



Agenda

Council Meeting

6.30pm, Tuesday 12 December 2023

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.

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.

Question Time

Yarra City Council welcomes questions from members of the community.

Registration

To ask a question, you will need to register and provide your question by 6.30pm on the day before the meeting. Late registrations cannot be accepted, and you will be unable to address the meeting without registration.

Asking your question

During Question Time, the Mayor will invite everyone who has registered to ask their question. When your turn comes, come forward to the microphone and:

- state your name;
- direct your question to the Mayor;
- don't raise operational matters that have not been previously raised with the organisation;
- don't ask questions about matter listed on tonight's agenda
- don't engage in debate;
- if speaking on behalf of a group, explain the nature of the group and how you are able to speak on their behalf.

You will be provided a maximum of three minutes to ask your question, but do not need to use all of this time.

Comments not allowed

When you are addressing the meeting, don't ask a question or make comments which:

- relate to a matter that is being considered by Council at this meeting;
- relate to something outside the powers of the Council;
- are defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable;
- deal with a subject matter already answered;
- are aimed at embarrassing a Councillor or a member of Council staff;
- include or relate to confidential information; or
- relate to something that is subject to legal proceedings.

Addressing the Council

An opportunity exists to make your views known about a matter that is listed on the agenda for this meeting by addressing the Council directly before a decision is made.

Registration

To ask address Council, you will need to register by 6.30pm on the day before the meeting. Late registrations cannot be accepted, and you will be unable to address the meeting without registration.

Addressing the Council

Before each item is considered by the Council, the Mayor will invite everyone who has registered in relation to that item to address the Council. When your turn comes, come forward to the microphone and:

- state your name;
- direct your statement to the Mayor;
- confine your submission to the subject being considered;
- avoid repeating previous submitters;
- don't ask questions or seek comments from Councillors or others; and
- if speaking on behalf of a group, explain the nature of the group and how you are able to speak on their behalf.

You will be provided a maximum of three minutes to speak, but do not need to use all of this time.

Comments not allowed

When you are addressing the meeting, don't make any comments which:

- relate to something other than the matter being considered by the Council;
- are defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable;
- are aimed at embarrassing a Councillor or a member of Council staff;
- include or relate to confidential information; or
- relate to something that is subject to legal proceedings.

Arrangements to ensure our meetings are accessible to the public

Council meetings are held on the first floor at Richmond Town Hall. Access to the building is available either by the stairs, or via a ramp and lift. Seating is provided to watch the meeting, and the room is wheelchair accessible. Accessible toilet facilities are available. Speakers at the meeting are invited to stand at a lectern to address the Council, and all participants are amplified via an audio system. Meetings are conducted in English.

If you are unable to participate in this environment, we can make arrangements to accommodate you if sufficient notice is given. Some examples of adjustments are:

- a translator in your language
- the presence of an Auslan interpreter
- loan of a portable hearing loop
- reconfiguring the room to facilitate access
- modification of meeting rules to allow you to participate more easily

Recording and Publication of Meetings

A recording is made of all public Council Meetings and then published on Council's website. By participating in proceedings (including during 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. **Confirmation of minutes**
6. **Question time**
7. **Council business reports**
8. **Notices of motion**
9. **Petitions and joint letters**
10. **Questions without notice**
11. **Delegates' reports**
12. **General business**
13. **Urgent business**
14. **Confidential business reports**

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 Edward Crossland Mayor
- Cr Anab Mohamud Deputy Mayor
- Cr Michael Glynatsis Councillor
- Cr Stephen Jolly Councillor
- Cr Herschel Landes Councillor
- Cr Claudia Nguyen Councillor
- Cr Bridgid O’Brien Councillor
- Cr Amanda Stone Councillor
- Cr Sophie Wade Councillor

Council staff

Chief Executive Officer

- Sue Wilkinson Chief Executive Officer

General Managers

- Brooke Colbert Governance, Communications and Customer Experience
- Sam Hewett Infrastructure and Environment
- Kerry McGrath Community Strengthening
- Mary Osman City Sustainability and Strategy
- Jenny Scicluna Corporate Services and Transformation

Governance

- Phil De Losa Manager Governance and Integrity
- Mel Nikou Governance Officer

3. Announcements

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

4. Declarations of conflict of interest

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. Confirmation of minutes

RECOMMENDATION

That the minutes of the Council Meeting held on Tuesday 14 November 2023 be confirmed.

That the minutes of the Council Meeting held on Wednesday 15 November 2023 be confirmed.

6. Question time

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

7. Council business reports

Item		Page	Rec. Page	Report Presenter
7.1	Amendment C273yara - Heidelberg Road Permanent Built Form Provisions - Consideration of Submissions	10	22	Joerg Langeloh – Project and Policy Coordinator Strategic Planning
7.2	Financial Sustainability Strategy – Final Dec 2023	23	30	Wei Chen – Chief Financial Officer
7.3	Charlotte Street Pocket Park - Final Concept Plan	31	38	Kate Yuncken – Manager City Strategy
7.4	Open Space Amendment Update	39	44	Kate Yuncken – Manager City Strategy
7.5	M9 Collaborative Tender - FOGO, Recycling (without glass) and Glass Processing Services	45	49	Brett Grambau – Manager City Works & Zoe Batchelor – Coordinator Waste Management Services
7.6	Food Organics and Garden Organics Collection Services	50	53	Brett Grambau – Manager City Works & Lisa Coffa – Senior Advisor Waste Minimisation
7.7	Electric Line Clearance Responsibilities and Regulations 2020	54	61	Brett Grambau – Manager City Works
7.8	Fitzroy Swimming Pool - Shading and Lifeguard Numbers	62	66	Adam Kavanagh – Coordinator Strategy and Business Development
7.9	Rainbow Footpath Treatment	67	70	Sam Hewett – GM Infrastructure and Environment
7.10	Response to Notice of Motion No 5 of 2023 – Developer contact and gift disclosure	71	74	Rhys Thomas - Senior Governance Advisor
7.11	Appointment of 2024 Committee Members and Delegates	75	79	Rhys Thomas - Senior Governance Advisor

8. Notices of motion

Item		Page	Rec. Page	Report Presenter
8.1	Notice of Motion No. 6 of 2023 - Families and Children Advisory Committee and Playground Equipment in Park at Cambridge Street, Collingwood	82	82	Stephen Jolly - Councillor
8.2	Notice of Motion No. 7 of 2023 - Israel Gaza Conflict	83	83	Anab Mohamud - Councillor
8.3	Notice of Motion No. 8 of 2023 - Demolition of Public Housing Towers	84	85	Sophie Wade - Councillor

9. Petitions and joint letters

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

10. Questions without notice

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

11. Delegate's reports

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

12. General business

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

13. Urgent business

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

14. 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

14.1 Enterprise Resources Planning Procurement

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 the procurement process.

14.2 Gasworks site update

This item is to be considered in closed session to allow consideration of:

- legal privileged information, being information to which legal professional privilege or client professional privilege applies;
- 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;
- confidential meeting information, being the records of meetings closed to the public under section 66(2)(a); and
- information that was confidential information for the purposes of section 77 of the Local Government Act 1989.

These grounds are applicable because the report contains legal advice from Council's solicitors, commercial information provided by a third party and records from meetings closed to the public under both the Local Government Act 2020 and Local Government Act 1989.

7.1 Amendment C273yara - Heidelberg Road Permanent Built Form Provisions - Consideration of Submissions

Reference	D23/454172
Author	Adam Quintiliani - Strategic Planner
Authoriser	General Manager City Sustainability and Strategy
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

Purpose

1. The purpose of this report is for Council to consider:
 - (a) the 117 submissions received following the exhibition of draft Amendment C273yara;
 - (b) the officer's responses to the issues raised in the submissions;
 - (c) the officers' recommendation to request the Minister for Planning to refer all submissions, response to submissions and Council's preferred draft to the Yarra Activity Centre Standing Advisory Committee as set out in the Terms of Reference;
 - (d) the key officer recommendations for proposed changes to the exhibited draft Amendment C273yara documentation to form the basis of Council's position at a Yarra Activity Centre Standing Advisory Committee; and
 - (e) the next steps for advancing the amendment in accordance with the requirement of the Terms of Reference.

Critical analysis

History and background

2. Draft Amendment C273yara seeks to introduce permanent built form provisions for new development in commercial areas along Heidelberg Road, Fairfield and Alphington.
3. In summary, the draft Amendment would:
 - (a) Insert new policy on the Heidelberg Road Neighbourhood Activity Centre at Clause 11.03-1L Activity Centres to guide built form within the activity centre;
 - (b) Replace interim Design and Development Overlay Schedule 18 (interim DDO18) with permanent Design and Development Overlay Schedule 18 (DDO18) which applies to the land zoned Commercial (C1Z and C2Z) along Heidelberg Road;
 - (c) Apply new Heritage Overlays to properties at 730-734 and 760 Heidelberg Road, Alphington (It also updates the Schedule to the HO and includes new Statements of Significance for the properties Schedule to Clause 72.04 Incorporated Documents.)
 - (d) Delete Heritage Overlay HO362 from 2 Killop Street, Alphington; and
 - (e) Amend the Schedule to Clause 72.08 Background Documents to include the background documents to the amendment.

4. DDO18 applies to four precincts along Heidelberg Road (see Figures 1 and 2 below).

Figure 1 – Extent of DDO18 – Precincts 1 and 2

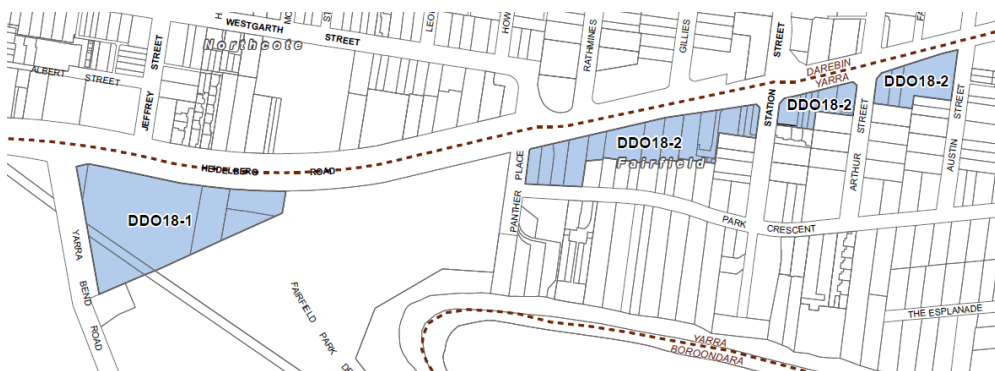
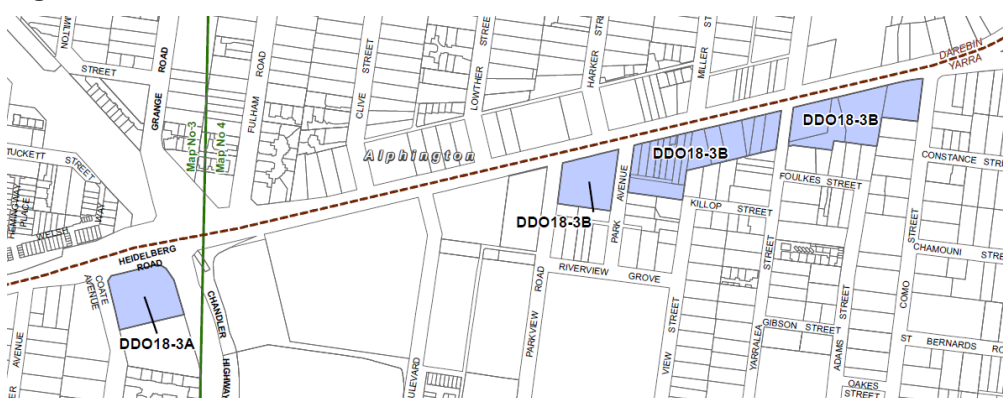


Figure 2 – Extent of DDO18 – Precincts 3A and 3B



Exhibition

5. Conditional consent to exhibit the amendment was obtained from the Department of Transport and Planning (under delegation from the Minister for Planning) on 30 June 2023.
6. The conditional consent required officers to make minor changes to the amendment before exhibition. These changes did not change the intent of the amendment.
7. The draft Amendment was exhibited between 31 July and 28 August 2023.
8. Additional time was provided for owners and occupiers adjoining Precinct 2 to make a submission as some residents raised concerns they were not notified. (See Community and stakeholder engagement for the details of exhibition.)

Discussion

Submissions received

9. A total of 117 submissions have been received:
 - (a) 112 submissions were received from residents in the surrounding area, including 70 proforma submissions;
 - (b) 3 submissions were received from landowners/developers (development interests); and
 - (c) A submission from Melbourne Water and Darebin City Council.

Issues raised and recommended responses

10. The key issues raised in submissions and responses to the submissions are summarised in Table 1 below.

11. Detailed responses to submissions are provided in two attachments:
 - (a) Attachment 1 provides a summary of the key issues raised in submissions (structured by topic), a response to the key issues and recommended changes to the draft amendment; and
 - (b) Attachment 2 provides the detailed summary of individual submissions.
12. Note: The majority of issues identified in the individual submissions are addressed in the key / centre-wide issues table in Attachment 1. Where an issue is very specific or has not been responded to in a key issue, a response and any recommended changes are provided in Attachment 2.
13. Both attachments identify potential changes to draft Amendment C273yara that would respond to the issues raised by submitters. Where changes are not recommended or considered necessary, the rationale for the approach in the amendment is provided in the attachments.
14. A marked-up version of DDO18 showing proposed changes since the public exhibition is provided at Attachment 3.

Table 1: Key issues raised in submissions and recommended changes

Issues raised in submissions	Response and recommended changes
<p>Accommodating Growth</p> <p>Submissions from residents were concerned the amendment would result in development that would change the valued neighbourhood character of Alphington/Fairfield and why they live there - its leafy, family friendly character.</p> <p>Concerns were also expressed about increase pressure on existing services and traffic.</p>	<p>No change proposed.</p> <p>Plan Melbourne, the Yarra Housing Strategy and the revised local planning policy framework direct employment and housing growth in Yarra to activity centres.</p> <p>The Heidelberg Road Neighbourhood Activity Centre (NAC) is expected to deliver a substantial number of new dwellings, primarily through the redevelopment of the former Alphington Paper Mill (APM).</p> <p>The Yarra Spatial Economic and Employment Strategy (2018) seeks to support growth in retail and other employment uses in the Neighbourhood Activity Centre (NAC) and commercial areas along Heidelberg Road.</p> <p>Land along Heidelberg Road in Fairfield and Alphington is an attractive area for new development due to its good access to Melbourne CBD, public transport, jobs and services.</p> <p>Policy in the Planning Scheme seeks to reinforce the importance of the NAC and surrounding commercial areas and to limit changes in established residential areas.</p> <p>Draft Amendment C273 aims to provide a balanced approach by guiding different levels of potential development across the Heidelberg Road precincts. It aims to ensure that new buildings will respond to heritage fabric and minimise impacts on sensitive residential interfaces such as backyards, and public spaces like footpaths, kerb outstands and parklands.</p> <p>Impacts on infrastructure are outside the scope of the amendment. The provision of public transport, schools, utility services, etc cannot be increased through a planning scheme amendment. The City of Yarra communicates potential changes to the relevant infrastructure providers when it exhibits an amendment and regularly advocates for improvements on behalf of the community.</p>
<p>Building Heights</p> <p>Building heights were a core theme raised in submissions.</p> <p>Residents generally considered the proposed building heights too tall and seek a reduction in heights.</p> <p>Concerns included the impact on the character of the area and the quality of life for residents and on</p>	<p>No change proposed.</p> <p>The proposed building heights aim to balance development opportunities, neighbourhood character and public and private amenity.</p> <p>A range of building heights and setbacks are proposed to respond to the highly varied built form and land use contexts along Heidelberg Road, including the surrounding heritage and built form context, interface conditions and site characteristics (size/depth) in each precinct.</p> <p>DDO18 allows for building heights:</p> <ul style="list-style-type: none"> • generally between 4-5 storeys in Precincts 2 and 3B where there is a

Issues raised in submissions	Response and recommended changes
<p>residential amenity through overshadowing, loss of privacy and building bulk.</p> <p>Landowners and development interests commented some of the heights are too low and do not reflect the strategic context they are situated in.</p> <p>Differing views were provided on development sites such as the 700-718 Heidelberg Road site and the Porta site – from residents and development interests.</p>	<p>fine grain street network, narrow sites with some larger sites and variations in building heights and styles.</p> <ul style="list-style-type: none"> up to 7 storeys in Precinct 1 (within the Porta site) and 8 storeys in Precinct 3A (for the section of the site at the corner of Heidelberg Road and Chandler Highway) (ensuring building heights remain subordinate to development on the former APM site). These heights apply where there are less constraints. Typically, these precincts do not directly interface with residential properties or less so. <p>DDO18 requires new development to transition down to residential and parkland interfaces, including mandatory rear ground and upper level setbacks. This will protect these areas from an unreasonable loss of amenity. See 'Impacts on residential amenity' below.</p> <p>Criteria apply to guide where a development seeks to exceed a preferred building height.</p> <p><i>Proposed DDO18 Building Height Requirements:</i></p> <ul style="list-style-type: none"> <i>Precinct 1:</i> 14.4m – 24m (Discretionary) <i>Precinct 2:</i> 16m – 20m (Discretionary) <i>Precinct 3A:</i> 11.2m – 27.2m (Mandatory) <i>Precinct 3B:</i> 14.4m – 17.6m (Discretionary)
<p>Building Setbacks and Separation</p> <p>Commercial landowners and developers opposed building separation and setbacks along Heidelberg Road and Park Crescent, as it would restrict development opportunities.</p> <p>A concern was expressed about the impacts of building separation of new development on narrow sites.</p> <p>They also expressed concerns that the 6m upper level setback towards Heidelberg Road was excessive and would limit development.</p> <p>Submissions from residents were concerned about setbacks at the rear of commercial development (See 'Impacts on residential amenity' below).</p>	<p>No change proposed.</p> <p><u>Building separation</u></p> <p>Building separation requirements have been proposed in the DDO to enhance privacy, break up building mass and allow sunlight / daylight access to buildings. DDO18 requires upper levels on side boundaries to be set back where a window or balcony is proposed. A 4.5m setback is required for a habitable room window or balcony and a 3m setback is required for a commercial or non-habitable room window.</p> <p>The requirement is preferred (discretionary). Narrow sites could develop to 4 storeys (street wall height) or in some circumstances may be able to build to the boundary.</p> <p><i>Proposed DDO18 Building Separation Requirements:</i></p> <ul style="list-style-type: none"> <i>Precinct 1, 2, 3A and 3B</i> – where development shares a common boundary, upper level development for buildings up to 14.4m (or 16m in Commercial 2 Zone) are to be setback: <ul style="list-style-type: none"> 4.5m where a habitable window or balcony is facing the common boundary (Discretionary) 3m where a commercial or non-habitable window is facing the common boundary (Discretionary) <p><u>Front setbacks</u></p> <p>The purpose of the 3 metre front setback to significantly improve pedestrian amenity along Precincts 1, 2, 3A (noting that a 4.5 metre front setback is required to Coate Avenue) and 3B (between Parkview Road and Park Avenue).</p> <p>Front setbacks along Heidelberg Road also support opportunities for street activation and significantly improved pedestrian amenity and access through landscaping, inclusion of outdoor seating and trading space.</p> <p><i>Proposed DDO18 Front Setback Requirements:</i></p> <ul style="list-style-type: none"> <i>Precinct 1:</i> 3m (Mandatory) <i>Precinct 2:</i> 3m (Mandatory) <i>Precinct 3A:</i> 3m – 4.5m (Mandatory) <i>Precinct 3B:</i> 0m – 3m (Discretionary/Mandatory)

