 5 Attachment 5 - Yarra C286yara - 22.12 Authorisation
- 6 Attachment 6 - Yarra C306yara - Explanatory Report Exhibition

8.6 March 2022 Monthly Finance Report

Reference	D22/109950
Author	Dennis Bastas - Manager Financial Services
Authoriser	Chief Financial Officer

Purpose

1. For Council to note the Finance Report – March 2022.
2. To provide Council with the updated end-of-year forecast position for 2021/22.
3. For Council to note the Capital Works Program adjustments for the 2021/22 budget as of 31 March 2022.
4. For Council to note the change to the expected timing of draw down for the additional borrowing of \$20m. This borrowing in the 2021/22 budget will be deferred to 2022/23 and included in the final 2022/23 budget.

Critical analysis

History and background

5. The Finance report – March 2022 is provided at **Attachment One** for noting and discussion. It provides the financial performance for Yarra City Council for the period ending 31 March 2022 and end-of-year forecast position for 2021/22.
6. The March 2022 Capital Adjustments Running Table is provided at **Attachment Two** for noting.

Discussion

Pandemic COVID-19 Impact on Council Budget

7. Since the inception of the Pandemic COVID-19 to the current date, Council's operating environment and financial position has been, and will continue to be impacted. The impact on Council's financial position, which includes decreased Statutory Fees and Fines, User fees and the COVID-19 Community Relief package, is estimated to be in excess of \$50 million.

Finance Report – March 2022 (Attachment 1)

8. Variance analysis is prepared based on a comparison of YTD actuals and YTD budget.
9. As at 31 March 2022 Council is unfavourable to YTD budget by \$6.7m. This result is predominantly due to the following:
 - (a) Lower YTD Statutory Fees and Fines received by \$9.9m unfavourable to YTD budget, driven by the COVID-19 pandemic. COVID-19 restrictions have reduced parking activity, resulting in decreased revenue from parking meters and infringement notices. Full year forecast has been reassessed and is expected to finish under budget; and
 - (b) Lower YTD User Fees received by \$5.7m unfavourable to YTD budget, driven by the COVID-19 pandemic. COVID-19 restrictions resulted in closure of Leisure & Recreational facilities, reducing user fees significantly. Full year forecast is being reassessed at this moment and is expected to finish under budget.
10. These unfavourable outcomes are offset by favourable variances of:
 - (a) Higher than expected YTD Operating Grants by \$3.6m to YTD budget mainly due to unbudgeted grant, such as Outdoor Activation Plan and Development of the Online Portal;

- (b) Favourable YTD Materials & Services spend of \$2.9m to YTD budget, mainly due to timing differences for Community & Neighbourhood grants, insurance premiums and savings on statutory fees collection cost; and
- (c) Lower than expected provision for doubtful debts \$1.1m YTD, favourable variance to budget driven by the COVID-19 pandemic, reducing the volume of parking infringements issued YTD. This has resulted in a reduction in doubtful debts expense.

2021/22 Full year forecast – March 2022 (Attachment 1)

- 11. Restrictions on operational capacity in the first half of 2021/22 resulted in Council reporting a forecast of \$2m operating loss. This was a \$10.8m reduction from the adopted 2021/22 budget. Details were provided in the December 2021 Finance Report.
- 12. Following on from December 2021, management performed a forecast review for the March quarter 2022. The results revised the forecast 2021/22 year-end position to \$1.6m deficit, unfavourable to the adopted budget by \$10.4m.
- 13. The unfavourable forecast variance to budget of \$10.4m primarily driven in the following key areas:
 - (a) Statutory fees and charges \$11.1m unfavourable to budget, reflecting the unfavourable YTD results and further reduction in the last quarter of the financial year. This is mainly due to decreased revenue from parking meters and infringement notices; and
 - (b) User Fees \$6.2m unfavourable to budget, reflecting the unfavourable YTD results and further reduction in the last quarter of the financial year. This is mainly due to closures to Leisure & Recreational facilities.
- 14. These unfavourable outcomes are offset by favourable variances of:
 - (a) Operating Grants \$6.2m favourable to budget, due to unbudgeted grants as well as the brought forward payment of 2022/23 allocation of Financial Assistance Grant; and
 - (b) Capital Grants \$1.5m favourable to budget, due to unbudgeted grants, such as the Collingwood College Early Childhood Centre.