Issues raised in submissions	Response and recommended changes
	<p><u>Upper level setbacks</u></p> <p>Upper level setbacks are crucial for clear definition between lower/podium levels and upper levels, reducing visual bulk and keeping a pedestrian-scale street edge.</p> <p>DDO18 proposes upper level setbacks of:</p> <ul style="list-style-type: none"> • 6m along Heidelberg Road, Yarra Bend Road, Chandler Highway and Park Crescent • 10m from Coate Avenue • 3m along other side streets. <p>A 6m upper level setback is applied to retain a sense of openness on wider streets such Heidelberg Road. The 6 metre setback provides a balance with street wall height to achieve well-proportioned buildings where the upper levels form a recessed, lighter element above a solid base building form.</p> <p>The 3m discretionary setback on side streets minimises overshadowing of opposite footpaths and retains a sense of openness for the side streets.</p> <p>10m mandatory upper level setbacks on Coate Avenue seek to ensure a development appropriately transitions down towards the residential character.</p> <p><i>Proposed DDO18 Upper Level Setback Requirements:</i></p> <ul style="list-style-type: none"> • <i>Precinct 1:</i> 6m (Discretionary) • <i>Precinct 2:</i> 3m – 6m (Discretionary) • <i>Precinct 3A:</i> 6m – 10m (Discretionary/Mandatory) • <i>Precinct 3B:</i> 3m – 6m (Discretionary/Mandatory)
<p>Impacts on residential amenity (including rear interfaces)</p> <p>Amenity issues and the impacts of future development on access to sunlight, privacy and visual bulk were key themes in submissions.</p> <p>Some residents commented that stronger controls were needed.</p> <p>Some submissions from commercial landowners considered the proposed provisions too onerous.</p> <p>A number of residents submitted concerns about overshadowing and reduced access to natural sunlight for indoor and outdoor spaces, with potential impacts on solar panel efficiency, energy generation and residents' well-being. Impacts on wildlife were also mentioned.</p> <p>There were several locations that attracted a greater number of submissions. These were from residents who live adjacent to Precincts 2, 3A and 3B.</p> <p>Overshadowing of open space was highlighted as an issue in Precinct 1 however submissions noted tall buildings in this area won't impact residents' views or overshadow</p>	<p>Change proposed – Increase the landscape setback between the rear of new development and residential properties from 3m to 5m in Precincts 2 and 3B.</p> <p><u>General amenity issues – overlooking, overshadowing and visual bulk</u></p> <p><i>Exhibited controls</i></p> <p>The DDO includes rear interface controls that require a transition in scale to minimise amenity impacts on surrounding areas, including overlooking, overshadowing and visual bulk. The proposed approach balances development outcomes while reducing amenity impacts to residential properties adjacent to commercial properties.</p> <p>The controls seek to locate bulk away from residential and parkland interfaces to minimise amenity impacts and visibility, mainly through the application of:</p> <ul style="list-style-type: none"> • a 3m ground floor setback where existing dwellings are within 15m or less of a rear boundary; • an 8 metre maximum boundary/rear wall; and • development to be contained within a 45-degree angle above. <p>The rear interface requirements are applied as mandatory requirements to ensure residential properties are protected from overshadowing and overlooking, and visual bulk is minimised when viewed from the residential properties to the south.</p> <p>Testing of the rear interface provisions demonstrates development that complies with the proposed controls meets the minimum sunlight access requirements for secluded private open space that apply for residential zones in Clauses 54 and 55 of the Planning Scheme (ResCode) - 'at least 75 per cent, or 40 square metres with a minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9am and</p>

Issues raised in submissions	Response and recommended changes
<p>residential areas.</p> <p>Concerns about construction noise were also raised.</p> <p>One submission highlighted potential wind impacts due to taller developments.</p>	<p><i>3pm on 22 September.</i></p> <p><i>Proposed changes</i></p> <p>In response to submissions, an increase to the 3m setback is recommended for Precincts 2 and 3B. A landscape setback of 5m (increased from 3m) would apply where development interfaces with the rear boundary of an adjacent residential lot. The trigger of 15m distance to an adjacent house from boundary would be removed. The setback would apply to all rear interfaces regardless of the distance.</p> <p>A 3m landscape setback would continue to apply where the development interfaces with a side boundary of an adjacent residential lot. (No change).</p> <p>Increased setbacks provide opportunities for further landscaping between the rear of new development and existing residences. This will enhance the treed landscape character of this area of Fairfield/Alphington. It would also simplify the control by removing the 15m trigger.</p> <p>Increased setbacks also help to reduce building bulk and will reduce overshadowing impacts to these properties.</p> <p>The proposed changes only affect Precinct 2 and 3B as tailored setbacks are proposed to apply in Precincts 1 and 3A.</p> <p>This change would affect four commercial properties in Precincts 2 and 3B. The result would be the sites may not be able to develop to the maximum preferred height provided for in DDO18 (noting two properties could not achieve this height based on the exhibited controls and one has been recently developed.)</p> <p><u>Interface to parklands</u></p> <p>Interface provisions require a maximum building height of 14.4m for development adjacent to the parkland in Precinct 1. A 45 degree angle and overshadowing controls measured between 10am and 2pm on 22 September also apply. This will ensure the parkland will not be inadequately overshadowed and visual bulk is minimised. No change proposed.</p> <p><u>Construction impacts</u></p> <p>Managing noise issues is outside the scope of this amendment and is addressed through State Government legislation and elsewhere in the Planning Scheme.</p> <p><u>Wind</u></p> <p>The exhibited DDO includes an application requirement for a desktop wind impact assessment to ensure new development does not result in adverse wind impacts. No change proposed.</p> <p><i>Proposed DDO18 Rear Boundary Setback Requirements:</i></p> <ul style="list-style-type: none"> • <i>Precinct 1: 3m (Mandatory)</i> • <i>Precinct 3A: 4.5m (Mandatory)</i> • <i>Precinct 2 & 3B (PROPOSED CHANGES):</i> <ul style="list-style-type: none"> • <i>5m when development abuts rear boundary of adjacent lot (Mandatory)</i> • <i>3m when development abuts side boundary of adjacent lot (Mandatory)</i> <p><i>Proposed DDO18 Upper Level Setback (Above Rear Interface) Requirements:</i></p> <ul style="list-style-type: none"> • <i>Precinct 1, 2, 3A and 3B: Development to be contained within a 45 degree setback envelope (Mandatory)</i> <p><i>Proposed DDO18 Rear Interface Height Requirements:</i></p> <ul style="list-style-type: none"> • <i>Precinct 1, 3A and 3B: Development to not exceed a maximum boundary/rear wall height of 8m when adjoining a residential</i>

Issues raised in submissions	Response and recommended changes
	<p>property (Mandatory)</p> <ul style="list-style-type: none"> • <i>Precinct 2: 14.4m at park interface (Mandatory)</i>
<p>Heritage</p> <p>Resident submissions identified the heritage fabric and neighbourhood character as particularly important in the residential area.</p> <p>A small number specifically commented on and supported the application of new heritage overlays to the properties at 730-734 Heidelberg Road and 760-764 Heidelberg Road, Alphington. No submissions were received from the owners of these properties.</p> <p>One submitter supported the proposed removal of the HO from 2 McKillop Street.</p> <p>A submitter felt the views to the heritage chimney from the south of Precinct 1 are not essential from a heritage perspective and suggests the deletion of the southern view lines from the DDO. Overall, the landowner considered the proposed planning controls were too prescriptive.</p>	<p>No change proposed.</p> <p>The heritage advice provided by RBA Architects has informed the built form approach and ensured that DDO18 appropriately responds to heritage places. Two additional heritage overlays were recommended by RBA and are included in the amendment.</p> <p>Officers do not agree that DDO18 is too restrictive and does not provide flexibility. The design provisions within DDO18 have been informed by heritage and urban design advice. Many of the controls are preferred and would allow for variation if sufficient justification is provided.</p> <p>Views to the chimney on the Porta site from the parkland were identified as significant in the heritage and built form background reports that informed the amendment.</p>
<p>Traffic, access to properties, public transport and parking</p> <p>Approximately a third of submitters questioned the ability of the road network in Alphington/Fairfield to accommodate the traffic future development would generate. They considered the amendment did not properly consider traffic impacts on residents.</p> <p>A number of submitters commented on the need for improvements to public transport in Alphington/Fairfield. Concerns that accommodating for growth/development will put further strain on public transport.</p> <p>Submitters are concerned that an increase in commercial and residential density would accentuate the current difficulties in finding a parking space and on-street parking.</p>	<p>No change proposed.</p> <p>Traffix Consultants reviewed current and potential traffic generation from future development as guided by the DDO. Their report found that moderate development across precincts is not expected to have a detrimental impact on the road network.</p> <p>The proposed amendment directs housing growth to areas well-served by public transport, cycle routes, services and jobs. The state government and relevant agencies are responsible for providing public transport services. Council continually advocates for improved public transport services and pursues improvements to bicycle infrastructure.</p> <p>The management of on-street parking is outside the planning scheme amendment process. Council has developed a policy for reviewing parking restrictions that outlines how changes to current restrictions would be considered.</p> <p>The <i>Draft Heidelberg Road Local Area Plan (2019)</i> includes actions to improve transport and accessibility. These actions include advocating to the Department of Transport, extend the hours of bus route 546, provide a new bus service to Kew and Burnley, provide additional pedestrian crossings.</p>
<p>Mandatory Controls</p> <p>There was a mix of views around the application of 'mandatory' and 'preferred' planning scheme provisions.</p> <p>Some submissions expressed concerns about the use of preferred provisions. Some supporting the application of 'mandatory' controls.</p> <p>Some explicitly suggested</p>	<p>No change proposed.</p> <p>The DDO contains a mix of 'mandatory' controls and 'preferred' controls. The application of mandatory controls has been carefully considered and applied selectively. They are not proposed to apply across all precincts neither to all requirements in proposed DDO18.</p> <p>Mandatory controls are applied where it is considered 'absolutely necessary' in accordance with <i>Planning Practice Note 59</i>.</p> <p>Mandatory controls are proposed to apply to:</p> <ul style="list-style-type: none"> • Building heights in Precincts 3A

Issues raised in submissions	Response and recommended changes
<p>mandatory controls for building heights and landscape setbacks.</p> <p>Some commercial landowners questioned the application of mandatory controls on their properties. They questioned the strategic justification of their application and argue that they limit the development potential.</p>	<ul style="list-style-type: none"> • Front / street setbacks in Precincts 1, 2 and 3A and parts of 3B – mainly along Heidelberg Road • Street wall heights in Precinct 2, 3A on Coate Avenue and 3B on Heidelberg Road • Upper level setbacks in Precinct 3A on Coate Avenue and in Precinct 3B between Parkview Street and Yarralea Street. • Rear interface controls in all precincts. <p>Mandatory controls are necessary to minimise impacts on sensitive residential interfaces and the public realm.</p> <p>Mandatory setback requirements have also been applied to ensure uniform street edge.</p>
<p>Drafting of the DDO</p> <p>A few submissions raised specific issues around the drafting of the DDO. Some submitters have suggested specific drafting and wording changes to the DDO.</p>	<p>Change proposed – minor changes.</p> <p>Minor edits have been made to the wording of the draft DDO18, some in response to submitters, while others were corrections by officers.</p>
<p>Other issues</p> <p><u>Land use and zoning</u></p> <p>Two submissions considered there was enough commercial development in the area and there is a greater need for residential development in the area. A further submission suggested the area is better suited for residential than commercial due to the proximity of amenities.</p> <p><u>Impacts of new development on climate change</u></p> <p>A small number of submissions commented that the proposed new development is not sustainable and conflicts with Council’s objective in addressing the climate emergency.</p> <p>The proposed amendment fails to address the reduction of emissions. Taller development would overshadow residential solar panels.</p> <p><u>Property values</u></p> <p>A small number of resident submissions commented the proposed heights and new development would reduce the property values of nearby apartments and houses.</p> <p><u>Views</u></p> <p>Submissions from residents in the ‘Home’ apartment building, corner of Heidelberg Road and Chandler Highway were concerned about the impacts on views.</p>	<p>No change proposed.</p> <p><u>Land use and zoning</u></p> <p>The area affected by Amendment C273yara consists of two planning zones, the Commercial 1 Zone (C1Z) and Commercial 2 Zone (C2Z).</p> <p>Draft Amendment C273yara does not propose to rezone land.</p> <p>Council’s adopted Spatial Economic and Employment Strategy (SEES) recommends the retention of C2Z land. The SEES highlights the role C2Z precincts provide in employment diversity across various locations in Yarra. The City of Yarra has sufficient capacity in other zones to accommodate growth in residential dwellings, as demonstrated by the Yarra Housing Strategy 2018.</p> <p>The C1Z allows for retail, office and residential uses above street level, allowing for mixed-use developments.</p> <p><u>Climate change</u></p> <p>Officers consider the amendment contributes to addressing climate emergency by supporting development in locations that are well served by shops, community facilities and public transport.</p> <p>An individual DDO is not the right tool to prescribe environmental sustainability standards that should apply equally across the municipality. Other parts of the Yarra Planning Scheme will ensure that new development is built in a more sustainable way - the Planning Policy Framework in C269, Council’s Environmentally Sustainable Design Policy at Clause 22.17 and proposed Planning Scheme Amendment C309yara – Elevating Environmental Standards.</p> <p><u>Property values</u></p> <p>Outside the scope of this amendment.</p> <p><u>Views</u></p> <p>The planning system does not protect views from private property. This planning principle has been substantiated through numerous VCAT decisions which have not given weight to a view from a private property.</p>
<p>Key development sites</p> <p><u>Porta site (224-256 Heidelberg Road - Precinct 1)</u></p>	<p>Change proposed – additional design requirements for the Porta site.</p> <p><u>Porta site (224-256 Heidelberg Road - Precinct 1)</u></p>

Issues raised in submissions	Response and recommended changes
<p>A submission on behalf of the owner suggests the need for a more facilitative approach to change and development for Significant Redevelopment Sites.</p> <p>Concerns about the potential negative impact on housing delivery, including affordable housing, due to these controls.</p> <p>Opposes the preferred maximum building height of 24m given the site's attributes and suggests an increase, especially for the northeast corner.</p> <p>Objects to the introduction of mandatory controls e.g. setbacks. Unjustified and overly restrictive.</p> <p>45-degree angle at rear should apply to residential interfaces only.</p> <p>See 'Heritage' section above regarding further comments.</p> <p><u>700-718 Heidelberg Road - Precinct 3B</u></p> <p>The approved development on this site would not comply with the mandatory controls as proposed in the DDO.</p> <p>There is inconsistency between the objective of creating a 'new low-rise character' in Precinct 3B and the existing mid to higher-rise commercial conditions along Heidelberg Road.</p> <p>C273 does not encourage redevelopment and intensification of existing urban areas.</p> <p>Supports preferred building height requirement. But notes 17.6m is significantly lower than the approved height of 26.97m. (VCAT found the site could support taller building on Heidelberg Road but needed to transition to smaller scale towards the east.)</p> <p>Mandatory built form controls are overly restrictive and will stifle growth.</p>	<p>In Precinct 1, DDO18 seeks to create a mid-rise precinct that frames Heidelberg Road and steps down towards the adjacent park to maintain the prominence of the landscape setting. The Porta heritage building is retained, views to the brick chimney are enabled through adequate guidance in the DDO and a new north-south pedestrian connection links Heidelberg Road to the park.</p> <p>The heights for Precinct 1 are proposed as preferred. Additional criteria are provided for proposals that exceed the preferred maximum height to assess additional offsite impacts, such as visual bulk as perceived from the residentially zoned properties to the south, and any additional overshadowing impacts on their secluded private open space.</p> <p>See comments above on mandatory controls. A mandatory control is necessary to protect parkland from unreasonable overshadowing and adequately reduce visual bulk when viewed from the parkland.</p> <p>Officers have reviewed the proposed requirements for the Porta site and consider the following requirements should be added to guide development:</p> <ul style="list-style-type: none"> • Preference for car parking to be located in basements • Ensure building entrances are designed to be safe and are accessible from a public thoroughfare • The north-south public laneway should be accessible 24 hours a day and is open to the sky. • Development should be located to minimise overshadowing any publicly accessible / communal space provided on the site. • The location of the heritage chimney is shown on the map. <p><u>700-718 Heidelberg Road - Precinct 3B</u></p> <p>Officers have considered the recent VCAT case. The built form parameters in the DDO align with some elements of the VCAT decision, but not all. There is no requirement that a DDO align with an approved permit, which may or may not be acted upon.</p> <p>The heights for Precinct 3B in the DDO are proposed as preferred. Additional criteria are provided for proposals that exceed the preferred maximum height (see above).</p> <p>The DDO proposed different built form outcomes for different precincts based on various factors. The preferred character in Precinct 3B is a low-rise character. A more mid-rise character is sought in Precincts 1 and 3A.</p> <p>See comments above on mandatory controls.</p>

Next steps

15. Officers have analysed the submissions and recommend changes for Council's consideration. If supported, these proposed changes would be requested to be referred to the *Yarra Activity Centres Standing Advisory Committee (SAC)*.
16. It is recommended Council request the Minister for Planning refer the amendment and all submissions to the SAC.

17. Officers also recommend Council notify any landowners and submitters affected by the more substantive recommended changes to the draft amendment. This would advise them of the position Council proposes to take to the SAC and provide them with the opportunity to make a submission or further submission.
18. A Directions Hearing is scheduled to commence in the week of 5 March 2024, with the Hearing to commence in the week of 22 April 2024.
19. The SAC would hear submitters and provide its report and recommendations to Council and the Minister for Planning for consideration.
20. Council would then receive a further report from Council officers and resolve a position about the draft amendment and provide its views to the Minister for Planning.

Options

21. Two options could be considered by Council at this stage of the process:
 - (a) request the Minister for Planning refer Draft Amendment C273yara to the *Yarra Activity Centres Standing Advisory Committee*; or
 - (b) abandon the Draft Amendment.
22. Officers recommend Option 1. A range of views were expressed in relation to built form parameters, in particular the scale and height of development and amenity. The Standing Advisory Committee process will enable these views to be further expressed by submitters and considered by an independent body.

Community and stakeholder engagement

23. Awareness of proposed built form provisions was first raised with an interim DDO request as part of C271 in 2020 and community engagement in 2021.
24. Notice of Amendment C273yara included:
 - (a) Letter notification to all owners and occupiers within DDO18 and within 200m of the area in DDO18 in the City of Yarra (approximately 1,800 letters);
 - (b) Letter notification of approximately 700 owners and occupiers in the City of Darebin (also within 200m of the proposed DDO18);
 - (c) Notice in *The Age* (31 July 2023);
 - (d) Notification of Ministers prescribed by the *Planning and Environment Act 1987* and other statutory bodies;
 - (e) Webpage on the corporate website containing:
 - (i) Formal amendment documents and background reports;
 - (ii) Information sheets to describe the proposals in non-statutory language;
 - (iii) Frequently Asked Questions;
 - (iv) Contact details and information on how to make a submission; and
 - (v) Information on the Standing Advisory Committee process;
 - (f) Your Say Yarra project page which provided the ability to make an online submission (and was linked to the corporate webpage);
 - (g) Article in *Yarra Life e-newsletter* and *Economic Development Newsletter* (approximately 13,000 subscribers);
 - (h) Posts on social media;
 - (i) Direct emails to all of Yarra's Advisory Committees (including an invitation to meet);
 - (j) Direct emails to previous submitters (49 previous submitters); and

- (k) Direct emails to the community, resident and trader groups (including an invitation to meet).

25. It was brought to officers' attention that some owners and occupiers within proximity to Precinct 2 may have not received the original letter notifying them of the exhibition of this amendment. Council records indicated that notification to residents and owners in this area were sent, but to ensure all notifications were received, officers renotified owners and occupiers around Precinct 2 and provided additional four weeks to consider the amendment.

Policy analysis

Alignment to Community Vision and Council Plan

26. The Amendment supports the following themes in the *Yarra 2036 Community Vision*:

- (a) Priority 8.1 – Growing Sustainably – Advocate for development and planning design that is shaped by and meets our community's future needs; and
- (b) Priority 8.2 – Growing Sustainably – Keep our heritage visible while we encourage innovative and sustainable growth.

27. The Amendment supports the following strategies in the Council Plan 2021-2025:

- (a) Strategic Objective 3 – Local economy – 'Manage access, safety and amenity to enhance people's experience when visiting Yarra'; and
- (b) Strategic Objective 4 – Place and nature – 'Protect, promote and maintain our unique heritage and ensure development is sustainable'.

Climate emergency and sustainability implications

28. The amendment will help facilitate sustainable development in locations with good access to employment, public transport and other amenities.

29. Policy and provisions elsewhere in the Yarra Planning Scheme respond to the climate emergency, namely the Planning Policy Framework and Council's Environmentally Sustainable Design Policy at Clause 22.17 and Clause 15.02-1L Environmentally Sustainable Development (ESD) in the adopted Local Policy in Amendment C269.

Community and social implications

30. There are no adverse community or social implications resulting from the proposed permanent built form provisions for the Neighbourhood Activity Centre and commercial areas along Heidelberg Road.

31. Improved built form provisions would help provide clarity around the anticipated future development of the centre and commercial areas.

Economic development implications

32. There are no economic development implications for the permanent built form provisions for the centre and surrounding area.