March 2022 Capital Works Program

- 15. The capital works program is subject to regular adjustments by Executive in response to various issues including variations to current projects, substitution in response to changing priorities and urgent new works being identified, and additional external funding obtained for projects.
- 16. Attachment 2 (Capital Works Program Adjustments– March 2022 Q3) identifies all capital works budget adjustments, with rationale for adjustments YTD 31 March 2022.
- 17. As at 31 March 2022, YTD actuals \$18.3m is significantly less than YTD budget of \$33.2m driven by constraints in operating capacity and some delays in the supply chain of materials as a result of COVID-19 during the first half of 2021/22 with continuing impacts during the second half of 2021/22.

2021/22 \$20m Additional Borrowing

- 18. The 2021/22 budget allowed capacity for Council to borrow up to \$20 million in 2021/22. Following the March 2022 forecast, the cash requirement is assessed and there is no immediate requirement for Council to borrow in this financial year. This borrowing will be deferred to 2022/23 and included in the final 2022/23 budget to enable drawdown from Treasury Corporation of Victoria (“TCV”) if required.

Options

- 19. No options

Community and stakeholder engagement

- 20. No external consultation was required.

Policy analysis

Alignment to Community Vision and Council Plan

21. No implications

Climate emergency and sustainability implications

22. No implications.

Community and social implications

23. No implications.

Economic development implications

24. No implications.

Human rights and gender equality implications

25. No implications.

Operational analysis

Financial and resource impacts

26. As at 31 March 2022, from a forecast year-end position, Council is anticipating a full year operating deficit of \$1.6M.

Legal Implications

27. No implications.

Issues

Conclusion

28. As at 31 March 2022, Council has forecasted a full year operating deficit of \$1.6m, a variance of \$10.4m to the adopted 2021/22 budget of \$8.8m surplus.

29. Based on the March 2022 forecast, there is no immediate cash requirement for the additional \$20m borrowing in 2021/22. This borrowing will be deferred to 2022/23 and included in the final 2022/23 budget to enable drawdown from Treasury Corporation of Victoria (“TCV”) if required.

RECOMMENDATION

1. That Council note:
 - (a) the March 2022 Finance Report; and
 - (b) the additional borrowing of \$20m will not take place in 2021/22, as there is no immediate cash requirement for the borrowing in 2021/22.

Attachments

- 1 Attachment 1 - Finance Report - March 2022
- 2 Attachment 2 - Capital Adjustments Running Table

8.7 2021/22 Annual Plan Quarterly Progress Report - March

Executive Summary

Purpose

To present the 2021/22 Annual Plan Quarterly Progress Report for March to Council for noting.

To propose amendments to the 2021/22 Annual Plan for Council to consider and endorse where the action has been impacted on by factors outside of Council's control.

Key Issues

The 2021/22 Annual Plan contains 50 Actions and the result at 31 March is 35 Actions (70%) are Completed/On track.

The result is measured against the annual performance target of 75%.

The COVID-19 restrictions continued to impact Council's ability to deliver on a significant number of the Actions in the current Annual Plan. Impacts have included community lockdowns, restrictions on services, reductions in staffing capacity and more recently significant disruption to commercial and industrial capacity, workforce and product shortages.

The report proposes amendments to the 2021/22 Annual Plan for Council consideration and endorsement, where an action's progress has been impacted on by factors outside of Council's control.

While year to date progress is behind the annual target of 75% complete or on track, Council is forecasting it will meet the target by the end of the financial year.

Financial Implications

There are no financial implications considered in this report.

PROPOSAL

Council note the 2021/22 Annual Plan Progress Report for March.

That Council consider and endorse the proposed amendments to the 2021/22 Annual Plan.

8.7 2021/22 Annual Plan Quarterly Progress Report - March

Reference	D22/115020
Author	Julie Wyndham - Manager Corporate Planning and Performance
Authoriser	Director Corporate, Business and Finance

Purpose

1. To present the 2021/22 Annual Plan Quarterly Progress Report – March to Council for noting.
2. To propose amendments to the 2021/22 Annual Plan for actions that have been impacted on by factors outside of Council's control for consideration and endorsement.

Critical analysis

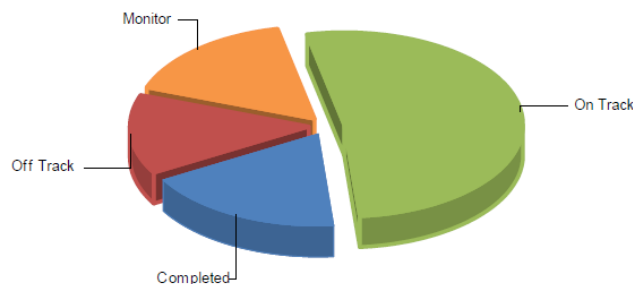
History and background

3. The Annual Plan is the organisation's annual response to Initiatives contained in the four-year Council Plan. Council Plan Initiatives are significant projects and activities that are proposed to be worked on over the term of the Council Plan.
4. The Annual Plan and Annual Plan Quarterly Progress Reports are two of Council's key accountability documents to the community.
5. 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.
6. The 2021/22 Annual Plan was endorsed by Council on 24 June 2021 and is fully funded in the 2021/22 Budget.

Discussion

7. The 2021/22 Annual Plan contains 50 Actions and the result at 31 March is 35 Actions (70%) are Completed/On track.
8. The result of 70% is measured against the performance target of 75%.
9. 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%.
10. The COVID-19 restrictions continued to impact Council's ability to deliver on a significant number of the Actions in the current Annual Plan. Impacts have included community lockdowns, restrictions on services, reductions in staffing capacity and more recently significant disruption to commercial and industrial capacity, workforce and product shortages.
11. While 15 actions are currently either Off Track or Monitor, 8 of these actions are forecast to be On Track by 30 June 2022 and the performance target of 75% should be achieved. These are listed in paragraph 14 below.
12. Of the remaining 7 off track/monitor actions, officers are proposing to amend or defer milestones to 4 actions due to factors that are outside the control of Council. These are listed in paragraph 15 below.

13. Annual Plan Action progress summary as of 31 March 2022:



Strategic Objective	No. of Actions Reported	Complete	On track (>=90%)	Monitor (75-90%)	Off track (<75%)	Not Started
Climate and environment	8	2	5	1	0	0
Social equity and health	15	3	7	2	3	0
Local economy	4	0	3	1	0	0
Place and nature	13	1	7	2	3	0
Transport and movement	5	1	1	2	1	0
Democracy and governance	5	2	3	0	0	0
	50 (100%)	9 (18.00%)	26 (52.00%)	8 (16.00%)	7 (14.00%)	0 (0.00%)

14. The 15 actions where progress was rated monitor (75-89%) or off-track (< 75%) are:

Action #	Title	Current Status
1.04	Transitioning Council Assets from the use of Natural Gas	Monitor
2.06	Yana Ngargna Plan	Off track
2.07	Active and Healthy Ageing Strategy and Action Plan	Monitor
2.10	National Aged Care and Disability Reforms	Off track
2.11	Restorative Care Project	Off track
2.14	Collingwood Senior Citizen Centre Including Willowview	Monitor
3.04	Revitalisation of North Richmond State Government Project	Monitor
4.02	Progress the translation of interim controls into permanent controls for Activity Centres	Monitor
4.04	State Government suburban parks program	Off track
4.05	New open space planning and design, Cremorne	Off track
4.06	Brunswick Street Activity Centre Urban Design – Kerr Street outstand	Off track
4.09	Edinburgh Gardens Public Toilet	Monitor
5.03	Improved Bicycle Networks	Monitor
5.04	Gipps Street Intersection Safety Improvements	Monitor
5.05	Road safety studies and implementation program	Off track

15. Officers are proposing the following amendments to the following Actions and Milestones where progress has been impacted by external factors.