33. An amendment may aid in providing further stimulus to the retail precincts.

Human rights and gender equality implications

34. There are no known human rights implications for requesting the Minister for Planning to progress the permanent DDO and HO controls to the Standing Advisory Committee

Operational analysis

Financial and resource impacts

35. The costs associated with the exhibition of the amendment have been covered within the Strategic Planning budget.

36. Legal costs with regard to the preparation and representation before, during and after the panel or committee hearing would be subject to the Governance budget.

Legal Implications

37. The amendment would be progressed in accordance with the provisions of the *Planning and Environment Act 1987* and *Yarra Activity Centres Standing Advisory Committee Terms of Reference* issued by the Minister for Planning on 10 June 2021.
38. Council must ensure natural justice to all parties and to maintain the integrity of the Amendment process per Section 32 of the Terms of Reference.

Conclusion

39. Council exhibited draft Amendment C273 proposing permanent built form provisions, two new Heritage Overlays and updated local policy and received a total of 117 submissions.
40. Submissions are seeking a variety of changes to the amendment; these include changes in the height of future buildings and better addressing amenity concerns. Many submissions contain different perspectives and suggestions / requests.
41. In response to submissions, officers have analysed the changes sought and propose to recommend certain changes for the Standing Advisory Committee's consideration.
42. Additional notification of owners and occupiers affected by the proposed changes to the amendment is recommended to enable further consideration of C273 and the ability to make a submission to be heard during the SAC process.
43. It is important to progress permanent provisions for the commercial areas along Heidelberg Road to guide potential changes.

RECOMMENDATION

1. That Council:
 - (a) notes the officer report regarding draft Amendment C273yara in relation to the Heidelberg Road area;
 - (b) receives, notes and formally considers all submissions received in response to the public notice of draft Amendment C273yara completed in accordance with Stage 1 of the Yarra Activity Centres Standing Advisory Committee Terms of Reference dated 10/06/2021;
 - (c) notes and adopts the officer response to the issues raised by submissions as outlined in this report and Attachments 1 and 2;
 - (d) adopts the recommended changes to draft Amendment C273yara, as outlined in this report and Attachments 1, 2 and 3 for the purposes of Council's advocacy position before the Yarra Activity Centres Standing Advisory Committee;
 - (e) refers all submissions, response to those submissions and preferred draft Amendment C273yara as outlined in (d) above to the Minister for Planning with a request to refer the draft Amendment to the Standing Advisory Committee in accordance with Clause 28 of the Yarra Activity Centres Standing Advisory Committee Terms of Reference dated 10/06/2021;
 - (f) writes to all landowners and occupiers directly affected by the recommended changes depicted in paragraph (c) and (d) to the DDO schedule and to all submitters to:
 - (i) advise of Council's decision to request the Minister for Planning to refer draft Amendment C273yara to the *Yarra Activity Centres Standing Advisory Committee*;
 - (ii) advise of Council's position as stated in paragraph (c) and (d); and
 - (iii) advise that if they make a submission in relation to the recommended changes depicted in paragraph (c) and (d) prior to the Standing Advisory Committee commencing its hearing into the draft Amendment C273yara, the new or varied submission will be referred to the Minister with a request that it be referred to the Standing Advisory Committee;
 - (g) notes that officers will provide a further report to Council following the receipt of the Standing Advisory Committee Report; and
 - (h) authorise the CEO to make any minor adjustments required to meet the intent of Resolution 1 of this report.

Attachments

- 1 Attachment 1 - Draft Amendment C273yara - Response to Centre Wide Themes
- 2 Attachment 2 - Draft Amendment C273yara - Response to Individual Submissions
- 3 Attachment 3 - Draft Amendment C273yara - Schedule 18 To Clause 43.02 Design and Development Overlay

7.2 Financial Sustainability Strategy – Final Dec 2023

Reference	D23/462304
Author	Aoife Mulligan - Strategic Project Manager
Authoriser	General Manager Corporate Services and Transformation
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

Purpose

1. Council is committed to ensuring its long-term financial sustainability for our community, both now and into the future.
2. The Yarra Financial Sustainability Strategy provides an assessment of macro-economic trends, outlines current financial challenges, sets long-term financial goals, and importantly, outlines a roadmap to achieve financial sustainability objectives.
3. The Yarra Financial Sustainability Strategy will guide future decision-making so Council can transparently, proactively and prudently plan to be financially sustainable, to maximise our community impact, deliver efficient and effective services and infrastructure, and meet our financial obligations both today and in the future.
4. The Financial Sustainability Strategy is underpinned by strategic reforms to ensure that future investment decisions are based on need, underpinned by evidence and informed by strategy.
5. This report outlines the outcomes of the community engagement for the Financial Sustainability Strategy and recommends that the final Financial Sustainability Strategy be adopted by Council.

Critical analysis

History and background

6. The overarching objectives of the Local Government Act 2020 (the Act) are to ensure councils adhere to sound financial practices, put in place long-term planning and effective risk management frameworks to support the financial sustainability of Council and act in the best interests of the community, including future generations.
7. In today's complex and rapidly changing economic landscape, local governments face unique challenges and responsibilities in effective financial management.
8. The financial sustainability of local governments across Australia continues to be challenging, driven by population growth, increasing community demand for services and rising costs associated with service delivery and the renewal of ageing infrastructure.
9. Since its inception in 2016, the 'Fair Go Rates System' has challenged all Victorian Councils' financial sustainability. In recent years, the Essential Services Commission (ESC) has recommended that the rate cap be set equal to the CPI forecast. However, the CPI does not accurately reflect increases in costs faced by Councils, because they have a significantly different composition of expenditure compared to households. Key Council expenditures (wages, construction, utilities, etc.) required to provide services and deliver infrastructure projects, have been increasing faster than the CPI.

10. The situation was further impacted by the COVID-19 pandemic, an unforeseen shock, which ultimately had an estimated \$50m impact to Yarra's financial position. This was as a result of substantial revenue losses, fee waivers and the introduction of programs and services to support Yarra's local businesses and community members.
11. More recently, Council's position has been impacted by escalating contract prices for infrastructure projects driven by factors such as inflation, supply pressures and competition from state infrastructure initiatives, and increasing cost-of-services above the rate of the Consumer Price Index (CPI).
12. Cost shifting has also been a major financial issue for many years and poses a risk on the ability for Council to deliver services and our financial sustainability. Over time Yarra has been required to take on additional responsibilities, delivered within the prescribed fees and revenue envelope and the rate cap, which have had a detrimental impact on our financial position. Over time, the funds received by local government have not increased in line with real cost escalation. Council has relied on rate revenue to bridge funding gaps, meet growing service demands, comply with new government policies, tackle rising costs, and fulfill community expectations.

Discussion

13. Council has already commenced implementing measures to strengthen its financial sustainability. Over the past twelve months, measures to improve our financial position have included:
 - (a) Improved capital works performance;
 - (b) Prudent financial management such as reducing fleet costs and holding staff costs;
 - (c) The introduction of a separate waste charge.
14. As a result of this effort, Council's financial position has significantly improved from 2022/23. However, it is noted that this is only the beginning what will require sustained and constant effort and attention over many years. Taking a holistic approach is essential, as there is no single solution to address the complex risks to our future financial sustainability.
15. As is best practice, the Financial Sustainability Strategy has been developed to implement the mandated financial management principles in section 101 Financial Management Principles of Local Government Act 2020:
 - (a) revenue, expenses, assets, liabilities, investments and financial transactions must be managed in accordance with a Council's financial policies and strategic plans;
 - (b) financial risks must be monitored and managed prudently having regard to economic circumstances;
 - (c) financial policies and strategic plans, including the Revenue and Rating Plan, must seek to provide stability and predictability in the financial impact on the municipal community; and
 - (d) accounts and records that explain the financial operations and financial position of the Council must be kept.

What is Financial Sustainability?

16. Financial sustainability is Council's ability to manage its financial resources in a responsible and efficient manner over the long term.
17. It involves achieving a significantly improved financial position, ensuring that revenue sources are sufficient to cover operating expenses, fund essential services and liabilities, and ensure adequate surplus to effectively manage and invest in assets.

18. Financial sustainability also includes planning and budgeting for future needs, such as new, upgrade and maintenance of infrastructure to respond to community need and growth, while considering the potential impacts of economic fluctuations and changing demographics. It encompasses prudent financial management practices, responsible borrowing management, revenue diversification, effective cost control measures, and transparency in financial reporting.
19. By achieving financial sustainability, Council can meet the needs of current and future generations.
20. The Financial Sustainability Strategy aims for Council to:
 - (a) 0-2 years:

Maintain a net positive position by delivering a surplus, ensure our operating activities no longer relies on borrowings, hold costs and start to build cash reserves for specified purposes;
 - (b) 3-5 years:

Achieve a financial position where Council has sufficient cash reserves to repay borrowings, generate new revenue, can cover all known operating expenses without borrowing, deliver a long-term financial plan that more reliably reflects future financial requirements ('unknown risks'), and have approximately \$20m available in cash reserves for risk and strategic growth; and
 - (c) Within 10 years:

Ensure that Council has sufficient cash reserves (approximately \$30m) to meet unforeseen or emergency expenses and support population growth without relying on borrowing or compromising essential services.
21. For Yarra, having adequate cash reserves is essential for managing and accommodating the predicted 57,594 new residents or a 63% population growth expected by 2041.
22. Over the next 10 years, cash reserves will be required to allow Council to respond conservatively and flexibly to the financial risks and assumptions whilst limiting borrowing, including potential unknown events that are outside the control of Council.
23. To support these goals, the establishment of two new reserves is recommended;
 - (a) Risk Mitigation Reserve: to tackle unexpected events, including climate events, with significant financial impacts, safeguarding our long-term stability; and
 - (b) Strategic Growth Reserve: to fund major community projects that arise due to population growth, benefiting our community directly.
24. In addition, Council will responsibly manage our loan obligations, ensuring repayment without burdening our financial sustainability.
25. After Council has grown cash reserve balances to the necessary levels, the Financial Sustainability Strategy is designed to progress towards the industry benchmark and Victorian Auditor General's Office (VAGO) 'low-risk' rating; unless we can demonstrate it is more responsible not to (for example, one-off abnormal transactions that do not have an enduring impact).

Strategic Levers

26. The Financial Sustainability Strategy identifies seven strategic levers for change which Council can immediately pursue to uplift Council's financial position to 2031-32 and beyond;
 - (a) **Sustainable cash reserves:** Build cash reserves for strategic purposes, enabling community infrastructure for a growing population and to respond to unforeseen events. Council will also decrease our reliance on borrowings, ensuring a stable financial foundation;

- (b) **Optimise revenue:** To optimise our revenue-generating assets and services, reflecting the true cost of services provided;
 - (c) **Well planned assets:** To maintain our community's assets at a level that caters to current and future needs;
 - (d) **Review the service landscape:** Council will establish a new service planning and review framework to ensure all services are relevant, financially sustainable and can meet future community needs;
 - (e) **Invest in transformation:** Through technology, process improvements and careful planning, Council enhance the customer experience, service delivery and operational efficiency;
 - (f) **Robust financial management:** Council make fiscally responsible decisions and put in place effective financial planning and responsible budgeting processes; and
 - (g) **Prioritise advocacy and partnerships:** Council will strengthen partnerships and advocacy efforts to secure resources and navigate financial challenges.
27. The Financial Sustainability Strategy does not make decisions about the level or quality of service. Rather, it identifies a roadmap for reform to improve financial sustainability over the next decade.
28. Most initiatives are interdependent and related. Specifically, most will need to be completed in parallel with the strategic review of the service landscape, community infrastructure planning and transformation program, rather than as stand-alone reforms.
29. The roadmap ensures that the strategy is translated into practical actions and outcomes and articulates where a Council decision will be required.

Options

30. There are no options presented in this report. Councillors do have the option to vary wording of the recommendation presented to them.

Community and stakeholder engagement

31. On 12 September 2023, Council provided in principle endorsement of the draft Financial Sustainability Strategy, subject to community engagement.
32. The draft Financial Sustainability Strategy engagement was promoted through the following communication activities:
- (a) Your Say Yarra (YSY) project page;
 - (b) News item on Yarra City Council corporate website;
 - (c) Social media posts – Facebook and Instagram;
 - (d) Post cards and posters with trackable QR codes at all libraries, Richmond Town Hall, and Connie Benn centre;
 - (e) Cantonese, Mandarin and Vietnamese language support at the pop-up session held on 7 October 2023 at Gleadell Street Market;
 - (f) Project launch email to community interested in the topic via Your Say Yarra; and
 - (g) Council's email newsletters – Your Say Yarra and Yarra Life.
33. The Your Say Yarra site received a total of 500 views from 269 visitors during the consultation period from 15 September 2023 to 16 October 2023.
34. A total of 51 individual responses were received during the consultation via online and hardcopies of the survey.
35. Approximately 82 community members in total were engaged at the two pop-up sessions and one person registered to the online community information session where a one-on-one session was organised with them.

36. Out of the 51 total individual responses received, demographic data was collected from 47 participants.
37. A large majority of participants live in Yarra (90%) and approximately about a third are mortgage homeowners or own their home.
38. Feedback was sought on whether the draft Strategy sets the right direction, matches community priorities regarding the seven strategic levers, and sought feedback on the cash reserves approach. The community was also asked whether there was anything additional that should be considered in the Strategy or to achieve the financial sustainability goals outlined.
39. The majority of participants (60%) either agreed or strongly agreed with the statement 'The proposed strategic levers in the draft Strategy are effective approaches for Council's long-term financial sustainability'.
40. More than three quarters of participants (79%) either agreed or strongly agreed with the statement 'It is important for Council to have enough funds set aside for emergency needs and unexpected events.'
41. Through the engagement, we understood the community's expectations on the levers. The levers will all be actioned simultaneously.
42. The below table represents the feedback and the changes that have been made to the Financial Sustainability Strategy document (final version is provided at Attachment One).

Feedback	Changes Made Document / Commitment to Strategy	Location of Changes on final Document
<p>Statement of commitment</p> <p>The community has suggested we need to commit to our promises in relation to financial sustainability.</p>	<p>Councillors and Officers to be accountable to and own the strategy in its form to give reassurance to the community that we are committed to becoming financially sustainable.</p>	<p>Page 44 – Paragraph 6.2</p>
<p>Community value and vision</p> <p>The community suggested there was a lack of community value evident in the document.</p>	<p>The changes made provide clarity and assurance that we value the community, their feedback and its vision.</p> <p>The document is currently being updated by the graphic designer and now provides visual links to both the Community Vision and Council Plan.</p>	<p>Page 6 – Paragraph 2.2 Page 7 - Table</p>
<p>Community Engagement</p> <p>To demonstrate a meaningful engagement process, it is recommended we include actions and additional information to respond to the feedback received from the community.</p>	<p>Overarching information has been added in 2.3 Community engagement section to outline what we have heard and how it has guided the document.</p> <p>The service planning principles will be developed by deliberately engaging with the community members, giving them a direct influence on how we will plan and review our services moving forward.</p>	<p>Page 8 – Paragraph 2.3</p>
<p>Prioritisation of strategic levers</p>	<p>This question was asked to confirm the Financial Sustainability Strategy includes the correct levers</p>	<p>Page 30</p>

<p>We asked the community to rank the levers in terms of their importance and perspective.</p>	<p>and understand the community’s perspectives. All levers are being pursued simultaneously.</p>	
<p>Our position on borrowing The community suggested that Council should view borrowing in a different manner.</p>	<p>We have expanded on our position on borrowing to provide further clarity.</p>	<p>Page 22</p>
<p>Cash reserves A high percentage of the community agreed to the importance of the reserves.</p>	<p>As part of action 5.1 Strategic lever 1: Sustainable cash reserves and responsible borrowing, we have actions including:</p> <ul style="list-style-type: none"> • Develop a new Reserves Policy and establish new cash reserves to optimise cash availability for specified purposes, including Risk Mitigation Reserve and Strategic Growth Reserve. • Annual review of the strategy will be completed through the Annual Report process. 	<p>Page 32</p>

Deliberative Engagement - Service Review Principles

43. The Financial Sustainability Strategy commits Council to undertake a comprehensive engagement approach to define the principles governing the service planning and review framework through a deliberative engagement process. The aim is to develop community supported service planning principles to inform and guide Council’s future service review program.
44. The engagement approach to develop these principles will be undertaken in two parts as follows:
 - (a) Stage 1: Social research and general community engagement. This is currently underway; and
 - (b) Stage 2: Deliberative engagement. This will be reflective of best practice deliberative engagement, representative of Yarra’s diverse population and independently facilitated by a specialised engagement consultant. This work will commence in early 2024.

Policy analysis

Alignment to Community Vision and Council Plan

45. The Financial Sustainability Strategy will deliver on the Council Plan (Objective 6) by being future-focused, managing our finances responsibly and innovatively responding to challenges.

Climate emergency and sustainability implications

46. The Financial Sustainability Strategy identifies natural disasters and mitigating climate change as a financial risk.

Community and social implications

47. The City of Yarra’s population, household, and age structure forecasts, help us understand what is driving population change in the community and inform Council about future community infrastructure and service priorities.

Economic development implications

48. There are no economic development implications presented in this report.

Human rights and gender equality implications

49. The Financial Sustainability Strategy's purpose is to ensure that Yarra continues to meet the needs of its diverse community, now and into the future. It will take account of the Victorian Charter of Human Rights and responsibilities Act 2006, Yarra's Social Justice Charter and Gender Equality Legislation.

Operational analysis

Financial and resource impacts

50. The Financial Sustainability Strategy is based on existing assumptions available at the time of its development. Considering the dynamic nature of the external policy and economic landscape, it is reasonable for Council to periodically assess and revise its strategic financial outlook, as new information evolves.
51. Most initiatives are interdependent and related and will need to be completed in parallel with the strategic review of the service landscape and the community infrastructure planning and transformation program, rather than as stand-alone reforms.
52. Any new strategy, program or systems will require detailed implementation costings, however most initiatives identified in the Financial Sustainability Strategy are foreshadowed in current and future operational budgets.
53. The actions clearly articulate where a Council decision will be required, including successive Council's.
54. The roadmap ensures that the strategy is translated into practical actions and outcomes. Quality assurances over Council's financial performance include a rigorous internal review process by management, endorsement by Council's Audit and Risk Committee and approval by Council.
55. On 31 August 2023, Council's Audit and Risk Committee endorsed the overarching principles and strategic levers as detailed in the Draft Financial Sustainability Strategy.

Legal Implications

56. The strategic levers in the Financial Sustainability Strategy are important measures to mitigate and reduce Council's risk exposure.

Conclusion

57. This Financial Sustainability Strategy will guide future decision-making so Council can transparently, proactively and prudently plan to be financially sustainable, to maximise our community impact, deliver efficient and effective services and infrastructure, and meet our financial obligations both today and in the future.

RECOMMENDATION

1. That Council:
 - (a) notes the feedback received in relation to the draft Financial Sustainability Strategy and thanks the community for their involvement;
 - (b) adopts the final Financial Sustainability Strategy provided at **Attachment One**;
 - (c) endorses the creation the following reserves as recommended by the Financial Sustainability Strategy;
 - (i) Risk Mitigation Reserve; and
 - (ii) Strategic Growth Reserve; and
 - (d) notes the upcoming deliberative engagement process to inform Council's service review principles.

Attachments

- 1 Attachment 1 - Financial Sustainability Strategy – Clean Version

7.3 Charlotte Street Pocket Park - Final Concept Plan

Reference	D23/456329
Author	Christian Lundh - Landscape and Urban Designer
Authoriser	General Manager City Sustainability and Strategy
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

Purpose

1. The purpose of this report is to:
 - (a) approve the concept design that responds to the Stage 2 community consultation and the feedback received from community;
 - (b) further develop the design feasibility study see Attachment 1- Final Concept Plan and to proceed to the design development and documentation phase;
 - (c) approve the commencement of the road discontinuance process; and
 - (d) note the commencement of the temporary road closure while Council initiates the formal road discontinuance process.

Critical analysis

History and background

2. The Yarra Open Space Strategy 2020 identified the need for more green open space in Richmond.
3. The Swan Street Streetscape Masterplan was endorsed by Council in early 2022. The Masterplan included a proposal to create a pocket park in Charlotte Street which received high levels of support from the community. It was identified at the time that the park would be a place to sit, relax and socialise and due to its size would not be able to accommodate a playground.
4. A first round of consultation was completed in late 2022. Of those surveyed, 68% were in favour of the new pocket park and the creation of more green open space in Richmond.
5. A second round of consultation was undertaken in August – September 2023 to seek community feedback on the draft concept plan for the pocket park. Of those surveyed, the large majority, approximately 88% responded positively to the design and were in support of the pocket park.
6. The Consultation Findings Report (refer Attachment 2 - Stage 2 Consultation Summary Report), will be published on Council's website on Your Say Yarra, along with the final concept plan.
7. Funding for detail design and tender documentation is approved as part of this year's capital works budget, with the intention of having a 'shovel ready' project by end of June 2024.

Discussion

Feasibility Work and Technical advice

8. Feasibility work and technical advice commissioned last financial year have been completed to support and inform the design including:
 - (a) A Safer by Design Review of Charlotte Street and surrounds, including a nighttime audit;

- (b) A heritage assessment to identify any potential design requirements associated with the HO315 Heritage Overlay, which covers the northern half of Charlotte Street;
 - (c) Civil engineering feasibility studies, which covers items such as extending the Church Street footpath across Charlotte Street and potential locations for new DDA parking;
 - (d) Assessment of storm water harvesting opportunities; and
 - (e) A public lighting assessment of Charlotte Street and the library car park.
9. Internal landscape design work is underway and external consultants have been engaged, or are in the process of being engaged, to support the landscape design and documentation work moving forward including:
- (a) Accessibility consultant;
 - (b) Lighting designer;
 - (c) Civil engineering consultant;
 - (d) Structural engineer;
 - (e) Irrigation designer;
 - (f) Quantity surveyor; and
 - (g) Building surveyor.
10. Council commissioned Traffix Group to undertake a Traffic Impact Assessment for the area in early 2022, conducted over different days and times to provide comprehensive and independent analysis of the expected impacts of the proposed closure on the surrounding area. This survey is published on Council's website on Your Say Yarra.
11. A brief summary of the key points concluded by Traffix in their Traffic Impact Assessment document include;
- (a) The proposed closure of Charlotte Street will redistribute traffic accessing Charlotte Street at Church Street to now access Charlotte Street via Elm Grove and Charles Street or via Swan Street and Charles Street;
 - (b) There will be an expected increase in traffic along Elm Grove and Charles Street across the day as a result of the closure on Charlotte Street, however the increase in traffic volumes is unlikely to significantly degrade the amenity of either road or exceed their respective environmental capacities; and
 - (c) The proposal will provide a benefit for pedestrians and cyclists in the area.

Final concept plan for Charlotte Street Pocket Park

12. A final concept plan (Attachment 1- Final Concept Plan) has been prepared in response to the Stage 2 community feedback, internal Council workshops, Council's financial sustainability needs and further feasibility work.
13. Figure 1 Final Concept Plan and Figure 2 Final Concept Elevation can be viewed below.



Figure 1: Final concept plan - in-house design and graphics. NB. Not to scale with north facing down the page to correlate with elevation view.



Figure 2: Final Concept Elevation View- in-house design and graphics. Not to scale.

14. The final concept plan proposes to create approximately 550sqm of new public open space including footpath connections to improve amenity and access to open space for the local community and users of the library.
15. The park will cater for local residents, users of the library and respite from busy Swan Street.
16. The main feature will be a gently sloping lawn with large native evergreen canopy trees for shade, framed by low edges and seating areas nestled in between deciduous trees and garden beds with low planting.
17. The community feedback received has been Approved. Will require an extension until 29/02/2024, I anticipate this will be corrected. supportive of a new park and the proposed design elements being seating, bicycle parking, plantings, large ever green trees and lawn. The majority of the respondents welcomed the change from a road to a park and indicated an understanding of the broader benefits of creating a new park for the broader community to enjoy and the environmental improvements. An analysis of the qualitative feedback on the draft Concept Plan revealed five main themes. A response to how the final concept plan addresses this is as follows:

Table 1: Community Feedback and Design Responses

Stage 2 Community feedback – Main themes	How will this be addressed in the final design
Fencing or a barrier to reduce likelihood of little children running on to Church Street	<p>Raised edges, garden beds and seating elements will create a visual and physical buffer to deter children from running onto Church Street.</p> <p>The park itself will be set back approximately 3 metres from Church Street, and the seating elements will be set back an additional 3 metres from Church Street. As the footpaths along Charlotte Street will be retained, parents and carers of young children would still need to be vigilant, as they would in any other open space close to traffic.</p>
Furniture or park design to engage a child's interest	<p>While the proposed park would not be large enough to include a conventional playground, we are looking at designing furniture and other elements to have details that create interest and opportunities to engage children.</p>
Shelter from the rain and sun	<p>As the park is directly adjacent to the Richmond Library there are already good alternative places to take shelter from the rain.</p> <p>There are times of the day during summer when the space is somewhat protected from the sun from the adjacent RSL building and as new trees in the park mature, these will provide further shade and protection. Furthermore, there will be a mix of evergreen and deciduous trees maximising summer shade and winter sun.</p>
Water bubbler / fountain and bins	<p>There is a water fountain at the Church Street entrance to the Richmond Library. Council will investigate a second location in the park.</p>
Safety and lighting	<p>Specialist lighting designer will be engaged to develop a suitable lighting proposal for the park.</p> <p>Vegetation will be low to ensure sight lines are not obscured and that you feel safe traversing the park at all times of the day.</p> <p>The number of proposed trees in the park have been reviewed to balance out the need for trees and shade while creating a light filled and welcoming space for all.</p>

18. The concept plan has also been modified in response to further feasibility and design studies, as well as ensuring it can be delivered within Council’s projected budget as follows;
- (a) The bike hoops have been moved from the main access path to Church Street;
 - (b) Review of proposed seating types to ensure bench seats in key locations will have back and arm rests and some seats will have integrated small cafe style tables;
 - (c) Bins will be located on either end of the park, final locations to be confirmed;
 - (d) Sawn basalt edges and feature boulders elements have been introduced to create informal playful moments and also to further integrate the fall of the site; and
 - (e) Design investigations are underway to select a light-coloured material palette that compliments the existing setting and heritage bluestone kerbs. Paving will include concrete pavers with some bluestone highlights reflective of the findings in the Heritage Study.

19. Main library entrance from Charlotte Street:
 - (a) The existing library entrance is non-compliant;
 - (i) Clear width of the walkway/ramp is undersized, currently 980mm between handrails, minimum recommended width is 1500mm;
 - (ii) The bottom landing of the stairway is not on a level surface; and
 - (iii) The handrails are at an inconsistent height; and
 - (b) It is proposed to make the following improvements to create an entrance threshold that is DDA compliant, reflect the civic nature of the building and the materiality and design features from the park (refer Attachment 1- Final Concept Plan);
 - (i) Widening the east-west access path to a minimum 1800mm clear width and to have a max surface grade of 1 in 21; and
 - (ii) Removing the existing concrete 'edge' balustrades and replace with low edges that reflect design features in the park and a visually transparent balustrade facing Church Street to create a more welcoming and civic entrance threshold.

Road Discontinuance Process Summary

20. A formal road discontinuance process is proposed to begin early in 2024 and will include public consultation. The overall process usually takes between 4-6 months, and relevant Council staff will undertake the necessary due diligence as part of this process.

Temporary Road Closure

21. In order to test and simulate future traffic conditions, a temporary road closure in the form of a temporary pop-up park will occur in early 2024.
22. During this time further traffic and parking studies will be undertaken to determine the transport movement impacts in the local neighbourhood.
23. The temporary road closure is planned to be undertaken between 29 January – 15 April 2024.
24. Notification letters will be to be sent to surrounding residents and businesses prior to the temporary closure and all required permits and traffic management plans will be in place.
25. Figure 3: 'Kit of Parts' Charlotte Street, provides a sketch of the type of arrangement and seating and landscape components that will temporarily be installed in order to activate the space.



Figure 3: 'Kit of Parts' Charlotte Street

Community and stakeholder engagement

External consultation

26. The initial proposal for a pocket park in Charlotte Street as per the adopted Swan Street Streetscape Masterplan (2022) received high levels of support from the community. The Masterplan includes an artist's impression of a new civil library garden with notations including 'open lawn area to provide informal play, meeting, and small events'.
27. The Stage 1 consultation for the Charlotte Street project held in late 2022 indicated that 68% of respondents were in favour of the new park, while there was a petition opposing the proposal. The five key themes from the community in order of prevalence are green space, library integration, traffic, parking & accessibility and children & community.
28. The Stage 2 consultation on the draft concept plan generated over 239 responses to the survey, again there was a majority of support for the creation of a pocket park and the proposed design was well received by approximately 88% of survey respondents.

Internal consultation

29. Targeted technical discussions with internal stakeholders such as civil engineering, traffic and arborists have been undertaken. Three internal workshops have also been held where the proposed final concept plan was presented, focusing on three different themes;
 - (a) Materials / furniture, drainage, lighting, waste and maintenance;
 - (b) Parking / access, traffic; and
 - (c) Landscape design features, library entrance integration and heritage.
30. Officer recommendations where possible have been integrated into the final concept plan and technical aspects such as drainage and lighting will be further developed and refined as the tender / construction documentation is finalised.

Policy analysis

Alignment to Community Vision and Council Plan

31. The Open Space Strategy 2021 has identified the need for more green open space in Richmond.
32. The proposal also aligns with the overarching Council Plan (2012-25) that supports the following strategies and initiatives:
 - (a) Build a more resilient, inclusive, safe and connected community, which promotes social, physical and mental wellbeing;
 - (b) Manage access, safety and amenity to enhance people's experience when visiting Yarra;
 - (c) Improve our streetscapes, accessibility, safety, and amenity, including embedding outdoor dining, increase greenery and active transport infrastructure, to attract more people to visit, spend time and shop across our precincts; and
 - (d) Reduce urban heat island effect through the planting of trees and vegetation and an increase of green open space.
33. The proposal supports the Urban Forest Strategy (2017), to increase tree canopy cover to mitigate the urban heat island effect and help to further enhance Yarra's liveability; and consistent with the draft Climate Emergency Plan.
34. The final design will incorporate green infrastructure elements where possible, in line with the Embedding Green Infrastructure Best Practice Toolkit. This would assist in mitigating climate change and also strive to be a flagship project within Yarra.

Climate emergency and sustainability implications

35. Increased tree canopy cover would assist in the mitigation of the urban heat island effect resulting in cooler streets and contribution to mitigating climate change and create a more pleasant local environment.
36. Flood mitigation and permeable surfaces would contribute to reduce the effect of localised flooding to adjacent buildings and increase moisture in the ground.
37. Wind mitigation, additional trees would reduce wind corridor effects along the streets.

Community and social implications

38. New and improved public spaces is important with a rapidly growing city, new high-density residential developments, and this site, between the Richmond Library building at the RSL offers the opportunity to further develop a civic space.

Economic development implications

39. A more attractive and welcoming urban environment would enhance people's experience when visiting Yarra and spending more time in the municipality.

Human rights and gender equality implications

40. There are no identified human rights implications from the proposed project.
41. Universal design principles would be underpinning the future design of the park to ensure best practice design is implemented for persons of all movement abilities.
42. CPTED (Crime Prevention Through Environmental Design), gender equity and providing spaces for all abilities principles would inform the design to create a safe and equitable space for all users.

Operational analysis

Financial and resource impacts

43. The project has been funded this financial year for \$185k to ensure a 'shovel ready' project by the end of June 2024, including budget for the road discontinuance.
44. The estimated construction and associated costs for this project is \$1.9M.
45. Due to the location of the project, 50% of the costs can be funded through the Open Space Reserve consistent with the endorsed Open Space Strategy.

Legal Implications

46. The legal process to discontinue the road is lengthy and complex and will run in parallel with the detail design phase.
47. Once Council formally adopts the final concept plan, then the road discontinuance process will commence.
48. The adjacent approved development at the RSL site may choose to proceed in the future with construction on their land adjacent to the proposed Charlotte Street park. If they request Council to grant permanent access through this small piece of land in order to provide vehicle access to their proposed basement parking, then this is future proofed into the concept design of the park with furniture and landscaping that can easily be removed, while still addressing all safety and access requirements.

Conclusion

49. A new park at Charlotte Street will provide long term benefits to the local and wider area for generations to come and help address the existing shortfall in open space.
50. Approximately 88% of respondents from the Stage 2 consultation were positive to the proposed design and supportive to the proposal to build a park.

51. Although the project has received high levels of support so far, there are a few issues around traffic impacts, loss of parking and DDA parking provision, which are being managed as the project progresses.
52. A temporary road closure and pop-up park is planned for early 2024, during which further traffic studies can be undertaken, to show if traffic impacts are at a level that may need intervention.
53. A formal road discontinuance process is required as part of the intended delivery of the park, and this cannot commence until Council endorses the concept plan.
54. A formal statutory planning process needs to be undertaken due to the heritage overlay requirement.

RECOMMENDATION

1. That Council:
 - (a) endorses the final concept plan for Charlotte Street pocket park;
 - (b) approves the commencement of road discontinuance process;
 - (c) approves the concept design to proceed into the design development and documentation phase;
 - (d) notes the commencement of the temporary road closure in late January 2024, while the formal road discontinuance process is initiated;
 - (e) notes that further traffic and parking studies will be undertaken to determine the transport movement impacts of a road discontinuance in the local neighbourhood; and
 - (f) thanks the community for their involvement in the engagement process.

Attachments

- 1 Attachment 1 - Final Concept Plan
- 2 Attachment 2 - Stage 2 Consultation Summary Report

7.4 Open Space Amendment Update

Reference	D23/478651
Author	Mary Osman - General Manager City Sustainability and Strategy
Authoriser	Chief Executive Officer
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

Purpose

1. The purpose of this report is to provide an update on Amendment C306yara which proposed to introduce an interim 7.4 per cent public open space contribution that would apply to residential, commercial and industrial subdivisions in Yarra.
2. On 27 November 2023, Council received a letter from the Department of Planning and Transport advising that the Minister for Planning has determined not to approve Amendment C306yara (Attachment 1).

Critical analysis

History and background

3. The Yarra Open Space Strategy 2020 (YOSS) and the associated Technical Report 2020 identified the public open space needs of existing and future residents and workers of Yarra, gaps in the provision of public open space and opportunities to address those gaps.
4. The two YOSS reports informed Amendment C286yara, which proposes to increase public open space contributions from developments that subdivide land in Yarra from 4.5 per cent (residential subdivisions only) to 10.1 per cent (all eligible residential, commercial and industrial subdivisions).
5. The amendment was exhibited between 7 September to 5 October 2021. 72 submissions were received.
6. The Panel hearing was conducted over 11 hearing days between December 2021 and February 2022.
7. The Panel released an interim report on 14 April 2022. The report concluded:
 - (a) the YOSS, is strategically justified and is a sound and appropriate strategy;
 - (b) there is a clearly established need for the existing open space contribution rate to be increased as a matter of some urgency;
 - (c) the open space projects proposed to meet identified needs are, with a minor exception, supported;
 - (d) the proposal by Council to add 30 per cent (adjusted down to 20 per cent during the Panel hearing) to Capital Improved Value of land to be acquired for new open space is not supported by the Panel which regarded 10 per cent as appropriate;
 - (e) the amount of the total costs apportioned to new residents and workers has not been adequately justified and should be subject to peer review before the Amendment can be finalised;
 - (f) the Panel hearing be adjourned pending the completion of this further work; and

- (g) 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 public open space contribution rate to 7.4 per cent. This would occur via the preparation of a new Planning Scheme Amendment.
8. Flowing from these conclusions, the Panel made three key recommendations; that Council should:
- (a) request an interim public open space contribution rate of 7.4 per cent through a separate amendment process until Amendment C286yara is finalised;
 - (b) conduct a peer review of the apportionment of costs between the existing and new population; and
 - (c) replace the 30 per cent margin added to the Capital Improved Value (CIV) of land with 10 per cent margin in the calculation of the public open space contribution rate.
9. At the 31 May 2022 Council meeting Council resolved to pursue Amendment C306yara (interim open space amendment) and to undertake a peer review based on the Panel's recommendations. The full resolution is outlined below:
- (a) Council resolved:
 - (i) 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
 - (ii) request the Minister to approve that Amendment under section 20(4) of the *Planning and Environment Act 1987*; and
 - (b) As separate exercise, Council authorises officers to:
 - (i) 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
 - (ii) The outcome of the 'peer review' would 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.
10. On 2 June 2022, a letter was sent to the then Minister for Planning seeking approval of Amendment C306yara.
11. The request asked the Minister to approve Amendment C306yara using 20(4) of *Planning and Environment Act 1987* (i.e. an amendment that is approved without exhibition).
12. Since then, Council has been working with the DTP on progressing the request for interim controls while simultaneously pursuing permanent controls through Amendment C286yara.
13. In September 2022, Yarra officers advised DTP the peer review process had commenced, demonstrating Yarra's commitment to the Panel's recommendations.
14. Council Officers have had many formal and informal discussions with Senior Executives at DTP over the last 16 months to try to achieve State support for the interim amendment.
15. Despite constant effort and advocacy, it has been extremely challenging to get clear advice or clarity about what has caused the delay.
16. Most recently, as part of Council's ongoing advocacy efforts, the then Deputy Mayor (on behalf of the Mayor who was on leave), CEO and General Manager City Sustainability and Strategy met with the Minister for Planning and her staff on 12 October 2023 to request a decision from the Minister.

17. At this meeting the importance of the interim amendment to the Yarra community was strongly articulated.
18. Council at its meeting of 12 September 2023 resolved to:
 - (a) request Planning Panels Victoria reconvene the Amendment C286yara Planning Panel hearing;
 - (b) refer the peer review to the reconvened Amendment C286yara Planning Panel for consideration; and
 - (c) adopt the use of the 10 per cent margin above CIV as recommended in the Interim Panel Report, and a consequential public open space contribution rate of 8.67 per cent.
19. A directions hearing was held on 7 December 2023. The reconvened panel hearing is scheduled to commence on 5 February 2024.

Discussion

20. Council received correspondence on 27 November 2023 from DTP advising that the Minister for Planning had determined to refuse to support Amendment C306yara (see Attachment 1).
21. No reasons for the refusal are provided in this correspondence.
22. The letter encourages Council to continue progressing Amendment C286yara *“as this will provide a more appropriate mechanism for the application of a revised public open space contribution rate in the City of Yarra.”*
23. The DTP correspondence does not address the fact that the decision appears to be contrary to the advice of the Independent Panel which recommended seeking an interim 7.4 per cent public open space contribution.
24. It is also unclear why a decision on the amendment took 16 months from the date of lodgement.
25. A meeting with the Director State Planning Services and other DTP staff was held on Tuesday, 5 December 2023 to seek information about the reasons behind the Ministers decision. The meeting was initiated by Council Officers to seek an explanation of why the amendment had been refused. No explanation was provided.
26. It is noted that in the last 12 months, increases to public open space contributions have been approved for at least two other Melbourne municipalities:
 - (a) C218 Glen Eira was adopted by Council after a Panel Hearing on 19 July 2022 and approved on the 2 June 2023 with a rate of 8.3%; and
 - (b) C169 Monash was adopted by Council after a Panel Hearing on 31 January 2023 and approved on 18 October 2023 with a rate of 7.61%.
27. The slow timeframes in considering Amendment C306yara is also reflected in the delays with four of Yarra’s other planning scheme amendments:
 - (a) C269yara – new planning policy framework, submitted for consideration of approval in May 2022;
 - (b) C293yara – permanent built form provisions for Collingwood South MUZ precinct, submitted for consideration of approval in June 2022;
 - (c) C291yara – permanent built form provisions for Bridge Road and Victoria Street, submitted for consideration of approval in August 2022; and
 - (d) C271yara - C291yara – permanent built form provisions for Fitzroy and Collingwood activity centres, submitted for request to exhibit in December 2022.
28. More than 85% of Yarra’s population lives in medium and high-density housing, compared with 33% in Greater Melbourne. This means the community relies on public open spaces like parks and gardens for health and wellbeing, and recreational and social needs.

29. Yarra is also experiencing substantial growth in its employment precincts such as Cremorne and Collingwood.
30. Yarra is responsible for 10.2% per cent (2,212 dwellings in total) of dwelling growth in the Greater Melbourne area. Future projections show the population of Yarra will increase by 37,930 people by 2036 (updated *Victoria in the Future* data).
31. Access to high quality public open space is essential to ensure the amenity, quality of life and the liveability of Yarra.
32. With Yarra expected to accommodate a significant portion of Melbourne's housing growth, funding for new and upgraded parks is critical. The community has continuously expressed that more and upgraded open space is needed, particularly as increased development continues to occur.
33. Yarra's ability to create new open space is particularly challenging given high land prices, competition with development interests and other costs such as addressing the potential contamination of land.
34. An increased public open space contribution is therefore considered both justifiable and critical for Yarra in order to maintain liveability and public amenity standards commensurate with the level of growth it is experiencing and will continue to experience in the future.