2.10 National Aged Care Reforms

While work is progressing on finalising Council's position in relation to community programs and support options, completion is dependent on the Federal Government finalising its design for the program. This program has been in transition for over 2 years awaiting the Federal Government's final decision.

Current milestones proposed to be removed:

December Finalise Council's vision and position on its role in best supporting older people to live well in Yarra and Council's position by 31 December 2021.

March Initiate implementation of new arrangements and directions.

Proposed milestones to be added:

June Progress service reviews to inform Council's decisions on its future in aged care.

Continue to inform Council of Federal Government decisions as they detail the final design of the Support at Home program.

2.11 Restorative Care Project

This project was impacted by the COVID-19 pandemic and legislated responses early in its timeline. It required our own staff working in the disability support area to connect and bring together a range of support services to work together and engage with individuals in our community with disabilities to explore in home service provisions. While at the same time, our staff and other service providers were busy responding and providing emergency assistance and support under the constraints of COVID and lockdowns. While Council is committed to the project, we are only now reaching the point where we, and others, can re-engage and review the project stages.

Current milestones proposed to be deferred:

December Engage with services across Council and with local agency partners to explore and develop recommended service options that increase access and participation by younger people with disability.

March Undertake consultations with residents / service users to test proposed changes, identify other options.

June Implement new service options with internal Branches and/or local agencies and promote availability for younger people with disability.

2.14 Collingwood Senior Citizens Centre (Willowview)

Works were delayed enabling the centre to remain open to provide emergency food relief services to those impacted by COVID. Community demand for this support continued until the end of April. The centre closed in early May in preparation for the commencement of works.

Current milestones proposed to be removed:

December Complete facility improvements including: an upgrade of the audio-visual equipment, installation of sound baffling in the centre's hall to improve the acoustics for users and replace fluorescent lighting in the hall to improve the amenity of the facility.

June Ensure key stakeholders are engaged in the Collingwood Town Hall precinct planning community engagement process.

Proposed milestone to be added:

June	Continue planning for facility improvements including an accessible ramp, an upgrade of the audio-visual equipment, installation of sound baffling in the centre's hall to improve the acoustics for users and replace fluorescent lighting in the hall to improve the amenity of the facility.
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5.05 Road safety studies implementation program

The Richmond Study is proposed to be deferred to Financial Year 2022/23 to allow for further progression of Homes Victoria North Richmond Framework/Development Masterplan which encompasses a substantial area of community housing and facilities in Richmond.

Current milestones proposed to be deferred:

March	Commence Richmond study
June	Complete Richmond study

Options

16. There are no options for consideration in the report.

Community and stakeholder engagement

17. Significant community engagement and consultation was undertaken during the development of the 2021/22 Budget, Community Vision and Council Plan 2021-25. The 2021/22 Annual Plan reflects the community priorities identified during these processes.
18. Projects contained in the 2021/22 Annual Plan are subject to external consultation and engagement on a case-by-case basis.

Policy analysis

Alignment to Community Vision and Council Plan

19. The 2021/22 Annual Plan represents Year 1 of the Council Plan 2021-25 adopted on 19 October 2021.
20. The Council Plan 2021-25 addresses Yarra 2036 Community Vision with alignment and connection between the Vision themes and priorities and the Council Plan's Strategic Objectives, Strategies and Initiatives.

Climate emergency and sustainability implications

21. The Council Plan 2021-25 includes a Strategic Objective 'Climate and environment' that addresses climate emergency and sustainability implications. The 2021/22 Annual Plan includes 8 actions that respond to initiatives under this Strategic Objective.

Community and social implications

22. The Council Plan 2021-25 includes a Strategic Objective Social Equity and Health that addresses community and social implications. The 2021/22 Annual Plan includes 15 actions that respond to initiatives under this Strategic Objective.
23. The Council Plan 2021-25 incorporates the Municipal Health and Wellbeing Plan that guides how Council will promote health and wellbeing across the municipality.

Economic development implications

24. The Council Plan 2021-25 includes a Strategic Objective Local Economy that addresses economic development implications. The 2021/22 Annual Plan includes 4 actions that responds to initiatives under this Strategic Objective.

[Human rights and gender equality implications](#)

25. The Council Plan 2021-25 includes a Strategic Objective Social equity and health that addresses human rights and gender equality implications. The 2021/22 Annual Plan includes 3 actions that respond to initiatives under this Strategic Objective.

Operational analysis

[Financial and resource impacts](#)

26. Actions in the 2021/22 Annual Plan are resourced within the 2021/22 Budget.

[Legal Implications](#)

27. There are no legal implications.

Conclusion

28. The 2021/22 Annual Plan Quarterly Progress Report - March (Attachment 1) is presented to Council for noting.
29. Amendments to the 2021/22 Annual Plan are presented to Council for consideration and endorsement.

RECOMMENDATION

1. That Council:
- (a) note the 2021/22 Annual Plan Progress Report for March; and
 - (b) endorse the following amendments to the actions listed below in the 2021/22 Annual Plan:

2.10 National Aged Care Reforms

Current milestones to be removed:

December Finalise Council's vision and position on its role in best supporting older people to live well in Yarra and Council's position by 31 December 2021.

March Initiate implementation of new arrangements and directions.

Milestones to be added:

June Progress service reviews to inform Council's decisions on its future in aged care.

Continue to inform Council of Federal Government decisions as they detail the final design of the Support at Home program.

2.11 Restorative Care Project

Current milestones to be deferred:

December Engage with services across Council and with local agency partners to explore and develop recommended service options that increase access and participation by younger people with disability.

March Undertake consultations with residents / service users to test proposed changes, identify other options.

June Implement new service options with internal Branches and/or local agencies and promote availability for younger people with disability.

2.14 Collingwood Senior Citizens Centre (Willowview)

Current milestones to be removed:

December Complete facility improvements including: an upgrade of the audio-visual equipment, installation of sound baffling in the centre’s hall to improve the acoustics for users and replace fluorescent lighting in the hall to improve the amenity of the facility.

June Ensure key stakeholders are engaged in the Collingwood Town Hall precinct planning community engagement process.

Milestone to be added:

June Continue planning for facility improvements including an accessible ramp, an upgrade of the audio-visual equipment, installation of sound baffling in the centre’s hall to improve the acoustics for users and replace fluorescent lighting in the hall to improve the amenity of the facility.

5.05 Road safety studies implementation program

Current milestones to be deferred:

March Commence Richmond study

June Complete Richmond study

Attachments

- 1 Attachment 1 - 2021/22 Annual Plan Quarterly Progress Report - March

8.8 Governance Rules Review 2022

Reference	D22/117813
Author	Rhys Thomas - Senior Governance Advisor
Authoriser	Group Manager Chief Executive's Office

Purpose

1. To present the Governance Rules Review Directions Papers to Council for endorsement for the purposes of community engagement.

Critical analysis

History and background

2. On 24 March 2020, the *Local Government Act 2020* received Royal Assent, marking the end of a reform process that has taken place over the previous three years. The reforms in that Act took effect in stages over the following two years.
3. On 1 May 2020, Stage 2 took effect, and required, among other things, the adoption of Governance Rules by Council on or before 1 September 2020.
4. On 18 August 2020, Council adopted the City of Yarra Governance Rules (including the election period policy) as required under the Act, after a period of public exhibition.
5. On 30 November 2011, the *Regulatory Legislation Amendment (Reform) Bill 2021* was introduced into Parliament, foreshadowing a change to the Local Government Act 2020 that would require all Councils to alter their Governance Rules by the end of August 2022 to accommodate processes for the conduct of Council meetings by electronic means of communication.
6. On 14 December 2021, the Minister for Local Government appointed a Municipal Monitor to Council under section 179(1) of the Local Government Act 2020. The Municipal Monitor was appointed, among other things, to *“advise, and provide any relevant assistance and support, to the Council in relation to the improvement of the Council’s governance processes and practices, with specific regard to ... the Council’s meeting procedures and decision making, including Councillor attendance at Council briefings, the adequacy of the Council’s Governance Rules and Councillor adherence to the Governance Rules.”*
7. In recognition of the requirement to amend Council’s Governance Rules (including the requirement to undertake a community engagement process as part of the process), together with the opportunity to reflect on the first 18 months of operation of the rules, a decision was taken in early 2022 to conduct a thorough review of the Governance Rules.
8. In early 2022, Council commenced the Governance Rules Review 2022 – a process designed to draw on the experience and views of management, Councillors, the Municipal Monitor and the community to identify any opportunities to improve the rules and further Council’s commitment to good governance.