Options

35. There is no avenue of review.
36. The Minister is the final decision maker in the matter.
37. Council has two options:
 - (a) Do nothing further in relation to Amendment C306yara; or
 - (b) Request the reasons for the decision from the Minister.
38. It is recommended that Council writes to the:
 - (a) Premier of Victoria;
 - (b) Ministers for Planning, Health, Environment;
 - (c) Local Members;
 - (d) Deputy Secretary Department of Transport and Planning; and
 - (e) Executive Director Statutory Planning Services,

to express disappointment in the outcome and request a meeting seeking clarification regarding why the Panel's recommendation for an interim rate was not supported.

Community and stakeholder engagement

39. The broader community and submitters were notified during the exhibition and hearing process of Amendment C286yara. Submitters have been notified of the reconvened panel hearing occurring in February and will have the opportunity to address the Panel on the matter of apportionment.

Policy analysis

Alignment to Community Vision and Council Plan

40. Amendment C306yara supports the following themes in the Yarra 2036 Community Vision – Shared Spaces and Growing Sustainably:
 - (a) Priority 7.1 - All our shared spaces are made physically accessible and welcoming to people of all abilities, linguistic, cultural backgrounds and age groups;
 - (b) Priority 7.3 - Create and innovate solutions to maximise the use of under or unused streets and spaces;

- (c) Priority 7.4 - Increase availability and diversify use of open spaces to address existing shortages and respond to population growth; and
- (d) Priority 8.4 - Ensure that as we grow, community services and public spaces are adapted and created so that our unique lifestyle is maintained and continues to improve.

41. The amendment supports the following strategies in the Council Plan 2021-2025:

- (a) Strategic Objective 1: Climate and Environment - Yarra urgently mitigates climate change while also adapting to its impacts and developing resilience in everything we do. The community, business and industry are supported and encouraged to do the same.'; and
- (b) Strategic Objective 4 – Place and nature – ‘Yarra’s public places, streets and green open spaces bring our community together. They are planned to manage growth, protect our unique character and focus on people and nature.’

Climate emergency and sustainability implications

42. An expanded open space network would help achieve a number of sustainability actions in Council strategies:

- (a) Developing biodiversity corridors;
- (b) Creating opportunities for sustainable water management (e.g. through passive irrigation and stormwater harvesting); and
- (c) Reducing the urban heat island effect by creating more permeable surfaces.

Community and social implications

43. The Panel has recognised the importance of the public open space contribution rate in meeting community needs resulting from increased development in the municipality.

Economic development implications

44. The application of the public open space contribution rate to residential, commercial and industrial subdivisions would enable Council to provide for public open space demands in both residential and employment areas, that would serve both the resident and worker populations.

Human rights and gender equality implications

45. The upgrade and improvement of the public open space network through the application of a new public open space contribution rate would support the Yarra community and enhance their quality of life and liveability of Yarra.

Operational analysis

Financial and resource impacts

46. An increase of the public open space contribution rate from 4.5 per cent and the inclusion of non-residential subdivisions in the rate is an important matter for Council, to assist in funding both the new and improved public open space provision in the municipality over the next 15 years, (noting the projects in the *Yarra Open Space Strategy* would need to be funded from a mix of general rates revenue, grants and the public open space contribution rate).

Legal Implications

47. There are no known legal implications.

Conclusion

48. The Panel recommended a pathway to Council of seeking a new planning scheme amendment seeking an interim 7.4 per cent public open space contribution rate for the immediate future.

49. Council lodged Amendment C306yara in June 2022 following Council's consideration of the interim Panel Report. The amendment has now been refused by the Minister for Planning.
50. Officers recommend Council write to the Minister for Planning and senior Department officers requesting the reasons why the amendment was not approved.
51. Officers will continue to pursue a permanent public open space contribution through Amendment C286yara.

RECOMMENDATION

1. That Council request a meeting with the:
 - (a) Premier of Victoria;
 - (b) Ministers for Planning, Health, Environment;
 - (c) Local Members;
 - (d) Deputy Secretary Department of Transport and Planning; and
 - (e) Executive Director Statutory Planning Services,outlining Councils disappointment in the outcome and requests an urgent meeting seeking a clear explanation on why the interim rates was refused by the Minister for Planning.

Attachments

- 1 Attachment 1 - Letter from Department of Transport & Planning - Yarra C306yara

7.5 M9 Collaborative Tender - FOGO, Recycling (without glass) and Glass Processing Services

Reference	D23/472810
Author	Lisa Coffa - Senior Advisor Waste Minimisation
Authoriser	General Manager Infrastructure and Environment
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

Purpose

1. This report recommends that Council enter a contract with a separate receiving contractor for each of the FOGO service, the recycling (without glass) service and for the glass service following a joint procurement process with the M9 Councils.

Background

2. The current contracts for FOGO, recycling and glass processing all expire on 31 March 2024 with no extension options possible.
3. Procurement was undertaken as a collaborative approach across the M9 group of Councils with similar contract term dates. The City of Melbourne led the procurement and probity process. The new contracts will each be for 5 years with 3 x 1 year extension options.
4. Tenders were received from contractors for each of the service contracts and these are outlined in Confidential Attachment A circulated under separate cover.

Tender Process

Pre-Tender Panel Review Meeting

5. A pre-tender review panel meeting was held to discuss process milestones, review of the tender documentation and assignment of evaluation criteria and weightings. This was led by City of Melbourne.
6. An invitation to tender for contractors interested in undertaking these works was publicly advertised by City of Melbourne in The Age newspaper on 2 September 2023.

Tender Process

7. Tenders closed on Friday, 12 October 2023 and tenders were received from a number of contractors for each of the 3 service contracts being advertised. Details of the tenderers, the tender evaluation panel (TEP) membership and process undertaken are included at Confidential Attachment A circulated under separate cover.

Tender Evaluation Criteria

8. The following evaluation criteria were used by the M9 tender evaluation panel to assess tender submissions.

Non-Scoring Criteria

- (a) Compliance – Risk management, quality assurance;

Scoring Criteria

- (a) Price;
- (b) Experience, capacity, and past performance;
- (c) Plan for proposed works;

- (d) Local economic benefits; and
- (e) Sustainability.

Assessment

9. The TEP members provided individual qualitative scores, which were consolidated to provide the average qualitative scores for each tenderer. The qualitative scores unanimously aligned across all TEP members. The financial scores were added to the consolidated qualitative score for each tenderer to provide a total score.
10. For the purposes of this report, the evaluation results are based on Yarra City Council's needs and outcomes. However, as this was a collaborative procurement and the recommendation of the TEP needs to consider a number of key factors including:
 - (a) Best outcomes for other M9 Councils with current contracts that expire in 2024;
 - (b) Best outcomes for other M9 Councils with contracts that expire beyond 2024;
 - (c) Best outcomes for recycling with glass;
 - (d) Best outcomes for recycling with no glass;
 - (e) Best outcomes for glass only recycling; and
 - (f) Flexibility as Councils transition to a four-bin system, or alternative systems to achieve separation in accordance with the Circular Economy Bill.

Final evaluation scores and cost

11. Details of tender scoring and tender pricing are included at Confidential Attachment A circulated under separate cover.

Conflict of Interest

12. No member of Council staff, or other person engaged under a contract, involved in advising on or preparing this report has declared a material or general conflict of interest in relation to the matter of the report.

Probity

13. All probity was managed by City of Melbourne as lead Council in this collaborative procurement. It was determined that a probity plan or advisor was not required as the separate contracts will not exceed \$10M. No probity issues were discovered as part of this procurement.

Occupational Health and Safety requirements

14. The contract includes the requirement for occupational health and safety responsibilities and community health and safety including:
 - (a) Ensuring the providers employees, subcontractors, and agents, satisfy and comply with all legislative requirements;
 - (b) Acknowledgment by the provider of its obligations to ensure that the health and safety of any person is not put at risk as a result of the provision of the services;
 - (c) Acknowledgment by the provider it will inform itself of, and comply with all OH&S issues, procedures or measures implemented or adopted by Council and/or any occupiers of any premises at or within which the service provider will carry out its obligations under the contract/agreement; and
 - (d) Acknowledgment by the provider it must at all times provide and maintain a safe working environment, and must ensure that the systems, procedures, and practices necessary for the protection of the health and safety of all persons in or near the area where the services are being carried out are implemented.

Financial Implications

15. Officers recommend a separate service provider for each of the 3 services. The prices tendered are competitive and are a demonstration of the power of joint procurement and larger volumes.
16. Further detail of the cost of each of the 3 services can be found at Confidential Attachment A circulated under separate cover.

Stakeholder Consultation

17. The service has evolved over the previous 3 years to provide a service which is in line with the Victorian Government's Circular Economy Bill which has mandated the rollout of a 4-stream kerbside waste and recycling service, comprising of glass (by 2027), comingled recycling, FOGO (by 2030) and general rubbish. This will be the last step to complying with this mandate.

Sustainability Implications

18. Tenderers were asked to provide details on any specific measures undertaken to address sustainability practices they can implement during the course of providing the services.
19. The recommended tenderers each have environmental management systems that have been assessed and registered as complying with the requirements of the relevant standards and has been implemented throughout their organisations.

Social Procurement Implications

20. The recommended tenderers provided information indicating they have diverse workforces. They also provided positive social sustainability responses in their tender submissions.

Council Plan, Strategy and Policy Implications

21. The Council Plan 2021-25 includes the following strategic objectives which apply to this project:
 - (a) climate and environment;
 - (b) social equity and health; and
 - (c) place and nature.

Legal Implications

22. Pursuant to section 109(1) of the *Local Government Act 2020*, a Council must comply with its Procurement Policy before entering into a contract for the purchase of goods or the carrying out of works.
23. The Chief Executive Officer must ensure that any report to Council that recommends entering into a procurement agreement includes information in relation to any opportunities for collaboration with other Councils or public bodies which may be available.
24. This procurement activity complies with that obligation.

Communities with CALD Communities Implications

25. Any public communications that are necessary to give effect to any decision Council makes in relation to this report will meet CALD policy principles in that the information will be translated and accessible.
26. Each of the 3 contractors recommended for contracts as part of this report have demonstrated a customer centric approach to service delivery.

Ethical Practices

27. The successful tenderers have identified that they comply with ethical standards.
28. Council can be confident that each of the contractors recommended for contracts as part of this report will work closely with Council to deliver services that are ethical, community centric and to the highest environmental standards.

Options

29. Council has a number of options available to it:
- (a) Award contracts to the 3 service providers recommended for the 3 separate services as outlined in this report. This aligns to Council's obligations under the waste services reform mandated by the State Government and aligns with the Council Plan (*This is recommended*);
 - (b) Council could award contracts to some but not all tenderers and return to the market for one or more services. This is unnecessary given the quality of submissions received and prices tendered (*This is not recommended*); and
 - (c) Council could award contracts to one of the contractors not recommended by the TEP for each service type. This action would be inconsistent with Council's procurement policy and the high probity standards observed by this process (*This is not recommended*).

Conclusion

30. Council has collaborated with the M9 group of Councils in a joint procurement process to engage contractors to process FOGO, recycling (without glass) and glass.
31. The details of contractors recommended and the value they add to Yarra and its work are included at Confidential Attachment A circulated under separate cover.
32. Council, and the Yarra community, can have confidence that the contractors recommended to process 3 streams of recycling materials will deliver service excellence at value for money and for the length of the contracts being offered.

RECOMMENDATION

1. That Council:
 - (a) Awards Contract C1670 for the provision of FOGO Processing Services to _____ for a term of five years commencing 1 April 2024 with options to extend the contract term by up to a further three years in accordance with the schedule of rates and otherwise in accordance with the negotiated terms and conditions of contract;
 - (b) Awards Contract C1671 for the provision of Recycling Processing Services to _____ for a term of five years commencing 1 April 2024 with options to extend the contract term by up to a further three years in accordance with the tendered schedule of rates and otherwise in accordance with the negotiated terms and conditions of contract;
 - (c) Awards Contract C1672 for the provision of Glass Processing Services to _____ for a term of five years commencing 1 April 2024 with options to extend the contract term by up to a further three years in accordance with the tendered schedule of rates and otherwise in accordance with the negotiated terms and conditions of contract;
 - (d) Notes the contract will be subject to rise and fall based on the consumer price indexation for costs in labour, transportation and materials in Melbourne; and
 - (e) Authorises that the officer in the position of CEO, or General Manager Infrastructure and Environment sign on behalf of Council all necessary documentation including any contract variations relating to these contracts.

Attachments

- 1 Confidential Attachment A - FOGO Recycling and Glass Processing Service - M9 collaborative tender - *Confidential*

7.6 Food Organics and Garden Organics Collection Services

Reference	D23/472907
Author	Zoe Batchelor - Coordinator Waste Management Services
Authoriser	General Manager Infrastructure and Environment
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

Purpose

1. To consider and award Contract C1657 Food Organic and Garden Organics Collection services.

Background

2. The Victorian Government's Circular Economy Bill has mandated the rollout of a 4-stream kerbside waste and recycling service, comprising of glass (by 2027), comingled recycling, FOGO (by 2030) and general waste.
3. Currently, Council provides a 3-bin kerbside service for general waste, comingled recycling and glass for most of the municipality. The exception is 1400 households in the Abbotsford trial area, which currently have a 4-bin service which has been in place since 2019.
4. On 12 September 2023, Council endorsed the rollout of a universal FOGO service across Yarra commencing July 2024 and authorised the necessary procurement of bins and a kerbside bin collection service.
5. The contract was advertised as a 7-year contract with 3 x 1-year options to extend. A contract length of this type is standard given the need to amortise the truck purchase cost over the life of the contract.
6. There were 3 parts of the tender that were advertised:
 - Separable Portion A – Food Organic and Garden Organics (FOGO) Collection Services
 - Separable Portion B – Procurement and Distribution of FOGO bins; and
 - Separable Portion C – Sticker Changeover and RFID installation on existing bins
7. Tenderers were asked to demonstrate flexibility in the number of bins that were to be procured to allow Council to ensure flexible service choices were available for residents with smaller properties. Communal FOGO options are being considered by officers and would complement the kerbside FOGO service.

Tender Process

Pre-Tender Panel Review Meeting

8. A pre-tender review panel meeting was held to discuss process milestones, review of the tender documentation and assignment of evaluation criteria and weightings.
9. In accordance with Council's Procurement Policy, an invitation to tender for contractors interested in these services was advertised in The Age on Saturday, 7 October 2023 and on Council's e-Procure tendering portal. The tender closed at 2pm on Friday, 3 November 2023,

Probity

10. In accordance with Council's Procurement Policy, a probity plan was required as the expected total expenditure was due to exceed \$10 million. Baron Consulting Pty Ltd was appointed as probity advisors and all relevant tender process documentation was forwarded to it for probity advice purposes. The probity advisor was also present at the pre-tender meeting and all evaluation meetings. No probity irregularities were reported during this procurement activity.

Tender Evaluation Process

11. The tender evaluation panel, the tender responses received, the detail of the evaluation process undertaken and reference checks are included at Confidential Attachment A.

Tender Evaluation Criteria

The following key evaluation criteria were used to assess tender submissions.

Non-Scoring Criteria

- (a) Financial Viability;
- (b) Occupational Health & Safety;
- (c) Insurances;
- (d) Statutory Declaration;
- (e) Child Safe Standards;
- (f) Conflict of Interest Form;
- (g) Tender Form & Pricing Schedule;

Scoring Criteria

- (h) Experience & Capability;
- (i) Capacity and Resources;
- (j) Provision of Services;
- (k) Industrial Relations;
- (l) Quality Management Systems;
- (m) Environmental Management Systems;
- (n) Social Sustainability;
- (o) Corporate Social Responsibility; and
- (p) Equal Opportunity.

Financial Assessment

12. The Corporate Scorecard Pty Ltd was commissioned to perform an independent standard financial and performance assessment of the preferred contractor. The detail of this assessment is included at Confidential Attachment A.

Occupational Health and Safety requirements

13. The recommended contractor has an occupational health and safety management system that complies with the requirements of the *Occupational Health and Safety Act 2004*, and this has been implemented throughout the organisation.
14. The tender document contained occupational health and safety conditions which require the following prior to commencement:
- (a) a Risk Assessment (includes requirement for a Job Safety Analysis (JSA));

- (b) a Health and Safety Plan (includes induction and safety training, safe work practices and procedures, occupational health and safety consultation, emergency procedures, incident reporting and investigation and occupational health and safety performance monitoring; and
- (c) compliance with all Victorian occupational health and safety legislation (includes acts, regulations and codes of practice).

Financial Implications

- 15. The 2024/2025 forecast budget that was to be proposed for the food organic & garden organics collection is \$3,200,000 (excluding GST). The sum tendered for the works in 2024/25 is within this budget envelope.
- 16. The cost of the FOGO collection service will be incorporated as part of the kerbside waste charge.
- 17. The FOGO bin purchase is to be funded by Council's 2023/24 capital works program and will not form part of the waste charge.
- 18. A bank guarantee of 5% of the initial term of the contract price will be required from the successful tenderer before the contract commencement date.

Stakeholder Consultation

- 19. The Yarra community has been overwhelmingly supportive of a universal FOGO service, as communicated to Council through various budget pop ups, email communications, at the Operations Centre open day and consultation during the Abbotsford trial site implementation.

Sustainability Implications

- 20. Tenderers were asked to provide details on any specific measures undertaken to address Sustainability practices they can implement while providing the services.
- 21. Details of specific sustainability initiatives proposed by the recommended contractor are included at Confidential Attachment A.

Social Procurement Implications

- 22. The recommended tenderer provided information indicating it has a diverse workforce. It also provided positive social sustainability responses in its tender submission.

Council Plan, Strategy and Policy Implications

- 23. The Council Plan 2013-17 includes the following strategic objectives which apply to this project:
 - (a) supporting Yarra's community;
 - (b) ensuring a sustainable Yarra; and
 - (c) making Yarra more liveable.

Legal Implications

- 24. In accordance with Council's Procurement Policy, a probity plan was required as the expected total expenditure was expected to exceed \$10 million.
- 25. A probity auditor was engaged through Baron Consulting Pty Ltd, and all relevant tender process documentation was forwarded to it for auditing purposes.
- 26. The probity auditor has approved Council's process to recommend this tenderer to Council in December.
- 27. The Chief Executive Officer must ensure that any report to Council that recommends entering into a procurement agreement includes information in relation to any opportunities for collaboration with other Councils or public bodies which may be available. Collaborative procurement for this service was not considered feasible.

Ethical Practices

28. The successful tenderer has identified that it complies with Council's ethical standards.

Options

29. Council has a number of options available to it in relation to this report:

- (a) Award a contract to the preferred contractor at the price tendered so that a transition to universal FOGO can proceed with the aim of beginning the service from July 2024 (*This is recommended*); and
- (b) Re-tender the service in the hope that further market interest is elicited. This is not recommended as there is a chance the contractor(s) that tendered this time may not tender again.

Conclusion

30. The tender evaluation panel considers that the recommended tenderer represents good value for money against industry standard for the needs of Yarra City Council. Officers are confident in the ability of the tenderer to roll out the service to our residents in a timely and seamless manner.

RECOMMENDATION

1. That Council:

- (a) awards Contract C1657 to _____ for the Food Organic and Garden Organics Collection Service (Separable Portion A & B) for an initial term of seven (7) years commencing on 1 July 2024, with an option to extend at Council's discretion for an additional three years;
- (b) awards the Contract noting that the cost for Separable Portion A (collection services) is estimated to be approximately _____ (Ex GST) in year 1 and Separable Portion B (bin purchase and distribution) is _____ (Ex GST) as a one-off cost;
- (c) notes the contract will be subject to rise and fall based on the consumer price indexation for costs in labour, transportation and materials in Melbourne;
- (d) authorises that the officer either Acting in the position of, or General Manager Infrastructure and Environment to sign on behalf of Council all necessary documentation including any contract variations relating to contract C1657;
- (e) authorises the General Manager Infrastructure & Environment to exercise options as they are due and subject to satisfactory performance of the service; and
- (f) authorises Council officers to communicate this information to the extent necessary to give effect to the recommendation.

Attachments

1 Confidential Attachment A - Food Organic Garden Organics (FOGO) Collection Services Tender - *Confidential*

7.7 Electric Line Clearance Responsibilities and Regulations 2020

Reference	D23/461578
Author	Glen Williames - Coordinator Open Space Services
Authoriser	General Manager Infrastructure and Environment
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

Purpose

1. The purpose of this report is to provide information and context in relation to Councils obligations under the Electricity Safety Act 1998 and the current Electrical Line Clearance Regulations 2020 as they relate to trees owned and managed by Council.
2. This paper responds to a Council resolution from the September 2023 meeting.
3. Key matters for discussion include:
 - (a) Council's obligations under the Electricity Safety Act 1998 and Council's obligation under the Electric Line Clearance Regulations 2020;
 - (b) Current tree management and outstanding non-compliance with the regulations;
 - (c) Options for and estimated costs of 'bundling or undergrounding' of power lines; and
 - (d) Comments on what other states are doing regarding 'undergrounding' of power lines.