Discussion

9. The Governance Rules review has been informed by the experience of Council meetings since the adoption of the current rules in 2020, and feedback from meeting participants during that time (Councillors, staff and members of the community). Benchmarking has been undertaken with Councils from the M9 group of Councils, as well as with selected other Councils on a number of key issues.
10. Firstly, this process has identified a number of existing meeting rules that warrant review. They are listed here in their order of appearance in the rules:

- (a) Mayoral Election - PART A;
 - (b) Urgent Business - PART B, Division 3, Rule 17;
 - (c) Notices of Motion - PART B, Division 4, Rule 18 and 19;
 - (d) Motions and Debate - PART B, Division 4, Rules 22, 23 and 33;
 - (e) Notices of Rescission - PART B, Division 6;
 - (f) Points of Order - PART B, Division 7;
 - (g) Public Question Time - PART B, Division 8, Rule 47.1;
 - (h) Public Submissions - PART B, Division 8, Rule 47.2; and
 - (i) Petitions and Joint Letters - PART B, Division 9.
11. Secondly, the following two provisions were identified in the Council Meetings Operations Policy as being suitable for transfer into the Governance Rules:
- (a) General Business; and
 - (b) Delegates Reports.
12. Thirdly, there are two issues which are currently not provided for, but have been assessed for inclusion in the Governance Rules:
- (a) Electronic Meetings; and
 - (b) Councillor Forums.
13. An assessment of each of these matters was developed as a discussion paper for internal consideration, and following that process, a series of Directions Papers have been developed for Council's consideration.
14. Councillors have had the opportunity to participate in this review process, as have senior Council staff and the Municipal Monitor.
15. While the details of the proposed changes are set out in the Directions Papers that can be found at **Attachment One** to this report, a summary of the possible reforms follows in the table below.

Rule	Proposal
Mayoral Election	Make clearer the process to be followed where there are two candidates and neither receives an absolute majority and investigate alternative steps.
Urgent Business	Consider mechanisms for the introduction of urgent business and clarify them in the Governance Rules.
Notices of Motion	Considering what limitations, if any, should be placed on the matters that can be considered as a Notice of Motion.
Motions and Debate	Improve the structure of debates to ensure all Councillors have a right to speak, without imposing an obligation on them to do so. Removing some unnecessary bureaucracy from the process.
Notices of Rescission	Exploring the risks associated with Notices of Motion, as well as the operational impact of the uncertainty created, while preserving Council's right to review and reconsider its decisions. Considering any processes that can be improved.
Points of Order	Provide better guidance to Councillors and the Mayor about the process for raising a Point of Order, and the matters on which a Point of Order can be raised.

Rule	Proposal
Public Question Time	Placing the focus of Public Question Time on enabling questions to be put directly to the Council and receiving a considered response. Considering the best mechanism to deal with matters of clarification of responses. Balancing the need for transparent interrogation of Council with the efficient operation of Council meetings themselves.
Public Submissions	Bringing provisions relating to public submissions out of the Council Meetings Operations Policy and into the Governance Rules. Ensuring the receipt and consideration of public submissions does not undermine Council's community engagement processes and placing Councillors at the front and centre of debate in the Council Chamber.
Petitions and Joint Letters	Provide greater guidance in the form and purpose of petitions, and consider how electronic petitions might be treated. Investigate the provisions of more options as to the course of action that Council can take.
General Business	Bringing provisions relating to General Business out of the Council Meetings Operations Policy and into the Governance Rules. Considering whether the current restrictions on General Business are appropriate and clearly understood.
Delegates Reports	Bringing provisions relating to Delegates Reports out of the Council Meetings Operations Policy and into the Governance Rules.
Electronic Meetings	To respond to the making of the Regulatory Legislation Amendment (Reform) Act 2022 which will provide for attendance and participation in Council meetings and delegated committees by electronic means of communication.
Councillor Forums	Introduce a new chapter to explore the role of Councillor Briefings, PDC briefings and other meetings conducted under the auspices of Council and provide rules about expectations at those forums.

16. The attached Discussion Papers have been prepared to present an indication to the community as to the proposed direction of the reforms. In endorsing these Discussion Papers, Council is not being asked to signal a final decision on the matter, but is instead indicating the general direction of the proposed changes so that the community can provide targeted feedback.
17. While the Discussion Papers do include proposed 'mark ups' or amendments to the rules themselves, these changes have not yet been subject to legal review and it can be expected that there may need to be wording changes at a later stage of the process that may arise from such a review. These wording changes would be made to give effect to the intent of the proposed reforms, not to alter or otherwise redirect the proposals.
18. The proposed community engagement process is set out later in this report.
19. Following the community engagement process, a final proposal will be developed, and brought to Council together with the results of the community engagement process itself. It is at that time that Council will be asked to make a formal decision on the changes.

Options

20. There are no alternative options formally set out in this report, although there are a number of courses of action available to Council at this meeting. Council could resolve, by alternate resolution, to:
 - (a) remove one or more of the Directions Papers from the community engagement process, thus determining not to proceed with that reform;

- (b) signal an alternate position in relation to one of more of the specific details in a Directions Paper by amending the wording, or by authorising officers to make necessary alterations to give effect to a particular directive; and
 - (c) determine not to proceed with any reform, other than what is necessary to comply with the change to the Local Government Act that requires the rules to include rules relating to requesting and approval of attendance at electronic meetings.
21. Alternatively, given the preliminary stage of this project, Council may prefer to receive community feedback before signalling any intended policy direction, and may therefore choose to rename one or more of the Directions Papers as a 'Discussion Paper' instead.
22. If there are specific alternative options that the Council wishes to put to the community for feedback, it would also be possible to direct the officer to re-write the Directions Paper to include clear alternative options on a specific matter.

Community and stakeholder engagement

23. This report is recommending that Council endorse 13 Directions Papers for the purposes of community engagement. While this is to give an indication of the direction of the proposed reforms, it is not intended to signal a final position of the Council. The Directions Papers are intended to form the basis of a community engagement process that will involve the following:
- (a) establishment of a community engagement platform online at Your Say Yarra which will include:
 - (i) details of the community engagement process and the opportunities to be involved;
 - (ii) publication of the Directions Papers and Governance Rules;
 - (iii) an opportunity to submit questions online for a direct response from Council officers;
 - (iv) a mechanism to submit detailed feedback on one or more of the Directions Papers proposals; and
 - (v) contact details of officers responsible for the project;
 - (b) publication of the contact details of the relevant project officer with an invitation to participate in a one on one discussion, or a group discussion on any or all of the matters canvassed; and
 - (c) the development of a Community Engagement Outcomes Report for presentation to Council along with the final report.

Policy analysis

[Alignment to Community Vision and Council Plan](#)

24. The Yarra 2036 Community Vision was developed by the Council and community in partnership, and articulates a vision for shared governance where the community *"is informed and empowered to contribute to the shared governance of Yarra. Decision-making is transparent through access, inclusion, consultations and advocacy."*
25. Among the articulated priorities in this community vision is a commitment to:
- (a) ensure the Council actively engages with Yarra's diverse community at all stages of the decision-making process in an open, honest way and that aligns with the values and needs of the community;
 - (b) actively remove barriers to participation, support and empower everyone to get involved; and
 - (c) promote the role of Council more actively so people understand the decision-making process and how they can be involved.