Critical analysis

History and background

4. At its Ordinary Meeting in September 2023, Council resolved:
That Council:
 - (a) notes the Council's obligations under the Electricity Safety Act 1998 and the current Electrical Line Clearance Regulations 2020, as they relate to trees owned and managed by Council;
 - (b) defers the removal of 15 trees identified in this report until other options have been explored and brought to Council by December 2023 for consideration. The report should, at a minimum, include:
 - (i) Options and estimated costs for the bundling and/or undergrounding of overhead powerlines to retain the 15 trees currently earmarked for removal;
 - (ii) Analysis of the financial and amenity value these trees have and a cost benefit analysis for their retention;
 - (iii) Advice about the value (human health, energy efficiency and extended life of assets) tree canopy brings to Yarra, and the increased tree canopy and reduced tree maintenance costs that could be achieved by bundling and/or undergrounding overhead powerlines;
 - (iv) Officers' advice on the potential for incremental bundling and/or undergrounding of overhead powerlines more broadly across the municipality based on solutions implemented elsewhere in Australia. This advice should explore options to bundle or underground powerlines as part of streetscape improvements works, possible permit conditions on new developments, funding solutions and advocacy avenues;

- (c) Advocates to Energy Safe Victoria, State Government Ministers, local Members of Parliament and the Municipal Association Victoria (including through a motion for the next possible MAV State Council Meeting) regarding the importance of retaining street trees and increasing tree canopy in a climate emergency:
 - (i) to achieve Infrastructure Victoria and other leading agency tree canopy thresholds; and
 - (ii) for their support to amend the electric line clearance regulations as part of the 2025 review, including funding for and application of solutions implemented elsewhere in Australia for the bundling and/or undergrounding of overhead powerlines, and relaxing requirements for low bushfire areas such as Yarra.
- 5. **The Electrical Safety Act 1998** was assented in 1998 and the purpose of this Act is to make further provision relating to—
 - (a) the safety of electricity supply and use;
 - (b) the reliability and security of electricity supply; and
 - (c) the efficiency of electrical equipment.
- 6. The Act outlines responsibilities for maintenance of vegetation around Electric Lines:

84C Requirement to keep trees clear of electric lines— Councils. A Council responsible for the management of public land in an area of land declared under section 81 is responsible for the keeping of the whole or any part of a tree situated on that land clear of an electric line that is not a private electric line.
- 7. **Electric Line Clearance Regulations 2020.** The objectives of these Regulations are—
 - (a) to prescribe the Code of Practice for Electric Line Clearance;
 - (b) to prescribe:
 - (i) standards and practices to be adopted and observed in tree cutting or removal in the vicinity of electric lines and the keeping of the whole or any part of a tree clear of electric lines;
 - (ii) a standard and practices to protect the health of trees that require cutting in accordance with the Code;
 - (iii) a requirement that certain responsible persons prepare management procedures to minimise the danger of trees contacting electric lines and causing fire or electrocution; and
 - (iv) other matters for or with respect to the maintenance of electric lines; and
 - (c) to provide for management plans relating to compliance with the Code;
 - (d) to provide for other matters authorised under the Electricity Safety Act 1998 relating to electric line clearance; and
 - (e) to make consequential amendment of the Electricity Safety (Bushfire Mitigation) Regulations 2013.
- 8. **Energy Safe Victoria** - Energy Safe Victoria (ESV) is Victoria's independent safety regulator for electricity, gas and pipelines. Its role is to ensure Victorian gas and electricity industries are safe and meet community expectations. Among its responsibilities are the administration of the Electricity Safety Act 1998 and the Electricity Safety (Electric Line Clearance) Regulations 2020.

Discussion

- 9. Council currently has approximately 30,000 street and park trees across the municipality which are inspected by Council arborist & arboriculture contractors on a minimum 2-year cycle consistent with other metropolitan Councils with a biennial tree maintenance program.

10. This inspection and maintenance program is driven by the need to maintain clearance space from trees around powerlines, but to also inspect the trees health, structure, and useful life expectancy at the same time.
11. Streets within Yarra that contain High Voltage powerlines are inspected and maintained on an annual basis as clearance requirements are greater between these powerlines and trees.
12. This cyclical maintenance program was introduced in the early 2000s to address the requirements under the Act and to comply with the regulations. Councils first arborist was also appointed during this time and a specification was introduced for tree clearance around the roadway, footpaths and from buildings/dwellings.
13. Many street trees within Yarra (*Platanus* spp – London Plane & *Melaleuca* spp – Paperbark) were planted several decades earlier and allowed to grow in such a way that they are non-compliant against the regulations and challenge Council's compliance to Road Management Plan obligations (e.g. trip hazards).
14. While these types of trees still have a place in the environment, modern arboriculture practice would not see these trees planted in a footpath environment or near buildings due to now known issues of tree root damage to private property, public infrastructure and the trees' overall mature size which often results in access issues for people with disabilities, parents with young children and other footpath users.

The Regulations

15. The Electrical Line Clearance Regulations are reviewed and updated every five (5) years with the next iteration due in 2025. Council arborists across the state will provide feedback to Energy Safe Victoria on the Regulations and prescribed clearances as part of this review.
16. In November 2023, when considering the 2023 Advocacy Action Plan, Council resolved (in part):
(That) Council endorses the 2023 Advocacy Action Plan, subject to the following changes:
 - (i) *Add under the heading 'Climate Emergency': 1.10 The State Government to review and amend the electrical line clearance regulations in metropolitan areas to save canopy trees.*

Council Advocacy Towards the Regulations

17. The 2015 Regulations set out a minimum clearance space of 1000mm between Tree branches/foliage to bare Low voltage conductors (pole to pole) and 300mm between tree branches/foliage to insulated power service lines (pole to property). This clearance was to be maintained at all times.
 18. Due to many Councils facing the same inherited issues of tree non-compliance, strong advocacy from arborists in the Local Government sector, particularly from within in the inner metro Melbourne area, led this clearance requirement to be reviewed and reduced within the current 2020 Regulations.
 19. Under this current criteria, structural tree limbs are now allowed to exist from 500mm to 1000m from bare low voltage conductors and 150mm to 300mm from insulated power service lines. These trees are to have their locations recorded and are to be inspected annually by a suitably qualified person.
 20. This reduced clearance space allowed the retention of over a one hundred trees across Yarra that would have otherwise required substantial pruning or tree removal under the previous regulations.
 21. The City of Boroondara has recently developed an alternate compliance mechanism (ACM) which would seek an even further reduction in the clearance space between powerlines and vegetation in low bush fire risk Councils. This does not currently have ESV approval but could form part of the Council advocacy for the revised 2025 Regulations.
 22. Yarra Council arborists support this proposed ACM and will continue to provide advocacy and support towards each review of the regulations.
-

Current Situation – Energy Safe Victoria (ESV)

23. Historically ESV has not had the staff to perform compliance audits on Councils or issue infringement for non-compliances against the regulations.
24. The 2020 regulations included a provision for infringement notices to be served on Councils for breaches of electric line clearances. This provision took effect from 27 June 2022.
25. ESV now has a compliance team who are regularly auditing Victorian Councils for compliance against the regulations.
26. The initial infringement penalty for each non-compliance (each tree) of the Code is \$4,500. Failure to comply with a notice issued is an offence and the maximum penalties are \$181,740

Current Situation - Council

27. Of the approximate 30,000 trees that Council maintains, there are currently 157 known sites that would be considered noncompliant under the regulations.
28. Of these 157 sites, 123 of these have been assessed and are considered compliant under an 'exception' to the 2020 Regulations, these trees have had their locations recorded and are inspected annually by Council arborists, consistent with the regulations.
29. Of the remaining 34 noncompliant trees:
 - (a) 5 of these are due to new power service connections to properties by CitiPower making Council owned trees non compliant. These sites are currently under review by ESV with CitiPower to 'make compliant';
 - (b) 11 trees can achieve compliance through pruning (currently underway);
 - (c) 15* remain non-compliant but officers are working with ESV on possible solutions this may include undergrounding or bundling. Urgent attention is not required at this stage (except for 1 which can be made compliant using existing resources);
 - (d) The remaining 3* trees were inspected by ESV with a notice served on Council under section 86(1) to 'make compliant' by 6 September 2023 with heavy penalties for non-action:
 - (i) Council officers sought an extension to this deadline from ESV, which was granted to allow Council to consider these 3 trees as part of this report; and
 - (ii) ESV has stated it will not allow a further extension and direction has again been given to Council to make these 3 trees compliant no later than 28 days beyond the December Council meeting; and
 - (e) Failure to comply with this direction may result in a breach of the Act for which Yarra may be prosecuted by ESV and face penalties of \$181,740. Further to this, should Council fail to comply with the notice, ESV may direct the distribution company, CitiPower to clear the noncompliant vegetation. Section 86(7) of the Act also allows CitiPower to recover its costs from Council.

*In September 2023 officers referred to 15 trees that were non-compliant. This number is now 18 (referenced in Attachment A) with recommendations on potential courses of action included.

30. Council's leadership in ceasing all removals, seeking a further analysis and review and calling for another report is to be applauded.

Retain trees via bundling power cables or undergrounding the power

31. Some trees could be retained via these methods. When considering either of these options, officers consider:
 - (a) Useful life expectancy of the tree;
 - (b) Compliance for clearances over the footpath or roadway;
 - (c) Tree root likelihood to cause property or infrastructure damage;

- (d) Is it the right tree in the right location;
 - (e) Is this species of tree currently being phased out within this street; and
 - (f) Is the tree susceptible to any pathogens within Australia.
32. The cost to bundle cables vary depending on their context.
33. As previously advised, in 2019 Council removed 2 x mature London Plane trees from within the footpath of Rathdowne Street, Carlton North because of an audit by ESV. Both trees had major structural limbs in hard contact with bare Low voltage wires (an inherited issue) pruning was not an option as this required half the tree to be removed for compliance, so Council arborists sought a quote from CitiPower to bundle the bare Low voltage lines in this location. Both trees had a combined value of \$61,931 - City of Melbourne Amenity Value Calculator. The indicative quotation from CitiPower to achieve compliance was for between \$92,000 - \$131,000
34. A cost/benefit analysis for 'bundling or undergrounding' of the power cables for each of the 18 trees currently requiring works for compliance has been attached to this report (Attachment 1).
35. In relation to more significant and widespread undergrounding of powerlines throughout the city to save trees, Council is advised that this approach is incredibly expensive, prohibitive in most cases and is dependent on individual street context. Council can expect costs of multiple \$millions per street and is dependent on:
- (a) Length of street;
 - (b) Community consultation;
 - (c) On street conflicts (parking, access requirements, dependencies, other construction and development underway etc.);
 - (d) Above ground and below ground services; and
 - (e) A willingness of power authorities to undertake the work (the asset relocation relies of owner consent).
36. This option is not recommended for a built environment like the one in Yarra.

Western Australia's Experience

Targeted Underground Power Program (TUPP)

37. In other states such as Western Australia, the state government has been supporting installation of underground power since 1996 and has converted more than 100,000 properties to date. Western Power currently manages 4 programs which are currently converting the overhead network to underground power.
38. Western Power selects areas based on a network driven approach in accordance with the network renewal undergrounding program. It makes offers to Local Government Authorities to complete undergrounding in parts of their LGAs.
39. The cost of undergrounding is shared between the State Government, Western Power, LGA and property owners, with the State Government's funding tiered based on socio-economic indicators. The first TUPP project is scheduled for delivery in 2025.

Network Renewal Undergrounding Program Pilot (NRUPP)

40. A program driven by Western Power targeting areas with a high density of ageing overhead distribution assets. The cost of undergrounding is shared between Western Power, the LGA and property owners. It is a pilot program that has been replaced with the TUPP.

Retrospective Undergrounding Projects (RUP)

41. This is a program that allows LGA who would like to have underground power installed in an area that is not on the Western Power network driven priority list to apply for undergrounding.

42. These projects are primarily funded directly by the LGA and property owners, with a contribution from Western Power.

State Underground Power Program (SUPP)

43. The cost of undergrounding power is shared between the State Government, Western Power, LGA and property owners. This program is expected to be completed in 2024.
44. Western Power state that through these underground power programs, and together with mandatory underground power requirements for new developments, more than 65% of the Perth metropolitan area now benefits from underground power.
45. After discussing this with CitiPower representatives, there are currently no initiatives or partnerships like this in Victoria.

Yarra's context

46. Council arborists have a role in both managing the existing tree assets as well as ensuring that Council is protected against litigation from property damage caused by historically planted trees now being considered inappropriate for their locations.
47. Over the last 10 years, Council arborists have been 'phasing out' London Plane trees in areas that are considered inappropriate to support trees of this size. This includes Swan Street, Richmond (where ESV have recently identified non-compliant trees). Arborists have been successfully staging removals over time and replacing them with a more suitable tree species.
48. Council records indicate that in the last 10 years, 21 London Plane trees have been removed from Swan Street for varying reasons including powerline clearance non-compliances, disability discrimination act (DDA) compliance, road management plan compliance and also due to property damage claims made against Council.
49. Council records also indicate that over the same period, these 21 trees have been replaced with 79 trees that are more suitable to the environment in which they are planted.
50. Officers have implemented a new internal process where the Manager City Works must approve a tree slated for removal and councillors (and residents as normal) will be informed prior to removal.

Community and stakeholder engagement

51. Council currently notifies residents of electric line clearance responsibilities via the Council website using a map which outlines when and where tree pruning will take place each year. There is also a link to council current Electric Line Clearance Management Plan which is updated annually.

Policy analysis

Alignment to Community Vision and Council Plan

52. Tree removal does not align with the Community Vision or Council Plan, but trees are a living breathing organism that sometimes need removal. As we move towards the future and consistently apply the principle of 'right tree right location' there should not be any need to remove trees due to legacy issues.

Climate emergency and sustainability implications

53. While the removal of inappropriately planted and unsustainable trees will slightly reduce canopy cover in the short term, Council plants over triple the number of trees back that are removed annually, also ensuring all new trees will grow to their potential in the future with minimal maintenance required.

Community and social implications

54. All public communications will meet CALD policy principles and Council's ethical standards.

Operational analysis

Financial and resource impacts

55. General powerline clearance activities are performed under the street tree pruning contract which has ongoing funding commitments as part of the Council operational budget.
56. Bundling of cables would require a significant budget increase to the operational or capital budget.
57. These costs could be up to approximately \$100,000 per site but it is site context specific and would need to be tested with the power authority on a case by case basis. This also includes assessment about whether power poles need relocation.
58. Cheaper options (e.g. cross arms) might also be supported by the power authority and might be suitable in some contexts. This might cost as low as \$20,000 but again would need to be tested with the power authority.
59. The cost to underground is significantly more expensive and, again, is site and context specific. Other than cost, considerations include street context, underground services, access, on street services etc.
60. The process to bundle or underground cables includes the following steps:
 - (a) Make application to power authority;
 - (b) Power authority must accept the application and open a case;
 - (c) It must assess the application and make an initial determination of success;
 - (d) Design phase – costs can be up to \$12,000;
 - (e) Assessment of cost; and
 - (f) Construction.
61. Council is advised that while the power authorities are private, profit-generating entities, there is no guarantee that it would support an application for bundling or undergrounding of overhead cables. This is considered on a case-by-case basis.

Options

62. There are a number of options available to Council in relation to the 18 trees that are the subject of this report:
 - (a) Approve the 3 trees to be removed (recommended) and consider retention of the remaining 15 trees noting costs associated with their retention;
 - (b) Advocate to ESV and State Government MPs for an immediate amnesty for all alleged non-compliant trees and to advocate for a review of the electric line clearance regulations as part of the 2025 review to save metropolitan canopy trees. This is recommended;
 - (c) Attachment A identifies residual value of the tree and estimated costs to bundle or underground the powerlines at these locations. Council could make provision for bundling and undergrounding of powerlines in its capital works program (annually) to retain some of these trees or future trees at risk of non-compliance. Should this be Council's preference an annual sum of \$200k might be appropriate; and
 - (d) Council could heavily prune some of the trees in question which may save them in the short term. The risk here is that severe pruning will almost certainly kill a tree eventually and may place the community at risk if pruning inappropriately shifts weight of the tree.

Legal Implications

63. Under the Electricity Safety Act 1998 Councils are required to maintain vegetation around powerlines where they are the responsible person. Failure to comply is a breach of the Act. Heavy penalties apply to these offences.

Conclusion

64. Of the approximate 30,000 trees that Council maintains, there are currently only 18 trees that will require removal or substantial budget to allow for retention as a result of non-compliance against the regulations.
65. Council arborists have been working hard over the last 10 years to ensure Council is as compliant as it can be with the regulations and also balancing the needs and expectations of the community regarding tree management and retention.

RECOMMENDATION

1. That Council:
- (a) notes the Council's obligations under the Electricity Safety Act 1998 and the current Electrical Line Clearance Regulations 2020, as they relate to trees owned and managed by Council;
 - (b) notes the heavy penalties Council is currently facing for non-compliance to these regulations;
 - (c) seeks Municipal Association Victoria support in advocating to Energy Safe Victoria and State Government MPs:
 - (i) for an immediate amnesty to save any alleged non-compliant trees in Yarra; and
 - (ii) to amend the electric line clearance regulations, as part of the 2025 review, in order to retain trees and tree canopy and acknowledging Yarra as a low bush fire area (note – officers will support Boroondara's alternate compliance mechanism as part of the 2025 review);
 - (d) authorises officers to remove and replace the 3 trees identified below as high risk non-compliant with the Electrical Line Clearance Regulations 2020:
 - (i) 91 Swan Street Richmond – Remove and replace tree;
 - (ii) 103 Swan Street Richmond – Remove and replace tree;
 - (iii) 201 Swan Street Richmond – Remove and replace tree;
 - (e) considers funding for bundling or undergrounding of powerlines and cross arm solutions when it plans for its 24/25 capital works program in early 2024; and
 - (f) notes that officers will re-commence normal operational tree removals and replacement of all dead, dying and dangerous trees across the municipality acknowledging that all trees approved for removal by the Manager City Works will be communicated to Councillors and (as per normal practice) local residents prior to removal.

Attachments

- 1 Attachment 1 - ESV tree table

7.8 Fitzroy Swimming Pool - Shading and Lifeguard Numbers

Reference	D23/460504
Author	Adam Kavanagh - Coordinator Operations
Authoriser	General Manager Infrastructure and Environment
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

Purpose

1. To respond to a general business item raised at the Ordinary Meeting of Council on 14 November 2023 in relation to the Fitzroy swimming pool.

Critical analysis

History and background

2. On 14 November 2023, Council resolved:
That a report be prepared for the next Council meeting:
 - (a) to consider possible action to provide shading to people waiting in the queues at Fitzroy Pool; and
 - (b) detailing the number of lifeguards on duty at any one time.

Yarra Leisure

3. Yarra Leisure is recognised as an industry leader in the recreation and leisure sector and has received awards and recognition from peak bodies such as Aquatics and Recreation Victoria, AusActive (formerly Fitness Australia), Life Saving Victoria and Golf Australia, in addition to the range of ISO certifications for safety, OHS and quality.
4. Yarra Leisure venues with aquatic areas consistently achieves Platinum Pool status, joining an exclusive club of 40 facilities within Victoria that complete rigorous safety assessments to recognise the facilities with the highest safety standards.

Fitzroy Swimming Pool

5. Fitzroy Swimming Pool (FSP) is a family-friendly outdoor aquatic facility. It has a heated 50m pool, toddler pool, spa pool, sauna, and steam facilities. It also consists of gym and group fitness programming. FSP facilitates 316,000 visits per annum, noting peak season is October to April each year.
6. Yarra Leisure operates the venue based on the Royal Life Saving Australia's Guidelines for Safe Pool Operations. This guideline provides practical guidance for owners or operators of aquatic facilities on the type, quantity and location of supervision needed within an aquatic environment. It includes information on planning for supervision and the specific application of supervision within various aspects of an aquatic facility.

Discussion

Venue occupancy

7. Currently there are temperature thresholds which govern when additional staff are rostered on for duty at FSP. In the warmer months, at specific temperature thresholds, extra lifeguards (in addition to the two baseline guards) are rostered which increases the capacity of the venue. This approach is typically followed by other municipal aquatic centres.
 - (a) At 22 degrees one extra lifeguard is rostered – capacity 240 patrons (3 lifeguards in total);

- (b) At 24 degrees an additional lifeguard is rostered – capacity 320 patrons (4 lifeguards in total);
 - (c) At 26 degrees an additional lifeguard is rostered – capacity 400 patrons (5 lifeguards in total);
 - (d) At 28 degrees an additional lifeguard is rostered – occupancy reached 480 patrons (6 lifeguards in total);
 - (e) At 30 degrees an additional two lifeguards are rostered. This provides additional support to lifeguards and greater aquatic supervision to patrons as the weather warms and as at times behavioural issues can emerge and to ensure health outcomes are not compromised;
 - (f) From 26 degrees, an extra ‘support’ lifeguard is rostered when possible, to assist the duty manager covering lifeguard breaks and initiating lifeguard rotations; and
 - (g) From 30 degrees, two extra ‘support’ lifeguards are rostered when possible to assist with covering extra lifeguard breaks and ensure staff welfare, such as filling up water bottles and providing ‘Hydralite’. This is detailed in our working in excessive weather policy.
8. The roster at FSP is agile and flexible. On days that are expected to be hot the rostering staff can ensure that enough lifeguard staff are proactively rostered earlier in the day to accommodate patrons wanting to enter. This does not mean that queueing won’t be a feature of the FSP as it simply means that occupancy levels are reached sooner resulting in inevitable queueing once the FSP is full.
9. Officers are currently recruiting additional lifeguards in preparation for the busy summer months. This recruitment will continue while ever there is a vacancy to fill. The aim is that additional lifeguards are always on standby in the event that casual staff are unavailable.
10. For FSP, venue occupancy is currently listed at 480, as it is for Richmond Recreation Centre (this figure is currently being reviewed by Council’s building surveyor).
11. That figure is based on area measurements, paths of travel, essential safety measures (ESM), fire services, mechanical systems, sanitary facilities and emergency exits (taking into account items such as clear opening widths and distance to exits).
12. During peak season and during hot weather queues can form at FSP. These queues are due to venue capacity being reached and the venue subsequently operating on a one patron in, one patron out basis, so capacity is not exceeded.
13. In early November 2023 capacity was reached at FSP.
14. This also occurred at a number of other suburban aquatic facilities including North Melbourne Recreation Centre, Oak Park Sports and Aquatic Centre, Splash Aqua Park and Leisure Centre and Brunswick City Baths where entry was restricted at those centres due to occupancy numbers reached.
15. Control measures are numerous, but two key measures include:
- (a) Duty managers ensure facilities do not exceed venue capacity and maintain lifeguard-to-patron ratios; and
 - (b) The aquatic capacity is based on a ratio of 1 lifeguard per 80 people in the entire aquatic area, including in and around the 50m pool & toddlers pool.
16. Failure to observe occupancy levels can expose Council to significant risk in the event of an accident or serious incident.
17. When maximum occupancy is reached at FSP, signage is placed on display at the front entrance to inform individuals arriving that we are currently operating a “one in, one out” system.
18. During the summer of 2022/23, a one in, one out scenario occurred 19 times at FSP given the popularity of the facility.
-

19. A review of the occupancy levels is currently underway by Council's Municipal Building Surveyor to consider whether there is opportunity to increase capacity at the pool.
20. In addition, officers have already implemented a range of operational interventions to improve the customer experience of patrons on particularly hot days. These include ushering vulnerable patrons to the front of the queue or into the FSP immediately, or inside with air conditioning to wait their turn, permitting access to the kiosk for drinks and ice-creams while queuing and access to the water fountain while queuing.
21. Improved early communications on warm days are also important. This includes real time updates on the Yarra Leisure website, depending upon the expected length of time that the centre will be operating the "one in, one out" system.
22. Cross promotion of Council's other aquatic centres in Collingwood and Richmond during forecast warmer days so that patrons are aware of alternative places to swim also already occurs. Promotion may also extend to other nearby aquatic facilities for those seeking relief – for example in Melbourne, Merri-bek and Darebin.
23. If the occupancy of the facility can be increased, additional staffing to support this will be made available.

Shading

24. Whilst issues regarding shade for queued patrons have not been raised as a particular issue by patrons to staff, it is an important consideration.
25. Shade coverage from adjacent trees is beneficial (see image below), but this does not provide full coverage for all patrons queuing at all locations along the street.



26. Whilst the trees provide adequate shading from approximately 1pm onwards during the warmer months, those queuing prior to 1pm and those closest to the front door have less coverage.

27. When queueing is required as a result of the one in one out protocol, a Customer Service Officer is stationed at the entry to the centre controlling door access and to ensure that patrons are lined up to the left-hand side (down the stairs) to ensure adequate shade as available.
28. In addition, temporary, low-cost shade structures (i.e. umbrellas) which do not impede footpath traffic and can be easily handled by aquatic staff each day will be trialed this summer to enhance shading of patrons.
29. The erection of a temporary marquee to provide some shade around the entrance to the FSP is a reasonably low-cost alternative option but there are some risks associated with this option including manual handling for staff, the impediment to footpath users, risks on windy days etc. and it is not recommended.
30. The erection of a permanent shade structure affixed to the building is another option.
31. This solution would require design services, structural assessments, possible building and planning permits and could be delivered (should budget be made available) by summer 24/25 (not 23/24).
32. It is estimated that a budget of approximately \$100,000 would be required – subject to design and market testing. This is not recommended before trailing other low-cost options above.

Community and stakeholder engagement

33. As a much-loved venue within Yarra, the community provide consistent feedback regarding FSP in the form of oracles, feedback to staff onsite, and via our social media channels. On the back of the feedback, initiatives such as customer service officer stationed at the entry to manage queues, communications being notified when venue is at capacity and a statement regarding capacity at FSP on hot days has been published on the Yarra Leisure website and FSP location page.
34. It is acknowledged that on particularly busy (warm) days visitors generally want to be let into the facility immediately and would prefer not to queue.
35. Officers have no significant feedback on the requirement for shade at the front of the building. Patrons generally come with a hat and water and will generally patiently wait if the line is moving.

Policy analysis

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

36. Council Plan 2021 – 2025:
 - (a) Strategy 2.2 – Build a more resilient, inclusive, safe, and connected community, which promotes social, physical, and mental wellbeing;
 - (b) Strategy 3.5 – Manage access, safety, and amenity to enhance people’s experience when visiting Yarra; and
 - (c) Strategy 4.1 – Create safe, accessible active spaces that provide diverse physical activity opportunities for the whole community.

[Climate emergency and sustainability implications](#)

37. As the planet warms, cool places like aquatic facilities become essential places of respite for locals.
38. Fitzroy Swimming Pool has a loyal customer base who will continue to patronise the facility regardless of weather. On warmer days, the facility attracts greater numbers of patrons seeking relief from the heat.
39. The streets trees at the front of the facility provide shelter from the sun and cool the immediate surroundings. These trees provide the first defence against the sun on these hot days.

Community and social implications

40. The Physical Activity Strategy, Yarra Moves 2021 – 2031, goals include increasing the proportion of the population that is physically active, reducing sedentary behaviour and supporting lifelong habits for optimal health. The current utilisation of Yarra Leisure facilities is over 1.1 million visitations per year for a diverse audience. Consequently, Yarra Leisure and its facilities make a valuable contribution to the objectives outlined in Yarra Moves that aim to improve the health and well-being of people who live, work, learn and play in Yarra.

Human rights and gender equality implications

41. Yarra Leisure facilities) are significant and iconic community assets that are extremely well used with 58% of members registered as Yarra residents. Female membership at Yarra Leisure is 43% and the organisation facilitates highly valued community programs via Move For Life, Empower, Empower+, women-only gym sessions, Women Making Waves and community golf programs that reach into underrepresented segments of the community and promote active living for all.

Operational analysis

Financial and resource impacts

42. To provide additional shade, umbrellas will be deployed this summer and managed within operating budgets.
43. A permanent structure attached to the building is estimated to cost \$100,000 depending on the solution designed and constructed. Whilst not recommended, Council could consider this as part of the 2024/25 budget program.

Legal Implications

44. The most significant risk attached to the matters canvassed in this report exist if Council exceeds its occupancy and a serious incident occurs. Breaches of OHS, workplace laws and building regulations are the most obvious risks to Council.

Conclusion

45. Officers have implemented a range of operational initiatives to improve the customer experience of patrons on hot days including increased shading, improved and early communications, customer support for queuing patrons, access to water, drinks and ice creams and the cooler foyer for vulnerable patrons.
46. Councillors will be briefed on the outcomes of the occupancy review once completed.

RECOMMENDATION

1. That Council:
 - (a) notes the operational initiatives that have already been introduced to improve the customer experience of patrons at Fitzroy pool on hot days including support for queueing patrons, prioritising vulnerable patrons and improved access to water; and
 - (b) notes the planned introduction of temporary shade (i.e. umbrellas) to provide improved shading for patrons - particularly those queueing prior to 1pm and those closest to the front door of the facility.

Attachments

There are no attachments for this report.

7.9 Rainbow Footpath Treatment

Reference	D23/466888
Author	Sam Hewett - General Manager Infrastructure and Environment
Authoriser	General Manager Infrastructure and Environment
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

Purpose

1. This report responds to a general business item from the Ordinary Council Meeting in October 2023 calling for options to renew the rainbow footpath in Collingwood and Fitzroy.
2. Officers have consulted with Council's Rainbow Advisory Committee and have sought quotes from contractors to repaint the existing rainbow footpath treatments and apply a new flag – known as the Intersex Inclusive Pride Flag (Image #1 in this report).
3. Subject to Council's decision tonight, this new flag can be painted in time for the Midsumma Pride Festival and march in early February 2024.

Critical analysis

History and background

4. The rainbow footpaths were painted in Peel/Smith and Gertrude/Smith prior to the 20th International AIDS 2014 Conference. While they were originally conceived as being temporary (according to advice at the time) the public support has been overwhelming and so they have become a permanent feature.
5. At that time, other locations in Richmond, Clifton Hill, Fitzroy North and other areas of Collingwood and Fitzroy were explored but the then Council but did not proceed.
6. Officers have regularly cleaned and renewed the painted flags over that time and had planned to do so again prior to the Midsumma Pride Festival and Pride March in early February 2024.
7. In October 2023 as a General Business motion Council resolved unanimously that:
"Officers report to Council this calendar year regarding the repainting of the rainbow footpath treatments on Gertrude, Smith and Peel Streets in Fitzroy and Collingwood, including options for an updated design (noting the Intersex-Inclusive Pride Flag and opportunity for greater inclusivity) and/or expanding the application of the treatment at the current locations and/or elsewhere."

Discussion

8. Officers have considered the resolution in three parts:
 - (a) Introducing the new inclusive rainbow flag design into the 2 locations (Peel/Smith and Gertrude/Smith). This could include the additional triangular piece being added at both ends of a new longer rainbow flag application;
 - (b) Joining up the missing piece of rainbow flag at the corner of Gertrude and Smith Street; and
 - (c) The possibility of a new rainbow application or treatment on the privately-owned land on the corner of Gertrude and Smith Streets Fitzroy.

9. Officers have sought and received quotes from a contractor for items (a) and (b) above. The cost to undertake these works will be approximately \$25,000. Subject to Council's decision, these works could occur before the Midsumma Pride Festival in early 2024.
10. Council is advised that in order to accommodate the new flag design at the corner of Peel and Smith Streets, the footpath treatment will run straight along Smith St (at Peel) but will no longer wrap slightly around the corner into Peel St. This is due to the tight space and some infrastructure constraints at this corner including the public toilet. This is indicated at *Image #2* in this report.
11. In relation to (c) above, officers have had a series of discussions with the owner of the privately-owned parcel at the corner of Gertrude and Smith Streets and met him onsite to discuss options. While he was unable to provide consent to paint or otherwise apply an inclusive rainbow flag on his property he would welcome a future discussion about a temporary or removable installation of seating, benches, other furniture and garden beds on this property.
12. Officers also consulted Council's Rainbow Advisory Committee (RAC) who are supportive of a new flag design - the Intersex Inclusive Pride Flag - being introduced at both Smith St locations.
13. Council is further advised that Greater Western Water (GWW) is planning water supply upgrade works in the road reserve at the corner of Gertrude St and Smith St Fitzroy.
14. Officers have negotiated with GWW to begin its work after the 2024 Midsumma Pride Festival and have applied a condition to its permit to state that any damage to the rainbow flag footpath treatment that it causes will need to be rectified at its cost.
15. Given the short time frame to consult the RAC, consult the private land owner, prepare a brief and seek quotes from suitable painting contractors, negotiate with Greater Western Water and prepare this report for the December Ordinary Council Meeting, other locations have not been explored at this time for additional rainbow treatments.

Image #1 - Intersex Inclusive Pride Flag



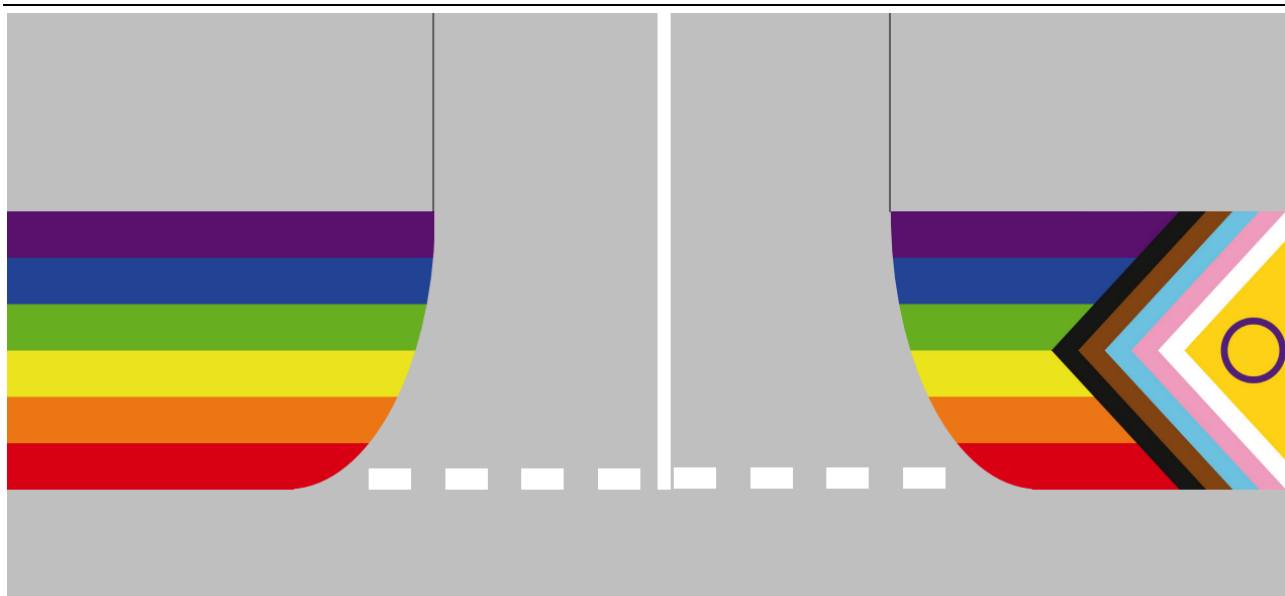


Image #2 – proposed treatment at Peel/Smith

Options

16. Options available include;
 - (a) Apply a new flag design (the Intersex Inclusive Pride Flag) at Peel/Smith and Gertrude/Smith and join up the missing piece of footpath treatment at Gertrude/Smith and apply the new treatment prior to the Midsumma Pride Festival in February 2024. This option is recommended.
 - (b) Repaint the existing rainbow footpath without the inclusion of the new inclusive design; and
 - (c) Simply clean the existing rainbow treatments at the 2 locations.

Community and stakeholder engagement

17. Public support for the rainbow flag footpath treatment is strong. There is evidence dating back to its introduction of support for the rainbow flag on the footpaths at these locations. It can reasonably be expected that the general community would support the renewal of the flag treatment again this year.
18. Officers have consulted with other key stakeholders including the RAC who support a new flag treatment at the 2 locations. While the owner of the private land at the corner of Gertrude and Peels Streets was unable to consent to another rainbow application on his land, he was very supportive of renewing the rainbow footpath on Council's land.

Policy analysis

Alignment to Community Vision and Council Plan

19. Strategic objective 2 – Social Equity & Health. Celebrate and respect culturally vibrant and socially diverse communities (support LGBTQIA+ community and culture).
20. Strategic objective 3 – Local Economy. Improve our streetscapes, safety and amenity including embedding outdoor dining, increase greenery and active transport infrastructure to attract more people to visit, spend time and shop across our precincts.

Community and social implications

21. The local LGBTQIA+ community has strongly supported the rainbow flag treatment on the footpaths in Collingwood and Fitzroy since their inception almost 10 years ago. The renewal of these treatments can be expected to receive generous support.

Economic development implications

22. Renewing footpaths in business activity areas makes for a more pleasant experience for those looking to spend at local businesses. Applying a new inclusive flag design into what is already a popular, well-known and inclusive precinct will only add to the experience of those travelling along Smith St Collingwood.

Human rights and gender equality implications

23. Applying a new inclusive flag design adds to Council's reputation as a leader in this space. This application will continue to enhance Council's reputation as an inclusion leader and supporter of the entire LGBTQIA+ community.

Operational analysis

Financial and resource impacts

24. Subject to Council's decision, officers are ready to engage a contractor to apply the new rainbow flag treatments at the 2 locations. The cost is estimated to be approximately \$25,000 and the works can be completed prior to the Midsumma Pride Festival in February 2024.
25. The budget to undertake these works will be found from savings realised from completed projects in Council's 23/24 capital works program.

Conclusion

26. Officers have sought advice from Council's Rainbow Advisory Committee on a new Intersex Inclusive Pride Flag being painted on the footpaths at the corner of Gertrude/Smith and Smith/Peel. It has expressed strong support from the initiative.
27. Officers have sought quotes to apply the new flag treatment at these locations (including joining up the missing treatment piece at Gertrude/Smith). The cost to renew the footpath treatments is approximately \$25,000 and will be undertaken prior to the Midsumma Pride festival in February 2024.

RECOMMENDATION

1. That Council endorse the new 'Intersex Inclusive Pride Flag' treatments being applied to replace the existing footpath treatments at the corners of Gertrude/Smith Street, Fitzroy and Smith/Peel Street, Collingwood prior to the Midsumma Pride Festival in February 2024 at a cost of approximately \$25,000.

Attachments

There are no attachments for this report.

7.10 Response to Notice of Motion No 5 of 2023 – Developer contact and gift disclosure

Reference	D23/468677
Author	Phil De Losa - Manager Governance and Integrity
Authoriser	General Manager Governance, Communications and Customer Experience
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

Purpose

1. This report responds to a Council resolution in regard to Notice of Motion No 5 of 2023 – Developer contact and gift disclosure.
2. The report presents two draft policies for consideration:
 - (a) Developer Interactions Policy (refer to attached policy); and
 - (b) Councillor Gifts and Hospitality Policy (refer to attached policy).

Critical analysis

History and background

3. Council, at its meeting on 12 September 2023, resolved:
 - (a) *That a draft policy governing Councillor contact with property developers, lobbyists, and other stakeholders in land use planning decision making processes be presented to Council for consideration no later than the December Council Meeting; and*
 - (b) *That a revised policy on gift disclosure be presented to Council for consideration no later than the December Council Meeting.*
4. The Notice of Motion was prepared in the context of the release of the Independent Broad-based Anti-corruption Commission (IBAC) Operation Sandon special report highlighting the need for greater transparency in relation to developers' interactions with Councillors and Council officers.
5. Council is required to have a Gift Policy (s138 of the Local Government Act 2020) which must include procedures for the maintenance of a gift register and any other prescribed matters.
6. The requirement for a developer interactions policy is not required by legislation, however, this activity is being reviewed by the State Government in light of the Operation Sandon report completed by IBAC.
7. Officers have reviewed the policies of other Councils relating to developer interactions. The Cities of Kingston, Greater Dandenong, Whitehorse and Merri-bek had adopted such a policy at time of review.
8. Officers have reviewed the policies of 21 other councils (including the M9 councils) relating to gifts.