26. Strategic Objective 6 of the City of Yarra Council Plan 2021-2025 is “Democracy and governance.” This strategic objective sets out a number of specific strategies designed with the continuous improvement of Council’s governance processes in mind.
27. The key Council Plan strategies relevant to this review are:
 - (a) provide opportunities for meaningful, informed and representative community engagement to inform Council’s decision-making;
 - (b) practice good governance, transparency and accountable planning and decision-making; and
 - (c) explore ways to amplify lesser-heard and underrepresented voices so that engagement is representative of all people and inclusive.
28. The review of the Governance Rules provides an opportunity to give effect to the objectives of both the Community Vision and the Council Plan by improving the operation of council and delegated committee meetings.

Climate emergency and sustainability implications

29. There are no climate emergency or sustainability implications set out in this report.

Community and social implications

30. While Council meetings are primarily designed for Councillor debate and decision-making, they are also a key opportunity for community involvement and fostering transparency and accountability. Any changes to Council meeting rules need to be considered in light of the role of members of the community in the decision-making process.

Economic development implications

31. There are no economic development implications set out in this report.

Human rights and gender equality implications

32. There are a number of human rights that are potentially engaged by a review of Council’s Governance Rules. These are:
 - (a) the right to privacy and reputation;
 - (b) the right to freedom of thought, conscience, religion and belief;
 - (c) the right to freedom of expression;
 - (d) the right to peaceful assembly and freedom of association;
 - (e) the right to take part in public life; and
 - (f) the right to a fair hearing.
33. The development of the Directions Papers has sought to ensure that any limitation on these rights is necessary and reasonable and that there are clear reasons for it. When proposed Governance Rules are presented to Council for adoption, the human rights implications of any recommended changes will be set out in detail for the Council’s consideration.

Operational analysis

Financial and resource impacts

34. There are no financial impacts of this report, with
35. The impact on staff resourcing consists largely of officer time associated with undertaking the community engagement program and preparing the subsequent report for Council. These impacts are allowed for within the relevant staff workplans.

Legal Implications

36. The Local Government Act 2020 requires that Council develop, adopt and keep in force Governance Rules that provide for a series of matters set out at section 60(1). The City of Yarra's Governance Rules currently comply with all of these matters.
37. On 1 August 2022, a new section 60(1)(ba) will be inserted which requires that the Governance Rules include rules with respect to "*requesting and approval of attendance at Council meetings and meetings of delegated committees by electronic means of communication.*" The City of Yarra Governance Rules currently do not satisfy this requirement, and a change is required.
38. The Local Government Act 2020 further requires that a process of community engagement is followed in developing or amending a Council's Governance Rules. The community engagement process set out in this report will satisfy this obligation.

Conclusion

39. This report presents 13 Discussion Papers for Council's consideration and recommends that Council endorse them for the purposes of the community engagement process set out in this report.

RECOMMENDATION

1. That Council endorse the following Directions Papers for the purposes of community engagement:
 - (a) Directions Paper 1 – Mayoral Election;
 - (b) Directions Paper 2 – Urgent Business;
 - (c) Directions Paper 3 – Notices of Motion;
 - (d) Directions Paper 4 – Motions and Debate;
 - (e) Directions Paper 5 – Notices of Rescission;
 - (f) Directions Paper 6 – Points of Order;
 - (g) Directions Paper 7 – Public Question Time;
 - (h) Directions Paper 8 – Public Submissions;
 - (i) Directions Paper 9 – Petitions and Joint Letters;
 - (j) Directions Paper 10 – General Business;
 - (k) Directions Paper 11 – Delegates Reports;
 - (l) Directions Paper 12 – Electronic Meetings; and
 - (m) Directions Paper 13 – Councillor Forums.
2. That officers commence community consultation as set out in this report and provide a further report to Council including the outcomes of the community engagement process and any recommended amendments to the Governance Rules.

Attachments

- 1 Attachment 1 - Governance Rules Review 2022 - Directions Papers