Discussion

Developer Interactions Policy

9. The draft policy presented to Council aims to establish transparency of interactions with developers and their agents/consultants. Key points of the policy are:
 - (a) Councillors are required to advise of interactions under the Policy;

- (b) Only developments with the potential to come to Council or Planning Development Committee (PDC) are included;
 - (c) The policy applies to both statutory and strategic planning considerations;
 - (d) It is a transparency measure only – it does not prevent or restrict Councillors meeting developers or lobbyists;
 - (e) Conflict of interest considerations are heightened in any interactions with developers or lobbyists;
 - (f) It does not apply to objectors/submitters;
 - (g) There are exceptions for incidental or social contact;
 - (h) The formal submission happens every six months with the submission of the biannual interests return, but Councillors will be able to submit every meeting straight from their devices at the time it happens – Governance will keep records and provide Councillors a pre-filled form every six months; and
 - (i) A summary of the interactions will be published online with the Personal Interests Return Summary.
10. The other Councils have similar approaches requiring Councillors to inform their Governance departments of any interactions.
11. However, Kingston’s approach requires an interaction to be diarised by the relevant officer organising the meeting and is preferable that a senior planning officer is present. This approach is considered to be resource intensive, and the attached draft policy aligns to the approaches of other Councils. Kingston’s policy requires a Councillor to complete a record of the meeting if an officer is not present.
12. Greater Dandenong’s policy separates interactions between:
- (a) where no proposal is currently before Council;
 - (b) after a development application has been lodged with Council; and
 - (c) where a development application is subject to legal proceedings.
13. Yarra’s approach is for the Policy to apply to developments with the potential to be considered by Council and/or the PDC as Councillors are responsible for decisions at these forums. The attached draft policy contains a process for any interactions reported to be included in a Councillor’s personal interest return which is considered to provide greater transparency.

Councillor Gifts and Hospitality Policy

14. The draft policy presented to Council provides an amended policy to the one previously adopted by Council.
15. Key points of the policy are:
- (a) All gifts to be declined with the exception of token gifts, reasonable hospitality and gifts on behalf of Council;
 - (b) A threshold of \$50 has been included for token gifts;
 - (c) Gifts register to be made public; and
 - (d) Outlines further obligations required by Councillors (see section 5 of the attached policy).
16. Officers have reviewed the policies of 21 other councils (including the M9 councils) relating to gifts;
- (a) 15 councils have a \$50 threshold for token gifts;
 - (b) Two councils have a \$20 threshold for token gifts;

- (c) Two councils have no dollar figure on the threshold (it's a judgement based on criteria); and
- (d) Two councils do not have token gifts.

17. The draft policy has therefore been aligned to the sector standard.

Options

18. There are no options presented in this report.

Community and stakeholder engagement

19. Officers have researched the policies of other Councils in the drafting of the attached policies.

Policy analysis

Alignment to Community Vision and Council Plan

20. The attached policies align to Council's Strategic Objective Six – Democracy and Governance by delivering outcomes of greater transparency, good governance and responding to the recent Operation Sandon report.

Climate emergency and sustainability implications

21. Not applicable

Community and social implications

22. The attached policies aim to provide the community greater transparency through public disclosure of registers and disclosures.

Economic development implications

23. Not applicable

Human rights and gender equality implications

24. The attached policies have been assessed in terms of compatibility with the Victorian Charter of Human Rights and responsibilities.

Operational analysis

Financial and resource impacts

25. There are no financial or resource implications.

Legal Implications

26. Council is required to have a Gift Policy (s.138 of the Local Government Act 2020) which must include procedures for the maintenance of a gift register and any other prescribed matters.

27. The requirement for a Developer Interaction Policy is not a legislative requirement but aims to achieve good governance.

Conclusion

28. The attached policies have been developed in response to a Council resolution following a Notice of Motion. The policies will improve transparency and meet good governance standards for Council.

RECOMMENDATION

1. That Council:
 - (a) adopt the Developer Interactions Policy as attached (refer to Attachment 1); and
 - (b) adopt the Councillor Gifts and Hospitality Policy as attached (refer to Attachment 2).

Attachments

- 1 Attachment 1 - Developer Interactions Policy (draft)
- 2 Attachment 2 - Councillor Gifts and Hospitality Policy (draft)

7.11 Appointment of 2024 Committee Members and Delegates

Reference	D23/456205
Author	Rhys Thomas - Senior Governance Advisor
Authoriser	General Manager Governance, Communications and Customer Experience

Purpose

1. To appoint Councillors as delegates to the Planning Decisions Committee, Audit and Risk Committee, Advisory Committees and external bodies for 2024.

Critical analysis

History and background

2. In order to assist the Council to undertake its extensive range of functions, Council has:
 - (a) constituted the Planning Decisions Committee with delegated powers and responsibilities;
 - (b) constituted the Audit and Risk Committee under section 53 of the Local Government Act 2020;
 - (c) established Advisory Committees, to which it appoints both Councillors and community representatives; and
 - (d) appointed delegates to represent it on a range of external organisations.

Discussion

3. Details of each body requiring an appointment are set out below.

Planning Decisions Committee

4. Council's Planning Decisions Committee is a delegated committee which is formally constituted under Part 3, Division 2 of the Local Government Act 2020. The Committee has specific delegated powers set out in an Instrument of Delegation adopted by Council.
5. Council does not appoint a Chairperson to the Planning Decisions Committee, as the membership is rotated throughout the year, and the Chairperson is appointed by the Committee itself.
6. The details of the committee are:

Delegated Committee	Purpose	Nominees required
Planning Decisions Committee	<p>The Planning Decisions Committee has the power to:</p> <ul style="list-style-type: none"> • consider planning applications; and • consider Heritage Victoria Referrals <p>in accordance with the Instrument of Delegation from Council dated 18 August 2020.</p>	<p>All Councillors, subject to the Chief Executive Officer, in consultation with Councillors, determining a quarterly attendance roster allocating three Councillors to each meeting, with the Committee membership for each meeting comprising those Councillors rostered to attend or their agreed substitute.</p>

Audit and Risk Committee

7. Council’s Audit and Risk Committee is formally constituted under section 53 of the Local Government Act 2020. This committee has specific duties set out in an Audit and Risk Committee Charter adopted by Council.
8. Council appoints a Chairperson to the Audit and Risk Committee at its first meeting in each calendar year. The Chairperson must be one of the three external members.
9. The details of the committee are:

Committee	Purpose	Nominees required
Audit and Risk Committee	The role of the Audit and Risk Committee is to provide independent and objective assurance and assistance to the Yarra City Council and its Chief Executive Officer on Council’s risk management, control and compliance framework, and its external financial and performance accountability and responsibilities.	Two Councillors (the Mayor has the option of taking up one of the two Councillor places at their sole discretion)

Advisory Committees

10. Advisory Committees typically comprise one or more Councillors and a number of community representatives. The community representatives can be local residents or stakeholders appointed in their own right, or representatives of service authorities, support agencies or community organisations.
11. The progress, advice and recommendations of Advisory Committees is reported to Council through Delegate’s Reports by Councillors and progress reports from Council officers. The details of the committees are:

Advisory Committee	Purpose	Nominees required
Active Ageing Advisory Committee	To provide information, support and advice to Council on the needs, interests and well-being of people aged 50+.	One Councillor
Active Transport Advisory Committee	In recognition of the climate emergency, to provide Council with advice to support its objective of reducing car dependency in the community and increasing the use of active transport throughout the municipality.	Two Councillors
Arts Advisory Committee	To provide a formal mechanism for Council to consult with key stakeholders, seek specialist advice and enable community participation in arts and cultural planning and development.	Two Councillors
Business Advisory Group	Create and maintain a forum for business representatives to provide Council with feedback and practical advice regarding ways in which Council can engage with and further assist key sectors within the business community.	One or more Councillors
Chief Executive Officer Employment and Remuneration Committee	To support the Council in the performance management process for the Chief Executive Officer and, where required, the employment of a new Chief Executive Officer.	All Councillors

Advisory Committee	Purpose	Nominees required
Disability Advisory Committee	To provide information, advice and guidance to Council at both a strategic and operational level on universal access and mainstream participation of people with disability and ongoing support to Council in ensuring that disability rights are integrated into the core business of Council.	Two Councillors
Environment Advisory Committee	To represent interests pertaining to all aspects of urban environmental sustainability including (but not limited to) climate change; resource efficiency across water, waste and energy; urban greening and natural capital; local food systems; and the built environment, by providing advice to Council on policy, strategy and other strategic opportunities to progress the organisation's response to these issues.	Two Councillors
Heritage Advisory Committee	To provide advice to Council on heritage matters including Yarra's natural, built and cultural heritage.	Three Councillors (one from each ward)
Multicultural Advisory Group	To provide a structure for on-going communication and consultation between multicultural communities and Yarra City Council across a broad range of issues impacting on those communities.	One Councillor
Rainbow Advisory Committee	To provide information, support and advice, and a mechanism for communication and consultation between LGBTIQ+ communities and Council, on issues affecting the LGBTIQ+ community.	Two Councillors
Yana Ngargna Advisory Group	A partnership between Yarra City Council and the Wurundjeri Woi Wurrung, Aboriginal and Torres Strait Islander community.	One Councillor
Yarra Libraries Advisory Committee	To provide advice on issues relating to public library services across the City of Yarra.	Two Councillors

12. Arrangements for the 2024 Yarra Community Awards have not yet been finalised, as it will be necessary to alter the timing due to the 2024 Council election. If it is necessary to appoint an Advisory Committee to make recommendations, a further report will be presented to Council in early 2024.

External Bodies

13. As a member of, or stakeholder in a range of external bodies and organisations, Council has the opportunity to appoint a delegate to represent its interests on the Committee, Board of Management or similar. The appointment of the delegate is made in accordance with the rules or procedures of the external organisation.
14. The details of the external bodies are:

Special Committee	Purpose	Nominees required
Australian Local Government Women's Association	To promote participation and representation by women in Local Government	One Councillor

Special Committee	Purpose	Nominees required
Collingwood Children's Farm Management Committee	To oversee management of the Collingwood Children's Farm.	One Councillor
Friends of Baucau	To promote governance and friendship to the city of Baucau in East Timor.	One Councillor plus one substitute Councillor
Mayors for Peace	An international organisation of cities dedicated to the promotion of peace.	One Councillor
Merri Creek Management Committee	A not-for-profit organisation, established to ensure the preservation of natural and cultural heritage, and the ecologically sensitive restoration, development and maintenance of the Merri Creek and tributaries, their corridors and associated ecological communities.	One Councillor
Metropolitan Transport Forum	To develop recommendations pertaining to transport in Melbourne, with particular emphasis on advocating for improved public transport.	One Councillor plus one substitute Councillor
Municipal Association of Victoria	A peak representative and lobbying body for Victorian Councils which provides leadership to Councils by supporting them to achieve the highest levels of respect and recognition through improved performance.	One Councillor plus one substitute Councillor
Northern Alliance for Greenhouse Action	To promote community understanding and support for Greenhouse actions.	One Councillor
Victorian Local Governance Association	A peak local government body which aims to promote good governance and sustainability by supporting local governments through programs of advocacy, training, information provision and support.	One Councillor plus one substitute Councillor

Process

15. The recommendation in this report does not include names of Councillors to be appointed, as this is a matter for the Council. The Councillor moving the motion is required to present appointments for Council's consideration.
16. The appointment of Council representatives, like all Council resolutions, is made by the majority of Councillors present at the meeting at which the resolution is carried.
17. Given the large number of positions to be filled, it is recommended that the appointments be made by a single resolution. In the event that a particular position (or positions) is contested, it may be necessary for the Mayor to put the motion to the vote in several parts, in accordance with Chapter Two, Rules 35.1 and 36.1 of Council's Governance Rules.

Options

18. In the case of Delegated Committees and External Bodies, the number of appointments must match the number of vacancies. In the case of Advisory Committees (which are constituted by Council), it is open to Council to appoint a different number of representatives than the number of vacancies.

Community and stakeholder engagement

19. No community engagement has been undertaken in the development of this report.

Policy analysis

Alignment to Community Vision and Council Plan

20. In its Yarra 2036 Community Vision, Council articulated an objective for a community that is *“informed and empowered to contribute to the shared governance of Yarra, (where) decision-making is through access, inclusion, consultations and advocacy.”*
21. The City of Yarra Council Plan 2021-2025 commits Council to *“provide opportunities for meaningful, informed and representative community engagement to inform Council’s decision-making”* and to *“practice good governance, transparency and accountable planning and decision-making.”*
22. The ongoing operation of community advisory committees and the appointment of Councillors to all committees in an open and transparent process underpins both the Yarra 2036 Community Vision and the City of Yarra Council Plan 2021-2025 and demonstrates Council’s ongoing commitment to good governance.

Climate emergency and sustainability implications

23. No climate emergency implications are presented in this report.

Community and social implications

24. No community or social implications are presented in this report.

Economic development implications

25. No economic development implications are presented in this report.

Human rights and gender equity implications

26. No human rights or gender equity implications are presented in this report.

Operational analysis

Financial and resource impacts

27. The financial and resource impacts of operating the committee set out in this report are minimal and included in the operational budgets of the relevant Council programs.

Legal Implications

28. The recommendations of this report have been structured to ensure that where necessary, committee members to Delegated Committees, the Audit and Risk Committee and external organisations are lawfully appointed in accordance with the relevant provisions of the body.
29. In the case of Advisory Committees, Council is free to appoint any number of members, regardless of the number specified in its Terms of Reference.

Conclusion

30. This report recommends the appointment of delegates to the Delegated Committee, the Audit and Risk Committee, Advisory Committees and a range of external bodies.

RECOMMENDATION

1. That Council ratify the following Delegated Committee appointments for 2024:

Delegated Committee	Appointments for 2024
Planning Decisions Committee	All Councillors, subject to the Chief Executive Officer, in consultation with Councillors, determining a quarterly attendance roster allocating three Councillors to each meeting, with the Committee membership for each meeting comprising those Councillors rostered to attend or their agreed substitute.

2. That Council appoint the following Councillors to the Audit and Risk Committee for 2024:

Committee	Appointments for 2024
Audit and Risk Committee	Cr _____ Cr _____

3. That Council appoint the following Councillors to the Advisory Committees listed below for 2024:

Advisory Committee	Appointments for 2024
Active Ageing Advisory Committee	Cr _____
Active Transport Advisory Committee	Cr _____
Arts Advisory Committee	Cr _____ Cr _____
Business Advisory Group	Cr _____ ...
Chief Executive Officer Employment and Remuneration Committee	All Councillors
Disability Advisory Committee	Cr _____ Cr _____
Environment Advisory Committee	Cr _____ ...
Heritage Advisory Committee	Cr _____ Cr _____ Cr _____
Multicultural Advisory Group	Cr _____
Rainbow Advisory Group	Cr _____ Cr _____
Yana Ngargna Advisory Group	Cr _____ Cr _____
Yarra Libraries Advisory Committee	Cr _____ Cr _____

4. That Council appoint the following Councillors to the external bodies listed below for 2024:

Organisation or body	Appointments for 2024
Australian Local Government Women's Association	Cr _____
Collingwood Children's Farm Management Committee	Cr _____
Friends of Baucau	Cr _____ Cr _____ (substitute)
Mayors for Peace	Cr _____
Merri Creek Management Committee	Cr _____
Metropolitan Transport Forum	Cr _____ Cr _____ (substitute)
Municipal Association of Victoria	Cr _____ Cr _____ (substitute)
Northern Alliance for Greenhouse Action	Cr _____
Victorian Local Governance Association	Cr _____ Cr _____ (substitute)

Attachments

There are no attachments for this report.

8.1 Notice of Motion No. 6 of 2023 - Families and Children Advisory Committee and Playground Equipment in Park at Cambridge Street, Collingwood

Reference	D23/463629
Author	Stephen Jolly
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

I, Councillor Stephen Jolly, hereby give notice that it is my intention to move the following motion at the Ordinary Meeting of Council to be held on 12 December 2023:

That individual reports be presented to the February 2024 Council meeting:

- (a) to consider the establishment of a Families and Children Advisory Committee; and*
- (b) outline options for the installation of the children's playground equipment at the newly expanded park in Cambridge Street, Collingwood.*

RECOMMENDATION

1. That individual reports be presented to the February 2024 Council meeting:
 - (a) to consider the establishment of a Families and Children Advisory Committee; and
 - (b) outline options for the installation of the children's playground equipment at the newly expanded park in Cambridge Street, Collingwood.

Attachments

There are no attachments for this report.

8.2 Notice of Motion No. 7 of 2023 - Israel Gaza Conflict

Reference	D23/479581
Author	Anab Mohamud
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

I, Councillor Anab Mohamud, hereby give notice that it is my intention to move the following motion at the Ordinary Meeting of Council to be held on 12 December 2023:

1. *That Council:*
 - (a) *mourns the tragic and horrific loss of children and civilian lives in the current Israel Gaza conflict and all attacks that target civilians;*
 - (b) *expresses our solidarity with the displacement of millions of Palestinians from their homelands as a result and recognises that the bombing and the siege of Gaza is traumatising for so many residents from war torn countries;*
 - (c) *notes that many global organisations and institutions, including the UN's Independent International Commission of Inquiry on occupied Palestinians Territory, United Nations Special Rapporteurs, have alleged documented systematic evidence of war crimes; and*
 - (d) *writes to the Australian Government to request that they call for a permanent ceasefire among all parties in the Israel Gaza conflict.*

RECOMMENDATION

1. That Council:
 - (a) mourns the tragic and horrific loss of children and civilian lives in the current Israel Gaza conflict and all attacks that target civilians;
 - (b) expresses our solidarity with the displacement of millions of Palestinians from their homelands as a result and recognises that the bombing and the siege of Gaza is traumatising for so many residents from war torn countries;
 - (c) notes that many global organisations and institutions, including the UN's Independent International Commission of Inquiry on occupied Palestinians Territory, United Nations Special Rapporteurs, have alleged documented systematic evidence of war crimes; and
 - (d) writes to the Australian Government to request that they call for a permanent ceasefire among all parties in the Israel Gaza conflict.

Attachments

There are no attachments for this report.

8.3 Notice of Motion No. 8 of 2023 - Demolition of Public Housing Towers

Reference	D23/479567
Author	Sophie Wade
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

I, Councillor Sophie Wade, hereby give notice that it is my intention to move the following motion at the Ordinary Meeting of Council to be held on 12 December 2023:

1. *That Council:*
 - (a) *Strongly opposes the Victorian Government's plans to demolish 44 public housing towers across the state, including 12 towers in the City of Yarra, in Fitzroy, Collingwood and Richmond;*
 - (b) *Calls on the Victorian Government to substantially increase public and social housing dwellings to address the housing affordability crisis, and notes Yarra's previous and ongoing support for the use of various state-owned sites in Yarra for this purpose, including the Fitzroy Gasworks site;*
 - (c) *In response to the announcement to demolish and redevelop all 44 metropolitan high-rise public housing towers, requests the Mayor write to the Premier and the Minister for Housing to:*
 - (i) *outline Council's opposition to the demolition of the public housing towers; and*
 - (ii) *urge the government to consider a program to renovate the existing high-rise public housing in Yarra, instead of proceeding with demolition; and*
 - (d) *Calls for a further report to Council that includes:*
 - (i) *a review the impacts of the Victorian Government's announcements, including any further information released by the Victorian Government;*
 - (ii) *recommendations for revised or amended policy and advocacy positions that could be adopted by Council to address the risks and impacts of Victorian Government initiatives, including Council's opposition to the demolition and privatisation of public housing in Yarra and across metropolitan Melbourne; and*
 - (iii) *recommendations on any potential initiatives that could be adopted by Council to mitigate any risks and impacts for residents of the public housing estates in Yarra.*

RECOMMENDATION

1. That Council:
 - (a) Strongly opposes the Victorian Government's plans to demolish 44 public housing towers across the state, including 12 towers in the City of Yarra, in Fitzroy, Collingwood and Richmond;
 - (b) Calls on the Victorian Government to substantially increase public and social housing dwellings to address the housing affordability crisis, and notes Yarra's previous and ongoing support for the use of various state-owned sites in Yarra for this purpose, including the Fitzroy Gasworks site;
 - (c) In response to the announcement to demolish and redevelop all 44 metropolitan high-rise public housing towers, requests the Mayor write to the Premier and the Minister for Housing to:
 - (i) outline Council's opposition to the demolition of the public housing towers; and
 - (ii) urge the government to consider a program to renovate the existing high-rise public housing in Yarra, instead of proceeding with demolition; and
 - (d) Calls for a further report to Council that includes:
 - (i) a review the impacts of the Victorian Government's announcements, including any further information released by the Victorian Government;
 - (ii) recommendations for revised or amended policy and advocacy positions that could be adopted by Council to address the risks and impacts of Victorian Government initiatives, including Council's opposition to the demolition and privatisation of public housing in Yarra and across metropolitan Melbourne; and
 - (iii) recommendations on any potential initiatives that could be adopted by Council to mitigate any risks and impacts for residents of the public housing estates in Yarra.

Attachments

There are no attachments for this report.